

00-847-CD  
RECKA K. REICKART -vs- PAUL ROBERT MONOSKEY, JR.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

64 REBECKA K. REICKART,

Plaintiff

v.

73 PAUL ROBERT MONOSKEY, JR.,

Defendant.

CIVIL DIVISION - LAW

No.: 00-847-CO

**PRAECIPE FOR WRIT OF  
SUMMONS**

Filed on Behalf of Plaintiff

Counsel of Record for this  
Party:

Mark J. Homyak  
Pa. I.D. 30254

THE HOMYAK LAW FIRM  
3600 Gulf Tower  
Pittsburgh, PA 15219  
(412) 391-6636

FILED

JUL 21 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

CIVIL DIVISION - LAW

Plaintiff

No.:

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**PRAECIPE FOR WRIT OF SUMMONS**

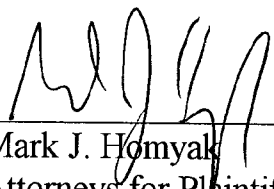
TO: THE PROTHONOTARY

Kindly issue a Writ of Summons in this case.

THE HOMYAK LAW FIRM

7-11-00  
Date

By:

  
Mark J. Homyak  
Attorneys for Plaintiff

FILED

~~28~~ JUL 21 2000  
M/A:49/ath  
William A. Shaw  
Prothonotary

Writ to Sheriff  
PD \$80.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA  
CIVIL ACTION

COPY

REBECKA K. REICKART,

Plaintiff(s)

vs.

S U M M O N S

No: 00-847-CD

PAUL ROBERT MONOSKEY, JR.,

Defendant(s)

To the above named Defendant(s) you are hereby notified  
that the above named Plaintiff(s), has/have commenced a Civil Action  
against you.

Date July 21, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

Mark J. Homyak, Esquire  
3600 Gulf Tower  
Pittsburgh, PA 15219

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e

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.

Defendant

: No. 00-847-CD  
:  
:

: **PRAECIPE FOR APPEARANCE**  
:  
:

: FILED ON BEHALF OF DEFENDANT  
:  
:

: COUNSEL OF RECORD FOR THIS  
: PARTY:  
:  
:

: **LOUIS C. SCHMITT, JR., ESQUIRE**  
:

: PA I.D.# 52459  
:

: P.O. Box 533  
:

: Hollidaysburg, PA 16648-0533  
:

: 814/696-3581  
:

: 814/696-9399  
:

I HEREBY CERTIFY THAT A  
TRUE AND CORRECT COPY OF  
THE WITHIN WAS MAILED TO  
ALL COUNSEL OF RECORD THIS  
3<sup>rd</sup> DAY OF AUGUST, 2000.

  
\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

FILED

AUG 04 2000

William A. Shaw  
Prothonotary

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

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

: No. 00-866-CD

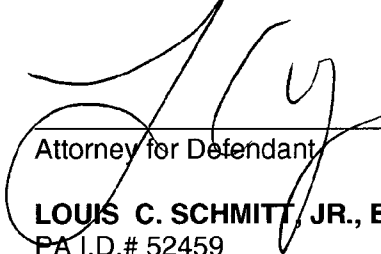
: JURY TRIAL DEMANDED

**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Kindly enter my Appearance as counsel of record for **Defendant, PAUL ROBERT MONOSKEY, JR.**, in the above-entitled action.

**PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT**

  
Attorney for Defendant

**LOUIS C. SCHMITT, JR., ESQUIRE**

PA I.D.# 52459

P. O. Box 533

Hollidaysburg, PA 16648-0533

814/696-3581

814/696-9399

MARK J. HOMYAK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

REICKART, REBECCA K.

00-847-CD

VS

MONOSKEY, PAUL ROBERT JR.

PRAECIPE & WRIT OF SUMMONS

SHERIFF RETURNS

NOW JULY 27, 2000 AT 10:03 AM DST SERVED THE WITHIN PRAECIPE & WRIT OF SUMMONS ON PAUL ROBERT MONOSKEY, JR., DEFENDANT AT RESIDENCE 702 1/2 DECATUR ST., PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO PAUL R. MONOSKEY, JR. A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & WRIT OF SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: DAVIS/MORGILLO

34.64 SHFF. HAWKINS PAID BY: ATTY  
10.00 SURCHARGE PAID BY: ATTY

SWORN TO BEFORE ME THIS

11<sup>th</sup> DAY OF August 2000

SO ANSWERS,

*Chester A. Hawkins*  
*by Marilyn Harris*

CHESTER A. HAWKINS  
SHERIFF

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

FILED

AUG 11 2000

0/3:05/6  
William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.

Defendant

No. 00-847-CD

**PRAECIPE FOR RULE TO FILE  
COMPLAINT**

FILED ON BEHALF OF DEFENDANT

COUNSEL OF RECORD FOR THIS  
PARTY:

**LOUIS C. SCHMITT, JR., ESQUIRE**

PA I.D.# 52459

P.O. Box 533

Hollidaysburg, PA 16648-0533

814/696-3581

814/696-9399

I HEREBY CERTIFY THAT A  
TRUE AND CORRECT COPY OF  
THE WITHIN WAS MAILED TO  
ALL COUNSEL OF RECORD THIS  
30th DAY OF NOVEMBER, 2000.

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

**FILED**

DEC 01 2000

William A. Shaw  
Prothonotary

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY, PENNSYLVANIA  
:  
: No. 00-866-CD  
:  
:  
:  
: JURY TRIAL DEMANDED

**PRAECIPE FOR RULE TO FILE COMPLAINT**

**TO: PROTHONOTARY**

Please enter a Rule upon Plaintiff, **Rebecka K. Reickart**, to file a Complaint in the above-captioned action within twenty (20) days of the date of service of said Rule.

Respectfully submitted,

PFAFF, MCINTYRE, DUGAS, HARTYE &  
SCHMITT

\_\_\_\_\_  
Attorney for Defendant

**LOUIS C. SCHMITT, JR., ESQUIRE**

**PA I.D.#: 52459**

P.O. Box 533

Hollidaysburg, PA 16648

(814) 696-3581

FILED

DEC 01 2000

3:10

William A. Shaw

Prothonotary

Att. Schmidt

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COPY

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

Rebecka K. Reickart

Case No. 00-847-CD

Vs.

Paul Robert Monoskey, Jr.

RULE TO FILE COMPLAINT

TO: Rebecka K. Reickart

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

Dated: 12/1/00

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

Plaintiff

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

CIVIL DIVISION - LAW

No.: 00847-CD

**COMPLAINT IN CIVIL  
ACTION**

Filed on Behalf of Plaintiff

Counsel of Record for this  
Party:

Mark J. Homyak  
Pa. I.D. 30254

THE HOMYAK LAW FIRM  
3333 Gulf Tower  
Pittsburgh, PA 15219  
(412) 391-6636

FILED

DEC 18 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

CIVIL DIVISION - LAW

Plaintiff

No.: 00847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

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 (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.

David S. Meholick, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,  
LAW

CIVIL DIVISION -

Plaintiff

No.: 00847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**COMPLAINT IN CIVIL ACTION**

Plaintiff, by her undersigned counsel, files this Complaint in Civil  
Action against Defendant upon the following grounds:

1. Plaintiff, Rebecka K. Reickart, is an adult individual who at all  
times pertinent to this cause of action resided at 96 Curtin Street, Osceola  
Mills, Center County, Pennsylvania 16666.

2. Defendant, Robert Paul Monoskey, Jr., is an adult individual  
who at all times pertinent to this cause of action resided at RR1 Box 166A,  
Woodland, Clearfield County, Pennsylvania 16881.

3. On or about August 1, 1998 at approximately 1:15 a.m., Plaintiff was a passenger in a vehicle operated by her then boyfriend and now husband, Nathaniel Socoski, in an easterly direction on State Route 322 in Boggs Township, Clearfield County, Pennsylvania.

