

Court of Common Pleas of Philadelphia County  
Trial Division

**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**APRIL 2022**

**000997**

E-Filing Number: 2204024402

PLAINTIFF'S NAME JAMES M. MCCROSSIN H/W		DEFENDANT'S NAME COMCAST HOLDINGS CORPORATION	
PLAINTIFF'S ADDRESS 338 87TH STREET STONE HARBOR NJ 08247		DEFENDANT'S ADDRESS 1701 JOHN F. KENNEDY BLVD. PHILADELPHIA PA 19103	
PLAINTIFF'S NAME ROBYN K.. MCCROSSIN H/W		DEFENDANT'S NAME COMCAST SPECTACOR HOLDING COMPANY, LLC	
PLAINTIFF'S ADDRESS 338 87TH STREET STONE HARBOR NJ 08247		DEFENDANT'S ADDRESS 1701 JOHN F. KENNEDY BLVD. KLINE & SPECTER, P.C. PHILADELPHIA PA 19103	
PLAINTIFF'S NAME SALVATORE P.. RAFFA H/W		DEFENDANT'S NAME COMCAST SPECTACOR, LLC	
PLAINTIFF'S ADDRESS 2310 BIRCH COURT WARRINGTON PA 18976		DEFENDANT'S ADDRESS 1500 MARKET STREET PHILADELPHIA PA 19102	
TOTAL NUMBER OF PLAINTIFFS 4	TOTAL NUMBER OF DEFENDANTS 11	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		<div style="text-align: center;"> <b>FILED</b>  <b>PRO PROTHY</b>  <b>APR 12 2022</b>  <b>S. RICE</b> </div>	
		IS CASE SUBJECT TO COORDINATION ORDER? YES      NO	
<b>TO THE PROTHONOTARY:</b> Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>JAMES M MCCROSSIN H/W, ROBYN K. MCCROSSIN H/W, SALVATORE P. RAFFA H</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY THOMAS R. KLINE		ADDRESS KLINE & SPECTER 1525 LOCUST ST., 19TH FL. PHILADELPHIA PA 19102	
PHONE NUMBER (215) 772-1000	FAX NUMBER (215) 772-1359		
SUPREME COURT IDENTIFICATION NO. 28895		E-MAIL ADDRESS tom.kline@klinespecter.com	
SIGNATURE OF FILING ATTORNEY OR PARTY THOMAS KLINE		DATE SUBMITTED Tuesday, April 12, 2022, 04:52 pm	

**COMPLETE LIST OF PLAINTIFFS:**

1. JAMES M. MCCROSSIN H/W  
338 87TH STREET  
STONE HARBOR NJ 08247
2. ROBYN K.. MCCROSSIN H/W  
338 87TH STREET  
STONE HARBOR NJ 08247
3. SALVATORE P.. RAFFA H/W  
2310 BIRCH COURT  
WARRINGTON PA 18976
4. HOLLY E.. RAFFA H/W  
2310 BIRCH COURT  
WARRINGTON PA 18976

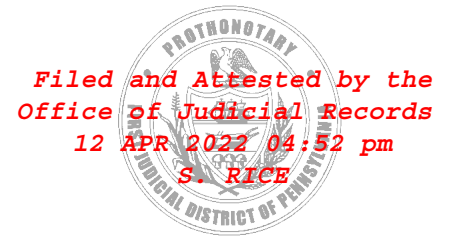
**COMPLETE LIST OF DEFENDANTS:**

1. COMCAST HOLDINGS CORPORATION  
1701 JOHN F. KENNEDY BLVD.  
PHILADELPHIA PA 19103
2. COMCAST SPECTACOR HOLDING COMPANY, LLC  
1701 JOHN F. KENNEDY BLVD. KLINE & SPECTER, P.C.  
PHILADELPHIA PA 19103
3. COMCAST SPECTACOR, LLC  
1500 MARKET STREET  
PHILADELPHIA PA 19102
4. COMCAST SPECTACOR VENTURES, LLC  
1500 MARKET STREET  
PHILADELPHIA PA 19102
5. FLYERS SKATE ZONE, LP  
3601 S. BROAD STREET  
PHILADELPHIA PA 19148
6. FPS, LLC  
3601 S. BROAD STREET  
PHILADELPHIA PA 19148
7. FPS, LP  
3601 S. BROAD STREET  
PHILADELPHIA PA 19148
8. FPS RINK, LLC  
3601 S. BROAD STREET  
PHILADELPHIA PA 19148
9. FPS RINK, LP  
3601 S. BROAD STREET  
PHILADELPHIA PA 19148
10. FPS URBAN RENEWAL, INC.  
820 BEAR TAVERN ROAD  
WEST TRENTON NJ 08628
11. ABC COMPANIES  
TBD IF APPLICABLE  
TBD PA TBD

**KLINE & SPECTER, P.C.**

By: THOMAS R. KLINE, ESQUIRE  
JAMES J. WALDENBERGER, ESQUIRE  
ELIA A. ROBERTSON, ESQUIRE

Attorney I.D. Nos. 28895/83837/321277  
1525 Locust Street  
Philadelphia, PA 19102  
(215) 772-1000



*Attorneys for Plaintiffs*

**JAMES M. McCROSSIN and ROBYN K.**

**McCROSSIN, h/w**  
338 87<sup>th</sup> Street  
Stone Harbor, NJ 08247

And

**SALVATORE P. RAFFA and HOLLY E.**

**RAFFA, h/w**  
2310 Birch Court  
Warrington, PA 18976

**PLAINTIFFS,**

v.

