

00-5147-1  
KARL FRANCIS -vs- CCI CONSTRUCTION CO., INC. et al

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.  
BY: MONA SHUBEN PICCIOTTO  
IDENTIFICATION NO. 51448

1528 WALNUT STREET  
5th FLOOR  
PHILADELPHIA, PENNSYLVANIA 19102  
(215) 985-1515 Telecopier: (215) 985-1616

ATTORNEY FOR: PLAINTIFF

(b) KARL FRANCIS  
6001 Rising Sun Avenue  
Philadelphia, PA 19111

vs.

(b) CCI CONSTRUCTION CO., INC.  
203 Lynndale Court  
Mechanicsburg, PA 17055

and  
(b) ROST ENTERPRISE, INC.  
WILD DRIVE  
GREENOCK, PA 15047

COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, P.

No. 00-514-CO

COMPLAINT IN CIVIL ACTION

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgement may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 50-51

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defendarse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentir una comparecencia escrita en persona o con un abogado y entregar a la corte en forma escrita defensas o sus objeciones a las demandas en contra de su persona. Se avisa que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABajo PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

FILED

10/4/2000

William A. Shaw  
Prothonotary

**COHEN, DiPAUL, HABER & PICCIOTTO, P.C.**  
**BY: MONA SHUBEN PICCIOTTO**  
**I. D. NO. 51448**  
**1528 WALNUT STREET, 5<sup>TH</sup> FLOOR**  
**PHILADELPHIA, PA 19102**  
**(215) 985-1515**

---

**ATTORNEY FOR PLAINTIFF**

<b>KARL FRANCIS</b>	<b>:</b>	<b>COURT OF COMMON PLEAS</b>
<b>6001 RISING SUN AVENUE</b>	<b>:</b>	<b>CLEARFIELD COUNTY, PA</b>
<b>PHILADELPHIA, PA 19111</b>	<b>:</b>	
	<b>:</b>	
<b>vs.</b>	<b>:</b>	
	<b>:</b>	
<b>CCI CONSTRUCTION CO., INC.</b>	<b>:</b>	
<b>203 LYNNDALE COURT</b>	<b>:</b>	
<b>MECHANICSBURG, PA 17055</b>	<b>:</b>	
	<b>:</b>	
<b>AND</b>	<b>:</b>	
	<b>:</b>	
<b>ROST ENTERPRISE, INC.</b>	<b>:</b>	
<b>WIDE DRIVE</b>	<b>:</b>	
<b>GREENOCK, PA 15047</b>	<b>:</b>	<b>NO.</b>

**COMPLAINT IN CIVIL ACTION**

1. Plaintiff is an adult individual residing at the above captioned address.
2. Defendant, CCI CONSTRUCTION CO., INC., is a Pennsylvania Corporation, with an office for service of process at 203 Lynndale Court, Mechanicsburg, PA, and conducts business in the Commonwealth of Pennsylvania, and at all times relevant hereto, was acting by and through its agents, servants, workers and/or employees, at the State Correctional Institute at Houtzdale, Houtadale, PA.
3. Defendant, ROST ENTERPRISE, INC., is a Michigan Corporation and authorized to business in the Commonwealth of Pennsylvania, with an office for service of process at Wide Drive, Greenock, PA 15047 , and at all times relevant hereto, was acting by and through its

agents, servants, workers and/or employees, at the State Correctional Institute at Houtzdale, Houtzdale, PA.

4. At all times relevant hereto, defendant, CCI CONSTRUCTION CO., INC., was in control of the premises, sidewalks and/or ditch located at the State Correctional Institute at Houtzdale, and responsible for the overall condition of the real property located at the above mentioned correctional facility.

5. At all times relevant hereto, defendant, ROST ENTERPRISE, INC., was the subcontractor for defendant, CCI CONSTRUCTION CO., INC., and was also responsible for the overall condition of the real property located at the above mentioned correctional facility.

6. On or about Saturday, May 23, 1998 at approximately 12:00 P.M., plaintiff was an inmate at The State Correctional Institute at Houtzdale, PA, walking on the sidewalk and tripped in a ditch which was undergoing repair/construction work by defendants, which construction companies were contracted by The State Correctional Institute at Houtzdale and the Pennsylvania Department of Corrections, to perform its work. As a direct and proximate result of the dangerous condition of the sidewalk and/or ditch, plaintiff sustained serious and permanent personal injuries which are more particularly set forth hereinafter.

7. Defendants at all times knew or should have known of the aforesaid dangerous condition and failed to correct such condition and/or otherwise protect the said plaintiff and the public so situated.

8. The accident aforesaid and the injuries sustained by plaintiff, as a result thereof, were caused solely as a result of the joint or several and direct or vicarious negligence of the defendants, their agents, servants, workers, employees and/or contractors and were in no manner caused by any act or failure to act on the part of the plaintiff.

9. The joint and/or several negligence of the defendants included the following:

- a. In failing to maintain the aforesaid location in a condition which would protect and safeguard the plaintiff and other persons lawfully thereon;
- b. In permitting the aforesaid location to remain in a dangerous condition, so as to constitute a menace, danger, nuisance and/or trap for the plaintiff and other persons lawfully thereon;
- c. In failing to inspect the aforesaid location to ascertain the existence of conditions which would pose an unreasonably dangerous hazard to the plaintiff and other persons lawfully thereon;
- d. In failing to warn the plaintiff and others of the dangerous condition existing at the aforesaid premises;
- e. In failing to use warning devices such as cones and/or barrier devices;
- f. In permitting a dangerous condition to continue to exist after known, or having reason to know, of the existence of said condition;
- g. In otherwise failing to exercise due care under the circumstances.

10. As a result of the accident aforesaid, the plaintiff sustained serious injuries, including, but not limited to, a fracture of right carpal navicular, resulting in a permanent injury and impairment of right wrist and hand; damage to his nerves and nervous system and emotional distress.

11. As a further result of the accident aforesaid, the plaintiff has been forced to expend various and diverse sums of money and to incur obligations for expenses in and about an effort to cure himself of the above injury, as aforesaid, and to mitigate the effects of the ills aforementioned to his great detriment and loss, all of which may continue in the future.

12. As a further result of the accident aforesaid, the plaintiff has suffered agonizing aches, pains, mental anguish and disability and avers that such will continue for an indefinite period of time in the future; he has been unable to attend to his daily duties, occupations and activities and avers that such may continue for an indefinite period of time in the future.

13. As a further result of the accident aforesaid, the plaintiff has suffered a loss of earnings and/or impairment of his earning capacity and power, which such loss and/or impairment of his earning capacity and power may continue in the future, to his great detriment and loss.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and/or severally, in a sum in excess of Twenty Thousand (\$20,000) Dollars, plus costs, and brings this action to recover the same.

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.

