

00-1314-2  
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

FILED

OCT 24 2000

William A. Shaw  
Prothonotary

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  
Reyonoldsville, 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

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

**JOEL F. HARRIS and  
GERALD STOTTISH, individuals,**

**Plaintiffs**

**vs.**

**BRIAN DUNGEY, an individual,**

**Defendant**

**CIVIL DIVISION**

**No.                      , 2000 C.D.**

**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.

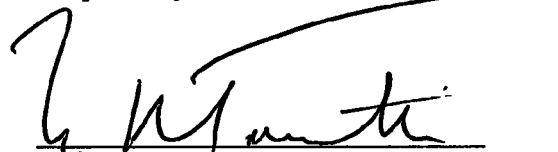
29. As a result of said injuries Plaintiff, GERALD STOTTISH, will incur, indefinitely into the future, expenses and bills for necessary and reasonable medical services and treatments in an effort to care for and alleviate his injuries.

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.

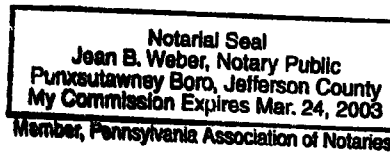
  
Joel F. Harris

Sworn to and subscribed

Before me this 21<sup>st</sup> day of

October, 2000.

Jean B Weber

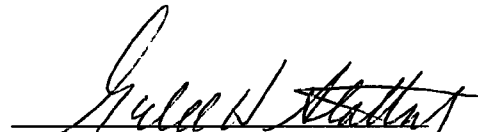


COMMONWEALTH OF PENNSYLVANIA:

: 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.

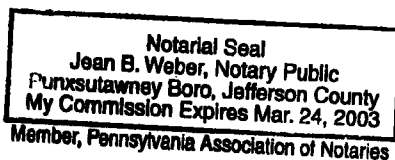
  
Gerald Stottish

Sworn to and subscribed

Before me this 21<sup>st</sup> day of

October, 2000.

Jean B Weber



10 OCT 24 2000  
1300  
William A. Shaw  
Prothonotary

10 OCT 24 2000  
1300  
William A. Shaw  
Prothonotary  
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Kc Shery

**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

WILLIAM A. SHAW  
Prothonotary

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 A. Hawkins*  
*by Marilyn Hamr*  
Chester A. Hawkins  
Sheriff *Eyes*

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**

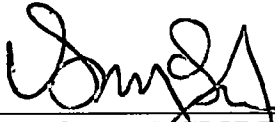
Enter my appearance for Defendant, Brian Dungey, in the above captioned case. Papers may be served at the address stated below.

**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

NOV 13 2000

MAJLHOC  
William A. Shatt  
Prothonotary  
gao

JOEL F. HARRIS and  
GERALD STOTTISH, individuals,  
Plaintiffs

vs.

BRIAN DUNGEY, an individual,  
DEFENDANT

: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY, PENNSYLVANIA  
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: No. 00-1314 C.D.  
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: **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  
:  
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FILED

NOV 17 2000

William A. Shaw  
Hickory, 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.

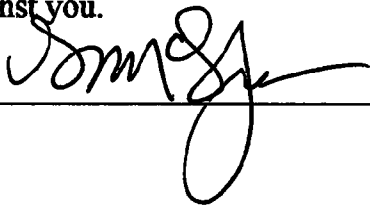
**ANSWER AND NEW MATTER**

TO THE WITHIN NAMED PARTIES:

Counsel of record for filing party:

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.

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



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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,



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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 Dungey

Date 11-13-00

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

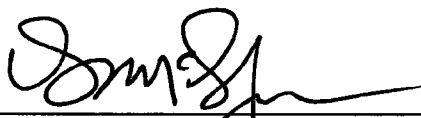
JOEL F. HARRIS and	:
GERALD STOTTISH, individuals,	:
Plaintiffs	:
vs.	: No. 00-1314 C.D.
	:
BRIAN DUNGEY, an individual,	:
Defendant	:

**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

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: CIVIL DIVISION  
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: No. 00-1314 C. D.  
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: 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

FILED

NOV 21 2000

WILLIAM A. CLAY  
CLERK

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

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: 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 29 2000

m / 12:54 / WY  
William A. Shaver  
Prothonotary

NO 1/1 286

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, 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

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: 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 28<sup>th</sup> day of November, 2000.