**COMCAST HOLDINGS CORPORATION**

1701 John F. Kennedy Blvd.  
Philadelphia, PA 19103

And

**COMCAST SPECTACOR HOLDING  
COMPANY, LLC**

1701 John F. Kennedy Blvd.  
Philadelphia, PA 19103

And

**COMCAST SPECTACOR, LLC**

1500 Market Street  
Philadelphia, PA 19102

And

**COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY,  
PENNSYLVANIA**

**APRIL TERM, 2022**

**NO.**

**JURY TRIAL DEMANDED**

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**COMCAST SPECTACOR VENTURES, LLC**

1500 Market Street  
Philadelphia, PA 19102

And

**FLYERS SKATE ZONE, LP**

3601 S. Broad Street  
Philadelphia, PA 19148

And

**FPS, LLC**

3601 S. Broad Street  
Philadelphia, PA 19148

And

**FPS, LP**

3601 S. Broad Street  
Philadelphia, PA 19148

And

**FPS RINK, LLC**

3601 S. Broad Street  
Philadelphia, PA 19148

And

**FPS RINK, LP**

3601 S. Broad Street  
Philadelphia, PA 19148

And

**FPS URBAN RENEWAL, INC.**

820 Bear Tavern Road  
West Trenton, NJ 08628

And

**ABC COMPANIES**

(fictitious designation of partnerships,  
proprietorships, and/or corporations who owned  
and/or controlled of the property at issue, engaged

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in emitting, creating, using, handling, transporting, storing, transferring, dispensing, distributing, and/or permitting exposure to benzene, and/or other carcinogens at the property at issue)

**DEFENDANTS.**

**NOTICE TO PLEAD**

**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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service  
Philadelphia Bar Association  
1101 Market Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19107  
(215) 238-6338

**ADVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. 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 tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte pueda 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 NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Lawyer Referral Service  
Philadelphia Bar Association  
1101 Market Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19107  
(215) 238-6338

**CIVIL ACTION - COMPLAINT**

Plaintiffs, James M. McCrossin and Robyn K. McCrossin, husband and wife, and Plaintiffs, Salvatore P. Raffa and Holly E. Raffa, husband and wife, by and through their undersigned attorneys, Kline & Specter, P.C., hereby bring these causes of action against Defendants, Comcast Holdings Corporation, Comcast Spectacor Holdings Company, LLC, Comcast Spectacor, LLC, Comcast Spectacor Ventures, LLC, Flyers Skate Zone, LP, FPS, LLC, FPS, LP, FPS Rink, LLC, FPS Rink, LP, and FPS Urban Renewal, Inc., and in support thereof aver as follows:

## **PARTIES AND VENUE**

1. Plaintiff, James M. McCrossin, is an individual and resident of the state of New Jersey, residing therein at 338 87<sup>th</sup> Street Stone Harbor, NJ 08247.

2. Consortium Plaintiff, Robyn K. McCrossin, is an individual and resident of the state of New Jersey, residing therein at 338 87<sup>th</sup> Street Stone Harbor, NJ 08247.

3. Plaintiff, Salvatore P. Raffa, is an individual and resident of the Commonwealth of Pennsylvania, residing therein at 2310 Birch Court, Warrington, PA 18976.

4. Consortium Plaintiff, Holly E. Raffa, is an individual and resident of the Commonwealth of Pennsylvania, residing therein at 2310 Birch Court, Warrington, PA 18976.

5. Defendant, Comcast Holdings Corporation, is a corporation duly organized, existing, and incorporated under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 1701 John F. Kennedy Blvd. Philadelphia, PA 19103.

6. Defendant, Comcast Spectacor Holdings Company, LLC, is a limited liability company duly organized, existing, and incorporated under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 1701 John F. Kennedy Blvd. Philadelphia, PA 19103.

7. Defendant, Comcast Spectacor, LLC, is a limited liability company duly organized, existing, and incorporated under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 1500 Market Street Philadelphia, PA 19102.

8. Defendant, Comcast Spectacor Ventures, LLC, is a limited liability company duly organized, existing, and incorporated under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 1500 Market Street Philadelphia, PA 19102.

9. Defendant, Flyers Skate Zone, LP is a limited partnership duly organized, existing, and incorporated under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 3601 S. Broad Street Philadelphia, PA 19148.

10. Defendant, FPS, LLC is a limited liability company duly organized, existing, and incorporated under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 3601 S. Broad Street Philadelphia, PA 19148.

11. Defendant FPS, LP is a limited partnership duly organized, existing, and incorporated under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 3601 S. Broad Street Philadelphia, PA 19148.

12. Defendant, FPS Rink, LLC is a limited liability company duly organized, existing, and incorporated under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 3601 S. Broad Street Philadelphia, PA 19148.

13. Defendant, FPS Rink, LP is a limited partnership duly organized, existing, and incorporated under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 3601 S. Broad Street Philadelphia, PA 19148.

