

01-1658-CU
COREY CONAWAY etux -vs- BETTER MANAGEMENT CORPORATION OF OHIO,
INC. etal

FILED

JUN 12 2002

William A. Shaw *FW*
Prothonotary

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OFFICE OF PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW

**PROTHONOTARY
AND
CLERK OF COURT**

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

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

COPY

June 11, 2002

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

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

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

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 11th 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

COPY
JUN 6 8 2002

William A. Shaw
Prothonotary

ORDER

NOW, this 6th 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**

Civil Other

| Date | | Judge |
|------------|--|--------------------|
| 10/04/2001 | Filing: Praecipe 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 | Praecipe 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 | No Judge |
| | Affidavit of Service of Process upon Defendant Columbia Corporation, Inc., Indv. and d/b/a Columbia Trailer Co., Inc., filed by Atty. Rosenzweig, No cc | No Judge |
| | Affidavit of Service of Process Upon Defendant Columbia Trailer Co., Inc., Indv. and d/b/a Columbia Corporation, Inc., filed by Atty. Rosenzweig No cc | No Judge |
| | 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 | No Judge |
| | Praecipe 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 | Praecipe 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 | Praecipe 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 Columbia Corporation, 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 |

Civil Other

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

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 | John K. Reilly Jr. |
| 06/11/2002 | Filing: Exemplified Record Paid by: Rosenzweig, Michael H (attorney for Conaway, Deanna) Receipt number: 1843857 Dated: 06/11/2002 Amount: \$15.00 (Check) | John K. Reilly Jr. |

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

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| Case: 2001-01658-CD | Plaintiff: Conaway, Corey | Amount |
|---------------------|---------------------------|--------------|
| Exemplified Record | | 15.00 |
| Total: | | 15.00 |

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Amount Tendered: 15.00

William A. Shaw, Prothonotary/Clerk of Courts

By: _____
Deputy Clerk

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

Telephone: 412/394-1000
Web Site: edgarsnyder.com

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

*Other Offices In: Altoona
Ebensburg • Erie • Johnstown*

Direct Dial Number: 412/394-4457
E-mail: mrosenzweig@edgarsnyder.com

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:

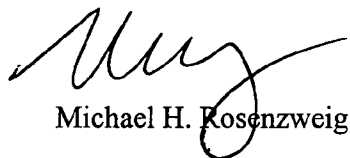
1. Praeipce to Transfer to Elk County;
2. Check for \$15.00 made payable to the Prothonotary of Clearfield County for filing fee;
3. Check for \$58.00 made payable to the Prothonotary of Elk County for the transfer fee.
4. An extra copy of the cover sheet; and
5. A return envelope.

Please file the Praeipce, 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,



Michael H. Rosenzweig

MHR/mau
Enclosures

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

01-1658-CD

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1. Article Addressed to:

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

01-1658-CD

2. Article Number (Copy from service label)

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PS Form 3811, July 1999

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Sylvia H. Kemwetter 6-12-06

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- ☐ Insured Mail ☐ C.O.D.

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JUN 13 2002

17/10:44/103CC
William A. Shaw
Prothonotary

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HLS