

02-86-CD
THERESA D. KEISTER -vs- MILLER BROTHERS FURNITURE, INC.

THERESA D. KEISTER,

Plaintiff,

vs.

MILLER BROTHERS FURNITURE, INC.,

Defendant.

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

: CIVIL ACTION - LAW

: No. ~~2~~02 - 86-CD

: PRAECIPE FOR WRIT OF SUMMONS

: COUNSEL OF RECORD FOR PLAINTIFF:

: Nicholas F. Lorenzo, Jr., Esq.

: 410 Mahoning Street

: P.O. Box 495

: Punxsutawney, PA 15767

: (814) 938-6390

: and

: Richard J. Russell, Esq.

: ABOOD, RUSSELL, PAPPAS & ROZICH

: 709 Franklin Street

: Johnstown, Pennsylvania 15901

: (814) 535-6751

: Supreme Court I.D. No. 19934

FILED

JAN 17 2002

William A. Shaw
Prothonotary

THERESA D. KEISTER,

Plaintiff,

vs.

MILLER BROTHERS FURNITURE, INC.,

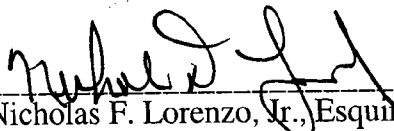
Defendant.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: CIVIL ACTION - LAW
: No. 2002 -
:
:
:

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the Plaintiff in the above-captioned action and forthwith issue the Writ of Summons against the above-named Defendant and deliver said Writ to the Sheriff of Clearfield County for service thereon of the Defendant.



Nicholas F. Lorenzo, Jr., Esquire
Attorney for Plaintiff

FILED

JAN 17 2002

William A. Shaw
Prothonotary

(2) Writs to Sheriff

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

COPY

SUMMONS

Theresa D. Keister

Vs.

NO.: 2002-00086-CD

Miller Brothers Furniture, Inc.

TO: MILLER BROTHERS FURNITURE, INC.

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

Date: 01/17/2002

William A. Shaw
Prothonotary

Issuing Attorney:

Nicholas F. Lorenzo Jr.
410 West Mahoning
Punxsutawney, PA 15767

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THERESA D. KEISTER,

Plaintiff

vs.

No. 2002-00086 CD

MILLER BROTHERS FURNITURE,
INC.,

Defendant

ENTRY OF APPEARANCE

Please enter my appearance for Defendant in the above matter. Papers may be served at the address listed below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in this action.

I certify this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties.

FILED

FEB 05 2002

01231/10 cc
William A. Shaw
Prothonotary

[Signature]

[Signature: Dennis Stofko]
DENNIS J. STOFKO, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THERESA D. KEISTER,

Plaintiff

vs.

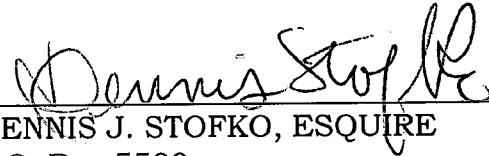
No. 2002-00086 CD

MILLER BROTHERS FURNITURE,
INC.,

Defendant

PRAECIPE

Please enter a rule on plaintiff to file her complaint within 20 days
or suffer judgment non pros.



DENNIS J. STOFKO, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

FEB 05 2002
m/2030/ Rule file complaint
William A. Shaw
Prothonotary
to atty.
E
KOD

COPY

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

Theresa D. Keister

Vs.
Miller Brothers Furniture, Inc.