BY:   
MONA SHUBEN PICCIOTTO  
ATTORNEY FOR PLAINTIFF

VERIFICATION

MONA SHUBEN PICCIOTTO, hereby states that she is counsel for plaintiff herein and verify that the statements made in the foregoing document are true and correct to the best of her information, belief and knowledge.

The undersigned understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



MONA SHUBEN PICCIOTTO

DATED: 4-29-00

(215) 985-1515  
PHILADELPHIA, PENNSYLVANIA 19102  
1528 WALNUT STREET 5th FLOOR  
COHEN, DIPAU, HABER, & PICCOTTO, PC.  
LAW OFFICES

FILED

1/16/80  
R. J. Shaw  
Prothonotary  
Philadelphia  
3cc Sheriff  
John J. Acciutto, pd \$80.00

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.  
BY: MONA SHUBEN PICCIOTTO  
I. D. NO. 51448  
1528 WALNUT STREET, 5<sup>TH</sup> FLOOR  
PHILADELPHIA, PA 19102  
(215) 985-1515

ATTORNEY FOR PLAINTIFF

KARL FRANCIS : COURT OF COMMON PLEAS  
VS. : OF CLEARFIELD COUNTY, PA  
: :  
CCI CONSTRUCTION CO., INC. :  
AND :  
ROST ENTERPRISE, INC. : NO. 00-514-CD

**PRAECLPICE TO SUBSTITUTE VERIFICATION**

TO THE PROTHONOTARY:

Kindly substitute plaintiff's Verification to that of plaintiff's Counsel to the Complaint in Civil Action filed in this matter.

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.

BY: *Mona Shuben Picciotto*

MONA SHUBEN PICCIOTTO  
ATTORNEY FOR PLAINTIFF

**FILED**

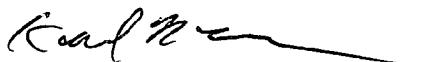
**MAY 10 2000**

William A. Shaw  
Prothonotary

VERIFICATION

KARL FRANCIS, hereby state that he is the plaintiff herein and verifies that the statements made in the foregoing document are true and correct to the best of his information, belief and knowledge.

The undersigned understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
KARL FRANCIS

Dated: 5-3-00

(215) 985-1515  
PHILADELPHIA, PENNSYLVANIA 19102  
1528 WALNUT STREET 5th FLOOR  
COHEN, DIPALI, HABER, & PICCIOLO, P.C.  
LAW OFFICES

FILED

MAY 10 2000  
Mille 35100 cc  
William A. Steiner  
Picciolo, Cohen, D'Pali, Haber

## IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400 CD

vs.

**PRAECLPICE FOR ENTRY OF  
APPEARANCE**CCE CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.Filed on behalf of:  
Defendant Rost Enterprise, Inc.

Defendant.

Counsel of Record for this Party:

Daniel R. Gigler, Esquire  
PA I.D. 24783GIGLER & JOYAL  
612 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-9640

**FILED**

JUN 05 2000

William A. Shaw  
Prothonotary

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCE CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

**PRAECIPE FOR ENTRY OF APPEARANCE**

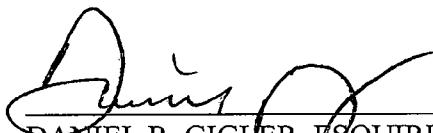
TO: CLEARFIELD COUNTY PROTHONOTARY:

KINDLY ENTER my appearance on behalf of Defendant ROST ENTERPRISES, INC.

in the above-captioned case.

Respectfully submitted,

GIGLER & JOYAL



DANIEL R. GIGLER, ESQUIRE  
Counsel for Defendant Rost Enterprises, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PRAECIPE FOR  
ENTRY OF APPEARANCE** was served by First Class, United States mail, postage prepaid,  
upon the following parties on this 2<sup>nd</sup> day of June, 2000:

Mona Shuben Picciotto, Esquire  
Cohen, DiPaul, Haber & Picciotto, P.C.  
1528 Walnut Street, 5th Fl.  
Philadelphia, PA 19102  
(Attorney for Plaintiff)

CCE Construction Co., Inc.  
203 Lynndale Court  
Mechanicsburg, PA 17055  
(Defendant)

  
DANIEL R. GIGLER, ESQUIRE  
Counsel for Defendant Rost Enterprises, Inc.

(4)

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400 CD

vs.

CCE CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

**NOTICE OF SERVICE OF  
DEFENDANT'S FIRST SET OF  
INTERROGATORIES DIRECTED  
TO PLAINTIFF**

Filed on behalf of:  
Defendant Rost Enterprise, Inc.

Counsel of Record for this Party:

Daniel R. Gigler, Esquire  
PA I.D. 24783

GIGLER & JOYAL  
612 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-9640

**FILED**

**JUN 05 2000**

William A. Shaw  
Prothonotary

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCE CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

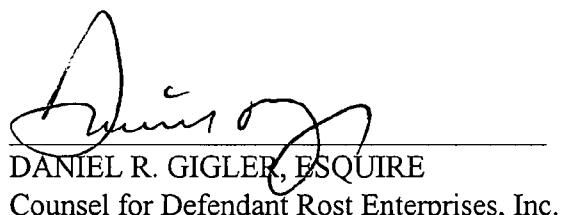
**NOTICE OF SERVICE OF DEFENDANT'S FIRST SET OF  
INTERROGATORIES DIRECTED TO PLAINTIFF**

I hereby certify that on this 2nd day of June, 2000, an original and one (1) copy of Interrogatories Directed to the Plaintiffs, and a copy of this Notice were served by First Class United States mail, postage prepaid, upon counsel for Plaintiffs as follows:

Mona Shuben Picciotto, Esquire  
Cohen, DiPaul, Haber & Picciotto, P.C.  
1528 Walnut Street, 5th Fl.  
Philadelphia, PA 19102  
(Attorney for Plaintiff)

CCE Construction Co., Inc.  
203 Lynndale Court  
Mechanicsburg, PA 17055  
(Defendant)

GIGLER & JOYAL



DANIEL R. GIGLER, ESQUIRE  
Counsel for Defendant Rost Enterprises, Inc.

(5)

MONA SHUBEN PICCIOTTO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCIS, KARL  
VS  
CCI CONSTRUCTION CO. INC.

00-514-CD

COMPLAINT

SHERIFF RETURNS

JUN 12 2000

NOW MAY 5, 2000, R. THOMAS KLINE, SHERIFF OF CUMBERLAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON CCI CONSTRUCTION CO. INC., DEFENDANT.

William A. Shaw  
Prothonotary

10:30pm

10:30pm

NOW MAY 12, 2000 SERVED THE WITHIN COMPLAINT ON CCI CONSTRUCTION CO. INC, DEFENDANT BY DEPUTIZING THE SHERIFF OF CUMBERLAND COUNTY. THE RETURN OF SHERIFF KLINE IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED JOHN ORTENZIL, PRESIDENT.

