

02-520-CD  
TRACY YARGER -vs- MEGAN SROCK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

: No. 02-520-CO

Plaintiff,

: PRAECIPE FOR WRIT OF  
SUMMONS

vs.

MEGAN SROCK,

: Counsel of Record for this  
Party:

Defendant.

: James B. Cole, Esquire  
Pa. I.D. #15801

: STOKES LURIE COLE &  
HENS-GRECO, P.C.  
Firm #012

: 2100 Law & Finance Building  
Pittsburgh, PA. 15219

: (412) 391-0800

William A. Shaw  
Prothonotary

**FILED**

APR 05 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff : No.

vs.

MEGAN SROCK,

Defendant : :

**PRAECIPE FOR WRIT OF SUMMONS**

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons in a Civil Action against defendant, above-named.

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole  
James B. Cole  
Attorneys for Plaintiff

**FILED**

APR 05 2002  
01/07/02 Kathy Cole pd. \$0.00  
William A. Shaw 2 wnts to Grand  
Jury Prothonotary

**COPY**

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

**SUMMONS**

**Tracy Yarger**

**Vs.**

**NO.: 2002-00520-CD**

**Megan Srock**

**TO: MEGAN SROCK**

To the above named Defendant you are hereby notified that the above named Plaintiff has commenced a Civil Action against you.

**Date: 04/05/2002**

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

**Issuing Attorney:**

James B. Cole  
2100 Law & Finance Bldg.  
Pittsburgh, PA 15219

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12348

YARGER, TRACY

02-520-CD

VS.  
SROCK, MEGAN

PRAECIPE & SUMMONS

**SHERIFF RETURNS**

NOW APRIL 22, 2002 AT 10:28 AM DST SERVED THE WITHIN PRAECIPE & SUMMONS ON MEGAN SROCK, DEFENDANT AT RESIDENCE, RR#2 BOX 46, GINTER, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MEGAN SROCK A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

---

Return Costs

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

Sworn to Before Me This

17 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 Marilyn Harr*

Chester A. Hawkins  
Sheriff

**FILED**

012:12  
MAY 09 2002  
*[Signature]*

William A. Shaw  
Prothonotary

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

**COPY**

**SUMMONS**

**Tracy Yarger**

**Vs.**

**NO.: 2002-00520-CD**

**Megan Srock**

**TO: MEGAN SROCK**

To the above named Defendant you are hereby notified that the above named Plaintiff has commenced a Civil Action against you.

Date: 04/05/2002

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

**Issuing Attorney:**

James B. Cole  
2100 Law & Finance Bldg.  
Pittsburgh, PA 15219

TRACY YARGER  
Plaintiff

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY,  
PENNSYLVANIA

v.  
MEGAN SROCK,  
Defendant

No. 02-520-CD

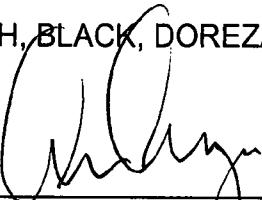
**PRAECIPE FOR ENTRY OF APPEARANCE**

**TO THE PROTHONOTARY:**

Please note the appearance of the undersigned as counsel of record for the Defendant, Megan Srock, in the above matter. Any correspondence and papers in connection with this action may be served upon the undersigned at his office, 401 Allegheny Street, Hollidaysburg, Pennsylvania 16648.

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

BY \_\_\_\_\_

  
Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

**FILED**

MAY 31 2002  
m/13/noc  
William A. Shaw  
Prothonotary

Copy CA



## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 29 day of May, 2002, by first-class United States Mail, postage pre-paid, addressed to the following:

James B. Cole, Esquire  
2100 Law & Finance Building  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By

Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

TRACY YARGER : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY,  
V. : PENNSYLVANIA  
MEGAN SROCK, : No. 02-520-CD  
Defendant :  
:

**PRAECIPE FOR RULE TO FILE COMPLAINT**

TO: PROTHONOTARY:

Enter a Rule upon the Plaintiff to file a Complaint within twenty (20) days after service of the Rule, or judgment of non pros will be entered.

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

**FILED**

BY

JUN 17 2002

William A. Shaw  
Prothonotary

Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

To the Plaintiff:

You are ruled to file a Complaint within twenty (20) days of service hereof.

Prothonotary

FILED

MB:os  
JUN 17 2002

1 Rule issued (bottom portion of  
principles) to attorney

William A. Shaw  
Prothonotary

*WAS*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER, :  
: No. 02-520-CD  
: Plaintiff, :  
: COMPLAINT  
: vs. : Filed on behalf of:  
: Plaintiff : Counsel of Record for this  
: : Party:  
MEGAN SROCK, :  
: James B. Cole, Esquire  
: Defendant. : Pa. I.D. #15801  
: : STOKES LURIE COLE &  
: : HENS-GRECO, P.C.  
: : Firm #012  
: : 2100 Law & Finance Building  
: : Pittsburgh, PA. 15219  
: : (412) 391-0800

FILED  
AUG 18 2002  
M 1081 noc  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER, :  
Plaintiff, : No. 02-520-CD  
:  
vs. :  
:  
MEGAN SROCK, :  
:  
Defendant. :  
:

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other right 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. Meholic, Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, Pennsylvania 16830  
telephone: (814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER, :

Plaintiff, : No. 02-520-CD

vs. :

MEGAN SROCK, :

Defendant. :

**COMPLAINT**

1. The plaintiff resides at 301 Sylvan Circle, Tyrone, Blair County, Pennsylvania.

2. The defendant resides at RR#2 Box 46, Ginter, Clearfield County, Pennsylvania.

3. The events complained of happened on April 8, 2000 in Philipsburg, Pennsylvania.

4. At that time and place the plaintiff was operating her motor vehicle in the Ames parking lot when the defendant negligently backed her vehicle out of a parking space and collided with the plaintiff's vehicle on the drivers side, thereby injuring the plaintiff.

5. The injuries and damages suffered by the plaintiff were the direct and proximate result of the negligence of the defendant in the following respects:

- (a) in operating her vehicle at an excessive rate of speed under the circumstances;
- (b) in failing to keep and maintain a proper and adequate lookout;
- (c) in failing to keep and maintain her vehicle under proper and adequate control;

- (d) in failing to yield the right of way to the said plaintiff's vehicle which was entitled thereto under the circumstances;
- (e) in failing to stop, slow or turn the said defendant's vehicle aside when the defendant knew or by the exercise of reasonable care should have known that if the said vehicle were permitted to proceed a collision would result;
- (f) in operating the said defendant's vehicle into collision with the said automobile of the plaintiff;
- (g) in failing to properly observe and heed the traffic conditions then and there existing;
- (h) in accelerating the said defendant's vehicle under the circumstances.

6. As a direct and proximate result of the negligence of the defendant the plaintiff suffered strain, sprain, injury and damage to the muscles, ligaments and tissues of the thoracic and lumbar spine.

7. As a direct and proximate result of the negligence of the defendant the plaintiff has been damaged as follows:

- (a) she has incurred and may in the future incur medical expense for the treatment of her injuries;
- (b) she has suffered and may in the future suffer pain, inconvenience, mental distress and loss of enjoyment of life.

WHEREFORE, the plaintiff demands judgment against the defendant for an amount in excess of the arbitration limits of this court.

