

01-1321-CC
ALBERT G. GMEREK et ux "vs" GREGORY L. ODROSKY, JR.

CLIFFFIELD, PENNSYLVANIA 16830
PO. BOX 552
211 1/2 EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

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FILED

RECD
\$20 -

WAS AUG 15 2001
WAS 8/15/01 3:32 PM
William A. Shaw
Prothonotary

One (1) copy to the

Date: 8/30/2007

Clearfield County Court of Common Pleas

User: LMILLER

Time: 12:01 PM

ROA Report

Page 1 of 1

Case: 2001-01321-CD

Current Judge: Paul E. Cherry

Albert G. Gmerek, Ruth Gmerek vs. Gregory L. Odrosky Jr.

Civil Other

Date	Judge
8/15/2001	X Filing: Civil Complaint Paid by: James N. Naddeo, Esq. Receipt number: 1829954 Dated: 08/15/2001 Amount: \$80.00 (Check) One CC Attorney No Judge
8/23/2001	X Sheriff Returns, Complaint on George L. Odrosky, Jr., So Answers Chester A. Hawkins \$30.34 pd by Attorney No Judge
9/12/2001	X Praeclipe For Appearance on behalf of Gregory L. Odrosky, Jr., Defendant. Filed by s/Laura R. Pasquinelli, Esq. Cert of Svc no cc No Judge
	X Answer To Complaint and New Matter. Filed by s/Laura R. Pasquinelli, Esq. Verification. s/Laura R. Pasquinelli Cert of Svc no cc No Judge
3/11/2002	X Praeclipe for Withdrawal of Appearance/Praeclipe for Entry of Appearance. Withdrawal: s/James A. Naddeo, Esq. Entry: s/David R. Thompson, Esq. 2 cc to Atty Thompson, Esq. No Judge
	X Reply to New Matter. Filed by s/David R. Thompson, Esq. Verification. s/Albert G. Gmerek s/Ruth Gmerek 2 cc to Atty Thompson No Judge
	X Certificate of Service, Reply to New Matter, upon Laura R. Pasquinelli, Esq. Filed by s/David R. Thompson, Esq. 2 cc Atty Thompson No Judge
4/18/2002	Filing: Subpoena Paid by: MCS Group Receipt number: 1841332 Dated: 04/18/2002 Amount: \$6.00 (Check) No Judge
5/17/2002	X Certificate Prerequisite to Service of a Subpoena, Pursuant to Rule 4009.22. Filed by s/Laura Pasquinelli, Esq. no cc No Judge
7/14/2003	X Notice of Name Change Of The Attorney For Defendant From Laura R. Pasquinelli, Esquire to Laura R. Signorelli, Esquire. filed by s/Laura R. Signorelli, Esq. Certificate of Service no cc No Judge
6/15/2007	X Certificate of Readiness for Trial, filed by Atty. Signorelli 1 Cert. to Atty. No Judge
7/30/2007	X Defendant's Motion In Limine, filed by s/ Laura R. Signorelli, Esquire. 1CC Atty. Paul E. Cherry
8/9/2007	X Certificate of Service, filed. Served a true and correct copy of the Pre-Trial Memorandum, in the above captioned matter to Laura R. Signorelli Esq., filed by s/ David R. Thompson Esq. 1CC Atty Thompson. Paul E. Cherry
8/14/2007	X Order, this 10th day of August, 2007, following Pre-Trial Conference, it is Ordered that: Jury selection is scheduled for August 28, 2007, beginning at 9:00 a.m. in Courtroom 2. Trial is scheduled for Dec. 11, 2007, beginning at 9:00 a.m. in Courtroom 2. (see original). By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty: Thompson, Signorelli Paul E. Cherry

8-31-07 X Order, dated 8-30-07

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

ALBERT G. GMEREK and
RUTH GMEREK,
husband and wife,
Plaintiffs,

v.

GREGORY L. ODROSKY, JR.,
an individual,
Defendant.

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* No. 01 - 1321 - CD
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* Type of Pleading:

*
* Complaint
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* Filed on behalf of:
* Plaintiff
*
*

* Counsel of Record for
* this party:
*
*

*
* James A. Naddeo, Esq.
* Pa I.D. 06820
*
*

* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

AUG 15 2001

William A. Shaw
Prothonotary

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

ALBERT G. GMEREK and *
RUTH GMEREK, *
husband and wife, *
Plaintiffs, *
*
v. * No. 01 - - CD
*
GREGORY L. ODROSKY, JR., *
an individual, *
Defendant. *

NOTICE

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.

Court Administrator
CLEARFIELD COUNTY COURTHOUSE
230 East Market Street
Clearfield, PA 16830

814-765-2641

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

ALBERT G. GMEREK and *
RUTH GMEREK, *
husband and wife, *
Plaintiffs, *
*
v. * No. 01 - - CD
*
GREGORY L. ODROSKY, JR., *
an individual, *
Defendant. *

COMPLAINT

NOW COME the Plaintiffs, Albert G. Gmerek and Ruth Gmerek, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiff, Albert G. Gmerek, is a sui juris, adult individual, who currently resides at R. R. 1, Box 732, Houtzdale, Pennsylvania.

2. That the Plaintiff, Ruth Gmerek, is a sui juris, adult individual, who currently resides at R. R. 1, Box 732, Houtzdale, Pennsylvania.

3. That the Defendant is Gregory L. Odrosky, Jr., a sui juris, adult individual, who currently resides at 315 Daisy Street, Clearfield, Pennsylvania.

COUNT I

Ruth Gmerek v. Gregory L. Odrosky, Jr.

4. That on or about October 10, 1999 at approximately 9:40 a.m., E.D.S.T., the Plaintiff, Ruth Gmerek, was a passenger

in the right front seat of a 1997 Buick Century operated by the Plaintiff, Albert G. Gmerek, bearing Pennsylvania Registration No. Y08449 which vehicle was owned by the Plaintiffs, Albert G. Gmerek and Ruth Gmerek.

5. That on the aforesaid date and at or about the said time, the Defendant, Gregory L. Odrosky, Jr., was the operator of a 1992 Plymouth Sundance bearing Pennsylvania Registration No. BZF9813, which vehicle was owned by Gregory L. Odrosky and Maria Rose Odrosky.

6. That State Route 153 is a two-lane, macadam highway which proceeds in a generally north-south direction within Houtzdale Borough, Clearfield County, Pennsylvania.

7. That on the aforesaid date and at or about the said time, it was daylight; the weather was clear but the roadway was wet due to a prior rain.

8. That on or about the said day and at or about the said time, the vehicle in which the Plaintiff, Ruth Gmerek, was a passenger was traveling north on State Route 153 and had stopped at the intersection of State Route 153 and State Route 53 which is controlled by a traffic signal which was red.

