

01-1366-CD  
MICHAEL N. FAIRMAN -vs- WESLEY N. MEYERS, JR.

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## THE HOPKINS LAW FIRM

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

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

MICHAEL N. FAIRMAN,

Plaintiff

vs.

WESLEY N. WEYMERS, JR.,

Defendant

NO. 01 -1366CD

Type of Pleading: Complaint

Filed on behalf of : Michael N. Fairman

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE

Attorney at Law

Supreme Court No. 42519

900 Beaver Drive

DuBois, Pennsylvania 15801

(814) 375-0300

**FILED**

AUG 21 2001

William A. Shaw  
Prothonotary

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

MICHAEL N. FAIRMAN,	:	
Plaintiff	:	
	:	
vs.	:	NO. 01 - -CD
	:	
WESLEY N. WEYMERS, JR.,	:	
Defendant	:	

**NOTICE**

**TO DEFENDANTS:**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by Attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Office of the Court Administrator  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

MICHAEL N. FAIRMAN,	:	
Plaintiff	:	
	:	
vs.	:	NO. 01 - -CD
	:	
WESLEY N. WEYMERS, JR.,	:	
Defendant	:	

**COMPLAINT**

NOW COMES the Plaintiff, Michael N. Fairman, by and through his attorneys, The Hopkins Law Firm, and avers as follows:

1. Plaintiff, Michael N. Fairman, is a resident of the Commonwealth of Pennsylvania, presently residing at R.D.#2, Box 332A, Reynoldsville, Pennsylvania 15851.
2. Defendant, Wesley N. Weymers, Jr., is a resident of the Commonwealth of Pennsylvania, presently residing at 2528 Meadow Road, Clearfield, Pennsylvania 16830.
3. On or about July 6, 2001, Plaintiff Michael N. Fairman was operating his 1980 Kawasaki motorcycle North on State Route 255 in Sandy Township, Clearfield County, Pennsylvania. Plaintiff was slowing down because the vehicle in front of him was making a turn onto Wall Street, Sandy Township, Clearfield County, when he was struck in the rear by a motor vehicle operated by Defendant.
4. Defendant was operating his vehicle in a negligent, careless and reckless manner so as to cause his automobile to strike the Plaintiff's motorcycle.

5. The negligence, carelessness and recklessness of Defendant Wesley Meyers, Jr., consisted of the following:

- a. Failing to yield to Plaintiff;
- b. Traveling at a rate of speed in excess of the permitted speed limit in the aforesaid area;
- c. Operating Defendant's automobile without due regard to the rights, safety, well being and position of Plaintiffs under the current circumstances;
- d. Operating Defendant's automobile without regard to the current weather and road conditions;
- e. Failing to control or stop her motor vehicle and striking Plaintiffs' motorcycle.

6. As a direct, proximate, natural, foreseeable and probable consequence of Defendant's negligence, carelessness and reckless conduct, Plaintiff was placed in a position of immediate peril and was struck by Defendant's motor vehicle, causing Plaintiff severe injuries which consisted of injuries to his knees, ankles and wrists, and other injuries which may yet develop.

7. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has suffered, and will suffer in the future, great pain, agony and inconvenience.

8. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff suffered loss of income and, in the future, will suffer a reduction in his earning power.

9. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff incurred, and will in the future incur, expenses for medical treatment and physical therapy in an amount not yet ascertained.

10. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has suffered loss in the quality of his life.

11. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has suffered serious injuries within the meaning of the Commonwealth of Pennsylvania Statutes.

12. Defendant is liable for Plaintiff's injuries described herein inasmuch as Plaintiff's injuries are the direct, proximate, natural, foreseeable and probable consequences of Defendant's negligence, carelessness and reckless conduct.

WHEREFORE, Plaintiff respectfully demands judgment against Defendant for compensatory damages in an amount in excess of Twenty Thousand Dollars (\$20,000.00), plus costs of suit, interest, and for such other relief as the Court may deem appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by twelve jurors on all issues presented herein.

Respectfully submitted,



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

VERIFICATION

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

  
\_\_\_\_\_  
MICHAEL N. FAIRMAN

Dated: Aug. 20. 2001



**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 11408

FAIRMAN, MICHAEL N.

01-1366-CD

VS.

WEYMERS, WESLEY N. JR.

**COMPLAINT**

**SHERIFF RETURNS**

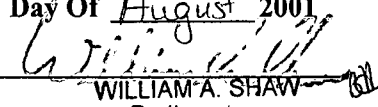
NOW AUGUST 22, 2001 AT 2:27 PM DST SERVED THE WITHIN COMPLAINT ON  
WESLEY N. WEYMERS, JR., DEFENDANT AT RESIDENCE, 2528 MEADOW ROAD,  
CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MICHAEL  
WEYMERS, SON, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT  
AND MADE KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: SNYDER

**Return Costs**

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

Sworn to Before Me This

28<sup>th</sup> Day Of August 2001

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

So Answers,

  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

MICHAEL N. FAIRMAN,

Plaintiff,

vs.

