

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

LISA HALSTEAD,

Plaintiff

v.

LOWE'S COMPANIES, INC.

Defendant

CIVIL DIVISION

GD No.

**COMPLAINT**

Filed on Behalf of Plaintiff: LISA HALSTEAD

Counsel for this Party:

Lisa M. Henry, Esq.  
PA ID. No. 311912

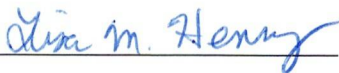
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**CERTIFICATE OF COMPLIANCE**

I hereby certify that this filing complies with the provisions of the Case Records and Public Access Policy of the Unified Judicial System of Pennsylvania that require filing of confidential information and documents differently than nonconfidential information and documents.

Submitted by: Attorney for Plaintiff

Signature: 

Name: Lisa M. Henry, Esq.

Attorney ID No. 311912

**JURY TRIAL DEMANDED**

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

LISA HALSTEAD : CIVIL DIVISION  
 :  
v. : GD No.  
 :  
LOWE’S COMPANIES, INC :  
 :

**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.

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Allegheny County Bar Association (“ACBA”)

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

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 LOWE’S COMPANIES, INC :  
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**COMPLAINT**

AND NOW, comes the Plaintiff, Lisa Halstead, by and through her attorneys, Lisa Henry, Esq. and Henry Law LLC, and files this Complaint, and, in support thereof, avers the following:

**I. Case Overview**

1. On June 6, 2024, Plaintiff, Lisa Halstead (“**Mrs. Halstead**”), was attacked and wounded by a raccoon in the lawn and garden section of a Lowe’s store located in Robinson Township, Pennsylvania (“**Lowe’s Robinson**”) with an address of 400 Davis Boulevard, Pittsburgh, PA 15275; any reference herein to “Lowe’s Robinson” also collectively includes its employees.

2. Lowe’s Robinson was aware of the raccoon’s presence prior to Mrs. Halstead being attacked - in fact, employees were aware of three (3) raccoons on the premises - but did not (i) warn their customers, (ii) close all or any portion of their lawn and garden section, or (iii) take any action to protect their customers from said wild animals on June 6, 2024.

3. After Mrs. Halstead was injured, Lowe’s Robinson also did not respond to her or her husband’s repeated requests that the raccoon be trapped and tested for rabies.

4. Due to Lowe’s Robinson’s inaction, Mrs. Halstead was required to undergo the series of shots that comprise the rabies vaccine.

5. The vaccine caused Mrs. Halstead to develop and suffer paralysis of the muscles on the left side of her face, a condition known as Bell's palsy.

6. For the rest of her life, Mrs. Halstead will now be more likely to develop Bell's palsy in response to, among other things, any vaccination.

## **II. Jurisdiction and Venue**

6. This Court exercising jurisdiction over the Defendant, Lowe's Companies, LLC, ("**Lowe's Corporate**"), is proper because Lowe's Corporate, a foreign corporation, has (1) registered its fictitious name of "Lowe's" with Pennsylvania's Department of State, (2) transacts business within the Commonwealth's borders, and (3) maintains continuous and systematic contacts with the Commonwealth via its business operations including, but not limited to, the store where the attack took place, Lowe's Robinson. 42 Pa.C.S.A. §§ 5301, 5322.

7. Venue is proper in this Court because Mrs. Halstead's causes of action arose within Allegheny County at Lowe's Robinson, and Lowe's Corporate regularly conducts business in this county via, among other locations, this particular store. Pa.R.C.P. No. 2179.

## **III. Facts**

8. Mrs. Halstead is a resident of Clinton, Pennsylvania, who, at the time of the events herein, was 59 years old.

9. On June 6, 2024, on or about 3:00 pm, Mrs. Halstead was shopping for flowers in the lawn and garden section of Lowe's Robinson.

10. She suddenly felt a pain in her left foot and looked down to see three (3) raccoons under the shelf near her feet.

11. Mrs. Halstead quickly pulled her foot away and saw a claw mark on the top of her left foot.

12. She immediately retreated from the aisle and went to the sales register at the lawn and garden center to report the raccoons' location.

13. Upon hearing Mrs. Halstead's report, the employee at the sales register said, to the effect, "oh, the guy's not there?"

14. Mrs. Halstead believes and so avers that this statement was referring to an employee that was supposed to be monitoring the raccoons, but was not.

15. A manager was called to the register and confirmed to Mrs. Halstead that Lowe's Robinson was aware of the raccoons.

16. In fact, the manager explained that one raccoon had previously been caught.

17. However, Lowe's Robinson employees had failed to locate the remaining raccoons but knew they were somewhere in the lawn and garden area for about a week.

