

01-2045-CD
TIMOTHY MAINES, JR. et al -vs- FAMILY DOLLAR STORES OF
PENNSYLVANIA

01-2045-CO

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA,

Defendant.

CIVIL ACTION NO.:

COMPLAINT IN CIVIL ACTION

JURY TRIAL DEMANDED

Filed on Behalf of:

TIMOTHY MAINES, JR., a Minor,
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents
and natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right.

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

FILED

DEC 24 2001

William A. Shaw
William A. Shaw
Prothonotary

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

TIMOTHY MAINES, JR., a Minor
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his
parents and natural guardians and
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vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA,

Defendant.

CIVIL ACTION NO.:

CIVIL DIVISION

NOTICE TO DEFEND

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 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 KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FOR BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

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

TIMOTHY MAINES, JR., a Minor
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his
parents and natural guardians, and
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Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA,

Defendant.

CIVIL ACTION NO.:

CIVIL DIVISION

COMPLAINT IN CIVIL ACTION

AND NOW, Come the Plaintiffs, Timothy Maines, Jr., a Minor, by Christine Maines and Timothy Maines, Sr., his parents and natural guardians; and Christine Maines and Timothy Maines, Sr., in their own right through their Attorneys, Berger and Green by William J. Begley, Esquire, and file the within Complaint in Civil Action and in support thereof respectfully states the following;

1. Plaintiffs, Christine Maines and Timothy Maines Sr., are adult individuals, and the parents and natural guardians of the Minor Plaintiff, Timothy Maines, Jr., all of whom reside at 610 Curtin Street, Osceola Mills, Clearfield County, Pennsylvania, 16666.

2. Defendant, Family Dollar Stores of Pennsylvania, is a Pennsylvania corporation with

a regular place of business located at Ames Plaza, State Route 322 West, Phillipsburg, Clearfield County, Pennsylvania 16666.

3. At all times material hereto, the Defendant, Family Dollar Stores of Pennsylvania, owned, operated, controlled and maintained a commercial business and property know as Family Dollar Store at State Route 322 West, Phillipsburg, Clearfield County, Pennsylvania 16666.

4. On or about, April 1, 2000, at approximately 6:30 p.m., the Plaintiffs, Timothy Maines, Jr. and his mother Christine Maines, were business invitees of the Defendant and the defendant's premises know as Family Dollar Store.

5. Within the Family Dollar Store, the Defendant maintained a wire hook display rack with prongs from which the Defendant hung items for sale.

6. At that time and place, the Minor Plaintiff, Timothy Maines, Jr. struck and impaled his right eye on one of the prongs protruding from the wire hook display rack.

7. At all times material hereto, the above mentioned wire hook display rack on the premises of the Defendant was under the sole and exclusive control, management and maintenance, of the Defendant's agents, servants, workmen or employees, then and there engaged in the Defendant's business and acting within the scope and course of their employment or authority.

8. At the above time and place, the Defendant, by its agents, servants, workmen or employees acting in the scope of their authority, was negligent in:

- a. Placing the wire hook display rack at or near the end of an aisle, where Defendant knew or should have know its customers can and do come into contact with the protruding prongs.

- b. Placing the wire hook display rack in such a manner that the prongs are protruding at the height of the face of its children customers.
- c. Using wire hook display racks.
- d. Using the wire hook display racks in such a manner that customers are vulnerable to striking its extending prongs.
- e. Failing to take measures to protect its customers from the protruding prongs of the wire hook display rack.
- f. Failing to warn customers of the use of the wire hook display racks within its store so as to protect minor children.
- g. Failing to use reasonable prudence in the use and maintenance of the display racks used on the premises.

COUNT I

TIMOTHY MAINES, JR., A MINOR, BY CHRISTINE MAINES AND TIMOTHY
MAINES, SR., HIS PARENTS AND NATURAL GUARDIANS VS. FAMILY DOLLAR
STORES OF PENNSYLVANIA

9. Plaintiffs hereby incorporate paragraphs 1 through 8 above as though the same was fully set forth at length herein.

10. As a direct and proximate result of the negligence of the Defendant, Family Dollar Stores of Pennsylvania, the Minor Plaintiff, Timothy Maines, Jr. was caused to suffer and sustain serious injuries including the following:

- a. Conjunctivae laceration of his right eye;
- b. Possible corneal scleral laceration;
- c. Swelling to lower sclera;
- d. Swelling outer corner of the right eye;
- e. Drainage from right eye;

- f. Amblyopea;
- g. Right eye higher than left eye;
- h. Impaired binocular vision;
- i. Residual hemorrhage within the eye;
- j. Ptosis of right upper lid;
- k. Subconjunctival hemorrhage;
- l. Vision impairment;
- m. Lazy eye.

11. As a direct and proximate result of the negligence of the Defendant, Family Dollar Stores of Pennsylvania, as more fully set forth above, Minor Plaintiff, Timothy Maines, Jr. has in the past and may for an indefinite period of time in the future suffer the following:

- a. Pain, suffering and inconveniencing;
- b. Fright, shock, worry, humiliation, anxiety, irritation, annoyance and other forms of distress;
- c. Limitation of sight and necessity to tilt head to achieve and improve binocular vision;
- d. Right eye lower than left eye and hemorrhage of white portion of eye;
- e. Impairment of his future earnings and earning capacity and power;
- f. Impairment of his general health, strength and vitality;
- g. Inability to continue in his usual activities;
- h. Loss of life's pleasures.

12. As a further direct and proximate result of the negligence of the Defendant, Family

Dollar Stores of Pennsylvania, as more fully set forth above, the Minor Plaintiff, Timothy Maines, Jr., has incurred and may for an indefinite period of time in the future be required to spend substantial sums of money for hospital bills, doctor bills and other incidental expenses in an attempt to effectuate a cure for himself as a result of the accident complained above.

13. Plaintiff believes and avers that some or all of the aforesaid damages and injuries may be of a permanent and lasting nature.

WHEREFORE, the Minor Plaintiff, Timothy Maines, Jr., through his parents and natural guardians, Christine Maines and Timothy Maines, Sr., request this court to enter judgment for damages against the Defendant, Family Dollar Stores of Pennsylvania, in an amount in excess of the arbitration jurisdictional limits of this Court.

COUNT II

CHRISTINE MAINES AND TIMOTHY MAINES, SR. VS. FAMILY DOLLAR STORES OF PENNSYLVANIA

14. Plaintiffs hereby incorporate paragraphs 1 through 13 above as though the same were fully set forth at length herein.

15. As a result of the negligence of the Defendant as hereinabove alleged, Christine Maines and Timothy Maines, Sr., as parents and natural guardians of the said Minor Plaintiff, has in the past and may for an indefinite period in the future be obligated to spend substantial sums of money for hospital bills, doctor bills and other incidental expenses in an endeavor to treat and cure their minor child, Timothy Maines, Jr., of the injuries sustained in the accident.

16. By reason of her child's injuries, the earnings and services of the said minor child will

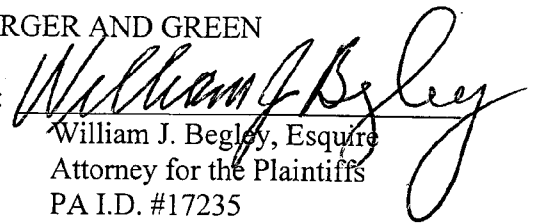
be impaired during his minority, to which earnings and services the Plaintiff is legally entitled, all of which has been and probably will be to Plaintiff's financial damage and loss.

WHEREFORE, Plaintiffs, Christine Maines and Timothy Maines, Sr., requests this Court to enter judgement for damages against the Defendant, Family Dollar Stores of Pennsylvania, in an amount in excess of the arbitration jurisdictional limits of this Court.

JURY TRIAL DEMANDED

BERGER AND GREEN

By:



William J. Begley, Esquire
Attorney for the Plaintiffs
PA I.D. #17235

BERGER AND GREEN

Firm #777

5850 Ellsworth Avenue

Suite 200

Pittsburgh, PA 15232

(412) 661-1400

VERIFICATION

I, Christine Maines, do hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that these statements are made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn falsification to authorities.

Christine Maines
Christine Maines, individually
and as mother and natural
guardian of Timothy Maines, a
Minor

Date: 12-18-01

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

TIMOTHY MAINES, JR.,)
a Minor by CHRISTINE MAINES and)
TIMOTHY MAINES, SR.,)
his parents and natural guardians and)
CHRISTINE MAINES and)
TIMOTHY MAINES, SR., in their)
own right,)

Plaintiffs,)

v.)

FAMILY DOLLAR STORES OF)
PENNSYLVANIA, INC.)

Defendant.)

Civil Action No. 01-2045-CD

FILED

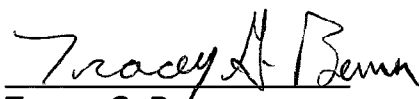
JAN 31 2002

William A. Shaw
Prothonotary

PRAECIPE FOR ENTRY OF APPEARANCE

To: William Shaw, Prothonotary
Clearfield County, Court of Common Pleas

Kindly enter my appearance on behalf of Defendant, Family Dollar Stores of
Pennsylvania, Inc. in the above-captioned action. All papers may be served on the
undersigned for purposes of this action.


Tracey G. Benson
Julia R. Cronin

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 North Allegheny Street
Bellefonte, PA 16823
Telephone No. (814) 355-5474

Counsel for Defendant
Family Dollar Stores of
Pennsylvania, Inc.

Dated: January 30, 2002

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

TIMOTHY MAINES, JR.,)
a Minor by CHRISTINE MAINES and)
TIMOTHY MAINES, SR.,)
his parents and natural guardians and)
CHRISTINE MAINES and)
TIMOTHY MAINES, SR., in their)
own right,)

Plaintiffs,)

v.)

FAMILY DOLLAR STORES OF)
PENNSYLVANIA, INC.)

Defendant.)

Civil Action No. 01-2045-CD

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PRAECIPE FOR ENTRY OF APPEARANCE**, was hereby served by depositing the same within the custody of the United States Postal Service, First Class, postage prepaid, addressed as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON INC.

By:

Tracey A. Benson
Tracey G. Benson

Dated: January 30, 2002

FILED

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MAY 17 2002

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William A. Shaw
Prothonotary

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

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Defendant.

CIVIL ACTION NO.: 01-2045-CD

STIPULATION TO AMEND
PLEADING AND NAME OF PARTY

JURY TRIAL DEMANDED

Filed on Behalf of:

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Counsel of Record for this party:

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PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
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Pittsburgh, PA 15232
(412) 661-1400

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MAR 13 2002

William A. Shaw
Prothonotary

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CIVIL DIVISION

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Defendant.

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STIPULATION TO AMEND PLEADING AND NAME OF PARTY

It is hereby stipulated by and between the parties herein through their undersigned counsel that Plaintiff be allowed to file within thirty (30) days an Amended Complaint in Civil Action as set forth in the attached Exhibit "A".

The parties consent to the substitution and correction of the named defendant and further stipulated and agree that all pleadings, papers, captions and docket entries in the matter be amended and that this matter hereafter proceed with the name of the Defendant being corrected wherever it appears from Family Dollar Stores of Pennsylvania to Family Dollar Stores of Pennsylvania, Inc.

Date: February 28, 2002

BERGER AND GREEN

By:

William J. Begley
William J. Begley,
Attorneys for the Plaintiffs

Date: March 4, 2002

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.

By:

Tracey G. Benson
Tracey G. Benson,
Attorneys for the Defendant

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Counsel of Record for this party:

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1. Plaintiffs, Christine Maines and Timothy Maines Sr., are adult individuals, and the parents and natural guardians of the Minor Plaintiff, Timothy Maines, Jr., all of whom reside at 610 Curtin Street, Osceola Mills, Clearfield County, Pennsylvania, 16666.

2. Defendant, Family Dollar Stores of Pennsylvania, Inc. is a Pennsylvania corporation

with a regular place of business located at Ames Plaza, State Route 322 West, Phillipsburg, Clearfield County, Pennsylvania 16666.

3. At all times material hereto, the Defendant, Family Dollar Stores of Pennsylvania, Inc. owned, operated, controlled and maintained a commercial business and property known as Family Dollar Store at State Route 322 West, Phillipsburg, Clearfield County, Pennsylvania 16666.

4. On or about, April 1, 2000, at approximately 6:30 p.m., the Plaintiffs, Timothy Maines, Jr. and his mother Christine Maines, were business invitees of the Defendant and the defendant's premises know as Family Dollar Store.

5. Within the Family Dollar Store, the Defendant maintained a wire hook display rack with prongs from which the Defendant hung items for sale.

6. At that time and place, the Minor Plaintiff, Timothy Maines, Jr. struck and impaled his right eye on one of the prongs protruding from the wire hook display rack.

7. At all times material hereto, the above mentioned wire hook display rack on the premises of the Defendant was under the sole and exclusive control, management and maintenance, of the Defendant's agents, servants, workmen or employees, then and there engaged in the Defendant's business and acting within the scope and course of their employment or authority.

8. At the above time and place, the Defendant, by its agents, servants, workmen or employees acting in the scope of their authority, was negligent in:

- a. Placing the wire hook display rack at or near the end of an aisle, where Defendant knew or should have know its customers can and do come into contact with the protruding prongs.

- b. Placing the wire hook display rack in such a manner that the prongs are protruding at the height of the face of its children customers.
- c. Using wire hook display racks.
- d. Using the wire hook display racks in such a manner that customers are vulnerable to striking its extending prongs.
- e. Failing to take measures to protect its customers from the protruding prongs of the wire hook display rack.
- f. Failing to warn customers of the use of the wire hook display racks within its store so as to protect minor children.

COUNT I

TIMOTHY MAINES, JR., A MINOR, BY CHRISTINE MAINES AND TIMOTHY MAINES, SR., HIS PARENTS AND NATURAL GUARDIANS VS. FAMILY DOLLAR STORES OF PENNSYLVANIA, INC.

9. Plaintiffs hereby incorporate paragraphs 1 through 8 above as though the same was fully set forth at length herein.

10. As a direct and proximate result of the negligence of the Defendant, Family Dollar Stores of Pennsylvania, Inc. the Minor Plaintiff, Timothy Maines, Jr. was caused to suffer and sustain serious injuries including the following:

- a. Conjunctivae laceration of his right eye;
- b. Possible coroneal scleral laceration;
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- l. Vision impairment;
- m. Lazy eye.

11. As a direct and proximate result of the negligence of the Defendant, Family Dollar Stores of Pennsylvania, Inc. as more fully set forth above, Minor Plaintiff, Timothy Maines, Jr. has in the past and may for an indefinite period of time in the future suffer the following:

- a. Pain, suffering and inconveniencing;
- b. Fright, shock, worry, humiliation, anxiety, irritation, annoyance and other forms of distress;
- c. Limitation of sight and necessity to tilt head to achieve and improve binocular vision;
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- e. Impairment of his future earnings and earning capacity and power;
- f. Impairment of his general health, strength and vitality;
- g. Inability to continue in his usual activities;
- h. Loss of life's pleasures.

12. As a further direct and proximate result of the negligence of the Defendant, Family Dollar Stores of Pennsylvania, Inc. as more fully set forth above, the Minor Plaintiff, Timothy Maines, Jr., has incurred and may for an indefinite period of time in the future be

required to spend substantial sums of money for hospital bills, doctor bills and other incidental expenses in an attempt to effectuate a cure for himself as a result of the accident complained above.

13. Plaintiff believes and avers that some or all of the aforesaid damages and injuries may be of a permanent and lasting nature.

WHEREFORE, the Minor Plaintiff, Timothy Maines, Jr., through his parents and natural guardians, Christine Maines and Timothy Maines, Sr., request this court to enter judgment for damages against the Defendant, Family Dollar Stores of Pennsylvania, Inc. in an amount in excess of the arbitration jurisdictional limits of this Court.

COUNT II

CHRISTINE MAINES AND TIMOTHY MAINES, SR. VS. FAMILY DOLLAR STORES OF PENNSYLVANIA, INC.

14. Plaintiffs hereby incorporate paragraphs 1 through 13 above as though the same were fully set forth at length herein.

15. As a result of the negligence of the Defendant as hereinabove alleged, Christine Maines and Timothy Maines, Sr., as parents and natural guardians of the said Minor Plaintiff, has in the past and may for an indefinite period in the future be obligated to spend substantial sums of money for hospital bills, doctor bills and other incidental expenses in an endeavor to treat and cure their minor child, Timothy Maines, Jr., of the injuries sustained in the accident.

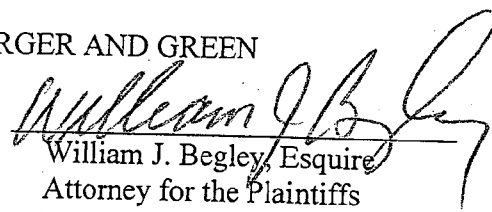
16. By reason of her child's injuries, the earnings and services of the said minor child will be impaired during his minority, to which earnings and services the Plaintiff is legally entitled, all of which has been and probably will be to Plaintiff's financial damage and loss.

WHEREFORE, Plaintiffs, Christine Maines and Timothy Maines, Sr., requests this Court to enter judgement for damages against the Defendant, Family Dollar Stores of Pennsylvania, Inc. in an amount in excess of the arbitration jurisdictional limits of this Court.

