

01-1443-CD  
DEAN E. WILLIAMS, SR. -vs- CLIFF E. CESSNA et al

Date: 08/06/2003

**Clearfield County Court of Common Pleas**

User: BANDERSON

Time: 10:08 AM

**ROA Report**

Page 1 of 1

Case: 2001-01443-CD

Current Judge: Fredric J. Ammerman

Dean E. Williams Sr. vs. Cliff E. Cessna, Cessna's Taxidermy, Robbin Cessna

Civil Other

Date	Judge
09/04/2001	Filing: Civil Complaint Paid by: Gianvito, Nicholas (attorney for Williams, Dean E. Sr.) Receipt number: 1830732 Dated: 09/04/2001 Amount: \$80.00 (Check) One CC Sheriff No Judge ✓
09/14/2001	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm No Judge
09/26/2001	Praecipe for Entry of Appearance, on behalf of the Defendants. Filed by s/Jeffrey M. Gordon, Esq. no cc No Judge ✓
10/25/2001	Stipulation of Counsel, filed by Att. Gianvito No CC Purpose of Stipulation is to amend the caption of this case and Complaint so as to substitute the Robbin Cessna in place of Teresa Cessna. s/Nicholas Gianvito s/Jeffrey M. Gordon No Judge ✓
10/30/2001	Answer and New Matter. Filed by s/Jeffrey M. Gordon, Esq. Verification. s/Cliff E. Cessna s/Robbin Cessna Certificate of Service no cc No Judge ✓
11/16/2001	Reply to New Matter, filed by s/Nicholas Gianvito, Esq. No CC Notice of Service, Plaintiff's First Set of Interrogatories and First Request for Production of Documents to Defendants, upon defendants, filed by s/Nicholas Gianvito, Esq. No CC No Judge ✓
02/20/2002	Notice of Service of Discovery Responses upon Jeffrey Gordon, Esq. Filed by s/Nicholas Gianvito, Esq. Certificate of Service no cc No Judge
04/09/2002	Notice of Depositions of Cliff Cessna, Robin Cessna, and George Cessna. Filed by s/Nicholas Gianvito, Esq. Certificate of Service no cc No Judge ✓
07/07/2003	Praecipe For Trial List. filed by s/Nicholas Gianvito, Esq. Certificate of Service no cc Copy to C/A No Judge ✓

Date: 8/4/2003  
Time: 01:31 PM  
Page 2 of 2

Clearfield County Clearfield County Court of Common Pleas  
CT COMMON PLEAS, Collections Department Location Only  
All Case Types  
Summary of Collections State Misc Fines [Line 9] Detail  
From 7/1/2003 to 7/31/2003

User: JKENDRICK

Case Number	Prisoner Registration	Prisoner Name	Case Number	Case Type	State Misc Fines
Case P#: 7052003					
2001-00077-4-SC	1800021 UP	WIEHL, LINDA, WIEHL	1800021 UP	UNLAWFUL CONDUCT	\$ 46.51
2002-00077-SC	1800021 UP	KING, JAMES, CRAIG	1800021 UP	KNIFING	\$ 10.00
Case P#: 70712003					
2002-00020-SC	1800771 UP	ONOCIO, ALBERT ROBIN	1800771 UP	ROBBERY or BURGLARY with an other p/c	\$ 80.00
1800771 UP	1800771 UP	ONOCIO, ALBERT ROBIN	1800771 UP	ROBBERY or BURGLARY with an other p/c	\$ 12.50
1800771 UP	1800771 UP	ONOCIO, ALBERT ROBIN	1800771 UP	ROBBERY or BURGLARY with an other p/c	\$ 6

Report Total:

\$52.50

LORENZO & GIANVITO, P.C.  
ATTORNEYS AT LAW  
410 WEST MAHONING STREET  
P. O. BOX 495  
PUNXSUTAWNEY, PA 15767  
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

vs.

CLIFF E. CESSNA, and  
TERESA CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,

Defendants

Type of Case - CIVIL

No. 01-1443-CD

Type of Pleading - COMPLAINT

Filed on Behalf of - PLAINTIFFS

Filed by -

NICHOLAS GIANVITO, ESQ.  
Pa. I.D. #67190

LORENZO & GIANVITO, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

FILED

SEP 04 2001

William A. Shaw  
Prothonotary

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

**DEAN E. WILLIAMS, SR.,**  
an individual,

Plaintiff

vs.

No. \_\_\_\_\_

**CLIFF E. CESSNA and  
TERESA CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,**

Defendants

**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 claim 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 OBTAIN LEGAL HELP.

Prothonotary  
Courthouse  
One N. Second St.  
Clearfield, PA 16830  
(814) 765-2641

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

**DEAN E. WILLIAMS, SR.,**  
an individual,

Plaintiff

vs.

No. \_\_\_\_\_

**CLIFF E. CESSNA and  
TERESA CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,**

Defendants

**COMPLAINT**

AND NOW, comes the plaintiff, DEAN E. WILLIAMS, SR., by and through his undersigned counsel, NICHOLAS GIANVITO, ESQ., of LORENZO & GIANVITO, P.C., and presents the following Complaint, of which the facts hereinafter set forth are a true and concise summary.

1. The plaintiff, DEAN E. WILLIAMS, SR., is an adult individual who resides at 33992 Dequindre Road, Sterling Heights, Michigan.

2. Defendants, CLIFF E. CESSNA and TERESA CESSNA, are adult individuals, husband and wife, trading or doing business as CESSNA'S TAXIDERMY, of R.D. #1, Mountain Run Road, Penfield, Clearfield County, Pennsylvania.

3. On Saturday, February 17, 2001, at approximately 10:30 a.m., plaintiff, DEAN E. WILLIAMS, SR., was a customer and business invitee of defendants, CLIFF E. CESSNA and TERESA CESSNA, t/d/b/a CESSNA TAXIDERMY. After he exited his vehicle on the driveway of the defendants' premises, his foot slipped on a snow and/or ice covered surface on defendants' walkway, causing him to fall violently on his right side onto a hard "humped" like surface along the walkway.

