

00-1497-CD
STEPHEN A. PISARCIK et al -vs- BETTY MCGINNIS

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

STEPHEN A. PISARCIK, Guardian of : NO. 00-1497 -CD
STEPHANIE L. PISARCIK, :
VS PLAINTIFF : TYPE OF CASE: CIVIL
BETTY McGINNIS, : TYPE OF PLEADING:
DEFENDANT : PETITION FOR APPROVAL OF
: SETTLEMENT OF MINOR'S
: CLAIM
: FILED ON BEHALF OF:
: PLAINTIFF
: COUNSEL OF RECORD FOR
: THIS PARTY:
: BENJAMIN S. BLAKLEY, III
: SUPREME COURT NO.: 25331
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

DEC 01 2000

William A. Shaw
Prothonotary

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

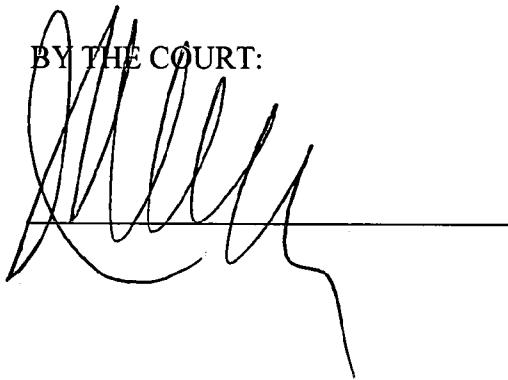
STEPHEN A. PISARCIK, Guardian of :
STEPHANIE L. PISARCIK, :
Plaintiff :
vs. : No. 00 - 1497 -CD
: :
BETTY McGINNIS, :
Defendant :
:

RULE

AND NOW, this 4th day of December, 2000, upon consideration of the foregoing Petition, it is the ORDER of this court that a Rule be issued upon all interested parties to show cause why the prayer in said Petition should not be granted.

RULE returnable the 27th day of December, 2000, at 2:00 o'clock, P.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



FILED

DEC 05 2000

William A. Shaw
Prothonotary

FILE

DEF 05 00
0/10:06/2cc Cetty
William A. Shaw
Prothonotary
Blakely
OK

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

STEPHEN A. PISARCIK, Guardian of :
STEPHANIE L. PISARCIK, :
Plaintiff :
: No. 00 - 1497 -CD
vs. :
: :
BETTY McGINNIS, :
Defendant :
:

PETITION FOR APPROVAL OF SETTLEMENT
OF MINOR'S CLAIM

TO THE HONORABLE JUDGE OF SAID COURT:

The Petition of STEPHEN A. PISARCIK, Guardian of STEPHANIE L. PISARCIK,
respectfully represents:

1. That STEPHEN A. PISARCIK is over eighteen (18) years of age and resides at 949 Fifth Avenue, Apt. A, Brockway, Jefferson County, Pennsylvania.
2. That Petitioner is the parent and natural guardian of a minor daughter, STEPHANIE L. PISARCIK, age fourteen (14), having been born on September 15, 1986.
3. That the minor Petitioner, STEPHANIE L. PISARCIK, was injured on November 21, 1998, while a visitor at a rental property owned by the Defendant, BETTY McGINNIS, located at South Main Street, DuBois, Clearfield County, Pennsylvania, when STEPHANIE L. PISARCIK fell from a second story porch by falling through a railing and landing on the ground beneath the second story porch.

4. That the present action was brought to recover damages sustained by the minor, STEPHANIE L. PISARCIK, which were a closed head injury with post-concussive syndrome, displaced fracture of the right superior pubic bone and fractured right elbow.

5. That all medical bills have been paid by Blue Cross of Western Pennsylvania who has claimed subrogation rights in this matter for medical expenses paid by the said Blue Cross of Western Pennsylvania in the amount of \$4,293.03.

6. That your Petitioners recommend the approval of settlement in the gross amount of \$20,000.00, which your Petitioners have negotiated with the insurer of Defendant, BETTY McGINNIS, owner of the rental property, said settlement being apportioned as follows:

a.	Stephanie L. Pisarcik	\$15,706.97
b.	Blue Cross of Western Pennsylvania	\$4,293.03

7. That your Petitioners approved the proposed settlement because they believe it is fair and reasonable given the circumstances of this case and it adequately compensates the minor for her injuries sustained.

