

01-794-CD  
JOSEPH B. LOWMASTER -vs- SHEETZ 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.

SHEETZ, INCORPORATED,  
Defendant

NO. 01-794 -CD

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.

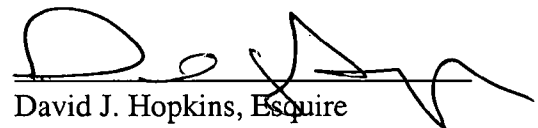
6. Solely as result of Defendant's negligence, carelessness and recklessness, Plaintiff sustained a displaced fracture of the distal left radius. Said injury has caused Plaintiff a great deal of pain and suffering and may continue to do so for an indefinite time into the future and may be permanent.

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.

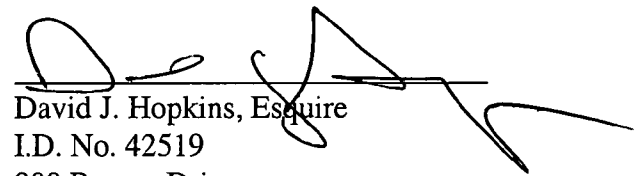
Respectfully submitted,



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

10 MAY 24 2001  
Sub 1125 / atty  
William A. Shaw  
Prothonotary

Hopkins

pd \$80.00

1 cc Sheryll  
1 cc atty

**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 DEENDANT 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.

**FILED**  
JUN 13 2001  
2:01  
William A. Shaw  
Prothonotary

Sworn to Before Me This

13 Day Of June, 2001

*William A. Shaw*

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

So Answers,

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

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 COURTS**  
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,

Plaintiff,

v.

SHEETZ, INCORPORATED,

Defendant.

**JURY TRIAL DEMANDED**

CIVIL DIVISION

NO.: 01-794-CD

**PRAECIPE FOR APPEARANCE**

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

**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,

CIVIL DIVISION

Plaintiff,

NO.: 01-794-CD

v.

SHEETZ, INCORPORATED,

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

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

**TO: PLAINTIFF**

(412) 281-8000

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**

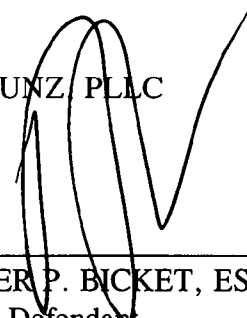
9. This Defendant has been informed, advised and therefore believes that the Plaintiff acted with reckless disregard for his own safety and no recovery may be had against it for any injuries which he may have sustained.

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



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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

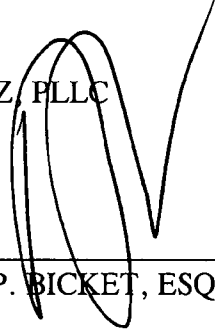
Mary Anslinger  
MARY ANSLINGER

**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) 375-0300 FAX: (814) 375-5035

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

JOSEPH B. LOWMASTER,  
Plaintiff

vs.

SHEETZ, INCORPORATED,  
Defendant

NO. 01-794-CD

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**

JUL 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:

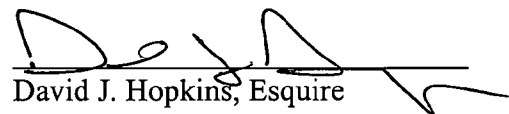
9. Denied. Defendant acted in a cautious reasonable manner. The Defendant was negligent for the reasons set forth in Plaintiff's Complaint.

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 23<sup>rd</sup> 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.**

**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.**

**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**

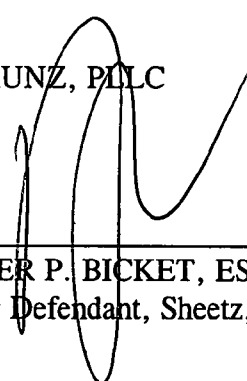
**AUG 08 2001**

**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



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ALEXANDER P. BICKET, ESQUIRE

*16 cc*  
**FILED**  
*MD*  
*10:28 AM*  
**AUG 7 8 2001**  
*2001*  
**William A. Shaw**  
**Prothonotary**

FILED

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

DEC 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

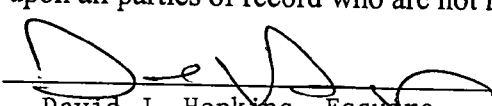
N/A

&

( ) 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

William A. Shaw  
Prothonotary/Clerk of Courts

JOSEPH P. LOWMASTER,  
Plaintiff

vs.

SHEETZ, Incorporated,  
Defendant

\*  
\*  
\*  
\*  
\*  
\*

NO. 2001-794-C.D.

ORDER

NOW, this 22<sup>nd</sup> 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,

A handwritten signature in cursive script, reading "Fredric J. Ammerman", is written over a horizontal line.

FREDRIC J. AMMERMAN  
President Judge

FILED acc Atty Hopkins  
01/08/04 acc Atty Bickett  
JAN 26 2004

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.

SHEETZ, INCORPORATED,  
Defendant

NO. 01-794-CD

Type of Pleading: Praeceptum 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

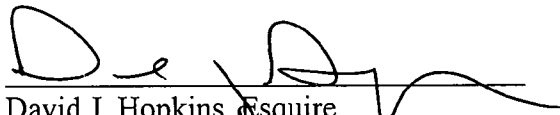
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL DIVISION)

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 Praeipue 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**

0 1/17/04 Certificate to atty  
Copy to CA

MAR 05 2004

*[Signature]*

William A. Shaw  
Prothonotary

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

**CIVIL DIVISION**

**Joseph B. Lowmaster**

**Vs.**

**No. 2001-00794-CD**

**Sheetz Incorporated**

**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.

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William A. Shaw, Prothonotary