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MAJOR CASE
JURY TRIAL DEMANDED

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G. IMPERATO*



Counsel for Plaintiffs

MARISSA FITZGERALD, JOEL
FITZGERALD, PhD, and PAULINE
FITZGERALD as co-administrators of the
ESTATE OF CHRISTOPHER
FITZGERALD, deceased,

v.

MILES PFEFFER
2377 Quarry Road
Buckingham, PA 18912
and
JILL PETRUSKA
2377 Quarry Road
Buckingham, PA 18912
and
GEROGE E. SHAW
2377 Quarry Road
Buckingham, PA 18912
And
MARK PFEFFER
2913 Ridge Avenue
Philadelphia, PA 19120

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

JUNE TERM, 2023

NO. _____

COMPLAINT – CIVIL ACTION

Case ID: 230600012

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 further notice for any money claimed in the complaint or for any other claim or relief 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 LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
Lawyer Referral And Information Service
1101 Market Street, 11th Floor
Philadelphia, PA 19107
Telephone: (215) 238-6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas las siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y las notificación. Hace falta asentar una comparecencia 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 tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede 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.

ASOCIACION DE LICENCIADOS DE FILADELFIA
Servicio De Referencia E Informacion Legal
1101 Market Street, 11th Floor
Filadelfia, Pennsylvania 19107
Telefono: (215) 238-6333

AND NOW COME PLAINTIFFS Marissa Fitzgerald, Joel Fitzgerald, and Pauline Fitzgerald as the co-administrators of the estate of Christopher Fitzgerald, deceased, by and through their counsel Marrone Law Firm, LLC, who hereby make their complaint against Defendants Miles Pfeffer, Jill Petruska, George E. Shaw and Mark Pfeffer, and in so doing, state the following:

PRELIMINARY STATEMENT

1. This matter arises from the savage and brutal murder of Temple University Police Officer Christopher Fitzgerald, who was gunned down in cold blood on February 18, 2023. Fitzgerald was patrolling an area of north Philadelphia in the course of his work as a Temple University Police Officer. At approximately 7:15 P.M. Fitzgerald was patrolling in his police cruiser. He soon encountered several young men, including Defendant Miles Pfeffer, who were acting suspiciously. The young men fled on foot, going in different directions. Officer Fitzgerald pursued Defendant Miles Pfeffer and attempted to stop the latter from retreating. While the two

were in close contact, Defendant Miles Pfeffer drew a gun and shot at Fitzgerald, striking him and knocking him to the ground. Defendant Miles Pfeffer then approached the defenseless Officer Fitzgerald on the ground. Surveillance video shows Defendant Miles Pfeffer standing over Fitzgerald and shooting him several times in the head.

2. This horrific and tragic act of barbarism could and should have been prevented by those closest to Defendant Miles Pfeffer, including his mother Defendant Jill Petruska, his mother's longtime boyfriend Defendant George Shaw and his father Defendant Mark Pfeffer. These individuals all had detailed knowledge of Miles Pfeffer's mental instability, propensity for violence and strong interest in possessing and using firearms. Defendant Miles Pfeffer showed signs, again and again, that he presented a high risk of harm to himself and those around him.

3. Defendant Jill Petruska and Defendant George Shaw housed, clothed and fed Defendant Miles Pfeffer at their luxury home in Buckingham Township. It was here that Defendant Miles Pfeffer had a safe haven and ready access to multiple firearms. Indeed, his mother picked him up and drove him back to the Buckingham property after her son had finished slaughtering Christopher Fitzgerald.

4. Despite the repeated signs, including multiple juvenile offenses, multiple school infractions, a bomb scare, and threats to bring weapons to school, Defendants Petruska, Shaw, and Mark Pfeffer failed to take the necessary steps to avoid catastrophe.

PARTIES

5. Plaintiff Marissa Fitzgerald is an adult individual who, at all relevant times, was a resident of the Commonwealth of Pennsylvania. At all relevant times, Plaintiff Marissa Fitzgerald was the lawful wife of Christopher Fitzgerald, deceased.

