

00-1014-CD
LINDA A. SHAFFER etux -vs- JOHN DENNIS MCCAM

Date: 08/13/2001

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 11:34 AM

ROA Report

Page 1 of 1

Case: 2000-01014-CD

Current Judge: John K. Reilly Jr.

Linda A. Shaffer, Donald Shaffer vs. John Dennis McCaw

Civil Other

FILE TO

JKR

8-13-01

| Date | | Judge |
|------------|---|--------------------|
| 11/20/2000 | TRANSFERRED FROM DOCKET | No Judge |
| | X MOTION FOR SERVICE OF PROCESS BY PUBLICATION, FILED BY S/WILLIAM E. HAGER, III, ESQ. 1 CC TO ATTY, | No Judge |
| 11/21/2000 | X Order, re: Service by Publication Approved. By the Court, s/JKR, JR., P.J. 1 CC Atty Hagen | John K. Reilly Jr. |
| | work case Proof of Service of Notice of Appeal and Rule to File Complaint. Filed. | No Judge |
| 03/05/2001 | X Ten (10) Day Notice. Filed by s/William E. Hager, III, Esq. no cc | No Judge |
| 04/19/2001 | Notice of Default. filed by s/William E. Hager, III, Esquire no cc | No Judge |
| 04/23/2001 | X Praecipe for Placement on Trial List. filed by s/William E. Hager, III, Esq. Copy to CA | No Judge |
| 04/27/2001 | X Filing: Judgment Paid by: Hager, William E. III (attorney for Shaffer, Linda A.) Receipt number: 1824176 Dated: 04/27/2001 Amount: \$20.00 (Check) | No Judge |
| 05/17/2001 | X Praecipe for Entry of Appearance, on behalf of the Defendant. s/Michael S. Marshall, Esq. 2 cc to atty | No Judge |
| | X Certificate of Service, Praecipe for Entry of Appearance upon William E. Hager, III, Esq. filed by s/Michael S. Marshall, Esq. 2 cc to atty | No Judge |
| 07/03/2001 | X Motion to Dismiss, Motion to Strike Default Judgment and Motion to Strike Case from Trial List. Filed by s/Michael S. Marshall, Esq. 3 cc atty Marshall | No Judge |
| 07/05/2001 | X Rule to Show Cause, And Now, this 5th day of July, 2001, issued upon Plaintiffs, returnable the 25th day of July, 2001, for filing a written response. by the Court, s/JKR, JR, P.J. 3 cc atty Marshall | No Judge |
| 07/09/2001 | X Certificate of Service, Defendant's Motion to Dismiss, Motion to Strike Default Judgment and Motion to Strike Case from Trial List, and Rule to Show Cause, upon William E. Hager, III, Esq. s/Michael S. Marshall, Esq. 1 cc to atty | No Judge |

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

104 LINDA A. SHAFFER and
21 DONALD SHAFFER, her husband,
Plaintiffs

Vs.

56 JOHN DENNIS MCCAWE,
Defendant

: Civil Action – Law
:
: No. 00-104 C.D. 2000
:
: Type of Pleading: Praecipe for Writ
: of Summons
:
: Filed on Behalf of Plaintiffs
:
: Counsel of Record for the Plaintiffs:
:
: William E. Hager, III
: Supreme Court I.D. No. 40361
:
: 352 Broad Street
: New Bethlehem, PA 16242
: (814) 275-3551

FILED

AUG 18 2000

104 0/12:50/wrs
William A. Shaw *Atty*
Prothonotary *PD*

I WENT TO
MAY

I WENT TO ATTY

William E. Hager, III
Attorney for Plaintiffs
352 Broad Street
New Bethlehem, PA 16242
(814) 275-3551

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION

SUMMONS

LINDA A. SHAFFER and
DONALD SHAFFER her husband
Plaintiff(s)

Vs.

No: 00-1014-CD

JOHN DENNIS MCCA W
Defendant(s)

To: JOHN DENNIS MCCA W
Defendant(s)

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

Date: AUGUST 18, 2000

William A. Shaw
Prothonotary

Issuing Attorney:
WILLIAM E. HAGER, III
352 BROAD STREET
NEW BETHLEHEM, PA 16242

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

10080

SHAFER, LINDA A. & DONALD

VS.

MCCAW, JOHN DENNIS

00-1014-CD

SUMMONS

SHERIFF RETURNS

NOW AUGUST 25, 2000, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON JOHN DENNIS MCCAW, DEFENDANT.

NOW AUGUST 31, 2000 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON JOHN DENNIS MCCAW, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "NOT FOUND". MOVED TO: 1920 GALAXY ST., PALRUMP, NE. 89041

NOW SEPTEMBER 7, 2000 MAILED THE WITHIN SUMMONS BY CERTIFIED MAIL # 7000 0600 0023 2701 1847 TO JOHN DENNIS MCCAW, 1920 GALAXY ST., PALRUMP, NEVADA 89041 BEING HIS LAST KNOWN ADDRESS. THE LETTER IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "ATTEMPTED, NOT KNOWN."

Return Costs

| Cost | Description |
|-------|------------------------------|
| 30.39 | SHFF. HAWKINS PAID BY: ATTY. |
| 25.30 | SHFF. DEMKO PAID BY: ATTY. |
| 10.00 | SURCHARGE PAID BY: ATTY. |

FILED

SEP 29 2000
RCO/336
William A. Shaw
Prothonotary

Sworn to Before Me This

24th Day of September 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 Hawkins

Chester A. Hawkins
Sheriff

No. 00-1014-CD

Now, August 31, 2000, I return the within Summons to Clearfield County, for JOHN DENNIS McCaw, Defendant, as not served, has moved and new address is 1920 Galaxy Street, Palrump, Nevada, 89041.

| | |
|-------------------------|---------------|
| Advance Costs Received: | \$125.00 |
| My Costs: | \$ 23.30 Paid |
| Prothy: - | \$ 25.30 |
| Total Costs: | \$ 25.30 |
| Refunded: | \$ 99.70 |

Sos:Answers,

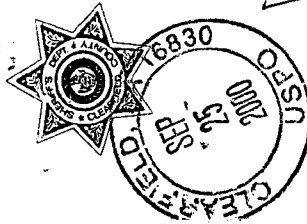
Thomas A. Demko
 JEFFERSON COUNTY, PENNSYLVANIA

Sheriff

Sworn and subscribed
 to before me this 1st
 day of September 192000
 By Barry Johnson

**PROTHONOTARY
 CLERK OF COURTS**

My Commission Expires
 1st Monday of January 2002.
 Jefferson County, PA



CHESTER A. HAWKINS
SHERIFF

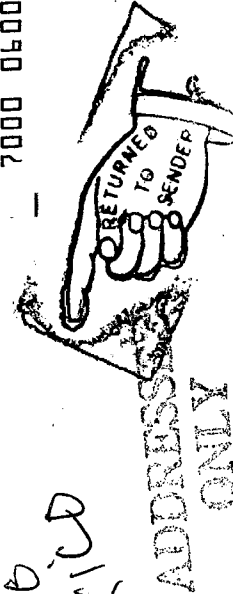
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