9. That on or about the said day and at or about the said time, the Defendant, Gregory L. Odrosky, Jr., was likewise traveling north on State Route 153 directly in back of the vehicle in which the Plaintiff, Ruth Gmerek, was a passenger.

10. That on or about the said day and at or about the said time, the Defendant, Gregory L. Odrosky, Jr., suddenly and without warning failed to bring his vehicle to a stop and collided with the rear of the vehicle in which the Plaintiff, Ruth Gmerek, was a passenger.

11. That as a result of the collision described in Paragraph 10 hereof which is incorporated herein by reference, the Plaintiff, Ruth Gmerek, was thrown generally forward and backward within the vehicle in which she was riding causing the numerous and serious injuries hereinafter set forth.

12. That the Defendant, Gregory L. Odrosky, Jr., was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Plaintiff, Ruth Gmerek, as follows:

A. That the Defendant failed to have his vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P. L. 162, Section 3361, 75 P.S. Section 3361 and supplements thereto, in that he operated his vehicle upon State Route 153 at a speed greater than was reasonable and prudent under

the conditions then and there existing and without regard to the actual and/or potential hazards then and there existing and at a speed which was greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead.

D. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P. L. 162, Section 3714, 75 P.S. Section 3714 and supplements thereto in that he operated her vehicle upon State Route 153 with careless disregard for the safety of the Plaintiff, Ruth Gmerek.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736, 75 P.S. Section 3736, and supplements thereto, in that he operated his vehicle upon State Route 153 in willful or wanton disregard for the safety of the person or property of the Plaintiff, Ruth Gmerek.

F. That the Defendant was negligent, careless and reckless in that he failed to use due care under all of the circumstances of the case.

13. That as a result of the negligence, carelessness and recklessness of the Defendant, Gregory L. Odrosky, Jr., as

set forth in Paragraph 12 hereof and incorporated herein by reference, the Plaintiff, Ruth Gmerek, suffered the following injuries which may and probably will be permanent:

- A. Cervical Sprain/strain;
- B. Thoracic sprain/strain.

14. That the Plaintiff, Ruth Gmerek, may and probably will be required to expend sums for the treatment of her injuries in excess of the coverage afforded to her by her auto insurance policy.

15. That as a result of the injuries referred to in Paragraph 13 hereof which is incorporated herein by reference, the Plaintiff suffers serious and permanent physical impairment which substantially prohibits her ability to engage in the normal and usual functions which she enjoyed prior to the accident including but not limited to her household duties, hobbies and social activities.

16. That the Plaintiff, Ruth Gmerek, claims a reasonable amount for the following:

- A. A reasonable amount for pain and suffering; past, present and future;
- B. Cost of replacing household services;
- C. Privation and inconvenience; past, present and future;
- D. Impairment of earning power;

E. Future medical expenses;

F. All other damages allowable by law.

WHEREFORE, the Plaintiff, Ruth Gmerek, claims damages from the Defendant in excess of Twenty Thousand (\$20,000.00) Dollars. Jury Trial Demanded.

Second Count

Albert G. Gmerek v. Gregory L. Odrosky, Jr.

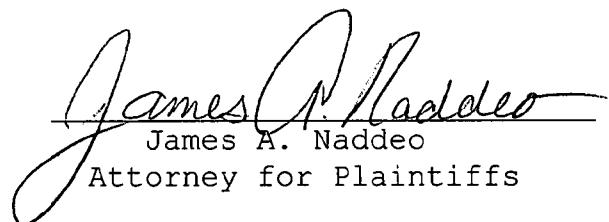
17. That the Plaintiff, Albert G. Gmerek, is the husband of Ruth Gmerek, having been married to her on February 27, 1954.

18. That the Plaintiff, Albert G. Gmerek, incorporates Paragraphs 1 through 16 of this Complaint by reference and makes them a part hereof.

19. That at all times referred to in this Complaint, the Plaintiff, Albert G. Gmerek, was residing with his wife, Ruth Gmerek, and continues to reside with her up to the date of this Complaint.

20. That as a result of the injuries suffered by the Plaintiff, Ruth Gmerek, the Plaintiff, Albert G. Gmerek, has been deprived of the services and society of his wife and will continue to be so deprived for an indefinite period of time in the future.

WHEREFORE, the Plaintiff, Albert G. Gmerek, claims damages from the Defendant in excess of Twenty Thousand (\$20,000.00) Dollars. Jury Trial Demanded.


James A. Naddeo
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD

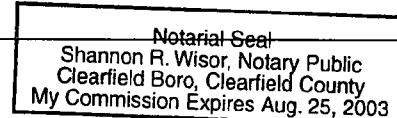
)

Before me, the undersigned officer, personally appeared RUTH GMEREK, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Ruth Gmerek
Ruth Gmerek

SWORN and SUBSCRIBED before me this 16th day of February, 2001.

Shannon R. Wisor



In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11385

GMEREK, ALBERT G. & RUTH

01-1321-CD

VS.

ODROSKY, GREGORY L. JR.

COMPLAINT

SHERIFF RETURNS

NOW AUGUST 17, 2001 AT 11:15 AM DST SERVED THE WITHIN COMPLAINT ON
GREGORY L. ODROSKY, JR., DEFENDANT AT RESIDENCE, 315 DAISY ST.,
CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
GREG L. ODROSKY, SR., FATHER, A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: COUDRIET

Return Costs

Cost	Description
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20.34	SHFF. HAWKINS PAID BY: ATTY.
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10.00	SURCHARGE PAID BY: ATTY.
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Sworn to Before Me This

23rd Day Of August 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

Chester A. Hawkins
Sheriff

FILED
010:43 AM
AUG 23 2001
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH CIVIL DIVISION
GMEREK, husband and wife,

Plaintiffs, CASE NO. 01-1321-CD

vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant. FILED ON BEHALF OF DEFENDANT:
Gregory L. Odrosky, Jr.

COUNSEL OF RECORD FOR THIS
PARTY:

LAURA R. PASQUINELLI, ESQUIRE
PA No. 69694

LAW OFFICE OF MARIANNE C. MNICH
TWO MELLON BANK CENTER
SUITE 405, 501 GRANT STREET
PITTSBURGH, PA 15219-4403

Telephone: 412-255-4110

JURY TRIAL DEMANDED

FILED

SEP 17 2001
m 1544 no/c
William A. Shaw
Prothonotary
KBS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH CIVIL DIVISION
GMEREK, husband and wife, CASE NO. 01-1321-CD

Plaintiffs,

vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant.

PRAECIPE FOR APPEARANCE

FILED ON BEHALF OF DEFENDANT,

GREGORY L. ODROSKY, JR.

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Defendant, Gregory L. Odrosky, Jr., in reference to the above captioned case.


LAURA R. PASQUINELLI, ESQUIRE
Attorney for Defendant
Gregory L. Odrosky, Jr.

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the Praeclipe for Appearance upon all other parties or their attorney of record by First Class Mail on this 10th day of September, 2001.