14. Defendant, FPS Urban Renewal, Inc. (hereinafter "FPS Urban Renewal"), is a non-profit corporation duly organized, existing, and incorporated under the laws of the state of New Jersey, with its principal place of business located at 568 East State Street, 1<sup>st</sup> Floor, Trenton, NJ 08609.

15. Defendants, ABC Companies, said names being fictitious, the true names being unknown to Plaintiff after reasonable search with due diligence, were partnerships, proprietorships, and/or corporations who owned and/or controlled the property at issue, and/or

engaged in emitting, creating, using, handling, transporting, storing, transferring, dispensing, distributing, and/or permitting exposure to carcinogens at the property at issue.

16. At all times relevant hereto, Defendants Comcast Holdings Corporation, Comcast Spectacor Holdings Company, LLC, Comcast Spectacor LLC, and Comcast Spectacor Ventures LLC (hereinafter collectively “Comcast Defendants”) regularly conducted business in Philadelphia County by, *inter alia*, generating substantial revenue, profit, and sales from activities related to various professional sports teams, including but not limited to the National Hockey League (“NHL”) Philadelphia Flyers professional ice hockey team.

17. At all times relevant hereto, Comcast Defendants entered into contracts and agreements for pecuniary gain with companies and businesses that are located within and/or provide goods and/or services within Philadelphia County.

18. At all times relevant hereto, Comcast Defendants had an interest in, used, and/or possessed real property in the Commonwealth of Pennsylvania, including the real property where Comcast Defendants regularly conducted business and generated substantial revenue, profit, and sales from activities related to various professional sports teams, including but not limited to the NHL Philadelphia Flyers professional ice hockey team.

19. At all times relevant hereto, Defendants Flyers Skate Zone, LP, FPS, LLC, FPS, LP, FPS Rink, LLC, FPS Rink LP, and FPS Urban Renewal, Inc., (hereinafter collectively “FPS Defendants”) regularly conducted business in Philadelphia County by, *inter alia*, generating substantial revenue, profit, and sales from activities related to the operation and management of arenas and/or training facilities for the NHL Philadelphia Flyers professional ice hockey team.

20. At all times relevant hereto, FPS Defendants entered into contracts and agreements for pecuniary gain with companies and businesses that are located within and/or provide goods or



services within Philadelphia County.

21. At all times relevant hereto, FPS Defendants had an interest in, used, and/or possessed real property in the Commonwealth of Pennsylvania, including the real property where FPS Defendants regularly conducted business and generated substantial revenue, profit, and sales from activities related to the operation and management of arenas and/or training facilities for the NHL Philadelphia Flyers professional ice hockey team.

22. At all times relevant hereto, Comcast Defendants wholly owned, partially owned, exercised control over, and/or directed the activities of FPS Defendants.

23. At all times relevant hereto, Comcast Defendants were not independent from FPS Defendants, but rather FPS Defendants acted as subdivisions of Comcast Defendants and were mere departments and/or instrumentalities within the Comcast company controlled by Comcast Defendants.

24. At all times relevant hereto, Comcast Defendants and FPS Defendants jointly used the trademark name “Comcast,” enjoyed common use of said trademark, common use of logo(s), common use of employees, an integrated sales system, and interchange of managerial and supervisory personnel.

25. At all times relevant hereto, Comcast Defendants together with and/or under the direct supervision and/or control of FPS Defendants owned, leased, possessed, operated, occupied, managed, maintained, actively controlled, and/or oversaw “training centers” at various locations in the Commonwealth of Pennsylvania, including within Philadelphia County, and outside the Commonwealth of Pennsylvania, including in New Jersey, for the purpose of training members of the NHL Philadelphia Flyers professional ice hockey team.

26. At all times relevant hereto, Comcast Defendants together with and/or under the

direct supervision and/or control of FPS Defendants owned, leased, possessed, operated, occupied, managed, maintained, actively controlled, and/or oversaw a property located at 601 Laurel Oak Road, Voorhees, NJ 08043 (hereinafter “Flyers Training Center”), and assumed responsibility for using, supervising, and maintaining it as an NHL Philadelphia Flyers professional ice hockey team training center.

27. At all times relevant hereto, Comcast Defendants together with together with and/or under the direct supervision and/or control of FPS Defendants employed personnel to staff the Flyers Training Center, including Plaintiffs James M. McCrossin and Salvatore P. Raffa.

28. At all times relevant hereto, all Defendants were jointly and collectively engaged in emitting, creating, using, handling, transporting, storing, transferring, dispensing, distributing, and/or permitting exposure to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM<sub>2.5</sub>”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, within the Flyers Training Center. These materials are toxic, ultra-hazardous, and are known or suspected human carcinogens. These materials were present because of the operation of carcinogen-producing equipment, machinery, and/or materials otherwise in use at the Flyers Training Center.

29. At all relevant times, all Defendants were the employees, agents, brokers, servants, alter egos, and/or instrumentalities of one another, and all Defendants acted and/or failed to act through their employees, agents, brokers, servants, alter egos and/or instrumentalities, each and all of whom were acting within the scope of their authority.

30. Venue is proper in Philadelphia County because one or more Defendants regularly conducted and regularly conducts business in Philadelphia County. This is an action to enforce

joint and/or joint and several liability against Defendants, Comcast Holdings Corporation, Comcast Spectacor Holdings Company, LLC, Comcast Spectacor, LLC, Comcast Spectacor Ventures, LLC, Flyers Skate Zone, LP, FPS, LLC, FPS, LP, FPS Rink, LLC, FPS Rink, LP, and FPS Urban Renewal, Inc. and therefore venue is proper in Philadelphia County.