PLACE STICKER AT TOP OF ENVELOPE,
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE
CERTIFIED MAIL



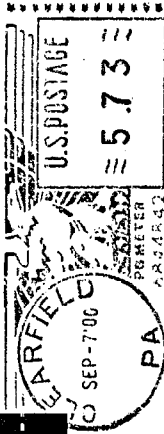
7000 0600 0023 2701 1847

JOHN DENNIS MCCA
1920 Galaxy St.
Palrump, Nevada 89041



**RESTRICTED
DELIVERY**

☐ Moved, left no address
☐ No such number
☒ Attempted-Not known



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Dennis McGaw
1920 Galaxy St.
Paltrump, Nevada 89041

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

2. Article Number (Copy from service label)

7000 0600 0023 2701 1847

PS Form 3811, July 1999

Domestic Return Receipt

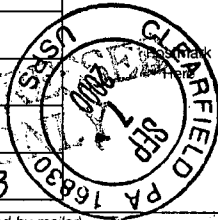
102595-99-M-1789

7000 0600 0023 2701 1847

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

Article Sent To:

| | |
|---|--------|
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 573 |



Name (Please Print Clearly) (to be completed by mailer)
John Dennis McCaw
Street, Apt. No., or PO Box No.
1920 Galaxy St.
City, State, ZIP+4
Palrump, Nevada 89041

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.

C - 100 du

CP

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS MCCAWE,

Defendant

: No. 1014 C.D. 2000

: Type of Case: Civil Action

: Type of Pleading: Motion for Service of
: Process by Publication

: Counsel of Record for this Party:
: Supreme Ct. I.D. #40361
: William E. Hager, III
: 352 Broad Street
: New Bethlehem, PA 16242
: (814) 275-3551

FILED

NOV 20 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

| | | |
|------------------------------|---|----------------------------|
| LINDA A. SHAFFER and | : | No. 1014 C.D. 2000 |
| DONALD SHAFFER, her husband, | : | |
| | : | |
| Plaintiffs | : | Type of Case: Civil Action |
| | : | |
| vs. | : | |
| | : | |
| JOHN DENNIS MCCAWE, | : | |
| | : | |
| Defendant | : | |

TO THE HONORABLE JUDGES OF SAID COURT:

MOTION FOR SERVICE OF PROCESS BY PUBLICATION

NOW, come the petitioners, Linda A. Shaffer and Donald Shaffer, her husband, Plaintiffs in the above-styled cause of action, by and through their counsel, William E. Hager, III, Esquire and file the within Motion for Service of Process by Publication based upon the following averments.

1. The defendant in this matter, John Dennis McCaw, cannot be found for service under applicable rules of the Pennsylvania Rules of Civil Procedure.

2. Plaintiffs, through their counsel, have in good faith, attempted to find out the whereabouts of the defendant in the following manner:

a. attempted delivery from Clearfield County Sheriff's office (see attached Sheriff Returns);

b. attempted delivery by certified mail to last known address (see attached copy indicating moved to Mexico);


- c. inquiries to postal authorities;
- d. inquiries of relatives, and friends of the defendant have not been made because plaintiffs do not know the defendant's friends and relatives; and
- e. examinations of local telephone directories, voter registration records, local tax records, and motor vehicle records.

3. Petitioners believe that the only way of service of the defendant is by way of publication.

WHEREFORE, plaintiffs move this Honorable Court to authorize plaintiffs to secure service of process by publication, pursuant to Rule 430 of the Pennsylvania Rules of Civil Procedure.

Respectfully Submitted,

Dated: November 7, 2000



William E. Hager, III, Esquire
352 Broad Street
New Bethlehem, PA 16242

COMMONWEALTH OF PENNSYLVANIA

:

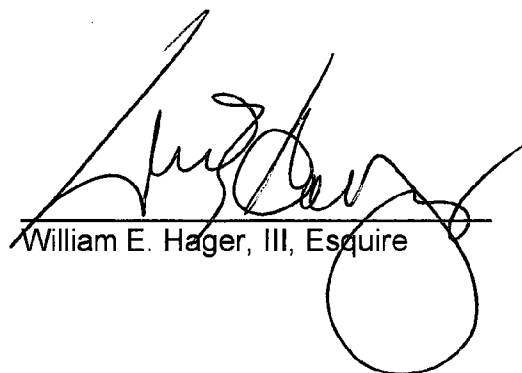
: SS

COUNTY OF CLARION

:

WILLIAM E. HAGER, III, ESQUIRE, being duly sworn according to law, deposes and says that he is of counsel for Linda Shaffer, trading that he is authorized to execute this Affidavit on behalf of the plaintiff, and that the facts set forth in the foregoing Motion for Service of Process by Publication, are true and correct, not according to his own knowledge but based on information and belief in facts supplied to him; that an affidavit of the plaintiff will be supplied if requested.

Dated: November 14, 2000



William E. Hager, III, Esquire

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

10080

SHAFFER, LINDA A. & DONALD

VS.

MCCAW, JOHN DENNIS

COPY

RECEIVED OCT 02 2000

00-1014-CD

SUMMONS

SHERIFF RETURNS

NOW AUGUST 25, 2000, THOMAS DEMKO, SHERIFF OF JEFFERSON CONTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON JOHN DENNIS McCAW, DEFENDANT.

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Return Costs

| Cost | Description |
|-------|------------------------------|
| 30.39 | SHFF. HAWKINS PAID BY: ATTY. |
| 25.30 | SHFF. DEMKO PAID BY: ATTY. |
| 10.00 | SURCHARGE PAID BY: ATTY. |

Sworn to Before Me This

____ Day Of _____ 2000

So Answers,



Chester A. Hawkins
Sheriff


No. 00-1014-CD

COPY

Now, August 31, 2000, I return the within Summons to Clearfield County, for JOHN DENNIS McCAW, Defendant, as not served, has moved and new address is 1920 Galaxy Street, Palrump, Nevada, 89041.

| | |
|-------------------------|---------------|
| Advance Costs Received: | \$125.00 |
| My Costs: | \$ 23.30 Paid |
| Prothy: . | \$ 2.00 |
| Total Costs: | \$ 25.30 |
| Refunded: | \$ 99.70 |

So Answers,



Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

Sworn and subscribed
to before me this 1st
day of September 192000
By Henry Thomas

**PROTHONOTARY
CLERK OF COURTS**

My Commission Expires
1st Monday of January 2002.
Jefferson County, PA

FILED

NOV 20 2000

MILWAUKEE CITY
WILLIAM A. SHAW
PROthonotary

Hugh
FEE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS MCCAWE,

Defendant

: No. 1014 C.D. 2000

: Type of Case: Civil Action

FILED

NOV 21 2000

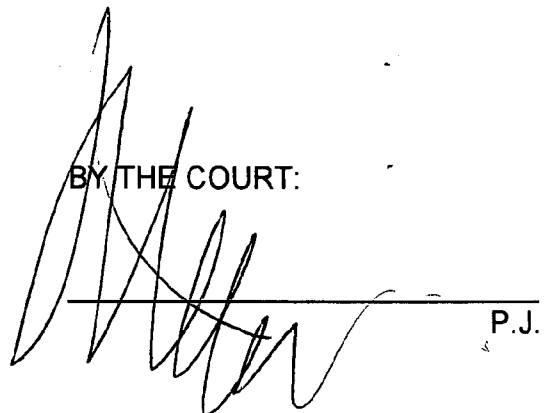
William A. Shaw
Prothonotary

ORDER

AND NOW, this 21st day of December, 2000, upon consideration of
the foregoing Motion for Service of Process by Publication, the court hereby ORDERS
AND DECREES

that petitioners are to effectuate service of process by publication pursuant to Rule
430 of the PA Rules of Civil Procedure.