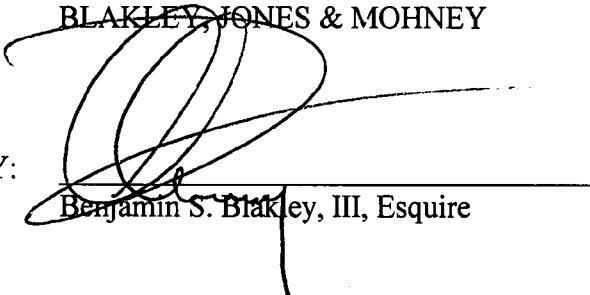
8. That Petitioners have entered into a Fee Agreement with the law firm of BLAKLEY, JONES & MOHNEY, for representation of them in this matter, for which they have agreed to pay the contingency fee of twenty-five percent (25%) of the gross settlement amount (\$5,000.00).

WHEREFORE, Petitioners pray that an Order be entered approving the settlement, and authorize said settlement to be paid and delivered to Petitioner, STEPHEN A. PISARCIK, as parent and natural guardian of the minor child in accordance with Pa.R.C.P. Rule 2039 (b) and for the disposition by your Petitioner in accordance with the provisions of the Order attached hereto.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:


Benjamin S. Blakley, III, Esquire

VERIFICATION

We verify that the statements made in this Petition are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

DATE: 11-20-00

Stephen A. Pisarcik
STEPHEN A. PISARCIK

DATE: 11-21-00

Stephanie L. Pisarcik
STEPHANIE L. PISARCIK

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

STEPHEN A. PISARCIK, Guardian of
STEPHANIE L. PISARCIK,

Plaintiff

vs.

BETTY McGINNIS,

Defendant

PETITION FOR APPROVAL OF
SETTLEMENT OF MINOR'S CLAIM

FILED

DEC 01 2000
9/18/00 Attn: Blakley
William A. Shaw
Prothonotary
PD 880
2 C.C. Act

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

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

STEPHEN A. PISARCIK, Guardian of : NO. 00 - 1497 -CD
STEPHANIE L. PISARCIK, :
PLAINTIFF : TYPE OF CASE: CIVIL
VS :
: TYPE OF PLEADING:
BETTY McGINNIS, : CERTIFICATE OF MAILING
: DEFENDANT :
: : FILED ON BEHALF OF:
: PLAINTIFF :
: : COUNSEL OF RECORD FOR
: THIS PARTY:
: BENJAMIN S. BLAKLEY, III
: : SUPREME COURT NO.: 26331
: : BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

DEC 13 2000

William A. Shaw
Prothonotary

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

STEPHEN A. PISARCIK, Guardian of :
STEPHANIE L. PISARCIK, :
Plaintiff :
: No. 00 - 1497 -CD
vs. :
: :
BETTY McGINNIS, :
Defendant :
:

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of Petition for Approval of Settlement of Minor's Claim along with Rule to Show Cause filed in the above-captioned matter was served upon the following person and in the following manner on the 11th day of December, 2000, return receipt attached hereto.

Certified Mail No. 7099 3220 0011 0197 1653

Brenda S. Pisarcik
212 South Main Street
DuBois, PA 15801

BLAKLEY, JONES & MOHNEY

By

Benjamin S. Blakley, III
Attorney for Plaintiff

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

BRENDA S. PISARCIK
212 SOUTH MAIN STREET
DU BOIS, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Brenda Pisarcik* B. Date of Delivery *12-11-90*
C. Signature *Brenda Pisarcik* D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number (Copy from service label)**

7099 3220 0011 0197 1653

PS Form 3811 July 1999

Domestic Return Receipt

102595-99-M-1789

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 00-1497-C.D.

STEPHEN A. PISARCIK, Guardian of
STEPHANIE L. PISARCIK,

Plaintiff

vs.

BETTY MCGINNIS,

Defendant

CERTIFICATE OF MAILING

FILED

DEC 13 2000
8/24/00
William A. Shaw
Prothonotary
EPC

LAW OFFICES

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

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

STEPHEN A. PISARCIK, Guardian of : NO. 00-1497-CD
STEPHANIE L. PISARCIK, :
VS :
PLAINTIFF :
BETTY McGINNIS, :
: TYPE OF CASE: CIVIL
VS :
DEFENDANT :
: TYPE OF PLEADING:
PRAECIPE TO FILE MEDICAL
REPORT :
: FILED ON BEHALF OF:
PLAINTIFF :
: COUNSEL OF RECORD FOR
THIS PARTY:
BENJAMIN S. BLAKLEY, III :
: SUPREME COURT NO.: 26331
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
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FILED

DEC 29 2000

William A. Shaw
Prothonotary

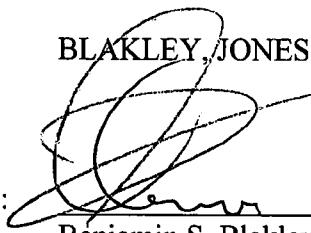
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

STEPHEN A. PISARCIK, Guardian of :
STEPHANIE L. PISARCIK, :
Plaintiff :
vs. : No. 00 - 1497 -CD
: :
BETTY McGINNIS, :
Defendant :
:

PRAECIPE TO FILE MEDICAL REPORT

TO WILLIAM A. SHAW, PROTHONOTARY:

Pursuant to direction of Judge John K. Reilly, Jr. of December 27, 2000, please file the enclosed medical report of Keith Zeliger, D.O. dated January 4, 1999, to the above-captioned term and number.

