

00-381-CD  
GRACE LEIGEY et al -vs- SHERIA FLICK p/k/a Shelia Leigey

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

(10) GRACE LEIGEY, trustee ad litem ) CIVIL DIVISION  
(pursuant to Pa. R.C.P. 2202[b]) and on )  
behalf of the Estate of KEN LEIGEY, )  
Plaintiff, ) No.: 00-381-CO  
vs. )  
(8) SHELIA FLICK, formerly SHELIA ) PRAECLPICE FOR  
LEIGEY, ) WRIT OF SUMMONS  
Defendant. )  
FILED ) Filed on behalf of Plaintiff:  
MAR 27 2000 ) GRACE LEIGEY, Guardian Ad Litem  
William A. Shaw ) for the Estate of KEN LEIGEY  
Prothonotary )  
Counsel of Record for this Party:  
VICTOR H. PRIBANIC, ESQUIRE  
P.A. I.D. No.: 30785  
PRIBANIC & PRIBANIC, PC  
1735 Lincoln Way  
White Oak, PA 15131  
(412) 672-5444 SLP

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

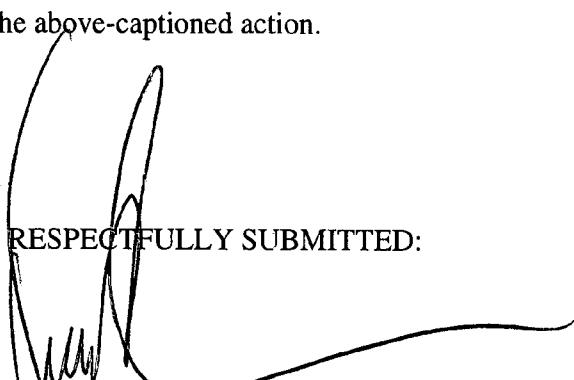
GRACE LEIGEY, trustee ad litem ) CIVIL DIVISION  
(pursuant to Pa. R.C.P. 2202[b]) and on )  
behalf of the Estate of KEN LEIGEY, )  
vs. ) No.:  
SHELIA FLICK, formerly SHELIA )  
LEIGEY, )  
Defendant. )

**PRAECIPE FOR WRIT OF SUMMONS**

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons in the above-captioned action.

RESPECTFULLY SUBMITTED:

  
VICTOR H. PRIBANIC  
Counsel for Plaintiff

*Recd*  
**FILED**

*REC'D*  
MAR 27 2000  
M 1330 AMY A. BANC  
William A. Shaw  
Prothonotary  
100 \$80.00

Writ to Sherry

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

GRACE LEIGEY, trustee ad litem and  
on behalf of the Estate of KEN  
LEIGEY,

**COPY**

Plaintiff(s)

vs.

S U M M O N S  
No: 00-381-CD

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 March 27, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

Victor H. Pribanic, Esquire  
1735 Lincoln Way  
White Oak, PA 13131

VICTOR H. PRIBANIC

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEIGEY, GRACE TRUSTEE AD LITEM  
VS  
FLICK, SHELIA FORMERLY SHELIA

00-381-CD

SUMMONS

SHERIFF RETURNS

NOW APRIL 4, 2000 AT 10:49 AM DST SERVED THE WITHIN SUMMONS  
ON SHELIA FLICK FORMERLY SHELIA LEIGEY, DEFENDANT AT  
EMPLOYMENT WHITAKER ROADS CORP., RD, CLEARFIELD, CLEARFIELD  
COUNTY, PENNSYLVANIA BY HANDING TO SHELIA FLICK A TRUE AND  
ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER  
THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

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

SWORN TO BEFORE ME THIS

20th DAY OF April 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 Hemp*  
CHESTER A. HAWKINS  
SHERIFF

FILED

APR 20 2000  
013:30 PM  
William A. Shaw  
Prothonotary *E* *RBS*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

GRACE LEIGEY, trustee ad litem ) CIVIL DIVISION  
(pursuant to Pa. R.C.P. 2202[b]) and on )  
behalf of the Estate of KEN LEIGEY, )  
)  
)  
)  
Plaintiff, ) No.: 00-381-CD  
)  
)  
)  
vs. ) COMPLAINT  
)  
SHELIA FLICK, formerly SHELIA )  
LEIGEY, )  
)  
Defendant. )  
)  
)  
FILED ) Filed on behalf of Plaintiff:  
JUN 02 2000 ) GRACE LEIGEY, Guardian Ad Litem  
William A. Shaw ) for the Estate of KEN LEIGEY  
Prothonotary )  
)  
Counsel of Record for this Party:  
VICTOR H. PRIBANIC, ESQUIRE  
P.A. I.D. No.: 30785  
PRIBANIC & PRIBANIC, PC  
1735 Lincoln Way  
White Oak, PA 15131  
)  
(412) 672-5444 SLP

