

00-1161-CD
Nicole Kitko, et al. vs. Harold D. Rowles

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

10189

KITKO, NICOLE & CHRIS

VS.

ROWLES, HAROLD D.

00-1161-CD

SUMMONS & PRAECIPE

SHERIFF RETURNS

NOW SEPTEMBER 20, 2000 AT 10:15 AM DST SERVED THE WITHIN SUMMONS & PRAECIPE ON HAROLD D. ROWLES, DEFENDANT AT RESIDENCE 803 DAISY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO HAROLD D. ROWLES A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS & PRAECIPE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: DAVIS/MORGILLO


Return Costs

Cost	Description
20.00	SHFF. HAWKINS PAID BY: ATTY
10.00	SURCHARGE PAID BY: ATTY


FILED

OCT 04 2000
013:45 pm
William A. Shaw
Prothonotary qk

Sworn to Before Me This

4th Day of October 2000

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co., Clearfield, PA.

So Answers,


Chester A. Hawkins
Sheriff

75
NICOLE KITKO AND CHRIS
KITKO, her husband
Plaintiffs

VS.

41
HAROLD D. ROWLES,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA.
:
: NO. 00-1161-CD 2000
:
: CIVIL DIVISION - LAW
:
: JURY TRIAL DEMANDED

PRAECIPE FOR WRIT OF SUMMONS IN CIVIL ACTION

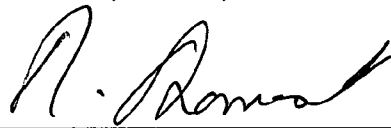
TO; WILLIAM SHAW, PROTHONOTARY:

Please issue a Writ of Summons in Civil Action directed to the
above named Defendant.

Respectfully submitted,

SULLIVAN, FORR, STOKAN & HUFF

BY:



R. Thomas Forr, Jr.
1701 Fifth Avenue
Altoona, PA 16602
(814) 946-4316
Attorney ID No. 20088

DATED: September 13, 2000

FILED

SEP 18 2000

M/12:30/WR

William A. Shaw

Prothonotary

PD

80. -

BY

ATTN

1 WRIT TO SHFF

1 SENT TO SHFF

1 SENT TO ATTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION

SUMMONS

NICOLE KITKO and CHRIS KITKO, her husband
Plaintiff(s)

Vs.

No: 00-1161-CD

HAROLD D. ROWLES
Defendant(s)

To: HAROLD D. ROWLES
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: SEPTEMBER 18, 2000

William A. Shaw
Prothonotary

Issuing Attorney:
R. THOMAS FORR, JR.
1701 FIFTH AVENUE
ALTOONA, PA 16602

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Defendant.

CIVIL DIVISION - LAW

NO.: 00-1161 CD

Issue No.:

PRAECIPE FOR APPEARANCE

Code:

Filed on Behalf of Defendant, Harold D.
Rowles

Counsel of Record for This Party:

Bruce E. Rende, Esquire
PA I.D. #52714

ROBB, LEONARD & MULVIHILL
Firm #249
2300 One Mellon Bank Center
Pittsburgh, PA 15219
(412) 281-5431

FILED

OCT 10 2000

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,	)	CIVIL DIVISION - LAW
her husband,)	
	)	NO.: 00-1161 CD
Plaintiffs,)	
	)	Issue No.:
vs.)	
)	
HAROLD D. ROWLES)	
)	
Defendant.)	

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA

Kindly enter our appearance on behalf of Defendant, Harold D. Rowles, with regard to the above-captioned matter.

Respectfully submitted,

ROBB, LEONARD & MULVIHILL

By: _____

Bruce E. Rende, Esquire

Attorney for Defendant, Harold D. Rowles

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR
APPEARANCE, has been forwarded to all counsel of record by U.S. mail, postage prepaid, on
the 6 day of October, 2000.

R. Thomas Forr, Jr., Esquire
1701 Fifth Avenue
Altoona, PA 16602



Bruce E. Rende, Esquire

FILED

OCT 10 2000
M12/09/1000
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Defendant.

CIVIL DIVISION - LAW

NO.: 00-1161 CD

Issue No.:

NOTICE OF SERVICE

Code:

Filed on Behalf of Defendant, Harold D.
Rowles

Counsel of Record for This Party:

Bruce E. Rende, Esquire
PA I.D. #52714

ROBB, LEONARD & MULVIHILL
Firm #249
2300 One Mellon Bank Center
Pittsburgh, PA 15219
(412) 281-5431

FILED

OCT 10 2000

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,	)	CIVIL DIVISION - LAW
her husband,)	
	)	NO.: 00-1161 CD
Plaintiffs,)	
	)	Issue No.:
vs.)	
)	
HAROLD D. ROWLES)	
)	
Defendant.)	

NOTICE OF SERVICE

NOTICE is hereby given that Defendant, Harold D. Rowles, served Defendant's Interrogatories and Requests for Production of Documents Directed to Plaintiffs, Nicole Kitko and Chris Kitko, her husband, on the 6 day of October, 2000, by depositing the same in the U.S. mail, postage prepaid, addressed to R. Thomas Forr, Jr., Esquire, 1701 Fifth Avenue, Altoona, Pennsylvania 16602.

Respectfully submitted,

ROBB, LEONARD & MULVIHILL

By:


Bruce E. Rende, Esquire

Attorneys for Defendant, Harold D. Rowles

FILED

OCT 10 2008

E. W.

1712.091100 CC

William A. Shaw

Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Defendant.

CIVIL DIVISION - LAW

NO.: 00-1161 CD

Issue No.:

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

Code:

Filed on Behalf of Defendant, Harold D.
Rowles

Counsel of Record for This Party:

Bruce E. Rende, Esquire
PA I.D. #52714

ROBB, LEONARD & MULVIHILL
Firm #249
2300 One Mellon Bank Center
Pittsburgh, PA 15219
(412) 281-5431

FILED

OCT 13 2000

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,	)	CIVIL DIVISION - LAW
her husband,)	
	)	NO.: 00-1161 CD
Plaintiffs,)	
	)	Issue No.:
vs.)	
)	
HAROLD D. ROWLES)	
)	
Defendant.)	

PRAECIPE FOR RULE TO FILE COMPLAINT

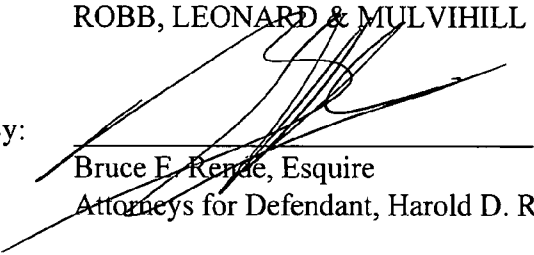
TO: PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA

Kindly issue a Rule to File Complaint upon Plaintiffs, Nicole Kitko and Chris Kitko, her husband, in the above-captioned action.

Respectfully submitted,

ROBB, LEONARD & MULVIHILL

By:



Bruce E. Rende, Esquire
Attorneys for Defendant, Harold D. Rowles

FILED

OCT 13 2000

William A. Shaw
Prothonotary

Rule to Atty Kend

RECEIVED
OCT 13 2000
PROTHONOTARY

RECEIVED
OCT 13 2000
PROTHONOTARY

RECEIVED
OCT 13 2000
PROTHONOTARY

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

COPY

NICOLE KITKO and CHRIS KITKO

her husband,

Plaintiff(s)

vs.

