

00-1058-CD

Sandra Harter vs Randy L. Martell et al

00

JO-10582  
SANDRA K. HARTER vs. RANDI L. MARTIN, et al

FILED

TO AUG 28 2000  
Rev C/L C/A Shaw H. Naddeo  
William A. Shaw  
Prothonotary

PL 580.00  
Sweet Summons  
to the Clerk

Leave over margin

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

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

84 SANDRA K. HARTER,  
an individual,  
Plaintiff,

v.

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

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\* No. 00 - 1058 - CD

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\* Type of Pleading:  
\* Complaint  
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\*  
\* 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**

AUG 28 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.

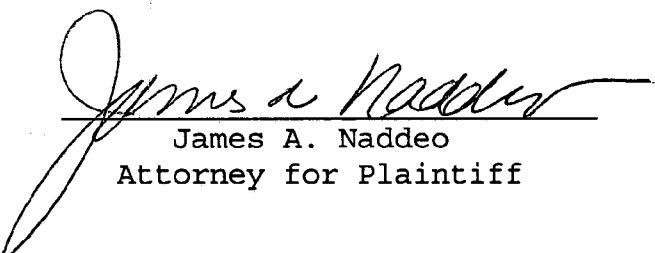
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\* No. 00 - - CD

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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  
SFD 2 1 2000  
O 10 44 4cc  
William A. Shaw et al., Naddoo  
Prothonotary

— Lap over margin —

JAMES A. NADDEO  
ATTORNEY AT LAW  
211½ EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

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

**COPY**

SANDRA K. HARTER, an individual,

Plaintiff(s)

S U M M O N S  
No: 00-1058-CD

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,

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

(2)

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 Marlys Hump*

CHESTER A. HAWKINS  
SHERIFF

FILED

SFP 07 2000  
0111:50110cc  
William A. Shaw  
Prothonotary  
*EPB*

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:

\* Certificate of Service

\* 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**

SFP 21 2000

William A. Shaw  
Prothonotary

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

  
James A. Naddeo  
Attorney for Plaintiff

10/23/2000  
OCT 12 2000  
12cc (074)  
Naddeo

lap over margin

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



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

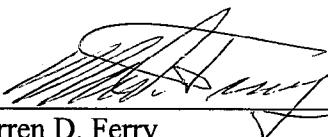
SANDRA K. HARTER, an individual, ) CIVIL ACTION  
Plaintiff, )  
 ) No: 00-1058-CD  
 )  
v. )  
 )  
 )  
RANDY L. MARTELL and EVELYN )  
MARTELL, husband and wife, and )  
NEVA SHIREY, an individual, and )  
RAYMOND PAUL MARTELL, JR., and )  
BETTY MARTELL, husband and wife, )  
Defendants. )

**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,

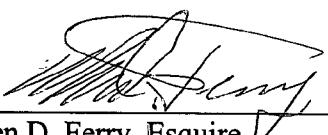


Warren D. Ferry  
Attorney for Individual Defendants

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 Praeclipe 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  
M/2/15 NOCC  
William A. Shaw  
Prothonotary  
*AS*

## 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**

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 RULE TO FILE COMPLAINT**

TO: WILLIAM A. SHAW, PROTHONOTARY

Please issue a Rule upon the Plaintiff, Sandra K. Harter, to file a Complaint in the  
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 9th day of September, 2000, a true and correct copy of the foregoing Praeclipe 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 27 2000

MICHAEL NOCC

William A. Shaw

Prothonotary

*for Rule to attorney*

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.

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\*  
\* 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.

WHERFORE, 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;

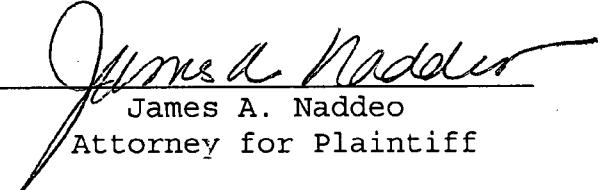
C. Impairment of earning power; past, present and future;

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

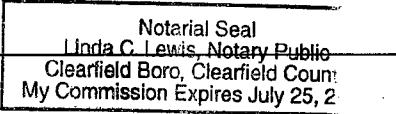
)