4. At all times material to this Complaint, it was the duty of defendants to keep and maintain the driveway and walkway surfaces in a condition reasonably safe for those individuals who would be expected to utilize the same as pedestrians.

5. At all times material to this Complaint, the snow and/or ice had accumulated on defendants' driveway/walkway in ridges or elevations of such size and character as to unreasonable obstruct travel and constitute a danger to pedestrians traveling thereon.

6. In addition to and/or in the alternative to the above allegations, the snow and/or ice which caused plaintiff to fall were localized patches of snow and/or ice, and general slippery conditions did not prevail in the community at the time of plaintiff's fall.

7. In addition to and/or in the alternative to the above allegations, the snow and/or ice which caused plaintiff to fall were not natural phenomena, but were the result of an artificially created defect on defendants' property, caused by the design of defendants' driveway/walkway, its slope, and material used.

8. Defendants had actual and/or constructive notice and/or knowledge of the existence of such condition of the surface of their driveway and/or walkway.

9. This accumulation of snow and/or ice caused the plaintiff to fall.

10. Notwithstanding such notice or knowledge, defendants negligently allowed the driveway/walkway to remain in an unsafe and dangerous condition, and defendants negligently failed and neglected to remedy it.

11. As a direct and proximate result of the wrongful and negligent conduct of the defendants, as set forth hereinafter, and by reason of said fall, plaintiff, DEAN E. WILLIAMS, SR., has suffered the following severe and permanent injuries and/or damages:

- a) intertrochanteric right hip fracture, requiring surgical reparation in the nature of open reduction and internal fixation of right hip, a seven-day hospital admission, and subsequent physical therapy;
- b) emotional upset, anxiety, and fright;
- c) shock to his nervous system;
- d) broken hearing aid.

12. Plaintiff has been compelled to expend significant sums of money for necessary and reasonable medical services in an effort to cure and alleviate the aforesaid injuries, amounts of which will be supplied in discovery.

13. As a result of the carelessness and negligence of the defendant, plaintiff will, in the future, be required to expend

additional sums of money for medical care, treatment and medication necessary for the future care of plaintiff's afore described injuries.

14. As a direct result of the afore described injuries to plaintiff, plaintiff has in the past, and will in the future, experience physical pain and suffering, mental distress, anguish, embarrassment and frustration. Further, plaintiff has suffered, and will in the future suffer, great loss of the quality of his life.

COUNT ONE

Dean E. Williams, Sr., an individual, Plaintiff  
vs.  
Cliff E. Cessna and Teresa Cessna,  
t/d/b/a Cessna's Taxidermy, Defendants

NEGLIGENCE

15. Paragraphs one (1) through fourteen (14) are incorporated herein by reference as though set forth fully and at length.

16. The defendants, CLIFF E. CESSNA and TERESA CESSNA, t/d/b/a CESSNA'S TAXIDERMY, were negligent and careless in the following respects:

- a) failing to observe and/or be aware of the presence of the ice and/or snow on the walkway leading up to their place of business, despite having ample time and opportunity to do so;
- b) failing to remove the ice and/or snow on the walkway leading up to their place of business, despite having ample time and opportunity to do so;
- c) failing to remove the hard "humped" like surface adjacent to the walkway, despite having ample time and opportunity to do so;

- d) failing to utilize appropriate amounts of salt, cinders, or other anti-skid material which would have provided even a minimum amount of traction on the ice covered walkway;
- e) failing to provide a safe and adequate sidewalk/walkway and/or failing to clearly delineate the sidewalk/walkway area to defendant's business, which was covered with snow and/or ice;
- f) failing to have a handrail in place so as to allow persons to more safely traverse the snow and/or ice covered area;
- g) failing to provide a safer walkway area to defendant's place of business, in lieu of the dangerous ice and snow covered gravel and grassy area;
- h) failing to properly design the driveway/walkway area so as to provide an adequate drainage system, which would allow excess water to run off, instead of lying in the area and freezing;
- i) failing to remedy or repair the improperly designed driveway/walkway area, so as to provide an adequate drainage system which would allow excess water to run off, instead of lying in the area and freezing;
- j) improper use of materials on the driveway/walkway in the nature of gravel without proper drainage, which permitted ice to form and remain for long periods of time on the subject driveway/walkway;
- k) failing to repair or remedy the dangerous condition created by the gravel without proper drainage, which permitted ice to form and remain for periods of time on the subject driveway/walkway;
- l) failing to clear or remove the unreasonably obstructive ridges and elevations created by the ice and/or snow;

m) failure to clear or remove the localized patch of ice and/or snow;

n) In failing to warn the general public, and the plaintiff in particular, of the dangerous condition of the said walkway.

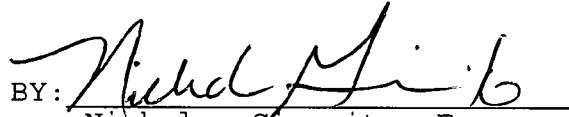
17. The above stated actions and/or inactions of negligence were the direct and proximate cause of plaintiff's injuries, as set forth herein above.

WHEREFORE, plaintiff demands judgment against said defendants for an amount in excess of Twenty Thousand and 00/100 (\$20,000.00) Dollars, or the maximum jurisdictional amount requiring arbitration.

JURY TRIAL DEMANDED.

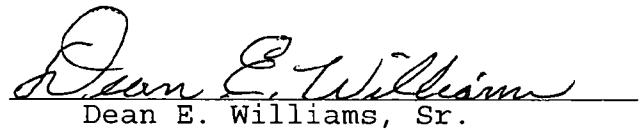
LORENZO & GIANVITO, P.C.

BY:

  
Nicholas Gianvito, Esq.  
Attorney for Plaintiff  
Pa. I.D. #67190  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

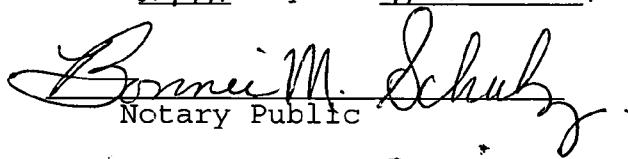
STATE OF MICHIGAN  
SS:  
COUNTY OF MACOMB

DEAN E. WILLIAMS, SR., Plaintiff, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his information, knowledge and belief.