No. 00-1161-CD

HAROLD D. ROWLES,

Defendant(s)

RULE TO FILE COMPLAINT

TO: Plaintiff(s): NICOLE KITKO and CHRIS KITKO

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: October 13, 2000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Defendant.

CIVIL DIVISION - LAW

NO.: 00-1161 CD

Issue No.:

ACCEPTANCE OF SERVICE

Code:

Filed on Behalf of Defendant, Harold D.
Rowles

Counsel of Record for This Party:

Bruce E. Rende, Esquire
PA I.D. #52714

ROBB, LEONARD & MULVIHILL
Firm #249
2300 One Mellon Bank Center
Pittsburgh, PA 15219
(412) 281-5431

JURY TRIAL DEMANDED

FILED

NOV 01 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Defendant.

)
)
)
)
)
)
)
)
)
)
)

CIVIL DIVISION - LAW


NO.: 00-1161 CD

Issue No.:

ACCEPTANCE OF SERVICE

A Rule to File Complaint is hereby accepted for and on behalf of the Plaintiffs, Nicole Kitko and Chris Kitko, her husband, by the undersigned, their attorney, R. Thomas Forr, Jr., Esquire, 1701 Fifth Avenue, Altoona, Pennsylvania 16602.

Dated: Oct. 18, 2000



R. Thomas Forr, Jr., Esquire
Attorney for Plaintiffs, Nicole Kitko and
Chris Kitko, her husband

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ACCEPTANCE OF SERVICE has been forwarded to all counsel of record by U.S. mail, postage prepaid, on the 30 day of October, 2000.

R. Thomas Forr, Jr., Esquire
1701 Fifth Avenue
Altoona, PA 16602



Bruce E. Rende, Esquire

11/30/2000
11/30/2000
11/30/2000
11/30/2000
11/30/2000

11/30/2000
11/30/2000
11/30/2000
11/30/2000
11/30/2000

FILED

NOV. 01 2000

m/313074
William A. Shaw
Prothonotary

no c/c
EJH

NICOLE KITKO AND CHRIS KITKO : IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
Plaintiffs :
VS. : No. 00-1161 CD
HAROLD D. ROWLES, :
Defendant : JURY TRIAL DEMANDED


CERTIFICATE OF SERVICE

I do hereby certify that I mailed a true and correct copy of Plaintiff's Answers to Interrogatories to the following by placing the same in the United States Mail, First Class, Postage Prepaid, addressed as follows:

Bruce E. Rende, Esquire
ROBB, LEONARD & MULVIHILL
2300 One Mellon Bank Center
Pittsburgh, PA 15219


Respectfully submitted,
SULLIVAN, FORR, STOKAN AND HUFF

BY:


R. Thomas Forr, Jr.
1701 Fifth Avenue
Altoona, PA 16602
814-946-4316
Attorney ID No. 20088

DATED: DECEMBER 21, 2000

FILED

DEC 26 2000
m/1:55/60
William A. Shaw
Prothonotary
No c/c 

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO, her
husband, :
Plaintiffs

vs.

HAROLD D. ROWLES,
Defendant

: COMPLAINT
:
: CIVIL DIVISION - LAW
:
: NO. 00-1161 CD
:
: Filed on behalf of:
: Nicole Kitko and Chris Kitko,
: her husband
:
: Counsel of Record for this
: Party:
:
: R. Thomas Forr, Jr., Esquire
: SULLIVAN, FORR, STOKAN & HUFF
: 1701 Fifth Avenue
: Altoona, Pa. 16602
: (814) 946-4316
:
: Attorney I.D. 20088

FILED

JAN 22 2001

William A. Shaw
Prothonotary

NOW, Jan 29 2001, I do hereby certify
that a copy of the within pleading has been served
on counsel of record and/or opposing party by
making a copy by U.S. Mail to the address indicated
on prior pleadings.

SULLIVAN, FORR, STOKAN & HUFF

By [Signature]

Attorneys for

Plaintiffs

NICOLE KITKO AND CHRIS KITKO,
her husband

Plaintiffs

VS;

HAROLD D. ROWLES,

Defendant

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

: NO. 1161-CD

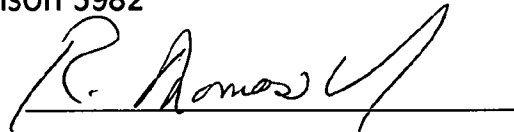
: JURY TRIAL DEMANDED

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 property or other rights important to you.

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

David C. Meholick, Ct. Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Extension 5982



SULLIVAN, FORR, STOKAN & HUFF
Attorneys at Law
1701 Fifth Avenue
Altoona, PA 16602
(814) 946-4316
State ID No. 20088

NICOLE KITKO and CHRIS KITKO, her
husband,

Plaintiffs

vs.

HAROLD D. ROWLES,
Defendant

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

:

: CIVIL DIVISION - LAW

:

: NO. 1161 CD 2000

:

: JURY TRIAL DEMANDED

COMPLAINT

AND NOW comes the Plaintiffs, NICOLE KITKO and CHRIS KITKO,
her husband, who by and through their attorneys, SULLIVAN, FORR, STOKAN
& HUFF, ESQUIRE, files this, their Complaint whereof the following are more
specific allegations:

1.

The Plaintiffs, NICOLE KITKO and CHRIS KITKO, are adult
individuals, husband and wife, presently residing at 924 Clara Street,
Houtzdale, PA 16651.

2.

The Defendant, HAROLD D, ROWLES, is an adult individual
residing at 803 Daisy Street, Clearfield, Pa. 16830.

3.

That on or about September 18, 1998 at mid to late afternoon
the Plaintiff, NICOLE KITKO was the passenger in the rear seat of a 1993

Chrysler New Yorker driven by Ronald H. Sprankle, who was stopped at a traffic light at the intersection of an exit from K-Mart Plaza onto River Road in Lawrence Township, Clearfield County, Pennsylvania.

4.

That on the aforesaid date and the aforesaid time, the Defendant, HAROLD D. ROWLES, was operating his Pontiac Bonneville in the same direction as travel as the Plaintiff's proceeding toward the stop light.

5.

That on the aforesaid date at the aforesaid time, the Plaintiffs' vehicle was stopped and was awaiting a traffic signal in front of it to turn green, when the vehicle she was within was struck from the rear by the vehicle operated by the Defendant, HAROLD D. ROWLES, who was unable to stop his vehicle in a timely fashion and who impacted the rear end of the vehicle occupied by the Plaintiff causing severe damage to the rear portion of the vehicle.

6.

