

00-1514-CD  
ALLSTATE INSURANCE et al -vs- DONALD CARTWRIGHT

## NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 00-1514-CD

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
Allstate Insurance A/S/O and Thomas Janowiak		46-3-04		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
c/o 142 West Market Street		West Chester	PA	19382
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)	(Defendant)		
11-9-00	Allstate/Janowiak	Donald Cartwright, et.al.		
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			
CV 10-174-00 LT 19	<i>Barry J. McAllister</i>			
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p><i>Signature of Prothonotary or Deputy</i></p>				
<p>If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>				

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
*Name of appellee(s)*

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

*Signature of appellant or his attorney or agent*

RULE: To \_\_\_\_\_, appellee(s)  
*Name of appellee(s)*

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: December 5, 2000

*Signature of Prothonotary or Deputy*

**FILED**

REC'D DEC 05 2000  
 William A. Shaw  
 Prothonotary  
 pd \$80.00  
 Cc to Henreasy

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_ ss

**AFFIDAVIT:** I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on (date of service) \_\_\_\_\_, 19\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, 19\_\_\_\_\_.  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_\_

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_, 19\_\_\_\_\_

*John H. Hartman*

*10/23/11*  
*10/23/11*

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-04

DJ Name: Hon.

JAMES L. HAWKINS  
Address: 430 SPRING STREET  
P.O. BOX 362  
HOUTZDALE, PA

Telephone: (814) 378-7160

16651-0362

BRIAN J. WALKER, AIC, ESQ.  
142 W. MARKET ST.  
WEST CHESTER, PA 19382

NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE

PLAINTIFF:

ALLSTATE INS.A/S/O THOMAS JANOWIAK  
142 W. MARKET ST.  
WEST CHESTER, PA 19382

NAME and ADDRESS

DEFENDANT:

CARTWRIGHT, DONALD, ET AL.  
P.O. BOX 138  
RAMEY, PA 16671

VS.

NAME and ADDRESS

Docket No.: CV-0000174-00  
Date Filed: 10/10/00



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR DEFENDANT

00-1514-CD

Judgment was entered for: (Name) CARTWRIGHT, DONALD

Judgment was entered against: (Name) ALLSTATE INS.A/S/O THOMAS JANO

in the amount of \$ 00 on: (Date of Judgment) 11/09/00

Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

Damages will be assessed on: \_\_\_\_\_

This case dismissed without prejudice. \_\_\_\_\_

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ \_\_\_\_\_

Levy is stayed for \_\_\_\_\_ days or  generally stayed. \_\_\_\_\_

Objection to levy has been filed and hearing will be held: \_\_\_\_\_

Amount of Judgment	\$ <u>00</u>
Judgment Costs	\$ <u>00</u>
Interest on Judgment	\$ <u>00</u>
Attorney Fees	\$ <u>00</u>
Total	\$ <u>00</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total \$ _____	

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

11-9-00 Date James , District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date \_\_\_\_\_, District Justice

My commission expires first Monday of January,

2006

SEAL

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46th

## NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 00-1514-CD

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
<u>Allstate Insurance A/S/O and Thomas Janowiak</u>		46-3-04		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
<u>c/o 142 West Market Street</u>		<u>West Chester</u>	<u>PA</u>	<u>19382</u>
DATE OF JUDGMENT		IN THE CASE OF (Plaintiff)		
<u>11-9-00</u>		<u>Allstate/Janowiak</u>		
CLAIM NO.		vs. <u>Donald Cartwright, et.al.</u>		
CV <u>xx-174-00</u> <u>LT 19</u>		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>				
Signature of Prothonotary or Deputy				

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
 Name of appellee(s) \_\_\_\_\_

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To \_\_\_\_\_, appellee(s)  
 Name of appellee(s) \_\_\_\_\_

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: December 5, 2000

Signature of Prothonotary or Deputy

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

DEC 05 2000

Attest:

  
William J. McAllister  
Prothonotary

00-1514-00

**PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT**

*(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)*

COMMONWEALTH OF PENNSYLVANIA

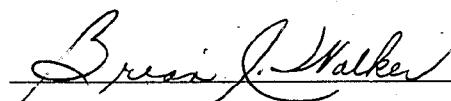
COUNTY OF Chester ; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 00-1514-00, upon the District Justice designated therein on (date of service) December 13, 2000,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Donald Cartwright AND Elizabeth Cartwright on December 13, 2000  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, 19\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 13<sup>th</sup> DAY OF DECEMBER, 2000



*Signature of affiant*

*Signature of official before whom affidavit was made*

Title of official

NOTARY PUBLIC  
THERESA B. CHURCH, Notary Public  
West Chester Borough, Chester County  
My Commission Expires May 4, 2002

My commission expires on



DEC 15 2000

11:30

William A. Shaw

Prothonotary

Z 397 332 199

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	DAVID CARTWRIGHT ELIZABETH CARTWRIGHT
---------	--

Street & Number	P. O. BOX 138
-----------------	---------------

Post Office, State, & ZIP Code	RAMSEY PA 16671
--------------------------------	-----------------

Postage	\$ 33
---------	-------

Certified Fee	140
---------------	-----

Special Delivery Fee	
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Restricted Delivery Fee	
-------------------------	--

Return Receipt Showing to Whom & Date Delivered	1.25
---	------

Return Receipt Showing to Whom, Date, & Addressee's Address	
---	--

TOTAL Postage & Fees	\$ 2.98
----------------------	---------

Postmark or Date	
------------------	--

	12-13-00
--	----------

PS Form 3800, April 1995

Z 397 332 200

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	DISTRICT COURT 46-3-04
---------	------------------------

Street & Number	430 SPRING ST
-----------------	---------------

Post Office, State, & ZIP Code	ROUTZDALE PA 16651
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Postage	\$ 33
---------	-------

Certified Fee	140
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Special Delivery Fee	
----------------------	--

Restricted Delivery Fee	
-------------------------	--

Return Receipt Showing to Whom & Date Delivered	1.25
---	------

Return Receipt Showing to Whom, Date, & Addressee's Address	
---	--

TOTAL Postage & Fees	\$ 2.98
----------------------	---------

Postmark or Date	
------------------	--

PS Form 3800, April 1995

12-13-00

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-04

DJ Name: Hon.

JAMES L. HAWKINS  
430 SPRING STREET  
P.O. BOX 362  
HOUTZDALE, PA

Telephone: (814) 378-7160

16651-0362

JAMES L. HAWKINS  
430 SPRING STREET  
P.O. BOX 362  
HOUTZDALE, PA 16651-0362

NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE

PLAINTIFF:

NAME and ADDRESS  
ALLSTATE INS.A/S/O THOMAS JANOWIAK  
142 W. MARKET ST.  
WEST CHESTER, PA 19382

NAME and ADDRESS

DEFENDANT:

NAME and ADDRESS  
CARTWRIGHT, DONALD, ET AL.  
P.O. BOX 138  
RAMEY, PA 16671

NAME and ADDRESS

Docket No.: CV-0000174-00  
Date Filed: 10/10/00



THIS IS TO NOTIFY YOU THAT:

Judgment: FOR DEFENDANT

Judgment was entered for: (Name) CARTWRIGHT, DONALD

Judgment was entered against: (Name) ALLSTATE INS.A/S/O THOMAS JANO

in the amount of \$ .00 on: (Date of Judgment) 11/09/00

Defendants are jointly and severally liable. (Date & Time) 00-1514-C0

Damages will be assessed on: **FILED**

This case dismissed without prejudice. DEC 18 2000  
M/13/02 pm

Amount of Judgment Subject to William A. Shaw 226  
Attachment/Act 5 of 1996 \$ Prothonotary

Levy is stayed for \_\_\_\_\_ days or  generally stayed.

Objection to levy has been filed and hearing will be held:

Amount of Judgment	\$ <u>.00</u>
Judgment Costs	\$ <u>.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>.00</u>
Post Judgment Credits	\$ <u></u>
Post Judgment Costs	\$ <u></u>
<b>Certified Judgment Total</b> \$ <u></u>	

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

11-9-00 Date James L. Hawkins, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

12-15-00 Date James L. Hawkins, District Justice

My commission expires first Monday of January,

2006

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-04**

DJ Name: Hon.

**JAMES L. HAWKINS**  
Address: **430 SPRING STREET**  
**P.O. BOX 362**  
**HOUTZDALE, PA**

Telephone: **(814) 378-7160**

**16651-0362**

**JAMES L. HAWKINS**  
**430 SPRING STREET**  
**P.O. BOX 362**  
**HOUTZDALE, PA 16651-0362**

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF:

**ALLSTATE INS.A/S/O THOMAS JANOWIAK**  
**142 W. MARKET ST.**  
**WEST CHESTER, PA 19382**

NAME and ADDRESS

DEFENDANT:

**CARTWRIGHT, DONALD, ET AL.**  
**P.O. BOX 138**  
**RAMEY, PA 16671**

NAME and ADDRESS

Docket No.: **CV-0000174-00**  
Date Filed: **10/10/00**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR DEFENDANT**

**00-1514-00**

Judgment was entered for: (Name) **CARTWRIGHT, ELIZABETH**

Judgment was entered against: (Name) **ALLSTATE INS.A/S/O THOMAS JANO**

in the amount of \$ **.00** on: (Date of Judgment) **11/09/00**

Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

Damages will be assessed on: **FILED**

This case dismissed without prejudice **DEC 18 2000**  
**m/302 p.m**  
**William A. Shaw &**  
**Prothonotary**

Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ \_\_\_\_\_

Levy is stayed for \_\_\_\_\_ days or  generally stayed.

Objection to levy has been filed and hearing will be held:

Amount of Judgment	\$ <b>.00</b>
Judgment Costs	\$ <b>.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>.00</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

11-9-00 Date James L. Hawkins, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

12-15-00 Date James L. Hawkins, District Justice

My commission expires first Monday of January,

2006

SEAL

1. *Chlorophytum comosum* (L.) Willd. (syn. *Chlorophytum capense* L.)  
2. *Chlorophytum comosum* (L.) Willd. (syn. *Chlorophytum capense* L.)