---

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

FILED

NOV 30 2000

7 11 15 AM

William A. Shaw  
Prothonotary

82

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

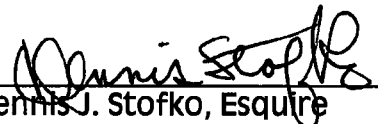
WITHDRAWAL OF APPEARANCE

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  
MILWAUKEE  
WILLIAM A. SHAW  
NOTARY  
KEL

CP

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.

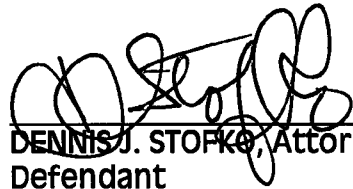
3. By letter dated January 10, 2001 counsel inquired as to the status of the discovery.

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

m b p l o c c  
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 23<sup>rd</sup> 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  
FEB 23 2007  
William A. Shaw  
Secretary  
2 cc  
Amy Starko  
Feb 27

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

vs.

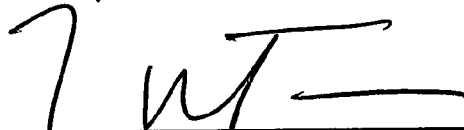
BRIAN DUNGEY, an individual,  
Defendant

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: CIVIL DIVISION  
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: No. 00-1314 C. D.  
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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.

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

RECEIVED

MAR 15 2001

011:10110000

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  
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**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**

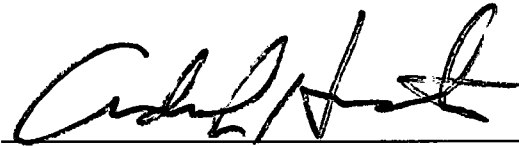
MAY 06 2002

m1134/noc

William A. Shaw  
Prothonetary

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21

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.

A handwritten signature in black ink, appearing to read 'Andrew L. Horvath', written over a horizontal line.

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  
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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 3<sup>rd</sup> 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,

PLAINTIFFS

vs.

BRIAN DUNGEY, an individual,

DEFENDANTS

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

: CIVIL DIVISION

: NO. 00-1314 CD

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**ORDER**

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

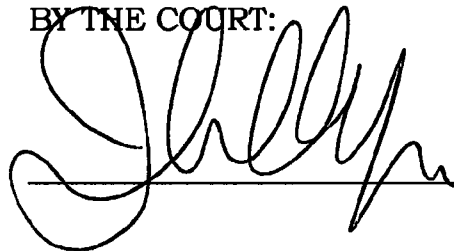
consideration of the foregoing Motion to Compel, it is hereby ordered that

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:

 J.

**FILED**

MAY 07 2002

0/2:14/2cc atty Havath  
William A. Shaw  
Prothonotary



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

**: CIVIL DIVISION**

: NO. 00-1314 CD

•

:

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

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... 1944 ...

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

A handwritten signature in black ink, appearing to read 'Andrew L. Horvath', written over a horizontal line.

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

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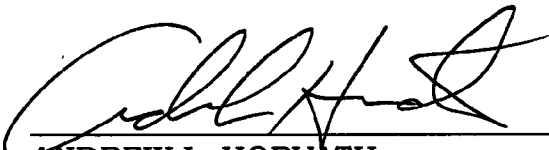
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 26<sup>th</sup> 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.

BRIAN DUNGEY, an individual,  
Defendant

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\*

NO. 2000-1314-C.D.

**ORDER**

NOW, this 17<sup>th</sup> 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 Mohny, Esquire for SCOTISH
- ✓ 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  
GERALD STOTISH, individuals,

PLAINTIFFS

VS.

