

00-1058-CD
Sandra Harter vs Randy L. Martell et al

00

00-1058-230
SANDRA K. HARTER -vs- LINDA L. MARTEL et al

FILED

AUG 28 2000

Rev. C. J. C. H. Nadeau
William A. Shaw
Prothonotary

\$1580.00
Sweet Summers
to the wife

84 SANDRA K. HARTER,
an individual,
Plaintiff,

(24) RANDY L. MARTELL and
 (34) EVELYN MARTELL,
 husband and wife, and
 (74) NEVA SHIREY,
 an individual, and
 (84) RAYMOND PAUL MARTELL, JR.
 (44) and BETTY MARTELL,
 husband and wife,
 Defendants.

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[illegible]

Writ
Complaint

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

William A. Shaw
Prothonotary

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

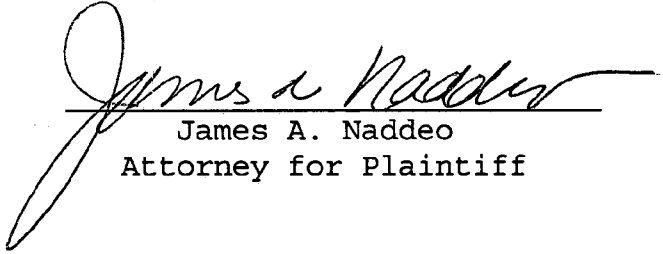
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No. 00 - - CD

PRAECIPE FOR WRIT

TO THE PROTHONOTARY:

Please issue a writ of summons against the Defendants,
Randy L. Martell and Evelyn Martell, whose address is R. D. 1,
Box 292A, Frenchville, PA; and Neva Shirey whose address is R.
R. 1, Box 259, Frenchville, PA; and Raymond Paul Martell, Jr.
and Betty Martell, whose address is R. D. 1, Box 292,
Frenchville, PA.


James A. Naddeo
Attorney for Plaintiff

FILED

SEP 21 2000

010:44/41c
William A. Shaw
Prothonotary
city naddeo

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

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

COPY

SANDRA K. HARTER, an individual,

Plaintiff(s)

vs.

S U M M O N S

No: 00-1058-CD

RANDY L. MARTELL and EVELYN MARTELL,

husband and wife, and NEVA SHIREY

an individual, and RAYMOND PAUL

MARTELL, JR. and BETTY MARTELL,

husband and wife,

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 28, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

James A. Naddeo, Esquire
211 1/2 East Locust Street
P.O. Box 52
Clearfield, PA 16830

JAMES A. NADDEO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARTER, SANDRA K.

00-1058-CD

VS

MARTELL, RANDY L.

SUMMONS

SHERIFF RETURNS

NOW AUGUST 30, 2000 AT 2:00 PM DST SERVED THE WITHIN SUMMONS ON EVELYN MARTELL, DEFENDANT AT RESIDENCE RD 1 BOX 292A, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO EVELYN MARTELL A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: MORGILLO

NOW AUGUST 30, 2000 AT 2:00 PM DST SERVED THE WITHIN SUMMONS ON RANDY L. MARTELL, DEFENDANT AT RESIDENCE RD 1 BOX 292A, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO EVELYN MARTELL, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KOWN TO HER THE CONTENTS THEREOF.
SERVED BY: MORGILLO

NOW AUGUST 30, 2000 AT 2:03 PM DST SERVED THE WITHIN SUMMONS ON BETTY MARTELL, DEFENDANT AT RESIDENCE RD 1 BOX 292, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BETTY MARTELL A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: MORGILLO

NOW AUGUST 30, 2000 AT 2:03 PM DST SERVED THE WITHIN SUMMONS ON RAYMOND PAUL MARTELL, JR., DEFENDANT AT RESIDENCE RD 1 BOX 292, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BETTY MARTELL, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: MORGILLO

NOW SEPTEMBER 1, 2000 AT 2:00 PM DST SERVED THE WITHIN SUMMONS ON NEVA SHIREY, DEFENDANT AT SHERIFF'S OFFICE, MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO NEVA SHIREY A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: SHULTZ

JAMES A. NADDEO

HARTER, SANDRA K.
VS
MARTELL, RANDY L.

00-1058-CD

CHARGES

SUMMONS

59.97 SHFF. HAWKINS PAID BY: ATTY.
50.00 SURCHARGE PAID BY: ATTY.

SWORN TO BEFORE ME THIS

7th 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,

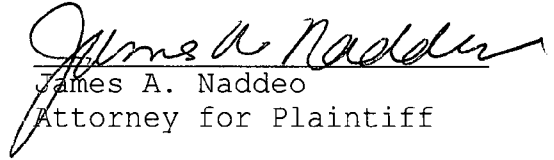
Chester A. Hawkins
by Marlye Hawk
CHESTER A. HAWKINS
SHERIFF

FILED

SEP 07 2000
011:50/nocc
William A. Shaw
Prothonotary
EKL

William A. Shaw
Prothonotary

Raymond Paul & Betty Martell, Jr.
RD1 Box 292
Frenchville, PA 16836


James A. Naddeo
Attorney for Plaintiff

10/12/2000
0933/2cc atty
Naddeo

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,

Plaintiff,

v.

RANDY L. MARTELL and EVELYN
MARTELL, husband and wife, and
NEVA SHIREY, an individual, and
RAYMOND PAUL MARTELL, JR., and
BETTY MARTELL, husband and wife,

Defendants.

) CIVIL ACTION
)
) No: 00-1058-CD
)
)
) **PRAECIPE FOR APPEARANCE**
)
) Filed on Behalf of: Individual Defendants
) Randy L. Martell and Evelyn, husband and
) wife and Neva Shirey, an individual
)
)
)
)
) Counsel of Record for this Party:
)
) Warren D. Ferry, Esquire
) Pa. I.D. #17281
)
) WARREN D. FERRY, P.C.
) 127 S. McKean Street
) Butler, Pa 16001
)
) (724) 283-7508
) (724) 283-8557 (fax)

FILED

SEP 22 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

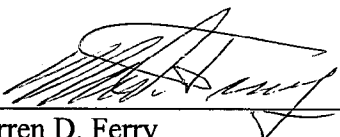
SANDRA K. HARTER, an individual,	)	CIVIL ACTION
Plaintiff,)	
	)	No: 00-1058-CD
)	
v.)	
)	
)	
RANDY L. MARTELL and EVELYN)	
MARTELL, husband and wife, and)	
NEVA SHIREY, an individual, and)	
RAYMOND PAUL MARTELL, JR., and)	
BETTY MARTELL, husband and wife,)	
Defendants.)	

PRAECIPE FOR APPEARANCE

TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly enter my appearance for Randy L. Martell and Evelyn Martell, husband and wife,
and Neva Shirey, an individual, in the above-captioned action.

Respectfully submitted,

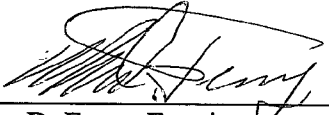


Warren D. Ferry
Attorney for Individual Defendants

CERTIFICATE OF SERVICE

I, Warren D. Ferry, do hereby certify that on this the 20th day of September, 2000, a true and correct copy of the foregoing Praecept for Appearance has been served, via First-Class Mail, postage prepaid, upon the following counsel of record in this case:

James A. Naddeo, Esquire
211 1/2 East Locust Street
P.O. Box 52
Clearfield, PA 16830



Warren D. Ferry, Esquire

FILED

SFP. 22 2000

12:15 noc

William A. Shaw

Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,

Plaintiff,

v.

RANDY L. MARTELL and EVELYN
MARTELL, husband and wife, and
NEVA SHIREY, an individual, and
RAYMOND PAUL MARTELL, JR., and
BETTY MARTELL, husband and wife,

Defendants.

) CIVIL ACTION

) No: 00-1058-CD

) **PRAECIPE FOR RULE TO**
) **FILE COMPLAINT**

) Filed on Behalf of: Individual Defendants
) Randy L. Martell and Evelyn, husband and
) wife and Neva Shirey, an individual

) Counsel of Record for this Party:

) Warren D. Ferry, Esquire
) Pa. I.D. #17281

) WARREN D. FERRY, P.C.
) 127 S. McKean Street
) Butler, Pa 16001

) (724) 283-7508
) (724) 283-8557 (fax)

FILED

SFP 22 2000

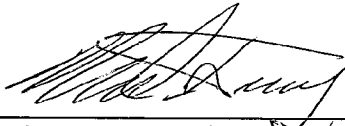
William A. Shaw
Prothonotary

Warren D. Ferry
Attorney for Individual Defendants

CERTIFICATE OF SERVICE

I, Warren D. Ferry, do hereby certify that on this the 20th day of September, 2000, a true and correct copy of the foregoing Praeipe for Rule to File Complaint has been served, via First-Class Mail, postage prepaid, upon the following counsel of record in this case:

James A. Naddeo, Esquire
211 1/2 East Locust Street
P.O. Box 52
Clearfield, PA 16830



Warren D. Ferry, Esquire

FILED

SEP 22 2000

M/2:15/10cc

William A. Shaw

Prothonotary

*Rule to set
off*

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

COPY

SANDRA K. HARTER, an individual

Plaintiff(s)

vs.

