

00-871-CD
JOHN D. PERLITCH -vs- NORMAN A. LAING etal

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

54
JOHN D. FERLITCH,
Plaintiff

13 vs. 116 14
NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING,
Defendants

NO. 00- 871. CD

Type of Pleading

COMPLAINT

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

JUL 27 2000

William A. Shaw
Prothonotary

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

JOHN D. FERLITCH,
Plaintiff

vs.

NO. 00-

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING
Defendants

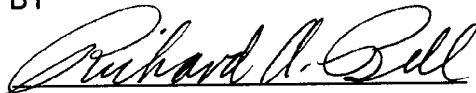
NOTICE TO DEFEND

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

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
2nd & Market Streets
Clearfield, Pennsylvania 16830
Telephone (814) 765-2641 Ex. 50-51

BELL, SILBERBLATT & WOOD
BY



Richard A. Bell, Esquire
Attorney for Plaintiff

BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, Pennsylvania 16830

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

JOHN D. FERLITCH,
Plaintiff

vs.

NO. 00-

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING
Defendants

COMPLAINT

NOW COMES, the Plaintiff, John D Ferlitch, by his attorney Richard A. Bell,
Esquire, of Bell, Silberblatt & Wood, and files the following Complaint against the
Defendants:

1. John D. Ferlitch is an individual residing at R.D.#1, Box 329-A,
Houtzdale, PA 16851. He is of full age and competent.
2. Norman A. Laing is an individual residing at 50 Bailey Avenue, Bay Shore,
NY 11706. He is of full age and competent.
3. JRC Transportation Corp., is a corporation with an address of P.O. Box
366, Thomaston, CT 06787.
4. Tri-State Trucking is a business entity whose address is unknown at this
time.

5. Tri-State Hauling is a business entity whose address is unknown at this time.

6. On May 24, 1999, the Plaintiff John D. Ferlitch, was driving his 1992 Western Star Tri-axle truck northward on State Route 153 in Huston Township, Clearfield County, Pennsylvania.

7. On May 24, 1999, the Defendant, Norman A. Laing, was driving a 1993 Kenworth truck tractor and pulling a trailer owned by Defendant, JRC Transportation Corp., in a southerly direction on State Route 153 in Huston Township, Clearfield County, Pennsylvania.

8. As the vehicles approached a point on Route 153 in Huston Township, Clearfield County, Pennsylvania approximately 500 feet south of segment marker 720, the vehicle driven by Defendant, Norman A. Laing, suddenly jack knifed on the highway and moved into the northbound lane striking the vehicle driven by the Plaintiff, John David Ferlitch.

9. At the time of the incident the Defendant, Norman A. Laing, was an employee agent, or servant of JRC Transportation, Corp., or in the alternative, Tri-State Trucking, or in the second alternative Tri-State Hauling acting within the scope of his employment.

10. In the operation of his vehicle Defendant, Norman A. Laing, was willfully and wantonly, careless and negligent in the following respects:

- (a). He failed to yield the right-of-way to the vehicle of the Plaintiff.
- (b). He was traveling at an excessive rate of speed, considering the conditions then and there existing.
- (c). He allowed his vehicle to travel into the northbound lane of traffic in the path of the Plaintiff's vehicle.
- (d). He failed to keep a proper lookout for other users of the highway, and the Plaintiff in particular.
- (e). He failed to drive his vehicle at a speed that would allow him to stop within the assured clear distance ahead.
- (f). He was driving a vehicle with an expired registration.
- (g). He was driving a vehicle which was not mechanically fit for highway operation.

11. The negligence of Defendant, Norman A. Laing, is imputed to JRC

Transportation Corp., or in the alternative Tri-State Trucking, or in the second alternative Tri-State Hauling or any combination of the three based upon his employment status with them.

12. As the result of the negligence of the Defendants, the Plaintiff's vehicle was broken, damaged and destroyed resulting in damages of Thirty-Seven Thousand Nine Hundred and Fifty-Six Dollars and Eight Cents (\$37,956.08).

13. As a further result of the negligence of Defendants, the Plaintiff suffered a loss of income of Thirteen Thousand One Hundred and Six Dollars and Ten Cents (\$13,106.10).

