

00-228-CD
STEVEN R. SAWYER -vs- JACOB M. PITTMAN et al

FIRE 14

11-26-01

I want to ATTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

84 STEVEN R. SAWYER,

Plaintiff

vs.

55 JACOB M. PITTMAN,

and

72 NICHOLE HUMBERSON,

Defendants

No. 06-228-00

**PRAECIPE FOR A WRIT OF SUMMONS
IN A CIVIL ACTION**

Filed on behalf of:

PLAINTIFF

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC

100 West High Street

Ebensburg, PA 15931-1539

(814) 472-9000

FILED

FEB 22 2006

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-00

Plaintiff

vs.

JACOB M. PITTMAN,

and

NICHOLE HUMBERSON,

Defendants

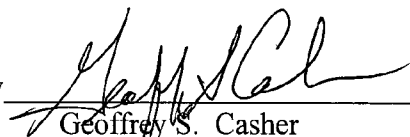
PRAECIPE FOR WRIT OF SUMMONS
IN A CIVIL ACTION

TO: William A. Shaw, Prothonotary

Kindly issue a Writ Of Summons In A Civil Action in the within matter directed against the Defendants, Jacob M. Pittman, whose last known address is 312 Clearfield Street, Clearfield, PA 16830 and Nichole Humberson, whose last known address is 411 East Sixth Street, Clearfield, PA 16830.

EDGAR SNYDER & ASSOCIATES, LLC

By



Geoffrey S. Casher
Attorney for Plaintiff

FILED

1001

FEB 22 2009

M1347 City of

William A. Shaw

Prothonotary

Writ. to Sheriff
paid \$80.00

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

STEVEN R. SAWYER

Plaintiff(s)

S U M M O N S

NO: 00-228-CD

vs.

JACOB M. PITTMAN and NICHOLE HUMBERSON

Defendant(s)

To the above named Defendant(s) you are hereby notified
that the above named Plaintiff(s), has/have commenced a Civil Action
against you.

Date February 22, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

Geoffrey S. Casher, Esq.
EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931

GEOFFREY S. CASHER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SAWYER, STEVEN R.

00-228-CD

VS

PITTMAN, JACOB M.

SUMMONS

SHERIFF RETURNS

NOW MARCH 3, 2000 AT 3:05 PM EST SERVED THE WITHIN SUMMONS ON JACOB M. PITTMAN, DEFENDANT AT RESIDENCE 312 CLEARFIELD ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DARLA PITTMAN, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING

NOW MARCH 6, 2000 AT 11:17 AM EST SERVED THE WITHIN SUMMONS ON NICHOLE HUMBERSON, DEFENDANT AT RESIDENCE 411 EAST SIXTH ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CYNTHIA HUMBERSON, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

26.00 SHFF. HAWKINS PAID BY: ATTY
20.00 SURCHARGE PAID BY: ATTY

SWORN TO BEFORE ME THIS

14th DAY OF March 2000
William A. Shaw

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

SO ANSWERS,

Chester A. Hawkins
by Marilyn Herr
CHESTER A. HAWKINS
SHERIFF

FILED

MAR 14 2000
01:50 pm
William A. Shaw
Prothonotary *E*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

COMPLAINT IN A CIVIL ACTION

JACOB M. PITTMAN,

and

NICHOLE HUMBERSON,

Filed on behalf of:
PLAINTIFF

Defendants

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC

100 West High Street

Ebensburg, PA 15931-1539

(814) 472-9000

FILED

SEP 27 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

JACOB M. PITTMAN,

and

NICHOLE HUMBERSON,

Defendants

NOTICE TO DEFEND

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 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

LAWYER REFERRAL SERVICE -

Court Administrator's Office
1 North Second Street
Clearfield, PA 16830

Telephone (814) 765-2641, Ext: 50

Clearfield

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

JACOB M. PITTMAN,

and

NICHOLE HUMBERSON,

Defendants

Complaint in a Civil Action

AND NOW, comes the Plaintiff, STEVEN R. SAWYER, by and through his attorneys, EDGAR SNYDER & ASSOCIATES, LLC and GEOFFREY S. CASHIER, ESQUIRE, and sets forth the following Complaint in a Civil Action:

1. The Plaintiff, STEVEN R. SAWYER, is an adult male *sui juris*, who resides at P. O. Box 931, Clearfield, Clearfield County, PA 16830.
2. The Defendant, JACOB M. PITTMAN, is an adult male *sui juris*, with a last known residence at 312 Clearfield Street, Clearfield, Clearfield County, PA
3. The Defendant, NICHOLE HUMBERSON, is an adult female *sui juris*, with a last known address at 411 East Sixth Street, Clearfield, Clearfield County, PA.

