

00-11-CD
DAVID MARTELL -vs- APRIL HARVEY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID MARTELL,

Petitioner

vs.

APRIL HARVEY,

Respondent

CIVIL DIVISION

No. ~~00~~ - 00-11-00

PETITION FOR BLOOD TEST

Filed on behalf of:

Petitioner, DAVID MARTELL

Counsel of Record for
Said Party:

PAUL COLAVECCHI, ESQUIRE
PA I.D. 83274

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

JONATHAN HARVEY
D.O.B. 11/09/96

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED

JAN 04 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

DAVID MARTELL, :
Petitioner :
vs. : No. 99 -
APRIL HARVEY, :
Respondent :

PETITION FOR BLOOD TEST

David Martell, through his Attorney, Paul Colavecchi, Esquire, files this Petition, and respectfully avers as follows:

1. Petitioner moves this Court for an Order pursuant to 23 Pa. C.S.A. 5104, requiring the parties to submit to a physical examination for the purpose of ascertaining blood type and blood subtype to assist the Court in determining the paternity of the child referred to by comparison of blood types.

2. Petitioner would show there is a controversy between he and Respondent to the paternity of the child referred to.

3. The names of the parties are as follows:

Petitioner is David Martell;

Respondent is April Harvey; and the

Child is Jonathan Harvey.

4. The child, Jonathan Harvey, was born on November 9, 1996.

5. Petitioner, David Martell, was not made aware of the fact he was the father until he received notice by mail in approximately February, 1998 that Respondent filed for child support.

6. The blood testing will not result in an undue burden upon the parties because of the unique circumstances in the case.

7. Respondent did not initially acknowledge the Petitioner as the father, but rather had his brother, Robert Martell, submit to a blood test for paternity in 1997. This blood test proved that Robert Martell was not the father of the child, Jonathan Harvey.

8. Petitioner may not be stopped from seeking a blood test to determine paternity for the following reasons:

- a. He is not a presumptive parent;
- b. He was never married to Respondent;
- c. He has never acknowledged the child as his own;
- d. He has never held himself out as the father of this child;
- e. He has never lived with the child;
- f. He has never supported the child; and
- g. He has never seen the child.

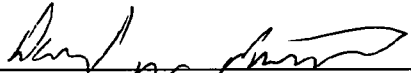
WHEREFORE, Petitioner requests that both he and Respondent be ORDERED by this Court to appear at a time and place appointed by the Court for the purpose of submitting to a blood examination.

Paul Colavecchi

PAUL COLAVECCHI, ESQUIRE
Attorney for Petitioner,
David Martell

VERIFICATION

I verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities.



DAVID MARTELL

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

CIVIL DIVISION

NO. 99 - - CD

DAVID MARTELL,

Petitioner

vs.

APRIL HARVEY,

Respondent

PETITION FOR BLOOD TEST

FILED

JAN 04 2000

100-99-0334/cty C. PD

William A. Shaw

Prothonotary

1cc Domestic Relations

\$80.00

23cc atty

COLAVECCHI & RYAN

ATTORNEYS AT LAW

221 E. MARKET STREET

(ACROSS FROM COURTHOUSE)

P. O. BOX 131

CLEARFIELD, PA. 16830

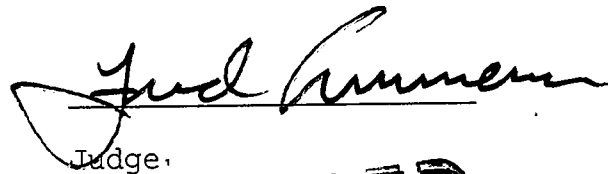
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DAVID MARTELL :
VS. : NO. 00-11-CD
APRIL HARVEY :

O R D E R

NOW, this 5th day of January, 2000, the Court being in receipt of the Petition for Blood Test filed to the above caption; the Court noting that there currently exists in the Support Division of the Court to No. 98-109-SD a paternity and support action by April Harvey as the Petitioner against David Martell as the Respondent; therefore, it is the ORDER of this court that the above-captioned Civil Action be and is hereby transferred to the Support Division to No. 98-109-SD, with the Petitioner herein, David Martell, being the Respondent, and the Respondent herein, April Harvey, being the Petitioner. The Court will issue separate Order to the Support Division requiring a written response on the part of April Harvey to the Petition for Blood Test.

BY THE COURT,


Judge.

FILED

JAN 06 2000

William A. Shaw
Prothonotary

FILED rec Domestic Relations
Dkt # 013133
JAN 15 2000
2cc Atty Colavecchi

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID MARTELL,
Petitioner

Vs.

APRIL HARVEY,
Respondent

CIVIL DIVISION

No. 00 - 11 - CD

PROCESS - AFFIDAVIT OF SERVICE

Filed on Behalf of:

Petitioner, DAVID MARTELL

Counsel of Record for This
Party:

PAUL COLAVECCHI, ESQUIRE
Pa. I.D. #83274

COLAVECCHI RYAN & COLAVECCHI
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FILED

JAN 28 2000

William A. Shaw
Notary

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DAVID MARTELL, :
Petitioner :
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APRIL HARVEY, :
Respondent :

PROCESS - AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

PAUL COLAVECCHI, ESQUIRE, being duly sworn according to law, deposes and says that on the fourth day of January, 2000, he served a Petition For Blood Test on April Harvey by regular first class mail, postage prepaid, at 1017A Sunny Slope Apartments, Philipsburg, Pennsylvania, 16866, in the above-captioned matter.

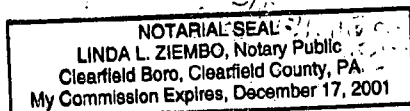
Paul Colavecchi
PAUL COLAVECCHI

Sworn to and subscribed before me

this 4th day of January, 2000.

Linda L. Ziembo

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RYAN & COLAVECCHI
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CLEARFIELD, PA



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

CIVIL DIVISION

No. 00 -11 - CD

DAVID MARTELL,

Petitioner

vs.

APRIL HARVEY,

Respondent

PROCESS - AFFIDAVIT OF SERVICE

JAN 28 2000
010:30cc
William A. Shaw
Prothonotary
EPL

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