

01-748-CD
NATIONWIDE INSURANCE COMPANY et al -vs- ALLIED SYSTEMS, LTD et al

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE
COMPANY as subrogee of
RUSSELL E. PERKS, JR. and
SANDRA L. PERKS,

Plaintiff,

vs.

ALLIED SYSTEMS, LTD., a
limited partnership, ALLIED
AUTOMOTIVE GROUP, INC.,
general partner of ALLIED
SYSTEMS, LTD. and DONALD L.
THORNE,

Defendants.

CIVIL DIVISION

CASE NO: 01-748-CD

TYPE OF PLEADING:

COMPLAINT

CIVIL ACTION:

FILED ON BEHALF OF:

NATIONWIDE INSURANCE COMPANY,
et al., Plaintiff

COUNSEL OF RECORD FOR THIS
PARTY:

Kirby L. Boring, Esquire
Phillips and Boring, P.C.
Suite 800, Lawyers Building
Pittsburgh, PA 15219
(412) 281-1977

Attorney's State ID #21297

Attorney's firm ID #0327

FILED

May 17 2001

**William A. Shaw
Prothonotary**

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

NATIONWIDE INSURANCE)
COMPANY as subrogee of)
RUSSELL E. PERKS, JR. and)
SANDRA L. PERKS,)
)
Plaintiff,)
)
vs.) No.
)
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE)
GROUP, INC., general partner of)
ALLIED SYSTEMS, LTD. and)
DONALD L. THORNE,)
)
Defendant.)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

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

NATIONWIDE INSURANCE)
COMPANY as subrogee of)
RUSSELL E. PERKS, JR. and)
SANDRA L. PERKS,)
)
Plaintiff,)
)
vs.) No.
)
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE)
GROUP, INC., general partner of)
ALLIED SYSTEMS, LTD. and)
DONALD L. THORNE,)
)
Defendant.)

COMPLAINT

1. Plaintiff is Nationwide Insurance Company, a corporation with a business address of Box 2655, Harrisburg, Dauphin County, PA 17105 as subrogee of Russell E. Perks, Jr. and Sandra L. Perks.
2. Defendants are Allied Systems, Ltd., a limited partnership and Allied Automotive Group, Inc., the general partner of Allied Systems, Ltd., both business entities registered in the state of Georgia and both having a registered business address of 160 Clairmont Avenue, Suite 600, Decatur, DeKalb County, Georgia 30030.
3. Defendant is Donald L. Thorne, an individual who resides at 2420 Bethany Road, Deputy, Jefferson County, Indiana 47230.
4. At all times material, the Plaintiff, Nationwide Insurance Company, provided motor vehicle insurance to its subrogors which was in effect at the time of the incident described herein.

5. At all times material, the Defendants, Allied Systems, Ltd. and Allied Automotive Group, Inc., was the owner of the vehicle which was being operated by the Defendant, Donald L. Thorne, with the consent and permission of the Defendants, Allied Systems, Ltd. and Allied Automotive Group, Inc.

6. At all times material, the Defendant, Donald L. Thorne, was an agent, servant and/or employee of the Defendants, Allied Systems, Ltd. and Allied Automotive Group, Inc.

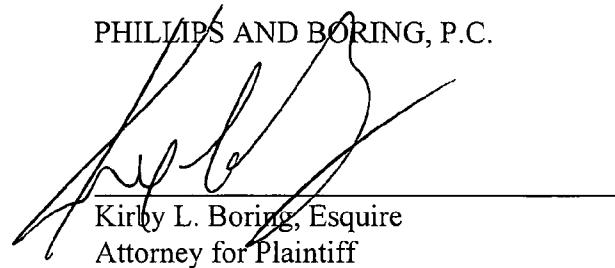
7. On or about January 14, 2000, the Plaintiff's subrogor, Russell E. Perks, Jr., was legally parked on State Route 322 located in Clearfield County, PA removing items from his vehicle, when the Defendant passed Perks' vehicle striking Perks' driver's front door causing damage and failing to stop to render assistance.

8. The above described incident was the direct and proximate result of the negligence of the Defendant, Donald L. Thorne, generally and in the following particulars:

- a. In failing to maintain a sharp lookout of the roadway and the condition of traffic surrounding him;
- b. In failing to stop within an assured clear distance of the Plaintiff's subrogor's vehicle instead of colliding with it;
- c. In continuing to operate his vehicle towards the Plaintiff's subrogors vehicle when he saw or in the exercise of reasonable care should have seen that further operation in that direction would result in a collision;
- d. In failing to drive around Plaintiff's subrogor's vehicle instead of colliding with it.

9. As the direct and proximate result of the negligence of the Defendant, Donald L. Thorne, the Plaintiff's subrogors suffered total damages in the amount of \$1,583.09. An itemization of which is set forth in the Estimate of Repairs which is attached hereto, made a part hereof and marked as Exhibit "A".

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally in the amount of \$1,583.09, plus costs.

PHILLIPS AND BORING, P.C.

Kirby L. Boring, Esquire
Attorney for Plaintiff

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

NATIONWIDE INSURANCE COMPANY)
as subrogee of RUSSELL E. PERKS, JR.)
and SANDRA L. PERKS,)
Plaintiff,)
vs.)
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE)
GROUP, INC., general partner of)
ALLIED SYSTEMS, LTD., and)
DONALD L. THORNE,)
Defendants.)
No.)

