

01-260-CD
FREDERICK J. THOMPSON et al -vs- JOEL A. ROOS

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

FREDERICK J. THOMPSON :
and CINDY L. THOMPSON Husband :
and Wife, Individually and as :
Parents and Natural Guardians :
of LAURA PAIGE THOMPSON, :
a minor child :
Plaintiffs :

vs. :

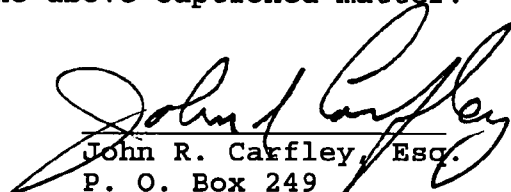
JOEL A. ROOS, :
Defendant :

No. 2001-260-CD

PRAECIPE

TO THE PROTHONOTARY:

PLEASE issue a Writ of Summons against the defendant,
Joel A. Roos, whose address is R. R. 1, Box 127, Morrisdale,
Pennsylvania, 16858, in the above captioned matter.


John R. Carfley, Esq.
P. O. Box 249
Philipsburg, Pa., 16866
(814) 342-5581
ID# 17621

Dated: February 23, 2001

FILED

FEB 23 2001

William A. Shaw
Prothonotary

FILED

W
FEB 23 2001
City
William A. Shaw
Prothonotary

*Confered \$80.00.
Direct to Shaw*

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

COPY

SUMMONS

**Frederick J. Thompson and
Cindy L. Thompson , Individually and
as Parents and Natural Guardians of
Laura Paige Thompson, a minor child**

Vs.

NO.: 2001-00260-CD

Joel A. Roos

TO: JOEL A. ROOS

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: 02/23/2001

William A. Shaw
Prothonotary

Issuing Attorney:

John R. Carfley
Post Office Box 249
Philipsburg, PA 16866

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10728

THOMPSON, FREDERICK J. & CINDY L. indiv. & as parents

01-260-CD

VS.

ROOS, JOEL A.

SUMMONS

SHERIFF RETURNS

NOW MARCH 6, 2001 AT 10:25 AM EST SERVED THE WITHIN SUMMONS ON
JOEL A. ROOS, DEFENDANT AT RESIDENCE, RR# 1, BOX 127, MORRISDALE,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ANNA ROOS, MOTHER,
A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO
HER THE CONTENTS THEREOF.
SERVED BY: McCLEARY/MORGILLO

Return Costs


Cost	Description
25.10	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

9th Day Of March, 2001


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

So Answers,


by Marilyn Harris
Chester A. Hawkins
Sheriff

FILED

MAR 09 2001
01:10:43
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

Nc. 2001-260 CD

JOEL A. ROOS,

Defendant

ENTRY OF APPEARANCE

Please enter my appearance for Defendant in the above matter. Papers
may be served at the address listed below.

DEMAND FOR JURY TRIAL

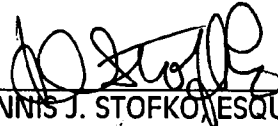
Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as
amended, a Jury Trial is demanded on all issues raised by the pleadings in this
action.

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

FILED

MAR 16 2001

William A. Shaw
Prothonotary



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

FILED

MAR 16 2001

William A. Shaw
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child.

Plaintiffs

vs.

No. 2001-260 CD

JOEL A. ROOS,

Defendant

PRAECIPE

Please issue a rule on plaintiffs to file the complaint within 20 days or
suffer judgment non pros.


DENNIS J. STOFKO, Attorney for
Defendant

FILED

MAR 16 2001

William A. Shaw
Prothonotary

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

Frederick J. Thompson
Cindy L. Thompson
Laura Paige Thompson

Vs.
Joel A. Roos

Case No. #2001-00260-CD

RULE TO FILE COMPLAINT

TO: Frederick J. Thompson and Cindy L. Thompson, Husband and Wife, individually and as parents and guardians of Laura Paige Thompson, a minor child.

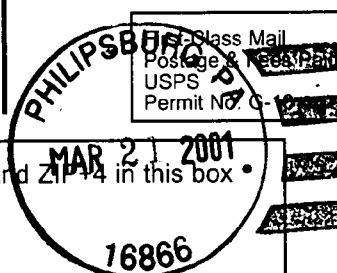
YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: 03/16/01

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<ul style="list-style-type: none"> ■ 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. 	<table border="1"> <tr> <td data-bbox="822 779 1156 850">A. Received by (Please Print Clearly)</td> <td data-bbox="1156 779 1338 850">B. Date of Delivery</td> </tr> <tr> <td data-bbox="822 850 1156 913">C. Signature</td> <td data-bbox="1156 850 1338 913"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </td> </tr> </table>	A. Received by (Please Print Clearly)	B. Date of Delivery	C. Signature	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee		
A. Received by (Please Print Clearly)	B. Date of Delivery						
C. Signature	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee						
<p>1. Article Addressed to:</p> <p><i>John K. Carfly</i> <i>PO 4249</i> <i>Philipsburg Pa 16866</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>3. Service Type</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> Certified Mail</td> <td><input type="checkbox"/> Express Mail</td> </tr> <tr> <td><input type="checkbox"/> Registered</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td><input type="checkbox"/> C.O.D.</td> </tr> </table> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</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.
<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>2. Article Number (Copy from service label) <i>7099 3220 000 91535 5413</i></p>							
<p>PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952</p>							

UNITED STATES POSTAL SERVICE



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

Law Offices
DENNIS J. STOFKO
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, Pennsylvania 15904

Row

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

No. 2001-260 CD

JOEL A. ROOS,

Defendant

AFFIDAVIT OF SERVICE


I, the undersigned, do hereby certify that a true and correct copy of the Rule to File Complaint was served via U.S. Mail, postage prepaid, on John R. Carfley, Attorney for Plaintiffs, on March 21, 2001 as indicated by the attached return receipt card.

