

00-842-CD
KIM J. MAINES -vs- MICHAEL HAVERSACK et al

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

(63) KIM J. MAINES,
Plaintiff,

V.

14 MICHAEL HAVERSACK and
14 BARBARA HAVERSACK,
husband and wife,
t/d/b/a¹⁴ LEATHER & LACE,
Defendants.

*
*
*
* No. 00 - 8102 - CD
* JURY TRIAL DEMANDED

Type of Pleading:

Complaint

Filed on behalf of:

Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

JUL 202000

William A. Shaw
Prothonotary

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

KIM J. MAINES,
Plaintiff,

v.

MICHAEL HAVERSACK and
BARBARA HAVERSACK,
husband and wife,
t/d/b/a LEATHER & LACE,
Defendants.

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*
* No. 00 - - CD
* JURY TRIAL DEMANDED

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a 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
CLEARFIELD COUNTY COURT HOUSE
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641

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

KIM J. MAINES,
Plaintiff,

v.

MICHAEL HAVERSACK and
BARBARA HAVERSACK,
husband and wife,
t/d/b/a LEATHER & LACE,
Defendants.

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* No. 00 - - CD
* JURY TRIAL DEMANDED

COMPLAINT

NOW COMES the Plaintiff, Kim J. Maines, and by her attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is Kim J. Maines, a sui juris, adult individual, who resides at R. D. 1, Box 663, Glen Richey, Pennsylvania 16830.

2. That the Defendants, Michael Haversack and Barbara Haversack, are adult, married persons who reside at R. D. 3, Clearfield, Pennsylvania 16830.

3. That at all times referred to herein the Defendants, Michael Haversack and Barbara Haversack, were the owners and operators of a bar and restaurant business known as Leather and Lace located at R. D. 3, Clearfield, Pennsylvania.

4. That on or about January 5, 2000 at approximately 9:00 p.m., Plaintiff entered Defendants' place of business as a patron.

5. That prior to entering Defendants' place of business, Plaintiff parked her vehicle in a public parking area near the front entrance of Defendants' place of business.

6. That Plaintiff exited Defendants' premises at approximately 10:30 p.m. on the date referred to in Paragraph 4 hereof.

7. That Plaintiff exited Defendants' premises through a rear entrance which opened unto a public parking area to the rear of Defendants' establishment.

8. That in order to reach her vehicle, Plaintiff attempted to walk around Defendants' building to the front parking area.

9. That sometime prior to January 5, 2000, Defendants had excavated a large ditch along the right side of their building which ditch at the time and on the date referred to herein was covered with snow.

10. That Plaintiff fell into the ditch described in Paragraph 9 hereof which is incorporated herein by reference causing the serious injuries hereafter set forth.

11. That on or about the said date and at or about the said time, the ditch described in Paragraph 9 hereof was in a darkly lit area with no signs or other markings to delineate the premises.

12. That the Defendants were guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident as follows:

A. Defendants constructed a ditch or trench along the right side of their building which they knew or had reason to know would present a hazard to persons frequenting their business.

B. That on the date and time of the injury to Plaintiff, Defendants knew or had reason to know that the ditch or trench was covered with snow.

C. That the ditch or trench constructed by Plaintiff was in a dark and unlit area along the right side of their building and was therefore not visible to persons frequenting their business.

D. That Defendants failed to fill in the trench or ditch so as to remove the hazard presented to persons frequenting their business.

E. That Defendants failed to provide lighting so that persons frequenting their business after dark could see the obstruction created by the Defendants.

F. That Defendants failed to warn patrons frequenting their business of the existence of the

ditch or trench which they had constructed along the right side of their building.

G. That Defendants failed to place signs, fences, flares or any other device that would place persons frequenting their business on notice of the existence of the trench or ditch constructed by the Defendants.