NOTICE OF DOCUMENTATION IN SUPPORT OF DAMAGES
PURSUANT TO PA R.C.P. 1305

TO: PROTHONOTARY, CLEARFIELD COUNTY

Exhibits attached hereto will be presented as evidence at the time of trial.

PHILIPS AND BORING, P.C.
Kirby L. Boring, Esquire
Attorney for Plaintiff

02/01/2000 AT 10:03 AM
36058

59370007781801040001R/P1

COLONIAL INSURANCE OF CALIFORNIA
STATE COLLEGE
NATIONWIDE IS ON YOUR SIDE
PO BOX 1436
CLEARFIELD, PA 16830
(814) 768-7848 FAX: (814) 768-7858

SUPPLEMENT OF RECORD 1 WITH SUMMARY

WRITTEN BY: GREG FORCEY #142276 02/01/2000 10:02 AM
ADJUSTER: GREG FORCEY (PACLM3 #

INSURED: RUSSELL E & SANDRA PERKS JR CLAIM #59370007781801040001R/P1
OWNER: RUSSELL E & SANDRA PERKS JR POLICY #59000778187158
ADDRESS: RR 1 BOX 189 DATE OF LOSS: 01/04/2000
LUTHERSBURG, PA 15848 TYPE OF LOSS: COLLISION
OTHER: (814) 583-7308 POINT OF IMPACT: 10. LEFT FRONT PIL
DAY: (814) 375-8770

INSPECT PH RESIDENCE NON_DRIVE_IN
LOCATION:

REPAIR DAYS TO REPAIR
FACILITY: LICENSE #

1991 CHEV BERETTA 4-2.2L-FI 2D INT:
VIN: 1G1LV13TXMY201799 LIC: UNK PROD DATE: ODOMETER: 100000
TINTED GLASS BODY SIDE MOLDINGS DUAL MIRRORS
CLEAR COAT PAINT POWER STEERING POWER BRAKES
DRIVER AIRBAG CLOTH SEATS BUCKET SEATS
RECLINE/LOUNGE SEATS

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
1		FENDER					
N 2*		REPL QUAL RECY PARTS LT FENDER;	1	125.00*	2.0	2.5	
3		ADD FOR CLEAR COAT				1.0	
4		REFN EDGES				0.5	
5		R&I MOLDING			0.2		
6		DOOR					
7*		REPL QUAL RECY PARTS LT FT DOOR; EL	1	437.50*	1.7	3.5	
8		OVERLAP MAJOR ADJ. PANEL				-0.4	
9		ADD FOR CLEAR COAT				0.6	
10		CLEAN, LUBE & ADJUST LINK, REG			0.2		
11		R&I MIRROR MANUAL			0.2		
12		R&I OUTSIDE HANDLE			0.2		
13		R&I WEATHERSTRIP			0.6		
14		R&I LOCK			0.2		
15		R&I MOLDING SIDE			0.2		
16		R&I MOLDING BELT			0.3		
17		QUARTER PANEL					
18*	RPR	LT QUARTER PANEL			3.0*	1.2*	
19		ADD FOR CLEAR COAT				0.2	

EXHIBIT "A"

02/01/2000 AT 10:03 AM
36058

59370007781801040001R/P1

SUPPLEMENT OF RECORD 1 WITH SUMMARY
1991 CHEV BERETTA 4-2.2L-FI 2D INT:

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
20*	R&I	LT SIDE MOLDING ALL MODELS FIR				0.4*	
21**	REPL	QUAL REPL PARTS STRIPE	* 1	12.95*		0.3	
22		MISCELLANEOUS OPERATIONS					
23	REPL	COVER CAR/BAG	1			0.2	
N 24		COWL					
25*	RPR	LT HINGE PILLAR			S	4.0*	0.5*
26#	RPR	GLASS CLEANUP				0.5	
27# S01	ZZ		1	1.00			
28# S01	XX		1	-1.00			
29		OTHER CHARGES					
30#		E.P.C.	1	3.00			
SUBTOTALS ==>				578.45	14.2	9.6	

LINE 2 : LKQ AT CHAPMANS 5835128
LINE 24 : SET PULL AND REPAIR HINGE PILLAR

PARTS	575.45	
BODY LABOR	14.2 HRS @ \$ 32.00/HR	454.40
PAINT LABOR	9.6 HRS @ \$ 32.00/HR	307.20
PAINT SUPPLIES	9.6 HRS @ \$ 16.00/HR	153.60
OTHER CHARGES		3.00
SUBTOTAL		\$ 1493.65
SALES TAX	\$ 1490.65 @ 6.0000%	89.44
TOTAL COST OF REPAIRS		\$ 1583.09

ADJUSTMENTS:	
DEDUCTIBLE	500.00
TOTAL ADJUSTMENTS	\$ 500.00
NET COST OF REPAIRS	\$ 1083.09

VERIFICATION IN LIEU OF AFFIDAVIT

KAREN GRACE says that she is recovery representative of the Plaintiff (corporation, partnership, proprietorship) that she is authorized to make this statement and that the facts contained in the foregoing **COMPLAINT** are true and correct to the best of her knowledge, information and belief.

This statement is subject to the penalties of 18 C.S. Section 4904 relating to unsworn falsifications to authorities.

