

00-778-CD
JAMES R. BROWN -vs- BRADLEY ZEIGLER et ux

(1)

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No. 00- -CD

James R. Brown,
Plaintiff

vs.

Bradley Zeigler and Christine
Zeigler,
Defendants

COMPLAINT

Suhel, Collins & Knarashoff
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-6555

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

FILED

RECEIVED JUN 30 2000
011:00 AM
William A. Shaw
Prothonotary

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

(A)

JAMES R. BROWN,
Plaintiff

VS. : No. 00-778 CD

(B) (A)
BRADLEY ZEIGLER and CHRISTINE
ZEIGLER,
Defendants

: COMPLAINT

: Filed on behalf of:
Plaintiff

: Counsel for this party:
Ronald L. Collins, Esquire

: Supreme Court No. 36744

: Sobel, Collins & Knaresboro
Attorneys at Law
218 South Second Street
Clearfield, PA 16830

: (814) 765-5552
FAX (814) 765-6210

FILED

JUN 30 2000

William A. Shaw
Prothonotary

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

JAMES R. BROWN,
Plaintiff

VS. : No. 00- - CD

BRADLEY ZEIGLER and CHRISTINE
ZEIGLER,
Defendants

TO: Bradley Zeigler and Christine Zeigler

Date of Notice:

NOTICE TO DEFEND

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

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

Office of the Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

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

JAMES R. BROWN,
Plaintiff

VS. : No. 00- - CD

BRADLEY ZEIGLER and CHRISTINE
ZEIGLER,
Defendants

C O M P L A I N T

AND NOW, comes Plaintiff, James R. Brown, by and through Sobel, Collins, and Knaresboro, who avers as follows:

1. That Plaintiff is James R. Brown, an individual, of P.O. Box 424, Hyde, Pennsylvania.
2. That Defendants are Bradley Zeigler and Christine Zeigler, husband and wife, of Claredon Avenue, Hyde, Pennsylvania.
3. That on or about June 3, 1999, Defendants were the owners of a certain dog which they kept at their residence in Hyde, Clearfield County, Pennsylvania.
4. That on or about that same date, Plaintiff was walking along a roadway near the residence of Defendants when Defendants' dog attacked Plaintiff by biting him on the left forearm.
5. That at the time of said attack, the dog of Defendants was not properly restrained and was running loose.
6. That as a result of said attack, Plaintiff suffered lacerations and puncture type wounds to his left forearm together with swelling, soreness, and associated pain.
7. That also as a result of said wounds, Plaintiff has incurred permanent scarring to his left

forearm.

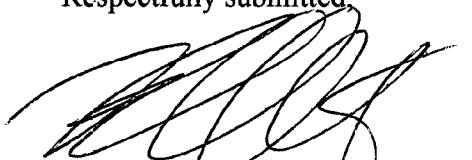
8. That Plaintiff has also incurred certain medical bills and expenses in relation to the treatment of said injuries.

9. That Defendants had prior knowledge of the propensity for this dog to attack persons when on or about May 19, 1999 this same dog attacked and bit a nine (9) year old juvenile, Benjamin Folmer, on his ankle while he was riding his bicycle near the premises of Defendants.

10. That the injuries suffered by Plaintiff were proximately caused by the negligence of Defendants in failing to properly restrain and supervise their dog when they had prior notice of the propensity of this same dog to attack persons.

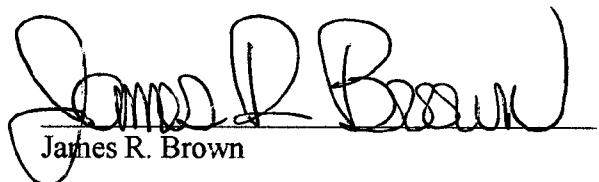
WHEREFORE, Plaintiff demands judgment be entered in his favor and against Defendants in an amount not in excess of Twenty Thousand Dollars (\$20,000.00) together with costs of suit.

Respectfully submitted


Ronald L. Collins, Esquire

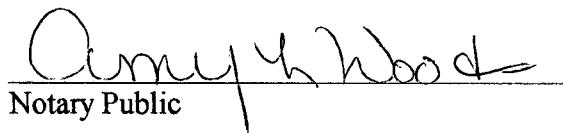
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Before me, the undersigned, personally appeared, JAMES R. BROWN, known to me or satisfactory proven to be the same, who, being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

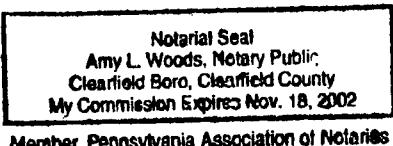
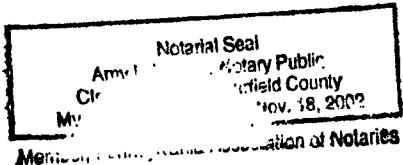


James R. Brown

Sworn to and subscribed before me
this 30th day of June, 2000.



