

01-1400-CU  
ALLSTATE INSURANCE COMPANY -vs- BEN ROSSI JEWELERS, INC.

KRAFT & KRAFT, P.C.

BY: Robert E. Cherwony, Esquire  
Identification No. 17623  
1311 Spruce Street  
Philadelphia, PA 19107  
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,  
SUBROGEE OF EDMUND & BRENDA GRENIER  
3800 Electric Road  
Roanoke, VA 24018

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PA

vs.

CIVIL ACTION AT LAW

BEN ROSSI JEWELERS, INC.  
46 W. Long Avenue  
DuBois, PA 15801

NO. 01-1408-C

CIVIL ACTION COMPLAINT

"NOTICE"

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

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

"AVISO"

"Le han demandado a usted en la corte. Si usted quiere defenderse de este demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demands y la notification. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notification. Ademas, la corte puede decidir a favor dei demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL."

FILED

AUG 29 2001

William A. Shaw  
Prothonotary

David Meholic  
Court Administrator  
1 N. 2nd Street  
Clearfield, PA 16830  
1-814-765-2641

KRAFT & KRAFT, P.C.  
BY: Robert E. Cherwony, Esquire  
Attorney No. 17623  
1311 Spruce Street  
Philadelphia PA 19107  
(215) 546-5100

Attorney for Plaintiff(s)

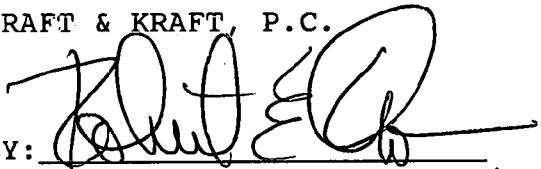
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ALLSTATE INSURANCE COMPANY, : COMMON PLEAS COURT OF  
SUBROGEE OF EDMUND & BRENDA CLEARFIELD COUNTY, PA  
GRENIER  
3800 Electric Road  
Roanoke, VA 24018 : CIVIL ACTION AT LAW  
v.  
BEN ROSSI JEWELERS, INC. : No.  
46 W. Long Avenue  
DuBois, PA 15801  
CIVIL ACTION

1. Plaintiff is a corporation with an address as set forth above.
2. Defendant is a corporation with an address as set forth above.
3. On or about 5/18/00, due to defendant's negligence, carelessness and breach of contract, plaintiff's insured sustained damages in the amount of \$1,621.80.
4. Although demand has been made, defendant has failed and refused to compensate plaintiff.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$1,621.80 plus interest in the amount of \$117.79, for a total of \$1,739.59 plus court costs, all of which are justly due and owing from the defendant(s) to the plaintiff.

KRAFT & KRAFT, P.C.

BY: 

Robert E. Cherwony, Esquire  
Attorney for Plaintiff

William Wallace  
**MOYER JEWELERS, INC.**

100 East College Avenue • State College, PA 16801  
(814) 237-7942 800-648-8494  
(814) 237-3136 (Fax)

0 TRACY MILLER

DATE 6-19-00

SUBJECT CLAIM NO. 513 084 Body

I WAS ASKED TO GIVE AN OPINION ON A DIAMOND ENGAGEMENT RING BROUGHT TO US BY BRENDA GREENER.

ON EXAMINATION IT IS OBVIOUS THE PRONGS (3) ON ONE SIDE OF THE 6 PRONG CROWN WERE EXTREMELY THIN. IN A SITUATION LIKE THIS IT ONLY TAKES A BUMP OR CATCHING A PRONG ON A THREAD TO PULL PRONG TIPS AWAY.

SINCERELY,

William Wallace

GOLDSMITH

ESTIMATED COST TO SUPPLY RD, BR, CUT  
,33CT 6/VS, -VS, \*1380.00 + \*150.00  
NEW CROWN, SET \*1530, + TAX

VERIFICATION

The undersigned hereby certifies that she is the  
Asst. Staff Clerk Reg in this action and verifies that the  
statements made in the foregoing pleading are true and correct to  
the best of her knowledge, information and belief. The  
undersigned understands that the statements therein are made  
subject to the penalties of 18 Pa C.S. Section relating to unsworn  
falsification to authorities.

5/4/01

Date

Nancy Mundy

Name

Estate v. Ben Rossi

FILED  
SAC  
01-45705  
AUG 29 2001  
1  
ICC Sheriff  
Atty pd. \$0.00  
William A. Shaw  
Prothonotary

MAY 09 2001

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

Sheriff Docket # 11441

ALLSTATE INSURANCE COMPANY, SUBROGEE OF EDMUND & BRENDA 01-1408-CD

VS.  
BEN ROSSI JEWELERS, INC.

