

01-1331-CD
SHELLY HEFFNER -vs- MICHELLE CHRISTINI

4/7/04

Jury Verdict \$ 10,000 For plaintiff.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CHRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

COMPLAINT

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

AUG 17 2001

William A. Shaw
Prothonotary

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and Notice are served, by entering a written appearance personally or by an 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 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Mr. David Meholick
Court Administrator
1 North 2nd Street
Clearfield, PA 16830
814-765-2641 ext. 5982

COMPLAINT

Shelly Heffner, plaintiff, brings this civil action against Michelle Christini, defendant, to recover damages upon causes of action whereof the following are statements:

COUNT I

SHELLY HEFFNER V. MICHELLE CHRISTINI

1. Plaintiff is an adult resident of DuBois, Clearfield County, Pennsylvania.

2. Defendant, Michelle Christini, is an adult individual who resides at 600 Green Glen Drive, DuBois, Clearfield County, Pennsylvania.

3. The events hereinafter complained of occurred on or about June 25, 2000, at or about 1:30 o'clock A.M. in DuBois, Clearfield County, Pennsylvania.

4. At said time, there existed in said locality real estate with improvements thereon known as 319 East Scribner Ave.

5. At said time, intending to cause harmful and offensive contact with the person of plaintiff, defendant did grab plaintiff by the hair jerking and tugging upon her head, butting her head into defendant's knee and smashing plaintiff's face and head into the concrete below.

6. All such conduct by defendant was done without any privilege and was against the will, wishes and without the consent of plaintiff.

7. Such conduct on the part of defendant was done without provocation of any nature on the part of plaintiff.

8. The injuries and damage hereinafter set forth were caused by, and were the direct and proximate result of the willfulness and outrageousness of defendant as above set forth.

9. Plaintiff sustained the following serious and severe injuries, some or all of which may be permanent in nature:

- a. Injuries and damage in and about the face and head.
- b. Brain damage.
- c. Lacerations, contusions and abrasions about the face and head.
- d. Nasal fracture.
- e. Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones, joints and intervertebral disks of the neck, back and spine, and the lumbosacral regions.
- f. Headaches.
- g. Concussion.
- h. Injuries and damage in and about the tissues of the arms.
- i. Fracture or dislocation of the hand.
- j. Severe emotional distress.

- k. Shock and injuries to the nerves and nervous system.
- l. Internal injuries.
- m. Other serious and severe injuries.

10. As a result of the injuries aforesaid, plaintiff has been damaged as follows:

- a. She has suffered and will suffer great pain, inconvenience, embarrassment, severe emotional distress and mental anguish.
- b. She has been and will be required to expend large sums of money for medical attention, hospitalization, medical supplies, medicines, physician services and other related services.
- c. Her earning power has been reduced and permanently impaired.
- d. She has been disfigured.
- e. Her general health, strength and vitality have been impaired.

WHEREFORE, plaintiff demands damages, including punitive damages, against defendant in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

COUNT II

SHELLY HEFFNER VS. MICHELLE CHRISTINI

11. Plaintiff hereby incorporates by reference each of the allegations in paragraphs 1 through 10 above as though the same were fully set forth at length herein.

12. At said time, defendant through verbal threats and physical conduct intended to cause harmful and offensive contact with the person of plaintiff and to place plaintiff in imminent apprehension of such conduct.

13. As a result of same, plaintiff was thereby placed in imminent apprehension of harm and physical contact.

14. At said time, defendant intended to cause harm and imminent apprehension of bodily contact in plaintiff which through such conduct became known to plaintiff who believed said contact and harm would result.

15. The injuries and damage as herein above set forth were caused by and were the direct and proximate result of the willfulness and outrageousness of defendant as above set forth.

WHEREFORE, plaintiff demands damages, including punitive damages, against defendant in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

COUNT III

SHELLY HEFFNER VS. MICHELLE CHRISTINI

16. Plaintiff hereby incorporates by reference each of the allegations in paragraph 1 through 15 above as though the same were

fully set forth at length herein.

17. The conduct herein above set forth constituted extreme and outrageous conduct on the part of defendant who intended to cause severe emotional distress to plaintiff and in fact caused severe emotional distress and bodily harm to plaintiff as a result of such conduct.

18. The injuries and damage herein above set forth were caused by and were the direct and proximate result of said extreme and outrageous conduct intended by defendant to cause such harm to plaintiff.

WHEREFORE, plaintiff demands damages, including punitive damages, against defendant in an amount in excess of \$25,000.00

A JURY TRIAL IS DEMANDED.

COUNT IV

SHELLY HEFFNER VS. MICHELLE CHRISTINI

19. Plaintiff hereby incorporates by reference each of the allegations in paragraphs 1 through 18 above as though the same were fully set forth at length herein.

20. In the alternative, the above described injuries and damage were not intended by defendant to be inflicted upon

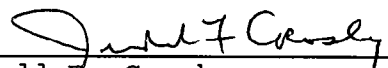
plaintiff and said conduct on the part of defendant constituted negligence.

21. The injuries and damage herein above set forth were the direct and proximate result of the negligence of defendant as aforesaid.

WHEREFORE, plaintiff demands damages against the defendant in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,



Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219-3427
(412) 471-3530

VERIFICATION

I, Shelly Heffner, plaintiff herein, state that the averments of fact set forth in the foregoing **Complaint** are true and correct to the best of my knowledge, information and belief.

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



Shelly Heffner

Dated: April 14, 2001

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

11395

HEFFNER, SHELLY

01-1331-CD

VS.

CHRISTINI, MICHELLE

COMPLAINT

SHERIFF RETURNS

NOW AUGUST 23, 2001 AT 10:18 AM DST SERVED THE WITHIN COMPLAINT ON MICHELLE CHRISTINI, DEFENDANT AT EMPLOYMENT, CHRISTINI'S AUTO SALES, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MICHELLE CHRISTINI A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: SNYDER

Return Costs

Cost	Description
43.04	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

10th Day Of Sept 2001

[Signature]

So Answers,

[Signature]
[Signature]
Chester A. Hawkins

Sheriff

[Signature]

FILED

SEP 10 2001

William A. Shaw
Prothonotary

COPY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CHRISTINI,

Defendant.

CIVIL DIVISION

Case No.

COMPLAINT

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and Notice are served, by entering a written appearance personally or by an 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 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Mr. David Meholick
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1 North 2nd Street
Clearfield, PA 16830
814-765-2641 ext. 5982

COMPLAINT

Shelly Heffner, plaintiff, brings this civil action against Michelle Christini, defendant, to recover damages upon causes of action whereof the following are statements:

COUNT I

SHELLY HEFFNER V. MICHELLE CHRISTINI

1. Plaintiff is an adult resident of DuBois, Clearfield County, Pennsylvania.

2. Defendant, Michelle Christini, is an adult individual who resides at 600 Green Glen Drive, DuBois, Clearfield County, Pennsylvania.

3. The events hereinafter complained of occurred on or about June 25, 2000, at or about 1:30 o'clock A.M. in DuBois, Clearfield County, Pennsylvania.

4. At said time, there existed in said locality real estate with improvements thereon known as 319 East Scribner Ave.

5. At said time, intending to cause harmful and offensive contact with the person of plaintiff, defendant did grab plaintiff by the hair jerking and tugging upon her head, butting her head into defendant's knee and smashing plaintiff's face and head into the concrete below.

6. All such conduct by defendant was done without any privilege and was against the will, wishes and without the consent of plaintiff.

7. Such conduct on the part of defendant was done without provocation of any nature on the part of plaintiff.

8. The injuries and damage hereinafter set forth were caused by, and were the direct and proximate result of the willfulness and outrageousness of defendant as above set forth.

9. Plaintiff sustained the following serious and severe injuries, some or all of which may be permanent in nature:

- a. Injuries and damage in and about the face and head.
- b. Brain damage.
- c. Lacerations, contusions and abrasions about the face and head.
- d. Nasal fracture.
- e. Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones, joints and intervertebral disks of the neck, back and spine, and the lumbosacral regions.
- f. Headaches.
- g. Concussion.
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- i. Fracture or dislocation of the hand.
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- k. Shock and injuries to the nerves and nervous system.
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- m. Other serious and severe injuries.

10. As a result of the injuries aforesaid, plaintiff has been damaged as follows:

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- c. Her earning power has been reduced and permanently impaired.
- d. She has been disfigured.
- e. Her general health, strength and vitality have been impaired.

WHEREFORE, plaintiff demands damages, including punitive damages, against defendant in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

COUNT II

SHELLY HEFFNER VS. MICHELLE CHRISTINI

11. Plaintiff hereby incorporates by reference each of the allegations in paragraphs 1 through 10 above as though the same were fully set forth at length herein.

12. At said time, defendant through verbal threats and physical conduct intended to cause harmful and offensive contact with the person of plaintiff and to place plaintiff in imminent apprehension of such conduct.

13. As a result of same, plaintiff was thereby placed in imminent apprehension of harm and physical contact.

14. At said time, defendant intended to cause harm and imminent apprehension of bodily contact in plaintiff which through such conduct became known to plaintiff who believed said contact and harm would result.

15. The injuries and damage as herein above set forth were caused by and were the direct and proximate result of the willfulness and outrageousness of defendant as above set forth.

WHEREFORE, plaintiff demands damages, including punitive damages, against defendant in an amount in excess of \$25,000.00.

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16. Plaintiff hereby incorporates by reference each of the allegations in paragraph 1 through 15 above as though the same were

fully set forth at length herein.

