

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

**COVER SHEET**

<b>Plaintiff(s)</b> RON BERLINGO	<b>CIVIL DIVISION</b>	
	<b>Case Number :</b> <input type="text"/> - <input type="text"/> - <input type="text"/>	
	<b>Type of pleading :</b> COMPLAINT	
	<b>Code and Classification :</b> 009	
	<b>Filed on behalf of</b> RON BERLINGO	
<b>Vs</b>		
<b>Defendant(s)</b> MONROEVILLE OPERATIONS, LLC d/b/a MONROEVILLE REHABILITATION AND WELLNESS CENTER,	<b>(Name of the filing party)</b>	
	<input checked="" type="checkbox"/> Counsel of Record <input type="checkbox"/> Individual, If Pro Se	
	<b>Name, Address and Telephone Number :</b> Adam R. Gorzelsky, Esquire Gorzelsky Law 101 North Main St., Ste 104B Greensburg, PA 15601 724-838-8110	
	<b>Attorney's State ID :</b> 309094	
	<b>Attorney's Firm ID :</b>	

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

RON BERLINGO,	:	CIVIL DIVISION
	:	
Plaintiff,	:	NO:
	:	
v.	:	
	:	
MONROEVILLE OPERATIONS, LLC	:	
d/b/a MONROEVILLE REHABILITATION	:	
AND WELLNESS CENTER,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**NOTICE TO DEFEND**

TO THE ABOVE DEFENDANT(S):

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 A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

Lawyer Referral Service  
Allegheny County Bar Association  
3rd Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555  
[www.acbalrs.org](http://www.acbalrs.org)

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Plaintiff,	:	NO:
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	:	
MONROEVILLE OPERATIONS, LLC	:	
d/b/a MONROEVILLE REHABILITATION	:	
AND WELLNESS CENTER,	:	
	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**COMPLAINT**

AND NOW, comes the Plaintiff, Ron Berlingo, by and through his counsel, Adam R. Gorzelsky, Esquire, and files the herein Complaint, averring as follows.

**INTRODUCTION**

1. This action is brought pursuant to the Pennsylvania Whistleblower Law (“PWL”) [43 P.S. §§ 1421, et seq.] and Pennsylvania common law. Specifically, Mr. Berlingo alleges that he was terminated in retaliation for communicating with the Pennsylvania Department of Health and the Allegheny County Department of Health regarding Covid-19 infections at the Monroeville Rehabilitation and Wellness Center in violation of the PWL. Mr. Berlingo further alleges that this termination was a violation of public policy and thus constitutes a wrongful termination under Pennsylvania common law.

**II. JURISDICTION AND VENUE**

2. This Court is permitted to maintain personal jurisdiction over the Defendant because its contacts with the Commonwealth and this judicial district are sufficient to meet the minimum requirements necessary to satisfy the notions of fair play and justice established by the

United States Supreme Court in *International Shoe Company v. Washington*, 326 U.S. 310 (1945) and its progeny.

3. Venue lies in this district pursuant to Pa.R.C.P. 1006(a)(1) as the Defendant resides within the district and a substantial part of the events and occurrences described herein took place within the district.

### **III. PARTIES**

4. Plaintiff, Ron Berlingo (“Mr. Berlingo”), is an adult individual currently residing at 25 Woodland Avenue, Greensburg, Westmoreland County, Commonwealth of Pennsylvania.

5. Defendant Monroeville Operations, LLC is a Limited Liability Corporation d/b/a Monroeville Rehabilitation & Wellness Center, with a business address at 4142 Monroeville Blvd., Monroeville, Allegheny County, Commonwealth of Pennsylvania.

### **IV. FACTUAL BACKGROUND**

6. The averments of paragraphs 1 through 5 are incorporated by reference as if more fully set forth herein.

7. Mr. Berlingo began employment at The Grove in Irwin on or about July 30, 2019 as a nursing home administrator.

8. It is believed and therefore averred that there is shared ownership interest between The Grove at Irwin and Defendant.

9. Mr. Berlingo was assigned to the Defendant’s Monroeville Rehab and Wellness Center (hereinafter “the Center”) in or around September 2019 in the same position.

10. The Center is a long-term care facility.

11. Mr. Berlingo performed his job throughout his employment with Defendant without receiving any formal discipline.

12. The Center encountered its first positive Covid-19 test in or around late June or early July 2019.

13. Mr. Berlingo immediately contacted the Pennsylvania Department of Health to report this development.

14. The Allegheny County Department Health also became involved with the situation.

15. An Infection Control Specialist, Joan Hebden, was assigned to the Center to provide consultation regarding proper protocols to control the spread of the virus.

16. Due to the developing situation, Tom Lowden, the regional administrative consultant for Defendant, became more involved with the day-to-day operations of the Center.

17. Ms. Hebden communicated by telephone at least on a weekly basis with Mr. Lowden, Mr. Berlingo, Defendant's attorneys, and other officials.

18. It became apparent to Mr. Berlingo that Mr. Lowden and the head nurse was not always reporting accurate information to Ms. Hebden.

