

00-1487-CD
KENNETH J. LONG et al -vs- ANDREW E. VISNOFSKY et al

Date: 12/21/2010

Clearfield County Court of Common Pleas

User: LMILLER

Time: 12:20 PM

ROA Report

Page 1 of 3

Case: 2000-01487-CD

Current Judge: Fredric Joseph Ammerman

Kenneth J. Long, et alvs. Andrew E. Visnofsky, et al

CIVIL ACTION

Date		Judge
11/29/2000	New Case Filed.	No Judge
	X Filing: Civil Complaint Paid by: Nicholas, Perot & Strauss Receipt number: 0052055 Dated: 11/29/2000 Amount: \$80.00 (Check) Three Certified Copies to Sheriff One Certified Copy to Attorney	No Judge
	Case Filed.	John K. Reilly Jr.
12/22/2000	X Praeclipe for Entry of Appearance, on behalf of Andrew E. Visnofsky ONLY. S/Daniel McGee, Esq. no cc	No Judge
12/26/2000	X Entry of Appearance, for John E. Visnofsky ONLY, filed by s/DENNIS J. STOFKO, ESQ. no cc	No Judge
1/9/2001	X Answer, New Matter, and New Matter under 2252(d). Filed by s/Dennis J. Stofko, Esq. no cc	No Judge
1/10/2001	X Sheriff Return, Complaint upon John E., Victoria L. and Andrew E. Visnofsky. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
1/18/2001	X Reply to New Matter of Defendant John E. Visnofsky and New Matter under 2252(d). filed by s/Michael J. Koehler, Esq. no cc	No Judge
1/29/2001	X Praeclipe for Appearance, on behalf of Defendants. Filed by s/Louis C. Schmitt, Jr., Esq. no cc	No Judge
2/7/2001	X Verification, s/Kenneth J. Long no cc X Verification, s/Kathie M. Long no cc	No Judge No Judge
3/15/2001	X Praeclipe For Withdrawal of Appearance, on behalf of Andrew E. Visnofsky. Filed by s/Louis C. Schmitt, Jr., Esq. no cc	No Judge
8/20/2001	X Notice of Service of Plaintiff's First Set of Interrogatories and Request for Production of Documents Directed to John E. Visnofsky. s/Michael J. Koehler, Esq. no cc X Notice of Service of Plaintiff's First Set of Interrogatories and Request for Production of Documents Directed to Andrew E. Visnofsky. filed by s/Michael J. Koehler, Esq. no cc	No Judge No Judge
	X Notice of Service of Plaintiff's First Set of Interrogatories and Request for Production of Documents Directed to Victoria L. Visnofsky. Filed by s/Michael J. Koehler, Esq. no cc	No Judge
9/27/2001	X Notice of Service of Interrogatories and Request for Production of Documents Directed to Plaintiffs Dated Sept. 25, 2001. Filed by s/Louis C. Schmitt, Jr., Esq. no cc X Answer, New Matter, New Matter Pursuant to Pa. R.C.P. 2252(d). Filed by s/Louis C. Schmitt, Jr., Esq. no cc	No Judge No Judge
9/28/2001	X Notice of Deposition Upon Oral Examination of Andrew E. Visnofsky, Nov. 14, 2001, at 10:00a.m. Filed by s/Michael J. Koehler, Esq. Certificate of Service no cc X Notice of Deposition Upon Oral Examination of Victoria L. Visnofsky, Nov. 14, 2001, at 12:00 p.m. Filed by s/Michael J. Koehler, Esq. Certificate of Service no cc X Notice of Deposition Upon Oral Examination of John E. Visnofsky, Nov. 14, 2001, at 2:00 p.m. Filed by s/Michael J. Koehler, Esq. Certificate of Service. no cc	No Judge No Judge No Judge
10/3/2001	X Reply to New Matter Under 2252(d). Filed by s/Dennis J. Stofko, Esq. Verification. s/Dennis J. Stofko, Esq. no cc	No Judge

hereto.

6. As part of that project, Kukurin was required to conduct certain earthwork.

7. At issue in this case is the type of backfill Kukurin is required to use when filling excavation areas around pipe lines and the method by which that backfill is installed.

COUNT I

8. Paragraphs 1 through 7 are incorporated herein by reference.

9. DuBois claims that Kukurin should be installing PADOT No. 2A crushed gravel, Type A materials in its select backfill and that backfill should be placed in 4" lifts.

10. On May 4, 2006, the Project Engineer, Nussbaumer & Clarke, Inc., issued Addendum No. 2 to the Specifications and Contract Documents (attached hereto as Exhibit "1"). Addendum No. 2 supersedes all prior instructions on the subject.

11. Item No. 4 of Addendum No. 2 states that Kukurin's bid price for items "covering installation of various sized sewer piping at various depths shall include...any other PADOT requirements imposed by the permit relating to this project."

12. Therefore, Kukurin bid this job to meet the requirements imposed by the PADOT permit.

13. Item No. 5 of Addendum No. 2 states the following:

CLARIFICATION: All products utilized on this project, including, but not necessarily limited to, aggregate, asphalt, concrete, grass seed, top soil, and related, shall meet or exceed the most stringent of requirements

Current Judge: Fredric Joseph Ammerman

Kenneth J. Long, et alvs. Andrew E. Visnofsky, et al

CIVIL ACTION

Date	Judge	
10/5/2001	Reply to New Matter of Defendant Victoria L.Visnofsky and New Matter under 2252(d). Filed by s/Michael J. Koehler, Esq. Verification. s/Michael J. Koehler, Esq. Cert. of Svc. Michael J. Koehler, Esq. no cc	No Judge
10/8/2001	Reply of Victoria L. Visnofsky to New Matter Under 2252(d) Asserted on Behalf of Defendant John E. Visnofsky, filed by s/Louis C. Schmitt, Jr., Esq. No CC	No Judge
	Supplemental Verification (in support of the Answer, New Matter and New Matter Pursuant to 2252(d)), filed by s/Louis C. Schmitt, Jr., Esq. No CC	No Judge
2/12/2002	Motion to Compel. Filed by s/Louis C. Schmitt, Jr., Esq. no cc	No Judge
	Praeclipe to list for argument. s/Louis C. Schmitt, Jr., Esq. no cc Copy to CA	No Judge
2/25/2002	ORDER, AND NOW, this 25th day of Feb. 2002, Rule issued upon Plaintiff's, returnable the 18th day of April, 2002, at 9:30 a.m. by the Court, s/JKR,JR., P.J. 2 cc to Atty Schmitt	John K. Reilly Jr.
3/4/2002	Affidavit of Service, Feb. 25, 2002 Rule to Show Cause upon all counsel. Filed by s/Louis C. Schmitt, Jr., Esquire no cc	John K. Reilly Jr.
4/1/2002	Petition of Minor Defendant for Appointment of a Guardian Ad Litem. Filed by s/Daniel McGee, Esq. Consent s/John A. Carter, III Verification s/Andrew E. Visnofsky Certificate of Service no cc	John K. Reilly Jr.
4/3/2002	Rule to Show Cause, AND NOW, to wit, this 3rd day of April, 2002, Rule granted. Rule returnable for argument of hearing the 26 day of April, 2002, at 9:00 a.m. in Courtroom No. 1. BY THE COURT: /s/John K. Reilly, Jr., P.J. One CC Attorney McGee	John K. Reilly Jr.
4/4/2002	Notice of Serving Plaintiff's Response to First Set of Interrogatories and Request for Production of Documents Directed to Plaintiff upon Defendant's counsel. Filed by s/Michael J. Koehler, Esq. no cc	John K. Reilly Jr.
4/30/2002	Order, AND NOW, this 26 day of April, 2002, upon consideration of Petition of Minor defendant for Appointment of a Guardian Ad Litem, Ordered that John A. Carter, III, appointed to serve as Andrew E. Visnofsky's guardian ad litem in this action. Further ordered that caption of this case is amended in pertinent part to reflect that the Defendants are "Andrew E. Visnofsky, a minor, by John A. Carter, III, his guardian ad litem, and Victoria L. Visnofsky and John E. Visnofsky." BY THE COURT: /s/John K. Reilly, Jr., P.J. One CC Attorney McGee One CC Attorney Koehler	John K. Reilly Jr.
9/11/2002	Answer, New Matter, and New Matter Pursuant to Pennsylvania Rule of Civil Procedure 2252(d) of Defendant Andrew E. Visnofsky, a Minor. filed by s/Daniel McGee, Esquire Verification s/John A. Carter, III Certificate of Service no cc	John K. Reilly Jr.
9/13/2002	Reply to New Matter under 2252(d) filed by s/Dennis J. Stofko, Esq. Verification s/Dennis J. Stofko, Esq. no cc	John K. Reilly Jr.
9/19/2002	Filing: Reply to New Matter on behalf of Defendant by Atty. Schmitt. No cc.	John K. Reilly Jr.
9/23/2002	Filing: Reply to New Matter of Defendant, Andrew Visnofsky, by Plaintiff's Attorney Michael J. Koehler. No cc.	John K. Reilly Jr.
9/15/2003	Deposition of Andrew E. Visnofsky, November 14, 2001, filed (also involves John K. Reilly Jr. case number 01-657-CD)	John K. Reilly Jr.
	Deposition of Victoria L. Visnofsky, November 14, 2001, filed. (also involves case number 01-657-CD)	John K. Reilly Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KUKURIN CONTRACTING, INC.,) CIVIL DIVISION
a Pennsylvania Corporation,)
Plaintiff,) No. 2006-1501 C.D.
vs.) JURY TRIAL DEMANDED
CITY OF DUBOIS,)
Defendant.)

AMENDED ACTION FOR DECLARATORY JUDGMENT, DAMAGES AND
EQUITABLE RELIEF

1. Plaintiff, Kukurin Contracting, Inc., is a Pennsylvania corporation organized and existing under the laws of the Commonwealth and having its principal place of business at 1169 Route 286, Export, PA 15632.

2. Defendant, City of DuBois, is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania.

3. This is an action for declaratory judgment pursuant to 42 Pa.C.S. §§ 7531 et seq., for the purpose of determining a question of actual controversy between the parties as hereinafter more fully appears.

4. On or about July 17, 2006, the parties entered into a contract for construction services on a project known as the "North and South Main Street (SR4019) Sewer Replacement Project."

5. The contract documents are lengthy and, as they are in the possession of DuBois, only the relevant parts will be attached

Date: 12/21/2010

Time: 12:20 PM

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Clearfield County Court of Common Pleas

ROA Report

Case: 2000-01487-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman

Kenneth J. Long, et alvs. Andrew E. Visnofsky, et al

CIVIL ACTION

Date		Judge
9/15/2003	Deposition of John E. Visnofsky, November 14, 2001, filed. (also involves case number 01-657-CD)	John K. Reilly Jr.
11/7/2003	X Petition for Leave to Withdraw as Counsel, filed by s/Louis C. Schmitt, Jr., Esq. No CC	John K. Reilly Jr.
11/14/2003	✓ ORDER, AND NOW, this 14th day of November, 2003, re: Louis C. Schmitt, Jr., Esquire, is granted leave to WITHDRAW as counsel on behalf of defendant VICTORIA L.Visnofsky in this matter. by the Court, s/JKR, JR., P.J. 1 cc Atty Schmitt	John K. Reilly Jr.
11/26/2003	X Praecipe For Withdrawal Of Appearance on Behalf of Defendant, VICTORIA L. VISNOFSKY. filed by, s/Louis C. Schmitt, Jr., Esquire no cc Copy to C/	John K. Reilly Jr.
6/4/2007	X Petition for Appointment of Guardian and Guardian Ad Litem, filed by Atty. Koehler 1 Cert. to Atty.	John K. Reilly Jr.
6/8/2007	✓ Order, this 7th day of June, 2007, Petitioners' Petition for Appointment of Grardian and Guardian Ad Litem is Granted and it is Ordered that Kenneth and Kathie Long be appointed Guardian and Guardian Ad Litem for Alison M. Long, until further Order of this Court. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Koehler	Fredric Joseph Ammerman
8/24/2007	X Motion for Leave of Court to File Amended Complaint Joining Additional Defendants, filed by Atty. Koehler, 1 Cert. to Atty.	John K. Reilly Jr.
8/30/2007	✓ Rule, this 29th day of August, 2007, upon consideration of the Motion For Leave of Court to File Amended Complaint Joining Additional Defendants, a Rule is issued upon the parties to show cause why the Motion should not be granted. Rule Returnable the 28th day of Sept., 2007, for filing written response. by The Court, /s/ Fredric J. amberman, Pres. Judge. 3CC Atty. Koehler	Fredric Joseph Ammerman
9/12/2007	✓ Certificate of Service, filed. That on the 10th day of September 2007, served the Rule to Show Cause upon Dennis J. Stofko Esq., Andrew Visnofsky by John A. Carter III and Victoria Visnofsky, filed by s/ Michael J. Koehler Esq. No CC.	John K. Reilly Jr.

12-21-10 + order 12-20-10
1-3-11 + returned mail

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KUKURIN CONTRACTING, INC.,) CIVIL DIVISION
a Pennsylvania Corporation,)
Plaintiff,) No. 2006-1501 C.D.
vs.)
CITY OF DUBOIS,)
Defendant.) JURY TRIAL DEMANDED

NOTICE TO DEFEND

TO: City of Dubois
16 W. Scribner Avenue
DuBois, PA 15801

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 against you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs v. ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants : CIVIL ACTION - LAW
: No. 2000-1487-CO
: Type of Case: Personal Injury
: Type of Pleading: Civil Complaint
: Filed on Behalf of: Plaintiffs
: Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

FILED

NOV 29 2000
m 1:50 PM
William A. Shaw
Prothonotary

3 cent to SHERIFF
1 cent to ATTY.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No.
and in their own right,	:	
Plaintiffs	:	
v.	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY,	:	
Defendants	:	

N O T I C E

TO: The Above-Named Defendants

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE 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
Second & Market Streets
Clearfield, Pennsylvania 16830
(814) 765-2641

NICHOLAS, PEROT & STRAUSS, P.C.

BY


Michael J. Koehler, Esq.
PA I.D. No. 56195
Attorneys for Plaintiffs
2527 West 26th Street
Erie, PA 16506
(814) 833-8851

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No.
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY,	:	
Defendants	:	

CIVIL COMPLAINT

AND NOW, comes the Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, by and through their attorneys, **Nicholas, Perot & Strauss, P.C.**, and files the following Complaint as follows:

1. That Plaintiff Alison M. Long, is a minor having been born on September 19, 1987.
2. That Plaintiffs Kenneth J. Long and Kathie M. Long, are adult individuals, husband and wife, and the parents and natural guardians of minor Plaintiff Alison M. Long, currently residing on Route 53, P.O. Box 292, North Madera, Clearfield County, Pennsylvania 16661.
3. That Defendant Andrew E. Visnofsky is a minor having been born on June 17, 1986 and believed to be residing with his father, Defendant John E. Visnofsky at P.O. Box 466, North Madera, Clearfield County, Pennsylvania 16661.
4. That Defendant Victoria L. Visnofsky is an adult individual and the parent and natural guardian of minor Defendant Andrew E. Visnofsky presently residing at Main Street, P.O. Box 257, North Madera, Clearfield County, Pennsylvania 16661.
5. That Defendant John E. Visnofsky is an adult individual and the parent and natural

guardian of minor Defendant Andrew E. Visnofsky presently residing at P.O. Box 466, North Madera, Clearfield County, Pennsylvania 16661.

6. That at all times relevant to this action, Defendant Victoria L. Visnofsky was the registered owner of a 1990 Mazda 323, Pennsylvania Vehicle Identification Number JM1BG2321L0115661, Pennsylvania Title Number 51582210.

7. On or about July 9, 2000 at approximately 12:36 p.m., minor Defendant Andrew E. Visnofsky was operating the 1990 Mazda 323 on Bigler Township Route 555, more commonly known as Betz Road, in Bigler Township, Clearfield County, Pennsylvania, at approximately one half mile south of its intersection with First Street.

8. That Defendant Victoria L. Visnofsky gave express and/or implied permission to operate and entrusted minor Defendant Andrew E. Visnofsky with the above motor vehicle, registered in her name on the date of the accident in question.

9. That Defendant John E. Visnofsky gave express and/or implied permission to operate and entrusted minor Defendant Andrew E. Visnofsky with the above motor vehicle, registered to Defendant Victoria L. Visnofsky, on the date of the accident in question.

10. That minor Plaintiff Alison M. Long was a rear-seat passenger in the above motor vehicle.

11. That at the above time and place, the above vehicle operated by the minor Defendant Andrew E. Visnofsky left the roadway and struck a utility pole located off the western berm.

12. That as a result of the violent impact of the above motor vehicle with the utility pole, minor Plaintiff Alison M. Long was violently shaken and suffered severe, serious and permanent injuries and permanent impairment of bodily functions including:

- a. Right frontoparietal subdural hematoma;
- b. Left occipital horn intraventricular hemorrhage;
- c. Right parietal diffuse axonal injury;
- d. Mid brain and brain stem shear injury;
- e. Corpus callosum shear injury;
- f. Right basal ganglia shear injury;
- g. Bifrontal hemorrhagic shear injury;
- h. T3, T5 and T6 compression fractures;
- i. L1, L2 and L3 compression fractures;
- j. Moderate hypothermia;
- k. Paralysis;
- l. Severe blunt force trauma to head, trunk, abdomen and upper and lower extremities; and
- m. Shock to nerves and nervous system.

13. That as a direct and proximate result of the aforementioned injuries suffered by minor

Plaintiff Alison M. Long, she has suffered the following damages:

- a. Plaintiff has suffered and will suffer great pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life's pleasures;
- b. Plaintiff has been and will be required to expend large sums of money for surgical and medical attention, including physical therapy, hospitalization, medical supplies, surgical appliances, medicines and attendant's services;
- c. Plaintiff will suffer a loss of wages and earning capacity;

d. Plaintiff's general health, strength, and vitality have been impaired.

Count I

Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. Andrew E. Visnofsky

14. Plaintiffs hereby incorporate by reference paragraphs 1 through 13 of this Complaint as though fully set forth herein below in their entirety.

15. The above-captioned accident was caused solely by the negligence, recklessness, and carelessness of minor Defendant Andrew E. Visnofsky in that:

- a. He operated his vehicle at an excessive rate of speed under the circumstances;
- b. He failed to have his vehicle under proper and reasonable control;
- c. He operated his vehicle in such a manner as to cause it to leave the roadway and strike the utility pole.
- d. He failed to pay proper and reasonable attention to road hazards, traffic signs and road configuration as he proceeded down Bigler Township Route 555;
- e. He operated his vehicle without due regard for the rights and safety of his passengers in striking the utility pole;
- f. He failed to operate his vehicle in a safe and proper manner in striking the utility pole; and
- g. He failed to comply with the laws, rules and regulations of the Pennsylvania Motor Vehicle Code, specifically 75 Pa.C.S.A. Section 3732 (Homicide by Motor Vehicle); 75 Pa.C.S.A. Section 3719 (Careless Driving) and 75

Pa.C.S.A. Section 3361 (Driving Vehicle at Safe Speed).

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against minor Defendant Andrew E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count II

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. Victoria L. Visnofsky

16. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

17. That the provisions of the Pennsylvania Motor Vehicle Code provide that no person shall authorize or permit a motor vehicle owned by them or under their control to be driven upon any highway by any person who is not authorized under the vehicle code or who is not licensed for the type or class of vehicle to be driven, 75 Pa.C.S.A. §1574(a).

18. That the provisions of the Pennsylvania Motor Vehicle Code provide that any person violating the provisions of Section 1574(a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in the operation of the vehicle, 75 Pa.C.S.A. §1574(b).

19. That Defendant Victoria L. Visnofsky knew or had reason to know that her son, minor Defendant Andrew E. Visnofsky, was not licensed to operate a motor vehicle and as such is jointly and severally liable for the damages caused by his negligence as more fully set forth herein before.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count III

**Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. Victoria L. Visnofsky**

20. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

21. That under Pennsylvania law, a parent is under a duty to exercise reasonable care so as to control their minor child as to prevent them from so conducting themselves as to create an unreasonable risk of bodily harm to others, if the parent knows or has reason to know that they have the ability to control their child and knows or should know of the necessity and opportunity for exercising such control. Restatement of Torts, Second §316.

22. That Defendant Victoria L. Visnofsky knew or had reason to know that she had the ability to control her son, minor Defendant Andrew E. Visnofsky, and knew or should have known of the necessity and opportunity for exercising such control.

23. That Defendant Victoria L. Visnofsky breached her duty to exercise reasonable care so as to control her minor child, Defendant Andrew E. Visnofsky, so as to prevent him from so conducting himself as to create an unreasonable risk of harm to the minor Plaintiff for which she is liable for those injuries and damages resulting therefrom.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count IV

**Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. Victoria L. Visnofsky**

24. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

25. That Defendant Victoria L. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted her registered vehicle to be possessed and operated by minor Defendant Andrew E. Visnofsky when she knew or should have known that he was incapable of safe driving.

26. That Defendant Victoria L. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted operation of her registered motor vehicle by minor Defendant Andrew E. Visnofsky when she recognized or should have recognized the need to exercise control over minor Defendant Andrew E. Visnofsky's use of her personal property, having the ability to exercise such control, but failing to do so under Section 318 of the Restatement of Torts, Second and as such, is liable for the injuries and damages resulting therefrom.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count V
Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. John E. Visnofsky

27. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

28. That the provisions of the Pennsylvania Motor Vehicle Code provide that no person shall authorize or permit a motor vehicle owned by them or under their control to be driven upon any

highway by any person who is not authorized under the vehicle code or who is not licensed for the type or class of vehicle to be driven, 75 Pa.C.S.A. §1574(a).

29. That the provisions of the Pennsylvania Motor Vehicle Code provide that any person violating the provisions of Section 1574(a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in the operation of the vehicle, 75 Pa.C.S.A. §1574(b).

30. That Defendant John E. Visnofsky had control over the motor vehicle owned by his wife, Defendant Victoria L. Visnofsky, and knew or had reason to know that his son, minor Defendant Andrew E. Visnofsky, was not licensed to operate a motor vehicle and as such is jointly and severally liable for the damages caused by his negligence as more fully set forth herein before.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count VI

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. John E. Visnofsky

31. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

32. That under Pennsylvania law, a parent is under a duty to exercise reasonable care so as to control their minor child as to prevent them from so conducting themselves as to create an unreasonable risk of bodily harm to others, if the parent knows or has reason to know that they have the ability to control their child and knows or should know of the necessity and opportunity

for exercising such control. Restatement of Torts, Second §316.

33. That Defendant John E. Visnofsky knew or had reason to know that he had the ability to control his son, minor Defendant Andrew E. Visnofsky, and knew or should have known of the necessity and opportunity for exercising such control.

34. That Defendant John E. Visnofsky breached his duty to exercise reasonable care so as to control his minor child, Defendant Andrew E. Visnofsky, so as to prevent him from so conducting himself as to create an unreasonable risk of harm to the minor Plaintiff for which he is liable for those injuries and damages resulting there from.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count VII

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. John E. Visnofsky

35. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

36. That Defendant John E. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted minor Defendant Andrew E. Visnofsky to operate Defendant Victoria L. Visnofsky's vehicle when he knew or should have known that he was incapable of safe driving.

37. That Defendant John E. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted operation of Defendant Victoria L. Visnofsky's motor vehicle by minor Defendant Andrew E. Visnofsky when he recognized or should have recognized the need to exercise control over minor Defendant Andrew E. Visnofsky's use of Defendant Victoria L.

Visnofsky's personal property, having the ability to exercise such control, but failing to do so under Section 318 of the Restatement of Torts, Second and as such, is liable for the injuries and damages resulting therefrom.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count VIII

Kenneth J. Long and Kathie Long as parents and natural guardians of Alison M. Long and in their own right v. Andrew E. Visnofsky, a minor, and Victoria L. Visnofsky and John E. Visnofsky

38. Plaintiffs hereby incorporate by reference paragraphs 1 through 37 of this Complaint as though fully set forth herein below in their entirety.

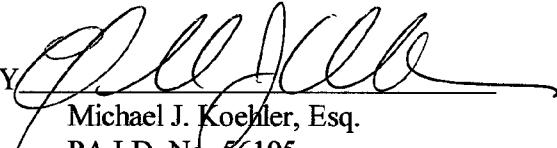
39. That as a direct and proximate result of the negligence of minor Defendant Andrew E. Visnofsky, and Defendant Victoria L. Visnofsky and Defendant John E. Visnofsky, individually, as hereinabove alleged, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long, have been obligated to expend various sums of money for doctors, nurses, hospitals, medicines and medical services in attempting to effectuate a cure for the injuries to their daughter, Alison M. Long, and will be obligated to continue making similar expenditures for the same purpose for an indefinite time in the future.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against minor Defendant Andrew E. Visnofsky, and Victoria L. Visnofsky and John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

A JURY TRIAL OF TWELVE (12) IS DEMANDED

NICHOLAS, PEROT & STRAUSS, P.C.

BY



Michael J. Koehler, Esq.

PA I.D. No. 56195

Attorneys for Plaintiffs

2527 West 26th Street

Erie, Pennsylvania 16506

(814) 833-8851

Date: 11/15/00

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No.
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY,	:	
Defendants	:	

VERIFICATION

I, Kenneth J. Long, individually and as parent and natural guardian of minor Plaintiff Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 11/13/00

Kenneth J. Long
Kenneth J. Long, individually and as
p/n/g of Alison M. Long, a minor.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No.
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY,	:	
Defendants	:	

VERIFICATION

I, Kathie Long, individually and as parent and natural guardian of minor Plaintiff Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Date: November 13, 2000

Kathie Long
Kathie Long, individually and as
p/n/g of Alison M. Long, a minor.

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

KENNETH J. LONG and) No. 2000-1487-CD
KATHIE M. LONG, his wife,)
as parents and natural) Title of this Pleading:
guardians of ALISON M. LONG,) Praeclipe for Entry of
a minor, and in their own) Appearance
right,)
Plaintiffs)
v.)
ANDREW E. VISNOFSKY, a minor,)
and VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.) Filed on Behalf of Defendant
) Andrew E. Visnofsky, a minor
)
) Counsel of Record for this
) Party:
) Daniel McGee, Esquire
) Attorney I.D. No. 26019
)
) Delafield, McGee, Jones &
) Kauffman, L.L.P.
) 300 S. Allen St., Suite 300
) State College, PA 16801-4841
) (814) 237-6278

1 2 3

DEC 22 2000

William A. Shaw
Prothonotary

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

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.) No. 2000-1487-CD
)
ANDREW E. VISNOFSKY, a minor,)
and VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance in the above-captioned matter on
behalf of Defendant Andrew E. Visnofsky, a minor, only.

Respectfully submitted,

DELAFIELD, McGEE, JONES
& KAUFFMAN, L.L.P.

Date: December 22, 2000

By:

Daniel McGee
Daniel McGee, Esquire
Attorney for Andrew E.
Visnofsky, a minor, only
Attorney I.D. No. 26019
300 S. Allen St., Suite 300
State College, PA 16801-4841
(814) 237-6278

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

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.) No. 2000-1487-CD
)
ANDREW E. VISNOFSKY, a minor,)
and VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the
Praecipe for Entry of Appearance in the above-captioned matter
was served on all counsel/parties of record by depositing the
same within the custody of the United States Postal Service,
first class, postage prepaid, on December 22, 2000, addressed to:

Michael J. Koehler, Esquire
Nicholas, Perot
& Strauss, P.C.
2527 West 26th Street
Erie, PA 16506

Victoria L. Visnofsky
Post Office Box 257
North Madera, PA 16661

John E. Visnofsky
Post Office Box 466
North Madera, PA 16661

DELAFIELD, McGEE, JONES
& KAUFFMAN, L.L.P.