4. On that same date, and at that same time and place, Defendant was the operator of his 1987 Ford F-350 truck on the same road in a westerly direction.

5. At that time, date and place, Defendant negligently and/or recklessly was operating his vehicle at night and in fog, without lights.

6. At that time, date and place, without stopping his vehicle, Defendant reached down on the floor of the vehicle to grab an object, so that he could not see the roadway ahead of him.

7. At that time, date and place, Defendant negligently and/or recklessly drove and/or allowed his truck to travel off of the northerly edge of the roadway and crash into the guardrails on the side of the roadway.

8. After coming to a stop partially on and off the westerly lane of Route 322, Defendant reversed his truck across both lanes of Route 322, traveled across the roadway, impacting with the southerly guardrails coming to rest on the eastbound lane, and partially on the westbound lane of Route 322.



9. Due to the fog and Defendant's vehicle being unlit, Mr. Socoski was unable to observe the stopped, unlit vehicle partially on and partially off the roadway until he was almost upon it. He then attempted to go around the truck by moving to the left.

10. Before the task could be completed in safety, Defendant placed his vehicle in drive and drove his vehicle into the side of the vehicle in which Plaintiff was a passenger.

11. After causing the above described collision, Defendant fled the scene, traveling westbound on State Route 322.

12. The above described collision occurred as the direct result of the negligence and/or recklessness of the Defendant in the following particulars:

a. By failing to drive his vehicle upon the right half of the roadway in violation of 75 Pa.C.S.A. §3301(a);

b. By failing to drive his vehicle within a single lane and moving from a lane upon a roadway that has been divided into two or more clearly marked lanes for traffic, when the movement could not be made with safety in violation of 75 Pa.C.S.A. § 3309(1);

c. By entering and/or crossing a roadway from a place other than another roadway without yielding the right-of-way to a vehicle

approaching on the roadway to be entered or crossed in violation of 75

Pa.C.S.A § 3324;

d. By stopping his vehicle upon the roadway when it was practicable to stop it off the roadway and/or failing to leave an unobstructed width of the highway opposite the vehicle free for the passage of other vehicles and/or failing to make his vehicle visible from a distance of 500 feet in each direction upon the highway in violation of 75 Pa.C.S.A. § 3351(a);

e. By driving his vehicle at a speed greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing and/or at a speed greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead in violation of 75 Pa.C.S.A. § 3361;

f. By driving his vehicle in careless disregard for the safety of persons and property in violation of 75 Pa.C.S.A. § 3714;

g. By recklessly driving his vehicle in willful and/or wanton disregard for the safety of persons or property in violation of 75 Pa.C.S.A. § 3736; and,

h. By operating his vehicle upon a highway after sunset and before sunrise and at a time when both the natural lighting conditions and the presence of fog made his vehicle not clearly discernible to the Plaintiff

and other operators on the highway for a distance of 1,000 feet ahead without displaying the lighted head lamps and/or other lamps and/or illuminating devices on the vehicle in violation of 75 Pa.C.S.A. § 4302.

13. As the direct result of the above described negligence and/or recklessness of Defendant and the above described collision, Plaintiff sustained abrasions and lacerations to her face and throat from pieces of glass, injuries and/or exacerbations to her cervical, thoracic and lumbar spine, and/or brachial plexus injury.

14. As the direct result of the above described negligence and/or recklessness of the Defendant, the collision and injuries, Plaintiff sustained the following damages:

- a. Medical expenses, past and future;
- b. Wage loss and/or limitation of earning capacity;
- c. Pain, suffering and inconvenience, past and future; and
- d. Limitation of enjoyment of life;

15. At the time of the above described collision, Plaintiff was not an owner of a currently registered private passenger motor vehicle and was not a named insured or insured under any private passenger motor vehicle policy so that she retains her full tort remedies under 75 Pa. C.S.A.

§1705(b)(3), and/or her injury was serious so that she retains her full tort rights under 75 Pa. C.S.A. §1705(d).

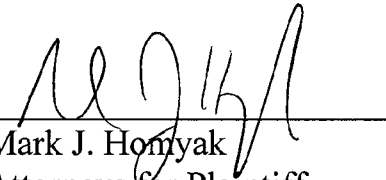
16. The above described reckless operation of Defendant's vehicle was outrageous.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory and punitive damages in an amount in excess of \$25,000.00 plus costs of suit.

JURY TRIAL DEMANDED

Respectfully submitted,

THE HOMYAK LAW FIRM

By:   
Mark J. Homyak  
Attorneys for Plaintiff

## VERIFICATION

I, Rebecka K. Reickart, hereby swear and affirm that the facts contained in the foregoing COMPLAINT IN CIVIL ACTION, are true and correct to the best of my information, knowledge and belief. I understand that the statements made herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

12/11/00  
Date

Rebecka K. Reickart  
Signature

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.  
Defendant

: No. 00-847-CD

: **PRELIMINARY OBJECTIONS**

: FILED ON BEHALF OF  
: DEFENDANT

: COUNSEL OF RECORD FOR  
: THIS PARTY:  
: **LOUIS C. SCHMITT, JR., ESQUIRE**  
: PA I.D.# 52459  
: P.O. Box 533  
: Hollidaysburg, PA 16648-0533  
: 814/696-3581  
: 814/696-9399

I HEREBY CERTIFY THAT A  
TRUE AND CORRECT COPY OF  
THE WITHIN WAS MAILED TO  
ALL COUNSEL OF RECORD THIS  
21st DAY OF DECEMBER, 2000.

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT



DEC 21 2000

William A. Shaw  
Prothonotary

REBECKA K. REICKART,	:	IN THE COURT OF COMMON
	:	PLEAS OF CLEARFIELD COUNTY
Plaintiff,	:	
	:	No. 00-866-CD
vs.	:	
	:	
PAUL ROBERT MONOSKEY, JR.,	:	
	:	
Defendant.	:	

**PRELIMINARY OBJECTIONS**

AND NOW, comes defendant, PAUL ROBERT MONOSKEY, JR., by and through his attorneys, PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT, and in response to plaintiff's Complaint files Preliminary Objections in the nature of a Demurer/Motion to Strike, saying as follows:

1. This lawsuit arises out of a motor vehicle accident which occurred on or about August 1, 1998 on State Route 322 in Boggs Township, Clearfield County, Pennsylvania.

2. On or about December 13, 2000, plaintiff filed her Complaint in this matter. (See copy of plaintiff's Complaint, attached hereto as Exhibit "A").

3. In her Complaint, plaintiff, Rebecka Reickart alleges only that the defendant caused the accident at issue by virtue of his negligence in operating his motor vehicle. There are no allegations that the defendant was intoxicated, under the influence of drugs, or in any way acting in a willful, wanton, or intentional manner.

4. Notwithstanding the lack of any such allegations, the plaintiff, in her ad damnum clause, demands judgment for "punitive damages".

5. There is absolutely no basis in the law for a claim of punitive damages in a motor vehicle accident lawsuit where the only allegation is that the defendant negligently operated his motor vehicle. To allow the plaintiff to set forth a claim for exemplary or

punitive damages in this lawsuit would be to allow in plaintiffs in every single motor vehicle lawsuit to set forth baseless and unfounded punitive damages claims.

WHEREFORE, defendant, Paul Robert Monoskey, Jr., respectfully requests that this Honorable Court grant his preliminary objections in the nature of a Demurer/Motion to Strike, and dismiss plaintiff's claims of punitive damages.

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE  
& SCHMITT

---

Attorneys for Defendant

**LOUIS C. SCHMITT, JR., ESQUIRE**

Pa. I.D.#52459

P.O. Box 533

Hollidaysburg, PA 16648

814/696-3581



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

Plaintiff

CIVIL DIVISION - LAW

No.: 00847-CD

v.

**COMPLAINT IN CIVIL  
ACTION**

PAUL ROBERT MONOSKEY, JR.,

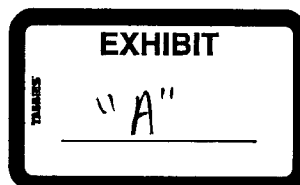
Defendant.

