

02-554-CD
LLOYD O. JOHNSON, JR. et al -vs- JOSEPH NEGREY

Date: 8/8/2006

Clearfield County Court of Common Pleas

User: LMILLER

Time: 12:21 PM

ROA Report

Page 1 of 1

Case: 2002-00554-CD

Current Judge: Paul E. Cherry

Lloyd O. Johnson Jr., Mary Lou Johnson vs. Joseph Negrey

Civil Other

Date		Judge
4/10/2002	Filing: Praeipce for Writ of Summons Paid by: King, David P. (attorney for Johnson, Lloyd O Jr) Receipt number: 1840941 Dated: 04/10/2002 Amount: \$80.00 (Check) Two Writs issued to Sheriff	No Judge
5/13/2002	Praeipce For Entry of Appearance on behalf of the Defendant. filed by s/Richard A. Gray 1 copy to CA no cc Certificate of Service	No Judge
5/20/2002	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
6/6/2002	Certificate of Service, Defendant's Interrogatories and Requests for Production of Documents Directed to Plaintiff upon DAVID P. KING, ESQ. Filed by s/Richard A. Gray no cc	No Judge
11/20/2003	Praeipce For Withdrawal Of Appearance On Behalf Of Defendant. s/Richard A. Gray, Esquire Praeipce For Entry of Appearance On Behalf of Defendant. s/Darryl R. Wishard, Esquire no cc	No Judge
12/30/2003	Praeipce For Rule To File Complaint. filed by, s/Darryl R. Wishard, Esq. Certificate of Service 1 cc w/Issued Rule To Attorney	No Judge
1/22/2004	Complaint. filed by, s/David P. King, Esquire, Verification s/Lloyd O. Johnson, Jr. s/Mary Lou Johnson 2 cc Atty King	No Judge
1/23/2004	Certificate of Service of Ten Day Notice filed by Atty. Darryl R. Wishard, Esq. No CC.	No Judge
2/12/2004	Defendant's Answer and New Matter. filed by, s/Darryl R. Wishard, Esq. Verification s/Joseph Negrey Certificate of Service no cc	No Judge
3/3/2004	Reply. filed by, s/David P. King, Esquire Verification. s/Lloyd O. Johnson, Jr. 2 cc Atty King	No Judge
4/29/2004	Certificate Prerequisite to a Subpoena Pursuant to Rule 4009. 22. filled by, s/ Atty Wissard no cc	No Judge
11/18/2005	Praeipce, filed. Kindly list this case for trial in the Spring, 2006 trial term, filed by s/ Darryl R. Wishard Esq. NO CC.	No Judge
3/23/2006	Motion, filed by Atty. Wishard 2 Cert. to Atty. Upon agreement of the parties, Defendant moves to have the above captioned action continued to the next trial term.	No Judge
3/24/2006	Order, NOW, this 24th day of March, 2006, upon Motion of Defendant, and agreement of the parties, Motion is hereby Granted and trial shall commence with the next trial term. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Wishard	Paul E. Cherry

8-8-06 Order, dated 8-4-06

8-15-06 Order, dated 8-14-06

9-22-06 Order, dated 9-21-06

Date: 07/27/2006

Time: 10:46 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01050-CD *v file*

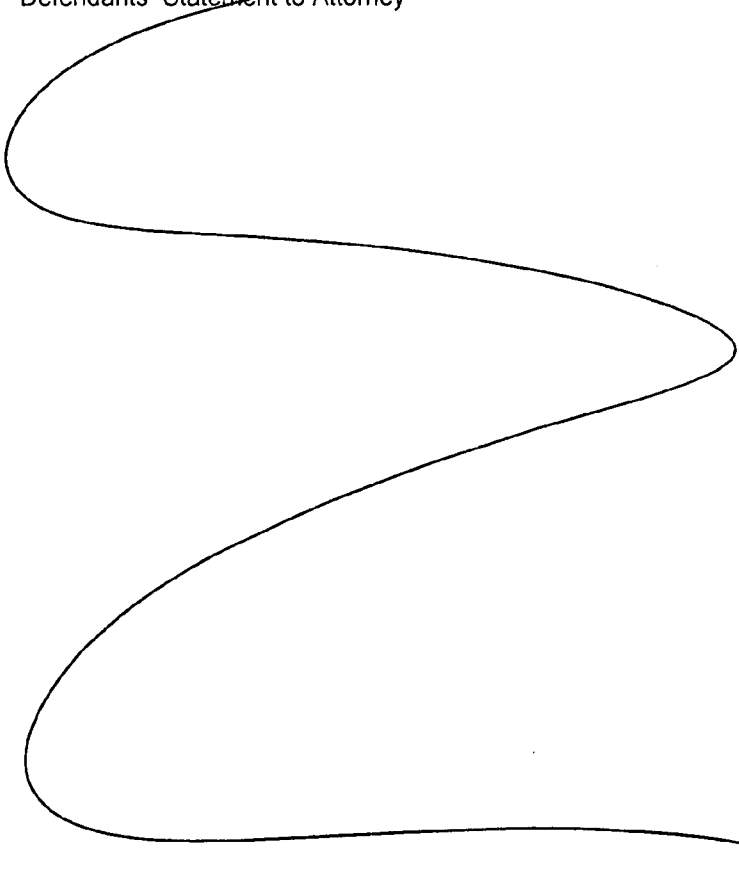
Current Judge: No Judge

First Commonwealth Bank vs. James J. Fragle, Stephanie J. Fragle

User: PUBLIC

Mortgage Foreclosures

Date		Judge
07/03/2002	Filing: Complaint in Mortgage Foreclosure Paid by: Tucker Arensberg, P.C. Receipt number: 1844938 Dated: 07/03/2002 Amount: \$80.00 (Check) Two CC Sheriff Property is located in Sandy Township, Clearfield County, PA.	No Judge
07/24/2002	Praeipie To Proceed IFP. Filed by s/Robin Jean Foor, Esq. Petition To Proceed IFP s/Lesha A. Martinez 1 cc Atty Foor	No Judge
07/26/2002	ORDER, AND NOW, this 26th day of July, 2002, re;	No Judge
08/29/2002	Sheriff Returns: Now July 8, 2002 Complaint served on Stephanie C. Fragle and James J. Fragle at residence. Sheriff costs \$36.35. Surcharge \$20.00.	No Judge
09/11/2002	Filing: Praeipie For Default Judgment In Mortgage Foreclosure In Favor of the Plaintiff and Against the Defendants in the Amount of \$26,756.73 Paid by: Krieger, Timothy A. (attorney for First Commonwealth Bank) Receipt number: 1848301 Dated: 09/11/2002 Amount: \$20.00 (Check) Notice to Defendants Statement to Attorney	No Judge



v file
02-1150-CD
Lesha Martinez

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

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON,
Plaintiffs

vs.

