

01-1166-CD
Debra Havens vs Vicki Ogden al

01

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

Debra L. Havens, an adult
individual,

PLAINTIFF,

v.

Vicki R. Ogden, an adult
individual; Mona Hale, an adult
individual; and Randy Fink,
an adult individual,

DEFENDANT.

CIVIL ACTION NO.

01- 1166 -CD

TYPE OF PLEADING:

CIVIL COMPLAINT

FILED BY:

PLAINTIFF

COUNSEL FOR THIS PARTY:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
814-375-2221
PA I.D.#: 55942

FILED

JUL 20 2001

William A. Shaw
Prothonotary

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

DEBRA L. HAVENS, an
adult individual,

PLAINTIFF,

v.

VICKIE R. OGDEN, an adult
individual; MONA HALE, an
adult individual; and
RANDY FINK, an adult
individual,

DEFENDANTS.

No. 01-_____-CD

©NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claim 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 judgement may be entered against you by the Court without further notice for any claim in the Complaint or for any other claim or relief requested by the Plaintiffs. 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 AN ATTORNEY, OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

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

DEBRA L. HAVENS, an
adult individual,

PLAINTIFF,

v.

VICKIE R. OGDEN, an adult
individual; MONA HALE, an
adult individual; and
RANDY FINK, an adult
individual,

DEFENDANTS.

No. 01-_____-CD

CIVIL COMPLAINT

NOW COMES, the Plaintiff, Debra L. Havens, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of her CIVIL COMPLAINT:

The Parties

1. Plaintiff is Debra L. Havens, an adult individual, who does, and at all material times, did reside at RD#1, Box 322 "B", West Decatur, Clearfield County, Pennsylvania 16878.
2. That first Defendant is Vickie R. Ogden, an adult individual, who, upon information and belief, does, and at all material times did, reside at RD #3, Box 142 "A6", Clearfield, Clearfield County, Pennsylvania, hereinafter "Ogden".
3. That second Defendant is Mona Hale, an adult individual, who, upon information and belief, does, and at all material times did, reside at RD#1, Box 312, New Millport, Clearfield County, Pennsylvania, hereinafter "Hale".
4. That third Defendant is Randy Fink, an adult individual, who, upon information and belief, does, and at all material times did, reside at New Millport, Clearfield County, Pennsylvania, hereinafter "Fink".

Background

5. That on, or about February 1, 2001, Ms. Havens was sitting in her parked vehicle, along Washington Avenue, Hyde, Lawrence Township, Clearfield County, Pennsylvania, in the area designated for parking alongside Hoover Chiropractic, whose office she had just left.

6. That while so parked and in her vehicle, the right rear driver's side of Ms. Haven's vehicle was rammed into by a vehicle being driven by Ogden.

7. That as a result of the aforementioned collision, the Haven vehicle was driven into the front part of the Hoover Chiropractic office building.

8. That, upon information and belief, Ogden was travelling in an easterly manner along Washington Avenue.

9. That, upon information and belief, Ogden swerved from her lane of travel and into the Haven vehicle in an attempt to avoid collision with the Fink vehicle, being operated by Hale, which had entered onto Washington Avenue at the intersection of Hoover Street and Washington Avenue.

10. That as a result of the various impacts, those being the Ogden vehicle into the Haven vehicle and resulting impact of the Haven vehicle into the Hoover Chiropractic Office, Ms. Havens did suffer bodily injury including most notably a rupture of her C5-6 disk.

11. That as a result of this, and other injuries, Ms. Havens has experienced significant pain and suffering.

12. That as a result of this, and other injuries, Ms. Havens has needed and has been medically treated including visits with her primary care physician, orthopedic surgeon and Clearfield Hospital, in an amount to be determined.

13. That her medical treatment is still on going and upon information and belief will likely require surgery to repair the ruptured disk as well as physical therapy, all in an amount to be determined.

14. In addition, due to said injuries, Ms. Havens is not able to enjoy life as before the accident and has been forced to forego activities and should be compensated in an amount to be determined.

15. That due to said injuries and the necessary surgery, it is expected, and therefore averred that Ms. Havens will be disfigured due to scars from the incisions and should be compensated in an amount to be determined.

16. That due to said injuries and the necessary surgery, it is expected, and therefore averred that Ms. Havens will be permanetly disabled in that her voice will often be "horse" and should be compensated in an amount to be determined.

17. That due to said injuries and resulting treatments, Ms. Havens has also experienced economic damages including for such things as time off from work, travel to and from the doctors, and need to hire people to do and perform chores which she would normally do, in amounts to be determined.

Count I: Negligence
(v. Ogden)

18. That the averments of pararagraphs 1 - 17, inclusive, are hereby incorporated as if again fully set forth at length.

19. That Ogden was negligent in the aforementioned collision, in that:

- (a) she left her lane of travel;
- (b) she was travelling at a rate in excess of the posted speed limit;
- (c) she was travelling at a rate of speed which was too excessive for the then prevailing conditions;
- (d) she failed to keep a proper lookout; and
- (e) she failed to keep her vehicle under control.

20. That the aforementioned negligence committed by Ogden was a direct and proximate of the aforementioned injuries suffered by Ms. Havens.

WHEREFORE, Plaintiff demands judgment be entered in her favor and against Defendant Ogden, in an amount to be determined, but in excess of \$25,000 together with costs and interest.

COUNT II: Negligence
(v. Hale)

21. That the averments of paragrphs 1 - 17, inclusive, are hereby incorporated, as if again fully set forth at length.

22. That Hale was negligent in the aforementioned collision, in that:

- (a) she failed to obey all traffic signs, including failing to stop at the stop sign existing for her lane of travel at the aforementioned intersection;
- (b) she failed to keep a proper lookout; and
- (c) she failed to yield the right of way to the Ogden vehicle which had the right of way;

23. That Ms. Havens did suffer the aforementioned damages as a direct and proximate result of Hale's negligence.

WHEREFORE, Plaintiff demands judgment be entered in her favor and against Defendant Hale, in an amount to be determined, but in excess of \$25,000, together with costs and interest.

COUNT III: Negligence
(v. Fink)

24. That the averments of paragraphs 1 - 17, inclusive, are hereby incorporated as if again fully set forth at length.

25. That, upon information and belief, Defendant Fink operated a bus company which owned the vehicle being driven by Defendant Hale.

26. That, upon information and belief, Hale was actively engaged in her employment with Defendant Fink at the time of the aforementioned collision.

27. That Defendant Fink is liable for the acts of his employee, agent and/or servant Hale.

28. Defendant Fink was also negligent as follows

- (a) He hired Defendant Hale for the purpose of driving his vehicles who was known, or should have been known, to have the propensity to drive in such a negligent manner;
- (b) he failed to provide adequate training to Defendant Hale; and
- (c) he failed to provide adequate supervision for the employment of Defendant Hale.

29. That the negligence of Defendant Fink is a direct and proximate cause for the damages suffered by Ms. Havens.

WHEREFORE, Plaintiff demands judgment be entered in her favor and against Defendant Fink, in an amount to be determined but in excess of \$25,000, together with interest and costs of suit.

Miscellaneous

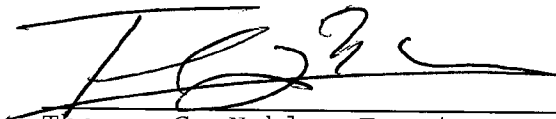
30. That Defendants are jointly and severally liable to Plaintiff for her aforementioned damages.

31. That venue is proper.

32. That jurisdiction is proper.

WHEREFORE, Plaintiff demands that judgment be entered in her favor and against defendants, jointly and severally, in amounts to be determined, but in excess of \$25,000, together with costs and interest.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. G. Noble', is written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

DEBRA L. HAVENS, an
adult individual,

PLAINTIFF,

v.

