

SHERIDAN & MURRAY, LLC

BY: THOMAS W. SHERIDAN, ESQUIRE (ID #56939)
SEAN E. QUINN, ESQUIRE (ID #86346)
ANNIE F. REYNOLDS, ESQUIRE (ID #307041)

Centre Square West, 38th Floor
1500 Market Street
Philadelphia, PA 19102
(215) 977-9500

Attorneys for Plaintiffs

MICHAEL SAVAGE SR. AND LAURIE
SAVAGE INDIVIDUALLY AND AS ADMS OF
THE ESTATE OF MICHAEL SAVAGE JR.
One Briarcliffe Road
Glenolden, Pennsylvania 19036

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PA

SEPTEMBER TERM, 2010

v.

THE WILLIAMSON FREE SCHOOL OF
MECHANICAL TRADES
106 South New Middleton Road
Media, Pennsylvania 19063

NO.

and

GENERAL ELECTRIC COMPANY
1040 East Erie Avenue
Philadelphia, Pennsylvania 19124

MAJOR - JURY TRIAL DEMANDED

COMPLAINT

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, 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 REDUCE FEE OR NO FEE.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
1101 Market Street, 11th Floor
Philadelphia, PA 19107
(215) 238-6333

AVISO

Le han demando 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 comparencia 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 USTED NO TIENE ABOGADO, VAYA PERSONALMENTE O LLAME POR TELEFONO A LA OFICINA MENCIONADA A CONTINUACION.

ESTA OFFICINA LE PUEDE PROVEER LA INFORMACION NECESARIA PARA CONTRACTAR A UN ABOGADO.

SI USTED CARECE DE LOS MEDIOS NECESARIOS PARA CONTRATAR A UN ABOGADO, DICHA OFICINA LE PUEDE SUMINISTRAR LA INFORMACION NECESARIA ACERCA DE AQUELLAS AGENCIAS QUE OFRECEN SERVICIOS LEGALES A LAS PERSONAS QUE TIENEN DERECHO A RECIBIR TAL AYUDA GRATIS O A UNA CUOTA REDUCIDA.

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SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL
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COMPLAINT

Plaintiffs, Michael Savage Sr. and Laurie Savage, individually and as administrators of the Estate of Michael Savage Jr., hereby file this Complaint against Defendants, and aver as follows:

I. INTRODUCTION

1. On October 9, 2009, at approximately 2:30 p.m., Plaintiffs' decedent, Michael Savage Jr. ("Michael"), was tragically killed after being electrocuted by a commercial light fixture manufactured by Defendant General Electric Company ("Light Fixture"), while attending

school at Defendant, The Williamson Free School of Mechanical Trades (“Williamson”), located at 106 South New Middleton Road, Media, Pennsylvania.

2. At all times relevant and material hereto, Williamson held itself out as a preeminent, independent, post-secondary trade school

3. Williamson requires its students to perform maintenance on buildings and systems as part of the school’s curriculum. Williamson does this, in part, to avoid the expense of hiring qualified personnel to maintain the school.

4. Williamson requires students like Michael to engage in dangerous activities without appropriate training, qualifications, equipment, and supervision.

5. Williamson deliberately exposes its students to dangerous and unreasonable risks that threaten student safety. In doing so, Williamson exhibits a philosophy that cost savings are more important than the safety of the students.

6. Michael was killed when he was recklessly ordered by a Williamson teacher/instructor to troubleshoot the energized Light Fixture without supervision, without appropriate training, and without appropriate safety equipment.

7. Michael and another student removed the old wiring from the fixture and replaced it with metal “MC” cable. When Michael attempted to plug the Light Fixture into a portable cord reel, he was shocked. Michael’s body was ravaged by the electric shock and no Williamson teacher, instructor and/or representative was present to render him aid. Michael was killed as a result of Williamson’s reckless actions and inaction.

II. PARTIES

8. Plaintiffs, Michael Savage Sr. and Laurie Savage, bring this action in their own right and as Administrators of the Estate of Michael Savage, Jr., deceased. At all times

relevant and material hereto, Michael Savage Sr. and Laurie Savage were the parents of the decedent, Michael. Michael Savage Sr. and Laurie Savage are adult citizens of the Commonwealth of Pennsylvania and reside at One Briarcliffe Road, Glenolden, Pennsylvania 19036.

9. At all times relevant and material hereto, Defendant Williamson, is/was, upon information and belief, an independent, post-secondary vocational-technical school, organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business or operation located at 106 South New Middleton Road, Media, Pennsylvania 19063.

10. At all times relevant and material hereto, Defendant, General Electric Company ("GE"), is/was a corporation that regularly conducts business in Philadelphia County and maintains a business service center therein at 1040 East Erie Avenue, Philadelphia, Pennsylvania 19124.

11. At all times relevant and material hereto, Defendants Williamson and GE, acted or failed to act by and through their subsidiaries, employees, agents, ostensible agents, servants, and/or workmen who were acting within the course and scope of their actual and/or apparent employment, agency, representation, and/or ostensible agency and in furtherance of the defendants' business interests.

12. At all times relevant and material hereto, Defendants, Williamson and/or GE, were authorized to operate and/or conduct business in the Commonwealth of Pennsylvania.

13. At all times relevant and material hereto, Defendants, Williamson and/or GE, conducted regular and systematic business in Philadelphia County.

14. At all times relevant and material hereto, Defendants, Williamson and GE, sold, leased, distributed, and/or otherwise provided products or services to businesses, customers, persons, and/or venues within Philadelphia County.

15. At all times relevant and material hereto, Defendants, Williamson and GE, marketed, advertised, and/or otherwise disseminated information regarding their products and/or services to persons within Philadelphia County.

16. Defendant GE was, upon information and belief, the manufacturer, distributor, and/or designer of the Light Fixture involved in this incident.

17. Defendant GE, upon information and belief, sold, distributed, and/or otherwise placed the Light Fixture into the stream of commerce.

III. FACTUAL ALLEGATIONS

18. Michael was born on December 4, 1990 in Delaware County, Pennsylvania. Michael was raised by his parents, Michael Savage Sr. and Laurie Savage, along with his younger sisters Melissa and Megan.

19. Growing up, Michael was respected, loved and admired by his family, friends, teachers and peers, and excelled in both academics and athletics. He graduated from Academy Park High School in June 2009 with a weighted class rank of 29 out of 255 and weighted grade point average of 4.0. Michael was also a football and baseball player for Academy Park High School. He was a highly motivated young man and worked hard from an early age delivering newspapers, volunteering as an altar boy at his church and even starting his own landscaping business.

20. Following his graduation from Academy Park High School, Michael began to pursue his dream of becoming an electrician and enrolled in the power plant program at Williamson. Michael began attending Williamson in August 2009.

21. Michael was a leader from the moment he enrolled at Williamson. He joined the football team and would have played on the baseball team had his life not been tragically taken. Michael quickly made friends and impressed everyone around him with his hard work and enthusiasm. Michael was by all accounts kind, compassionate, friendly, happy and respectful.

22. On October 9, 2009, Michael had been in school for less than sixty days when a Williamson instructor directed him and another student to remove the Light Fixture from the ceiling of the carpentry shop and bring it back to the power plant to troubleshoot and repair. Michael and the other student were completely unsupervised when they removed the energized Light Fixture and attempted to repair it.

23. Williamson was understaffed and failed to have qualified teachers/instructors present at the school at all times.

24. Michael and another student followed the Williamson instructor's directive and removed the old wiring from the Light Fixture and attempted to replace it with metal clad cable, known as "MC cable." After rewiring the fixture, Michael attempted to plug the energized Light Fixture into a portable cord reel, which extended from the ceiling.