  
\_\_\_\_\_  
Dean E. Williams

Dean E. Williams, Sr.

Sworn and subscribed before me  
this 24TH day of AUGUST, 2001.

  
\_\_\_\_\_  
Notary Public

BONNIE M SCHULZ  
Notary Public, Macomb County, MI  
My Commission Expires Jul 31, 2005

RECEIVED  
FEB 11 1968  
SHERIFF'S OFFICE  
FBI  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
A. SHAW  
1000 F STREET, N.W.  
WASH. 20535  
ATTY PD.  
80.00

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

Sheriff Docket # 11476

WILLIAMS, DEAN E. SR.

01-1443-CD

VS.

CESSNA, CLIFF E. T/D/B/A CESSNA'S TAXIDERMY

**COMPLAINT**

**SHERIFF RETURNS**

**NOW SEPTEMBER 10, 2001 AT 6:24 PM DST SERVED THE WITHIN COMPLAINT  
ON CLIFF E. CESSNA T/D/B/A CESSNA'S TAXIDERMY, DEFENDANT AT  
RESIDENCE, RD# 1, MOUNTAIN RUN ROAD, PENFIELD, CLEARFIELD COUNTY,  
PENNSYLVANIA BY HANDING TO BETTY CESSNA, MOTHER, A TRUE AND  
ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER  
THE CONTENTS THEREOF.**

**SERVED BY: SNYDER**

---

**Return Costs**

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

**FILED**

SEP 14 2001  
01322 pm  
William A. Shaw  
Prothonotary



**Sworn to Before Me This**

14th Day Of September 2001  


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

**So Answers,**

  
Chester A. Hawkins  
Sheriff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL DIVISION - LAW

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

v.

CLIFF E. CESSNA and TERESA CESSNA,  
individually and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,  
Defendants

No. 01-1443-CD

Type of Pleading:  
**Praecipe for Entry of Appearance**

Filed on Behalf of:  
**Defendants**

Counsel of Record for this Party:  
**Jeffrey M. Gordon, Esquire**  
Supreme Court No. 55835  
152 Jefferson Street  
Brookville, PA 15825  
(814) 849-6800

**FILED**

**SEP 2 2001**

**William A. Shaw  
Prothonotary**

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL DIVISION - LAW

DEAN E. WILLIAMS, SR., :  
an individual :  
Plaintiff :  
v. : No. 01-1443-CD  
CLIFF E. CESSNA and TERESA CESSNA, :  
individually and/or as husband and wife, :  
t/d/b/a CESSNA'S TAXIDERMY, :  
Defendants :  
:

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter my appearance in the above-captioned matter on behalf of the  
Defendants, Cliff E. Cessna and Teresa Cessna, individually and/or as husband and wife, t/d/b/a  
Cessna's Taxidermy.

September 24, 2001

  
Jeffrey M. Gordon, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

vs.

CLIFF E. CESSNA, and  
TERESA CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,

Defendants

Type of Case - CIVIL

No. 01-1443-CD

Type of Pleading -  
**STIPULATION OF COUNSEL**

Filed on Behalf of - PLAINTIFF

Filed by -

NICHOLAS GIANVITO, ESQ.  
Pa. I.D. #67190

LORENZO & GIANVITO, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**FILED**

OCT 25 2001  
M12191noc (wms)  
William A. Shaw  
Prothonotary

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

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

vs.

NO. 01-1443-CD

CLIFF E. CESSNA and  
TERESA CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,

Defendants

STIPULATION OF COUNSEL

AND NOW, comes the plaintiff, DEAN E. WILLIAMS, SR., by and through his counsel, NICHOLAS GIANVITO, ESQ., and the defendants, CLIFF E. CESSNA, et al., by and through their counsel, JEFFREY M. GORDON, ESQ., and file the following Stipulation to Amend Case Caption and Complaint:

1. A Complaint in Civil Action was filed in this matter on September 4, 2001, naming DEAN E. WILLIAMS, SR., as plaintiff, and CLIFF E. CESSNA and TERESA CESSNA (sic), individually and/or as husband and wife, t/d/b/a CESSNA'S TAXIDERMY, as defendants.

2. Since the filing of the Complaint, it has come to the attention of counsel that defendant-wife's name is actually ROBBIN CESSNA, not TERESA CESSNA.

3. The purpose of this Stipulation is to amend the caption of this case and Complaint so as to substitute the name "ROBBIN CESSNA" in place of "TERESA CESSNA".

THEREFORE, the parties hereby stipulate and agree to the following:

(a) All references in plaintiff's Complaint to "TERESA CESSNA", shall be hereinafter amended and changed to "ROBBIN CESSNA".

(b) Hereinafter, the caption of this case shall be amended to read as follows:

DEAN E. WILLIAMS, SR., an individual,

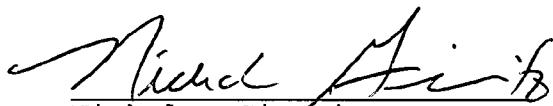
Plaintiff

vs.

CLIFF E. CESSNA and ROBBIN CESSNA,  
individually and/or as husband and  
wife, t/d/b/a CESSNA'S TAXIDERMY,

Defendants.

COUNSEL FOR PLAINTIFF:

  
Nicholas Giavito, Esq.

COUNSEL FOR DEFENDANTS:

  
Jeffrey M. Gordon, Esq.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL DIVISION - LAW

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

v.

CLIFF E. CESSNA and ROBBIN CESSNA,  
individually and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,  
Defendants

No. 01-1443-CD

Type of Pleading:  
**Answer and New Matter**

Filed on Behalf of:  
**Defendants**

Counsel of Record for this Party:  
**Jeffrey M. Gordon, Esquire**  
Supreme Court No. 55835  
152 Jefferson Street  
Brookville, PA 15825  
(814) 849-6800

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.