17. The conduct herein above set forth constituted extreme and outrageous conduct on the part of defendant who intended to cause severe emotional distress to plaintiff and in fact caused severe emotional distress and bodily harm to plaintiff as a result of such conduct.

18. The injuries and damage herein above set forth were caused by and were the direct and proximate result of said extreme and outrageous conduct intended by defendant to cause such harm to plaintiff.

WHEREFORE, plaintiff demands damages, including punitive damages, against defendant in an amount in excess of \$25,000.00

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SHELLY HEFFNER VS. MICHELLE CHRISTINI

19. Plaintiff hereby incorporates by reference each of the allegations in paragraphs 1 through 18 above as though the same were fully set forth at length herein.

20. In the alternative, the above described injuries and damage were not intended by defendant to be inflicted upon

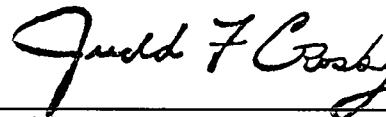
plaintiff and said conduct on the part of defendant constituted negligence.

21. The injuries and damage herein above set forth were the direct and proximate result of the negligence of defendant as aforesaid.

WHEREFORE, plaintiff demands damages against the defendant in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

A handwritten signature in cursive script, reading "Judd F. Crosby". The signature is written in dark ink and is positioned above a horizontal line.

Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219-3427
(412) 471-3530

VERIFICATION

I, Shelly Heffner, plaintiff herein, state that the averments of fact set forth in the foregoing **Complaint** are true and correct to the best of my knowledge, information and belief.

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



Shelly Heffner

Dated: April 14, 2001

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,
Plaintiff

vs.

MICHELLE CHRISTINI,
Defendant

CIVIL ACTION - AT LAW

No. 01-1331-CD

Type of pleading:

ANSWER AND NEW MATTER

Filed on behalf of:

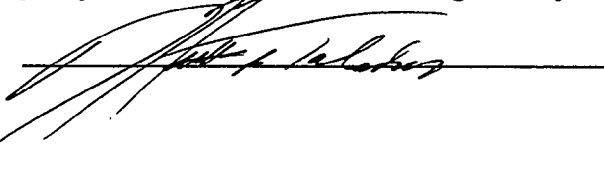
PLAINTIFF

Counsel of record for this
party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

You are hereby notified to plead
to the within pleading within twenty
(20) days of service thereof or default
judgment may be entered against you.



FILED

SEP 21 2001

Wm A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

SHELLY HEFFNER,
Plaintiff

vs.

MICHELLE CHRISTINI,
Defendant

No. 01-1331-CD

ANSWER

AND NOW, comes Defendant, Michelle Cristini, by and through her attorneys, Hanak, Guido and Taladay, and hereby replies to Plaintiff's Complaint as follows:

COUNT I

1. Admitted.
2. Denied. The correct spelling of Defendant's name is Michelle Cristini.
3. Admitted in part and denied in part. It is admitted that an incident occurred on June 25, 2000 in DuBois, Clearfield County, Pennsylvania. The remaining allegations of paragraph 3 are denied.
4. Admitted. By way of further answer, it is averred that the premises described in Plaintiff's Complaint were, on the relevant date, owned by Louise Blakley, who is the Grandmother of Defendant's boyfriend.

5. Admitted in part and denied in part. It is admitted that Defendant grabbed Plaintiff's hair, as more fully set forth in New Matter hereto. The remaining allegations of paragraph 5 are denied.

6. Paragraph 6 of Plaintiff's Complaint constitutes a conclusion of law to which no response is required.

7. Denied.

8. Defendant denies willfully and outrageously causing injury to Plaintiff.

9. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 9 of Plaintiff's Complaint, therefore the same are denied and strict proof thereof is demanded at the time of trial.

10. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 10 of Plaintiff's Complaint, therefore the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in her favor.

COUNT II

11. Defendant incorporates paragraphs 1 through 10 of Answer to Plaintiff's Complaint as if set forth in full.

12. Denied. To the contrary, it was Defendant's intent to remove Plaintiff from the premises as set forth more fully in New Matter hereto.

13. Paragraph 13 of Plaintiff's Complaint constitutes a conclusion of law to which no response is required.

14. It is denied that Defendant intended to cause harm and apprehension of bodily harm with Plaintiff, but rather her intention was to remove Plaintiff from the premises. The remaining averments of paragraph 14 set forth claims of Defendant's subjective mental state to which Plaintiff cannot have knowledge.

15. Denied.

WHEREFORE, Defendant demands judgment in her favor.

COUNT III

16. Defendant incorporates her answers to paragraphs 1 through 15 of Plaintiff's Complaint as if set forth in full.

17. Defendant denies intent to cause severe emotional distress to Plaintiff. Defendant further denies causing Plaintiff severe emotional distress and bodily harm. The remaining allegations of paragraph 17 constitute a conclusion of law to which no response is required.

18. Defendant denies extreme and outrageous conduct and intent to cause harm. The remaining allegations of paragraph 18 constitute a conclusion of law to which no response is required.

WHEREFORE, Defendant demands judgment in her favor.

COUNT IV

19. Defendant incorporates by reference paragraphs 1 through 18 of her answer to Plaintiff's Complaint.

20. Paragraph 20 of Plaintiff's Complaint sets forth a conclusion of law to which no response is required.

21. After reasonable investigation, Defendant is without information sufficient to form a belief as to the averments of this paragraph, therefore the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in her favor.

NEW MATTER

22. In the early morning hours of June 25, 2000, Defendant and her boyfriend, Andy Horchen, were hosting an "after hours" social gathering at premises owned by Mr. Horchen's grandmother. Plaintiff was not invited to this gathering.

23. Plaintiff knew or should have known that she was not welcome to attend this social gathering in that Plaintiff and Defendant have had adversarial social dealings in the past.

24. Defendant, on knowledge and information, verily believes and therefore avers that prior to arriving at the Scribner Avenue residence, Plaintiff had been to several area night spots and had consumed alcoholic beverages to the point that she was intoxicated.

25. Despite her knowledge that she was not invited nor welcome at the gathering and despite her intoxicated stated, Plaintiff appeared at the social gathering at approximately 2:30 a.m.

26. Upon seeing Plaintiff arrive at the gathering, Defendant was outraged. She reacted by meeting the Plaintiff at the door and grabbing her by the hair with the purpose of forcefully escorting her off the premises.

27. Upon grabbing Plaintiff by the hair, Defendant attempted to move her forcefully off the property. Because of Plaintiff's intoxicated condition, she lost her balance and fell off the porch, landing on a piece of cement approximately 4 - 5 feet away.

28. Plaintiff's injuries were caused in whole or part by her own willful or negligent conduct which is as follows:

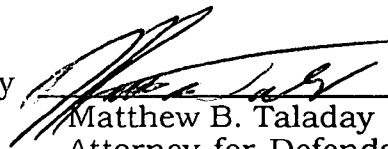
- (a) In appearing at the social function without invitation and with knowledge that she was not welcome by the hosts;
- (b) In appearing at the gathering when she knew or should have known that her appearance would cause distress and alarm to the Defendant;
- (c) In the voluntary consumption of alcoholic beverages to the extent that she was intoxicated and unable to attend to her own safety.

29. Plaintiff's claims are barred or reduced by the doctrines of comparative negligence and/or contribution.

WHEREFORE, Defendant demands judgment in her favor.

HANAK, GUIDO AND TALADAY

By



Matthew B. Taladay
Attorney for Defendant

VERIFICATION

I, **Michelle Cristini**, do hereby verify that I have read the foregoing Answer & New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 8-30-01



Michelle Cristini

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

SHELLY HEFFNER,
Plaintiff

vs.

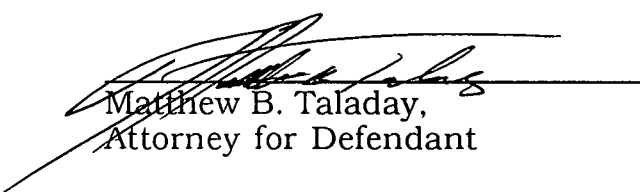
MICHELLE CHRISTINI,
Defendant

No. 01-1331-CD

CERTIFICATE OF SERVICE

I certify that on the 20th day of September, 2001, a true and correct copy of Defendant's Answer and New Matter was sent via first class mail, postage prepaid, to the following:

Judd F. Crosby, Esq.
Attorney for Plaintiff
1450 Two Chatham Center
Pittsburgh, PA 15219-3427


Matthew B. Taladay,
Attorney for Defendant

FILED

SEP 21 2001

William A. Shaw
Notary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CHRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

REPLY TO NEW MATTER

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby

PA ID 16373

1450 Two Chatham Center

Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

OCT 22 2001

William A. Shaw
Prothonotary

REPLY TO NEW MATTER

AND NOW comes the plaintiff Shelly Heffner, by her counsel, Judd F. Crosby, and hereby states as follows in Reply to New Matter of defendant Michelle Christini:

22. The allegations in paragraph 22 of defendant's New Matter are admitted in part and denied in part. It is admitted that a gathering occurred at premises on Scribner Avenue at said time. The remaining allegations in said paragraph are specifically denied in that plaintiff was invited to said gathering and the remaining allegations are denied pursuant to Rule 1029, Pennsylvania Rules of Civil Procedure and strict proof thereof is demanded at the time of trial.

23. The allegations in paragraph 23 of defendant's New Matter are specifically denied in that plaintiff and defendant had not had prior adversarial social dealings and plaintiff was specifically invited to said gathering. The remaining allegations are denied pursuant to Rule 1029, Pennsylvania Rules of Civil Procedure and strict proof thereof is demanded at the time of trial.

