

00-1427-01
CAROL PARUS et al -vs- BETTY MURKIN et al

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

CAROL PARUSO, individually, and
as Guardian of KIMBERLY DAWN
PARUSO, a minor,

Plaintiffs,

vs.

BETTY McGINNIS, a/k/a BETTY
WALLS McGINNIS, a widow, and
BRENDA PISARCIK,

Defendants.

No. 2000-1427-CJ

PRAECIPE FOR WRIT OF
SUMMONS

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD
FOR THIS PARTY:

Darrell J. Arbore, Esquire
Atty. I.D. #63339
(724) 836-7650

226 South Maple Avenue
Suite 208
Greensburg, PA 15601

FILED

NOV 17 2000
11:35 AM
William A. Shaw
Prothonotary
2 WRIT TO SHFF
1 CERT TO SHFF
1 CERT TO ATT

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

CAROL PARUSO, individually, and
as Guardian of KIMBERLY DAWN
PARUSO, a minor,

Plaintiffs,

vs.

BETTY McGINNIS, a/k/a BETTY
WALLS McGINNIS, a widow, and
BRENDA PISARCIK,

Defendants.

No. _____

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

PLEASE ISSUE A WRIT OF SUMMONS IN FAVOR OF THE PLAINTIFFS,
CAROL PARUSO, individually, and as Guardian of KIMBERLY DAWN PARUSO, a
minor, IN THE ABOVE-CAPTIONED MATTER.

DATE: 11/16/2000

By



Darrell J. Arbore, Esquire
Attorney for Plaintiffs
Pa. I.D. No. 63339

226 South Maple Avenue
Suite 208
Greensburg, PA 15601
(724) 836-7650

WRIT OF SUMMONS

CAROL PARUSO, individually, and
as Guardian of KIMBERLY DAWN
PARUSO, a minor,

Plaintiffs,

vs.

BETTY MCGINNIS, a/k/a BETTY
WALLS MCGINNIS, a widow, and
BRENDA PISARCIK,

Defendants.

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

) CIVIL ACTION - LAW
)

) **WRIT OF SUMMONS**
)


) No. _____
)

TO THE SHERIFF OF CLEARFIELD COUNTY:

Please serve the Writ of Summons on the following Defendants:

1. Betty McGinnis, a/k/a Betty Walls McGinnis
324 West Washington Avenue
DuBois, PA 15801
2. Brenda Pisarcik
15 South Main Street
DuBois, PA 15801

DATE: 11/16/2000

By: 
Darrell J. Arbore, Esquire
Attorney for Plaintiffs
Pa. I.D. No. 63339
226 South Maple Avenue
Suite 208
Greensburg, PA 15601
(724) 836-7650

Received this writ this _____ day of
_____, 2000,
at _____ A.M./P.M.

Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION

SUMMONS

CAROL PARUSO, individually, and
as Guardian of KIMBERLY DAWN PARUSO,
a minor

Plaintiff(s)

Vs.

No: 2000-1427-CD

BETTY McGINNIS, a/k/a BETTY
WALLS McGINNIS, a widow, and
BRENDA PISARCIK

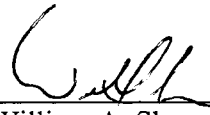
Defendant(s)

To: BETTY McGINNIS, a/k/a BETTY WALLS McGINNIS, a widow, and BRENDA
PISARCIK:

Defendant(s)

To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s), has/have commenced a Civil Action against you.

Date: November 17, 2000



William A. Shaw
Prothonotary

Issuing Attorney:
Darrell J. Arbore, Esq.
226 South Maple Ave.
Suite 208
Greenburg, PA 15601

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10408

PARUSO, CAROL ind & as guardian of KIMBERLY DAWN PARUSO

00-1427-CD

VS.

MCGINNIS, BETTY a/k/a BETTY WALLS MCGINNIS

SUMMONS

SHERIFF RETURNS

NOW NOVEMBER 21, 2000 AT 2:22 PM EST SERVED THE WITHIN SUMMONS ON
BETTY MCGINNIS a/k/a BETTY WALLS MCGINNIS, DEFENDANT AT EMPLOYMENT
TOWN & COUNTRY LANDSCAPE, 324 WEST WASHINGTON AVE., DUBOIS,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BETTY MCGINNIS A TRUE
AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER
THE CONTENTS THEREOF.

SERVED BY: COUDRIET

NOW NOVEMBER 22, 2000 AT 3:08 PM EST SERVED THE WITHIN SUMMONS ON
BRENDA PISARCIK, DEFENDANT, AT RESIDENCE 212 SOUTH MAIN STREET,
DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BRENDA
PISARCIK A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE
KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

Return Costs

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

FILED

DEC 13/2000

07:11:04

William A. Shaw
Prothonotary

[Signature]

Sworn to Before Me This

13th Day Of Decem 2000

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

So Answers,

[Signature]
[Signature]
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

vs.

BETTY MCGINNIS a/k/a
BETTY WALLS MCGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No.: 2000-1427 CD

PRAECIPE FOR APPEARANCE

(Jury Trial Demanded)

Filed on Behalf of the
Defendants: Betty McGinnis
a/k/a Betty Walls McGinnis.

Counsel of Record for
This Party:

Stephen J. Summers
PA I.D. #40213

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.
Firm #911

The Gulf Tower, Suite 2400
707 Grant Street
Pittsburgh, PA 15219

(412) 261-3232

#9406

FILED

FEB 12 2001

m110/ncc
William A. Shaw
Prothonotary

[Handwritten signature]

By: Stephen J Summers *LS*
Stephen J. Summers
Counsel for Defendants
Betty McGinnis a/k/a Betty Walls
McGinnis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe for Appearance** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 8th day of February, 2001:

Darrell Arbore, Esquire
226 South Maple Avenue
Suite 208
Greenburg, PA 15601

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.

By Stephen J. Summers /s/
Stephen J. Summers
Counsel for Defendants
Betty McGinnis a/k/a Betty Walls
McGinnis

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

vs.

BETTY MCGINNIS a/k/a
BETTY WALLS MCGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No.: 2000-1427 CD

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

(Jury Trial Demanded)

Filed on Behalf of the
Defendants: Betty McGinnis
a/k/a Betty Walls McGinnis.

Counsel of Record for
This Party:

Stephen J. Summers
PA I.D. #40213

SUMMERS, McDONNELL, WALSH & SKEEL,
L.L.P.
Firm #911

The Gulf Tower, Suite 2400
707 Grant Street
Pittsburgh, PA 15219

(412) 261-3232

#9406

FILED

FEB 12 2001
mks/Kuleto
William A. Shaw
Prothonotary
Summers
EAT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

vs.

BETTY MCGINNIS a/k/a
BETTY WALLS MCGINNIS
and BRENDA PISARCIK,

Defendants.

) CIVIL DIVISION

) No.: 2000-1427 CD

PRAECIPE FOR RULE TO FILE COMPLAINT

TO: THE PROTHONOTARY

Kindly rule the Plaintiffs, Carol Paruso, individually, and
as guardian of Kimberly Dawn Paruso, a minor, to file a Complaint
in Civil Action within twenty (20) days.

Respectfully submitted,

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.

By

Stephen J. Summers

Stephen J. Summers

Counsel for Defendant

Betty McGinnis a/k/a Betty Walls
McGinnis

5/

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe for Rule to File Complaint** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 8th day of February, 2001.

Darrell Arbore, Esquire
226 South Maple Avenue
Suite 208
Greensburg, PA 15601

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.

By Stephen J. Summers
Stephen J. Summers
Counsel for Defendant LS
Betty McGinnis a/k/a Betty Walls
McGinnis

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

Carol Paruso
Kimberly Dawn Paruso

Vs.
Betty McGinnis a/k/a
Betty Walls McGinnis
and Brenda Sue Pisarcik

Case No. #2000-01427-CD

RULE TO FILE COMPLAINT

TO: Carol Paruso, individually, and as guardian of Kimberly Dawn Paruso, a minor

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: February 12, 2001

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

CAROL PARUSO individually, and as
guardian of KIMBERLY DAWN PARUSO, a
minor,

Plaintiff,

vs.