NOW MAY 15, 2000, PETER DEFAZIO, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON ROST ENTERPRISES INC DEFENDANT.

NOW MAY 18, 2000 SERVED THE WITHIN COMPLAINT ON ROST ENTERPRISES INC., DEFENDANT BY DEPUTIZING THE SHERIFF OF ALLEGHENY COUNTY. THE RETURN OF SHERIFF DEFAZIO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED VICKY DELUCE, RECPY.

43.76 SHFF. HAWKINS PAID BY: ATTY.  
29.18 SHFF. KLINE PAID BY: ATTY.  
35.50 SHFF. DEFAZIO PAID BY: ATTY.  
3.00 NOTARY PAID BY: ATTY.  
20.00 SURCHARGE PAID BY: ATTY.

SWORN TO BEFORE ME THIS

10th DAY OF May 2000  
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2002  
Clearfield Co., Clearfield, PA. *G&S*

SO ANSWERS,

*Chester A. Hawkins*  
*My Notary Seal*  
CHESTER A. HAWKINS  
SHERIFF

CASE NO: 2000-00351 T

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF CUMBERLANDFRANCIS KARL

VS

CCI CONSTRUCTION CO INC

ROBERT L. FINK, Sheriff or Deputy Sheriff of  
 Cumberland County, Pennsylvania, who being duly sworn according to law,  
 says, the within COMPLAINT & NOTICE was served upon

CCI CONSTRUCTION CO INC the

DEFENDANT, at 0016:00 HOURS, on the 12th day of May, 2000  
 at 2500 OLD GETTYSBURG ROAD

CAMP HILL, PA 17011 by handing toJOHN ORTENZIL (PRESIDENT)a true and attested copy of COMPLAINT & NOTICE together withand at the same time directing His attention to the contents thereof.

## Sheriff's Costs:

Docketing	18.00
Service	8.68
Affidavit	2.50
Surcharge	.00
	.00
	29.18

## So Answers:

R. Thomas Kline  
 R. Thomas Kline

05/15/2000  
 COHEN, DIPAUL, HABER & PICCIOT

Sworn and Subscribed to before  
 me this 16th day of

By:

Robert L. Kline Jr.  
 Deputy Sheriff

May A.D. 2000

Patricia A. Shatto  
 NOTARIAL SEAL  
 PATRICIA A. SHATTO, Notary Public  
 Carlisle Boro, Cumberland County  
 My Commission Expires December 17, 2001



CHESTER A. HAWKINS  
SHERIFF

Sheriff's Office  
Clearfield County

SUITE 116  
1 NORTH SECOND STREET - COURTHOUSE  
CLEARFIELD, PENNSYLVANIA 16830

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

CLEARFIELD COUNTY FAX  
(814) 765-6089

DARLENE SHULTZ  
CHIEF DEPUTY  
MARGARET PUTT  
OFFICE MANAGER

MARILYN HAMM  
DEPT. CLERK  
PETER F. SMITH  
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS NO. 00-514-CD

VS ACTION: COMPLAINT

CCI CONSTRUCTION CO. INC. al

SERVE BY: 6/3/00

or

HEARING DATE:

\*\*\*\*\*

SERVE: CCI CONSTRUCTION CO., INC.

ADDRESS: 203 Lynndale Court, Mechanicsburg, Pa. 17055

\*\*\*\*\*

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF of CUMBERLAND County to execute this writ.

This deputation being made at the request and risk of the plaintiff this 5th day of MAY 2000.

Respectfully,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY

MAKE REFUND PAYABLE TO: COHEN, DiPAUL, HABER & PICCIOTTO, Attorneys

PETER R. DEFAZIO  
Sheriff

**ALLEGHENY COUNTY SHERIFF'S DEPARTMENT**  
436 GRANT STREET  
PITTSBURGH, PA 15219-2496  
PHONE (412) 350-4700

*LSJ*  
DENNIS SKOSNIK  
Chief Deputy

PLAINTIFF KARL FRANCIS

VS.

DEFT. CCI CONSTRUCTION CO. INC  
ADD. DEFT. SERVE: ROST ENTERPRISES INC.  
ADD. DEFT. Wild Drive  
GARNIShee Greenock, Pa. 15047  
ADDRESS

*John Smithfield*

MUNICIPALITY or CITY WARD ELIZABETH Twp  
DATE: May 15 19 2000

ATTY. Mona Shuben Picciotto  
ADDRESS 1528 Walnut St., 5th Fl.  
*John Smithfield*  
Philadelphia, Pa. 19102

ATTY'S Phone

INDICATE TYPE OF SERVICE:  PERSONAL  PERSON IN CHARGE  DEPUTIZE  CERT. MAIL  POSTED  OTHER  LEVY  SEIZED & STORE

Now. May 15 19 2000 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby depose the Sheriff of ALLEGHENY County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whom ever is found in possession, after notifying person or attachment without liability on the part of such deputy herein for any loss, destruction or removal of any property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at: \_\_\_\_\_

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**SHERIFF'S OFFICE USE ONLY**

I hereby CERTIFY AND RETURN that on the 29/05 day of May, 19 2000 at 10:00 A.M. o'clock A.M./P.M. Address Above/Address Below. County of Allegheny, Pennsylvania

I have served in the manner described below: \_\_\_\_\_

- Defendant(s) personally served.
- Adult family member with whom said Defendant(s) reside(s). Name & Relationship \_\_\_\_\_
- Adult in charge of Defendant's residence who refused to give name or relationship.
- Manager/Clerk of place of lodging in which Defendant(s) reside(s).
- Agent or person in charge of Defendant(s) office or usual place of business. Vicky Deluce - Rec.
- Other \_\_\_\_\_
- Property Posted \_\_\_\_\_

Defendant not found because:  Moved  Unknown  No Answer  Vacant  Other \_\_\_\_\_  
 Certified Mail  Receipt \_\_\_\_\_  Envelope Returned \_\_\_\_\_  Neither receipt or envelope returned: writ expired \_\_\_\_\_  
 Regular Mail Why \_\_\_\_\_

You are hereby notified that on \_\_\_\_\_, 19 \_\_\_\_\_, levy was made in the case of \_\_\_\_\_  
Possession/Sale has been set for \_\_\_\_\_, 19 \_\_\_\_\_ at \_\_\_\_\_ o'clock.

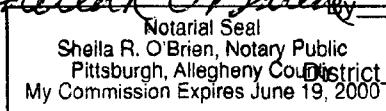
**YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.**

ATTEMPTS \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

MAY 25 2000

**PETER R. DEFAZIO, Sheriff**

Additional Costs Due \$ \_\_\_\_\_, This is placed  
on writ when returned to Prothonotary. Please check before  
satisfying case.