Count I
Steven R. Sawyer vs. Jacob M. Pittman

4. On or about April 11, 1998 the Plaintiff was a passenger in a 1990 Chevrolet Storm driven by JACOB M. PITTMAN with the owner being the Defendant, NICHOLE HUMBERSON.

5. Said vehicle was being operated by the Defendant PITTMAN along TR-247 in a northwesterly direction approximately 500 feet south of State Route 1001.

6. At the time and place aforesaid, the Defendant operator was operating the 1990 Chevrolet Storm too fast for the conditions and roadway that presented itself to him and failed to negotiate a small curve in the road causing it to strike an embankment and roll over.

7. The accident aforesaid was due solely to the negligence, carelessness, and recklessness of the Defendant in general and in the following particulars:

- (a) in traveling at an excessive and dangerous rate of the speed under the circumstances then and there existing;
- (b) in failing to keep a safe and careful observance of the direction of the road;
- (c) in operating his vehicle in a safe and proper manner such as to cause it to leave the road surface and losing control of the vehicle in rolling it;
- (d) in operating the vehicle in such a mental and/or physical condition that it was unsafe to do so;

- (e) in traveling at a speed too fast for conditions;
- (f) in failing to properly control his vehicle and a negligent or reckless disregard to the rights of the Plaintiff;
- (g) in failing to remain in his designated lane of travel with such knowledge of the fact that such failure could result in serious and permanent injury to the Plaintiff;
- (h) in failing to take all reasonable measures to avoid colliding with or leaving the road surface;
- (i) negligent in allowing his vehicle to cross the center line;
- (j) in driving while drunk;
- (k) in violating Section 3361 of the Pennsylvania Motor Vehicle Code pertaining to driving a vehicle at safe speed;
- (l) in violating Section 3301 of the Pennsylvania Motor Vehicle Code pertaining to driving on right side of roadway;
- (m) in violating Section 4731 of the Pennsylvania Motor Vehicle Code pertaining to driving under the influence of alcohol or controlled substance;
- (n) in violating Section 3714 of the Pennsylvania Motor Vehicle Code pertaining to careless driving;

8. Solely as a result of the aforesaid accident, the Plaintiff sustained the following injuries:

- (a) a basilar skull fracture;
- (b) zygomatic fracture, orbital wall fracture;
- (c) left and right maxillary wall fractures;
- (d) right pulmonary contusion;
- (e) ear laceration;
- (f) neck laceration;
- (g) post-concussion syndrome;

9. As a result of the aforesaid injuries, the Plaintiff experienced pain and suffering, was forced to expend money for medical bills, experienced wage loss, and has suffered permanent scarring.

WHEREFORE, the Plaintiff demands damages of the Defendant in excess of the applicable arbitration limits.

JURY TRIAL DEMANDED.

Count II
Punitive Damages
Steven R. Sawyer vs. Jacob M. Pittman

10. The Plaintiff hereby incorporates paragraphs one through nine of the foregoing complaint by reference as if same were fully set forth herein.

11. Defendant, JACOB M. PITTMAN, knowingly and intentionally drank alcohol until he became intoxicated.

12. At the time of the motor vehicle accident, Defendant JACOB M. PITTMAN,

knowingly and intentionally operated a motor vehicle while he was intoxicated.

13. At the time of the motor vehicle accident, Defendant JACOB M. PITTMAN, knowingly and intentionally operated a motor vehicle when he knew he had drank so much alcohol that he was not able to properly or safely operate said vehicle.

14. Defendant, JACOB M. PITTMAN, knowing an intentional consumption of alcoholic beverages until he became drunk and knowing an intentional operation of a vehicle when he was intoxicated was a direct and proximate result of the motor vehicle collision as aforesaid.

15. Defendant, JACOB M. PITTMAN, conduct is outrageous, reckless and wanton and warrants imposition of punitive damages.

WHEREFORE, the Plaintiff, STEVEN R. SAWYER, hereby demands punitive damages against the Defendant, JACOB M. PITTMAN, in the amounts in excess of the jurisdictional limits of the Court of Common Pleas of Clearfield County, plus costs.

JURY TRIAL DEMANDED.