JOSEPH NEGREY,
Defendant

NO. 02-554-CD

Type of Case: Civil

Type of Pleading: Praecipe for
Writ of Summons

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

APR 10 2002
m/11.04/att/king
William A. Shaw pd \$80.00
Prothonotary
2 writ sum. to
Shaw

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

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON,
Plaintiffs

vs.

JOSEPH NEGREY,
Defendant


:
:
:
:
:
:
:
:

NO: 02-554 - C.D.

PRAECIPE

TO WILLIAM A. SHAW, PROTHONOTARY:

Please issue a Writ of Summons against the Defendant,
JOSEPH NEGREY, whose address is 106 Van Ness Street, Sykesville,
Pennsylvania 15865.


David P. King
Attorney for Plaintiffs

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

COPY

SUMMONS

**Lloyd O Johnson Jr. and
Mary Lou Johnson**

Vs.

NO.: 2002-00554-CD

Joseph Negrey

TO: JOSEPH NEGREY

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

Date: 04/10/2002

William A. Shaw
Prothonotary

Issuing Attorney:
David King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801
(814) 371-3760

**LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON**
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:

:No. 02-554-CD

:

:CIVIL-LAW ACTION

:

:

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our Appearance on behalf of the Defendant, Joseph Negrey, in the above-captioned matter.

Respectfully submitted,

MITCHELL MITCHELL GRAY & GALLAGHER
A Professional Corporation

By: 

Richard A. Gray - ID #21560
Attorney for Defendant

10 West Third Street
Williamsport, PA 17701
(570) 323-8404 - Telephone
(570) 323-8585 - Fax

FILED

MAY 13 2002

m12.11/1 copy CA
William A. Shaw
Prothonotary

Rec'd - 2/6/02


CERTIFICATE OF SERVICE

RICHARD A. GRAY hereby certifies that he filed the original of the foregoing Praecipe for Entry of Appearance with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 10 day of May, 2002.

He further certifies that he served a copy of the foregoing Praecipe for Entry of Appearance on the following, in the following manner, this 10 day of May, 2002:

U.S. Mail - Postage Prepaid

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801



Richard A. Gray

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12366

JOHNSON, LLOYD O. JR. & MARY LOU

02-554-CD

VS.

NEGREY, JOSEPH

PRAECIPE & WRIT OF SUMMONS

SHERIFF RETURNS

NOW APRIL 10, 2002 THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY
WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY
TO SERVE THE WITHIN SUMMONS ON JOSEPH NEGREY, DEFENDANT.

NOW APRIL 19, 2002 SERVED THE WITHIN SUMMONS ON JOSEPH NEGREY,
DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE
RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF
THIS RETURN.

Return Costs

Cost	Description
27.34	SHFF. HAWKINS PAID BY: ATTY.
33.64	SHFF. DEMKO PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

MAY 20 2002

0326

William A. Shaw
Prothonotary

Sworn to Before Me This

20th 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
My Mauley Hamer

Chester A. Hawkins

Sheriff

No. 02-554-CD

Personally appeared before me, Terry Fedigan, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on April 19, 2002 at 9:15 o'clock A.M. served the Summons upon JOSEPH NEGREY, Defendant, at his residence, 106 Van Ness Street, Borough of Sykesville, County of Jefferson, State of Pennsylvania by handing to him, personally, a true copy of the Summons, and by making known to him the contents thereof.

Advance Costs Received: \$125.00
 My Costs: \$ 31.64 Paid
 Prothy: \$ 2.00
 Total Costs: \$ 33.64
 Refunded: \$ 91.36

Sworn and subscribed

to before me this 13

day of May 2002

By Richard D. Beck

RICHARD D. BECK, DISTRICT JUSTICE

Magisterial District Court 54-3-03

Jefferson County Courthouse

Brookville, PA 15825

My Commission Expires First Mon. Jan. 2006

So Answers,

Terry Fedigan Deputy
Thomas A. Demko
 JEFFERSON COUNTY, PENNSYLVANIA

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

COP

SUMMONS

Lloyd O Johnson Jr. and
Mary Lou Johnson

Vs.

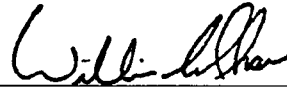
NO.: 2002-00554-CD

Joseph Negrey

TO: JOSEPH NEGREY

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

Date: 04/10/2002



William A. Shaw
Prothonotary

Issuing Attorney:
David King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801
(814) 371-3760

**LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON**
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:

:No. 02-554-CD

:

:CIVIL-LAW ACTION

:

:

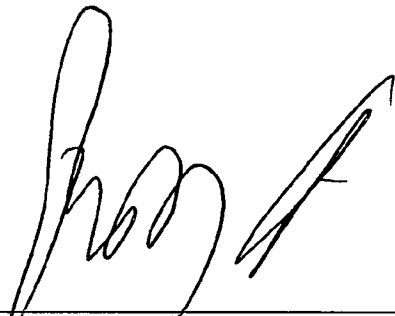
CERTIFICATE OF SERVICE

RICHARD A. GRAY hereby certifies that he filed the original of the foregoing Certificate of Service for the Defendant's Interrogatories and Requests for Production of Documents Directed to Plaintiff with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 5 day of June, 2002.

He further certifies that he served the original of the Defendant's Interrogatories and Requests for Production of Documents Directed to Plaintiff on the following, in the following manner, this 5 day of June, 2002:

U.S. Mail - Postage Prepaid

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801



Richard A. Gray

FILED

JUN 06 2002
01:12/110CC
William A. Shaw
Prothonotary

**LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON**
Plaintiffs

v.