6. Plaintiff Joel Fitzgerald, PhD is an adult individual who at all relevant times, was a resident of the state of Colorado. At all relevant times, Plaintiff Joel Fitzgerald, PhD was the father of Christopher Fitzgerald, deceased.

7. Plaintiff Pauline Fitzgerald is an adult individual who at all relevant times, was a resident of the state of Texas. At all relevant times, Plaintiff Pauline Fitzgerald was the mother of Christopher Fitzgerald, deceased.

8. The Philadelphia Register of Wills has issued letters of administration to Plaintiffs Marissa Fitzgerald, Joel Fitzgerald, PhD, and Pauline Fitzgerald. A true and correct copy of the aforesaid letters of administration is attached as **Exhibit “A”**.

9. Defendant Miles Pfeffer is an adult individual who, at all relevant times, resided at 2377 Quarry Road, Buckingham, PA 18912.

10. Defendant Jill Petruska is an adult individual who, at all relevant times, resided at 2377 Quarry Road, Buckingham, PA 18912.

11. Defendant George E. Shaw is an adult individual who, at all relevant times, resided at 2377 Quarry Road, Buckingham, PA 18912.

12. Defendant Mark Pfeffer is an adult individual who, at all relevant times, resided at 2913 Ridge Avenue, Philadelphia, PA 19120.

OPERATIVE FACTS

13. On or about February 18, 2023, eighteen-year-old Defendant Miles Pfeffer and his younger brother were visiting the City of Philadelphia. They had been dropped off by their mother, Defendant Petruska who, along with Defendant Shaw, was attending a social event in Center City.

14. At some point during the evening hours of February 18, 2023, Defendant Miles Pfeffer and his younger brother arrived in the area of north Philadelphia around Temple University.

15. On that same date, and for many years before, Defendant Miles Pfeffer resided with his mother, Defendant Jill Petruska and her long-time boyfriend Defendant George Shaw, at a large farm and estate located at 2377 Quarry Road, Buckingham, PA 18912.

16. On that same date, Defendant Miles Pfeffer's father, Defendant Mark Pfeffer, had been separated and/or divorced from Miles' mother, Defendant Jill Petruska for many years.

17. At all relevant times, Defendant Mark Pfeffer owned and/or controlled a home located at 29th and Ridge Avenue in Philadelphia. Upon information and belief, Defendant Miles Pfeffer had ready access to this location and was routinely able to conduct affairs privately there while his father, Defendant Mark Pfeffer, was at his girlfriend's house located in another part of the city.

18. As of February 18, 2023, Defendant Miles Pfeffer, had been arrested and/or charged with numerous juvenile offenses and had developed a significant history of school misconduct. Upon information and belief, Defendant Miles Pfeffer's record of school misconduct resulted in his being expelled from multiple educational institutions.

19. At all relevant times, Defendant Miles Pfeffer was known to have significant mental health issues which led to erratic, anti-social and dangerous behavior. Such behavior is exemplified by Defendant Miles Pfeffer initiating a bomb scare at his high school and claiming that there were weapons at school that would be used to commit criminal acts of violence on school property.

20. Upon information and belief, local police made multiple trips to the Buckingham Township property prior to February 18, 2023, because of credible reports of gunfire at the property by Defendants.

21. Shockingly, and despite the known behavioral and mental health problems of Defendant Miles Pfeffer, his mother Defendant Jill Petruska and Defendant George Shaw maintained numerous firearms at the property located in Buckingham Township.

22. Upon information and belief, Defendant Miles Pfeffer also had access to firearms, ammunition, and other instrumentalities of crime through his father's property located at 29th Street and Ridge Avenue.

23. At all relevant times, the firearms referred to in the previous two paragraphs were owned and/or controlled by Defendants Petruska, Shaw, and Mark Pfeffer.