By: Daniel McGee
Daniel McGee, Esquire
Attorney for Andrew E.
Visnofsky, a minor, only
Attorney I.D. No. 26019
300 S. Allen St., Suite 300
State College, PA 16801-4841
(814) 237-6278

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE
LONG, his wife, as parents and
natural guardians of Alison M. Long,
a minor, and in their own right,

Plaintiffs

vs.

No. 2000 - 1487 CD

ANDREW E. VISNOFSKY, a minor and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants

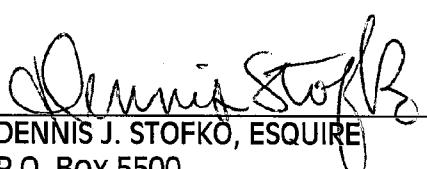
ENTRY OF APPEARANCE

Please enter my appearance for Defendant, John E. Visnofsky only, in
the above matter. Papers may be served at the address listed 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 this
action.

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


DENNIS J. STOKO, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

DEC 26 2000
m/1551009
William A. Shaw
Prothonotary

no 9c EK9

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE
LONG, his wife, as parents and
natural guardians of Alison M. Long,
a minor, and in their own right,

Plaintiffs

vs.

No. 2000 - 1487 CD

ANDREW E. VISNOFSKY, a minor and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants

ANSWER, NEW MATTER and
NEW MATTER UNDER 2252(d)
Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

TO THE PARTIES:

You are hereby notified to reply to the
enclosed New Matter and New Matter
under 2252(d) within 20 days
from service hereof or a default judgment
may be entered against you.

FILED

JAN 09 2001

William A. Shaw
Prothonotary

ANSWER, NEW MATTER AND NEW MATTER UNDER 2252(d)

NOW COMES the Defendant, John E. Visnofsky by and through counsel, Dennis J. Stofko and files the following Answer, New Matter and New Matter under 2252(d).

1. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
2. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
3. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
4. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
5. Admitted.
6. Denied. Paragraph 6 contains allegations directed to defendants other than the answering defendant for which no responsive pleading is required.

7. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

8. Denied. Paragraph 8 contains allegations directed to defendants other than this answering defendant for which no responsive pleading is required.

9. Denied. It is specifically denied that at any time material herein the defendant, John E. Visnofsky either gave express and/or implied permission regarding the use of a vehicle owned by Victoria L. Visnofsky to the minor defendant, Andrew E. Visnofsky.

10. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

11. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

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

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

14. Denied. See previous Answers.

15. Denied. Paragraph 15 contains allegations of negligence directed to defendants other than the answering defendant for which no responsive pleading is required.

WHEREFORE, Defendant, John E. Visnofsky requests Plaintiffs' Complaint be dismissed.

16. Denied. See previous Answers.

17. – 19. Denied. Paragraphs 17 through 19 inclusive contain allegations of negligence directed to defendants other than the answering defendant for which no responsive pleading is required.

WHEREFORE, Defendant, John E. Visnofsky requests Plaintiffs' Complaint be dismissed.

20. Denied. See previous Answers.

21. – 23. Denied. Paragraphs 21 through 23 inclusive contain allegations of negligence directed to defendants other than the answering defendant for which no responsive pleading is required.

WHEREFORE, Defendant, John E. Visnofsky requests Plaintiffs' Complaint be dismissed.

24. Denied. See previous Answers.

25. – 26. Paragraphs 25 through 26 inclusive contain allegations of negligence directed to defendants other than the answering defendant for which no responsive pleading is required.

WHEREFORE, Defendant, John E. Visnofsky requests Plaintiffs' Complaint be dismissed.

27. Denied. See previous Answers.

28. Denied. Paragraph 28 contains a conclusion of law to which no responsive pleading is required.

29. Denied. Paragraph 29 contains a conclusion of law to which no responsive pleading is required.

30. Denied. It is specifically denied that the Defendant, John E. Visnofsky exercised any control of the motor vehicle owned by defendant, Victoria L. Visnofsky. To the contrary, at all times material herein the vehicle was in the absolute and complete control of defendant, Victoria L. Visnofsky. Furthermore the balance of the averment is denied in that after reasonable investigation defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendant, John E. Visnofsky requests Plaintiffs' Complaint be dismissed.

31. Denied. See previous Answers.

32. Denied. Paragraph 32 contains a conclusion of law to which no responsive pleading is required.

33. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

34. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendant, John E. Visnofsky requests Plaintiffs' Complaint be dismissed.

35. Denied. See previous Answers.

36. Denied. Paragraph 36 contains a conclusion of law to which no responsive pleading is required.

37. Denied. Paragraph 37 contains a conclusion of law to which no responsive pleading is required.

WHEREFORE, Defendant, John E. Visnofsky requests Plaintiffs' Complaint be dismissed.

38. Denied. See previous Answers.

39. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendant, John E. Visnofsky requests Plaintiffs' Complaint be dismissed.

NEW MATTER

40. The accident described in Plaintiff's complaint occurred on July 9, 2000 which date was subsequent to the effective date of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. CSA Chapter 17.

41. The Defendant pleads the said Motor Vehicle Financial Responsibility Law as a defense to the extent that said law limits and controls Plaintiff's right to recover damages in this action.

42. The plaintiffs have failed to state a cause of action against John E. Visnofsky upon which relief can be granted.

43. At all times material herein the vehicle operated by Andrew E. Visnofsky was not owned by the Defendant, John E. Visnofsky and consequently John E. Visnofsky did not control the use of said vehicle as it belonged to another.

WHEREFORE, Defendant, John E. Visnofsky requests judgment on his behalf.

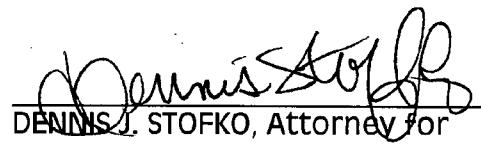
NEW MATTER UNDER 2252(d)

44. The Defendant, John E. Visnofsky joins Andrew E. Visnofsky and Victoria L. Visnofsky as additional defendants pursuant to Pa. RCP 2252(d).

45. The Defendant, John E. Visnofsky incorporates by reference the allegations of Plaintiffs' Complaint as if the same were here set forth at length.

46. If it is determined at the trial of this action that Plaintiffs have sustained any injury as a result of the alleged accident, said injuries or damages were the result of the negligence of Andrew E. Visnofsky and Victoria L. Visnofsky and therefore they are liable to the Plaintiffs jointly and severally.

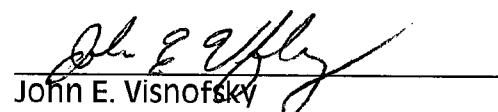
WHEREFORE, the Defendant, John E. Visnofsky requests that Andrew E. Visnofsky and Victoria L. Visnofsky be joined as additional defendants in the original suit because they are solely responsible for the damages alleged in the complaint or in the alternative so as to protect Defendant Visnofsky's right of contribution and/or indemnity, if on the trial of the action it should be found that the Plaintiffs, original Defendants and Additional Defendants are jointly negligent in causing the accident which resulted in the damages alleged.



DENNIS J. STOKO, Attorney for
Defendant, John E. Visnofsky

I, John E. Visnofsky, do hereby swear or affirm that the facts set forth in the Answer, New Matter and New Matter under 2252(d) are correct to the best of my knowledge, information and belief.

I understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.



John E. Visnofsky

Dated: 1-5-01

FILED

JAN 09 2001
1015 1000
William A. Shaw
Prothonotary
EAS

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10446

LONG, KENNETH J. AND KATHIE M.

00-1487-CD

VS.

VISNOFSKY, ANDREW E. AI

COMPLAINT

SHERIFF RETURNS

**NOW DECEMBER 6, 2000 AT 9:25 AM EST SERVED THE WITHIN COMPLAINT ON
JOHN E. VISNOFSKY, DEFENDANT AT RESIDENCE, P.O. BOX 466, NORTH MADERA,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DIANA DUNCAN,
DEFENDANT'S FIANCÉ A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT
AND MADE KNOWN TO HER THE CONTENTS THEREOF.**

SERVED BY: MARSHALL/Houser

**NOW DECEMBER 6, 2000 AT 1:27 PM EST SERVED THE WITHIN COMPLAINT ON
VICTORIA L. VISNOFSKY, DEFENDANT AT RESIDENCE, P.O. BOX 257, MADERA,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO VICTORIA VISNOFSKY
A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN
TO HER THE CONTENTS THEREOF.**

SERVED BY: MARSHALL/Houser

**NOW DECEMBER 8, 2000 AT 10:12 AM EST SERVED THE WITHIN COMPLAINT ON
ANDREW E. VISNOFSKY, DEFENDANT AT RESIDENCE, MAIN ST., MADERA,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DIANA DUNCAN,
DEFENDANT'S STEP-MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.**

SERVED BY: NEVLING/MARSHALL

Return Costs

Cost	Description
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63.09	SHFF. HAWKINS PD. BY: ATTY.
--------------	------------------------------------

30.00	SURCHARGE PD. BY: ATTY.
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In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10446

LONG, KENNETH J. AND KATHIE M.

00-1487-CD

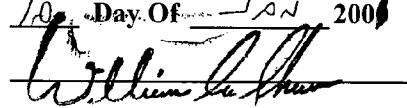
VS.

VISNOFSKY, ANDREW E. AI

COMPLAINT

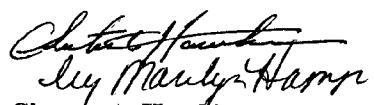
SHERIFF RETURNS

Sworn to Before Me This

10 Day of Jan 2001


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

So Answers,


Chester A. Hawkins
Sheriff

FILED

JAN 10 2001
01/10/01 AM
William A. Shaw
Prothonotary 

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. : CIVIL ACTION - LAW
LONG, his wife, as parents and natural : No. 2000-1487-CD
guardians of ALISON M. LONG, a minor, :
and in their own right, :
Plaintiffs : Type of Case: Personal Injury
v. :
ANDREW E. VISNOFSKY, a minor, and : Type of Pleading: Reply to New Matter
VICTORIA L. VISNOFSKY and JOHN E. : of Defendant John E. Visnofsky and New
VISNOFSKY, : Matter under 2252(d).
Defendants : Filed on Behalf of: Plaintiffs
: Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

FILED

JAN 18 2001

William A. Shaw
Fid. Notary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000-1487-CD
and in their own right,	:	
Plaintiffs	:	
v.	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY,	:	
Defendants	:	

REPLY TO NEW MATTER

AND NOW, come the Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, by and through their attorneys, **Nicholas, Perot & Strauss, P.C.**, and file the following Reply to New Matter of Defendant John E. Visnofsky as follows:

40. It is admitted that the accident described in Plaintiffs' Complaint occurred on July 9, 2000. The remaining averment is a conclusion of law to which no response is necessary. In the event that a response is necessary, it is admitted that the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S.A. §1701 et.seq. was in effect on the date of the accident.

41. It is specifically denied that the Pennsylvania Motor Vehicle Financial Responsibility Law limits and/or controls Plaintiff's right to recover damages in this action and strict proof of the same is demanded at time of trial.

42. It is specifically denied that the Plaintiffs have failed to state a cause of action against John E. Visnofsky upon which relief can be granted and strict proof of the same is demanded at time of trial.

43. The allegations contained herein are conclusions of law to which no response is necessary. In the event that a response is necessary, it is denied that at all material times herein

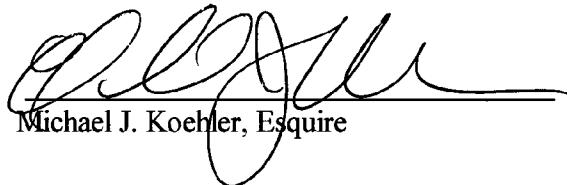
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000-1487-CD
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of January, 2001, the foregoing Reply to New Matter of Defendant John E. Visnofsky was served upon the following individual in accordance with all applicable rules of court:

Dennis J. Stofko, Esquire
R. Thomas Strayer Law Offices
969 Eisenhower Boulevard, Suite E
P.O. Box 5500
Johnstown, PA 15904



Michael J. Koehler, Esquire

FILED

JAN 18 2001

10/137140
William A. Shaw
Prothonotary
REB

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

PRAECIPE FOR APPEARANCE

FILED ON BEHALF OF
DEFENDANTS, Andrew E.
Visnofsky and Victoria L.
Visnofsky

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
PFAFF, McINTYRE, DUGAS,
HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
FORWARDED BY MAIL TO ALL COUNSEL
OF RECORD ON January 26, 2001.

Attorney for Defendants,
Andrew E. Visnofsky and Victoria L. Visnofsky

FILED

JAN 29 2001

William A. Shaw
Protherostyle

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter my appearance as counsel of record for the Defendant,
ANDREW E. VISNOFSKY and VICTORIA L. VISNOFSKY, in the above-captioned
action.

PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT

Attorneys for Defendant

LOUIS C. SCHMITT, JR., ESQUIRE
PAJD #: 52459
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

FILED

JAN 29 2001
MORNING NOCC
William A. Shaw
Prothonotary

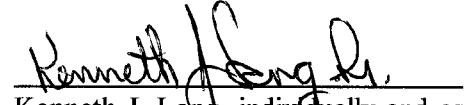
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. : CIVIL ACTION - LAW
LONG, his wife, as parents and natural :
guardians of ALISON M. LONG, a minor, : No. 2000-1487-CD
and in their own right, :
Plaintiffs :
: :
v. :
: :
ANDREW E. VISNOFSKY, a minor, and :
VICTORIA L. VISNOFSKY and JOHN E. :
VISNOFSKY, :
Defendants :
:

VERIFICATION

I, Kenneth J. Long, individually and as parent and natural guardian of minor Plaintiff Alison M. Long, verify that the statements made in the foregoing Reply to New Matter of Defendant John E. Visnofsky are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 1/17/01


Kenneth J. Long, individually and as
p/n/g of Alison M. Long, a minor.

FILED

FEB 07 2001
m 3:08 P.M. NOCC
William A. Shaw E
Prothonotary 124

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs v. ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants

VERIFICATION

I, Kathie M. Long, individually and as parent and natural guardian of minor Plaintiff Alison M. Long, verify that the statements made in the foregoing Reply to New Matter of Defendant John E. Visnofsky are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 1-17-01

Kathie M. Long
Kathie M. Long, individually and as
p/n/g of Alison M. Long, a minor.

FILED

FEB 07 2001
11:08 pm
William A. Shaw NOCC
Prothonotary
EAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

FILED ON BEHALF OF
DEFENDANT, *Andrew E.
Visnofsky*

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
PFAFF, McINTYRE, DUGAS,
HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
FORWARDED BY MAIL TO ALL COUNSEL
OF RECORD ON March 14, 2001.

Attorney for Defendants,
Andrew E. Visnofsky

FILED

MAR 15 2001

William A. Shaw
Prothonotary

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO: PROTHONOTARY

Kindly withdraw my appearance as counsel of record for the Defendant,
ANDREW E. VISNOFSKY, in the above-captioned action.

PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT

Attorneys for Defendant

LOUIS C. SCHMITT, JR., ESQUIRE
PA I.D.#: 52459
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

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MAR 15 2001
O 11/13/01 NOR
William A. Shaw
Prothonotary

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2017-2021

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right,	:	CIVIL ACTION - LAW
	:	No. 2000-1487-CD
Plaintiffs	:	Type of Case: Motor Vehicle Accident
v.	:	Type of Pleading: First Set of Interrogatories and Request for Production of Documents
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,	:	Filed on Behalf of: Plaintiffs
Defendants	:	Counsel of Record for this Party:
	:	Michael J. Koehler, Esquire
	:	PA I.D. No.: 56195
	:	NICHOLAS, PEROT, STRAUSS & KOEHLER
	:	2527 West 26th Street
	:	Erie, PA 16506
	:	(814) 833-8851

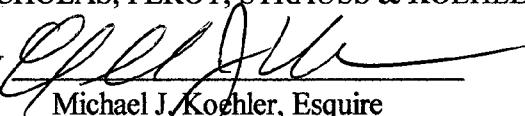
**NOTICE OF SERVICE OF PLAINTIFF'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO JOHN E.
VISNOFSKY**

I, Michael J. Koehler, Esquire, do hereby certify that on the 16 day of August, 2001, the original First Set of Interrogatories and Requests for Production of Documents directed to Defendant **John E. Visnofsky**, was served upon Defendant's counsel Dennis Stofko, Esquire, P.O. Box 5500, Johnstown, Pennsylvania 15904 by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS & KOEHLER, P.C.

BY


Michael J. Koehler, Esquire
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiffs

FILED

AUG 20 2001

2001-1487-CD

William A. Shaw
Prothonotary

ERB

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs v. ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants : CIVIL ACTION - LAW : No. 2000-1487-CD : Type of Case: Motor Vehicle Accident : Type of Pleading: First Set of Interrogatories and Request for Production of Documents Filed on Behalf of: Plaintiffs : Counsel of Record for this Party: : Michael J. Koehler, Esquire : PA I.D. No.: 56195 : NICHOLAS, PEROT, STRAUSS & KOEHLER : 2527 West 26th Street : Erie, PA 16506 : (814) 833-8851

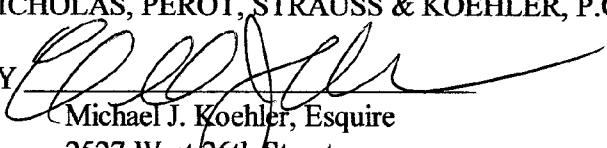
**NOTICE OF SERVICE OF PLAINTIFF'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO ANDREW E.
VISNOFSKY**

I, Michael J. Koehler, Esquire, do hereby certify that on the 16 day of August, 2001, the original First Set of Interrogatories and Requests for Production of Documents directed to Defendant **Andrew E. Visnofsky**, was served upon Defendant's counsel Daniel McGee, Esquire, Delafield, McGee, Jones & Kauffman, 300 South Allen Street, Suite 300, State College, Pennsylvania 16801-4841 by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS & KOEHLER, P.C.

BY


Michael J. Koehler, Esquire
2527 West 26th Street
Erie, PA 16506

FILED

AUG 20 2001
milla/noc
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs : CIVIL ACTION - LAW
: No. 2000-1487-CD
: Type of Case: Motor Vehicle Accident
v. : Type of Pleading: First Set of Interrogatories and Request for Production of Documents
: Filed on Behalf of: Plaintiffs
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants : Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT, STRAUSS & KOEHLER
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

NOTICE OF SERVICE OF PLAINTIFF'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO VICTORIA L.
VISNOFSKY

I, Michael J. Koehler, Esquire, do hereby certify that on the 16 day of August, 2001, the original First Set of Interrogatories and Requests for Production of Documents directed to Defendant **Victoria L. Visnofsky**, was served upon Defendant's counsel Louis C. Schmitt, Jr., P.O. Box 533, Hollidaysburg, Pennsylvania 16648 by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS & KOEHLER, P.C.

BY


Michael J. Koehler, Esquire
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiffs

FILED

AUG 20 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.
LONG, his wife, as parents and natural
guardians of ALISON M. LONG, a minor
and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

**Answer, New Matter, New Matter
Pursuant to Pa. R.C.P. 2252(d)**

FILED ON BEHALF OF
DEFENDANT,
Victoria L. Visnofsky

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
PFAFF, MCINTYRE, DUGAS,
HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
FORWARDED BY MAIL TO ALL COUNSEL
OF RECORD ON Sept. 26, 2001.

Attorney for Defendant
Victoria L. Visnofsky

FILED

SEP 27 2001

William A. Shaw
Prothonotary

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

**ANSWER, NEW MATTER, and
NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d)**

AND NOW, comes defendant, VICTORIA L. VISNOFSKY (hereinafter referred to as "this defendant"), by and through her attorneys, PFAFF, MCINTYRE, DUGAS, HARTYE & SCHMITT, and submits the following Answer, New Matter, and New Matter Pursuant to Pa. R.C.P. 2252(d) in response to plaintiffs' Complaint, saying as follows:

1. This defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 1 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.
2. This defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 2 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.
3. The allegations contained in Paragraph 3 of plaintiffs' Complaint are admitted in part and denied in part. It is admitted only that defendant Andrew E. Visnofsky is a minor

having been born on June 17, 1986. This defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the remaining allegations contained in Paragraph 3 of plaintiffs' Complaint; those remaining allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

4. Admitted.

5. Admitted.

6. Admitted.

7. This defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 7 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

8. The allegations contained in Paragraph 8 of plaintiffs' Complaint constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

9. This defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 9 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

10. This defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 10 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

11. This defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 11 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

12. This defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 12 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

13. This defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 13 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

COUNT I

14. By way of response to the allegations contained in Paragraph 14 of plaintiffs' Complaint, this defendant hereby incorporates by reference her responses to Paragraphs 1 through 13 thereof, as if fully set forth herein.

15. The allegations contained in Paragraph 15 of plaintiffs' Complaint are directed to defendants other than this defendant, and therefore no response is required.

WHEREFORE, defendant Victoria L. Visnofsky denies any and all liability to the plaintiffs upon Count I of their Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

COUNT II

16. By way of response to the allegations contained in Paragraph 16 of plaintiffs' Complaint, this defendant hereby incorporates by reference her responses to Paragraphs 1 through 15 thereof, as if fully set forth herein.

17. The allegations contained in Paragraph 17 of plaintiffs' Complaint constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

18. The allegations contained in Paragraph 18 of plaintiffs' Complaint constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

19. The allegations contained in Paragraph 19 of plaintiffs' Complaint constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, defendant, Victoria L. Visnofsky denies any and all liability to the plaintiffs upon Count II of their Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

COUNT III

20. By way of response to the allegations contained in Paragraph 20 of plaintiffs' Complaint, this defendant hereby incorporates by reference her responses to Paragraphs 1 through 19 thereof, as if fully set forth herein.

21. The allegations contained in Paragraph 21 of plaintiffs' Complaint constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

22. The allegations contained in Paragraph 22 of plaintiffs' Complaint constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

23. The allegations contained in Paragraph 23 of plaintiffs' Complaint constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, defendant, Victoria L. Visnofsky denies any and all liability to the plaintiffs upon Count III of their Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

COUNT IV

24. By way of response to the allegations contained in Paragraph 24 of plaintiffs' Complaint, this defendant hereby incorporates by reference her responses to Paragraphs 1 through 23 thereof, as if fully set forth herein.

25. The allegations contained in Paragraph 25 of plaintiffs' Complaint constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

26. The allegations contained in Paragraph 26 of plaintiffs' Complaint constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, defendant, Victoria L. Visnofsky, denies any and all liability to the plaintiffs upon Count IV of their Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

COUNT V

27. By way of response to the allegations contained in Paragraph 27 of plaintiffs' Complaint, this defendant hereby incorporates by reference her responses to Paragraphs 1 through 26 thereof, as if fully set forth herein.

28. The allegations contained in Paragraph 28 of plaintiffs' Complaint are directed to parties other than this defendant, and therefore no response is required.

29. The allegations contained in Paragraph 29 of plaintiffs' Complaint are directed to parties other than this defendant, and therefore no response is required.

30. The allegations contained in Paragraph 30 of plaintiffs' Complaint are directed to parties other than this defendant, and therefore no response is required.

WHEREFORE, defendant, Victoria L. Visnofsky, denies any and all liability to the plaintiffs upon Count V of their Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

COUNT VI

31. By way of response to the allegations contained in Paragraph 31 of plaintiffs' Complaint this defendant hereby incorporates by reference her responses to Paragraphs 1 through 30 thereof, as if fully set forth herein.

32. The allegations contained in Paragraph 32 of plaintiffs' Complaint are directed to parties other than this defendant, and therefore no response is required.

33. The allegations contained in Paragraph 33 of plaintiffs' Complaint are directed to parties other than this defendant, and therefore no response is required.

34. The allegations contained in Paragraph 34 of plaintiffs' Complaint are directed to parties other than this defendant, and therefore no response is required.

WHEREFORE, defendant, Victoria L. Visnofsky, denies any and all liability to the plaintiffs upon Count VI of their Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

COUNT VII

35. By way of response to the allegations contained in Paragraph 35 of plaintiffs' Complaint, this defendant hereby incorporates by reference her responses to Paragraphs 1 through 34 thereof, as if fully set forth herein.

36. The allegations contained in Paragraph 36 of plaintiffs' Complaint are directed to parties other than this defendant, and therefore no response is required.

37. The allegations contained in Paragraph 37 of plaintiffs' Complaint are directed to parties other than this defendant, and therefore no response is required.

WHEREFORE, defendant, Victoria L. Visnofsky, denies any and all liability to the plaintiffs upon Count VII of their Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

COUNT VIII

38. By way of response to the allegations contained in Paragraph 38 of plaintiffs' Complaint, this defendant hereby incorporates by reference her responses to Paragraphs 1 through 37 thereof, as if fully set forth herein.

39. To the extent that the allegations contained in paragraph 39 of plaintiffs' Complaint are directed to defendant, Victoria L. Visnofsky, they are denied as stated.

WHEREFORE, defendant, Victoria L. Visnofsky, denies any and all liability to the plaintiffs upon Count VIII of their Complaint and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

NEW MATTER

40. By way of further answer to the allegations contained in plaintiffs' Complaint, and in support of her defenses against those allegations, defendant, Victoria L. Visnofsky sets forth the following statements as New Matter:

41. Defendant, Victoria L. Visnofsky, hereby raises and asserts the rights, privileges, defenses, and immunities provided to her within the Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa. C.S.A. Section 1701, et seq.

WHEREFORE, defendant, Victoria L. Visnofsky, denies any and all liability to the plaintiffs upon their Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d)

AND NOW, comes defendant, Victoria L. Visnofsky, by and through her attorneys, Pfaff, McIntyre, Dugas, Hartye & Schmitt, and pursuant to Rule 2252(d) of the Pennsylvania Rules of Civil Procedure asserts a claim for contribution and/or indemnification against co-defendants, Andrew E. Visnofsky, a minor, and John E. Visnofsky, and in support thereof sets forth the following:

42. Without admitting the liability of any party to this action or the truth of those allegations, defendant, Victoria L. Visnofsky, hereby incorporates by reference the

allegations in the plaintiffs' Complaint that have been made against co-defendants,

Andrew E. Visnofsky, a minor, and John E. Visnofsky.

43. Defendant, Victoria L. Visnofsky, denies any and all liability to the plaintiffs under any theory or cause of action which they may have set forth in their Complaint. However, if it is determined that at the time of trial that the injuries that have been suffered by the plaintiffs entitle them to any recovery for which defendant, Victoria L. Visnofsky, may be held liable, then, and in that event only, defendant, Victoria L. Visnofsky, avers that she is entitled to contribution and/or indemnification from co-defendants, Andrew E. Visnofsky, a minor, and/or John Visnofsky, as those co-defendants may be jointly or severally liable with defendant, Victoria L. Visnofsky, or liable over to her, or liable to the plaintiffs.

WHEREFORE, defendant, Victoria L. Visnofsky, denies any and all liability to any party in this action, but hereby demands contribution and/or indemnification from co-defendants, Andrew E. Visnofsky, a minor, and John E. Visnofsky in this action in the event defendant, Victoria L. Visnofsky, should be found liable to the plaintiffs.