BLAKLEY, JONES & MOHNEY

By: _____
Benjamin S. Blakley, III, Esquire
Attorney for Plaintiff

Progress Notes

January 04, 1999

Page 1

Stephanie Pisarcik 18115

Stephanie was seen today in the office. She has no complaints of pain referable to her right elbow or to her pelvis. She has full range of motion in the right elbow to flexion and extension, pronation and supination equal to the left. Collateral ligament stability about the elbow is equal both left and right with no instability noted particularly on the right side. She has no pain within her pelvis or complaints of pain with any activities.

X-rays taken today shows a healed pubic rami fractures.

At this point she can return to any and all activities she wishes without any restriction including sports and gym class. I will discharge her from my care at this time, however, if there are any problems she or her parents can call and we will be more than happy to recheck her.

KZ/ns
D: 1/04/99
T: 1/06/99



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
C No. 00-1497-C.D.

STEPHEN A. PISARCIK, Guardian of
STEPHANIE L. PISARCIK,

Plaintiff

vs.

BETTY MCGINNIS,

Defendant

PRAECIPE TO FILE MEDICAL REPORT

FILED

DEC 29 2000
0102017000
William A. Shaw
Prothonotary

LAW OFFICES

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

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

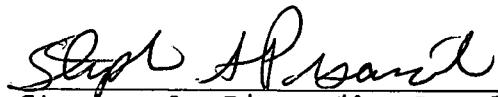
STEPHEN A. PISARCIK, Guardian of : NO. 00 - 1497 -CD
STEPHANIE L. PISARCIK, :
PLAINTIFF : TYPE OF CASE: CIVIL
VS :
BETTY McGINNIS, : TYPE OF PLEADING:
DEFENDANT : AFFIDAVIT
: FILED ON BEHALF OF:
: PLAINTIFF
: COUNSEL OF RECORD FOR
: THIS PARTY:
: BENJAMIN S. BLAKLEY, III
: SUPREME COURT NO.: 26331
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

FFR 06 2001

William A. Shaw
Prothonotary

I, Stephen A. Pisarcik, being duly sworn, do hereby affirm that on February 3, 2001, I did purchase a Certificate of Deposit from Deposit Bank, DuBois Mall branch, pursuant to the Court Order of December 27, 2000. A copy of the said Certificate of Deposit is attached hereto.



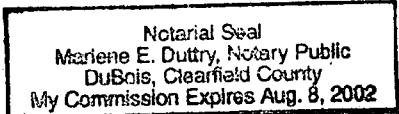
Stephen A. Pisarcik, Guardian of
Stephanie L. Pisarcik

Sworn to and subscribed

before me this 3rd

day of February, 2001.

Mariene E. Dutry
Notary Public





Certificate of Deposit

NON TRANSFERABLE -- NON NEGOTIABLE
AUTOMATICALLY RENEWABLE

182 - 364 DAY CERTIFICATE

REPRESENTATIVE SLC	BRANCH 012	CD TYPE 410	CERTIFICATE NUMBER 0512002164	AMOUNT \$11,607.92
MATURITY PERIOD 182 DAY		ISSUE DATE February 3, 2001		MATURITY DATE August 4, 2001
INTEREST RATE PAYABLE: 5.320%			ANNUAL PERCENTAGE YIELD: 5.45 %	
ISSUED TO: STEPHANIE L PISARCIK STEPHEN A PISARCIK GUARDIAN NOT TO BE REDEEMED EXCEPT FOR RENEWAL IN ITS NEGOTIATED OR OTHERWISE ALIENATED BEFORE THE MINOR REACHED MAJORITY EXCEPT INTEREST WILL BE PAID AT MATURITY AND ADDED TO THE PRINCIPAL BALANCE BY ORDER OF THE COURT.			ADDRESS 949 FIFTH AVE APT A BROCKWAY PA 15824	TELEPHONE: 814 265-0790

EARLY WITHDRAWAL PENALTY

IF THE DEPOSIT IS WITHDRAWN BEFORE THE MATURITY DATE, A PENALTY EQUAL TO THREE (3) MONTHS SIMPLE INTEREST WILL BE ASSESSED. ALL PENALTIES ARE ASSESSED AT THE RATE BEING PAID ON THE ACCOUNT AT THE TIME OF WITHDRAWAL. EARLY WITHDRAWAL MAY RESULT IN A REDUCTION IN THE PRINCIPAL AMOUNT ORIGINALLY DEPOSITED. NO PENALTY WILL BE ASSESSED ON WITHDRAWALS RESULTING FROM THE DEATH OR MENTAL INCAPACITY OF A DEPOSITOR.

