

00-940-CD  
THE PRESBYTERIAN CHURCH -vs- WILLIAM C. MCCRACKEN d/b/a

(1)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,

CIVIL DIVISION

Plaintiff,

v.

WILLIAM C. McCACKEN d/b/a B & C  
HOME IMPROVEMENTS/B & C  
CONTRACTING,

No.: 00 - 940 - CO

COMPLAINT

Defendant.

Filed on behalf of Plaintiff:  
THE PRESBYTERIAN CHURCH

**JURY TRIAL DEMANDED**

Counsel of Record for this party:  
**CLAIRE A. CONAWAY, ESQUIRE**  
Pa. I.D. #76978

**ZIMMER KUNZ , PLLC**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

09 09 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH

CIVIL DIVISION

Plaintiff

No.:

v.

**COMPLAINT**

WILLIAM C. McCACKEN d/b/a B & C  
HOME IMPROVEMENTS/B & C  
CONTRACTING,

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 Plaintiffs. 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:

LAWYER REFERRAL SERVICE  
THE COURT ADMINISTRATOR OF CLEARFIELD COUNTY  
2<sup>ND</sup> FLOOR, CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
TELEPHONE: (814) 765-2641

## **COMPLAINT**

Plaintiff, The Presbyterian Church in Clearfield, by and through the undersigned counsel, ZIMMER KUNZ, PLLC and CLAIRE A. CONAWAY, ESQUIRE, files the within Complaint against Defendant William C. McCracken d/b/a B & C Home Improvements/B & C Contracting, and in support thereof avers as follows:

1. Plaintiff, The Presbyterian Church (the "Church") is a non-profit corporation which owns and occupies a church building at 119 North Second Street in Clearfield, Pennsylvania.
2. Defendant, William C. McCracken d/b/a B & C Home Improvements/B & C Contracting ("Defendant"), is believed and therefore averred to be a sole proprietorship, with its principal place of business located at 213 W. Pine Street, Clearfield, Pennsylvania 16830.
3. At all times pertinent hereto, the Defendant and its agents were engaged in the business of construction and acted within the scope of their employment.
4. On the afternoon of September 26, 1998, a fire occurred in an apartment and office building (the "Building"), located on North Second Street in Clearfield, Pennsylvania, which is across the street from the Church.
5. The Church is located one block southwest of the Building.

6. The fire was the direct and proximate result of the Defendant's negligent use of a torch to install a rubber roof on the Building.

7. The fire caused thick, black smoke to billow from the Building for more than four hours on the afternoon of September 26, 1998.

8. On the afternoon of September 26, 1998, the wind in the Clearfield area was blowing in a southwesterly direction toward the Church, resulting in smoke damage to the Church exterior. The smoke damage stained the exterior surface of the Church, requiring the Church to expend various sums to clean the exterior surface.

9. The fire and resulting smoke damage to the Church were caused solely as a result of the negligence of the Defendant in any or all of the following respects:

- (a) Failing to perform its work in a good, sufficient and workmanlike manner;
- (b) Failing to take proper safety pre-cautions;
- (c) Failing to retain a qualified and skilled employee to perform the work in question and to properly direct him in the performance of his work;
- (d) Carelessly using a torch.

10. In light of the foregoing, the Defendant is liable to the Plaintiff for the property damages it sustained as a result of the fire.

11. Solely as a result of the aforesaid negligence of the Defendant, the Church sustained damages in excess of \$20,000.00 to clean the exterior of the Church.

WHEREFORE, Plaintiff, The Presbyterian Church, demands judgment in its favor and against Defendant William C. McCracken d/b/a B & C Home Improvements/B & C Contracting, in an amount in excess of \$20,000.00 with interest and costs.

Respectfully submitted,

ZIMMER KUNZ, PLLC

By Claire A. Conaway  
CLAIRES A. CONAWAY, ESQUIRE  
ATTORNEY FOR PLAINTIFF

**VERIFICATION**

I, PATRICIA H. BISHOP, President of the Board of Trustees of The Presbyterian Church, has read the foregoing COMPLAINT. The statements contained therein are true and correct to the best of my personal knowledge, information and belief.