31. The amount in controversy exceeds the local rules for amounts in controversy requiring arbitration.

### **OPERATIVE FACTS**

32. The preceding paragraphs are incorporated by reference as if fully set forth herein.

#### **A. Excessive and Unnecessary Carcinogen Emissions at the Flyers Training Center**

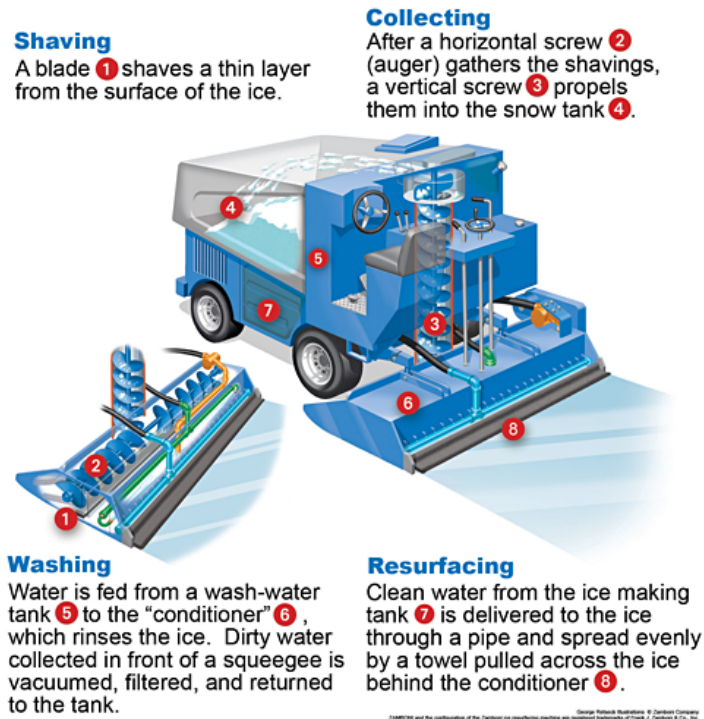
33. At all times relevant hereto, Defendants owned, leased, possessed, operated, occupied, managed, maintained, actively controlled, and/or oversaw the Flyers Training Center located at 601 Laurel Oak Road, Voorhees, NJ 08043 and assumed responsibility for using, supervising, staffing, and maintaining the property.

34. The Flyers Training Center building houses an ice hockey rink and various other facilities, including locker rooms, storage rooms, and an athletic training room.

35. At all times relevant hereto, the Flyers Training Center was intended for and utilized as a practice space and training center for the NHL Philadelphia Flyers professional ice hockey team and was also utilized by the general public for various other recreational ice-skating activities.

36. Defendants, through their employees and/or agents, have continually purchased, employed, handled, utilized, maintained, and/or stored carcinogen-emitting equipment, machinery and/or materials within the Flyers Training Center for various purposes, including an ice resurfacing vehicle called a “Zamboni” machine to clean and smooth the surface of the ice rink.

37. The Zamboni machine operates as follows:



38. The Zamboni machine requires fuel to operate.

39. At all times relevant hereto, the Zamboni machine(s) in use at the Flyers Training Center were and/or are fueled by gasoline and/or fuel containing and/or producing carcinogens during operation.

40. At all times relevant hereto, other comparable ice resurfacing machines existed and were marketed for sale that did not require the use of gasoline and/or fuel containing carcinogens.

41. At all times relevant hereto, the Zamboni machine(s) in use at the Flyers Training Center were and/or are stored in a small, enclosed room within the Center (hereinafter "the Zamboni room").

42. At all times relevant hereto, the Zamboni machine(s) in use at the Flyers Training Center were and/or are operated multiple times per day.

43. At all times relevant hereto, prior to entering the ice rink, the Zamboni machine(s)

in use at the Flyers Training Center were and/or are turned on while parked inside the Zamboni room, where the machine(s) remain idling prior to entering the rink.

44. At all times relevant hereto, upon completion of ice resurfacing, the Zamboni machine(s) in use at the Flyers Training Center were and/or are returned to the Zamboni room where the machine(s) again remain idling while the “dirty ice” is drained.

45. At all times relevant hereto, the Zamboni room lacked an appropriate ventilation system for carcinogen-emitting equipment and/or machinery.

46. At all times relevant hereto, the Zamboni room lacked an appropriate drainage system for “dirty ice.”

47. The Zamboni room is located immediately adjacent to both the ice rink and the athletic training room (hereinafter “the training room”).

48. The training room is a small room intended for and utilized as working area and/or office space for the NHL Philadelphia Flyers athletic trainer(s), including Plaintiffs James M. McCrossin and Salvatore P. Raffa.

49. At all times relevant hereto, the training room was subject to dangerous and excessive emissions from carcinogen-emitting equipment and/or machinery, including the Zamboni machine(s), while in operation on the rink, in the Zamboni room, and/or other locations in close proximity to Plaintiffs James M. McCrossin and Salvatore P. Raffa.