25. Michael and the other students were completely untrained and unsupervised at all times.

26. Williamson failed to provide appropriate safety training and equipment to Michael.

27. Michael was tragically electrocuted upon plugging the fixture in to this power source.

28. Michael fell to the ground and remained in contact with the energized Light Fixture for a significant period of time. A fellow student working in the power plant eventually came to Michael's aid after smelling Michael's burning skin. At that time, Michael was laying on the ground involuntarily clenching the energized wire. Michael lay on the ground for over five minutes before anyone attempted to commence resuscitative efforts, including CPR. No Williamson teacher was present and the students present did not know what to do.

29. Michael's heart went into ventricular fibrillation. Williamson was not equipped with defibrillators, nor was anyone trained regarding the appropriate resuscitative efforts required for a student who was electrocuted.

30. Someone eventually called 911, and over ten minutes after the call, emergency medical personnel arrived at the scene. The paramedics administered resuscitative drugs and attempted defibrillation, but could not restore a regular heart rhythm. Michael was later pronounced dead at Crozer-Chester Hospital.

31. Michael's parents received a call from Williamson that all parents fear: "There has been an accident and your son was rushed to the hospital."

32. Williamson directed the Savage family to the wrong hospital. Once Michael's parents arrived at Crozer-Chester Hospital, they were ushered into a room where 18 year old Michael lay dead with his body badly burned and disfigured.

33. Michael's tragic and untimely death was caused by the reckless, willful and wanton conduct of Williamson.

34. Michael's death was completely foreseeable and preventable.

35. Williamson knew or should have known of the high risk of serious injury or death associated with student exposure to electricity in the Power Plant Program at the school. Williamson completely disregarded these grave risks.

36. A properly trained instructor/ teacher would not have permitted Michael to troubleshoot an energized fixture, especially without proper training and supervision.

37. Proper ground fault protection would have prevented Michael's death, however, Williamson failed to provide students with basic safety equipment.

38. A simple continuity tester should have been used to test whether the ground was proper and functional, and that all connections were safe, prior to plugging the Light Fixture into an energized outlet.

39. A simple Ground Fault Circuit Interrupter (GFCI) would have tripped and locked out the circuit long before enough current flowed to interfere with Michael's beating heart and caused him to be painfully unable to release from the circuit.

40. Williamson failed to provide even basic first aid and emergency training to students and staff.

41. No automated external defibrillators (AEDs) were present at the school to save Michael. The absence of AEDs is particularly reckless in a power plant environment where, as here, there is a known risk that individuals will receive electrical shock and ventricular fibrillation is foreseeable.

42. Williamson recklessly and dangerously failed to comply with OSHA safety regulations with respect to training, providing safety equipment and supervising Michael and other Williamson students. Williamson's actions were reckless, wanton and willful and

demonstrated a conscious disregard for and indifference to the safety of students, which warrants the imposition of punitive damages.

43. The wiring system used by Williamson in its facilities is antiquated, outdated, unsafe and completely unsuitable for a school environment, particularly in a workshop where students encounter numerous electrical hazards.

44. The Williamson facility is dangerous as a result of numerous electrical code violations and a rampant failure to comply with appropriate electrical code and safety requirements set forth more fully below.

45. These dangerous conditions and violations created an unreasonably dangerous condition which was compounded by Williamson's failure to provide basic safety equipment, training, and supervision by qualified teachers/instructors.

46. Williamson had a non-delegable duty to supervise students in the power plant, and completely failed to fulfill this duty and obligation.

47. Parents reasonably expect their children to be safe at school.

48. Michael was not safe at Williamson.

49. Williamson is not a safe school, as set forth more fully below.

50. Williamson's conduct demonstrates that it acted with significant and reckless indifference to the safety of Michael and other students by exposing them to dangerous and ultra hazardous conditions in an unsafe and unsupervised environment, without proper safety equipment, tools and training.

51. Williamson was reckless in instructing Michael, as a new student, to troubleshoot an energized, commercial light fixture without safety equipment, supervision, and training.

52. Following Michael's tragic death, Williamson deliberately failed to notify the Federal Occupational Safety and Health Administration ("OSHA") regarding Michael's death at the school.

53. Williamson has failed to fully and fairly investigate Michael's tragic death.

54. Williamson has refused to communicate with Michael's parents to explain how Michael was killed.

55. Williamson has deliberately attempted to conceal the cause of Michael's horrific death.

56. Upon information and belief, Williamson has failed to take action to correct the dangerous conditions and environment at the school since Michael's death, thereby exposing its current students to unreasonably dangerous hazards and risks.

57. The defendants are jointly and severally liable to the plaintiffs.

COUNT I – NEGLIGENCE
PLAINTIFFS V. DEFENDANT WILLIAMSON

58. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

59. At all times relevant and material hereto, Defendant Williamson owned, operated, maintained, cared for and/ or controlled the property and premises located at 106 S. New Middleton Road, Media, Pennsylvania, and was under a duty to do so with reasonable care and in a non-negligent manner to protect its students and invitees on the premises from dangerous and hazardous conditions. Williamson recklessly failed to fulfill that duty.

60. At all times relevant and material hereto, the negligence, carelessness and recklessness of Defendant Williamson, directly and/or by and through its agents, servants, instructors, representatives and / or employees, consisted of, *inter alia*, the following:

- a. Failing to adequately supervise students in the Power Plant;
- b. Failing to implement adequate policies and procedures for supervising students in the Power Plant;
- c. Failing to provide appropriate safety equipment to students in the Power Plant;
- d. Failing to adopt and enforce adequate policies and procedures relative to the use of safety equipment by students in the Power Plant;
- e. Failing to adequately train students on fundamental electrical installation requirements;
- f. Failing to adopt and enforce adequate policies and procedures for training students on fundamental electrical installation requirements;
- g. Failing to properly train and supervise students on fundamental safety procedures;
- h. Failing to adopt and enforce adequate policies and procedures for training and supervising students on fundamental safety procedures;
- i. Failing to adequately enforce Defendant Williamson's own policies and procedures regarding safety;
- j. Failing to recommend, require, provide and enforce frequent inspections of the school facility, equipment and practices;
- k. Failing to establish a proper or adequate safety survey plan, risk assessment and/ or vulnerability analysis for the school facilities;
- l. Failing to cease/postpone student activities until proper and necessary staffing was present and necessary safety precautions could be taken to protect students;
- m. Failing to appreciate electrical safety, proper wiring methods and safety inspection procedures;
- n. Recklessly directing an untrained, ill-equipped and inexperienced new student to troubleshoot an energized fixture, which posed a known risk of electrocution and death;
- o. Failing to recognize and update an antiquated, non-compliant, and inherently dangerous wiring system;

- p. Failing to adequately repair electrical equipment;
- q. Failing to staff the school with properly qualified and trained instructors/teachers.
- r. Failing to hire and retain competent employees, instructors/teachers and safety personnel;
- s. Hiring and retaining incompetent and inexperienced persons to supervise its students;
- t. Failing to post appropriate warnings;
- u. Failing to recognize known and dangerous conditions;
- v. Failing to have a sufficient number of teachers/ instructors on staff and on site at the school to make the school safe;
- w. Failing to perform and provide trade school training and services in conformity with the standard of care;
- x. Failing to perform a safety risk analysis;
- y. Failing to safely repair electrical equipment;
- z. Failing to install and maintain GFCI devices;
- aa. Failing to provide portable GFCI devices to students and/or otherwise make such devices available for use in the power plant and all other locations where students are exposed to electrocution risks;
- bb. Failing to provide continuity testers to students and/or otherwise make such testers available for use in the power plant and all other locations where students are exposed to electrocution risks;
- cc. Failing to install and maintain proper ground fault protection equipment;
- dd. Failing to have automated external defibrillators (AEDs) available at the school where students were at risk of electrocution;
- ee. Failing to properly investigate prior accidents;
- ff. Failing to properly investigate Michael's death;