BETTY McGINNIS, a/k/a BETTY WALLS
McGINNIS, a widow and BRENDA
PISARCIK,

Defendant.

CIVIL DIVISION

No. 2000-1427 CD

COMPLAINT IN CIVIL ACTION

Filed on behalf of PLAINTIFF

Counsel of Record for this
Party:

DARRELL J. ARBORE, ESQUIRE
Pa. I.D. No. 63339

226 South Maple Avenue
Suite 208
Greensburg, PA 15601
(724) 836-7650

JURY TRIAL DEMANDED

FILED

MAY 03 2001
m 12:08 noon
William A. Shaw
Prothonotary *[Signature]*

IN THE C

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

CAROL PARUSO, individually, and as)
guardian of KIMBERLY DAWN PARUSO,)
a minor,)

Plaintiff,)

vs.)

No. 2000-1427 CD

BETTY McGINNIS, a/k/a BETTY WALLS)
McGINNIS, a widow, and BRENDA PISARCIK,)

Defendants)

NOTICE TO DEFEND

TO THE ABOVE DEFENDANT(S):

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY, AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF OR DEFENDANT. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830
(814-765-2641)

COMPLAINT IN CIVIL ACTION

AND NOW comes the plaintiff, CAROL PARUSO individually, and as guardian of KIMBERLY DAWN PARUSO, a minor, by and through her counsel, Darrell J. Arbore, Esquire, and files the within Complaint in Civil Action and in support thereof avers as follows:

1. Plaintiff, CAROL PARUSO, is an adult individual who resides at 1171 Second Avenue, Brockway, Jefferson County, Pennsylvania 15824.
2. Defendant, BETTY McGINNIS a/k/a BETTY WALLS McGINNIS, is an adult individual who resides at 324 West Washington Avenue, Dubois, Clearfield County, Pennsylvania 15801.
3. Defendant, BRENDA PISARCIK, is an adult individual who resides at 15 South Main Street, Dubois, Clearfield County, Pennsylvania 15801.
4. The events hereinafter complained of occurred on November 21, 1998, on the premises located at 15 South Main Street, Dubois, Clearfield County, Pennsylvania 15801 , which is owned by the defendant BETTY McGINNIS and is leased to, or is otherwise in the control and/or possession of, the defendant BRENDA PISARCIK.
5. KIMBERLY DAWN PARUSO, the plaintiff's minor child, was lawfully present on the premises owned by the defendant BETTY McGINNIS and leased to, or otherwise in the control and/or possession of, the defendant BRENDA PISARCIK, when she was severely injured after the railing of an outdoor deck collapsed, causing her to fall 15 to 20 feet onto wooden stairs and concrete

below.

6. For a significant period of time prior to the injury of which the plaintiff complains, the defendants permitted the deck in question to remain in a state of dilapidation and disrepair when they knew, or had reason to know, that the deck constituted an unreasonably dangerous condition upon the premises posing an unreasonable risk of harm to KIMBERLY DAWN PARUSO.

7. Defendants were negligent, careless and reckless by their acts and/or omissions, including but not limited to:

- a. Failing to use reasonable care to keep the premises safe by allowing the deck in question to fall into a condition of dilapidation and disrepair;
- b. Failing to properly inspect the premises in an effort to keep it free from unreasonably dangerous conditions;
- c. Failing to properly maintain and repair the deck in question;
- d. Permitting the deck to be used by KIMBERLY DAWN PARUSO when they knew, or had reason to know, that the deck constituted a dangerous condition upon the premises, which posed an unreasonable risk of harm; and
- e. Failing to warn KIMBERLY DAWN PARUSO of the unreasonably dangerous condition of the deck in question.

8. As the sole, direct and proximate result of the defendants' negligence, carelessness and recklessness, plaintiff's minor child, KIMBERLY DAWN PARUSO, has suffered, and may continue to suffer, serious and severe injuries, all of which may be permanent in nature, including, but not limited to:

- a. Pain and tenderness over the thoracic spine, chest and abdomen;
- b. Fractures of ribs 4,6,7,8,9,10 and 11;

- c. Trauma to the right knee, chest, hips, right femur and back;
- d. Damage to the ligaments and tendons of the right knee;
- e. Cervical strain and sprain; and
- f. Various abrasions and contusions.

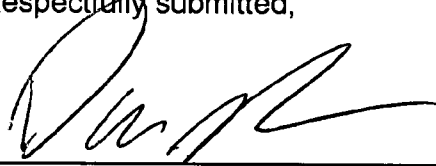
9. As the sole, direct and proximate result of the aforementioned injuries the minor child, KIMBERLY DAWN PARUSO, and her mother, CAROL PARUSO have suffered the following damages, some or all of which may be ongoing in nature, including but not limited to:

- a. Plaintiffs have been forced to expend and may in the future be required to expend, large sums of money for medical treatment including, without limitation, hospitalization, surgery, surgical supplies, surgical services, medical supplies, medical services and other attendant services;
- b. Pain, inconvenience, suffering, embarrassment and anguish;
- c. Permanent scarring;
- d. Impairment of the minor child's general health, strength and vitality; and
- e. Impairment of the minor child's physical activities and enjoyment of her daily life.

WHEREFORE, the plaintiff, CAROL PARUSO, individually, and as guardian of KIMBERLY DAWN PARUSO, a minor, demand judgment against defendants, BETTY McGINNIS, a/k/a BETTY WALLS McGINNIS and BRENDA PISARCIK, in

an amount in excess of Thirty Thousand Dollars (\$30,000) plus costs and interest
and such other and further relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darrell J. Arbore', written over a horizontal line.

Darrell J. Arbore, Esquire
Counsel for Plaintiff

226 South Maple Avenue
Suite 208
Greensburg, PA 15601
Pa. I.D. No. 63339
(724) 836-7650

VERIFICATION

I, CAROL PARUSO, hereby state that I am the plaintiff in this action and that the statements of fact made in the foregoing COMPLAINT IN CIVIL ACTION are true and correct to the best of my information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Section 4904 relating to unsworn falsification to authorities.

April 25, 01
Date

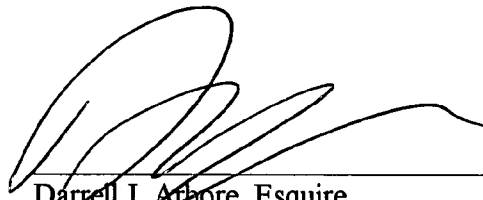
Carol Paruso
CAROL PARUSO

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Complaint in Civil
Action was served upon the following by U. S. First Class Mail - Postage Prepaid on the
1st day of May, 2001:

Joseph A. Hudock, Jr., Esquire
Summers, McDonnell, Walsh & Skeel, L.L.P.
Gulf Tower, Suite 2400
707 Grant Street
Pittsburgh, PA 15219

Dated: 5/1/01



Darrell J. Arbore, Esquire
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

vs.

BETTY MCGINNIS a/k/a
BETTY WALLS MCGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No.: 2000-1427 CD

**ANSWER, NEW MATTER AND
NEW MATTER PURSUANT TO
RULE 2252(d)**

Filed on Behalf of the
Defendant: Betty McGinnis
a/k/a Betty Walls McGinnis.

Counsel of Record for this Party:

Joseph A. Hudock, Jr.
PA I.D. #66064

TO: PLAINTIFF

You are hereby notified to
file a written response to
the enclosed Answer and New
Matter within twenty (20)
days from service hereof
or a judgment may be entered
against you.


SUMMERS, McDONNELL, WALSH & SKEEL

**SUMMERS, McDONNELL,
WALSH & SKEEL**

Firm #911

The Gulf Tower · Suite 2400
707 Grant Street
Pittsburgh, PA 15219

(412) 261-3232

#9406

FILED

MAY 23 2001

William A. Shaw
Prothonotary

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

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

v.

BETTY McGINNIS a/k/a
BETTY WALLS McGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No. 2000-1427-CD

**ANSWER, NEW MATTER AND NEW MATTER
PURSUANT TO RULE 2252(d)**

AND NOW, come the defendant, Betty McGinnis, by and through her attorneys, Summers, McDonnell, Walsh & Skeel, L.L.P., and sets for the following Answer, New Matter and New Matter Pursuant to Rule 2252(d) and in support thereof avers as follows:

1.-4. Paragraphs 1 through 4 of the plaintiff's Complaint are admitted.