Year	Population	Area (sq. km.)	Population Density (per sq. km.)
1951	1,000,000	100,000	10,000
1961	1,500,000	120,000	12,500
1971	2,000,000	140,000	14,286
1981	2,500,000	160,000	15,625
1991	3,000,000	180,000	16,667
2001	3,500,000	200,000	17,500
2011	4,000,000	220,000	18,182
2021	4,500,000	240,000	18,750
2031	5,000,000	260,000	19,231
2041	5,500,000	280,000	19,643
2051	6,000,000	300,000	20,000
2061	6,500,000	320,000	20,312
2071	7,000,000	340,000	20,647
2081	7,500,000	360,000	21,389
2091	8,000,000	380,000	21,053
2101	8,500,000	400,000	21,250

Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy  
142 West Market Street, Suite 2  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Allstate Insurance Company  
A/S/O Thomas Janowiak  
475 Market Street, 2<sup>nd</sup> Floor  
Elmwood Park, NJ 07407  
AND  
Thomas Janowiak  
Box 138  
Ramey, PA 16671  
vs.  
Donald Cartwright  
PO Box 138  
Ramey, PA 16671  
AND  
Elizabeth Cartwright  
PO Box 138  
Ramey, PA 16671

: In The Court of Common Pleas  
: Clearfield County, Pennsylvania  
: Civil Action Law  
: No: 00-1514-CD

**FILED**

JAN 11 2001

William A. Shaw  
Prothonotary

**AVISO**

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.*

David S. Meholic, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

*Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por teléfono a la oficina cuya dirección se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

David S. Meholic, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641

4. The Defendant, Elizabeth Cartwright is an adult individual residing at the above captioned address.

5. On or about September 28, 1998, Plaintiff Allstate Insurance Company insured Plaintiff Janowiak with a homeowners policy, policy number 028885526, said policy covering Plaintiff's rental property located at Market Street, Ramey, Pennsylvania and carrying with same, content and structural coverages.

6. On or about September 28, 1998, Defendant Donald and Elizabeth Cartwright, while in exclusive possession and/or control of said rental property located at Market Street, Ramey, Pennsylvania, as a result of their negligent and/or careless maintenance and/or use of a clothes dryer, caused and/or allowed a fire to erupt resulting in extensive property damages to said location.

7. The negligence of Defendant consisted of:

- A. Improper service;
- B. Improper use;
- C. Failing to properly clean and remove excess lint from the dryer;
- D. Failing to warn Plaintiff of the hazard associated with failing to clean the lint trap on said dryer;
- E. Failing to properly notify fire officials so as to avoid the spread of said fire;
- F. Failing to properly extinguish said fire so as to avoid further spread of same;
- G. Being inattentive;
- H. Failing to make proper observations;

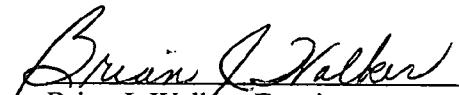
8. The aforesaid fire and result in damages occurred solely from the negligent acts and or omissions on part of Defendant named herein and would do in no matter whatsoever to any act and or failure to act on part of Plaintiffs.

9. Pursuant to the aforesaid policy of insurance, Plaintiff Allstate Insurance Company settled the first party contents and structure claim of Plaintiff Janowiak in the amount of \$3,064.38 (said figure includes Plaintiffs first party deductible) representing fair and reasonable

reimbursement for the damages sustained.

10. Pursuant to the aforesaid policy of insurance, Plaintiff Allstate Insurance Company is subrogated to Plaintiff Janowiak for this loss.

**WHEREFORE**, Plaintiffs demand judgment against Defendants jointly and severally in the amount of \$3,064.38 together plus cost, interest and such other relief this court finds equitable and just.



Brian J. Walker, Esquire  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF CHESTER

: ss.

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements herein are made subject to the penalties of 19 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

If applicable, this affidavit is made on behalf of the Plaintiff(s); that the said Plaintiff(s) is/are unable and unavailable to make this verification on its/his/her own behalf within the time allotted for filing of this pleading, and the facts set forth in the foregoing pleading are true and correct to the best of counsel's knowledge, information and belief.

This verification is made pursuant to Pa. R.C.P. 1024 and is based on interviews, conferences, reports, records and other investigative material in the file.



Dated: 1-10-01

**FILED**

JAN 11 2001

Mark A. Shaw 3cc atty  
Prothonotary

*KCC*

*Walker*

Allstate Insurance Company : In The Court of Common Pleas  
A/S/O Thomas Janowiak : Clearfield County, Pennsylvania  
475 Market Street, 2<sup>nd</sup> Floor :  
Elmwood Park, NJ 07407  
AND :  
Thomas Janowiak : Civil Action Law  
PO Box 138 :  
Ramey, PA 16671 : No: 00-1514-CD  
vs.  
Donald Cartwright  
PO Box 206  
Ramey, PA 16671  
AND  
Elizabeth Cartwright  
PO Box 206  
Ramey, PA 16671

**Answer**

1. Agree.
2. Agree.
3. Disagree. The Defendant, Donald Cartwright is an adult individual residing at the above corrected captioned address.
4. Disagree. The Defendant, Elizabeth Cartwright is an adult individual residing at the above corrected captioned address.
5. Agree.
6. Disagree. Defendant Donald and Elizabeth Cartwright do not agree to being negligent and/or to careless maintenance and/or to the use of clothes dryer causing and/or allowing a fire to erupt. The Defendant(s) do not agree that there was extensive property damages.

**FILED**

JAN 29 2001

William A. Shaw  
Prothonotary

7. Disagree.

- A. Disagree to improper service;
- B. Disagree to improper use;
- C. Disagree to failing to properly clean and remove excess lint from the dryer;
- D. Disagree to failing to warn Plaintiff of the hazard associated with failing to clean the lint trap on said dryer;
- E. Disagree to failing to properly notify fire officials so as to avoid the spread of said fire;
- F. Disagree to failing to properly extinguish said fire so as to avoid further spread of same;
- G. Disagree to being inattentive;
- H. Disagree to failing to make proper observations;

8. Disagree. Defendant Donald and Elizabeth Cartwright was not negligent in the operation of said dryer that caught on fire, causing property damage.

9. Disagree.

10. Disagree.

**WHEREFORE**, Defendants demand judgment against Plaintiffs for false accusations in said complaints in the amount of \$3, 064.38 plus cost, interest and such other relief this court finds just.

Donald Cartwright  
Donald Cartwright  
Defendant

Elizabeth Cartwright  
Elizabeth Cartwright  
Defendant  
filed by Elizabeth Cartwright  
P.O. Box 204  
Ramey Pa 16671  
814 378 7114

**FILED**

JAN 29 2001

01/15/01 wgs

William A. Shaw  
Prothonotary

No C/C G  
wgs

Brian J. Walker, Esquire  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Attorney for Plaintiff

---

Allstate Insurance Company : In The Court of Common Pleas  
A/S/O Thomas Janowiak : Clearfield County, Pennsylvania  
**AND** : Civil Action Law  
Thomas Janowiak : No: 00-1514-CD  
**vs.**  
Donald Cartwright  
**AND**  
Elizabeth Cartwright

**CERTIFICATION OF SERVICE**

I hereby certify that I have served a true and correct copy of the Complaint filed in the  
above captioned action upon the Defendants on January 16, 2001, by First Class  
United States mail, addressed as follows:

Donald Cartwright  
PO Box 138  
Ramey, PA 16671

Elizabeth Cartwright  
PO Box 138  
Ramey, PA 16671



Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy

**FILED**

JAN 29 2001

William A. Shaw  
Prothonotary

FILED

JAN 29 2001  
114200  
William A. Shaw  
Prothonotary

Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Attorney for Plaintiffs

Allstate Insurance Company : In The Court of Common Pleas  
A/S/O Thomas Janowiak  
AND : Clearfield County, Pennsylvania  
Thomas Janowiak : Civil Action Law  
vs. : No: 00-1514-CD  
Donald Cartwright  
AND  
Elizabeth Cartwright

**PRAECIPE**

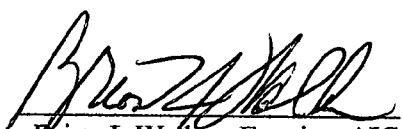
To the Prothonotary:

Please list the above case for arbitration that will take approximately 1/2 day.

Defendants are Pro Se.

**FILED**

AUG 22 2002  
m12:05/atty Walker  
William A. Shaw pd. 20.00  
Prothonotary  
kcc atty  
Copy CA EES



Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy

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

IN RE: BOARD OF ARBITRATORS : Misc. Docket 11  
November 21, 2002 : Page 576

## ORDER

NOW, this 30th day of August, 2002, it is the ORDER of the Court that the following shall serve on the Board of Arbitrators for Thursday, November 21, 2002, and any adjournments thereof:

Thomas F. Morgan, Esquire

Ronald L. Collins, Esquire

Christopher J. Shaw, Esquire

David J. Hopkins, Esquire

William A. Shaw, Jr., Esquire

BY THE COURT:

/S/ JOHN K. REILLY, JR.

President Judge

I hereby certify this to be a true  
and correct copy of the original  
stun

AUG 30 2002

卷之三

William C. Prothero

## **ARBITRATION CASES – NOVEMBER 21, 2002**

½ day ALLSTATE INSURANCE Brian J. Walker, Esquire  
COMPANY A/S/O THOMAS  
JANOWIAK and THOMAS JANOWIAK  
vs.  
DONALD CARTWRIGHT and Pro Se  
ELIZABETH CARTWRIGHT  
No. 00-1514-CD

Arbitrators: Thomas F. Morgan, Esquire  
Ronald L. Collins, Esquire  
Christopher J. Shaw, Esquire  
David J. Hopkins, Esquire  
William A. Shaw, Jr., Esquire

½ day RANDY ZARTMAN and BOBBI ZARTMAN Robert M. Hanak, Esquire  
vs. MICHAEL POWERS, an individual, trading as MICHAEL POWERS CONSTRUCTION and MICHAEL POWERS CONSTRUCTION, INC. John R. Ryan, Esquire  
No. 02-866-CD

Arbitrators: Thomas F. Morgan, Esquire  
Ronald L. Collins, Esquire  
Christopher J. Shaw, Esquire  
David J. Hopkins, Esquire  
William A. Shaw, Jr., Esquire

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

IN RE: BOARD OF ARBITRATORS : Misc. Docket 11  
November 21, 2002 : Page 576

## ORDER

NOW, this 9th day of September, 2002, it is the ORDER of the Court that Mark A. Falvo, Esquire shall replace David J. Hopkins, Esquire on the Board of Arbitrators on Thursday, November 21, 2002.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

---

**President Judge**

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

SEP 09 2002

Attest:

William L. Shaw  
Prothonotary/  
Clerk of Courts

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

IN RE: BOARD OF ARBITRATORS : Misc. Docket 11  
November 21, 2002 : Page 576

O R D E R

NOW, this 10th day of September, 2002, it is the ORDER  
of the Court that Brian K. Marshall, Esquire shall replace William A. Shaw, Jr.,  
Esquire on the Board of Arbitrators on Thursday, November 21, 2002 and any  
adjournments thereof.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

President Judge

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

SEP 10 2002

Attest.