RENEWABILITY

THE ACCOUNT IS AUTOMATICALLY RENEWABLE. UNLESS WE RECEIVE WRITTEN INSTRUCTIONS TO THE CONTRARY WITHIN TEN (10) CALENDAR DAYS AFTER THE MATURITY DATE, THE ACCOUNT WILL BE RENEWED FOR AN ADDITIONAL 182 DAY TERM. THE INTEREST RATE AND ANNUAL PERCENTAGE YIELD FOR THE NEXT MATURITY PERIOD WILL BE WHAT THE BANK IS OFFERING ON REGULAR 182 DAY CERTIFICATES AS OF THE MATURITY DATE. RENEWAL WILL BE EFFECTIVE AND INTEREST WILL BE EARNED AS OF THE MATURITY DATE. FUNDS MAY BE WITHDRAWN WITHIN THE TEN (10) CALENDAR DAYS AFTER ANY MATURITY DATE BY SURRENDERING THE CERTIFICATE AND COMPLETING A WRITTEN REQUEST. NO INTEREST WILL BE PAID AFTER THE MATURITY DATE ON FUNDS WITHDRAWN DURING THE TEN (10) DAY PERIOD.

Copy - non negotiable &

CDC CR.050 July 12, 2000

TAX REPORTING INFORMATION

TAX INFORMATION FOR THIS ACCOUNT WILL BE REPORTED USING THE FOLLOWING TAXPAYER NAME AND TAXPAYER IDENTIFICATION NUMBER:

TAXPAYER NAME: STEPHANIE L PISARCIK
TAXPAYER IDENTIFICATION NUMBER: 189-66-4203

DEPOSITOR ACKNOWLEDGEMENTS

BY SIGNING THE BANK'S COPY OF THE CERTIFICATE AT THE TIME THE ACCOUNT WAS OPENED, EACH SIGNER:

(1) ACKNOWLEDGED THAT THE DEPOSIT ACCOUNT AGREEMENT FOR CERTIFICATES OF DEPOSIT, AND THE DISCLOSURE OF ACCOUNT TERMS WERE RECEIVED BEFORE THE ACCOUNT WAS OPENED, AND (2) ACKNOWLEDGED THAT THE BANK REFERENCED ABOVE IS A DIVISION OF FIRST COMMONWEALTH BANK, AS ARE THE OTHER DIVISIONS DETAILED IN THE DEPOSIT ACCOUNT AGREEMENT -- CERTIFICATES OF DEPOSIT, AND THAT THE DEPOSITS HELD AT EACH FACILITY ARE NOT SEPARATELY INSURED BY THE FDIC, (3) AGREED THAT THE TERMS AND CONDITIONS CONTAINED THEREIN WILL GOVERN THE OPERATION OF THE ACCOUNT, AND (4) AUTHORIZED THE BANK TO RECOGNIZE THE SIGNATURES OF ANY OF THE DEPOSITORS TO TRANACT BUSINESS ON THE ACCOUNT. BY ORDER OF

BANK SIGNATURE

THE COURT

BANK SIGNATURE ► *Sherry Carney*

<SEAL>

DATE ► 8/3/01

CUSTOMER COPY

NO. 00-1491-C.D.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA.
(CIVIL ACTION)

STEPHEN A. PISARCIK,
Guardian of STEPHANIE L.
PISARCIK, Plaintiff

VS

BETTY MCGINNIS,
Defendant

AFFIDAVIT

FILED

FER 06 2001
11/21/00
William A. Shaw
Prothonotary

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

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

STEPHEN A. PISARCIK, Guardian of : NO. 00 - 1497 -CD
STEPHANIE L. PISARCIK, :
VS :
PLAINTIFF :
BETTY McGINNIS, :
: TYPE OF CASE: CIVIL
:
: TYPE OF PLEADING:
: CERTIFICATE OF SERVICE
:
: DEFENDANT :
: FILED ON BEHALF OF:
: PLAINTIFF
: COUNSEL OF RECORD FOR
: THIS PARTY:
: BENJAMIN S. BLAKLEY, III
: SUPREME COURT NO.: 26331
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED
FEB 06 2001