24. At all relevant times, Defendants Petruska, Shaw, and Mark Pfeffer failed to properly secure the firearms and ammunition located at the home in Buckingham Township and the home at 29th and Ridge, respectively.

25. At all relevant times, Defendants Petruska, Shaw, and Mark Pfeffer knew that Defendant Miles Pfeffer had access to the firearms and ammunition in question and took insufficient steps to ensure that those instrumentalities did not come into the possession of the mentally ill and highly troubled Defendant Miles Pfeffer.

26. On or about February 18, 2023, Christopher Fitzgerald was employed as a Temple University Police Officer. His duty-shift that day required him to patrol the north Philadelphia neighborhood around Temple University.

27. On that date, Fitzgerald was patrolling in a marked Temple police vehicle and in full police uniform, including a reflective vest. At all relevant times, Fitzgerald was clearly identifiable as a sworn law enforcement officer.

28. During his patrol, Fitzgerald noticed three young men acting in a suspicious manner. Unknown to Officer Fitzgerald, Defendant Mile Pfeffer was one of those young men.

29. As officer Fitzgerald exited his vehicle and approached the individuals, Defendant Miles Pfeffer ran away on foot. Fitzgerald pursued and was able to catch up to Defendant Mile Pfeffer.

30. Officer Fitzgerald reached Pfeffer at 17th Street and Montgomery Avenue and attempted to subdue him. While the two were at close quarters, Defendant Miles Pfeffer drew a gun and shot Fitzgerald. The force of being shot knocked Fitzgerald to the ground.

31. While the officer was on the ground, Defendant Miles Pfeffer shot Fitzgerald three times in the face and head.

32. After murdering Officer Fitzgerald, Defendant Miles Pfeffer can be seen on video beginning to walk away, but then returning to Fitzgerald's lifeless body for an unsuccessful attempt to take Fitzgerald's service pistol and other personal items.

33. Defendant Miles Pfeffer then carjacked a motorist at gunpoint and drove himself away from the crime scene. The vehicle stolen by Defendant Miles Pfeffer was later recovered at 29th and Ridge Avenue, which is less than one block away from the residence of Defendant Mark Pfeffer.

34. Defendant Jill Petruska then drove to 29th and Ridge and picked up Defendant Miles Pfeffer. She drove him to the large property she shared with Defendant George Shaw in Buckingham Township.

35. During the course of their escape, one or more of Defendants disposed of the firearm that was used to murder Officer Fitzgerald.

36. Defendant Miles Pfeffer's younger brother was arrested that same night after the murder of Christopher Fitzgerald was discovered. Upon information and belief, the younger brother identified Defendant Miles Pfeffer when shown neighborhood security footage by Philadelphia homicide detectives.

37. Shell casings recovered from the location where Fitzgerald was murdered match ammunition that was later found at Pfeffer's residence in Buckingham Township.

38. Pfeffer has now been arrested and charged with first degree murder, carjacking and other crimes.

39. As a result of the negligent, careless, reckless and/or willful and wanton tortious conduct of the Defendants, Christopher Fitzgerald suffered injuries including, but not limited to, the following:

- a. Gunshot wounds to the chest and head;
- b. Damage to vital organs;
- c. Bleeding;
- d. Conscious pain and suffering;
- e. Mental anguish;
- f. Disfigurement;
- g. Humiliation;
- h. Loss of life's pleasures; and
- i. Various and severe and painful bodily injuries leading to death.

40. Christopher Fitzgerald's death is the result of the negligent, careless, reckless and/or willful and tortious conduct of all Defendants and not the result of any act or failure to act on the part of the Plaintiffs' decedent, Christopher Fitzgerald.

41. The acts and/or omissions on the part of all Defendants were a substantial factor in increasing the risk of harm and/or directly causing the death of Plaintiffs' decedent, Christopher Fitzgerald.