*Will A. Shaw*  
Prothonotary/  
Clerk of Courts



O'BRIEN  
&  
HENNESSY  
GROUP

NATIONWIDE SUBROGATION

BRIAN J. WALKER†, J.D., AIC

†ADMITTED PA AND NJ

October 21, 2002

Ms. Marcy Kelly, Court Administrator  
Clearfiled County Courthouse  
230 East Market Street  
Clearfield, PA 16830

RE: Allstate Insurance/Janowiak vs. Donald Cartwright, et.al.  
Clearfield County C.C.P. No: 00-1514-CD

Dear Ms. Kelley:

I have attached our Pre-Trial Arbitration Memorandum with regard to the above case that is scheduled for a hearing November 21, 2002 at 1:00PM.

Very truly yours,

O'Brien & Hennessy

Brian J. Walker, Esquire

BJW/tbc

Enclosures

cc: (w/enclosures)

Mr. Donald and Ms. Elizabeth Cartwright  
Thomas F. Morgan, Esquire  
Ronald L. Collins, Esquire  
Christopher J. Shaw, Esquire

RECEIVED

OCT 23 2002

COURT ADMINISTRATOR'S  
OFFICE

Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Attorney for Plaintiffs

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Allstate Insurance Company : In The Court of Common Pleas  
A/S/O Thomas Janowiak  
AND : Clearfield County, Pennsylvania  
Thomas Janowiak : Civil Action Law  
vs. : No: 00-1514-CD

Donald Cartwright  
AND  
Elizabeth Cartwright

**Pre-Trial Arbitration Memorandum**

**A. STATEMENT OF CASE**

On or about September 28, 1998, Defendants Donald and Elizabeth Cartwright, while in exclusive possession and/or control of said rental property located at Market Street, Ramey, Pennsylvania, as a result of their negligent and/or careless maintenance and/or use of a clothes dryer, caused and/or allowed a fire to erupt resulting in extensive property damages to said location.

**B. CITATION TO CASE OR STATUTES**

**C. LIST OF WITNESSES**

Thomas Janowiak  
PO Box 138  
Ramey, PA 16671

**RECEIVED**

**OCT 23 2002**

**COURT ADMINISTRATOR'S  
OFFICE**

**D. STATEMENT OF DAMAGES**

\$3,064.38 (attached copies of estimates and proof of payment)



Brian J. Walker  
Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy

Drop file

11/98  
Sant

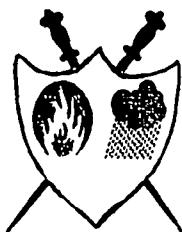
665297098

SCHAFFERS		APPLIANCE REPAIR SERVICE	
		472-9555	
Date		11-6-1978	
M 305 to 20 - Go 2 P			
No. 554-074 - 462-2475			
Reg. No.	Clark	ACCOUNT FORWARD	
1	Am		
2	665-29709M		
3	Incident Date 12/2		
4	could not find any mechanical trouble but there condition is		
5			
6			
7	No suggestions		
8	Burned in		
9			
10	Service		3705
11			
12	B/led		
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>Mr. C. E. Schafer</b>            3582 Admiral Peary Hwy.            Ebensburg, PA 15931-3907         </div>			
<small>Printed on 16 Date - If Error Is Found Return It Once</small>			

INSURED	CLAIM NUMBER	CLAIM NUMBER
Thomas J. Snowwick	0288655346652397088	0288655346652397088
CLAIMANT	SSN/TIN	DESK LOC
Subro. pick up & start up for 1000/Dec 98	23-2725492	994475
IN PAYMENT OF	INVOICE NUMBER	PROC MCO IRS PAYEE
One Hundred Eighty Dollars and 00/00		
		DATE ISSUED YEAR
		11/12/98
ALLSTATE INSURANCE COMPANY OR ONE OF ITS AFFILIATES		
COMPANY NAME		
Allstate		
TO THE ORDER OF		
F-Store Co., Inc.		
180		
Box 307		
Cherry Tree, Pa 15724		
K-10-98		
FILE COPY		
NON-NEGOTIABLE		

DETACH BEFORE DEPOSITING

**Remit To:**



# Restore Corps.

**P.O. Box 307, Cherry Tree, PA 15724**  
**800-347-8447 or 814-743-5522**

**Bill To:**

Allstate Ins. Co. c/o Bob Sherry  
301 Brush Creek Rd.  
Warrendale, PA 15086  
(800) 726-9559

## Work Order / Invoice

445

Work  
Location: Claim # 6652397058

Thomas Jendowick  
Market St.  
Ramsey, PA

(814) 378-5898

Work Date	Time	Technician	Time In	
11-2-58	Chris-K.d.			
Purchase Order	Terms	Last Service	Map Code	Time Out

Restore Corps. fully warrants workmanship and materials on all jobs. Cleaning procedures and additives will be used in regards to fiber producers recommendations.

Our warranty is limited on the following:

1. Odors and/or stains caused by animals.
2. Faulty carpet installation such as loose seams and poor tack strips.
3. All allergic conditions, please notify prior to starting the job if any conditions do exist.

**CAUTION:** Until carpets are completely dry, you must exercise extreme care when stepping onto hard surface floors so that you do not slip and fall.

**AUTHORIZATION TO PROCEED WITH PROPOSED WORK**, I, the undersigned, am owner/authorized representative/tenant of the premises at which the work mentioned above is to be done. I hereby authorize you to perform and agree to pay for said work, and to use such labor and materials you deem advisable and further authorize Restore Corps. to bill any of my credit cards for the work and materials being provided and I agree to perform the obligations set forth in the applicable card holder agreement with the credit card issuer. A monthly service charge of 1 1/2% will be added after payment is due. I agree to pay reasonable attorney's fees and court costs in the event of legal action or reasonable costs if my check fails to clear. I have read, agree to, and have received a copy of the contract.

x

**CUSTOMER SIGNATURE**



6652397098

RESTORE CORPS.  
P.O. Box 307  
Cherry Tree, PA 15724  
Phone: (814) 743-5522 or (800) 347-8447 FAX: (814) 743-6899  
FED ID# 23-2925492

STRUCTURE ESTIMATE

Name : Thomas Janowiak  
Job # : 378589A

Date Printed: 11/11/98  
Page : 1

#	Description	#/U	U/M	PPU	Cost
<hr/>					
Area Name : Basement 37'0" x 24'8" x 7'10"					
- Area Description -					
Floor 912.67 Sq'      Walls 966.11 Sq'      Ceiling 912.67 Sq' Perimeter 123.33      Volume 7149.22 Cu'					
Area still had ligering smoke odor after cleaning.					
1	Wet fog-solvent based deodorant- atmospheric-medium	7149.22	CF	0.04	285.97T
Area Total \$ 285.97					
<hr/>					

Area Name : Basement Stairway 9'3" x 3'0" x 7'3"  
Ceiling is Vaulted & slopes FROM the Short wall

- Area Description -

Floor 27.75 Sq'	Walls 89.83 Sq'	Ceiling 35.10 Sq'
Perimeter 24.50	Volume 101.75 Cu'	

Unfinished drywall.

1	Paint only walls-SEAL	89.83	SEW	0.41	36.83
2	Paint only ceiling-SEAL	35.10	SFC	0.43	15.09
3	Wet fog-solvent based deodorant- atmospheric-medium	101.75	CF	0.04	4.07T
Area Total \$ 55.99					
<hr/>					

Area Name : Kitchen 18'3" x 9'0" x 8'0"

Offset Rear entry      W 3' 4" x D 3' 0" x H 8' 0" (+)

- Area Description -

Floor 174.25 Sq'	Walls 484.00 Sq'	Ceiling 174.25 Sq'
Perimeter 60.50	Volume 1394.00 Cu'	

1	Hauling debris (minimum charge) & dump charge (2 doors)	1.00	M/C	100.00	100.00
---	--	------	-----	--------	--------

STRUCTURE ESTIMATE

Name : Thomas Janowiak  
Job # : 378589A

Date Printed: 11/11/98  
Page : 2

#	Description	#/U	U/M	PPU	Cost
	Area Total \$				100.00

RESTORE CORPS.  
 P.O. Box 307  
 Cherry Tree, PA 15724  
 Phone: (814) 743-5522 or (800) 347-8447 FAX: (814) 743-6899  
 FED ID# 23-2925492

ESTIMATE SUMMARY

Job # 378589A Estimator : Tim

Date Printed: 11/11/98

CUSTOMER	JOB LOCATION
Thomas Janowiak Market St. Ramey, PA H/PH : (814) 378-5898 Fax - B/PH : (814) 857-4494 Mr. Janowiak	Market St. Ramey, PA (814) 378-7114 Fax Don Cartwright

INSURANCE COMPANY

ALLSTATE INSURANCE CO. 301 Brush Creek Rd. Warrendale, PA 15086 (724) 726-9559 Fax (724) 772-3065 A : Bob Sherry	POLICY # : CLAIM # : 6652397098 DATE OF LOSS : 10/28/98 DEDUCTIBLE : TYPE OF LOSS : FIRE
--	--

STRUCTURE MEASUREMENTS

Total Floor Area . . . . .	1114.67 Square Feet
Total Wall Area . . . . .	1539.94 Square Feet
Ceiling Area . . . . .	1122.02 Square Feet
Total Volume . . . . .	8644.97 Cubic Feet
Perimeters Total . . . . .	208.33 Lineal Feet

\* \* STRUCTURE TOTALS \* \*

Structure . . . . .	\$ 441.96
Tax ( 6.00% ) . . . . .	\$ 17.40
Overhead (10.00% ) . . . . .	\$ 15.19
Profit (10.00% ) . . . . .	\$ 16.71
Structure Sub-Total . . . . .	\$ 491.26

Structure Sub-Total . . . . .	\$ 491.26
Total . . . . .	\$ 491.26

Grand Total . . . . .	\$ 491.26
-----------------------	-----------



INSURED	CLAIMANT	POLICY NUMBER	CLAIM NUMBER
Thomas Janowick	Thomas Janowick	038853524	0652397078
IN PAYMENT OF	IN PAYMENT OF	SSN/TIN	DESK LOC. EMPLOYEE ID
Two Thousand Four Hundred Eighty Dollars and 57/100	Two Thousand Four Hundred Eighty Dollars and 57/100	23-0925497	6421ART5
INVOICE NUMBER		PROC MCCO IRS PAYEE	DATE ISSUED
			1/02/98
<b>Allstate</b> Thomas Janowick and Foster Coops Box 138 Hanley, PA 16671 0386-698 11-8-98 FILE COPY NO X-RAY STABILE			

11/2/98

THOMAS JANOWIAK  
BOX 138  
RAMEY PA 16671

RE: Policy No: 028885526  
Claim No: 6652397098-01-AA  
Date of Loss: 10/28/98

Dear THOMAS JANOWIAK

Thank you for allowing us to spend time with you regarding your recent claim. As we discussed, your policy allows for replacement cost coverage.