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole  
James B. Cole  
Attorneys for Plaintiff

JURY TRIAL DEMANDED

VERIFICATION

I verify that the averments of fact made in this Complaint are true and correct and based upon my personal knowledge, information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



Tracy Yarger

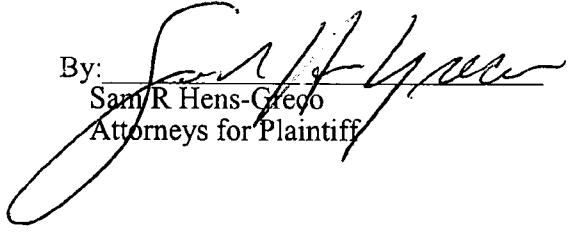
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the within Complaint was served upon the counsel for defendant by first class mail, postage prepaid, this 14<sup>th</sup> day of August, 2002

TO: Michael B. Magee, Esquire  
Evey, Routh, Black, Dorezas, Magee & Levine, LLP  
401-03 Allegheny Street  
P.O. Box 415  
Hollidaysburg, PA. 16648-0415

STOKES LURIE COLE & HENS-GRECO, P.C.

By:

  
Sam R Hens-Greco  
Attorneys for Plaintiff

\*TRACY YARGER  
Plaintiff

v.

MEGAN SROCK,  
Defendant

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY,  
PENNSYLVANIA

No. 02-520-CD

**NOTICE**

**TO: PLAINTIFF**

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE ENCLOSED NEW MATTER WITHIN TWENTY (20) DAYS FROM SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By 

Michael B. Magee, Esquire  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581  
I.D. #21300

**FILED**

DEC 04 2002

William A. Shaw  
Prothonotary

~TRACY YARGER : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY,  
V. : PENNSYLVANIA  
MEGAN SROCK, : No. 02-520-CD  
Defendant :  
:

**ANSWER WITH NEW MATTER**

NOW COMES Defendant Megan Srock, by her attorneys, Evey, Routch, Black, Dorezas, Magee & Levine LLP, and files the following Answer with New Matter, averring:

1. Denied. Despite reasonable investigation, Defendant has insufficient knowledge to form a belief as to this averment and strict proof is requested at time of trial.
2. Admitted.
3. Admitted.
4. It is admitted that Defendant was operating her vehicle from a parking space when her vehicle and a vehicle being operated by an individual later identifying herself as Plaintiff came in to contact. Allegations that this Defendant operated her vehicle negligently are denied as constituting conclusions of law to which no response is required.
5. (a)-(h) Allegations of injuries and damages are denied for the reason that, despite reasonable investigation, Defendant has insufficient knowledge to form a belief as to these averments and strict proof is requested at time of trial. Allegations that

Defendant operated her vehicle in a careless and negligent manner are denied as they constitute legal conclusions for which no further response is required.

6-7. Denied. Allegations of injuries and damages are denied for the reason that, despite reasonable investigation, Defendant has insufficient knowledge to form a belief as to these averments and strict proof is requested at time of trial. Allegations that this Defendant operated her vehicle in a negligent manner are denied as constituting legal conclusions for which no further response is required.

WHEREFORE, Defendant requests judgment in her favor.

#### NEW MATTER

By way of further answer, Defendant avers the following New Matter:

8. Plaintiff's cause of action is governed by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S.A. 1701 et seq., and Defendant raises all setoffs and defenses applicable thereto.

9. If it is determined that Plaintiff is covered by the limited tort option, then Plaintiff is precluded from recovery of non-economic loss if her injuries do not constitute serious injuries.

WHEREFORE, Defendant requests judgment in her favor.

EVEY, ROUTCH, BLACK, DOREZAS,  
MAGEE & LEVINE LLP

By   
Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

## VERIFICATION

The undersigned, Megan Srock, avers that the statements of fact contained in the foregoing document are true and correct to the best of her knowledge, information and belief, and are made subject to the penalties of 18 Pa. Con. Stat. Ann. Section 4904 relating to unsworn falsification to authorities.

By: Megan Srock  
Megan Srock

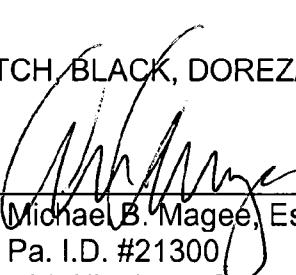
Date: 11-28-02

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 3 day of December, 2002, by first-class United States Mail, postage pre-paid, addressed to the following:

James B. Cole, Esquire  
Stokes Lurie Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By 

Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

TRACY YARGER  
Plaintiff

v.

MEGAN SROCK,  
Defendant

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY,  
PENNSYLVANIA

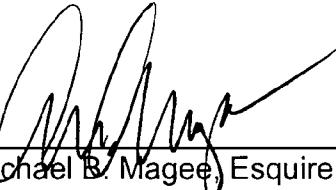
No. 02-520-CD

**DEFENDANT'S RESPONSE TO REQUEST  
FOR MATERIAL**

1. No statements have been obtained.

EVEY, ROUTCH, BLACK, DOREZAS,  
MAGEE & LEVINE LLP

By \_\_\_\_\_

  
Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

**FILED**

DEC 13 2002

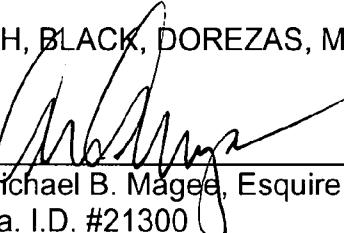
William A. Shaw  
Prothonotary

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 10 day of June, 2002, by first-class United States Mail, postage pre-paid, addressed to the following:

James B. Cole, Esquire  
Stokes Lurie Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

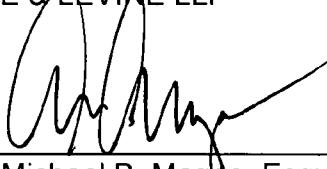
By   
Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

TRACY YARGER : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY,  
V. : PENNSYLVANIA  
MEGAN SROCK, : No. 02-520-CD  
Defendant :

**DEFENDANT'S RESPONSE TO REQUEST  
FOR PRODUCTION**

1. None. Investigation is continuing.
2. None. Investigation is continuing.
3. None. Investigation is continuing.
4. None. Investigation is continuing.
5. Please see attached copies of photographs of vehicles involved in the accident.
6. None other than correspondence between Defendant's Attorney and Defendant's liability insurance carrier.
7. A copy will be provided. Defendant's insurance policy with State Farm Insurance Company is Policy No. 0051-326-38A-001. Defendant's limits of liability coverage are \$50,000/\$100,000.

