

Supreme Court of Pennsylvania

Court of Common Pleas



County

For Prothonotary Use Only:

Docket No:

10853-19

TIME STAMP

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

Commencement of Action:

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

Lead Plaintiff's Name:
APRIL N. JONES, et al.

Lead Defendant's Name:
ROBERT L. HODGE

Are money damages requested? Yes No

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

Is this a Class Action Suit? Yes No

Is this an MDJ Appeal? Yes No

Name of Plaintiff/Appellant's Attorney: Dallas M. Hartman, Esq.

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

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

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

CONTRACT (do not include Judgments)

- Buyer Plaintiff
- Debt Collection: Credit Card
- Debt Collection: Other
- Employment Dispute: Discrimination
- Employment Dispute: Other
- Other:

CIVIL APPEALS

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

- Zoning Board
- Other:

MASS TORT

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

REAL PROPERTY

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

MISCELLANEOUS

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

PRO & CLERK

IN THE COURT OF COMMON PLEAS
LAWRENCE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

APRIL N. JONES, Individually and as
Administratrix of the Estate of ALISSA M.
JONES, Deceased;
241 Center Avenue
West Pittsburg, Pennsylvania 16160;

NORMAN JONES;
241 Center Avenue
West Pittsburg, Pennsylvania 16160;

Plaintiffs,

v.

ROBERT L. HODGE;
509 McBride Road
New Galilee, Pennsylvania 16141;

AG CENTRAL, INC. a/k/a AG CENTRAL
a/k/a HODGE FARMS;
20 South Main Street
Columbiana, Ohio 44408;

HAMCO INC. a/k/a HAMCO;
215 Gilmore Road
New Castle, Pennsylvania 16102;

HAMCO NEW WILMINGTON, INC.;
215 Gilmore Road
New Castle, Pennsylvania 16102;

BETTER EQUIPMENT, INC;
20 South Main Street
Columbiana, Ohio 44408

KALMBACH FEEDS, INC. a/k/a KALMBACH
FEEDS ASSOCIATES, INC. a/k/a KALMBACH;
7148 State Highway 199 North
Upper Sandusky, Ohio 43351;

: CASE NO.: 2019 - 10853

: **COMPLAINT**

: FILED ON BEHALF OF:
: Plaintiff

: COUNSEL ON RECORD:

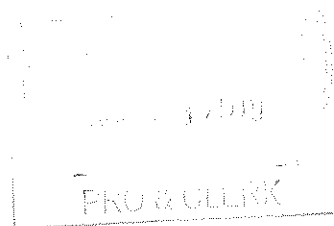
: DALLAS W. HARTMAN, P.C.

: Dallas M. Hartman, Esq.
: Attorney I.D. No. 326257
: Email: dmhartman@dallashartman.com

: Patrick L. Sullivan, Esq.
: Attorney I.D. No. 310246
: Email: psullivan@dallashartman.com

: 201 Green Ridge Drive
: New Castle, Pennsylvania 16105
: (724) 652-4081

: **JURY TRIAL DEMANDED**

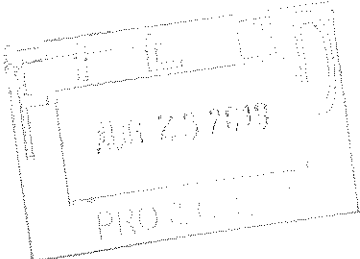


KALMBACH FEEDS OF
PENNSYLVANIA, LLC;
908 Mt. Rock Road
Shippensburg, Pennsylvania 17257

KALMBACH TRUCKING, INC;
7148 State Highway 199 North
Upper Sandusky, Ohio 43351;

Defendants.

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IN THE COURT OF COMMON PLEAS
LAWRENCE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

APRIL N. JONES, Individually and as
Administratrix of the Estate of ALISSA M.
JONES, Deceased, and NORMAN JONES;

: CASE NO.: 2019 - 10853

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: **JURY TRIAL DEMANDED**

Plaintiffs,

v.

ROBERT L. HODGE; AG CENTRAL, INC.
a/k/a AG CENTRAL a/k/a HODGE FARMS;
HAMCO INC. a/k/a HAMCO; HAMCO NEW
WILMINGTON, INC.; BETTER EQUIPMENT,
INC; KALMBACH FEEDS, INC. a/k/a
KALMBACH FEEDS ASSOCIATES, INC.
a/k/a KALMBACH; KALMBACH FEEDS OF
PENNSYLVANIA, LLC; KALMBACH
TRUCKING, INC;

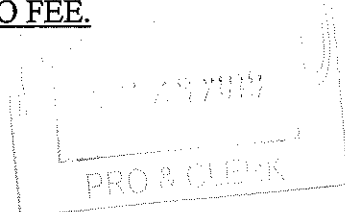
Defendants.

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(s). You may lose money or property or other rights that are important to you.

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

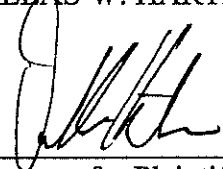
IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.



Lawrence County Lawyer Referral Service
430 Court Street
New Castle, PA 16101
Telephone Number: 724-656-1921

DALLAS W. HARTMAN, P.C.

BY:



Attorneys for Plaintiffs

Dallas M. Hartman, Esq.
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Email: dmhartman@dallashartman.com

Patrick L. Sullivan, Esq.
Attorney I.D. No. 310246
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201 Green Ridge Drive
New Castle, PA 16105
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IN THE COURT OF COMMON PLEAS
LAWRENCE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

APRIL N. JONES, Individually and as
Administratrix of the Estate of ALISSA M.
JONES, Deceased, and NORMAN JONES;

: CASE NO.: 2019 - 10853

:
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: **JURY TRIAL DEMANDED**

Plaintiffs,

v.