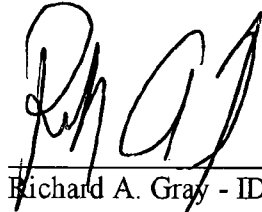
JOSEPH NEGREY
Defendant

:IN THE COURT OF COMMON PLEAS OF
:CLEARFIELD COUNTY, PENNSYLVANIA
:
:No. 02-554-CD
:
:CIVIL-LAW ACTION
:
:

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Kindly withdrawal my Appearance on behalf of the Defendant in the above captioned matter.



Richard A. Gray - ID #: 21560

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my Appearance on behalf of the Defendant in the above-captioned matter.

Respectfully submitted,

MITCHELL MITCHELL GRAY & GALLAGHER
A Professional Corporation

By: 

Darryl R. Wishard - ID #56862
Attorney for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404 - Telephone
(570) 323-8585 - Fax

FILED

NOV 20 2003

William A. Shaw
Prothonotary/Clerk of Courts


CERTIFICATE OF SERVICE

RICHARD A. GRAY hereby certifies that he filed the original of the foregoing Praecipe for Withdrawal of Appearance and Praecipe for Entry of Appearance with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 19th day of November, 2003.

He further certifies that he served a copy of the foregoing Praecipe for Withdrawal of Appearance and Praecipe for Entry of Appearance on the following, in the following manner, this 19th day of November, 2003:

U.S. Mail - Postage Prepaid

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801



for Richard A. Gray

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:
:No. 02-554-CD

:
:CIVIL-LAW ACTION

:
:

PRAECIPE FOR RULE TO FILE COMPLAINT

William Shaw, Prothonotary:

Kindly issue a Rule on Plaintiffs to file a Complaint in the above-captioned
lawsuit

within twenty (20) days or to suffer a judgment of non pros.

FILED

DEC 30 2003

MITCHELL, MITCHELL, GRAY & GALLAGHER
A Professional Corporation

William A. Shaw
Prothonotary Clerk of Courts

BY



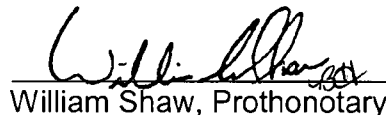
Darryl R. Wishard
Attorneys for Defendant

ID #56862

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

AND NOW, this 30th day of December, 2003, upon Praecipe of Defendant, a
rule is hereby entered upon the Plaintiffs to file a Complaint within twenty (20) days
after service of this Rule or suffer the entry of a judgment of non pros.


William Shaw, Prothonotary

CERTIFICATE OF SERVICE

DARRYL R. WISHARD hereby certifies that on this 30th day of December, 2003 he mailed the foregoing Praeceptum for Rule to File Complaint to the Clearfield County Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that he served a copy of the foregoing Praeceptum on the following by U.S. Mail, postage prepaid, first class rates this same date:

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801



Darryl R. Wishard

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

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON,
Plaintiffs

vs.

JOSEPH NEGREY,
Defendant

NO. 02-554-C.D.

Type of Case: Personal Injury -
Automobile Accident

Type of Pleading: Complaint

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

JAN 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

LLOYD O. JOHNSON, JR. and	:	
MARY LOU JOHNSON,	:	
Plaintiffs	:	
	:	NO. 02-554-C.D.
vs.	:	
	:	
JOSEPH NEGREY,	:	
Defendant	:	

NOTICE

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

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

Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51

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

LLOYD O. JOHNSON, JR. and	:	
MARY LOU JOHNSON,	:	
Plaintiffs	:	
	:	
vs.	:	NO. 02-554-C.D.
	:	
JOSEPH NEGREY,	:	
Defendant	:	

COMPLAINT

AND NOW, come the Plaintiffs, LLOYD O. JOHNSON, JR. and MARY LOU JOHNSON, through their Attorney, David P. King, and for their cause of action respectfully represent as follows:

1. The Plaintiffs are LLOYD O. JOHNSON, JR. and MARY LOU JOHNSON, husband and wife, and they reside at 800 Green Glen Drive, DuBois, PA 15801.

2. The Defendant, JOSEPH NEGREY, resides at 106 Van Ness Street, Sykesville, PA 15865.

3. On or about May 10, 2000, at approximately 10:30 a.m., the Plaintiff, LLOYD O. JOHNSON, JR., was operating his motor vehicle in a safe and prudent manner on the public ways and streets within the City of DuBois, Clearfield County, PA.

4. More specifically, the Plaintiff was operating his motor vehicle and driving in a southerly direction on Division Street, having a green light, and entering said intersection of Division Street and State Route 255, also known as East DuBois Avenue.

5. At that same time and place, the Defendant, JOSEPH NEGREY, was operating his automobile in a westerly direction on State Route 255 in the City of DuBois, PA, approaching the intersection of said roadway with Division Street.

6. Notwithstanding that the traffic control device at that intersection showed red, requiring the Defendant to stop, the Defendant did not stop, and proceeded into the intersection of both roadways.

7. Consequently, the Defendant's vehicle struck the vehicle of the Plaintiff being operated by him on the driver's side, in such a violent and forceful manner as to cause Plaintiff's vehicle to spin 180° in a counter-clockwise manner, further causing Plaintiff's vehicle to turn over onto the passenger's side and come to rest on the opposite side of the intersection.

8. This impact, and violent collision, was solely a result of the Defendant's negligent conduct which can be summarized as follows:

- (a) Traveling at a high rate of speed approaching the intersection of said roadways;
- (b) Exceeding the speed limit as posted on the roadway he was traveling upon;
- (c) He failed to use caution and vigilance when approaching said intersection as described herein;
- (d) He failed to follow the rules of the road, and more specifically, traffic signals and devices at said intersection;
- (e) Defendant ran the red light at said intersection, in violation of the Motor Vehicle Code, and the laws of the Commonwealth of Pennsylvania;
- (f) Defendant further failed to yield to the Plaintiff who had a green light, and was lawfully proceeding to enter and cross said intersection;

(g) Defendant failed to exercise due care under the circumstances as outlined herein; and

(h) Defendant failed to exercise in general, in this context, reasonable care under the circumstances.