WHEREFORE, the Plaintiff claims of the Defendants total liquidated damages in the amount of Fifty-One Thousand Sixty-Two Dollars and Eighteen Cents (\$51,062.18), together with damages for delay of payment.

BELL, SILBERBLATT & WOOD
By


Richard A. Bell, Esquire
Attorney for Plaintiff

VERIFICATION

I, JOHN DAVID FERLITCH verify that the statements made in this COMPLAINT are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

DATE: 6-16-00


JOHN DAVID FERLITCH

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. CIVIL DIVISION	
JOHN D. FERLITCH, Plaintiff vs. NORMAN A. LAING, JRC TRANSPORTATION CORP., and TRI-STATE TRUCKING, Defendants	
COMPLAINT	
<div>FILED</div> <div>JUL 27 2000</div> <div><i>William A. Shaw</i> Prothonotary <i>pd \$80.00</i></div> <div><i>3cc atty Bell</i></div>	
BELL, SILBERBLATT & WOOD ATTORNEYS AT LAW 318 EAST LOCUST STREET P. O. BOX 670 CLEARFIELD, PA. 16830	

Law Office
BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830
e-mail: bswlaw@penn.com
Writer's direct e-mail: rbell@penn.com

COPY

RICHARD A. BELL
ANN B. WOOD
F. CORTEZ BELL, III

(814) 765-5537
FAX (814) 765-9730

PAUL SILBERBLATT 1954-1985
F. CORTEZ BELL, JR. 1954-1995(Ret)

OF COUNSEL:
DANIEL C. BELL

September 5, 2000

Re: John D. Ferlitch, Plaintiff
Vs.

JRC Transportation Corp.
P.O. Box 366
Thomaston, CT 06787

Norman A. Laing, JRC.
Transportation Corp., Tri-State
Trucking, and Tri-State Hauling,
No. 00-871-CD

Gentlemen:

Enclosed is a certified copy of a Complaint that has been filed against you by John D. Ferlitch in the Court of Common Pleas of Clearfield County, Pennsylvania. This Complaint is based upon an accident which happened on May 24, 1999 in Houston Township, Clearfield County, Pennsylvania when a vehicle driven by Norman A. Laing collided with a vehicle driven by the Plaintiff John David Ferlitch. The Plaintiff alleges that Norman A. Laing was acting within the scope of his employment as an employee, agent, or servant of JRC Transportation Corp., or Tri-State Trucking or Tri-State Hauling and was negligent causing the accident.

Receipt of this photocopy of the Complaint by certified mail, return receipt requested, restricted delivery constitutes valid and legal service upon you and you must file a responsive pleading to it within twenty (20) days of the service upon you or you may have a judgment taken against you. Please read that part of the Complaint entitled Notice To Defend as well as the rest of the Complaint.

Very truly yours,

BELL, SILBERBLATT & WOOD
BY



Richard A. Bell

RAB/sai
Enclosure
Certified Mail, Return Receipt
Restricted Delivery No. 700999 3400 0002 7588 4800

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

JOHN D. FERLITCH,
Plaintiff

No. 00-871-CD

vs.

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING,
Defendants

FILED

OCT - 3 2000

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

William A. Shaw
Prothonotary

COMMONWEALTH OF PENNSYLVANIA:

: SS.

COUNTY OF CLEARFIELD

:

I, Richard A. Bell, Esquire, being duly sworn according to law, depose
and say that I am the Attorney for the Plaintiff in the above captioned case.

On September 5, 2000, I caused to be mailed to JRC Transportation
Corp., by Certified Mail No. 7099 3400 0002 7588 4800, Return Receipt Requested,
Restricted Delivery a Certified Copy of a Complaint with reference to the above
captioned case addressed to: JRC Transportation Corp., P.O. Box 366, Thomaston,
CT 06787.

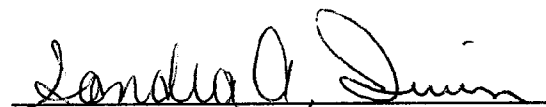
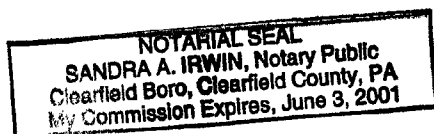
Copies of the covering letter, Receipt For Certified Mail, and the Return
Receipt Card are attached hereto showing receipt on September 7, 2000.

