

01-257-CD
JARROD F. JOHNS -vs- IRVIN L. HOCKENBERRY, JR. et ux

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JARROD F. JOHNS,

Plaintiff

Vs.

IRVIN L. HOCKENBERRY, JR., and
CHRISTINA M. HOCKENBERRY, his
wife,

Defendants

CIVIL DIVISION

No. 01 - 257 - CD

COMPLAINT

Filed on Behalf of:

Plaintiff, JARROD F. JOHNS

Counsel of Record for This
Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P. O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED

FEB 23 2001

**William A. Shaw
Prothonotary**

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

JARROD F. JOHNS,

Plaintiff : No. 01 - - CD

VS. : JURY TRIAL DEMANDED

IRVIN L. HOCKENBERRY, JR., and
CHRISTINA M. HOCKENBERRY, his
wife,

Defendants:

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.

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COLAVECCHI
RYAN & COLAVECCHI
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(ACROSS FROM
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P. O. BOX 131
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COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
Second and Market Streets
Clearfield, PA 16830
Phone 814/765-2641 Ex. 5982

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

JARROD F. JOHNS, :
Plaintiff : No. 01 - - CD
:
Vs. : JURY TRIAL DEMANDED
:
IRVIN L. HOCKENBERRY, JR., and :
CHRISTINA M. HOCKENBERRY, his :
wife, :
Defendants:

COMPLAINT

1. Plaintiff is Jarrod F. Johns, an adult individual, having a mailing address of P.O. Box 217, Ramey, Pennsylvania 16671.

2. Defendants are Irvin L. Hockenberry, Jr., and Christina M. Hockenberry, husband and wife, adult individuals having a mailing address of P.O. Box 275, Ramey, Clearfield County, Pennsylvania 16671.

3. At all times relevant hereto, the Defendants were the owners of a certain lot or piece of ground, together with a home therein, situated in the Borough of Ramey, Clearfield County, Pennsylvania, having acquired same by deed dated December 26, 1995, recorded at Clearfield County in Deed and Record Book 1729, Page 166.

4. At all times relevant hereto, the Defendants owned, occupied, possessed, maintained, and controlled and were

responsible for the sidewalk in front of said property which is situated on Main Street of the Borough of Ramey, Clearfield County, Pennsylvania.

5. On January 14, 2001, the Plaintiff was walking with two friends down the said sidewalk on the premises owned by the Defendants along Main Street in the Borough of Ramey.

6. As Plaintiff walked down the sidewalk on the property owned by the Defendants, he stepped into a defect in the pavement of said sidewalk causing him to fall.

7. Due to the fact that there were trees and other vegetation growing out onto the sidewalk on the property of the Defendants, the Plaintiff had to walk toward the street to avoid the encroaching vegetation which caused him to step into the said defect and fall.

8. The Defendants knew or should have known of the defect in the sidewalk which they controlled. In addition, the Defendants knew or should have known of the encroaching vegetation which Plaintiff had to walk around in order to proceed along the sidewalk.

9. The Defendants breached their legal duty to the public in permitting and maintaining a defective condition on the sidewalk which they controlled and in permitting and maintaining the

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vegetation to encroach upon the sidewalk thus forcing pedestrians such as the Plaintiff to walk in the immediate vicinity of the said defect.

10. The Defendants were careless and negligent in failing to remedy the defective condition of the sidewalk and of the encroaching vegetation.

11. As the direct result of the Defendants negligence, Plaintiff suffered an injury to the tissues, bones, nerves, blood vessels and nervous system of his body, including a fractured right scapula. The full extent of the injuries suffered by the Plaintiff are not known at this time.

12. As the result of Defendants negligence, Plaintiff has incurred and is likely to continue to incur expenses for medical and rehabilitative care and treatment.

13. As a result of the Defendants negligence, Plaintiff has suffered physical and mental pain, anguish and anxiety, and is likely to so suffer for an indefinite time into the future.

14. As a result of the Defendants negligence, Plaintiff has been unable to resume his normal job duties and will be unable to do so for an indefinite time into the future. In addition, Plaintiff has and will in the future be prevented from and unable to engage in his normal activities and to enjoy the normal pleasures of life.

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COURTHOUSE)
P. O. BOX 131
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WHEREFORE, Plaintiff claims judgment in his favor and against Defendants, together with interest and costs, in excess of the jurisdiction of the Board of Arbitration.

