

01-563-CD  
BONNIE L. DONALDSON et al -vs- WALTER R. ZWILLING et al

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

01-543-CD

BONNIE L. DONALDSON and  
LARRY L DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON MOTORS,  
INC., JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY,  
Defendants

: No. - 2001 - C.D.  
:  
: Type of Case: CIVIL  
:  
: Type of Pleading: COMPLAINT  
:  
: Filed on Behalf of: PLAINTIFFS  
:  
: Counsel of Record for this Party:  
:  
: PAUL E. CHERRY, ESQ.  
: Supreme Court No.42945  
:  
: CHERRY & CHERRY  
: 23 East Park Avenue  
: DuBois, PA 15801  
: (814) 371-3288

**FILED**

APR 19 2001

William A. Shaw  
Prothonotary

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

BONNIE L. DONALDSON and  
LARRY L DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON MOTORS,  
INC., JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY,  
Defendants

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

01-563-CD

No. - 2001 - C.D.

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 defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Amended Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

David S. Meholick, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

1. Plaintiff, BONNIE L. DONALDSON, is an adult individual, residing at 147 Third Street, Falls Creek, Jefferson County, Pennsylvania 15840.
2. Plaintiff, LARRY L DONALDSON, SR., is an adult individual, intermarried with Plaintiff, BONNIE L. DONALDSON, residing at 147 Third Street, Falls Creek, Jefferson County, Pennsylvania 15840.
3. Defendant, WALTER R. ZWILLING, is an adult individual, residing at 173 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.
4. Defendant, JOHNSON MOTORS, INC., is a Pennsylvania Corporation located at 911 South Brady Street, DuBois, Clearfield County, Pennsylvania.
5. Defendant, JAMES ROGER WEYANT, is an adult individual, residing at 320 South First Street, Bellwood, Cambria County, Pennsylvania 16617.
6. Defendant, SOUTH MAIN TRUCKING COMPANY, is a Pennsylvania Corporation located at 1000 South Main Street, Greensburg, Westmoreland County, Pennsylvania 15601.

7. At all times relevant hereto, the above Defendants were acting individually and through their authorized agents, servants, workmen and employees, then and there acting within the course and scope of their employment.

8. On April 22, 1999, Plaintiffs were the owners of a 1997 Honda Civic Automobile which was involved in the accident described herein.

9. On the aforesaid date, Defendant, WALTER R. ZWILLING, was operating a 1988 Ford F-150 Pickup Truck owned by Defendant, JOHNSON MOTORS, INC., which was involved in the accident described herein.

10. On the aforesaid date, Defendant, JAMES ROGER WEYANT, was operating a 1995 VD Truck owned by Defendant, SOUTH MAIN STREET TRUCKING COMPANY, which was involved in the accident described herein.

11. On the aforesaid date, at approximately 9:00 a.m., Plaintiff, BONNIE L. DONALDSON, was operating the vehicle owned by the Plaintiffs in a southerly direction on State Route 119 in Sandy Township, Clearfield County, Pennsylvania, when she turned on her left turn signal and applied her brakes to indicate that she was turning into a car wash along the highway .

12. On the aforesaid date at the same approximate time, Defendant, WALTER R. ZWILLING, was driving the vehicle owned by Defendant, JOHNSON MOTORS, INC., at an apparent excessive rate of speed in a southerly direction on State Route 119 immediately behind the vehicle being driven by Plaintiff, BONNIE L. DONALDSON, when he struck his vehicle into the rear of Plaintiffs' vehicle pushing Plaintiff's vehicle across the center line of the highway into the northbound lane and into the path of the vehicle operated by Defendant, JAMES ROGER WEYANT, and owned by Defendant, SOUTH MAIN STREET TRUCKING, COMPANY, which hit Plaintiff, BONNIE L. DONALDSON'S vehicle nearly head-on. A true and correct copy of the Commonwealth of Pennsylvania Police Accident Report evidencing said accident is attached hereto and made a part hereof as Exhibit "A".

13. At the time of the accident herein described, Plaintiff, BONNIE L. DONALDSON, was lawfully stopped and waiting to make a left hand turn.

14. The accident was directly and proximately caused by the negligence, carelessness, indifference, and reckless disregard of Defendant, WALTER R. ZWILLING, which consisted of the following:

- (a) operating his motor vehicle in a careless, reckless, and negligent manner;
- (b) operating his motor vehicle at an excessive rate of speed under the circumstances;
- (c) Operating his motor vehicle with no warning of approach or intended direction;
- (d) Not having his motor vehicle under the proper control so as to stop said vehicle within the assured clear distance ahead (Pa. Cons. Stat. Section 3361);
- (e) Operating the motor vehicle without due regard to the rights, safety, wellbeing, and position of the Plaintiff, BONNIE L. DONALDSON;
- (f) Failing to have his motor vehicle under the proper control so as to prevent this vehicle from striking the Plaintiffs' motor vehicle;
- (g) failing to keep a proper lookout;
- (h) failing to use due care under the circumstances;
- (i) failing to notice the motor vehicle of the Plaintiffs;
- (j) upon noticing the motor vehicle of Plaintiffs, failing to yield the right-of-way to the Plaintiffs' vehicle; and
- (k) failing to take evasive action in order to avoid impacting with Plaintiffs' vehicle;
- (l) failing to apply his brakes in sufficient time to avoid striking Plaintiffs' stationary car;
- (m) operating his motor vehicle in disregard of the rule of the road, the ordinances of Sandy Township, and the laws of the Commonwealth of Pennsylvania, including but not limited to the Motor Vehicle Code, 75 Pa. Cons. Stat. Section 3310.

15. Defendant, WALTER R. ZWILLING, was charged by the Sandy Township Police with 75 Pa. Cons. Stat. §§ 3310, Following too closely.

16. The accident was directly and proximately caused by the negligence, carelessness, indifference, and reckless disregard of Defendant, JAMES ROGER WEYANT, which consisted of the following:

- (a) operating his motor vehicle in a careless, reckless, and negligent manner;
- (b) operating his motor vehicle at an excessive rate of speed under the circumstances;
- (c) Operating the motor vehicle without due regard to the rights, safety, wellbeing, and position of the Plaintiff, BONNIE L. DONALDSON;
- (d) Failing to have his motor vehicle under the proper control so as to prevent this vehicle from striking the Plaintiffs' motor vehicle;
- (e) failing to keep a proper lookout;
- (f) failing to use due care under the circumstances;
- (g) failing to notice the motor vehicle of the Plaintiffs;
- (h) upon noticing the motor vehicle of Plaintiffs, failing to yield the right-of-way to the Plaintiffs' vehicle;
- (i) failing to take evasive action in order to avoid impacting with Plaintiffs' vehicle;
- (j) failing to apply his brakes in sufficient time to avoid striking Plaintiffs' vehicle;

17. At all times material hereto, Plaintiff, BONNIE L. DONALDSON, acted with due care and was not contributorily negligent.

#### COUNT I

Plaintiff, BONNIE L. DONALDSON vs. Defendants, WALTER R. ZWILLING, JOHNSON MOTORS, INC., JAMES ROGER WEYANT, and SOUTH MAIN STREET TRUCKING, INC.

18. Plaintiff, BONNIE L. DONALDSON, incorporates herein by reference the allegations set forth in paragraphs 1 through 17 as though the same were fully set forth at length.

19. As a result of the negligence, carelessness, reckless disregard, and indifference of Defendants, Plaintiff, BONNIE L. DONALDSON, was thrown violently against the interior of her motor vehicle and sustained severe injuries to the muscles, blood vessels, nerves, tendons, connective tissues, skin, bones, and organs of her body, including but not limited to; closed head injury; concussion; 11 cm right forehead laceration which extended down to the pericranium; 11 cm right supraorbital which extended down to the pericranium; small puncture wound behind the right ear; significant contusions of the chin and left CMC region; slightly displaced and depressed comminuted fracture of the lateral tibial plateau of the right knee; right knee lipohemarthrosis; left peroneal vein deep thrombosis; soleus vein thrombosis; soft tissue injury to the cervical spine; contusion overlying the left clavicle; contusion of both the right and left anterior thigh with abrasions over the right thigh and knee; significant contusions of the right arm and hand; transient hypotension; constant vertigo with associated nausea; severe memory loss; loss of feeling on the upper right side of her head; tremors in her hands; disfiguring scar of the right forehead and around the right eye; post traumatic stress disorder including disabling depression and fear of driving.

20. The injuries sustained by Plaintiff, BONNIE L. DONALDSON, as set forth above, are serious injuries which resulted in serious impairment of bodily function and permanent serious disfigurement.

21. As a direct and proximate result of the collision and the negligence, carelessness, reckless disregard, and indifference of Defendants, Plaintiff, BONNIE L. DONALDSON, has suffered, and will suffer in the future, great pain, agony, and inconvenience.

22. As a result of Defendants' negligence, Plaintiff, BONNIE L. DONALDSON, sustained a total loss of Plaintiffs' motor vehicle, the reasonable value of which at the time of the accident was \$12,905.50 including sales tax less salvage value. A true and correct copy of the Appraiser's Report is attached as Exhibit "B".

23. As a direct and proximate result of the negligence, carelessness, reckless disregard of Defendants, Plaintiff, BONNIE L. DONALDSON, has been, and in the future will be prevented from attending to her usual occupation as a Hair Stylist to her great loss and detriment.



24. As a direct and proximate result of the collision and the negligence, carelessness, reckless disregard, and indifference of Defendants, Plaintiff, BONNIE L. DONALDSON, has incurred, and in the future may incur, expenses for medical treatment and physical therapy in an amount not yet ascertained.

25. As a direct and proximate result of the collision and the negligence of Defendants, Plaintiff, BONNIE L. DONALDSON, has suffered a disruption in her daily habits and pursuits and a loss of enjoyment of life.

26. A jury trial is demanded.

WHEREFORE, Plaintiff, BONNIE L. DONALDSON, demands judgment against Defendants, WALTER R. ZWILLING, JOHNSON MOTORS, INC., JAMES ROGER WEYANT, and SOUTH MAIN STREET TRUCKING, INC., in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00), exclusive of interest and costs of suit.

#### COUNT II

Plaintiff, LARRY L DONALDSON vs. Defendants, WALTER R. ZWILLING, JOHNSON MOTORS, INC., JAMES ROGER WEYANT, and SOUTH MAIN STREET TRUCKING, INC.

27. Plaintiff, LARRY L DONALDSON, incorporates herein by reference the allegations set forth in paragraphs 1 through 26 as though the same were fully set forth at length.

28. As a result of the negligence, carelessness, reckless disregard, and indifference of Defendants, Plaintiff, LARRY L DONALDSON, has been deprived of the society, companionship, and consortium of his wife, Plaintiff, BONNIE L. DONALDSON, to his great detriment and loss.

29. As a result of the negligence, carelessness, reckless disregard, and indifference of Defendants, Plaintiff, LARRY L DONALDSON, has incurred large medical bills and expenses to treat his wife's injuries.

30. As a result of the negligence, carelessness, reckless disregard, and indifference of Defendants, Plaintiff, LARRY L DONALDSON, has suffered a disruption in his daily habits and pursuits and a loss of enjoyment of life.

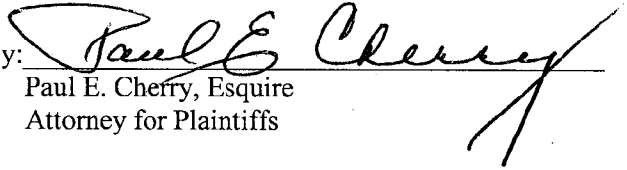
31. A jury trial is demanded.

WHEREFORE, Plaintiff, LARRY L DONALDSON, demands judgment against Defendants, WALTER R. ZWILLING, JOHNSON MOTORS, INC., JAMES ROGER WEYANT, and SOUTH MAIN STREET TRUCKING, INC., in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00), exclusive of interest and costs of suit.

Respectfully submitted,

CHERRY & CHERRY

By:

  
Paul E. Cherry, Esquire  
Attorney for Plaintiffs

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

Date: April 16, 2001

Bonnie L. Donaldson  
Bonnie L. Donaldson

Date: April 16, 2001

Larry L. Donaldson  
Larry L. Donaldson

# COMMONWEALTH OF PENNSYLVANIA POLICE ACCIDENT REPORT

REPORTABLE ☒ NON-REPORTABLE ☐

PENNDOT USE ONLY

XX REFER TO OVERLAY SHEETS



HARRY SOKIN

1.900-102-

EXT 4278

9904 5137

28

11:28

POLICE INFORMATION				ACCIDENT LOCATION			
1. INCIDENT NUMBER <b>STA 4-99-1421</b>				20. COUNTY <b>CLAREFIELD</b> CODE <b>17</b>			
2. AGENCY NAME <b>SANDY TOWNSHIP</b>				21. MUNICIPALITY <b>SANDY TOWNSHIP</b> CODE <b>228</b>			
3. STATION/PRECINCT <b>SANDY</b>				PRINCIPAL ROADWAY INFORMATION			
5. INVESTIGATOR <b>WILLIAM A BEERS</b>				22. ROUTE NO. OR STREET NAME <b>SR 219</b>			
6. APPROVED BY <b>WILLIAM A BEERS</b>				23. SPEED LIMIT <b>35</b> 24. TYPE HIGHWAY <b>0</b> 25. ACCESS CONTROL <b>0</b>			
7. INVESTIGATION DATE <b>22 April 99</b>				INTERSECTING ROAD:			
8. ARRIVAL TIME <b>0919 AM</b>				26. ROUTE NO. OR STREET NAME			
ACCIDENT INFORMATION				27. SPEED LIMIT			
9. ACCIDENT DATE <b>0909 AM</b>				28. TYPE HIGHWAY			
10. DAY OF WEEK <b>THURSDAY</b>				29. ACCESS CONTROL			
11. TIME OF DAY <b>22 April 99</b>				IF NOT AT INTERSECTION:			
12. NUMBER OF UNITS <b>3</b>				30. CROSS STREET OR SEGMENT MARKER <b>SR 119</b>			
13. # KILLED <b>0</b> 14. # INJURED <b>1</b>				31. DIRECTION FROM SITE <b>N E W</b> 32. DISTANCE FROM SITE <b>1000</b> FT. MI.			
15. PRIV. PROP. ACCIDENT Y <input type="checkbox"/> N <input checked="" type="checkbox"/>				33. DISTANCE WAS MEASURED <input type="checkbox"/> ESTIMATED <input checked="" type="checkbox"/>			
16. DID VEHICLE HAVE TO BE REMOVED FROM THE SCENE? UNIT 1 Y <input type="checkbox"/> N <input checked="" type="checkbox"/> UNIT 2 Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				34. CONSTRUCTION ZONE <input type="checkbox"/> 35. TRAFFIC CONTROL DEVICE <input type="checkbox"/>			
17. VEHICLE DAMAGE 0 - NONE UNIT 1 <b>2</b> 1 - LIGHT 2 - MODERATE 3 - SEVERE UNIT 2 <b>3</b>				PRINCIPAL INTERSECTING			
18. HAZARDOUS MATERIALS Y <input type="checkbox"/> N <input checked="" type="checkbox"/>				UNIT # 2			
19. PENNDOT PROPERTY Y <input type="checkbox"/> N <input checked="" type="checkbox"/>				36. LEGALLY Y <input type="checkbox"/> N <input checked="" type="checkbox"/> 37. REG. PLATE <b>F33978F</b> 38. STATE <b>PA</b>			
UNIT # 1				39. PA TITLE OR OUT-OF-STATE VIN <b>1FTEF14YJN B04316</b>			
35. LEGALLY Y <input type="checkbox"/> N <input checked="" type="checkbox"/> 36. LEGALLY Y <input type="checkbox"/> N <input checked="" type="checkbox"/> 37. REG. PLATE <b>F33978F</b> 38. STATE <b>PA</b>				40. OWNER <b>JOHNSON MOTORS INC</b>			
39. PA TITLE OR OUT-OF-STATE VIN <b>1FTEF14YJN B04316</b>				41. OWNER ADDRESS <b>911 S. BRADY ST</b>			
40. OWNER <b>JOHNSON MOTORS INC</b>				42. CITY, STATE & ZIP CODE <b>DuBois, PA 15801</b>			
41. OWNER ADDRESS <b>911 S. BRADY ST</b>				43. YEAR <b>1988</b> 44. MAKE <b>FORD</b>			
42. CITY, STATE & ZIP CODE <b>DuBois, PA 15801</b>				45. MODEL - (NOT BODY TYPE) <b>F-150</b> 46. INS. Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>			
43. YEAR <b>1988</b> 44. MAKE <b>FORD</b>				47. BODY TYPE <b>50</b> 48. SPECIAL USAGE <b>0</b> 49. VEHICLE OWNERSHIP <b>2</b>			
45. MODEL - (NOT BODY TYPE) <b>F-150</b> 46. INS. Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>				50. INITIAL IMPACT POINT <b>12</b> 51. VEHICLE STATUS <b>0</b> 52. TRAVEL SPEED <b>99</b>			
47. BODY TYPE <b>50</b> 48. SPECIAL USAGE <b>0</b> 49. VEHICLE OWNERSHIP <b>2</b>				53. VEHICLE GRADIENT <b>3</b> 54. DRIVER PRESENCE <b>1</b> 55. DRIVER CONDITION <b>1</b>			
50. INITIAL IMPACT POINT <b>12</b> 51. VEHICLE STATUS <b>0</b> 52. TRAVEL SPEED <b>99</b>				56. DRIVER NUMBER <b>496-20-8424</b> 57. STATE <b>MO</b>			
53. VEHICLE GRADIENT <b>3</b> 54. DRIVER PRESENCE <b>1</b> 55. DRIVER CONDITION <b>1</b>				58. DRIVER NAME <b>WALTER R Zilling</b>			
56. DRIVER NUMBER <b>496-20-8424</b> 57. STATE <b>MO</b>				59. DRIVER ADDRESS <b>173 Treasure Lake</b>			
58. DRIVER NAME <b>WALTER R Zilling</b>				60. CITY, STATE & ZIP CODE <b>DuBois, PA 15801</b>			
59. DRIVER ADDRESS <b>173 Treasure Lake</b>				61. SEX <b>M</b> 62. DATE OF BIRTH <b>08-07-27</b> 63. PHONE <b>371-9302</b>			
60. CITY, STATE & ZIP CODE <b>DuBois, PA 15801</b>				64. COMM. VEH. Y <input type="checkbox"/> N <input checked="" type="checkbox"/> 65. DRIVER CLASS <b>C</b>			
61. SEX <b>M</b> 62. DATE OF BIRTH <b>08-07-27</b> 63. PHONE <b>371-9302</b>				67. CARRIER			
64. COMM. VEH. Y <input type="checkbox"/> N <input checked="" type="checkbox"/> 65. DRIVER CLASS <b>C</b>				68. CARRIER ADDRESS			
67. CARRIER				69. CITY, STATE & ZIP CODE			
68. CARRIER ADDRESS				70. USDOT #			
69. CITY, STATE & ZIP CODE				ICC #			
70. USDOT #				PUC #			
72. VEH. CONFIG.				73. CARGO BODY TYPE			
73. CARGO BODY TYPE				74. GVWR			
74. GVWR				75. NO. OF AXLES			
75. NO. OF AXLES				76. HAZ ARDOUS MATERIALS			
76. HAZ ARDOUS MATERIALS				77. RELEASE OF HAZMAT Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>			
77. RELEASE OF HAZMAT Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>				78. HAZ ARDOUS MATERIALS			

78. RESPONDING EMS AGENCY		INCIDENT #:	
79. MEDICAL FACILITY		ACCIDENT DATE:	
80. PEOPLE INFORMATION			
NAME		ADDRESS	
1 1 M 71 3 1 0		WAITER ZWILLING T.L. DUBOIS PA	
3 1 M 32 3 1 0		JAMES WEYANT BELLWOOD PA	
2 1 F 54 3 4 1		BONNIE DONALDSON FALLSCREEK PA	
81. ILLUMINATION		82. WEATHER	
83. ROAD SURFACE		86. DIAGRAM	
84. PENNSYLVANIA SCHOOL DISTRICT (IF APPLICABLE)		85. DESCRIPTION OF DAMAGED PROPERTY	
OWNER		ADDRESS	
PHONE		87. NARRATIVE - IDENTIFY PRECIPITATING EVENTS, CAUSATION FACTORS, SEQUENCE OF EVENTS, WITNESS STATEMENTS, AND PROVIDE ADDITIONAL DETAILS. LIKE INSURANCE INFORMATION AND LOCATION OF TOWED VEHICLES, IF KNOWN.	
88. WITNESSES		89. VIOLATIONS INDICATED	
90. SECTION NUMBERS (ONLY IF CHARGED)		91. PROBABLE USE	
92. TYPE TEST		93. RESULTS	
94. INVESTIGATION COMPLETE ?		95. INVESTIGATION COMPLETE ?	