9. Because of the negligent operation of his motor vehicle, the Defendant was the proximate cause, and has caused injuries to the Plaintiff and their vehicle which is further set forth as hereinafter set forth.

COUNT I
(PERSONAL INJURY TO LLOYD O. JOHNSON, JR.)

10. The averments in Plaintiffs' Paragraphs 1 through 9 above are herein incorporated by reference.

11. As a result of the collision as described above, the Plaintiff, LLOYD O. JOHNSON, JR., was physically injured, and did undergo great pain and suffering, at said point in time, continued thereafter to undergo great pain and suffering, and continues to this day to experience and suffer the same.

12. Because of Plaintiff's age, Plaintiff anticipates that he will never fully recover from the personal injuries received.

13. Plaintiff has thus suffered great trauma, emotional stress, pain, suffering and discomfort and inconvenience then, thereafter and continuing and expected to continue into the future.

WHEREFORE, Plaintiff, LLOYD O. JOHNSON, JR., prays your Honorable Court to award him damages in excess of Twenty Thousand (\$20,000.00) Dollars, and he will so ever pray.

COUNT II
(LOSS OF CONSORTIUM FOR MARY LOU JOHNSON)

14. The averments in Plaintiffs' Paragraphs 1 through 13 above are herein incorporated by reference.

15. Because of the injuries received by her husband, and the pain, suffering and disability which he has and continues to suffer, and will further suffer in the future, the Plaintiff, MARY LOU JOHNSON, claims damages against the Defendant for loss of consortium.

WHEREFORE, the Plaintiff, MARY LOU JOHNSON, prays your Honorable Court to enter a judgment in her favor and against the Defendant for the sum in excess of Twenty Thousand (\$20,000.00) Dollars.

COUNT III
(LOSS OF INCOME - LLOYD O. JOHNSON, JR.)

16. The averments in Plaintiffs' Paragraphs 1 through 15 above are herein incorporated by reference.

17. Because of the injuries LLOYD O. JOHNSON, JR., received, he suffered a loss of earning capacity and expected monies that he would have received.

18. More specifically, the said Plaintiff, LLOYD O. JOHNSON, JR., is self-employed, and because of the injuries that he received, he suffered a monetary loss, not being able to work, perform and earn the income that he expected and would have earned except for his inability to work fully during his period of hospitalization and convalescing.

19. The Plaintiff, LLOYD O. JOHNSON, JR., estimates and calculates that the earnings that he lost because of the injuries caused by the Defendant are in the approximate amount of \$50,000.00.

WHEREFORE, the Plaintiff, LLOYD O. JOHNSON, JR., prays your Honorable Court to enter a judgment in his favor for such loss of income and earning capacity, and he will so ever pray.

COUNT IV
(OUT OF POCKET EXPENSES)

20. The averments in Plaintiffs' Paragraphs 1 through 19 above are herein incorporated by reference.

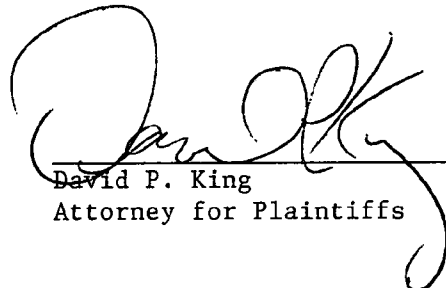
21. The vehicle that Plaintiff was driving at this time was a leased vehicle, and not owned by Plaintiffs.

22. As a consequence of the collision due solely to the negligence of the Defendant, the vehicle which Plaintiff was driving was totaled beyond repair.

23. Notwithstanding, the Plaintiff, LLOYD O. JOHNSON, JR., was required by the owner/lessor of said vehicle to pay to said leasing company a lease difference of \$1,190.25.

24. Additionally, Plaintiff also was in need of a vehicle for a short term, and paid to Enterprise Leasing Company, a car rental fee of \$214.29.

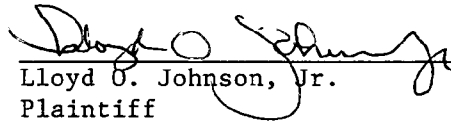
WHEREFORE, Plaintiffs pray your Honorable Court to also enter judgment in their favor and against the Defendant in the amount of an additional \$1,404.54, for such out of pocket expenses, and they will so ever pray.

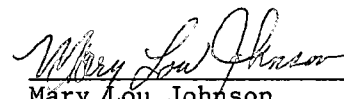


David P. King
Attorney for Plaintiffs

We verify that the statements made in this Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: January 19, 2004


Lloyd O. Johnson, Jr.
Plaintiff


Mary Lou Johnson
Plaintiff

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:
:No. 02-554-CD

:
:CIVIL-LAW ACTION
:
:

TO: **Plaintiffs Lloyd O. Johnson, Jr. and
Mary Lou Johnson**
c/o David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

Date of Notice: January 22, 2004

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE A COMPLAINT IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR RIGHT TO SUE THE DEFENDANT AND THEREBY LOSE PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Pennsylvania Bar Association
Lawyer Referral Service
100 South Street, P.O. Box 186
Harrisburg, PA 17108-0186
Telephone (800) 692-7375

North Penn Legal Services
329 Market Street
Williamsport PA 17701
(570) 323-8741

MITCHELL MITCHELL GALLAGHER SOUTHARD
WEBER & WISHARD, P.C.

BY


Darryl R. Wishard ID #56862
Attorneys for Defendant

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

FILED

JAN 23 2004


William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

DARRYL R. WISHARD hereby certifies that on this 22nd day of January, 2004, he mailed the foregoing Ten Day Notice to the Clearfield County Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that he served a copy of the foregoing on the following by U.S. Mail, postage prepaid, first class rates this same date:

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801



Darryl R. Wishard

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:
:No. 02-554-CD

:
:CIVIL-LAW ACTION
:
:

NOTICE

TO: **Plaintiffs Lloyd O. Johnson, Jr. and
Mary Lou Johnson**
c/o David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

YOU are hereby notified and required to plead to the within New Matter within
twenty (20) days from the date of service hereof.

