

00-1314-
JOEL F. HARRIS et al -vs- BRIAN DUNGEY

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

64 JOEL F. HARRIS and
45 GERALD STOTTISH, individuals,

Plaintiffs

vs.

13 BRIAN DUNGEY, an individual,

Defendant

CIVIL DIVISION

No. , 2000 C.D. 00-1314 CO

Type of Pleading:
Complaint

Filed on Behalf of:
Plaintiffs, Joel F. Harris and
Gerald Stottish

Counsel of Record for these Parties:

Querino R. Torretti, Esquire
Pa. I.D. No. 23996
600 East Main Street
P.O. Box 218
Reynoldsville, PA 15851
814-653-2243

George D. Kulakowski, Esquire
Pa. I.D. No. 35439
220 West Mahoning Street
Punxsutawney, PA 15767
814-938-8306

JURY TRIAL DEMANDED

FILED

OCT 24 2000

William A. Shaw
Prothonotary

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

JOEL F. HARRIS and
GERALD STOTTISH, individuals, : CIVIL DIVISION

Plaintiffs : No. , 2000 C.D.

vs. :
BRIAN DUNGEY, an individual, :
Defendant :
:

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 Plaintiffs. You may lose money or property or other rights important to you.

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

**KEYSTONE LEGAL SERVICES, INC.
211 ½ EAST LOCUST STREET
CLEARFIELD, PA 16830
814-765-9646**

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

Joel F. Harris and :
Gerald Stottish, individuals, :
Plaintiffs : No. C.D. 2000
vs. :
/ :
Brian Dungey, an individual, :
Defendant :

AND NOW, come the Plaintiffs, JOEL F. HARRIS and GERALD STOTTISH, by and through their attorneys, QUERINO R. TORRETTI and GEORGE D. KULAKOWSKI , and bring this Complaint of which the following is a concise statement:

GENERAL ALLEGATIONS AS TO ALL COUNTS

1. The Plaintiff, JOEL F. HARRIS, is an adult individual who resides at R.D. 1, Point View, Reynoldsville, Jefferson County, Pennsylvania, 15851.
2. The Plaintiff, GERALD STOTTISH, is an adult individual who resides at 318 Osborn Avenue, Falls Creek, Clearfield County, Pennsylvania, 15840.
3. The Defendant, BRIAN DUNGEY, is an adult individual who resides at 328 Olive Avenue, DuBois, Clearfield County, Pennsylvania, 15801.
4. That at all times material to this Complaint, the Defendant, BRIAN DUNGEY, was the operator of a Ford pick-up 4x4 truck.

5. That at all times relevant to this Complaint, the Plaintiff, JOEL F. HARRIS, was the owner/operator of a 1998 Oldsmobile Bravada

6. That at all times relevant to this Complaint, the Plaintiff, GERALD STOTTISH, was a passenger in the 1998 Oldsmobile Bravada.

7. On or about March 6, 1999 at approximately 10:00 a.m. o'clock, Plaintiff, JOEL F. HARRIS, was operating the Bravada in a northerly direction on SR 219, in the city of DuBois, Clearfield County, Pennsylvania. He was stopped at a traffic signal at the intersection of SR 219 and Beaver Drive.

8. On March 6, 1999, the Plaintiff, GERALD STOTTISH, was a passenger in the Bravada above described.

9. At the same time and place, the Defendant, BRIAN DUNGEY, was operating a Ford pick-up, also in a northerly direction, on SR 219 directly behind the Plaintiff Joel Harris' Bravada.

10. At that time and place the Defendant, BRIAN DUNGEY, failed to bring his vehicle to a stop and impacted with the rear of the subject Bravada.

11. The foregoing collision and all of the injuries and damages set forth herein and sustained by the Plaintiffs are the direct and proximate result of the carelessness, recklessness, and negligence of the defendant, BRIAN DUNGEY.

12. Upon impact, the Plaintiff JOEL F. HARRIS, was violently whipped within the vehicle. Plaintiff JOEL F. HARRIS was wearing a seatbelt and shoulder harness over his left shoulder and across his body.

13. Upon impact, the Plaintiff GERALD STOTTISH, was violently whipped within the vehicle. Plaintiff, GERALD STOTTISH, was wearing a seatbelt and shoulder harness over his right shoulder and across his body.

14. The collision was solely, jointly and/or severally, due to the carelessness, recklessness, and negligence of the Defendant BRIAN DUNGEY, in that he:

- a) Operated his vehicle in an inattentive manner;
- b) failed to pay proper attention to the operation of his vehicle in disregard to the position and safety of others;
- c) operated his vehicle in disregard to the position and safety of others;
- d) operated his vehicle at a speed greater than reasonable and prudent under the conditions and having no regard to the actual or potential hazards then existing of which he was aware or should have been aware;
- e) operated his vehicle at a speed greater than would permit him to stop within the assured clear distance ahead;

- f) failed to observe the traffic rules and regulations of the Commonwealth of Pennsylvania, including but not limited to: 75 Pa.C.S.A., Section 3310 Following too closely; 75 Pa.C.S.A., Section 3312 Traffic control devices; 75 Pa. C.S.A., Section 3361 Driving vehicle at safe speed; 75 Pa.C.S.A., Section 3714 Careless driving; and 75 Pa. C.S.A., Section 3736 Reckless driving.

COUNT I – PLAINTIFF HARRIS’ DAMAGES

15. Paragraphs One (1) through Fourteen (14) are hereby incorporated by reference as though set forth in full.

16. As a result of this collision Plaintiff, JOEL F. HARRIS, suffered various injuries, including but not limited to: small central herniated disc C5-C6; annular bulge T3-T4; sprain/strain cervical and upper thoracic spine; and pain and spasm in the cervical spine radiating into the trapezius and scapula area.

17. As a result of said injuries the Plaintiff, JOEL F. HARRIS, has suffered emotional and physical suffering and agony and will continue to suffer the same indefinitely into the future.

18. As a result of said injuries the Plaintiff, JOEL F. HARRIS, has incurred various expenses and bills for necessary and reasonable medical services and treatments in an effort to care for and alleviate his injuries.

19. As a result of said injuries Plaintiff, JOEL F. HARRIS, will incur, indefinitely into the future, expenses and bills for necessary and reasonable medical services and treatments in an effort to care for and alleviate his injuries.

20. Because of said injuries the Plaintiff, JOEL F. HARRIS, has been prevented from attending to his usual duties and vocation, all to his great damage and loss and will continue to be so limited indefinitely into the future.

21. Because of said injuries the Plaintiff's general health, strength, and vitality has been impaired and diminished and will continue to be so indefinitely into the future and his ability to enjoy and live a full and beneficial life has been impaired and diminished and will continue to be so indefinitely into the future.

22. As a result of the injuries he suffered and as a result of the need to seek medical care and treatment for the injuries he suffered which were caused by the

Defendant, Plaintiff, JOEL F. HARRIS, has suffered an uncompensated loss of income and will continue to suffer an uncompensated loss of income indefinitely into the future.

23. As a result of the injuries he suffered the Plaintiff has suffered and continues to make a diminution of his earning power and capacity.

WHEREFORE, plaintiff, JOEL F. HARRIS, prays for a judgment against the Defendant, BRIAN DUNGEY, in an amount exceeding Twenty-Five Thousand (\$25,000.00) Dollars and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

COUNT II – PLAINTIFF STOTTISH’S DAMAGES

25. Paragraphs One (1) through Fourteen (14) are hereby incorporated by reference as though set forth in full.

26. As a result of this collision, Plaintiff, GERALD STOTTISH, suffered various injuries, including but not limited to: impingement syndrome with tendonitis plus partial tear of supraspinatus tendon of his right shoulder, whiplash, and soft tissue injury.

27. As a result of said injuries the Plaintiff, GERALD STOTTISH, has suffered emotional and physical suffering and agony and will continue to suffer the same indefinitely into the future.

28. As a result of said injuries the Plaintiff, GERALD STOTTISH, has incurred various expenses and bills for necessary and reasonable medical services and treatments in an effort to care for and alleviate his injuries.

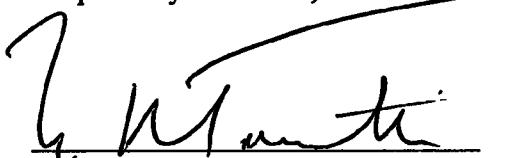
29. As a result of said injuries Plaintiff, GERALD STOTTISH, will incur, indefinitely into the future, expenses and bills for necessary and reasonable medical services and treatments in an effort to care for and alleviate his injuries.

30. Because of said injuries the Plaintiff, GERALD STOTTISH, has been prevented from attending to his usual duties and vocation, all to his great damage and loss and will continue to be so limited indefinitely into the future.

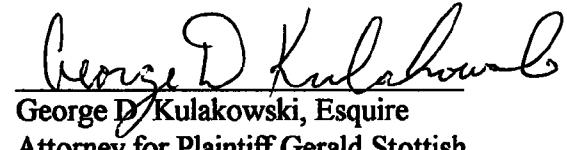
31. Because of said injuries the Plaintiff's general health, strength, and vitality has been impaired and diminished and will continue to be so indefinitely into the future and his ability to enjoy and live a full and beneficial life has been impaired and diminished and will continue to be so indefinitely into the future.

WHEREFORE, Plaintiff, GERALD STOTTISH, prays for a judgment against the Defendant, BRIAN DUNGEY, in an amount exceeding Twenty-Five Thousand (\$25,000.00) Dollars and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

Respectfully submitted,



Querino R. Torretti, Esquire
Attorney for Plaintiff Joel F. Harris



George D. Kulakowski, Esquire
Attorney for Plaintiff Gerald Stottish

COMMONWEALTH OF PENNSYLVANIA:
: SS
COUNTY OF JEFFERSON

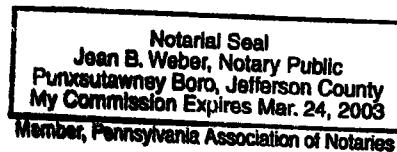
JOEL F. HARRIS, being duly sworn according to law deposes and says
the facts set forth in the foregoing Complaint are true and correct to the best of his
knowledge, information, and belief.