Filed on Behalf of Plaintiff

Counsel of Record for this  
Party:

Mark J. Homyak  
Pa. I.D. 30254

THE HOMYAK LAW FIRM  
3333 Gulf Tower  
Pittsburgh, PA 15219  
(412) 391-6636



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

Plaintiff

CIVIL DIVISION - LAW

No.: 00847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**NOTICE TO DEFEND**

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David S. Meholick, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,  
LAW

CIVIL DIVISION -

Plaintiff

No.: 00847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**COMPLAINT IN CIVIL ACTION**

Plaintiff, by her undersigned counsel, files this Complaint in Civil  
Action against Defendant upon the following grounds:

1. Plaintiff, Rebecka K. Reickart, is an adult individual who at all  
times pertinent to this cause of action resided at 96 Curtin Street, Osceola  
Mills, Center County, Pennsylvania 16666.
2. Defendant, Robert Paul Monoskey, Jr., is an adult individual  
who at all times pertinent to this cause of action resided at RR1 Box 166A,  
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3. On or about August 1, 1998 at approximately 1:15 a.m., Plaintiff was a passenger in a vehicle operated by her then boyfriend and now husband, Nathaniel Socoski, in an easterly direction on State Route 322 in Boggs Township, Clearfield County, Pennsylvania.

4. On that same date, and at that same time and place, Defendant was the operator of his 1987 Ford F-350 truck on the same road in a westerly direction.

5. At that time, date and place, Defendant negligently and/or recklessly was operating his vehicle at night and in fog, without lights.

6. At that time, date and place, without stopping his vehicle, Defendant reached down on the floor of the vehicle to grab an object, so that he could not see the roadway ahead of him.

7. At that time, date and place, Defendant negligently and/or recklessly drove and/or allowed his truck to travel off of the northerly edge of the roadway and crash into the guardrails on the side of the roadway.

8. After coming to a stop partially on and off the westerly lane of Route 322, Defendant reversed his truck across both lanes of Route 322, traveled across the roadway, impacting with the southerly guardrails coming to rest on the eastbound lane, and partially on the westbound lane of Route 322.

9. Due to the fog and Defendant's vehicle being unlit, Mr. Socoski was unable to observe the stopped, unlit vehicle partially on and partially off the roadway until he was almost upon it. He then attempted to go around the truck by moving to the left.

10. Before the task could be completed in safety, Defendant placed his vehicle in drive and drove his vehicle into the side of the vehicle in which Plaintiff was a passenger.

11. After causing the above described collision, Defendant fled the scene, traveling westbound on State Route 322.

12. The above described collision occurred as the direct result of the negligence and/or recklessness of the Defendant in the following particulars:

a. By failing to drive his vehicle upon the right half of the roadway in violation of 75 Pa.C.S.A. §3301(a);

b. By failing to drive his vehicle within a single lane and moving from a lane upon a roadway that has been divided into two or more clearly marked lanes for traffic, when the movement could not be made with safety in violation of 75 Pa.C.S.A. § 3309(1);

c. By entering and/or crossing a roadway from a place other than another roadway without yielding the right-of-way to a vehicle

approaching on the roadway to be entered or crossed in violation of 75 Pa.C.S.A § 3324;

d. By stopping his vehicle upon the roadway when it was practicable to stop it off the roadway and/or failing to leave an unobstructed width of the highway opposite the vehicle free for the passage of other vehicles and/or failing to make his vehicle visible from a distance of 500 feet in each direction upon the highway in violation of 75 Pa.C.S.A. § 3351(a);

e. By driving his vehicle at a speed greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing and/or at a speed greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead in violation of 75 Pa.C.S.A. § 3361;

f. By driving his vehicle in careless disregard for the safety of persons and property in violation of 75 Pa.C.S.A. § 3714;

g. By recklessly driving his vehicle in willful and/or wanton disregard for the safety of persons or property in violation of 75 Pa.C.S.A. § 3736; and,

h. By operating his vehicle upon a highway after sunset and before sunrise and at a time when both the natural lighting conditions and the presence of fog made his vehicle not clearly discernible to the Plaintiff

and other operators on the highway for a distance of 1,000 feet ahead without displaying the lighted head lamps and/or other lamps and/or illuminating devices on the vehicle in violation of 75 Pa.C.S.A. § 4302.

13. As the direct result of the above described negligence and/or recklessness of Defendant and the above described collision, Plaintiff sustained abrasions and lacerations to her face and throat from pieces of glass, injuries and/or exacerbations to her cervical, thoracic and lumbar spine, and/or brachial plexus injury.

14. As the direct result of the above described negligence and/or recklessness of the Defendant, the collision and injuries, Plaintiff sustained the following damages:

- a. Medical expenses, past and future;
- b. Wage loss and/or limitation of earning capacity;
- c. Pain, suffering and inconvenience, past and future; and
- d. Limitation of enjoyment of life;

15. At the time of the above described collision, Plaintiff was not an owner of a currently registered private passenger motor vehicle and was not a named insured or insured under any private passenger motor vehicle policy so that she retains her full tort remedies under 75 Pa. C.S.A.

§1705(b)(3), and/or her injury was serious so that she retains her full tort rights under 75 Pa. C.S.A. §1705(d).

16. The above described reckless operation of Defendant's vehicle was outrageous.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory and punitive damages in an amount in excess of \$25,000.00 plus costs of suit.

JURY TRIAL DEMANDED

Respectfully submitted,

THE HOMYAK LAW FIRM

By: 

Mark J. Homyak  
Attorneys for Plaintiff



### VERIFICATION

I, Rebecka K. Reickart, hereby swear and affirm that the facts contained in the foregoing COMPLAINT IN CIVIL ACTION, are true and correct to the best of my information, knowledge and belief. I understand that the statements made herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

12/11/00  
Date

Rebecka K. Reickart  
Signature

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.  
Defendant

: No. 00-847-CD

:  
:  
:  
: **NOTICE OF SERVICE**

:  
:  
: FILED ON BEHALF OF  
: DEFENDANT

:  
: COUNSEL OF RECORD FOR  
: THIS PARTY:  
: **LOUIS C. SCHMITT, JR., ESQUIRE**  
: PA I.D.# 52459  
: P.O. Box 533  
: Hollidaysburg, PA 16648-0533  
: 814/696-3581  
: 814/696-9399

I HEREBY CERTIFY THAT A  
TRUE AND CORRECT COPY OF  
THE WITHIN WAS MAILED TO  
ALL COUNSEL OF RECORD ON  
**January 12, 2001.**

  
\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

**FILED**

**JAN 15 2001**

**William A. Shaw**  
Prothonotary

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

: IN THE COURT OF COMMON  
: PLEAS OF CLEARFIELD COUNTY

:  
: No. 00-866-CD

:  
: JURY TRIAL DEMANDED  
:

**NOTICE OF SERVICE OF INTERROGATORIES**  
**and REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: PROTHONOTARY

You are hereby notified that on the \_\_\_\_ day of \_\_\_\_\_, 2001,  
defendant, **PAUL ROBERT MONOSKEY, JR.**, served Interrogatories and Request for  
Production of Documents to the plaintiff, by mailing the original via First-Class U.S. Mail,  
postage prepaid, addressed to the following:

Mark J. Homyak, Esquire  
3600 Gulf Tower  
Pittsburgh, PA 15219

Respectfully submitted,

PEAFF, McINTYRE, DUGAS, HARTYE  
& SCHMITT

Attorneys for Defendant  
**LOUIS C. SCHMITT, JR., ESQUIRE**  
**PA ID# 52459**  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

FILED

JAN 15 2001  
m/8:30/urs  
William A. Shaw  
Prothonotary

no 4/0  
K22

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

REBECKA K. REICKART

:

-vs-

:

No. 00 - 847 - CD

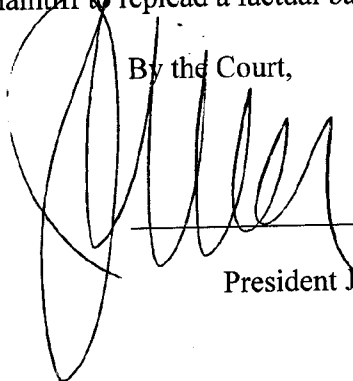
PAUL ROBERT MONOSKEY, JR.