ROBERT L. HODGE; AG CENTRAL, INC.
a/k/a AG CENTRAL a/k/a HODGE FARMS;
HAMCO INC. a/k/a HAMCO; HAMCO NEW
WILMINGTON, INC.; BETTER EQUIPMENT,
INC; KALMBACH FEEDS, INC. a/k/a
KALMBACH FEEDS ASSOCIATES, INC.
a/k/a KALMBACH; KALMBACH FEEDS OF
PENNSYLVANIA, LLC; KALMBACH
TRUCKING, INC;

Defendants.

COMPLAINT

AND NOW COMES the Plaintiffs, APRIL N. JONES, Individually and as the
Administratrix of the Estate of ALISSA M. JONES, deceased, and NORMAN JONES, by and
through her attorneys, Dallas W. Hartman, P.C., and files this Complaint and in support thereof,
aver as follows:

PARTIES

1. ALISSA M. JONES (hereinafter "DECEDENT") was an adult individual residing
at 241 Center Avenue, West Pittsburg, Lawrence County, Pennsylvania at the time of her death on
July 2, 2019. DECEDENT was 19 years old when she passed away.

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2. Plaintiff APRIL N. JONES is an adult individual, and the surviving sister of ALISSA M. JONES, currently residing at 241 Center Avenue, West Pittsburg, Lawrence County, Pennsylvania.

3. On August 19, 2019, APRIL N. JONES was appointed Administratrix of the Estate of ALISSA M. JONES for the purpose of, *inter alia*, initiating the within proceedings and administering and distributing any proceeds thereof in accordance with applicable Pennsylvania law. The Certificate of Grant of Letters of Administration is attached hereto and marked as **Exhibit "A"**.

4. Plaintiff NORMAN JONES is an adult individual, and the surviving father of ALISSA M. JONES, currently residing at 241 Center Avenue, West Pittsburg, Lawrence County, Pennsylvania.

5. Defendant ROBERT L. HODGE (hereinafter "HODGE"), is an adult individual currently residing at 509 McBride Road, New Galilee, Lawrence County, Pennsylvania 16141.

6. Upon information and belief, at all times relevant hereto HODGE possessed a commercial driver's license (hereinafter "CDL") and therefore was subject to the rules and regulations promulgated by the Commonwealth of Pennsylvania, the USDOT, and Federal Motor Carrier Safety Administration (hereinafter "FMCSA").

7. Defendant AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS (hereinafter "AG CENTRAL") is believed to be a foreign corporation registered in the state of Ohio in East Liverpool, Columbiana County, with a statutory agent located at 20 South Main Street, Columbiana, Ohio 44408 and a principle place of business located at 215 Gilmore Road, New Castle, Pennsylvania 16102.

8. Upon information and belief, Defendant AG CENTRAL is a commercial motor carrier engaged in interstate and/or intrastate commerce operating under USDOT #1580342 and as such is subject to the Federal Motor Carrier Safety Regulations (hereinafter "FMCSRs"), which are issued by the FMCSA.

9. Defendant HAMCO, INC. a/k/a HAMCO is believed to be a Pennsylvania corporation with a registered office at R.D. #7 New Castle, Lawrence County, Pennsylvania 16102 and a principal place of business located at 215 Gilmore Road, New Castle, Lawrence County, Pennsylvania, 16102.

10. Defendant HAMCO NEW WILMINGTON, INC. is believed to be a Pennsylvania corporation with a registered office and principal place of business at 215 Gilmore Road, New Castle, Lawrence County, Pennsylvania 16102.

11. Upon information and belief Defendants HAMCO, INC. a/k/a HAMCO and HAMCO NEW WILMINGTON, INC. are related business entities with a common purpose and/or business interest and will be referred to collectively as "HAMCO."

12. Upon information and belief, Defendant HAMCO is a commercial motor carrier engaged in interstate and/or intrastate commerce operating under USDOT #524791 and as such is subject to the FMCSRs, which are issued by the FMCSA.

13. Defendant BETTER EQUIPMENT, INC. (hereinafter "BETTER EQUIPMENT") is believed to be a foreign corporation registered in the state of Ohio in East Liverpool, Columbiana County, with a statutory agent located at 20 South Main Street, Columbiana, Ohio 44408 and a principle place of business located at 215 Gilmore Road, New Castle, Lawrence County, Pennsylvania 16102.

14. Upon information and belief Defendant BETTER EQUIPMENT reconditions, services, repairs, and/or otherwise maintains feed conveying trucks and equipment for all other Defendants in this matter.

15. Defendant KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH is believed to be a foreign corporation registered in the state of Ohio in Upper Sandusky, Wyandot County, with a registered office and principal place of business located at 7148 State Highway 199 North, Upper Sandusky, Ohio 44408.

16. Defendant KALMBACH FEEDS OF PENNSYLVANIA, LLC is believed to be a foreign corporation registered in the state of Ohio in Upper Sandusky, Wyandot County, with a principal office located at 7148 State Highway 199 North, Upper Sandusky, Ohio 44408 and a registered office within the Commonwealth of Pennsylvania at 908 Mt. Rock Road, Shippensburg, Franklin County, Pennsylvania 17257.

17. Upon information and belief, Defendant KALMBACH FEEDS OF PENNSYLVANIA, LLC is a commercial motor carrier engaged in interstate and/or intrastate commerce operating under USDOT #716790 and as such is subject to the FMCSRs, which are issued by the FMCSA.

18. Defendant KALMBACH TRUCKING, INC. is believed to be a foreign corporation registered in the state of Ohio in Upper Sandusky, Wyandot County, with a principal place of business located at 7148 State Highway 199 North, Upper Sandusky, Ohio 44408.