No. 00-1058-CD

RANDY L. MARTELL and EVELYN MARTELL

husband and wife, and NEVA SHIREY,

an individual, and RAYMOND PAUL

MARTELL, JR., and BETTY MARTELL,

husband and wife,

Defendant(s)

RULE TO FILE COMPLAINT

TO: Plaintiff(s): SANDRA K. HARTER

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: September 22, 2000

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

No. 00 - 1058 - CD

Type of Pleading:

Complaint

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

OCT 12 2000

William A. Shaw
Prothonotary

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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* No. 00 - 1058 - CD
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NOTICE

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

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURT HOUSE
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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* No. 00 - 1058 - CD
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COMPLAINT

NOW COMES the Plaintiff, Sandra K. Harter, and by her attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is Sandra K. Harter, an individual, who resides at 209 North Third Street, Clearfield, Pennsylvania.

2. That the Defendants, Randy L. Martell and Evelyn Martell, are husband and wife, who reside at R. D. 1, Box 292, Frenchville, Pennsylvania.

3. That the Defendant, Neva Shirey, is an individual who resides at R. D. 1, Box 259, Frenchville, Pennsylvania.

4. That the Defendants, Raymond Paul Martell, Jr. and Betty Martell, are husband and wife, who reside at R. D. 1, Box 292, Frenchville, Pennsylvania.

5. That at all times referred to herein, the Defendants, Raymond Paul Martell, Jr. and Betty Martell, were the owners of a certain piece or parcel of land located in Girard Township, Clearfield County, Pennsylvania, more particularly described in a certain deed dated October 1, 1973 and recorded in Clearfield County Deed Book 659, page 273.

6. That at all times referred to herein, the Defendant, Neva Shirey, was the owner of a certain trailer located on property owned by Raymond Paul Martell, Jr. and Betty Martell.

7. That at all times referred to herein, the Defendants, Randy L. Martell and Evelyn Martell, were renting the trailer owned by Neva Shirey with the option to purchase said trailer.

8. That at all times referred to herein, the Defendants were in joint and several possession and control of the land, the trailer and all improvements upon the premises including the steps to the trailer.

COUNT I

Sandra K. Harter v. Randy L. Martell and Evelyn Martell

9. That the Plaintiff, Sandra K. Harter, incorporates Paragraphs 1 through 8 of this Complaint by reference and makes them a part hereof.

10. That on or about October 29, 1999 between 10:00 p.m. and 10:30 p.m., the Plaintiff, Sandra K. Harter, entered the trailer occupied by the Defendants, Randy L. Martell and Evelyn Martell, at the invitation of Evelyn Martell.

11. That between 11:00 p.m. and 11:30 p.m. the Plaintiff, Sandra K. Harter, proceeded to exit the above-described trailer by the steps constructed to the trailer which steps were missing the first board of the first step.

12. That the Plaintiff, Sandra K. Harter, fell upon the first step described in Paragraph 11 hereof causing the serious injuries hereafter set forth.

13. That on the date and time of the injury to Plaintiff, Defendants, Randy L. Martell and Evelyn Martell, knew or had reason to know that the steps were missing the first board of the first step.

14. That the Defendants, Randy L. Martell and Evelyn Martell, were guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident as follows:

A. Defendants, Randy L. Martell and Evelyn Martell, failed to maintain and repair the steps leading to the subject trailer;

B. That Defendants, Randy L. Martell and Evelyn Martell, failed to warn guests of the existence of the missing board.

C. That Defendants, Randy L. Martell and Evelyn Martell, failed to place a sign or any other device that would place guests on notice of the existence of the missing board.

D. That Defendants, Randy L. Martell and Evelyn Martell, failed to construct or place a handrail to be used as support for transversing the steps.

E. That the Defendants, Randy L. Martell and Evelyn Martell, were negligent, careless and reckless in that they failed to use due care under all of the circumstances of the case.

15. That as a result of the negligence, recklessness and carelessness of the Defendants, Randy L. Martell and Evelyn Martell, as set forth in Paragraph 14 hereof which is incorporated herein by reference, the Plaintiff suffered the following injuries which may and probably will be permanent:

- A. Fracture right proximal radial head;
- B. Contusion/sprain right shoulder.
- C. Sprain of the right sternoclavicular joint;
- D. Right shoulder rotator cuff contusion;

E. Contusion of right hand;

F. Contusion of right knee.

16. That as a result of the injuries described in Paragraph 15 hereof, the Plaintiff has incurred medical expenses to the date of this Complaint in the amount of \$15,120.97 and will incur medical expenses in an unspecified amount in the future.

17. That as a result of the injuries described in Paragraph 15 hereof, the Plaintiff was unable to work for a period of six weeks which resulted in lost earnings in the amount of \$3,079.68.

18. That the Plaintiff claims a reasonable amount for the following:

A. Pain and suffering; past, present and future;

B. Privation and inconvenience; past, present and future;

C. Impairment of earning power; past, present and future;

D. Future lost wages;

E. Future medical expenses;

F. All other damages allowable by law.

WHEREFORE, the Plaintiff claims liquidated damages to date of this Complaint from the Defendants, Randy L. Martell and

Evelyn Martell, in the amount of \$18,200.65 and unliquidated damages from the Defendants, Randy L. Martell and Evelyn Martell, in excess of Twenty Thousand (\$20,000.00) Dollars. Jury Trial Demanded.

COUNT II

Sandra K. Harter v. Neva Shirey

19. That the Plaintiff incorporates Paragraphs 1 through 8 of this Complaint by reference and makes them a part hereof.

20. That on or about October 29, 1999 between 10:00 p.m. and 10:30 p.m., the Plaintiff, Sandra K. Harter, entered the trailer occupied by the Defendants, Randy L. Martell and Evelyn Martell, at the invitation of Evelyn Martell.

21. That between 11:00 p.m. and 11:30 p.m. the Plaintiff, Sandra K. Harter, proceeded to exit the above-described trailer by the steps constructed to the trailer which steps were missing the first board of the first step.

22. That the Plaintiff, Sandra K. Harter, fell upon the first step described in Paragraph 21 hereof causing the serious injuries hereafter set forth.

23. That on the date and time of the injury to Plaintiff, Defendants, Neva Shirey, knew or had reason to know that the steps were missing the first board of the first step.

24. That the Defendant, Neva Shirey, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident as follows:

A. Defendant, Neva Shirey, failed to maintain and repair the steps leading to the subject trailer;

B. That Defendant, Neva Shirey, failed to warn guests of the existence of the missing board.

C. That Defendant, Neva Shirey, failed to place a sign or any other device that would place guests on notice of the existence of the missing board.

D. That Defendant, Neva Shirey, failed to construct or place a handrail to be used as support for transversing the steps.

E. That the Defendant, Neva Shirey, was negligent, careless and reckless in that she failed to use due care under all of the circumstances of the case.

25. That as a result of the negligence, recklessness and carelessness of the Defendant, Neva Shirey, as set forth in Paragraph 24 hereof which is incorporated herein by reference, the Plaintiff suffered the following injuries which may and probably will be permanent:

- A. Fracture right proximal radial head;
- B. Contusion/sprain right shoulder.
- C. Sprain of the right sternoclavicular joint;
- D. Right shoulder rotator cuff contusion;
- E. Contusion of right hand;
- F. Contusion of right knee.

26. That as a result of the injuries described in Paragraph 25 hereof, the Plaintiff has incurred medical expenses to the date of this Complaint in the amount of \$15,120.97 and will incur medical expenses in an unspecified amount in the future.

27. That as a result of the injuries described in Paragraph 25 hereof, the Plaintiff was unable to work for a period of six weeks which resulted in lost earnings in the amount of \$3,079.68.

28. That the Plaintiff claims a reasonable amount for the following:

- A. Pain and suffering; past, present and future;
- B. Privation and inconvenience; past, present and future;
- C. Impairment of earning power; past, present and future;
- D. Future lost wages;

E. Future medical expenses;

F. All other damages allowable by law.

WHEREFORE, the Plaintiff claims liquidated damages to date of this Complaint from the Defendant, Neva Shirey, in the amount of \$18,200.65 and unliquidated damages from the Defendant, Neva Shirey, in excess of Twenty Thousand (\$20,000.00) Dollars. Jury Trial Demanded.

COUNT III

Sandra K. Harter v. Raymond Paul Martell, Jr.
and Betty Martell

29. That the Plaintiff incorporates Paragraphs 1 through 8 of this Complaint by reference and makes them a part hereof.

30. That on or about October 29, 1999 between 10:00 p.m. and 10:30 p.m., the Plaintiff, Sandra K. Harter, entered the trailer occupied by the Defendants, Randy L. Martell and Evelyn Martell, at the invitation of Evelyn Martell.

31. That between 11:00 p.m. and 11:30 p.m. the Plaintiff, Sandra K. Harter, proceeded to exit the above-described trailer by the steps constructed to the trailer which steps were missing the first board of the first step.

32. That the Plaintiff, Sandra K. Harter, fell upon the first step described in Paragraph 31 hereof causing the serious injuries hereafter set forth.