5. It is admitted that Defendant McGinnis owned the property in question which had been leased to and was in the control and possession of Codefendant Pisarcik. After reasonable investigation, it is averred that this defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of Paragraph 5 of the plaintiff's Complaint.

6. Paragraph 6 of the plaintiff's Complaint is denied pursuant to

Pa.R.C.P. 1029(d) and (e).

7. Paragraph 7 of the plaintiff's Complaint and Subsections (a) through (e) thereof are denied pursuant to Pa.R.C.P. 1029(d) and (e).

8. Paragraph 8 of the plaintiff's Complaint and Subsections (a) through (f) thereof are denied pursuant to Pa.R.C.P. 1029(d) and (e).

9. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 9 and Subsections (a) through (e) thereof. Strict proof is demanded at trial.

NEW MATTER

10. The minor-plaintiff was contributorily negligent. This defendant asserts, as an affirmative defense, the relevant provisions of the Pennsylvania Comparative Negligence Act.

11. The minor-plaintiff assumed the risk of injury. This defendant asserts, as an affirmative defense, the doctrine of assumption of the risk.

NEW MATTER PURSUANT TO RULE 2252(d)
BETTY MCGINNIS v. BRENDA PISARCIK

12. Defendant incorporates by reference the preceding paragraphs of this Answer and New Matter the same as if fully set forth at length herein.

13. Solely for the purposes of the within cross-claim, this defendant adopts and incorporates those allegations of the plaintiff's Complaint directed toward Codefendant Brenda Pisarcik.

14. In the event it is judicially determined that the plaintiffs are entitled to a recovery, the right to such a recovery having been heretofore

specifically denied, then it is averred that the codefendant, Brenda Pisarcik, is solely liable to the plaintiffs.

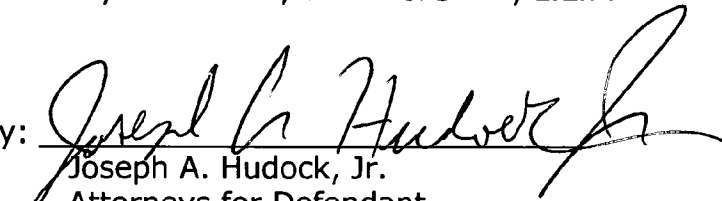
15. In the event it is judicially determined that the plaintiffs are entitled to a recovery from this defendant, the right to such a recovery having been heretofore specifically denied, then it is averred that the codefendant, Brenda Pisarcik, is liable with this defendant for contribution and/or indemnification.

WHEREFORE, this defendant demands judgment in her favor and against all other parties.

Respectfully submitted,

SUMMERS, MCDONNELL, WALSH & SKEEL, L.L.P.

By:


Joseph A. Hudock, Jr.
Attorneys for Defendant,
Betty McGinnis

VERIFICATION

Defendant verifies that she is the Defendant in the foregoing action; that the foregoing **ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d)** is based upon information which she has furnished to her counsel and information which has been gathered by her counsel in the preparation of the lawsuit. The language of the **ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d)** is that of counsel and not of the Defendant. Defendant has read the **ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d)** and to the extent that the **ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d)** is based upon information which she has given to her counsel, it is true and correct to the best of her knowledge, information and belief. To the extent that the content of the **ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d)** is that of counsel, she has relied upon counsel in making this Affidavit. Defendant understands that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: 5/17/2001Betty McGinnis
Betty McGinnis

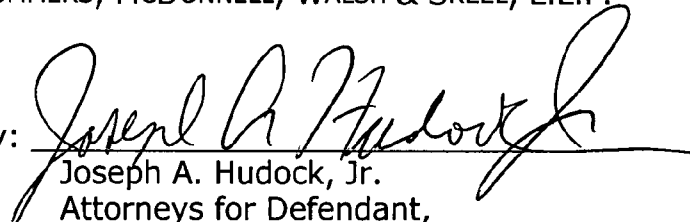
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Answer, New Matter and New Matter Pursuant to Rule 2252(d)** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 21ST day of MAY, 2001.

Darrell Arbore, Esquire
Suite 208
226 South Maple Avenue
Greensburg, PA 15601

Brenda Pisarcik
15 South Main Street
DuBois, PA 15801

SUMMERS, MCDONNELL, WALSH & SKEEL, L.L.P.

By: 
Joseph A. Hudock, Jr.
Attorneys for Defendant,
Betty McGinnis

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

CAROL PARUSO, individually, and
as guardian of KIMBERLY DAWN
PARUSO, a minor,

Plaintiffs,

v.

BETTY McGINNIS a/k/a
BETTY WALLS McGINNIS
and BRENDA PISARCIK,

Defendants.

No. 2000-1427-CD

**REPLY TO NEW MATTER AND
NEW MATTER PURSUANT TO
PA. R.C.P. 2252(d)**

FILED ON BEHALF OF:

Plaintiffs

**COUNSEL OF RECORD
FOR THIS PARTY:**

Darrell J. Arbore, Esquire
Atty. I.D. #63339

226 South Maple Avenue
Suite 208
Greensburg, PA 15601
(724) 836-7650

FILED

MAY 31 2001

William A. Shaw
Prothonotary

CAROL PARUSO, individually,
And as guardian of KIMBERLY DAWN
PARUSO, a minor

V.

Defendants.

No. 2000-1427-CD

10. Paragraph 10 of defendant's New Matter constitutes a conclusion of law to which no response is required and strict proof of same is demanded at time of trial.
11. Paragraph 11 of defendant's New Matter constitutes a conclusion of law to which no response is required and strict proof of same is demanded at time of trial.

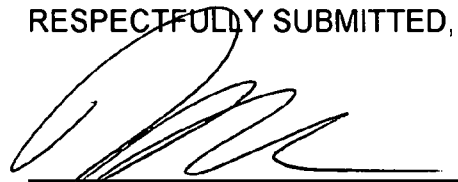
REPLY TO NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d) DIRECTED TO
DEFENDANT BRENDA PISARCIK

12-15. Paragraphs twelve to fifteen of defendant's New Matter Pursuant to Pa.

R.C.P 2252(d) constitute conclusions of law to which no response is required by the plaintiff's. Furthermore, paragraphs twelve to fifteen of defendant's New Matter Pursuant to Pa R.C.P. 2252 (d) are directed to a party other than plaintiffs thus requiring no response from plaintiffs.

WHEREFORE, plaintiffs respectfully request that the Honorable court not enter judgment in favor of defendant Betty McGinnis.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read 'Darrell J. Arbore', is written over a horizontal line.

Darrell J. Arbore, Attorney for
Plaintiffs Carol Paruso and
Kimberly Dawn Paruso

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply to New Matter and New Matter Pursuant to Pa. R.C.P. 2252(d) was served upon the following by U. S.

First Class Mail - Postage Prepaid on the 29th day of May, 2001:

Joseph A. Hudock, Jr., Esquire
Summers, McDonnell, Walsh & Skeel
The Gulf Tower - Suite 2400
707 Grant Street
Pittsburgh, PA 15219

Brenda Pisarcik
15 South Main Street
Dubois, PA 15801

Dated: May 29, 2001



Darrell J. Arbore, Esquire
Attorney for Plaintiffs

CA

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

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

vs.

BETTY McGINNIS a/k/a
BETTY WALLS McGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No.: 2000-1427 CD

MOTION TO COMPEL

Filed on Behalf of the
Defendant: Betty McGinnis
a/k/a Betty Walls McGinnis.

Counsel of Record for this Party:

Joseph A. Hudock, Jr.
PA I.D. #66064

SUMMERS, McDONNELL,
WALSH & SKEEL, L.L.P.
Firm #911

The Gulf Tower, Suite 2400
707 Grant Street
Pittsburgh, PA 15219

(412) 261-3232

#9406

FILED

Jun 27 2001

William A. Shaw
Prothonotary

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

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

v.

