

01-701-CD
JOSEPH B. LOWMASTER -vs- SHEPPZ INCORPORATED

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

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

JOSEPH B. LOWMASTER,

Plaintiff

vs.

NO. 01-794 -CD

SHEETZ, INCORPORATED,

Defendant

Type of Pleading: Complaint

Filed on behalf of : Joseph B.
Lowmaster, Plaintiff

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

MAY 24 2001

William A. Shaw
Prothonotary

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

JOSEPH B. LOWMASTER, :
Plaintiff :
vs. : NO. 01- -CD
SHEETZ, INCORPORATED, :
Defendant :
:

NOTICE

TO DEFENDANT:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

JOSEPH B. LOWMASTER, :
Plaintiff :
: vs. : NO. 01- -CD
: :
SHEETZ, INCORPORATED, :
Defendant :
:

COMPLAINT

NOW, COMES the Plaintiff, Joseph B. Lowmaster, by and through his Attorneys, The Hopkins Law Firm, and says:

COUNT I

1. Plaintiff, Joseph B. Lowmaster, is an adult individual who resides at 22 West Main Street, Reynoldsville, Pennsylvania.
2. Defendant, Sheetz, Incorporated, is a Pennsylvania corporation with a place of business at Main Street, Reynoldsville, Pennsylvania.
3. At all times mentioned herein, Defendant was in exclusive possession, management and control of a Sheetz store located along Main Street, Reynoldsville, Pennsylvania, individually and through its employees, who were acting within the course and scope of their employment by Defendant and in furtherance of Defendant's business.
4. On or about August 26, 2000, Plaintiff was a business visitor to the store and as he walked through an aisle, there existed an accumulation of water and/or a liquid upon the floor in the middle of the aisle which caused Plaintiff to slip, stumble and fall resulting in serious and permanent injuries as set forth below.

5. The accident was caused exclusively and solely by Defendant's negligence, carelessness and recklessness in that:

- a) Defendant caused or permitted water and/or liquid to accumulate upon the floor at a point where it posed an unreasonable risk of injury to the Plaintiff and other business visitors;
- b) Defendant failed to make a reasonable inspection of the floor which could have revealed the existence of a dangerous condition posed by the accumulation of water and/or liquid;
- c) Defendant failed to give warning of a dangerous condition posed by the accumulation of water and/or liquid, erect barricades, or take any other safety precautions to prevent injury to the Plaintiff and other business visitors; and
- d) Defendant failed to remove the accumulation of water and/or liquid from the floor and keep the floor clear of water and/or liquid.

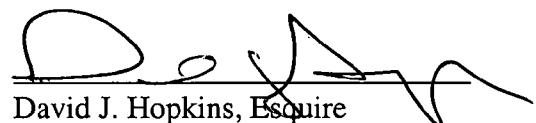
6. Solely as result of Defendant's negligence, carelessness and recklessness, Plaintiff sustained a displaced fracture of the distal left radius. Said injury has caused Plaintiff a great deal of pain and suffering and may continue to do so for an indefinite time into the future and may be permanent.

7. Solely as result of Defendant's negligence, carelessness and recklessness, Plaintiff has, and will in the future, be obligated to expend monies for medicine and medical care in order to treat and help cure his injury.

8. Solely as result of Defendant's negligence, carelessness and recklessness, Plaintiff has, and will in the future, be unable to perform his usual and daily duties and employment to his financial detriment.

WHEREFORE, Plaintiff claims damages from the Defendant in an amount in excess of Twenty Thousand Dollars (\$20,000.00), together with costs.

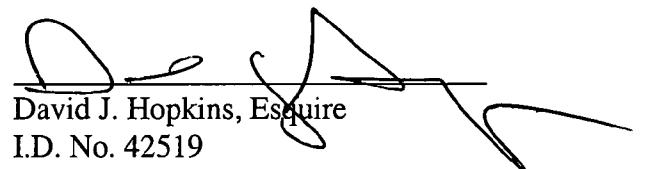
Respectfully submitted,



David J. Hopkins, Esquire
I.D. No. 42519
900 Beaver Drive
DuBois, PA 15801
(814) 375-0300

DEMAND FOR JURY TRIAL

Plaintiff demands trial by twelve (12) jurors.



