

01-2042-CD  
DARIA GELNETT etux -vs- SHEETZ, INC.

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and  
PERRY GLNETT, her husband,

Plaintiffs,

vs.

SHEETZ, INC.,

Defendant.

CIVIL DIVISION

No. 2001-02042-CD

**PRAECIPE FOR TRIAL**

Filed On Behalf Of:

Darla Gelnett and Perry Gelnett,  
her husband, Plaintiffs

Counsel Of Record For The Above Party:

Allan C. Lundberg  
Attorney at Law  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

Attorney's I.D. #37200

FILED *no cc*

*ml 10:29 AM*  
APR 22 2005

*WAS*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DARLA GELNETT and  
PERRY GELNETT, her husband,

Plaintiffs,

v.

SHEETZ, INC.,

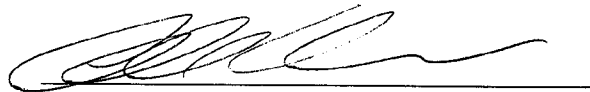
Defendant.

No.: 2001-02042-CD

PRAECIPE FOR TRIAL

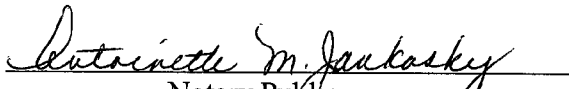
TO THE PROTHONOTARY:

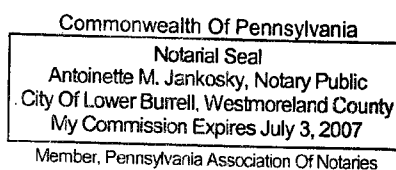
Please place the above-noted case on the next available trial list.



Allan C. Lundberg, Esquire  
Attorney for Plaintiffs

SWORN to and subscribed before me  
this 19th day of April, 2005.

  
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and  
PERRY GELNETT, her husband,

Plaintiffs

vs.

SHEETZ, INC.,

Defendant

CIVIL DIVISION

No. 01-2042-CO

**PRAECIPE FOR WRIT OF  
SUMMONS IN CIVIL ACTION**

Filed On Behalf Of:

Counsel Of Record For The Above  
Party:

Allan C. Lundberg  
Attorney at Law  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

Attorney's I.D. #37200

**FILED**

**DEC 24 2001**

**William A. Shaw  
Prothonotary**

DARLA GELNETT and  
PERRY GELNETT, her husband,

Plaintiffs,

**VS.**

SHEETZ, INC.,


Defendant.

No.

## PRAECIPE FOR WRIT OF SUMMONS IN CIVIL ACTION

**TO THE PROTHONOTARY:**

Kindly issue a Writ of Summons in Civil Action against the Defendant, Sheetz, Inc., in the above-captioned case.

  
Allan C. Lundberg  
Attorney for Plaintiffs

Dated: December 19, 2001

FILED

DEC 24 2001

~~SP~~ M 19.3214th, Lundberg p<sup>2</sup>  
William A. Shaw  
Prothonotary 80.00

Writs Summary

Shaw

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

COPY

SUMMONS

Darla Gelnett  
Perry Gelnett

Vs.

NO.: 2001-02042-CD

Sheetz, Inc.

TO: SHEETZ, INC.

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 12/24/2001

---

William A. Shaw  
Prothonotary

Issuing Attorney:  
Allan C. Lundberg, Esquire  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT  
PERRY GELNETT,

Plaintiffs,

v.

SHEETZ, INC.,

Defendant.

**JURY TRIAL DEMANDED**

CIVIL DIVISION

NO.: 2001-02042-CD

**PRAECIPE FOR APPEARANCE**

Filed on behalf of Defendant

Counsel of Record for this party:

**ALEXANDER P. BICKET, ESQUIRE**

Pa. I.D.#53428

**ZIMMER KUNZ, PLLC**

Firm #920

3300 USX Tower

Pittsburgh, PA 15219

(412) 281-8000

**FILED**

**JAN 24 2002**

William A. Shaw  
Prothonotary

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY

Kindly enter the appearance of ZIMMER KUNZ, PLLC and ALEXANDER P. BICKET, ESQUIRE on behalf of the Defendant, SHEETZ, INC. in the above mentioned matter.

JURY TRIAL DEMANDED

ZIMMER KUNZ, PLLC

\_\_\_\_\_  
ALEXANDER P. BICKET, ESQUIRE  
Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within PRAECIPE FOR  
APPEARANCE was forwarded to counsel below named by United States Mail on the  
23rd day of January, 2002.

Allan C. Lundberg, Esquire  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068

ZIMMER KUNZ, PLLC



ALEXANDER P. BICKET, ESQUIRE

FILED

JAN 24 2002

M 10:52 AM

NO  
CE  
SI  
KES

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT  
PERRY GELNETT,

Plaintiffs,

v.

SHEETZ, INC.,

Defendant.

**JURY TRIAL DEMANDED**

CIVIL DIVISION

NO.: 2001-02042-CD

**PRAECIPE TO ISSUE RULE  
TO FILE COMPLAINT**

Filed on behalf of Defendant

Counsel of Record for this party:  
**ALEXANDER P. BICKET, ESQUIRE**  
Pa. I.D.#53428

**ZIMMER KUNZ, PLLC**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

**JAN 24 2002**

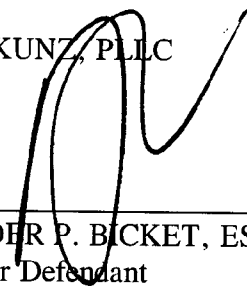
William A. Shaw  
Prothonotary

PRAECIPE TO ISSUE RULE TO FILE COMPLAINT

TO THE PROTHONOTARY

Kindly issue a Rule compelling Plaintiffs, Darla Gelnett and Perry Gelnett, to file a Complaint within twenty (20) days or suffer judgment of Non Pros.