BETTY McGINNIS a/k/a
BETTY WALLS McGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No. 2000-1427-CD

MOTION TO COMPEL

AND NOW come the Defendant, Betty McGinnis, a/k/a Betty Walls McGinnis, by and through her attorneys, Summers, McDonnell, Walsh & Skeel, and sets forth the following Motion to Compel and in support thereof avers as follows:

1. The above-captioned case arises out of a fall which occurred on November 21, 1998 at property owned by the defendant in DuBois, Clearfield County, Pennsylvania. The minor-plaintiff allegedly fell of a second story balcony and sustained various personal injuries.

2. On February 19, 2001, the defendant forwarded Interrogatories, a Request for Production of Documents and medical authorizations to the plaintiff's counsel.

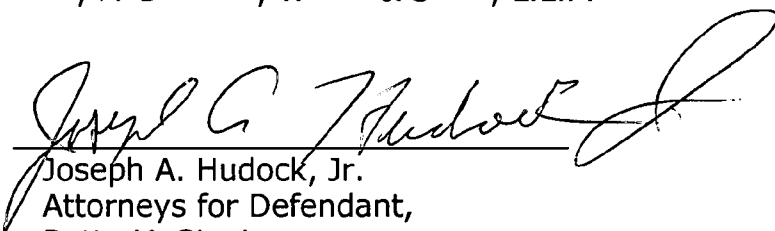
3. To date, no response has been forthcoming to these discovery requests.

4. It is necessary for a proper defense of this lawsuit that the plaintiff file full and complete response to the defendant's discovery requests.

WHEREFORE, defendant respectfully requests that this Honorable Court enter an Order directing the plaintiff to provide full and complete responses to defendant's discovery requests.

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.

By: _____


Joseph A. Hudock, Jr.
Attorneys for Defendant,
Betty McGinnis

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

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

v.

BETTY MCGINNIS a/k/a
BETTY WALLS MCGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No. 2000-1427-CD

ORDER OF COURT

AND NOW, to wit this 2nd day of July, 2001, it is hereby
ORDERED, ADJUDGED and DECREED that the plaintiff shall file full and
complete responses to defendant's discovery requests within twenty (20) days
from the date of this Order.

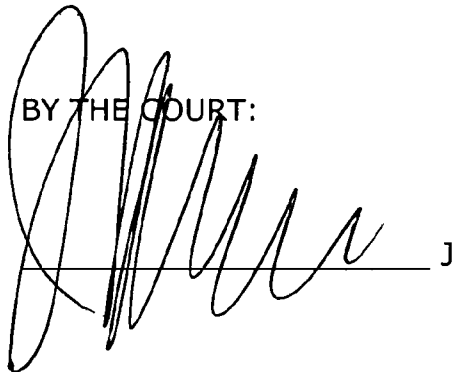
FILED

JUL 03 2001

0111351 KSC/att
William A. Shaw
Prothonotary

Haddock
EAL

BY THE COURT:

 J.

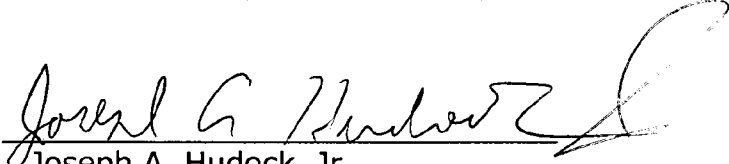
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion was served upon counsel of record by mailing the same via first class mail, postage pre-paid, this 25th day of June, 2001, addressed as follows:

Darrell Arbore, Esquire
Suite 208
226 South Maple Avenue
Greensburg, PA 15601

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.

By:


Joseph A. Hudock, Jr.
Attorneys for Defendant,
Betty McGinnis

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

vs.

BETTY McGINNIS a/k/a
BETTY WALLS McGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No.: 2000-1427 CD

**PRAECIPE TO PLACE
CASE AT ISSUE**

Filed on Behalf of
Defendant: Betty McGinnis
a/k/a Betty Walls McGinnis.

Counsel of Record for this Party:

Joseph A. Hudock, Jr.
PA I.D. #66064

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.
Firm #911

The Gulf Tower, Suite 2400
707 Grant Street
Pittsburgh, PA 15219

(412) 261-3232

#9406

FILED

DEC 24 2003

William A. Straw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

v.

BETTY McGINNIS a/k/a
BETTY WALLS McGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No. 2000-1427-CD

PRAECIPE TO PLACE CASE AT ISSUE

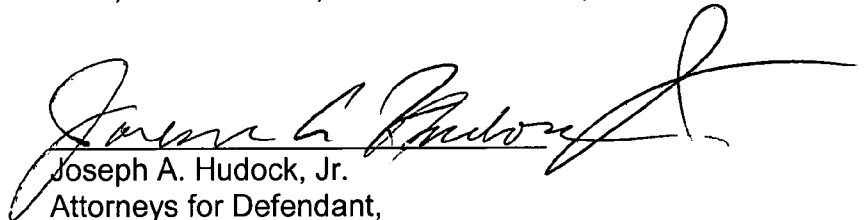
To: PROTHONOTARY

Kindly place the above-referenced case on the next available trial list. No Motions are outstanding. Discovery has been completed, and the case is ready for trial. Defendant demands a jury trial. Notice of the filing of this Praecipe has been given to all other parties.

Respectfully submitted,

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.

By:


Joseph A. Hudock, Jr.
Attorneys for Defendant,

Betty McGinnis a/k/a Betty Walls McGinnis

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Praeceptum to Place Case at Issue** was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, this 22nd day of December, 2003.

Darrell Arbore, Esquire
Suite 208
226 South Maple Avenue
Greensburg, PA 15601

Brenda Pisarcik
15 South Main Street
DuBois, PA 15801

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.

By:


Joseph A. Hudock, Jr.

Attorneys for Defendant,

Betty McGinnis a/k/a Betty Walls McGinnis

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

CAROL PARUSO, individually, and *
as guardian of KIMBERLY DAWN *
PARUSO, a minor, *
Plaintiffs *

vs. *

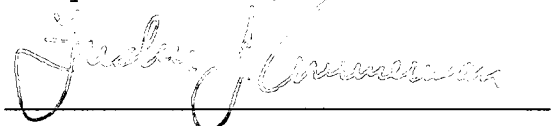
NO. 2000-1427-C.D. *

BETTY MCGINNIS, a/k/a BETTY *
WALLS MCGINNIS and BRENDA *
PISARCIK, *
Defendants *

ORDER

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 15, 2004 at 10:00 a.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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

FILED

CAROL PARUSO, individually
and as guardian of KIMBERLY
DAWN PARUSO, a minor,
Plaintiffs

vs.

BETTY MCGINNIS, a/k/a
BETTY WALLS MCGINNIS, and
BRENDA PISARCIK,
Defendants

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NO. 2000-1427-C.D.

APR 15 2004

William A. Snow
Prothonotary Clerk of Courts

O R D E R

NOW, this 15th 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 July 20, 2004 and July 21, 2004 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

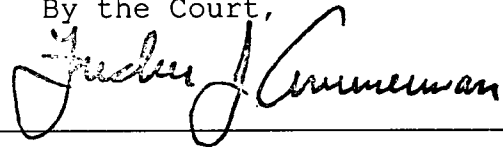
3. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered within no more than thirty (30) days from this date. Failure to comply will result in the witness not being available for use at trial.

4. 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.

5. 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, appearing to read "Fredric J. Ammerman", is written over a horizontal line.