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



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  
\*  
\*

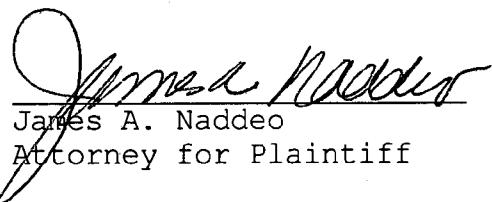
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a 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.**

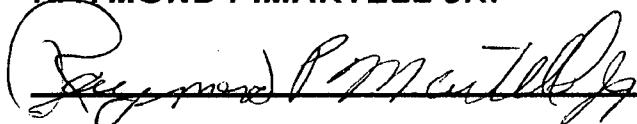
**SANDRA K. HARTER stated that we failed to warn guests of the  
existence of the missing board. We had no prior knowledge of any  
problem concerning their steps.**

**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**

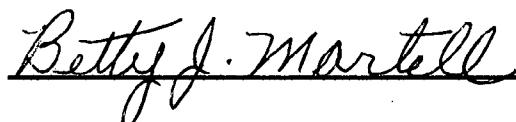
reckless in that we failed to use due care. We had no knowledge of SANDRA K. HARTER before this incident, we did not invite her onto our property, or even know that she was there. There is No Trespassing signs posted on our property, therefore we feel we should not be held responsible for the actions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

**RAYMOND P. MARTELL JR.**



---

**BETTY J. MARTELL**



---

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

FILED

OCT 25 2000  
88220/MOCC  
William A. Shaw  
Prothonotary

*EAS*

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 . 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:

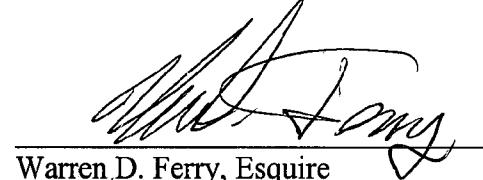
Date: 9-25-2000

Neva L. Shirey  
Neva Shirey

CERTIFICATE OF SERVICE

I, Warren D. Ferry, do hereby certify that on this the 10 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

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

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:

\* 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 14 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  
\*

\*

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.

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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\*  
\* No. 00 - 1058 - CD  
\*  
\*

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

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**JAMES A. NADDEO**  
ATTORNEY AT LAW  
211½ EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

---

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  
O 10:45 (wsl  
William A. Shaw  
Prothonotary

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COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD

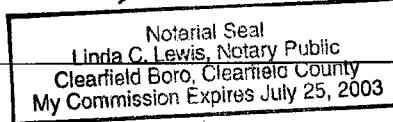
)

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



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**JAMES A. NADDEO**  
ATTORNEY AT LAW  
211½ EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

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  
\*

\* Type of Pleading:

\* Certificate of Service

\* 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  
11/3/2000

NOV 29 2000

JK  
William A. Shaw  
Prothonotary

cc to att.  
EAB

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

SANDRA K. HARTER, \*  
an individual, \*  
Plaintiff, \*  
\*  
v. \* 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, \*  
Defendants. \*

CERTIFICATE OF SERVICE

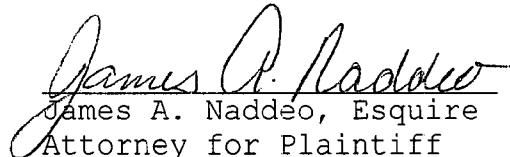
I, James A. Naddeo, Esquire, Attorney for Plaintiff, Sandra K. Harter, do hereby certify that a true and correct copy of Notices of Depositions of Randy L. Martell, Evelyn Martell and Neva Shirey in the above matter was served by first-class mail, postage prepaid, upon the following:

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

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10:36 AM  
2001  
William A. Shaw  
Prothonotary

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JAMES A. NADDEO  
ATTORNEY AT LAW  
211½ EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

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  
\*

\* Type of Pleading:

\* Certificate of Service

\* 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**

MAR 08 2001

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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CERTIFICATE OF SERVICE

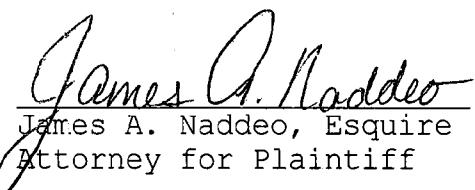
I, James A. Naddeo, Esquire, Attorney for Plaintiff,  
Sandra K. Harter, do hereby certify that a true and correct copies  
of Notices of Depositions of Randy L. Martell, Evelyn Martell and  
Neva Shirey in the above matter was served by first-class mail,  
postage prepaid, upon the following:

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

(X)

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.