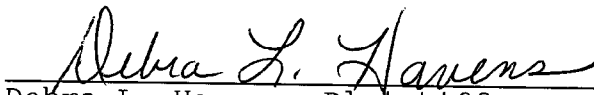
VICKIE R. OGDEN, an adult
individual; MONA HALE, an
adult individual; and
RANDY FINK, an adult
individual,

DEFENDANTS.

No. 01-_____-CD

©VERIFICATION

I, Debra L. Havens, Plaintiff in the foregoing and attached CIVIL COMPLAINT, state that I have read the same and the information therein contained is true and accurate to the best of my knowledge, information and belief. I further understand that the same is made pursuant to 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.


Debra L. Havens, Plaintiff

Made this 16th day of July, 2001.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11283

HAVEN, DEBRA L.

01-1166-CD

VS.

OGDEN, VICKI R. AI

COMPLAINT

SHERIFF RETURNS

NOW JULY 25, 2001 AT 1:55 PM DST SERVED THE WITHIN COMPLAINT ON
RANDY FINK, DEFENDANT AT RESIDENCE, NEW MILLPORT, CLEARFIELD COUNTY,
PENNSYLVANIA BY HANDING TO RANDY FINK A TRUE AND ATTESTED COPY
OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS
THEREOF.

SERVED BY: MARSHALL/MORGILLO

NOW JULY 25, 2001 AT 3:30 PM DST SERVED THE WITHIN COMPLAINT ON
VICKIE R. OGDEN, DEFENDANT AT RESIDENCE, RD # 3, BOX 142 "A6",
CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO VICKIE R.
OGDEN A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE
KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

NOW JULY 26, 2001 AT 11:33 AM DST SERVED THE WITHIN COMPLAINT ON
MONA HALE, DEFENDANT AT RESIDENCE, RD # 1, BOX 312, NEW MILLPORT,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MONA HALE A TRUE AND
ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE
CONTENTS THEREOF.

SERVED BY: MORGILLO/MARSHALL

Return Costs

Cost	Description
49.24	SHFF. HAWKINS PAID BY: ATTY.
30.00	SURCHARGE PAID BY: ATTY.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11283

HAVEN, DEBRA L.

01-1166-CD

VS.

OGDEN, VICKI R. AI

COMPLAINT

SHERIFF RETURNS

Sworn to Before Me This

31st Day Of July 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 Mandy Harris
Chester A. Hawkins
Sheriff

FILED
012:24:30
JUL 31 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult
individual,

Plaintiffs

vs.

No. 01-1166 CD

VICKI R. OGDEN, an adult
individual; MONA HALE, an
adult individual and RANDY FINK,
an adult individual,

Defendants

ENTRY OF APPEARANCE

Please enter my appearance for Defendant, Vicki R. Ogden only, in the
above matter. Papers may be served at the address listed below.

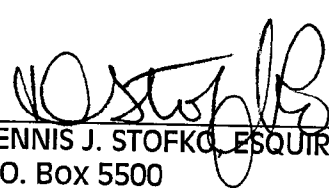
DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as
amended, a Jury Trial is demanded on all issues raised by the pleadings in this
action.

I certify this Entry of Appearance and Demand for Jury Trial shall be
served forthwith by ordinary mail upon all parties.

FILED

AUG 02 2001
m12141noc
William A. Shaw
Prothonotary


DENNIS J. STOFKO, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

Plaintiff,

vs.

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Defendants.

CIVIL DIVISION

No. 01-1166-CD

PRAECIPE FOR APPEARANCE

Filed on behalf of Defendants, Randy Fink
and Mona Hale

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED
AUG 09 2001
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

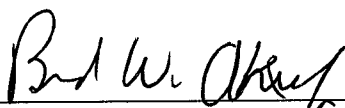
DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance in the above-captioned case on behalf of Randy Fink and
Mona Hale, Defendants.

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and Mona Hale

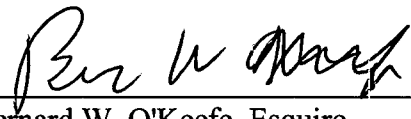
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR
APPEARANCE was sent to the following by regular first class mail this 8th day of August,
2001:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Vicki R. Ogden
RD # 3 Box 142 A6
Clearfield, PA 16830

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and
Mona Hale

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult
individual,

Plaintiffs

vs.

VICKI R. OGDEN, an adult
individual; MONA HALE, an
adult individual and RANDY FINK,
an adult individual,

Defendants

No. 01-1166 CD

ANSWER, NEW MATTER AND NEW
MATTER UNDER 2252(d)

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

TO THE PARTIES:

You are hereby notified to reply to
the enclosed New Matter and New Matter
under 2252(d) within 20 days from service
hereof or a default judgment may be
entered against you.

FILED

AUG 22 2001

John A. Shaw
Notary

ANSWER, NEW MATTER AND NEW MATTER UNDER 2252(d)

NOW COMES the Defendant, Vickie R. Ogden by and through counsel, Dennis J. Stofko and files the following Answer, New Matter and New Matter under 2252(d).

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

6. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

7. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

8. Admitted.

9. Admitted.

10. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

11. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

12. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

13. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

14. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

15. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

16. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

17. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

18. Denied. See previous Answers.

19. Denied. Paragraph 19 contains conclusion of law to which no responsive pleading is required.

20. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendant, Vickie Ogden requests Plaintiff's Complaint be dismissed.

21. Denied. See previous Answers.

22. – 23. Denied. Paragraphs 22 and 23 are directed to parties other than this answering defendant to which no responsive pleading is necessary.

24. Denied. See previous Answers.

25. – 29. Denied. Paragraphs 25 through 29 are directed to parties other than this answering defendant to which no responsive pleading is necessary.

30. Denied. Paragraph 30 contains a conclusion of law to which no responsive pleading is required.

31. Admitted.

32. Admitted.

WHEREFORE, Defendant, Vickie Ogden requests Plaintiff's Complaint be dismissed.

NEW MATTER

33. The accident described in Plaintiff's complaint occurred on February 1, 2001 which date was subsequent to the effective date of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. CSA Chapter 17.

34. The Defendant pleads the said Motor Vehicle Financial Responsibility Law as a defense to the extent that said law limits and controls Plaintiff's right to recover damages in this action.

35. The Defendant further raises the defense of sudden emergency as a complete defense to plaintiff's claim.

WHEREFORE, Defendant, Vickie Ogden requests judgment on her behalf.

NEW MATTER UNDER 2252(d)

Vickie Ogden

vs.

Mona Hale

36. Defendant, Vickie Ogden joins Mona Hale and Randy Fink as additional defendants pursuant to Pa. R.C.P. 2252(d) and avers as follows:

37. On or about February 1, 2001 defendant, Vickie Ogden was lawfully operating her 2000 Geo Tracker east on State Route 1001 (Washington Avenue) in Lawrence Township, Clearfield County, Pennsylvania.

38. The Defendant, Mona Hale was operating a minivan/omnibus south on Hoover Street, Lawrence Township, Clearfield County, Pennsylvania in the course of her employment with co-defendant, Randy Fink.

39. As defendant, Mona Hale approached the intersection of Washington Avenue and Hoover Street, she made a left turn directly into the path of defendant, Vickie Ogden causing her to veer sharply to her right to avoid contact with the vehicle operated by Mona Hale.

40. In attempting to avoid the negligently driven vehicle operated by Mona Hale, the defendant, Vickie Ogden struck a parked vehicle owned by original plaintiff, Debra Havens resulting in defendant, Vickie Ogden sustaining permanent and serious bodily injury as set forth herein.

