

00-578-CD
DANNY JOE MUTH -vs- DENNIS REBUCK

COURT OF COMMON PLEAS
Clearfield County
JUDICIAL DISTRICT

46th

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

00-578-CO

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Dennis Rebuck	MAG. DIST. NO. OR NAME OF D.J. 46-3-01-Patrick N. Ford		
ADDRESS OF APPELLANT Route 436	CITY Punxsutawney,	STATE Pennsylvania	ZIP CODE 15767
DATE OF JUDGMENT MAY 2, 2000	IN THE CASE OF (Plaintiff) <input checked="" type="checkbox"/> Danny Joe Muth (Defendant)		
CLAIM NO. CV XX 0000232-00 LT 19	vs Signature of Appellant or His Attorney or Agent		
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.		If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.	
_____ Signature of Prothonotary or Deputy			

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Danny Joe Muth

Enter rule upon _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 00-578-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

DANNY JOE MUTH
RULE: To _____, appellee(s).
Name of appellee(s)

Signature of appellant or his attorney or agent

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: May 17, 2000

Signature of Prothonotary or Deputy

FILED

MAY 18 2000

William A. Shaw
Prothonotary

Signature of Prothonotary or Deputy

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes.)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____ ; ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on
_____, 19_____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, 19_____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 19_____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19_____

15013

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. ~~Dist.~~ No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **109 NORTH BRADY STREET**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

DENNIS REBUCK
ROUTE 436 111 1/2 Lincoln Drive
DBA SOUTH SIDE SERVICE
PUNXSUTAWNEY, PA 15767

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

MUTH, DANNY JOE
RD 3 BOX 211
DBA MUTH EXCAVATION
PUNXSUTAWNEY, PA 15767

VS.

DEFENDANT: NAME and ADDRESS

REBUCK, DENNIS
ROUTE 436
DBA SOUTH SIDE SERVICE
PUNXSUTAWNEY, PA 15767

Docket No.: **CV-0000232-00**
Date Filed: **3/21/00**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **MUTH, DANNY JOE**

Judgment was entered against: (Name) **REBUCK, DENNIS**

in the amount of \$ **2,595.90** on: (Date of Judgment) **5/02/00**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ _____

Levy is stayed for _____ days or generally stayed. _____

Objection to levy has been filed and hearing will be held: _____

Amount of Judgment	\$ 2,528.40
Judgment Costs	\$ 67.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,595.90

Post Judgment Credits \$ _____

Post Judgment Costs \$ _____

=====

Certified Judgment Total \$ _____

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

5-2-00 Date Patrick N. Ford, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

FILED

REC'D MAY 18 2000

M.J. O'Gally
William A. Shaw
Prothonotary

Lundy P.A.

\$80.00

CC to atty Lundy

*they did not submit
Check until May 18, 2000.
they "Lundy" sent a third
party check on May 17, 2000.

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Jefferson ; ss

AFFIDAVIT: I hereby swear or affirm that I served

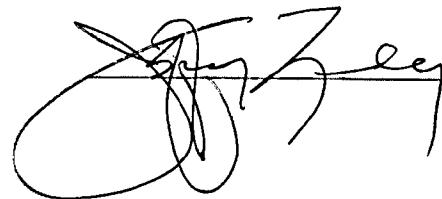
a copy of the Notice of Appeal, Common Pleas No. 00-578CD, upon the District Justice designated therein on
(date of service) 5/24/00 by personal service by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) Danny Muth, c/o Aty. John B. Brandon, on
May 24, 2000 by personal service by (certified) (registered) mail, sender's receipt attached hereto.
 and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom
the Rule was addressed on May 24, 2000, by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 24th DAY OF May, 2000

Bettie M. Small

Signature of official before whom affidavit was made



Signature of affiant

Title of official Notary Public

My commission expires on 2/18 2002

Notarial Seal
Bettie M. Small, Notary Public
Punxsutawney Boro, Jefferson County
My Commission Expires Feb. 18, 2002

Member, Pennsylvania Association of Notaries

FILED

MAY 26 2000
1:10 AM
William A. Shan
Prothonotary
No. C/C
E/S

46th

NOTICE OF APPEAL

FROM

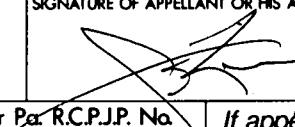
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

00-578-CO

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Dennis Rebuck		MAG. DIST. NO. OR NAME OF D.J. 46-3-01-Patrick N. Ford		
ADDRESS OF APPELLANT Route 436		CITY Punxsutawney,	STATE Pennsylvania	ZIP CODE 15767
DATE OF JUDGMENT MAY 2, 2000	IN THE CASE OF (Plaintiff) Danny Joe Muth	(Defendant) Dennis Rebuck		
CLAIM NO. CV 197 0000232-00 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p>		<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>		
Signature of Prothonotary or Deputy				

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Danny Joe Muth

Enter rule upon _____, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 00-578-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Danny Joe Muth, appellee(s).

Name of appellee(s)

Signature of appellant or his attorney or agent

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: May 17, 192000

Signature of Prothonotary or Deputy

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Patrick N. Ford

First Postage

\$.33

Certified Fee

1.40

John - Return Receipt Fee

1.25

(Endorsement Required)

1.25

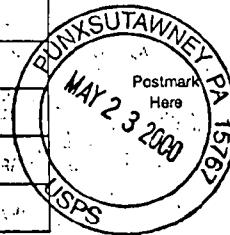
Restricted Delivery Fee

1.25

(Endorsement Required)

Total Postage & Fees

\$ 2.98



Name (Please Print Clearly) (to be completed by mailer)

Patrick N. Ford, District Mag

Street, Apt. No., or P.O. Box No.

109 N. Brady St. P.O. Box 452

City, State, Zip

DUBois, PA 15801

PS Form 3800, July 1999

See Reverse for Instructions

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1. and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Patrick N. Ford
District Magistrate
109 N. Brady St. P.O. Box 452
DUBois, PA 15801

5. Received By (Print Name)

Unter Schmit

6. Signature: (Addressee or Agent)

X Unter Schmit

PS Form 3811

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fees.

4a. Article Number

7000 0100 0021 0089 6197

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

5/23/00

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Services

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:
John B. Brandon

Postage	\$.33
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.98

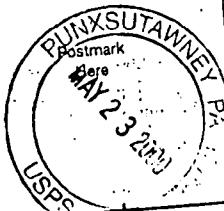
Name (Please Print Clearly) (to be completed by Mailer)
John B. Brandon, Attorney at Law

Street, Apt. No. or PO Box No.
110 North Third Street

City, State, Zip Code
Reynoldsville, PA 15851

PS Form 3800, July 1999

See Reverse for Instructions



SENDER SIDE

Complete items 1 and/or 2 for additional services.

Complete items 3, 4a, and 4b.

Print your name and address on the reverse of this form so that we can return this card to you.

Attach this form to the front of the mailpiece, or on the back if space does not permit.

Write "Return Receipt Requested" on the mailpiece below the article number.

The Return Receipt will show to whom the article was delivered and the date delivered.

5. Article Addressed to:
John B. Brandon
110 North 3rd Street
Reynoldsville, PA 15851

6. Received by (Print Name)
John B. Brandon

7. Signature (Addressee or Agent)
John B. Brandon

8. Addressee's Address (Only if requested and fee is paid)

4a. Article Number
7000 0100 0021 0089 6173

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise ECPD

7. Date of Delivery
5-24-00

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-02245 Domestic Return Receipt

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **109 NORTH BRADY STREET**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321** **15801**

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: **MUTH, DANNY JOE** NAME and ADDRESS

RD 3 BOX 211
DBA MUTH EXCAVATION
PUNXSUTAWNEY, PA 15767

VS.

DEFENDANT: **REBUCK, DENNIS** NAME and ADDRESS
ROUTE 436
DBA SOUTH SIDE SERVICE
PUNXSUTAWNEY, PA 15767

Docket No.: **CV-0000232-00**
Date Filed: **3/21/00**



PATRICK N. FORD
109 NORTH BRADY STREET
P.O. BOX 452
DUBOIS, PA 15801

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLT

00-578-CO

Judgment was entered for: (Name) **MUTH, DANNY JOE**

Judgment was entered against: (Name) **REBUCK, DENNIS**

in the amount of \$ **2,595.90** on: (Date of Judgment) **5/02/00**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

Amount of Judgment	\$ 2,528.40
Judgment Costs	\$ 67.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,595.90

This case dismissed without prejudice.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ _____

Levy is stayed for _____ days or generally stayed.

Objection to levy has been filed and hearing will be held:

Date:	Place:
Time:	

FILED

MAY 30 2000

09:40 AM

Shaw

EPC

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY **PROTHONOTARY** **EPC**
OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU
MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

5-2-00 Date **Patrick N. Ford**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

THE COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **109 NORTH BRADY STREET**
P.O. BOX 452
DUBOIS, PA **15801**
Telephone: **(814) 371-5321**

CIVIL COMPLAINT

PLAINTIFF:

NAME and ADDRESS

Danny Joe Muth OIBIA
muth Excavation
R#3 Box 211
Punxsutawney, Pa. 15767

VS.

DEFENDANT:

NAME and ADDRESS

South Side Service OIB/A
Route 436 Dennis
Punxsutawney, Pa. 15767 Reback

Docket No. **CV 232-00**
Date Filed:



	AMOUNT	DATE PAID
FILING COSTS	\$ <u>67.50</u>	/ /
SERVING COSTS	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 2528.90 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Hired to tow in L-9000 Ford tandem dump truck to repair shop from Oklahoma-Salem road to Big Run Diesel on RT. 119 south. Damage was caused from incorrect towing. Call Erie Inc. Co. (his Ins. They wouldn't pay claim because of the way he towed the truck. Accident happened on Jan. 7, 2000. Have talked to him several time and Mr. Brandon wrote him a letter on march 2, 2000. Called Mr. Brandon's office and made the statement he wouldn't pay the cost.

I, Danny Joe Muth verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

Danny Joe Muth
(Signature of Plaintiff or Authorized Agent)

Plaintiff's
Attorney:

John B. Brandon

Address: P.O. Box 220 Reynoldsburg, Pa.

Telephone:

653-9451

15851

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

DAVID B. INZANA

Attorney at Law

920 Fifth Avenue

Brockway, PA 15824

814-265-0282 • FAX 814-265-0317

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL DIVISION

00-578-CO

DANNY J. MUTH,
d/b/a MUTH EXCAVATION,
Plaintiff

vs.

DENNIS RAYBUCK,
d/b/a SOUTHSIDE SERVICE,
Defendant

No. _____ of 2000 C.D.

Type of Pleading: Complaint

Filed on behalf of: Plaintiff

Counsel of Record for this Party:

David B. Inzana, Esquire
Supreme Court No. 75569
920 Fifth Avenue
Brockway, PA 15824
(814) 265-0282

FILED

JUN 16 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL DIVISION

DANNY J. MUTH,
d/b/a MUTH EXCAVATION,
Plaintiff

No. _____ of 2000 C.D.

vs.

DENNIS RAYBUCK,
d/b/a SOUTHSIDE SERVICE,
Defendant

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSE OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED 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
Main Street
Clearfield, PA 16830
(814) 765-2641

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL DIVISION

DANNY J. MUTH,
d/b/a MUTH EXCAVATION,
Plaintiff

No. _____ of 2000 C.D.

vs.