David J. Hopkins, Esquire
I.D. No. 42519
900 Beaver Drive
DuBois, PA 15801
(814) 375-0300

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of
18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the
statements made in this pleading are true and correct.

Joseph B. Lowmaster
Joseph B. Lowmaster

Dated: May 22 - 2001

FILED

MAY 24 2001
2001-25/Actly
William A. Shaw
Prothonotary
PD \$ 80.00

1 ~~cc~~ Sheriff
1 cc Actly

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11037

LOWMASTER, JOSEPH B.

01-794-CD

VS.

SHEETZ, INCORPORATED

COMPLAINT

SHERIFF RETURNS

NOW MAY 24, 2001 THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON SHEETZ, INCORPORATED, DEFENDANT.

NOW MAY 31, 2001 SERVED THE WITHIN COMPLAINT ON SHEETZ, INCORPORATED DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED JENNIFER CLEMMER, SHIFT SUPERVISOR.

Return Costs

Cost	Description
27.89	SHFF. HAWKINS PAID BY: ATTY.
33.64	SHFF. DEMKO PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

2001
13 JUN 13 2001
William A. Shaw
Prothonotary

Sworn to Before Me This

13 Day Of June 2001
William A. Shaw

So Answers,

*Chester A. Hawkins
by Marly L. Harris*
Chester A. Hawkins
Sheriff

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

No. 01-794-CD

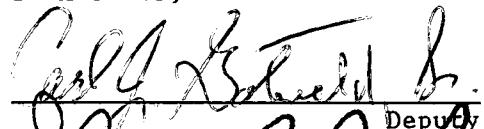
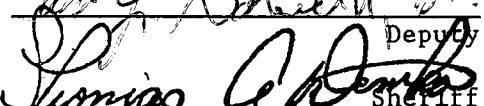
Personally appeared before me, Carl J. Gotwald, Sr., Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on May 31, 2001 at 9:40 o'clock A.M. served the Notice and Complaint upon SHEETZ, INCORPORATED, Defendant, at place of business, Main Street, Borough of Reynoldsville, County of Jefferson, State of Pennsylvania by handing to Jennifer Clemmer, Shift Supervisor and adult person in charge at time of service, a true copy of the Notice and Complaint, and by making known to her the contents thereof.

Advance Costs Received:	\$ 125.00
My Costs:	\$ 31.64 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 33.64
Refunded:	\$ 91.36

Sworn and subscribed
to before me this 5th
day of June 2001
By Jennifer Clemmer

**PROTHONOTARY
CLERK OF COURT**
My Commission Expires
1st Monday of January 2002
Jefferson County, PA

So Answers,


Carl J. Gotwald, Sr.
Deputy

Thomas A. Demko
Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH B. LOWMASTER,

CIVIL DIVISION

Plaintiff,

NO.: 01-794-CD

v.

SHEETZ, INCORPORATED,

PRAECIPE FOR APPEARANCE

Defendant.

Filed on behalf of Defendant

JURY TRIAL DEMANDED

Counsel of Record for this party:
ALEXANDER P. BICKET, ESQUIRE
Pa. I.D.#53428

ZIMMER KUNZ, PLLC
Firm #920
3300 USX Tower
Pittsburgh, PA 15219

(412) 281-8000

FILED

JUL 02 2001

**William A. Shaw
Prothonotary**

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY

Kindly enter the appearance of ZIMMER KUNZ, PLLC and ALEXANDER P. BICKET, ESQUIRE on behalf of the Defendant, SHEETZ, INCORPORATED. in the above mentioned matter.

JURY TRIAL DEMANDED

ZIMMER KUNZ, PLLC

ALEXANDER P. BICKET, ESQUIRE
Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within PRAECIPE FOR APPEARANCE was forwarded to counsel below named by United States Mail on the 29th day of June, 2001

David J. Hopkins, Esquire
900 Beaver Drive
DuBois, PA 15801

ZIMMER KUNZ, PLLC

ALEXANDER P. BICKET, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH B. LOWMASTER,

Plaintiff,

v.