Respectfully submitted,

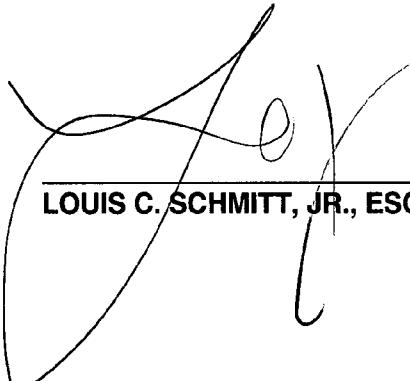
PFAFF, MCINTYRE, DUGAS, HARTYE
& SCHMITT

Atorneys for Defendant
Victoria L. Visnofsky

Louis C. Schmitt, Jr., Esquire
Pa. I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648

VERIFICATION

I, **LOUIS C. SCHMITT, JR., ESQUIRE**, being the attorney of record for
Defendant, Victoria L. Visnofsky, verify that I am authorized to make this verification on behalf
of Defendant in the within action, and that the statements made in the foregoing **Answer, New
Matter and New Matter Pursuant to Pa. R.C.P. 2252(d)** are true and correct to the best of my
knowledge, information, and belief.


LOUIS C. SCHMITT, JR., ESQUIRE

Date: September 26, 2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.
LONG, his wife, as parents and natural
guardians of ALISON M. LONG, a minor
and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

**Notice of Service of Interrogatories
and Request for Production of
Documents Directed to Plaintiffs
Dated September 25, 2001**

FILED ON BEHALF OF
DEFENDANT,
Victoria L. Visnofsky

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
PFAFF, McINTYRE, DUGAS,
HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
FORWARDED BY MAIL TO ALL COUNSEL
OF RECORD ON THIS 25TH DAY OF
SEPTEMBER, 2001.

Attorney for Defendant,
Victoria L. Visnofsky

FILED

SEP 27 2001

William A. Shaw
Prothonotary

KENNETH J. LONG and KATHIE M.
LONG, his wife, as parents and natural
guardians of ALISON M. LONG, a minor
and in their own right,

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY

Plaintiffs,

Case No.: 2000-1487-CD

vs.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants.

**NOTICE OF SERVICE OF INTERROGATORIES
and REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFFS DATED SEPTEMBER 25, 2001**

TO: PROTHONOTARY

You are hereby notified that on the 25TH day of **SEPTEMBER, 2001**,
Defendant Victoria L. Visnofsky served Interrogatories and Request for Production of
Documents Directed to the Plaintiffs Dated September 25, 2001 on the Plaintiffs, by mailing the
original via First-Class U.S. Mail, postage prepaid, addressed to the following:

Michael J. Koehler, Esquire
Nicholas, Perot & Strauss, P.C.
2527 West 26th Street
Erie, PA 16505

Respectfully submitted,

PFAFF, MCINTYRE, DUGAS, HARTY & SCHMITT

Atorneys for Defendant Victoria L.
Visnofsky
LOUIS C. SCHMITT, JR., ESQUIRE
PA ID# 52459
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

FILED

SEP 27 2001

m 11-231hdc
William A. Shaw
Prothonotary
EAS

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

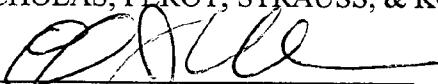
KENNETH J. LONG and KATHIE M. : CIVIL ACTION - LAW
LONG, his wife, as parents and natural : No. 2000-1487-CD
guardians of ALISON M. LONG, a minor, :
and in their own right, :
Plaintiffs : Type of Case: Personal Injury
v. :
: Filed on Behalf of: Plaintiffs
ANDREW E. VISNOFSKY, a minor, and :
VICTORIA L. VISNOFSKY and JOHN E. :
VISNOFSKY, :
Defendants : Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

NOTICE OF DEPOSITION UPON ORAL EXAMINATION

PLEASE TAKE NOTICE that the deposition upon oral examination of **Andrew E. Visnofsky** has been scheduled and will be taken on **Wednesday, November 14, 2001** at Sargent's Court Reporting, 106 North Second Street, First Floor, Clearfield, Pennsylvania 16830, beginning at **10:00 a.m.** The deposition will be taken pursuant to Pa.R.C.P. 4007.1 before a notary public or other person duly qualified by law to administer an oath.

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS, & KOEHLER

By 

Michael J. Koehler, Esquire
PA ID 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

FILED

SEP 28 2001

m10:49 10/26
William A. Shaw
Notary Public
Gef

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, : CIVIL ACTION - LAW
Plaintiffs : No. 2000-1487-CD
v. : Type of Case: Personal Injury
: Filed on Behalf of: Plaintiffs
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, :
Defendants : Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24 day of September, 2001, a copy of the foregoing Notice of Deposition were served by First Class United States Mail, postage pre-paid to the following parties:

John Bryan, Esquire
3300 USX Tower
Pittsburgh, PA 15219

Daniel McGee, Esquire
300 South Allen Street, Ste 300
State College, PA 16801

Mark Bennett, Esquire
5850 Ellsworth, Ste 200
Pittsburgh, PA 15232

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Dennis Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904

Jeffrey Rosenbaum, Esq.
1818 Market Street
Philadelphia, PA 19103

Sargent's Court Reporting
106 North Second Street, 1st Floor
Clearfield, PA 16830

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS, & KOEHLER

By 

Michael J. Koehler, Esquire
PA ID 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, v. Plaintiffs : CIVIL ACTION - LAW
: No. 2000-1487-CD
: Type of Case: Personal Injury
: Filed on Behalf of: Plaintiffs
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants : Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

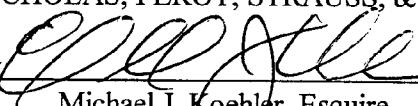
NOTICE OF DEPOSITION UPON ORAL EXAMINATION

PLEASE TAKE NOTICE that the deposition upon oral examination of **John E. Visnofsky** has been scheduled and will be taken on **Wednesday, November 14, 2001** at Sargent's Court Reporting, 106 North Second Street, First Floor, Clearfield, Pennsylvania 16830, beginning at **2:00 p.m.** The deposition will be taken pursuant to Pa.R.C.P. 4007.1 before a notary public or other person duly qualified by law to administer an oath.

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS, & KOEHLER

By


Michael J. Koehler, Esquire

PA ID 56195

2527 West 26th Street
Erie, PA 16506
(814) 833-8851

Attorneys for Plaintiff

FILED

SEP 28 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs v. ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants : CIVIL ACTION - LAW : No. 2000-1487-CD : Type of Case: Personal Injury : Filed on Behalf of: Plaintiffs : Counsel of Record for this Party: Michael J. Koehler, Esquire PA I.D. No.: 56195 NICHOLAS, PEROT & STRAUSS, P.C. 2527 West 26th Street Erie, PA 16506 (814) 833-8851

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24 day of September, 2001, a copy of the foregoing Notice of Deposition were served by First Class United States Mail, postage pre-paid to the following parties:

John Bryan, Esquire 3300 USX Tower Pittsburgh, PA 15219	Daniel McGee, Esquire 300 South Allen Street, Ste 300 State College, PA 16801	Mark Bennett, Esquire 5850 Ellsworth, Ste 200 Pittsburgh, PA 15232
Louis Schmitt, Esquire P.O. Box 533 Hollidaysburg, PA 16648	Dennis Stofko, Esquire P.O. Box 5500 Johnstown, PA 15904	Jeffrey Rosenbaum, Esq. 1818 Market Street Philadelphia, PA 19103

Sargent's Court Reporting
106 North Second Street, 1st Floor
Clearfield, PA 16830

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS, & KOEHLER

By



Michael J. Koehler, Esquire

PAID 56195

2527 West 26th Street

Erie, PA 16506

(814) 833-8851

Attorneys for Plaintiff

FILED

SEP 28 2001
10:49 AM C.C.
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. : CIVIL ACTION - LAW
LONG, his wife, as parents and natural : No. 2000-1487-CD
guardians of ALISON M. LONG, a minor, :
and in their own right, :
Plaintiffs : Type of Case: Personal Injury
v. :
ANDREW E. VISNOFSKY, a minor, and : Filed on Behalf of: Plaintiffs
VICTORIA L. VISNOFSKY and JOHN E. :
VISNOFSKY, :
Defendants : Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

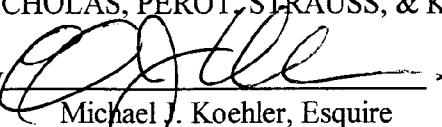
NOTICE OF DEPOSITION UPON ORAL EXAMINATION

PLEASE TAKE NOTICE that the deposition upon oral examination of **Victoria L. Visnofsky** has been scheduled and will be taken on **Wednesday, November 14, 2001** at Sargent's Court Reporting, 106 North Second Street, First Floor, Clearfield, Pennsylvania 16830, beginning at **12:00 p.m.** The deposition will be taken pursuant to Pa.R.C.P. 4007.1 before a notary public or other person duly qualified by law to administer an oath.

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS, & KOEHLER

By


Michael J. Koehler, Esquire
PA ID 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

FILED

SEP 28 2001

110-A9160 ce
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. : CIVIL ACTION - LAW
LONG, his wife, as parents and natural : No. 2000-1487-CD
guardians of ALISON M. LONG, a minor, :
and in their own right, :
Plaintiffs : Type of Case: Personal Injury
v. :
ANDREW E. VISNOFSKY, a minor, and : Filed on Behalf of: Plaintiffs
VICTORIA L. VISNOFSKY and JOHN E. :
VISNOFSKY, :
Defendants : Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24 day of September, 2001, a copy of the foregoing Notice of Deposition were served by First Class United States Mail, postage pre-paid to the following parties:

John Bryan, Esquire 3300 USX Tower Pittsburgh, PA 15219	Daniel McGee, Esquire 300 South Allen Street, Ste 300 State College, PA 16801	Mark Bennett, Esquire 5850 Ellsworth, Ste 200 Pittsburgh, PA 15232
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Sargent's Court Reporting
106 North Second Street, 1st Floor
Clearfield, PA 16830

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS, & KOEHLER

By 

Michael J. Koehler, Esquire
PA ID 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KENNETH J. LONG and KATHIE
LONG, his wife, as parents and
natural guardians of Alison M. Long,
a minor, and in their own right,

Plaintiffs

vs.

No. 2000 - 1487 CD

ANDREW E. VISNOFSKY, a minor and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants

REPLY TO NEW MATTER
UNDER 2252(d)
Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

OCT 03 2001

William A. Shaw
Prothonotary

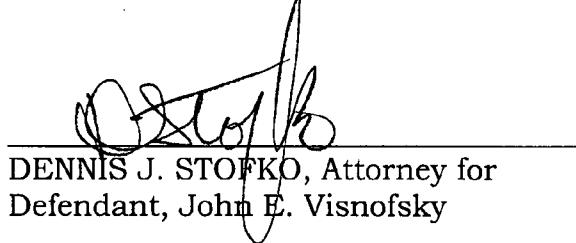
REPLY TO NEW MATTER UNDER 2252(d)

NOW COMES the Defendant, John E. Visnofsky by and through counsel, Dennis J. Stofko and files the following Reply to New Matter under 2252(d) asserted by Victoria L. Visnofsky.

42. Denied. Paragraph 42 contains a conclusion of law to which no responsive pleading is required.

43. Denied. Paragraph 43 contains a conclusion of law to which no responsive pleading is required.

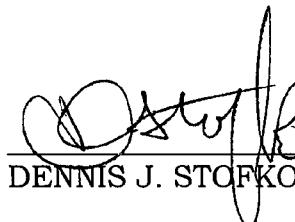
WHEREFORE, Defendant, John E. Visnofsky, requests judgment on his behalf.



DENNIS J. STOFKO, Attorney for
Defendant, John E. Visnofsky

I, Dennis J. Stofko, do hereby state that I am the attorney for Defendant, John E. Visnofsky and that as such, being authorized to do so, state that the facts set forth in the foregoing Reply to New Matter under 2252(d) are true and correct to the best of my knowledge, information and belief. This verification of counsel is being attached hereto in lieu of that of Defendant because of the inability to obtain a verification from Defendant in the time required to file this Reply. A verification of Defendant will be provided if requested.

This statement is made subject to the provisions of 18 Pa CSA 4904 relating to unsworn falsification to authorities.



DENNIS J. STOJKO, Esquire

Dated: 10 Oct 01

FILED

OCT 03 2001

M 11031 nocc
William A. Shaw
Prothonotary

Chay

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. : CIVIL ACTION - LAW
LONG, his wife, as parents and natural : No. 2000-1487-CD
guardians of ALISON M. LONG, a minor, :
and in their own right, :
Plaintiffs : Type of Case: Personal Injury
v. :
ANDREW E. VISNOFSKY, a minor, and : Type of Pleading: Reply to New Matter
VICTORIA L. VISNOFSKY and JOHN E. : of Defendant Victoria L. Visnofsky and New
VISNOFSKY, : Matter under 2252(d).
Defendants : Filed on Behalf of: Plaintiffs
: Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

FILED

OCT 05 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. : CIVIL ACTION - LAW
LONG, his wife, as parents and natural :
guardians of ALISON M. LONG, a minor, : No. 2000-1487-CD
and in their own right, :
Plaintiffs :
: :
v. :
: :
ANDREW E. VISNOFSKY, a minor, and :
VICTORIA L. VISNOFSKY and JOHN E. :
VISNOFSKY, :
Defendants :
:

REPLY TO NEW MATTER

AND NOW, come the Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, by and through their attorneys, **Nicholas, Perot & Strauss, P.C.**, and file the following Reply to New Matter of Defendant Victoria L. Visnofsky as follows:

1. Plaintiffs hereby incorporate by reference each and every allegation contained in paragraphs 1 through 39 of their original Complaint as it set forth herein their entirety.

40. The allegations contained in paragraph 40 of Defendant's New Matter are not allegations of fact or law to which a response is necessary.

41. It is specifically denied that Plaintiffs claims are in any way limited or barred under the provisions of the Pennsylvania Motor Financial Responsibility Law, 75 Pa.C.S.A. §1701 et. seq. and strict proof of the same is demanded at time of trial.

42. The allegations contained in paragraph 42 of Defendant's New Matter are addressed to the other Defendants to which a response is not necessary.

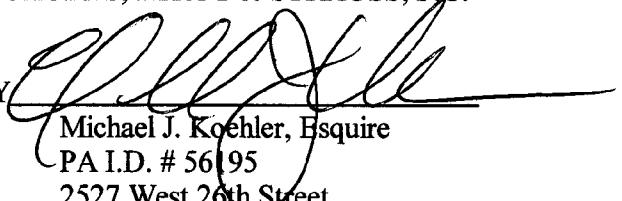
43. The allegations contained in paragraph 43 of Defendant's New Matter are addressed to the other Defendants to which a response is not necessary.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, respectfully request this Honorable Court to enter Judgment against the Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00 plus interest and costs.

Respectfully submitted,

NICHOLAS, PEROT & STRAUSS, P.C.

BY

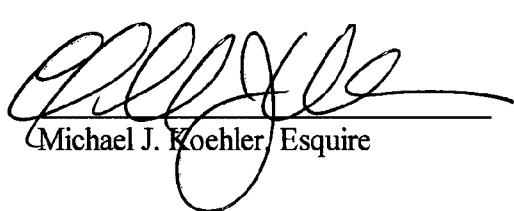

Michael J. Koehler, Esquire
PA I.D. # 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000-1487-CD
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY,	:	
Defendants	:	

VERIFICATION

On this 2 day of October, 2001, Michael J. Koehler, Esquire, the undersigned, hereby states that he is the attorney for the Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, that he is authorized to make this verification on behalf of the plaintiffs, that the facts set forth in the foregoing Reply to New Matter are true and correct, not of his own knowledge, but from information supplied to him by the plaintiffs, that the purpose of this verification is to expedite the litigation, that a verification of the plaintiffs will be supplied if demanded, all subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.



Michael J. Koehler, Esquire

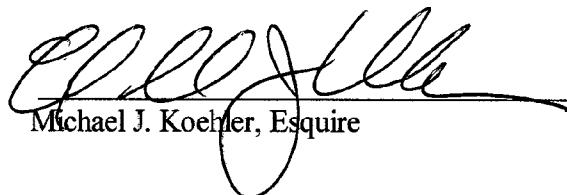
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000-1487-CD
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on the 2 day of October, 2001, the foregoing Reply to New Matter of Defendant Victoria L. Visnofsky was served upon the following individual in accordance with all applicable rules of court:

Louis C. Schmitt, Jr., Esquire
Pfaff, McIntyre, Dugas Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648



Michael J. Koehler, Esquire

FILED

OCT 05 2001

William A. Shaw
Prothonotary
Eras

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

REPLY OF VICTORIA L. VISNOFSKY TO NEW MATTER UNDER 2252(d) ASSERTED ON BEHALF OF DEFENDANT JOHN E. VISNOFSKY

FILED ON BEHALF OF DEFENDANT,
Victoria L. Visnofsky

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
McINTYRE, DUGAS,
HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED BY MAIL TO ALL COUNSEL OF RECORD ON THE 5TH DAY OF OCTOBER, 2001.

Attorney for Defendant
Victoria L. Visnofsky

FILED

OCT 08 2001
am 18:39 2001
Sam A. Shaw
Pro bono attorney

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

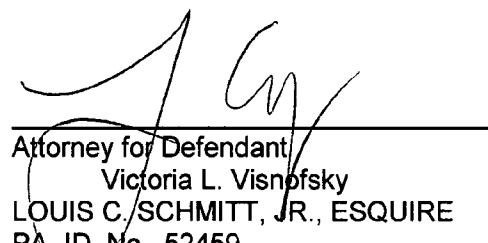
**REPLY OF VICTORIA L. VISNOFSKY TO NEW MATTER
UNDER 2252(d) ASSERTED ON BEHALF OF DEFENDANT
JOHN E. VISNOFSKY**

AND NOW, comes the defendant, VICTORIA L. VISNOFSKY, by and through her attorneys, MCINTYRE, DUGAS, HARTYE & SCHMITT, and files the following Reply to New Matter under 2252(d) filed on behalf of defendant John E. Visnofsky, saying as follows:

1. The allegations contained in Paragraph No. 44 constitute conclusions of law to which no response is required.
2. By way of response to the allegations contained in Paragraph No. 45, defendant Victoria L. Visnofsky hereby incorporates by reference her Answer, New Matter and New Matter pursuant to Pa. R.C.P. 2252(d) filed in response to plaintiffs' Complaint, as if fully set forth herein.
3. The allegations contained in Paragraph No. 46 constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, defendant, VICTORIA L. VISNOFSKY, denies any and all liability to any party to this action, and respectfully requests that this Honorable Court enter judgment in her favor with regard to all claims asserted against her.

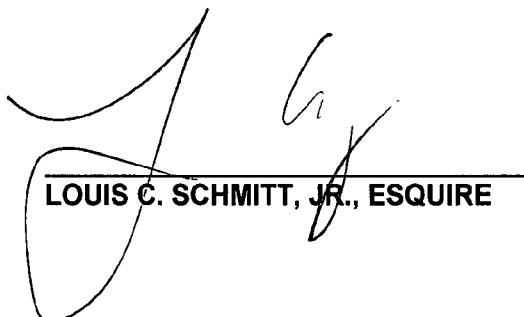
MCINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendant
Victoria L. Visnofsky
LOUIS C. SCHMITT, JR., ESQUIRE
PA. ID. No. 52459
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

VERIFICATION

I, **LOUIS C. SCHMITT, JR., ESQUIRE**, being the attorney of record for
Defendant, Victoria L. Visnofsky, verify that I am authorized to make this verification on behalf
of Defendant in the within action, and that the statements made in the foregoing **Reply to New**
Matter Under 2252(d) Asserted on Behalf of Defendant John E. Visnofsky are true and
correct to the best of my knowledge, information, and belief.


LOUIS C. SCHMITT, JR., ESQUIRE

Date: October 5, 2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

SUPPLEMENTAL VERIFICATION

FILED ON BEHALF OF
DEFENDANT,
Victoria L. Visnofsky

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
PFAFF, MCINTYRE, DUGAS,
HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
FORWARDED BY MAIL TO ALL COUNSEL
OF RECORD ON October 5, 2001.

Attorney for Defendant,
Victoria L. Visnofsky

FILED

OCT 08 2001
m18:401 no c
William A. Shaw
Dictionary

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

SUPPLEMENTAL VERIFICATION

AND NOW, comes the Defendant, VICTORIA VISNOFSKY, by and through her attorneys, MCINTYRE, DUGAS, HARTYE & SCHMITT and files the following Supplemental Verification in support of the Answer, New Matter and New Matter Pursuant to Pa. R.C.P. 2252(d) in response to plaintiff's Complaint.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

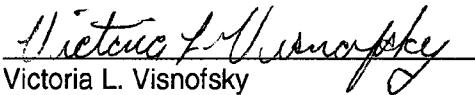
Attorney for Defendant
VICTORIA VISNOFSKY

LOUIS C. SCHMITT, JR., ESQUIRE
PA I.D.#: 52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

VERIFICATION

I, Victoria L. Visnofsky, do hereby verify that I have read the foregoing **Answer, New Matter and New Matter Pursuant to Pa. R.C.P. 2252(d)**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.


Victoria L. Visnofsky

Date: 9-28-01

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

MOTION TO COMPEL

FILED ON BEHALF OF DEFENDANT,
Victoria L. Visnofsky

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
McINTYRE, DUGAS,
HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED BY MAIL TO ALL COUNSEL OF RECORD ON **February 11, 2002**

Attorney for Defendant,
Victoria L. Visnofsky

FILED

FEB 12 2002

m1050/ncc

William A. Shaw
Prothonotary

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

MOTION TO COMPEL

AND NOW, comes defendant, Victoria Visnofsky, by and through her attorneys, McIntyre, Dugas, Hartye & Schmitt, and respectfully requests that this Honorable Court order the plaintiffs to within 20 days file full, complete and responsive answers to defendant, Victoria Visnofsky's discovery requests, saying as follows:

1. This lawsuit arises out of an incident which occurred on July 9, 2000 at approximately 12:36 p.m. on Bigler Township Route 555 in Bigler Township, Clearfield County, Pennsylvania. At that time and place, defendant, Andrew E. Visnofsky, was allegedly operating a 1990 Mazda 323 owned by defendant, Victoria L. Visnofsky on Bigler Township Route 555, approximately ½ mile south of its intersection with First Street, when he allegedly lost control of the vehicle, causing it to leave the roadway and strike a utility pole located off the west berm. This accident allegedly resulted in injuries to minor, Allison M. Long.

2. On September 25, 2001, defendant, Victoria L. Visnofsky served Interrogatories and a Request for Production of Documents upon the plaintiffs.

3. To date, the plaintiffs have failed and/or refused in any manner whatsoever to respond to defendant, Victoria L. Visnofsky's long-outstanding discovery requests, in violation of the Pennsylvania Rules of Civil Procedure applicable to discovery.

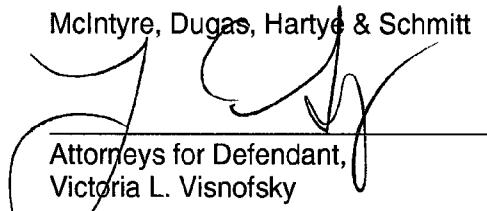
4. The information and documentation sought by way of defendant, Victoria L.

Visnofsky's discovery requests are vital to the further evaluation and defense of this matter, and to the extent defendant, Victoria L. Visnofsky is deprived of that information and documentation, she is irremediably prejudiced in her ability to defend this matter.

WHEREFORE, defendant, Victoria L. Visnofsky, respectfully requests that this Honorable Court order the plaintiffs to within 20 days file full, complete, and responsive answers to defendant, Victoria L. Visnofsky's outstanding discovery.

Respectfully submitted,

McIntyre, Dugas, Hartye & Schmitt



Attnorneys for Defendant,
Victoria L. Visnofsky

Louis C. Schmitt, Jr., Esquire
Pa. I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

ORDER

AND NOW, this _____ day of _____, 2002, upon consideration of the Motion to Compel filed on behalf of defendant, Victoria L. Visnofsky, and any response thereto, it is hereby ORDERED, ADJUDGED AND DECREED that the plaintiff shall within 20 days:

1. File full, complete, and responsive answers to defendant, Victoria L. Visnofsky's Interrogatories; and
2. File a full, complete, and responsive written answer to defendant, Victoria L. Visnofsky's Request for Production of Documents; and
3. Produce all documents sought by way of defendant, Victoria L. Visnofsky's Request for Production of Documents.

BY THE COURT,

J.



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-6009 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

MEMO: To all parties filing Petitions/Motions in Clearfield County:

Please make note of the following:

Rule 206(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both the Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see PA. R.C.P. 440) and upon the Court Administrator.

Rule 206(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

COPY

PRAECIPE

TO: PROTHONOTARY

Kindly list the above-captioned matter for the next available argument list. The matter to be argued is a Motion to Compel on behalf of Defendant, Victoria L. Visnofsky.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorneys for Above Named Defendant

Louis C. Schmitt, Jr., Esquire
PA I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

COPY

FILED

FEB 12 2002

1000501 NO CL

William A. Shaw
Prothonotary

KENNETH J. LONG and KATHIE M.
LONG, his wife, as parents and natural
guardians of ALISON M. LONG, a minor
and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants.

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

PRAECIPE

TO: PROTHONOTARY

Kindly list the above-captioned matter for the next available argument list. The matter to be argued
is a Motion to Compel on behalf of Defendant, Victoria L. Visnofsky.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

Atorneys for Above Named Defendant

Louis C. Schmitt, Jr., Esquire
PA I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

FEB 12 2002

10501 no CL

William A. Shaw
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

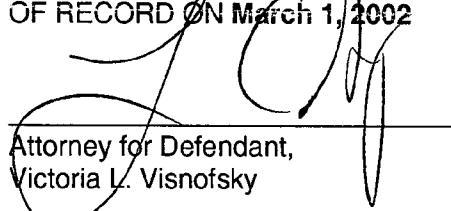
AFFIDAVIT OF SERVICE

FILED ON BEHALF OF DEFENDANT,
Victoria L. Visnofsky

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED BY MAIL TO ALL COUNSEL OF RECORD ON March 1, 2002


Attorney for Defendant,
Victoria L. Visnofsky

FILED

MAR 04 2002
018:56/ncc
William A. Shaw
Prothonotary


KENNETH J. LONG and KATHIE M.
LONG, his wife, as parents and natural
guardians of ALISON M. LONG, a minor
and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

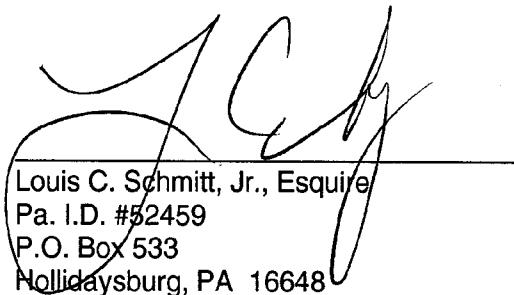
Defendants.

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

AFFIDAVIT OF SERVICE

AND NOW, comes LOUIS C. SCHMITT, JR., ESQUIRE, counsel for defendant,
Victoria L. Visnofsky, and avers that he has served a copy of the attached February 25,
2002 Rule to Show Cause on all other counsel via first class mail, postage pre-paid, on
March 1, 2002.



Louis C. Schmitt, Jr., Esquire
Pa. I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648

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

KENNETH J. LONG and KATHIE :
M. LONG, his wife, as parents and :
natural guardians of ALISON M. :
LONG, a minor and in their own right :
vs. : No. 00-1487-CD
ANDREW E. VISNOFSKY, a minor, :
and VICTOIRA L. VISNOFSKY and :
JOHN E. VISNOFSKY :
:

O R D E R

AND NOW, this 25th day of February, 2002, upon
consideration of Attorney Schmitt's Motion to Compel, a Rule is hereby issued on the
Plaintiffs to appear and show cause why the Motion should not be granted. Rule
Returnable the 18 day of April, 2002, at 9:30 A.M. in
Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

Attest. I certify this to be an
attested copy of the original
statement filed in this case.

