

01-1820-CD  
CARRIE SEABOLT et al -vs- RON WILLIAMS

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

No. 01 - - CD

CARRIE SEABOLT, Administratrix  
of the Estate of FREDRICK C.  
PSCHOLKA, JR., Deceased, and  
CARRIE SEABOLT, Individually,  
Plaintiffs

vs.

RON WILLIAMS,  
Defendant

C O M P L A I N T

NOTICE TO DEFENDANT:

YOU are hereby notified that  
you are required to file an  
Answer to the within Complaint  
within twenty (20) days after  
service upon you or judgment may  
be entered against you.

PAUL COLAVECCHI, ESQUIRE  
ATTORNEY FOR PLAINTIFFS

COLAVECCHI  
RYAN & COLAVECCHI  
ATTORNEYS AT LAW  
221 EAST MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA 16830

NOV 05 2021  
010-101m  
William A. Show  
Prothonotary  
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BY ATT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARRIE SEABOLT, Administratrix  
of the Estate of FREDRICK C.  
PSCHOLKA, JR., Deceased and  
CARRIE SEABOLT, Individually,  
Plaintiffs

vs.

RON WILLIAMS,  
Defendant

CIVIL ACTION

No. 01 - 1820 - CD

COMPLAINT

Filed on behalf of  
Plaintiff, CARRIE SEABOLT,  
Individually and as  
Administratrix of the Estate  
of FREDRICK C. PSCHOLKA, JR.,  
Deceased

Counsel of Record for  
Said Party:

PAUL COLAVECCHI, ESQUIRE  
PA I.D. 38739

COLAVECCHI RYAN & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

**FILED**

NOV 05 2001

William A. Shaw  
Prothonotary

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

CARRIE SEABOLT, Administratrix:  
of the Estate of FREDRICK C. :  
PSCHOLKA, JR., Deceased and :  
CARRIE SEABOLT, Individually, :

Plaintiffs:

:  
vs. : No. 01 - - CD  
:  
RON WILLIAMS, :  
Defendant :

N O T I C E

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 Plaintiffs. 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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
Second and Market Streets  
Clearfield, PA 16830

Phone 814/765-2641 Ex. 5982

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

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

CARRIE SEABOLT, Administratrix:  
of the Estate of FREDRICK C. :  
PSCHOLKA, JR., Deceased and :  
CARRIE SEABOLT, Individually, :  
Plaintiffs:

: vs. : No. 01 - - CD

RON WILLIAMS, :  
Defendant :

C O M P L A I N T

COUNT I  
SURVIVAL ACTION

1. Plaintiff, Carrie Seabolt, is the duly appointed, qualified and acting Administratrix of the Estate of Fredrick C. Pscholka, Jr., Deceased, who died in the manner alleged below on August 25, 2001. Plaintiff brings this action for the benefit of Decedent's Estate under the provisions of 42 Pa.C.S.A. 8302.

2. Defendant, Ron Williams, of 7573 Harrisburg, London Road, Orient, Ohio, 43146.

3. On August 25, 2001, Defendant was operating a sprint car around a track at the Clearfield Mountain Speedway. While rounding Turn Three, Defendant veered off the road and struck Fredrick C. Pscholka, Jr. who was standing in the grass outside the track, causing injuries which lead to his death.

4. The above-described accident was proximately caused by the reckless and negligent Defendant, Ron Williams, in that Defendant failed to use reasonable and ordinary care while operating his sprint car around the track so as to keep the car on the track and not cause injuries to others.

5. Fredrick C. Pscholka, Jr. was not contributory or comparatively negligent due to the fact he was standing outside of the track when he was struck by the vehicle being operated by Defendant.

6. As a proximate result of the above-described wrongful act of Defendant, Fredrick C. Pscholka, Jr. suffered severe multiple injuries, including injuries to his head, which resulted in his death on August 25, 2001.

7. From the time of Decedent's injury and death on August 25, 2001, Decedent suffered great physical and mental pain, shock and agony, all to his damage in a sum which will be determined at time of trial.