H. That the Defendants were guilty under all of the circumstances of this case.

13. That as a result of the negligence, recklessness and carelessness of the Defendants as set forth in Paragraph 12 hereof which is incorporated herein by reference the Plaintiff suffered the following injuries which may and probably will be permanent:

A. Multiple abrasions and contusions about the body generally;

B. Fractured right ankle;

C. Soft tissue damage to the ligaments and tendons surrounding the right ankle and foot.

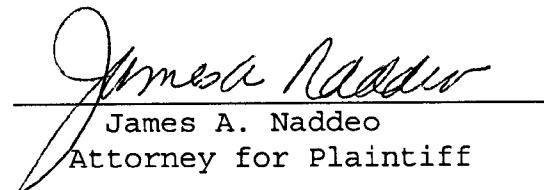
14. That as a result of the injuries described in Paragraph 13 hereof, the Plaintiff has incurred medical expenses in excess of Two thousand (\$2,000.00) Dollars to the date of this complaint and will incur medical expenses in an unspecified amount in the future.

15. That as a result of the injuries described in Paragraph 13 hereof, Plaintiff was unable to work for a period of time which resulted in lost earnings in the amount of \$305.76.

16. That the Plaintiff claims a reasonable amount for the following:

- A. Pain and suffering; past, present and future;
- B. Privation and inconvenience; past, present and future;
- C. Impairment of earning power; past, present and future;
- D. Future lost wages;
- E. Future medical expenses;
- F. All other damages allowable by law.

WHEREFORE, the Plaintiff claims damage from the Defendants in excess of Twenty Thousand (\$20,000.00) Dollars. Jury trial demanded.



James A. Naddeo
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared KIM J. MAINES, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Kim J. Maines
Kim J. Maines

SWORN and SUBSCRIBED before me this 19th day of ~~June~~ July 2000.

Linda C. Lewis

Notarial Seal
Linda C. Lewis, Notary Public
Clearfield County, Clearfield County
My Commission Expires July 25, 2003

CLIFFFIELD, PENNSYLVANIA 16830
PO. BOX 552
211½ EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

— Lap over margin —

RECEIVED
MAY 2 2006
JAMES A. SHAW
PROTHONOTARY
DO \$80.00
DEC 3 2006
JAMES A. SHAW

(2)

KIM J. MAINES, : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
:
v. : CIVIL ACTION – LAW
:
MICHAEL HAVERSACK and : NO. 00-842-CD
BARBARA HAVERSACK, husband :
and wife, t/d/b/a LEATHER & LACE, :
Defendants : JURY TRIAL DEMANDED

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendants, Michael Haversack and Barbara Haversack, husband and wife, t/d/b/a Leather & Lace, in the above-captioned matter.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY: _____


Christopher M. Reeser, Esquire
I.D. No. 73632
Attorney for Defendants

33 West Third Street, Suite 200
Williamsport, PA 17701
Telephone No. (570)326-9073

DATE: July 31, 2000

FILED

AUG 01 2000

William A. Shaw
Prothonotary

FILED

AUG 01 2000
M 1120/100C
William A. Shaw
Prothonotary
W.A.S.

(3)

JAMES A. NADDEO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MAINES, KIM J.

00-842-CD

VS

HAVERSACK, MICHAEL T/D/B/A

COMPLAINT

SHERIFF RETURNS

NOW JULY 24, 2000 AT 3:00 PM DST SERVED THE WITHIN COMPLAINT ON BARBARA HAVERSACK T/D/B/A LEATHER & LACE, DEFENDANT AT EMPLOYMENT RD 3, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BARBARA HAVERSACK A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING

NOW JULY 24, 2000 AT 3:00 PM DST SERVED THE WITHIN COMPLAINT ON MICHAEL HAVERSACK T/D/B/A LEATHER & LACE, DEFENDANT AT EMPLOYMENT RD 3, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BARBARA HAVERSACK, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING

25.33 SHFF. HAWKINS PAID BY: ATTY
20.00 SURCHARGE PAID BY: ATTY

SWORN TO BEFORE ME THIS

4th DAY OF August 2000

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield, PA.

SO ANSWERS,

*Chester A. Hawkins
by Marilyn Harr*
CHESTER A. HAWKINS
SHERIFF

FED

AUG 34 2000

113:07

William A. Shaw
Prothonotary

WAS

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

KIM J. MAINES,
Plaintiff,

v.

MICHAEL HAVERSACK and
BARBARA HAVERSACK,
husband and wife,
t/d/b/a LEATHER & LACE,
Defendants.