BELL, SILBERBLATT & WOOD
BY



Richard A. Bell, Esquire
Attorney for Plaintiff

SWORN to and SUBSCRIBED before
me this 3rd day of October, 2000



Is your **RETURN ADDRESS** completed on the reverse side?

SENDER:		I also wish to receive the following services (for an extra fee):	
<input type="checkbox"/> Complete items 1 and/or 2 for additional services. <input type="checkbox"/> Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.		1. <input type="checkbox"/> Addressee's Address 2. <input checked="" type="checkbox"/> Restricted Delivery	
3. Article Addressed to: JRC Transportation Corp P.O. Box 366 Shoaston, CT 06787		4a. Article Number 7099 3400 0002 4800	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
5. Received By: (Print Name) Donald Saunders		7. Date of Delivery 9-7-00	
6. Signature (Addressee or Agent) Donald Saunders		8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3811, December 1994

102395-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Richard A. Bell, Esquire
BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830



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

Article Sent To

JRC Transportation Corp

Postage

\$

Certified Fee

1.40

Return Receipt Fee
(Endorsement Required)

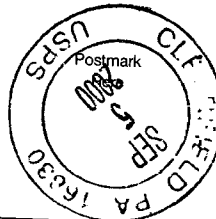
1.25

Restricted Delivery Fee
(Endorsement Required)

2.75

Total Postage & Fees

\$



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

JRC Transportation Corp

Street, Apt. No. or PO Box No.

P.O. Box 366

City, State, ZIP+4

Thomaston, CT 06787

PS Form 3800, July 1982

See Reverse for Instructions

0084 9852 2000 004E 6602

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- ⚠ Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- :: Certified Mail is *not* available for any class of international mail.
- :: NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- :: For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- ☐ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, July 1999 (*Reverse*)

102595-99-M-2087

FILED
OCT 10 10:30 AM
OCT - 3 2000

William A. Shaw
Prothonotary
DOCC

EX-104

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

JOHN D. FERLITCH,
Plaintiff

vs.

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING,
Defendants

NO. 00-871-CD

Type of Pleading

CERTIFICATE OF SERVICE

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

NOV 03 2000

William A. Shaw
Prothonotary

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

JOHN D. FERLITCH,
Plaintiff

No. 00-871-CD

vs.

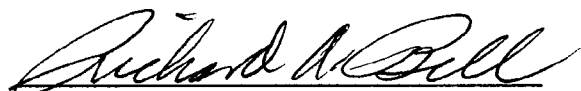
NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING,
Defendants

CERTIFICATE OF SERVICE

I, Richard A. Bell, Esquire, certify that I am the Attorney for Plaintiff in the
above captioned case.

I further certify that Norman A. Laing, Defendant, was served with a
certified copy of the Complaint on October 23, 2000, in the manner as shown on the
Affidavit Of Service attached hereto.

BELL, SILBERBLATT & WOOD
BY

A handwritten signature in cursive script, appearing to read "Richard A. Bell", is written over a horizontal line.

Richard A. Bell, Esquire
Attorney for Plaintiff

John D. Ferlitch

Norman A. Laing, et al.

against

Plaintiff (s) Petitioner (s)

Defendant (s) : Respondent (s)

Calendar No.

AFFIDAVIT
OF
SERVICE

being sworn.

Nassau

County, New York State:

Maureen Fiammetta

New York State

says: Deponent is not a party herein, is over 18 years of age and resides at

On Oct. 23, 2000 at 11:40 A.M., at 50 Bailey Avenue, Bayshore, NY 11706-ground fl.

deponent served the within

<input type="checkbox"/> summons	<input type="checkbox"/> with notice	<input type="checkbox"/> summons, Spanish summons and verified formal complaint, the language required by NYCRR 2900.0 (e), (f) & (h) was set forth on the face of the summons (es)
<input type="checkbox"/> summons and complaint		
<input type="checkbox"/> order to show cause		<input type="checkbox"/> citation
<input type="checkbox"/> subpoena	<input type="checkbox"/> subpoena duces tecum	<input type="checkbox"/> papers served had endorsed thereon index no. and date of filing
<input type="checkbox"/> summons & verified complaint		<input checked="" type="checkbox"/> certified copy of complaint
<input type="checkbox"/> summons & complaint - foreclosure		

on Norman A. Laing, one of the

☒ defendant (s) } (hereinafter)
☐ respondent } called)
☐ witness } the recipient)
therein named