41. The additional defendant, Mona Hale, at all times material herein, was negligent, careless and reckless in the operation of the motor vehicle as follows:

A. In failing to be attentive to traffic conditions then and there existing;

B. In operating her vehicle without regard for the safety of others on the roadway;

C. In making a left hand turn directly in front of the vehicle operated by Vickie Ogden;

D. In failing to properly look for oncoming traffic before making the turn;

E. In failing to yield the right of way to Vickie Ogden as mandated by the Pennsylvania Motor Vehicle Code.

42. As a result of the aforesaid negligence, carelessness and recklessness of Defendant, Mona Hale, the defendant, Vickie Ogden sustained serious and permanent injuries including but not limited to injuries to her left hand and wrist as well as shock, trauma and contusions to her body as well as past and future pain and suffering, diminished loss of wages, and incurring medical expenses.

43. In the alternative, the defendant, Vickie Ogden avers that Defendant, Mona Hale is liable for contribution and/or indemnity to the extent it is determined that defendant, Vickie Ogden is liable to Plaintiff, which liability is expressly denied and joins Mona Hale for purposes of contribution and/or indemnity.

WHEREFORE, Defendant, Vickie Ogden requests judgment in an amount in excess of \$25,000 against Defendant, Mona Hale.

Vickie Ogden

vs.

Randy Fink

44. Defendant, Vicki Ogden incorporates plaintiff's complaint and paragraphs 36 through 43 of this answer and new matter as if the same were here set forth at length.

45. At all times material herein, it is believed and therefore averred that Randy Fink was the owner of the vehicle operated by Defendant, Mona Hale.

46. It is further averred that Mona Hale was acting as the agent, servant or employee of Defendant, Randy Fink.

47. The Defendant, Randy Fink was negligent in the following particulars:

A. In failing to properly train employees such as Mona Hale in the operation of a motor vehicle;

B. In failing to properly supervise the activities of employees.

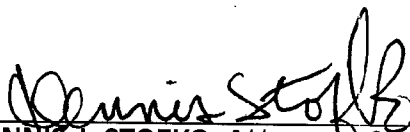
48. The Defendant, Randy Fink is further liable as a result of respondent superior as a result of the aforesaid negligence.

49. As a result of the aforesaid negligence, carelessness and recklessness of Defendant, Randy Fink, the defendant, Vickie Ogden sustained serious and permanent injuries including but not limited to injuries to her left hand and

wrist as well as shock, trauma and contusions to her body as well as past and future pain and suffering, diminished loss of wages, and incurring medical expenses.

50. In the alternative, the defendant, Vickie Ogden avers that Defendant, Randy Fink is liable for contribution and/or indemnity to the extent it is determined that defendant, Vickie Ogden is liable to Plaintiff, which liability is expressly denied and joins Randy Fink for purposes of contribution and/or indemnity.

WHEREFORE, Defendant, Vickie Ogden requests judgment in an amount in excess of \$25,000 against Defendant, Randy Fink.


DENNIS J. STOFKO, Attorney for
Defendant, Vickie Ogden

I, Vickie Ogden, do hereby swear or affirm that the facts set forth in the Answer, New Matter and New Matter under 2252(d) are correct to the best of my knowledge, information and belief.

I understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.

Vickie R Ogden
Vickie Ogden

Dated: 8/17/01

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PLAINTIFF,

v.

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an adult individual,

DEFENDANT.

CIVIL ACTION NO.

01-1166-CD

TYPE OF PLEADING:

PLAINTIFF'S REPLY TO NEW
MATTER OF DEFENDANT OGDEN

FILED BY:

PLAINTIFF

COUNSEL FOR THIS PARTY:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
814-375-2221
PA I.D.#: 55942

FILED

AUG 20 2001

William A. Shaw
Prothonotary

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

DEBRA L. HAVENS, an)	
adult individual,)	
)	
PLAINTIFF,)	
	)	No. 01-1166-CD
v.)	
)	
VICKIE R. OGDEN, an adult)	
individual; MONA HALE, an)	
adult individual; and)	
RANDY FINK, an adult)	
individual,)	
)	
DEFENDANTS.)	
)	

PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT OGDEN

AND NOW, comes the Plaintiff, Debra L. Havens, by and through counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in REPLY TO NEW MATTER OF DEFENDANT OGDEN:

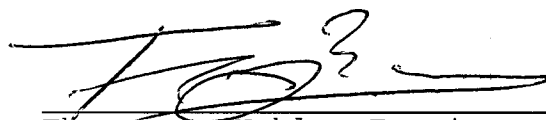
33. The same is a legal conclusion for which no response is deemed necessary.

34. The same is a legal conclusion for which no response is deemed necessary.

35. The same is a legal conclusion for which no response is deemed necessary.

36 - 50. Said averments are directed at other parties rather than this responding party. As such, no response is deemed necessary.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

DEBRA L. HAVENS, an
adult individual,

PLAINTIFF,

v.

VICKIE R. OGDEN, an adult
individual; MONA HALE, an
adult individual; and
RANDY FINK, an adult
individual,

DEFENDANTS.

No. 01-1166-CD

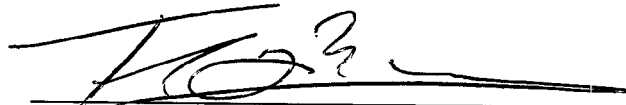
PLAINTIFF'S CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, counsel for Plaintiff, does hereby certify this 27th day of August, 2001, that I did mail, to the below listed individuals, being counsel of record for the various defendants, via United States Mail, postage pre-paid, a true and correct copy of PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT OGDEN:

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904

Berard W. O'Keefe, Esquire
Campbell, O'Keefe, Nolan & Daly
Suite 350
Two Chatham Center
Pittsburgh, PA 15219

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

Plaintiff,

vs.

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Defendants.

CIVIL DIVISION

No. 01-1166-CD

FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
PLAINTIFF

Filed on behalf of Defendants, Mona Hale
and Randy Fink

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY
350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED

SEP 04 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF

Defendants, Mona Hale and Randy Fink, by their attorney, Bernard W. O'Keefe, Esquire requests production by the plaintiff, Debra L. Havens, of the following items pursuant to Pennsylvania Rules of Civil Procedure 4009:

1. All office notes, memoranda, and records of doctors concerning treatment rendered, examination or consultation performed as noted in plaintiff's Answer to Interrogatory #8 propounded by defendants.
2. Statements reflecting all charges for medical services rendered as noted in plaintiff's Answers to Interrogatories #8 and #10 propounded by defendants.
3. All hospital records covering in-patient and out-patient treatments for all periods of such treatment at all institutions noted in plaintiff's Answer to Interrogatories #10, #14 and #15 propounded by defendants.
4. All records, reports or other documentation concerning the physical examinations noted in plaintiff's Answer to Interrogatory #16 propounded by defendants.
5. All documents, recordings or transcripts noted in plaintiff's Answers to Interrogatories #22 propounded by defendants.

6. Statements reflecting all charges for services rendered as noted in plaintiff's Answers to Interrogatories #37 and #38.

7. Statements reflecting all expenses incurred as noted in plaintiff's Answers to Interrogatories #39, #40 and #41.

8. Federal Income Tax Returns filed by plaintiff for the period 3 years prior to the alleged accident up to the present year.

9. All reports, summaries or notes authored by experts noted in plaintiff's Answers to Interrogatories #49 and #64 propounded by defendants.

10. All investigative reports noted in plaintiff's Answer to Interrogatory #46 propounded by defendants.

11. All plans, drawings, maps, photographs or films noted in plaintiff's Answers to Interrogatories #57 and #58 propounded by defendants.

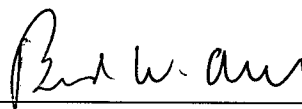
12. All charts, graphs or recordings noted in plaintiff's Answers to Interrogatories #59 and #60 propounded by defendants.

13. All reports received as noted in plaintiff's Answer to Interrogatory #61 propounded by defendants.

14. All police and other official investigative reports concerning the accident which is the subject of this lawsuit.

15. Any and all records, documents, notes, transcripts, memoranda, correspondence or other materials, including but not limited to the contents of any investigation file, relating to plaintiff's claim.