The following summarizes calculations we talked through:

1. The full cost of repair or replacement is .....	\$ 2,573.12
2. The applicable depreciation is .....	\$ 54.58
3. The actual cash value of the loss is .....	\$ 2,518.54
( line 1 minus line 2 )	
4. Less deductible .....	\$ 100.00
5. Actual cash value claim is .....	\$ 2,418.54
( line 3 minus line 4 )	

To recover an amount in excess of actual cash value, you must repair, rebuild or replace the damaged property within 180 days of the date of the loss. Please send receipts indicating that the repair or replacement have been completed within that 180 day period to me.

Contact me at your earliest convenience if you have any questions regarding this. Thank you for your time.

Sincerely,

ROBERT SHERRY  
EXT. 6037

**ALLSTATE INSURANCE COMPANY**

**NORTH HILLS**

**301 BRUSH CREEK RD**

**WARRENDALE, PA 15086**

**Phone: 800-473-8266 Fax: 814-743-5187**

**Claim Number: 6652397098-01-AA**

**Policy Number: 028885526**

**Insured: THOMAS JANOWIAK**

**Address: BOX 138**

**RAMEY, PA 16671**

**Phone Number: 8143785898**

**Peril: 05-Fire (hostile)**

**Loss Date: 10/28/98**

**Inspect Date: 10/29/98**

**Adjuster: ROBERT A SHERRY**

**Phone Number: EXT. 6037**

**Price Area / Database: 16671 / Marshall & Swift**

**Building Repair Estimate**

**\* = Min. Charge**

**^ = Exempt from Overhead, Profit, or Taxes**

**# = Overrides**

**Claim Number:**

**6652397098-01-AA**

**Insured:**

**THOMAS JANOWIAK**

**Page**

**1**

Operation	Description	Quantity/ Unit	Unit/Cost	Repl/Cost	Depr	ACV/Loss
<b>Interior</b>						
K	YEN	18.25 X 9.00 X 8.00 + offset 3.33 X 3.00	SFC = 174.24	SFW = 484.00	SFLW = 146.00	
		SFSW = 72.00 SFR = 658.24 Perimeter = 60.50				
Remove	DOOR ONLY, INT, BIRCH, HC, FLH	2.00EA	2.68	5.36	0.00	5.36
Replace	DOOR ONLY, INT, BIRCH, HC, FLH	2.00EA	42.18	84.36	16.87	67.49
Special	STAIN & VARNISH DOOR	2.00EA	15.57	31.14	6.23	24.91
Special	CARPENTER'S WORK	2.00HR	19.49	38.98	0.00	38.98
TO REMOVE AND RESET HARD WARE ON DOORS						
#	Special	REPAIR DRYWALL WALL(S)	1.00LS	75.00	75.00	0.00
	Special	SPOT PRIM REPAIR	1.00LS	19.09	19.09	0.00
	Paint	WALLS, 2 COATS	390.00SFW	0.27	105.30	21.06
	Special	MASK AND COVER	2.00HR	19.09	38.18	0.00
<b>Interior</b>						
CLEANING EST						
		0.00 X 0.00 X 0.00	SFC = 0.00	SFW = 0.00	SFLW = 0.00	SFSW = 0.00
		Perimeter = 0.00				
#	^	Special	SUBCONTRACT CLEANING BID	1.00LS	2,086.80	2,086.80
					0.00	2,086.80

Building Repair Estimate

= Min. Charge

= Exempt from Overhead, Profit, or Taxes

= Overrides

Claim Number:

Insured:

6652397098-01-AA

THOMAS JANOWIAK

Page

2

Operation	Description	Quantity/ Unit	Unit/Cost	Repl/Cost	Depr	ACV/Loss
				\$2,484.21	\$44.16	\$2,440.05
Calculation Method: Overhead & Profit						
Overhead	@	10.00%		\$39.74	\$4.42	\$35.32
Profit	@	10.00%		\$2,523.95	\$48.58	\$2,475.37
Taxes				\$39.74	\$4.42	\$35.32
Material	@	6.00%				
Labor	@	0.00%		\$2,563.69	\$53.00	\$2,510.69
Equipment	@	6.00%				
				\$9.43	\$1.58	\$7.85
				\$2,573.12	\$54.58	\$2,518.54
Less Deductible						\$100.00
<hr/>						<hr/>
TOTAL						\$2,418.54
<i>Kyla C-315 11/6/98</i>						

RESTORE CORPS.  
 P.O. Box 307  
 Cherry Tree, PA 15724  
 Phone: (814) 743-5522 or (800) 347-8447 FAX: (814) 743-6899  
 FED ID# 23-2925492

ESTIMATE SUMMARY

Job # 378589      Estimator : Tim

Date Printed: 10/31/98

CUSTOMER	JOB LOCATION
Thomas Janowiak	Market St.
Market St.	Ramey, PA
Ramey, PA	(814) 378-7114 Fax
H/PH : (814) 378-5898 Fax	-
B/PH : (814) 857-4494	Don Cartwright
Mr. Janowiak	

INSURANCE COMPANY	
ALLSTATE INSURANCE CO.	POLICY # :
301 Brush Creek Rd.	CLAIM # : 6652397098
Warrendale, PA 15086	DATE OF LOSS : 10/28/98
'900) 726-9559 Fax (724) 772-3065	DEDUCTIBLE :
( J: Bob Sherry	TYPE OF LOSS : FIRE

STRUCTURE MEASUREMENTS

Total Floor Area . . . . .	1796.77	Square Feet
Total Wall Area . . . . .	3715.44	Square Feet
Ceiling Area . . . . .	1796.77	Square Feet
Total Volume . . . . .	14222.06	Cubic Feet
Perimeters Total . . . . .	467.00	Lineal Feet

\* \* STRUCTURE TOTALS \* \*

Structure. . . . .	\$	1937.68
Tax ( 6.00%) . . . . .	\$	116.26
Structure Sub-Total		\$ 2053.94

\* \* CONTENTS TOTALS \* \*

Contents . . . . .	\$	31.00
Tax ( 6.00%) . . . . .	\$	1.86
Contents Sub-Total		\$ 32.86

Structure Sub-Total. . . . .	\$	2053.94
Contents Sub-Total . . . . .	\$	32.86
Total		\$ 2086.80

CONTENTS ESTIMATE

Name : Thomas Janowiak  
Job # : 378589

Date Printed: 10/31/98  
Page : 6

#	Description	#/U	U/M	PPU	Cost
<hr/>					
Area Name : Basement 37'0" x 24'8" x 7'10"					
- Area Description -					
Floor 912.67 Sq'	Walls 966.11 Sq'		Ceiling 912.67 Sq'		
Perimeter 123.33 '		Volume 7149.22 Cu'			
Area where fire occurred. clothes dryer.					
1 Clean freezer (med) ext.-light compressor. etc.		1.00	EA	22.00	22.00T
Area Total \$ 22.00					
<hr/>					
Area Name : Kitchen 18'3" x 9'0" x 8'0"					
Offset Rear entry		W 3' 4" x D 3' 0" x H 8' 0" (+)			
- Area Description -					
Floor 174.25 Sq'	Walls 484.00 Sq'		Ceiling 174.25 Sq'		
Perimeter 60.50 '		Volume 1394.00 Cu'			
Holes in drywall. 2 doors broken. light smoke.					
1 Clean stove-medium-ext-light		1.00	EA	9.00	9.00T
Area Total \$ 9.00					
<hr/>					

## STRUCTURE ESTIMATE

Name : Thomas Janowiak  
Job # : 378589

Date Printed: 10/31/98  
Page : 5

#	Description	#/U	U/M	PPU	Cost
	Area Total \$				234.39

## STRUCTURE ESTIMATE

Name : Thomas Janowiak  
 Job # : 378589

Date Printed: 10/31/98  
 Page : 4

#	Description	#/U	U/M	PPU	Cost
4+	Wash ceiling-finish-no paint-light	136.67	SFC	0.21	28.70T
5+	Clean carpet with detergent-light Truck-mounted steam	136.67	SFF	0.25	34.17T
6	Clean electric baseboard heater- light--up to 6'	1.00	EA	6.00	6.00T
7	R & R furniture-unskilled labor	2.00	HRS	16.00	32.00T
Area Total \$				181.98	

Area Name : Bedroom 3 12'6" x 9'9" x 8'0"

- Area Description -  
 Floor 121.88 Sq'      Walls 356.00 Sq'  
 Perimeter 44.50      Volume 975.00 Cu'

1	Wash walls-finish-no paint light	302.00	SEW	0.19	57.38T
2	Wash door and Jamb 1 side-light	2.00	EA	4.25	8.50T
3	Wash window frame-trim-sill light	1.00	EA	4.95	4.95T
4	Wash ceiling-finish-no paint-light	121.88	SFC	0.21	25.59T
5	R & R. clean. small light fxture Lt	1.00	EA	9.00	9.00T
6	Clean carpet with detergent-light Truck-mounted steam	121.88	SFF	0.25	30.47T
7	R & R furniture-unskilled labor	2.00	HRS	16.00	32.00T
8	Clean electric baseboard heater- light--up to 6'	1.00	EA	6.00	6.00T
Area Total \$				173.89	

Area Name : Living Room 16'9" x 12'5" x 8'0"

- Area Description -  
 Floor 207.98 Sq'      Walls 466.67 Sq'  
 Perimeter 58.33      Volume 1663.83 Cu'

1	Wash walls-finish-no paint light	402.67	SEW	0.19	76.51T
2	Wash door and Jamb 1 side-light	1.00	EA	4.25	4.25T
3	Wash window frame-trim-sill light lrg.	1.00	EA	5.95	5.95T
4	Wash ceiling-finish-no paint-light	207.98	SFC	0.21	43.68T
5	Clean ceiling fan w/1-3 lights-lt	1.00	EA	8.00	8.00T
6	Clean carpet with detergent-light Truck-mounted steam	207.98	SFF	0.25	52.00T
7	R & R furniture-unskilled labor	2.00	HRS	16.00	32.00T
8	Clean electric baseboard heater- light--up to 12'	1.00	EA	12.00	12.00T