  
Jeffrey M. Gordon, Esquire

**FILED**

OCT 3 2001  
m 11:57 AM '01  
William A. Shaw  
Prothonotary 

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL DIVISION - LAW

DEAN E. WILLIAMS, SR., :  
an individual :  
Plaintiff :  
v. : No. 01-1443-CD  
CLIFF E. CESSNA and ROBBIN CESSNA, :  
individually and/or as husband and wife, :  
t/d/b/a CESSNA'S TAXIDERMY, :  
Defendants :

**ANSWER AND NEW MATTER**

AND NOW, come the defendants, Cliff E. Cessna and Robbin Cessna, individual and/or as husband and wife, t/d/b/a Cessna's Taxidermy, by and through their attorney, Jeffrey M. Gordon, Esquire, and file this answer and new matter, asserting as follows:

1. Admitted.
2. Admitted, but for the name change from Teresa Cessna to Robbin Cessna.
3. Admitted in part and denied in part. It is admitted that on Saturday, February 17, 2001, at approximately 10:30 a.m., plaintiff, Dean E. Williams, Sr., was a customer and business invitee of defendants, Cliff E. Cessna and Robbin Cessna, t/d/b/a Cessna's Taxidermy. The remaining averments contained in paragraph three (3) of plaintiff's complaint are denied. By way of further response, the actual cause for plaintiff's fall is fully set forth in new matter, which follows, and is incorporated herein by reference thereto.
4. The averments contained in paragraph four (4) of plaintiff's complaint are conclusions of law to which no response is required. To the extent that a response is required,

the defendants maintained their business premises in a safe condition at all times relevant hereto and any averments to the contrary are denied.

5. Denied. It is denied that snow and/or ice had accumulated on the defendants' driveway/walkway in ridges or elevations obstructing travel and constituting a danger to pedestrians traveling thereon. To the contrary, at all times relevant hereto, the defendants maintained their business premises in a safe and prudent manner.

6. Denied. It is denied that there existed on defendants' property localized patches of snow and/or ice. To the contrary, at all times relevant hereto, the defendants maintained their property in a safe and prudent manner. By way of further response, generally slippery conditions did prevail in the community at the time of plaintiff's fall.

7. Denied. It is denied that there existed on defendants' property artificially created defects which contributed to plaintiff's fall. To the contrary, at all times relevant hereto, the defendants maintained their property in a safe and prudent manner, including its slope and the materials used on the walkway.

8. Denied. It is denied that any of the dangerous conditions as set forth in plaintiff's complaint existed at the time of the incident. To the contrary, at all times relevant hereto, the defendants maintained their business premises in a safe and prudent manner, including the maintenance of safe surfaces upon said property.

9. Denied. It is denied that accumulation of snow and/or ice caused the plaintiff to fall. To the contrary, the cause of plaintiff's fall is fully set forth in new matter and is incorporated herein by reference thereto.

10. Denied. It is denied that defendants negligently allowed the driveway/walkway in

question to remain in an unsafe and dangerous condition and they negligently failed and neglected to remedy it. To the contrary at all times relevant hereto, the defendants maintained the subject property in a safe and prudent fashion.

11(a) - (d). The averments of wrongful and negligent conduct contained in paragraph eleven (11), subparagraphs (a)-(d) of the plaintiff's complaint are specifically denied. By way of further response and with regard to the remaining averments contained in paragraph 11(a)-(d) of plaintiff's complaint, defendants are without sufficient knowledge, information or belief to form an opinion as to the truth of said averments, therefore such averments are denied and strict proof thereof is demanded at the time of trial.

12. Denied. Defendants are without sufficient knowledge, information or belief to form an opinion as to the truth of the averment contained in paragraph twelve (12) of plaintiff's complaint, therefore such averments are denied and strict proof thereof is demanded at the time of trial.

13. The averments of carelessness and negligence contained in paragraph thirteen (13) are specifically denied. With regard to the remaining averments, the defendants are without sufficient knowledge, information or belief to form an opinion as to the truth of said averments, therefore such averments are denied and strict proof thereof is demanded at the time of trial.

14. Denied. The defendants are without sufficient knowledge, information or belief to form an opinion as to the truth of the averments contained in paragraph fourteen (14) of plaintiff's complaint, therefore such averments are denied and strict proof thereof is demanded at the time of trial.

COUNT ONE

Dean E. Williams, Sr. an individual, Plaintiff  
v.  
Cliff E. Cessna and Robbin Cessna, t/d/b/a  
Cessna's Taxidermy, Defendants

Negligence

15. Paragraphs one (1) through fourteen (14) are incorporated herein by reference as though set forth fully and at length.

16. Denied. The defendants deny that they were negligent or careless at any time relevant hereto. By way of further response, the defendants respond to paragraphs 16(a)-(n) as follows:

a. It is denied that defendants failed to observe and/or be aware of the presence of ice and/or snow on the walkway leading to their place of business. To the contrary, at all times relevant hereto, the defendants maintained their property in a safe and prudent fashion;

b. It is denied that the defendants failed to remove ice and/or snow on the walkway leading to their place of business. To the contrary, at all time relevant hereto, the defendants maintained their place of business in a safe and prudent fashion;

c. It is denied that the defendants failed to remove the hard "humped" like surface adjacent to the subject walkway. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion. By way of further response, it is denied that a hard "humped" surface existed.

d. It is denied that the defendants failed to utilize appropriate amounts of salt,

cinders or other anti-skid materials to the subject walkway. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

e. It is denied that the defendants failed to provide a safe and adequate sidewalk/walkway and/or failed to clearly delineate the sidewalk/walkway areas to their business. It is further denied that such sidewalk/walkway was covered with ice and/or snow. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

f. It is denied that handrails were required or necessary in the area where the plaintiff fell. It is further denied that the area where the plaintiff fell was covered with ice. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

g. It is denied that the defendants failed to provide a safer walkway area to their place of business. It is further denied that there existed a dangerous ice and snow covered gravel and grassy area. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

h. It is denied that the defendants failed to properly design the driveway/walkway area so as to provide adequate drainage. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

i. It is denied that defendants improperly designed their driveway/walkway area and that such inadequate or improper design resulted in a drainage problem which contributed to plaintiff's fall. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

j. It is denied that defendants used improper materials on their driveway/walkway and that such materials resulted in improper drainage or the accumulation of ice and snow. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

k. It is denied that a dangerous condition existed on defendants' property resulting in improper drainage and the accumulation of ice. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

l. It is denied that obstructive ridges and elevations existed in the area of the subject fall. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

m. It is denied that localized patches of ice and snow existed in the area of plaintiff's fall. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion;

n. It is denied that a dangerous condition existed at the time the plaintiff fell requiring defendants to warn the general public of such a condition. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion.