NOTE: YOU are hereby warned that if you fail to plead as notified and required,
the action will proceed without you and you will be liable to have a default judgment
entered against you in your absence.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.
a professional corporation

BY: 

Darryl R. Wishard ID #56862
Attorneys for Defendant

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

FILED

FEB 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:
:No. 02-554-CD

:
:CIVIL-LAW ACTION

:
:

DEFENDANT'S ANSWER AND NEW MATTER

1. Denied. After reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

2. Admitted.

3. Denied as stated. Admitted that on May 10, 2000, around 10:32 a.m., Plaintiff Lloyd O. Johnson, Jr. operated a vehicle on S.R. 0255 (East DuBois Avenue) at the intersection of Division Street in the city of Dubois, Clearfield County, Pennsylvania. The remainder of this averment is denied.

4. Denied as stated. Admitted upon information and belief that Plaintiff operated his vehicle in a southerly direction on Division Street towards the intersection of Division Street and S.R. 0255. However, the remainder of this paragraph is denied.

5. Admitted.

6. Denied.

7. Denied as stated. Admitted that the vehicles of Plaintiff and Defendant collided. However, the remainder of this paragraph is denied.

8a.-h. Denied. By way of further answer, denied as conclusions of law.

9. Denied. By way of further answer, denied as a conclusion of law.

COUNT I

PERSONAL INJURY TO LLOYD O. JOHNSON, JR.

- 10. Paragraphs 1-9 above are incorporated herein by reference.
- 11. Denied. By way of further answer, denied as a conclusion of law.
- 12. Denied. By way of further answer, denied as a conclusion of law.
- 13. Denied. By way of further answer, denied as a conclusion of law.

WHEREFORE, Defendant requests that this action be dismissed.

COUNT II

LOSS OF CONSORTIUM FOR MARY LOU JOHNSON

- 14. Paragraphs 1-13 above are incorporated herein by reference.
- 15. Denied. By way of further answer, denied as a conclusion of law.

WHEREFORE, Defendant requests that this action be dismissed.

COUNT III

LOSS OF INCOME – LLOYD O. JOHNSON, JR.

- 16. Paragraphs 1-15 above are incorporated herein by reference.
- 17. Denied. By way of further answer, denied as a conclusion of law.
- 18. Denied. By way of further answer, denied as a conclusion of law.
- 19. Denied. By way of further answer, denied as a conclusion of law.

WHEREFORE, Defendant requests that this action be dismissed.

COUNT IV

OUT-OF-POCKET EXPENSES

- 20. Paragraphs 1-19 above are incorporated herein by reference.
- 21. Denied. After reasonable investigation, the Defendant is without knowledge

or information sufficient to form a belief as to the truth of this averment.

22. Denied. By way of further answer, denied as a conclusion of law.

23. Denied. By way of further answer, denied as a conclusion of law.

24. Denied. By way of further answer, denied as a conclusion of law.

WHEREFORE, Defendant requests that this action be dismissed.

NEW MATTER

25. Paragraphs 1-24 above are incorporated herein by reference.

26. Plaintiffs' claim may be barred and/or reduced by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

WHEREFORE, Defendant requests that this action be dismissed.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.
a professional corporation

BY: 

Darryl R. Wishard
Attorneys for Defendant

ID #56862

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

VERIFICATION

JOSEPH NEGREY hereby verifies that he is the Defendant in the foregoing action and as such the facts set forth in the foregoing Answer and New Matter are true and correct to the best of his knowledge or information and belief and that this verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATE: 2-6-04


Joseph Negrey
Joseph Negrey

CERTIFICATE OF SERVICE

DARRYL R. WISHARD hereby certifies that on this 11th day of February, 2004, he mailed the foregoing Answer and New Matter to the Clearfield County Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that he served a copy of the foregoing on the following by U.S. Mail, postage prepaid, first class rates this same date:

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801



Darryl R. Wishard

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

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON,
Plaintiffs

vs.

JOSEPH NEGREY,
Defendant

NO. 02-554-C.D.

Type of Case: Civil

Type of Pleading: Reply

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

MAR 03 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON,
Plaintiffs

vs.

JOSEPH NEGREY,
Defendant

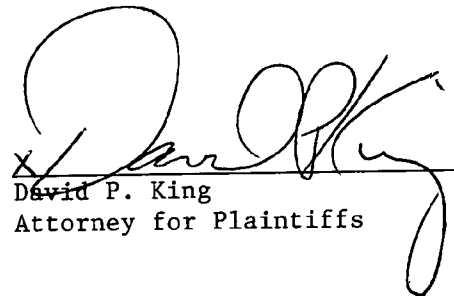
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NO. 02-554-C.D.

REPLY

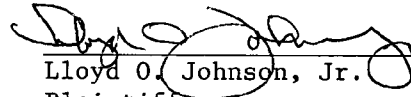
25. Plaintiffs answer Paragraph 25 of Defendant's New Matter as
pled in the Complaint.

26. Plaintiffs deny that their claim is barred or reduced. By way
of further answer, Plaintiff was insured through his carrier under a full
tort option.


David P. King
Attorney for Plaintiffs

I verify that the statements made in this Reply are true and correct.
I understand that false statements herein are made subject to the penalties
of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: February 26, 2004



Lloyd O. Johnson, Jr.
Plaintiff

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

FILED

APR 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE MATTER OF:

COURT OF COMMON PLEAS

LLOYD JOHNSON, JR.

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

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

DATE: 04/26/2004

MCS on behalf of
Darryl R. Wishard Esq.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LLOYD JOHNSON, JR.

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

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

DUBOIS REGIONAL MED. CTR.	MEDICAL RECORDS
MARK PIASIO, MD	MEDICAL RECORDS
DR. RANDY MCCALL	MEDICAL RECORDS
P & G PHYSICAL THERAPY	MEDICAL RECORDS
HENRY G. DELA TORRE, MD.	MEDICAL RECORDS

TO: DAVID KING, ESQ., PLAINTIFF COUNSEL

MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 04/06/2004

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17392
TIMOTHY MCCARTEN -
-
-
-

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lloyd O. Johnson Jr.
Mary Lou Johnson
Plaintiff(s)

Vs.

