

OE-1995-CD
BRYAN K. CASHER et al. -vs- MCCAIN CITRUS, INC.

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 4

CLEARFIELD, PENNSYLVANIA 16830

FILED

DEC 12 2001

01/31/11 atty Belin

William A. Shaw

Prothonotary

PD # 80.00

3cc atty Belin

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

BRYAN K. CASHER and HEATHER M. :
CASHER, parents and natural guardians :
of HADLEY M. CASHER, :

Plaintiffs :

vs. :

McCAIN CITRUS, INC., :

Defendant :

No. 01 -1995 -CD

COMPLAINT

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-At-Law
Pa. I.D. 06805

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

DEC 12 2001

William A. Shaw
Prothonotary

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

BRYAN K. CASHER and HEATHER M.	:		
CASHER, parents and natural guardians	:		
of HADLEY M. CASHER,	:		
	:		
Plaintiffs	:	No. 01 –	-CD
vs.	:		
	:		
	:		
McCain Citrus, Inc.,	:		
	:		
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
Market & Second Street
Clearfield, PA 16830
(814) 765-2641, ext. 1300

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

BRYAN K. CASHER and HEATHER M.	:	
CASHER, parents and natural guardians	:	
of HADLEY M. CASHER,	:	
	:	
Plaintiffs	:	No. 01 – -CD
vs.	:	
	:	
McCain CITRUS, INC.,	:	
	:	
Defendant	:	

COMPLAINT

NOW COMES the Plaintiffs, HADLEY M. CASHER, a minor, by her parents BRYAN K. CASHER and HEATHER M. CASHER, by and through their attorneys, Belin & Kubista, and sets forth the following Complaint, and in support thereof would aver as follows:

FIRST CAUSE OF ACTION

HADLEY M. CASHER A MINOR BY HER PARENTS AND NATURAL GUARDIANS

BRYAN K. CASHER and HEATHER M. CASHER v. McCain CITRUS, INC.

1. That Plaintiff, HADLEY M. CASHER, is a minor of three years of age residing at R.R. #1 Box 307, Frenchville, Clearfield County, Pennsylvania.
2. Bryan K. Casher and Heather M. Casher are the parents of Hadley M. Casher, and who reside at R.R. #1 Box 307, Frenchville, Clearfield County, Pennsylvania (“mother and father”).
3. That Defendant, McCain Citrus, Inc., is a corporation, doing business in Pennsylvania, with its primary place of business at 2905 Butterfield Road, Oak Brook, Illinois (“McCain”).

4. McCain processes fruit juices and places them in paper cartons for sale at retail under the name of Junior Juice and distributes the cartons throughout Pennsylvania to various grocery stores and other outlets.

5. That on or about September 17, 2001, mother purchased two (2) four-packs of Junior Juice at DNR Wholesale in Clearfield, Pennsylvania.

6. That on or about September 17, 2001, at or about 9:00 p.m., Hadley Casher drank one of the juice boxes.

7. That as a result of drinking the juice box on September 17, 2001, Hadley Casher suffered a severe stomachache and a high temperature that lasted from late evening until the early morning. During this time period Hadley Casher was in extreme pain and discomfort.

8. That as a result of drinking the juice box and as result of the condition of Hadley Casher, she was taken to the Clearfield Hospital for treatment and evaluation.

9. The next morning mother discovered, while discarding the juice box, that the juice box made a rattling noise. Mother then discovered that the juice box Hadley Casher drank the night before contained glass particles.

10. That it is averred that the other juice boxes purchased by mother had particles of glass contained in them.

11. That Defendant clearly failed to properly manufacture and distribute juice boxes for sale to the public.

12. As a further result of Defendant's negligence, Plaintiff suffered a severe shock to her nervous system and was made to undergo great physical pain and mental anguish, all of which may continue for an indefinite time in the future.

13. By reason of her injuries, Plaintiff has been prevented from pursuing her daily activities and customary duties and believes that she may be prevented from doing do in the future to her great detriment and loss.

14. Plaintiff's injuries were caused by the negligence and carelessness of Defendant in that:

a) Defendant failed to prepare the juice boxes with the greatest diligence and precaution;

b) Defendant failed to properly inspect the juice boxes in order to assure itself of the purity of the contents thereof;

c) Defendant allowed and permitted particles of glass to be and exist in the juice boxes when a proper inspection or examination would have disclosed their presence.

d) Defendant was guilty of negligence, recklessness, and carelessness under the circumstances of the case.

15. That as a result of the contaminated juice boxes, Hadley Casher has suffered severe pain and suffering.

16. That the Plaintiffs claim damages for the following:

a) a reasonable amount for pain and suffering for past, present and future;

b) reasonable amount for the cost of medical treatment;

c) reasonable amount for privation and inconvenience due to the injuries and treatment;

d) other damages allowable by law.

WHEREFORE, Plaintiffs claim damages from the Defendant in an unliquidated amount in excess of the arbitration limits of Clearfield County.