JURY TRIAL DEMANDED

BERGER AND GREEN

By:


William J. Begley, Esquire

Attorney for the Plaintiffs

PA I.D. #17235

BERGER AND GREEN

Firm #777

5850 Ellsworth Avenue

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VERIFICATION

I, Christine Maines, do hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that these statements are made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn falsification to authorities.

Christine Maines

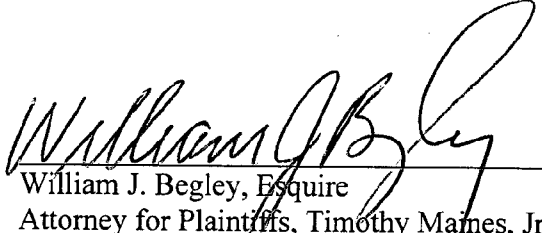
Christine Maines, individually
and as mother and natural
guardian of Timothy Maines, a
Minor

Date: 2-7-02

CERTIFICATE OF SERVICE

I, William J. Begley, Esquire, do hereby certify that a true copy of the foregoing Stipulation to Amend Pleading and Name of Party is being served upon the below listed counsel by first-class mail, postage prepaid, this 11th day of March, 2002.

Tracey G. Benson, Esquire
Miller, Kistler, Campbell, Miller,
Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695


William J. Begley, Esquire
Attorney for Plaintiffs, Timothy Maines, Jr.
Christine Maines, and Timothy Maines, Sr.
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
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FILED

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cc

W. A. Shaw

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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Counsel of Record for this party:

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CIVIL ACTION NO.: 01-2045-CD

NOTICE TO DEFEND

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 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 KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FOR BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Mid Penn Legal Services
2054 East College Avenue
State College, PA 16801
1 (800) 326-9177

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

TIMOTHY MAINES, JR., a Minor
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his
parents and natural guardians, and
CHRISTINE MAINES and
TIMOTHY MAINES, SR., in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION NO.: 01-2045-CD

AMENDED COMPLAINT IN CIVIL ACTION

AND NOW, Come the Plaintiffs, Timothy Maines, Jr., a Minor, by Christine Maines and Timothy Maines, Sr., his parents and natural guardians; and Christine Maines and Timothy Maines, Sr., in their own right through their Attorneys, Berger and Green by William J. Begley, Esquire, and file the within Complaint in Civil Action and in support thereof respectfully states the following;

1. Plaintiffs, Christine Maines and Timothy Maines Sr., are adult individuals, and the parents and natural guardians of the Minor Plaintiff, Timothy Maines, Jr., all of whom reside at 610 Curtin Street, Osceola Mills, Clearfield County, Pennsylvania, 16666.
2. Defendant, Family Dollar Stores of Pennsylvania, Inc. is a Pennsylvania corporation

with a regular place of business located at Ames Plaza, State Route 322 West, Phillipsburg, Clearfield County, Pennsylvania 16666.

3. At all times material hereto, the Defendant, Family Dollar Stores of Pennsylvania, Inc. owned, operated, controlled and maintained a commercial business and property known as Family Dollar Store at State Route 322 West, Phillipsburg, Clearfield County, Pennsylvania 16666.

4. On or about, April 1, 2000, at approximately 6:30 p.m., the Plaintiffs, Timothy Maines, Jr. and his mother Christine Maines, were business invitees of the Defendant and the defendant's premises know as Family Dollar Store.

5. Within the Family Dollar Store, the Defendant maintained a wire hook display rack with prongs from which the Defendant hung items for sale.

6. At that time and place, the Minor Plaintiff, Timothy Maines, Jr. struck and impaled his right eye on one of the prongs protruding from the wire hook display rack.

7. At all times material hereto, the above mentioned wire hook display rack on the premises of the Defendant was under the sole and exclusive control, management and maintenance, of the Defendant's agents, servants, workmen or employees, then and there engaged in the Defendant's business and acting within the scope and course of their employment or authority.

8. At the above time and place, the Defendant, by its agents, servants, workmen or employees acting in the scope of their authority, was negligent in:

- a. Placing the wire hook display rack at or near the end of an aisle, where Defendant knew or should have know its customers can and do come into contact with the protruding prongs.

- b. Placing the wire hook display rack in such a manner that the prongs are protruding at the height of the face of its children customers.
- c. Using wire hook display racks.
- d. Using the wire hook display racks in such a manner that customers are vulnerable to striking its extending prongs.
- e. Failing to take measures to protect its customers from the protruding prongs of the wire hook display rack.
- f. Failing to warn customers of the use of the wire hook display racks within its store so as to protect minor children.

COUNT I

TIMOTHY MAINES, JR., A MINOR, BY CHRISTINE MAINES AND TIMOTHY
MAINES, SR., HIS PARENTS AND NATURAL GUARDIANS VS. FAMILY DOLLAR
STORES OF PENNSYLVANIA, INC.

9. Plaintiffs hereby incorporate paragraphs 1 through 8 above as though the same was fully set forth at length herein.

10. As a direct and proximate result of the negligence of the Defendant, Family Dollar Stores of Pennsylvania, Inc. the Minor Plaintiff, Timothy Maines, Jr. was caused to suffer and sustain serious injuries including the following:

- a. Conjunctivae laceration of his right eye;
- b. Possible coroneal scleral laceration;
- c. Swelling to lower sclera;
- d. Swelling outer corner of the right eye;
- e. Drainage from right eye;
- f. Amblyopea;

- g. Right eye higher than left eye;
- h. Impaired binocular vision;
- i. Residual hemorrhage within the eye;
- j. Ptosis of right upper lid;
- k. Subconjunctival hemorrhage;
- l. Vision impairment;
- m. Lazy eye.

11. As a direct and proximate result of the negligence of the Defendant, Family Dollar Stores of Pennsylvania, Inc. as more fully set forth above, Minor Plaintiff, Timothy Maines, Jr. has in the past and may for an indefinite period of time in the future suffer the following:

- a. Pain, suffering and inconveniencing;
- b. Fright, shock, worry, humiliation, anxiety, irritation, annoyance and other forms of distress;
- c. Limitation of sight and necessity to tilt head to achieve and improve binocular vision;
- d. Right eye lower than left eye and hemorrhage of white portion of eye;
- e. Impairment of his future earnings and earning capacity and power;
- f. Impairment of his general health, strength and vitality;
- g. Inability to continue in his usual activities;
- h. Loss of life's pleasures.

12. As a further direct and proximate result of the negligence of the Defendant, Family Dollar Stores of Pennsylvania, Inc. as more fully set forth above, the Minor Plaintiff, Timothy Maines, Jr., has incurred and may for an indefinite period of time in the future be

required to spend substantial sums of money for hospital bills, doctor bills and other incidental expenses in an attempt to effectuate a cure for himself as a result of the accident complained above.

13. Plaintiff believes and avers that some or all of the aforesaid damages and injuries may be of a permanent and lasting nature.

WHEREFORE, the Minor Plaintiff, Timothy Maines, Jr., through his parents and natural guardians, Christine Maines and Timothy Maines, Sr., request this court to enter judgment for damages against the Defendant, Family Dollar Stores of Pennsylvania, Inc. in an amount in excess of the arbitration jurisdictional limits of this Court.

COUNT II

CHRISTINE MAINES AND TIMOTHY MAINES, SR. VS. FAMILY DOLLAR STORES OF PENNSYLVANIA, INC.

14. Plaintiffs hereby incorporate paragraphs 1 through 13 above as though the same were fully set forth at length herein.

15. As a result of the negligence of the Defendant as hereinabove alleged, Christine Maines and Timothy Maines, Sr., as parents and natural guardians of the said Minor Plaintiff, has in the past and may for an indefinite period in the future be obligated to spend substantial sums of money for hospital bills, doctor bills and other incidental expenses in an endeavor to treat and cure their minor child, Timothy Maines, Jr., of the injuries sustained in the accident.

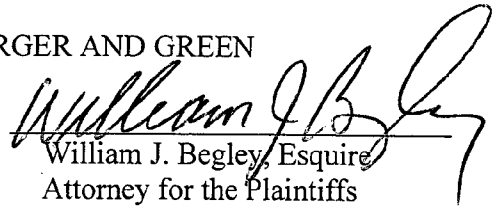
16. By reason of her child's injuries, the earnings and services of the said minor child will be impaired during his minority, to which earnings and services the Plaintiff is legally entitled, all of which has been and probably will be to Plaintiff's financial damage and loss.

WHEREFORE, Plaintiffs, Christine Maines and Timothy Maines, Sr., requests this Court to enter judgement for damages against the Defendant, Family Dollar Stores of Pennsylvania, Inc. in an amount in excess of the arbitration jurisdictional limits of this Court.

JURY TRIAL DEMANDED

BERGER AND GREEN

By:



William J. Begley, Esquire

Attorney for the Plaintiffs

PA I.D. #17235

BERGER AND GREEN

Firm #777

5850 Ellsworth Avenue

Suite 200

Pittsburgh, PA 15232

(412) 661-1400

VERIFICATION

I, Christine Maines, do hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that these statements are made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn falsification to authorities.

Christine Maines

Christine Maines, individually
and as mother and natural
guardian of Timothy Maines, a
Minor

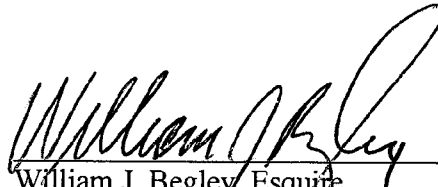
Date:

2-7-02

CERTIFICATE OF SERVICE

I, William J. Begley, Esquire, do hereby certify that a true copy of the foregoing Amended Complaint in Civil Action is being served upon the below listed counsel by first-class mail, postage prepaid, this 11th day of March, 2002.

Tracey G. Benson, Esquire
Miller, Kistler, Campbell, Miller,
Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695

A handwritten signature in black ink, appearing to read "William J. Begley", is written over a horizontal line.

William J. Begley, Esquire
Attorney for Plaintiffs, Timothy Maines, Jr.
Christine Maines, and Timothy Maines, Sr.
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

FILED No
cc

MAR 10 10:42 AM
MAR 13 2002

CRB

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11899

MAINES, TIMOTHY, JR. A minor, by CHRISTINE MAINES & TIMOTHY MAI 01-2045-CD

VS.

FAMILY DOLLAR STORES OF PENNSYLVANIA

COMPLAINT

SHERIFF RETURNS

NOW JANUARY 10, 2002 AT 12:41 AM EST SERVED THE WITHIN COMPLAINT
ON FAMILY DOLLAR STORES OF PENNSYLVANIA, DEFENDANT AT RT 322, AMES
PLAZA, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
MARY BETH UNDERCOFLER, 2ND ASST. A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: NEVLING.

Return Costs

Cost	Description
28.40	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

MAR 18 2002
01:49
William A. Shaw
Prothonotary

Sworn to Before Me This

18th Day Of March 2002

William A. Shaw

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

So Answers,

Chester A. Hawkins
by Mandy Hampe
Chester A. Hawkins
Sheriff

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** NOTICE OF
) INTENT TO SERVE SUBPOENA TO
) PRODUCE RECORDS AND THINGS
)
) **Filed on Behalf of:** DEFENDANT
) FAMILY DOLLAR STORES OF
) PENNSYLVANIA, INC.
)
) **Counsel of Record for this Party:**
) TRACEY G. BENSON, ESQUIRE
) JULIA R. CRONIN, ESQUIRE
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

FILED

MAR 27 2002

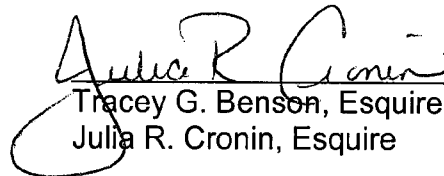
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William A. Shaw
Prothonotary

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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

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

Defendant Family Dollar Stores of Pennsylvania, Inc. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served



Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 North Allegheny Street
Bellefonte, PA 16823
(814) 355-5474

Attorney for Defendant Family Dollar Stores of
Pennsylvania, Inc.

Dated: *March 26, 2002*

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Timothy Maines Jr.
Christine Maines
Timothy Maines Sr.
Plaintiff(s)

*

Vs.

*

No. 2001-02045-CD

Family Dollar Stores Of Pennsylvania, Inc.
Defendant(s)

*

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

TO: Philipsburg Hospital

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached Medical Subpoena
Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., 124 N. Allegheny
Street, Bellefonte, PA 16823, Attn: Julia Cronin, Esquire
(Address)

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

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

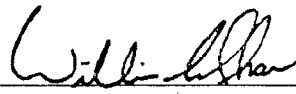
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Julia Cronin, Esq.
ADDRESS: 124 N. Allegheny Street
Bellefonte, PA 16823
TELEPHONE: 814-355-5474
SUPREME COURT ID # 76400
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, March 22, 2002
Seal of the Court


Deputy

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

SUBPOENA ATTACHMENT - MEDICAL

Copies of all records pertaining to the medical care of Timothy Maines, Jr. (Address: Curtin Street, Osceola Mills, PA 16666; Date of Birth: 12/06/96), including but not limited to a full and complete copy of any and all records, office notes, admission summaries, discharge summaries, operative reports, lab reports, medication records, reports, notes, correspondence, x-ray reports, test results, consultations, progress notes or other material or information relating to any consultation, examination, medical history, diagnosis or treatment. Please include all billing records for treatment rendered to Timothy Maines, Jr. **We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.**

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
)
)
)
) No. 01-2045-CD
)
)
) JURY TRIAL DEMANDED
)
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21**, was hereby served by depositing the same within the custody of the United States Postal Service, First Class, postage prepaid, addressed as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

Dated: *March 26, 2002*

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** ANSWER, NEW
) MATTER AND CROSSCLAIM TO
) AMENDED COMPLAINT
)
) **Filed on Behalf of:** DEFENDANT
) FAMILY DOLLAR STORES OF
) PENNSYLVANIA, INC.
)
) **Counsel of Record for this Party:**
) TRACEY G. BENSON, ESQUIRE
) JULIA R. CRONIN, ESQUIRE
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

FILED

APR 01 2002

m18:58/ncc

William A. Shaw
Prothonotary

[Signature]

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

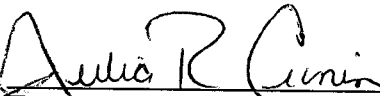
Defendant

)
)
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)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
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NOTICE TO PLEAD

TO THE WITHIN NAMED PLAINTIFF AND DEFENDANTS:

You are hereby notified to plead to the enclosed New Matter and Crossclaim within twenty (20) days from service hereof or a default judgment may be entered against you.


Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: March 28, 2002

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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

ANSWER, NEW MATTER AND CROSSCLAIM TO AMENDED COMPLAINT

NOW COMES the Defendant, Family Dollar Stores of Pennsylvania, Inc. ("Family Dollar Stores"), by and through its counsel, MILLER, KISTLER, CAMPBELL, MILLER, WILLIAMS & BENSON, INC., and hereby responds to the Plaintiffs' Amended Complaint as follows:

ANSWER

1. Defendant Family Dollar Stores is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in a paragraph 1 of the Amended Complaint. Said allegations are deemed to be denied, and proof thereof is demanded.

2. Defendant Family Dollar Stores denies the allegations contained in paragraph 2 of the Amended Complaint as stated. The Defendant admits that Family Dollar Stores of Pennsylvania, Inc. is a Pennsylvania corporation licensed to do business in the Commonwealth of Pennsylvania, and that it has a retail store located at Ames Plaza, State Route 322 W, Philipsburg, Clearfield County, Pennsylvania 16866.

By way of further answer, the principal place of business for Family Dollar Stores of Pennsylvania, Inc. is 10401 Old Monroe Road, Matthews, NC 28105.

3. Defendant Family Dollar Stores denies the allegations contained in paragraph 3 of the Amended Complaint as stated. It is admitted that on April 1, 2000, Defendant Family Dollar Stores operated, controlled and maintained a retail store located on State Route 322 West, Philipsburg, Clearfield County, Pennsylvania. Defendant Family Dollar Stores leased the property at which said retail store was located. All other allegations of paragraph 3 of the Amended Complaint are hereby denied.

4. Defendant Family Dollar Stores admits only that at some point in time during the evening of April 1, 2000, Plaintiffs Timothy Maines, Jr. and Christine Maines were on the premises of the Family Dollar Store. Any remaining allegations contained in paragraph 4 of the Amended Complaint are denied pursuant to Pa. R.Civ.P. 1029(e).

5. Defendant Family Dollar Stores denies the allegations contained in paragraph 5 of the Amended Complaint as stated. It is admitted that the Defendant maintained various types of shelves and display racks throughout the store to hold merchandise. Because the Amended Complaint does not specify the location of the rack or accurately describe any particular rack involved in the subject accident, the allegations of paragraph 5 of the Amended Complaint are denied pursuant to Pa.R.Civ.P. 1029(e).

6. Defendant Family Dollar Stores' response to paragraph 5 of the Amended Complaint is incorporated herein by reference. By way of further response, Defendant Family Dollar Stores is without knowledge or information sufficient to form a belief as to

the truth of the allegations contained in paragraph 6 of the Amended Complaint. Said allegations are deemed to be denied, and proof thereof is demanded.

7. Defendant Family Dollar Stores' response to paragraph 5 of the Amended Complaint is incorporated herein by reference. By way of further response, Defendant Family Dollar Stores denies the allegations contained in paragraph 7 of the Amended Complaint pursuant to Pa.R.Civ.P. 1029(e).