Count III
Negligent Entrustment
Steven R. Sawyer vs. Nichole Humberson

16. Plaintiff hereby incorporates paragraphs one through fifteen as if the same were fully set forth at length herein.

17. Defendant, JACOB M. PITTMAN, was at the time of the motor vehicle accident, driving a 1990 Chevrolet Storm owned by NICHOLE HUMBERSON with

Defendant NICHOLE HUMBERSON's permission.

18. At the time of the motor vehicle accident, Defendant JACOB M. PITTMAN, was an incompetent and reckless driver in that the Defendant JACOB M. PITTMAN had consumed alcoholic beverages to the point of being intoxicated prior to operating the Defendant NICHOLE HUMBERSON's vehicle.

19. Defendant NICHOLE HUMBERSON acted negligently, recklessly, and carelessly in entrusting her vehicle to the Defendant JACOB M. PITTMAN in that the Defendant NICHOLE HUMBERSON knew the Defendant JACOB M. PITTMAN had consumed alcoholic beverages prior to operating the Defendant NICHOLE HUMBERSON's vehicle and would, therefore, drive Defendant NICHOLE HUMBERSON's vehicle in an incompetent and reckless manner.

20. Additionally, Defendant had previously given permission for JACOB M. PITTMAN to drive the Defendant NICHOLE HUMBERSON's vehicle.

21. As a direct and proximate result of the Defendant NICHOLE HUMBERSON's negligence in entrusting her motor vehicle to the Defendant JACOB M. PITTMAN, the Plaintiff suffered the previously specified injuries and damages.

WHEREFORE, the Plaintiff STEVEN R. SAWYER, demands judgment against the Defendant NICHOLE HUMBERSON in the amounts in excess of the jurisdictional limits of the arbitration of the Court of Common Pleas of Clearfield County, plus costs.

JURY TRIAL DEMANDED.

Count IV
Punitive Damages
Steven R. Sawyer vs. Nichole Humberson

22. Plaintiff hereby incorporates paragraphs one through fifteen as if the same were fully set forth at length herein.

23. Prior to the aforesaid motor vehicle accident, the Defendant NICHOLE HUMBERSON, knowingly and intentionally entrusted her vehicle to the Defendant JACOB M. PITTMAN, when she was aware that the Defendant JACOB M. PITTMAN was visibly intoxicated and not able to safely or properly operate her vehicle.

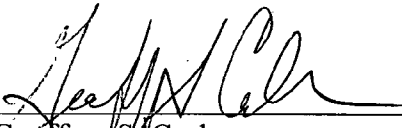
24. Defendant, NICHOLE HUMBERSON, knowingly and intentionally entrusted her vehicle to the Defendant, JACOB M. PITTMAN, when he was drunk.

25. Defendant, NICHOLE HUMBERSON's, conduct is outrageous, reckless and wanton, and warrants imposition of punitive damages.

WHEREFORE, Plaintiff, STEVEN R. SAWYER, hereby demands punitive damages against the Defendant, NICHOLE HUMBERSON, in the amounts in excess of the jurisdictional limits of the arbitration of the Court of Common Pleas of Clearfield County, plus costs.

JURY TRIAL DEMANDED.


Respectfully submitted:



Geoffrey S. Casher
Attorney for Plaintiff

VERIFICATION

I, STEVEN R. SAWYER, Plaintiff herein, hereby verify that the averments of fact contained in the foregoing COMPLAINT IN A CIVIL ACTION are true and correct and based upon my personal knowledge, information or belief. I understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.



Steven R. Sawyer

Date:

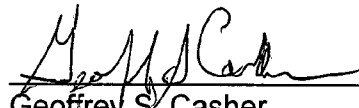
6/23/00

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within COMPLAINT IN A CIVIL ACTION was served on all Parties listed below, by First Class Mail, postage prepaid, on this 26th day of September, 2000:

Jacob M. Pittman
312 Clearfield Street
Clearfield PA 16830

Nichole Humberson
411 East Sixth Street
Clearfield PA 16830



Geoffrey S. Casher
Attorney for Plaintiff

FILED

SEP 27 2000

11 10:36 AM

William A. Shaw

Prothonotary

WAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

Plaintiff

vs.

NO. 00-228-CD

JACOB M. PITTMAN and
NICHOLE HUMBERSON,

Defendants

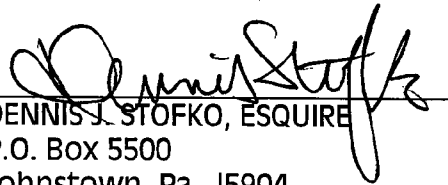
ENTRY OF APPEARANCE

Please enter my appearance for Defendant, Nichole Humberson only, in the above matter. Papers may be served at the address listed below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in this action.

