

02-510-CD
LUCILLE COLEMAN -vs- WAL-MART STORES, INC.

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

LUCILLE COLEMAN,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

No. 02-510-CD

TYPE OF PLEADING:
COMPLAINT

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

APR 04 2002

William A. Shaw
Prothonotary

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

LUCILLE COLEMAN
R.R. #2, Box 129
Houtzdale, PA 16651,

Plaintiff,

v.

WAL-MART STORES, INC.
Store #2129
100 Super Center Drive
Clearfield, PA 16830,

Defendant.

No. 2002-_____

CIVIL ACTION

JURY TRIAL DEMANDED

NOTICE TO DEFEND

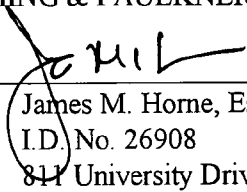
You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint is served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections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

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

*David S. Meholick, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641*

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: April 3, 2002

By: 
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926
Attorneys for Plaintiff

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

LUCILLE COLEMAN
R.R. #2, Box 129
Houtzdale, PA 16651,

Plaintiff,

v.

WAL-MART STORES, INC.
Store #2129
100 Super Center Drive
Clearfield, PA 16830,

Defendant.

No. 2002-_____

CIVIL ACTION

JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiff is Lucille Coleman, an adult individual residing at R.R. #2, Box 129, Houtzdale, Clearfield County, Pennsylvania 16651.
2. Defendant is Wal-Mart Stores, Inc., a corporate entity with a place of business located at 100 Super Center Drive, Clearfield, Clearfield County, Pennsylvania 16830 (Store #2129), known as the Wal-Mart Super Center.
3. All of the events complained of herein took place on or about January 13, 2001, at the Defendant's store #2129, known as the Wal-Mart Super Center and located at the address described in paragraph 2.
4. All of the acts or omissions complained of herein were done, or not done, by the Defendant directly, or by and through the acts or failures to act of the Defendant's agents, servants and employees.
5. On January 13, 2001, Plaintiff was a business invitee of the Defendant at the Wal-Mart Super Center located in Clearfield, Pennsylvania.

6. At the date and place set forth, Plaintiff transacted business with the Defendant at the Customer Service desk located within the Clearfield Wal-Mart Super Center.

7. After completing her transaction at the Customer Service desk, Plaintiff began to walk away when she suddenly and unexpectedly, without any warning from the Defendant, its agents, servants, and employees, encountered an unreasonably dangerous slippery condition on the floor of Defendant's store.

8. As a result of encountering this unreasonably dangerous slippery floor condition, Plaintiff, then age 69, was caused to fall to the floor as a result of which she sustained serious and permanent personal injury, including, but not limited to, a left intertrochanteric hip fracture.

9. Plaintiff was at all times material hereto exercising proper and reasonable care for her own safety, and the fall which she experienced was in no way caused by any contributory or comparative negligence on her part.

10. The unreasonably dangerous slippery floor condition which caused Plaintiff to fall was created by reason of the negligent, reckless and careless action of the Defendant, its agents, servants and employees.

11. Despite creating the unreasonably dangerous slippery floor condition which caused Plaintiff to fall as described above, Defendant, its agents, servants, and employees failed to either warn of the existence of said condition or to correct said condition within a reasonable time so as to eliminate any unreasonable danger to Defendant's business invitees.

12. In the alternative, if the unreasonably dangerous slippery floor condition which caused Plaintiff's fall was not created by the negligent, reckless and careless conduct of the Defendant, its agents, servants and employees, they otherwise permitted this condition to exist for

an unreasonable period of time, failed to give warning of the condition, failed to reasonably discover the existence of the condition, and/or failed to eliminate the existence of the condition within a reasonable period of time.