Joel F. Harris

Sworn to and subscribed

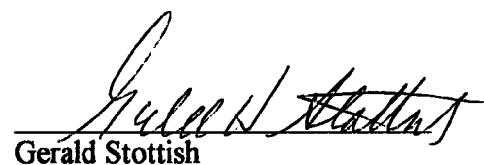
Before me this 21st day of
October, 2000.
Jean B. Weber



COMMONWEALTH OF PENNSYLVANIA:

: SS
COUNTY OF JEFFERSON

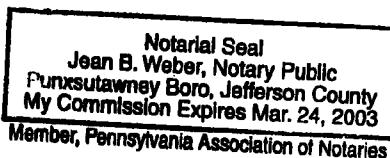
GERALD STOTTISH, being duly sworn according to law deposes and says that
the facts set forth in the foregoing Complaint are true and correct to the best of his
knowledge, information, and belief.



Gerald Stottish

Sworn to and subscribed

Before me this 21st day of
October, 2000.
Jean B. Weber



Oct 24 2000
\$2,1300 att. Kulakowski
William A. Shaw
Prothonotary

pd \$80.00

cc Sherry

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10340

HARRIS, JOEL F. and GERALD STOTTISH

00-1314-CD

VS.
DUNGEY, BRIAN

COMPLAINT

SHERIFF RETURNS

**NOW OCTOBER 30, 2000 AT 1:12 PM EST SERVED THE WITHIN COMPLAINT ON
BRIAN DUNGEY, DEFENDANT AT RESIDENCE, 328 OLIVE AVE., DUBOIS,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CHARMAINE DUNGEY,
MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE
KNOWN TO HER THE CONTENTS THEREOF.**

SERVED BY: COUDRIET

Return Costs

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

NOV 03 2000

W/

Sworn to Before Me This

30 Day Of November 2000

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

So Answers,

*Chester Hawkins
by Marilyn Harris*
Chester A. Hawkins
Sheriff

EAS

JOEL F. HARRIS and
GERALD STOTTISH, individuals,
Plaintiffs

vs.

BRIAN DUNGEY, an individual,
DEFENDANT

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

: No. 00-1314 C.D.

ENTRY OF APPEARANCE

: Counsel of Record for Filing Party:

: DENNIS M. McGLYNN, ESQUIRE
: R. THOMAS STRAYER LAW OFFICES
: P.O. Box 5500
: Johnstown, PA 15904
: (814) 262-0812

: Supreme Court I.D. No. 19855

FILED

NOV 13 2000

William A. Shaw
Prothonotary

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

JOEL F. HARRIS and :
GERALD STOTTISH, individuals, :
Plaintiffs :
vs. : No. 00-1314 C.D.
: :
BRIAN DUNGEY, an individual, :
Defendant :
:

ENTRY OF APPEARANCE

Enter my appearance for Defendant, Brian Dungey, in the above captioned case. Papers may be served at the address stated below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in the above captioned case.

We certify that this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties herein.

Dated: November 9, 2000



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANT
P.O. Box 5500
Johnstown, PA 15904
I.D. No. 19855

cc: Querino R. Torretti, Esquire
George D. Kulakowski, Esquire

FILED

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William A. Shar
Prothonotary
120

JOEL F. HARRIS and
GERALD STOTTISH, individuals,
Plaintiffs

vs.

BRIAN DUNGEY, an individual,
DEFENDANT

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

: No. 00-1314 C.D.

: DEFENDANT'S ANSWER AND
NEW MATTER

: Counsel of Record for Filing Party:

: DENNIS M. McGLYNN, ESQUIRE
: R. THOMAS STRAYER LAW OFFICES
: P.O. Box 5500
: Johnstown, PA 15904
: (814) 262-0812

: Supreme Court I.D. No. 19855

FILED

NOV 17 2000

WILLIAM A. STRAYER
Pittsburgh, PA

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

JOEL F. HARRIS and
GERALD STOTTISH, individuals,
Plaintiffs

vs.

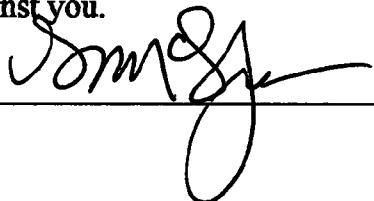
BRIAN DUNGEY, an individual,
Defendant

No. 00-1314 C.D.

ANSWER AND NEW MATTER

TO THE WITHIN NAMED PARTIES:

You are hereby notified to plead to the enclosed New Matter within twenty (20) days from the date of service hereof or default judgment will be entered against you.



Counsel of record for filing party:

DENNIS M. McGLYNN, ESQUIRE
969 Eisenhower Boulevard
P.O. Box 5500
Johnstown, PA 15904
(814) 262-0812
I.D. No. 19855

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

JOEL F. HARRIS and :
GERALD STOTTISH, individuals, :
Plaintiffs :
vs. : No. 00-1314 C.D.
BRIAN DUNGEY, an individual, :
Defendant :
:

DEFENDANT'S ANSWER AND NEW MATTER

AND NOW comes the Defendant, Brian Dungey, by and through his attorney Dennis M. McGlynn, Esquire, and files the following Answer and New Matter to Plaintiffs' Complaint:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted in part and denied in part. It is admitted that Plaintiff Joel F. Harris was operating his vehicle in a northerly direction as indicated. However, he was not entirely stopped at the time of this minor impact.

8. Admitted.

9. Admitted.

10. Admitted. It is admitted that the Defendant Brian Dungey was unable to bring his vehicle to a complete stop due to snow covered roadways, but that the impact with the rear of the Plaintiff's Bravada was of an extremely minor nature and, in fact, caused no damage to the Defendant's vehicle and very minor damage to the Plaintiff's vehicle.

11. Denied. It is specifically denied the Defendant was careless, reckless, or negligent in any fashion pursuant to PA R.C.P. 1029 (e). As to the remainder of the allegation, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

12. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

13. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

14. It is specifically denied the Defendant was careless, reckless, or negligent in any fashion. Further, as to a) through f), these specific averments are denied generally pursuant to PA R.C.P. 1029(e).

COUNT I

15. Admitted in part and denied in part. See prior answers.

16. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

17. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

18. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

19. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

20. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

21. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

22. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

23. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

WHEREFORE, Defendant Brian Dungey prays for judgment on his behalf.

COUNT II

25. Admitted in part and denied in part. See prior answers.

26. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

27. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

28. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

29. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

30. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

31. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

WHEREFORE, Defendant Brian Dungey prays for judgment on his behalf.

NEW MATTER

By way of further answer, Defendant avers as follows:

32. The accident described in Plaintiffs' Complaint occurred on March 6, 1999, which date was subsequent to the effective date of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 PA. C.S., Chapter 17.

33. The Defendant pleads the said PA Motor Vehicle Financial Responsibility Act as a defense to the extent that said Act limits and controls Plaintiffs' right to recover damages in this action.

WHEREFORE, Defendant Brian Dungey prays for judgment on his behalf.

Respectfully submitted,


DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANT
I.D. No. 19855

VERIFICATION

I, Brian Dungey, hereby swear or affirm that the facts set forth in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 PA C.S., Section 4904 relating to unsworn falsification to authorities.

Brian E. Dungey

Date 11-13-00

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

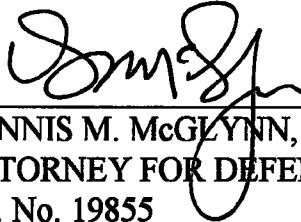
JOEL F. HARRIS and :
GERALD STOTTISH, individuals, :
Plaintiffs :
vs. : No. 00-1314 C.D.
BRIAN DUNGEY, an individual, :
Defendant :
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Answer and New Matter on behalf of Defendant, Brian Dungey, was forwarded on the 16th day of November, 2000, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

George D. Kulakowski, Esquire
220 West Mahoning St.
Punxsutawney, PA 15767

Querino R. Torretti, Esquire
P.O. Box 218
Reynoldsville, PA 15851



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANT
I.D. No. 19855

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

JOEL F. HARRIS, and
GERALD STOTTISH, individuals,

Plaintiff

vs.

BRIAN DUNGEY, an individual
Defendant

:

:

: CIVIL DIVISION

:

: No. 00-1314 C. D.

:

: JURY TRIAL DEMANDED

:

: Type of Pleading: Notice Of

: Service Of Interrogatories

: and Request For Production

: Of Documents

:

: Filed on Behalf of:

: Plaintiff, Joel F. Harris

:

:

: Counsel of Record for this

: Party:

:

: Querino R. Torretti, Esquire

: Supreme Court I.D. No. 23996

: 600 East Main Street

: P.O. Box 218

: Reynoldsville, PA 15851

: (814) 653-2243

REC'D

NOV 21 2000

WILLIAM A. COTTERY
CLERK'S OFFICE

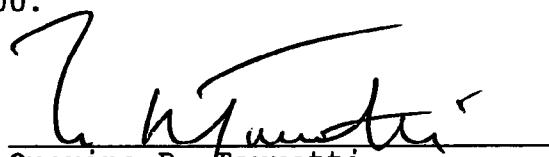
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JOEL F. HARRIS, and :
GERALD STOTTISH, individuals, :
Plaintiff : CIVIL DIVISION
vs. :
BRIAN DUNGEY, an individual :
Defendant : No. 00-1314 C. D.