BY THE COURT:

FEB 25 2002
Attest.

William J. Reilly
Prothonotary

/s/ JOHN K. REILLY, JR.

JOHN K. REILLY, JR.
President Judge

CP

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

KENNETH J. LONG and KATHIE :
M. LONG, his wife, as parents and :
natural guardians of ALISON M. :
LONG, a minor and in their own right :
vs. : No. 00-1487-CD
ANDREW E. VISNOFSKY, a minor, :
and VICTOIRA L. VISNOFSKY and :
JOHN E. VISNOFSKY :
:

ORDER

AND NOW, this 25th day of February, 2002, upon
consideration of Attorney Schmitt's Motion to Compel, a Rule is hereby issued on the
Plaintiffs to appear and show cause why the Motion should not be granted. Rule
Returnable the 18 day of April, 2002, at 9:30 A.M. in
Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

FILED
FEB 25 2002

William A. Shaw
Prothonotary

BY THE COURT:

JOHN K. REILLY, JR.
President Judge

FILED

FEB 25 2002

013:52 p.m.

William A. Shaw
Prothonotary

(On) cc to Atty Schmitt

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

KENNETH J. LONG and) No. 2000-1487-CD
KATHIE M. LONG, his wife,)
as parents and natural) Title of this Pleading:
guardians of ALISON M. LONG,) Petition of Minor Defendant
a minor, and in their own) for Appointment of a
right,) Guardian Ad Litem
Plaintiffs)
)
v.)
)
ANDREW E. VISNOFSKY, a minor,)
and VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.) Filed on Behalf of Defendant
) Andrew E. Visnofsky, a minor
)
) Counsel of Record for this
) Party:
) Daniel McGee, Esquire
) Attorney I.D. No. 26019
)
) Delafield, McGee, Jones &
) Kauffman, L.L.P.
) 300 S. Allen St., Suite 300
) State College, PA 16801-4841
) (814) 237-6278

FILED

APR 8 1 2002
m/19/noce
William A. Shaw
Prothonotary

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

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.) No. 2000-1487-CD
)
ANDREW E. VISNOFSKY, a minor,)
and VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

**PETITION OF MINOR DEFENDANT
FOR APPOINTMENT OF A GUARDIAN AD LITEM**

NOW COMES Defendant Andrew E. Visnofsky, a minor, hereafter "Defendant," by and through his attorneys, Delafield, McGee Jones & Kauffman, L.L.P., and respectfully represents as follows:

1. Defendant is a minor, age 15, who was born on June 17, 1986, and is not represented by a guardian in this action.
2. No guardian of Defendant's person or estate has heretofore been appointed.
3. Defendant resides with his father, John E. Visnofsky, with a mailing address of Post Office Box 466, Madera, Pennsylvania (16661).
4. Defendant's parents, Victoria L. Visnofsky and John E. Visnofsky, are also Defendants in this action and there is a conflict between them and Defendant which prevents them from serving as his guardians in this matter.

5. John A. Carter, III is not a party to this action and has no interest in the subject matter of this action nor any interest adverse to minor Defendant. Mr. Carter is the significant other of Defendant's mother, Victoria L. Visnofsky, and has known Defendant for several years.

6. John A. Carter, III is willing to act as guardian ad litem of Defendant in this action and his consent to do so is attached hereto as Exhibit "A" which is incorporated herein and made a part hereof.

WHEREFORE, Defendant Andrew E. Visnofsky respectfully requests that John A. Carter, III or some other competent person chosen by the Court be appointed his guardian ad litem in this action and that all proceedings stay meanwhile.

Respectfully submitted,

DELAFIELD, McGEE, JONES
& KAUFFMAN, L.L.P.

Date: March 28, 2002

By: 
Daniel McGee, Esquire
Attorney for Andrew E.
Visnofsky, a minor, only
Attorney I.D. No. 26019
300 S. Allen St., Suite 300
State College, PA 16801-4841
(814) 237-6278

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

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.) No. 2000-1487-CD
)
ANDREW E. VISNOFSKY, a minor,)
and VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

**CONSENT OF PROPOSED GUARDIAN AD LITEM
FOR ANDREW E. VISNOFSKY, A MINOR**

John A. Carter, III deposes and states that he is an adult individual residing in Madera, Pennsylvania, with a mailing address of HC 1, Box 125, Madera, Pennsylvania (16661), and that he hereby agrees to serve in this action as guardian ad litem of Andrew E. Visnofsky, a minor Defendant in this action. This consent is made subject to the penalties of 18 Pa. C.S.A. 4901 relating to unsworn falsification to authorities.

Dated: 3/7/02


John A. Carter, III

VERIFICATION

ANDREW E. VISNOFSKY deposes and states that the facts set forth in the foregoing pleading are true and correct to the best of his knowledge, information and belief and that the same are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: 3-7-02

Andrew E. Visnofsky
Andrew E. Visnofsky

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

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.) No. 2000-1487-CD
)
ANDREW E. VISNOFSKY, a minor,)
and VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the
Petition of Minor Defendant for Appointment of a Guardian Ad
Litem in the above-captioned matter was served on all counsel of
record by depositing the same within the custody of the United
States Postal Service, first class, postage prepaid, on
March 28, 2002, addressed to:

Michael J. Koehler, Esquire
Nicholas, Perot
& Strauss, P.C.
2527 West 26th Street
Erie, Pennsylvania 16506

Dennis J. Stofko, Esquire
Post Office Box 5500
Johnstown, Pennsylvania 15904

Louis C. Schmitt, Jr., Esquire
McIntyre, Dugas, Hartye & Schmitt
Post Office Box 533
Hollidaysburg, Pennsylvania 16648

DELAFIELD, McGEE, JONES
& KAUFFMAN, L.L.P.

By: Daniel McGee

Daniel McGee, Esquire
Attorney for Andrew E.
Visnofsky, a minor, only
Attorney I.D. No. 26019
300 S. Allen St., Suite 300
State College, PA 16801-4841
(814) 237-6278

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

FILED

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.) No. 2000-1487-CD
)
ANDREW E. VISNOFSKY, a minor,)
and VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

APR 03 2002

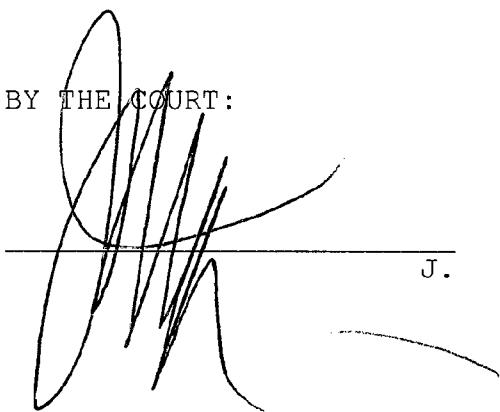
William A. Shaw
Prothonotary

RULE TO SHOW CAUSE

AND NOW, to wit, this 3rd day of April, 2002,
upon consideration of the within pleading, a Rule is granted upon
Respondent to show cause why the relief requested should not be
granted.

This Rule is returnable for argument or hearing the 26
day of April, 2002, at 9:00 A.m. in Courtroom
No. 1, Clearfield County Courthouse, Clearfield,
Pennsylvania.

BY THE COURT:



J.

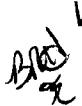
Petition of Minor Defendant
for Appointment of a Guardian Ad Litem

FILED

013:41 2002
APR 03 2002

1cc

Andy McGee

William A. Shaw
Prothonotary


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

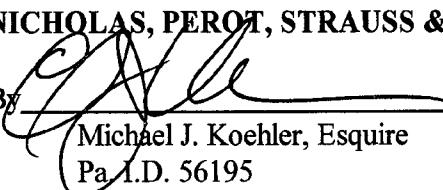
KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right, : CIVIL ACTION - LAW
Plaintiffs, : Case No. 2000 - 1487 - CD
vs. : PLAINTIFFS' RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS FROM DEFENDANT VICTORIA L. VISNOFSKY
ANDREW E. VISNOFSKY, a minor, and :
VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, :
Defendants. :

NOTICE OF SERVING PLAINTIFF'S RESPONSE TO FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF

Please take note that on 1 day of April, 2002, the Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison Long, a minor and in thier own right, by and through thier attorneys, **Nicholas, Perot, Strauss & Koehler**, has served Plaintiff's Responses to First Set of Interrogatories and Request for Production of Documents upon Defendant's counsel, Louis Schmitt, Esquire, Pfaff, McIntyre, Dugas, Hartye & Schmitt, P.O. Box 533, Hollidaysburg, PA 16648-0533.

NICHOLAS, PEROT, STRAUSS & KOEHLER

By


Michael J. Koehler, Esquire
Pa. I.D. 56195
2527 West 26th Street
Erie, Pennsylvania 16506
(814) 833-8851
Attorneys for Plaintiff

FILED

APR 04 2002

M110401ncc
William A. Shaw
Prothonotary

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

FILED

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.)
)
ANDREW E. VISNOFSKY, a minor,)
and VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

APR 30 2002

William A. Shaw
Prothonotary

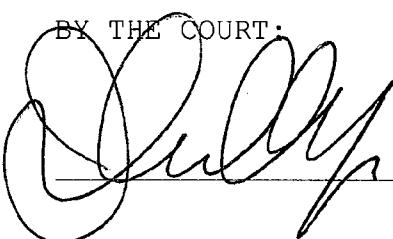
No. 2000-1487-CD

ORDER

AND NOW, this 26 day of April, 2002, upon
consideration of the Petition of Minor Defendant for Appointment
of a Guardian Ad Litem, it is hereby ORDERED that John A. Carter,
III, who resides at HC 1, Box 125, Madera, Pennsylvania (16661),
is appointed to serve as Andrew E. Visnofsky's guardian ad litem
in this action.

It is further ORDERED that the caption of this case is
amended in pertinent part to reflect that the Defendants are
"Andrew E. Visnofsky, a minor, by John A. Carter, III, his
guardian ad litem, and Victoria L. Visnofsky and John E.
Visnofsky."

BY THE COURT:



J.

FILED

1 cc Amy Koehler
019-40761
APR 30 2002
1 cc Amy McGee

William A. Shaw
Prothonotary

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

KENNETH J. LONG and) No. 2000-1487-CD
KATHIE M. LONG, his wife,)
as parents and natural) Title of this Pleading:
guardians of ALISON M. LONG,) Answer, New Matter, and New
a minor, and in their own) Matter Pursuant to
right,) Pennsylvania Rule of Civil
Plaintiffs) Procedure 2252(d) of
v.) Defendant Andrew E. Visnofsky,
) a Minor
)
ANDREW E. VISNOFSKY, a minor,)
by JOHN A. CARTER, III, his)
guardian ad litem, and)
VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.) Filed on Behalf of Defendant
) Andrew E. Visnofsky, a minor,
) by John A. Carter, III,
) his guardian ad litem
)
) Counsel of Record for this
) Party:
)
) Daniel McGee, Esquire
) Attorney I.D. No. 26019
)
) Delafield, McGee, Jones &
) Kauffman, L.L.P.
) 300 S. Allen St., Suite 300
) State College, PA 16801-4841
) (814) 237-6278

FILED

SEP 11 2002

mjl:13/noc

William A. Shaw
Prothonotary

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

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.) No. 2000-1487-CD
)
ANDREW E. VISNOFSKY, a minor,)
by JOHN A. CARTER, III, his)
guardian ad litem, and)
VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

NOTICE TO PLEAD

To the within named parties:

You are hereby notified to plead to the within New Matter
within twenty (20) days of service hereof, or judgment may be
entered against you.

Respectfully submitted,

DELAFIELD, McGEE, JONES
& KAUFFMAN, L.L.P.

Date: Sept 9, 2002

By: Daniel McGee

Daniel McGee, Esquire
Attorney for Andrew E.
Visnofsky, a minor,
by John A. Carter, III,
his guardian ad litem
Attorney I.D. No. 26019
300 S. Allen St., Suite 300
State College, PA 16801-4841
(814) 237-6278

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

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.) No. 2000-1487-CD
)
ANDREW E. VISNOFSKY, a minor,)
by JOHN A. CARTER, III, his)
guardian ad litem, and)
VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

**ANSWER, NEW MATTER, AND NEW MATTER
PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 2252(d)
OF DEFENDANT ANDREW E. VISNOFSKY, A MINOR**

NOW COMES Defendant Andrew E. Visnofsky, a minor, by John A. Carter, III, his guardian ad litem, by and through his attorneys, Delafield, McGee, Jones & Kauffman, L.L.P., in response to Plaintiffs' Complaint, as follows:

ANSWER

1. Denied. After reasonable investigation, Defendant Andrew E. Visnofsky is without sufficient knowledge or information to form a belief as to the said averments, and proof is demanded at trial.

2. Denied. After reasonable investigation, Defendant Andrew E. Visnofsky is without sufficient knowledge or

information to form a belief as to the said averments, and proof is demanded at trial.

3. Admitted.

4. Admitted.

5. Admitted.

6. Denied. After reasonable investigation, Defendant Andrew E. Visnofsky is without sufficient knowledge or information to form a belief as to the said averments, and proof is demanded at trial.

7. Admitted.

8. Denied in accordance with Pennsylvania Rule of Civil Procedure 1029(e).

9. Denied in accordance with Pennsylvania Rule of Civil Procedure 1029(e).

10. Admitted.

11. Admitted and denied. It is admitted that Defendant Andrew E. Visnofsky was operating the vehicle at or about the time and place alleged. The remaining averments of Paragraph 11 are denied in accordance with Pennsylvania Rule of Civil Procedure 1029(e).

12. Denied in accordance with Pennsylvania Rule of Civil Procedure 1029(e).

13. Denied in accordance with Pennsylvania Rule of Civil Procedure 1029(e).

COUNT I

14. Defendant Andrew E. Visnofsky incorporates by reference Paragraphs 1 through 13 of this Answer as though set forth fully herein.

15. Admitted and denied. It is admitted that Defendant Andrew E. Visnofsky was operating a vehicle at or about the time and place alleged. The remaining averments of Paragraph 15 are denied in accordance with Pennsylvania Rule of Civil Procedure 1029(e).

WHEREFORE, Defendant Andrew E. Visnofsky respectfully requests judgment in his favor and against Plaintiffs, plus costs of suit.

COUNT II

16. Defendant Andrew E. Visnofsky incorporates by reference Paragraphs 1 through 15 of this Answer as though set forth fully herein.

17. The allegations contained in Paragraph 17 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

18. The allegations contained in Paragraph 18 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

19. The allegations contained in Paragraph 19 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

COUNT III

20. Defendant Andrew E. Visnofsky incorporates by reference Paragraphs 1 through 19 of this Answer as though set forth fully herein.

21. The allegations contained in Paragraph 21 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

22. The allegations contained in Paragraph 22 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

23. The allegations contained in Paragraph 23 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

COUNT IV

24. Defendant Andrew E. Visnofsky incorporates by reference Paragraphs 1 through 23 of this Answer as though set forth fully herein.

25. The allegations contained in Paragraph 25 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

26. The allegations contained in Paragraph 26 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

COUNT V

27. Defendant Andrew E. Visnofsky incorporates by reference Paragraphs 1 through 26 of this Answer as though set forth fully herein.

28. The allegations contained in Paragraph 28 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

29. The allegations contained in Paragraph 29 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

30. The allegations contained in Paragraph 30 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

COUNT VI

31. Defendant Andrew E. Visnofsky incorporates by reference Paragraphs 1 through 30 of this Answer as though set forth fully herein.

32. The allegations contained in Paragraph 32 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

33. The allegations contained in Paragraph 33 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

34. The allegations contained in Paragraph 34 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

COUNT VII

35. Defendant Andrew E. Visnofsky incorporates by reference Paragraphs 1 through 34 of this Answer as though set forth fully herein.

36. The allegations contained in Paragraph 36 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

37. The allegations contained in Paragraph 37 are directed to a Defendant other than Andrew E. Visnofsky and therefore no response is required.

COUNT VIII

38. Defendant Andrew E. Visnofsky incorporates by reference Paragraphs 1 through 37 of this Answer as though set forth fully herein.

39. Denied in accordance with Pennsylvania Rule of Civil Procedure 1029(e).

WHEREFORE, Defendant Andrew E. Visnofsky respectfully requests judgment in his favor and against Plaintiffs, plus costs of suit.

NEW MATTER

40. Defendant Andrew E. Visnofsky hereby asserts and raises all those defenses and/or limitations of damage by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Act.

WHEREFORE, Defendant Andrew E. Visnofsky respectfully requests judgment in his favor and against Plaintiffs, plus costs of suit.

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

41. Pursuant to Pennsylvania Rule of Civil Procedure 2252(d), Defendant Andrew E. Visnofsky hereby joins Victoria L. Visnofsky and John E. Visnofsky as Additional Defendants in the above-captioned matter.

42. The factual averments of Plaintiffs' Complaint are incorporated by reference and made a part hereof without admission or adoption.

43. Defendant Andrew E. Visnofsky hereby joins Victoria L. Visnofsky and John E. Visnofsky as Additional Defendants to protect his right to indemnity and contribution and alleges that said Defendants are solely liable to Plaintiffs, or, in the alternative, are jointly and severally liable, or, in the alternative, are liable over to Andrew E. Visnofsky with respect to Plaintiffs' cause of action. Any liability on the part of Defendant Andrew E. Visnofsky is hereby expressly denied.

WHEREFORE, Defendant Andrew E. Visnofsky respectfully requests judgment in his favor and against Additional Defendants Victoria L. Visnofsky and John E. Visnofsky, plus costs of suit.

Respectfully submitted,

DELAFIELD, McGEE, JONES
& KAUFFMAN, L.L.P.

Date: Sept 9, 2002

By: Daniel McGee

Daniel McGee, Esquire
Attorney for Andrew E.
Visnofsky, a minor,
by John A. Carter, III,
his guardian ad litem
Attorney I.D. No. 26019
300 S. Allen St., Suite 300
State College, PA 16801-4841
(814) 237-6278

VERIFICATION

JOHN A. CARTER, III, as guardian ad litem for Andrew E. Visnofsky, a minor, deposes and states that the facts set forth in the foregoing pleading are true and correct to the best of his knowledge, information and belief and that the same are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: 5/9/02

John A. Carter III
John A. Carter, III, as guardian
ad litem for Andrew E. Visnofsky,
a minor

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

KENNETH J. LONG and)
KATHIE M. LONG, his wife,)
as parents and natural)
guardians of ALISON M. LONG,)
a minor, and in their own)
right,)
Plaintiffs)
)
v.) No. 2000-1487-CD
)
ANDREW E. VISNOFSKY, a minor,)
by JOHN A. CARTER, III, his)
guardian ad litem, and)
VICTORIA L. VISNOFSKY and)
JOHN E. VISNOFSKY,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Answer,
New Matter, and New Matter Pursuant to Pennsylvania Rule of Civil
Procedure 2252(d) of Defendant Andrew E. Visnofsky, a Minor in
the above-captioned matter was served on all counsel/parties of
record by depositing the same within the custody of the United
States Postal Service, first class, postage prepaid, on

Sept. 9, 2002, addressed to:

Michael J. Koehler, Esquire
Nicholas, Perot, Strauss & Koehler
2527 West 26th Street
Erie, PA 16506

Dennis J. Stofko, Esquire
Post Office Box 5500
Johnstown, Pennsylvania 15904-5500

Louis C. Schmitt, Jr., Esquire
Pfaff, McIntyre, Dugas, Hartye & Schmitt
Post Office Box 533
Hollidaysburg, Pennsylvania 16648-0533

DELAFIELD, McGEE, JONES
& KAUFFMAN, L.L.P.

By: Daniel McGee

Daniel McGee, Esquire
Attorney for Andrew E.
Visnofsky, a minor,
by John A. Carter, III,
his guardian ad litem
Attorney I.D. No. 26019
300 S. Allen St., Suite 300
State College, PA 16801-4841
(814) 237-6278

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KENNETH J. LONG and KATHIE
LONG, his wife, as parents and
natural guardians of Alison M. Long,
a minor, and in their own right,

Plaintiffs

vs.

No. 2000 - 1487 CD

ANDREW E. VISNOFSKY, a minor
By John A. Carter, III, his
Guardian ad litem and
VICTORIA L. VISNOFSKY and
JOHN E. VISNOFSKY,

Defendants

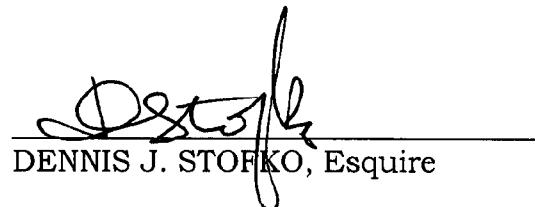
Reply to New Matter under 2252(d)
Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID27638

FILED

SEP 13 2002
M11221WCC
William A. Shaw
Prothonotary GBD

I, Dennis J. Stofko, do hereby state that I am the attorney for Defendant, John E. Visnofsky and that as such, being authorized to do so, state that the facts set forth in the foregoing Reply to New Matter under 2252(d) are true and correct to the best of my knowledge, information and belief. This verification of counsel is being attached hereto in lieu of that of Defendant because of the inability to obtain a verification from Defendant in the time required to file this Reply. A verification of Defendant will be provided if requested.

This statement is made subject to the provisions of 18 Pa CSA 4904 relating to unsworn falsification to authorities.



DENNIS J. STOKO, Esquire

Dated: 12 Sept 02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right.

Plaintiffs

vs.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY.

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

Reply to New Matter

FILED ON BEHALF OF
DEFENDANT,
Victoria L. Visnofsky

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
FORWARDED BY MAIL TO ALL COUNSEL
OF RECORD ON September 18th, 2002

Attorney for Defendant,
Victoria L. Visnofsky

FILED

SEP 19 2002

110:55/c
William A. Shaw
Prothonotary

60 °C / C

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

REPLY TO NEW MATTER

AND NOW, comes defendant, VICTORIA L. VISNOFSKY, by and through her attorneys, McIntyre, Dugas, Hartye, & Schmitt, and files the following Reply to New Matter pursuant to Pennsylvania Rule of Civil Procedure 2252(d) of defendant, Andrew E. Visnofsky, a minor, saying as follows:

1. The allegations contained in Paragraph 41 constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.
2. By way of response to the allegations contained in Paragraph 42, defendant, Victoria L. Visnofsky, hereby incorporates by reference her Answer, New Matter, and New Matter Pursuant to Pa. R.C.P. 2252(d) filed in response to plaintiffs' Complaint, as if fully set forth herein.
3. The allegations contained in Paragraph 43 constitute conclusions of law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof is demanded at the time of trial.

WHEREFORE, defendant, Victoria L. Visnofsky, denies any and all liability to any party in this matter, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

Respectfully submitted,

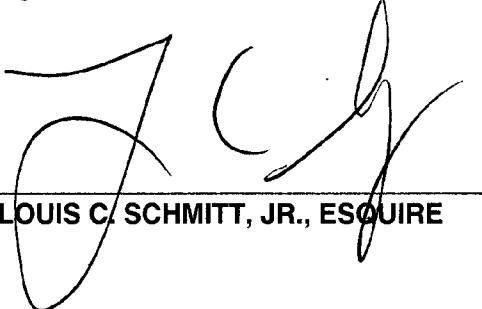
Mehntyre, Dugas, Hartye, & Schmitt

Atorneys for Defendant,
Victoria L. Visnofsky

Louis C. Schmitt, Jr., Esquire
Pa. I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648

VERIFICATION

I, LOUIS C. SCHMITT, JR., ESQUIRE, being the attorney of record for
Defendant, Victoria L. Visnofsky, verify that I am authorized to make this verification on behalf
of Defendant in the within action, and that the statements made in the foregoing **Reply to New
Matter** are true and correct to the best of my knowledge, information, and belief.



LOUIS C. SCHMITT, JR., ESQUIRE

Date: September 18, 2002

FILED

SEP 19 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, v. ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Plaintiffs : CIVIL ACTION - LAW
: No. 2000-1487-CD
: Type of Case: Personal Injury
: Type of Pleading: Reply to New Matter
of Defendant Andrew E..Visnofsky, a Minor
by John A. Carter, II, his guardian ad litem.
Defendants : Filed on Behalf of: Plaintiffs
: Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

FILED

SEP 23 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000-1487-CD
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY, a Minor, by John A. Carter,	:	
III, his guardian ad litem,	:	
	:	
Defendants	:	
	:	

**PLAINTIFFS' REPLY TO NEW MATTER OF
DEFENDANT ANDREW E. VISNOFSKY, A MINOR**

AND NOW, come the Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, by and through their attorneys, **Nicholas, Perot & Strauss, P.C.**, and file the following Reply to New Matter of Defendant Andrew E. Visnofsky, a minor, by John A. Carter, III, his guardian ad litem, as follows:

1. Plaintiffs incorporate by reference each and every allegation contained in paragraphs 1 through 39 of their Complaint as if set forth herein under in their entirety.

40. Plaintiffs deny that their claims are diminished or barred by the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Act, and strict proof of the same is demanded at time of trial.

41-43. The allegations contained in paragraphs 41, 42 and 43 are directed to the Defendants other than the Plaintiffs and therefore no response is required.

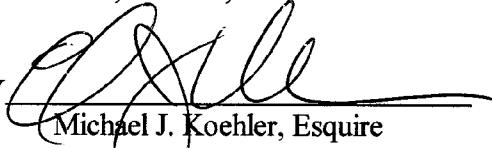
WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, respectfully request this Honorable Court to enter Judgment against the Defendant Andrew E. Visnofsky, a minor, by John

A. Carter, III, his guardian ad litem, Victoria L. Visnofsky and John E. Visnofsky in an amount in excess of \$30,000.00 plus interest and costs.

Respectfully submitted,

NICHOLAS, PEROT, STRAUSS & KOEHLER

BY

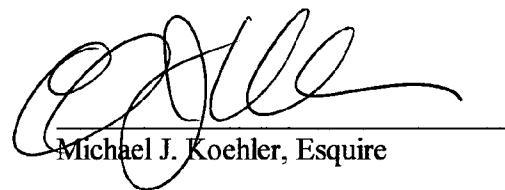

Michael J. Koehler, Esquire
PA I.D. # 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000-1487-CD
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY, a Minor, by John A. Carter,	:	
III, his guardian ad litem,	:	
	:	
Defendants	:	

VERIFICATION

On this 10 day of September, 2002, Michael J. Koehler, Esquire, the undersigned, hereby states that he is the attorney for the Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, that he is authorized to make this verification on behalf of the plaintiffs, that the facts set forth in the foregoing Reply to New Matter are true and correct, not of his own knowledge, but from information supplied to him by the plaintiffs, that the purpose of this verification is to expedite the litigation, that a verification of the plaintiffs will be supplied if demanded, all subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.