1. ☐ INDIVIDUAL recipient therein. by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.
2. ☐ CORPORATION a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual thereof
3. ☒ SUITABLE AGE PERSON by delivering thereat a true copy of each to Kim "Smith"/co-worker/who refused true last name a person of suitable age and discretion. Said premises is recipient's ☒ actual place of business ☐ dwelling house (usual place of abode) within the state.
4. ☐ AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

Deponent talked to Kim "Smith"

co-worker who stated that recipient ☐ lived ☒ worked there.

MAILING
USE WITH

(3 or 4)

Deponent caused a copy of same to be enclosed in a postpaid sealed wrapper properly addressed to recipient at recipient's last known residence, at 50 Bailey Avenue, Bayshore, NY 11706-ground fl. and caused said wrapper to be deposited in a post office - official depository under exclusive care and custody of the U.S. Postal Service within New York State.

☒ The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION

(1 or 3)

Sex	Color	Hair	Approximate Age	Height	Weight	
<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0" - 5'3"	<input checked="" type="checkbox"/> 100 - 130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blond Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4" - 5'8"	<input type="checkbox"/> 131 - 160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9" - 6'0"	<input type="checkbox"/> 161 - 200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

WITNESS
FEES

\$

the authorizing traveling expenses and one days' witness fee:

☐ was paid (tendered) to the recipient
☐ was mailed to the witness with subpoena copy.

MILITARY
SERVICE

☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on
Oct. 24, 2000

ILENE BRODY
Notary Public, State of New York
No. 30-4843428
Qualified in Nassau County
Commission Expires February 28, 2002

Maureen Fiammetta License No.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. CIVIL DIVISION NO. 00-871-CD	
JOHN D. FERLITCH, Plaintiff vs, NORMAN A. LAING, JRC. TRANSPORTATION CORP., TRI- STATE TRUCKING, AND TRI-STATE HAULING, Defendants	
CERTIFICATE OF SERVICE	
<div>NOV 03 2003 2/12:00 noon Wm. A. ... No CC</div>	
BELL, SILBERBLATT & WOOD ATTORNEYS AT LAW 318 EAST LOCUST STREET P. O. BOX 670 CLEARFIELD, PA. 16830	

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. FERLITCH,

Plaintiff,

v.

NORMAN A. LAING, JRC
TRANSPORTATION CORP., TRI-STATE
TRUCKING, AND TRI-STATE
HAULING,

Defendant.

) CIVIL DIVISION

)

) No. 00-871-CO

)

) Code:

)

) **PRAECIPE FOR ENTRY OF
APPEARANCE**

)

) Filed on behalf of Defendant
) JRC Transportation Corp.

)

) Counsel of Record for this Party:

)

) DENNIS A. WATSON, ESQUIRE

)

) Pa. I.D. 25500

)

) GROGAN GRAFFAM MCGINLEY, P.C.

)

) Firm I.D. No. 072

)

) Three Gateway Center

)

) Twenty-Second Floor

)

) Pittsburgh, PA 15222

)

) (412) 553-6300

)

) 40400-04106

)

) **JURY TRIAL DEMANDED**

)

NOV 06 2000

WILLIAM A. SLEW
[Signature]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA


JOHN D. FERLITCH,)	CIVIL DIVISION
)	
Plaintiff,)	No. 00-871-CO
)	
v.)	
)	
NORMAN A. LAING, JRC)	
TRANSPORTATION CORP., TRI-STATE)	
TRUCKING, AND TRI-STATE)	
HAULING,)	
)	
Defendant.)	
)	

PRAECIPE FOR ENTRY OF APPEARANCE

TO: PROTHONOTARY

Kindly enter the appearance of Dennis A. Watson, Esquire of Grogan Graffam McGinley, P.C. as counsel for JRC Transportation Corp. in the above-captioned case.