BRIAN DUNGEY, an individual,

DEFENDANT

: NO. 2000-1314 C.D.  
: TYPE OF CASE: CIVIL  
:  
: TYPE OF PLEADING: PRAECIPE  
: FOR WITHDRAWAL AND  
: ENTRY OF APPEARANCE  
:  
: FILED ON BEHALF OF:  
: 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

FILED


2000-1314

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
	:	FOR WITHDRAWAL AND
VS.	:	ENTRY OF APPEARANCE
	:	
BRIAN DUNGEY, an individual,	:	
	:	
DEFENDANT	:	

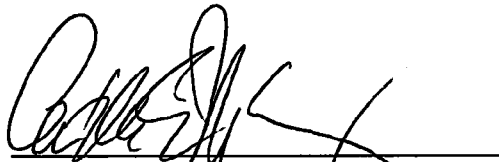
**PRAECIPE FOR WITHDRAWAL OF APPEARANCE**

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 28<sup>th</sup> 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  
1 CC Aggs: Torrell  
012:10-84  
APR 03 2003  
William A. Shaw  
Prothonotary  
Stofko  
Horvath  
Mokey

Mar 20 03 03:03p

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

vs.

BRIAN DUNGEY, an individual  
Defendant

:  
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: CIVIL DIVISION  
:  
: No. 2000-1314 C. D.  
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:  
: 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

MAR. 27. 2003 11:02AM  
FROM : CHRIS MOHNEY

FAX NO. : 814 375 1088

Mar. 26 2003 11:02AM P. 2/4

Mar 26 03 03:04P

PAM

814-853-8319

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

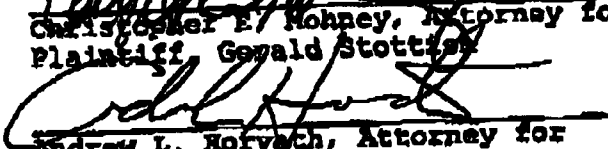
STIPULATION

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.

  
Querino R. Torretti, Attorney for  
Plaintiffs, 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

vs.

BRIAN DUNGEY, an individual  
Defendant

:  
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: CIVIL DIVISION  
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: No. 2000-1314 C. D.  
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: 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**

01/11/19  
APR 09 2003

At \$20.00  
no cc  
Copy to CA.

William A. Shaw  
Prothonotary

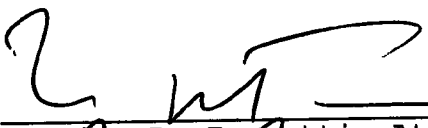
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW


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

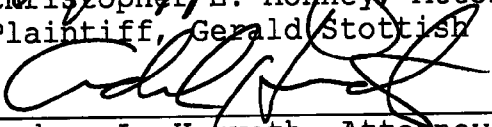
STIPULATION

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, Joel F. Harris

  
Christopher E. Mohn, 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.

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

Chairman

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. STOFKO

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,

PLAINTIFFS

VS.

BRIAN DUNGEY, an individual,

DEFENDANT

NO. 2000-1314 C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING: MOTION  
TO QUASH APPEAL FROM  
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.: ~~239~~ 23996

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  
GERALD STOTISH, individuals,

PLAINTIFFS

VS.

BRIAN DUNGEY, an individual,

DEFENDANT

NO. 2000-1314 C.D.  
TYPE OF CASE: CIVIL

**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 <sup>ace</sup>  
OCT 21 2003  
William A. Shaw  
Prothonotary/Clerk of Courts

Atty McInroy

*[Signature]*

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.