24. The allegations in paragraph 24 of defendant's New Matter are specifically denied in that plaintiff was at no time related to these matters intoxicated. The remaining matters in paragraph 24 are denied pursuant to Rule 1029, Pennsylvania Rules of Civil Procedure and strict proof thereof is demanded at the time of trial.

25. The allegations in paragraph 25 of defendant's New Matter are specifically denied and in response thereto plaintiff reasserts the allegations in paragraphs 22, 23 and 24 above. The time of plaintiff's arrival is specifically denied in that the same occurred earlier. The remaining allegations in said paragraph are denied pursuant to Rule 1029, Pennsylvania Rules of Civil Procedure and strict proof thereof is demanded at the time of trial.

26. The allegations in paragraph 26 of defendant's New Matter are denied in part and admitted in part. It is admitted that defendant grabbed plaintiff by the hair. All the remaining allegations in said paragraph are specifically denied pursuant to Rule 1029, Pennsylvania Rules of Civil Procedure and strict proof thereof is demanded at the time of trial.

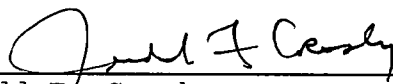
27. With the exception of defendant having grabbed plaintiff by the hair, the allegations in paragraph 27 of defendant's New Matter are specifically denied since, on the contrary, the same did not occur and further the same are denied pursuant to Rule 1029, Pennsylvania Rules of Civil Procedure and strict proof thereof is demanded at the time of trial.

28. The allegations in paragraph 28 of defendant's New Matter are all deemed denied by Rule 1029, Pennsylvania Rules of Civil Procedure.

29. The allegations in paragraph 29 of defendant's New Matter are conclusions of law which require no response.

WHEREFORE, plaintiff respectfully requests that defendant's New Matter be dismissed and further reasserts the claims for relief as set forth in the Complaint.

Respectfully submitted,



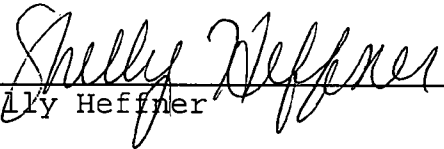
Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219-3427
(412) 471-3530

VERIFICATION

I, Shelly Heffner, plaintiff herein, state that the averments of fact set forth in the foregoing **Reply to New Matter** are true and correct to the best of my knowledge, information and belief.

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



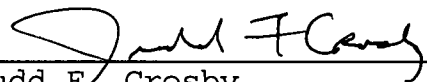
Shelly Heffner

Dated: Oct 15, 2001

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing **Plaintiff's Reply to New Matter** were served this 18th day of October, 2001, by regular mail, postage prepaid, on the following counsel of record:

Matthew B. Taladay, Esquire
498 Jeffers St.
P. O. Box 487
DuBois, PA 15801


Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CHRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENA
PURSUANT TO RULE 4002.22

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Plaintiff Shelly Heffner certifies that

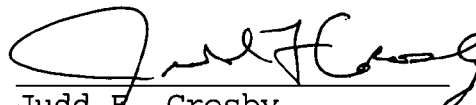
(1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served.

(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.

Date: 11-8-01

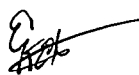

Judd F. Crosby
Attorney for plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219
(412) 471-3530

FILED

NOV 13 2001

m) 9.601110 CC
William A. Shaw
Prothonotary



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CHRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

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

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CHRISTINI,

Defendant.

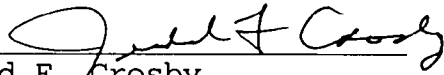
CIVIL DIVISION

Case No. 01-1331-CD

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

Plaintiff Shelly Heffner 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 no objection is made the subpoena may be served.

Date 10-16-01


Judd F. Crosby
Attorney for Plaintiff
1450 Two Chatham Center
Pittsburgh, PA 15219

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Shelly Heffner
Plaintiff(s)

Vs.

Michelle Christini
Defendant(s)

No. 2001-01331-CD

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

TO: Officer John F. Licatovich, c/o DuBois City Police Dept.
(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: See Attached
at Office of Judd F. Crosby, Esq., 1450 Two Chatham Center, Pittsburgh, PA 15219
on Friday, December 14, 2001, at 10:00 A.M.
(Address)

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: Judd F. Crosby, Esq.
ADDRESS: 1450 Two Chatham Center
Pittsburgh, PA 15219
TELEPHONE: 412-471-3530
SUPREME COURT ID # 16373
ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, October 11, 2001
Seal of the Court


Deputy

SUBPOENA ATTACHMENT

Shelly Heffner
Plaintiff

Case No. 2001-01331-CD

Vs.

Michelle Christini
Defendant

To: Officer John F. Licatovich
c/o DuBois City Police Dept.

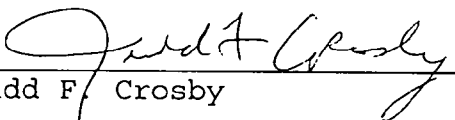
All documents and things which relate to an incident on June 25, 2000, between Michelle Christini and Shelly Heffner including but not limited to the following:

- a. All witness statements
- b. Names, addresses, telephone numbers of all witnesses
- c. All legal documents and pleadings
- d. All notes, descriptions and other writings
- e. Notes and transcripts of all court proceedings
- f. All photographs, videotapes, recordings and other physical evidence
- g. All reports and documentation of all results.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copy of the foregoing plaintiff's Notice of Intent to Serve a Subpoena was served this 16 day of October, 2001, by regular mail, postage prepaid, on the following counsel of record:

Matthew B. Taladay, Esquire
498 Jeffers St.
P. O. Box 487
DuBois, PA 15801


Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CHRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

AMENDED COMPLAINT

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby

PA ID 16373

1450 Two Chatham Center

Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

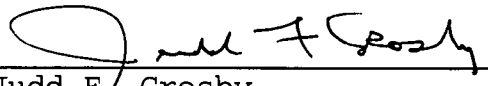
NOV 15 2001

William A. Shaw
Prothonotary

AMENDED COMPLAINT

AND NOW, comes the plaintiff by her counsel, Judd F. Crosby, and pursuant to written agreement of counsel dated November 8, 2001, hereby amends the Complaint filed in this action to reflect the proper spelling of defendant's name by inserting CRISTINI for CHRISTINI in the caption and throughout the Complaint.

Respectfully submitted,



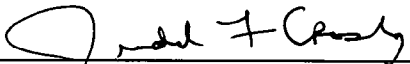
Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219
412-471-3530

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing
Amended Complaint were served this 13th day of November, 2001,
by regular mail, postage prepaid, on the following counsel of
record:

Matthew B. Taladay, Esquire
498 Jeffers St.
P. O. Box 487
DuBois, PA 15801



Judd F. Crosby

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,
Plaintiff

vs.

MICHELLE CHRISTINI,
Defendant

CIVIL ACTION - AT LAW

No. 01-1331-CD

Type of pleading:

CERTIFICATE OF
SERVICE

Filed on behalf of:

DEFENDANT

Counsel of record for this
party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

JAN 02 2002

m11:04/nock

William A. Shaw
Prothonotary

[Signature]

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

SHELLY HEFFNER,
Plaintiff

vs.

MICHELLE CHRISTINI,
Defendant

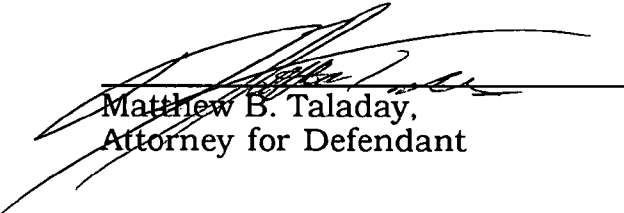
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No. 01-1331-CD

CERTIFICATE OF SERVICE

I certify that on the 31st day of December, 2001, two true
and correct copies of Defendant's Answers to Plaintiff's Interrogatories
were sent via first class mail, postage prepaid, to the following:

Judd F. Crosby, Esq.
Attorney for Plaintiff
1450 Two Chatham Center
Pittsburgh, PA 15219-3427


Matthew B. Taladay,
Attorney for Defendant

COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

SHELLY HEFFNER,

Plaintiff,

vs.

MICHELLE CHRISTINI,

Defendant.

No. 01-1331 C.D.

Type of Case: Civil

Type of Pleading: Appearance and
Praecipe to Withdraw Appearance

Filed on Behalf of: Defendant

Counsel of Record for this Party:
John C. Dennison, II, Esquire

Supreme Court No.: 29408

Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825

Phone: 814-849-8316

FILED

AUG 06 2002

m114610cc

William A. Shaw
Prothonotary

821

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

SHELLY HEFFNER,
Plaintiff

vs.

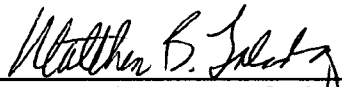
MICHELLE CHRISTINI,
Defendant

No. 01-1331-CD

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

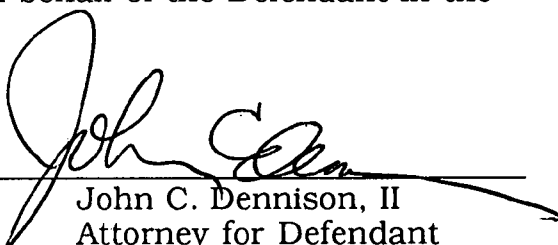
Kindly withdraw my appearance on behalf of the Defendant in
the above captioned matter.


Matthew B. Taladay
Attorney at Law

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendant in the
above captioned matter.


