

00-92-CD  
ROBERT D. EARNEST, JR. -vs- WILLIAM D. KOLLING et al

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

(84) ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\* Jury Trial Demanded  
(101) WILLIAM D. KOLLING, \*  
an individual, and \*  
(11) YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
\*  
\*  
\* Type of Pleading:  
\*  
\* Complaint  
\*  
\*  
\* Filed on behalf of:  
\* Plaintiff  
\*  
\* Counsel of Record for  
\* this party:  
\*  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

FILED

JAN 25 2000

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - - CD  
\* Jury Trial Demanded  
WILLIAM D. KCLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*

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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - - CD  
\* Jury Trial Demanded  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
Defendants. \*

COMPLAINT

NOW COMES the Plaintiff, Robert D. Earnest, Jr., and by his attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff, Robert D. Earnest, Jr., is an adult individual who resides at 712 Lingle Street, Osceola Mills, Pennsylvania 16666.

2. That the Defendant, William D. Kolling, is an adult individual who resides at 599 Wriggle Avenue, Sharon, Pennsylvania 16146.

3. That the Defendant, Yellow Freight System, Inc., is a corporation which maintains its principal place of business at 109909 Rue Avenue, Overland Park, Kansas 66201.

Count I

Robert D. Earnest, Jr. v. William D. Kolling

4. That on or about October 26, 1999 at approximately 10:00 p.m., EDST, the Plaintiff, Robert D. Earnest, Jr., was the

operator of a 1999 Chevrolet Silverado bearing Pennsylvania Registration No. ZR19244 which vehicle was owned by the Plaintiff.

5. That on or about the said day and at or about the said time, the Defendant, William D. Kolling, was the operator of a tractor and double trailer combination which tractor and trailers were believed to be owned and/or leased to the Defendant, Yellow Freight System, Inc..

6. That on or about the said day and at or about the said time, it was dark, the weather was clear and the roadway was dry.

7. That Interstate 80 is a four-lane highway which proceeds in a generally east/west direction through Bradford Township, Clearfield County, Pennsylvania.

8. That on or about the said day and at or about the said time, the Plaintiff entered upon Interstate 80 from Exit 19 and proceeded to travel east in the right hand lane.

9. That on or about the said day and at or about the said time, the Defendant, William D. Kolling, was operating the tractor trailer combination referred to in Paragraph 5 hereof in the left east bound lane of Interstate 80 side by side with the vehicle operated by the Plaintiff.

10. That on or about the said day and at or about the said time, the Defendant, William D. Kolling, engaged his right

turn signal and turned his tractor trailer combination into the right hand east bound lane of Interstate 80 immediately to the rear of the vehicle operated by the Plaintiff which maneuver was made approximately one-fourth of a mile to the west of mile marker 121.

11. That on or about the said day, at or about the said time and near the point described in Paragraph 10 hereof which is incorporated herein by reference, the Plaintiff was required to reduce the speed of his vehicle in order to avoid striking another tractor trailer which was proceeding to his front in the right and east bound lane of Interstate 80.

12. That on or about the said day, at or about the said time and at the point known as mile marker 121, the Defendant, William D. Kolling, suddenly and without warning struck the rear of the vehicle operated by the Plaintiff causing damage to said vehicle as well as the injuries to the Plaintiff hereinafter described.

13. That as a result of the negligence of the Defendant, William D. Kolling, as described in Paragraph 12 hereof which is incorporated herein by reference, the Plaintiff, Robert D. Earnest, Jr., was thrown generally forward and backward within the vehicle that he was operating which movements caused his neck to snap backward and forward resulting in severe pain and the injuries hereinafter described.

14. That the Defendant, William D. Kolling, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries received by the Plaintiff, Robert D. Earnest, Jr., as follows:

A. The Defendant, William D. Kolling, failed to have his vehicle under proper control;

B. The Defendant, William D. Kolling, failed to maintain a proper lookout;

C. The Defendant, William D. Kolling, violated the Motor Vehicle Code of 1976, June 17, P.L. 162 Section 3714, 75 P.S. Section 3714, and supplements thereto, in that he operated his vehicle upon Interstate 80 with careless disregard for the safety of the Plaintiff, Robert D. Earnest, Jr.

D. The Defendant, William D. Kolling, violated the Motor Vehicle Code of 1976, June 17, P.L. 162 Section 3736, 75 P.S. Section 3736, and supplements thereto, in that he operated his vehicle upon Interstate 80 in willful or wanton disregard for the safety of the person or property of the Plaintiff, Robert D. Earnest, Jr.

E. The Defendant, William D. Kolling, violated the Motor Vehicle Code of 1976, June 17, P.L. 162 Section 3361, 75 P.S. Section 3361, and

supplements thereto, in that he operated his vehicle upon Interstate 80 at a speed greater than was reasonable and prudent under the conditions then and there existing and without regard to the actual and/or potential hazards then and there existing and at a speed which was greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead.

F. The Defendant, William D. Kolling, was negligent, careless and reckless in that he failed to use due care under all of the circumstances of the case.

15. That as a result of the negligence, carelessness and recklessness of the Defendant, William D. Kolling, as set forth in Paragraph 14 hereof, the Plaintiff, Robert D. Earnest, Jr., received serious and extensive injuries which probably will be permanent as follows:

- A. Extension flexion - cervical spine;
- B. Post-traumatic headache syndrome;
- C. Herniated or bulging disc of cervical spine.

16. That the Plaintiff, Robert D. Earnest, Jr., has been required to expend sums for the treatment of the injuries referred to in Paragraph 15 hereof and will continue to incur medical expenses in the future for the treatment of those

injuries which may and probably will exceed his first party benefits.

17. That as a result of the injuries referred to in Paragraph 15 hereof which is incorporated herein by reference, the Plaintiff, Robert D. Earnest, Jr., suffers serious and possibly permanent physical impairment which substantially prohibit his ability to engage in the normal and usual functions that he enjoyed prior to the accident including but not limited to domestic chores, hobbies, recreational activities and social relations.

18. That as a result of the injuries referred to in Paragraph 15 hereof which is incorporated herein by reference, the Plaintiff, Robert D. Earnest, Jr., suffers serious and possibly permanent physical impairment which may and probably will impair his earning power and capacity.

19. That as a result of the injuries referred to in Paragraph 15 hereof which is incorporated herein by reference, the Plaintiff, Robert D. Earnest, Jr., suffers serious and possibly permanent physical impairment which may and probably will result in wage loss.

20. That the Plaintiff, Robert D. Earnest, Jr., claims a reasonable amount for the following:

- A. Lost wages;
- B. Future lost wages;

C. A reasonable amount for pain and suffering; past, present and future;

D. Cost of replacing household services;

E. Privation and inconvenience due to the injuries and treatment;

F. Impairment of earning power;

G. Mental anguish and depression resulting from the accident;

H. Other damages allowable by law.

WHEREFORE, the Plaintiff, Robert D. Earnest, Jr., claims unliquidated damages in an amount in excess of Fifteen Thousand (\$15,000.00) Dollars. Jury Trial Demanded.

Count II

Robert D. Earnest, Jr. v. Yellow Freight System, Inc.

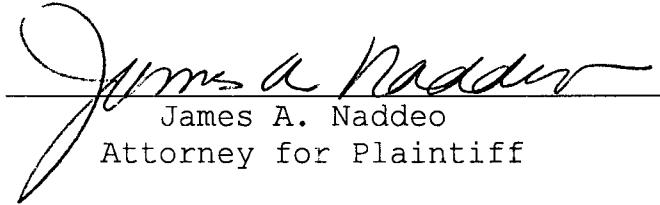
21. That the Plaintiff, Robert D. Earnest, Jr., incorporates Paragraphs 1 through 19 of this Complaint by reference and makes them a part hereof.

22. That at all times referred to herein the Defendant, William D. Kolling, was engaged in the furtherance of the business of the Defendant, Yellow Freight System, Inc., under the supervision and control of the Defendant, Yellow Freight System, Inc..

23. That the Plaintiff, Robert D. Earnest, Jr., claims a reasonable amount from the Defendant, Yellow Freight System, Inc., for the following:

- A. Lost wages;
- B. Future lost wages;
- C. A reasonable amount for pain and suffering; past, present and future;
- D. Cost of replacing household services;
- E. Privation and inconvenience due to the injuries and treatment;
- F. Impairment of earning power;
- G. Mental anguish and depression resulting from the accident;
- H. Other damages allowable by law.