DENNIS RAYBUCK,
d/b/a SOUTHSIDE SERVICE,
Defendant

AND NOW, comes the Plaintiff, DANNY J. MUTH, d/b/a MUTH EXCAVATION, by and through his attorney, DAVID B. INZANA, ESQUIRE, and files the within Complaint and in support thereof avers as follows:

1. Plaintiff, DANNY J. MUTH, is the owner and operator of a certain business known as Muth Excavation, located at RD#3, Box 211, Punxsutawney, PA 15767.
2. Defendant, Dennis Raybuck is the owner and operator of a certain business known as Southside Service, located on Route 436, Punxsutawney, PA 15767.
3. On or about January 7, 2000, Plaintiff herein hired Defendant to tow a L-9000 Ford Tandum Dump Truck from a site located along the Oklahoma-Salem Road in Sandy Township, Clearfield County, Pennsylvania, to be delivered to Big Run, Pennsylvania.
4. Defendant did arrive at the scene along the Oklahoma-Salem Road and did place the dump truck on his tow truck.
5. Prior to placing the vehicle on the tow truck, Plaintiff's vehicle needed repairs which included damages to the auxiliary section and main shaft.
6. Upon placing the vehicle on Defendant's tow truck, and as a result of Defendant's negligence, Plaintiff's vehicle sustained additional damages, which required Plaintiff to spend additional sums of monies to repair.

7. Defendant was negligent in placing the vehicle on the tow truck by picking said vehicle up from the front end without disconnecting the drive shafts.

8. As a result, additional damage was done to Plaintiff's vehicle. Said additional damages are more fully and accurately described on Exhibit "A", Labor Costs, Exhibit "B", Additional Parts Costs from Cresson Ridge Diesel Garage, Inc., Exhibit "C", Additional Parts List from Cresson Ridge Diesel Garage, Inc., and Exhibit "D", Muffler Repair from Murrays Ford. All said exhibits are attached hereto and made a part hereof.

9. A total amount of additional sums Plaintiff has paid due to Defendant's negligence is \$1,678.40.

10. In addition, Defendant has lost at least two (2) days work because of the extra repairs needed to fix the vehicle.

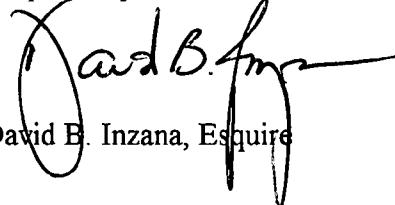
11. Said loss of work would result in a total of \$700.00 in profit, which Plaintiff otherwise would have made were it not for Defendant's negligence.

12. Plaintiff has demanded the return of said sums, however, Defendant has refused to comply.

13. Both parties have submitted claims to Erie Insurance regarding this matter, however, Erie Insurance has refused to make payment due to Defendant's negligence.

WHEREFORE, Plaintiff herein respectfully requests this Honorable Court to enter judgment in it's favor and against Defendants in the amount of \$2,528.40, plus costs and fees.

Respectfully submitted


David B. Inzana, Esquire

VERIFICATION

I, **DANNY J. MUTH**, hereby certify that these statements made in the within Complaint are true and correct to the best of my information, knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 5/30/00



Danny J. Muth

1-10-2000

NAME				LICENSE NO.	MILEAGE
ADDRESS				YEAR & MAKE OF CAR - TYPE OR MODEL	
CITY STATE ZIP	PHONE	SERIAL NO. <i>Todd dump</i>			
CUSTOMER ORDER NO.	WHEN PROMISED	WRITTEN BY	MOTOR NO.		
ITEM #	PART #	DESCRIPTION	SALE AMOUNT	DESCRIPTION OF WORK	AMOUNT
1	100-1000	Remove rear section on trans		Replace	
2	100-1000	Rear housing		- Replace seal & synchronizer	
3	100-1000	Install new muffler		- repair brackets	
4	100-1000	Remove carrier seal		Support bracket	
5	100-1000	Repair			
6	100-1000	Remove		Install replaced drive shafts	
TOTAL ADDITIONAL PARTS FROM BACK					
TOTAL PARTS					
ACCESSORIES - TIRES & TUBES			GAS, OIL & GREASE	SERVICES	LABOR ONLY
28 qt gear oil	49.00		GAS-GAL	LUBRICATE	238.00
1 1/8 stud	4.75		OIL-QTS.	CHANGE ENGINE OIL	SUBLET REPAIRS*
			GREASE-LBS.	TRANSMISSION	PARTS
				DIFFERENTIAL	ACCESSORIES
				WASH/POLISH	GAS/OIL/GREASE
TOTAL ACCESSORIES - TIRES & TUBES			TOTAL GAS/OIL/GREASE	TOTAL SERVICE	MISC. MERCHANDISE**

ESTIMATES ARE FOR LABOR
ONLY, MATERIAL ADDITIONALI HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY MATERIALS. YOU AND YOUR EMPLOYEES
MAY OPERATE ABOVE VEHICLE FOR PURPOSES OF TESTING, INSPECTION OR DELIVERY AT MY RISK. AN EXPRESS MECHANIC'S LIEN
IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE AMOUNT OF REPAIRS THERETO.It is understood that this company assumes no responsibility for loss or damage by theft or fire to vehicles placed with them for storage,
sale, repair or while road testing.

OFFICE COPY

AUTHORIZED BY: *8 1/2 hr.*

Wilson Jones.

Carbonless Snap-A-Way® Forms ©1993 ACCO USA, Inc.

44-810 • Triplicate

TAX
TOTAL <i>291.75</i>

* FROM REVERSE

Exhibit "A" - page 1 of 1

INVOICE

Cresson Ridge Diesel Garage Inc.

18257 ADMIRAL PEARL HIGHWAY
P.O. BOX 275, CRESSON, PA. 16630
PHONE: CRESSON (814) 886-4164
TOLL FREE (800) 458-3408
FAX: (814) 886-2231

PAGE

1

PLEASE INCLUDE THIS
INVOICE NUMBER WITH
YOUR REMITTANCE

INVOICE NO.

INVOICE DATE

65901

4/03/2000

ACCOUNT NO.

99999

CUSTOMER ORDER NUMBER

10

SALESMAN NO.

10

SHIPPED VIA

PICKED UP

DATE SHIPPED

4/03/2000



Eaton

Fuller

Rockwell

Spicer

S
O
L
D
T
O

MISCELLANEOUS CASH SALES

S
H
I
P
P
E
D
T
O

MUTH EXCAVATION
R. D. #3 BOX 211
PUNXSUTAWNEY PA. 15767
427-2327

ITEM NO.	QUANTITY	PART NUMBER / DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
3	1.00	SSWHR156 GEAR SSW2701-2014A	7768	4.36	.000
4	1.00	SSWHR162 GEAR SSW2701-2018	7774	4.36	.000
5	1.00	SSWHR160 GEAR SSW2701-2017	7772	4.36	.000
6	1.00	SSWHR157 GEAR SSW2701-2015	7769	4.36	.000
7	1.00	SSWHR193 HOUSING DRIVE END SSW2701-3077X	7809	22.38	.000
8	1.00	SSWHR194 HOUSING DRIVE END SSW2701-3078X	7810	15.60	.000
9	3.00	SSWHH101 SCREW SSW141-1490	7753	.73	.000
10	1.00	SSWHR173 GASKET SSW2701-3007	7790	1.02	.000
11	2.00	SSWHH107 WASHER SSW2701-3072	7806	.69	.000
12	1.00	SSWHR174 SPINDLE ASY SSW2701-3008Y	7791	8.26	.000
13	1.00	SSWHR171 SPINDLE SSW2701-3005	7785	6.98	.000
14	1.00	SSWHR179 TIP SSW2701-3021	7795	5.50	.000

EXHIBIT "B"
Page 1 of 2

*** CONTINUED ***

SUB TOTAL

SHIPPING

SALES TAX

CUSTOMER COPY TOTAL DUE & PAYABLE

PLEASE INCLUDE THIS
INVOICE NUMBER WITH
YOUR REMITTANCE

65901

4/03/2000

ACCOUNT NO.

99999

SALESMAN NO.

10

CUSTOMER ORDER NUMBER

SHIPPED VIA

PICKED UP

DATE SHIPPED

4/03/2000



EATON

Fuller

Rockwell

Spicer

MISCELLANEOUS CASH SALES

MUTH EXCAVATION
R. D. #3 BOX 211
PUNXSUTAWNEY PA. 15767
427-2327

*** CONTINUATION ***

ITEM NO.	QUANTITY	PART NUMBER / DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
15	1.00	SSWHR172 INTERMEDIATE SHAFT SSW2701-3006	7789	3.32	.000
16	1.00	FLAT RATE BUILD SPEEDOMETER ADAPTER	999999	3.32	65.000
17	1.00	LABOR	999999 800011	3.32	22.500

EXHIBIT "B"
Page 2 of 2

PAID IN FULL - THANK YOU !!

#8266

SUBTOTAL

SHIPPING

SALESTAX

\$87.50

\$5.25

\$92.75

CUSTOMER COPY TOTAL DUE & PAYABLE

Cresson Ridge Diesel Garage Inc.

8267 ADMIRAL PEARY HIGHWAY
P.O. BOX 273, CRESSON, PA 16630
PHONE: CRESSON (814) 886-4164
TOLL FREE (800) 458-3408
FAX (814) 886-2231



Eaton

PAGE

1

PLEASE INCLUDE THIS
INVOICE NUMBER WITH
YOUR REMITTANCE

INVOICE NO.

64642

1/10/2000

ACCOUNT NO.

99999

CUSTOMER ORDER NUMBER

10

SALESMAN NO.

12

SHIPPED VIA

DATE SHIPPED

1/10/2000

Fuller

Rockwell

Spicer

S
O
L
D
T
O

MISCELLANEOUS CASH SALES

S
H
I
P
P
E
D
T
O

MUTH EXCAVATION
RD 3 BOX 211
PUNXSUTAWNEY, PA 15767
427-2327

LINE	QUANTITY	PART NUMBER	DESCRIPTION	UNIT PRICE	NET PRICE	AMOUNT
1	1.00	FULX2447 FULX1947	SYNCH ASSY-BIG PINS 3 SERIES	158 800118	311.50 165.550	165.55

EXHIBIT "C"
Page 1 of 3

PAID IN FULL - THANK YOU !!

CK# 8144

SUB TOTAL	\$165.55
SHIPPING	
SALES TAX	\$9.93
TOTAL DUE	\$175.48

CUSTOMER COPY

Cresson Ridge Diesel Garage Inc.

8267 ADMIRAL PEARY HIGHWAY
P.O. BOX 273, CRESSON, PA 16630
PHONE: CRESSON (614) 886-4164
TOLL FREE (800) 458-3408
FAX (814) 886-2231

PLEASE INCLUDE THIS
INVOICE NUMBER WITH
YOUR REMITTANCE

INVOICE NO.

PRINT DATE

64637

1/07/2000

ACCOUNT NO.

99999

CUSTOMER ORDER NUMBER

SALESMAN NO.

10

SHIPPED VIA

PICKED UP

DATE SHIPPED

1/07/2000



Eaton

Fuller

Rockwell

Spicer

S
O
L
D
T
O

MISCELLANEOUS CASH SALES

S
H
I
P
P
E
D
T
O

MUTH EXCAVATION
R. D. #3 BOX 211
PUNXSUTAWNEY PA. 15767
427-2327

*** CONTINUATION ***

ITEM NO.	QUANTITY	PART NUMBER	DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
21	1.00	999999	LABOR WELD DRIVESHAFT	261.14	40.000	40.00
		8000020				

EXHIBIT "C"
Page 2 of 3

PAID IN FULL - THANK YOU !!!