19. Upon information and belief, Defendant KALMBACH TRUCKING, INC. is a commercial motor carrier engaged in interstate and/or intrastate commerce operating under USDOT #103595 and as such is subject to the FMCSRs, which are issued by the FMCSA.

20. Upon information and belief Defendants KALMBACH FEEDS, INC. a/k/a KALMBACK FEEDS ASSOCIATES, INC. a/k/a KALMBACH, KALMBACH FEEDS OF PENNSYLVANIA, LLC and KALMBACH TRUCKING, INC. are related business entities with a common purpose and/or business interest and will be referred to collectively as "KALMBACH."

21. Upon information and belief Defendant KALMBACH provides brokerage, logistics, transport managements services, and/or fleet services for the transportation of animal feed, grain, and other organic farm supplies.

22. Upon information and belief Defendant KALMBACH also sells and/or arranges for the transportation of animal feed, grain, and other organic farm supplies utilizing other third-party motor carriers. This includes Defendants HODGE, AG CENTRAL, and HAMCO.

23. On or about June 30, 2019, Defendant HODGE was acting as a joint venturer, agent, servant, employee, retained independent contractor, owner, shareholder, and/or member of Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and KALMBACH.

24. At all times relevant hereto Defendant HODGE was operating a commercial motor vehicle owned, leased, or otherwise controlled by Defendant AG CENTRAL. This commercial vehicle was a white Kenworth tractor that had an AG CENTRAL placard and US DOT #1580342 displayed on the side of the tractor and is hereinafter referred to as "AG CENTRAL TRACTOR" or "TRACTOR."

25. At all times relevant hereto Defendant HODGE was hauling, transporting, operating, and/or utilizing a commercial trailer/tanker owned, leased, or otherwise controlled by Defendant KALMBACH. This trailer/tanker displayed the name KALMBACH FEEDS along its sides and is hereinafter referred to as "KALMBACH TRAILER" or "TRAILER."

26. At all times relevant hereto Defendant HODGE was hauling, transporting, and/or operating the AG CENTRAL TRACTOR and KALMBACH TRAILER and was transporting a load in interstate commerce in the course and scope of his joint venture, agency, servitude and/or employment with Defendants AG CENTRAL, HAMCO, and KALMBACH.

27. At all times relevant hereto, Defendant HODGE was directed by Defendants AG CENTRAL, HAMCO and KALMBACH to transport and deliver commercial product(s), and the manner, method, and/or procedure involved with such transportation, including the time the shipment was to be picked up and delivered, the route to be taken, payment restrictions and extensive driving instructions was controlled, managed and/or supervised by Defendants AG CENTRAL, HAMCO and KALMBACH.

28. Upon information and belief, Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, KALMBACH and HODGE were and are engaged in commercial transportation, retaining and utilizing the services, personnel, and/or equipment of one another, for their mutual benefit and economic gain.

COLLISION

29. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

30. On or about the night of June 30, 2019, DECEDENT, APRIL JONES, and APRIL JONES's two children were returning from a visit to West Virginia.

31. APRIL JONES was driving NORMAN JONES's 1999 Toyota Camry (hereinafter "CAR").

32. At or about 11:20 PM, APRIL JONES legally parked the CAR in a parking lane in front of the home of NORMAN JONES, APRIL JONES, and DECEDENT at 241 Center Avenue, West Pittsburg, Lawrence County, Pennsylvania 16160.

33. Center Avenue (State Route 168) at and around where the CAR was parked, travels in a north to south direction. This portion of the road is straight, flat, has no visible obstructions, and the lanes are notably wide.

34. Shortly after APRIL JONES parked the CAR, DECEDENT remained outside still exiting the CAR while the rest of the family went into the house ahead of her.

35. At or about that time, Defendant HODGE was negligently, carelessly, and/or recklessly operating the AG CENTRAL TRACTOR and KALMBACH TRAILER southbound on Center Avenue in West Pittsburg when he collided into the DECEDENT and the CAR that was parked on the side of the road.

36. As a result of the collision, DECEDENT sustained serious and permanent bodily injuries. DECEDENT succumbed to the ultimately fatal injuries two days later on July 2, 2019.

37. At all times material hereto, Defendant HODGE was operating the TRACTOR and the TRAILER and transporting a load in interstate commerce in the course and scope of his joint venture, agency, servitude and/or employment with Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and KALMBACH.

38. It is believed and therefore averred that Defendant HODGE had his pre-teen/early teenage son in the TRACTOR with him.

39. It is believed and therefore averred that Defendant HODGE was negligently, carelessly, and recklessly distracted by an electronic device, distracted by the presence of his pre-

teen/early teenage son in the TRACTOR, and/or operating the TRACTOR and TRAILER while sleep deprived.

40. It is believed and therefore averred that Defendant HODGE was negligently, carelessly, and recklessly operating the TRACTOR and TRAILER at a high rate of speed.

41. As a result of the collision, the CAR was totaled.

42. Plaintiff NORMAN JONES, DECEDENT's father, contemporaneously perceived and witnessed the collision. He immediately came to the aid of his daughter and witnessed DECEDENT's immense pain and suffering and the gruesome scene of the collision.

43. Plaintiff APRIL JONES, DECEDENT's sister, contemporaneously perceived and witnessed the collision. She immediately came to the aid of her sister and witnessed DECEDENT's immense pain and suffering and the gruesome scene of the collision.

44. Defendant HODGE did not stop after colliding into the DECEDENT and CAR. Defendant HODGE fled the scene of the collision and did not check on DECEDENT, render aid, nor call the local authorities or emergency responders.

45. Despite knowing that he had just struck the DECEDENT and/or CAR, he removed the TRACTOR and TRAILER from the scene of the crash.

