

EXHIBIT A

LAW OFFICE OF
RANDY P. DAVENPORT, ESQ.
Attorney-At-Law
1185 Morris Avenue, Suite 205
Union, New Jersey 07083
(908) 688-5554 * Fax (908) 258-8066
randy@rpdlawfirm.com
Attorney ID # 051381992
Attorney for Plaintiff Damara Scott

SUPERIOR COURT OF NJ
CIVIL DIVISION
ESSEX VICINAGE
2015 OCT 16 P 1:22
FINANCE DIVISION
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COPY

DAMARA SCOTT,

Plaintiff,

v.

PATRICK PIGNATELLO, PNC
FINANCIAL SERVICES
CORPORATION, JOHN DOES 1-20,
JANE DOES 1-20, ABC
CORPORATIONS 1-10, and XYZ
CORPORATIONS 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
CIVIL PART

DOCKET NO.: *Est-L-7276-15*

CIVIL ACTION

**COMPLAINT
AND JURY DEMAND**

Plaintiff Damara Scott, residing at 33 Civic Place, in the Township of Bloomfield, County of Essex, and State of New Jersey, by way of this Complaint, says:

PARTIES

1. Defendant PATRICK PIGNATELLO is an individual known to have resided in the Borough of Glen Ridge, County of Essex, and State of New Jersey.
2. Defendant PNC FINANCIAL SERVICES CORPORATION is a business entity doing business at 975 Bloomfield Avenue, in the Borough of Glen Ridge, County of Essex, and State of New Jersey.
3. Defendants JOHN DOES 1-20 and JANE DOES 1-20 are hitherto unknown employees, servants, principals, agents, or contractors of Defendants PNC FINANCIAL SERVICES CORPORATION and ABC CORPORATIONS 1-10.
4. Defendants ABC CORPORATIONS 1-10 are hitherto unknown parents, subsidiaries, affiliates, principals, owners, contractors, or alter egos of Defendant PNC

FINANCIAL SERVICES CORPORATION, or they are unknown entities involved in the ownership or operation of the particular PNC Bank located at and around 975 Bloomfield Avenue, Glen Ridge, New Jersey.

5. Defendants XYZ CORPORATIONS 1-10 are hitherto unknown owners or occupiers of the premises at and around 975 Bloomfield Avenue, Glen Ridge, New Jersey.

FACTS COMMON TO ALL COUNTS

6. On or about October 20, 2013, Plaintiff DAMARA SCOTT was an employee of PNC FINANCIAL SERVICES CORPORATION and was working at its branch bank at 975 Bloomfield Avenue, Glen Ridge, New Jersey.

7. At approximately 2:30 pm, Plaintiff DAMARA SCOTT was about to leave the bank, but saw Defendant PATRICK PIGNATELLO standing with his eyes up against the glass doors of the bank looking into the bank.

8. When Plaintiff DAMARA SCOTT opened the glass doors to leave, Defendant PATRICK PIGNATELLO was still standing at the doors.

9. Plaintiff DAMARA SCOTT asked Defendant PATRICK PIGNATELLO if he was coming into the bank, and he said "No, I'm following you."

10. Plaintiff DAMARA SCOTT exited the bank and walked past Defendant PATRICK PIGNATELLO, who followed her and said "I offer full services and I am willing to please."

11. Defendant PATRICK PIGNATELLO physically came up to Plaintiff Damara Scott and pressed, grinded, and pumped his penis against Plaintiff DAMARA SCOTT's buttocks while grabbing her with his hands, without her consent, to gratify himself or to humiliate her, because she is a woman. Pignatello's conduct terrified Plaintiff Scott. In fact, Plaintiff was so frightened that she thought Defendant Pignatello was going to grab her and stuff her in the trunk and abduct and rape her.

12. The incident occurred in public, and in full view of the Plaintiff's co-workers.

13. Defendant PATRICK PIGNATELLO was known to Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, JOHN DOES 1-20, and JANE DOES 1-20, because he was a regular customer at the bank at 975 Bloomfield Avenue, Glen Ridge, New Jersey.

14. On information and belief, it was known to Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, JOHN DOES 1-20, and JANE DOES 1-20 that Defendant PATRICK PIGNATELLO had a history of groping and/or harassing female persons in and around the bank.