FREDRIC J. AMMERMAN
President Judge

FILED
APR 15 2004

1cc
Atty Arbore

FILED
APR 15 2004

1cc
Atty Summers

1cc Def. Brenda Pisarcik
111 W. Lakes Ave.
Burlington, PA 15801
(address on Fict Court)

Date: 04/08/2004

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 10:25 AM

ROA Report

Page 1 of 1

Case: 2000-01427-CD

Current Judge: Fredric Joseph Ammerman

Carol Paruso, Kimberly Dawn Paruso vs. Betty McGinnis, Brenda Sue Pisarcik

Civil Other

Date		Judge
11/17/2000	New Case Filed. Filing: Writ of Summons Paid by: Arbore, Darrel J. Receipt number: 0051635 Dated: 11/17/2000 Amount: \$80.00 (Check) Please issue a Writ of Summons in favor of the Plaintiffs in the above-captioned matter. /s/Darrell J. Arbore, Esq. One Certified Copy to Sheriff; One Certified Copy to Attorney	No Judge No Judge ✓
	Two Writs issued to Sheriff	
12/13/2000	Sheriff Return, Summons upon Defendant. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge ✓
02/12/2001	Praecipe For Appearance, on behalf of Betty McGinnis a/k/a Betty Walls McGinnis. Filed by s/Stephen J. Summers, Esq. Cert. of Service no cc	No Judge ✓
	Praecipe For Rule To File Complaint. Filed by s/Stephen J. Summers, Esq. Cert. of Service Rule to Atty Summers	No Judge ✓
05/03/2001	Complaint in Civil Action. filed by s/Darrell J. Arbore, Esq. Verification. s/Carol Paruso Cert. of Svc. no cc	No Judge ✓
05/23/2001	Answer, New Matter and New Matter Pursuant to Rule 2252(d). filed by s/Joseph A. Hudock, Jr., Esq. Verification, s/Betty McGinnis Cert of Service no cc	No Judge ✓
05/31/2001	Reply to New Matter and New Matter Pursuant to Pa. R.C.P. 2252(D) Filed by s/Darrell J. Arbore, Esq. Cert of Svc no cc	No Judge ✓
06/27/2001	Motion to Compel. filed by s/Joseph A. Hudock, Jr., Esq. Cert. of Svc. no cc	No Judge ✓
07/03/2001	ORDER OF COURT, AND NOW, to wit this 2nd day of July, 2001, re: Response to Discovery Requests. by the Court, s/JKR, JR, P.J. 1 cc atty Hudock	John K. Reilly Jr. ✓
12/24/2003	Praecipe To Place Case At Issue. filed by, s/Joseph A. Hudock, Jr., Esq. Certificate of Service no cc Copy to C/A	John K. Reilly Jr. ✓
04/06/2004	ORDER, NOW, this 1st day of April, 2004, re; Pre-Trial Conference scheduled for Thursday, April 15, 2004, at 10:00 a.m. in President Judge Ammerman's Chambers. by the Court, s/FJA, P.J. 2 cc Atty Arbore, Summers	Fredric Joseph Ammerman ✓

✓ 04/15/2004 ORDER, NOW, this 15th day

Date: 12/26/2003

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 01:15 PM

ROA Report

Page 2 of 2

Case: 2000-01314-CD

Current Judge: Fredric Joseph Ammerman

Joel F. Harris, Gerald Stottish vs. Brian Dungey

Civil Other

Date		Judge
04/09/2003	Filing: Praeipce/List For Arbitration Paid by: Mohny, Christopher E. (attorney for Stottish, Gerald) Receipt number: 1858482 Dated: 04/09/2003 Amount: \$20.00 (Check) No cc. Copy to CA	Fredric Joseph Ammerman ✓
08/19/2003	August 19, 2003, Oath or Affirmation of Arbitrators filed. Award of Arbitrators, Verdict for the Plaintiffs: for Gerald Stottish \$6,000. for Joel F. Harris \$10,000. S/Carl A. Belin, Jr., Esq., Chairman, s/J. Richrd Lhota, Esq. s/Mark A. Falvo, Esq. Entry of Award, Witness My Hand and the Seal of the Court. William A. Shaw, Prothonotary.	Fredric Joseph Ammerman ✓
09/15/2003	Filing: Arbitration Appeal Paid by: Stofko Law Offices Receipt number: 1866103 Dated: 09/15/2003 Amount: \$600.00 (Check)	Fredric Joseph Ammerman ✓
10/17/2003	Motion to Quash Appeal from Award of Arbitrators, filed by s/Christopher E. Mohny, Esq. s/Querino R. Torretti, Esq. No CC	Fredric Joseph Ammerman ✓
10/21/2003	ORDER, AND NOW, this 21st day of October, 2003, re: Hearing on Plaintiffs' Motion to Quash Appeal From Award of Arbitrators set for 26th day of November, 2003, at 10:30 a.m. by the Court, s/FJA,J. 2 cc Atty Moh ney	Fredric Joseph Ammerman ✓
11/06/2003	Praeipce to Withdraw Motion to Quash Appeal filed by Atty. Mohny. No cc.	Fredric Joseph Ammerman ✓

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CAROL PARUSO, individually, and as)
Guardian of KIMBERLY DAWN PARUSO)

Petitioner,)

vs.)

BETTY McGINNIS, a/k/a BETTY WALLS)
McGINNIS, a widow, and BRENDA PISARCIK,)

Respondent)

No. 2000-1427 CD

PETITION FOR
APPROVAL OF
SETTLEMENT OF A
MINOR' CLAIM

Filed on behalf of:
CAROL PARUSO,
Petitioner

Counsel of Record for this
Party:

DARRELL J. ARBORE,
ESQUIRE

Pa. I.D. No. 63339

226 South Maple Avenue
Suite 208
Greensburg, PA 15601

(724) 836-7650

FILED ^{EGK}
NO CC
01:40 PM
AUG 16 2004 iL copy CIA

William A. Shaw
Prothonotary/Clerk of Courts

PETITION FOR APPROVAL OF A SETTLEMENT OF A MINOR'S CLAIM

And now comes the Petitioner, Carol Paruso, through her undersigned counsel, Darrell J. Arbore, Esquire, and files this Petition for Approval of a Settlement of a Minor's Claim and in support thereof asserts the following:

1. Petitioner is the natural mother and legal guardian of Kimberly Dawn Paruso, her minor daughter, D.O.B.: 9/12/86.
2. Petitioner filed the above personal injury action on behalf of said minor as a result of injuries suffered by the minor when a deck collapsed.
3. Said minor suffered several broken ribs and a knee injury, as a result of this accident.
4. The parties to the above action have reached a settlement in the amount of \$15,000.
5. The Department of Public Welfare maintains a lien in the amount of \$4,981.17 in the above claim which the Department has agreed to compromise to the amount of \$3,320.78. (See Attachment "A")
6. The plaintiffs have been represented in this matter by Darrell J. Arbore, Esquire who, by written Power of Attorney and Contingent Fee Agreement is entitled to a one-third contingent fee agreement of any settlement and his costs.
7. Attorney Arbore has advanced costs in this matter in the amount of \$560.00. (See Bill of Costs attached hereto as Exhibit "B")

8. Attorney Arbore has agreed to waive his costs in this case and discount his fee by \$950.00 which amount to \$1,510.00.

9. Upon approval of the settlement, the settlement proceeds will be distributed as outlined on Schedule A, Disbursement of Proceeds of Settlement. (Attached hereto as Exhibit "C")

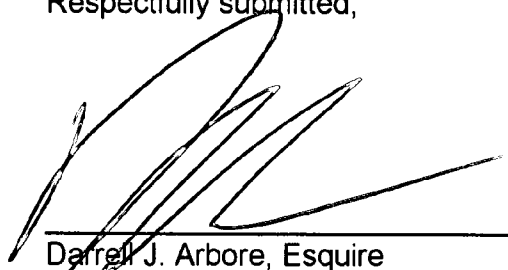
10. The portions of the settlement to be distributed to the Petitioner on behalf of the minor will be deposited into an interest bearing account.

11. The Petitioner believes that this settlement is fair and reasonable and is in the best interest of the minor child, who will reach the age of majority on September 12, 1986.

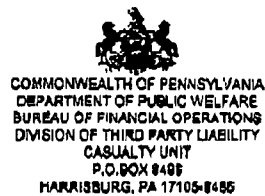
12. Attorney Arbore believes that this settlement is fair and reasonable under the circumstances of this case and has recommended its acceptance to the Petitioner.

WHEREFORE, Petitioner requests this Honorable Court enter an Order approving the settlement and authorizing distribution of the settlement proceeds in the manner set forth in the proposed order of court.

Respectfully submitted,



Darrell J. Arbore, Esquire
Counsel for CAROL PARUSO,
Petitioner



July 16, 2004

DARRELL J ARBORE ESQUIRE
226 S MAPLE AVE
STE 208
GREENSBURG PA 15601

Re: KIMBERLY PARUSO (minor)
CIS #: 740143266
Incident Date: 11/21/1998

Dear Attorney Arbore:

The Department of Public Welfare maintains a lien in the amount of \$4,981.17 for the above-referenced incident.