Amy L. Woods
Notary Public



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

(2)

JAMES R. BROWN,
Plaintiff

VS.

BRADLEY ZEIGLER and
CHRISTINE ZEIGLER,
Defendants

NO. 00-778-CD

**INTERROGATORIES
DIRECTED TO PLAINTIFF,
JAMES R. BROWN**

Filed on behalf of:
Defendants

Counsel for this party:
R. Denning Gearhart, Esquire

Supreme Court No. 26540

215 East Locust Street
Clearfield, Pa., 16830

(814) 765-1581

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FILED

AUG 15 2000
0/11:30 (ws)
William A. Shaw
Prothonotary
No 9/c 6/29

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

JAMES R. BROWN,
Plaintiff

VS. : NO. 00-778-CD

BRADLEY ZEIGLER and
CHRISTINE ZEIGLER,
Defendants

INTERROGATORIES DIRECTED TO
PLAINTIFF, JAMES R. BROWN

TO: Plaintiff James R. Brown
c/o Ronald L. Collins, Esquire

Defendants in this action serve the within Interrogatories on the Plaintiff and makes demand on the Plaintiff to answer same under oath within thirty (30) days. These Interrogatories are continuing and any information available is to be supplied by Supplemental Answers.

1. State your age, date and place of birth, marital status at the time of the incident upon which this suit is based, marital status now, present home address, and social security number.

2. To the extent known to you, your attorney or other representative, set forth the name and home and business address of the following:

1. Those who actually saw the incident.

2. Those who were present at or near the scene at the time of the incident.
3. Those who have any knowledge of or information as to any facts pertaining to the circumstances and manner of happening of the incident or the nature of the injuries sustained in the incident.
3. At the time of the incident or immediately thereafter, did you have any conversation with or make any statements to any of the parties or witnesses or did any of them make any statements to you or in your presence? If so, state the substance of any such conversation or statement and in whose presence it took place.
4. (a) State all injuries sustained in the incident.
 1. Describe any pain, incapacity, inability to act or work, or disability alleged to have resulted from the injuries you sustained.
 5. Set forth the names and addresses of all hospitals in which you have been confined or received out-patient treatment because of this incident, with dates of confinement and out-patient treatment received and the charges for same.

6. Set forth the names and addresses of all doctors and nurses that have rendered services to you because of the incident; the inclusive dates of such services and number of visits and the charges for the same.

7. If x-rays were taken of you because of this incident, state the names and addresses of the person who took the x-rays; the dates on which the x-rays were taken and the charges for the same.

8. When and by whom were you last examined or given medical attention for the injuries received in this incident?

9. If you are still under a doctor's treatment for injuries received in this incident, by whom and how frequently are such treatments given to you at present?

10. If you were not hospitalized, or after such hospitalization was over, and you were confined to a bed or confined to a house as a result of injuries sustained in this incident, state the periods of any such confinements.

11. If you are making any claims for the loss of earnings or impairment of earning power because of this incident, set forth the following information:

- (a) The name and address of your employer and your job classification and your monthly or weekly rate of pay at the time of the incident:

- (b) If you had more than one employer during the three year period prior to the date of this incident, state the name and address of each such employer other than the one mentioned above, and your job classification and your weekly or monthly rate of pay and inclusive dates of such employment during the said three year period:

- (c) Total earnings for the period of one year prior to the date of this incident:

- (d) State the inclusive dates during which you allege you were unable to work as a result of this incident and the total amount of pay you lost because of this absence:

- (e) State the date on which you started work again, after the incident until the present time.

12. Describe, in detail, all other expenses incurred as a result of this incident for which you are making claim and state the dates on which each expense was incurred and its amount. If claim is made for household help, also state the name and address of each person employed and periods of employment.

13. Exclusive of the injury, disability, illness, disease or deformity which you allege resulted from the incident here involved, have you subsequent to this incident suffered any injury, illness, disability, disease or deformity involving any part or function of the body as to which you claim injury or damage in this incident?

14. Did you, prior to the incident here involved, suffer any injury, disease, illness or deformity involving any part or function of the body as to which you claim injury or damage in the incident here involved?

15. If you allege that the incident here aggravated a preexisting condition, state:

(a) Whether you had recovered from said condition at the time of the incident here involved and the approximate date of your recovery.

(b) The name and address of each hospital or other institution to which you had gone for examination and/or treatment and the date of your last visit.

(c) The name and address of each doctor or other person to whom you had gone for examination and/or treatment and the date of your last visit.