18. Mrs. Halstead requested that the raccoons be captured as soon as possible and tested for rabies.

19. The manager sent a group text (which he showed to Mrs. Halstead on his phone) to all Lowe's Robinson managers that stated Mrs. Halstead was to be contacted once animal control arrived on site.<sup>1</sup>

20. However, no one from Lowe's Robinson or Lowe's Corporate ever contacted Mrs. Halstead.

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<sup>1</sup> Ms. Halstead and her husband would learn that this animal-control company was a private extermination business contracted by Lowe's Robinson to handle such matters.

21. Mrs. Halstead also asked why the lawn and garden area was still open given Lowe's Robinson knew about the raccoons, but the manager responded, to the effect "oh no, we can't shut down."

22. Based on this statement, Mrs. Halstead believes and so avers that Lowe's Robinson was prioritizing sales over the safety of its customers.

23. Mrs. Halstead then went to a nearby medical clinic, Heritage Valley Robinson Township ("**Heritage Valley**"), where the wound on the top of her left foot – the claw mark inflicted by the raccoon - was evaluated.

24. Since it was unknown whether the raccoon that clawed Mrs. Halstead had rabies, Heritage Valley staff referred her to the hospital so that she could start the rabies vaccine protocol.

25. Mrs. Halstead began the rabies shot regime the following day, at UPMC Shadyside in Pittsburgh, Pennsylvania.

26. Meanwhile, Mrs. Halstead's husband, Patrick Halstead ("**Mr. Halstead**"), after receiving a call from his wife shortly after her injury on June 6<sup>th</sup>, (1) contacted Lowe's Robinson, (2) informed the operator about the raccoon attack, (3) stated that he was leaving work to come to Lowe's Robinson now, and (4) requested that a manager be available to speak with him.

27. Mr. Halstead wanted to ensure that Lowe's Robinson would take the situation seriously, catch the raccoons, and test them for rabies.

28. Mr. Halstead arrived at Lowe's Robinson on or about 5:00 pm.

29. Initially, he was left waiting as the employees he spoke with did not seem to know anything about the recent raccoon attack, nor even who to contact within the store or their chain of command to address Mr. Halstead's concerns.

30. Essentially, Mr. Halstead with “given the runaround” until a manager eventually came out to meet with him.

31. The manager stated that Lowe’s Robinson’s exterminator had been called.

32. Mr. Halstead inquired when the exterminator would arrive, but the manager stated he had “no idea.”

33. The manager then asked for Mr. Halstead’s help in filling out and submitting an internal Lowe’s Corporate report, a request to which Mr. Halstead complied.

34. Mr. Halstead repeatedly tried to impress upon the manager the urgency and importance of the raccoons being located and tested for rabies.

35. The manager instructed Mr. Halstead to call a phone number, which turned out to simply connect him with Lowe’s Corporate’s general complaint department.

36. Frustrated by this lack of action and concern for his wife’s health, Mr. Halstead, after receiving no update from Lowe’s Robinson or Lowe’s Corporate, contacted the Robinson Township police department later that evening to see if an officer could assist Lowe’s Robinson in locating and trapping the raccoons.

37. Unfortunately, the officer stated that there wasn’t really anything that their department could do, and the situation needed to be handled by Lowe’s Robinson and its exterminator.

38. Mr. and Mrs. Halstead were also told that Lowe’s Robinson’s position was that management had already called its exterminator and that they would not call again, despite the fact that hours had passed since the exterminator was supposedly contacted and no one had shown up.

39. Ultimately, neither Lowe’s Robinson nor Lowe’s Corporate would ever respond to the Halsteads’ request for information as to whether the raccoons were caught and tested for rabies.

40. Within a few days of receiving the first rabies shot, Mrs. Halstead began to notice a sharp, shooting pain in the back of her neck and a tingling in her lips.

41. The pain escalated until it affected her ability to lie down, requiring that she remain standing or be propped upright in a chair.

42. Mrs. Halstead also noticed a sudden loss of hearing in her left ear while sitting in a restaurant with her husband; she found this loss very frightening and upsetting.

43. Then, her left eye began to droop.

44. Ultimately, Mrs. Halstead lost all feeling on the left side of her face and was unable to control her left eyelid.

45. Her diagnosis was Bell's palsy triggered by the rabies vaccine.

46. To date, Mrs. Halstead is unable to fully close her left eye.

47. She still suffers from sharp pains, including in her neck. and, at times, her entire body will feel as though it is burning.