James A. Naddeo, Esquire
ATTORNEY AT LAW
211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830

Laura R. Pasquini
LAURA R. PASQUINELLI, ESQUIRE
Attorney for Defendant
Gregory L. Odrosky, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH CIVIL DIVISION
GMEREK, husband and wife,

Plaintiffs, CASE NO. 01-1321-CD

vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant. FILED ON BEHALF OF DEFENDANT:
Gregory L. Odrosky, Jr.

COUNSEL OF RECORD FOR THIS
PARTY:

LAURA R. PASQUINELLI, ESQUIRE
PA No. 69694

LAW OFFICE OF MARIANNE C. MNICH
TWO MELLON BANK CENTER
SUITE 405, 501 GRANT STREET
PITTSBURGH, PA 15219-4403

Telephone: 412-255-4110

JURY TRIAL DEMANDED

FILED

SEP 12 2001
M 11.44 nocc
William A. Shaw

Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH CIVIL DIVISION
GMEREK, husband and wife, CASE NO. 01-1321-CD

Plaintiffs,

vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant.

NOTICE TO PLEAD

TO: Plaintiffs, Albert G. Gmerk and Ruth Gmerek,
husband and wife
c/o James A. Naddeo, Esquire

You are notified to Plead to the enclosed Answer to
Complaint and New Matter within 20 days from the date of service
or a judgment may be entered against you.

Laura R. Pasquinelli

LAURA R. PASQUINELLI, ESQUIRE
Attorney for Defendant
Gregory L. Odrosky, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH CIVIL DIVISION
GMEREK, husband and wife, CASE NO. 01-1321-CD

Plaintiffs,

vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant.

DEFENDANT'S ANSWER TO COMPLAINT

AND NOW, comes the Defendant, Gregory L. Odrosky, Jr., by and through the undersigned counsel, Laura R. Pasquinelli, Esquire and files the following Answer to Complaint and New Matter upon a cause of action whereof the following is a statement:

1. DENIED. After reasonable investigation, this Defendant is are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph.

2. DENIED. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph.

3. ADMITTED.

WHEREFORE, Defendant, Gregory L. Odrosky, Jr. demands of this Honorable Court Judgment in his favor and against Plaintiffs, Albert G. Gmerek and Ruth Gmerek, husband and wife.

COUNT IRuth Gmerek v. Gregory L. Odrosky, Jr.

4. DENIED. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph.

5. DENIED. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph.

6. ADMITTED.

7. DENIED. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph.

8. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

9. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

10. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

11. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

12. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

13. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

14. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

15. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

16. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

WHEREFORE, Defendant, Gregory L. Odrosky, Jr. demands of this Honorable Court Judgment in his favor and against Plaintiffs, Albert G. Gmerek and Ruth Gmerek, husband and wife.

Second Count

Albert G. Gmerek v. Gregory L. Odrosky, Jr.

17. DENIED. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph.

18. DENIED. Defendant, Gregory L. Odrosky, Jr. incorporates by reference his responses to the averments set forth in previous paragraphs as though same were fully set forth at length.

19. DENIED. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph.

20. DENIED. The allegations contained in this paragraph are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

WHEREFORE, Defendant, Gregory L. Odrosky, Jr. demands of this Honorable Court Judgment in his favor and against Plaintiffs, Albert G. Gmerek and Ruth Gmerek, husband and wife.

DEFENDANT'S NEW MATTER

1. All negligence causes of action and/or claims asserted against answering Defendant are limited, governed, barred and/or restricted, by the terms of the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. Section 7102, the relevant terms of which are incorporated by reference herein.

2. All causes of action and/or claims asserted against answering Defendant are barred by the applicable Statute of Limitations, including, but not limited to, the Act of July 9, 1976, P.L. 586, 42 Pa. C.S.A. Sec. 5524.

3. All causes of action and/or claims asserted against answering Defendant are barred by the Doctrine of Assumption of the Risk, as the direct and proximate cause of any injuries/damages allegedly suffered by Plaintiffs were the assumption of the risk of the Plaintiffs, in knowingly subjecting himself to risk of injury/damage incurred.

4. All causes of action and/or claims as set forth in all Civil Complaints are limited, governed, barred, and/or restricted by the terms of the Pennsylvania Motor Vehicle Financial Responsibility Law of 1984, 75 Pa. C.S.A. 1701, et seq., as amended by Act 6 of 1990, the relevant provisions of which are incorporated by reference herein as though the same were fully set forth at length.

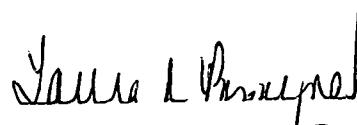
5. All causes of action and/or claims as set forth in all Civil Complaints are limited, governed, barred, and/or restricted by the terms of the Pennsylvania Motor Vehicle Financial Responsibility Law of 1984, 75 Pa. C.S.A. 1701, et seq., as amended by Act 6 of 1990, the relevant provisions of which are incorporated by reference herein as though the same were fully set forth at length, including but not limited to the "limited tort" provisions of Section 1705, and in accordance with the "tort option" chosen and/or elected in the policy of insurance purportedly providing coverage for the accident in question.

6. The Civil Complaints of the Plaintiffs fail to set forth a cause of action upon which relief can be granted.

7. Answering Defendant, reserves the right to assert at the time of trial any and all affirmative defenses revealed through discovery.

WHEREFORE, Defendant, Gregory L. Odrosky, Jr., demands of this Honorable Court Judgment in his favor and against Plaintiffs, Albert G. Gmerek and Ruth Gmerek, husband and wife.

JURY TRIAL DEMANDED



LAURA R. PASQUINELLI, ESQUIRE
Attorney for Defendant
Gregory L. Odrosky, Jr.

VERIFICATION

LAURA R. PASQUINELLI, ESQUIRE, states that she is the attorney for the within named Defendant, Gregory L. Odrosky, Jr., and the facts set forth in the foregoing pleading are true and correct to the best of her knowledge, information, and belief; and this statement is made subject to the penalties of 18 Pa. C. §4904, relating to unsworn falsification to authorities.



LAURA R. PASQUINELLI, ESQUIRE
Attorney for Defendant
Gregory L. Odrosky, Jr.

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of DEFENDANT'S ANSWER TO COMPLAINT AND NEW MATTER upon all other parties or their attorney of record by First Class Mail on this 10th day of September, 2001.

James A. Naddeo, Esquire
ATTORNEY AT LAW
211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830

James A. Naddeo
LAURA R. PASQUINELLI, ESQUIRE
Attorney for Defendant
Gregory L. Odrosky, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

FEB 28 2002

ALBERT G. GMEREK AND RUTH GMEREK,
his wife,

Plaintiffs

VS.