JURY TRIAL DEMANDED

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

GRACE LEIGEY, trustee ad litem	)	<b>CIVIL DIVISION</b>
(pursuant to Pa. R.C.P. 2202[b]) and on	)	
behalf of the Estate of KEN LEIGEY,	)	
	)	
	)	
Plaintiff,	)	No.:
	)	
	)	
vs.	)	
	)	
SHELIA FLICK, formerly SHELIA	)	
LEIGEY,	)	
	)	
Defendant.	)	

**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 an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

David S. Meholick, Court Administrator  
Clearfiled County Courthouse  
Clearfield, PA 16830  
(814) 765-2641 Extension 5982

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

GRACE LEIGEY, trustee ad litem	)	<b>CIVIL DIVISION</b>
(pursuant to Pa. R.C.P. 2202 [b]) and on	)	
behalf of the Estate of KEN LEIGEY,	)	
	)	
	)	
Plaintiff,	)	No.:
	)	
	)	
vs.	)	
	)	
SHELIA FLICK, formerly SHELIA	)	
LEIGEY,	)	
	)	
Defendant.	)	

**COMPLAINT**

1. Plaintiff, Grace Leigey, is an adult individual resident of the Commonwealth of Pennsylvania.

2. Plaintiff is the mother of Ken Leigey, the decedent in the captioned action, and brings this action as trustee ad litem pursuant to Pa. R.C.P. 2022(b) and on behalf of her son's estate by virtue of the Defendant's position as Personal Representative of her son's Estate.

3. Defendant, Shelia Flick, formerly known as Shelia Leigey, is an adult individual resident of the Commonwealth of Pennsylvania.

4. Plaintiff, as trustee ad litem of the Estate of Ken Leigey, brings this action in her own behalf and on behalf of all other parties entitled to recover damages for the wrongful death of Ken Leigey pursuant to the provisions of 42 Pa. C.S. § 8301.

5. Plaintiff also brings this action to recover damages on behalf of the Estate of Ken Leigey pursuant to the provisions of 42 Pa. C.S. § 8302.

6. The following persons are or may be entitled by law to recover damages for the wrongful death of Ken Leigey.

- (a) Grace Leigey, the mother of the decedent who resides at Post Office Box 289, Frenchville, Pennsylvania, 16836;
- (b) Thomas F. Leigey, Jr., the father of the decedent who resides at the same address;
- (c) Kennita Leigey, the daughter of the decedent who resides at \_\_\_\_\_;
- (d) Jessica Leigey, the daughter of the decedent who resides at \_\_\_\_\_;
- (e) Kenneth Leigey, Jr., the son of the decedent who resides at P.O. Box 289, Frenchville, PA 16836; and,
- (f) Thomas Leigey, the son of the decedent who resides at P.O. Box 289, Frenchville, PA 16836.

7. During his lifetime Ken Leigey did not commence any action to recover damages for the injuries which caused his death, and no

other action has been filed to recover damages for the wrongful death of Ken Leigey.

**COUNT I**

**WRONGFUL DEATH**

Plaintiff incorporates herein by reference thereto Paragraphs 1 through 7 of the Complaint and further avers that:

8. On or about March 25, 1998 the Defendant, Shelia Flick, formerly known as Shelia Leigey, was the wife of decedent, Ken Leigey.

9. On the foregoing date the decedent, Ken Leigey, was negligently and/or recklessly shot and killed by Defendant, Shelia Flick, formerly known as Shelia Leigey.

10. The Defendant at all relevant times knew or should have known that firing the weapon at the Decedent was likely to cause serious injury or death to the decedent but nonetheless did so.

11. The Defendant's conduct as described above was extreme and outrageous and undertaken with reckless indifference to the rights and well being of the decedent.

12. The decedent's gunshot wound and resulting fatal injuries were caused by and were the direct result of the Defendant's conduct in

failing to exercise reasonable care and that degree of care owed to the decedent under the circumstances which then existed.