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Mona Hale and Randy Fink

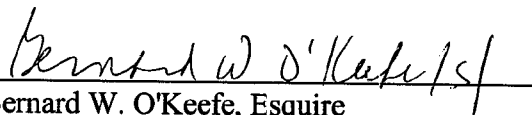
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF was sent to the following by regular first class mail this 30th day of August, 2001:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,


Bernard W. O'Keefe, Esquire
Attorney for Defendant, Randy Fink

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

CIVIL DIVISION

Plaintiff,

No. 01-1166-CD

vs.

ANSWER, NEW MATTER AND NEW
MATTER PURSUANT TO RULE 2252(D)

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Filed on behalf of Defendants Mona Hale
and Randy Fink

Defendants.

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY
350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED

SEP 04 2001

William A. Shaw
Prothonotary

TO: *Plaintiff and Co. Defendant*

YOU ARE HEREBY NOTIFIED TO

FILE A WRITTEN RESPONSE

THE ENCLOSED

WITHIN TWENTY (20) DAYS

SERVICE HEREOF OR A JUDGMENT

MAY BE ENTERED AGAINST YOU.

and a note
Attorney for

Answer and new matter and new matter Pursuant to Rule 2252D

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	

ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(D)

AND NOW, comes the defendants, Mona Hale, an adult individual, and Randy Fink, an adult individual (hereinafter referred to as "Mona Hale and Randy Fink") and files their Answer, New Matter and New Matter Pursuant to Rule 2252(d) to plaintiff's complaint, and in support thereof avers as follows:

1. After reasonable investigation, these defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of paragraph 1 of plaintiff's complaint, and the same is specifically denied and strict proof demanded at the time of trial.
2. Admitted.
3. Admitted.
4. Admitted.
5. After reasonable investigation, these defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of paragraph 5 of plaintiff's complaint and the same is specifically denied and strict proof demanded at the time of trial.

6-7 After reasonable investigation, these defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of paragraph 6 and 7 of plaintiff's complaint and the same is specifically denied and strict proof demanded at the time of trial.

8. Paragraph 8 sets forth conclusions of law to which no response is required by this answering defendant.

9. Denied. Paragraph 9 of plaintiff's complaint sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 9 are denied.

10-17. Denied. Paragraph 10 through 17 set forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraphs 10 through 17 are specifically denied and strict proof demanded at the time of trial. All of plaintiff's alleged injuries and damages as set forth in paragraphs 10 through 17 are specifically denied and strict proof demanded at the time of trial. It is denied that these answering defendants, Mona Hale and Randy Fink, were negligent in any manner.

WHEREFORE, plaintiff's Complaint should be immediately dismissed with costs assessed against the plaintiff.

COUNT I – Negligence
(v. Ogden)

18. Paragraphs 1 through 17 of this answer are incorporated herein by reference hereto as if set forth at length herein.

19-20. Paragraphs 19 and 20 are directed to the co-defendant Ogden, and as such, no response is required by these answering defendants, Mona Hale and Randy Fink. Insofar as any

response may be required, it is affirmatively averred that co-defendant Ogden's negligence, carelessness, and recklessness as set forth in paragraph 19 of plaintiff's complaint was the sole and proximate cause of this accident, along with plaintiff's own negligence.

WHEREFORE, plaintiff's Complaint should be immediately dismissed with costs assessed against the plaintiff.

COUNT II – Negligence
(v. Hale)

21. Paragraphs 1 through 20 of this Answer are incorporated herein by reference hereto as if set forth at length herein.

22. Denied. Paragraph 22 and subparagraphs 22(a) through 22(c) inclusive set forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 22 and subparagraphs 22(a) through 22(c) inclusive are specifically denied and strict proof demanded at the time of trial. It is denied that this answering defendant, Mona Hale, was negligent in any manner. To the contrary, the negligence of plaintiff and co-defendant Ogden was the sole and proximate cause of this alleged incident.

23. Denied. Paragraph 23 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 23 are specifically denied and strict proof demanded at the time of trial. It is denied that this defendant, Mona Hale, was negligent in any manner. Strict proof of all plaintiff's alleged injuries and damages is demanded at the time of trial.

WHEREFORE, plaintiff's Complaint should be immediately dismissed with costs assessed against the plaintiff.

COUNT III – Negligence
(v. Fink)

24. Paragraphs 1 through 24 of this Answer are incorporated herein by reference hereto as if set forth at length herein.

25. Paragraph 25 sets forth conclusions of law which are deemed denied by operation of law.

26. Admitted.

27. Denied. Paragraph 27 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 27 are specifically denied and strict proof demanded at the time of trial.

28. Paragraph 28 and subparagraphs 28(a), (b) and (c) set forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 28 and subparagraphs 28(a), (b) and (c) are specifically denied and strict proof demanded at the time of trial. It is denied that this defendant, Randy Fink, was negligent in any manner. All allegations of negligence as set forth against this defendant, Randy Fink in paragraph 28 and subparagraphs 28(a), (b) and (c) are specifically denied. Further, it is affirmatively averred that the negligence of plaintiff and co-defendant Ogden were the sole and proximate cause of any alleged incident and alleged injuries to plaintiff.

29. Denied. Paragraph 29 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 29 are specifically denied and strict proof demanded at the time of trial. It is denied that this defendant Fink was negligent in any manner. All of plaintiff's alleged injuries and damages are specifically denied and strict proof demanded at the time of trial.

WHEREFORE, plaintiff's Complaint should be immediately dismissed with costs assessed against the plaintiff.

Miscellaneous

30. Paragraph 30 sets forth conclusions of law which no response is required by this answering defendant. Insofar as any response may be required, it is specifically denied that these answering defendants Mona Hale and/or Randy Fink are negligent in any manner. To the contrary, plaintiff's own negligence, and the negligence of co-defendant Ogden were the sole and proximate cause of this incident and plaintiff's alleged injuries.

31. Paragraph 31 sets forth conclusions of law to which no response is required by this answering defendant at this time.

32. Paragraph 32 sets forth conclusions of law to which no response is required by this answering defendant at this time.

WHEREFORE, plaintiff's Complaint should be immediately dismissed with costs assessed against the plaintiff.

NEW MATTER

33. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

34. The acts or omissions giving rise to the injuries, losses or damages alleged in the plaintiff's Complaint were the result of an independent or intervening cause or causes over which these defendants had no control or in any way participated.

35. The injuries, losses and damages alleged in plaintiff's Complaint were caused or contributed to by the negligence or lack of care on the part of the plaintiff or other individuals or entities for whose conduct these defendants are not liable.

36. The rights of the plaintiff in this action are diminished or fully barred by the plaintiff's contributory/comparative negligence in accordance with the Pennsylvania Comparative Negligence Law, 42 Pa. C.S.A. §7102.

37. Plaintiff's action is barred by virtue of the plaintiff's voluntary assumption of a known risk.

38. Plaintiff's action is barred by virtue of the applicable statute of limitations.

39. The rights of the plaintiff are restricted, governed, diminished and/or barred by the provisions of the Pennsylvania Financial Responsibility Law, 75 Pa. C.S.A. §1701, et seq.

40. Plaintiff has failed to allege whether she had exercised a full tort option pursuant to §1705 of the Motor Vehicle Code. Plaintiff's injury was not serious and she may not seek recovery for pain and suffering and other non monetary damages.

WHEREFORE, these defendants deny any and all liability and demand that plaintiff's Complaint be dismissed and that judgment be entered in favor of these defendants and against the plaintiff.