19. For instance, a number of employees had become sick and thus were not able to work, leaving the Center understaffed.

20. Mr. Lowden reported to Ms. Hebden that the situation had stabilized and a number of those employees were returning to work, when this was not the case.

21. Mr. Berlingo actually had received a phone call from a temporary staffing agency that had been recommended by the Allegheny County Department of Health in order to assist with said staffing issues.

22. Mr. Lowden reprimanded Mr. Berlingo for speaking to this individual, informing him that he should not speak to anyone from the State without the attorneys present.

23. Mr. Lowden also informed Ms. Hebden that the Center was working with an epidemiologist to control the situation.
24. This was false to the best of Mr. Berlingo's knowledge.
25. The Pennsylvania Department of Health required a line listing from the Center to include details about infected residents.
26. The head nurse typically was a responsible for providing said line listings.
27. In or around late July, the head nurse informed Mr. Berlingo that she had yet to produce the report due to time constraints.
28. Mr. Berlingo called a representative from the Pennsylvania Department of Health to request a short extension to produce the report.
29. Mr. Lowden once again reprimanded Mr. Berlingo, informing him that he is not to speak to the State without attorneys present.
30. He also informed Mr. Berlingo that the owner, Sam Halper, was not pleased with Mr. Berlingo's performance and was looking to replace him.
31. Mr. Lowden also informed Mr. Berlingo that he was not to speak during the meetings with Ms. Hebden.
32. Another call was held with Ms. Hebden on or about July 28, 2019.
33. The head nurse reported additional information during this call that Mr. Berlingo believed to be incorrect, including the number of Covid-positive residents.
34. Following the group phone call, Mr. Berlingo reached out to Ms. Hebden separately to discuss the ongoing discrepancies.
35. Ms. Hebden sent an email to Mr. Lowden and the other meeting participants regarding some of these issues.

36. Mr. Lowden immediately called Mr. Berlingo after this email was sent, telling him again not to speak to anyone without attorneys present.

37. Mr. Berlingo was terminated upon arrival to work on July 29, 2020.

**V. COUNT 1:**  
**RETALIATION IN VIOLATION OF THE**  
**PENNSYLVANIA WHISTLEBLOWER LAW**

38. The averments of Paragraphs 7 through 38 are incorporated by reference as if set forth more fully herein.

39. Defendant receives funding from the Commonwealth and from various public bodies, including but not limited to Medicare and Medicaid.

40. As such, Defendants qualify as an Employer as defined by the PWL from which employees are afforded protection after making good-faith reports of wrongdoing or waste.

41. Mr. Berlingo made a direct, good-faith report of wrongdoing or waste to an appropriate official when he spoke separately to Ms. Hebden regarding incorrect information being provided by Mr. Lowden and the head nurse.

42. Mr. Berlingo suffered immediate retaliation as a result of making this report when he was terminated the following day.

43. Such retaliation is a direct violation of the PWL.

WHEREFORE, Mr. Berlingo seeks all damages as are appropriate, including but not limited to back pay, front pay, lost fringe benefits, compensatory damages, pre-and post-trial interest, as well as attorney's fees and costs.

**VI. COUNT 2:**  
**WRONGFUL TERMINATION IN VIOLATION OF**  
**PENNSYLVANIA PUBLIC POLICY**

44. The averments of Paragraphs 7 through 43 are incorporated by reference as if set forth more fully herein.

45. The Covid-19 Pandemic is a clear public health issue that requires accurate and timely reporting to local and state health authorities.

46. Such accurate and timely reporting absolutely is essential among the most vulnerable population that resides in long-term care facilities such as the Monroeville Health and Wellness Center.

47. Accordingly, there is a clear public policy in favor of ensuring that employees at such facilities are not punished for ensuring that accurate information is provided to health officials.

48. This public policy clearly applies to Mr. Berlingo in his capacity as the nursing administrator for the Center.

49. Mr. Lowden, on behalf of the Defendant, actively discouraged Mr. Berlingo from speaking to the Pennsylvania Department of Health or the Allegheny County Department of Health.

50. Ultimately, Mr. Berlingo was terminated for making a good-faith report to Ms. Hebden regarding what he perceived to be inaccurate information that had been provided.

51. This termination is a violation of the aforementioned public policy and thus constitutes a wrongful termination.

52. The Defendant's action in the midst of a pandemic is willful, malicious conduct that displays a wanton disregard for the safety of others.



53. As such, punitive damages are appropriate.

WHEREFORE, Mr. Berlingo seeks all damages as are appropriate, including but not limited to back pay, front pay, lost fringe benefits, compensatory damages, punitive damages, pre-and post-trial interest, as well as attorney's fees and costs.




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Greensburg PA 15601  
(724) 838-8110  
(724) 838-8115 (fax)

VERIFICATION

I, the undersigned, hereby verify that the statements set forth in the within Complaint are true and correct to the best of my ability. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 8/21/2020

  
\_\_\_\_\_  
Ron Berlingo