

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

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**

MAR 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. Meholick, 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.

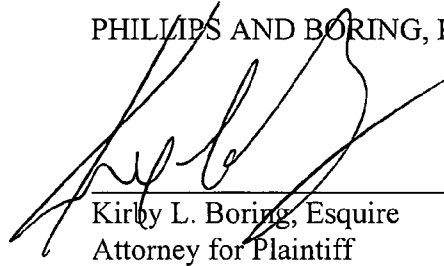
8. The above described incident was the direct and proximate result of the negligence of the Defendant, Donald L. Thorne, generally and in the following particulars:

- 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.

A handwritten signature in black ink, appearing to read 'Kirby L. Boring', is written over a horizontal line. The signature is stylized and cursive.

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. )

No. )

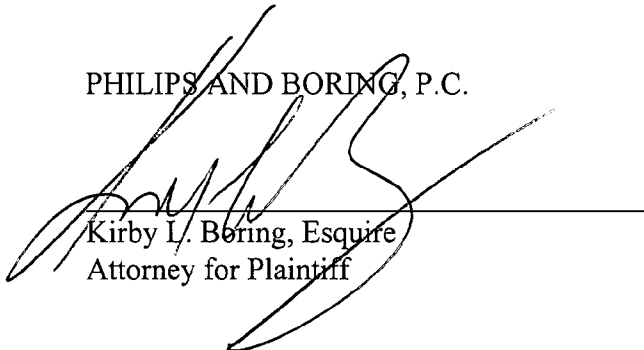
ALLIED SYSTEMS, LTD., a limited )  
partnership, ALLIED AUTOMOTIVE )  
GROUP, INC., general partner of )  
ALLIED SYSTEMS, LTD., and )  
DONALD L. THORNE, )  
Defendants. )

**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  
LOCATION:

NON\_DRIVE\_IN

REPAIR  
FACILITY:

DAYS TO REPAIR  
LICENSE #

1991 CHEV BERETTA 4-2.2L-FI 2D INT:  
VIN: 1G1LV13TXY201799 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**  
MAY 17 2001  
11:55 AM  
William A. Shaw  
Prothonotary  
No CC  
Atty pd. 80.00

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 01 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.

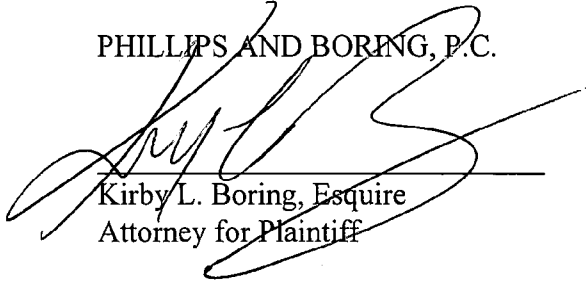
**VERIFICATION OF SERVICE**

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 29<sup>th</sup> 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 THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Received by (Please Print Clearly) B. Date of Delivery</p> <p>C. Signature <i>[Signature]</i> <i>15-29-01</i></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Allied Automotive Group, Inc. 160 Clairmont Avenue Suite 600 Decatur, GA 30030</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Copy from service label)</p> <p>7000 0600 0024 3448 1847</p>		<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952</p>			

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Received by (Please Print Clearly) B. Date of Delivery</p> <p>C. Signature <i>[Signature]</i> <i>15-29-01</i></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Allied Systems, Ltd. 160 Clairmont Avenue Suite 600 Decatur, GA 30030</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Copy from service label)</p> <p>7000 0600 0024 3448 1854</p>		<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952</p>			

FILED

2:47  
JUN 05 2001

William A. Shaw  
Prothonotary

NO CC

EX  
10/1

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.

CIVIL DIVISION

No. 2001-00748-CD

Issue No.

**PRAECIPE FOR APPEARANCE**

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**

**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. )

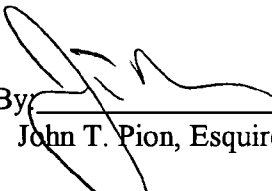
**PRAECIPE FOR APPEARANCE**

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

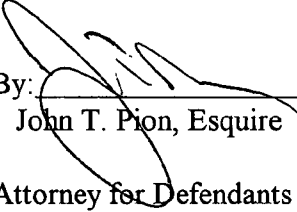
**CERTIFICATE OF SERVICE**

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

William A. Shaw  
Prothonotary

NO CC

*[Handwritten signature]*

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.

**NOTICE OF SERVICE**

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**

**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, ) 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. )

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

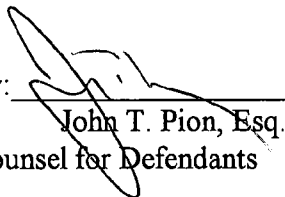
TO: PROTHONOTARY

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, ) 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. )

**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.



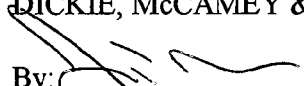
13. Defendants hereby plead plaintiffs' failure to mitigate as a complete and/or partial bar to recovery.

