

00-104-CD

JOSEPH EDMOND -vs- SOUTHERN AMERICAN INSURANCE AGENCY, INC. et al

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH EDMOND,

No. 00-404-CO

Plaintiff,

Issue No.

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH,

Defendant.

MOTION TO ISSUE LETTER ROGATORY  
TO COMPEL ATTENDANCE AT  
DEPOSITION

Code:

Filed on behalf of DEFENDANTS,  
GULF INSURANCE COMPANY AND  
MIDWEST INDEMNITY CORPORATION

Counsel of record for this  
party:

W. Alan Torrance, Jr., Esq.  
Pa. I.D. #49592

DICKIE, McCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

APR 04 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH EDMOND,

No.

Plaintiff,

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH

Defendants,

MOTION TO ISSUE LETTER ROGATORY

AND NOW, come Defendants Gulf Insurance Company and  
Midwest Indemnity Corporation, by and through their attorneys,  
Dickie, McCamey and Chilcote, P.C. and W. Alan Torrance, Jr.,  
Esquire, and file the following **MOTION TO ISSUE LETTER ROGATORY**  
**TO COMPEL ATTENDANCE AT DEPOSITION** averring in support thereof as  
follows:

1. The above captioned matter is currently pending in  
the District Court of Harris County, Texas, 55th Judicial  
District.

2. Trial is scheduled to begin Monday, April 10,  
2000.

3. Gregory J. Butterbaugh has recently been located  
as residing at 803 Lingle Street Osceola Mills, Clearfield  
County, Pennsylvania, 16666.

4. It has been determined that the testimony of Gregory J. Butterbaugh is necessary in the interest of justice.

5. Attached hereto as Exhibit A is a certified copy of Defendant's Motion Requesting a Letter Rogatory for a Pennsylvania Deposition.

6. Attached hereto as Exhibit B is a certified copy of the Agreed Order Granting Defendants' Motion Requesting a Letter Rogatory for a Pennsylvania Deposition.

7. Attached hereto as Exhibit C is a certified copy of a Letter Rogatory from the Clerk of the District Court of Harris County, Texas.

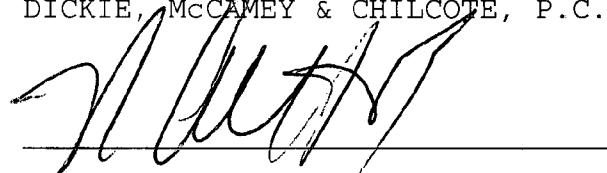
8. Attached hereto as Exhibit D is a Notice of Intent to Take Oral Telephone Deposition of Gregory J. Butterbaugh

9. Defendants Gulf Insurance Company and Midwest Indemnity Corporation request this Honorable Court to issue an Order of Court in response to the attached Letter Rogatory compelling the attendance of the Gregory J. Butterbaugh on April 7, 2000 at 9:30 am at the offices of Sargent's Court Reporting Services, Inc., 106 North Second Street, First Floor, Clearfield, Pennsylvania, 16830 for a telephonic deposition in this case and to remain until dismissed.

WHEREFORE, Defendants respectfully request this  
Honorable Court to enter the attached Order of Court.

RESPECTFULLY SUBMITTED,

DICKIE, McCAMEY & CHILCOTE, P.C.



W. Alan Torrance, Jr., Esq.  
Pa. ID # 49592  
2 PPG Place, Suite 400  
Pittsburgh, PA. 15222  
(412) 392-5272

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH EDMOND,

No.

Plaintiff,

(2)

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH

Defendants,

ORDER OF COURT

AND NOW, to wit this 4th day of April, 2000, the  
MOTION TO ISSUE LETTER ROGATORY TO COMPEL ATTENDANCE AT  
DEPOSITION of Defendants Gulf Insurance Company and Midwest  
Indemnity Corporation is GRANTED.

It is hereby ORDERED, ADJUDGED and DECREED that Gregory  
J. Butterbaugh shall appear on April 7, 2000 at 9:30 am at the  
offices of Sargent's Court Reporting Services, Inc., 106 North  
Second Street, First Floor, Clearfield, Pennsylvania, 16830 for a  
telephonic deposition in the case above captioned and to remain  
until dismissed.