NOTICE OF SERVICE OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS

To: Ginny Ishman, PROTHONOTARY

PLEASE TAKE NOTICE that the Plaintiffs, Joel Harris, has served Interrogatories and Request For Production Of Documents on Defendant, Brian Dungey, by mailing the same to his attorney, Dennis M. McGlynn, Attorney at Law, R. Thomas Strayer Law Offices, 969 Eisenhower Boulevard, Suite E, PO Box 5500, Johnstown, PA 15904, via first-class mail, postage pre-paid on this, the 30th day of November, 2000.



Querino R. Torretti,
Attorney for Plaintiff, Joel
F. Harris

JOEL F. HARRIS and
GERALD STOTTISH, individuals,
Plaintiffs

vs.

BRIAN DUNGEY, an individual,
DEFENDANT

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

:

: No. 00-1314 C.D.

:

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: **NOTICE OF SERVICE OF
INTERROGATORIES/REQUEST
FOR PRODUCTION OF DOCUMENTS**

:

: Counsel of Record for Filing Party:

:

: DENNIS M. McGLYNN, ESQUIRE
: R. THOMAS STRAYER LAW OFFICES
: P.O. Box 5500
: Johnstown, PA 15904
: (814) 262-0812

:

: Supreme Court I.D. No. 19855

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FILED

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William A. Shaw
Prothonotary

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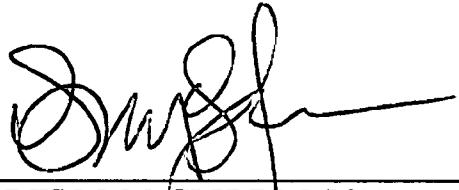
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
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CIVIL DIVISION

JOEL F. HARRIS and :
GERALD STOTTISH, individuals, :
Plaintiffs :
vs. : No. 00-1314 C.D.
BRIAN DUNGEY, an individual, :
Defendant :
:

NOTICE OF SERVICE OF INTERROGATORIES/
REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Prothonotary, Clearfield County

Defendant, Brian Dungey, by his attorney, Dennis M. McGlynn, Esquire, hereby notifies the Court that Interrogatories/Request for Production of Documents have been served upon the Plaintiff, Joel F. Harris, by mailing an original and one copy of same to his counsel, Querino R. Torretti, Esquire, at P.O. Box 218, Reynoldsville, PA 15851 on this 28th day of November, 2000.



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANT
I.D. No. 19855

JOEL F. HARRIS and
GERALD STOTTISH, individuals,
Plaintiffs

vs.

BRIAN DUNGEY, an individual,
DEFENDANT

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

:

:

: No. 00-1314 C.D.

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: **NOTICE OF SERVICE OF
INTERROGATORIES/REQUEST
FOR PRODUCTION OF DOCUMENTS**

:

: Counsel of Record for Filing Party:

:

: DENNIS M. McGLYNN, ESQUIRE
: R. THOMAS STRAYER LAW OFFICES
: P.O. Box 5500
: Johnstown, PA 15904
: (814) 262-0812

:

: Supreme Court I.D. No. 19855

:

FILED

NOV 30 2000

William A. Shaw
Prothonotary

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

JOEL F. HARRIS and :
GERALD STOTTISH, individuals, :
Plaintiffs :
vs. : No. 00-1314 C.D.
BRIAN DUNGEY, an individual, :
Defendant :
:

NOTICE OF SERVICE OF INTERROGATORIES/
REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Prothonotary, Clearfield County

Defendant, Brian Dungey, by his attorney, Dennis M. McGlynn, Esquire, hereby notifies the Court that Interrogatories/Request for Production of Documents have been served upon the Plaintiff, Gerald Stottish, by mailing an original and one copy of same to his counsel, George Kulakowski, Esquire, at 220 West Mahoning Street, Punxsutawney, PA 15767 on this 28th day of November, 2000.



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANT
I.D. No. 19855

NOV 13 2000
R. J. B. H. C.
William A. Shaw
Prothonotary

JK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOEL F. HARRIS and
GERALD STOFFISH, individuals,

Plaintiffs

vs.

No. 00-1314 CD

BRIAN DUNGEY, an individual,

Defendant

WITHDRAWAL OF APPEARANCE

Please withdraw my appearance for defendant in the above matter.



Dennis M. McGlynn, Esquire

ENTRY OF APPEARANCE

Please enter my appearance for defendant in the above matter.



Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
(814) 262-0064
ID 27638

FILED

JAN 02 2001

William A. Shaw
Prothonotary

FILED

JAN 02 2001
M. L. AND CO.
William A. Shaw
Prothonotary
FBI

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOEL F. HARRIS and
GERALD STOFFISH, individuals,

Plaintiffs

vs.

No. 00-1314 CD

BRIAN DUNGEY, an individual,

Defendants

MOTION TO COMPEL

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID27638

FILED

FEB 20 2001

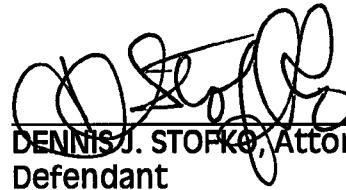
William A. Shaw
Prothonotary

MOTION TO COMPEL

NOW COMES the Defendant by and through counsel, Dennis J. Stofko and files the following Motion to Compel.

1. Plaintiff initiated the above cause of action as a result of an accident occurring on March 6, 1999.
2. On November 28, 2000 Defendant served interrogatories and a request for production of documents on plaintiffs' counsel with the notice to answer within 30 days.
3. By letter dated January 10, 2001 counsel inquired as to the status of the discovery.
4. To date no response has been received.
5. The discovery requested is necessary and relevant with regard to claims being asserted by the plaintiffs to the within cause of action and are reasonable in scope.
6. Defendant is entitled to an order compelling Plaintiffs to respond to the interrogatories and request for production pursuant to Rule 4019 of the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Defendant requests that this Court compel Plaintiffs to answer said discovery as requested or to suffer such sanctions as the Court shall impose.



DENNIS J. STOFKO, Attorney for
Defendant

FILED

FEB 20 2001

Maile O'Donnell
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOEL F. HARRIS and
GERALD STOFFISH, individuals,

Plaintiffs

vs.

No. 00-1314 CD

BRIAN DUNGEY, an individual,

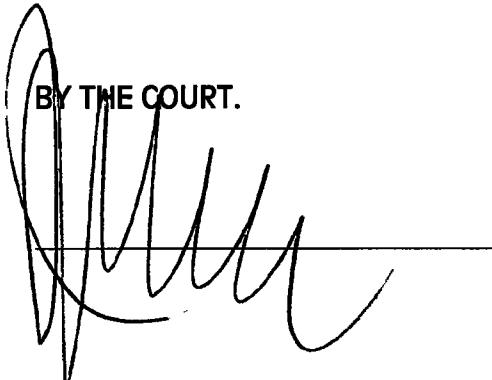
Defendant

ORDER

AND NOW this 23rd day of February 2001 upon consideration of the
foregoing Motion to Compel,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that the Plaintiffs shall have
twenty (20) days from the date of this order to respond to said interrogatories
and request for production or suffer those sanctions deemed appropriate by the
Court.

BY THE COURT.



FILED

FEB 23 2001

William A. Shaw
Prothonotary

FILE
FO
FEB 23 1981
William A. Shew
FBI - BOSTON
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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JOEL F. HARRIS, and
GERALD STOTTISH, individuals,

Plaintiff

vs.

BRIAN DUNGEY, an individual
Defendant

:
: CIVIL DIVISION
:
: No. 00-1314 C. D.
:
: JURY TRIAL DEMANDED
:
: Type of Pleading: Notice Of
: Service Of Interrogatories/
: Request For Production Of
: Documents
:
: Filed on Behalf of:
: Plaintiff, Joel F. Harris
:
:
:
: Counsel of Record for this
: Party:
:
: Querino R. Torretti, Esquire
: Supreme Court I.D. No. 23996
: 600 East Main Street
: P.O. Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED

MAR 15 2001

William A. Shaw
Prothonotary

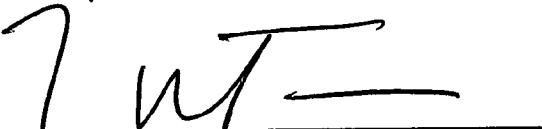
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JOEL F. HARRIS, and :
GERALD STOTTISH, individuals, :
Plaintiff : CIVIL DIVISION
: No. 00-1314 C. D.
vs. :
BRIAN DUNGEY, an individual, :
Defendant :
:

Notice Of Service Of Answers To Interrogatories/
Request For Production Of Documents

To: WILLIAM SHAW, PROTHONOTARY

PLEASE TAKE NOTICE that the Plaintiff, Joel F. Harris, has served Answers To Interrogatories/Request For Production Of Documents on Defendant, Brian Dungey, by mailing the same to his attorney, Dennis M. McGlynn, Esquire, Attorney at Law, R. Thomas Strayer Law Offices, 969 Eisenhower Boulevard, Suite E, Johnstown, PA 15904, and on Plaintiff Gerald Stottish, by mailing the same to his attorney, George D. Kulakowski, 220 West Mahoning Street, Punxsutawney, AP 15767, via first-class mail, postage pre-paid on this, the 14th day of March, 2001.



Quekino R. Torretti, Esq.
Attorney for Plaintiff, Joel F. Harris

RECEIVED
MAY 15 2001

Q 101000
William A. Shaw
Prothonotary

WAS

JOEL F. HARRIS and
GERALD STOTTISH, individuals,

PLAINTIFFS

vs.

BRIAN DUNGEY, an individual,

DEFENDANTS

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

: CIVIL DIVISION

: NO. 00-1314 CD

DEFENDANT'S MOTION TO COMPEL

NOW comes Defendant, by undersigned counsel, and files the following Motion to Compel.