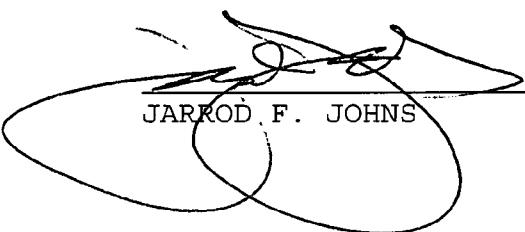


JOHN R. RYAN, ESQUIRE
Attorney for Plaintiff

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
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COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

VERIFICATION

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.



JARROD F. JOHNS

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
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COURTHOUSE)
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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
CIVIL DIVISION
No. 01 - - CD

JARROD F. JOHNS, Plaintiff

vs.

IRVIN L. HOCKENBERRY, JR., and
CHRISTINA M. HOCKENBERRY, his
wife,
Defendants

COMPLAINT

NOTICE TO DEFENDANTS:

YOU are hereby notified
that you are required to file
an Answer to the within Complaint
within twenty (20) days after
service upon you or judgment
may be entered against you.

JOHN R. RYAN, ESQUIRE
Attorney for Plaintiff

John R. Ryan
COLAVECCHI
RYAN & COLAVECCHI
ATTORNEYS AT LAW
221 EAST MARKET STREET
(ACROSS FROM COURTHOUSE)
P.O. BOX 131
CLEARFIELD, PA 16830

W. A. Shaw
William A. Shaw
Prothonotary

*FILED
FEB 10 2001
4 CC
W. A. Shaw*

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10726

JOHNS, JARROD F.

01-257-CD

VS.

HOCKENBERRY, IRVIN L. JR. and CHRISTINA M.

COMPLAINT

SHERIFF RETURNS

NOW MARCH 7, 2001 AT 7:35 AM EST SERVED THE WITHIN COMPLAINT ON IRVIN L. HOCKENBERRY, JR., DEFENDANT AT RESIDENCE, P.O. BOX 275, RAMEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CHRISTINA M. HOCKENBERRY, WIFE, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING

NOW MARCH 7, 2001 AT 7:35 AM EST SERVED THE WITHIN COMPLAINT ON CHRISTINA M. HOCKENBERRY, DEFENDANT AT RESIDENCE, P.O. BOX 275, RAMEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CHRISTINA M. HOCKENBERRY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING

Return Costs

Cost	Description
68.02	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATYY.

FILED
04/04
APR 06 2001
William A. Shaw
Prothonotary

Sworn to Before Me This

15 Day Of April 2001
William A. Shaw

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

So Answers,

Chester A. Hawkins
Sig: Marilyn Harris
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JARROD F. JOHNS,

Plaintiff

Vs.

IRVIN L. HOCKENBERRY, JR., and
CHRISTINA M. HOCKENBERRY, his
wife,

Defendants

CIVIL DIVISION

No. 01 - 257 - CD

PRAECIPE TO DISCONTINUE

Filed on Behalf of:

Plaintiff, JARROD F. JOHNS

Counsel of Record for This
Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P. O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

DEC 28 2001

William A. Shaw
Prothonotary

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

JARROD F. JOHNS,

Plaintiff : No. 01 - 257 - CD

Vs.

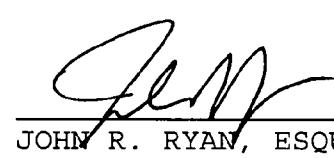
IRVIN L. HOCKENBERRY, JR., and
CHRISTINA M. HOCKENBERRY, his
wife,

Defendants:

PRAECIPE TO DISCONTINUE

TO: WILLIAM SHAW, PRCTHONOTARY

Please mark the record in the above-captioned action settled,
discontinued, and ended.



JOHN R. RYAN, ESQUIRE

Attorney for Plaintiff

December 28, 2001

Leave over margin

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

CIVIL DIVISION

No. 01 - 257 - CD

JARROD F. JOHNS,

Plaintiff

vs.

IRVIN L. HOCKENBERRY, JR., and
CHRISTINA M. HOCKENBERRY, his
wife,
Defendants

PRAECLipe TO DISCONTINUE

FILED

DEC 28 2001

01017/2001 Atty
William A. Shaw
Prothonotary

Ryan
Atty. Dio to Atty. Ryan

Copy to C4
Copy to C4

COLAVECCHI
RYAN & COLAVECCHI
ATTORNEYS AT LAW
221 EAST MARKET STREET
(ACROSS FROM COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Jarrod F. Johns

Vs. No. 2001-00257-CD
Irvin L. Hockenberry Jr.
Christina M. Hockenberry

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 December 28, 2001 marked:

Settled, Discontinued and Ended.

Record costs in the sum of \$80.00 have been paid in full by John R. Ryan, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of December A.D. 2001.

William A. Shaw, Prothonotary