CK. #114

SUB TOTAL	\$949.88
SHIPPING	
ST. FEE	\$56.39
GRATUITUE PAYABLE	\$1005.97

CUSTOMER COPY

Cresson Ridge Diesel Garage Inc.

8267 ADMIRAL PEARY HIGHWAY
P.O. BOX 273, CRESSON, PA 16630
PHONE: CRESSON (814) 886-4164
TOLL FREE (800) 458-3408
FAX (814) 886-2231

1	PLEASE INCLUDE THIS INVOICE NUMBER WITH YOUR REMITTANCE	64637	INVOICE NUMBER	1/07/2000	INVOICE DATE
ACCOUNT NO.	99999	CUSTOMER ORDER NUMBER			
SALESMAN NO.	10	SHIPPED VIA	PICKED UP		
				DATE SHIPPED	1/07/2000



Eaton

Fuller

Rockwell

Spicer

S
O
L
D
T
O

MISCELLANEOUS CASH SALES

S
H
I
P
P
E
D
T
O

MUTH EXCAVATION
R. D. #3 BOX 211
TUNXSUTAWNEY PA. 15767
427-2327

ITEM NO.	QUANTITY	PART NUMBER	DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
9	1.00	SPD210661-1X		144.22		
		1810 CARRIER BRG. YOKE		8000030	105.00	105.00
		SLOTTED DESIGN				
10	1.00	SPD6.5-4-2531X		35.93		
		YOKE-5-11/32"-16 SPLINE		8000066	35.00	35.00
		SPD6.5-4-1891				
11	1.00	BRGA3071		27.31		
		BEARING KIT		8000045	16.04	16.04
		FUL14367				
12	1.00	FUL22254		29.3		
		NUT		8000008	11.47	11.47
		FUL11956				
13	1.00	SPD6.5-4-2711X		56.00		
		YOKE-5-3/8"-46 SPLINE-5 SLOP-FIT		8000033	105.00	105.00
		SPD6.5-4-2701				
14	3.00	SPD5-381X		58.90		
		U-JOINT-1810 SERIES		8000026	47.00	141.00
15	1.00	CR32395		54.52		
		SEAL		8000008	15.17	15.17
		NAT476470				
16	1.00	FULK1603		11		
		GASKET KIT - AUX. SECTION		8000004	5.74	5.74
17	1.00	FULK2262		152		
		OIL SEAL KIT-20807 SEAL &		8000012	33.28	33.28
		20808 SLINGER K1932				
18	1.00	USED SPEEDOMETER HOUSING		999999		
		USED REAR MAIN COVER		8000037	75.00	75.00
19	1.00	FUL14320		999999		
		USED TAIL SHAFT			30.00	30.00
20	1.00	SPD6.5-28-117		8388		
		WELD YOKE-1810 SERIES		8000051	115.00	115.00

*** CONTINUED ***

EXHIBIT "C"
Page 3 of 3

SUB TOTAL

SHIPPING

1.00

TOTAL DUE & PAYABLE

CUSTOMER COPY

MURRAYS

LOOK FOR US ON THE WORLD WIDE WEB AT <http://www.murraysdubois.com>

ROUTE 219 & I-80 EXIT 16

MURRAYS FREIGHTLINER

(814) 375-9090
CALL TOLL FREE
1 (888) 371-9707



ROUTE 119 SOUTH - DU BOIS, PA 15801

MURRAYS FORD
LINCOLN MERCURY, INC.

(814) 371-6600
CALL TOLL FREE
1 (800) 262-2572



MURRAYS HONDA

(814) 371-5502



Maintain the Quality
with Genuine Honda Parts.TM



SOLD TO:

CASH SALES-TRUCK WHOLESALE

INV# 208678
CASH

NAD# 000031 M05 70.00
MP003/102 A18 01/07/00
023-116-28-46

VEN PART NUMBER	DESC	QTY	LIST	SELL	TTLSELL
FRT DN M110014	MUFFLER	1	409.65	122.74	122.74

Patrick 8143

SUBTOTAL 122.74
TAX 11.56
INVOICE TOTAL 134.30

TOTAL LINES 1
PAGE 001 OF 001 YOUR ORDER WAS FILLED BY JAMES E MCKENDR

EXHIBIT "D"

SPECIAL ORDER PARTS CANNOT BE
CANCELLED OR RETURNED.

RECEIVED BY: _____

20% HANDLING ON PARTS
ACCEPTED FOR RETURN.

The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

NO REFUNDS AFTER 30 DAYS.
NO RETURN ON ELECTRICAL PARTS.

FILED

JUN 16 2000

① 214411
William A. Shaw
Prothonotary
cc at the Indiana
E/S
KES

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

DANNY JOE MUTH,) Case No.: 578-2000 C.D.
Plaintiff,)
vs.) Type of Case: CIVIL
DENNIS REBUCK,)
Defendant) Type of Pleading: AFFIDAVIT OF SERVICE
) Counsel of Record for this Party:
) JEFFREY LUNDY
) PA I.D. 25823
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110

FILED

JUN 27 2000

William A. Shaw
Prothonotary

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

DANNY JOE MUTH,)
Plaintiff,)
vs.) Case No.: 578-2000 C.D.
DENNIS REBUCK,)
Defendant)
)
)
)
)
)
)
)
)

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA

ss:

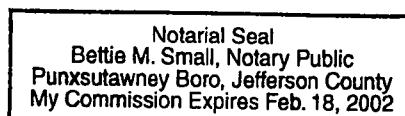
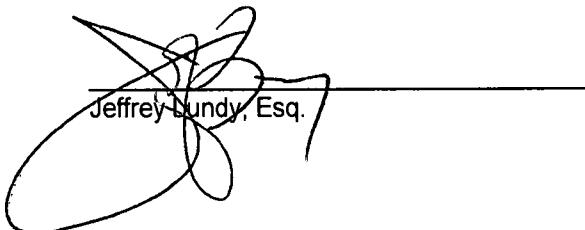
COUNTY OF JEFFERSON

Before me, the undersigned authority, personally appeared Jeffrey Lundy, Attorney for the Defendant, who, being duly sworn according to law, deposes and says that he sent on May 23, 2000, by Certified Mail, No. 7000 0600 0021 0089 6173, a True Copy of a Praeclipe to Enter Rule to File Complaint and Rule to File filed at the above number to the Plaintiff's attorney and that the Plaintiff's attorney, John B. Brandon, did receive said true copy on the 24th day of May, 2000, as evidenced by the attached return receipt numbered 7000 0600 0021 0089 6197. By letter dated May 24, 2000, the Notice was further forwarded to Danny Joe Muth.

Sworn to and subscribed before me
this 23rd day of June, 2000.

Bettie M. Small
Notary Public

~~Jeffrey N. Bundy, Esq.~~



Member, Pennsylvania Association of Notaries

JOHN B. BRANDON
ATTORNEY AT LAW
12 NORTH THIRD STREET
P.O. BOX 220
REYNOLDSVILLE, PA. 15851

OFFICE
814-653-9451

May 24, 2000

FAX
814-653-8471

Jeff Lundy, Esquire
Lukehart & Lundy
219 East Union Street
Punxsutawney, PA 15767

RE: Muth v. Rebuck

Dear Jeff:

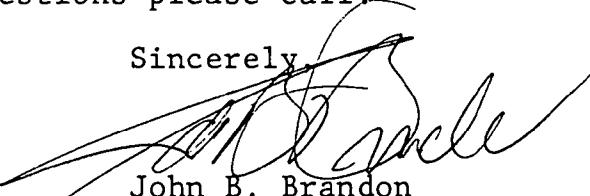
I received by certified mail your notice of appeal.

I am no longer handling this for Mr. Muth.

We have sent this notice on to Mr. Muth so he can give it to his next attorney if he chooses to file a Complaint.

If you have any questions please call.

Sincerely



John B. Brandon

JBB:dm

cc: Mr. Danny Muth

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

John B. Brandon

Postage	\$.33
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.98

Postmark
Here

Name (Please Print Clearly) (to be completed by mailer)
John B. Brandon, Attorney at Law
Street, Apt. No., or P.O. Box No.
110 North Third Street
City, State, ZIP+4
Reynoldsburg, PA 15851

See Reverse for Instructions

PS Form 3800, July 1999

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

John B. Brandon
110 North 3rd Street
Reynoldsburg, PA 15851

4a. Article Number

7000 0000 0021 0089 6173

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

5-24-00

5. Received By (Print Name)

John B. Brandon

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X John B. Brandon

PS Form 3811, December 1994

102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

Rehuck v. Muth - Notice of Appeal

FILED

JUN 27 2000
MAGSIE/CATHY L WENDY
William A. Shaw
Prothonotary
EAS

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

DANNY J. MUTH, d/b/a MUTH) Case No.: 578 -2000 C.D.
EXCAVATION,)
Plaintiff,) Type of Case: CIVIL
vs.)
DENNIS RAYBUCK (REBUCK) d/b/a) Type of Pleading: ANSWER, NEW
SOUTHSIDE SERVICE,) MATTER & COUNTERCLAIM
Defendant) Counsel of Record for this Party:
) JEFFREY LUNDY
) PA I.D. 25823
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110

FILED

JLL 17 2000

William A. Shaw
Prothonotary

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

DANNY J. MUTH, d/b/a MUTH	) Case No.: 578 -2000 C.D.
EXCAVATION,	) Type of Case: CIVIL
Plaintiff,	) Type of Pleading: ANSWER
vs.	) Counsel of Record for this Party:
DENNIS RAYBUCK (REBUCK) d/b/a	) JEFFREY LUNDY
SOUTHSIDE SERVICE,	) FA I.D. 25823
Defendant	) LUKEHART & LUNDY
	) 219 East Union Street
	) PO Box 74
	) Funxsutawney, PA 15767
	) (814) 938-8113

NOTICE TO PLEAD

You are hereby notified that you must respond to the stated New Matter and
Counterclaim within twenty (20) days.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,

PENNSYLVANIA

CIVIL DIVISION

DANNY J. MUTH, d/b/a MUTH	) Case No.: 578 -2000 C.D.
)
EXCAVATION,	) Type of Case: CIVIL
)
Plaintiff,	) Type of Pleading: ANSWER
)
vs.	) Counsel of Record for this Party:
	) JEFFREY LUNDY
DENNIS RAYBUCK (REBUCK) d/b/a	) PA I.D. 25823
	) LUKEHART & LUNDY
SOUTHSIDE SERVICE,	) 219 East Union Street
	) PO Box 74
Defendant	) Punxsutawney, PA 15767
	) (814) 938-8110

ANSWER

AND NOW, Plaintiff, DENNIS REBUCK, d/b/a SOUTHSIDE SERVICE , by and through his attorney Jeffrey Lundy, Esquire, LUKEHART & LUNDY, with the following Answer to Plaintiff's Complaint:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Denied. As set forth in the New Matter, Defendant was not advised whether the car needed repairs or not as he stated to the Plaintiff to disconnect the axel and the Plaintiff chose not to do so, but instead, have it remain attached with the engine running.

6. Denied. It is specifically denied that the Defendant was negligent and therefore it is denied that the Plaintiff suffered any damages as a result of any negligent.

7. Denied. It is specifically denied that the Defendant was negligent and as is set forth in New Matter, Plaintiff was specifically advised that the Defendant could not physically disconnect the drive shafts without some assistance and the Plaintiff expressly stated to the Defendant to go ahead and tow the vehicle and he would take his chances with the shift still attached and the automobile running.