13. The negligent, reckless and careless conduct of the Defendant, its agents, servants, and employees, included the following:

- (a) creating the existence of a slippery floor condition in close proximity to the Defendant's Customer Service desk;
- (b) despite creation of the slippery floor condition near the Customer Service desk, failing to warn business invitees of the existence of said condition;
- (c) failing to discover the existence of the unreasonably dangerous slippery floor condition within a reasonable period of time;
- (d) failing to clean up or otherwise eliminate the existence of the unreasonably dangerous slippery floor condition within a reasonable period of time;
- (e) failing to reasonably inspect the condition of the premises so as to detect the existence of dangerous conditions on the premises;
- (f) failing to maintain a safe passageway in and out of the Customer Service desk area;
- (g) failing to give warning of the existence of an unreasonably dangerous slippery floor condition;
- (h) failing to establish a store policy providing for regular and appropriate monitoring of the premises for the purpose of discovering and/or eliminating the existence of dangerous conditions;

- (i) failing to maintain a policy providing for the giving of warning to business invitees of the existence of unreasonably dangerous conditions on the premises;
- (j) failing to properly train, educate and instruct employees with respect to the creation, detection, elimination and warning of the existence of unreasonably dangerous conditions on the premises; and,
- (k) failing to have a policy with regard to regular maintenance and cleaning of the store premises.

14. Solely as a result of the negligent, reckless and careless conduct of the Defendant, its agents, servants, and employees, Plaintiff sustained serious and permanent personal injury including a left intertrochanteric hip fracture.

15. As a result of the injuries sustained in the slip and fall at issue, Plaintiff was admitted to the Clearfield Hospital on January 13, 2001, and remained as an in-patient therein until January 17, 2001.

16. While an in-patient at Clearfield Hospital, Plaintiff was forced to undergo open reduction and internal fixation of the left intertrochanteric hip fracture.

17. Upon her discharge from the Clearfield Hospital, Plaintiff was required to be transferred to the HealthSouth Rehabilitation Hospital in Altoona, Pennsylvania, for in-patient rehabilitation and therapy.

18. Plaintiff remained an in-patient at the HealthSouth Rehabilitation Hospital of Altoona, Pennsylvania from January 17, 2001 through February 2, 2001.

19. In addition to these in-patient hospital stays, Plaintiff further required home health

care for a period of time extending from February 3, 2001 through March 8, 2001.

20. Despite the medical treatment received, Plaintiff has been left with serious and permanent ongoing personal injury, including, but not limited to, residual pain and discomfort in the hip, difficulty ambulating, a limp and necessity for the use of assistive devices.

21. Solely as a result of the negligent, reckless and careless conduct of the Defendant, Plaintiff has been forced to expend in the past, and will be required to expend in the future, sums of money for medical treatment, a claim for which is made herein.

22. Solely as a result of the negligent, reckless and careless conduct of the Defendant, Plaintiff has in the past and will continue in the future to experience pain, suffering, discomfort, loss of enjoyment of life's pleasures, humiliation, embarrassment, and disfigurement, some or all of which may be permanent, and a claim for which is made herein.

23. Solely as a result of the negligent, reckless and careless conduct of the Defendant, Plaintiff has in the past and may be in the future be required to secure the assistance of others for her daily care, and a claim for which is made herein.

24. Solely as a result of the negligent, reckless and careless conduct of the Defendant, Plaintiff has suffered injuries which are or may be permanent, a claim for which is made herein.

WHEREFORE, Plaintiff Lucille Coleman requests that judgment be entered in her favor and against the Defendant Wal-Mart Stores, Inc. in an amount in excess of \$25,000.

Respectfully submitted,

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: April 3, 2002

By: 

James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Plaintiff

\\ODMA\PCDOCS\DOCSLIB2\231530\1

VERIFICATION

The undersigned verifies that she is authorized to make this Verification on her own behalf and that the statements made in the foregoing Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.