*S. Malan*  
Deputy

White Copy - Sheriff

Member Pennsylvania Association of Notaries  
Yellow - Sheriff

Pink Copy - Attorney

PETER R. DEFAZIO  
Sheriff

**ALLEGHENY COUNTY SHERIFF'S DEPARTMENT**  
436 GRANT STREET  
PITTSBURGH, PA 15219-2496  
PHONE (412) 350-4700

*623*  
DENNIS SKOSNIK  
Chief Deputy

PLAINTIFF KARL FRANCIS

VS.

DEFT. 661 CONSTRUCTION CO. INC  
ADD. DEFT. SERVE: ROST ENTERPRISES INC.  
ADD. DEFT. Wild Drive  
GARNIShee Greenock, Pa. 15047  
ADDRESS \_\_\_\_\_

MUNICIPALITY or CITY WARD ELIZABETH Twp  
DATE: May 15 19 2000

ATTY'S Phone \_\_\_\_\_

INDICATE TYPE OF SERVICE:  PERSONAL  PERSON IN CHARGE  DEPUTIZE  CERT. MAIL  POSTED  OTHER  LEVY  SEIZED & STORE

Now. May 15 19 2000 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby depature the Sheriff of

ALLEGHENY

County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person or attachment without liability on the part of such deputy herein for any loss, destruction or removal of any property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at: \_\_\_\_\_

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**SHERIFF'S OFFICE USE ONLY**

I hereby CERTIFY AND RETURN that on the 2-9-00 day of May, 192000 at 10:00 o'clock A.M./P.M. Address Above/Address Below. County of Allegheny, Pennsylvania

I have served in the manner described below: \_\_\_\_\_

- Defendant(s) personally served.
- Adult family member with whom said Defendant(s) reside(s). Name & Relationship \_\_\_\_\_
- Adult in charge of Defendant's residence who refused to give name or relationship. \_\_\_\_\_
- Manager/Clerk of place of lodging in which Defendant(s) reside(s). \_\_\_\_\_
- Agent or person in charge of Defendant(s) office or usual place of business. Vicky Detucci Rec.
- Other \_\_\_\_\_
- Property Posted \_\_\_\_\_

Defendant not found because:  Moved  Unknown  No Answer  Vacant  Other \_\_\_\_\_

Certified Mail  Receipt \_\_\_\_\_  Envelope Returned \_\_\_\_\_  Neither receipt or envelope returned: writ expired \_\_\_\_\_

Regular Mail Why \_\_\_\_\_

You are hereby notified that on \_\_\_\_\_, 19\_\_\_\_\_, levy was made in the case of \_\_\_\_\_  
Possession/Sale has been set for \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock.

**YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.**

ATTEMPTS \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**PETER R. DEFAZIO, Sheriff**

Additional Costs Due \$ \_\_\_\_\_, This is placed  
on writ when returned to Prothonotary. Please check before  
satisfying case.

*Shelia R. O'Brien* *S. Malin*  
Deputy

District 7

# COPY

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.  
BY: MONA SHUBEN PICCIOTTO  
IDENTIFICATION NO. 51448  
1528 WALNUT STREET  
5th FLOOR  
PHILADELPHIA, PENNSYLVANIA 19102  
(215) 985-1515 Telecopier: (215) 985-1616

ATTORNEY FOR: PLAINTIFF

KARL FRANCIS  
6001 Rising Sun Avenue  
Philadelphia, PA 19111

vs.

CCI CONSTRUCTION CO., INC.  
203 Lynndale Court  
Mechanicsburg, PA 17055

and  
ROST ENTERPRISE, INC.  
WILD DRIVE  
GREENOCK, PA 15047

COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PA

No. 00-514-CO

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

MAY 04 2000

Attest:

*William L. Shan*  
Prothonotary

#### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following paper, 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 judgement may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 50-51

#### AVISO

Le han demandado a usted en la corte. Si usted quiere defendarse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Haga falta asentir una comparecencia escrita en persona o con un abogado y entregar a la corte en forma escrita defensas o sus objeciones a las demandas en contra de su persona. Se avisa que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABajo PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**COHEN, DiPAUL, HABER & PICCIOTTO, P.C.**  
**BY: MONA SHUBEN PICCIOTTO**  
**I. D. NO. 51448**  
**1528 WALNUT STREET, 5<sup>TH</sup> FLOOR**  
**PHILADELPHIA, PA 19102**  
**(215) 985-1515**

---

**ATTORNEY FOR PLAINTIFF**

**KARL FRANCIS** : **COURT OF COMMON PLEAS**  
**6001 RISING SUN AVENUE** : **CLEARFIELD COUNTY, PA**  
**PHILADELPHIA, PA 19111** :  
  
**vs.** :  
  
**CCI CONSTRUCTION CO., INC.** :  
**203 LYNNDALE COURT** :  
**MECHANICSBURG, PA 17055** :  
  
**AND** :  
  
**ROST ENTERPRISE, INC.** :  
**WIDE DRIVE** :  
**GREENOCK, PA 15047** : **NO.**

**COMPLAINT IN CIVIL ACTION**

1. Plaintiff is an adult individual residing at the above captioned address.
2. Defendant, CCI CONSTRUCTION CO., INC., is a Pennsylvania Corporation, with an office for service of process at 203 Lynndale Court, Mechanicsburg, PA, and conducts business in the Commonwealth of Pennsylvania, and at all times relevant hereto, was acting by and through its agents, servants, workers and/or employees, at the State Correctional Institute at Houtzdale, Houtadale, PA.
3. Defendant, ROST ENTERPRISE, INC., is a Michigan Corporation and authorized to business in the Commonwealth of Pennsylvania, with an office for service of process at Wide Drive, Greenock, PA 15047 , and at all times relevant hereto, was acting by and through its

agents, servants, workers and/or employees, at the State Correctional Institute at Houtzdale, Houtzdale, PA.

4. At all times relevant hereto, defendant, CCI CONSTRUCTION CO., INC., was in control of the premises, sidewalks and/or ditch located at the State Correctional Institute at Houtzdale, and responsible for the overall condition of the real property located at the above mentioned correctional facility.

5. At all times relevant hereto, defendant, ROST ENTERPRISE, INC., was the subcontractor for defendant, CCI CONSTRUCTION CO., INC., and was also responsible for the overall condition of the real property located at the above mentioned correctional facility.

6. On or about Saturday, May 23, 1998 at approximately 12:00 P.M., plaintiff was an inmate at The State Correctional Institute at Houtzdale, PA, walking on the sidewalk and tripped in a ditch which was undergoing repair/construction work by defendants, which construction companies were contracted by The State Correctional Institute at Houtzdale and the Pennsylvania Department of Corrections, to perform its work. As a direct and proximate result of the dangerous condition of the sidewalk and/or ditch, plaintiff sustained serious and permanent personal injuries which are more particularly set forth hereinafter.

