

00-92-CD

ROBERT D. FARNEST, 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.

(101) WILLIAM D. KOLLING,
an individual, and
(119) YELLOW FREIGHT SYSTEM, INC.,
a corporation,

No. 00 - 92 - CD
Jury Trial Demanded

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.

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

*
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*
*
*
*
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*
*

No. 00 - - CD
Jury Trial Demanded

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 Wringle 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., EDT, 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 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 careless 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.

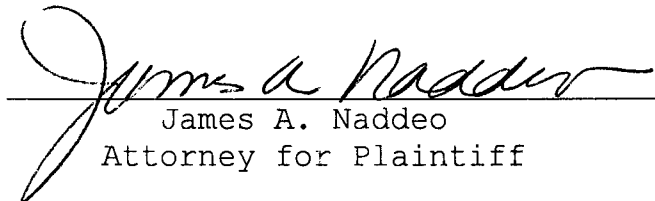
21. That the Plaintiff, Robert D. Earnest, Jr., incorporates Paragraphs 1 through 19 of this Complaint by reference and makes them a part hereof.

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)

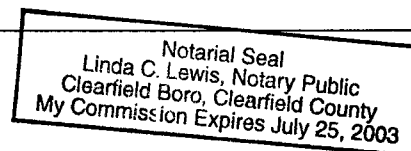
Before me, the undersigned officer, personally appeared ROBERT D. EARNEST, JR., who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

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 652
CLEARFIELD, PENNSYLVANIA 16830



FILED

JAN 25 2000

William A. Shaw
Prothonotary

01/10/34 AM

CL # 6180

By Atty

Re: -
80 -

See (1) to 6 (11)

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
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

NO. 00-92-CD
JURY TRIAL DEMANDED

Vs.

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

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

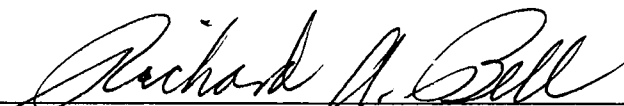
Vs.

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

PRAECIPE FOR APPEARANCE

FEB 18 1992
07318-801
FEB 18 1992

William D. Kolling
Prothonotary
RKB

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
316 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

NO. 00-92-CD
JURY TRIAL DEMANDED

Vs.

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

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.

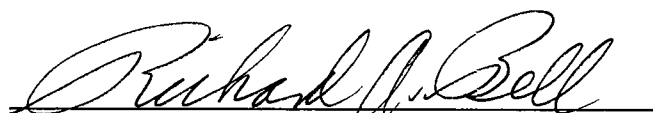
4. The Defendants believe and therefore alleges that any out-of-pocket

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

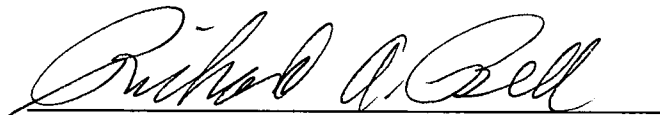
Vs.

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 Feb
Feb, 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 1st 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 22nd 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

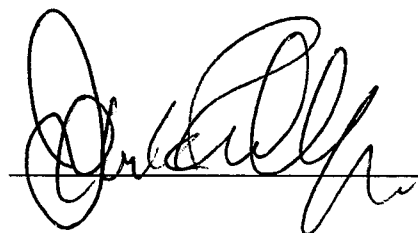
A Petition or Motion has been filed against you in Court. If you wish to defend against the claims set forth in the following pages, you must take action on or before March 22, 2000, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections 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
08:48 / noc
William A. Shaw
Prothonotary *[Signature]*

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

EARNEST, ROBERT D. JR.

00-92-CD

VS

KOLLING, WILLIAM D.

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 Marly Hamer

CHESTER A. HAWKINS
SHERIFF

FEB 5 2000

FEB 24 2000
10:15
William A. Shaw
Prothonotary

8
107

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

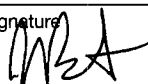
A. Received by (Please Print Clearly)

B. Date of Delivery

2/2/00

C. Signature

X



☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒

Certified Mail

☐

Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



150 Years

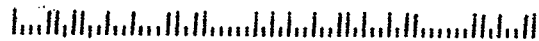
First-Class Mail
Postage & Fees Paid
USPS
Permit No. C-10

• 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	\$ 34.62
Postmark or Date	

PS Form 3800, April 1995

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.