**COUNT II – BRYAN K. CASHER and HEATHER M. CASHER PARENTS AND
NATURAL GUARDIANS OF HADLEY M. CASHER V. McCain CITRUS, INC.**

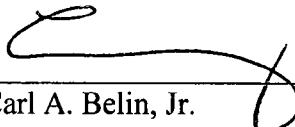
17. That Plaintiffs Bryan K. Casher and Heather M. Casher hereby incorporates by reference Paragraphs 1 through 16.

18. That by reason of the aforesaid, the Plaintiffs Bryan K. Casher and Heather M. Casher have been and will incur medical expenses arising out of the injuries to Plaintiff's minor, Hadley M. Casher, and have and will suffer a loss of services of said minor.

WHEREFORE, Plaintiffs Bryan K. Casher and Heather M. Casher, claim damages from the Defendant in an unliquidated amount in excess of the arbitration limits of Clearfield County.

JURY TRIAL DEMANDED.

BELIN & KUBISTA



Carl A. Belin, Jr.
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CLEARFIELD

: SS
:

Before me, the undersigned Officer, personally appeared BRYAN K. CASHER and HEATHER M. CASHER, who, being duly sworn according to law, depose and state that they are the parents and natural guardians of HADLEY M. CASHER, and that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

Bryan K. Casher
BRYAN K. CASHER

Heather M. Casher
HEATHER M. CASHER

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

Jill A. Redden
NOTARIAL SEAL
JILL A. REDDEN, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO.
MY COMMISSION EXPIRES APRIL 7, 2005





01-1925-C0

December 16, 2001

Court Administrator's Office
Clearfield County Courthouse
Clearfield, Pa. 16830

Gentlemen:

I am entering a written appearance personally concerning the complaint in equity-partition of the farm with the address of Mike Skebo, RD# 1 Box 207 Olanta, Pa 16863, in Knoxtownship. This is the Sam Skebo estate deed book 265-514.

I do not wished the farm to be sold at the present time mainly because it is being stripped mined. The coal is valuable and I want to continue to receive revenues from mining it. Also there maybe natural gas on the property and I definitely would want to look into that possibility. The property taxes are paid up to 10/2002 and I feel there is no rush to sell the land.

I feel that R. Denning Gearheart, the attorney that represents Mike Skebo's estate, is not representing all the heirs best interests. I really feel he is not representing my best interest at all. I receive this court letter and one other contract from him. The Other contract asked me to sign over my share of the farm to Barbara Haversack, the administratrix of my Uncle Mike estate, for a total of \$1.00. Which I refuse to do. I never received any other information concerning my Uncle Mike estate from this attorney.

I feel Barbara Haversack, the administratrix of Mike Skebo's estate, is just interested in her own personal gain. I feel she does not have my best interests and a lot of the other heirs best interests coming first. I feel her top agenda is for Barbara Haversack.

Sincerely,

Christine M. Czapski (the document misspelled my name Czapsky)

1524 E. Tierra Buena Lane
Phoenix, Arizona 85022
602-863-3018

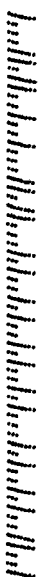


Chris Czapek
1524 E Tierra Buena Ln
Phoenix AZ 85022-3256



*Great Administrative Office
Clearfield County Courthouse
Clearfield PA
16830*

16830/3333



BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

FILED

JAN 15 2002
010461att, Belin Pd \$7.00
William A. Shaw
Prothonotary
for 3 comps. insisted to City.

1-15-02 Document
Reinstated/Returned to Sheriff/Attorney
for service.
W. A. Shaw
Deputy Prothonotary

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

BRYAN K. CASHER and HEATHER M. :
CASHER, parents and natural guardians :
of HADLEY M. CASHER, :

Plaintiffs :

vs. :

McCAIN CITRUS, INC., :

Defendant :

No. 01 – 1995 -CD

Praecipe to Reinstate Complaint

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-At-Law
Pa. I.D. 06805

FILED

JAN 15 2002

William A. Shaw
Prothonotary

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

BRYAN K. CASHER and HEATHER M.	:	
CASHER, parents and natural guardians	:	
of HADLEY M. CASHER,	:	
Plaintiffs	:	No. 01 - 1995-CD
vs.	:	
	:	
McCain CITRUS, INC.,	:	
Defendant	:	

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Please reinstate the Complaint filed on December 12, 2001 in the above captioned
action.

BELIN & KUBISTA



Carl A. Belin, Jr.

Date: 1/14/02

FILED

JAN 31 2002

03/29/02
William A. Shaw
Prothonotary
W. A. Shaw

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P O BOX 1

CLEARFIELD, PENNSYLVANIA 16830

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

BRYAN K. CASHER and HEATHER M. :
CASHER, parents and natural guardians :
of HADLEY M. CASHER, :

Plaintiffs :

vs. :

McCAIN CITRUS, INC., doing business :
as PASCO BEVERAGES, :

Defendant :

No. 01 – 1995 -CD

**AMENDED
COMPLAINT**

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-At-Law
Pa. I.D. 06805

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JAN 31 2002

William A. Shaw
Prothonotary

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

BRYAN K. CASHER and HEATHER M. :
CASHER, parents and natural guardians :
of HADLEY M. CASHER, :
Plaintiffs : No. 01 – 1995 -CD
vs. :
McCain CITRUS, INC., doing business :
as PASCO BEVERAGES, :
Defendant :

AMENDED COMPLAINT

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BRYAN K. CASHER and HEATHER M. CASHER v. McCain CITRUS, INC., DOING

BUSINESS AS PASCO BEVERAGES

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3. That Defendant, McCain Citrus, Inc., is believed to be an Illinois corporation, trading and doing business as PASCO Beverages, and is doing business in Pennsylvania, with its primary place of business at 1821 S. Kilborn, Chicago, Illinois (“McCain/PASCO”).