13. The Defendant's negligence and/or gross negligence consisted, inter alia, in the following:

- (a) failing to unload the weapon and safely store it;
- (b) firing the weapon in the direction of the Decedent;
- (c) violating well publicized standards of care in respect to the safe handling of firearms which the Defendant knew, or had reason to know, established a minimum standard of care in respect to firearm safety;
- (d) failing to take reasonable precautions to ensure against the accidental or intentional discharge of the firearm prior to returning it to the decedent;
- (e) creating a situation which the Defendant knew or ought to have known that it was likely that the decedent would sustain serious injury; and,
- (f) otherwise carelessly, negligently, and recklessly violating applicable standards of care in respect to the safe handling of firearms under the circumstances recited in this Complaint.

14. The Defendant's conduct as described above by virtue of her knowledge of the extreme hazard posed by a loaded firearm constitutes gross and wanton negligence and was accordingly extreme and outrageous.

15. The persons entitled by law to recover damages for Ken Leigey's death have sustained the following damages:

- (a) the cost of medical services and supplies incident to the treatment and subsequent death of the decedent;
- (b) the cost of funeral and estate expenses occasioned by the death of the decedent;
- (c) loss of value of the service, assistance, comfort, guidance, counseling, companionship, and society of the decedent;
- (d) loss of, in the case of his minor children, the value of the services of the decedent in respect to the guidance, tutelage, and moral upbringing which would or might have been afforded them by the decedent;
- (e) loss of the financial support and all pecuniary benefits which they would have received from the decedent;
- (f) the expenses of the administration of the estate of the decedent; and,
- (g) such other losses and damages as are recoverable by law or statute.

WHEREFORE, Grace Leigey, Trustee Ad Litem of the Estate of Ken Leigey, Deceased, hereby demands compensatory and punitive damages and judgment therefore in a sum in excess of the Board of Arbitrators along with costs of the prosecution of this action.

**COUNT II**

**SURVIVAL**

Plaintiff incorporates herein by reference thereto Paragraphs 1 through 15 of the complaint and further avers that:

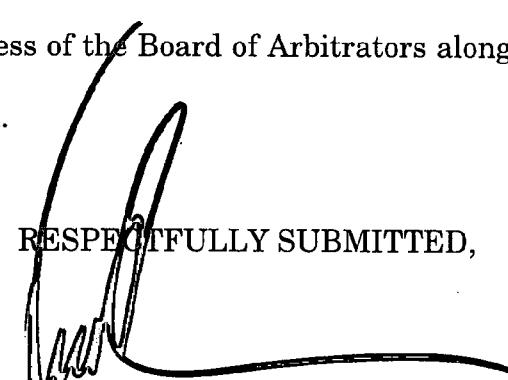
16. As a result of the previously described negligent conduct of the Defendant, Plaintiff as the Trustee Ad Litem of the Estate of Ken Leigey, seeks damages pursuant to the provisions of 20 Pa. C.S. § 3373 and 42 Pa. C.S. § 8302 which include, inter alia:

- (a) the pain, suffering, inconvenience, anxiety, and nervousness of the decedent from the moment of apprehension of his death until his death, including the terror experienced by the decedent immediately prior to his death and at the time of the explosion which caused his wounds;
- (b) the decedent's loss of earnings and/or earning potential during the balance of his life expectancy calculated from the date of his death;

- (c) hospital, medical, surgical, and nursing expenses incurred on his behalf; and,
- (d) such other losses and damages as are recoverable by law or statute.

WHEREFORE, Grace Leigey, Trustee Ad Litem of the Estate of Ken Leigey, Deceased, hereby demands compensatory and punitive damages and judgment therefore in a sum in excess of the Board of Arbitrators along with cost of the prosecution of this action.

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
VICTOR H. PRIBANIC  
Attorney for Plaintiff

**JURY TRIAL DEMANDED**

## **VERIFICATION TO COMPLAINT**

Plaintiff verifies that she is the Plaintiff in the foregoing action; that the foregoing Complaint is based upon information which she has furnished to her counsel and information which has been gathered by her counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of the Plaintiff. Plaintiff has read the Complaint and to the extent that the Complaint is based upon information which she has given to her counsel, it is true and correct to the best of her knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, she has relied upon counsel in making this Affidavit. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

4-2-2000  
Date

Grace Leigey  
GRACE LEIGEY

FILED

Aug 22 2000  
Vn 11-3511cc atty Probaue  
William A. Shaw  
Prothonotary

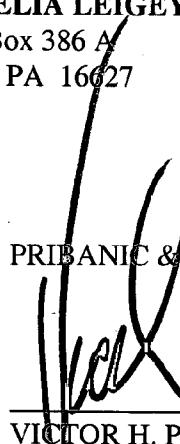
*Ex-2*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within has been served via U.S. Postal Service postage prepaid on the 27th day of May, 2000 upon the following:

**SHELIA FLICK,  
formerly SHELIA LEIGEY**  
RD 1, Box 386 A  
Coalport, PA 16627

PRIBANIC & PRIBANIC, P.C.

