

OSTROFF | GODSHALL - Injury and Accident Lawyers

By: Richard A. Godshall, Esq.

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Attorney for Plaintiff

SHANE RICHARD, individually and as
parent and natural guardian of C.R., a minor
210 Shirley Drive
Winfield, PA 17889

Plaintiffs

vs.

THE PENNSYLVANIA STATE
UNIVERSITY
208 Old Main
University Park, PA 16802

and

DE'ANDRE COOK
Lasch Football Building
201 Hastings Road
State College, PA 16801

Defendants

COURT OF COMMON PLEAS
CENTRE COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

No. 2024-CV-3010-CI

JURY TRIAL DEMANDED

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by an 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 for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Courthouse
Bellefonte 16823
(814) 355-6794

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SHANE RICHARD, individually and as	:	COURT OF COMMON PLEAS
parent and natural guardian of C.R., a minor	:	CENTRE COUNTY,
210 Shirley Drive	:	PENNSYLVANIA
Winfield, PA 17889	:	
	:	CIVIL ACTION - LAW
	:	No. <u>2024-CV-3010-CI</u>
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THE PENNSYLVANIA STATE	:	
UNIVERSITY	:	
208 Old Main	:	
University Park, PA 16802	:	
	:	
and	:	
DE'ANDRE COOK	:	
Lasch Football Building	:	JURY TRIAL DEMANDED
201 Hastings Road	:	
State College, PA 16801	:	
	:	
Defendants	:	

Civil Action Complaint

1. Plaintiff, Shane Richard (hereinafter, "Plaintiff Parent"), is an adult individual who resides at the above referenced address.
2. Plaintiff C.R., a minor (hereinafter referred to as "Plaintiff Minor"), is a seven-year-old minor male individual who resides at the above referenced address with Plaintiff Parent. At all times relevant hereto, Plaintiff Minor was six years old.
3. Defendant, The Pennsylvania State University (hereinafter "Defendant Penn State"), is a Pennsylvania nonprofit corporation and research university operating throughout the

Commonwealth of Pennsylvania and having its principal place of business at the above-referenced address in Centre County, Pennsylvania.

4. Defendant Penn State oversees all Penn State University Main Campus roadways and is responsible for providing a safe passageway to all lawfully present individuals.

5. Defendant Penn State administers an Athletic Department, which generates over \$200 million in revenue per year and oversees the University's Nittany Lions and Lady Lions intercollegiate athletics programs, including the NCAA Division I nationally-ranked Penn State Nittany Lions football program.

6. Defendant, De'Andre Cook (hereinafter, "Defendant Cook"), is an adult individual who has a usual place of business at the Lasch Football Building at the above-referenced address in Centre County, Pennsylvania.

7. Defendant Cook is a student-athlete for Defendant Penn State as a freshman member of the Penn State Nittany Lions football program. He is rostered as a defensive tackle with a listed size of 6 feet, 4 inches and 282 pounds.

8. On or about February 18, 2024, at approximately 6:10 p.m., Plaintiff Minor was a pedestrian lawfully walking in a clearly-marked pedestrian crosswalk near 223 North Burrowes Road, State College Borough, Centre County, Pennsylvania.

9. As Plaintiff Minor proceeded, with all due care and caution, across North Burrowes Road within the marked crosswalk, unbeknownst to Plaintiff Minor and Plaintiff Parent, Defendant Cook was traveling southbound on North Burrowes Road and was approaching at a high rate of speed on a GoTrax GX1 electric scooter (hereinafter, "Defendants' Scooter").

10. At the aforesaid time and location, Defendant Cook failed to slow or stop for the pedestrian crosswalk and failed to yield the right-of-way to six-year-old Plaintiff Minor, violently

crashing Defendants' Scooter into Plaintiff Minor (hereinafter, the "Crash").