John C. Dennison, II
Attorney for Defendant

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

PRAECIPE FOR TRIAL

Filed on behalf of plaintiff

Counsel of Record:

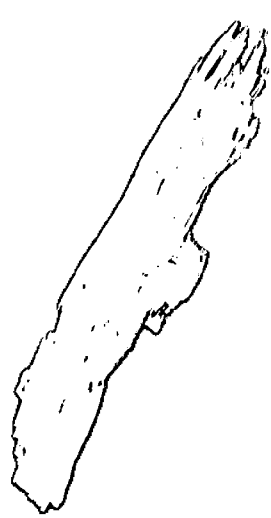
Judd F. Crosby

PA ID 16373

1450 Two Chatham Center

Pittsburgh, PA 15219-3427

(412) 471-3530



FILED

MAY 09 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

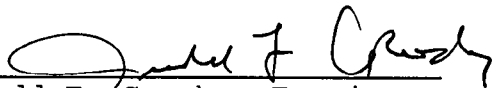
JURY TRIAL DEMANDED

PRAECIPE

TO THE PROTHONOTARY:

Please praecipe the above action for the next available jury trial list. No motions are outstanding and discovery is completed and the case is being certified per agreement of counsel.

The action has not been previously trial listed and should be placed on the jury trial list.

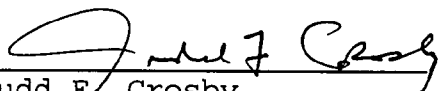

Judd F. Crosby, Esquire
Attorney for Plaintiff
PA ID #16373

1450 Two Chatham Center
Pittsburgh, PA 15219
412-471-3530

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Praecipe for Trial was served this 7th day of May, 2003, by regular mail, postage prepaid, on the following counsel of record:

John C. Dennison, II, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


Judd F. Crosby

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

SHELLY HEFFNER,
Plaintiff

vs.

MICHELLE CRISTINI,
Defendants

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NO. 2001-1331-C.D.

O R D E R

NOW, this 14th day of August, 2003, following Civil Pre-Trial Conference with counsel for both parties being present; the Court noting that the parties agree that a legal issue exists as to whether the Defendant's sentencing on the offense of Simple Assault thereby constitutes res judicata and admits the intentional tort of battery as claimed by the Plaintiff. The Defendant being of the position that notwithstanding the entry of the guilty plea that the affirmative defense's of assumption of the risk and contributory negligence continue to apply, the parties are hereby directed to submit Briefs on this issue of the same to be received by no later than November 10, 2003.

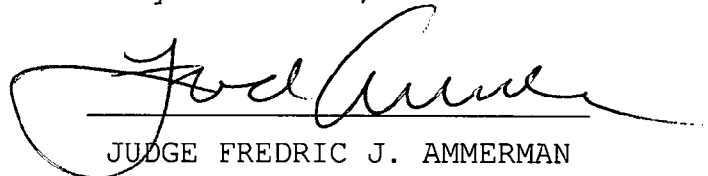
It is the FURTHER ORDER of this Court, upon the Court's discretion that the matter be and is hereby continued until the next term of Court. The Court Administrator is directed to place the matter on the Civil Call List for the next Term of Court.

FILED

AUG 15 2003

William A. Shaw
Prothonotary/Clerk of Courts

By the Court,


JUDGE FREDRIC J. AMMERMAN

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

STIPULATION

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby

PA ID 16373

1450 Two Chatham Center

Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

OCT 27 2003

William A. Shaw
Prothonotary/Clerk of Courts

STIPULATION

AND NOW, come the parties by their counsel and hereby stipulate and agree as follows as to the trial of the above captioned action.

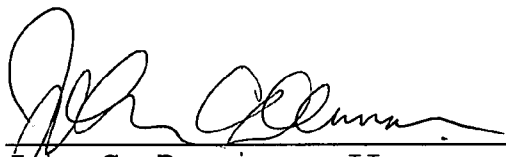
1. Based upon the earlier entered guilty plea to the crime of assault stemming from the involved incident, defendant herein admits liability to plaintiff and admits that her conduct was willful and malicious.

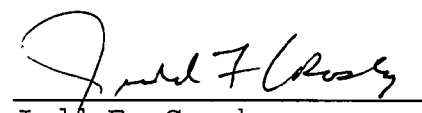
2. As to liability of defendant, no defense raised in defendant's pretrial statement or otherwise shall be raised or pursued by defendant at trial.

3. At trial, plaintiff will not pursue any claim for punitive damages and will not seek an instruction to the jury on this element of damage.

4. The only issues for the jury at the trial of this action shall be the extent of injuries suffered by plaintiff as a result of the incident and what amount of money will make plaintiff whole for these injuries.

5. Any verdict in favor of plaintiff and resulting judgment in favor of plaintiff shall not be discharged or dischargeable in any bankruptcy proceeding.


John C. Dennison, II
Attorney for Defendant
Michelle Cristini

 10-23-03
Judd F. Crosby
Attorney for Plaintiff
Shelly Heffner

DENNISON, DENNISON & HARPER
ATTORNEYS AT LAW
293 MAIN STREET
BROOKVILLE, PENNSYLVANIA 15825

COURT OF COMMON PLEAS
OF CLEAR FIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

SHELLY HEFFNER,

Plaintiff,

vs.

MICHELLE CRISTINI,

Defendant.

No. 01-1331 C.D.

Type of Case: Civil

Type of Pleading: Motion in Limine

Filed on Behalf of: Defendant

Counsel of Record for this Party:
John C. Dennison, II, Esquire

Supreme Court No.: 29408

Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825

Phone: 814-849-8316

FILED

JAN 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS
OF CLEAR FIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

SHELLY HEFFNER,

Plaintiff,

vs.

MICHELLE CRISTINI,

Defendant.

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: No. 01-1331 C.D.

MOTION IN LIMINE

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE:

AND NOW, comes the Defendant, Michelle Cristini, by her attorneys, Dennison, Dennison & Harper, who move Your Honorable Court in Limine as follows:

1. The Plaintiff and Defendant have stipulated of record that the only issues for the jury are the extent of the Plaintiff's injuries, and the amount of money to which she entitled as a result of her injuries.

2. The fact that the Defendant was charged with and pleaded guilty to aggravated assault as a result of the incident complained of in Plaintiff's Complaint is irrelevant.

3. Anything that the Defendant allegedly said on the night of the incident complained of in Plaintiff's Complaint is irrelevant.

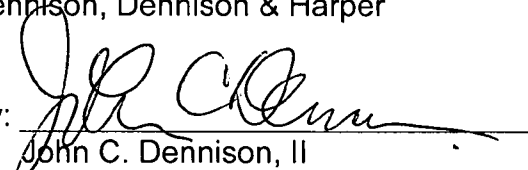
4. The fact that the Defendant allegedly attempted to assault the Plaintiff a second time after the initial incident is irrelevant.

WHEREFORE, the Defendant moves Your Honorable Court in Limine to prohibit the Plaintiff from introducing any evidence of (1) any matter pertaining to the criminal

charges which were filed against the Defendant, (2) anything that the Defendant allegedly said to the Plaintiff on the night of the incident, (3) that the Defendant allegedly attempted to assault the Plaintiff a second time after the initial incident.

Dennison, Dennison & Harper

By:


John C. Dennison, II
Attorneys for Defendant

3

CA

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

SHELLY HEFFNER

vs.


MICHELLE CRISTINI

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:
: No. 01-1331-CD
:
:

ORDER

AND NOW, this 20th day of January, 2004, it is the ORDER of the Court that argument on Defendant's Motion in Limine in the above matter will be included with the Civil Pre-Trial Conference currently scheduled for **Thursday, January 22, 2004 at 10:00 A.M.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

JAN 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

SHELLY HEFFNER,
Plaintiff

vs.

MICHELLE CRISTINI,
Defendant

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NO. 2001-1331-C.D.

FILED

JAN 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

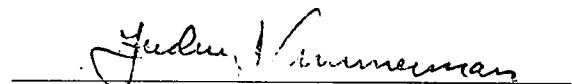
NOW, this 22nd day of January, 2004, following Pre-Trial Conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

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

2. Jury Trial is hereby scheduled for Tuesday, April 6, 2004 and Wednesday, April 7, 2004 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

3. Any Motion in Limine, Motion to Exclude Evidence or Objections to Deposition Testimony shall be filed with in no more than twenty (20) days from this date. Argument on any such Motions or Petitions is hereby scheduled on Monday, February 23, 2004 at 11:00 a.m. in the Judge's Chambers, Clearfield County Courthouse, Clearfield, Pennsylvania.

By the Court,



FREDRIC J. AMMERMAN
President Judge

COURT OF COMMON PLEAS
OF CLEAR FIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

SHELLY HEFFNER,

Plaintiff,

vs.

MICHELLE CRISTINI,

Defendant.

No. 01-1331 C.D.

Type of Case: Civil

Type of Pleading: Defendant's
Second Motion in Limine

Filed on Behalf of: Defendant

Counsel of Record for this Party:
John C. Dennison, II, Esquire

Supreme Court No.: 29408

Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825

Phone: 814-849-8316

FILED

FEB 10 2004

William A. Shaw
Prothonotary

COURT OF COMMON PLEAS
OF CLEAR FIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

SHELLY HEFFNER,

Plaintiff,

vs.

MICHELLE CRISTINI,

Defendant.

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: No. 01-1331 C.D.

DEFENDANT'S SECOND MOTION IN LIMINE

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE:

AND NOW, comes the Defendant, Michelle Cristini, by her attorneys, Dennison, Dennison & Harper, who moves Your Honorable Court in Limine as follows:

1. The Plaintiff and Defendant have stipulated of record that the only issues for the jury are the extent of the Plaintiff's injuries, and the amount of money to which she entitled as a result of her injuries.