1. The present matter relates to a minor two-vehicle rear-end accident which occurred on March 6, 1999.
2. On February 25, 2002, counsel for Defendant served upon both counsel for Plaintiffs very specific authorizations seeking either execution and return thereof by Plaintiffs or the production of copies of the underlying materials themselves (see Exhibit A).
3. As no authorizations and/or records were received by defense counsel within thirty days, a follow-up request was sent to counsel for Plaintiffs on April 8, 2002 (see Exhibit B).
4. As of this date, Plaintiffs have yet to respond to the requests of February 25, 2002, and until such time as Defendant is in receipt of the requested materials, he will not be in a position to meaningfully defend against the pending claims.

FILED

MAY 06 2002
M11341ncc
William A. Shaw Esq.
Prothonotary *JK21*

WHEREFORE, Defendant prays for the entry of an Order compelling Plaintiffs to fully respond to the outstanding Discovery Requests of February 25, 2002 within thirty (30) days.



ANDREW L. HORVATH,
ATTORNEY FOR DEFENDANT

JOEL F. HARRIS and
GERALD STOTTISH, individuals,

PLAINTIFFS

vs.

BRIAN DUNGEY, an individual,

DEFENDANTS

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

: CIVIL DIVISION

: NO. 00-1314 CD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 3rd day of May, 2002, Defendant's Motion to Compel, was forwarded by U.S. Mail, postage prepaid, to counsel of record, addressed as follows:

Querino R. Torretti, Esquire
600 East Main Street
P.O. Box 218
Reynoldsville, PA 15851

George D. Kulakowski, Esquire
220 West Mahoning Street
Punxsutawney, PA 15767

Dated: May 3, 2002


ANDREW L. HORVATH,
ATTORNEY FOR DEFENDANT

JOEL F. HARRIS and
GERALD STOTTISH, individuals,

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

PLAINTIFFS

CIVIL DIVISION

vs.

NO. 00-1314 CD

BRIAN DUNGEY, an individual,

DEFENDANTS

ORDER

AND NOW, this 7 day of May, 2002, upon

consideration of the foregoing Motion to Compel, it is hereby ordered that

Plaintiffs shall either obtain and produce copies of requested records or complete and return authorizations to allow Defendant to obtain said records as requested on February 25, 2002 within thirty (30) days.

BY THE COURT:

BY THE COURT:

FILED

MAY 07 2002

012:1412cc atty Haugh
William A. Shaw
Prothonotary

JOEL F. HARRIS and
GERALD STOTTISH, individuals,
PLAINTIFFS
vs.
BRIAN DUNGEY, an individual,
DEFENDANTS

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL DIVISION
: NO. 00-1314 CD

CERTIFICATE OF READINESS

Filed on behalf of: Defendant, Brian Dungey.

1. Type of case: Simple Complex Companion Case
2. Type of Trial: Jury Nonjury Arbitration
3. Estimated Trial Time: 2 day(s) ___ hours ___ minutes

Estimated Arbitration Time: ___ day(s) ___ hours ___ minutes

4. Trial Counsel: Plaintiffs: Querino R. Torretti, Esquire
600 East Main Street
P.O. Box 218
Reynoldsville, PA 15851
Counsel for Plaintiff Joel Harris

George D. Kulakowski, Esquire
220 West Mahoning Street
Punxsutawney, PA 15767
Counsel for Plaintiff Gerald Stottish

Defendant: Andrew L. Horvath, Esquire
Stofko Law Offices
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

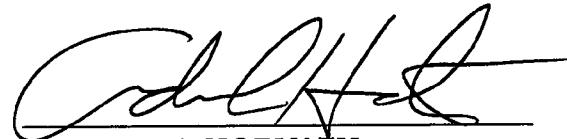
01/17/00

Sherry
1/17/00

I certify on behalf of Defendant, Brian Dungey, that the pleadings are complete, that all preliminary motions have been resolved, that all discovery has been completed, and that the case is in all respects ready for trial except:

a) motions in limine **X**; b) expert depositions **X**.

Dated: November 26, 2002



ANDREW L.HORVATH,
ATTORNEY FOR DEFENDANT

JOEL F. HARRIS and
GERALD STOTTISH, individuals,

PLAINTIFFS

vs.

BRIAN DUNGEY, an individual,

DEFENDANTS

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

: CIVIL DIVISION

: NO. 00-1314 CD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 26th day of November, 2002, Defendant's Certificate of Readiness, was forwarded by U.S. Mail, postage prepaid, to counsel of record, addressed as follows:

Querino R. Torretti, Esquire
600 East Main Street
P.O. Box 218
Reynoldsville, PA 15851

George D. Kulakowski, Esquire
220 West Mahoning Street
Punxsutawney, PA 15767

Dated: November 26, 2002



ANDREW L. HORVATH,
ATTORNEY FOR DEFENDANT

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

JOEL F. HARRIS and *
GERALD STOTISH, individuals, *
Plaintiffs *
*
vs. * NO. 2000-1314-C.D.
*
BRIAN DUNGEY, an individual, *
Defendant *

O R D E R

NOW, this 17th day of January, 2003, upon the request of counsel for Plaintiff Joel F. Harris, it is the ORDER of this Court that the matter be and is hereby continued. The Court Administrator is directed to place the matter on the Civil Call List for the Spring, 2003 Term of Court.

By the Court,



JUDGE FREDRIC J. AMMERMAN

FILED

JAN 20 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 20 2003

0/11:30 (w)

William A. Shaw
Prothonotary/Clerk of Courts



- ✓ 2 certified copies to Querino R. Torretti, Esquire
- ✓ 2 certified copies to Christopher Mohney, Esquire *for Scottish*
- ✓ 2 certified copies to Andrew L. Horvath, Esquire
- 1 copy to Judge Ammerman
- 1 copy to Court Administrator

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

JOEL F. HARRIS and : NO. 2000-1314 C.D.
GERALD STOTISH, individuals, : TYPE OF CASE: CIVIL
:
PLAINTIFFS : TYPE OF PLEADING: PRAECIPE
VS. : FOR WITHDRAWAL AND
: ENTRY OF APPEARANCE
:
BRIAN DUNGEY, an individual, : FILED ON BEHALF OF:
:
DEFENDANT : PLAINTIFF GERALD STOTISH
:
: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY,
: ESQUIRE
:
: SUPREME COURT NO.: 63494
:
: 90 Beaver Drive, Suite 201A
: DuBois, PA 15801
: (814) 375-1044

11/3/2000

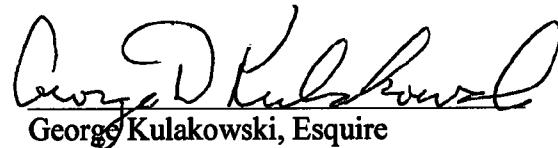
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11/3/2000

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

JOEL F. HARRIS and	:	NO. 2000-1314 C.D.
GERALD STOTISH, individuals,	:	TYPE OF CASE: CIVIL
PLAINTIFFS	:	TYPE OF PLEADING: PRAECIPE
VS.	:	FOR WITHDRAWAL AND
BRIAN DUNGEY, an individual,	:	ENTRY OF APPEARANCE
DEFENDANT	:	

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

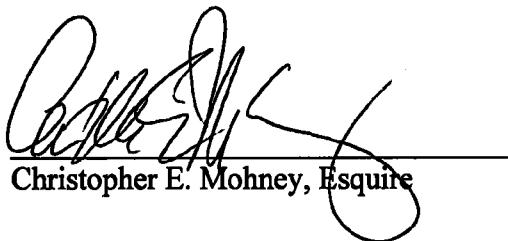
Kindly withdraw my appearance on behalf of Plaintiff Gerald Stotish in the above captioned matter.



George Kulakowski, Esquire

PRAECIPE FOR ENTRY OF APPEARANCE

Kindly enter my appearance on behalf of Plaintiff Gerald Stotish in the above captioned matter.



Christopher E. Mohney, Esquire

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

JOEL F. HARRIS, an individual:
and GERALD STOTTISH, an :
individual : No. 00-1314-CD
VS. :
BRIAN DUNGEY, an individual :

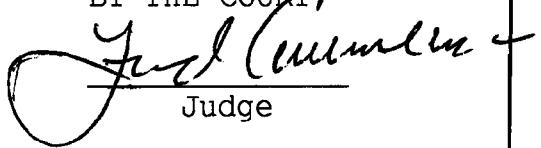
ORDER

NOW, this 28th day of March, 2003; the Court having received from Counsel of Record in this matter a facsimile copy of a stipulation to list the above captioned civil matter for compulsory arbitration; the Court noting that all counsel involved in this action at present have mutually agreed to said stipulation which is acknowledged by their signature on said stipulation; the Court further noting that the original stipulation is expected to be filed of record on or before April 1, 2003, it is the ORDER of this Court that this matter shall be stricken from the Civil Call of the list scheduled for Tuesday, April 1, 2003, at 10:00 A.M. in Court Room No. 1 of the Clearfield County Courthouse and that the Court Administrator's Office list the matter for arbitration consistent with the Court's schedule for compulsory arbitration.