COMMONWEALTH OF PENNSYLVANIA  
POLICE ACCIDENT REPORT

(XX) REFER TO OVERLAY SHEETS

REPORTABLE ☒ NON-REPORTABLE ☐

PENNDOT USE ONLY

POLICE INFORMATION				ACCIDENT LOCATION			
1. INCIDENT NUMBER <b>STP-4-99-1421</b>				20. COUNTY <b>CLEARFIELD</b> CODE <b>17</b>			
2. AGENCY NAME <b>SANDY TOWNSHIP</b>				21. MUNICIPALITY <b>SANDY TOWNSHIP</b> CODE <b>238</b>			
3. STATION/PRECINCT <b>SANDY</b>				4. PATROL ZONE <b>1</b>			
5. INVESTIGATOR <b>William A BEERS</b>				22. ROUTE NO. OR STREET NAME <b>PRINCIPAL ROADWAY INFORMATION</b>			
6. APPROVED BY <b>William A BEERS</b>				23. SPEED LIMIT <b>24. TYPE HIGHWAY</b> <b>25. ACCESS CONTROL</b>			
7. INVESTIGATION DATE <b>04/22/99</b>				8. ARRIVAL TIME <b>09:19AM</b>			
9. ACCIDENT DATE <b>04/22/99</b>				10. DAY OF WEEK <b>THURSDAY</b>			
11. TIME OF DAY <b>09:09 AM</b>				12. NUMBER OF UNITS <b>3</b>			
13. # KILLED <b>0</b>				14. # INJURED <b>1</b>			
15. PRIV. PROP. ACCIDENT <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>				16. DID VEHICLE HAVE TO BE REMOVED FROM THE SCENE? UNIT 1 <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/> UNIT 2 <b>Y</b> <input type="checkbox"/> <b>N</b> <input type="checkbox"/>			
17. VEHICLE DAMAGE 0 - NONE UNIT 1 <b>2</b> 1 - LIGHT 2 - MODERATE 3 - SEVERE UNIT 2 <b>2</b>				18. HAZARDOUS MATERIALS <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>			
19. PENNDOT PROPERTY <b>Y</b> <input type="checkbox"/> <b>N</b> <input type="checkbox"/>				26. ROUTE NO. OR STREET NAME <b>27. SPEED LIMIT</b> <b>28. TYPE HIGHWAY</b> <b>29. ACCESS CONTROL</b>			
30. CROSS STREET OR SEGMENT MARKER <b>31. DIRECTION FROM SITE N S E W</b> <b>32. DISTANCE FROM SITE FT. MI.</b>				33. DISTANCE WAS MEASURED <input type="checkbox"/> ESTIMATED <input checked="" type="checkbox"/>			
34. CONSTRUCTION ZONE <input type="checkbox"/>				35. TRAFFIC CONTROL DEVICE PRINCIPAL <input type="checkbox"/> INTERSECTING <input type="checkbox"/>			
36. LEGALLY Y <input checked="" type="checkbox"/> N <input type="checkbox"/> PARKED? <input checked="" type="checkbox"/> <b>37. REG. PLATE T M10453</b> <b>38. STATE PA</b>				36. LEGALLY Y <input type="checkbox"/> N <input type="checkbox"/> PARKED? <input type="checkbox"/> <b>37. REG. PLATE</b> <b>38. STATE</b>			
39. PA TITLE OR OUT-OF-STATE VIN <b>48150536902</b>				39. PA TITLE OR OUT-OF-STATE VIN			
40. OWNER <b>SOUTH MAIN TRUCKING CO.</b>				40. OWNER			
41. OWNER ADDRESS <b>1000 S. MAIN ST</b>				41. OWNER ADDRESS			
42. CITY, STATE & ZIPCODE <b>GREENSBURG PA 15601</b>				42. CITY, STATE & ZIPCODE			
43. YEAR <b>1995</b>				43. YEAR			
44. MAKE <b>VD</b>				44. MAKE			
45. MODEL - (NOT BODY TYPE) <b>TK.</b>				45. MODEL - (NOT BODY TYPE)			
46. INS. <b>Y</b> <input checked="" type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>				46. INS. <b>Y</b> <input type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>			
47. BODY TYPE <b>69</b>				47. BODY TYPE			
48. SPECIAL USAGE <b>0</b>				48. SPECIAL USAGE			
49. VEHICLE OWNERSHIP <b>2</b>				49. VEHICLE OWNERSHIP			
50. INITIAL IMPACT POINT <b>12</b>				50. INITIAL IMPACT POINT			
51. VEHICLE STATUS <b>0</b>				51. VEHICLE STATUS			
52. TRAVEL SPEED <b>35</b>				52. TRAVEL SPEED			
53. VEHICLE GRADIENT <b>2</b>				53. VEHICLE GRADIENT			
54. DRIVER PRESENCE <b>1</b>				54. DRIVER PRESENCE			
55. DRIVER CONDITION <b>1</b>				55. DRIVER CONDITION			
56. DRIVER NUMBER <b>21-091-378</b>				56. DRIVER NUMBER			
57. STATE <b>PA</b>				57. STATE			
58. DRIVER NAME <b>JAMES ROGER WEYANT</b>				58. DRIVER NAME			
59. DRIVER ADDRESS <b>320 SOUTH 1ST ST.</b>				59. DRIVER ADDRESS			
60. CITY, STATE & ZIPCODE <b>BELLWOOD PA 16617</b>				60. CITY, STATE & ZIPCODE			
61. SEX <b>M</b>				61. SEX			
62. DATE OF BIRTH <b>05-01-66</b>				62. DATE OF BIRTH			
63. PHONE <b>814-742-9076</b>				63. PHONE			
64. COMM. VEH. Y <input checked="" type="checkbox"/> N <input type="checkbox"/> CLASS <b>A</b>				64. COMM. VEH. Y <input type="checkbox"/> N <input type="checkbox"/> CLASS			
65. DRIVER CLASS <b>A</b>				65. DRIVER CLASS			
66. CARRIER <b>SOUTH MAIN TRUCKING CO.</b>				66. CARRIER			
67. CARRIER ADDRESS <b>1000 S. MAIN ST</b>				67. CARRIER ADDRESS			
68. CITY, STATE & ZIPCODE <b>GREENSBURG PA 15601</b>				68. CITY, STATE & ZIPCODE			
69. USDOT # <b>696383</b>				69. USDOT #			
70. ICC # <b>322-634C</b>				70. ICC #			
71. PUC # <b>AA-001-4076</b>				71. PUC #			
72. VEH. CONFIG. <b>2</b>				72. VEH. CONFIG.			
73. CARGO BODY TYPE <b>2</b>				73. CARGO BODY TYPE			
74. GVWR <b>17,000</b>				74. GVWR			
75. NO. OF AXLES <b>2</b>				75. NO. OF AXLES			
76. HAZARDOUS MATERIALS <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/> <b>UNK</b> <input type="checkbox"/>				76. HAZARDOUS MATERIALS <b>Y</b> <input type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>			
77. RELEASE OF HAZMAT <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/> <b>UNK</b> <input type="checkbox"/>				77. RELEASE OF HAZMAT <b>Y</b> <input type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>			



I saw glass hitting the road and a car near across the roadway in front of a south electric truck that hit it. The truck had no hope of stopping.

UNIT #1 STATED HE WAS GOING SOUTH ON RT 219 BEHIND UNIT #2 SHE MADE A QUICK STOP I APPLIED MY BRAKES AND RAN INTO THE REAR OF UNIT #2 PUSHING HER ACROSS THE CENTER LINE INTO THE PATH OF UNIT #3 GOING NORTH ON RT 219.

UNIT #3 STATED GOING NORTH ON RT 219 SAW UNIT #1 RAN INTO THE BACK OF UNIT #2 PUSHING HER ACROSS THE CENTER LINE INTO MY PATH THERE WASN'T ANYTHING I COULD DO TO AVOID FROM HITTING UNIT #2

VICTOR MANCINI  
1382 PENN AVE  
BROCKWAY PA  
265-0901



Executive House, 615 Howard Ave.  
Suite 208  
P.O. Box 1150  
Altoona, Pennsylvania 16603  
(814) 946-0448  
Fax (814) 943-2170



# Appraiser's Report - Total Loss Evaluation

## VEHICLE SERVICES

Branch # 222 File # 002537

Vehicle Owner <u>Larry W. Donaldson</u>		Claim # <u>420-5493</u>
Insured <u>Totaka Motors</u>		Policy # <u>6</u>
Company <u>Universal Underwriters</u>		Adjuster <u>M. G. H.</u>
Year <u>1997</u>	Make <u>Honda</u>	Model <u>CR12-LX</u>
Serial Number <u>2HGEJ6678VH534930</u>	Style <u>Adv</u>	License # <u>22559</u>
Odometer Reads <u>0037260</u>		State <u>PA</u>

<b>Location of Vehicle:</b> <input type="checkbox"/> Repair Facility <input checked="" type="checkbox"/> Towing Facility <input type="checkbox"/> Place of Business <input type="checkbox"/> Drive By <input type="checkbox"/> Residence <input type="checkbox"/> *Other	<b>Cause of Damage:</b> <input type="checkbox"/> Collision <input type="checkbox"/> Fire <input type="checkbox"/> Mechanical <input type="checkbox"/> Hail <input type="checkbox"/> Submersion <input type="checkbox"/> Water Level _____	<b>Vehicle Status:</b> Driveable <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Inspection Completed: <input type="checkbox"/> Before Repair <input type="checkbox"/> During Repair <input type="checkbox"/> After Repair Vehicle Disassembled <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Has Vehicle Been Modified <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---	--

RECOMMENDATION: ☐ Borderline Total ☒ Total ☐ Possible Additional Damage ☐ \*Other NOTE: \*Explanation required

<input type="checkbox"/> Wholesale <input checked="" type="checkbox"/> Retail <input checked="" type="checkbox"/> 2-Book Average	Edition Date <u>4/99</u> Model # <u>CR12-LX</u> Book(s) Used: <u>RED</u>	Pre-Loss Condition: Item Condition Description +/- Amount
BASIC BOOK VALUE: +/- 1) <u>13100.00</u> 2) <u>12675.00</u> - B. M. 1		
Mileage Cat. # <u>I</u> - <u>525.00</u> - <u>1750.00</u>		
<u>1.0400</u> <u>INC</u> <u>INC</u>		
<u>Auto CD 4</u> <u>INC</u>		
<u>P5-PB</u> <u>INC</u>		
<u>Air Cond</u> <u>INC</u>		
<u>CR12-LX</u> + <u>200.00</u> + <u>\$250.00</u>		
<u>PAWL - PW.</u> <u>INC.</u> + <u>225.00</u>		
<u>TILT/CRUISE</u> + <u>\$175.00</u>		
<u>PAWL - PW.</u> <u>INC</u>		
Total Reconditioning Cost \$ <u>8</u>		

Dealer 1: <u>TOTAL - \$12,775.00 / \$11,575.00</u> Dealer 2: Dealer 3:	Sales Mgr. Equipment Phone Number In Stock Market Value
--	---

GUIDE BOOK ACV VALUE <u>14330.00</u> ÷ 2 Average Retail Book Value <u>12,175.00</u> + or - Reconditioning Guide Book ACV TOTAL <u>12,175.00</u>	MARKET ACV VALUE Market Survey Value + or - Reconditioning Market Value ACV TOTAL	Total <u>\$12,175.00</u> Average <u>820.50</u> Suggested ACV \$ <u>12,905.50</u>
--	--	--

SALVAGE BIDDER 1) <u>LEO 4505 SAVING POOL</u> 2) 3)	Contact Telephone Bid
--	-----------------------

Estimated Salvage Value \$ <u>2090</u> Salvage moved <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, where? Status Letter Sent <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date _____ Client Callback Required <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, completed: Date <u>5/12</u> Time <u>11:20 AM</u> Contact <u>THANK</u> Attempts: _____ Dates _____ Exhibit "B" _____ Appraiser <u>[Signature]</u> Date <u>05-12-99</u> Comments on Reverse side	<input type="checkbox"/> Phone Bids <input type="checkbox"/> Mail Bids Stock # Telephone #
--	---

FILED

APR 19 2001

William A. Shaw  
Prothonotary

Cheng  
Pd 8800

Acc City Cheng

Cheng & Cheng  
23 EAST PARK AVENUE  
DUBOIS, PENNSYLVANIA 15801

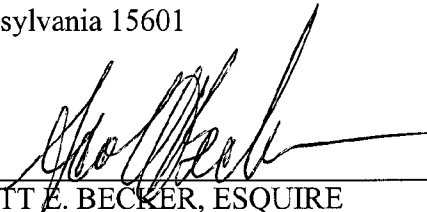
**CERTIFICATE OF SERVICE**

I, Scott E. Becker, Esquire, counsel for Defendants, hereby certify that I served a true and correct copy of the foregoing Praecipe for Appearance by first-class mail, postage pre-paid on May 7, 2001, upon the following counsel of record and/or parties:

Paul E. Cherry, Esquire  
Cherry & Cherry  
23 East Park Avenue  
DuBois, Pennsylvania 15801

James Roger Weyant  
320 South First Street  
Bellwood, Pennsylvania 16617

South Main Trucking Company  
1000 South Main Street  
Greensburg, Pennsylvania 15601

---

SCOTT E. BECKER, ESQUIRE  
Counsel for Defendants

FILED

MAY 09 2001

m 10:50/10cc

William A. Shaw

Prothonotary

*WAS*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,

Plaintiffs

CIVIL DIVISION

No. 01-563 CD

VS.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,

Defendants

TYPE OF PLEADING:

**PRAECIPE FOR APPEARANCE**

Filed on Behalf of Defendants:

WALTER R. ZWILLING and  
JOHNSON MOTORS, INC.

Counsel of Record for This Party:

SCOTT E. BECKER, ESQUIRE  
PA I.D. #19671

**FILED**

MAY 09 2001

William A. Shaw  
Prothonotary

Bonacci, Muchow & Redman  
870 Six PPG Place  
Pittsburgh, Pennsylvania 15222  
(412) 263-3360

JURY TRIAL DEMANDED

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,

No. 01-563 CD

WALTER R. ZWILLING, JOHNSON )  
MOTORS, INC., JAMES ROGER )  
WEYANT and SOUTH MAIN TRUCKING )  
COMPANY, )

### PRAECIPE FOR APPEARANCE

Kindly enter the appearance of the undersigned on behalf of the Defendants, Walter R. Zwilling and Johnson Motors, Inc., in the above-captioned case.

By

SCOTT E. BECKER, ESQUIRE  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER WEYANT,  
and SOUTH MAIN TRUCKING COMPANY,  
Defendants.

: CIVIL DIVISION

: No. 01 - 563 C.D.

: TYPE OF PLEADING:

: **Praeceptum for Entry of Appearance**

: FILED ON BEHALF OF:

: Defendants JAMES ROGER

: WEYANT and SOUTH MAIN

: TRUCKING COMPANY

: COUNSEL FOR FILING PARTIES:

: J. Michael Dorezas, Esquire

: PA I.D. #17460

: EWEY, RUTCH, BLACK, DOREZAS,

: MAGEE & LEVINE, LLP

: 401 Allegheny Street

: P.O. Box 415

: Hollidaysburg, PA 16648

: (814) 695-7581

: JURY TRIAL DEMANDED

**FILED**

MAY 16 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

: CIVIL DIVISION

: No. 01 - 563 C.D.

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER WEYANT,  
and SOUTH MAIN TRUCKING COMPANY,  
Defendants.

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please note the appearance of the undersigned as counsel of record for JAMES  
ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, Defendants named in  
the above matter, noting that all papers and process for service upon said party may be  
served upon the undersigned at 401 Allegheny Street, P. O. Box 415, Hollidaysburg,  
Pennsylvania 16648.

EVEY, ROUTH, BLACK, DOREZAS, MAGEE  
& LEVINE, LLP

By: J. Michael Dorezas  
J. Michael Dorezas, Esq.  
Attorney for the Defendants  
JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY



**CERTIFICATE OF SERVICE**

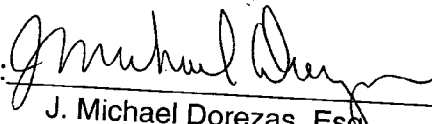
I hereby certify that a true and correct copy of the foregoing PRAECIPE FOR ENTRY OF APPEARANCE was served on the 15 day of May, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Paul E. Cherry, Esquire  
CHERRY & CHERRY  
23 East Park Avenue  
DuBois, PA 15801  
(814) 371-3288  
(Attorney for Plaintiffs)

Scott E. Becker, Esquire  
BONACCI, MUCHOW & REDMAN  
870 Six PPG Place  
Pittsburgh, PA 15222  
(412) 263-3360  
(Attorney for Defendants WALTER R.  
ZWILLING and JOHNSON MOTORS,  
INC.)

EVEY, RUTCH, BLACK, DOREZAS & MAGEE  
& LEVINE, LLP

BY:



J. Michael Dorezas, Esq.  
Attorney for Defendants  
JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY

FILED

MAY 18 2001

M 9:05 AM

William A. Shaw  
Prothonotary

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 10909

**DONALDSON, BONNIE L. & LARRY L.**

**01-563-CD**

**VS.**

**ZWILLING, WALTER R. Etal**

**COMPLAINT**

**SHERIFF RETURNS**

---

**NOW APRIL 20, 2001 AT 9:31 AM DST SERVED THE WITHIN COMPLAINT ON JOHNSON MOTORS INC., DEFENDANT AT EMPLOYMENT, 911 SOUTH BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JAMES BAIN, P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.**  
**SERVED BY: SNYDER**

**NOW APRIL 27, 2001, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON WALTER R. ZWILLING, DEFENDANT.**  
**NOW MAY 2, 2001 SERVED THE WITHIN COMPLAINT ON WALTER R. ZWILLING, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED MARLENE HINGLAND, DAUGHTER.**

**NOW APRIL 19, 2001, CHRIS SCHERER, SHERIFF OF WESTMORELAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON SOUTH MAIN TRUCKING COMPANY, DEFENDANT.**  
**NOW MAY 4, 2001 SERVED THE WITHIN COMPLAINT ON SOUTH MAIN TRUCKING CO. DEFENDANT BY DEPUTIZING THE SHERIFF OF WESTMORELAND COUNTY. THE RETURN OF SHERIFF SCHERER IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED JIM PARK, PRES.**

**NOW MAY 1, 2001, LARRY FIELD, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON JAMES R. WEYANT, DEFENDANT.**  
**NOW MAY 9, 2001 SERVED THE WITHIN COMPLAINT ON JAMES R. WEYANT, DEFENDANT BY DEPUTIZING THE SHERIFF OF BLAIR COUNTY. THE RETURN OF SHERIFF FIELD IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED PEGGY CLARK.**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10909

DONALDSON, BONNIE L. & LARRY L.