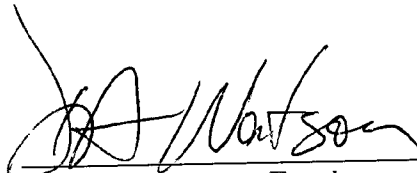
GROGAN GRAFFAM MCGINLEY, P.C.

By: 
Dennis A. Watson, Esquire
Attorneys for Defendant,
JRC Transportation Corp.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praecipe for Entry of Appearance was served upon the following counsel of record on this 2nd day of November, 2000 by United States mail, first-class, postage prepaid:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830



Dennis A. Watson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. FERLITCH,

Plaintiff,

v.

NORMAN A. LAING, JRC
TRANSPORTATION CORP., TRI-STATE
TRUCKING, AND TRI-STATE
HAULING,

Defendant.

) CIVIL DIVISION

)

) No. 00-871-CO

)

) Code:

)

) **ANSWER, NEW MATTER AND**
) **CROSS-CLAIM OF JRC**
) **TRANSPORTATION CORP.**

)

) Filed on behalf of Defendant
) JRC Transportation Corp.

)

) Counsel of Record for this Party:

)

) DENNIS A. WATSON, ESQUIRE

)

) Pa. I.D. 25500

)

) GROGAN GRAFFAM MCGINLEY, P.C.

)

) Firm I.D. No. 072

)

) Three Gateway Center

)

) Twenty-Second Floor

)

) Pittsburgh, PA 15222

)

) (412) 553-6300

)

) 40400-04106

)

) **JURY TRIAL DEMANDED**

FILED

NOV 06 2000

William A. Grew
Clerk of Court

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. FERLITCH,)	CIVIL DIVISION
)	
Plaintiff,)	No. 00-871-CO
)	
v.)	
)	
NORMAN A. LAING, JRC)	
TRANSPORTATION CORP., TRI-STATE)	
TRUCKING, AND TRI-STATE)	
HAULING,)	
)	
Defendant.)	
)	

ANSWER, NEW MATTER AND CROSS-CLAIM
OF JRC TRANSPORTATION CORP.

Defendant JRC Transportation Corp. (herein "JRC") by its attorneys, Dennis A. Watson, Esquire and Grogan Graffam McGinley, P.C., submits this Answer, New Matter and Cross-Claim.

1-2. After reasonable investigation, JRC is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1-2.

3. Admitted.

4-5. After reasonable investigation, JRC is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 4-5.

6-8. JRC is advised and avers that the allegations contained in paragraphs 6-8 are at issue under the applicable Pennsylvania Rules of Civil Procedure and that no response is necessary. To the extent a responsive pleading is necessary, after reasonable investigation,

JRC is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 6-8.

9. Denied. If Plaintiff's allegations set forth in Paragraphs 6-8 are true, Norman A. Laing was not an employee, agent or servant of JRC Transportation Corp. or acting within the scope of his employment at the time of the incident. On the contrary, if Plaintiff's allegations in Paragraphs 6-8 are true, Laing was operating the truck, tractor and trailer without the express or implied permission or authority of JRC.

10. JRC is advised and avers that the allegations contained in Paragraph 10 are at issue under the applicable Pennsylvania Rules of Civil Procedure and that no response is necessary. To the extent a responsive pleading is necessary, after reasonable investigation, JRC is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10.

11. JRC is advised and avers that the allegations contained in paragraph 11 are conclusions of law and/or are at issue under the applicable Pennsylvania Rules of Civil Procedure and that no response is necessary. To the extent a responsive pleading is necessary, JRC denies that any alleged negligence of Defendant Norman A. Laing is imputed to JRC. JRC incorporates Paragraph 9 of this pleading by reference. After reasonable investigation, JRC is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 11.

12-13. JCI is advised and avers that the allegations contained in paragraph 12-13 are conclusions of law and/or are at issue under the applicable Pennsylvania Rules of Civil Procedure and that no response is necessary. To the extent a responsive pleading is necessary, after reasonable investigation, JRC is without knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraphs 12-13. Additionally, JRC denies it is liable in any manner or sum whatsoever.