Failure of Mr. Butterbaugh to abide by this Order of  
Court may subject him to sanctions by this Court, including but  
not limited to costs, attorneys fees and imprisonment.

BY THE COURT:

J.

FILED

APR 04 2000  
03:50 1 was

William A. Shaw  
Prothonotary

12 cent to Atty

1 cent to Common

A

Cause No. 27-48-752

JOSEPH EDMOND,

Plaintiff,

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH,

Defendants.

IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

55<sup>th</sup> JUDICIAL DISTRICT*Defendants' Motion Requesting a Letter Rogatory  
for a Pennsylvania Deposition*

Defendants, Gulf Insurance Company and Midwest Indemnity Corporation, file this Motion Requesting a Letter Rogatory for a Pennsylvania Deposition, and respectfully state:

*Summary of Relief Requested*

Defendants request a Letter Rogatory from this Court directed to the appropriate authority in Pennsylvania requesting examination by oral deposition of Gregory J. Butterbaugh, residing at 803 Lingle Street, Osceola Mills, Clearfield County, Pennsylvania 16666, as may be permitted and/or authorized under the appropriate Pennsylvania authority.

*Motion*

1. In this action Plaintiff has alleged causes of action for fraud and/or negligence against Defendants arising out of the alleged issuance of performance and payment bonds on a certain construction project performed by J. Gregory Construction, Inc. ("Contractor") under a written contract with Plaintiff.
2. The proposed deponent, Gregory J. Butterbaugh, is a named party and a fact

witness who has knowledge of and is competent to testify about the matters at issue in this action, including, but not limited to, the contract, the discussions with Plaintiff regarding bonds, the circumstances surrounding the issuance and attempted delivery of said bonds, the disputes during construction of the project with Plaintiff, and the damages alleged by Plaintiff. The witness was reportedly the President of Contractor, and his testimony will aid materially in the presentation of this case.

3. Defendants request that a Letter Rogatory be issued by the appropriate authority and that such authority summon the deponent, Gregory J. Butterbaugh, residing at 803 Lingle Street, Osceola Mills, Clearfield County, Pennsylvania 16666, to appear before a person authorized under Pennsylvania law, place the witness under oath and take his oral deposition by telephone on April 7, 2000, at 9:30 a.m. at the offices of Sargent's Court Reporting Services, Inc., 106 North Second Street, First Floor, Clearfield, Pennsylvania 16830. Defendants also request that the appropriate authority have the deposition of Gregory J. Butterbaugh stenographically recorded and reduced to writing, annex any items marked as exhibit into the writing and have the written transcription together with the exhibits returned to the party asking the first question with copies to all of the parties, if so requested.

4. Accordingly, Defendants respectfully request that a Letter Rogatory be issued by the appropriate authority of Pennsylvania so that the oral deposition of Gregory J. Butterbaugh may be taken under the above-mentioned circumstances.

WHEREFORE, Defendants, Gulf Insurance Company and Midwest Indemnity Corporation, request that this Court enter an order as requested above, and granting such other and further relief, at law or in equity, to which Defendants may be justly entitled.

Respectfully submitted,

Robert M. Fitzgerald

Robert M. Fitzgerald

State Bar No. 07088900

Law Offices of Robert M. Fitzgerald

1919 S. Shiloh Road, Suite 308

Garland, Texas 75042

(972) 278-5985

(972) 278-3562 (Fax)

Attorneys for Defendants, Gulf Insurance  
Company and Midwest Indemnity  
Corporation

*Certificate of Conference*

The undersigned certifies that a conference was held with Mr. Rusty Verkin, counsel for Plaintiff, and with Mr. Rick Oldenettel, counsel for the other Defendants in the case, on March 22, 2000, on Defendants' Motion Requesting Letter Rogatory for a Pennsylvania Deposition. Mr. Oldenettel and Mr. Verkin agreed with the relief requested in said Motion as evidenced by the Agreed Order submitted herewith.