FILED

FEB 06 2001

William A. Shaw
Prothonotary

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

STEPHEN A. PISARCIK, Guardian of :
STEPHANIE L. PISARCIK, :
Plaintiff :
vs. : No. 00 - 1497 -CD
BETTY McGINNIS, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of an Affidavit certifying the
Certificate of Deposit being purchased for Stephanie L. Pisarcik regarding the above-captioned
matter was served upon Brenda S. Pisarcik, 212 South Main Street, Du Bois, PA 15801, on the
5th day of February, 2001 by regular first class mail.

BLAKLEY, JONES & MOHNEY

By

Benjamin S. Blakley III

Attorney for Plaintiff

NO. UU-1491

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
(CIVIL ACTION)

STEPHEN A. PISARCIK,
Guardian of STEPHANIE L.
PISARCIK,

Plaintiff

VS

BETTY MCGINNIS

CERTIFICATE OF
SERVICE

FILED

FFR 06 2001

William A. Shaw
Prothonotary

LAW OFFICES

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

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

STEPHEN A. PISARCIK, Guardian of :
STEPHANIE L. PISARCIK, :
Plaintiff :
vs. :
BETTY McGINNIS, :
Defendant :

No. 00 - 1497 -CD

FILED

DEC 27 2000

William A. Shaw
Prothonotary

ORDER

AND NOW, this 17 day of Dec, 2000, upon consideration of the foregoing Petition, the Court approves the \$20,000.00 settlement of the minor's claim and authorizes the payment and delivery to STEPHEN A. PISARCIK, parent and natural guardian of STEPHANIE L. PISARCIK, of the sum of \$11,607.92, without the appointment of a guardian or the entry security and the guardian is authorized and directed to disburse the funds belonging to the above named minor as follows:

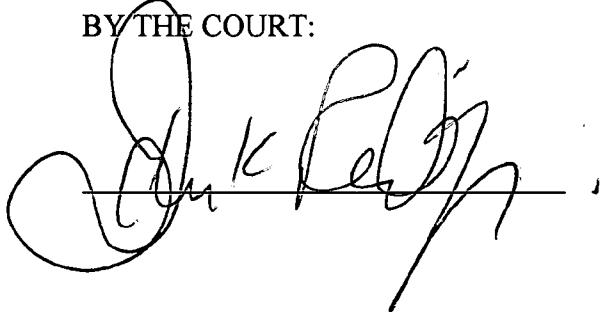
1. To purchase certificates of deposit and/or savings certificates that are federally insured from Deposit Bank, DuBois, Clearfield County, Pennsylvania, or other such federally insured banking institution in the DuBois, Clearfield County area in the name of Stephen A. Pisarcik, as Guardian of Stephanie L. Pisarcik. Each investment made under this paragraph to be marked "NOT TO BE REDEEMED EXCEPT FOR RENEWAL IN ITS ENTIRETY, NOR BE WITHDRAWN, ASSIGNED, NEGOTIATED, OR OTHERWISE ALIENATED BEFORE THE MINOR REACHED MAJORITY EXCEPT BY ORDER OF COURT."

If no withdrawals are made from the investments authorized by this Order, the bank may pay over the investments as provided in Paragraph 1 when the minor reaches her majority, and

upon the order of Guardian, STEPHEN A. PISARCIK, and the late minor without further Order of Court. Within forty-five (45) days of the entry of this Order, STEPHEN A. PISARCIK shall file with the Prothonotary of Clearfield County proof in the form of an affidavit, that he has purchased said certificate of deposit and/or savings certificates pursuant to this paragraph and shall supply BRENDA PISARCIK, mother of STEPHANIE L. PISARCIK, with a copy of said affidavit.

2. To pay to Blue Cross of Western Pennsylvania the sum of \$3,219.77, representing the total and entire subrogated interest of Blue Cross of Western Pennsylvania (Highmark Blue Cross Blue Shield) for medical services provided to the minor in the above-captioned matter.
3. To pay to Blakley, Jones & Mohney, the sum of \$5,000.00 representing fees and the sum of \$172.31 representing costs incurred in the bringing of the aforesaid action.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John K. Kelly", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 00-1497-C.D.

STEPHEN A. PISARCIK, Guardian of
STEPHANIE L. PISARCIK,

Plaintiffs

vs.

BETTY MCGINNIS,

Defendant

ORDER

FILED
01/17/2001 Blakley
DEC 27 2001
William A. Shaw
Prothonotary

LAW OFFICES

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