33. That on the date and time of the injury to Plaintiff, the Defendants, Raymond Paul Martell, Jr. and Betty Martell, knew or had reason to know that the steps were missing the first board of the first step.

34. That the Defendants, Raymond Paul Martell, Jr. and Betty Martell, were guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident as follows:

A. Defendants, Raymond Paul Martell, Jr. and Betty Martell, failed to maintain and repair the steps leading to the subject trailer;

B. That Defendants, Raymond Paul Martell, Jr. and Betty Martell, failed to warn guests of the existence of the missing board.

C. That Defendants, Raymond Paul Martell, Jr. and Betty Martell, failed to place a sign or any other device that would place guests on notice of the existence of the missing board.

D. That Defendants, Raymond Paul Martell, Jr. and Betty Martell, failed to construct or place a handrail to be used as support for transversing the steps.

E. That the Defendants, Raymond Paul Martell, Jr. and Betty Martell, were negligent,

careless and reckless in that they failed to use due care under all of the circumstances of the case.

35. That as a result of the negligence, recklessness and carelessness of the Defendants, Raymond Paul Martell, Jr. and Betty Martell, as set forth in Paragraph 34 hereof which is incorporated herein by reference, the Plaintiff suffered the following injuries which may and probably will be permanent:

- A. Fracture right proximal radial head;
- B. Contusion/sprain right shoulder.
- C. Sprain of the right sternoclavicular joint;
- D. Right shoulder rotator cuff contusion;
- E. Contusion of right hand;
- F. Contusion of right knee.

36. That as a result of the injuries described in Paragraph 35 hereof, the Plaintiff has incurred medical expenses to the date of this Complaint in the amount of \$15,120.97 and will incur medical expenses in an unspecified amount in the future.

37. That as a result of the injuries described in Paragraph 25 hereof, the Plaintiff was unable to work for a period of six weeks which resulted in lost earnings in the amount of \$3,079.68.

38. That the Plaintiff claims a reasonable amount for the following:

A. Pain and suffering; past, present and future;

B. Privation and inconvenience; past, present and future;

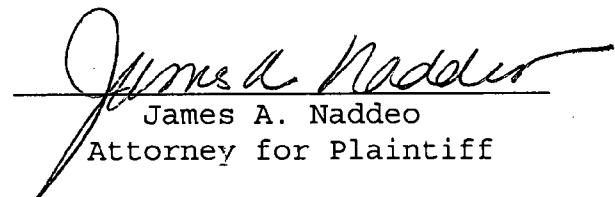
C. Impairment of earning power; past, present and future;

D. Future lost wages;

E. Future medical expenses;

F. All other damages allowable by law.

WHEREFORE, the Plaintiff claims liquidated damages to the date of this Complaint from the Defendants, Raymond Paul Martell, Jr. and Betty Martell, in the amount of \$18,200.65 and unliquidated damages from the Defendants, Raymond Paul Martell, Jr. and Betty Martell, in excess of Twenty Thousand (\$20,000.00) Dollars. Jury Trial Demanded.


James A. Naddeo
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared SANDRA K. HARTER, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Sandra K. Harter
Sandra K. Harter

SWORN and SUBSCRIBED before me this 11th day of Oct, 2000.

Linda C. Lewis

Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2002

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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* No. 00 - 1058 - CD
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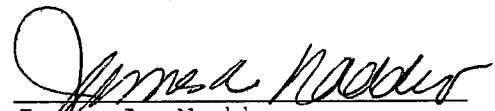
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Plaintiff's Complaint in the above-captioned
action was served on the following persons and in the following
manner on the 12th day of October, 2000:

First-Class Mail, Postage Prepaid

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001

Raymond Paul Martell, Jr.
Betty Martell
R. D. 1, Box 292
Frenchville, PA 16836


James A. Naddeo
Attorney for Plaintiff

SANDRA K. HARTER,
an individual,
Plaintiff,

No. 00 - 1058 - CD

v.

RANDY L. MARTELL and EVELYN MARTELL,
husband and wife, and **NEVA SHIREY,** an
individual, and **RAYMOND PAUL MARTELL, JR. and**
BETTY MARTELL, husband and wife, Defendants

FILED

OCT 25 2000

William A. Shaw
Prothonotary

To Whom It May Concern:

We, RAYMOND P. MARTELL JR. and BETTY J. MARTELL are writing in regards to the complaint which has been filed against us, by SANDRA K. HARTER.

On our behalf, there are a few things that we would like you to know.

SANDRA K. HARTER stated in her complaint that we knew or had reason to know that the steps were missing the first board. We had no prior knowledge that there was any problem whatsoever with their steps.

SANDRA K. HARTER stated that we failed to maintain and repair the steps leading to the subjects trailer. We rent only the ground to RANDY and EVELYN MARTELL. They are responsible for all and any upkeep to all buildings, porches, trailer, etc.

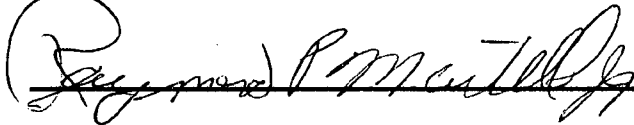
SANDRA K. HARTER stated that we failed to warn guests of the existence of the missing board. We had no prior knowledge of any problem concerning their steps.

SANDRA K. HARTER stated we failed to construct or place a handrail. RANDY and EVELYN MARTELL are responsible for all and any upkeep to all buildings, porches, trailer, etc. and have stated to us that there was/is a handrail provided, for use in going down the steps.

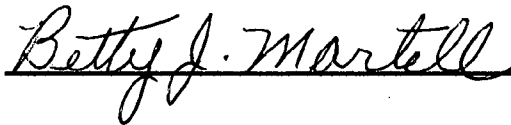
SANDRA K. HARTER stated that we were negligent, careless and

reckless in that we failed to use due care. We had no knowledge of SANDRA K. HARTER before this incident, we did not invite her onto our property, or even know that she was there. There is No Trespassing signs posted on our property, therefore we feel we should not be held responsible for the actions of all parties, including SANDRA K. HARTER, RANDY and EVELYN MARTELL, NEVA SHIREY.

RAYMOND P. MARTELL JR.

A handwritten signature in cursive script, reading "Raymond P. Martell Jr.", written over a horizontal line.

BETTY J. MARTELL

A handwritten signature in cursive script, reading "Betty J. Martell", written over a horizontal line.

Raymond P. Martell Jr.
Betty J. Martell
RD#1 Box 292
Frenchville, PA. 16836
(814)263-4053

FILED

OCT 25 2000

Q220/MC
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,

Plaintiff,

v.

RANDY L. MARTELL and EVELYN
MARTELL, husband and wife, and
NEVA SHIREY, an individual, and
RAYMOND PAUL MARTELL, JR., and
BETTY MARTELL, husband and wife,

Defendants.

) CIVIL ACTION

) No: 00-1058-CD

) **ANSWER AND NEW MATTER**
) **OF DEFENDANTS, RANDY L.**
) **MARTELL, EVELYN MARTELL,**
) **AND NEVA SHIREY**

) Filed on Behalf of: Individual Defendants
) Randy L. Martell and Evelyn, husband and
) wife and Neva Shirey, an individual

) Counsel of Record for this Party:

) Warren D. Ferry, Esquire
) Pa. I.D. #17281

) WARREN D. FERRY, P.C.
) 127 S. McKean Street
) Butler, Pa 16001

) (724) 283-7508
) (724) 283-8557 (fax)

NOTICE TO PLEAD

You are hereby notified to plead to the within Pleading within
twenty (20) days from the date of service thereof or a
default judgment may be entered against you.

Warren D. Ferry, Esquire

FILED

NOV 03 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,	)	CIVIL ACTION
Plaintiff,)	
	)	No: 00-1058-CD
)	
v.)	
)	
)	
RANDY L. MARTELL and EVELYN)	
MARTELL, husband and wife, and)	
NEVA SHIREY, an individual, and)	
RAYMOND PAUL MARTELL, JR., and)	
BETTY MARTELL, husband and wife,)	
Defendants.)	

**ANSWER AND NEW MATTER OF DEFENDANTS,
RANDY L. MARTELL, EVELYN MARTELL, AND NEVA SHIREY**

AND NOW, come Defendants, Randy L. Martell and Evelyn Martell, husband and wife, and Neva Shirey, an individual, through their attorney, Warren D. Ferry, Esquire, and file the within Answer and New Matter to Plaintiff's Complaint and in support thereof aver:

ANSWER

COUNT I.

1. The allegations of paragraph 8 are specifically denied. It is denied that the Defendants were in joint and several possession and control of the land, trailer and improvements upon the premises including the steps to the trailer, and to the contrary it is averred that Raymond Paul Martell, Jr. and Betty Martell, his wife, were not in possession and control of the land or the trailer or any improvements upon the premises and to the contrary they were a land owner out of possession and control. By way of further answer, Defendant, Neva Shirey, was not in possession and control of the land, the trailer and any improvements upon the premises but

merely had bear legal title to the trailer and was not in possession or control of it, said possession and control being vested solely in Defendants Evelyn and Randy Martell.