8. Denied. It is denied that the Plaintiff suffered any damages and any information as to damages set forth in Paragraph 8 is denied. By way of further Answer, items in Paragraph 8 are evidentiary matters and the exhibits should be stricken from the proceedings.

9. Denied. No sums are due and owing as there was no negligence by the Defendant.

10. Denied. It is assumed that there is a typographical error in Paragraph 10 and that the allegation is that "Plaintiff "lost two days of work, all of which Defendant is without any information or knowledge and therefore it is denied. However, as a matter of law, the Plaintiff is not entitled to such damages and further is not entitled to such damages as there was no negligence on the part of the Defendant.

11. Denied. See Paragraph 10.

12. Admitted in part, denied in part. It is admitted that the Plaintiff has requested said sums, however, Plaintiff is not entitled to said sums.

13. Paragraph 13 is an improper pleading and should be stricken, let alone the fact that it is false and denied.

WHEREFORE, Defendant would demand that Plaintiff's Complaint be dismissed.

NEW MATTER

14. The Defendant is an experience towing contractor and operator having been in the towing business for more than twenty-five years. Defendant is well aware of situations which require disconnecting the drive shaft for towing purposes.

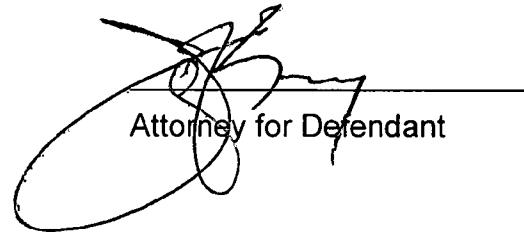
15. The Plaintiff was specifically advised that the drive shaft, if not disconnected, could result in damage, however, the Plaintiff specifically advised the Defendant to go ahead and tow the vehicle with the drive shaft in place.

16. Any damage to the Plaintiff's vehicle, all of which is denied, is a direct result of the Plaintiff's decision to proceed contrary to the advice and recommendation of the Defendant.

WHEREFORE, Defendant would request that the action be dismissed.

COUNTERCLAIM

17. Plaintiff owes the Defendant \$250.00 for towing services provided which were not paid.



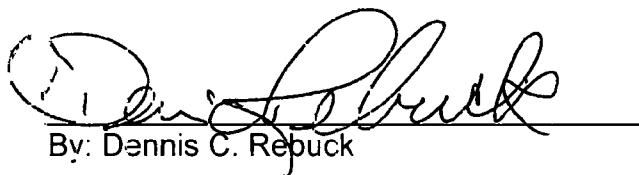
Attorney for Defendant

VERIFICATION

I verify that the statements made in the foregoing Answer and New Matter are true and correct to the best of my personal knowledge of information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

SOUTHSIDE SERVICE

July 14, 2000
Date

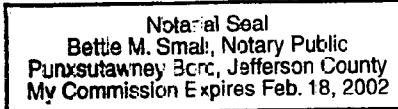

By: Dennis C. Rebuck

Sworn to and subscribed before me this

14th day of July, 2000.

Bettie M. Small

Notary Public



Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I, Jeffrey Lundy, Esquire, do hereby certify that a true and correct copy of the within Answer and New Matter was served upon the deponent and counsel of record by United States mail, first-class, postage prepaid this 14 day of July, 2000, as follows:

David B. Inzana
Attorney at Law
920 5th Ave
Brockway, PA 15824

Jeffrey Lundy, Esq.
LUKEHART & LUNDY
219 East Union Street
PO Box 74
Punxsutawney PA 15767
(814) 938-8110

cc: Dennis Rebuck

FILED

17/2000
1/4/00
William A. Shaw
Prothonotary
Clerk

DAVID B. INZANA

Attorney at Law

920 Fifth Avenue

Brockway, PA 15824

814-265-0282 • FAX 814-265-0317

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

DANNY J. MUTH, d/b/a' MUTH EXCAVATION, Plaintiff	No.: 578 of 2000 C.D.
vs.	Type of Pleading: ANSWER TO NEW MATTER AND COUNTERCLAIM
DENNIS RAYBUCK, d/b/a/ SOUTHSIDE SERVICE, Defendant.	Filed on behalf of: Plaintiff Counsel of Record for this Party: David B. Inzana, Esquire Supreme Court No. 75569 920 Fifth Avenue Brockway, PA 15824 (814) 265-0282

FILED

SEP 13 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL DIVISION

DANNY J. MUTH : No.: 578 of 2000 C.D.
d/b/a/ MUTH EXCAVATION, :
Plaintiff :
:

vs.
:

DENNIS RAYBUCK,
d/b/a/ SOUTHSIDE SERVICE,
Defendant :
:

ANSWER TO NEW MATTER AND COUNTERCLAIM

AND NOW, comes the Plaintiff, DANNY J. MUTH, d/b/a MUTH EXCAVATION, by and through his attorney, DAVID B. INZANA, ESQUIRE, and files for the Plaintiff the within Answer to Defendant's New Matter and Counterclaim as follows:

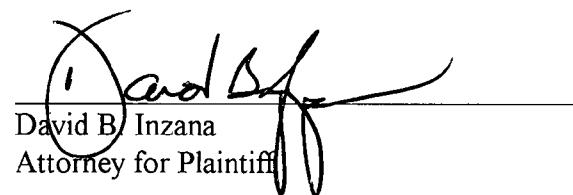
NEW MATTER

14. Plaintiff is without sufficient information or knowledge to form a belief as to the truth of the matter asserted. Strict proof of the same is hereby demanded at trial.
15. Denied. It is specifically denied that Defendant had advised Plaintiff that the drive shaft needed to be disconnected or that Plaintiff proceeded to inform Defendant to tow the vehicle with the drive shaft in place.

16. Denied. It is denied that the damage to Plaintiff's vehicle as a result of Plaintiff's decision to proceed and come to the contrary, Defendant herein knew or should have known not to proceed or to further inform Plaintiff of any problems which may occur in the towing process.

COUNTERCLAIM

17. Denied. It is hereby denied that Plaintiff owes Defendant any sums of money as Plaintiff has never received a billing for the services provided by Defendant herein. Strict proof of the same is hereby demanded at trial.

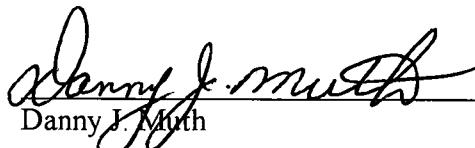


David B. Inzana
Attorney for Plaintiff

VERIFICATION

I, **DANNY J. MUTH**, hereby verify that these statements made in the foregoing Answer to New Matter & Counterclaim are true and correct to the best of my personal knowledge, information, and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 8/24/00


Danny J. Muth

CERTIFICATE OF SERVICE

I, DAVID B. INZANA, Esquire, do hereby certify that are true and correct a copy of the Defendant's Answer to Defendant's New Matter & Counterclaim was hereby served upon and be deponet and Counsel of Record by United States Mail, First Class, Postage Prepaid this 12th day of September, 2000 to the address as follows:

JEFFREY LUNDY, ESQUIRE
LUKEHART & LUNDY
219 East Union Street
PO Box 74
Punxsutawney, PA 15767

FILED

SEP 13 2000

111.217000
William A. Shaw

Prothonotary

cc

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

CASE NUMBER	TYPE	TRIAL REQUESTED	DATE PRESENTED
			ESTIMATED TRIAL TIME
Date Complaint Filed: <u>6-16-00</u>	<input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input checked="" type="checkbox"/> Arbitration	<u>1/2 Day</u>	
PLAINTIFF(S) <u>David J. Muth d/b/a Muth Excavation</u> ()			
DEFENDANT(S) <u>Dennis Layback (Layback) d/b/a Sountside Service</u> ()			
ADDITIONAL DEFENDANT(S) _____ ()			
Check Block if a Minor is a Party to the Case			

JURY DEMAND FILED BY: _____ DATE JURY DEMAND FILED: _____

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
more than <u>\$ 2,528.40</u>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	_____

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

David B. Inzana
FOR THE PLAINTIFF

David B. Inzana

(814) 265-0282
TELEPHONE NUMBER

Jeffrey Lundy
FOR THE DEFENDANT

Jeffrey Lundy

(814) 938-8110
TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT	TELEPHONE NUMBER
William A. Shaw Prothonotary	

FILED

OCT 30 2000
19:37 a.m. Indiana
William A. Shaw
Prothonotary
P.O. #20.00

Copy to CA



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-~~8841~~ 7649
FAX: 1-814-765-6089

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

December 4, 2000

David B. Inzana, Esquire
Attorney at Law
920 Fifth Avenue
Brockway, PA 15824

Jeffrey Lundy, Esquire
Lukehart & Lundy
219 East Union Street
Furnace, PA 15767-0074

RE: DANNY J. MUTH, d/b/a MUTH EXCAVATION

vs.

DENNIS RAYBUCK, (Rebuck), d/b/a SOUTHSIDE SERVICE
No. 00-578-CD

FILED
REC'D 12/14/00
DEC 13 2000
William A. Shaw
Prothonotary

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Tuesday,
February 6, 2001. The following have been appointed to the Board of Arbitrators:

Thomas F. Morgan, Esquire
Richard H. Milgrub, Esquire
William Lynn Hollen, Esquire
Mark A. Falvo, Esquire
Christopher E. Mohney, Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven (7) days from the date of this letter the name you wish stricken from the list.

You will be notified at a later date the exact time of the Arbitration Hearing.

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator



OFFICE OF THE COUNTY ATTORNEY
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CEASAR C. COOPER, COUNTY ATTORNEY
100 EAST MARKET STREET
10837, ALLEGHENY, PENNSYLVANIA
TELEGRAPHIC ADDRESS: COOPER

YORK
COUNTY
PENNSYLVANIA

PHONE: (812) 352-5400
TELEGRAPHIC ADDRESS: COOPER

JOHN G. MENDOZA
ASSISTANT ATTORNEY

FILED

RECEIVED
W. M. COOPER
COUNSELOR AT LAW



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-8000 7641

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

December 14, 2000

David B. Inzana, Esquire
Attorney at Law
920 Fifth Avenue
Brockway, PA 15824

Jeffrey Lundy, Esquire
Lukehart & Lundy
219 East Union Street
Punxsutawney, PA 15767-0074

FILED

DEC 13 2000

*William A. Shaw
Prothonotary*

RE: DANNY J. MUTH, d/b/a MUTH EXCAVATION
vs.
DENNIS RAYBUCK, (Rebuck), d/b/a SOUTHSIDE SERVICE
No. 00-578-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Tuesday, February 6, 2001 at 8:30 A.M. The following have been appointed as the Board of Arbitrators:

Thomas F. Morgan, Esquire, Chairman
Richard H. Milgrub, Esquire
William Lynn Hollen, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator

cc: Thomas F. Morgan, Esquire
Richard H. Milgrub, Esquire
William Lynn Hollen, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Danny Joe Muth ; Muth Excavation

Vs.

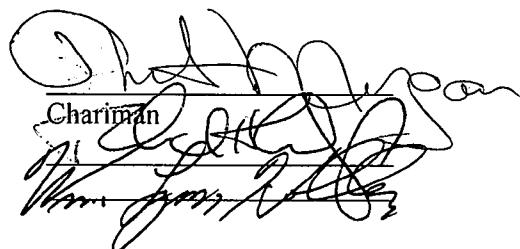
Dennis Reback ; South Side Service

No. 2000-00578-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 6th day of February, 2001, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Thomas F. Morgan, Esq.