## STRUCTURE ESTIMATE

Name : Thomas Janowiak  
 Job # : 378589

Date Printed: 10/31/98  
 Page : 3

#	Description	#/U	U/M	PPU	Cost
5+	Clean ceramic tile walls-light	42.67	SFW	0.17	7.25T
6	R & R, clean, small light fixture Lt	1.00	EA	9.00	9.00T
7	Clean lrg light-multi globe-light	1.00	EA	9.00	9.00T
8	Clean electric wall heater-light	1.00	EA	6.00	6.00T
9	Clean bathroom pullman ext-light	16.50	SF	0.90	14.85T
10	Clean porcelain bathtub-light	1.00	EA	8.00	8.00T
11	Clean commode ext-light	1.00	EA	6.00	6.00T
12	Clean lavatory-light	1.00	EA	5.50	5.50T
13	Clean counter top w/built-in single sink-light	1.00	EA	6.50	6.50T
14	Clean towel bar/T-P holder-light	2.00	EA	2.80	5.60T
15	Clean medicine cabinet-ext light	1.00	EA	4.25	4.25T
16	Wash tile/lino	40.50	SFF	0.18	7.29T

Area Total \$ 134.44

Area Name : Bedroom 1 11'6" x 10'0" x 8'0"

- Area Description -  
 Floor 115.00 Sq'      Walls 344.00 Sq'      Ceiling 115.00 Sq'  
 Perimeter 43.00      Volume 920.00 Cu'

1	Wash walls-finish-no paint light	278.00	SFW	0.19	52.82T
2	Wash door and Jamb 1 side-light	2.00	EA	4.25	8.50T
3	Wash window frame-trim-sill light	2.00	EA	4.95	9.90T
4	Wash ceiling-finish-no paint-light	115.00	SFC	0.21	24.15T
5	Clean electric baseboard heater-light--up to 6'	1.00	EA	6.00	6.00T
6	Clean carpet with detergent-light Truck-mounted steam	115.00	SFF	0.25	28.75T
7	R & R furniture-unskilled labor	2.00	HRS	16.00	32.00T

Area Total \$ 162.12

Area Name : Bedroom 2 12'8" x 10'0" x 8'0"

Offset Closet      W 5' 0" x D 2' 0" x H 8' 0" (+)

- Area Description -  
 Floor 136.67 Sq'      Walls 394.67 Sq'      Ceiling 136.67 Sq'  
 Perimeter 49.33      Volume 1093.33 Cu'

1+	Wash walls-finish-no paint light	307.67	SFW	0.19	58.46T
2	Wash door and Jamb 1 side-light	3.00	EA	4.25	12.75T
3	Wash window frame-trim-sill light	2.00	SF	4.95	9.90T

## STRUCTURE ESTIMATE

Name : Thomas Janowiak  
 Job # : 378589

Date Printed: 10/31/98  
 Page : 2

#	Description	#/U	U/M	PPU	Cost
8	Clean upper cabinets ext-light	40.00	SF	0.90	36.00T
9	Clean lower cabinets ext-light	42.00	SF	0.90	37.80T
10	Clean corner cabinet-light	15.00	SF	0.90	13.50T
11	R&R refrigerator-medium	1.00	EA	22.00	22.00T
12	R&R stove w/single oven medium	1.00	EA	20.00	20.00T
13	R & R furniture-unskilled labor	1.00	HRS	16.00	16.00T
14	Clean laminated counter top-light	42.00	SF	0.22	9.24T
Area Total \$				303.74	

Area Name : Hall 17'0" x 3'0" x 8'0"

Offset Closet 1	W 3' 0" x D 6' 4" x H 8' 0" (+)
Offset Closet 2	W 3' 0" x D 1' 6" x H 8' 0" (+)

Floor 74.50 Sq'	- Area Description -	Ceiling 74.50 Sq'
Perimeter 55.67	Walls 445.33 Sq'	Volume 596.00 Cu'

1+	Wash walls-finish-no paint light	243.53	SFW	0.19	46.27T
2	Wash door and Jamb 1 side-light	8.00	EA	4.25	34.00T
	Closet doors (2-sides)				
3+	Wash ceiling-finish-no paint-light	74.50	SFC	0.21	15.65T
4	R & R, clean, small light fixture Lt	1.00	EA	9.00	9.00T
5	Clean small smoke detector-light	1.00	EA	4.00	4.00T
6	Wash shelves-light	6.00	LF	0.25	1.50T
7+	Clean carpet with detergent-light	74.50	SFF	0.25	18.63T
	Truck-mounted steam				
8	R & R furniture-unskilled labor	1.00	HRS	16.00	16.00T
	closet contents				
Area Total \$				145.05	

Area Name : Bathroom 9'0" x 4'6" x 8'0"

Offset Tub	W 5' 0" x D 2' 8" x H 8' 0" (+)
------------	---------------------------------

Floor 53.83 Sq'	- Area Description -	Ceiling 53.83 Sq'
Perimeter 32.33	Walls 258.67 Sq'	Volume 430.67 Cu'

1	Wash walls-finish-no paint light	130.00	SFW	0.19	24.70T
2	Wash door and Jamb 1 side-light	1.00	EA	4.25	4.25T
3	Wash window frame-trim-sill light	1.00	4.95	4.95	4.95T
4+	Wash ceiling-finish-no paint-light	53.83	SFC	0.21	11.30T

RESTORE CORPS.  
 P.O. Box 307  
 Cherry Tree, PA 15724  
 Phone: (814) 743-5522 or (800) 347-8447 FAX: (814) 743-6899  
 FED ID# 23-2925492

STRUCTURE ESTIMATE

Name : Thomas Janowiak  
 Job # : 378589

Date Printed: 10/31/98  
 Page : 1

#	Description	#/U	U/M	PPU	Cost
---	-------------	-----	-----	-----	------

Area Name : Basement 37'0" x 24'8" x 7'10"

- Area Description -  
 Floor 912.67 Sq' Walls 966.11 Sq' Ceiling 912.67 Sq'  
 Perimeter 123.33 ' Volume 7149.22 Cu'

Area where fire occurred, clothes dryer.

1	Wash blocks/bricks-light	908.11	SFW	0.18	163.46T
2	Clean concrete w/soap or bleach-Lt Floor	912.67	SF	0.14	127.77T
3	Wash ceiling-finish-no paint-light Double SF floor joists	1825.34	SFC	0.11	200.79T
4	Clean small light fixture-light	4.00	EA	4.00	16.00T
5	Wash window frame-trim-sill light	4.00	EA	4.95	19.80T
6	Wash door and Jamb 1 side-light	1.00	EA	4.25	4.25T
7	Wash shelves-light	80.00	LF	0.25	20.00T
8	R & R furniture-unskilled labor	2.00	HRS	16.00	32.00T
9	Clean stairs-flat 3'W light	12.00	EA	1.50	18.00T

Area Total \$ 602.07

Area Name : Kitchen 18'3" x 9'0" x 8'0"

Offset Rear entry W 3' 4" x D 3' 0" x H 8' 0" (+)

- Area Description -  
 Floor 174.25 Sq' Walls 484.00 Sq' Ceiling 174.25 Sq'  
 Perimeter 60.50 ' Volume 1394.00 Cu'

Holes in drywall, 2 doors broken, light smoke.

1+	Wash walls-prepaint-light	331.00	SFW	0.14	46.34T
2	Wash window frame-trim-sill light	2.00	EA	4.95	9.90T
3+	Wash ceiling-finish-no paint-light R & R, clean, med light fixture Lt	174.25	SFC	0.21	36.59T
5	Clean ceiling fan w/1-3 lights-lt	1.00	EA	11.00	11.00T
6	Clean electric baseboard heater up to 6'-light	1.00	EA	8.00	8.00T
7+	Wash tile/lino	174.25	SFF	0.18	31.37T

Insured: THOMAS JANOWIAK  
Address: BOX 138  
RAMEY, PA 16671  
Reporting Office: ALLSTATE INSURANCE COMPANY

Date of Report: 11/02/98  
Date of Loss: 10/28/98  
Policy Number: 028885526  
File Number:  
Adjuster: ROBERT A SHERRY  
Claim Number: 6652397098-01-AA

### Photo Sheet



Photo #: Dryer

Date: \_\_\_\_\_

Comment: front

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Photo #: Back

Date: \_\_\_\_\_

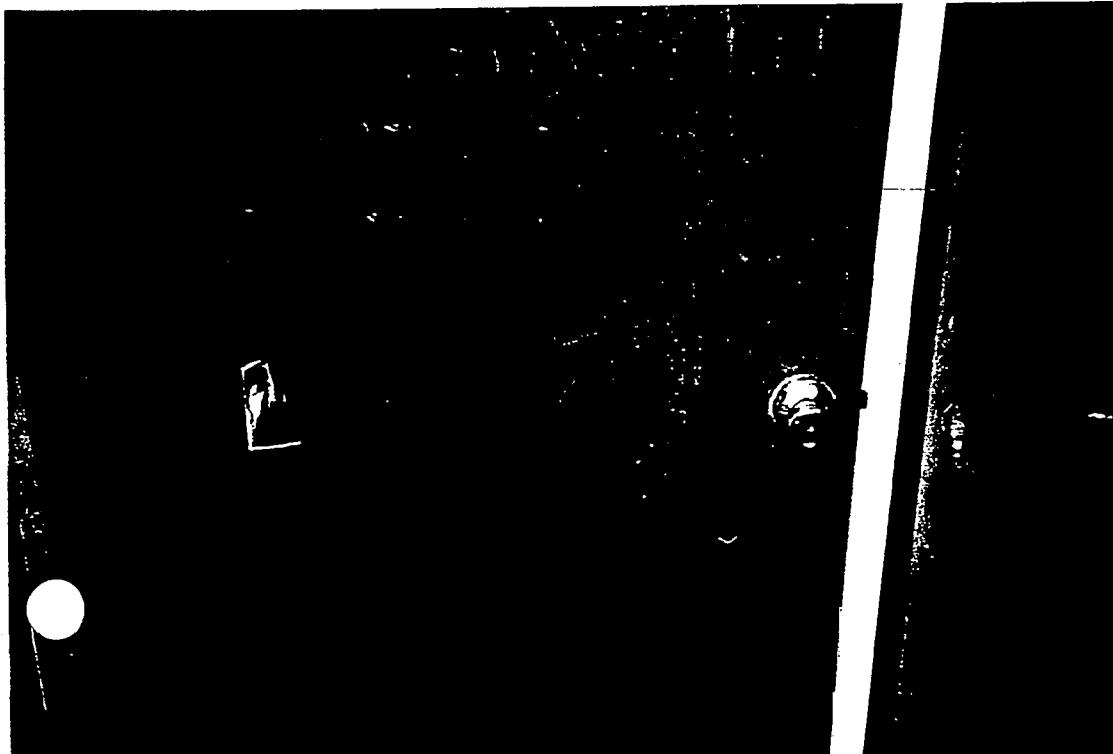
Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
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Insured: THOMAS JANOWIAK  
Address: BOX 138  
RAMEY, PA 16671  
Eating Office: ALLSTATE INSURANCE COMPANY