- gg. Failing to train students in the use of automated external defibrillators (AEDs);
- hh. Failing to train students in first aid and cardiopulmonary resuscitation (CPR);
- ii. Failing to provide students safety equipment;
- jj. Failing to provide a safe school environment;
- kk. Failing to inspect the school for hazardous conditions;
- ll. Failing to properly plan, plot and supervise student work;
- mm. Breaching its duties under the Restatement of Torts (Second);
- nn. Violating federal and state statutes, local ordinances and all other rules, enactments and regulations applicable or in effect, industry wide or otherwise governing the safe operation of schools;
- oo. Recklessly requiring students to perform activities which they are not trained or qualified to perform;
- pp. Recklessly requiring students to perform dangerous maintenance for which they are untrained and not competent in order to avoid employing qualified persons to perform such maintenance;
- qq. Putting expenses and profits over the safety of students;
- rr. Failing to provide students voltage rated tools and gloves;
- ss. Failing to adopt, enforce and practice appropriate emergency response procedures;
- tt. Failing to comply with applicable Pennsylvania Code;
- uu. Failing to comply with the applicable National Electric Code;
- vv. Failing to comply with applicable OSHA standards and requirements;
- ww. Failing to warn Michael of dangerous conditions existing, anticipated, and/or through the exercise of reasonable care should have been anticipated, at the school;
- xx. Disregarding the rights and safety of Michael and other students;

- yy. Failing to adopt, enact, employ and enforce proper safety programs, procedures, measures and plans;
- zz. Failing to exercise due care under the circumstances;
- aaa. Failing to promote safety and safe practices;
- bbb. Failing to ensure compliance with workplace safety regulations;
- ccc. Failing to provide adequate and appropriate safety training materials, videos, and/or literature to students, including Michael;
- ddd. Failing to recognize and identify defects in and/or dangers posed by the Light Fixture;
- eee. Failing to institute, adopt, and/or enforce adequate policies, procedures, and/or guidelines with respect to hazard identification and compliance with industry standards and regulations;
- fff. Failing to provide Michael and the other students involved in the inspection and repair of the Light Fixture with all necessary personal protection equipment and safety devices;
- ggg. Failing to provide assistance, oversight, and supervision to Michael and other students involved in the inspection and repair of the Light Fixture;
- hhh. Allowing or permitting the Light Fixture to be inspected and repaired by unqualified, inexperienced, and untrained students, including Michael;
- iii. Violating the Occupational Safety and Health Act, 29 U.S.C. 651, et. seq., by failing to provide a workplace that is free of hazardous conditions that cause or are likely to cause injuries and failing to comply with the applicable Occupational Safety and Health Standards promulgated under the OSH Act;
- jjj. Failing to properly and adequately train all students, workers, employees, agents, teachers, and/or representatives to comply with the OSH Act, 29 U.S.C. 651, et. seq.;
- kkk. Violating 29 U.S.C. 654(a)(2) by failing to follow and adhere to the Occupational Safety and Health Standards promulgated under the Occupational Safety and Health Act;
- III. Violating 29 U.S.C. 654(a)(1) by failing to furnish a place of employment that was free of recognized hazards that cause or are likely to cause death or serious physical harm;

- mmm. Failing to develop, institute and enforce an appropriate medical response plan for faculty, staff and students;
- nnn. Failing to provide any training or instruction to faculty, staff and students concerning any medical emergency response plan;
- ooo. Failing to adequately and appropriately train faculty, staff, and students in the use and operation of AEDs;
- ppp. Failing to adequately and appropriately train faculty, staff, and students in first aid and cardiopulmonary resuscitation; and
- qqq. Failing to institute and implement special precautions and measures to protect all students, including Michael, from dangerous activities and conditions on the premises.

61. Defendant Williamson's acts and omissions set forth above constitute a reckless failure to exercise reasonable and ordinary care under the circumstances presented.

62. Defendant Williamson's acts and omissions set forth above demonstrate that Williamson acted recklessly, willfully, wantonly and with a significant indifference to the safety of Michael and other students by directing an untrained, ill-equipped, and unsupervised student to troubleshoot an energized commercial fixture which posed a serious risk of severe injury and death. Williamson recklessly disregarded Michael's safety by deliberately exposing him to a dangerous activity and condition, warranting the imposition of punitive damages.

63. As a direct and proximate result of Defendant Williamson's negligence, carelessness and/or recklessness, decedent Michael was electrocuted and sustained horrific injuries, suffered tremendous physical and emotional pain, fear of impending death, and ultimately died.

64. The negligence, carelessness and/or recklessness of Defendant Williamson increased the risk of harm and/or was the proximate cause, of the injuries and damages sustained by Michael as set forth more fully herein.

65. The injuries and damages sustained by Plaintiffs were foreseeable and could reasonably be anticipated by Defendant Williamson.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT II – RESTATEMENT (SECOND) OF TORTS § 342 NEGLIGENCE
PLAINTIFFS V. DEFENDANT WILLIAMSON

66. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

67. At all times material hereto, Defendant Williamson owned, operated, possessed, maintained, and/or controlled the premises located at 106 S. New Middleton Road., Media, Pennsylvania.

68. At all times material hereto, Defendant Williamson had a duty to ensure that the premises was in a reasonable and safe condition, with properly trained and supervised personnel, employees, agents, and/or representatives, and had a further duty to operate the premises in a careful and non-negligent manner so as to prevent injuries to persons upon the premises.

69. At all times material hereto, Defendant Williamson had a duty to conduct a reasonable inspection of the premises to ensure that it was safe and did not present dangers to students, employees, and/or persons using them.

70. At all times material hereto, Defendant Williamson had a duty to conduct a reasonable inspection of the premises to identify and remove any dangerous conditions, and/or warn individuals upon the premises of dangerous conditions.

71. At all times material hereto, Michael was a student at Defendant Williamson and was lawfully upon the premises.

72. Defendant Williamson breached all duties owed to Michael and was negligent, careless, grossly negligent, and/or reckless in the following particular respects:

- a. Failing to adequately supervise students in the Power Plant;
- b. Failing to implement adequate policies and procedures for supervising students in the Power Plant;
- c. Failing to provide appropriate safety equipment to students in the Power Plant;
- d. Failing to adopt and enforce adequate policies and procedures relative to the use of safety equipment by students in the Power Plant;
- e. Failing to adequately train students on fundamental electrical installation requirements;
- f. Failing to adopt and enforce adequate policies and procedures for training students on fundamental electrical installation requirements;
- g. Failing to properly train and supervise students on fundamental safety procedures;
- h. Failing to adopt and enforce adequate policies and procedures for training and supervising students on fundamental safety procedures;
- i. Failing to adequately enforce Defendant Williamson's own policies and procedures regarding safety;
- j. Failing to recommend, require, provide and enforce frequent inspections of the school facility, equipment and practices;
- k. Failing to establish a proper or adequate safety survey plan, risk assessment and/ or vulnerability analysis for the school facilities;

- l. Failing to cease/postpone student troubleshooting and/or activities until proper and necessary staffing was present and necessary safety precautions could be taken to protect students;
- m. Failing to appreciate electrical safety, proper wiring methods and safety inspection procedures;
- n. Recklessly directing an untrained, ill-equipped and inexperienced new student to troubleshoot an energized fixture, which posed a known risk of electrocution and death;
- o. Failing to recognize and update an antiquated, non-compliant, and inherently dangerous wiring system;
- p. Failing to adequately repair electrical equipment;
- q. Failing to staff the school with properly qualified and trained instructors/teachers.
- r. Failing to hire and retain competent employees, instructors/teachers and safety personnel;
- s. Hiring and retaining incompetent and inexperienced persons to supervise its students;
- t. Failing to post appropriate warnings;
- u. Failing to recognize known and dangerous conditions;
- v. Failing to have a sufficient number of teachers/ instructors on staff and on site at the school to make the school safe;
- w. Failing to perform and provide trade school training and services in conformity with the standard of care;
- x. Failing to perform a safety risk analysis;
- y. Failing to safely repair electrical equipment;
- z. Failing to install and maintain GFCI devices;
- aa. Failing to provide portable GFCI devices to students and/or otherwise make such devices available for use in the power plant and all other locations where students are exposed to electrocution risks;