Thomas F. Morgan
Chairman

Richard H. Milgrub, Esq.
William Lynn Hollen, Esq.

Sworn to and subscribed before me this
February 6, 2001



Prothonotary

AWARD OF ARBITRATORS

Now, this 6th day of February, 2001, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

We find for the Plaintiff - no award of damages.
We also find for the Plaintiff on the countainer - no award of damages.

FILED

FEB 06 2001

William A. Shaw
Prothonotary

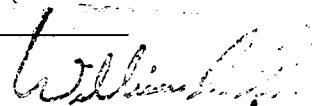
(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 6th day of February, 2001, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

Prothonotary
By _____



FILED

01/10/36874
FEB 06 2007

Notice to
Amy Inzana
William A. Shaw
Prothonotary

Notice to
William A. Shaw
Prothonotary
Attn: Linda
J

COPY

Danny Joe Muth : IN THE COURT OF COMMON PLEAS
Muth Excavation : OF CLEARFIELD COUNTY

Vs. : No. 2000-00578-CD

Dennis Rebuck South Side Service

NOTICE OF AWARD

TO: JEFFREY LUNDY

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on February 6, 2001 and have awarded:

We find for the Defendant - no award of damages. We also find for the Plaintiff on the counterclaim - no award of damages.

William A. Shaw

Prothonotary

By _____

February 6, 2001

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

COPY

Danny Joe Muth : IN THE COURT OF COMMON PLEAS
Muth Excavation : OF CLEARFIELD COUNTY

Vs. : No. 2000-00578-CD

Dennis Rebuck South Side Service

NOTICE OF AWARD

TO: DAVID B. INZANA

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on February 6, 2001 and have awarded:

We find for the Defendant - no award of damages. We also find for the Plaintiff on the counterclaim - no award of damages.

William A. Shaw
Prothonotary
By _____

February 6, 2001

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

LUKEHART & LUNDY

ATTORNEYS AT LAW

219 EAST UNION STREET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,

PENNSYLVANIA

CIVIL DIVISION

DANNY JOE MUTH,) Case No.: 578 -2000 C.D.
vs. Plaintiff.)
vs.) Type of Case: CIVIL
DENNIS REBUCK,)
Defendant) Type of Pleading: PRAECIPE PURSUANT TO
) THE AWARD OF ARBITRATION
)
) Counsel of Record for this Party:
) JEFFREY LUNDY
) PA I.D. 25823
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) (814) 938-8110

FILED

APR 09 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,

PENNSYLVANIA

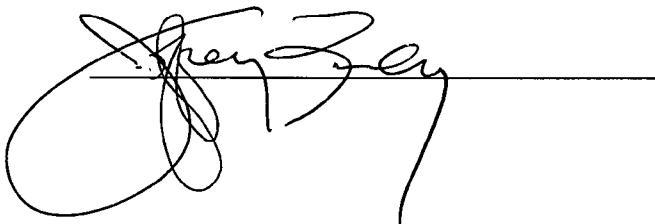
CIVIL DIVISION

DANNY JOE MUTH,)
)
Plaintiff,)
)
vs.) Case No.: 578 -2000 C.D.
)
DENNIS REBUCK,)
)
Defendant)
)
)
)
)
)

PRAECIPE PURSUANT TO THE AWARD OF ARBITRATION ENTERED FEBRUARY 6, 2001
TO THE PROTHONOTARY:

Please enter a judgment in favor of the Defendant on the original claim, and in favor of the Plaintiff on the counterclaim. No awarded damages for either party.

Jeffrey Lundy, Attorney for Defendant



CERTIFICATE OF SERVICE

I, Jeffrey Lundy, Esquire, do hereby certify that a true and correct copy of the within Praecipe was served upon the deponent and counsel of record by United States mail, first-class, postage prepaid this 5th day of April, 2001, as follows:

David B. Inzana, Esquire
920 Fifth Avenue
Brockway, PA 15824

Jeffrey Lundy, Esq.
LUKEHART & LUNDY
219 East Union Street
PO Box 74
Punxsutawney, PA 15767
(814) 938-8110

cc: Dennis Rebuck

FILED

APR 09 2001
m 13511cc atch luncy
William A. Shaw
Prothonotary

LUKEHART & LUNDY

ATTORNEYS AT LAW

219 EAST UNION STREET, P.O. BOX 74
PUNXSUTAWNEY, PA 15767-0074

(814) 938-8110

J. KIPP LUKEHART
JEFFREY LUNDY

FAX NUMBER
(814) 938-3489

February 1, 2001

David S. Meholick
Court Adminstrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

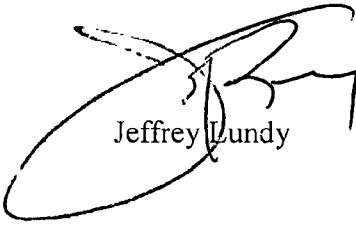
Arb 2-6-01-830

RE: Muth v. Rebuck

Dear Mr. Meholick:

Enclosed please find a Defendant's Pretrial Statement.

Very truly yours,


Jeffrey Lundy

JL:tds
Enclosure

RECEIVED

FEB 02 2001

COURT ADMINISTRATIVE
OFFICE

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY,

PENNSYLVANIA

CIVIL DIVISION

DANNY JOE MUTH,
Plaintiff,
vs.
DENNIS REBUCK,
Defendant

) Case No.: 578-2000 C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading: PRETRIAL STATEMENT
)
) Filed on behalf of: DEFENDANT
)
) Counsel of Record for this Party:
) JEFFREY LUNDY
) PA I.D. 25823
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) 814-933-8110

RECEIVED
FEB 02 2001
COURT ADMINISTRATOR'S
OFFICE

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

DANNY JOE MUTH,)
Plaintiff,)
vs.)
DENNIS REBUCK,) Case No.: 578-2000 C.D.
Defendant)

)

PRETRIAL STATEMENT FILED ON BEHALF OF DEFENDANT

DENNIS REBUCK

STATEMENT OF FACTS

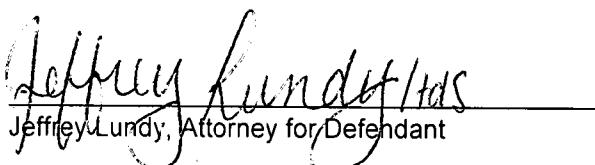
Defendant is an experienced mechanic and tower of vehicles. The Plaintiff was specifically advised that he needed to disconnect the drive shaft, but advised Defendant to tow it with the drive shaft on. Defendant denies any negligence and challenges any damages incurred by the Plaintiff.

Defendant may call the following witnesses:

1. Dennis Rebuck;
2. Danny J. Muth, subject to cross-examination.

Defendant counterclaims for the cost of services, which were not paid.

Respectfully submitted,



Jeffrey Lundy, Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

DANNY JOE MUTH.

Plaintiff,

vs.

DENNIS REBUCK

Defendant

-) Case No.: 578-2000 C.D.
-)
-) Type of Case: CIVIL
-)
-) Type of Pleading: PRETRIAL STATEMENT
-)
-) Filed on behalf of: DEFENDANT
-)
-) Counsel of Record for this Party:
-) JEFFREY LUNDY
-) PA I.D. 25823
-) LUKEHART & LUNDY
-) 219 East Union Street
-) PO Box 74
-) Punxsutawney, PA 15767
-) 814-938-8110

RECEIVED

FEB. 02 2001

COURT ADMINISTRATOR'S
OFFICE

Arb 2 te-01
830

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

DANNY JOE MUTH,)
Plaintiff,)
vs.)
DENNIS REBUCK,) Case No.: 578-2000 C.D.
Defendant)
-----)

PRETRIAL STATEMENT FILED ON BEHALF OF DEFENDANT

DENNIS REBUCK

STATEMENT OF FACTS

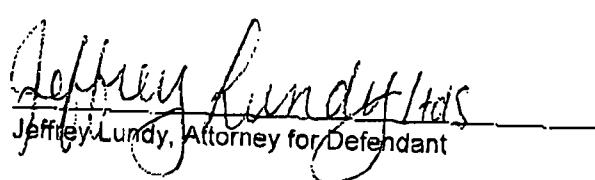
Defendant is an experienced mechanic and tower of vehicles. The Plaintiff was specifically advised that he needed to disconnect the drive shaft, but advised Defendant to tow it with the drive shaft on. Defendant denies any negligence and challenges any damages incurred by the Plaintiff.

Defendant may call the following witnesses:

1. Dennis Rebuck;
2. Danny J. Muth, subject to cross-examination.

Defendant counterclaims for the cost of services, which were not paid.

Respectfully submitted,



Jeffrey Lundy, Attorney for Defendant



David B. Inzana
Attorney at Law

920 Fifth Avenue, Brockway, Pennsylvania 15824
Telephone (814) 265-0282
Facsimile (814) 265-0317

February 1, 2001

David S. Meholick
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

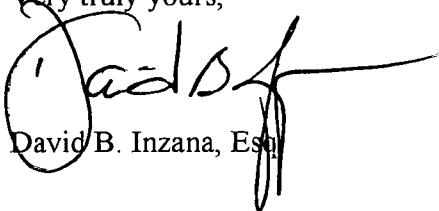
Arb 2-6-01 - 8:30

**In Re: Muth vs. Raybuck
No. 00-578-C.D.**

Dear Dave:

Enclosed herein, please find an amended Pre-Trial Statement. The amendment made from my previous Pre-Trial Statement is that Plaintiff will intend to call as a witness, Jim Heinz, who was the mechanic who serviced the truck on the date in question. Please note that the copies of this amended Pre-Trial Statement have also been sent to the Board of Arbitrators and Attorney Jeff Lundy.

As always, should you have any questions, please do not hesitate to contact me.

Very truly yours,

David B. Inzana, Esq.

DBI/cal

Enclosure

CC: Thomas F. Morgan, Esquire
Richard H. Milgrub, Esquire
William Lynn Hollen, Esquire

Jeffrey Lundy, Esquire
Lukehart & Lundy
219 East Union Street
Punxsutawney, PA 15767

RECEIVED

FEB 02 2001

**COURT ADMINISTRATORS
OFFICE**

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

DANNY J. MUTH d/b/a : NO. 578 of 2000 C.D.
MUTH EXCAVATION, :
Plaintiff : Type of Pleading: Amended
vs. : Pre-Trial
: Statement
: Filed on behalf of: Plaintiff
DENNIS RAYBUCK, : Counsel of Record:
d/b/a SOUTHSIDE SERVICE : DAVID B. INZANA, ESQ.
Defendant : Supreme Court No. 75569
: 920 Fifth Ave.
: Brockway, PA 15824
: (814)265-0282

RECEIVED

FEB 02 2001

COURT ADMINISTRATOR'S
OFFICE

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

DANNY J. MUTH d/b/a	:	NO. 578 of 2000 C.D.
MUTH EXCAVATION,	:	
Plaintiff	:	Amended Pre-Trial Statement
	:	
vs.	:	
	:	
DENNIS RAYBUCK,	:	
d/b/a SOUTHSIDE SERVICE	:	
Defendant	:	

PRE-TRIAL STATEMENT

AND NOW, comes Plaintiff, DANNY J. MUTH, d/b/a MUTH EXCAVATION, by and through his attorney, DAVID B. INZANA, ESQ., and files the within Pre-Trial Statement pursuant to Court Rule 1306A.