2. Any questioning or evidence of the Defendant's state of mind on the night of the incident described in Plaintiff's Complaint is irrelevant.

3. Any questioning or evidence concerning how much the Defendant had to drink on the night of the incident described in Plaintiff's Complaint is irrelevant.

4. The Plaintiff cannot substantiate a claim for loss of earning capacity as a matter of law, and any mention of any purported loss of future earnings capacity would be unfairly prejudicial to the Defendant and would only serve to confuse the jury.

5. On Page 2 of the report of Dr. Laun R. Hallstrom dated September 1, 2000, which is attached to Plaintiff's Pretrial Memorandum, he states: "A MRI of the brain

shows a questionable hyper-lesion” No medical testimony has established that this condition was caused, based upon a reasonable medical certainty, by the conduct of the Defendant, and any mention of this condition would be unfairly prejudicial to the Defendant.

6. Attached to Plaintiff’s Pretrial Memorandum is a copy of a SPECT scan report dated February 7, 2001, which reports that Plaintiff has “Nonspecific , small, mild, focal areas of decreased activity . . . possibly related to prior injury.” No medical testimony has established that this condition was caused, based upon a reasonable medical certainty, by the conduct of the Defendant, and any mention of this condition would be unfairly prejudicial to the Defendant.

WHEREFORE, the Defendant moves Your Honorable Court in Limine to prohibit the Plaintiff from (1) asking any questions or producing any evidence concerning the Defendant’s state of mind on the night in question, (2) asking any questions or producing any evidence concerning how much the Defendant had to drink on the night in question, (3) any mention of Plaintiff’s purported loss of future of earning capacity, and (4) any mention of the two medical conditions referenced above in Paragraphs 5 and 6 of this Motion.

Dennison, Dennison & Harper

By: 

John C. Dennison, II
Attorneys for Defendant

CA

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

SHELLY HEFFNER

vs.

MICHELLE CRISTINI

:
:
: No. 01-1331-CD
:
:

ORDER

AND NOW, this 11th day of February, 2004, it is the ORDER of the
Court that argument on Defendant's Second Motion in Limine in the above matter has
been scheduled for **Monday, February 23, 2004 at 11:00 A.M.** in Courtroom No. 1,
Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED

FEB 11 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

PLAINTIFF'S MOTION IN LIMINE
TO PRECLUDE MATTERS OF
PLAINTIFF'S ALCOHOL
CONSUMPTION FROM GOING TO THE
JURY

Filed on behalf of Plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED
FEB 12 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

PLAINTIFF'S MOTION IN LIMINE TO PRECLUDE MATTERS OF PLAINTIFF'S
ALCOHOL CONSUMPTION FROM GOING TO THE JURY

AND NOW, comes the Plaintiff, by her counsel, Judd F. Crosby, and hereby seeks to have certain prejudicial matters precluded from the jury and in support thereof states as follows:

1. The action results from a criminal assault by Defendant upon the person of Plaintiff on June 25, 2000.

2. The parties have stipulated that the assault was willful and malicious and that no defenses exist to Defendant's liability for damages.

3. Defendant has hired a medical consultant who has examined Plaintiff and offered a report which is attached hereto.

4. Throughout the report, the doctor of physical medicine make references to Plaintiff having consumed several Zimas and having a blood alcohol content minimally in excess of .1%.

5. Plaintiff believes and therefore submits that such references are designed solely to be disparaging of Plaintiff and

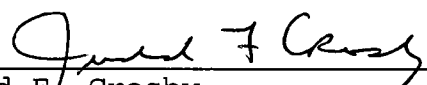
to inflame the jury against the Plaintiff since no conduct on the part of the Plaintiff can form the basis for any defense to the assault.

6. The only possible relevancy of the blood alcohol level is the reference in the defense report that Plaintiff may have taken longer to come to or come around after her head was slammed into the concrete by Defendant.

7. Even assuming that the above is relevant to the question of damages, it is so minimal and tangential and the potential bias from alcohol so great, that all references to alcohol should be prohibited at trial.

WHEREFORE, Plaintiff respectfully requests an ORDER precluding all references to Plaintiff's alcohol consumption at the trial of this case.

Respectfully submitted,



Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219
412-471-3530



Pennsylvania Physical Medicine, Inc.

Bill Hennessey, M.D.
Rich Kozakiewicz, M.D.
specializing in
Physical Medicine & Rehabilitation
Electrodiagnostic Medicine

Berkshire Center, Suite 302
Route 30 East
Greensburg, PA 15601-9328
Phone: (724) 836-7590
Fax: (724) 836-7570

INDEPENDENT MEDICAL EVALUATION

PATIENT NAME: HEFFNER, SHELLY
DATE OF SERVICE: 01/02/04
REFERRAL SOURCE: JOHN C. DENNISON, II, ESQUIRE
DENNISON, DENNISON & HARPER
ATTORNEYS AT LAW
293 MAIN STREET
BROOKVILLE, PA 15825-1291
DATE OF INJURY: 06/25/00

MECHANISM OF INJURY: There was a fight between Shelly Heffner and Michelle Cristini.

LIST OF COMPLAINTS REPORTED AT DUBOIS MEDICAL CENTER EMERGENCY ROOM ON 06/25/00:

1. Head pain, face pain.
2. Neck pain.
3. Right forearm.
4. Left wrist.
5. Loss of consciousness.
6. A review of systems indicated *no* loss of feeling/power in arms/legs.

LIST OF COMPLAINTS AT TIME OF FOLLOW UP VISIT WITH HER FAMILY PHYSICIAN, JAMES DEVLIN, M.D., ON 06/28/00:

1. Headache.
2. Neck pain.
3. "No other neurological symptoms."

LIST OF COMPLAINTS THAT SHELLY HEFFNER REPORTS TODAY AS RELATED TO THE EVENT IN QUESTION OF 06/25/00:

1. Head pain.
2. Right posterior neck pain.
3. Left posterior neck pain.
4. Right upper trapezius pain.
5. Left upper trapezius pain.
6. Right posterior thoracic pain.
7. Left posterior thoracic pain.
8. Right arm pain.

HEFFNER, SHELLY
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9. Right forearm pain.
10. Right hand numbness and tingling.

*Note: Other than the above, she does not report any complaints at this time.

MEDICAL HISTORY:

1. Forehead abrasion.
2. Nasal abrasion.
3. Right jaw abrasion.
4. Right posterior forearm abrasion.
5. Non-depressed nasal bone fracture.
6. Concussion.
7. Epistaxis (nosebleed).
8. Breast augmentation.

CURRENT MEDICATIONS: None.

CURRENT TREATMENT: None.

RETURN TO WORK STATUS: She was unemployed at the time of the incident in question. She is a stay at home mother. Her husband owns Paris Companies. In his new office, she has reported performing the interior decorating but she is not formally employed at this time either. Many years past, she owned a gift shop.

RESULTS OF IMAGING/DIAGNOSTIC STUDIES:

1. Normal cervical spine x-rays 06/25/00.
2. Normal right forearm x-rays 06/25/00.
3. Normal right elbow x-rays 06/25/00.
4. Normal brain CT 06/25/00. Head CT portion of this study did indicate suspected non-depressed nasal bone fracture.
5. Neurospect scan 02/07/01. There was relatively even and uniform distribution throughout the cerebral cortex as well as the deep white matter. A few non-specific findings also reported.

SUMMARY OF TREATMENT FOR COMPLAINTS REPORTED ON 06/25/00 AND ONWARD:

1. Trigger point massage.
2. Myofascial release massage.
3. OxyContin.
4. Fentanyl.

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5. Morphine.
6. Methadone.
7. Botulism toxin injections into neck.
8. Physical therapy for a few months.
9. Acupuncture to the neck three times per week for more than one month.
10. Moist heat.
11. Nonsteroidal anti-inflammatory medication.
12. Time.

RECORDS REVIEWED:

1. Complaint.
2. Police investigation.
3. Dubois Regional Medical Center records 06/25/00.
4. Shelly Heffner pictures.
5. James Devlin, M.D., family practitioner, office notes.
6. John Bellomo, M.D., family physician, office notes.
7. Laun Hallstrom, M.D., physical medicine, office notes.
8. Geisinger Health System medical records.
9. William Jeffreys, M.D., neurology, office notes.
10. Shelly Heffner deposition.

HPI: Mrs. Heffner is a 32 year-old lady with the above reported medical history who was involved in an altercation on 06/25/00 at about 3 o'clock in the morning. The majority of the medical records as well as her report today indicate an approximate two minute loss of consciousness after she was struck in the head. She was intoxicated with alcohol at the time of the incident on 06/25/00 after reportedly consuming three Zimas. According to the Dubois Regional Medical Center Emergency Room records, her ethanol level was 120 mg/dl. This is considered above the legal limit for driving.

The police report indicated that there was some blood on her face and a bruise on her right cheek. It was also indicated that there was a moderate odor of alcohol about her. EMS Services were called and she was aroused and then transported to Dubois Regional Medical Center's Emergency Room.

She was evaluated with multiple imaging studies as outlined above. These were all normal except for a suspected non-depressed nasal bone fracture. This was not followed up with any further imaging to confirm such a finding but rather it was indicated that it was suspected. The fact that it was non-depressed and non-displaced indicates that this was a small crack in the bone that would be treated with nothing other than time if there was fracture. As of the time of her discharge from the Emergency Room, her diagnoses included ethanol intoxication, a non-depressed nasal bone fracture, and multiple abrasions/contusions. She was prescribed Darvocet and she was to follow up with her family doctor.

