

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

114 THE PRESBYTERIAN CHURCH,

CIVIL DIVISION

Plaintiff,

No.: 00 . 940 . CO

v.

COMPLAINT

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

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

AUG 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. McCRACKEN 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
2ND 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. Conway
CLAIRE 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

SEP 09 2000

09/11/03/ a-th
M.A. Shaw
Notary

Conaway
Pd \$80.00

1cc Shing

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,
Plaintiff

-vs-

WILLIAM C. McCRACKEN, 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

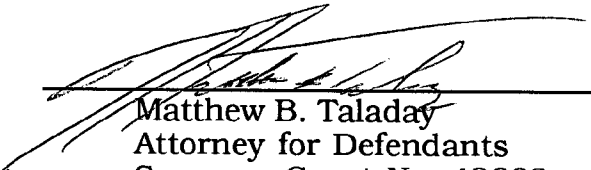
WILLIAM C. McCracken, d/b/a
B&C HOME IMPROVEMENTS/
B&C CONTRACTING,
Defendant

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

CLAIRE A. CONAWAY

3

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH

00-940-CD

VS

MCCRACKEN, WILLIAM C. D/B/A

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 Harris

CHESTER A. HAWKINS
SHERIFF

FILED

AUG 29 2000

m/a/shaw
William A. Shaw
Prothonotary

ess

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,
Plaintiff

-vs-

WILLIAM C. McCRACKEN, 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. McCRACKEN, 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.

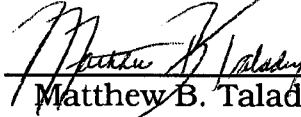
WHEREFORE, Defendant, William C. McCracken, d/b/a
B&C Home Improvements/B&C Contracting demands judgment in his
favor.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

HANAK, GUIDO AND TALADAY

By

A handwritten signature in dark ink, appearing to read "Matthew B. Taladay", is written over a horizontal line.

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

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

THE PRESBYTERIAN CHURCH,
Plaintiff

-vs-


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

No. 00-940-CD

CERTIFICATE OF SERVICE

I hereby certify that on the 15th 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,

No.: 00-940-CD

v.

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

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

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

SEP 25 2000

John A. Shaw
Prothonotary

**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, 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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,
Plaintiff

-vs-

WILLIAM C. McCRACKEN, 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
m 11:00 am
William A. Shaw
Prothonotary
No 1/c E 1128

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

THE PRESBYTERIAN CHURCH,
Plaintiff

-vs-

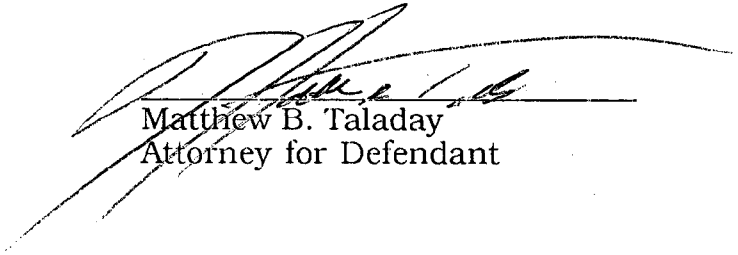
No. 00-940-CD

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

CERTIFICATE OF SERVICE

I hereby certify that on the 19th 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. McCRACKEN, 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

NOV 20 2000

William A. Shaw
Prothonotary

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

THE PRESBYTERIAN CHURCH,
Plaintiff

-vs-

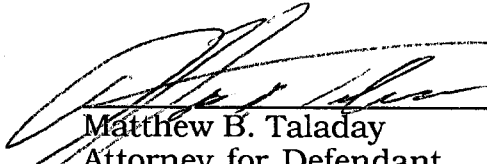
No. 00-940-CD

WILLIAM C. McCRACKEN, 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,

No.: 00-940-CD

v.

