

00-1246-CJ
DRE JEE ANN MCHENRY -v- DAVID R. CATHCART

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

(23) DEE DEE ANN McHENRY,

PLAINTIFF

VS

(25) DAVID R. CATHCART,

DEFENDANT

NO. 00 - 1246 -CD

TYPE OF CASE: CIVIL

TYPE OF PLEADING:
PRAECIPE FOR WRIT OF
SUMMONS

FILED ON BEHALF OF:
PLAINTIFF

CO-COUNSEL OF RECORD FOR
THIS PARTY:
BENJAMIN S. BLAKLEY, III

SUPREME COURT NO.: 26331

BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE, BOX 6
DU BOIS, PA 15801
(814) 371-2730

RICHARD H. MILGRUB, ESQUIRE

SUPREME COURT NO. 19865

211 NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-1717

FILED
OCT 06 2000
10:20 AM
William A. Shaw
Prothonotary
Rec'd 80
Muhry
WRIT TO SUBG

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

DEE DEE ANN McHENRY

Plaintiff

vs.

DAVID R. CATHCART,

Defendant

No. 00 - 1246 -CD

PRAECIPE FOR WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY:

Please issue a Writ of Summons against the Defendant, DAVID R. CATHCART, Box 358-6

R.D. #2, Reynoldsville, PA 15851, in the above-captioned matter.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY: 

Benjamin S. Blakley, III, Esquire
Co-Attorney for Plaintiff

BY: 

Richard H. Milgrub, Esquire
Co-Attorney for Plaintiff

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

DEE DEE ANN MCHENRY,

Plaintiff

vs.

DAVID R. CATHCART,

Defendant

PRAECIPE FOR WRIT OF SUMMONS

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION

SUMMONS

DEE DEE ANN MCHENRY
Plaintiff(s)

Vs.

No: OO-1246-CD

DAVID R. CATHCART
Defendant(s)

To: DAVID R. CATHCART
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: 10-06-00

William A. Shaw
Prothonotary

Issuing Attorney:
BENJAMIN S. BLAKLEY, III
90 BEAVER DRIVE, BOX 6
DUBOIS, PA 15801

RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

10261

MCHENRY, DEE DEE ANN

00-1246-CD

VS.

CATHCART, DAVID R.

SUMMONS

SHERIFF RETURNS

NOW OCTOBER 6, 2000, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON DAVID R. CATHCART, DEFENDANT.

NOW OCTOBER 12, 2000 SERVED THE WITHIN SUMMONS ON DAVID R. CATHCART, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED MOLLY, WIFE.

Return Costs

Cost	Description
27.88	SHFF. HAWKINS PAID BY: ATTY.
33.64	SHFF. DEMKO PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

OCT 25 2000

**William A. Shaw
Prothonotary**

Sworn to Before Me This

26th 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
by Maury Harris
Chester A. Hawkins
Sheriff**

No. 00-1246-CD

Personally appeared before me, Carl J. Gotwald, Sr., Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on October 12, 2000 at 2:10 o'clock P.M. served the Summons upon DAVID R. CATHCART, Defendant, at his residence, RD#2, Box 358-6, Reynoldsville, Township of Winslow, County of Jefferson, State of Pennsylvania, by handing to Molly, his wife and adult person with whom he resides, a true and attested copy of the Summons and by making known to her the contents thereof.

Advance Costs Received: \$125.00
My Costs: \$ 31.64 Paid
Prothy: \$ 2.00
Total Costs: \$ 33.64
Refunded: \$ 91.36

Sworn and subscribed
to before me this 16th
day of October 2000
By Bruce Brown

**PROTHONOTARY
CLERK OF COURTS**
My Commission Expires
1st Monday of January 2002.
Jefferson County, PA

So Answers,

Carl J. Gotwald Sr. Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

No. 00-1246-C.D.

TYPE OF PLEADING:

**PRAECIPE FOR ENTRY OF
APPEARANCE**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

McQUAIDE, BLASKO, SCHWARTZ,

FLEMING & FAULKNER, INC.

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

NOV 01 2000

11/31/00

WILLIAM A. CATHCART

Prothonotary

no c/c

1206

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

DEEDEE ANN McHENRY,	:	No. 00-1246-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DAVID R. CATHCART,	:	
	:	
Defendant.	:	

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:


Please enter our appearance on behalf of the Defendant, David R. Cathcart, in the above-captioned matter.

We are authorized to accept service on behalf of David R. Cathcart.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: October 31, 2000

By: _____


James M. Horne, Esquire
I.D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.
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CERTIFICATE OF SERVICE

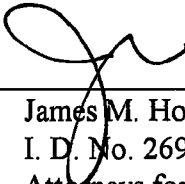
I hereby certify that a true and correct copy of our Praecipe for Entry of Appearance on behalf the Defendant, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 31 day of October, 2000, to the attorney of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801

Richard Milgrub, Esquire
211 North, 2nd Street
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.

:
: TYPE OF PLEADING:
: **PRAECIPE FOR RULE TO FILE**
: **COMPLAINT**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

NOV 01 2000

WILLIAM A. CATHCART
FIDELITY & SECURITY

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

DEEDEE ANN McHENRY,	:	No. 00-1246-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DAVID R. CATHCART,	:	
	:	
Defendant.	:	

PRAECIPE FOR A RULE TO FILE A COMPLAINT

TO THE PROTHONOTARY:

Please issue a Rule on Plaintiffs to file her Complaint within twenty (20) days from service thereof or suffer a judgment of non pros against her.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: October 31, 2000

By: _____

James M. Horne, Esquire

I.D. No. 26908

Attorneys for Defendant

811 University Drive

State College, PA 16801

(814) 238-4926

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

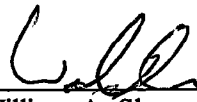
Defendant.

