

00-1547-CD
KAREN J. ARAVICH et al -vs- PENN TRAFFIC COMPANY t/d/b/a
BI-LO FOODS

Date: 08/08/2002

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 12:00 PM

ROA Report

Page 1 of 1

Case: 2000-01547-CD

Current Judge: Fredric J. Ammerman

Karen J. Aravich, Donald E. Aravich vs. Penn Traffic Company, Bi-Lo Foods

Civil Other

Date	Judge
12/12/2000	✓ Filing: Writ of Summons Paid by: King, David Peter (attorney for Aravich, Karen J.) Receipt number: 1815202 Dated: 12/12/2000 Amount: \$80.00 (Check)
	✓ Two Writs of Summons issued to Sheriff
01/08/2001	✓ Entry of Appearance, on behalf of the Defendant. s/Dennis M. McGlynn, Esq. no cc
01/10/2001	✓ Sheriff Return, Summons served on Penn Traffic Company. So answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm
04/25/2001	✓ Praeclipe for Rule. filed by s/Dennis M. McGlynn, Esq. no cc Rule to atty McGlynn
05/04/2001	✓ Certificate of Service, Filed by Atty McGlynn. Rule to File Complaint was forwarded to Atty David King. No cc.
05/11/2001	✓ Complaint. filed by s/David P. King, Esq. Verification, s/Karen J. Aravich s/Donald E. Aravich 2 cc atty King
05/14/2001	✓ Certificate of Service, Complaint upon Dennis M. McGlynn, Esq. s/David P. King, Esq.
06/14/2001	✓ Defendant's Answer And New Matter. filed by s/d. McGlynn, Esq. Certificate of Service, a copy of Answer and New Matter was forwarded to Atty D. King. No cc.
06/27/2001	✓ Notice of Service of Interrogatories/Request for Production of Documents. filed by s/Dennis M. McGlynn, Esq: no cc
06/28/2001	✓ Reply to New Matter. Filed by s/David P. King, Esq. Verification. s/Karen J. Aravich s/Donald E. Aravich 2 cc atty King
04/01/2002	✓ Certificate of Readiness. Filed by s/Dennis M. McGlynn, Esq. no cc Copy to CA

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

PENN TRAFFIC COMPANY,
a corporation, tdba
BI-LO FOODS,
Defendant

NO. 00-1547-CO

Type of Case: Civil

Type of Pleading: Praeclipe for
Writ of Summons

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

DEC 12 2000

William A. Shaw
Prothonotary

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

KAREN J. ARAVICH and :
DONALD E. ARAVICH, :
Plaintiffs :
:
vs. : NO. _____ C.D.
:
PENN TRAFFIC COMPANY, :
a corporation, tdba :
BI-LO FOODS, :
Defendant :
:

PRAECIPE

TO THE PROTHONOTARY:

Please issue a Writ of Summons against the above named
Defendant.



David P. King
Attorney for Plaintiffs

FILED

DEC 12 2000

RECEIVED
M 12/15/2000
William A. Shaw
Prothonotary
PA 80.00

(2) Writs to Sheriff

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

COPY

SUMMONS

KAREN J. ARAVICH, ETAL.

VS.

NO.: 2000-01547-CD

PENN TRAFFIC COMPANY, ETAL.

**TO: PENN TRAFFIC COMPANY
 BI-LO FOODS**

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

Date: 12/12/2000

William A. Shaw
Prothonotary

Issuing Attorney:

David Peter King
P.O. Box 1016
DuBois, PA 15801

COPY

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

Karen J. Aravich and
Donald E. Aravich

Plaintiff(s)

S U M M O N S

No: 00-1547-CD

vs.

Penn Traffic Company,
A corporation, t/d/b/a
Bi-Lo Foods,

Defendant(s)

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

Date December 12, 2000

William A. Shaw,
Prothonotary

Issuing Attorney:

David Peter King, Esquire
P.O. Box 1016
DuBois, PA 15801

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

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

: No. 00-1547-CD

: **ENTRY OF APPEARANCE**

: Counsel of Record for Filing Party:

: DENNIS M. McGLYNN, ESQUIRE
: McGLYNN & KINIRY LAW OFFICES
: 969 Eisenhower Blvd.
: Johnstown, PA 15904
: (814) 262-0812

FILED

JAN 05 2001

William A. Shaw
Prothonotary

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs. : No. 00-1547-CD

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

ENTRY OF APPEARANCE

Enter my appearance for Defendant, Penn Traffic Company, a corporation, t/d/b/a Bi-Lo Foods, in the above captioned case. Papers may be served at the address stated below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in the above captioned case.