46. Despite knowing that he struck the DECEDENT and/or CAR, and that the TRACTOR and TRAILER and all telematic systems and data on the TRACTOR and TRAILER were evidence, Defendant HODGE continued to operate both the TRACTOR and TRAILER after the crash.

47. It is believed and therefore averred, that following the crash, Defendant HODGE brought the TRACTOR to the property known as 215 Gilmore Road, New Castle, Pennsylvania

16102, the principal place of business for Defendants AG CENTRAL, HAMCO and BETTER EQUIPMENT.

48. It is believed and therefor averred, that Defendant HODGE stored and/or hid the TRACTOR behind silos in the back of the property between and behind other large vehicles and machines.

49. It is believed and therefore averred, that despite knowing that the TRACTOR and TRAILER were involved in a fatal crash, and knowing that the TRACTOR and TRAILER and all telematic systems and data on the TRACTOR and TRAILER were evidence, that following the crash the KALMBACH TRAILER continued to be operated and was used to make deliveries, with the knowledge and permission of all Defendants, including deliveries in Ohio and Indiana on July 3, 2019.

SURVIVAL ACTION AND WRONGFUL DEATH DAMAGES

50. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

51. As a direct and proximate result of the Defendants' negligent, careless, and reckless conduct, DECEDENT was caused to suffer from:

- a. Open compound fractures of her left lower leg;
- b. Traumatic amputation of toes;
- c. Crushed, degloved, mangled extremities;
- d. Traumatic brain injury;
- e. Open wounds to head, arms, and legs;
- f. Internal organ damage; and
- g. Death.

52. DECEDENT died because of the Defendants' negligent, careless, and reckless conduct.

53. The ten (10) counts of this action are brought to recover damages for and on behalf of APRIL N. JONES, Administratrix of the Estate of ALISSA M. JONES.

54. The right to bring this action is conferred upon Plaintiff APRIL JONES by virtue of the operation of the following laws:

- a. Provisions of the Wrongful Death Act of July 9, 1976 P.L. 586 42 Pa. C.S.A. § 8301 and amendments thereto;
- b. Provisions of the Survival Act of July 9, 1976 P.L. 508 586, 42 Pa. C.S.A. § 8302 and all amendments thereto; and
- c. All other applicable Wrongful Death Acts, Survival Acts, Fiduciary Acts, Statutes, and the Pennsylvania Rules of Civil Procedure.

55. Plaintiff APRIL JONES identifies the following beneficiaries to DECEDENT'S estate, pursuant to Pennsylvania's Intestate Distribution Law, 20 Pa. C.S.A. § 2102, who may be entitled to recover damages as part of the Survival Action brought on behalf of DECEDENT:

- a. Norman Jones, father; and
- b. Phyllis Whitlock Jones, mother.

56. Plaintiff APRIL JONES identifies the following Wrongful Death beneficiaries, who may be entitled to recover damages as a result of the death of DECEDENT:

- a. Norman Jones, father; and
- b. Phyllis Whitlock Jones, mother.

57. As a direct and proximate result of the negligent, careless, and/or reckless acts and omissions of one or more of the Defendants, Plaintiff claims the following on behalf of DECEDENT under the Survival Act:

- a. ALISSA M. JONES's death;

- b. ALISSA M. JONES's pain, suffering, mental anguish, and inconvenience endured from the moment of his injury to the moment of his death;
- c. ALISSA M. JONES's loss of earning power, including retirement benefits and social security income;
- d. Other financial losses suffered as a result of ALISSA M. JONES's death;
- e. Medical expenses of ALISSA M. JONES; and
- f. Such other damages as are permissible in a Survival Action.

58. Additionally, Plaintiff APRIL JONES claims the following, on behalf of the beneficiaries, as Wrongful Death Beneficiaries under the Wrongful Death Act:

- a. Funeral and burial expenses;
- b. Administration expenses;
- c. Loss of financial support;
- d. Loss value of DECEDENT's services, including society and comfort;
- e. Emotional and psychological loss; and
- f. Such other damages as are permissible in a Wrongful Death Action.

59. For the reasons set forth herein, the Defendants in this matter are jointly and severally liable to Plaintiff APRIL N. JONES, Administratrix of the Estate of ALISSA M. JONES. for the injuries and damages set forth herein.

Count I
Negligence – Survival Action
APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. ROBERT L. HODGE

60. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

61. Defendant HODGE breached his duty of care owed to DECEDENT and was negligent, careless, and reckless by one or more of the following acts or omissions:

- a. Operating the TRACTOR and TRAILER at a rate of speed higher than would allow him to bring the TRACTOR and TRAILER to a stop within the assured clear distance ahead, in violation of 75 Pa. C.S.A. § 3361 and the common law;
- b. Operating the TRACTOR and TRAILER in careless disregard for the safety of other persons in violation of 75 Pa. C.S.A. § 3714 and the common law;
- c. Operating the TRACTOR and TRAILER in willful and wanton disregard for the safety of other persons in violation of 75 Pa. C.S.A. § 3736 and the common law;
- d. Failure to ensure that the TRACTOR and TRAILER, including their braking and steering systems, were properly inspected, repaired and maintained;
- e. Failure to observe the presence and proximity of other vehicles in the roadway;
- f. Failure to observe the presence and proximity of pedestrians in the roadway;
- g. Operating a commercial motor vehicle while distracted by electronic devices;
- h. Operating a commercial motor vehicle by distracted by passengers;
- i. Operating a commercial motor vehicle while sleep deprived;
- j. Diverting his attention from the road ahead;
- k. Failing to keep his vehicle under proper and adequate control;
- l. Operating his vehicle in a careless and inattentive manner;
- m. Failing to take adequate and reasonable measures to avoid the collision with the CAR and DECEDENT;
- n. Operating his vehicle in such a manner as to cause it to collide with the CAR and DECEDENT;
- o. Operating a commercial motor vehicle in excess of applicable speed limits;
- p. Operating a commercial motor vehicle in excess of speeds safe for the conditions at the time of the subject accident;
- q. Failing to steer in such a manner to avoid a collision with parked vehicles in the roadway ahead;
- r. Failing to see the DECEDENT and/or CAR in the roadway;

