

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

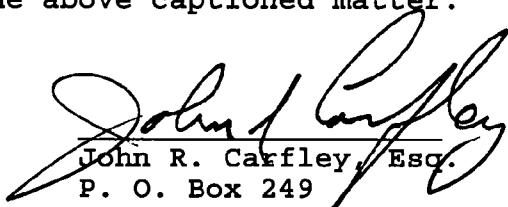
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

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. : No. 2001- 260 CD
JOEL A. ROOS, :
Defendant :
:

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

FER 23 2001

William A. Shaw
Prothonotary

FILED

SSD
FEB 23 2001
O 1.43 (City) Confer pd \$80.00.
William A. Shaw
Prothonotary
2 wks to Sheriff

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
VS.
ROOS, JOEL A.

01-260-CD

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

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

MAR 09 2001
01/04/01
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. STOKES, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

MAR 16 2001

William A. Shad
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.

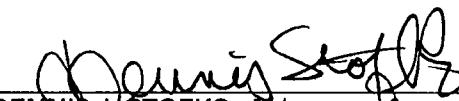
No. 2001-260 CD

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. STOKO, Attorney for
Defendant

FILED

MAR 10 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 items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John R. Carley, Esq.
9044 249
Philipsburg Pa 16866

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

John R. Carley 3/21/01

B. Date of Delivery

C. Signature

X John R. Carley

Agent
 Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

Yes
 No

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

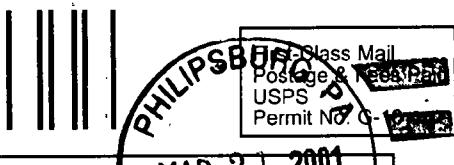
90993220000915355413

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

UNITED STATES POSTAL SERVICE



- Sender: Please print your name, address, and ZIP code in this box.

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

Posto

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.

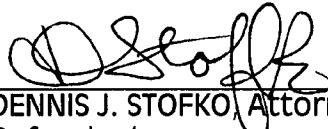
No. 2001-260 CD

JOEL A. ROOS,

Defendant

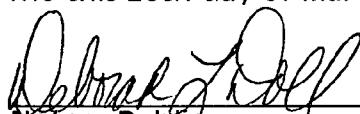
AFFIDAVIT OF SERVICE

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. STOKO, Attorney for
Defendant

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



Notary Public

FILED

MAR 28 2001
MIL 04 1100
William A. Shaw
Prothonotary

Notarial Seal
Deborah L. Doll, Notary Public
Richland Twp., Cambria County
My Commission Expires Jan. 27, 2002

Member, Pennsylvania Association of Notaries

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. : No. 2001-00260-CD
: Jury Trial Demanded
JOEL A. ROOS, :
Defendant : 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 08 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, Cleafield 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.

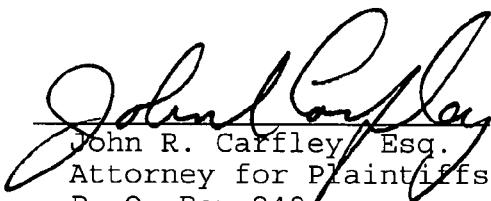
17. As a result of the injuries as aforesaid, plaintiffs have in addition sustained the following damages:

(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 Thompson
Frederick Thompson

Dated: April 5, 2001

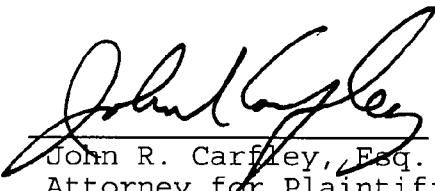
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

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 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 July 28, 2000 as the Plaintiffs' causal negligence is greater than the negligence, if any, of the Defendant.