LUCILLE COLEMAN

Dated: April 2, 2002

FILED

APR 04 2002

Wm. A. Shaw
Prothonotary

80.00

acc Sherry

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

LUCILLE COLEMAN,

Plaintiff,

Vs.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

No. 2002-510-CD

JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

Filed on behalf of Defendant Wal-Mart Stores,
Inc.

Counsel of Record for this Party:

Patrick J. Loughney, Esquire
Pa. I.D. #23163

John A. Burgess, Esquire
Pa. I.D. #Not Admitted Yet

GORR, MOSER, DELL & LOUGHNEY, LLC

Firm #753

437 Grant Street
1300 Frick Building
Pittsburgh, PA 15219

Phone: (412) 471-1180

Fax: (412) 471-9012

FILED

APR 15 2002

William A. Shaw
Prothonotary

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

LUCILLE COLEMAN,

Plaintiff,

Vs.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

No. 2002-510-CD

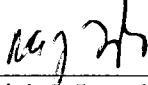
JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

TO: Prothonotary

Please enter the appearance of Attorney Patrick J. Loughney and John A. Burgess and the law firm of Gorr, Moser, Dell & Loughney, LLC on behalf of Defendant, Wal-Mart Stores, Inc.

GORR, MOSER, DELL & LOUGHNEY, LLC



Patrick J. Loughney, Esquire

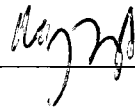
Suite 1300 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6002

Phone: 412-471-1180

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Wal-Mart Stores, Inc.'s Praecipe for Appearance has been served by U.S. Mail, postage prepaid, this 12 day of April, 2002, upon all counsel of record as follows:

James M. Horne, Esquire
McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801
Counsel for Plaintiff



FILED

M 10:59 AM
APR 15 2002

William A. Shaw
Prothonotary

N/O
cc


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

LUCILLE COLEMAN,

Plaintiff,

Vs.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

No. 2002-510-CD

JURY TRIAL DEMANDED

ANSWER AND NEW MATTER

Filed on behalf of Defendant Wal-Mart Stores,
Inc.

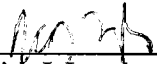
Counsel of Record for this Party:

Patrick J. Loughney, Esquire
Pa. I.D. #23163

John A. Burgess, Esquire
Pa. I.D. #Not Admitted Yet

TO: ALL PARTIES

You are hereby notified to file a written response to
the enclosed New Matter within twenty (20) days
from service hereof or judgment will be entered
against you.



Patrick J. Loughney, Esquire
Attorney for Defendant, Wal-Mart Stores

GORR, MOSER, DELL & LOUGHNEY, LLC
Firm #753

437 Grant Street
1300 Frick Building
Pittsburgh, PA 15219

Phone: (412) 471-1180
Fax: (412) 471-9012

FILED

APR 15 2002

William A. Shaw
Prothonotary

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

LUCILLE COLEMAN,

CIVIL DIVISION

Plaintiff,

No. 2002-510-CD

Vs.

JURY TRIAL DEMANDED

WAL-MART STORES, INC.,

Defendant.

ANSWER AND NEW MATTER

AND NOW, comes Defendant Wal-Mart Stores, Inc., by and through its attorneys, Gorr, Moser, Dell & Loughney and Patrick J. Loughney, Esquire, and files the following Answer and New Matter:

1. All averments of fact contained within Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e). To the extent that the Complaint avers that Wal-Mart Stores, Inc., possessed, maintained or controlled the area which Plaintiff complains of, the same is denied.

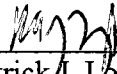
WHEREFORE, Defendant Wal-Mart Stores, Inc., denies liability to any party to this action and demands judgment in its favor.

NEW MATTER

If, in the course of discovery or trial, there is evidence that the statute of limitations is not tolled, the defense of statute of limitations is pled.

WHEREFORE, Defendant Wal-Mart Stores, Inc. denies liability to any party to this action and demands judgment in its favor.