11. As a direct and proximate result of the Crash, Plaintiff Minor, who weighed 55 pounds, suffered and may in the future continue to suffer severe, permanent, and debilitating personal injuries: C.R. sustained two pelvic fractures, a broken right foot (first metatarsal), closed head injury, forehead contusion, and scalp laceration, receiving four staples in his head as a direct result of the Crash.

12. The Gotrax GX1 electric scooter is a dual motor scooter with a top speed of 30 miles per hour.

13. The Gotrax GX1 electric scooter is not authorized for use on public roadways in Pennsylvania.

14. The Goxtrax GX1 is advertised on Gotrax's website: "For off-road adventurers and riders looking for a boost in speed, this is the e-scooter for you."

15. E-scooters such as Defendants' Scooter are forbidden from Defendant Penn State's campus by policy (SY16 – Regulations for Bicycles and Personal Mobility Devices): "*Motor driven devices (e-scooters, e-boards, etc) that do not meet the PA Vehicle Code requirements for operation on a public highway are prohibited from use on University property; to include buildings, roadways, sidewalks, bike paths and shared pathways.*" (<https://policy.psu.edu/policies/sy16#M>)

16. Defendant Penn State's policy further reads: "*Persons may coast or ride upon human powered roller skates, in-line skates, and scooters on sidewalks provided they yield the right-of-way to pedestrians on foot and follow traffic rules at intersections.*"

17. By permitting only human powered scooters and forbidding e-scooters from campus, Defendant Penn State recognizes the hazards that high-speed e-scooters pose to lawful

pedestrians on crowded campus roadways and walkways.

18. Despite recognizing the hazards posed by e-scooters on campus, and despite acknowledging that they do not meet the PA Vehicle Code requirements for operation on public highways, Defendant Penn State nevertheless provides student-athletes, and only student-athletes, the option to utilize this high-speed transport option.

19. The special favoritism provided by Defendant Penn State to student-athletes such as Defendant Cook foreseeably and directly resulted in the serious injuries to C.R.

20. Defendants' Scooter was provided to Defendant Cook by Defendant Penn State.

21. At all times relevant hereto, Plaintiff Minor was a business invitee of Defendant Penn State and was owed the highest duty of care by Defendant Penn State.

22. The Crash was caused solely as a result of the individual, joint, and/or several negligence and carelessness of Defendants.

23. As a direct and proximate result of the Crash, and Defendants' individual, joint, and/or several negligence and carelessness, Plaintiff Minor has suffered and may in the future continue to suffer bodily injuries, severe pain, anxiety, depression, emotional distress, humiliation, loss of pleasures and enjoyment of life and/or a serious impairment of one or more bodily functions.

24. As a direct and proximate result of the Crash, Defendants' individual, joint, and/or several negligence and carelessness, and Plaintiff Minor's resulting injuries, Plaintiff Minor has undergone and may in the future undergo various reasonable and necessary medical treatments.

25. As a direct and proximate result of the Crash, Defendants' individual, joint, and/or several negligence and carelessness, and Plaintiff Minor's resulting injuries, Plaintiff Minor has been and/or may in the future be required to spend money for medical treatment in an effort to treat and cure himself of the injuries he sustained, to his ongoing detriment and financial loss.

26. As a direct and proximate result of the Crash, Defendants' individual, joint, and/or several negligence and carelessness, and Plaintiff Minor's resulting injuries, Plaintiff Minor has been and may in the future be hindered and/or prevented from attending to and/or fully performing his usual and customary duties, hobbies and/or avocations, to his ongoing detriment and loss.

27. As a direct and proximate result of the Crash, Defendants' individual, joint, and/or several negligence and carelessness, and Plaintiff Minor's resulting injuries, Plaintiff Parent has been and may in the future be hindered and/or prevented from attending to and/or fully performing his usual and customary duties, hobbies and/or avocations, to his ongoing detriment and loss, including specific wage loss, in order to care for Plaintiff Minor.

28. Plaintiff Minor in no manner contributed to the Crash or his injuries, which directly and proximately resulted from the individual, joint, and/or several negligence and carelessness of the Defendants.