WESLEY N. WEYMERS, JR.,

Defendant.

: Case No.: 01-1366-CD

: **Praeceptum for Appearance**

: FILED ON BEHALF OF DEFENDANT

: Counsel of Record for this Party:

: Pfaff, McIntyre, Dugas, Hartye & Schmitt

: **Louis C. Schmitt, Jr., Esquire**

: Pa. I.D. #52459

: P.O. Box 533

: Hollidaysburg, PA 16648

: (814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
ON SEPTEMBER 6, 2001.

\_\_\_\_\_  
Attorneys for Defendant

**FILED**

SEP 10 2001

m19:1112001  
William A. Shaw

Prothonotary

*[Signature]*

MICHAEL N. FAIRMAN,

Plaintiff,

vs.

WESLEY N. WEYMERS, JR.,

Defendant.

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

: Case No.: 01-1366-CD  
:

: JURY TRIAL DEMANDED

**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Kindly enter my appearance as counsel of record for the Defendant,

**WESLEY N. WEYMERS, JR.**, in the above-captioned action.

**PFAFF, McINTYRE, DUGAS, HARTYE &  
SCHMITT**

\_\_\_\_\_  
Attorneys for Defendant

**LOUIS C. SCHMITT, JR., ESQUIRE**

**PA I.D.#: 52459**

P.O. Box 533

Hollidaysburg, PA 16648-0533

(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

MICHAEL N. FAIRMAN,

Plaintiff,

vs.

WESLEY N. WEYMERS, JR.,

Defendant.

: Case No.: 01-1366-CD

: **Answer and New Matter**

: FILED ON BEHALF OF DEFENDANT

: Counsel of Record for this Party:

: McIntyre, Dugas, Hartye & Schmitt

: **Louis C. Schmitt, Jr., Esquire**

: Pa. I.D. #52459

: P.O. Box 533

: Hollidaysburg, PA 16648

: (814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
ON OCTOBER 18, 2001.

\_\_\_\_\_  
Attorneys for Defendant

**FILED**

OCT 19 2001

mjl/10/10 CC

William A. Shaw

Prothonotary

MICHAEL N. FAIRMAN,	:	IN THE COURT OF COMMON PLEAS
	:	OF CLEARFIELD COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 01-1366-CD
	:	
WESLEY N. WEYMERS, JR.,	:	
	:	
Defendant.	:	

**ANSWER AND NEW MATTER**

AND NOW, comes defendant, WESLEY N. WEYMERS, JR., by and through his attorneys, MCINTYRE, DUGAS, HARTYE & SCHMITT, and files the following Answer and New Matter in response to the plaintiff's Complaint, saying as follows:

1. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph 1 of plaintiff's Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

2. Admitted.

3. The allegations contained in Paragraph 3 of plaintiff's Complaint are admitted in part and denied in part. It is admitted only that on or about July 6, 2001, defendant, Wesley N. Weymers, Jr., was operating a motor vehicle which made contact with the rear of a motorcycle on State Route 255 in Sandy Township, Clearfield County, Pennsylvania. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the remaining allegations

contained in Paragraph 3 of plaintiff's Complaint; those remaining allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

4. Denied.

5. Denied. Subparagraphs a through e, denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

WHEREFORE, defendant, Wesley N. Weymers, Jr., denied any and all liability to the plaintiff upon his Complaint, and respectfully requests that this Honorable Court enter judgment in his favor, with prejudice.

**NEW MATTER**

By way of further answer to the allegations contained in plaintiff's Complaint, and in support of his defenses against those allegations, defendant, Wesley N. Weymers, Jr., sets forth the following statements as New Matter:

13. Defendant, Wesley N. Weymers, Jr., hereby raises and asserts the rights, privileges, defenses and immunities provided to him within the Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa. C.S.A. Section 1701, et seq.

WHEREFORE, defendant, Wesley N. Weymers, Jr., denies any and all liability to the plaintiff upon his Complaint, and respectfully requests that this Honorable Court enter judgment in his favor, with prejudice.

Respectfully submitted,

~~MCINTYRE, DUGAS, HARTYE & SCHMITT~~

Attorneys for Defendant

**Louis C. Schmitt, Jr., Esquire**

Pa. I.D. #52459

P.O. Box 533

Hollidaysburg, PA 16648

**Notice to Plead**

To: Plaintiff

You are hereby notified to file a written response to the enclosed **New Matter** within twenty (20) days from service hereof or a judgment may be entered against you.