50. At all times relevant hereto, the training room lacked an appropriate ventilation system for, and/or protection from, carcinogen-emitting equipment and/or machinery.

51. At all times relevant thereto, the training room lacked an appropriate ventilation and/or drainage systems, or any barrier protecting Plaintiffs James M. McCrossin and Salvatore P. Raffa from exposure to carcinogen(s).

52. At all times relevant hereto, the training room was subject to receiving liquid drainage from the Zamboni room, as well as other various conduits and spaces, through which emissions and/or carcinogens could access the areas occupied by Plaintiffs James M. McCrossin and Salvatore P. Raffa.

53. At all times relevant thereto, Plaintiffs James M. McCrossin and Salvatore P. Raffa were unnecessarily exposed to carcinogen(s) while occupying the training room and other areas in the vicinity of the operation of the Zamboni machine.

54. Defendants knew or should have known that the Zamboni machine emitted carcinogen(s) inside the Flyers Training Center in the course of its ordinary, foreseeable, and intended use.

55. At all times relevant hereto, The Zamboni Company informed Defendants, through operations manuals, safety information and/or maintenance information, that Zamboni machine use requires sufficient ventilation along with regular testing of air quality to avoid unsafe emissions and/or air quality.

56. Defendants knew or have known that the Zamboni machine(s) in use at the Flyers Training Center could and did in fact emit carcinogens, which may have included but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM<sub>2.5</sub>”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans.

57. Defendants knew or have known that benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM<sub>2.5</sub>”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans are human carcinogens and classified as such by various governmental and independent agencies, including,

*inter alia*, the EPA, the Department of Health and Human Services, the IARC, NIOSH, and OSHA.

58. Defendants knew or should have known that exposure to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM<sub>2.5</sub>”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans at high levels and/or for prolonged periods is known to be harmful and dangerous and to increase a person’s risk of certain cancer(s), including blood cancer(s), blood disorder(s), and other blood and bone marrow disease and damage.

59. Defendants knew or should have known that carcinogens, including benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM<sub>2.5</sub>”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, are known to cause certain cancer(s), including blood cancer(s), blood disorder(s), and other blood and bone marrow disease(s), and are otherwise dangerous to human health.

60. Defendants knew or should have known that Plaintiffs James M. McCrossin and Salvatore P. Raffa, in the course and scope of their employment at the Flyers Training Center, would come into direct and indirect contact with, handle, inhale, ingest, dermally absorb and otherwise be exposed to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM<sub>2.5</sub>”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans.

61. Defendants knew or should have known known that their carcinogen-emitting equipment and/or machinery, including the Zamboni machine(s), emitted pollutant(s) that were toxic, carcinogenic, leukemogenic, inherently ultrahazardous, dangerous, and otherwise dangerous to the health of Plaintiffs James M. McCrossin and Salvatore P. Raffa.

62. Defendants knew or should have known that Plaintiffs James M. McCrossin and Salvatore P. Raffa did not know, understand, or fully appreciate nature and extent of the danger posed by Defendants' carcinogen-emitting equipment and/or machinery, including the risk of developing certain cancer(s), including blood cancer(s), blood disorder(s), and other blood and bone marrow disease(s).

**B. Plaintiffs' Repeated and Prolonged Exposure to Excessive Carcinogen Emissions**

63. Plaintiff James M. McCrossin began working at the Flyers Training Center in 2000, and Plaintiff Salvatore P. Raffa, in 2004.

64. Their employment as athletic trainers required Plaintiffs James M. McCrossin and Salvatore P. Raffa to spend most of their working hours in the training room of the Flyers Training Center, which is adjacent to the Zamboni room, and/or other areas in close proximity to the operation of the Zamboni machine.

65. Plaintiffs James M. McCrossin and Salvatore P. Raffa were exposed to the Defendants' carcinogen-emitting equipment and/or machinery, and to the vapors, aerosols, mists, and gases from said equipment and/or machinery, by means of direct and/or indirect contact, inhalation, and/or dermal absorption.

66. Plaintiffs James M. McCrossin and Salvatore P. Raffa did not know, understand, or fully appreciate nature and extent of the danger posed by Defendants' carcinogen-emitting equipment and/or machinery, including the risk of developing certain cancer(s), including blood cancer(s), blood disorder(s), and other blood and bone marrow disease(s).

67. As a direct and proximate result of repeated and prolonged exposure to carcinogen-emitting equipment and/or machinery, and to the vapors, aerosols, mists, and gases from said equipment and/or machinery, Plaintiffs' risk of developing certain cancer(s), including blood



cancer(s), blood disorder(s), and other blood and bone marrow disease(s) became unnecessarily and significantly higher than the average person.

68. As a direct and proximate result of repeated and prolonged exposure to carcinogen-emitting equipment and/or machinery, and to the vapors, aerosols, mists, and gases from said equipment and/or machinery, Plaintiff James M. McCrossin developed rare medical conditions of essential thrombocythemia, myeloproliferative neoplasm, and most recently, myelofibrosis (blood cancer), which is incurable.

69. As a direct and proximate result of repeated and prolonged exposure to carcinogen-emitting equipment and/or machinery, and to the vapors, aerosols, mists, and gases from said equipment and/or machinery, Plaintiff Salvatore P. Raffa developed rare medical condition of essential thrombocythemia, which is incurable.