4. McCain/PASCO processes fruit juices and places them in paper cartons for sale at retail under the name of Junior Juice and distributes the cartons throughout Pennsylvania to various grocery stores and other outlets.

5. That on or about September 17, 2001, mother purchased two (2) four-packs of Junior Juice at DNR Wholesale in Clearfield, Pennsylvania.

6. That on or about September 17, 2001, at or about 9:00 p.m., Hadley Casher drank one of the juice boxes.

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9. The next morning mother discovered, while discarding the juice box, that the juice box made a rattling noise. Mother then discovered that the juice box Hadley Casher drank the night before contained glass particles.

10. That it is averred that the other juice boxes purchased by mother had particles of glass contained in them.

11. That Defendant clearly failed to properly manufacture and distribute juice boxes for sale to the public.

12. As a further result of Defendant's negligence, Plaintiff suffered a severe shock to her nervous system and was made to undergo great physical pain and mental anguish, all of which may continue for an indefinite time in the future.

13. By reason of her injuries, Plaintiff has been prevented from pursuing her daily activities and customary duties and believes that she may be prevented from doing do in the future to her great detriment and loss.

14. Plaintiff's injuries were caused by the negligence and carelessness of Defendant in that:

a) Defendant failed to prepare the juice boxes with the greatest diligence and precaution;

b) Defendant failed to properly inspect the juice boxes in order to assure itself of the purity of the contents thereof;

c) Defendant allowed and permitted particles of glass to be and exist in the juice boxes when a proper inspection or examination would have disclosed their presence.

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16. That the Plaintiffs claim damages for the following:

a) a reasonable amount for pain and suffering for past, present and future;

b) reasonable amount for the cost of medical treatment;

c) reasonable amount for privation and inconvenience due to the injuries and treatment;

d) other damages allowable by law.

WHEREFORE, Plaintiffs claim damages from the Defendant in an unliquidated amount in excess of the arbitration limits of Clearfield County.

COUNT II – BRYAN K. CASHER and HEATHER M. CASHER PARENTS AND
NATURAL GUARDIANS OF HADLEY M. CASHER V. McCAIN CITRUS, INC.,
DOING BUSINESS AS PASCO BEVERAGES

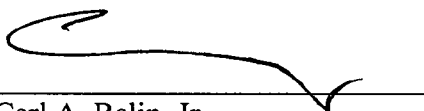
17. That Plaintiffs Bryan K. Casher and Heather M. Casher hereby incorporates by reference Paragraphs 1 through 16.

18. That by reason of the aforesaid, the Plaintiffs Bryan K. Casher and Heather M. Casher have been and will incur medical expenses arising out of the injuries to Plaintiff's minor, Hadley M. Casher, and have and will suffer a loss of services of said minor.

WHEREFORE, Plaintiffs Bryan K. Casher and Heather M. Casher, claim damages from the Defendant in an unliquidated amount in excess of the arbitration limits of Clearfield County.

JURY TRIAL DEMANDED.

BELIN & KUBISTA



Carl A. Belin, Jr.
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA

:

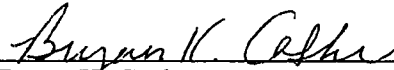
SS

COUNTY OF CLEARFIELD

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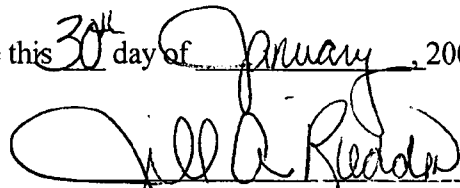
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Before me, the undersigned Officer, personally appeared BRYAN K. CASHER and HEATHER M. CASHER, who, being duly sworn according to law, deposes and states that they are the parents and natural guardians of HADLEY M. CASHER, and that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.


Bryan K. Casher


Heather M. Casher

SWORN and SUBSCRIBED before me this 30th day of January, 2002.





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

BRYAN K. CASHER and HEATHER M.	:	
CASHER, parents and natural guardians	:	
of HADLEY M. CASHER,	:	
	:	
Plaintiffs	:	No. 01 – 1995 -CD
vs.	:	
	:	
McCain CITRUS, INC., doing business	:	
as PASCO BEVERAGES,	:	
	:	
Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-At-Law
Pa. I.D. 06805

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

MAR 06 2002

0110421ndcc

William A. Shaw
Prothonotary

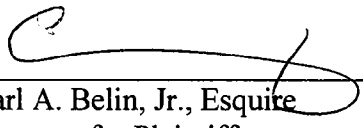
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BRYAN K. CASHER and HEATHER M.	:	
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	:	
Plaintiffs	:	No. 01 – 1995 -CD
vs.	:	
	:	
McCAIN CITRUS, INC., doing business	:	
as PASCO BEVERAGES,	:	
	:	
Defendant	:	

CERTIFICATE OF SERVICE

I hereby certify that I forwarded a true and correct copy of the Amended Complaint in the above captioned action to the Sheriffs Office of Cook County, Illinois and that an adult member of the Sheriffs Department served the Defendant, McCain Citrus, Inc. doing business as Pasco Beverages at its factory at 1821 Kilborn Avenue, Chicago, Illinois 60623 pursuant to Pa. R.C.P. 404(1), a copy of the service and Amended Complaint are attached hereto and made a part hereof.