WHEREFORE, JRC Transportation Corp. demands that Plaintiff's Complaint be dismissed and costs and charges to Plaintiff.

NEW MATTER

14. Plaintiff's action is barred and/or Plaintiff's right to recovery is proportionally reduced by the Plaintiff's contributory and/or comparative negligence.

15. Plaintiff's action is barred by Plaintiff's voluntary assumption of the risk.

16. Plaintiff's right to recovery is barred and/or proportionally reduced due to Plaintiff's failure to mitigate his damages.

WHEREFORE, JRC Transportation Corp. demands that Plaintiff's Complaint be dismissed and costs and charges to Plaintiff.

CROSS-CLAIM AGAINST NORMAN A. LAING

JRC incorporates the preceding paragraphs of this Answer and New Matter by reference.

17. Plaintiff has alleged that at the time of the alleged incident, Defendant Norman A. Laing was an employee, agent or servant of JRC Transportation Corp. acting within the scope of his employment. JRC has denied such allegations. Paragraph 9 of this pleading is incorporated by reference.


18. To the extent any of Plaintiff's allegations are true, which are admitted only to the extent set forth above, Laing is liable over to JRC, and JRC is entitled to be indemnified by Laing.

WHEREFORE, JRC Transportation Corp. demands appropriate judgment against Defendant Norman A. Laing.

JURY TRIAL DEMANDED.

Respectfully submitted,

GROGAN GRAFFAM MCGINLEY, P.C.

By: 
Dennis A. Watson, Esquire
Attorneys for Defendant,
JRC Transportation Corp.

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF ALLEGHENY)

Before me, the undersigned authority, personally appeared Dennis A. Watson, Esquire who being duly sworn according to law, deposes and says that he is the attorney for Defendant, JRC Transportation Corp., a corporation, and that the averments contained in the foregoing Answer, New Matter and Cross-Claim are true and correct to the best of his knowledge, information and belief.

The Defendant and all of its authorized representatives are outside the jurisdiction of the court and none of them can be obtained within the time allowed for filing this pleading. Defendant's Verification will be filed with the Court upon receipt of the same.

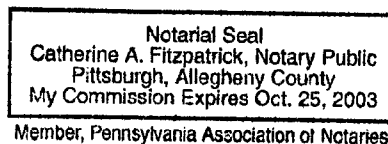

DENNIS A. WATSON, ESQUIRE

Sworn to and subscribed

before me this 2nd day

of November, 2000.

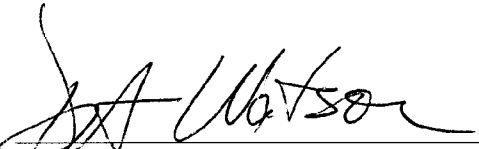
Catherine A. Filpatrick
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Answer, New Matter and Cross-Claim of JRC Transportation Corp. was served upon the following counsel of record on this 2nd day of November, 2000 by United States mail, first-class, postage prepaid:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830


Dennis A. Watson, Esquire

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

JOHN D. FERLITCH,
Plaintiff

vs.

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING,
Defendants

NO. 00-871-CD

Type of Pleading


REPLY TO NEW MATTER

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

 **FILED**
NOV 15 2000
0/11:00/05
William A. Shaw
Prothonotary
no c/c

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

JOHN D. FERLITCH,
Plaintiff

vs.

NO. 00-871-CD

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING
Defendants

REPLY OF PLAINTIFF TO NEW MATTER OF DEFENDANT
JRC. TRANSPORTATION CORP

The Plaintiff files the following Reply to the New Matter of the Defendant:

14. The Plaintiff denies that he has been negligent in any respect, and therefore the allegations of paragraph fourteen are denied.


15. The Plaintiff denies that he voluntarily assumed any risk, or that there was any assumption of risk question involved under the facts and circumstances of this case.

16. The Plaintiff denies that he failed to mitigate his damages, but alleges that he took all reasonable measures to mitigate his damages.

WHEREFORE, John D. Ferlitch, Plaintiff requests that the New Matter

of Defendant JRC Transportation Corp be dismissed.