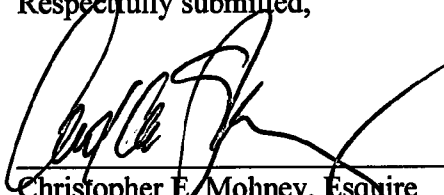
5. Defense has not complied with Clearfield County Local Rule 1308, specifically, Defendant has failed to file the necessary Affidavit; Defendant has failed to file the necessary recognizance bond with sufficient surety; and Defendant has failed to pay all record costs accrued to the time of taking the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

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

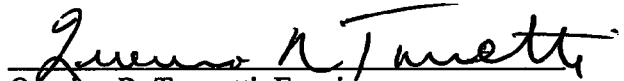
7. Since Defendant has failed to comply with all of the requirements of Clearfield County Local Rule 1308 necessary to perfect an appeal from the arbitration, in a timely manner, it is respectfully submitted that Defendant's appeal is untimely, and thus should be quashed.

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. Mohny, Esquire  
Attorney for Plaintiff Gerald Stotish



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

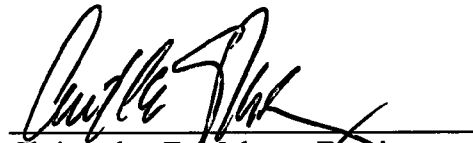
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

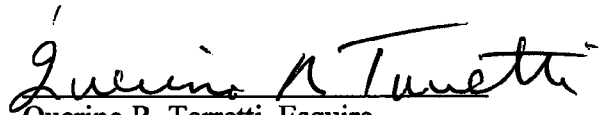
JOEL F. HARRIS and	:	NO. 2000-1314 C.D.
GERALD STOTISH, individuals,	:	TYPE OF CASE: CIVIL
	:	
PLAINTIFFS	:	
	:	
VS.	:	
	:	
BRIAN DUNGEY, an individual,	:	
	:	
DEFENDANT	:	

CERTIFICATE OF SERVICE

WE, Christopher E. Mohny, Esquire and Querino R. Torretti, Esquire, do hereby certify that on this 16<sup>th</sup> 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. Mohny, Esquire  
Attorney for Plaintiff Gerald Stotish

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

FILED  
7/2:55 PM  
OCT 17 2003  
NB CC  
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	:	TYPE OF PLEADING: PRAECIPE
	:	TO WITHDRAW MOTION TO
VS.	:	QUASH APPEAL
	:	
BRIAN DUNGEY, an individual,	:	FILED ON BEHALF OF:
	:	PLAINTIFFS
DEFENDANT	:	
	:	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  
GERALD STOTISH, individuals,

PLAINTIFFS

VS.

BRIAN DUNGEY, an individual,

DEFENDANT

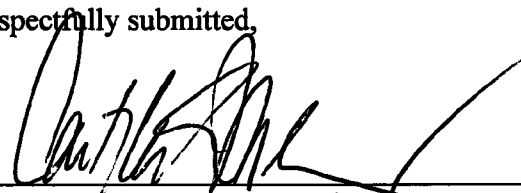
: NO. 2000-1314 C.D.  
: TYPE OF CASE: CIVIL  
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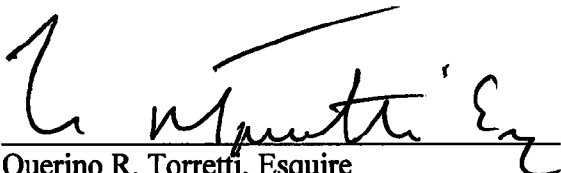
**PRAECIPE TO WITHDRAW MOTION TO QUASH APPEAL**

TO: PROTHONOTARY

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

Respectfully submitted,

  
\_\_\_\_\_  
Christopher E. Mohny, Esquire  
Attorney for Gerald Stotish

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

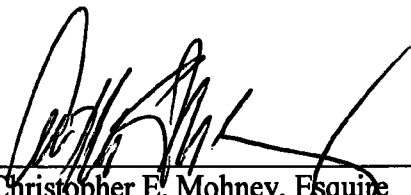
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

