

01-1947-CD
Kevin S. Wisor et ux -vs- Kurtis S. Wisor

Date: 05/17/2005

Clearfield County Court of Common Pleas

User: PUBLIC

Time: 03:46 PM

ROA Report

Page 1 of 1

Case: 2001-01947-CD

Current Judge: John K. Reilly Jr.

Kevin S. Wisor, Joyce A. Wisor vs. Kurtis S. Wisor

Civil Other

Date		Judge
12/03/2001	Filing: Civil Complaint Paid by: Milgrub, Richard H. (attorney for Wisor, Joyce A.) Receipt number: 1834945 Dated: 12/03/2001 Amount: \$80.00 (Check) One CC Attorney Milgrub	No Judge
12/12/2001	Affidavit of Service, Complaint upon Defendant, Kurtis S. Wisor. Filed by s/Richard H. Milgrub, Esq. no cc	No Judge
12/20/2001	Entry of Appearance on behalf of Kurtis S. Wisor, Defendant. Filed by s/Joseph P. Green, Esq. no cc	No Judge
02/22/2002	Answer and New Matter, filed by s/Robert A. Mix, Esq. No CC	No Judge
02/26/2002	Answer to New Matter. filed by s/Richard H. Milgrub, Esq. 1 cc to atty	No Judge
02/27/2002	Certificate of Service, Plaintiffs' Answer to New Matter upon Robert A. Mix, Esquire. Filed by s/Richard H. Milgrub, Esq. no cc	No Judge
03/19/2002	Motion for Partial Summary Judgment as to Liability Only, filed by s/Richard H. Milgrub, Esq. One CC Attorney Milgrub	No Judge
03/27/2002	ORDER, AND NOW, this 27th day of March, 2002, re: Hearing on Plaintiffs' John K. Reilly Jr. Motion for Partial Summary scheduled for the 13th day of June, 2002, at 2:00 p.m. by the Court, s/JKR,JR.,P.J. 2 cc Atty Milgrub	
06/20/2002	ORDER, NOW, this 20th day of June, 2002, re: Plaintiffs' Motion for Partial Summary Judgment as to liability only. by the Court, s/JKR,JR.,P.J. 1 cc Atty Milgrub, Mid-Penn	John K. Reilly Jr.
07/01/2002	Notice of Intention to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21. s/Richard H. Milgrub, Esq. 1 cc Atty Milgrub	John K. Reilly Jr.
08/12/2002	Praecepice To Withdraw Certificate of Readiness. filed by s/Richard H. Milgrub, Esq. 1 cc Atty Copy to CA	John K. Reilly Jr.
08/22/2002	ORDER: Stipulation and Order, AND NOW, this 22nd day of August, 2002 Plaintiffs' Complaint is amended to include additional grounds. Two CC to Atty. Milgrub.	John K. Reilly Jr.
12/11/2002	Certificate of Readiness. filed by s/Richard H. Milgrub, Esq. no cc Copy to CA	John K. Reilly Jr.
01/17/2003	PRE-TRIAL ORDER, NOW, this 16th day of January, 2003, re: Continued, CA to schedule for the call of the Civil List on Apr. 1, 2003. No further continuances will be granted. by the Court, s/JKR,JR.,P.J. 1 cc Atty Milgrub, Green	John K. Reilly Jr.
02/20/2003	Praecepice To Settle and Discontinue. filed by s/Richard H. Milgrub, Esquire 1 cc & Cert of Disc. to Atty copy to CA	John K. Reilly Jr.
	SETTLED AND DISCONTINUED.	John K. Reilly Jr.

FILED

DEC 03 2001

WAS
William A. Shaw
Prothonotary

Atty pd.
80.00
1 CC Atty Milgrub

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
* No. 01-1947-CD
-vs- * JURY TRIAL DEMANDED
KURTIS S. WISOR,
Defendant *

Type of Action:
Personal Injury

Type of Pleading:
Complaint

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

DEC 03 2001

William A. Shaw
Prothonotary

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No.
* JURY TRIAL DEMANDED
KURTIS S. WISOR,
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 Plaintiff. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No.
* JURY TRIAL DEMANDED
KURTIS S. WISOR,
Defendant *

COMPLAINT

AND NOW, come the Plaintiffs, Kevin S. Wisor and Joyce A. Wisor, husband and wife, by and through their attorney, Richard H. Milgrub, Esquire, who files the following Complaint:

1. Plaintiffs, Kevin S. Wisor and Joyce A. Wisor, husband and wife, are citizens of the Commonwealth of Pennsylvania, adult individuals, who reside at One West Pauline Drive, Clearfield, Pennsylvania.

2. Defendant, Kurtis S. Wisor, is a citizen of the Commonwealth of Pennsylvania who resides at One West Pauline Drive, Clearfield, Pennsylvania.

3. The facts and occurrences hereinafter related took place on or about April 14, 2001 at approximately 1:10 p.m. on SR 729, Glen Hope Borough, Clearfield County, Pennsylvania.

4. At that time and place, Plaintiff, Kevin S. Wisor, was a passenger in a vehicle driven by the Defendant, Kurtis S. Wisor.

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW

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CLEARFIELD, PA 16830

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DUBOIS, PA 15801

5. At that time and place, the Defendant, Kurtis S. Wisor, was operating the motor vehicle in a northerly direction on SR 729.

6. At that time and place, the Defendant, Kevin S. Wisor, was a passenger in the front passenger seat of the vehicle driven by the Defendant, Kurtis S. Wisor.