BY THE COURT:



P.J.



NOV 21 2000

Figure 5: $mB_{321}^{\text{W}}(k)$ vs k at high T

February 19

Ed

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS MCCAWE,

Defendant

: No. 1014 C.D. 2000

: Type of Case: Civil Action

: Type of Pleading: Ten (10) Day Notice

: Counsel of Record for this Party:
: Supreme Ct. I.D. #40361
: William E. Hager, III
: 352 Broad Street
: New Bethlehem, PA 16242
: (814) 275-3551

FILED

MAR 05 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS MCCAWE,

Defendant

: No. 1014 C.D. 2000

: Type of Case: Civil Action

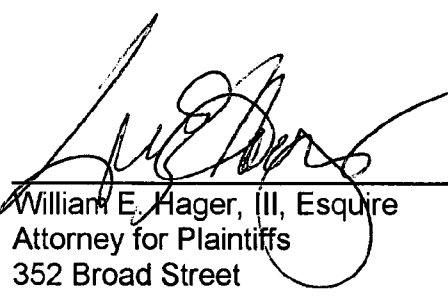
TO: John Dennis McCaw

Date of Notice: February 27, 2001

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. 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.

Keystone Legal Services
211 ½ E. Locust Street
Clearfield, PA 16830
(814) 326-9177



William E. Hager, II, Esquire
Attorney for Plaintiffs
352 Broad Street
New Bethlehem PA 16242
(814) 275-3551

FILED

MAR 05 2001

M 11:53/20cc

William A. Shaw
Prothonotary

WAS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS MCCAWE,

Defendant

: No. 1014 C.D. 2000

:

:

:

: Type of Case: Civil Action

:

:

: Type of Pleading: Praecipe for Placement
on Trial List

:

:

: Counsel of Record for this Party:

: Supreme Ct. I.D. #40361

: William E. Hager, III

: 352 Broad Street

: New Bethlehem, PA 16242

: (814) 275-3551

FILED

APR 23 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

| | | |
|------------------------------|---|----------------------------|
| LINDA A. SHAFFER and | : | No. 1014 C.D. 2000 |
| DONALD SHAFFER, her husband, | : | |
| | : | |
| Plaintiffs | : | Type of Case: Civil Action |
| vs. | : | |
| | : | |
| JOHN DENNIS MCCAWE, | : | |
| | : | |
| Defendant | : | |

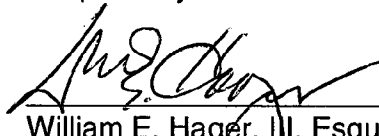
PRAECIPE FOR PLACEMENT ON TRIAL LIST

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Kindly place the above-captioned case on the next available trial list.

Dated: April 18, 2001

Respectfully Submitted:



William E. Hager, III, Esquire
Attorney for Plaintiffs
352 Broad Street
New Bethlehem PA 16242
(814) 275-3551
Supreme Court I.D. No. 40361

16

FILED
APR 23 2001
Miss Gt
copy to
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS MCCAWE,

Defendant

: No. 1014 C.D. 2000

:

:

:

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:

: Type of Case: Civil Action

:

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: Type of Pleading: Praecipe for Entry

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: of Judgment for Failure to Plead

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FILED

APR 27 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

| | | |
|------------------------------|---|----------------------------|
| LINDA A. SHAFFER and | : | No. 1014 C.D. 2000 |
| DONALD SHAFFER, her husband, | : | |
| | : | |
| Plaintiffs | : | Type of Case: Civil Action |
| vs. | : | |
| | : | |
| JOHN DENNIS MCCAWE, | : | |
| | : | |
| Defendant | : | |

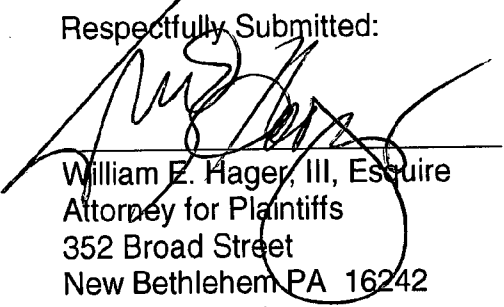
PRAECIPE FOR ENTRY OF JUDGMENT FOR FAILURE TO PLEAD

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Kindly enter judgment by default against the above-named defendant pursuant to Pa.R.C.P. Rule 237.1 for failure to plead to a complaint. In addition, plaintiff's counsel certifies that written notice of her intention to file the Praecipe was provided to the defendant, by publication dated March 6, 2001, published in a newspaper of general circulation known as "Courier Express" and also the "Tri-County Sunday". A copy of said notice is attached hereto, made a part hereof and marked Exhibit "A".

Dated: April 23, 2001

Respectfully Submitted:


William E. Hager, III, Esquire
Attorney for Plaintiffs
352 Broad Street
New Bethlehem PA 16242
(814) 275-3551
Supreme Court I.D. No. 40361

PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY
PUBLISHED BY McLEAN PUBLISHING COMPANY,
DUBOIS PENNSYLVANIA

Under act 587, Approved May 16, 1929, P.L. 1784

RECEIVED MAR 12 2001

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

SS:

Linda Smith, Advertising Director of the **Courier-Express/Tri-County Sunday**, of the County and State aforesaid, being duly sworn, deposes and says that the **Courier-Express**, a daily newspaper and the **Tri-County Sunday**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publication, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

6th., day of March A.D., 2001

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, and/or **Tri-County Sunday**, a weekly newspaper, to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

McLEAN PUBLISHING COMPANY Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY

By Linda Smith

Sworn and subscribed to before me this 8th day of March, 2001

**THIS IS
NOT A
BILL**

Joseph A. Grecco
Notary Public
Statement of Advertising Cost
McLEAN PUBLISHING COMPANY
Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY
DuBois, PA

Notarial Seal
Joseph A. Grecco, Notary Public
DuBois, Clearfield County
My Commission Expires July 18, 2002
Member, Pennsylvania Association of Notaries

TO William Hager III-Shaffer vs. MCCA

For publishing the notice or advertisement
attached hereto on the above stated dates.....\$ 86.40
Probating same.....\$ 4.25
Total.....\$ 90.65

Publisher's Receipt for Advertising Costs

The **Courier-Express**, a daily newspaper, and/or **Tri-County Sunday**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801
Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY
Publisher of
COURIER-EXPRESS/TRI-COUNTY SUNDAY

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and DONALD SHAFFER, her husband
Plaintiffs

vs.
JOHN DENNIS MCCAW
Defendant

TO: John Dennis McCaw
Date of Notice: February 27, 2001

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGEMENT 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 CAN NOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Keystone Legal Services
211 1/2 E. Locust Street
Clearfield, PA 16830
(814) 326-9177

William E. Hager, III, Esquire
Attorney for Plaintiffs
352 Broad Street
New Bethlehem, PA 16242
(814) 275-3551

3/8/01

FILED

APR 27 2001
MAY 31 10:41 AM
William A. Shaw
Prothonotary

PD \$90.00

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AMMERMAN & MARSHALL

• Attorneys at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

• • • •

CERTIFIED COPY

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,
Plaintiffs

vs.