NATIONWIDE INSURANCE COMPANY

By: Karen Grace
Karen Grace

KLB/gmp Re: Nationwide Insurance Company
as subrogee of Russell E. Perks, Jr.
and Sandra L. Perks
Vs: Allied Systems, Ltd., a limited
partnership, Allied Automotive
Group, Inc., general partner of
Allied Systems, Ltd. and Donald L.
Thorne

FILED NO CC
MAY 17 2001 Atty pd. 80-00
FBI
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE
COMPANY as subrogee of
RUSSELL E. PERKS, JR. and
SANDRA L. PERKS,

Plaintiff,

vs.

ALLIED SYSTEMS, LTD., a
limited partnership, ALLIED
AUTOMOTIVE GROUP, INC.,
general partner of ALLIED
SYSTEMS, LTD. and DONALD L.
THORNE,

Defendants.

CIVIL DIVISION

CASE NO: 2001 - 00748 CD

TYPE OF PLEADING:

VERIFICATION OF SERVICE

CIVIL ACTION:

FILED ON BEHALF OF:

NATIONWIDE INSURANCE COMPANY,
et al., Plaintiff

COUNSEL OF RECORD FOR THIS
PARTY:

Kirby L. Boring, Esquire
Phillips and Boring, P.C.
Suite 800, Lawyers Building
Pittsburgh, PA 15219
(412) 281-1977

Attorney's State ID #21297

Attorney's firm ID #0327

FILED

JUN 06 2001

William A. Shaw
Prothonotary

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

NATIONWIDE INSURANCE)
COMPANY as subrogee of)
RUSSELL E. PERKS, JR. and)
SANDRA L. PERKS,)
)
Plaintiff,)
)
vs.) No. 2001 - 00748 CD
)
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE)
GROUP, INC., general partner of)
ALLIED SYSTEMS, LTD. and)
DONALD L. THORNE,)
)
Defendant.)

VERIFICATION OF SERVICE

I, Kirby L. Boring, hereby certify that service of a Complaint in Civil Action was served upon the Defendants, by restricted mail delivery, return receipt requested on the 29th day of May, 2001 as listed below. The original receipts are attached hereto.

Allied Automotive Group, Inc.
160 Clairmont Avenue
Suite 600
Decatur, GA 30030

Allied Systems, Ltd.
160 Clairmont Avenue
Suite 600
Decatur, GA 30030

PHILLIPS AND BORING, P.C.

Kirby L. Boring, Esquire
Attorney for Plaintiff

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
Allied Automotive Group, Inc.
160 Clairmont Avenue
Suite 600
Decatur, GA 30030

2. Article Number (Copy from service label)

7000 0600 0024 3448 1847

PS Form 3811, July 1999 | | | | | Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

Agent

Addresssee

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
Allied Systems, Ltd.
160 Clairmont Avenue
Suite 600
Decatur, GA 30030

2. Article Number (Copy from service label)

7000 0600 0024 3448 1854

PS Form 3811, July 1999 | | | | | Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

Agent

Addresssee

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

102595-00-M-0952

FILED

2:47
JUN 05 2001

NO CC

William A. Shaw
Notary Public

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY,
as subrogee of RUSSELL E. PERKS, JR., and
SANDRA L. PERKS,

CIVIL DIVISION

No. 2001-00748-CD

Plaintiffs,

Issue No.

v.

ALLIED SYSTEMS, LTD., a limited
partnership, ALLIED AUTOMOTIVE
GROUP, INC., general partner of ALLIED
SYSTEMS, LTD., and DONALD L.
THORNE

PRAECIPE FOR APPEARANCE

Code:

Filed on behalf of DEFENDANTS

Defendants.

Counsel of record for this party:

John T. Pion, Esquire
Pa. I.D. #43675

DICKIE, McCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

JUN 15 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY)
as subrogee of RUSSELL E. PERKS, JR.,) Civil Division
and SANDRA L. PERKS,)
Plaintiffs,) No.: 2001-00748-CD
vs.)
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE)
GROUP, INC., general partner of ALLIED)
SYSTEMS, LTD. and DONALD L.)
THORNE,)
Defendants.)

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

KINDLY enter our appearance on behalf of Defendants ALLIED SYSTEMS, INC.,
ALLIED AUTOMOTIVE GROUP., INC. and ALLIED SYSTEMS, LTD., and DONALD L.
THORNE in the above-entitled action.

A JURY TRIAL IS DEMANDED.

DICKIE, McCAMEY & CHILCOTE

By _____
John T. Pion, Esquire
Attorney for Defendants

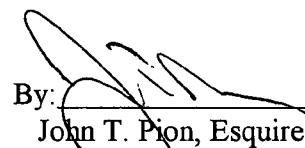
CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Praecipe for Appearance was served upon counsel of record by U.S. Mail, postage prepaid this
13 day of June, 2001.

Kirby L. Boring, Esq.
Phillips and Boring, P.C.
Suite 800
Lawyers Building
Pittsburgh, PA 15219

COUNSEL FOR PLAINTIFF

DICKIE, McCAMEY & CHILCOTE

By: 
John T. Pion, Esquire

Attorney for Defendants

FILED
JUN 15 2001

NO CC

28

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY as
subrogee of RUSSELL E. PERKS, JR. and
SANDRA L. PERKS,

CIVIL DIVISION

NO. 2001-00748-CD

Plaintiff,

Issue No.

v.