WHEREFORE, the Plaintiff, Robert D. Earnest, Jr., claims unliquidated damages in an amount in excess of Fifteen Thousand (\$15,000.00) Dollars. Jury Trial Demanded.



James A. Naddeo  
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD

)

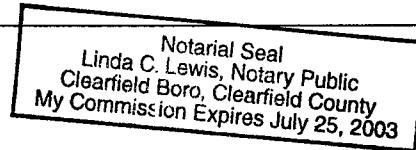
Before me, the undersigned officer, personally appeared ROBERT D. EARNEST, JR., who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

*Robert D. Earnest, Jr.*

Robert D. Earnest, Jr.

SWORN and SUBSCRIBED before me this 18th day of January, 2000.

*Linda C. Lewis*



JAMES A. NADDEO  
ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
P.O. BOX 452  
CLEARFIELD, PENNSYLVANIA 16830

FILED

JAN 25 2000

at 4180

CLERK  
William A. Shaw

Prothonotary

Case No. 66-00-00000

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation  
Defendants

Type of Pleading  
PRAECIPE FOR APPEARANCE

Filed on Behalf of:  
DEFENDANTS

Counsel of Record for  
this Party:

Richard A Bell, Esquire  
PA I.D. #06808  
BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830

(814) 765-5537

FILED

FEB 16 2000

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR.,  
Plaintiff

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation  
Defendants

NO. 00-92-CD  
JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

To William A. Shaw, Prothonotary:

Please enter my Appearance in the above matter on behalf of William D. Kolling, an individual and Yellow Freight System, Inc., a corporation, the above named Defendants.

BELL, SILBERBLATT & WOOD  
BY

Dated: 2/16/2000



RICHARD A. BELL, ESQUIRE

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation

Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Appearance entered on behalf of William D. Kolling, an individual and Yellowfreight System, Inc., a corporation, Defendants in the above matter was mailed the 16th day of February, 2000, by regular mail postage prepaid at the post office in Clearfield, PA 16830 to the following:

James A. Naddeo, Esquire  
211 ½ E. Locust Street  
P.O. Box 552  
Clearfield, PA 16830

  
Richard A. Bell, Esquire  
Attorney for Defendants



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
CIVIL DIVISION  
NO. 00-92-CD

ROBERT D. EARNEST, JR.,  
Plaintiff

vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.  
a corporation,  
Defendants

PRAECTIPE FOR APPEARANCE

CC  
1/3/83  
FEB 1 1983  
William D. Kolling  
Plaintiff

BELL, SILBERBLATT & WOOD  
ATTORNEYS AT LAW  
318 EAST LOCUST STREET  
P. O. BOX 670  
CLEARFIELD, PA. 16830

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

ROBERT D. EARNEST, JR.,  
Plaintiff

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation  
Defendants

NO. 00-92-CD  
JURY TRIAL DEMANDED

Type of Pleading  
MOTION FOR REFERRAL  
TO ARBITRATION

Filed on Behalf of:  
DEFENDANTS

Counsel of Record for  
this Party:

Richard A Bell, Esquire  
PA I.D. #06808  
BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830

(814) 765-5537

FILED

FEB 23 2000

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KCLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation

Defendants

MOTION FOR REFERRAL TO ARBITRATION

NOW COMES the above named Defendants by their attorney Richard A. Bell,  
Esquire of Bell, Silberblatt & Wood and moves your Honorable Court to refer the above  
captioned lawsuit to compulsory arbitration based upon the following:

1. The Plaintiff has filed a Complaint alleging damages in excess of Fifteen Thousand (\$15,000.00) Dollars.
2. The property damage has been settled and is not an issue.
3. The only out-of-pocket expenses which the Defendants are aware that the Plaintiff has is Three Hundred (\$300.00) Dollars or less of chiropractic fees.
4. The Defendants believe and therefore alleges that any out-of-pocket

expenses which the Plaintiff has would be covered by first party benefits of his insurance policy and not eligible for inclusion in this lawsuit.

5. The Clearfield County Rules Of Civil Procedure require that any claims of Twenty Thousand (\$20,000.00) Dollars or less be subject to arbitration.

WHEREFORE, the Defendants respectfully request that your Honorable Court refer this lawsuit to arbitration.

BELL, SILBERBLATT & WOOD  
By

  
Richard A. Bell, Esquire

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

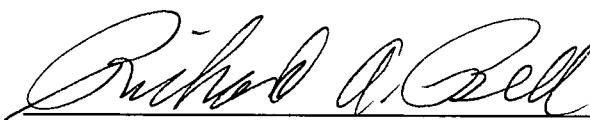
Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation  
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion For Referral To Arbitration filed on  
behalf of William D. Kolling, an individual and Yellow Freight System, Inc., a  
corporation, Defendants in the above matter was mailed the 21st day of February,  
2000, by regular mail postage prepaid at the post office in Clearfield, PA  
16830 to the following:

James A. Naddeo, Esquire  
211 ½ E. Locust Street  
P.O. Box 552  
Clearfield, PA 16830

  
Richard A. Bell, Esquire  
Attorney for Defendants

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation  
Defendants

FILED

MAR 01 2000

William A. Shaw  
Prothonotary

ORDER OF COURT

AND NOW this 1<sup>st</sup> day of March, 2000, upon consideration  
of the Motion For Referral To Arbitration filed by the Defendants, a Rule is issued upon  
the Plaintiff to show cause why the said Motion should not be granted. The Rule shall  
be returnable the 22<sup>nd</sup> day of March, 2000 for filing a written response.  
Hearing or Argument, if necessary, shall be set following the return date of the Rule.

NOTICE

A Petition or Motion has been filed against you in Court. If you wish to  
defend against the claims set forth in the following pages, you must take action on or  
before March 22, 2000, by entering a written appearance personally  
or by attorney and filing in writing with the Court your defenses or objections to the

matter set forth against you. You are warned that if you fail to do so the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the petitioner or movant. You may lose 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.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641 Ext. 50-51

BY THE COURT



---

Judge



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
CIVIL DIVISION  
NO. 00-92-CD

ROBERT D. EARNEST, JR.

Plaintiff

vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.  
a corporation  
Defendants

ANSWER AND NEW MATTER

FILED

FEB 23 2000  
18.4 NOCC  
William A. Shaw  
Prothonotary  
FEB 23

BELL, SILBERBLATT & WOOD  
ATTORNEYS AT LAW  
318 EAST LOCUST STREET  
P. O. BOX 670  
CLEARFIELD, PA. 16830

JAMES A. NADDEO

(4)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
EARNEST, ROBERT D. JR. VS  
KOLLING, WILLIAM D.

00-92-CD

COMPLAINT

SHERIFF RETURNS

NOW FEBRUARY 2, 2000 SERVED THE WITHIN COMPLAINT ON YELLOW FREIGHT SYSTEM, INC., DEFENDANT BY CERT. MAIL # Z052 290 232 AT 109909 RUE AVE., OVERLAND PARK, KANSAS 66201 BEING THEIR LAST KNOWN ADDRESS. THE RETURN RECEIPT IS HERETO ATTACHED AND MADE A PART OF THIS RETURN ENDORSED BY AGENT FOR DEFENDANT.

NOW JANUARY 26, 2000 WILLIAM H. ROMINE JR., SHERIFF OF MERCER COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON WILLIAM D. KOLLING, DEFENDANT.