BELL, SILBERBLATT & WOOD
By



Richard A. Bell, Esquire

VERIFICATION

The undersigned verifies that he is the Attorney of record for Plaintiff, named in the within action, that as such Attorney, he is authorized to make this verification, and that the statements made in the foregoing Reply To New Matter, are true and correct not from his own knowledge, but from information supplied to him and believed to be true, and that this Verification is filed by him for the purposes of expediting this litigation, and in the event a Verification from Plaintiff is required, same will be supplied. The undersigned understands that false statements made herein are subject to the penalties of 18 PA. CS. 4904 relating to unsworn falsification to authorities.

Dated: 11-15-00


Richard A. Bell, Esquire

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

JOHN D. FERLITCH,
Plaintiff

vs.

NO. 00-

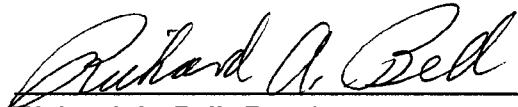
NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING

Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Reply To New
Matter in the above matter was mailed the 15th day of November, 2000, postage
prepaid at the post office in Clearfield, PA 16830 to the following:

Dennis A. Watson, Esquire
GROGAN GRAFFAM MCGINLEY, P.C.
Three Gateway Center
Twenty-Second Floor
Pittsburgh, PA 15222


Richard A. Bell, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. CIVIL DIVISION NO. 00-871-00
JOHN D. FERLITCH, Plaintiff vs. NORMAN A. LAING, JRC. TRANSPORTATION CORP., TRI- STATE TRUCKING, AND TRI- STATE HAULING, Defendants
REPLY TO NEW MATTER
BELL, SILBERBLATT & WOOD ATTORNEYS AT LAW 318 EAST LOCUST STREET P. O. BOX 670 CLEARFIELD, PA. 16830

RECEIVED
NOV 15 2000
WILLIAM A. CHAW
Prothonotary

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

JOHN D. FERLITCH,
Plaintiff

vs.

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING,
Defendants

NO. 00-871-CD

Type of Pleading
PRAECIPE FOR DEFAULT
JUDGEMENT

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

MAY 09 2002

William A. Shaw
Prothonotary

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

JOHN D. FERLITCH,
Plaintiff

vs.

NO. 00-871-CD

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING
Defendants

TO: CLEARFIELD COUNTY PROTHONOTARY:

PRAECIPE FOR DEFAULT JUDGMENT

Please enter Default Judgment in favor of Plaintiff John D. Ferlitch and against Defendant Norman A. Laing for failure to file a responsive pleading to the Complaint filed by the Plaintiff within twenty (20) days after service in the amount of Fifty-One Thousand Sixty-Two Dollars and Eighteen Cents (\$51,062.18) together with damages for delay of payment.

It is hereby certified that Notice Of Praecipe To Enter Judgment By Default was mailed at least ten (10) days prior to the date of filing of this Praecipe.

BELL, SILBERBLATT & WOOD
BY:

A handwritten signature in black ink, appearing to read "Richard A. Bell", is written over a horizontal line.

Richard A. Bell, Esquire
Attorney For Plaintiff

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

JOHN D. FERLITCH,
Plaintiff

vs.

NO. 00-


NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Praecipe For
Default Judgment in the above matter was mailed the 3rd day of May, 2002,
postage prepaid at the post office in Clearfield, PA 16830 to the following:

Dennis A. Watson, Esquire
GROGAN GRAFFAM MCGINLEY, P.C.
Three Gateway Center
Twenty-Second Floor
Pittsburgh, PA 15222

Norman A. Laing
50 Bailey Avenue
Bayshore, NY 11706-ground floor


Richard A. Bell, Esquire
Attorney for Plaintiff

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

JOHN D. FERLITCH,
Plaintiff

vs.

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING,
Defendants

NO. 00-871-CD

Type of Pleading

NOTICE OF PRAECIPE TO
ENTER JUDGMENT BY
DEFAULT

Filed on Behalf of:

Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

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

JOHN D. FERLITCH,
Plaintiff

vs.