COUNT I – WRONGFUL DEATH

**Plaintiffs Marissa Fitzgerald, Joel Fitzgerald, PhD, and Pauline Fitzgerald as
Co-Administrators of the Estate of Christopher Fitzgerald, Deceased**

v.
All Defendants

42. Each of the previous paragraphs is hereby incorporated by reference as though fully set forth herein.

43. Plaintiffs Marissa Fitzgerald and Joel Fitzgerald, PhD, as Co-Administrators of the Estate of Christopher Fitzgerald, bring this action on behalf of the beneficiaries under and by virtue of the Wrongful Death Act, 42 Pa. C. S. § 8301, and the applicable Rules of Civil Procedure and decisional law.

44. Christopher Fitzgerald left surviving him the following persons who are beneficiaries under the Wrongful Death Act:

- a. Marissa Fitzgerald;
- b. A. C. F., a minor;
- c. A. P. F., a minor;
- d. G. A. N., a minor;
- e. J. C. G., a minor; and

- f. A. K. O., a minor.
45. As a direct and proximate result of the conduct of the Defendants, as set forth herein, Christopher Fitzgerald died on February 18, 2023, after enduring excruciating pain and suffering.
46. As a result of the conduct of defendants, as set forth herein, Plaintiffs' decedent was caused grave injuries and death resulting in the entitlement to damages by the beneficiaries under the Wrongful Death Act.
47. Plaintiff Marissa Fitzgerald individually and on behalf of the minor beneficiaries over whom she is the legal guardian, and Plaintiffs Marissa Fitzgerald, Joel Fitzgerald, PhD, and Pauline Fitzgerald as Co-Administrators of the Estate of Christopher Fitzgerald, claim the full measure of damages recoverable under the Wrongful Death Act and decisional law interpreting same.

WHEREFORE, Plaintiffs demand all damages recoverable under the Pennsylvania Wrongful Death Act against the Defendants in an amount in excess of the local arbitration rules, exclusive of delay damages, pre-judgment interest, post-judgment interest and costs.

COUNT II – SURVIVAL
**Plaintiffs Marissa Fitzgerald, Joel Fitzgerald, PhD, and Pauline Fitzgerald as
Co-Administrators of the Estate of Christopher Fitzgerald, Deceased**
v.
All Defendants

48. Each of the previous paragraphs is hereby incorporated by reference as though fully set forth herein.
49. Plaintiffs Marissa Fitzgerald, Joel Fitzgerald, PhD, and Pauline Fitzgerald, as Co-Administrators of the Estate of Christopher Fitzgerald, bring this Survival action on behalf of

the Estate of Christopher Fitzgerald under and by virtue of 42 Pa. C. S. § 8302, and the applicable Rules of Civil Procedure and decisional law.

50. The persons who are entitled to the Estate of Christopher Fitzgerald are:

- a. Marissa Fitzgerald;
- b. A. C. F, a minor;
- c. A. P. F., a minor;
- d. G. A. N., a minor;
- e. J. C. G., a minor; and
- f. A. K. O., a minor.

51. As a result of the conduct of defendants, as set forth herein, Plaintiffs' decedent was caused grave injuries and death resulting in the entitlement to damages by the beneficiaries under the Survival Act.

52. Plaintiff Marissa Fitzgerald individually and on behalf of the minor beneficiaries over whom she is the legal guardian, and Plaintiffs Marissa Fitzgerald Joel Fitzgerald, PhD, and Pauline Fitzgerald, as Co-Administrators of the Estate of Christopher Fitzgerald, claim all damages available under the Survival Act and decisional law interpreting same

WHEREFORE, Plaintiffs demand all recoverable damages under the Pennsylvania Survival Act against the Defendants in excess of local arbitration limits, exclusive of pre-judgment interest, post-judgment interest and costs

COUNT III – NEGLIGENCE
**Plaintiffs Marissa Fitzgerald Joel Fitzgerald, PhD, and Pauline Fitzgerald as
Co-Administrators of the Estate of Christopher Fitzgerald, Deceased**
v.
Defendant Jill Petruska