- bb. Failing to provide continuity testers to students and/or otherwise make such testers available for use in the power plant and all other locations where students are exposed to electrocution risks;
- cc. Failing to install and maintain proper ground fault protection equipment;
- dd. Failing to have automated external defibrillators (AEDs) available at the school where students were at risk of electrocution;
- ee. Failing to properly investigate prior accidents;
- ff. Failing to properly investigate Michael's death;
- gg. Failing to train students in the use of automated external defibrillators (AEDs);
- hh. Failing to train students in first aid and cardiopulmonary resuscitation (CPR);
- ii. Failing to provide students safety equipment;
- jj. Failing to provide a safe school environment;
- kk. Failing to inspect the school for hazardous conditions;
- ll. Failing to properly plan, plot and supervise student work;
- mm. Breaching its duties under the Restatement of Torts (Second);
- nn. Violating federal and state statutes, local ordinances and all other rules, enactments and regulations applicable or in effect, industry wide or otherwise governing the safe operation of schools;
- oo. Recklessly requiring students to perform activities which students are not trained or qualified to perform;
- pp. Recklessly requiring students to perform dangerous maintenance for which they are untrained and not competent in order to avoid employing qualified persons to perform such maintenance;
- qq. Putting expenses and profits over the safety of students;
- rr. Failing to provide students voltage rated tools and gloves;
- ss. Failing to adopt, enforce and practice appropriate emergency response procedures;

- tt. Failing to comply with applicable Pennsylvania Code;
- uu. Failing to comply with the applicable National Electric Code;
- vv. Failing to comply with applicable OSHA standards and requirements;
- ww. Failing to warn Michael of dangerous conditions existing, anticipated, and/or through the exercise of reasonable care should have been anticipated, at the school;
- xx. Disregarding the rights and safety of Michael and other students;
- yy. Failing to adopt, enact, employ and enforce proper safety programs, procedures, measures and plans;
- zz. Failing to exercise due care under the circumstances;
- aaa. Failing to promote safety and safe practices;
- bbb. Failing to ensure compliance with workplace safety regulations;
- ccc. Failing to provide adequate and appropriate safety training materials, videos, and/or literature to students, including Michael;
- ddd. Failing to recognize and identify defects in and/or dangers posed by the Light Fixture;
- eee. Failing to institute, adopt, and/or enforce adequate policies, procedures, and/or guidelines with respect to hazard identification and compliance with industry standards and regulations;
- fff. Failing to provide Michael and the other students involved in the inspection and repair of the Light Fixture with all necessary personal protection equipment and safety devices;
- ggg. Failing to provide assistance, oversight, and supervision to Michael and other students involved in the inspection and repair of the Light Fixture;
- hhh. Allowing or permitting the Light Fixture to be inspected and repaired by unqualified, inexperienced, and untrained students, including Michael;
- iii. Violating the Occupational Safety and Health Act, 29 U.S.C. 651, et. seq., by failing to provide a workplace that is free of hazardous conditions that cause or are likely to cause injuries and failing to comply with the

applicable Occupational Safety and Health Standards promulgated under the OSH Act;

- jjj. Failing to properly and adequately train all students, workers, employees, agents, teachers, and/or representatives to comply with the OSH Act, 29 U.S.C. 651, et. seq.;
- kkk. Violating 29 U.S.C. 654(a)(2) by failing to follow and adhere to the Occupational Safety and Health Standards promulgated under the Occupational Safety and Health Act;
- lll. Violating 29 U.S.C. 654(a)(1) by failing to furnish a place of employment that was free of recognized hazards that cause or are likely to cause death or serious physical harm;
- mmm. Failing to develop, institute and enforce an appropriate medical response plan for faculty, staff and students;
- nnn. Failing to provide any training or instruction to faculty, staff and students concerning any medical emergency response plan;
- ooo. Failing to adequately and appropriately train faculty, staff, and students in the use and operation of AEDs;
- ppp. Failing to adequately and appropriately train faculty, staff, and students in first aid and cardiopulmonary resuscitation; and
- qqq. Failing to institute and implement special precautions and measures to protect all students, including Michael, from dangerous activities and conditions on the premises.

73. Defendant Williamson's acts and omissions set forth above constitute a reckless failure to exercise reasonable and ordinary care under the circumstances presented.

74. As a direct and proximate result of Defendant Williamson's negligence, carelessness and/or recklessness, decedent Michael was electrocuted and sustained horrific injuries, suffered tremendous physical and emotional pain, fear of impending death, and ultimately died.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus

punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT III – RESTATEMENT (SECOND) OF TORTS § 343 NEGLIGENCE
PLAINTIFFS V. DEFENDANT WILLIAMSON

75. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

76. At all times material hereto, Defendant Williamson owned, operated, possessed, maintained, and/or controlled the premises located at 106 S. New Middleton Road., Media, Pennsylvania.

77. At all times material hereto, Defendant Williamson had a duty to ensure that the premises was in a reasonable and safe condition, with properly trained and supervised personnel, employees, agents, and/or representatives, and had a further duty to operate the premises in a careful and non-negligent manner so as to prevent injuries to persons upon the premises.

78. At all times material hereto, Defendant Williamson had a duty to conduct a reasonable inspection of the premises to ensure that it was safe and did not present dangers to students, employees, and/or persons using them.

79. At all times material hereto, Defendant Williamson had a duty to conduct a reasonable inspection of the premises to identify and remove any dangerous conditions, and/or warn individuals upon the premises of dangerous conditions.

80. At all times material hereto, Michael was a student of Defendant Williamson and was lawfully upon the premises.

81. Defendant Williamson breached all duties owed to Michael and was negligent, careless, grossly negligent, and/or reckless in the following particular respects:

- a. Failing to adequately supervise students in the Power Plant;
- b. Failing to implement adequate policies and procedures for supervising students in the Power Plant;
- c. Failing to provide appropriate safety equipment to students in the Power Plant;
- d. Failing to adopt and enforce adequate policies and procedures relative to the use of safety equipment by students in the Power Plant;
- e. Failing to adequately train students on fundamental electrical installation requirements;
- f. Failing to adopt and enforce adequate policies and procedures for training students on fundamental electrical installation requirements;
- g. Failing to properly train and supervise students on fundamental safety procedures;
- h. Failing to adopt and enforce adequate policies and procedures for training and supervising students on fundamental safety procedures;
- i. Failing to adequately enforce Defendant Williamson's own policies and procedures regarding safety;
- j. Failing to recommend, require, provide and enforce frequent inspections of the school facility, equipment and practices;
- k. Failing to establish a proper or adequate safety survey plan, risk assessment and/ or vulnerability analysis for the school facilities;
- l. Failing to cease/postpone student troubleshooting and/or activities until proper and necessary staffing was present and necessary safety precautions could be taken to protect students;
- m. Failing to appreciate electrical safety, proper wiring methods and safety inspection procedures;
- n. Recklessly directing an untrained, ill-equipped and inexperienced new student to troubleshoot an energized fixture, which posed a known risk of electrocution and death;
- o. Failing to recognize and update an antiquated, non-compliant, and inherently dangerous wiring system;