The Department has agreed to reduce its lien by 1/3 and accept the net payment of \$3,320.78 to satisfy the total lien amount or accept half of the net to the client, whichever is the lesser amount.

Checks should be made payable to the Department of Public Welfare and sent to my attention at the above address. We request that with all transmittal of funds, you provide the Department with a copy of the final distribution sheet.

In the event you have already brought or will bring any action resulting in a further recovery, we reserve the right to seek recovery of any additional unpaid portion of our medical/cash lien. This settlement in no way affects our future rights.

Thank you for your cooperation in this matter. If you have any further questions, please contact me.

Sincerely,

Margaret L. Sohn
Claims Investigation Agent
717-772-6609
717-705-8150 FAX

"A"

BILL OF COSTS

Filing Fee for Writ of Summons	\$ 80.00
Norris Abstract Company	25.00
Minuteman Press	7.38
Postmaster - November 14, 2000	11.75
November 16, 2000	11.75
April 7, 2004	13.65
AKF Court Reporting Services	136.15
Medical Records Children's Hospital	64.61
Ortho-Logic (Medical Records)	15.00
West Penn Orthopedic	<u>46.00</u>
TOTAL COSTS	\$ 560.00

"B"

SCHEDULE A
DISBURSEMENT OF PROCEEDS OF SETTLEMENT

Negotiated Settlement Amount:		\$15,000.00
Contract Attorney Fees of 33 and 1/3%	\$4,950.00	
Costs Advanced By Counsel (See Attached Bill of Costs) (Costs waived by Counsel)	\$560.00	
Fee discounted back to client	\$950.00	
Fee Paid to Attorney Arbore After Discounts to Client		\$4,000.00
Amount Paid to Satisfy DPW Lien (See Attached Lien Letter)		\$ <u>3,320.78</u>
TOTAL COSTS		\$7,320.78
Gross Amount to Client		\$7,679.22
Fees and Costs Discounted To Client	<u>1,555.00</u>	
Net Amount to Client		\$7,679.22

11
C=

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CAROL PARUSO individually, and as)
Guardian of KIMBERLY DAWN PARUSO)
a minor,)
 Petitioner,)
))
 vs.)
))
BETTY McGINNIS, a/k/a BETTY WALLS)
McGINNIS, a widow and BRENDA PISARCIK)
))
 Respondents.)
)

FILED

AUG 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

No. 2000-1427 CD

ORDER OF COURT

AND NOW, to-wit this 16th day of August, 2004, it
is hereby ORDERED, ADJUDGED AND DECREED that the Petitioner's Petition
for Approval of Settlement of a Minor Claim is hereby granted and the proceeds
shall be distributed in the following manner:

1. Payment of counsel fees to Darrell J. Arbore, Esquire in the amount of
\$4,000.00.
2. Payment of \$3,320.78 to the Pennsylvania Department of Public
Welfare to satisfy unpaid medical lien.
3. The payment of the balance of the settlement in the amount of
\$7,679.22 to Kimberly Dawn Paruso, a minor, to be deposited in her
name in any federally insured savings account, certificate of deposit, or
other federally insured investment with a notation that the funds are not

to be withdrawn by Kimberly Dawn Paruso until she has attained the age or 18 years.

4. Proof of deposit shall be filed of record in thirty (30) days.

BY THE COURT:



J.

VERIFICATION

I CAROL PARUSO have read the foregoing PETITION FOR APPROVAL OF SETTLEMENT OF A MINOR CLAIM and the statements continued therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification are made subject to the penalties of 18 § Pa. C.S.

A. § 4904 relating to unsworn falsification to authorities, which provides that if I knowingly make false statements to authorities, I may be subject to criminal penalties.

Date: Aug 16, 2004

Carol Paruso
CAROL PARUSO

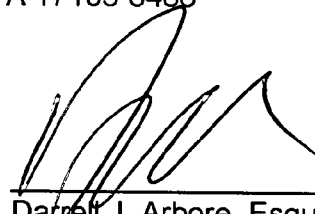
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within
PETITION FOR APPROVAL OF SETTLEMENT OF A MINOR CLAIM was
served upon the following by First Class Mail this 18th day of July, 2002.

Attorney Joseph A. Hudock, Jr., Esquire
Gulf Tower Suite 2400
700 Grant Street
Pittsburgh, PA 15219
(412) 261-3239

Margaret L. Sohn
Claims Investigation Agent
DPW
P.O. Box 8486
Harrisburg, PA 17105-8486

July 18, 2004



Darrell J. Arbore, Esquire,
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CAROL PARUSO, individually
and as guardian of KIMBERLY
DAWN PARUSO, a minor,
Plaintiffs

vs.

BETTY MCGINNIS, a/k/a
BETTY WALLS MCGINNIS, and
BRENDA PISARCIK,
Defendants

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NO. 2000-1427-C.D.

O R D E R

NOW, this 15th 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 July 20, 2004 and July 21, 2004 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

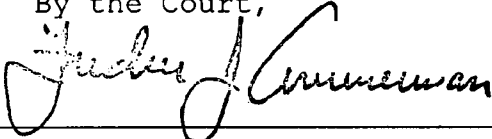
3. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered within no more than thirty (30) days from this date. Failure to comply will result in the witness not being available for use at trial.

4. 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.

5. 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", is written over a horizontal line.

FREDRIC J. AMMERMAN
President Judge

FU E COPY

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

CAROL PARUSO, individually, and *
as guardian of KIMBERLY DAWN *
PARUSO, a minor, *
Plaintiffs *

vs. *

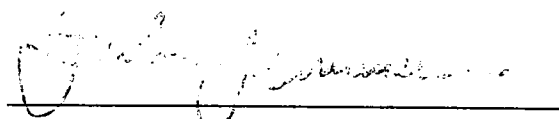
NO. 2000-1427-C.D. *

BETTY MCGINNIS, a/k/a BETTY *
WALLS MCGINNIS and BRENDA *
PISARCIK, *
Defendants *

ORDER

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 15, 2004 at 10:00
a.m. in President Judge Ammerman's Chambers, Clearfield County
Courthouse, Second Floor, Clearfield, Pennsylvania.

By the Court,



FREDRIC J. AMMERMAN
PRESIDENT JUDGE

July
July 20 2004
✓

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL PARUSO, individually,
and as guardian of KIMBERLY
DAWN PARUSO, a minor,

Plaintiffs,

vs.

BETTY McGINNIS a/k/a
BETTY WALLS McGINNIS
and BRENDA PISARCIK,

Defendants.

CIVIL DIVISION

No.: 2000-1427 CD

PRE-TRIAL STATEMENT

Filed on Behalf of
Defendant: Betty McGinnis
a/k/a Betty Walls McGinnis.

Counsel of Record for this Party:

Joseph A. Hudock, Jr.
PA I.D. #66064

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.
Firm #911

The Gulf Tower, Suite 2400
707 Grant Street
Pittsburgh, PA 15219

(412) 261-3232

RECEIVED

MAR 25 2004

COURT ADMINISTRATOR'S
OFFICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CAROL PARUSO, individually,)	CIVIL DIVISION
and as guardian of KIMBERLY)	
DAWN PARUSO, a minor,)	
)	
Plaintiffs,)	
)	
v.)	No. 2000-1427-CD
)	
BETTY McGINNIS a/k/a)	
BETTY WALLS McGINNIS)	
and BRENDA PISARCIK,)	
)	
Defendants.)	

PRE-TRIAL STATEMENT

AND NOW, comes the defendant, Betty McGinnis, by and through her attorneys, Summers, McDonnell, Walsh & Skeel, L.L.P., and sets forth the following pre-trial statement and in support thereof avers as follows:

FACTS

On November 21, 1998, the minor-plaintiff, Kimberly Dawn Paruso, fell from a second story balcony on the defendant's premises when the wooden railing somehow broke. The plaintiff fractured some ribs in the accident. At the time of the accident, the defendant was a landlord out of possession. The co-defendant, Brenda Pisarcik, was the tenant but had left the premises shortly before the accident and permitted the minor-plaintiff and some other children to remain unsupervised.