Case No. #2002-00086-CD

RULE TO FILE COMPLAINT

TO: Theresa D. Keister

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

William A. Shaw, Prothonotary

Dated: February 5, 2002

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Nicholas Joseph J. Siquero
410 W. Mainway St
Punta Arenas 15767

2. Article Number (Copy from service label)

9000 16700034342 9625

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

WILLIAM A. DONARIELLO 8/8/02

C. Signature

W. A. Donaruello

☒ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

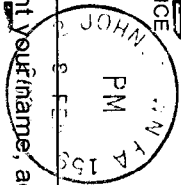
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

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

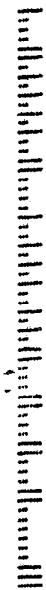


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

STOFKO LAW OFFICES
969 Eisenhower Blvd. - Suite E
P.O. Box 5500
Johnstown, Pennsylvania 15904

Stofko Law

14



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THERESA D. KEISTER,

Plaintiff

vs.

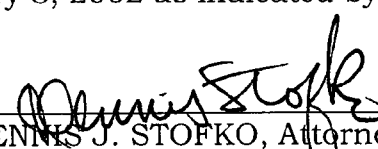
No. 2002-00086 CD

MILLER BROTHERS FURNITURE,
INC.,

Defendant

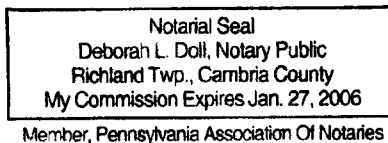
AFFIDAVIT OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the Rule to File Complaint was served via U.S. Mail, postage prepaid, on Nicholas Lorenzo, Jr., Attorney for Plaintiff, on February 8, 2002 as indicated by the attached return receipt card.


DENNIS J. STOFKO, Attorney for
Defendant

Sworn to and subscribed before
me this 12th day of February, 2002.


Notary Public



FILED

FEB 13 2002

William A. Shaw
Prothonotary

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

Theresa D. Keister

Vs.
Miller Brothers Furniture, Inc.

Case No. #2002-00086-CD

RULE TO FILE COMPLAINT

TO: Theresa D. Keister

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



William A. Shaw, Prothonotary

Dated: February 5, 2002

FILED

NO
CE
3/1/03
FEB 13 2002

William A. Shaw
Prothonotary

THERESA D. KEISTER,

Plaintiff,

vs.

MILLER BROTHERS FURNITURE, INC.,

Defendant.

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

: CIVIL ACTION - LAW
: No. 2002 - 86 CD

: COMPLAINT

: COUNSEL OF RECORD FOR PLAINTIFF:

: Nicholas F. Lorenzo, Jr., Esq.
: 410 Mahoning Street
: P.O. Box 495
: Punxsutawney, PA 15767
: (814) 938-6390

: and
: Richard J. Russell, Esq.
: ABOOD, RUSSELL, PAPPAS & ROZICH
: 709 Franklin Street
: Johnstown, Pennsylvania 15901
: (814) 535-6751
: Supreme Court I.D. No. 19934

FILED

FEB 26 2002

W *01111111* *NOCC*
W William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THERESA D. KEISTER,

Plaintiff,

v.

MILLER BROTHERS FURNITURE, INC.,

Defendant.

: CIVIL ACTION - LAW

: NO. 2002-86 CD

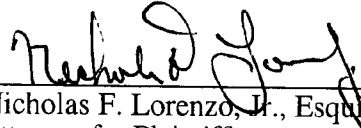
NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.


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

MidPenn Legal Services
211 1/2 E. Locust St.
Clearfield, PA 16830

By


Nicholas F. Lorenzo, Jr., Esquire
Attorney for Plaintiff

By


Richard J. Russell, Esquire
Attorney for Plaintiff

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

THERESA D. KEISTER,

Plaintiff,

v.

MILLER BROTHERS FURNITURE, INC.,

Defendant.

: CIVIL ACTION - LAW

: NO. 2002-86 CD

COMPLAINT

AND NOW comes the Plaintiff, THERESA D. KEISTER, by and through her attorneys, Abood, Russell, Pappas & Rozich, and avers the following:

1. Plaintiff, THERESA D. KEISTER, is an adult individual residing at Box 464, R.D. 3, Brockway, Jefferson County, Pennsylvania 15824.