1. BRIEF STATEMENT OF THE CASE.

Plaintiff herein contacted Defendant to tow his vehicle from DuBois to Big Run. The vehicle was Plaintiff's work vehicle which became disabled along the Oklahoma-Salem Road. Defendant agreed to tow the vehicle but negligently failed to disconnect the drive shafts before picking the front end up. As a result, the truck sustained additional damage as listed on the exhibits attached to Plaintiff's complaint and herein. The additional work on the vehicle resulted in an additional two days worth of down time and a loss of \$700.00 in profit to the Plaintiff. The total loss to Plaintiff due to Defendant's negligence is \$2,528.40.

2. CITATION TO APPLICABLE CASE OR STATUTE.

The case herein is based primarily on the principles of Tort and Contract Law.

3. LIST OF WITNESSES.

Plaintiff intends on call Plaintiff, Danny J. Muth and Defendant Dennis Raybuck, Jim Heinz - mechanic who serviced the truck on the date in question.

4. STATEMENT OF DAMAGES AND COPIES OF BILLS.

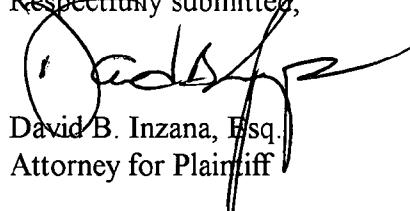
Additional work to truck \$1,878.40

Lost Profits \$ 700.00

TOTAL LOSSES \$2,528.40

See copies of bills and receipts attached hereto and made a part hereof.

Respectfully submitted,


David B. Inzana, Esq.
Attorney for Plaintiff



David B. Inzana
Attorney at Law

920 Fifth Avenue, Brockway, Pennsylvania 15824
Telephone (814) 265-0282
Facsimile (814) 265-0317

January 29, 2001

David S. Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Arb Feb 6, 2001 - 830

**In Re: Muth vs. Raybuck
No. 00-578-C.D.**

Dear Dave:

Enclosed herein, please find an original copy of Plaintiff's Pre-Trial Statement in regards to the above matter. Please note that copies have been sent to the Board of Arbitrators and to opposing counsel, Jeffrey Lundy.

As always, should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "David B. Inzana, Esq." The signature is fluid and cursive, with "David" and "Inzana" being more distinct and "B." and "Esq." being more stylized.

David B. Inzana, Esq.

DBI/cal

Enclosure

Cc: Thomas F. Morgan, Esquire
Richard H. Milgrub, Esquire
William Lynn Hollen, Esquire

Jeffrey Lundy, Esquire
Lukehart & Lundy
219 East Union Street
Punxsutawney, PA 15767-0074

RECEIVED

JAN 31 2001

**COURT ADMINISTRATOR'S
OFFICE**

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

DANNY J. MUTH d/b/a : NO. 578 of 2000 C.D.
MUTH EXCAVATION, :
Plaintiff : Type of Pleading: Pre-Trial
vs. : Statement
: Filed on behalf of: Plaintiff
DENNIS RAYBUCK, :
d/b/a SOUTHSIDE SERVICE : Counsel of Record:
Defendant : DAVID B. INZANA, ESQ.
: Supreme Court No. 75569
: 920 Fifth Ave.
: Brockway, PA 15824
: (814)265-0282

RECEIVED

JAN 31 2001

COURT ADMINISTRATOR'S
OFFICE

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

DANNY J. MUTH d/b/a	:	NO. 578 of 2000 C.D.
MUTH EXCAVATION,	:	
Plaintiff	:	Pre-Trial Statement
	:	
vs.	:	
	:	
DENNIS RAYBUCK,	:	
d/b/a SOUTHSIDE SERVICE	:	
Defendant	:	

PRE-TRIAL STATEMENT

AND NOW, comes Plaintiff, DANNY J. MUTH, d/b/a MUTH EXCAVATION, by and through his attorney, DAVID B. INZANA, ESQ., and files the within Pre-Trial Statement pursuant to Court Rule 1306A.

1. BRIEF STATEMENT OF THE CASE.

Plaintiff herein contacted Defendant to tow his vehicle from Dubois to Big Run. The vehicle was Plaintiff's work vehicle which became disabled along the Oklahoma-Salem Road. Defendant agreed to tow the vehicle but negligently failed to disconnect the drive shafts before picking the front end up. As a result, the truck sustained additional damage as listed on the exhibits attached to Plaintiff's complaint and herein. The additional work on the vehicle resulted in an additional two days worth of down time and a loss of \$700.00 in profit to the Plaintiff. The total loss to Plaintiff due to Defendant's negligence is \$2,528.40.

2. CITATION TO APPLICABLE CASE OR STATUTE.

The case herein is based primarily on the principles of Tort and Contract Law.

3. LIST OF WITNESSES.

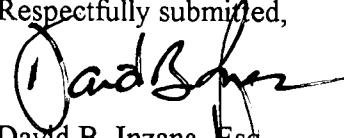
Plaintiff intends on call Plaintiff, Danny J. Muth and Defendant Dennis Raybuck.

4. STATEMENT OF DAMAGES AND COPIES OF BILLS.

Additional work to truck	\$1,878.40
Lost Profits	<u>\$ 700.00</u>
TOTAL LOSSES	\$2,528.40

See copies of bills and receipts attached hereto and made a part hereof.

Respectfully submitted,


David B. Inzana, Esq.
Attorney for Plaintiff

REPAIR ORDER

1-10-2000

DATE

LICENSE NO.

MILEAGE

YEAR & MAKE OF CAR - TYPE OR MODEL

SERIAL NO.

MOTOR NO.

NAME Mutt Excavation
ADDRESSCITY Perry PA PHONE

CUSTOMER ORDER NO. WHEN PROMISED WRITTEN BY

QTY.	PART NO.	NAME OF PART	SALE AMOUNT	DESCRIPTION OF WORK	AMOUNT
				Remove Aux section on trans replace rear housing - replace bear. & synchronizer install new muffler - repair brackets remove carrier bear. support bracket -	
				repair.	
				remove - install repaired drive shafts	

ACCESSORIES - TIRES & TUBES		GAS, OIL & GREASE		SERVICES		LABOR ONLY
28 pt gear oil	49.00	GAS-GAL.		LUBRICATE		SERVICES
1 1/8 stud	4.75	OIL-QTS.		CHANGE ENGINE OIL		SUBLET REPAIRS*
		GREASE-LBS.		TRANSMISSION		PARTS
				DIFFERENTIAL		ACCESSORIES
				WASH/POLISH		GAS/OIL/GREASE
						MISC. MERCHANDISE*
TOTAL ACCESSORIES - TIRES & TUBES		TOTAL GAS/OIL/GREASE		TOTAL SERVICE		

ESTIMATES ARE FOR LABOR
ONLY. MATERIAL ADDITIONALI HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY MATERIALS. YOU AND YOUR EMPLOYEES
MAY OPERATE ABOVE VEHICLE FOR PURPOSES OF TESTING, INSPECTION OR DELIVERY AT MY RISK. AN EXPRESS MECHANIC'S LIEN
IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE AMOUNT OF REPAIRS THERETO.It is understood that this company assumes no responsibility for loss or damage by theft or fire to vehicles placed with them for storage,
sale, repair or while road testing.

AUTHORIZED BY: _____

8 1/2 hr.

* FROM REVERSE

TOTAL 291.75

OFFICE COPY

Wilson Jones®

Carbonless Snap-A-Way® Forms ©1993 ACCO USA, Inc.

44-810 • Triplicate

INVOICE**Cresson Ridge Diesel Garage Inc.**

8267 ADMIRAL PEARL HIGHWAY
P.O. BOX 273 CRESSON PA 16630-0273
PHONE: CRESSON (814) 886-4184
TOLL FREE (800) 458-9408
FAX (814) 886-2231

PAGE

2

INVOICE NO.

65901

INVOICE DATE

4/03/2000

ACCOUNT NO.

99999

PLEASE INCLUDE THIS
INVOICE NUMBER WITH
YOUR REMITTANCE

CUSTOMER ORDER NUMBER

SALESMAN NO.

10

SHIPPED VIA

PICKED UP

10

DATE SHIPPED

4/03/2000

**Eaton****Fuller****Rockwell****Spicer**

SOLD TO

MISCELLANEOUS CASH SALES

SHIPPED TO

MUTH EXCAVATION
R. D. #3 BOX 211
PUNXSUTAWNEY PA. 15767
427-2327

***** CONTINUATION *****

ITEM NO.	QUANTITY	PART NUMBER / DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
15	1.00	SSWHR172 INTERMEDIATE SHAFT SSW2701-3006	7789	3.32	.000
16	1.00	FLAT RATE BUILD SPEEDOMETER ADAPTER	999999	3.32	65.000
17	1.00	LABOR	999999 800011	3.32	22.500

PAID IN FULL - THANK YOU !!

CK. #8266

SUB TOTAL

\$87.50

SHIPPING

\$5.25

SALES TAX

\$92.75

CUSTOMER COPY

TOTAL DUE & PAYABLE

INVOICE**Cresson Ridge Diesel Garage Inc.**

8267 ADMIRAL PEARY HIGHWAY
P.O. BOX 273, CRESSON, PA 16630
PHONE: CRESSON (814) 886-4164
TOLL FREE: (800) 458-3408
FAX: (814) 886-2231

PAGE

1

PLEASE INCLUDE THIS
INVOICE NUMBER WITH
YOUR REMITTANCE

INVOICE NO.

65901

INVOICE DATE

4/03/2000

ACCOUNT NO.

99999

CUSTOMER ORDER NUMBER

SALESMAN NO.

10

SHIPPED VIA

PICKED UP

10

DATE SHIPPED

4/03/2000

**Eaton****Fuller****Rockwell****Spicer**

SOLD TO

MISCELLANEOUS CASH SALES

SHIPPED TO

MUTH EXCAVATION
R. D. #3 BOX 211
PUNXSUTAWNEY PA. 15767
427-2327

ITEM NO.	QUANTITY	PART NUMBER / DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
3	1.00	SSWHR156 GEAR SSW2701-2014A	7768	4.36	.000
4	1.00	SSWHR162 GEAR SSW2701-2018	7774	4.36	.000
5	1.00	SSWHR160 GEAR SSW2701-2017	7772	4.36	.000
6	1.00	SSWHR157 GEAR SSW2701-2015	7769	4.36	.000
7	1.00	SSWHR193 HOUSING DRIVE END SSW2701-3077X	7809	22.38	.000
8	1.00	SSWHR194 HOUSING DRIVE END SSW2701-3078X	7810	15.60	.000
9	3.00	SSWHH101 SCREW SSW141-1490	7753	.73	.000
10	1.00	SSWHR173 GASKET SSW2701-3007	7790	1.02	.000
11	2.00	SSWHH107 WASHER SSW2701-3072	7806	.69	.000
12	1.00	SSWHR174 SPINDLE ASY SSW2701-3008Y	7791	8.26	.000
13	1.00	SSWHR171 SPINDLE SSW2701-3005	7785	6.98	.000
14	1.00	SSWHR179 TIP SSW2701-3021	7795	5.50	.000

SUB TOTAL

SHIPPING

SALES TAX

*** CONTINUED ***

CUSTOMER COPY TOTAL DUE & PAYABLE

99999

10

10

PICKED UP

1/07/2000

MISCELLANEOUS CASH SALES

MUTH EXCAVATION
 R. D. #3 BOX 211
 PUNXSUTAWNEY PA. 15767
 427-2327

9	1.00	SPD210661-1X 1810 CARRIER BRG. YOKE SLOTTED DESIGN	14422 800030	185.00	65.000	65.00
10	1.00	SPD6.5-4-2531X YOKE-2-11/32"-16 SPLINE SPD6.5-4-1891	6599 800096	287.80	155.000	155.00
11	1.00	BRGA3071 BEARING KIT FUL14367	3731 800045	163.57	64.040	64.04
12	1.00	FUL22254 NUT FUL11956	283 800008	21.72	11.470	11.47
13	1.00	SPD6.5-4-2711X YOKE-2-3/8"-46 SPLINE-SSHDF-FT SPD6.5-4-2701	6600 800083	296.96	165.000	165.00
14	3.00	SPD5-281X U-JOINT-1810 SERIES	6690 800032	200.26	47.000	141.00
15	1.00	CR32395 SEAL NAT476470	6468 800008	12.25	15.170	15.17
16	1.00	FULK1603 GASKET KIT - AUX. SECTION	111 800004	10.78	5.740	5.74
17	1.00	FULK2262 OIL SEAL KIT-20807 SEAL & 20808 SLINGER K1932	152 800012	33.28	17.460	17.46
18	1.00	USED SPEEDOMETER HOUSING USED REAR MAIN COVER	999999 800037	33.28	75.000	75.00
*19	1.00	FUL14320 USED TAIL SHAFT	999999	33.28	80.000	80.00
20	1.00	SPD6.5-28-117 WELD YOKE-1810 SERIES	8388 800051	261.14	115.000	115.00

*** CONTINUED ***

Diesel Garage Inc.