FILED

APR 03 2003

William A. Shaw
Prothonotary

BY THE COURT,

Judge

FILED

1cc Atts: Tonetti

04/20/04

APR 03 2003

6
FBI

Hornash

Stofko

William A. Shaw
Prothonotary

• Mar 28 2003 03:00p

FROM

814-653-8319

P.3

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

JOEL F. HARRIS, an individual, :
and Gerald Stottish, an
individual

Plaintiffs : CIVIL DIVISION
: No. 2000-1314 C. D.
:
:
:
vs. : Type of Pleading:
BRIAN DUNGEY, an individual : Stipulation
Defendant : Filed on Behalf of:
: Plaintiff, Joel F. Harris
:
:
: Counsel of Record for this
: Party:
:
: Querino R. Torretti, Esquire
: Supreme Court I.D. No. 23996
: 600 East Main Street
: P.O. Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FROM : CHRIS MOHNEY

FAX NO. : 814 375 1088

Mar. 28 2003 11:09AM P3

MAR. 27, 2003 11:02AM

FAX NO. : 814 375 1088

Mar. 26 2003 10:50AM P3

FROM : CHRIS MOHNEY

Mar 26 03 09:04P PAM

814-683-8219

P.4

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

JOEL F. HARRIS, an individual,
and Gerald Stottish, an
individual

Plaintiff

CIVIL DIVISION

No. 2000-1314 C. D.

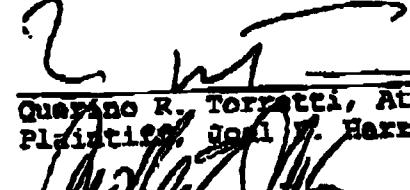
vs.

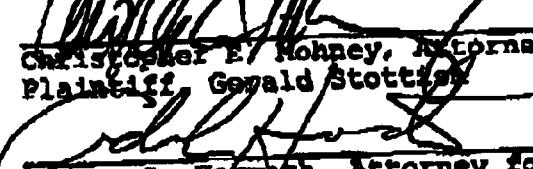
BRIAN DUNGEY, an individual
Defendant

STIPULATION

The parties hereto, by and through their attorneys hereby
stipulate and agree as follows:

1. That the above-indicated case be removed from the Civil
Trial List and
2. That the above-indicated case be placed on the
Compulsory Arbitration List.


Quasiano R. Torretti, Attorney for
Plaintiff, Joel F. Harris


Christopher E. Mohney, Attorney for
Plaintiff, Gerald Stottish


Andrew L. Horvath, Attorney for
Defendant, Brian Dungey

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

JOEL F. HARRIS, an individual, :
and Gerald Stottish, an :
individual :
Plaintiffs : CIVIL DIVISION
: :
: No. 2000-1314 C. D.
: :
: :
: :
: vs. : Type of Pleading:
: : Stipulation
: :
: : Filed on Behalf of:
: : Plaintiff, Joel F. Harris
: :
: :
: :
: : Counsel of Record for this
: : Party:
: :
: : Querino R. Torretti, Esquire
: : Supreme Court I.D. No. 23996
: : 600 East Main Street
: : P.O. Box 218
: : Reynoldsville, PA 15851
: : (814) 653-2243

FILED
01/11/03 B7 pg 20.00
APR 09 2003 No cc
Copy to CA

William A. Shaw
Prothonotary

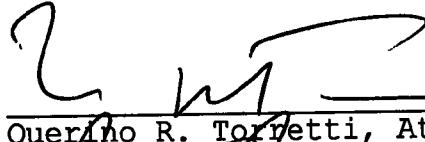
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JOEL F. HARRIS, an individual, :
and Gerald Stottish, an :
individual :
Plaintiff : CIVIL DIVISION
: :
: No. 2000-1314 C. D.
: :
: :
: :
vs. :
: :
BRIAN DUNGEY, an individual :
Defendant :
:

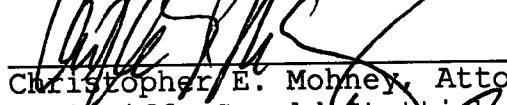
STIPULATION

The parties hereto, by and through their attorneys hereby stipulate and agree as follows:

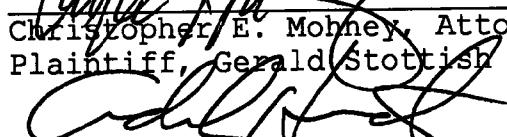
1. That the above-indicated case be removed from the Civil Trial List and
2. That the above-indicated case be placed on the Compulsory Arbitration List.



Querino R. Torretti, Attorney for
Plaintiff, Joe F. Harris



Christopher E. Mohney, Attorney for
Plaintiff, Gerald Stottish



Andrew L. Horvath, Attorney for
Defendant, Brian Dungey

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Joel F. Harris
Gerald Stottish
vs.
Brian Dungey

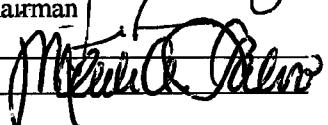
No. 2000-01314-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 18th day of August, 2003, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

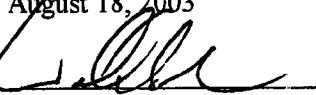
Carl A. Belin, Jr., Esq.

Chairman



J. Richard Lhota, Esq.
Mark A. Falvo, Esq.

Sworn to and subscribed before me this
August 18, 2003

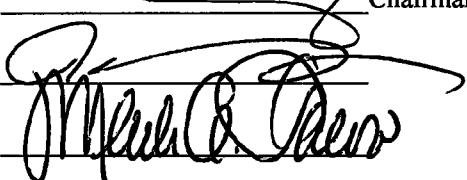

Prothonotary

AWARD OF ARBITRATORS

Now, this 19th day of August, 2003 we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

Verdicts for Plaintiffs as follows:
for Gerald Stottish \$ 6,000.00
for Joel F. Harris \$ 10,000.00

Chairman



(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 19 day of August, 2003, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

Prothonotary

By _____



Joel F. Harris
Gerald Stottish

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2000-01314-CD

Brian Dungey

NOTICE OF AWARD

TO: QUERINO R. TORRETTI

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on August 19, 2003 and have awarded:

Verdicts for Plaintiffs as follows: for Gerald Stottish \$6,000.00, for Joel F. Harris \$10,000.00.

William A. Shaw
Prothonotary
By _____

August 19, 2003

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Joel F. Harris
Gerald Stottish

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2000-01314-CD

Brian Dungey

NOTICE OF AWARD

TO: DENNIS J. STOKFO

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on August 19, 2003 and have awarded:

Verdicts for Plaintiffs as follows: for Gerald Stottish \$6,000.00, for Joel F. Harris \$10,000.00.

William A. Shaw

Prothonotary

By _____

August 19, 2003

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Joel F. Harris
Gerald Stottish

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

No. 2000-01314-CD

Brian Dungey

NOTICE OF AWARD

TO: GERALD STOTTISH

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on August 19, 2003 and have awarded:

Verdicts for Plaintiffs as follows: for Gerald Stottish \$6,000.00, for Joel F. Harris \$10,000.00.

William A. Shaw

Prothonotary

By _____

August 19, 2003

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Joel F. Harris
Gerald Stottish

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2000-01314-CD

Brian Dungey

NOTICE OF AWARD

TO: JOEL F. HARRIS

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on August 19, 2003 and have awarded:

Verdicts for Plaintiffs as follows: for Gerald Stottish \$6,000.00, for Joel F. Harris \$10,000.00.

William A. Shaw

Prothonotary

By _____

August 19, 2003

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Joel F. Harris
Gerald Stottish

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2000-01314-CD

Brian Dungey

NOTICE OF AWARD

TO: BRIAN DUNGEY

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on August 19, 2003 and have awarded:

Verdicts for Plaintiffs as follows: for Gerald Stottish \$6,000.00, for Joel F. Harris \$10,000.00.

William A. Shaw

Prothonotary

By _____

August 19, 2003

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Joel F. Harris
Gerald Stottish

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2000-01314-CD

Brian Dungey

NOTICE OF AWARD

TO: CHRISTOPHER E. MOHNEY

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on August 19, 2003 and have awarded:

Verdicts for Plaintiffs as follows: for Gerald Stottish \$6,000.00, for Joel F. Harris \$10,000.00.

William A. Shaw

Prothonotary

By _____

August 19, 2003

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

JOEL F. HARRIS and
GERALD STOTISH, individuals, : NO. 2000-1314 C.D.
PLAINTIFFS : TYPE OF CASE: CIVIL
VS. : TYPE OF PLEADING: MOTION
BRIAN DUNGEY, an individual, : TO QUASH APPEAL FROM
DEFENDANT : AWARD OF ARBITRATORS
: FILED ON BEHALF OF:
: PLAINTIFFS
: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY,
: ESQUIRE
: ATTORNEY FOR GERALD
: STOTISH
: SUPREME COURT NO.: 63494
: 90 Beaver Drive, Suite 201A
: DuBois, PA 15801
: (814) 375-1044
: QUERINO R. TORRETTI, ESQ.
: ATTORNEY FOR JOEL F.
: HARRIS
: SUPREME COURT NO.: ~~23976~~
: 600 East Main Street
: Reynoldsville, PA 15851

FILED

OCT 17 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

JOEL F. HARRIS and	:	NO. 2000-1314 C.D.
GERALD STOTISH, individuals,	:	TYPE OF CASE: CIVIL
PLAINTIFFS		
VS.	:	
BRIAN DUNGEY, an individual,	:	
DEFENDANT		

ORDER

AND NOW, this 21st day of October, 2003, upon consideration of Plaintiffs' Motion to Quash Appeal from Award of Arbitrators, a hearing is set for the 26 day of November, 2003, at 10:30 o'clock A.M., in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

BY THE COURT,



Honorable Frederic J. Ammerman

FILED

OCT 21 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED
Oct 21 2003
Amy Mahoney
William A. Shaw
Prothonotary/Clerk of Courts

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

JOEL F. HARRIS and	:	NO. 2000-1314 C.D.
GERALD STOTISH, individuals,	:	TYPE OF CASE: CIVIL
	:	
PLAINTIFFS	:	
	:	
VS.	:	
	:	
BRIAN DUNGEY, an individual,	:	
	:	
DEFENDANT	:	

**MOTION TO QUASH APPEAL FROM
AWARD OF ARBITRATORS**

AND NOW, comes Plaintiffs, ***JOEL F. HARRIS***, by his attorney, ***QUERINO R. TORRETTI, ESQUIRE***, and ***GERALD STOTISH***, by his attorney, ***CHRISTOPHER E. MOHNEY, ESQUIRE***, and files the following Motion to Quash Appeal From Award of Arbitrators and avers as follows:

1. A compulsory arbitration was held on August 19, 2003, the result of which Plaintiff Harris was awarded Ten Thousand Dollars (\$10,000.00), and Plaintiff Stotish Six Thousand Dollars (\$6,000.00).
2. Under cover letter dated September 12, 2003, counsel for the Defendant forwarded to the Clearfield County Prothonotary a cover letter introducing a Notice of Appeal from Award of Board of Arbitrators.
3. Defendant's Notice of Appeal is not timely filed, in that it does not follow the dictates of Clearfield County Local Rule 1308 governing appeals from arbitration.