8. At the time of the death, Decedent had a life expectancy of sixty-five years and was in a physically healthy condition, was working with three employers and was of good character.

9. By reason of the death of Decedent, Decedent's estate has been deprived of all present and future accumulations that Decedent

would have made to his estate had he lived his life expectancy to which damage in a sum which will be determined at trial.

10. By reason of the injury and death of Decedent, Decedent's estate has become liable for hospital bills, doctor's bills, nursing bills, and funeral expenses.

WHEREFORE, Plaintiff requests judgment against Defendant as follows:

1. Damages for future earnings which will be determined at trial;
2. The costs of this action; and
3. Such other and further relief as may be proper.

COUNT II

WRONGFUL DEATH ACTION

Paragraphs 1 through and including Paragraph 10 are incorporated herein as if set forth at length.

11. Plaintiff, Carrie Seabolt, is the duly appointed, qualified and acting Administratrix of the Estate of Fredrick C. Pscholka, deceased, and the mother of Fredrick C. Pscholka, who died in the manner alleged below on August 25, 2001, and for whose benefit this action is brought.

12. At all times herein mentioned, Defendant, Ron Williams, was a resident of Orient, Ohio.

13. On August 25, 2001, Defendant was operating a sprint car around a track at the Clearfield Mountain Speedway. While rounding Turn Three, Defendant veered off the road and struck Fredrick C. Pscholka, Jr. who was standing in the grass outside the track, causing injuries which lead to his death.

14. The above-described accident was proximately caused by the reckless and negligent Defendant, Ron Williams, in that Defendant failed to use reasonable and ordinary care while operating his sprint car around the track so as to keep the car on the track and not cause injuries to others.

15. Fredrick C. Pscholka, Jr. was not contributory or comparatively negligent due to the fact he was standing outside of the track when he was struck by the vehicle being operated by Defendant.

16. As a proximate result of the above-described wrongful act of Defendant, Decedent suffered severe multiple injuries which caused his death on August 25, 2001.

17. At the time of death, Decedent's had a life expectancy of sixty-five years and was in good physical health, was working for three employers and was of good character.

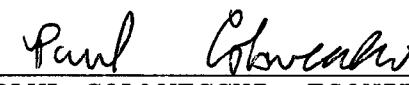
18. By reason of the death of Decedent, Decedent's surviving mother has been deprived of Decedent's support, comfort, society,

counsel, services and future earnings, all to her damage in a sum that will be determined at the time of trial.

19. Plaintiff is also entitled to reasonable funeral expenses incurred upon the death of Decedent.

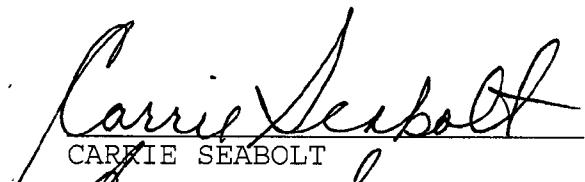
WHEREFORE, Plaintiff requests judgment against the Defendant as follows:

1. Damages for deprived future earnings which will be determined at the time of trial;
2. The cost of this action; and
3. Such other and future relief as may be proper.

  
PAUL COLAVECCHI, ESQUIRE  
Attorney for Plaintiffs

VERIFICATION

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

  
\_\_\_\_\_  
CARRIE SEABOLT

  
\_\_\_\_\_  
CARRIE SEABOLT, Administratrix  
of the Estate of Fredrick C.  
Pscholka, Jr., Deceased

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

Sheriff Docket # 11725

SEABOLT, CARRIE, ADMX. Of Estate of FREDRICK C. PSCHOLKA JR., DE 01-1820-CD

VS.  
WILLIAMS, RON

**COMPLAINT**

**SHERIFF RETURNS**

**NOW NOVEMBER 5, 2001 MAILED THE WITHIN COMPLAINT TO RON WILLIAMS,  
DEFENDANT BY CERT. MAIL # 7000 0600 0022 9001 8263 AT 7573 HARRISBURG,  
LONDON ROAD, ORIENT, OHIO 43146 BEING HIS LAST KNOWN ADDRESS. THE  
RETURN RECEIPT IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.  
NO SIGNATURE.**