EVEY, ROUTCH, BLACK, DOREZAS,  
MAGEE & LEVINE LLP

By 

Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

**FILED**

DEC 13 2002

William A. Shaw  
Prothonotary

## CERTIFICATE OF SERVICE

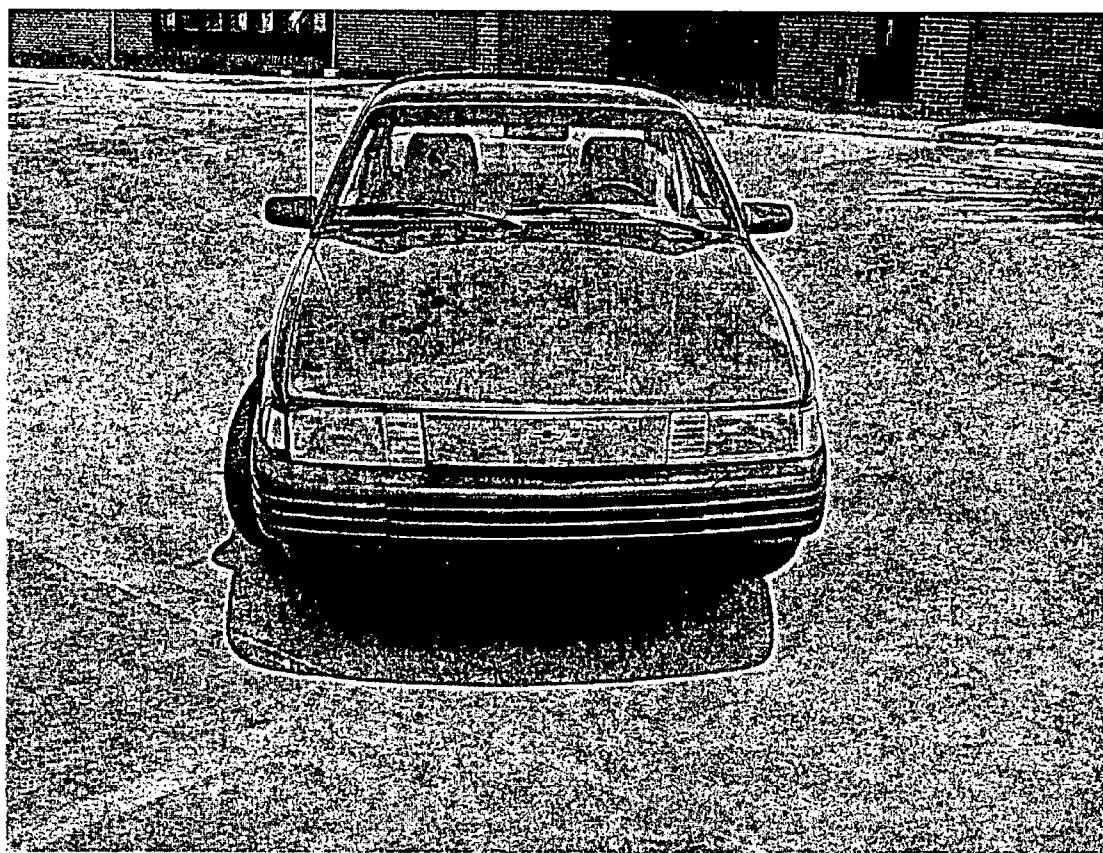
I hereby certify that a true and correct copy of the foregoing document was served on the 10 day of June, 2002, by first-class United States Mail, postage pre-paid, addressed to the following:

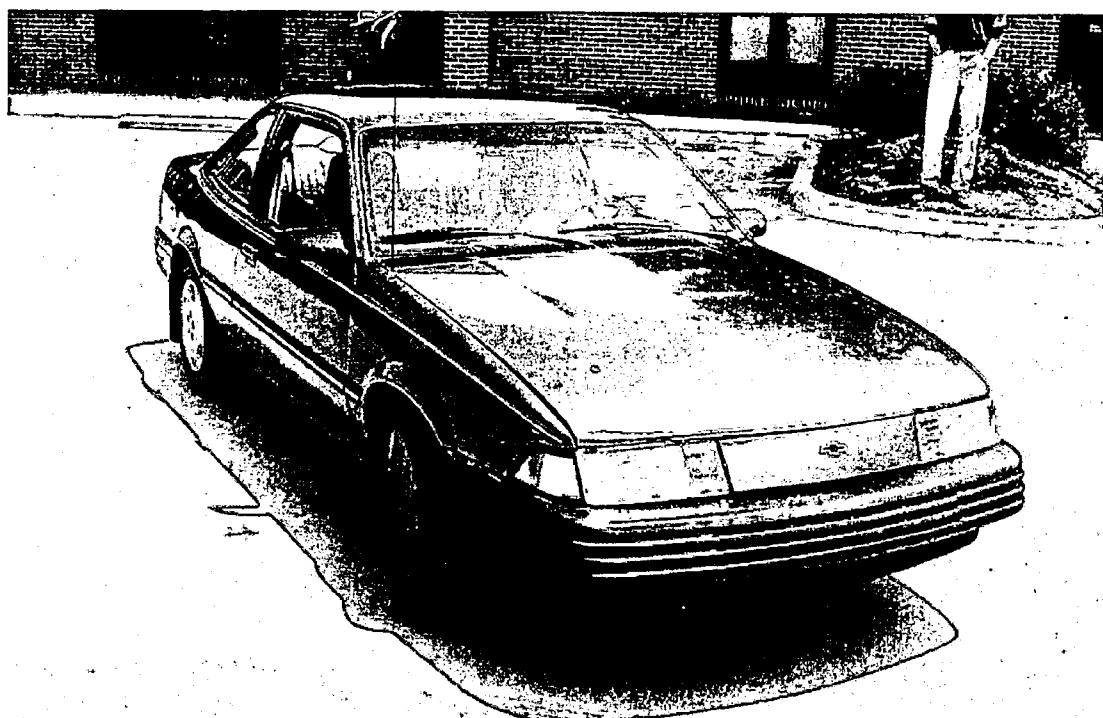
James B. Cole, Esquire  
Stokes Lurie Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219

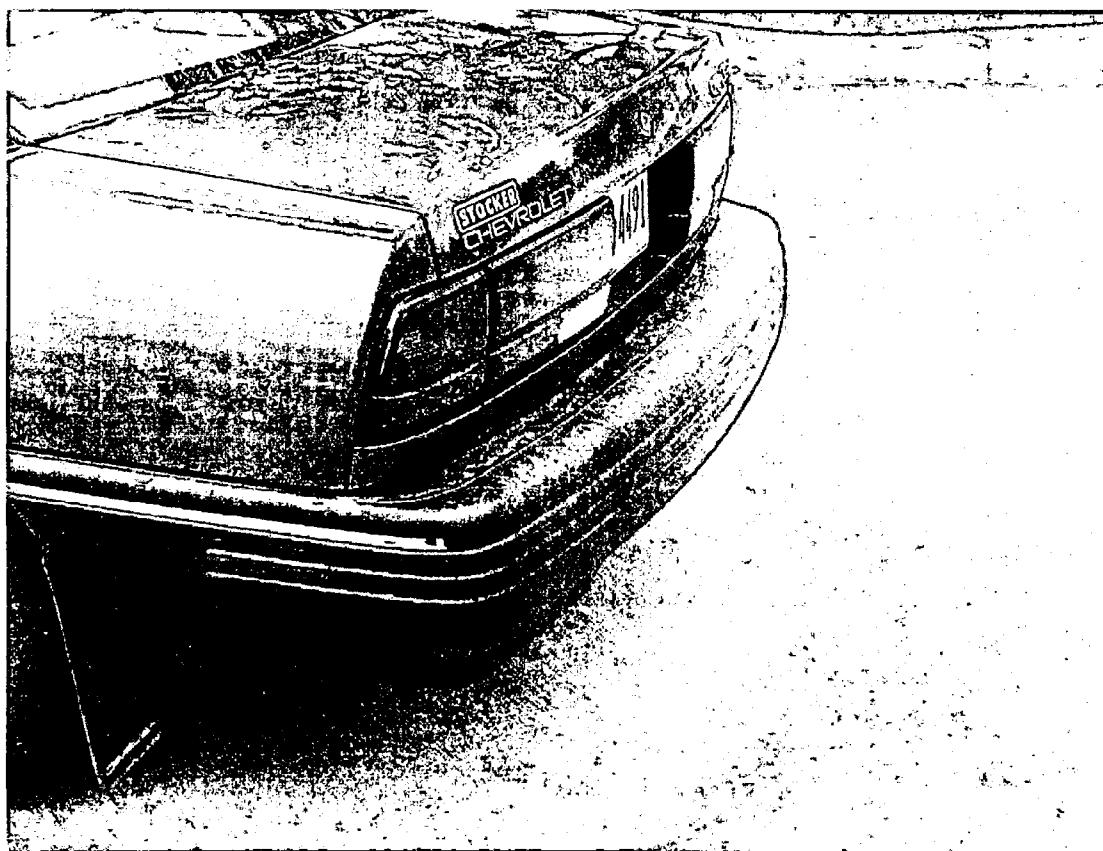
EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