01-563-CD

VS.

ZWILLING, WALTER R. Etal

COMPLAINT

SHERIFF RETURNS

Return Costs

Cost	Description
75.00	SHFF. HAWKINS PAID BY ATTY:
29.30	SHFF. SCHERER PAID BY: ATTY.
27.00	SHFF. FIELD PAID BY: ATTY.
28.06	SHFF. DEMKO PAID BY: ATTY
40.00	SURCHARGE PAID BY ATTY

Sworn to Before Me This

18th Day of May 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

MAY 18 2001

012:30 PM  
William A. Shaw  
Prothonotary

*RED*

No. 563 C.D. 2001

Personally appeared before me, Paul J. Pape, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on May 2, 2001 at 1:30 o'clock P.M. served the Notice and Complaint upon WALTER R. ZWILLING, Defendant, at his residence, 50 Main Street, Borough of Reynoldsville, County of Jefferson, State of Pennsylvania, by handing to Marlene Hingland, his daughter and adult person in charge at time of service, a true and attested copy of the Notice and Complaint and by making known to her the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 26.06 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 28.06
Refunded:	\$ 96.94

Sworn and subscribed

to before me this

4<sup>th</sup>

day of

May 2, 2001

By

Henry J. Homan

**PROTHONOTARY  
CLERK OF COURTS**

Answers,

My Commission Expires  
1st Monday of January 2002  
Jefferson County, PA

Deputy

Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

**CHRIS SCHERER, SHERIFF OF WESTMORELAND COUNTY**  
**2 NORTH MAIN STREET**  
**GREENSBURG, PA 15601**  
**(724) 830-3457 FAX (724) 830-3660**

DATE 04-23-01

RECEIPT 067100

PAGE 11

LAST DAY TO SERVE: 05-19-01

PLAINTIFF: Bonnie L. Donaldson and Larry L. Donaldson Sr.

VS.

DEFT(S): Walter R. Zwilling, Johnson Motors, Inc, James  
Roger Weyant and South Main Trucking CompanySERVE: South Main Trucking Company  
(DEFT (S)/GARNISHEE)ADDRESS: 1000 South Main Street  
Greensburg, PA 15601

## INDICATE TYPE OF SERVICE:

- ☐ PERSON IN CHARGE ☐ PERSONAL ONLY ☐ DEPUTIZE  
☐ CERT. MAIL ☐ POST ☐ OTHER  
☐ SEIZE & STORE

CASE NO. 01-563-CD

CLEARFIELD COUNTY

- ☐ SUMMONS  
☐ SEIZURE OR POSSESSION  
☒ NOTICE/COMPLAINT (1)  
☐ REVIVAL OR SCI FA  
☐ INTERROGATORIES  
☐ EXECUTION, GARNISHEE  
☐ HANDBILL  
☐ NOTICE OF SALE/DEBTORS RIGHT  
☐ OTHER  
☐ LETTER MAILED

ATTY: Paul Cherry

ADDRESS: 23 E. Park Ave.  
DuBois, PA 15801

PHONE: 814-371-3288

DATE:

## SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 4th day of MAY, 2001, at 1145 O'clock A.M./P.M. Address Above/Address Below, County of Westmoreland, Pennsylvania

I have served in the manner Described below:

- ☐ Defendant(s) personally served.  
☐ Adult in charge of Defendant's residence at time of serve (name & relationship)  
☒ Manager/other person authorized to accept JIM PARK - PRESIDENT  
☐ Agent or person in charge of Defendant(s) office or usual place of business.  
☐ Other  
☐ Property Posted

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other☐ Certified Mail ☐ 1<sup>st</sup> Class Mail ☐ Ordinary Mail/Certificate of Mailing

ATTEMPTS

PD IN ADVANCE \$37.30 DEPUTY SHERER

Westmoreland County Costs	DS/Notary	Deputized County Costs	Costs Due	Refund	Total Costs (West. Co. Only)
\$ 27.30	\$ 2.00	\$	\$	\$ 8.00	\$ 29.30

NOW: 20 I, SHERIFF OF WESTMORELAND COUNTY, PA do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law.

CK# \$

Mary Ann Jordan, Notary Public  
 Greensburg, Westmoreland County  
 My Commission Expires June 14, 2004

SHERIFF

AFFIRMED and subscribed to before me this

9 Day of MAY 20 01

Mary Ann Jordan  
 Notary Public/Prothonotary

Prothonotary (White Copy)

Attorney (Canary Copy)

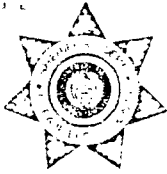
Deputized Sheriff  
 Chris Scherer  
 Signature of Sheriff (Westmoreland County)  
 Sheriff (Pink Copy)

Deputized Sheriff (Gold Copy)

Date

5-9-01

Date



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

SUITE 116  
1 NORTH SECOND STREET - COURTHOUSE  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641  
AFTER 4:00 P.M. (814) 765-1533  
CLEARFIELD COUNTY FAX  
(814) 765-6089

DARLENE SHULTZ  
CHIEF DEPUTY

MARGARET PUTT  
OFFICE MANAGER

MARILYN HAMM  
DEPT. CLERK

PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

BONNIE L. DONALDSON a1

NO. 01-563-CD

VS

ACTION: COMPLAINT

WALTER R. ZWILLING a1

SERVE BY: 5/19/01

Or

HEARING DATE:

SERVE: SOUTH MAIN TRUCKING COMPANY

ADDRESS: 1000 South Main St., Greensburg, Pa. 15601

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF of WESTMORELAND COUNTY Pennsylvania to execute this writ.

This Deputation being made at the request and risk of the Plaintiff this 19th day of APRIL 2001.

Respectfully,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY

MAKE REFUND PAYABLE TO: PAUL E. CHERRY, Attorney

DATE RECEIVED

DATE PROCESSED

## SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA  
COURTHOUSE, HOLLIDAYSBURG, PA. 16648SHERIFF SERVICE  
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

## INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

1. PLAINTIFF / S /

Bonnie &amp; Larry Donaldson

2. COURT NUMBER

01-563-00

3. DEFENDANT / S /

Walter R. Zwilling et al

4. TYPE OF WRIT OR COMPLAINT

Complaint

SERVE



AT

5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.

James R. Weyant

6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

320 South First St. Bellwood

7. INDICATE UNUSUAL SERVICE:

☒ PERSONAL☒ PERSON IN CHARGE☐ DEPUTIZE☐ CERT. MAIL☐ REGISTERED MAIL☐ POSTED☐ OTHERNOW, \_\_\_\_\_, I, SHERIFF OF BLAIR COUNTY, PA., do hereby deputize the Sheriff of  
County to execute this Writ and make return thereof according  
to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF BLAIR COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:

Cherry &amp; Cherry

☐ PLAINTIFF☐ DEFENDANT

10. TELEPHONE NUMBER

11. DATE

## SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above.

SIGNATURE of Authorized BCSD Deputy or Clerk and Title

Diane S. Wilk

13. Date Received

5/1/01

14. Expiration/Hearing date

5/31/01

15. I hereby CERTIFY and RETURN that I ☐ have personally served, ☐ have served person in charge, ☐ have legal evidence of service as shown in "Remarks" (on reverse) ☐ have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by hand ing/or Posting a TRUE and ATTESTED COPY thereof.16. ☐ I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served

Peggy Clark

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. ☐Read Order ☐

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

SAME

20. Date of Service

5-9-01

21. Time

939

22. ATTEMPTS

Date

Miles

Dep. Int.

Date

Miles

Dep. Int.

Date

Miles

Dep. Int.

Date

Miles

Dep. Int.

Date

Miles

Dep. Int.

23. Advance Costs

24

Receipt

100.684

25

25.00

26

2.00

27. Total Costs

27.00

28. COST DUE OR REFUND

123.00

30. REMARKS

SO ANSWER.

AFFIRMED and subscribed to before me this

9th

day of

May, 2001

By (Sheriff/Dep. Sheriff) (Please Print or Type)

JSD MPK

Signature of Sheriff

Date

5-9-01

Date

Notarial Seal  
NOTARY PUBLIC  
Carol Grieco, Notary Public  
Freedom Twp., Blair County  
My Commission Expires Feb. 3, 2003

MY COMMISSION EXPIRES

I ACKNOWLEDGE RECEIPT OF AUTHORIZED ISSUING AUTHORITY AND TITLE.

39. Date Received



**SHERIFF'S RETURN OF SERVICE**

- ( ) (1) The within \_\_\_\_\_  
upon \_\_\_\_\_, the within named  
defendant by mailing to \_\_\_\_\_  
by \_\_\_\_\_ mail, return receipt requested, postage  
prepaid \_\_\_\_\_ on the \_\_\_\_\_,  
a true and attested copy thereof at \_\_\_\_\_

The return receipt signed by \_\_\_\_\_  
defendant on the \_\_\_\_\_ is hereto attached and  
made part of this return.

- ( ) (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and  
attested copy thereof at \_\_\_\_\_

in the following manner.

- ( ) (a) To the defendant by ( ) registered ( ) certified mail, return receipt requested,  
postage prepaid, addressee only on the \_\_\_\_\_,  
said receipt being returned NOT signed by defendant, but with a notation by the Postal  
Authorities that defendant refused to accept the same. The returned receipt and envelope  
is attached hereto and made part of this return.

And thereafter:

- ( ) (b) To the defendant by ordinary mail addressed to defendant at same address. with the  
return address of the Sheriff appearing thereon, on the \_\_\_\_\_

I further certify that after fifteen ( 15 ) days from the mailing date, I have not received said  
envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a  
proof of mailing.

- ( ) (3) By publication in a daily publication of general circulation in the County of **Blair** ,  
Commonwealth of Pennsylvania, \_\_\_\_\_ time (s) with publication appearing

The affidavit from said publication is hereto attached.

- ( ) (4) By mailing to \_\_\_\_\_  
by \_\_\_\_\_ mail, return receipt requested, postage prepaid.  
\_\_\_\_\_ on the \_\_\_\_\_  
a true and attested copy thereof at \_\_\_\_\_

The \_\_\_\_\_ returned by the Postal  
Authorities marked \_\_\_\_\_  
is hereto attached.

- ( ) (5) Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER WEYANT,  
and SOUTH MAIN TRUCKING COMPANY,  
Defendants.

: CIVIL DIVISION

: No. 01 - 563 C.D.

: TYPE OF PLEADING:

: **Preliminary Objections to  
Plaintiffs' Complaint**

: FILED ON BEHALF OF:

: Defendants JAMES ROGER  
WEYANT and SOUTH MAIN  
TRUCKING COMPANY

: COUNSEL FOR FILING PARTIES:

: J. Michael Dorezas, Esquire  
PA I.D. #17460

: EVEY, ROUTCH, BLACK, DOREZAS,

: MAGEE & LEVINE, LLP

: 401 Allegheny Street

: P.O. Box 415

: Hollidaysburg, PA 16648

: (814) 695-7581

: JURY TRIAL DEMANDED

**FILED**

MAY 22 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and : CIVIL DIVISION  
LARRY L. DONALDSON, SR., :  
Plaintiffs : No. 01 - 563 C.D.

vs.

WALTER R. ZWILLING, JOHNSON :  
MOTORS, INC., JAMES ROGER WEYANT, :  
and SOUTH MAIN TRUCKING COMPANY, :  
Defendants. :

**DEFENDANTS', JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY PRELIMINARY OBJECTIONS  
TO PLAINTIFFS' COMPLAINT**

NOW, come Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING  
COMPANY, by and through their attorneys, EVEY, ROUTH, BLACK, DOREZAS, MAGEE  
& LEVINE, LLP, and file the following Preliminary Objections to Plaintiffs' Complaint:

**I. MOTION TO STRIKE and/or FOR MORE SPECIFIC PLEADING**

1. Pa.R.C.P. 1019(a) requires:

The material facts upon which a cause of action or defense is based  
shall be stated in a concise and summary form.

2. Plaintiffs' Complaint in paragraph 16(a) and 16(f) purports to set forth acts  
of negligence on the part of these Defendants.

3. Paragraph 16 and subparagraphs (a) and (f) thereof sets forth as follows:

16. The accident was directly and proximately caused by the  
negligence, carelessness, indifference, and reckless disregard  
of Defendant, JAMES ROGER WEYANT, which consisted of  
the following:

- (a) operating his motor vehicle in a careless, reckless and  
negligent manner;
- (f) failing to use due care under the circumstances;

4. Pennsylvania is a fact pleading state and requires the complaint to contain the facts essential to support the claim. See Alpha Tau Omega Fraternity v. University of Pennsylvania, 464 A.2d 1349 (Pa. Super 1983).

5. The allegations of paragraph 16(a) and 16(f) fail to set forth with particularity and specificity the facts giving rise to the allegations of negligence as required by the Pennsylvania Rules of Civil Procedure.

6. By permitting the language in 16(a.) and (f.) to remain in the complaint the Defendants lack the requisite specificity of factual averments to properly answer the complaint.

7. Plaintiffs' Complaint in paragraph 16(a) and 16(f) contain broad, general, boilerplate allegations as prohibited by the case law of this Commonwealth. See Connor v. Allegheny General Hospital, 461 A.2d 600 (1983).

8. Plaintiffs' paragraphs 16(a) and 16(f) would permit the theory of the Plaintiffs to change as the case progresses. See Connor v. Allegheny General Hospital, 461 A.2d 600 (1983).

WHEREFORE, the Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, pray that the allegations of paragraph 16(a) and 16(f) of Plaintiffs' Complaint be stricken or in the alternative specific averments of fact be set forth as required by Pa.R.C.P.

**II. MOTION TO STRIKE PORTION OF COMPLAINT THAT  
INCLUDES IMPERTINENT MATTER PURSUANT TO PA R.C.P. 1028**

9. Pa.R.C.P. 1028(a)(2) provides for impertinent matter to be stricken from a Complaint.

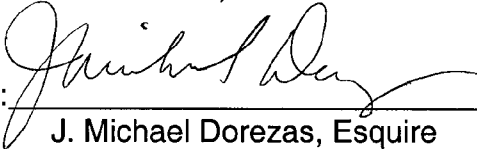
10. In paragraph 12(a), the Plaintiff attaches to and makes a part of the Plaintiffs' Complaint the Pennsylvania State Police Accident Report.

11. There is no basis in the Rules of Civil Procedure for the attachment of a police report to a Complaint, the same is impertinent matter.

WHEREFORE, the Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, pray that Exhibit "A" of Plaintiffs' Complaint be stricken as containing impertinent matters and not permitted pursuant to the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,

EVEY, ROUTH, BLACK, DOREZAS,  
MAGEE & LEVINE, LLP

BY: 

J. Michael Dorezas, Esquire  
PA I.D. #17460  
401 Allegheny Street  
P.O. Box 415  
Hollidaysburg, PA 16648  
(814) 695-1750  
Attorney for Defendants,  
JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY

CERTIFICATE OF SERVICE

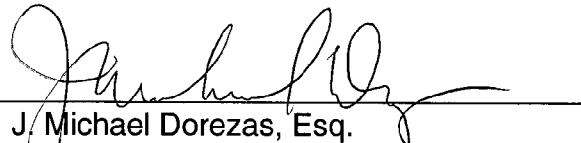
I hereby certify that a true and correct copy of the foregoing PRELIMINARY  
OBJECTIONS TO PLAINTIFFS' COMPLAINT was served on the 21 day of  
May, 2001, by United States Mail, First Class, postage prepaid,  
addressed to the following:

Paul E. Cherry, Esquire  
CHERRY & CHERRY  
23 East Park Avenue  
DuBois, PA 15801  
(814) 371-3288  
(Attorney for Plaintiffs)

Scott E. Becker, Esquire  
BONACCI, MUCHOW & REDMAN  
870 Six PPG Place  
Pittsburgh, PA 15222  
(412) 263-3360  
(Attorney for Defendants WALTER R.  
ZWILLING and JOHNSON MOTORS,  
INC.)

EVEY, ROUTH, BLACK, DOREZAS & MAGEE

BY: \_\_\_\_\_

  
J. Michael Dorezas, Esq.  
Attorney for Defendants,  
JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER WEYANT,  
and SOUTH MAIN TRUCKING COMPANY,  
Defendants.

: CIVIL DIVISION

: No. 01 - 563 C.D.

: TYPE OF PLEADING:

: **Memorandum of Law in Support of**  
: **Preliminary Objections**

: FILED ON BEHALF OF:

: Defendants JAMES ROGER  
: WEYANT and SOUTH MAIN  
: TRUCKING COMPANY

: COUNSEL FOR FILING PARTIES:

: J. Michael Dorezas, Esquire  
: PA I.D. #17460

: EVEY, ROUTCH, BLACK, DOREZAS,  
: MAGEE & LEVINE, LLP  
: 401 Allegheny Street  
: P.O. Box 415  
: Hollidaysburg, PA 16648  
: (814) 695-7581

: JURY TRIAL DEMANDED

**RECEIVED**  
**JUN 04 2001**  
**COURT ADMINISTRATOR'S**  
**OFFICE**

This action arises from a three car automobile accident which occurred on State Route 119 in Sandy Township, Clearfield County, Pennsylvania, at approximately 9:00 a.m. on April 22, 1999. Plaintiff has alleged that she was lawfully stopped awaiting to make a left hand turn when she was struck from behind by Defendant, WALTER R. ZWILLING and forced into oncoming traffic and struck by Defendant, JAMES ROGER WEYANT. A Complaint was filed and Defendant's, JAMES ROGER WEYANT AND SOUTH MAIN TRUCKING COMPANY filed Preliminary Objections.



## **ARGUMENT**

### **Motion to Strike and/or for More Specific Pleading:**

#### **Pa. R.C.P. 1028(a)(3) Insufficient Specificity in Pleading**

Pa.R.C.P. 1019(a) requires "the material facts upon which a cause of action or defense is based shall be stated in a concise and summary form." As such, Plaintiffs are required to include all facts essential to support the claim or claims being made. See Alpha Tau Omega Fraternity v. University of Pennsylvania, 464 A.2d 1349 (Pa. Super 1983). Maddux v. Commonwealth of Pennsylvania, Department of Agriculture, 386 A.2d 620 (Pa. Cmwlth. 1978), held that the Complaint must clearly advise the Defendant what actions or omissions on his or her part are deemed to have been improper. Lastly, the Supreme Court held in Connor v. Allegheny General Hospital, 461 A.2d 600 (Pa. 1983), that the failure to object to bald allegations of negligence would permit the Plaintiffs to change the theory of recovery after the Statute of Limitations has passed.

Subparagraphs (a) and (f) of Paragraph 16 of Plaintiffs' Complaint sets forth the following allegations of negligence:

- (a) Operating his motor vehicle in a careless, reckless and negligent manner;
- (f) Failing to use due care under the circumstances;

Neither of these allegations set forth any facts necessary to support them. Rather, they are bald conclusions of negligence without sufficient factual averments required by the fact pleading rules of the Commonwealth. As such, they are objectionable for two

reasons. First, they fail to clearly advise the Defendants what actions or omissions on their part are deemed to be improper. Subparagraphs (a) and (f) say nothing more than the Defendants were negligent because they were negligent. Such pleading does not fulfill the requirements that the facts essential to support the claim be set forth in the Complaint. The second problem with Subparagraphs (a) and (f) lies in the fact that Defendants' failure to object could permit Plaintiffs to change their theory as the case progresses. By pleading in such a fashion, Plaintiffs are attempting to keep an unfairly broad scope to their Complaint so as to make it difficult for Defendants to properly answer the Complaint and defend the action.