GORR, MOSER, DELL & LOUGHNEY, LLC



Patrick J. Loughney, Esquire

Suite 1300 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6002

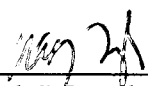
Phone: 412-471-1180

VERIFICATION

I, Patrick J. Loughney, attorney for Wal-Mart Stores, Inc., pursuant to Pa.R.C.P. 1024(c)(2), verify that the averments of fact made in this foregoing **Answer and New Matter** are true and correct and based upon my personal knowledge, information or belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. §4904, relating to the unsworn falsifications to authorities. This Verification is made by the undersigned due to lack of sufficient time to obtain a Verification from Wal-Mart Stores, Inc., and will be provided when available.

Date: _____

7/12/02



Patrick J. Loughney, Esquire
Attorney for Wal-Mart Stores, Inc,

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Wal-Mart Stores, Inc.'s Answer and New Matter has been served by U.S. Mail, postage prepaid, this 12th day of APRIL, 2002, upon all counsel of record as follows:

James M. Horne, Esquire
McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801
Counsel for Plaintiff

Mickey English

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

LUCILLE COLEMAN,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

No. 2002-510-CD

TYPE OF PLEADING:
Reply to Defendant's New Matter

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

APR 17 2002

m11:35/10cc

William A. Shaw
Prothonotary

E. K. D.

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

LUCILLE COLEMAN	:	
	:	
Plaintiff,	:	No. 2002-510-CD
v.	:	
	:	CIVIL ACTION
WAL-MART STORES, INC.	:	
	:	JURY TRIAL DEMANDED
Defendant.	:	

PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT

AND NOW, comes Plaintiff, Lucille Coleman, by and through her counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and files the within Reply to New Matter of Defendant, Wal-Mart Stores, Inc.:

Plaintiff, Lucille Coleman, is advised and therefore believes that Defendant's New Matter pleads a conclusion of law to which no response is required. To the extent any response is required, it is denied that the Plaintiff's claims are barred in any manner by the applicable statute of limitations. To the contrary, Plaintiff's suit was filed well within the applicable statute.

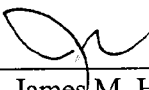
WHEREFORE, Plaintiff, Lucille Coleman, requests that the New Matter of Defendant, Wal-Mart Stores, Inc., be dismissed, with prejudice and costs of suit.

Respectfully submitted,

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

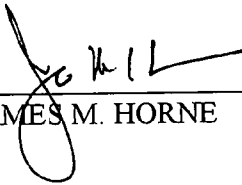
Dated: April 16, 2002

By: _____


James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926
Attorneys for Plaintiff

VERIFICATION

James M. Horne, hereby verifies that he is the attorney of record for Plaintiff, Lucille Coleman, in the foregoing action, and as such, he is authorized to make this verification on her behalf, and that the facts set forth in the foregoing Reply to Defendant's New Matter are true and correct to the best of his information, knowledge and belief. This verification is hereby made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



JAMES M. HORNE

Dated: April 16, 2002

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

LUCILLE COLEMAN

Plaintiff,

v.

WAL-MART STORES, INC.

Defendant.

No. 2002-510-CD

CIVIL ACTION

JURY TRIAL DEMANDED

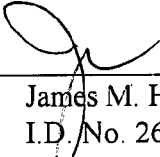
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Reply to Defendant's New Matter in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 16th day of April, 2002, to the attorney of record:

Patrick J. Loughney, Esquire
John A. Burgess, Esquire
Gorr, Moser, Dell & Loughney, LLC
437 Grant Street
1300 Frick Building
Pittsburgh, PA 15219
(412) 471-1180

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Plaintiff

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

LUCILLE COLEMAN,

Plaintiff,

Vs.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

No. 2002-510-CD

JURY TRIAL DEMANDED

**NOTICE OF FILING NOTICE OF
REMOVAL**

Filed on behalf of Defendant Wal-Mart Stores,
Inc.