I certify this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties.


DENNIS J. STOFKO, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

DEC 26 2000
m/2:05/m/
William A. Shaw
Prothonotary
No '1/c
Kob

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

Plaintiff

vs.

NO. 00-228-CD

JACOB M. PITTMAN and
NICHOLE HUMBERSON,

Defendants

ANSWER, NEW MATTER AND
NEW MATTER UNDER 2252(d)
Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

TO THE PARTIES:

You are hereby notified to reply to the
enclosed New Matter and New Matter
under 2252(d) within 20 days from
service hereof or a default judgment
may be entered against you.

FILED

JAN 12 2001

William A. Shaw
Prothonotary

ANSWER, NEW MATTER AND NEW MATTER UNDER 2252(d)

NOW COMES the defendant, Nichole Humberson by and through counsel, Dennis J. Stofko and files the following Answer, New Matter and New Matter under 2252(d).

1. Admitted.

2. Admitted.

3. Admitted.

4. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

5. Denied. Paragraph 5 contains allegations directed to defendants other than the answering defendant for which no responsive pleading is required.

6. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

7. Denied. Paragraph 7 contains allegations directed to defendants other than the answering defendant for which no responsive pleading is required.

8. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

9. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendant, Nichole Humberson requests Plaintiff's Complaint be dismissed.

10. Denied. See previous Answers.

11. – 15. Denied. Paragraphs 11 through 15 inclusive are directed to defendants other than the answering defendant and no responsive pleading is required.

WHEREFORE, Defendant, Nichole Humberson requests Plaintiff's Complaint be dismissed.

16. Denied. See previous Answers.

17. Denied. It is specifically denied that at any time herein the defendant, Nichole Humberson granted permission to the defendant, Jacob Pittman for the operation of the aforesaid vehicle. To the contrary, at all times material herein the defendant, Jacob Pittman took the vehicle without the permission of defendant, Nichole Humberson.

18. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

19. Denied. Paragraph 19 contains a conclusion of law to which no responsive pleading is required.

20. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

21. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendant, Nichole Humberson requests Plaintiff's Complaint be dismissed.

22. Denied. See previous Answers.

23. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

24. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

25. Denied. Paragraph 25 contains a conclusion of law to which no

responsive pleading is required.

NEW MATTER

26. The Defendant, Nichole Humberson is informed, believes and therefore avers that the Plaintiff is contributorily negligent and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978, Pl. 202 No. 53 Section 10 (89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after April 11, 1998 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendant.

27. In the alternative pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. CSA Section 7102A any damage which the Plaintiff may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff.

28. The accident described in Plaintiff's complaint occurred on April 11, 1998 which date was subsequent to the effective date of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. CSA Chapter 17.

29. The Defendant pleads the said Motor Vehicle Financial Responsibility Law as a defense to the extent that said law limits and controls Plaintiff's right to recover damages in this action.

30. The plaintiff has failed to state a cause of action against Defendant, Nichole Humberson and Nichole Humberson at no time herein permitted, allowed or acquiesced in Jacob Pittman operating her vehicle without her express permission.

31. The defendant, Jacob M. Pittman was not a licensed driver.

WHEREFORE, Defendant, Nichole Humberson requests judgment on her behalf.

NEW MATTER UNDER 2252(d)

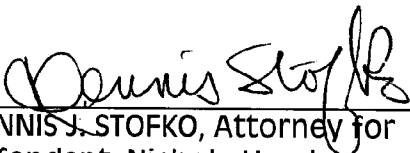
32. The Defendant, Nichole Humberson joins Jacob M. Pittman as additional defendants pursuant to Pa. RCP 2252(d).

33. The Defendant, Nichole Humberson incorporates by reference the allegations of Plaintiff's Complaint as if the same were here set forth at length.

34. If it is determined at the trial of this action that Plaintiff has sustained any injury as a result of the alleged accident, said injuries or damages were the result of the negligence of Jacob M. Pittman and therefore he is liable to the Plaintiff jointly and severally.

WHEREFORE, the Defendant, Nichole Humberson requests that Jacob M. Pittman be joined as additional defendant in the original suit because he is

solely responsible for the damages alleged in the complaint or in the alternative so as to protect Defendant Humberson's right of contribution and/or indemnity, if on the trial of the action it should be found that the Plaintiff, original Defendants and Additional Defendant are jointly negligent in causing the accident which resulted in the damages alleged.