**Motion to Strike:**

**Pa. R.C.P. 1028(a)(2) Impertinent Matter**

Pa.R.C.P. 1019(i) provides that the pleader shall attach a copy of a writing where the claim or defense is based upon such writing. Plaintiffs' claim arises from an automobile accident and not the police report attached to the Complaint and referenced in Paragraph 12. Further, there is no other basis in the Rules of Civil Procedure for the attachment of a police report to a Complaint. As a result, the police report is impertinent matter which should not have been attached to the Complaint.

**CONCLUSION**

Based on the above, Defendants JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY request this Honorable Court to strike Subparagraphs (a) and (f)

of Paragraph 16 from the Complaint. In the alternative, Defendants request this Court order Plaintiffs to amend their Complaint. Additionally, Defendants request this Honorable Court to strike the Pennsylvania State Police accident report from the Complaint as impertinent matter.

**EVEY, ROUTCH, BLACK, DOREZAS,  
MAGEE & LEVINE, LLP**

By: 

**J. Michael Dorezas, Esquire  
Pennsylvania I.D. No. 17460**

**P.O. Box 415**

**Hollidaysburg, PA 16648**

**(814) 695-7851**

**Attorney for Defendants**

**JAMES ROGER WEYANT and**

**SOUTH MAIN TRUCKING**

**COMPANY**


## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 31 day of May, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Paul E. Cherry, Esquire  
CHERRY & CHERRY  
23 East Park Avenue  
DuBois, PA 15801  
(814) 371-3288  
(Attorney for Plaintiffs)

Scott E. Becker, Esquire  
BONACCI, MUCHOW & REDMAN  
870 Six PPG Place  
Pittsburgh, PA 15222  
(412) 263-3360  
(Attorney for Defendants WALTER R.  
ZWILLING and JOHNSON MOTORS,  
INC.)

EVEY, ROUTCH, BLACK, DOREZAS & MAGEE

BY:   
J. Michael Dorezas, Esq.  
Attorney for Defendants,  
JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

ATTORNEYS AT LAW  
401-03 ALLEGHENY STREET

P. O. BOX 415

HOLLIDAYSBURG, PENNSYLVANIA 16648-0415

(814) 695-7581

FAX (814) 695-1750

www.eveyroutch.com

ROARING SPRING OFFICE

P. O. BOX 5

NASON DRIVE 16673

(814) 224-5162

MERLE K. EVEY

OF COUNSEL

OUR FILE #01563

WRITER'S DIRECT DIAL

MARION D. PATTERSON, JR.  
1926-1978

JAMES S. ROUTCH  
CLYDE O. BLACK, II  
BENJAMIN I. LEVINE, JR.  
J. MICHAEL DOREZAS  
MICHAEL B. MAGEE  
AMY ORR ROSENSTEEL  
MICHAEL P. ROUTCH  
KATHY J. MAUK  
WILLIAM R. BRENNER  
BRADLEY D. ALLISON  
NATHAN W. KARN

May 31, 2001

David Meholick, Court Administrator  
CLEARFIELD COUNTY COURTHOUSE  
230 E. Market Street  
Clearfield, PA 16830

**RE: DONALDSON v. WEYANT, et al**  
**NO. 01 - 563 C.D.**

Dear Mr. Meholick:

Enclosed for filing is the original Memorandum of Law in Support of Preliminary Objections previously filed on behalf of Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY. I will await receipt of an argument schedule from your office.

Thank you for your attention to this matter.

Sincerely,

*J. Michael Dorezas*  
J. Michael Dorezas

JMD:jmm

Enclosure

pc: Paul E. Cherry, Esquire [w/enclosure]  
Scott E. Becker, Esquire [w/enclosure]

**RECEIVED**  
**JUN 04 2001**  
**COURT ADMINISTRATOR'S**  
**OFFICE**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,

Plaintiffs

VS.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,

Defendants

CIVIL DIVISION

No. 01-563 CD

To the within named Plaintiffs...:  
You are hereby notified to plead to the  
within pleading within 20 days from  
service hereof.

By Scott E. Becker  
Attorney for Defendants

TYPE OF PLEADING:

ANSWER AND NEW MATTER

Filed on Behalf of Defendants:

WALTER R. ZWILLING and  
JOHNSON MOTORS, INC.

Counsel of Record for This Party:

SCOTT E. BECKER, ESQUIRE  
PA I.D. #19671

Bonacci, Muchow & Redman  
870 Six PPG Place  
Pittsburgh, Pennsylvania 15222  
(412) 263-3360

FILED

JUN 11 2001

William A. Shaw  
Prothonotary

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and	)	CIVIL DIVISION
LARRY L. DONALDSON, SR.,	)	
	)	No. 01-563 CD
Plaintiffs	)	
	)	
VS.	)	
	)	
WALTER R. ZWILLING, JOHNSON	)	
MOTORS, INC., JAMES ROGER	)	
WEYANT and SOUTH MAIN TRUCKING)	)	
COMPANY,	)	
	)	
Defendants	)	

**ANSWER AND NEW MATTER**

**AND NOW**, come Walter R. Zwilling and Johnson Motors, Inc., two of the Defendants, by their attorney, Scott E. Becker, and make this Answer and New Matter to the Complaint for the reasons set forth.

1-2. The averments of Paragraphs 1 through 2 of the Complaint are admitted.

3. The averments of Paragraph 3 of the Complaint are denied. The Defendant, Walter R. Zwilling, resides at 50 W. Main Street, Reynoldsville, Pennsylvania 15851-1019.

4. The averments of Paragraph 4 of the Complaint are denied. The Defendant, Johnson Motors, Inc., is located at Blinker Parkway, Dubois, Pennsylvania 15108.

5-6. The averments of Paragraphs 5 and 6 of the Complaint do not pertain to these Defendants and thus no answer on their part is required.

7. To the extent the averments of Paragraph 7 of the Complaint apply to these Defendants, such averments are denied by operation of Pennsylvania Rule of Civil Procedure 1029(d) as those averments consist exclusively of legal conclusions without factual contact to which an answer would be required.

8. The averments of Paragraph 8 of the Complaint are admitted.

9. The averments of Paragraph 9 of the Complaint are admitted.

10. The averments of Paragraph 10 of the Complaint do not pertain to these Defendants and thus no answer on their part is required.

11-17. The averments of Paragraphs 11 through 17 of the Complaint are denied by operation of Pennsylvania Rule of Civil Procedure 1029(e) as this is an action seeking monetary relief for bodily injury wherein such averments may be denied generally.

18. In response to the averments of Paragraph 18 of the Complaint, to the extent such averments incorporate by reference the averments of Paragraphs 1 through 17, these Defendants likewise incorporate their answers thereto as though the same were set forth in full herein.

19-26. The averments of Paragraphs 19 through 26 of the Complaint are denied by operation of Pennsylvania Rule of Civil Procedure 1029(e) as this is an action seeking monetary relief for bodily injury wherein such averments may be denied generally.

27. To the extent Paragraph 27 of the Complaint incorporates by reference the averments of Paragraphs 1 through 26 thereof, these Defendants likewise incorporate by reference their answers thereto as though the same were set forth in full herein.

28-31. The averments of Paragraphs 28 through 31 of the Complaint are denied by operation of Pennsylvania Rule of Civil Procedure 1029(e) as this is an action seeking monetary relief for bodily injury wherein such averments may be denied generally.



**WHEREFORE**, Defendants, Walter R. Zwillling and Johnson Motors, Inc., deny liability to the Plaintiffs and demand judgment on their behalf.

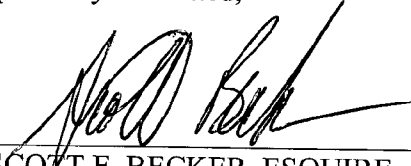
**NEW MATTER**

32. These Defendants plead as an affirmative defense pursuant to Pennsylvania Rule of Civil Procedure 1030 the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law as a complete bar and/or limitation to Plaintiffs' cause of action including, but not limited to, the provisions of Section 1705(d) thereof.

**WHEREFORE**, these Defendants raise as a bar or limitation to Plaintiffs' cause of action the aforementioned affirmative defense and demand judgment on their behalf.

Respectfully submitted,

By

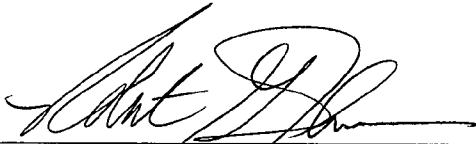
  
SCOTT E. BECKER, ESQUIRE  
Counsel for Defendants

**VERIFICATION**

I, ROBERT JOHNSON, an authorized representative of JOHNSON MOTORS, INC.,  
do hereby verify that the averments of fact set forth in the foregoing Answer and New Matter are  
true and correct based on knowledge, information and belief.

I understand that false statements herein are made subject to penalty of 18 Pa. C.S. §4904  
relating to unsworn falsification to authorities.

DATED: 6/5/01


  
\_\_\_\_\_  
(Signature)  
Title: Pres

**CERTIFICATE OF SERVICE**

I, Scott E. Becker, Esquire, counsel for Defendants, hereby certify that I served a true and correct copy of the foregoing Answer and New Matter by first-class mail, postage pre-paid on June 7th, 2001, upon the following counsel of record:

Paul E. Cherry, Esquire  
Cherry & Cherry  
23 East Park Avenue  
DuBois, Pennsylvania 15801

J. Michael Dorezas, Esquire  
401 Allegheny Street  
P.O. Box 415  
Hollidaysburg, Pennsylvania 16648

  
\_\_\_\_\_  
SCOTT E. BECKER, ESQUIRE  
Counsel for Defendants

FILED

JUN 11 2001  
M/11507/mc  
William A. Shaw  
Prothonotary

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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

: No. 01 - 563 - C.D.  
:  
: Type of Case: CIVIL  
:  
: Type of Pleading: PLAINTIFFS' ANSWER  
: TO NEW MATTER OF DEFENDANTS,  
: WALTER R. ZWILLING and JOHNSON  
: MOTORS, INC.  
:  
: Filed on Behalf of: PLAINTIFFS  
:  
: Counsel of Record for this Party  
:  
: PAUL E. CHERRY, ESQ.  
: Supreme Court No.42945  
:  
: CHERRY & CHERRY  
: 23 East Park Avenue  
: DuBois, PA 15801  
: (814) 371-3288

**FILED**

JUN 14 2001

William A. Shaw  
Prothonotary

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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

:  
:  
:  
:  
: No. 01 – 563 – C.D.

PLAINTIFFS' ANSWER TO NEW MATTER OF DEFENDANTS,

WALTER R. ZWILLING AND JOHNSON MOTORS, INC.

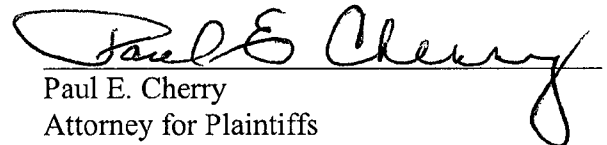
AND NOW, comes the Plaintiffs, BONNIE L. DONALSON and LARRY L. DONALSON, SR., by and through their attorneys, CHERRY & CHERRY, who file the following Plaintiffs' Answer to New Matter of Defendants, WALTER R. ZWILLING and JOHNSON MOTORS, INC., and in support thereof aver the following;

32. Denied. The allegations contained in Paragraph 32 of Defendants, WALTER R. ZWILLING and JOHNSON MOTORS, INC., Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied.

WHEREFORE, Plaintiffs, BONNIE L. DONALDSON and LARRY L. DONALDSON, SR., demand that judgment be entered in their favor and against Defendants, in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00), exclusive of interest and costs of suit.

Respectfully submitted,

CHERRY & CHERRY

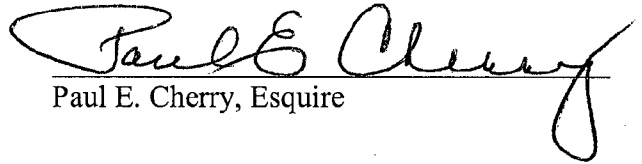
  
Paul E. Cherry  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :

: ss.

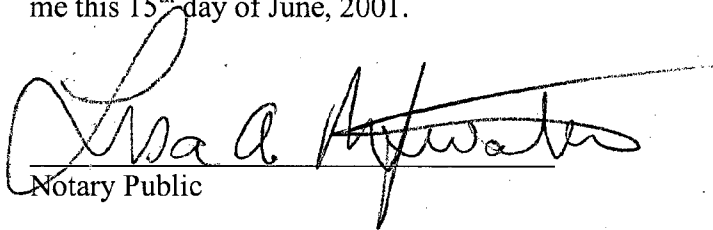
COUNTY OF CLEARFIELD :

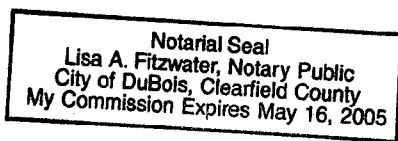
PAUL E. CHERRY, Esquire, being duly sworn according to law deposes and says that he is the attorney for Plaintiffs in the foregoing action; that the facts set forth in the foregoing Plaintiffs' Answer to New Matter of Defendants, WALTER R. ZWILLING and JOHNSON MOTORS, INC., are true and correct based upon information received from the Plaintiffs and after his own diligent inquiry, and that an Affidavit of the Plaintiffs can be supplied at a later date upon request.

  
Paul E. Cherry, Esquire

Sworn to and subscribed before

me this 15<sup>th</sup> day of June, 2001.

  
Notary Public





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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

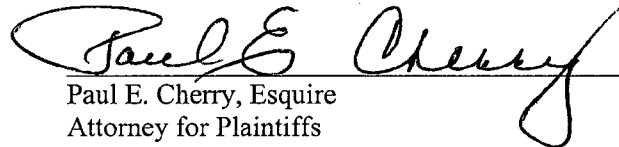
No. 01 - 563 - C.D.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

CERTIFICATE OF SERVICE

PAUL E. CHERRY, ESQUIRE, certifies that as counsel for the Plaintiffs in the above-captioned action, he served a true and correct copy of the Plaintiffs' Answer to New Matter of Defendants, WALTER R. ZWILLING and JOHNSON MOTORS, INC., on June 15, 2001, to Scott E. Becker, Esquire, counsel for the Defendants, WALTER R. ZWILLING and JOHNSON MOTORS, INC., at Bonacci, Muchow & Redman, 870 Six PPG Place, Pittsburgh, PA 15222, and on J. Michael Dorezas, Esquire, counsel for Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING COMPANY, at Evey, Routhm Black, Dorezas, Magee & Levine, LLP, 401-03 Allegheny Street, P.O. Box 415, Hollidaysburg, PA 16648-0415, by U.S. Postal Service, First-class mail, postage prepaid.

CHERRY & CHERRY

  
Paul E. Cherry, Esquire  
Attorney for Plaintiffs

FILED

JUN 19 2001

17/1031m.c  
William A. Shaw  
Prothonotary ~~EPX~~

*Cherney & Cherney*  
23 EAST PARK AVENUE  
DUBOIS, PENNSYLVANIA 15801

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

BONNIE L. DONALDSON and  
LARRY L. DONALDSON

-vs-

No. 01 – 563 – CD

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT, and SOUTH MAIN  
TRUCKING COMPANY

**ORDER**

NOW, this 14<sup>th</sup> day of August, 2001, following argument and briefs into Preliminary Objections filed on behalf of Defendants James Roger Weyant and South Main Trucking Company, it is the ORDER of this Court that objections in the nature of a request for more specific pleadings shall be and are hereby sustained to the extent that Plaintiffs prove, with regards to paragraphs 16(a and f) shall be restricted to those theories of negligence set forth within the Complaint and Defendants' Motion to Strike the Police Report attached to said Complaint shall be and is hereby dismissed but Plaintiffs shall be precluded from exhibiting said report to the jury.

By the Court,

  
\_\_\_\_\_  
President Judge

**FILED**

AUG 15 2001

William A. Shaw  
Prothonotary

FILED  
01/17/01  
AUG 15 2001  
ice Paul  
chery  
ice Scott  
Broker  
William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER WEYANT,  
and SOUTH MAIN TRUCKING COMPANY,  
Defendants.

: CIVIL DIVISION  
:  
: No. 01 - 563 C.D.  
:  
: TYPE OF PLEADING:  
: **Answer and New Matter**  
: **of Defendants James Roger Weyant**  
: **and South Main Trucking Co.**  
:  
: FILED ON BEHALF OF:  
: Defendants JAMES ROGER  
: WEYANT and SOUTH MAIN  
: TRUCKING COMPANY  
:  
: COUNSEL FOR FILING PARTIES:  
: J. Michael Dorezas, Esquire  
: PA I.D. #17460  
:  
: EWEY, ROUTH, BLACK, DOREZAS,  
: MAGEE & LEVINE, LLP  
: 401 Allegheny Street  
: P.O. Box 415  
: Hollidaysburg, PA 16648  
: (814) 695-7581  
:  
: JURY TRIAL DEMANDED

**FILED**

**AUG 31 2001**

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and	:	CIVIL DIVISION
LARRY L. DONALDSON, SR.,	:	
Plaintiffs	:	No. 01 - 563 C.D.
	:	
vs.	:	
	:	
WALTER R. ZWILLING, JOHNSON	:	
MOTORS, INC., JAMES ROGER WEYANT,	:	
and SOUTH MAIN TRUCKING COMPANY,	:	
Defendants.	:	

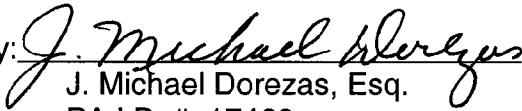
**NOTICE TO PLEAD**

TO: BONNIE L. DONALDSON and LARRY L. DONALDSON, Plaintiffs:  
c/o Paul E. Cherry, Esquire  
23 East Park Avenue  
DuBois, PA 15801

WALTER R. ZWILLING and JOHNSON MOTORS, INC., Defendants:  
c/o Scott E. Becker, Esquire  
Bonacci, Muchow & Redman  
870 Six PPG Place  
Pittsburgh, PA 15222

You are hereby notified to file a written response to the enclosed New Matter within  
twenty (20) days from service hereof or a judgment may be entered against you.

EVEY, ROUTH, BLACK, DOREZAS,  
MAGEE & LEVINE LLP

By:   
J. Michael Dorezas, Esq.  
PA I.D. #: 17460  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and	:	CIVIL DIVISION
LARRY L. DONALDSON, SR.,	:	
Plaintiffs	:	No. 01 - 563 C.D.
	:	
vs.	:	
	:	
WALTER R. ZWILLING, JOHNSON	:	
MOTORS, INC., JAMES ROGER WEYANT,	:	
and SOUTH MAIN TRUCKING COMPANY,	:	
Defendants.	:	

**ANSWER AND NEW MATTER**

AND NOW, come the Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, by and through their attorneys, EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE, LLP, and file the within Answer and New Matter, where the following is a more complete statement:

1. Admitted.
2. Denied, for after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averment in paragraph 2 and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.
3. Admitted.
4. Admitted.
5. The averment of paragraph 5 is denied as stated. On the contrary, the Defendant James Roger Weyant resides at 320 South First Street, Bellwood, Blair County, Pennsylvania.
6. Admitted.