*
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*
* No. 00 - 842 - CD
* JURY TRIAL DEMANDED

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*
* Type of Pleading:

*
* Stipulation

*
* Filed on behalf of:
* Plaintiff

*
* Counsel of Record for
* this party:

*
* James A. Naddeo, Esq.
* Pa I.D. 06820

*
* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

AUG 18 2000

William A. Shaw
Prothonotary

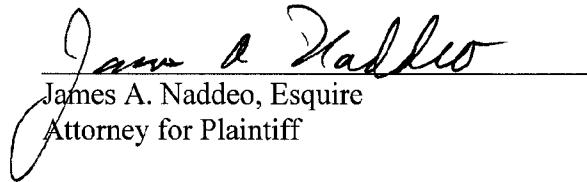
KIM J. MAINES, : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
:
v. : CIVIL ACTION -LAW
:
MICHAEL HAVERSACK and BARBARA : NO. 00-842-CD
HAVERSACK, husband and wife, t/d/b/a :
LEATHER & LACE, :
Defendants : JURY TRIAL DEMANDED

STIPULATION

The parties hereby stipulate and agree as follows:

1. Paragraph 12(h) of Plaintiff's Complaint is stricken.
2. Defendants Michael Haversack and Barbara Haversack, t/d/b/a Leather & Lace shall have twenty (20) days from the date of this Stipulation to answer the Complaint.

Date: 8/17/00


James A. Naddeo, Esquire
Attorney for Plaintiff

Date: 8/31/00


Christopher M. Reeser, Esquire
Attorney for Defendants

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

KIM J. MAINES, *
Plaintiff, *
*
v. * No. 00-842-CD
*
MICHAEL HAVERSACK and *
BARBARA HAVERSACK, *
husband and wife, *
t/d/b/a LEATHER & LACE, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Stipulation in the above-captioned action was served on the following person and in the following manner on the 18th day of August, 2000:

First-Class Mail, Postage Prepaid

Christopher M. Reeser, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin
33 West Third Street, Suite 200
Williamsport, PA 17701


James A. Naddeo
Attorney for Plaintiff

CLARFIELD, PENNSYLVANIA 16830
PO. BOX 552
21 1/2 EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

— Lap over margin —

FILED

AUG 19 2000

William A. Shaw
Prothonotary

WES

(5)

KIM J. MAINES, : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
:
v. : CIVIL ACTION -LAW
:
MICHAEL HAVERSACK and BARBARA : NO. 00-842-CD
HAVERSACK, husband and wife, t/d/b/a :
LEATHER & LACE, :
Defendants : JURY TRIAL DEMANDED

NOTICE TO PLEAD

TO: PLAINTIFF KIM J. MAINES
c/o James A. Naddeo, Esquire

You are hereby notified to plead to the within New Matter of Defendants within twenty days of service hereof or a default judgment may be entered against you.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY: 

Christopher M. Reeser, Esquire
I.D. No. 73632
Attorney for Defendants

33 West Third Street, Suite 200
Williamsport, PA 17701
Telephone No. (570)326-9073

DATE: 8/22/00

FILED

AUG 23 2000

William A. Shaw
Prothonotary

KIM J. MAINES, : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
:
v. : CIVIL ACTION -LAW
:
MICHAEL HAVERSACK and BARBARA : NO. 00-842-CD
HAVERSACK, husband and wife, t/d/b/a :
LEATHER & LACE, :
Defendants : JURY TRIAL DEMANDED

ANSWER WITH NEW MATTER

1. Denied. After reasonable investigation, answering Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of this averment and specific proof thereof is demanded.
2. Admitted.
3. Denied as stated. Barbara Haversack is the sole owner and operator of the bar and restaurant known as Leather & Lace, located at R.D. 3, Clearfield, Pennsylvania.
4. Admitted that Plaintiff entered the establishment owned by Barbara Haversack known as Leather & Lace on January 5, 2000. Denied that Plaintiff entered the establishment at 9:00 p.m. Upon information and belief, Defendants believe that Plaintiff entered the bar later than 9:00 p.m.
5. Admitted that there was a public parking area in the front of the building. Denied that Plaintiff parked her vehicle in a public parking area near the front entrance of Defendants' place of business. By way of further answer, it is believed that Plaintiff was not driving on the evening in question.

