

00-26-CD  
NANCY VITPOND et al -vs- RICHARD MOIR

CORCHIN & ROSATO, P.C.  
By: James R. Rosato, Jr., Esquire  
Attorney I.D. #39132  
P.O. Box 987  
Valley Forge, PA 19482  
610-983-3500

①  
ATTORNEY FOR PLAINTIFF

---

73 NANCY VIPOND AND : COURT OF COMMON PLEAS  
89 RICHARD MITCHELTREE : CLEARFIELD COUNTY, PA  
349 Bomboy Street :  
Howard, PA 16841 :  
vs. : NO. 60-26 CO  
84 RICHARD MOHR : CIVIL ACTION - LAW  
312 E. Pine Street :  
Apt. 20 :  
Clearfield, PA 16830 :

COMPLAINT

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.

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.

David Mehclick, Court Administrator  
P.O. Box 549  
Clearfield, PA 16830  
814-765-2641

FILED

JAN 07 2000

William A. Shaw  
Prothonotary

CORCHIN & ROSATO, P.C.  
By: James R. Rosato, Jr., Esquire  
Attorney I.D. #39132  
P.O. Box 987  
Valley Forge, PA 19482  
610-983-3500

ATTORNEY FOR PLAINTIFF

|                            |   |                       |
|----------------------------|---|-----------------------|
| <b>NANCY VIPOND AND</b>    | : | COURT OF COMMON PLEAS |
| <b>RICHARD MITCHELTREE</b> | : | CLEARFIELD COUNTY, PA |
| 349 Bomboy Street          | : |                       |
| Howard, PA 16841           | : |                       |
| VS.                        | : | <b>NO.</b>            |
|                            | : | CIVIL ACTION - LAW    |
| <b>RICHARD MOHR</b>        | : |                       |
| 312 E. Pine Street         | : |                       |
| Apt. 20                    | : |                       |
| Clearfield, PA 16830       | : |                       |

COMPLAINT

1. Plaintiffs Nancy Vipond and Richard Mitcheltree are adult individuals, who at all pertinent times resided at 349 Bomboy Street, Howard, PA 16841.
2. Defendant Richard Mohr is an adult individual who at all pertinent times resided at 312 East Pine Street, Apt. 20, Clearfield, PA 16830.
3. On or about January 30, 1998, at approximately 7:00 p.m., plaintiffs were traveling south on SR 153, Pine Township, Clearfield County, PA, when a vehicle driven by defendant Richard Mohr, traveling north on SR 153, turned left directly into plaintiffs' vehicle, resulting in a violent collision, all of which resulted in serious personal injury to plaintiffs, Nancy Vipond and Richard Mitcheltree.

COUNT I

Richard Mitcheltree v. Richard Mohr

4. Plaintiff Richard Mitcheltree incorporates by reference paragraphs 1 through 3 as if set forth at length herein.

5. The aforesaid accident was caused solely by the negligence, carelessness and recklessness of the defendant Richard Mohr and consisted, inter alia, of the following acts and/or omissions:

- (a) failure to keep a proper look out ahead;
- (b) failure to keep his motor vehicle under proper and adequate control at all times;
- (c) disregarding the right, safety, point and position of other vehicles on the road;
- (d) driving at a high and excessive rate of speed under the circumstances and conditions that existed at the time;
- (e) failure to maintain and keep his motor vehicle in a safe and operable condition;
- (f) failure to yield the right of way to oncoming traffic; and
- (g) violating the provisions of the Motor Vehicle Code and the laws of the Commonwealth of Pennsylvania with regard to the operation of a motor vehicle.

6. As a result of the foregoing negligence, carelessness and recklessness of defendant Richard Mohr, plaintiff Richard Mitcheltree has sustained the following injuries, including, but not limited to: injury to the flexor tendon in his right forearm with subsequent burning sensation with continued pain and swelling

to date, neck and mid-back pain, along with shock to his nerves and nervous system, all of which may be permanent.

7. As a result of his injuries, plaintiff has undergone in the past and will continue to undergo in the future great pain and suffering.

8. As a result of his injuries, plaintiff has suffered a loss of income and earning capacity and power which may be permanent.

9. As a result of his injuries, plaintiff has sustained a diminution in his ability to enjoy life and all of life's pleasures which may be permanent.

10. As a result of his injuries plaintiff has incurred and may continue to incur additional medical expenses which may exceed the sums recoverable under the Motor Vehicle Financial Responsibility Act.

11. At the time of the accident, plaintiff Richard Mitcheltree had chosen the full tort option on his insurance policy.

WHEREFORE, plaintiff Richard Mitcheltree demands judgment in his favor against defendant Richard Mohr in an amount which does not exceed the jurisdictional amount requiring arbitration.

COUNT II

Nancy Vipond vs. Richard Mohr

12. Plaintiff incorporates by reference paragraphs 1 through 11 as if set forth at length herein.

13. Plaintiff Nancy Vipond was a front-seated passenger in the vehicle driven by plaintiff Richard Mitcheltree.

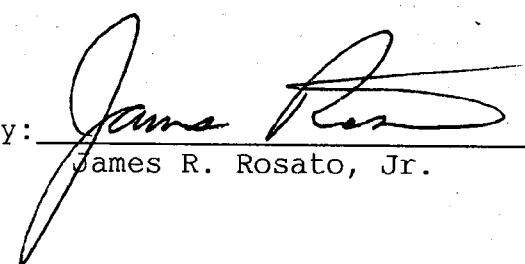
14. As a result of the foregoing negligence, carelessness and recklessness of defendant Richard Mohr, plaintiff Nancy Vipond has sustained the following injuries, including, but not limited to: bilateral contusion with pain and buckling of the knee, multiple contusions, along with shock to her nerves and nervous system, all of which may be permanent.

15. As a result of her injuries, plaintiff has suffered a loss of income and earning capacity and power which may be permanent.

16. At the time of the accident, plaintiff was deemed to have chosen the limited tort alternative on her insurance policy and is unable to recover for pain and suffering.

WHEREFORE, Nancy Vipond demands judgment in his favor against defendant Richard Mohr in an amount which does not exceed the jurisdictional amount requiring arbitration.

CORCHIN & ROSATO, P.C.

By: 

James R. Rosato, Jr.

VERIFICATION

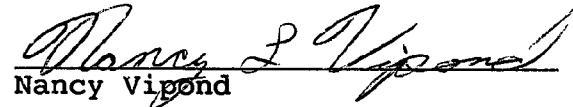
I, **Richard Mitcheltree**, hereby state that I am a plaintiff in this Action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Richard Mitcheltree  
Richard Mitcheltree

Date: 12/28, 1999

**VERIFICATION**

I, **Nancy Vipond**, hereby state that I am a plaintiff in this Action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

  
Nancy Vipond

Date: 12/28/ , 1999

FILED

REC JAN 07 2000  
Mila Socha Rosato PA \$80.00  
William A. Shaw  
Prothonotary  
CC Shuf.

(2)

CORCHIN & ROSATO, P.C.  
By: James R. Rosato, Jr., Esquire  
Attorney I.D. #39132  
P.O. Box 987  
Valley Forge, PA 19482  
610-983-3500

ATTORNEY FOR PLAINTIFF

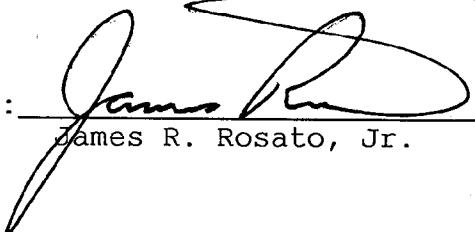
---

NANCY VIPOND AND : COURT OF COMMON PLEAS  
RICHARD MITCHELTREE : CLEARFIELD COUNTY, PA  
349 Bomboy Street :  
Howard, PA 16841 :  
VS. : NO. 99-00-26-CO  
RICHARD MOHR : CIVIL ACTION - LAW  
312 E. Pine Street :  
Apt. 20 :  
Clearfield, PA 16830 :  
:

PRAECIPE TO ENTER APPEARANCE

To the Prothonotary:

Please enter my appearance on behalf of Plaintiffs, Nancy Vipond and Richard Mitcheltree, in the above matter.

CORCHIN & ROSATO, P.C.  
By:   
James R. Rosato, Jr.

January 3, 2000

**FILED**

**JAN 07 2000**

William A. Shaw  
Prothonotary

FILED

500  
JAN 07 2000  
WMA 50100  
William A. Shaw  
Prothonotary

(3)

JAMES R. ROSATO, JR.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VIPOND, NANCY AND  
VS  
MOHR, RICHARD

00-26-CD

COMPLAINT

SHERIFF RETURNS

NOW FEBRUARY 7, 2000 AFTER DILIGENT SEARCH IN MY BAILIWICK I  
RETURN THE WITHIN COMPLAINT "NOT FOUND" AS TO RICHARD MOHR,  
DEFENDANT. MOVED, LEFT NO FORWARDING ADDRESS.

16.33 SHFF. HAWKINS PAID BY: ATTY.  
10.00 SURCHARGE PAID BY: ATTY.

SWORN TO BEFORE ME THIS

24th DAY OF February 2000

William A. Shaw

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2002  
Clearfield Co., Clearfield, PA.

SO ANSWERS,

*Chester A. Hawkins*  
*by Marilyn Harr*

CHESTER A. HAWKINS  
SHERIFF

FILED

*FEB 24 2000*  
*010:15*  
William A. Shaw  
Prothonotary  
*E*

CORCHIN & ROSATO, P.C.  
By: James R. Rosato, Jr., Esquire  
Attorney I.D. #39132  
P.O. Box 987  
Valley Forge, PA 19482  
610-983-3500

ATTORNEY FOR PLAINTIFF

---

|                      |   |                       |
|----------------------|---|-----------------------|
| NANCY VIPOND AND     | : | COURT OF COMMON PLEAS |
| RICHARD MITCHELTREE  | : | CLEARFIELD COUNTY, PA |
| 349 Bomboy Street    | : |                       |
| Howard, PA 16841     | : |                       |
| vs.                  | : | NO. 00-26-00          |
| RICHARD MOHR         | : | CIVIL ACTION - LAW    |
| 312 E. Pine Street   | : |                       |
| Apt. 20              | : |                       |
| Clearfield, PA 16830 | : |                       |

COMPLAINT

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.

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.

David Meholic, Court Administrator  
P.O. Box 549  
Clearfield, PA 16830  
814-765-2641

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

JAN 07 2000

Attest:

William J. Shan  
Prothonotary

CORCHIN & ROSATO, P.C.  
By: James R. Rosato, Jr., Esquire  
Attorney I.D. #39132  
P.O. Box 987  
Valley Forge, PA 19482  
610-983-3500

ATTORNEY FOR PLAINTIFF

|                            |   |                       |
|----------------------------|---|-----------------------|
| <b>NANCY VIPOND AND</b>    | : | COURT OF COMMON PLEAS |
| <b>RICHARD MITCHELTREE</b> | : | CLEARFIELD COUNTY, PA |
| 349 Bomboy Street          | : |                       |
| Howard, PA 16841           | : |                       |
| vs.                        | : | NO.                   |
|                            | : | CIVIL ACTION - LAW    |
| <b>RICHARD MOHR</b>        | : |                       |
| 312 E. Pine Street         | : |                       |
| Apt. 20                    | : |                       |
| Clearfield, PA 16830       | : |                       |

COMPLAINT

1. Plaintiffs Nancy Vipond and Richard Mitcheltree are adult individuals, who at all pertinent times resided at 349 Bomboy Street, Howard, PA 16841.

2. Defendant Richard Mohr is an adult individual who at all pertinent times resided at 312 East Pine Street, Apt. 20, Clearfield, PA 16830.

3. On or about January 30, 1998, at approximately 7:00 p.m., plaintiffs were traveling south on SR 153, Pine Township, Clearfield County, PA, when a vehicle driven by defendant Richard Mohr, traveling north on SR 153, turned left directly into plaintiffs' vehicle, resulting in a violent collision, all of which resulted in serious personal injury to plaintiffs, Nancy Vipond and Richard Mitcheltree.

COUNT I

Richard Mitcheltree v. Richard Mohr

4. Plaintiff Richard Mitcheltree incorporates by reference paragraphs 1 through 3 as if set forth at length herein.

5. The aforesaid accident was caused solely by the negligence, carelessness and recklessness of the defendant Richard Mohr and consisted, *inter alia*, of the following acts and/or omissions:

- (a) failure to keep a proper look out ahead;
- (b) failure to keep his motor vehicle under proper and adequate control at all times;
- (c) disregarding the right, safety, point and position of other vehicles on the road;
- (d) driving at a high and excessive rate of speed under the circumstances and conditions that existed at the time;
- (e) failure to maintain and keep his motor vehicle in a safe and operable condition;
- (f) failure to yield the right of way to oncoming traffic; and
- (g) violating the provisions of the Motor Vehicle Code and the laws of the Commonwealth of Pennsylvania with regard to the operation of a motor vehicle.

6. As a result of the foregoing negligence, carelessness and recklessness of defendant Richard Mohr, plaintiff Richard Mitcheltree has sustained the following injuries, including, but not limited to: injury to the flexor tendon in his right forearm with subsequent burning sensation with continued pain and swelling

to date, neck and mid-back pain, along with shock to his nerves and nervous system, all of which may be permanent.

7. As a result of his injuries, plaintiff has undergone in the past and will continue to undergo in the future great pain and suffering.

8. As a result of his injuries, plaintiff has suffered a loss of income and earning capacity and power which may be permanent.

9. As a result of his injuries, plaintiff has sustained a diminution in his ability to enjoy life and all of life's pleasures which may be permanent.

10. As a result of his injuries plaintiff has incurred and may continue to incur additional medical expenses which may exceed the sums recoverable under the Motor Vehicle Financial Responsibility Act.

11. At the time of the accident, plaintiff Richard Mitcheltree had chosen the full tort option on his insurance policy.

WHEREFORE, plaintiff Richard Mitcheltree demands judgment in his favor against defendant Richard Mohr in an amount which does not exceed the jurisdictional amount requiring arbitration.

COUNT II

Nancy Vipond vs. Richard Mohr

12. Plaintiff incorporates by reference paragraphs 1 through 11 as if set forth at length herein.

13. Plaintiff Nancy Vipond was a front-seated passenger in the vehicle driven by plaintiff Richard Mitcheltree.

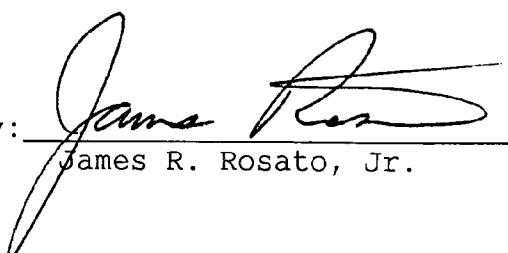
14. As a result of the foregoing negligence, carelessness and recklessness of defendant Richard Mohr, plaintiff Nancy Vipond has sustained the following injuries, including, but not limited to: bilateral contusion with pain and buckling of the knee, multiple contusions, along with shock to her nerves and nervous system, all of which may be permanent.

15. As a result of her injuries, plaintiff has suffered a loss of income and earning capacity and power which may be permanent.

16. At the time of the accident, plaintiff was deemed to have chosen the limited tort alternative on her insurance policy and is unable to recover for pain and suffering.

WHEREFORE, Nancy Vipond demands judgment in his favor against defendant Richard Mohr in an amount which does not exceed the jurisdictional amount requiring arbitration.

CORCHIN & ROSATO, P.C.

By: 

James R. Rosato, Jr.

VERIFICATION

I, Richard Mitcheltree, hereby state that I am a plaintiff in this Action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Richard Mitcheltree

Date: 12/28, 1999

VERIFICATION

I, Nancy Vipond, hereby state that I am a plaintiff in this Action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Nancy L Vipond  
Nancy Vipond

Date: 12/28/, 1999

CORCHIN & ROSATO, P.C.  
By: James R. Rosato, Jr., Esquire  
Attorney I.D. #39132  
P.O. Box 987  
Valley Forge, PA 19482  
610-983-3500

ATTORNEY FOR PLAINTIFF

73 NANCY VIPOND AND  
85 RICHARD MITCHELTREE

VS.

84 RICHARD MOHR

: COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY, PA  
: NO. 00-26-CD  
: CIVIL ACTION - LAW

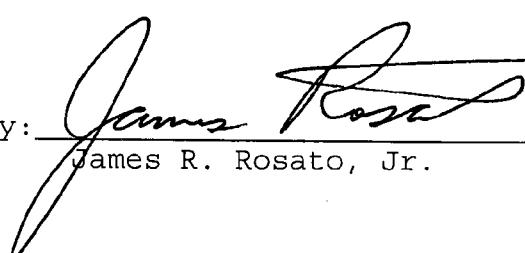
PRAECIPE TO SETTLE, DISCONTINUE AND END

To the Prothonotary:

Please mark the above matter "Settled, Discontinued and Ended"  
upon payment of your costs.

CORCHIN & ROSATO, P.C.

By:

  
James R. Rosato, Jr.

February 2000

FILED

FEB 25 2000

William A. Shaw  
Prothonotary

FILED

FEB 25 2000  
Omnigrid 331  
William A. Shaw  
Prothonotary  
Court of Appeals  
of the Commonwealth  
of Massachusetts

1 copy to CA  
1 copy to  
SAC

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

NANCY VIPOND AND RICHARD MITCHELTREE

**COPY**

Plaintiff(s)

vs.

No. 00-26-CD

RICHARD MOHR

Defendant(s)

CERTIFICATE OF DISCONTINUANCE

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

I, WILLIAM A. SHAW, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was this day, the 25th of February A.D. 20 00, marked:  
SETTLED, DISCONTINUED and ENDED.

Record costs in the sum of \$106.33 have been paid in full by

James Rosato, Esquire

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of February, A.D. 2000.

\_\_\_\_\_  
Prothonotary