7. At that time and place, the Defendant, Kurtis S. Wisor, failed to stop at a stop sign at the intersection of SR 729 and SR 53 and proceeded into the intersection at which time the vehicle operated by Kurtis S. Wisor collided with another vehicle owned by Theodore F. Gallaher and driven by David J. Daisley which was operating south on SR 53.

8. The foregoing accident and all of the injuries and damages set forth hereinafter sustained by Plaintiffs, Kevin S. Wisor and Joyce A. Wisor, are the direct and proximate result of the negligent, careless, wanton and reckless manner in which Defendant, Kurtis S. Wisor, operated his motor vehicle as follows:

a. operating the vehicle at an excessive rate of speed under the circumstances;

b. failing to have his vehicle under proper and adequate control;

c. failing to observe other vehicles on the highway;

d. failing to operate the vehicle in accordance with existing traffic controls and traffic conditions;

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- e. failing to exercise the high degree of care required of a motorist entering an intersection;
- f. failing to properly observe traffic signals controlling Defendant's direction of traffic;
- g. failing to keep a reasonable lookout for other vehicles lawfully on the road;
- h. attempting to enter an intersection when such movement cannot be safely accomplished;
- i. failing to yield the right of way to traffic already upon the highway;
- j. failing to prudently proceed through the intersection so as to avoid creating a dangerous situation for other vehicles on the highway;
- k. failing to observe on-coming traffic;
- l. proceeding through an intersection when such movement cannot be made in safety; and
- m. failing to keep a proper lookout for approaching vehicles.

Claim I
Kevin S. Wisor v. Kurtis S. Wisor

9. Paragraphs One through Eight of this Complaint are incorporated herein by reference as though set forth in full.

10. Plaintiff, Kevin S. Wisor, sustained painful and severe injuries, which include, but are not limited to:

- a. blunt cardiac injury with arrhythmia;
- b. left ear abrasion;

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- c. left elbow abrasion;
- d. left knee abrasion;
- e. gasoline exposure to face and eyes; and
- f. swelling of the subcutaneous tissues in the right later occipital region;
- g. acute intrarticular fracture at the base of the left fifth metacarpal with 100% radial displacement of the distal fractured fragment;
- h. dementia due to closed-head injury;
- i. major depressive order, single episode, moderate; and
- j. post-traumatic stress disorder.

11. By reason of the aforesaid injuries sustained by Plaintiff, Kevin S. Wisor, he was forced to incur liability for medical treatment, medications, hospitalizations, and similar miscellaneous expenses in an effort to restore himself to health and claim is made therefore.

12. Because of the nature of his injuries, Plaintiff, Kevin S. Wisor, has been advised and therefore avers that he may be forced to incur similar expenses in the future, and claim is made therefore.

13. Plaintiff, Kevin S. Wisor's, accident-related medical expenses exceeded Ten thousand dollars and claim is made for all expenses incurred above Ten thousand dollars (\$10.000.00).

14. As a result of the aforementioned injuries, Plaintiff, Kevin S. Wisor, has undergone and in the future will

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undergo great physical and mental suffering, great inconvenience in carrying out his daily activities, loss of life's pleasures and enjoyment, and claim is made therefore.

15. As a result of the aforesaid injuries, Plaintiff, Kevin S. Wisor, has been and in the future will be subject to great humiliation and embarrassment and claim is made therefore.

16. As a result of the aforesaid injuries, Plaintiff, Kevin S. Wisor, has sustained loss of opportunity and a permanent diminution in his earning power and capacity and claim is made therefore.

17. Plaintiff, Kevin S. Wisor, continues to be plagued by persistent pain and limitation and therefore, avers that his injuries may be of a permanent nature, causing residual problems the remainder of his lifetime and claim is made therefore.

18. As a result of the aforesaid accident, Plaintiff, Kevin S. Wisor, has sustained scars which will result in a permanent disfigurement and claim is made therefore.

WHEREFORE, Plaintiff, Kevin S. Wisor, demands judgment against the Defendant, Kurtis S. Wisor, in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

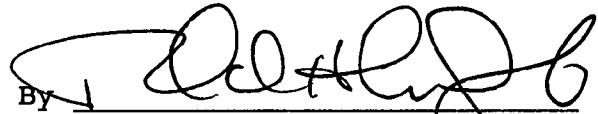
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DUBOIS, PA 15801

Claim II
Joyce A. Wisor v. Kurtis S. Wisor

19. Paragraphs One through Eighteen of this Complaint are incorporated herein by reference as though set forth in full.

20. As a result of the aforementioned injuries sustained by her husband, Plaintiff, Joyce A. Wisor, has been and may in the future be deprived of the care, companionship, consortium, and society of his wife, all of which would be to her detriment, and claim is made therefore.