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

Dated: January 4, 2001



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANT
969 Eisenhower Blvd., Suite I
Johnstown, PA 15904
I.D. No. 19855

cc: David Peter King, Esquire

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10492

ARAVICH, KAREN J. AND DONALD E.

00-1547-CD

VS.

PENN TRAFFIC COMPANY T/D/B/A BI-LO FOODS

SUMMONS

SHERIFF RETURNS

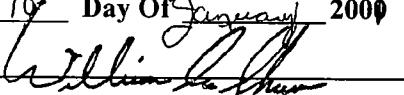
NOW DECEMBER 21, 2000 AT 9:26 AM EST SERVED THE WITHIN SUMMONS
ON PENN TRAFFIC COMPANY a corp. t/d/b/a BI-LO FOODS, DEFENDANT AT
EMPLOYMENT, PENN TRAFFIC CO., SHAFFER RD., DUBOIS, CLEARFIELD
COUNTY, PENNSYLVANIA BY HANDING TO CRAIG LANSBERRY, MANAGER ASSET
PROTECTION A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS
AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: COUDRIET

Return Costs

Cost	Description
28.54	SHFF. HAWKINS PD. BY PLFF.
10.00	SURCHARGE PD. BY PLFF.

Sworn to Before Me This

10th Day Of January 2000


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

So Answers,


Chester A. Hawkins
Chester A. Hawkins
Sheriff

FILED
m 1/10/01 10:17 AM
JAN 10 2001
William A. Shaw
Prothonotary
GKb

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

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

: No. 00-1547-CD

: **PRAECIPE FOR RULE**

: Counsel of Record for Filing Party:

: DENNIS M. McGLYNN, ESQUIRE
: McGLYNN & KINIRY LAW OFFICES
: 969 Eisenhower Blvd.
: Johnstown, PA 15904
: (814) 262-0812

FILED

APR 25 2001

William A. Shaw
Prothonotary

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs. : No. 00-1547-CD

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

PRAECIPE FOR RULE

TO THE PROTHONOTARY:

Will you please issue a Rule to be served on Plaintiffs' counsel to file his
Complaint within twenty (20) days from the date of service or suffer a non pros.


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

FILED

APR 25 2001

111(3) / no cc

William A. Shaw

Prothonotary

Rule toatty medlyn

REB

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

CC-1

Karen J. Aravich
Donald E. Aravich

Vs.
Penn Traffic Company
Bi-Lo Foods

Case No. #2000-01547-CD

RULE TO FILE COMPLAINT

TO: Karen J. Aravich and Donald E. Aravich

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

William A. Shaw, Prothonotary

Dated: April 25, 2001

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

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

: No. 00-1547-CD

CERTIFICATE OF SERVICE

: Counsel of Record for Filing Party:

: DENNIS M. McGLYNN, ESQUIRE
: McGLYNN & KINIRY LAW OFFICES
: 969 Eisenhower Blvd.
: Johnstown, PA 15904
: (814) 262-0812

FILED

MAY 04 2001
m / 1 : 0 5 / 0 4
William A. Shaw
Prothonotary
No 9/0

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs. : No. 00-1547-CD

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the original Rule To File Complaint, a copy of which is attached hereto, was on the 1st day of May, 2001, forwarded to David Peter King, Esquire, attorney for Plaintiffs, by Certified Mail No. 7000 0600 0026 7069 8580, as is evidenced by the attached Certified Mail Receipt. Said mailing was received on May 2, 2001, as is evidenced by the attached Return Receipt.

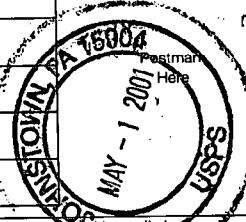
Dated: May 3, 2001



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

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000	0600	0026	7069	8580	
Postage	\$.34				
Certified Fee	1.90				
Return Receipt Fee (Endorsement Required)	1.50				
Restricted Delivery Fee (Endorsement Required)					
Total Postage & Fees	\$ 3.74				
Recipient's Name (Please Print Clearly) (to be completed by mailer) David Peter King, Esquire Street, Apt. No. or PO Box No. P.O. BOX 1016 City, State, ZIP+4 DUBOIS, PA 15801					
<small>See Reverse for Instructions</small>					