70. The acts and omissions of all Defendants, directly and by and through their agents and/or employees, as outlined and averred throughout the entirety of this Complaint, was a factual and proximate cause of Plaintiff James M. McCrossin's severe, permanent, and grievous personal injuries and damages described herein, which include:

- a) Essential thrombocythemia and associated symptoms thereof;
- b) Myeloproliferative neoplasm and associated symptoms thereof;
- c) Myelofibrosis and associated symptoms thereof;
- d) Multiple medical tests, procedures, and other treatments for essential thrombocythemia, myeloproliferative neoplasm, and/or myelofibrosis;
- e) Increased risk of developing blood disorder(s) and/or blood cancer(s), including, *inter alia*, essential thrombocythemia, myeloproliferative neoplasm, and/or myelofibrosis, and sequelae due to carcinogen exposure;
- f) Development of blood disorders and blood cancer, including, *inter alia*, essential thrombocythemia, myeloproliferative neoplasm, and/or myelofibrosis, and sequelae due to prolonged carcinogen exposure;

- g) Need for future treatment(s) associated with essential thrombocythemia, myeloproliferative neoplasm, and/or myelofibrosis and the pain and suffering associated with such treatment(s);
- h) Decreased life expectancy as a direct result of essential thrombocythemia, myeloproliferative neoplasm, and/or myelofibrosis;
- i) Past and future conscious physical pain and suffering;
- j) Past and future conscious mental and psychological pain and suffering;
- k) Past and future mental anguish and severe emotional distress;
- l) Disfigurement, embarrassment, and humiliation;
- m) Past and future loss of life's pleasures;
- n) Past and future medical expenses;
- o) Past and future loss of income and wages;
- p) Past and future loss of earning capacity;
- q) Past and future pecuniary losses and damages;
- r) Loss of consortium for Robyn K. McCrossin;
- s) Increased risk of harm; and
- t) All injuries and damages as set forth in Plaintiff James M. McCrossin's medical records and otherwise permissible under Pennsylvania law.

71. The acts and omissions of all Defendants, directly and by and through their agents and/or employees, as outlined and averred throughout the entirety of this Complaint, was a factual and proximate cause of Plaintiff Salvatore P. Raffa's severe, permanent, and grievous personal injuries and damages described herein, which include:

- a) Essential thrombocythemia and associated symptoms thereof;
- b) Multiple medical tests, procedures, and other treatments for essential thrombocythemia;

- c) Increased risk of developing blood disorder(s) and/or blood cancer(s), including, *inter alia*, essential thrombocythemia, myeloproliferative neoplasm, and/or myelofibrosis, and sequelae due to carcinogen exposure;
- d) Development of blood disorders and blood cancer, including, *inter alia*, essential thrombocythemia, myeloproliferative neoplasm, and/or myelofibrosis, and sequelae due to prolonged carcinogen exposure;
- e) Need for future treatment(s) associated with essential thrombocythemia, and the pain and suffering associated with such treatment(s);
- f) Decreased life expectancy as a direct result of essential thrombocythemia;
- g) Past and future conscious physical pain and suffering;
- h) Past and future conscious mental and psychological pain and suffering;
- i) Past and future mental anguish and severe emotional distress;
- j) Disfigurement, embarrassment, and humiliation;
- k) Past and future loss of life's pleasures;
- l) Past and future medical expenses;
- m) Past and future loss of income and wages;
- n) Past and future loss of earning capacity;
- o) Past and future pecuniary losses and damages;
- p) Loss of consortium for Holly E. Raffa;
- q) Increased risk of harm; and
- r) All injuries and damages as set forth in Salvatore P. Raffa's medical records and otherwise permissible under Pennsylvania law.

**WHEREFORE**, Plaintiffs demand damages against all Defendants, in an amount in excess of the prevailing arbitration limits, exclusive of pre-judgment interest, delay damages and costs on all counts.

**COUNT I: NEGLIGENCE**  
**Plaintiffs v. All Defendants**

72. The preceding paragraphs are incorporated by reference as if fully set forth herein.
73. Defendants' negligent acts and omissions include one or more of the following:
- a) Purchasing, employing, handling, utilizing, maintaining, storing, and/or overseeing the use of equipment and/or machinery that emitted dangerous and excessive levels of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 ("PM2.5"), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, inside the Flyer Training Center;
  - b) Emitting dangerous and excessive levels of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 ("PM2.5"), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans within the Flyers Training Center;
  - c) Creating and/or allowing a work environment in which Plaintiffs were unnecessarily exposed to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 ("PM2.5"), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans;
  - d) Failing to prevent emitting dangerous and/or excessive levels of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 ("PM2.5"), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans within the Flyers Training Center;
  - e) Emitting dangerous and excessive levels of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 ("PM2.5"), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, within the training room, and other areas, where Plaintiffs worked;
  - f) Failing to prevent emitting dangerous and excessive levels of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 ("PM2.5"), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, within the training room, and other areas, where Plaintiffs worked inside the Flyers Training Center;