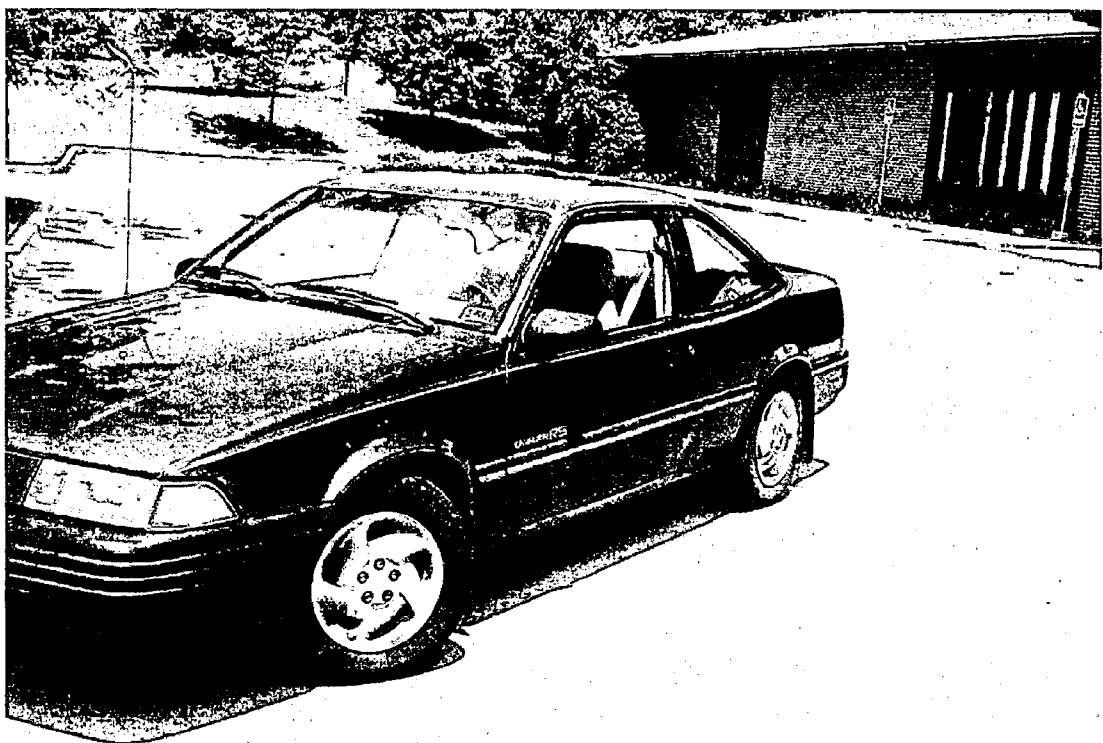
By

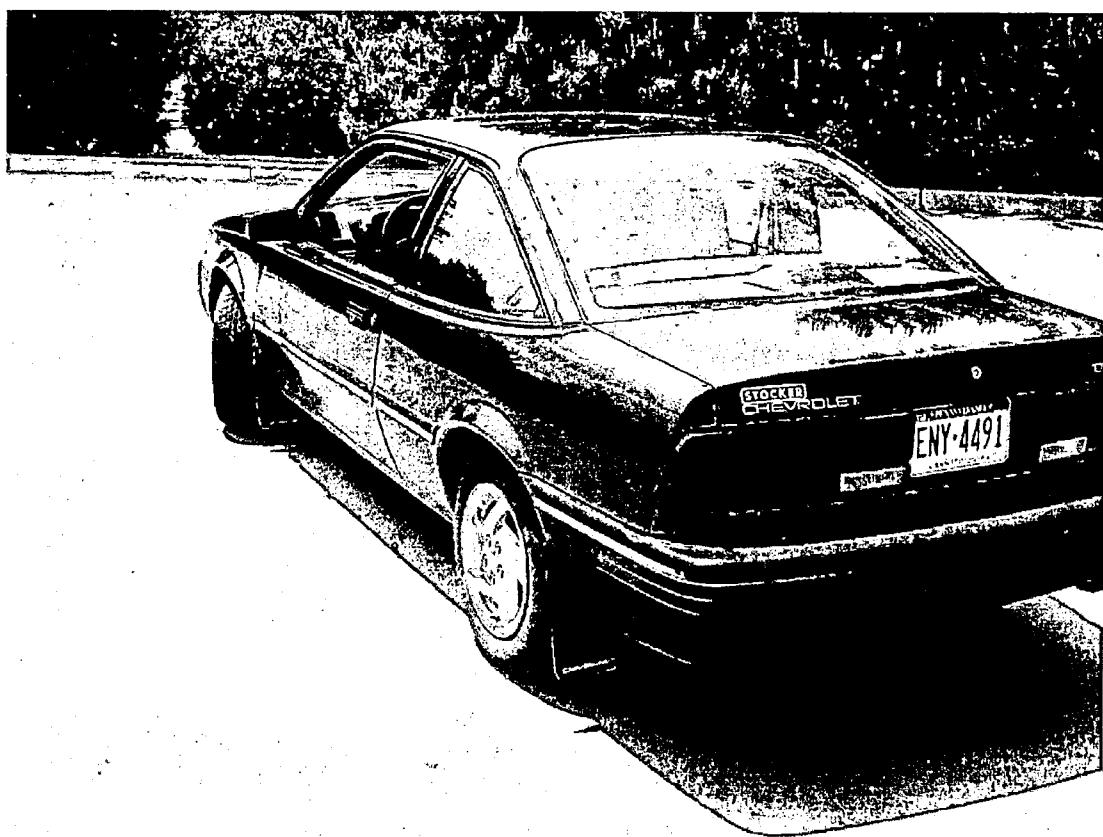
Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581