DENNIS J. STOFKO, Attorney for
Defendant, Nichole Humberson

I, Nichole Humberson, do hereby swear or affirm that the facts set forth in the Answer, New Matter and New Matter under 2252(d) are correct to the best of my knowledge, information and belief.

I understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.


Nichole Humberson

Dated: 1-8-01

FILED

JAN 12 2001

William A. Shaw
Prothonotary

1/15/2001
WAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

**REPLY TO NEW MATTER AND NEW
MATTER UNDER 2252(d)**

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

Defendants

Filed on behalf of:
PLAINTIFF

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

FILED

JAN 24 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

Defendants

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff, STEVEN R. SAWYER, by and through his attorneys, EDGAR SNYDER & ASSOCIATES, LLC, and GEOFFREY S. CASHER, ESQUIRE, and file the following Reply to New Matter and Reply to New Matter under 2252(d):

26. Denied. It is denied that the Plaintiff is contributorily or comparatively negligent, and it is denied that the Plaintiff should be barred from recovery as asserted, and this is a conclusion of law. Further, alternatively, it is denied that the Plaintiff's causal negligence is greater than any of the answering defendant, and it is further asserted the Plaintiff is entitled to any and all damages provided for by law.

27. Denied. This is a conclusion of law. To the extent an answer is required, answer number 26 is incorporated herein as if set forth at length. Further, it is denied the

Plaintiff was negligent and that the Plaintiff is entitled to all his damages as provided for by law and those damages should not be diminished in any amount.

28. Conclusion of law to which no response is necessary.

29. This is a conclusion of law, to the extent an answer is required, all averments of fact are denied.

30. Denied. This is a conclusion of law. It is further asserted that Defendant, NICHOLE HUMBERSON, did permit in the past and did permit on date of accident, JACOB PITTMAN to operate her vehicle and by way of further answer, Plaintiff's Complaint is incorporated herein as if set forth at length.

31. Denied. After reasonable investigation, Plaintiff is without sufficient knowledge or information to form a belief as to the truth of this averment and proof is required at time of trial.

WHEREFORE, Plaintiff demands judgment against the Answering Defendant.

REPLY TO NEW MATTER UNDER 2252(d)

32. This is a conclusion of law to which no response is necessary, and this allegation is directed toward another defendant.

33. This is a conclusion of law and Plaintiff further asserts its averments in his Complaint.

34. Denied. This allegation and averment is directed to the Defendant, JACOB M. PITTMAN. To the extent an answer is required, the Plaintiff incorporates by reference its Complaint and all of the foregoing Answers and Replies.

WHEREFORE, Plaintiff demands judgment on his behalf.

Respectfully submitted:

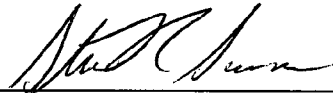
EDGAR SNYDER & ASSOCIATES, LLC

A handwritten signature in black ink, appearing to read "Geoffrey S. Casher", is written over a horizontal line.

Geoffrey S. Casher
Attorney for Plaintiff

VERIFICATION

I, Steven R. Sawyer, Plaintiff herein, hereby verify that the averments of fact contained in the foregoing Reply to New Matter and Reply to New Matter under 2252(d) are true and correct and based upon my personal knowledge, information or belief. I understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.



Steven R. Sawyer

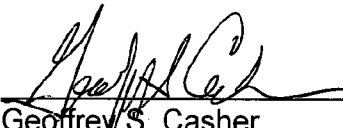
Date:

1-20-01

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Reply to New Matter and Reply to New Matter under 2252(d) was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 23RD day of January, 2001:

Dennis J. Stofko, Esquire
R. THOMAS STRAYER LAW OFFICES
969 Eisenhower Boulevard
P. O. Box 5500
Johnstown PA 15904



Geoffrey S. Casher
Attorney for Plaintiff

FILED

JAN 24 2001

11:08 AM

William A. Shaw

Prothonotary


WAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

Plaintiff

vs.