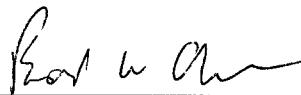
NEW MATTER PURSUANT TO RULE 2252(d)

41. If, at the time of trial, plaintiff is entitled to recover and these defendants are held liable, a liability they expressly deny, then in that event, in the alternative, it is averred that co-defendant, Vicki R. Ogden was negligent and that her negligence was the sole and proximate cause of plaintiff's alleged damages or in the alternative, said co-defendant is jointly and severally liable with these defendants, Mona Hale and Randy Fink, who would be entitled to

contribution or co-defendant Vicki R. Ogden would be liable over to these defendants by way of indemnity for all sums which may be recovered. As a grounds of liability against said co-defendant, these defendants in the alternative incorporate by reference the allegations of negligence against said co-defendant as set forth in plaintiff's Complaint.

WHEREFORE, plaintiff's Complaint should be immediately dismissed with costs assessed against the plaintiff.

Respectfully Submitted,

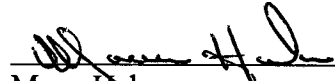
A handwritten signature in cursive script, appearing to read "Bernard W. O'Keefe", written in black ink.

Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and Mona Hale

VERIFICATION

I, Mona Hale, do hereby verify that I have read the foregoing ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d) and state that the averments therein are true and correct to the best of my knowledge, information and belief.

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


Mona Hale

Date: Aug 27, 2001

VERIFICATION

I, Randy Fink, do hereby verify that I have read the foregoing ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d) and state that the averments therein are true and correct to the best of my knowledge, information and belief.

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



Randy Fink

Date: 8-20, 2001

havens

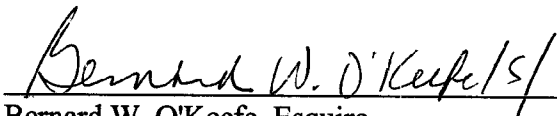
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ANSWER, NEW MATTER
AND NEW MATTER PURSUANT TO RULE 2252(D) was sent to the following by regular
first class mail this 30th day of August, 2001:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,


Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and
Mona Hale

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

Plaintiff,

vs.

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Defendants.

CIVIL DIVISION

No. 01-1166-CD

NOTICE OF SERVICE OF
INTERROGATORIES DIRECTED TO
PLAINTIFF

Filed on behalf of Defendants, Mona Hale
and Randy Fink

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY
350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED

SEP 04 2001

m/153/20cc

Am A Shaw

Prothonotary

[Signature]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

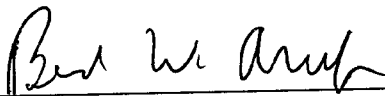
DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	

NOTICE OF SERVICE OF INTERROGATORIES DIRECTED TO PLAINTIFF

TO THE PROTHONOTARY:

Please be advised that defendants' First Set of Interrogatories directed to plaintiff was served on counsel for plaintiff, Theron G. Noble, Esquire, this 30th day of August, 2001, by regular first class mail, postage pre-paid.

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and Mona Hale

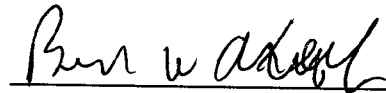
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within NOTICE OF SERVICE OF INTERROGATORIES DIRECTED TO PLAINTIFF was sent to the following by regular first class mail this 30th day of August, 2001:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and
Mona Hale

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

Plaintiff,

vs.

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Defendants.

CIVIL DIVISION

No. 01-1166-CD

NOTICE OF SERVICE OF
INTERROGATORIES DIRECTED TO
CO-DEFENDANT, VICKI R. OGDEN

Filed on behalf of Defendants, Mona Hale
and Randy Fink

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY
350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED

SEP 04 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

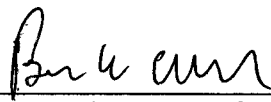
DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	

NOTICE OF SERVICE OF INTERROGATORIES DIRECTED
TO CO-DEFENDANT, VICKI R. OGDEN

TO THE PROTHONOTARY:

Please be advised that defendant, Mona Hale and Randy Fink's First Set of Interrogatories Directed to Co-Defendant Vicki R. Ogden and Second Set of Interrogatories Directed to Co-defendant, Vicki R. Ogden, was served on counsel for Co-defendant, Dennis J. Stofko, Esquire, this 30th day of August, 2001, by regular first class mail, postage pre-paid.

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and Mona Hale

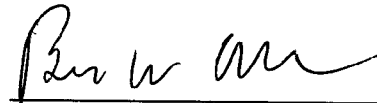
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within NOTICE OF SERVICE OF INTERROGATORIES DIRECTED TO CO-DEFENDANT, VICKI R. OGDEN was sent to the following by regular first class mail this 30th day of August, 2001:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and
Mona Hale

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

Plaintiff,

vs.

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Defendants.

CIVIL DIVISION

No. 01-1166-CD

FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO CO-
DEFENDANT VICKI R. OGDEN

Filed on behalf of Defendants, Mona Hale
and Randy Fink

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY
350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED

SEP 04 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	

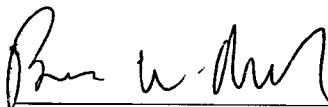
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
CO-DEFENDANT VICKI R. OGDEN

Defendants, Mona Hale and Randy Fink, by their attorney, Bernard W. O'Keefe, Esquire, requests production by the co-defendant, Vicki R. Ogden, of the following items pursuant to Pennsylvania Rules of Civil Procedure 4009:

1. Any and all investigative reports, insurance claims progress notes or investigative notes, and any/all other documentation in the possession of the defendant's automobile insurance carrier relative to any investigation as to the incident complained of more fully set forth in plaintiff's Complaint and/or plaintiff's injuries or damages.

2. If not provided above, any and all diagrams, photographs and/or other written material demonstrating the accident site as well as any and all written or recorded statements of any and all parties or witnesses to the incident complained of as listed in defendant's Answers to Interrogatories #4 and #5.

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Mona Hale and Randy Fink

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS was sent to the following by regular first class mail this

30th day of August, 2001:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,

Bernard W. O'Keefe /s/
Bernard W. O'Keefe, Esquire
Attorney for Defendants, Mona Hale and
Randy Fink

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

Plaintiff,

vs.

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Defendants.

CIVIL DIVISION

No. 01-1166-CD

SECOND REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO CO-
DEFENDANT, VICKI R. OGDEN

Filed on behalf of Defendants, Mona Hale
and Randy Fink

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY
350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED

SEP 04 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	

SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Defendants, Randy Fink and Mona Hale, by their attorney, Bernard W. O'Keefe, Esquire, requests production by the co-defendant, Vicki R. Ogden, of the following items pursuant to Pennsylvania Rules of Civil Procedure 4009:

1. All office notes, memoranda, and records of doctors concerning treatment rendered, examination or consultation performed as noted in co-defendant's Answer to Interrogatory #8 propounded by defendants.
2. Statements reflecting all charges for medical services rendered as noted in co-defendant's Answers to Interrogatories #8 and #10 propounded by defendants.
3. All hospital records covering in-patient and out-patient treatments for all periods of such treatment at all institutions noted in co-defendant's Answer to Interrogatories #10, #14 and #15 propounded by defendants.
4. All records, reports or other documentation concerning the physical examinations noted in co-defendant's Answer to Interrogatory #16 propounded by defendants.
5. All documents, recordings or transcripts noted in co-defendant's Answers to Interrogatories #22 propounded by defendants.
6. Statements reflecting all charges for services rendered as noted in co-defendant's

Answers to Interrogatories #37 and #38.

7. Statements reflecting all expenses incurred as noted in co-defendant's Answers to Interrogatories #39, #40 and #41.
8. Federal Income Tax Returns filed by co-defendant for the period 3 years prior to the alleged accident up to the present year.
9. All reports, summaries or notes authored by experts noted in co-defendant's Answers to Interrogatories #49 and #64 propounded by defendants.
10. All investigative reports noted in co-defendant's Answer to Interrogatory #46 propounded by defendants.
11. All plans, drawings, maps, photographs or films noted in co-defendant's Answers to Interrogatories #57 and #58 propounded by defendants.
12. All charts, graphs or recordings noted in co-defendant's Answers to Interrogatories #59 and #60 propounded by defendants.
13. All reports received as noted in co-defendant's Answer to Interrogatory #61 propounded by defendants.
14. All police and other official investigative reports concerning the accident which is the subject of this lawsuit.
15. Any and all records, documents, notes, transcripts, memoranda, correspondence or other materials, including but not limited to the contents of any investigation file, relating to co-defendant's claim.