BELIN & KUBISTA


Carl A. Belin, Jr., Esquire
Attorney for Plaintiffs

TYPE LAW

SHERIFF'S OFFICE O. K. COUNTY, ILLINOIS

DISTRICT 085

SHERIFF'S NUMBER 100503-001D CASE NUMBER 011995CD

DEPUTY:

Thompson 4628

FILED DT 01-31-2002 RECEIVED DT 02-06-2002 DIE DT 02-20-2002 MULTIPLE SERVICE 1

DEFENDANT

MCCAIN CITRUS INC

1821 S KILBOURN AV

CHICAGO IL. 60623

ATTORNEY

BELIN AND KUBISTA

15 N FRONT ST

CLEARFIELD PN. 00000

PLAINTIFF BRYAN CASHER AND HEATHER

SERVICE INFORMATION: T/D/B/A PASCO BEVERAGES

AT

FOREIGN

(A) I CERTIFY THAT I SERVED THIS SUMMONS ON THE DEFENDANT AS FOLLOWS:

.....1 PERSONAL SERVICE: BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT WITH THE NAMED DEFENDANT PERSONALLY.

.....2 SUBSTITUTE SERVICE: BY LEAVING A COPY OF THE SUMMONS AND A COPY OF THE COMPLAINT AT THE DEFENDANT'S USUAL PLACE OF ABODE WITH SOME PERSON OF THE FAMILY, OF THE AGE OF 13 YEARS OR UPWARDS, AND INFORMING THAT PERSON OF THE CONTENTS THEREOF. ALSO, A COPY OF THE SUMMONS WAS MAILED ON THE DAY OF 20, IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID, ADDRESSED TO THE DEFENDANT AT HIS OR HER USUAL PLACE OF ABODE.

SAID PARTY REFUSED NAME

.....3 SERVICE ON: CORPORATION A COMPANY A BUSINESS A PARTNERSHIP BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT (OR INTERROGATORIES) WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE DEFENDANT.

.....4 CERTIFIED MAIL

(B) MICHAEL F. SHEAHAN, SHERIFF, BY: Thompson 4628, DEPUTY

1 SEX F M/F RACE W AGE 25

2 NAME OF DEFENDANT MCCAIN CITRUS INC

WRIT SERVED ON

Tawnya Walpole R/P

THIS 19 DAY OF FEB, 2002 TIME 7:51 A.M./P.M.

ADDITIONAL REMARKS

THE NAMED DEFENDANT WAS NOT SERVED.

TYPE OF BLDG

Factory

ATTEMPTED SERVICES

NEIGHBORS NAME

DATE

TIME A.M./P.M.

ADDRESS

2-19-02

7:51 P 4628

REASON NOT SERVED:

01 MOVED

02 NO CONTACT

03 EMPTY LOT

04 NOT LISTED

05 WRONG ADDRESS

06 NO SUCH ADDRESS

07 EMPLOYER REFUSAL

08 RETURNED BY ATTY

09 DECEASED

10 BLDG DEMOLISHED

11 NO REGISTERED AGT.

12 OTHER REASONS

13 OUT OF COUNTY

FEE .00 MILEAGE .00 TOTAL .00

SG20

23 00
1 60
24 60

2/20

085

100503

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

BRYAN K. CASHER and HEATHER M.
CASHER, parents and natural guardians
of HADLEY M. CASHER,

Plaintiffs

vs.

McCain CITRUS, INC., doing business
as PASCO BEVERAGES,

Defendant

No: 01 - 1995 -CD

000051-1.5.1 02/06/02 10:55

REF # 100503

1 FOREIGN WRIT

1 MILEAGE

CASE TOTAL

TOTAL

AMENDED
COMPLAINT

CHECK III
CASHIER: PAULA

23 00
1 60
24 60 *
24 60 TL
24 60

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Carl A. Belin, Jr.
Attorney-At-Law
Pa. I.D. 06805

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

JAN 31 2002

Attest.

Carl A. Belin, Jr.
Prothonotary/
Clerk of Courts

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

BRYAN K. CASHER and HEATHER M. :
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Plaintiffs : No. 01 - 1995 -CD
vs. :
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as PASCO BEVERAGES, :
Defendant :

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- a) Defendant failed to prepare the juice boxes with the greatest diligence and precaution;
- b) Defendant failed to properly inspect the juice boxes in order to assure itself of the purity of the contents thereof;
- c) Defendant allowed and permitted particles of glass to be and exist in the juice boxes when a proper inspection or examination would have disclosed their presence.
- d) Defendant was guilty of negligence, recklessness, and carelessness under the circumstances of the case.