2. Defendant, MILLER BROTHERS FURNITURE, INC., (hereinafter referred to as "Miller Brothers") is a corporation doing business in the Commonwealth of Pennsylvania and Clearfield County with offices located at I-80, P.O. Box 338, Falls Creek, Clearfield County, Pennsylvania 15840.

3. Defendant, Miller Brothers is the owner, operator and managing entity of a property situated at I-80, Exit 97, P.O. Box 338, Falls Creek, Clearfield County, Pennsylvania 15840 known as "Miller Brothers Furniture" which is conducted and maintained as a furniture store which includes a store building, parking area, and sidewalks.

4. At all times relevant hereto, it was the duty of the Defendant to keep and maintain those premises in a reasonably safe condition for those persons lawfully thereon.

5. At all times material hereto, Miller Brothers, through its agents, servants and employees, had under its care, custody, control, supervision and maintenance for the use and convenience of

business invitees, visitors and member of the general public, the store and premises, including parking areas, and sidewalks.

6. Defendant Miller Brothers had a duty and responsibility to maintain and operate those premises in a proper and safe condition for those persons properly and lawfully on the premises known as Miller Brothers, including the parking area and sidewalks located within the premises.

7. At all times material hereto, Defendant Miller Brothers did negligently allow and permit to remain on said premises a dangerous and defective condition, to wit: an accumulation of ice in the form of elevated hills and ridges in the parking area.

8. On January 24, 200 at approximately 5:00 p.m., Plaintiff, Theresa D. Keister, accompanied by her daughter, was a business invitee and/or visitor at Miller Brothers and was lawfully present on the aforesaid premises.

9. At the aforementioned date and time Plaintiff Theresa D. Keister was exiting the store and walking across the parking area to the passenger side door of her daughter's vehicle which was parked in a designated parking space.

10. As Plaintiff approached the vehicle, without warning she was caused to fall by reason of slipping on an accumulation of ice in the form of hills and ridges and as a direct and proximate result of the dangerous condition of the accumulation, she suffered severe and serious injuries and damages which are more fully described below.

11. At the time of the incident and for some time prior thereto, the Defendant did or should have had both notice and knowledge of the aforesaid dangerous condition in the exercise of reasonable care, and did allow and permit the dangerous condition to be and remain on the premises.

12. The aforesaid accident was caused solely by the tortious conduct of the Defendant, its agents, servants and employees, as hereinafter more fully set forth and was not caused in any manner whatsoever by the conduct of the Plaintiff herein.

13. The injuries and damages of the Plaintiff hereinafter set forth were the sole, direct and proximate result of the negligence of Defendant, through its agents, servants and employees acting within the course and scope of their authority and employment individually, generally and in any or all of the following respects:

- a. In failing to keep the premises in a safe condition for persons lawfully using same;
- b. In permitting the dangerous condition to be and remain on the premises when the Defendant knew, or in the exercise of reasonable care, should have known of the danger involved;
- c. In failing to warn Plaintiff of the dangerous condition created by the above-described hazard;
- d. In failing to remove, repair, or otherwise eliminate the dangerous condition of which the Defendant knew, or in the exercise of reasonable care, should have known;
- e. In permitting persons, and Plaintiff in particular, to traverse the premises when Defendant knew or in the exercise of reasonable care should have known that it was dangerous to do so and involved an unreasonable risk of harm to persons so doing;
- f. In maintaining the premises in such a manner as to constitute a danger to persons lawfully thereon;
- h. In failing to provide persons lawfully using the premises with a safe area to traverse said premises;
- i. In failing to inspect the premises to discover the dangerous condition or in inspecting so carelessly as not to have discovered the condition;
- j. In maintaining the premises in an improper manner or in employing personnel who were not sufficiently qualified to maintain the premises in a proper manner;
- k. In inspecting the premises in an improper manner or in employing personnel who were not sufficiently qualified to inspect the premises in a proper manner;
- l. In failing to hire, employ or retain personnel sufficiently qualified to supervise maintenance of the premises; and
- m. In failing to apply salt or melting or non skid agents to the area where Plaintiff fell when Defendant knew or in the exercise of reasonable care should have known it to be in an unsafe condition.