48. Accordingly, Mrs. Halstead frequently has disrupted sleep due to the neck pain, which, at times, requires her to sleep upright in a chair with a heating pad.

49. Mrs. Halstead also finds it difficult to sleep because, given her left eyelid no longer fully closes, she must place gauze over it, which is secured by tape to her skin, while she sleeps to avoid damage to the eye itself.

50. Similarly, she is no longer able to enjoy being outdoors and tending to her flowers and plants as she used to, given that her left eye will be irritated by any sort of wind.

51. She also felt and continues to feel embarrassment due to the inability to control the left side of her face and/or eyelid, which can be extremely noticeable to the casual viewer depending upon the severity of her Bell's palsy at the time.

52. Her left eye is also uncomfortably dry throughout the day, and this discomfort often distracts her from her daily tasks and during interactions with friends and family.

53. In an attempt to mitigate this eye pain and discomfort, Mrs. Halstead uses eye drops daily and will have to for the foreseeable future.

54. Due to the (1) surprise raccoon attack, (2) subsequent rabies treatment, and (3) infliction of Bell's palsy, Mrs. Halstead suffers, and has suffered, mental trauma, including, but not limited to fear, anxiety, and depression. *See, also*, ¶¶ 55, 56, *infra*.

55. Finally, Mrs. Halstead was informed by her treating physician that, once a person suffers a Bells palsy reaction to a vaccine, then the likelihood of having the same reaction to any other vaccine in the future increases.

56. Mrs. Halstead's treating physician stated, to the effect, that Mrs. Halstead would have to "choose to get the flu or choose to get Bell's palsy" for the rest of her life.

#### **IV. Plaintiff's Claims**

##### **COUNT I: NEGLIGENCE**

57. Generally, Defendant, Lowe's Corporate, under the doctrine of *respondeat superior*, is responsible for the actions (and inactions) of the employees of a store that it owns and operates, Lowe's Robinson. *Brezenski v. World Truck Transfer, Inc.*, 755 A.2d 36, 39 (Pa. Super. Ct. 2000)

58. Lowe's Robinson does not operate as a separate business entity; rather, it is a branch of Lowe's Corporate that is governed by the policies, procedures, and decisions of Lowe's Corporate. *See* Press Release dated May 20, 2026, "LOWE'S REPORTS FIRST QUARTER 2026 SALES AND EARNINGS RESULT" by Lowe's Companies, Inc., <https://corporate.lowes.com/newsroom/press-releases/lowes-reports-first-quarter-2026-sales-and-earnings-results-05-20-26>.

59. It is believed, and so averred that Lowe's Corporate's store managers are referred to as "Captains," and Captains are responsible for implementing the policies, procedures, and decisions of Lowe's Corporate.

60. All employees, wherever situated, that took action, or failed to take action, regarding the raccoons and the handling of Mr. and Mrs. Halstead's requests for information and testing of the raccoons after Mrs. Halstead's injury, were acting within their scope of employment. *Brezenski*, 755 A.2d at 39.

61. Accordingly, via Lowe's Robinson, Lowe's Corporate owed a duty of care to Plaintiff, Mrs. Halstead, to reasonably protect her from harm when she entered onto its premises, namely, the lawn and garden section of Lowe's Robinson. *Murphy v. Bargain City, U.S.A., Inc.*, 201 A.2d 299, 301 (Pa. Super Ct. 1964).

62. In fact, Lowe's Corporate owed the highest duty of care to Mrs. Halstead under Pennsylvania law because, as a customer of who was attempting to purchase flowers from Lowe's Robinson, she took on the status of a "business invitee", i.e., an individual who enters onto the premises for the purpose for which the business is held open to the public. *Truax v. Roulhac*, 126 A.3d 991, 997-98 (Pa Super Ct. 2015).

63. Lowe's Corporate had actual knowledge of a dangerous condition on its premise - the three raccoons - given that Lowe's Robinson confirmed that:

- a. One raccoon had been captured on its premises prior to June 6, 2024; and
- b. Management was aware of the three remaining raccoons on the premises for about a week; and

- c. A half-hearted attempt (at best) to monitor the raccoons apparently occurred on June 6, 2024, but, at least at the time Mrs. Halstead was wounded, the “guy wasn’t there.”

*Franciscus v. Sevdik*, 135 A.3d 1092, 1096 (Pa. Super Ct. 2016).

64. Lowe’s Corporate breached its duty of care to Mrs. Halstead when it failed to correct or warn her of a dangerous condition on its premises: the raccoons it had failed to capture.

65. It further breached its duty of care to Mrs. Halstead by failing to have the raccoons caught and tested for rabies, despite Mr. and Mrs. Halsteads’ repeated requests for the same.