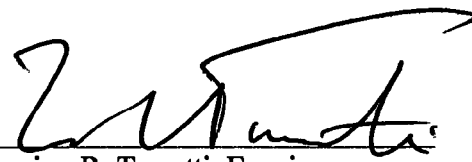
JOEL F. HARRIS and	:	NO. 2000-1314 C.D.
GERALD STOTISH, individuals,	:	TYPE OF CASE: CIVIL
	:	
PLAINTIFFS	:	
	:	
VS.	:	
	:	
BRIAN DUNGEY, an individual,	:	
	:	
DEFENDANT	:	

CERTIFICATE OF SERVICE

WE, Christopher E. Mohny, Esquire and Querino R. Torretti, Esquire, do hereby certify that on this 5<sup>th</sup> 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. Mohny, 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

90 DEAVER DRIVE - SUITE 201A

DUBOIS, PA 15801

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JOEL F. HARRIS and  
GERALD STOTTISH, individuals

Plaintiffs

vs.

BRIAN DUNGEY, an individual

Defendant

CIVIL DIVISION

Case No.: 00-1314-C.D.

ORDER

AND NOW, this 8 day of January, 2004, this captioned case having been scheduled for 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:

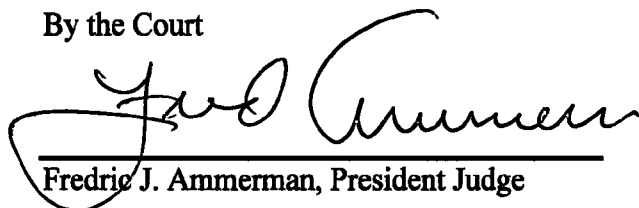
1. This case be continued until the Spring term of Court, 2004;
2. The Court Administrator shall place this case on the Civil Call List, Jury Trial for April 1, 2004.

FILED

JAN 08 2004

William A. Shaw  
Prothonotary

By the Court

  
Fredric J. Ammerman, President Judge

JAN 08 2004

*200024 Mubury*  
*0 940 na*  
*ER*

WILLIAM A. STEW  
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.

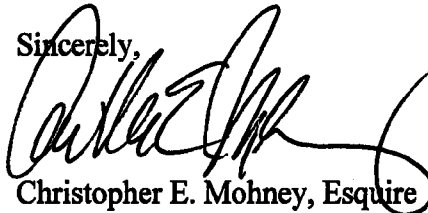
Dear Judge Ammerman:

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

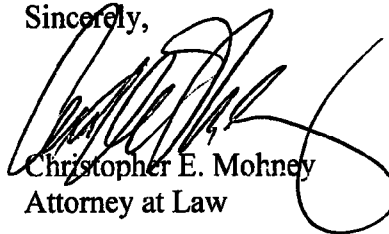
Dear Mr. Meholick:

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

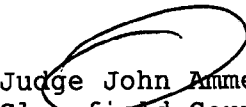
ATTORNEY AT LAW  
600 E. MAIN STREET  
P. O. Box 218  
REYNOLDSVILLE, PENNSYLVANIA 15851

TELEPHONE  
814-653-2243

FAX  
814-653-8319

January 5, 2004

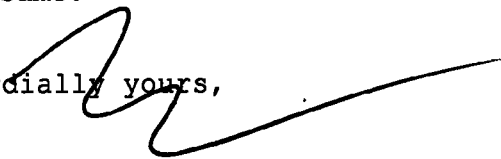
VIA FAX: (814) 765-7649

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

RE: Stottish and Harris v. Dungey  
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*

ATTORNEY AT LAW  
600 E. MAIN STREET  
P. O. Box 218

REYNOLDSVILLE, PENNSYLVANIA 15851

TELEPHONE  
814-653-2243

FAX  
814-653-8319

Mary L. Pothoven  
Associate

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

**STOFKO LAW OFFICES**

---

DENNIS J. STOFKO  
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 stofkoesq@stofkolaw.com

# Fax

<b>To:</b>	The Honorable Judge Ammerman	<b>From:</b>	Andrew L. Horvath, Esquire
<b>Fax:</b>	814-765-7649	<b>Pages:</b>	1 (including cover)
<b>Phone:</b>	814-262-7341	<b>Date:</b>	1/5/04
<b>Re:</b>	Harris et al v. Dungey	<b>CC:</b>	

---

<b>Urgent</b>	<b>For Review</b>	<b>Please Comment</b>	<b>Please Reply</b>	<b>Please Recycle</b>
---------------	-------------------	-----------------------	---------------------	-----------------------

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**• 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 of agent responsible for delivering this 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,  
Plaintiff

vs.