- p. Failing to adequately repair electrical equipment;
- q. Failing to staff the school with properly qualified and trained instructors/teachers.
- r. Failing to hire and retain competent employees, instructors/teachers and safety personnel;
- s. Hiring and retaining incompetent and inexperienced persons to supervise its students;
- t. Failing to post appropriate warnings;
- u. Failing to recognize known and dangerous conditions;
- v. Failing to have a sufficient number of teachers/ instructors on staff and on site at the school to make the school safe;
- w. Failing to perform and provide trade school training and services in conformity with the standard of care;
- x. Failing to perform a safety risk analysis;
- y. Failing to safely repair electrical equipment;
- z. Failing to install and maintain GFCI devices;
- aa. Failing to provide portable GFCI devices to students and/or otherwise make such devices available for use in the power plant and all other locations where students are exposed to electrocution risks;
- bb. Failing to provide continuity testers to students and/or otherwise make such testers available for use in the power plant and all other locations where students are exposed to electrocution risks;
- cc. Failing to install and maintain proper ground fault protection equipment;
- dd. Failing to have automated external defibrillators (AEDs) available at the school where students were at risk of electrocution;
- ee. Failing to properly investigate prior accidents;
- ff. Failing to properly investigate Michael's death;
- gg. Failing to train students in the use of automated external defibrillators (AEDs);

- hh. Failing to train students in first aid and cardiopulmonary resuscitation (CPR);
- ii. Failing to provide students safety equipment;
- jj. Failing to provide a safe school environment;
- kk. Failing to inspect the school for hazardous conditions;
- ll. Failing to properly plan, plot and supervise student work;
- mm. Breaching its duties under the Restatement of Torts (Second);
- nn. Violating federal and state statutes, local ordinances and all other rules, enactments and regulations applicable or in effect, industry wide or otherwise governing the safe operation of schools;
- oo. Recklessly requiring students to perform activities which students are not trained or qualified to perform;
- pp. Recklessly requiring students to perform dangerous maintenance for which they are untrained and not competent in order to avoid employing qualified persons to perform such maintenance;
- qq. Putting expenses and profits over the safety of students;
- rr. Failing to provide students voltage rated tools and gloves;
- ss. Failing to adopt, enforce and practice appropriate emergency response procedures;
- tt. Failing to comply with applicable Pennsylvania Code;
- uu. Failing to comply with the applicable National Electric Code;
- vv. Failing to comply with applicable OSHA standards and requirements;
- ww. Failing to warn Michael of dangerous conditions existing, anticipated, and/or through the exercise of reasonable care should have been anticipated, at the school;
- xx. Disregarding the rights and safety of Michael and other students;
- yy. Failing to adopt, enact, employ and enforce proper safety programs, procedures, measures and plans;

- zz. Failing to exercise due care under the circumstances;
- aaa. Failing to promote safety and safe practices;
- bbb. Failing to ensure compliance with workplace safety regulations;
- ccc. Failing to provide adequate and appropriate safety training materials, videos, and/or literature to students, including Michael;
- ddd. Failing to recognize and identify defects in and/or dangers posed by the Light Fixture;
- eee. Failing to institute, adopt, and/or enforce adequate policies, procedures, and/or guidelines with respect to hazard identification and compliance with industry standards and regulations;
- fff. Failing to provide Michael and the other students involved in the inspection and repair of the Light Fixture with all necessary personal protection equipment and safety devices;
- ggg. Failing to provide assistance, oversight, and supervision to Michael and other students involved in the inspection and repair of the Light Fixture;
- hhh. Allowing or permitting the Light Fixture to be inspected and repaired by unqualified, inexperienced, and untrained students, including Michael;
- iii. Violating the Occupational Safety and Health Act, 29 U.S.C. 651, et. seq., by failing to provide a workplace that is free of hazardous conditions that cause or are likely to cause injuries and failing to comply with the applicable Occupational Safety and Health Standards promulgated under the OSH Act;
- jjj. Failing to properly and adequately train all students, workers, employees, agents, teachers, and/or representatives to comply with the OSH Act, 29 U.S.C. 651, et. seq.;
- kkk. Violating 29 U.S.C. 654(a)(2) by failing to follow and adhere to the Occupational Safety and Health Standards promulgated under the Occupational Safety and Health Act;
- III. Violating 29 U.S.C. 654(a)(1) by failing to furnish a place of employment that was free of recognized hazards that cause or are likely to cause death or serious physical harm;

- mmm. Failing to develop, institute and enforce an appropriate medical response plan for faculty, staff and students;
- nnn. Failing to provide any training or instruction to faculty, staff and students concerning any medical emergency response plan;
- ooo. Failing to adequately and appropriately train faculty, staff, and students in the use and operation of AEDs;
- ppp. Failing to adequately and appropriately train faculty, staff, and students in first aid and cardiopulmonary resuscitation; and
- qqq. Failing to institute and implement special precautions and measures to protect all students, including Michael, from dangerous activities and conditions on the premises.

82. Defendant Williamson's acts and omissions set forth above constitute a reckless failure to exercise reasonable and ordinary care under the circumstances presented.

83. As a direct and proximate result of Defendant Williamson's negligence, carelessness and/or recklessness, decedent Michael was electrocuted and sustained horrific injuries, suffered tremendous physical and emotional pain, fear of impending death, and ultimately died.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT IV – RESTATEMENT (SECOND) OF TORTS § 343A NEGLIGENCE
PLAINTIFFS V. DEFENDANT WILLIAMSON

84. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

85. At all times material hereto, Defendant Williamson owned, operated, possessed, maintained, and/or controlled the premises located at 106 S. New Middleton Road., Media, Pennsylvania.

86. At all times material hereto, Defendant Williamson had a duty to ensure that the premises was in a reasonable and safe condition, with properly trained and supervised personnel, employees, agents, and/or representatives, and had a further duty to operate the premises in a careful and non-negligent manner so as to prevent injuries to persons upon the premises.

87. At all times material hereto, Defendant Williamson had a duty to conduct a reasonable inspection of the premises to ensure that it was safe and did not present dangers to students, employees, and/or persons using them.

88. At all times material hereto, Defendant Williamson had a duty to conduct a reasonable inspection of the premises to identify and remove any dangerous conditions, and/or warn individuals upon the premises of dangerous conditions.

89. At all times material hereto, Michael was a student of Defendant Williamson and was lawfully upon the premises.

90. Defendant Williamson breached all duties owed to Michael and was negligent, careless, grossly negligent, and/or reckless in the following particular respects:

- a. Failing to adequately supervise students in the Power Plant;

- b. Failing to implement adequate policies and procedures for supervising students in the Power Plant;
- c. Failing to provide appropriate safety equipment to students in the Power Plant;
- d. Failing to adopt and enforce adequate policies and procedures relative to the use of safety equipment by students in the Power Plant;
- e. Failing to adequately train students on fundamental electrical installation requirements;
- f. Failing to adopt and enforce adequate policies and procedures for training students on fundamental electrical installation requirements;
- g. Failing to properly train and supervise students on fundamental safety procedures;
- h. Failing to adopt and enforce adequate policies and procedures for training and supervising students on fundamental safety procedures;
- i. Failing to adequately enforce Defendant Williamson's own policies and procedures regarding safety;
- j. Failing to recommend, require, provide and enforce frequent inspections of the school facility, equipment and practices;
- k. Failing to establish a proper or adequate safety survey plan, risk assessment and/ or vulnerability analysis for the school facilities;
- l. Failing to cease/postpone student troubleshooting and/or activities until proper and necessary staffing was present and necessary safety precautions could be taken to protect students;
- m. Failing to appreciate electrical safety, proper wiring methods and safety inspection procedures;
- n. Recklessly directing an untrained, ill-equipped and inexperienced new student to troubleshoot an energized fixture, which posed a known risk of electrocution and death;
- o. Failing to recognize and update an antiquated, non-compliant, and inherently dangerous wiring system;
- p. Failing to adequately repair electrical equipment;