---

**Return Costs**

<b>Cost</b>	<b>Description</b>
<b>25.71</b>	<b>SHFF. HAWKINS PAID BY: ATTY.</b>
<b>10.00</b>	<b>SURCHARGE PAID BY: ATTY.</b>

**Sworn to Before Me This**

21 Day Of November 2001  
Chester A. Hawkins

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

**So Answers,**

*Chester A. Hawkins  
by Marilyn Harris*  
Chester A. Hawkins  
Sheriff *ECE*

**FILED**

NOV 21 2001

William A. Shaw  
Prothonotary

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:**

RON WILLIAMS  
7573 Harrisbrg  
London Road  
Orient, Ohio 43146

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)	B. Date of Delivery
---------------------------------------	---------------------

**C. Signature****X** Agent Addressee**D. Is delivery address different from item 1?**  Yes  
If YES, enter delivery address below:  No**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

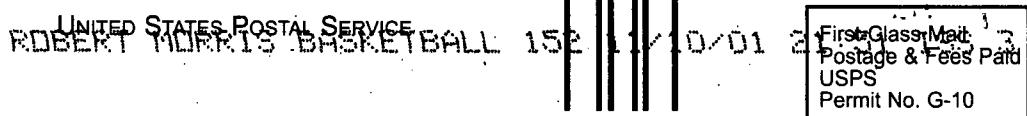
**4. Restricted Delivery? (Extra Fee)** Yes**2. Article Number (Copy from service label)**

7000 0600 0022 9001 8263

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



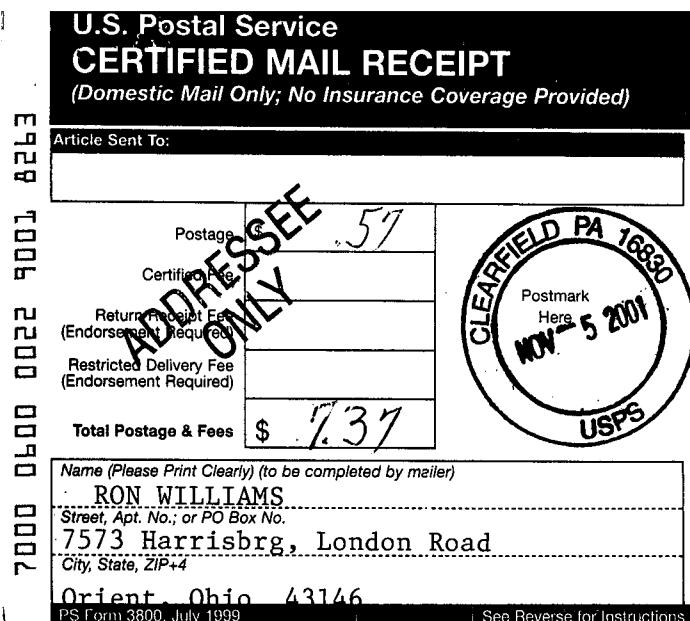
• Sender: Please print your name, address, and ZIP+4 in this box •

CHESTER A. HAWKINS  
Sheriff of Clearfield county  
1 N. 2nd St. Suite 116  
Clearfield, Pa. 16830

11725

69

|||||



**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, July 1999 (Reverse)

11725

102595-99-M-2087

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARRIE SEABOLT, Administratrix of the  
Estate of FREDERICK C. PSCHOLKA, JR.,  
Deceased and CARRIE SEABOLT,  
Individually,

CIVIL DIVISION

NO. 01-1820-CD

Plaintiffs,

vs.

RON WILLIAMS,

Defendant.