BRIAN DUNGEY, an individual  
Defendant

:  
: CIVIL DIVISION  
:  
: No. 00-1314 C. D.  
:  
: JURY TRIAL DEMANDED  
:  
: Type of Pleading: Notice Of  
: Deposition and Certificate  
: Of Service  
:  
: 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


JOEL F. HARRIS, and  
GERALD STOTTISH, individuals,  
Plaintiff  
  
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

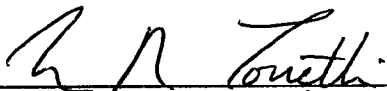
  
Querino R. Torretti, Esquire  
Attorney for Plaintiff

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  
m) 9:00 AM  
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,  
Plaintiff

vs.

BRIAN DUNGEY, an individual  
Defendant

:  
: CIVIL DIVISION  
:  
: No. 00-1314 C. D.  
:  
: JURY TRIAL DEMANDED  
:  
: Type of Pleading: Amended Notice  
: Of Deposition and Certificate  
: Of Service  
:  
:  
: 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**

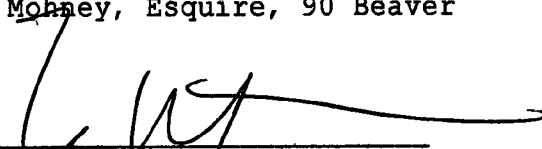
William A. Shaw  
Prothonotary/Clerk of Courts

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 4<sup>th</sup> 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. Mohnney, Esquire, 90 Beaver Drive, Suite 201A, DuBois, PA 15801.

  
Querino R. Torretti, Esquire  
Attorney for Plaintiff

FILED *WAC*  
M10:31 *PM*  
FEB 05 2004 *Gen*

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.

BRIAN DUNGEY,  
Defendant

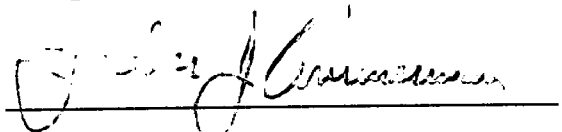
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NO. 2000-1314-C.D.

O R D E R

NOW, this 1<sup>st</sup> 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

ICE  
Atty Mohney, Torretti, Stashe  
04/04/2004  
APR 06 2004

William A. Stew  
Prothonotary Clerk of Courts

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

JOEL F. HARRIS and  
GERALD STOTTISH,  
Plaintiffs

vs.

BRIAN DUNGEY,  
Defendant

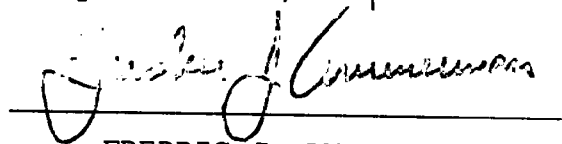
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NO. 2000-1314-C.D.

ORDER

NOW, this 1<sup>st</sup> 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

04/19/04 2004 City of Denver  
2004 City of Denver

APR 08 2004

4925

William A. C. C. C.  
C. C. C. C. C.