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

DATE: Aug 6, 2000

*Patricia H. Bishop*  
PATRICIA H. BISHOP

FILED

09 2000  
11/03/00  
A. Shaw  
notary  
Pd \$80.00

cc: Spring

(2)

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

Type of Case: Civil Action

No. 00-940-CD

Type of Pleading:

Praecipe for Entry  
of Appearance

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

FILED

AUG 24 2000

William A. Shaw  
Prothonotary

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

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

No. 00-940-CD

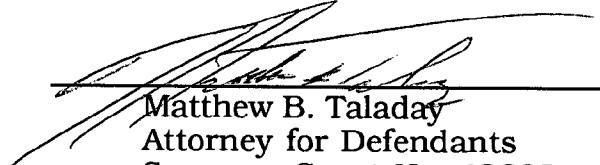
WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendant, William C. McCracken, d/b/a B&C Home Improvements/B&C Contracting, in the above captioned matter.

Dated: 8-23-00

  
Matthew B. Taladay  
Attorney for Defendants  
Supreme Court No. 49663  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

cc: Claire A. Conaway, Esq.  
Zimmer Kunz, PLLC  
3300 USX Tower  
Pittsburgh, PA 15219

CLAUDE A. CONAWAY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH  
VS  
MCCRACKEN, WILLIAM C. D/B/A

00-940-CD

COMPLAINT

SHERIFF RETURNS

NOW AUGUST 15, 2000 AT 11:36 AM DST SERVED THE WITHIN  
COMPLAINT ON WILLIAM C. MCCRACKEN D/B/A B&C HOME  
IMPROVEMENTS/B&C CONTRACTING, DEFENDANT AT RESIDENCE 213 W.  
PINE ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY  
HANDING TO DONNA MCCRACKEN, WIFE A TRUE AND ATTESTED COPY OF  
THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS  
THEREOF.

20.33 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 Henn*

CHESTER A. HAWKINS  
SHERIFF

FILED

AUG 29 2000

*m/a21pm*  
William A. Shaw  
Prothonotary

*CRS*

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

Type of Case: Civil Action

No. 00-940-CD

Type of Pleading:

Answer

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

FILED

SEP 18 2000

William A. Shaw  
Prothonotary

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

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

No. 00-940-CD

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

**ANSWER**

AND NOW, comes the Defendant, William C. McCracken,  
d/b/a B&C Home Improvements/B&C Contracting, by his attorneys,  
Hanak, Guido and Taladay, and hereby responds to Plaintiff's  
Complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Denied.

WHEREFORE, Defendant, William C. McCracken, d/b/a  
B&C Home Improvements/B&C Contracting demands judgment in his  
favor.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

HANAK, GUIDO AND TALADAY

By

  
Matthew B. Taladay

**VERIFICATION**

I, **William C. McCracken**, do hereby verify that I have read the foregoing Answer. 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.

Date:

9/10/00

William C. McCracken

William C. McCracken

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

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

No. 00-940-CD

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of September, 2000, a true and correct copy of Defendant's Answer was mailed, postage prepaid to:

Claire A. Conaway, Esq.  
Attorney for Plaintiff  
3300 USX Tower  
Pittsburgh, PA 15219

  
Matthew B. Taladay  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,

CIVIL DIVISION

Plaintiff,

v.

WILLIAM C. McCACKEN d/b/a B & C  
HOME IMPROVEMENTS/B & C  
CONTRACTING,

No.: 00-940-CD

Defendant.