- s. Operating a commercial motor vehicle in excess of daily and/or weekly hours of service limits;
- t. Failing to maintain a record of duty status as required;
- u. Fleeing an accident scene and failing to stop and render aid, in violation of 75 Pa. C.S.A. §3744 and the common law;
- v. Failing to operate the TRACTOR TRAILER in accordance with generally accepted safety principles and practices of the trucking industry;
- w. Violating the FMCSR including, but not limited to 40 C.F.R. §383.111; 40 C.F.R. §383.113; 40 C.F.R. §392.2; 40 C.F.R. §392.3; C.F.R. §392.14; 40 C.F.R. §392.60; 40 C.F.R. §392.80; 40 C.F.R. §392.82; failing to operate the TRACTOR and TRAILER in a safe and reasonable manner; and other FMCSR violations, each of which constitutes negligence *per se*;
- x. Operating a commercial motor vehicle in excess of daily and/or weekly hours of service limits;
- y. Failing to maintain a proper and adequate record of duty status as required under the FMCSR;
- z. Operating a commercial vehicle while fatigued and/or impaired;
- aa. Failing to properly inspect the TRACTOR and TRAILER; and
- bb. Failing to make sure the TRACTOR and TRAILER were in proper working order.

62. At all times relevant hereto Defendant HODGE knew or had reason to know that operating his vehicle as described above was dangerous and hazardous to himself, as well as to other drivers and passengers on the road.

63. Defendant HODGE knew or had reason to know that operating his vehicle as described above was likely to create a high risk of danger or harm to himself as well as to other drivers and passengers on the road.

64. Despite his knowledge that driving as described above was likely to create a high risk of danger or harm to himself, and other drivers and passengers on the road, Defendant HODGE proceeded to operate his vehicle in conscious disregard of, or indifference to, those risks.

65. The actions of Defendant HODGE in operating his vehicle as described above was done maliciously, wantonly, willfully, and/or in reckless indifference to the interests of others, including Plaintiff's Decedent.

66. As a direct and proximate result of this Defendant's negligence and carelessness, Plaintiff claims the damages articulated in paragraphs 50 through 59.

67. Further, as a result of the reckless conduct of this Defendant, as outlined above, Plaintiff is seeking punitive damages against this Defendant.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendant ROBERT L. HODGE in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count II
Negligence – Wrongful Death
APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. ROBERT L. HODGE

68. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

69. As a direct and proximate result of this Defendant's negligent, careless, and reckless acts and omissions, outlined specifically in the count above, DECEDENT left surviving the individuals outlined in paragraphs 50 through 59 that are entitled to recover for her death.

70. As a direct and proximate result of this Defendant's negligent, careless, and reckless acts and omissions, outlined specifically in the count above, APRIL N. JONES, as

Administratrix of the Estate of ALISSA M. JONES claims damages for and on behalf of DECEDENT's aforementioned next of kin under the Wrongful Death Act of the Commonwealth of Pennsylvania, outlined in paragraphs 50 through 59.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendant ROBERT L. HODGE in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count III

Vicarious Liability – Survival Action

APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC.

71. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

72. At all times relevant hereto, Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH were acting by and through Defendant HODGE.

73. At all times relevant hereto, Defendant HODGE was the duly authorized actual and/or apparent joint venture, agent, employee, workman, and/or servant of Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH.

74. At all times relevant hereto, Defendant HODGE was acting within the course and scope of his actual and/or apparent employment, agency, and or joint venture and in furtherance of the business interests of Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH and for a common economic/financial purpose.

75. Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH are jointly and severally and/or vicariously liable for the negligence and carelessness of Defendant HODGE, as set forth in Count I above and incorporated herein.

76. As a direct and proximate result of these Defendants' negligence and carelessness, Plaintiff claims the damages articulated in paragraphs 50 through 59.

77. Further, as a result of the reckless conduct of Defendant HODGE, as outlined in Count I and incorporated herein, Plaintiff is seeking punitive damages against these Defendants.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendants AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count IV

Vicarious Liability – Wrongful Death

APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC.

78. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

79. As a direct and proximate result of these Defendants' negligent, careless, and reckless acts and omissions, outlined specifically in the count above, DECEDENT left surviving the individuals outlined in paragraphs 50 through 59 that are entitled to recover for her death.

80. As a direct and proximate result of these Defendants' negligent, careless, and reckless acts and omissions, outlined specifically in the count above, APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES claims damages for and on behalf of DECEDENT's aforementioned next of kin under the Wrongful Death Act of the Commonwealth of Pennsylvania, outlined in paragraphs 50 through 59.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendants AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count V

Negligent Hiring, Retention, Training, and Supervision – Survival Action
APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. AG
CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a
HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.;
KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a
KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH
TRUCKING, INC.

81. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

82. Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH breached their duty of care owed to DECEDENT and were negligent and careless in hiring, retaining, training, and/or supervising Defendant HODGE and/or AG CENTRAL, their joint venturer, agent, employee, servant, and/or workman, in the following particulars:

- a. Failing to exercise reasonable care in selecting HODGE and/or AG CENTRAL to operate a commercial motor vehicle;
- b. Failing to exercise reasonable care in selecting HODGE and/or AG CENTRAL to transport their goods in interstate commerce;
- c. Failing to implement an adequate program or policy to conduct background checks and failure to perform background checks before engaging drivers and/or motor carriers such as HODGE and/or AG CENTRAL and periodic background checks thereafter to ensure drivers have and maintain a safe driving record;
- d. Failing to properly investigate, research, and utilize the driving history, publicly available data, and company information to ensure drivers and/or motor carriers, such as HODGE and AG CENTRAL, are safe and competent to transport goods in interstate commerce;
- e. Failing to implement an adequate program or policy to conduct physical and mental examinations of drivers such as HODGE to ensure drivers can operate commercial vehicles safely and properly and failure to perform adequate physical and mental examinations of HODGE to ensure he could operate a commercial vehicle safely and properly;
- f. Failing to implement an adequate program or policy to properly instruct and train and failure to properly instruct and train drivers such as HODGE in the proper operation of commercial vehicles to ensure drivers can operate commercial vehicles safely and properly;
- g. Failing to implement an adequate program or policy to conduct written examinations and driving examinations and failure to perform adequate written examinations and driving examinations of drivers such as HODGE so drivers can operate the commercial vehicle safely and properly;
- h. Failing to implement an adequate program or policy to properly instruct and train and failure to properly instruct and train drivers such as HODGE on all applicable Federal, State, and Local rules, codes, regulations, and laws governing the operation of commercial motor vehicles to ensure he could operate the commercial motor vehicle safely and properly;

- i. Failing to implement an adequate program or policy to conduct written and verbal examinations and failure to perform adequate written and verbal examinations of drivers such as HODGE to ensure drivers are fully informed and have adequate comprehension of all applicable Federal, State, and Local rules, codes, regulations, and laws governing the operation of commercial vehicles;
- j. Failing to implement an adequate program or policy to properly instruct and train and failure to properly and adequately instruct and train drivers such as HODGE on safe driving techniques and practices before and during employment to ensure drivers can operate commercial vehicles safely and properly;
- k. Failing to implement an adequate program or policy to properly instruct and train and failure to properly instruct and train drivers such as HODGE of the dangers of distracted driving to ensure drivers can operate commercial vehicles safely and properly;
- l. Failing to implement an adequate program or policy to enforce and reinforce existing programs and/or policies and failure to properly enforce existing programs and/or policies designed or intended to ensure drivers such as HODGE would operate commercial vehicles in a safe and proper manner;
- m. Failing to exercise reasonable care over the manner in which HODGE operated the commercial vehicle on June 30, 2019;
- n. Failing to implement and/or maintain an adequate program or policy to perform ongoing training and instruction of drivers such as HODGE;
- o. Failing to properly enforce driver compliance with existing policies and procedures to ensure safety while operating commercial vehicles;
- p. Providing drivers with improper or ambiguous policies, procedures, and regulations regarding the operation of commercial motor vehicles;
- q. Failing to perform follow up to determine whether the policies, procedures, and regulations provided to operators were effective;
- r. Failing to enforce driver compliance with the existing policies, procedures, and regulations regarding the operation of commercial motor vehicles;
- s. Failing to retain and maintain information and records related to Defendant HODGE and/or AG CENTRAL and the TRACTOR at the time of the accident described herein;

- t. Allowing their drivers and motor carriers including, but not limited to, HODGE and/or AG CENTRAL, to operate their tractors and/or trailers in a fatigued state;
- u. Allowing their drivers and motor carriers including, but not limited to, HODGE and/or AG CENTRAL to operate their tractors and/or trailers in an unsafe manner without reprimand or further training; and
- v. Providing and/or allowing their drivers and motor carriers including, but not limited to, HODGE and/or AG CENTRAL to operate their tractors and/or trailers without ensuring proper maintenance and/or repair the of their tractors and/or trailers.

83. At all times relevant hereto Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH knew or had reason to know that hiring, retaining, failing to train, and/or supervise Defendant HODGE and/or AG CENTRAL, as described above, was dangerous and hazardous to other drivers, pedestrians, and users of the public roadways.

84. Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH knew or had reason to know that hiring, retaining, failing to train, and/or supervise Defendant HODGE and/or AG CENTRAL, as described above, was likely to create a high risk of danger or harm to other drivers, pedestrians, and users of the public roadways.

85. Despite their knowledge that hiring, retaining, failing to train, and/or supervise Defendant HODGE and/or AG CENTRAL as described above, was likely to create a high risk of danger or harm to other drivers, pedestrians, and users of the public roadways, Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH proceeded to allow HODGE to operate their TRACTOR and TRAILER in conscious disregard of, or indifference to, those risks.

86. The actions of Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH in hiring, retaining, failing to train and/or supervise Defendant HODGE and/or AG CENTRAL and allowing HODGE to operate their TRACTOR AND TRAILER as

described above was done maliciously, wantonly, willfully, and/or in reckless indifference to the interests of others, including DECEDENT.

87. As a direct and proximate result of these Defendants' negligence and carelessness, Plaintiff claims the damages articulated in paragraphs 50 through 59.

88. Further, as a result of the reckless conduct of these Defendants, Plaintiff is seeking punitive damages against these Defendants.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendants AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count VI

Negligent Hiring, Retention, Training, and Supervision – Wrongful Death
APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. AG
CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a
HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.;
KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a
KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH
TRUCKING, INC.

89. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

90. As a direct and proximate result of these Defendants' negligent, careless, and reckless acts and omissions, outlined specifically in the count above, DECEDENT left surviving the individuals outlined in paragraphs 50 through 59 that are entitled to recover for her death.