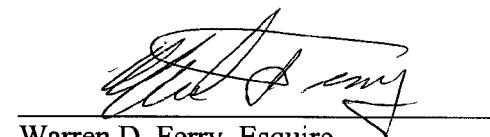
3. The deposition of Neva Shirey was taken by Plaintiff's counsel on May 2, 2001 at which time she testified that she is the Aunt of Evelyn Martell, that when Evelyn and Randy Martell were attempting to purchase the mobile home in question that they were unable to obtain credit in their own name and 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,



\_\_\_\_\_  
Warren D. Ferry, Esquire  
Attorney for Defendants

IN THE COURT OF COMMON PLEAS  
OF  
CLEARFIELD COUNTY, PENNSYLVANIA

4 SANDRA K. HARTER, :  
5 an individual, :  
6 Plaintiff :  
7 -vs- : CIVIL DIVISION  
8 RANDY L. MARTELL and :  
9 EVELYN MARTELL, husband and :  
10 wife, and NEVA SHIREY, an :  
husband and wife, :  
10 Defendants :  
11

12 PROCEEDINGS: Deposition of  
13 NEVA SHIREY  
14 DATE: Wednesday, May 2, 2001  
15 10:26 - 10:47 a.m.  
16 PLACE: Conference Room  
17 211 1/2 East Locust Street  
P.O. Box 552  
Clearfield, Pennsylvania  
18 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



COPY

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.

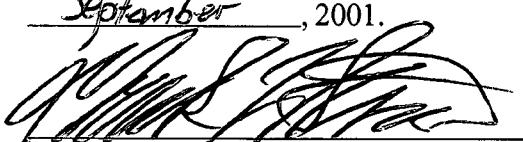
Date:

9-26-01

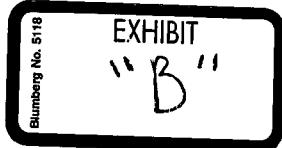
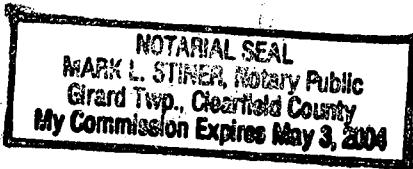
Raymond Paul Martell  
Raymond ~~Randy~~ Paul Martell

Betty J. Martell  
Betty Martell

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



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.

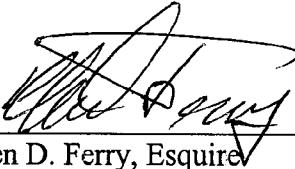
---

J.

CERTIFICATE OF SERVICE

I, Warren D. Ferry, do hereby certify that on this the 31 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  
NOCC  
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/nocl  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

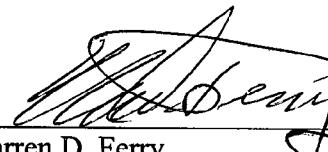
SANDRA K. HARTER, an individual, ) CIVIL ACTION  
Plaintiff, )  
 ) No: 00-1058-CD  
 )  
v. )  
 )  
 )  
RANDY L. MARTELL and EVELYN )  
MARTELL, husband and wife, and )  
NEVA SHIREY, an individual, and )  
RAYMOND PAUL MARTELL, JR., and )  
BETTY MARTELL, husband and wife, )  
Defendants. )

**PRAECIPE TO 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.

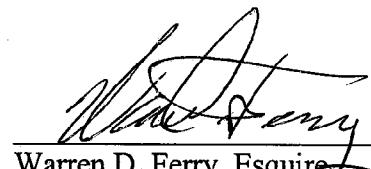
Respectfully submitted,

  
\_\_\_\_\_  
Warren D. Ferry  
Attorney for Defendants

CERTIFICATE OF SERVICE

I, Warren D. Ferry, do hereby certify that on this 7th day of October, 2001, a true and correct copy of the foregoing Praeclipe 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