GREGORY L. ODROSKY, JR., an individual,

Defendant

*

* No. 01-1321-CD

*

*

*

TYPE OF CASE:

*

Civil Action

*

*

*

TYPE OF PLEADING:

* Praecipe for Withdrawal of Appearance

* Praecipe for Entry of Appearance

*

FILED ON BEHALF OF:

*

Plaintiff

*

*

*

COUNSEL OF RECORD FOR

*

THIS PARTY:

*

David R. Thompson, Esquire

*

Supreme Court I.D. No. 73053

*

Attorney at Law

*

P.O. Box 587

*

308 Walton Street, Suite 4

*

Philipsburg PA 16866

*

(814) 342-4100

*

FILED

MAR 11 2002

11:46 p.m.

William A. Shaw

Prothonotary

CM

2 cc to Atty

E. Thompson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

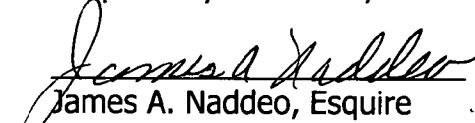
ALBERT G. GMEREK AND RUTH GMEREK, *
his wife, *
Plaintiffs * No. 01-1231-CD
vs. *
*
GREGORY L. ODROSKY, JR., an individual, *
*
Defendant *

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Kindly withdraw my appearance in the above-captioned matter on behalf of the Plaintiffs, Albert G. Gmerek and Ruth Gmerek.

Respectfully submitted,



James A. Naddeo
James A. Naddeo, Esquire

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance in the above-captioned matter on behalf of the Plaintiffs, Albert G. Gmerek and Ruth Gmerek.

Respectfully submitted,



David R. Thompson
David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION - LAW

ALBERT G. GMEREK and RUTH
GMEREK, husband and wife
Plaintiffs

*
* No. 01-1321-CD
*
*

vs.

GREGORY L. ODROSKY, JR.,
an individual,

Defendant

*
* TYPE OF CASE:
* Civil Matter
*
*

*
* TYPE OF PLEADING:
* Reply to New Matter
*
*

*
* FILED ON BEHALF OF:
* Plaintiff
*
*

*
* COUNSEL OF RECORD FOR
* THIS
* PARTY:
* David R. Thompson, Esq.
* P.O. Box 587
* 308 Walton Street, St. 4
* Philipsburg PA 16866
* (814) 342-4100 PHONE
* (814) 342-7081 FAX
* Supreme Court ID #73053

FILED

MAR 11 2002

01:46 p.m.

William A. Shaw
Prothonotary

2 cc to Atty

61 Thompson
get

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION - LAW

ALBERT G. GMEREK and RUTH	*
GMEREK, husband and wife,	*
Plaintiffs	No. 01-1321-CD
	*
	*
vs.	*
	*
	*
GREGORY L. ODROSKY, JR., an	*
individual,	*
	*
	*
Defendant	*
	*
	*

REPLY TO NEW MATTER

AND NOW, comes the Plaintiffs by and through their attorney, David R. Thompson, Esquire, and files the following Reply to Defendant's New Matter:

Paragraph 1 though 20 of Plaintiff's Complaint are incorporated herein by reference as through the same were set forth at length herein.

1. Paragraph 1 is a conclusion of law to which no response is necessary.

To the extent a response is deemed necessary, the same is denied, and strict proof thereof is demanded at the time of trial.

2. Paragraph 2 is a conclusion of law to which no response is necessary.

To the extent a response is deemed necessary, the same is denied, and strict proof thereof is demanded at the time of trial.

3. Paragraph 3 is a conclusion of law to which no response is necessary.

To the extent a response is deemed necessary, the same is denied, and strict proof

thereof is demanded at the time of trial.

4. Paragraph 4 is a conclusion of law to which no response is necessary.

To the extent a response is deemed necessary, the same is denied, and strict proof thereof is demanded at the time of trial.

5. Paragraph 5 is a conclusion of law to which no response is necessary.

To the extent a response is deemed necessary, the same is denied, and strict proof thereof is demanded at the time of trial.

6. Paragraph 6 is a conclusion of law to which no response is necessary.

To the extent a response is deemed necessary, the same is denied, and strict proof thereof is demanded at the time of trial.

7. Paragraph 7 is a conclusion of law to which no response is necessary.

To the extent a response is deemed necessary, the same is denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, Plaintiffs ALBERT G. GMEREK AND RUTH GMEREK respectfully requests this Honorable Court to enter judgement in their favor and against the Defendant, dismissing Defendant's New Matter.

Respectfully submitted,



David R. Thompson, Esquire
Attorney for Plaintiff

VERIFICATION

I certify that the facts set forth in the foregoing **REPLY TO NEW MATTER** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: March 7, 2002

Albert G. Gmerek
Albert G. Gmerek

Ruth Gmerek
Ruth Gmerek

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ALBERT G. GMEREK and RUTH GMEREK, husband and wife,	*
	*
	*
Plaintiffs	*
	*
	*
vs.	*
	*
	*
GREGORY L. ODROSKY, JR., an individual,	*
	*
	*
	*
Defendant	*

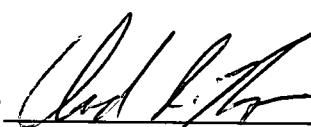
CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of **REPLY TO NEW MATTER**, in the above captioned matter on the following by Prepaid, First Class, United States Mail:

Laura R. Pasquinelli, Esquire
LAW OFFICE OF MARIANNE C. MNICH
Two Mellon Bank Center
Suite 405, 501 Grant Street
Pittsburgh, PA 15219-4403

DATE: March 11, 2002

BY: 

David R. Thompson, Esquire

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

IN THE MATTER OF:

COURT OF COMMON PLEAS

GMEREK

TERM, 2001

-VS-

CASE NO: 01-1321

ODROSKY

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of LAURA PASQUINELLI, ESQUIRE
certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

MCS on behalf of

DATE: 05/13/2002

LAURA PASQUINELLI, ESQUIRE
Attorney for DEFENDANT

FILED

MAY 17 2002

MISSOURI
William A. Shaw
Prothonotary

DE11-007005 81606-L02

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

GMEREK

TERM, 2001

-VS-

CASE NO: 01-1321

ODROSKY

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

DR. SUSAN HARCHAK MEDICAL RECORDS & XRAYS
STATE FARM INSURANCE COMPANY INSURANCE

TO: DAVID R. THOMPSON, ESQUIRE
MCS on behalf of LAURA PASQUINELLI, ESQUIRE intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 04/23/2002

MCS on behalf of

LAURA PASQUINELLI, ESQUIRE
Attorney for DEFENDANT

CC: LAURA PASQUINELLI, ESQUIRE

Any questions regarding this matter, contact

THE MCS GROUP, INC.
300 LAWYERS BUILDING

PITTSBURGH, PA 15219
(412) 642-4420

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Albert G. Gmerek

Ruth Gmerek

Plaintiff(s)

Vs.