14. Solely as the direct and proximate result of the negligence of the Defendant as aforesaid, Plaintiff, Theresa D. Keister, sustained the following serious injuries, all of which are or may be of a permanent nature:

- a. injuries to the bones, muscles, tissues and ligaments of the neck, left arm and left shoulder including a rotator cuff tear and an impingement;
- b. bruises and contusions;

- c. internal injuries; shock and injury to the nerves and nervous system; and
- d. other severe and serious injuries as set forth more fully in Plaintiff's medical records and physicians' reports.

15. As a result of the aforesaid serious injuries, the Plaintiff has sustained the following damages:

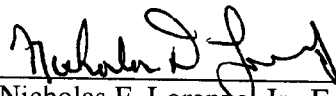
- a. Plaintiff has been and may be required to expend monies or to incur various expenses in connection with the providing of medical and surgical attention, hospitalization, medical supplies, surgical appliances, medicines, and attendant services;
- b. Plaintiff has suffered and will continue to suffer great pain, suffering, inconvenience, embarrassment, mental anguish;
- c. Plaintiff's general health, strength and vitality have been impaired; and
- d. Plaintiff has suffered loss of the enjoyment of life.

WHEREFORE, Plaintiff, Theresa D. Keister, brings this action against Defendant to recover damages in an amount in excess of the arbitration limits set by this Honorable Court.

JURY TRIAL DEMANDED

Respectfully submitted,

LORENZO & GIANVITO

By: 
Nicholas F. Lorenzo, Jr., Esquire
Attorney for Plaintiff

By: 
Richard J. Russell, Esquire
Attorney for Plaintiff

VERIFICATION

I, Theresa D. Keister, verify that the statements made in the foregoing
Complaint

are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.


Theresa D. Keister

Dated: 02/12/02

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February 2002, a true and correct copy of the within Complaint was forwarded to the following by United States regular mail, postage prepaid:

Dennis J. Stofko, Esq.
P.O. Box 5500
Johnstown, PA 15904



Nicholas J. Lorenzo, Jr., Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THERESA D. KEISTER,

Plaintiff

vs.

No. 2002-00086 CD

MILLER BROTHERS FURNITURE,
INC.,

Defendant

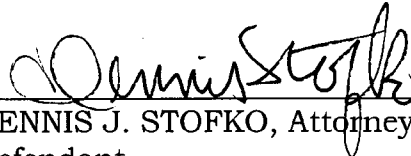
vs.

MICHAEL YUSKUNIS, individually and d/b/a
Mike's Snow Plowing,

Additional Defendant

PRAECIPE

Please issue a Writ of Summons joining as an additional Defendant,
Michael Yuskunis, individually and d/b/a Mike's Snow Plowing.


DENNIS J. STOFKO, Attorney for
Defendant

FILED

FEB 28 2002

William A. Shaw
Prothonotary

FILED

FEB 28 2002

1718.47 / 20114 Summons

William A. Shaw
Prothonotary
Shaw & Let

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WRIT TO JOIN ADDITIONAL DEFENDANT

Theresa D. Keister

Plaintiff(s)

Vs.

Miller Brothers Furniture, Inc.

Defendant(s)

2002-00086-CD

Vs.

Michael Yuskunis, individually and d/b/a

Mike's Snow Plowing

Additional Defendant(s)

To: Michael Yuskunis, individually and d/b/a

Mike's Snow Plowing

You are notified that Dennis J. Stofko, Esquire has joined you as an additional defendant in this action, which you are required to defend.

Dated: February 28, 2002

Prothonotary

Filing Attorney: Dennis J. Stofko, Esquire
969 Eisenhower Boulevard
Suite E
P.O. Box 5500
Johnstown, PA 15904

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THERESA D. KEISTER,

Plaintiff

vs.