**NOTICE OF SERVICE OF  
FIRST SET OF INTERROGATORIES  
DIRECTED TO DEFENDANT**

**JURY TRIAL DEMANDED**

Filed on behalf of Plaintiff:  
THE PRESBYTERIAN CHURCH

Counsel of Record for this party:  
**CLAIRE A. CONAWAY, ESQUIRE**  
Pa. I.D. #76978

**ZIMMER KUNZ , PLLC**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

LED

25 2000

A. Shaw  
Notary

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT**

NOTICE is hereby given to the court, that on the 22nd day of September, 2000, the original First Set of Interrogatories and First Request for Production of Documents Directed to Defendant, were served upon Defendant's counsel, Matthew B. Taladay, Esquire by United States mail, first class, postage fully prepaid at his office located at 498 Jeffers Street, DuBois, PA 15801.

ZIMMER KUNZ, PLLC

*Claire A. Conaway*  
CLAIRe A. CONAWAY, ESQUIRE  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within NOTICE was forwarded to counsel below named United States Mail on the 22nd day of September, 2000

Matthew B.Taladay, Esquire  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

ZIMMER KUNZ, PLLC

Claire A. Conaway  
CLAIRe A. CONAWAY, ESQUIRE

(6)

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

Type of Case: Civil Action

No. 00-940-CD

Type of Pleading:

Certificate of Service

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

OCT 20 2000

11:00 AM

William A. Shaw

Prothonotary

No. 1C

E  
JRS

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

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

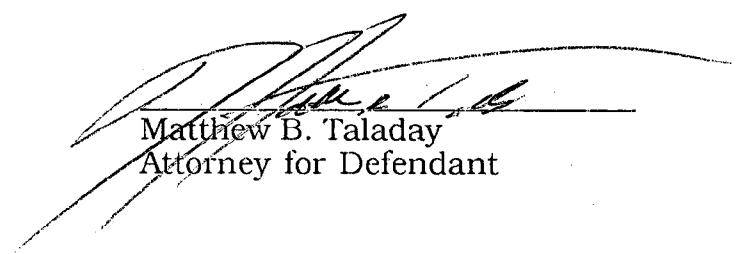
No. 00-940-CD

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 19<sup>th</sup> day of October, 2000,  
two true and correct copies of Defendant's Interrogatories and  
Request for Production of Documents Directed to Plaintiff - First Set  
were mailed, postage prepaid to:

Claire A. Conaway, Esq.  
Attorney for Plaintiff  
3300 USX Tower  
Pittsburgh, PA 15219

  
Matthew B. Taladay  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

Type of Case: Civil Action

No. 00-940-CD

Type of Pleading:

Certificate of Service

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**F D**

NOV 20 2000

William A. Chow  
Prothonotary

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

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

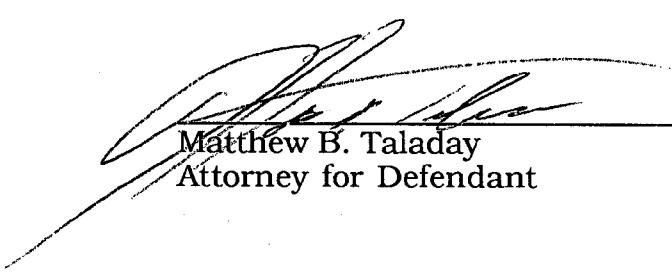
No. 00-940-CD

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of November, 2000, a true and correct copy of Defendant's Response to Plaintiff's First Set of Interrogatories and Defendant's Response to Plaintiff's First Set of Request for Production of Documents was mailed, postage prepaid, to:

Claire A. Conaway, Esq.  
Attorney for Plaintiff  
3300 USX Tower  
Pittsburgh, PA 15219

  
Matthew B. Taladay  
Attorney for Defendant

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA  
NO.: 00-940-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,

CIVIL DIVISION

Plaintiff,

v.

WILLIAM C. McCACKEN d/b/a B & C  
HOME IMPROVEMENTS/B & C  
CONTRACTING,

No.: 00-940-CD

Defendant.