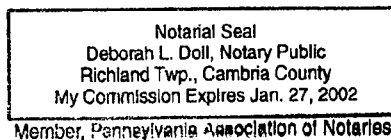

DENNIS J. STOFKO, Attorney for
Defendant

Sworn to and subscribed before
me this 26th day of March, 2001.


Notary Public

FILED

MAR 28 2001
MIL:04/1105C
William A. Shaw
Prothonotary 



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

Frederick J. Thompson
Cindy L. Thompson
Laura Paige Thompson

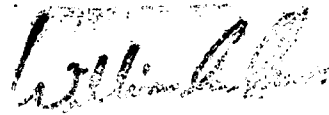
Vs.
Joel A. Roos

Case No. #2001-00260-CD

RULE TO FILE COMPLAINT

TO: Frederick J. Thompson and Cindy L. Thompson, Husband and Wife, individually and as parents and guardians of Laura Paige Thompson, a minor child.

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: 03/16/01

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

FREDERICK J. THOMPSON :
and CINDY L. THOMPSON Husband :
and Wife, Individually and as :
Parents and Natural Guardians :
of LAURA PAIGE THOMPSON, :
a minor child :
Plaintiffs :
vs. :
JOEL A. ROOS, :
Defendant :
No. 2001-00260-CD :
Jury Trial Demanded :
Document filed: Complaint :
Filed on behalf of: Plaintiffs :
Counsel for this party: :
John R. Carfley, Esq. :
P. O. Box 249 :
Philipsburg, Pa., 16866 :
(814) 342-5581 :
ID# 17621 :

FILED

APR 06 2001

William A. Shaw
Prothonotary

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

FREDERICK J. THOMPSON	:	
and CINDY L. THOMPSON Husband	:	
and Wife, Individually and as	:	
Parents and Natural Guardians	:	
of LAURA PAIGE THOMPSON,	:	
a minor child	:	
Plaintiffs	:	
	:	
vs.	:	No. 2001-00260-CD
	:	Jury Trial Demanded
JOEL A. ROOS,	:	
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 claims 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 FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
COURTHOUSE
CLEARFIELD, PA., 16830
(814) 765-2641

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

FREDERICK J. THOMPSON	:	
and CINDY L. THOMPSON Husband	:	
and Wife, Individually and as	:	
Parents and Natural Guardians	:	
of LAURA PAIGE THOMPSON,	:	
a minor child	:	
Plaintiffs	:	
	:	
vs.	:	No. 2001-00260-CD
	:	Jury Trial Demanded
JOEL A. ROOS,	:	
Defendant	:	

COMPLAINT

AND NOW, come the plaintiffs, who by and through their attorney, John R. Carfley, Esquire, set forth a claim against the defendant, the following of which is a statement:

1. The plaintiffs are Frederick J. Thompson and Cindy L. Thompson, Husband and Wife, individually and as Parents and Natural Guardians of LAURA PAGE THOMPSON, a minor child, who presently reside at R. R. 1, Box 432, Philipsburg, Clearfield County, Pennsylvania. At the times and places relevant hereto, Frederick J. Thompson and Cindy L. Thompson were the parents and natural guardians of Laura Paige Thompson, a minor child, who was born on the 27th day of November, 1996.

2. At the times and places relevant hereto, the minor child resided with her parents, the plaintiffs herein at R. R. 1, Box 432, Philipsburg, Clearfield County, Pennsylvania.

3. The defendant is Joel A. Roos, an adult individual, who presently resides at R. R. 1, Box 127, Morrisdale, Clearfield County, Pennsylvania.

4. The defendant, at the times and places relevant hereto, was the operator of a 1990 Jeep Wrangler bearing Pennsylvania Registration Number DAX2099, which vehicle was owned by Anna & Richard Roos of Knox Run Road, R. D. 1, Box 127, Morrisdale, Pennsylvania. At the dates and times aforesaid the defendant was operating this vehicle with the express permission and consent of the owners.

5. At the times and places relevant hereto Plaintiffs, Cindy L. & Frederick J. Thompson were the owners of a 1995 Pontiac Bonneville which vehicle was operated by the plaintiff, Frederick J. Thompson.

6. At the times and places relevant hereto the minor child, Laura Paige Thompson, plaintiff, was a passenger in that automobile owned by her parents and operated by Frederick J. Thompson, her father.

7. On or about the 28th day of July, 2000, at approximately 6:00 P. M. defendant was operating his motor vehicle in a southerly direction on Cemetery Road which road turns into East Market Street in Clearfield, Pennsylvania. At the places relevant hereto Cemetery Road/East Market Street was a two lane macadam highway with one northbound lane and one southbound lane.

8. The location of the Plaintiff's vehicle at the times and places relevant hereto was such that it was proceeding easterly on East Market Street, a two lane macadam highway with one eastbound and one westbound lane.

9. At or about the times and places relevant hereto, plaintiff was in his proper lane of traffic to wit: the eastbound

lane of East Market Street when suddenly and without warning the defendant lost control of his vehicle as hereinafter set forth and struck the vehicle operated by the plaintiff causing plaintiffs to be thrown violently about the interior of the vehicle sustaining injuries to their persons as hereinafter set forth.