7. The averments of paragraph 7 are conclusions of law to which no reply is necessary. To the extent any reply is deemed necessary, it is admitted that on April 22, 1999, at approximately 9:00 a.m., while operating a motor vehicle on State Route 119 in Sandy Township, Clearfield County, Pennsylvania, the Defendant JAMES ROGER WEYANT was then and there acting as an agent, servant or employee of Defendant SOUTH MAIN TRUCKING COMPANY and was within the course and scope of his employment at the aforesaid time and place.

8. Denied, for after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 8 and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

9. Admitted.

10. Admitted.

11. Denied, for after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 11 and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

12. Admitted in part and denied in part. The averments of paragraph 12, to the extent that the same were on the date and time stated, Defendant Walter R. Zwilling was driving a vehicle owned by the Defendant Johnson Motors, Inc. at an apparent excessive rate of speed in a southerly direction on State Route 119 immediately behind the vehicle being driven by Plaintiff, Bonnie L. Donaldson, when he struck the rear of his vehicle into the rear of the Plaintiff's vehicle pushing Plaintiff's vehicle across the center line of the



highway into the path of the vehicle operated by Defendant JAMES ROGER WEYANT, which said vehicle was owned by Defendant, SOUTH MAIN TRUCKING COMPANY. The remaining averments of paragraph 12 are specifically denied. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of said paragraph 12 and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

13. Denied, for after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averment and the same is therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of this cause.

14. The averments of paragraph 14, and the subparagraphs thereof, are directed to a Defendant other than the within Answering Defendants; therefore, no response is required by the within Answering Defendants to paragraph 14.

15. Denied, for after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averment and the same is therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of this cause.

16. The averments of paragraph 16, and the subparagraphs thereto, are conclusions of law to which no reply is necessary. To the extent any answer is deemed necessary, the averments are denied. By way of further answer, these Answering Defendants aver that the Defendant JAMES ROGER WEYANT was at all times relevant, carefully, lawfully, and properly operating his motor vehicle upon the highway.

By way of further answer:

- (a) Denied pursuant to Pa.R.C.P. 1029(e);
- (b) Denied pursuant to Pa.R.C.P. 1029(e);
- (c) Denied pursuant to Pa.R.C.P. 1029(e);
- (d) Denied pursuant to Pa.R.C.P. 1029(e);
- (e) Denied pursuant to Pa.R.C.P. 1029(e);
- (f) Denied pursuant to Pa.R.C.P. 1029(e);
- (g) Denied pursuant to Pa.R.C.P. 1029(e);
- (h) Denied pursuant to Pa.R.C.P. 1029(e);
- (i) Denied pursuant to Pa.R.C.P. 1029(e), and
- (j) Denied pursuant to Pa.R.C.P. 1029(e).

17. The averments of paragraph 17 are conclusions of law to which no reply is necessary.

#### **COUNT I**

18. The Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, incorporate herein by reference their answers set forth in paragraphs 1 through 17, as though the same were fully set forth herein at length.

19. Denied, for after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 19 and the same are therefore denied, and to the extent relevant, strict proof is demanded at the trial of the cause.

20. The averments of paragraph 20 are conclusions of law to which no reply is necessary. To the extent any reply is deemed necessary, the same are therefore denied. Furthermore, and after reasonable investigation, these Answering Defendants are without

knowledge or information sufficient to form a belief as to the truth of the averments and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

21. The averments of paragraph 21 are conclusions of law to which no reply is necessary. To the extent any reply is deemed necessary, the same are therefore denied. Furthermore, and after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

22. Denied, for after reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the averments of paragraph 22, and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

23. The averments of paragraph 23 are conclusions of law to which no reply is necessary. To the extent any reply is deemed necessary, the same are therefore denied. Furthermore, and after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

24. The averments of paragraph 24 are conclusions of law to which no reply is necessary. To the extent any reply is deemed necessary, the same are therefore denied. Furthermore, and after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments and the

same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

25. The averments of paragraph 25 are conclusions of law to which no reply is necessary. To the extent any reply is deemed necessary, the same are therefore denied. Furthermore, and after reasonable investigation, these Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

26. Admitted.

WHEREFORE, the Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, demand that Plaintiffs' Complaint, including Count I, be dismissed and judgment entered in their favor.

## **COUNT II**

27. The Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, incorporate herein by reference the allegations set forth in paragraphs 1 through 26 as though the same were fully set forth herein at length.

28. The averments of paragraph 28 are conclusions of law to which no reply is necessary. To the extent any response is deemed necessary, these Answering Defendants after reasonable investigation are without knowledge or information sufficient to form a belief as to the truth of the averments and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

29. The averments of paragraph 29 are conclusions of law to which no reply is necessary. To the extent any response is deemed necessary, these Answering

Defendants after reasonable investigation are without knowledge or information sufficient to form a belief as to the truth of the averments and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

30. The averments of paragraph 30 are conclusions of law to which no reply is necessary. To the extent any response is deemed necessary, these Answering Defendants after reasonable investigation are without knowledge or information sufficient to form a belief as to the truth of the averments and the same are therefore denied, and to the extent relevant, strict proof thereof is demanded at the trial of the cause.

31. Admitted.

WHEREFORE, the Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, demand that Plaintiffs' Complaint demands that Plaintiffs' Complaint be dismissed against the Answering Defendants and judgment entered in favor of these Answering Defendants.

**NEW MATTER**

TO: BONNIE L. DONALDSON and LARRY L. DONALDSON, SR., PLAINTIFFS

32. Plaintiffs' cause of action is limited or barred by virtue of the Pennsylvania Motor Vehicle Financial Responsibility Act, and the application of the limited tort coverage selected by the Plaintiffs. The Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, assert all defenses and limitations on damages available to said Defendants by virtue of the Pennsylvania Financial Responsibility Act.

33. The Answering Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, sets forth the defense of sudden emergency, which emergency was caused by the careless, reckless, and negligent conduct of Defendants Walter R.

Zwilling and Johnson Motors, Inc. which said negligence is more fully set forth in paragraphs 12 and 14 of Plaintiffs' Complaint, the same of which is incorporated herein by reference and made a part hereof as if the same were fully set forth.

34. In the event it is established that the Plaintiffs are insured under a limited tort policy, Plaintiffs' claims are barred as Plaintiffs injuries do not meet the verbal threshold requirement of a limited tort action.

35. The Answering Defendants reserve all affirmative defenses as provided for pursuant to Pa.R.C.P. 1030(b).

36. At all times relevant hereto, Defendant, JAMES ROGER WEYANT, acting as an agent, servant or employee of Defendant, SOUTH MAIN TRUCKING COMPANY, operated his vehicle in a reasonable, safe, and prudent manner under the conditions then and there existing.

37. The injuries, losses, and damages, if any, suffered by Plaintiffs are as a result of actions or conduct of individuals other than these Defendants JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY.

WHEREFORE, the Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, respectfully request that Plaintiffs' Complaint against these Answering Defendants be dismissed and judgment entered in their favor.

**NEW MATTER PURSUANT TO PA.R.C.P. 2252(d)**

TO: WALTER R. ZWILLING and JOHNSON MOTORS, INC.

38. Paragraphs 1 through 37 of the Defendants', JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, Answer and New Matter are incorporated herein by reference as if set forth at length.

39. The Defendants JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, hereby join the Defendants Walter R. Zwilling and Johnson Motors, Inc. pursuant to Pa.R.C.P. 2252(d) as Additional Defendants in this matter.

40. The allegations in Plaintiffs' Complaint with regard to the Defendants Walter R. Zwilling and Johnson Motors, Inc. contained in paragraphs 12 and 14 are incorporated herein by reference as if the same were fully set forth at length. To the extent any of these paragraphs refer to the Defendants JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, said averments are denied as set forth in the Answer and New Matter of Defendants JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY.

41. These Defendants believe and therefore aver that if the Plaintiffs are entitled to recovery, which entitlement is specifically denied, the Defendants Walter R. Zwilling and Johnson Motors, Inc. are alone liable, or liable over to the Plaintiffs for the cause of action asserted.

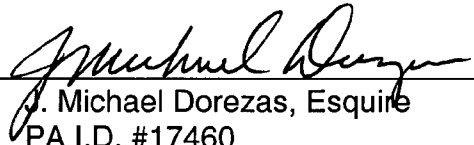
42. These Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, join Walter R. Zwilling and Johnson Motors, Inc. to protect their rights to contribution in the event it is judicially determined that Walter R. Zwilling and Johnson Motors, Inc. and these Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, are jointly, or jointly and severally liable to the Plaintiffs, existence of any liability on the part of these Defendants is expressly denied. The Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, hereby assert that they are entitled to indemnification from Walter R. Zwilling and Johnson Motors, Inc. These Answering Defendants hereby assert a claim therefor.

WHEREFORE, the Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, demand judgment be entered in their favor and against the Defendants Walter R. Zwilling and Johnson Motors, Inc.

Respectfully submitted,

EVEY, ROUTH, BLACK, DOREZAS,  
MAGEE & LEVINE, LLP

BY: \_\_\_\_\_



J. Michael Dorezas, Esquire

PA I.D. #17460

401 Allegheny Street

P.O. Box 415

Hollidaysburg, PA 16648

(814) 695-1750

Attorney for Defendants,

JAMES ROGER WEYANT and

SOUTH MAIN TRUCKING COMPANY



VERIFICATION

I, JAMES ROGER WEYANT, the undersigned aver that the statements of fact contained in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties of 18 Pa. Con. Stat. Ann. Section 4904 relating to unsworn falsification to authorities.

  
James Roger Weyant

Date: 8/25/01

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER AND NEW MATTER was served on the 30 day of August, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Paul E. Cherry, Esquire  
CHERRY & CHERRY  
23 East Park Avenue  
DuBois, PA 15801  
(814) 371-3288  
(Attorney for Plaintiffs)

Scott E. Becker, Esquire  
BONACCI, MUCHOW & REDMAN  
870 Six PPG Place  
Pittsburgh, PA 15222  
(412) 263-3360  
(Attorney for Defendants WALTER R.  
ZWILLING and JOHNSON MOTORS,  
INC.)

EVEY, ROUTCH, BLACK, DOREZAS & MAGEE

BY:



J. Michael Dorezas, Esq.  
Attorney for Defendants,  
JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER WEYANT,  
and SOUTH MAIN TRUCKING COMPANY,  
Defendants.

: CIVIL DIVISION

: No. 01 - 563 C.D.

: TYPE OF PLEADING:  
: **PRAECIPE FOR FILING**  
: **VERIFICATION**

: FILED ON BEHALF OF:  
: Defendants JAMES ROGER  
: WEYANT and SOUTH MAIN  
: TRUCKING COMPANY

: COUNSEL FOR FILING PARTIES:  
: J. Michael Dorezas, Esquire  
: PA I.D. #17460

: EVEY, ROUTH, BLACK, DOREZAS,  
: MAGEE & LEVINE, LLP  
: 401 Allegheny Street  
: P.O. Box 415  
: Hollidaysburg, PA 16648  
: (814) 695-7581

: JURY TRIAL DEMANDED

**FILED**

SEP 04 2001

mj1135/noc  
William A. Shaw  
Prothonotary

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

: CIVIL DIVISION  
:  
: No. 01 - 563 C.D.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER WEYANT,  
and SOUTH MAIN TRUCKING COMPANY,  
Defendants.

[illegible]

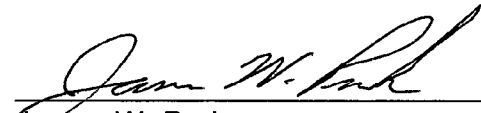
**BY:**

  
J. Michael Dorezas, Esquire

J. Michael Dorezas, Esquire  
PA I.D. #17460  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581  
Attorney for Defendants,  
JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY

VERIFICATION

I, JAMES W. PARK, President of SOUTH MAIN TRUCKING COMPANY, the undersigned aver that the statements of fact contained in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties of 18 Pa. Con. Stat. Ann. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
James W. Park  
President of SOUTH MAIN TRUCKING COMPANY

Date: 8-29-01

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRAECIPE TO FILE VERIFICATION was served on the 31 day of August, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Paul E. Cherry, Esquire  
CHERRY & CHERRY  
23 East Park Avenue  
DuBois, PA 15801  
(814) 371-3288  
(Attorney for Plaintiffs)

Scott E. Becker, Esquire  
BONACCI, MUCHOW & REDMAN  
870 Six PPG Place  
Pittsburgh, PA 15222  
(412) 263-3360  
(Attorney for Defendants WALTER R.  
ZWILLING and JOHNSON MOTORS,  
INC.)

EVEY, ROUTCH, BLACK, DOREZAS & MAGEE

BY: \_\_\_\_\_

  
J. Michael Dorezas, Esq.

Attorney for Defendants,  
JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY

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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

: No. 01 - 563 - C.D.  
:  
: Type of Case: CIVIL  
:  
: Type of Pleading: PLAINTIFFS' ANSWER  
: TO NEW MATTER OF DEFENDANTS,  
: JAMES ROGER WEYANT and SOUTH  
: MAIN TRUCKING, CO.  
:  
: Filed on Behalf of: PLAINTIFFS  
:  
: Counsel of Record for this Party  
:  
: PAUL E. CHERRY, ESQ.  
: Supreme Court No.42945  
:  
: CHERRY & CHERRY  
: 23 East Park Avenue  
: DuBois, PA 15801  
: (814) 371-3288

**FILED**

SEP 12 2001

William A. Shaw  
Prothonotary

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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

No. 01 - 563 - C.D.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

PLAINTIFFS' ANSWER TO NEW MATTER OF DEFENDANTS,

JAMES ROGER WEYANT AND SOUTH MAIN STREET TRUCKING, CO.

AND NOW, comes the Plaintiffs, BONNIE L. DONALSON and LARRY L. DONALSON, SR., by and through their attorneys, CHERRY & CHERRY, who file the following Plaintiffs' Answer to New Matter of Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING, CO., and in support thereof aver the following;

32. Denied. The allegations contained in Paragraph 32 of Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING, CO.'s, Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied.

33. Denied. The allegation contained in Paragraph 33 of Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING, CO.'s, Answer and New Matter is a conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied.



34. Denied. The allegation contained in Paragraph 34 of Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING, CO.'s, Answer and New Matter is a conclusion of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, is denied. By way of further answer, however, Plaintiff, BONNIE L. DONALDSON, sustained very serious and permanent injuries, serious impairment of bodily functions and permanent serious disfigurement as a result of the motor vehicle accident which occurred on April 22, 1999.

35. Denied. The allegations contained in Paragraph 35 of Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING, CO.'s, Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied.

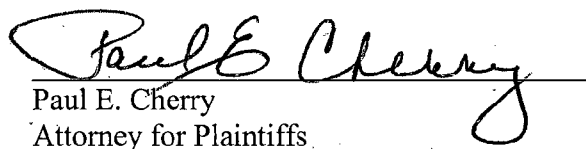
36. Denied. The allegations contained in Paragraph 36 of Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING, CO.'s, Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied. By way of further answer, Defendant, JAMES ROGER WEYANT, acting as an agent, servant or employee of Defendant, SOUTH MAIN STREET TRUCKING COMPANY, operated his vehicle in a negligent, careless, reckless, and unsafe manner as set forth in Paragraph 16 of Plaintiffs' Complaint.

37. Denied. The allegations contained in Paragraph 37 of Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING, CO.'s, Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied.

WHEREFORE, Plaintiffs, BONNIE L. DONALDSON and LARRY L. DONALDSON, SR., demand that judgment be entered in their favor and against Defendants, in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00), exclusive of interest and costs of suit.

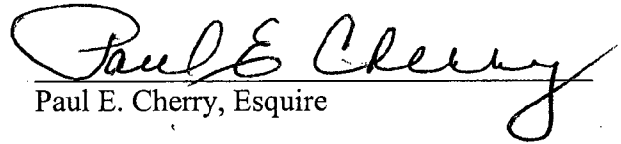
Respectfully submitted,

CHERRY & CHERRY

  
Paul E. Cherry  
Attorney for Plaintiffs

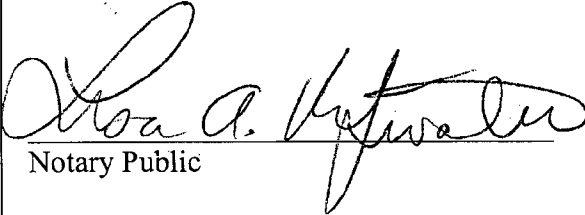
COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF CLEARFIELD :

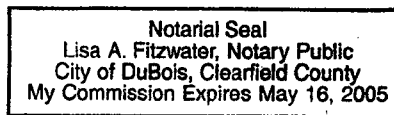
PAUL E. CHERRY, Esquire, being duly sworn according to law deposes and says that he is the attorney for Plaintiffs in the foregoing action; that the facts set forth in the foregoing Plaintiffs' Answer to New Matter of Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING CO., are true and correct based upon information received from the Plaintiffs and after his own diligent inquiry, and that an Affidavit of the Plaintiffs can be supplied at a later date upon request.

  
Paul E. Cherry, Esquire

Sworn to and subscribed before

me this 10<sup>th</sup> day of September, 2001.

  
Notary Public



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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

No. 01 - 563 - C.D.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

CERTIFICATE OF SERVICE

PAUL E. CHERRY, ESQUIRE, certifies that as counsel for the Plaintiffs in the above-captioned action, he served a true and correct copy of the Plaintiffs' Answer to New Matter of Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING COMPANY, on September 10, 2001, to Scott E. Becker, Esquire, counsel for the Defendants, WALTER R. ZWILLING and JOHNSON MOTORS, INC., at Bonacci, Muchow & Redman, 870 Six PPG Place, Pittsburgh, PA 15222, and on J. Michael Dorezas, Esquire, counsel for Defendants, JAMES ROGER WEYANT and SOUTH MAIN STREET TRUCKING COMPANY, at Evey, Routhm Black, Dorezas, Magee & Levine, LLP, 401-03 Allegheny Street, P.O. Box 415, Hollidaysburg, PA 16648-0415, by U.S. Postal Service, First-class mail, postage prepaid.

CHERRY & CHERRY

  
Paul E. Cherry, Esquire  
Attorney for Plaintiffs

FILED

SEP 12 2001  
MID-STATE  
WILLIAM A. SHAW  
PROTHONOTARY  
KAT

*Sherry & Sherry*  
23 EAST PARK AVENUE  
DUBOIS, PENNSYLVANIA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,

Plaintiffs

VS.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,

Defendants

CIVIL DIVISION

No. 01-563 CD

TYPE OF PLEADING:

REPLY TO NEW MATTER  
PURSUANT TO RULE 2252(d)

Filed on Behalf of Defendants:

WALTER R. ZWILLING and  
JOHNSON MOTORS, INC.