EXHIBITS

1. Plaintiff's medical records.
2. Photographs of the accident scene.

3. Copy of the lease agreement.
4. Any exhibit identified in any deposition or other discovery.
5. Any exhibit identified in any other party's pre-trial statement.

LIABILITY WITNESSES

1. Parties to this action.
2. Stephanie Pisarcik
15 South Main Street
Du Bois, PA
3. Chelsea Pisarcik
15 South Main Street
Du Bois, PA
4. Steven Pisarcik
15 South Main Street
Du Bois, PA
5. Jeremy Morris
(Address unknown)
6. Any individual or entity identified in any other party's pre-trial statement.

DAMAGE WITNESSES

1. Any individual or entity identified under the liability portion of this pre-trial statement.
2. Records Custodian
Du Bois Regional Medical Center
Du Bois, PA 15801
3. Records Custodian
Children's Hospital
3705 Fifth Avenue
Pittsburgh, PA 15213
4. Records Custodian
Du Bois Magnetic Imaging Center
104 Hospital Avenue
Du Bois, PA 15801

5. Dr. Siar
c/o Gateway Area Medical Associates, Inc.
635 Maple Avenue, Suite C
Du Bois, PA 15801
6. Dr. Badamo
c/o Gateway Area Medical Associates, Inc.
635 Maple Avenue, Suite C
Du Bois, PA 15801
7. Eugene Wiener, M.D.
c/o Children's Hospital
3705 Fifth Avenue
Pittsburgh, PA
8. José Andujar, M.D.
c/o Children's Hospital
3705 Fifth Avenue
Pittsburgh, PA
9. M.P. Meza, M.D.
c/o Children's Hospital
3705 Fifth Avenue
Pittsburgh, PA
10. Records Custodian
University of Pittsburgh Physicians
P.O. Box 371980
Pittsburgh, PA 15250
11. G. Ali Shah, M.D.
c/o Du Bois Magnetic Imaging Center
104 Hospital Avenue
Du Bois, PA 15801
12. Gerjis T. Alajaji, M.D.
c/o Du Bois Magnetic Imaging Center
104 Hospital Avenue
Du Bois, PA 15801
13. Melissa Fry, P.T.
c/o Du Bois Regional Medical Center
Du Bois, PA

14. Keith L. Zelliger, D.O.
West Penn Orthopedics
211 Beaver Drive
Du Bois, PA 15801
15. George M. Kosco
c/o Du Bois Regional Medical Center
Du Bois, PA
16. Any individual or entity identified in any other party's pre-trial statement.

LEGAL THEORIES

The defendant was a landlord out of possession at the time of the accident. She was never placed on notice of any defects in the balcony railing. The defendant had inspected the premises at some point prior to the accident but did not observe any defects in the balcony railing. The defendant also raises issues of the minor-plaintiff's contributory negligence and the negligence of the co-defendant in leaving the minor-plaintiff and the other children alone and unsupervised.

EVIDENTIARY ISSUES

Counsel does not anticipate any extraordinary evidentiary issues.

STIPULATIONS

It is anticipated that the parties will be able to stipulate to the authenticity of the exhibits outlined in this pre-trial statement.

POINTS FOR CHARGE

It is requested that this Honorable Court charge the jury pursuant to the following Pennsylvania Suggested Standard Civil Jury Instructions:

1. 3.01 (negligence – definition);
2. 3.03 (contributory negligence);

3. 3.03(A) (comparative negligence and apportionment among joint tortfeasors);
4. 3.10 (standard of care applicable to children);
5. 3.25 (legal cause);
6. 5.03 (number of witnesses);
7. 5.04 (conflicting testimony); and
8. 7.00 (owner/occupier of land).

ESTIMATED TIME FOR TRIAL

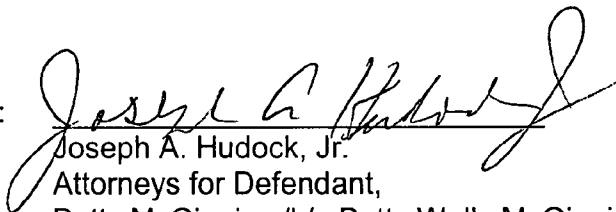
It is estimated that this case can be tried in two to three days.

Defendant reserves the right to supplement this pre-trial statement up to and including the time of trial.

Respectfully submitted,

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.

By:


Joseph A. Hudock, Jr.
Attorneys for Defendant,
Betty McGinnis a/k/a Betty Walls McGinnis

CERTIFICATE OF SERVICE

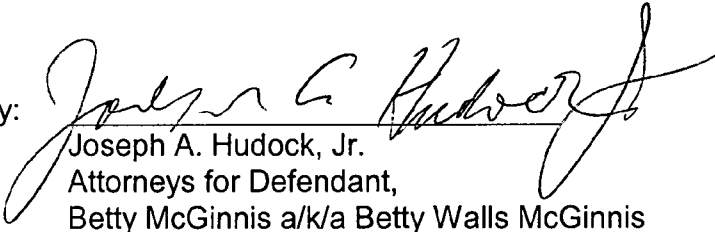
I hereby certify that a true and correct copy of the within **Pre-Trial Statement** was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, this 23rd day of March, 2004.

Darrell Arbore, Esquire
Suite 208
226 South Maple Avenue
Greensburg, PA 15601

Brenda Pisarcik
15 South Main Street
DuBois, PA 15801

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.

By:


Joseph A. Hudock, Jr.
Attorneys for Defendant,
Betty McGinnis a/k/a Betty Walls McGinnis

SUMMERS, McDONNELL, WALSH & SKEEL, L.L.P.
ATTORNEYS AT LAW

STEPHEN J. SUMMERS
THOMAS A. McDONNELL
PAUL J. WALSH III*
PETER B. SKEEL
JOSEPH A. HUDOCK, JR.
GREGG A. GUTHRIE
PAMELA V. COLLIS
PATRICK M. CONNELLY*
JEFFREY C. CATANZARITE
ANNE M. PAUL
MARNA K. BLACKMER

*ALSO ADMITTED IN WV

PITTSBURGH OFFICE:
GULF TOWER, SUITE 2400
707 GRANT STREET
PITTSBURGH, PA 15219
PHONE 412-261-3232
FAX 412-261-3239

March 23, 2004

ADAM M. BARNES*
GUY E. BLASS
ERIN M. BRAUN
JAMES A. DEFRANK
TODD M. FERENCAK
MARK J. GOLEN
JASON A. HINES
JENNIFER M. IRVIN
SUMMERLY E. KULIK
STEVEN L. MINNICH
COLLEEN P. MURRAY
KEVIN D. RAUCH
NATALIE A. TROILO*
AMY N. WILLIAMSON
TRISHA A. ZAKEN
GINA M. ZUMPELLA

RECEIVED

MAR 25 2004

COURT ADMINISTRATOR'S
OFFICE

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

**Re: Carol Paruso, individually and as guardian of
Kimberly Dawn Paruso, a minor v. Betty
McGinnis a/k/a Betty Wall McGinnis and Brenda Pisarcik**
Docket No. : AR 03-002977
Our File : 9406

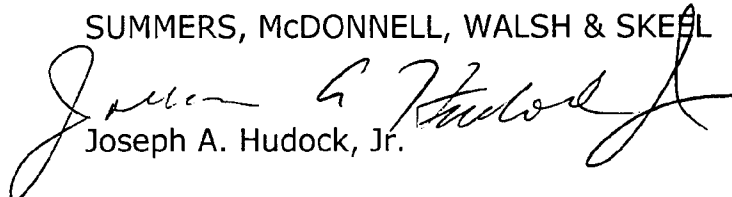
Dear Mr. Meholick:

Enclosed please find a copy of the defendant's pre-trial statement which I would ask that you file with your office in the above-captioned case. Also enclosed are additional cover sheets which I would ask that you time-stamp and return to me in the enclosed self-addressed stamped envelope. Thank you.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

SUMMERS, McDONNELL, WALSH & SKEEL


Joseph A. Hudock, Jr.