10. At or about the times and places relevant hereto, defendant while travelling southbound as aforesaid, lost control of his vehicle on a turn and thereafter collided with and struck the plaintiffs' vehicle with his left front fender.

11. As a result of this accident, all plaintiffs suffered severe personal injuries some or all of which may be permanent, including the following:

a. Frederick J. Thompson sustained injuries to his left shoulder, chest wall and pelvic area, all of which injuries required treatment and physical therapy which began at or about the date of the incident and terminated sixteen weeks thereafter.

b. Cindy L. Thompson was diagnosed with blunt abdominal trauma secondary to the automobile accident which required extensive treatment for approximately eight weeks thereafter and treatment secondary to the trauma which continues up to the present time. The said Cindy L. Thompson also sustained injuries in this accident consisting of bruises, scrapes, contusions, and a lower back sprain which required treatment at the emergency room of the Clearfield Hospital.

c. Laura Paige Thompson suffered minor bumps, bruises and abrasions as well as an injury to her right shoulder (fracture at the growth plate) and emotional and psychological trauma which

continues up to the present time.

12. As a result of these injuries plaintiffs have incurred medical expenses through the following facilities and medical practitioners for sums exceeding \$18,000.00:

(a) Frederick J. Thompson

1. Clearfield Hospital-Emergency Room Services
2. Dr. Anderson-Emergency Room Doctor
3. Dr. Karen Anderson
4. Centre Community Hospital
5. Dr. Putrukian
6. Physical Therapy
7. Dr. Sally Baker
8. MRI - 611 Radiology-State College

(b) Cindy Thompson

1. Clearfield Hospital-Emergency Room Services
2. Clearfield Hospital - x-rays/cat scan
3. Dr. Karen Anderson
4. Dr. Susan Harchak
5. Dr. Jeff Nacastro

(c) Laura Paige Thompson

1. Clearfield Hospital-Emergency Room Services
2. Dr. Brink
3. Cen-Clear Child Services (therapy)
4. Dr. Susan harchak
5. Dr. Thomas Ellis

13. In addition to the medical expenses incurred by the plaintiff, Frederick Thompson, the said plaintiff, in addition, sustained work loss from his place of employment in an amount in excess of \$2,400.00.

14. The injuries and damages herein set forth were caused solely by and were the direct and proximate result of the negligence of the defendant in all of the following respects:

(a) In failing to have his vehicle under proper control.

(b) In failing to be attentive and failing to maintain a sharp lookout to the roadway and surrounding traffic conditions.

(c) In failing to apply his brakes in such a manner that his vehicle could be stopped in time to avoid a collision.

(d) In violating the various statutes and municipal ordinances pertaining to the operation of motor vehicles on public thoroughfares under the circumstances of this case including more specifically in violating Pennsylvania Motor Vehicle Code Section 3301 - driving on right side of roadway; Section 3302 - meeting vehicle proceeding in opposite direction; Section 3306 - limitations on driving on left side of roadway; Section 3309 - driving on roadways laned for traffic; Section 3361 pertaining to operation of a vehicle at an unsafe speed; Section 3714 pertaining to operating a vehicle in a reckless fashion, and Section 3736 - reckless driving.

(e) In operating his vehicle at an unsafe speed and in such a manner that he was unable to bring his vehicle to a safe stop in any situation reasonably likely to occur.

(f) In being inattentive to his duty to operate his motor vehicle in a careful and prudent fashion.

(g) In failing to remain attentive to the operation of his vehicle and in operating his vehicle in a reckless and careless fashion.

(h) In failing to operate his motor vehicle in its proper lane of traffic and by so doing entering a lane of traffic properly occupied by another vehicle.

15. The collision which occurred, occurred solely as a result of the negligence and carelessness of the defendant and was in no way attributable to any act or failure to act on the part of the

plaintiffs.

16. Solely as a result of the negligence of the defendants as aforesaid, plaintiffs suffered extensive physical injuries which will result in permanent disability and in addition Plaintiffs have suffered severe shock and injury to their nerves and nervous system.

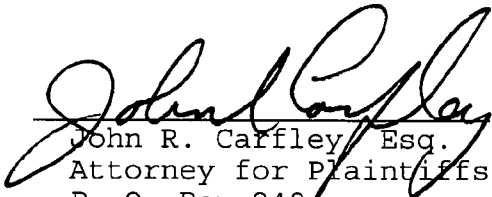
17. As a result of the injuries as aforesaid, plaintiffs have in addition sustained the following damages:

(a) Plaintiffs have suffered and will suffer great pain, suffering, inconvenience, embarrassment and mental distress.

(b) Plaintiffs have been and will be required to expend sums of money for medical attention, medical supplies, medicines and attendant services.

(c) Plaintiffs' general health, strength and vitality have been impaired.

WHEREFORE, Plaintiffs bring this action against the defendants to recover damages in excess of the jurisdiction of the Board of Arbitrators of this court and in excess of \$20,000.00 together with costs, delay damages, and prejudgment interest.


John R. Carfley Esq.
Attorney for Plaintiffs
P. O. Box 249
Philipsburg, Pa., 16866
(814-342-5581)

Dated: April 5, 2001

VERIFICATION

I hereby verify that the statements made in this instrument 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.