Counsel of Record for This Party:

SCOTT E. BECKER, ESQUIRE  
PA I.D. #19671

Bonacci, Muchow & Redman  
870 Six PPG Place  
Pittsburgh, Pennsylvania 15222  
(412) 263-3360

JURY TRIAL DEMANDED

FILED

MAR 06 2002  
m/10:42/ndcc  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and	)	CIVIL DIVISION
LARRY L. DONALDSON, SR.,	)	
	)	No. 01-563 CD
Plaintiffs	)	
	)	
VS.	)	
	)	
WALTER R. ZWILLING, JOHNSON	)	
MOTORS, INC., JAMES ROGER	)	
WEYANT and SOUTH MAIN TRUCKING	)	
COMPANY,	)	
	)	
Defendants	)	

**REPLY TO NEW MATTER**  
**PURSUANT TO RULE 2252(d)**

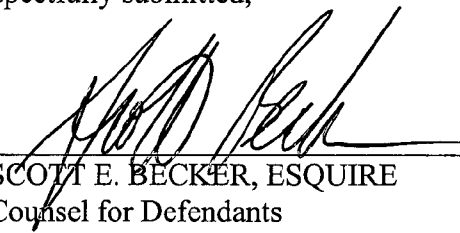
**AND NOW**, come the Defendants, Walter R. Zwillling and Johnson Motors, Inc., by their attorney, and file this Reply to New Matter Pursuant to Rule 2252(d) filed on behalf of co-Defendants, James Roger Weyant and South Main Trucking Company, as set forth below:

38-42. The averments of Paragraphs 38 through 42 of the New Matter are denied by operation of Pennsylvania Rule of Civil Procedure 1029(d) as the averments consist exclusively of legal conclusions without factual content to which an answer is necessary. To the extent an answer is necessary, these Defendants incorporate by reference their Answer to Plaintiffs' Complaint as though the same were set forth in full herein.

**WHEREFORE**, Defendants, Walter R. Zwillling and Johnson Motors, Inc., deny liability to co-Defendants, James Roger Weyant and South Main Trucking Company, and demand judgment on their behalf.

Respectfully submitted,

By

  
SCOTT E. BECKER, ESQUIRE  
Counsel for Defendants

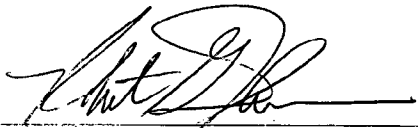


**VERIFICATION**

I, ROBERT G. JOHNSON, an authorized representative of JOHNSON MOTORS, INC.,  
do hereby verify that the averments of fact set forth in the foregoing Reply to New Matter  
Pursuant to Rule 2252(d) are true and correct based on knowledge, information and belief.

I understand that false statements herein are made subject to penalty of 18 Pa. C.S. §4904  
relating to unsworn falsification to authorities.

DATED: 2/27/02

  
\_\_\_\_\_  
(Signature)

Title: President

... of ... from ...  
... of ... to ...  
...

SECRET

... of ...  
... of ...  
...

MAR 01 2002

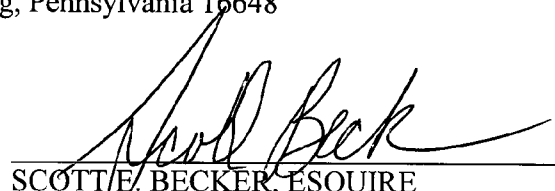
Donaldson

**CERTIFICATE OF SERVICE**

I, Scott E. Becker, Esquire, counsel for Defendants, hereby certify that I served a true and correct copy of the foregoing Reply to New Matter Pursuant to Rule 2252(d) by first-class mail, postage pre-paid on March 4, 2002, upon the following counsel of record:

Paul E. Cherry, Esquire  
Cherry & Cherry  
23 East Park Avenue  
DuBois, Pennsylvania 15801

J. Michael Dorezas, Esquire  
401 Allegheny Street  
P.O. Box 415  
Hollidaysburg, Pennsylvania 16648



---

SCOTT E. BECKER, ESQUIRE  
Counsel for Defendants

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

BONNIE L. DONALDSON and  
LARRY L. DONALDSON

-vs-

No. 01 – 563 – CD

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT, and SOUTH MAIN  
TRUCKING COMPANY

**ORDER**

NOW, this 8<sup>th</sup> day of May, 2002, following status conference into the above-captioned matter, it is the ORDER of this Court that all discovery having any bearing on a Motion for Summary Judgment to be filed on behalf of Defendants James Roger Weyant and South Main Trucking Company shall be completed within 60 days from date hereof.

By the Court,

President Judge

**FILED**

MAY 08 2002

William A. Shaw  
Prothonotary

FILED

014:00

MAY 08 2002

William A. Shaw  
Prothonotary

1cc Paul Cherry

1cc Scott Becker, Esq.

1cc Dorezas

E  
121

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER WEYANT,  
and SOUTH MAIN TRUCKING COMPANY,  
Defendants.

: CIVIL DIVISION  
:  
: No. 01 - 563 C.D.  
:  
: TYPE OF PLEADING:  
: **Motion for Summary Judgment**  
:  
:  
:  
: FILED ON BEHALF OF:  
: Defendants JAMES ROGER  
: WEYANT and SOUTH MAIN  
: TRUCKING COMPANY  
:  
: COUNSEL FOR FILING PARTIES:  
: J. Michael Dorezas, Esquire  
: PA I.D. #17460  
:  
: EVEY, ROUTH, BLACK, DOREZAS,  
: MAGEE & LEVINE, LLP  
: 401 Allegheny Street  
: P.O. Box 415  
: Hollidaysburg, PA 16648  
: (814) 695-7581  
:  
: JURY TRIAL DEMANDED

FILED

SEP 18 2002

mjl:16/no cc  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and	:	CIVIL DIVISION
LARRY L. DONALDSON, SR.,	:	
Plaintiffs	:	No. 01 - 563 C.D.
	:	
vs.	:	
	:	
WALTER R. ZWILLING, JOHNSON	:	
MOTORS, INC., JAMES ROGER WEYANT,	:	
and SOUTH MAIN TRUCKING COMPANY,	:	
Defendants.	:	

**DEFENDANTS', JAMES ROGER WEYANT AND  
SOUTH MAIN TRUCKING COMPANY,  
MOTION FOR SUMMARY JUDGMENT**

AND NOW, come the Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, by their undersigned counsel, and respectfully requests this Court for entry of Summary Judgment in favor of JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY, and requests that the Complaint of the Plaintiffs, Bonnie L. Donaldson and Larry L. Donaldson be dismissed with prejudice, against James Roger Weyant and South Main Trucking Company.

In support of their Motion, the Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY aver the following:

**I. MOTION FOR SUMMARY JUDGMENT ON THE BASIS OF  
NO EVIDENCE TO GO FORWARD AGAINST THE DEFENDANTS  
JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY**

1. This action arises out of an accident which occurred on April 22, 1999 on State Route 119 in Sandy Township, Clearfield County, Pennsylvania.

2. On the aforesaid date, at approximately 9:00 a.m., the Plaintiff, Bonnie L. Donaldson, was operating a vehicle owned by the Plaintiffs in a southerly direction when she turned on her left turn signal and applied her brakes to indicate that she was turning from State Route 119 left into a car wash along the highway at which time a vehicle driven by Walter R. Zwilling, and owned by the Defendant Johnson Motors, Inc. struck the rear of Bonnie L. Donaldson's vehicle pushing the Plaintiff's vehicle across the center line of the highway into the path of the vehicle operated by the Defendant James Roger Weyant. The vehicle being driven by James Roger Weyant was owned by the Defendant South Main Trucking Company. (See paragraphs 11 and 12 of Plaintiffs' Complaint.)

3. Plaintiff sets forth in paragraphs 14 and 15 of Plaintiffs' Complaint the allegations of negligence against the Defendant Walter R. Zwilling.

4. In paragraph 16 of Plaintiffs' Complaint, Plaintiff alleges the following negligence against the Defendant James Roger Weyant which the same is attributed to the Defendant South Main Trucking Company by virtue of vicarious liability. The allegations of negligence are as follows:

- (a) operating his motor vehicle in a careless, reckless and negligent manner;
- (b) operating his motor vehicle at an excessive rate of speed under the circumstances;
- (c) Operating the motor vehicle without due regard to the rights, safety, wellbeing, and position of the Plaintiff, BONNIE L. DONALDSON.
- (d) Failing to have his motor vehicle under the proper control so as to prevent this vehicle from striking the Plaintiffs' motor vehicle;
- (e) failing to keep a proper lookout;
- (f) failing to use due care under the circumstances;



- (g) failing to notice the motor vehicle of the Plaintiffs;
- (h) upon noticing the motor vehicle of Plaintiffs, failing to yield the right-of-way to the Plaintiffs' vehicle;
- (i) failing to take evasive action in order to avoid impacting with Plaintiffs' vehicle;
- (j) failing to apply his brakes in sufficient time to avoid striking Plaintiffs' vehicle;

5. By Order of this Court dated August 14, 2001, this Court restricted application of paragraphs 16(a) and 16(f) to the theories of negligence specifically set forth within the Complaint.

6. Discovery in this matter has been closed by Order as of July 9, 2002, of this Honorable Court dated May 8, 2002.

7. The relevant pleadings, admissions, depositions, interrogatories, and other documents relevant to this Motion have been filed of record or are attached as Exhibits to this Motion.

8. In deposition testimony, the Plaintiff Bonnie Donaldson testified that she has no idea whether it was a car or truck or how many cars or trucks were approaching her once she was stopped on Route 219 attempting to make a left hand turn, nor does she have any knowledge of the speed of which any vehicles were traveling as they approached her. (See Plaintiff's deposition pages 104 - 108, line 12; see also Plaintiff's deposition page 21, lines 24 through page 22, line 9).

9. The wife Plaintiff has testified under oath that she can offer no evidence of negligence against James Roger Weyant.

10. Attached to Plaintiffs' Complaint was the police report which contained a statement of a witness Victor Mancini, which statement does not show any negligence on the part of the Defendant James Roger Weyant.

11. Other than Mr. Mancini identified in the preceding paragraph, no individual has been identified as being a witness to the accident to testify as to the conduct and manner of operation of the vehicle operated by James Roger Weyant.

12. In discovery conducted in this matter, the following questions were directed to Plaintiffs by Interrogatories propounded by these Defendants, with Plaintiffs' answer thereto:

**19. If known to you, your attorney or other representative, set forth the name and home address of the following persons:**

**(a) Those who actually saw all or any part of the accident;**

**ANSWER: See copy of Police Report**

**(b) Those who were present at or near the scene of the accident;**

**ANSWER: See copy of Police Report**

**35. State the name and address of each person you expect to call as an expert witness at the trial of this case.**

**ANSWER: No expert witnesses listed at this time.**

13. Discovery has been closed and no expert has been identified nor an expert report produced of any reconstruction expert to place any responsibility for this accident upon the Defendant James Roger Weyant.

14. No witness, expert or otherwise, has been identified to testify at the time of trial that the actions of James Roger Weyant were negligent as alleged in Plaintiffs' Complaint in paragraph 16.

15. Discovery is complete in this case and although extensive discovery has been undertaken, there is no evidence identified by any party that the conduct of James Roger Weyant was negligent or that his actions caused the injuries sustained by the Plaintiff.

16. The co-Defendants Walter R. Zwilling and Johnson Motors, Inc. through their counsel have advised counsel for the Defendant James Roger Weyant that they have no evidence of negligence on the part of James Roger Weyant and do not oppose the Motion for Summary Judgment of these Defendants.

WHEREFORE, Defendants, JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY respectfully request that judgment be entered in their favor, and that the Plaintiffs' Complaint be dismissed as against James Roger Weyant and South Main Trucking Company, with prejudice.

Respectfully submitted,

EVEY, ROUTH, BLACK, DOREZAS,  
MAGEE & LEVINE, LLP

BY: 

J. Michael Dorezas, Esquire  
PA I.D. #17460

401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

Attorney for Defendants, JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING CO.

COPY

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PA

BONNIE L. DONALDSON and ) CIVIL DIVISION  
LARRY L. DONALDSON, SR. )

Plaintiffs,

vs.

WALTER R. ZWILLING,  
JOHNSON MOTORS, INC.,  
JAMES ROGER WEYANT  
and SOUTH MAIN TRUCKING  
COMPANY,

Defendants.

) No. 01-563 CD

) Deposition of  
) BONNIE L. DONALDSON

) Called on Behalf of  
) the Defendants,  
) Walter R. Zwilling and  
) Johnson Motors, Inc.

) Counsel of Record for  
) this Party:

) Scott E. Becker, Esq.  
) Bonacci, Muchow & Redman  
) Six PPG Place, Suite 870  
) Pittsburgh, PA 15222

EXHIBIT

A

1 B. Donaldson - by Mr. Becker

2 you're telling me is based on what someone else  
3 told you, please make that clear.

4 A. Okay.

5 Q. I want to separate out your own  
6 independent memory of this event, to the extent  
7 that you have any, and that which you've been told  
8 by other people.

9 A. Okay.

10 Q. Do you understand the distinction?

11 A. Yes.

12 Q. Now, as I understand it you were taken  
13 by ambulance from the scene to the local hospital  
14 here in DuBois initially. Do you recall that?

15 A. No.

16 Q. Do you recall that you were then life  
17 flighted to Allegheny General Hospital?

18 A. No.

19 Q. Do you recall being in Allegheny General  
20 Hospital?

21 A. Afterwards?

22 Q. Yeah.

23 A. Yes.

24 Q. To pick up from what I was asking you  
25 earlier, do you have any recollection of being in

1 B. Donaldson - by Mr. Becker

2 the car before you were taken into the ambulance?

3 A. No.

4 Q. Is it fair to say that from the time  
5 before you were struck while you were waiting to  
6 make your left up until at some point at Allegheny  
7 General Hospital you don't have any recollection of  
8 what occurred?

9 A. That's right. I don't.

10 Q. All right. Do you know how long you had  
11 been at the hospital, at Allegheny General Hospital  
12 before your memory picks up again?

13 A. I don't know what day it was, but I  
14 remember when I woke up there was a lot of people  
15 in there, and I think I remember asking a friend of  
16 mine, how did you get here? What are you doing

---

17 here?

18 Q. So some point during the week you were  
19 at Allegheny General your memory picks up again?

20 A. Yes.

21 Q. All right. With respect to the  
22 accident, I have the police report, so I'm not  
23 asking you to tell me what the police report says.  
24 I would like to know, to the extent that you know,  
25 whether there was someone else other than who's

1 B. Donaldson - by Mr. Dorezas

2 Q. Do you remember, ma'am, stopping at the  
3 car wash that morning? Do you remember bringing  
4 your car to a stop or slowing?

5 A. You mean on the road, not at the car  
6 wash?

7 Q. Yeah, on 219 south.

8 A. Excuse me. Ask me that again.

9 Q. What I'm trying to get an understanding  
10 is, I believe you said that you had slowed or  
11 stopped your car because traffic was coming the  
12 opposite direction northbound on 219. Do you  
13 remember that?

14 A. Yeah, they weren't like right -- there  
15 was one I remember passed me, because, you know,  
16 you always look when somebody passes you, and then  
17 there must have been more coming on down there or  
18 something because --

19 Q. Do you have any recollection, do you  
20 know today, do you have any memory of observing  
21 cars coming towards you on 219?

22 A. No. I just assumed it, because why else  
23 would I be stopped? And why else would I have to  
24 put a turn signal on if there wasn't somebody  
25 coming?

1 B. Donaldson - by Mr. Dorezas

2 Q. Okay. What is the last thing you  
3 remember prior to somebody talking to you while you  
4 were in the car?

5 A. Prior, before?

6 Q. Yes, what's the last thing you remember  
7 before the accident?

8 A. I guess stopping.

9 Q. Do you remember seeing any truck coming  
10 toward you?

11 A. Toward me?

12 Q. Yes.

13 A. I don't remember. I don't recall that.  
14 I don't know whether it was a truck, a car. I  
15 don't know what it was, but I'm just -- I had to be  
16 stopped for a reason. I don't know what was  
17 coming, but --

18 Q. So is it fair to say you don't remember  
19 what was coming toward you, how many cars or  
20 trucks?

21 A. How many and that? No, I don't remember  
22 how many.

23 Q. Do you remember how many impacts or how  
24 many collisions there were there on the highway?  
25 Did somebody hit you?



1 B. Donaldson - by Mr. Dorezas

2 A. Do you mean me?

3 Q. Yes.

4 A. If I did know, I don't know now. No.

5 Q. Who did you learn the details about this  
6 accident from?

7 A. I don't know that I really knew all of  
8 the details ever. I still don't know. I do know  
9 that -- oh, wait, it left again. Ask me that  
10 again, please.

11 Q. Let me rephrase that question perhaps.  
12 The police report which was made in this case  
13 indicates that there was a car that struck your  
14 vehicle in the rear, and then there was a collision  
15 in the northbound lane between your car and a  
16 truck. Do you remember seeing that truck before  
17 impact?

18 A. I don't know whether it was a car or a  
19 truck. I didn't even know if there was a truck  
20 behind me until somebody told me. I was just  
21 concerned with going across here, you know, into  
22 the car wash. So I know there had to be traffic,  
23 but don't ask me what. I was stopped. So there  
24 had to be traffic.

25 Q. And is it fair to say that at the time

1 B. Donaldson - by Mr. Dorezas

2 you were hit in the rear by the vehicle that hit  
3 you in the rear you don't know where the traffic  
4 was in the other lane going north?

5 A. I don't know where it was?

6 Q. You don't remember seeing it?

7 A. No, you asked me if I knew if it was a  
8 truck. I don't know. I know there was more than  
9 one vehicle, and I don't even know what it was that  
10 passed me, but I remember that something passed me,  
11 and then there had to be more because I was still  
12 sitting there.

13 Q. Okay. Do you recall seeing any vehicle  
14 approaching?

15 A. Yes, a vehicle, but I don't know if it  
16 was a car or truck. You asked me if I knew a truck  
17 came. I don't know.

18 Q. The vehicle that was approaching you, do  
19 you know how far it was from you when you last saw  
20 it?

21 A. Well, it wasn't beside me. It was on  
22 down there. It was on down there coming, but it  
23 wasn't far enough away from me to go in front of  
24 me. Do you know what I mean?

25 Q. You had to wait?

1 B. Donaldson - by Mr. Dorezas

2 A. Yeah, I had to wait.

3 Q. How many cars were between you or how  
4 many cars or vehicles were approaching you; do you  
5 remember?

6 A. There was more than one. Like I said,  
7 there was one this way approaching. There was more  
8 than one, but I don't know what. I don't know if  
9 it was cars or trucks or a mixture.