  
\_\_\_\_\_  
VICTOR H. PRIBANIC  
Counsel for Plaintiff

**FILED**

**JUN 02 2000**

William A. Shaw  
Prothonotary

FILED

JUN 6 2000  
WILCOX  
William A. Shaw  
Prothonotary  
Province of  
Quebec

FILED

2000 JUL 3 2000  
William A. Shaw  
Prothonotary

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

CIVIL ACTION - LAW

GRACE LEIGEY, trustee ad litem and \*  
on behalf of the Estate of KEN LEIGEY \* No. 00-381-CD

Plaintiffs \*

SHELIA FLICK, formerly SHELIA  
LEIGEY \*

Defendant \*

TYPE OF PLEADING:  
PRAECIPE FOR ENTRY  
OF APPEARANCE

FILED ON BEHALF OF:  
DEFENDANT

ATTORNEY FOR DEFENDANT:  
David C. Mason, Esquire  
Supreme Court ID #39180  
MASON LAW OFFICE  
P.O. Box 28  
Philipsburg, PA 16866  
(814) 342-2240

**FILED**

JUL 05 2000  
MULLEN  
William A. Shaw  
Prothonotary

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

CIVIL ACTION - LAW

GRACE LEIGEY, trustee ad litem and \*  
on behalf of the Estate of KEN LEIGEY \* No. 00-381-CD

Plaintiffs \*

SHELIA FLICK, formerly SHELIA  
LEIGEY \*

Defendant \*

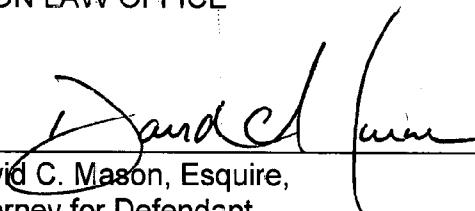
**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance on the behalf of the above named Defendant.

MASON LAW OFFICE

DATED: 7/3/00

By:   
David C. Mason, Esquire,  
Attorney for Defendant

**FILED**

JUL 05 2000

WILLIAM A. SHAW  
Prothonotary  
SAC

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

GRACE LEIGEY, trustee ad litem (pursuant to Pa. R.C.P. 2202[b]) and on behalf of the Estate of KEN LEIGEY,	)	<b>CIVIL DIVISION</b>
	)	
	)	
	)	
Plaintiff,	)	No.: 00-381-CD
	)	
	)	
vs.	)	<b>TEN DAY DEFAULT NOTICE</b>
	)	
SHELIA FLICK, formerly SHELIA LEIGEY,	)	
	)	
Defendant.	)	Filed on behalf of Plaintiff:
	)	
	)	
	)	GRACE LEIGEY, Guardian Ad Litem for the Estate of KEN LEIGEY
	)	
	)	Counsel of Record for this Party:
	)	
	)	VICTOR H. PRIBANIC, ESQUIRE P.A. I.D. No.: 30785
	)	
William A. Shaw Prothonotary	)	PRIBANIC & PRIBANIC, PC 1735 Lincoln Way White Oak, PA 15131
	)	
	)	(412) 672-5444
		SLP

**FILED**

OCT 12 2000

William A. Shaw  
Prothonotary

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

GRACE LEIGEY, trustee ad litem ) CIVIL DIVISION  
(pursuant to Pa. R.C.P. 2202[b]) and on )  
behalf of the Estate of KEN LEIGEY, )  
)  
)  
)  
Plaintiff, ) No.: 00-381-CD  
)  
)  
)  
vs. )  
)  
)  
SHELIA FLICK, formerly SHELIA )  
LEIGEY, )  
)  
)  
Defendant. )

**IMPORTANT NOTICE**

DATE OF NOTICE: October 9, 2000

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) 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:

David S. Meholic, Court Administrator  
Clearfiled County Courthouse  
Clearfield, PA 16830  
(814) 765-2641 Extension 5982

RESPECTFULLY SUBMITTED:



VICTOR H. PRIBANIC  
Counsel for Plaintiff

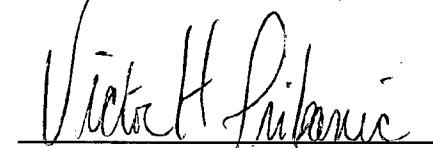
## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Ten Day Default Notice has been served via U. S. Postal Service postage prepaid on the 9th day of October, 2000 upon the following:

**SHELIA FLICK,  
formerly SHELIA LEIGEY**  
RD 1, Box 386 A  
Coalport, PA 16627

**EVER-GREENE MUTUAL INSURANCE COMPANY**  
RD #1, Post Office Box 347  
Everett, PA 15537

PRIBANIC & PRIBANIC, P.C.

  
\_\_\_\_\_  
VICTOR H. PRIBANIC  
Counsel for Plaintiff

FILED

OCT 12 2000

113 NOCC  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

GRACE LEIGEY, trustee ad litem  
(pursuant to Pa. R.C.P. 2202(b)) and on  
behalf of the Estate of KEN LEIGEY,

Plaintiff,  
vs.

SHEILA FLICK, formerly SHEILA  
LEIGEY,

Defendant.

CIVIL DIVISION

No.: 00-381-CD

**PRAECIPE FOR  
DISCONTINUANCE PURSUANT  
TO PA. R.C.P. 229**

Filed on behalf of Plaintiff:  
Grace Leigey, trustee ad litem and on  
behalf of the Estate of Ken Leigey

Counsel of Record for this Party:

Victor H. Pribanic, Esquire  
Pa. I.D. No.: 30785

**Pribanic & Pribanic, LLC**  
1735 Lincoln Way  
White Oak, PA 15131

(412) 672-5444

**FILED**

MAY 08 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

GRACE LEIGEY, trustee ad litem                    CIVIL DIVISION  
(pursuant to Pa. R.C.P. 2202(b)) and on  
behalf of the Estate of KEN LEIGEY,                    No.: 00-381-CD

Plaintiff,

vs.

SHEILA FLICK, formerly SHEILA  
LEIGEY,

Defendant.

**PRAECIPE FOR DISCONTINUANCE PURSUANT TO PA. R.C.P. 229**

To the Prothonotary:

Please mark this suit discontinued pursuant to Pennsylvania Rule of Civil

Procedure 229.

Very truly yours,

\_\_\_\_\_  
Victor H. Pribanic  
Attorney for Plaintiff

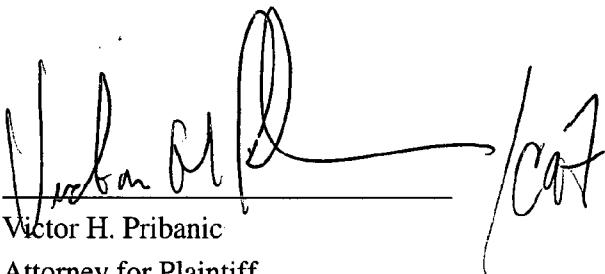
## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Praecipe for Discontinuance Pursuant to Pa. R.C.P. 229** was served upon all counsel of record, by First Class Mail, postage pre-paid, this 6<sup>th</sup> day of May, 2002 as follows:

Steven L. Dugas, Esquire  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648-0533

David Mason, Esquire  
409 North Front Street  
P.O. Box 28  
Phillipsburg, PA 16866

Grace Leigey  
Box 289  
Frenchville, PA 16836

  
\_\_\_\_\_  
Victor H. Pribanic  
Attorney for Plaintiff

FILED

MAY 08 2002

MISSOURI ATTORNEY  
GENERAL  
William A. Shaw  
Prothonotary  
(2) Cert. g. Due. to atty. Prothonotary

1 copy CA

*ER*

**COPY**

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

**CIVIL DIVISION**

**Grace Leigey , trustee ad litem  
and on behalf of the Estate of Ken Leigey**

**Vs.**

**No. 2000-00381-CD**

**Sheila Flick, formerly Sheila Leigey**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on May 8, 2002 marked:

Discontinued

Record costs in the sum of \$154.61 have been paid in full by Victor H. Pribanic, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 8th day of May A.D. 2002.

---

William A. Shaw, Prothonotary