

00-920-CD
JAMES A. OTT -vs- STEVEN GHEZZI et al

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JAMES A. OTT,

CIVIL ACTION - LAW

Plaintiff,

vs.

Number 00 - 920 C.D.

STEVEN GHEZZI, individually and
t/d/b/a G & L LOGGING,
Defendant.

Type of Pleading: Complaint

Filed on behalf of: Plaintiff

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUL 03 2003

William A. Shaw
Prothonotary

JAMES A. OTT,

Plaintiff,

vs.

STEVEN GHEZZI, individually and
t/d/b/a G & L LOGGING,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
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* Civil Action - Law
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*
* Number 00 - 920 C.D.

NOTICE

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

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

David S. Meholic, Court Administrator,
Clearfield County Courthouse,
Clearfield, Pennsylvania 16830
(814) 765-2641 Ext. 5982

JAMES A. OTT,

Plaintiff,

vs.

STEVEN GHEZZI, individually and
t/d/b/a G & L LOGGING
Defendant,

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
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* Civil Action - Law
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* Number 00 - 920 C.D.

COMPLAINT

AND NOW, comes the Plaintiff, James A. Ott, by and through his attorneys, Dennison, Dennison & Harper, who file the following Complaint:

1. The Plaintiff, James A. Ott, is an adult individual of full age and sui juris who resides at 473 Treasure Lake, Dubois, Pennsylvania 15801.
2. The Defendant, Steven Ghezzi, is an adult individual of full age and sui juris who resides at R.D. 1, Box 67, Penfield, Pennsylvania 15849.
3. On August 10, 1998, and at all times material to this Complaint, the Plaintiff, James A. Ott, was the owner of a house (hereinafter "Ott house"), located at 473 Treasure Lake, Dubois, Pennsylvania 15801.

4. On August 10, 1998, and at all times material to this Complaint, the Defendant, Steven Ghezzi, was the owner of a business known as G & L Logging.
5. On August 10, 1998, and at all times material to this Complaint, Paul Honchar was the owner of property located at 477 Treasure Lake, Dubois, Pennsylvania, 15801 (hereinafter "Honchar Property").

6. On August 10, 1998, and at all times material to this Complaint, the Honchar Property adjoined the property owned by the Plaintiff, James A. Ott.

7. On or around August 10, 1998, Paul Honchar hired Steven Ghezzi, individually and t/d/b/a G & L Logging, to remove trees from the Hanchar Property in a location near the Ott house.

COUNT I
JAMES A. OTT, Plaintiff
v.
STEVEN GHEZZI, individually and t/d/b/a G & L LOGGING, Defendant

8. The averments of paragraphs 1 through 7 of this Complaint are incorporated herein by reference thereto.

9. On August 10, 1998, the Defendant, Steven Ghezzi, individually and t/d/b/a G & L Logging, was removing trees from the Hanchar Property near the Ott house.

10. On the aforementioned date, a tree being removed by the Defendant, Steven Ghezzi, individually and t/d/b/a G & L Logging struck the Ott house, causing extensive damage to the roof and side of the house.

11. The incident complained of in Paragraph 10 of this Complaint was caused by the negligence and carelessness of the Defendant, Steven Ghezzi, individually and t/d/b/a G & L Logging, and such negligence and carelessness consisted of the following particulars:

- (a) he disregarded the position of the tree with regard to the Ott house;
- (b) he caused the tree to fall onto the Ott house;

- (c) he failed to ensure that the tree would fall in a safe direction;
- (d) he failed to prevent the tree from striking the Ott house; and
- (e) he failed to take reasonable safety precautions.

12. Solely on account of the Defendant's above-described negligence and carelessness, the Ott house sustained damages in the amount of Six Thousand Four Hundred Thirty and 90/100 Dollars (\$6,430.90).

13. On or about February 6, 2001, the Defendant, Steven Ghezzi, individually and t/d/b/a G & L Logging, entered into a Compromise Agreement to pay the sum of One Thousand Seven Hundred Ninety-seven and 98/100 Dollars (\$1,797.98) in full satisfaction of the damages set forth in Paragraph 12.

14. To date the Defendant, Steven Ghezzi, individually and t/d/b/a G & L Logging, has paid only Fifty and 00/100 Dollars (\$50.00) toward the compromised amount of One Thousand Seven Hundred Ninety-seven and 98/100 Dollars (\$1,797.98).

WHEREFORE, the Plaintiff, James A. Ott, demands judgment in his favor and against the Defendant, Steven Ghezzi, in the amount of One Thousand Seven Hundred Forty-seven and 98/100 Dollars (\$1,747.98) together with interest and costs.

COUNT II
JAMES A. OTT, Plaintiff
v.
STEVEN GHEZZI, Defendant

15. The averments of paragraphs 1 through 12 of this Complaint are incorporated herein

by reference thereto.