66. In the alternative, Lowe’s Corporate breached its duty of care to Mrs. Halstead by failing to contact her or her husband with the results of the rabies’ test.

67. As a result of Lowe’s Corporate’s breaches, Mrs. Halstead was attacked by the raccoon, required to undergo a series of preventative rabies shots, and developed Bell’s palsy as a result.

68. Mrs. Halstead being attacked and forced to undergo a preventative vaccination sequence, which necessarily exposes Mrs. Halstead to the vaccine’s potential side effects, was a foreseeable consequence of Lowe’s Corporate failing to remove wild animals from the premises. *Griffin v. United States*, 351 F. Supp. 10, 34 (E.D. Pa. 1972), *aff’d*, 500 F.2d 1059 (3d Cir. 1974).

## **COUNT II: GROSS NEGLIGENCE**

69. Lowe’s Corporate’s actions, or inactions, rise to the level of reckless and flagrant disregard of a known danger to Mrs. Halstead’s, a business invitee’s, safety by:

- a. failing to remove not just one, but several wild animals – three raccoons – from its lawn and garden section for a week; and

- b. refusing to take any meaningful steps to warn or protect its customers from said wild animals on its premises; and
- c. prioritizing sales over the safety of its customers by keeping the lawn and garden section open despite knowledge of the raccoons' presence.

*Feleccia v. Lackawanna Coll.*, 215 A.3d 3, 20-21 (Pa. 2019); *Ovitsky v. Cap. City Econ. Dev. Corp.*, 846 A.2d 124, 126 (Pa. Super 2004).

70. Lowe's Corporate's actions, or inactions, further rise to the level of a wanton or reckless disregard of a known danger to Mrs. Halstead by:

- a. failing to communicate whether the raccoons - a species notorious for carrying rabies - had been captured and tested for said fatal disease, despite Mrs. Halstead's (and her husband's) repeated requests for the same; and
- b. actively refusing to ensure that its exterminator, or any type of animal control, actually showed up to capture the raccoons in a timely manner on June 6<sup>th</sup>; management specifically stated that it would not call the exterminator again, even in the face of no one arriving from said exterminator's business in a timely manner.

71. Per the above, Lowe's Corporate did not even exercise "scant care" or "slight care" to protect Mrs. Halstead from a known danger on its premises. *Feleccia*, 215 A.3d 3 at 20-21.

### **COUNT III: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

72. Lowe's Corporate actions, or inactions, in failing to protect Ms. Halstead from a known danger on its premises were extreme, outrageous and reckless when it:

- a. failed to remove not just one, but several wild animals – three raccoons – from its lawn and garden section for a week; and

- b. refused to take any meaningful steps to warn or protect its customers from said wild animals on its premises; and
- c. prioritized sales over the safety of its customers by keeping the lawn and garden section open despite knowledge of the raccoons' presence; and
- d. failed to communicate whether the raccoons had been captured and tested for said fatal disease, despite Mrs. Halstead's (and her husband's) repeated requests for the same; and
- e. actively refused to ensure that its exterminator, or any type of animal control, actually showed up to capture the raccoons in a timely manner on June 6<sup>th</sup>; management specifically stated that it would not call the exterminator again, even in the face of no one arriving from said exterminator's business in a timely manner.

*Chuy v. Philadelphia Eagles Football Club*, 595 F.2d 1265, 1274 (3d Cir. 1979); *See, also*, *Stoddard v. Davidson*, 513 A.2d 419 at 421 (Pa. 1986).

73. As a result of Lowe's Corporate's extreme, outrageous and reckless conduct, Mrs. Halstead was exposed to and had to undergo treatment for a fatal disease, rabies, which necessarily caused Mrs. Halstead severe emotional distress. *Id.* at 1274.

74. Furthermore, Lowe's Corporate's outrageous and reckless conduct in taking, at best, only perfunctory acts to capture and test the raccoons after it learned of Mrs. Halstead's injury, and despite Mrs. Halstead's and her husband's repeated requests do so, caused Mrs. Halstead severe emotional distress. *Id.*

75. Lowe's Corporate's outrageous and reckless conduct in failing to even contact Mrs. Halstead or her husband with any sort of update on the raccoons capture or rabies status, despite promising to do so, caused Mrs. Halstead severe emotional distress. *Id.*

76. Lowe's Corporate's extreme, outrageous and reckless conduct, caused Mrs. Halstead to develop Bell's palsy for the rest of her life, limiting her access to, among other things, vaccines, which caused, and will continue to cause, severe emotional distress. *Id.*

#### **COUNT IV: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

77. Lowe's Corporate owed the highest duty of care to Mrs. Halstead because she was a business invitee on their premises at the time of her injury. *Toney v. Chester Cnty. Hosp.*, 961 A.2d 192, 198 (Pa. Super Ct. 2008); *Murphy* 201 A.2d at 301; *Truax* 126 A.3d at 997-98.