8. Defendant Family Dollar Stores' response to paragraph 5 of the Amended Complaint is incorporated herein by reference. By way of further response, Defendant Family Dollar Stores denies each and every allegation contained in paragraph 8, including subparagraphs (a) through (f), of the Amended Complaint pursuant to Pa.R.Civ.P. 1029(e).

COUNT I

**TIMOTHY MAINES, JR., A MINOR,
BY CHRISTINE MAINES AND TIMOTHY MAINES, SR.
HIS PARENTS AND NATURAL GUARDIANS
VS.
FAMILY DOLLAR STORES OF PENNSYLVANIA, INC.**

9. Defendant Family Dollar Stores incorporates by reference its response to the allegations in paragraphs 1 through 9 of the Amended Complaint as if each were set forth in full.

10. Defendant Family Dollar Stores denies each and every allegation contained in paragraph 10, including subparagraphs (a) through (m), of the Amended Complaint pursuant to Pa.R.Civ.P. 1029(e).

11. Defendant Family Dollar Stores denies each and every allegation contained in paragraph 11, including subparagraphs (a) through (h), of the Amended Complaint pursuant to Pa.R.Civ.P. 1029(e).

12. Defendant Family Dollar Stores denies each and every allegation contained in paragraph 12 of the Amended Complaint pursuant to Pa.R.Civ.P. 1029(e).

13. Defendant Family Dollar Stores denies each and every allegation contained in paragraph 13 of the Amended Complaint pursuant to Pa.R.Civ.P. 1029(e).

WHEREFORE, Defendant Family Dollar Stores of Pennsylvania, Inc. prays that Plaintiffs' Amended Complaint be dismissed with prejudice.

COUNT II

**CHRISTINE MAINES AND TIMOTHY MAINES, SR.
VS.
FAMILY DOLLAR STORES OF PENNSYLVANIA, INC.**

14. Defendant Family Dollar Stores incorporates by reference its response to the allegations in paragraphs 1 through 13 of the Amended Complaint as though each were set forth in full.

15. Defendant Family Dollar Stores denies each and every allegation contained in paragraph 15 of the Amended Complaint pursuant to Pa.R.Civ.P. 1029(e).

16. Defendant Family Dollar Stores denies each and every allegation contained in paragraph 16 of the Amended Complaint pursuant to Pa.R.Civ.P. 1029(e).

WHEREFORE, Defendant Family Dollar Stores of Pennsylvania, Inc., prays that Plaintiffs' Amended Complaint be dismissed with prejudice.

NEW MATTER

17. Defendant Family Dollar Stores avers that the Plaintiffs have failed to state any claim against this Defendant upon which relief can be granted.

18. Defendant Family Dollar Stores avers that the Plaintiffs' claims are barred either in whole or in part by any applicable statute of limitations.

19. Defendant Family Dollar Stores avers that the Plaintiffs have not sustained any injuries or damages alleged in the Amended Complaint due to negligent conduct on the part of Defendant Family Dollar Stores of Pennsylvania, Inc. or any of its agents, servants, workmen or employees.

20. Defendant Family Dollar Stores avers that in the event that it is judicially determined that it was negligent, which is specifically denied, then it is averred that the Plaintiffs did not sustain some or all of the injuries or harm as a direct, proximate, or legal result of any such negligent conduct on the part of this Defendant.

21. Defendant Family Dollar Stores avers that to the extent the Plaintiffs sustained any injuries or harm as alleged in the Amended Complaint, which is denied, then said injuries or harm were directly, proximately and/or solely caused by the negligent, intentional and/or criminal conduct of others in individual or individuals over whom Defendant Family Dollar Stores had neither the opportunity nor duty to control.

22. Defendant Family Dollar Stores avers that the Plaintiffs have not sustained some or all of the injuries and/or damages alleged in the Amended Complaint.

23. To the extent that the Plaintiffs allege a right of recovery under any theories set forth in the Amended Complaint, the liability of Defendant Family Dollar Stores is denied in that any alleged damages resulted from superseding, intervening

and/or subsequent circumstances over which this Defendant neither had knowledge nor the duty or opportunity to control.

24. Defendant Family Dollar Stores avers that it did not owe a duty to the minor-Plaintiff in that there was no foreseeable risk of harm of the type alleged in the Amended Complaint.

25. Defendant Family Dollar Stores avers that it exercised reasonable care to protect the minor-Plaintiff and other members of the public from reasonable risk of harm attendant to this Defendant's retail business.

26. Defendant Family Dollar Stores avers that the Plaintiffs' claims are subject to and limited by the provisions of the Pennsylvania Comparative Negligence Act.

27. In order to preserve any defense of comparative negligence pending further investigation and discovery, Defendant Family Dollar Stores avers that some or all of the Plaintiffs' claims are barred by the comparative negligence of Plaintiff Christine Maines.

28. In order to preserve any defense of contributory negligence pending further investigation and discovery, Defendant Family Dollar Stores avers that some or all of the Plaintiffs' claims are barred by the contributory negligence of Plaintiff Christine Maines.

29. Defendant Family Dollar Stores avers that the incident alleged in the Amended Complaint was caused, in whole or in part, by the careless, negligent and reckless conduct of Plaintiff Christine Maines as follows:

- a. In taking Timothy Maines, Jr. into the Family Dollar Store without taking the necessary and appropriate steps to keep the child safe from harm;

- b. In failing to provide proper supervision to Timothy Maines, Jr. while in the Family Dollar Store so as to prevent an accident of the type alleged in the Plaintiffs' Amended Complaint;
- c. In allowing Timothy Maines, Jr. to walk, run or stand unattended in the Family Dollar Store when she knew or should have known that the child was unsteady on his feet;
- d. In taking Timothy Maines, Jr. into the Family Dollar Store without holding the child's hand or otherwise restraining the child from attempting to obtain items off of the display racks; and
- e. In permitting Timothy Maines, Jr. to obtain an item off of a display rack in the Family Dollar Store without being accompanied or supervised by an adult.

WHEREFORE, Defendant Family Dollar Stores of Pennsylvania, Inc. prays for judgment in its favor and against the Plaintiffs on all claims asserted in the Amended Complaint.

NEW MATTER CROSSCLAIM
PURSUANT TO P.A.R.CIV.P. 2252(d)

FAMILY DOLLAR STORES OF PENNSYLVANIA, INC.
VS.
CHRISTINE MAINES

30. For purposes of this crossclaim only, Defendant Family Dollar Stores incorporates by reference the allegations contained in paragraphs 1 through and including 16 of the Plaintiffs' Amended Complaint as though set forth in full.

31. Defendant Family Dollar Stores avers that any injuries alleged to have been sustained by the minor-Plaintiff, Timothy Maines, Jr., were directly and proximately caused, in whole or in part, by the negligence of Christine Maines as follows:

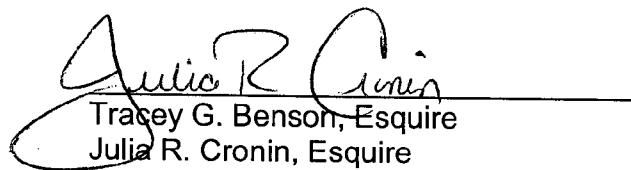
- a. In taking Timothy Maines, Jr. into the Family Dollar Store without taking the necessary and appropriate steps to keep the child safe from harm;
- b. In failing to provide proper supervision to Timothy Maines, Jr. while in the Family Dollar Store so as to prevent an accident of the type alleged in the Plaintiffs' Amended Complaint;
- c. In allowing Timothy Maines, Jr. to walk, run or stand unattended in the Family Dollar Store when she knew or should have known that the child was unsteady on his feet;
- d. In taking Timothy Maines, Jr. into the Family Dollar Store without holding the child's hand or otherwise restraining the child from attempting to obtain items off of the display racks; and
- e. In permitting Timothy Maines, Jr. to obtain an item off of a display rack in the Family Dollar Store without being accompanied or supervised by an adult.

32. In the event that it is judicially determined that Timothy Maines, Jr., a minor, sustained any of the injuries or damages alleged in the Amended Complaint, as a result of conduct on the part of individuals or entities other than the minor-Plaintiff himself, then Defendant Family Dollar Stores of Pennsylvania, Inc. avers that said injuries or damages were directly, solely and proximately caused by the negligence of Christine Maines.

33. In the event that it is judicially determined that Plaintiff Timothy Maines, Jr., a minor, sustained any of the injuries or damages alleged in the Amended Complaint, and in the event that it is further determined that Defendant Family Dollar Stores of Pennsylvania, Inc. is liable to the minor-Plaintiff, which is denied, then this Defendant avers that Christine Maines is liable over to Family Dollar Stores of Pennsylvania, Inc., and that this Defendant is entitled to contribution from Christine Maines.

34. In the event that it is judicially determined that Defendant Family Dollar Stores of Pennsylvania, Inc. is liable to the minor-Plaintiff for any claims asserted in the Amended Complaint, which is denied, then this Defendant is entitled to common law indemnity from Christine Maines, who is primarily liable to the minor-Plaintiff, Timothy Maines, Jr.

WHEREFORE, Defendant Family Dollar Stores of Pennsylvania, Inc. prays for judgment in its favor and against Christine Maines on this crossclaim and for contribution and indemnity.


Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.


Dated: March 28, 2002

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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

VERIFICATION

I, John G. Clifford, verify that the statements contained in the foregoing Answer, New Matter and Crossclaim to Amended Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.


John G. Clifford, Assistant Secretary of
Family Dollar Stores of Pennsylvania, Inc.

Dated: March 25, 2002

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

No. 01-2045-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Answer, New
Matter and Crossclaim to Amended Complaint was served this 28th day of
March, 2002 by mailing same first class United States mail,
postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.


Julia R. Cronin, Esquire

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** CERTIFICATE
) PREREQUISITE TO SERVICE OF A
) SUBPOENA
)
) **Filed on Behalf of:** DEFENDANT
) FAMILY DOLLAR STORES OF
) PENNSYLVANIA, INC.
)
) **Counsel of Record for this Party:**
) TRACEY G. BENSON, ESQUIRE
) JULIA R. CRONIN, ESQUIRE
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

FILED

APR 03 2002

m/10:34/10 cc

William A. Shaw
Prothonotary

[Handwritten signature]

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
)
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)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
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**CERTIFICATE PREREQUISITE TO SERVICE OF
A SUBPOENA PURSUANT TO RULE 4009.22**

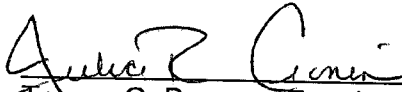

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Julia R. Cronin, Esquire certifies that:

(1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served.

(2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,

(3) no objections to the subpoena have been received, and

(4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.


Tracey G. Benson, Esquire
 Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: April 1, 2002

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant


)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** NOTICE OF
) INTENT TO SERVE SUBPOENA TO
) PRODUCE RECORDS AND THINGS
)
) **Filed on Behalf of:** DEFENDANT
) FAMILY DOLLAR STORES OF
) PENNSYLVANIA, INC.
)
) **Counsel of Record for this Party:**
) TRACEY G. BENSON, ESQUIRE
) JULIA R. CRONIN, ESQUIRE
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

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

Defendant Family Dollar Stores of Pennsylvania, Inc. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served



Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 North Allegheny Street
Bellefonte, PA 16823
(814) 355-5474

Attorney for Defendant Family Dollar Stores of
Pennsylvania, Inc.

Dated: *March 26, 2002*

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Timothy Maines Jr.
Christine Maines
Timothy Maines Sr.
Plaintiff(s)

Vs.

No. 2001-02045-CD

Family Dollar Stores Of Pennsylvania, Inc.
Defendant(s)

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

TO: Philipsburg Hospital

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached Medical Subpoena
Miller, Kistler, Campbell, Miller, Williams & Benson, Inc., 124 N. Allegheny
Street, Bellefonte, PA 16823, Attn: Julia Cronin, Esquire
(Address)

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

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

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

NAME: Julia Cronin, Esq.
ADDRESS: 124 N. Allegheny Street
Bellefonte, PA 16823
TELEPHONE: 814-355-5474
SUPREME COURT ID # 76400
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, March 22, 2002
Seal of the Court


Deputy

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

SUBPOENA ATTACHMENT - MEDICAL

Copies of all records pertaining to the medical care of Timothy Maines, Jr. (Address: Curtin Street, Osceola Mills, PA 16666; Date of Birth: 12/06/96), including but not limited to a full and complete copy of any and all records, office notes, admission summaries, discharge summaries, operative reports, lab reports, medication records, reports, notes, correspondence, x-ray reports, test results, consultations, progress notes or other material or information relating to any consultation, examination, medical history, diagnosis or treatment. Please include all billing records for treatment rendered to Timothy Maines, Jr. We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.

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

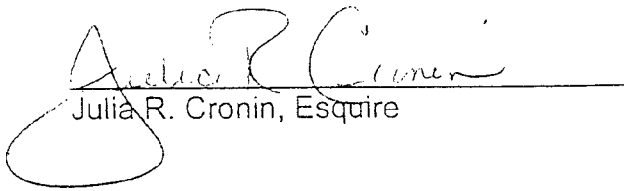
TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21, was hereby served by depositing the same within the custody of the United States Postal Service, First Class, postage prepaid, addressed as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.


Julia R. Cronin, Esquire

Dated: March 26, 2002

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

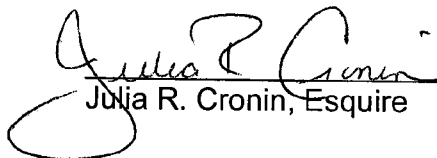
)
)
)
)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
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)
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)

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Certificate
Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 was served this
1st day of April, 2002 by mailing same first class
United States mail, postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.


Julia R. Cronin, Esquire

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION NO.: 01-2045-CD

REPLY TO NEW MATTER

JURY TRIAL DEMANDED

Filed on Behalf of:

TIMOTHY MAINES, JR., a Minor,
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents
and natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES,
SR., in their own right.

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

FILED

MAY 23 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY MAINES, JR., a Minor	:	
by CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR., his	:	CIVIL ACTION NO. 01-2045-CD
parents and natural guardians, and	:	
CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR., in their	:	
own right,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
FAMILY DOLLAR STORES OF	:	
PENNSYLVANIA, INC.	:	
	:	
Defendant.	:	

REPLY TO NEW MATTER

AND NOW comes the Plaintiffs through their attorneys Berger and Green, P.C. by William J. Begley, Esquire and file their reply to the New Matter of the Defendant as follows:

17. The allegations of Paragraph 17 constitute conclusions of law to which no responsive pleading is required and are therefore denied. By way of further answer, the plaintiffs have stated causes of action against the Defendant has more fully set forth in Plaintiffs Amended Complaint, the averments of which are incorporated by reference as if fully set forth herein.

18. The allegations of Paragraph 18 constitute conclusions of law to which no responsive pleading is required and are therefore denied. By way of further reply to the extent if any a responsive pleading is subsequently determined to be necessary, Plaintiffs

filed this action well within the two years statute of limitations and served the defendant. Moreover, Plaintiffs and Defendant entered into stipulation to amend pleading and name of party also all before the expiration of the two years statute of limitations which stipulation has been filed as record.

19. The allegations of Paragraph 19 constitute conclusions of law to which no responsive pleadings are required and are therefore denied. By way of further reply to the extent if any a responsive pleading is subsequently determined to be necessary, the averments of the paragraph are specifically denied for the reasons that the Plaintiff has suffered the injuries as set forth in Plaintiffs' Amended Complaint all due to the negligent conduct of the Defendant and its agent servants, workmen and employees.

20. The allegations of Paragraph 20 constitute conclusions of law to which no responsive pleadings are required and are therefore denied. By way of further reply to the extent if any a responsive pleading is subsequently determined to be necessary, the averments of the paragraph are specifically denied for the reasons that the Plaintiff has suffered the injuries as set forth in Plaintiffs' Amended Complaint all due to the negligent conduct of the Defendant and its agent, servants, workmen and employees.

21. The allegations of Paragraph 21 constitute conclusions of law to which no responsive pleadings are required and are therefore denied. By way of further reply to the extent if any a responsive pleading is subsequently determined to be necessary the averments of Paragraph 21 specifically denied for the reasons that the injuries and harm sustained by the Plaintiffs are due solely to the negligence of the Defendant and not to any other party or individual of which the Defendant did not have the opportunity or duty to control.

22. The allegations of Paragraph 22 constitute conclusions of law to which no responsive pleading is required and are therefore denied. By the way of further reply to the extent if any a responsive pleading is subsequently determined to be necessary, the averments of Paragraph 22 are specifically denied. To the contrary, each and every injury and damage alleged in the Amended Complaint were sustained by the Plaintiffs.

23. The allegations of Paragraph 23 constitute conclusions of law to which no responsive pleading is required and are therefore denied. By the way of further reply to the extent if any a responsive pleading is subsequently determined to be necessary, the averments of Paragraph 23 are specifically denied for the reasons that the injuries and harm sustained by the Plaintiffs are due solely to the negligence of the Defendant and not from any superseding, intervening and/or subsequent circumstances over which the Defendant neither had knowledge or the duty or opportunity to control.

24. The allegations of Paragraph 24 constitute conclusions of law to which no responsive pleading is required and are therefore denied. By the way of further reply to the extent if any a responsive pleading is subsequently determined to be necessary, the averments of Paragraph 24 are specifically denied for the reasons that the placement of metal prongs in proximity to the aisle at eye level to children make the harm which occurred to the Minor Plaintiff foreseeable and such injury should be anticipated by Defendant.