16. On February 6, 2001, the Defendant, Steven Ghezzi, entered into a settlement Agreement with State Farm Fire and Casualty Company, which insured the Plaintiff, James A. Ott, for the damages caused by the negligence complained of in Paragraph 11 of this Complaint. A true and correct copy of the Agreement is attached hereto as Exhibit "A" and made part hereof.

17. Pursuant to the Agreement, the Defendant, Steven Ghezzi, individually and t/d/b/a G & L Logging, agreed to pay State Farm Fire and Casualty Company the sum of One Thousand Seven Hundred Ninety-seven and 98/100 Dollars (\$1,797.98) in consideration of the damages set forth in Paragraph 12 of this Complaint, and in exchange for a discontinuation of the within lawsuit upon payment in full.

18. Pursuant to the Agreement, the Defendant, Steven Ghezzi, individually and t/d/b/a G & L Logging, agreed to pay the principle sum of One Thousand Seven Hundred Ninety-seven and 98/100 Dollars (\$1,797.98) in monthly payments of Fifty and 00/100 Dollars (\$50.00), said payments made on the 27th day of each month, starting on January 27, 2001.

19. The Agreement provides that in the case that the Defendant is in default for the space of thirty (30) days on any payment, State Farm shall have the option to require the entire unpaid balance to become due and payable without notice.

20. The Defendant, Steven Ghezzi, individually and t/d/b/a G & L Logging, made one payment of Fifty and 00/100 Dollars (\$50.00) on January 18, 2001 by way of a check from

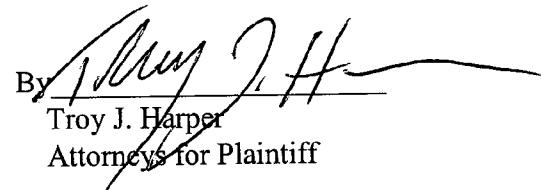
Tanya Gummo.

21. Despite repeated demands for the same, the Defendant, Steven Ghezzi, individually and t/d/b/a G & L Logging, has made no other payments to date.

WHEREFORE, the Plaintiff, James A. Ott, demands judgment in its favor and against the Defendant, Steven Ghezzi, in the amount of One Thousand Seven Hundred Forty-seven and 98/100 Dollars (\$1, 747.98) together with interest and costs.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Plaintiff

AGREEMENT

THIS AGREEMENT entered into this 1st day of FEBRUARY, 2001, by and between State Farm Fire and Casualty Company (hereinafter State Farm) and Steven Ghezzi, t/d/b/a G&L Logging (hereinafter Ghezzi).

1. Ghezzi agrees to pay State Farm the sum of One Thousand Seven Hundred Ninety-seven and 98/100 Dollars (\$1,797.98), an amount comprised of the damages caused by Ghezzi to the home located at Section 1, Lot 20 of Treasure Lake, DuBois, Pennsylvania, owned by James Ott and insured by State Farm, as follows:

The sum of \$50.00 by the 27th of January, 2001, and a like sum of \$50.00 on the 27th of each month thereafter until the entire sum shall be paid in full. Such amount to be paid by check made out to: "Dennison, Dennison & Harper, Attorneys for State Farm Insurance Companies".

2. Upon payment of all monies due according to the terms of Paragraph 1 above, State Farm shall discontinue the lawsuit filed in the Clearfield County Court of Common Pleas, Pennsylvania, No. 00 - 920 C.D.

3. Waiver of any default by Ghezzi shall not effect State Farm's right upon any later default.

4. In case default be made for the space of thirty (30) days in the payment of any amount set forth in Paragraph 1, the entire unpaid balance of the debt, shall at the option of State Farm and without notice become immediately due and payable.

5. Ghezzi shall have a right to prepay an amount due and owing under the provisions of Paragraph 1.

IN WITNESS WHEREOF, Ghezzi hereby sets his hand and seal with intention of being legally bound thereby.

Steven Ghezzi
Steven Ghezzi, individually
and t/d/b/a G&L Logging

2-6-01
Date

Hereby sworn to and subscribed before me this 10 day of FEBRUARY, 2001

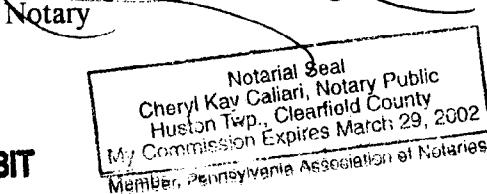


EXHIBIT
"A"

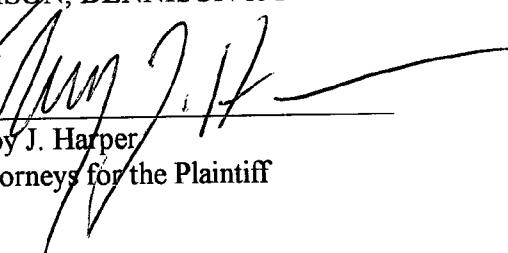
VERIFICATION

Troy J. Harper, attorney for the Plaintiff verifies that the averments made in the foregoing Complaint are true and correct based on the information provided to him through his the Plaintiff and that said averments are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C. S. Section 4904, relating to unsworn falsification to authorities.