- g) Emitting levels of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans sufficient to increase the risk of blood disorders and/or blood cancers to persons working inside the Flyers Training Center, including Plaintiffs;
- h) Failing to prevent emitting levels of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, sufficient to increase the risk of blood disorders and/or blood cancers to persons working inside the Flyers Training Center, including Plaintiffs;
- i) Failing to warn employees of the Flyers Training Center, including Plaintiffs, that they were being exposed to dangerous and excessive levels of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, inside the Flyers Training Center;
- j) Failing to warn employees of the Flyers Training Center, including Plaintiffs, that they were at an increased risk of developing blood disorders and/or blood cancers due to dangerous and excessive carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans , inside the Flyers Training Center;
- k) Failing to provide any warnings and/or notices within the Flyers Training Center regarding carcinogen emissions or the known risks of exposure to carcinogen emissions, and the resulting harm therefrom, including the increased risk of developing blood disorders and/or blood cancers;
- l) Failing to train and/or advise employees of the Flyers Training Center, including Plaintiffs, of their potential exposure to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans;
- m) Failing to take reasonable steps to ensure a safe working environment for employees of the Flyers Training Center, including Plaintiffs;
- n) Failing to provide proper and necessary engineering controls, administrative

controls and protective equipment for use in conjunction with carcinogen-emitting equipment and/or machinery;

- o) Failing to properly inspect, assess, maintain and/or evaluate the quality of air within Flyers Training Center;
- p) Failing to appropriately equip, design, renovate, ventilate and/or alter the property, layout and/or structure of the Flyers Training Center to ensure appropriate air quality for employees of the Flyers Training Center, including Plaintiffs;
- q) Failing to properly inspect, assess, maintain and/or evaluate the emissions of equipment and/or machinery employed, handled, utilized, maintained, stored, and used within Flyers Training Center;
- r) Failing to utilize appropriate equipment and/or machinery at the Flyers Training Center to ensure appropriate air quality for employees of the Flyers Training Center, including Plaintiffs;
- s) Failure to select and utilize safer alternative equipment and/or machinery at the Flyers Training Center to reduce or eliminate exposure to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, within the Flyers Training Center;
- t) Failing to adequately identify, measure, record, report, and/or track emissions of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, within the Flyers Training Center;
- u) Failing to implement, adopt, and/or enforce proper protocols and methods of reducing exposure to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans, within the Flyers Training Center to an acceptable risk level;
- v) Failing to adopt, implement, and/or enforce the appropriate and proper equipment, devices, and/or controls sufficient to reduce exposure to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons,

formaldehyde, and/or certain dioxins & dibenzofurans, within the Flyers Training Center to an acceptable risk level;

- w) Failing to adhere to applicable ordinance(s), law(s), code(s), and/or regulation(s) governing exposure to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans;
- x) Failing to adhere to the obligations created by and existing under applicable law, common law, and/or contract, including but not limited to employment contract(s), service contract(s), management contract(s), and/or lease of the premises; and
- y) Engaging in an ultrahazardous activity by emitting dangerous and excessive levels of carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 (“PM2.5”), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans into the air inside the Flyers Training Center.

74. As a direct and proximate cause of Defendants’ negligent acts and omissions, Plaintiffs were exposed to unsafe levels of carcinogens, and suffered and will continue to suffer severe and permanent injuries as set forth previously herein.

**WHEREFORE**, Plaintiffs demand damages against all Defendants, in an amount in excess of the prevailing arbitration limits, exclusive of pre-judgment interest, delay damages and costs on all counts.

**COUNT II: STRICT LIABILITY**  
**Plaintiffs v. All Defendants**

75. The preceding paragraphs are incorporated by reference as if fully set forth herein.

76. Plaintiffs bring this claim pursuant to Restatement (Second) of Torts sections 519 and 520, and Pennsylvania decisional law and common law.

77. Defendants’ indoor use of carcinogen-emitting equipment and machinery constitutes an ultrahazardous activity.

78. At all times relevant hereto, Defendants' indoor use of carcinogen-emitting equipment and machinery necessarily involved a high degree of risk of serious harm to persons within the Flyers Training Center as contemplated by Restatement (Second) of Torts § 520(a), including by creating an increased risk of developing various blood disorder(s) and/or blood cancer(s).

79. At all times relevant hereto, the likelihood that harm would result from Defendants' indoor use of carcinogen-emitting equipment and machinery was great, as contemplated by Restatement (Second) of Torts § 520(a), because exposure to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 ("PM2.5"), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans is inherently dangerous, toxic and known to be hazardous to humans.

80. At all times relevant hereto, the risk of harm posed by Defendants' indoor use of carcinogen-emitting equipment and machinery was unable to be eliminated by the exercise of reasonable care, as contemplated by Restatement (Second) of Torts § 520(c), because exposure to carcinogens, which may have included, but are not limited to benzene, aryl hydrocarbon receptor particulates, polynuclear aromatic hydrocarbons, particulate matter 2.5 ("PM2.5"), polycyclic aromatic hydrocarbons, formaldehyde, and/or certain dioxins & dibenzofurans is inherently dangerous, toxic, and known to be hazardous to humans.

81. At all times relevant hereto, Defendants' indoor use of carcinogen-emitting equipment and machinery was not a matter of common usage, as contemplated by Restatement (Second) of Torts § 520(d), because the use and emission of carcinogens into indoor air through



carcinogen emitting equipment and machinery is not an activity that is commonly carried on by the great mass of mankind or by many people in the community.