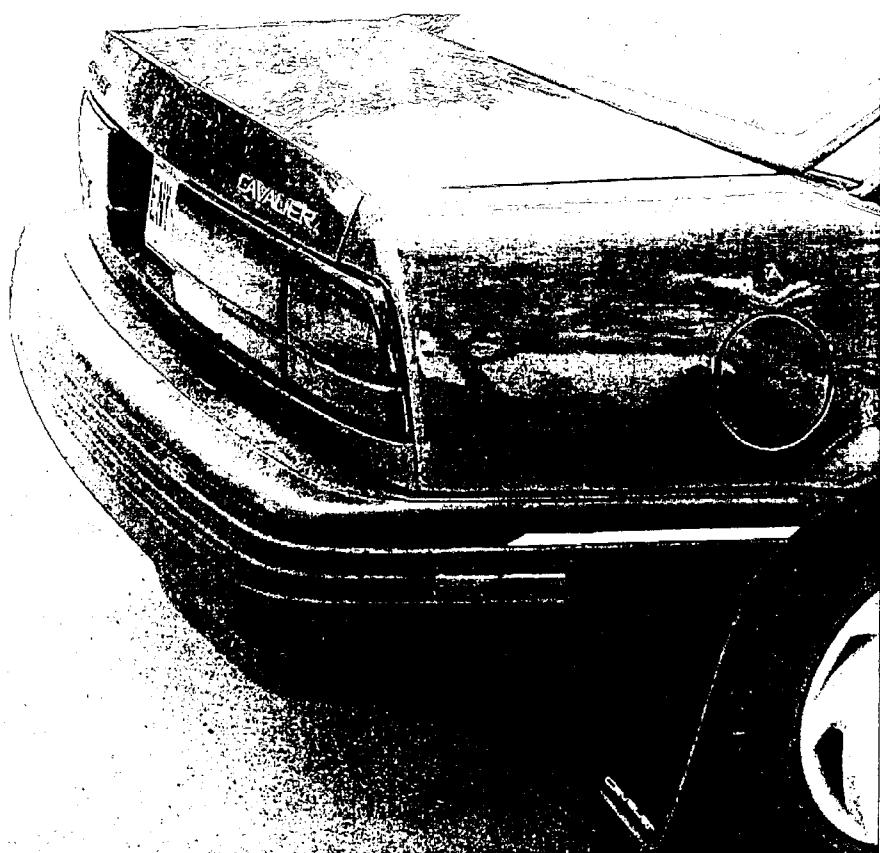


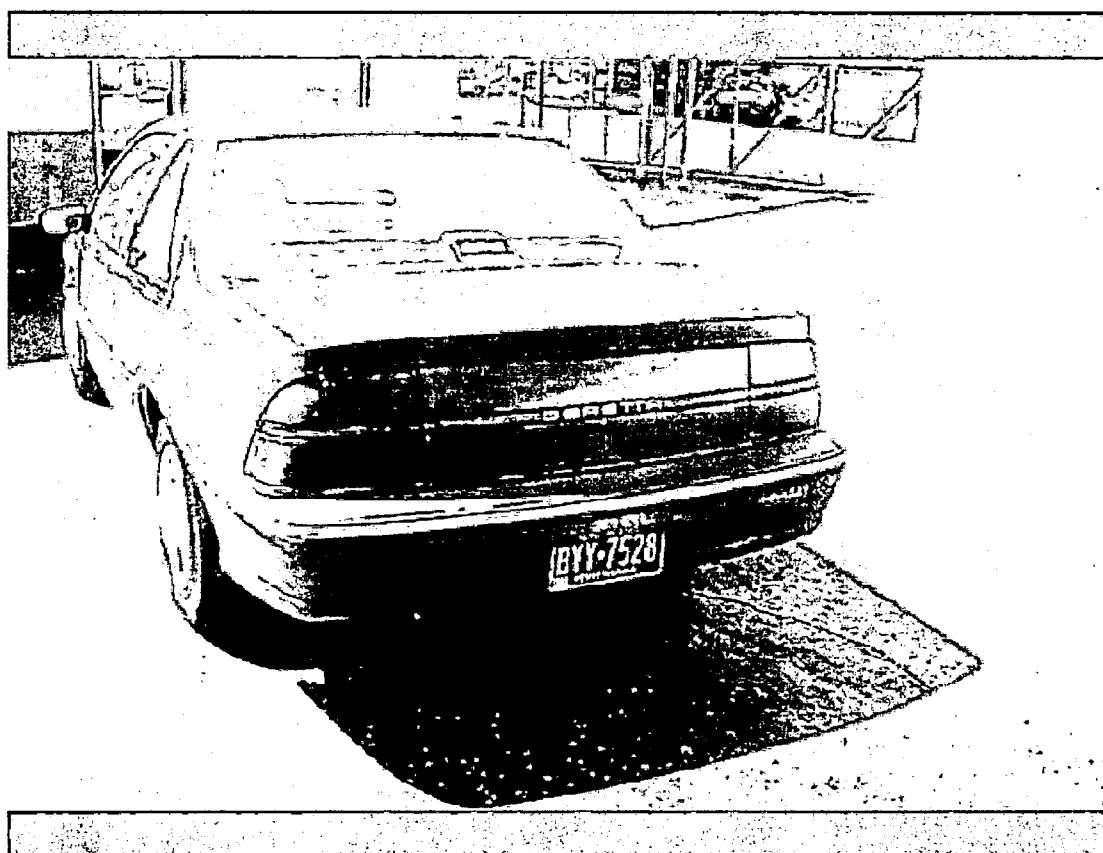


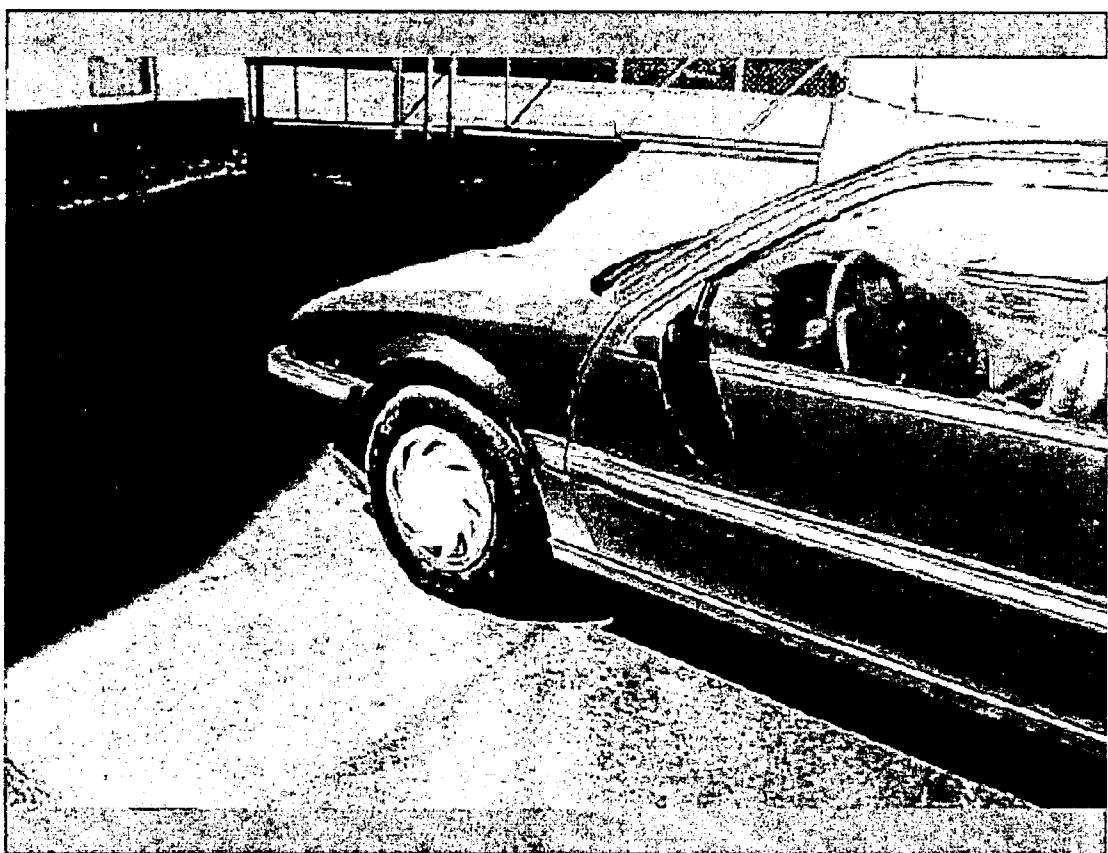


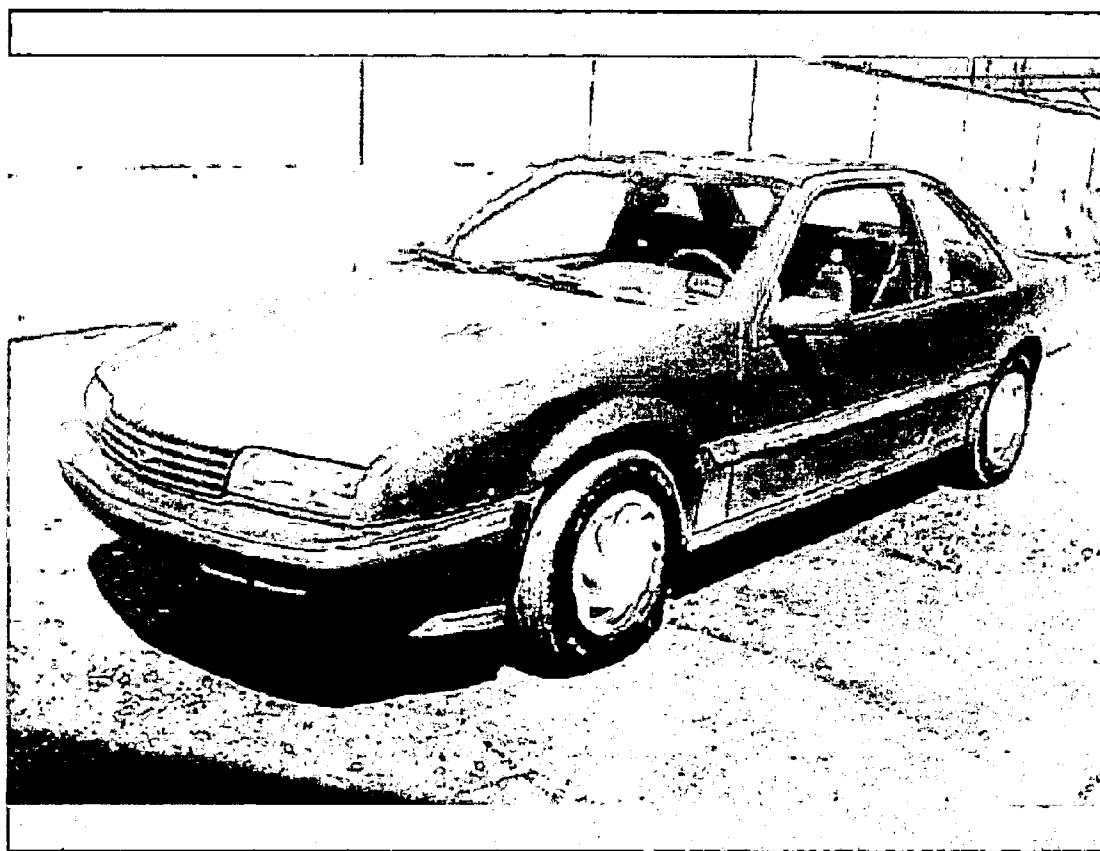












**FILED**

APR  
M 11:30 AM  
DEC 13 2002  
cc

William A. Shaw  
Prothonotary

TRACY YARGER : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY,  
: PENNSYLVANIA  
V. :  
MEGAN SROCK, : No. 02-520-CD  
Defendant :  
:

**NOTICE OF TAKING OF ORAL DEPOSITION**

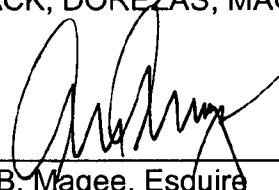
TO: PLAINTIFF

Notice is hereby given that pursuant to Pennsylvania R.C.P. No. 4007.1, the deposition of Tracy Yarger will be taken on oral examination on April 14, 2003 at 3:00 p.m. at the offices of Sargent's Court Reporting Service, 106 N. Second Street, Clearfield, Pennsylvania, in the presence of a Court Reporter.

The deposition is being taken for discovery purposes and/or use at trial.

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By \_\_\_\_\_

  
Michael B. Magee, Esquire  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581  
I.D. #21300

**FILED**

MAR 06 2003

William A. Shaw  
Prothonotary

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 6 day of July, 2003, by first-class United States Mail, postage pre-paid, addressed to the following:

James B. Cole, Esquire  
Stokes Lurie Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By \_\_\_\_\_  
Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581



TRACY YARGER : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY,  
: PENNSYLVANIA  
V. :  
: No. 02-520-CD  
MEGAN SROCK, :  
Defendant :  
:

**NOTICE OF SERVICE OF  
INTERROGATORIES/REQUEST FOR PRODUCTION OF DOCUMENTS**

You are hereby notified that on the 16 day of April, 2003, Defendant served Interrogatories/Request for Production of Documents upon the Plaintiff by mailing the same via First-class United States mail, postage prepaid, addressed to the following:

James B. Cole, Esquire  
Stokes Lurie Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

BY

Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

**FILED**

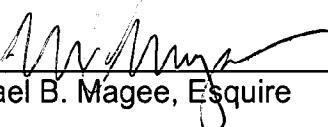
APR 17 2003

William A. Shaw  
Protheroetary

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16 day of April, 2003, a true and correct copy of the foregoing document was served upon the following by United States first class mail, postage prepaid:

James B. Cole, Esquire  
Stokes Lurie Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219

By   
Michael B. Magee, Esquire

TRACY YARGER : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY,  
: PENNSYLVANIA  
v. :  
: No. 02-520-CD  
MEGAN SROCK, :  
Defendant :  
:

## PROPOSED ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2004, upon consideration  
of the Motion to Compel filed on behalf of Defendant, Megan Srock, it is hereby  
ORDERED, ADJUDGED and DECREED as follows:

1. The Plaintiff shall within twenty (20) days of the date of this Order file full, complete and responsive Answers to Defendant's Interrogatories; and
2. The Plaintiff shall within twenty (20) days of the date of this Order file a written response to the Defendant's Request for Production of Documents and produce all requested documents.

BY THE COURT,

J.

TRACY YARGER : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY,  
V. : PENNSYLVANIA  
MEGAN SROCK, : No. 02-520-CD  
Defendant :

MOTION TO COMPEL

FILED *ice*  
11/3/04 Atty Magee  
NOV 23 2004

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

AND NOW, comes the Defendant, Megan Srock, by and through her attorneys, Evey, Routh, Black, Dorezas, Magee & Levine LLP, and files the following Motion to Compel further and complete Answers to Interrogatories and Request for Production of Documents directed to Plaintiff and in support sets forth the following:

1. Plaintiff filed a Writ of Summons against Defendant on or about April 8, 2002 and filed a Complaint against Defendant on or about September 23, 2002.
2. Plaintiff alleges she suffered serious personal injury as the result of Defendant's negligence arising out of an automobile accident which occurred April 8, 2000.
3. On April 15, 2000, Defendant submitted Interrogatories and a Request for Production of Documents to Plaintiff's counsel. No objection was filed to that written discovery and no answers to that written discovery have been made by Plaintiff.
4. Defense counsel has requested Plaintiff's counsel answer that discovery in three letters, dated September 9, 2003, December 11, 2003 and August 26, 2004 and in a telephone conversation of August 26, 2004. Copies of that correspondence are attached as Exhibit "A."

5. Pennsylvania Rules of Civil Procedure 4006(a) (2) provides that a party must respond to Interrogatories within thirty (30) days. Rule 4009.12(a) requires a party to file a Reply to Request for Production of Documents within thirty (30) days. Plaintiff has failed to comply with the Rules of Civil Procedure.

6. Defendant, Megan Srock, will be severely prejudiced without said Discovery Responses.

7. Defendant, Megan Srock, cannot prepare adequate defense without Responses.

WHEREFORE, Defendant, Megan Srock, requests this Honorable Court to enter an Order requiring Plaintiff to fill Full and complete Answers to Interrogatories and Request for Production of Documents within thirty (30) days of the day of the Court's Order or suffer sanctions as the Court may deem appropriate.