NOTICE OF SERVICE

ALLIED SYSTEMS, LTD., a limited
partnership, ALLIED AUTOMOTIVE GROUP,
INC. general partner of ALLIED SYSTEMS,
LTD. and DONALD L. THORNE,,

Code:

Filed on behalf of DEFENDANTS

Defendant.

Counsel of record for this party:

John T. Pion, Esq.
PA. I.D. #43675

DICKIE, McCAMEY & CHILCOTE, P.C.
Firm #067

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

FILED

JUL 18 2001

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY)
as subrogee of RUSSELL E. PERKS, JR.,) Civil Division
and SANDRA L. PERKS,)
Plaintiffs,)
vs.)
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE)
GROUP, INC., general partner of ALLIED)
SYSTEMS, LTD. and DONALD L.)
THORNE,)
Defendants.)

**NOTICE OF SERVICE OF
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

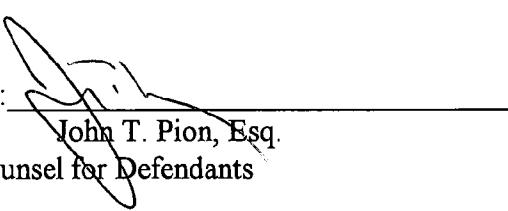
TO: PROTHONOTARY

Kindly be advised that First Request for Production of Documents were directed to the Plaintiff by service of an original and two copies on or about July 16, 2001.

Kirby L. Boring, Esq.
Phillips & Boring, P.C.
Suite 800
Lawyers Building
428 Forbes Ave.
Pittsburgh, PA 15219-1674

COUNSEL FOR PLAINTIFF

DICKIE, McCAMEY & CHILCOTE, P.C.

By: 

John T. Pion, Esq.
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY,
as subrogee of RUSSELL E. PERKS, JR., and
SANDRA L. PERKS,

Plaintiffs,

v.

ALLIED SYSTEMS, LTD., a limited
partnership, ALLIED AUTOMOTIVE
GROUP, INC., general partner of ALLIED
SYSTEMS, LTD., and DONALD L.
THORNE

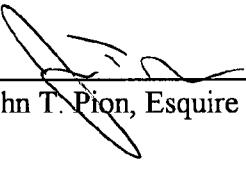
Defendants.

NOTICE TO PLEAD

TO: Plaintiff

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

By:


John T. Pion, Esquire

CIVIL DIVISION

No. 2001-00748-CD

Issue No.

ANSWER AND NEW MATTER

Code:

Filed on behalf of DEFENDANTS

Counsel of record for this party:

John T. Pion, Esquire
Pa. I.D. #43675

DICKIE, McCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

JUL 18 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY)
as subrogee of RUSSELL E. PERKS, JR.,) Civil Division
and SANDRA L. PERKS,)
Plaintiffs,)
vs.)
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE)
GROUP, INC., general partner of ALLIED)
SYSTEMS, LTD. and DONALD L.)
THORNE,)
Defendants.)

ANSWER AND NEW MATTER

AND NOW, come the defendants, by and through their attorneys, Dickie McCamey & Chilcote, P.C. and John T. Pion, Esquire, and hereby file the within Answer and New Matter denying that they are indebted to the plaintiff for any sum or sums, and in support thereof aver as follows:

1. The averments of paragraph 1 are denied.
2. The averments of paragraph 2 are denied as stated.
3. The averments of paragraph 3 are admitted.
4. The averments of paragraph 4 state conclusions of law to which no response of these defendants is required. To the extent a response is required, the averments of paragraph 4 are denied.
5. The averments of paragraph 5 are admitted.
6. The averments of paragraph 6 are admitted.

7. The averments of paragraph 7 are specifically denied. It is denied that Russell Perks was legally parked and it is denied that the defendant struck his vehicle or knowingly failed to stop to render assistance. Accordingly, the averments of paragraph 7 are denied and strict proof thereof is demanded.

8. The averments of paragraph 8 are denied. It is denied that the defendant was negligent or acted in any way so as to cause the plaintiff to suffer any injuries or damages. By way of further response, each of the subparagraphs of paragraph 8, including subparts (a) - (d) are specifically denied and strict proof to the contrary is demanded.

9. The averments of paragraph 9 are denied. After reasonable investigation, these defendants are without sufficient knowledge or information to form a belief as to the truth of the matters asserted herein. Accordingly, the averments of paragraph 9 are denied and strict proof is demanded.

WHEREFORE, defendants demand judgment in their favor and against the plaintiffs, together with costs of suit.

NEW MATTER

10. Defendants hereby incorporate by reference herein paragraphs 1 - 9 of their Answer as though fully set forth.

11. Defendants hereby plead plaintiffs' contributory negligence as a complete and/or partial bar to recovery.

12. Defendants believe and therefore aver that the within accident was caused by persons and/or conditions over which defendants had no duty and/or right of control. Defendants hereby assert superceding and/or intervening causes as a complete and/or partial bar to recovery.

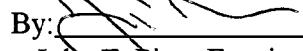
13. Defendants hereby plead plaintiffs' failure to mitigate as a complete and/or partial bar to recovery.

14. Plaintiff opened his door directly into the path of moving vehicles in violation of Pennsylvania Statute Laws and Regulations.

15. Accordingly, plaintiffs have failed to state a claim upon which relief may be granted.

WHEREFORE, defendants demand judgment in their favor and against the plaintiffs, together with costs of suit.