7. Defendants at all times knew or should have known of the aforesaid dangerous condition and failed to correct such condition and/or otherwise protect the said plaintiff and the public so situated.

8. The accident aforesaid and the injuries sustained by plaintiff, as a result thereof, were caused solely as a result of the joint or several and direct or vicarious negligence of the defendants, their agents, servants, workers, employees and/or contractors and were in no manner caused by any act or failure to act on the part of the plaintiff.

9. The joint and/or several negligence of the defendants included the following:

- a. In failing to maintain the aforesaid location in a condition which would protect and safeguard the plaintiff and other persons lawfully thereon;
- b. In permitting the aforesaid location to remain in a dangerous condition, so as to constitute a menace, danger, nuisance and/or trap for the plaintiff and other persons lawfully thereon;
- c. In failing to inspect the aforesaid location to ascertain the existence of conditions which would pose an unreasonably dangerous hazard to the plaintiff and other persons lawfully thereon;
- d. In failing to warn the plaintiff and others of the dangerous condition existing at the aforesaid premises;
- e. In failing to use warning devices such as cones and/or barrier devices;
- g. In permitting a dangerous condition to continue to exist after known, or having reason to know, of the existence of said condition;
- h. In otherwise failing to exercise due care under the circumstances.

10. As a result of the accident aforesaid, the plaintiff sustained serious injuries, including, but not limited to, a fracture of right carpal navicular, resulting in a permanent injury and impairment of right wrist and hand; damage to his nerves and nervous system and emotional distress.

11. As a further result of the accident aforesaid, the plaintiff has been forced to expend various and diverse sums of money and to incur obligations for expenses in and about an effort to cure himself of the above injury, as aforesaid, and to mitigate the effects of the ills aforementioned to his great detriment and loss, all of which may continue in the future.

12. As a further result of the accident aforesaid, the plaintiff has suffered agonizing aches, pains, mental anguish and disability and avers that such will continue for an indefinite period of time in the future; he has been unable to attend to his daily duties, occupations and activities and avers that such may continue for an indefinite period of time in the future.

13. As a further result of the accident aforesaid, the plaintiff has suffered a loss of earnings and/or impairment of his earning capacity and power, which such loss and/or impairment of his earning capacity and power may continue in the future, to his great detriment and loss.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and/or severally, in a sum in excess of Twenty Thousand (\$20,000) Dollars, plus costs, and brings this action to recover the same.

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.

BY: Mona Shuben Picciotto  
MONA SHUBEN PICCIOTTO  
ATTORNEY FOR PLAINTIFF

VERIFICATION

MONA SHUBEN PICCIOTTO, hereby states that she is counsel for plaintiff herein and verify that the statements made in the foregoing document are true and correct to the best of her information, belief and knowledge.

The undersigned understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



MONA SHUBEN PICCIOTTO

DATED: 4-28-00

## IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.**ANSWER, NEW MATTER  
AND NEW MATTER PURSUANT  
TO PA. R.C.P. 2252(d)**

Defendant.

Filed on behalf of:  
Defendant Rost Enterprise, Inc.

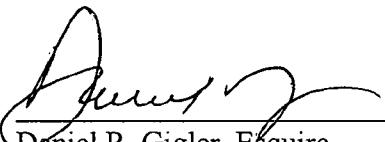
You are hereby notified to file a written response to the enclosed Answer and New Matter and New Matter Pursuant to Pa. R.C.P. 2252(d) within 20 days from service hereof or a judgment may be entered against you.

Counsel of Record for this Party:

Daniel R. Gigler, Esquire  
PA I.D. 24783GIGLER & JOYAL  
612 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-9640

By:

  
\_\_\_\_\_  
Daniel R. Gigler, Esquire  
Counsel for Rost Enterprise, Inc.**FILED**

OCT 27 2000

William A. Shaw  
Prothonotary

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

**ANSWER, NEW MATTER  
AND NEW MATTER PURSUANT TO PA. R.C.P. 2252(d)**

NOW COMES Rost Enterprises, Inc., by and through its attorneys, GIGLER & JOYAL and Daniel R. Gigler, Esquire and responds to the Complaint in this case, averring the following in support:

**ANSWER**

1. The averments of Paragraph 1 are admitted.
2. Upon reasonable investigation, this Defendant is unable to form a belief as to the truth of the averments contained in Paragraph 2 of the Plaintiff's Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.
3. The averments of Paragraph 3 are admitted, with the exception that the proper designation of this defendant is Rost Enterprises, Inc., not Rost Enterprise, Inc.
4. The averments of Paragraph 4 are admitted.

5. The averments of Paragraph 5 set forth conclusions of law to which no response is required. To the extent said averments are factual in nature, it is denied that Rost Enterprises was responsible for the overall condition of the real property located at the subject facility; to the contrary, said property was under the care, custody and control of the co-defendant and/or the Commonwealth of Pennsylvania and the specific state agency overseeing the SCI Houtzdale.

6. The averments of Paragraph 6 set forth conclusions of law to which no response is required. To the extent said averments are factual in nature, no response is required pursuant to the provisions of Pa. R.C.P. 1029(e) and strict proof thereof will be demanded at trial.

7. The averments of Paragraph 7 set forth conclusions of law to which no response is required. To the extent said averments are factual in nature, no response is required pursuant to the provisions of Pa. R.C.P. 1029(e) and strict proof thereof will be demanded at trial.

8. The averments of Paragraph 8 set forth conclusions of law to which no response is required. To the extent said averments are factual in nature, no response is required pursuant to the provisions of Pa. R.C.P. 1029(e) and strict proof thereof will be demanded at trial.

9. The averments of Paragraph 9(a-h inclusive) set forth conclusions of law to which no response is required. To the extent said averments are factual in nature, no response is required pursuant to the provisions of Pa. R.C.P. 1029(e) and strict proof thereof will be demanded at trial.

By way of further response, Paragraph 9(h) fails to conform to law or rule of court and this defendant reserves the right to move at the appropriate time to strike said averment from the Complaint.

10. The averments of Paragraph 10 set forth conclusions of law to which no response is required. To the extent said averments are factual in nature, upon reasonable investigation, this Defendant is unable to form a belief as to the truth of the averments contained in Paragraph 10 of the Plaintiff's Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

11. The averments of Paragraph 11 set forth conclusions of law to which no response is required. To the extent said averments are factual in nature, upon reasonable investigation, this Defendant is unable to form a belief as to the truth of the averments contained in Paragraph 11 of the Plaintiff's Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

12. The averments of Paragraph 12 set forth conclusions of law to which no response is required. To the extent said averments are factual in nature, upon reasonable investigation, this Defendant is unable to form a belief as to the truth of the averments contained in Paragraph 12 of the Plaintiff's Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

13. The averments of Paragraph 13 set forth conclusions of law to which no response is required. To the extent said averments are factual in nature, upon reasonable investigation, this Defendant is unable to form a belief as to the truth of the averments contained in Paragraph 13 of the Plaintiff's Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Rost Enterprises, Inc. demands judgment in its favor.