WHEREFORE, Plaintiff, Joyce A. Wisor, demands judgment against the Defendant, Kurtis S. Wisor, in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiff

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

We, Kevin S. Wisor and Joyce A. Wisor, verify that the statements made in the Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 12-3-01

Kevin S. Wisor
Joyce A. Wisor

Date: 12-3-01

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

01/24/01
DEC 12 2001
WMA

William A. Shaw
Prothonotary

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-C
* JURY TRIAL DEMANDED
KURTIS S. WISOR,
Defendant *

Type of Action:
Personal Injury

Type of Pleading:
Affidavit of Service

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

DEC 12 2001

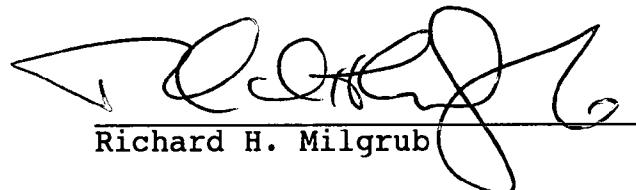
William A. Shaw
Prothonotary

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
* JURY TRIAL DEMANDED
KURTIS S. WISOR, *
Defendant *
*

AFFIDAVIT OF SERVICE

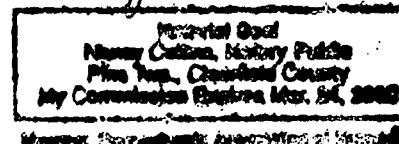
Richard H. Milgrub, attorney for the above-named Plaintiff, being duly sworn according to law, deposes and states that Plaintiffs' Complaint was served upon the Defendant, Kurtis Wisor, by personal service by handing him the same the 7th day of December 2001 at The Law Offices of Richard H. Milgrub, Esquire, 211 North Second Street, Clearfield, Pennsylvania.



Richard H. Milgrub

SWORN and SUBSCRIBED to before me this 12 day of December, 2001.

Nancy Collins



RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

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

KEVIN S. WISOR and JOYCE A. WISOR,) 01
husband and wife, : No. 09-1947-CD
 Plaintiffs)
 : JURY TRIAL DEMANDED
vs.)
 :
KURTIS S. WISOR,)
 Defendant :

ENTRY OF APPEARANCE

To the Prothonotary:

Please enter the appearance of the undersigned on behalf of Kurtis S. Wisor, Defendant
above-named.

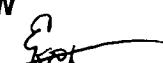
LEE, MARTIN, GREEN & REITER, INC.

By: 
Joseph P. Green, Esq., ID #19238
Attorney for Defendant
115 E. High Street
P.O. Box 179
Bellefonte, PA 16823
814-355-4769

FILED

DEC 20 2001
mjl:381ndcc

William A. Shaw
Prothonotary



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

KEVIN S. WISOR and JOYCE A. WISOR,
husband and wife,) : No. 09-1947-CD
Plaintiffs) : JURY TRIAL DEMANDED
vs.)
:)
KURTIS S. WISOR,)
Defendant) :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Entry of Appearance was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 18 day of December 2001 addressed to the following:

Richard H. Milgrub, Esq.
211 North Second Street
Clearfield, PA 16830


Joseph P. Green

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

KEVIN S. WISOR and JOYCE A. WISOR,
husband and wife,

Plaintiffs

vs.

KURTIS S. WISOR,

Defendant

)
: No. *01* 09-1947-CD
)
: JURY TRIAL DEMANDED
)
: Pleading: Answer and New Matter
)
: Filed on behalf of Defendant

Counsel of Record for this Party:

LEE, MARTIN, GREEN & REITER, INC.
Robert A. Mix, Esq., ID #16164
Attorney for Defendant
115 E. High Street
P.O. Box 179
Bellefonte, PA 16823
814-355-4769

FILED
FEB 22 2002

William A. Shaw
Prothonotary

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

KEVIN S. WISOR and JOYCE A. WISOR,
husband and wife,)
Plaintiffs) : No. 09-1947-CD
vs.) : JURY TRIAL DEMANDED
KURTIS S. WISOR,)
Defendant) :

NOTICE TO PLEAD

To the within named parties:

You are hereby notified to plead to the within NEW MATTER within 20 days of service hereof, or judgment may be entered against you.

LEE, MARTIN, GREEN & REITER, INC.

By:

Robert A. Mix, Esq., ID #16164
Attorney for Defendant
115 E. High Street
P.O. Box 179
Bellefonte, PA 16823
814-355-4769

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

KEVIN S. WISOR and JOYCE A. WISOR,
husband and wife,) : No. 01-1947-CD
Plaintiffs) : JURY TRIAL DEMANDED
vs.)
KURTIS S. WISOR,)
Defendant) :

ANSWER AND NEW MATTER

Now comes Defendant Kurtis S. Wisor, by his attorney, Lee, Martin, Green & Reiter, Inc., and respectfully represents:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Denied pursuant to Pa. R.C.P. 1029(e). Further, said averments state conclusions of law to which no answer is required.

Claim I

Kevin S. Wisor v. Kurtis S. Wisor

9. The averments of paragraphs 1 through 8 above are incorporated herein by reference.

10. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

11. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

12. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

13. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

14. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

15. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

16. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

17. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

18. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

WHEREFORE, Defendant Kurtis S. Wisor demands judgment in his favor and against Plaintiff Kevin S. Wisor.

Claim II

Joyce A. Wisor v. Kurtis S. Wisor

19. The averments of paragraphs 1 through 18 above are incorporated herein by reference.

20. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

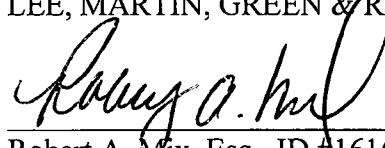
WHEREFORE, Defendant Kurtis S. Wisor demands judgment in his favor and against Plaintiff Joyce A. Wisor.

NEW MATTER

21. Defendant Curtis S. Wisor asserts all restrictions, limitations and bars to recovery of damages set forth in the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1701, et seq., to specifically include those set forth in §§1705 and 1722 of the Act.