Michael J. Koehler, Esquire

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000-1487-CD
and in their own right,	:	
Plaintiffs	:	
	:	
ANDREW E. VISNOFSKY, a minor, and	:	
VICTORIA L. VISNOFSKY and JOHN E.	:	
VISNOFSKY, a Minor, by John A. Carter,	:	
III, his guardian ad litem,	:	
Defendants	:	

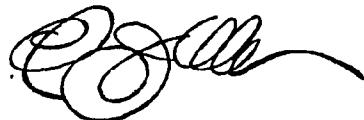
CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September, 2002, the foregoing Reply to New Matter of Defendant Andrew E. Visnofsky, a minor, was served upon the following individual in accordance with all applicable rules of court:

Louis C. Schmitt, Jr., Esquire
Pfaff, McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648-0533

Daniel McGee, Esquire
Delafield, McGee, Jones & Kauffman, L.L.P.
300 South Allen Street, Suite 300
State College, PA 16801-4841

Dennis Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904



Michael J. Koehler, Esquire

FILED

NO
CC

10:48 AM
SEP 23 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

PETITION FOR LEAVE TO WITHDRAW AS COUNSEL

FILED ON BEHALF OF DEFENDANT,
Victoria L. Visnofsky

COUNSEL OF RECORD:

LOUIS C. SCHMITT, JR., ESQUIRE
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED BY MAIL TO ALL COUNSEL OF RECORD ON NOVEMBER 6, 2003.

Attorney for Defendant,
Victoria L. Visnofsky

FILED

NOV 07 2003

William A. Shaw
Prothonotary/Clerk of Courts

KENNETH J. LONG and KATHIE M.
LONG, his wife, as parents and natural
guardians of ALISON M. LONG, a minor
and in their own right,

Plaintiffs,

VS.

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

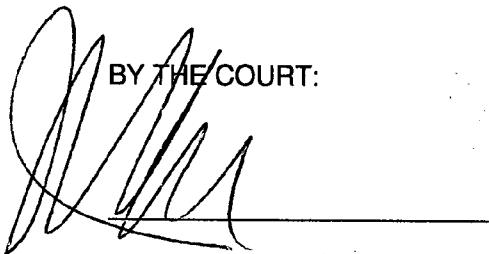
Defendants.

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

ORDER

AND NOW, this 14th day of November, 2003, upon consideration of
the Petition for Leave to Withdraw as Counsel filed on behalf of Louis C. Schmitt, Jr.,
Esquire, and any response thereto, it is hereby ORDERED, ADJUDGED and DECREED
that Louis C. Schmitt, Jr., Esquire, is granted leave to withdraw as counsel on behalf of
defendant Victoria L. Visnofsky in this matter. Louis C. Schmitt, Jr., Esquire, shall
immediately provide Victoria L. Visnofsky by ordinary mail a copy of the within Order.


BY THE COURT:

FILED

NOV 14 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

0/3:36(6)
NOV 14 2003

cc
Atty Schmitt
EPA

William A. Shaw
Prothonotary/Clerk of Courts

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

PETITION FOR LEAVE TO WITHDRAW AS COUNSEL

AND NOW, comes LOUIS C. SCHMITT, JR., ESQUIRE, counsel for defendant, Victoria L. Visnofsky, and pursuant to Pa. R.C.P. 1012(d)(1) respectfully requests that this Honorable Court grant him leave to withdraw as counsel, saying as follows:

1. This lawsuit arises out of a one-car motor vehicle accident that occurred on July 9, 2000, when defendant Andrew E. Visnofsky was operating a 1990 Mazda automobile owned by defendant Victoria L. Visnofsky in which minor-plaintiff Alison M. Long was a passenger.

2. Subsequent to the filing of plaintiffs' Complaint in this matter, Louis C. Schmitt, Jr., Esquire, was retained by New Hampshire Indemnity Insurance Company to represent defendant Victoria L. Visnofsky.

3. Subsequent to Louis C. Schmitt, Jr., Esquire filing his appearance on behalf of defendant Victoria L. Visnofsky, New Hampshire Indemnity Insurance Company filed a declaratory judgment action at No. 01-657-CD.

4. On October 6, 2003, this Honorable Court issued an Opinion and Order granting summary judgment in favor of New Hampshire Indemnity Insurance Company in case No. 01-657-CD, declaring that New Hampshire Indemnity Insurance Company has no duty to defend or indemnify defendant Victoria L. Visnofsky in this lawsuit. (A

copy of the October 6, 2003 Opinion and Order of Court is attached hereto as Exhibit "A.")

5. On October 28, 2003, Louis C. Schmitt, Jr., Esquire wrote to defendant Victoria L. Visnofsky at her address of HC1 Box 125, Madera, PA 16661, offering to continue to represent her in this lawsuit on a personal basis with Victoria L. Visnofsky being responsible to retain and pay Louis C. Schmitt, Jr., Esquire's legal fees relating to her further defense in this matter.

6. Defendant Victoria L. Visnofsky has not retained Louis C. Schmitt, Jr., Esquire, on a personal basis to represent her as a defendant in this matter, and Louis C. Schmitt, Jr., Esquire cannot now look for reimbursement from New Hampshire Indemnity Insurance Company for legal services provided to defendant Victoria L. Visnofsky in this matter due to this Honorable Court's October 6, 2003 Order in favor of New Hampshire Indemnity Insurance Company with regard to the defense and coverage of Victoria L. Visnofsky.

7. Rule 1.16(b)(5) of the Rules of Professional Conduct allows counsel to withdraw from the representation of a client if the representation will result in an unreasonable financial burden on the lawyer. Because Louis C. Schmitt, Jr., Esquire, has no prospect now of being paid by New Hampshire Indemnity Insurance Company to continue to represent defendant Victoria L. Visnofsky in this matter, and because Victoria L. Visnofsky has declined to retain Louis C. Schmitt, Jr., Esquire and personally pay for legal services rendered, it would certainly be an unreasonable financial burden for Louis C. Schmitt, Jr., Esquire, to continue to represent defendant Victoria L. Visnofsky through further proceedings and the trial of this matter.

8. The withdrawal by Louis C. Schmitt, Jr., Esquire, as counsel for defendant Victoria L. Visnofsky will not delay any stage of this litigation.

WHEREFORE, LOUIS C. SCHMITT, JR., ESQUIRE respectfully requests that
this Honorable Court grant him leave to withdraw as counsel on behalf of defendant
Victoria L. Visnofsky.

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendant
Victoria L. Visnofsky

LOUIS C. SCHMITT, JR., ESQUIRE
PA. I.D. NO. 52459
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

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

NEW HAMPSHIRE INDEMNITY
INSURANCE COMPANY

-vs-

No. 01 - 657 - CD

ANDREW E. VISNOFSKY, a minor, by
and through his parent and natural
guardian, VICTORIA L. VISNOFSKY and :
VICTORIA L. VISNOFSKY, in her own :
right; JOHN E. VISNOFSKY, KENNETH J.:
LONG and KATHY M. LONG, his wife, as :
parents and natural guardians of ALISON M.:
LONG, a minor, and in their own right;
SHERI HARASYMIW and CHRISTOPHER:
SMITH, as legal guardians of JUSTIN D.
VICKERS, a minor, SHERI HARASYMIW :
and CHRISTOPHER SMITH, in their own :
right; and the Estate of JAMES A.
BLAYLOCK, deceased, by the
representative of his Estate, PRISCILLA
KEPHART

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

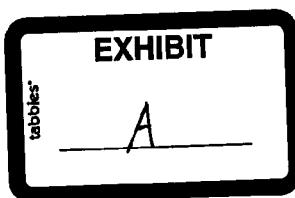
OCT 08 2003

Attest.

W. L. B.
Prothonotary/
Clerk of Courts

OPINION AND ORDER

On July 9, 2000, Victoria Visnofsky was the owner of a 1990 Mazda automobile that had no Pennsylvania registration nor did it have a license plate. On that date, Andrew Visnofsky, Victoria's 14 year old son, took the vehicle from its parking place at Victoria's mother's house, and along with three friends proceeded to drive it on a highway. Unfortunately, a tragic accident occurred resulting in severe injuries to two of the three passengers and caused the death of the third. The New Hampshire Indemnity Insurance Company has filed this action for Declaratory Judgment seeking to have this Court declare that it has no obligation under Victoria Visnofsky's automobile insurance policy to provide a defense for Andrew or to be held liable for any of the claims of the three occupants.



From the record it is clear that the Mazda was not shown on the declaratory page of the policy issued to Victoria Visnofsky nor was it a substitute automobile for one previously owned by her. It is further clear that the declaratory page does not list Andrew Visnofsky as a named insured. According to Victoria's deposition, she did not drive the Mazda again after dropping the insurance coverage for it. On this basis Plaintiff seeks a Declaratory Judgment in its favor.

Defendants herein argue, however, that Andrew Visnofsky falls within the definition of a "family member" and that as such is entitled to a defense provided by Plaintiff. Defendants argue that Andrew resided at his mother's home on the date of the accident. Defendants rely on the following provision of the subject insurance policy:

B. We do not provide Liability Coverage for the ownership, maintenance or use of:

1. Any vehicle which:
 - a. Has fewer than four wheels; or
 - b. Is designed mainly for use off public roads.

This exclusion (B.1.) does not apply:

 - a. While such vehicle is being used by an "insured" in a medical emergency; or
 - b. To any "trailer."
2. Any vehicle, other than "your covered auto" which is:
 - a. Owned by you; or
 - b. Furnished or available for your regular use.
3. Any vehicle other than "your covered auto" which is:
 - a. Owned by any "family member" or
 - b. Furnished or available for the regular use of any "family member."

However, this exclusion (B.3.) does not apply to you while you are maintaining or "occupying" any vehicle which is:

 - a. Owned by a "family member"; or
 - b. Furnished or available for the regular use of a "family member."

Said Defendants argue that under the above policy provisions, specifically section B.3.a. coverage is excluded for any vehicle that is not a covered automobile if a "family member" owns it. However, argue the Defendants, this exclusion does not apply or does not exclude coverage under the following paragraph while "you" are maintaining or occupying a vehicle owned by a "family member."

They argue that Andrew is a member of the class defined by the word "you" above and therefore, was maintaining or occupying a vehicle owned by a "family member," specifically his mother, and therefore, Plaintiff should be responsible to provide insurance benefits.

However, as Plaintiff points out in its Supplemental Brief, that portion of the policy quoted above reasonably and logically applies only to the named insured and her spouse, if residents of the same household. To include Andrew as a member of the class defined by the word "you" is clearly not the intention of the policy and therefore, this court cannot hold that either the 1990 Mazda or Andrew Visnofsky were included in the provisions of the subject insurance policy.

Defendants further argue that the subject portions of the policy provided by Plaintiff to Ms. Visnofsky are vague, ambiguous, and subject to more than one construction and therefore should be interpreted most favorably to the insured. This Court does not read the subject policy as being of that nature and therefore, will not consider Defendants' argument here.

Plaintiff also suggests as a basis for its Motion for Summary Judgment that Andrew Visnofsky was operating the vehicle at the time of the accident without a reasonable belief that he was entitled to do so. While this Court believes that no other reasonable

conclusion can be reached based on the depositions of the parties, it will not discuss this issue further in light of the foregoing Opinion.

WHEREFORE, the Court enters the following:

O R D E R

NOW, this 6th day of October, 2003, upon consideration of Plaintiff's Motion for Summary Judgment and argument and briefs thereon, it is the ORDER of this Court that said Motion be and is hereby granted and judgment entered in favor of the Plaintiff and against the Defendants.

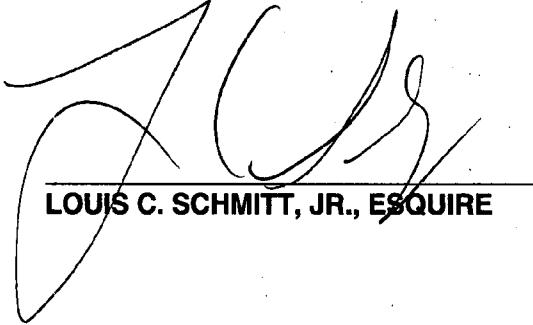
By the Court,

/s/ JOHN K. REILLY, JR.

President Judge

VERIFICATION

I, LOUIS C. SCHMITT, JR., ESQUIRE, being the attorney of record for
Defendant, Victoria L. Visnofsky, verify that I am authorized to make this verification on behalf
of Defendant in the within action, and that the statements made in the foregoing **Petition for**
Leave to Withdraw as Counsel are true and correct to the best of my knowledge, information,
and belief.



LOUIS C. SCHMITT, JR., ESQUIRE

Date: November 6, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

CIVIL ACTION – LAW

Case No.: 2000-1487-CD

**PRAECIPE FOR WITHDRAWAL
OF APPEARANCE**

FILED ON BEHALF OF
DEFENDANT,
Victoria L. Visnofsky

COUNSEL OF RECORD:
LOUIS C. SCHMITT, JR., ESQUIRE
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
FORWARDED BY MAIL TO ALL COUNSEL
OF RECORD ON THIS 24TH DAY OF
NOVEMBER, 2003.

Attorney for Defendant,
Victoria L. Visnofsky

FILED

NOV 26 2003

William A. Shaw
Prothonotary/Clerk of Courts

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor and in their own right,

Plaintiffs,

vs.

ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

Case No.: 2000-1487-CD

PRAEICE FOR WITHDRAWAL OF APPEARANCE

TO: Prothonotary

Pursuant to the Order of Court dated November 14, 2003, please withdraw my Appearance on behalf of Defendant, VICTORIA L. VISNOFSKY.

Date: November 24, 2003

MCINTYRE, DUGAS, HARTYE, & SCHMITT

By:

Louis C. Schmitt, Jr., Esquire

PA I.D. No. 52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-9399

FILED NO
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NOV 26 2003 COPY TO CIA
cc
William A. Straw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs v. ANDREW E. VISNOFSKY, a minor, VICTORIA L. VISNOFSKY, JOHN VISNOFSKY, Defendants

FILED

JUN 04 2007

2007-11-12

William A. Shaw
Prothonotary/Clerk of Courts

1 Cht. to App.

PETITION FOR APPOINTMENT OF GUARDIAN AND GUARDIAN AD LITEM

AND NOW, comes the Petitioners, Kenneth and Kathie Long, by and through their attorneys, **Nicholas, Perot, Smith, Koehler & Wall, P.C.**, and files this Petition for Appointment of Guardian and Guardian Ad Litem pursuant to Pa. R.C.P. Rule 2051, and 2053 as follows:

1. Petitioners Kenneth and Kathie Long, are adult individuals, husband and wife, currently residing at Route 53, P.O. Box 292, Clearfield County, North Madera, PA 16661.
2. That Petitioners are the natural parents of Alison M. Long, having been born September 19, 1987, who currently resides with her parents at the above address.
3. That on or about July 9, 2000 Plaintiff Alison M. Long suffered serious and permanent injuries when the vehicle in which she was a passenger left the roadway and struck a telephone pole.
4. Petitioners aver that Plaintiff Alison M. Long is now an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that she is totally unable to manage financial resources or to meet the

essential requirements for health and safety.

5. That Petitioners Kenneth and Kathie Long wish to be appointed on behalf of their daughter, Guardian and Guardian Ad Litem for purposes of continued litigation against the above Defendants and pursue further claims against Additional Defendants Bell Atlantic-Pennsylvania, Inc., and Verizon Pennsylvania, Inc., to recover damages as a result of the serious injuries sustained by Plaintiff.

6. That it is clear from the following medical reports that Alison M. Long is in need of a Guardian and Guardian Ad Litem:

- Jay A. Robinson, M.D. at Glendale Medical Center, dated May 3, 2007, her primary care physician;
- Melanie D. Ferraro, OTR/L of the Occupational Therapy Department of Clearfield Hospital, dated October 25, 2005; and
- Psychological Evaluation of John W. Lobb, Ph.D., and Lori Kane, BS, of Clearfield-Jefferson Community Mental Health Center, Inc., dated May 20, 2005 and January 31, 2007 (Exhibits A, B, and C respectively).

7. That Petitioners, Kenneth and Kathie Long believe their daughter Alison is not competent to handle her medical, legal and financial affairs.

8. As such, Petitioners Kenneth and Kathie Long request that they be appointed Guardian and Guardian Ad Litem to care for their daughter and to represent their daughter, Alison M. Long through the law firm of Nicholas, Perot, Smith, Koehler & Wall in the above litigation, pursuant to Pa. R.C.P. Rules 2051 and 2053.

WHEREFORE, Petitioners Kenneth and Kathie Long request that this Honorable Court appoint them as Guardian and Guardian Ad Litem of Alison M. Long's interests in this litigation against the above Defendants and to pursue further claims against Additional Defendants Bell Atlantic-Pennsylvania, Inc. and Verizon Pennsylvania, Inc.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire

PA. I.D. 56195

2527 West 26th Street

Erie, PA 16506

(814) 833-8851

*Counsel for Plaintiff, Alison M. Long and
Petitioners Kenneth and Kathie Long*

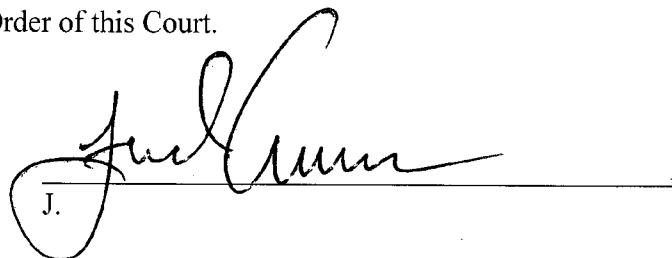
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. : CIVIL ACTION - LAW
LONG, his wife, as parents and natural :
guardians of ALISON M. LONG, a minor, : No. 2000 - 1487 - CD
and in their own right, :
Plaintiffs :
: v.
:
ANDREW E. VISNOFSKY, a minor; :
VICTORIA L. VISNOFSKY, JOHN :
VISNOFSKY, :
Defendants :
:

ORDER

Now this 7 day of June, 2007, upon consideration of Petitioners' Petition for Appointment of Guardian and Guardian Ad Litem, said Petition is GRANTED and it is hereby ORDERED that Kenneth and Kathie Long be appointed Guardian and Guardian Ad Litem for Alison M. Long, until further Order of this Court.



FILED
01/02/2011
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JUN 08 2007
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William A. Shaw
Prothonotary/Clerk of Courts



DATE: 6/8/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

JUN 08 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000 - 1487 - CD
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor;	:	
VICTORIA L. VISNOFSKY, JOHN	:	
VISNOFSKY,	:	
Defendants	:	

AFFIDAVIT

I, Kathie Long, state that the statements made in the foregoing Petition for Appointment of Guardian and Guardian Ad Litem are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



Kathie Long

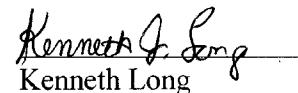
Date: 4-27-07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000 - 1487 - CD
and in their own right,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor;	:	
VICTORIA L. VISNOFSKY, JOHN	:	
VISNOFSKY,	:	
Defendants	:	

AFFIDAVIT

I, Kenneth Long, state that the statements made in the foregoing Petition for Appointment of Guardian and Guardian Ad Litem are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.


Kenneth J. Long
Kenneth Long

Date: 4-27-07

GLENDALE AREA MEDICAL CENTER
850 Main Street
PO Box 375
Coalport, PA 16627
(814) 672-5141

May 3, 2007

Nicholas, Perot, Smith, Kochler & Wall
Attorneys & Counselors at Law
2527 West 26th Street
Erie, Pennsylvania 16506

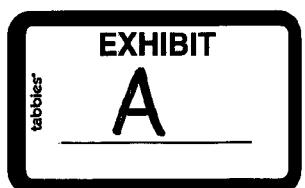
RE: Alison Long
Date of Birth: 9/19/87

Dear Mr. Koehler:

As you are aware, I have been Alison Long's primary care physician for many years, predating her MVA of July 9, 2000. It has now been almost seven years since her accident, and she continues to have cognitive deficits. From a treatment standpoint, given the time from her accident, there is little more to offer her in the way of physical therapy or speech therapy. She has pretty much reached maximal medical improvement from the accident at this time. Physically, she is doing fairly well. She still has some mild deficits on the left side with some weakness of the extremities. She also has some coordination problems as well. Her speech, although markedly improved, still has deficits.

Her cognitive skills, although they have improved, still show significant deficits. She continues to have many areas of living skills which are deficient and low functioning, and would indicate that she does not have the necessary abilities to function independently. She is a very good natured person and very pleasant person to be around. She certainly lacks insight and judgment in many areas. She is presently living at home with her parents who are doing their best to support and protect her. I believe, in the long run, that Alison is a good candidate to continue learning additional specific life skills to hopefully eventually get her into a situation where she could work at a limited level, such as at a Skills type facility.

At this time, I do not believe Alison has the cognitive level of functioning to be able to handle money, use banks, and manage her own financial affairs. Likewise, I do not believe she has the insight and cognitive function to handle her medical affairs at this point as well. However, I believe the long-term goal for Alison and her parents would be to work towards getting her into an assisted living situation as in the long run it will be difficult for her parents to care for her indefinitely in their own home.



Hopefully this information is helpful to you in the guardianship decision-making process.
Should you have any further questions, please do not hesitate to call.

Sincerely,



Jay A. Robinson, MD

JAR/mp

OCCUPATIONAL THERAPY INITIAL VISIT NOTE
Clearfield Hospital

Patient: Alison Long
DOB: 9/19/87

October 20, 2005

This patient was referred to speech therapy initially and the speech therapist felt occupational therapy would be beneficial to assist with the patient's development of life skills. Patient was seen for evaluation this date. Patient's mother was present for initial portion of evaluation and then she was asked to leave the room as patient tends to defer to her mother for answers to questions posed to her.

Very limited history was provided by the patient and her mother as she had provided an extensive history to the speech therapist. The history and current situation information that was provided by the mother was very difficult to determine as all information provided was disjointed and incomplete. What is known is that the patient's deficits result from her involvement in a MVA accident in July of 2000 when she was twelve. Patient was riding in a car with friends when the driver lost control. From a court document provided by the patient's mother the patient's injuries included:

1. right frontoparietal subdural hematoma
2. left occipital horn intraventricular hemorrhage
3. right parietal diffuse axonal injury
4. mid brain and brain stem shear injury
5. corpus callosum shear injury
6. right basal ganglia shear injury
7. bifrontal hemorrhagic shear injury
8. T3, T5, T6 compression fractures
9. L1, L2, and L3 compression fractures
10. moderate hypothermia
11. paralysis
12. severe blunt force trauma to head, trunk, abdomen and upper and lower extremities
13. shock to nerves and nervous system

Patient lives with her parents and various adult siblings who seem to be intermittently present. Patient reports she has a sister at college, a brother in Phillipsburg, another brother,

and another brother who is 23 who is married and has a 3 year old son who lives in Alison's home. Alison has been experiencing some issues with her mother related to patient wanting to exercise her independence to "go out with friends" and "on dates". Mother states patient had been "taken advantage of" by a neighbor and has had an episode in the past where the mother left the patient at home alone and the patient attempted to hitchhike out of town. Pt is impulsive, demonstrates poor judgment and limited reasoning and decision making skills at times. Her short term memory is extremely limited and she presents as rather immature and dependent on her mother.

Her speech is rapid, dysarthric and tangential. She is difficult to understand at times due to the pace of her speech. She is however, pleasant and cooperative and she has an engaging personality. She presents with what appears to be a flat affect, but she frequently demonstrates an easy laugh and a good sense of humor.



When asked what her goal: treatment are she states: "to walk better, talk better, have a better memory, be smarter, be not so obsessed with guys, not to dominate the conversation, not to talk so much, go to bingo more often, have a Big Sister, and get a job". Patient is at times unrealistic and impulsive regarding goal setting and life planning. "I could just hitchhike and go away and then have a kid and work to support myself and my husband".

It is difficult to determine the extent of the services this patient receives. Mother reports she is home schooled two times per week as patient did not want to go to public school secondary to teasing. She sees a mental health counselor two times per month, is seeing a throat specialist, and sees a psychologist "every couple months". Pt is taking an antidepressant and "a bunch of herbs". Mother reports patient is to be seen by OVR soon, and TSS services are pending until neurocognitive evaluation is completed.

Patient is independent with her ADLs but life skills are limited. Question how her home environment is impacting on this and whether patient will be able to follow through with activities presented in clinic. Her social life is limited by her mother's insistence on keeping her isolated from others "to protect her from something bad happening".

Patient was administered the KELS or Kohlman Evaluation of Living Skills, a standardized test to determine her baseline level of function and to assist with goal setting. Pt's scores are as follows:

Pt can score independent or needs assistance for a total of 17 items. Patient's total score is a 9 1/2. According to the scoring criteria for the KELS, "a total score of 6 or more indicates the client needs assistance to live in the community". Pt scored independent in 7 areas: appearance, frequency of self-care activities, awareness of dangerous household situations, identification of appropriate action for sickness and accidents, knowledge of emergency numbers, basic knowledge of transit system, and leisure activity involvement. Pt scored needs assistance in 10 areas: knowledge of location of medical and dental facilities, use of money in purchasing items, obtain and maintain a source of income, budgeting of money for food, budgeting of monthly income, use of banking forms, payment of bills, mobility within community, use of phone book and telephone, and plans for future employment.

Results of the KELS indicate that this patient does not have sufficient living skills for independent living at this time. Training will be initiated to address those areas which scored needs assistance to attempt to increase patient's level of function in order to be able to live in the least restrictive environment at her maximum potential.

I will plan to administer the Independent Living Scales next visit to further delineate Alison's areas of strengths and deficits.

Melanie D. Ferraro, OTR/L

Melanie D. Ferraro, OTR/L
Occupational Therapy Department
Clearfield Hospital
809 Turnpike Ave.
Clearfield, PA 16830
814-768-2332

DBD

Occupational Therapy Department
Clearfield Hospital

Patient: Alison Long
DOB: 9/18/87

November 15, 2005

Alison Long was administered the Independent Living Scales (ILS) which is an assessment of competence in instrumental activities of daily living. An individual's performance on the ILS can guide determination of the most appropriate living arrangements for adults who are cognitively impaired. Information at the item level is specific enough to identify needed support services, adaptations, or instruction for adults who are unable to function independently in certain areas of everyday living.

Alison is an 18 year old female who resides with her parents. She sustained significant head injuries in a MVA in July of 2000 when she was twelve. She has been referred to occupational therapy to begin developing life skills in order to begin planning for future schooling and living arrangements. Currently, Alison is home schooled. Please see initial visit note for further information regarding Alison's home situation and social supports.

Alison's performance on the Memory/Orientation subscale indicates that she knows her telephone number, how to read a clock, and the day of the week. She had difficulty naming the current town she was in and giving her correct address possibly due to the new 911 addresses as she gave a P.O. Box number for her address. She did demonstrate significant difficulty with short term visual memory tasks such as remembering the information needed for a doctor's appointment.

In the area of Managing Money, Alison knows how she is supported financially, the approximate cost of a loaf of bread, how to count out a specified amount, where to obtain checks or money orders, why it is important to pay bills, the basic information required to fill out a check, what health insurance is, and the purpose of a will and home insurance. She demonstrated a partial understanding of what Social Security benefits are, making change after a purchase, why he should read and understand a document before signing it. Alison did not know when income tax is due, how to correctly fill out a money order, how to enter and subtract items in a checkbook, how to understand medical insurance billing.

With respect to Managing Home and Transportation, Alison knows the basics of how to utilize a bus schedule, provide information to a cab driver, how to address an envelope with some minor errors, how to look up basic telephone numbers and how to call the Operator. She has partial knowledge and understanding of how to deal with household problems such as what to do if the lights go out or if the house is too cold, home security, finding more difficult phone numbers. She made errors in dialing requested phone numbers possibly due to her limitations in short term memory.

Alison scored highest in the Health and Safety category. Alison was able to verbalize the most appropriate times to call 911 and basic strategies on how to correctly take medication and care for herself when ill or to recognize the need to visit a doctor. She demonstrated partial understanding of the potential dangers of someone knocking on her door at night, a gas odor, and side effects of medicine. She was unable to fully verbalize precautions to protect herself when going out at night.