6. Denied. Defendants believe Plaintiff exited through the front door of the premises. Denied that Plaintiff exited Defendants' premises at approximately 10:30 p.m., as Defendants believe that Plaintiff exited the premises at a later time.

7. Denied. Defendants believe Plaintiff exited through the front door to the premises. By way of further answer, it is denied that the rear entrance opened onto a public parking area.

8. Denied. After reasonable investigation, answering Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of this averment and specific proof thereof is demanded.

9. Denied that Defendants had excavated a large ditch along the right side of their building some time prior to January 5, 2000.

10. Denied that Plaintiff fell into a ditch along the right side of Defendant's building or that such ditch existed.

11. Admitted that there is no artificial lighting along the right side of Defendant's building. Denied that a ditch existed along the right side of Defendants' building.

12. The averment in paragraph 12 is a legal conclusion to which no responsive pleading is required.

(a) Denied that Defendants constructed a ditch or trench along the right side of their building which they knew or had reason to know would present a hazard to persons frequenting their business.

(b) Denied that a ditch or trench existed on the right side of the building, and therefore denied that Defendants had reason to know that the ditch or trench was covered with snow.

(c) Denied that a ditch or trench existed. After reasonable investigation, answering Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation that a trench was constructed by Plaintiff and specific proof thereof is demanded. Admitted that the right side of Defendants' building does not have artificial lighting, and it is presumed that the right side of the building was dark on the evening of January 5, 2000.

(d) Denied that a trench or ditch existed. Therefore, it is denied that there was a hazard present to persons frequenting Defendants' business.

(e) Denied that Defendants failed to provide lighting so that persons frequenting their business after dark could see the obstruction created by Defendants, because no such obstruction existed. By way of further answers, patrons of the establishment were instructed to use only the front door where more than sufficient lighting existed.

(f) Denied that a ditch or trench existed or that Defendants constructed a ditch or trench along the right side of their building. Therefore, it is denied that Defendants failed to warn patrons of any hazard.

(g) Admitted that Defendants did not place signs, fences, flares or other devices along the right side of their building on the date and at the time set forth in the Complaint. Denied that a trench or ditch constructed by Defendant existed.

(h) Stricken upon agreement of the parties.

13 (a) – (c). The averments in paragraph 13 and subparagraph 13 (a)-(c) are legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that paragraph 13 and subparagraph 13 (a)-(c) are deemed to be factual, those averments are denied pursuant to Pa.R.C.P. §1029(e).

14. Denied in accordance with Pa.R.C.P. §1029(e).

15. Denied in accordance with Pa.R.C.P. §1029(e).

16 (a)-(f). Admitted that Plaintiff makes a claim for damages. Denied that she is entitled to recovery of same.

WHEREFORE, Defendants request judgment be entered in their favor.

NEW MATTER

17. Paragraphs 1-16 of Defendants' Answer are incorporated herein as if set forth at length.

18. Upon information and belief, Defendants assert that Plaintiff's injury was caused by her failure to follow clearly posted directions in Defendants' establishment, directing patrons to use the front door only.

19. Defendants believe and therefore aver that Plaintiff was under the influence of alcohol at the time that her injury occurred, and that the influence of alcohol impaired her judgment regarding how she exited Defendants' establishment.

20. The establishment that operates under the name of Leather & Lace is owned solely by Barbara Haversack.

21. Plaintiff's claim is barred as she voluntarily assumed the risk of her own injury.

22. Plaintiff's claim is barred or limited by the Pennsylvania Comparative Negligence Act. 42 Pa.C.S.A. §7102.

23. Andrew Haversack is incorrectly identified in the Complaint as Michael Haversack.

WHEREFORE, Defendants request judgment be entered in their favor.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY



Christopher M. Reeser
Attorney for Defendants
I.D. #73632
33 W. Third Street, Suite 200
Williamsport, PA 17701
(570)326-9073

Date: 8/22/00

VERIFICATION

I, **Barbara Haversack**, hereby state and aver that I am
Barbara Haversack owner of **Leather and Lace** and that I have read the
foregoing document which has been drafted by my counsel. The
factual statements contained therein are true and correct to the
best of my knowledge, information and belief although the language
is that of my counsel, and, to the extent that the content of the
foregoing document is that of counsel, I have relied upon counsel
in making this Verification.