SHEETZ, INCORPORATED,

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO.: 01-794-CD

**ANSWER AND NEW MATTER TO
PLAINTIFF'S COMPLAINT**

Filed on behalf of Defendant

Counsel of Record for this party:
ALEXANDER P. BICKET, ESQUIRE
Pa. I.D.#53428

ZIMMER KUNZ, PLLC
Firm #920
3300 USX Tower
Pittsburgh, PA 15219

(412) 281-8000

TO: PLAINTIFF

You are hereby notified to file a
Written response to the within Answer and
New Matter within twenty (20) days from
service hereof or a judgment may be
Entered against you.

ALEXANDER P. BICKET, ESQUIRE

FILED

JUL 09 2001

William A. Shaw
Prothonotary

ANSWER AND NEW MATTER
TO PLAINTIFF'S COMPLAINT

AND NOW comes the Defendant, Sheetz, Incorporated. by and through its attorneys, ZIMMER KUNZ, PLLC and ALEXANDER P. BICKET, ESQUIRE, and files the within Answer and New Matter to Plaintiff's Complaint and in support thereof sets forth as follows:

1. After reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the averments set forth in Paragraph 1 of Plaintiff's Complaint and therefore the same are denied.
2. Admitted.
3. The allegations contained in Paragraph 3 of Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent than an answer is deemed necessary, the allegations contained in Paragraph 3 of Plaintiff's Complaint are admitted. However, by way of further answer, any implication in said allegations that this Defendant in any way acted unreasonably at any time relevant hereto is denied.
4. The allegations contained in Paragraph 4 of Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent that an Answer is deemed necessary, the allegations contained in Paragraph 4 of Plaintiff's Complaint are denied.
5. The allegations contained in Paragraph 5 of Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent that an Answer is deemed necessary, this Defendant denies that it was in any way negligent, careless and reckless. By

way of further answer, the allegations set forth in Paragraph 5 and its subparagraphs (a) through (d) inclusive are denied.

6. The allegations contained in Paragraph 6 of Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed necessary, this Defendant denies that the Plaintiff's injuries, if any, were in any way caused by any conduct of this Defendant. By way of further answer, after reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the remaining averments set forth in Paragraph 6 of Plaintiff's Complaint and therefore the same are denied.

7. The allegations contained in Paragraph 7 of Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed necessary, this Defendant denies that the Plaintiff's injuries, if any, were in any way caused by any conduct of this Defendant. By way of further answer, after reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the remaining averments set forth in Paragraph 7 of Plaintiff's Complaint and therefore the same are denied.

8. The allegations contained in Paragraph 8 of Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed necessary, this Defendant denies that the Plaintiff's injuries, if any, were in any way caused by any conduct of this Defendant. By way of further answer, after reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the

remaining averments set forth in Paragraph 8 of Plaintiff's Complaint and therefore the same are denied.

WHEREFORE, the Defendant, Sheetz, Incorporated, demands judgment in its favor and against all parties with costs sustained.

NEW MATTER

9. This Defendant has been informed, advised and therefore believes that the Plaintiff acted with reckless disregard for his own safety and no recovery may be had against it for any injuries which he may have sustained.

10. This Defendant has been informed, advised and therefore believes that any condition complained of by the Plaintiff is both open and obvious.

11. This Defendant has been informed, advised and therefore believes that the Plaintiff was negligent and voluntarily assumed the risk of his injuries and cannot now seek recovery for the same.

WHEREFORE, the Defendant, Sheetz Incorporated, demands judgment in its favor and against all parties with costs sustained.

ZIMMER KUNZ PLLC

ALEXANDER P. BICKET, ESQUIRE
Attorney for Defendant

VERIFICATION

I, MARY ANSLINGER, Risk Manager of Sheetz, Inc. do hereby verify that the averments of facts contained in the foregoing Answer and New Matter to Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief.

I understand false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: 7/3/01

Mary Anslinger
MARY ANSLINGER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ANSWER AND NEW MATTER TO PLAINTIFF'S COMPLAINT has been served upon all counsel of record by depositing same in the U.S. Mail, first-class, postage prepaid, this 5th day of July, 2001.