ZIMMER KUNZ, PLLC



ALEXANDER P. BICKET, ESQUIRE  
Attorney for Defendant

Date: January 23, 2002

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within PRAECIPE TO  
ISSUE RULE TO FILE COMPLAINT was forwarded to counsel below named by United  
States Mail on the 23rd day of January, 2002

Allan C. Lundberg, Esquire  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068

ZIMMER KUNZ, PLLC



\_\_\_\_\_  
ALEXANDER P. BICKET, ESQUIRE

FILED

M10578X

JAN 24 2002

NO  
CC

Rule issued -

William A. Shaw  
Prothonotary

to Atty  
General

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

Darla Gelnett  
Perry Gelnett

Vs.  
Sheetz, Inc.

Case No. #2001-02042-CD

COPY

RULE TO FILE COMPLAINT

TO: Darla Gelnett and Perry Gelnett

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

\_\_\_\_\_  
William A. Shaw, Prothonotary

Dated: January 24, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT  
PERRY GELNETT,

Plaintiffs,

v.

SHEETZ, INC.,

Defendant.

**JURY TRIAL DEMANDED**

CIVIL DIVISION

NO.: 2001-02042-CD

**PROOF OF SERVICE OF RULE TO FILE  
COMPLAINT**

Filed on behalf of Defendant

Counsel of Record for this party:  
**ALEXANDER P. BICKET, ESQUIRE**  
Pa. I.D.#53428

**ZIMMER KUNZ, PLLC**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

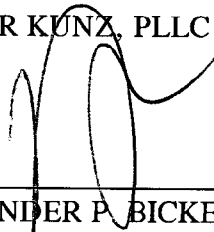
FEB 01 2002

**William A. Shaw**  
Prothonotary

PROOF OF SERVICE OF RULE TO FILE COMPLAINT

I hereby certify that the Rule to File Complaint issued by the Prothonotary in the above-captioned action was served upon counsel for Plaintiff by United States certified mail, return receipt requested on the 29th day of January 2002. A copy of the return receipt evidencing service is attached hereto, marked Exhibit "A" and made a part hereof.

ZIMMER KUNZ, PLLC

A handwritten signature in black ink, appearing to read 'A. Bicket', is written over a horizontal line.

ALEXANDER P. BICKET, ESQUIRE  
Attorney for Defendant

Date: January 30, 2002

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Allan C. Lundberg, Esq.  
Lower Burrell Prof. Plaza  
3058 Leechburg Rd.  
Lower Burrell, PA  
15068

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

1-29-02

C. Signature

X

*Cheryl Beyer*☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

3120

102595-00-M-0952

**U.S. Postal Service****CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

7001 0320 0002 3666 3120

Postage

\$

Certified Fee

Return Receipt Fee  
(Endorsement Required)Restricted Delivery Fee  
(Endorsement Required)

Total Postage &amp; Fees

\$

Postmark  
Here

1/28/02

Sent To

Allan C. Lundberg, Esq.

Street, Apt. No.,

or PO Box No. 3058 Leechburg Rd.

City, State, ZIP+4

Lower Burrell, PA 15068

PS Form 3800, January 2001

See Reverse for Instructions

EXHIBIT

A

FEDERAL BUREAU OF INVESTIGATION

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within PROOF OF  
SERVICE OF RULE TO FILE COMPLAINT was forwarded to counsel below named by  
United States Mail on the 30th day of January, 2002

Allan C. Lundberg, Esquire  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068

ZIMMER KUNZ PLLC



ALEXANDER P. BICKET, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and  
PERRY GELNETT, her husband,

Plaintiffs

vs.

SHEETZ, INC.,

Defendant

CIVIL DIVISION

No. 2001-02042-CD

**COMPLAINT IN CIVIL ACTION**

Filed On Behalf Of:

Darla Gelnett and Perry Gelnett,  
her husband, Plaintiffs

Counsel Of Record For The Above Party:

Allan C. Lundberg  
Attorney at Law  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700


**TO THE DEFENDANT:**

You are hereby notified to  
plead to the within Complaint In  
Civil Action within twenty (20) days  
of service hereof or a default judgment  
may be entered against you.

  
Attorney for Plaintiffs

Attorney's I.D. #37200

**FILED**

FEB 14 2002  
m/10:57/10cc  
William A. Shaw  
Prothonotary 

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

DARLA GELNETT and	)	
PERRY GELNETT, her husband,	)	
	)	
Plaintiffs,	)	
	)	No. 2001-02042-CD
vs.	)	
	)	
SHEETZ, INC.,	)	
	)	
Defendant.	)	

**COMPLAINT IN CIVIL ACTION**

AND NOW come the Plaintiffs, Darla Gelnett and Perry Gelnett, her husband, by and through their attorney, Allan C. Lundberg, Esquire, and set forth the following in support of the within Complaint in Civil Action:

1. Plaintiffs are Darla Gelnett and Perry Gelnett, residents of Clearfield County, Pennsylvania.
2. Defendant, Sheetz, Inc., is a corporation duly authorized and existing under the laws of the Commonwealth of Pennsylvania with a place of business located at the corner of Brady Street and Park Street in DuBois, Clearfield County, Pennsylvania.
3. At all times relevant hereto, Defendant, Sheetz, Inc., was engaged in the conduct of business in the Commonwealth of Pennsylvania and was licensed for the conduct such business by said Commonwealth.
4. At all times relevant hereto, Defendant, Sheetz, Inc., was in custody, possession and control of that area hereinafter described as premises, and it was the duty of the Defendant to keep and maintain those premises in a reasonably safe condition for those persons lawfully thereon.
5. On or about January 31, 2000, at approximately 6:30 P.M., the Plaintiff, Darla Gelnett, was lawfully present at the Sheetz, Inc., store located at the corner of Brady Street and Park Street in Clearfield County, DuBois, Pennsylvania, herein after referred to as premises, and was lawfully and carefully proceeding on foot within the said premises.