JOHN DENNIS McCRAW,
Defendant

No. 00 - 1014 - CD

Type of Case: Civil Action

Type of Pleading: Praecipe for
Entry of Appearance

Filed on behalf of: Defendant

Michael S. Marshall, Esquire
310 East Cherry Street
Clearfield, PA 16830
(814) 765-1701

Supreme Court No. 64087

FILED

MAY 17 2001

William A. Shaw
Prothonotary

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

LINDA A. SHAFFER and,
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS McCAW,

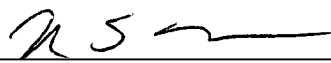
Defendant

No. 00-1014-CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO: WILLIAM A. SHAW, PROTHONOTARY

Please enter my appearance on behalf of the Defendant, JOHN DENNIS McCAW,
in the above-captioned case.



Michael S. Marshall, Esquire

Dated: 5/17/01

FILED

MAY 17 2001

0/12:23 P.M.

William A. Shaw
Prothonotary

2 cc to ~~att~~ ~~att~~ ~~att~~

AMMERMAN & MARSHALL
Attorneys at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

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CERTIFIED COPY

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

LINDA A. SHAFFER and,
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS McCRAW,

Defendant

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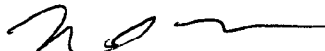
No. 00-1014-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praecept for Entry of
Appearance filed in the above case on behalf of Defendant was served upon the following
individual on the 17th day of May, 2001, by first class mail at the United States Post
Office, Clearfield, Pennsylvania, addressed as follows:

William E. Hager III, Esquire
352 Broad Street
New Bethlehem, Pennsylvania 16242

Dated: 5/17/01


Michael S. Marshall, Esquire
Attorney for Defendant

FILED

MAY 17 2001

William A. Shaw
Prothonotary

FILED

MAY 17 2001

01/18-24 p.m.

William A. Shaw
Prothonotary

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,
Plaintiffs

vs.

JOHN DENNIS McCRAW,
Defendant

No. 00 - 1014 - CD

Type of Case: Civil Action

Type of Pleading: Motion to Dismiss,
Motion to Strike Default Judgment
and Motion to Strike Case from
Trial List

Filed on behalf of: Defendant

Michael S. Marshall, Esquire
310 East Cherry Street
Clearfield, PA 16830
(814) 765-1701

Supreme Court No. 64087

FILED

JUL 03 2001

William A. Shaw
Prothonotary

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

| | | |
|------------------------------|---|----------------|
| LINDA A. SHAFFER and, | * | |
| DONALD SHAFFER, her husband, | * | |
| | * | |
| Plaintiffs | * | |
| | * | |
| vs. | * | No. 00-1014-CD |
| | * | |
| JOHN DENNIS McCaw, | * | |
| | * | |
| Defendant | * | |
| | * | |

**MOTION TO DISMISS, MOTION TO STRIKE DEFAULT JUDGMENT AND
MOTION TO STRIKE CASE FROM TRIAL LIST**

NOW COMES, the Defendant, John Dennis McCaw, by and through his attorney, Michael S. Marshall, Esquire, who files a Motion to Dismiss, Motion to Strike Default Judgment and a Motion to Strike Case From Trial List, and in support thereof avers as follows:

I. MOTION TO DISMISS

1. This action was commenced by the filing of a Praecipe for Writ of Summons, which was issued on August 18, 2000.
2. Plaintiff was unable to serve Defendant and service of process by publication was authorized by court order filed November 21, 2000.
3. On February 27, 2001, Plaintiff published a Notice of Default (ten day letter) in the DuBois Courier-Express, a copy of which was filed with the Prothonotary, but there is no indication in the record that the Writ of Summons has been served upon Defendant, either by publication or otherwise.

4. No action has actually been commenced to this term and number because original process has not been served upon Defendant. The time allowed for service of the Writ of Summons has expired.

WHEREFORE, Defendant respectfully requests that this action be dismissed.

II. MOTION TO STRIKE DEFAULT JUDGMENT

5. On April 27, 2001, Plaintiff filed a Praecipe for entry of a default judgment.

6. To date, no Complaint has been filed.

7. Pa. R. C. P., Rule 1037(b) authorizes the Prothonotary to enter default judgment against a defendant for failure to file a pleading to “a *complaint* which contains a notice to defend”.

8. Entry of default judgment by the Prothonotary in the present case is improper and void, because no complaint has been filed, and there is therefore no pleading to which defendant can or must respond.

WHEREFORE, Defendant respectfully requests that the default judgment entered by the Prothonotary be stricken.

III. MOTION TO STRIKE CASE FROM TRIAL LIST

9. On April 23, 2001, Plaintiff filed a praecipe to have this case placed on the trial list, prior to an entry of appearance being filed on behalf of Defendant.

10. This case has been improperly listed for trial because the pleadings have not closed, nor have the pleadings even begun, because no complaint has been filed and no service of process has been made upon Defendant.

WHEREFORE, Defendant respectfully requests that this case be stricken from the trial list.

Respectfully Submitted by



Michael S. Marshall, Esquire
Attorney for Defendant

FILED

JUL 03 2001

07/19/01
William A. Shaw
Prothonotary

Scathy Marshall
Scathy

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

LINDA A. SHAFFER and,
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS McCRAW,

Defendant

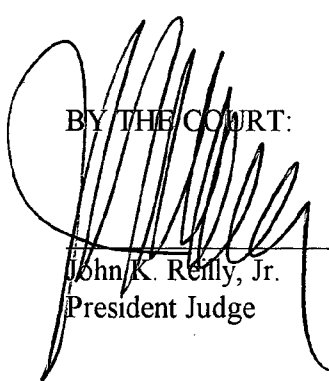
No. 00-1014-CD

RULE TO SHOW CAUSE

AND NOW, this 5th day of July, 2001, upon
consideration of the Motion to Dismiss, Motion to Strike Default Judgment and Motion to
Strike Case from Trial List filed by Defendant, a Rule is hereby issued upon Plaintiffs to
Show Cause why the relief requested by Defendant should not be granted.

Rule Returnable the 25th day of July, 2001, for filing a written
response.