102595-97-B-0145

PS Form 3800, April 1995 (Reverse)

C-9177

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. Costs	<u>\$ 38.00</u>
	.00

So Answers:

William H. Romine Jr.
William H Romine Jr, Sheriff
By Anthony J. Hnida
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

SUITE 116

1 NORTH SECOND STREET - COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830

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

CLEARFIELD COUNTY FAX
(814) 765-6089

\$ 75.00

CHESTER A. HAWKINS
SHERIFF

DARLENE SHULTZ
CHIEF DEPUTY

MARGARET PUTT
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT D. EARNEST, Jr.

VS

WILLIAM D. KOLLING a1

NO. 00-92-CD

ACTION: COMPLAINT

SERVE BY: 2/24/00

or

HEARING DATE:

RECEIVED
SHERIFF OF
MERCER COUNTY
JAN 28 2 07 PM '00

SERVE: WILLIAM D. KOLLING

ADDRESS: 599 ^{WENDLER} ~~Wringler~~ 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,
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..... - .00

Check No. 011208

Receipt total. = 75.00

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

Transaction Description	Payment Amount
-------------------------	----------------

ADVANCE PAYMENT	75.00
	<u>75.00</u>

NADDEO JAMES A.

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. Admitted.

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.

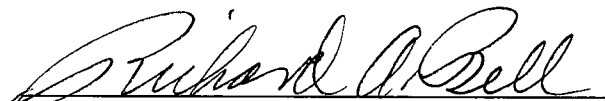
E. In traveling at a speed that did not allow him to properly control his vehicle within the assured clear distance ahead and having regard to the safety of other users of the highway.

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.

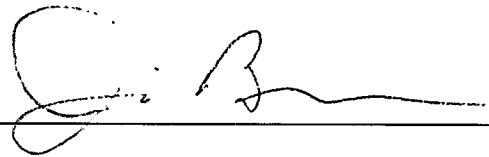
BELL, SILBERBLATT & WOOD
By

A handwritten signature in cursive script, reading "Richard A. Bell", written over a horizontal line.

Richard A. Bell, Esquire
Attorney for Defendants

VERIFICATION

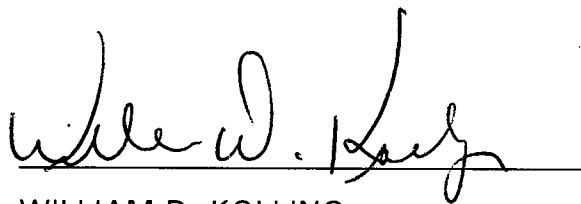
I, Jim Brown of Yellow Freight System, Inc., state that the statements in the within Defendants' ANSWER AND NEW MATTER to the Complaint of the Plaintiff are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S.A. §4904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



A handwritten signature, 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.

A handwritten signature in black ink, appearing to read "William D. Kolling", is written over a horizontal line.

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.,

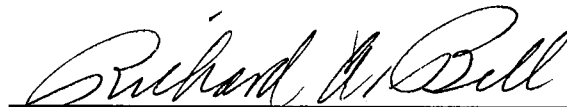
a corporation

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

0110:39/110cc
William A. Shaw

Prothonotary

8195

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.

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

No. 00 - 92 - CD
Jury Trial Demanded

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.

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

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*
*

No. 00 - 92 - CD
Jury Trial Demanded

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.

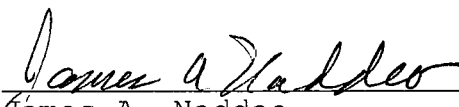
2. Admitted.

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.

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

Defendants.