: No. 00-1246-C.D.
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RULE

To: DeeDee Ann McHenry
%Benjamin S. Blakley, III, Esquire
Richard Milgrub, Esquire

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
[SEAL]

Dated: Nov. 1, 2000

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.
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CERTIFICATE OF SERVICE

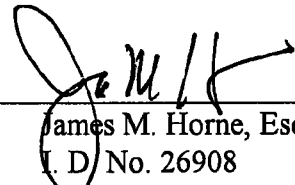
I hereby certify that a true and correct copy of our Praecipe for Rule to File Complaint on behalf the Defendant, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 31 day of October, 2000, to the attorney of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801

Richard Milgrub, Esquire
211 North, 2nd Street
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.

:
: TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

NOV 07 2003

WITNESSES

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

No. 00-1246-C.D.

CERTIFICATE OF SERVICE

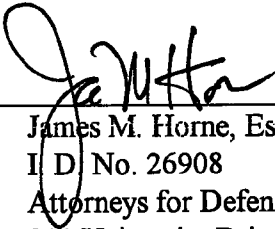
I hereby certify that a true and correct copy of the issued Rule to File Complaint in the above-captioned matter was served via U.S. First Class Mail, postage prepaid, on this 6th day of November 2000, to the attorneys of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801

Richard Milgrub, Esquire
211 North, 2nd Street
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I D No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.

:
: TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

NOV 08 2000

William A. Shaw
Prothonotary

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

No. 00-1246-C.D.

CERTIFICATE OF SERVICE

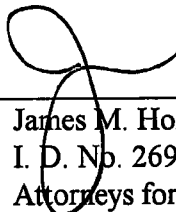
I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents directed to: DuBois Regional Medical Center, Stephen M. Krukk, D.O., DuBois Area School District, and Erie Insurance Companies in the above-captioned matter was served via U.S. First Class Mail, postage prepaid, on this 7th day of November 2000, to the attorneys of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801

Richard Milgrub, Esquire
211 North, 2nd Street
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

NOV 08 2000

M110-20110000
William A. Shatt
Prothonotary

WAS

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.

:
: TYPE OF PLEADING:
: **Certificates of Service**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

NOV 08 2000

William A. Shaw
Prothonotary

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

No. 00-1246-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Interrogatories Propounded by Defendant for Answer By Plaintiff (Set One) and Request for Production (Set One) in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 10 day of November 2000, to the attorneys/parties of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801

Richard Milgrub, Esquire
211 North, 2nd Street
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.
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CERTIFICATE OF SERVICE

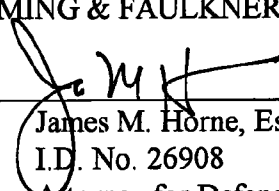
I hereby certify that a true and correct copy of Defendant's Second Request For Production of Documents and Tangible Things Directed to Plaintiff in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 7th day of November, 2000, to the attorney of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801

Richard Milgrub, Esquire
211 North, 2nd Street
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

NOV 08 2000

7/10/13/112<

William A. Shaw

Prothonotary & RJ

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

No. 00-1246-C.D.

TYPE OF PLEADING:
**CERTIFICATE PREREQUISITE
TO SERVICE OF SUBPOENAS**

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

NOV 20 2000
WILLIAM H. HENRY
CLERK

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

No. 00-1246-C.D.

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) Plaintiff's counsel has indicated in writing, by letter dated November 9, 2000, that he has no objection to the subpoenas, and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

MCQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Date: 11-17-00

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

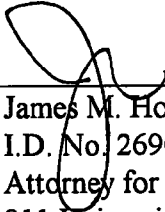
No. 00-1246-C.D.

**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those that are attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoenas. If no objection is made, the subpoenas may be served.

MCQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Date: 11/7/02

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

DEEDEE ANN McHENRY, : No. 00-1246-C.D.
Plaintiff, :
v. : Civil Action
: :
DAVID R. CATHCART, :
Defendant. :

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *DuBois Regional Medical Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records/documents in your possession pertaining to DeeDee Ann McHenry, SS# 194-46-4016, Date of Birth: 1/12/54.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

DEEDEE ANN McHENRY, : No. 00-1246-C.D.
Plaintiff, :
v. : Civil Action
: :
DAVID R. CATHCART, :
Defendant. :

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Stephen M. Kruk, D.O.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records/documents in your possession pertaining to DeeDee Ann McHenry, SS#194-46-4016, Date of Birth: 1/12/54.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

DEEDEE ANN McHENRY,
Plaintiff,

v.

DAVID R. CATHCART,
Defendant.

: No. 00-1246-C.D.

: Civil Action

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *DuBois Area School District*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all personnel/employment or any other records/documents in your possession pertaining to DeeDee Ann McHenry, SS# 194-46-4016, Date of Birth: 1/12/54.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

DEEDEE ANN McHENRY,
Plaintiff,

v.

DAVID R. CATHCART,
Defendant.

No. 00-1246-C.D.