:

**ORDER**

NOW, this 1<sup>st</sup> day of February, 2001, upon consideration of Preliminary Objections filed on behalf of Defendant above-named seeking to strike Plaintiff's claim for punitive damages, and argument and briefs thereon, it is the ORDER of this Court that said Objections be and are hereby sustained and Plaintiff's Complaint for punitive damages stricken without prejudice to the Plaintiff to replead a factual basis for said damages.

By the Court,

  
\_\_\_\_\_

President Judge

**FILED**

FEB 01 2001

William A. Shaw  
Prothonotary

FILED

FEB 01 2001

01/10/31/1

William A. Schmitt  
Pittsburgh

1cc atty Schmitt

1cc atty Hanyak ~~2/2/01~~

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

REBECKA K. REICKART,

Plaintiff,

VS.

PAUL ROBERT MONOSKEY, JR.  
Defendant

: No. 00-847-CD

: **ANSWER AND NEW MATTER.**

: FILED ON BEHALF OF  
: DEFENDANT

: COUNSEL OF RECORD FOR  
: THIS PARTY:  
: **LOUIS C. SCHMITT, JR., ESQUIRE**  
: PA I.D.# 52459  
: P.O. Box 533  
: Hollidaysburg, PA 16648-0533  
: 814/696-3581  
: 814/696-9399

I HEREBY CERTIFY THAT A  
TRUE AND CORRECT COPY OF  
THE WITHIN WAS MAILED TO  
ALL COUNSEL OF RECORD THIS  
28<sup>th</sup> DAY OF February, 2001.

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

**FILED**

MAR 01 2001

William A. Shaw  
Prothonotary

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

: IN THE COURT OF COMMON  
: PLEAS OF CLEARFIELD COUNTY

:  
: No. 00-866-CD

:  
: JURY TRIAL DEMANDED  
:

**ANSWER AND NEW MATTER**

AND NOW, comes defendant, PAUL ROBERT MONOSKEY, JR., by and through his attorneys Pfaff, McIntyre, Dugas, Hartye & Schmitt, and files the following Answer and New Matter in response to plaintiff's Complaint, saying as follows:

1. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 1 of plaintiff's Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

2. Admitted.

3. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 3 of plaintiff's Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

4. Admitted.

5. Denied.

6. Admitted.

7. Denied.

8. Admitted.



9. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 9 of plaintiff's Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

10. Denied.

11. Denied.

12. Denied. Subparagraphs a through h are denied.

13. Denied.

14. Denied. Subparagraphs a through d are denied.

15. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 15 of plaintiff's Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

16. Denied.

WHEREFORE, defendant, Paul Robert Monoskey, Jr., denies any and all liability to the plaintiff upon her Complaint, and respectfully requests that this Honorable Court enter judgment in his favor, with prejudice.

**NEW MATTER**

By way of further answer to the allegations contained in plaintiff's Complaint, and in support of his defenses against those allegations, defendant, Paul Robert Monoskey, Jr., sets forth the following statements as New Matter:

17. Defendant hereby raises and asserts the rights, privileges, defenses and immunities provided to him within the Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa. C.S.A. Section 1701, et seq.

18. In the event the plaintiff suffered damages as alleged in her Complaint, those damages may have been caused by Nathaniel Socoski, or by individuals or entities other than defendant, Paul Robert Monoskey, Jr., and over whom defendant, Paul Robert Monoskey, Jr., neither exercised nor have the right or duty to exercise control, and for whose actions or omissions defendant, Paul Robert Monoskey, Jr., is not responsible or otherwise legally liable.

19. Any acts or omissions on the part of defendant, Paul Robert Monoseky, Jr., at or near the time of the accident at issue, were not a substantial factor in bringing about any harm to plaintiff, Rebecka K. Reichart.

Respectfully submitted,

PFAFF, MCINTYRE, DUGAS, HARTYE  
& SCHMITT

Attorneys for Defendant

LOUIS C. SCHMITT, Jr., ESQUIRE  
PA. I.D.#52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

TO: THE WITHIN NAMED PARTIES

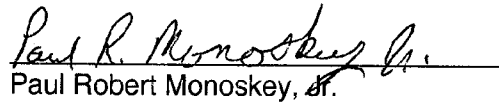
You are hereby notified to plead to the enclosed **New Matter** within twenty (20) days from service hereof or a Default Judgment may be entered against you.

Attorney for Named Defendant

**VERIFICATION**

I, **PAUL ROBERT MONOSKEY, JR.**, do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

  
Paul Robert Monoskey, Jr.

Date: 2/15/01

FILED

MAR 01 2001

M/10:37/1200

William A. Shaw

Prothonotary

*WAS*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

REBECKA K. REICKART,

Plaintiff,

VS.

PAUL ROBERT MONOSKEY, JR.  
Defendant

: No. 00-847-CD

: **MOTION TO COMPEL**

: FILED ON BEHALF OF  
: DEFENDANT

: COUNSEL OF RECORD FOR  
: THIS PARTY:  
: **LOUIS C. SCHMITT, JR., ESQUIRE**  
: PA I.D.# 52459  
: P.O. Box 533  
: Hollidaysburg, PA 16648-0533  
: 814/696-3581  
: 814/696-9399

I HEREBY CERTIFY THAT A  
TRUE AND CORRECT COPY OF  
THE WITHIN WAS MAILED TO  
ALL COUNSEL OF RECORD ON  
MARCH 14<sup>th</sup>, 2001.

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

**FILED**

MAR 15 2001

William A. Shaw  
Prothonotary

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

: IN THE COURT OF COMMON  
: PEAS OF CLEARFIELD COUNTY

:  
: No. 00-866-CD

:  
: JURY TRIAL DEMANDED  
:

**MOTION TO COMPEL**

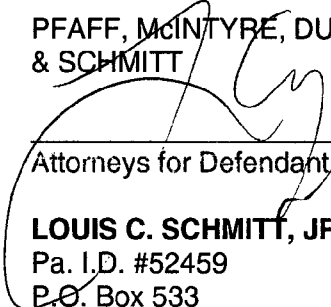
AND NOW, comes defendant, PAUL ROBERT MONOSKEY, JR., by and through his attorneys, PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT, and respectfully requests that this Honorable Court order the plaintiff to within twenty (20) days file full, complete, and responsive answers to defendant's outstanding discovery requests, saying as follows:

1. This lawsuit arises out of a motor vehicle accident which occurred on or about August 1, 1998 at approximately 1:15 a.m. on State Route 322 in Boggs Township, Clearfield County, Pennsylvania. At that time and place, defendant, Paul Robert Monoskey was operating a 1997 Ford S-350 pickup truck when there was a collision with a 1986 Ford Escort in which plaintiff, Rebecka K. Reickart was a passenger.
2. On January 12, 2001, defendant served Interrogatories and a Request for Production of Documents upon the plaintiff, to date, the plaintiff has failed and/or refused in any manner whatsoever to respond to defendant's long-outstanding discovery requests in violation of the Pennsylvania Rules of Civil Procedure.
3. The information and documents sought by way of defendant's discovery requests are vital to the further evaluation and defense of this matter, and to the extent defendant is deprived of that information and those documents, he is unable to defend himself in this lawsuit.

WHEREFORE, defendant, Paul Robert Monoskey, Jr. respectfully requests that this Honorable Court order the plaintiff to within twenty (20) days to file full, complete, and responsive answers to defendant's outstanding discovery requests.