In terms of Social Adjustment, she answered she "agrees somewhat" with the following statements: "I look forward to tomorrow, I feel good about myself, I always feel down, I am often angry at others, and I feel I would be missed if I weren't around anymore". She answered she "disagrees" with the

DBD

statement "I often think of...ng myself". Alison appears to have limited socialization opportunities outside of family members.

Alison exhibits difficulty with situations requiring reasoning ability as reflected in his score on the Problem-Solving factor. In many areas Alison cannot perform a given task or does not know the basic information for answering a question (Performance/Information factor). She also has difficulty responding to situations that are new to her which may improve with exposure to certain types of information and situations. Several items needed to be repeated in order for Alison to respond secondary to her distractibility and poor short term memory.

There are many areas of everyday living skills in which Alison is low functioning, as reflected by the ILS Full Scale score. The factors also indicate that Alison does not have many of the abilities necessary for independent or semi-independent living. Despite these overall weaknesses, specific items highlight a number of strengths, such as knowledge of Health and Safety issues of which she has had more exposure.

Given Alison's pattern of strengths and weaknesses, Alison is a good candidate for learning additional specific skills that may equip her to eventually move into a more independent setting such as a group home. Currently, Alison should receive continued supervision and structure, with the degree of supervisory support gradually decreasing as she learns new skills.

More immediately, Alison would benefit from a supervised work program to develop some skills related to problem solving, short term memory, and social adjustment. Occupational therapy can assist with these skills as well as money management and managing home and transportation with the eventual goal of getting her into a less supervised living setting and to obtain some kind of gainful employment.

Melanie D. Ferraro, OTR/L

Melanie D. Ferraro, OTR/L
Occupational Therapy Department
Clearfield Hospital
809 Turnpike Ave.
Clearfield, PA 16830
814-768-2332

PSYCHOLOGICAL EVALUATION

Name: Alison Long

"This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations."

Case Number: 171-21160**Exam Date:** May 20, 2005**Examiner:** John W. Lobb, Ph.D., Licensed Psychologist**I. IDENTIFYING INFORMATION****Name:** Alison Long**Age:** 17 **DOB:** 09-09-1987**Sex:** Female**Race:** Caucasian**Address:** PO Box 292, 2614 Main Street, Madera, PA. 16661**Telephone:** (814) 3786284**Guardian's Name:** Ken and Kathie Long, Parents**School:** Moshannon Valley School District (Presently being home schooled)

"This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations."

Family Composition:

Alison resides with her parents, Ken (45) and Kathie (44). Alison's sister, Laura (20), is a college student, and she is home for the summer.

Biological Mother:

Kathie Long is a full time homemaker. Kathie reports that she stopped working out of the home following Alison's head injury. Kathie was present today, and she added credibility to the assessment. Furthermore, she acknowledged her belief that a neighbor may have sexually exploited Alison. This will be outlined in this narrative.

Biological Father:

Ken Long is an HVAC technician. He and the neighbor in question form above purchased a house, and the two men fixed it up for resale. Consequently, they have a business relationship. As such, Mr. Long does not believe that his friend and neighbor sexually exploited his daughter. Mr. Long is a proponent of food supplements and herbs. Consequently, Alison is taking a long list of these items per dad's "prescription". Mr. Long was not present for this assessment.

EXHIBIT

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"This information has been disclosed to you from records whose confidentiality is protected by Federal law. Federal Regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by Federal regulations. This information has been disclosed to you from records whose confidentiality is protected by Federal law. Federal Regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations."

Sleeping Arrangements:

Alison has her own bedroom.

Siblings or Half Siblings at Home or Elsewhere:

Alison has three siblings. As noted, Laura (20) is a student at St. Francis University in Loretto. Alison says she is envious of her sister, as Laura has "a life". Alison says the sister goes to college and is able to date guys. From what she says, Alison loves her sister, but admits to the jealousy. Laura graduated from high school and moved-in with her boyfriend for a bout a year. That relationship apparently ended, and she went off to college.

Alison has two brothers. These are Ken (25) and Jake (23). Ken is out of the house and has a son. Alison says they get along well together. Jake has a little girl. He too is out of the house. Their relationship was not always good. Alison says there was conflict, but now that they are older, their relationship has smoothed-out. Jake's history is significant for a number of concerns. First of all, he quit school and eventually got a GED. At age 19, he has a sexual relationship with the then 15-year-old neighbor. The girl apparently got pregnant. Due to the age difference, charges were filed, and Jake went to jail for 6 months. From what I was told, the 15-year-old's prior boyfriend called attention to the matter.

Community Systems Serving Child:

Alison gets outpatient counseling from Lori Kane at the Clearfield-Jefferson CMHC. Dr. Manish Sapra is charged with monitoring Alison's medications (Lexapro). The Moshannon Valley School District is –providing a home tutor and speech therapy.

Current Community Involvement:

Alison belongs to the Immaculate Conception Catholic Church in Madera. She is a semi-regular participant in religious services. Alison will occasionally go to the YMCA in Clearfield with her parents, but she has no other community connections.

II. REASONS FOR PSYCHOLOGICAL EVALUATION

Pat Gates, Case Manager form the Clearfield-Jefferson/Gateway EPSDT Program referred Alison for evaluation to determine if there is a need for Home/Community Based TSS. The initial suggestion for this service came form Manish Sapra, MD from the CMHC.

"This information has been disclosed to you from records whose confidentiality is protected by Federal law. Federal Regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations." (42 CFR, 216, or as otherwise permitted by such regulations.)

III. RELEVANT INFORMATION

Child's Strengths:

Alison sees herself as being pretty. Her mother describes Alison as having a sense of humor, having a good set of manners, and as being focused on her church. Mrs. Long states that Alison prays daily and regularly says the Rosary.

Family Strengths:

Alison says she loves her family. She notes that she is envious of her sister, but she would never trade the sister for another sibling. Alison states, 'I love my sister'.

Available Community Resources:

With summer coming, and the school-sponsored Speech Therapy to end, it was suggested that the family consider asking the PCP for a referral to one of the local outpatient speech therapy programs.

Current Concerns:

Alison was in a significant MVA in 2000. A 15-year-old neighborhood boy stole his parents' car. Alison was age 12 at the time of this incident. The young boy picked-up Alison and several other peers from the neighborhood, and they began to joyride. The young man was driving the car at an excessive rate of speed and crashed into a tree and telephone pole. Alison and the others were not wearing their seatbelts. Alison's head crashed into the head of another passenger. She lived sustaining brain damage, but the young man, as well as the driver of the car, was killed. Since then, Alison, who already was "boy-crazy" has not had any controls when it pertains to guys.

Alison states that she was getting "curious" before the accident. She related an experience when at age 12, she and three neighborhood boys went into the woods and "explored" each other. She said they touched her while she touched their "private parts". Since the accident, Alison has been intimate with a man reported to be 31-years-old. She also notes that she is always looking for guys. It is noted that Alison is now being given homebound instruction due to sexual misconduct. Apparently, she has little to no controls. She was discovered to be missing when still in the Moshannon Valley Jr. High. However, she was missing along with another boy. There is some concern that she may have been sexually intimate with this fellow as well as others. However, Alison will only admit to the touching of privates.

We talked about going out with guys. She says that if she meets a good looking

guy between the ages of 18-20, she would allow the guy liberties. This question was pushed when asked how she would respond if the guy ended the relationship and "passed" her off to a friend. She noted that she would permit the friends to "pet", but she would not be too sure about sexual intimacies.

Herein lies the chief concern and the reason for Dr. Sapra making the suggestion for Home/Community TSS. Previous to this request, Dr. Edgar Gantala made a similar request, and TSS was provided some time back. Both physicians concur that Alison does not have social controls and should not be returned to the classroom. Therefore, they apparently have both ruled out the possibility of returning Alison to the classroom with TSS support.

Alison states that she has been intimate with a 31-year-old man. This fellow is a neighbor and is a friend of Alison's father. According to Alison's mother, She believes what is to follow. Her husband does not think it occurred.

Alison says that on at least one occasion, they were sexually intimate. She adds that they will touch each other in an intimate way when they are together. Again, Kathie believes there is merit to the allegations. As such, she will not allow Alison to be alone with this fellow. Alison says, "it is over, but if his girlfriend is not around, who knows".

Alison completed the YSR. On this self-report test, she notes herself to have issues with social skills. IT was the only concern raised on this test. Alison's mother completed the CBCL. She expresses concern that Alison will be taken advantage of and exploited. She notes that Alison wants to be accepted and does not have the social controls to establish personal boundaries secondary to her injury. Kathie notes that her daughter has social and attention deficits.

Other concerns include anger. When upset, Alison will use profanity. This occurs twice per month on average. It generally occurs when she does not get her way. She is also prone to depression. Alison has cut herself and consumed wood alcohol in the form of perfume in the past. Her episodes of depression occur twice per month. She has an increased appetite during these episodes and will isolate herself.

Responses By Family and Community:

Alison's current and past psychiatrist have both recommended home/community TSS for Alison. The parents are in agreement with this recommendation. Alison is similarly in agreement.

Interventions to Date:

In 2002, Alison was admitted to DRMC's Child/Adolescent Unit for a week. This

followed her suicide attempt. She was stabilized with medication and counseling. She was subsequently returned home to her parents.

Alison had a previous experience with EPSDT services. Mobile, TSS, and BSC were provided. From what I gather, the father abruptly terminated services. Apparently, the BSC and Mobile Therapist were questioning if Jake, Alison's brother, had sexually molested her. This is the brother convicted of sexual behavior with the 13-year-old neighbor girl. In any case, Mr. Long terminated the EPSDT care. After this, she was referred to outpatient at the Clearfield office of the Clearfield-Jefferson CMHC. She has also been under the care of Edgar Gantala, MD and now Manish Sapra, MD.

Relevant Adverse Effects:

Effexor was started and stopped in 2002. It was stopped as it caused Alison to hallucinate.

MEDICAL AND MEDICAL STATUS OF CHILD:

Psyc Meds:

Manish Sapra, MD is providing a previously prescribed Lexapro. Dr. Sapra will see Alison again in July. When this occurs, it was suggested that the family discuss the possibility of Alison being re-evaluated by a neurologist, as it has now been several years since her last monitoring by such a professional.

Medical Conditions and Medications:

Celexa 60 mg daily is being provided.

General Health Status:

Alison reported has good health. However, she has a significant brain injury secondary to an auto accident in 2000. She was life-flighted from the scene, and the casemanager, Pat Gates, was one of the first responders to attend to Alison's injuries. It is noted that she was unconscious at the time. She spent several weeks in the trauma center at Conemaugh Hospital in Johnstown (July 9 to 28, 2000). She was transferred to Health South in Altoona for Rehab.. She has trouble with impulse control, short-term memory, speech, and gait.

Her injuries are extensive. She had a right frontal parietal subdural hematoma, Left occipital horn intraventricular hemorrhage, and a Right Parietal and diffuse axonal injury. The medical record goes on to state that Alison sustained a Midbrain and Brain stem Shear injury as well. There was a tear in the Corpus Callosum,

Psychological Evaluation

Alison Long

May 20, 2005

Page 6

compression fractures at T3,5, as well as at L1,2, and 3. She also experienced moderate hypothermia.

Following her rehab, Alison was assessed at Penn State's Speech and Language center (Fall 2001) and the Child Therapy Program (Spring 2002).

Alison recently had surgery on her lower back to have a cyst removed. She has had no difficulties with her recovery.

Alison's father is an advocate of Herbal and Food Supplements. Alison's mother does not endorse their use, but Mr. Long alleges that without the supplements, Alison is worse-off. Specifically, Kathie reports no observable differences between those times that Alison has or does not have the supplements, but her husband reportedly asserts Alison to be more off task and impulsive without them.

Presently, Alison is taking 26 supplements. These include:

Alphafa 650 mg od

Amino Acids

Bee Pollen 500mg od

Choline 350 mg od

Chromium 200mg 2 times/week

Dandelion 460 mg od

Gotu Kola 435mg od

Fish oil 1000mg od

Flaxseed Oil 1000mg od

Garlic od

Ginger (occasionally)

Ginseng 900 mg od

Glucosamine 500mg od

Gotu Kola 435mg od

Grape seed 25mg od

Iron 27mg 2 times/week

Lechithin 1,200mg every other day

Licorce Root Occasinally

Memorall (Hyoerzine-A) 50mcg od

MSM 500mg od

Two Tablespoons each day of "Mixed EFAs"

This was recommended by a "woman who does acupressure who believes "EFAs" spark brain cells."

Apricot Kernel Oil

Hazelnut Oil

Sesame Oil

Walnut Oil

One tablespoon of the above provides:

"This information has been disclosed to you from records which are held by the Office of the Federal Public Defender. The confidentiality of these records is protected by Federal Law. Federal Rule of Evidence 501. This rule prohibits you from making any further disclosure of it without the specific written consent of the person to whom it belongs, or as otherwise permitted by such regulations."

Psychological Evaluation

Alison Long

May 20, 2005

Page 7

Alpha Linoleic Acid 350mg

Linoleic Acid 5180

Oleic Acid 7070mg

Vitamin A 5000 IU once per week

Vitamin C 1000mg every other day

Vitamin D 400 IU once/week

Vitamin E 50 IU od

Zinc 60mg od

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Physical Limitations:

Alison wears glasses. She wore them prior to the accident. However, the accident resulted in her having some difficulty with the muscles in her eyes. This has apparently been resolved.

Developmental History:

No developmental delays are noted. However, issues surfaced following the accident as noted above.

Intellectual Status:

It is hard to estimate Alison's IQ. She seems to be somewhat impaired. There are no IQ scores available for review.

Educational Status:

Alison is in the 11th grade. She is a student in the Moshannon Valley School District. However, due to her sexual impulsivity, she is being schooled at home via homebound instruction. From what I am told, Alison is progressing well in this setting.

Peer Relationships:

Alison has no regular visitors. There are two girls who call on occasion. She has a boyfriend in Arkansas. Apparently, Kathie met the boy's mother in a chat room for children with head trauma. From this, Alison and the boy became "boyfriend and girlfriend". Alison went to the prom last year with a local boy. Alison admits to be "guy crazy". It is largely due to this that Alison is envious of her sister. She sees the sister as being able to be independent and able to get guys/ Alison regards her life as being controlled by the parents.

Psychological Evaluation

Alison Long

May 20, 2005

Page 8

Leisure Time Interests and Hobbies:

Alison likes computer games, to talk via the computer, to play bingo, and work out to get "skinny and grow bigger boobs".

Economic Stresses:

Reportedly, this is not a driving factor in this case.

Characteristics of Neighborhood:

Madera is a small village in southeastern Clearfield County. There are a mixture of same age boys and girls in the community. There are few social outlets. She lives about 2 miles from the high school. The 31-year-old neighbor who has allegedly had sexual relations with Alison lives next door.

Other Family Stressors:

None noted.

Abuse/Neglect:

Alison denies any history of physical or sexual abuse. Alison does not recognize that she was sexually exploited by the 31-year-old man noted above. Further, Alison fails to note that the guys who have engaged in petting with her also exploited her.

Suicide Attempts:

Alison drank perfume and made multiple lacerations on her body. This was in 2003 and preceded her admission to DRMC's Child/Adolescent Behavioral Health Unit. Alison said she wanted to dies due to the injury and her difficulties dealing with the limits of that accident. She denies any current thoughts of suicide.

Substance Abuse:

This is denied.

Placement History:

Alison has always been with her parents.

"This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Under Federal Regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations." Other uses are prohibited by such regulations.

should discuss private Speech therapy services with the PCP and ask for a referral for those services throughout the summer.

Major Concerns:

Alison is brain injured. As such, she has trouble controlling her sexual impulses. She tends to be "guy crazy". When attracted to a male, she does not know when to say stop. A 31-year-old male neighbor has reportedly sexually exploited Alison. Also, she has been "felt-up" by a number of boys. Consequently, there is great concern that her judgment is so impaired that she would be an easy mark for a sexual predator.

She has depressive symptoms and tends to withdraw from others. She has resorted to social isolation during these depressive episodes, and they occur about twice per month on average. She will argue. During these episodes, she uses profanity.

Medically Necessary Recommendations:

EPSDT services are indicated. The family wishes to continue with the outpatient therapy at the CMHC, so only Home/Community TSS and BSC will be provided.

VI. DIAGNOSIS

Axis I: 310.1 Personality Change Due to Head Injury, Disinhibited Type
293.83 R/O Mood Disorder Due to Head Injury
V61.21R/O Sexual Abuse of Child

Axis II: Deferred

Axis III: S/P Head Injury from MVA, Recent Removal of Cyst

Axis IV: Reports of Sexual Exploitation

Axis V: Current 50; Highest 50

VII. SPECIFIC RECOMMENDATIONS

The CMHC will provide 10 hours/week of Home/Community TSS. The focus will be on the development of better social skills, anger management, and developing impulse control. BSC will support this effort with 40 hours per service period.

Other Recommendations:

Dr. Sapra will continue to manage Alison's medications. The mother will ask the PCP for a referral for private speech therapy. The mother was asked to consult the PCP relative to the use of the food supplements. As it has been some time since a neurologist evaluated Alison, it was suggested that such a professional monitor her condition.

Psychological Evaluation

Alison Long

May 20, 2005

Page 11

Finally, due to the explicit report from Alison that a known adult has sexually abused her, CYFS was consulted. No specifics (names) were presented. However, the CYFS staff indicated that the neighbor is not a caretaker. Hence, the matter is one for the police and not for CYFS. The EPSDT Supervisor will notify the local police as to the content of Alison's claims despite her assertion that she will not discuss the matter with a policeman.


John W. Lobb, Ph.D.
Licensed Psychologist

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"This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains. **CLEARFIELD-JEFFERSON COMMUNITY MENTAL HEALTH CENTER, INC.**
100 CALDWELL DRIVE, DUBOIS, PA 15801
(814) 371-1100

COLOR CODE: 01-91-08
CASE NUMBER: 171-21160

DISCHARGE SUMMARY

1. IDENTIFYING INFORMATION

CLIENT NAME: Alison M. Long **DOB:** 9/19/87

ADDRESS: 2614 Main Street – PO Box 292 – Madera, PA 16661

DATE OF INTAKE: 4/20/01

DATE OF DISCHARGE: 1/31/07

DATE OF LAST VISIT: 10/24/06

LENGTH OF TREATMENT: 5 years and 6 months

LENGTH OF EPISODE: 5 years and 9 months

NO. OF INDIVIDUAL THERAPY HRS INCLUDE MED CHECKS: 62 Hrs.

NO. OF GROUP THERAPY HOURS: 7 Hours

NO. OF FAMILY THERAPY HOURS: 0

PRIMARY THERAPIST: Lori Kane, BS

PRIMARY PHYSICIAN: Dr. Sapra

2. PATIENT'S PRESENTING PROBLEM(S): Alison presented as a brain injury patient as a result of a car crash in July 2000. She suffered of symptoms of depression related to the head trauma and her loss of friends, functions, and abilities.

3. FOCUS AND DESCRIPTION OF TREATMENT: Treatment focused on poor socialization skills, obsession with sex, and intense emotional responses to her accident and losses resulting from cognitive impairments.

4. RESPONSE TO TREATMENT INCLUDING MEDICATIONS: Alison requires direct intervention at all times to avert her impulses to run out the door and hitch hike to seek out sexual relations. While medications, most recently Lexapro, do appear to increase her mood, Alison sometimes feels she would have been better off not surviving her accident.

Discharge Summary
Alison M. Long
January 31, 2007
Page 2

5. DIAGNOSTIC IMPRESSIONS:

Axis I: Depression, NOS 311
Cognitive Disorder Due to Brain Injury 294.1

Axis II: No Diagnosis

Axis III: History of Head Injury

Axis IV: Head Injury

Axis V: Current GAF: 58
Highest: 58

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6. REASON FOR TERMINATION: Client has rejected services stating she has improved as much as she can.

7. DISPOSITION: To seek medication through her family doctor.

8. SIGNATURE OF THERAPIST, TITLE AND DATE:

Lori Kane, BS
Lori Kane, BS
Therapist

Dolly Coll, RNC
Dolly Coll, RNC
Clinic Manager

LK/DC/knw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	CIVIL ACTION - LAW
LONG, his wife, as parents and natural	:	
guardians of ALISON M. LONG, a minor,	:	No. 2000 - 1487 - CD
and in their own right,	:	
Plaintiffs	:	
v.	:	
ANDREW E. VISNOFSKY, a minor;	:	
VICTORIA L. VISNOFSKY, JOHN	:	
VISNOFSKY,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, Michael J. Koehler, Esquire hereby certify that on the 23 day of May, 2007, the Petition for Appointment of Guardian and Guardian Ad Litem was served upon the following individual in accordance with all applicable rules of court:

Dennis J. Stofko, Esquire
Stofko Law Offices
969 Eisenhower Blvd., Suite E
P.O. Box 5500
Johnstown, PA 15904
Attorney for John Visnosky

Kenneth & Kathie Long
Rt. 53, P.O. Box 292
North Madera, PA 16661

Alison Long
Rt. 53, P.O. Box 292
North Madera, PA 16661

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY


Michael J. Koehler, Esquire
PAN# 56195
2527 West 26th Street
Erie, Pennsylvania 16506
(814) 833-8851
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,

v.

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants,

CIVIL ACTION - LAW

No. 2000 - 1487 - CD

Type of Case: Personal Injury

Type of Pleading: Motion for Leave of Court to File Amended Complaint Joining Additional Defendants

Code: 001 CIVIL ACTION

Motor Vehicle

Filed on Behalf of the Plaintiffs

Counsel of Record for this Party:

Michael J. Koehler, Esquire
PA I.D. No.: 56195
NICHOLAS, PEROT, SMITH, KOEHLER
& WALL
2527 West 26th Street
Erie, PA 16506
(814) 833-8851

FILED
EWA

AUG 24 2007

M/11:55/07

William A. Shaw
Prothonotary/Clerk of Courts

1 CERT TO ATTY.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,	:	CIVIL ACTION - LAW
	:	No. 2000 - 1487 - CD
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants,	:	Code: 001 CIVIL ACTION
	:	
	:	

MOTION FOR LEAVE OF COURT TO JOIN ADDITIONAL DEFENDANTS

AND NOW, come the Plaintiffs, Kenneth J. Long and Kathie M. Long, Guardians Ad Litem of Alison M. Long, by and through their attorneys, **Nicholas, Perot, Smith, Koehler & Wall**, and files the following Motion for Leave of Court to Join Additional Defendants pursuant to Pa.R.C.P. 1033 and Local Rule 208, the content of which is as follows:

1. This Action arises out of serious injuries sustained by Alison M. Long, presently 19 years of age, in a motor vehicle accident which occurred on July 9, 2000.
2. The accident occurred as a vehicle operated by Defendant Andrew E. Visnofsky struck a telephone pole located on Betz Road in Clearfield County, Pennsylvania. The Plaintiffs were appointed guardian of Alison Long by Order of the Honorable Fredric J. Ammerman on June 7, 2007. The Plaintiff's guardians would like to join as additional defendants Bell-Atlantic Pennsylvania, Inc., and Verizon Pennsylvania, Inc., who had ownership and maintenance responsibilities for the telephone pole involved in this accident.
3. That minor Plaintiff, Alison M. Long, will turn 20 years old on September 19, 2007.

4. The 2 year Statute of Limitations for a personal injury action under the Judicial Code, 42 Pa.C.S.A. §5524(2), does not commence until a minor has obtained the age of 18. And as such, runs on her 20th birthday, September 19, 2007. 42 Pa.C.S.A. §5533(b)(1).

5. The Plaintiff has requested consents of all counsel of record with regard to the currently named Defendants. We are awaiting a response from counsel for John E. Visnofsky. Plaintiff believes that Defendant Andrew Visnofsky and Victoria Visnofsky are no longer being represented by counsel and copies of this Motion will be sent to them directly.

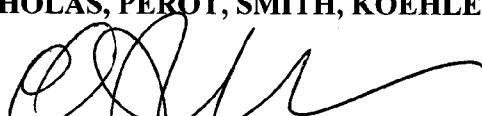
6. That Plaintiff respectfully requests Leave of Court pursuant to Pa.R.C.P. §1033, having received consent of opposing counsels to file the attached Amended Complaint, a copy of which is attached as Exhibit A.

7. That there is presently a case pending against Additional Defendants arising out of the same accident, Kephart et al v. Visnofsky et al., No 2002-01055 C.D.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, Pennsylvania 16506
(814) 833-8851
Attorney for the Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,

: CIVIL ACTION - LAW

: No. 2000 - 1487 - CD

v.

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants

: Code: 001 CIVIL ACTION

PROPOSED ORDER

AND NOW, this _____ day of _____, 2007, after consideration of Plaintiffs' Motion for Leave of Court to Join Additional Defendants, it hereby ORDERED that Plaintiffs may file the Amended Complaint to Join Additional Defendants within 5 days of this Order.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, : CIVIL ACTION - LAW
: No. 2000 - 1487 - CD
: Type of Case: Personal Injury
: Type of Pleading: Amended Civil Complaint Joining Additional Defendants
: Code: 001 CIVIL ACTION
: Motor Vehicle
: v.
: Additional Defendants : Filed on Behalf of the Plaintiffs
: Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT, SMITH, KOEHLER
: & WALL
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, :

CIVIL ACTION - LAW

No. 2000 - 1487 - CD

v.

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants, :

Code: 001 CIVIL ACTION

v.

BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Additional Defendants :

NOTICE TO DEFEND

TO: Bell Atlantic- Pennsylvania, Inc.

Date: August 15, 2007

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

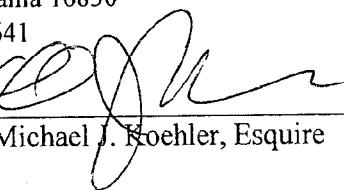
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, Pennsylvania 16830

(814) 765-2641

BY


Michael J. Koehler, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, :

CIVIL ACTION - LAW

No. 2000 - 1487 - CD

v. :

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants, :

Code: 001 CIVIL ACTION

v. :

BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Additional Defendants :

NOTICE TO DEFEND

TO: Verizon Pennsylvania, Inc.

Date: August 15, 2007

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

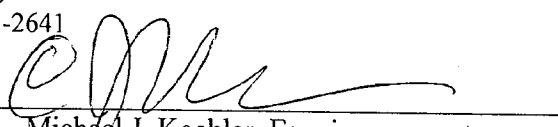
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Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, Pennsylvania 16830

(814) 765-2641

BY


Michael J. Koehler, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, :

CIVIL ACTION - LAW

No. 2000 - 1487 - CD

v.

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants, :

Code: 001 CIVIL ACTION

v.

BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Additional Defendants :

AMENDED CIVIL COMPLAINT JOINING ADDITIONAL DEFENDANTS

AND NOW, come the Plaintiffs, Kenneth J. Long and Kathie M. Long, Guardians Ad Litem of Alison M. Long, by and through their attorneys, **Nicholas, Perot, Smith, Koehler & Wall**, and files the following Amended Complaint as follows:

1. The Plaintiffs, Kenneth J. and Kathie M. Long, are adult individuals and reside at Route 53, P.O. Box 292, North Madera, Pennsylvania 16661 and were appointed Guardian of Alison M. Long by Order of the Honorable Fredric J. Ammerman dated June 7, 2007.

2. At all times material hereto, the Plaintiffs, Kenneth J. Long and Kathie M. Long, are the mother and father and natural guardian of, Alison M. Long, having been born September 19, 1987.

3. That Plaintiff previously filed a Complaint against Original Defendants, a copy of which is attached and incorporated by reference.