David J. Hopkins, Esquire
900 Beaver Drive
DuBois, PA 15801

ZIMMER KUNZ, PLLC

BY: _____
ALEXANDER P. BICKET, ESQUIRE

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0200 FAX: (814) 375-5035

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

JOSEPH B. LOWMASTER, :
Plaintiff :
vs. : NO. 01-794-CD
SHEETZ, INCORPORATED, :
Defendant :
Type of Pleading: Answer to New Matter
: Filed on behalf of : Joseph B.
: Lowmaster, Plaintiff
: Counsel of Record for this party:
: DAVID J. HOPKINS, ESQUIRE
: Attorney at Law
: Supreme Court No. 42519
: 900 Beaver Drive
: DuBois, Pennsylvania 15801
: (814) 375-0300

FILED

111 24 2001

William A. Shaw
Prothonotary

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

JOSEPH B. LOWMASTER, :
Plaintiff :
vs. : NO. 01- 794-CD
: :
SHEETZ, INCORPORATED, :
Defendant :
:

ANSWER TO NEW MATTER

AND NOW, comes Plaintiff, Joseph B. Lowmaster, by and through his attorneys, The Hopkins Law Firm, and files the within Answer to New Matter as follows:

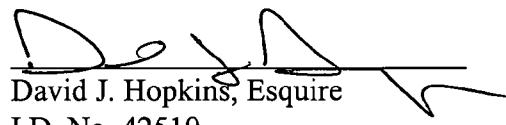
9. Denied. Defendant acted in a cautious reasonable manner. The Defendant was negligent for the reasons set forth in Plaintiff's Complaint.

10. Denied. Defendant acted in a cautious reasonable manner. The Defendant was negligent for the reasons set forth in Plaintiff's Complaint.

11. Denied. At all material times, Defendant's store was open for the purpose of attracting business invitees, including Plaintiff. The risks described by Defendant were not obvious and Plaintiff did not assume any risks.

WHEREFORE, Plaintiff, Joseph Lowmaster, demands judgment dismissing Defendant, Sheetz Incorporated's, New Matter with prejudice.

Respectfully submitted,


David J. Hopkins, Esquire
I.D. No. 42519

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

JOSEPH B. LOWMASTER, :
Plaintiff :
: vs. : NO. 01- 794-CD
: :
SHEETZ, INCORPORATED, :
Defendant :
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Answer to New Matter filed on behalf of Plaintiff, Joseph Lowmaster, was forwarded on the 23rd day of July 2001, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Alexander P. Bicket, Esquire
Zimmer Kuntz, PLLC
3300 USX Tower
Pittsburgh, PA 15219


David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH B. LOWMASTER,

Plaintiff,

v.

SHEETZ, INCORPORATED,

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO.: 01-794-CD

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF**

Filed on behalf of Defendant
SHEETZ, INC.

Counsel of Record for this party:
ALEXANDER P. BICKET, ESQUIRE
Pa. I.D.#53428

ZIMMER KUNZ, PLLC
Firm #920
3300 USX Tower
Pittsburgh, PA 15219

(412) 281-8000

FILED

AUG 18 2001

**William A. Shaw
Prothonotary**

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF**

NOTICE is hereby given to the court, that on the 7th day of August, 2001, the original First Set of Interrogatories and First Request for Production of Documents Directed to Plaintiff, were served upon Plaintiff's counsel, David J. Hopkins, Esquire by United States mail, first class, postage fully prepaid at his office located at 900 Beaver Drive, DuBois, Pennsylvania 15801.

ZIMMER KUNZ, PLLC

ALEXANDER P. BICKET, ESQUIRE
Attorney for Defendant, Sheetz, Inc.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within NOTICE was forwarded to counsel below named United States Mail on the 7th day of August, 2001.

David J. Hopkins, Esquire
900 Beaver Drive
DuBois, PA 15801

ZIMMER KUNZ, PLLC

ALEXANDER P. BICKET, ESQUIRE

FILED
MOTION TO DISMISS
AUG 7 8 2001
William A. Show
Prothonotary
PDS

FILED

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

12/12/2003
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

No. 01-794 C.D.