**PRAECIPE FOR APPEARANCE**

Filed on behalf of **DEFENDANT:**  
**RON WILLIAMS**

Counsel of Record for this Party:

P. BRENNAN HART, ESQUIRE  
Pa. I.D. #18123

JOHN F. DEASY, ESQUIRE  
Pa. I.D. #63269

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**  
2900 USX Tower  
600 Grant Street  
Pittsburgh, PA 15219

(412) 803-1140

**FILED**

DEC 07 2001

**William A. Shaw  
Prothonotary**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARRIE SEABOLT, Administratrix of the  
Estate of FREDERICK C. PSCHOLKA, JR.,  
Deceased, and CARRIE SEABOLT,  
Individually,

CIVIL DIVISION  
NO. 01-1820-CD

Plaintiffs,

vs.

RON WILLIAMS,

Defendant.

**PRAECIPE FOR APPEARANCE**

TO: Prothonotary, Clearfield County

KINDLY, enter the Appearance of P. BRENNAN HART, JOHN F. DEASY, ESQUIRE,  
and MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN on behalf of Defendant,  
RON WILLIAMS in the above-captioned action.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**



P. BRENNAN HART, ESQUIRE  
Counsel for Defendant, RON WILLIAMS

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 4th day of December, 2001, a true and correct copy of the foregoing **PRAECIPE FOR APPEARANCE** was served upon the following counsel of record via first-class mail, postage pre-paid:

Paul Colavecchi, Esquire  
Colavecchi, Ryan & Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16820

P. Brennan Hart, Esquire  
P. Brennan Hart, Esquire

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**FILED**

DEC 07 2001

*m/s. 19 Pm*

William A. Shaw  
*Shaw*  
**Prothonotary**

1 cc to attorney

*ES*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARRIE SEABOLT, Administratrix of the  
Estate of FREDERICK C. PSCHOLKA, JR.,  
Deceased and CARRIE SEABOLT,  
Individually,

CIVIL DIVISION  
NO. 01-1820-CJ

Plaintiff,

vs.

RON WILLIAMS,  
Defendant.

**NOTICE OF FILING OF NOTICE FOR  
REMOVAL OF A CIVIL ACTION**

Filed on behalf of **DEFENDANT:**  
**RON WILLIAMS**

Counsel of Record for this Party:

JOHN F. DEASY, ESQUIRE  
Pa. I.D. #63269

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**  
2900 USX Tower  
600 Grant Street  
Pittsburgh, PA 15219

(412) 803-1140

**FILED**

DEC 14 2001  
M13:10/ncc  
William A. Shaw  
Prothonotary  
9/22

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARRIE SEABOLT, Administratrix of the  
Estate of FREDERICK C. PSCHOLKA, JR.,  
Deceased and CARRIE SEABOLT,  
Individually,

CIVIL DIVISION

NO. 01-1820-CJ

Plaintiff,

vs.

RON WILLIAMS,

Defendant.

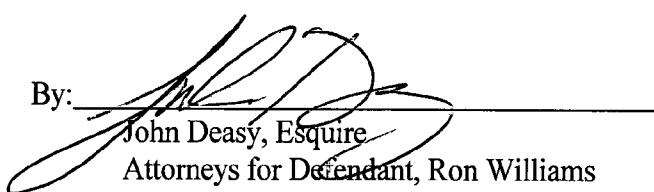
**NOTICE OF FILING OF NOTICE FOR REMOVAL OF A CIVIL ACTION**

AND NOW, comes Defendant, Ron Williams, by and through its attorneys, MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN, P. BRENNAN HART, ESQUIRE and JOHN F. DEASY, ESQUIRE, and files the following Notice of Filing of Notice For Removal of a Civil Action in support thereof avers as follows:

Pursuant to 28 U.S.C. §1446, you are hereby notified that Defendant Ron Williams, in the above-captioned action, has on this date, filed a Petition for Removal of this Action in the Court of Common Pleas of Clearfield County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania. A copy of the Notice for Removal is attached hereto.