15. That as a result of the contaminated juice boxes, Hadley Casher has suffered severe pain and suffering.

16. That the Plaintiffs claim damages for the following:

- a) a reasonable amount for pain and suffering for past, present and future;
- b) reasonable amount for the cost of medical treatment;
- c) reasonable amount for privation and inconvenience due to the injuries and treatment;
- d) other damages allowable by law.

WHEREFORE, Plaintiffs claim damages from the Defendant in an unliquidated amount in excess of the arbitration limits of Clearfield County.

COUNT II – BRYAN K. CASHER and HEATHER M. CASHER PARENTS AND
NATURAL GUARDIANS OF HADLEY M. CASHER V. McCAIN CITRUS, INC.,
DOING BUSINESS AS PASCO BEVERAGES

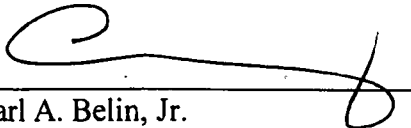
17. That Plaintiffs Bryan K. Casher and Heather M. Casher hereby incorporates by reference Paragraphs 1 through 16.

18. That by reason of the aforesaid, the Plaintiffs Bryan K. Casher and Heather M. Casher have been and will incur medical expenses arising out of the injuries to Plaintiff's minor, Hadley M. Casher, and have and will suffer a loss of services of said minor.

WHEREFORE, Plaintiffs Bryan K. Casher and Heather M. Casher, claim damages from the Defendant in an unliquidated amount in excess of the arbitration limits of Clearfield County.

JURY TRIAL DEMANDED.

BELIN & KUBISTA



Carl A. Belin, Jr.
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF CLEARFIELD

Before me, the undersigned Officer, personally appeared BRYAN K. CASHER and HEATHER M. CASHER, who, being duly sworn according to law, deposes and states that they are the parents and natural guardians of HADLEY M. CASHER, and that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

Bryan K. Casher
Bryan K. Casher

Heather M. Casher
Heather M. Casher

SWORN and SUBSCRIBED before me this 30th day of January, 2002.

Jill A. Redden

NOTARIAL SEAL
JILL A. REDDEN, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO.
MY COMMISSION EXPIRES APRIL 7, 2005

BARRY A. KRONTHAL, ESQUIRE
Pa. Supreme Court I.D. No. 55672
MARGOLIS EDELSTEIN
Post Office Box 932
Harrisburg, Pennsylvania 17108-0932

Telephone: [717] 975-8114
Fax: [717] 975-8124
E-mail: bkronthalmargolisedelstein.com

Attorney for:
DEFENDANT, McCAIN CITRUS, INC.
d/b/a PASCO BEVERAGES

BRYAN K. CASHER and
HEATHER M. CASHER, Parents and
Natural Guardians of HADLEY M. CASHER,
Plaintiffs

v.

McCAIN CITRUS, INC., doing business as
PASCO BEVERAGES,

Defendant

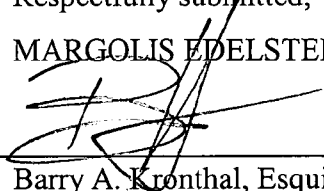
: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: CIVIL ACTION – LAW
:
: No. 01-1995-CD
:
:
: JURY TRIAL DEMANDED

PRAECIPE

TO THE PROTHONOTARY:

Kindly enter the undersigned's appearance on behalf of Defendant, McCain Citrus, Inc.,
doing business as PASCO Beverages.

Respectfully submitted,
MARGOLIS EDELSTEIN

By: 
Barry A. Kronthal, Esquire
Attorney I.D. #55672
Post Office Box 932
Harrisburg, PA 17108-0932
(717) 975-8114
Attorney for Defendant

FILED

MAR 18 2002
m/120/1000
William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I, Jessica Brady, an authorized representative of Margolis Edelstein, hereby certify that I have served a true and correct copy of the foregoing document upon all counsel and parties of record this 15th day of March, 2002, by placing the same in the United States First Class Mail, postage prepaid, at Camp Hill, Pennsylvania, addressed as follows:

Carl A. Belin, Jr., Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

By: Jessica Brady
Jessica Brady

2. Denied. After reasonable investigation, McCain Citrus is without knowledge

or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied.

3. Denied. The current proper name of McCain Citrus, Inc., is Pasco Juices, Inc., and it is a Delaware corporation.

4. Admitted.

5. Denied. After reasonable investigation, McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied.

6. Denied. After reasonable investigation, McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied.

7. Denied. After reasonable investigation, McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied. By way of further answer, the averments of this paragraph state a conclusion of law to which no response is required and they are, therefore, denied.

8. Denied. After reasonable investigation, McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied. By way of further answer, the averments of this paragraph state a conclusion of law to which no response is required and they are, therefore, denied.

9. Denied. After reasonable investigation, McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied. By way of further answer, the averments of this paragraph state a

conclusion of law to which no response is required and they are, therefore, denied. Further, it is specifically denied that the subject juice box contained any glass particles.