17. Denied. The averments of negligence contained in paragraph seventeen (17) of plaintiffs' complaint are specifically denied. To the contrary, at all time relevant hereto, the defendants maintained their property in a safe and prudent fashion and the cause of plaintiff's fall is specifically set forth in defendants' new matter and is incorporated herein by reference thereto.

**NEW MATTER**

AND NOW, come the defendants, Cliff E. Cessna and Robbin Cessna, individually and/or as husband and wife, t/d/b/a Cessna's Taxidermy, and present the following:

18. Plaintiff, Dean E. William, Sr., suffers from numerous medical conditions which affect and restrict his ability to ambulate.

19. The plaintiff's medical conditions caused him to be unsteady on his feet and also cause him to suffer light-headedness and vertigo.

20. The plaintiff, because of his physical problems and medical conditions, was required to take various prescription medications which also contribute to his light-headedness, vertigo and inability to safely ambulate.

21. On Saturday, February 17, 2001, at approximately 10:30 a.m., plaintiff, Dean E. Williams, Sr., fell upon the property owned by Cliff E. Cessna and Robbin Cessna, t/d/b/a Cessna's Taxidermy, after experience light-headedness, vertigo and/or dizziness.

22. On the above-referenced date and time, the plaintiff exited his vehicle and attempted to administer a dosage from an inhaler to himself, whereupon he suffered light-headedness, vertigo and dizziness and fell to the ground.

WHEREFORE, defendants demand judgment in their favor.

Respectfully submitted,



Jeffrey M. Gordon, Esquire  
Attorney for Defendants

**VERIFICATION**

I, Cliff E. Cessna, individually and t/d/b/a Cessna's Taxidermy, 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 or belief.

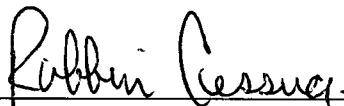
This statement and verification is made subject to the penalties of 18 Pa. P.C.S. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

  
\_\_\_\_\_  
Cliff E. Cessna, individually and t/d/b/a  
Cessna's Taxidermy

**VERIFICATION**

I, Robbin Cessna, individually and t/d/b/a Cessna's Taxidermy, 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 or belief.

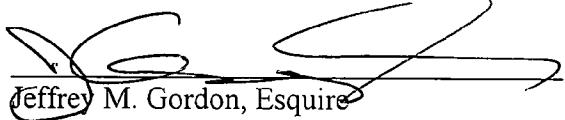
This statement and verification is made subject to the penalties of 18 Pa. P.C.S. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

  
\_\_\_\_\_  
Robbin Cessna, individually and t/d/b/a  
Cessna's Taxidermy

**CERTIFICATE OF SERVICE**

I, Jeffrey M. Gordon, Esquire, hereby certify that a true and correct copy of the within Answer and New Matter, was served upon the following by regular first class mail, this 29<sup>th</sup> day of October, 2001.

Nicholas Gianvito, Esquire  
Lorenzo & Gianvito, P.C.  
410 West Mahoning Street  
PO Box 495  
Punxsutawney, PA 15767



Jeffrey M. Gordon, Esquire  
Attorney for Defendants

**LORENZO & GIANVITO, P.C.**  
ATTORNEYS AT LAW  
410 WEST MAHONING STREET  
P. O. BOX 495  
PUNXSUTAWNEY, PA 15767  
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

vs.

CLIFF E. CESSNA and  
ROBBIN CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,

Defendants

Type of Case - CIVIL

No. 01-1443-CD

Type of Pleading -  
**REPLY TO NEW MATTER**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

**NICHOLAS GIANVITO, ESQ.**  
Pa. I.D. #67190

LORENZO & GIANVITO, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**FILED**

NOV 16 2001

William A. Shaw  
Prothonotary

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

**DEAN E. WILLIAMS, SR.,**  
an individual,

Plaintiff

vs.

No. 01-1443-CD

**CLIFF E. CESSNA and  
ROBBIN CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,**

Defendants

**PLAINTIFF'S REPLY TO NEW MATTER  
OF DEFENDANTS**

AND NOW, comes the plaintiff, DEAN E. WILLIAMS, SR., by and through his attorney, NICHOLAS GIANVITO, ESQ., of LORENZO & GIANVITO, P.C., and files the following Reply to New Matter of Defendants:

18. It is denied that the plaintiff suffers from numerous medical conditions which affect and restrict his ability to ambulate. To the extent that defendant does not identify what specific "medical conditions" plaintiff allegedly suffers from, nor do they identify how and/or why said "medical conditions" would affect plaintiff's ability to ambulate, plaintiff is incapable of formulating a more specific reply to this general averment, and therefore, denies same.

19. It is denied that the plaintiff's medical conditions caused him to be unsteady on his feet, and also caused him to suffer lightheadedness and vertigo. To the extent that defendants do not identify what "medical conditions" plaintiff allegedly suffers from, nor do they identify how and/or why they might cause him to be unsteady on his feet or to suffer lightheadedness and vertigo, plaintiff is incapable of formulating a more specific factual response to this general averment, and therefore same is denied.

20. It is admitted that plaintiff was taking certain prescription medications on February 17, 2001. It is denied that said medications contributed to lightheadedness, vertigo, and/or inability to safely ambulate. To the extent defendant does not identify which "various prescription medications" to which they are referring, nor do they identify how and/or why said medications would allegedly contribute to a lightheadedness, vertigo and/or inability to safely ambulate, plaintiffs are incapable of formulating a more specific factual reply to this general averment, and therefore, same is denied.