Date of Report: 11/02/98  
Date of Loss: 10/28/98  
Policy Number: 028885526  
File Number:  
Adjuster: ROBERT A SHERRY  
Claim Number: 6652397098-01-AA

### Photo Sheet



to #:

re:

ment:

Door To Garage  
+ Basement

to #:

re:

ment:

Kitchen wall  
Basement Door



Insured: THOMAS JANOWIAK  
Address: BOX 138  
RAMEY, PA 16671  
Est. Office: ALLSTATE INSURANCE COMPANY

Date of Report: 11/02/98  
Date of Loss: 10/28/98  
Policy Number: 028885526  
File Number:  
Adjuster: ROBERT A SHERRY  
Claim Number: 6652397098-01-AA

### Photo Sheet

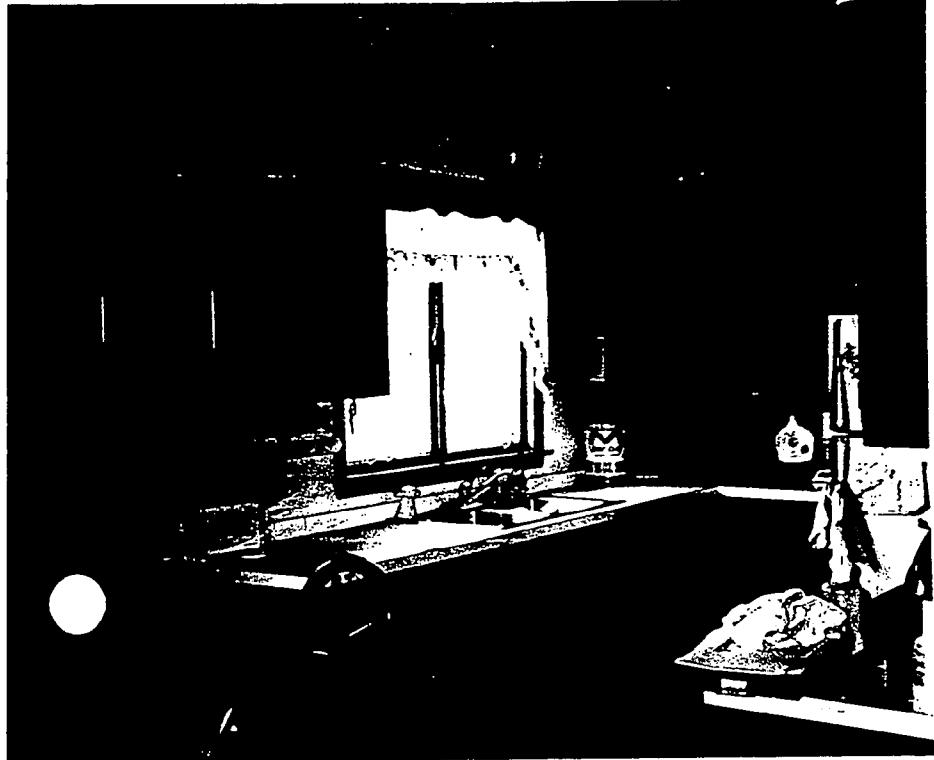


Photo #: Kitchen

Date: \_\_\_\_\_

Comment: \_\_\_\_\_



Photo #: Soot on Refrigerator

Date: \_\_\_\_\_

Comment: \_\_\_\_\_



Insured: THOMAS JANOWIAK  
Address: BOX 138  
RAMEY, PA 16671  
Estimating Office: ALLSTATE INSURANCE COMPANY

Date of Report: 11/02/98  
Date of Loss: 10/28/98  
Policy Number: 028885526  
File Number:  
Adjuster: ROBERT A SHERRY  
Claim Number: 6652397098-01-AA

### Photo Sheet



Photo #: Basement  
Date: \_\_\_\_\_  
Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

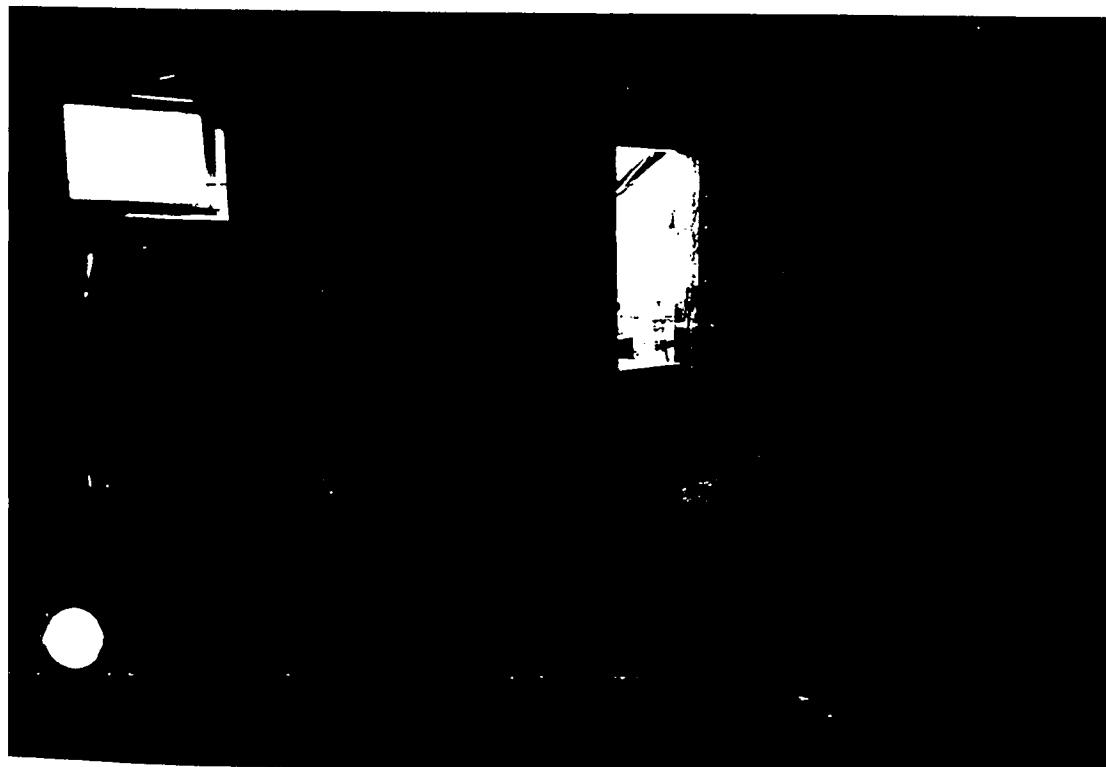


Photo #: Same  
Date: \_\_\_\_\_  
Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Insured: THOMAS JANOWIAK  
Address: BOX 138  
Estimating Office: RAMEY, PA 16671  
ALLSTATE INSURANCE COMPANY

Date of Report: 11/02/98  
Date of Loss: 10/28/98  
Policy Number: 028885526  
File Number:  
Adjuster: ROBERT A SHERRY  
Claim Number: 6652397098-01-AA

### Photo Sheet



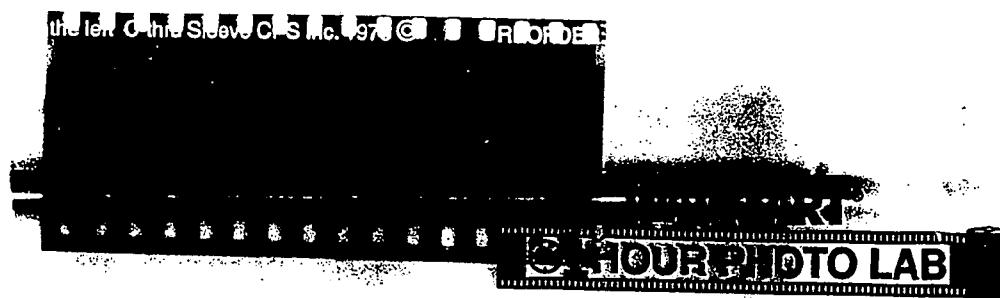
Photo #:

Tag on Dryer  
Lower front

Comment:

Photo #:

Comment:





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-~~4650~~ 7449

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

October 16, 2002

Brian J. Walker, Esquire  
O'Brien & Hennessy  
142 West Market Street  
West Chester, PA 19382

Donald Cartwright  
Elizabeth Cartwright  
Post Office Box 138  
Ramey, PA 16671

RE: ALLSTATE INSRUANCE COMPANY, al  
vs.  
DONALD CARTWRIGHT, al  
No. 00-1514-CD

Dear Attorney Walker and Mr. and Mrs. Cartwright:

The above case is scheduled for Arbitration Hearing to be held Thursday, November 21, 2002. The following have been appointed to the Board of Arbitrators:

Thomas F. Morgan, Esquire  
Ronald L. Collins, Esquire  
Christopher J. Shaw, Esquire  
Mark A. Falvo, Esquire  
Brian K. Marshall, Esquire

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

You will be notified at a later date the exact time of the Arbitration Hearing.