25. The allegations of Paragraph 25 constitute conclusions of law to which no responsive pleadings are required and are therefore denied. By the way of further reply to the extent that a responsive pleading is deemed required the averments of Paragraph 25 are specifically denied for the reasons that the Defendant did not exercise reasonable care to

protect the Minor Plaintiff or members of the public from reasonable risk of harm attending to its retail business for reasons more fully set forth in Plaintiff's Amended Complaint, the averments of which are incorporated by reference herein.

26. The allegations of Paragraph 26 constitute conclusions of law to which no responsive pleadings are required and therefore denied.

27. The allegations of Paragraph 27 constitute conclusions of law to which no responsive pleadings are required and therefore denied. To the extent if any it is subsequently deemed that a responsive pleading is required the averments of Paragraph 27 are specifically denied for the reasons that none of the Plaintiffs claims are barred by the asserted negligence of Christine Maines. Moreover it is specifically denied that the Plaintiff, Christine Maines, was to any degree negligent. To the contrary, the injuries to the Minor Plaintiff and those suffered by his parents the Plaintiffs, Christine Maines and Timothy Maines, Sr., are due solely to the negligence of the Defendant.

28. The allegations of Paragraph 28 constitute conclusions of law to which no responsive pleadings are required and therefore denied. To the extent if any it is subsequently deemed that a responsive pleading is required the averments of Paragraph 28, such averments are specifically denied for the reasons that none of the Plaintiffs claims are barred by the conduct of Christine Maines. Moreover it is specifically denied that the Plaintiff, Christine Maines, was to any degree negligent. To the contrary, the injuries to the Minor Plaintiff and those suffered by his parents the Plaintiffs, Christine Maines and Timothy Maines, Sr., are due solely to the negligence of the Defendant. Moreover, escalatory negligence is not a defense in the Commonwealth of Pennsylvania.

29. The allegations of Paragraph 29 including subparagraphs a through e are specifically denied. To the contrary, the injuries set forth in Plaintiffs' Amended Complaint were caused solely by the negligent conduct of the Defendant acting through its agents, servants, workmen and/or employees.

The subparagraphs of Paragraph 29 of the Defendant's New Matter are denied as follows:

- a. The Plaintiff, Christine Maines, was not negligent in taking her son, Timothy Maines, Jr. to Family Dollar Store, which holds itself open to the public and specifically families. She took all reasonably appropriate necessary steps to keep her child safe from harm. Injuries to the Minor Plaintiff were due solely to the negligence of the Defendant in the manner of which it attempts to sell goods to family members.
- b. Christine Maines provided all appropriate and reasonable care and supervision of her child and the Plaintiffs were invited into the Family Dollar Store as business invitees.
- c. It is denied that Christine Maines knew or should have known that her child was unsteady on his feet. To the contrary, Timothy Maines, Jr. was the typical three-year-old child who is invited by the Defendant into the Family Dollar Store and neither he nor she could anticipate the negligent conduct of the Defendant in maintaining projecting metal prongs from display racks at eye level to children.
- d. It is specifically denied that Christine Maines, acted unreasonably or negligently by not restraining or holding her child's hand at the time the child was injured. Further, plaintiff does not believe that the child was attempting to obtain items off the display racks at the time of his injury
- e. It is specifically denied that the conduct of Christine Maines was careless, negligent or reckless. To the contrary, she acted in a reasonable and prudent manner and accompanied and supervised her child appropriately. However, she could not anticipate the negligent conduct of the Defendant in placing wire hook wracks at the end of aisles with the prongs protruding immediately adjacent to the aisle way at eye level to children. Rather the negligence of the Defendant is the sole cause of the injuries sustained by all Plaintiffs.

WHEREFORE, the Plaintiffs request this Honorable Court to enter judgment in favor of the Plaintiffs and against the Defendant, Family Dollar Stores of Pennsylvania, Inc.

REPLY TO NEW MATTER PURSUANT TO PA. R.CIV. P. 2252 (d) FAMILY
DOLLAR STORES OF PENNSYLVANIA, INC. VS. CHRISTINE MAINES.

30. Plaintiffs incorporates by reference the allegations set forth in Paragraphs 1-16 of the Plaintiffs' Amended Complaint as if they have set forth in full herein.

31. The allegations of Paragraph 31 including subparagraphs a through e are specifically denied. To the contrary, the injuries set forth in Plaintiffs' Amended Complaint were caused solely by the negligent conduct of the Defendant acting through its agents, servants, workmen and/or employees.

The subparagraphs of Paragraph 31 of the Defendant's New Matter are denied as follows:

- a. The Plaintiff, Christine Maines, was not negligent in taking her son, Timothy Maines, Jr. to Family Dollar Store, which holds itself open to the public and specifically families. She took all reasonably appropriate necessary steps to keep her child safe from harm. Injuries to the Minor Plaintiff were due solely to the negligence of the Defendant in the manner of which it attempts to sell goods to family members.
- b. Christine Maines provided all appropriate and reasonable care and supervision of her child and the Plaintiffs were invited into the Family Dollar Store as business invitees.
- c. It is denied that Christine Maines knew or should have known that her child was unsteady on his feet. To the contrary, Timothy Maines, Jr. was the typical three-year-old child who is invited by the Defendant into the Family Dollar Store and neither he nor she could anticipate the negligent conduct of the Defendant in maintaining projecting metal prongs from display racks at eye level to children.
- d. It is specifically denied that Christine Maines, acted unreasonably or negligently by not restraining or holding her child's hand at the time the child

was injured. Further, plaintiff does not believe that the child was attempting to obtain items off the display racks at the time of his injury.

- e. It is specifically denied that the conduct of Christine Maines was careless, negligent or reckless. To the contrary, she acted in a reasonable and prudent manner and accompanied and supervised her child appropriately. However, she could not anticipate the negligent conduct of the Defendant in placing wire hook wracks at the end of aisles with the prongs protruding immediately adjacent to the aisle way at eye level to children. Rather the negligence of the Defendant is the sole cause of the injuries sustained by all Plaintiffs.

32. The allegations of Paragraph 32 constitute conclusions of law to which no responsive pleading is required and are therefore denied. To the extent if any, it is determined that a responsive pleading is required, the averments of Paragraph 32 are specifically denied. The injuries and damages sustained by Timothy Maines, Jr. were caused directly, solely and proximately by the negligence of the Defendant, Family Dollar Stores of Pennsylvania, Inc. and to no degree nor in any manner to the conduct of the Plaintiff, Christine Maines, who at all times as hereto acted in a reasonable and prudent manner.

33. The allegations of Paragraph 33 constitute conclusions of law which no responsive pleadings are required and are therefore denied. To the extent if any, it is determined that a pleading is required, the averments of Paragraph 33 are specifically denied. The injuries and damages sustained by Timothy Maines, Jr. were caused directly, solely and proximately by the negligence of the Defendant, Family Dollar Stores of Pennsylvania, Inc. and to no degree nor in any manner to the conduct of the Plaintiff, Christine Maines, who at all times as hereto acted in a reasonable and prudent matter and therefore she is not liable over to defendant nor is defendant entitled to contribution.

34. The averments of Paragraph 34 constitute conclusions of law for which no responsive pleading is required and are therefore denied. To the extent if any it is

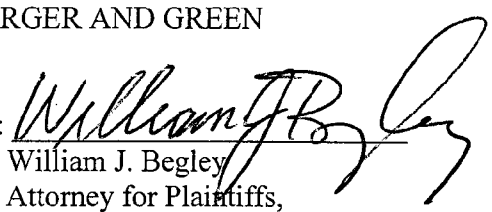
subsequently deemed that a responsive pleading is required the averments of Paragraph 34 fail to state a claim upon which relief can be granted and such averments are specifically denied for the reasons that the Plaintiff is not entitled to common law indemnity from Christine Maines nor is Christine Maines primarily liable to the Minor Plaintiff, Timothy Maines, Jr. To the contrary, the Defendant, Family Dollar Stores of Pennsylvania, Inc., is primary, solely and exclusively responsible for the injuries to the Plaintiff arising from the negligence of the Defendant and not by operation of law Defendant is not entitled to any right to indemnity nor recovery from the Plaintiff, Christine Maines.

WHEREFORE, the Plaintiff, Christine Maines, request your Honorable Court to enter judgment in her favor and against the Defendant, Family Dollar Stores of Pennsylvania, Inc.

JURY TRIAL DEMANDED

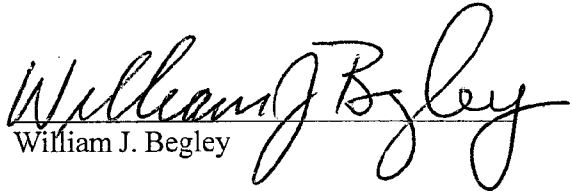
BERGER AND GREEN

By:


William J. Begley
Attorney for Plaintiffs,
Timothy Maines, Jr. a Minor and
Christine Maines and Timothy
Maines, Sr., his parents and
natural guardians, and Christine
Maines and Timothy Maines, Sr.
in their own right

VERIFICATION

I, William J. Begley, attorney for Timothy Maines, Jr., a Minor, and Christine Maines and Timothy Maines, Sr., his parents and natural guardians, and Christine Maines and Timothy Maines, Sr. in their own right, do hereby verify that the statements made herein are true and correct to the best of my information and belief, that Christine Maines and Timothy Maines, Sr. are outside the jurisdiction of the court and their verification cannot be obtained within the time allowed for filing this pleading and that these statements are made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn falsification to authorities.

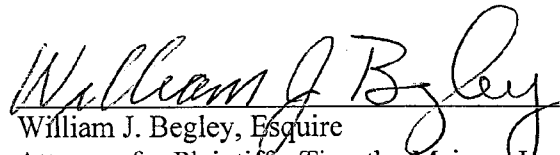

William J. Begley

DATE: May 21, 2002

CERTIFICATE OF SERVICE

I, William J. Begley, Esquire, do hereby certify that a true copy of the foregoing
Reply to New Matter is being served upon the below listed counsel by first-class mail,
postage prepaid, this 21st day of May, 2002.

Tracey G. Benson, Esquire
Miller, Kistler, Campbell, Miller,
Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695


William J. Begley, Esquire
Attorney for Plaintiffs, Timothy Maines, Jr.
Christine Maines, and Timothy Maines, Sr.
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION NO.: 01-2045-CD

VERIFICATIONS OF PLAINTIFFS
TO REPLY TO NEW MATTER

JURY TRIAL DEMANDED

Filed on Behalf of:

TIMOTHY MAINES, JR., a Minor,
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents
and natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES,
SR., in their own right.

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

FILED

JUN 03 2002

m/11/17/noccl
William A. Shaw
Prothonotary



VERIFICATION

I, Christine Maines, do hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that these statements are made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn falsification to authorities.

Christine Maines
Christine Maines

Date: 5-17-02

VERIFICATION

I, Timothy Maines, Sr., do hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that these statements are made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn falsification to authorities.

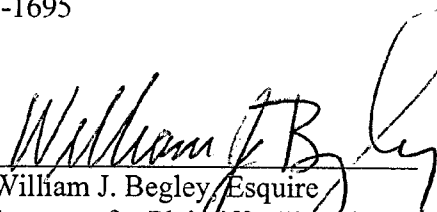
Timothy M Maines
Timothy Maines, Sr.

Date: 5-17-02

CERTIFICATE OF SERVICE

I, William J. Begley, Esquire, do hereby certify that a true copy of the foregoing Verifications of Plaintiffs to Reply to New Matter is being served upon the below listed counsel by first-class mail, postage prepaid this, 30th day of May, 2002.

Tracey G. Benson, Esquire
Miller, Kistler, Campbell, Miller,
Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695


William J. Begley, Esquire
Attorney for Plaintiffs, Timothy
Maines, Jr., Christine Maines, and
Timothy Maines, Sr.
PA I.D.# 17235
BERGER AND GREEN, P.C.
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
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)
) No. 01-2045-CD
)
)


) JURY TRIAL DEMANDED
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NOTICE OF SERVICE OF INTERROGATORIES

TO THE PROTHONOTARY:

You are hereby notified that on February 14, 2003, original Interrogatories
Directed to Plaintiff were mailed by First Class Mail, Postage Prepaid, upon the
following counsel of record.

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232


Julia R. Cronin, Esq.
MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 North Allegheny Street
Bellefonte, PA 16823
(814) 355-5474

Counsel for Defendant

Dated: 2/14/03

FILED

FEB 18 2003

William A. Shaw
Prothonotary

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

No. 01-2045-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Notice of
Service of Interrogatories was served this 14th day of
February, 2003 by mailing same first class United States mail,
postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

William A. Shaw
Prothonotary

3/9/18
TUE 18 2003

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

No. 01-2045-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Defendant's
Interrogatories Directed to Plaintiffs was served this 14th day of
February, 2003 by mailing same first class United States mail,
postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.


Julia R. Cronin, Esquire

FILED

FEB 18 2003

William A. Shaw
Prothonotary

William A. Shaw
Prothonotary

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

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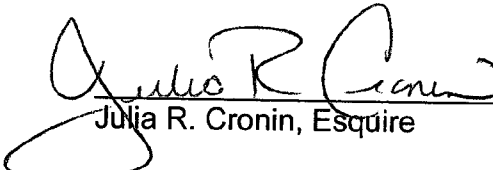
) JURY TRIAL DEMANDED
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CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Defendant's
Request for Production of Documents Directed to Plaintiffs was served this
14th day of February, 2003 by mailing same first class
United States mail, postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

FILED

FEB 18 2003

William A. Shaw
Prothonotary

William A. Shaw
Prothonotary

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Defendant's
) Notice of Intent to Serve Subpoena
) to Produce Documents & Things
) for Discovery Pursuant to Rule
) 4009.21
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
)
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

FILED

DEC 11 2003

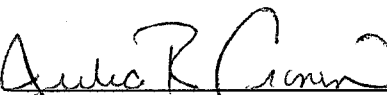
William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs	)	JURY TRIAL DEMANDED
)	
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

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

Defendant Family Dollar Stores of Pennsylvania, Inc. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.



Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: 12/9/03

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Timothy Maines Jr.
Christine Maines
Timothy Maines Sr.
Plaintiff(s)

Vs.

Family Dollar Stores Of Pennsylvania, Inc.
Defendant(s)

No. 2001-02045-CD

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

TO: Satish Sawardekar, M.D., Geisinger Medical Center, 112 South Centre Street,
Philipsburg, PA 16866 (Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

See attached document

Julia Cronin, Esq., Miller, Kistler & Campbell, 124 N. Allegheny Street,
Bellefonte, PA 16823 (Address)

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

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

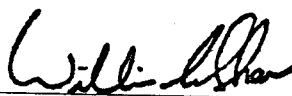
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Julia Cronin, Esq.
ADDRESS: 124 N. Allegheny Street
Bellefonte, PA 16823
TELEPHONE: 814-355-5474
SUPREME COURT ID # 76440
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, March 22, 2002
Seal of the Court


Deputy

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

ATTACHMENT

Copies of all bills and records pertaining to the medical, psychiatric or psychological care of Timothy M. Maines, Jr. (Social Security No. 199-76-7113, Date of Birth: 12/6/96), including but not limited to a full and complete copy of any and all records, office notes, admission summaries, discharge summaries, operative reports, lab reports, medication records, reports, notes, correspondence, x-ray reports, test results, consultations, progress notes or other material or information relating to any consultation, examination, medical history, diagnosis or treatment. **We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.**

STATEMENT OF ASSURANCE: The information disclosed pursuant to this subpoena will be held confidentially and used or further disclosed only as required or permitted by law and for the purpose of the lawsuit filed to No. 01-2045-CD in the Court of Common Pleas of Clearfield County, Pennsylvania.



Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania

Dated: 12/9/03

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


TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL, MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Notice of Intent to Serve Subpoena to Produce Documents and Things was served this 9th day of December, 2003 by mailing same first class United States mail, postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

FILED No. 10
M/10:45:01
DEC 11 2003
William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Defendant's
) Notice of Service of Second Set of
) Interrogatories Directed to Plaintiffs
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
)
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

FILED

DEC 11 2003

William A. Shaw
Prothonotary/Clerk of Courts

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


TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

NOTICE OF SERVICE OF INTERROGATORIES

TO THE PROTHONOTARY:

You are hereby notified that on December 9, 2003, Defendant's Second Set of Interrogatories Directed to Plaintiffs were served upon Plaintiffs by mailing the same by first class mail, postage prepaid, addressed to their counsel of record as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232


Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL, MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Notice of Service of Interrogatories was served this 9th day of December, 2003 by mailing same first class United States mail, postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

FILED No
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M 10:50 AM
DEC 11 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Defendant's
) Notice of Intent to Serve Subpoena
) to Produce Documents & Things
) for Discovery Pursuant to Rule
) 4009.21
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
)
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

FILED

DEC 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

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) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
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**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant Family Dollar Stores of Pennsylvania, Inc. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.



Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: December 17, 2003

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Timothy Maines Jr.
Christine Maines
Timothy Maines Sr.
Plaintiff(s)

Vs.

Family Dollar Stores Of Pennsylvania, Inc.
Defendant(s)

No. 2001-02045-CD

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

TO: Richard W. Kleinert, M.D., FACS, FAAO, 3 Medical Center Drive, Philipsburg, PA
16866 (Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

See attached.