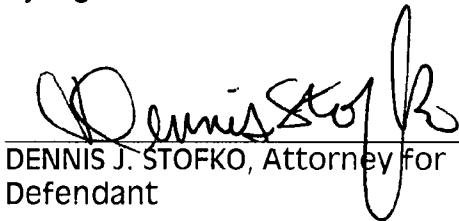
19. In the alternative pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. CSA Section 7102A any damage which the Plaintiffs may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New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

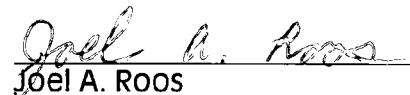
WHEREFORE, Defendant requests judgment on his behalf.



DENNIS J. STOKO, 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 :
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of LAURA PAIGE THOMPSON, :
a minor child :
 Plaintiffs :
 :
vs. : No. 2001-00260-CD
 Jury Trial Demanded
JOEL A. ROOS, :
 Defendant :
 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 :
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 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.

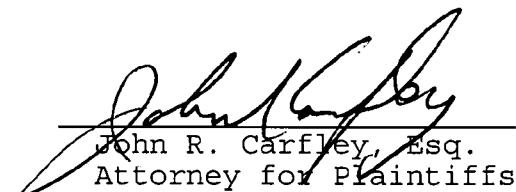
20. Admitted.

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.

Frederick L. Thompson
Andy L. Thompson

Dated: May 1, 2001

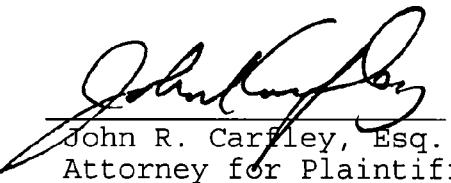
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

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

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. STOKO, 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

FILED

JUL 03 2001

JOEL A. ROOS

William A. Shaw
Prothonotary

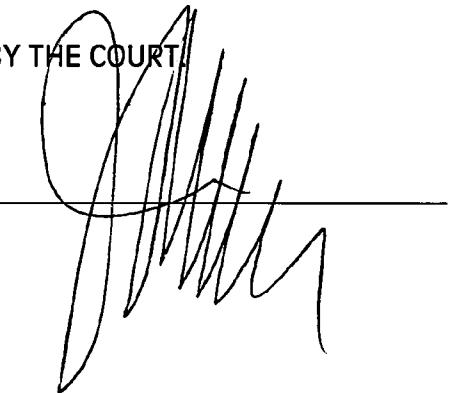
Defendant

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
O 341 1554-04-5
William A. Shaffer
Prothonotary
EJD

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

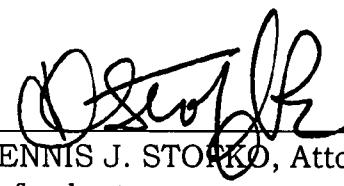
William A. Shaw
Prothonotary

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 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.

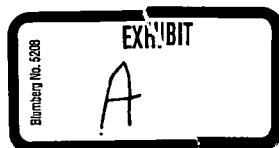
/s/ JOHN K. REILLY, JR.

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

JUL 03 2001

Attest.

William J. Roos
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

014:05 p.m.
William A. Sharpen
WS

1cc to atty

EFC

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 William A. Shaw
Jury Trial Demanded Prothonotary

FILED

JAN 02 2002

01/01/02 atty
8/1/01
A&P

PETITION TO RESCIND ORDER IMPOSING SANCTIONS

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.

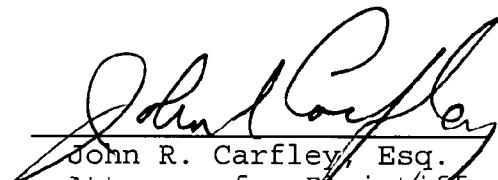
9. The discovery requested by defense counsel has now been provided by plaintiffs' counsel and the matter may proceed toward a reasonable and prompt conclusion.

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 recission 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.

/s/JOHN K. REILLY, JR.