Robert M. Fitzgerald

Robert M. Fitzgerald

*Certificate of Service*

I hereby certify that on the 22<sup>nd</sup> day of March, 2000, a true and correct copy of the above and foregoing pleading was sent via certified mail, return receipt requested, postage prepaid, to the following counsel of record:

Mr. W. E. Verkin, Jr.  
O'Donnell, Ferebee, McGonigal & Stone  
450 Gears, Suite 600  
Houston, Texas 77067-4584

Mr. Rick L. Oldenettel  
Oldenettel & McCabe  
1360 Post Oak Boulevard, Suite 2350  
Houston, Texas 77056

Robert M. Fitzgerald

Robert M. Fitzgerald

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*4/2*

STATE OF TEXAS  
COUNTY OF HARRIS

I, Charles Bacchisse, District Clerk of Harris County, Texas, do hereby certify that the foregoing document is a true and correct copy of the original record, now in my lawful custody and possession as appears of record in my office and  
a) filed on 3/23/2001  
b) recorded under 3 Page 1  
in the Middles of said County  
abstraction from the original record in my lawful possession electronically stored in digital form and  
pertaining to the 3  
in reference to cause number 3 or  
extracted from the original record in my lawful possession electronically stored in digital form  
pertaining to 3 from 3/23/2001 to the present date.

Witness my official hand and seal of office this

3/29/2006  
CHARLES BACCHISSE, DISTRICT CLERK  
Harris County, Texas

*CB* *3/29/2006*

B

Cause No. 97-48-752

P-7LTRDX

JOSEPH EDMOND,

IN THE DISTRICT COURT

Plaintiff,

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH,OF HARRIS COUNTY, TEXAS **L E D****F CHARLES BAGARINNE**  
District Clerk

Defendants.

55<sup>th</sup> JUDICIAL DISTRICTMAR 23 2000  
Harris County, Texas

Deputy

*Agreed Order Granting Defendants' Motion Requesting  
a Letter Rogatory for a Pennsylvania Deposition*

Came on this date for hearing Defendants' Motion Requesting a Letter Rogatory for a Pennsylvania Deposition (the "Motion"). The Court, having considered the Motion and all arguments of counsel, is of the opinion that good cause exists to grant the Motion. It is therefore

ORDERED that the Clerk of this Court issue a Letter Rogatory pursuant to Rule 201.1 of the Texas Rules of Civil Procedure under seal of this Court directed to the appropriate authority in Pennsylvania to take the deposition of Gregory J. Butterbaugh on April 7, 2000, at 9:30 a.m. at the offices of Sargent's Court Reporting Services, Inc., 106 North Second Street, First Floor, Clearfield, Pennsylvania 16830. It is further

ORDERED that the appropriate authority shall administer the oath, take the testimony of Gregory J. Butterbaugh by stenographic means, reduce the deposition to writing and return the deposition with all properly marked exhibits to the party asking the first question, with copies to all other parties requesting same.

SIGNED this 27 day of March, 2000.

Madack  
JUDGE PRESIDING

Agreed as to Form and Content:

Robert M. Fitzgerald

Robert M. Fitzgerald  
State Bar No. 07088900  
Law Offices of Robert M. Fitzgerald  
1919 S. Shiloh Road, Suite 308  
Garland, Texas 75042  
(972) 278-5985  
(972) 278-3562 Fax

W. E. "Rusty" Verkin, Jr.  
State Bar No. 20548500  
O'Donnell, Perches, McGonigal & Stone  
450 Gears, Suite 600  
Houston, Texas 77067-4584  
(281) 875-8200  
(281) 875-4962 Fax

Rick L. Oldenettel  
State Bar No. 15244500  
Oldenettel & McCabe  
1360 Post Oak Boulevard, Suite 2350  
Houston, Texas 77056  
(713) 622-9220  
(713) 622-5161 Fax

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Order Granting Defendants' Motion Requesting a Letter Registry for a Pennsylvania Deposition - Page 2

#18

STATE OF TEXAS  
COUNTY OF HARRIS

I, Charles Bacchus, District Clerk of Harris County, Texas, do hereby certify that the foregoing data is a true and correct copy of the original record, now in my lawful custody and possession as appears of record in my office and/or

a) filed on 3/25/2000  
b) recorded under Art. 5520 Page 1  
in the Minutes of Harris County  
c) abstracted from the original record in my lawful possession, electronically stored in digital form and pertaining to the 3/25/2000  
in reference to cause number 100-10000, or  
abstracted from the original record in my lawful possession, electronically stored in digital form pertaining to the 3/29/2000  
from 3/29/2000 to the present date.