**NOTICE OF SERVICE OF PLAINTIFF'S  
ANSWERS TO INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF  
DOCUMENTS – FIRST SET**

**JURY TRIAL DEMANDED**

Filed on behalf of Plaintiff:  
**THE PRESBYTERIAN CHURCH**

Counsel of Record for this party:  
**RAYMOND H. CONAWAY, ESQUIRE**  
Pa. I.D. #10674

**ZIMMER KUNZ , PLLC**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

DEC 18 2000

William A. Shaw  
Prothonotary

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PA  
NO.: 00-940-CD

**NOTICE OF SERVICE OF PLAINTIFF'S ANSWERS**  
**TO INTERROGATORIES AND REQUEST FOR**  
**PRODUCTION OF DOCUMENTS - FIRST SET**

TO: PROTHONOTARY

Kindly take notice that the Plaintiff has served the defendant by United States Mail with Answers to Interrogatories and Request for Production of Documents – First Set on the 15<sup>th</sup> day of December, 2000 in the above captioned matter.

Respectfully submitted,

**ZIMMER KUNZ**  
**PROFESSIONAL LIMITED LIABILITY COMPANY**

BY Raymond H. Conaway  
RAYMOND H. CONAWAY, ESQUIRE  
ATTORNEY FOR PLAINTIFF

**FILED**

*Boyd*  
DEC 18 2000  
*Boyd*  
*William A. Shaw*  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

Type of Case: Civil Action

No. 00-940-CD

Type of Pleading:

Certificate of Service

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

APR 24 2001

110:18 am

William A. Shaw  
Prothonotary

*kes*

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

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

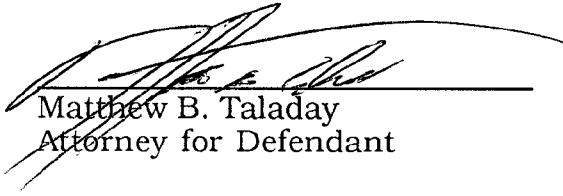
No. 00-940-CD

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April, 2001, a true  
and correct copy of three Notices of Deposition were mailed, postage  
prepaid, to:

Raymond H. Conaway, Esq.  
Attorney for Plaintiff  
3300 USX Tower  
Pittsburgh, PA 15219

  
Matthew B. Taladay  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,

CIVIL DIVISION

Plaintiff,

No.: 00-940-CD

v.

WILLIAM C. McCACKEN d/b/a B & C  
HOME IMPROVEMENTS/B & C  
CONTRACTING,

PRAECIPE TO PLACE  
CASE ON TRIAL LIST

Defendant.

**JURY TRIAL DEMANDED**

Filed on behalf of Plaintiff:  
THE PRESBYTERIAN CHURCH

Counsel of Record for this party:  
**CLAIRE A. CONAWAY, ESQUIRE**  
Pa. I.D. #76978

**ZIMMER KUNZ , PLLC**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

JUL 11 2001

**William A. Shaw  
Prothonotary**

**PRAECIPE TO PLACE CASE ON TRIAL LIST**

Kindly place the within captioned case on the Fall 2001 trial list

ESTIMATED LENGTH OF TRIAL: 2 DAYS

A JURY TRIAL IS DEMANDED

ZIMMER KUNZ, PLLC

*Claire A. Conaway*  
CLAIRe A. CONAWAY, ESQUIRE  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within PRAECIPE TO  
PLACE CASE ON TRIAL LIST was forwarded to counsel below named United States Mail  
on the 9<sup>th</sup> day of July, 2001

Matthew B. Taladay, Esquire  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

ZIMMER KUNZ, PLLC

Claire A. Conaway  
CLAIRES A. CONAWAY, ESQUIRE

**FILED**

SD  
JUL 11 2001  
SAC  
10:55 AM  
William A. Shaw  
Prothonotary

Copy to CA

ORIGINAL

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

THE PRESBYTERIAN CHURCH,  
Plaintiff

\*  
\*  
\*

vs.

\*  
\*  
\*  
\*

NO. 2000-940-C.D.