BY THE COURT:


John K. Reilly, Jr.
President Judge

FILED

JUL 05 2001
014:003cc atty
William A. Shaw
Prothonotary

Marshall



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

LINDA A. SHAFFER and,
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS McCRAW,

Defendant


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No. 00-1014-CD

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Defendant's Motion to Dismiss, Motion to Strike Default Judgment and Motion to Strike Case from Trial List, and Rule to Show Cause issued July 5, 2001, were served upon the following individual by regular mail at the United States Post Office, Clearfield, PA, on the 6th day of July, 2001:

William E. Hager, III, Esquire
352 Broad Street
New Bethlehem, Pennsylvania 16242


Michael S. Marshall, Esquire
Attorney for Defendant

Dated: 7/9/01

FILED

JUL 09 2001

William A. Shaw
Prothonotary

FILED

JUL 09 2001

0/10:201a

William A. Shaw
Prothonotary

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

LINDA A. SHAFFER and :
DONALD SHAFFER, her husband :
-VS- : No. 00 – 1014 – CD
JOHN DENNIS McCRAW :

ORDER

NOW, this 17th day of August, 2001, upon consideration of Defendant's Motion to Dismiss, Motion to Strike Default Judgment and Motion to Strike Case from Trial list, it is the ORDER of this Court that said Motion be and is hereby granted to the extent that Default Judgment entered in favor of Plaintiffs shall be and is hereby stricken and the matter continued from the civil trial list until the next term of Court. It is the further ORDER of this Court that Plaintiffs shall file their Complaint within twenty (20) days from date hereof.

By the Court,



President Judge

FILED

AUG 17 2001

William A. Shaw
Prothonotary

FILED

AUG 17 2001

0/4:00/14

William A. Shaw
Prothonotary

CERT TO HATT

Ed Marshall
RPS +
HAGER

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,
Plaintiffs

Vs.

JOHN DENNIS MCCAWE,

Defendant

: Civil Action – Law
:
: No. 1014 C.D. 2000
:
: Type of Pleading: Complaint in
: Civil Action
:
: Filed on Behalf of Plaintiffs
:
: Counsel of Record for the Plaintiffs:
:
: William E. Hager, III
: Supreme Court I.D. No. 40361
:
: 352 Broad Street
: New Bethlehem, PA 16242
: (814) 275-3551

FILED

SEP 06 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

| | | |
|------------------------------|---|--------------------|
| LINDA A. SHAFFER and | : | Civil Action – Law |
| DONALD SHAFFER, her husband, | : | |
| Plaintiffs | : | |
| Vs. | : | |
| | : | |
| JOHN DENNIS MCCAWE, | : | |
| | : | |
| Defendant | : | No. 1014 C.D. 2000 |

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 AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765 - 2641

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

| | | |
|------------------------------|---|--------------------|
| LINDA A. SHAFFER and | : | Civil Action – Law |
| DONALD SHAFFER, her husband, | : | |
| Plaintiffs | : | |
| Vs. | : | |
| JOHN DENNIS MCCAWE, | : | |
| Defendant | : | No. 1014 C.D. 2000 |

COMPLAINT

AND NOW, comes Linda A. Shaffer and her husband, Donald Shaffer, by and through their attorney, William E. Hager, III, and files this Complaint based upon the following:

COUNT I

1. Linda A. Shaffer and Donald Shaffer, are adult individuals with an address of 312 Washington Street, New Bethlehem, Pennsylvania, 16242.

2. John Dennis McCaw is an adult individual with a present unknown address, but had earlier the address of R. D. #1, Box 118C, Reynoldsville, Pennsylvania, 15851.

3. On or about August 21, 1998, at approximately 1:00 p.m., Linda A. Shaffer , ("Plaintiff") was the driver of a 1986 Oldsmobile 98 automobile, which vehicle was travelling west on Washington Avenue, DuBois, Clearfield, Pennsylvania.

4. On or about August 21, 1998, at approximately 1:00 p.m., Defendant, John Dennis McCaw, ("Defendant") was operating a 1988 Chevrolet, which was travelling on Brady Street, in DuBois, Clearfield County, Pennsylvania.

5. As Defendant was operating his vehicle, he approached the intersection of Brady Street and West Washington Avenue, at the approximate time, Plaintiff was operating her vehicle toward the said intersection.

6. Plaintiff traveled into the intersection because of a traffic control signal had been green and continued to be green when Defendant's vehicle went through a red-light on his side of the intersection and violently struck the left side of Plaintiff's vehicle as she was making a left-hand turn onto Brady Street.

7. Defendant owed a duty of care to Plaintiff because Defendant's actions in operating her vehicle created a foreseeable risk of harm to Plaintiff.

8. Defendant breached the duty of care owed to Plaintiff in the following particulars:

a. in not having his vehicle under proper control thus allowing it to strike and collide with Plaintiff's vehicle;

b. in not keeping a proper lookout so as to avoid striking Plaintiff's vehicle;

c. in operating his vehicle in such a careless and unreasonable manner as to allow it to strike and collide with Plaintiff's vehicle;

d. in not maintaining a proper and safe distance between his vehicle and Plaintiff's vehicle;

e. in being inattentive to the circumstances surrounding him such that his vehicle struck and collided with Plaintiff's vehicle;

f. in not exercising a proper lookout for vehicles in front of him such that the permitted her vehicle to strike and collide with Plaintiff's vehicle;

g. in failing to properly apply his brakes;

h. in losing control of his vehicle;

i. in failing to take the necessary and reasonable steps to prevent the happening of this accident;

j. in failing to keep a sharp and watchful eye on the road;

k. in operating his vehicle in such a careless, reckless and negligent manner so as to cause or allow the vehicle to run into, strike and collide with the vehicle in which Plaintiff was operating;

l. in failing to stop or to turn aside his vehicle or to take other appropriate action so that the collision could be avoided;

m. in continuing to operate his vehicle in a direction toward the Plaintiff when he saw, or in the exercise of reasonable diligence should have seen, that further operation in that direction could result in a collision; and

n. in failing to obey the properly posted traffic control device.

9. Defendant's negligent operation of his motor vehicle, as described herein, was the direct and proximate cause of injuries Plaintiff suffered.

10. As a direct and proximate result of the aforesaid collision, Plaintiff was jolted and jarred, whereby she was caused to sustain the following personal injuries, including, but not limited to;

- a. Impairment of her general health, strength and vitality;
- b. Inability to continue her usual activities;
- c. Neck pain;
- d. Back pain;
- e. Headaches;
- f. Blurred vision;
- g. Numbness;
- h. Increased back spasms;
- i. Weakness in both legs;
- j. Loss of life's pleasures.

11. As a direct and proximate result of the negligence of the Defendant as hereinabove and hereinafter more particularly set forth, Plaintiff has in the past and will into the future sustain the following:

- a. Pain, suffering, and inconvenience;
- b. Worry, anxiety, irritation, annoyance, tension, and other forms of distress;
- c. Impairment of her general health, strength and vitality; and

d. Loss of life's pleasures.

12. That as a direct and proximate result of the negligence of Defendant, as hereinabove and hereinafter more particularly set forth, Plaintiff has in the past, been required to expend sums of money for doctor's bills, other medical expenses and incidental expenses in an attempt to effectuate a cure for herself as a result of the complained of incident.

WHEREFORE, Plaintiff respectfully requests your Honorable Court enter judgment in favor of Plaintiff and against Defendant in an amount in excess of Twenty-Five Thousand Dollars and No/100 (\$25,000.00), and, such other relief as this Court deems appropriate.