PS Form 3800, February 2000

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Received by (Please Print Clearly) D. THOMPSON B. Date of Delivery 5/2/01</p> <p>C. Signature X P. Thompson</p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>David Peter King, Esq. P.O. Box 1016 DuBois, PA 15801</p>		<p>3. Service Type</p> <p><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.</p>	
<p>2. Article Number (Copy from service label) 7000 0600 0026 7069 8580</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, July 1999</p>		<p>Domestic Return Receipt</p>	
		<p>102595-99-M-1789</p>	

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

Karen J. Aravich
Donald E. Aravich

Vs.
Penn Traffic Company
Bi-Lo Foods

Case No. #2000-01547-CD

RULE TO FILE COMPLAINT

TO: Karen J. Aravich and Donald E. Aravich

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



William A. Shaw, Prothonotary

Dated: April 25, 2001

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

PENN TRAFFIC COMPANY,
a corporation, tdba
BI-LO FOODS,
Defendant

NO. 00-1547-C.D.

Type of Case: Civil

Type of Pleading: Complaint

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

MAY 11 2001

William A. Shaw
Prothonotary

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

KAREN J. ARAVICH and	:	
DONALD E. ARAVICH,	:	
Plaintiffs	:	
	:	NO. 00-1547-C.D.
VS.	:	
	:	
PENN TRAFFIC COMPANY,	:	
a corporation, tdba	:	
BI-LO FOODS,	:	
Defendant	:	

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by Attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51

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

KAREN J. ARAVICH and	:
DONALD E. ARAVICH,	:
Plaintiffs	:
	:
vs.	: NO. 00-1547-C.D.
	:
PENN TRAFFIC COMPANY,	:
a corporation, tdba	:
BI-LO FOODS,	:
Defendant	:

COMPLAINT

AND NOW, come the Plaintiffs, KAREN J. ARAVICH and DONALD E. ARAVICH, through their Attorney, David P. King, and for their cause of action respectfully represent as follows:

1. The Plaintiffs are KAREN J. ARAVICH and DONALD E. ARAVICH, of 1160 Treasure Lake, DuBois, PA 15801.
2. The said KAREN J. ARAVICH and DONALD E. ARAVICH are wife and husband.
3. The Defendant is PENN TRAFFIC COMPANY, a corporation, tdba BI-LO FOODS, with one of its principal places of business being at the Main Street Mall, which is in DuBois, Clearfield County, PA.
4. The said PENN TRAFFIC COMPANY, tdba BI-LO FOODS, at all times relevant hereto, did operate a supermarket business at the address above mentioned, a supermarket selling groceries, food and related products to the general public at retail.
5. On or about November 11, 1999, the Plaintiff, KAREN J. ARAVICH, did enter the said supermarket operated and owned by the

Defendant at said location, for the purpose of purchasing fruit and perhaps other products in accordance with the general invitation of the Defendant to her and other persons as a member of the general public.

6. Upon entering the said supermarket on the date as mentioned, and at approximately 4:10 o'clock P.M., the Plaintiff, KAREN J. ARAVICH, did then proceed to the produce department in order to purchase the fruit and/or other products that she was seeking.

7. As your Plaintiff proceeded, and as she reached her destination within the confines of said supermarket, the Plaintiff realized and discovered that the premises was under some sort of construction.

8. As a result of the construction which was on going, certain conditions existed within the supermarket which was open to the general public and particularly to your Plaintiff as an invitee, including but not limited to the following:

- (a) Poor lighting;
- (b) Darken conditions;
- (c) Flooring partially torn up;
- (d) Dust in the air;
- (e) Boxes and debris strewn about;
- (f) Contractor's equipment in the immediate vicinity;
- (g) Plastic sheeting hung throughout;

- (h) Boxes of fruit or other products lying on the floor and in the aisles;
- (i) Boxes under display cases; and
- (j) Attractive-distractive displays.

9. In addition to all of the above, when your Plaintiff, KAREN J. ARAVICH, entered the said premises, there were no verbal cautions or warnings given to her, nor was there was any store personnel in the vicinity attempting to assist, guide or otherwise insure the safety of business invitees such as your Plaintiff.

10. Under such conditions, the Plaintiff, KAREN J. ARAVICH, did attempt to retrieve and obtain the fruit that she had come to purchase at the establishment of the Defendant, and in doing so, her foot caught on a box that was not visible, and was sitting under a display case in the immediate vicinity.