That the accident was directly and proximately caused by the negligence, carelessness and recklessness of the Defendant, HAROLD D. ROWLES, which is not limited to the following:

a) Operating his motor vehicle at an excessive rate of speed

under the circumstances;

b) Operating his motor vehicle with no warning of approach or intended direction;

c) Not having his motor vehicle under the proper control so as to be able to stop said vehicle within the assured clear distance ahead under Pennsylvania Motor Rule, Motor Vehicle Code, Section 75 Pa. C.S.A., Section 3361;

d) Operating his motor vehicle without due regard for the rights, safety and position of the Plaintiffs;

e) Failing to have his motor vehicle under the proper control so as to prevent his vehicle from striking the Plaintiffs' motor vehicle;

f) Failing to maintain a proper look out;

g) Failing to exercise due care under the circumstances;

h) In failing to notice the motor vehicle the Plaintiff occupied in his lane of travel;

i) In failing to take the necessary evasive action to avoid impact with the rear of the vehicle occupied by the Plaintiff;;

j) In failing to apply his brakes in sufficient time to avoid striking the vehicle occupied by the Plaintiff;

k) In operating his motor vehicle in careless disregard for the

rules of the road and the Commonwealth of Pennsylvania including but not limited to Motor Vehicle Code Section 75 Pa. C. S. A, Section 3310, Section 3361, Section 3362 and Section 3714.

7.

That at all material times hereto the Plaintiff, NICOLE KITKO, acted with due care and was not contributorily nor comparatively negligent with respect to this accident.

COUNT I: NEGLIGENCE

NICOLE KITKO, PLAINTIFF V. HAROLD D. ROWLES, DEFENDANT

8.

The Plaintiff, NICOLE KITKO, incorporates by reference paragraphs 1 through 7 of this Complaint as though each and every one were set more fully at length herein.

9.

As a result of the Defendant's negligence, Plaintiff, NICOLE KITKO, sustained the following injuries, some or all of which may be permanent:

- a) A strain/sprain injury to her neck and cervical region;
- b) Injuries to the thoracic spine;
- c) Radiating pain in right arm and hand;

d) General stiffness and soreness throughout her body.

e) Nervousness, mental anguish and anxiety.

10.

As a result of the Defendant's negligence, Plaintiff has suffered and will continue to suffer great bodily pain and suffering as well as mental anguish, anxiety, embarrassment, humiliation and nervousness to her great detriment and loss.

11.

As a result of Defendants negligence, Plaintiff has been required to undergo treatment and has received numerous examinations and evaluations.

12.

As a result of Defendant's negligence, Plaintiff has suffered interruption of her daily habits, activities and pursuits to her great and permanent detriment and loss, all of which have caused her to lose the enjoyment and pleasures of life.

13.

Plaintiff has incurred and possibly will incur in the future substantial medical expenses and other expenses associated with her

medical treatment.

14.

Plaintiff is entitled to and hereby claims any and all such non-economic damages allowed under Pennsylvania law, and by virtue of her full tort option under the Pennsylvania Motor Vehicle Financial Responsibilities Law.

WHEREFORE, Plaintiff demands judgment against the Defendant in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars plus interest, delay damages and costs, said sum being in excess of the jurisdictional limits of arbitration.

Jury trial demanded.

COUNT II - NEGLIGENCE

CHRIS KITKO, PLAINTIFF V. HAROLD D. ROWLES, DEFENDANT

15.

Plaintiff, CHRIS KITKO, incorporates paragraphs 1 through 14 of this Complaint as if each and every one were set forth more fully at length herein.

16.

That as a result of the Defendant's negligence, the Plaintiff, CHRIS KITKO, has been deprived of the society, companionship,

contributions and consortium of his wife, NICOLE KITKO, to his great detriment and loss.

17.

As a result of Defendant's negligence, Plaintiff, CHRIS KITKO, has incurred and will incur in the future, large medical expenses to treat his wife's injuries.

18.

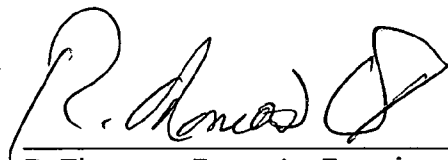
That as a result of Defendant's negligence, Plaintiff, Chris KITKO, has suffered disruption of his daily habits, pursuits and enjoyment of life.

WHEREFORE, Plaintiff demands judgment against the Defendant an the amount in excess of Twenty-five Thousand (\$25,000.00) Dollars plus interest, delay damages and costs, said sum being in excess of the jurisdictional limits of arbitration.

Jury trial demanded.

Respectfully submitted,


SULLIVAN, FORR, STOKAN & HUFF

A handwritten signature in black ink, appearing to read "R. Thomas Forr, Jr.", is written over a horizontal line.

R. Thomas Forr, Jr. Esquire
Counsel for Plaintiffs, Nicole Kitko
and Chris Kitko

VERIFICATION

The undersigned avers that the statements of fact set forth and contained in the foregoing **Complaint** are true and correct to the best of his knowledge, information and belief and are made subject to and in recognition of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.


Chris Kitko

DATED: 1-18-01

VERIFICATION

The undersigned avers that the statements of fact set forth and contained in the foregoing **Complaint** are true and correct to the best of her knowledge, information and belief and are made subject to and in recognition of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Nicole Kitko

DATED: 1/18/01

FILED

JAN 22 2001

M 1957/1000
William A. Shaw
Prothonotary

Feb

NICOLE KITKO AND CHRIS KITKO, : IN THE COURT OF COMMON PLEAS OF
her husband : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs : CIVIL DIVISION - LAW
VS; :
: 00-
: NO. 1161-CD
HAROLD D. ROWLES, :
Defendant : JURY TRIAL DEMANDED

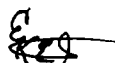
Personally appeared before me, the undersigned authority, a Notary Public, in and for the Commonwealth of Pennsylvania, **BRUCE E. RENDE**, who being duly sworn according to law, doth depose and say that he received and accepted service of a true and correct copy of the **COMPLAINT** filed to the above-captioned action on the 22nd Day of Jan A.D., 2001.


Bruce E. Rende

Sworn and subscribed to before me
this ____ Day of _____ A.D., 2001.

FILED

FEB 05 2001
12:16 pm
William A. Shaw
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Original Defendant,

vs.

RONALD H. SPRANKLE,

Additional Defendant.

CIVIL DIVISION - LAW

NO.: 00-1161 CD

Issue No.:

**PRAECIPE FOR WRIT OF
SUMMONS TO JOIN ADDITIONAL
DEFENDANT, RONALD H.
SPRANKLE**

Code:

Filed on Behalf of Original Defendant,
Harold D. Rowles

Counsel of Record for This Party:

Bruce E. Rende, Esquire
PA I.D. #52714

ROBB, LEONARD & MULVIHILL
Firm #249
2300 One Mellon Bank Center
Pittsburgh, PA 15219
(412) 281-5431

FILED

FEB 12 2001

mja:101

JURY TRIAL DEMANDED

William A. Shaw
Prothonotary

FILED

FEB 07 2001

William A. Shaw
Prothonotary

Attorneys for Original Defendant, Harold
D. Rowles

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR WRIT OF SUMMONS TO JOIN ADDITIONAL DEFENDANT, RONALD H. SPRANKLE has been forwarded to all counsel of record by U.S. mail, postage prepaid, on the 2 day of February, 2001.