2. The allegations of paragraph 10 are denied as stated. It is denied that the Plaintiff entered the premises between 10:00 p.m. and 10:30 p.m. On the contrary, it is averred that the Plaintiff entered the premises in the morning hours.

3. The allegations of paragraph 11 are denied as stated. To the contrary it is averred that the Plaintiff exited the trailer during the morning hours rather than between 11:00 and 11:30 p.m. By way of further answer, it is denied that the Plaintiff fell on the first step, and to the contrary it is averred that the Plaintiff fell while descending the steps and strict proof of this allegation is demanded at the time of trial.

4. The allegations of paragraph 12 are denied as stated. It is denied that the Plaintiff fell on the first step and to the contrary it is averred that Plaintiff fell while descending the steps and strict proof of this allegation is demanded at the time of trial.

5. The allegations of paragraph 14 and each of its sub paragraphs are specifically denied.

6. After reasonable investigation, these Defendants are without sufficient information to form an opinion as to the truth or falsity of the averments of paragraphs 15-18 and therefore said averments are specifically denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants Randy L. Martell and Evelyn Martell, deny that they are or can be liable to the Plaintiff in any sum or sums whatsoever and requests that the Plaintiff's

Complaint be dismissed.

COUNT II.

7. The allegations of paragraph 1 through 6 are hereby incorporated by reference.

8. The allegations of paragraph 23 are specifically denied. It is denied that Defendant Neva Shirey knew or had reason to know that a step was missing a board and on the contrary it is averred that Defendant was without any such knowledge and strict proof of this allegation is demanded at the time of trial.

9. The allegations of paragraph 24 and each of its subparagraphs are specifically denied.

10. After reasonable investigation, this Defendant is without sufficient information to form an opinion as to the truth or falsity of the averments of paragraphs 25-28 and therefore said averments are specifically denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant, Neva Shirey, denies that she is or can be liable to the Plaintiff in any sum or sums whatsoever and requests that the Plaintiff's Complaint be dismissed.

NEW MATTER

11. On or about October 29, 1999, at or about 11:00 a.m., the Plaintiff visited the mobile home occupied by Randy L. Martell and Evelyn Martell.

12. On said date, the Plaintiff walked unimpeded and without incident up the steps and onto the deck of the mobile home occupied by these Defendants for the purpose of

visiting with Evelyn Martell.

13. At or around 11:45 a.m., Plaintiff exited the mobile home and proceeded to walk down the steps from the deck to the ground.

14. The Plaintiff was negligent in any or all of the following respects.

- (a) In failing to keep a proper lookout;
- (b) In failing to look where she was walking;
- (c) In failing to use the handrail which was provided;
- (d) In failing to see what was clearly to be seen;
- (e) Looking away from the area in which she was walking as she continued to descend the steps.

15. As a direct, proximate and legal result of the aforesaid acts of negligence of the Plaintiff, the Plaintiff was caused to fall forward onto the ground.

16. The Plaintiff's claim is barred in whole or in part by the contributory negligence of the Plaintiff.

WHEREFORE, Defendants Neva Shirey and Evelyn and Randy Martell demand judgment against the Plaintiff.

JURY TRIAL DEMANDED

Respectfully submitted,



Warren D. Ferry, Esquire
Attorney for Individual Defendant,
Randy L. Martell, Evelyn Martell
and Neva Shirey

VERIFICATION

I, Randy L. Martell and I, Evelyn Martell, verify that the facts contained in the foregoing Answer and New Matter are true and correct to the best of our knowledge and are based upon our personal information and belief. I understand that the statements contained in this Answer are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

BY:

Date: 10/20/00

Randy L. Martell
Randy L. Martell

Date: 10/20/00

Evelyn Martell
Evelyn Martell

VERIFICATION

I, Neva Shirey, verify that the facts contained in the foregoing Answer and New Matter are true and correct to the best of my knowledge and are based upon my personal information and belief. I understand that the statements contained in this Answer are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

BY:

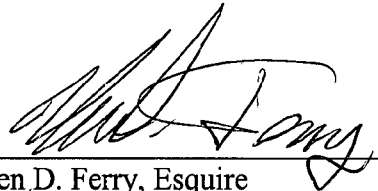
Date: 9-25-2000

Neva L Shirey
Neva Shirey

CERTIFICATE OF SERVICE

I, Warren D. Ferry, do hereby certify that on this the 12 day of November, 2000, a true and correct copy of the foregoing Answer and New Matter of Defendants, Randy L. Martell, Evelyn Martell and Neva Shirey has been served, via First-Class Mail, postage prepaid, upon the following counsel of record in this case:

James A. Naddeo, Esquire
211 1/2 East Locust Street
P.O. Box 52
Clearfield, PA 16830


Warren D. Ferry, Esquire

FILED

NOV 03 2000

17/11/81 NOCC
WILLIAM A. ELLIOTT
Priority

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FILED

NOV 14 2000

011038/2cc cty Naddeo
William A. Shaw

Prothonotary

gnd

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

William A. Shaw
Prothonotary

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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ANSWER TO NEW MATTER

NOW COMES the Plaintiff, Sandra K. Harter, and by her
attorney, James A. Naddeo, Esquire, sets for the following
Answer to Defendants' New Matter:

1. Paragraph 11 is admitted.
2. Paragraph 12 is admitted.
3. Paragraph 13 is admitted.
4. Paragraph 14 states a conclusion to which no
answer is required. In further answer thereto Plaintiff
responds to said allegation as follows:

A. Denied and on the contrary it is alleged
that Plaintiff maintained a proper lookout under the
circumstances.

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B. Denied and on the contrary it is alleged that Plaintiff maintained a proper lookout under the circumstances.

C. Admitted but in further answer thereto it is alleged that said failure was not the proximate cause of the accident.


D. Denied and on the contrary it is alleged that the defect in said step was not readily visible under the circumstances of the case.

E. Admitted but in further answer thereto it is alleged that said failure was not the proximate cause of the accident under the circumstances of the case.

5. Paragraph 15 states a legal conclusion to which no answer is required.

6. Paragraph 16 states a legal conclusion to which no answer is required.

WHEREFORE, Plaintiff claims damage as set forth in the original complaint.


James A. Naddeo
Attorney for Plaintiff

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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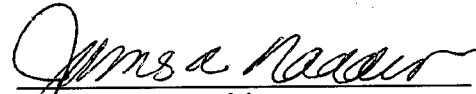
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Plaintiff's Answer to New Matter in the above-
captioned action was served on the following persons and in the
following manner on the 14th day of Nov. 2000:

First-Class Mail, Postage Prepaid

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001

Raymond Paul Martell, Jr.
Betty Martell
R. D. 1, Box 292
Frenchville, PA 16836


James A. Naddeo
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD,, PENNSYLVANIA 16830

—Lap over margin—

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

No. 00 - 1058 - CD

Type of Pleading:

Verification for Answer
to New Matter

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

NOV 15 2000

10:45 AM
William A. Shaw
Prothonotary

1 COPY TO ATTORNEY

COMMONWEALTH OF PENNSYLVANIA)

SS.

COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared SANDRA K. HARTER, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of her knowledge, information and belief.

Sandra K. Harter
Sandra K. Harter

SWORN and SUBSCRIBED before me this 13th day of November, 2000.

Linda C. Lewis
Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2003

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

Notary att.
JCC to
Epps

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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CERTIFICATE OF SERVICE

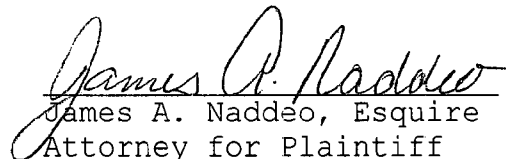
I, James A. Naddeo, Esquire, Attorney for Plaintiff,
Sandra K. Harter, do hereby certify that a true and correct copy
of Notices of Depositions of Randy L. Martell, Evelyn Martell and
Neva Shirey in the above matter was served by first-class mail,
postage prepaid, upon the following:

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001

Raymond Paul & Betty Martell, Jr.
RD1 Box 292
Frenchville, PA 16801

ASAP Court Reporting
PO Box 345
Ebensburg, PA 15931

Said Notices of Depositions were mailed this 29th day
of November, 2000.


James A. Naddeo, Esquire
Attorney for Plaintiff

FILED

MAR 08 2001

10:36

William A. Shaw

Prothonotary

cc - atty Naddeo

JAMES A. NADDEO
ATTORNEY AT LAW

211 1/2 EAST LOCUST STREET
P.O. BOX 552

CLEARFIELD, PENNSYLVANIA 16830

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William A. Shaw
Prothonotary

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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No. 00 - 1058 - CD

CERTIFICATE OF SERVICE

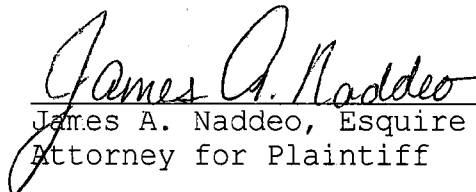
I, James A. Naddeo, Esquire, Attorney for Plaintiff,
Sandra K. Harter, do hereby certify that a true and correct copies
of Notices of Depositions of Randy L. Martell, Evelyn Martell and
Neva Shirey in the above matter was served by first-class mail,
postage prepaid, upon the following:

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001

Raymond Paul & Betty Martell, Jr.
RD1 Box 292
Frenchville, PA 16801

ASAP Court Reporting
PO Box 345
Ebensburg, PA 15931

Said Notices of Depositions were mailed this 8th day of
March, 2001.