This statement is made subject to the penalties of 18 Pa.C.S.
§ 4904 relating to unsworn falsification to authorities.

Barbara Haversack
Barbara Haversack

VERIFICATION

I, **Andrew Haversack**, hereby state and aver that I have read the foregoing document which has been drafted by my counsel. The factual statements contained therein are true and correct to the best of my knowledge, information and belief although the language is that of my counsel, and, to the extent that the content of the foregoing document is that of counsel, I have relied upon counsel in making this Verification.

This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Andrew Haversack
Andrew Haversack

CERTIFICATE OF SERVICE

I, Christopher M. Reeser, Esquire, hereby certify that I have served a true and correct copy of the foregoing **ANSWER WITH NEW MATTER** upon all parties:

VIA UNITED STATES REGULAR MAIL:

James A. Naddeo
211 1/2 East Locust Street
Marino Building
P.O. Box 552
Clearfield, PA 16830

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY 

Christopher M. Reeser
Attorney for Defendants
I.D. #73632
33 W. Third Street, Suite 200
Williamsport, PA 17701
(570)326-9073

Date: 8/22/00

FILED
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AUG 23 2000

William A. Shaw
Prothonotary
/ Time Stamp to Det.

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KIM J. MAINES, : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
:
v. : CIVIL ACTION -LAW
:
MICHAEL HAVERSACK and BARBARA : NO. 00-842-CD
HAVERSACK, husband and wife, t/d/b/a :
LEATHER & LACE, :
Defendants : JURY TRIAL DEMANDED

NOTICE OF SERVING DISCOVERY

TO THE PROTHONOTARY:

Please take notice that Defendants have served **Personal Injury Interrogatories, Expert Interrogatories, and Request for Production of Documents** addressed to Plaintiff pursuant to the Pennsylvania Rules of Civil Procedure, by mail, postage prepaid, this 28th day of August, 2000.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY


Christopher M. Reeser
Attorney for Defendants
I.D. #73632
33 W. Third Street, Suite 200
Williamsport, PA 17701
(570)326-9073

Date: _____

FILED

AUG 29 2000

William A. Shaw
Prothonotary

FILED

AUG 29 2000
M12,000/00
William A. Shaw
Prothonotary

ES

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

KIM J. MAINES,
Plaintiff,

v.

MICHAEL HAVERSACK and
BARBARA HAVERSACK,
husband and wife,
t/d/b/a LEATHER & LACE,
Defendants.

*
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*
* No. 00 - 842 - CD
* JURY TRIAL DEMANDED

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*
* Type of Pleading:

*
* Answer to New Matter

*
*
* Filed on behalf of:
* Plaintiff

*
* Counsel of Record for
* this party:

*
* James A. Naddeo, Esq.
* Pa I.D. 06820

*
* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

SFP 11 2000

William A. Shaw
Prothonotary

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

KIM J. MAINES, *
Plaintiff, *
*
v. * No. 00-842-CD
*
MICHAEL HAVERSACK and *
BARBARA HAVERSACK, *
husband and wife, *
t/d/b/a LEATHER & LACE, *
Defendants. *

ANSWER TO NEW MATTER

NOW COME the Plaintiff, Kim J. Maines, and by her attorney, James A. Naddeo, Esquire, sets forth the following Answer to Defendants' New Matter:

1. In answer to Paragraph 17 of Defendants' New Matter, Plaintiff incorporates the allegations contained in her Complaint by reference and makes them a part thereof.

2. Paragraph 18 of Defendants' New Matter is denied in that after reasonable investigation Plaintiff is without knowledge or information to form a belief as to the truth of said averment. To the extent that Plaintiff can formulate an answer, Plaintiff denies that such signs existed or that such signs were conspicuously placed so as to be visible to patrons of Defendant's establishment.

3. Paragraph 19 of Defendants' New Matter is denied and to the contrary it is alleged that Plaintiff was not under the influence of alcoholic beverages at the time of her injury

and in further answer thereto, Plaintiff alleges that she consumed no alcoholic beverages while on the Defendants' premises.