WILLIAM C. McCACKEN d/b/a  
B & C HOME IMPROVEMENTS/  
B & C CONTRACTING,  
Defendant

\*  
\*  
\*  
\*

FILED

AUG 17 2001

O R D E R

William A. Shaw  
Prothonotary

NOW, this 15<sup>th</sup> day of August, 2001, following Pre-Trial Conference with counsel for the parties as set forth above and the Court, it is the ORDER of this Court as follows:

1. Jury Selection will be held on August 31, 2001 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

2. Jury Trial is hereby scheduled on Thursday, November 1, 2001 and Friday, November 2, 2001 commencing at 9:00 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

3. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than thirty (30) days prior to the trial date. The party's Petition or Motion shall be

accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than fifteen (15) days prior to trial.

4. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of Trial shall submit said objections to the Court, in writing, no later than thirty (30) days prior to the commencement of Trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall submit its brief in opposition to said objections no later than fifteen (15) days prior to the commencement of Trial.

5. Both parties shall exchange expert reports in no more than thirty (30) days from the date of this Order.

6. The parties shall have no more than Forty (40) days from the date of this Order in which to provide the Court with Briefs as to the legal issue regarding the extent to which the Defendant may be responsible for cleaning portions of the church which were not directly effected by the fire in question.

By the Court,



JUDGE FREDRIC J. AMMERMAN

**FILED**

AUG 17 2001

0/2/2011  
William A. Shaw  
Prothonotary

*RE*

2 certified copies to Claire A. Conaway, Esquire  
2 certified copies to Matthew B. Taladay, Esquire  
1 copy to Judge Ammerman  
1 copy to Court Administrator

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

Type of Case: Civil Action

No. 00-940-CD

Type of Pleading:

Certificate of  
Service

Filed on Behalf of:

Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

SEP 27 2001

John A. Shaw  
Notary

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

THE PRESBYTERIAN CHURCH,  
Plaintiff

-vs-

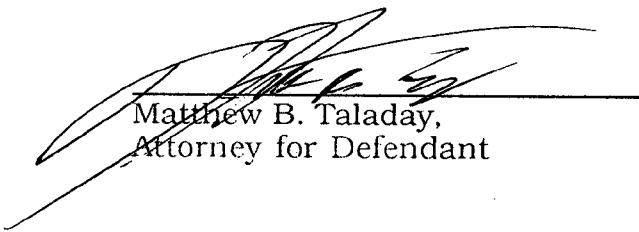
No. 00-940-CD

WILLIAM C. McCACKEN, d/b/a  
B&C HOME IMPROVEMENTS/  
B&C CONTRACTING,  
Defendant

**CERTIFICATE OF SERVICE**

I certify that on the 26th day of September, 2001, a true  
and correct copy of Defendant's Pre-Trial Brief Regarding Damages  
was sent via first class mail, postage prepaid, to the following:

Claire A. Conaway, Esq.  
Attorney for Plaintiff  
3300 USX Tower  
Pittsburgh, PA 15219-2702

  
Matthew B. Taladay,  
Attorney for Defendant

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

THE PRESBYTERIAN CHURCH,  
Plaintiffs

\*

\*

\*

vs.

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WILLIAM C. McCRACKEN, d/b/a  
B & C HOME IMPROVEMENTS/  
B & C CONTRACTING,  
Defendant

No. 2000-940-C.D.

**FILED**

NOV 02 2001

01115106/C

William A. Shaw  
Prothonotary

V E R D I C T

Question 1: Was the negligence of the Defendant a substantial factor in bringing about the harm claimed by the Plaintiff?

Yes



No

\_\_\_\_\_

If you answer Question 1 "No" Plaintiff cannot recover and you should not answer any further questions and should return to the Courtroom to announce your verdict.

Question 2: State the amount of damages, if any, sustained by the Plaintiff as a result of the occurrence.