10 Q. Do you have any recollection of the  
11 speed at which those vehicles were approaching you?

12 A. I have no idea.

13 Q. Do you know a person by the name of  
14 Victor Mancini who lives in Brockway?

15 A. Victor Mancini?

16 Q. He's listed as a witness in this  
17 accident report.

18 THE WITNESS: Victor Mancini. Isn't that  
19 who Kelly married?

20 MR. DONALDSON: I don't have the  
21 faintest idea.

22 MR. CHERRY: If you don't know, you  
23 don't know.

24 A. I don't know. No.

25 Q. Who did you think it might be?



COMMONWEALTH OF PENNSYLVANIA  
POLICE ACCIDENT REPORT

9904 5137  
28

11228

(XX) REFER TO OVERLAY SHEETS

REPORTABLE ☒ NON-REPORTABLE ☐

PENNDOT USE ONLY

POLICE INFORMATION				ACCIDENT LOCATION			
1. INCIDENT NUMBER <b>STR 4-99-1421</b>				20. COUNTY <b>CLEARFIELD</b>	CODE <b>17</b>		
2. AGENCY NAME <b>SANDY TOWNSHIP</b>				21. MUNICIPALITY <b>SANDY TOWNSHIP</b>	CODE <b>228</b>		
3. STATION/ PRECINCT <b>SANDY</b>	4. PATROL ZONE <b>1</b>			PRINCIPAL ROADWAY INFORMATION			
5. INVESTIGATOR <b>WILLIAM A BEERS</b>	BADGE NUMBER <b>1</b>			22. ROUTE NO. OR STREET NAME <b>SR 219</b>			
6. APPROVED BY	BADGE NUMBER <b>1</b>			23. SPEED LIMIT <b>35</b>	24. TYPE HIGHWAY <b>0</b>	25. ACCESS CONTROL <b>0</b>	
7. INVESTIGATION DATE <b>22 April 99</b>	8. ARRIVAL TIME <b>0919 AM</b>			INTERSECTING ROAD:			
ACCIDENT INFORMATION							
9. ACCIDENT DATE <b>0909 AM</b>	10. DAY OF WEEK <b>THURSDAY</b>			26. ROUTE NO. OR STREET NAME			27. SPEED LIMIT
11. TIME OF DAY <b>22 April 99</b>	12. NUMBER OF UNITS <b>3</b>			28. TYPE HIGHWAY			29. ACCESS CONTROL
13. # KILLED <b>0</b>	14. # INJURED <b>1</b>			IF NOT AT INTERSECTION:			
15. PRIV. PROP. ACCIDENT <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>				30. CROSS STREET OR SEGMENT MARKER <b>SR 119</b>			
16. DID VEHICLE HAVE TO BE REMOVED FROM THE SCENE? UNIT 1 <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/> UNIT 2 <b>Y</b> <input checked="" type="checkbox"/> <b>N</b> <input type="checkbox"/>		17. VEHICLE DAMAGE 0 - NONE UNIT 1 <b>2</b> 1 - LIGHT 2 - MODERATE 3 - SEVERE UNIT 2 <b>3</b>		31. DIRECTION FROM SITE <b>N @ E W</b>	32. DISTANCE FROM SITE <b>1000</b> FT. MI.		
18. HAZARDOUS MATERIALS <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>		19. PENNDOT PROPERTY <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>		33. DISTANCE WAS MEASURED <input type="checkbox"/> ESTIMATED <input checked="" type="checkbox"/>			
UNIT # 1				UNIT # 2			
36. LEGALLY PARKED? <input checked="" type="checkbox"/> <b>Y</b> <input type="checkbox"/> <b>N</b>	37. REG. PLATE <b>F33978F</b>	38. STATE <b>PA</b>	36. LEGALLY PARKED? <input type="checkbox"/> <b>Y</b> <input checked="" type="checkbox"/> <b>N</b>		37. REG. PLATE <b>2LL-559</b>	38. STATE <b>PA</b>	
39. PA TITLE OR OUT-OF-STATE VIN <b>1FTEF14YXJN B04316</b>			39. PA TITLE OR OUT-OF-STATE VIN <b>5G553254</b>				
40. OWNER <b>JOHNSON MOTORS INC</b>			40. OWNER <b>LARRY L + BONNIE L DONALDSON SR.</b>				
41. OWNER ADDRESS <b>911 S. BRADY ST</b>			41. OWNER ADDRESS <b>147 3RD ST</b>				
42. CITY, STATE & ZIP CODE <b>DU BOIS, PA 15801</b>			42. CITY, STATE & ZIP CODE <b>FALLS CREEK, PA 15840</b>				
43. YEAR <b>1988</b>			44. MAKE <b>FORD</b>	43. YEAR <b>1997</b>		44. MAKE <b>HONDA</b>	
45. MODEL - (NOT BODY TYPE) <b>F-150</b>			46. INS. <b>Y</b> <input checked="" type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>	45. MODEL - (NOT BODY TYPE) <b>Civic</b>		46. INS. <b>Y</b> <input checked="" type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>	
47. BODY TYPE <b>50</b>	48. SPECIAL USAGE <b>0</b>	49. VEHICLE OWNERSHIP <b>2</b>	47. BODY TYPE <b>6-1</b>		48. SPECIAL USAGE <b>0</b>	49. VEHICLE OWNERSHIP <b>1</b>	
50. INITIAL IMPACT POINT <b>12</b>	51. VEHICLE STATUS <b>0</b>	52. TRAVEL SPEED <b>99</b>	50. INITIAL IMPACT POINT <b>3</b>		51. VEHICLE STATUS <b>0</b>	52. TRAVEL SPEED <b>99</b>	
53. VEHICLE GRADIENT <b>3</b>	54. DRIVER PRESENCE <b>1</b>	55. DRIVER CONDITION <b>1</b>	53. VEHICLE GRADIENT <b>3</b>		54. DRIVER PRESENCE <b>1</b>	55. DRIVER CONDITION <b>1</b>	
56. DRIVER NUMBER <b>496-20-8424</b>			56. DRIVER NUMBER <b>21-134-716</b>		57. STATE <b>PA</b>		
58. DRIVER NAME <b>WALTER R Zwilling</b>			58. DRIVER NAME <b>BONNIE LEE DONALDSON</b>				
59. DRIVER ADDRESS <b>173 TREASURE HAKE</b>			59. DRIVER ADDRESS <b>147 3RD ST</b>				
60. CITY, STATE & ZIP CODE <b>DU BOIS, PA 15801</b>			60. CITY, STATE & ZIP CODE <b>FALLS CREEK, PA 15840</b>				
61. SEX <b>M</b>	62. DATE OF BIRTH <b>08-07-27</b>	63. PHONE <b>371-9302</b>	61. SEX <b>F</b>		62. DATE OF BIRTH <b>08-08-42</b>	63. PHONE <b>371-8093</b>	
64. COMM. VEH. CLASS <b>C</b>			64. COMM. VEH. CLASS <b>C</b>				
67. CARRIER			67. CARRIER				
68. CARRIER ADDRESS			68. CARRIER ADDRESS				
69. CITY, STATE			69. CITY, STATE				
70. USDOT #			71. ICC #		72. PUC #		
73. GVWR			74. VEH. CONFIG.		75. CARGO BODY TYPE		
76. RELEASE OF HAZMAT <b>Y</b> <input type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>			77. NO. OF AXLES		78. HAZARDOUS MATERIALS		
79. RELEASE OF HAZMAT <b>Y</b> <input type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>			80. HAZARDOUS MATERIALS		81. RELEASE OF HAZMAT <b>Y</b> <input type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>		

EXHIBIT

B

78. RESPONDING EMS AGENCY **EMS** INCIDENT #: **STA-4-99**  
79. MEDICAL FACILITY **DOMC WEST** ACCIDENT DATE: **22 APRIL 99**  
80. PEOPLE INFORMATION  
A B C D E F G NAME ADDRESS H I J K L M  
1 1 M 71 3 1 0 **WALTER ZWILLING T.L. DUBOIS PA** 0 - - - - -  
3 1 M 32 3 1 0 **JAMES WEYANT BELLWOOD PA** 0 - - - - -  
2 1 F 56 3 9 1 **BONNIE DONALDSON FALLS CREEK PA** 9 99 99 N 9 1  
81. ILLUMINATION **2** 82. WEATHER **0** 86. DIAGRAM **BRADY ST CAR WASH**  
83. ROAD SURFACE **1** 84. PENNSYLVANIA SCHOOL DISTRICT (IF APPLICABLE)  
85. DESCRIPTION OF DAMAGED PROPERTY **SK 219**  
OWNER **N/A** ADDRESS **5 3** PHONE  
87. NARRATIVE - IDENTIFY PRECIPITATING EVENTS, CAUSATION FACTORS, SEQUENCE OF EVENTS, WITNESS STATEMENTS, AND PROVIDE ADDITIONAL DETAILS LIKE INSURANCE INFORMATION AND LOCATION OF TOWED VEHICLES, IF KNOWN.  
**UNIT #1 STATED HE WAS GOING SOUTH ON SR 219 BEHIND UNIT #2 #2 MADE A QUICK STOP I APPLIED MY BRAKES AND SLID INTO THE REAR OF UNIT #2 PUSHING UNIT #2 ACROSS THE CENTER LINE INTO THE PATH OF UNIT #3 GOING NORTH ON SR 219.**  
**UNIT #2 HUSBAND STATED HE TALKED TO HIS WIFE SHE STATED SHE WAS GOING TO MAKE LEFT TURN INTO CAR WASH WHEN SHE WAS HIT**  
**WITNESS STATED SAW GLASS HITTING THE ROADWAY AND CAR COME ACROSS THE CENTER LINE IN FRONT OF UNIT #3**  
INSURANCE INFORMATION COMPANY  
UNIT 1 POLICY NO **UNIVERSAL UNDERWRITERS 169055 A**  
UNIT 2 POLICY NO **AMERICAN INT. 112-75-35**  
88. WITNESSES NAME **VICTOR MANCINI** ADDRESS **1382 PENN AVE BROOKWAY** PHONE **765-0901**  
89. VIOLATIONS INDICATED **FOLLOWING TOO CLOSELY** 90. SECTION NUMBERS (ONLY IF CHARGED) TC NTC  
91. PROBABLE USE 92. TYPE TEST 93. RESULTS **0.00%** 94. INVESTIGATION COMPLETE? **YES**



COMMONWEALTH OF PENNSYLVANIA  
POLICE ACCIDENT REPORT

(XX) REFER TO OVERLAY SHEETS

REPORTABLE ☒ NON-REPORTABLE ☐

PENNDOT USE ONLY

POLICE INFORMATION				ACCIDENT LOCATION			
1. INCIDENT NUMBER <b>STP-4-99-1421</b>		4. PATROL ZONE		20. COUNTY <b>CLEARFIELD</b>		CODE <b>17</b>	
2. AGENCY NAME <b>SANDY TOWNSHIP</b>		BADGE NUMBER <b>1</b>		21. MUNICIPALITY <b>SANDY TOWNSHIP</b>		CODE <b>228</b>	
3. STATION/PRECINCT <b>SANDY</b>		BADGE NUMBER		PRINCIPAL ROADWAY INFORMATION			
5. INVESTIGATOR <b>William A BEERS</b>		BADGE NUMBER		22. ROUTE NO. OR STREET NAME		23. SPEED LIMIT	
6. APPROVED BY		BADGE NUMBER		24. TYPE HIGHWAY		25. ACCESS CONTROL	
7. INVESTIGATION DATE <b>04/22/99</b>		8. ARRIVAL TIME <b>09:19AM</b>		INTERSECTING ROAD:			
ACCIDENT INFORMATION				26. ROUTE NO. OR STREET NAME			
9. ACCIDENT DATE <b>04/22/99</b>		10. DAY OF WEEK <b>THURSDAY</b>		27. SPEED LIMIT		28. TYPE HIGHWAY	
11. TIME OF DAY <b>09:09 AM</b>		12. NUMBER OF UNITS <b>3</b>		29. ACCESS CONTROL		IF NOT AT INTERSECTION:	
13. # KILLED <b>0</b>		14. # INJURED <b>1</b>		15. PRIV. PROP. ACCIDENT <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>		30. CROSS STREET OR SEGMENT MARKER	
16. DID VEHICLE HAVE TO BE REMOVED FROM THE SCENE? UNIT 3 <input type="checkbox"/> UNIT 2 <input type="checkbox"/> <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>		17. VEHICLE DAMAGE 0 - NONE UNIT 3 <b>2</b> 1 - LIGHT 2 - MODERATE 3 - SEVERE UNIT 2 <input type="checkbox"/>		31. DIRECTION FROM SITE <b>N S E W</b>		32. DISTANCE FROM SITE FT. MI.	
18. HAZARDOUS MATERIALS <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>		19. PENNDOT PROPERTY <b>Y</b> <input type="checkbox"/> <b>N</b> <input type="checkbox"/>		33. DISTANCE WAS MEASURED <input type="checkbox"/> ESTIMATED <input checked="" type="checkbox"/>		(34) CONSTRUCTION ZONE <input type="checkbox"/>	
						(35) TRAFFIC CONTROL DEVICE PRINCIPAL <input type="checkbox"/> INTERSECTING <input type="checkbox"/>	
UNIT #3				UNIT #2			
36. LEGALLY PARKED? <input checked="" type="checkbox"/> <b>Y</b> <input type="checkbox"/> <b>N</b>		37. REG. PLATE <b>LM10453</b>		38. STATE <b>PA</b>		36. LEGALLY PARKED? <input type="checkbox"/> <b>Y</b> <input type="checkbox"/> <b>N</b>	
39. PA TITLE OR OUT-OF-STATE VIN <b>48150536902</b>		40. OWNER <b>SOUTH MAIN TRUCKING CO.</b>		41. OWNER ADDRESS <b>1000 S. MAIN ST</b>		42. CITY, STATE & ZIP CODE <b>GREENSBURG PA 15601</b>	
43. YEAR <b>1995</b>		44. MAKE <b>UD</b>		45. MODEL - (NOT BODY TYPE) <b>TK</b>		46. INS. <b>Y</b> <input checked="" type="checkbox"/> <b>N</b> <input type="checkbox"/> <b>UNK</b> <input type="checkbox"/>	
47. BODY TYPE <b>69</b>		48. SPECIAL USAGE <b>0</b>		49. VEHICLE OWNERSHIP <b>2</b>		50. INITIAL IMPACT POINT <b>12</b>	
51. VEHICLE STATUS <b>0</b>		52. TRAVEL SPEED <b>35</b>		53. VEHICLE GRADIENT <b>2</b>		54. DRIVER PRESENCE <b>1</b>	
55. DRIVER CONDITION <b>1</b>		56. DRIVER NUMBER <b>21-091-378</b>		57. STATE <b>PA</b>		58. DRIVER NAME <b>JAMES ROGER WEYANT</b>	
59. DRIVER ADDRESS <b>320 SOUTH 1ST ST.</b>		60. CITY, STATE & ZIP CODE <b>BELLWOOD PA 16617</b>		61. SEX <b>M</b>		62. DATE OF BIRTH <b>05-01-66</b>	
63. PHONE <b>814-742-9076</b>		64. COMM. VEH. <b>Y</b> <input checked="" type="checkbox"/> <b>N</b> <input type="checkbox"/>		65. DRIVER CLASS <b>A</b>		66. CARRIER <b>SOUTH MAIN TRUCKING CO.</b>	
67. CARRIER ADDRESS <b>1000 S. MAIN ST</b>		68. CITY, STATE & ZIP CODE <b>GREENSBURG PA 15601</b>		69. USDOT # <b>696383</b>		ICC # <b>322-634C</b>	
70. PUC <b>AA-001-4072</b>		71. CARGO BODY TYPE <b>2</b>		72. GVWR <b>17,000</b>		73. HAZARDOUS MATERIALS <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>	
74. NO. OF AXLES <b>2</b>		75. RELEASE OF HAZMAT <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>		76. NO. OF AXLES		77. RELEASE OF HAZMAT <b>Y</b> <input type="checkbox"/> <b>N</b> <input checked="" type="checkbox"/>	

AA-45 (11/95)

2642498

PAGE: \_\_\_\_\_

PennDOT - BUSTÉ



I saw glass hitting the road and a car near across the roadway in front of a south electric truck that hit it. The truck had no hope of stopping.

UNIT #1 STATED HE WAS GOING SOUTH ON RT219 BEHIND UNIT #2 SHE MADE A QUICK STOP I APPLIED MY BRAKES AND RAN INTO THE REAR OF UNIT #2 PUSHING HER ACROSS THE CENTER LINE INTO THE PATH OF UNIT #3 GOING NORTH ON RT219.

UNIT #3 STATED GOING NORTH ON RT219 SAW UNIT #1 RAN INTO THE BACK OF UNIT #2 PUSHING HER ACROSS THE CENTER LINE INTO MY PATH THERE WASN'T ANYTHING I COULD DO TO AVOID FROM HITTING UNIT #2

VICTOR MANCINI

1382 Penn Ave  
Brockway PA  
265-0901



CERTIFICATE OF SERVICE

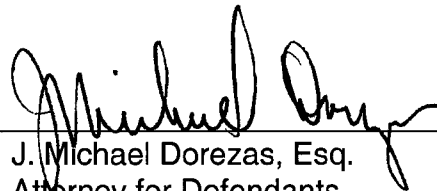
I hereby certify that a true and correct copy of the foregoing MOTION  
FOR SUMMARY JUDGMENT was served on the 17 day of  
Sept., 2002, by United States Mail, First Class, postage prepaid,  
addressed to the following:

Paul E. Cherry, Esquire  
CHERRY & CHERRY  
23 East Park Avenue  
DuBois, PA 15801  
(814) 371-3288  
(Attorney for Plaintiffs)

Scott E. Becker, Esquire  
BONACCI, MUCHOW & REDMAN  
870 Six PPG Place  
Pittsburgh, PA 15222  
(412) 263-3360  
(Attorney for Defendants WALTER R.  
ZWILLING and JOHNSON MOTORS,  
INC.)

EVEY, ROUTCH, BLACK, DOREZAS & MAGEE

BY: \_\_\_\_\_



J. Michael Dorezas, Esq.  
Attorney for Defendants,  
JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER WEYANT,  
and SOUTH MAIN TRUCKING COMPANY,  
Defendants.

: CIVIL DIVISION  
:  
: No. 01 - 563 C.D.  
:  
: TYPE OF PLEADING:  
: **Praecepte to Discontinue with**  
: **Prejudice Action Against Less**  
: **Than All Defendants**  
:  
: FILED ON BEHALF OF:  
: Defendants JAMES ROGER  
: WEYANT and SOUTH MAIN  
: TRUCKING COMPANY  
:  
: COUNSEL FOR FILING PARTIES:  
: J. Michael Dorezas, Esquire  
: PA I.D. #17460  
:  
: EVEY, ROUTH, BLACK, DOREZAS,  
: MAGEE & LEVINE, LLP  
: 401 Allegheny Street  
: P.O. Box 415  
: Hollidaysburg, PA 16648  
: (814) 695-7581  
:  
: JURY TRIAL DEMANDED

FILED

DEC 04 2002

William A. Shaw  
Prothonotary

Scott E. Becker, Esquire  
Counsel for Walter R. Zwilling and  
Johnson Motors, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRAECIPE TO DISCONTINUE WITH PREJUDICE ACTION AGAINST LESS THAN ALL DEFENDANTS was served on the 15<sup>th</sup> day of November, 2002, by United States Mail, First Class, postage prepaid, addressed to the following:

Scott E. Becker, Esquire  
BONACCI, MUCHOW & REDMAN  
870 Six PPG Place  
Pittsburgh, PA 15222  
(Attorney for Defendants WALTER  
R. ZWILLING and JOHNSON MOTORS, INC.)

J. Michael Dorezas, Esquire  
EVEY, ROUTH, BLACK, DOREZAS,  
MAGEE & LEVINE, LLP  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(Attorney for Defendants, JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING)

CHERRY & CHERRY

BY: 

Paul E. Cherry, Esquire  
23 East Park Ave., Suite 1  
DuBois, PA 15801  
(814) 371-3288  
Attorney for Plaintiffs

FILED  
M/3:58 PM  
DEC 04 2002

1 Disc. to Amy  
Dorezas  
Copy of Disc. to C/A

William A. Shaw  
Prothonotary

COPY

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Bonnie L. Donaldson  
Larry L. Donaldson Sr.

Vs.

No. 2001-00563-CD

Walter R. Zwilling  
Johnson Motors, Inc.  
James Roger Weyant  
South Main Trucking Company

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 4, 2002 marked:

Discontinued with Prejudice against James Roger Weyant and South Main Trucking Company ONLY

Record costs in the sum of \$279.36 have been paid in full by Paul E. Cherry, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 4th day of December A.D. 2002.