DATE PRESENTED 12/12/03

CASE NUMBER

TYPE TRIAL REQUESTED

ESTIMATED TRIAL TIME

Date Complaint (x) Jury () Non-Jury
Filed: May 24, 2001 () Arbitration

2 days/hours

PLAINTIFF(S)

JOSEPH B. LOWMASTER

()

DEFENDANT(S)

Check block if a Minor
is a Party to the Case

SHEETZ, INCORPORATED

()

ADDITIONAL DEFENDANT(S)

()

JURY DEMAND FILED BY:

Plaintiff

DATE JURY DEMAND FILED:

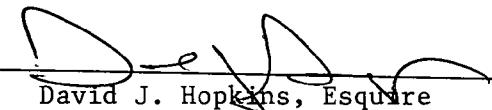
May 24, 2001

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

More than \$20,000.00 N/A
& () yes (xx) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:



David J. Hopkins, Esquire

FOR THE PLAINTIFF

TELEPHONE NUMBER

David J. Hopkins, Esquire

(814) 375-0300

FOR THE DEFENDANT

TELEPHONE NUMBER

Daniel E. Krauth, Esquire

(412) 281-8000

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

FILED

JAN 26 2004

JOSEPH P. LOWMASTER,
Plaintiff

*
*
*

William A. Shaw
Prothonotary/Clerk of Courts

vs.

*
*
*

NO. 2001-794-C.D.

SHEETZ, Incorporated,
Defendant

*

O R D E R

NOW, this 22nd day of January, 2004, following Pre-Trial Conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on January 29, 2004 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

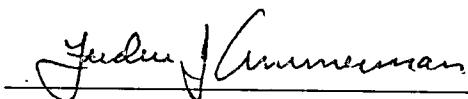
2. Jury Trial is hereby scheduled for March 18, 2004 and March 19, 2004 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

3. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of Trial shall submit said objections to the Court, in writing, no later than thirty (30) days prior to the commencement of Trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall submit its brief in opposition to said objections no later than fifteen (15) days prior to the commencement of Trial.

4. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than thirty (30) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than fifteen (15) days prior to trial.

5. The parties have agreed to stipulate to the authenticity of any medical records which have been exchanged during the discovery process.

By the Court,



FREDRIC J. AMMERMAN
President Judge

FILED 2cc Atty Hopkins
8/26/04 2cc Atty Bickett
JAN 26 2004 *W.A. Shaw*
William A. Shaw
Prothonotary/Clerk of Courts

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

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

JOSEPH B. LOWMASTER, :
Plaintiff :
vs. : NO. 01-794-CD
SHEETZ, INCORPORATED, :
Defendant :
: Type of Pleading: Praecipe to Discontinue
: :
: Filed on behalf of: Dora L. Craig,
: Plaintiff.
: :
: Counsel of Record for this party:
: :
: DAVID J. HOPKINS, ESQUIRE
: Attorney at Law
: Supreme Court No. 42519
: :
: 900 Beaver Drive
: DuBois, Pennsylvania 15801
: :
: (814) 375-0300

FILED

MAR 05 2004

William A. Shaw
Prothonotary

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

JOSEPH B. LOWMASTER, :
Plaintiff :
:
vs. : NO. 01-794-CD
:

SHEETZ, INCORPORATED, :
Defendant :
:

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above captioned civil action settled and discontinued.



David J. Hopkins, Esquire
Attorney for Plaintiff

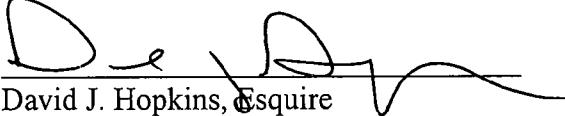
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

JOSEPH B. LOWMASTER, :
Plaintiff :
:
vs. : NO. 01-794-CD
:
SHEETZ, INCORPORATED, :
Defendant :
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Praeclipe to Discontinue, filed on behalf of the Plaintiff, was forwarded on the 4th day of March, 2004, by U.S. Mail, first class, postage prepaid, to all counsel of record, addressed as follows:

Daniel E. Krauth, Esquire
Zimmer Kunz
3300 USX Tower
Pittsburgh, PA 15219



David J. Hopkins, Esquire
Attorney for Plaintiff

FILED

01/17/04 Certified to attorney
Copy to CA
MAR 05 2004

William A. Shaw
Prothonotary

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

CIVIL DIVISION

Joseph B. Lowmaster

Vs.
Sheetz Incorporated

No. 2001-00794-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 5, 2004, marked:

Discontinued, Settled and Ended.

Record costs in the sum of \$151.53 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of March A.D. 2004.

William A. Shaw, Prothonotary