WHEREFORE, Defendant Kurtis S. Wisor demands judgment in his favor and against Plaintiffs Kevin and Joyce Wisor.

LEE, MARTIN, GREEN & REITER, INC.

By: 

Robert A. Mix, Esq., ID #16164
Attorney for Defendant
115 E. High Street
P.O. Box 179
Bellefonte, PA 16823
814-355-4769

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

KEVIN S. WISOR and JOYCE A. WISOR,
husband and wife,) : No. 09-1947-CD
Plaintiffs) : JURY TRIAL DEMANDED
vs.)
:)
KURTIS S. WISOR,)
Defendant) :

VERIFICATION

Kurtis S. Wisor states that he is the defendant; that he is acquainted with the facts set forth in the foregoing Answer and New Matter; that the same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Kurtis S. Wisor

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

KEVIN S. WISOR and JOYCE A. WISOR,)
husband and wife, : No. 09-1947-CD
Plaintiffs)
vs. : JURY TRIAL DEMANDED
KURTIS S. WISOR,)
Defendant :
vs.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 3rd day of Feb., 2002 addressed to the following:

Richard H. Milgrub, Esq.
211 North Second Street
Clearfield, PA 16830



Robert A. Mix

RICHARD H. MILGRUB

Attorney & Counsellor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *

Type of Action:
Personal Injury

Type of Pleading:
Answer to New Matter

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

FEB 26 2002
012591000 Atty
William A. Shaw
Prothonotary E. *R. S.*

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

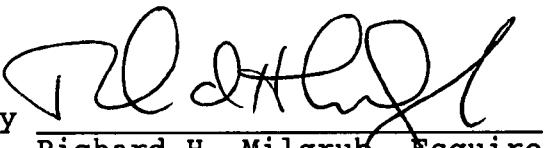
KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *
*

ANSWER TO NEW MATTER

AND NOW, comes the Plaintiffs, Kevin S. Wisor and Joyce A. Wisor, by and through their attorney, Richard H. Milgrub, Esquire, who files the following Answer to New Matter:

21. A conclusion of law to which no response is necessary.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant, Kurtis S. Wisor.

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiffs

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

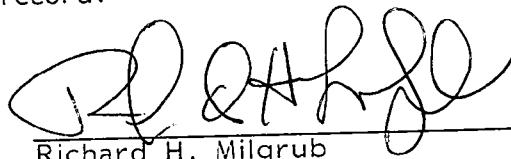
VERIFICATION

I, Richard H. Milgrub, have read the foregoing
Answer to New Matter

The statements therein are correct to the best of my personal knowledge
or information and belief.

This statement and verification is made subject to penalties of 18
Pa. 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.

I am authorized to make this verification on behalf of
Plaintiffs
because of my position as counsel of record.



Richard H. Milgrub

Dated 2/26/02

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN S. WISOR and JOYCE *
A. WISOR, husband and *
wife, *

Plaintiffs *

* -vs- *

No. 01-1947-CD

KURTIS S. WISOR, *
Defendant *

Type of Action:

Personal Injury

Type of Pleading:

Certificate of Service

Filed on Behalf of:

Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

FILED

FEB 27 2002

81303/ncc
William A. Shaw
Prothonotary

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

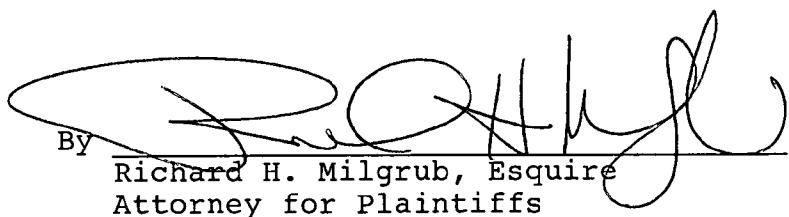
109 NORTH BRADY STREET
DUBOIS, PA 15801

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *
*

CERTIFICATE OF SERVICE

I, Richard H. Milgrub, Esquire do hereby certify that a certified copy of Plaintiffs' Answer to New Matter were served upon the Defendant's attorney of record, Robert A. Mix, Esquire, 115 East High Street, PO Box 179, Bellefonte, PA 16823, by depositing the same in the United States Postal Service this 27th day of February, 2002, regular delivery, postage prepaid.

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiffs

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

—
109 NORTH BRADY STREET
DUBOIS, PA 15801

44

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FILED

03/07/07
MAR 19 2007

1CC
Attn: Mr. Shaw

cc
William A. Shaw
Prothonotary

RICHARD H. MILGRUB
Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *

Type of Action:

Personal Injury

Type of Pleading:

Motion for Partial Summary
Judgment as to Liability Only

Filed on Behalf of:

Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

FILED

MAR 19 2002

William A. Shaw
Prothonotary

THE LAW OFFICES OF
RICHARD H. MILGRUB
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CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *

MOTION FOR PARTIAL SUMMARY
JUDGMENT AS TO LIABILITY ONLY

AND NOW, come the Plaintiffs, Kevin S. Wisor and Joyce A. Wisor, husband and wife, by and through their attorney, Richard H. Milgrub, Esquire, who files the following Motion for Partial Summary Judgment as to Liability Only:

1. This is an action brought against Defendant Kurtis S. Wisor, for negligently causing injury to the Plaintiff, Kevin S. Wisor, Sr., in an automobile accident on April 14, 2001.