NOW FEBRUARY 3, 2000 SERVED THE WITHIN COMPLAINT ON WILLIAM D. KOLLING, DEFENDANT BY DEPUTIZING THE SHERIFF OF MERCER COUNTY. THE RETURN OF SHERIFF ROMINE IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

37.30 SHFF. HAWKINS PAID BY: ATTY.  
38.00 SHFF. ROMINE PAID BY: ATTY.  
20.00 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 Marilynn Shaw*  
CHESTER A. HAWKINS  
SHERIFF

REC'D FEB 24 2000  
10:15

FEB 24 2000  
10:15  
William A. Shaw  
Prothonotary  
S  
Kef

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

YELLOW FREIGHT SYSTEM, INC  
109909 Rue Ave.  
Overland Park, Kansas 66201

**2. Article Number (Copy from service label)**  
Z052 290 232**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)	B. Date of Delivery
	2/2/88

**C. Signature** Agent Addressee**D. Is delivery address different from item 1?**  Yes  
If YES, enter delivery address below:  No**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

**4. Restricted Delivery? (Extra Fee)**  Yes



- **Sender:** Please print your name, address, and ZIP+4 in this box •

CHESTER A. HAWKINS  
Sheriff of Clearfield County  
1 N. 2nd St. Suite 116  
Clearfield, Pa. 16830

C-9177

02

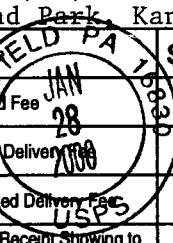
2 052 290 232

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
YELLOW FREIGHT SYSTEM, INC	
Street & Number	
109909 Rue Ave	
Post Office, State, & ZIP Code	
Overland Park, Kansas 66201	
Postage	\$
	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees \$ 340	
Postmark or Date	

PS Form 3800, April 1995

177  
Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

SHERIFF'S RETURN - REGULAR

CASE NO: 2000-12313 T

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF Mercer

EARNEST ROBERT D. JR.

VS

KOLLING WILLIAM D. ET AL

ANTHONY J. HNIDA, Deputy Sheriff of Mercer  
County, Pennsylvania, who being duly sworn according to law,  
says, the within COMPLAINT was served upon  
KOLLING WILLIAM D. ET AL the  
DEFENDANT, at 0940:00 Hour, on the 3rd day of February, 2000  
at 599 WENGLER AVENUE  
SHARON, PA 16146 by handing to  
HIM PERSONALLY  
a true and attested copy of COMPLAINT together with

and at the same time directing His attention to the contents thereof.

Sheriff's Costs:

Docketing	.00
Service	.00
Affidavit	.00
Surcharge	.00
Mercer Co. Ccsts	<u>\$ 38.00</u>
	.00

So Answers:

William H. Romine Jr.  
William H Romine Jr, Sheriff  
By Anthony G. Threlkeld  
Deputy Sheriff  
00/00/0000

Sworn and Subscribed to before

me this 4th day of

FEBRUARY 2000 A.D.

Mary Lou Rodgers

NOTARY

Notarial Seal

Mary Lou Rodgers, Notary Public  
Mercer Boro, Mercer County  
My Commission Expires Mar. 17, 2003



# Sheriff's Office Clearfield County

12313 T  
OFFICE (814) 765-2641  
AFTER 4:00 P.M. (814) 765-1533

CLEARFIELD COUNTY FAX  
(814) 765-6089

875-00

CHESTER A. HAWKINS  
SHERIFF

SUITE 116  
1 NORTH SECOND STREET - COURTHOUSE  
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

MARGARET PUTT  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

## DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT D. EARNEST, Jr. NO. 00-92-CD

VS ACTION: COMPLAINT

WILLIAM D. KOLLING al

SERVE BY: 2/24/00

or

HEARING DATE:

RECEIVED  
SHERIFF OF  
MERCER COUNTY  
Jan 28 2000 PM '00

SERVE: WILLIAM D. KOLLING

ADDRESS: *WENGLER*  
599 Wriggle Ave., Sharon, Pa. 16146

\*\*\*\*\*

Know all men by these presents, that I, CHESTER A. HAWKINS,  
HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby  
deputize the SHERIFF of MERCER County to execute this writ.

This deputation being made at the request and risk of the plaintiff  
this 26th day of JANUARY 2000.

Respectfully,

*Chester A. Hawkins*  
CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY

MAKE REFUND PAYABLE TO: JAMES A. NADDEO, Attorney

RECEIPT FOR PAYMENT  
=====

Mercer County  
205 S Erie St, Room 102  
Mercer PA 16137

Receipt Date 01/28/2000  
Receipt Time 14:22:28  
Receipt No. 116030

EARNEST ROBERT D. JR. (VS) KOLLING WILLIAM D. ET AL

Case Number 2000-12313 T  
Service Info  
Remarks

Total Check...	+	75.00
Total Cash....	+	.00
Cash Out.....	-	<u>.00</u>
Receipt total.	=	75.00

Check No. 011208

----- Distribution Of Payment -----

Transaction Description	Payment Amount	
ADVANCE PAYMENT	75.00	NADDEO JAMES A.
	<hr/>	
	75.00	

RECEIPT FOR DISTRIBUTION OF ADVANCE PAYMENTS HELD In ESCROW  
=====

Mercer County  
205 S Erie St, Room 102  
Mercer PA 16137

Receipt Date 02/04/2000  
Receipt Time 13:20:04  
Receipt No. 116117

EARNEST ROBERT D. JR. (VS) KOLLING WILLIAM D. ET AL

Case Number 2000-12313 T  
Service Info  
Remarks Escrow Transfer Out

Advance Payment Balance 75.00 NADDEO JAMES A.  
Total Amount Distributed 75.00

Balance Remaining .00

----- Distribution -----

Transaction Description	Amount	Payee
DOCKET FEES	9.00	MERCER COUNTY TREASURER
SERVICE	9.00	MERCER COUNTY TREASURER
MILEAGE	16.00	MERCER COUNTY TREASURER
NOTARY	4.00	MERCER COUNTY TREASURER
REFUND TO ATTY/PLT	37.00	NADDEO JAMES A.
Total Amount Distributed	75.00	

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation  
Defendants

Type of Pleading  
ANSWER & NEW MATTER

Filed on Behalf of:  
DEFENDANTS

Counsel of Record for  
this Party:

Richard A Bell, Esquire  
PA I.D. #06808  
BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830

(814) 765-5537

**FILED**

**FEB 29 2000**

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation  
Defendants

NOTICE TO PLEAD

TO: Robert D. Earnest, Jr., Plaintiff  
c/o James A. Naddeo, Esquire  
211 ½ East Locust Street  
P.O. Box 552  
Clearfield, PA 16830

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgment may be entered against you.

  
Richard A. Bell, Esquire  
Attorney for Defendants

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation  
Defendants

ANSWER AND NEW MATTER

NOW COMES the Defendants William D. Kolling and Yellow Freight System, Inc., by their attorney Richard A. Bell, Esquire, of Bell, Silberblatt & Wood and files the following Answer to the Complaint of the Plaintiff:

1. Admittec.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. It is admitted that Interstate 80 is a four lane highway that proceeds in a generally East/West direction, and it does pass through Clearfield County, Pa., not limited to Bradford Township.

8. Admitted.

9. Admitted.

10. The allegations as pled in paragraph ten are admitted, but it is submitted that they are not a complete recital of the events that took place.

11. After reasonable investigation, the Defendants are without sufficient information to ascertain the truth of the averments, and therefore the same are denied and strict proof demanded.

12. Paragraph twelve is denied as stated. It is not denied that a minor collision occurred between the vehicle of the Defendants and that of the Plaintiff, but the Defendants did not suddenly and without warning strike the rear of the Plaintiff's vehicle, but rather the Plaintiff's vehicle without warning and for no apparent reason slowed down suddenly in the path of the vehicle of the Defendants causing the

collision.

13. It is denied that William D. Kolling, one of the Defendants was guilty of any negligence. As to the allegations regarding what happened to the Plaintiff, after reasonable investigation the Defendant is without sufficient information to ascertain the truth of the averments and the same are therefore denied and strict proof demanded.

14. Paragraph fourteen and all of its subparagraphs are denied and rather it is averred that Defendant William D. Kolling operated his vehicle in a careful and prudent manner at all times and was not guilty of negligence in any respect.

15. It is denied that the Defendant William D. Kolling was guilty of any negligence. As to the injuries alleged, after reasonable investigation the Defendant is without sufficient information to ascertain the truth of the said averments and the same are therefore denied and strict proof demanded.

16. After reasonable investigation the Defendant is without sufficient information to ascertain the truth of the said averments and the same are therefore denied and strict proof demanded.

17. After reasonable investigation the Defendant is without sufficient information to ascertain the truth of the said averments and the same are therefore

denied and strict proof demanded.

18. After reasonable investigation the Defendant is without sufficient information to ascertain the truth of the said averments and the same are therefore denied and strict proof demanded.

19. After reasonable investigation the Defendant is without sufficient information to ascertain the truth of the said averments and the same are therefore denied and strict proof demanded.