R. Thomas Forr, Jr., Esquire
1701 Fifth Avenue
Altoona, PA 16602



Bruce E. Rende, Esquire

FILED
FEB 07 2001
m. p. d. Writ of a. th.
William A. Shaw
Prothonotary

FILED
FEB 12 2001
m. p. d. Writ of a. th.
William A. Shaw
Prothonotary

to a. th. ~~End~~
Writ Summons
pd \$80.00

COPY

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

WRIT TO JOIN ADDITIONAL DEFENDANT

Nicole Kitko and Chris Kitko

Plaintiff

vs.

NO. 00-1161-CD

Harold D. Rowles

Defendant

vs.

Ronald H. Sprankle

Additional Defendant

To Ronald H. Sprankle:

You are notified that Harold D. Rowles, has joined you as an additional defendant in this action, which you are required to defend.

Dated: February 12, 2001

Prothonotary

Bruce E. Rende, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Original Defendant,

vs.

RONALD H. SPRANKLE,

Additional Defendant.

CIVIL DIVISION - LAW

NO.: 00-1161 CD

Issue No.:

ANSWER AND NEW MATTER

Code:

Filed on Behalf of Original Defendant,
Harold D. Rowles

Counsel of Record for This Party:

Bruce E. Rende, Esquire
PA I.D. #52714

ROBB, LEONARD & MULVIHILL
Firm #249
2300 One Mellon Bank Center
Pittsburgh, PA 15219
(412) 281-5431

To	<u>All Parties</u>
You are hereby notified to file a written response to the enclosed <u>New Matter</u>	
within twenty (20) days from service hereof or a judgment may be entered against you	
ROBB, LEONARD & MULVIHILL	
By	<u>[Signature]</u> Attorneys as shown

FILED

FEB 20 2001

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,	)	CIVIL DIVISION - LAW
her husband,)	
	)	NO.: 00-1161 CD
Plaintiffs,)	
)	
vs.)	
)	
HAROLD D. ROWLES)	
)	
Original Defendant,)	
)	
vs.)	
)	
RONALD H. SPRANKLE,)	
)	
Additional Defendant.)	

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, Harold D. Rowles, by and through his attorneys, Robb, Leonard & Mulvihill and Bruce E. Rende, Esquire, and files the within Answer and New Matter, of which the following is a statement:

1. Upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 1. Therefore, same are denied and strict proof thereof is demanded at the time of trial.
2. The averments of paragraph 2 are admitted as stated.
3. The averments of paragraph 3 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 3. Therefore, same are denied and strict proof thereof is demanded at the time of trial.

4. The averments of paragraph 4 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, the averments of paragraph 4 are admitted in part and denied in part. It is admitted that on or about September 18, 1998, Defendant was operating his Chevrolet Lumina at or near the intersection of the exit of the K-Mart Plaza which entered onto River Road in Lawrence Township, Clearfield County, Pennsylvania. As to the remaining averments, upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 4. Therefore, same are denied and strict proof thereof is demanded at the time of trial.

5. The averments of paragraph 5 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, the averments of paragraph 5 are admitted in part and denied in part. It is admitted that on the aforementioned date and at the aforementioned location, Defendant's vehicle did come in contact with the rear of another motor vehicle. As to the remaining averments of paragraph 5, said averments are generally and specifically denied as stated.

6. The averments of paragraph 6 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is denied that the aforementioned incident whereby the Defendant's vehicle came in contact with the rear of another vehicle was caused by the negligence, carelessness and recklessness of the Defendant, generally and in the following particulars:

- a. In operating his motor vehicle at an excessive rate of speed under the circumstances;

- b. In operating his motor vehicle with no warning of approach or intended direction;
- c. In not having his motor vehicle under proper control so as to be able to stop said vehicle within the assured clear distance ahead rule pursuant to 75 Pa.C.S.A. §3361;
- d. In operating his motor vehicle without due regard to the safety and position of the Plaintiffs;
- e. In failing to have his motor vehicle under proper control so as to present his vehicle from striking another motor vehicle;
- f. In failing to maintain a proper lookout;
- g. In failing to exercise due care under the circumstances;
- h. In failing to notice the motor vehicle of the Plaintiffs which was allegedly in his lane of travel;
- i. In failing to take the necessary evasive action to avoid impact with the rear of another motor vehicle;
- j. In failing to apply his brakes in sufficient time to avoid Plaintiffs' motor vehicle which was allegedly stationary;
- k. In operating his motor vehicle in careless disregard for the rules of the road and the Commonwealth of Pennsylvania including but not limited to Motor Vehicle Code 75 Pa.C.S.A. §3310, §3361, §3362 and §3714.

7. The averments of paragraph 7 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, the averments of paragraph 7 are generally and specifically denied.

WHEREFORE, Defendant, Harold D. Rowles, demands judgment in his favor.

COUNT I: NEGLIGENCE
NICOLE KITKO, PLAINTIFF V. HAROLD D. ROWLES, DEFENDANT

8. The averments of paragraphs 1 through 7 above are incorporated herein by reference as though same were more fully set forth below.

9. The averments of paragraph 9 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff sustained any injuries and/or damages including but not limited to those more fully set forth in paragraph 9, subparts (a) through (e), inclusive, of her Complaint.

10. The averments of paragraph 10 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff sustained any injuries and/or damages including but not limited to those more fully set forth in paragraph 10 of her Complaint.

11. The averments of paragraph 11 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff has been required to undergo any medical attention, including but not limited to that more fully set forth in paragraph 11 of her Complaint.

12. The averments of paragraph 12 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff has been forced to alter her lifestyle in any manner or fashion, whatsoever, including but not limited to that manner and fashion more fully set forth in paragraph 12 of her Complaint.

13. The averments of paragraph 13 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 13. Therefore, same are denied and strict proof thereof is demanded at the time of trial.

14. The averments of paragraph 14 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 14. Therefore, same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant, Harold D. Rowles, demands judgment in his favor.

COUNT II - NEGLIGENCE
CHRIS KITKO, PLAINTIFF V. HAROLD D. ROWLES, DEFENDANT

15. The averments of paragraphs 1 through 14 above are incorporated herein by reference as though same were more fully set forth below.

16. The averments of paragraph 16 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff, Chris Kitko, has been deprived of the society, companionship, contributions and consortium of his wife, Nicole Kitko, to his great detriment and loss. To the contrary, at the time of the happening of the accident, Nicole Kitko and Chris Kitko were not married and thus Chris Kitko has no standing, whatsoever, to assert the within loss of consortium claim.

17. The averments of paragraph 17 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff has incurred and will incur in the future, large medical expenses to treat his wife's alleged injuries.

18. The averments of paragraph 18 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff has suffered disruption of his daily habits, pursuits and the enjoyment of his life.

WHEREFORE, Defendant, Harold D. Rowles, demands judgment in his favor.

NEW MATTER

19. The averments of paragraphs 1 through 30 above are incorporated herein by reference as though same were more fully set forth below.

20. Defendant is advised by counsel and therefore avers that some or all of Plaintiffs' expenses for medical treatment and the like and all of Plaintiffs' lost wages incurred as a result of the accident or following the accident are entitled to be paid by an insurance carrier. If any of these expenses and/or wages are permitted to be introduced into evidence as items of damages, and if a verdict is entered in Plaintiffs' favor, Defendant claims a right of setoff against the verdict for an amount equal to those expenses pursuant to and in accordance with the mandates of 75 Pa.C.S.A. §1722.