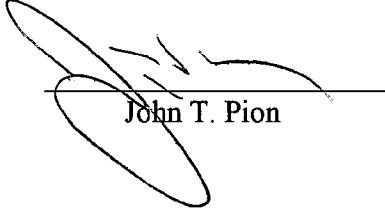
DICKIE, McCAMEY & CHILCOTE

By: 
John T. Pion, Esquire

Attorney for Defendants

VERIFICATION

I, John T. Pion, a member of the law firm of Dickie, McCamey & Chilcote, P.C., attorneys for Allied Systems, Ltd., Allied Automotive Group, Inc. Allied Systems, Ltd. and Donald L. Thorne. The statements herein are correct to the best of my personal knowledge or information and belief. This statement and verification is made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



John T. Pion

DATE: 7-16-01

CERTIFICATE OF SERVICE

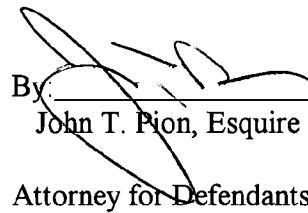
I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing Answer and New Matter was served upon counsel of record by U.S. Mail, postage prepaid this 16 day of July, 2001.

Kirby L. Boring, Esq.
Phillips and Boring, P.C.
Suite 800
Lawyers Building
Pittsburgh, PA 15219

COUNSEL FOR PLAINTIFF

DICKIE, McCAMEY & CHILCOTE

By _____
John T. Pion, Esquire
Attorney for Defendants



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY as
subrogee of RUSSELL E. PERKS, JR. and
SANDRA L. PERKS,

Plaintiff,

v.

ALLIED SYSTEMS, LTD., a limited
partnership, ALLIED AUTOMOTIVE GROUP,
INC. general partner of ALLIED SYSTEMS,
LTD. and DONALD L. THORNE,,

Defendant.

CIVIL DIVISION

NO. 2001-00748-CD

Issue No.

**VERIFICATION OF DONALD THORNE
TO THE ANSWER AND NEW MATTER**

Code:

Filed on behalf of DEFENDANTS

Counsel of record for this party:

John T. Pion, Esq.
PA. I.D. #43675

DICKIE, McCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

FILED

JURY TRIAL DEMANDED

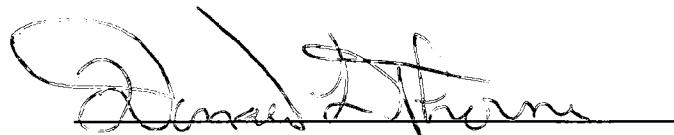
AUG 03 2001
m11:42 no/c
William A. Shaw
Prothonotary

Allied

VERIFICATION

I, Donald L. Thorne, have read the foregoing Answer and New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

A handwritten signature in black ink, appearing to read "Donald L. Thorne". The signature is fluid and cursive, with "Donald" on the left and "L. Thorne" on the right, all underlined.

Date: 7-24-01

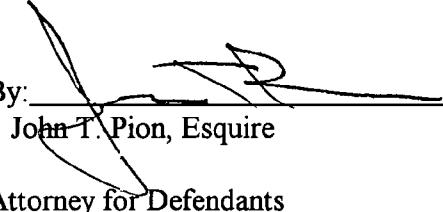
CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Verification was served upon counsel of record by U.S. Mail, postage prepaid this 30 day of
July, 2001.

Kirby L. Boring, Esq.
Phillips and Boring, P.C.
Suite 800
Lawyers Building
Pittsburgh, PA 15219

COUNSEL FOR PLAINTIFF

DICKIE, McCAMEY & CHILCOTE

By: 
John T. Pion, Esquire
Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY as
subrogee of RUSSELL E. PERKS, JR. and
SANDRA L. PERKS,

Plaintiff,

v.

ALLIED SYSTEMS, LTD., a limited
partnership, ALLIED AUTOMOTIVE GROUP,
INC. general partner of ALLIED SYSTEMS,
LTD. and DONALD L. THORNE,,

Defendant.

CIVIL DIVISION

NO. 2001-00748-CD

Issue No.

**VERIFICATION OF PATTY McDOWELL
TO THE ANSWER AND NEW MATTER**

Code:

Filed on behalf of DEFENDANTS

Counsel of record for this party:

John T. Pion, Esq.
PA. I.D. #43675

DICKIE, McCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

AUG 03 2001
m11451no/c
William A. Shaw
Prothonotary

Allied

VERIFICATION

I, Patty McDowell of Allied Automotive Group, have read the foregoing Answer and New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

Patty McDowell

Date: 7/25/01

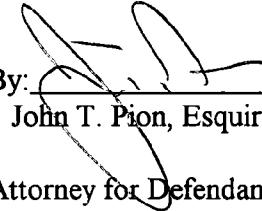
CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing Verification of Patty McDowell to the Answer and New Matter was served upon counsel of record by U.S. Mail, postage prepaid this 31 day of July, 2001.

Kirby L. Boring, Esq.
Phillips and Boring, P.C.
Suite 800
Lawyers Building
Pittsburgh, PA 15219

COUNSEL FOR PLAINTIFF

DICKIE, McCAMEY & CHILCOTE

By: 
John T. Pion, Esquire
Attorney for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE
COMPANY as subrogee of
RUSSELL E. PERKS, JR. and
SANDRA L. PERKS,

Plaintiff,
vs.