Respectfully submitted,

PFAFF, MCINTYRE, DUGAS, HARTYE  
& SCHMITT



---

Attorneys for Defendant

**LOUIS C. SCHMITT, JR., ESQUIRE**  
Pa. I.D. #52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

FILED

MAR 15 2001

M113/1000  
William A. Shaw  
Prothonotary

~~200~~



REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

: IN THE COURT OF COMMON  
: PLEAS OF CLEARFIELD COUNTY

: No. 00-847-CD

: JURY TRIAL DEMANDED

**PRAECIPE**

TO: Court Administrator

Please place the above-captioned matter upon the Argument List.

**COUNSEL FOR THE PLAINTIFF: (Name, Address, and Phone Number)**

Caram J. Abood, Esquire  
**ABOOD, RUSSELL, PAPPAS & ROZICH**  
South Street Station Professional Building  
709 Franklin Street, Suite 200  
Johnstown, PA 15901  
(814) 535-6751

**COUNSEL FOR THE DEFENDANT: (Name, Address, and Phone Number)**

Louis C. Schmitt, Jr., Esquire  
**PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT**  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

**MATTER TO BE ARGUED:** \_\_\_\_\_ Preliminary Objections filed by \_\_\_\_\_  
Please check (X)

\_\_\_\_\_ Summary Judgment

\_\_\_\_\_ X Other (Specify) **Motion to Compel**

**ARGUMENT ONLY:** \_\_\_\_\_ X Yes \_\_\_\_\_ No

**TESTIMONY REQUIRED:** \_\_\_\_\_ Yes \_\_\_\_\_ No

\*IF YES, TIME REQUIRED FOR TESTIMONY \_\_\_\_\_

**DATE:** \_\_\_\_\_

**FILED**

MAR 15 2001

William A. Shaw  
Prothonotary

**Signed:** \_\_\_\_\_  
**Attorney for Defendant**

**If you are the moving party, is your  
brief enclosed:** \_\_\_\_\_ Yes \_\_\_\_\_ No

FILED

MAR 15 2001

17 11:30 AM

William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

Plaintiff

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

CIVIL DIVISION - LAW

No.: 00-847-CD

**REPLY TO NEW MATTER**

Filed on Behalf of Plaintiff

Counsel of Record for this  
Party:

Mark J. Homyak  
Pa. I.D. 30254

THE HOMYAK LAW FIRM  
3333 Gulf Tower  
Pittsburgh, PA 15219  
(412) 391-6636

**FILED**

MAR 16 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

CIVIL DIVISION - LAW

Plaintiff

No.: 00-847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**REPLY TO NEW MATTER**

Plaintiff, by her undersigned counsel, replies to Defendant's New  
Matter as follows:

17. The averments of this paragraph constitute conclusions of law  
and are deemed to be denied.

18. The averments of this paragraph constitute conclusions of law  
and are deemed to be denied. In further response, Plaintiff avers that  
Defendant is collaterally estopped from contending that the injuries to  
Plaintiff arise from the negligence of anyone other than himself by virtue of  
his admissions in the case of *Socoski v. Monoskey* at No. 1999-01062-CD in  
the Court of Common Pleas of Clearfield County, Pennsylvania.

19. The averments of this paragraph constitute conclusions of law and are deemed to be denied. In further response, Plaintiff incorporates by reference Defendant's admissions as set forth in the preceding paragraph.

Respectfully submitted,

THE HOMYAK LAW FIRM

By: 

Mark J. Homyak  
Attorneys for Plaintiff

### VERIFICATION

I, Rebecca K. Reickart hereby swear and affirm that the facts contained in the foregoing Reply TO New Matter, are true and correct to the best of my information, knowledge and belief. I understand that the statements made herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

03-03-01  
Date

Rebecca K. Reickart  
Signature

FILED

MAR 16 2001

MAJ:08110CC  
William A. Shaw  
Prothonotary  
4326

62

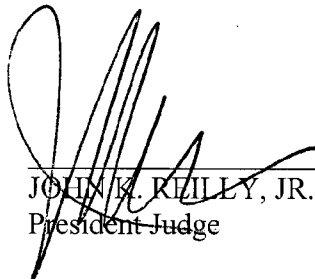
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

REBECKA K. REICKART :  
 :  
vs. : No. 00-847-CD  
 :  
PAUL ROBERT MONOSKEY, JR. :

**ORDER**

NOW, this 19<sup>th</sup> day of March, 2001, upon consideration of Defendant's Motion to Compel Discovery, a Rule is hereby issued upon Plaintiff to Show Cause why the Motion should not be granted. Rule Returnable the 19<sup>th</sup> day of April, 2001, at 10:00 A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

  
JOHN K. REILLY, JR.  
President Judge

**FILED**

MAR 19 2001

William A. Shaw  
Prothonotary



FILED

MAR 19 2001

0/3/11/2 << atty Schmitt.  
William A. Shaw  
Prothonotary

*WAS*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.  
Defendant

**FILED**

MAR 27 2001

William A. Shaw  
Prothonotary

: No. 00-847-CD

: **AFFIDAVIT OF SERVICE**

: FILED ON BEHALF OF  
: DEFENDANT

: COUNSEL OF RECORD FOR  
: THIS PARTY:  
: **LOUIS C. SCHMITT, JR., ESQUIRE**  
: PA I.D.# 52459  
: P.O. Box 533  
: Hollidaysburg, PA 16648-0533  
: 814/696-3581  
: 814/696-9399

I HEREBY CERTIFY THAT A  
TRUE AND CORRECT COPY OF  
THE WITHIN WAS MAILED TO  
ALL COUNSEL OF RECORD ON  
March 26, 2001.

  
\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

: IN THE COURT OF COMMON  
: PEAS OF CLEARFIELD COUNTY

:  
: No. 00-866-CD

:  
: JURY TRIAL DEMANDED  
:

**AFFIDAVIT OF SERVICE**

AND NOW, comes LOUIS C. SCHMITT, JR., ESQUIRE, counsel for defendant, PAUL ROBERT MONOSKEY, JR., and files the following Affidavit of Service with regard to the Court's March 19, 2001 Rule Returnable:

1. A copy of the Court's March 19, 2001 Order issuing a Rule Returnable on April 19, 2001 was served upon plaintiff's counsel via first-class mail on March 26, 2001. (See copy of March 26, 2001 correspondence from Louis C. Schmitt, Jr., Esquire to Mark Homyak, Esquire attached hereto as Exhibit "A".)

PFAFF, McINTYRE, DUGAS, HARTYE  
& SCHMITT

Attorneys for Defendant

**LOUIS C. SCHMITT, JR., ESQUIRE**

Pa. I.D. #52459

P.O. Box 533

Hollidaysburg, PA 16648

(814) 696-3581

LAW OFFICES  
**PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT**

ROBERT J. PFAFF  
JOHN L. McINTYRE  
STEPHEN L. DUGAS  
FRANK J. HARTYE  
LOUIS C. SCHMITT, JR.  
HEATHER A. HARRINGTON  
MICHAEL A. SOSNOWSKI  
KAREN L. GRABILL

P. O. BOX 533  
HOLLIDAYSBURG, PA 16648-0533

(814) 696-3581  
FAX (814) 696-9399  
[www.pmdhlaw.com](http://www.pmdhlaw.com)

March 26, 2001

Our Reference: PG 051 NH

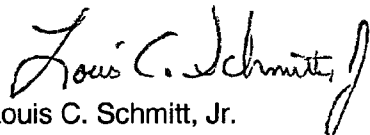
Mark J. Homyak, Esquire  
3600 Gulf Tower  
Pittsburgh, PA 15219

Re: Rebecka Reickart v. Paul Robert Monoskey, Jr.  
No. 00-847 CD

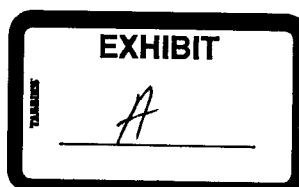
Dear Mr. Homyak:

I enclose a copy of the Court's March 19, 2001 Order issuing a Rule Returnable on April 19, 2001 at 10:00 a.m. in Courtroom No. 1 with regard to my previously filed Motion to Compel in this matter.