Witness my official hand and seal of office this  
3/29/2000

CHARLES BACCHUS, DISTRICT CLERK  
Harris County, Texas

By CB CB CB



RECEIPT# 4878  
TRA CKING# 71397429

Cause No. 97-48-752

JOSEPH EDMOND,

Plaintiff,

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH,

Defendants.

IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

55<sup>th</sup> JUDICIAL DISTRICT*Letter Rogatory*

STATE OF TEXAS

COUNTY OF HARRIS

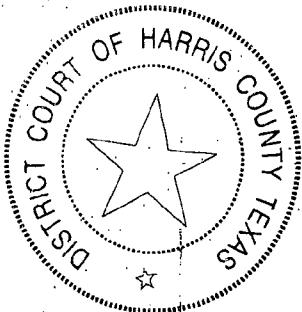
TO THE APPROPRIATE AUTHORITY IN THE STATE OF PENNSYLVANIA:

GREETINGS:

Gulf Insurance Company and Midwest Indemnity Corporation, Defendants in the above-captioned matter, have requested that the deposition of Gregory J. Butterbaugh, residing at 803 Lingle Street, Osceola Mills, Clearfield County, Pennsylvania 16666, be taken. It is the opinion of this Court that justice will be served by the taking of the deposition as this named party and witness probably has knowledge of facts relevant to the subject matter in the pending action.

As a result, pursuant to Rule 201.1 of the Texas Rules of Civil Procedure, this Court requests that in the interest of justice, you issue such service as would require the witness, Gregory J. Butterbaugh, to appear on April 7, 2000, at 9:30 a.m. at the offices of Sargent's Court Reporting Services, Inc., 106 North Second Street, First Floor, Clearfield, Pennsylvania 16830,

for deposition for use in this case. The deposition should be taken before an officer who is competent and authorized by you to administer an oath and receive testimony under the appropriate laws of the jurisdiction. The Court requests that the deposition be taken by telephone and recorded stenographically, reduced to writing and have annexed to it any items marked as exhibits. The Court further requests that the appropriate authority cause the written deposition and all the exhibits to be returned to the party requesting the letter rogatory, with copies to all other parties, if so requested.



CHARLES BACARISSE, DISTRICT CLERK  
Harris County, Texas

By: \_\_\_\_\_

Deputy Clerk of the Court

Given under my hand and official seal of the Court and issued on this 29<sup>th</sup> day of  
MARCH, 2000.

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Cause No. 97-48-792

JOSEPH EDMOND,

Plaintiff,

V.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH,

Defendants.

IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS E D

CHARLES BACARISSO

District Clerk

MAR 23 2000  
Harris County, Texas55<sup>th</sup> JUDICIAL DISTRICT*Notice of Intent to Take Oral Telephone Deposition of Gregory J. Butterbaugh*

TO: Plaintiff, Joseph Edmond, by and through his attorney of record, W. E. "Rusty" Verkin, Jr., of O'Donnell, Ferebee, McFerrell & Stone, 450 Gears, Suite 600, Houston, Texas 77067-4584, Defendant, Southern American Insurance Agency, Inc., by and through its attorney of record, Rick L. Oldenettel, Oldenettel & McCabe, 1360 Post Oak Boulevard, Suite 2350, Houston, Texas 77056, and Gregory J. Butterbaugh, 803 Lingle Street, Osceola Mills, Clearfield County, Pennsylvania 16666.

PLEASE TAKE NOTICE that, pursuant to Rule 199 of the Texas Rules of Civil Procedure, Defendants, Gulf Insurance Company and Midwest Indemnity Corporation ("Defendants"), intend to take the oral deposition of Gregory J. Butterbaugh, to commence at 9:30 a.m. on April 7, 2000, at the offices of Sargent's Court Reporting Services, Inc., 106 North Second Street, First Floor, Clearfield, Pennsylvania 16830, before a certified shorthand reporter authorized by law to take such depositions.