4. Attached as Exhibit "A" is copy of Clearfield County Local Rule 1308 governing appeals from arbitration.

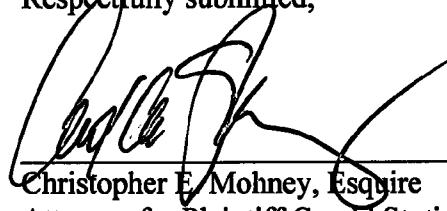
5. Defense has not complied with Clearfield County Local Rule 1308, specifically, Defendant has failed to file the necessary Affidavit; Defendant has failed to file the necessary recognizance bond with sufficient surety; and Defendant has failed to pay all record costs accrued to the time of taking the appeal.

6. The dictates of Clearfield County Local Rule 1308 are not optional.

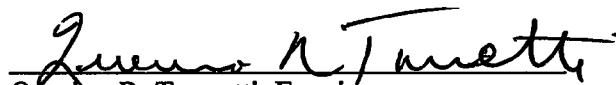
7. Since Defendant has failed to comply with all of the requirements of Clearfield County Local Rule 1308 necessary to perfect an appeal from the arbitration, in a timely manner, it is respectfully submitted that Defendant's appeal is untimely, and thus should be quashed.

WHEREFORE, Plaintiffs **JOEL F. HARRIS and GERALD STOTISH** pray this Honorable Court to quash Defendant **BRIAN DUNGEY**'s appeal from arbitration, and reinstate the award of arbitrators as a Final Order.

Respectfully submitted,



Christopher E. Mohney, Esquire
Attorney for Plaintiff Gerald Stotish



Querino R. Torretti, Esquire
Attorney for Plaintiff Joel F. Harris

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

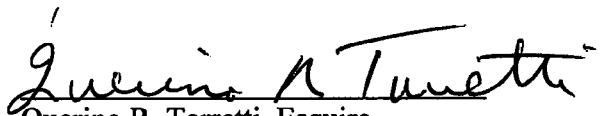
JOEL F. HARRIS and	:	NO. 2000-1314 C.D.
GERALD STOTISH, individuals,	:	TYPE OF CASE: CIVIL
PLAINTIFFS		
VS.	:	
BRIAN DUNGEY, an individual,	:	
DEFENDANT		

CERTIFICATE OF SERVICE

WE, Christopher E. Mohney, Esquire and Querino R. Torretti, Esquire, do hereby certify that on this 16th day of October, 2003, I caused to be served by First Class United States Mail, postage prepaid, Motion to Quash Appeal from Award of Arbitrators on the following:

Andrew L. Horvath, Esquire
Stofko Law Offices
969 Eisenhower Boulevard
Suite E
P.O. Box 5500
Johnstown, PA 15904
Attorney for Defendant


Christopher E. Mohney, Esquire
Attorney for Plaintiff Gerard Stotish


Querino R. Torretti, Esquire
Attorney for Plaintiff Joel F. Harris

FILED
M 12.55 P.M.
OCT 17 2003
cc
William A. Shaw
Prothonotary/Clerk of Courts
WAS

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

JOEL F. HARRIS and
GERALD STOTISH, individuals, : NO. 2000-1314 C.D.
PLAINTIFFS : TYPE OF CASE: CIVIL
VS. : TYPE OF PLEADING: PRAECIPE
BRIAN DUNGEY, an individual, : TO WITHDRAW MOTION TO
DEFENDANT : QUASH APPEAL
: FILED ON BEHALF OF:
: PLAINTIFFS
: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY,
: ESQUIRE
: ATTORNEY FOR GERALD
: STOTISH
: SUPREME COURT NO.: 63494
: 90 Beaver Drive, Suite 201A
: DuBois, PA 15801
: (814) 375-1044
: QUERINO R. TORRETTI, ESQ.
: ATTORNEY FOR JOEL F.
: HARRIS
: SUPREME COURT NO.:
: 600 East Main Street
: Reynoldsville, PA 15851

FILED

NOV 06 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

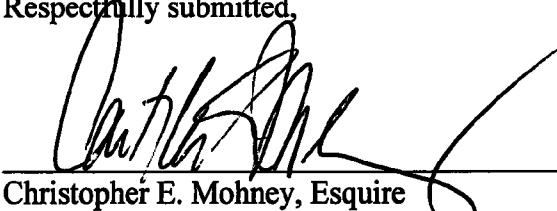
JOEL F. HARRIS and : NO. 2000-1314 C.D.
GERALD STOTISH, individuals, : TYPE OF CASE: CIVIL
:
PLAINTIFFS :
:
VS. :
:
BRIAN DUNGEY, an individual, :
:
DEFENDANT :
:

PRAECIPE TO WITHDRAW MOTION TO QUASH APPEAL

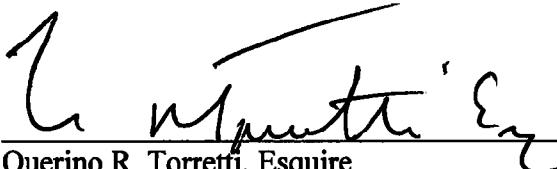
TO: PROTHONOTARY

Kindly mark "Withdrawn" the joint Motion to Quash Appeal filed of record in the above matter.

Respectfully submitted,



Christopher E. Mohney, Esquire
Attorney for Gerald Stotish



Querino R. Torretti, Esquire
Attorney for Joel F. Harris

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

JOEL F. HARRIS and	:	NO. 2000-1314 C.D.
GERALD STOTISH, individuals,	:	TYPE OF CASE: CIVIL
:		
PLAINTIFFS	:	
:		
VS.	:	
:		
BRIAN DUNGEY, an individual,	:	
:		
DEFENDANT	:	

CERTIFICATE OF SERVICE

WE, Christopher E. Mohney, Esquire and Querino R. Torretti, Esquire, do hereby certify that on this 5th day of November, 2003, I caused to be served by First Class United States Mail, postage prepaid, Motion to Quash Appeal from Award of Arbitrators on the following:

Andrew L. Horvath, Esquire
Stofko Law Offices
969 Eisenhower Boulevard
Suite E
P.O. Box 5500
Johnstown, PA 15904
Attorney for Defendant



Christopher E. Mohney, Esquire
Attorney for Plaintiff Gerald Stotish



Querino R. Torretti, Esquire
Attorney for Plaintiff Joel F. Harris

PRAECIPE TO WITHDRAW
MOTION TO QUASH
APPEAL

JOEL F. HARRIS AND GERALD
STOTISH, individuals,
Plaintiffs
vs.
BRIAN DUNGEY, an individual,
Defendant

FILED
NOV 06 2003
William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES

CHRISTOPHER E. MOHNEY
96 BEAVER DRIVE - SUITE 201A
DUBOIS, PA 15801

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOEL F. HARRIS and	:	CIVIL DIVISION
GERALD STOTTISH, individuals	:	
	:	
Plaintiffs	:	Case No.: 00-1314-C.D.
	:	
vs.	:	
	:	
BRIAN DUNGEY, an individual	:	
	:	
Defendant	:	

ORDER

AND NOW, this 8 day of January, 2004, this captioned case having been scheduled for Civil Call of the list on January 6, 2004, the Court having, prior to January 6, 2004, been notified by all counsel of record consenting to a continuance of this case to the next term of Court, it is hereby ORDERED AND DECREED:

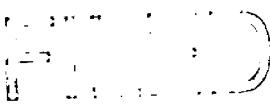
1. This case be continued until the Spring term of Court, 2004;
2. The Court Administrator shall place this case on the Civil Call List, Jury Trial for

April 1, 2004.

By the Court



Fredric J. Ammerman, President Judge


JAN 08 2004

William A. Shaw
Prothonotary

0 940 NO 200 CITY MILEAGE

JAN 08 2004

E

WILLIAM A. THOMAS
PROPERTY



CHRISTOPHER E. MOHNEY
ATTORNEY AT LAW

90 Beaver Drive • Suite 201A • DuBois, PA 15801

Telephone: (814) 375-1044

Facsimile: (814) 375-1088

January 5, 2004

Via facsimile to 765-7649 and regular mail

Honorable Fredric J. Ammerman, President Judge
Judge's Chambers
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Stottish and Harris vs. Dungey
No. 00-1314-C.D.

Dear Judge Ammerman:

Confirming our conversation this afternoon, please continue the above-captioned case from your non-jury trial list; call is tomorrow at 11:00 a.m.. All counsel of record, being Querino Torretti, Esquire and Andrew Horvath, Esquire, I am told are in agreement; I have asked that each of their offices contact the Court in writing confirming agreement to my request for continuance.

Please direct the Court Administrator to place this case on the Spring Term, jury trial list. I understand that the Spring Term Civil Call will occur April 1, 2004.

Thanking the Court for its courtesy, please contact me if there is the need for anything further.