11. As a result of all of the same, the Plaintiff, KAREN J. ARAVICH, lost her footing, causing her to fall, and during such fall struck her head and skull upon boxes and/or the display case, striking her right eye, and suffering permanent injury to the same.

12. As a result of her fall and said injury generally described above, your Plaintiff, KAREN J. ARAVICH, required medical care and attention immediately, and thereafter.

13. Additionally, as a result of her injury as above described, the Plaintiff, KAREN J. ARAVICH, also suffered wage loss as well as an impairment which will cause loss of earnings to her in the future.

14. Additionally, the Plaintiff, KAREN J. ARAVICH, has undergone pain, suffering, discomfort and the loss of depth perception, and the ability to judge distances, all of which continues to date, and is expected to continue definitely, and permanently into the future.

15. In addition to medical bills incurred, Plaintiff has also incurred some nominal costs for child care expenses because of her inability to care for her children during the times immediately following her injury.

16. Additionally, Plaintiff's husband, DONALD E. ARAVICH, has lost time and money as a result of having to be off work and tend to the duties and tasks usually performed by his wife.

17. Further, the Plaintiff, DONALD E. ARAVICH, has undergone a loss of consortium as a result of the injuries to his wife.

18. Plaintiffs further aver that the injuries and losses suffered by them were the direct result of the negligence of the Defendant which consisted of the following:

- (a) Failing to maintain their business premises in a safe condition for its customers and business invitees such as KAREN J. ARAVICH;
- (b) Failure to properly warn, in writing or otherwise, the customers and business invitees such as KAREN J. ARAVICH of the dangerous conditions that existed upon the premises all of which are above described;

(c) Allowing all of those conditions to exist as above mentioned as a pitfall and distraction to unwary customers and business invitees such as KAREN J. ARAVICH;

(d) The failure to have personnel directing, and otherwise protecting the customers and business invitees upon the premises such as KAREN J. ARAVICH;

(e) The failure to clean up, or otherwise remove such distractions and hidden pitfalls such as those above described which caused and led to the injuries of the Plaintiff;

(f) The failure to maintain the business environment during regular business hours in a safe condition by providing inadequate lighting, and allowing dust to cloud, distract and otherwise conceal or distract unwary customers such as Plaintiff; and

(g) Failure to otherwise and in general exercise due care under all of the circumstances and for all of the reasons and facts as set forth herein.

WHEREFORE, the Plaintiffs pray your Honorable Court to enter judgment in their favor and against the Defendant for medical bills, pain and suffering, permanent loss, out of pocket expenses,

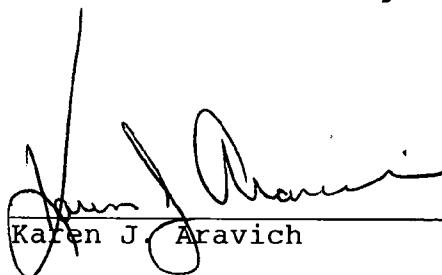
lost wages, loss of earning capacity and loss of consortium, and they will so ever pray, and to award them a sum in excess of Twenty Thousand (\$20,000.00) Dollars.



David P. King
Attorney for Plaintiffs

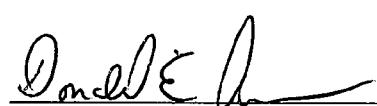
I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: May 8, 2001


Karen J. Aravich

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

Date: May 8, 2001


Donald E. Aravich

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

NO. 00-1547-C.D.

VS.

Type of Case: Civil

PENN TRAFFIC COMPANY,
a corporation, tdba
BI-LO FOODS,
Defendant

Type of Pleading: Certificate of
Service

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

MAY 14 2001
18:48 AM
William A. Shaw
Prothonotary

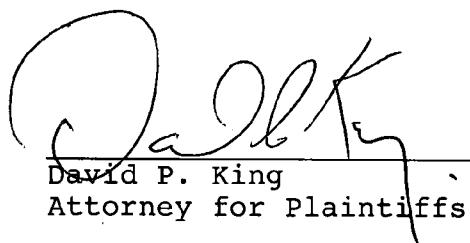
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KAREN J. ARAVICH and :
DONALD E. ARAVICH, :
Plaintiffs :
:
vs. : NO. 00-1547-C.D.
:
PENN TRAFFIC COMPANY, :
a corporation, tbda :
BI-LO FOODS, :
Defendant :
:

CERTIFICATE OF SERVICE

The undersigned, David P. King, Attorney for Plaintiffs in this action, does hereby certify that on May 11, 2001, a certified copy of the Complaint filed on behalf of the Plaintiffs in said matter was served upon Dennis M. McGlynn, Esquire, by sending the same to him by first class mail, postage prepaid at the following address:

Dennis M. McGlynn, Esquire
McGlynn & Kiniry Law Offices
969 Eisenhower Blvd.
Johnstown, PA 15904


David P. King
Attorney for Plaintiffs

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

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

: No. 00-1547-CD

: **DEFENDANT'S ANSWER AND**
: **NEW MATTER**

: Counsel of Record for Filing Party:

: DENNIS M. McGLYNN, ESQUIRE
: McGLYNN & KINIRY LAW OFFICES
: 969 Eisenhower Blvd.
: Johnstown, PA 15904
: (814) 262-0812

FILED

JUN 14 2001

William A. Shaw
Prothonotary

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

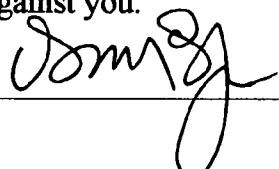
PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

: No. 00-1547-CD

: **ANSWER AND NEW MATTER**

TO THE WITHIN NAMED PARTIES:

You are hereby notified to
plead to the enclosed New Matter within
twenty (20) days from the date of service
hereof or default judgment will be entered
against you.



: Counsel of record for filing party:

: DENNIS M. McGLYNN, ESQUIRE
: 969 Eisenhower Boulevard
: Suite I
: Johnstown, PA 15904
: (814) 262-0812
: I.D. No. 19855

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs. : No. 00-1547-CD

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

DEFENDANT'S ANSWER AND NEW MATTER

AND NOW comes the Defendant, Penn Traffic Company, a corporation, t/d/b/a Bi-Lo Foods, by and through its attorney, Dennis M. McGlynn, Esquire, and files the following Answer and New Matter to Plaintiffs' Complaint:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted in part and denied in part. It is admitted that some work was

being done in the store on the date and time alleged, however, the specific allegations in (a) through (j) are denied as a gross exaggeration of the conditions existing at that time.

9. Admitted due to the fact that the conditions were not dangerous and were open and obvious.

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

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

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

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

14. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

15. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

16. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

17. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

18. Denied. It is denied the Defendant was negligent in any fashion. Further, as to (a) through (g), these specific averments are denied generally pursuant to PA R.C.P. 1029(e) as amended.

WHEREFORE, Defendant Penn Traffic Company, a corporation, t/d/b/a Bi-Lo Foods prays for judgment in its behalf.

NEW MATTER

By way of further answer, Defendant avers as follows:

19. The Defendant, Penn Traffic Company, a corporation, t/d/b/a Bi-Lo Foods, is informed, believes, and therefore avers that the Plaintiff is contributorily and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under

the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978 Pl. 202 No. 53 Section 10(89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after September 7, 1976 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendant.

20. In the alternative, pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act. 42 Pa. CSA §7102A any damage which the Plaintiff may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff.

WHEREFORE, Defendant Penn Traffic Company, a corporation, t/d/b/a Bi-Lo Foods prays for judgment in its behalf.

Respectfully submitted,



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

VERIFICATION

I, Stephanie R. Nesbitt state that I am the Corporate Claims Manager of Penn Traffic Company, a corporation, t/d/b/a Bi-Lo Foods, the Defendant herein, that I am authorized to make this affidavit on its behalf and that the facts set forth in the foregoing Answer and New Matter are true upon my personal knowledge, information and belief.

I understand that my statements are made subject to 18 Pa. Con. Stat. §4904 providing for criminal penalties for unsworn falsification to authorities.

Stephanie R. Nesbitt

Date 6/5/01

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

: No. 00-1547-CD

:
:
:
:
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Answer and New Matter on behalf of Defendant, Penn Traffic Company, a corporation, t/d/b/a Bi-Lo Foods, was forwarded on the 13th day of June, 2001, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

David Peter King, Esquire
P.O. Box 1016
DuBois, PA 15801



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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

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

: No. 00-1547-CD

: **NOTICE OF SERVICE OF
INTERROGATORIES/REQUEST FOR
PRODUCTION OF DOCUMENTS**

: Counsel of Record for Filing Party:

: DENNIS M. McGLYNN, ESQUIRE
: McGLYNN & KINIRY LAW OFFICES
: 969 Eisenhower Blvd.
: Johnstown, PA 15904
: (814) 262-0812

FILED

JUN 2 2001

William A. Shaw
Prothonotary

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

No. 00-1547-CD

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

NOTICE OF SERVICE OF INTERROGATORIES/
REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Prothonotary, Clearfield County

Defendant, Penn Traffic Company, a corporation, t/d/b/a Bi-Lo Foods, by their attorney, Dennis M. McGlynn, Esquire, hereby notifies the Court that Interrogatories/Request for Production of Documents have been served upon the Plaintiff, Karen J. Aravich, by mailing an original and one copy of same to her counsel, David Peter King, Esquire, at P.O. Box 1016, DuBois, Pennsylvania 15801 on this 26th day of June, 2001.