COUNT I – NEGLIGENCE

Shane Richard, individually and as parent and natural guardian of C.R., a minor

vs.

The Pennsylvania State University

29. Plaintiffs incorporates herein by reference the averments contained in the preceding paragraphs, as well as all subsequent paragraphs, as though the same were fully set forth herein.

30. The negligence and carelessness of Defendant Penn State included:

- a. Failing to enforce a campus-wide e-scooter ban;
- b. Failing to provide safe passageway to business invitees;
- c. Actively coordinating with student-athletes to violate its own policies in order to promote favoritism;
- d. Failing to instruct student-athletes on the dangers of e-scooters to pedestrians;
- e. Failing to train student-athletes in the safe operation of e-scooters;

- f. Failing to properly maintain e-scooters provided to student-athletes in a manner to permit safe operation, turning and stopping when steering and/or applying the brakes; and,
- g. Recklessly promoting the violation of law by student-athletes by providing e-scooters which Defendant Penn State knows are not lawful to operate on Pennsylvania's public roadways.

WHEREFORE, Plaintiffs demands judgment in their favor and against Defendants individually, jointly, and/or severally, and specifically against Defendant The Pennsylvania State University in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with such further relief as this Honorable Court may deem appropriate.

COUNT II – NEGLIGENCE

**Shane Richard, individually and as parent and natural guardian of C.R., a minor
vs.
De'Andre Cook**

31. Plaintiffs incorporates herein by reference the averments contained in the preceding paragraphs, as well as all subsequent paragraphs, as though the same were fully set forth herein.

32. The negligence and carelessness of Defendant Cook included:

- a. Operating Defendants' Scooter in such a manner as to cause the Crash, specifically by failing to yield to pedestrians, such as Plaintiff Minor, properly within a marked crosswalk;
- b. Operating Defendants' Scooter in such a manner as to cause the Crash, specifically by failing to slow or stop for a stop sign in his travel lane;
- c. Operating Defendants' Scooter without due regard for the rights, safety, wellbeing and position of Plaintiff Minor under the aforesaid circumstances;
- d. Failing to keep a proper lookout for pedestrians lawfully upon the road;
- e. Failing to take evasive action in order to avoid a Crash;
- f. Failing to properly maintain Defendants' Scooter in a manner to permit safe operation when steering and/or applying the brakes;
- g. Failing to maintain proper speed prior to the Crash;

- h. Operating Defendants' Scooter while distracted and/or otherwise unable to see clearly or to judge distances in a reasonable and ordinary fashion;
- i. Operating Defendants' Scooter in violation of 75 Pa. C.S. § 3323(b), duties at stop sign; and,
- j. Operating Defendants' Scooter in violation of 75 Pa. C.S. § 3542(a), right-of-way of pedestrians in crosswalk;

WHEREFORE, Plaintiffs demands judgment in their favor and against Defendants individually, jointly, and/or severally, and specifically against Defendant DeAndre Cook in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with such further relief as this Honorable Court may deem appropriate.

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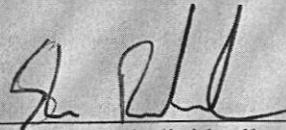
Date: 11/6/24

By: Richard Godshall
Richard Godshall, Esq.
Attorney for Plaintiffs

Verification

The undersigned, Plaintiff in this action, verifies that the within pleading is based upon information furnished to counsel, which has been gathered by counsel in the preparation of this lawsuit. The language of the attached pleading is that of counsel and not of signer. Signer verifies that the within pleading, as prepared by counsel, is true and correct to the best of signer's knowledge, information and belief. To the extent that the contents of the within pleading are that of counsel, signer has relied upon counsel in taking this verification.

This verification is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.



Shane Richard, individually and as Parent and
Natural Guardian of C.R., a minor
Plaintiffs

CERTIFICATE OF COMPLIANCE

I, Richard A. Godshall, Esquire, 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.

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Richard A. Godshall, Esquire
Attorney for Plaintiff