DEC 03 2001

Attest:


Prothonotary

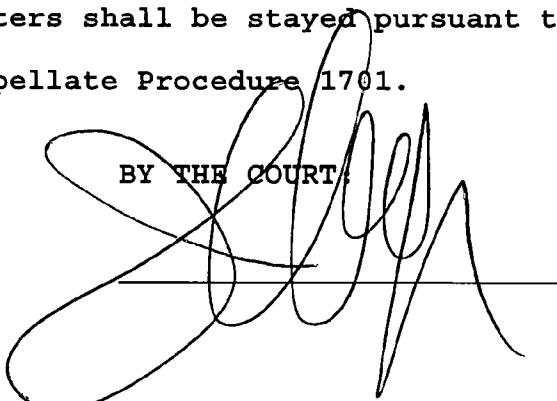
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

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 :
:

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

01/31/02 P-2

William A. Shaw

Prothonotary

Two (2) cc to ~~Attala Co~~

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,

President Judge

FILED
JAN 25 2002

William A. Shaw
Prothonotary

FILED

JAN 25 2002

✓
William A. Shaw
Prothonotary

1cc to Atty Stoko
1cc to Atty Cartley
✓
✓

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

AP
FILED

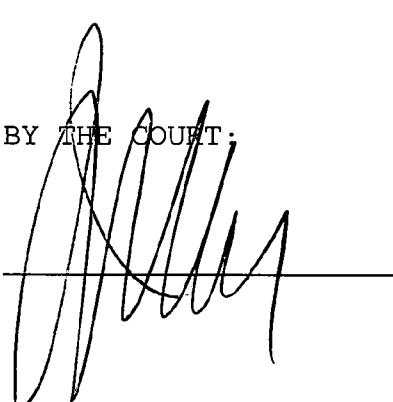
FREDERICK J. THOMPSON :
and CINDY L. THOMPSON Husband :
and Wife, Individually and as :
Parents and Natural Guardians :
of LAURA PAIGE THOMPSON, :
a minor child :
Plaintiffs :
: :
vs. : No. 2001-00260-CD
: Jury Trial Demanded
JOEL A. ROOS, :
Defendant :
:

NOV 13 2002
William A. Shaw
Prothonotary

ORDER OF COURT

AND NOW, this 13th 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

013-21-~~861~~
NOV 13 2002
Atty Casper

William A. Shaw
Prothonotary

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

FILED

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 :
:

NOV 12 2002
William A. Shaw
Prothonotary

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.

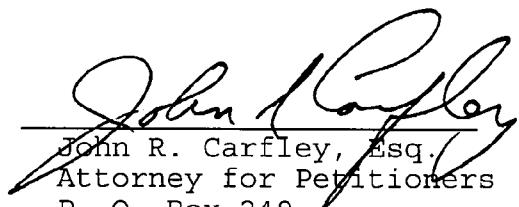
9. While the attorney's fees were calculated on the total gross settlement, all fees and costs were deducted from the portion of the award allocated to the parents as a result of which a net settlement figure exclusive of fees was provided for and on behalf of the said child as aforesaid.

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 govenment 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.

Frederick J. Thompson
Cordey F. Hoops

Dated: November 8, 2002

FILED

01350821
NOV 12 2002

ice
Amy Casper
GJ

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.

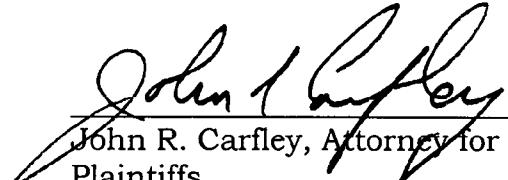
No. 2001-260 CD

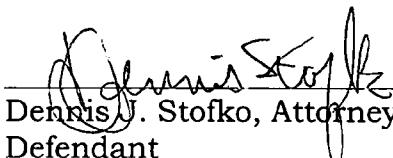
JOEL A. ROOS,

Defendant

PRAECIPE

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


John R. Carley, Attorney for
Plaintiffs


Dennis J. Stofko, Attorney for
Defendant

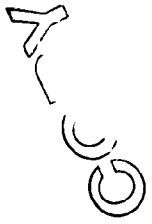
Dated: December 27, 2002

FILED
OK 11 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