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

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

NO. 00-1547-C.D.

vs.

PENN TRAFFIC COMPANY,
a corporation, tdba
BI-LO FOODS,
Defendant

Type of Case: Civil

Type of Pleading: Reply to New
Matter

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

JUN 28 2001

William A. Shaw
Prothonotary

I verify that the statements made in this Plaintiffs' Reply to New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: June 26, 2001


Karen J. Aravich

I verify that the statements made in this Plaintiffs' Reply to New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: June 26, 2001


Donald E. Aravich

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs.

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

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

: No. 00-1547-CD

CERTIFICATE OF READINESS

: Counsel of Record for Filing Party:

: DENNIS M. McGLYNN, ESQUIRE
: McGLYNN & KINIRY LAW OFFICES
: 969 Eisenhower Blvd.
: Johnstown, PA 15904
: (814) 262-0812

FILED

APR 6 1 2002

1145/10cc

William A. Shaw
Prothonotary

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

vs. : No. 00-1547-CD

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

CERTIFICATE OF READINESS

Filed on behalf of: Defendant, Penn Traffic Company, A corporation, t/d/b/a
Bi-Lo Foods
(Name of Party)

1. Type of Case: Simple Complex Companion Case

2. Type of Trial: Jury Nonjury Arbitration

3. Estimated Trial Time 2 day(s) ____ hours ____ minutes

Estimated Arbitration Time ____ day(s) ____ hours ____ minutes

4. Trial Counsel: (List name, address and telephone number for each party and name,
address and telephone number of person responsible for each unrepresented party.)

Plaintiff - David Peter King, Esquire
P.O. Box 1016
DuBois, PA 15801
(814) 371-3760

Defendant - Dennis M. McGlynn, Esquire
969 Eisenhower Blvd., Suite I
Johnstown, PA 15904
(814) 262-0812

I certify on behalf of Defendant, Penn Traffic Company, A corporation, t/d/b/a Bi-Lo Foods that the pleadings are complete, that all preliminary motions have been resolved, that all discovery has been completed, and that the case is in all respects ready for trial except:

a) motions in limine ; b) expert depositions X

DATE: March 28, 2002



ATTORNEY FOR DEFENDANT

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

KAREN J. ARAVICH and
DONALD E. ARAVICH,
Plaintiffs

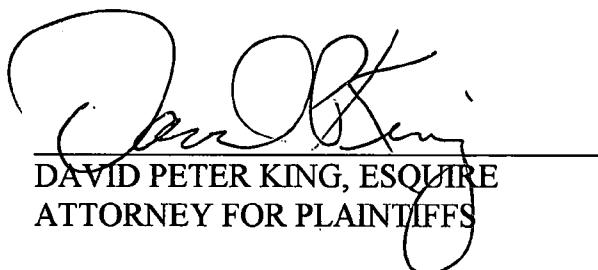
vs.

PENN TRAFFIC COMPANY,
A corporation, t/d/b/a BI-LO FOODS,
Defendant

: No. 00-1547-CD

PRAECIPE FOR DISCONTINUANCE

Please mark the above captioned case ended, settled, and forever
discontinued.



DAVID PETER KING, ESQUIRE
ATTORNEY FOR PLAINTIFFS

FILED

AUG 16 2002

mjl/1.20/Cert. Dists Atty King
William A. Shaw
Prothonotary

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KES

COPY

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

CIVIL DIVISION

**Karen J. Aravich and
Donald E. Aravich**

Vs.

No. 2000-01547-CD

**Penn Traffic Company
A Corporation, t/d/b/a
Bi-Lo Foods**

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on August 16, 2002 marked:

ENDED, SETTLED AND FOREVER DISCONTINUED.

Record costs in the sum of \$118.54 have been paid in full by David P. King, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 16th day of August A.D. 2002.

William A. Shaw, Prothonotary