Sincerely,

  
Louis C. Schmitt, Jr.

LCS:sg  
Enclosure



FILED

MAR 27 2001

011361NCC  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

REBECCA K. REICKART,

Plaintiff

CIVIL DIVISION - LAW

No.: 00-847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

---

AMANDA COOVER,

Plaintiff,

CIVIL DIVISION - LAW

No.: 00-866-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**MOTION TO CONSOLIDATE**

Filed on Behalf of Plaintiffs:

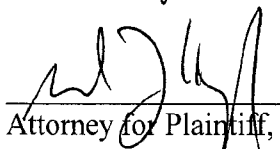
Counsel of Record for These Parties:

Mark J. Homyak  
Pa. I.D. 30254

THE HOMYAK LAW FIRM  
3333 Gulf Tower  
Pittsburgh, PA 15219  
(412) 391-6636

James B. Cole  
Pa. I.D.  
Stokes, Lurie, Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219  
(412) 391-0800

I HEREBY CERTIFY THAT A  
TRUE AND CORRECT COPY OF  
THE WITHIN WAS MAILED TO  
ALL COUNSEL OF RECORD ON  
MARCH 28, 2001

  
\_\_\_\_\_  
Attorney for Plaintiff, Rebecca K. Reickart

**FILED**

MAR 30 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

Plaintiff

CIVIL DIVISION - LAW

No.: 00-847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

---

AMANDA COOVER,

Plaintiff,

CIVIL DIVISION - LAW

No.: 00-866-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**PRAECIPE**

TO: Court Administrator

Please place the above above-captioned matters upon the Argument List.

**COUNSEL FOR PLAINTIFFS:**

Mark J. Homyak, Esquire  
THE HOMYAK LAW FIRM  
3333 Gulf Tower  
Pittsburgh, PA 15219  
(412) 391-6636  
Counsel for Rebecca K. Reickart

James B. Cole, Esquire  
STOKES, LURIE, COLE &  
HENS-GRECO, P.C.  
2100 Law & Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219-1593  
(412) 391-0800  
Counsel for Amanda Coover

**COUNSEL FOR THE DEFENDANT:**

Louis C. Schmitt, Jr., Esquire  
PFAFF, McINTYRE, DUGAS,  
HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

**MATTER TO BE ARGUED:**  
Please check (X)

\_\_\_\_\_ Preliminary Objections filed by \_\_\_\_\_

\_\_\_\_\_ Summary Judgment

  X   Other (Specify) **Motion for Consolidation**

**ARGUMENT ONLY:**

  X   Yes    \_\_\_\_\_ No

**TESTIMONY REQUIRED:** \_\_\_\_\_ Yes      X   No

\*IF YES, TIME REQUIRED FOR TESTIMONY \_\_\_\_\_

**DATE:**

  3-28-01  

Signed: \_\_\_\_\_

Attorney for Plaintiff, Rebecca K. Reickart

If you are the moving party, is your  
brief enclosed: \_\_\_\_\_ Yes    \_\_\_\_\_ No



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

CIVIL DIVISION - LAW

Plaintiff

No.: 00-847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

---

AMANDA COOVER,

CIVIL DIVISION - LAW

Plaintiff,

No.: 00-866-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**MOTION TO CONSOLIDATE**

Plaintiffs, Rebecca K. Reickart and Amanda Coover, by their respective counsel, Mark J. Homyak and James B. Cole, hereby move the Court for an order consolidating these cases pursuant to Pa.R.C.P. No. 213 upon the following grounds:

1. These cases are currently pending before the Court at the above docket numbers.

2. Plaintiffs in both cases were passengers in a vehicle operated by Nathanial Socoski, which was struck by another vehicle operated by Defendant on August 1, 1998, and have retained separate counsel to represent their interests in these personal injury claims. Mr. Socoski brought a separate case against Defendant in this court at No. 1999-0162-CD, and the same was recently amicably settled.

3. The cases of both Plaintiffs arose out of the same occurrence and involve common questions of law and fact in every respect, except for the injuries sustained by each Plaintiff and treatment therefor.

4. The consolidation of these cases will avoid unnecessary duplication of effort by the parties and the Court.

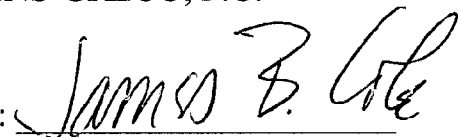
5. Defendant is represented by the same attorney and law firm in both cases.

WHEREFORE, Plaintiffs move this Honorable Court for an Order consolidating these cases for discovery and trial.

Respectfully submitted,

STOKES, LURIE, COLE &  
HENS-GRECO, P.C.

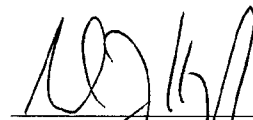
By:



James B. Cole  
Attorneys for Plaintiff  
Amanda Coover

THE HOMYAK LAW FIRM

By:



Mark J. Homyak  
Attorneys for Plaintiff  
Rebecka K. Reickart

FILED

MAR 30 2001

M 1:50 PM

William A. Shaw  
Prothonotary

*(Signature)*

3A

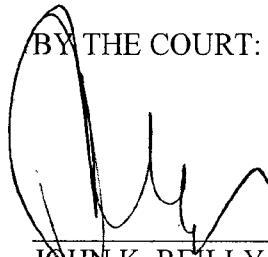
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

REBECKA K. REICKART	:
	:
vs.	: No. 00-847-CD
	:
PAUL ROBERT MONOSKEY, JR.	:
	:
AMANDA COOVER	:
	:
vs.	: No. 00-866-CD
	:
PAUL ROBERT MONOSKEY, JR..	:

**ORDER**

NOW, this 2<sup>nd</sup> day of April, 2001, upon consideration of  
Plaintiffs' Motion to Consolidate, a Rule is hereby issued upon the parties to Show  
Cause why the Motion should not be granted. Rule Returnable the 17<sup>th</sup> day of  
April, 2001, at 10:00 A.M. in Courtroom No. 1,  
Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:



JOHN K. REILLY, JR.  
President Judge

**FILED**

APR 02 2001

William A. Shaw  
Prothonotary

FILED

APR 02 2001

William A. Shaw  
Prothonotary

cc aH, Cole

cc aH, Schmitt

cc aH, Hemyak

~~cc aH, K25~~

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

CIVIL DIVISION - LAW

Plaintiff

No.: 00-847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

---

AMANDA COOVER,

CIVIL DIVISION - LAW

Plaintiff,

No.: 00-866-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**ORDER OF COURT**

AND NOW, this 19<sup>th</sup> day of April 2001, it is hereby ORDERED that the above captioned cases hereby are consolidated. All further pleadings to be filed at docket number 00-847-CD.

**FILED**

APR 19 2001

William A. Shaw  
Prothonotary

By:  \_\_\_\_\_

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

REBECKA K. REICKART,

CIVIL DIVISION - LAW

Plaintiff

No.: 00-847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

---

AMANDA COOVER,

Plaintiff,

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**PLAINTIFF REBECKA K.  
REICKART'S PRAECIPE TO LIST  
CASE FOR TRIAL**

Filed on Behalf of Plaintiff:

Counsel of Record for This Party:

Mark J. Homyak  
Pa. I.D. 30254

THE HOMYAK LAW FIRM  
3333 Gulf Tower  
Pittsburgh, PA 15219  
(412) 391-6636

**FILED**

AUG 03 2001

**William A. Shaw**  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

CIVIL DIVISION - LAW

Plaintiff

No.: 00-847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

---

AMANDA COOVER,

Plaintiff,

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**PLAINTIFF REBECKA K. REICKART'S PRAECIPE TO LIST**  
**CASE FOR TRIAL**

To: The Prothonotary


Please list this case for trial. I hereby certify that no motions are outstanding and that discovery has been completed and that the case is ready for trial. The case is to be heard by a jury. Notice of this Praecipe has been given to the attorney representing the other Plaintiff, Amanda Coover, James B. Cole, Esquire at his address of 2100 Law & Finance Building, Pittsburgh, PA 15219 and the attorney



representing the Defendant, Louis C. Schmitt, Jr., Esquire at his address of P.O.  
Box 533, Hollidaysburg, PA 16648-0533.