JAH/lab
enclosure

cc: Darrell J. Arbore, Esquire (w/enclosure)
Brenda Piscarcik (w/enclosure)

(A)

DARRELL J. ARBORE
ATTORNEY AT LAW

226 SOUTH MAPLE AVENUE
SUITE 208
GREENSBURG, PA 15601

(724) 836-7650 FAX (724) 836-7573

April 5, 2004

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

RE: Carol Paruso, individually and as guardian of
Kimberly Dawn Paruso, a minor v. Betty
McGinnis a/k/a Betty Walls McGinnis and Brenda Pisarcik
Docket No. AR 03-002977

Dear Mr. Meholick:

Enclosed please find the Plaintiff's Pretrial statement, which I would ask that you file with your office in the above-captioned case. Also enclosed is an additional cover sheet, which I would ask that you time-stamp and return to me in the enclosed self-addressed stamped envelope.

Very truly yours,


Darrell J. Arbore

DJA/aa

Enclosures

cc: Joseph A. Hudock, Jr., Esquire (W/enclosure)
cc: Brenda Pisarcik (w/enclosure)

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APR 08 2004

**COURT ADMINISTRATOR'S
OFFICE**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

CAROL PARUSO, individually and as
guardian of KIMBERLY DAWN
PARUSO, a minor,

Plaintiffs,

v.

BETTY McGINNIS a/k/a BETTY WALLS,
McGINNIS and BRENDA PISARCIK,

Defendants.

No. 1894 of 2004

TYPE OF PLEADING:
Pre-Trial Statement

FILED ON BEHALF OF:
Carol Paruso, individually and as
guardian of Kimberly Dawn
Paruso, a minor

COUNSEL OF RECORD FOR
THIS PARTY:
Darrell J. Arbore, Esquire
Pa. I.D. No. 63339

226 South Maple Avenue
Suite 208
Greensburg, PA 15601

(724) 836-7650

RECEIVED

APR 08 2004

COURT ADMINISTRATOR'S
OFFICE

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

CIVIL ACTION – LAW

CAROL PARUSO, individually and as)	
guardian of KIMBERLY DAWN)	
PARUSO, a minor,)	
)	
Plaintiffs,)	No. 1894 of 2004
)	
v.)	
)	
BETTY McGINNIS a/k/a BETTY WALLS,)	
McGINNIS and BRENDA PISARCIK,)	
)	
Defendants.)	
)	

PRE-TRIAL STATEMENT

AND NOW, comes the Plaintiffs, Carol Paruso, individually and as guardian of Kimberly Dawn Paruso, a minor, by and through their attorney, Darrell J. Arbore, Esquire, and sets forth the following pre-trial statement and in support thereof avers as follows:

FACTS

Kimberly Dawn Paruso, the minor plaintiff in this case was lawfully present on the premises owned by the defendant Betty McGinnis and leased to or otherwise in the control and/or possession of the defendant Brenda Pisarcik when she was severely injured after the railing of an outdoor deck collapsed, causing her to fall 15 to 20 feet onto the wooden stairs and concrete below. For a significant period of time prior to the injury of which the plaintiff complains, the defendants permitted the deck in question to remain in a state of dilapidation and disrepair when the defendants knew, or had reason to know, that the deck constituted an unreasonably dangerous condition upon the premises posing

an unreasonable risk of harm to Kimberly Dawn Paruso. As the result of her fall Kimberly Dawn Paruso fractured seven ribs, damaged ligaments and tendons in her right knee, sustained various abrasions and contusions, trauma to her chest, hips, right femur and back. The Plaintiff also suffered pain in her thoracic spine, chest and abdomen.

EXHIBITS

1. Plaintiff's medical records.
2. Photographs of the accident scene.
3. Videotape of the accident scene.
4. Any exhibit identified in any deposition or other discovery.
5. Any exhibit identified in any of other party's pre-trial statement.

LIABILITY WITNESSES

1. Brenda Pisarcik
15 South Main Street
Dubois, PA 15801
2. Betty McGinnis
324 West Washington Avenue
Dubois, PA 15801
3. Kimberly Dawn Paruso
1171 Second Avenue
Brockway, PA 15824
4. Chelsea Pisarcik
15 South Main Street
Dubois, PA 15801
5. Stephanie Pisarcik
15 South Main Street
Dubois, PA 15801
6. Steven Pisarcik
15 South Main Street
Dubois, PA 15801

7. Jeremy Morris
(Address unknown)
8. Any individual or entity identified in any other party's pre-trial statement.

DAMAGE WITNESSES

1. Keith L. Zeliger, D.O.
DRMC Orthopaedic
145 Hospital Avenue
Suite 311
Dubois, PA 15801
2. Carol Paruso
3. Kimberly Dawn Paruso
4. Any individual or entity identified in any other party's pre-trial statement.

LEGAL THEORIES

The injured Plaintiff was lawfully present on the premises owned by the Defendant, Betty McGinnis and leased to the Defendant Brenda Pisarcik. For a significant period of time prior to the injury of which the plaintiff complains of, defendant, Betty McGinnis permitted the deck in question to remain in a state of dilapidation and disrepair when she knew, or should have known that the deck constituted an unreasonably dangerous condition upon the premises posing an unreasonable risk of harm to Kimberly Dawn Paruso. Defendant, Betty McGinnis as the owner of the property failed in her duty to use reasonable care in the maintenance and use of her property and failed to protect guests or invitees of her tenants from foreseeable harm. Betty McGinnis also failed in her duty to inspect the premises and/or to discover dangerous conditions. Betty McGinnis is liable for the harm caused to Kimberly Dawn Paruso because she breached her duty to use reasonable care to discover the dangerous

condition that existed on her property which involved an unreasonable risk of harm to the Plaintiff. Betty McGinnis failed to exercise reasonable care to protect Kimberly Dawn Paruso against the dangerous condition that existed on her property in the form of the deck.

EVIDENTIARY ISSUES

Counsel does not anticipate any extraordinary evidentiary issues.

STIPULATIONS

Counsel for Plaintiff does not anticipate that the parties will not be able to stipulate to the authenticity of the exhibits outlined in this pre-trial statement.

POINTS FOR CHARGE

It is suggested that this Honorable Court charge the jury pursuant to the following Pennsylvania Suggested Standard Civil Jury Instructions:

1. 3.00 (Injuries in the Case)
2. 3.01 (Negligence-Definition)
3. 7.0 (Owner/Occupier of Land-Duty of Care Generally)
4. 7.00B (Owner Occupier of Land Duty of Care to Invitees)
5. 7.10 (Owner/Occupier of Land-Duty to Others outside of the Property)
6. 6.0 (Damages)
7. 6.01A (Medical Expenses)
8. 6.01E (Pain and Suffering)
9. 6.01G (Embarrassment and Humiliation)
10. 6.01L (Enjoyment of Life)

11. 5.04 (Conflicting Testimony)

ESTIMATED TIME FOR TRIAL

It is estimated that this case can be tried in two days.

Plaintiffs reserve the right to supplement this pre-trial statement up to and including the time of trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darrell J. Arbore', written over a horizontal line.

Darrell J. Arbore, Esquire
Attorney for Plaintiffs

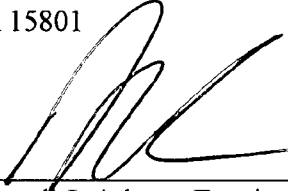
CERTIFICATE OF SERVICE

I, Darrell J. Arbore, hereby certify that a true and correct copy of the within **PRE-TRIAL STATEMENT** was served upon the following by first class mail, postage pre-paid on 7th day of April, 2004.

Joseph A. Hudock, Jr., Esquire
Summers, McDonnell, Walsh & Skeel, L.L.P.
The Gulf Tower, Suite 2400
707 Grant Street
Pittsburgh, PA 15219

Brenda Pisarcik
15 South Main Street
Dubois, PA 15801

Dated: April 7, 2004



Darrell J. Arbore, Esquire
Attorney for Plaintiffs

THE HONORABLE FREDRIC J. AMMERMAN, PRESIDING

TUESDAY & WEDNESDAY, JULY 20 & 21, 2004:

9:00

CAROL PARUSO, al

Darrel J. Arbore, Esquire

vs.

BETTY MCGINNNIS, al

Joseph A. Hudock, Jr., Esquire

No. 00-1427-CD

Civil Jury Trial