21. Defendants' averment that "on Saturday, February 17, 2001, at approximately 10:30 a.m., plaintiff, Dean E. Williams, Sr., fell upon the property owned by Cliff E. Cessna and Robbin Cessna, t/d/b/a Cessna's Taxidermy" is admitted. Defendants' averment that plaintiff fell "after experience light-headedness, vertigo and/or dizziness", is denied. To the contrary, plaintiff's fall was a direct and proximate result of the negligence of defendants, as noted in paragraph 16(a)-(n) of plaintiff's

Complaint, and not due to any "light-headedness, vertigo and/or dizziness", which is specifically denied.

22. Defendants' averment that "on the above-referenced date and time, the plaintiff exited his vehicle and attempted to administer a dosage from an inhaler to himself, whereupon he suffered light-headedness, vertigo and dizziness and fell to the ground", is specifically denied. To the contrary, plaintiff did not suffer any lightheadedness, vertigo and/or dizziness from the time he exited his vehicle until the time that he fell to the ground. The sole and proximate cause of plaintiff's fall upon the defendant's property was the negligence of defendants, as set forth in paragraphs 16(a)-(n) of plaintiff's Complaint.

WHEREFORE, plaintiff respectfully requests this Honorable Court dismiss the New Matter of defendants, and enter judgment in plaintiff's favor.

Respectfully submitted,

LORENZO & GIANVITO, P.C.

BY:   
Nicholas Gianvito, Esq.

STATE OF PENNSYLVANIA  
SS:  
COUNTY OF JEFFERSON

DEAN E. WILLIAMS, SR., Plaintiff, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Reply to New Matter of Defendants are true and correct to the best of his information, knowledge and belief.

  
Dean E. Williams, Sr.

Sworn and subscribed before me  
this 9 day of November, 2001.

  
\_\_\_\_\_  
Notary Public

ANNA BERTOLINI  
Notary Public, Macomb County, MI  
Acting in Michigan Co., MI  
My Commission Expires 01/21/2005

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2001,  
a true and correct copy of the foregoing Reply to New Matter  
was forwarded via first-class mail, postage prepaid, to the  
following:

Jeffrey M. Gordon, Esq.  
152 Jefferson St.  
Brookville, PA 15825



Nicholas Gianvito, Esq.

LORENZO & GIANVITO, P.C.  
ATTORNEYS AT LAW  
410 WEST MAHONING STREET  
P. O. BOX 495  
PUNXSUTAWNEY, PA 15767  
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**DEAN E. WILLIAMS, SR.,**  
an individual,

Plaintiff

vs.

**CLIFF E. CESSNA, and**  
**ROBBIN CESSNA, individually**  
and/or as husband and wife,  
t/d/b/a **CESSNA'S TAXIDERMY**,

Defendants

Type of Case - **CIVIL**

No. 01-1443-CD

Type of Pleading-  
**NOTICE OF SERVICE**

Filed on Behalf of - **PLAINTIFF**

Filed by -

**NICHOLAS GIANVITO, ESQ.**  
Pa. I.D. #67190

LORENZO & GIANVITO, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**FILED**

NOV 16 2001  
200112171466  
William A. Show  
Prothonotary

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

**DEAN E. WILLIAMS, SR.,**  
an individual,

Plaintiff

vs.

No. 01-1443-CD

**CLIFF E. CESSNA and**  
**ROBBIN CESSNA, individually**  
and/or as husband and wife,  
t/d/b/a **CESSNA'S TAXIDERMY**,

Defendants.

**NOTICE OF SERVICE**

TO THE PROTHONOTARY:

Please be advised that Plaintiff's First Set of  
Interrogatories and First Request for Production of Documents  
to Defendants were served upon said defendants, c/o their attorney,  
Jeffrey M. Gordon, Esq., 152 Jefferson Street, Brookville, Pa.,  
15825, this 13th day of November, 2001, via regular first-class  
U.S. Mail, postage prepaid.

LORENZO & GIANVITO, P.C.

By:   
Nicholas Gianvito, Esq.  
Attorney for Plaintiff

LORENZO & GIANVITO, P.C.  
ATTORNEYS AT LAW  
410 WEST MAHONING STREET  
P. O. BOX 495  
PUNXSUTAWNEY, PA 15767  
(814) 938-6590

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**DEAN E. WILLIAMS, SR.,**  
an individual,

Plaintiff

vs.

**CLIFF E. CESSNA and**  
**ROBBIN CESSNA, individually**  
**and/or as husband and wife,**  
**t/d/b/a CESSNA'S TAXIDERMY,**

Defendants

Type of Case - CIVIL

No. 01-1443-CD

Type of Pleading -  
**NOTICE OF SERVICE**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

**NICHOLAS GIANVITO, ESQ.**  
Pa. I.D. #67190

LORENZO & GIANVITO, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**FILED**  
FFB 19 2002

William A. Shaw  
Prothonotary

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

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

vs.

NO. 01-1443-CD

CLIFF E. CESSNA and  
ROBBIN CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,

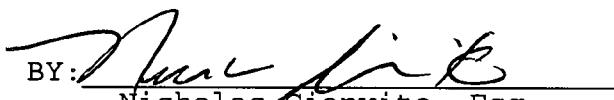
Defendants

**NOTICE OF SERVICE OF DISCOVERY RESPONSES**

TO THE PROTHONOTARY:

Please be advised that Plaintiff's Answers to Interrogatories and Response to Request for Production of Documents of Defendants were served upon said defendants, c/o their attorney: Jeffrey Gordon, Esq., 152 Jefferson St., Brookville, Pa., 15825, this 15<sup>th</sup> day of February, 2002, via regular U.S. Mail, postage prepaid.

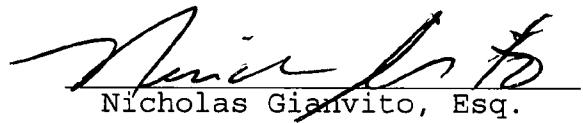
LORENZO & GIANVITO, P.C.

BY:   
Nicholas Gianvito, Esq.  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2002, a true and correct copy of the foregoing Notice of Service was forwarded via first-class mail, postage prepaid, to the following:

Jeffrey M. Gordon, Esq.  
152 Jefferson St.  
Brookville, PA 15825



Nicholas Gianvito, Esq.