6. Notwithstanding its duty, the Defendant did, at the aforementioned time and date, carelessly, recklessly and negligently allow and permit to remain on said premises a dangerous condition, to-wit: water and slush accumulated on portions of the tile floor, resulting in a slipping hazard to the public.

7. As the Plaintiff, Darla Gelnett, was traversing said premises, she was caused to fall by reason of the aforesaid dangerous condition, with result that the Plaintiff, Darla Gelnett, suffered severe and serious injuries and damages as are hereinafter set forth.

8. As the same time as the incident and for some time prior thereto, the Defendant did or should have had both notice and knowledge of the aforesaid dangerous condition, and did allow and permit the dangerous condition to be and remain on the premises.

9. The injuries and damages which are hereinafter set forth were caused solely by and were the direct and proximate result of the negligence of the Defendant in any or all of the following respects:

- (a) In failing to keep the premises in a safe condition for persons lawfully using same;

- (b) In permitting the dangerous condition to be and remain on the premises when the Defendant knew or in the exercise of reasonable care should have known of the danger involved;

- (c) In failing to warn the Plaintiff of the dangerous conditions;

- (d) In failing to inspect the premises to discover or in inspecting it so carelessly as not to have discovered the dangerous condition;

- (e) In permitting persons, and the Plaintiff, Darla Gelnett, in particular to traverse the premises when the Defendant knew or in the exercise of reasonable care should have known that it was dangerous to do so and involved an unreasonable risk of harm to persons so doing;

- (f) In failing to provide persons lawfully using the premises with a safe area to traverse said premises; and

- (g) In designing, building, installing or maintaining a surface that is unreasonably slippery.

10. Solely as a result of the negligence of the Defendant as aforesaid, Plaintiff, Darla Gelnett, sustained the following injuries, all of which are or may be of permanent nature: broken left femur; injuries to the bones, muscles, tissues and ligaments of the left knee and hip.

11. As a result of the injuries as aforesaid, Plaintiff, Darla Gelnett, has sustained the following damages:

(a) Great pain, suffering, inconvenience, mental anguish and loss of the enjoyment of life;

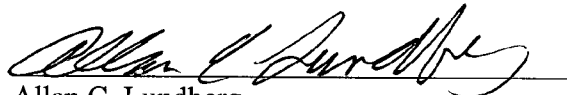
(b) Expenditure of large sums of money for medical and surgical attention, hospitalization, medical supplies, medicines and attendant services; and

(c) Impairment of general health, strength and vitality.

12. By further reason of said injuries, Plaintiff-Husband, Perry Gelnett, has been damaged as follows:

(a) Plaintiff-Husband, Perry Glenett, has been and will in the future be deprived of consortium, conjugal services, assistance and companionship.

WHEREFORE, Plaintiffs, Darla Gelnett and Perry Gelnett, her husband, demand judgment against Defendant, Sheetz, Inc., in an amount in excess of the jurisdiction of the Board of Arbitrators of this Court and in excess of Twenty Thousand (\$20,000.00) Dollars.



Allan C. Lundberg  
Attorney for Plaintiff

JURY TRIAL DEMANDED

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF WESTMORELAND

)  
) SS:  
)

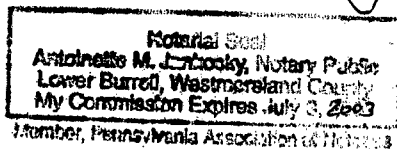
**AFFIDAVIT**

BEFORE ME, the undersigned authority, in and for said County and Commonwealth, personally appeared **DARLA GELNETT** who, being first duly sworn according to law, deposes and says that the facts set forth in the foregoing **COMPLAINT IN CIVIL ACTION** are true and correct to the best of her information, knowledge and belief.

*Darla Gelnett*  
**DARLA GELNETT**

SWORN to and subscribed  
before me this 11<sup>th</sup> day  
of February, 2002.

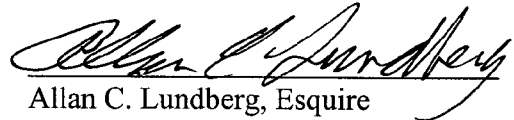
*Antoinette M. Jankovsky*  
Notary Public



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within COMPLAINT IN CIVIL ACTION was forwarded to counsel named below by United States First Class Mail on the 11<sup>th</sup> day of February, 2002:

Alexander P. Bicket, Esquire  
Zimmer & Kunz  
3300 USX Tower  
Pittsburgh, PA 15219-2702

  
Allan C. Lundberg, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and  
PERRY GELNETT, her husband,

Plaintiff,

v.

SHEETZ, INC.,

Defendant.