16. If you have not fully recovered from your injuries, state in what respects you have not fully recovered.

17. If you, your representative, attorney, consultant, surety, indemnitor, insurer or agent obtained a statement or a statement as defined in Pennsylvania Rules of Civil Procedure 4003.4(1) and (2) concerning this action and/or its subject matter from any party to this action, any witness, or person not a party to this action, then state:

(a) The name and address of the person who gave such statement including the name and address of each person's employer.

(b) The date each statement was given.

(c) The name and address of the person who obtained each statement.

(d) The date when each statement was obtained.

(e) The place where each statement was obtained.

- (f) Whether each statement is written, signed by the person making it or a stenographic, mechanical, electrical or other recording or a transcription thereof.
- (g) The names and address of all person and/or entities who presently have custody of each original statement identified in your answers above.
- (h) The names and addresses of all persons and/or entities who presently have custody of any copies of each statement identified in your answers above.
- (i) Please attach to your Answers to Interrogatories a photostatic copy of like reproduction of each statement identified in your answers above.

18. State the exact date, time and place of the incident, and describe in detail how you claim the incident occurred.

19. Did you participate in any physical activity either socially or athletically prior to this incident? If so, state the nature of the activity and regularity in which you did participate.

20. State whether as a result of this incident, you have been unable to perform any of your customary occupational duties or social or other activities in the same manner as prior to the incident, stating in particular:

(a) The duties and/or activities you have been unable to perform.

(b) The periods of time you have been unable to perform.

(c) The names and last known addresses of all persons having knowledge thereof.

21. (a) If prior or subsequent to the incident in question, you were involved in any other incidents involving injuries to any part or parts of the body which you claim to have been injured in this case, set forth the places and dates of such incidents; the injuries sustained by you, if any; the names and addresses of all other parties involved; whether or not you are or have made claims for such injuries; and the court, term and number of all litigation arising therefrom.

(b) Have you ever made a claim against any person, corporation, insurance company or other entity for injury or disease sustained by you due to an incident or occurrence other than the incident which is the subject of this action? If so, please state in detail the nature of the claim and the names, addresses and telephone numbers of the entities against whom it was made, including the approximate dates of any such claims.

22. Please state the name and present address of each person Plaintiff may call or expects to call as an expert witness at the trial of the case.

23. As to each person named in answer to Interrogatory 21, please state:

(a) The substance of fact to which he or she is expected to testify;

(b) The substance of each opinion to which he or she is expected to testify;

(c) The ground for each opinion; and

(d) Their background, training, experience and other qualifications.

24. Except for those persons identified in Answer to Interrogatory 22, please state the name and present address of any person who has been retained, employed or consulted by Plaintiff as an expert in connection with the claim in this case or any defense to the claim in this case.

25. List the names and present addresses of all investigators, representative and/or employees who have investigated the incident and/or claim referred to in the Complaint filed in this action..

26. With respect to each such person named in the Answer to the preceding Interrogatory, please state the following:

(a) Employment affiliation at the time of the investigation;

(b) Present employment affiliation;

(c) The name and correct address of each and every party that was contacted;

- (d) The date when contacted;
- (e) Whether any attempts were made to procure a statement in any form;
- (f) The results of such attempts;
- (g) Whether said investigators or representative submitted a report to anyone on behalf of the defendant or to any other persons;
- (h) If the answer to (g) above is in the affirmative, please attach a copy of said report(s) to your Answers to these Interrogatories if said report(s) is in writing; and,
- (i) If said report(s) are oral, please give a summary of each report.

27. If you missed any days of work due to this accident, state the reason(s) for said work loss.

28. If you missed any days of work due to this accident, was this ordered by a physician or other medical provider? If so, please state which physician or medical provider?



R. Denning Gearhart
Attorney for Defendants

COMMONWEALTH OF PENNSYLVANIA
: SS
COUNTY OF CLEARFIELD

Before me, the undersigned, personally appeared JAMES R. BROWN, known to me or satisfactorily proven to be the same, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Answers to Interrogatories are true and correct to the best of his knowledge, information and belief.

James R. Brown

SWORN to and subscribed
before me this day
of , 2000.

Notary Public

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

JAMES R. BROWN,
Plaintiff

VS.