91. As a direct and proximate result of these Defendants' negligent, careless, and reckless acts and omissions, outlined specifically in the count above, APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES claims damages for and on behalf of DECEDENT's aforementioned next of kin under the Wrongful Death Act of the Commonwealth of Pennsylvania, outlined in paragraphs 50 through 59.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendants AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count VII

Negligent Entrustment – Survival Action

APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC.

92. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

93. Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH acting for their mutual financial gain, negligently entrusted Defendant HODGE and/or AG CENTRAL with a commercial motor vehicle when they knew or should have known, in the exercise of ordinary care, that HODGE and/or AG CENTRAL were an unsafe driver and/or

motor carrier, and they failed to inquire as to HODGE's driving and employment history and/or AG CENTRAL's motor carrier history prior to entrusting them with a commercial motor vehicle and/or contracting with them to transport cargo.

94. Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH acting for their mutual financial gain breached the duty of care owed to drivers, pedestrians, and users of public roadways by:

- a. Negligently entrusting the aforementioned commercial vehicle to Defendants HODGE and/or AG CENTRAL when Defendants knew, or in the exercise of ordinary care should have known, that said individual and/or entity was not a safe operator of motor vehicles;
- b. Negligently entrusting the aforementioned commercial vehicle to Defendants HODGE and/or AG CENTRAL when Defendants knew, or in the exercise of ordinary care, should have known that said individual and/or entity would operate the vehicle in a negligent and careless manner;
- c. Negligently entrusting the aforementioned commercial vehicle to Defendants HODGE and/or AG CENTRAL when Defendants knew, or in the exercise of ordinary care should have known, that said individual and/or entity were not properly trained and/or instructed in the safe operation of the commercial vehicle; and
- d. Negligently entrusting the aforementioned commercial vehicle to Defendants HODGE and/or AG CENTRAL when Defendants knew, or in the exercise of ordinary care should have known, that said individual and/or entity would operate the motor vehicle in a manner that created an unreasonable risk of harm to others.

95. At all times relevant hereto Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH knew or had reason to know that entrusting their TRACTOR and/or TRAILER to Defendant HODGE and/or AG CENTRAL, as described above, were dangerous and hazardous to other drivers, pedestrians, and users of the public roadways.

96. Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH knew or had reason to know that entrusting their TRACTOR and/or TRAILER to

Defendant HODGE and/or AG CENTRAL, as described above, was likely to create a high risk of danger or harm to other drivers, pedestrians and users of the public roadways.

97. Despite their knowledge that entrusting their TRACTOR and/or TRAILER to Defendant HODGE and/or AG CENTRAL as described above, was likely to create a high risk of danger or harm to other drivers and users of the public roadways, Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH proceeded to allow HODGE and/or AG CENTRAL to operate their TRACTOR and/or TRAILER in conscious disregard of, or indifference to, those risks.

98. The actions of Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH in entrusting their TRACTOR and/or TRAILER to Defendant HODGE and/or AG CENTRAL and allowing them to operate their TRACTOR and/or TRAILER as described above was done maliciously, wantonly, willfully, and/or in reckless indifference to the interests of others, including DECEDENT.

99. As a direct and proximate result of these Defendants' negligence and carelessness, Plaintiff claims the damages articulated in paragraphs 50 through 59.

100. Further, as a result of the reckless conduct of these Defendants, Plaintiff is seeking punitive damages against these Defendants.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendants AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH

TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count VIII

Negligent Entrustment – Wrongful Death

APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC.

101. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

102. As a direct and proximate result of these Defendants' negligent, careless, and reckless acts and omissions, outlined specifically in the count above, DECEDENT left surviving the individuals outlined in paragraphs 50 through 59 that are entitled to recover for her death.

103. As a direct and proximate result of these Defendants' negligent, careless, and reckless acts and omissions, outlined specifically in the count above, APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES claims damages for and on behalf of DECEDENT's aforementioned next of kin under the Wrongful Death Act of the Commonwealth of Pennsylvania, outlined in paragraphs 50 through 59.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendants AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH

TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count IX

Negligent Maintenance – Survival Action

APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC.

104. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

105. Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH owed a duty to maintain their TRACTOR and/or TRAILER in a safe condition and properly equipped and maintained for use upon the public roadways. This duty includes the obligation of exercising reasonable care in the inspection, maintenance, and repair of their TRACTOR and/or TRAILER for defects or other conditions which would render it unsafe.

106. Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH breached their duty to properly inspect, maintain, and/or repair their TRACTOR and/or TRAILER by, including, but not limited to: having brakes out of adjustment and/or out of service, having bald tires which would place the commercial motor vehicle out of service, and multiple non-serviceable airlines.

107. At all times relevant hereto Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH knew or had reason to know that failing to properly inspect, maintain, and/or repair their TRACTOR and/or TRAILER, as outlined above, was likely to create a high risk of danger or harm to other drivers and users of the public roadways.

108. Despite their knowledge failing to properly inspect, maintain, and/or repair their TRACTOR and/or TRAILER, as outlined above, was likely to create a high risk of danger or harm to other drivers and users of the public roadways, as described above, was likely to create a high risk of danger or harm to other drivers, pedestrians, and users of the public roadways, Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH proceeded to negligently failing to properly inspect, maintain, and/or repair their TRACTOR and/or TRAILER, as outlined above.

109. The actions of Defendants AG CENTRAL, HAMCO, BETTER EQUIPMENT, and/or KALMBACH in failing to properly inspect, maintain, and/or repair their TRACTOR and/or TRAILER, as outlined above, was done maliciously, wantonly, willfully, and/or in reckless indifference to the interests of others, including DECEDENT.

110. As a direct and proximate result of these Defendants' negligence and carelessness, Plaintiff claims the damages articulated in paragraphs 50 through 59.