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

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

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

DEC 18 2000

William A. Shaw
Prothonotary

**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 15th 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

DEC 18 2000

Wm
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,
Plaintiff

-vs-

WILLIAM C. McCRACKEN, 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

m 10:18 am

William A. Shaw

Prothonotary

WAS

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

THE PRESBYTERIAN CHURCH,
Plaintiff

-vs-

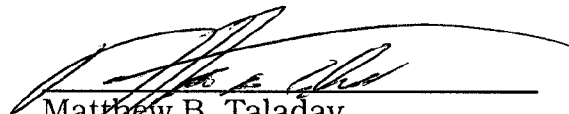
No. 00-940-CD

WILLIAM C. McCRACKEN, 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

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE PRESBYTERIAN CHURCH,

CIVIL DIVISION

Plaintiff,

No.: 00-940-CD

v.

**PRAECIPE TO PLACE
CASE ON TRIAL LIST**

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

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, 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 9th 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
CLAIRE A. CONAWAY, ESQUIRE

FILED

JUL 11 2001
JUL 10 5 12 PM '01
William A. Shaw
Prothonotary

Copy to GA

ORIGINAL

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

THE PRESBYTERIAN CHURCH,
Plaintiff

vs.

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

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*
*
*

NO. 2000-940-C.D.

FILED

AUG 17 2001

William A. Shaw
Prothonotary

ORDER

NOW, this 15th 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,

A handwritten signature in cursive script, appearing to read "Fredric J. Ammerman", is written over a horizontal line.

JUDGE FREDRIC J. AMMERMAN

FILED

AUG 17 2001

0/2120/12
William A. Shaw
Prothonotary



- 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. McCRACKEN, 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

William A. Shaw
Notary

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

THE PRESBYTERIAN CHURCH,
Plaintiff

-vs-

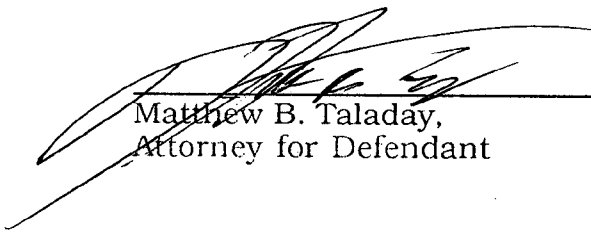
No. 00-940-CD

WILLIAM C. McCRACKEN, 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.

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

*
*
*
*
*
*
*

No. 2000-940-C.D.

FILED

NOV 02 2001

Gill. B. Shaw
William A. Shaw
Prothonotary

VERDICT

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

Court Reporter: Cathy Provost

VS

Date of Trial: November 1, 2001

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

Date Trial Ended: _____

MEMBERS OF THE JURY

~~1. ROBERT HIDDINGS~~ 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. _____

DEFENDANT'S WITNESSES:

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

PLAINTIFF'S ATTY: Raymond
~~Shirley~~ Conaway, Esq.

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

ADDRESS TO JURY: 2:11 pm

ADDRESS TO JURY: 1:45 pm

JUDGE'S ADDRESS TO JURY: _____

JURY OUT: _____ JURY IN: 3:25 pm

VERDICT: _____

FOREPERSON: _____

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

THE PRESBYTERIAN CHURCH,

CIVIL DIVISION

Plaintiff,

No.: 00-940-CD

v.

**PRAECIPE TO SETTLE AND
DISCONTINUE**

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

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**

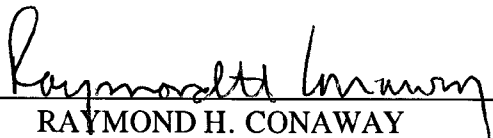
PRAECIPE TO SETTLE AND DISCONTINUE

TO: PROTHONOTARY

Kindly settle and discontinue the above captioned matter.

**ZIMMER KUNZ
PROFESSIONAL LIMITED LIABILITY COMPANY**

BY



RAYMOND H. CONAWAY
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

11:05:58 AM
William A. Shaw
Prothonotary

to att, Conusay

copy 1A

~~301~~

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.

William A. Shaw, Prothonotary