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and Mona Hale

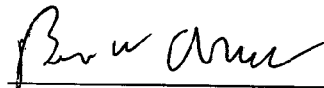
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within SECOND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO CO-DEFENDANT, VICKI R. OGDEN was sent to the following by regular first class mail this 30th day of August, 2001:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and
Mona Hale

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DEBRA L. HAVENS, an adult
individual,

Plaintiffs

vs.

No. 01-1166 CD

VICKI R. OGDEN, an adult
individual; MONA HALE, an
adult individual and RANDY FINK,
an adult individual,

Defendants

Defendant, Vicki R. Ogden's
Reply to New Matter under
2252(d)
Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

SEP 05 2001

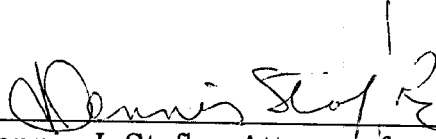
W. A. Shaw
Notary

REPLY TO NEW MATTER UNDER 2252(d)

NOW COMES the Defendant, Vicki R. Ogden, by and through counsel, Dennis J. Stofko and files the following Reply to New Matter under 2252(d) filed on behalf of Mona Hale and Randy Fink.

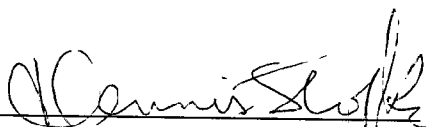
41. Denied. Paragraph 41 contains a conclusion of law to which no responsive pleading is required.

WHEREFORE, the Defendant, Vicki R. Ogden requests judgment on her behalf.


Dennis J. Stofko, Attorney for
Vicki R. Ogden

I, Dennis J. Stofko, do hereby state that I am the attorney for Defendant, Vicki R. Ogden and that as such, being authorized to do so, state that the facts set forth in the foregoing Reply to New Matter under 2252(d) are true and correct to the best of my knowledge, information and belief. This verification of counsel is being attached hereto in lieu of that of Defendant because of the inability to obtain a verification from Defendant in the time required to file this Reply. A verification of Defendant will be provided if requested.

This statement is made subject to the provisions of 18 Pa CSA 4904 relating to unsworn falsification to authorities.


DENNIS J. STOFKO, Esquire

Dated: Sept. 4, 2001

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

Debra L. Havens, an adult
individual,

PLAINTIFF,

v.

Vicki R. Ogden, an adult
individual; Mona Hale, an adult
individual; and Randy Fink,
an adult individual,

DEFENDANT.

CIVIL ACTION NO.

01-1166-CD

TYPE OF PLEADING:

PLAINTIFF'S REPLY TO NEW
MATTER OF DEFENDANTS
HALE & FINK

FILED BY:

PLAINTIFF

COUNSEL FOR THIS PARTY:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
814-375-2221
PA I.D.#: 55942

FILED

SEP 10 2001

mll:llp nocL
William A. Shaw
Prothonotary

[Signature]

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

DEBRA L. HAVENS, an
adult individual,

PLAINTIFF,

v.

VICKIE R. OGDEN, an adult
individual; MONA HALE, an
adult individual; and
RANDY FINK, an adult
individual,

DEFENDANTS.

No. 01-1166-CD

PLAINTIFF'S REPLY TO NEW MATTER
OF DEFENDANTS HALE AND FINK

AND NOW, comes the Plaintiff, Debra L. Havens, by and through counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in REPLY TO NEW MATTER OF DEFENDANTS HALE AND FINK:

33 - 34. The same are a legal conclusion for which no response is deemed necessary.

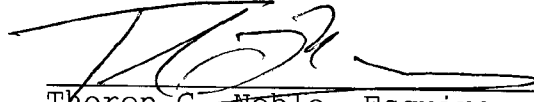
35. The same is a legal conclusion for which no response is deemed necessary. However, in the event a response is deemed necessary, it is specifically DENIED, and proof demanded at time of hearing, that Plaintiff was in any manner negligent or contributed to her injuries.

36 - 40. The same are a legal conclusion for which no response is deemed necessary.

41. Said averment is directed at another party rather than this responding party. As such, no response is deemed necessary.

WHEREFORE, Plaintiff requests JUDGMENT be entered as prayed for in her CIVIL COMPLAINT.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Theron G. Noble', is written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiff
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

DEBRA L. HAVENS, an
adult individual,

PLAINTIFF,

v.

VICKIE R. OGDEN, an adult
individual; MONA HALE, an
adult individual; and
RANDY FINK, an adult
individual,

DEFENDANTS.

No. 01-1166-CD

PLAINTIFF'S CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, counsel for Plaintiff, does hereby certify this 8th day of September, 2001, that I did mail, to the below listed individuals, being counsel of record for the various defendants, via United States Mail, postage pre-paid, a true and correct copy of PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANTS HALE & FINK:

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904

Berard W. O'Keefe, Esquire
Campbell, O'Keefe, Nolan & Daly
Suite 350
Two Chatham Center
Pittsburgh, PA 15219

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

Plaintiff,

vs.

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Defendants.

CIVIL DIVISION

No. 01-1166-CD

REPLY TO NEW MATTER PURSUANT
TO RULE 2252(D)

Filed on behalf of Defendants, Mona Hale
and Randy Fink

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY
350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED

SEP 12 2001

mll.05/hack
William A. Shaw

Prothonotary

E/Key

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	

REPLY TO NEW MATTER PURSUANT TO RULE 2252(d)

AND NOW, comes the defendants, Mona Hale and Randy Fink, by and through their attorneys, Bernard W. O'Keefe, Esquire and the law firm of Campbell, O'Keefe, Nolan & Daly, and files the following Reply to New Matter Pursuant to Rule 2252(d) filed by Vicki Ogden and in support thereof avers as follows:

Reply to New Matter Under 2252(d)

Vickie Ogden v. Mona Hale

36. Denied. Paragraph 36 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 36 are denied.

37. Denied. Paragraph 37 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 37 are specifically denied and strict proof demanded at the time of trial. Further, it is affirmatively

averred, that Vickie Ogden's own negligence, carelessness, and recklessness was the sole and proximate cause of this alleged accident and incident.

38. Admitted.

39. Denied. Paragraph 39 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 39 are specifically denied and strict proof demanded at the time of trial. It is denied that this answering defendant, Mona Hale, was negligent in any manner. To the contrary, the negligence, carelessness, and recklessness of Vicki Ogden was the sole and proximate cause of this alleged accident.

40. Denied. Paragraph 40 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 40 are specifically denied and strict proof demanded at the time of trial. It is denied that this answering defendant, Mona Hale, was negligent in any manner. To the contrary, the negligence, carelessness, and recklessness of Vicki Ogden was the sole and proximate cause of this alleged accident.

41. Denied. Paragraph 41 and subparagraphs 41(a) through (e) inclusive set forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 41 and subparagraphs 41(a) through (e) are specifically denied and strict proof demanded at the time of trial. It is denied that this answering defendant, Mona Hale, was negligent in any manner. To the contrary, the negligence, carelessness, and recklessness of Vicki Ogden was the sole and proximate cause of this alleged accident.

42. Denied. Paragraph 42 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 42 are specifically denied and strict proof demanded at the time of trial. It is denied that this answering defendant, Mona Hale, was negligent in any manner. To the contrary, the negligence, carelessness, and recklessness of Vicki Ogden was the sole and proximate cause of this alleged accident. Further, any alleged injuries of said Vicki Ogden are specifically denied and strict proof demanded at the time of trial.

