

00-404-03
JOSEPH EDMOND -vs- SOUTHERN AMERICAN INSURANCE AGENCY, INC. et al

①

6*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

③ JOSEPH EDMOND,

Plaintiff,

v.

③ SOUTHERN AMERICAN INSURANCE
AGENCY, INC. ③ MIDWEST INDEMNITY
CORPORATION ③ GULF INSURANCE
COMPANY, and ③ GREGG BUTTERBAUGH,

Defendant.

No. 00-404-cd

Issue No.

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.

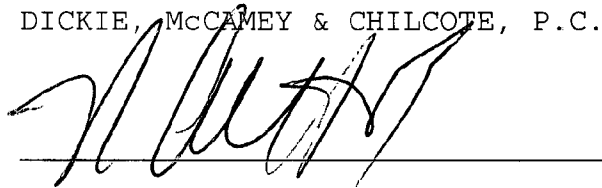
8. Attached hereto as Exhibit D is a Notice of Intent to Take Oral Telephone Deposition of Gregory J. Butterbaugh

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.

A handwritten signature in black ink, appearing to read 'W. Alan Torrance, Jr.', is written over a horizontal line.

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,

Plaintiff,

No.

2

v.

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

Defendants,

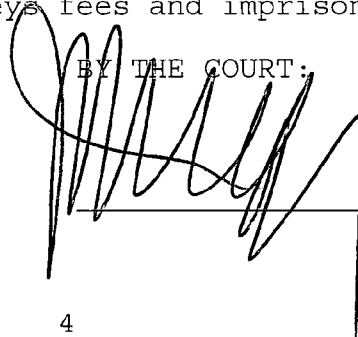
ORDER OF COURT

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

Shaw APR 04 2000
0/3:50 / was
William A. Shaw
Prothonotary

12 CENT TO ARMY

1 CENT TO COBMAN



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****55TH 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 respectively 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 Defendant 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 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

D:\C:\Users\GUL\23-1\Motion Letter Rogatory.wpd

*K

STATE OF TEXAS
COUNTY OF HARRIS

1. Charles Harrison, 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/or

a) filed on 3-23-1980 _____

b) recorded under No. _____ Page _____

c) in the Minutes of said Court.

d) abstracted from the original record in my lawful possession, electronically stored in digital form and according to the _____, or

e) reference to cause number _____, or

f) abstracted from the original record in my lawful possession, electronically stored in digital form pertaining to _____

from _____ to the present date.

Witness my official hand and seal of office this

CHARLES BAGNIESSE, DISTRICT CLERK,
Harris County, Texas



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

55TH JUDICIAL DISTRICT

F L E D
CHARLES BACARISSE
District ClerkMAR 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.
W. E. "Rusty" Verkin, Jr.
State Bar No. 20548500
O'Donnell, Penehee, McGonigal & Stone
450 Gears, Suite 600
Houston, Texas 77067-4584
(281) 875-8200
(281) 875-4962 Fax

Rick L. Oldenettel
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

D:\C:\Users\GUEP\23-14\Order Letter Rogatory.wpd

#2

STATE OF TEXAS
COUNTY OF HARRIS

I, Charles Bacantase, 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 3/23/2000
b) recorded under 07 HARRIS Page
in the Minutes of said Court
c) abstracted ~~from~~ the original record in my lawful possession, electronically stored in digital form and pertaining to the in reference to cause number , or abstracted ~~from~~ the original record in my lawful possession, electronically stored in digital form pertaining to from to the present date.

Witness my official hand and seal of office this

3/29/2000

CHARLES BACANTASE, DISTRICT CLERK
Harris County, Texas

BY

[Signature]

LOUIS

ALL-STATE® LEGAL 800-222-0510 EDS11 RECYCLED



RECEIPT# 4878

TRACING# 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

55TH JUDICIAL DISTRICT*Letter Rogatory*

STATE OF TEXAS

COUNTY OF HARRIS

TO THE APPROPRIATE AUTHORITY IN THE STATE OF PENNSYLVANIA:

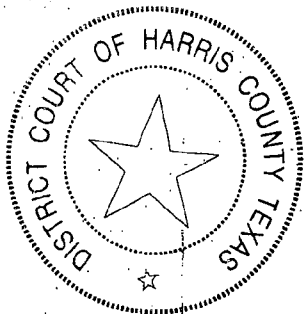
GREETINGS:

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,

Letter Rogatory - Page 1

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 29th day of
MARCH, 2000.

D:\Clerks\GULF24-14\Letter Rogatory.wpd

ALL-STATE® LEGAL 800-222-0510 EDS11 RECYCLED



D

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

CHARLES BACARISSE
District ClerkMAR 23 2000
Harris County, Texas55TH 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, McGonigal & 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 Lingie Street, Osceola Mills, Clearfield County, Pennsylvania 16866.

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.

Notice of Intent to Take Oral Telephone Deposition of Gregory J. Butterbaugh - Page 1

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

On 03/23/00, GULF-13 Depo. Notice, Butterbaugh repd

Notice of Intent to Take Oral Telephone Deposition of Gregory J. Butterbaugh - Page 2

GA

FILED

APR 04 2000
M / 11:45 / W
William A. Shaw
Prothonotary PD

7 CANT TO ATTY

1 CANT TO CORNER

STATE OF TEXAS
COUNTY OF HARRIS

I, Charles Barousse, 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 3/23/2000
b) recorded under 06-118815 Page 2
in the Minutes of said Court
c) abstracted from the original record in my lawful possession and custody, stored in digital form and pertaining to the
in reference to cause number 06-118815, or abstracted from the original record in my lawful possession and custody, stored in digital form pertaining to cause number 06-118815 from 3/23/2000 to the present date.

Witness my official hand and seal of office this

3/29/2000

CHARLES BAROUSSE, DISTRICT CLERK
Harris County, Texas

By

[Signature]

3
CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH EDMOND,

No. 00-404-CD

Plaintiff,

Issue No.

v.

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

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

Code:

Defendant.

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

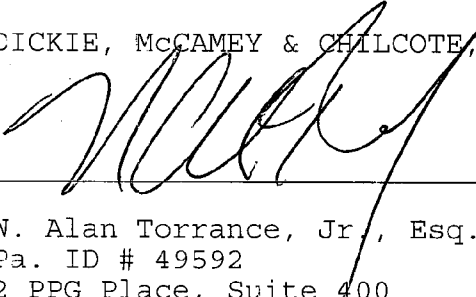
personally attend the deposition and to videotape the proceedings.

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



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 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:

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:

⁴

Prothonotary

FILED

APR 12 2009

William A. Shaw
Prothonotary

2 cert to Amy

KEG

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH EDMOND,

No. 00-404-CD

(4)

Plaintiff,

v.

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

Defendants,

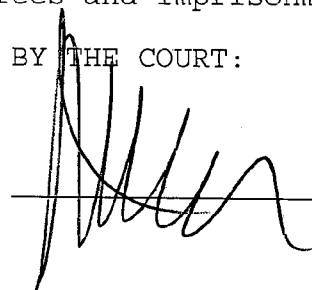
ORDER OF COURT

AND NOW, to wit this 13th 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
O / 3:15 / W
William A. Shaw
Prothonotary

4 CEN TO ATT

ERB