Counsel of Record for this Party:

Patrick J. Loughney, Esquire
Pa. I.D. #23163

GORR, MOSER, DELL & LOUGHNEY, LLC

Firm #753
437 Grant Street
1300 Frick Building
Pittsburgh, PA 15219

Phone: (412) 471-1180
Fax: (412) 471-9012

FILED

APR 25 2002
m/10:17/10CC
William A. Shaw
Prothonotary *WAS*

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

LUCILLE COLEMAN,

Plaintiff,

Vs.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

No. 2002-510-CD

JURY TRIAL DEMANDED

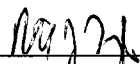
NOTICE OF FILING NOTICE OF REMOVAL

TO: Prothonotary

Pursuant to 28 U.S.C.A. §1446(b), you are hereby notified that on April 23, 2002, Defendant, Wal-Mart Stores, Inc., filed a Notice of Removal of this action from the Court of Common Pleas of Clearfield County, Pennsylvania to the United States District Court for the Western District of Pennsylvania. A copy of that Notice of Removal is attached.

I certify a copy of this Notice of Filing was sent to all counsel of record by U.S. mail postage prepaid this 23rd day of April, 2002.

GORR, MOSER, DELL & LOUGHNEY, LLC



Patrick J. Loughney, Esquire

Suite 1300 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6002

Phone: 412-471-1180

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LUCILLE COLEMAN,

Plaintiff,

No.

Vs.

JURY TRIAL DEMANDED

WAL-MART STORES, INC.,

Defendant.

NOTICE OF REMOVAL

TO: The Honorable Judge of the said Court:

This Notice of Removal is filed by Wal-Mart Stores, Inc., a Delaware corporation with a principal place of business in Bentonville, Arkansas.

1. On or about April 4, 2002, Plaintiff filed a Complaint in the Court of Common Pleas of Clearfield County, Pennsylvania at Civil Action No. 2002-510. A true and correct copy of the Complaint is attached hereto as Exhibit "A". Defendant Wal-Mart Stores, Inc. filed its Answer and New Matter on April 12, 2002. A true and correct copy of the Answer and New Matter is attached hereto as Exhibit "B".

2. The Complaint was served on Wal-Mart Stores, Inc. on or about April 9, 2002. Thirty days have therefore not yet expired since service on Wal-Mart Stores, Inc., and there have been no other proceedings in the case.

3. The Complaint against Wal-Mart Stores, Inc. states that Plaintiff seeks judgment in a sum in excess of \$25,000, the arbitration limits.

4. Defendant reasonably believes that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, as Plaintiff alleges that she suffered the following injuries, some or all which may and are permanent in nature, serious and permanent injury including a left intertrochanteric hip fracture (see Paragraph 14 of Plaintiff's Complaint); she has been left with serious and permanent ongoing residual pain and discomfort in the hip, difficulty ambulating, a limp and necessity for the use of assistive devices (see Paragraph 20 of Plaintiff's Complaint); she has in the past and will in the future, be required to expend sums of money for medical treatment (see Paragraph 21 of Plaintiff's Complaint); she has experienced a loss of enjoyment of life's pleasures, humiliation, embarrassment and disfigurement (see Paragraph 22 of Plaintiff's Complaint); and she has in the past and may in the future be required to secure the assistance of others for her daily care (see Paragraph 23 of Plaintiff's Complaint).

5. The Plaintiff, Lucille Coleman, is an individual who is a citizen of Pennsylvania in the County of Clearfield.

6. Defendant Wal-Mart Stores, Inc. is a Delaware corporation with its principal place of business in Arkansas.

7. Defendant seeks removal to United States District Court on the basis of complete diversity of citizenship and the amount in controversy exceeds \$75,000.

8. The Court has original jurisdiction of the above titled action pursuant to 28 U.S.C.A. §1332 and the action may therefore be removed to this court pursuant to 28 U.S.C.A. §1441(b).