THE HOMYAK LAW FIRM

Date: 8-1-01

By:   
Mark J. Homyak  
Attorneys for Plaintiff,  
Rebecka K. Reickart

FILED  
AUG 18 1964  
AUG 13 1964  
WILLIAM A. SHAW  
Promotory  
copy to Nancy

LA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

AMANDA COOVER,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.

Defendant

00-847-CD  
No. ~~00-866-CD~~

**MOTION TO COMPEL  
DEPOSITION OF PLAINTIFF  
AMANDA COOVER**

FILED ON BEHALF OF DEFENDANT

COUNSEL OF RECORD:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA I.D.# 52459  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
Ph: 814/696-3581  
Fax: 814/696-9399

I HEREBY CERTIFY THAT A  
TRUE AND CORRECT COPY OF  
THE WITHIN WAS MAILED TO  
ALL COUNSEL OF RECORD ON  
THIS 2<sup>ND</sup> DAY OF OCTOBER,  
2001.

  
\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

**FILED**

OCT 03 2001

William A. Shaw  
Prothonotary

AMANDA COOVER,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

: IN THE COURT OF COMMON  
: PLEAS OF CLEARFIELD COUNTY  
:  
: No. 00-866-CD  
:  
:  
:  
:

**MOTION TO COMPEL DEPOSITION  
OF PLAINTIFF, AMANDA COOVER**

AND NOW, comes Defendant Paul Robert Monoskey, Jr., by and through his attorneys, McIntyre, Dugas, Hartye & Schmitt, and respectfully requests that this Honorable Court order the plaintiff to within thirty (30) days appear for her deposition, stating as follows:

1. This lawsuit arises out of a motor vehicle accident which occurred on August 1, 1998 in Boggs Township, Clearfield County, Pennsylvania. At that time and place, plaintiff Amanda Coover was a passenger in a motor vehicle operated by Nathaniel Socoski in an easterly direction in the eastbound lane of State Route 322, which collided with another motor vehicle operated by defendant Paul Robert Monoskey, Jr., allegedly resulting in personal injuries to plaintiff, Amanda Coover.

2. Counsel for defendant Paul Robert Monoskey, Jr., filed a Notice of Deposition of plaintiff Amanda Coover, which deposition was to be recorded at defense counsel's office on Wednesday, September 26, 2001 at 1:30 p.m.

3. Subsequent to the scheduling of plaintiff's deposition, defense counsel received a telephone call from plaintiff's counsel, requesting that the deposition be postponed until Friday, September 28, 2001 at 1:30 p.m. Defense counsel agreed, and served an Amended Notice of Deposition.

4. On Thursday, September 27, 2001, defense counsel received a telephone call from plaintiff's counsel advising that plaintiff's counsel was unable to contact the plaintiff with regard to her deposition on the following day. Defense counsel

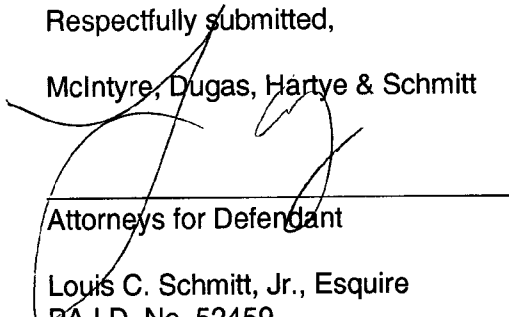
at that point advised plaintiff's counsel that the deposition would remain as scheduled, and that if the plaintiff did not appear at her deposition, a Motion to Compel would be filed with the Court.

5. The plaintiff failed to attend her deposition on Friday, September 28, 2001 at 1:30 p.m. at defense counsel's office.

WHEREFORE, defendant Paul Robert Monoskey, Jr., respectfully requests that this Honorable Court order the plaintiff to within thirty (30) days appear at her re-scheduled deposition.

Respectfully submitted,

McIntyre, Dugas, Hartye & Schmitt



---

Attorneys for Defendant

Louis C. Schmitt, Jr., Esquire  
PA I.D. No. 52459  
Post Office Box 533  
Hollidaysburg, PA 16648  
Ph: (814) 696-3581

AMANDA COOVER,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

: IN THE COURT OF COMMON  
: PLEAS OF CLEARFIELD COUNTY

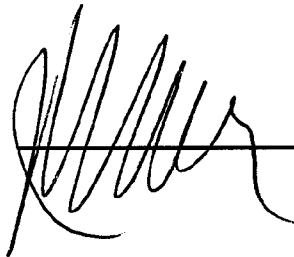
: No. 00-866-CD

**RULE RETURNABLE**

AND NOW, this 4<sup>th</sup> day of October, 2001, a Rule is hereby granted to show cause why the Motion to Compel Deposition of Plaintiff Amanda Coover filed on behalf of Defendant, Paul Robert Monoskey, Jr., should not be granted.

This Rule is returnable on the 14<sup>th</sup> day of November, 2001, at 2:00 P.m. in Court Room No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



J.

**FILED**

OCT 04 2001

William A. Shaw  
Prothonotary

FILED

OCT 04 2001

012:26 p.m.

William A. Shaw

Prothonotary

ICC atty Schmitt

(EM)

ES

AMANDA COOVER,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.,

: IN THE COURT OF COMMON  
: PLEAS OF CLEARFIELD COUNTY

: No. 00-866-CD

**PROPOSED ORDER OF COURT**

AND NOW, this 17 day of January, 2001, upon consideration of the Motion to Compel Deposition of Plaintiff, Amanda Coover, filed on behalf of defendant Paul Robert Monoskey, Jr., and any response thereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Counsel for the parties shall confer and re-schedule the deposition of plaintiff Amanda Coover, which deposition shall be scheduled to take place within thirty (30) days of the date of this Order at defense counsel's office; and,
2. Plaintiff Amanda Coover shall appear, be sworn, and give testimony at her re-scheduled deposition, or face sanctions; and,
3. If counsel are unable to voluntarily agree to a date and time for the re-scheduled deposition of plaintiff, Amanda Coover, this Court shall set a specific time and date for that deposition upon application of either party.

BY THE COURT:

FILED

JAN 18 2002  
01958/noce  
William A. Shaw  
Prothonotary



JAN 08 2002  
0110:42 h  
William A. Shaw  
Prothonotary

REBECKA K. REICKART, : No. 00-847-CD

Plaintiff, :

VS. :

PAUL ROBERT MONOSKEY, JR. :

\*\*\*\*\*

AMANDA COOVER, :

Plaintiff, :

VS. :

PAUL ROBERT MONOSKEY, JR. :

Defendant :

### **JURY INTERROGATORIES**

1. Do you find by a preponderance of the evidence that defendant, Paul Robert Monoskey, Jr.'s negligence was a substantial factor in bringing about harm to plaintiff, Rebecka K. Reickart?

No \_\_\_\_\_

Yes \_\_\_\_\_

If you answered question #1 "No", please proceed to question #3.

If you answered question #1, "Yes", please proceed to question #2.

2. State the amount of damages, if any, sustained by plaintiff, Rebecka K. Reickart.

\$ \_\_\_\_\_

Please proceed to question #3.

3. Do you find by a preponderance of the evidence that defendant, Paul Robert Monoskey, Jr.'s negligence was a substantial factor in bringing about harm to plaintiff, Amanda Coover?

No \_\_\_\_\_

Yes \_\_\_\_\_

If you answered question #3 "No", STOP.

If you answered question #3 "Yes", please proceed to question #4.