**JURY TRIAL DEMANDED**

CIVIL DIVISION

NO.: 2001-02042-CD

**ANSWER AND NEW MATTER TO  
PLAINTIFFS' COMPLAINT**

Filed on behalf of Defendant

Counsel of Record for this party:  
**ALEXANDER P. BICKET, ESQUIRE**  
Pa. I.D.#53428

**ZIMMER KUNZ, PLLC**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

**TO: PLAINTIFFS**

(412) 281-8000

You are hereby notified to file a  
Written response to the within Answer and New  
Matter within twenty (20) days from service  
hereof or a judgment may be  
Entered against you.

\_\_\_\_\_  
**ALEXANDER P. BICKET, ESQUIRE**

**FILED**

FEB 25 2002  
m/9:05/noc  
William A. Shaw  
Prothonotary

**ANSWER AND NEW MATTER  
TO PLAINTIFFS' COMPLAINT**

AND NOW comes the Defendant, Sheetz, Incorporated, (hereinafter "Sheetz") by and through its attorneys, ZIMMER KUNZ, PLLC and ALEXANDER P. BICKET, ESQUIRE, and files the within Answer and New Matter to Plaintiffs' Complaint and in support thereof sets forth as follows:

1. After reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the averments set forth in Paragraph 1 of Plaintiffs' Complaint and therefore the same are denied.

2. Admitted.

3. Admitted.

4. The allegations contained in Paragraph 4 of Plaintiffs' Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed necessary, the allegations contained in said paragraph are admitted. However, by way of further answer, this Defendant denies that it in any way breached its duty in any manner whatsoever to the Plaintiffs. It further denies that the premises as referred to in Paragraph 4 of Plaintiffs' Complaint were in an unsafe condition in any manner whatsoever. At all times relevant hereto, the premises in question were safe for those persons lawfully present thereon.

5. The allegations contained in Paragraph 5 of Plaintiffs' Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed

necessary, after reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the averments the Plaintiff, Darla Gelnett, was lawfully present at Sheetz, Inc. as referred to in Paragraph 5 of Plaintiffs' Complaint. By way of further answer, this Defendant denies that the Plaintiff, Darla Gelnett was carefully proceeding on foot within the said premises when the alleged incident occurred as more fully set forth in Plaintiffs' Complaint.

6. The allegations set forth in Paragraph 6 of Plaintiffs' Complaint contain conclusions of law to which no response is required. To the extent that an Answer is deemed necessary, the allegations contained in Paragraph 6 of Plaintiffs' Complaint are denied.

7. The allegations contained in Paragraph 7 of Plaintiffs' Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed necessary, this Defendant denies that there was any dangerous condition on its premises. Furthermore, this Defendant denies that any condition on its premises caused the Plaintiff, Darla Gelnett, to fall as alleged in her Complaint. By way of further answer, after reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the remaining averments in Paragraph 7 of Plaintiffs' Complaint and therefore the same are denied.

8. The allegations contained in Paragraph 8 of Plaintiffs' Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed necessary, this Defendant denies that there was any dangerous condition on its premises at any

time relevant to the allegations made in the Plaintiffs' Complaint. By way of further answer, the remaining allegations set forth in Paragraph 8 of Plaintiffs' Complaint are denied.

9. The allegations set forth in Paragraph 9 of Plaintiffs' Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed necessary, this Defendant denies that it was in any way negligent in any manner whatsoever. By way of further answer, this Defendant denies all the allegations set forth in Paragraph 9 and its subparagraphs (a) through (g) inclusive.

10. The allegations set forth in Paragraph 10 of Plaintiffs' Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed necessary, this Defendant denies that the injuries complained of, if any, were in any way the result of any conduct of this Defendant in any manner whatsoever. By way of further answer, after reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the remaining averments set forth in Paragraph 10 of Plaintiffs' Complaint and therefore the same are denied.

11. The allegations contained in Paragraph 11 of Plaintiffs' Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed necessary, after reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the averments set forth in Paragraph and its subparagraphs (a) through (c) inclusive and therefore the same are denied.

12. The allegations contained in Paragraph 11 of Plaintiffs' Complaint contain conclusions of law to which no response is required. To the extent that an answer is deemed

necessary, after reasonable investigation, this Defendant is without information or knowledge sufficient to form a belief as to the truth of the averments set forth in Paragraph and subparagraph (a) and therefore the same are denied

#### NEW MATTER

13. This Defendant has been informed, advised, and therefore believes that the Plaintiff may have been guilty of contributory and/or comparative negligence and, as a result, she may be totally or partially barred from recovery against this Defendant.

14. This Defendant has been informed, advised and therefore believes that at the time of the events complained of by the Plaintiffs, this Defendant had no notice or knowledge of any condition which may have proved to be a danger on its premises and further states that the same could not have been discovered after reasonable inspection and investigation.

15. In the alternative, this Defendant has been informed, advised and therefore believes that any condition complained of by the Plaintiff was both open and obvious.

16. This Defendant has been informed, advised and therefore believes that the Plaintiff acted with reckless disregard for her own safety and no recovery may be had against it for any injuries she may have sustained.

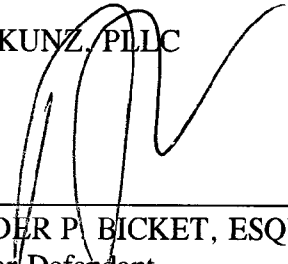
17. While denying all liability, should it be determined that this Defendant bears lawful responsibility for the alleged harm to the Plaintiff, Darla Gelnett, arising as a result of the accident described in the Plaintiffs' Complaint, then it is denied that all of the harm described in the Complaint is lawfully related to the accident and, to the contrary, a substantial amount of the harm described can be attributed to pre-existing conditions for which this Defendant is not liable.