Civil Action

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Erie Insurance Company*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all first party benefits records/documents in your possession pertaining to DeeDee Ann McHenry, SS#194-46-4016, Date of Birth: 1/12/54, Erie Insurance Claim #010110282111.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

DEEDEE ANN McHENRY,	:	No. 00-1246-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DAVID R. CATHCART,	:	
	:	
Defendant.	:	

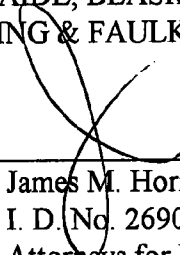
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-captioned matter was served via U.S. First Class Mail, postage prepaid, on this 17th day of November 2000, to the attorneys of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801

Richard Milgrub, Esquire
211 North, 2nd Street
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 
James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

DEE DEE ANN MCHENRY,
Plaintiff

-vs-

DAVID R. CATHCART,
Defendant

*
*
*
*
*
*

No. 00-1246-CD

Type of Action:
Personal Injury

Type of Pleading:
Petition to Withdraw
as Counsel

Filed on Behalf of:
Richard H. Milgrub, Esq.
Benjamin S. Blakley, Esq.

Co-Counsel of Record for
this Party:

Richard H. Milgrub
Attorney at Law
Supreme Court I.D. 19865
211 North Second Street
Clearfield, PA 16830
(814) 765-1717

Benjamin S. Blakley, III
Attorney at Law
Supreme Court I.D. 26331
90 Beaver Drive
Box 6
DuBois, PA 15801
(814) 371-2730

FILED

MAR 30 2001

William A. Shaw
Prothonotary

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

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

DEE DEE ANN MCHENRY,
Plaintiff

-vs-

DAVID R. CATHCART,
Defendant

*
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*
*
*

No. 00-1246-CD

PETITION TO WITHDRAW AS COUNSEL

AND NOW, comes Your Petitioner, Richard H. Milgrub, Esquire, and Benjamin S. Blakley, III, Esquire, attorneys of record for Dee Dee Ann McHenry, who file the following Petition to Withdraw as Counsel:

1. Your Petitioners are the attorneys of record for the above-captioned Plaintiff.
2. On October 6, 2000 a Writ of Summons was filed.
3. The tortfeasor has offered their full policy limits of Fifteen thousand dollars (\$15,000.00).
4. Dee Dee Ann McHenry does have additional underinsurance benefits.
5. Dee Dee Ann McHenry refuses to settle the case and wishes to have the case tried.
6. Defendant, David R. Cathcart, is without assets and only has minimal coverage of Fifteen thousand dollars (\$15,000.00).

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

7. Your Petitioners do not feel that there would be any benefit to filing suit and have advised Plaintiff of such.

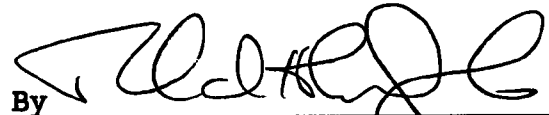
8. Dee Dee Ann McHenry now refuses to accept mail from Your Petitioners.

9. Dee Dee Ann McHenry insists on Your Petitioners to pursue an objective that the attorneys consider repugnant or imprudent.

10. Dee Dee Ann McHenry has made further representation unreasonably difficult.

11. State Farm Insurance will be holding off praeciping to have a Complaint filed until Dee Dee McHenry secures new counsel.

WHEREFORE, Your Petitioners respectfully request that the be permitted to withdraw as counsel.

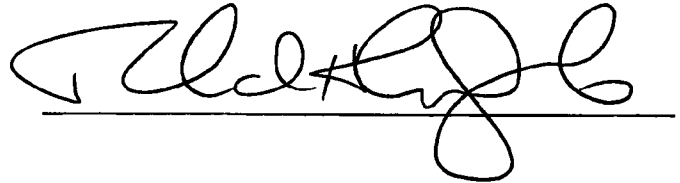
By 
Richard H. Milgrub, Esquire

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

I, Richard H. Milgrub, verify that the statements made in the Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: 3/19/01

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

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

1. 1

1. 1

FILED

MAR 30 2001
01347/cc a/h, mlgrub
William A. Shaw
Prothonotary
~~Shaw~~

RICHARD H. MILGRUB

Attorney & Counselor at Law
211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

DEE DEE ANN MCHENRY,
Plaintiff

-vs-

DAVID R. CATHCART,
Defendant

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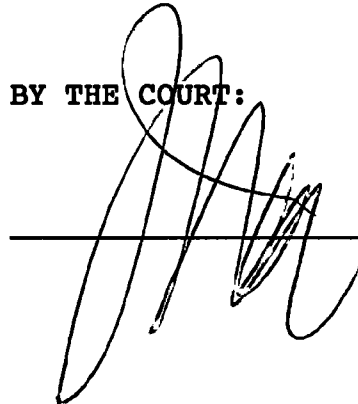
No. 00-1246-CD

RULE

AND NOW, this 2nd day of April, 2001, upon
consideration of Richard H. Milgrub, Esquire and Benjamin S.
Blakley, III, Esquire's Petition to Withdraw as Counsel, it is
hereby ORDERED and DIRECTED that a Rule be issued upon Dee Dee
Ann McHenry to show cause why Richard H. Milgrub, Esquire and
Benjamin S. Blakley, III, Esquire should not be permitted to
withdraw as counsel on her behalf.

Rule returnable by hearing thereon the 1st day of
May, 2001 at 1:30 P.m. in Courtroom
1 of the Clearfield County Courthouse, Clearfield,
Pennsylvania.