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**JAMES A. NADDEO**  
ATTORNEY AT LAW  
211½ EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

*JK*

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  
\*

\* Type of Pleading:

\* Order of Court

\* 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 14 2001  
011406(w)  
William A. Shaw  
Prothonotary

2 cent rate  
*W.A.S.*

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. )

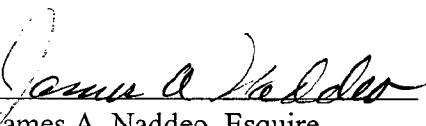
**ORDER OF COURT**

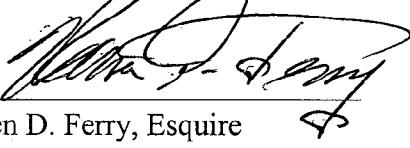
AND NOW, to wit, this 14<sup>th</sup> day of November, 2001,

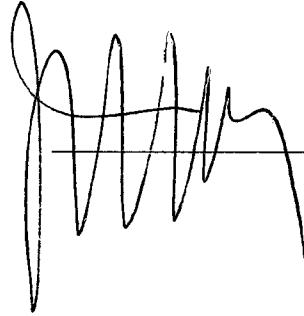
counsel having stipulated that there is and can be no liability on the part of Defendants, Raymond Paul Martell, Jr. and Betty Martell, husband and wife and Neva Shirey, an individual, it is hereby

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

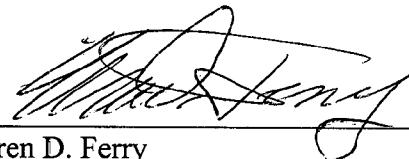
SANDRA K. HARTER, an individual, ) CIVIL ACTION  
Plaintiff, )  
 ) No: 00-1058-CD  
 )  
v. )  
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 )  
RANDY L. MARTELL and EVELYN )  
MARTELL, husband and wife, and )  
NEVA SHIREY, an individual, and )  
RAYMOND PAUL MARTELL, JR., and )  
BETTY MARTELL,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

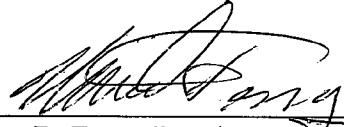


Warren D. Ferry  
Attorney for Individual Defendants

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 Praeclipe 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

FILED

No cc

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MAR 3 1 2003  
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K25

William A. Shaw  
Prothonotary

FILED *cc*  
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APR 16 2003  
Ally Naddeo  
WAS  
William A. Shaw  
Prothonotary

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

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:

5

**CERTIFICATE OF SERVICE**

\*

\* Filed on behalf of:

\* Plaintiff

2

\* Counsel of Record for  
\* this party:

2

2

\* James A. Nadeo, Esq.

\* Pa I.D. 06820

2

\* 211 1/2 E. Locust Street

\* P.O. Box 552

2

\* (814) 765-161

FILED

APR 16 2003

William A. Shaw  
Prothonotary

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

SANDRA K. HARTER,  
an individual,  
Plaintiff,

v.

\*  
\*  
\*  
\*  
\* 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,  
Defendants.

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  
James A. Naddeo, Esquire  
Attorney for Plaintiff

FILED

APR 30 2003

0110:48 a.m.  
William A. Sham  
Fiduciary

Two (2) cc to city  
Court

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

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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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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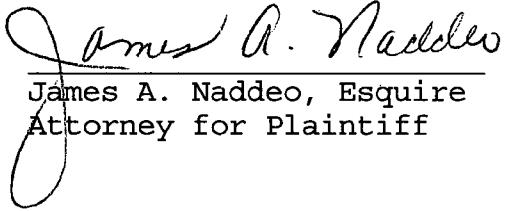
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of 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

100  
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.

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\* No. 00 - 1058 - CD  
\*

\* Type of Pleading:

\* **CERTIFICATE OF SERVICE**

\* 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**

JUN 02 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,  
Defendants.