Frederick J. Blay
Candice L. Thompson

Dated: April 5, 2001

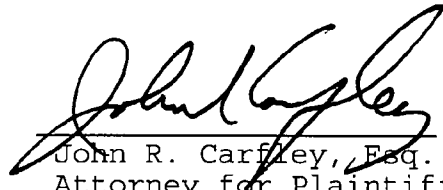
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FREDERICK J. THOMPSON	:	
and CINDY L. THOMPSON Husband	:	
and Wife, Individually and as	:	
Parents and Natural Guardians	:	
of LAURA PAIGE THOMPSON,	:	
a minor child	:	
Plaintiffs	:	
	:	
vs.	:	No. 2001-00260-CD
	:	Jury Trial Demanded
JOEL A. ROOS,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, John R. Carfley, Esquire, hereby certify that on April 6, 2001, a true and correct copy of within Complaint was served upon the following counsel for defendant by United States mail, postage prepaid:

Dennis J. Stofko, Esq.
R. THOMAS STRAYER LAW OFFICES
P. O. Box 5500
Johnstown, Pa., 15904


John R. Carfley, Esq.
Attorney for Plaintiffs
P. O. Box 249
Philipsburg, Pa., 16866
(814) 342-5581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

No. 2001-260 CD

JOEL A. ROOS,

Defendant

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

TO THE PLAINTIFFS:

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

FILED

APR 30 2001

William A. Shaw
Prothonotary

ANSWER AND NEW MATTER

NOW COMES the Defendant by and through counsel, Dennis J. Stofko and files the following Answer and New Matter.

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

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

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

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

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

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

14. Denied. Paragraph 14 contains conclusions of law to which no responsive pleading is required.

15. Denied. Paragraph 15 contains a conclusion of law to which no responsive pleading is required.

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

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

WHEREFORE, Defendant requests Plaintiffs' Complaint be dismissed.

NEW MATTER

18. The Defendant is informed, believes and therefore avers that the Plaintiffs contributorily negligent and/or comparatively negligent and Plaintiffs are thus barred from recovery of any damages under the terms of the

Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 PI. 855 No. 152 and the Act of April 28, 1978, PI. 202 No. 53 Section 10 (89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after July 28, 2000 as the Plaintiffs' causal negligence is greater than the negligence, if any, of the Defendant.

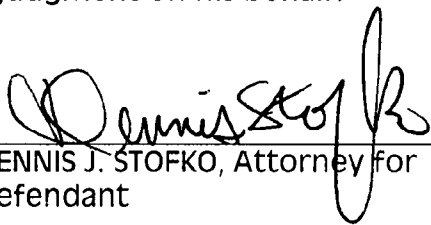
19. In the alternative pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. CSA Section 7102A any damage which the Plaintiffs may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New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

20. The accident described in Plaintiffs' complaint occurred on July 28, 2000 which date was subsequent to the effective date of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. CSA Chapter 17.

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


22. The Defendant further raises the defense of sudden emergency as a complete defense to plaintiffs' claim.

W-HEREFORE, Defendant requests judgment on his behalf.


DENNIS J. STOFKO, Attorney for
Defendant

I, Joel A. Roos, do hereby swear or affirm that the facts set forth in the Answer and New Matter are correct to the best of my knowledge, information and belief.

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


Joel A. Roos

Dated: 4-26-01

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

FREDERICK J. THOMPSON :
and CINDY L. THOMPSON Husband :
and Wife, Individually and as :
Parents and Natural Guardians :
of LAURA PAIGE THOMPSON, :
a minor child :
Plaintiffs :

vs. :

JOEL A. ROOS, :
Defendant :

No. 2001-00260-CD
Jury Trial Demanded

Document filed: Response to
Defendant's Answer/New Matter

Filed on behalf of: Plaintiffs

Counsel for this party:
John R. Carfley, Esq.
P. O. Box 249
Philipsburg, Pa., 16866
(814) 342-5581
ID# 17621

FILED

MAY 02 2001

William A. Shaw
Prothonotary

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

FREDERICK J. THOMPSON	:	
and CINDY L. THOMPSON Husband	:	
and Wife, Individually and as	:	
Parents and Natural Guardians	:	
of LAURA PAIGE THOMPSON,	:	
a minor child	:	
Plaintiffs	:	
	:	
vs.	:	No. 2001-00260-CD
	:	Jury Trial Demanded
JOEL A. ROOS,	:	
Defendant	:	

PLAINTIFF'S RESPONSE TO DEFENDANT'S NEW MATTER

AND NOW, come the plaintiffs, who by and through their attorney, John R. Carfley, Esquire, respond to Defendant's New Matter in the following manner:

18. It is specifically denied that the plaintiffs were in any way contributorily negligent and/or comparatively negligent and are thus barred from recovery of damages under the terms of the Pennsylvania Comparative Negligent Act or that the plaintiffs' causal negligence is greater than the negligence of the defendant.

19. It is specifically denied that the provisions of the Pennsylvania Comparative Negligent Act apply to the facts and circumstances of this case and/or that the claim of plaintiffs is barred and/or diminished by such defenses as are raised in the Defendant's Answer and New Matter.

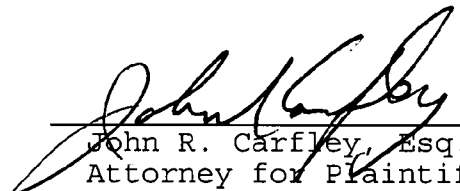
20. Admitted.

21. It is specifically denied that the defendant may assert any defense under the Pennsylvania Motor Vehicle Financial Responsibility Law or that the said law limits and controls

plaintiffs' right to recover damages in this action. By way of further answer it is averred that insofar as the provisions of the Act may be applicable, proof thereof is demanded at time of trial.