18. This Defendant avers that the Plaintiff's injuries and damages, if any, were caused solely and proximately by a pre-existing health condition that is in no way causally

related to any actions or inaction of this Defendant.

WHEREFORE, the Defendant, Sheetz, Incorporated, demands judgment in its favor and against all parties with costs sustained.

ZIMMER KUNZ, PLLC



---

ALEXANDER P. BICKET, ESQUIRE  
Attorney for Defendant

**VERIFICATION**

I, MARY ANSLINGER, Risk Manager of Sheetz, Inc. do hereby verify that the averments of facts contained in the foregoing Answer and New Matter to Plaintiffs' Complaint are true and correct to the best of my knowledge, information and belief.

I understand false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: 2/20/02

Mary Anslinger  
MARY ANSLINGER

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within ANSWER AND  
NEW MATTER was forwarded to counsel below named by United States Mail on the

22nd day of February, 2002

Allan C. Lundberg, Esquire  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068

ZIMMER KUNZ, PLLC



\_\_\_\_\_  
ALEXANDER P. BICKET, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and  
PERRY GELNETT, her husband

Plaintiffs,

v.

SHEETZ, INC.,

Defendant.

**JURY TRIAL DEMANDED**

CIVIL DIVISION

NO.: 2001-02042-CD.

**NOTICE OF SERVICE OF DISCOVERY  
DIRECTED TO PLAINTIFFS**

Filed on behalf of Defendant

Counsel of Record for this party:  
**ALEXANDER P. BICKET, ESQUIRE**  
Pa. I.D.#53428

**ZIMMER KUNZ, PLLC**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

**MAR 06 2002**

m/10:49/noce  
**William A. Shaw**  
**Prothonotary**

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

NOTICE is hereby given to the court, that on the 4<sup>TH</sup> day of MARCH, 2002, the original First Set of Interrogatories and First Request for Production of Documents Directed to Plaintiff, were served upon Plaintiffs' counsel, Allan C. Lundberg, Esquire, by United States mail, first class, postage fully prepaid at his office located at Lower Burrell Professional Plaza, 3058 Leechburg Road, Lower Burrell, PA 15068.

ZIMMER KUNZ, PLLC


\_\_\_\_\_  
ALEXANDER P. BICKET, ESQUIRE  
Attorney for Defendant, Sheetz, Inc.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within NOTICE OF  
SERVICE OF DISCOVERY was forwarded to counsel below named by United States Mail on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2002

Allan C. Lundberg, Esquire  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068

ZIMMER KUNZ, PLLC



\_\_\_\_\_  
ALEXANDER P. BICKET, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and PERRY GELNETT

Plaintiffs

v.

SHEETZ, INC.,

Defendant.

**JURY TRIAL DEMANDED**

CIVIL DIVISION

2001-02042-CD

**PRAECIPE FOR SUBSTITUTION OF  
APPEARANCE**

Filed on behalf of:  
Defendant, SHEETZ, INC.

Counsel of Record for this party:  
**DANIEL E. KRAUTH, ESQUIRE**  
Pa. I.D. #59674

**ZIMMER KUNZ  
PROFESSIONAL LIMITED LIABILITY  
COMPANY**

Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

MAR 15 2002  
m/3:37nce  
William A. Shaw  
Prothonotary

**PRAECIPE FOR SUBSTITUTION OF APPEARANCE**

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Kindly substitute the name of **DANIEL E. KRAUTH, ESQUIRE** of the law firm of **ZIMMER KUNZ PROFESSIONAL LIMITED LIABILITY COMPANY** as counsel of record for the Defendant, **SHEETZ, INC.** in the above-captioned action.

**JURY TRIAL DEMANDED.**

**ZIMMER KUNZ  
PROFESSIONAL LIMITED LIABILITY COMPANY**

BY: 

**Daniel E. Krauth, Esquire**

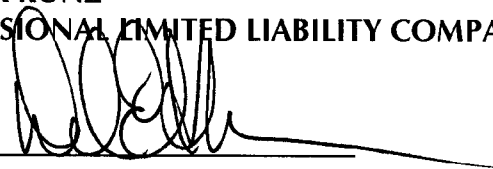
**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the within **PRAECIPE FOR  
SUBSTITUTION OF APPEARANCE** was forwarded to counsel below named by United  
States Mail on the 11<sup>th</sup> day of March, 2002, as follows:.

Allan C. Lundberg, Esquire  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
***Counsel for Plaintiffs***

**ZIMMER KUNZ  
PROFESSIONAL LIMITED LIABILITY COMPANY**

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

A handwritten signature in black ink, appearing to be 'Allan C. Lundberg', is written over a horizontal line. The signature is stylized with large, looped letters.

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

Sheriff Docket # 11900

GELNETT, DARLA & PERRY

01-2042-CD

VS.

SHEETZ, INC.

**WRIT OF SUMMONS**

**SHERIFF RETURNS**

NOW DECEMBER 26, 2001 LARRY FIELD, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN WRIT OF SUMMONS ON SHEETZ, INC., DEFENDANT.

NOW JANUARY 14, 2002 SERVED THE WITHIN WRIT OF SUMMONS ON SHEETZ, INC., DEFENDANT BY DEPUTIZING THE SHERIFF OF BLAIR COUNTY. THE RETURN OF SHERIFF FIELD IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED CAROL ERWIN, PIC.

