

01-1658-CD

COREY COMAWAY et ux -vs- BETTER MANAGEMENT CORPORATION OF OHIO,  
INC. et al

FILED

JUN 12 2002

William A. Shaw  
Prothonotary

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OFFICE OF PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW

PROTHONOTARY  
AND  
CLERK OF COURT

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



P.O. Box 549  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-2641 Ext. 1330  
FAX(814)-765-7659

DAVID S. AMMERMAN

SOLICITOR

COPY

June 11, 2002

Michael H. Rosenzweig, Esquire  
EDGAR SNYDER & ASSOCIATES, LLC  
Gulf Tower, Sixteenth Floor  
707 Grant Street  
Pittsburgh, PA 15219

Edwin Allen Young, Esquire  
LAW OFFICES OF EDWIN ALLEN YOUNG  
1225 One Oxford Center  
301 Grant Street  
Pittsburgh, PA 15219

Robert W. Deer, Esquire  
DEER & ASSOCIATES  
101 Smithfield Street  
Pittsburgh, PA 15222

Judith A. Moses, Esquire  
CIPRIANI & WERNER, P.C.  
1100 Two Chatham Center  
112 Washington Place  
Pittsburgh, PA 15219

Re: CONAWAY vs. BETTER MANAGEMENT CORP., et. Al.  
Case No. 01-1658-CD

Dear Counsel:

Please be advised that the above-captioned action has been transferred to the Court of Common Pleas of Elk County, Pennsylvania, on the 11<sup>th</sup> day of June, 2002.

Sincerely,

William A. Shaw  
Prothonotary

WAS/jk  
Enclosures  
CC: David Frey, Prothonotary  
certified mail no.: 7099 3400 0016 7880 5669

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

COREY CONAWAY and  
DEANNA CONAWAY

-vs-

No. 01 - 1658 - CD

BETTER MANAGEMENT :  
CORPORATION OF OHIO, INC., :  
individually and d/b/a BMC; COLUMBIA :  
CORPORATION, INC., individually and :  
d/b/a COLUMBIA TRAILER CO., INC.; :  
COLUMBIA TRAILER CO., INC., :  
individually and d/b/a COLUMBIA :  
CORPORATION, INC.; SUPERIOR :  
GREENTREE LANDFILL, INC.; :  
SUPERIOR SERVICES, INC., :  
individually and d/b/a SUPERIOR :  
GREENTREE LANDFILL or SUPERIOR :  
GREENTREE LANDFILL, INC.; :  
SUPERIOR GREENTREE LANDFILL, :  
LLC; and HOMESTEAD LAND CORP., :  
individually and d/b/a SUPERIOR :  
GREENTREE LANDFILL or SUPERIOR :  
GREENTREE LANDFILL, LLC. :

FILED  
COURT  
JUN 08 2002

William A. Shaw  
Prothonotary

ORDER

NOW, this 6<sup>th</sup> day of June, 2002, this being the day and date set for argument into Motion for Protective Order filed on behalf of Defendants above-named, it is the ORDER of this Court that Protective Order sought in paragraph 14 of said Motion regarding paragraphs 46 through 48 of Plaintiffs' Interrogatories shall be and is hereby granted as to Defendant Superior. With regards to paragraph 17 of said Motion referring to Plaintiffs' Interrogatories 43, 44 and 45, said Motion shall be and is hereby denied with regards to the operators identified as Ray Lutton and Pat Harris and granted as to Plaintiffs' Interrogatory 45.

With regards to Defendants' paragraph 19 in said Motion concerning paragraphs 57 and 54 of Plaintiffs' Interrogatories, it is the ORDER of this Court that in each case,

Defendants shall ascertain the number of tippers operating at land fills in existence at the time of the accident and supply the information requested.

With regards to paragraph 21 of Defendants' Motion concerning Interrogatories 55, 56 and 57, it is the ORDER of this Court that with regards to Interrogatories 55 and 56 Defendant Superior shall amend its response thereto to reflect that upon further diligent search and investigation said Defendant has no knowledge of any persons material to said matter.

With regards to paragraph 67, said Protective Motion is granted as said paragraph is overly broad.

With regards to paragraph 23 of Defendants' Protective Order regarding Plaintiffs' Interrogatories 52, 53 and 64, it is the ORDER of this Court that said Motion be and is hereby granted to interrogatory 52 to the extent that Defendant shall answer after making diligent and reasonable investigation and research. Paragraph 53 of said Motion is granted as being overly broad and 64 shall be amended limited to tippers of a similar nature to the one in question and as limited to tractor trailer drivers, and responses are to be for instances prior to and subsequent to the date of the accident.