ALLIED SYSTEMS, LTD., a
limited partnership, ALLIED
AUTOMOTIVE GROUP, INC.,
general partner of ALLIED
SYSTEMS, LTD. and DONALD L.
THORNE,

Defendants.

CIVIL DIVISION
CASE NO: 2001 - 00748 CD

TYPE OF PLEADING:

PRAECIPE FOR ARBITRATION

CIVIL ACTION:

FILED ON BEHALF OF:
NATIONWIDE INSURANCE COMPANY,
et al., Plaintiff

COUNSEL OF RECORD FOR THIS
PARTY:

Christopher B. Stern, Esquire
Phillips and Boring, P.C.
Suite 800, Lawyers Building
Pittsburgh, PA 15219
(412) 281-1977

Attorney's State ID #63186

Attorney's firm ID #0327

FILED
OCT 09 2001

William A. Shaw
Prothonotary

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

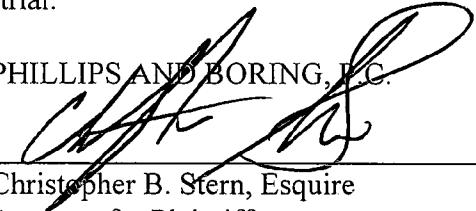
NATIONWIDE INSURANCE)
COMPANY as subrogee of)
RUSSELL E. PERKS, JR. and)
SANDRA L. PERKS,)
Plaintiff,)
vs.) No. 2001 - 00748 CD
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE)
GROUP, INC., general partner of)
ALLIED SYSTEMS, LTD. and)
DONALD L. THORNE,)
Defendants.)

PRAECIPE FOR ARBITRATION

TO: PROTHONOTARY, ALLEGHENY COUNTY

Please place the above-captioned case on the next available Arbitration Trial List. All
pleadings are complete and the case is now ready for trial.

PHILLIPS AND BORING, P.C.


Christopher B. Stern, Esquire
Attorney for Plaintiff

Christopher B. Stern, Esquire
Phillips and Boring, P.C.
Suite 800, Lawyers Building
Pittsburgh, PA 15219
Attorney for Plaintiff

John T. Pion, Esquire
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
Attorney for Defendants

FILED

OCT 09 2001
10th Stenn Pd \$20.00
William A. Shaw
Prothonotary
NO CC Q9L
Copy G K9L



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-~~8000~~ 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

November 6, 2001

Christopher B. Stern, Esquire
Phillips and Boring, P.C.
Suite 800, Lawyers Building
Pittsburgh, PA 15219

John T. Pion, Esquire
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

RE: NATIONWIDE INSURANCE COMPANY, al
vs.
ALLIED SYSTEMS, LTD, al
No. 01-748-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Monday, January 14, 2002. The following have been appointed to the Board of Arbitrators:

Thomas F. Morgan, Esquire
Michael P. Yeager, Esquire
Gary A. Knaresboro, Esquire
Michael S. Marshall, Esquire
Lee Ann Heltzel, Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven (7) days from the date of this letter the name you wish stricken from the list.

You will be notified at a later date the exact time of the Arbitration Hearing.

FILED

NOV 20 2001

William A. Shaw
Prothonotary

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-~~8889~~ 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

November 19, 2001

Christopher B. Stern, Esquire
Phillips and Boring, P.C.
Suite 800, Lawyers Building
Pittsburgh, PA 15219

John T. Pion, Esquire
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

RE: NATIONWIDE INSURANCE COMPANY, al
vs.
ALLIED SYSTEMS, LTD, al
No. 01-748-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Monday, January 14, 2002 at 9:00 A.M. The following have been appointed as Arbitrators:

Thomas F. Morgan, Esquire, Chairman
Michael P. Yeager, Esquire
Gary A. Knaresboro, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the Scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator

cc: Thomas F. Morgan, Esquire
Michael P. Yeager, Esquire
Gary A. Knaresboro, Esquire

FILED
NOV 20 2001
cc
William A. Shaw
Prothonotary

Arb/Arg.
1-14-02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY as
subrogee of RUSSELL E. PERKS, JR. and
SANDRA L. PERKS,

CIVIL DIVISION

NO. 2001-00748-CD

Plaintiff,

Issue No.

v.

ALLIED SYSTEMS, LTD., a limited
partnership, ALLIED AUTOMOTIVE
GROUP, INC. general partner of ALLIED
SYSTEMS, LTD. and DONALD L.
THORNE.,

**PRE-TRIAL (ARBITRATION)
MEMORANDUM OF DEFENDANT**

Code:

Filed on behalf of DEFENDANTS

Defendant.

Counsel of record for this party:

John T. Pion, Esq.
PA. I.D. #43675

John W. Burns, Esq.
P.A. I.D. #84269

DICKIE, McCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

RECEIVED

DEC 14 2001

COURT ADMINISTRATOR'S
OFFICE

GD

JURY TRIAL DEMANDED

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

NATIONWIDE INSURANCE COMPANY as)
subrogee of RUSSELL E. PERKS, JR. and)
SANDRA L. PERKS,)
)
)
Plaintiff,)
)
)
v.) No. 2001-00748-CD
)
)
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE GROUP,)
INC., general partner of ALLIED SYSTEMS,)
LTD., and DONALD L. THORNE,)
)
)
Defendant.)

PRE-TRIAL (ARBITRATION) MEMORANDUM OF DEFENDANT

AND NOW come the Defendants by and through their counsel Dickie, McCamey & Chilcote, P.C. and file the following Pre-Trial (Arbitration) Memorandum.