**NEW MATTER**

14. The Answer of Rost Enterprises, Inc. as set forth above is incorporated herein by reference.

15. If it is determined that this defendant is liable under the plaintiff's cause of action, then plaintiff's recovery should be eliminated or reduced in accordance with the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. Section 1702, and said defense is hereby preserved without the need of further pleading pursuant to the provisions of Pa. R.C.P. 1030(b).

16. If the plaintiff suffered any injuries as alleged, plaintiff by his conduct assumed the risk of those injuries and damages due to the conduct herein before alleged, and said defense is hereby preserved without the need of further pleading pursuant to the provisions of Pa. R.C.P. 1030(b).

17. The damages and injuries allegedly sustained by the plaintiff were proximately caused by the acts and/or omissions of plaintiff or third persons for whose actions this defendant is not legally responsible.

18. The right to file such additional defenses, affirmative defenses, crossclaims, counterclaims and/or third party claims as may be appropriate upon completion of investigation and discovery in this matter is reserved.

WHEREFORE, Rost Enterprises, Inc. demands judgment in its favor.

**NEW MATTER PURSUANT TO PA. R.C.P. 2252(D)**

19. The Answer and New Matter of Rost Enterprises, Inc. as set forth above is incorporated herein by reference.

20. If plaintiff suffered injuries as alleged, then the co-defendant CCI Construction, Inc., and/or any other parties which may be named as defendants in this action, are solely liable to plaintiff on his cause of action.

21. If it is determined that this defendant is liable to any extent for the injuries alleged by the plaintiff, which liability is expressly denied, then this defendant avers that the co-defendant CCI Construction, Inc., and/or any other parties which may be named as defendants in this action, are jointly and severally liable with it or liable over to it on plaintiff's cause of action. In so pleading, this defendant preserves its rights of contribution and/or indemnity as against said co-defendant and/or any other parties which may be named as defendants in this action.

WHEREFORE, Rost Enterprises, Inc. demands judgment in its favor.

Respectfully submitted,

GIGLER & JOYAL



DANIEL R. GIGLER, ESQUIRE  
Counsel for Defendant  
Rost Enterprises, Inc.

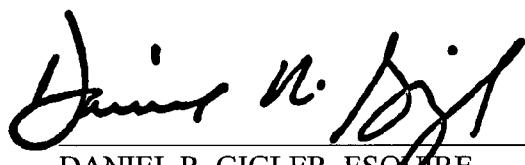
VERIFICATION

I, DANIEL R. GIGLER, ESQUIRE, have read the foregoing ANSWER, NEW MATTER and NEW MATTER PURSUANT TO RULE 2252(d) of DEFENDANT ROCTON CORPORATION.

The statements therein are correct to the best of my personal knowledge or information and belief.

This Verification is made subject to the penalties of 18 Pa.C.S.A., Section 4904, relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

I am authorized to make this statement on behalf of Defendant Rocton Corporation because of my position as their attorney.



Daniel R. Gigler  
DANIEL R. GIGLER, ESQUIRE

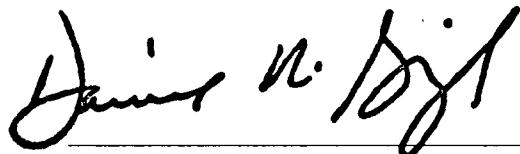
DATED: 10/25/00

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the **ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO PA. R.C.P. 2252(d)** was served by First Class, United States mail, postage prepaid, upon the following parties on this 25<sup>th</sup> day of October 2000:

Mona Shuben Picciotto, Esquire  
Cohen, DiPaul, Haber & Picciotto, P.C.  
1528 Walnut Street, 5th Fl.  
Philadelphia, PA 19102  
(Attorney for Plaintiff)

CCI Construction Co., Inc.  
P.O. BOX 8800  
CAMP HILL, PA 17001-8800  
(Defendant)



DANIEL R. GIGLER, ESQUIRE  
Counsel for Defendant Rost Enterprises, Inc.

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

**KARL FRANCIS** : **CIVIL ACTION**  
:  
**VS.** : **NO. 00-51400**  
:  
**CCI CONSTRUCTION CO., INC. AND** : **PLAINTIFF'S REPLY TO NEW**  
**ROST ENTERPRISE, INC.** : **MATTER**

**MONA SHUBEN PICCIOTTO, ESQUIRE  
COHEN, DiPAUL, HABER & PICCIOTTO  
1528 Walnut Street  
Philadelphia, PA 19102  
Attorney for Plaintiff  
(215) 985-1515**

**REPLY TO NEW MATTER**

14. Admitted.

15. Denied. The allegations contained in Paragraph 15 of defendant's New Matter aver conclusions of law to which no response is required. Strict proof of same is demanded at time of trial.

16. Denied. The allegations contained in Paragraph 16 of defendant's New Matter aver conclusions of law to which no response is required. Strict proof of same is demanded at time of trial.

17. Denied. The allegations contained in Paragraph 17 of defendant's New Matter aver conclusions of law to which no response is required. Strict proof of same is demanded at time of trial.

**FILED**

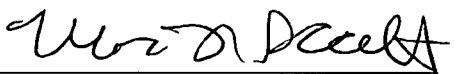
NOV 03 2000

William A. Shaw  
Prothonotary

18. Denied. The allegations contained in Paragraph 18 of defendant's New Matter aver conclusions of law to which no response is required. Strict proof of same is demanded at time of trial.

WHEREFORE, plaintiff demands judgment against the defendant herein as set forth in his Complaint.

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.

BY:   
MONA SHUBEN PICCIOTTO  
ATTORNEY FOR PLAINTIFF

VERIFICATION

MONA SHUBEN PICCIOTTO, hereby states that she is counsel for plaintiff herein and verify that the statements made in the foregoing document are true and correct to the best of her information, belief and knowledge.

The undersigned understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
MONA SHUBEN PICCIOTTO

DATED: 10-31-00

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

CIVIL ACTION

Plaintiff,

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

No.: 00-51400

**DEFENDANT'S VERIFICATION TO  
ANSWER AND NEW MATTER AND  
NEW MATTER PURSUANT TO PA R.C.P.  
2252(d)**

Filed on behalf of:  
Defendant Rost Enterprise, Inc.