Very truly yours,  
*Marcy Kelley*  
Marcy Kelley  
Deputy Court Administrator



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-~~3600~~ 7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

September 25, 2002

Brian J. Walker, Esquire  
O'Brien & Hennessy  
142 West Market Street  
West Chester, PA 19382

Donald Cartwright  
Elizabeth Cartwright  
Post Office Box 138  
Ramey, PA 16671

RE: ALLSTATE INSURANCE COMPANY, al  
vs.  
DONALD CARTWRIGHT, al  
No. 00-1514-CD

Dear Attorney Walker and Mr. and Mrs. Cartwright:

The above case is scheduled for Arbitration Hearing to be held Thursday, November 21, 2002 at 1:00 P.M. The following have been appointed to the Board of Arbitrators:

Thomas F. Morgan, Esquire, Chairman  
Ronald L. Collins, Esquire  
Christopher J. Shaw, Esquire

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

Very truly yours,

*Marcy Kelley*  
Marcy Kelley

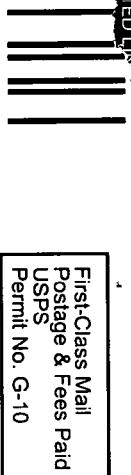
Deputy Court Administrator

cc: Thomas F. Morgan, Esquire  
Ronald L. Collins, Esquire  
Christopher J. Shaw, Esquire

TO PLACE STICKER AT TOP OF ENVELOPE		DELIVERY	
SENDER: COMPLETE		A. Received by (Please Print Clearly) <b>Elizabeth Cartwright</b> B. Date of Delivery <b>12/12/99</b> C. Signature <b>X Elizabeth Cartwright</b> D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No  <b>Bobp 200</b>	
■ 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:  Donald Cartwright Elizabeth Cartwright Post Office Box 138 Ramey, PA 16671	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label) <b>7000 0600 0023 6399 3497</b>		PS Form 3811, July 1999 Domestic Return Receipt <b>102595-00-M-0952</b>	

UNITED STATES POSTAL SERVICE

[REDACTED]



- Sender: Please print your name, address, and ZIP+4 in this box •

Office of Court Administrator  
Clearfield County Courthouse  
Ste. 228, 230 E. Market Street  
Clearfield, PA 16830

*W.W. Ahd*

U.S. POSTAL SERVICE	
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(Domestic Mail Only; No Insurance Coverage Provided)	
Article Sent To:	
Postage	\$
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Postmark Here	
Domestic Certified Mail	
Total Postage & Fees \$	
Street, Box or Route No. 138	
Name of Recipient (Please Print Clearly)	
Ramey, PA 16671	
City, State, Zip + 4	

**IMPORTANT: Save this receipt and present it when making an inquiry.**

- If a postmark on the Certified Mail receipt is desired, please present the article to the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.
- If a postmark on the Certified Mail receipt is desired, advise the clerk or mark the multipiece with the addressee's authorized agent. Advise the clerk or mark the multipiece with the endorsee's "Restricted Delivery".
- For an additional fee, delivery may be restricted to the addressee, or for an additional fee, delivery may be restricted to the addressee, or for an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 381) to the article and add applicable postage to cover the fee. Endorse multipiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 381) to the article and add applicable postage to cover the fee. Endorse multipiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- NO INSURANCE COVERAGE IS PROVIDED WITH CERTIFIED MAIL. FOR VALUABLES, PLEASE CONSIDER INSURANCE OR REGISTERED MAIL.
- CERTIFIED MAIL IS NOT AVAILABLE FOR ANY CLASS OF INTERNATIONAL MAIL.
- CERTIFIED MAIL MAY ONLY BE COMBINED WITH FIRST-CLASS MAIL OR PRIORITY MAIL.
- **Important Reminders:**
  - A record of delivery kept by the Postal Service for two years.
  - A signature upon delivery.
  - A unique identifier for your mailpiece.
  - A mailing receipt.

## Pre-Trial Memorandum

TO: Court Administrator's Office  
FROM: Donald and Elizabeth Cartwright  
RE: Pre-Trial Statement  
DATE: November 12, 2002  
CC: Opposing Counsel, Arbitration Board

RECEIVED

NOV 14 2002

COURT ADMINISTRATOR'S  
OFFICE

In reference to the Arbitration Case scheduled for November 21, 2002 at 1:00 pm, please note the following defense information.

### A. Brief Statement of the defense

In October 1998, Elizabeth Cartwright was drying a towel in her present residence which she rents when the dryer caught on fire. Immediately, upon seeing smoke, she called 911 to report the fire. The Houtzdale Fire Company responded to the call. The members of the fire company knocked down the door in order to get to the basement. The firemen found that the fire was mostly contained in the dryer. Donald Cartwright called the landlord, Kathy Janowiak to inform her of the fire. After discussing the information with her husband, Tom Janowiak, she call their insurance company Allstate to inquire as to whether it would pay for clean up costs due to smoke damage. Allstate insurance company sent an agent to inspect the damage and ask questions pertaining to the fire. After gathering information, Allstate's finding was that it could have been a malfunction and they would authorize the cost of painting and cleaning the damaged area(s) in the kitchen. They also authorized the cost of replacing the doors that needed to be knocked down in order for the firemen to get to the area of concern. The Allstate Insurance company took the dryer to examine and found nothing wrong with the dryer, however, they never sent a finding to us. We would have chosen to do the painting and clean up ourselves, if Allstate would have found neglect on our part before completing the work.

### B. Citation to Applicable Case or Statute

We do not have an applicable case or statute to cite, however, we would like to state three things:

1. Allstate had a hearing set up in the District Magistrate court and did not show up for it. This has caused us to believe that they are just going through the motions and wasting your time and also ours.
2. It has been four years since this case has been filed. We feel that is has been dragged out, unnecessarily, for the amount of money Allstate is asking for.
3. We feel that we have taken every precaution when it came to providing a safe environment in our home. The lint holder was cleaned out constantly and we do not feel that we have been negligent in anyway.

### C. List of Witnesses

Since Elizabeth Cartwright was home at the time of the fire, there are not any witnesses to the beginning of the fire. Kathy Janowiak was the person that talked with the insurance company and feel that she could give more detailed information regarding the insurance company's authorization of cleanup and painting.

### D. Statement of Damages and copies of those bills which the party intends to offer.

Damages were as follows:

1. Two doors were damaged from the fire company in order to get to the fire in the basement.
2. Smoke from the fire damaged the kitchen walls, which were painted.
3. Smoke from the fire was the for the kitchen area needing to be cleaned.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Allstate Insurance A/S/Thomas Janowiak

vs.

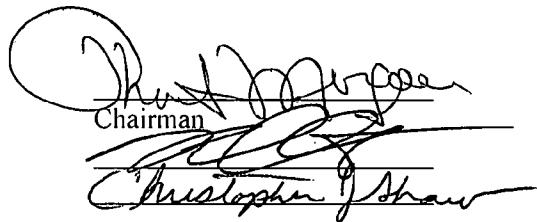
Donald Cartwright and Elizabeth Cartwright

No. 2000-01514-CD

**OATH OR AFFIRMATION OF ARBITRATORS**

Now, this 21st day of November, 2002, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Thomas F. Morgan, Esquire



Thomas F. Morgan  
Chairman

Ronald L. Collins, Esquire

Christopher J. Shaw, Esquire

Sworn to and subscribed before me this  
November 21, 2002

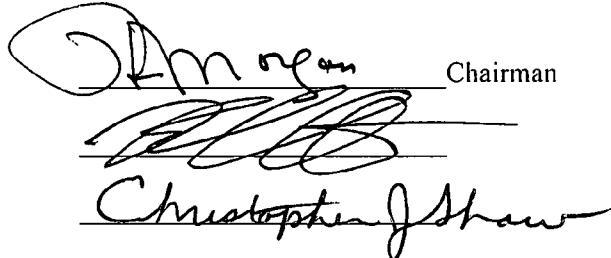


Prothonotary

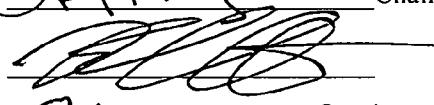
**AWARD OF ARBITRATORS**

Now, this 21 day of November, 2002, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows: Judgment in FAVOR of the

Defendant.



Thomas F. Morgan  
Chairman



Christopher J. Shaw

(Continue if needed on reverse.)

**ENTRY OF AWARD**

Now, this 21st day of November, 2002, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

**WITNESS MY HAND AND THE SEAL OF THE COURT**



Prothonotary  
By \_\_\_\_\_

Allstate Insurance  
Thomas Janowiak

IN THE COURT OF  
PLEAS OF CLEARF

Vs.

No. 2000-01514-CD

Donald Cartwright and Elizabeth Cartwright

NOTICE OF AWARD

TO: Copies to: Donald Cartwright (Defendant), PO Box 138, , Ramey, PA, 16671,Elizabeth Cartwright (Defendant), P. O. Box 138, , Ramey, PA, 16671,Allstate Insurance (Plaintiff), 142 W. Market St., , West Chester, PA, 19382,Thomas Janowiak (Plaintiff) Box 138 Ramey,PA 16671, ,Brian J. Walker Esq (Plaintiff Attorney),Brian J. Walker Esq (Plaintiff Attorney)

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on November 21, 2002 and have awarded:

Judgment in favor of the Defendant.

William A. Shaw

Prothonotary

By \_\_\_\_\_

21st day of November, 2002

Date

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

## **Pre-Trial Memorandum**

**TO:** Court Administrator's Office  
**FROM:** Donald and Elizabeth Cartwright  
**RE:** Pre-Trial Statement  
**DATE:** November 12, 2002  
**CC:** Opposing Counsel, Arbitration Board

---

In reference to the Arbitration Case scheduled for November 21, 2002 at 1:00 pm, please note the following defense information.

### **A. Brief Statement of the defense**

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1. Allstate had a hearing set up in the District Magistrate court and did not show up for it. This has caused us to believe that they are just going through the motions and wasting your time and also ours.
2. It has been four years since this case has been filed. We feel that is has been dragged out, unnecessarily, for the amount of money Allstate is asking for.
3. We feel that we have taken every precaution when it came to providing a safe environment in our home. The lint holder was cleaned out constantly and we do not feel that we have been negligent in anyway.

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Damages were as follows:

1. Two doors were damaged from the fire company in order to get to the fire in the basement.
2. Smoke from the fire damaged the kitchen walls, which were painted.
3. Smoke from the fire was the for the kitchen area needing to be cleaned.