---

William A. Shaw, Prothonotary

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

BONNIE L. DONALDSON and  
LARRY L DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON MOTORS,  
INC., JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY,  
Defendants

: No. 01 – 563 - C.D.  
:  
: Type of Case: CIVIL  
:  
: Type of Pleading: PRAECIPE TO PLACE  
: CASE ON TRIAL LIST  
:  
: Filed on Behalf of: PLAINTIFFS  
:  
: Counsel of Record for this Party:  
:  
: PAUL E. CHERRY, ESQ.  
: Supreme Court No.42945  
:  
: CHERRY & CHERRY  
: 23 East Park Avenue  
: DuBois, PA 15801  
: (814) 371-3288

FILED

DEC 18 2002

William A. Shaw  
Prothonotary

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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

:  
:  
:  
:  
: No. 01 – 563 – C.D.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

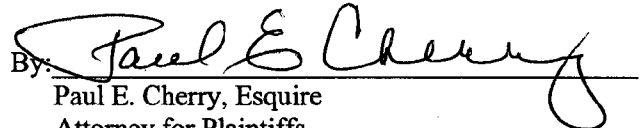
:  
:  
:  
:  
:  
:  
:

PRAECIPE TO PLACE CASE ON TRIAL LIST

To the Prothonotary:

Please place the above-captioned action on the jury trial list pursuant to Rule 101.

CHERRY & CHERRY

By:   
Paul E. Cherry, Esquire  
Attorney for Plaintiffs



ndc

ndc

ndc

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

BONNIE L. DONALDSON and  
LARRY L DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON MOTORS,  
INC., JAMES ROGER WEYANT and  
SOUTH MAIN TRUCKING COMPANY,  
Defendants

: No. 01 – 563 - C.D. :  
:  
: Type of Case: CIVIL  
:  
: Type of Pleading: CERTIFICATE OF  
: READINESS FOR TRIAL  
:  
: Filed on Behalf of: PLAINTIFFS  
:  
: Counsel of Record for this Party:  
:  
: PAUL E. CHERRY, ESQ.  
: Supreme Court No.42945  
:  
: CHERRY & CHERRY  
: 23 East Park Avenue  
: DuBois, PA 15801  
: (814) 371-3288

FILED

DEC 18 2002

William A. Shaw  
Prothonotary

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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

:  
:  
:  
:  
: No. 01 – 563 – C.D.  
:  
:  
:  
:  
:  
:  
:

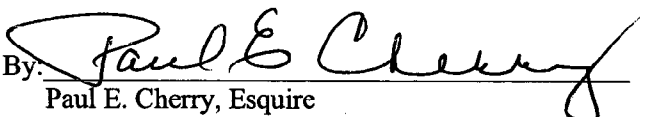
CERTIFICATE OF READINESS FOR TRIAL

To the Prothonotary:

Pursuant to Rule 101, I hereby certify that:

1. The Pleadings are closed;
2. All discovery has been completed, including discovery of expert witnesses;
3. There are no outstanding motions;
4. The amount in controversy exceeds \$25,000.00;
5. This action does not now appear on any trial or argument list;
6. Application will not be made for a continuance except for good cause arising after this action appears on the trial list;
7. Counsel who will actually try this action are:
  - a. for the Plaintiffs: Paul E. Cherry, Esquire, Phone #: (814) 371-3288;
  - b. for the Defendant: Scott E. Becker, Esquire, Phone #: (412) 263-3360; and
8. A copy of this Certificate has been served on all interested parties.

CHERRY & CHERRY

By:   
Paul E. Cherry, Esquire  
Attorney for Plaintiffs

FILED  
NOV 10 2002  
DEC 18 2002  
ND  
CC

William A. Shaw  
Prothonotary

*Sherry & Sherry*  
23 EAST PARK AVENUE  
DUBOIS, PENNSYLVANIA 15801

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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

: No. 01 - 563 - C.D.  
:  
: Type of Case: CIVIL  
:  
: Type of Pleading: NOTICE OF  
: VIDEOTAPE DEPOSITION  
:  
: Filed on Behalf of: PLAINTIFFS  
:  
: Counsel of Record for this Party  
:  
: PAUL E. CHERRY, ESQ.  
:  
: Supreme Court No.42945  
:  
: CHERRY & CHERRY  
: 23 East Park Avenue  
: DuBois, PA 15801  
: (814) 371-3288

FILED

MAR 21 2003

William A. Shaw  
Prothonotary

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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

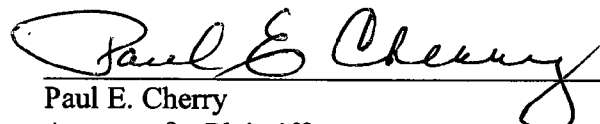
No. 01 – 563 – C.D.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

NOTICE OF VIDEOTAPE DEPOSITION

Please take notice that Plaintiff, BONNIE L. DONALDSON, will take the oral deposition of Dr. Nicolaas Bohnen, M.D., Ph.d., University of Pittsburgh Physicians, Department of Neurology, Kauffman Medical Building, Suite 810, 3471 Fifth Avenue, Pittsburgh, PA 15213, before AKFCourt Reporting and Videotaping, 436 Boulevard of the Allies, Pittsburgh, PA 15219, an officer authorized to administer oaths, at University of Pittsburgh Physicians, Department of Neurology, Kauffman Medical Building, Suite 810, 3471 Fifth Avenue, Pittsburgh, PA 15213 on Friday, April 11, 2003, at 11:00 a.m. until completed. The deposition is to be videotaped, pursuant to Pa. R.C.P. No. 4017,1, by AKF Court Reporting and Videotaping, 436 Boulevard of the Allies, Pittsburgh, PA 15219, and will be simultaneously recorded by stenographic means.

The oral examination will continue until concluded. You are invited to attend and participate in this examination.

  
Paul E. Cherry  
Attorney for Plaintiffs

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

BONNIE L. DONALSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

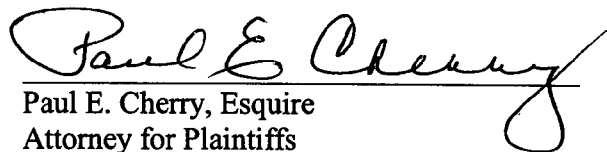
No. 01 - 563 - C.D.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

CERTIFICATE OF SERVICE

PAUL E. CHERRY, Esquire, certifies that as counsel for the Plaintiffs in the above-captioned matter, he served a true and correct copy of the Notice of Videotape Deposition on Scott E. Becker, Esquire, counsel for the Defendants, WALTER R. ZWILLING and JOHNSON MOTORS, INC., on March 20, 2003, at Bonacci, Muchow & Redman, 870 Six PPG Place, Pittsburgh, Pennsylvania 15222, by U.S. Postal Service, First-Class mail, postage prepaid.

CHERRY & CHERRY

  
Paul E. Cherry, Esquire  
Attorney for Plaintiffs

MAR 21 10:47 AM '84  
MAR 21 2003

*Therapy & Therapy*  
23 EAST PARK AVENUE  
DUBOIS, PENNSYLVANIA 15801



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,

Plaintiffs

VS.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,

Defendants

CIVIL DIVISION

No. 01-563 CD

TYPE OF PLEADING:

**NOTICE OF VIDEOTAPE  
DEPOSITION OF  
RICHARD B. KASDAN, M.D.  
FOR USE AT TRIAL**

Filed on Behalf of Defendants:

WALTER R. ZWILLING and  
JOHNSON MOTORS, INC.

Counsel of Record for This Party:

SCOTT E. BECKER, ESQUIRE  
PA I.D. #19671

Bonacci, Muchow & Redman  
870 Six PPG Place  
Pittsburgh, Pennsylvania 15222  
(412) 263-3360

**FILED**

MAR 27 2003

**William A. Shaw**  
Prothonotary

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,

Plaintiffs

VS.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING)  
COMPANY,

Defendants

) CIVIL DIVISION

) No. 01-563 CD

**NOTICE OF VIDEOTAPE DEPOSITION**  
**OF RICHARD B. KASDAN, M.D. FOR USE AT TRIAL**

TO: Richard B. Kasdan, M.D.  
Associates in Neurology of Pittsburgh  
5750 Centre Avenue  
Centre Commons, Suite 100  
Pittsburgh, PA 15206

**KINDLY TAKE NOTICE** that on *Monday, May 5, 2003, at 1:00 p.m.*, your videotape deposition will be taken before a court reporter at your medical offices listed above.

The scope and purpose of this deposition is for use at trial with regard to all the facts the deponent may have knowledge of surrounding the incident which is the subject matter of this litigation.

Respectfully submitted,

By

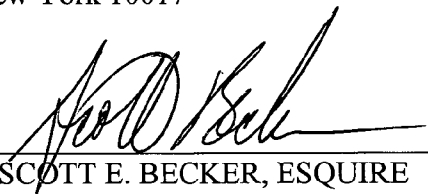
  
SCOTT E. BECKER, ESQUIRE  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I, Scott E. Becker, Esquire, Counsel for Defendants, hereby certify that I served a true and correct copy of the foregoing Notice of Videotape Deposition of Richard B. Kasdan, M.D. by first-class mail, postage pre-paid on March 25, 2003, upon the following counsel of record and/or parties:

Paul E. Cherry, Esquire  
Cherry & Cherry  
23 East Park Avenue, Suite 1  
DuBois, Pennsylvania 15801

Spherion Court Reporting  
545 Fifth Avenue, Suite 900  
New York, New York 10017

By   
SCOTT E. BECKER, ESQUIRE  
Counsel for Defendants

FILED

MAR 18 55 PM 2003

MAR 27 2003

William A. Shaw  
Prothonotary

*cc*  
*cc*  
*cc*

Date: 04/10/2003

Clearfield County Court of Common Pleas

User: DGREGG

Time: 02:41 PM

ROA Report

Page 1 of 1

Case: 2001-00563-CD

Current Judge: John K. Reilly Jr.

Donaldson, Larry L. Donaldson Sr. vs. Walter R. Zwilling, Johnson Motors, Inc., James Roger Weyant, South Main Trucking Company  
Civil Other

Date		Judge
04/19/2001	✓ Filing: Civil Complaint Paid by: Cherry, Paul E. (attorney for Donaldson, Bonnie L.) Receipt number: 1823836 Dated: 04/19/2001 Amount: \$80.00 (Check) Four CC Attorney Cherry	No Judge
05/09/2001	✓ Praeipe for Appearance, on behalf of Walter R. Zwilling and Johnson Motors, Inc. filed by s/Scott E. Becker, Esq. no cc	No Judge
05/16/2001	✓ Praeipe for Entry of Appearance, on behalf of Defendants JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY. filed by s/J. Michael Dorezas, Esq. Certificate of Service no cc	No Judge
05/18/2001	✓ Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
05/22/2001	✓ Preliminary Objections to Plaintiffs' Complaint. filed by s/J. Michael Dorezas, Esq. 1 cc atty Dorezas	No Judge
06/11/2001	✓ Answer and New Matter, Filed by Atty Becker. No Cc.	No Judge
06/19/2001	✓ Plaintiffs' Answer to New Matter of Defendants, Walter R. Zwilling and Johnson Motors, Inc. filed by s/Paul E. Cherry, Esq. no cc	No Judge
08/15/2001	✓ ORDER, NOW, this 14th day of August, 2001, re: P.O.'s are hereby sustained to the extent that Plaintiffs prove, w/regards to paragraphs 16(a and f) shall be restricted to those theories of negligence set forth within the Complaint, etc. by the Court, s/JKR,JR.,P.J. 1 cc Paul Cherry, Atty Becker, and Atty Dorezas	John K. Reilly Jr.
08/31/2001	✓ Answer and New Matter of Defendants James Roger Weyant and South Main Trucking Co. Filed by s/J. Michael Dorezas, Esq. Verification, s/James Roger Weyant Cert of Svc no cc	John K. Reilly Jr.
09/04/2001	✓ Praeipe For Filing Verification. Filed by s/J. Michael Dorezas, Esq. no cc	John K. Reilly Jr.
09/12/2001	✓ Plaintiffs' Answer to New Matter of Defendants, James Roger Weyant and South Main Trucking , Co. filed by s/Paul E. Cherry, Esq. no cc	John K. Reilly Jr.
03/06/2002	✓ Reply To New Matter Pursuant To Rule 2252(d), Filed on behalf of Defendants, WALTER R. ZWILLING and JOHNSON MOTORS, INC. Filed by s/Scott E. Becker, Esq. Verification s/Robert G. Johnson Certificate of Service no cc	John K. Reilly Jr.
05/08/2002	✓ ORDER, NOW, this 8th day of May, 2002, re: Discovery on Motion for Summary Judgment to be filed on behalf of Defendants James Roger Weyant and South Main Trucking Co. shall be completed within 60 days from date hereof. by the Court, s/JKR,JR.,P.J. 1 cc Paul Cherry, 1 cc Scott Becko, and Dorezas, Esq.	John K. Reilly Jr.
09/18/2002	✓ Motion for Summary Judgment filed by Defendants James Roger Weyant and South Main Trucking Co. by Atty. Dorezas. No CC.	John K. Reilly Jr.
10/09/2002	Filing: Deposition of Bonnie L. Donaldson Called on behalf of defendants Zwilling and Johnson Motors. No cc.	John K. Reilly Jr.
12/05/2002	✓ Praeipe to Discontinue with Prejudice Action Against Less Than all Defendants. One Disc. to Atty. Copy to CA	John K. Reilly Jr.
12/18/2002	✓ Praeipe to Place Case on Trial List, filed by Atty. Cherry No Cert. Copy Copy to C/A	John K. Reilly Jr.
	✓ Certificate of Readines for Trial, filed by Atty. Cherry. No Cert. Copies. Copy to C/A	John K. Reilly Jr.
03/21/2003	✓ Notice of Videotape Deposition of DR. NICOLAAS BOHNEN, M.D, Ph.d. filed by s/Paul E. Cherry, Esquire Certificate of Service no cc	John K. Reilly Jr.

Date: 11/15/2002

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 11:01 AM

ROA Report

Page 1 of 1

Case: 2001-00563-CD

Current Judge: John K. Reilly Jr.

Donaldson, Larry L. Donaldson Sr. vs. Walter R. Zwilling, Johnson Motors, Inc., James Roger Weyant, South Main Trucking Comp;  
Civil Other

Date		Judge
04/19/2001	Filing: Civil Complaint Paid by: Cherry, Paul E. (attorney for Donaldson, Bonnie L.) Receipt number: 1823836 Dated: 04/19/2001 Amount: \$80.00 (Check) Four CC Attorney Cherry	No Judge ✓
05/09/2001	Praeipe for Appearance, on behalf of Walter R. Zwilling and Johnson Motors, Inc. filed by s/Scott E. Becker, Esq. no cc	No Judge ✓
05/16/2001	Praeipe for Entry of Appearance, on behalf of Defendants JAMES ROGER WEYANT and SOUTH MAIN TRUCKING COMPANY. filed by s/J. Michael Dorezas, Esq. Certificate of Service no cc	No Judge ✓
05/18/2001	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge ✓
05/22/2001	Preliminary Objections to Plaintiffs' Complaint. filed by s/J. Michael Dorezas, Esq. 1 cc atty Dorezas	No Judge ✓
06/11/2001	Answer and New Matter, Filed by Atty Becker. No Cc.	No Judge ✓
06/19/2001	Plaintiffs' Answer to New Matter of Defendants, Walter R. Zwilling and Johnson Motors, Inc. filed by s/Paul E. Cherry, Esq. no cc	No Judge ✓
08/15/2001	ORDER, NOW, this 14th day of August, 2001, re: P.O.'s are hereby sustained to the extent that Plaintiffs prove, w/regards to paragraphs 16(a and f) shall be restricted to those theories of negligence set forth within the Complaint, etc. by the Court, s/JKR,JR.,P.J. 1 cc Paul Cherry, Atty Becker, and Atty Dorezas	John K. Reilly Jr. ✓
08/31/2001	Answer and New Matter of Defendants James Roger Weyant and South Main Trucking Co. Filed by s/J. Michael Dorezas, Esq. Verification, s/James Roger Weyant Cert of Svc no cc	John K. Reilly Jr. ✓
09/04/2001	Praeipe For Filing Verification. Filed by s/J. Michael Dorezas, Esq. no cc	John K. Reilly Jr. ✓
09/12/2001	Plaintiffs' Answer to New Matter of Defendants, James Roger Weyant and South Main Trucking, Co. filed by s/Paul E. Cherry, Esq. no cc	John K. Reilly Jr. ✓
03/06/2002	Reply To New Matter Pursuant To Rule 2252(d), Filed on behalf of Defendants, WALTER R. ZWILLING and JOHNSON MOTORS, INC. Filed by s/Scott E. Becker, Esq. Verification s/Robert G. Johnson Certificate of Service no cc	John K. Reilly Jr. ✓
05/08/2002	ORDER, NOW, this 8th day of May, 2002, re: Discovery on Motion for Summary Judgment to be filed on behalf of Defendants James Roger Weyant and South Main Trucking Co. shall be completed within 60 days from date hereof. by the Court, s/JKR,JR.,P.J. 1 cc Paul Cherry, 1 cc Scott Becko, and Dorezas, Esq.	John K. Reilly Jr. ✓
09/18/2002	Motion for Summary Judgment filed by Defendants James Roger Weyant and South Main Trucking Co. by Atty. Dorezas. No CC.	John K. Reilly Jr. ✓ <i>upstans</i>
10/09/2002	Filing: Deposition of Bonnie L. Donaldson Called on behalf of defendants Zwilling and Johnson Motors. No cc.	John K. Reilly Jr. ✓

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

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

: No. 01 - 563 - C.D.  
:  
: Type of Case: CIVIL  
:  
: Type of Pleading: PRAECIPE FOR  
: DISCONTINUANCE  
:  
: Filed on Behalf of: PLAINTIFFS  
:  
: Counsel of Record for this Party:  
:  
: PAUL E. CHERRY, ESQ.  
: Supreme Court No.42945  
:  
: CHERRY & CHERRY  
: 23 East Park Avenue  
: DuBois, PA 15801  
: (814) 371-3288

FILED

APR 29 2003

William A. Shaw  
Prothonotary

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

BONNIE L. DONALDSON and  
LARRY L. DONALDSON, SR.,  
Plaintiffs

vs.

WALTER R. ZWILLING, JOHNSON  
MOTORS, INC., JAMES ROGER  
WEYANT and SOUTH MAIN TRUCKING  
COMPANY,  
Defendants

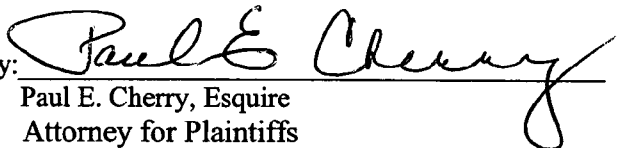
:  
:  
:  
:  
: No. 01 - 563 - C.D.  
:  
:  
:  
:  
:  
:

PRAECIPE FOR DISCONTINUANCE

To the Prothonotary:

Please mark the above-captioned case ended, settled, and forever discontinued and/or  
dismissed, with prejudice.

CHERRY & CHERRY

By:   
Paul E. Cherry, Esquire  
Attorney for Plaintiffs



ICC # 3 Cert. of Disc.  
to Atty P. Cherry  
01 10:38 AM  
APR 25 2003  
William A. Shaw  
Prothonotary

Copy of Certificate to C/A

Cherry & Cherry  
23 EAST PARK AVENUE  
DUBOIS, PENNSYLVANIA 15801

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

**CIVIL DIVISION**

COPY

**Bonnie L. Donaldson  
Larry L. Donaldson Sr.**

**Vs.**

**No. 2001-00563-CD**

**Walter R. Zwilling  
Johnson Motors, Inc.  
James Roger Weyant  
South Main Trucking Company**

**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 April 29, 2003, marked:

Ended, Settled, and forever Discontinued and/or Dismissed with Prejudice

Record costs in the sum of \$80.00 have been paid in full by Paul E. Cherry, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of April A.D. 2003.

---

William A. Shaw, Prothonotary