*

No. 2001-01321-CD

Gregory L. Odrosky Jr.

*

Defendant(s)

*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE
4009.22

TO: Custodian of Records: Susan Harchak, D.C.
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: Any and all records, correspondence, files, memorandums, handwritten notes, relating to any examination, consultation care or treatment of Ruth Gmerek, DOB: 1-21-30, S.S.# 183-34-7934.
(Address)

300 Lawyers Bldg, 428 Forbes Avenue, Pgh PA 15

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Laura Pasquinelli, Esquire
ADDRESS: 501 Grant Street, Ste 405
Pittsburgh, PA 15219
TELEPHONE: (412) 642-4420
SUPREME COURT ID #
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, April 18, 2002

Seal of the Court

William A. Shaw
[Redacted]

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Albert G. Gmerek

Ruth Gmerek

Plaintiff(s)

Vs.

*

No. 2001-01321-CD

Gregory L. Odrosky Jr.

*

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE
4009.22

TO: Custodian of Records: State Farm Insurance
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: Any and all insurance records pertaining to Ruth Gmerek, DOB: 1-21-30, S.S.# 183-34-7934.

Claim# 38J416738

(Address) 300 Lawyers Bldg, 428 Forbes Avenue
Pgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Laura Pasquinelli, Esquire

ADDRESS: 501 Grant Street, Ste 405

Pittsburgh, PA 15219

TELEPHONE: (412) 642-4420

SUPREME COURT ID #

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, April 18, 2002

Seal of the Court




IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH CIVIL DIVISION
GMEREK, husband and wife, CASE NO. 01-1321-CD

Plaintiffs,

vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant.

NOTICE OF NAME CHANGE

FILED ON BEHALF OF DEFENDANT:
Gregory L. Odrosky, Jr.

COUNSEL OF RECORD FOR THIS
PARTY:

LAURA R. SIGNORELLI, ESQUIRE
PA No. 69694

LAW OFFICE OF MARIANNE C. MNICH
Two Mellon Bank Center
Suite 405, 501 Grant Street
Pittsburgh, PA 15219

Telephone: 412-255-4110

FILED

JUL 14 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH CIVIL DIVISION
GMEREK, husband and wife, CASE NO. 01-1321-CD

Plaintiffs,

vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant.

NOTICE OF NAME CHANGE

TO THE PROTHONOTARY:

Please notice the name change of the Attorney for Defendant
from Laura R. Pasquinelli, Esquire to Laura R. Signorelli,
Esquire, effective June 7, 2003, in reference to the above
captioned case.

Laura R. Signorelli
LAURA R. SIGNORELLI, ESQUIRE
Attorney for Defendant
Gregory L. Odrosky, Jr.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the **NOTICE OF NAME CHANGE** upon all other parties or their attorney of record by regular First Class Mail on this 10th day of July, 2003.

David R. Thompson, Esquire
THOMPSON LAW OFFICE
308 Walton Street, Suite #4
P.O. Box 587
Philipsburg, PA 16866-0587

Laura R. Signorelli
Laura R. Signorelli, Esquire
Attorney for Defendant
Gregory L. Odrosky, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH
GMEREK, husband and wife,

CIVIL DIVISION
CASE NO. 01-1321-CD

Plaintiffs,

vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant.

CERTIFICATE OF READINESS
FILED ON BEHALF OF DEFENDANT:
Gregory L. Odrosky, Jr.

COUNSEL OF RECORD FOR THIS
PARTY:

LAURA R. SIGNORELLI, ESQUIRE
PA No. 69694

LAW OFFICES OF TWANDA TURNER-
HAWKINS
600 Grant Street
1180 U.S. Steel Tower
Pittsburgh, PA 15219

Telephone: 412-255-4145

JURY TRIAL DEMANDED

FILED

JUN 15 2007

5/11/07

William A. Shaw
Prothonotary/Clerk of Courts

1 CEN to ATT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH GMEREK, husband and wife, CIVIL DIVISION
CASE NO. 01-1321-CD

Plaintiffs,

VS.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant.

CERTIFICATE OF READINESS

TO THE HONORABLE COURT:

- (1) The above-referenced case, docketed at Case No. 01-1321-CD, pertains to an October 10, 1999 motor vehicle accident.
- (2) Discovery is complete in this matter.
- (3) Plaintiff's counsel has received a copy of this Certificate.
- (4) A jury trial is demanded.
- (5) Trial is expected to last for no more than 2 days.

Wherefore, Defendant respectfully requests that this Honorable Court list the above-docketed matter for the next jury trial list.

Respectfully submitted,

LAURA R. SIGNORELLI, ESQUIRE
Attorney for Defendant
Gregory L. Odrosky, Jr.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the Certificate of Readiness upon all other parties or their attorney of record by regular First Class Mail on June 13, 2007.

David R. Thompson, Esquire
THOMPSON LAW OFFICE
308 Walton Street, Suite #4
P.O. Box 587
Philipsburg, PA 16866-0587

Laura R. Signorelli
Laura R. Signorelli, Esquire
Attorney for Defendant
Gregory L. Odrosky, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ALBERT G. GMEREK and RUTH CIVIL DIVISION
GMEREK, husband and wife,
Plaintiffs, CASE NO. 01-1321-CD
vs. DEFENDANT'S MOTION IN LIMINE
GREGORY L. ODROSKY, JR., FILED ON BEHALF OF
and individual, DEFENDANT(S): Gregory L.
Defendant. Odrosky, Jr.
COUNSEL OF RECORD FOR THIS
PARTY:
LAURA R. SIGNORELLI, ESQUIRE
PA No. 69694
LAW OFFICES OF TWANDA TURNER-
HAWKINS
600 Grant Street
1180 U.S. Steel Tower
Pittsburgh, PA 15219
Telephone: 412-255-4145

FILED ¹⁰⁰
M 10:47 AM JUL 30 2007 Atty
JUL 30 2007
GR
William A. Shaw
Prothonotary/Clerk of Courts

ALBERT G. GMEREK and RUTH
GMEREK, husband and wife,

Plaintiffs,

vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

CASE NO.: 01-1321-CD

**MOTION IN LIMINE TO KEEP FROM THE
JURY EVIDENCE OF INSURANCE, REFERENCE TO
INSURANCE AND REFERENCE TO ALLSTATE INSURANCE COMPANY**

NOW COMES Defendant, Gregory L. Odrosky, Jr., through counsel, Laura R. Signorelli, and moves to keep from the jury evidence of insurance, reference to insurance and reference to Allstate Insurance Company during trial of this case and in support of this Motion states:

1. Defendant(s), Gregory L. Odrosky, Jr. through counsel, stipulates to the existence of a binding insurance contract between Defendant and Allstate Insurance Company.
2. There is no contested insurance issue concerning a binding insurance contract, coverage, applicable limits or Allstate Insurance Company in this case.
3. Absent any contested insurance issue, evidence of insurance, reference to insurance and/or reference to Allstate Insurance Company are not relevant.