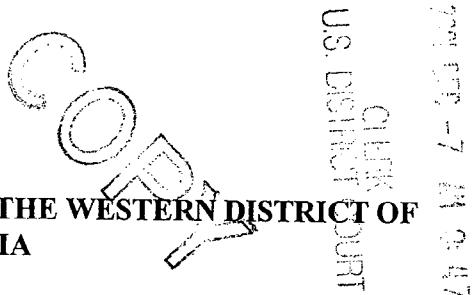
MARSHALL, DENNEHEY,  
WARNER, COLEMAN AND GOGGIN

By:



John Deasy, Esquire  
Attorneys for Defendant, Ron Williams

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA



FILED  
APR 17 1997  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

CARRIE SEABOLT, Administratrix of the  
Estate of FREDERICK C. PSCHOLKA, JR.,  
Deceased and CARRIE SEABOLT,  
Individually,

CIVIL DIVISION

Civil Action No.: 01-380 Johnstown

Plaintiff,

vs.

RON WILLIAMS,

Defendant.

**NOTICE OF REMOVAL OF A CIVIL  
ACTION**

Filed on behalf of Defendant:  
RON WILLIAMS

Counsel of Record for this Party:

John F. Deasy, Esquire  
Pa. I.D. #63269

Marshall, Dennehey, Warner,  
Coleman & Goggin  
2900 USX Tower  
Pittsburgh, PA 15219  
(412) 803-1140

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA

CARRIE SEABOLT, Administratrix of the  
Estate of FREDERICK C. PSCHOLKA, JR.,  
Deceased and CARRIE SEABOLT,  
Individually,

CIVIL DIVISION

Civil Action No.:

Plaintiff,

vs.

RON WILLIAMS,

Defendant.

**FILED**

DEC 14 2001

013101NDCC  
William A. Shaw  
Prothonotary

**NOTICE OF REMOVAL OF A CIVIL ACTION**

AND NOW, comes Defendant, Ron Williams, by and through its attorneys, MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN, P. BRENNAN HART, ESQUIRE and JOHN F. DEASY, ESQUIRE, and files the following Notice of Removal of a Civil Action as follows:

1. The above-captioned matter was initiated in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 1820-01 on or about November 5, 2001.
2. The Defendant was served with the Complaint after November 9, 2001. (Attached as Exhibit 1).
3. The Plaintiffs, Carrie Seabolt, Administratrix of the Estate of the Frederick C. Pscholka and Carrie Seabolt, individually are believed to be residents of Pennsylvania.
4. The Defendant Ron Williams is alleged to be and is a resident of the state of Ohio.

5. Notice of Removal has been provided this same day to the Plaintiff and the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

6. No other process, pleadings or orders have been served upon the Defendant in this action.

7. The nature of the suit is a personal injury action. Specifically, a survival action and wrongful death action.

8. The Defendant believes and therefore avers that the damages being sought are in excess of \$75,000.

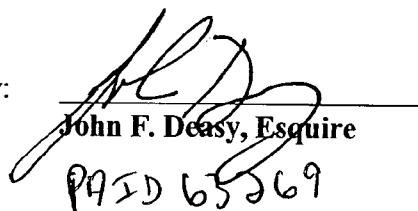
9. The above-described civil action is one in which this Honorable Court has original jurisdiction pursuant to Title 28, United States Code §1332 based on the fact that there exists diversity of citizenship between the parties, and the amount in controversy is in excess of \$75,000 and is accordingly one which may be removed to this Honorable Court by notice pursuant to Title 28 United States Code §1441.

WHEREFORE, Defendant prays the above action now pending in the Court of Common Pleas of Clearfield County, Pennsylvania be removed to this Court.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN

By:

  
John F. Deasy, Esquire

PACID 65269

NOV-26-2001 MON 02:30 PM

P.05/11

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

CARRIE SEABOLT, Administratrix  
of the Estate of FREDRICK C.  
PSCHOLKA, JR., Deceased and  
CARRIE SEABOLT, Individually,  
Plaintiffs

vs.