It is the further ORDER of this Court that in view of the fact that the location of the accident is in Elk County, Pennsylvania, that the Clerk of Courts of Clearfield County shall be and is hereby directed to certify the proceedings to the Court of Common Pleas of Elk County, Pennsylvania, Civil Division, for purposes of further disposition.

BY THE COURT:

---

President Judge

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

**Corey Conaway  
Deanna Conaway**

**Vs.**

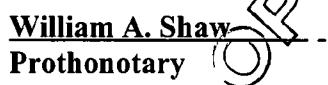
**CASE #2001-01658-CD**

**Better Management Corporation of Ohio, Inc.  
Columbia Corporation, Inc.  
Columbia Trailer Co., Inc.  
Superior Greentree Landfill, Inc.  
Superior Services, Inc.  
Superior Greentree Landfill, LLC  
Homestead Land Corp.**

**CERTIFICATION OF DOCKET ENTRIES**

I, William A. Shaw, Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, do hereby certify that the attached is a certified and full copy of the docket entries in the above captioned case.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Court, on the June 11, 2002.

  
**William A. Shaw**  
Prothonotary  
BY:   
**Deputy**

Date: 06/11/2002

**Clearfield County Court of Common Pleas**

User: JKENDRICK

Time: 08:58 AM

**ROA Report**

Page 1 of 3

Case: 2001-01658-CD

Current Judge: John K. Reilly Jr.

**Civil Other**

Date	Judge
10/04/2001	Filing: Praeince for Writ of Summons Paid by: Better Management Corporation of Ohio, Inc. (defendant) Receipt number: 1832389 Dated: 10/04/2001 Amount: \$80.00 (Check) No Judge
10/22/2001	Praeince for Appearance, on behalf of Defendants, Better Management Corp. of Ohio, Inc. ind. and d/b/a BMC; Superior Greentree Landfill, Inc.; Superior Services, Inc., ind. and d/b/a Superior Greentree Landfill, LLC and Homestead Land Corp. ind. and d/b/a Superior Greentree Landfill or Superior Greentree Landfill, Inc. Filed by s/Robert W. Deer, Inc. Cert of Svc no cc Affidavit of Service of Process upon Defendant Columbia Corporation, Inc., No Judge Indv. and d/b/a Columbia Trailer Co., Inc., filed by Atty. Rosenzweig, No cc Affidavit of Service of Process Upon Defendant Columbia Trailer Co., Inc., No Judge Indv. and d/b/a Columbia Corporation, Inc., filed by Atty. Rosenzweig No cc Affidavit of Service of Process upon Defendant Better Management Corporation of Ohio, Inc., indv. and d/b/a BMC., filed by Atty. Rosenzweig No cc Praeince for Rule to File a Complaint, filed by s/Robert W. Deer No CC Rule to Attorney Deer John K. Reilly Jr.
10/24/2001	Complaint In Civil Action. Filed by s/Michael H. Rosenzweig, Esq. Verification. s/Corey Conaway s/Deanna Conaway Cert of Svc no cc No Judge
11/01/2001	Praeince for Appearance, on behalf of Superior Greentree Landfill, Inc., Superior Services, Inc., individually and d/b/a Superior Greentree Landfill, LLC and Homestead Landfill, LLC and Homestead Land Corp., individually and d/b/a Superior Greentree Landfill or Superior Greentree Landfill, Inc., Defendants. Filed by s/Edwin Allen Young, Esq. Cert of Svc no cc No Judge
11/02/2001	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm No Judge
11/05/2001	Praeince for Appearance on behalf of Columbia Corp., Inc. ind. and d/b/a Columbia Trailer Co., Inc., Columbia Trailer Co., Inc., Ind. and d/b/a ColumbiaCorporation, Inc., Defendants Filed by s/Judith A. Moses, Esq. Cert of Svc no cc No Judge
11/16/2001	Notice of Service of Plaintiffs' Interrogatories and Request for Production of Documents Directed to Defendants Better Management Corporation of Ohio, Inc., individually and d/b/a BMC, filed by s/Michael H. Rosenzweig, Esq. No CC No Judge Notice of Service of Plaintiffs' Interrogatories and Request for Production of Documents Directed to Defendants Superior Greentree Landfill, Inc.; Superior Services, Inc., indiv. and d/b/a Superior Greentree Landfill or Superior Greentree Landfill, Inc.; Superior Greentree Landfill, LLC; and Homestead Land Corp., indiv. and d/b/a Superior Greentree Landfill or Superior Greentree Landfill, Inc., filed by s/Michael H. Rosenzweig, Esq. No CC No Judge Notice of Service, Interrogatories Directed to Plaintiffs and Request for Production and Inspection of Documents Directed to Plaintiff, upon Michael H. Rosenzweig, Esq. and Robert W. Deer, Esq., filed by s/Judith A. Moses, Esq. No CC No Judge Notice of Service, Combined Interrogatories and Request for Production of Documents, filed by s/Judith A. Moses, Esq. No CC No Judge