21. Defendant believes and therefore avers that Plaintiffs' right to bring this lawsuit against the Defendant is barred and/or limited by the so-called "Limited Tort" option of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. §1705, which is applicable to the Plaintiffs.

22. Plaintiffs' claims are barred in whole or in part as a result of the Plaintiffs' failure to comply with the applicable statute of limitations provisions.

WHEREFORE, Defendant, Harold D. Rowles, demands judgment in his favor.

Respectfully submitted,

ROBB, LEONARD & MULVHILL

By:


Bruce E. Rende, Esquire

Attorneys for Defendant, Harold D. Rowles

VERIFICATION

I verify that the statements made herein are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties of 18 Pa. Con. Stat. Ann. §4904 relating to unsworn falsification to authorities.

Dated: Feb. 7, 2001

By: Harold D. Rowles
Harold D. Rowles

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ANSWER AND NEW
MATTER has been forwarded to all counsel of record by U.S. mail, postage prepaid, on the 15
day of February, 2001.

R. Thomas Forr, Jr., Esquire
1701 Fifth Avenue
Altoona, PA 16602



Bruce E. Rende, Esquire

FILED

FEB 20 2001

M. J. McC
William R. Shaw
Prothonotary
WRS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Original Defendant,

vs.

RONALD H. SPRANKLE,

Additional Defendant.

CIVIL DIVISION - LAW

NO.: 00-1161 CD

Issue No.:

**ACCEPTANCE OF
SERVICE**

Code:

Filed on Behalf of Original Defendant,
Harold D. Rowles

Counsel of Record for This Party:

Bruce E. Rende, Esquire
PA I.D. #52714

ROBB, LEONARD & MULVIHILL
Firm #249
2300 One Mellon Bank Center
Pittsburgh, PA 15219
(412) 281-5431

JURY TRIAL DEMANDED

FILED

MAR 21 2001

William A. Shaw
Prothonotary


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,	)	CIVIL DIVISION - LAW
her husband,)	
	)	NO.: 00-1161 CD
Plaintiffs,)	
)	
vs.)	
)	
HAROLD D. ROWLES)	
)	
Original Defendant,)	
)	
vs.)	
)	
RONALD H. SPRANKLE,)	
)	
Additional Defendant.)	

ACCEPTANCE OF SERVICE

A Writ to Join Additional Defendant is hereby accepted for and on behalf of the
Additional Defendant, Ronald H. Sprankle, by the undersigned, his attorney, R. Thomas Forr, Jr.,
Esquire, 1701 Fifth Avenue, Altoona, Pennsylvania 16602.

Dated: 3-14-01



R. Thomas Forr, Jr., Esquire
Attorney for Additional Defendant, Ronald
H. Sprankle

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ACCEPTANCE OF SERVICE has been forwarded to all counsel of record by U.S. mail, postage prepaid, on the 19 day of March, 2001.

R. Thomas Forr, Jr., Esquire
1701 Fifth Avenue
Altoona, PA 16602



Bruce E. Rende, Esquire

FILED
MAR 21 2001
MAR 21 2001
William A. Shaw
Prothonotary

RECEIVED
MAR 21 2001

RECEIVED
MAR 21 2001

RECEIVED
MAR 21 2001
RECEIVED
MAR 21 2001
RECEIVED
MAR 21 2001

RECEIVED
MAR 21 2001
RECEIVED
MAR 21 2001
RECEIVED
MAR 21 2001
RECEIVED
MAR 21 2001
RECEIVED
MAR 21 2001
RECEIVED
MAR 21 2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Original Defendant,

vs.

RONALD H. SPRANKLE,

Additional Defendant.

CIVIL DIVISION - LAW

NO.: 00-1161 CD

Issue No.:

**COMPLAINT TO JOIN ADDITIONAL
DEFENDANT**

Code:

Filed on Behalf of Original Defendant,
Harold D. Rowles

Counsel of Record for This Party:

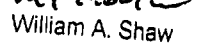
Bruce E. Rende, Esquire
PA I.D. #52714

ROBB LEONARD MULVIHILL
Firm #249
2300 One Mellon Center
Pittsburgh, PA 15219
(412) 281-5431

JURY TRIAL DEMANDED

FILED 

AUG 11 2004


William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,	)	CIVIL DIVISION - LAW
her husband,)	
	)	NO.: 00-1161 CD
Plaintiffs,)	
	)	Issue No.:
vs.)	
)	
HAROLD D. ROWLES,)	
)	
Original Defendant,)	
)	
vs.)	
)	
RONALD H. SPRANKLE,)	
)	
Additional Defendant.)	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.

David C. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641, ext. 5982

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,	)	CIVIL DIVISION - LAW
her husband,)	
	)	NO.: 00-1161 CD
Plaintiffs,)	
	)	Issue No.:
vs.)	
)	
HAROLD D. ROWLES,)	
)	
Original Defendant,)	
)	
vs.)	
)	
RONALD H. SPRANKLE,)	
)	
Additional Defendant.)	

COMPLAINT TO JOIN ADDITIONAL DEFENDANT

AND NOW, comes Defendant, Harold D. Rowles, by and through his attorneys, Robb Leonard Mulvihill and Bruce E. Rende, Esquire, and files the within Complaint to Join Additional Defendant of which the following is a statement:

1. Plaintiffs instituted suit in this matter against Defendant, Harold D. Rowles, alleging various personal injuries and damages arising from the negligence of the original Defendant. (A true and correct copy of Plaintiffs' Complaint is attached hereto as Exhibit "A".)

2. Defendant, Harold D. Rowles, is an adult individual who resides at 803 Daisy Street, Clearfield, Clearfield County, PA 16803.

3. A true and correct copy of Defendant's Answer and New Matter is attached hereto as Exhibit "B".

4. The Additional Defendant, is an adult individual who, at all times material and relevant, resided at 108 Seventh Street, Tyrone, Blair County, PA 16686.

COUNT I

5. Defendant incorporates herein by reference the averments of Paragraphs 1 through 4 above as though are more fully set forth below.

6. Defendant denies that he is in anyway liable for any injuries and/or damages allegedly sustained by the Plaintiffs.

7. If Plaintiffs sustained any injuries and/or damages, which is denied, then same were caused solely and/or exclusively by the negligence, carelessness and recklessness of the Additional Defendant, generally and in the following particulars:

- a. In stopping his vehicle short after proceeding forward;
- b. In being inattentive to the open and obvious conditions which then and there existed;
- c. In failing to operate his vehicle in a safe, proper, prudent and reasonable manner under the circumstances then and there existing;
- d. In failing to keep a proper and adequate lookout for other vehicles lawfully traveling upon the roadway;
- e. In failing to maintain proper and adequate control over his vehicle under the circumstances then and there existing;
- f. In violating the statutes and ordinances of the Commonwealth of Pennsylvania pertaining to the operation of motor vehicles; and
- g. In failing to exercise the requisite due care and caution required under the circumstances then and there existing.