BRADLEY ZEIGLER and
CHRISTINE ZEIGLER,
Defendants

NO. 00-778-CD

**REQUEST FOR PRODUCTION
OF DOCUMENTS**

Filed on behalf of:
Defendants

Counsel for this party:
R. Denning Gearhart, Esquire

Supreme Court No. 26540

215 East Locust Street
Clearfield, Pa., 16830

(814) 765-1581

FILED

AUG 15 2000
11:30 AM
William A. Shaw
Prothonotary
No 4/C
EJB

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

JAMES R. BROWN,
Plaintiff

VS. :

NO. 00-778-CD

BRADLEY ZEIGLER and
CHRISTINE ZEIGLER,
Defendants

REQUEST FOR
PRODUCTION OF DOCUMENTS

AND NOW, Defendants, Bradley Zeigler and Christine Zeigler, by and through their attorney, R. Denning Gearhart, hereby request the Plaintiff, James R. Brown, produce for inspection and copying within thirty (30) days of the date of service of this request at the Law Office of R. Denning Gearhart legible copies of the following documents:

- A. Investigation files of the party, the parties representative, counsel and insurer, including information regarding First Party Benefits excluding reference to mental impressions, conclusions, or opinions representing the value or merit of a claim or defense or respecting strategy or tactics and further excluding privileged communications from counsel, including the names of any and all individuals having knowledge thereof;

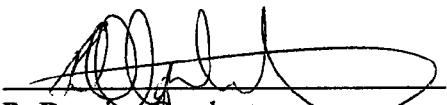
- B. All medical bills, reports and records relating to injury allegedly sustained by the Plaintiff as a result of the occurrence described in Plaintiff's Complaint, including the names of any and all individuals having knowledge thereof;

- C. All medical bills, reports and records relating to prior injury to the same parts of the body claimed to be injured by Plaintiff as a result of the occurrence described in Plaintiff's Complaint, including the names of any and all individuals having knowledge thereof;
- D. All medical bills, reports and records relating to subsequent injury to the same parts of the body claimed to be injured by Plaintiff as a result of the occurrence described in Plaintiff's Complaint, including the names of any and all individuals having knowledge thereof;
- E. All employer's reports, tax returns, attendance records and wage statements relating to the Plaintiff's loss of income as a result of the occurrence alleged in Plaintiff's Complaint, including the names of any and all individuals having knowledge thereof;
- F. All statements of Plaintiff, including the names of any and all individuals having knowledge thereof;
- G. All statements¹ of Defendants, including the names of any and all individuals having knowledge thereof;
- H. All statements of witnesses or potential witnesses, including the names of any and all individuals having knowledge thereof;
- I. All names and addresses of witnesses or potential witnesses, including the names of any and all individuals having knowledge thereof,

¹

Pursuant to Rule 4003.4, a statement includes: (1) a written statement signed or otherwise adopted or approved by the person making it, or (2) a stenographic, mechanical, electrical or other recording, or transcription thereof, which is a substantially verbatim recital of an oral statement by person making it and contemporaneously recorded.

- J. All photographs and diagrams, including the names of any and all individuals having knowledge thereof; and,
- K. All expert witness reports, including the names of any and all individuals having knowledge thereof;
- L. Please provide wage records or profit/loss records for a six (6) month period of time, prior to the incident.



R. Denning Gearhart
Attorney for Defendants

VERIFICATION

I, JAMES R. BROWN, have answered the foregoing Responses to Notice of Production of Documents. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

Date: _____

James R. Brown

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-778-CR

JAMES R. BROWN,
Plaintiff
VS.

BRADLEY ZEIGLER, et ux,
Defendants

ANSWER and NEW MATTER

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

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

JAMES R. BROWN,
Plaintiff

VS.

NO. 00-778-CD

BRADLEY ZEIGLER and
CHRISTINE ZEIGLER,
Defendants

ANSWER & NEW MATTER

Filed on behalf of:
Defendants

Counsel for this party:
R. Denning Gearhart, Esquire

Supreme Court No. 26540

215 East Locust Street
Clearfield, Pa., 16830

(814) 765-1581

FILED

AUG 21 2000

William A. Shaw
Prothonotary
3 cent to Atty
982

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

JAMES R. BROWN,
Plaintiff

VS. : NO. 00-778-CD

BRADLEY ZEIGLER and
CHRISTINE ZEIGLER,
Defendants

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 defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator's Office
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641 Ext. 50-51

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

JAMES R. BROWN,
Plaintiff

VS.

NO. 00-778-CD

BRADLEY ZEIGLER and
CHRISTINE ZEIGLER,
Defendants

ANSWER

AND NOW, comes Defendants, Bradley Zeigler and Christine Zeigler, by and through their attorney, R. Denning Gearhart, who answers the Plaintiff's Complaint as follows:

1. Admitted.
2. Admitted in part; it is further averred that Defendant's correct mailing address is P. O. Box 327, Hyde, Pa., 1688433
3. Admitted.
4. Denied. Defendants are without knowledge of the same and strict proof is required at trial.
5. Denied. Defendants are without knowledge of the same and strict proof is required at trial.
6. Denied. Defendants are without knowledge of the same and strict proof is required at trial.
7. Denied. Defendants are without knowledge of the same and strict proof is required at trial.

8. Denied. Defendants are without knowledge of the same and strict proof is required at trial.

9. Admitted. This dog bit a nine year old on or about that date. However, the circumstances were different to the extent that the juvenile did provoke the dog therefore contributing to his injuries.