Joseph Negrey
Defendant(s)

*

*

*

No. 2002-00554-CD

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

TO: CUSTODIAN OF RECORDS FOR: DUBOIS REGIONAL MED. CTR.
(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET STREET, STE 800 , PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESQ.
ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT PA 17701
TELEPHONE: (215) 246-0900
SUPREME COURT ID #
ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

04/26/2004

DATE: Wednesday, March 31, 2004
Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DUBOIS REGIONAL MED. CTR.
100 HOSPITAL AVE.

DUBOIS, PA 15801

RE: 49122
LLOYD O. JOHNSON, JR.

ALL RECORDS FROM 5/1/00 TO THE PRESENT

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records,
correspondence to and from the consulting and treating physicians, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, including any and all such items as may be stored in a
computer database or otherwise in electronic form, relating to any examination,
diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : LLOYD O. JOHNSON, JR.

800 GREEN GLEN DRIVE, DUBOIS, PA 15801

Social Security #: 195-38-1852

Date of Birth: 03-02-1947

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF:

LLOYD JOHNSON, JR.

COURT OF COMMON PLEAS

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

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

DATE: 04/26/2004

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LLOYD JOHNSON, JR.

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

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

DUBOIS REGIONAL MED. CTR.	MEDICAL RECORDS
MARK PIASIO, MD	MEDICAL RECORDS
DR. RANDY MCCALL	MEDICAL RECORDS
P & G PHYSICAL THERAPY	MEDICAL RECORDS
HENRY G. DELA TORRE, MD.	MEDICAL RECORDS

TO: DAVID KING, ESQ., PLAINTIFF COUNSEL

MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 04/06/2004

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17392
TIMOTHY MCCARTEN -
-
-
-

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lloyd O. Johnson Jr.
Mary Lou Johnson
Plaintiff(s)

*

Vs.

*

No. 2002-00554-CD

Joseph Negrey
Defendant(s)

*

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

TO: CUSTODIAN OF RECORDS FOR: MARK PIASIO, MD

(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET STREET, STE 800 , PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET

WILLIAMSPORT PA 17701

TELEPHONE: (215) 246-0900

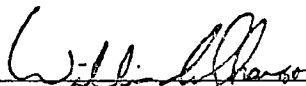
SUPREME COURT ID #

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

04/26/2004

DATE: Wednesday, March 31, 2004

Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

MARK PIASIO, MD
145 HOSPITAL AVENUE
SUITE 311

DUBOIS, PA 15801

RE: 49122
LLOYD O. JOHNSON, JR.

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records,
correspondence to and from the consulting and treating physicians, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, including any and all such items as may be stored in a
computer database or otherwise in electronic form, relating to any examination,
diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : LLOYD O. JOHNSON, JR.

800 GREEN GLEN DRIVE, DUBOIS, PA 15801

Social Security #: 195-38-1852

Date of Birth: 03-02-1947

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF:

COURT OF COMMON PLEAS

LLOYD JOHNSON, JR.

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

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

MCS on behalf of

DATE: 04/26/2004

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LLOYD JOHNSON, JR.

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

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

DUBOIS REGIONAL MED. CTR.	MEDICAL RECORDS
MARK PIASIO, MD	MEDICAL RECORDS
DR. RANDY MCCALL	MEDICAL RECORDS
P & G PHYSICAL THERAPY	MEDICAL RECORDS
HENRY G. DELA TORRE, MD.	MEDICAL RECORDS

TO: DAVID KING, ESQ., PLAINTIFF COUNSEL

MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 04/06/2004

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17392
TIMOTHY MCCARTEN -
-
-
-

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lloyd O. Johnson Jr.
Mary Lou Johnson
Plaintiff(s)

Vs.

Joseph Negrey
Defendant(s)

*

*

*

No. 2002-00554-CD

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

TO: CUSTODIAN OF RECORDS FOR: DR. RANDY MCCALL
(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET STREET, STE 800 , PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESQ.
ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT, PA 17701
TELEPHONE: (215) 246-0900
SUPREME COURT ID #
ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

04/26/2004
DATE: Wednesday, March 31, 2004
Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DR. RANDY MCCALL
105 MAIN STREET

REYNOLDSVILLE, PA 15851

RE: 49122
LLOYD O. JOHNSON, JR.

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records,
correspondence to and from the consulting and treating physicians, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, including any and all such items as may be stored in a
computer database or otherwise in electronic form, relating to any examination,
diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : LLOYD O. JOHNSON, JR.

800 GREEN GLEN DRIVE, DUBOIS, PA 15801

Social Security #: 195-38-1852

Date of Birth: 03-02-1947

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF:

LLOYD JOHNSON, JR.

COURT OF COMMON PLEAS

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

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

MCS on behalf of

DATE: 04/26/2004

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LLOYD JOHNSON, JR.

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

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

DUBOIS REGIONAL MED. CTR.	MEDICAL RECORDS
MARK PIASIO, MD	MEDICAL RECORDS
DR. RANDY MCCALL	MEDICAL RECORDS
P & G PHYSICAL THERAPY	MEDICAL RECORDS
HENRY G. DELA TORRE, MD.	MEDICAL RECORDS

TO: DAVID KING, ESQ., PLAINTIFF COUNSEL

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DATE: 04/06/2004

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17392
TIMOTHY MCCARTEN -
-
-
-

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

DE02-261433 49122-C02

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lloyd O. Johnson Jr.
Mary Lou Johnson
Plaintiff(s)

*

Vs.

*

No. 2002-00554-CD

Joseph Negrey
Defendant(s)

*

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

TO: CUSTODIAN OF RECORDS FOR: P & G PHYSICAL THERAPY
(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET STREET, STE 800 , PHILA PA 19103

(Address)

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(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

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

NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT PA 17701

TELEPHONE: (215) 246-0900

SUPREME COURT ID # _____

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

04/26/2004
DATE: Wednesday, March 31, 2004
Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

P & G PHYSICAL THERAPY
602 W. DUBOIS AVENUE
1

DUBOIS, PA 15801

RE: 49122
LLOYD O. JOHNSON, JR.