- q. Failing to staff the school with properly qualified and trained instructors/teachers.
- r. Failing to hire and retain competent employees, instructors/teachers and safety personnel;
- s. Hiring and retaining incompetent and inexperienced persons to supervise its students;
- t. Failing to post appropriate warnings;
- u. Failing to recognize known and dangerous conditions;
- v. Failing to have a sufficient number of teachers/ instructors on staff and on site at the school to make the school safe;
- w. Failing to perform and provide trade school training and services in conformity with the standard of care;
- x. Failing to perform a safety risk analysis;
- y. Failing to safely repair electrical equipment;
- z. Failing to install and maintain GFCI devices;
- aa. Failing to provide portable GFCI devices to students and/or otherwise make such devices available for use in the power plant and all other locations where students are exposed to electrocution risks;
- bb. Failing to provide continuity testers to students and/or otherwise make such testers available for use in the power plant and all other locations where students are exposed to electrocution risks;
- cc. Failing to install and maintain proper ground fault protection equipment;
- dd. Failing to have automated external defibrillators (AEDs) available at the school where students were at risk of electrocution;
- ee. Failing to properly investigate prior accidents;
- ff. Failing to properly investigate Michael's death;
- gg. Failing to train students in the use of automated external defibrillators (AEDs);

- hh. Failing to train students in first aid and cardiopulmonary resuscitation (CPR);
- ii. Failing to provide students safety equipment;
- jj. Failing to provide a safe school environment;
- kk. Failing to inspect the school for hazardous conditions;
- ll. Failing to properly plan, plot and supervise student work;
- mm. Breaching its duties under the Restatement of Torts (Second);
- nn. Violating federal and state statutes, local ordinances and all other rules, enactments and regulations applicable or in effect, industry wide or otherwise governing the safe operation of schools;
- oo. Recklessly requiring students to perform activities which students are not trained or qualified to perform;
- pp. Recklessly requiring students to perform dangerous maintenance for which they are untrained and not competent in order to avoid employing qualified persons to perform such maintenance;
- qq. Putting expenses and profits over the safety of students;
- rr. Failing to provide students voltage rated tools and gloves;
- ss. Failing to adopt, enforce and practice appropriate emergency response procedures;
- tt. Failing to comply with applicable Pennsylvania Code;
- uu. Failing to comply with the applicable National Electric Code;
- vv. Failing to comply with applicable OSHA standards and requirements;
- ww. Failing to warn Michael of dangerous conditions existing, anticipated, and/or through the exercise of reasonable care should have been anticipated, at the school;
- xx. Disregarding the rights and safety of Michael and other students;
- yy. Failing to adopt, enact, employ and enforce proper safety programs, procedures, measures and plans;

- zz. Failing to exercise due care under the circumstances;
- aaa. Failing to promote safety and safe practices;
- bbb. Failing to ensure compliance with workplace safety regulations;
- ccc. Failing to provide adequate and appropriate safety training materials, videos, and/or literature to students, including Michael;
- ddd. Failing to recognize and identify defects in and/or dangers posed by the Light Fixture;
- eee. Failing to institute, adopt, and/or enforce adequate policies, procedures, and/or guidelines with respect to hazard identification and compliance with industry standards and regulations;
- fff. Failing to provide Michael and the other students involved in the inspection and repair of the Light Fixture with all necessary personal protection equipment and safety devices;
- ggg. Failing to provide assistance, oversight, and supervision to Michael and other students involved in the inspection and repair of the Light Fixture;
- hhh. Allowing or permitting the Light Fixture to be inspected and repaired by unqualified, inexperienced, and untrained students, including Michael;
- iii. Violating the Occupational Safety and Health Act, 29 U.S.C. 651, et. seq., by failing to provide a workplace that is free of hazardous conditions that cause or are likely to cause injuries and failing to comply with the applicable Occupational Safety and Health Standards promulgated under the OSH Act;
- jjj. Failing to properly and adequately train all students, workers, employees, agents, teachers, and/or representatives to comply with the OSH Act, 29 U.S.C. 651, et. seq.;
- kkk. Violating 29 U.S.C. 654(a)(2) by failing to follow and adhere to the Occupational Safety and Health Standards promulgated under the Occupational Safety and Health Act;
- lll. Violating 29 U.S.C. 654(a)(1) by failing to furnish a place of employment that was free of recognized hazards that cause or are likely to cause death or serious physical harm;
- mmm. Failing to develop, institute and enforce an appropriate medical response plan for faculty, staff and students;

- nnn. Failing to provide any training or instruction to faculty, staff and students concerning any medical emergency response plan;
- ooo. Failing to adequately and appropriately train faculty, staff, and students in the use and operation of AEDs;
- ppp. Failing to adequately and appropriately train faculty, staff, and students in first aid and cardiopulmonary resuscitation; and
- qqq. Failing to institute and implement special precautions and measures to protect all students, including Michael, from dangerous activities and conditions on the premises.

91. Defendant Williamson's acts and omissions set forth above constitute a reckless failure to exercise reasonable and ordinary care under the circumstances presented.

92. As a direct and proximate result of Defendant Williamson's negligence, carelessness and/or recklessness, decedent Michael was electrocuted and sustained horrific injuries, suffered tremendous physical and emotional pain, fear of impending death, and ultimately died.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT V – RESTATEMENT (SECOND) OF TORTS § 392 NEGLIGENCE
PLAINTIFFS V. DEFENDANT WILLIAMSON

93. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

94. At all times material hereto, Defendant Williamson owned, operated, possessed, maintained, and/or controlled the premises located at 106 S. New Middleton Road., Media, Pennsylvania.

95. At all times material hereto, Defendant Williamson had a duty to ensure that the premises was in a reasonable and safe condition, with properly trained and supervised personnel, employees, agents, and/or representatives, and had a further duty to operate the premises in a careful and non-negligent manner so as to prevent injuries to persons upon the premises.

96. At all times material hereto, Defendant Williamson had a duty to conduct a reasonable inspection of the premises to ensure that all equipment and chattel located thereupon was safe and/or did not present dangers to people.

97. At all times material hereto, Defendant Williamson had a duty to conduct a reasonable inspection of the premises to identify and remove any dangerous fixtures, equipment and/or chattel, and/or warn individuals upon the premises of all such dangers.

98. At all times material hereto, Michael was a student of Defendant Williamson and was lawfully upon the premises.

99. Defendant Williamson breached all duties owed to Michael and was negligent, careless, grossly negligent, and/or reckless in the following particular respects:

- a. Failing to adequately supervise students in the Power Plant;
- b. Failing to implement adequate policies and procedures for supervising students in the Power Plant;
- c. Failing to provide appropriate safety equipment to students in the Power Plant;
- d. Failing to adopt and enforce adequate policies and procedures relative to the use of safety equipment by students in the Power Plant;
- e. Failing to adequately train students on fundamental electrical installation requirements;
- f. Failing to adopt and enforce adequate policies and procedures for training students on fundamental electrical installation requirements;

- g. Failing to properly train and supervise students on fundamental safety procedures;
- h. Failing to adopt and enforce adequate policies and procedures for training and supervising students on fundamental safety procedures;
- i. Failing to adequately enforce Defendant Williamson's own policies and procedures regarding safety;
- j. Failing to recommend, require, provide and enforce frequent inspections of the school facility, equipment and practices;
- k. Failing to establish a proper or adequate safety survey plan, risk assessment and/ or vulnerability analysis for the school facilities;
- l. Failing to cease/postpone student troubleshooting and/or activities until proper and necessary staffing was present and necessary safety precautions could be taken to protect students;
- m. Failing to appreciate electrical safety, proper wiring methods and safety inspection procedures;
- n. Recklessly directing an untrained, ill-equipped and inexperienced new student to troubleshoot an energized fixture, which posed a known risk of electrocution and death;
- o. Failing to recognize and update an antiquated, non-compliant, and inherently dangerous wiring system;
- p. Failing to adequately repair electrical equipment;
- q. Failing to staff the school with properly qualified and trained instructors/teachers.
- r. Failing to hire and retain competent employees, instructors/teachers and safety personnel;
- s. Hiring and retaining incompetent and inexperienced persons to supervise its students;
- t. Failing to post appropriate warnings;
- u. Failing to recognize known and dangerous conditions;