\$ 5,000

Date: November 1, 2001

  
\_\_\_\_\_  
FOREPERSON

COURT OF COMMON PLEAS, CLEARFIELD COUNTY  
PENNSYLVANIA

CASE NO. 2000-940-CD

Date of Jury Selection: August 31, 2001

Presiding Judge: Fredric J. Ammerman

THE PRESBYTERIAN CHURCH

VS

WILLIAM C. MCCRACKEN, d/b/a  
B & C HOME IMPROVEMENTS/  
B & C CONTRACTING

Court Reporter: Cathy Provost

Date of Trial: November 1, 2001

Date Trial Ended: \_\_\_\_\_

MEMBERS OF THE JURY

1. ROBERT IDDINGS *excused*  
2. JOSEPH JACOB  
3. THEODORE ROWLES  
4. BRUCE GEORGE  
5. HARRY KESSLER  
6. NEAL PRY  
ALT #1 KEVIN HAMILTON  
→ *Moved to #1*

7. GEORGE LOOMIS  
8. DONNA WOODLING  
9. HARRY YALE  
10. DARRELL MUHOLLAN  
11. THEODORE PUNCHIOS  
12. JUNE SABOL  
ALT #2 VIRGINIA CAMPBELL

PLAINTIFF'S WITNESSES:

1. DAVID Anderson  
2. PATRICIA Bishop  
3. John Athey  
4.  
5.  
6.

PLAINTIFF'S ATTY: Raymond Conaway, Esq.

ADDRESS TO JURY: 2:11 pm

JUDGE'S ADDRESS TO JURY: \_\_\_\_\_

VERDICT: \_\_\_\_\_

DEFENDANT'S WITNESSES:

1. Jeff Fiske  
2.  
3.  
4.  
5.  
6.

DEFENDANT'S ATTY: Matthew B. Taladay, Esq.

ADDRESS TO JURY: 1:45 pm

JURY OUT: \_\_\_\_\_ JURY IN: 3:25 pm

FOREPERSON: \_\_\_\_\_

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

**THE PRESBYTERIAN CHURCH,**

**CIVIL DIVISION**

Plaintiff,

No.: 00-940-CD

v.

**WILLIAM C. McCACKEN d/b/a B & C  
HOME IMPROVEMENTS/B & C  
CONTRACTING,**

**PRAECIPE TO SETTLE AND  
DISCONTINUE**

Defendant.

**JURY TRIAL DEMANDED**

Filed on behalf of Plaintiff:  
**THE PRESBYTERIAN CHURCH**

Counsel of Record for this party:

**RAYMOND H. CONAWAY, ESQUIRE  
Pa. I.D. #10674**

**ZIMMER KUNZ , PLLC**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

**NOV 07 2001**

**William A. Shaw  
Prothonotary**

**PRAECIPE TO SETTLE AND DISCONTINUE**

TO: PROTHONOTARY

Kindly settle and discontinue the above captioned matter.

**ZIMMER KUNZ  
PROFESSIONAL LIMITED LIABILITY COMPANY**

BY Raymond H. Conaway  
RAYMOND H. CONAWAY  
ATTORNEY FOR PLAINTIFF  
THE PRESBYTERIAN CHURCH

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the within **PRAECIPE TO**  
**SETTLE AND DISCONTINUE** was forwarded to counsel below named United States Mail  
on the 5th day of November, 2001

Matthew B. Taladay, Esquire  
**HANAK, GUIDO AND TALADAY**  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

**ZIMMER KUNZ**  
**PROFESSIONAL LIMITED LIABILITY COMPANY**

BY Raymond H. Conaway  
RAYMOND H. CONAWAY  
ATTORNEY FOR PLAINTIFF  
THE PRESBYTERIAN CHURCH

FILED

NOV 07 2001

ILLINOIS Cont. Deo

William A. Shaw

Prothonotary  
to Att. Conway

Copy CA

EAT

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

**COPY**

**CIVIL DIVISION**

**Presbyterian Church, The**

**Vs.**

**No. 2000-00940-CD**

**William C McCracken  
B & C Contracting  
B & C Home Improvements**

**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 November 7, 2001 marked:

Settled and Discontinued

Record costs in the sum of \$110.33 have been paid in full by Raymond H. Conaway, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of November A.D. 2001.

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William A. Shaw, Prothonotary