**Return Costs**

Cost	Description
27.68	SHFF. HAWKINS PAID BY: ATTY.
29.50	SHFF. FIELD PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

**FILED**

MAR 25 2002

019.30 am  
William A. Shaw  
Prothonotary

Sworn to Before Me This

25th Day Of March 2002

*Jacqueline Kendrick*  
Deputy Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

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

DATE RECEIVED

DATE PROCESSED


## SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA  
COURTHOUSE, HOLLIDAYSBURG, PA. 16648SHERIFF SERVICE  
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

## INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

1. PLAINTIFF / S / <i>Darla &amp; Peery Gelnett</i>		2. COURT NUMBER <i>2001-02042-CO</i>
3. DEFENDANT / S / <i>Sheetz Inc.</i>		4. TYPE OF <del>WRIT</del> COMPLAINT <i>SUMMONS</i>
SERVE 	5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD. <i>Sheetz Inc.</i>	
AT	6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) <i>5700 6th Ave. Altoona</i>	
7. INDICATE UNUSUAL SERVICE: <input type="checkbox"/> PERSONAL <input checked="" type="checkbox"/> PERSON IN CHARGE <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> CERT. MAIL <input type="checkbox"/> REGISTERED MAIL <input type="checkbox"/> POSTED <input type="checkbox"/> OTHER		
NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.		
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:		

SHERIFF OF BLAIR COUNTY

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of: <i>Lundberg</i>	10. TELEPHONE NUMBER	11. DATE
<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT		

## SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above.		SIGNATURE of Authorized BCSD Deputy or Clerk and Title <i>Diane J. Wilk</i>		13. Date Received <i>12/27/01</i>	14. Expiration/Hearing date <i>1/24/02</i>							
15. I hereby CERTIFY and RETURN that I <input type="checkbox"/> have personally served, <input checked="" type="checkbox"/> have served person in charge, <input type="checkbox"/> have legal evidence of service as shown in "Remarks" (on reverse) <input type="checkbox"/> have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by hand in/gor Posting a TRUE and ATTESTED COPY thereof.												
16. <input type="checkbox"/> I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)												
17. Name and title of individual served <i>Carol E. Wilk L.P.</i>				18. A person of suitable age and discretion then residing in the defendant's usual place of abode. <input type="checkbox"/>	Read Order <input type="checkbox"/>							
19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) <i>Same as above</i>				20. Date of Service <i>1-14-02</i>	21. Time <i>1005</i>							
22. ATTEMPTS	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.
23. Advance Costs <i>\$150.00 Receipt 102573</i>		24. <i>27.50</i>		25. <i>2.00</i>		26. <i>2.00</i>		27. Total Costs <i>29.50</i>		28. COST DUE OR REFUND <i>120.50</i>		

30. REMARKS

SO ANSWER.

AFFIRMED and subscribed to before me this

*16th*

day of

*January, 2002*

*Carol E. Wilk*  
Notary Seal  
Carol E. Wilk, Notary Public  
Freedom Twp., Blair County  
My Commission Expires Feb. 3, 2003

By (Sheriff/Dep. Sheriff) (Please Print or Type)

*CAY BAS*

Signature of Sheriff

Date

*1-14-02*

Date

SHERIFF OF BLAIR COUNTY

MY COMMISSION EXPIRES

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE.

39. Date Received

## SHERIFF'S RETURN OF SERVICE

- ( ) (1) The within \_\_\_\_\_  
upon \_\_\_\_\_, the within named  
defendant by mailing to \_\_\_\_\_  
by \_\_\_\_\_ mail, return receipt requested, postage  
prepaid \_\_\_\_\_ on the \_\_\_\_\_  
a true and attested copy thereof at \_\_\_\_\_

The return receipt signed by \_\_\_\_\_  
defendant on the \_\_\_\_\_ is hereto attached and  
made part of this return.

- ( ) (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1), (2), by mailing a true and  
attested copy thereof at \_\_\_\_\_

in the following manner.

- ( ) (a) To the defendant by ( ) registered ( ) certified mail, return receipt requested,  
postage prepaid, addressee only on the \_\_\_\_\_,  
said receipt being returned NOT signed by defendant, but with a notation by the Postal  
Authorities that defendant refused to accept the same. The returned receipt and envelope  
is attached hereto and made part of this return.

And thereafter:

- ( ) (b) To the defendant by ordinary mail addressed to defendant at same address, with the  
return address of the Sheriff appearing thereon, on the \_\_\_\_\_

I further certify that after fifteen (15) days from the mailing date, I have not received said  
envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a  
proof of mailing.

- ( ) (3) By publication in a daily publication of general circulation in the County of **Blair**,  
Commonwealth of Pennsylvania, \_\_\_\_\_ time (s) with publication appearing

The affidavit from said publication is hereto attached.

- ( ) (4) By mailing to \_\_\_\_\_  
by \_\_\_\_\_ mail, return receipt requested, postage prepaid,  
\_\_\_\_\_ on the \_\_\_\_\_  
a true and attested copy thereof at \_\_\_\_\_

The \_\_\_\_\_ returned by the Postal  
Authorities marked \_\_\_\_\_  
is hereto attached.

- ( ) (5) Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and  
PERRY GELNETT, her husband,

Plaintiffs

vs.