No. 2002-00086 CD

MILLER BROTHERS FURNITURE,
INC.,

Defendant

ANSWER AND NEW MATTER
Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

TO THE PARTIES:

You are hereby notified to reply to
the enclosed New Matter within 20
days of service hereof or a default
judgment may be entered against you.

FILED

MAR 04 2002

William A. Shaw
Prothonotary

ANSWER AND NEW MATTER

NOW COMES the Defendant, Miller Brothers Furniture, Inc., by and through counsel, Dennis J. Stofko, and files the following Answer and New Matter to Plaintiff's Complaint.

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied. Paragraph 5 contains a conclusion of law to which no responsive pleading is required.
6. Denied. Paragraph 6 contains a conclusion of law to which no responsive pleading is required.
7. Denied. Paragraph 7 contains a conclusion of law to which no responsive pleading is required.
8. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
9. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
10. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

11. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

12. Denied. Paragraph 12 contains a conclusion of law to which no responsive pleading is required.

13. Denied. Paragraph 13 contains a conclusion of law to which no responsive pleading is required.

14. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

15. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendant requests Plaintiff's Complaint be dismissed.

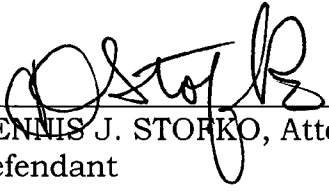
NEW MATTER

16. The Defendant is informed, believes and therefore avers that the Plaintiff is contributorily negligent and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978, Pl. 202 No. 53 Section 10 (89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after January 24, 2000 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendant.

17. In the alternative pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. CSA Section 7102A any damage which the Plaintiff may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff.

18. Plaintiff has failed to state a cause of action upon which relief can be granted.

WHEREFORE, Defendant requests judgment on their behalf.



DENNIS J. STORKO, Attorney for
Defendant

I, Duane Miller, being an authorized representative of Miller Brothers Furniture, Inc., do hereby swear or affirm that the facts set forth in the Answer and New Matter are true and correct to the best of my knowledge, information and belief.

I understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.

MILLER BROTHERS FURNITURE,
INC.

By Duane A Miller

Dated: 02/28/02

FILED
MAR 11 11 AM
MAR 04 2002

William A. Shaw
Prothonotary

THERESA D. KEISTER,

Plaintiff,

vs.

MILLER BROTHERS FURNITURE, INC.,

Defendant.

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

:
: CIVIL ACTION - LAW
: No. 2002 - 86 CD

:
: REPLY TO NEW MATTER

:
: COUNSEL OF RECORD FOR PLAINTIFF:

: Nicholas F. Lorenzo, Jr., Esq.

: 410 Mahoning Street

: P.O. Box 495

: Punxsutawney, PA 15767

: (814) 938-6390

: and

: Richard J. Russell, Esq.

: ABOOD, RUSSELL, PAPPAS & ROZICH

: 709 Franklin Street

: Johnstown, Pennsylvania 15901

: (814) 535-6751

: Supreme Court I.D. No. 19934

FILED

MAR 11 2002

pn/ 8-30/ur

William A. Shaw
Prothonotary

1 CENT TO ARTS

*E
KPL*

<p>THERESA D. KEISTER,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>MILLER BROTHERS FURNITURE, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>: IN THE COURT OF COMMON PLEAS OF</p> <p>: CLEARFIELD COUNTY, PENNSYLVANIA</p> <p>:</p> <p>: CIVIL ACTION - LAW</p> <p>: No. 2002 - 86 CD</p> <p>:</p> <p>:</p> <p>:</p>
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REPLY TO NEW MATTER

AND NOW COMES the Plaintiff, Theresa D. Keister by and through her attorneys, Nicholas F. Lorenzo, Jr., Lorenzo & Gianvito, and Richard J. Russell, Esquire, Abood, Russell, Pappas & Rozich and files the within Reply to New Matter as follows:

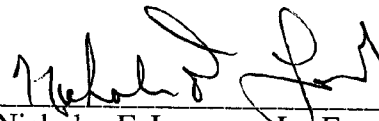
16. The contents of Paragraph 16 contain conclusions of fact and law to which no response is required. To the extent that any response is required, it is specifically denied that the Plaintiff was in any way negligent in any manner whatsoever. It is also specifically denied that Plaintiff is barred in any way from recovery. To the contrary, Plaintiff's damages and injuries were caused solely, directly and proximately by the negligence and carelessness of the Defendant.

17. The contents of Paragraph 17 contain conclusions of fact and law to which no response is required. To the extent that any response is required, it is specifically denied that the Plaintiff's damages should be diminished. To the contrary, Plaintiff's injuries and damages were caused solely, directly and proximately by the negligence and carelessness of the Defendant.


18. The contents of Paragraph 18 contain conclusions of fact and law to which no response is required. To the extent that any response is required, it is specifically denied Plaintiff has failed to state a cause of action against Defendant.

WHEREFORE, Plaintiff prays that judgment be entered in her favor and against the Defendant.

Respectfully Submitted,

By: 

Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff

By: 

Richard J. Russell, Esquire
Attorney for Plaintiff

VERIFICATION

I, Theresa D. Keister, verify that the statements made in the foregoing
Reply to New Matter

are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

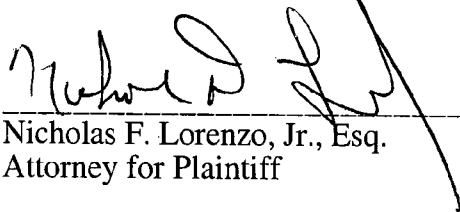
Theresa D. Keister

Dated: 3/8/02

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of March, 2002, a true and correct copy of the within Reply to New Matter was forwarded to counsel of record by United States regular mail, postage prepaid, as follows:

Dennis J. Stofko, Esq.
P.O. Box 5500
Johnstown, PA 15904



Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff

FILED

MAR 11 2002

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11985

KEISTER, THERESA D.

02-86-CD

VS.

MILLER BROTHERS FURNITURE, INC.

SUMMONS

SHERIFF RETURNS

NOW JANUARY 22, 2002 AT 11:47 AM EST SERVED THE WITHIN SUMMONS
ON MILLER BROTHERS FURNITURE, INC., DEFENDANT AT EMPLOYMENT,
I-80 & RT 830, FALLS CREEK, CLEARFIELD COUNTY, PENNSYLVANIA BY
HANDING TO SUSAN MANUSO, SECRETARY A TRUE AND ATTESTED COPY
OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS
THEREOF.

SERVED BY: MCLEARY

Return Costs

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

FILED

MAR 25 2002

019:30 am
William A. Shaw
Prothonotary

Sworn to Before Me This

25th Day Of March 2002
Jacqueline Kisdick
Deputy Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

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

COPY

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

SUMMONS

Theresa D. Keister

Vs.

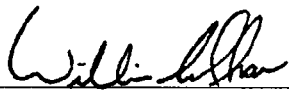
NO.: 2002-00086-CD

Miller Brothers Furniture, Inc.

TO: MILLER BROTHERS FURNITURE, INC.

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

Date: 01/17/2002



William A. Shaw
Prothonotary

Issuing Attorney:

Nicholas F. Lorenzo Jr.
410 West Mahoning
Punxsutawney, PA 15767

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12180

KEISTER, THERESA D.

02-86-CD

VS.