8. Defendant denies that he is anyway liable to the Plaintiffs in any sum, whatsoever, and joins Additional Defendant as an Additional Defendant on the basis that he is alone liable to the Plaintiffs for any injuries and/or damages which may be established at the time of trial. If, however, it is determined that at the time of trial that Defendant is liable to the Plaintiffs, which is denied, then

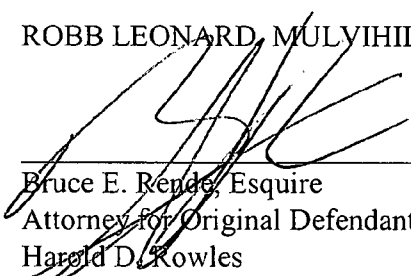
this Defendant seeks to preserve his rights to contribution and/or indemnification over against Additional Defendant for the reasons set forth herein.

WHEREFORE, Additional Defendant, Ronald H. Sprankle, is hereby joined as an Additional Defendant on the basis that he is alone liable to the Plaintiffs or, alternatively, liable over to Defendant for contribution and/or indemnification.

Respectfully submitted,

ROBB LEONARD MULVIHILL

By:



Bruce E. Rende, Esquire
Attorney for Original Defendant,
Harold D. Rowles

AFFIDAVIT

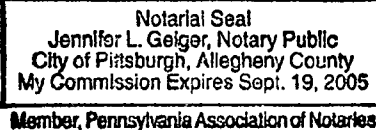
COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY)

BEFORE ME, the undersigned authority, personally appeared BRUCE E. RENDE, ESQUIRE, who, being duly sworn according to law, deposes and says that he is counsel for the Defendant, Harold D. Rowles, in the instant lawsuit; that as such he is authorized to make this Affidavit on his behalf; that the Affidavit of Harold D. Rowles cannot be obtained in time for the filing of this pleading; that the averments of fact contained in the foregoing pleading are based on information received; and that the averments of fact contained therein are true and correct to the best of his knowledge, information and belief.

~~Bruce E. Rende Esquire~~

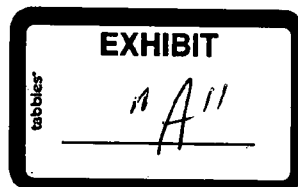
SWORN TO AND SUBSCRIBED
BEFORE ME THIS 9th DAY
OF AUGUST, 2004.

~~Notary Public~~



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO, her husband, :	: COMPLAINT
Plaintiffs	: CIVIL DIVISION - LAW
	:
vs.	: NO. 00-1161 CD
	:
HAROLD D. ROWLES,	: Filed on behalf of:
Defendant	: Nicole Kitko and Chris Kitko,
	: her husband
	:
	: Counsel of Record for this
	: Party:
	:
	: R. Thomas Forr, Jr., Esquire
	: SULLIVAN, FORR, STOKAN & HUFF
	: 1701 Fifth Avenue
	: Altoona, Pa. 16602
	: (814) 946-4316
	:
	: Attorney I.D. 20088



NICOLE KITKO AND CHRIS KITKO,
her husband

Plaintiffs

VS;

HAROLD D. ROWLES,
Defendant

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

: NO. 1161-CD

: JURY TRIAL DEMANDED

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 property or other rights important to you.

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

David C. Meholick, Ct. Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Extension 5982



SULLIVAN, FORR, STOKAN & HUFF
Attorneys at Law
1701 Fifth Avenue
Altoona, PA 16602
(814) 946-4316
State ID No. 20088

NICOLE KITKO and CHRIS KITKO, her
husband,

Plaintiffs

vs.

HAROLD D. ROWLES,

Defendant

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

:

: CIVIL DIVISION - LAW

:

: NO. 1161 CD 2000

:

: JURY TRIAL DEMANDED

COMPLAINT

AND NOW comes the Plaintiffs, NICOLE KITKO and CHRIS KITKO,
her husband, who by and through their attorneys, SULLIVAN, FORR, STOKAN
& HUFF, ESQUIRE, files this, their Complaint whereof the following are more
specific allegations:

1.

The Plaintiffs, NICOLE KITKO and CHRIS KITKO, are adult
individuals, husband and wife, presently residing at 924 Clara Street,
Houtzdale, PA 16651.

2.

The Defendant, HAROLD D, ROWLES, is an adult individual
residing at 803 Daisy Street, Clearfield, Pa. 16830.

3.

That on or about September 18, 1998 at mid to late afternoon
the Plaintiff, NICOLE KITKO was the passenger in the rear seat of a 1993

Chrysler New Yorker driven by Ronald H. Sprankle, who was stopped at a traffic light at the intersection of an exit from K-Mart Plaza onto River Road in Lawrence Township, Clearfield County, Pennsylvania.

4.

That on the aforesaid date and the aforesaid time, the Defendant, HAROLD D. ROWLES, was operating his Pontiac Bonneville in the same direction as travel as the Plaintiff's proceeding toward the stop light.

5.

That on the aforesaid date at the aforesaid time, the Plaintiffs' vehicle was stopped and was awaiting a traffic signal in front of it to turn green, when the vehicle she was within was struck from the rear by the vehicle operated by the Defendant, HAROLD D. ROWLES, who was unable to stop his vehicle in a timely fashion and who impacted the rear end of the vehicle occupied by the Plaintiff causing severe damage to the rear portion of the vehicle.

6.

That the accident was directly and proximately caused by the negligence, carelessness and recklessness of the Defendant, HAROLD D. ROWLES, which is not limited to the following:

a) Operating his motor vehicle at an excessive rate of speed

under the circumstances;

b) Operating his motor vehicle with no warning of approach or intended direction;

c) Not having his motor vehicle under the proper control so as to be able to stop said vehicle within the assured clear distance ahead under Pennsylvania Motor Rule, Motor Vehicle Code, Section 75 Pa. C.S.A., Section 3361;

d) Operating his motor vehicle without due regard for the rights, safety and position of the Plaintiffs;

e) Failing to have his motor vehicle under the proper control so as to prevent his vehicle from striking the Plaintiffs' motor vehicle;

f) Failing to maintain a proper look out;

g) Failing to exercise due care under the circumstances;

h) In failing to notice the motor vehicle the Plaintiff occupied in his lane of travel;

i) In failing to take the necessary evasive action to avoid impact with the rear of the vehicle occupied by the Plaintiff;;

j) In failing to apply his brakes in sufficient time to avoid striking the vehicle occupied by the Plaintiff;

k) In operating his motor vehicle in careless disregard for the

rules of the road and the Commonwealth of Pennsylvania including but not limited to Motor Vehicle Code Section 75 Pa. C. S. A, Section 3310, Section 3361, Section 3362 and Section 3714.

7.

That at all material times hereto the Plaintiff, NICOLE KITKO, acted with due care and was not contributorily nor comparatively negligent with respect to this accident.

COUNT I: NEGLIGENCE

NICOLE KITKO, PLAINTIFF V. HAROLD D. ROWLES, DEFENDANT

8.

The Plaintiff, NICOLE KITKO, incorporates by reference paragraphs 1 through 7 of this Complaint as though each and every one were set more fully at length herein.

9.

As a result of the Defendant's negligence, Plaintiff, NICOLE KITKO, sustained the following injuries, some or all of which may be permanent:

- a) A strain/sprain injury to her neck and cervical region;
- b) Injuries to the thoracic spine;
- c) Radiating pain in right arm and hand;

d) General stiffness and soreness throughout her body.

e) Nervousness, mental anguish and anxiety.