CA

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

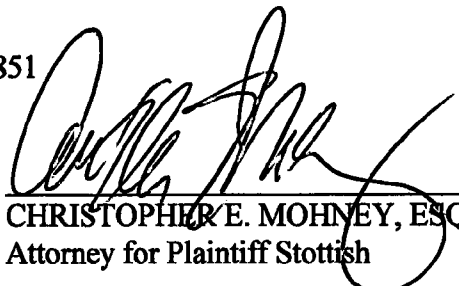
JOEL F. HARRIS and	:	NO. 00-1314 C.D.
GERALD STOTTISH, individuals	:	TYPE OF CASE: CIVIL
	:	
PLAINTIFF	:	
	:	
	:	
VS.	:	
	:	
BRIAN DUNGEY, an individual	:	
	:	
DEFENDANT	:	

**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 12<sup>th</sup> 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

0/2:40/101  
APR 12 2004  
cc  
KMS

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

FILED

APR 19 2004

William A. Shaw  
Prothonotary/Clerk of Courts

JOEL F. HARRIS and  
GERALD STOTTISH,  
Plaintiffs

vs.

BRIAN DUNGEY,  
Defendant

NO. 2000-1314-C.D.

O R D E R

NOW, this 16<sup>th</sup> 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:

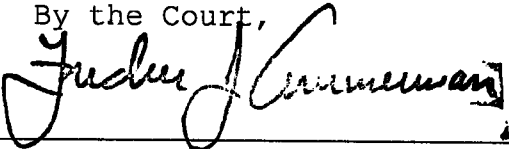
1. Jury Selection will be held on April 29, 2004 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

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,

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

FREDRIC J. AMMERMAN  
President Judge

FILED  
012:30  
APR 19 2004

rec Amy Torretti

rec Amy Mohney

rec Amy Stefano

William A. Shaw  
Prothonotary/Clerk of Courts

*[Signature]*

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

FILED

6/9:41 30  
JUN 07 2004

William A. Shaw  
Prothonotary/Clerk of Courts

JOEL F. HARRIS and  
GERALD STOTTISH, individuals,  
Plaintiffs

vs.

No. 2000-1314-C.D.

BRIAN DUNGEY, an individual,  
Defendant

VERDICT

NOW, this 4<sup>th</sup> 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.)

0. 6

**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

  
\_\_\_\_\_  
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

Court Reporter: \_\_\_\_\_

Date of Trial: June 3 & 4, 2004

VS

Date Trial Ended: June 4, 2004

BRIAN DUNGEY

MEMBERS OF THE JURY

**FILED**  
6/9/04  
JUN 07 2004

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~~ <sup>EXCUSED 5-20-04</sup>
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 Belemo - by TRANSCRIPT
3. GERALD STOTISH
4. Dr. James Sherbo
5. Gerald 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. Mohny, Esquire

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

ADDRESS TO JURY: 11:44 AM 12:21 PM

ADDRESS TO JURY: 11:25 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  
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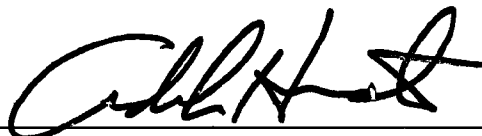
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 15<sup>th</sup> day of June, 2004,  
Defendant's Praecept 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. Mohny, Esquire  
90 Beaver Drive, Suite 201A  
DuBois, PA 15801

Dated: June 15, 2004

  
\_\_\_\_\_  
ANDREW L. HORVATH  
ATTORNEY FOR DEFENDANT

FILED

At 1:43 PM pd 2004  
JUN 17 2004 NDC

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

Christopher E. Mohnhey, 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

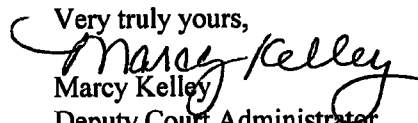
RE: JOEL F. HARRIS and GERALD STOTTISH  
vs.  
BRIAN DUNGEY  
No. 00-1314-CD

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,  
  
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. Mohny, 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

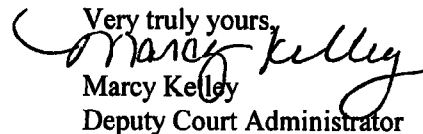
RE: JOEL F. HARRIS and GERALD STOTTISH  
vs.  
BRIAN DUNGEY  
No. 00-1314-CD

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.

Very truly yours,  
  
Marcy Kelley  
Deputy Court Administrator

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