Julia Cronin, Esq., Miller, Kistler, Campbell, 124 N. Allegheny Street, Bellefonte, PA
16823 (Address)

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

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

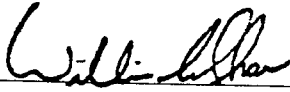
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Julia R. Cronin, Esq.
ADDRESS: 124 N. Allegheny Street
Bellefonte, PA 16823
TELEPHONE: 814-355-5474
SUPREME COURT ID # 76440
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, March 22, 2002
Seal of the Court


Deputy

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

ATTACHMENT

Copies of all bills and records pertaining to the medical, psychiatric or psychological care of Timothy M. Maines, Jr. (Social Security No. 199-76-7113, Date of Birth: 12/6/96), including but not limited to a full and complete copy of any and all records, office notes, admission summaries, discharge summaries, operative reports, lab reports, medication records, reports, notes, correspondence, x-ray reports, test results, consultations, progress notes or other material or information relating to any consultation, examination, medical history, diagnosis or treatment. **We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.**

STATEMENT OF ASSURANCE: The information disclosed pursuant to this subpoena will be held confidentially and used or further disclosed only as required or permitted by law and for the purpose of the lawsuit filed to No. 01-2045-CD in the Court of Common Pleas of Clearfield County, Pennsylvania.


Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Family Dollar Stores of
Pennsylvania, Inc.

Dated: 12/17/03

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
)
)
)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
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CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Notice of Intent
to Serve Subpoena to Produce Documents and Things was served this 17th
day of December, 2003 by mailing same first class United States mail,
postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

FILED No. 10:30824
DEC 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Defendant's
) Notice of Intent to Serve Subpoena
) to Produce Documents & Things
) for Discovery Pursuant to Rule
) 4009.21
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
)
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

FILED

DEC 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
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)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
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)

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

Defendant Family Dollar Stores of Pennsylvania, Inc. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.



Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: December 17, 2003

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Timothy Maines Jr.
Christine Maines
Timothy Maines Sr.
Plaintiff(s)

Vs.

Family Dollar Stores Of Pennsylvania, Inc.
Defendant(s)

No. 2001-02045-CD

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

TO: David B. Werner, M.D., Central Pennsylvania Eye Associates, Ltd.,
507 Locust Lane (Name of Person or Entity) State College, PA 16801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

See attached.

Julia Cronin, Esq., Miller, Kistler, Campbell, 124 N. Allegheny Street, Bellefonte,
PA 16823 (Address)

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

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


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

NAME: Julia R. Cronin, Esq.
ADDRESS: 124 N. Allegheny St.
Bellefonte, PA 16823
TELEPHONE: 814-355-5474
SUPREME COURT ID # 76440
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, March 22, 2002
Seal of the Court


Deputy

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

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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL, MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Notice of Intent to Serve Subpoena to Produce Documents and Things was served this 17th day of December, 2003 by mailing same first class United States mail, postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

William A. Shaw
Prothonotary/Clerk of Courts

FILED No
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Certificate
) Prerequisite to Service of a Subpoena
) Pursuant to Rule 4009.22
)
)
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474

FILED

JAN 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

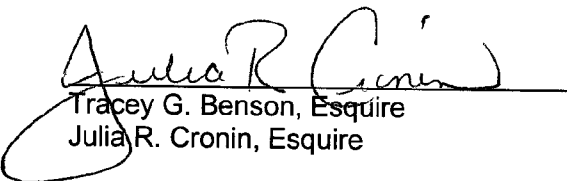
Defendant

)
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) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
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)

**CERTIFICATE PREREQUISITE TO SERVICE OF
A SUBPOENA PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Julia R. Cronin, Esquire certifies that:

- (1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served.
- (2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) no objections to the subpoena have been received, and
- (4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.


Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: December 30, 2003

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Defendant's
) Notice of Intent to Serve Subpoena
) to Produce Documents & Things
) for Discovery Pursuant to Rule
) 4009.21
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
)
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

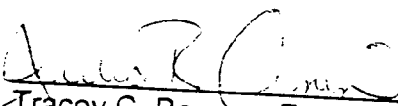
Defendant

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) No. 01-2045-CD
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) JURY TRIAL DEMANDED
)
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)

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

Defendant Family Dollar Stores of Pennsylvania, Inc. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.


Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: 12/9/03

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Timothy Maines Jr.
Christine Maines
Timothy Maines Sr.
Plaintiff(s)

Vs.

Family Dollar Stores Of Pennsylvania, Inc.
Defendant(s)

No. 2001-02045-CD

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

TO: Satish Sawardekar, M.D., Geisinger Medical Center, 112 South Centre Street,
Philipsburg, PA 16866 (Name of Person or Entity)

Within twenty (20) days after service of this subpoena you are ordered by the Court to produce
the following documents or things:

See attached document

Julia Cronin, Esq., Miller, Kistler & Campbell, 124 N. Allegheny Street,
Bellefonte, PA 16823 (Address)

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

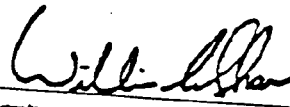
If you fail to produce the documents or things required by this subpoena within twenty (20) days
after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Julia Cronin, Esq.
ADDRESS: 124 N. Allegheny Street
Bellefonte, PA 16823
TELEPHONE: 814-355-5474
SUPREME COURT ID # 76440
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Friday, March 22, 2002
Seal of the Court

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

ATTACHMENT

Copies of all bills and records pertaining to the medical, psychiatric or psychological care of Timothy M. Maines, Jr. (Social Security No. 199-76-7113, Date of Birth: 12/6/96), including but not limited to a full and complete copy of any and all records, office notes, admission summaries, discharge summaries, operative reports, lab reports, medication records, reports, notes, correspondence, x-ray reports, test results, consultations, progress notes or other material or information relating to any consultation, examination, medical history, diagnosis or treatment. We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.

STATEMENT OF ASSURANCE: The information disclosed pursuant to this subpoena will be held confidentially and used or further disclosed only as required or permitted by law and for the purpose of the lawsuit filed to No. 01-2045-CD in the Court of Common Pleas of Clearfield County, Pennsylvania.


Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania

Dated: 12/9/03

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

vs.

Defendant

JURY TRIAL DEMANDED

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL, MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Notice of Intent to Serve Subpoena to Produce Documents and Things was served this 9th day of December, 2003 by mailing same first class United States mail, postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.

Julia R. Cronin, Esquire

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

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) No. 01-2045-CD
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) JURY TRIAL DEMANDED
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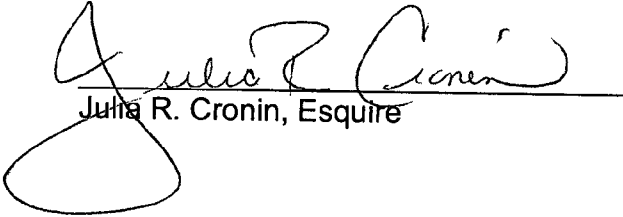
CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Certificate
Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 was served this
31st day of December, 2003 by mailing same first class

United States mail, postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.


Julia R. Cronin, Esquire

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Certificate
) Prerequisite to Service of a Subpoena
) Pursuant to Rule 4009.22
)
)
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474

FILED

JAN 09 2004

William A. Shaw
Prothonotary, Clerk of Courts


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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

**CERTIFICATE PREREQUISITE TO SERVICE OF
A SUBPOENA PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Julia R. Cronin, Esquire certifies that:

- (1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served.
- (2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) no objections to the subpoena have been received, and
- (4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.


Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: 1/8/04

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Defendant's
) Notice of Intent to Serve Subpoena
) to Produce Documents & Things
) for Discovery Pursuant to Rule
) 4009.21
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
)
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
)
)
)
) No. 01-2045-CD
)
)

) JURY TRIAL DEMANDED
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)
)

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

Defendant Family Dollar Stores of Pennsylvania, Inc. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.



Tracey G. Benson, Esquire

Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: December 17, 2003

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Timothy Maines Jr.
Christine Maines
Timothy Maines Sr.
Plaintiff(s)

Vs.

Family Dollar Stores Of Pennsylvania, Inc.
Defendant(s)

No. 2001-02045-CD

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

TO: Richard W. Kleinert, M.D., FACS, FAAO, 3 Medical Center Drive, Philipsburg, PA
16866 (Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

See attached.
Julia Cronin, Esq., Miller, Kistler, Campbell, 124 N. Allegheny Street, Bellefonte, PA
16823 (Address)

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

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

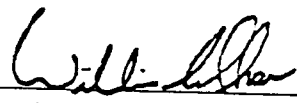
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Julia R. Cronin, Esq.
ADDRESS: 124 N. Allegheny Street
Bellefonte, PA 16823
TELEPHONE: 814-355-5474
SUPREME COURT ID # 76440
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, March 22, 2002
Seal of the Court


Deputy

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

ATTACHMENT

Copies of all bills and records pertaining to the medical, psychiatric or psychological care of Timothy M. Maines, Jr. (Social Security No. 199-76-7113, Date of Birth: 12/6/96), including but not limited to a full and complete copy of any and all records, office notes, admission summaries, discharge summaries, operative reports, lab reports, medication records, reports, notes, correspondence, x-ray reports, test results, consultations, progress notes or other material or information relating to any consultation, examination, medical history, diagnosis or treatment. **We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.**

STATEMENT OF ASSURANCE: The information disclosed pursuant to this subpoena will be held confidentially and used or further disclosed only as required or permitted by law and for the purpose of the lawsuit filed to No. 01-2045-CD in the Court of Common Pleas of Clearfield County, Pennsylvania.



Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Family Dollar Stores of
Pennsylvania, Inc.

Dated: 12/17/03

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

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) No. 01-2045-CD
)
)

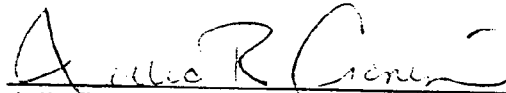
) JURY TRIAL DEMANDED
)
)
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)

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Notice of Intent
to Serve Subpoena to Produce Documents and Things was served this 17th
day of December, 2003 by mailing same first class United States mail,
postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

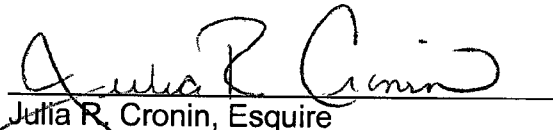
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) No. 01-2045-CD
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) JURY TRIAL DEMANDED
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CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Certificate
Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 was served this
8th day of January, 2004 by mailing same first class
United States mail, postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

FILED No
JAN 13 45 PM '04 cc
JAN 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

3/2/04

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Certificate
) Prerequisite to Service of a Subpoena
) Pursuant to Rule 4009.22
)
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474

FILED

JAN 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

**CERTIFICATE PREREQUISITE TO SERVICE OF
A SUBPOENA PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Julia R. Cronin, Esquire certifies that:

- (1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served.
- (2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) no objections to the subpoena have been received, and
- (4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.



Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: 1/8/04

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Defendant's
) Notice of Intent to Serve Subpoena
) to Produce Documents & Things
) for Discovery Pursuant to Rule
) 4009.21
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
)
)
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 124 N. Allegheny Street
) Bellefonte, PA 16823
) 814-355-5474
) I.D. No. 34984
) I.D. No. 76440

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.


FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

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) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
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**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant Family Dollar Stores of Pennsylvania, Inc. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.


Tracey G. Benson, Esquire
Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Dated: December 17, 2003

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Timothy Maines Jr.
Christine Maines
Timothy Maines Sr.
Plaintiff(s)

Vs.

Family Dollar Stores Of Pennsylvania, Inc.
Defendant(s)

No. 2001-02045-CD

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

TO: David B. Werner, M.D., Central Pennsylvania Eye Associates, Ltd.,
507 Locust Lane (Name of Person or Entity) State College, PA 16801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

See attached.

Julia Cronin, Esq., Miller, Kistler, Campbell, 124 N. Allegheny Street, Bellefonte,
PA 16823 (Address)

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

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

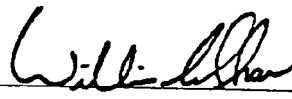
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Julia R. Cronin, Esq.
ADDRESS: 124 N. Allegheny St.
Bellefonte, PA 16823
TELEPHONE: 814-355-5474
SUPREME COURT ID # 76440
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, March 22, 2002
Seal of the Court

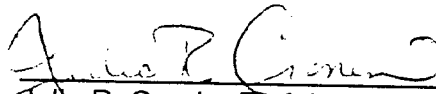

Deputy

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

ATTACHMENT

Copies of all bills and records pertaining to the medical, psychiatric or psychological care of Timothy M. Maines, Jr. (Social Security No. 199-76-7113, Date of Birth: 12/6/96), including but not limited to a full and complete copy of any and all records, office notes, admission summaries, discharge summaries, operative reports, lab reports, medication records, reports, notes, correspondence, x-ray reports, test results, consultations, progress notes or other material or information relating to any consultation, examination, medical history, diagnosis or treatment. **We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.**

STATEMENT OF ASSURANCE: The information disclosed pursuant to this subpoena will be held confidentially and used or further disclosed only as required or permitted by law and for the purpose of the lawsuit filed to No. 01-2045-CD in the Court of Common Pleas of Clearfield County, Pennsylvania.



Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
124 N. Allegheny Street
Bellefonte, PA 16823
814-355-5474

Counsel for Family Dollar Stores of
Pennsylvania, Inc.

Dated: 12-17-03

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
)
)
)
) No. 01-2045-CD
)
)

) JURY TRIAL DEMANDED
)
)
)

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Notice of Intent
to Serve Subpoena to Produce Documents and Things was served this 17th
day of December, 2003 by mailing same first class United States mail,
postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

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)
) No. 01-2045-CD
)
)

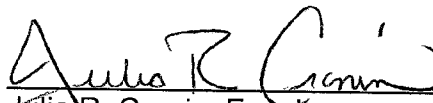
) JURY TRIAL DEMANDED
)
)
)
)

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Certificate
Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 was served this
8th day of January, 2004 by mailing same first class
United States mail, postage prepaid, addressed to counsel as follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

FILED No cc
M12:45 PM
JAN 09 2004
2004

William A. Straw
Prothonotary/Clerk of Courts

CA

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

No. 01-2045-CD

JURY TRIAL DEMANDED

ORDER

AND NOW this 30 day of June, 2006, upon request
by Defendant Family Dollar Stores of Pennsylvania, Inc., it is hereby ORDERED that a
status conference shall be held on August 15, 2006 ^{② 2:30 PM} in Courtroom
No. 1 of the Clearfield County Courthouse, Clearfield, PA.

Notice of the entry of this Order shall be provided to Plaintiffs by Defendant.

BY THE COURT:


J.

FILED 3cc
09:48 AM
JUL 03 2006
Alys Cronin-Benson
CR

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
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MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Affidavit of
) Service
)
)
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 720 S. Atherton Street
) State College, PA 16801
) 814-234-1500

FILED *NOCC*
7/10:30/01
JUL 12 2008 

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

No. 01-2045-CD

JURY TRIAL DEMANDED

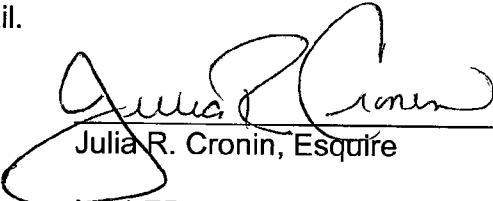
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

SS:

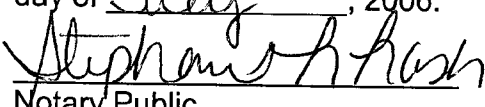
Julia R. Cronin, Esquire, attorney for Defendant in the above-captioned matter, being duly sworn according to law, deposes and says that she served the Order dated June 30, 2006 scheduling a status conference in front of Judge Ammerman on August 15, 2006 on William J. Begley, Esquire, counsel for Plaintiffs, on July 10, 2006 by regular, postage prepaid, United State mail.


Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
720 S. Atherton Street
State College, PA 16801
814-234-1500

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Sworn to and subscribed
before me this 10th
day of July, 2006.


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Stephanie L. Lash, Notary Public
State College Boro, Centre County
My Commission Expires Mar. 28, 2009
Member, Pennsylvania Association of Notaries

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

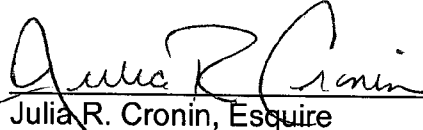
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)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
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)
)

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Affidavit of
Service was served this 10th day of July, 2006 by
mailing same first class United States mail, postage prepaid, addressed to counsel as
follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.



Julia R. Cronin, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION

No.: 01-2045-CD

NOTICE OF SERVICE OF PLAINTIFF'S
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

Filed on Behalf of:
Timothy Maines, Jr., a minor, et al
Plaintiffs

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN, P.C.
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

FILED *no cc*
m1104061
SEP 15 2006 

William A. Shaw
Prothonotary/Clerk of Courts

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

No.: 01-2045-CD

VS.

Defendant.