Counsel of Record for this Party:

Daniel R. Gigler, Esquire  
PA I.D. 24783

GIGLER & JOYAL  
612 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-9640

**FILED**

NOV 15 2000

William A. Shaw  
Prothonotary

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

**VERIFICATION**

I, William R. Rost as President,

and on behalf of ROST ENTERPRISES, INC. have read the foregoing ANSWER and NEW  
MATTER, and NEW MATTER PURSUANT TO PA R.C.P. 2252(d). The statements therein  
are correct to the best of my personal knowledge or information and belief.

This Verification is made subject to the penalties of 18 Pa.C.S.A., Section 4904  
relating to unsworn falsification to authorities, which provides that if I make knowingly false  
averments, I may be subject to criminal penalties.



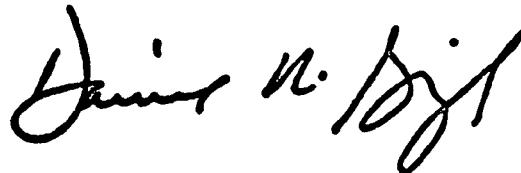
DATED: November 10, 2000

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **VERIFICATION**  
**TO ANSWER and NEW MATTER and NEW MATTER PURSUANT TO PA R.C.P.**  
**2252(d)** was served by First Class, United States mail, postage prepaid, upon the following  
parties on this 14<sup>th</sup> day of November 2000:

Mona Shuben Picciotto, Esquire  
Cohen, DiPaul, Haber & Picciotto, P.C.  
1528 Walnut Street, 5th Fl.  
Philadelphia, PA 19102  
(Attorney for Plaintiff)

CCI Construction Co., Inc.  
P.O. BOX 8800  
CAMP HILL, PA 17001-8800  
(Defendant)



---

DANIEL R. GIGLER, ESQUIRE  
Counsel for Defendant Rost Enterprises, Inc.

**FILED**

Nov 15 2000  
11257160cc  
William A. Shaw  
Prothonotary

**FILED**

Nov 16

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

CIVIL ACTION

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

**DEFENDANT'S SUBSTITUTION  
OF COUNSEL**

Defendant.

Filed on behalf of:  
Defendant Rost Enterprise, Inc.

Counsel of Record for this Party:

Jerry S. Eisenberg, Esquire  
PA I.D. #41241

GIGLER & JOYAL  
612 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-9640

**FILED**

JAN 30 2001

William A. Shaw  
Prothonotary

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

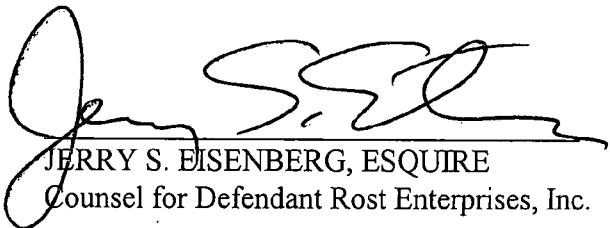
**SUBSTITUTION OF COUNSEL**

TO: PROTHONOTARY

PLEASE substitute the appearance of Jerry S. Eisenberg, Esquire, of Gigler & Joyal in place of Daniel Gigler, Esquire for Defendant, Rost Enterprises, Inc. with regard to the above-captioned case.

Respectfully submitted,

GIGLER & JOYAL



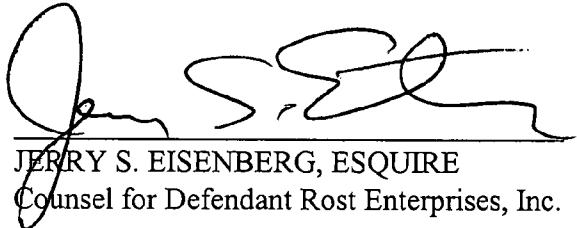
JERRY S. EISENBERG, ESQUIRE  
Counsel for Defendant Rost Enterprises, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **SUBSTITUTION OF COUNSEL** was served by First Class, United States mail, postage prepaid, upon the following parties on this 29<sup>th</sup> day of January 2001:

Mona Shuben Picciotto, Esquire  
Cohen, DiPaul, Haber & Picciotto, P.C.  
1528 Walnut Street, 5th Fl.  
Philadelphia, PA 19102  
(Attorney for Plaintiff)

CCI Construction Co., Inc.  
P.O. BOX 8800  
CAMP HILL, PA 17001-8800  
(Defendant)



JERRY S. EISENBERG, ESQUIRE  
Counsel for Defendant Rost Enterprises, Inc.

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.  
BY: MONA SHUBEN PICCIOTTO  
I.D. NO. 51448  
230 SOUTH BROAD STREET, 9<sup>TH</sup> FLOOR  
PHILADELPHIA, PA 19102  
215-985-1515

ATTORNEY FOR PLAINTIFF

KARL FRANCIS  
6001 RISING SUN AVENUE  
PHILADELPHIA, PA 19111

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA

vs.

CCI CONSTRUCTION CO., INC.  
203 LYNNDALE COURT  
MECHANICSBURG, PA 17055

AND

ROST ENTERPRISE, INC.  
WIDE DRIVE  
GREENOCK, PA 15047

NO. 00-514-CD

WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Kindly withdraw my appearance on behalf of the plaintiff in the above captioned matter.

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.

BY: Mona Shuben Picciotto  
MONA SHUBEN PICCIOTTO  
ATTORNEY FOR PLAINTIFF

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the plaintiff in the above captioned matter.

**FILED**

DEC 13 2001

0111581/nacc

William A. Shaw  
Prothonotary

COHEN, DiPAUL, HABER & PICCIOTTO, P.C.

BY: Martin S. Haber, ESQUIRE  
ATTORNEY FOR PLAINTIFF

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

KARL FRANCIS,

CIVIL ACTION

Plaintiff,

VS.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

**PRAECIPE FOR SUBSTITITION  
OF COUNSEL**

Filed on behalf of:  
Defendant Rost Enterprise, Inc.

Counsel of Record for this Party:

John B. Cromer, Esquire  
PA I.D. #66773

GIGLER & JOYAL  
612 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-9640

**FILED**

AUG 05 2002

mjl:261nocc

William A. Shaw  
Prothonotary

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EGET

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

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

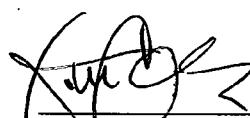
Defendant.

**PRAECIPE FOR OF COUNSEL**

TO: PROTHONOTARY

PLEASE substitute the appearance of John B. Cromer, Esquire, of Gigler & Joyal  
in place of Jerry S. Eisenberg for Defendant, Rost Enterprises, Inc. with regard to the above-  
captioned case.

GIGLER & JOYAL



John B. Cromer, Esquire  
Counsel for Defendant Rost Enterprises, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PRAECIPE FOR  
SUBSTITUTION OF COUNSEL** was served by First Class, United States mail, postage  
prepaid, upon the following parties on this 1 day of August, 2002:

Mark Haber, Esquire  
230 South Broad Street, 9<sup>th</sup> Floor  
Philadelphia, PA 19102  
(*Attorney for Plaintiff*)

CCI Construction Co., Inc.  
P.O. BOX 8800  
CAMP HILL, PA 17001-8800  
(*Defendant*)

GIGLER & JOYAL



---

John B. Cromer, Esquire  
Counsel for Defendant Rost Enterprises, Inc.