FIRST COUNT

15. Plaintiff DAMARA SCOTT repeats and incorporates herein all preceding allegations of this Complaint.

16. Defendant JOSEPH PIGNATELLO offensively and insolently touched the person of Plaintiff DAMARA SCOTT, intentionally, and without her consent.

17. Defendant JOSEPH PIGNATELLO, by his intentional conduct, put Plaintiff DAMARA SCOTT in reasonable fear of an imminent further offensive or violent touching of her person.

18. These acts of Defendant JOSEPH PIGNATELLO directly, proximately, and foreseeable caused Plaintiff DAMARA SCOTT to suffer severe physical and mental pain and suffering, inconvenience, loss of enjoyment, disability, substantial medical expenses, and substantial anticipated future medical expenses.

WHEREFORE Plaintiff DAMARA SCOTT demands judgment against Defendant JOSEPH PIGNATELLO for damages, including punitive damages, attorneys' fees, costs of suit, and such other relief as the Court deems equitable and just.

SECOND COUNT

19. Plaintiff DAMARA SCOTT repeats and incorporates herein all preceding allegations of this Complaint.

20. Defendant JOSEPH PIGNATELLO restrained Plaintiff DAMARA SCOTT's freedom of movement, by using force, and by putting her in reasonable fear that force would be used, and intended to do so.

21. These acts of Defendant JOSEPH PIGNATELLO directly, proximately, and foreseeable caused Plaintiff DAMARA SCOTT to suffer severe physical and mental pain and suffering, inconvenience, loss of enjoyment, disability, substantial medical expenses, and substantial anticipated future medical expenses.

WHEREFORE Plaintiff DAMARA SCOTT demands judgment against Defendant JOSEPH PIGNATELLO for damages, including punitive damages, attorneys' fees, costs of suit, and such other relief as the Court deems equitable and just.

THIRD COUNT

22. Plaintiff DAMARA SCOTT repeats and incorporates herein all preceding allegations of this Complaint.

23. The conduct of Defendant JOSEPH PIGNATELLO, in sexually groping and assaulting Plaintiff DAMARA SCOTT; and saying things to her that were lewd and obscene while she was trying to get away, was so extreme and outrageous as to be beyond the bounds of decency in a civilized society.

24. As a direct, proximate, and foreseeable result of these deliberate and willful acts of the Defendant JOSEPH PIGNATELLO, Plaintiff DAMARA SCOTT has suffered severe and extreme emotional distress, such that no reasonable person can be expected to endure.

~~WHEREFORE~~ Plaintiff DAMARA SCOTT demands judgment against Defendant JOSEPH PIGNATELLO for damages, including punitive damages, attorneys' fees, costs of suit, and such other relief as the Court deems equitable and just.

FOURTH COUNT

25. Plaintiff DAMARA SCOTT repeats and incorporates herein all preceding allegations of this Complaint.

26. Defendant PATRICK PIGNATELLO's reckless, wanton, and intentional misconduct was in reckless disregard of Plaintiff DAMARA SCOTT's rights, and compensatory damages alone will be insufficient to deter such conduct in the future.

27. Plaintiff DAMARA SCOTT is therefore entitled to punitive and exemplary damages.

~~WHEREFORE~~ Plaintiff DAMARA SCOTT demands judgment against Defendant JOSEPH PIGNATELLO for damages, including punitive damages, attorneys' fees, costs of suit, and such other relief as the Court deems equitable and just.

FIFTH COUNT

28. Plaintiff DAMARA SCOTT repeats and incorporates herein all preceding allegations of this Complaint.

29. Defendant JOSEPH PIGNATELLO was a regular customer of Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, JOHN DOES 1-20, and JANE DOES 1-20, and frequented the branch bank at 975 Bloomfield Avenue, Glen Ridge, New Jersey.

30. Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, JOHN DOES 1-20, and JANE DOES 1-20 knew or should have known that Defendant JOSEPH PIGNATELLO frequently vexed and harassed female persons at the bank, including female employees, because of their sex.

31. The conduct of Defendant JOSEPH PIGNATELLO at the branch bank materially altered the working conditions of female employees, including Plaintiff DAMARA SCOTT, in violation of the New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-1 et seq.

32. Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, JOHN DOES 1-20, and JANE DOES 1-20 negligently or intentionally failed to take reasonable action to prevent further misconduct by Defendant JOSEPH PIGNATELLO in and around their facility during the working hours of Plaintiff DAMARA SCOTT.