Date: 06/11/2002

**Clearfield County Court of Common Pleas**

User: JKENDRICK

Time: 08:58 AM

**ROA Report**

Page 2 of 3

Case: 2001-01658-CD

Current Judge: John K. Reilly Jr.

**Civil Other**

Date	Judge
11/16/2001	Notice of Service of Plaintiffs' Interrogatories and Request for Production of No Judge Documents Directed to Defendants Columbia Corporation, Inc., individually and d/b/a Columbia Trailer Co., Inc.; Columbia Trailer Co., Inc., individually and d/b/a Columbia Corporation, Inc., filed by s/Michael H. Rosenzweig
01/10/2002	Answer. New Matter and New Matter Pursuant to 2252(D). Filed by No Judge s/Judith A. Moses, Esq. Verification Cert of Svc no cc
02/07/2002	Answer, New Matter and New Matter Pursuant to PA. R. C. P. 2252(d) No Judge Filed by s/Jennifer M. Swistak, Esq. Verification. s/Donald Hendricks s/Lee Stoneburner Certificate of Service no cc
02/11/2002	Plaintiffs' Motion to Compel Answers to Interrogatories and Responses to No Judge Requests for Production of Documents. Filed by s/Michael H. Rosenzweig, Esq. Certificate of Service no cc
02/15/2002	Notice of Service of Interrogatories and Request For Production of John K. Reilly Jr. Documents Directed to Plaintiffs upon Atty Rosenzweig and Moses. Filed by s/Jennifer M. Swistak no cc
02/19/2002	ORDER OF COURT, AND NOW, to-wit, this 19th day of Feb. 2002, re: John K. Reilly Jr. Defendants to complete Answers to Interrogatories and Responses to Request for Production of Documents propounded by Plaintiffs, within 20 days from the date hereof. by the Court, s/JKR,JR.,P.J. 2 cc Atty Rosenzweig
	Plaintiffs' Reply to New Matter of Defendants Columbia. Filed by s/Michael John K. Reilly Jr. H. Rosenzweig, Esq. Verification s/Corey Conaway s/Deanna Conaway Certificate of Service no cc
02/20/2002	Plaintiffs' Reply to Defendants BMC and Superior's New Matter. Filed by John K. Reilly Jr. s/Michael H. Rosenzweig, Esq. Certificate of Service no cc Columbia Corporation, Inc., D/B/A Columbia Trailer Co., Inc, Columbia Trailer Co., Inc D/B/A Columbia Corporation, Inc's Reply to New Matter Pursuant to 2252(D) of BMC. Filed by s/Judith A. Moses, Esq. Verification s/Judith A. Moses, Esq. Certificate of Service no cc
03/06/2002	Reply To New Matter And Answer to New Matter Pursuant To 2252(D) Of John K. Reilly Jr. Columbia Defendants. Filed by s/Jennifer M. Swistak, Esq. Verification. s/Lee Stoneburner s/Donald Henrichs Certificate of Service no cc
03/11/2002	Notice of Service of Superior Defendant's Answers to Plaintiffs' John K. Reilly Jr. Interrogatories and Responses to Plaintiffs' Request for Production of Documents, upon Michael H. Rosenzweig, Esq. and Judith A. Moses, Esq. Filed by s/Jennifer M. Swistak, Esq. no cc Notice of Service of Defendant BMC'S Answers to Plaintiffs' Interrogatories John K. Reilly Jr. and Responses ToPlaintiffs' Request for Production of Documents, upon Michael H. Rosenzweig, Esq. and Judith A. Moses, Esq. Filed by s/Jennifer M. Swistak, Esq. no cc
	Notice of Service of Defendants' Answers and Responses to Combined John K. Reilly Jr. Interrogatories and Request for Production of Documents of Columbia Defendants, upon Michael H. Rosenzweig, Esquire and Judith A. Moses, Esq. Filed by s/Jennifer M. Swistak, Esq. no cc
04/25/2002	Motion For Protective Order. Filed by s/Jennifer M. Swistak, Esq. John K. Reilly Jr. Certificate of Service