22. It is specifically denied that the defense of sudden emergency is assertable in this action or that it would act as a complete defense to plaintiffs' claim. Insofar as relevant proof thereof is demanded at time of trial.

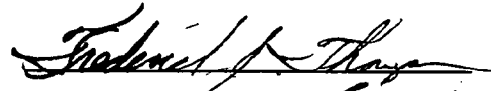
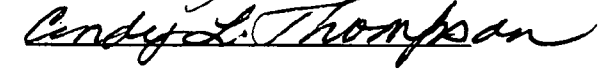
WHEREFORE, Plaintiffs demand that judgment be entered in favor of the Plaintiffs and against the defendants consistent with the averments and prayer of plaintiffs complaint the specific provisions of which are incorporated herein as fully as though set forth at length.


John R. Carfley, Esq.
Attorney for Plaintiffs
P. O. Box 249
Philipsburg, Pa., 16866
(814-342-5581)

Dated: May 2, 2001

VERIFICATION

I hereby verify that the statements made in this instrument 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.

Dated: May 1, 2001

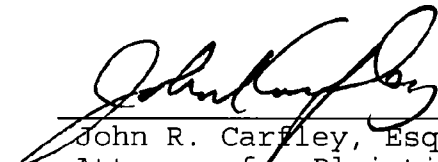
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FREDERICK J. THOMPSON	:	
and CINDY L. THOMPSON Husband	:	
and Wife, Individually and as	:	
Parents and Natural Guardians	:	
of LAURA PAIGE THOMPSON,	:	
a minor child	:	
Plaintiffs	:	
	:	
vs.	:	No. 2001-00260-CD
	:	Jury Trial Demanded
JOEL A. ROOS,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, John R. Carfley, Esquire, hereby certify that on May 2, 2001, a true and correct copy of within Plaintiffs' Response to Defendant's New Matter was served upon the following counsel for defendant by United States mail, postage prepaid:

Dennis J. Stofko, Esq.
R. THOMAS STRAYER LAW OFFICES
P. O. Box 5500
Johnstown, Pa., 15904



John R. Carfley, Esq.
Attorney for Plaintiffs
P. O. Box 249
Philipsburg, Pa., 16866
(814) 342-5581

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

No. 2001-260 CD

JOEL A. ROOS

Defendant

MOTION TO COMPEL

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID27638

FILED

JUL 02 2001

William A. Shaw
Prothonotary

MOTION TO COMPEL

NOW COMES the Defendant by and through counsel, Dennis J. Stofko and files the following Motion to Compel.

1. Plaintiffs initiated the above cause of action as a result of an accident occurring on July 28, 2000.

2. On May 2, 2001 Defendant served interrogatories and a request for production of documents on plaintiffs' counsel with the notice to answer within 30 days.

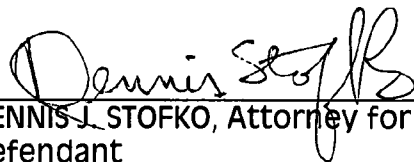
3. By letter dated June 12, 2001 counsel inquired as to the status of the discovery.

4. To date, no information has been received.

5. The discovery requested is necessary and relevant with regard to claims being asserted by the plaintiffs to the within cause of action and are reasonable in scope.

6. Defendant is entitled to an order compelling Plaintiffs to respond to the interrogatories and request for production pursuant to Rule 4019 of the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Defendant requests that this Court compel Plaintiffs to answer said discovery as requested or to suffer such sanctions as the Court shall impose.



DENNIS J. STOFKO, Attorney for
Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

No. 2001-260 CD

JOEL A. ROOS

Defendant

FILED

JUL 03 2001

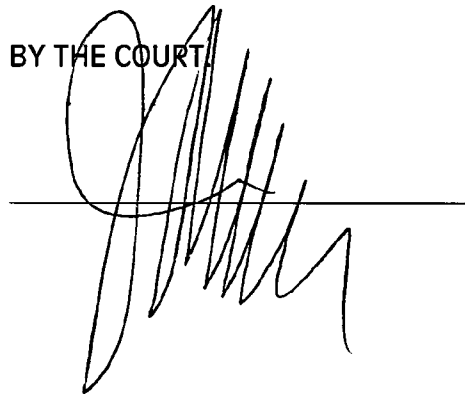
William A. Shaw
Prothonotary

ORDER

AND NOW this 3rd day of July, 2001 upon consideration of the
foregoing Motion to Compel,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that the Plaintiffs shall have
thirty (30) days from the date of this order to respond to said interrogatories and
request for production or suffer those sanctions deemed appropriate by the
Court.

BY THE COURT



FILED

JUL 03 2001

03/41/00 - atty Stopko

William A. Stopko
Prothonotary

[Signature]

CF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

No. 2001-260 CD

JOEL A. ROOS,

Defendant

MOTION FOR SANCTIONS
Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

NOV 30 2001

William A. Shaw
Prothonotary

MOTION FOR SANCTIONS

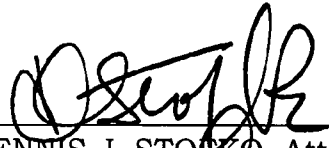
NOW COMES the Defendant by and through counsel, Dennis J. Stofko, and files the following Motion for Sanctions.

1. An order dated July 3, 2001 and signed by Judge John K. Reilly, Jr., a copy of which is attached hereto and marked as Exhibit A, was entered against Plaintiffs to file answers to interrogatories and a response to request for production no later than 30 days from July 3, 2001 or suffer those sanctions deemed appropriate by Court.