**ALLSTATE INSURANCE COMPANY**

**NORTH HILLS**

**301 BRUSH CREEK RD**

**WARRENDALE, PA 15086**

**Phone: 800-473-8266 Fax: 814-743-5187**

**Claim Number: 6652397098-01-AA**

**Policy Number: 028885526**

**Insured: THOMAS JANOWIAK**

**Address: BOX 138**

**RAMEY, PA 16671**

**Phone Number: 8143785898**

**Peril: 05-Fire (hostile)**

**Loss Date: 10/28/98**

**Inspect Date: 10/29/98**

**Adjuster: ROBERT A SHERRY**

**Phone Number: EXT. 6037**

**Price Area / Database: 16671 / Marshall & Swift**

**Building Repair Estimate**

**\* = Min. Charge**

**^ = Exempt from Overhead, Profit, or Taxes**

**# = Overrides**

**Claim Number:**

**6652397098-01-AA**

**Insured:**

**THOMAS JANOWIAK**

**Page 1**

Operation	Description	Quantity/ Unit	Unit/Cost	Repl/Cost	Depr	ACV/Loss
<b>Interior</b>						
K	YEN	18.25 X 9.00 X 8.00 + offset 3.33 X 3.00	SFC = 174.24	SFW = 484.00	SFLW = 146.00	
		SFSW = 72.00 SFR = 658.24 Perimeter = 60.50				
Remove	DOOR ONLY, INT, BIRCH, HC, FLH	2.00EA	2.68	5.36	0.00	5.36
Replace	DOOR ONLY, INT, BIRCH, HC, FLH	2.00EA	42.18	84.36	16.87	67.49
Special	STAIN & VARNISH DOOR	2.00EA	15.57	31.14	6.23	24.91
Special	CARPENTER'S WORK	2.00HR	19.49	38.98	0.00	38.98
<b>TO REMOVE AND RESET HARD WARE ON DOORS</b>						
Special	REPAIR DRYWALL WALL(S)	1.00LS	75.00	75.00	0.00	75.00
Special	SPOT PRIM REPAIR	1.00LS	19.09	19.09	0.00	19.09
Paint	WALLS, 2 COATS	390.00SFW	0.27	105.30	21.06	84.24
Special	MASK AND COVER	2.00HR	19.09	38.18	0.00	38.18
<b>Interior</b>						
<b>CLEANING EST</b>						
		0.00 X 0.00 X 0.00	SFC = 0.00	SFW = 0.00	SFLW = 0.00	SFSW = 0.00 SFR = 0.00
		Perimeter = 0.00				
# ^	Special	SUBCONTRACT CLEANING BID	1.00LS	2,086.80	2,086.80	0.00 2,086.80

## Building Repair Estimate

- Min. Charge

- Exempt from Overhead, Profit, or Taxes

- Overrides

Claim Number:

Insured:

6652397098-01-AA

THOMAS JANOWIAK

Page

2

Operation	Description	Quantity/ Unit	Unit/Cost	Repl/Cost	Depr	ACV/Loss
				\$2,484.21	\$44.16	\$2,440.05
Calculation Method: Overhead & Profit						
Overhead	@	10.00%				
Profit	@	10.00%	\$39.74	\$4.42		\$35.32
Taxes						
Material	@	6.00%	\$2,523.95	\$48.58		\$2,475.37
Labor	@	0.00%	\$39.74	\$4.42		\$35.32
Equipment	@	6.00%	\$2,563.69	\$53.00		\$2,510.69
				\$9.43	\$1.58	\$7.85
				\$2,573.12	\$54.58	\$2,518.54
Less Deductible						\$100.00
T O T A L						
						\$2,418.54

Kyla  
C-315  
11/6/98

INSURED	CLAIMANT	CLAIM NUMBER										
Thomas Janowick	Employee from Clinton on 10/30/1985	038885524 0632397078										
IN PAYMENT OF	IN PAYMENT OF	DESK LOC. EMPLOYEE ID										
Two Thousand Four Hundred Eighty Dollars and 57/100	Two Thousand Four Hundred Eighty Dollars and 57/100	C-44/HITS										
<table border="1"> <tr> <td>INVOICE NUMBER</td> <td>PROC MCO</td> <td>RS</td> <td>PAYEE</td> <td>DATE ISSUED</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>MON 02 98</td> </tr> </table>		INVOICE NUMBER	PROC MCO	RS	PAYEE	DATE ISSUED					MON 02 98	47221329 6
INVOICE NUMBER	PROC MCO	RS	PAYEE	DATE ISSUED								
				MON 02 98								
ALLSTATE INSURANCE COMPANY OR ONE OF ITS AFFILIATES												
COMPANY NAME												
 <i>Thomas Janowick and Foster (c/c of ECo)</i> <i>ATTN: DA 16671, 9/385-198</i> <i>11-8-98</i>												
FILE COPY												
NON-NEGOTIABLE												



6652397098

RESTORE CORPS.  
P.O. Box 307  
Cherry Tree, PA 15724  
Phone: (814) 743-5522 or (800) 347-8447 FAX: (814) 743-6899  
FED ID# 23-2925492

STRUCTURE ESTIMATE

Name : Thomas Janowiak  
Job # : 378589A

Date Printed: 11/11/98  
Page : 1

#	Description	#/U	U/M	PPU	Cost
<p>Area Name : Basement 37'0" x 24'8" x 7'10"</p>					
<p>- Area Description -</p>					
<p>Floor 912.67 Sq'      Walls 966.11 Sq'      Ceiling 912.67 Sq' Perimeter 123.33      Volume 7149.22 Cu'</p>					
<p>Area still had ligering smoke odor after cleaning.</p>					
1	Wet fog-solvent based deodorant- atmospheric-medium	7149.22	CF	0.04	285.97T
<p>Area Total \$ 285.97</p>					
<p>Area Name : Basement Stairway 9'3" x 3'0" x 7'3" Ceiling is Vaulted &amp; slopes FROM the Short wall</p>					
<p>- Area Description -</p>					
<p>Floor 27.75 Sq'      Walls 89.83 Sq'      Ceiling 35.10 Sq' Perimeter 24.50      Volume 101.75 Cu'</p>					
<p>Unfinished drywall.</p>					
1	Paint only walls-SEAL	89.83	SFW	0.41	36.83
2	Paint only ceiling-SEAL	35.10	SFC	0.43	15.09
3	Wet fog-solvent based deodorant- atmospheric-medium	101.75	CF	0.04	4.07T
<p>Area Total \$ 55.99</p>					
<p>Area Name : Kitchen 18'3" x 9'0" x 8'0"</p>					
<p>Offset Rear entry      W 3' 4" x D 3' 0" x H 8' 0" (+)</p>					
<p>- Area Description -</p>					
<p>Floor 174.25 Sq'      Walls 484.00 Sq'      Ceiling 174.25 Sq' Perimeter 60.50      Volume 1394.00 Cu'</p>					
1	Hauling debris (minimum charge) & dump charge (2 doors)	1.00	M/C	100.00	100.00

## STRUCTURE ESTIMATE

Name : Thomas Janowiak  
Job # : 378589A

Date Printed: 11/11/98  
Page : 2

#	Description	#/U	U/M	PPU	Cost
	Area Total \$				100.00

RESTORE CORPS.  
 P.O. Box 307  
 Cherry Tree, PA 15724  
 Phone: (814) 743-5522 or (800) 347-8447 FAX: (814) 743-6899  
 FED ID# 23-2925492

ESTIMATE SUMMARY

Job # 378589A Estimator : Tim

Date Printed: 11/11/98

CUSTOMER	JOB LOCATION
Thomas Janowiak Market St. Ramey, PA H/PH : (814) 378-5898 Fax - B/PH : (814) 857-4494 Mr. Janowiak	Market St. Ramey, PA (814) 378-7114 Fax - Don Cartwright

INSURANCE COMPANY

ALLSTATE INSURANCE CO. 301 Brush Creek Rd. Warrendale, PA 15086 (724) 726-9559 Fax (724) 772-3065 A. Bob Sherry	POLICY # : CLAIM # : 6652397098 DATE OF LOSS : 10/28/98 DEDUCTIBLE : TYPE OF LOSS : FIRE
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STRUCTURE MEASUREMENTS

Total Floor Area . . . . .	1114.67	Square Feet
Total Wall Area . . . . .	1539.94	Square Feet
Ceiling Area . . . . .	1122.02	Square Feet
Total Volume . . . . .	8644.97	Cubic Feet
Perimeters Total . . . . .	208.33	Lineal Feet

\*\* STRUCTURE TOTALS \*\*

Structure. . . . .	\$	441.96
Tax ( 6.00%). . . . .	\$	17.40
Overhead (10.00%). . . . .	\$	15.19
Profit (10.00%). . . . .	\$	16.71

Structure Sub-Total      \$      491.26

Structure Sub-Total. . . . . \$ 491.26

Total      \$      491.26

Grand Total      \$      491.26

INSURED	CLAIMANT	CLAIM NUMBER	
	Payment for supplies & for Damages on	0288855524	1065 2397098
IN PAYMENT	OF	SSN/TIN	DESK LOC/EMPLOYEE ID
		23-8925771	644 MTS
Four Hundred Thirty one Dollars and 86 Cents		\$ 491.86	47221337
INVOICE NUMBER		PROC MCO IRS PAYEE	DATE ISSUED
			11/12/98
47221337			
ALL STATE INSURANCE COMPANY OR ONE OF ITS AFFILIATES			
COMPANY NAME			
 Allstate Insurance Company 22 Box 307 Cherry Tree Rd 1573461 11-18-98 pm FILE COPY NON NEGOTIABLE			

RAMEY FIRE DEPARTMENT  
FIRE - RESCUE REPORTDA 10-28-98INCIDENT NUMBER: 1998- 44ALARM SOUNDED: 3:30 TIME OUT: \_\_\_\_\_ TIME ON SCENE: \_\_\_\_\_

TIME AVAILABLE: \_\_\_\_\_ TIME IN: \_\_\_\_\_ TOTAL TIME: \_\_\_\_\_

LOCATION OF INCIDENT: Market Street TWP/BORO Ramsey / Clif COUNTYCLASSIFICATION OF INCIDENT:  STRUCTURE FIRE  M.V.A.  BRUSH/FOREST FIRE  
 E.M.S./LANDING ZONE  PUBLIC SERVICE  OTHER  
 VEHICLE FIRE  TRAFFIC CONTROL

OFFICER IN CHARGE: \_\_\_\_\_

EQUIPMENT USED/DRIVERSENGINE/RESCUE 24 NO Response ENGINE 24-1 \_\_\_\_\_MEDIC 24 Stephanie Ankst BRUSH 24 \_\_\_\_\_

MUTUAL AID TO: \_\_\_\_\_

MUTUAL AID FROM: Houtzdale - 23 Osceola - 22  
Madera - 25 \_\_\_\_\_DAMAGE ESTIMATE:  MINOR  MODERATE  SEVERECAUSE OF FIRE IF KNOWN: dryer- electricalFIRE MARSHALL NOTIFIED:  YES  NO DATE/TIME NOTIFIED: \_\_\_\_\_ENTRAPMENT:  YES  NO / TYPE:  VEHICLE  FIRE  OTHER

DAMAGED/LOST EQUIPMENT OR REMARKS: \_\_\_\_\_

MEMBERS REPORTING: Don Cartwright Derek Freeman ✓- Ed Carns ✓ Steph Ankst ✓Kevin Chase ✓ Fawn Gates ✓EQUIPMENT WAS PREPARED FOR SERVICE AFTER INCIDENT:  YES  NO

F NO: PLACED OUT OF SERVICE; REASON: \_\_\_\_\_

OFFICER'S SIGNATURE: Douglas J. Zaywony