**LORENZO & GIANVITO, P.C.**  
ATTORNEYS AT LAW  
410 WEST MAHONING STREET  
P. O. BOX 495  
PUNXSUTAWNEY, PA 15767  
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

vs.

CLIFF E. CESSNA, and  
ROBBIN CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,

Defendants

Type of Case - CIVIL

No. 01-1443-CD

Type of Pleading-  
**NOTICE OF DEPOSITIONS**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

**NICHOLAS GIANVITO, ESQ.**  
Pa. I.D. #67190

LORENZO & GIANVITO, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**FILED**

APR 09 2002  
01/581100 ce  
William A. Shaw  
Prothonotary

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

**DEAN E. WILLIAMS, SR.,**  
an individual,

Plaintiff

vs.

No. 01-1443-CD

**CLIFF E. CESSNA and**  
**ROBBIN CESSNA, individually**  
and/or as husband and wife,  
t/d/b/a **CESSNA'S TAXIDERMY**,

Defendants.

**NOTICE OF DEPOSITIONS**

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure, DEAN E. WILLIAMS, SR., plaintiff herein, gives notice that the deposition of the following individuals will be taken on **Monday, May 6, 2002 beginning at 9:00** in the Jury Room 303 of the Jefferson County Courthouse located at 200 Main Street, Brookville, PA 15825.

Cliff Cessna	9:00 AM
Robin Cessna	10:00 AM
George Cessna	11:00 AM

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO & GIANVITO, P.C.

Date: April 8, 2002

By   
Nicholas Gianvito  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 8<sup>th</sup> day of April, 2002,  
a true and correct copy of the Notice of Depositions was forwarded  
via first-class mail, postage prepaid, to the following:

Jeffrey M. Gordon, Esq.  
152 Jefferson St.  
Brookville, PA 15825

Sargent Court Reporting  
210 Main St.  
Johnstown, PA 15901

  
Nicholas Gianvito, Esq.

LORENZO, GIANVITO & LAVELLE, P.C.  
ATTORNEYS AT LAW  
410 WEST MAHONING STREET  
P. O. BOX 495  
PUNXSUTAWNEY, PA 15767  
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**DEAN E. WILLIAMS, SR.,**  
an individual,

Plaintiff

vs.

**CLIFF E. CESSNA, and**  
**ROBBIN CESSNA, individually**  
and/or as husband and wife,  
t/d/b/a **CESSNA'S TAXIDERMY**,

Defendants

Type of Case - **CIVIL**

No. 01-1443-CD

Type of Pleading-  
**PRAECIPE FOR TRIAL LIST**

Filed on Behalf of - **PLAINTIFF**

Filed by -

**NICHOLAS GIANVITO, ESQ.**  
Pa. I.D. #67190

LORENZO, GIANVITO & LAVELLE,  
P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**FILED**

JUL 07 2003

William A. Shaw  
Notary Public

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

**DEAN E. WILLIAMS, SR.,**  
an individual,

Plaintiff

vs.

No. 01-1443-CD

**CLIFF E. CESSNA and  
ROBBIN CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,**

Defendants.

**PRAECIPE FOR TRIAL LIST**

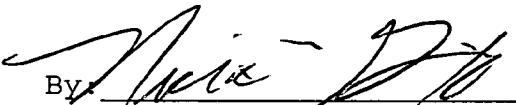
TO THE PROTHONOTARY:

Please place the above-captioned matter on the next  
available trial list.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 7/3/03

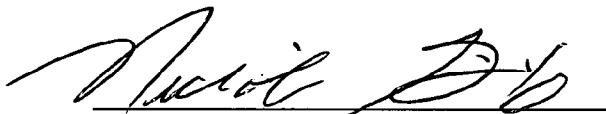
By

  
Nicholas Gianvito, Esq.  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 3<sup>rd</sup> day of July, 2003,  
a true and correct copy of the foregoing Praecipe for  
Trial List was forwarded via first-class mail, postage prepaid,  
to the following:

Jeffrey M. Gordon, Esq.  
152 Jefferson St.  
Brookville, PA 15825



Nicholas Gianvito, Esq.

FILED

NO  
cc

M1130824

copy to CIA

JUL 07 2003

ES  
KTB

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DEAN E. WILLIAMS, SR.,  
Plaintiff

\*

\*

\*

\*

\*

\*

vs.  
CLIFF E. CESSNA, and  
ROBBIN CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,  
Defendants

NO. 2001-1443-C.D.

**FILED**

AUG 15 2003

William A. Shaw  
Prothonotary

O R D E R

NOW, this 15<sup>th</sup> day of August, 2003, 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 August 22, 2003 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

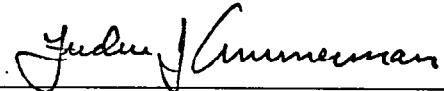
2. Jury Trial is hereby scheduled for November 4, 2003 and November 5 2003 commencing at 9:00 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

3. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of Trial shall submit said objections to the Court, in writing, no later than thirty (30) days prior to the commencement of Trial. All objections shall reference specific page and line numbers within the deposition(s) in

question along with that party's brief relative same. The opposing party shall submit its brief in opposition to said objections no later than fifteen (15) days prior to the commencement of Trial.

4. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than thirty (30) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than fifteen (15) days prior to trial.

By the Court,



---

JUDGE FREDRIC J. AMMERMAN

# FILED

AUG 15 2003  
013:15 (ms)  
William A. Shaw  
Prothonotary  
CERT TO GRS

- ✓ 2 certified copies to Nicholas Gianvito, Esquire
- ✓ 2 certified copies to Jeffrey M. Gordon, Esquire
- 1 copy to Judge Ammerman
- 1 copy to Court Administrator

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

DEAN E. WILLIAMS, SR.,  
Plaintiff

\*

\*

\*

vs.

\* No. 2001-1443-C.D.