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records,
correspondence to and from the consulting and treating physicians, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, including any and all such items as may be stored in a
computer database or otherwise in electronic form, relating to any examination,
diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : LLOYD O. JOHNSON, JR.

800 GREEN GLEN DRIVE, DUBOIS, PA 15801

Social Security #: 195-38-1852

Date of Birth: 03-02-1947

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF:

COURT OF COMMON PLEAS

LLOYD JOHNSON, JR.

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

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

MCS on behalf of

DATE: 04/26/2004

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LLOYD JOHNSON, JR.

TERM,

-VS-

CASE NO: 02-554-CD

JOSEPH NEGREY

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

DUBOIS REGIONAL MED. CTR.	MEDICAL RECORDS
MARK PIASIO, MD	MEDICAL RECORDS
DR. RANDY MCCALL	MEDICAL RECORDS
P & G PHYSICAL THERAPY	MEDICAL RECORDS
HENRY G. DELA TORRE, MD.	MEDICAL RECORDS

TO: DAVID KING, ESQ., PLAINTIFF COUNSEL

MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 04/06/2004

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17392
TIMOTHY MCCARTEN -
-
-
-

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

DE02-261433 49122-C02

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lloyd O. Johnson Jr.
Mary Lou Johnson
Plaintiff(s)

Vs.

Joseph Negrey
Defendant(s)

No. 2002-00554-CD

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

TO: CUSTODIAN OF RECORDS FOR: HENRY G. DELA TORRE, MD.

(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET STREET, STE 800 , PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT PA 17701

TELEPHONE: (215) 246-0900

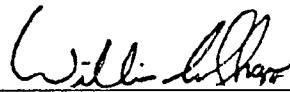
SUPREME COURT ID #

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

04/26/2004
DATE: Wednesday, March 31, 2004
Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

HENRY G. DELA TORRE, MD.
231 HIGHLAND STREET

SYKESVILLE, PA 15865

RE: 49122
LLOYD O. JOHNSON, JR.

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records,
correspondence to and from the consulting and treating physicians, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, including any and all such items as may be stored in a
computer database or otherwise in electronic form, relating to any examination,
diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : LLOYD O. JOHNSON, JR.

800 GREEN GLEN DRIVE, DUBOIS, PA 15801

Social Security #: 195-38-1852

Date of Birth: 03-02-1947

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:
:No. 02-554-CD

:
:CIVIL-LAW ACTION

PRAECIPE

To the Prothonotary:

Kindly list this case for trial in the Spring, 2006 trial term.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, PC

BY: 

Darryl R. Wishard
Attorneys for Defendant

ID #56862

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

FILED ^{NO}
mjl:16/04 cc
NOV 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:

:No. 02-554-CD

:

:CIVIL-LAW ACTION

:

:

CERTIFICATE OF SERVICE

DARRYL R. WISHARD hereby certifies that he filed the original of the foregoing Certificate of Service for the Defendant's Praecept with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 15th day of November, 2005.

He further certifies that he served the original of the Defendant's Praecept on the following, in the following manner, this 15th day of November, 2005:

U.S. Mail - Postage Prepaid

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801



Darryl R. Wishard

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:No. 02-554-CD

:CIVIL-LAW ACTION

FILED

MAR 23 2006
m/jw:45/aw
William A. Shaw
Prothonotary/Clerk of Courts
2 copies to Hwy

MOTION

Upon agreement of the parties, the Defendant moves to have the above
captioned action continued to the next trial term for the Court of Common Pleas of
Clearfield County, Pennsylvania.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.

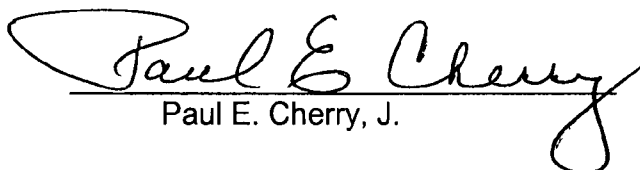
BY



Darryl R. Wishard ID #56862
Attorneys for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
Email: drw@mmgws.com

AND NOW, this 24th day of March, 2006, upon Motion of Defendant, and
agreement of the parties, Motion is hereby GRANTED and trial shall commence with
the next trial term.

By the Court,



Paul E. Cherry, J.

FILED 2cc
01/11/09/01 Any Wishard
MAR 23 2006
William A. Shaw
Prothonotary/Clerk of Courts

Law Offices
DAVID P. KING
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

Not
Sched. order

David P. King, Esq.

Phone (814) 371-3760
Telecopier (814) 371-4874

FAX COVER PAGE

DATE: 3/20/06
TO: Mitchell Gallagher
ATTN: Darryl R. Wisniewski Esq.
FAX NO: 570-323-8585
FROM: DPK
SUBJECT: Johnson v. Nagrey
NUMBER OF PAGES (INCLUDING COVER PAGE): 1

COMMENTS: In light of all your considerations, we
would agree to your request for a continuance.
Perhaps we can work on a settlement meanwhile.
I will be sending a counter offer soon.

IF YOU DO NOT RECEIVE ALL OF THE PAGES INDICATED ABOVE OR IF
OTHER PROBLEMS OCCUR, PLEASE CALL (814) 371-3761 AS SOON AS
POSSIBLE. THANK YOU.

ORIGINAL TO FOLLOW BY MAIL: YES _____ NO X

CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for the return of the documents

**LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON**
Plaintiffs

v.

JOSEPH NEGREY
Defendant

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

:

:No. 02-554-CD

:

:CIVIL-LAW ACTION

:

:

CERTIFICATE OF SERVICE

DARRYL R. WISHARD hereby certifies that he filed the original of the foregoing Motion with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 21st day of March, 2006

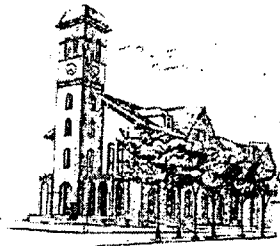
He further certifies that he served a true and correct copy on the following, in the following manner, this 6th day of March, 2006:

U.S. Mail - Postage Prepaid

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801



Darryl R. Wishard



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 3/24/06

X You are responsible for serving all appropriate parties.