**COMPLAINT**

**SHERIFF RETURNS**

NOW SEPTEMBER 28, 2001 AT 4:12 PM DST SERVED THE WITHIN COMPLAINT  
ON BEN ROSSI JEWELERS, INC., DEFENDANT AT EMPLOYMENT, 46 W. LONG AVE.  
DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BOB ROSSI,  
P.I.C., A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE  
KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: SNYDER

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**Return Costs**

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

**FILED**

OCT 15 2001

01320pm  
William A. Shaw  
Prothonotary

Sworn to Before Me This

5th Day Of October 2001  
WILLIAM A. SHAW

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

So Answers,

Chester A. Hawkins  
Seal  
Chester A. Hawkins  
Sheriff

6X

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

<b>ALLSTATE INSURANCE COMPANY, SUBROGEE OF EDMUND &amp; BRENDA GRENIER</b>	:	No. 01-1408 C.D.
Plaintiff	:	Type of Pleading: <b>PRELIMINARY OBJECTIONS</b>
v.	:	Filed on behalf of: Defendant, Ben Rossi Jewelers, Inc.
<b>BEN ROSSI JEWELERS, INC.</b>	:	Counsel of Record for this party: <b>R. EDWARD FERRARO, ESQ.</b> Supreme Court No. 05880
Defendant	:	<b>ROSS F. FERRARO, ESQ.</b> Supreme Court No. 79218
	:	<b>FERRARO &amp; YOUNG</b> Attorneys at Law 690 Main Street Brockway, PA 15824 (814) 268-2202

**FILED**

OCT 11 2001  
m 11/11/01/nocc  
William A. Shaw  
Prothonotary

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

**ALLSTATE INSURANCE COMPANY,  
SUBROGEE OF EDMUND &  
BRENDA GRENIER**

Plaintiff

v.

No. 01-1408 C.D.

**BEN ROSSI JEWELERS, INC.**

Defendant

**PRELIMINARY OBJECTIONS**

AND NOW, comes the Defendant, **BEN ROSSI JEWELERS, INC.**, by and through their attorneys, FERRARO & YOUNG, and file the within Preliminary Objections and in support thereof state as follows:

**I. DEMURRER – MOTION TO STRIKE AND DISMISS COMPLAINT FOR FAILURE TO FILE SPECIFIC PLEADING OR CAUSE OF ACTION**

1. Plaintiff's Complaint states in Paragraph 3 a general averment that:

“On or about 5/18/00, due to defendant's negligence, carelessness and breach of contract, plaintiff's insured sustained damages in the amount of \$1,621.80.”

2. That Plaintiff's Complaint goes on in Paragraph 4 to state that:

“Although demand has been made, defendant has failed and refused to compensate plaintiff.”

3. Paragraph 3 of the Plaintiff's Complaint fails to set forth the required specific pleading, in that there is no specificity in any facts to support what actions had taken place on or about May 18, 2000 to support the general conclusions of law as to Defendant's alleged negligence, carelessness or breach of contract, to

entitle Plaintiff to make any claim for damages; thus, Plaintiff's Complaint should be dismissed for lack of specificity.

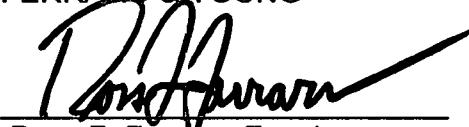
4. With regard to Paragraph 4 of Plaintiff's Complaint, these allegations fail to set forth sufficient or specific facts to support the general allegations that demands have been made and that Defendant has allegedly failed to refuse to compensate Plaintiff; thus Plaintiff's Complaint should be dismissed for lack of specificity.

5. Said allegations in Plaintiff's Complaint are general statements and conclusions of law, with no specific allegations of any elements to support any claim for negligence, carelessness or breach of contract as required by the Rules of Civil Procedure, to which no response is required of the Defendant.

6. That this Defendant is totally unable to file a further response or reply to the general allegations and conclusions set forth in Plaintiff's Complaint, and requests that the Plaintiff's Complaint be stricken and dismissed.

**WHEREFORE**, the Defendant, **BEN ROSSI JEWELERS, INC.**, respectfully requests that this Court strike Paragraphs 3 and 4 of the Plaintiff's Complaint and require that the Plaintiff plead with specificity any basis for their claims for negligence, carelessness or breach of contract and any facts and support thereof for any claims of damages, and that the Court dismiss the Plaintiff's Complaint in its entirety.

Respectfully submitted,  
FERRARO & YOUNG



Ross F. Ferraro, Esquire  
Attorney for Defendant,  
Ben Rossi Jewelers, Inc.

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

ALLSTATE INSURANCE COMPANY, :  
SUBROGEE OF EDMUND & :  
BRENDA GRENIER :

Plaintiff :

v. :

No. 01-1408 C.D.