COUNT II

13. Paragraphs 1 through 12 are incorporated herein by reference as if set forth in full.

14. At all material times, Plaintiff, Donald Shaffer, was and the husband of Plaintiff, Linda Shaffer.

15. By reason of the injuries inflicted on Plaintiff, Linda Shaffer, Plaintiff, Donald Shaffer, was compelled to and did a portion of Plaintiff, Linda Shaffer's, household work, because of the inability of Plaintiff, Linda Shaffer, to perform her household duties.

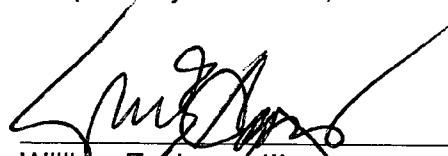
16. By reason of the injuries inflicted on Plaintiff, Linda Shaffer, Plaintiff, Donald Shaffer, has been deprived of the society of his wife and of her services in the management of his domestic affairs.

17. By reason of such injuries suffered and sustained by Plaintiff, Donald Shaffer's wife, he has been deprived of the services of his wife, and his comfort and happiness in her society and companionship were impaired.

WHEREFORE, Plaintiff, Donald Shaffer, respectfully requests your Honorable Court enter judgment in favor of Plaintiff, Donald Shaffer, and against Defendant in a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) and, such other relief as this Court deems appropriate.

Jury trial demanded.

Respectfully submitted,

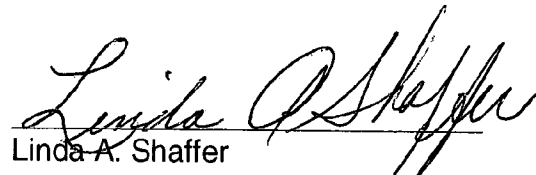
A handwritten signature in black ink, appearing to read 'William E. Hager, III', is written over a horizontal line.

William E. Hager, III
Attorney for Plaintiff
352 Broad Street
New Bethlehem, PA 16242
(814) 275-3551
Supreme Court I.D. No. 40361

VERIFICATION

I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date: 8-31-01

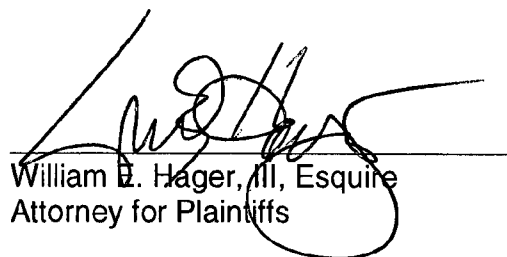

Linda A. Shaffer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Complaint has been mailed by U.S. mail, first class, to the following:

Michael S. Marshall, Esquire
310 East Cherry Street
Clearfield, PA 16830

Dated: September 4, 2001



William E. Hager, III, Esquire
Attorney for Plaintiffs

FILED

SEP 06 2001

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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS MCCAWE,

Defendant

: No. 1014 C.D. 2000

:

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: Type of Pleading: Ten (10) Day Notice

:

:

:

: Counsel of Record for this Party:

: Supreme Ct. I.D. #40361

: William E. Hager, III

: 352 Broad Street

: New Bethlehem, PA 16242

: (814) 275-3551

FILED

OCT 09 2001

mll:42/nole

William A. Shaw
Prothonotary



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

| | | |
|------------------------------|---|----------------------------|
| LINDA A. SHAFFER and | : | No. 1014 C.D. 2000 |
| DONALD SHAFFER, her husband, | : | |
| | : | |
| Plaintiffs | : | Type of Case: Civil Action |
| vs. | : | |
| | : | |
| JOHN DENNIS MCCAWE, | : | |
| | : | |
| Defendant | : | |

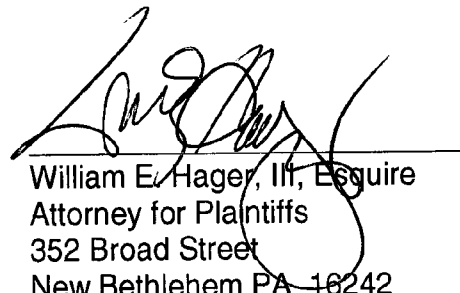
TO: John Dennis McCaw

Date of Notice: October 5, 2001

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. 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.

Keystone Legal Services
211 ½ E. Locust Street
Clearfield, PA 16830
(814) 326-9177

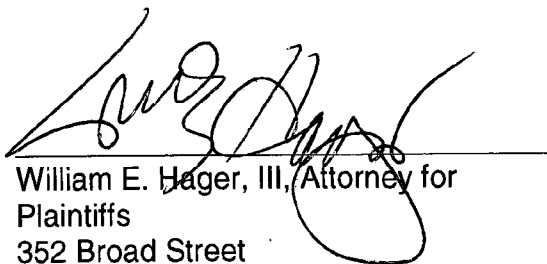

William E. Hager, III, Esquire
Attorney for Plaintiffs
352 Broad Street
New Bethlehem PA 16242
(814) 275-3551

CERTIFICATE OF SERVICE

I hereby certify that I mailed by regular U. S. Mail, a certified, true and correct copy of the Ten (10) Day Notice, relative to the above-referenced case to:

Michael S. Marshall, Esquire
310 East Cherry Street
Clearfield, PA 16830

Dated: October 5, 2001



William E. Hager, III, Attorney for
Plaintiffs
352 Broad Street
New Bethlehem, PA 16242
(814) 275-3551

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,
Plaintiffs

Vs.

JOHN DENNIS MCCAWE,

Defendant

: Civil Action – Law
:
: No. 1014 C.D. 2000
:
: Type of Pleading: Acceptance of
: Service
:
: Filed on Behalf of Plaintiffs
:
: Counsel of Record for the Plaintiffs:
:
: William E. Hager, III
: Supreme Court I.D. No. 40361
:
: 352 Broad Street
: New Bethlehem, PA 16242
: (814) 275-3551

FILED

NOV 15 2001

0/12/002 cc atty
William A. Shaw

Prothonotary

Marshall

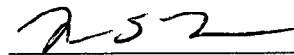
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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

| | | |
|------------------------------|---|--------------------|
| LINDA A. SHAFFER and | : | Civil Action – Law |
| DONALD SHAFFER, her husband, | : | |
| Plaintiffs | : | |
| Vs. | : | |
| JOHN DENNIS MCCAWE, | : | |
| Defendant | : | No. 1014 C.D. 2000 |

ACCEPTANCE OF SERVICE

AND NOW, this ^{November}~~15th~~ day of ~~September~~, 2001, the undersigned, Michael S. Marshall, Attorney for Defendant, hereby accepts service of the Complaint in Civil Action, relative to the above-referenced case.



Michael S. Marshall, Esquire
Attorney for Defendant
310 East Cherry Street
Clearfield, PA 16830

AMMERMAN & MARSHALL
Attorneys at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

CERTIFIED COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,
Plaintiffs

vs.