PLEASE TAKE FURTHER NOTICE that the deposition will be taken on oral examination pursuant to the Texas Rules of Civil Procedure, and will continue from day to day, with adjournments as necessary, until completed. The deposition will be taken by telephone and transcribed by a certified shorthand reporter.

PLEASE TAKE FURTHER NOTICE that the deposition, when so taken and returned according to law, will be used for all purposes allowed by the Texas Rules of Civil Procedure, Texas Rules of Evidence, and as otherwise allowed by law. You are invited to be present at the above time and place to examine the deponent.

Respectfully submitted,

Robert M. Fitzgerald

Robert M. Fitzgerald  
State Bar No. 07088900  
Law Offices of Robert M. Fitzgerald  
1919 S. Shiloh Road, Suite 308  
Garland, Texas 75042  
(972) 278-5985  
(972) 278-3562 (Fax)  
Attorneys for Defendants, Gulf Insurance  
Company and Midwest Indemnity  
Corporation

*Certificate of Service*

I hereby certify that on the 23rd day of March, 2000, a true and correct copy of the above and foregoing pleading was sent via certified mail, return receipt requested, postage prepaid, to the following counsel of record:

Mr. W. E. Verkin, Jr.  
O'Donnell, Ferebee, McGonigal & Stone  
450 Gears, Suite 600  
Houston, Texas 77067-4584

Mr. Rick L. Oldenettel  
Oldenettel & McCabe  
1360 Post Oak Boulevard, Suite 2350  
Houston, Texas 77056

Robert M. Fitzgerald  
Robert M. Fitzgerald

2000-03-23-11 Depo Notice, Butterbaugh, Greg

STATE OF TEXAS  
COUNTY OF HARRIS

I, Charles Paceface, District Clerk of Harris Co., Texas, do hereby certify that the foregoing date is a true and correct copy of the original record, now in my lawful custody and possession as appears of record in my office and/or:

a) filed on 3/29/2000  
b) recorded under 3/29/2000 Page 1 in the Minutes of said Court  
c) abstracted from the original record in my lawful possession electronically stored in digital form and retaining to the 3/29/2000 in reference to cause number 1 or abstracted from the original record in my lawful possession electronically stored in digital form pertaining from 3/29/2000 to the present date.

Witness my official hand and seal of office this  
3/29/2000

CHARLES PACEFACE, DISTRICT CLERK  
Harris County, Texas

By

(3)

DA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH EDMOND,

No. 00-404-CD

Plaintiff,

Issue No.

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH,

MOTION TO RE-ISSUE LETTER  
ROGATORY TO COMPEL ATTENDANCE  
AT DEPOSITION

Defendant.

Code:

Filed on behalf of DEFENDANTS,  
GULF INSURANCE COMPANY AND  
MIDWEST INDEMNITY CORPORATION

Counsel of record for this  
party:

W. Alan Torrance, Jr., Esq.  
Pa. I.D. #49592

DICKIE, McCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

APR 12 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH EDMOND,

No. 00-404-CD  
Plaintiff,

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH

Defendants,

MOTION TO ISSUE LETTER ROGATORY

AND NOW, come Defendants Gulf Insurance Company and  
Midwest Indemnity Corporation, by and through their attorneys,  
Dickie, McCamey and Chilcote, P.C. and W. Alan Torrance, Jr.,  
Esquire, and file the following **MOTION TO RE-ISSUE LETTER  
ROGATORY TO COMPEL ATTENDANCE AT DEPOSITION** averring in support  
thereof as follows:

1. By Order dated April 4, 2000 this Honorable Court  
ordered the attendance of Gregory J. Butterbaugh for a deposition  
to be conducted by telephone. Attached hereto as Exhibit A is a  
copy of that Order.