4. State the amount of damages, if any, sustained by plaintiff, Amanda Coover.

\$ \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Foreperson

0/10:421no c c  
William A. Shaw  
Prothonotary

REBECKA K. REICKART, : No. 00-847-CD

Plaintiff, :

VS. :

PAUL ROBERT MONOSKEY, JR. :

\*\*\*\*\*  
AMANDA COOVER, :

Plaintiff, :

VS. :

PAUL ROBERT MONOSKEY, JR. :

Defendant :

**DEFENDANT'S REQUESTED POINTS FOR CHARGE**

AND NOW, comes defendant, Paul Robert Monoskey, Jr., by and through his attorneys, McIntyre, Dugas, Hartye & Schmitt, and submits the following Requested Points for Charge pursuant to Pa. R.C.P. 226, and requests that this Honorable Court instruct the jury on the law as follows:

1. Your verdict in this case should be based on a common sense evaluation of conflicting evidence. Cree v. Horn, 372 Pa. Super. 296, 539 A.2d 446, 450 (1988).

2. You may not reach a verdict or decision merely on the basis of a guess or conjecture. Morazzo v. Scanton-Kehi Bottling Company, Inc., 422 Pa. 518, 223 A.2d 17 (1966).

3. The evidence that the plaintiff made an earlier statement inconsistent with her testimony at this trial may be considered by you not only in your evaluation of the plaintiff's credibility, but also as evidence of the truth of the contents of the statement baring upon the facts in issue. Pa. S.S.J.I. (Civ.) 2.21.

4. Pa. S.S.J.I. (Civ.) 3.25.

5. Pa. S.S.J.I. (Civ.) 5.03

6. Pa. S.S.J.I. (Civ.) 5.05

7. Pa. S.S.J.I. (Civ.) 5.30

8. Pa. S.S.J.I. (Civ.) 5.31

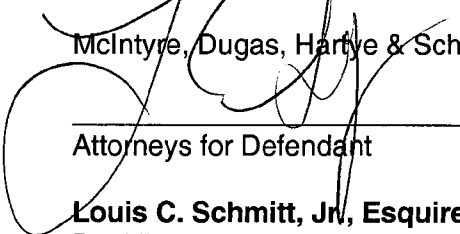
9. Pa. S.S.J.I. (Civ.) 5.50

10. Pa. S.S.J.I. (Civ.) 6.00

11. Damages for pain and suffering are compensatory in nature, and may not be arbitrary, speculative, or punitive, and must be reasonable. Haines v. Raven Arms, \_\_\_\_\_ Pa. \_\_\_\_\_ 640 A.2d 367 (1994).

12. In the event you find that the plaintiffs are entitled to damages in this action, you should award no more in damages to the plaintiffs than will fully and fairly compensate them. Mancini v. Morrow, 312 Pa. Super. 192, 458 A.2d 580 (1983).

Respectfully submitted,

  
McIntyre, Dugas, Hartye & Schmitt

Attorneys for Defendant

**Louis C. Schmitt, Jr., Esquire**  
Pa. I.D. #52459

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

REBECKA K. REICKART,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.

No. 00-847-CD

Voir Dire

AMANDA COOVER,

Plaintiff,

vs.

PAUL ROBERT MONOSKEY, JR.

Defendant

FILED ON BEHALF OF DEFENDANT:  
Paul Robert Monoskey, Jr.

COUNSEL OF RECORD:  
**LOUIS C. SCHMITT, JR., ESQUIRE**  
PA I.D.# 52459  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
814/696-3581  
814/696-9399

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
FORWARDED TO ALL COUNSEL OF  
RECORD ON JANUARY 7, 2002.

Attorneys for Defendant

FILED

JAN 08 2002  
0110:421 noc  
William A. Shaw  
Prothonotary  
A25

REBECKA K. REICKART,	:	No. 00-847-CD
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
PAUL ROBERT MONOSKEY, JR.	:	

\*\*\*\*\*

AMANDA COOVER,	:
	:
Plaintiff,	:
	:
vs.	:
	:
PAUL ROBERT MONOSKEY, JR.	:
	:
Defendant	:

**VOIR DIRE**

1. Have any of you, or has any member of your family ever been represented by the Homyak Law Firm, or Attorney Mark J. Homyak, whose offices are located at 3333 Gulf Tower, Pittsburgh, PA 15219?

2. Have any of you, or has any member of your family ever been represented by the law firm of Stokes, Lurie, Cole & Hens-Greco, P.C., or James B. Cole, whose offices are located at 2100 Law & Finance Building, Pittsburgh, PA 15219?

3. Are any of you related to or do you know plaintiff, Rebecka K. Reickart?

4. Are any of you related to or do you know plaintiff, Amanda Coover?

5. Are any of you related to or do you know defendant, Paul Robert Monoskey, Jr.?

6. Have any of you or has any member of your family ever been involved in filing a lawsuit for personal injuries or property damage?

7. Have any of you had any prior jury experience?

8. The following individuals may be called as witnesses in this trial: (list them)



9. Do any of you, your family, or any of your friends have any social or professional dealings with any of the witnesses I just identified?

10. Have any of you, your family, or your friends ever been a patient of any of the medical care practitioners I just identified?

11. Do any of you have any knowledge or information about this case from any source?

12. Do you all understand that the plaintiffs have the burden of proving their claims at the time of trial?

13. Does anyone here believe that merely because a lawsuit has been filed, the plaintiffs are automatically entitled to damages?

14. Does anybody think that the defendant has the burden of disproving the plaintiffs' claims at the time of trial?

15. Does anybody believe that the defendant ought to have the burden of disproving the plaintiffs' claims at the time of trial?

16. Would any of you have any difficulty awarding the plaintiffs less than they are entitled to, or nothing at all, if the plaintiffs fail to prove at trial that they are entitled to the damages which they claim?

Defense counsel reserves the right to ask any appropriate follow-up questions. Defense counsel also reserves the right to conduct further inquiry into areas inquired into initially by plaintiffs' counsel.

Respectfully submitted,

McIntyre, Dugas, Hartye & Schmitt

Attorneys for Defendant

**Louis C. Schmitt, Jr., Esquire**  
Pa. I.D. #52459

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

Plaintiff

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

CIVIL DIVISION - LAW

No.: 00-847-CD

**PRAECIPE TO SETTLE  
AND DISCONTINUE**

Filed on Behalf of Plaintiff

Counsel of Record for this  
Party:

Mark J. Homyak  
Pa. I.D. 30254

THE HOMYAK LAW FIRM  
3333 Gulf Tower  
Pittsburgh, PA 15219  
(412) 391-6636

**FILED**

JAN 22 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

REBECKA K. REICKART,

CIVIL DIVISION - LAW

Plaintiff

No.: 00-847-CD

v.

PAUL ROBERT MONOSKEY, JR.,

Defendant.

**PRAECIPE TO SETTLE AND DISCONTINUE**

TO: The Prothonotary

Kindly mark this action settled, discontinued and ended, with prejudice.

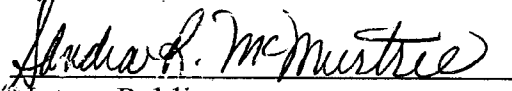
THE HOMYAK LAW FIRM

By: 

Mark J. Homyak  
Attorneys for Plaintiff

Sworn and Subscribed before  
me this 17<sup>th</sup> day of

January, 2002.

  
Notary Public

My Commission Expires:

Notarial Seal  
Sandra R. McMurtrie, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires Mar. 15, 2004  
Member, Pennsylvania Association of Notaries

FILED

M 11:39 AM  
JAN 22 2002

William A. Shaw  
Prothonotary

Seffle a Disc.  
Certificate to

Atty Henryak  
Copy of Disc. to C/A



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Rebecka K. Reickart

Vs.

No. 2000-00847-CD

Paul Robert Monoskey Jr.

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 22, 2002 marked:

Settled, Discontinued and Ended with prejudice

Record costs in the sum of \$124.64 have been paid in full by Mark Homyak, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 22nd day of January A.D. 2002.

\_\_\_\_\_  
William A. Shaw, Prothonotary