SHEETZ, INC.,

Defendant

CIVIL DIVISION

No. 01-2042-CO

**PRAECIPE FOR WRIT OF  
SUMMONS IN CIVIL ACTION**

Filed On Behalf Of:

Counsel Of Record For The Above  
Party:

Allan C. Lundberg  
Attorney at Law  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

Attorney's I.D. #37200

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

DEC 24 2001

Attest.

*William H. [Signature]*  
Prothonotary/  
Clerk of Courts

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

SUMMONS

Darla Gelnett  
Perry Gelnett

Vs.


NO.: 2001-02042-CD

Sheetz, Inc.

TO: SHEETZ, INC.

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 12/24/2001

  
\_\_\_\_\_  
William A. Shaw  
Prothonotary

Issuing Attorney:  
Allan C. Lundberg, Esquire  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and  
PERRY GELNETT, her husband,

Plaintiffs

vs.

SHEETZ, INC.,

Defendant

CIVIL DIVISION

No. 2001-02042-CD

**REPLY TO NEW MATTER**

Filed On Behalf Of:

Darla Gelnett and  
Perry Gelnett, her husband

Counsel Of Record For The Above  
Party:

Allan C. Lundberg  
Attorney at Law  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

Attorney's I.D. #37200

**FILED**

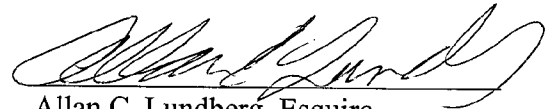
JUN 28 2002

William A. Shaw  
Prothonotary

17. The allegations in Paragraph 17 of the Defendant's New Matter contain conclusions of law to which no response is required. The extent a response is deemed necessary, the allegations contained in Paragraph 17 is denied.

18. The allegations in Paragraph 18 of the Defendant's New Matter contain conclusions of law to which no response is required. The extent a response is deemed necessary, the allegations contained in Paragraph 17 is denied.

WHEREFORE, Plaintiffs, Darla Gelnett and Perry Gelnett, her husband, demand judgment in their favor.

A handwritten signature in cursive script, appearing to read "Allan C. Lundberg", written over a horizontal line.

Allan C. Lundberg, Esquire  
Attorney for Plaintiffs

**VERIFICATION**

I, DARLA GELNETT, Plaintiff, do hereby verify that the averments of facts contained in the foregoing REPLY TO NEW MATTER are true and correct to the best of my knowledge, information and belief.

I understand false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Dated:

4-22-02

  
DARLA GELNETT

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the within REPLY TO NEW MATTER was forwarded to counsel below named by United States First Class Mail on the 25 day of June, 2002.

Daniel E. Krauth, Esquire  
Zimmer & Kunz  
3300 USX Tower  
Pittsburgh, PA 15219-2702



Allan C. Lundberg, Esquire  
Attorney for Plaintiffs

FILED No

8/10:26-01  
JUN 28 2002

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William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and  
PERRY GELNETT, her husband,

Plaintiffs

vs.

SHEETZ, INC.,

Defendant

CIVIL DIVISION

No. 2001-02042-CD

**NOTICE OF SERVICE OF DISCOVERY  
DIRECTED TO DEFENDANT**

Filed On Behalf Of:

Darla Gelnett and Perry Gelnett,  
her husband

Counsel Of Record For The Above Party:

Allan C. Lundberg  
Attorney at Law  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

Attorney's I.D. #37200

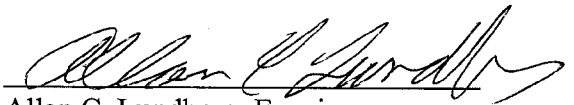
**FILED**

APR 03 2003

**William A. Shaw**  
Prothonotary

**NOTICE OF SERVICE OF  
INTERROGATORIES DIRECTED TO DEFENDANT**

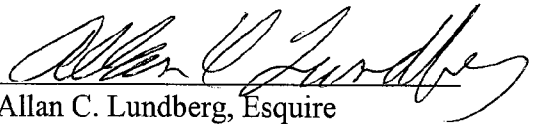
NOTICE is hereby given to the court, that on the 31 day of March 2003, the original First Set of Interrogatories Directed To Defendant, was served upon Defendant's counsel, Daniel E. Krauth, Esquire, by United States First Class Mail, postage prepaid at his office located at Zimmer & Kunz, 3300 USX Tower, Pittsburgh, PA 15219-2702.

  
Allan C. Lundberg, Esquire  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the within NOTICE OF SERVICE OF DISCOVERY was forward to counsel below named by United States First Class Mail on the 31 day of March, 2003.

Daniel E. Krauth, Esquire  
Zimmer & Kunz  
3300 USX Tower  
Pittsburgh, PA 15219-2702

  
Allan C. Lundberg, Esquire  
Attorney for Plaintiffs

FILED

NO  
cc

APR 03 2003

110:42-81  
695

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLA GELNETT and  
PERRY GELNETT, her husband,

Plaintiffs,

vs.

SHEETZ, INC.,

Defendant.