20. After reasonable investigation the Defendant is without sufficient information to ascertain the truth of the said averments and the same are therefore denied and strict proof demanded.

21. The answers to paragraphs one through twenty are incorporated herein by reference.

22. Admitted.

23. After reasonable investigation the Defendant is without sufficient information to ascertain the truth of the said averments and the same are therefore

denied and strict proof demanded.

NEW MATTER

The Defendants by their attorney Richard A. Bell, further plead the following New Matter to the Complaint of the Plaintiff.

24. After the Defendant William D. Kolling pulled into the left lane of Interstate 80 to allow the Plaintiff to enter the right lane from Exit 19, the Plaintiff then matched his speed to the speed of the vehicle driven by Defendant William D. Kolling so that the Defendant was unable to either pass the Plaintiff or to pull in behind the Plaintiff for a period of time.

25. After a period of time, the Plaintiff did pull further ahead in the right hand lane and the Defendant was able to bring his vehicle into the right hand lane to the rear of the Plaintiff's vehicle.

26. Suddenly, and without any warning by signal, brake lights or by any other

means, the Plaintiff decelerated his vehicle abruptly resulting in the vehicle of the Defendant striking the bumper of the vehicle of the Plaintiff.

27. The Plaintiff was negligent, and careless and in a willful and wanton manner in the following respects:

(A). Suddenly and without warning abruptly reducing the speed of his vehicle knowing that the vehicle of the Defendant was traveling to the rear of him.

B. In not allowing the vehicle of the Defendant to either pass him or to drop behind for a period of time.

C. In not exercising proper control of his vehicle under the circumstances then and there existing.

D. In traveling at a speed which was not consistent with the safety of other users of the highway.

E. In traveling at a speed that did not allow him to properly control his vehicle within the assured clear distance ahead and having regard to the safety of other users of the highway.

F. In driving his vehicle in such a manner that he failed to show proper regard for the safety of other users of the highway.

28. The Defendant pleads the provisions of the Pennsylvania Comparative Negligence Act.

29. The Defendant pleads the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

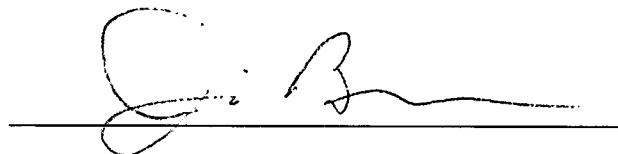
BELL, SILBERBLATT & WOOD  
By



Richard A. Bell, Esquire  
Attorney for Defendants

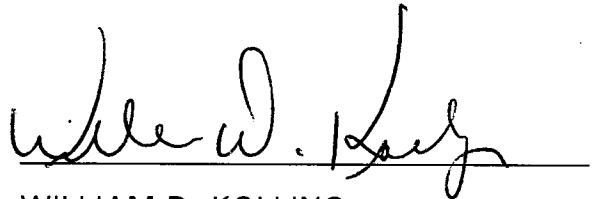
VERIFICATION

I, Jim Brown of Yellow Freight System, Inc., state that the statements in the within Defendants' ANSWER AND NEW MATTER to the Complaint of the Plaintiff are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsifications to authorities.

A handwritten signature in black ink, appearing to read "Jim Brown", is written over a horizontal line.

VERIFICATION

I, WILLIAM D. KOLLING, state that the statements in the within Defendants' ANSWER AND NEW MATTER to the Complaint of the Plaintiffs are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsifications to authorities.



WILLIAM D. KOLLING

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

ROBERT D. EARNEST, JR.,

Plaintiff

NO. 00-92-CD

JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an

individual and

YELLOW FREIGHT SYSTEM, INC.,

a corporation

Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Answer and New Matter filed on behalf of William D. Kolling, an individual and Yellow Freight System, Inc., a corporation, Defendants in the above matter was mailed the 29th day of February, 2000, by regular mail postage prepaid at the post office in Clearfield, PA 16830 to the following:

James A. Naddeo, Esquire  
211 ½ E. Locust Street  
P.O. Box 552  
Clearfield, PA 16830

  
\_\_\_\_\_  
Richard A. Bell, Esquire  
Attorney for Defendants



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
CIVIL DIVISION  
NO. 00-92-CD

ROBERT D. EARNEST, JR.

Plaintiff

vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation.  
Defendants

ANSWER AND NEW MATTER

FILED

FEB 29 2000

01/039/1000  
William A. Shaw

Prothonotary  
*ppb*

BELL, SILBERBLATT & WOOD  
ATTORNEYS AT LAW  
318 EAST LOCUST STREET  
P. O. BOX 670  
CLEARFIELD, PA. 16830

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\* Jury Trial Demanded  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
\*  
\*  
\* Type of Pleading:  
\*  
\* Answer to Motion for  
\* Referral to Arbitration  
\*  
\*  
\* Filed on behalf of:  
\* Plaintiff  
\*  
\* Counsel of Record for  
\* this party:  
\*  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

**FILED**

**FEB 29 2000**

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\* Jury Trial Demanded  
WILLIAM D. KCLLING, \*  
an incividual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
Defendants. \*

ANSWER TO MOTION FOR REFERRAL TO ARBITRATION

NOW COMES the Plaintiff, Robert D. Earnest, Jr., and by his attorney, James A. Naddeo, Esquire, sets forth the following answer to Defendants' Motion:

1. Admitted as stated but in further answer thereto it is alleged that Plaintiff's Complaint erroneously failed to allege a claim for Twenty Thousand (\$20,000.00) Dollars.

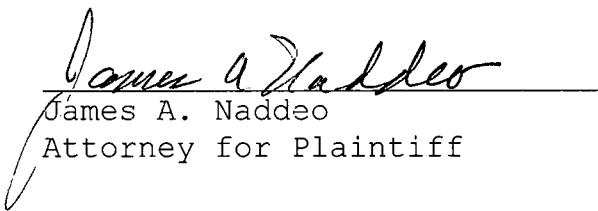
2. Admitted.

3. Plaintiff cannot formulate an answer to Paragraph 3 of Defendant's Motion for the reason that Plaintiff cannot answer for what the Defendant may or may not know.

4. Admitted in so far as it implies that Plaintiff has first party medical benefits coverage. It is denied, however, that said benefits will necessarily cover all of his medical expenses and to the contrary Plaintiff alleges that his medical expenses may exceed the amount to which he is entitled from his first party carrier.

5. Admitted.

WHEREFORE, Plaintiff respectfully requests that your Honorable Court deny Defendants' request to move this case to arbitration.

  
\_\_\_\_\_  
James A. Naddeo  
Attorney for Plaintiff

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

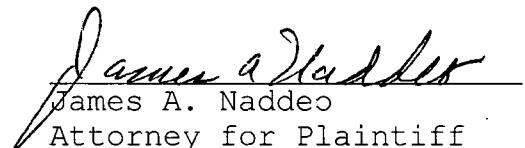
ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\* Jury Trial Demanded  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Plaintiff's Answer to Motion for Referral to Arbitration in the above-captioned action was served on the following person and in the following manner on the 29th day of February, 2000:

First-Class Mail, Postage Prepaid

Richard A. Bell, Esquire  
Bell, Silberblatt & Wood  
318 East Locust Street  
P. O. Box 670  
Clearfield, PA 16830

  
James A. Naddeo  
Attorney for Plaintiff

JAMES A. NADDEO  
ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

QD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

ROBERT D. EARNEST, JR. : :

-vs- : No. 00-92-CD

WILLIAM D. KOLLING, an individual, : :

and YELLOW FREIGHT SYSTEM, INC., : :

a corporation : :

**ORDER**

NOW, this 25<sup>th</sup> day of September, 2000, following argument into Defendant's Motion to Refer the above-captioned proceeding to a Board of Arbitrators, it is the ORDER of this Court that said argument shall be and is hereby continued for a period of 60 days to give Plaintiff the opportunity to file his reports from medical doctors.

By the Court,

President Judge

**FILED**

SEP 25 2000

William A. Shaw  
Prothonotary

FILED

SEP 25 2000

8 3:44 pm  
William A. Shaw  
Prothonotary

McCathy Nuckles  
McCathy D. Bell  
ECS

(9)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

ROBERT D. EARNEST, JR. : :

-vs- : No. 00-92-CD

WILLIAM D. KOLLING and YELLOW : :

FREIGHT SYSTEM, INC. : :

**ORDER**

NOW, this 28<sup>th</sup> day of September, 2000, following argument into Defendant's Motion to Certify the above-captioned matter to arbitration, it is the ORDER of this Court that said Motion be and is hereby granted and the Court Administrator shall schedule the proceeding for hearing by arbitration forthwith.