BY THE COURT:



Judge

FILED

APR 03 2001

William A. Shaw
Prothonotary

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

APR 03 2001

Office of the
William A. Shaw
Prothonotary
JP

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.

:

: TYPE OF PLEADING:

: **ANSWER TO PETITION TO**

: **WITHDRAW AS COUNSEL**

:

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

: **DEFENDANT**

:

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: McQUAIDE, BLASKO, SCHWARTZ,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX#(814) 238-9624

FILED

APR 18 2001

William A. Shaw
Prothonotary

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

DEEDEE ANN McHENRY,	:	No. 00-1246-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DAVID R. CATHCART,	:	
	:	
Defendant.	:	

**ANSWER OF DEFENDANT TO PETITION TO
WITHDRAW AS COUNSEL**

AND NOW, comes Defendant, David R. Cathcart, by and through his counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and files the within Answer to Petition to Withdraw as Counsel, and in support thereof, avers as follows:

1. Admitted.
2. Admitted.
3. Admitted. It is further averred that said offer of policy limits was in response to Plaintiff's demand for said payment and was accepted on behalf of Plaintiff, as a result of which a release and request for a discontinuance was forwarded to counsel for Plaintiff.
4. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 4. The same are therefore denied and strict proof thereof demanded.
5. Denied as stated. As set forth above, a settlement agreement was reached in this case. Plaintiff has now refused only to execute the written documents intended to memorialize this settlement agreement.

6. It is admitted that the Defendant's insurance policy limits are \$15,000. Defendant neither admits nor denies the balance of the averments of paragraph 6 as Defendant does not know what Plaintiff intends or means by the averments as phrased.

7. Neither admitted nor denied. Defendant is unaware of what Petitioners have told their client.

8. Neither admitted nor denied. Defendant is unaware of whether Plaintiff refuses to accept mail from her attorneys.

9. Neither admitted nor denied. Defendant is unaware of what Plaintiff requests Petitioners to do.

10. Neither admitted nor denied.

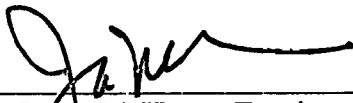
11. Denied as stated. State Farm is not a party to this action. Further, both Defendant and State Farm consider this matter as settled, as an enforceable agreement was reached whereby an offer of policy limits was tendered to Plaintiff and accepted by Plaintiff and/or by those authorized to act on her behalf.

WHEREFORE, Defendant neither opposes nor concurs in the Petition for Leave to Withdraw. Defendant does aver, however, that this matter has been the subject of an enforceable settlement agreement, and nothing in Defendant's response herein should be considered as a waiver of that position.

Respectfully submitted,

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

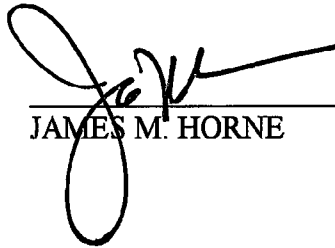
Dated: April 17, 2001

By: 
James M. Horne, Esquire
I/D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

VERIFICATION

James M. Horne, hereby verifies that he is the attorney of record for Defendant, David R. Cathcart, in the foregoing action, and as such, he is authorized to make this verification on his behalf, and that the facts set forth in the foregoing Answer to Petition to Withdraw as Counsel are true and correct to the best of his information, knowledge and belief. This verification is hereby made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



JAMES M. HORNE

Dated: April 17 2001

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

DEEDEE ANN McHENRY,	:	No. 00-1246-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DAVID R. CATHCART,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

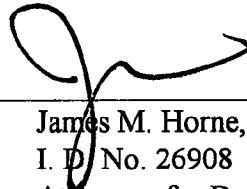
I hereby certify that a true and correct copy of Defendant's Answer to Petition to Withdraw as Counsel in the above-captioned matter was served via U.S. First Class Mail, postage prepaid, on this 12 day of April, 2001, to the attorneys of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801

Richard Milgrub, Esquire
211 North, 2nd Street
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____



James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

APR 18 2001

William A. Shaw
Prothonotary

[Signature]

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

DEE DEE MCHENRY,
Plaintiff

-vs-

DAVID R. CATHCART,
Defendant

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No. 00-1246-CD

Type of Pleading:
Affidavit of Service

Filed on Behalf of:
Plaintiff

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

FILED

APR 18 2001

William A. Shaw
Prothonotary

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

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

DEE DEE MCHENRY,
Plaintiff

-vs-

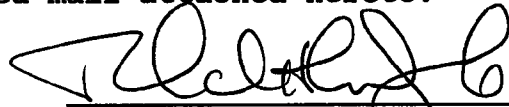
DAVID R. CATHCART,
Defendant

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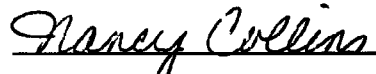
No. 00-1246-CD

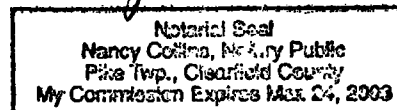
AFFIDAVIT OF SERVICE

Richard H. Milgrub, attorney for the above-named Plaintiff, being duly sworn according to law, deposes and states that Richard H. Milgrub, Esquire and Benjamin S. Blakley, III, Esquire's Petition to Withdraw as Counsel and Rule scheduling hearing thereon for May 1, 2001 at 1:30 p.m. was served upon the Plaintiff, Dee Dee McHenry, by certified mail, return receipt requested on April 12, 2001, at the Defendant's residence of 12750 Equestrian Circle, No. 3007, Fort Myers, Florida 33907, as appears from receipt of certified mail attached hereto.