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\* No. 00 - 1058 - CD  
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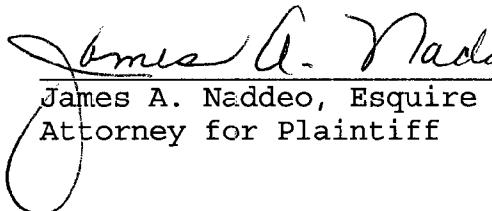
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of 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 NO  
13-4150-CC  
JUN 25 2003  
SFC

William A. Shaw  
Prothonotary

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Lap over margin

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

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  
\*

\* Type of Pleading:

\* **CERTIFICATE OF SERVICE**

\* 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**

JUN 25 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,  
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 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  
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 15<sup>th</sup> 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

**FILED** 1cc Attn: Maddeos  
Aug 18 2003 1cc Aug Warren Terry  
William A. Shaw *JK*  
Prothonotary/Clerk of Courts

—Lap over margin —

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

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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\* Type of Pleading:

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\* **CERTIFICATE OF SERVICE**

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\* Filed on behalf of:

\* Plaintiff

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\* 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 05 2003

010:55:10 AM

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. \* 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, \*  
Defendants. \*

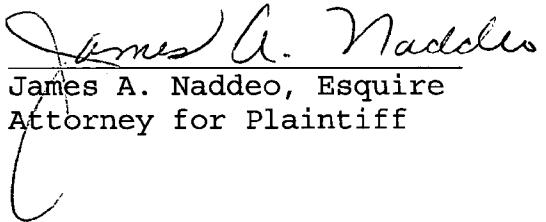
CERTIFICATE OF SERVICE

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

CLEARFIELD, PENNSYLVANIA 16830

P.O. BOX 552

211 1/2 EAST LOCUST STREET

ATTORNEY AT LAW

JAMES A. NADDEO

Lap over margin

JAMES A. NADDEO

FILED NO  
Sep 10 2003  
SEP 03 2003  
W.R.  
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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\* Type of Pleading:

\* **CERTIFICATE OF SERVICE**

\* 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 03 2003

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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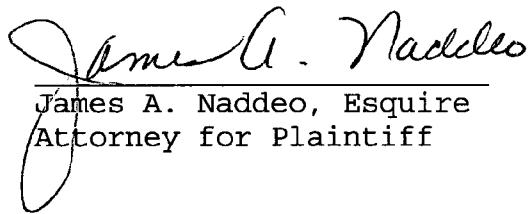
CERTIFICATE OF SERVICE

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 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

DOCKET 282

AUGUST 2000

RA K. HARTER	X	AUGUST 28, 2000, PRAECIPE FOR WRIT, filed by James A. Naddeo, Esq., Attorney for the Plaintiff Please issue a writ of summons against the Defendants, Randy L. Martell and Evelyn Martell, whose address is RD 1 Box 292A, Frenchville, PA; and Neva Shirey whose address is RR 1 Box 259, Frenchville, PA; and Raymond Paul Martell, Jr. and Betty Martell, whose address is RD 1 Box 292, Frenchville, PA. /s/James A. Naddeo
00-1058-CD	X	AUGUST 28, 2000, FIVE WRITS OF SUMMONS ISSUED TO SHERIFF FOR SERVICE
	X	SEP. 07, 2000, SHERIFF RETURN, SUMMONS ON DEFENDANTS, SO ANSWERS, CHESTER A. HAWKINS, SHERIFF by s/MARILYN HAMM
	X	SEP. 21, 2000, CERTIFICATE OF SERVICE, NOTICE OF TAKING DEPOSITION, UPON PARTIES OF RECORD: filed by s/JAMES A. NADDEO, ESQ.
	X	SEP. 22, 2000, PRAECIPE FOR APPEARANCE, filed by s/WARREN D. FERRY, ESQUIRE
Y L. MARTELL and YN MARTELL, husband and	X	SEP. 22, 2000, PRAECIPE FOR RULE TO FILE COMPLAINT, filed by s/WARREN D. FERRY, ESQ. RULE TO ATTY FERRY
e, and SHIREY, an individual, and	X	OCTOBER 12, 2000, COMPLAINT, filed by Atty. Naddeo Two Cert. to Atty Certificate of Service.
OND PAUL MARTELL, JR.,	X	OCT. 25, 2000, ANSWER, filed by s/RAYMOND P., JR. and BETTY J. MARTELL
BETTY MARTELL, husband wife		
BY ATTY	80.00	<b>PLEASE REFER TO COMPUTER FOR FURTHER ENTRIES</b>
ins By Atty	109.97	