2. On the morning of the original deposition, the  
Texas Trial Court continued the case.

3. As a result, Mr. Butterbaugh and counsel for all  
parties, on the record, agreed to re-schedule the deposition for  
Monday, April 24, 2000 at 9:30 am to allow all counsel to

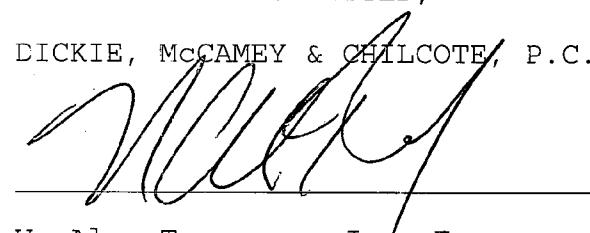
personally attend the deposition and to videotape the proceedings.

4. Movants request this Honorable Court to re-issue the Order for the new date and circumstances to confirm Mr. Butterbaugh's appearance on April 24, 2000 at 9:30 am at the offices of Sargent's Court Reporting Services, Inc., 106 North Second Street, First Floor, Clearfield, Pennsylvania, 16830 for a deposition to be recorded stenographically and by means of videotape in this case and to remain until excused.

WHEREFORE, Defendants respectfully request this Honorable Court to enter the attached Order of Court.

RESPECTFULLY SUBMITTED,

DICKIE, McCAMEY & CHILCOTE, P.C.



W. Alan Torrance, Jr., Esq.  
Pa. ID # 49592  
2 PPG Place, Suite 400  
Pittsburgh, PA. 15222  
(412) 392-5272

A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH EDMOND,

No.

Plaintiff,

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH

Defendants,

ORDER OF COURT

AND NOW, to wit this 4<sup>TH</sup> day of April, 2000, the  
MOTION TO ISSUE LETTER ROGATORY TO COMPEL ATTENDANCE AT  
DEPOSITION of Defendants Gulf Insurance Company and Midwest  
Indemnity Corporation is GRANTED.

It is hereby ORDERED, ADJUDGED and DECREED that Gregory  
J. Butterbaugh shall appear on April 7, 2000 at 9:30 am at the  
offices of Sargent's Court Reporting Services, Inc., 106 North  
Second Street, First Floor, Clearfield, Pennsylvania, 16830 for a  
telephonic deposition in the case above captioned and to remain  
until dismissed.

Failure of Mr. Butterbaugh to abide by this Order of  
Court may subject him to sanctions by this Court, including but  
not limited to costs, attorneys fees and imprisonment.

BY THE COURT:

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

/s/JOHN K. REILLY, JR.

J.

APR 04 2000

Attest:

*John K. Reilly*  
4  
Prothonotary

FILED

APR 12 2008

William A. Shaw  
Prothonotary

2 Cents to Party  
KCB

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH EDMOND,

No. 00-404-CD

Plaintiff,

(4)

v.

SOUTHERN AMERICAN INSURANCE  
AGENCY, INC., MIDWEST INDEMNITY  
CORPORATION, GULF INSURANCE  
COMPANY, and GREGG BUTTERBAUGH

Defendants,

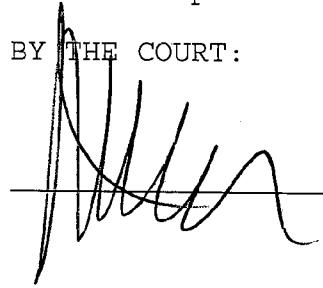
ORDER OF COURT

AND NOW, to wit this 13<sup>th</sup> day of April, 2000, the  
MOTION TO RE-ISSUE LETTER ROGATORY TO COMPEL ATTENDANCE AT  
DEPOSITION of Defendants Gulf Insurance Company and Midwest  
Indemnity Corporation is GRANTED.

It is hereby ORDERED, ADJUDGED and DECREED that Gregory  
J. Butterbaugh shall appear on April 24, 2000 at 9:30 am at the  
offices of Sargent's Court Reporting Services, Inc., 106 North  
Second Street, First Floor, Clearfield, Pennsylvania, 16830 for a  
deposition to be recorded stenographically and by means of  
videotape in the case above captioned and to remain until  
excused.

Failure of Mr. Butterbaugh to abide by this Order of  
Court may subject him to sanctions by this Court, including but  
not limited to costs, attorneys fees and imprisonment.

BY THE COURT:



**FILED**

APR 13 2000

William A. Shaw  
J. Prothonotary

FILED

APR 13 2000  
04/13/00  
William A. Shaw  
Prothonotary

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GRB