Richard H. Milgrub

SWORN and SUBSCRIBED to before me this 18 day of April, 2001.


Nancy Collins



Member, Pennsylvania Association of Notaries

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW

211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Dee Dee McHenry
12750 Equestrian Circle
No. 3007
Fort Myers, FL 33907

2. Article Number (Copy from service label)

7000 0600 0023 1112 6038

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Dee Dee McHenry 4/12/07

C. Signature

X Dee Dee McHenry ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
111 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

APR 18 2001

0317110
William A. Shaw
Prothonotary

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

CA

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.


: No. 00-1246-C.D.
:
:
:
:
:
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:

RULE TO SHOW CAUSE

AND NOW, this 20th day of April, 2001, upon
consideration of Defendant's Motion to Mark Action Settled, Discontinued and Ended, with
Prejudice, in the above-referenced matter, a Rule is hereby issued to Show Cause why said
Motion should not be granted.

Rule returnable for argument the 15th day of May, 2001, at
1:30 P.m., in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT



J.

FILED
APR 20 2001
CLEARFIELD COUNTY
PENNSYLVANIA

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.
:
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:
:
:
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ORDER

AND NOW, this ____ day of _____, 2001, upon
consideration of Defendant's Motion to Mark this Action Settled, Discontinued and Ended, With
Prejudice, said Motion is GRANTED. It is further ORDERED that the Prothonotary of
Clearfield County shall mark this action "Discontinued, with Prejudice."

BY THE COURT:

J.

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

: No. 00-1246-C.D.

: TYPE OF PLEADING:

: **MOTION TO MARK ACTION**

: **SETTLED, DISCONTINUED & ENDED**

: **WITH PREJUDICE**

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

: **DEFENDANT**

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: McQUAIDE, BLASKO, SCHWARTZ,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX#(814) 238-9624

FILED

APR 24 2001

William A. Shaw
Prothonotary

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

DEEDEE ANN McHENRY,	:	No. 00-1246-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DAVID R. CATHCART,	:	
	:	
Defendant.	:	

**DEFENDANT'S MOTION TO MARK THIS ACTION
SETTLED, DISCONTINUED & ENDED, WITH PREJUDICE**

AND NOW, comes Defendant, David R. Cathcart, by and through his counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and respectfully moves this Court, to have this action marked "settled, discontinued and ended, with prejudice." In support of this Motion, Defendant avers as follows:

1. Plaintiff initiated this personal injury action by Writ of Summons on October 6, 2000. Thereafter, a Rule to File Complaint was issued on November 1, 2000.
2. Prior to Plaintiff's filing of the Complaint, the parties agreed to settle this matter.
3. Plaintiff made a demand of Defendant's insurance policy limits in the amount of \$15,000.
4. After engaging in discovery, Defendant made an offer of the policy limits to Plaintiff.
5. The parties entered into a verbal agreement whereby Plaintiff accepted Defendant's offer of the policy limits in the amount of \$15,000 to settle this matter. (See copies of correspondence attached hereto as Exhibit A and Exhibit B).

6. Consequently, Defendant forwarded a Release for execution by Plaintiff on December 22, 2000. (See Exhibit A).

7. Plaintiff now refuses to sign said Release.

8. Moreover, it appears that there has been a breakdown in the relationship between Plaintiff and her counsel, as Plaintiff's counsel filed a Petition to Withdraw as counsel in the instant matter on April 6, 2001. (See copy of said Petition attached hereto as Exhibit C). The Rule to show cause with respect to said Petition is returnable at a hearing scheduled for May 1, 2001, at 1:30 p.m. in Courtroom No. 1. (See copy of Rule attached hereto as Exhibit D).

9. Defendant and his insurance carrier have been ready, willing, and able to pay all sums due to Plaintiff as previously agreed by the parties for settlement.

10. However, Plaintiff has refused to sign any releases necessary for the issuance of settlement drafts and has also refused to file a Praeceptum to Discontinue.

11. There is no basis in law or in fact for the refusal of Plaintiff to promptly take all steps necessary for the final resolution of this matter, including the filing of a Praeceptum to Discontinue.

12. Defendant requests that the Rule to show cause pertaining to the instant Motion be returnable on May 1, 2001 at 1:30 p.m., which coincides with the date and time presently scheduled for argument on Plaintiff's counsel's Petition to Withdraw as Counsel.

13. Moreover, Defendant requests that this Honorable Court issue an Order directing the Prothonotary of Clearfield County to mark this action settled, discontinued and ended, with prejudice.

WHEREFORE, Defendant, David R. Cathcart, respectfully requests that this Honorable Court issue an Order directing the Prothonotary of Clearfield County to mark this action discontinued, with prejudice.