10. Calls for a conclusion of law, and therefore, no answer is required..

WHEREFORE, Defendants demand of this Honorable Court Judgment in their favor and against the Plaintiff.

NEW MATTER

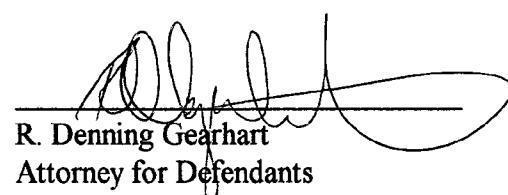
11. That the averments contained in the Complaint and responses to them in the Defendants' Answer are incorporated herein as though fully averred.

12. It is believed, and therefore, averred that the actions of the Plaintiff were such as to provoke the dog and cause the attack of which the Plaintiff now complains.

13. That because of such comparative or contributive negligence, recovery is barred.

WHEREFORE, Defendants demand of this Honorable Court Judgment in their favor and against the Plaintiff.

Respectfully submitted,



R. Denning Gearhart
Attorney for Defendants

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

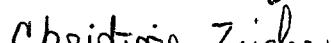
SS:

AFFIDAVIT

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



BRADLEY ZEIGLER



CHRISTINE ZEIGLER

DATED: 8-21-00

No. 00-778-CD

James R. Brown,
Plaintiff

v.

Bradley Zeigler and Christine
Zeigler,
Defendants

Plaintiff's Responses to
Interrogatories of Defendant

FILED

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William A. Shaw
Prothonotary

Sabat, Collins & Branagh
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552
(814) 765-6555

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

JAMES R. BROWN,
Plaintiff

VS. : NO. 00-778-CD

BRADLEY ZEIGLER and CHRISTINE
ZEIGLER,
Defendants

: **PLAINTIFF'S RESPONSES TO
INTERROGATORIES OF
DEFENDANT**

: Filed on behalf of:
James R. Brown, Plaintiff

: Counsel for this party:
Ronald L. Collins, Esquire

: Supreme Court No. 36744

: Sobel, Collins & Knaresboro
Attorneys at Law
218 South Second Street
Clearfield, PA 16830

: (814)765-5552
FAX (814)765-6210

FILED

DEC 01 2000

William A. Shaw
Prothonotary

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

JAMES R. BROWN,
Plaintiff

VS.

NO. 00-778-CD

BRADLEY ZEIGLER and
CHRISTINE ZEIGLER,
Defendants

INTERROGATORIES DIRECTED TO
PLAINTIFF, JAMES R. BROWN

TO: Plaintiff James R. Brown
c/o Ronald L. Collins, Esquire

Defendants in this action serve the within Interrogatories on the Plaintiff and makes demand on the Plaintiff to answer same under oath within thirty (30) days. These Interrogatories are continuing and any information available is to be supplied by Supplemental Answers.

1. State your age, date and place of birth, marital status at the time of the incident

upon which this suit is based, marital status now, present home address, and social security number.

48 years of age, born March 5, 1952 at Clearfield, PA; married both at time of the incident and currently; P.O. Box 424 (Corner Lawhead Street and Lincoln Ave) Hyde, PA 16843; SSN 179-38-4678

2. To the extent known to you, your attorney or other representative, set forth the

name and home and business address of the following:

1. Those who actually saw the incident.

Plaintiff is unaware of anyone who actually saw the incident.

2. Those who were present at or near the scene at the time of the incident.

Christine Zeigler and her mother (name unknown)

3. Those who have any knowledge of or information as to any facts pertaining to the circumstances and manner of happening of the incident or the nature of the injuries sustained in the incident.

Mrs. Deloras Brown, Mr. Joseph McCracken, Mr. Timothy J. Brown, and Mr. Raymond J. Brown

3. At the time of the incident or immediately thereafter, did you have any conversation with or make any statements to any of the parties or witnesses or did any of them make any statements to you or in your presence? If so, state the substance of any such conversation or statement and in whose presence it took place.

Plaintiff asked Christine Zeigler and her mother if the dog which had attacked him had its immunization shots. Mrs. Zeigler's mother stated that the dog did have those shots. She also advised Plaintiff to pack his forearm in ice and go to the hospital stating that she was an EMT.

4. (a) State all injuries sustained in the incident.

Three lacerations to the left forearm as set forth in the medical records previously provided.

1. Describe any pain, incapacity, inability to act or work, or disability alleged to have resulted from the injuries you sustained.

Plaintiff's left forearm swelled and turned black and blue. Plaintiff experienced pain in this area and no pressure could be exerted upon it for approximately one month.

5. Set forth the names and addresses of all hospitals in which you have been confined or received out-patient treatment because of this incident, with dates of confinement and out-patient treatment received and the charges for same.

