

JOEL P. TRIGIANI, ESQUIRE
ID# 32268
123 S. Broad Street
Suite 1812
Philadelphia, PA 19109
(215) 985-4590

Attorney for Plaintiff

MARIO MELE
1240 Pinetown Road
Fort Washington, PA 19034

v.

JANET GRACE
3440 W. Penn Street
Philadelphia, PA 19129

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
DECEMBER 2005

TERM, 2005

NO.

001088

COMPLAINT IN TRESPASS

Plaintiff, Mario Mele, by and through his attorney, Joel P. Trigiani, Esquire, files this verified Complaint in Trespass against Defendant, Janet Grace and asserts the following:

1. Plaintiff, Mario Mele, is an adult individual residing at 1240 Pinetown Road, Fort Washington, PA 19034.
2. Defendant, Janet Grace, is an adult individual residing at 3440 W. Penn Street, Philadelphia, PA 19129.

COUNT I (NEGLIGENCE)

3. Plaintiff hereby incorporates paragraphs 1-2 as though fully set forth at length.
4. On or about April 7, 2005, Plaintiff purchased a 2.35 carat diamond engagement ring for Defendant. (A true and correct copy of the appraisal for said ring is incorporated by reference and made a part hereof and marked Exhibit "A").
5. The appraised value of the ring is \$35,000.00.
6. On May 1, 2005, Plaintiff, in the presence of his sister and others, proposed

marriage to Defendant.

7. On or about June 24, 2005, Plaintiff broke the engagement and terminated the relationship.

8. Approximately a month following the break-up, Plaintiff made a request for the return of the ring.

9. On or about October 27, 2005, Defendant had the diamond removed and received cash in the amount of \$11,500.00 from Robert Weintraut Jeweler, along with a Precious Metals Dealers Transaction Report. (A true and correct copy of said report is attached hereto and made a part hereof and marked Exhibit "B").

10. Defendant negligently failed to safeguard the property of Plaintiff to his legal detriment.

11. Defendant donated the above-said proceeds to charity, including but not limited to Saint Bridget's Church (\$8,000.00), Point Breeze Performing Arts Center (\$3250), \$225 donated to art in City Hall, Philadelphia, PA and \$40 to the Philadelphia Orchestra without notifying Plaintiff and without his permission.

12. Solely as a direct result of Defendant's negligence, Plaintiff has been caused to suffer a great financial loss, along with humiliation, anxiety and other personal injuries.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount not in excess of Fifty Thousand Dollars.

COUNT II (CONVERSION)

14. Plaintiff hereby incorporates by reference paragraphs 1-12 as though fully set forth at length.

15. In July of 2005, Plaintiff made a demand upon Defendant to return the

engagement ring.

16. On or about October 27, 2005, Defendant, acting without the consent of Plaintiff, did wilfully and intentionally remove the diamond from the setting described in Exhibit "A" and did receive cash from Robert Weintraut as referenced in Exhibit "B."

17. Defendant's conduct described herein above constitutes the tort of conversion.

18. Defendant thereafter tendered the proceeds of the conversion to various charities denominated in paragraph 11 above-stated.

19. Defendant's conduct in converting the engagement ring to cash was done with full knowledge of the law of the Commonwealth as stated in Lindh v. Surman, 560 Pa. 1, 742 A.2d 643 (1999).

20. As a direct result of Defendant's intentional act, Plaintiff has been caused to suffer damages, including but not limited to the loss of value of his property, embarrassment, humiliation, anxiety and other personal injuries along with costs and counsel fees.

21. Defendant's conduct as set forth herein above warrants an award of punitive damages because it was malicious, outrageous, in reckless disregard of Plaintiff's rights, motivated by personal spite and greed, and performed with knowledge of the devastating effect it would have on the Plaintiff.

WHEREFORE, Plaintiff demands judgment in his favor and against the Defendant for compensatory damages in an amount in excess of \$50,000.00 and for punitive damages in an amount in excess of \$50,000.00, plus interest, costs, reasonable attorney's fees, and any other relief that the Court may deem appropriate and just.