NO. 00-871-CD

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING

Defendants

NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

TO: NORMAN A. LAING

DATE OF NOTICE: 4/19/02

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
CLEARFIELD COUNTY COURTHOUSE
Clearfield, PA 16830
(814) 765-2641

Regular Mail AND
Certified Mail No.
7099 3400 0016 7879 4413



Richard A. Bell, Esquire
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830
(814) 765-5537

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

JOHN D. FERLITCH,
Plaintiff

vs.

NO. 00-

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING

Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff'S Notice Of Praeipce
To Enter Judgment By Default in the above matter was mailed the 19th day of
April, 2002, postage prepaid at the post office in Clearfield, PA 16830 to the
following:

Dennis A. Watson, Esquire
GROGAN GRAFFAM MCGINLEY, P.C.
Three Gateway Center
Twenty-Second Floor
Pittsburgh, PA 15222

Norman A. Laing
50 Bailey Avenue
Bayshore, NY 11706-ground floor



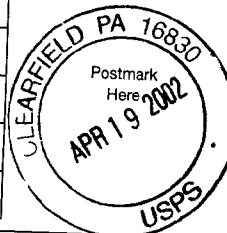
Richard A. Bell, Esquire
Attorney for Plaintiff

7099 3400 004E 6602
ET44 6282 7878 4413

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

--	--

Postage	\$ 57
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 2.67



Recipient's Name (Please Print Clearly) (to be completed by mailer)
Norman A. Laing
Street, Apt. No., or PO Box No.
50 Bailey Avenue-ground floor
City, State, ZIP+4
Baushore NY 11706

PS Form 3800, February 2001

See Instructions to Institutions

Certified Mail Provides:

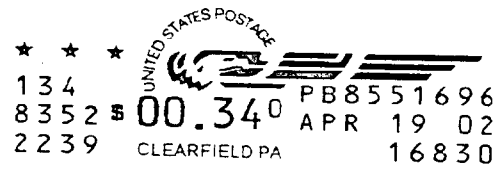
- ☐ A mailing receipt
- ☐ A unique identifier for your mailpiece
- ☐ A signature upon delivery
- ☐ A record of delivery kept by the Postal Service for two years

Important Reminders:

- ☐ Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- ☐ Certified Mail is *not* available for any class of international mail.
- ☐ NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- ☐ For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- ☐ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- ☐ If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

W. Bell, Esquire
BERBLATT & WOOD
Locust Street,
670
,, PA 16830



Norman A. Laing
50 Bailey Avenue
Bayshore, NY 11706-1st Floor

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. CIVIL DIVISION NO. 00-871-CD	
JOHN D. FERLITCH, Plaintiff	vs. NORMAN A. LAING, JRC TRANSPORTATION CORP., TRI- STATE TRUCKING, AND TRI- STATE HAULING, Defendants
PRAECIPE FOR DEFAULT JUDGMENT	
<div>FILED 1000 01 141-884 MAY 09 2002 Atty pd 20.00 G3</div> <div>William A. Shaw Prothonotary</div> <div>Notice to Norman Laing Statement to Atty</div>	
BELL, SILBERBLATT & WOOD ATTORNEYS AT LAW 318 EAST LOCUST STREET P. O. BOX 670 CLEARFIELD, PA. 16830	

COPY

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

JOHN D. FERLITCH,
Plaintiff

vs.

NO. 00-871-CD

NORMAN A. LAING, JRC. TRANSPORTATION
CORP., TRI-STATE TRUCKING, AND TRI-STATE
HAULING

Defendants

NOTICE OF JUDGMENT

TO: NORMAN A. LAING,

Defendant

NOTICE is given that a JUDGMENT in the above captioned matter has been
entered against you in the amount of Fifty-One Thousand Sixty-Two Dollars and
Eighteen Cents (\$51,062.18) on the 9th day of May, 2002.

William A. Shaw
Prothonotary



William A. Shaw

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

John D. Ferlitch
Plaintiff(s)

No.: 2000-00871-CD

Real Debt: \$51,062.18

Atty's Comm:

Vs.

Costs: \$

Int. From:

Norman A. Laing
JRC Transportation Corp.
Tri-State Trucking
Tri-State Hauling
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment - AGAINST
NORMAN A. LAING ONLY

Date of Entry: May 9, 2002

Expires: May 9, 2007

Certified from the record this 9th day of May, 2002

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt,
Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney