

02-409-00

HARRY JEFFERSON RIPLEY, JR. et ux -vs- MATTHEW T. BELIN et al

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-00

Plaintiffs,

COMPLAINT IN CIVIL ACTION

Code: 001

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

Filed on Behalf of the  
Plaintiff

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN  
Firm No. 795  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

File No.: 69130

NOTICE TO PLEAD

To: Defendants  
You are hereby notified to file a written  
response to the enclosed Complaint  
within twenty (20) days from  
service hereof or a judgement may be  
entered against you.

Kiger & Alpern

ATTORNEYS FOR Plaintiffs

FILED

MAR 20 2002

11:05 AM, atty Kiger  
William A. Shaw pd \$80.00  
Prothonotary rock

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.:

Plaintiffs,

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

**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 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 property or other rights important.

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

COURT ADMINISTRATOR-CLEARFIELD COUNTY  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

Telephone: (814) 765-2641 ext. 5982

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.:

Plaintiffs,

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

**COMPLAINT IN CIVIL ACTION**

Plaintiffs, Harry Jefferson Ripley, Jr. and Evelyn Ripley, his wife, by their attorneys,  
Jerome W. Kiger, Esquire, Amy B. Kubisiak, Esquire and Kiger & Alpern, Esquires make the  
following Complaint against the Defendant:

1. Plaintiff, Harry Jefferson Ripley, Jr. and Evelyn Ripley, his wife, are adult individual residing at 35 Cardinal Drive, DuBois, Clearfield County, Pennsylvania 15801.
2. Defendant, Matthew T. Belin is an adult individual residing at 300 Treasure Lake, DuBois, Pennsylvania, 15801.
3. Defendant Department of General Services Eq. of the Commonwealth of Pennsylvania (hereinafter referred to as Defendant General Services) is an agency of the Commonwealth of Pennsylvania with an address of 2221 Forster Street, Harrisburg, Dauphin County, PA 17125.

4. Defendant Department of Auditor General of the Commonwealth of Pennsylvania (hereinafter referred to as Defendant Auditor General) is an agency of the Commonwealth of Pennsylvania with an address of Bureau of State-Aided Audits, Room 316D, Finance Building Harrisburg, Dauphin County, PA 17120.

5. At all times material hereto, Plaintiff Harry Jefferson Ripley, Jr. was the owner and operator of a 1999 Harley Davidson, Roadking Classic Motorcycle, Pennsylvania registration plate number 6ST3T, Pennsylvania title number 53698532, (hereinafter referred to as "Plaintiff motorcycle"). The Plaintiff motorcycle was then and there being operated by the Plaintiff, Harry Jefferson Ripley with the knowledge, consent and permission of the owner of the vehicle.

6. At all times material hereto, Defendant General Services was the owner of a 1999 Dodge Stratus, Pennsylvania registration plate number 19459PA, Pennsylvania title number 53388873901 (hereinafter referred to as Defendant vehicle). The Defendant vehicle was then and there being operated by Defendant Belin, an agent and employee of Defendant Auditor General. The Defendant vehicle was then and there being operated by the Defendant, Matthew T. Belin, with the knowledge, consent and permission of the owners of the vehicle.

7. East Park Avenue, also known as State Route 4014, is a public roadway that runs in an east-west direction through the town of Dubois, Clearfield County, Pennsylvania,

8. On or about May 22, 2000, at approximately 11:34 a.m., Plaintiff was traveling east on East Park Avenue. Defendant Belin, in the course of his employment with the Defendant Auditor General, was driving a vehicle owned by Defendant General Services, west on East Park Avenue. Defendant attempted to make a left turn into a Sheetz parking lot directly in the lane of travel of the Plaintiff motorcycle causing a collision between the two vehicles. Plaintiff was thrown from his motorcycle and the Defendant vehicle hit his left leg thereby causing severe and serious

injuries to the Plaintiff as more fully set forth herein.

9. The injuries and damages set forth herein were the direct and proximate result of the negligence of the Defendants generally, individually, jointly and severally, and in the following respects:

- a. In operating said vehicle at a high, dangerous and reckless speed under the circumstances;
- b. In failing to keep said vehicle under proper control under the circumstances;
- c. In operating said vehicle in an erratic manner;
- d. In failing to operate said vehicle with proper caution;
- e. In continuing to operate said vehicle in a direction toward the Plaintiff motorcycle vehicle when Defendant Belin saw or in the exercise of reasonable care should have seen that further operation in that direction would cause a collision;
- f. In failing to operate the brakes in such a manner that said vehicle could be stopped before causing a collision;
- g. In failing to stop said vehicle when he knew or should have known, of the danger to approaching vehicles;
- h. In failing to yield the right of way;
- i. In failing to observe with reasonable care the traffic, including the location of Plaintiff's motorcycle;
- j. In being inattentive and failing to maintain a proper lookout of the road and the conditions of traffic surrounding said vehicle;
- k. In failing to sound a horn or give other warning to Plaintiff as Defendant Belin was operating said vehicle;
- l. In failing to keep and maintain said vehicle in proper mechanical condition;
- m. In failing to properly inspect said vehicle to determine any mechanical defects;
- n. In the alternative, in continuing to operate said vehicle on a public roadway in disregard of the safety of other persons, such as the Plaintiff, when Defendant Belin knew or in the exercise of reasonable care should have known, that said vehicle had a mechanical problem or problems which could result in an accident and

of not ceasing the use of said vehicle until a person or persons qualified to do so inspected said vehicle for mechanical defects and remedied same, if any;

- o. In failing to observe the care and caution required under the circumstances;
- p. In violating the ordinances of the Township of Dubois and the County of Clearfield and the Motor Vehicle Code of the Commonwealth of Pennsylvania, including but not limited to:
  - (1) 75 Pa. C.S.A. Sections 3331 and 3332 by turning left directly in the path of the Plaintiff motorcycle;
  - (2) 75 Pa. C.S.A. Section 3361 by driving a vehicle at a speed greater than was reasonable and prudent under the circumstances having regard to the actual and potential hazards then existing;
  - (3) 75 Pa. C.S.A. Section 3361 by failing to have due regard for the actual and potential hazards then and there existing;
  - (4) 75 Pa. C.S.A. Section 3361 by operating said vehicle at a speed greater than would permit Defendant driver to bring said vehicle to a stop within the assured clear distance;
  - (5) 75 Pa. C.S.A. Section 3361 by failing to drive at a safe and appropriate speed when special hazards exist with respect to other traffic;
  - (6) 75 Pa. C.S.A. Section 3361 by failing to drive at a safe and appropriate speed by reason of weather and/or highway conditions;
  - (7) 75 Pa. C.S.A. Section 3361 by failing to yield the right-of-way of approaching traffic when entering roadway; and
  - (8) 75 Pa. C.S.A. Section 3714 by failing to drive at a safe and reasonable speed when special hazards existed with respect to other traffic;
  - (9) 75 Pa. C.S.A. Section 3714 by recklessly driving a vehicle in careless disregard for the safety of persons including Plaintiffs;
- q. With respect to Defendant General Services, negligent entrustment of its vehicle to Defendant Belin, when it knew or should have known that Defendant Belin was not capable of operating said vehicle;
- r. With respect to Defendant General Services and Defendant Auditor General, in failing to maintain proper and adequate supervision over the activities of their agents, servants, employees and/or tenants;

- r. With respect to Defendant General Services and Defendant Auditor General, in failing to control the conduct of agents, servants, employees in their conduct of activities with regard to the Defendant vehicle rack they knew or in the exercise of reasonable care and diligence should have known;
- s. In otherwise failing to accord Plaintiff the care owed to them under all the attendant circumstances;
- t. In otherwise being negligent and careless, in otherwise acting or failing to act in connection with the operation, maintenance and use of said vehicle in such a manner as would cause injury, under the facts and circumstances as set forth in this Complaint, and as shall appear from the facts of this case, such facts presently within the knowledge or under the control of the Defendants or others, and which will be revealed during the course of discovery and trial in this case, including testimony from Defendants, or others, and from records, documents, or other writings in Defendants' possession or produced during discovery or trial.

10. As the result of the negligence of the Defendants as aforesaid, Plaintiff, Harry Jeff Ripley, Jr., sustained the following injuries all of which are, or may be, of a permanent nature and which are more fully set forth in his medical records and reports:

- a. Injuries to the bones, muscles tissues and ligaments of neck, back, shoulders, arms, chest, spine, hips, legs and other parts of his body;
- b. Crush injury to left lower leg with hematoma;
- c. Significant skin loss on left lower leg;
- d. Ulcer on left lower leg as a result of the crush injury;
- e. Various contusions, lacerations and/or abrasions;
- f. Swelling, tenderness and bruising to his lower extremities;
- g. Significant scarring and thickening of the skin of the left lower leg;
- h. Ecchymosis and blistering of the lower left leg;
- i. Right buttock pain radiating into her knees and ankle;
- j. Pain, achiness and burning sensation in his left leg;
- k. Internal injuries and shock to the nervous system;



- l. Permanent injuries, disfigurement and disability;
- m. Serious impairment of bodily functions;
- n. Other severe and serious injuries as set forth more fully in Plaintiff's medical records and reports;
- o. In the alternative, if any injury or medical condition is proven to be preexisting, aggravation of such preexisting injuries or medical conditions.

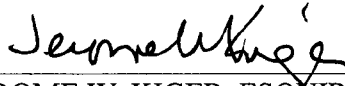
11. As the result of these injuries Plaintiff Harry Jefferson Ripley, Jr. has sustained the following damages:

- a. He has suffered serious, severe and permanent injuries to his body;
- b. He has suffered and will suffer great pain, suffering, inconvenience, humiliation, embarrassment and mental anguish and loss of the ordinary pleasures of life and family life;
- c. He has been and will be required to expend sums of money for medical attention, hospitalization, medical supplies, surgeries, debridements and lancements, surgical appliances, medicines and attendant services;
- f. His general health, strength and vitality have been impaired and will be impaired in the future;
- f. Permanent injuries, disfigurement and disability;
- g. Loss of income and impairment of future earning capacity;
- h. Other damages to be determined.

12. By reason of the aforesaid injuries to her husband, Harry Jefferson Ripley, Jr., and as a result of the negligence of the Defendants as aforesaid, Plaintiff, Evelyn Ripley, has been and will be in the future deprived of the services, assistance, and companionship, and consortium of her husband and loss of enjoyment of the ordinary pleasures of life, including marital and family life, and has sustained damages as a result thereof.

WHEREFORE, in consideration of the foregoing, Plaintiffs demand judgment against Defendants jointly and severally in excess of the arbitration limits of this court, at the proper costs and charges thereto.

JURY TRIAL DEMANDED

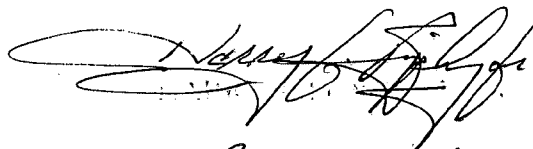
  
\_\_\_\_\_  
JEROME W. KIGER, ESQUIRE  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811  
ATTORNEY FOR PLAINTIFFS

### VERIFICATION

The undersigned, having read the attached Complaint in Civil Action, verifies that the within Complaint is based on information furnished to the undersigned by the undersigned or information gathered by counsel in the course of this lawsuit. The undersigned is not a party to this lawsuit and not of the signers. Signer certifies that the facts stated are true and correct to the best of the signers knowledge and belief. The undersigned is not a party to this lawsuit and not of the signers. The contents of the Complaint are true and correct to the best of the signers knowledge and belief. This Verification is made under oath and the undersigned is subject to the penalties for perjury. This Verification is made under oath and the undersigned is subject to the penalties for perjury.

3-15-02  
Date

3-15-02  
Date



Evelyn K. Lely  
INDEPENDENT

FOR SERVICE  
DEPARTMENT OF JUSTICE  
DO NOT WRITE IN THESE SPACES  
DO NOT WRITE IN THESE SPACES

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

**PRAECIPE TO REINSTATE  
COMPLAINT IN CIVIL ACTION**

Code: 001

VS.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

Filed on Behalf of the  
Plaintiff

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN  
Firm No. 795  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

File No.: 69130

**FILED**

APR 12 2002

M/10:58 a.m.  
William A. Shaw  
Prothonotary (M)

3CC reinstated to Sheriff

EKD

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

PRAECIPE TO REINSTATE COMPLAINT IN CIVIL ACTION

PROTHONOTARY:

*[Signature]*  
Deputy Prothonotary

Kindly Reinstate the Complaint against the Defendants.

*[Signature]*  
JEROME W. KIGER, ESQUIRE  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811  
ATTORNEY FOR PLAINTIFFS

4-12-02 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

  
Deputy Prothonotary

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

**NOTICE OF SERVICE OF PLAINTIFF'S  
FIRST SET OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION  
OF DOCUMENTS DIRECTED TO  
DEFENDANTS**

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

Filed on Behalf of the  
Plaintiff

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN  
Firm No. 795  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

File No.: 69130

**FILED**

APR 17 2002

mll:ll/rocc

William A. Shaw  
Prothonotary

GA  
KPS

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

**NOTICE OF SERVICE OF PLAINTIFF'S FIRST SET OF INTERROGATORIES AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO  
DEFENDANTS**

To: Prothonotary

I hereby certify that on April 15, 2002 Plaintiff's First Set of Interrogatories and First Request for Production of Documents were served on the Defendants by mailing same by first class United states Mail, postage prepaid, to the following:

John R. Benty, Esquire  
Deputy Attorney General  
Office of Attorney General  
Tort Litigation Unit  
4th Floor Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

KIGER & ALPERN



JEROME W. KIGER, ESQUIRE

AMY B. KUBISIAK, ESQUIRE

KIGER & ALPERN

1404 Grant Building

Pittsburgh, PA 15219

(412) 765-1811


ATTORNEYS FOR PLAINTIFFS



**CERTIFICATE OF SERVICE**

I, Amy B. Kubisiak, Esquire, do hereby certify that a true and correct copy of the  
within Plaintiffs' Notice of Service was served to the following via U.S. First Class,  
postage prepaid on April 15, 2002:

John R. Benty, Esquire  
Deputy Attorney General  
Office of Attorney General  
Tort Litigation Unit  
4th Floor Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

  
\_\_\_\_\_  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811  
ATTORNEYS FOR PLAINTIFFS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

CIVIL ACTION

No. 02-409 CD

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

**PRAECIPE FOR APPEARANCE**

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**FILED**

APR 20 2002

m71.18/roce  
William A. Shaw *WAS*  
Prothonotary

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above-referenced case on behalf of the defendants, Matthew T. Belin; Department of General Services Eq. of the Commonwealth of Pennsylvania; and Department of Auditor General of the Commonwealth of Pennsylvania. The defendants, Matthew T. Belin; Department of General Services Eq. of the Commonwealth of Pennsylvania; and Department of Auditor General of the Commonwealth of Pennsylvania, hereby demand a trial by a jury of twelve.

D. MICHAEL FISHER  
Attorney General

BY:



BRIAN H. BAXTER  
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRAECIPE FOR APPEARANCE was served upon the following counsel of record, via first-class mail, postage pre-paid on April 26, 2002:

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY:



BRIAN H. BAXTER  
Sr. Deputy Attorney General

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

Sheriff Docket # 12267

RIPLEY, HARRY JEFFERSON JR. and EVELYN

02-409-CD

VS.

BELIN, MATTHEW T. AI

COMPLAINT

**SHERIFF RETURNS**

NOW APRIL 12, 2002, JOHN LOTWICK, SHERIFF OF DAUPHIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON OFFICE OF ATTORNEY GENERAL OF THE COMMONWEALTH OF PENNSYLVANIA, DEFENDANT.

NOW APRIL 19, 2002 SERVED THE WITHIN COMPLAINT ON OFFICE OF THE ATTORNEY GENERAL, DEFENDANT BY DEPUTIZING THE SHERIFF OF DAUPHIN COUNTY. THE RETURN OF SHERIFF LOTWICK IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED CATHY STEHMAN, EX. SEC.

**Return Costs**

Cost Description

18.50 SHFF. HAWKINS PAID BY: ATTY.

25.50 SHFF. LOTWICK PAID BY: ATTY.

10.00 SURCHARGE PAID BY: ATTY.

**FILED**

MAY 07 2002

0110:35

William A. Shaw  
Prothonotary

Sworn to Before Me This

7th 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 Matthew T. Belin*  
Chester A. Hawkins  
Sheriff

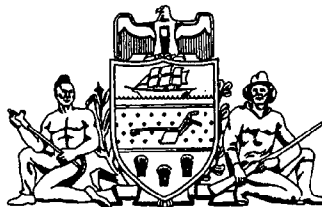
*Ed*  
*HE*

# Office of the Sheriff

12267

Mary Jane Snyder  
Real Estate Deputy

William T. Tully  
Solicitor



J. Daniel Basile  
Chief Deputy

Michael W. Rinehart  
Assistant Chief Deputy

Dauphin County  
Harrisburg, Pennsylvania 17101  
ph: (717) 255-2660 fax: (717) 255-2889

Jack Lotwick  
Sheriff

Commonwealth of Pennsylvania : RIPLEY HARRY J  
vs  
County of Dauphin : OFFICE OF ATTORNEY GENERAL

## Sheriff's Return

No. 0952-T - - -2002

OTHER COUNTY NO. 02-409-CD

AND NOW: April 19, 2002 at 9:00AM served the within

COMPLAINT upon  
OFFICE OF ATTORNEY GENERAL by personally handing  
to CATHY STEHMAN, EXECUTIVE SECRETARY 1 true attested copy(ies)  
of the original COMPLAINT and making known  
to him/her the contents thereof at TORT LITIGATION SECTION  
15TH FLOOR STRAWBERRY SQUARE  
HBG, PA 17101-0000

Sworn and subscribed to  
before me this 23RD day of APRIL, 2002

*Stephen C. (Harina)*  
PROTHONOTARY

So Answers,

*J R Lotwick*

Sheriff of Dauphin County, Pa.

*Anthony E. Frey*

By Deputy Sheriff

Sheriff's Costs: \$25.50 PD 04/22/2002

RCPT NO 163282

FRITZ



# Sheriff's Office Clearfield County

OFFICE (814) 765-2641  
AFTER 4:00 P.M. (814) 765-1533  
CLEARFIELD COUNTY FAX  
(814) 765-5915

CHESTER A. HAWKINS  
SHERIFF

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ  
CHIEF DEPUTY  
MARGARET PUTT  
OFFICE MANAGER

MARILYN HAMM  
DEPT. CLERK  
PETER F. SMITH  
SOLICITOR

## DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY J. RIPLEY

TERM & NO. 02-409-CD

VS

**SERVE BY:** 5/12/02

MATTHEW T. BELIN a1

**DOCUMENT TO BE SERVED:**

COMPLAINT

**MAKE REFUND PAYABLE TO:** KIGER & ALPERN, Attorneys

**SERVE:** OFFICE OF ATTORNEY GENERAL OF THE COMMONWEALTH OF PENNSYLVANIA

**ADDRESS:** PERSON IN CHARGE; Tort Litigation Section, 15th Floor  
Strawberry Square, Harrisburg, Pa. 17120

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF DAUPHIN COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 12th Day of APRIL 2002.

Respectfully,

  
CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY

# KIGER & ALPERN

ATTORNEYS AT LAW  
1404 GRANT BUILDING

(412) 765-1811

PITTSBURGH, PENNSYLVANIA 15219-2301

FAX (412) 765-0440

April 11, 2002

Dauphin County Sheriff's Department  
P.O. Box 1067  
Harrisburg, PA 17101

Re: **Ripley v. Belin, et al 02-409 CD Clearfield County**  
Date of Accident: **May 22, 2000**  
Our File No.: **69130**

Dear Sir/Madam:

Enclosed please a certified copy a reinstated Complaint in Civil Action, a check on the amount of \$25.50 and a self-addressed stamped envelope for return of service.

We have requested from the Sheriff of Clearfield County to deputize Dauphin County for service of a Complaint in Civil action upon the parties listed below.

**PERSON IN CHARGE  
OFFICE OF ATTORNEY GENERAL  
OF THE COMMONWEALTH OF PENNSYLVANIA  
TORT LITIGATION SECTION  
15<sup>TH</sup> FLOOR  
STRAWBERRY SQUARE  
HARRISBURG, PA 17120**

If there are additional costs, please advise.

Thank you.

If you have any questions, please advise.

Very truly yours,

KIGER & ALPERN



AMY B. KUBISIAK

ABK/bhs

Enclosures

M:\KIGER2\Ripley\DAUPH.CTY.SHERIFF.SERV.02.DOC





**COUNTY OF DAUPHIN**  
HARRISBURG, PA.

**J. R. LOTWICK**  
**SHERIFF OF DAUPHIN COUNTY**  
**OFFICIAL RECEIPT**

RECEIPT NUMBER...163282  
RECEIVED FROM...KIGER & ALPERN  
DESCRIPTION.....( 1) CIVIL ACTION-NOTICE  
DOCKET NUMBER....0952T      2002  
DEFENDANT.....ATTORNEY GENERAL

RECEIPT DATE...04/22/2002  
OPERATOR.....KH

COUNTY.....\*\*\*\*\*23.00  
STATE.....\*\*\*\*\*.00  
AGENCY.....\*\*\*\*\*2.50  
TOTAL.....\*\*\*\*\*25.50

CASH.....\*\*\*\*\*.00  
CHECK.....\*\*\*\*\*25.50

RECD. BY JR Lotwick

COPY

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

COMPLAINT IN CIVIL ACTION

Code: 001

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

Filed on Behalf of the  
Plaintiff

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN  
Firm No. 795  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

File No.: 69130

<p>NOTICE TO PLEAD</p> <p>To: <u>Defendants</u></p> <p>You are hereby notified to file a written response to the enclosed <u>Complaint</u> within twenty (20) days from service hereof or a judgement may be entered against you.</p> <p>Kiger &amp; Alpern ATTORNEYS FOR <u>Plaintiffs</u></p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

4-12-02 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Willi Alpern  
Deputy Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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and DEPARTMENT OF AUDITOR GENERAL  
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PENNSLYVANIA,

Defendants.

**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 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 property or other rights important.

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

COURT ADMINISTRATOR-CLEARFIELD COUNTY  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

Telephone: (814) 765-2641 ext. 5982

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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HARRY JEFFERSON RIPLEY, JR. and  
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OF THE COMMONWEALTH OF  
PENNSLYVANIA,

Defendants.

COMPLAINT IN CIVIL ACTION

Plaintiffs, Harry Jefferson Ripley, Jr. and Evelyn Ripley, his wife, by their attorneys,  
Jerome W. Kiger, Esquire, Amy B. Kubisiak, Esquire and Kiger & Alpern, Esquires make the  
following Complaint against the Defendant:

1. Plaintiff, Harry Jefferson Ripley, Jr. and Evelyn Ripley, his wife, are adult individual residing at 35 Cardinal Drive, DuBois, Clearfield County, Pennsylvania 15801.
2. Defendant, Matthew T. Belin is an adult individual residing at 300 Treasure Lake, DuBois, Pennsylvania, 15801.
3. Defendant Department of General Services Eq. of the Commonwealth of Pennsylvania (hereinafter referred to as Defendant General Services) is an agency of the Commonwealth of Pennsylvania with an address of 2221 Forster Street, Harrisburg, Dauphin County, PA 17125.

4. Defendant Department of Auditor General of the Commonwealth of Pennsylvania (hereinafter referred to as Defendant Auditor General) is an agency of the Commonwealth of Pennsylvania with an address of Bureau of State-Aided Audits, Room 316D, Finance Building Harrisburg, Dauphin County, PA 17120.

5. At all times material hereto, Plaintiff Harry Jefferson Ripley, Jr. was the owner and operator of a 1999 Harley Davidson, Roadking Classic Motorcycle, Pennsylvania registration plate number 6ST3T, Pennsylvania title number 53698532, (hereinafter referred to as "Plaintiff motorcycle"). The Plaintiff motorcycle was then and there being operated by the Plaintiff, Harry Jefferson Ripley with the knowledge, consent and permission of the owner of the vehicle.

6. At all times material hereto, Defendant General Services was the owner of a 1999 Dodge Stratus, Pennsylvania registration plate number 19459PA, Pennsylvania title number 53388873901 (hereinafter referred to as Defendant vehicle. The Defendant vehicle was then and there being operated by Defendant Belin, an agent and employee of Defendant Auditor General. The Defendant vehicle was then and there being operated by the Defendant, Matthew T. Belin, with the knowledge, consent and permission of the owners of the vehicle.

7. East Park Avenue, also known as State Route 4014, is a public roadway that runs in an east-west direction through the town of Dubois, Clearfield County, Pennsylvania,

8. On or about May 22, 2000, at approximately 11:34 a.m., Plaintiff was traveling east on East Park Avenue. Defendant Belin, in the course of his employment with the Defendant Auditor General, was driving a vehicle owned by Defendant General Services, west on East Park Avenue. Defendant attempted to make a left turn into a Sheetz parking lot directly in the lane of travel of the Plaintiff motorcycle causing a collision between the two vehicles. Plaintiff was thrown from his motorcycle and the Defendant vehicle hit his left leg thereby causing severe and serious

injuries to the Plaintiff as more fully set forth herein.

9. The injuries and damages set forth herein were the direct and proximate result of the negligence of the Defendants generally, individually, jointly and severally, and in the following respects:

- a. In operating said vehicle at a high, dangerous and reckless speed under the circumstances;
- b. In failing to keep said vehicle under proper control under the circumstances;
- c. In operating said vehicle in an erratic manner;
- d. In failing to operate said vehicle with proper caution;
- e. In continuing to operate said vehicle in a direction toward the Plaintiff motorcycle vehicle when Defendant Belin saw or in the exercise of reasonable care should have seen that further operation in that direction would cause a collision;
- f. In failing to operate the brakes in such a manner that said vehicle could be stopped before causing a collision;
- g. In failing to stop said vehicle when he knew or should have known, of the danger to approaching vehicles;
- h. In failing to yield the right of way;
- i. In failing to observe with reasonable care the traffic, including the location of Plaintiff's motorcycle;
- j. In being inattentive and failing to maintain a proper lookout of the road and the conditions of traffic surrounding said vehicle;
- k. In failing to sound a horn or give other warning to Plaintiff as Defendant Belin was operating said vehicle;
- l. In failing to keep and maintain said vehicle in proper mechanical condition;
- m. In failing to properly inspect said vehicle to determine any mechanical defects;
- n. In the alternative, in continuing to operate said vehicle on a public roadway in disregard of the safety of other persons, such as the Plaintiff, when Defendant Belin knew or in the exercise of reasonable care should have known, that said vehicle had a mechanical problem or problems which could result in an accident and

of not ceasing the use of said vehicle until a person or persons qualified to do so inspected said vehicle for mechanical defects and remedied same, if any;

- o. In failing to observe the care and caution required under the circumstances;
- p. In violating the ordinances of the Township of Dubois and the County of Clearfield and the Motor Vehicle Code of the Commonwealth of Pennsylvania, including but not limited to:
  - (1) 75 Pa. C.S.A. Sections 3331 and 3332 by turning left directly in the path of the Plaintiff motorcycle;
  - (2) 75 Pa. C.S.A. Section 3361 by driving a vehicle at a speed greater than was reasonable and prudent under the circumstances having regard to the actual and potential hazards then existing;
  - (3) 75 Pa. C.S.A. Section 3361 by failing to have due regard for the actual and potential hazards then and there existing;
  - (4) 75 Pa. C.S.A. Section 3361 by operating said vehicle at a speed greater than would permit Defendant driver to bring said vehicle to a stop within the assured clear distance;
  - (5) 75 Pa. C.S.A. Section 3361 by failing to drive at a safe and appropriate speed when special hazards exist with respect to other traffic;
  - (6) 75 Pa. C.S.A. Section 3361 by failing to drive at a safe and appropriate speed by reason of weather and/or highway conditions;
  - (7) 75 Pa. C.S.A. Section 3361 by failing to yield the right-of-way of approaching traffic when entering roadway; and
  - (8) 75 Pa. C.S.A. Section 3714 by failing to drive at a safe and reasonable speed when special hazards existed with respect to other traffic;
  - (9) 75 Pa. C.S.A. Section 3714 by recklessly driving a vehicle in careless disregard for the safety of persons including Plaintiffs;
- q. With respect to Defendant General Services, negligent entrustment of its vehicle to Defendant Belin, when it knew or should have known that Defendant Belin was not capable of operating said vehicle;
- r. With respect to Defendant General Services and Defendant Auditor General, in failing to maintain proper and adequate supervision over the activities of their agents, servants, employees and/or tenants;

- r. With respect to Defendant General Services and Defendant Auditor General, in failing to control the conduct of agents, servants, employees in their conduct of activities with regard to the Defendant vehicle rack they knew or in the exercise of reasonable care and diligence should have known;
  - s. In otherwise failing to accord Plaintiff the care owed to them under all the attendant circumstances;
  - t. In otherwise being negligent and careless, in otherwise acting or failing to act in connection with the operation, maintenance and use of said vehicle in such a manner as would cause injury, under the facts and circumstances as set forth in this Complaint, and as shall appear from the facts of this case, such facts presently within the knowledge or under the control of the Defendants or others, and which will be revealed during the course of discovery and trial in this case, including testimony from Defendants, or others, and from records, documents, or other writings in Defendants' possession or produced during discovery or trial.
10. As the result of the negligence of the Defendants as aforesaid, Plaintiff, Harry Jeff Ripley, Jr., sustained the following injuries all of which are, or may be, of a permanent nature and which are more fully set forth in his medical records and reports:

- a. Injuries to the bones, muscles tissues and ligaments of neck, back, shoulders, arms, chest, spine, hips, legs and other parts of his body;
- b. Crush injury to left lower leg with hematoma;
- c. Significant skin loss on left lower leg;
- d. Ulcer on left lower leg as a result of the crush injury;
- e. Various contusions, lacerations and/or abrasions;
- f. Swelling, tenderness and bruising to his lower extremities;
- g. Significant scarring and thickening of the skin of the left lower leg;
- h. Ecchymosis and blistering of the lower left leg;
- i. Right buttock pain radiating into her knees and ankle;
- j. Pain, achiness and burning sensation in his left leg;
- k. Internal injuries and shock to the nervous system;



- l. Permanent injuries, disfigurement and disability;
- m. Serious impairment of bodily functions;
- n. Other severe and serious injuries as set forth more fully in Plaintiff's medical records and reports;
- o. In the alternative, if any injury or medical condition is proven to be preexisting, aggravation of such preexisting injuries or medical conditions.

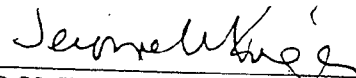
11. As the result of these injuries Plaintiff Harry Jefferson Ripley, Jr. has sustained the following damages:

- a. He has suffered serious, severe and permanent injuries to his body;
- b. He has suffered and will suffer great pain, suffering, inconvenience, humiliation, embarrassment and mental anguish and loss of the ordinary pleasures of life and family life;
- c. He has been and will be required to expend sums of money for medical attention, hospitalization, medical supplies, surgeries, debridements and lancements, surgical appliances, medicines and attendant services;
- f. His general health, strength and vitality have been impaired and will be impaired in the future;
- f. Permanent injuries, disfigurement and disability;
- g. Loss of income and impairment of future earning capacity;
- h. Other damages to be determined.

12. By reason of the aforesaid injuries to her husband, Harry Jefferson Ripley, Jr., and as a result of the negligence of the Defendants as aforesaid, Plaintiff, Evelyn Ripley, has been and will be in the future deprived of the services, assistance, and companionship, and consortium of her husband and loss of enjoyment of the ordinary pleasures of life, including marital and family life, and has sustained damages as a result thereof.

WHEREFORE, in consideration of the foregoing, Plaintiffs demand judgment against Defendants jointly and severally in excess of the arbitration limits of this court, at the proper costs and charges thereto.

JURY TRIAL DEMANDED



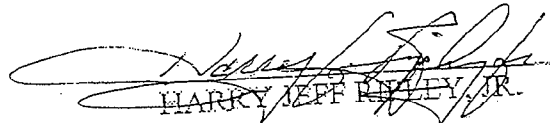
JEROME W. KIGER, ESQUIRE  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811  
ATTORNEY FOR PLAINTIFFS


### VERIFICATION

The undersigned, having read the attached Complaint in Civil Action, verifies that the within Complaint is based on information furnished to counsel, as well as information gathered by counsel in the course of this lawsuit. The language of the Complaint is that of counsel and not of the signers. Signers verify that they have read the within Complaint and that it is true and correct to the best of the signers' knowledge, information and belief. To the extent that the contents of the Complaint are that of counsel, we have relied upon counsel in making this Verification. This Verification is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsifications to authorities.

3.15.02  
Date

3-15-02  
Date

  
HARRY JEFF RIPLEY, JR.

  
EVELYN RIPLEY

COPY

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Defendants.

Filed on Behalf of the  
Plaintiff

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN  
Firm No. 795  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

File No.: 69130

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William Alpern  
Deputy Promotory

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Jerome W. Kiger, Esquire, Amy B. Kubisiak, Esquire and Kiger & Alpern, Esquires make the  
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1. Plaintiff, Harry Jefferson Ripley, Jr. and Evelyn Ripley, his wife, are adult  
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2. Defendant, Matthew T. Belin is an adult individual residing at 300 Treasure Lake,  
DuBois, Pennsylvania, 15801.
3. Defendant Department of General Services Eq. of the Commonwealth of  
Pennsylvania (hereinafter referred to as Defendant General Services) is an agency of the  
Commonwealth of Pennsylvania with an address of 2221 Forster Street, Harrisburg, Dauphin  
County, PA 17125.

4. Defendant Department of Auditor General of the Commonwealth of Pennsylvania (hereinafter referred to as Defendant Auditor General) is an agency of the Commonwealth of Pennsylvania with an address of Bureau of State-Aided Audits, Room 316D, Finance Building Harrisburg, Dauphin County, PA 17120.

5. At all times material hereto, Plaintiff Harry Jefferson Ripley, Jr. was the owner and operator of a 1999 Harley Davidson, Roadking Classic Motorcycle, Pennsylvania registration plate number 6ST3T, Pennsylvania title number 53698532, (hereinafter referred to as "Plaintiff motorcycle"). The Plaintiff motorcycle was then and there being operated by the Plaintiff, Harry Jefferson Ripley with the knowledge, consent and permission of the owner of the vehicle.

6. At all times material hereto, Defendant General Services was the owner of a 1999 Dodge Stratus, Pennsylvania registration plate number 19459PA, Pennsylvania title number 53388873901 (hereinafter referred to as Defendant vehicle). The Defendant vehicle was then and there being operated by Defendant Belin, an agent and employee of Defendant Auditor General. The Defendant vehicle was then and there being operated by the Defendant, Matthew T. Belin, with the knowledge, consent and permission of the owners of the vehicle.

7. East Park Avenue, also known as State Route 4014, is a public roadway that runs in an east-west direction through the town of Dubois, Clearfield County, Pennsylvania,

8. On or about May 22, 2000, at approximately 11:34 a.m., Plaintiff was traveling east on East Park Avenue. Defendant Belin, in the course of his employment with the Defendant Auditor General, was driving a vehicle owned by Defendant General Services, west on East Park Avenue. Defendant attempted to make a left turn into a Sheetz parking lot directly in the lane of travel of the Plaintiff motorcycle causing a collision between the two vehicles. Plaintiff was thrown from his motorcycle and the Defendant vehicle hit his left leg thereby causing severe and serious

injuries to the Plaintiff as more fully set forth herein.

9. The injuries and damages set forth herein were the direct and proximate result of the negligence of the Defendants generally, individually, jointly and severally, and in the following respects:

- a. In operating said vehicle at a high, dangerous and reckless speed under the circumstances;
- b. In failing to keep said vehicle under proper control under the circumstances;
- c. In operating said vehicle in an erratic manner;
- d. In failing to operate said vehicle with proper caution;
- e. In continuing to operate said vehicle in a direction toward the Plaintiff motorcycle vehicle when Defendant Belin saw or in the exercise of reasonable care should have seen that further operation in that direction would cause a collision;
- f. In failing to operate the brakes in such a manner that said vehicle could be stopped before causing a collision;
- g. In failing to stop said vehicle when he knew or should have known, of the danger to approaching vehicles;
- h. In failing to yield the right of way;
- i. In failing to observe with reasonable care the traffic, including the location of Plaintiff's motorcycle;
- j. In being inattentive and failing to maintain a proper lookout of the road and the conditions of traffic surrounding said vehicle;
- k. In failing to sound a horn or give other warning to Plaintiff as Defendant Belin was operating said vehicle;
- l. In failing to keep and maintain said vehicle in proper mechanical condition;
- m. In failing to properly inspect said vehicle to determine any mechanical defects;
- n. In the alternative, in continuing to operate said vehicle on a public roadway in disregard of the safety of other persons, such as the Plaintiff, when Defendant Belin knew or in the exercise of reasonable care should have known, that said vehicle had a mechanical problem or problems which could result in an accident and



of not ceasing the use of said vehicle until a person or persons qualified to do so inspected said vehicle for mechanical defects and remedied same, if any;

- o. In failing to observe the care and caution required under the circumstances;
- p. In violating the ordinances of the Township of Dubois and the County of Clearfield and the Motor Vehicle Code of the Commonwealth of Pennsylvania, including but not limited to:
  - (1) 75 Pa. C.S.A. Sections 3331 and 3332 by turning left directly in the path of the Plaintiff motorcycle;
  - (2) 75 Pa. C.S.A. Section 3361 by driving a vehicle at a speed greater than was reasonable and prudent under the circumstances having regard to the actual and potential hazards then existing;
  - (3) 75 Pa. C.S.A. Section 3361 by failing to have due regard for the actual and potential hazards then and there existing;
  - (4) 75 Pa. C.S.A. Section 3361 by operating said vehicle at a speed greater than would permit Defendant driver to bring said vehicle to a stop within the assured clear distance;
  - (5) 75 Pa. C.S.A. Section 3361 by failing to drive at a safe and appropriate speed when special hazards exist with respect to other traffic;
  - (6) 75 Pa. C.S.A. Section 3361 by failing to drive at a safe and appropriate speed by reason of weather and/or highway conditions;
  - (7) 75 Pa. C.S.A. Section 3361 by failing to yield the right-of-way of approaching traffic when entering roadway; and
  - (8) 75 Pa. C.S.A. Section 3714 by failing to drive at a safe and reasonable speed when special hazards existed with respect to other traffic;
  - (9) 75 Pa. C.S.A. Section 3714 by recklessly driving a vehicle in careless disregard for the safety of persons including Plaintiffs;
- q. With respect to Defendant General Services, negligent entrustment of its vehicle to Defendant Belin, when it knew or should have known that Defendant Belin was not capable of operating said vehicle;
- r. With respect to Defendant General Services and Defendant Auditor General, in failing to maintain proper and adequate supervision over the activities of their agents, servants, employees and/or tenants;

- r. With respect to Defendant General Services and Defendant Auditor General, in failing to control the conduct of agents, servants, employees in their conduct of activities with regard to the Defendant vehicle rack they knew or in the exercise of reasonable care and diligence should have known;
- s. In otherwise failing to accord Plaintiff the care owed to them under all the attendant circumstances;
- t. In otherwise being negligent and careless, in otherwise acting or failing to act in connection with the operation, maintenance and use of said vehicle in such a manner as would cause injury, under the facts and circumstances as set forth in this Complaint, and as shall appear from the facts of this case, such facts presently within the knowledge or under the control of the Defendants or others, and which will be revealed during the course of discovery and trial in this case, including testimony from Defendants, or others, and from records, documents, or other writings in Defendants' possession or produced during discovery or trial.

10. As the result of the negligence of the Defendants as aforesaid, Plaintiff, Harry Jeff Ripley, Jr., sustained the following injuries all of which are, or may be, of a permanent nature and which are more fully set forth in his medical records and reports:

- a. Injuries to the bones, muscles tissues and ligaments of neck, back, shoulders, arms, chest, spine, hips, legs and other parts of his body;
- b. Crush injury to left lower leg with hematoma;
- c. Significant skin loss on left lower leg;
- d. Ulcer on left lower leg as a result of the crush injury;
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- g. Significant scarring and thickening of the skin of the left lower leg;
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- l. Permanent injuries, disfigurement and disability;
- m. Serious impairment of bodily functions;
- n. Other severe and serious injuries as set forth more fully in Plaintiff's medical records and reports;
- o. In the alternative, if any injury or medical condition is proven to be preexisting, aggravation of such preexisting injuries or medical conditions.

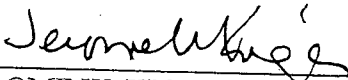
11. As the result of these injuries Plaintiff Harry Jefferson Ripley, Jr. has sustained the following damages:

- a. He has suffered serious, severe and permanent injuries to his body;
- b. He has suffered and will suffer great pain, suffering, inconvenience, humiliation, embarrassment and mental anguish and loss of the ordinary pleasures of life and family life;
- c. He has been and will be required to expend sums of money for medical attention, hospitalization, medical supplies, surgeries, debridements and lancements, surgical appliances, medicines and attendant services;
- f. His general health, strength and vitality have been impaired and will be impaired in the future;
- f. Permanent injuries, disfigurement and disability;
- g. Loss of income and impairment of future earning capacity;
- h. Other damages to be determined.

12. By reason of the aforesaid injuries to her husband, Harry Jefferson Ripley, Jr., and as a result of the negligence of the Defendants as aforesaid, Plaintiff, Evelyn Ripley, has been and will be in the future deprived of the services, assistance, and companionship, and consortium of her husband and loss of enjoyment of the ordinary pleasures of life, including marital and family life, and has sustained damages as a result thereof.

WHEREFORE, in consideration of the foregoing, Plaintiffs demand judgment against Defendants jointly and severally in excess of the arbitration limits of this court, at the proper costs and charges thereto.

JURY TRIAL DEMANDED

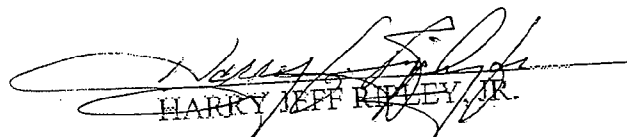
  
JEROME W. KIGER, ESQUIRE  
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1404 Grant Building  
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ATTORNEY FOR PLAINTIFFS

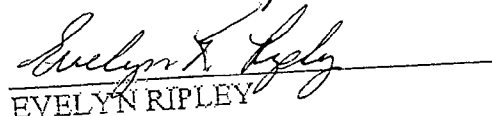
# VERIFICATION

The undersigned, having read the attached Complaint in Civil Action, verifies that the within Complaint is based on information furnished to counsel, as well as information gathered by counsel in the course of this lawsuit. The language of the Complaint is that of counsel and not of the signers. Signers verify that they have read the within Complaint and that it is true and correct to the best of the signers' knowledge, information and belief. To the extent that the contents of the Complaint are that of counsel, we have relied upon counsel in making this Verification. This Verification is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsifications to authorities.

3.15.02  
Date

3-15-02  
Date

  
HARRY JEFF RIPLEY, JR.

  
EVELYN RIPLEY

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

Sheriff Docket #

12267

RIPLEY, HARRY JEFFERSON JR. and EVELYN

02-409-CD

VS.

BELIN, MATTHEW T. AI

COMPLAINT

**SHERIFF RETURNS**

---

NOW APRIL 8, 2002 AT 2:25 PM DST SERVED THE WITHIN COMPLAINT  
ON MATTHEW T. BELIN, DEFENDANT AT EMPLOYMENT, PO BOX 322,  
CHESTNUT ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING  
TO MATTHEW T. BELIN A TRUE AND ATTESTED COPY OF THE ORIGINAL  
COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: COUDRIET/RYEN

NOW MARCH 21, 2002, JOHN LOTWICK, SHERIFF OF DAUPHIN COUNTY WAS  
DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO  
SERVE THE WITHIN COMPLAINT ON DEPARTMENT OF GENERAL SERVICES OF  
THE COMMONWEALTH OF PENNSYLVANIA and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF PENNSYLVANIA, DEFENDANTS.

NOW MARCH 28, 2002 SERVED THE WITHIN COMPLAINT ON DEPARTMENT OF  
AUDITOR GENERAL OF THE COMMONWEALTH OF PENNSYLVANIA BY DEPUTIZING  
THE SHERIFF OF DAUPHIN COUNTY. THE RETURN OF SHERIFF LOTWICK IS  
HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE  
SERVED ROBERT GALLAGHER, DIRECTOR

NOW APRIL 1, 2002 SERVED THE WITHIN COMPLAINT ON DEPARTMENT OF  
GENERAL SERVICES OF THE COMMONWEALTH OF PENNSYLVANIA BY DEPUTIZING  
THE SHERIFF OF DAUPHIN COUNTY. THE RETURN OF SHERIFF LOTWICK IS  
HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE  
SERVED HOLLY LEAR, ASST. DIRECTOR.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

12267

RIPLEY, HARRY JEFFERSON JR. and EVELYN

02-409-CD

VS.

BELIN, MATTHEW T. AI

COMPLAINT

SHERIFF RETURNS

Return Costs

Cost Description

40.03 SHFF. HAWKINS PAID BY: ATTY.

37.50 SHFF. LOTWICK PAID BY: ATTY.

30.00 SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

7th Day of May 2002

WILLIAM A. SHAW  
Prothonotary

My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins  
by Maurya Hamer

Chester A. Hawkins

Sheriff

FILED

MAY 07 2002

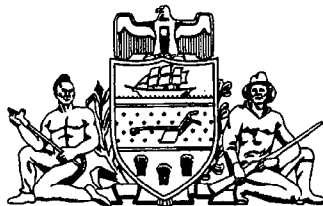
0110:351

William A. Shaw  
Prothonotary

# Office of the Sheriff

Mary Jane Snyder  
Real Estate Deputy

William T. Tully  
Solicitor



J. Daniel Basile  
Chief Deputy

Michael W. Rinchart  
Assistant Chief Deputy

Dauphin County  
Harrisburg, Pennsylvania 17101  
ph: (717) 255-2660 fax: (717) 255-2889

Jack Lotwick  
Sheriff

Commonwealth of Pennsylvania : RIPLEY HARRY JEFFERSON JR AND EVELYN

VS

County of Dauphin : DEPARTMENT OF AUDITOR GENERAL

Sheriff's Return

No. 0733-T - - -2002

OTHER COUNTY NO. 02-409-CD

AND NOW: April 1, 2002 at 2:10PM served the within

COMPLAINT upon

DEPARTMENT OF GENERAL SERVICES by personally handing

to HOLLY LEAR, ASSISTANT DIRECTOR 1 true attested copy(ies)

of the original COMPLAINT and making known

to him/her the contents thereof at 2221 FORSTER ST

HBG, PA 00000-0000

Sworn and subscribed to  
before me this 30TH day of APRIL, 2002

*Stephen C. Marina*

PROTHONOTARY

So Answers,

*J R Lotwick*

Sheriff of Dauphin County, Pa.

By *Anthony G. Frey*

Deputy Sheriff

Sheriff's Costs: \$37.50 PD 03/28/2002

RCPT NO 162182

FRITZ



# Office of the Sheriff

Mary Jane Snyder  
Real Estate Deputy

William T. Tully  
Solicitor



J. Daniel Basile  
Chief Deputy

Michael W. Rinehart  
Assistant Chief Deputy

Dauphin County  
Harrisburg, Pennsylvania 17101  
ph: (717) 255-2660 fax: (717) 255-2889

Jack Lotwick  
Sheriff

Commonwealth of Pennsylvania : RIPLEY HARRY JEFFERSON JR AND EVELYN

vs

County of Dauphin : DEPARTMENT OF AUDITOR GENERAL

Sheriff's Return

No. 0733-T - - -2002

OTHER COUNTY NO. 02-409-CD

AND NOW: March 28, 2002 at 2:05PM served the within

COMPLAINT

upon

DEPARTMENT OF AUDITOR GENERAL

by personally handing

to ROBERT GALLAGHER, DIRECTOR

1 true attested copy(ies)

of the original

COMPLAINT

and making known

to him/her the contents thereof at BUREAU OF STATE AIDED AUDITS

ROOM 316 D FINANCE BLDG

HBG, PA 00000-0000

Sworn and subscribed to  
before me this 30TH day of APRIL, 2002

*Stephen C. (Marina)*

PROTHONOTARY

So Answers,

*J R Lotwick*

Sheriff of Dauphin County, Pa.

By

*Dan Barboza*  
Deputy Sheriff

Sheriff's Costs: \$37.50 PD 03/28/2002

RCPT NO 162182

BARBAGE

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

**STIPULATION OF COUNSEL**

Code: 001

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSLYVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSLYVANIA,

Defendants.

Filed on Behalf of the  
Plaintiff

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN

Firm No. 795

1404 Grant Building

Pittsburgh, PA 15219

(412) 765-1811

**FILED**

File No.: 69130

MAY 28 2002

m/lois/noce

William A. Shaw  
Prothonotary

*E*  
*KES*

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

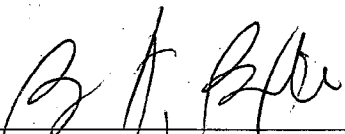
Defendants.

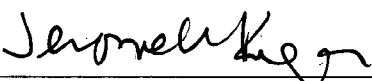
**STIPULATION OF COUNSEL**

AND NOW come the Plaintiffs, and all Defendants, , by their attorneys, who stipulate as follows:

1. Defendant, Matthew T. Belin, was in the course of his employment with Defendant Department of Auditor General of the Commonwealth of Pennsylvania at the time of the May 22, 2002 automobile accident.
2. Defendant Department of General Services Eq. of the Commonwealth of Pennsylvania was the owner of the vehicle being driven by Defendant Belin at the time of the May 22, 2000 automobile accident.
3. Plaintiffs have named the correct Defendants in this case and there are no other Defendants that should have been named.

4. The statute of limitations has been tolled in this case.

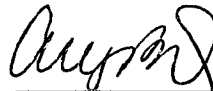
  
BRIAN H. BAXTER, ESQUIRE  
OFFICE OF ATTORNEY GENERAL  
ATTORNEY FOR DEFENDANTS

  
JEROME W. KIGER, ESQUIRE  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Amy B. Kubisiak, Esquire, do hereby certify that a true and correct copy of the within Stipulation of Counsel was served to the following via U.S. First Class, postage prepaid on May 24, 2002:

Brian H. Baxter, Esquire  
Sr. Deputy Attorney General  
Office of Attorney General  
Tort Litigation Unit  
4th Floor Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219



---

AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811  
ATTORNEY FOR PLAINTIFFS

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

HARRY JEFFERSON RIPLEY, JR. and

NO.: 02-409-CD

EVELYN RIPLEY, his wife,

Plaintiffs,

NOTICE OF DEPOSITION OF  
MATTHEW T. BELIN

Code: 001

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

Filed on Behalf of the  
Plaintiff

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN  
Firm No. 795  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

File No.: 69130

**FILED**

JUN 10 2002

mjs/rocc *el*  
William A. Shaw *KDC*  
Prothonotary

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

**NOTICE OF DEPOSITION**

TO: Matthew T. Belin  
c/o Brian H. Baxter, Esquire  
Sr. Deputy Attorney General  
Office of Attorney General  
Tort Litigation Unit  
4th Floor Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that on Wednesday, August 14, 2002, at 1:00 p.m., the deposition of **Matthew T. Belin**, will be taken for discovery and/or use at trial pursuant to the Pennsylvania Rules of Civil Procedure, before a person duly authorized to administer oaths, at the office of Alan F. Kirk, Esquire, 1375 Martin Street, Suite 204 State College, PA 16803, at which time you are invited to appear and take such part as shall be fitting and proper.

*Amy Buchmel*

---

JEROME W. KIGER, ESQUIRE

AMY B. KUBISIAK, ESQUIRE

KIGER & ALPERN

1404 Grant Building

Pittsburgh, PA 15219

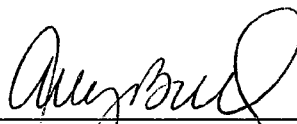
(412) 765-1811



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the within Notice of Deposition of Matthew T. Belin, has been served this 7th day of June, 2002, via U.S. First Class Mail, postage prepaid, to the following:

Brian H. Baxter, Esquire  
Sr. Deputy Attorney General  
Office of Attorney General  
Tort Litigation Unit  
4th Floor Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219



---

JEROME W. KIGER, ESQUIRE  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

CIVIL ACTION

No. 02-409 CD

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

ANSWER AND NEW MATTER

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

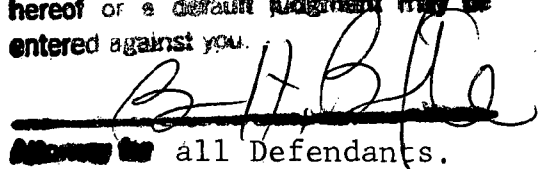
Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**You are hereby notified to plead to the  
within pleading within twenty (20) days  
hereof or a default judgment may be  
entered against you.**

  
**Attorney for** all Defendants.

**FILED**

JUL 25 2002

m/11/16/ndcc  
William A. Shaw  
Prothonotary

ANSWER AND NEW MATTER

AND NOW, come the defendants, Matthew T. Belin; Department of General Services Eq. of the Commonwealth of Pennsylvania; and Department of Auditor General of the Commonwealth of Pennsylvania, (hereinafter "defendants"), by the Attorney General of the Commonwealth of Pennsylvania, and files the following Answer and New Matter, averring in support as follows:

ANSWER

1. In answer to the averments contained in Paragraph 1 of the plaintiffs' Complaint, after reasonable investigation, the defendants, are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein; consequently, the same are denied and strict proof, thereof, to the contrary is demanded at the time of trial.

2. Admitted.

3. Admitted.

4. The correct address for the Department of Auditor General is 229 Finance Building, Harrisburg, PA 17120.

5. In answer to the averments contained in Paragraph 5 of the plaintiffs' Complaint, after reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein; consequently, the same are denied and strict proof, thereof, to the contrary is demanded at the time of trial.

6. In answer to the averments contained in Paragraph 6 of

the plaintiffs' Complaint, after reasonable investigation, the defendants, are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein; consequently, the same are denied and strict proof, thereof, to the contrary is demanded at the time of trial.

7. Admitted.

8. In answer to the averments contained in Paragraph 8 of the plaintiffs' Complaint, after reasonable investigation, the defendants, are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein; consequently, the same are denied and strict proof, thereof, to the contrary is demanded at the time of trial.

9. In answer to Paragraph 9 of the plaintiffs' Complaint, the defendants, specifically deny that they have committed any negligence which was the proximate cause of the injuries and damages allegedly sustained by the plaintiffs and instead aver that they acted reasonably and with due care at all relevant times. The defendants have been advised by their attorney that subparagraphs (a) through (t) of Paragraphs 9 of the plaintiffs' Complaint are automatically denied by operation of law. The defendants demand strict proof of these allegations. The Department of General Services denies that it employed or that it was responsible for actions of Matthew T. Belin who was an employee of the Department of Auditor General at all relevant

times.

10. In answer to Paragraph 10 of the plaintiffs' Complaint, the defendants specifically deny that they have committed any negligence which was the proximate cause of the injuries and damages allegedly sustained by the plaintiffs and instead aver that they acted reasonably and with due care at all relevant times. In answer to subparagraphs (a) through (o) of Paragraph 10 of the plaintiffs' Complaint, after reasonable investigation, the Commonwealth defendants, are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein; consequently, the same are denied and strict proof, thereof, to the contrary is demanded at the time of trial.

11. In answer to the averments contained in Paragraph 11 and subparagraphs (a) through (h) of the plaintiffs' Complaint, after reasonable investigation, the defendants, are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein; consequently, the same are denied and strict proof, thereof, to the contrary is demanded at the time of trial.

12. In answer to the averments contained in Paragraph 12 of the plaintiffs' Complaint, after reasonable investigation, the defendants, are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments

contained therein; consequently, the same are denied and strict proof, thereof, to the contrary is demanded at the time of trial.

In further answer, the defendants set forth the following New Matter.

NEW MATTER

By way of further and more complete answer to the plaintiffs' Complaint, these defendants set forth the following New Matter:

13. The cause of action against the defendants, is barred by the Doctrine of Sovereign Immunity.

14. By way of further defense, it is averred that the cause of action against the defendants, does not fall within one of the nine (9) categories enumerated by §8522 of Act 152, September 28, 1978,. P.L. 788, as amended, 42 Pa. C.S.A. §8522.

15. By way of further defense, it is averred that the cause of action against the defendants, fails as a result of the failure of this defendants to receive actual written notice pursuant to §8555 of Act 152, September 28, 1978, P.L. 788, as amended, 42 Pa. C.S.A. §5522.

16. By way of further defense, it is averred that in the event that damages are awarded in this case, said damages are limited to the amounts and for the losses as set forth in §8528 of Act 152, September 28, 1978, P.L. 788, as amended, 42 Pa. C.S.A. §8528.

17. The rights of the plaintiffs in this action are diminished or fully barred by plaintiffs' contributory negligence in accordance with the provisions of the Pennsylvania Comparative Negligence Law, 42 Pa. C.S.A. §7102.

18. The injuries, losses, damages or occurrences alleged in the plaintiffs' Complaint were the result of an independent and intervening cause or causes over which the defendants, had no control or in any way participated.

19. The injuries, losses, damages or occurrences alleged in the plaintiffs' Complaint were the result of the assumption of the risk of such injuries, losses or damages by the plaintiffs.

20. All rights which might otherwise exist against these parties are barred in whole or in part by the applicable statutes of limitations, other similar statutes, contractual provisions and/or other fundamental provisions, including waiver, estoppel and laches.

21. Matthew T. Belin was an employee of the Department of Auditor General at the time of the subject accident and was acting within the scope of his employment at the time of the subject accident.

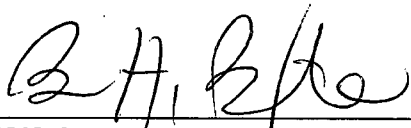
22. Therefore, the Department of General Services is not responsible for the actions of Matthew T. Belin, in the event that it was determined that Matthew T. Belin was negligent at the time of the subject accident.

WHEREFORE, the defendants pray this Honorable Court to  
dismiss the plaintiffs' Complaint.

Respectfully submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
\_\_\_\_\_  
BRIAN H. BAXTER  
Sr. Deputy Attorney General



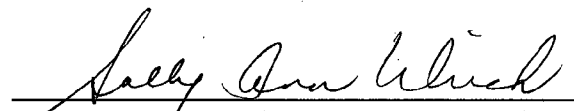
RIPLEY (BHB)

VERIFICATION

I, Sally Ann Ulrich, have read the  
foregoing Answer and New Matter.

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

This statement and verification is made subject to the  
penalties of 18 Pa. C.S.A. §4904 relating to unsworn  
falsification to authorities, which provides that if I make  
knowingly false averments, I may be subject to criminal  
penalties.

  
Sally Ann Ulrich, Deputy Chief Counsel,  
Department of the Auditor General

DATE: 6/21/02

**RECEIVED**  
Office of Attorney General

JUN 24 2002

**WRO**  
Torts Litigation Section

**RECEIVED**  
Office of Attorney General

JUN 24 2002

**WRO**  
Torts Litigation Section

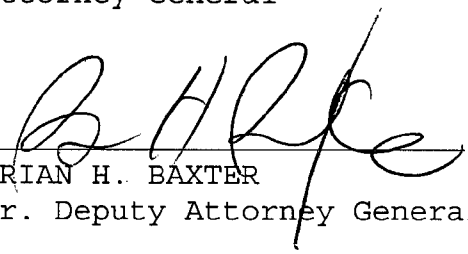
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER AND NEW MATTER was served upon the following counsel of record, via first-class mail, postage pre-paid on July 23, 2002.

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

REPLY TO NEW MATTER

Code: 001

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

Filed on Behalf of the  
Plaintiff

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN  
Firm No. 795  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

File No.: 69130

**FILED**

AUG 12 2002  
m/9:32/no cc  
William A. Shaw  
Prothonotary

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

**REPLY TO NEW MATTER**

Plaintiffs, by their attorneys, Jerome W. Kiger, Esquire, Amy B. Kubisiak, Esquire and Kiger & Alpern, Esquires, file the following Reply to New Matter:

13. Plaintiffs have been advised and therefore aver that the allegations of Paragraph 13 set forth conclusions of law to which no response is required. If further response is required, it is denied that Plaintiffs' cause of action is barred by the doctrine of sovereign immunity. Proof is demanded. If it is found that Defendants do have sovereign immunity, which is hereby denied, it is averred that various exceptions to sovereign immunity set forth at 42 Pa. C.S.A. §8522(b), including, but not limited to the vehicle exception found at 42 Pa. C.S.A. §8522 (b)(1), are applicable in this case.

14. Plaintiffs have been advised and therefore aver, that the allegations of Paragraph 14 set forth conclusions of law to which no response is required. If further

answer is required, the allegations are denied. Proof is demanded. It is averred that various exceptions to sovereign immunity set forth at 42 Pa. C.S.A. §8522(b), including, but not limited to the vehicle exception found at 42 Pa. C.S.A. §8522 (b)(1), are applicable in this case.

15. Plaintiffs have been advised and therefore aver that the allegations of Paragraph 15 set forth conclusions of law to which no response is required. If further response is required, the allegations are denied. Proof is demanded. To the contrary, Plaintiffs provided actual written notice to the Defendants that they received within the six month period set forth at 42 Pa. C.S.A. §5522. A copy of the actual written notice letter sent to Pa. Dept. of General Services Eq. and Office of the Attorney General dated July 5, 2000 along with copies of the return receipts confirming delivery of the letters dated July 7, 2000 and July 20, 2000, respectively, are attached as Exhibit 1. A copy of the actual written notice letter sent to Pa. Dept. of Auditor General and Office of the Attorney General dated November 14, 2000 along with copies of the return receipts confirming delivery of the letters dated November 17, 2000 and November 17, 2000, respectively, are attached as Exhibit 2.

16. Plaintiffs have been advised and therefore aver that the allegations of Paragraph 16 set forth conclusions of law to which no response is required. If further response is required, it is denied that Plaintiffs' damages and losses are limited by the provisions of 42 Pa. C.S.A. §8528. Proof is demanded.

17. Plaintiffs have been advised and therefore aver that the allegations of paragraph 17 set forth conclusions of law to which no answer is required. If further answer is required, Plaintiffs' claims are not diminished and/or barred in whole or in part

from recovery by reason of contributory and/or comparative negligence and husband-plaintiff did not commit any acts or omissions or other negligence of any type whatsoever so as to cause the subject accident. On the contrary, the subject accident was caused by the negligence of Defendants as set forth in Plaintiffs' Complaint, which is incorporated herein by reference.

18. Plaintiffs have been advised and therefore aver that the allegations of Paragraph 18 set forth conclusions of law to which no response is required. If further answer is required, Plaintiffs deny that the injuries, losses and damages sustained by Plaintiffs were the result of an independent or intervening cause or causes over which Defendants had no control or in any way participated. Proof is demanded. On the contrary, the subject accident was caused by the negligence of Defendants as set forth in Plaintiffs' Complaint, which is incorporated herein by reference.

19. Plaintiffs have been advised and therefore aver that the allegations of paragraph 19 set forth conclusions of law to which no answer is required. If further answer is required, Plaintiffs deny that the husband-plaintiff assumed any risk of injuries, losses or damages and therefore Plaintiffs' claims are not barred by the doctrine of assumption of the risk. Proof is demanded.

20. Plaintiffs have been advised and therefore aver that the allegations of paragraph 20 set forth conclusions of law to which no answer is required. If further answer is required, Plaintiffs deny that they violated any statute of limitations, other similar statutes and/or contractual provisions applicable to this case. Proof is demanded. On the contrary, this action was timely filed and served so as to comply with all applicable statutes of limitations other similar statutes and/or contractual provisions applicable to this

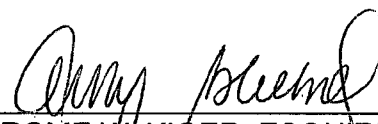
case. Proof is demanded. The doctrines of waiver, estoppel and laches are not applicable to this case. Proof is demanded.

21. After reasonable investigation, Plaintiff, at this time, is without knowledge or information sufficient to form of belief as to the truth or falsity of the averments contained in Paragraph 21 of the Defendant's New Matter and the same are, therefore, denied. Proof is demanded.

22. Plaintiffs have been advised and therefore aver that the allegations of paragraph 22 set forth conclusions of law to which no answer is required. If further answer is required, it is denied that the Department of General Services is not responsible for the actions of Matthew T. Belin. Proof is demanded. It is averred that Matthew T. Belin and the Department of General Services were negligent at the time of the subject accident as set forth in Plaintiffs' Complaint, which is incorporated herein by reference.

WHEREFORE, in consideration of the foregoing, Plaintiffs demand judgment against Defendants as set forth in the Plaintiffs' Complaint at the proper costs and charges thereto.

KIGER & ALPERN

  
\_\_\_\_\_  
JEROME W. KIGER, ESQUIRE  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
Attorneys for Plaintiffs



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Pa. Dept. of General Services  
2221 Forster St.  
Harrisburg PA 17125

4a. Article Number

P183926112

4b. Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

JUL 07 2000

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Anthony M. K...*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Jessie Smith  
Chief Deputy Attorney General  
Office of Attorney General  
Litigation Section  
15th Floor Strawberry Square  
Harrisburg PA 17120

4a. Article Number

P183926113

4b. Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

JUL 20 2000

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



# KIGER & ALPERN

ATTORNEYS AT LAW

1404 GRANT BUILDING

PITTSBURGH, PENNSYLVANIA 15219-2301

(412) 765-1811

FAX (412) 765-0440

July 5, 2000

**VIA CERTIFIED MAIL-  
RETURN RECEIPT REQUESTED  
and REGULAR MAIL**

Pa. Dept. of General Services Eq.  
2221 Forster Street  
Harrisburg, PA 17125  
Article No. P183926112

Jessie Smith  
Chief Deputy Attorney General  
Office of Attorney General  
Torts Litigation Section  
15th Floor  
Strawberry Square  
Harrisburg, PA 17120  
Article No.: P183926113

<b>RE:</b>	<b>Our Clients:</b>	<b>Harry J. Ripley, Jr. and Evelyn Ripley</b>
	<b>Date of Accident:</b>	<b>May 22, 2000</b>
	<b>Our File No.:</b>	<b>69130</b>

Dear Sir/Madam and Ms. Smith:

This firm represents Harry J. Ripley, Jr. and his wife Evelyn Ripley for injuries and damages sustained as the result of an automobile accident which occurred on May 22, 2000 at 11:34 a.m., on East Park Avenue at SRO219 in DuBois, Clearfield County, PA.

I enclose a copy of the police report for your convenience.

Mr. and Mrs. Ripley reside at 35 Cardinal Drive, DuBois, PA 15801.

Mr. Ripley was taken by ambulance to DuBois Regional Medical Center, P.O. Box 447, DuBois, PA 15801-0447 and was seen for various injuries including, but not limited to, legs (severe lower left leg injury), arms, back, etc. He saw several doctors while an inpatient at DuBois Regional Medical Center, including Dr. Lundgren and Dr. Piasio who performed surgery on his left leg on June 9, 2000.

Mr. Ripley was an inpatient at DuBois Regional Medical Center from June 1, 2000 to June 11, 2000.

His primary care physician is Dr. Stanley Lang, Primary Care Associates, Hospital Avenue, DuBois, PA. He also is attending physical therapy and is still seeking medical treatment for his injuries.

This notice is intended to comply with State Law requirements that written notice of a claim be made within six months of an accident.

Pa. Dept. of General Services Eq.  
Office of Attorney General  
July 5, 2000  
Page 2

Kindly provide me with all accident reports, maps, drawings, statements, recordings or other forms that have been completed in relation to the above-captioned accident.

Please direct all future inquiries to the undersigned.

Please acknowledge in writing this letter of representation.

If you desire additional information, please advise.


Very truly yours,

KIGER & ALPERN


  
AMY B. KUBISIAK  
ABK/bhs

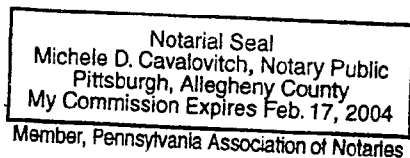
AFFIDAVIT

This 5th day of July, 2000, I hereby certify that I mailed a copy of the above letter to the Pa. Dept. of General Services Eq. and Jessie Smith, Esquire of the Office of Attorney General by Certified Mail, Return Receipt Requested, and Regular Mail, by depositing same into the U.S. Mail, First Class, postage prepaid.

  
AMY B. KUBISIAK, ESQUIRE

SWORN to and subscribed before me  
this 5 day of July, 2000.

  
NOTARY PUBLIC



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
JESSIE Smith, Chief Deputy Atty Gen'l  
Office of Attorney General  
Tort Litigation Unit  
Strawberry Square  
Harrisburg PA 17120

4a. Article Number  
P183 926 176

4b. Service Type

☐ Registered ☒ Certified

☐ Express Mail ☐ Insured

☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery  
NOV 17 2000

5. Received By: (Print Name)  
[Signature]

6. Signature: (Addressee or Agent)  
X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

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- Print your name and address on the reverse of this form so that we can return this card to you.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
Pa. Dept. of Aud & Mer General  
Bureau of State Aided Audits  
Room 316 D Finance Bldg.  
Harrisburg PA 17120

4a. Article Number  
P183 926 175

4b. Service Type

☐ Registered ☒ Certified

☐ Express Mail ☐ Insured

☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery  
NOV 17 2000

5. Received By: (Print Name)  
[Signature]

6. Signature: (Addressee or Agent)  
X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.



# KIGER & ALPERN

ATTORNEYS AT LAW

1404 GRANT BUILDING

(412) 765-1811

PITTSBURGH, PENNSYLVANIA 15219-2301

FAX (412) 765-0440

November 14, 2000

**VIA CERTIFIED MAIL-  
RETURN RECEIPT REQUESTED  
and REGULAR MAIL**

Pa. Dept. of Auditor General  
Bureau of State-Aided Audits  
Room 316 D  
Finance Building  
Harrisburg, PA 17120

**Article No. P183926175**

Jessie Smith  
Chief Deputy Attorney General  
Office of Attorney General  
Torts Litigation Section  
15th Floor  
Strawberry Square  
Harrisburg, PA 17120

**Article No. P183926176**

<b>RE:</b>	<b>Our Clients:</b>	<b>Harry J. Ripley, Jr. and Evelyn Ripley</b>
	<b>Date of Accident:</b>	<b>May 22, 2000</b>
	<b>Our File No.:</b>	<b>69130</b>

Dear Sir/Madam and Ms. Smith:

This firm represents Harry J. Ripley, Jr. and his wife Evelyn Ripley for injuries and damages sustained as the result of an automobile accident which occurred on May 22, 2000 at 11:34 a.m., on East Park Avenue at SRO219 in DuBois, Clearfield County, PA.

I enclose a copy of the police report for your convenience.

We have been advised that Matthew Belin is an employee of the Department of Auditor General.

Mr. and Mrs. Ripley reside at 35 Cardinal Drive, DuBois, PA 15801.

Mr. Ripley was taken by ambulance to DuBois Regional Medical Center, P.O. Box 447, DuBois, PA 15801-0447 and was seen for various injuries including, but not limited to, legs (severe lower left leg injury), arms, back, etc. He saw several doctors while an inpatient at DuBois Regional Medical Center, including Dr. Lundgren and Dr. Piasio who performed surgery on his left leg on June 9, 2000.

Mr. Ripley was an inpatient at DuBois Regional Medical Center from June 1, 2000 to June 11, 2000.

His primary care physician is Dr. Stanley Lang, Primary Care Associates, Hospital Avenue, DuBois, PA. He also is attending physical therapy and is still seeking medical treatment for his injuries.

Pa. Dept. of Auditor General  
Office of Attorney General  
November 14, 2000  
Page 2

This notice is intended to comply with State Law requirements that written notice of a claim be made within six months of an accident.

Kindly provide me with all accident reports, maps, drawings, statements, recordings or other forms that have been completed in relation to the above-captioned accident.

Please direct all future inquiries to the undersigned.

Please acknowledge in writing this letter of representation.

If you desire additional information, please advise.

Very truly yours,

KIGER & ALPERN



AMY B. KUBISIAK

ABK/bhs

Enclosure

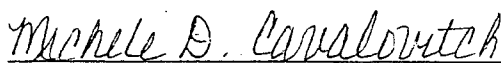
cc: Joseph J. Knopic, Claims Evaluator  
(w/enclosure)  
(via first class mail only)

AFFIDAVIT

This 14th day of November, 2000, I hereby certify that I mailed a copy of the above letter to the Pa. Dept. of Auditor General and Jessie Smith, Esquire of the Office of Attorney General by Certified Mail, Return Receipt Requested, and Regular Mail, by depositing same into the U.S. Mail, First Class, postage prepaid.

  
AMY B. KUBISIAK, ESQUIRE

SWORN to and subscribed before me  
this 14 day of November, 2000.



NOTARY PUBLIC  
Notarial Seal  
Michele D. Cavalovitch, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires Feb. 17, 2004  
Member, Pennsylvania Association of Notaries

VERIFICATION

The undersigned, having read the attached Reply to New Matter, verifies that the within Reply is based on information furnished to counsel, as well as information gathered by counsel in the course of this lawsuit. The language of the Reply is that of counsel and not of the signer. Signer verifies that he has read the within Reply and that it is true and correct to the best of the signer's knowledge, information and belief. To the extent that the contents of the Reply are that of counsel, I have relied upon counsel in making this Verification. This Verification is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsifications to authorities.

Date: August 8, 2002

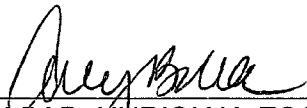
  
\_\_\_\_\_  
HARRY JEFFERSON RIPLEY, JR

CERTIFICATE OF SERVICE

I, Amy B. Kubisiak, Esquire, do hereby certify that a true and correct copy of the within Plaintiffs' Reply to New Matter of Defendants was served to the following via U.S.

First Class, postage prepaid on 8-9, 2002

Brian H. Baxter, Esquire  
Sr. Deputy Attorney General  
Office of Attorney General  
Tort Litigation Unit  
4th Floor Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

  
\_\_\_\_\_  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811  
ATTORNEYS FOR PLAINTIFFS



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

CIVIL ACTION

No. 02-409 CD

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

NOTICE OF SERVICE TO  
ANSWERS TO PLAINTIFFS' FIRST  
SET OF INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO  
DEFENDANTS

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**FILED**

AUG 12 2002  
mll:13/nocc  
William A. Shaw  
Prothonotary

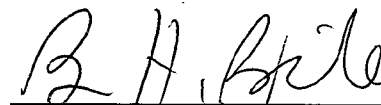
NOTICE OF SERVICE

TO THE PROTHONOTARY:

Please take note that the undersigned has answered Plaintiffs First Set of Interrogatories and Request for Production of Documents Directed to Defendants and copies sent to all counsel of record, on behalf of Matthew T. Belin; Department of General Services Eq. of the Commonwealth of Pennsylvania; and Department of Auditor General of the Commonwealth of Pennsylvania in the above-referenced case.

D. MICHAEL FISHER  
Attorney General

BY:



BRIAN H. BAXTER  
Sr. Deputy Attorney General


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWERS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANTS was served upon the following counsel of record, via first-class mail, postage pre-paid on August 9, 2002"

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

CIVIL ACTION

No. 02-409 CD

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

NOTICE OF DEPOSITION OF  
HARRY JEFFERSON RIPLEY, JR.

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**FILED**

AUG 12 2002

m/11/13/ndcc  
William A. Shaw  
Prothonotary

NOTICE OF DEPOSITION(S)


TO: Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219

Please take notice that the undersigned will take the deposition of Harry Jefferson Ripley, Jr. on August 14, 2002 beginning at 10:30 a.m. at the Office of Alan F. Kirk, Esq., 1375 Martin St., Suite 204, State College, PA upon oral examination, pursuant to the Rule of Civil Procedure 4007, before a Notary Public, or some other officer authorized by law to administer oaths. The oral examination will continue day to day until completed. You are to have your client(s) available for said deposition.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Deposition of Harry Jefferson Ripley, Jr. was served upon the following counsel of record, via first-class mail, postage pre-paid on August 9, 2002:

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY: 

BRIAN H. BAXTER  
Sr. Deputy Attorney General

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

CIVIL ACTION

No. 02-409 CD

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

**NOTICE OF DEPOSITION OF  
EVELYN RIPLEY**

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**FILED**

AUG 12 2002  
m11131no CC  
William A. Shaw  
Prothonotary

NOTICE OF DEPOSITION(S)

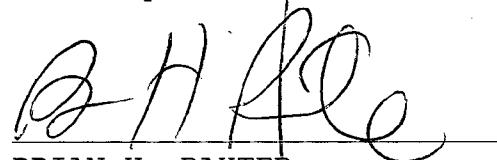
TO: Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219

Please take notice that the undersigned will take the deposition of Evelyn Ripley on August 14, 2002 beginning at 11:30 a.m. at the Office of Alan F. Kirk, Esq., 1375 Martin St., Suite 204, State College, PA upon oral examination, pursuant to the Rule of Civil Procedure 4007, before a Notary Public, or some other officer authorized by law to administer oaths. The oral examination will continue day to day until completed. You are to have your client(s) available for said deposition.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

A handwritten signature in dark ink, appearing to read 'B H Baxter', is written over a horizontal line.

BRIAN H. BAXTER  
Sr. Deputy Attorney General



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Deposition of Evelyn Ripley was served upon the following counsel of record, via first-class mail, postage pre-paid on August 9, 2002:

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY: 

BRIAN H. BAXTER  
Sr. Deputy Attorney General

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

**NOTICE OF DEPOSITION OF  
ANDREW POPYACK**

Code: 001

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSLYVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSLYVANIA,

Defendants.

Filed on Behalf of the  
Plaintiff

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN  
Firm No. 795  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

File No.: 69130

**FILED**

AUG 30 2002

William A. Shaw  
Prothonotary

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

vs.

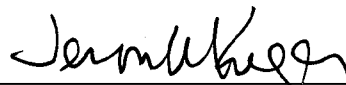
MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

**NOTICE OF DEPOSITION**

TO: Andrew Popyack  
c/o Brian H. Baxter, Esquire  
Sr. Deputy Attorney General  
Office of Attorney General  
Tort Litigation Unit  
4th Floor Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that on Friday, September 27, 2002, at 9:30 a.m., the deposition of **Andrew Popyack**, will be taken for discovery and/or use at trial pursuant to the Pennsylvania Rules of Civil Procedure, before a person duly authorized to administer oaths, at a place to be determined in DuBois, PA, at which time you are invited to appear and take such part as shall be fitting and proper.

  
JEROME W. KIGER, ESQUIRE  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811  
ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the within Notice of Deposition of Andrew Popyack, has been served this 28th day of August, 2002, via U.S. First Class Mail, postage prepaid, to the following:

Brian H. Baxter, Esquire  
Sr. Deputy Attorney General  
Office of Attorney General  
Tort Litigation Unit  
4th Floor Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219



---

JEROME W. KIGER, ESQUIRE  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

FILED

M 10:33  
AUG 30 2002

NO  
ec  
GA

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

CIVIL ACTION

No. 02-409 CD

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

NOTICE OF DEPOSITION OF  
CORY MINNS

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**FILED**

SEP 18 2002  
m B. 12/10/02  
William A. Shaw  
Prothonotary

NOTICE OF DEPOSITION

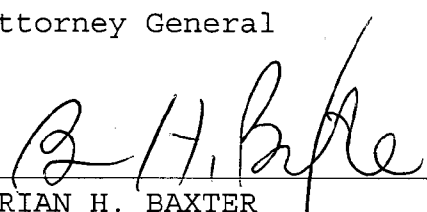
TO: Cory Minns  
R.D.#4, Box 50  
DuBois, PA 15801

Please take notice that the undersigned will take your deposition on September 27, 2002 beginning at 1:30 p.m. at the Oklahoma Fire Company, R.D. #3, Sandy Township, Chestnut Street, DuBois, PA 15801 upon oral examination, pursuant to the Rule of Civil Procedure 4007, before a Notary Public, or some other officer authorized by law to administer oaths. The oral examination will continue day to day until completed.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing  
Notice of Deposition of Cory Minns was served upon the following  
counsel of record, via first-class mail, postage pre-paid on  
September 12 ,2002

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

CIVIL ACTION

No. 02-409 CD

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

NOTICE OF DEPOSITION OF  
JOSEPH M. STANTON

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**FILED**

SEP 16 2002

m12:121noc  
William A. Shaw  
Prothonotary

NOTICE OF DEPOSITION

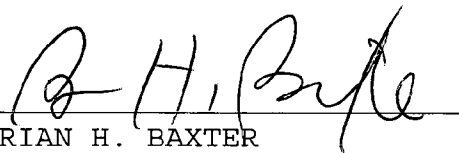
TO: Joseph M. Stanton  
DuBois Police Officer  
DuBois, PA 15801

Please take notice that the undersigned will take your deposition on September 27, 2002 beginning at 10:00 a.m. at the Oklahoma Fire Company, R.D. #3, Sandy Township, Chestnut Street, DuBois, PA 15801 upon oral examination, pursuant to the Rule of Civil Procedure 4007, before a Notary Public, or some other officer authorized by law to administer oaths. The oral examination will continue day to day until completed.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

NOTICE OF DEPOSITION

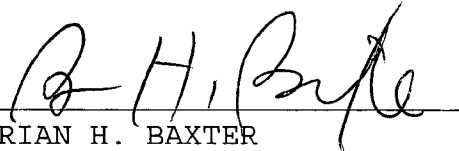
TO: Joseph M. Stanton  
DuBois Police Officer  
DuBois, PA 15801

Please take notice that the undersigned will take your deposition on September 27, 2002 beginning at 10:00 a.m. at the Oklahoma Fire Company, R.D. #3, Sandy Township, Chestnut Street, DuBois, PA 15801 upon oral examination, pursuant to the Rule of Civil Procedure 4007, before a Notary Public, or some other officer authorized by law to administer oaths. The oral examination will continue day to day until completed.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

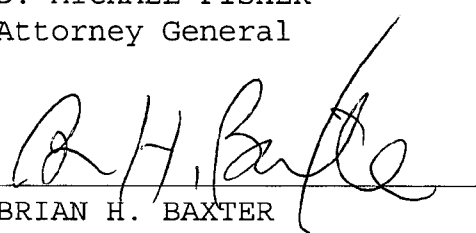
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing  
Notice of Deposition of Joseph M. Stanton was served upon the  
following counsel of record, via first-class mail, postage pre-paid  
on September 12, 2002

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

CIVIL ACTION

No. 02-409 CD

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

NOTICE OF DEPOSITION OF  
MELISSA CASTRO

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**FILED**

SEP 16 2002

m/2/2 noc  
William A. Shaw  
Prothonotary

NOTICE OF DEPOSITION

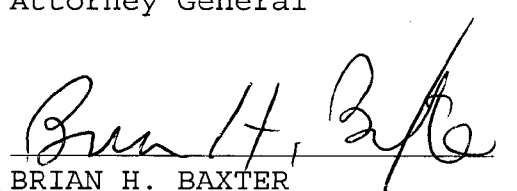
TO: Melissa Castro  
235 Maple Avenue  
DuBois, PA 15802

Please take notice that the undersigned will take your deposition on September 27, 2002 beginning at 2:00 p.m. at the Oklahoma Fire Company, R.D. #3, Sandy Township, Chestnut Street, DuBois, PA 15801 upon oral examination, pursuant to the Rule of Civil Procedure 4007, before a Notary Public, or some other officer authorized by law to administer oaths. The oral examination will continue day to day until completed.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing  
Notice of Deposition of Melissa Castro was served upon the  
following counsel of record, via first-class mail, postage pre-paid  
on September 12, 2002

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY: 

BRIAN H. BAXTER  
Sr. Deputy Attorney General

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

CIVIL ACTION

No. 02-409 CD

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

**NOTICE OF DEPOSITION OF  
PAMILA CORPIN**

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**FILED**

SEP 16 2002

mla:bl/nc  
William A. Shaw  
Prothonotary

E  
421



NOTICE OF DEPOSITION

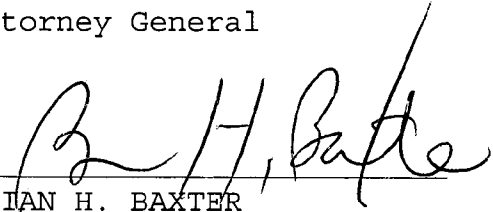
TO: Pamela Corpin  
315 North Sixth Street  
Reynoldville, PA 15851

Please take notice that the undersigned will take your deposition on September 27, 2002 beginning at 1:00 p.m. at the Oklahoma Fire Company, R.D. #3, Sandy Township, Chestnut Street, DuBois, PA 15801 upon oral examination, pursuant to the Rule of Civil Procedure 4007, before a Notary Public, or some other officer authorized by law to administer oaths. The oral examination will continue day to day until completed.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

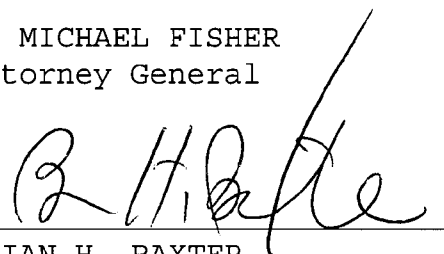
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Deposition of Pamila Corpin was served upon the following counsel of record, via first-class mail, postage pre-paid on September 12, 2002

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARRY JEFFERSON RIPLEY, JR.  
and EVELYN RIPLEY, his wife,  
Plaintiffs,

vs.

CIVIL ACTION

No. 02-409 CD

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
and DEPARTMENT OF AUDITOR  
GENERAL OF THE COMMONWEALTH  
OF PENNSYLVANIA,  
Defendants.

**NOTICE OF DEPOSITION OF  
MAMELAINE CODER**

Filed on behalf of Defendants

Matthew T. Belin; Department  
of General Services Eq. of the  
Commonwealth of Pennsylvania;  
and Department of Auditor  
General of the Commonwealth  
of Pennsylvania

Counsel of Record for This  
Party:

Brian H. Baxter  
Sr. Deputy Attorney General  
Pa. I.D. #21809

Commonwealth of Pennsylvania .  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2573

**FILED**

SEP 16 2002

William A. Shaw  
Prothonotary

NOTICE OF DEPOSITION

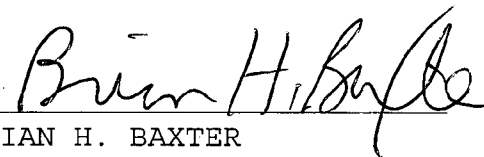
TO: Mamelaine Coder  
115 Wayne Road  
DuBois, PA 15801

Please take notice that the undersigned will take your deposition on September 27, 2002 beginning at 11:30 a.m. at the Oklahoma Fire Company, R.D. #3, Sandy Township, Chestnut Street, DuBois, PA 15801 upon oral examination, pursuant to the Rule of Civil Procedure 4007, before a Notary Public, or some other officer authorized by law to administer oaths. The oral examination will continue day to day until completed.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing  
Notice of Deposition of Mamelaine Coder was served upon the  
following counsel of record, via first-class mail, postage pre-paid  
on September 12, 2002

Amy B. Kubisiak, Esq.  
KIGER & ALPERN  
1404 Grant Bldg.  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

D. MICHAEL FISHER  
Attorney General

BY:

  
BRIAN H. BAXTER  
Sr. Deputy Attorney General

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

**PRAECIPE TO SETTLE AND  
DISCONTINUE**

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

Filed on Behalf of the  
Plaintiffs

Counsel of Record for this  
Party:

JEROME W. KIGER, ESQUIRE  
PA. I.D. # 15951

AMY B. KUBISIAK, ESQUIRE  
PA. I.D. # 70441

KIGER & ALPERN  
Firm No. 795  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811

File No.: 69130

**FILED**

m 10:52 30 2 cc to atty  
JUL 02 2003 2 cc to atty  
E

William A. Shaw *Copy to CA*  
Prothonotary

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

HARRY JEFFERSON RIPLEY, JR. and  
EVELYN RIPLEY, his wife,

NO.: 02-409-CD

Plaintiffs,

vs.

MATTHEW T. BELIN; DEPARTMENT  
OF GENERAL SERVICES EQ. OF THE  
COMMONWEALTH OF PENNSYLVANIA;  
and DEPARTMENT OF AUDITOR GENERAL  
OF THE COMMONWEALTH OF  
PENNSYLVANIA,

Defendants.

**PRAECIPE TO SETTLE AND DISCONTINUE**

To: Prothonotary

Kindly settle and discontinue Plaintiffs' case.

KIGER & ALPERN



JEROME W. KIGER, ESQUIRE  
AMY B. KUBISIAK, ESQUIRE  
KIGER & ALPERN  
1404 Grant Building  
Pittsburgh, PA 15219  
(412) 765-1811  
ATTORNEYS FOR PLAINTIFFS

**FILED**

JUL 02 2003

William A. Shaw  
Prothonotary



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

**CIVIL DIVISION**

**Harry Jefferson Ripley Jr.  
Evelyn Ripley**

**Vs.**

**No. 2002-00409-CD**

**Matthew T. Belin  
Department of General Services Eq.  
Department of Auditor General**

**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 July 2, 2003, marked:

Discontinued, Settled and Ended

Record costs in the sum of \$171.00 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of July A.D. 2003.

---

William A. Shaw, Prothonotary