Clearfield Hospital, Clearfield, PA.
June 3, 1999 and June 5, 1999.

6. Set forth the names and addresses of all doctors and nurses that have rendered services to you because of the incident; the inclusive dates of such services and number of visits and the charges for the same.

- a. Emergency Room Physician/Irek Pawlowsai, M.D./6-3-99
- b. Emergency Room Nurse/Rose Zimmer, R.N./6-3-99
- c. R. Iammatteo, M.D./6-18-99

7. If x-rays were taken of you because of this incident, state the names and addresses of the person who took the x-rays; the dates on which the x-rays were taken and the charges for the same.

N/A

8. When and by whom were you last examined or given medical attention for the injuries received in this incident?

- a. June 5, 1999 at Clearfield Hospital
- b. Aug. 18, 1999 at Clearfield Professional Group by Dr. R. Iammatteo

9. If you are still under a doctor's treatment for injuries received in this incident, by whom and how frequently are such treatments given to you at present?

N/A

10. If you were not hospitalized, or after such hospitalization was over, and you were confined to a bed or confined to a house as a result of injuries sustained in this incident, state the periods of any such confinements.

N/A

11. If you are making any claims for the loss of earnings or impairment of earning power because of this incident, set forth the following information: N/A

- (a) The name and address of your employer and your job classification and your monthly or weekly rate of pay at the time of the incident:

- (b) If you had more than one employer during the three year period prior to the date of this incident, state the name and address of each such employer other than the one mentioned above, and your job classification and your weekly or monthly rate of pay and inclusive dates of such employment during the said three year period:

- (c) Total earnings for the period of one year prior to the date of this incident:

- (d) State the inclusive dates during which you allege you were unable to work as a result of this incident and the total amount of pay you lost because of this absence:

- (e) State the date on which you started work again, after the incident until the present time.

12. Describe, in detail, all other expenses incurred as a result of this incident for which you are making claim and state the dates on which each expense was incurred and its amount. If claim is made for household help, also state the name and address of each person employed and periods of employment.

- a. Clearfield Hospital/\$123.08/6-3-99
- b. Clearfield Hospital/\$100.00/6-5-99
- c. Dr. R. Iammatteo/\$40.00/8-18-00

13. Exclusive of the injury, disability, illness, disease or deformity which you allege resulted from the incident here involved, have you subsequent to this incident suffered any injury, illness, disability, disease or deformity involving any part or function of the body as to which you claim injury or damage in this incident?

No.

14. Did you, prior to the incident here involved, suffer any injury, disease, illness or deformity involving any part or function of the body as to which you claim injury or damage in the incident here involved?

No

15. If you allege that the incident here aggravated a preexisting condition, state: N/A

(a) Whether you had recovered from said condition at the time of the incident here involved and the approximate date of your recovery.

(b) The name and address of each hospital or other institution to which you had gone for examination and/or treatment and the date of your last visit.

(c) The name and address of each doctor or other person to whom you had gone for examination and/or treatment and the date of your last visit.

16. If you have not fully recovered from your injuries, state in what respects you have not fully recovered.

N/A

17. If you, your representative, attorney, consultant, surety, indemnitor, insurer or agent obtained a statement or a statement as defined in Pennsylvania Rules of Civil Procedure 4003.4(1) and (2) concerning this action and/or its subject matter from any party to this action, any witness, or person not a party to this action, then state: N/A

(a) The name and address of the person who gave such statement including the name and address of each person's employer.

(b) The date each statement was given.

(c) The name and address of the person who obtained each statement.

(d) The date when each statement was obtained.

(e) The place where each statement was obtained.

(f) Whether each statement is written, signed by the person making it or a stenographic, mechanical, electrical or other recording or a transcription thereof.

(g) The names and address of all person and/or entities who presently have custody of each original statement identified in your answers above.

(h) The names and addresses of all persons and/or entities who presently have custody of any copies of each statement identified in your answers above.

(i) Please attach to your Answers to Interrogatories a photostatic copy of like reproduction of each statement identified in your answers above.

18. State the exact date, time and place of the incident, and describe in detail how you claim the incident occurred.

See attached sheet.

19. Did you participate in any physical activity either socially or athletically prior to this incident? If so, state the nature of the activity and regularity in which you did participate.