10. Denied. After reasonable investigation, McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied. By way of further answer, the averments of this paragraph state a conclusion of law to which no response is required and they are, therefore, denied. Further, it is specifically denied that the other juice boxes allegedly purchased by Plaintiffs contained any glass particles.

11. Denied. The averments of this paragraph state a conclusion of law to which no response is required and they are, therefore, denied. By way of further answer, it is specifically denied that McCain Citrus failed to properly manufacture and distribute juice boxes for sale to the public. On the contrary, at all times relevant hereto, McCain Citrus acted with due care and caution under the circumstances and properly manufactured and distributed juice boxes for sale to the public. Further, it is specifically denied that the other juice boxes allegedly purchased by Plaintiffs contained any glass particles.

12. Denied. The averments of this paragraph state a conclusion of law to which no response is required and they are, therefore, denied. By way of further answer, after reasonable investigation McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied. Further, it is specifically denied that the other juice boxes allegedly purchased by Plaintiffs contained any glass particles.

13. Denied. The averments of this paragraph state a conclusion of law to which

no response is required and they are, therefore, denied. By way of further answer, after reasonable investigation McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied.

14. Denied. The averments of this paragraph state a conclusion of law to which no response is required and they are, therefore, denied. By way of further answer, it is specifically denied that McCain Citrus was negligent and/or careless in any of the following respects:

(a) in failing to prepare the juice boxes with the greatest diligence and precaution;

(b) in failing to properly inspect the juice boxes in order to assure itself of the purity of the contents thereof;

(c) in allowing and permitting particles of glass to be and to exist in the juice boxes when a proper inspection or examination would have disclosed their presence; and

(d) the parties hereto, have agreed to strike paragraph 14(d) from Plaintiffs' Complaint. By way of further answer, at all times relevant hereto, McCain Citrus acted with due care and caution under the circumstances and properly manufactured and distributed juice boxes for sale to the public. Further, it is specifically denied that any of the subject juice boxes allegedly purchased by Plaintiffs contained any glass particles.

15. Denied. The averments of this paragraph state a conclusion of law to which no response is required and they are, therefore, denied. By way of further answer, after reasonable investigation McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied. Further,

it is specifically denied that any of the subject juice boxes allegedly purchased by Plaintiffs contained any glass particles.

16. Denied. The averments of this paragraph state a conclusion of law to which no response is required and they are, therefore, denied. By way of further answer, after reasonable investigation McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied. Further, it is specifically denied that Plaintiffs are entitled to any damages for privation and inconvenience.

WHEREFORE, Defendants, McCain Citrus, Inc. d/b/a as Pasco Beverages, demand judgment in their favor and against Plaintiffs, Bryan K. Casher and Heather Casher, parents and natural guardians of Hadley M. Casher, with costs assessed to Plaintiffs.

**COUNT II - BRYAN K. CASHER AND HEATHER M. CASHER
PARENTS AND NATURAL GUARDIANS OF HADLEY M. CASHER
v.
MCCAIN CITRUS, INC., d/b/a PASCO BEVERAGES**

17. The answers contained in paragraphs 1 through 16 inclusive hereof, are incorporated by reference herein as if set forth in their entirety.

18. The averments of this paragraph state a conclusion of law to which no response is required and they are, therefore, denied. By way of further answer, after reasonable investigation McCain Citrus is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph and they are, therefore, denied. Further, it is specifically denied that parents, Bryan K. Casher and Heather Casher, are entitled to damages for a loss of services of their minor child, Hadley M. Casher.

WHEREFORE, Defendants, McCain Citrus, Inc. d/b/a as Pasco Beverages, demand judgment in their favor and against Plaintiffs, Bryan K. Casher and Heather Casher, parents and natural guardians of Hadley M. Casher, with costs assessed to Plaintiffs.

NEW MATTER

19. The answers contained in paragraphs 1 through 18 inclusive hereof, are incorporated by reference herein as if set forth in their entirety.

20. The incident which is the subject mater of this action was caused by Plaintiffs' own negligent, careless and/or reckless conduct.

21. Plaintiffs are barred from recovery under the doctrines of comparable negligence, contributory negligence, and assumption of risk.

22. To the extent that it is proven that McCain Citrus designed, manufactured and/or sold the subject fruit juice, McCain Citrus, at all times relevant hereto, exercised due care and caution in doing so.

23. At no time relevant to this action was the subject fruit juice in a defective condition or unreasonably dangerous to the user by reason of any act or failure to act on the part of McCain Citrus.

24. Plaintiffs have failed to state a claim upon which relief can be granted.

25. Plaintiffs' claims, if any, are barred by the applicable statute of limitations.

26. Plaintiffs' claims, if any, are barred by the doctrine of laches.

27. Plaintiffs misused the subject fruit juice and such misuse was unforeseeable to McCain Citrus.

28. At all times relevant hereto, McCain Citrus acted with due care and caution

under the circumstances then existing.

29. Plaintiffs' claims, if any, were caused by the negligent, reckless, and/or careless conduct of person(s) and/or entities over whom McCain Citrus did not have control and/or for whom it is not legally or otherwise responsible.