10.

As a result of the Defendant's negligence, Plaintiff has suffered and will continue to suffer great bodily pain and suffering as well as mental anguish, anxiety, embarrassment, humiliation and nervousness to her great detriment and loss.

11.

As a result of Defendants negligence, Plaintiff has been required to undergo treatment and has received numerous examinations and evaluations.

12.

As a result of Defendant's negligence, Plaintiff has suffered interruption of her daily habits, activities and pursuits to her great and permanent detriment and loss, all of which have caused her to lose the enjoyment and pleasures of life.

13.

Plaintiff has incurred and possibly will incur in the future substantial medical expenses and other expenses associated with her

medical treatment.

14.

Plaintiff is entitled to and hereby claims any and all such non-economic damages allowed under Pennsylvania law, and by virtue of her full tort option under the Pennsylvania Motor Vehicle Financial Responsibilities Law.

WHEREFORE, Plaintiff demands judgment against the Defendant in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars plus interest, delay damages and costs, said sum being in excess of the jurisdictional limits of arbitration.

Jury trial demanded.

COUNT II - NEGLIGENCE

CHRIS KITKO, PLAINTIFF V. HAROLD D. ROWLES, DEFENDANT

15.

Plaintiff, CHRIS KITKO, incorporates paragraphs 1 through 14 of this Complaint as if each and every one were set forth more fully at length herein.

16.

That as a result of the Defendant's negligence, the Plaintiff, CHRIS KITKO, has been deprived of the society, companionship,

contributions and consortium of his wife, NICOLE KITKO, to his great detriment and loss.

17.

As a result of Defendant's negligence, Plaintiff, CHRIS KITKO, has incurred and will incur in the future, large medical expenses to treat his wife's injuries.

18.

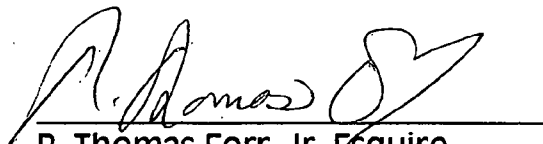
That as a result of Defendant's negligence, Plaintiff, Chris KITKO, has suffered disruption of his daily habits, pursuits and enjoyment of life.

WHEREFORE, Plaintiff demands judgment against the Defendant an the amount in excess of Twenty-five Thousand (\$25,000.00) Dollars plus interest, delay damages and costs, said sum being in excess of the jurisdictional limits of arbitration.

Jury trial demanded.

Respectfully submitted,

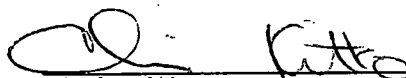
SULLIVAN, FORR, STOKAN & HUFF

A handwritten signature in black ink, appearing to read 'R. Thomas Forr, Jr.', is written over a horizontal line.

R. Thomas Forr, Jr. Esquire
Counsel for Plaintiffs, Nicole Kitko
and Chris Kitko

VERIFICATION

The undersigned avers that the statements of fact set forth and contained in the foregoing **Complaint** are true and correct to the best of his knowledge, information and belief and are made subject to and in recognition of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.


Chris Kitko

DATED: 1-18-01

VERIFICATION

The undersigned avers that the statements of fact set forth and contained in the foregoing **Complaint** are true and correct to the best of her knowledge, information and belief and are made subject to and in recognition of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Nicole Kitko

DATED: 1/18/01

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,
her husband,

Plaintiffs,

vs.

HAROLD D. ROWLES

Original Defendant,

vs.

RONALD H. SPRANKLE,

Additional Defendant.

CIVIL DIVISION - LAW

NO.: 00-1161 CD

Issue No.:

ANSWER AND NEW MATTER

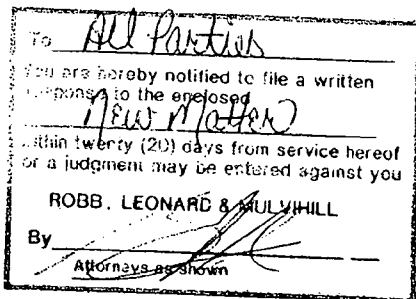
Code:

Filed on Behalf of Original Defendant,
Harold D. Rowles

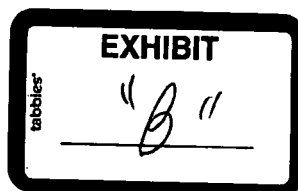
Counsel of Record for This Party:

Bruce E. Rende, Esquire
PA I.D. #52714

ROBB, LEONARD & MULVIHILL
Firm #249
2300 One Mellon Bank Center
Pittsburgh, PA 15219
(412) 281-5431



JURY TRIAL DEMANDED



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NICOLE KITKO and CHRIS KITKO,	)	CIVIL DIVISION - LAW
her husband,)	
	)	NO.: 00-1161 CD
Plaintiffs,)	
)	
vs.)	
)	
HAROLD D. ROWLES)	
)	
Original Defendant,)	
)	
vs.)	
)	
RONALD H. SPRANKLE,)	
)	
Additional Defendant.)	

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, Harold D. Rowles, by and through his attorneys, Robb, Leonard & Mulvihill and Bruce E. Rende, Esquire, and files the within Answer and New Matter, of which the following is a statement:

1. Upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 1. Therefore, same are denied and strict proof thereof is demanded at the time of trial.
2. The averments of paragraph 2 are admitted as stated.
3. The averments of paragraph 3 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 3. Therefore, same are denied and strict proof thereof is demanded at the time of trial.

4. The averments of paragraph 4 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, the averments of paragraph 4 are admitted in part and denied in part. It is admitted that on or about September 18, 1998, Defendant was operating his Chevrolet Lumina at or near the intersection of the exit of the K-Mart Plaza which entered onto River Road in Lawrence Township, Clearfield County, Pennsylvania. As to the remaining averments, upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 4. Therefore, same are denied and strict proof thereof is demanded at the time of trial.

5. The averments of paragraph 5 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, the averments of paragraph 5 are admitted in part and denied in part. It is admitted that on the aforementioned date and at the aforementioned location, Defendant's vehicle did come in contact with the rear of another motor vehicle. As to the remaining averments of paragraph 5, said averments are generally and specifically denied as stated.

6. The averments of paragraph 6 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is denied that the aforementioned incident whereby the Defendant's vehicle came in contact with the rear of another vehicle was caused by the negligence, carelessness and recklessness of the Defendant, generally and in the following particulars:

- a. In operating his motor vehicle at an excessive rate of speed under the circumstances;

- b. In operating his motor vehicle with no warning of approach or intended direction;
- c. In not having his motor vehicle under proper control so as to be able to stop said vehicle within the assured clear distance ahead rule pursuant to 75 Pa.C.S.A. §3361;
- d. In operating his motor vehicle without due regard to the safety and position of the Plaintiffs;
- e. In failing to have his motor vehicle under proper control so as to present his vehicle from striking another motor vehicle;
- f. In failing to maintain a proper lookout;
- g. In failing to exercise due care under the circumstances;
- h. In failing to notice the motor vehicle of the Plaintiffs which was allegedly in his lane of travel;
- i. In failing to take the necessary evasive action to avoid impact with the rear of another motor vehicle;
- j. In failing to apply his brakes in sufficient time to avoid Plaintiffs' motor vehicle which was allegedly stationary;
- k. In operating his motor vehicle in careless disregard for the rules of the road and the Commonwealth of Pennsylvania including but not limited to Motor Vehicle Code 75 Pa.C.S.A. §3310, §3361, §3362 and §3714.