EVEY, ROUTCH, BLACK, DOREZAS,  
MAGEE & LEVINE LLP

By



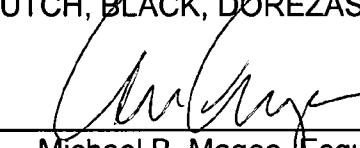
Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 27 day of July, 2004, by first-class United States Mail, postage pre-paid, addressed to the following:

James B. Cole, Esquire  
Stokes Lurie Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By 

Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

9  
September 9, 2003

James B. Cole, Esquire  
2100 Law & Finance Building  
Pittsburgh, PA 15219

In re: Tracy Yarger v Megan Srock  
Amanda Coover v Megan Srock

Dear Attorney Cole:

I served written discovery in both of these cases on April 15, 2003, but have not yet received Plaintiffs' response. I have no medical documentation of your clients' injuries. Please answer the written discovery within the next thirty (30) days.

Thank you for your courtesy.

Sincerely,

Michael B. Magee

MBM:cl

(2)  
December 11, 2003

James B. Cole, Esquire  
2100 Law & Finance Building  
Pittsburgh, PA 15219

In re: Tracy Yarger v Megan Srock  
Amanda Coover v Megan Srock

Dear Jim:

On April 15, 2003 I sent you written discovery for both cases. I do not believe you have yet sent me the answers. I will have to file a Motion to Compel unless the discovery is answered within the next ten days.

Thank you for your courtesy.

Sincerely,

Michael B. Magee

MBM:cl  
bcc: Paul Stein 38 J334 759

21  
August 26, 2004

James B. Cole, Esquire  
2100 Law & Finance Building  
Pittsburgh, PA 15219

In re: Tracy Yarger v Megan Srock  
Amanda Coover v Megan Srock

Dear Jim:

This will confirm our telephone conversation of August 26, 2004. I served written discovery April 2003, which has not yet been answered. Please provide your client's answers to this discovery within the next twenty days. Otherwise, I will have to file a Motion to Compel.

Thank you for your courtesy.

Sincerely,

Michael B. Magee

MBM:cl

(X)

TRACY YARGER : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY,  
: PENNSYLVANIA  
v. :  
: No. 02-520-CD  
MEGAN SROCK, :  
Defendant :  
:

ORDER OF COURT

AND NOW, this 7<sup>th</sup> day of December, 2004, upon  
consideration of the Motion to Compel filed on behalf of  
Defendant, Megan Srock, it is hereby ORDERED, ADJUDGED and  
DECREED as follows:

1. The Plaintiff shall within ~~twenty~~ <sup>thirty</sup> <sup>30</sup> *PSA* days of the  
date of this Order file full, complete and responsive  
Answers to Defendant's Interrogatories; and  
2. The Plaintiff shall within ~~twenty~~ <sup>thirty</sup> <sup>30</sup> *PSA* days of the  
date of this Order file a written response to  
Defendant's Request for Production of Documents and produce  
all requested documents.

BY THE COURT,

*Judie Guiney*  
JUDGE

*FILED*  
01/3:52PM 4th Mag  
DEC 07 2004  
William A. Shaw  
Prothonotary/Clerk of Courts

TRACY YARGER  
Plaintiff

v.

MEGAN SROCK,  
Defendant

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY,  
PENNSYLVANIA

No. 02-520-CD

PRAECIPE FOR TRIAL LIST

TO THE PROTHONOTARY:

Please place this case on the next available Civil Trial List.

EVEY, BLACK, DOREZAS, MAGEE,  
LEVINE, ROSENSTEEL & MAUK LLP

By \_\_\_\_\_

  
Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

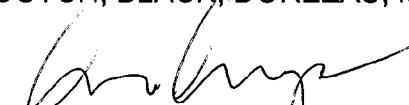
FILED  
m 11:24 AM  
11/07/2006  
cc  
WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 10 day of June, 2006, by first-class United States Mail, postage pre-paid, addressed to the following:

James B. Cole, Esquire  
Stokes Lurie Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By 

Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER, :  
: No. 02-520-CD

Plaintiff, :  
: **MOTION TO REMOVE FROM  
TRIAL LIST AND TRANSFER TO  
ARBITRATION**

vs. : Filed on behalf of:  
Plaintiff

MEGAN SROCK, :  
: Counsel of Record for this  
Party:

Defendant. :  
: James B. Cole, Esquire  
Pa. I.D. #15801

:  
: STOKES LURIE COLE &  
HENS-GRECO, P.C.  
Firm #012

:  
: 2100 Law & Finance Building  
Pittsburgh, PA. 15219

:  
: (412) 391-0800

FILED NO CC  
JUL 28 2006  
11:44 AM

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff, : No. 02-520-CD

vs.

MEGAN SROCK,

Defendant.

**MOTION TO REMOVE FROM TRIAL LIST  
AND TRANSFER TO ARBITRATION**

The plaintiff moves the Court for an order removing this case from the trial list and transferring the case to arbitration. In support thereof the following is averred:

1. This is an action requesting money damages as compensation for injuries suffered in a motor vehicle accident.
2. The subject accident was a low speed collision that occurred in a parking lot.
3. The case is scheduled for call on the trial list on July 27, 2006.
4. Counsel for the parties have conferred and have agreed that the nature of the injuries are such that the matter is appropriate for arbitration.

WHEREFORE, the plaintiff requests that an order be entered transferring the within action to arbitration.

STOKES LURIE COLE & HENS-GRECO

By James B. Cole  
James B. Cole, Esquire  
Attorney for plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff. : No. 02-520-CD

vs.

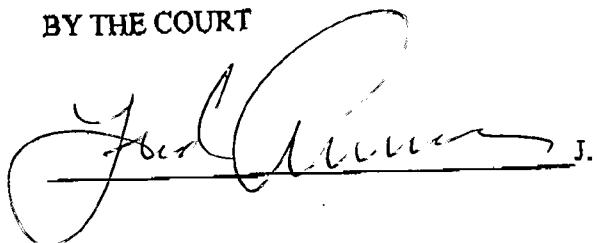
MEGAN SROCK,

Defendant.

**CONSENT ORDER TRANSFERRING CASE TO ARBITRATION**

AND NOW, this 28 day of July, 2006, upon consent of the parties, it is  
hereby ordered that this matter is transferred to arbitration.

BY THE COURT



CONSENTED TO:



James B. Cole, Esquire  
Attorney for plaintiff



Michael B. Magee, Esquire  
Attorney for defendant

**FILED** accata Cole  
07/31/2006  
JUL 31 2006

William A. Shaw  
Prothonotary

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

AMANDA COOVER :  
vs. : No. 02-1589-CD  
MEGAN SROCK :  
TRACY YARGER :  
vs. : No. 02-520-CD  
MEGAN SROCK :

**ORDER**

NOW, this 22<sup>nd</sup> day of November, 2006, it is the ORDER of the Court  
that the above-captioned matter is scheduled for Arbitration on Tuesday, December 19, 2006  
at 9:00 A.M. The following have been appointed as Arbitrators:

Frederick M. Neiswender, Esquire, Chairman

Warren B. Mikesell, II, Esquire

Patrick Lavelle, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven  
(7) days prior to the scheduled Arbitration. The original should be forwarded to the Court  
Administrator's Office and copies to opposing counsel and each member of the Board of  
Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form  
in enclosed as well as a copy of said Local Rule of Court.

Please report to Hearing Room No. 3, 2<sup>nd</sup> Floor, Clearfield County Courthouse,  
Clearfield, PA.