30. Plaintiffs' claims, if any, are barred by their failure to mitigate.

31. The subject fruit juice was not defective and safe for its intended and reasonably expected and/or reasonably foreseeable uses and did not contain any condition that made it unsafe for its intended and reasonably expected and/or reasonably foreseeable uses at the time that it was sold.

32. Any damages suffered by Plaintiffs, the existence of which is expressly denied, were not caused by any defects in the subject fruit juice, with the existence of any such defects being expressly denied.

33. To the extent that it is proven that McCain Citrus designed, manufactured and/or sold the subject fruit juice, at the time that the subject fruit juice was sold to and/or used by Plaintiffs, it was substantially changed from the condition that it was in at the time that it left the control of McCain Citrus.

34. Any acts or omissions of McCain Citrus alleged to constitute negligence, the existence of which is expressly denied, were not substantial factors or causes of the subject incident and/or did not result in the injuries and/or damages alleged by Plaintiffs.

35. The negligent acts or omissions of other person(s) and/or entities may have constituted intervening, superseding causes of the injuries and/or damages alleged by Plaintiffs.

36. McCain Citrus never breached any duty to Plaintiffs and never failed to

maintain any standards, responsibilities and/or obligations to Plaintiffs, with the existence of any such duties, standards, responsibilities and/or obligations to Plaintiffs being expressly denied.

37. McCain Citrus denies the existence of any warranties to Plaintiffs, whether express or implied, associated with the subject fruit juice.

38. Further, it is specifically denied that parents, Bryan K. Casher and Heather Casher, are entitled to damages for a loss of services of their minor child, Hadley M. Casher.

WHEREFORE, Defendants, McCain Citrus, Inc., d/b/a Pasco Beverages, demand judgment in their favor and against Plaintiffs, Bryan K. Casher and Heather Casher, parents and natural guardians of Hadley M. Casher, with costs assessed to Plaintiff.

Respectfully submitted,

MARGOLIS EDELSTEIN

Date:

5/3/02

By:

BARRY KRONTHAL, ESQUIRE

Attorney I.D. No. 55672

P. O. Box 932

Harrisburg, PA 17108-0932

(717) 975-8114

Counsel for Defendants,
McCain Citrus, Inc., d/b/a
Pasco Beverages

VERIFICATION

I, Ben Reese, state that I have read the foregoing Answer with New Matter and that the facts stated therein are true and correct to the best of my knowledge, information and belief.

I understand that any false statements herein are made subject to penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date: 05/02/02

Ben Reese
Ben Reese

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the foregoing on all counsel of record by placing the same in the United States mail at Camp Hill, Pennsylvania, first-class postage prepaid, on the 3 day of May, 2002, and addressed as follows:

Carl A. Belin, Jr., Esquire
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830

MARGOLIS EDELSTEIN

By: Carol A. Moose
Carol Moose,

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BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

FILED

01/18/45
21 2002

W

William A. Shaw
Prothonotary

3cc
Atty Belin

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

BRYAN K. CASHER and HEATHER M. CASHER,	:	
parents and natural guardians of	:	No. 01 - 1995 - CD
HADLEY M. CASHER	:	
	:	
Plaintiffs	:	
vs.	:	REPLY TO NEW MATTER
	:	
McCAIN CITRUS, INC., doing business as	:	
PASCO BEVERAGES,	:	
Defendant	:	

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

MAY 21 2002

William A. Shaw
Prothonotary

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

BRYAN K. CASHER and HEATHER M. CASHER, :
parents and natural guardians of : No. 01-1995- CD
HADLEY M. CASHER :
Plaintiffs :
vs. :
McCain CITRUS, INC., doing business as :
PASCO BEVERAGES, :
Defendant :

REPLY TO NEW MATTER

AND NOW, comes Bryan K. Casher and Heather M. Casher,
parents and natural guardians of Hadley M. Casher, by and
through their attorneys, Belin & Kubista, and files the
following Reply to New Matter, and in support thereof avers as
follows:

19. Paragraphs 1 through 18 of Plaintiffs' Complaint are
hereby incorporated by reference and made a part hereof.

20. Paragraph 20 is denied and Paragraphs 1 through 18 of
Plaintiffs' Complaint are hereby incorporated by reference and
made a part hereof.

21. Paragraph 21 sets forth allegations of law which are
deemed denied under Pennsylvania Rules of Civil Procedure No.
1029 (a) and (d). It is further averred that Plaintiffs were
not guilty of comparable negligence, contributory negligence,

and assumption of risk, and in further answer thereto, Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

22. Paragraph 22 is neither affirmed nor denied as after reasonable investigation the parties are without knowledge or information sufficient to form a belief as to the truth of the averments as they are within the control of the Defendant and as a result said averments are deemed denied and, if relevant, strict proof thereof is demanded at trial.

23. Paragraph 23 is denied and Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

24. Paragraph 24 sets forth an allegation of law which are deemed denied under Pennsylvania Rules of Civil Procedure No. 1029 (a) and (d), and in further answer thereto, Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

25. Paragraph 25 is denied and Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

26. Paragraph 26 is denied and Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

27. Paragraph 27 is denied and Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

28. Paragraph 28 is neither affirmed nor denied as after reasonable investigation the parties are without knowledge or information sufficient to form a belief as to the truth of the averments as they are within control of the Defendant and as a result said averments are deemed denied and, if relevant, strict proof thereof is demanded at trial.