I. STATEMENT OF CASE AND DEFENSE

This action arises from an accident which took place on January 5, 2000 near Luthersburg, Pennsylvania on State Route 332. This accident involves a tractor trailer owned by Defendants Allied Systems, Ltd. and being operated by Donald L. Thorne and its collision with a car door of a vehicle owned by subrogor, Russell E. Perks, Jr. The Plaintiff/subrogor, Russell E. Perks, Jr. and/or Sandra L. Perks were negligent in allowing Michael R. Kelley to operate their vehicle and any and all negligence of Mr. Kelley may be imputed to Plaintiffs/subrogor. In the alternative Michael R. Kelley is legally and factually responsible for any and all damages to Plaintiff/subrogor's vehicle. The Plaintiff/subrogor's stepson/son was contributorily negligent in the parking of its vehicle in an unsafe area and in allowing the door to be opened into a lane of

traffic and remain open for an extended period of time, thereby creating a hazard in the roadway partially obstructing the path of travel of Defendant's vehicle.

II. CITATION TO APPLICABLE CASES OR STATUTES

The applicable statute which Plaintiff/subrogor's stepson/son violated on the date of the accident is 75 Pa. C.S. §3705, which states that it is a violation of the Motor Vehicle Code to open a door of a vehicle which will obstruct traffic and/or to allow it to remain opened in this manner. Further, Plaintiff/subrogors were contributorily negligent by and through the acts of their stepson/son and Pennsylvania's Comparative Fault Act applies, partially or completely barring Plaintiff from recovery. *See* 42 Pa. C.S. 7102; *Elder v. Orluck*, 511 Pa. 402, 515 A.2d, 517 (1986). Further, Defendants contend that Plaintiff/subrogor's stepson/son's conduct of opening a car door into the path of traffic of Defendant's vehicle constituted a sudden emergency thereby removing any negligence of Defendant. *See Patenburg v. Varner*, 424 A.2d 1370 (Pa. Super. 1981).

III. LIST OF WITNESSES

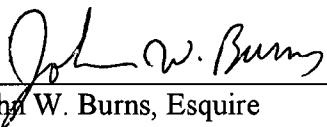
Defendants intend to call Plaintiff's witnesses as if on cross.

Defendants may call Donald Thorne.

Since Defendants have not received Plaintiff's Pre-Trial Arbitration Memorandum as of yet, Defendants reserve the right to amend their Pre-Trial Memorandum prior to the time of the arbitration.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John W. Burns, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222
(412) 281-7272

Attorneys for Defendants.

CERTIFICATE OF SERVICE

I, John W. Burns, Esquire, hereby certify that true and correct copies of the foregoing Pre-Trial (Arbitration) Memorandum of Defendant have been served this 12th day of December, 2001, by U.S. first-class mail, postage prepaid, to counsel of record listed below:

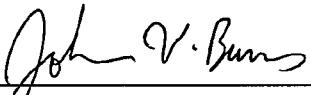
Christopher B. Stern, Esquire
Phillips & Boring, P.C.
Suite 800 Lawyers Building
Pittsburgh, PA 15219

Thomas F. Morgan, Esquire
301 E. Pine Street
Clearfield, PA 16830

Michael P. Yeager, Esquire
P.O. Box 752
Clearfield, PA 16830

Gary Allen Knaresboro, Esquire
Sobel, Collins & Knaresboro
218 South 2nd Street
Clearfield, PA 16830

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John W. Burns, Esquire

Attorneys for Defendants

LAW OFFICES OF
DICKIE, MCCAMEY & CHILCOTE
A PROFESSIONAL CORPORATION
Two PPG PLACE, SUITE 400
PITTSBURGH, PENNSYLVANIA
15222-5402
WWW.DMCLAW.COM
TEL. 412/281-7272
FAX. 412/392-5367
PHILADELPHIA 215/925-2289 NEW JERSEY 856/988-5473 OHIO 740/284-1682 WEST VIRGINIA 304/233-1022

John W. Burns
Attorney-at-Law
Admitted in PA

412/392-5240
burnsj@dmclaw.com

December 11, 2001

William Shaw, Prothonotary
Clearfield County
230 E. Market Street
Clearfield, PA 16830

RE: Nationwide Insurance Company, as subrogee
of Russell E. Perks, Jr. and Sandra L. Perks
v. Allied Systems, Ltd., et al.
No. 2001-00748 CD

Dear Mr. Shaw:

Enclosed herewith for filing please find the Pre-Trial (Arbitration) Memorandum of Defendants with regard to the above-captioned action.

Thank you for your attention to this matter.

Very truly yours,


John W. Burns

JWB/dag
Enclosure

cc: Christopher B. Stern, Esq. (w/enc.)
Thomas F. Morgan, Esq. (w/enc.)
Michael P. Yeager, Esq. (w/enc.)
Gary Allen Knaresboro, Esq. (w/enc.)
John T. Pion, Esq. (w/o enc.)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Nationwide Insurance Company, as subrogee of
Russell E. Perks Jr. and Sandra L. Perks

vs.