By _____

William J. Begley, Esquire
Attorney for the Plaintiffs

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

: NO.: 01-2045-CD
:
: MOTION FOR CONTINUANCE
:
: JURY TRIAL DEMANDED
:
: Filed on Behalf of:
:
: TIMOTHY MAINES, JR., a Minor,
: by CHRISTINE MAINES and
: TIMOTHY MAINES, SR., his parents
: and natural guardians and CHRISTINE
: MAINES and TIMOTHY MAINES, SR.,
: in their own right.
:
: Counsel of Record for this party:
:
: William J. Begley, Esquire
: PA I.D. #17235
: BERGER AND GREEN
: Firm #777
: 5850 Ellsworth Avenue
: Suite 200
: Pittsburgh, PA 15232
: (412) 661-1400
:

FILED ^{NO}cc
m 11:09/5V
NOV 17 2006 (ER)

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,	:	CIVIL ACTION NO.: 01-2045-CD
a Minor, by CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR.,	:	
his parents and natural guardians and	:	
CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR. in their	:	
own right,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
FAMILY DOLLAR STORES OF	:	
PENNSYLVANIA, INC.	:	
	:	
Defendant.	:	

MOTION FOR CONTINUANCE

AND NOW, comes the Plaintiffs, through their attorneys, Berger and Green by William J. Begley, Esquire and moves this Honorable Court for a continuance of the scheduled trial of this matter pursuant to Pa. R.Civ. P 216 and 46 J. D. R.C.P. 216 b (1) on the following grounds.

1. This action concerns injuries sustained by Timothy Maines, Jr., a minor to his right eye.
2. This case is presently listed for the Call of the List on January 2, 2007 and for the February 2007 Jury Trial Term of this Court.
3. By letter dated November 6, 2006 counsel for Plaintiffs have been informed by James W. McManaway, III M.D. that Timothy Maines will require surgeries

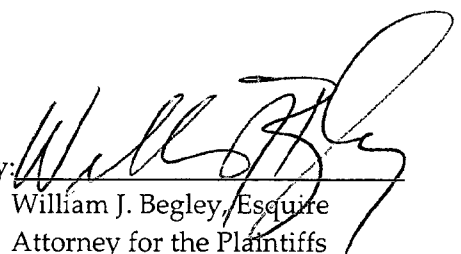
to his eye and that he is not in a position to opine as to causation, treatment, prognosis or future treatment until the procedures have been performed. Attached hereto and marked as Exhibit "1" is a true and correct copy of the November 6, 2006 letter of Dr. McManaway to Plaintiff's counsel which is incorporated by reference and made a part of this Motion as if fully set forth herein.

4. Counsel for Defendant consents to the continuance of the trial of this action until the September 2007 Jury Trial Term of Court. Attached hereto and marked as Exhibit "2" is a true and correct copy of the November 6, 2006 letter of Julia R. Cronin, counsel for Defendant consenting to the requested continuance.

WHEREFORE, Plaintiff moves that this case be continued to the September 2007 Jury Trial Term.

BERGER AND GREEN, P.C.

By:


William J. Begley, Esquire
Attorney for the Plaintiffs



HERSHEY PEDIATRIC OPHTHALMOLOGY ASSOCIATES, P.C.

233 West Chocolate Avenue Hershey, PA 17033

Phone: 717-533-4411

Fax: 717-533-3072

November 6, 2006

William Begley, Esquire
Berger and Green, Attorneys at Law
Suite 200
5850 Ellsworth Avenue
Pittsburgh, PA 15232
FAX: 412-661-9423

Re: Maines, Timothy

DOB: 12/6/96

Dear Attorney Begley:

I am in receipt of your letter dated October 27, 2006 requesting a medical report on Timothy Maines. He is a 9 year old male who walked or fell into a wire wall hanger at a Family Dollar store on 4/1/00. He was initially treated by Dr. Richard Kleinert, and later by Dr. David Werner.

I examined Timothy on 9/6/06 and on 10/6/06. At the 10/6/06 visit, I ordered CT and MRI scans of the orbits, and these were performed on 10/11/06.

Timothy has an incomitant right hypertropia with underaction of the right inferior rectus muscle. He also has a smaller A-pattern exotropia. He has diplopia (double vision) in primary, right, left, and down gaze. He uses a chin down position to move his eyes into upgaze where he can avoid the double vision.

I feel Timothy would benefit from strabismus surgery to obtain better ocular alignment, improve his double vision, and improve the compensatory head position. This may require more than one strabismus surgery. I would like to defer answering your questions about causation, treatment, prognosis, and future treatment until the surgical treatment(s) have been completed.

Please call if you have any questions.

Sincerely,

J. W. McManaway III MD

James W. McManaway III M.D.

Specialist in Pediatric Ophthalmology and Adult Strabismus

LAW OFFICES OF
MILLER, KISTLER, CAMPBELL, MILLER, WILLIAMS & BENSON, INC.
A PROFESSIONAL CORPORATION

JOHN R. MILLER, JR.
RICHARD L. CAMPBELL
JOHN R. MILLER, III
TERRY J. WILLIAMS
TRACEY G. BENSON*
SCOTT C. ETTER, Ph.D.
DAVID B. CONSIGLIO**
STACY PARKS MILLER
JULIA R. CRONIN
BRIAN K. MARSHALL

*ALSO ADMITTED IN WEST VIRGINIA
**ALSO ADMITTED IN MARYLAND

PLEASE REPLY TO:
STATE COLLEGE OFFICE

November 6, 2006

720 SOUTH ATHERTON STREET
STATE COLLEGE, PA. 16801-4628
(814) 234-1500
FAX (814) 234-1549
AND
124 NORTH ALLEGHENY STREET
BELLEFONTE, PA. 16823-1695
(814) 355-5474
GENERAL FAX (814) 355-6340
REAL ESTATE FAX (814) 357-0264

COUNSEL TO THE FIRM
ROBERT K. KISTLER

VIA FACSIMILE and U.S. MAIL
William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

RE: Maines v. Family Dollar Stores of Pennsylvania
Civil Action No. 01-2045-CD (Clearfield County, PA)

Dear Mr. Begley:

Please be advised that my client has given me permission to consent to a continuance of trial in this action. It is my understanding that you will request that trial be continued until a term near September 2007. Again, my client consents to the same.

Please be certain to send me any treatment records, reports and medical bills from Dr. McManaway. I will appreciate you continuing to send me the updated medical records and bills. If Dr. McManaway has provided you or your clients with an estimate of the cost for the surgical procedure(s) he recommends, I would appreciate you sharing that information with me as well.

Thank you.

Very truly yours,

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.

By:


Julia R. Cronin

JRC/lac

Exhibit "2"

CERTIFICATE OF SERVICE

I William J. Begley, Esquire hereby certify that a true and correct copy of the foregoing Motion for Continuance and Proposed Order of Court have been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 14th day of November, 2006:

Julia R. Cronin, Esquire
Law Offices of Miller, Kistler,
Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695

BERGER AND GREEN, P.C.

By: 

William J. Begley, Esquire
Attorney for the Plaintiffs

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

TIMOTHY MAINES, JR.,	:	CIVIL ACTION NO.: 01-2045-CD
a Minor, by CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR.,	:	
his parents and natural guardians and	:	
CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR. in their	:	
own right,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
FAMILY DOLLAR STORES OF	:	
PENNSYLVANIA, INC.	:	
	:	
Defendant.	:	

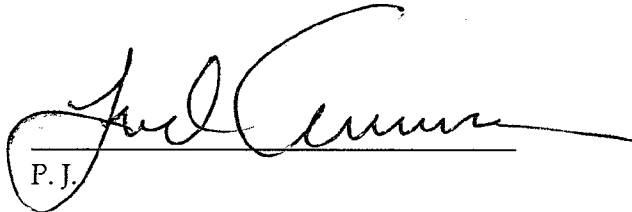
ORDER OF COURT

AND NOW, this 27 day of Nov, 2006, upon consideration of the

foregoing Motion for Continuance by agreement of counsel it is Hereby Ordered that:

- (1) This case is removed from the January 2, 2007 Call of the List and the February 2007 Jury Trial Term and is continued to the September 2007 Jury Trial Term.
- (2) Notice of the entry of this Order shall be provided to all parties by the moving party.

BY THE COURT,


P. J.

FILED 4CC
NOV 28 2006
William A. Shaw
Prothonotary/Clerk of Courts
Atty Begley

CA

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

NO.: 01-2045-CD

MOTION FOR CONTINUANCE

JURY TRIAL DEMANDED

Filed on Behalf of:

TIMOTHY MAINES, JR., a Minor,
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents
and natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right.

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

FILED

JUN 07 2007

12:50 / J

William A. Shaw
Prothonotary/Clerk of Courts

NO CERT COPIES

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

TIMOTHY MAINES, JR.,	:	CIVIL ACTION NO.: 01-2045-CD
a Minor, by CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR.,	:	
his parents and natural guardians and	:	
CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR. in their	:	
own right,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
FAMILY DOLLAR STORES OF	:	
PENNSYLVANIA, INC.	:	
	:	
Defendant.	:	

MOTION FOR CONTINUANCE

AND NOW, comes the Plaintiffs, through their attorneys, Berger and Green by William J. Begley, Esquire and moves this Honorable Court for a continuance of the scheduled trial of this matter pursuant to Pa. R.Civ. P 216 and 46 J. D. R.C.P. 216 b (1) on the following grounds.

1. This action concerns injuries sustained by Timothy Maines, Jr., a minor to his right eye.
2. This case is presently listed for the September 2007 Jury Trial Term of this Court.
3. By letter dated November 6, 2006 counsel for Plaintiffs have been informed by James W. McManaway, III M.D. that Timothy Maines will require surgeries

to his eye and that he is not in a position to opine as to causation, treatment, prognosis or future treatment until the procedures have been performed. Attached hereto and marked as Exhibit "1" is a true and correct copy of the November 6, 2006 letter of Dr. McManaway to Plaintiff's counsel which is incorporated by reference and made a part of this Motion as if fully set forth herein.

4. The Minor, Timothy Maines, has since undergone two procedures to his right eye. He is scheduled for a follow up examination with Dr. McManaway on July 7, 2007, after which it is anticipated that Dr. McManaway may be able to provide the requested narrative medical report. Both parties desire the requested continuance so that they can receive the narrative medical report and thereafter to afford time to evaluate the claim for consideration of settlement.

5. Counsel for Defendant consents to the continuance of the trial of this action until the January 2008 Jury Trial Term of Court. Attached hereto and marked as Exhibit "2" is a true and correct copy of the Continuance Conset of Julia R. Cronin, counsel for Defendant.

WHEREFORE, Plaintiff moves that this case be continued to the January 2008 Jury Trial Term.

BERGER AND GREEN, P.C.

By: 

William J. Begley, Esquire
Attorney for the Plaintiffs



HERSHEY PEDIATRIC OPHTHALMOLOGY ASSOCIATES, P.C.

233 West Chocolate Avenue Hershey, PA 17033

Phone: 717-533-4411

Fax: 717-533-3072

November 6, 2006

William Begley, Esquire
Berger and Green, Attorneys at Law
Suite 200
5850 Ellsworth Avenue
Pittsburgh, PA 15232
FAX: 412-661-9423

Re: Maines, Timothy

DOB: 12/6/96

Dear Attorney Begley:

I am in receipt of your letter dated October 27, 2006 requesting a medical report on Timothy Maines. He is a 9 year old male who walked or fell into a wire wall hanger at a Family Dollar store on 4/1/00. He was initially treated by Dr. Richard Kleinert, and later by Dr. David Werner.

I examined Timothy on 9/6/06 and on 10/6/06. At the 10/6/06 visit, I ordered CT and MRI scans of the orbits, and these were performed on 10/11/06.

Timothy has an incomitant right hypertropia with underaction of the right inferior rectus muscle. He also has a smaller A-pattern exotropia. He has diplopia (double vision) in primary, right, left, and down gaze. He uses a chin down position to move his eyes into upgaze where he can avoid the double vision.

I feel Timothy would benefit from strabismus surgery to obtain better ocular alignment, improve his double vision, and improve the compensatory head position. This may require more than one strabismus surgery. I would like to defer answering your questions about causation, treatment, prognosis, and future treatment until the surgical treatment(s) have been completed.

Please call if you have any questions.

Sincerely,

J. W. McManaway III MD

James W. McManaway III M.D.

Specialist in Pediatric Ophthalmology and Adult Strabismus

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

NO.: 01-2045-CD

CONTINUANCE CONSENT

1. I, Julia R. Cronin, attorney for the Defendant, Family Dollar Stores of Pennsylvania, Inc., consent to the Motion to Continue this case to the January 2008 Jury Trial Term.

Miller, Kistler, Campbell,
Miller, Williams & Benson, Inc.

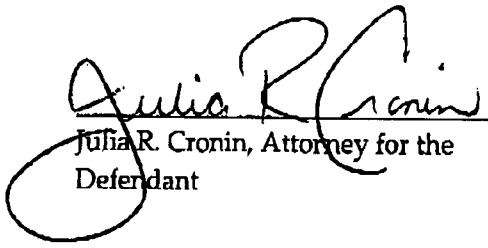

Julia R. Cronin, Attorney for the
Defendant

Exhibit "2"

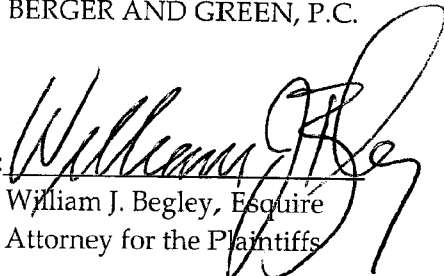
CERTIFICATE OF SERVICE

I William J. Begley, Esquire hereby certify that a true and correct copy of the foregoing Motion for Continuance and Proposed Order of Court have been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 5th day of June, 2007.

Julia R. Cronin, Esquire
Law Offices of Miller, Kistler,
Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695

BERGER AND GREEN, P.C.

By:


William J. Begley, Esquire
Attorney for the Plaintiffs

UA

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

TIMOTHY MAINES, JR., a minor, by CHRISTINE MAINES
and TIMOTHY MAINES, SR., his parents and natural
guardians and CHRISTINE MAINES and TIMOTHY
MAINES, SR. in their own right,
Plaintiffs

vs.

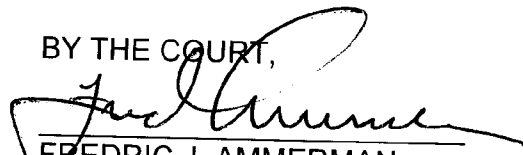
FAMILY DOLLAR STORES OF PENNSYLVANIA, INC.,
Defendant

NO. 01-2045-CD

ORDER

NOW, this 13th day of June, 2007, it is the ORDER of this Court that the Plaintiffs' Motion for Continuance be DENIED, as the case has been pending since 2001; Plaintiff claims the injured minor must undergo further surgery but attaches a letter from Dr. McManaway, III, M.D. that is dated nine months ago; the Plaintiff has provided no information that the surgery is scheduled.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 2cc AA's.
0/2:400m W. Begley
JUN 13 2007 T. Benson

William A. Shaw
Prothonotary/Clerk of Courts

(6K)

DATE: 6-13-07

____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) X Plaintiff(s) Attorney ____ Other

____ Defendant(s) X Defendant(s) Attorney

____ Special Instructions:

FILED

JUN 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

UA

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION NO.: 01-2045-CD

FILED

JUN 20 2007

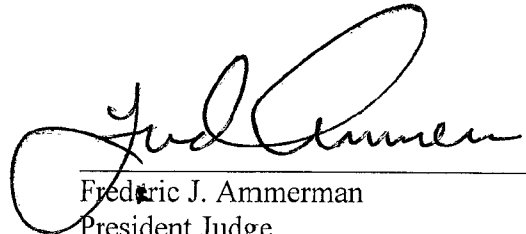
0/11:50
William A. Shaw
Prothonotary/Clerk of Courts (GR)
1 CERT TO ATTY

ORDER

NOW, this 20 day of June, 2007 it is the ORDER of this Court that the Plaintiff's Motion to Compel Discovery is granted and the Defendant, Family Dollar Stores of Pennsylvania, Inc. is ordered to serve its Responses to the Plaintiff's Interrogatories and Request for Production of Documents within 20 days of the date of this Order or suffer sanctions of this Court.

Notice of entry of this Order shall be provided to all parties by the moving party.

BY THE COURT


Frederic J. Ammerman J.
President Judge

DATE: 6-20-07

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

FILED

JUN 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

UN

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION NO.: 01-2045-CD

MOTION TO COMPEL
DISCOVERY

JURY TRIAL DEMANDED

Filed on Behalf of:

TIMOTHY MAINES, JR., a Minor,
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents
and natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right.

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

FILED

JUN 18 2007

M/10:30(W) (K)

William A. Shaw
Prothonotary/Clerk of Courts

NO CERT COPY

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION NO.: 01-2045-CD

MOTION TO COMPEL DISCOVERY

AND NOW, comes the Plaintiffs, Timothy Maines, Jr. a minor, by Christine Maines and Timothy Maines, Sr., his parents and natural guardians and Christine Mains and Timothy Maines, Sr., in their own right, through their attorneys Berger and Green by William J. Begley, Esquire and hereby moves the Court to enter an Order pursuant to Pa. R.C.P. 4019 compelling defendant to answer Interrogatories and Request for Production of Documents directed to the Defendant, Family Dollar Stores of Pennsylvania, Inc., propounded by the Plaintiff to Defendant in this matter. In support of this Motion, the Plaintiff avers the following:

1. The Defendant, Family Dollar Stores of Pennsylvania, Inc. is represented of record by Julia R. Cronin, Esquire.
2. On September 3, 2006 counsel for the Plaintiff served on counsel for the Defendant, both Interrogatories and Request for Production of Documents directed to the

Defendant, Family Dollar Stores of Pennsylvania, Inc. Notices of Service are filed of record with the Prothonotary of Clearfield County. Copies of the transmittal letter, Interrogatories and Request for Production of Documents are attached hereto and marked as Exhibits "A" "B" and "C" respectively.