1-42 LA-Y HIGHWAY
100' ON P. 10000
CLIFFS 10000 10000
TO 10000 10000
10000 10000

E	64637	1/07/2000
99999	10	
10	PICKED UP	1/07/2000

8. MISCELLANEOUS CASH SALES

MUTH EXCAVATION
R. D. #3 BOX 211
PUNXSUTAWNEY PA. 15767
427-2327

*** CONTINUATION ***

1.00 LABOR WELD DRIVESHAFT 999999- 261.14 40.000 40.00
800020

PAID IN FULL - THANK YOU !!!

1

6464E

1/10/2000

99779

10

12

1/12/2000

MISCELLANEOUS CASH SALES

MUTH EXCAVATION
RD 3 BOX 211
PUNXSUTAWNEY, PA 15767
427-2327

1 1.00 FULK2447 158 313.53 165.550 165.55
SYNCH ASSY-BIG PINS 9 SERIES 800118
FULK1947

PATR IN FULL - THANK YOU !! \$165.55
CK# 8144 \$9.93
\$175.48

MURRAYS

LOOK FOR US ON THE WORLD WIDE WEB AT <http://www.murraysdubois.com>

68723

ROUTE 219 & I-80 EXIT 16

MURRAYS FREIGHTLINER

(814) 375-9090
CALL TOLL FREE
1 (888) 371-9707



FORD
MERCURY
LINCOLN



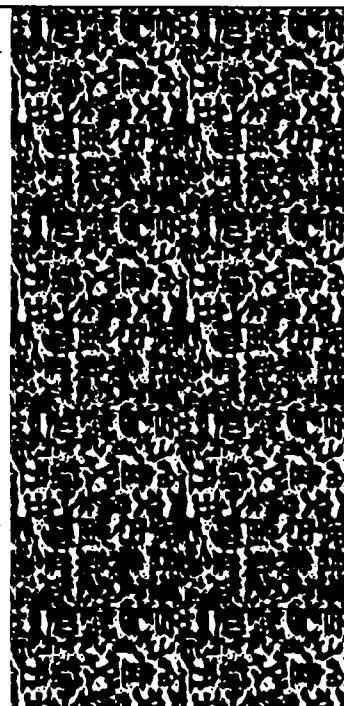
SOLD TO:

WYOMING PARTS NUMBER
100-8142-0014

DESC	QTY	LIST	SELL	DISCOUNT
WYOMING PARTS	1	\$22.65	182.74	113.00

100-000061 M93 10 74 01
10000102 A10 0 000000
026 164 82 44

Preston 8142



ONLINE COMPUTER INVOICING BY **UCS**

SPECIAL ORDER PARTS CANNOT BE
CANCELLED OR RETURNED.

20% HANDLING ON PARTS
ACCEPTED FOR RETURN.

NO REFUNDS AFTER 30 DAYS.

NO RETURN ON ELECTRICAL PARTS.

RECEIVED BY: _____

The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

Areas Largest Wrecker Service

Auto Salvage

Rebuck's South Side Service

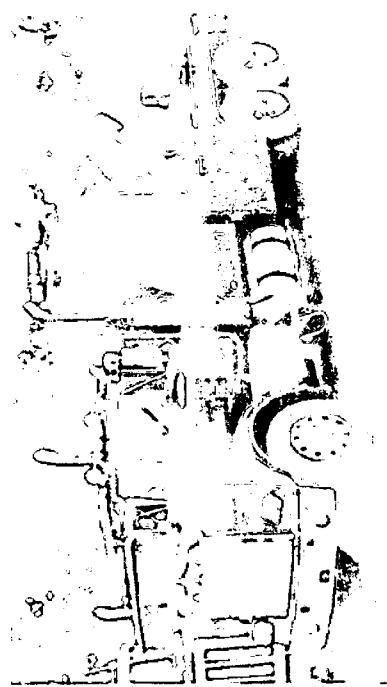
Route 436 Punxsutawney, PA 15767

(724) 280-3914

Mechanical Repairs

State Inspections

Paint & Body



COPY THE INFORMATION BELOW INDIVIDUALLY ON EACH PART

ADDITIONAL MATERIAL RECORD

TOTAL ADDITIONAL PARTS – ENTER ON FRONT

MISCELLANEOUS MERCHANDISE

TOTAL MISC. MDSE. ENTER ON FRONT

CAUTION:

**Do not write on this sheet without
first protecting other copies**

REPAIR ORDER

1-10-2000

DATE

NAME Mutt Excavation

ADDRESS

LICENSE NO. _____ MILEAGE _____

YEAR & MAKE OF CAR - TYPE OR MODEL _____

CITY Puny PA PHONE _____

SERIAL NO. _____

CUSTOMER ORDER NO. _____ WHEN PROMISED _____ WRITTEN BY _____

MOTOR NO. Todd dump

QTY.	PART NO.	NAME OF PART	SALE AMOUNT	DESCRIPTION OF WORK	AMOUNT
				Remove Aux section on trans replace	
				Rear housing - replace bear. & synchromesh	
				install new muffler - repair brackets	
				Remove carrier bear. support bracket -	
				repair.	
				Remove - install repaired drive shafts	

TOTAL ADDITIONAL PARTS FROM BACK		TOTAL PARTS			

ACCESSORIES - TIRES & TUBES				GAS, OIL & GREASE	SERVICES	LABOR ONLY	
<input checked="" type="checkbox"/> 28 pt gear oil		49.00		GAS-GAL.	LUBRICATE	SERVICES	238.00
<input checked="" type="checkbox"/> 1 1/8 stud		4.75		OIL-QTS.	CHANGE ENGINE OIL	SUBLET REPAIRS*	
				GREASE-LBS.	TRANSMISSION	PARTS	53.75
					DIFFERENTIAL	ACCESSORIES	
					WASH/POLISH	GAS/OIL/GREASE	
TOTAL ACCESSORIES - TIRES & TUBES				TOTAL GAS/OIL/GREASE	TOTAL SERVICE	MISC. MERCHANDISE*	

ESTIMATES ARE FOR LABOR
ONLY, MATERIAL ADDITIONAL

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY MATERIALS. YOU AND YOUR EMPLOYEES
MAY OPERATE ABOVE VEHICLE FOR PURPOSES OF TESTING, INSPECTION OR DELIVERY AT MY RISK. AN EXPRESS MECHANIC'S LIEN
IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE AMOUNT OF REPAIRS THERETO.

It is understood that this company assumes no responsibility for loss or damage by theft or fire to vehicles placed with them for storage,
sale, repair or while road testing.

OFFICE COPY

AUTHORIZED BY: _____

8 1/2 hr.

 Wilson Jones

Carbonless Snap-A-Way® Forms ©1993 ACCO USA, Inc.

* FROM REVERSE

44-810 • Triplicate

INVOICE**Cresson Ridge Diesel Garage Inc.**

8267 ADMIRAL PEARY HIGHWAY
P.O. BOX 273, CRESSON, PA 16630
PHONE: CRESSON (814) 888-4164
TOLL FREE (800) 458-3408
FAX (814) 888-2231

PAGE

1

ACCOUNT NO.

99999

SALESMAN NO.

10

PLEASE INCLUDE THIS
INVOICE NUMBER WITH
YOUR REMITTANCE

CUSTOMER ORDER NJMBER

INVOICE NO.

64637

INVOICE DATE

1/07/2000

SOLD TO

MISCELLANEOUS CASH SALES

SHIPPED TO

MUTH EXCAVATION
R.D. #3 BOX 211
PUNXSUTAWNEY PA. 15767
427-2327**Eaton****Fuller****Rockwell****Spicer**

ITEM NO.	QUANTITY	PART NUMBER / DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
9	1.00	SPD210661-1X 1810 CARRIER BRG. YOKE SLOTTED DESIGN	14422 800030	185.00	65.000
10	1.00	SPD6.5-4-2531X YOKE-2-11/32"-16 SPLINE SPD6.5-4-1891	6599 800096	287.80	155.000
11	1.00	BRGA3071 BEARING KIT FUL14367	3731 800045	163.57	64.040
12	1.00	FUL222254 NUT FUL11956	283 800008	21.72	11.470
13	1.00	SPD6.5-4-2711X YOKE-2-3/8"-46 SPLINE-SSHDF-FT SPD6.5-4-2701	6600 800083	296.96	165.000
14	3.00	SPD5-281X U-JOINT-1810 SERIES	6690 800032	200.26	47.000
15	1.00	CR32395 SEAL NAT476470	6468 800008	12.25	15.170
16	1.00	FULK1603 GASKET KIT - AUX. SECTION	111 800004	10.78	5.740
17	1.00	FULK2262 OIL SEAL KIT-20807 SEAL & 20808 SLINGER K1932	152 800012	33.28	17.460
18	1.00	USED SPEEDOMETER HOUSING USED REAR MAIN COVER	999999 800037	33.28	75.000
19	1.00	FUL14320 USED TAIL SHAFT	999999	33.28	80.000
20	1.00	SPD6.5-28-117 WELD YOKE-1810 SERIES	8388 800051	261.14	115.000

*** CONTINUED ***

SUB TOTAL
SHIPPING
SALES TAX
TOTAL DUE & PAYABLE

CUSTOMER COPY

INVOICE**Cresson Ridge Diesel Garage Inc.**

8267 ADMIRAL PEARY HIGHWAY

P.O. BOX 273, CRESSON, PA 16630

PHONE: CRESSON (814) 886-4164
TOLL FREE (800) 458-3408
FAX (814) 886-2231

PAGE

1

ACCOUNT NO.

99999

PLEASE INCLUDE THIS
INVOICE NUMBER WITH
YOUR REMITTANCE

INVOICE NO.

64642

INVOICE DATE

1/10/2000

SALESMAN NO.

12

CUSTOMER ORDER NUMBER

SHIPPED VIA

DATE SHIPPED

1/10/2000

**Eaton****Fuller****Rockwell****Spicer**

SOLD TO

MISCELLANEOUS CASH SALES

SHIPPED TO

MUTH EXCAVATION
RD 3 BOX 211
PUNXSUTAWNEY, PA 15767
427-2327

ITEM NO.	QUANTITY	PART NUMBER / DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
1	1.00	FULK2447 SYNCH ASSY-BIG PINS 9 SERIES FULK1947	158 800118	313.53	165.550

PAID IN FULL - THANK YOU !!