2. On or about September 6, 2001, October 11, 2001, October 26, 2001 correspondence was forwarded to Plaintiffs' counsel requesting the information be provided.

3. To date no response has been forthcoming and defendant hereby requests that Plaintiffs not be allowed to introduce into evidence any medical records, hospital records, physicians' reports, statements, photographs or any such documentation requested in the request which has not been produced at the time of this motion.

WHEREFORE, Defendant requests this case be dismissed or appropriate sanctions be imposed against Plaintiffs.



DENNIS J. STOFKO, Attorney for
Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

No. 2001-260 CD

JOEL A. ROOS

Defendant

ORDER

AND NOW this 30 day of July, 2001 upon consideration of the
foregoing Motion to Compel,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that the Plaintiffs shall have
thirty (30) days from the date of this order to respond to said interrogatories and
request for production or suffer those sanctions deemed appropriate by the
Court.

BY THE COURT.

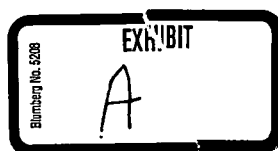
/s/ JOHN K. REILLY, JR.

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

JUL 03 2001

Attest.

William A. Hoon
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

No. 2001-260 CD

JOEL A. ROOS,

Defendant

ORDER

AND NOW this 3rd day of December, 2000 upon consideration of the
foregoing appropriate Motion for Sanctions,

IT IS HEREBY ORDERED AND DECREED that Plaintiffs shall not be
allowed to enter into evidence any medical records, hospital records,
physicians' reports, statements, photographs or any documentation requested
in Defendant's Request for Production ~~and that this case is dismissed with~~
~~prejudice.~~

BY THE COURT.

FILED

DEC 03 2001

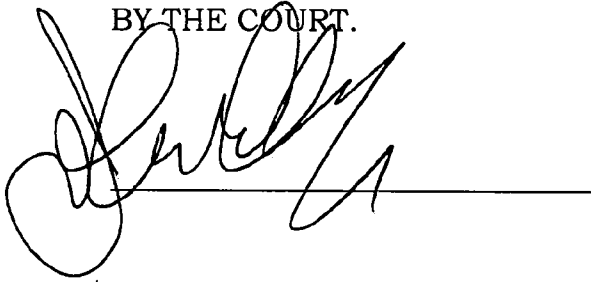
014:00 p.m.

William A. Shay

Prothonotary

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

FREDERICK J. THOMPSON :
and CINDY L. THOMPSON Husband :
and Wife, Individually and as :
Parents and Natural Guardians :
of LAURA PAIGE THOMPSON, :
a minor child :

Plaintiffs :

vs. :

JOEL A. ROOS, :

Defendant :

FILED

JAN 02 2002

011:0011CC atty

No. 2001-00260-CD William A. Shaw
Jury Trial Demanded Prothonotary

PETITION TO RESCIND ORDER IMPOSING SANTIONS

AND NOW, comes your petitioner, John R. Carfley, Esquire, who moves this court to set aside its order of December 3, 2001, and in support thereof avers as follows:

1. This matter involves a personal injury suit filed on behalf of the plaintiffs against the defendant on February 23, 2001.

2. Defendant's counsel requested the production of certain items of discovery by way of Interrogatories and Request for Production of Documents to which plaintiff was in the process of preparing responses.

3. Defendant's counsel filed a petition to compel production of documents and thereafter filed a motion for sanctions which was presented to this court.

4. Plaintiff's counsel, while involved in numerous other court and office matters, inadvertently failed to transmit the documents to counsel as per the appointed schedule.

5. The action of counsel was not intended to delay the

prosecution of this matter or in any way to be discourteous to opposing counsel or the court.

6. While the Rules of Civil Procedure provide for sanctions in the event of failure of counsel to comply with a court order, common practice in Clearfield County has not been to impose the most severe sanction of preclusion of evidence and/or dismissal of the suit with prejudice in the absence of some blatant action by counsel or the parties in their interaction with the court and/or with opposing counsel.

7. The accident giving rise to the cause of action for personal injuries occurred on July 28, 2000. As a result the statute of limitations has not run and plaintiff should be entitled to file suit against the defendants within the statutory period without suffering the sanction of dismissing of the lawsuit with prejudice as was reflected in this court's order of December 3, 2001.

8. It is the understanding of counsel that normal practice in Clearfield County provides for counsel to appear before the court to discuss matters of discovery prior to the imposition of any sanctions most particularly such severe sanctions as preclusion of evidence or dismissal of the suit.

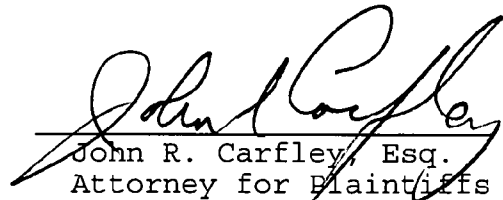
9. The discovery requested by defense counsel has now been provided by plaintiffs' counsel and the matter may proceed toward a reasonable and prompt conclusion.

10. Defendant was afforded the opportunity to depose the plaintiffs and did so on September 5, 2001, at which time many of the questions pertaining to the items of discovery were addressed

and answered.

11. It is not believed that the defendant would be prejudiced by plaintiffs' delay in providing this information nor is it anticipated that defense counsel would strenuously object to the court's rescission of its order to allow this case to proceed.

WHEREFORE, Petitioner requests this Honorable Court to enter an order rescinding its previous order and reinstate the litigation pending plaintiffs' prompt compliance with all further discovery requests.