DENNISON, DENNISON & HARPER

By

Troy J. Harper
Attorneys for the Plaintiff



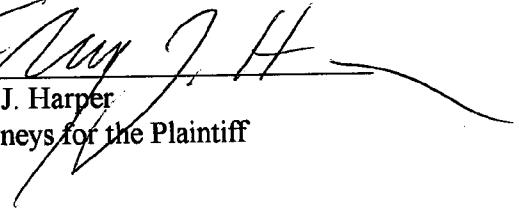
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Complaint was served on the
2nd day of July, 2003, by United States Mail, First Class,
Postage Prepaid, addressed to the following:

Steven Ghezzi
G&L Logging
R.D. 1, Box 67
Penfield, Pennsylvania 15849

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Plaintiff

FILED

no

cc

JUL 15 2003

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AM

William A. Shaw
Prothonotary

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

5) JAMES A. OTT,

Plaintiff,

vs.

8) STEVEN GHEZZI, individually and
t/d/b/a G & L LOGGING,
Defendant.

CIVIL ACTION - LAW

Number - 2000 C.D. 00-920-CO

Type of Case: Civil Division

Type of Pleading: Praeclipe for Writ
of Summons

Filed on behalf of: Plaintiff

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

AUG 04 2000

William A. Shaw
Prothonotary

JAMES A. OTT,

Plaintiff,

vs.

STEVEN GHEZZI, individually and
t/d/b/a G & L LOGGING,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

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* Civil Action - Law

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* No. - 2000 C.D.

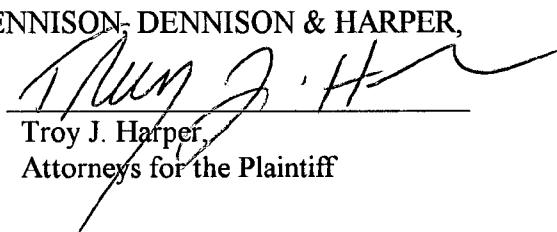
PRAECLPICE FOR WRIT OF SUMMONS

TO: THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please issue a writ of summons in civil action in the above captioned matter in which

STEVEN GHEZZI, individually and t/d/b/a G & L LOGGING is the Defendant.

DENNISON, DENNISON & HARPER,

By 

Troy J. Harper,
Attorneys for the Plaintiff

FILED

AUG 04 2000

William A. Shaw
Prothonotary

JAMES A. OTT,

Plaintiff,

vs.

STEVEN GHEZZI, individually and
t/d/b/a G & L LOGGING,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
*
* Civil Action - Law
*
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*
* No. -2000-C.D. 00-920-CO

WRIT OF SUMMONS

TO: STEVEN GHEZZI, individually and
t/d/b/a G & L LOGGING
R.D. 1, Box 67
Penfield, Pennsylvania 15849

You are hereby notified that JAMES A. OTT has commenced an action against
you.

Date: August 4, 2000



Prothonotary

Troy J. Harper
Dennison, Dennison & Harper
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316
Attorneys for the Plaintiff

FILED

AUG 04 2000
m/151/atty Harper
William F. Jaw
Prothonotary
Pd \$80.00
Ice Shreib

12
TROY J. HARPER

(2)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

OTT, JAMES A.
VS

00-920-CD

GHEZZI, STEVEN I/A/T/D/B/A

PRAECIPE & WRIT OF SUMMONS

SHERIFF RETURNS

NOW AUGUST 16, 2000 AT 1:54 PM DST SERVED THE WITHIN
PRAECIPE & WRIT OF SUMMONS ON STEVEN GHEZZI INDIV. & T/D/B/A
G&L LOGGING, DEFENDANT AT RESIDENCE RD 1 BOX 67, PENFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BELVA HIXON,
GRANDMOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL
PRAECIPE & WRIT OF SUMMONS AND MADE KNOWN TO HER THE
CONTENTS THEREOF.

SERVED BY: MCINTOSH

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

SWORN TO BEFORE ME THIS

29th DAY OF August 2000
William A. Shaw

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

SO ANSWERS,

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

FILED

AUG 29 2000
12:25 pm
William A. Shaw
Prothonotary E
FEB

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JAMES A. OTT,

Plaintiff,

vs.

STEVEN GHEZZI, individually
and t/d/b/a G & L LOGGING,

Defendant.

CIVIL ACTION - LAW

Number 00 - 920 C.D.

Type of Case: Civil Division

Type of Pleading: Praeclipe to Discontinue
Civil Action

Filed on behalf of: Plaintiff

Counsel of Record for this Party:

Troy J. Harper
Supreme Court ID Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814)849-8316

FILED

JAN 30 2004
m/12:40p
William A. Shaw
Prothonotary/Clerk of Courts

no crms

copy to C/A

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

James Ott

Vs. **No. 2000-00920-CD**
Steven Ghezzi

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 30, 2004, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$133.29 have been paid in full by Troy J. Harper, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of January A.D. 2004.

William A. Shaw, Prothonotary