By the Court,

President Judge

**FILED**

SEP 28 2000

William A. Shaw  
Prothonotary

FILED

SEP 28 2000

Q3.54/SC/ Atty Maddo  
William A. Scott  
Prothonotary /cc Atty Bell

100 A. 800

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
\*  
\* Type of Pleading:  
\*  
\* Certificate of Readiness  
\* for Arbitration List  
\*  
\* Filed on behalf of:  
\* Plaintiff  
\*  
\* Counsel of Record for  
\* this party:  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

FILED

OCT 31 2000

William A. Shaw  
Prothonotary

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL TRIAL LISTING

**CERTIFICATE OF READINESS**

TO THE PROTHONOTARY

00-92-CD	DATE PRESENTED	10-31-00	
CASE NUMBER	TYPE	TRIAL REQUESTED	ESTIMATED TRIAL TIME

Date Complaint Filed:  Jury  Non-Jury  Arbitration 1/4 ~~XXXX~~ Hour:

**PLAINTIFF(S)**

Robert D. Earnest, Jr. ( )

**DEFENDANT (S)**

William D. Kolling

**ADDITIONAL DEFENDANT(S)**

Check Block if  
a Mincr is a  
Party to the  
Case

Yellow Freight system, Inc. ( )

JURY DEMAND FILED BY: \_\_\_\_\_ DATE JURY DEMAND FILED: \_\_\_\_\_

AMOUNT AT ISSUE → CONSOLIDATION DATE CONSOLIDATION ORDERED  
more than \$ ( ) yes ( ) no check with Judge Reilly.

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

James A. Naddeo, Esquire

814-765-1601

**FOR THE PLAINTIFF**

**TELEPHONE NUMBER**

Richard A. Bell, Esquire

814-765-5537

**FOR THE DEFENDANT**

**TELEPHONE NUMBER**

**FOR ADDITIONAL DEFENDANT**

**TELEPHONE NUMBER**

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

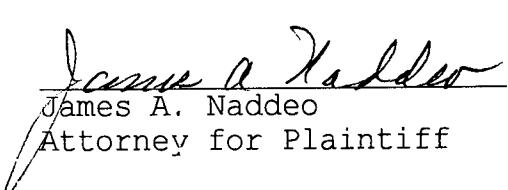
ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Certificate of Readiness for Arbitration List in the above-captioned action was served on the following person and in the following manner on the 31st day of October, 2000:

First-Class Mail, Postage Prepaid

Richard A. Bell, Esquire  
Bell, Silberblatt & Wood  
318 East Locust Street  
P. O. Box 670  
Clearfield, PA 16830

  
James A. Naddeo  
Attorney for Plaintiff

JAMES A. NADDEO  
ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET, SUITE 228  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-~~6089~~ 7449

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

January 2, 2001

James A. Naddeo, Esquire  
Attorney at Law  
Post Office Box 552  
Clearfield, PA 16830

Richard A. Bell, Esquire  
Bell, Silberblatt & Wood  
Post Office Box 670  
Clearfield, PA 16830

RE: ROBERT D. EARNEST, JR.  
vs.  
WILLIAM D. KOLLING, an individual  
YELLOW FREIGHT SYSTEMS, a corporation  
No. 00-92-CD

**FILED**  
JAN 19 2001

**William A. Shaw**  
**Prothonotary**

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Tuesday, March 20, 2001 at 8:30 A.M.** The following have been appointed to the Board of Arbitrators:

J. Richard Mattern, II, Esquire  
Barbara J. Hugney-Shope, Esquire  
Paul E. Cherry, Esquire  
Blaise Ferraraccio, Esquire  
David R. Thompson, Esquire

If you wish to strike an Arbitrator you must notify the undersigned within seven (7) days from the date of this letter the name you wish stricken from the list.

Very truly yours,

*Marcy Kelley*  
Marcy Kelley

Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET, SUITE 228  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-6089

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

January 19, 2001

James A. Naddeo, Esquire  
Attorney at Law  
Post Office Box 552  
Clearfield, PA 16830

Richard A. Bell, Esquire  
Bell, Silverblatt & Wood  
Post Office Box 670  
Clearfield, PA 16830

RE: ROBERT D. EARNEST, JR.  
vs.  
WILLIAM D. KOLLING, an individual  
YELLOW FREIGHT SYSTEMS, a corporation  
No. 00-92-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Tuesday, March 20, 2001 at 8:30 A.M.** The following have been appointed as Arbitrators:

J. Richard Mattern, II, Esquire, Chairman  
Paul E. Cherry, Esquire  
Blaise Ferraraccio, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

Very truly yours,  
*Marcy Kelley*  
Marcy Kelley  
Deputy Court Administrator

cc: J. Richard Mattern, II, Esquire  
Paul E. Cherry, Esquire  
Blaise Ferraraccio, Esquire

Law Office  
BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830  
e-mail: [bswlaw@penn.com](mailto:bswlaw@penn.com)  
Writer's direct e-mail: [rbell@penn.com](mailto:rbell@penn.com)

RICHARD A. BELL  
ANN B. WOO  
F. CORTEZ BELL, III

(814) 765-5537  
FAX (814) 765-9730

PAUL SILBERBLATT 1954-1985  
F. CORTEZ BELL, JR. 1954-1995(Ret)

OF COUNSEL:  
DANIEL C. BELL

March 12, 2001

RE: ROBERT D. EARNEST, JR. VS  
WILLIAM D. KOLLING, AN INDIVIDUAL  
And YELLOW FREIGHT SYSTEM, INC.  
No. 00-92-CD

Marcy Kelley, Deputy Court Administrator  
CLEARFIELD COUNTY COURTHOUSE  
1 North Second Street  
Clearfield, Pennsylvania 16830

*AAB-320-01*

Dear Marcy:

Per your instructions we are herewith enclosing the original Pre-Trial Statement for Defendants in the above matter. We have supplied copies of the same as listed on the attached Certificate Of Service to James A. Naddeo, attorney for Plaintiff, and J. Richard Mattern, II, Esquire, Paul E. Cherry, Esquire, and Blaise J. Ferraraccio, Esquire the Arbitrators for this case.

Very truly yours,

BELL, SILBERBLATT & WOOD  
BY

*Richard A. Bell*

RAB/sai  
CC: James A. Naddeo, Esquire  
Yellow Corporation  
William D. Kolling

Richard A. Bell

**RECEIVED**

**MAR 12 2001**

**COURT ADMINISTRATOR'S  
OFFICE**

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation

Defendants

Type of Pleading  
PRE-TRIAL STATEMENT

Filed on Behalf of:  
DEFENDANTS

Counsel of Record for  
this Party:

Richard A Bell, Esquire  
PA I.D. #06808  
BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830

(814) 765-5537

RECEIVED

MAR 12 2001

COURT ADMINISTRATOR'S  
OFFICE

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation

Defendants

PRE-TRIAL MEMORANDUM OF DEFENDANTS  
WILLIAM D. KOLLING AND YELLOW FREIGHT SYSTEM, INC.

Statement Of The Case

On September 26, 1999, at approximately 10:00 P.M., the Defendant William D. Kolling was operating a tractor pulling two trailers on Interstate 80 in an Easterly direction. As Defendant Kolling approached Exit 19, he saw that a pick-up truck which was later identified as that driven by the Plaintiff Robert D. Earnest, Jr., was entering Interstate 80 from Exit 19. The Defendant pulled his vehicle into the left lane of travel to allow the pick-up truck to safely enter Interstate 80. After the vehicle of the Plaintiff entered the right lane of Interstate 80 proceeding in the same direction as the vehicle of the Defendant, the Plaintiff matched his speed to the speed of the vehicle driven by the Defendant so that the Defendant was unable to either pass the Plaintiff or pull in behind the Plaintiff for a period of time. The Defendant was finally able to bring his vehicle into the right hand lane to the rear of the Plaintiff's vehicle. Suddenly and without any warning of any kind, the Plaintiff slowed his vehicle down abruptly causing the vehicle of the Defendant to strike the

bumper of the vehicle of the Plaintiff.

Citations

1. Overtaking a vehicle on the left 75 Pa.CSA, Section 3303.
2. Driving vehicle at safe speed 75 Pa CSA, Section 3361.

List Of Witnesses

The only witness for the Defendant at the Arbitration Hearing will be the Defendant William D. Kolling.

Statement Of Damages and Copies Of Bills

N/A

BELL, SILBERBLATT & WOOD  
By



Richard A. Bell, Esquire  
Attorney For Defendants

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation

Defendants

CERTIFICATE OF SERVICE

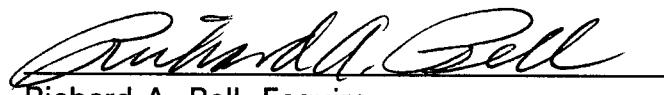
I hereby certify that a copy of the Answer and New Matter filed on behalf of William D. Kolling, an individual and Yellow Freight System, Inc., a corporation, Defendants in the above matter was mailed the 12th day of March, 2001, by regular mail postage prepaid at the post office in Clearfield, PA 16830 to the following:

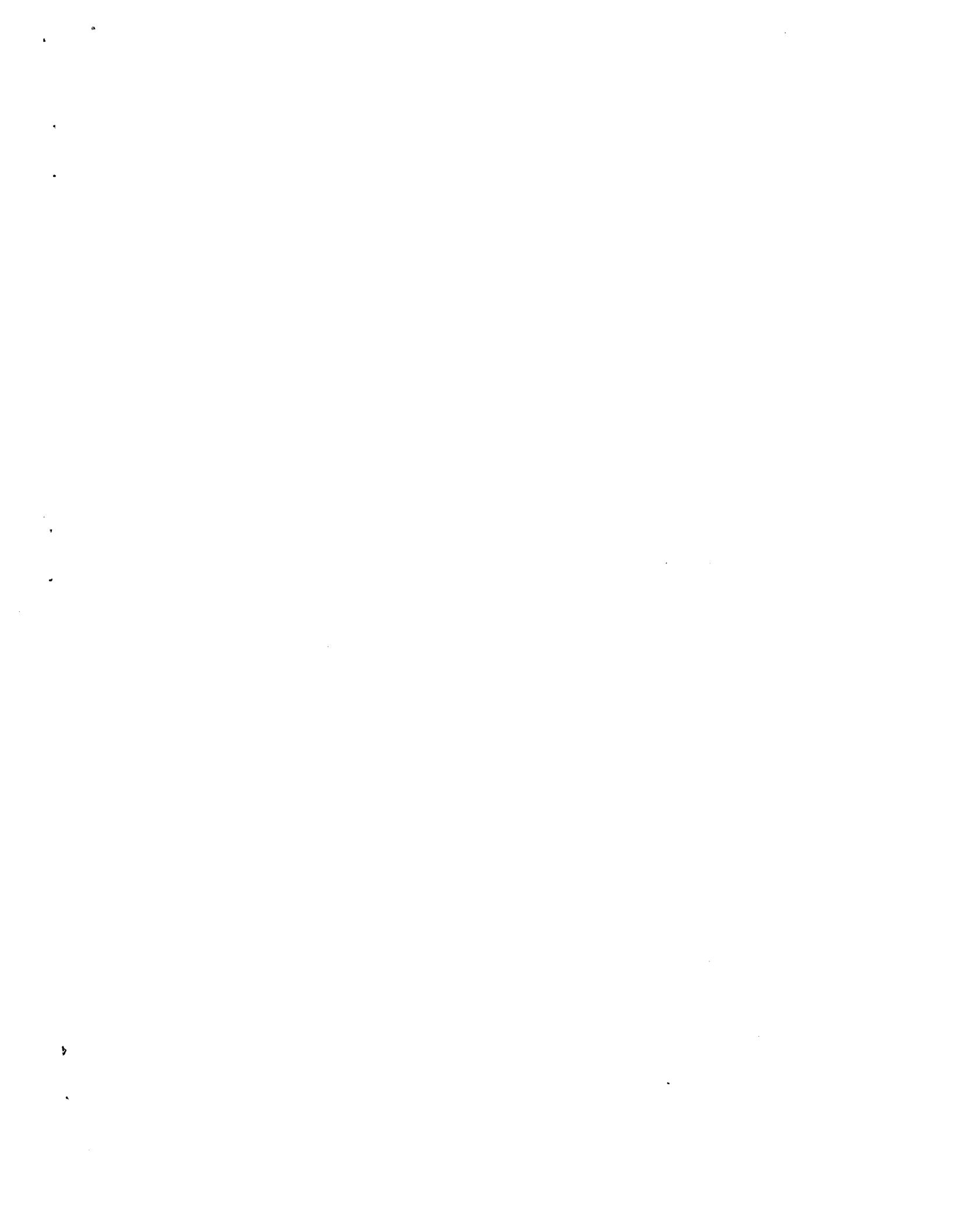
James A. Naddeo, Esquire  
211 ½ E. Locust Street  
P.O. Box 552  
Clearfield, PA 16830

J. Richard Mattern, II, Esquire(Arbitrator)  
211 East Pine Street  
Clearfield, PA 16830

Paul E. Cherry, Esquire (Arbitrator)  
Cherry & Cherry  
23 East Park Avenue  
DuBois, PA 15801

Blaise J. Ferraraccio, Esquire (Arbitrator)  
Ferraraccio & Noble  
301 East Pine Street  
Clearfield, PA 16830

  
Richard A. Bell, Esquire  
Attorney for Defendants



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PA  
CIVIL DIVISION  
NO. 00-92-CD

ROBERT D. EARNEST, JR.

Plaintiff

VS.

WILLIAM D. KOLLING, ET AL  
Defendants

PRE-TRIAL STATEMENT

BELL, SILBERBLATT & WOOD  
ATTORNEYS AT LAW  
318 EAST LOCUST STREET  
P. O. BOX 670  
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Robert D. Earnest Jr.

Vs.

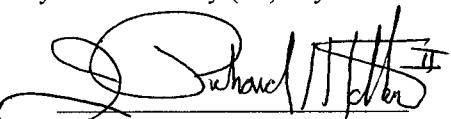
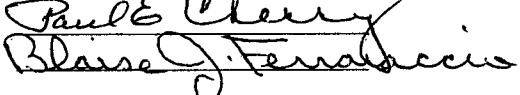
William D Kolling; Yellow Freight System, Inc.

No. 2000-00092-CD

**OATH OR AFFIRMATION OF ARBITRATORS**

Now, this 20th day of March, 2001, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

J. Richard Mattern, II, Esq.

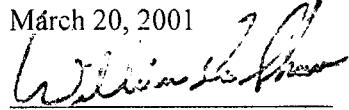
  
Chairman  
  


Paul E. Cherry, Esq.

Blaise Ferraraccio, Esq.

Sworn to and subscribed before me this

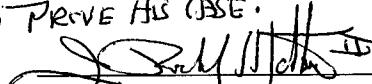
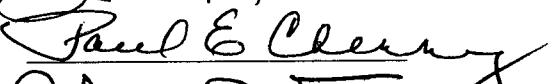
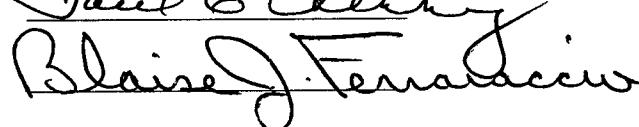
March 20, 2001

  
Prothonotary

**AWARD OF ARBITRATORS**

Now, this 20<sup>th</sup> day of MARCH, 2001, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

AWARD FOR THE DEFENDANTS WILLIAM D. KOLLING AND  
YELLOW FREIGHT SYSTEMS, INC. BASED ON THE FAILURE OF THE PLAINTIFF'S  
FAILURE TO PROVE HIS CASE.

  
Chairman  
  


(Continue if needed on reverse.)

**ENTRY OF AWARD**

Now, this 20<sup>th</sup> day of March, 2001, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

**WITNESS MY HAND AND THE SEAL OF THE COURT**

  
Prothonotary

By \_\_\_\_\_

**FILED**

MAR 20 2001

William A. Shaw  
Prothonotary

**FILED** Notice to Affy E  
O (8:48 PM) Notice to Affy E  
MAR 20 2011  
Not add

William A. Shaw  
Prothonotary

**COPY**

Robert D Earnest Jr. : IN THE COURT OF COMMON PLEAS  
Vs. : OF CLEARFIELD COUNTY  
: No. 2000-00092-CD  
William D Kolling Yellow Freight System, Inc.

**NOTICE OF AWARD**

TO: JAMES A NADDEO

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on March 20, 2001 and have awarded:

Award for the Defendants William D. Kolling and Yellow Freight Systems, Inc. based on the failure of the Plaintiffs failure to appear and prove his case.

William A. Shaw  
Prothonotary  
By \_\_\_\_\_

March 20, 2001

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

# COPY

Robert D. Earnest Jr. : IN THE COURT OF COMMON PLEAS  
Vs. : OF CLEARFIELD COUNTY  
: No. 2000-00092-CD  
:   
William D Kolling Yellow Freight System, Inc.

## NOTICE OF AWARD

TO: RICHARD A. BELL

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on March 20, 2001 and have awarded:

Award for the Defendants William D. Kolling and Yellow Freight Systems, Inc. based on the failure of the Plaintiffs failure to appear and prove his case.

William A. Shaw  
Prothonotary  
By \_\_\_\_\_

March 20, 2001

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\*  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
\*  
\*  
\* Type of Pleading:  
\*  
\* Notice of Appeal from  
\* Award of Arbitrators  
\*  
\*  
\* Filed on behalf of:  
\* Plaintiff  
\*  
\* Counsel of Record for  
\* this party:  
\*  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. C6820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

**FILED**

MAR 26 2001

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
Defendants. \*

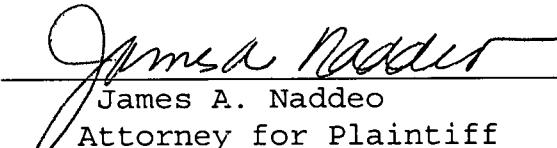
NOTICE OF APPEAL FROM AWARD OF ARBITRATORS

TO THE PROTHONOTARY:

Notice is given that Plaintiff, Robert D. Ernest, Jr., appeals from the award of the board of arbitrators entered in this case on March 20, 2001.

A jury trial is demanded.

I hereby certify that the compensation of the arbitrators has been paid.

  
\_\_\_\_\_  
James A. Naddeo  
Attorney for Plaintiff

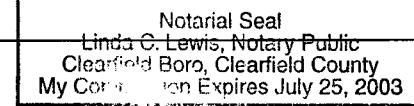
AFFIDAVIT

ROBERT D. EARNEST, JR., being duly sworn according to law, deposes and states that the Appeal from Award of Board of Arbitrators is not being filed for delay. Appellant believes that an injustice has been done.

Robert D. Ernest, Jr.  
Robert D. Ernest, Jr.

SWORN and SUBSCRIBED before me this 26<sup>th</sup> day of March, 2001.

Linda C. Lewis



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

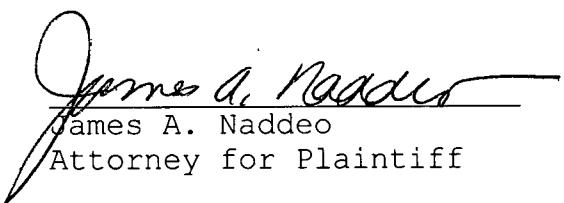
ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Notice of Appeal from Award of Arbitrators filed in the above-captioned action was served on the following person and in the following manner on the 26<sup>th</sup> day of March, 2001:

First-Class Mail, Postage Prepaid

Richard A. Bell, Esquire  
Bell, Silberblatt & Wood  
318 East Locust Street  
P. O. Box 670  
Clearfield, PA 16830

  
James A. Naddeo  
Attorney for Plaintiff

**JAMES A. NADDEO**  
ATTORNEY AT LAW  
211½ EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

**FILED**

MAR 26 2001

2<sup>0</sup>

U.S. Attorney's Office  
William A. Shaw  
Prothonotary

*[Handwritten signature]*

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

ROBERT D. EARNEST, JR.,  
Plaintiff,

v.

WILLIAM D. KOLLING,  
an individual, and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation,

\*  
\*  
\*  
\* No. 00 - 92 - CD  
\* Jury Trial Demanded

\*  
\*  
\*  
\* Type of Pleading:  
\*  
\* Answer to New Matter

\*  
\*  
\* Filed on behalf of:  
\* Plaintiff  
\*  
\* Counsel of Record for  
\* this party:  
\*  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

**FILED**

APR 23 2001

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR.,  
Plaintiff,

\*

\*

\*

v.

\* No. 00 - 92 - CD

\* Jury Trial Demanded

WILLIAM D. KOLLING,  
an individual, and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation,

\*

\*

\*

\*

ANSWER TO NEW MATTER

NOW COMES the Plaintiff, Robert D. Earnest, Jr., and by his attorney, James A. Naddeo, Esquire, sets forth the following Answer to New Matter:

1. Paragraph 24 is denied and on the contrary it is alleged that Plaintiff at all times operated his motor vehicle in a manner consistent with the traffic then and there on the highway including the speed of his vehicle which was impeded by vehicles proceeding him in the same lane of travel.

2. Paragraph 25 is admitted in so far as it implies that Plaintiff was able to eventually complete his pass of the Defendant after which he pulled into the right hand lane in front of the vehicle operated by the Defendant.

3. Paragraph 26 is denied and on the contrary it is alleged that the Plaintiff at no time abruptly reduced his speed but to the contrary proceeded at a speed consistent with vehicles preceding him in the right hand lane of travel. In

further answer thereto it is alleged that to the extent Plaintiff reduced his speed said maneuver was necessary in order to avoid a collision with vehicles preceeding him in the right hand lane of travel.

4. Paragraph 27 is denied generally and in the following particulars:

A. Denied and in answer thereto Plaintiff incorporates his answer to Paragraph 26 hereof by reference makes it a part hereof.

B. Denied and in answer thereto Plaintiff incorporates his answers to Paragraphs 24, 25 and 26 hereof and makes them a part hereof.

C. Denied and on the contrary it is alleged that Plaintiff at all times controlled his vehicle consistent with the traffic patterns then and there existing on the roadway.

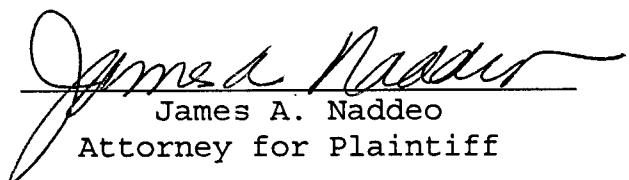
D. Denied and on the contrary it is alleged that Plaintiff at all times operated his vehicle at a speed necessary to avoid collision with other users of the highway.

E. Denied and on the contrary it is alleged that the Plaintiff at no time violated the assured clear distance rule but on the contrary said rule was violated by the Defendant.

F. Denied and on the contrary it is alleged that the Plaintiff at all times operated his vehicle in a manner consistent with the traffic conditions then and there existing on the roadway.

5. Paragraph 28 states a conclusion of law to which no answer is required.

WHEREFORE, Plaintiff demands judgment as set forth in his Complaint.



James A. Naddeo  
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD

)

Before me, the undersigned officer, personally appeared ROBERT D. EARNEST, JR., who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of his knowledge, information and belief.

*Robert D. Earnest Jr.*

Robert D. Earnest, Jr.

SWORN and SUBSCRIBED before me this 23d day of April, 2000.

*Shannon R. Wisor*

Notarial Seal  
Shannon R. Wisor, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Aug. 25, 2003

**JAMES A. NADDEO**  
ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
P.O. BOX, 552  
CLEARFIELD, PENNSYLVANIA 16830

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
\*  
\*  
\* Type of Pleading:  
\*  
\* Certificate of Service  
\*  
\*  
\* Filed on behalf of:  
\* Plaintiff  
\*  
\* Counsel of Record for  
\* this party:  
\*  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

**FILED**

FEB 04 2002

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*

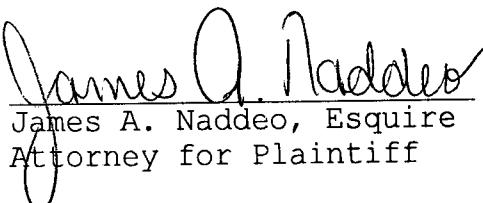
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, Attorney for Plaintiff,  
Robert D. Earnest, Jr., do hereby certify that a true and correct  
copy of Notice of Deposition of William D. Kolling in the above  
matter was served by first-class mail, postage prepaid, upon the  
following:

Richard A. Bell, Esquire  
Bell, Silberblatt & Wood  
318 East Locust Street  
PO Box 670  
Clearfield, PA 16830

ASAP Court Reporting  
PO Box 345  
Ebensburg, PA 15931

Said Notices of Depositions were mailed this 4th day of  
February, 2002.

  
James A. Naddeo, Esquire  
Attorney for Plaintiff

**JAMES A. NADDEO**  
ATTORNEY AT LAW  
211½ EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

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01044  
FEB 04 2002

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*  
\*  
\*  
\* Type of Pleading:  
\*  
\* Certificate of Service  
\*  
\*  
\* Filed on behalf of:  
\* Plaintiff  
\*  
\* Counsel of Record for  
\* this party:  
\*  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

**FILED**

MAR 08 2002  
011035/noc  
William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR., \*  
Plaintiff, \*  
\*  
v. \* No. 00 - 92 - CD  
\*  
WILLIAM D. KOLLING, \*  
an individual, and \*  
YELLOW FREIGHT SYSTEM, INC., \*  
a corporation, \*

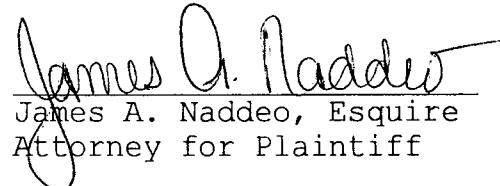
**CERTIFICATE OF SERVICE**

I, James A. Naddeo, Esquire, Attorney for Plaintiff, Robert D. Earnest, Jr., do hereby certify that a true and correct copy of Notice of Deposition of William D. Kolling in the above matter was served by first-class mail, postage prepaid, upon the following:

Richard A. Bell, Esquire  
Bell, Silberblatt & Wood  
318 East Locust Street  
PO Box 670  
Clearfield, PA 16830

ASAP Court Reporting  
PO Box 345  
Ebensburg, PA 15931

Said Notices of Depositions were mailed this 7th day of April, 2002.

  
James A. Naddeo, Esquire  
Attorney for Plaintiff

**JAMES A. NADDEO**  
ATTORNEY AT LAW  
211½ EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation

Defendants

Type of Pleading  
PRAECIPE

Filed on Behalf of:  
DEFENDANTS

Counsel of Record for  
this Party:

Richard A Bell, Esquire  
PA I.D. #06808  
BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830

(814) 765-5537

FILED

MAY 20 2003

William A. Shaw  
Prothonotary

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation  
Defendants

PRAECIPE

TO: William Shaw, Prothonotary

Please place the above captioned matter on the trial list. I certify  
there are no Motions outstanding, Discovery has been completed, the case is  
ready for trial and is to be heard by a jury. Notice of the Praecipe has been given  
to James A. Naddeo , Esquire, attorney for Plaintiff

BELL, SILBERBLATT & WOOD  
BY:

DATE: 5/20/03

  
\_\_\_\_\_  
Richard A. Bell, Esquire  
Attorney for Defendants

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

ROBERT D. EARNEST, JR.,  
Plaintiff

NO. 00-92-CD  
JURY TRIAL DEMANDED

Vs.

WILLIAM D. KOLLING, an  
individual and  
YELLOW FREIGHT SYSTEM, INC.,  
a corporation

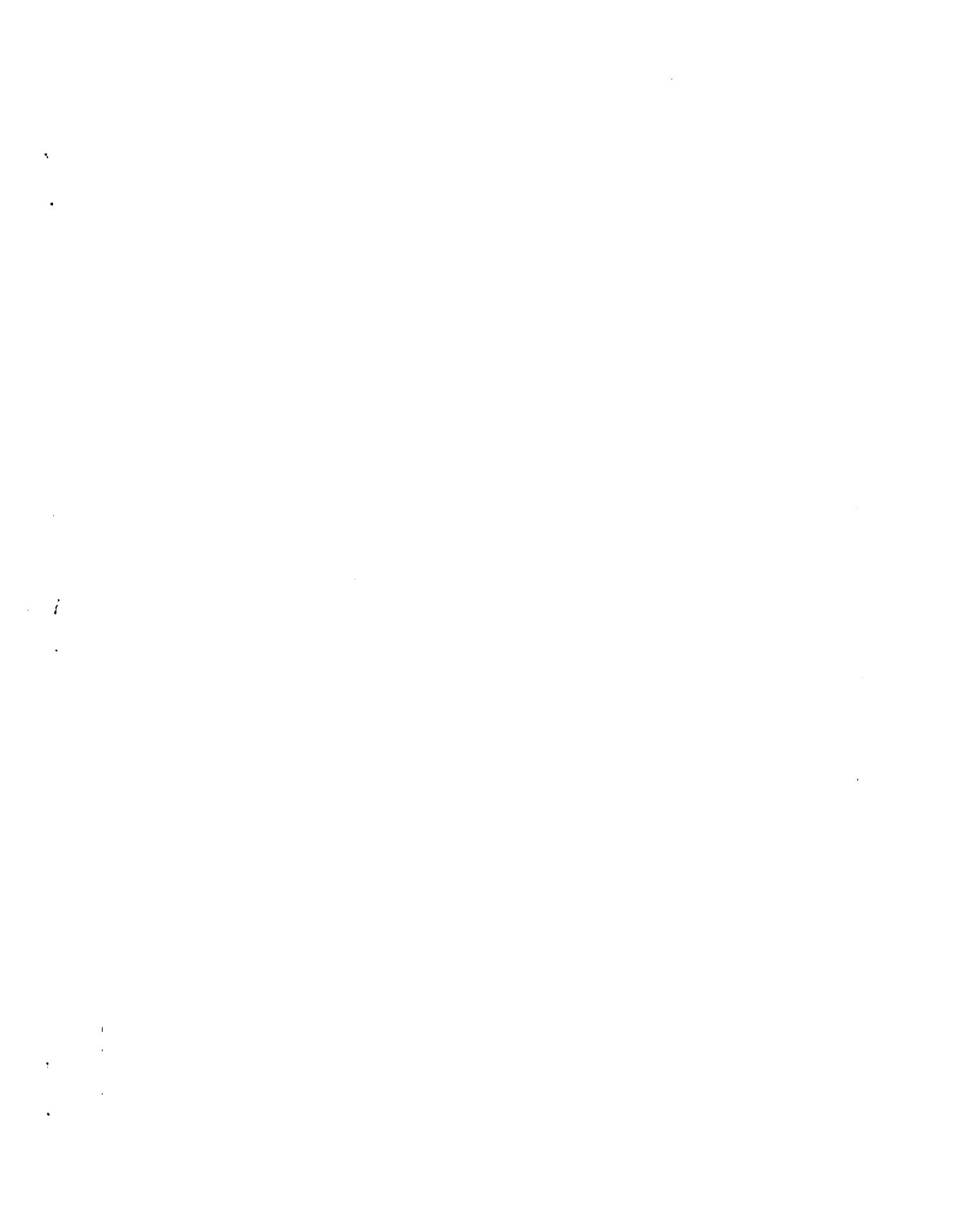
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Praecept For Trial in the above matter was  
mailed the 20th day of May, 2003, by regular mail postage prepaid  
at the post office in Clearfield, PA 16830 to the following:

James A. Naddeo, Esquire  
211 ½ E. Locust Street  
P.O. Box 552  
Clearfield, PA 16830

  
\_\_\_\_\_  
Richard A. Bell, Esquire  
Attorney for Defendants



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA

CIVIL DIVISION  
NO. 00-92-CD

ROBERT D. EARNEST, JR.,  
Plaintiff

112

WILLIAM D. KOLLING, an individual and  
YELLOW FREIGHT SYSTEM, INC., a corporation, Defendants

PRAECL<sup>PE</sup>

May 30 2003  
no  
cc  
S  
FBI

William A. Shaw  
Prethonetary

BELL, SILBERBLATT & WOOD  
ATTORNEYS AT LAW  
318 EAST LOCUST STREET  
P. O. BOX 670  
CLEARFIELD, PA. 16830