James A. Naddeo, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,

Plaintiff,

v.

RANDY L. MARTELL and EVELYN
MARTELL, husband and wife, and
NEVA SHIREY, an individual, and
RAYMOND PAUL MARTELL, JR., and
BETTY MARTELL, husband and wife,

Defendants.

) CIVIL ACTION
)
)
) No: 00-1058-CD
)
)

) **MOTION FOR SUMMARY**
) **JUDGMENT OF DEFENDANTS,**
) **RAYMOND PAUL MARTELL, JR.**
) **BETTY MARTELL AND NEVA SHIREY**
)

) Filed on Behalf of: Individual Defendants
) Randy L. Martell and Evelyn, husband and
) wife and Neva Shirey, an individual
)
)

) Counsel of Record for this Party:
)
)

) Warren D. Ferry, Esquire
) Pa. I.D. #17281
)
)

) WARREN D. FERRY, P.C.
) 127 S. McKean Street
) Butler, Pa 16001
)
)

) (724) 283-7508
) (724) 283-8557 (fax)
)

FILED

OCT 05 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,	)	CIVIL ACTION
Plaintiff,)	
	)	No: 00-1058-CD
)	
v.)	
)	
)	
RANDY L. MARTELL and EVELYN)	
MARTELL, husband and wife, and)	
NEVA SHIREY, an individual, and)	
RAYMOND PAUL MARTELL, JR., and)	
BETTY MARTELL, husband and wife,)	
Defendants.)	

**MOTION FOR SUMMARY JUDGMENT ON BEHALF OF DEFENDANTS
RAYMOND PAUL MARTELL, JR., BETTY MARTELL AND NEVA SHIREY**

AND NOW, come Defendants, Raymond Paul Martell, Jr. and Betty Martell, and Neva Shirey, and move this Honorable Court to enter judgment as a matter of law in their favor and against the Plaintiffs and in support thereof aver:

1. Plaintiff filed a Complaint in Civil Action alleging that Defendants, Raymond Paul Martell, Jr. and Betty Martell, his wife, were the owners of a certain piece or parcel of land in Girard Township, Clearfield County and that a mobile home was placed on said land, Defendant Neva Shirey being the owner of the mobile home, and that Plaintiff fell on October 29, 1999 while descending the outside wooden stairs leading from a wooden deck to the ground, said deck being attached to the mobile home.

2. Defendants filed Answers in which Raymond Paul Martell, Jr. and Betty Martell admitted that they owned the land, but denied any ownership or control or right to

control the mobile home or the deck and steps attached thereto and Defendant Neva Shirey denied possession, or control or the right to control the deck or steps.

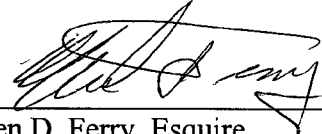
3. The deposition of Neva Shirey was taken by Plaintiff's counsel on May 2, 2001 at which time she testified that she is the Aunt of Evelyn Martell, that when Evelyn and Randy Martell were attempting to purchase the mobile home in question that they were unable to obtain credit in their own name and a loan was then issued in her name for the purchase of the mobile home. Neva Shirey further testified that she did not invest any money in the mobile home, did not assist in making down payment, and does not make any monthly payments. She has never lived in the mobile home. She has no control over the mobile home and had nothing to do with the placement of the deck and steps at the mobile home. The Martells, Randy and Evelyn, make all payments on the loan, pay for insurance, pay taxes, and do all maintenance and repairs. They live in the mobile home. She was not present when the accident occurred and has no firsthand knowledge of the accident. (See partial transcript of deposition marked Exhibit "A".)

4. Raymond Paul Martell, Jr. and Betty J. Martell his wife have signed an Affidavit which is attached hereto, made a part hereof and marked Exhibit "B".

5. Raymond Paul Martell, Jr. and Betty Martell, his wife, have no ownership interest in the mobile home. Their son Randy L. Martell and his wife Evelyn pay a monthly sum to them to reimburse them for a share of the real estate taxes and for garbage removal. Raymond Paul Martell, Jr. and Betty Martell had nothing to do with the placement of the deck or the steps and have no control over the deck and the steps or the mobile home or their maintenance. They were not present when the Plaintiff fell and have no firsthand knowledge of the accident.

WHEREFORE, Defendants Raymond Paul Martell and Betty Martell his wife, as well as Defendant Neva Shirey move this Honorable Court pursuant to Rule 1035.2 to enter judgment in their favor as a matter of law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Warren D. Ferry", written over a horizontal line.

Warren D. Ferry, Esquire
Attorney for Defendants

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IN THE COURT OF COMMON PLEAS
OF
CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER,
an individual,
Plaintiff
-vs-
RANDY L. MARTELL and
EVELYN MARTELL, husband and
wife, and NEVA SHIREY, an
individual, and RAYMOND PAUL
MARTELL, JR. and BETTY MARTELL,
husband and wife,
Defendants
: : : : : :
: CIVIL DIVISION
: NO. 00-1058-CD

PROCEEDINGS: Deposition of
NEVA SHIREY
DATE: Wednesday, May 2, 2001
10:26 - 10:47 a.m.
PLACE: Conference Room
211 1/2 East Locust Street
P.O. Box 552
Clearfield, Pennsylvania
REPORTED BY: Maryann Cornelius
Freelance Court Reporter
Notary Public

ASAP COURT REPORTING
Registered Professional Reporters
P.O. Box 345
Ebensburg, Pennsylvania 15931-0345
(814) 472-8009



1 Q Your Evelyn Martell's aunt?

2 A Yes, uh-huh (yes).

3 Q Okay. How about Raymond Paul Martell, Jr.?

4 A I'm just a friend; I mean, through my niece, you
5 know.

6 Q Okay. And how about Betty Martell?

7 A It's just the same.

8 Q Just a friend?

9 A Uh-huh (yes).

10 Q Okay. And do you know Sandra K. Harter?

11 A No, I really don't know.

12 Q And are you familiar with the address where Randy
13 and Evelyn Martell live?

14 A Yes.

15 Q And could you tell me where that is?

16 A It's in R.D. 1, Frenchville. It's right across from
17 Mark Steiner's garage.

18 Q Okay.

19 A But I don't, you know.

20 Q That's the address?

21 A Yeah.

22 Q Okay. And can you tell me what kind of residence it
23 is; is it a house, trailer?

24 A It's a trailer.

25

1 Q And is it my understanding that you somehow are on
2 the title to this trailer or this piece of property?

3 A No. I'm not on the property, I'm the trailer.

4 Q Okay. And how is it that -- that your name is on
5 this trailer?

6 A I guess -- well, as far as I know my niece come
7 (sic) and asked me if I would sign -- cosign for her for the
8 trailer. She couldn't get it in her name so I went and
9 cosigned for her 'cause they needed a home.

10 Q Okay. And is the trailer just in your name or is it
11 in all three names or do you know?

12 A No, it's just in my name.

13 Q Okay. And I assume the loan is just in your name
14 also?

15 A Yes.

16 Q So what's the arrangement between you and Randy and
17 Evelyn Martell?

18 A You mean between -- the payment-wise?

19 Q Yes.

20 A She makes the payments and she puts the money down
21 on the trailer.

22 Q Okay. So you don't have any of your own money
23 invested --

24 A No.

25 Q -- in the trailer?

1 A No.

2 Q And has she always made the payments or have you had
3 to make some?

4 A No, she always did it.

5 Q Now, do you have any written agreement about this
6 arrangement?

7 A No.

8 Q How long has this arrangement been in place?

9 A I don't remember what -- what year she got the
10 trailer. She'll have it three years this -- sometime this
11 fall.

12 Q Okay. And it's always been in your name?

13 A Uh-huh (yes).

14 Q And do you live there?

15 A No, I do not live there.

16 Q Okay. And do you have any control over the trailer
17 itself such as whether they want to make improvements or
18 whether they want to do anything to the trailer?

19 A No.

20 Q How about the insurance, do you pay for that?

21 A No.

22 Q The taxes?

23 A No.

24 Q Okay. Do you do anything at the trailer such as do
25 you do any of the cleaning or any of the maintenance?

1 A No.

2 Q Other than your name being on the title for -- to
3 assist in purchasing the trailer, do you have any involvement
4 with the trailer itself?

5 A No.

6 Q Do you have any knowledge about an accident which
7 occurred on October 29th, 1999 at that trailer involving
8 Sandra K. Harter?

9 A Yes.

10 Q Okay. And how do you have knowledge?

11 A Just what my niece had told me about her falling.

12 Q Okay. And tell me what it is you know about this
13 accident.

14 A She just told me that she had fell (sic) and she
15 asked her if she was okay, you know, --

16 Q Uh-huh (yes).

17 A 'Cause I was not there.

18 Q Do you know anything specific about how the accident
19 occurred or happened?

20 A No.

21 Q Other than your aunt -- or, pardon me, other than
22 your niece, Evelyn Martell, telling you about the accident do
23 you have any other knowledge about the accident?