111. Further, as a result of the reckless conduct of these Defendants, Plaintiff is seeking punitive damages against these Defendants.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendants AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count X

Negligent Maintenance – Wrongful Death

APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES v. AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC.

112. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

113. As a direct and proximate result of these Defendants' negligent, careless, and reckless acts and omissions, outlined specifically in the count above, DECEDENT left surviving the individuals outlined in paragraphs 50 through 59 that are entitled to recover for her death.

114. As a direct and proximate result of these Defendants' negligent, careless, and reckless acts and omissions, outlined specifically in the count above, APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES claims damages for and on behalf of DECEDENT's aforementioned next of kin under the Wrongful Death Act of the Commonwealth of Pennsylvania, outlined in paragraphs 50 through 59.

WHEREFORE, in consideration of the foregoing, Plaintiff APRIL N. JONES, as Administratrix of the Estate of ALISSA M. JONES, requests judgment for both compensatory and punitive damages against Defendants AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count XI

Negligent Infliction of Emotional Distress

APRIL N. JONES v. ROBERT L. HODGE; AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC.

115. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

116. Plaintiff APRIL JONES was present, perceived, and heard the collision on or about June 30, 2019.

117. Plaintiff APRIL JONES witnessed her sister ALISSA M. JONES suffer and the deterioration in her medical condition leading up to, and including, her death on July 2, 2019.

118. As a result of the Defendants' negligent conduct, as set forth above in detail and incorporated herein, Plaintiff APRIL JONES suffered extreme emotional distress, resulting in severe depression, stress, anxiety, insomnia, stomach distress, tremors, and emotional shock, which are causing ongoing physical, mental, and emotional harm and may be permanent.

WHEREFORE, in consideration of the foregoing, Plaintiff requests judgment for both compensatory and punitive damages against Defendants ROBERT L. HODGE; AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Count XII
Negligent Infliction of Emotional Distress
NORMAN JONES v. ROBERT L. HODGE; AG CENTRAL, INC. a/k/a AG
CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW
WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC.
a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH
FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC.

119. The preceding paragraphs of Plaintiffs' Complaint are incorporated herein by reference as though set forth in their entirety.

120. Plaintiff NORMAN JONES was present, perceived, and heard the collision on or about June 30, 2019.

121. Plaintiff NORMAN JONES witnessed his daughter ALISSA M. JONES suffer and the deterioration in her medical condition leading up to, and including, her death on July 2, 2019.

122. As a result of the Defendants' negligent conduct, as set forth above in detail and incorporated herein, Plaintiff NORMAN JONES suffered extreme emotional distress, resulting in severe depression, stress, anxiety, insomnia, stomach distress, tremors, and emotional shock, which are causing ongoing physical, mental, and emotional harm and may be permanent.

WHEREFORE, in consideration of the foregoing, Plaintiff NORMAN JONES requests judgment for both compensatory and punitive damages against Defendants ROBERT L. HODGE; AG CENTRAL, INC. a/k/a AG CENTRAL a/k/a HODGE FARMS; HAMCO INC. a/k/a HAMCO; HAMCO NEW WILMINGTON, INC.; BETTER EQUIPMENT, INC.; KALMBACH FEEDS, INC. a/k/a KALMBACH FEEDS ASSOCIATES, INC. a/k/a KALMBACH; KALMBACH FEEDS OF PENNSYLVANIA, LLC; and KALMBACH TRUCKING, INC. in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

JURY DEMAND

Trial by a jury of twelve is hereby demanded.

DATE: 8/23/19

BY: 

DALLAS W. HARTMAN, P.C.

Attorneys for Plaintiffs

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201 Green Ridge Drive

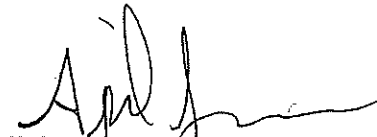
New Castle, PA 16105

(724) 652-4081

VERIFICATION

I, APRIL N. JONES, Individually and as Administratrix of the Estate of ALISSA M. JONES, verify that I am the Plaintiff in the foregoing action and hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities for any false statements that we have made in the foregoing Complaint.

Date: 8-23-19



APRIL N. JONES, Individually and as
Administratrix of the Estate of ALISSA
M. JONES

VERIFICATION

I, NORMAN JONES, verify that I am the Plaintiff in the foregoing action and hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities for any false statements that we have made in the foregoing Complaint.

Date: 8-23-19

Norman M Jones
NORMAN JONES

EXHIBIT "A"



Janet L. Kalajainen
REGISTER OF WILLS
Lawrence County, Pennsylvania

STATE OF PENNSYLVANIA
COUNTY OF LAWRENCE

Short Certificate

I, *Janet L. Kalajainen*, Register of Wills in and for said County of Lawrence in the State of Pennsylvania, DO HEREBY CERTIFY that on August 19, 2019, LETTERS OF ADMINISTRATION on the Estate of

ALISSA M. JONES,

deceased, July 02, 2019;

were granted to
APRIL N. JONES

having first been qualified well and truly to administer the same. And I further certify that no revocation of said Letters appears of record in my office.

IN TESTIMONY WHEREOF, I have unto set my hand and affixed the seal of said office at NEW CASTLE, PENNSYLVANIA, on August 19, 2019.

File No: 37-19-0392
Date of Death: July 02, 2019
S.S.N.#: 209-78-1829


Register of Wills, Lawrence County

NOT VALID WITHOUT OFFICIAL SIGNATURE AND GOLD SEAL OF OFFICE

CERTIFICATE OF COMPLIANCE

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

Submitted by: PLAINTIFFS

Signature: _____



Printed Name: DALLAS M. HARTMAN

Attorney ID: 326257

Phone No.: 724-652-4081