4. On or about July 9, 2000 the minor Plaintiff, Alison M. Long, was a rear

passenger side occupant of a 1990 Mazda 323 owned by Victoria Visnofsky and being operated by Andrew Visnofsky in a southbound direction on T-555 a.k.a. Betz Road. At approximately 12:36 p.m., the motor vehicle in which the minor Plaintiff was a passenger was negotiating a curve in the roadway and left the roadway and struck utility pole number 187-T. The motor vehicle impacted with the utility pole where minor plaintiff was sitting causing her to sustain serious injuries.

5. That Additional Defendant, Bell Atlantic-Pennsylvania, Inc., (hereinafter Bell Atlantic), is a Pennsylvania corporation organized and existing under the laws of the Commonwealth and is engaged in the business as a Pennsylvania public utility, of providing, transmitting and supplying telecommunications and telephone services to the citizens of the Commonwealth and as such, had responsibility for construction, location, maintenance and repair of utility poles necessary for these purposes with a principal place of business at 1717 Arch Street, Philadelphia, Pennsylvania 19103 which is now known as Verizon Pennsylvania, Inc.

6. That Additional Defendant, Verizon Pennsylvania, Inc., (hereinafter Verizon), is a Pennsylvania corporation organized and existing under the laws of the Commonwealth and is engaged in the business as a Pennsylvania public utility, of providing, transmitting and supplying telecommunications and telephone services to the citizens of the Commonwealth and as such, had responsibility for construction, location, maintenance and repair of utility poles necessary for these purposes with a principal place of business at 1717 Arch Street, Philadelphia, Pennsylvania 19103 which was previously known as Bell Atlantic-Pennsylvania Inc.

7. At all times material hereto, there existed utility poles under the ownership,

possession and /or control of the Additional Defendants, Bell Atlantic-Pennsylvania Inc., and/or Verizon Pennsylvania, Inc., adjacent to the southbound lane along Betz Road.

8. At all times material hereto, the Additional Defendants, Bell Atlantic-Pennsylvania Inc., and/or Verizon Pennsylvania, Inc., had erected, maintained or utilized a particular utility pole number 187 TL 339 on Betz Road near the intersection with T-553 a.k.a. First Street, the existence of which contributed to the events giving rise to the lawsuit because it consisted of an extremely dangerous known hazard to motor vehicle traffic on Betz Road.

9. By reason of the negligence, recklessness, and carelessness of the Additional Defendants, Plaintiff Alison M. Long was violently shaken and suffered severe, serious, and permanent injuries and permanent impairment of bodily functions, as set forth in paragraph 12 of the Original Complaint.

10. That as a direct and proximate result of the aforementioned injuries, Plaintiff Alison M. Long has suffered the following damages as set forth in paragraph 13 of the Original Complaint.

COUNT IX

Alison M. Long, An Incapacitated Person,
by Kenneth J. Long and Kathie M. Long,
Guardians Ad Litem v. Bell Atlantic-Pennsylvania Inc.

11. The Plaintiffs hereby incorporates Paragraphs 1-10 of the Amended Complaint as though the same were set forth at length herein.

12. At all times material hereto, the Additional Defendant, Bell Atlantic-Pennsylvania, acted through its agents, servants an employees, who conducted themselves within the scope of their employment and for the benefit of their employer.

- c. investigation should have known, that this facility, in fact, was not safe at this location;
- d. In failing to carefully and adequately review the conditions of Betz Road and adjacent land prior to laying out the exact placement of utility poles along the road;
- e. In failing to carefully and adequately review prior accidents or incidents on Betz Road in the context of developing a plan for location utility poles along the road;
- f. In failing to consult personnel, local law enforcement and emergency management personnel and/or Bigler Township officials regarding the safe and prudent locations of utility poles along Betz Road;
- g. In failing to consult applicable statutory and regulatory acts regarding the safe and prudent locations of utility poles along public roadways, namely Betz Road;
- h. In creating an inadequate and dangerous design plan for the location/placement of utility poles along Betz Road;
- i. In installing/erecting the utility pole identified as number 187 TL 339 unreasonably close to the southbound lane of Betz Road;
- j. In failing to maintain a safe distance between the southbound lane of Betz Road and the utility pole identified as number 187 TL 339;
- k. In failing to investigate and suggest alternative locations for utility pole number 187 TL 339 along Betz Road;
- l. In installing/erecting the utility pole identified as number 187 TL 338 on Betz Road, when it knew, or in the course of prudent investigation should have known, that such placement created a dangerous condition ;
- m. In installing/erecting the utility pole identified as number 178 TL 339 on Betz Road in a location where it knew, or in the course of prudent investigation should have known created an obstruction on or about a public roadway;
- n. In installing/erecting the utility pole identified as number 187 TL 339 that was neither needed nor required for the provision of telephone service to the residents of Betz Road;
- o. In installing/erecting the utility pole identified as number 187 TL 339 on Betz Road that directly and proximately caused the death of James Blaylock, Jr., deceased;
- p. In failing to comply with applicable statutory and regulatory acts regarding the safe, prudent and careful placement of utility poles on public roadways such as Betz Road, specifically with respect to pole number 187 TL 339;
- q. In failing to comply with applicable in-house and/or industry-wide recommendations regarding the safe and prudent locations of utility poles

- r. along public roadways, namely Betz Road;
- r. In failing to inspect the utility pole along Betz Road, including pole number 187 TL 339, following their installation and/or on a regular basis or schedule thereafter with respect to the safety of persons traversing the roadway;
- s. In installing/erecting the utility pole identified as number 187 TL 339 unreasonably close to a narrow roadway, which it knew, or in the course of prudent investigation should have known, lacked adequate or appropriate lighting, reflectors, signage or any other warning device to advise travelers of the existence of danger of its pole;
- t. In failing to install and/or maintain adequate and appropriate lighting, reflectors, signs, tape and/or any other warning device at or on their poles, specifically referencing pole number 187 TL 339, to advise travelers on Betz Road of the presence of utility poles placed in close proximity to the roadway on which they were traveling;
- u. In failing to make utility pole number 187 TL 339 visible and/or reflective in any manner whatsoever to persons traversing Betz Road;
- v. In failing to warn persons of a dangerous condition namely that of potential collision with utility pole number 187 TL 339;
- w. In failing to correct by pole removal/relocation, a dangerous condition, specifically the presence of utility pole number 187 TL 339 when it knew, or in the course of prudent care and regard for public safety should have known of the same;
- x. In failing to apply for or to otherwise request a permit to relocate or remove utility pole number 187 TL 339;
- y. In failing to act in a reasonable manner by relocating or eliminating utility pole number 187 TL 339 prior to the death of James Blaylock, Jr., by placing its financial interest ahead of the safety of the traveling public and by ignoring specific warnings that utility poles, such as utility pole number 187 TL 339, located in close proximity to the roadway, were the most dangerous conditions of the highways;
- z. In failing to have a clear zone alongside the roadway that is traversable, free of obstructions, and available for recovery of an out-of-control vehicle;
- aa. In failing to install utility poles, such as utility pole number 187 TL 339, in accordance with safety concepts that provide that utility poles should be at least 15 feet from the edge of the travel lane of the roadway; and
- bb. In failing to install utility poles, specifically utility pole number 187 TL 339 that are breakaway .

17. At all times material hereto, the Additional Defendant, Bell Atlantic-Pennsylvania, was in possession of, or should have had working knowledge of information

accepted by the highway engineering communities and made known to utilities since the 1960's and forward detailing concerns over the placement of utility poles in close proximity to the roadway.

18. At all times material hereto, the Additional Defendant, Bell Atlantic-Pennsylvania, was in possession of, or should have had working knowledge of the standards, policies and procedures as set forth in the American Association of State Highway and Transportation Officials Roadside Design Guide, the Commonwealth of Pennsylvania, Department of Transportation Design Manual and the Pennsylvania Code with respect to the location and relocation of utility poles near public highways.

19. At all times material hereto, the Additional Defendant, Bell Atlantic-Pennsylvania, was in possession of or had working knowledge of, information indicating that the location and relocation of a utility pole on a narrow roadway 7.5 feet from the edge of the travel lane constituted to an obstruction to the highway and was therefore a dangerous condition thereof.

WHEREFORE, Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, guardians of Alison M. Long, and in their own right, demands judgment against Additional Defendant, Bell Atlantic-Pennsylvania, Inc., in an amount in excess of \$30,000.00, plus interest and costs of suit.

COUNT X

**Alison M. Long, An Incapacitated Person,
by Kenneth J. Long and Kathie M. Long,
Guardians Ad Litem v. Verizon Pennsylvania, Inc.**

20. The Plaintiffs hereby incorporates Paragraphs 1-10 of the Complaint as though

the same were set forth at length herein.

21. At all times material hereto, the Additional Defendant, Verizon Pennsylvania, Inc., acted through its agents, servants and employees, who conducted themselves within the scope of their employment and for the benefit of their employer.

22. At all times material hereto, the Additional Defendant, Verizon Pennsylvania, Inc., through its agents, servants and employees, owed a duty to the persons traveling on Betz Road, including the Plaintiff, to formulate, adopt and enforce policies and procedures with respect to the placement, installation, maintenance and removal of utility poles in order to ensure their safe travel, which duty was breached.

23. At all times material hereto, the Additional Defendant, Verizon Pennsylvania, Inc., owed a duty to the persons traversing Betz Road, including the Plaintiff, to comply with Commonwealth, industry and internal regulations, recommendations and/or standards with respect to the placement, installation, maintenance and removal of utility poles in order to ensure their safe travel, which duty was breached.

24. At all times material hereto, the Additional Defendant, Verizon Pennsylvania, Inc., owed a duty to the persons traversing Betz Road, including the Plaintiff, to oversee and inspect the work of its agents, servants, and employees with respect to the placement, installation, maintenance and removal of utility poles in order to ensure their safe travel, which duty was breached.

25. The Additional Defendant, Verizon Pennsylvania, Inc., through its agents, servants and employees, failed to exercise the degree of caution and care ordinarily exercised by public utility companies and was negligent in general and more particularly in the following

manner:

- a. In failing to carefully and adequately review the conditions of Betz Road and adjacent land prior to determining the type of facility needed to provide telephone service to the residents along that road;
- b. In determining that an above-ground facility, i.e., a utility pole, was the appropriate and adequate means of providing telephone service to residents along Betz Road when it knew, or in the course of prudent investigation should have known, that this facility, in fact, was not safe at this location;
- c. In failing to carefully and adequately review the conditions of Betz Road and adjacent land prior to laying out the exact placement of utility poles along the road;
- d. In failing to carefully and adequately review prior accidents or incidents on Betz Road in the context of developing a plan for location utility poles along the road;
- e. In failing to consult personnel, local law enforcement and emergency management personnel and/or Bigler Township officials regarding the safe and prudent locations of utility poles along Betz Road;
- f. In failing to consult applicable statutory and regulatory acts regarding the safe and prudent locations of utility poles along public roadways, namely Betz Road;
- g. In failing to consult applicable in-house and/or industry-wide publications or writings regarding the safe and prudent locations of utility poles along public roadways, namely Betz Road;
- h. In creating an inadequate and dangerous design plan for the location/placement of utility poles along Betz Road;
- i. In installing/erecting the utility pole identified as number 187 TL 339 unreasonably close to the southbound lane of Betz Road;
- j. In failing to maintain a safe distance between the southbound lane of Betz Road and the utility pole identified as number 187 TL 339;
- k. In failing to investigate and suggest alternative locations for utility pole number 187 TL 339 along Betz Road;
- l. In installing/erecting the utility pole identified as number 187 TL 338 on Betz Road, when it knew, or in the course of prudent investigation should have known, that such placement created a dangerous condition ;
- m. In installing/erecting the utility pole identified as number 178 TL 339 on Betz Road in a location where it knew, or in the course of prudent investigation should have known created an obstruction on or about a public roadway;
- n. In installing/erecting the utility pole identified as number 187 TL 339 that was neither needed nor required for the provision of telephone service to the residents of Betz Road;
- o. In installing/erecting the utility pole identified as number 187 TL 339 on

Betz Road that directly and proximately caused the death of James Blaylock, Jr., deceased;

- p. In failing to comply with applicable statutory and regulatory acts regarding the safe, prudent and careful placement of utility poles on public roadways such as Betz Road, specifically with respect to pole number 187 TL 339;
- q. In failing to comply with applicable in-house and/or industry-wide recommendations regarding the safe and prudent locations of utility poles along public roadways, namely Betz Road;
- r. In failing to inspect the utility pole along Betz Road, including pole number 187 TL 339, following their installation and/or on a regular basis or schedule thereafter with respect to the safety of persons traversing the roadway;
- s. In installing/erecting the utility pole identified as number 187 TL 339 unreasonably close to a narrow roadway, which it knew, or in the course of prudent investigation should have known, lacked adequate or appropriate lighting, reflectors, signage or any other warning device to advise travelers of the existence of danger of its pole;
- t. In failing to install and/or maintain adequate and appropriate lighting, reflectors, signs, tape and/or any other warning device at or on their poles, specifically referencing pole number 187 TL 339, to advise travelers on Betz Road of the presence of utility poles placed in close proximity to the roadway on which they were traveling;
- u. In failing to make utility pole number 187 TL 339 visible and/or reflective in any manner whatsoever to persons traversing Betz Road;
- v. In failing to warn persons of a dangerous condition namely that of potential collision with utility pole number 187 TL 339;
- w. In failing to correct by pole removal/relocation, a dangerous condition, specifically the presence of utility pole number 187 TL 339 when it knew, or in the course of prudent care and regard for public safety should have known of the same;
- x. In failing to apply for or to otherwise request a permit to relocate or remove utility pole number 187 TL 339;
- y. In failing to act in a reasonable manner by relocating or eliminating utility pole number 187 TL 339 prior to the death of James Blaylock, Jr., by placing its financial interest ahead of the safety of the traveling public and by ignoring specific warnings that utility poles, such as utility pole number 187 TL 339, located in close proximity to the roadway, were the most dangerous conditions of the highways;
- z. In failing to have a clear zone alongside the roadway that is traversable, free of obstructions, and available for recovery of an out-of-control vehicle;
- aa. In failing to install utility poles, such as utility pole number 187 TL 339, in accordance with safety concepts that provide that utility poles should be at

bb. least 15 feet from the edge of the travel lane of the roadway; and
In failing to install utility poles, specifically utility pole number 187 TL 339 that are breakaway.

26. At all times material hereto, the Additional Defendant, Verizon Pennsylvania, Inc., was in possession of, or should have had working knowledge of information accepted by the highway engineering communities and made known to utilities since the 1960's and forward detailing concerns over the placement of utility poles in close proximity to the roadway.

27. At all times material hereto, the Additional Defendant, Verizon Pennsylvania, Inc., was in possession of, or should have had working knowledge of the standards, policies and procedures as set forth in the American Association of State Highway and Transportation Officials Roadside Design Guide, the Commonwealth of Pennsylvania, Department of Transportation Design Manual and the Pennsylvania Code with respect to the location and relocation of utility poles near public highways.

28. At all times material hereto, the Additional Defendant, Verizon Pennsylvania, Inc., was in possession of or had working knowledge of, information indicating that the location and relocation of a utility pole on a narrow roadway 7.5 feet from the edge of the travel lane constituted to an obstruction to the highway and was therefore a dangerous condition thereof.

WHEREFORE, Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as guardians of Alison M. Long, and in their own right demands judgment against Additional Defendant, Verizon Pennsylvania, Inc., in an amount in excess of \$30,000.00, plus interest and costs of suit.

A JURY TRIAL OF TWELVE (12) IS DEMANDED.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, Pennsylvania 16506
(814) 833-8851
Attorney for the Plaintiff

Date: 8-15-07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,	:	CIVIL ACTION - LAW
	:	No. 2000 - 1487 - CD
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants,	:	Code: 001 CIVIL ACTION
	:	
v.	:	
	:	
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.	:	
Additional Defendants	:	

VERIFICATION

I, Kathie M. Long, guardian of Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Kathie M. Long
Kathie M. Long

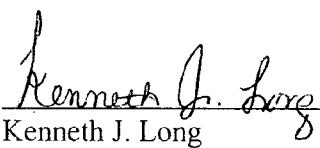
Date: 8-15-07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,	:	CIVIL ACTION - LAW
	:	No. 2000 - 1487 - CD
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants,	:	Code: 001 CIVIL ACTION
v.	:	
	:	
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Additional Defendants	:	

VERIFICATION

I, Kenneth J. Long, guardian of Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



Kenneth J. Long

Date: 8-15-07

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, : CIVIL ACTION - LAW
Plaintiffs : No. 2000-1487-C
: Type of Case: Personal Injury
v. : Type of Pleading: Civil Complaint
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, : Filed on Behalf of: Plaintiffs
Defendants : Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

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

NOV 28 2000

Attest:

W.L. H.
Prothonotary

EXHIBIT

"A"

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs : CIVIL ACTION - LAW
No. 2000-1487-10
v. :
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants :

NOTICE

TO: The Above-Named Defendants

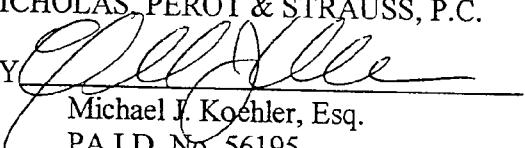
YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE 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
Second & Market Streets
Clearfield, Pennsylvania 16830
(814) 765-2641

NICHOLAS, PEROT & STRAUSS, P.C.

BY


Michael J. Koehler, Esq.
PA I.D. No. 56195
Attorneys for Plaintiffs
2527 West 26th Street
Erie, PA 16506
(814) 833-8851

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right,	:	CIVIL ACTION - LAW
	:	No.
Plaintiffs	:	
	:	
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,	:	
	:	
Defendants	:	

CIVIL COMPLAINT

AND NOW, comes the Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, by and through their attorneys, **Nicholas, Perot & Strauss, P.C.**, and files the following Complaint as follows:

1. That Plaintiff Alison M. Long, is a minor having been born on September 19, 1987.
2. That Plaintiffs Kenneth J. Long and Kathie M. Long, are adult individuals, husband and wife, and the parents and natural guardians of minor Plaintiff Alison M. Long, currently residing on Route 53, P.O. Box 292, North Madera, Clearfield County, Pennsylvania 16661.
3. That Defendant Andrew E. Visnofsky is a minor having been born on June 17, 1986 and believed to be residing with his father, Defendant John E. Visnofsky at P.O. Box 466, North Madera, Clearfield County, Pennsylvania 16661.
4. That Defendant Victoria L. Visnofsky is an adult individual and the parent and natural guardian of minor Defendant Andrew E. Visnofsky presently residing at Main Street, P.O. Box 257, North Madera, Clearfield County, Pennsylvania 16661.
5. That Defendant John E. Visnofsky is an adult individual and the parent and natural

guardian of minor Defendant Andrew E. Visnofsky presently residing at P.O. Box 466, North Madera, Clearfield County, Pennsylvania 16661.

6. That at all times relevant to this action, Defendant Victoria L. Visnofsky was the registered owner of a 1990 Mazda 323, Pennsylvania Vehicle Identification Number JM1BG2321L0115661, Pennsylvania Title Number 51582210.

7. On or about July 9, 2000 at approximately 12:36 p.m., minor Defendant Andrew E. Visnofsky was operating the 1990 Mazda 323 on Bigler Township Route 555, more commonly known as Betz Road, in Bigler Township, Clearfield County, Pennsylvania, at approximately one half mile south of its intersection with First Street.

8. That Defendant Victoria L. Visnofsky gave express and/or implied permission to operate and entrusted minor Defendant Andrew E. Visnofsky with the above motor vehicle, registered in her name on the date of the accident in question.

9. That Defendant John E. Visnofsky gave express and/or implied permission to operate and entrusted minor Defendant Andrew E. Visnofsky with the above motor vehicle, registered to Defendant Victoria L. Visnofsky, on the date of the accident in question.

10. That minor Plaintiff Alison M. Long was a rear-seat passenger in the above motor vehicle.

11. That at the above time and place, the above vehicle operated by the minor Defendant Andrew E. Visnofsky left the roadway and struck a utility pole located off the western berm.

12. That as a result of the violent impact of the above motor vehicle with the utility pole, minor Plaintiff Alison M. Long was violently shaken and suffered severe, serious and permanent injuries and permanent impairment of bodily functions including:

- a. Right frontoparietal subdural hematoma;
- b. Left occipital horn intraventricular hemorrhage;
- c. Right parietal diffuse axonal injury;
- d. Mid brain and brain stem shear injury;
- e. Corpus callosum shear injury;
- f. Right basal ganglia shear injury;
- g. Bifrontal hemorrhagic shear injury;
- h. T3, T5 and T6 compression fractures;
- i. L1, L2 and L3 compression fractures;
- j. Moderate hypothermia;
- k. Paralysis;
- l. Severe blunt force trauma to head, trunk, abdomen and upper and lower extremities; and
- m. Shock to nerves and nervous system.

13. That as a direct and proximate result of the aforementioned injuries suffered by minor

Plaintiff Alison M. Long, she has suffered the following damages:

- a. Plaintiff has suffered and will suffer great pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life's pleasures;
- b. Plaintiff has been and will be required to expend large sums of money for surgical and medical attention, including physical therapy, hospitalization, medical supplies, surgical appliances, medicines and attendant's services;
- c. Plaintiff will suffer a loss of wages and earning capacity;

d. Plaintiff's general health, strength, and vitality have been impaired.

Count I

Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. Andrew E. Visnofsky

14. Plaintiffs hereby incorporate by reference paragraphs 1 through 13 of this Complaint as though fully set forth herein below in their entirety.

15. The above-captioned accident was caused solely by the negligence, recklessness, and carelessness of minor Defendant Andrew E. Visnofsky in that:

- a. He operated his vehicle at an excessive rate of speed under the circumstances;
- b. He failed to have his vehicle under proper and reasonable control;
- c. He operated his vehicle in such a manner as to cause it to leave the roadway and strike the utility pole.
- d. He failed to pay proper and reasonable attention to road hazards, traffic signs and road configuration as he proceeded down Bigler Township Route 555;
- e. He operated his vehicle without due regard for the rights and safety of his passengers in striking the utility pole;
- f. He failed to operate his vehicle in a safe and proper manner in striking the utility pole; and
- g. He failed to comply with the laws, rules and regulations of the Pennsylvania Motor Vehicle Code, specifically 75 Pa.C.S.A. Section 3732 (Homicide by Motor Vehicle); 75 Pa.C.S.A. Section 3719 (Careless Driving) and 75

Pa.C.S.A. Section 3361 (Driving Vehicle at Safe Speed).

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against minor Defendant Andrew E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count II

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. Victoria L. Visnofsky

16. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

17. That the provisions of the Pennsylvania Motor Vehicle Code provide that no person shall authorize or permit a motor vehicle owned by them or under their control to be driven upon any highway by any person who is not authorized under the vehicle code or who is not licensed for the type or class of vehicle to be driven, 75 Pa.C.S.A. §1574(a).

18. That the provisions of the Pennsylvania Motor Vehicle Code provide that any person violating the provisions of Section 1574(a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in the operation of the vehicle, 75 Pa.C.S.A. §1574(b).

19. That Defendant Victoria L. Visnofsky knew or had reason to know that her son, minor Defendant Andrew E. Visnofsky, was not licensed to operate a motor vehicle and as such is jointly and severally liable for the damages caused by his negligence as more fully set forth herein before.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count III

Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. Victoria L. Visnofsky

20. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

21. That under Pennsylvania law, a parent is under a duty to exercise reasonable care so as to control their minor child as to prevent them from so conducting themselves as to create an unreasonable risk of bodily harm to others, if the parent knows or has reason to know that they have the ability to control their child and knows or should know of the necessity and opportunity for exercising such control. Restatement of Torts, Second §316.

22. That Defendant Victoria L. Visnofsky knew or had reason to know that she had the ability to control her son, minor Defendant Andrew E. Visnofsky, and knew or should have known of the necessity and opportunity for exercising such control.

23. That Defendant Victoria L. Visnofsky breached her duty to exercise reasonable care so as to control her minor child, Defendant Andrew E. Visnofsky, so as to prevent him from so conducting himself as to create an unreasonable risk of harm to the minor Plaintiff for which she is liable for those injuries and damages resulting therefrom.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count IV

Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. Victoria L. Visnofsky

24. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

25. That Defendant Victoria L. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted her registered vehicle to be possessed and operated by minor Defendant Andrew E. Visnofsky when she knew or should have known that he was incapable of safe driving.

26. That Defendant Victoria L. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted operation of her registered motor vehicle by minor Defendant Andrew E. Visnofsky when she recognized or should have recognized the need to exercise control over minor Defendant Andrew E. Visnofsky's use of her personal property, having the ability to exercise such control, but failing to do so under Section 318 of the Restatement of Torts, Second and as such, is liable for the injuries and damages resulting therefrom.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count V

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. John E. Visnofsky

27. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

28. That the provisions of the Pennsylvania Motor Vehicle Code provide that no person shall authorize or permit a motor vehicle owned by them or under their control to be driven upon any

highway by any person who is not authorized under the vehicle code or who is not licensed for the type or class of vehicle to be driven, 75 Pa.C.S.A. §1574(a).

29. That the provisions of the Pennsylvania Motor Vehicle Code provide that any person violating the provisions of Section 1574(a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in the operation of the vehicle, 75 Pa.C.S.A. §1574(b).

30. That Defendant John E. Visnofsky had control over the motor vehicle owned by his wife, Defendant Victoria L. Visnofsky, and knew or had reason to know that his son, minor Defendant Andrew E. Visnofsky, was not licensed to operate a motor vehicle and as such is jointly and severally liable for the damages caused by his negligence as more fully set forth herein before.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count VI

Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. John E. Visnofsky

31. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

32. That under Pennsylvania law, a parent is under a duty to exercise reasonable care so as to control their minor child as to prevent them from so conducting themselves as to create an unreasonable risk of bodily harm to others, if the parent knows or has reason to know that they have the ability to control their child and knows or should know of the necessity and opportunity

for exercising such control. Restatement of Torts, Second §316.

33. That Defendant John E. Visnofsky knew or had reason to know that he had the ability to control his son, minor Defendant Andrew E. Visnofsky, and knew or should have known of the necessity and opportunity for exercising such control.

34. That Defendant John E. Visnofsky breached his duty to exercise reasonable care so as to control his minor child, Defendant Andrew E. Visnofsky, so as to prevent him from so conducting himself as to create an unreasonable risk of harm to the minor Plaintiff for which he is liable for those injuries and damages resulting there from.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count VII

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. John E. Visnofsky

35. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

36. That Defendant John E. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted minor Defendant Andrew E. Visnofsky to operate Defendant Victoria L. Visnofsky's vehicle when he knew or should have known that he was incapable of safe driving.

37. That Defendant John E. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted operation of Defendant Victoria L. Visnofsky's motor vehicle by minor Defendant Andrew E. Visnofsky when he recognized or should have recognized the need to exercise control over minor Defendant Andrew E. Visnofsky's use of Defendant Victoria L.

Visnofsky's personal property, having the ability to exercise such control, but failing to do so under Section 318 of the Restatement of Torts, Second and as such, is liable for the injuries and damages resulting therefrom.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count VIII

Kenneth J. Long and Kathie Long as parents and natural guardians of Alison M. Long and in their own right v. Andrew E. Visnofsky, a minor, and Victoria L. Visnofsky and John E. Visnofsky

38. Plaintiffs hereby incorporate by reference paragraphs 1 through 37 of this Complaint as though fully set forth herein below in their entirety.