CIVIL DIVISION

No. 2001-02042CD

**NOTICE OF ORAL DEPOSITION**

Filed On Behalf Of:

Darla Gelnett and Perry Gelnett, her husband

Counsel Of Record For The Above Party:

Allan C. Lundberg  
Attorney at Law  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

Attorney's I.D. #37200

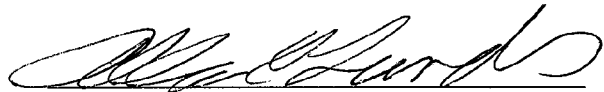
**FILED**  
mjc:26/01  
AUG 02 2004  
E/AS  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DARLA GELNETT and	)	
PERRY GELNETT, her husband,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 2001-02042CD
	)	
SHEETZ, INC.,	)	
	)	
Defendants.	)	

**NOTICE OF ORAL DEPOSITION**

Please take notice that the Depositions of **DEB FORADORI** and **JENNA DUDEK** will be taken for the purpose of discovery, preservation of testimony and for use at trial, pursuant to applicable Pennsylvania Rule of Civil Procedure before a Notary Public duly authorized by law to administer oaths on **FRIDAY**, the **27th** day of **AUGUST, 2004**, at **10:00 A.M.**, at the offices of **SARGENT'S COURT REPORTING SERVICE, INC., 106 N. SECOND STREET, 1ST FLOOR, CLEARFIELD, PA 16830**, at which time and place you are invited to appear and take part as shall be fitting and proper.



Allan C. Lundberg, Esquire  
Attorney for Darla Gelnett and Perry Gelnett,  
her husband

Dated: July 29, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DARLA GELNETT and  
PERRY GELNETT, her husband,

No. 2001-02042CD

Plaintiffs,

vs.

SHEETZ, INC.,

**NOTICE OF ORAL DEPOSITION**

**RESCHEDULED**

Defendant.

Filed On Behalf Of:

Darla Gelnett and Perry Gelnett, her husband

Counsel Of Record For The Above Party:

Allan C. Lundberg  
Attorney at Law  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

Attorney's I.D. #37200

**FILED**

m/10:35 AM  
AUG 12 2004

no cc

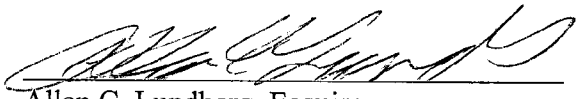
William A. Shaw  
Prothonotary/Clerk of Courts

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

DARLA GELNETT and	)	
PERRY GELNETT, her husband,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 2001-02042CD
	)	
SHEETZ, INC.,	)	
	)	
Defendants.	)	

**NOTICE OF ORAL DEPOSITION**

Please take notice that the Depositions of **DEB FORADORI** and **JENNA DUDEK** have been **rescheduled** and will be taken for the purpose of discovery, preservation of testimony and for use at trial, pursuant to applicable Pennsylvania Rule of Civil Procedure before a Notary Public duly authorized by law to administer oaths on **TUESDAY** the 31st day of **AUGUST, 2004**, at **10:00 A.M.**, at the offices of **SARGENT'S COURT REPORTING SERVICE, INC., 106 N. SECOND STREET, 1ST FLOOR, CLEARFIELD, PA 16830**, at which time and place you are invited to appear and take part as shall be fitting and proper.

  
Allan C. Lundberg, Esquire  
Attorney for Darla Gelnett and Perry Gelnett,  
her husband

Dated: August 9, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DARLA GELNETT and  
PERRY GELNETT, her husband,

No. 2001-02042-CD

Plaintiffs,

vs.

SHEETZ, INC.,

**PRAECIPE TO SETTLE,  
DISCONTINUE AND END**

Defendant.

Filed On Behalf Of:

Darla Gelnett and Perry Gelnett, her husband,  
Plaintiffs

Counsel Of Record For The Above Party:

Allan C. Lundberg  
Attorney at Law  
Lower Burrell Professional Plaza  
3058 Leechburg Road  
Lower Burrell, PA 15068  
(724) 339-9700

Attorney's I.D. #37200

**FILED** <sup>UK</sup> No CC  
m/l: 40671 Cert. of Disc.  
APR 28 2005 to Any  
William A. Shaw copy to  
Prothonotary/Clerk of Courts CIA

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

DARLA GELNETT and PERRY GLLNETT,  
her husband,

Plaintiffs,

vs.

SHEETZ, INC.,

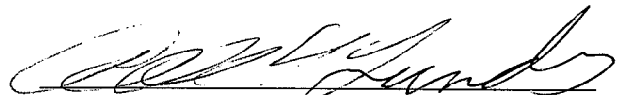
Defendant.

No. 2001-02042-CD

**PRAECIPE TO SETTLE, DISCONTINUE AND END**

TO THE PROTHONOTARY:

Kindly settle, discontinue and end the above-referenced case and provide me with a Certificate of Settlement and Statement of Costs.

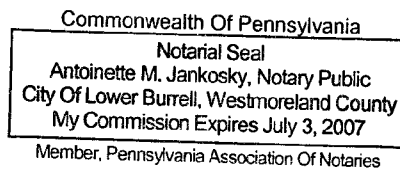


Allan C. Lundberg, Esquire  
Counsel for Plaintiff

SWORN to and subscribed before me  
this 25<sup>th</sup> day of April, 2005.



Notary Public



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Darla Gelnett  
Perry Gelnett

Vs.  
Sheetz, Inc.

No. 2001-02042-CD

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 April 28, 2005, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$80.00 have been paid in full by Allan C. Lundberg, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of April A.D. 2005.

---

William A. Shaw, Prothonotary

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

COPY

BILL OF COSTS

Darla Gelnett and Perry Gelnett

Vs.

2001-02042-CD

Sheetz, Inc.

Total \$147.18

<u>Amount</u>	<u>Document</u>	<u>Paid By</u>
\$80.00	Writ of Summons	Allan C. Lundberg, Esq.
\$67.18	Sheriff service	Allan C. Lundberg, Esq.

Certified from the record this 28th day of April, 2005.

---

WILLIAM A. SHAW  
PROTHONOTARY