78. Mrs. Halstead's suffer a physical injury that resulted in severe emotional distress due to Lowe's Corporate's negligent conduct in failing to remove the raccoons, warn its customers, close any portion of the lawn and garden section, and failing to catch and test the raccoons for rabies (or communicate the results of such test to Mrs. Halstead). *Toney*, 961 A.2d at 199.

79. Mrs. Halstead will continue to suffer severe emotional distress due to Lowe's Corporate's negligent actions and inactions that exposed her to the foreseeable, physical side effect of the rabies vaccine, Bell's palsy. *Id.*

#### **COUNT V: FRAUDULENT NONDISCLOSURE**

80. Lowe's Corporate owed the highest duty of care to Mrs. Halstead because she was a business invitee on their premises at the time of her injury. *Toney v. Chester Cnty. Hosp.*, 961 A.2d 192, 198 (Pa. Super Ct. 2008); *Murphy* 201 A.2d at 301; *Truax* 126 A.3d at 997-98.

81. As a business invitee, Lowe's Corporate had a duty to disclose to Mrs. Halstead the existence of a dangerous condition, the raccoons, that it was aware of for about a week, prior to

her suffering the raccoon wound on its premises. *Gnagey Gas & Oil Co. v. Pennsylvania Underground Storage Tank Indemnification Fund*, 82 A.3d 485, 501 (Pa. Commw. Ct. 2013) (citing numerous sources).

82. Lowe's Corporate did not disclose the presence of the raccoons on its premises; it did not place any warning signs and did not restrict access to any part of its lawn and garden section.

83. In fact, Lowe's Corporate only admitted that it knew about the raccoons after Mrs. Halstead herself reported their presence.

84. Lowe's Corporate also had a duty to disclose whether the exterminator ever entered onto the premises to capture the raccoons, especially in the face of repeated inquiries by Mrs. Halstead and her husband.

85. Due to Lowe's Corporate's failure to disclose a known dangerous condition to its business invitee, Mrs. Halstead suffered severe distress and physical injuries, including, but not limited to, Bell's palsy.

#### **COUNT VI: NEGLIGENT MISREPRESENTATION**

86. Lowe's Corporate owed the highest duty of care to Mrs. Halstead because she was a business invitee on their premises at the time of her injury. *Toney v. Chester Cnty. Hosp.*, 961 A.2d 192, 198 (Pa. Super Ct. 2008); *Murphy* 201 A.2d at 301; *Truax* 126 A.3d at 997-98.

87. Lowe's Corporate materially misrepresented the safety of its premises to Mrs. Halstead, a business invitee, when it continued to hold its lawn and garden section open to the public for business without placing any warning or other indications of the raccoons' presence, a known danger.

88. Mrs. Halstead relied upon this misrepresentation of safety when she entered onto the premises to purchase flowers.

89. Due to Lowe's Corporate's misrepresentation of the safety of its premises, Mrs. Halstead suffered severe distress and physical injuries, including, but not limited to, Bell's palsy.

**V. Prayer for Relief**

90. Due to Lowe's Corporate's actions and inactions (and many failures) in this matter, Mrs. Halstead has:

- a. incurred medical expenses and will continue to incur such expenses; and
- b. struggled and will continue to struggle with physical pain, mental anguish, and disturbed sleep; and
- c. been unable and will continue to be unable to enjoy the pleasures of life, such as gardening, and spending time with friends and family; and
- d. suffered and will continue to suffer from embarrassment due to the disfigurement of her face when her Bell's palsy is presenting severely.

91. Accordingly, Mrs. Halstead demands all damages available to her under Pennsylvania law, including compensatory damages for economic and non-economic losses and punitive damages for Lowe's Corporate's wanton, reckless and outrageous behavior.

WHEREFORE, the Plaintiff respectfully requests that the Court grant her Prayer for Relief, or, in the alternative, demands a jury trial, for damages in excess of the arbitration limit of \$50,000.00.

Date: 6/6/26

Respectfully submitted:

*Counsel for Plaintiff*

Lisa M. Henry

Lisa M. Henry, Esq.

VERIFICATION

I, Lisa Halstead, hereby verify that the statements contained in the foregoing document 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.

Lisa Halstead May 11, 2026  
Lisa Halstead