CK# 8144

SUB TOTAL

\$165.55

SHIPPING

\$9.93

SALES TAX

\$175.48

TOTAL DUE & PAYABLE

CUSTOMER COPY

MURRAYS

LOOK FOR US ON THE WORLD WIDE WEB AT <http://www.murraysdubois.com>

ROUTE 219 & I-80 EXIT 16

MURRAYS FREIGHTLINER

(814) 375-9090
CALL TOLL FREE
1 (888) 371-9707



ROUTE 119 SOUTH - DU BOIS, PA 15801

MURRAYS FORD
LINCOLN MERCURY, INC.

(814) 371-6600
CALL TOLL FREE
1 (800) 262-2572



MURRAYS HONDA

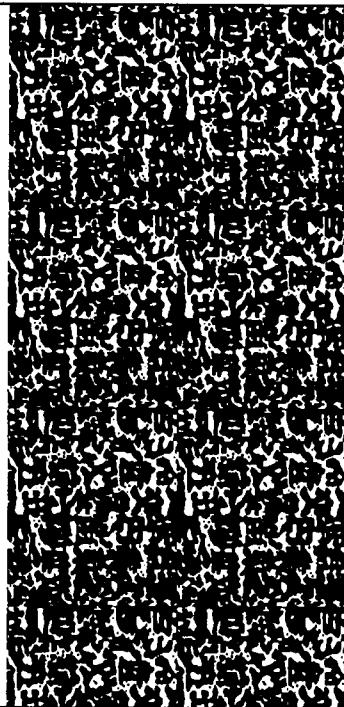
(814) 371-5502



Maintain the Quality
with Genuine Honda Parts.™

SOLD TO:

Frederick 8/4/2



ON LINE COMPUTER INVOICING BY **UCS**

SPECIAL ORDER PARTS CANNOT BE
CANCELLED OR RETURNED.

20% HANDLING ON PARTS
ACCEPTED FOR RETURN.

NO REFUNDS AFTER 30 DAYS.

NO RETURN ON ELECTRICAL PARTS.

RECEIVED BY: _____

The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

INVOICE**Cresson Ridge Diesel Garage Inc.**

8267 ADMIRAL PEARY HIGHWAY
 P.O. BOX 273, CRESSON, PA 16630
 PHONE: CRESSON (814) 886-4164
 TOLL FREE (800) 458-3408
 FAX (814) 886-2231

PAGE

1

PLEASE INCLUDE THIS
 INVOICE NUMBER WITH
 YOUR REMITTANCE

INVOICE NO.

65901

INVOICE DATE

4/03/2000

ACCOUNT NO.

99999

CUSTOMER ORDER NUMBER

SALESMAN NO.

10

SHIPPED VIA

PICKED UP

10

DATE SHIPPED

4/03/2000

**Eaton****Fuller****Rockwell****Spicer**

SOLD TO

MISCELLANEOUS CASH SALES

SHIPPED TO

MUTH EXCAVATION
 R.D. #3 BOX 211
 PUNXSUTAWNEY PA. 15767
 427-2327

ITEM NO.	QUANTITY	PART NUMBER / DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
3	1.00	SSWHR156 GEAR SSW2701-2014A	7768	4.36	.000
4	1.00	SSWHR162 GEAR SSW2701-2018	7774	4.36	.000
5	1.00	SSWHR160 GEAR SSW2701-2017	7772	4.36	.000
6	1.00	SSWHR157 GEAR SSW2701-2015	7769	4.36	.000
7	1.00	SSWHR193 HOUSING DRIVE END SSW2701-3077X	7809	22.38	.000
8	1.00	SSWHR194 HOUSING DRIVE END SSW2701-3078X	7810	15.60	.000
9	3.00	SSWHH101 SCREW SSW141-1490	7753	.73	.000
10	1.00	SSWHR173 GASKET SSW2701-3007	7790	1.02	.000
11	2.00	SSWHH107 WASHER SSW2701-3072	7806	.69	.000
12	1.00	SSWHR174 SPINDLE ASY SSW2701-3008Y	7791	8.26	.000
13	1.00	SSWHR171 SPINDLE SSW2701-3005	7785	6.98	.000
14	1.00	SSWHR179 TIP SSW2701-3021	7795	5.50	.000

*** CONTINUED ***

SUB TOTAL

SHIPPING

SALES TAX

CUSTOMER COPY TOTAL DUE & PAYABLE

INVOICE**Cresson Ridge Diesel Garage Inc.**

8267 ADMIRAL PEARY HIGHWAY
P.O. BOX 273, CRESSON, PA 16630
PHONE: CRESSON (814) 886-4164
TOLL FREE (800) 458-3408
FAX (814) 886-2231

PAGE

2

ACCOUNT NO.

99999

PLEASE INCLUDE THIS
INVOICE NUMBER WITH
YOUR REMITTANCE

CUSTOMER ORDER NUMBER

INVOICE NO.

65901

INVOICE DATE

4/03/2000

SALESMAN NO.

10

SHIPPED VIA

PICKED UP

DATE SHIPPED

4/03/2000

**Eaton****Fuller****Rockwell****Spicer**

SOLD TO

MISCELLANEOUS CASH SALES

SHIPPED TO

MUTH EXCAVATION
R. D. #3 BOX 211
PUNXSUTAWNEY PA. 15767
427-2327***** CONTINUATION *****

ITEM NO.	QUANTITY	PART NUMBER / DESCRIPTION	LIST PRICE	NET PRICE	AMOUNT
15	1.00	SSWHR172 INTERMEDIATE SHAFT SSW2701-3006	7789	3.32	.000
16	1.00	FLAT RATE BUILD SPEEDOMETER ADAPTER	9999999	3.32	65.000 65.00
17	1.00	LABOR	999999 800011	3.32	22.500 22.50

PAID IN FULL - THANK YOU !!

CK. #8266

SUB TOTAL

\$87.50

SHIPPING

\$5.25

SALES TAX

\$92.75

CUSTOMER COPY

TOTAL DUE & PAYABLE

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

DANNY J. MUTH d/b/a : NO. 578 of 2000 C.D.
MUTH EXCAVATION, :
Plaintiff : Type of Pleading: Amended
vs. : Pre-Trial
: Statement
: Filed on behalf of: Plaintiff
DENNIS RAYBUCK, : Counsel of Record:
d/b/a SOUTHSIDE SERVICE : DAVID B. INZANA, ESQ.
Defendant : Supreme Court No. 75569
: 920 Fifth Ave.
: Brockway, PA 15824
: (814)265-0282

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

DANNY J. MUTH d/b/a	:	NO. 578 of 2000 C.D.
MUTH EXCAVATION,	:	
Plaintiff	:	Amended Pre-Trial Statement
	:	
vs.	:	
	:	
DENNIS RAYBUCK,	:	
d/b/a SOUTHSIDE SERVICE	:	
Defendant	:	

PRE-TRIAL STATEMENT

AND NOW, comes Plaintiff, DANNY J. MUTH, d/b/a MUTH EXCAVATION, by and through his attorney, DAVID B. INZANA, ESQ., and files the within Pre-Trial Statement pursuant to Court Rule 1306A.

1. BRIEF STATEMENT OF THE CASE.

Plaintiff herein contacted Defendant to tow his vehicle from DuBois to Big Run. The vehicle was Plaintiff's work vehicle which became disabled along the Oklahoma-Salem Road. Defendant agreed to tow the vehicle but negligently failed to disconnect the drive shafts before picking the front end up. As a result, the truck sustained additional damage as listed on the exhibits attached to Plaintiff's complaint and herein. The additional work on the vehicle resulted in an additional two days worth of down time and a loss of \$700.00 in profit to the Plaintiff. The total loss to Plaintiff due to Defendant's negligence is \$2,528.40.

2. CITATION TO APPLICABLE CASE OR STATUTE.

The case herein is based primarily on the principles of Tort and Contract Law.

3. LIST OF WITNESSES.

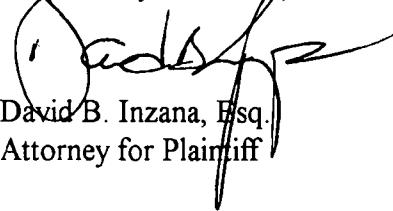
Plaintiff intends on call Plaintiff, Danny J. Muth and Defendant Dennis Raybuck, Jim Heinz - mechanic who serviced the truck on the date in question.

4. STATEMENT OF DAMAGES AND COPIES OF BILLS.

Additional work to truck	\$1,878.40
Lost Profits	<u>\$ 700.00</u>
TOTAL LOSSES	\$2,528.40

See copies of bills and receipts attached hereto and made a part hereof.

Respectfully submitted,


David B. Inzana, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

DANNY JOE MUTH,) Case No.: 578-2000 C.D.
Plaintiff,)
vs.) Type of Case: CIVIL
DENNIS REBUCK,)
Defendant) Type of Pleading: PRETRIAL STATEMENT
) Filed on behalf of: DEFENDANT
)
) Counsel of Record for this Party:
) JEFFREY LUNDY
) PA I.D. 25823
) LUKEHART & LUNDY
) 219 East Union Street
) PO Box 74
) Punxsutawney, PA 15767
) 814-938-8110

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

DANNY JOE MUTH,)
)
Plaintiff,)
)
vs.)
) Case No.: 578-2000 C.D.
DENNIS REBUCK,)
)
Defendant)
)
)
)

PRETRIAL STATEMENT FILED ON BEHALF OF DEFENDANT

DENNIS REBUCK

STATEMENT OF FACTS

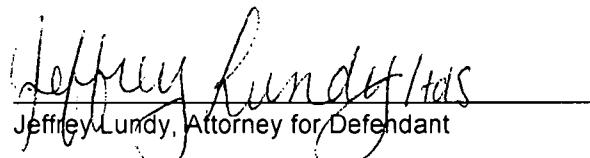
Defendant is an experienced mechanic and tower of vehicles. The Plaintiff was specifically advised that he needed to disconnect the drive shaft, but advised Defendant to tow it with the drive shaft on. Defendant denies any negligence and challenges any damages incurred by the Plaintiff.

Defendant may call the following witnesses:

1. Dennis Rebuck;
2. Danny J. Muth, subject to cross-examination.

Defendant counterclaims for the cost of services, which were not paid.

Respectfully submitted,



Jeffrey Lundy, Attorney for Defendant



David B. Inzana
Attorney at Law

920 Fifth Avenue, Brockway, Pennsylvania 15824
Telephone (814) 265-0282
Facsimile (814) 265-0317

February 1, 2001

CC: BY

David S. Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

**In Re: Muth vs. Raybuck
No. 00-578-C.D.**

Dear Dave:

Enclosed herein, please find an amended Pre-Trial Statement. The amendment made from my previous Pre-Trial Statement is that Plaintiff will intend to call as a witness, Jim Heinz, who was the mechanic who serviced the truck on the date in question. Please note that the copies of this amended Pre-Trial Statement have also been sent to the Board of Arbitrators and Attorney Jeff Lundy.

As always, should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "David B. Inzana, Esq." The signature is fluid and cursive, with "David" and "B. Inzana" being more distinct and "Esq." being a smaller flourish.

David B. Inzana, Esq.

DBI/cal

Enclosure

CC: Thomas F. Morgan, Esquire
Richard H. Milgrub, Esquire
William Lynn Hollen, Esquire

Jeffrey Lundy, Esquire
Lukehart & Lundy
219 East Union Street
Punxsutawney, PA 15767