John R. Carfley, Esq.
Attorney for Plaintiffs
P. O. Box 249
Philipsburg, Pa., 16866
(814-342-5581)

Dated: December 17, 2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

No. 2001-260 CD

JOEL A. ROOS,

Defendant

ORDER

AND NOW this 3rd day of December, 2000 upon consideration of the
foregoing appropriate Motion for Sanctions,

IT IS HEREBY ORDERED AND DECREED that Plaintiffs shall not be
allowed to enter into evidence any medical records, hospital records,
physicians' reports, statements, photographs or any documentation requested
in Defendant's Request for Production and that this case is dismissed with
prejudice.

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

BY THE COURT.

DEC 03 2001

/s/JOHN K. REILLY, JR.

Attest:

William L. [Signature]
Prothonotary

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

FREDERICK J. THOMPSON :
and CINDY L. THOMPSON Husband :
and Wife, Individually and as :
Parents and Natural Guardians :
of LAURA PAIGE THOMPSON, :
a minor child :
Plaintiffs :
vs. : No. 2001-00260-CD
JOEL A. ROOS, : Jury Trial Demanded
Defendant :

ORDER OF COURT

AND NOW, this 2nd day of January, 2002, upon consideration of Petitioner's Petition to rescind Order Imposing Sanctions and Petition for Reconsideration, IT IS THE ORDER OF THIS COURT that the Request for Reconsideration is granted. This Court shall reconsider its findings on the 25th day of January, 2002, at 9:00 o'clock A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania. Pending the outcome of that hearing all further matters shall be stayed pursuant to Pennsylvania Rule of Appellate Procedure 1701.

BY THE COURT:



FILED

JAN 02 2002


William A. Shaw
Prothonotary

FILED

JAN 02 2002

01/31/6 p.m.

William A. Shaw
Prothonotary

Two (2) cc to ~~Attg~~ 

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

FREDERICK J. THOMPSON and
CINDY L. THOMPSON, Husband and
Wife, Individually and as Parents and
Natural Guardians of LAURA PAIGE
THOMPSON, a minor child

-VS-

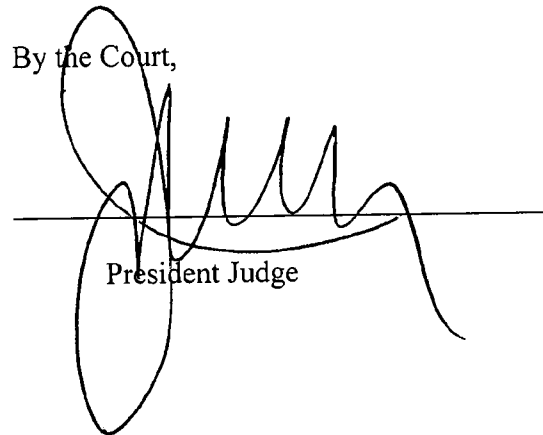
No. 2001 – 260 – CD

JOEL A. ROOS

ORDER

NOW, this 25th day of January, 2002, upon consideration of Plaintiffs' Petition to Rescind Order Imposing Sanctions, Defendant having failed to appear either in person or by counsel, it is the ORDER of this Court that said Petition be and is hereby granted and the Order of this Court dated December 3, 2001, rescinded.

By the Court,

A handwritten signature in black ink, appearing to be "William A. Shaw", is written over a horizontal line. The signature is stylized with a large loop at the beginning and end.

President Judge

FILED

JAN 25 2002

William A. Shaw
Prothonotary

FILED

JAN 25 2002

of
William A. Shaw
Prothonotary

1 cc to Atty Stoko

1 cc to Atty Cartley

WAS

CP

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

FREDERICK J. THOMPSON :
and CINDY L. THOMPSON Husband :
and Wife, Individually and as :
Parents and Natural Guardians :
of LAURA PAIGE THOMPSON, :
a minor child :

Plaintiffs :

vs. :

JOEL A. ROOS, :

Defendant :

No. 2001-00260-CD
Jury Trial Demanded

FILED

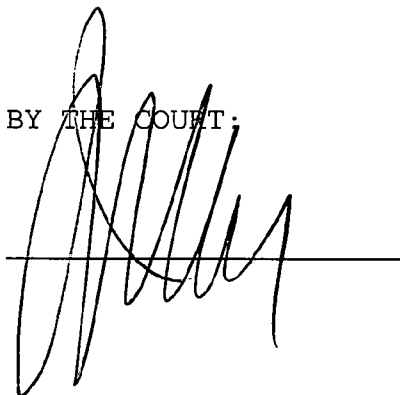
NOV 13 2002

William A. Shaw
Prothonotary

ORDER OF COURT

AND NOW, this 15th day of November, 2002, upon consideration of the foregoing Petition to Compromise a Minor's Action and for Approval of Distribution, IT IS THE ORDER OF THIS COURT that the petition is approved and the petitioners are directed to invest the sum of \$4,000.00 in a federally insured certificate of deposit or other like investment for the minor child, LAURA PAIGE THOMPSON pending further order of this court. No further action may be taken by the parents and/or natural guardians of the said child dealing with the liquidation and/or disposition of the certificate of deposit or other like investment without further application to this court and without further action thereon by this presiding court.