Sincerely,

Christopher E. Mohney, Esquire

Copies to: Andrew Horvath, Esquire
Querino Torretti, Esquire



CHRISTOPHER E. MOHNEY
ATTORNEY AT LAW

90 Beaver Drive • Suite 201A • DuBois, PA 15801

Telephone: (814) 375-1044

Facsimile: (814) 375-1088

December 29, 2003

David Meholick
Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

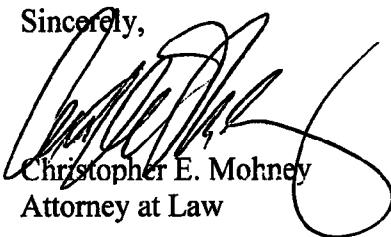
RE: Harris and Stottish vs. Dungey

Dear Mr. Meholick:

I represent Plaintiff Gerald Stottish in the above-reference case. The case is erroneously listed on Judge Ammerman's Non-Jury Trial List for call on January 6, 2004.

Pursuant to demand on the Complaint filed, Plaintiff Gerald Stottish is demanding a jury trial. Please amend the Jury Trial Call List of Judge Ammerman to include this case, removing it from his Non-Jury Trial List.

Thank you.

Sincerely,

Christopher E. Mohney
Attorney at Law

CEM:lle

cc: Querino Torretti, Esquire
Andrew Horvath, Esquire
Gerald Stottish

LAW OFFICES

Querino R. Torretti

Mary L Pothoven
Associate

ATTORNEY AT LAW
600 E. MAIN STREET
P. O. Box 218
REYNOLDSVILLE, PENNSYLVANIA 15851

TELEPHONE
814-653-2243

FAX
814-653-8319

January 5, 2004

VIA FAX: (814) 765-7649

Judge John Ammerman
Clearfield County Courthouse
230 East Market Street
Suite 228
Clearfield, PA 16830

RE: Stottish and Harris v. Dunney
No. 00-1314-C.D.

Dear Judge Ammerman:

This letter is to advise you that I am agreeable to continuing the above-indicated matter until the Spring Term. I represent the Plaintiff, Joel Harris in this case. Should you have any questions, please feel free to call me on the same.

Cordially yours,

Querino R. Torretti

QRT|jaa

LAW OFFICES

Querino R. Torretti

Mary L Pothoven
Associate

ATTORNEY AT LAW
600 E. MAIN STREET
P. O. Box 218
REYNOLDSVILLE, PENNSYLVANIA 15851

TELEPHONE
814-653-2243

FAX
814-653-8319

December 31, 2003

David Meholick
Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

RE: Harris and Stottish vs. Dungey

Dear Mr. Meholick:

I represent Plaintiff, Joel Harris, in the above-referenced case. The case is erroneously listed on Judge Ammerman's Non-Jury Trial List for call on January 6, 2004.

Pursuant to the Complaint filed, Plaintiff, Joel Harris, is demanding a jury trial. Please amend the Jury Trial Call List of Judge Ammerman to schedule this case, removing it from his Non-Jury Trial List.

Thank you.

Cordially yours,

Querino R. Torretti

QRT/lmb

STOKO LAW OFFICES

DENNIS J. STOKO
ANDREW L. HORVATH

969 Eisenhower Boulevard, Suite E
P.O. Box 5500
Johnstown, Pennsylvania 15904

TELEPHONE 814-262-0064 or 814-262-7341
FAX 814-262-0905
E-MAIL stokocsq@stokolaw.com

Fax

To: The Honorable Judge Ammerman **From:** Andrew L. Horvath, Esquire

Fax: 814-765-7649 **Pages:** 1 (including cover)

Phone: 814-262-7341 **Date:** 1/6/04

Re: Harris et al v. Dungey **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:**

Dear Judge Ammerman:

Be advised that I have agreed to the Continuance of the Trial in the Harris v. Dungey matter to the spring term. Thank you.

Very truly yours,

ANDREW L. HORVATH

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of the message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. Thank you.

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

JOEL F. HARRIS, and :
GERALD STOTTISH, individuals, : CIVIL DIVISION
Plaintiff :
: No. 00-1314 C. D.
: :
: JURY TRIAL DEMANDED
: :
vs. : Type of Pleading: Notice Of
: Deposition and Certificate
: Of Service
: :
: :
BRIAN DUNGEY, an individual :
Defendant : Filed on Behalf of:
: Plaintiff, Joel F. Harris
: :
: :
: : Counsel of Record for this
: : Party:
: :
: : Querino R. Torretti, Esquire
: : Supreme Court I.D. No. 23996
: : 600 East Main Street
: : P.O. Box 218
: : Reynoldsville, PA 15851
: : (814) 653-2243

FILED

FEB 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

JOEL F. HARRIS, and :
GERALD STOTTISH, individuals, : CIVIL DIVISION
Plaintiff :
: No. 00-1314 C. D.
vs. :
: :
BRIAN DUNGEY, an individual :
Defendant :
:

NOTICE OF DEPOSITION

To: John Bellomo, DO
910 Beaver Drive
DuBois, PA 15801

TAKE NOTICE that your deposition by oral examination will be taken at your office, 910 Beaver Drive, DuBois, Pennsylvania 15801, on **Wednesday, March 3, 2004**, at **1:00 p.m.** This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.

Date: 1/30/04



Querino R. Torretti, Esquire
Attorney for Plaintiff

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

JOEL F. HARRIS, and :
GERALD STOTTISH, individuals, : CIVIL DIVISION
Plaintiff :
: :
: No. 00-1314 C. D.
:
vs. :
: :
: :
: :
BRIAN DUNGEY, an individual :
Defendant :
:

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of Plaintiffs' Notice of Deposition of John Bellomo, DO in the above-referenced matter, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepared, on this 30th day of January, 2004 to John Bellomo, DO, 190 Beaver Drive, DuBois, PA 15801, Andrew L. Horvath, Esquire, 969 Eisenhower Boulevard, Suite E, PO Box 5500, Johnstown, PA 15904, and Christopher E. Mohney, Esquire, 90 Beaver Drive, Suite 201A, DuBois, PA 15801.



Querino R. Torretti, Esquire
Attorney for Plaintiff

FILED
MAGistrate
FEB 8 2004
CC

William A. Shaw
Prothonotary/Clerk of Courts

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

JOEL F. HARRIS, and :
GERALD STOTTISH, individuals, : CIVIL DIVISION
Plaintiff :
: No. 00-1314 C. D.
: :
: JURY TRIAL DEMANDED
: :
vs. : Type of Pleading: Amended Notice
: Of Deposition and Certificate
: Of Service
: :
BRIAN DUNGEY, an individual :
Defendant : Filed on Behalf of:
: Plaintiff, Joel F. Harris
: :
: :
: Counsel of Record for this
: Party:
: :
: Querino R. Torretti, Esquire
: Supreme Court I.D. No. 23996
: 600 East Main Street
: P.O. Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED

FEB 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

JOEL F. HARRIS, and :
GERALD STOTTISH, individuals, : CIVIL DIVISION
Plaintiff :
: :
: No. 00-1314 C. D.
:
vs. :
: :
: :
: :
BRIAN DUNGEY, an individual :
Defendant :
:

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of Plaintiffs' Amended Notice of Deposition of John Bellomo, DO in the above-referenced matter, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepared, on this 4th day of February, 2004 to John Bellomo, DO, 190 Beaver Drive, DuBois, PA 15801, Andrew L. Horvath, Esquire, 969 Eisenhower Boulevard, Suite E, PO Box 5500, Johnstown, PA 15904, and Christopher E. Mohney, Esquire, 90 Beaver Drive, Suite 201A, DuBois, PA 15801.


Querino R. Torretti, Esquire
Attorney for Plaintiff

FILED
M 10-3 '04
FEB 05 2004
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

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

JOEL F. HARRIS and
GERALD STOTTISH,
Plaintiffs

*
*
*
*
*
*
*

vs.

NO. 2000-1314-C.D.

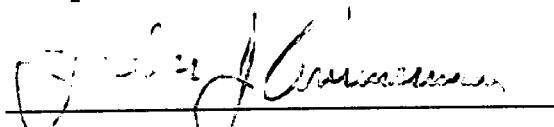
BRIAN DUNGEY,
Defendant

*

O R D E R

NOW, this 1st day of April, 2004, following Civil Call, it is the ORDER of this Court that Civil Pre-Trial Conference with counsel for the parties as set forth above and the Court be and is hereby scheduled for Thursday, April 16, 2004 at 2:30 p.m. in President Judge Ammerman's Chambers, Clearfield County Courthouse, Second Floor, Clearfield, Pennsylvania.

By the Court,



FREDRIC J. AMMERMAN
PRESIDENT JUDGE

FILED

APR 06 2004

William A. Shaw
Prothonotary Clerk of Courts

cc Attorney, Torretti, Strafko
01/04/2004
APR 06 2004
William A. Stein
Prothonotary Clerk of Courts

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

JOEL F. HARRIS and
GERALD STOTTISH,
Plaintiffs

*

*

*

*

vs.

*

NO. 2000-1314-C.D.

*

*

*

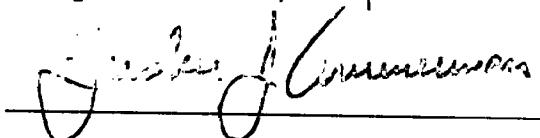
BRIAN DUNGEY,
Defendant

*

O R D E R

NOW, this 1st day of April, 2004, following Civil Call, it is the ORDER of this Court that Civil Pre-Trial Conference with counsel for the parties as set forth above and the Court be and is hereby scheduled for Friday, April 16, 2004 at 2:30 p.m. in President Judge Ammerman's Chambers, Clearfield County Courthouse, Second Floor, Clearfield, Pennsylvania.