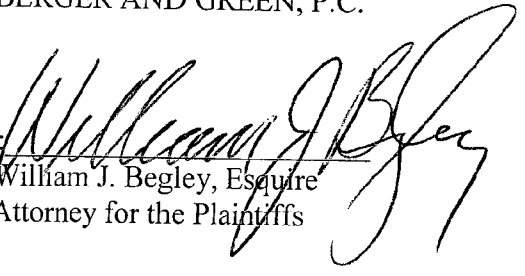
3. Pursuant to Pa. R.C.P. 4006(a)(2), Defendants Responses to said Interrogatories and Request for Production of Documents were due on or before October 14, 2006.

4. By letters dated March 30, 2007 and May 25, 2007, counsel for Defendant was notified by counsel for the Plaintiff that Defendant's responses to said Interrogatories and Request for Production of Documents had not been received, a true and correct copy of said letters are attached hereto as Exhibits "D" and "E" respectively. Counsel for the defendants has not responded to said letters.

5. Despite counsel for Defendants assurances that the Defendant's response to the outstanding Interrogatories and Request for Production of Documents are forthcoming, the Defendant has not provided its responses.

WHEREFORE, Plaintiffs respectively request this Honorable Court to enter an Order compelling the Defendant, Family Dollar Stores of Pennsylvania, Inc. to file full and complete answers to Plaintiff's Interrogatories and Request for Production of Documents or suffer appropriate sanctions to be imposed upon application to the Court.

BERGER AND GREEN, P.C.

By: 
William J. Begley, Esquire
Attorney for the Plaintiffs



BERGER AND GREEN

Attorneys at Law

Cynthia C. Berger
Laurence B. Green
William J. Remaley
William J. Begley
Mark F. Bennett
Michael W. Zimecki
Lindsay F. Brown

September 13, 2006

Prothonotary of Clearfield County
P.O. Box 549
Clearfield, PA 16830

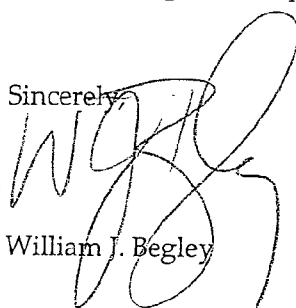
In Re: Timothy Maines, Jr., a minor, et al
vs. Family Dollar Stores of Pennsylvania, Inc.
Case No. 01-2045-CD

Dear Prothonotary:

Enclosed herewith is a Notice of Service of Plaintiff's Interrogatories and Request for Production of Documents, which we are hereby filing with your office. We have attached an extra copy of the face sheet and are requesting that you date stamp it and return it in the self addressed stamped envelope provided.

Thank you for your attention to this matter. If you have questions, please do not hesitate to contact our office.

Sincerely,


William J. Begley

WJB/cl
Enclosure
cc: Julie R. Cronin, Esquire

Exhibit "A"

Suite 200
5850 Ellsworth Avenue
Pittsburgh, PA 15232

412 661-1400 FAX 412 661-9423

Erie, PA 814 459-0522

Johnstown, PA 814 535-2224

Sharon, PA 724 981-7232

www.bergerandgreen.com A Professional Corporation

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION

No.: 01-2045-CD

NOTICE OF SERVICE OF PLAINTIFF'S
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

Filed on Behalf of:
Timothy Maines, Jr., a minor, et al
Plaintiffs

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN, P.C.
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

FILED
SEP 15 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
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Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION

No.: 01-2045-CD

NOTICE OF SERVICE OF PLAINTIFF'S INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS

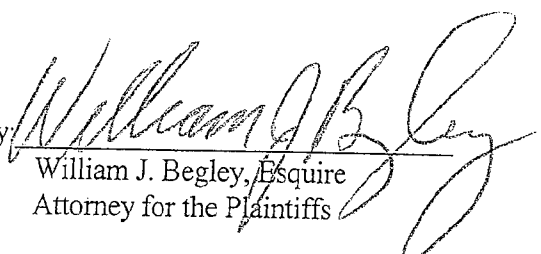
I hereby certify that true and correct copies of Plaintiffs' Interrogatories and Request for Production of Documents were served by first class, U.S. Mail, postage pre-paid, this 13th day of September 2006, on the party listed below:

Julia R. Cronin, Esquire
Law Offices of Miller, Kistler, Campbell,
Miller, Williams & Benson, Inc
124 North Allegheny Street
Bellevue, PA 16823-1695

Respectfully submitted,

BERGER AND GREEN, P.C.

By:


William J. Begley, Esquire
Attorney for the Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION

No.: 01-2045-CD

PLAINTIFF'S INTERROGATORIES
TO THE DEFENDANT

Filed on Behalf of:
Timothy Maines, Jr., a minor, et al
Plaintiffs

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

Exhibit "B"

PLAINTIFF'S INTERROGATORIES TO THE DEFENDANT

AND NOW come the Plaintiffs, Timothy Maines, Jr., a minor by Christine Maines and Timothy Maines, Sr., his parents and natural guardians and Christine Maines and Timothy Maines, Sr., in their own right by and through their attorneys, Berger and Green, P.C., by William J. Begley, Esquire, and pursuant to Rule 4005 of the Pennsylvania Rules of Civil Procedure and request that you answer, in writing and under oath, the following Interrogatories, full and complete responses to which are due in thirty (30) day of service hereof.

INSTRUCTIONS FOR USE

Where an individual interrogatory calls for an answer which involves more than one part, each part of the answer should be clearly set out so that it is understandable.

All information is to be divulged which is in the possession of the individual party and attorneys, investigators, agents, employees, or other representatives of the named party.

These interrogatories are intended as continuing Interrogatories, requiring you to answer by supplemental answer, and setting forth any information within the scope of the interrogatories as may be acquired by you, your agents, attorneys, or representatives following your original answers. Such supplemental answers are to be filed and served upon the Plaintiff within fifteen (15) days after receipt of such information, but no later than the time of trial.

In the event that any information, documents, or things requested herein is withheld under a claim of privilege, please provide the following information with respect to each:

- A. the type of information, document or thing, its general subject matter, the place and the appropriate date it was gathered, learned, prepared, or created;

- B. the name, address, phone number, and title of each person who prepared, created, learned, or gathered the information, document, or thing, and the name, address, phone number and title of each person who has received or examined the information, document, or thing or copy thereof; and
- C. a statement of the circumstances that bear on whether or not the claim of privilege is appropriate, and whether the privilege that is claimed should extend to all or to just a part of the information, document, or thing.

DEFINITIONS

1. "You" or "your" means the Defendant, Family Dollar Stores of Pennsylvania, Inc. and each of your departments, divisions, units, subsidiaries, affiliates, officers, directors, employees and all other persons acting or purporting to act on behalf of the Defendant, Family Dollar Stores of Pennsylvania, Inc. including counsel for this Defendant and agents or other persons employed by counsel for this Defendant.
2. "Person" or "persons" mean any natural person or persons, firms, company, corporation, partnership, association, group, organization, joint venture, trust, estate, public agency, department, bureau and board.
3. "Document" or "documents" mean the original or a copy of the original and any non-identical copy of any daily logs, incident reports, invoices, receipts, letters, agreements, reports, notes, messages, memorandums, photographs, drawings, circular, bulletins, purchase orders, tape recording or other mechanically produced records, books, pamphlets, periodicals, telegrams, records, studies, tax returns, hand-written notes, working papers, charts papers, graphs, indexes, data sheets, data processing cards, sound reproductions, etc., including any

report or reports of any telephone conversations or other conference and any other written or recorded matter of any kind, however produced or reproduced and wherever located, which is in the custody, actual or constructive possession or control, were known by you to exist, including documents which did not have leave possession of the persons who prepared them.

4. "Identity" or "identify".

(a) When used with respect to a natural person, need to state the full name, present or last known address and present or last known position and business affiliation;

(b) When used with respect to a company, firm, partnership, association, corporation or other organization or business entity, need to state the full name, date and state of incorporation (if applicable), and address of its principal place of business;

(c) When used with respect to a document, need to state the date and type of document (e.g., letter, memorandum, photograph, etc), the identity of the person to whom it was addressed or directed, the identity of the person who prepared it, its present location and custodian, and a description of its contents. If the document was and no longer is in your possession or subject to your control, state what disposition was made of it.

5. "Statement" means a written statement signed or otherwise adopted or approved by the person making it or a stenographic, mechanical, electrical or other recording or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

6. "Witness" means all persons who have knowledge of the facts, events and circumstances immediately preceding the incident alleged in Plaintiff's Complaint; at the time of the incident; or the facts, events, and circumstances immediately subsequent to the incident.

INTERROGATORIES

1. Please identify yourself fully, giving your full name, residence, business address and occupation, and if the defendant is a corporation, the office you hold with the defendant.

ANSWER:

2. State the full name and last known address of the manager of your store located at State Route 322 West, Phillipsburg, Pennsylvania on the date of the incident set forth in Plaintiff's Complaint.

ANSWER:

3. State the full name and last known address of the employees working at your store located at State Route 322 West, Phillipsburg, Pennsylvania on the date of the incident set forth in Plaintiff's Complaint.

ANSWER:

4. Please state the date that the wire display rack upon which Plaintiff alleges he was injured was first used in your Phillipsburg store.

ANSWER:

5. Please state the present location of the wire display rack upon which Plaintiff alleges he was injured.

ANSWER:

6. Please identify the manufacturer and model name and number of the wire display rack upon which Plaintiff alleges he was injured.

ANSWER:

7. State the names and addresses of all individuals who were a "witness" to the incident set forth in Plaintiff's Complaint in this action.

ANSWER:

8. Set forth the names and current addresses of all persons who have given written statements to defendants, their attorneys or representative with respect to any aspect concerning the incident alleged in Plaintiff's complaint, specifying further:

- (a) When each statement was given;
- (b) Where each statement was given;
- (c) The name, current address of the person to whom each statement was given;
- (d) The name, current address of the person who presently has custody of said statement.

ANSWER:

9. Set forth the names and current addresses of all persons who gave oral statements to defendant, their attorney or representatives with respect to any aspect concerning plaintiff's accident as alleged in their complaint, and if so, state as to each:

- (a) The time and place where each oral statement took place;
- (b) The name and current address of the person to whom each oral statement was made;
- (c) The substance of each oral statement.

ANSWER:

10. State whether any investigation or inspection was made into plaintiff's accident by the defendant, defendant's attorney or representative on behalf of the defendant, subsequent to the time the plaintiff's accident as alleged in the Complaint and if so state:

- (a) The name, last known address and occupations of all persons making said inspection or investigations;
- (b) The date and time when said investigations or inspections were made;
- (c) The name, address and occupation of the person who requested said inspections or investigations;
- (d) Whether any report in writing or orally was made concerning the inspection and/or investigation and if so, state:
 - (i) The name, address and occupation of the person who made said report;
 - (ii) The name, address and occupation of the person to whom the reports were made;
 - (iii) The identification number and date of said report;
 - (iv) The present location of the report(s), indicating the name, address and occupation of the person who has had possession of the reports(s).

ANSWER:

11. List the names and present addresses of all investigators, representatives or employees who have investigated the incident and/or claim referred to in the Complaint.

With respect to each such person, state the following:

- (a) Employment affiliation at the time of the investigation;
- (b) Present employment affiliation;
- (c) The names and addresses of each and every party whom he contacted;
- (d) The date when contacted;
- (e) Whether an attempt was made to procure a statement in any form;
- (f) The results of such attempt;
- (g) Whether said investigator or representative submitted a report to counsel for the plaintiff or to any other person.

ANSWER:

12. Did you or your agent or employee examine or inspect the location of the wire display rack that the Plaintiffs allege to have caused the occurrence to happen, at any time prior to the alleged occurrence?

ANSWER:

13. If the answer to the preceding Interrogatory is in the affirmative, please provide the following information with regard to the first examination or inspection of such condition before the occurrence:

- a. the date and time of such examination or inspection;
- b. the name and address of each person involved in such examination or inspection;
- c. in complete detail what such examination or inspection consisted of;
- d. in complete detail, what such examination or inspection revealed or showed.

ANSWER:

14. If you, your attorney or a representative acting on your behalf are in possession of any photographs taken of the wire display rack involved in this incident or of any other wire display racks of the same design, please state:

- (a) The number of said photographs;
- (b) The date when said photographs were taken;
- (c) The name, address and occupation of the person who took said photographs;
- (d) Where said photographs were taken;
- (e) The objects shown in said photographs;

(f) The name, address and occupation of the person who presently has possession of said photographs;

(g) Whether any memoranda, notes or reports exist regarding these photographs and if so, state who made said memoranda, notes or reports and state the name and address of the person who has possession of the said memoranda, notes or reports.

ANSWER:

15. Did you or any agent or employee after the alleged occurrence repair, correct or change the location of the wire display rack alleged in the Plaintiff's Complaint to have been involved in this occurrence?

ANSWER:

16. If the answer to the preceding Interrogatory is in the affirmative, please state:

- a. the date and time of each such repair, correction or change;
- b. a full description of each such repair, correction or change.

ANSWER:

17. Please state whether any other individuals have reported to you that they have sustained injuries in one of your stores involving a wire display rack since April 1, 2000 to the present

ANSWER:

18. If your answer to the previous Interrogatory is in the affirmative, state:

- (a) The names and addresses of all persons who have reported that they have sustained injuries in these incident. If the injured person was/is represented by an attorney, please identify the name and address of the attorney;
- (b) The dates upon which all individuals allege that they were injured;
- (c) For each incident, identify the precise location where each person was injured.

ANSWER:

19. Please state whether any lawsuits have been filed as a result of individuals asserting that they have sustained personal injury in any way involving wire metal racks in any of your stores since April 1, 2000 to the present.

ANSWER:

20. If your answer to the preceding Interrogatory is yes, state:

- a. The court caption, court term and number for each lawsuit filed;
- b. The disposition of each lawsuit.

ANSWER:

21. Please state whether any other individuals have reported to you that they have sustained injuries in one of your stores involving a wire display rack in the five (5) year period prior to the date of the incident in which Plaintiff alleges that he was injured

ANSWER:

22. If your answer to the previous Interrogatory is in the affirmative, state:

- (a) The names and addresses of all persons who have reported that they have sustained injuries in these incident. If the injured person was/is represented by an attorney, please identify the name and address of the attorney;
- (b) The dates upon which all individuals allege that they were injured;
- (c) For each incident, identify the precise location where each person was injured.

ANSWER:

23. Please state whether any lawsuits have been filed as a result of personal injury in any way involving wire metal racks in any of your stores in the five (5) year period prior to the date of the incident in which plaintiff alleges that he was injured.

ANSWER:

24. If your answer to the preceding Interrogatory is yes, state:
- a. The court caption, court term and number for each lawsuit filed;
 - b. The disposition of each lawsuit.

ANSWER:

25. Please state the name and present address of each person you expect to call as an expert witness at the trial of this case.

ANSWER:

26. As to each person named in answer to the preceding Interrogatory, please state:

- a. The substance of each fact to which he or she is expected to testify;
- b. The substance of each opinion to which he or she is expected to testify;
- c. The grounds for each opinion;
- d. Their background, training, experience and other qualifications.

ANSWER:

27. Please state the name and address of each person Defendant expects to call as a lay witness at the trial of this case.

ANSWER:

28. Please state the "IDENTITY" of the individual responsible for determining the location of the display racks and display cases at your store where this incident occurred in effect at the time of this incident.

ANSWER:

29. State whether or not you are covered by a liability insurance policy applicable to the claims alleged in the Plaintiff's Complaint. If so, state the following:

- (a) The name of the insurer or insurers and policy numbers;
- (b) The name of the insured or insureds;
- (c) The limits of liability coverage for bodily injury, including excess coverage.

ANSWER:

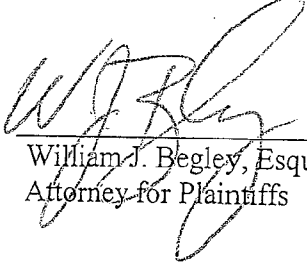
30. Please identify the manufacturer(s) of the metal display racks located in your store located at State Route 322 West, Phillipsburg, Clearfield County, Pennsylvania on the date of the incident set forth in the Plaintiff's Complaint.

ANSWER:

Respectfully submitted,

BERGER AND GREEN, P.C.

By:


William J. Begley, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I William J. Begley, Esquire hereby certify that a true and correct copy of the foregoing Plaintiff's Interrogatories to the Defendant has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 13th day of September, 2006:

Julia R. Cronin, Esquire
Law Offices of Miller, Kistler,
Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695

BERGER AND GREEN, P.C.

By: 

William J. Begley, Esquire
Attorney for the Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION

No.: 01-2045-CD

PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS
AND THINGS DIRECTED TO THE
DEFENDANT

Filed on Behalf of:
Timothy Maines, Jr., a minor, et al
Plaintiffs

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY MAINES, JR.,	:	CIVIL ACTION
a Minor, by CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR.,	:	No.: 01-2045-CD
his parents and natural guardians and	:	
CHRISTINE MAINES and	:	
TIMOTHY MAINES, SR. in their	:	
own right,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
FAMILY DOLLAR STORES OF	:	
PENNSYLVANIA, INC.	:	
	:	
Defendant.	:	

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND
THINGS DIRECTED TO THE DEFENDANT**

AND NOW, come the Plaintiffs, by and through their attorneys, Berger and Green, P.C., and William J. Begley, Esquire, and pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure and request production of the following documents, full and complete responses to which are due in thirty (30) days of service hereof.