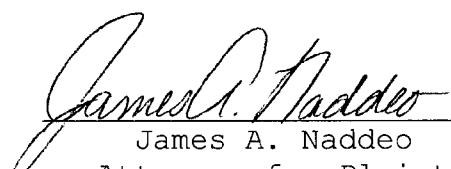
4. Paragraph 20 of Defendants' New Matter is denied in that after reasonable investigation Plaintiff is without knowledge or information to form a belief as to the truth of said averment.

5. Paragraph 21 of Defendants' New Matter states a conclusion of law to which no answer is required.

6. Paragraph 22 of Defendants' New Matter is a conclusion of law to which no answer is required.

7. Paragraph 20 of Defendants' New Matter is denied in that after reasonable investigation Plaintiff is without knowledge or information to form a belief as to the truth of said averment.

WHEREFORE, Plaintiff claims damages as set forth in her original complaint.



James A. Naddeo
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD

)

Before me, the undersigned officer, personally appeared KIM J. MAINES, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of her knowledge, information and belief.

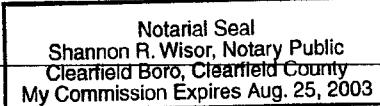


Kim J. Maines

SWORN and SUBSCRIBED before me this 8th day of September, 2000.



Shannon R. Wisor



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

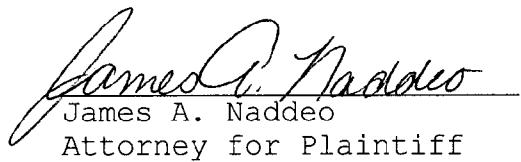
KIM J. MAINES, *
Plaintiff, *
*
v. * No. 00-842-CD
*
MICHAEL HAVERSACK and *
BARBARA HAVERSACK, *
husband and wife, *
t/d/b/a LEATHER & LACE, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Answer to New Matter in the above-captioned action was served on the following person and in the following manner on the 11th day of September, 2000:

First-Class Mail, Postage Prepaid

Christopher M. Reeser, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin
33 West Third Street, Suite 200
Williamsport, PA 17701


James A. Naddeo
Attorney for Plaintiff

CLIFFFIELD, PENNSYLVANIA 16830
P.O. BOX 552
21 1/2 EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

— Lap over margin —

FILED

SEP 11 2000
8/3/40/CC a/c
William A. Shaw
Prothonotary
Naddeo
Frob

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

KIM J. MAINES,
Plaintiff,

v.

MICHAEL HAVERSACK and
BARBARA HAVERSACK,
husband and wife,
t/d/b/a LEATHER & LACE,
Defendants.

*
*
*
* No. 00 - 842 - CD
* JURY TRIAL DEMANDED

*
*
* Type of Pleading:
*

* Certificate of Service

*
* Filed on behalf of:
* Plaintiff

*
* Counsel of Record for
* this party:

*
* James A. Naddeo, Esq.
* Pa I.D. 06820

*
* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

OCT 19 2000

William A. Shaw
Prothonotary

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

KIM J. MAINES, *
Plaintiff, *
*
v. * No. 00-842-CD
*
MICHAEL HAVERSACK and *
BARBARA HAVERSACK, *
husband and wife, *
t/d/b/a LEATHER & LACE, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Plaintiff's Answers to Defendants' Expert Interrogatories, Plaintiff's Answers to Defendants' Personal Injury Interrogatories and Plaintiff's Answers to Defendants' Request for Production of Documents in the above-captioned action was served on the following person and in the following manner on the 19th day of October, 2000:

First-Class Mail, Postage Prepaid

Christopher M. Reeser, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin
33 West Third Street, Suite 200
Williamsport, PA 17701



James A. Naddeo
Attorney for Plaintiff

CLERAFFIELD, PENNSYLVANIA 16830
R.O. BOX 552,
21 1/2 EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

— Lap over margin —

Office of
James A. Shaw
Attorney at Law
322
Canton, Ohio
21 1/2 East Locust Street
Canton, Ohio 44702
Telephone 333-1111

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

KIM J. MAINES,
Plaintiff,

v.

MICHAEL HAVERSACK and
BARBARA HAVERSACK,
husband and wife,
t/d/b/a LEATHER & LACE,
Defendants.