By the Court,



FREDRIC J. AMMERMAN
PRESIDENT JUDGE

APR 08 2004

William A. Shaw
Prothonotary

04/9/03 2nd attempt after
sec 60 sec after 1st attempt

APR 08 2004

GRS

William A. Siebert
Professor Emeritus

CA

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

JOEL F. HARRIS and : NO. 00-1314 C.D.
GERALD STOTTISH, individuals : TYPE OF CASE: CIVIL
:
PLAINTIFF :
:
VS. :
:
BRIAN DUNGEY, an individual :
:
DEFENDANT :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Pre-Trial Statement has been served upon the following counsel of record on this 12th day of April, 2004, by United States Postal Service, first class mail, postage pre-paid:

Andrew L. Horvath, Esquire
969 Eisenhower Boulevard, Suite E
P.O. Box 5500
Johnstown, Pa 15904

Querino R. Torretti, Esquire
600 East Main Street
P.O. Box 218
Reynoldsville, Pa 15851


CHRISTOPHER E. MOHNEY, ESQUIRE
Attorney for Plaintiff Stottish

04/12/2004
APR 12 2004
NO
CC
GKZ

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

FILED

JOEL F. HARRIS and
GERALD STOTTISH,
Plaintiffs

vs.

BRIAN DUNGEY,
Defendant

* * * * *

APR 19 2004

William A. Shaw
Prothonotary/Clerk of Courts
B14-C.D.

O R D E R

NOW, this 16th day of April, 2004, following Pre-Trial Conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

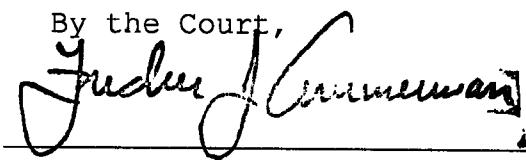
1. Jury Selection will be held on April 29, 2004 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

2. Jury Trial is hereby scheduled for June 3, 2004 and June 4, 2004 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

3. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of Trial shall submit said objections to the Court, in writing, no later than thirty (30) days prior to the commencement of Trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall submit its brief in opposition to said objections no later than fifteen (15) days prior to the commencement of Trial.

4. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than thirty (30) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than fifteen (15) days prior to trial.

By the Court,



FREDRIC J. AMMERMAN
President Judge

cc Atty Torretti
01030801 cc Atty Mahney
APR 19 2004
William A. Shaw
Prothonotary/Clerk of Courts
cc Atty Stefko
Stefko

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

FILED

6/9/4 30
JUN 07 2004

JOEL F. HARRIS and
GERALD STOTTISH, individuals,
Plaintiffs

*

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*

*

vs.

*

No. 2000-1314-C.D.

William A. Shaw
Prothonotary/Clerk of Courts

BRIAN DUNGEY, an individual,
Defendant

*

*

V E R D I C T

NOW, this 4th day of June, 2004, we the Jury empanelled in the above case, find as follows:

Question 1: Do you find that Brian Dungey was negligent?

Yes _____ No _____ X

(If you answer Question 1 "No", the Plaintiffs cannot recover and you should not answer any further questions and should return to the courtroom.)

Question 2: Was Brian Dungey's negligence a substantial factor in bringing about harm to Plaintiffs?

Plaintiff Joel Harris Yes _____ No _____

Plaintiff Gerald Stottish Yes _____ No _____

(If you answer Question 2 "No" as to both Plaintiffs, the Plaintiffs cannot recover and you should not answer any further questions and should return to the courtroom.)

Question 3: If you answered "Yes" to Questions 1 and 2 as to Plaintiff Joel Harris, state the amount of damages, if any, sustained by Plaintiff Harris as a result of the accident.

\$ _____

Question 4: If you answered "Yes" to Questions 1 and 2 as to Plaintiff Gerald Stottish, state the amount of damages, if any, sustained by Plaintiff Stottish as a result of the accident.

\$ _____

June 4, 2004

Steve Boagje
JURY FOREPERSON

COURT OF COMMON PLEAS, CLEARFIELD COUNTY
PENNSYLVANIA

CASE NO. 00-1314-CD

Date of Jury Selection: April 29, 2004

Presiding Judge: Honorable Fredric J. Ammerman, President Judge

JOEL F. HARRIS and GERALD STOTISH

VS

BRIAN DUNGEY

Court Reporter: _____

Date of Trial: June 3 & 4, 2004

Date Trial Ended: June 4, 2004

FILED

019:41 6/1
JUN 07 2004

MEMBERS OF THE JURY

1. EILEEN WALLACE
2. DONNA SLOPPY
3. SANDRA ROSS
4. BRIAN JOHNSTON
5. MARK MATIA
6. LORI MCCRACKEN
ALT #1 CARRIE POOLE

7. JOSEPH KOZDRON
8. DAVID HERZING
9. MARY HOMMAN
10. ~~CHARITY BAIRD~~ ^{Excuse 6P} ~~5-20-04~~
11. RICHARD WILSON
12. JOYCE MAYS
ALT #2 JOHN MCMURRAY

William A. Shaw
Prothonotary/Clerk of Courts

PLAINTIFF'S WITNESSES:

1. Joel F. Harris
2. DR John Beleno - by TRANSCRIPT
3. GERALD STOTISH
4. DR. James Sherbo
5. Genald STOTISH Recalled.
6. BRIAN Dungey - on cross

DEFENDANT'S WITNESSES:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

PLAINTIFF'S ATTY: Querino R. Torretti,
Esquire and Christopher E. Mohney, Esquire

DEFENDANT'S ATTY: Andrew Horvath
Dennis J. Stetko, Esquire

ADDRESS TO JURY: 11:44 AM 12:01 PM

ADDRESS TO JURY: 1:25 AM 6/4/04

JUDGE'S ADDRESS TO JURY: _____

JURY OUT: 2:15 pm JURY IN: 2:25 pm

VERDICT: For Defense

FOREPERSON: # 8

JOEL F. HARRIS and
GERALD STOTTISH, individuals,

PLAINTIFFS

vs.

BRIAN DUNGEY, an individual,

DEFENDANTS

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

: CIVIL DIVISION

: NO. 00-1314 CD

PRAECIPE TO ENTER JUDGMENT ON THE VERDICT

TO THE PROTHONOTARY:

Please enter Judgment in favor of the Defendant on the Verdict rendered
in the above matter on June 4, 2004.



ANDREW L. HORVATH,
ATTORNEY FOR DEFENDANT

FILED

JUN 17 2004

William A. Shaw
Prothonotary

JOEL F. HARRIS and
GERALD STOTTISH, individuals,

PLAINTIFFS

vs.

BRIAN DUNGEY, an individual,

DEFENDANTS

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL DIVISION
: NO. 00-1314 CD
:
:
:
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 15th day of June, 2004, Defendant's Praeclipe to Enter Judgment on the Verdict, was forwarded by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Querino R. Torretti, Esquire
600 East Main Street
P.O. Box 218
Reynoldsville, PA 15851

Christopher E. Mohney, Esquire
90 Beaver Drive, Suite 201A
DuBois, PA 15801

Dated: June 15, 2004



ANDREW L. HORVATH
ATTORNEY FOR DEFENDANT

EB

in 1:43 10000
JUN 17 2004
No CC

William A. Shaw
Prothonotary



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

June 3, 2003

Querino Toretti, Esquire
Attorney at Law
Post Office Box 218
Reynoldsville, PA 15851

Christopher E. Mohney, Esquire
Attorney at Law
90 Beaver Drive, Box 5
DuBois, PA 15801

Dennis J. Stofko, Esquire
Attorney at Law
Post Office Box 5500
Johnstown, PA 15904

RE: JOEL F. HARRIS and GERALD STOTTISH

vs.

BRIAN DUNGEY
No. 00-1314-CD

Dear Counsel:

With regard to the above matter, please be advised that the above case is scheduled for Arbitration Hearing to be held on Tuesday, August 19, 2003 at 9:00 A.M., not July 29, 2003, as stated in my letter of June 2, 2003. I apologize for any confusion or inconvenience this has caused. The following remain appointed to the Board of Arbitrators:

Carl A. Belin, Jr., Esquire
J. Richard Lhota, Esquire
Mark A. Falvo, Esquire
Warren B. Mikesell, II, Esquire
David R. Thompson, Esquire
Peter J. Carfley, Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven (7) days from the date of this letter the name you wish stricken from the list.

Very truly yours,
The signature of Marcy Kelley, written in cursive ink.
Marcy Kelley
Deputy Court Administrator



**OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA**

**CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830**

**DAVID S. MEHOLICK
COURT ADMINISTRATOR**

**PHONE: (814) 765-2641
FAX: 1-814-765-7649**

**MARCY KELLEY
DEPUTY COURT ADMINISTRATOR**

June 12, 2003

**Querino Toretti, Esquire
Attorney at Law
Post Office Box 218
Reynoldsville, PA 15851**

**Christopher E. Mohney, Esquire
Attorney at Law
90 Beaver Drive, Box 5
DuBois, PA 15801**

**Dennis J. Stofko, Esquire
Attorney at Law
Post Office Box 5500
Johnstown, PA 15904**

**RE: JOEL F. HARRIS and GERALD STOTTISH
vs.
BRIAN DUNGEY
No. 00-1314-CD**

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Tuesday, August 19, 2003 at 9:00 A.M.** The following have been appointed as Arbitrators:

**Carl A. Belin, Jr., Esquire, Chairman
J. Richard Lhota, Esquire
Mark A. Falvo, Esquire**

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

Marcy Kelley
Very truly yours,
Marcy Kelley
Deputy Court Administrator

**cc: Carl A. Belin, Jr., Esquire
J. Richard Lhota, Esquire
Mark A. Falvo, Esquire**