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

**STIPULATION**

Defendant.

Filed on behalf of:  
**DEFENDANT ROST ENTERPRISE, INC.**

Counsel of Record for this Party:

**David J. Nichols, Esquire**  
PA I.D.# 87579

**LAW OFFICE OF JOSEPH S. WEIMER**  
Firm No. 301

975 Two Chatham Center  
Pittsburgh, PA 15219

(412) 338-3145

FILED NOCC  
3/1/2005  
MAR 3 1 2005  
WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

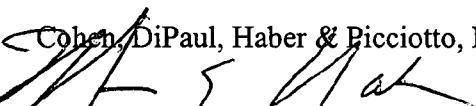
vs.

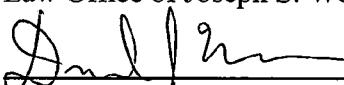
CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

**STIPULATION**

It is hereby stipulated that the parties are only permitted to seek recovery of any judgment or award against CCI Construction Co., Inc. from the available insurance proceeds of the insurance companies that provided coverage for CCI Construction Co., Inc., with regard to the above-captioned case.

BY:   
Marvin S. Haber, Esquire  
Attorney for Plaintiff, Karl Francis

BY:   
Law Office of Joseph S. Weimer  
David J. Nichols, Esquire  
Attorney for Defendant, Rost Enterprise,  
Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing STIPULATION was served by First Class Mail, postage pre-paid, upon the following parties on this 29<sup>th</sup> day of March, 2005.

Marvin S. Haber, Esquire  
Cohen, DiPaul, Haber & Picciotto, P.C.  
1528 Walnut Street, 5th Fl.  
Philadelphia, PA 19102  
*(Attorney for Plaintiff)*

CCI Construction Co., Inc.  
P.O. BOX 8800  
CAMP HILL, PA 17001-8800  
*(Defendant)*

Robert E. Chernicoff, Esquire  
Cunningham & Chernicoff, P.C.  
2320 North Second Street  
P.O. Box 60457  
Harrisburg, Pennsylvania 17106-0457

**LAW OFFICE OF JOSEPH S. WEIMER**  
By:   
\_\_\_\_\_  
David J. Nichols, Esquire  
Attorney for Defendant, Rost Enterprise,  
Inc.

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

**NOTICE OF FIRM NAME  
CHANGE/CHANGE OF ADDRESS**

Defendant.

Filed on behalf of:  
Defendant Rost Enterprise, Inc.

Counsel of Record for this Party:

David J. Nichols, Esquire  
PA I.D.# 87579

Law Office of Joseph S. Weimer  
975 Two Chatham Center  
Pittsburgh, PA 15219

(412) 338-3184

FILED <sup>64</sup>  
m 123481 NO  
FEB 07 2005 cc

William A. Shaw  
Prothonotary/Clerk of Courts

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

**NOTICE OF FIRM NAME CHANGE/CHANGE OF ADDRESS**

Kindly change the docket to reflect the new firm name of the Law Office of Joseph S. Weimer in place of Gigler & Joyal and change the address to the Law Office of Joseph S. Weimer, 975 Two Chatham Center, Pittsburgh, Pennsylvania 15219. The new telephone number is (412) 338-3184.

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

David J. Nichols, Esquire  
Attorney for Defendant,  
Rost Enterprise, Inc.

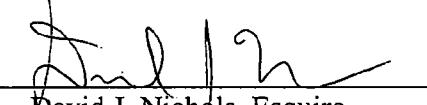
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing NOTICE OF FIRM NAME CHANGE/CHANGE OF ADDRESS was served by First Class Mail, postage pre-paid, upon the following parties on this 4<sup>th</sup> day of February 2005.

Marvin S. Haber, Esquire  
Cohen, DiPaul, Haber & Picciotto, P.C.  
1528 Walnut Street, 5th Fl.  
Philadelphia, PA 19102  
*(Attorney for Plaintiff)*

CCI Construction Co., Inc.  
P.O. BOX 8800  
CAMP HILL, PA 17001-8800  
*(Defendant)*

LAW OFFICE OF JOSEPH S. WEIMER

BY:   
David J. Nichols, Esquire  
Attorney for Defendant,  
Rost Enterprise, Inc.

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Plaintiff,

Civil Action

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

Defendant.

**PRAECIPE FOR SUBSTITUTION OF  
COUNSEL**

Filed on behalf of:  
Defendant Rost Enterprise, Inc.

Counsel of Record for this Party:

David J. Nichols, Esquire  
PA I.D.# 87579

Law Office of Joseph S. Weimer  
975 Two Chatham Center  
Pittsburgh, PA 15219

(412) 338-3184

FILED <sup>6K</sup>  
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FEB 07 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KARL FRANCIS,

Civil Action

Plaintiff,

No.: 00-51400

vs.

CCI CONSTRUCTION CO., INC. AND  
ROST ENTERPRISE, INC.

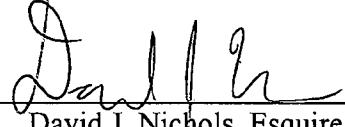
Defendant.

**PRAECIPE FOR SUBSTITUTION OF COUNSEL**

TO: PROTHONOTARY

PLEASE substitute the appearance of David J. Nichols, Esquire, of the  
Law Office of Joseph S. Weimer in place of John B. Cromer, Esquire for Defendant, Rost  
Enterprise, Inc., with regard to the above-captioned case.

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

\_\_\_\_\_  
David J. Nichols, Esquire  
Attorney for Defendant,  
Rost Enterprise, Inc.

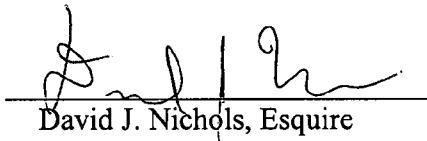
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PRAECIPE  
FOR SUBSTITUTION OF APPEARANCE was served by First Class Mail, postage pre-  
paid, upon the following parties on this 4<sup>th</sup> day of February 2005.

Marvin S. Haber, Esquire  
Cohen, DiPaul, Haber & Picciotto, P.C.  
1528 Walnut Street, 5th Fl.  
Philadelphia, PA 19102  
*(Attorney for Plaintiff)*

CCI Construction Co., Inc.  
P.O. BOX 8800  
CAMP HILL, PA 17001-8800  
*(Defendant)*

LAW OFFICE OF JOSEPH S. WEIMER

BY:   
David J. Nichols, Esquire  
Attorney for Defendant,  
Rost Enterprise, Inc.