53. Each of the previous paragraphs is hereby incorporated by reference as though fully set forth herein.

54. Defendant, Jill Petruska, was negligent, careless and/or reckless in the following ways:

- a. Enabled, empowered, entrusted, authorized, and permitted her son, Miles Pfeffer, access to various instrumentalities used in the commission of various criminal acts;
- b. Negligently entrusting a firearm to her son, Miles Pfeffer, an individual with severe mental illness;
- c. Negligently entrusting a firearm to her son, Miles Pfeffer, an individual with a known history of violent and erratic behaviors;
- d. Negligently entrusting a firearm to her son, Miles Pfeffer, knowing the likelihood that the firearm would be used in a way which presented unreasonable risk to others;
- e. Negligently entrusting a firearm to her son, Miles Pfeffer, pursuant to Restatement of Torts § 308;
- f. Failing to properly secure firearms and ammunition owned and/or controlled by her;
- g. Failing to remove firearms and ammunition from the family home, including the gun and ammunition used to kill officer Christopher Fitzgerald;
- h. Failing to routinely inspect, check, and confirm safekeeping of the gun and ammunition used to kill officer Christopher Fitzgerald;

- i. Failing to discover that the weapon and ammunition used to kill Christopher Fitzgerald had been removed from the family home;
- j. Failing to report to law enforcement authorities that the weapon and ammunition used to kill Christopher Fitzgerald had been removed from the family home;
- k. Failing to discover transfer, sell or otherwise dispose of firearms owned and controlled by her which were being kept at the family home in order to prevent her son, Miles Pfeffer, from accessing a deadly weapon;
- l. Failure to discover that the murder weapon was in control and possession of her son Miles Pfeffer at various times, including at the time of Christopher Fitzgerald's murder;
- m. Allowing her son, Miles Pfeffer, to control, possess and maintain various firearms and ammunition despite his known history of severe mental illness;
- n. Failing to ensure that her Miles Pfeffer was unable to control, possess, or otherwise access firearms;
- o. Failing to implement reasonable and appropriate safeguards to ensure Miles Pfeffer could not access guns and ammunition at the family home for criminal purposes;
- p. Failing to take appropriate measures to secure firearms and other instrumentalities following Miles Pfeffer's numerous prior incidents of crime committed as a juvenile;
- q. Failing to take appropriate measures to secure firearms and other instrumentalities following Miles Pfeffer's numerous prior incidents of behavioral infractions while attending school; and

- r. Failing to take appropriate measure to secure firearms and other instrumentalities following Miles Pfeffer's increasingly volatile and dangerous behavior.
55. As a direct and proximate result of the careless and reckless actions or inactions of Defendant Jill Petruska, Plaintiffs' decedent, Christopher Fitzgerald, was caused and/or increased the harm of the injuries stated above, including death.

WHEREFORE, Plaintiffs demand judgment against each named Defendant, jointly and severally, for a sum in excess of Fifty Thousand Dollars (\$50,000.00), for compensatory damages, punitive damages, and such other relief as this Court may deem just and proper.

COUNT IV – NEGLIGENCE

**Plaintiffs Marissa Fitzgerald, Joel Fitzgerald, PhD, and Pauline Fitzgerald as
Co-Administrators of the Estate of Christopher Fitzgerald, Deceased**

v.