Date: 09/12/2003

**Clearfield County Court of Common Pleas**

User: DGREGG

Time: 09:29 AM

Page 1 of 1

**ROA Report**

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	X Filing: Civil Complaint Paid by: NADDEO, JAMES A., ESQ. Receipt number: 0050932 Dated: 11/07/2000 Amount: \$0.00 (Cash) No Judge
11/03/2000	X ANSWER AND NEW MATTER OF DEFENDANTS, RANDY L. MARTELL, No Judge EVELYN MARTELL AND NEVA SHIREY. filed by s/WARREN D. FERRY, ESQ.
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., No Judge Betty Martell and Neva Shirey. Filed by s/Warren D. Ferry, Esq. Cert of Svc no cc
	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, John K. Reilly Jr. 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, John K. Reilly Jr. M.D. and Warren D. Ferry, Esquire no cc
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-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 John K. Reilly Jr. 2 cc Atty Heltzel

JAMES A. NADDEO

CLERAFFIELD, PENNSYLVANIA 16830  
R.O. BOX 552  
211 1/2 EAST LOCUST STREET  
ATTORNEY AT LAW

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FILED NO CC  
OCT 8 2003 Cert. of Disc.  
SEP 18 2003 TO ATTY  
William A. Shaw ~~RE~~ copy to C/A  
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 No Judge ✓ number: 0050932 Dated: 11/07/2000 Amount: \$0.00 (Cash)
11/03/2000	ANSWER AND NEW MATTER OF DEFENDANTS, RANDY L. MARTELL, No Judge ✓ EVELYN MARTELL AND NEVA SHIREY. filed by s/WARREN D. FERRY, ESQ.
11/14/2000	Answer to New Matter, filed by s/James A. Naddeo, Esq. Certificate of No Judge ✓ Service 2 CC Atty Naddeo
11/15/2000	Verification for Answer to New Matter, filed by James A. Naddeo /s/Sandra No Judge ✓ K. Harter One Certified Copy to Attorney
11/29/2000	Certificate of Service, filed by James A. Naddeo /s/Sandra K. Harter Two Certified Copies to No Judge ✓ Attorney
03/08/2001	Certificate of Service, Notices of Depositions of Randy L. Martell, Evelyn No Judge ✓ 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
10/05/2001	Motion For Summary Judgment Of Defendants, Raymond Paul Martell, No Judge ✓ Jr., Betty Martell and Neva Shirey. Filed by s/Warren D. Ferry, Esq. Cert of Svc no cc Praecipe to Argument List. Filed by s/Warren D. Ferry, Esq. Cert of Svc No Judge ✓ no cc
11/14/2001	ORDER OF COURT, AND NOW, to wit this 14th day of Nov., 2001, re: John K. Reilly Jr. ✓ 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
03/31/2003	Praecipe To Place Case On Civil Trial List. filed by s/Warren D. Ferry, John K. Reilly Jr. ✓ Esquire no cc Copy to C/A
04/16/2003	Certificate of Service, Notice of Taking Deposition upon: John K. Reilly Jr. ✓ MICHAEL-GERARD MONCMAN, DO, MSC and WARREN D. FERRY, ESQ. s/James A. Naddeo, Esquire 2 cc to Atty Naddeo
04/30/2003	Certificate of Service, Notice of Taking Deposition upon: Kenneth L. John K. Reilly Jr. ✓ Cherry, Jr., M.D. and Warren D. Ferry, Esq. filed by s/James A. Naddeo, Esquire 2 cc to Atty
06/02/2003	Certificate of Service, Notice of Taking Deposition upon: John K. Reilly Jr. ✓ MICHAEL-GERARD MONCMAN, DO, MSC and WARREN D. FERRY, ESQUIRE filed by s/James A. Naddeo, Esquire no cc
06/25/2003	Certificate of Service, Notice of Taking Deposition upon: Edwin Rogusky, John K. Reilly Jr. ✓ M.D. and Warren D. Ferry, Esquire no cc

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,  
Defendants.

\* 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  
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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.

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William A. Shaw, Prothonotary