N/A

The attack occurred on June 3, 1999 at approximately 5:10 p.m. Plaintiff was walking towards his house located at the end of Lawhead Street in Hyde. At the corner of Lawhead Street and Claradon Avenue, Plaintiff looked to his left and observed the dog in question running towards him. The dog was running from the direction of the Zeigler residence. The Zeigler residence was approximately one hundred (100) feet from Plaintiff's location. When the dog was approximately 5 - 10 feet away from Plaintiff, Plaintiff yelled "get out of here" in an attempt to frighten the dog away. The dog continued to run towards Plaintiff and bit him on the left forearm. Plaintiff attempted to pull his arm away and swung at the dog with a thermos bottle which he was carrying. The dog then left go of Plaintiff's arm, but continued to circle Plaintiff at a distance of six 6 - 8 feet. When the dog would approach Plaintiff, Plaintiff would yell at him to get back and would swing his thermos bottle at the dog. This encounter went on for approximately thirty to forty-five seconds. At that time, Mrs. Zeiger and her mother came from the Zeigler's residence and leashed the dog. Plaintiff then proceeded to his parent's residence which is located beside the Zeigler residence. Plaintiff's purpose was to seek medical attention, and he was subsequently transported to the hospital by Joseph McCracken.

20. State whether as a result of this incident, you have been unable to perform any of your customary occupational duties or social or other activities in the same manner as prior to the incident, stating in particular:

N/A

(a) The duties and/or activities you have been unable to perform.

(b) The periods of time you have been unable to perform.

(c) The names and last known addresses of all persons having knowledge thereof.

21. (a) If prior or subsequent to the incident in question, you were involved in any other incidents involving injuries to any part or parts of the body which you claim to have been injured in this case, set forth the places and dates of such incidents; the injuries sustained by you, if any; the names and addresses of all other parties involved; whether or not you are or have made claims for such injuries; and the court, term and number of all litigation arising therefrom.

N/A

(b) Have you ever made a claim against any person, corporation, insurance company or other entity for injury or disease sustained by you due to an incident or occurrence other than the incident which is the subject of this action? If so, please state in detail the nature of the claim and the names, addresses and telephone numbers of the entities against whom it was made, including the approximate dates of any such claims.

No.

22. Please state the name and present address of each person Plaintiff may call or expects to call as an expert witness at the trial of the case.

Plaintiff reserves the right to call any medical personnel identified in the medical records supplied.

23. As to each person named in answer to Interrogatory 21, please state:

(a) The substance of fact to which he or she is expected to testify;

Please see medical records previously supplied.

(b) The substance of each opinion to which he or she is expected to testify;

(c) The ground for each opinion; and

(d) Their background, training, experience and other qualifications.

24. Except for those persons identified in Answer to Interrogatory 22, please state the name and present address of any person who has been retained, employed or consulted by Plaintiff as an expert in connection with the claim in this case or any defense to the claim in this case.

None.

25. List the names and present addresses of all investigators, representative and/or employees who have investigated the incident and/or claim referred to in the Complaint filed in this action..

None.

26. With respect to each such person named in the Answer to the preceding Interrogatory, please state the following: N/A

(a) Employment affiliation at the time of the investigation;

(b) Present employment affiliation;

(c) The name and correct address of each and every party that was contacted;

- (d) The date when contacted;
- (e) Whether any attempts were made to procure a statement in any form;
- (f) The results of such attempts;
- (g) Whether said investigators or representative submitted a report to anyone on behalf of the defendant or to any other persons;
- (h) If the answer to (g) above is in the affirmative, please attach a copy of said report(s) to your Answers to these Interrogatories if said report(s) is in writing; and,
- (i) If said report(s) are oral, please give a summary of each report.

27. If you missed any days of work due to this accident, state the reason(s) for said work loss.

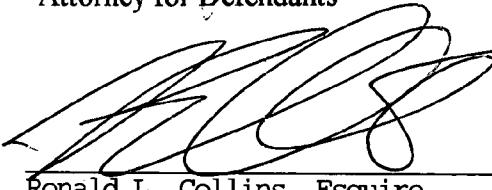
N/A

28. If you missed any days of work due to this accident, was this ordered by a physician or other medical provider? If so, please state which physician or medical provider?

N/A



R. Denning Gearhart
Attorney for Defendants



Ronald L. Collins, Esquire
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

: SS

Before me, the undersigned, personally appeared JAMES R. BROWN, known to me or satisfactorily proven to be the same, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Answers to Interrogatories are true and correct to the best of his knowledge, information and belief.



James R. Brown

SWORN to and subscribed
before me this 12th day
of October , 2000.

Amy L. Woods
Notary Public

Notarial Seal
Amy L. Woods, Notary Public,
Clearfield Borough, Clearfield County
My Commission Expires Nov. 18, 2002

Member, Pennsylvania Association of Notaries

No. 00-778-CD

James R. Brown,
Plaintiff

vs.

Bradley Zeigler and
Christine Zeigler,
Defendants

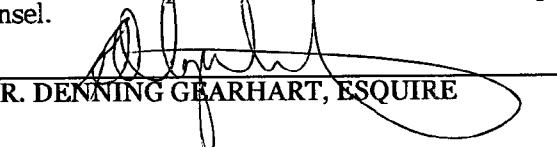
Praeclipe to Mark Action
Satisfied and Settled

FILED 2cc-
Sobe 13:45 7.00
APR 30 2001 P.R. Sobe
William A. Shaw
Prothonotary

W.A.S.