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No. 00 - 92 - CD
Jury Trial Demanded

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

15

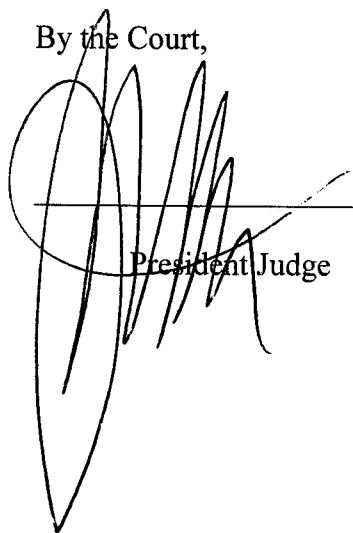
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

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

ORDER

NOW, this 25th 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

013416
William A. Shaw
Prothonotary

cc athy Nardone
cc athy D. Bell
Eas

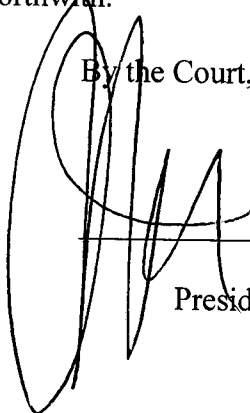
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

ROBERT D. EARNEST, JR. :
-vs- : No. 00 - 92 - CD
WILLIAM D. KOLLING and YELLOW :
FREIGHT SYSTEM, INC. :

ORDER

NOW, this 28th 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

Q356/SC
William A. Shover
Prothonotary

atly Maddo

1cc atly Bell

1cc BA. ~~205~~

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

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

03-92-CD DATE PRESENTED 10-31-00
CASE NUMBER TYPE TRIAL REQUESTED ESTIMATED TRIAL TIME

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

PLAINTIFF(S)

Robert D. Earnest, Jr. ()

DEFENDANT(S)

William D. Kolling ()

ADDITIONAL DEFENDANT(S)

Yellow Freight system, Inc. ()

Check Block if
a Minor is a
Party to the
Case

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

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

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
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.

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

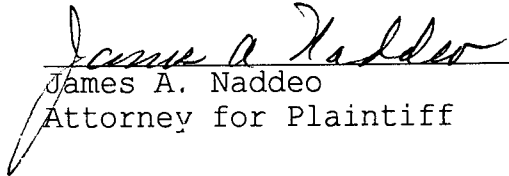
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*
*
* No. 00 - 92 - CD
*

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
211½ 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-~~8889~~ 7649

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, 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

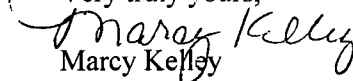
Dear Counsel:

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
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
Writer's direct e-mail: 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

Arb-300-01

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

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

A handwritten signature in cursive script, reading "Richard A. Bell", written in black ink over a horizontal line.

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.

No. 2000-00092-CD

William D Kolling; Yellow Freight System, Inc.

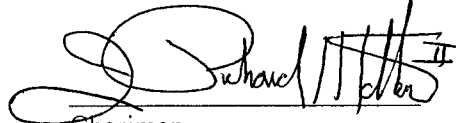

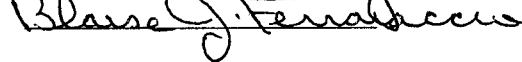
OATH OR AFFIRMATION OF ARBITRATORS

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.

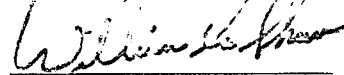
Paul E. Cherry, Esq.

Blaise Ferraraccio, Esq.


Chairman



Sworn to and subscribed before me this

March 20, 2001

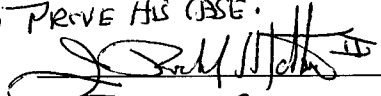
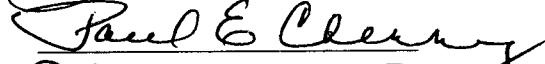
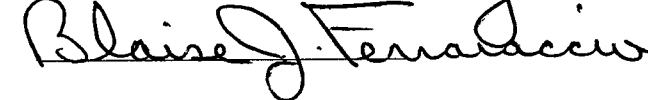


Prothonotary

AWARD OF ARBITRATORS

Now, this 20th 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 PLAINTIFFS
FAILURE TO APPEAR AND PROVE HIS CASE.