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

_____ Plaintiff(s)/Attorney(s)

_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

LLOYD O. JOHNSON, JR. and
MARY LOU JOHNSON,
Plaintiffs

V.

JOSEPH NEGREY,
Defendant

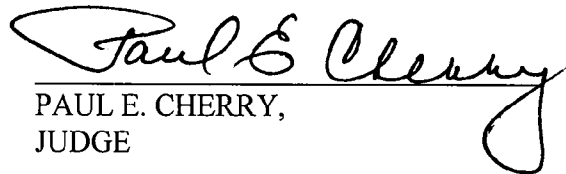
NO. 02-554-CD

ORDER

AND NOW, this 4th day of August, 2006, it is the ORDER of this Court that Pre-Trial Conference scheduled for August 18, 2006, be and is hereby continued until the 14th day of August, 2006, at 1:30 o'clock P.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

It is the further ORDER of this Court that Attorney Wishard, or a representative of his firm, is permitted to participate in Pre-Trial Conference via telephone.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

9/10:00 am
AUG - 8 2006

2cc Attys:
King
Wishard
CJB

William A. Shaw
Prothonotary

DATE: 8-8-2006

☐ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

FILED

AUG - 8 2006

William A. Shaw
Prothonotary

LA

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

LLOYD O. JOHNSON and
MARY LOU JOHNSON,
Plaintiffs

NO. 02-554-CD

V.

JOSEPH NEGREY,
Defendant

FILED
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AUG 15 2006
William A. Shaw
Prothonotary/Clerk of Courts
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Wishard
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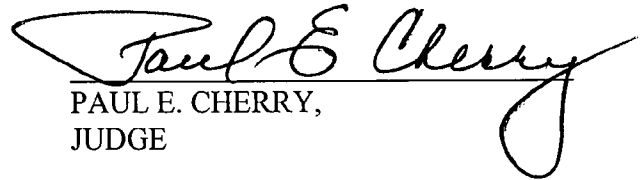
ORDER

AND NOW, this 14th day of August, 2006, following Pre-Trial Conference, it is
the ORDER of this Court as follows:

1. Jury Selection in this matter is scheduled for August 29, 2006, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for November 16, 17, 2006, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
4. Counsel for the parties, if they so desire, may submit a Trial Brief to the Court no more than thirty (30) days prior to the commencement of trial.
5. The deadline for submitting any and all Motions shall be by and no later than thirty (30) days prior to the commencement of trial.

6. Points for Charge shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
7. Proposed Verdict Slip shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
8. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

AUG 15 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/15/06

____ You are responsible for serving all appropriate parties.

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

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

____ Defendant(s) X Defendant(s) Attorney

____ Special Instructions:

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

LLOYD JOHNSON and
MARYLOU JOHNSON

: NO. 02-554-CD

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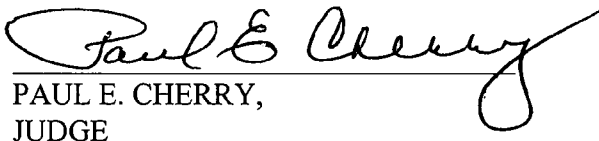
V.

JOSEPH NEGREY

ORDER

AND NOW, this 21st day of September, 2006, the Court being advised that this matter has settled, it is the ORDER of this Court that trial scheduled for November 16 and 17, 2006, be and is hereby cancelled and the jury empaneled are hereby dismissed. The parties shall file appropriate Stipulation and/or Discontinuance no later than October 20, 2006.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

09-05-01
SEP 22 2006

William A. Shaw
Prothonotary/Clerk of Courts

cc: Ays:
King
Wishard

Copy to
Carol (CIA)
@

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

LLOYD J. JOHNSON and
MARY LOU JOHNSON,
Plaintiffs

vs.

JOSEPH NEGREY,
Defendant

NO. 02-554-C.D.

Type of Case: Personal Injury

Type of Pleading: Praecipe for
Settlement and Discontinuance

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

NOCC
M/q:50cm 1 Cert of disc
OCT 16 2006 issued to AAA
King

(U) William A. Shaw
Prothonotary/Clerk of Courts

Copy to C/A

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

LLOYD O. JOHNSON and
MARY LOU JOHNSON,
Plaintiffs

vs.

JOSEPH NEGREY,
Defendant

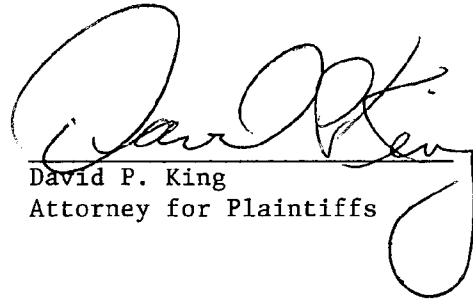
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NO. 02-554-C.D.

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above captioned case SETTLED and DISCONTINUED.



David P. King
Attorney for Plaintiffs

Law Offices
DAVID P. KING
P.O. Box 1016
23 Beaver Drive
DuBois, PA 15801

David P. King, Esq.

Phone (814) 371-3760
Telecopier (814) 371-4874

October 13, 2006

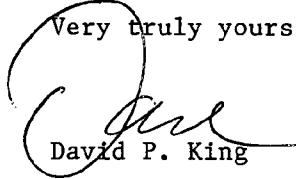
William A. Shaw, Prothonotary
Clearfield County Courthouse
P. O. Box 549
Clearfield, PA 16830

Re: Lloyd O. Johnson and Mary Lou Johnson
vs. Joseph Negrey
No. 02-554-CD

Dear Mr. Shaw:

Please find enclosed our Praeipie to have the above captioned case marked settled and discontinued.

Very truly yours,



David P. King

DPK:pp
Enclosure

cc: The Honorable Paul E. Cherry, Judge
Bret J. Southard, Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Lloyd O. Johnson Jr.
Mary Lou Johnson

Vs.
Joseph Negrey

No. 2002-00554-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 16, 2006, marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by David P. King Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 16th day of October A.D. 2006.



William A. Shaw, Prothonotary