DEFINITIONS

"Document" means and includes, without limiting the generality of its meaning, all writings on papers in the possession of this Defendant which record or relate to any act, occurrence, event or communication relating in any way to its business or activity, including, but not limited to, handwritten notes, calendar pads, notebooks, appointment books, note pads, letters, postcards, memoranda, telegrams, telexes, inter-company communications of any kind, annual or other reports, financial statements, books, records, ledgers, journals, minutes, market

studies, charts, graphs, indices, data sheets, data processing discs or readable computer produced interpretations thereof, data processing tapes, or readable computer produced interpretations thereof, bulletins, speeches, press releases, circulars, pamphlets, notices, statements, stenographic notes, maps, surveys, microfilm, microfiche, tape and disc recordings, photostats, periodicals, personal interview, log books, photographs, reproductions, facsimiles, motion pictures or drawings or videotapes wherever located and however designated or denominated by this Defendant.

"Person" means and includes, without limiting the generality of its meaning, every natural person, corporation, partnership or other business entity.

"Statement" means a written statement signed or otherwise adopted or approved by the person making it or a stenographic, mechanical, electrical or other recording or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

"Witness" means all person who have knowledge of the facts, events and circumstances immediately preceding the alleged incident which is the subject of this action; the facts, events and circumstances of the said incident; or the facts, events and circumstances immediately subsequent to the said incident.

"You" or "your" means the Defendant, Family Dollar Stores of Pennsylvania, Inc. and each of your departments, divisions, units, subsidiaries, affiliates, officers, directors, employees and all other persons acting or purporting to act on behalf of the Defendant, Family Dollar Stores of Pennsylvania, Inc. including counsel for this Defendant and agents or other person employed by counsel for this Defendant.

INSTRUCTIONS

1. Wherever appropriate, the singular form of a word should be interpreted in plural.
2. "And", as well as "or", shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request to produce any documents which might otherwise be construed to be outside the scope.
3. With respect to any document which is withheld on a claim or privilege, a statement shall be provided with shall be signed by this Defendants' attorney setting forth as to each such document:
 - (a) The name(s) of the sender(s) of the document(s);
 - (b) The name(s) of the author(s) of the document(s);
 - (c) The name(s) of the person(s) to whom copies were sent;
 - (d) Job title of every person(s) named in (a), (b) and (c) above;
 - (e) Date of document(s);
 - (f) The date on which the document(s) was received by those having possession of the document(s);
 - (g) A brief description of the nature and subject matter of the document(s);
4. In producing the documents requested herein, this Defendant should indicate the specific request(s) in response to which each document or group of documents is being produced.

REQUEST FOR PRODUCTION OF DOCUMENTS

You are hereby requested to produce the following:

1. All STATEMENT of WITNESSES, including but not limited to the parties to this action.

RESPONSE:

2. The originals, clear copies, or the negatives of any photographs relating to the above-captioned claim, including but not limited to the area of your store involved in this incident or occurrence, or any other matter or things involved in this accident or occurrence in the possession or under the control of defendant(s), their agents, servants, workmen and/or employees or counsel including the wire display rack.

RESPONSE:

3. All diagrams, pictures, sketches of the scene, and/or manner in which this incident occurred.

RESPONSE:

4. A copy of any written accident or incident report concerning this incident signed by or prepared by you or your agents, servants, workmen and/or employees.

RESPONSE:

5. A copy of the Declaration Sheet pertaining to the liability insurance coverage applicable to this claim.

RESPONSE:

6. The original or a legible photocopy of any and all insurance agreements relating to the above-captioned claim in the possession or under the control of you, your agents, servants, workmen and/or employees or counsel.

RESPONSE:

7. The entire insurance claims and investigation file or files, including all claims adjuster's activity logs, notes or summaries, and memoranda, of defendant's insurer concerning the above-captioned claim (excluding references to mental impressions, conclusions or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communications from counsel).

RESPONSE:

8. All interoffice and intraoffice memoranda between you and the representative of your insurance carrier or your third-party administrator and all memoranda to your insurance carrier's or third party administrator's file concerning the manner in which this incident occurred.

RESPONSE:

9. All interoffice and intraoffice memoranda between you and the representative(s) of your insurance carrier or third-party administrator concerning the injuries sustained by plaintiff.

RESPONSE:

10. Any investigative reports, memoranda and any other documents and writing related in any manner to the incident out of which this lawsuit arises, and any events leading up to said incident.

RESPONSE:

11. Any and all reports and documents obtained from or given to any government agency or department pertaining to the incidents or occurrence in question.

RESPONSE:

12. All incident or accident reports concerning personal injuries involving wire display racks in your stores for a period of five (5) years before the incident which is the subject of this action to the present.

RESPONSE:

13. Copies of any documents or writing that you contend support any contention that this occurrence was the fault of any other person or entity.

RESPONSE:

14. All documents regarding Plaintiff received in response to an inquiry to the Cleveland Index, or any similar entity, organization or resource providing background information on personal injury plaintiffs.

RESPONSE:

15. Any and all documents requested in the accompanying set of interrogatories directed to you.

RESPONSE:

16. A copy of the uniform or master floor plan or diagram reflecting the location of display cases, display racks, cash registers, aisles, etc. in effect on April 1, 2000 for your stores.

RESPONSE:

17. A copy of the floor plan or diagram reflecting the location of display cases, display racks, cash registers, aisles, etc. in effect on April 1, 2000 for your store located at Ames Plaza, State Route 322 West, Phillipsburg, Clearfield County, Pennsylvania.

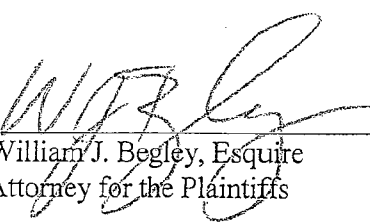
RESPONSE:

18. A copy of your written instructions manual or other materials setting forth the desired location and positioning of displays within your stores in effect on April 1, 2000.

RESPONSE:

BERGER AND GREEN

By:


William J. Begley, Esquire
Attorney for the Plaintiffs



BERGER AND GREEN

Attorneys at Law

Cynthia C. Berger
Laurence B. Green
William J. Remaley
William J. Begley
Mark F. Bennett
Michael W. Zimecki
Lindsay F. Brown

May 25, 2007

Julia R. Cronin, Esquire
Miller, Kistler, Campbell,
Miller, Williams & Benson, Inc.
720 South Atherton Street
State College, PA 16801-4628

In Re: Maines v. Family Dollar Stores of Pennsylvania
Case No.: 01-2045-CD (Clearfield County, PA)

Dear Ms. Cronin:

I am writing in follow up to the telephone message that I left with your office on Friday, May 25, 2007.

As we discussed late last month, a report from Dr. McManaway will not be possible until at least after the follow up examination of Timothy on July 7, 2007. We both need that report to properly evaluate this claim.

Since I was unable to reach you, I have taken the liberty of preparing a proposed Motion for Continuance to the January 2008 Jury Trial Term.

Assuming that the enclosed Motion meets with your approval, I ask that you please sign and date the Continuance Consent which I have also enclosed, and send it back to me so that I may attach it to the Motion and send the Motion to the Court.

This date I also received the updated office notes and records of Dr. McManaway of Hershey Pediatric Ophthalmology Associates, P.C. through April 2, 2007. A copy of those updated records and statement are enclosed, as well.

Finally, I note that I have not received responses to the Discovery that we served on you with my letter of September 13, 2006. On April 27, 2007, you called me and advised that you would have those responses to me within three weeks.



BERGER AND GREEN

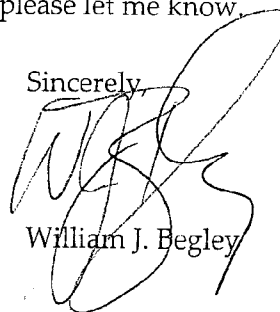
Attorneys at Law

Julia R. Cronin, Esquire
Miller, Kistler, Campbell,
Miller, Williams & Benson, Inc.
In Re: Timothy Maines, a minor
May 25, 2007
Page 2

Please advise me as to when I can expect to receive your responses to the outstanding discovery.

Thank you in advance for your prompt and courteous attention to these matters, and naturally, if you have any questions whatsoever, please let me know.

Sincerely,



William J. Begley

WJB/mtp
Enclosures



BERGER AND GREEN

Attorneys at Law

Cynthia C. Berger
Laurence B. Green
William J. Remaley
William J. Begley
Mark F. Bennett
Michael W. Zimecki
Lindsay F. Brown

March 30, 2007

Julia R. Cronin, Esquire
Law Offices of Miller, Kistler,
Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695

In Re: Timothy Maines, Jr., a minor et al vs.
Family Dollar Stores of Pennsylvania, Inc.
Case No.: 01-2045-CD

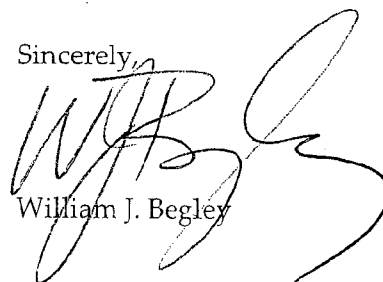
Dear Ms. Cronin:

In checking the status of this matter, I noticed that your answers to the Interrogatories and the Request for Production of Documents, which discovery we served upon you with my letter of September 13, 2006, were due a number of months ago.

In the event that I do not have your answers to our discovery by the end of business on April 27, 2007, I will be forced to file a motion to Compel.

Thank you in advance for your prompt attention to this matter.

Sincerely,



William J. Begley

WJB/sas

Exhibit "E"

Suite 200
5850 Ellsworth Avenue
Pittsburgh, PA 15232

412 661-1400 FAX 412 661-9423

Erie, PA 814 459-0522

Johnstown, PA 814 535-2224

Sharon, PA 724 981-7232

CERTIFICATE OF SERVICE

I, William J. Begley, Esquire hereby certify that a true and correct copy of the foregoing Motion to Compel Discovery has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid this 15th day of June, 2007.

Julia R. Cronin, Esquire
Law Offices of Miller, Kistler, Campbell,
Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellevue, PA 16823-1695

Respectfully submitted,

BERGER AND GREEN, INC.

By: 

William J. Begley, Esquire
Attorney for the Plaintiffs

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION NO.: 01-2045-CD

CERTIFICATE OF SERVICE OF
REQUEST FOR ADMISSION OF
FACT DIRECTED TO THE
DEFENDANT

Filed on Behalf of:

TIMOTHY MAINES, JR., a Minor,
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents
and natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right.

Counsel of Record for this party:

William J. Begley, Esquire
PA I.D. #17235
BERGER AND GREEN
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400
lawyer@bergerandgreen.com

FILED
JUN 29 2000
no cc

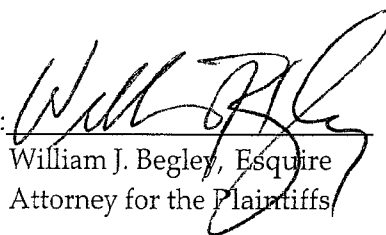
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I William J. Begley, Esquire hereby certify that a true and correct copy of the foregoing Request for Admission of Fact Directed to the Defendant has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 26th day of June, 2007.

Julia R. Cronin, Esquire
Law Offices of Miller, Kistler,
Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695

BERGER AND GREEN, P.C.

By: 
William J. Begley, Esquire
Attorney for the Plaintiffs

CA

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

TIMOTHY MAINES, JR., a minor, By CHRISTINE
MAINES and TIMOTHY MAINES, SR., his parents
and natural guardians and CHRISTINE MAINES and
TIMOTHY MAINES, SR., in their own right,
Plaintiffs

vs.

FAMILY DOLLAR STORES OF PENNSYLVANIA, INC.,
Defendant

*
*
*
*
*
*
* NO. 01-2045-CD
*
*
*

ORDER

AND NOW, this 27th day of July, 2007, it is the ORDER of the Court that a Pre-Trial Conference in the above matter shall be held on the **10th day of August, 2007, in Chambers at 1:30 o'clock p.m.**

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 1cc Atty's:
01/4/07
JUL 27 2007 Begley
T. Berson
William A. Shaw
Prothonotary/Clerk of Courts
SK

FILED

JUL 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/27/07

___ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

___ Plaintiff(s) ☒ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ☒ Defendant(s) Attorney

___ Special Instructions:

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

)
) No. 01-2045-CD
)
) JURY TRIAL DEMANDED
)
) **Type of Pleading:** Affidavit of
) Service
)
)
)
) **Filed on Behalf of: Defendant**
) Family Dollar Stores of Pennsylvania,
) Inc.
)
) **Counsel of Record for this Party:**
) Julia R. Cronin, Esquire
) MILLER, KISTLER, CAMPBELL,
) MILLER, WILLIAMS & BENSON, INC.
) 720 S. Atherton Street
) State College, PA 16801
) 814-234-1500

FILED

NOV 01 2007

M/10:20 (wms)
William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY MAINES, JR.,)	
a Minor, by CHRISTINE MAINES and)	
TIMOTHY MAINES, SR., his parents and)	
natural guardians and CHRISTINE)	
MAINES and TIMOTHY MAINES, SR.,	)	No. 01-2045-CD
in their own right,)	
)	
Plaintiffs)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
FAMILY DOLLAR STORES OF)	
PENNSYLVANIA, INC.)	
)	
Defendant)	

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA)	
	)	SS:
COUNTY OF CLEARFIELD)	

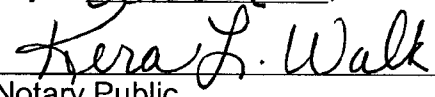
Julia R. Cronin, Esquire, attorney for Defendant in the above-captioned matter, being duly sworn according to law, deposes and says that she served the Rule to Show Cause dated October 24, 2007, which schedules the hearing on Defendant's Petition for Sealing of Settlement Documents, on William J. Begley, Esquire, counsel for Plaintiffs, on October 31, 2007 by regular, postage prepaid, United State mail.


Julia R. Cronin, Esquire

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.
720 S. Atherton Street
State College, PA 16801
814-234-1500

Counsel for Defendant Family Dollar
Stores of Pennsylvania, Inc.

Sworn to and subscribed
before me this 31
day of October, 2007.


Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Kera L. Walk, Notary Public
State College Boro, Centre County
My Commission Expires Feb. 9, 2011

Member, Pennsylvania Association of Notaries

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents and
natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES, SR.,
in their own right,

Plaintiffs

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant

No. 01-2045-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Julia R. Cronin, Esquire, of the law firm of MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC., hereby certify that the foregoing Affidavit of
Service was served this 31st day of October, 2007 by
mailing same first class United States mail, postage prepaid, addressed to counsel as
follows:

William J. Begley, Esquire
Berger and Green
5850 Ellsworth Avenue, Suite 200
Pittsburgh, PA 15232

MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.


Julia R. Cronin, Esquire

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.

CIVIL ACTION NO.: 01-2045-CD

PRAECIPE TO SETTLE AND
DISCONTINUE

Filed on Behalf of:

TIMOTHY MAINES, JR., a Minor,
by CHRISTINE MAINES and
TIMOTHY MAINES, SR., his parents
and natural guardians and CHRISTINE
MAINES and TIMOTHY MAINES,
SR., in their own right.

Counsel of Record for this party:

Mark E. Milsop, Esquire
PA I.D. #66069
BERGER AND GREEN, P.C.
Firm #777
5850 Ellsworth Avenue
Suite 200
Pittsburgh, PA 15232
(412) 661-1400

FILED NOCC
m/11:05 am 1 cert of disc
JAN 17 2008 issued to
(5) Atty
William A. Shaw
Prothonotary/Clerk of Courts Copy to CIA

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

TIMOTHY MAINES, JR.,
a Minor, by CHRISTINE MAINES and
TIMOTHY MAINES, SR.,
his parents and natural guardians and
CHRISTINE MAINES and
TIMOTHY MAINES, SR. in their
own right,

Plaintiffs,

vs.

FAMILY DOLLAR STORES OF
PENNSYLVANIA, INC.

Defendant.


CIVIL ACTION NO.: 01-2045-CD

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above referenced case settled and discontinued with prejudice.

BERGER AND GREEN, P.C.

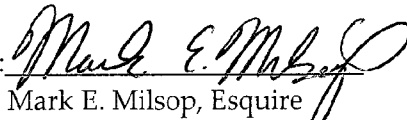
By: 
Mark E. Milsop, Esquire
Attorney for the Plaintiffs

CERTIFICATE OF SERVICE

I Mark E. Milsop, Esquire hereby certify that a true and correct copy of the foregoing Praecipe to Settle and Discontinue has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 14th day of January, 2008.

Julia R. Cronin, Esquire
Law Offices of Miller, Kistler,
Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695

BERGER AND GREEN, P.C.

By: 
Mark E. Milsop, Esquire
Attorney for the Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Timothy Maines Jr.
Christine Maines
Timothy Maines Sr.

Vs.
Family Dollar Stores Of Pennsylvania, Inc.

No. 2001-02045-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 January 17, 2008, marked:

Settled and discontinued with prejudice.

Record costs in the sum of \$80.00 have been paid in full by William J. Begley Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of January A.D. 2008.



William A. Shaw, Prothonotary

LM