29. Paragraph 29 is neither affirmed nor denied as after reasonable investigation the parties are without knowledge or information sufficient to form a belief as to the truth of the averments and they are within the control of Defendant or a third party, and as a result said averments are deemed denied and, if relevant, strict proof thereof is demanded at trial.

30. Paragraph 30 is denied and Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

31. Paragraph 31 is neither affirmed nor denied as after reasonable investigation the parties are without knowledge or information sufficient to form a belief as to the truth of the averments are within the control of Defendant and as a result said averments are deemed denied and, if relevant, strict proof thereof is demanded at trial; and in further answer thereto, Paragraphs 1 through 18 of the Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

32. Paragraph 32 is denied and Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

33. Paragraph 33 is neither affirmed nor denied as after reasonable investigation the parties are without knowledge or information sufficient to form a belief as to the truth of the averments and they are within the control of Defendant and as a result said averments are deemed denied and, if relevant, strict proof thereof is demanded at trial.

34. Paragraph 34 is denied and Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

35. Paragraph 35 is neither affirmed nor denied as after reasonable investigation the parties are without knowledge or information sufficient to form a belief as to the truth of the averments and they are within the control of Defendant and as a result said averments are deemed denied and, if relevant, strict proof thereof is demanded at trial.

36. Paragraph 36 is denied and Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

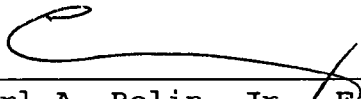
37. Paragraph 37 sets forth allegations of law which are deemed denied under Pennsylvania Rules of Civil Procedure No. 1029 (a) and (d). In further answer thereto, Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

38. Paragraph 38 is denied and Paragraphs 1 through 18 of Plaintiffs' Complaint are hereby incorporated by reference and made a part hereof.

WHEREFORE, Plaintiffs claim damages from the Defendant in an unliquidated amount in excess of the arbitration limits of

Clearfield County.

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiffs

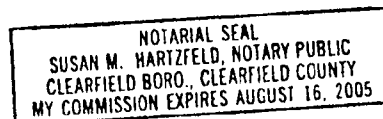
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me the undersigned officer, personally appeared
BRYAN K. CASHER and HEATHER M. CASHER, who being duly sworn
according to law, depose and say that they are the parents and
natural guardians of HADLEY M. CASHER, and that the facts set
forth in the foregoing Reply to New Matter are true and correct
to the best of their knowledge, information and belief.

Bryan K Casher
Bryan K. Casher
Heather M Casher
Heather M. Casher

Sworn and subscribed before me this 21st day of
May, 2002.

Susan M Hartzfeld
Notary Public



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

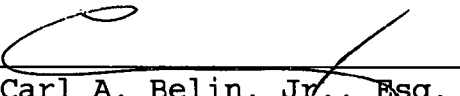
BRYAN K. CASHER and HEATHER M. CASHER, :
parents and natural guardians of : No. 01 - 1995 - CD
HADLEY M. CASHER :
Plaintiffs :
vs. :
McCain CITRUS, INC., doing business as :
PASCO BEVERAGES, :
Defendant :

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a true and correct copy of Plaintiffs' Reply to New Matter in the above-captioned matter to the following party by postage prepaid United States mail on May 21st, 2002:

Barry A. Kronthal, Esquire
Margolis Edelstein
P.O. Box 932
Harrisburg, PA 17108-0932

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiffs

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

FILED

MAY 23 2003

6/2:53 PM

William A. Shaw
Prothonotary

2 cc to atty

WAS

Out of office to atty

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

BRYAN K. CASHER and HEATHER M. CASHER, :
parents and natural guardians of :
HADLEY M. CASHER, :

Plaintiffs :

No. 01 - 1995 - CD

vs. :

McCain CITRUS, INC., doing business as :
PASCO BEVERAGES, :

Defendant :

FILED ON BEHALF OF:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

FILED

MAY 23 2003

William A. Shaw
Prothonotary

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

BRYAN K. CASHER and HEATHER M. CASHER, :
parents and natural guardians of :
HADLEY M. CASHER, :

Plaintiffs :

No. 01 - 1995 - CD

vs. :

McCAIN CITRUS, INC., doing business as :
PASCO BEVERAGES, :

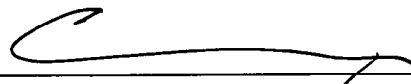
Defendant :

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above matter settled, discontinued and
ended.

BELIN & KUBISTA



Carl A. Belin, Jr., Esquire

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

CIVIL DIVISION

**Bryan K. Casher
Heather M. Casher
Hadley M. Casher**

**Vs.
McCain Citrus, Inc.**

No. 2001-01995-CD

COPY

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 May 23, 2003, marked:

SETTLED, DISCONTINUED AND ENDED

Record costs in the sum of \$87.00 have been paid in full by Attorney Belin.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of May A.D. 2003.

William A. Shaw, Prothonotary