33. This misconduct of JOSEPH PIGNATELLO, which PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, JOHN DOES 1-20, and JANE DOES 1-20 negligently or intentionally permitted, directly, proximately, and foreseeable caused Plaintiff DAMARA SCOTT to suffer severe physical and mental pain and suffering, inconvenience, loss of enjoyment, disability, substantial medical expenses, and substantial anticipated future medical expenses.

WHEREFORE Plaintiff DAMARA SCOTT demands judgment against Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, JOHN DOES 1-20, and JANE DOES 1-20 for damages, including punitive damages, attorneys' fees, costs of suit, and such other relief as the Court deems equitable and just.

SIXTH COUNT

34. Plaintiff DAMARA SCOTT repeats and incorporates herein all preceding allegations of this Complaint.

35. The place where the incident complained of occurred was owned and occupied by Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, and XYZ CORPORATIONS 1-10.

36. The said location was open to the public, and Plaintiff DAMARA SCOTT had been invited there for the business purposes of Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, and XYZ CORPORATIONS 1-10.

37. Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, and XYZ CORPORATIONS 1-10 had a duty to exercise reasonable care to see that persons such as Plaintiff DAMARA SCOTT had a reasonably safe place to work and do business at their premises, and to correct or give warning of hazardous conditions thereon.

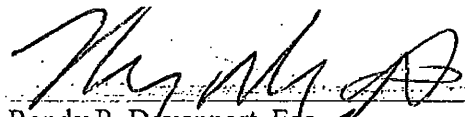
38. Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, and XYZ CORPORATIONS 1-10 knew or should have known that the presence of PATRICK PIGNATELLO, of which they were aware, created an unreasonable risk that female persons such as Plaintiff DAMARA SCOTT would be assaulted on or near their premises.

39. Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, and XYZ CORPORATIONS 1-10 failed to take reasonable precautions to protect Plaintiff DAMARA SCOTT from this known hazard.

40. As a direct, proximate, and foreseeable result of this negligence of Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, and XYZ CORPORATIONS 1-10, Plaintiff DAMARA SCOTT to suffer severe physical and mental pain and suffering, inconvenience, loss of enjoyment, disability, substantial medical expenses, and substantial anticipated future medical expenses.

WHEREFORE Plaintiff DAMARA SCOTT demands judgment against Defendants PNC FINANCIAL SERVICES CORPORATION, ABC CORPORATIONS 1-10, and XYZ CORPORATIONS 1-10 for damages, including punitive damages, attorneys' fees, costs of suit, and such other relief as the Court deems equitable and just.

Dated: October 16, 2015


Randy P. Davenport, Esq.
Attorney for Plaintiff Damara Scott

JURY DEMAND

SUPERIOR COURT OF NJ
CIVIL DIVISION
ESSEX VICINAGE

Pursuant to R.4:35-1, Plaintiffs hereby demand trial by a jury ~~under~~ **100-07616 P 1: 23**

DESIGNATION OF TRIAL COUNSEL

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Pursuant to R.4:25-4, Randy P. Davenport, Esq., is hereby designated as trial counsel.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to Rule 4:10-2(b), demand is hereby made that Defendants disclose to Plaintiff's attorneys whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment and provide Plaintiff's attorney with true copies of such insurance agreements or policies including, but not limited to, any and all declarations sheets. This demand shall be deemed to include and cover not only primary coverage but also any and all excess, catastrophe and umbrella policies.

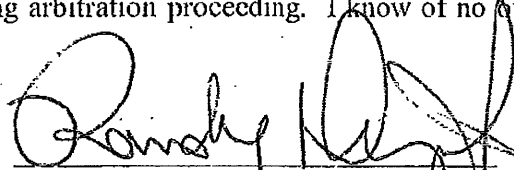
REQUEST FOR ANSWERS TO UNIFORM INTERROGATORIES

Pursuant to R. 4:17-1, the Defendant hereby requests answers to Forms C and C(2) Uniform Interrogatories, within the time set forth by the Court Rules.

CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that the matter in controversy is not the subject of any other action pending in any Court or a pending arbitration proceeding. I know of no other party who should be joined in this action.

Dated: October 16, 2015


Randy P. Davenport, Esq.
Attorney for Plaintiff Damara Scott