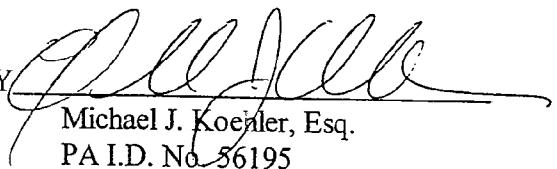
39. That as a direct and proximate result of the negligence of minor Defendant Andrew E. Visnofsky, and Defendant Victoria L. Visnofsky and Defendant John E. Visnofsky, individually, as hereinabove alleged, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long, have been obligated to expend various sums of money for doctors, nurses, hospitals, medicines and medical services in attempting to effectuate a cure for the injuries to their daughter, Alison M. Long, and will be obligated to continue making similar expenditures for the same purpose for an indefinite time in the future.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against minor Defendant Andrew E. Visnofsky, and Victoria L. Visnofsky and John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

A JURY TRIAL OF TWELVE (12) IS DEMANDED

NICHOLAS, PEROT & STRAUSS, P.C.

BY



Michael J. Koehler, Esq.

PA I.D. No. 56195

Attorneys for Plaintiffs

2527 West 26th Street

Erie, Pennsylvania 16506

(814) 833-8851

Date: 11/15/00

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs : CIVIL ACTION - LAW
No.
v. :
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants :

VERIFICATION

I, Kenneth J. Long, individually and as parent and natural guardian of minor Plaintiff Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 11/13/00

Kenneth J. Long
Kenneth J. Long, individually and as p/n/g of Alison M. Long, a minor.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs v. ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants

VERIFICATION

I, Kathie Long, individually and as parent and natural guardian of minor Plaintiff Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Date: November 13, 2000

Kathie Long
Kathie Long, individually and as p/n/g of Alison M. Long, a minor.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,	:	CIVIL ACTION - LAW
	:	No. 2000 - 1487 - CD
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants,	:	Code: 001 CIVIL ACTION
	:	
	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23 day of August, 2007, a true and correct copy of the foregoing Motion for Leave of Court to Join Additional Defendants was served on the following by United States First Class Mail, postage prepaid:

Louis C. Schmitt, Jr., Esquire
Pfaff, McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648-0533

Dennis J. Stofko, Esquire
Stofko Law Offices
969 Eisenhower Blvd., Suite E
P.O. Box 5500
Johnstown, PA 15904

Daniel McGee, Esquire
Delafield, McGee, Jones & Kauffman, L.L.P.
300 South Allen Street, Suite 300
State College, PA 16801-4841

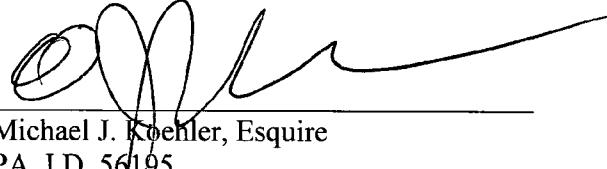
The Honorable Fredric J. Ammerman
Clearfield County Courthouse Annex
230 East Market Street
Clearfield, PA 16830

Andrew Visnofsky, a minor
By John A. Carter, III,
his Guardian Ad Litem
Main Street
Madera, PA 16661

Victoria Visnofsky
Bell Scene Road
Madera, PA 16661

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, Pennsylvania 16506
(814) 833-8851
Attorneys for Plaintiffs

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

JOHN E. NICHOLAS *+
LAWRENCE A. PEROT *
DANIEL T. SMITH*
MICHAEL J. KOEHLER+
THOMAS P. WALL, II +

A PROFESSIONAL CORPORATION
ATTORNEYS & COUNSELORS AT LAW
2527 WEST 26TH STREET
ERIE, PENNSYLVANIA 16506

MICHAEL J. KOEHLER
MANAGING PARTNER
THOMAS P. WALL, II
DENISE M. CUNEO
ADAM E. BARNETT
ERIE OFFICE

SANTO A. CAMPANELLA*
MICHAEL J. WELCH*~
ERIC P. SMITH*
EDWARD DINKI*
MICHAEL R. ZOSH*
CRAIG BERNHARDT*
DENISE M. CUNEO+
ERIC C. FRIEDHABER
JASON R. JURON*
ADAM E. BARNETT+

(814) 833-8851 FAX (814) 835-4632

FAX (814) 835-4632

OFFICES:
ERIE, WARREN, BRADFORD
CORY, CONNEAUT LAKE
& NORTH EAST

NEW YORK OFFICES:
BUFFALO, SYRACUSE,
ROCHESTER & UTICA

August 23, 2007

VIA OVERNIGHT MAILING

*Admitted in NY
+Admitted in PA
-Admitted in MA
Admitted in NJ

The Honorable Fredric J. Ammerman
Clearfield County Courthouse Annex
230 East Market Street
Clearfield, PA 16830

**RE: Alison M. Long, An Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem v. Andrew E. Visnofsky, et al.
No. 2000-1487-CD**

Dear Your Honor:

Please be advised that this office represents the Plaintiffs in regard to the above captioned matter. As you are aware on June 7, 2007, you granted our Petition for Appointment of Guardian and Guardian Ad Litem and we thank you for the same.

At this time, enclosed please find a Motion for Leave of Court to Join Additional Defendants Bell Atlantic-Pennsylvania, Inc., and Verizon Pennsylvania, Inc., in the above-captioned matter. Ms. Long's 20th birthday is September 19, 2007, and as such, these additional defendants must be jointed prior to that date.

In addition to this Motion for Leave pursuant to Pa.R.C.P. 1033, I have requested consent from all 3 defense counsel currently of record. However, it appears that Defendant Andrew Visnofsky is no longer represented by Daniel McGee, Esquire and Victoria Visnofsky is no longer being represented by Louis C. Schmidt, Jr. The remaining defendant with counsel appears to be John Visnofsky represented by Dennis J. Stofko, Esquire. I have requested Attorney Stofko's consent and he has sent my request upon the insurance carrier and should have a response shortly. I am providing a copy of this letter to all 3 counsels and Andrew and Victoria Visnofsky.

I am also providing a copy of this letter and Motion to Mark F. Bennett, Esquire, who represents another Plaintiff in a companion case, Kephart et al. v. Visnofksy et al., No. 2002-01055 CD. These cases are not consolidated. Both of these cases received prior judicial attention with the Honorable John K. Reilly, Jr. It is my understanding that a Pre-Trial Conference is scheduled for August 24, 2007 in the Kephart matter.

If you feel the need for Oral Argument with respect to this Motion, please schedule at your earliest convenience.

Your time and consideration with regard to this matter is greatly appreciated by both myself and my clients.

Very truly yours,



Michael J. Koehler, Esquire
MJK/kl

Enclosures

cc: Mr. and Mrs. Long
Dennis J. Stofko, Esquire (w/encl)
Mark Bennett, Esquire (w/encl)
Louis C. Schmidt, Jr., Esquire
Daniel McGee, Esquire
Andrew Visnofsky
Victoria Visnofsky

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

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem :
vs. : No. 00-1487-CD

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY : :

CA
FILED 3cc
01/01/08 B7 Atty Koehler
AUG 30 2007
6K
William A. Shaw
Prothonotary/Clerk of Courts

RULE

NOW, this 19 day of August, 2007, upon consideration of the attached Motion For Leave of Court to File Amended Complaint Joining Additional Defendants, a Rule is hereby issued upon the parties to Show Cause why the Motion should not be granted. Rule Returnable the 28th day of September, 2007, for filing written response.

NOTICE

A MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING MOTION OR MOTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

BY THE COURT:


President Judge

FILED

AUG 30 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/30/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants

CIVIL ACTION - LAW
No. 2000 - 1487 - CD
Code: 001 CIVIL ACTION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10 day of September, 2007, I have served the **Rule to Show Cause** upon the following parties by United States First Class Mail, postage prepaid:

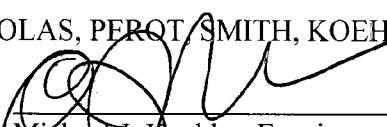
Dennis J. Stofko, Esquire
Stofko Law Offices
969 Eisenhower Blvd., Suite E
P.O. Box 5500
Johnstown, PA 15904

Andrew Visnofsky, a minor
By John A. Carter, III,
his Guardian Ad Litem
Main Street
Madera, PA 16661

Victoria Visnofsky
2351 Belsena Road
Madera, PA 16661

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY


Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, Pennsylvania 16506
(814) 833-8851
Attorneys for Plaintiffs

FILED
M 10/5/01
SEP 12 2007
NOCC
William A. Shaw
Prothonotary/Clerk of Courts

CA

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

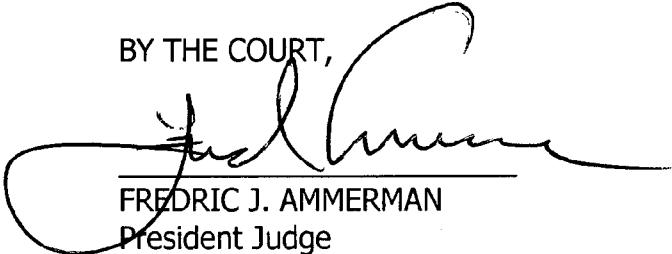
KENNETH J. LONG and KATHIE M. LONG, * NO. 00-1487-CD
his wife, as parents and natural guardians *
of ALISON M. LONG, a minor, and in their *
own right, *
Plaintiffs *
ANDREW E. VISNOFSKY, a minor, and *
VICTORIA L. VISNOFSKY and JOHN E. *
VISNOFSKY, *
Defendants *

ORDER

NOW, this 20th day of December, 2010, it is the ORDER of this Court that a
status conference in the above-captioned matter be and is hereby scheduled for the
9th day of February, 2011 at 10:30 a.m. in Chambers at the Clearfield County
Courthouse, Clearfield, Pennsylvania.

Thirty minutes has been reserved for this matter.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

S-
FILED
013-00501
01/21/2010

William A. Shaw
Clerk of Courts

ICC Attns: Koehler
McGee
Stofko

ICC John A. Carter, III
2351 Balsena Road

Madera, PA 16661

ICC Victoria Visnofsky PO Box 4660
Main Street Madera, PA 16661

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

KENNETH J. LONG and KATHIE M. LONG,
his wife, as parents and natural guardians
of ALISON M. LONG, a minor, and in their
own right,

Plaintiffs

ANDREW E. VISNOFSKY, a minor, and
VICTORIA L. VISNOFSKY and JOHN E.
VISNOFSKY,

Defendants

* NO. 00-1487-CD

*

*

*

*

*

*

*

*

*

*

ORDER

NOW, this 20th day of December, 2010, it is the ORDER of this Court that a
status conference in the above-captioned matter be and is hereby scheduled for the
9th day of February, 2011 at 10:30 am in Chambers at the Clearfield County
Courthouse, Clearfield, Pennsylvania.

Thirty minutes has been reserved for this matter.

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

I hereby certify that the foregoing
and attested copy of the original
statement filed in this case.

DEC 21 2010

Attest.



William E. Ammerman
Prothonotary/
Clerk of Courts

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KENNETH J. LONG and KATHIE M.
LONG, his wife, as parents and natural
guardians of ALISON M. LONG, a minor,
and in their own right,

Plaintiffs,

CIVIL ACTION - LAW
No. 2000 - 1487 - CD

v.

ANDREW E. VISNOFSKY, a minor, by
JOHN A. CARTER, III, his Guardian Ad
Litem, and VICTORIA L. VISNOFSKY,
JOHN E. VISNOFSKY,

Defendants

Type of Case: Personal Injury

FILED (6)
03/08/2011 NO
FEB 08 2011 CC

William A. Shaw
Prothonotary/Clerk of Courts

Orig. to 00-1487-CD

ALISON M. LONG, An Incapacitated
Person, by KENNETH J. LONG and
KATHIE M. LONG, Guardians Ad Litem
Plaintiffs,

CIVIL ACTION - LAW
No. 07-1487-CD

v.

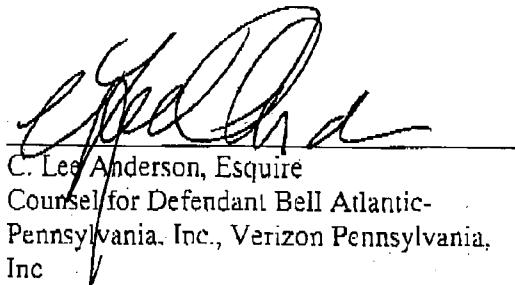
BELL ATLANTIC - PENNSYLVANIA
INC., VERIZON PENNSYLVANIA, INC.
Defendants

STIPULATION TO CONSOLIDATE

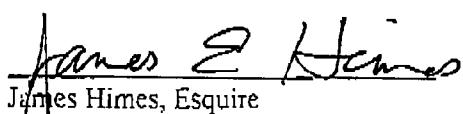
The Undersigned, Michael J. Koehler, Esquire, Attorney for the Plaintiffs, Alison M. Long, Kathie M. Long and Kenneth J. Long, C. Lee Anderson, Esquire, and James Himes, Esquire, Attorneys for Defendant Bell Atlantic-Pennsylvania, Inc., Verizon Pennsylvania, Inc., Daniel McGee, Esquire, Attorney for Defendant Andrew Visnofsky, Victoria L. Visnofsky, pro se, and John E. Visnofsky, pro se, hereby Stipulate to Consolidate both of these actions at No. 07-1487 C.D. for purposes of Discovery and Trial, pursuant to Pa. R.C.P. 213(a); 42 Pa. C.S.A.



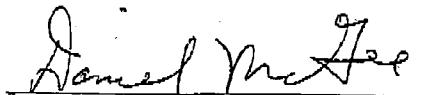
Michael J. Koehler, Esquire
Counsel for Plaintiffs



C. Lee Anderson, Esquire
Counsel for Defendant Bell Atlantic-
Pennsylvania, Inc., Verizon Pennsylvania,
Inc



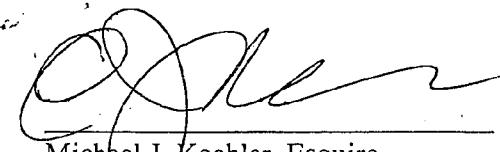
James E. Himes
James Himes, Esquire
Counsel for Defendants Bell Atlantic-
Pennsylvania, Inc., Verizon Pennsylvania,
Inc



Daniel McGee, Esquire
Counsel for Defendant Andrew Visnofsky

Victoria Visnofsky, pro se
1 HC 1 #125
Madera, PA 16661

John Visnofsky, pro se
2173 Tyrone Pike
Beccaria, PA 16616

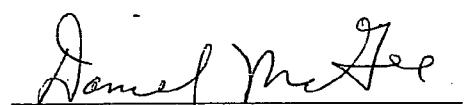


Michael J. Koehler, Esquire
Counsel for Plaintiffs

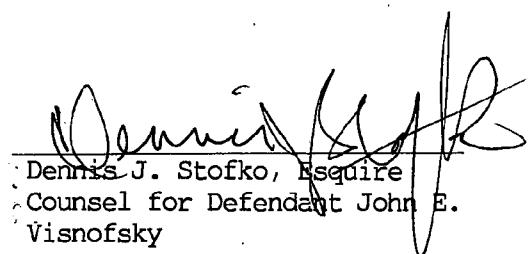
James Himes, Esquire
Counsel for Defendants Bell Atlantic-
Pennsylvania, Inc., Verizon Pennsylvania,
Inc

Victoria Visnofsky, pro se
1 HC 1 #125
Madera, PA 16661

C. Lee Anderson, Esquire
Counsel for Defendant Bell Atlantic-
Pennsylvania, Inc., Verizon Pennsylvania,
Inc



Daniel McGee, Esquire
Counsel for Defendant Andrew Visnofsky



Dennis J. Stofko, Esquire
Counsel for Defendant John E.
Visnofsky

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, : CIVIL ACTION - LAW
No. 2000 - 1487 - CD

Plaintiffs,

Type of Case: Personal Injury

v.

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, :
Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem : CIVIL ACTION - LAW
Plaintiffs, : No. 07-1487-CD

v.

BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. :
Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of December 2010, the foregoing Stipulation to Consolidate was served upon the following individual in accordance with all applicable rules of court:

C. Lee Anderson, Esquire
Smigel, Anderson & Sacks
4431 N. Front Street
Harrisburg, PA 17110

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

Daniel McGee, Esquire
Delafield, McGee, Jones & Kauffman, P.C.
300 South Allen Street, Suite 300
State College, PA 16801

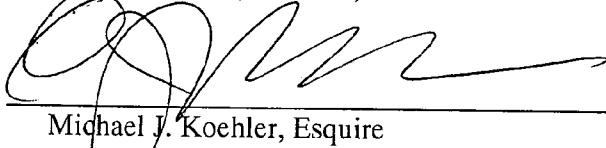
Victoria Visnofsky, pro se
1 HC 1 #125
Madera, PA 16661

John Visnofsky, pro se
2173 Tyrone Pike
Beccaria, PA 16616

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY


Michael J. Koehler, Esquire
PA ID # 56195
2527 West 26th Street
Erie, PA 16506
(814) 833 - 8851
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs, v. ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,

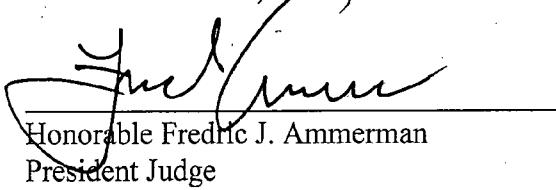
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

ORDER TO CONSOLIDATE

AND NOW, this 7th day of February, 2011, upon consideration of Plaintiffs' Stipulation to Consolidate, it is hereby ORDERED that the above captioned matters are Consolidated at No. 2007-1487 C.D. for purposes of all further proceedings. The Status Conference scheduled for February 9, 2011 is hereby cancelled.

5 **FILED**
O 3:50 PM
FEB 08 2011
William A. Shaw
Prothonotary/Clerk of Courts
ICC Judge Cherry
ICCA Atys: C. Anderson
Stofko
Koehler
Himes
Mc Gee
ICC J. Carter
ICC V. Visnofsky

BY THE COURT,


Honorable Fredric J. Ammerman
President Judge

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right,

Plaintiffs

v.

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem,

Plaintiffs

v.

BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC.,

Defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2000-1487-CD

CIVIL ACTION - LAW

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO. 07-1487-CD

CIVIL ACTION - LAW

FILED

10:38 AM
MAR 29 2011

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty's:
Anderson
Himes
Koehler
McGee
Stofko

(60)

ORDER

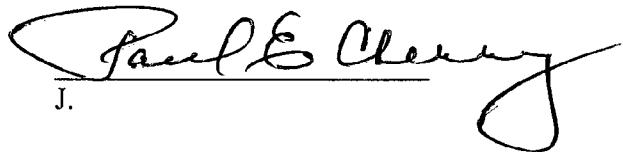
AND NOW, this 28th day of March, 2011, upon consideration of

Defendants Bell Atlantic-Pennsylvania, Inc. and Verizon Pennsylvania, Inc.'s Motion for Leave to File Under Seal Petition to Approve Settlement of Claim of Incapacitated Person, it is hereby ORDERED that the aforementioned motion is GRANTED.

Plaintiffs shall be permitted to file under seal with the Prothonotary of Clearfield County their Petition to Approve Settlement of Claim of Incapacitated Person. The Prothonotary of Clearfield County shall seal said filings and shall not disclose to the public in any way the contents of the filed petition, any exhibits thereto, any proposed order thereto, and any Order of Court granting or denying the filed petition. The Prothonotary of Clearfield County may mark on the docket the filing of the Petition to Approve Settlement of Claim of Incapacitated Person and

the filing of any Order of Court granting or denying said petition, but shall not disclose on the docket any of the contents of said filings without prior Order of Court.

BY THE COURT:



J.

Distribution:

C. Lee Anderson, Esquire, Smigel, Anderson & Sacks, LLP, 4431 N. Front Street, 3rd Floor, Harrisburg, Pennsylvania 17110
James E. Himes, Esquire, 222 Penn Street, Huntingdon, Pennsylvania 16652
Michael J. Koehler, Nicholas, Perot, Smith, Koehler & Wall, P.C., 2527 West 26th Street, Erie, Pennsylvania 16506
Daniel McGee, Esquire, Delafield, McGee, Jones & Kauffman, P.C., 112 West Foster Avenue, Suite 300, State College, Pennsylvania 16801
Dennis J. Stofko, Esquire, 969 Eisenhower Boulevard, Suite E, P.O. Box 5500, Johnstown, Pennsylvania 15904

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right,

Plaintiffs

v.

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem,

Plaintiffs

v.

BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC.,

Defendants.

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

: NO. 2000-1487-CD

: CIVIL ACTION - LAW

1110120 a.d. 6K
FILED
MAR 25 2011

William A. Shaw
Prothonotary/Clerk of Courts

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

: NO. 07-1487-CD

: CIVIL ACTION - LAW

MOTION FOR LEAVE TO FILE UNDER SEAL

PETITION TO APPROVE SETTLEMENT OF CLAIM OF INCAPACITATED PERSON

AND NOW COME Defendants Bell-Atlantic Pennsylvania, Inc. and Verizon Pennsylvania, Inc. by and through their attorneys, James E. Himes, Esquire and C. Lee Anderson, Esquire, to file the following Motion for Leave to File Under Seal Petition to Approve Settlement of Claim of Incapacitated Person, and aver in support as follows:

1. Plaintiffs are Kenneth J. Long and Kathie M. Long, as Guardians Ad Litem for Alison M. Long, an incapacitated person (hereinafter "Plaintiffs").
2. Defendants are Bell-Atlantic Pennsylvania, Inc. and Verizon Pennsylvania, Inc. (hereinafter "Verizon") and Andrew E. Visnofsky, a minor, by John A. Carter, III, his Guardian Ad Litem, and Victoria L. Visnofsky and John E. Visnofsky.

3. This action arises out of an automobile accident that occurred on July 9, 2000 on Betz Road in Bigler Township, Clearfield County, Pennsylvania.

4. The accident occurred when 14-year-old Andrew Visnofsky, who was driving his mother's 1990 Mazda 323 Hatchback without a driver's license, lost control of his vehicle, causing the vehicle to travel to the left side of the road on the outside of the curve, spin clockwise, ultimately leave the road on the right side and strike a telephone pole owned by Verizon.

5. Alison M. Long was a left-rear passenger in the vehicle and sustained permanent traumatic injuries as a result of the accident.

6. After extensive negotiations, a settlement has been reached between the parties.

7. A General Release has been drafted that reflects the terms of the settlement between the parties.

8. The General Release includes a broad confidentiality clause (hereinafter "Confidentiality Clause"), which provides as follows:

13.0 Confidential Nature of Release

The parties mutually agree and it is made a part of this Release that the terms and conditions of this Release by the representatives and attorneys for Alison M. Long, an incapacitated person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem, Verizon Pennsylvania, Inc. and Bell Atlantic-Pennsylvania, Inc. shall be confidential. The parties mutually agree that their officers, employees, and attorneys shall not comment, either directly or indirectly, on any aspect of this settlement to any member of the news media, or in any way publicize or cause to be publicized in any news or communications media, including, but not limited to, newspapers, magazines, journals, radio, television, on-line computer systems, and law-related publications, settlement and the terms and conditions of this settlement. The parties also mutually agree that their officers, employees, and attorneys will not provide this Release or any portion hereof or any information contained herein, to any person or entity except in compliance with a court order or order of any other binding governmental entity or with the mutual written consent of the parties. If

any of the parties or any of their officers, employees, and/or attorneys plan to file any court documents identifying the terms and/or conditions of this settlement, it and/or they shall immediately notify the respective attorney, which shall have the right to intervene, and shall request that the court immediately seal such document(s) and take whatever reasonable steps are necessary to seek to assure that such document(s) are not accessible or disclosed to anyone. Any breach of this provision shall allow either party to seek any available remedy, equitable or legal. Releasees and Releasor acknowledge that no portion of the settlement amount represents consideration for the mutual promise to maintain confidentiality of all of the terms of the agreement. Releasees and Releasor agree that each other's reciprocal promise of confidentiality is the sole consideration given for that of the other.

9. Plaintiffs intend to file a Petition to Approve Settlement of Claim of Incapacitated Person, seeking court approval of the settlement.

10. Filing the Petition to Approve Settlement of Claim of Incapacitated Person would violate the Confidentiality Clause of the General Release by exposing the terms of the settlement to open public view.

11. The parties' interests in keeping the terms of this settlement confidential outweigh the competing interest of the public to open disclosure of such information.

12. Maintaining the confidentiality of settlement terms promotes and encourages out-of-court settlements.

13. Therefore, Verizon respectfully requests leave for Plaintiffs to file the Petition to Approve Settlement of Claim of Incapacitated Person under seal.

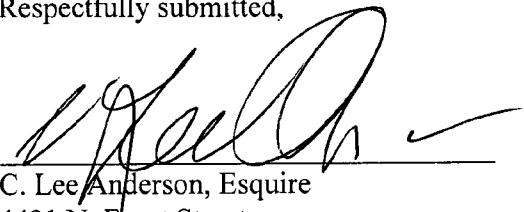
14. Plaintiffs' counsel has indicated that he concurs in this Motion.

WHEREFORE, Defendants Bell-Atlantic Pennsylvania, Inc. and Verizon Pennsylvania, Inc. respectfully request that this Honorable Court grant their Motion for Leave to File Under Seal Petition to Approve Settlement of Claim of Incapacitated Person and enter an order in substantially the same form as that accompanying this motion.

Respectfully submitted,

Date: *March 24, 2011*

By:


C. Lee Anderson, Esquire
4431 N. Front Street
Harrisburg, PA 17110
I.D. No. 21315
(717) 234-2401

and

James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740

*Attorneys for Defendants Bell-Atlantic
Pennsylvania, Inc. and Verizon Pennsylvania, Inc.*

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right,

Plaintiffs

v.

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY,

Defendants.

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem,

Plaintiffs

v.

BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC.,

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CERTIFICATE OF SERVICE

I, C. Lee Anderson, Esquire, hereby certify that I have served a true and correct copy of the foregoing Motion for Leave to File Under Seal Petition to Approve Settlement of Claim of Incapacitated Person as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this 29 day of March 2011:

Michael J. Koehler, Esquire
Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street
Erie, PA 16506

Daniel McGee, Esquire
Delafield, McGee, Jones & Kauffman, P.C.
112 West Foster Avenue, Suite 300
State College, Pennsylvania 16801

Dennis J. Stofko, Esquire
969 Eisenhower Boulevard, Suite E
P.O. Box 550
Johnstown, Pennsylvania 15904

Date: *March 24, 2011*

By: 

C. Lee Anderson, Esquire
4431 N. Front Street
Harrisburg, PA 17110
I.D. No. 21315
(717) 234-2401

and

James E. Himes, Esquire
I.D. No. 06706
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*Attorneys for Defendants Bell-Atlantic
Pennsylvania, Inc. and Verizon Pennsylvania, Inc.*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
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KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs, : CIVIL ACTION - LAW
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ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants :
ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, : CIVIL ACTION - LAW
No. 07-1487-CD
v. :
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Original file No 07-1487-CD

FILED 100 AM
Koehler

APR 11 2011

William A. Shaw
Prothonotary/Clerk of Courts

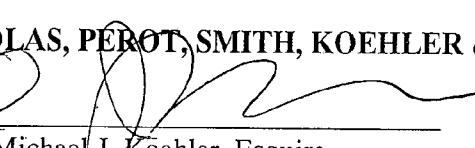
PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please Settle and Discontinue the above-captioned matter(s).

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

By 

Michael J. Koehler, Esquire
Pa. ID 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

Date: 4-7-11