JOHN DENNIS McCRAW,
Defendant

No. 00 - 1014 - CD

Type of Case: Civil Action

Type of Pleading:
Answer & New Matter

Filed on behalf of: Defendant

Michael S. Marshall, Esquire
310 East Cherry Street
Clearfield, PA 16830
(814) 765-1701

Supreme Court No. 64087

FILED

NOV 15 2001

0/12:00/m
William A. Shaw
Prothonotary

4 CENTS TO ATTYS

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

LINDA A. SHAFFER and,
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS McCaw,

Defendant

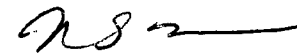
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No. 00-1014-CD

NOTICE TO PLEAD

TO: Linda A. Shaffer & Donald Shaffer, Plaintiffs
c/o William E. Hager, III, Esquire
352 Broad Street
P.O. Box 131
New Bethlehem, Pennsylvania 16242

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgment may be entered against you.



Michael S. Marshall, Esquire
Attorney for the Defendant

Date: 11/15/01

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

LINDA A. SHAFFER and,
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS McCaw,

Defendant

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No. 00-1014-CD

ANSWER AND NEW MATTER

NOW COMES, the defendant, John Dennis McCaw, by and through his attorney,
Michael S. Marshall, Esquire, who files an Answer and New Matter, as follows:

ANSWER

COUNT I

1. Admitted.
2. Admitted, except defendant now resides at 1125 Cummings Drive, Boulder City, Nevada 89005.
3. Admitted, except that defendant is not sure of plaintiff's direction of travel.
4. Admitted.
5. Admitted.
6. Admitted in part and denied in part. It is admitted only that defendant's and plaintiff's vehicles struck in the intersection of Washington Avenue and Brady Street as plaintiff was apparently making a left hand turn onto Brady Street. It is denied that the

light facing plaintiff “had been green and continued to be green”, that defendant went through a red light, and that the collision of the vehicles was violent.

7. The averments of paragraph 7 are conclusions of law to which no responsive pleading is required. To the event that an answer would be deemed to be required, defendant avers that he owed no duty of care other than that owed generally by motorists to all individuals using the roadways involved.

8. The averment that defendant breached a duty of care owed to plaintiff is a conclusion of law to which no responsive pleading is required. The averments of paragraph 8 a. through n. are denied generally pursuant to Pa.R.C.P. 1029(e).

9. The averments of paragraph 9 are conclusions of law to which no responsive pleading is required. To the event that an answer would be deemed to be required, the same are denied generally pursuant to Rule 1029(e).

10. After reasonable investigation defendant is without knowledge or information sufficient to form a belief as to the truth of the averment that plaintiff sustained the injuries set forth in paragraph 10.a. through j. However, defendant believes, and therefore avers, that the collision between his vehicle and plaintiff’s vehicle was so minor that plaintiff could not have been jolted and jarred to the extent that she would have sustained any substantial injuries therefrom and the same is therefor denied.

11. Denied for the reasons set forth in response to paragraph 10.

12. Denied for the reasons set forth in response to paragraph 10.

WHEREFORE, defendant demands judgment in his favor and against plaintiff, together with the costs of this action, attorney’s fees, and such other relief as this court deems just and appropriate.

COUNT II

13. The foregoing responses to paragraphs 1 through 12 of the complaint are incorporated by reference as though fully set forth herein.

14. After reasonable investigation defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 14.

15. After reasonable investigation defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 15.

16. After reasonable investigation defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 16.

17. After reasonable investigation defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 17.

WHEREFORE, defendant demands judgment in his favor and against plaintiff, together with the costs of this action, attorney's fees, and such other relief as this court deems just and appropriate.

NEW MATTER

1. Plaintiffs' cause of action accrued, if at all, on August 21, 1998.

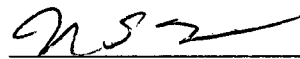
2. Plaintiffs' negligence cause of action is governed by the two year limitations period contained in 42 Pa.C.S.A. Section 5524(2).

3. Plaintiffs filed a writ of summons on August 18, 2000, but neither the writ nor a complaint were ever served on defendant and plaintiffs did not make a good faith effort to make service of original process on defendant.

4. No action was properly commenced by plaintiffs within two years of August 21, 1998, and their cause of action is therefor barred by Section 5524 of the Judicial Code.

WHEREFORE, Defendant demands that plaintiff's Complaint be dismissed with prejudice.

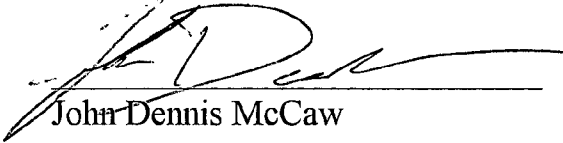
Respectfully Submitted,

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

Michael S. Marshall, Esquire
Attorney for Defendant

VERIFICATION

I, JOHN DENNIS McCaw, verify that the statements made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsifications to authorities.



John Dennis McCaw

AMMERMAN & MARSHALL

Attorneys at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830

CERTIFIED COPY

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

LINDA A. SHAFFER and,
DONALD SHAFFER, her husband,

Plaintiffs

vs.

JOHN DENNIS McCAW,

Defendant

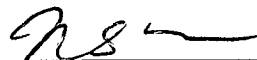
No. 00-1014-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Answer and New Matter filed in
the above case on behalf of Defendant was served upon the following individual on the
15th day of November, 2001, by first class mail at the United States Post Office,
Clearfield, Pennsylvania, addressed as follows:

William E. Hager III, Esquire
352 Broad Street
New Bethlehem, Pennsylvania 16242

Dated: 11/15/01



Michael S. Marshall, Esquire
Attorney for Defendant

FILED

NOV 15 2001

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William A. Shaw
Prothonotary

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FILED

NOV 15 2001

**William Shaw
Prothonary**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,
Plaintiffs

Vs.

JOHN DENNIS MCCAWE,

Defendant

: Civil Action – Law
:
: No. 1014 C.D. 2000
:
: Type of Pleading: Answer to New
: Matter
:
: Filed on Behalf of Plaintiffs
:
: Counsel of Record for the Plaintiffs:
:
: William E. Hager, III
: Supreme Court I.D. No. 40361
:
: 352 Broad Street
: New Bethlehem, PA 16242
: (814) 275-3551

FILED

DEC 03 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

| | | |
|------------------------------|---|--------------------|
| LINDA A. SHAFFER and | : | Civil Action – Law |
| DONALD SHAFFER, her husband, | : | |
| Plaintiffs | : | |
| Vs. | : | |
| | : | |
| JOHN DENNIS MCCAWE, | : | |
| | : | |
| Defendant | : | No. 1014 C.D. 2000 |

ANSWER TO NEW MATTER

AND NOW, comes the plaintiffs, Linda A. Shaffer and Donald Shaffer, her husband, by and through their attorney, William E. Hager, III, Esquire, and file their within Answer to Defendant's New Matter based upon the following of which is a concise statement:

1. Paragraph One of Defendant's New Matter is a conclusion of law to which no responsive pleading is required. To the extent that an answer would be deemed to be required, the same is denied generally pursuant to Pa.R.C.P., Rule 1029(e).