Sobel, Collins & Kwartshoro
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5582 (814) 765-6525

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS		TO THE PROTHONOTARY	
DATE PRESENTED - 01/12/01			
CASE NUMBER	TYPE	TRIAL REQUESTED	ESTIMATED TRIAL TIME
00-778-CD		() Jury () Non-Jury (X) Arbitration	<u>1</u> Day(s)
Date Complaint Filed: 06/30/00			
PLAINTIFF(S)			
James R. Brown			
DEFENDANT(S)			
Bradley Zeigler and Christine Zeigler		Check Block if a Minor is a Party to the Case	
()		()	
ADDITIONAL DEFENDANT(S)			
NONE			
JURY DEMAND FILED BY:		DATE JURY DEMAND FILED:	
R. Denning Gearhart, Esquire			
AMOUNT AT ISSUE	CONSOLIDATION		DATE CONSOLIDATION ORDERED
Less/More than \$25,000.00	() yes (X) no		
PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE ARBITRATION LIST.			
<p>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.</p> <p style="text-align: center;"> R. DENNING GEARHART, ESQUIRE</p>			
FOR THE PLAINTIFFS		TELEPHONE NUMBER	
Ronald L. Collins, Esquire SOBEL, COLLINS & KNARESBORO 218 S. Second Street Clearfield, PA 16830		814-765-5552	
FOR THE DEFENDANTS		TELEPHONE NUMBER	
R. Denning Gearhart, Esquire 215 E. Locust Street Clearfield, PA 16830		814-765-1581	
FOR ADDITIONAL DEFENDANT		TELEPHONE NUMBER	
NONE			
FILED			

JAN 15 2001
 01/13/01 atty, Gearhart
 William A. Shaw
 Prothonotary
 814-765-5552
 Copy CA



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: 1-814-765-6089

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

February 1, 2001

Ronald L. Collins, Esquire
Sobel, Collins & Knaresboro
218 South Second Street
Clearfield, PA 16830

R. Denning Gearhart, Esquire
Attorney at Law
215 East Locust Street
Clearfield, PA 16830

RE: JAMES R. BROWN
vs.
BRADLEY ZEIGLER, al
No. 00-778-CD

FILED
FEB 12 2001

William A. Shaw
Prothonotary

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Monday, April 30, 2001 at 9:00 A.M. The following have been appointed to the Board of Arbitrators:

Carl A. Belin, Jr., Esquire
Benjamin S. Blakley, Esquire
Blaise Ferraraccio, Esquire
William Lynn Hollen, Esquire
Michael S. Marshall, 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.

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator



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: 1-814-765-6089 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

February 12, 2001

Ronald L. Collins, Esquire
Sobel, Collins & Knaresboro
218 South Second Street
Clearfield, PA 16830

R. Denning Gearhart, Esquire
Attorney at Law
215 East Locust Street
Clearfield, PA 16830

RE: JAMES R. BROWN
vs.
BRADLEY ZEIGLER, al
No. 00-778-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Monday, April 30, 2001 at 9:00 A.M. The following have been appointed as Arbitrators:

Carl A. Belin, Jr., Esquire, Chairman
Benjamin S. Blakley, Esquire
Blaise Ferraraccio, 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: Carl A. Belin, Jr., Esquire
Benjamin S. Blakley, Esquire
Blaise Ferraraccio, Esquire

*Rec'd
FEB 11 2008
FBI - BOSTON*
FILED

*William A. Shaw
Prothonotary*

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

JAMES R. BROWN,

Plaintiff :

VS.

NO. 00-778-CD

BRADLEY ZEIGLER and

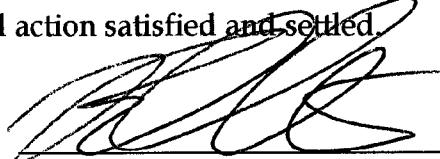
CHRISTINE ZEIGLER,

Defendants :

PRAECIPE TO MARK ACTION SATISFIED AND SETTLED

TO THE PROTHONOTARY OF SAID COURT:

Please mark the above-captioned action satisfied and settled.



Ronald L. Collins, Esquire
Attorney for Plaintiff

Dated: 4-27-01

FILED

APR 30 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

James R. Brown

Vs. No. 2000-00778-CD
Bradley Zeigler
Christine Zeigler

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on 4/30/01 marked:

Satisfied and Settled.

Record costs in the sum of \$80.00 have been paid in full by Ronald L. Collins, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of April A.D. 2001.



William A. Shaw, Prothonotary