RON WILLIAMS,  
Defendant

## CIVIL ACTION

No. 01-1820 - CD

## COMPLAINT

Filed on behalf of  
Plaintiff, CARRIE SEABOLT,  
Individually and as  
Administratrix of the Estate  
of FREDRICK C. PSCHOLKA, JR.,  
Deceased

Counsel of Record for  
Said Party:

PAUL COLAVECCHI, ESQUIRE  
PA I.D. 38739

COLAVECCHI RYAN & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COUNTYHOUSE)  
P.O. BOX 131  
CLEARFIELD, PA

hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

NOV 05 2001

Attest:



Prothonotary

PAGE 50

NOV 26 2001 14:50

EXHIBIT

tabbed

1

NOV-26-2001 MON 02:31 PM

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

CARRIE SEABOLT, Administratrix:  
of the Estate of FREDRICK C.  
PSCHOLKA, JR., Deceased and  
CARRIE SEABOLT, Individually,  
Plaintiffs:

VS. : No. 01 - CD  
RCN WILLIAMS, :  
Defendant :

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 Plaintiffs. You may lose money or property or other rights important to you.

LAW OFFICES OF  
COLAVECCHI  
ATLANTIC COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 311  
CLEARFIELD, PA.

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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
Second and Market Streets  
Clearfield, PA 16830  
Phone 814/765-2641 Ex. 5982

LAW OFFICES OF  
COLAVECCHI  
AVIAN & COLAVECCHI  
121 E. MARKET ST  
(ACROSS FROM  
COURTHOUSE)  
P.O. BOX 121  
CLEARFIELD, PA

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

CARRIE SEABOLT, Administratrix:  
of the Estate of FREDRICK C.  
PSCHOLKA, JR., Deceased and  
CARRIE SEABOLT, Individually.  
Plaintiffs:

vs. No. 101-CD

RON WILLIAMS, Defendant:

## COMPLAINT

COUNT I  
SURVIVAL ACTION

1. Plaintiff, Carrie Seabolt, is the duly appointed, qualified and acting Administratrix of the Estate of Fredrick C. Pscholka, Jr., Deceased, who died in the manner alleged below on August 25, 2001. Plaintiff brings this action for the benefit of Decedent's Estate under the provisions of 42 Pa.C.S.A. §302.
2. Defendant, Ron Williams, of 2573 Harrisburg, London Road, Orient, Ohio, 43146.
3. On August 25, 2001, Defendant was operating a sprint car around a track at the Clearfield Mountain Speedway. While rounding Turn Three, Defendant veered off the road and struck Fredrick C. Pscholka, Jr. who was standing in the grass outside the track, causing injuries which lead to his death.

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
TACOMA / BON.  
COURTHOUSE  
P.O. BOX 151  
CLEARFIELD, PA

4. The above-described accident was proximately caused by the reckless and negligent Defendant, Ron Williams, in that Defendant failed to use reasonable and ordinary care while operating his sprint car around the track so as to keep the car on the track and not cause injuries to others.

5. Fredrick C. Pscholka, Jr. was not contributory or comparatively negligent due to the fact he was standing outside of the track when he was struck by the vehicle being operated by Defendant.

6. As a proximate result of the above-described wrongful act of Defendant, Fredrick C. Pscholka, Jr. suffered severe multiple injuries, including injuries to his head, which resulted in his death on August 25, 2001.

7. From the time of Decedent's injury and death on August 25, 2001, Decedent suffered great physical and mental pain, shock and agony, all to his damage in a sum which will be determined at time of trial.

8. At the time of the death, Decedent had a life expectancy of sixty-five years and was in a physically healthy condition, was working with three employers and was of good character.

9. By reason of the death of Decedent, Decedent's estate has been deprived of all present and future accumulations that Decedent

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would have made to his estate had he lived his life expectancy to which damage in a sum which will be determined at trial.

10. By reason of the injury and death of Decedent, Decedent's estate has become liable for hospital bills, doctor's bills, nursing bills, and funeral expenses.

WHEREFORE, Plaintiff requests judgment against Defendant as follows:

1. Damages for future earnings which will be determined at trial;
2. The costs of this action; and
3. Such other and further relief as may be proper.