2. In Paragraph 7 of their Complaint, the Plaintiffs averred that at the time and place of the accident, the Defendant, Kurtis S. Wisor, failed to stop at a stop sign of the intersection of SR 729 and SR 53 and proceeded into the intersection at which time a vehicle operated by Kurtis S. Wisor collided with another vehicle owned by Theodore F. Gallaher and driven by David J. Daisley who was operating south on SR 53. A

true and correct copy of Plaintiffs' Complaint is attached hereto and marked Exhibit A.

3. In Defendant Kurtis Wisor's Answer and New Matter, Paragraph 7 admits the averments of Paragraph 7 of the Plaintiffs' Complaint. A true and correct copy Defendant's Answer and New Matter is attached hereto and marked as Exhibit B.

4. There exists no genuine issue of any material fact with regard to Defendant's liability as stated above, and Plaintiff is entitled as a matter of law to partial summary as to liability, with causation and damages to be established at trial.

WHEREFORE, Plaintiffs, Kevin S. Wisor and Joyce A. Wisor request this Honorable Court to enter partial summary judgment in their favor on issue of liability.

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiff

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

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

KEVIN S. WISOR and JOYCE A.	*
WISOR, husband and wife,	*
Plaintiffs	*
	*
-vs-	*
	No.
	*
KURTIS S. WISOR,	*
Defendant	*

Type of Action:
Personal Injury

Type of Pleading:
Complaint

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
11 NORTH SECOND STREET
CLEARFIELD, PA 16830

09 NORTH BRADY STREET
DUBOIS, PA 15801

Exhibit A

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

KEVIN S. WISOR and JOYCE A.	*
WISOR, husband and wife,	*
Plaintiffs	*
	*
-vs-	* No.
	*
	JURY TRIAL DEMANDED
KURTIS S. WISOR,	*
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 Plaintiff. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
11 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

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

KEVIN S. WISOR and JOYCE A.	*
WISOR, husband and wife,	*
Plaintiffs	*
	*
	*
-vs-	* No.
	*
	JURY TRIAL DEMANDED
KURTIS S. WISOR,	*
Defendant	*

COMPLAINT

AND NOW, come the Plaintiffs, Kevin S. Wisor and Joyce A. Wisor, husband and wife, by and through their attorney, Richard H. Milgrub, Esquire, who files the following Complaint:

1. Plaintiffs, Kevin S. Wisor and Joyce A. Wisor, husband and wife, are citizens of the Commonwealth of Pennsylvania, adult individuals, who reside at One West Pauline Drive, Clearfield, Pennsylvania.

2. Defendant, Kurtis S. Wisor, is a citizen of the Commonwealth of Pennsylvania who resides at One West Pauline Drive, Clearfield, Pennsylvania.

3. The facts and occurrences hereinafter related took place on or about April 14, 2001 at approximately 1:10 p.m. on SR 729, Glen Hope Borough, Clearfield County, Pennsylvania.

4. At that time and place, Plaintiff, Kevin S. Wisor, was a passenger in a vehicle driven by the Defendant, Kurtis S. Wisor.

RICHARD H. MILGRUB
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11 NORTH SECOND STREET
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5. At that time and place, the Defendant, Kurtis S. Wisor, was operating the motor vehicle in a northerly direction on SR 729.

6. At that time and place, the Defendant, Kevin S. Wisor, was a passenger in the front passenger seat of the vehicle driven by the Defendant, Kurtis S. Wisor.

7. At that time and place, the Defendant, Kurtis S. Wisor, failed to stop at a stop sign at the intersection of SR 729 and SR 53 and proceeded into the intersection at which time the vehicle operated by Kurtis S. Wisor collided with another vehicle owned by Theodore F. Gallaher and driven by David J. Daisley which was operating south on SR 53.

8. The foregoing accident and all of the injuries and damages set forth hereinafter sustained by Plaintiffs, Kevin S. Wisor and Joyce A. Wisor, are the direct and proximate result of the negligent, careless, wanton and reckless manner in which Defendant, Kurtis S. Wisor, operated his motor vehicle as follows:

a. operating the vehicle at an excessive rate of speed under the circumstances;

b. failing to have his vehicle under proper and adequate control;

c. failing to observe other vehicles on the highway;

d. failing to operate the vehicle in accordance with existing traffic controls and traffic conditions;

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ATTORNEY & COUNSELOR
AT LAW
111 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
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- e. failing to exercise the high degree of care required of a motorist entering an intersection;
- f. failing to properly observe traffic signals controlling Defendant's direction of traffic;
- g. failing to keep a reasonable lookout for other vehicles lawfully on the road;
- h. attempting to enter an intersection when such movement cannot be safely accomplished;
- i. failing to yield the right of way to traffic already upon the highway;
- j. failing to prudently proceed through the intersection so as to avoid creating a dangerous situation for other vehicles on the highway;
- k. failing to observe on-coming traffic;
- l. proceeding through an intersection when such movement cannot be made in safety; and
- m. failing to keep a proper lookout for approaching vehicles.