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

Defendants

**NOTICE OF INTENT TO TAKE A
DEFAULT JUDGMENT**

To: Jacob M. Pittman
312 Clearfield Street
Clearfield PA 16830

Date of Notice: 02/20/01

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

LAWYER REFERRAL SERVICE

Court Administrator's Office
1 North Second Street
Clearfield PA 16830

100 West High Street
Ebensburg PA 15931
(814)472-9000



Geoffrey S. Casher
Attorney for Plaintiff

FILED

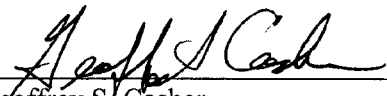
FEB 21 2001

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Notice of Intent to Take a Default Judgment was served on all parties listed below, by First Class Mail, postage prepaid, on this 20th day of February, 2001:

Jacob M. Pittman
312 Clearfield Street
Clearfield PA 16830



Geoffrey S. Casher
Attorney for Plaintiff

FILED

FEB 21 2001

MJ:ad/mce

William A. Shaw

Prothonotary

WAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

NOTICE OF SERVICE

JACOB M. PITTMAN and
NICHOLE HUMBERSON,

Defendants

Filed on behalf of:
PLAINTIFF

Counsel of record for this party:

GEOFFREY S. CASH, ESQUIRE
E-mail address:
gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

FILED

MAR 20 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

JACOB M. PITTMAN and
NICHOLE HUMBERSON,

Defendants

**NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES
AND RESPONSE TO REQUEST FOR PRODUCTION**

I hereby certify that on this 19th day of March, 2001, the Answers to Interrogatories Directed To Plaintiff, the original Response to Request For Production, and one (1) copy of the Notice of Service of Answers to Interrogatories and Response to Request For Production were mailed by First Class Mail, postage prepaid, to counsel for Defendant[s] at the following address:

Dennis J. Stofko, Esquire
P. O. Box 5500
Johnstown PA 15904

Mr. Jacob. M. Pittman
312 Clearfield Street
Clearfield PA 16830

EDGAR SNYDER & ASSOCIATES, LLC

By


Geoffrey S. Casher
Attorney for Plaintiff

FILED

MAR 20 2001

m1/36/10 cc
William A. Shaw
Prothonotary
805

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

NOTICE OF DEPOSITION

JACOB M. PITTMAN and
NICHOLE HUMBERSON,

Defendants

Filed on behalf of:
PLAINTIFF

Counsel of record for this party:

GEOFFREY S. CASHIER, ESQUIRE
E-mail address:
gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

FILED

MAR 30 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

Defendants

NOTICE OF DEPOSITION

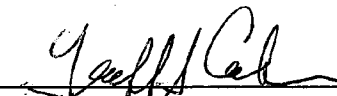
To: Dennis J. Stofko, Esquire

PLEASE TAKE NOTICE that the Plaintiff, Steven R. Sawyer, by his Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Nichole Humberson, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on May 22, 2001, at 2:00 p.m., at the offices of Sargent Court Reporting Service, 26 South Second Street, Clearfield, PA 16830, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent Court Reporting Service.

EDGAR SNYDER & ASSOCIATES, LLC

By



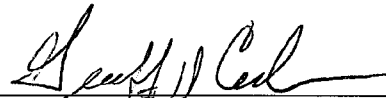
Geoffrey S. Casher
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 29th day of March, 2001.

EDGAR SNYDER & ASSOCIATES, LLC

By



Geoffrey S. Casher
Attorney for Plaintiff

FILED

MAR 30 2001

MA 07 MCC
William A. Shaw
Prothonotary
Kas

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

NOTICE OF DEPOSITION

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

Defendants

Filed on behalf of:
PLAINTIFF

Counsel of record for this party:

GEOFFREY S. CASHIER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

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AUG 21 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

Defendants

NOTICE OF DEPOSITION


To: Dennis J. Stofko, Esquire

PLEASE TAKE NOTICE that the Plaintiff, Steven R. Sawyer, by his Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Angel Coudriet, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on September 11, 2001, at 10:00 a.m., at the offices of Sargent's Court Reporting Service, 106 North Second Street, Clearfield, PA 16830, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting Service.

EDGAR SNYDER & ASSOCIATES, LLC

By

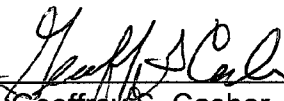

Geoffrey S. Casher
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 20th day of August, 2001.

EDGAR SNYDER & ASSOCIATES, LLC

By


Geoffrey S. Casher
Attorney for Plaintiff

FILED

AUG 21 2001

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William A. Shaw
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

NOTICE OF DEPOSITION

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

Defendants

Filed on behalf of:
PLAINTIFF

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

FILED

AUG 21 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

Defendants

NOTICE OF DEPOSITION

To: Dennis J. Stofko, Esquire

PLEASE TAKE NOTICE that the Plaintiff, Steven R. Sawyer, by his Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Firman Kitchen pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on September 11, 2001, at 11:00 a.m., at the offices of Sargent's Court Reporting Service, 106 North Second Street, Clearfield, PA 16830, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting Service.