COUNT II

WRONGFUL DEATH ACTION

Paragraphs 1, through and including Paragraph 10 are incorporated herein as if set forth at length.

11. Plaintiff, Carie Seabolt, is the duly appointed, qualified and acting Administratrix of the Estate of Fredrick C. Pscholka, deceased, and the mother of Fredrick C. Pscholka, who died in the manner alleged below on August 25, 2001, and for whose benefit this action is brought.

12. At all times herein mentioned, Defendant, Ron Williams, was a resident of Orient, Ohio.

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13. On August 25, 2001, Defendant was operating a sprint car around a track at the Clearfield Mountain Speedway. While rounding Turn Three, Defendant veered off the road and struck Fredrick C. Pscholka, Jr. who was standing in the grass outside the track causing injuries which lead to his death.

14. The above-described accident was proximately caused by the recklessness and negligent Defendant, Ron Williams, in that Defendant failed to use reasonable and ordinary care while operating his sprint car around the track so as to keep the car on the track and not cause injuries to others.

15. Fredrick C. Pscholka, Jr. was not contributory or comparatively negligent due to the fact he was standing outside of the track when he was struck by the vehicle being operated by Defendant.

16. As a proximate result of the above-described wrongful act of Defendant, Decedent suffered severe multiple injuries which caused his death on August 25, 2001.

17. At the time of death, Decedent's had a life expectancy of sixty-five years and was in good physical health, was working for three employers and was of good character.

18. By reason of the death of Decedent, Decedent's surviving mother has been deprived of Decedent's support, comfort, society,

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counsel, services and future earnings, all to her damage in a sum that will be determined at the time of trial.

19. Plaintiff is also entitled to reasonable funeral expenses incurred upon the death of Decedent.

WHEREFORE, Plaintiff requests judgment against the Defendant as follows:

1. Damages for deprived future earnings which will be determined at the time of trial;
2. The cost of this action; and
3. Such other and future relief as may be proper.

*Paul Colavecchi*  
PAUL COLAVECCHI, ESQUIRE  
Attorney for Plaintiffs

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BROWN & COLAVECCHI  
301 E. MARKET ST.  
MAGISTERIAL  
COLLECTOR'S  
PO BOX 131  
CLEARFIELD, PA

VERIFICATION

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

*Carrie Seabolt*  
CARRIE SEABOLT

*Carrie Seabolt*  
CARRIE SEABOLT, Administratrix  
of the Estate of Fredrick C.  
Pacholka, Jr., Decased

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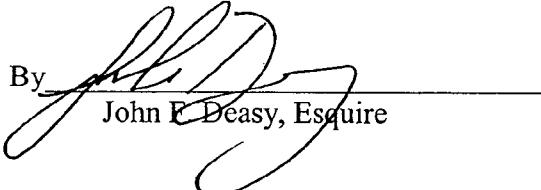
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within **NOTICE OF REMOVAL OF  
A CIVIL ACTION** was served upon all parties listed below via First Class, United States Mail,  
this 6 day of December, 2001, addressed as follows:

Paul Colavecchi, Esquire  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16820

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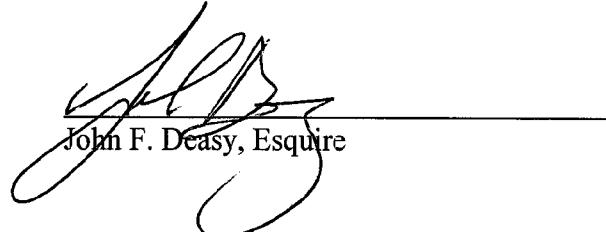
By

  
John E. Deasy, Esquire

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 13 day of December, 2001, a true and correct copy of the **NOTICE OF FILING OF NOTICE FOR REMOVAL OF A CIVIL ACTION** was served upon the following counsel of record via first-class mail, postage pre-paid:

Paul Colavecchi, Esquire  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16820

  
John F. Deasy, Esquire

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1  
Felicity Bent  
This is the file -  
Here's nothing to  
date with right  
now. Thanks, m