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Mrs. Heffner did follow up with her family physician on 06/28/00. There was no complaint of right posterior thoracic pain. There was no complaint of left posterior thoracic pain. There were no symptoms in her right upper limb. Other than reporting a headache and neck pain it was indicated that there were "no other neurological symptoms." It was indicated that she sustained a concussion with post-traumatic headache. A cervical strain and suspected nasal fracture was reported. Dr. Devlin indicated that there was no deformity in the area of the suspected nasal fracture per her CT. No treatment was recommended for this condition.

She has subsequently seen additional physicians who ultimately performed a variety of medical treatments which included unusual forms of medication that are ill-advised for a person with post-concussive symptoms including OxyContin, Fentanyl, Morphine and Methadone, the last of which is a drug used to help patients who are addicted to heroin. She was taking Methadone for about six months. She has had all other such treatments as outlined above and she has found partial and temporary symptom relief with massages and Botox injections. She is not participating in any form of treatment at this time but she has reported that she is considering an additional series of Botox injections only because they helped reduce the pain in her neck a little bit and there are no other treatment options proposed to her as per her report today.

She has reported that she is independent with all of her activities of daily living within her home setting. She does not rely upon any durable medical equipment such as a cane, crutches, splints or otherwise. In a letter to another physician, Laun Hallstrom, M.D., indicated in January of 2001 that she had head pain and neck pain and he referred her to a neurologist but he did not list any diagnosis in support of her subjective complaints at that time. The neurologist has treated her but has not altered her subjective complaints. Per her report today, the only permanent relief of pain has been with time.

She has reported today that all of her pain complaints in all body parts are much less than they were back in June of 2000. She does report that she has bilateral frontal headaches. Her headaches occur daily. Her headaches have not diminished in frequency as they have occurred daily and last for hours over the past years.

PHYSICAL EXAMINATION: She appeared comfortable during her evaluation. She had no nasal deformity. There was no evidence of a nasal abrasion or contusion at this time in January of 2004 in regard to that which occurred in June of 2000.

Previously, it was reported that she had a forehead abrasion. There is no evidence of a forehead abrasion in 2004. She had a right jaw abrasion in June of 2000 but there is no evidence of a right jaw abrasion at this time in 2004. She had a right posterior forearm abrasion in June of 2000 but there is no right forearm abrasion in January of 2004. There is no evidence of epistaxis (i.e., nose bleed) either. There was no odor of ethanol.

Her cranial nerve examination was intact. There were no deformities about her cranium. A visual inspection of her neck revealed no outward evidence of trauma, such as a bruise or an

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abrasion. Her cervical posture was good. Her muscle tone and muscle bulk was normal and symmetric throughout her posterior cervical paraspinal musculature. She subjectively reported pain to light palpation throughout the entire bilateral lower half of her neck extending over each scapula (shoulder blade) to approximately the mid scapular level including the intrascapular region therein. Her Spurling maneuver was negative bilaterally. Her active cervical spine range of motion was complete in all directions.

Her muscle stretch reflexes were two and symmetric at the biceps, triceps, and brachioradialis locations. No pathologic reflexes were noted in either upper limb. Her muscle tone and her muscle bulk was normal and symmetric throughout both upper limbs. Resisted manual muscle testing revealed that she had excellent and symmetric strength in all major muscle groups of both upper limbs. Her sensation to light touch was intact.

She had normal and symmetric muscle tone and muscle bulk throughout her entire posterior thorax. There was no scapular winging with resisted shoulder flexion to suggest a long thoracic nerve of Bell injury. There was no scapular winging with resisted shoulder abduction to suggest a spinal accessory nerve injury.

Her right wrist was rectangular. She had normal thumb muscle bulk. Her thumb abduction strength was excellent. Her Hoffmann-Tinel sign was negative over her carpal tunnel. Her Phalen sign was negative in her right hand. Her sensation to light touch was intact in her right hand. Her LaBan sign was negative. Her hand intrinsic strength was intact.

ELECTRODIAGNOSTIC EVALUATION: Due to her report of tingling in her right hand and one physician alleging that she might have right carpal tunnel syndrome, even though there were no right hand symptoms at Dubois Regional Medical Center and even though there were no right hand symptoms at the time of her family physician follow up in June of 2000, electrodiagnostic testing was undertaken in accordance with my book chapter guidelines as published in the electrodiagnostic textbook, *Practical Electromyography, Third Edition*, as published by Williams & Wilkins. In doing so, her right median sensory nerve action potential peak distal latency was 2.8 with an amplitude of 30 microvolts. Her radial sensory nerve action potential peak latency to the thumb was 2.8 milliseconds with an amplitude of 10 microvolts. The thumb sensory techniques were performed at a 10 cm distance. An 8 cm median compound muscle action potential was obtained and measured at 3.3 milliseconds and 8 millivolts. There was no evidence of right carpal tunnel syndrome.

IMPRESSIONS:

1. The following medical conditions were established for Shelly Heffner on 06/25/00 and the issue of full recovery is dealt with also as follows:

HEFFNER, SHELLY

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- a. Forehead abrasion - fully resolved.
 - b. Nasal abrasion/contusion - fully resolved.
 - c. Non-depressed nasal bone fracture - fully resolved.
 - d. Right jaw abrasion - fully resolved.
 - e. Right posterior forearm abrasion - fully resolved.
 - f. Epistaxis (nose bleed) - fully resolved.
 - g. Ethanol intoxication - fully resolved.
2. Shelly Heffner also most likely sustained a cervical strain and a post-traumatic headache on 06/25/00. At this time, however, there is insufficient objective medical evidence in support of either condition. Her pain to light palpation in her neck is considered non-organic (i.e., no physical basis). Her large, non-anatomical distribution of pain not confined to any particular muscle group is also considered non-organic. My experience and training with post-traumatic headaches is that they decrease with frequency and intensity over time. She has offered no such history. By now, it would appear obvious that a boxer hit in the head today would have his headache hurt the most today and then it would go away over time but instead she reports that she has daily headaches. Her neck pain and head pain are considered subjective complaints not supported by medical evidence at this point.
3. Injuries do not travel. In other words, if one person struck another person in the right arm then only the right arm would hurt. The left arm would not hurt. The right big toe would not hurt. Her report of symptoms throughout her right arm, right forearm, right hand, right posterior thorax, and left posterior thorax have not been supported by any medical findings, either clinical or radiographic. Also, there is a lack of a direct and proximate temporal relationship of such complaints to the event in question as there was no documentation of such complaints and no diagnosis for those body parts (aside from right forearm abrasion) by the Emergency Room physician as well as by her own family physician, Dr. Devlin, in follow up days later. All complaints in these additional body parts at this time in 2004 are considered non-organic.
4. The following addresses specifically the questions you have posed in your letter to me dated 12/23/03:
 - a. There is no objective evidence of any residual physical impairment at this point in time in January of 2004 in regard to the conditions as outlined above in the first impression of this detailed medical report. There are no objective findings of injury at the time of my clinical evaluation.
 - b. Soft tissue injuries such as a cervical strain would most typically resolve in a matter of days to six weeks. There are no circumstances upon which recovery would be longer than usual. There is the separate issue of persistent complaints in the absence of physical impairment. These are two separate issues.

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- c. There is no medical basis upon which she would not be able to use her hands as reported in her deposition testimony. Today, she did not report verbally or in writing that she was unable to use her hands. She had a normal hand physical examination as well as a normal neuromuscular evaluation in general in regard to both upper limbs. Her electrodiagnostic evaluation as performed in accordance with my book chapter guidelines for right carpal tunnel syndrome was also normal.
 - d. Ms. Heffner should have been able to return to a hypothetical office type of job (she was unemployed at the time of the incident in question) by one or two months after the incident in question.
 - e. The contrast between complete resolution of symptoms in an area in which there was direct blunt trauma to her nose and forehead and being symptomatic in that area is indeed at odds with her report of persistent multi-year subjective, non-anatomical complaints years later at other body parts. There is no satisfactory medical explanation for such a discrepancy other than to indicate that there is no diagnosis in support of such symptoms. Again, her additional symptoms including her back pain did not "develop" until some point in time other than June of 2000. As such, there is a lack of a direct and proximate temporal relationship of such complaints to the 06/25/00 incident.
 - f. The effects of alcohol would adversely affect her ability to be immediately aroused after the incident as alcohol has sedative effect particularly at a level that is considered illegal for driving.
 - g. The report that Mrs. Heffner shouted profanities at Michelle Cristini after the incident is one indicator that she rather quickly became alert after being aroused with specifically displaced anger. There is no residual evidence of a concussion at this time.
5. There is no further medical treatment needed in regard to the conditions sustained on 06/25/00 which have resolved as described above.

Thank you for your referral. Please do call me if there are any questions in regard to this detailed medical report.