7. The averments of paragraph 7 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, the averments of paragraph 7 are generally and specifically denied.

WHEREFORE, Defendant, Harold D. Rowles, demands judgment in his favor.

COUNT I: NEGLIGENCE
NICOLE KITKO, PLAINTIFF V. HAROLD D. ROWLES, DEFENDANT

8. The averments of paragraphs 1 through 7 above are incorporated herein by reference as though same were more fully set forth below.

9. The averments of paragraph 9 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff sustained any injuries and/or damages including but not limited to those more fully set forth in paragraph 9, subparts (a) through (e), inclusive, of her Complaint.

10. The averments of paragraph 10 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff sustained any injuries and/or damages including but not limited to those more fully set forth in paragraph 10 of her Complaint.

11. The averments of paragraph 11 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff has been required to undergo any medical attention, including but not limited to that more fully set forth in paragraph 11 of her Complaint.

12. The averments of paragraph 12 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff has been forced to alter her lifestyle in any manner or fashion, whatsoever, including but not limited to that manner and fashion more fully set forth in paragraph 12 of her Complaint.

13. The averments of paragraph 13 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 13. Therefore, same are denied and strict proof thereof is demanded at the time of trial.

14. The averments of paragraph 14 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, upon reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 14. Therefore, same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant, Harold D. Rowles, demands judgment in his favor.

COUNT II - NEGLIGENCE
CHRIS KITKO, PLAINTIFF V. HAROLD D. ROWLES, DEFENDANT

15. The averments of paragraphs 1 through 14 above are incorporated herein by reference as though same were more fully set forth below.

16. The averments of paragraph 16 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff, Chris Kitko, has been deprived of the society, companionship, contributions and consortium of his wife, Nicole Kitko, to his great detriment and loss. To the contrary, at the time of the happening of the accident, Nicole Kitko and Chris Kitko were not married and thus Chris Kitko has no standing, whatsoever, to assert the within loss of consortium claim.

17. The averments of paragraph 17 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff has incurred and will incur in the future, large medical expenses to treat his wife's alleged injuries.

18. The averments of paragraph 18 set forth legal conclusions to which no responsive pleading is required. By way of further answer, to the extent that a responsive pleading may be required, it is generally and specifically denied that as a result of the Defendant's negligence, the existence of which negligence is generally and specifically denied, Plaintiff has suffered disruption of his daily habits, pursuits and the enjoyment of his life.

WHEREFORE, Defendant, Harold D. Rowles, demands judgment in his favor.

NEW MATTER

19. The averments of paragraphs 1 through 30 above are incorporated herein by reference as though same were more fully set forth below.

20. Defendant is advised by counsel and therefore avers that some or all of Plaintiffs' expenses for medical treatment and the like and all of Plaintiffs' lost wages incurred as a result of the accident or following the accident are entitled to be paid by an insurance carrier. If any of these expenses and/or wages are permitted to be introduced into evidence as items of damages, and if a verdict is entered in Plaintiffs' favor, Defendant claims a right of setoff against the verdict for an amount equal to those expenses pursuant to and in accordance with the mandates of 75 Pa.C.S.A. §1722.

21. Defendant believes and therefore avers that Plaintiffs' right to bring this lawsuit against the Defendant is barred and/or limited by the so-called "Limited Tort" option of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. §1705, which is applicable to the Plaintiffs.

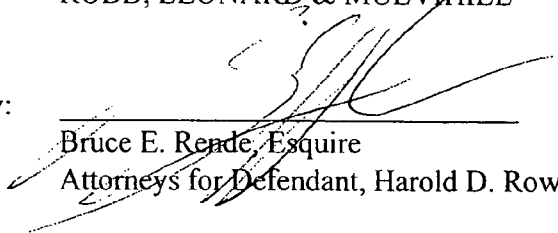
22. Plaintiffs' claims are barred in whole or in part as a result of the Plaintiffs' failure to comply with the applicable statute of limitations provisions.

WHEREFORE, Defendant, Harold D. Rowles, demands judgment in his favor.

Respectfully submitted,

ROBB, LEONARD & MULVIHILL

By:


Bruce E. Rende, Esquire
Attorneys for Defendant, Harold D. Rowles

VERIFICATION

I verify that the statements made herein are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties of 18 Pa. Con. Stat. Ann. §4904 relating to unsworn falsification to authorities.

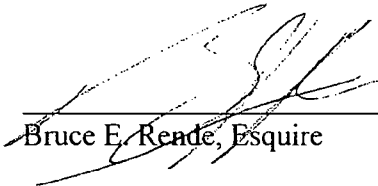
Dated: Feb. 7, 2001

By: Harold D. Rowles
Harold D. Rowles

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ANSWER AND NEW
MATTER has been forwarded to all counsel of record by U.S. mail, postage prepaid, on the 15
day of February, 2001.

R. Thomas Forr, Jr., Esquire
1701 Fifth Avenue
Altoona, PA 16602



Bruce E. Rende, Esquire

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the within COMPLAINT TO
JOIN ADDITIONAL DEFENDANT upon all counsel of record via First Class U.S. Mail, postage
prepaid, on this 9th day of August, 2004:

R. Thomas Forr, Jr., Esquire
Sullivan, Forr, Stokan & Huff
1701 Fifth Avenue
Altoona, PA 16602-2319



Bruce E. Rende, Esquire

FILED

AUG 11 2004

**William A. Smith
Prothonotary/Clerk of Courts**

NICOLE KITKO AND CHRIS
KITKO, her husband
Plaintiffs

VS.

HAROLD D. ROWLES,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA.
:
: NO.00-1161 CD
:
: CIVIL DIVISION - LAW
:
: JURY TRIAL DEMANDED

PRAECIPE TO DISCONTINUE ACTION


TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please mark the above captioned matter settled and
discontinued forever.

Respectfully submitted, -

SULLIVAN, FORR, STOKAN & HUFF

BY:


R. Thomas Forr, Jr.
1701 Fifth Avenue
Altoona, PA 16602
(814) 946-4316
Attorney ID No. 20088
Attorneys for Plaintiffs

DATED: November 9, 2005

FILED

NOV 14 2005

W/ 11.00/12 Fee

William A. Shaw
Prothonotary

*2 cent to HTR w/ chg. of
disc.*

cent of disc. to C/A

FILED

NOV 14 2005

89.
43.00
113. -

William A. Shaw
Prothonotary

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

CIVIL DIVISION

**Nicole Kitko
Chris Kitko**

Vs.

No. 2000-01161-CD

**Harold D. Rowles
Ronald H. Sprankle**

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on November 14, 2005, marked:

Settled and discontinued forever

Record costs in the sum of \$113.00 have been paid in full by Plaintiff Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 14th day of November A.D. 2005.

William A. Shaw, Prothonotary