24 A No, I don't.

25

AFFIDAVIT

Before me, the undersigned, a Notary Public, personally appeared Raymond Paul Martell, Jr. and Betty Martell, his wife, who depose and state as follows:

We own the land on which our son and daughter-in-law, Randy L. Martell and Evelyn Martell, have placed a mobile home. We do not have any ownership interest in the mobile home. Randy L. Martell and Evelyn Martell pay a monthly sum to us to reimburse us for their share of the real estate taxes and for garbage removal.

After our son and his wife placed the mobile home on the lot, my son took a deck that had been attached to another mobile home and placed it on the new mobile home. He then constructed wooden steps leading from the ground to the deck. We did not have anything to do with the placement of the deck or the steps. We do not have any control over the deck or the steps or the mobile home or their maintenance. We were not present when Sandra K. Harter fell on the steps and had no knowledge of the fall until long after it occurred. We were not aware that there were any boards missing from the steps.

It is our understanding that the fall occurred on the steps and that the ground which we lease to our son and his wife did not have anything to do with the cause of the fall.

Further deponents saith not.

Date:

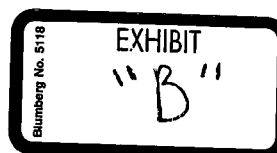
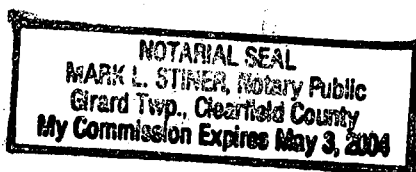
9-26-01

Raymond Paul Martell
Raymond Paul Martell

Betty J. Martell
Betty Martell

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 26 DAY OF
September, 2001.

[Signature]
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,	)	CIVIL ACTION
Plaintiff,)	
	)	No: 00-1058-CD
)	
v.)	
)	
)	
RANDY L. MARTELL and EVELYN)	
MARTELL, husband and wife, and)	
NEVA SHIREY, an individual, and)	
RAYMOND PAUL MARTELL, JR., and)	
BETTY MARTELL, husband and wife,)	
Defendants.)	

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, 200__,

upon presentation of the within Motion for Summary Judgment, it is hereby

ORDERED AND DECREED that judgment is entered in favor of Defendants

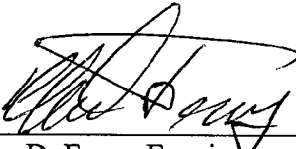
Raymond Paul Martell, Jr. and Betty Martell, husband and wife, and Defendant Neva Shirey, an individual.

J.

CERTIFICATE OF SERVICE

I, Warren D. Ferry, do hereby certify that on this the 3rd day of October, 2001, a true and correct copy of the foregoing Motion for Summary Judgment of Defendants, Raymond Paul Martell, Jr. and Betty Martell and Neva Shirey has been served, via First-Class Mail, postage prepaid, upon the following counsel of record in this case:

James A. Naddeo, Esquire
211 1/2 East Locust Street
P.O. Box 52
Clearfield, PA 16830



Warren D. Ferry, Esquire

FILED

OCT 05 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,	)	CIVIL ACTION
Plaintiff,)	
	)	No: 00-1058-CD
)	
v.)	
)	
)	
RANDY L. MARTELL and EVELYN)	
MARTELL, husband and wife, and)	
NEVA SHIREY, an individual, and)	
RAYMOND PAUL MARTELL, JR., and)	
BETTY MARTELL, husband and wife,)	
Defendants.)	

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, 200__,

upon presentation of the within Motion for Summary Judgment, it is hereby

ORDERED AND DECREED that judgment is entered in favor of Defendants

Raymond Paul Martell, Jr. and Betty Martell, husband and wife, and Defendant Neva Shirey, an individual.

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,

Plaintiff,

v.

RANDY L. MARTELL and EVELYN
MARTELL, husband and wife, and
NEVA SHIREY, an individual, and
RAYMOND PAUL MARTELL, JR., and
BETTY MARTELL, husband and wife,

Defendants.

) CIVIL ACTION

) No: 00-1058-CD

) **PRAECIPE TO ARGUMENT LIST**

) Filed on Behalf of: Individual Defendants
) Randy L. Martell and Evelyn, husband and
) wife and Neva Shirey, an individual

) Counsel of Record for this Party:

) Warren D. Ferry, Esquire
) Pa. I.D. #17281

) WARREN D. FERRY, P.C.
) 127 S. McKean Street
) Butler, Pa 16001

) (724) 283-7508
) (724) 283-8557 (fax)

FILED

OCT 05 2001

m 11:38/noc

William A. Shaw

Frothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

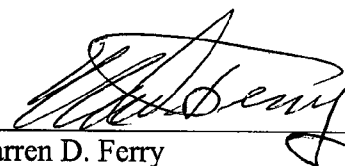
SANDRA K. HARTER, an individual,	)	CIVIL ACTION
Plaintiff,)	
	)	No: 00-1058-CD
)	
v.)	
)	
)	
RANDY L. MARTELL and EVELYN)	
MARTELL, husband and wife, and)	
NEVA SHIREY, an individual, and)	
RAYMOND PAUL MARTELL, JR., and)	
BETTY MARTELL, husband and wife,)	
Defendants.)	

PRAECIPE TO ARGUMENT LIST

TO: WILLIAM A. SHAW, PROTHONOTARY

Please place the Motion for Summary Judgment of Defendants, Raymond Paul Martell, Jr., Betty Martell, and Neva Shirey, on the next available Argument list.

Respectfully submitted,

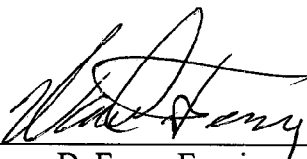


Warren D. Ferry
Attorney for Defendants

CERTIFICATE OF SERVICE

I, Warren D. Ferry, do hereby certify that on this the 7th day of October, 2001, a true and correct copy of the foregoing Praecipe to Argument List has been served, via First-Class Mail, postage prepaid, upon the following counsel of record in this case:

James A. Naddeo, Esquire
211 1/2 East Locust Street
P.O. Box 52
Clearfield, PA 16830



Warren D. Ferry, Esquire

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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2 cent to HTT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,	)	CIVIL ACTION
Plaintiff,)	
	)	No: 00-1058-CD
)	
v.)	
)	
)	
RANDY L. MARTELL and EVELYN)	
MARTELL, husband and wife, and)	
NEVA SHIREY, an individual, and)	
RAYMOND PAUL MARTELL, JR., and)	
BETTY MARTELL, husband and wife,)	
Defendants.)	


ORDER OF COURT

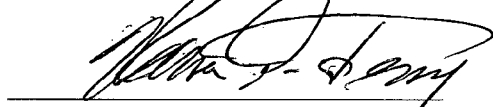
AND NOW, to wit, this 14th day of November, 2001,

counsel having stipulated that there is and can be no liability on the part of Defendants, Raymond Paul Martell, Jr. and Betty Martell, husband and wife and Neva Shirey, an individual, it is hereby

ORDERED and DECREED that judgment is entered in favor of Raymond Paul Martell, Jr. and Betty Martell, husband and wife, and Neva Shirey, an individual, and the Complaint is dismissed with prejudice as to them.

STIPULATED:


James A. Naddeo, Esquire


Warren D. Ferry, Esquire


J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SANDRA K. HARTER, an individual,

Plaintiff,

v.

RANDY L. MARTELL and EVELYN
MARTELL, husband and wife, and
NEVA SHIREY, an individual, and
RAYMOND PAUL MARTELL, JR., and
BETTY MARTELL, husband and wife,

Defendants.

) CIVIL ACTION

) No: 00-1058-CD

) **PRAECIPE TO PLACE CASE ON**
) **CIVIL TRIAL LIST**

) Filed on Behalf of: Individual Defendants
) Randy L. Martell and Evelyn, husband and
) wife and Neva Shirey, an individual

) Counsel of Record for this Party:

) Warren D. Ferry, Esquire
) Pa. I.D. #17281

) WARREN D. FERRY, P.C.
) 127 S. McKean Street
) Butler, Pa 16001

) (724) 283-7508
) (724) 283-8557 (fax)

FILED

MAR 31 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

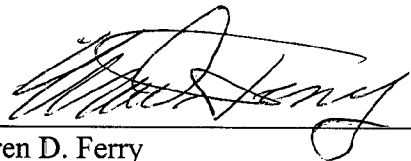
SANDRA K. HARTER, an individual,	)	CIVIL ACTION
Plaintiff,)	
	)	No: 00-1058-CD
)	
v.)	
)	
)	
RANDY L. MARTELL and EVELYN)	
MARTELL, husband and wife, and)	
NEVA SHIREY, an individual, and)	
RAYMOND PAUL MARTELL, JR., and)	
BETTY MARTELL, husband and wife,)	
Defendants.)	

PRAECIPE TO PLACE CASE ON CIVIL TRIAL LIST

TO: WILLIAM A. SHAW, PROTHONOTARY

Please place the above-captioned case on the next available Civil Jury Trial List.