Respectfully submitted,

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: April 20, 2001

By: 

James M. Horne, Esquire
I.D. No. 26908
Cheng L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

No. 00-1246-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Motion to Mark Action Settled, Discontinued and Ended, With Prejudice, in the above-captioned matter was served via U.S. First Class Mail, postage prepaid, on this 20th day of April, 2001, to the attorneys of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801

Richard Milgrub, Esquire
211 North, 2nd Street
Clearfield, PA 16830

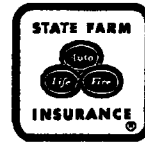
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I. D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

State Farm Insurance Companies



383 Rolling Ridge Drive
State College, PA 16801

December 22, 2000

RICHARD MILGRUB
217 N SECOND ST
CLEARFIELD, PA 16830

RE: Claim Number: 38-J101-758
Date of Loss: October 21, 1998
Our Insured: David R. Cathcart
Your Client: DEEDEE MCHENRY

Dear RICK:

I am writing to confirm our offer to conclude Ms. McHenry 's claim for our policy limits of \$15,000.

If you will have you client sign the release and return with a copy of the discontinuance file in the Clearfield County court I will send you our draft.

If you have any questions concerning this matter please call me.

Sincerely,

HOWARD C. SHAFFER
Claim Specialist
(814) 231-5110

State Farm Mutual Automobile Insurance Company

COPY



State Farm Insurance Companies



383 Rolling Ridge Drive
State College, PA 16801

December 22, 2000

JAMES HORNE
MCQUIADE BLASKO
811 UNIVERSITY DRIVE
STATE COLLEGE, PA 16801

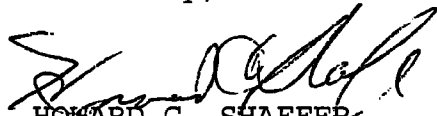
RE: Claim Number: 38-J101-758
Date of Loss: October 21, 1998
Our Insured: David R. Cathcart
Your Client:

Dear JIM:

I have reached a verbal agreement with Rick Milgrub to conclude this claim for \$15,000 our policy limits. He is to send me the release and discontinuance before I will release our draft.

I will let you know when this case has been concluded so you can close your file.

Sincerely,


HOWARD C. SHAFFER
Claim Specialist
(814) 231-5110

State Farm Mutual Automobile Insurance Company



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

DEE DEE ANN MCHENRY,
Plaintiff

-vs-

DAVID R. CATHCART,
Defendant

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No. 00-1246-CD

Type of Action:
Personal Injury

Type of Pleading:
Petition to Withdraw
as Counsel

Filed on Behalf of:
Richard H. Milgrub, Esq.
Benjamin S. Blakley, Esq.

Co-Counsel of Record for
this Party:

Richard H. Milgrub
Attorney at Law
Supreme Court I.D. 19865
211 North Second Street
Clearfield, PA 16830
(814) 765-1717

Benjamin S. Blakley, III
Attorney at Law
Supreme Court I.D. 26331
90 Beaver Drive
Box 6
DuBois, PA 15801
(814) 371-2730

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
11 NORTH SECOND STREET
CLEARFIELD, PA 16830

11 NORTH BRADY STREET
DUBOIS, PA 15801

I hereby certify this to be a true
and correct copy of the original
statement filed in this case.

APR 06 2001

Attest.

William L. Shaw
Prothonotary

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

DEE DEE ANN MCHENRY,
Plaintiff

-vs-

DAVID R. CATHCART,
Defendant

*
*
*
* No. 00-1246-CD
*
*
*

PETITION TO WITHDRAW AS COUNSEL

AND NOW, comes Your Petitioner, Richard H. Milgrub, Esquire, and Benjamin S. Blakley, III, Esquire, attorneys of record for Dee Dee Ann McHenry, who file the following Petition to Withdraw as Counsel:

1. Your Petitioners are the attorneys of record for the above-captioned Plaintiff.
2. On October 6, 2000 a Writ of Summons was filed.
3. The tortfeasor has offered their full policy limits of Fifteen thousand dollars (\$15,000.00).
4. Dee Dee Ann McHenry does have additional underinsurance benefits.
5. Dee Dee Ann McHenry refuses to settle the case and wishes to have the case tried.
6. Defendant, David R. Cathcart, is without assets and only has minimal coverage of Fifteen thousand dollars (\$15,000.00).

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
11 NORTH SECOND STREET
CLEARFIELD, PA 16830

11 NORTH BRADY STREET
DUBOIS, PA 15801

7. Your Petitioners do not feel that there would be any benefit to filing suit and have advised Plaintiff of such.

8. Dee Dee Ann McHenry now refuses to accept mail from Your Petitioners.

9. Dee Dee Ann McHenry insists on Your Petitioners to pursue an objective that the attorneys consider repugnant or imprudent.

10. Dee Dee Ann McHenry has made further representation unreasonably difficult.

11. State Farm Insurance will be holding off praeciping to have a Complaint filed until Dee Dee McHenry secures new counsel.

WHEREFORE, Your Petitioners respectfully request that the be permitted to withdraw as counsel.

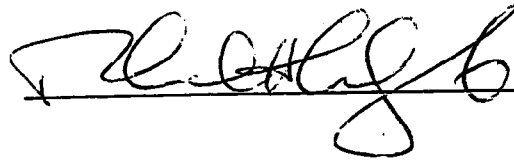
By 
Richard H. Milgrub, Esquire

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
11 NORTH SECOND STREET
CLEARFIELD, PA 16830

11 NORTH BRADY STREET
DUBOIS, PA 15801

I, Richard H. Milgrub, verify that the statements made in the Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: 3/19/01

A handwritten signature in dark ink, appearing to read 'R. H. Milgrub', is written over a horizontal line.