Claim I
Kevin S. Wisor v. Kurtis S. Wisor

9. Paragraphs One through Eight of this Complaint are incorporated herein by reference as though set forth in full.

10. Plaintiff, Kevin S. Wisor, sustained painful and severe injuries, which include, but are not limited to:

- a. blunt cardiac injury with arrhythmia;
- b. left ear abrasion;

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
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—
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- c. left elbow abrasion;
- d. left knee abrasion;
- e. gasoline exposure to face and eyes; and
- f. swelling of the subcutaneous tissues in the right later occipital region;
- g. acute intrarticular fracture at the base of the left fifth metacarpal with 100% radial displacement of the distal fractured fragment;
- h. dementia due to closed-head injury;
- i. major depressive order, single episode, moderate; and
- j. post-traumatic stress disorder.

11. By reason of the aforesaid injuries sustained by Plaintiff, Kevin S. Wisor, he was forced to incur liability for medical treatment, medications, hospitalizations, and similar miscellaneous expenses in an effort to restore himself to health and claim is made therefore.

12. Because of the nature of his injuries, Plaintiff, Kevin S. Wisor, has been advised and therefore avers that he may be forced to incur similar expenses in the future, and claim is made therefore.

13. Plaintiff, Kevin S. Wisor's, accident-related medical expenses exceeded Ten thousand dollars and claim is made for all expenses incurred above Ten thousand dollars (\$10.000.00).

14. As a result of the aforementioned injuries, Plaintiff, Kevin S. Wisor, has undergone and in the future will

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CLEARFIELD, PA 16830
—
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undergo great physical and mental suffering, great inconvenience in carrying out his daily activities, loss of life's pleasures and enjoyment, and claim is made therefore.

15. As a result of the aforesaid injuries, Plaintiff, Kevin S. Wisor, has been and in the future will be subject to great humiliation and embarrassment and claim is made therefore.

16. As a result of the aforesaid injuries, Plaintiff, Kevin S. Wisor, has sustained loss of opportunity and a permanent diminution in his earning power and capacity and claim is made therefore.

17. Plaintiff, Kevin S. Wisor, continues to be plagued by persistent pain and limitation and therefore, avers that his injuries may be of a permanent nature, causing residual problems the remainder of his lifetime and claim is made therefore.

18. As a result of the aforesaid accident, Plaintiff, Kevin S. Wisor, has sustained scars which will result in a permanent disfigurement and claim is made therefore.

WHEREFORE, Plaintiff, Kevin S. Wisor, demands judgment against the Defendant, Kurtis S. Wisor, in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
111 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

Claim II
Joyce A. Wisor v. Kurtis S. Wisor

19. Paragraphs One through Eighteen of this Complaint are incorporated herein by reference as though set forth in full.

20. As a result of the aforementioned injuries sustained by her husband, Plaintiff, Joyce A. Wisor, has been and may in the future be deprived of the care, companionship, consortium, and society of his wife, all of which would be to her detriment, and claim is made therefore.

WHEREFORE, Plaintiff, Joyce A. Wisor, demands judgment against the Defendant, Kurtis S. Wisor, in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiffs

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
111 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

We, Kevin S. Wisor and Joyce A. Wisor, verify that the statements made in the Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 12-3-01

Kevin S. Wisor

Date: 12-3-01

Joyce A. Wisor

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
111 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

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

KEVIN S. WISOR and JOYCE A. WISOR,
husband and wife,

Plaintiffs

vs.

KURTIS S. WISOR,

Defendant

)
: No. 09-1947-CD
)
: JURY TRIAL DEMANDED
)
: Pleading: Answer and New Matter
)
: Filed on behalf of Defendant

— Counsel of Record for this Party:

LEE, MARTIN, GREEN & REITER, INC.
Robert A. Mix, Esq., ID #16164
Attorney for Defendant
115 E. High Street
P.O. Box 179
Bellefonte, PA 16823
814-355-4769

Exhibit B

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

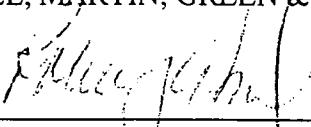
KEVIN S. WISOR and JOYCE A. WISOR,)
husband and wife, : No. 09-1947-CD
)
 : JURY TRIAL DEMANDED
Plaintiffs)
 :
 :
 :
vs.)
 :
 :
 :
KURTIS S. WISOR,)
 :
Defendant :
 :

NOTICE TO PLEAD

To the within named parties:

You are hereby notified to plead to the within NEW MATTER within 20 days of service hereof, or judgment may be entered against you.

LEE, MARTIN, GREEN & REITER, INC.

By: 

Robert A. Mix, Esq., ID #16164
Attorney for Defendant
115 E. High Street
P.O. Box 179
Bellefonte, PA 16823
814-355-4769

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

KEVIN S. WISOR and JOYCE A. WISOR, husband and wife,)	
)	: No. 01-1947-CD
	Plaintiffs)
		: JURY TRIAL DEMANDED
vs.)	
		:
KURTIS S. WISOR,)	
	Defendant	:

ANSWER AND NEW MATTER

Now comes Defendant Kurtis S. Wisor, by his attorney, Lee, Martin, Green & Reiter, Inc., and respectfully represents:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Denied pursuant to Pa. R.C.P. 1029(e). Further, said averments state conclusions of law to which no answer is required.

Claim I

Kevin S. Wisor v. Kurtis S. Wisor

9. The averments of paragraphs 1 through 8 above are incorporated herein by reference.

10. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

11. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

12. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

13. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

14. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

15. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

16. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

17. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

18. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

WHEREFORE, Defendant Kurtis S. Wisor demands judgment in his favor and against Plaintiff Kevin S. Wisor.