43. Denied. Paragraph 43 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 42 are specifically denied and strict proof demanded at the time of trial. It is denied that this answering defendant, Mona Hale, was negligent in any manner. To the contrary, the negligence, carelessness, and recklessness of Vicki Ogden was the sole and proximate cause of this alleged accident. It is denied that this defendant, Mona Hale is liable to any person or party in any manner. It is denied that this defendant, Mona Hale owes any contribution and/or indemnity through any person or party, including Vicki Ogden.

WHEREFORE, Vicki Ogden's New Matter Pursuant to Rule 2252(d) should be immediately dismissed with costs assessed against Vicki Ogden.

Reply to New Matter Under 2252(d)

Vicki Ogden v. Randy Fink

44. Paragraphs 36 through 43 of this Reply to New Matter are incorporated herein by reference hereto as if set forth at length herein.

45. Admitted.

46. Admitted.

47. Denied. Paragraph 47 and subparagraphs 47(a) through (b) inclusive set forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 47 and subparagraphs 47(a) through (b) are specifically denied and strict proof demanded at the time of trial. It is denied that this answering defendant, Randy Fink, was negligent in any manner. To the contrary, the negligence, carelessness, and recklessness of Vicki Ogden was the sole and proximate cause of this alleged accident.

48. Denied. Paragraph 48 sets forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraph 48 are specifically denied and strict proof demanded at the time of trial. It is denied that Randy Fink is liable as a result of respondent superior and/or through any other allegations of cause of action. Further, it is affirmatively averred that co-defendant Vicki Ogden's own negligence, carelessness, and recklessness was the sole and proximate cause of this alleged accident and incident.

49-50. Denied. Paragraphs 49 and 50 set forth conclusions of law which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of paragraphs 49 and 50 are specifically denied and strict proof demanded at the time of trial. It is denied that this answering defendant, Randy Fink, was negligent in any manner. To the contrary, the negligence, carelessness, and recklessness of Vicki Ogden was the sole and proximate cause of this alleged accident. It is denied that this defendant, Randy Fink is liable to any person or party in any manner. It is denied that this defendant, Randy Fink owes any contribution and/or indemnity through any person or party, including Vicki Ogden.

WHEREFORE, co-defendant Vicki Ogden's New Matter Pursuant to Rule 2252(d) should be immediately dismissed with costs assessed against Vicki Ogden.

**New Matter Filed Against Vicki Ogden by
Mona Hale and Randy Fink**

51. Vicki Ogden's New Matter Pursuant to Rule 2252(d) fails to state a claim upon which relief can be granted.

52. The acts or omissions giving rise to the injuries, losses or damages alleged in Vicki Ogden's New Matter Pursuant to Rule 2252(d) were the result of an independent or intervening cause or causes over which these defendants had no control or in any way participated.

53. The injuries, losses and damages alleged in Vicki Ogden's New Matter Pursuant to Rule 2252(d) were caused or contributed to by the negligence or lack of care on the part of Vicki Ogden or other individuals or entities for whose conduct these defendants are not liable.

54. The rights of Vicki Ogden in this action are diminished or fully barred by the Vicki Ogden's contributory/comparative negligence in accordance with the Pennsylvania Comparative Negligence Law, 42 Pa. C.S.A. §7102.

55. Vicki Ogden's action is barred by virtue of Vicki Ogden's voluntary assumption of a known risk.

56. Vicki Ogden's action is barred by virtue of the applicable statute of limitations.

57. The rights of Vicki Ogden are restricted, governed, diminished and/or barred by the provisions of the Pennsylvania Financial Responsibility Law, 75 Pa. C.S.A. §1701, et seq.

58. Vicki Ogden has failed to allege whether she had exercised a full tort option pursuant to §1705 of the Motor Vehicle Code. Vicki Ogden's injury was not serious and she may not seek recovery for pain and suffering and other non monetary damages.

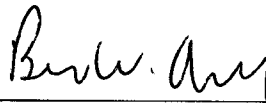
WHEREFORE, these defendants deny any and all liability and demand that Vicki Ogden's New Matter Pursuant to Rule 2252(d) be dismissed and that judgment be entered in favor of these defendants and against Vicki Ogden.

New Matter Pursuant to Rule 2252(d) Against Debra L. Havens

59. If, at the time of trial, Vicki Ogden is entitled to recover and these defendants are held liable, a liability they expressly deny, then in that event, in the alternative, it is averred that Debra L. Havens was negligent and that her negligence was the sole and proximate cause of Vicki Ogden's alleged damages or in the alternative, Debra L. Havens is jointly and severally liable with these defendants, Mona Hale and Randy Fink, who would be entitled to contribution or Debra L. Havens would be liable over to these defendants by way of indemnity for all sums which may be recovered.

WHEREFORE, Vicki Ogden's New Matter Under 2252(d) against Mona Hale and Randy Fink should be immediately dismissed with costs assessed against Vicki Ogden.

Respectfully Submitted,

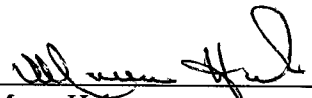


Bernard W. O'Keefe, Esquire
Attorney for Defendant, Randy Fink and Mona Hale

VERIFICATION

I, Mona Hale, do hereby verify that I have read the foregoing REPLY TO NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d) and state that the averments therein are true and correct to the best of my knowledge, information and belief.

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



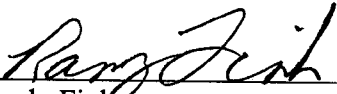
Mona Hale

Date: Aug 30, 2001

VERIFICATION

I, Randy Fink, do hereby verify that I have read the foregoing REPLY TO NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d) and state that the averments therein are true and correct to the best of my knowledge, information and belief.

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



Randy Fink

Date: 8-31, 2001

havens

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within REPLY TO NEW MATTER
PURSUANT TO RULE 2252(D) was sent to the following by regular first class mail this
10th day of September, 2001:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and
Mona Hale

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DEBRA L. HAVENS, an adult
individual,

Plaintiffs

vs.

No. 01-1166 CD

VICKI R. OGDEN, an adult
individual; MONA HALE, an
adult individual and RANDY FINK,
an adult individual,

Defendants

OGDEN'S REPLY TO NEW
MATTER UNDER 2252(d)

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

SEP 13 2001
017:08170000
William A. Shaw
Prothonotary

REPLY TO NEW MATTER UNDER 2252(d)

NOW COMES the Defendant, Vicki Ogden by and through counsel, Dennis J. Stofko and files the following Reply to New Matter under 2252(d) filed by Mona Hale and Randy Fink.

51. Denied. Paragraph 51 contains a conclusion of law to which no responsive pleading is required.

52. Denied. Paragraph 52 contains a conclusion of law to which no responsive pleading is required.

53. Denied. Paragraph 53 contains a conclusion of law to which no responsive pleading is required.

54. Denied. Paragraph 54 contains a conclusion of law to which no responsive pleading is required.

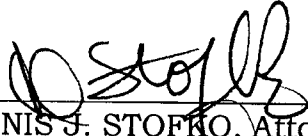
55. Denied. Paragraph 55 contains a conclusion of law to which no responsive pleading is required.

56. Denied. Paragraph 56 contains a conclusion of law to which no responsive pleading is required.

57. Denied. Paragraph 57 contains a conclusion of law to which no responsive pleading is required.

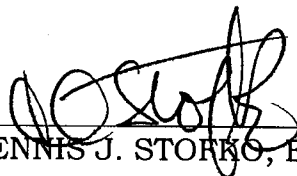
58. Denied. Paragraph 58 contains a conclusion of law to which no responsive pleading is required.

WHEREFORE, Defendant, Vicki Ogden requests judgment on her
behalf.