BEN ROSSI JEWELERS, INC. :  
Defendant :

**CERTIFICATE OF SERVICE**

I, ROSS F. FERRARO, ESQ., hereby certify that I have this day served a copy of the within PRELIMINARY OBJECTIONS upon the Plaintiff, ALLSTATE INSURANCE COMPANY, SUBROGEE OF EDMUND & BRENDA GRENIER, by and through Plaintiff's Attorney by United States, First Class Mail, postage prepaid, to:

Robert E. Cherwony, Esquire  
KRAFT & KRAFT, P.C.  
1311 Spruce Street  
Philadelphia, PA 19107

Date: 10/10/01

  
Ross F. Ferraro, Esquire  
Attorney for Defendant

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

CIVIL ACTION - LAW

JEFFERY T. COVAL

\* No. 01-408-CD

Plaintiff

\* Type of Case: ACTION  
\* TO QUIET TITLE

vs.

JOSEPH E. VOLK, AGNES VOLK,  
JOSEPH E. VOLK, JR., FRANCES  
VOLK, GARY VOLK, BARBARA  
WASLOWSKI, OLGA CEBULKO,  
MARY PATRICK, AGNES OSTROVICH,  
VELMA HANSLOVAN, MICHAEL  
VOLK and the heirs, successors,  
administrators, executors and assigns  
of each as well as ANY OTHER  
PERSON, PARTY, or ENTITY,

\* Type of Pleading: Certificate of  
\* Service

\* Filed on Behalf of: PLAINTIFF

Defendants

\* Counsel of Record for this Party:

\* David C. Mason, Esquire  
\* 409 North Front Street  
\* P.O. Box 28  
\* Philipsburg, PA 16866  
\* 814-342-2240  
\* Supreme Court ID NO. 39180

**FILED**

DEC 18 2001

William A. Shaw  
Prothonotary

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

CIVIL ACTION - LAW

JEFFERY T. COVAL \* No. 01-408-CD

Plaintiff \*

vs. \*

JOSEPH E. VOLK, AGNES VOLK, \*  
JOSEPH E. VOLK, JR., FRANCES \*  
VOLK, GARY VOLK, BARBARA \*  
WASLOWSKI, OLGA CEBULKO, \*  
MARY PATRICK, AGNES OSTROVICH, \*  
VELMA HANSLOVAN, MICHAEL \*  
VOLK and the heirs, successors, \*  
administrators, executors and assigns \*  
of each as well as ANY OTHER \*  
PERSON, PARTY, or ENTITY, \*

Defendants \*

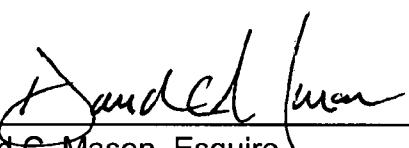
CERTIFICATE OF SERVICE

AND NOW, comes the Plaintiff, JEFFERY T. COVAL, by and through his attorney, DAVID C. MASON, ESQUIRE, who files the following Certificate of Service, and in support thereof avers that I caused to be mailed a copy of the Plaintiff's Motion for Judgment on the Pleadings entered in the above captioned action under date of Dec. 18, 2001, by placing the same in the United States mail, postage pre-paid and addressed as follows:

Velma Hanslovan  
R. R. #3, Box 104  
Morrisdale, PA 16858

MASON LAW OFFICE

By:

  
\_\_\_\_\_  
David C. Mason, Esquire,  
Attorney for Plaintiff

**FILED**

DEC 18 2001

019512cc atty mason  
William A. Shaw  
Prothonotary

*W.A.S.*

KRAFT & KRAFT, P.C.  
BY: Robert E. Cherwony, Esquire  
Attorney No. 17623  
1311 Spruce Street  
Philadelphia PA 19107  
(215) 546-5100

Attorney for Plaintiff

ALLSTATE INSURANCE COMPANY, SUBROGEE  
OF EDMUND & BRENDA GRENIER : COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PA

vs. : CIVIL ACTION AT LAW

BEN ROSSI JEWELERS, INC. : NO. 01-1408-CD

ORDER TO SETTLE, DISCONTINUE AND END

TO THE PROTHONOTARY:

Kindly mark the above matter settled, discontinued, and ended,  
upon payment of your costs only.

12/11/01  
Date



Robert E. Cherwony, Esquire  
Attorney for Plaintiff

FILE )

DEC 17 2001

William A. Shaw  
Prothonotary

**FILED**

DEC 17 2004

*m/11/2004  
William A. Shaver*

**Prothonotary**

hocc  
copy to CA  
cert to DA  
*Q/S*

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Allstate Insurance Company**  
**Edmund Grenier**  
**Brenda Grenier**

Vs.  
**Ben Rossi Jewelers, Inc.**

**No. 2001-01408-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 the 17th day of December, 2001 marked:

Settled, Discontinued and Ended

Record costs in the sum of \$120.69 have been paid in full by Robert E. Cherwony, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of December A.D. 2001.

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William A. Shaw, Prothonotary