BY THE COURT:  
  
FREDRIC J. AMMERMAN  
President Judge

FILED 10/3/06 10:54 AM 01A  
NOV 22 2006  
Orig. to 02-1589-CD  
W.S. Shaw  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Tracy Yarger  
vs.  
Megan Stock

No. 2002-00520-CD

**OATH OR AFFIRMATION OF ARBITRATORS**

Now, this 19th day of December, 2006, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Frederick M. Neiswender, Esq.

*Frederick M. Neiswender*  
Chairman

Warren B. Mikesell, II, Esq.

*Warren B. Mikesell*

Patrick Lavelle, Esq.

*Patrick Lavelle*

Sworn to and subscribed before me this  
December 19, 2006

*Lavelle*  
Prothonotary

**AWARD OF ARBITRATORS**

Now, this 19<sup>th</sup> day of December, 2006, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

*In favor of Defendant, Megan Stock.*

**FILED**

*12:43 PM  
DEC 19 2006*  
Notices to  
Atty's Cole &  
Magee with  
their exhibits

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

(Continue if needed on reverse.)

**ENTRY OF AWARD**

Now, this 19<sup>th</sup> day of December, 2006, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

**WITNESS MY HAND AND THE SEAL OF THE COURT**

*W.A. Shaw*  
Prothonotary

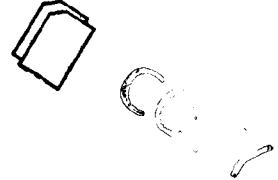
By \_\_\_\_\_

Tracy Yarger

: IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY  
: No. 2002-00520-CD

Vs.

Megan Srock



NOTICE OF AWARD

TO: JAMES B. COLE

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on December 19, 2006, and have awarded:

In favor of Defendant, Megan Srock

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

December 19, 2006

Date

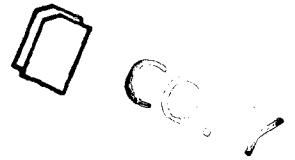
In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Tracy Yarger

: IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY  
: No. 2002-00520-CD

Vs.

Megan Srock

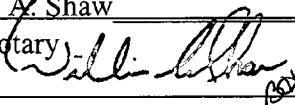


NOTICE OF AWARD

TO: MICHAEL B. MAGEE

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on December 19, 2006, and have awarded:

In favor of Defendant, Megan Srock

William A. Shaw  
Prothonotary   
By W.A. Shaw *box*

December 19, 2006

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

TRACY YARGER  
Plaintiff

v.

MEGAN SROCK,  
Defendant

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY,  
PENNSYLVANIA

No. 02-520-CD

**PRAECIPE FOR ENTRY OF JUDGMENT  
ON THE AWARD OF ARBITRATORS**

**TO THE PROTHONOTARY:**

Please enter judgment on the Award of the Arbitrators of December 19, 2006.

EVEY, BLACK, DOREZAS, MAGEE,  
LEVINE, ROSENSTEEL & MAUK LLP

By \_\_\_\_\_

  
Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

**FILED** *No CC*  
*1/25/07 Atty Magee*  
JAN 24 2007 Ad. 20.00

*Office to*  
William A. Shaw *James*  
Prothonotary/Clerk of Courts  
*Cole, Esq. (Atty-Plaintiff)*  
*(6R)*

Tracy Yarger

: IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY  
: No. 2002-00520-CD

Vs.

:

Megan Srock

NOTICE OF AWARD

TO: MICHAEL B. MAGEE

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on December 19, 2006, and have awarded:

In favor of Defendant, Megan Srock

William A. Shaw

Prothonotary

By William A. Shaw

December 19, 2006

Date

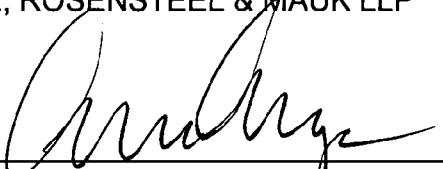
In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 22 day of January, 2007, by first-class United States Mail, postage pre-paid, addressed to the following:

James B. Cole, Esquire  
Stokes Lurie Cole & Hens-Greco, P.C.  
2100 Law & Finance Building  
Pittsburgh, PA 15219

EVEY, BLACK, DOREZAS, MAGEE,  
LEVINE, ROSENSTEEL & MAUK LLP

By 

Michael B. Magee, Esquire  
Pa. I.D. #21300  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 695-7581

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Tracy Yarger

Vs.

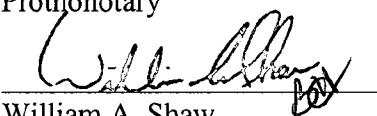
No. 2002-00520-CD

Megan Srock

To: Tracy Yarger  
C/o James Cole, Esq.

NOTICE is given that a JUDGMENT in the above captioned matter has been entered  
against you on January 24, 2007.

William A. Shaw  
Prothonotary

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

: No. 02-520-CD

Plaintiff,

: **ARBITRATION PRE-TRIAL  
STATEMENT**

vs.

MEGAN SROCK,

: Counsel of Record for this  
Party:

Defendant.

: James B. Cole, Esquire  
Pa. I.D. #15801

: STOKES LURIE COLE &  
HENS-GRECO, P.C.  
Firm #012

: 2100 Law & Finance Building  
Pittsburgh, PA. 15219

: (412) 391-0800

RECEIVED  
COURT ADMINISTRATION  
OFFICE

DEC 08 2006

COURT ADMINISTRATION  
OFFICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,	:	
	:	
Plaintiff,	:	No. 02-520-CD
	:	
vs.	:	
	:	
MEGAN SROCK,	:	
	:	
Defendant.	:	

**PLAINTIFF'S ARBITRATION PRE-TRIAL STATEMENT**

**Statement of the Case**

This is an action requesting money damages as compensation for injuries suffered as a result of an automobile accident that happened April 8, 2000 in Philipsburg, Pennsylvania. The plaintiff was operating her motor vehicle in the Ames parking lot when the defendant negligently backed her vehicle out of a parking space and collided with the plaintiff's vehicle on the driver's side, thereby injuring the plaintiff. As a result of the collision the plaintiff suffered strain, sprain, injury and damage to the muscles, ligaments and tissues of the thoracic and lumbar spine.

**Applicable Case or Statutes**

The plaintiff's claim is based upon principles of common law negligence.

**List of Witnesses**

The following witnesses may be called:

- Tracy Yarger, plaintiff herein

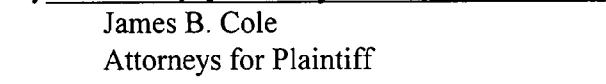
- Amanda Coover  
19 East 10<sup>th</sup> Street  
Tyrone, PA 16681
- Megan Srock, defendant herein

**Statement of Damages**

An award will be sought for pain suffering and inconvenience. There is no claim for lost earnings or for medical expense. Records of Kornel Lukacs, M.D. and William Schroeder will be offered.

STOKES LURIE COLE & HENS-GRECO, P.C.

By



James B. Cole

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the within Arbitration Pre-Trial Statement was served upon the counsel for defendant by first class mail, postage prepaid, this 6<sup>th</sup> day of December, 2006.

TO: Michael B. Magee, Esquire  
Evey, Black  
401-03 Allegheny Street  
P.O. Box 415  
Hollidaysburg, PA. 16648-0415

with copies to:

John R. Ryan, Esquire  
Belin & Kubista  
15 North Front Street  
Clearfield, PA 16830

Warren B. Mikesell, II, Esquire  
Mikesell & Mikesell  
115 E. Locust street  
Clearfield, PA 16830

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
211 ½ North 2<sup>nd</sup> Street  
Clearfield, PA 16830

STOKES LURIE COLE & HENS-GRECO, P.C.

By:   
James B. Cole  
Attorneys for Plaintiff