- v. Failing to have a sufficient number of teachers/ instructors on staff and on site at the school to make the school safe;
- w. Failing to perform and provide trade school training and services in conformity with the standard of care;
- x. Failing to perform a safety risk analysis;
- y. Failing to safely repair electrical equipment;
- z. Failing to install and maintain GFCI devices;
- aa. Failing to provide portable GFCI devices to students and/or otherwise make such devices available for use in the power plant and all other locations where students are exposed to electrocution risks;
- bb. Failing to provide continuity testers to students and/or otherwise make such testers available for use in the power plant and all other locations where students are exposed to electrocution risks;
- cc. Failing to install and maintain proper ground fault protection equipment;
- dd. Failing to have automated external defibrillators (AEDs) available at the school where students were at risk of electrocution;
- ee. Failing to properly investigate prior accidents;
- ff. Failing to properly investigate Michael's death;
- gg. Failing to train students in the use of automated external defibrillators (AEDs);
- hh. Failing to train students in first aid and cardiopulmonary resuscitation (CPR);
- ii. Failing to provide students safety equipment;
- jj. Failing to provide a safe school environment;
- kk. Failing to inspect the school for hazardous conditions;
- ll. Failing to properly plan, plot and supervise student work;
- mm. Breaching its duties under the Restatement of Torts (Second);

- nn. Violating federal and state statutes, local ordinances and all other rules, enactments and regulations applicable or in effect, industry wide or otherwise governing the safe operation of schools;
- oo. Recklessly requiring students to perform activities which students are not trained or qualified to perform;
- pp. Recklessly requiring students to perform dangerous maintenance for which they are untrained and not competent in order to avoid employing qualified persons to perform such maintenance;
- qq. Putting expenses and profits over the safety of students;
- rr. Failing to provide students voltage rated tools and gloves;
- ss. Failing to adopt, enforce and practice appropriate emergency response procedures;
- tt. Failing to comply with applicable Pennsylvania Code;
- uu. Failing to comply with the applicable National Electric Code;
- vv. Failing to comply with applicable OSHA standards and requirements;
- ww. Failing to warn Michael of dangerous conditions existing, anticipated, and/or through the exercise of reasonable care should have been anticipated, at the school;
- xx. Disregarding the rights and safety of Michael and other students;
- yy. Failing to adopt, enact, employ and enforce proper safety programs, procedures, measures and plans;
- zz. Failing to exercise due care under the circumstances;
- aaa. Failing to promote safety and safe practices;
- bbb. Failing to ensure compliance with workplace safety regulations;
- ccc. Failing to provide adequate and appropriate safety training materials, videos, and/or literature to students, including Michael;
- ddd. Failing to recognize and identify defects in and/or dangers posed by the Light Fixture;

- eee. Failing to institute, adopt, and/or enforce adequate policies, procedures, and/or guidelines with respect to hazard identification and compliance with industry standards and regulations;
- fff. Failing to provide Michael and the other students involved in the inspection and repair of the Light Fixture with all necessary personal protection equipment and safety devices;
- ggg. Failing to provide assistance, oversight, and supervision to Michael and other students involved in the inspection and repair of the Light Fixture;
- hhh. Allowing or permitting the Light Fixture to be inspected and repaired by unqualified, inexperienced, and untrained students, including Michael;
- iii. Violating the Occupational Safety and Health Act, 29 U.S.C. 651, et. seq., by failing to provide a workplace that is free of hazardous conditions that cause or are likely to cause injuries and failing to comply with the applicable Occupational Safety and Health Standards promulgated under the OSH Act;
- jjj. Failing to properly and adequately train all students, workers, employees, agents, teachers, and/or representatives to comply with the OSH Act, 29 U.S.C. 651, et. seq.;
- kkk. Violating 29 U.S.C. 654(a)(2) by failing to follow and adhere to the Occupational Safety and Health Standards promulgated under the Occupational Safety and Health Act;
- lll. Violating 29 U.S.C. 654(a)(1) by failing to furnish a place of employment that was free of recognized hazards that cause or are likely to cause death or serious physical harm;
- mmm. Failing to develop, institute and enforce an appropriate medical response plan for faculty, staff and students;
- nnn. Failing to provide any training or instruction to faculty, staff and students concerning any medical emergency response plan;
- ooo. Failing to adequately and appropriately train faculty, staff, and students in the use and operation of AEDs;
- ppp. Failing to adequately and appropriately train faculty, staff, and students in first aid and cardiopulmonary resuscitation; and

qqq. Failing to institute and implement special precautions and measures to protect all students, including Michael, from dangerous activities and conditions on the premises.

100. Defendant Williamson's acts and omissions set forth above constitute a reckless failure to exercise reasonable and ordinary care under the circumstances presented.

101. As a direct and proximate result of Defendant Williamson's negligence, carelessness and/or recklessness, decedent Michael was electrocuted and sustained horrific injuries, suffered tremendous physical and emotional pain, fear of impending death, and ultimately died.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT VI - NEGLIGENCE PER SE
PLAINTIFFS V. DEFENDANT WILLIAMSON

102. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

103. At all times relevant and material hereto, Defendant Williamson, owned, operated, maintained, cared for and/ or controlled the property and premises located at 106 S. New Middleton Road., Media, Pennsylvania.

104. At all times relevant and material hereto, Defendant Williamson was subject to the laws of the Commonwealth of Pennsylvania, including the National Electric Code (NEC), as adopted by the Commonwealth of Pennsylvania, and Occupational Safety and Health Administration (OSHA) § 1910.

105. Defendant violated the laws of the Commonwealth of Pennsylvania, including but not limited to relevant provisions of the NEC as adopted by the Commonwealth of Pennsylvania, and OSHA § 1910.

106. Said violations include, but are not limited to, violations of NEC § 590.6, which requires GFCI protection for all locations where construction, remodeling, maintenance, repair or demolition of buildings, structures, equipment or other similar activities takes place.

107. Williamson was required by law to implement GFCI protection in the Power Plant.

108. Williamson violated § 590.6 and other relevant laws of the Commonwealth of Pennsylvania, by failing to implement GFCI protection in the Power Plant and in areas of the school when Michael was injured.

109. Williamson's violation of the laws of the Commonwealth of Pennsylvania caused Michael's death.

110. Injury and/ or death by electrocution is the kind of harm § 590.6 and other relevant statutes were intended to avoid.

111. Michael was within the class of persons § 590.6 and other relevant statutes were intended to protect.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT VII – WRONGFUL DEATH
PLAINTIFFS V. ALL DEFENDANTS

112. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

113. Plaintiffs file this wrongful death action pursuant to 42 Pa.C.S.A. § 8301 and assert entitlement to all claims and damages as set forth therein and supporting case law.

114. Michael is survived by his parents, Michael Savage Sr. and Laurie Savage, the administrators of decedent's estate.

115. By reason of the decedent's death, his parents, and others who have survived him, have suffered great pecuniary and financial loss, as well as medical, funeral, and expenses of administration necessitated by reason of his injuries, which were caused by the decedent's untimely death.

116. By reason of the decedent's death, decedent's survivors have been deprived of the comfort, aid, assistance, services, society, tutelage, and consortium of the decedent.

117. Decedent did not bring an action for his personal injuries against these defendants in his life and no other action for the death of the decedent has been commenced.

118. Plaintiffs, Michael Savage Sr. and Laurie Savage, are the administrators of the decedent's estate and bring this action by virtue of 42 Pa.C.S.A. § 8301 and Pa.R.C.P. 2202, and claim all benefits of the Wrongful Death Act on behalf of themselves and all other persons entitled to recover under the law.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus

punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT VIII – SURVIVAL ACTION
PLAINTIFFS V. ALL DEFENDANTS

119. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

120. Plaintiffs, Michael Savage Sr. and Laurie Savage, bring this action on behalf of the Estate of Michael Savage, Jr., decedent herein, under 42 Pa.C.S.A. § 8302 and 20 Pa.C.S.A. § 3371, against all Defendants and claim all benefits of the Survival Act on behalf of the decedent, themselves, and all others entitled to recover under law.