WHEREFORE, Defendant(s), Gregory L. Odrosky, Jr., move(s) that this Honorable Court keep from the jury any and all evidence of insurance, reference to insurance and reference to Allstate Insurance Company.

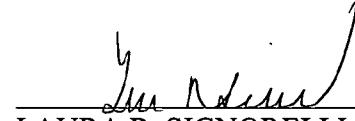
Respectfully submitted,

La. Signorelli
LAURA R. SIGNORELLI, ESQUIRE
600 Grant Street
1180 U.S. Steel Tower
Pittsburgh, PA 15219
Telephone: 412-255-4145
Attorney for Defendant
Gregory L. Odrosky, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a copy of Defendant's Motion in Limine was mailed first class, postage prepaid, this 27TH Day of July, 2007

David R. Thompson, Esquire
THOMPSON LAW OFFICE
308 Walton Street, Suite #4
P.O. Box 587
Philipsburg, PA 16866-0587


LAURA R. SIGNORELLI, ESQUIRE
Attorney for Defendant

ALBERT G. GMEREK and RUTH
GMEREK, husband and wife,

Plaintiffs,
vs.

GREGORY L. ODROSKY, JR.,
and individual,

Defendant.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

CASE NO.: 01-1321-CD

ORDER

In consideration of the Motion In Limine to Keep from the Jury Evidence of Insurance, Reference to Insurance and Reference to Allstate Insurance Company, it is, by the Clearfield County this _____ day of _____, 20 .

ORDERED that evidence of insurance, reference to insurance and reference to Allstate Insurance Company are to be kept from the jury and that the Defendant shall be referred to as “Defendant” and that counsel for Allstate Insurance Company be referred to as counsel for the defense.

J.

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

ALBERT G. GMEREK and RUTH GMEREK, *
husband and wife, *
Plaintiffs *
*
vs. * NO. 01-1321-CD
*
*
*
*
GREGORY L. ODROSKY, JR., *
Defendant *

O R D E R

NOW, this _____ day of August, 2007, the Court being in receipt of and having reviewed the Defendants' Motion in Limine to Keep from the Jury Evidence of Insurance, Reference to Insurance and Reference to Allstate Insurance Company, it is the ORDER of this Court that argument on said Motion will be held on the _____ day of _____, 2007, at _____ .m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

PAUL E. CHERRY
Judge

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

ALBERT G. GMEREK and RUTH GMEREK,
husband and wife,

Plaintiffs

*
*
*
*

vs.

NO. 01-1321-CD

*
*
*
*

GREGORY L. ODROSKY, JR.,
Defendant

ORDER

NOW, this _____ day of August, 2007, the Court being in receipt of and having reviewed the Defendants' Motion in Limine to Keep from the Jury Evidence of Insurance, Reference to Insurance and Reference to Allstate Insurance Company, it is the ORDER of this Court that argument on said Motion will be held on the _____ day of _____, 2007, at _____ .m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

PAUL E. CHERRY
Judge

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

ALBERT G. GMEREK and RUTH GMEREK, *
husband and wife, *
Plaintiffs *
*
vs. * NO. 01-1321-CD
*
*
GREGORY L. ODROSKY, JR., *
Defendant *

ORDER

NOW, this _____ day of August, 2007, the Court being in receipt of and having reviewed the Defendants' Motion in Limine to Keep from the Jury Evidence of Insurance, Reference to Insurance and Reference to Allstate Insurance Company, it is the ORDER of this Court that argument on said Motion will be held on the _____ day of _____, 2007, at _____ .m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

PAUL E. CHERRY
Judge

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

ALBERT G. GMEREK and RUTH GMEREK,
husband and wife, *
Plaintiffs *
*
vs. * NO. 01-1321-CD
*
GREGORY L. ODROSKY, JR., *
Defendant *

ORDER

NOW, this _____ day of August, 2007, the Court being in receipt of and having reviewed the Defendants' Motion in Limine to Keep from the Jury Evidence of Insurance, Reference to Insurance and Reference to Allstate Insurance Company, it is the ORDER of this Court that argument on said Motion will be held on the _____ day of _____, 2007, at _____ .m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

PAUL E. CHERRY
Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ALBERT G. GMEREK AND RUTH GMEREK,
husband and wife,

Plaintiff

*
* No. 01-1321

vs.

GREGORY L. ODROSKY, JR., an individual,

Defendant

* TYPE OF CASE
* Civil Action - Law

*
* TYP OF PLEADING:
* Certificate of Service

*
* FILED ON BEHALF OF:
* Defendant

*
* COUNSEL OF RECORD FOR
* THIS PARTY:
* David R. Thompson, Esquire
* Attorney at Law
* Supreme Court 73053
* P.O. Box 587
* 308 Walton Street, Suite 4
* Philipsburg PA 16866
* (814) 342-4100

FILED *ICC*
010:50 PM *Atty Thompson*
AUG 09 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL DIVISION - LAW

ALBERT G. GMEREK AND RUTH GMEREK,
husband and wife,

Plaintiff

*
* No. 01-1321

vs.

GREGORY L. ODROSKY, JR., an individual,

Defendant

*

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of the PRE-TRIAL MEMORANDUM, in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Laura R. Signorelli, Esquire
LAW OFFICES OF TWANDA TURNER-HAWKINS
1180 US Steel Building
600 Grant Street
Pittsburgh PA 15219

DATE: August 3, 2007

BY: 

David R. Thompson, Esquire

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

ALBERT G. GMEREK and
RUTH GMEREK, husband and wife

NO. 01-1321-CD

v.

GREGORY L. ODROSKY, JR.,
an individual

FILED
08/14/2007
AUG 14 2007

William A. Shaw
Prothonotary/Clerk of Courts

1cc Attns:
Thompson
Signorelli
(CR)

ORDER

AND NOW, this 10th day of August, 2007, following Pre-Trial Conference, it is
the ORDER of this Court as follows:

1. Jury Selection in this matter is scheduled for August 28, 2007, beginning
at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse,
Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for December 11, 2007, beginning at 9:00
o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield,
Pennsylvania.
3. The deadline for providing any and all outstanding discovery shall be by
and no later than fifteen (15) days prior to the commencement of trial.
4. Counsel for the parties, if they so desire, may submit a Trial Brief to the
Court no more than fifteen (15) days prior to the commencement of trial.
5. The deadline for submitting any and all Motions shall be by and no later
than fifteen (15) days prior to the commencement of trial.