82. At all times relevant hereto, Defendants' indoor use of carcinogen-emitting equipment and machinery was inappropriate upon consideration of where carcinogens were being emitted as contemplated by Restatement (Second) of Torts § 520(e), because of the high concentration of persons employed by, visiting, utilizing, and otherwise populating the Flyers Training Center.

83. At all times relevant hereto, Defendants' indoor use of carcinogen-emitting equipment and machinery provided minimal value to the Flyers Training Center or to those persons working, visiting, and populating the Flyers Training Center as contemplated by Restatement (Second) of Torts § 520(f), because Defendants' indoor use of carcinogen-emitting equipment and machinery was unnecessary and therefore only served to increase the risk of blood disorder(s) and blood cancer(s) to persons employed by, visiting, utilizing, and otherwise populating the Flyers Training Center.

84. At all times relevant hereto, Defendants' indoor use of carcinogen-emitting equipment and machinery produced a high degree of risk of harm to Plaintiffs and to other persons employed by, visiting, utilizing, and otherwise populating the Flyers Training Center.

85. At all times relevant hereto, Defendants knew or should have known of the existence of a high degree of risk of harm to persons employed by, visiting, utilizing, and otherwise populating the Flyers Training Center, including Plaintiffs, as a result of its indoor use of carcinogen-emitting equipment and machinery.

86. As a direct and proximate cause of Defendants' indoor use of carcinogen-emitting equipment and machinery, an abnormally dangerous and ultrahazardous activity, Plaintiffs

suffered and will continue to suffer serious and permanent injuries as set forth previously herein.

**WHEREFORE**, Plaintiffs demand damages against all Defendants, in an amount in excess of the prevailing arbitration limits, exclusive of pre-judgment interest, delay damages and costs on all counts.

**COUNT IV: LOSS OF CONSORTIUM**  
**Plaintiffs v. All Defendants**

87. The preceding paragraphs of this Complaint are incorporated as if fully set forth herein.

88. At all times relevant hereto, Plaintiff James M. McCrossin was married, and continues to be married, to Consortium Plaintiff Robyn K. McCrossin.

89. As a direct and proximate cause of Defendants' acts and omissions, as set forth previously herein, Consortium Plaintiff Robyn K. McCrossin has suffered and will continue to suffer a loss of services, society, benefits, comfort, and companionship of her husband, Plaintiff James M. McCrossin.

90. As a direct and proximate cause of Defendants' acts and omissions, as set forth previously herein, Consortium Plaintiff Robyn K. McCrossin claims the full measure of damages allowable under Pennsylvania law for the loss of consortium of her husband, Plaintiff, James M. McCrossin.

91. At all times relevant hereto, Plaintiff Salvatore P. Raffa was married, and continues to be married, to Consortium Plaintiff Holly E. Raffa.

92. As a direct and proximate cause of Defendants' acts and omissions, as set forth previously herein, Consortium Plaintiff Holly E. Raffa has suffered and will continue to suffer a loss of services, society, benefits, comfort, and companionship of her husband, Plaintiff Salvatore P. Raffa.

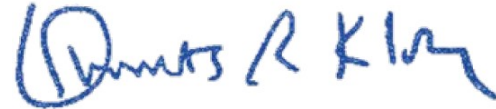
93. As a direct and proximate cause of Defendants' acts and omissions, as set forth previously herein, Consortium Plaintiff Holly E. Raffa claims the full measure of damages allowable under Pennsylvania law for the loss of consortium of her husband, Plaintiff Salvatore P. Raffa.

**WHEREFORE**, Plaintiffs demand damages against all Defendants, in an amount in excess of the prevailing arbitration limits, exclusive of pre-judgment interest, delay damages and costs on all counts.

Respectfully submitted,

**KLINE & SPECTER, P.C.**

By:



THOMAS R. KLINE, ESQUIRE  
JAMES J. WALDENBERGER, ESQUIRE  
ELIA A. ROBERTSON, ESQUIRE  
Attorneys for Plaintiffs

Date: April 12, 2022


**VERIFICATION**

We, James McCrossin and Robyn McCrossin, state that the facts set forth in the Complaint are true and correct to the best of our knowledge, information and belief. The language of the Complaint is that of counsel and not of affiants. We have read the Complaint and to the extent that the allegations therein are based upon information we have given counsel, they are true and correct to the best of our knowledge, information, and belief. To the extent that the contents of the Complaint are that of counsel, we have relied upon counsel in making this Verification. I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsifications to authorities.

Date: 03/21/2022

  
\_\_\_\_\_  
JAMES McCROSSIN

Date: 03/22/2022

  
\_\_\_\_\_  
ROBYN McCROSSIN

**VERIFICATION**

We, Salvatore E. Raffa and Holly E. Raffa, state that the facts set forth in the Complaint are true and correct to the best of our knowledge, information and belief. The language of the Complaint is that of counsel and not of affiants. We have read the Complaint and to the extent that the allegations therein are based upon information we have given counsel, they are true and correct to the best of our knowledge, information, and belief. To the extent that the contents of the Complaint are that of counsel, we have relied upon counsel in making this Verification. I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsifications to authorities.

Date: 03/21/2022

  
\_\_\_\_\_  
SALVATORE P. RAFFA

Date: 03/21/2022

  
\_\_\_\_\_  
HOLLY E. RAFFA