Date: 06/11/2002

**Clearfield County Court of Common Pleas**

User: JKENDRICK

Time: 08:58 AM

**ROA Report**

Page 3 of 3

**Case: 2001-01658-CD**

**Current Judge: John K. Reilly Jr.**

**Civil Other**

Date	Judge
06/06/2002	ORDER, NOW, this 6th day of June, 2002, re: Argument into Motion For Protective Order filed on behalf of Defendants. By the Court, s/JKR,JR.,P.J. ALSO, Clerk of Courts of Clearfield County shall be and is hereby directed to certify the proceedings to the Court of Common Pleas of Elk County, Pennsylvania, Civil Division, for purposes of further disposition. 1 cc Atty Swistak, Rosenzweig, and Moses
06/11/2002	Filing: Exemplified Record Paid by: Rosenzweig, Michael H (attorney for John K. Reilly Jr. Conaway, Deanna) Receipt number: 1843857 Dated: 06/11/2002 Amount: \$15.00 (Check)

Date: 06/11/2002

**Clearfield County Court of Common Pleas**

NO. 1843857

Time: 08:57 AM

**Receipt**

Page 1 of 1

Received of: Rosenzweig, Michael H (attorney for Conaway, Dean

\$ 15.00

Fifteen and 00/100 Dollars

Case: 2001-01658-CD	Plaintiff: Conaway, Corey	Amount
Exemplified Record		15.00
<b>Total:</b>		<b>15.00</b>

Check: 154768

Payment Method: Check

Amount Tendered: 15.00

William A. Shaw, Prothonotary/Clerk of Courts

By: \_\_\_\_\_

Deputy Clerk

Clerk: JKENDRICK

Duplicate

# Edgar Snyder & ASSOCIATES LLC

A Law Firm Representing Injured People.

Gulf Tower, Sixteenth Floor  
707 Grant Street  
Pittsburgh, PA 15219-1925

Telephone: 412/394-1000  
Web Site: [edgarsnyder.com](http://edgarsnyder.com)

**Attorney Michael H. Rosenzweig**  
Also admitted to practice in West Virginia

Direct Dial Number: 412/394-4457  
E-mail: [mrosenzweig@edgarsnyder.com](mailto:mrosenzweig@edgarsnyder.com)

Other Offices In: Altoona  
Ebensburg • Erie • Johnstown

Dept Fax Number: 412/391-2180

June 7, 2002

William A. Shaw, Prothonotary  
1 North Second Street  
Clearfield County Courthouse  
Clearfield, PA 16830

RE: Corey Conaway and Deanna Conaway, husband and wife, vs. Better Management Corporation of Ohio, Inc., et al  
2001-01658-CD (Clearfield County)  
Our File No. 319391

Dear Prothonotary:

Enclosed for filing please find the following:

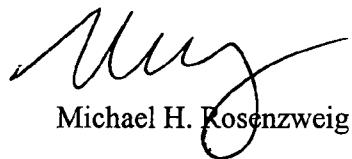
1. Praeclipe to Transfer to Elk County;
2. Check for \$15.00 made payable to the Prothonotary of Clearfield County for filing fee;
3. Check for \$58.00 made payable to the Prothonotary of Elk County for the transfer fee.
4. An extra copy of the cover sheet; and
5. A return envelope.

Please file the Praeclipe, time stamp and return the extra cover sheet in the enclosed, business reply envelope along with the receipt for filing. Please send the check to the Prothonotary of Elk County when you transfer the case.

Corey Conaway  
Page 2  
June 7, 2002

Thank you for your assistance in this matter.

Very truly yours,



A handwritten signature in black ink, appearing to read "MHR".

Michael H. Rosenzweig

MHR/mau  
Enclosures

cc: Jennifer Swistak, Esquire  
Judith A. Moses, Esquire

01-1658-CO

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Frey, Prothonotary  
Elk County Courthouse  
Main & Court Street  
Ridgway, PA 15853

01-1658-CO

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)	B. Date of Delivery
Sylvia H. Kowalewski	6-12-06
Duty	
C. Signature	
X	Sylvia H. Kowalewski, Prothonotary
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If YES, enter delivery address below:	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	

3. Service Type

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 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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**FILED**

JUN 13 2002

7/10/02/nacc

William A. Shaw

Prothonotary