EDGAR SNYDER & ASSOCIATES, LLC

By

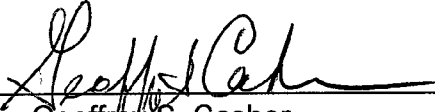


Geoffrey S. Casher
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 20th day of August, 2001.

EDGAR SNYDER & ASSOCIATES, LLC

By 
Geoffrey S. Casher
Attorney for Plaintiff

FILED

AUG 21 2001

m/lkgs/nw
William A. Shaw
Prothonotary



UP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

STEVEN R. SAWYER,

Plaintiff

vs.

NO. 00-228-CD

JACOB M. PITTMAN and
NICHOLE HUMBERSON,

DEFENDANT HUMBERSON'S MOTION
FOR SUMMARY JUDGMENT

Defendants

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

OCT 10 2001
m/2:18/1000
William A. Shaw
Prothonotary *ES*

MOTION FOR SUMMARY JUDGMENT

AND NOW comes the defendant, Nicole Humberson, (hereinafter "Humberson") by and through counsel, Dennis J. Stofko and pursuant to Pa.R.C.P. 1035.1 *et seq.*, moves this Honorable Court for the entry of Summary Judgment as follows:

1. Responsive pleadings have been filed on behalf of Humberson, in this action. The pleadings are now closed and discovery has been completed by the parties.

2. On or about April 11, 1998 the plaintiff, Steven Sawyer, was a guest passenger in a vehicle being operated by the defendant, Jacob M. Pittman (hereinafter "Pittman"). At the time of the accident the vehicle was owned by Humberson.

3. As Pittman was operating the vehicle on Township Route 247 in Lawrence Township, Pittman lost control causing the vehicle to leave the highway and struck an embankment. This resulted in personal injury to the plaintiff.

4. The complaint alleges a cause of action against Humberson for negligently entrusting her vehicle to Pittman (Count III).

5. The defendant's summary judgment motion is based upon the record including the pleadings and the deposition transcript of the plaintiff, as well as Humberson and other witnesses.

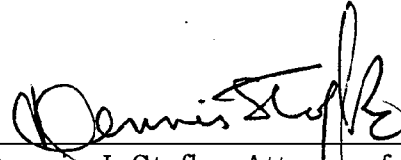
6. The defendant avers that the testimony of all witnesses deposed unequivocally established that Pittman took Humberson's vehicle without express or implied permission.

7. Furthermore, Humberson avers that the plaintiff, without a doubt, fails to present any evidence demonstrating the requisite entrustment element

necessary to establish Count III of the plaintiff's complaint for negligent entrustment.

7. The defendant avers that there is no material fact in dispute, thereby Humberson is entitled to summary judgment in her favor as a matter of law.

WHEREFORE, the defendant, Nichole Humberson respectfully requests your Honorable Court to enter judgment in her favor and dismiss the plaintiff's complaint.

A handwritten signature in black ink, appearing to read "Dennis Stofko", written over a horizontal line.

Dennis J. Stofko, Attorney for the
defendant, Nichole Humberson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

**REPLY TO DEFENDANT NICHOLE
HUMBERSON'S MOTION FOR
SUMMARY JUDGMENT**

Defendants

Filed on behalf of:
PLAINTIFF

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

FILED

NOV 13 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STEVEN R. SAWYER,

No. 00-228-CD

Plaintiff

vs.

JACOB M. PITTMAN and NICHOLE
HUMBERSON,

Defendants

**REPLY TO
DEFENDANT NICHOLE HUMBERSON'S
MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the Plaintiff, STEVEN R. SAWYER, hereinafter SAWYER, by and through his counsel, EDGAR SNYDER & ASSOCIATES, LLC, and GEOFFREY S. CASHER, ESQUIRE, and pursuant to Pennsylvania Rules of Civil Procedure, answers the Defendant HUMBERSON'S Motion for Summary Judgment and avers as follows:

1. Admitted. It is admitted that all responsive pleadings have been filed on behalf of HUMBERSON and that the pleadings are now closed and discovery has been completed.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied as stated. The Plaintiff's Summary Judgment Motion speaks for itself.
6. Denied. It is denied that the testimony of all the witnesses deposed unequivocally

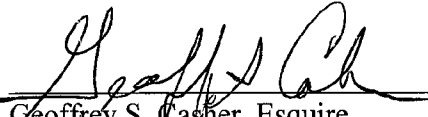
established that PITTMAN took HUMBERSON'S vehicle without express or implied permission.