Defendant George Shaw

56. Each of the previous paragraphs is hereby incorporated by reference as though fully set forth herein.

57. Defendant, George Shaw, was negligent, careless and/or reckless in the following ways:

- a. Enabled, empowered, entrusted, authorized, and permitted, Miles Pfeffer, access to various instrumentalities used in the commission of various criminal acts;
- b. Negligently entrusting a firearm to, Miles Pfeffer, an individual with severe mental illness;
- c. Negligently entrusting a firearm to Miles Pfeffer, an individual with a known history of violent and erratic behaviors;

- d. Negligently entrusting a firearm to, Miles Pfeffer, knowing the likelihood that the firearm would be used in a way which presented unreasonable risk to others;
- e. Negligently entrusting a firearm to Miles Pfeffer, pursuant to Restatement of Torts § 308;
- f. Failing to properly secure firearms and ammunition owned and/or controlled by him;
- g. Failing to remove firearms and ammunition from the family home, including the gun and ammunition used to kill officer Christopher Fitzgerald;
- h. Failing to routinely inspect, check, and confirm safekeeping of the gun and ammunition used to kill officer Christopher Fitzgerald;
- i. Failing to discover that the weapon and ammunition used to kill Christopher Fitzgerald had been removed from the family home;
- j. Failing to report to law enforcement authorities that the weapon and ammunition used to kill Christopher Fitzgerald had been removed from the family home;
- k. Failing to discover transfer, sell or otherwise dispose of firearms owned and controlled by her which were being kept at the family home in order to prevent Miles Pfeffer, from accessing a deadly weapon;
- l. Failure to discover that the murder weapon was in control and possession of Miles Pfeffer at various times, including at the time of Christopher Fitzgerald's murder;
- m. Allowing Miles Pfeffer to control, possesses and maintain various firearms and ammunition despite his known history of severe mental illness;
- n. Failing to ensure that Miles Pfeffer was unable to control, possess, or otherwise access firearms;

- o. Failing to implement reasonable and appropriate safeguards to ensure Miles Pfeffer could not access guns and ammunition at the family home for criminal purposes;
- p. Failing to take appropriate measures to secure firearms and other instrumentalities following Miles Pfeffer's numerous prior incidents of crime committed as a juvenile;
- q. Failing to take appropriate measures to secure firearms and other instrumentalities following Miles Pfeffer's numerous prior incidents of behavioral infractions while attending school; and
- r. Failing to take appropriate measures to secure firearms and other instrumentalities following Miles Pfeffer's increasingly volatile and dangerous behavior.

58. As a direct and proximate result of the careless and reckless actions or inactions of Defendant George Shaw, Plaintiffs' decedent, Christopher Fitzgerald, was caused and/or increased the harm of the injuries stated above, including death.

WHEREFORE, Plaintiffs demand judgment against each named Defendant, jointly and severally, for a sum in excess of Fifty Thousand Dollars (\$50,000.00), for compensatory damages, punitive damages, and such other relief as this Court may deem just and proper.

COUNT V – NEGLIGENCE

Plaintiffs Marissa Fitzgerald, Joel Fitzgerald, PhD, and Pauline Fitzgerald as Co-Administrators of the Estate of Christopher Fitzgerald, Deceased

v.

Defendant Mark Pfeffer

59. Each of the previous paragraphs is hereby incorporated by reference as though fully set forth herein.

60. Defendant, Mark Pfeffer, was negligent, careless and/or reckless in the following ways:

- a. Enabled, empowered, entrusted, authorized, and permitted his son, Miles Pfeffer, access to various instrumentalities used in the commission of various criminal acts;
- b. Negligently entrusting a firearm to his son, Miles Pfeffer, an individual with severe mental illness;
- c. Negligently entrusting a firearm to his son, Miles Pfeffer, an individual with a known history of violent and erratic behaviors;
- d. Negligently entrusting a firearm to his son, Miles Pfeffer, knowing the likelihood that the firearm would be used in a way which presented unreasonable risk to others;
- e. Negligently entrusting a firearm to his son, Miles Pfeffer, pursuant to Restatement of Torts § 308;
- f. Failing to properly secure firearms and ammunition owned and/or controlled by him;
- g. Failing to remove firearms and ammunition from the family home, including the gun and ammunition used to kill officer Christopher Fitzgerald;
- h. Failing to routinely inspect, check, and confirm safekeeping of the gun and ammunition used to kill officer Christopher Fitzgerald;
- i. Failing to discover that the weapon and ammunition used to kill Christopher Fitzgerald had been removed from the 29th and Ridge property;