Chairman



(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 20th 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

MAR 20 2001

Notice to Attorney General

068748341

16.000

William A. Shaw
Prothonotary

COPY

Robert D Earnest Jr.

Vs.

William D Kolling Yellow Freight System, Inc.

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY
: No. 2000-00092-CD
:

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.

Vs.

William D Kolling Yellow Freight System, Inc.

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY
: No. 2000-00092-CD
:

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.

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

No. 00 - 92 - CD

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.

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

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No. 00 - 92 - CD

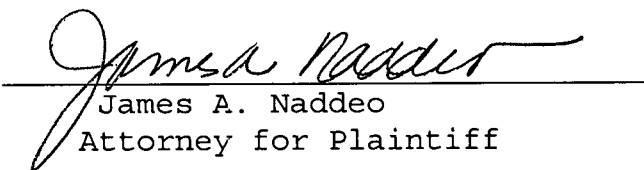
NOTICE OF APPEAL FROM AWARD OF ARBITRATORS

TO THE PROTHONOTARY:

Notice is given that Plaintiff, Robert D. Earnest, 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

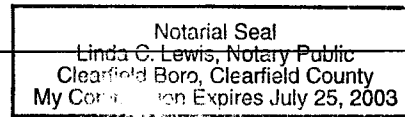
AFFIDAVIT

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.

Rd + D. Earnst Jr.
Robert D. Earnest, Jr.

SWORN and SUBSCRIBED before me this 26th 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.

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

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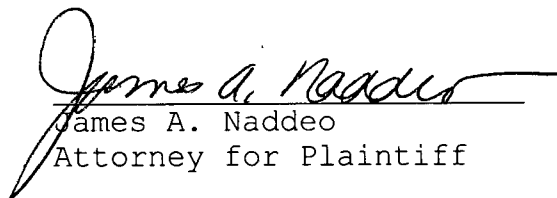
No. 00 - 92 - CD

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 26th 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

William A. Shaw
Prothonotary

^{2P}
atty Nicks
~~William A. Shaw~~
~~Prothonotary~~

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.

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

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No. 00 - 92 - CD
Jury Trial Demanded

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.

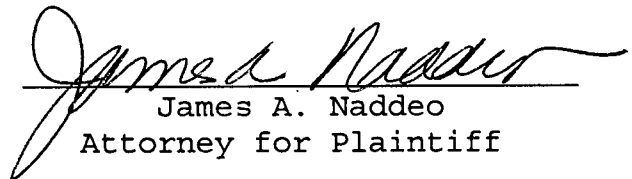
D. Denied and on the contrary it is alleged that Plaintiff at all times operated his vehicle at a speed necessary to avoid collision with other users of the highway.

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 23rd day of April, 2000.

Shannon R. Wisor

Notaral 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.

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

No. 00 - 92 - CD

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.

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

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No. 00 - 92 - CD

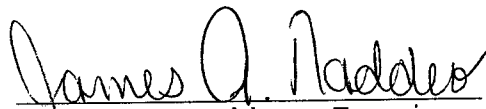
CERTIFICATE OF SERVICE

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
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

01/10/44
FEB 04 2002

1cc

Atty

By

WBS

William A. Shaw
Prothonotary

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

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

0110:35/no cc
William A. Shaw
Prothonotary

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,

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No. 00 - 92 - CD

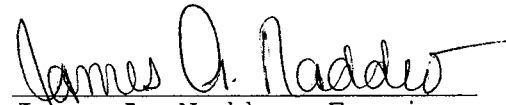
CERTIFICATE OF SERVICE

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
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

Vs.

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

NO. 00-92-CD
JURY TRIAL DEMANDED

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

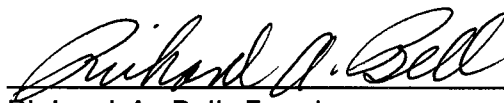
Vs.

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Praecipe 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

vs.

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

PRAECIPE

FILED
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William A. Shaw
Prathonetary

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