*
*
*
* No. 00 - 842 - CD
* JURY TRIAL DEMANDED

* Type of Pleading:

* Certificate of Service

* Filed on behalf of:
* Plaintiff

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

DFC 05 2000

William A. Shaw
Prothonotary

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

KIM J. MAINES, *
Plaintiff, *
*
v. * No. 00-842-CD
*
MICHAEL HAVERSACK and *
BARBARA HAVERSACK, *
husband and wife, *
t/d/b/a LEATHER & LACE, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, Attorney for Plaintiff,
Kim J. Maines, do hereby certify that a true and correct copy of
Notices of Depositions of Michael Haversack and Barbara Haversack
in the above matter was served by first-class mail, postage
prepaid, upon the following:

Christopher M. Reeser, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin
33 West Third Street, Suite 200
Williamsport, PA 17701

ASAP Court Reporting
PO Box 345
Ebensburg, PA 15931

Said Notices of Depositions were mailed this 5th day of
December, 2000.



James A. Naddeo, Esquire
Attorney for Plaintiff

CLERAFFIELD, PENNSYLVANIA 16830
- P.O. BOX 552
211 1/2 EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

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RECEIVED
MAY 10 1978
CLERAFFIELD, PENNSYLVANIA
PROTHONOTARY

KIM J. MAINES,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	
v.	:	CIVIL ACTION -LAW
	:	
MICHAEL HAVERSACK and BARBARA	:	NO. 00-842-CD
HAVERSACK, husband and wife, t/d/b/a	:	
LEATHER & LACE,	:	
Defendants	:	JURY TRIAL DEMANDED

PRAECIPE FOR TRIAL

Kindly place the above matter on the next available trial list.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY: 

Christopher M. Reeser, Esquire
I.D. No. 73632
Attorney for Defendants

33 West Third Street, Suite 200
Williamsport, PA 17701
Telephone No. (570)326-9073

DATE: September 14, 2001

cc: James A. Naddeo, Esquire

FILED
SEP 17 2001

William A. Shaw
Prothonotary

FILED NO cc
M 11:25 AM
SEP 17 2001
EC
JES

William A. Shaw
Prothonotary

copy to ca

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

KIM J. MAINES,
Plaintiff,

v.

MICHAEL HAVERSACK and
BARBARA HAVERSACK,
husband and wife,
t/d/b/a LEATHER & LACE,
Defendants.

*
*
*
* No. 00 - 842 - CD
* JURY TRIAL DEMANDED
*
*
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*
*
*
*
* Type of Pleading:
*
* Praeclipe to
* Settle & Discontinue
*
*
* Filed on behalf of:
* Plaintiff
*
* Counsel of Record for
* this party:
*
*
* James A. Naddeo, Esq.
* Pa I.D. 06820
*
* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

JAN 29 2002

William A. Shaw
Prothonotary

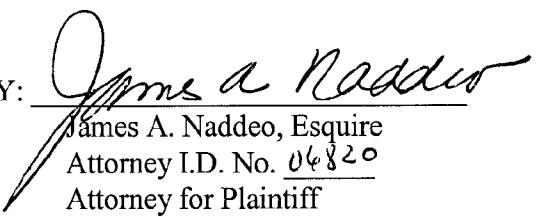
KIM J. MAINES, : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
:
v. : CIVIL ACTION -LAW
:
MICHAEL HAVERSACK and BARBARA : NO. 00-842-CD
HAVERSACK, husband and wife, t/d/b/a :
LEATHER & LACE, :
Defendants : JURY TRIAL DEMANDED

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned matter as settled and discontinued on the docket.

BY:


James A. Naddeo, Esquire
Attorney I.D. No. 04820
Attorney for Plaintiff

DATED: 1/29/02

CLERAFFIELD, PENNSYLVANIA 16830
P.O. BOX 552
211 1/2 EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

— Lap over margin —

FILED

JAN 29 2002
2002-1030
William A. Shaw
Prothonotary
Court of Common Pleas
of Allegheny County

COPY

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

CIVIL DIVISION

Kim J. Maines

Vs.

No. 2000-00842-CD

**Michael Haversack and
Barbara Haversack, husband and
wife, t/d/b/a Leather & Lace**

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 January 29, 2002 marked:

Settled and Discontinued.

Record costs in the sum of \$125.33 have been paid in full by James A. Naddeo, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of January A.D. 2002.

William A. Shaw, Prothonotary