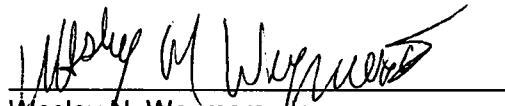
Attorney for Defendant

**VERIFICATION**

I, <sup>(M.)</sup>Wesley N. Weymers, Jr., do hereby verify that I have read the foregoing **ANSWER**

**AND 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.

  
Wesley N. Weymers, Jr.  
WESLEY M. WEYMERS II

Date: 4 OCT 01



MICHAEL N. FAIRMAN,

Plaintiff,

vs.

WESLEY N. WEYMERS, JR.,

Defendant.

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY, PA  
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:  
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Case No.: 01-1366-CD

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

TO: PROTHONOTARY

You are hereby notified that on the **25th** day of **OCTOBER, 2001**, Defendant, WESLEY N. WEYMERS, JR., served Interrogatories and Request for Production of Documents by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

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

McINTYRE, DUGAS, HARTYE & SCHMITT

**FILED**

OCT 26 2001

m/1122/2001  
William A. Shaw  
Prothonotary

Attorneys for Defendants

**LOUIS C. SCHMITT, JR., ESQUIRE**

**PA I.D #: 52459**

P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

THE HOPKINS LAW FIRM

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

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

MICHAEL N. FAIRMAN,

Plaintiff

vs.

WESLEY N. WEYMERS, JR.,

Defendant

NO. 01 -1366-CD

Type of Pleading: Answer to New Matter

Filed on behalf of : Michael N. Fairman

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE

Attorney at Law

Supreme Court No. 42519

900 Beaver Drive

DuBois, Pennsylvania 15801

(814) 375-0300

**FILED**

NOV 02 2001

William A. Shaw  
Prothonotary

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

MICHAEL N. FAIRMAN,	:	
Plaintiff	:	
	:	
vs.	:	NO. 01 -1366-CD
	:	
WESLEY N. WEYMERS, JR.,	:	
Defendant	:	

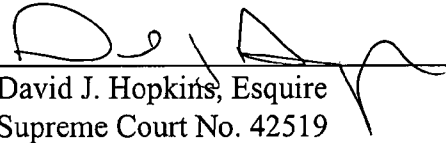
**ANSWER TO NEW MATTER**

AND NOW, comes Plaintiff, Michael N. Fairman, by and through his attorneys, The Hopkins Law Firm, and answers the New Matter of Defendant, Wesley N. Weymers, Jr., as follows:

13. Admitted in part and denied in part. Plaintiff admits the Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa.C.S.A. Section 1701, et seq. may be applicable to the action before the Court. However, Plaintiff denies the Act grants Defendants any rights, privileges, defenses and immunities.

WHEREFORE, Defendant's New Matter should be dismissed with prejudice.

Respectfully submitted,

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


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

MICHAEL N. FAIRMAN,	:	
Plaintiff	:	
	:	
vs.	:	NO. 01 -1366-CD
	:	
WESLEY N. WEYMERS, JR.,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the Answer to New Matter, filed on behalf of Michael N. Fairman was forwarded on the 1<sup>st</sup> day of November, 2001, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Louis C. Schmitt, Jr., Esquire  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648

  
David J. Hopkins, Esquire  
Attorney for Michael N. Fairman  
Supreme Court No. 42519  
900 Beaver Drive  
DuBois, PA 15801

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

MICHAEL N. FAIRMAN,

Plaintiff

vs.

WESLEY N. WEYMERS, JR.,

Defendant

NO. 01 -1366-CD

Type of Pleading: Praecipe to Discontinue

Filed on behalf of: Michael N. Fairman

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE

Attorney at Law

Supreme Court No. 42519

900 Beaver Drive

DuBois, Pennsylvania 15801

(814) 375-0300

**FILED**

MAR 12 2002

William A. Shaw  
Prothonotary

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

MICHAEL N. FAIRMAN,

Plaintiff

vs.

WESLEY N. WEYMERS, JR.,

Defendant

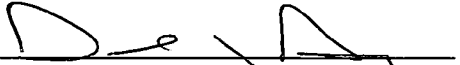
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NO. 01 -1366-CD

**PRAECIPE TO DISCONTINUE**

TO THE PROTHONOTARY:

Kindly mark the above captioned civil action settled and discontinued.

  
\_\_\_\_\_  
David J. Hopkins, Esquire

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

**CIVIL DIVISION**

**Michael N. Fairman**

**Vs.  
Wesley N. Weymers Jr.**

**No. 2001-01366-CD**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 12, 2002 marked:

Settled and Discontinued

Record costs in the sum of \$110.34 have been paid in full by Plaintiff Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of March A.D. 2002.

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William A. Shaw, Prothonotary