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
11 NORTH SECOND STREET
CLEARFIELD, PA 16830

11 NORTH BRADY STREET
DUBOIS, PA 15801



211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

DEE DEE ANN MCHENRY,
Plaintiff

-vs-

DAVID R. CATHCART,
Defendant

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No. 00-1246-UD

RULE

AND NOW, this 2nd day of April, 2001, upon consideration of Richard H. Milgrub, Esquire and Benjamin S. Blakley, III, Esquire's Petition to Withdraw as Counsel, it is hereby ORDERED and DIRECTED that a Rule be issued upon Dee Dee Ann McHenry to show cause why Richard H. Milgrub, Esquire and Benjamin S. Blakley, III, Esquire should not be permitted to withdraw as counsel on her behalf.

Rule returnable by hearing thereon the 15th day of May, 2001 at 1:30 p.m. in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

/s/JOHN K. REILLY, JR.

Judge

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

11 NORTH BRADY STREET
DUBOIS, PA 15801

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 06 2001

Attest.

William L. Shaw
Prothonotary

RECEIVED

APR 9 2001

McQUAIDE BLASKO

FILED

APR 24 2001

William A. Shaw
Prothonotary

Key

1719.43/120CC

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

DEEDEE ANN McHENRY,

Plaintiff,

v.

DAVID R. CATHCART,

Defendant.

No. 00-1246-C.D.

TYPE OF PLEADING:
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

APR 30 2001

m/8:30/4m
William A. Shaw
Prothonotary

no c/c
[Signature]

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

DEEDEE ANN McHENRY,	:	No. 00-1246-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DAVID R. CATHCART,	:	
	:	
Defendant.	:	

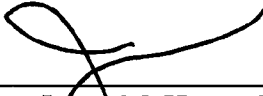
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the issued Rule to Show Cause regarding Defendant's Motion to Mark this Action Settled, Discontinued and Ended, with Prejudice, in the above-captioned matter was served via U.S. First Class Mail, postage prepaid, on this 27th day of April, 2001, to the attorneys of record:

Benjamin S. Blakley, III, Esquire
Blakely & Jones
90 Beaver Drive
Box 6
Dubois, PA 15801
(fax: 375-1082)

Richard Milgrub, Esquire
211 North Second Street
Clearfield, PA 16830
(fax: 765-4410)

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 
James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

Date: 11/03/2000

Clearfield County Court of Common Pleas

NO. 0050640

Time: 09:54 AM

Receipt

Page 1 of 1

Received of: Blakley, Benjamin S. III (attorney for McHenry, De \$ 0.00

Zero and 00/100 Dollars

Case: 2000-01246-CD	Plaintiff: McHenry, Dee Dee Ann	Amount
Writ of Summons		0.00
Paid Prior to FullCourt		
Total:		0.00

Payment Method: Cash

William A. Shaw, Prothonotary/Clerk of Courts

Clerk: OLDCASE

By: _____
Deputy Clerk

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

DEE DEE ANN MCHENRY,
Plaintiff

vs.

DAVID R. CATHCART,
Defendant

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*
*
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*

No. 00-1246-CD

Type of Case:
Civil

Type of Pleading:
Order

Filed on Behalf of:
Plaintiff

Counsel of Record for This
Party:
Benjamin S. Blakley, III, Esq.

Supreme Court No:
26331

Blakley, Jones & Mohnney
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 371-2730

FILED

MAY 03 2001

William A. Shaw
Prothonotary

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

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

DEE DEE ANN MCHENRY,
Plaintiff

vs.

DAVID R. CATHCART,
Defendant

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No. 00-1246-CD

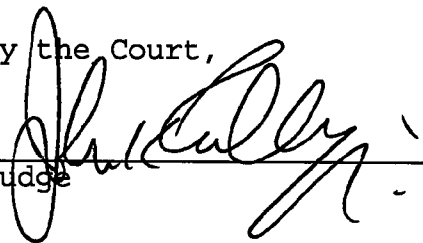
ORDER

AND NOW, this first day of May, 2001, upon consideration of the Petition of RICHARD H. MILGRUB AND BENJAMIN S. BLAKLEY, III, to withdraw as Counsel for Plaintiff, DEE DEE ANN MCHENRY, in the above-captioned matter, it is the Order of this Court that Defendant is ordered to deliver two drafts and/or checks to RICHARD H. MILGRUB, ESQUIRE, and BENJAMIN S. BLAKLEY, III, ESQUIRE, the first in the amount of \$9,368.96, and made payable to DEE DEE ANN MCHENRY representing the net settlement proceeds in the above-captioned matter and the second made payable to RICHARD H. MILGRUB, ESQUIRE and BENJAMIN S. BLAKLEY, III, ESQUIRE, in the amount of \$5,631.04 representing fees and costs pursuant to the contingency fee agreement of October 19, 1999. It is the further Order of this Court that said Petition to Withdraw as counsel is granted. Upon receipt of the proceeds of settlement, the case will be marked settled, discontinued, and ended.

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
111 NORTH BRADY STREET
DUBOIS, PA 15801

By the Court,

Judge



Barcode Only

38-J101-758

RELEASE

For the Sole Consideration of

Fifteen Thousand 00/100 ^(15,000) Dollars,

the receipt and sufficiency whereof is hereby acknowledged, the undersigned hereby releases and forever discharges

David R Cathcart

his heirs, executors, administrators, agents and assigns and all other persons, firms or corporations liable or, who might be claimed to be liable, none of whom admit any liability to the undersigned but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, and particularly on account of all injuries, known and unknown, both to person and property, which have resulted or may in the future develop from an accident

which occurred on or about the 21st day of October, (year) 1998

at or near 208 Dixon Ave, Dubois, LA

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, their heirs, executors, agents and assigns.