Respectfully submitted,

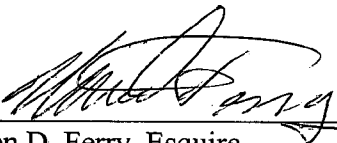


Warren D. Ferry
Attorney for Individual Defendants

CERTIFICATE OF SERVICE

I, Warren D. Ferry, do hereby certify that on this the 27th day of March, 2003, a true and correct copy of the foregoing Praeipie to Place Case on Next Available Civil Trial List has been served, via First-Class Mail, postage prepaid, upon the following counsel of record in this case:

James A. Naddeo, Esquire
211 ½ East Locust Street
P.O. Box 52
Clearfield, PA 16830



Warren D. Ferry, Esquire

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William A. Shaw
Prothonotary

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William A. Shaw
Prethentary

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JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

William A. Shaw
Prothonotary

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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No. 00 - 1058 - CD

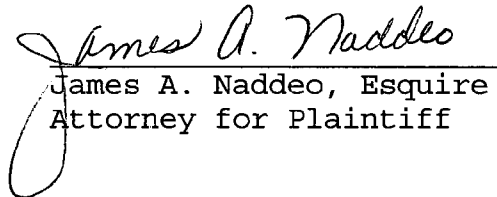
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Taking Deposition in the above-captioned action was served on the following persons and in the following manner on the 16th day of April, 2003:

First-Class Mail, Postage Prepaid

Michael-Gerard Moncman, DO, MSC
1701 Twelfth Ave., Suite F
Altoona, PA 16601

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001


James A. Naddeo, Esquire
Attorney for Plaintiff

FILED

APR 30 2003

0/10:48 a.m.

William A. Shaw
Prothonotary

Two (2) cc. to atty

[Signature]

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JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

William A. Shaw
Prothonotary

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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No. 00 - 1058 - CD

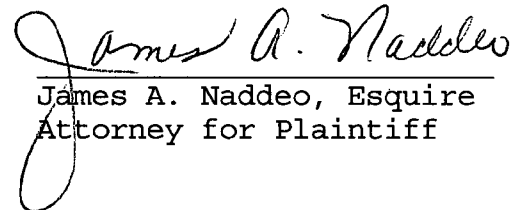
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Taking Deposition in the above-captioned action was served on the following persons and in the following manner on the 30th day of April, 2003:

First-Class Mail, Postage Prepaid

Kenneth L. Cherry, Jr., M.D.
University Orthopedics Center
101 Regent Court
State College, PA 16801

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001


James A. Naddeo, Esquire
Attorney for Plaintiff

[Handwritten signature]

Department of Health and Human Services
Washington, D.C. 20492

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

William A. Shaw
Prothonotary

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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No. 00 - 1058 - CD

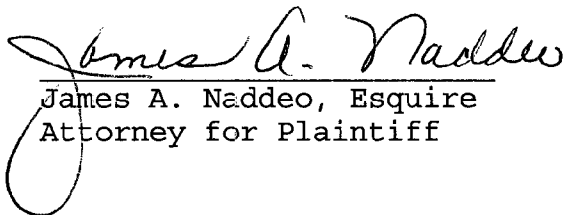
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Taking Deposition in the above-captioned action was served on the following persons and in the following manner on the 2nd day of June, 2003:

First-Class Mail, Postage Prepaid

Michael-Gerard Moncman, DO, MSC
1701 Twelfth Ave., Suite F
Altoona, PA 16601

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001


James A. Naddeo, Esquire
Attorney for Plaintiff

FILED
JUN 25 2003
16 CC
2/3:41
[Signature]

William A. Shaw
Prothonotary

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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William A. Shaw
Prothonotary

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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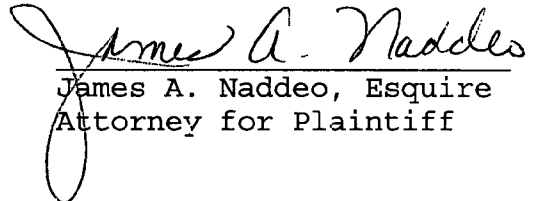
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Taking Deposition in the above-captioned action was served on the following persons and in the following manner on the 25th day of June, 2003:

First-Class Mail, Postage Prepaid

Edwin Rogusky, M.D.
University Orthopedics Center
101 Regent Court
State College, PA 16801

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001


James A. Naddeo, Esquire
Attorney for Plaintiff

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

SANDRA K. HARTER

:

-vs-

:

No. 00 – 1058 – CD

RANDY L. MARTELL and EVELYN

:

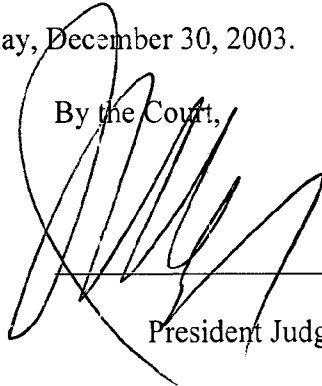
MARTELL, husband and wife

:

PRE-TRIAL ORDER

NOW, this 15th day of August, 2003, following pre-trial conference in the above-captioned matter, it is the ORDER of this Court that jury selection shall be had on Friday, August 22, 2003, at 9:30 a.m. with trial by jury commencing Monday, December 29, 2003, at 9:00 a.m. and concluding Tuesday, December 30, 2003.

By the Court,



President Judge

FILED

AUG 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

Prothonotary/Clerk of Courts

William A. Shaw

FILED
8/11:04 AM
AUG 18 2003

ICC Atty Maddeo
ICC Atty Warren Ferry
J

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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SEP 05 2003
0110:55/NOCC
William A. Shaw
Prothonotary/Clerk of Courts

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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* No. 00 - 1058 - CD
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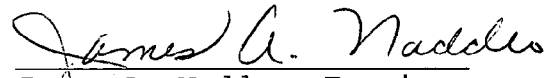
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Deposition in the above-captioned action was served on the following persons and in the following manner on the 4th day of September, 2003:

First-Class Mail, Postage Prepaid

Michael-Gerard Moncman, DO, MSC
1701 Twelfth Ave., Suite F
Altoona, PA 16601

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001


James A. Naddeo, Esquire
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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William A. Shaw
Prothonotary/Clerk of Courts

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William A. Shaw
Prothonotary/Clerk of Courts

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife,
Defendants.

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No. 00 - 1058 - CD

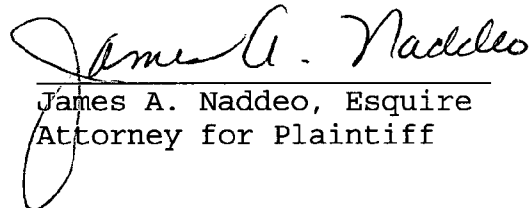
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Deposition in the above-captioned action was served on the following persons and in the following manner on the 3rd day of September, 2003:

First-Class Mail, Postage Prepaid

Michael-Gerard Moncman, DO, MSC
1701 Twelfth Ave., Suite F
Altoona, PA 16601

Warren D. Ferry, Esquire
127 South McKean Street
Butler, PA 16001


James A. Naddeo, Esquire
Attorney for Plaintiff

**PLEASE REFER TO COMPUTER
FOR FURTHER ENTRIES**

Date		Judge
08/28/2000	X Filing: Civil Complaint Paid by: NADDEO, JAMES A., ESQ. Receipt number: 0050932 Dated: 11/07/2000 Amount: \$.00 (Cash)	No Judge
11/03/2000	ANSWER AND NEW MATTER OF DEFENDANTS, RANDY L. MARTELL, EVELYN MARTELL AND NEVA SHIREY. filed by s/WARREN D. FERRY, ESQ.	No Judge
11/14/2000	X Answer to New Matter, filed by s/James A. Naddeo, Esq. Certificate of Service 2 CC Atty Naddeo	No Judge
11/15/2000	X Verification for Answer to New Matter, filed by James A. Naddeo /s/Sandra K. Harter One Certified Copy to Attorney	No Judge
11/29/2000	X Certificate of Service, filed by James A. Naddeo /s/Sandra K. Harter Two Certified Copies to Attorney	No Judge
03/08/2001	X Certificate of Service, Notices of Depositions of Randy L. Martell, Evelyn Martell and Neva Shirey, upon Warren D. Ferry, Esq., Raymond Paul and Betty Martell, Jr., and ASAP Court Reporting, filed by s/James A. Naddeo, Esq. Two Certified Copies to Attorney Naddeo	No Judge
10/05/2001	X Motion For Summary Judgment Of Defendants, Raymond Paul Martell, Jr., Betty Martell and Neva Shirey. Filed by s/Warren D. Ferry, Esq. Cert of Svc no cc	No Judge
	X Praecipe to Argument List. Filed by s/Warren D. Ferry, Esq. Cert of Svc no cc	No Judge
11/14/2001	X ORDER OF COURT, AND NOW, to wit this 14th day of Nov., 2001, re: Judgment is entered in favor of Raymond Paul and Betty Martell, Jr. and Neva Shirey and the Complaint is dismissed w/prejudice as to them. s/JOHN K. REILLY, JR., P.J. 2 cc to Atty	John K. Reilly Jr.
03/31/2003	X Praecipe To Place Case On Civil Trial List. filed by s/Warren D. Ferry, Esquire no cc Copy to C/A	John K. Reilly Jr.
04/16/2003	X Certificate of Service, Notice of Taking Deposition upon: MICHAEL-GERARD MONCMAN, DO, MSC and WARREN D. FERRY, ESQ. s/James A. Naddeo, Esquire 2 cc to Atty Naddeo	John K. Reilly Jr.
04/30/2003	X Certificate of Service, Notice of Taking Deposition upon: Kenneth L. Cherry, Jr., M.D. and Warren D. Ferry, Esq. filed by s/James A. Naddeo, Esquire 2 cc to Atty	John K. Reilly Jr.
06/02/2003	X Certificate of Service, Notice of Taking Deposition upon: MICHAEL-GERARD MONCMAN, DO, MSC and WARREN D. FERRY, ESQUIRE filed by s/James A. Naddeo, Esquire no cc	John K. Reilly Jr.
06/25/2003	X Certificate of Service, Notice of Taking Deposition upon: Edwin Rogusky, M.D. and Warren D. Ferry, Esquire no cc	John K. Reilly Jr.
08/18/2003	X PRE-TRIAL ORDER, NOW, this 15th day of August, 2003, re: Jury Selection Friday Aug. 22, 2003, at 9:30 a.m. Trial Dec. 29 thru 30, 2003. by the Court, s/JKR, JR., P.J. 1 cc Atty Naddeo, Ferry	John K. Reilly Jr.
09/03/2003	X Certificate of Service, Notice of Deposition upon: Michael-Gerard Moncman, DO, MSC and Warren D. Ferry, Esquire filed by s/James A. Naddeo, Esquire no cc	John K. Reilly Jr.
09/05/2003	X Certificate of Service, Notice of Deposition upon: MICHAEL-g\GERARD MONCMAN, DO, MSC and WARREN D. FERRY, ESQUIRE filed by s/James A. Naddeo, Esquire no cc	John K. Reilly Jr.
	Emergency Petition For Special Relief. filed by s/Lea Ann Heltzel, Esquire 2 cc Atty Heltzel	John K. Reilly Jr.

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

FILED McCC
SEP 18 2003
SEP 18 2003
Cert. of Disc.
to Atty
copy to c/A
William A. Shaw
Prothonotary/Clerk of Courts

Date: 08/01/2003

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 09:31 AM

ROA Report

Page 1 of 1

Case: 2000-01058-CD

Current Judge: John K. Reilly Jr.

Sandra K. Harter vs. Randy L. Martell, Evelyn Martell, Neva Shirey, Raymond Paul Martell Jr., Betty Martell

Civil Other

Date		Judge
08/28/2000	Filing: Civil Complaint Paid by: NADDEO, JAMES A., ESQ. Receipt number: 0050932 Dated: 11/07/2000 Amount: \$.00 (Cash)	No Judge ✓
11/03/2000	ANSWER AND NEW MATTER OF DEFENDANTS, RANDY L. MARTELL, EVELYN MARTELL AND NEVA SHIREY. filed by s/WARREN D. FERRY, ESQ.	No Judge ✓
11/14/2000	Answer to New Matter, filed by s/James A. Naddeo, Esq. Certificate of Service 2 CC Atty Naddeo	No Judge ✓
11/15/2000	Verification for Answer to New Matter, filed by James A. Naddeo /s/Sandra K. Harter One Certified Copy to Attorney	No Judge ✓
11/29/2000	Certificate of Service, filed by James A. Naddeo /s/Sandra K. Harter Two Certified Copies to Attorney	No Judge ✓
03/08/2001	Certificate of Service, Notices of Depositions of Randy L. Martell, Evelyn Martell and Neva Shirey, upon Warren D. Ferry, Esq., Raymond Paul and Betty Martell, Jr., and ASAP Court Reporting, filed by s/James A. Naddeo, Esq. Two Certified Copies to Attorney Naddeo	No Judge ✓
10/05/2001	Motion For Summary Judgment Of Defendants, Raymond Paul Martell, Jr., Betty Martell and Neva Shirey. Filed by s/Warren D. Ferry, Esq. Cert of Svc no cc	No Judge ✓
	Praecipe to Argument List. Filed by s/Warren D. Ferry, Esq. Cert of Svc no cc	No Judge ✓
11/14/2001	ORDER OF COURT, AND NOW, to wit this 14th day of Nov., 2001, re: Judgment is entered in favor of Raymond Paul and Betty Martell, Jr. and Neva Shirey and the Complaint is dismissed w/prejudice as to them. s/JOHN K. REILLY, JR., P.J. 2 cc to Atty	John K. Reilly Jr. ✓
03/31/2003	Praecipe To Place Case On Civil Trial List. filed by s/Warren D. Ferry, Esquire no cc Copy to C/A	John K. Reilly Jr. ✓
04/16/2003	Certificate of Service, Notice of Taking Deposition upon: MICHAEL-GERARD MONCMAN, DO, MSC and WARREN D. FERRY, ESQ. s/James A. Naddeo, Esquire 2 cc to Atty Naddeo	John K. Reilly Jr. ✓
04/30/2003	Certificate of Service, Notice of Taking Deposition upon: Kenneth L. Cherry, Jr., M.D. and Warren D. Ferry, Esq. filed by s/James A. Naddeo, Esquire 2 cc to Atty	John K. Reilly Jr. ✓
06/02/2003	Certificate of Service, Notice of Taking Deposition upon: MICHAEL-GERARD MONCMAN, DO, MSC and WARREN D. FERRY, ESQUIRE filed by s/James A. Naddeo, Esquire no cc	John K. Reilly Jr. ✓
06/25/2003	Certificate of Service, Notice of Taking Deposition upon: Edwin Rogusky, M.D. and Warren D. Ferry, Esquire no cc	John K. Reilly Jr. ✓

Date: 07/02/2003

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 08:53 AM

Hearings by Judge

Page 1 of 2

CT COMMON PLEAS, All Locations

Case Type: CD, All Subtypes

From 07/07/2003 12:00 AM to 07/11/2003 05:00 PM

Fredric J. Ammerman

Begin Date and Time End Date and Time

07/07/2003 09:00 AM 07/08/2003 04:00 PM **George R. Kyler vs .Amy L. Kyler**

Case: 2002-00229-CD

Custody Trial

Courtroom:

Plaintiff: Kyler, George R.

Attorney: Jones-Wenger, Winifred H.

Defendant: Kyler, Amy L.

Attorney: Naddeo, James A.

07/07/2003 01:30 PM 07/07/2003 01:30 PM **Christine Solada vs. William E. Solada**

Case: 1999-01182-CD

Custody Conference

Courtroom:

Plaintiff: Solada, Christine

Attorney: Hesse, Tina M.

Defendant: Solada, William E.

Attorney: Cherry, Paul E.

Alias: William Solada (1 of 1)

07/09/2003 09:00 AM 07/09/2003 12:00 PM **Hazen E. Ballvs.Tammy Plouse**

Case: 2003-00338-CD

Mediation Conference

Courtroom:

Plaintiff: Ball, Hazen E.

Attorney: Milgrub, Richard H.

Defendant: Plouse, Tammy

Attorney: Swartzkopf, Walter K.

07/09/2003 01:00 PM 07/09/2003 04:00 PM **Craig A. Myersvs.Sharon L. Warholic**

Case: 2003-00190-CD

Mediation Conference

Courtroom:

Plaintiff: Myers, Craig A.

Attorney: Kubista, Kimberly M.

Defendant: Warholic, Sharon L.

Attorney: Kasubick, Girard

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

BILL OF COSTS

CCY

Sandra K. Harter,

Vs.

2000-01058-CD

Randy L. Martell, Evelyn Martell,
Neva Shirey, Raymond Paul Martell Jr.,
Betty Martell,

Total \$189.97

<u>Amount</u>	<u>Document</u>	<u>Paid By</u>
\$80.00	Filing Fee	Attorney
\$109.97	Sheriff Return Costs	Attorney

Certified from the record this 17th day of September, 2003.

WILLIAM A. SHAW
PROTHONOTARY

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

SANDRA K. HARTER,
an individual,
Plaintiff,

v.

RANDY L. MARTELL and
EVELYN MARTELL,
husband and wife, and
NEVA SHIREY,
an individual, and
RAYMOND PAUL MARTELL, JR.
and BETTY MARTELL,
husband and wife, JR.
Defendants.

Spoken for.

To the Prothonotary:

Please enter the

of record.

No. 00 - 1058 - CD

00 - 1058 - CD

Type of Pleading:

**PRAECIPE TO SETTLE
AND DISCONTINUE**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

SEP 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

COPY

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

CIVIL DIVISION

Sandra K. Harter, an individual

Vs.

No. 2000-01058-CD

**Randy L. Martell and
Evelyn Martell, husband and
wife; and Neva Shirey, an individual;
and Raymond Paul Martell, Jr. and
Betty Martell, husband and wife**

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 September 18,
2003, marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at
Clearfield, Clearfield County, Pennsylvania this 18th day of September A.D. 2003.

William A. Shaw, Prothonotary