- j. Failing to report to law enforcement authorities that the weapon and ammunition used to kill Christopher Fitzgerald had been removed from the 29th and Ridge property;
- k. Failing to discover transfer, sell or otherwise dispose of firearms owned and controlled by him which were being kept at the 29th and Ridge property in order to prevent his son, Miles Pfeffer, from accessing a deadly weapon;
- l. Failure to discover that the murder weapon was in control and possession of his son Miles Pfeffer at various times, including at the time of Christopher Fitzgerald's murder;
- m. Allowing her son, Miles Pfeffer, to control, possess and maintain various firearms and ammunition despite his known history of severe mental illness;
- n. Failing to ensure that her Miles Pfeffer was unable to control, possess, or otherwise access firearms;
- o. Failing to implement reasonable and appropriate safeguards to ensure Miles Pfeffer could not access guns and ammunition at the family home for criminal purposes;
- p. Failing to take appropriate measures to secure firearms and other instrumentalities following Miles Pfeffer's numerous prior incidents of crime committed as a juvenile;
- q. Failing to take appropriate measures to secure firearms and other instrumentalities following Miles Pfeffer's numerous prior incidents of behavioral infractions while attending school; and

- r. Failing to take appropriate measure to secure firearms and other instrumentalities following Miles Pfeffer's increasingly volatile and dangerous behavior.
61. As a direct and proximate result of the careless and reckless actions or inactions of Defendant Mark Pfeffer, Plaintiffs' decedent, Christopher Fitzgerald, was caused and/or increased the harm of the injuries stated above, including death.

WHEREFORE, Plaintiffs demand judgment against each named Defendant, jointly and severally, for a sum in excess of Fifty Thousand Dollars (\$50,000.00), for compensatory damages, punitive damages, and such other relief as this Court may deem just and proper.

COUNT VI – ASSAULT AND BATTERY

Plaintiffs Marissa Fitzgerald, Joel Fitzgerald, PhD, and Pauline Fitzgerald as Co-Administrators of the Estate of Christopher Fitzgerald, Deceased

v.

Defendant Miles Pfeffer

62. Each of the previous paragraphs is hereby incorporated by reference as though fully set forth herein.

63. At all relevant times, Defendant Miles Pfeffer acted with the intent to cause Decedent Christopher Fitzgerald to have a reasonable and immediate fear of harmful or offensive contact with his body and did, in fact, cause such fear.

64. At all relevant times, Defendant Miles Pfeffer acted with an intent to cause a harmful or offensive contact with the body of Officer Fitzgerald and that directly resulted in the harmful or offensive contact with the body of Officer Fitzgerald.

65. Defendant Miles Pfeffer caused harmful contact to Christopher Fitzgerald by shooting him.

66. The shooting of Christopher Fitzgerald by Defendant Miles Pfeffer would offend a reasonable person's sense of dignity.

67. Defendant Miles Pfeffer intentionally, willfully, and knowingly shot and killed Christopher Fitzgerald.

68. As a direct and proximate result of the foregoing assault and battery, Plaintiffs' decedent, Christopher Fitzgerald suffered severe and catastrophic injuries, including death.

WHEREFORE, Plaintiffs demand judgment against each named Defendant, jointly and severally, for a sum in excess of Fifty Thousand Dollars (\$50,000.00), for compensatory damages, punitive damages, and such other relief as this Court may deem just and proper.

Respectfully submitted,

MARRONE LAW FIRM, LLC

Date: May 31, 2023

By: /s/ Joseph M. Marrone
Joseph M. Marrone, Esquire
Michael D. Pomerantz, Esquire
Attorneys for Plaintiffs Marissa Fitzgerald, Joel Fitzgerald, PhD, and Pauline Fitzgerald, as Co-Administrators of the Estate of Christopher Fitzgerald, deceased.