BY THE COURT:



FILED

0/3:21-~~611~~
NOV 13 2002

William A. Shaw
Prothonotary

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

FILED

NOV 12 2002

William A. Shaw
Prothonotary

FREDERICK J. THOMPSON :
and CINDY L. THOMPSON Husband :
and Wife, Individually and as :
Parents and Natural Guardians :
of LAURA PAIGE THOMPSON, :
a minor child :

Plaintiffs :

vs. :

JOEL A. ROOS, :

Defendant :

No. 2001-00260-CD

Jury Trial Demanded

PETITION

AND NOW, come your petitioners, Frederick J. Thompson and Cindy L. Thompson, parents and natural guardians of Laura Paige Thompson, who by and through their attorney, John R. Carfley, Esquire, petition this court for leave to settle the above case on behalf of the minor child and in support thereof avers as follows:

1. Your petitioners are the parents and natural guardians of Laura Paige Thompson, a minor child, who was injured in an automobile accident on or about the 28th day of July, 2000.

2. The minor child secured injuries to her shoulder and there was concern initially that a fracture of a growth plate had occurred although her treating orthopedist has reported negative findings in his most recent examination.

3. The parents have agreed to accept the sum of \$4,000.00 in full settlement of the minor's claim.

4. The parents believe the child's injuries have been resolved and that the settlement is in the best interest of the child.

5. Acting in their capacity as the parents of this child your petitioners instituted suit against the driver of the said vehicle and entered into a settlement with Nationwide Insurance Company and wish to secure court approval of the claim.

6. As parents and natural guardians of the said child, your petitioners are prepared to specify that the said Laura Paige Thompson does not exhibit any residual disability associated with the injuries which she sustained in the motor vehicle accident which constitutes the subject of this suit nor do your petitioners believe that any long term residual deficit will effect the child either physically or emotionally.

7. That total settlement of the claim filed on behalf of your petitioners and the minor child was \$19,500.00 from which attorney's fees and costs were deducted as per the contingent fee agreement entered into by your petitioners and counsel and as more fully enumerated on the settlement sheet attached hereto.

8. As a result of the said settlement your petitioners allocated a net settlement figure of \$4,000.00 applicable to the child's claim.

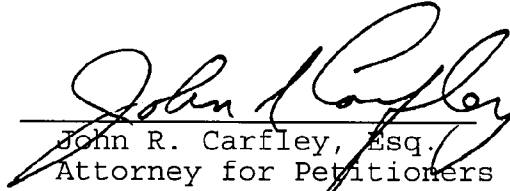
9. While the attorney's fees were calculated on the total gross settlement, all fees and costs were deducted from the portion of the award allocated to the parents as a result of which a net settlement figure exclusive of fees was provided for and on behalf of the said child as aforesaid.

10. Your petitioners believe that settlement of the minor's claim for the herein specified amount is in the best interest of the child and will result in a long term benefit to the child in

that your petitioners, with the permission of the court, intend to invest said funds into a secure federally insured investment to be maintained until such time as the child shall attain the age of majority or until further order of this court.

11. Your petitioners would propose to invest the said fund initially in a thirty-six month certificate of deposit at the Curwensville State Bank which is a FDIC insured investment currently bearing 2.8% interest which investment may be liquidated after the passage of seven (7) days from time of the creation of the CD and which investment would allow your petitioners to investigate other government insured products which may generate a higher interest rate but remain secure and federally insured.

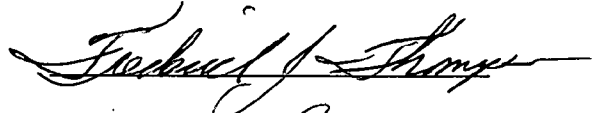

WHEREFORE, Petitioners request this Honorable Court to enter an order approving the settlement hereinabove noted and further approving distribution of this claim to the federally insured certificate of deposit hereinabove referenced.


John R. Carfley, Esq.
Attorney for Petitioners
P. O. Box 249
Philipsburg, Pa., 16866
(814-342-5581)

Dated: November 8, 2002

VERIFICATION

I hereby verify that the statements made in this instrument 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.

Dated: November 8, 2002

FILED

ice

013:50 284
NOV 12 2002

Atty Casfley
C. J. Casfley

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FREDERICK J. THOMPSON and CINDY L.
THOMPSON, Husband and Wife,
individually and as parents and
natural guardians of Laura Paige
Thompson, a minor child,

Plaintiffs

vs.

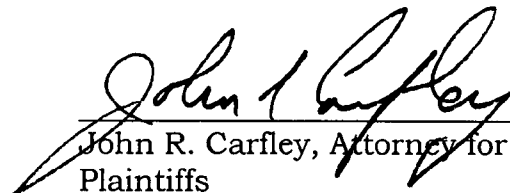
No. 2001-260 CD

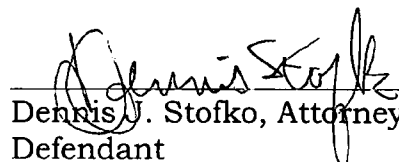
JOEL A. ROOS,

Defendant

PRAECIPE

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


John R. Carfley, Attorney for
Plaintiffs


Dennis J. Stofko, Attorney for
Defendant

Dated: December 27, 2002

FILED
17 9:45 BA Cert to atty
DEC 30 2002

William A. Shaw
Prothonotary

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

CIVIL DIVISION

**Frederick J. Thompson
Cindy L. Thompson
Laura Paige Thompson**

**Vs.
Joel A. Roos**

No. 2001-00260-CD

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 30, 2002 marked:

Discontinued, Settled and Ended

Record costs in the sum of \$115.10 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of December A.D. 2002.

William A. Shaw, Prothonotary