MILLER BROTHERS FURNITURE INC. -vs- YUSKUNIS, MICHAEL

WRIT TO JOIN ADDITIONAL DEFENDANT

SHERIFF RETURNS

NOW MARCH 5, 2002 AT 2:30 PM EST SERVED THE WITHIN WRIT TO JOIN
ADDITIONAL DEFENDANT ON MICHAEL YUSKUNIS I/a/d/b/a MIKE'S SNOW
PLOWING, DEFENDANT AT MEETING PLACE, 436 CHURCH ST., DUBOIS,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MICHAEL YUSKUNIS A
TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT TO JOIN ADDITIONAL
DEFENDANT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: COUDRIET

Return Costs

Cost	Description
30.69	SHFF. HAWKINS PAID BY; ATTY.
10.00	SURCHARGE PAID BY; ATTY.

FILED

MAY 02 2002
0400/
William A. Shaw
Prothonotary *EKS*

Sworn to Before Me This

2nd Day Of *May* 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 Marklyn Harris
Chester A. Hawkins
Sheriff

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WRIT TO JOIN ADDITIONAL DEFENDANT

Theresa D. Keister

Plaintiff(s)

Vs.

Miller Brothers Furniture, Inc.

2002-00086-CD

Defendant(s)

Vs.

Michael Yuskunis, individually and d/b/a

Mike's Snow Plowing

Additional Defendant(s)

To: Michael Yuskunis, individually and d/b/a

Mike's Snow Plowing

You are notified that Dennis J. Stofko, Esquire has joined you as an additional defendant in this action, which you are required to defend.

Dated: February 28, 2002



Prothonotary

Filing Attorney: Dennis J. Stofko, Esquire
969 Eisenhower Boulevard
Suite E
P.O. Box 5500
Johnstown, PA 15904

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WRIT TO JOIN ADDITIONAL DEFENDANT

Theresa D. Keister

Plaintiff(s)

Vs.

Miller Brothers Furniture, Inc.

Defendant(s)

2002-00086-CD

Vs.

Michael Yuskunis, individually and d/b/a

Mike's Snow Plowing

Additional Defendant(s)

To: Michael Yuskunis, individually and d/b/a

Mike's Snow Plowing

You are notified that Dennis J. Stofko, Esquire has joined you as an additional defendant in this action, which you are required to defend.

Dated: February 28, 2002



Prothonotary

Filing Attorney: Dennis J. Stofko, Esquire
969 Eisenhower Boulevard
Suite E
P.O. Box 5500
Johnstown, PA 15904

STOFKO LAW OFFICES

DENNIS J. STOFKO
ANDREW L. HORVATH
ROBERT L. FREY, JR.

969 EISENHOWER BOULEVARD, SUITE E
P.O. BOX 5500
JOHNSTOWN, PENNSYLVANIA 15904

TELEPHONE 814-262-0064 or 814-262-7341
FAX 814-262-0905
E-MAIL stofkoesq@charterpa.com

April 16, 2003

William Shaw, Prothonotary
Clearfield County Courthouse
1 North Second Street
Clearfield, Pennsylvania 16830

Re: Keister vs. Miller Brothers Furniture Inc
No. 2002-00086 CD

Dear Mr. Shaw:

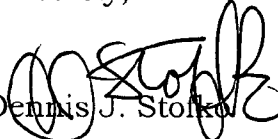
I herewith enclose a Praecipe for Discontinuance and one copy for filing in the above captioned matter.

Please forward a Certificate of Discontinuance or time-stamped copy at your earliest convenience. Enclosed is a self addressed, stamped envelope.

Thank you for your attention to this matter.

Should you have any questions, please feel free to contact me.

Sincerely,


Dennis J. Stofko

DJS/lss
Enclosures

FILED

APR 21 2003

William A. Shaw
Prothonotary

FILED *path*
M 2:25 .1 CC to
APR 21 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Theresa D. Keister

Vs.

No. 2002-00086-CD

Miller Brothers Furniture, Inc.

Michael Yuskunis

Mike's Snow Plowing

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 21, 2003, marked:

Discontinued

Record costs in the sum of \$163.33 have been paid in full by Attorney for Plaintiff.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of April A.D. 2003.

William A. Shaw, Prothonotary