Truly yours,



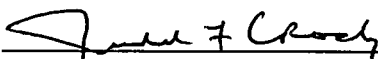
Bill Hennessey, M.D.
Board Certified, Physical Medicine and Rehabilitation
Medical Director, Rehabilitation Services, Latrobe Area Hospital

rck

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PLAINTIFF'S MOTION IN LIMINE TO PRECLUDE MATTERS OF PLAINTIFF'S ALCOHOL CONSUMPTION FROM GOING TO THE JURY was served this 10th day of February, 2004, by regular mail, postage prepaid, on the following counsel of record:

John C. Dennison, II, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

ORDER OF COURT

AND NOW, to-wit, this ____ day of February, 2004, it is hereby ORDERED that no witness should make any reference to intoxication, alcohol consumption or other alcohol references relating to Plaintiff at any time during the trial of above action and counsel for Defendant should advise each of his witnesses of this Order prior to each witness testifying.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

PLAINTIFF'S RESPONSE TO
DEFENDANT CRISTINI'S FIRST
MOTION IN LIMINE TO BAR
TESTIMONY OF DEFENDANT'S
CONDUCT

Filed on behalf of Plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

FEB 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

PLAINTIFF'S RESPONSE TO DEFENDANT CRISTINI'S FIRST MOTION IN
LIMINE TO BAR TESTIMONY OF DEFENDANT'S CONDUCT

This action results from a criminal assault by Defendant on the person of Plaintiff which assault included Defendant's grabbing Plaintiff by the hair on both sides of her head and smashing her head and face into a concrete step.

The parties above stipulated that Plaintiff did nothing to provoke such conduct in that it was willful and malicious. Stipulation is attached hereto as Exhibit "A".

Defendant would like for the jury here to decide Plaintiff's damages in a vacuum. That is to say, without any understanding of Defendant's state of mind and emotional state at the time of the assault. Defendant claims such issues are not relevant and seeks to exclude from evidence the following:

1. Defendant was charged with and pleaded guilty to aggravated assault.
2. Defendant made multiple comments to Plaintiff at the time of the assault.

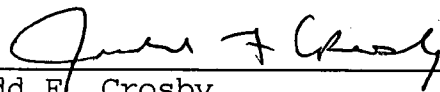
3. After the initial assault, Defendant attempted again to do harm to Plaintiff and had to be restrained.

Plaintiff submits that Defendant's mental and emotional state at the time of the criminal assault is probative of the extent of Plaintiff's injuries from the assault. Defendant hired a doctor to examine Plaintiff and minimize her injuries. That doctor will opine at trial that Plaintiff could not and did not sustain the injuries she is claiming as a result of the assault. See Report of Dr. Hennessey attached to Defendant's Pretrial Statement. The determination of an attacker to cause harm to a victim is evidenced by comments made by the attacker as well as the attacker's second attempt to cause harm. The facts and all the reasonable references from the facts should be admissible where the extent of injury is questioned and put at issue by the Defendant and such facts reasonably bear on the question of extent of harm.

Any jury in evaluating the extent of harm and the amount of damages to make a victim whole needs to be informed of the circumstances which caused the injury. They cannot decide damages in a vacuum. While Plaintiff does not object to the Court's ordering that the criminal charge and guilty plea be kept from the jury, this position is founded upon the Court's acceptance of the stipulated facts going to the jury, i.e. that Defendant's conduct was willful and malicious. Again, when the same conduct is evaluated in terms of the extent of harm which is likely to result, conduct intended to cause harm is more likely than other conduct to result in injury.

The jury here has a right to know what Defendant spoke at the time of the attack, that Defendant attempted another attack and that Defendant acted willfully and maliciously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Judd F. Crosby", is written over a horizontal line.

Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219
412-471-3530

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

STIPULATION

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby

PA ID 16373

1450 Two Chatham Center

Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

OCT 27 2003

William A. Shaw
Prothonotary/Clerk of Courts

"A"

ALL-STATE® INTERNATIONAL

STIPULATION

AND NOW, come the parties by their counsel and hereby stipulate and agree as follows as to the trial of the above captioned action.

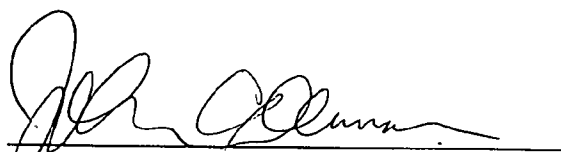
1. Based upon the earlier entered guilty plea to the crime of assault stemming from the involved incident, defendant herein admits liability to plaintiff and admits that her conduct was willful and malicious.


2. As to liability of defendant, no defense raised in defendant's pretrial statement or otherwise shall be raised or pursued by defendant at trial.

3. At trial, plaintiff will not pursue any claim for punitive damages and will not seek an instruction to the jury on this element of damage.

4. The only issues for the jury at the trial of this action shall be the extent of injuries suffered by plaintiff as a result of the incident and what amount of money will make plaintiff whole for these injuries.

5. Any verdict in favor of plaintiff and resulting judgment in favor of plaintiff shall not be discharged or dischargeable in any bankruptcy proceeding.

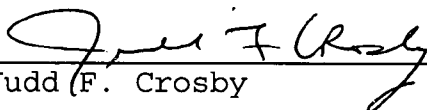

John C. Dennison, II
Attorney for Defendant
Michelle Cristini

 10-23-03
Judd F. Crosby
Attorney for Plaintiff
Shelly Heffner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing
PLAINTIFF'S RESPONSE TO DEFENDANT CRISTINI'S FIRST MOTION IN LIMINE
TO BAR TESTIMONY OF DEFENDANT'S CONDUCT was served this 10th day
of February, 2004, by regular mail, postage prepaid, on the
following counsel of record:

John C. Dennison, II, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825



Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

PLAINTIFF'S NOTICE OF
VIDEOTAPE DEPOSITION OF JOHN
J. BELLOMO, D.O.

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

KDL Court Reporting
405 Washington Trust Building
Washington, PA 15301
765-2316

Frank Kutnansky
Associates in Video
1079 Greentree Road
Pittsburgh, PA 15220
(412) 341-0500

FILED

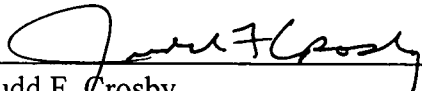
FEB 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF VIDEOTAPE DEPOSITION

To: John C. Dennison, II, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825

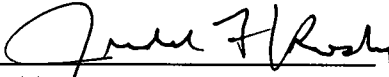
PLEASE TAKE NOTICE that the videotaped deposition of Dr. John J. Bellomo, D.O. will be taken for use at trial pursuant to the Pennsylvania Rules of Civil Procedure, before a certified court reporter from KDL Court Reporting, 405 Washington Trust Building, Washington, PA 15301, duly authorized by law to administer oaths on Wednesday, March 31, 2004 at 1:00 p.m. at the doctor's office, located at 910 Beaver Drive, DuBois, PA 15801-2539, at which time and place you are invited to appear and take such part as shall be fitting and proper. The deposition is to be simultaneously recorded by videographic means. The videotape operator is Frank Kutnansky, Associates in Video, 1079 Greentree Road, Pittsburgh, PA 15220.


Judd F. Crosby
Attorney for Plaintiff
1450 Two Chatham Center
Pittsburgh, PA 15219-3427
(412) 471-3530

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Plaintiff's Notice of Deposition of John J. Bellomo, D.O. was served this 11th day of February, 2004, by regular mail, postage prepaid, on the following counsel of record:

John C. Dennison, II, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


Judd F. Crosby

DENNISON, DENNISON & HARPER

ATTORNEYS AT LAW

293 MAIN STREET

BROOKVILLE, PENNSYLVANIA 15825

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

vs.

MICHELLE CRISTINI,

Defendant.

CIVIL ACTION - LAW

Number 01 - 1331 CD

Type of Case: Civil Division

Type of Pleading: Notice of
Videotape Deposition of
Bill Hennessey, M.D.

Filed on behalf of: Defendant

Counsel of Record for this Party:

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

FEB 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

SHELLY HEFFNER,
Plaintiff,

vs.

MICHELLE CRISTINI,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action Law
*
*
*
*
*
* Number 01 - 1331 CD

NOTICE OF VIDEOTAPE DEPOSITION

TO: Judd F. Crosby, Esq.
1450 Two Chatham Center
Pittsburgh, PA 15219

Take notice that the deposition of **BILL HENNESSEY, M.D.** will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on Tuesday, March 30, 2004, at 1:45 p.m., at the offices of Bill Hennessey, M.D., Berkshire Center, Suite 302, Greensburg, Pennsylvania 15601. The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

DENNISON, DENNISON & HARPER

Date: February 23, 2004

By: 

John C. Dennison, II
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February, 2004, a true and correct copy of the foregoing Notice of Videotape Deposition for Bill Hennessey, M.D. was mailed by United States mail, first class, postage prepaid, addressed to the following:

Judd F. Crosby, Esq.
1450 Two Chatham Center
Pittsburgh, PA 15219

Sargent's Court Reporting Service, Inc.
210 Main Street
Johnstown, PA 15901

DENNISON, DENNISON & HARPER

By: 

John C. Dennison, II
Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

SHELLY HEFFNER

:

VS.

: NO. 01-1331-CD

MICHELLE CRISTINI

:

O R D E R

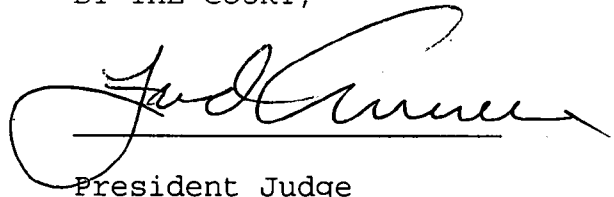
NOW, this 23rd day of February, 2004, following argument on the Defendant's Second Motion in Limine and the Plaintiff's Motion in Limine, it is the ORDER of this Court as follows:

1. The Court hereby precludes both parties from raising any issue at time of trial as to alcohol consumption by either Plaintiff or Defendant.

2. The Court reserves any further ruling on the Defendant's Motion relative earning capacity until after the deposition of Dr. Bellomo.

3. The Defendant's Motion in Limine relative the argument set forth in Paragraphs 5 and 6 are dismissed.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judgment", is written over a horizontal line.