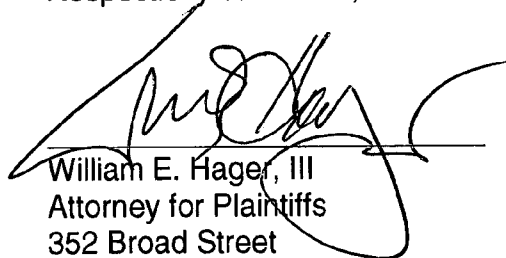
2. Paragraph Two of Defendant's New Matter is a conclusion of law to which no responsive pleading is required. To the extent that an answer would be deemed to be required, the same is denied generally pursuant to Pa.R.C.P. Rule 1029(e).

3. Paragraph Three of Defendant's New Matter is a conclusion of law to which no responsive pleading is required. To the extent that an answer would be deemed to be required, the same is denied generally pursuant to Pa.R.C.P. Rule 1029(e).

4. Paragraph Four of Defendant's New Matter is a conclusion of law to which no responsive pleading is required. To the extent that an answer would be deemed to be required, the same is denied generally pursuant to Pa.R.C.P. Rule 1029(e).

WHEREFORE, plaintiffs demand that defendant's New Matter be dismissed with prejudice.

Respectfully submitted,

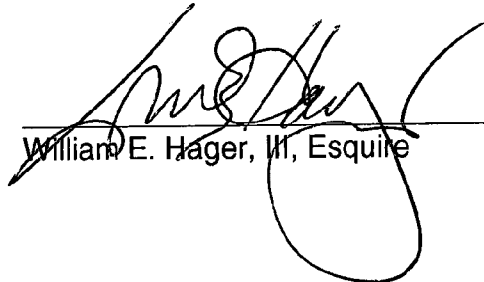


William E. Hager, III
Attorney for Plaintiffs
352 Broad Street
New Bethlehem, PA 16242
(814) 275-3551
Supreme Court I.D. No. 40361

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLARION :

WILLIAM E. HAGER, III, ESQUIRE, being duly sworn according to law, deposes and says that he is of counsel for Linda Shaffer, trading that he is authorized to execute this Affidavit on behalf of the plaintiff, and that the facts set forth in the foregoing Answer to New Matter, are true and correct, not according to his own knowledge but based on information and belief in facts supplied to him; that an affidavit of the plaintiff will be supplied if requested.

Dated: November 29, 2001

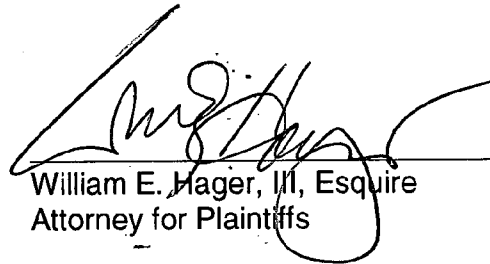

William E. Hager, III, Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer to
New Matter has been mailed by U.S. mail, first class, to the following:

Michael S. Marshall, Esquire
310 East Cherry Street
Clearfield, PA 16830

Dated: November 29, 2001



William E. Hager, III, Esquire
Attorney for Plaintiffs

FILED

m18:34
DEC 03 2001

William A. Shaw
Prothonotary

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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,
Plaintiffs

vs.

JOHN DENNIS MCCAWE,
Defendant

: No. 1014 C.D. 2000
:
: Civil Action – Law
:
: Type of Pleading: Praecipe to
: Discontinue
:
: Filed on Behalf of Plaintiff
:
: Counsel of Record for Plaintiff:
:
: William E. Hager, III, Esquire
: 352 Broad Street
: New Bethlehem, PA 16242
: (814) 275-3551
: Supreme Court I.D. No. 40361

FILED

DEC 21 2001
m/12:45/mt
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

LINDA A. SHAFFER and
DONALD SHAFFER, her husband,
Plaintiff

vs.

JOHN DENNIS MCCAWE,
Defendant

: No. 1014 C.D. 2000

:

: Civil Action – Law

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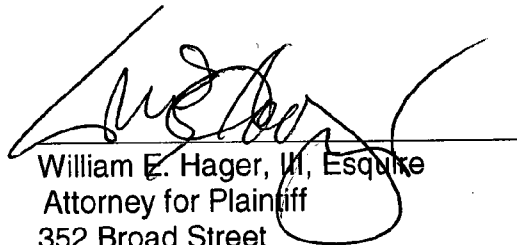
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PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter settled and discontinued.

Dated: December 17, 2001



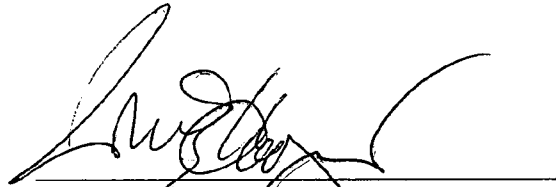
William E. Hager, III, Esquire
Attorney for Plaintiff
352 Broad Street
New Bethlehem, PA 16242
(814) 275-3551

CERTIFICATE OF SERVICE

I, William E. Hager, III, the undersigned, hereby certify that I mailed by regular U.S. first class mail, a true and correct copy of the Praecipe to Discontinue to the following:

Michael S. Marshall, Esquire
310 East Cherry Street
Clearfield, PA 16830

Dated: December 19, 2001

A handwritten signature in black ink, appearing to read 'William E. Hager, III', is written over a horizontal line.

William E. Hager, III, Esquire
Attorney for Plaintiff
352 Broad Street
New Bethlehem, PA 16242
(814) 275-3551

FILED

DEC 21 2001

William A. Shaw
Prothonotary

LAW OFFICES
WILLIAM E. HAGER, III
352 BROAD STREET
NEW BETHLEHEM, PA 16242

(814) 275-3551
FAX (814) 275-1141

WILLIAM E. HAGER, III*

*MEMBER OF PENNSYLVANIA BAR
AND FLORIDA BAR

December 19, 2001

Clearfield County Courthouse
Mr. William Shaw, Prothonotary
230 E. Market Street
Clearfield, PA 16830

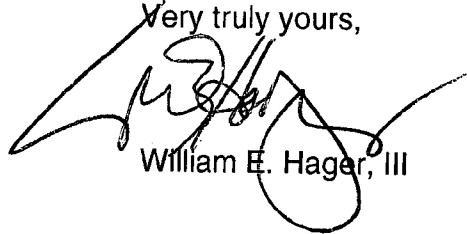
IN RE: Linda A. Shaffer et al. vs. John Dennis McCaw
No. 1014 CD 2000

Dear Prothonotary Shaw:

Enclosed please find for filing, my Praeipce to Discontinue, in regards to the above-referenced matter.

Thank you for your assistance in this matter. If you have any questions, please contact my office.

Very truly yours,



William E. Hager, III

WEH/tls

Enclosure

cc: Linda Shaffer (w/enclosure)
Michael S. Marshall, Esquire (w/enclosure)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Linda A. Shaffer
Donald Shaffer

Vs.

No. 2000-01014-CD

John Dennis McCaw

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 December 21, 2001 marked:

Settled and Discontinued

Record costs in the sum of \$165.69 have been paid in full by William E. Hager III, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 24th day of December A.D. 2001.



William A. Shaw, Prothonotary