6. Points for Charge shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
7. Proposed Verdict Slip shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
8. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,



PAUL E. CHERRY,
JUDGE

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

ALBERT G. GMEREK and RUTH GMEREK : NO. 01-1321-CD

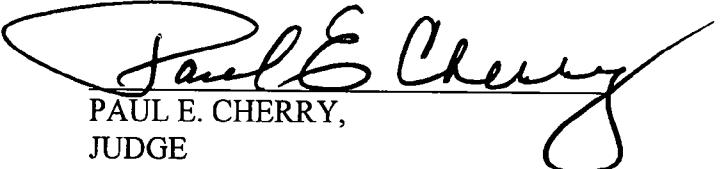
V. :

GREGORY L. ODROSKY, JR. :

ORDER

NOW, this 30th day of August, 2007, the Court being in receipt of and having reviewed the Defendant's Motion in Limine, Plaintiff having no opposition to same, it is the ORDER of this Court that said motion shall be and is hereby GRANTED and the Plaintiff is hereby precluded from offering any evidence of insurance to the Jury and shall be precluded from making any reference whatsoever to insurance and to Allstate Insurance Company.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED 2cc
04-0084 Atty's:
AUG 31 2007
Thompson
William A. Shaw Signorelli
Prothonotary/Clerk of Courts

(GK)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

ALBERT G. GMEREK AND RUTH
GMEREK, HUSBAND AND WIFE,

*
*
*

Plaintiffs

* No. 01-1321-CD
*

VS.

*

GREGORY L. ODROSKY, JR.,
AN INDIVIDUAL

*

Defendant

*

TYPE OF CASE:
Civil Division

*

*

*

TYPE OF PLEADING:
Praecipe to Settle and Discontinue

*

*

FILED ON BEHALF OF:
Plaintiffs

*

*

COUNSEL OF RECORD FOR

*

THIS PARTY:

*

David R. Thompson, Esquire

*

Supreme Court I.D. No. 73053

*

Attorney at Law

*

P.O. Box 587

*

308 Walton Street, Suite 4

*

Philipsburg PA 16866

*

(814) 342-4100

*

FILED *acc +1 cert
of disc issued*
01/12/2008 to Atty
JAN 09 2008 *of disc to
cert/c/a*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

ALBERT G. GMEREK AND RUTH
GMEREK, HUSBAND AND WIFE,

*
*
*
*

Plaintiffs * No. 01-1321-CD

*

VS.

*

*

GREGORY L. ODROSKY, JR.,
AN INDIVIDUAL

Defendant

*

*

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above captioned matter as settled and discontinue.

DATE: 1-4-08

Respectfully submitted,



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Albert G. Gmerek

Ruth Gmerek

Vs.

No. 2001-01321-CD

Gregory L. Odrosky Jr.

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 January 9, 2008, marked:

Settled and discontinued

Record costs in the sum of \$80.00 have been paid in full by James A. Naddeo Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of January A.D. 2008.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ALBERT G. GMEREK AND RUTH *
GMEREK, HUSBAND AND WIFE *
Plaintiffs, * No. 01-1321-CD
*
*
VS. *
*
GREGORY L. ODROSKY, JR., *
AND INDIVIDUAL, *
Defendant *

PLAINTIFFS POINTS FOR CHARGE

The Plaintiffs, Albert G. Gmerek and Ruth Gmerek, by and through their attorney, David R. Thompson, Esquire, respectfully request the Court to charge the jury as follows:

(1)

3.00 (Civ) ISSUES IN THE CASE

Personal Injury Claim (Negligence)

The Plaintiff claims that she was injured and sustained damage as a result of the negligent conduct of the Defendant. The Plaintiff has the burden of proving her claim.

~~The Defendant denies the Plaintiff's claims (and asserts as an affirmative defense that the Plaintiff himself was negligent and that such negligence was a substantial factor in bringing about Plaintiff's injuries. The Defendant has the burden of proving this affirmative defense.)~~

Based upon the evidence presented at this trial, the only issues for you to decide

in accordance with the law as I shall give it to you, are:

First: Was the Defendant negligent?

Second: Was the Defendant's conduct a factual cause in bringing about harm to the Plaintiff(s)?

(Third: Was the Plaintiff himself negligent and was such negligence a substantial factor in bringing about Plaintiff's injury?)

Accept _____ Reject _____ Modify _____

(2)

3.01 (Civ) NEGLIGENCE

The legal term negligence, otherwise known as carelessness, is the absence of ordinary care which a reasonably prudent person would exercise in the circumstances here presented. Negligent conduct may consist either of an act or an omission to act when there is a duty to do so. In other words, negligence is the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not do, in light of all the surrounding circumstances established by the evidence in this case. It is for you to determine how a reasonably careful person would act in those circumstances.

Accept _____ Reject _____ Modify _____

(3)

3.02 (Civ) ORDINARY CARE - Definition

Ordinary care is the care a reasonably careful person would use under the circumstances presented in this case. It is the duty of every person to use ordinary care not only for his own safety and the protection of his property, but also to avoid injury to others. What constitutes ordinary care varies according to the particular circumstances and conditions existing then and there. The amount of care required by the law must be in keeping with the degree of danger involved.

Accept _____ Reject _____ Modify _____

(4)

3.15 (Civ) FACTUAL CAUSE

In order for conduct of a party to be a factual cause, the conduct must not be fanciful or imaginary, but must have played a real role in causing the injury. Therefore, in determining factual cause, you must decide whether the negligent conduct of the defendant was more than an insignificant factor in bringing about any harm to the Plaintiff. Under Pennsylvania law, conduct can be found to be a contributing factor if the action or omission alleged to have caused the harm was an actual, real factor, not a negligible, imaginary, or fanciful factor, or a factor having no connection or only an insignificant connection with the injury. However, factual cause does not mean it is the only, primary, or even the most important factor in causing the injury. A cause may be found to be a factual cause as long as it contributes to the injury in a way that is not minimal or insignificant.

Accept _____ Reject _____ Modify _____

5.50 (Civ) PlaintiffS' BURDEN TO PROVE BY A PREPONDERANCE OF THE EVIDENCE

In civil cases such as this one, the Plaintiffs have the burden of proving those contentions which entitle them to relief.

When a party has the burden of proof on a particular issue, their contention on that issue must be established by a fair preponderance of the evidence. The evidence establishes a contention by a fair preponderance of the evidence if you are persuaded that it is more probably accurate or true than not.

To put it another way, think if you will, of an ordinary balance scale with a pan on each side. Onto one side of the scale, place all of the evidence favorable to the Plaintiffs. On the other pan, place all of the evidence favorable to the Defendant. If, after considering the comparable weight of the evidence, you feel that the scales tip, ever so slightly or to the slightest degree in favor of the Plaintiffs, your verdict must be for the Plaintiffs. If, however, the scales tip in favor of the Defendant, or are equally balanced, your verdict must be for the Defendant.

Accept _____ Reject _____ Modify _____

(6)

6.03 (Civ) PREEXISTING CONDITION OR INJURY

Damages should be awarded for all injuries caused by the accident even if:

1. The injuries caused by the accident were more severe than could have been foreseen because of the Plaintiff's prior physical condition; or
2. A preexisting medical condition was aggravated by the accident.