Undersigned hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid accident.

Undersigned hereby accepts draft or drafts as final payment of the consideration set forth above.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or a statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

In Witness Whereof,

_____ have hereunto set _____ hand(s) and seal(s) this _____ day of 4-21-, (year) 2001
In presence of:

(Witness) Signed X David R. Cathcart

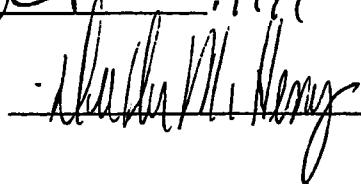
12250 Equestrian Circle, Ft. Myers Signed X David R. Cathcart
(Address) FL 33907

CONTINGENCY FEE AGREEMENT

The undersigned hereby constitutes BENJAMIN S. BLAKLEY, III, ESQUIRE, of the Bar of Clearfield County, Pennsylvania, as lawful Attorney to conduct all negotiations, make settlements, receive payments, institute actions at law in the appropriate Court and in an ethical manner to recover damages or injury to the person or persons for the undersigned from such persons as may be liable therefore resulting from or incidental to an accident that occurred on 10/21/98

It is understood that all costs and expenses shall be paid by the undersigned, excepting time and expense of investigation and incidental office expenses, and that the said Attorney shall be entitled to receive as fees Thirty-three and One Third percent (33-1/3%) of the gross sum or sums of such damages secured as a result of the efforts of the Attorney, either by institution of legal action or by settlement. 25% if not trial or no litigation commenced

Executed in duplicate, of which one (1) copy has been received this 19 day of October, 1999



BLAKLEY & JONES

BY 

Benjamin S. Blakley, III,
Esquire

**COSTS EXPENDED BY BLAKLEY, JONES & MOHNEY
ON BEHALF OF DEE DEE ANN MCHENRY**

<u>DATE</u>	<u>TO WHOM PAID</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1999			
10/13/99	DRMC	DR. KRUK MEDICAL RECORDS	\$ 37.49
10/15/99	DRMC	HOSPITAL MEDICAL RECORDS	\$24.55
10/29/99	LIBERTY MEDICAL ASSOCIATES	OFFICE NOTES	\$19.00
6/20/99	DR. ROSCOE	MEDICAL REPORT	\$250.00
9/21/99	SANDY TOWNSHIP POLICE DEPARTMENT	ACCIDENT REPORT	\$ 10.00
2000			
10/6/00	WILLIAM SHAW, PROTHONOTARY	FILING COMPLAINT	\$ 80.00
10/6/00	SHERIFF OF CLEARFIELD COUNTY	SERVICE OF COMPLAINT	\$ 75.00
10/6/00	SHERIFF OF CLEARFIELD COUNTY	SURCHARGE .	\$ 10.00
10/6/00	SHERIFF OF JEFFERSON COUNTY	DEPUTIZED SERVICE	\$ 125.00
TOTAL			\$631.04

FILED

MAY 03 2001

0105819cc atty Milgrub
William A. Shaw
Prothonotary
EWS

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

23 DEE DEE ANN McHENRY,

PLAINTIFF

VS

24 DAVID R. CATHCART,

DEFENDANT

: NO. 00 - 1246 -CD

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING:
: PRAECIPE

: FILED ON BEHALF OF:
: PLAINTIFF

: CO-COUNSEL OF RECORD FOR
: THIS PARTY:
: RICHARD H. MILGRUB,
: ESQUIRE
: SUPREME COURT NO. 19865
: 211 NORTH SECOND STREET
: CLEARFIELD, PA 16830
: (814) 765-1717

: BENJAMIN S. BLAKLEY, III
: SUPREME COURT NO.: 26331
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

JUN 15 2001

William A. Shaw
Prothonotary

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

DEE DEE ANN McHENRY

Plaintiff

vs.

DAVID R. CATHCART,

Defendant

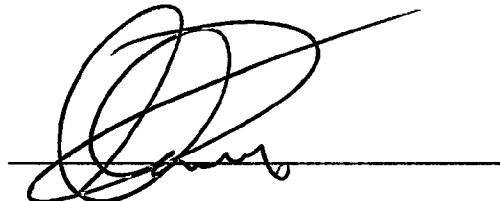
No. 00 - 1246 -CD

PRAECIPE TO SETTLE DISCONTINUE AND END

TO WILLIAM A. SHAW, PROTHONOTARY:

Please mark the above matter settled, discontinued and ended upon payment of record costs.

BY:

A handwritten signature in black ink, appearing to read 'Benjamin S. Blakley, III', is written over a horizontal line.

Benjamin S. Blakley, III, Esquire
Co-Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 00-1246-C.D.

DEE DEE ANN MCHENRY,

Plaintiff

vs.

DAVID R. CATHCART,

Defendant

PRAECIPE TO SETTLE, DISCONTINUE
AND END

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

200
C11146-001. Att
Cert of Disc. to
Attg, C/A

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Dee Dee Ann McHenry

Vs.

David R. Cathcart

No. 2000-01246-CD

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 June 15, 2001 marked:

Settled, Discontinued and Ended

Record costs in the sum of \$151.52 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of June A.D. 2001.

William A. Shaw, Prothonotary