7. Denied. Plaintiff avers that there is a material fact in dispute and that HUMBERSON is not entitled to summary judgment in her favor as a matter of law.

WHEREFORE, the Plaintiff respectfully requests that your Honorable Court deny the Defendant HUMBERSON'S Motion for Summary Judgment and dismiss the same.

Respectfully submitted:

EDGAR SNYDER & ASSOCIATES, LLC



Geoffrey S. Casher, Esquire

FILED

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William A. Shaw
Prothonotary

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

STEVEN R. SAWYER

:

-vs-

:

No. 00 - 228 - CD

JACOB M. PITTMAN and

:

NICHOLE HUMBERSON

:

ORDER

NOW, this 21st day of November, 2001, upon consideration of Motion for Summary Judgment filed on behalf of Defendant Nichole Humberson, and argument and briefs thereon, this Court being satisfied that Plaintiff fails to present any evidence demonstrating the required instrumental element necessary to establish his Complaint for negligent entrustment, it is the ORDER of this Court that Motion for Summary Judgment be and is hereby granted, judgment entered in favor of Defendant Nichole Humberson and Plaintiff's Complaint dismissed as to her. Opinion to be filed in the event of an appeal.

By the Court,

President Judge

FILED

NOV 26 2001

William A. Shaw
Prothonotary

FILED

NOV 20 2001

019:46/1cc atty Stgko

William A. Shaw
Prothonotary

1cc atty Cushman
@ [Signature]

Prothonotary
William A. Shaw

Notice of Proposed Termination of Court Case

February 1, 2012

RE: 2000-00228-CD

Steven R. Sawyer

Vs.

Jacob M. Pittman
Nichole Humberson

FILED
FEB 01 2012
William A. Shaw
Prothonotary Clerk of Courts

To All Parties and Counsel:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **April 2, 2012**.

Please note: This termination notice relates only to the action between Steven R. Sawyer and Jacob M. Pittman as the case between Steven R. Sawyer and Nichole Humberson has been previously disposed.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

F. Cortez Bell, III
F. Cortez Bell, III, Esq.
Court Administrator

Casher
J. Pittman

FILED

FEB 01 2012

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts
PO Box 549
Clearfield, PA 16830

00-228-CD

WAS

Jacob M. Pitman
312 Clearfield Street
Clearfield, PA 16830

FILED

3/19/16/2012
FEB 13 2012

William A. Shaw
Prothonotary/Clerk of Courts



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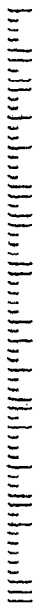
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Notice of Proposed Termination of Court Case

February 1, 2012

RE: 2000-00228-CD

Steven R. Sawyer

Vs.

Jacob M. Pittman
Nichole Humberson

To All Parties and Counsel:

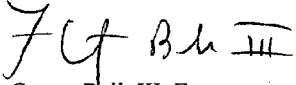
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You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **April 2, 2012**.

Please note: This termination notice relates only to the action between Steven R. Sawyer and Jacob M. Pittman as the case between Steven R. Sawyer and Nichole Humberson has been previously disposed.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,


F. Cortez Bell, III, Esq.
Court Administrator

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

STEVEN R. SAWYER
Plaintiff

vs.

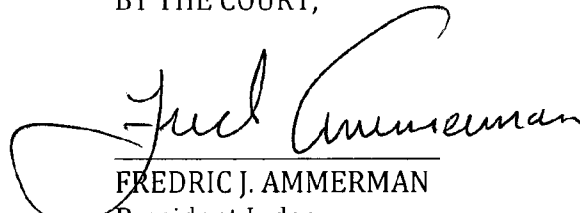
JACOB M. PITTMAN and NICHOLE HUMBERSON,
Defendants

* NO. 2000-228-CD
*
*
*
*
*

ORDER

NOW, this 27th day of February, 2013, upon the Court's review of the record, with the Court noting from the docket there has been no activity in the case since November 26, 2001, and that a Notice of Proposed Termination of Court Case had been mailed to the parties February 1, 2012 with no response having been received, pursuant to the provisions of Rule of Judicial Administration 1901 the case is hereby DISMISSED for inactivity. The Prothonotary shall code the case in Full Court as Z-1901A.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

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FILED
FEB 27 2013
01328/KK
William A. Shaw
Prothonotary/Clerk of Courts