DENNIS J. STOFKO, Attorney for
Defendant, Vicki Ogden

I, Dennis J. Stofko, do hereby state that I am the attorney for Defendant, Vicki Ogden, and that as such, being authorized to do so, state that the facts set forth in the foregoing Reply to New Matter under 2252(d) are true and correct to the best of my knowledge, information and belief. This verification of counsel is being attached hereto in lieu of that of Defendant because of the inability to obtain a verification from Defendant in the time required to file this Reply. A verification of Defendant will be provided if requested.

This statement is made subject to the provisions of 18 Pa CSA 4904 relating to unsworn falsification to authorities.


DENNIS J. STORKO, Esquire

Dated: 12 Sept. 01

18

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DEBRA L. HAVENS, an adult
individual,

Plaintiffs

vs.

No. 01-1166 CD

VICKI R. OGDEN, an adult
individual; MONA HALE, an
adult individual and RANDY FINK,
an adult individual,

Defendants

MOTION TO COMPEL
Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID27638

FILED

MAR 22 2002

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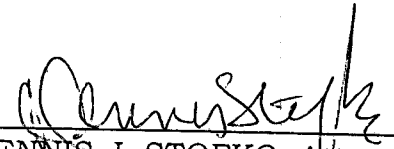
William A. Shaw
Prothonotary

MOTION TO COMPEL

NOW COMES the Defendant, Vicki Ogden by and through counsel, Dennis J. Stofko and files the following Motion to Compel.

1. Plaintiffs initiated the above cause of action as a result of an accident occurring on February 1, 2001.
2. On February 1, 2002 Defendant Ogden served a request for production of documents on co-defendants, Mona Hale and Randy Fink with notice to answer within 30 days.
3. By letter dated March 6, 2002 counsel inquired as to the status of the discovery.
4. To date, no response has been received from the co-defendants.
5. The discovery requested is necessary and relevant with regard to claims being asserted by the plaintiffs to the within cause of action and are reasonable in scope.
6. Defendant Ogden is entitled to an order compelling co-defendants to respond to the requested discovery pursuant to Rule 4019 of the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Defendant, Ogden requests that this Court compel co-defendants to answer said discovery as requested or to suffer such sanctions as the Court shall impose.


DENNIS J. STOFKO, Attorney for
Defendant, Vicki Ogden

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DEBRA L. HAVENS, an adult
individual,

Plaintiffs

vs.

No. 01-1166 CD

VICKI R. OGDEN, an adult
individual; MONA HALE, an
adult individual and RANDY FINK,
an adult individual,

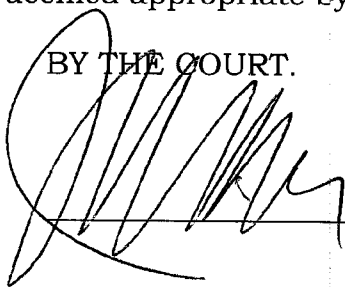
Defendants

ORDER

AND NOW this 26th day of March, 2002 upon consideration of the
foregoing Motion to Compel,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that the co-
defendants shall have twenty (20) days from the date of this order to respond to
said discovery or suffer those sanctions deemed appropriate by the Court.

BY THE COURT.



FILED

MAR 27 2002
OP.01/KC atty Stojko
William A. Shaw/
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

Plaintiff,

vs.

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Defendants.

CIVIL DIVISION

No. 01-1166-CD

NOTICE OF DEPOSITION OF KIM
HAVENS

Filed on behalf of Defendants, Mona Hale
and Randy Fink

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY
350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED

MAY 08 2002

mll:171nocc

William A. Shaw
Prothonotary

[Handwritten signature]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	


NOTICE OF DEPOSITION OF KIM HAVENS

TO: Kim Havens
c/o Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

TAKE NOTICE that the oral deposition of KIM HAVENS will be taken pursuant to the Pennsylvania Rules of Civil Procedure before a Notary Public duly authorized by law to administer oaths on Wednesday, June 12, 2002 at 12:00 p.m., via telephone conference. The deposition will take place at the offices of Theron G. Noble, Esquire, 301 East Pine Street. Clearfield, PA 16830.

The scope and purpose of the deposition is to inquire into all of the facts and circumstances surrounding the events set forth in the Complaint and/or other pleadings filed in this litigation, including the identity and whereabouts of witnesses who may testify at trial.

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and Mona Hale

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within NOTICE OF DEPOSITION OF
KIM HAVENS was sent to the following by regular first class mail this 2nd day of May, 2002:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and
Mona Hale

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,

Plaintiff,

vs.

VICKI R. OGDEN, an adult individual;
MONA HALE, an adult individual; and
RANDY FINK, an adult individual,

Defendants.

CIVIL DIVISION

No. 01-1166-CD

NOTICE OF DEPOSITION

Filed on behalf of Defendants, Mona Hale
and Randy Fink

Counsel of Record:

Bernard W. O'Keefe, Esquire
PA I.D. #28125

CAMPBELL, O'KEEFE, NOLAN &
DALY

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

Firm I.D. #763

FILED

MAY 08 2002

m/1:17/ncc

William A. Shaw
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEBRA L. HAVENS, an adult individual,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 01-1166-CD
)	
vs.)	
)	
VICKI R. OGDEN, an adult individual;)	
MONA HALE, an adult individual; and)	
RANDY FINK, an adult individual,)	
)	
Defendants.)	

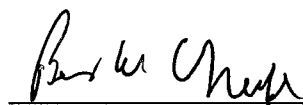
NOTICE OF DEPOSITION

TO: John Caprio
C/o Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

TAKE NOTICE that the oral deposition of JOHN CAPRIO will be taken pursuant to the Pennsylvania Rules of Civil Procedure before a Notary Public duly authorized by law to administer oaths on Wednesday, June 12, 2002 at 11:00 a.m. The deposition will take place at the office of Theron G. Noble, Esquire, 301 Pine Street, Clearfield, PA 16830.

The scope and purpose of the deposition is to inquire into all of the facts and circumstances surrounding the events set forth in the Complaint and/or other pleadings filed in this litigation, including the identity and whereabouts of witnesses who may testify at trial.

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and Mona Hale

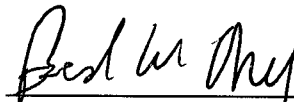
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within NOTICE OF DEPOSITION
was sent to the following by regular first class mail this 2nd day of May, 2002:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Blvd.
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Bernard W. O'Keefe, Esquire
Attorney for Defendants, Randy Fink and
Mona Hale

350 Two Chatham Center
Pittsburgh, PA 15219
(412) 263-4596

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

DEBRA L. HAVENS, an
adult individual,

PLAINTIFF,

v.

VICKIE R. OGDEN, an adult
individual; MONA HALE, an
adult individual; and
RANDY FINK, an adult
individual,

DEFENDANTS.

No. 01-1166-CD

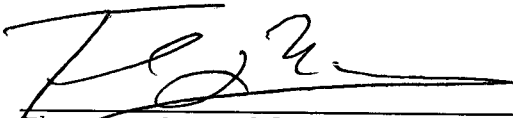
To: William A. Shaw, Prothonotary

Date: May 23, 2002

PRAECIPE TO DISCONTINUE

Please mark the above captioned case, settled, ended and
forever discontinued.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

FILED

MAY 23 2002

William A. Shaw
Prothonotary

FILED

NO

cc

MAY 23 2002

Disc. to Amy & copy to CIA

William A. Shaw
Prothonotary

~~WAS~~

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

**Debra L. Havens, an adult
individual**

Vs.

No. 2001-01166-CD

**Vicki R. Ogden, an adult
individual; Mona Hale, an
adult individual; and Randy
Fink, an adult individual**

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 May 23, 2002, marked:

Settled, Ended and Forever Discontinued

Record costs in the sum of \$159.24 have been paid in full by Theron G. Noble, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of May A.D. 2002.

William A. Shaw, Prothonotary