9. A Notice of Filing will be sent to the Court of Common Pleas of Clearfield County, Pennsylvania and counsel for Plaintiff as reflected in the Notice of Filing attached hereto as Exhibit "C".

10. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant, Wal-Mart Stores, Inc., requests that the action now pending against it in the Court of Common Pleas of Clearfield County, Pennsylvania, at Civil Action No. 2002-510 be removed to this Honorable Court.

GORR, MOSER, DELL & LOUGHNEY, LLC

Dated 4/23/02

By: 
Patrick J. Loughney, Esquire
Pa. I.D. No. 23163
Attorneys for Defendant,
Wal-Mart Stores, Inc.
437 Grant Street
Suite 1300 Frick Building
Pittsburgh, PA 15219-6002
(412) 471-1180

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Wal-Mart Stores, Inc.'s Notice of Removal has been served by U.S. Mail, postage prepaid, this 23rd day of April, 2002, upon all counsel of record as follows:

James M. Horne, Esquire
McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801
Counsel for Plaintiff

Murray Sigel

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Wal-Mart Stores, Inc.'s Notice of Filing Notice of Removal has been served by U.S. Mail, postage prepaid, this 23rd day of April, 2002, upon all counsel of record as follows:

James M. Horne, Esquire
McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801
Counsel for Plaintiff

Mickey English

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

LUCILLE COLEMAN,

Plaintiff,

Vs.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

No. 2002-510-CD

JURY TRIAL DEMANDED

**VERIFICATION TO ANSWER AND NEW
MATTER**

Filed on behalf of Defendant Wal-Mart Stores,
Inc.

Counsel of Record for this Party:

Patrick J. Loughney, Esquire
Pa. I.D. #23163

GORR, MOSER, DELL & LOUGHNEY, LLC
Firm #753
437 Grant Street
1300 Frick Building
Pittsburgh, PA 15219

Phone: (412) 471-1180
Fax: (412) 471-9012

FILED

APR 26 2002
m 10:43/no cc
William A. Shaw
Prothonotary *WAS*

VERIFICATION

I verify that the averments of fact made in this foregoing Answer and New Matter are true and correct to the best of my knowledge, information or belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. § 4904, relating to the unsworn falsifications to authorities.

I am authorized to make this verification on behalf of Wal-Mart Stores, Inc., because of my position as manager.

Date: _____

4/17/02

Roger Gates, Manager

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Wal-Mart Stores, Inc.'s Verification to Answer and New Matter has been served by U.S. Mail, postage prepaid, this 24th day of March, 2002, upon all counsel of record as follows:

James M. Horne, Esquire
McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801
Counsel for Plaintiff

Mickey Engert

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12347

COLEMAN, LUCILLE

02-510-CD

VS.

WAL-MART STORES, INC.

COMPLAINT; PLFF. 1ST SET OF INTERROGATORIES; 1ST & 2ND REQUEST/PROD. OF DOCUME

SHERIFF RETURNS

NOW APRIL 9, 2002 AT 2:05 PM DST SERVED THE WITHIN COMPLAINT, PLFFS.
1st SET OF INTERROGATORIES; 1st & 2nd REQUEST FOR PRODUCTION OF
DOCUMENTS ON WAL-MART STORES INC., DEFENDANT AT EMPLOYMENT,
STORE #2129, 100 SUPERCENTER DRIVE, CLEARFIELD, CLEARFIELD COUNTY,
PENNSYLVANIA BY HANDING TO ROGER GATES, MGR. A TRUE AND ATTESTED
COPY OF THE ORIGINAL COMPLAINT ETC. AND MADE KNOWN TO HIM THE
CONTENTS THEREOF.
SERVED BY: DAVIS

Return Costs

Cost	Description
20.34	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY; ATTY.

Sworn to Before Me This

9th 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
Chester A. Hawkins
Chester A. Hawkins
Sheriff

FILED

012:12
MAY 09 2002

William A. Shaw
Prothonotary