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DEPT. OF COURT RECORDS
CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY

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Attorneys for Plaintiff

Zachary Tomaselli
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366 Jackson Street, Suite 100
St. Paul, MN 55101

Plaintiff,

v.

BERNARD FINE
7001 Tiffany Cir.
Fayetteville, NY 13066

Defendant.

COURT OF COMMON PLEAS
ALLEGHENY COUNTY,
PENNSYLVANIA

CIVIL ACTION

JURY TRIAL DEMANDED

TERM, 2011

NO. GD-11-025439

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 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 judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

Allegheny Bar Association
ACBA Lawyer Referral Service
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NO.

PLAINTIFF'S COMPLAINT

And now Plaintiff, Zachary Tomaselli, by and through his undersigned counsel, brings this Complaint and sets forth as follows:

The Parties

1. Plaintiff, Zachary Tomaselli, is an adult male individual, a citizen and resident of Maine.

2. Defendant Bernard Fine (“Fine”), also known as Bernie Fine, was assistant coach and associate head coach for Syracuse University. He is an adult male citizen and resident of the state of New York, and resides at 7001 Tiffany Cir., Fayetteville, NY 13066-9783. He is sued in Allegheny County based on tortious acts he committed against the Plaintiff in Allegheny County.

Facts

3. Defendant Fine began his coaching career in the early 1970’s at Lincoln Middle School and Henniger High School.

4. In 1976 Defendant Fine was hired by Jim Boeheim to be the assistant basketball coach at Syracuse University.

5. On information and belief, Defendant Fine sexually molested Mike Lang from 1976 to 1978 when Lang was in grade school.

6. On information and belief, Defendant Fine sexually molested Bobby Davis, a minor, in the 1980’s, including at a hotel on a Syracuse basketball road game.

7. In 2000 Jim Boeheim promoted Defendant Fine to associate head coach.

8. In 2001, Zachary met Fine. He was 13 years old.

9. In 2002, Fine sexually abused Zachary, when he was 13 years old. Zachary was too young to have given any consent, and Fine’s abuse was in fact unwanted and has caused substantial harm to him. Zachary is presently under age 30.

10. The sexual abuse occurred in Pittsburgh, Pennsylvania.

COUNT I - CHILDHOOD SEXUAL ABUSE **Plaintiff, Zachary Tomaselli v. Defendant Bernie Fine**

11. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

12. In 2002, Defendant Fine engaged in unpermitted, harmful and offensive sexual

conduct and contact upon the person of Plaintiff, in violation of Pennsylvania state law.

13. As a result of the above-described conduct, Plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff Zachary Tomaselli, demands judgment for compensatory and punitive damages against Defendant Fine in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with interest, costs, and any other appropriate relief.

COUNT II – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
Plaintiff, Zachary Tomaselli v. Defendant Bernie Fine

14. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

15. By sexually abusing and manipulating Plaintiff, Defendant Fine did by extreme and outrageous conduct intentionally or recklessly cause severe emotional distress and bodily harm to Plaintiff.

16. Fine's conduct constituted extreme and outrageous conduct that was atrocious and went beyond all bounds of decency such that it is conduct utterly intolerable in a civilized society.

17. Fine acted intentionally or recklessly in sexually abusing Plaintiff.

18. Plaintiff suffered severe emotional distress, including severe mental anguish and horror, because of Fine's intentional or reckless, extreme and outrageous conduct.

WHEREFORE, Plaintiff Zachary Tomaselli, demands judgment for compensatory and punitive damages against Defendant Fine, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with interest, costs, and any other appropriate relief.

Dated: 12/8/11

BY: 

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Attorneys for Plaintiff Tomaselli

VERIFICATION

I, Zachary Tomaselli, verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



Zachary Tomaselli

Dated: December 8, 2011