121. Plaintiffs, Michael Savage Sr. and Laurie Savage, claim on behalf of the Estate of Michael Savage, Jr. all of the damages allowable under the Survival Act, suffered by reason of the decedent's death, including but not limited to the anxiety, mental anguish, fear, pain and suffering, and conscious awareness of impending death suffered by the decedent prior to his death, medical expenses and a loss of the value of the income lost to the estate from the date of death to present date, and to decedent's life expectancy.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT IX – STRICT LIABILITY
PLAINTIFFS V. GENERAL ELECTRIC COMPANY

122. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

123. Defendant GE designed, assembled, fabricated, and manufactured the Light Fixture.

124. Defendant GE marketed, distributed, supplied, sold, and/or otherwise placed the Light Fixture into the stream of commerce.

125. The Light Fixture was defective and unreasonably dangerous when it was marketed, distributed, sold, and/or otherwise entered the stream of commerce.

126. The Light Fixture was defective and unreasonably dangerous for reasons which include, *inter alia*, the following:

- a. Failing to incorporate an appropriate warning system;
- b. Failing to contain adequate and appropriate warnings;
- c. Failing to warn persons working with or around the Light Fixture of the hazards and dangers posed therewith;
- d. Failing to warn persons of the hazards and dangers associated with wiring the Light Fixture;
- e. Failing to affix adequate and appropriate warnings and/or safety labels to the Light Fixture;
- f. Failing to incorporate an appropriate, permanently affixed, and legible product safety label to provide danger, warning, and/or caution notice to persons working with the Light Fixture;
- g. Failing to incorporate an appropriate, permanently affixed, and legible product safety label and/or warning that warned persons of the dangers of wiring the Light Fixture;

- h. Failing to incorporate an appropriate, permanently affixed, and legible product safety label and/or warning which warned persons not to remove or obscure warning labels;
- i. Failing to incorporate an appropriate, permanently affixed, and legible product safety label and warning which warned persons not to make alterations or modifications;
- j. Failing to incorporate an appropriate, permanently affixed, and legible product safety label which warned persons to consult the manufacturer's instruction manual for product safety information prior to use;
- k. Failing to include appropriate and legible warnings and directions in the users' manual;
- l. Failing to include appropriate and legible warnings and directions in the users' manual regarding regular inspections, testing, and maintenance;
- m. Failing to include appropriate instructions about maintenance, testing, and operational procedures; and
- n. Failing to provide or incorporate all necessary features, components, devices and/or materials to make the product safe.

127. The Light Fixture was defective and unreasonably dangerous when it was sold, distributed, and/or supplied by GE to a reseller, supplier, and/or Williamson where the decedent, Michael, was exposed to this defective and unreasonably dangerous product.

128. At all times relevant and material hereto, Defendant GE was aware the Light Fixture lacked all elements necessary for safety and was aware of the inherent dangers and limitations of the product and nevertheless, continued to market, manufacture, distribute, and sell the Light Fixture without taking necessary steps to eliminate such defects prior to distribution.

129. At all times relevant and material hereto, and upon information and belief, Defendant GE was aware the Light Fixture lacked all elements necessary for safety and were aware of the inherent dangers and limitations of the product and nevertheless, continued to

market, manufacture, distribute, and sell the Light Fixture without taking necessary steps to eliminate such defects following distribution through the use of post-sale modifications, instructions, and/or warnings.

130. As a direct and proximate result of the defects associated with the Light Fixture, Michael sustained serious injuries and ultimately died.

131. The injuries and damages sustained by Plaintiffs were foreseeable and could reasonably be anticipated by Defendant GE.

132. Defendant GE is strictly liable to Plaintiffs for the injuries and damages suffered.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT X - NEGLIGENCE
PLAINTIFFS V. GENERAL ELECTRIC COMPANY

133. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

134. Defendant GE was negligent, careless and/or reckless for reasons which include, *inter alia*, the following:

- a. Failing to incorporate an appropriate warning system;
- b. Failing to contain adequate and appropriate warnings;
- c. Failing to warn persons working with or around the Light Fixture of the hazards and dangers posed therewith;
- d. Failing to warn persons of the hazards and dangers associated with wiring the Light Fixture;

- e. Failing to affix adequate and appropriate warnings and/or safety labels to the Light Fixture;
- f. Failing to incorporate an appropriate, permanently affixed, and legible product safety label to provide danger, warning, and/or caution notice to persons working with the Light Fixture;
- g. Failing to incorporate an appropriate, permanently affixed, and legible product safety label and/or warning that warned persons of the dangers of wiring the Light Fixture;
- h. Failing to incorporate an appropriate, permanently affixed, and legible product safety label and/or warning which warned persons not to remove or obscure warning labels;
- i. Failing to incorporate an appropriate, permanently affixed, and legible product safety label and warning which warned persons not to make alterations or modifications;
- j. Failing to incorporate an appropriate, permanently affixed, and legible product safety label which warned persons to consult the manufacturer's instruction manual for product safety information prior to use;
- k. Failing to include appropriate and legible warnings and directions in the users' manual;
- l. Failing to include appropriate and legible warnings and directions in the users' manual regarding regular inspections, testing, and maintenance;
- m. Failing to include an appropriate wiring scheme or plan;
- n. Failing to provide a reasonable and safe means to ground the fixture;
- o. Failing to include appropriate instructions about maintenance, testing, and operational procedures; and
- p. Failing to provide or incorporate all necessary features, components, devices and/or materials to make the product safe.

135. As a direct and proximate result of the negligence, carelessness, and/or recklessness of Defendant GE, Michael sustained serious injuries and ultimately died.

136. The injuries and damages sustained by Plaintiffs were foreseeable and could reasonably be anticipated by Defendant GE.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT XI – BREACH OF WARRANTY
PLAINTIFFS V. GENERAL ELECTRIC COMPANY

137. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

138. Defendant GE provided express and implied warranties that the Light Fixture was merchantable, fit and safe for its intended purpose, and free of any defects.

139. Michael, as an end user of the Light Fixture, relied upon Defendant GE to provide a product that was free of defects.

140. Defendant GE breached its warranty for fitness for a particular purpose by designing, manufacturing, promoting, marketing, supplying distributing, and/or selling the Light Fixture in a defective and unreasonably dangerous condition.

141. As a direct and proximate result of Defendant GE's breach of warranty, Michael sustained serious injuries and ultimately died.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

COUNT XII – LOSS OF FILIAL CONSORTIUM
PLAINTIFFS V. ALL DEFENDANTS

142. Plaintiffs hereby incorporate the preceding paragraphs as though set forth fully herein.

143. At all times material hereto, Plaintiffs, Michael Savage Sr. and Laurie Savage, were the lawful parents of decedent Michael.

144. As a direct and proximate result of the aforementioned negligence, recklessness and carelessness of the defendants, Plaintiffs, Michael Savage Sr. and Laurie Savage, and other survivors, have been and will continue to be deprived of the love, companionship and consortium of their son to their great economic, emotional and personal detriment.

145. Plaintiffs are entitled to damages for filial loss of consortium pursuant to Rettger v. UPMC Shadyside, 2010 Pa. Super. 41, *32, 991 A.2d 915, 933 (2010).

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, plus punitive damages, interest, delay damages, costs of suit, and any other relief deemed equitable and just by the Court.

SHERIDAN & MURRAY, LLC

/s/ Thomas W. Sheridan

BY: Thomas W. Sheridan, Esquire
Sean E. Quinn, Esquire
Annie F. Reynolds, Esquire

Date: September 22, 2010

Attorneys for Plaintiffs