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.

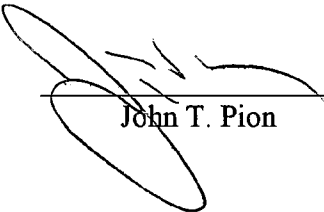
DICKIE, McCAMEY & CHILCOTE

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

**JURY TRIAL DEMANDED**

**FILED**

AUG 03 2001

mjl:42 noc  
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 cursive script, appearing to read "Donald L. Thorne", is written over a horizontal line.

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  
m11:43/ndrc  
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.

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

Defendants.

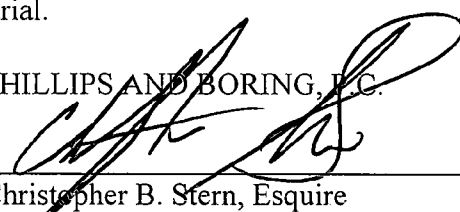
No. 2001 - 00748 CD

**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

DE

OCT 09 2001  
M15.0110th Stern pd \$20.00  
William A. Shaw  
Prothonotary

NOCC  
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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-~~8089~~ 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

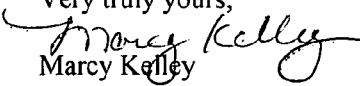
If you wish to strike an Arbitrator, you must notify the undersigned within seven  
(7) days from the date of this letter the name you wish stricken from the list.

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  
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-~~6639~~ Kelly

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

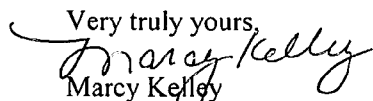
Dear Counsel:

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.

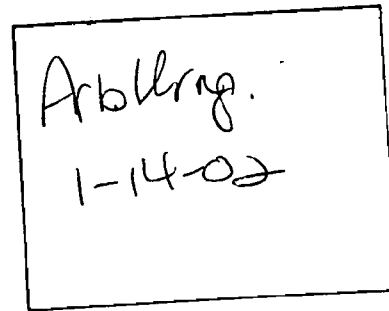
Very truly yours,

  
Marcy Kelley  
Deputy Court Administrator

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

10

FILED  
NOV 20 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. 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.

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

Code:

Filed on behalf of DEFENDANTS

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

**JURY TRIAL DEMANDED**

**RECEIVED**

**DEC 14 2001**

**COURT ADMINISTRATOR'S  
OFFICE**

A handwritten signature, possibly "JTB", written in ink over the Court Administrator's Office stamp.



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**

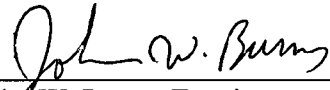
Defendants intend to call Plaintiff's witnesses as if on cross.

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:

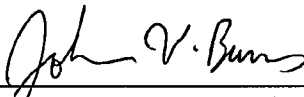
Christopher B. Stern, Esquire  
Phillips & Boring, P.C.  
Suite 800 Lawyers Building  
Pittsburgh, PA 15219

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

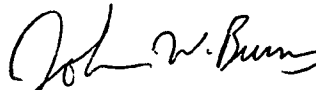
RE: Nationwide Insurance Company, as subrogee  
of Russell E. Perks, Jr. and Sandra L. Perks  
v. Allied Systems, Ltd., et al.  
No. 2001-00748 CD

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.

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

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.

Michael P. Yeager, Esq.

Gary A. Knaresboro, Esq.

(did not appear)

Chairman

FILED

Sworn to and subscribed before me this  
January 14, 2002

William A. Shaw  
Prothonotary

JAN 14 2002

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 that 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 docket 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

William A. Shaw  
201

FILED

2/11/13 ~~84~~  
JAN 14 2002

Notice to Amy Boring  
Notice to Amy P.O.

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,

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 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.

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

Defendants.

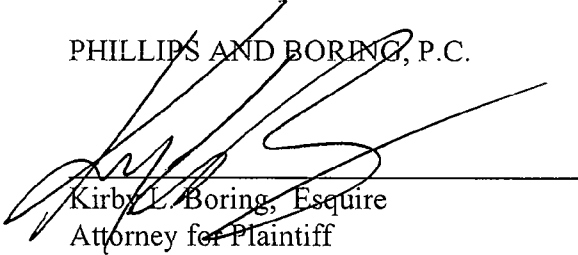
No. 2001 - 00748 CD

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

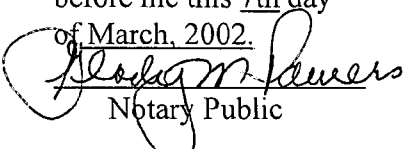
TO: PROTHONOTARY, CLEARFIELD COUNTY

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.

  
Notary Public

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

**FILED**

MAR 12 2002

MP:19) Out. Do. to City  
William A. Shaw  
Prothonotary

Copy CA  


**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.

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William A. Shaw, Prothonotary