If you find that the Plaintiff did have a preexisting condition that was aggravated by the defendant's negligence, the defendant is responsible for any aggravation caused by the accident.

I remind you that the defendant can be held responsible only for those injuries or the aggravation of a prior injury or condition that you find was factually caused by the accident.

Accept _____ Reject _____ Modify _____

6.09 (Civ) PAST AND FUTURE - NON-ECONOMIC LOSS

The Plaintiff has made a claim for a damage award for past and for future NON-ECONOMIC loss. There are four [three] items that Plaintiff is claiming for NON-ECONOMIC loss, both past and future:(1) pain and suffering; (2) embarrassment and humiliation; (3) loss of ability to enjoy the pleasures of life[.], and (4) disfigurement.

First, the Plaintiff must have experienced pain and suffering in order to be able to claim damage awards for past NON-ECONOMIC loss and for future NON-ECONOMIC loss. You are instructed that the Plaintiff is entitled to be fairly and adequately compensated for all physical pain, mental anguish, discomfort, inconvenience, and distress that you find she has endured from the time of the injury until today and that the Plaintiff is also entitled to be fairly and adequately compensated for all physical pain, mental anguish, discomfort, inconvenience, and distress you find she will endure in the future as a result of her injuries.

Second, the Plaintiff must have experienced embarrassment and humiliation in order to claim NON-ECONOMIC loss. The Plaintiff is entitled to be fairly and adequately compensated for such embarrassment and humiliation as you believe she has endured and will continue to endure in the future as a result of her injuries.

Third, the Plaintiff must suffer loss of enjoyment of life. The Plaintiff is entitled to be fairly and adequately compensated for the loss of her ability to enjoy any of the pleasures of life as a result of the injuries from the time of the injuries until today and to be fairly and adequately compensated for the loss of her ability to enjoy any of the

pleasures of life in the future as a result of her injuries.

~~Fourth, there must be disfigurement. The disfigurement that the Plaintiff has sustained is a separate item of damaged recognized by the law. Therefore, in addition to any sums you award for pain and suffering, for embarrassment and humiliation, and for loss of enjoyment of life, the Plaintiff is entitled to be fairly and adequately compensated for the disfigurement she has suffered from the time fo the injury to the present and that she will continue to suffer during the future duration of her life.~~

In considering the Plaintiff's claims for damage awards for past and future non-economic loss, you will consider the following factors: (1) the age of the Plaintiff; (2) the severity of the injuries; (3) whether the injuries are temporary or permanent; (4) the extent to which the injuries affect the ability of the Plaintiff to perform basic activities of daily living and other activities in which the Plaintiff previously engaged; (5) the duration and nature of medical treatment; (6) the duration and extent of the physical pain and mental anguish that the Plaintiff has experienced in the past and will experience in the future; (7) the health and physical condition of the Plaintiff prior to the injuries[.], and (8) ~~in the case of disfigurement, the nature of the disfigurement and the consequences for the Plaintiff.~~

Accept _____ Reject _____ Modify _____

(8)

2.10 (Civ) ADMISSIONS OF FACT

(Pleadings, Answers to Interrogatories or Requests for Admissions, Depositions, Statements)

The admission(s) of fact(s) made by the agent of the Defendant(s)/Plaintiff(s) in the answer to the Complaint (or other pleading(s), document(s), statement(s), testimony(ies) has/have been offered by the Plaintiff(s)/Defendant(s) and received in evidence. The Defendant(s)/Plaintiff(s) is/are bound by this/these admission(s).

Accept _____ Reject _____ Modify _____

(9)

6.10 (Civ) LOSS OF CONSORTIUM

The Plaintiff's spouse is entitled to be compensated for the past, present, and future loss of the injured party's services to him and the past, present, and future loss of companionship of his spouse. Consortium claims are losses arising out of the marital relationship. Consortium is the marital fellowship of a husband and a wife and includes the company, society, cooperation, affection, and aid of the other in the marital relationship. Such claims include a loss of support, comfort, and assistance, the loss of association, and companionship, and the loss of ability to engage in sexual relations.

Accept _____ Reject _____ Modify _____

(10)

**6.17 (Civ) AUTO NEGLIGENCE: FUTURE NON-ECONOMIC LOSS DAMAGES FOR
NONCONTINUING SERIOUS IMPAIRMENT THRESHOLD INJURY**

If you find that the Plaintiff suffered serious impairment of a body function, but her injury has ceased, or may in the future cease to be a serious impairment of a body function, that fact will not relieve the defendant from liability for any of the NON-ECONOMIC loss damages suffered by the Plaintiff as a result of the defendant's negligence.

Accept _____ Reject _____ Modify _____

6.14 (Civ) AUTO NEGLIGENCE: MEDICAL EXPENSES

[*Third Alternative*]

[For use in cases where, at the time of trial, medical expenses have not exceeded \$5,000, but may exceed \$5,000 in the future:]

You have heard testimony concerning medical services performed for the Plaintiff as a result of injuries received in the accident. Under Pennsylvania law, those expenses have been paid from another source [by Plaintiff's insurance company] and therefore the cost incurred by the Plaintiff is not recoverable in this proceeding. However, you have heard testimony from the Plaintiff's physician that the Plaintiff will require medical services in the future, the cost of which will exceed the other sources available under Pennsylvania law. Therefore, if you find that the Plaintiff will, with reasonable probability, incur medical expenses in the future, and you find that those medical expenses would be the direct result of the injuries claim in this action, then you may make an award to the Plaintiff for those future medical expenses.

Accept _____ Reject _____ Modify _____

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of Proposed Points of Charge upon all other parties or their attorney of record by First Class Mail on this 26th day of November, 2007.

Laura R. Signorelli, Esquire
Attorney for Defendant
LAW OFFICES OF MARIANNE C. MNICH
Two Mellon Bank Center
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Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ALBERT G. GMEREK AND RUTH	*
GMEREK, HUSBAND AND WIFE	*
	*
	No. 01-1321-CD
Plaintiffs,	*
	*
	*
VS.	*
	*
	*
GREGORY L. ODROSKY, JR.,	*
AND INDIVIDUAL,	*
	*
Defendant	*

VERDICT SHEET

1. Do you find that the Defendant, Gregory L. Odrosky, Jr., was negligent?

Yes _____.

No _____.

If you answered "No", sign this form and return to the courtroom. If you answered "Yes", go on to question 2.

2. Did the Defendant's negligence cause injury or harm to the Plaintiff(s)?

Yes _____.

No _____.

If you answered "No", sign this form and return to the courtroom. If you answered "Yes", go on to question 3.

3. State the amount of damages sustained by the Plaintiffs as a result of this occurrence.

\$ _____

Please Sign this Form and Return to Courtroom.

FOREPERSON