Allied Systems, LTD, a limited partnership, Allied
Automotive Group, Inc., a general partner of Allied
Systems, LTD, and Donald L. Thorne

No. 2001-00748-CD

OATH OR AFFIRMATION OF ARBITRATORS

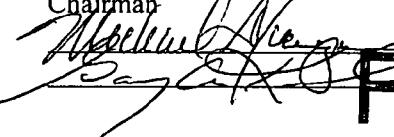
Now, this 14th day of January, 2002, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Thomas F. Morgan, Esq.

(did not appear)

Chairman

Michael P. Yeager, Esq.



Gary A. Knaresboro, Esq.

FILED

Sworn to and subscribed before me this
January 14, 2002

JAN 14 2002

William A. Shaw
Prothonotary

William A. Shaw
Prothonotary

AWARD OF ARBITRATORS

Now, this 14th day of January, 2002, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

In favor of Plaintiff in the amount of \$1187.32;
which represents 75% of the amount claimed;
and find Plaintiff's contributory negligence as to
25% to reduce the total award to Chairman the amount

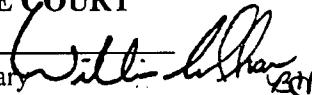
(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 14th day of January, 2002, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

Prothonotary



FILED

O/1/13/2002
JAN 14 2002
Notice to Alleged Borrower
Notice to Alleged Prior
Holder

William A. Shaw
Prothonotary

Nationwide Insurance Company, as subrogee of
Russell E. Perks Jr. and Sandra L. Perks

: IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY

Vs.

: No. 2001-00748-CD

Allied Systems, LTD, a limited partnership, Allied
Automotive Group, Inc., a general partner of Allied
Systems, LTD, and Donald L. Thorne

COPY

NOTICE OF AWARD

TO: John T. Pion, Esq.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on January 14, 2002 and have awarded:

In favor of Plaintiff in the amount of \$1,187.32; which represents 75% of the amount claimed;
and find Plaintiff's contributory negligence as to 25% to reduce the total award to that amount.

William A. Shaw

Prothonotary

By _____

January 14, 2002

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Nationwide Insurance Company, as subrogee of
Russell E. Perks Jr. and Sandra L. Perks

: IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY

Vs.

: No. 2001-00748-CD

Allied Systems, LTD, a limited partnership, Allied
Automotive Group, Inc., a general partner of Allied
Systems, LTD, and Donald L. Thorne

COPY

NOTICE OF AWARD

TO: Kirby L. Boring, Esq.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on January 14, 2002 and have awarded:

In favor of Plaintiff in the amount of \$1,187.32; which represents 75% of the amount claimed; and find Plaintiff's contributory negligence as to 25% to reduce the total award to that amount.

William A. Shaw
Prothonotary
By _____

January 14, 2002

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONWIDE INSURANCE
COMPANY as subrogee of
RUSSELL E. PERKS, JR. and
SANDRA L. PERKS,

vs.

ALLIED SYSTEMS, LTD., a
limited partnership, ALLIED
AUTOMOTIVE GROUP, INC.,
general partner of ALLIED
SYSTEMS, LTD. and DONALD L.
THORNE,

Defendants.

CIVIL DIVISION

CASE NO: 2001 - 00748 CD

TYPE OF PLEADING:

**PRAECIPE TO SETTLE AND
DISCONTINUE AS TO ALL
DEFENDANTS**

CIVIL ACTION:

FILED ON BEHALF OF:

NATIONWIDE INSURANCE COMPANY,
et al., Plaintiff

COUNSEL OF RECORD FOR THIS
PARTY:

Christopher B. Stern, Esquire
Phillips and Boring, P.C.
Suite 800, Lawyers Building
Pittsburgh, PA 15219
(412) 281-1977

Attorney's State ID #63186

Attorney's firm ID #0327

FILED

MAR 12 2002

William A. Shaw
Prothonotary

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

NATIONWIDE INSURANCE)
COMPANY as subrogee of)
RUSSELL E. PERKS, JR. and)
SANDRA L. PERKS,)
Plaintiff,)
vs.) No. 2001 - 00748 CD
ALLIED SYSTEMS, LTD., a limited)
partnership, ALLIED AUTOMOTIVE)
GROUP, INC., general partner of)
ALLIED SYSTEMS, LTD. and)
DONALD L. THORNE,)
Defendants.)

PRAECIPE TO SETTLE AND DISCONTINUE
AS TO ALL DEFENDANTS

TO: PROTHONOTARY, CLEARFIELD COUNTY

Please settle and discontinue the above-captioned case as to all Defendants and mark it off
the docket.

PHILLIPS AND BORING, P.C.

Kirby L. Boring, Esquire
Attorney for Plaintiff

Sworn to and subscribed
before me this 7th day
of March, 2002.

Gladys M. Powers
Notary Public

Notarial Seal
Gladys M. Powers, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Dec. 4, 2005

FILED

MAR 12 2002

MAR 19, 2002
Mgmt. Dc. to City
William A. Shaw
Prothonotary

Copy A

SA

Q

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

**Nationwide Insurance Company
as subrogee of Russell E. Perks Jr.
and Sandra L. Perks**

Vs.

No. 2001-00748-CD

**Allied Systems, LTD, a limited
partnership, Allied Automotive
Group, Inc., general partner of
Allied Systems, LTD, and
Donald L. Thorne**

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 March 12, 2002 marked:

Settled, Discontinued and ended as to all Defendants.

Record costs in the sum of \$100.00 have been paid in full by Kirby Boring, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of March A.D. 2002.

William A. Shaw, Prothonotary