President Judge

FILED

FEB 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

CIVIL DIVISION

Case No. 01-1331-CD

PLAINTIFF'S SUPPLEMENTAL
PRETRIAL STATEMENT

Filed on behalf of Plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

FEB 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

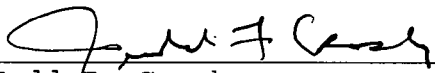
CIVIL DIVISION

Case No. 01-1331-CD

PLAINTIFF'S SUPPLEMENTAL PRETRIAL STATEMENT

AND NOW, comes the Plaintiff, by her counsel, Judd F. Crosby,
and hereby supplements her Pretrial Statement to include the
Supplemental Report of Dr. Bellomo clarifying that the hyper-lesion
is related to the criminal assault.

Respectfully submitted,



Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219
412-471-3530

JOHN J. BELLOMO, D.O.

Bruna M. Genevro, PA-C

910 Beaver Drive
DuBois, PA 15801-2539

Phone: (814) 371-3730
Fax: (814) 371-9335

February 20, 2004

Judd P. Crosby
1450 Two Chatham Center
Pittsburgh, pa. 15219

Re: Shelley Heffner
D.O.B.: June 10, 1971

Dear Mr. Crosby:

In regards to your question regarding the hyper-lesion as shown on her scan. Given no prior history of head injury, the assault was the most likely cause of these.

Sincerely,

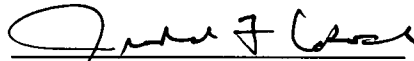

John, J. Bellomo, D.O.

JJB/aag

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PLAINTIFF'S SUPPLEMENTAL PRETRIAL STATEMENT was served this 24th day of February, 2004, by regular mail, postage prepaid, on the following counsel of record:

John C. Dennison, II, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


Judd F. Crosby

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

SHELLY HEFFNER,
Plaintiff

vs.

MICHELLE CRISTINI,
Defendant


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NO. 2001-1331-C.D.

O R D E R

NOW, this 1st day of April, 2004, upon consideration of Attorney John C. Dennison's request for a conference with the Court and counsel with regard to unresolved issues as a result of Dr. Bellomo's deposition and upon agreement of the same by Attorney Judd F. Crosby, it is the ORDER of this Court that a conference be scheduled for the 5th day of April, 2004, in Chambers at 9:00 o'clock a.m. One half hour has been reserved for this conference.

By the Court,



FREDRIC J. AMMERMAN
President Judge

FILED

APR 01 2004

William A. Shaw
Prothonotary

DENNISON, DENNISON & HARPER

Attorneys at Law

Donald J. Dennison (1917-2002)
John C. Dennison, II
Troy J. Harper

293 Main Street
Brookville, PA 15825-1291
Telephone (814) 849-8316
Fax (814) 849-4656
E-Mail ddhjohn@usachoice.net

April 1, 2004

The Honorable Frederic J. Ammerman, P.J.
Court House
230 East Market Street
Clearfield, PA 16830

RE: Heffner v. Cristini

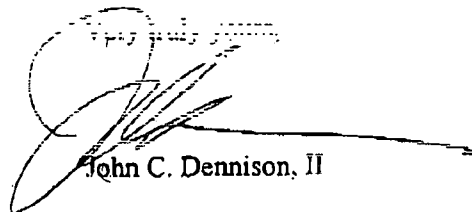
Dear Judge Ammerman:

As you know, trial in the above matter is scheduled for April 6-7, 2004, which is next Tuesday and Wednesday. In your Order dated February 23, 2004, you reserved ruling on the motion in limine in regard to the Plaintiff's loss of standing, capacity until after the deposition of Dr. Bellomo. This deposition was taken yesterday. In addition, objections were made during the deposition which need to be ruled upon by you.

Attorney Crosby hopes to have the transcripts of the deposition in both our possession sometime tomorrow. We would like to meet with you prior to Tuesday to resolve the issues that have been raised as a result of Dr. Bellomo's deposition. Is there sometime on Monday, April 5, 2004, that we could meet with you.

To the extent possible, Attorney Crosby has requested that the conference be scheduled later in the day.

I should also mention that objections were made by both sides during Dr. Hennessey's deposition. I intend to play his videotape on Wednesday, so that we would have some time at the end of the first day of trial to resolve these objections if that fits into your schedule better.


John C. Dennison, II

FAX ONLY

cc: Judd F. Crosby, Esq.

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

SHELLY HEFFNER,
Plaintiff

vs.

MICHELLE CRISTINI,
Defendant

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No. 2001-1331-C.D.

V E R D I C T

NOW, this 7th day of April, 2004, we the Jury
empanelled in the above case, find as follows:

Question 1: State the amount of damages sustained by the Plaintiff
as a result of the incident.

TEN THOUSAND DOLLARS
\$ 10,000.00 *RED*

Douglas E. McMillan
FOREPERSON

FILED

APR 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

SHELLY HEFFNER,

Plaintiff,

v.

MICHELLE CRISTINI,

Defendant.

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CIVIL DIVISION

Case No. 01-1331-CD

**PLAINTIFF'S MOTION FOR DELAY
DAMAGE**

Filed on behalf of Plaintiff

Counsel of Record:

Judd F. Crosby

PA ID 16373

1450 Two Chatham Center

Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

APR 14 2004

**William A. Shaw
Prothonotary**

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

SHELLY HEFFNER,	}	CIVIL DIVISION
Plaintiff,	}	Case No. 01-1331-CD
v.	}	
MICHELLE CRISTINI,	}	
Defendant.	}	

PLAINTIFF'S MOTION FOR DELAY DAMAGE

NOTICE

You are hereby notified to file a written answer to the attached Motion for Delay Damages within twenty (20) days from the filing of the Motion or the delay damages sought in the Motion may be added to the verdict or decision against you.

AND NOW, comes the Plaintiff by her counsel, Judd F. Crosby, and hereby seeks an ORDER molding the verdict in the above action to include damage for delay and in support thereof states as follows:

1. This action for damages relating to personal injuries was first served upon Defendant on August 23, 2001 causing delay damage to begin to run on August 23, 2002.
2. Plaintiff did nothing to cause delay of the trial.

3. At no time did Defendant ever make a written offer of settlement which complied with the requirements of Rule 238, Pa. R. Civ. P.

4. A jury verdict for \$10,000.00 was entered on April 7, 2004.

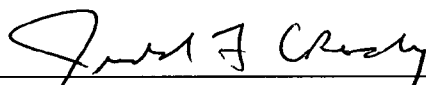
5. Computation of applicable damage for delay is as follows:

2002	$130/365 \times \$10,000 \times .0575$	=	204.79
2003	$10,000 \times .0525$	=	525.00
2004	$98/366 \times 10,000 \times .05$	=	133.88
	Total		863.67

6. Plaintiff under the law is entitled to have her verdict molded to include \$863.67 and hereby requests same.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an ORDER molding the verdict to included damage for delay.

Respectfully submitted:



Judd F. Crosby

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

SHELLY HEFFNER,	}	CIVIL DIVISION
Plaintiff,	}	Case No. 01-1331-CD
v.	}	
MICHELLE CRISTINI,	}	
Defendant.	}	

ORDER

AND NOW, to wit, this 16th day of April, 2004 upon written Motion of Plaintiff to mold the verdict to include damage for delay, it is hereby ORDERED that said Motion is hereby granted and judgment in the amount of \$10,863.67 is hereby entered against Defendant Michelle Cristini and in favor of Plaintiff Shelly Heffner.

BY THE COURT:

Frederic J. Ammenman J.

FILED

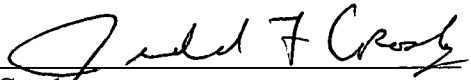
APR 16 2004

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Plaintiff's Motion for Delay Damage was served this 12th day of April, 2004, by regular mail, postage prepaid, on the following counsel of record:

John C. Dennison, II, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825



Judd F. Crosby

COURT OF COMMON PLEAS
OF CLEAR FIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

5 FILED 20

MAY 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

no C/L

LEAVE OF SEPT

TO ATT

SHELLY HEFFNER,

No. 01-1331 C.D.

Plaintiff,

Type of Case: Civil

vs.

Type of Pleading: Praecepto to Satisfy

MICHELLE CRISTINI,

Defendant.

Filed on Behalf of: Plaintiff

Counsel of Record for this Party:
Judd F. Crosby, Esquire

Supreme Court No.: 16373

Crosby Law Office
650 Smithfield Street
1110
Pittsburgh, PA 15219
(412) 391-0123

COURT OF COMMON PLEAS
OF CLEAR FIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

SHELLY HEFFNER,

Plaintiff,

vs.

MICHELLE CRISTINI

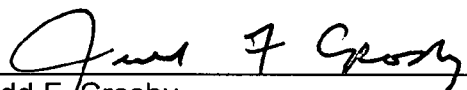
Defendant.

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: No. 01-1331 C.D.
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PRAECIPE TO SATISFY JUDGMENT

TO THE PROTHONOTARY:

You are hereby directed to mark the judgment in the above entitled matter
"satisfied."


Judd F. Crosby
Attorney for Shelly Heffner, Plaintiff

4.0

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

CIVIL DIVISION

CERTIFICATE OF SATISFACTION OF JUDGMENT

Shelly Heffner

Vs.

Michelle Cristini

No.: 2001-01331-CD

Debt: \$10,863.67

Atty's Comm.:

Interest From:

Cost: \$7.00

NOW, Wednesday, May 06, 2009 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 6th day of May, A.D. 2009.

Prothonotary