Claim II

Joyce A. Wisor v. Kurtis S. Wisor

19. The averments of paragraphs 1 through 18 above are incorporated herein by reference.

20. Denied. After reasonable investigation, Defendant Kurtis S. Wisor is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

WHEREFORE, Defendant Kurtis S. Wisor demands judgment in his favor and against Plaintiff Joyce A. Wisor.

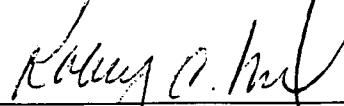
NEW MATTER

21. Defendant Curtis S. Wisor asserts all restrictions, limitations and bars to recovery of damages set forth in the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1701, et seq., to specifically include those set forth in §§1705 and 1722 of the Act.

WHEREFORE, Defendant Kurtis S. Wisor demands judgment in his favor and against Plaintiffs Kevin and Joyce Wisor.

LEE, MARTIN, GREEN & REITER, INC.

By:


Robert A. Mix, Esq., ID #16164
Attorney for Defendant
115 E. High Street
P.O. Box 179
Bellefonte, PA 16823
814-355-4769

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

KEVIN S. WISOR and JOYCE A. WISOR,
husband and wife,) : No. 09-1947-CD
Plaintiffs) : JURY TRIAL DEMANDED
vs.) :
KURTIS S. WISOR,) :
Defendant) :

VERIFICATION

Kurtis S. Wisor states that he is the defendant; that he is acquainted with the facts set forth in the foregoing Answer and New Matter; that the same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Kurtis S. Wisor

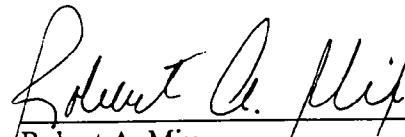
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN S. WISOR and JOYCE A. WISOR,)
husband and wife,) : No. 09-1947-CD
Plaintiffs) : JURY TRIAL DEMANDED
vs.) :
KURTIS S. WISOR,) :
Defendant :
)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter was
deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 21st
day of Feb., 2002 addressed to the following:

Richard H. Milgrub, Esq.
211 North Second Street
Clearfield, PA 16830



Robert A. Mix

VERIFICATION

I, Richard H. Milgrub, have read the foregoing Motion. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to penalties of 18 Pa. 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.

I am authorized to make this verification on behalf of the Plaintiffs because of my position as counsel of record.



Richard H. Milgrub

Dated: 3/18/02

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *
*

ORDER

AND NOW, this 27th day of March, 2002, upon
consideration of the Plaintiffs' Motion for Partial Summary
Judgment as to Liability Only, it is hereby ORDERED and DECREED
that a hearing be scheduled for the 13 day of June,
2002 at 2 :00 P.m. in Courtroom No. 1, Clearfield County
Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

Judge

FILED

MAR 27 2002

013.3112ccatty
William A. Shaw
Prothonotary

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

KEVIN S. WISOR and JOYCE A. WISOR, :

husband and wife : :

-vs- : No. 01 - 1947

KURTIS S. WISOR : :

ORDER

NOW, this 20th day of June, 2002, following argument and briefs into Plaintiffs' Motion for Partial Summary Judgment as to liability only, it is the ORDER of this Court that said Motion be and is hereby granted and judgment entered in favor of the Plaintiffs and against the Defendant on the issue of liability leaving the issues of causation and damages to be resolved by the finder of fact.

By the Court,

President Judge

FILED

JUN 20 2002

0111:101/CCatty/mulgrub

William A. Shaw
Prothonotary

ccatty/mul
GJD

FILED

Q2:55 AM
JUL 01 2002

h
MILGRUB

William A. Shaw
Prothonotary

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN S. WISOR and
JOYCE A. WISOR,
husband and wife,
Plaintiffs

*
*
*
*
*

-vs-

* No. 01-1947-CD

KURTIS S. WISOR,
Defendant

*
*
*

Type of Action:
Personal Injury

Type of Pleading:
Notice of Intention to
Serve Subpoena

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

JUL 01 2002

William A. Shaw
Prothonotary

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

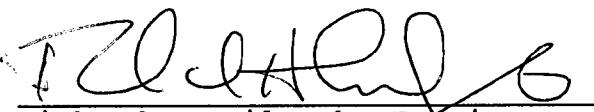
KEVIN S. WISOR and *
JOYCE A. WISOR, *
husband and wife, *
Plaintiffs *
*
vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *
*

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

TO: Robert A. Mix
Attorney at Law
115 East High Street
PO Box 179
Bellefonte, PA 16823

Please take notice that the Plaintiffs in the above-captioned matter, Kevin S. Wisor and Joyce A. Wisor, intend to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Date: 6-28-02

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiffs

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

KEVIN S. WISOR and :
JOYCE A. WISOR, :
husband and wife, :
Plaintiffs :
-vs- :
KURTIS S. WISOR, :
Defendant :
:

No. 01-1947-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: Herbert L. Kunkle, Jr., MD

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things:
All medical records having to deal with Kevin S. Wisor from 4/14/01 until the present

at The Law Offices of Richard H. Milgrub, Esquire, 211 North 2nd St.,
Clearfield, PA 16830 (Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Richard H. Milgrub, Esquire
ADDRESS: 211 North Second Street
Clearfield, PA 16830
TELEPHONE: 814-765-1717
SUPREME COURT ID # 19865
ATTORNEY FOR: Plaintiffs

BY THE COURT:


Prothonotary/Clerk, Civil Division

DATE: 6/28/02
Seal of the Court

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Deputy

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN S. WISOR and JOYCE *
A. WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *
*

Type of Action:
Personal Injury

Type of Pleading:
Praeclipe to Withdraw
Certificate of Readiness

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

AUG 12 2002
013001/C/C atty
William A. Shaw
Prothonotary
E
KQD

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

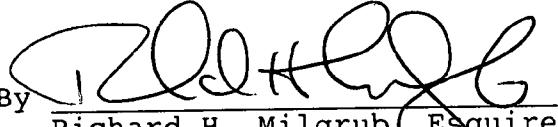
KEVIN S. WISOR and JOYCE *
A. WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *
*

PRAECIPE TO WITHDRAW CERTIFICATE OF READINESS

TO THE PROTHONOTARY:

Please withdraw the Plaintiffs' Certificate of Readiness filed in the above-captioned matter.

Date: 6/2/02

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiffs

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

RICHARD H. MILGRUB
Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

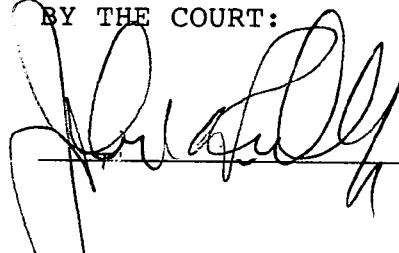
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN S. WISOR and JOYCE *
A. WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
*
KURTIS S. WISOR, *
Defendant *
*

STIPULATION AND ORDER

AND NOW, this 22 day of August, 2002, upon
agreement of the parties, it is ORDERED that Plaintiffs'
Complaint is hereby amended so as to include the additional
grounds for damages as follows: broken teeth, fractured eardrum,
and torn rotator cuff/tendonitis of the left shoulder.

BY THE COURT:



Judge

We do hereby consent to the entry of the above
Stipulation and Order.



Richard H. Milgrub, Esquire
Attorney for Plaintiffs



Robert A. Mix, Esquire
Attorney for Defendant

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

(O) AUG 22 2002
MILLER, ATTY MILGRUB
William A. Shaw
Prothonotary

FILED

01/30/02
DEC 11 2002

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

William C. Shaw
CIVIL TRIAL LISTING
Prothonotary

TO THE PROTHONOTARY

12-11-02

CASE NUMBER	TYPE	TRIAL REQUESTED	DATE PRESENTED
			ESTIMATED TRIAL TIME

Date Complaint (x) Jury () Non-Jury
Filed: 12/3/01 () Arbitration

2 Days

PLAINTIFF(S)

Kevin S. Wisor and Joyce A. Wisor ()

DEFENDANT(S)

Kurtis S. Wisor ()

Check Block if
a Minor is a
Party to the
Case

ADDITIONAL DEFENDANT(S)

()

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

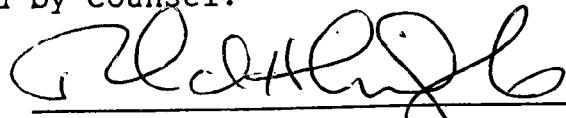
Richard H. Milgrub, Esquire 12/3/01

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
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more than
\$ 20,000.00 () yes (x) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.



Richard H. Milgrub, Esquire

814-765-1717

FOR THE PLAINTIFF

TELEPHONE NUMBER

Robert A. Mix, Esquire

814-355-4769

FOR THE DEFENDANT

TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

KEVIN S. WISOR and JOYCE A.

:

WISOR, husband and wife

:

-vs-

:

No. 01 - 1947 - CD

KURTIS S. WISOR

:

PRE-TRIAL ORDER

NOW, this 16th day of January, 2003, following pre-trial conference in the above-captioned matter, and upon agreement of the parties, it is the ORDER of this Court that said matter shall be and is hereby continued and the Court administrator directed to schedule the same for the call of the civil list on April 1, 2003. No further continuances will be granted.

By the Court,

President Judge

FILED

JAN 16 2003

William A. Shaw
Prothonotary

FILED

100-44755-10
100-44755-10
JAN 16 2003
E. H. G.

William A. Shaw
Prothonotary

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

KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
* JURY TRIAL DEMANDED
KURTIS S. WISOR, *
Defendant *

Type of Action:
Personal Injury

Type of Pleading:
Praecipe to Settle and
Discontinue

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

FEB 20 2003

William A. Shaw
Prothonotary

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

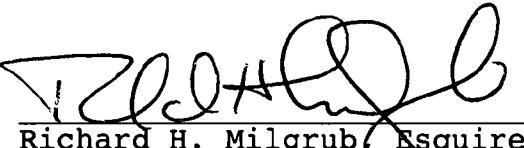
KEVIN S. WISOR and JOYCE A. *
WISOR, husband and wife, *
Plaintiffs *
*
-vs- * No. 01-1947-CD
* JURY TRIAL DEMANDED
KURTIS S. WISOR, *
Defendant *
*

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned action settled and discontinued.

Date: 2/19/03

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiffs

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

Clg: SSe RSV
FEB 20 2003

1cc & Cert. of
Nise to Atty
copy to C/A

William A. Shaw
Prothonotary

KA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

**Kevin S. Wisor and
Joyce A. Wisor**

Vs. **No. 2001-01947-CD**
Kurtis S. Wisor

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 February 20, 2003, marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by Richard H. Milgrub, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 20th day of February A.D. 2003.

William A. Shaw, Prothonotary