\*

\*

\*

CLIFF E. CESSNA, and  
ROBBIN CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,  
Defendants

\*

\*

\*

\*

O R D E R

NOW, this 18<sup>th</sup> day of August, 2003, it is the ORDER of this Court that this Court's Order of August 15, 2003 be amended in part as follows:

1. Jury Selection will be held on August 22, 2003 commencing at **1:00 p.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

By the Court,



JUDGE FREDRIC J. AMMERMAN

FILED

AUG 18 2003

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

012-15801  
AUG 18 2003

WAS

William A. Shaw  
Prothonotary/Clerk of Courts

2 certified copies to Nicholas Gianvito, Esquire  
2 certified copies to Jeffrey M. Gordon, Esquire  
1 copy to Judge Ammerman  
1 copy to Court Administrator

*maurice j. ammerman*

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

DEAN E. WILLIAMS, SR., \*  
Plaintiff \*  
\*  
vs. \* NO. 2001-1443-C.D.  
\*  
CLIFF E. CESSNA and ROBBIN \*  
CESSNA, individually and/or \*  
as husband and wife, t/d/b/a \*  
CESSNA'S TAXIDERMY, \*  
Defendant \*

O R D E R

NOW, this 3<sup>rd</sup> day of November, 2003, counsel for both parties having advised the Court by letter that the parties have reached an agreement as settlement in this matter and therefore Jury Trial scheduled for Tuesday, November 4, 2003 and Wednesday, November 5, 2003 is no longer necessary, therefore, it is the ORDER of this Court that said Jury Trial scheduled in the above captioned action be and is hereby cancelled. Counsel for Plaintiff and the Defendant shall have no more than twenty (20) days from the date of this Order to present the appropriate settlement document to the Court.

By the Court,



JUDGE FREDRIC J. AMMERMAN

FILED

NOV 04 2003

William A. Shaw  
Prothonotary/Clerk of Courts

FILED 2cc Atty Gavvito  
018:44 PM 2cc Atty Gordon  
NOV 04 2003

William A. Shaw  
Prothonotary/Clerk of Courts

## Lorenzo, Gianvito &amp; Lavelle, P.C.

Attorneys at Law  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767

Nicholas F. Lorenzo, Jr.  
Nicholas Gianvito  
Patrick Lavelle

(814) 938-6390 phone  
(814) 938-6412 fax

November 3, 2003

Office of Court Administrator  
Clearfield County Courthouse  
230 E. Market St. Ste. 228  
Clearfield, PA 16830

Attn: Marcy

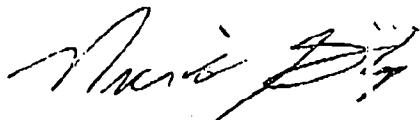
Re: Williams v. Cessna  
No. 01-1443-C

Dear Marcy:

This will confirm my conversation with you this morning advising you that the above case has been settled, and accordingly, there will be no need to hold jury trial tomorrow. I also informed Judge Ammerman's secretary of this fact by leaving a voice mail message with her.

Thank you for your time and attention.

Sincerely yours,



Nicholas Gianvito

NG/dlw

# Jeffrey M. Gordon

Attorney at Law

(814) 849-6800 • Fax (814) 849-6363



152 Jefferson Street, Brookville, PA 15825

November 3, 2003

*Via Facsimile (814-765-7649) and U.S. Regular Mail*

Honorable Fredric J. Ammerman  
Judge's Chambers  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

Re: *Dean E. Williams, Sr. v. Cliff E. Cessna and Robbin Cessna, individually  
and/or as husband and wife, t/d/b/a Cessna's Taxidermy*  
No. 01-1443-CD

Dear Judge Ammerman:

Please be advised that the above-referenced matter has been settled.

Should you have any questions, please feel free to contact me.

Sincerely,



Jeffrey M. Gordon

JMG/kjs

cc: Nicholas Gianvito, Esquire

LORENZO, GIANVITO & LAVELLE, P.C.  
ATTORNEYS AT LAW  
410 WEST MAHONING STREET  
P. O. BOX 495  
PUNXSUTAWNEY, PA 15767  
(814) 938-6590

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

Type of Case - CIVIL

No. 01-1443-CD

Vs.

CLIFF E. CESSNA, and  
ROBBIN CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,

Defendants

Type of Pleading -  
**PRAECIPE TO DISCONTINUE**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

**NICHOLAS GIANVITO, ESQ.**  
Pa. I.D. #67190

LORENZO, GIANVITO & LAVELLE, PC  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**FILED**

NOV 10 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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

DEAN E. WILLIAMS, SR.,  
an individual,

Plaintiff

vs.

No. 01-1443-CD

CLIFF E. CESSNA and  
ROBBIN CESSNA, individually  
and/or as husband and wife,  
t/d/b/a CESSNA'S TAXIDERMY,

Defendants

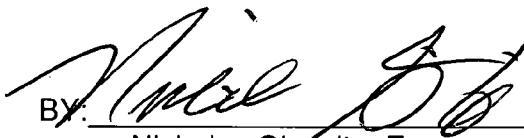
**PRAECIPE TO DISCONTINUE**

TO THE PROTHONOTARY:

Please mark the above-captioned matter as settled, discontinued and terminated.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 11/7/03

BY:   
Nicholas Gianvito, Esq.  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 7<sup>th</sup> day of November, 2003, a true and correct copy of the foregoing Praeclipe to Discontinue was forwarded via first-class mail, postage prepaid, to the following:

Jeffrey M. Gordon, Esq.  
152 Jefferson St.  
Brookville, PA 15825



Nicholas J. Glanvito  
Nicholas J. Glanvito, Esq.

**FILED** 1cc a Cert. of Disc.  
M 10/05/2003 to Amy  
Nov 10 2003  
William A. Shaw *copy*  
Prothonotary/Clerk of Courts  
Copy of Cert. of Disc to CJA

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Copy

Dean E. Williams Sr.

Vs.

No. 2001-01443-CD

Cliff E. Cessna and Robbin Cessna,  
individually and/or as husband and  
wife, t/d/b/a Cessna's Taxidermy

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 November 10, 2003, marked:

Settled, Discontinued and Terminated

Record costs in the sum of \$80.00 have been paid in full by Nicholas Gianvito, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 10th day of November A.D. 2003.

---

William A. Shaw, Prothonotary