

02-667-CD
GERALD A. VOLPE et ux -vs- EARL E. SHENKLE et al

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

GERALD A. VOLPE and : NO. 02-667-C.D.
DIANA L. VOLPE, husband and wife, :
PLAINTIFFS : TYPE OF CASE: CIVIL
VS. : TYPE OF PLEADING: PRAECIPE FOR
EARL E. SHENKLE and MICHAEL : WRIT OF SUMMONS
THOMAS SHENKLE, : FILED ON BEHALF OF: PLAINTIFF
DEFENDANTS : COUNSEL OF RECORD FOR
THIS PARTY: : CHRISTOPHER E. MOHNEY, ESQUIRE
SUPREME COURT NO.: 26331
: BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE, BOX 6
DU BOIS, PA 15801
(814) 371-2730
: PATRICK J. GIBBONS, ESQUIRE
SUPREME COURT NO.: 63816
: RYAN, BROWN, McDONNELL,
BERGER & GIBBONS, P.C.
1600 MARKET STREET, 14TH FLOOR
PHILADELPHIA, PA 19103-7240
(215) 564-3800

FILED

APR 25 2002

100 M/J: 45/att, Mohney
William A. Shaw Pd \$80.00
Prothonotary

2 Wnts Sherry

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

GERALD A. VOLPE and	:	NO. 02 -	- C.D.
DIANA L. VOLPE, husband and wife,	:		
	:		
PLAINTIFFS	:		
	:		
VS.	:		
	:		
EARL E. SHENKLE and MICHAEL	:		
THOMAS SHENKLE,	:		
	:		
DEFENDANTS	:		

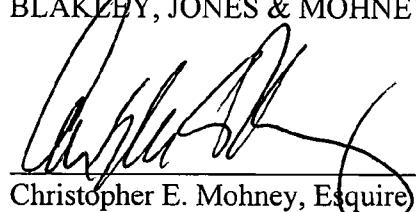
PRAECIPE FOR WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY:

Kindly issue a Writ of Summons upon Defendants in the above-captioned matter.

BLAKLEY, JONES & MOHNEY

BY:


Christopher E. Mohney, Esquire
Attorneys for Plaintiff

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

NO. 02 - C.D.

GERALD A. VOLPE and
DIANA L. VOLPE, husband and wife,
PLAINTIFFS

VS.

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

DEFENDANTS

PRAECIPE FOR
WRIT OF SUMMONS

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

COPIED

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

GERALD A. VOLPE and : NO. 02-667-C.D.
DIANA L. VOLPE, husband and wife, :

PLAINTIFFS :

VS. :

EARL E. SHENKLE and MICHAEL :
THOMAS SHENKLE, :

DEFENDANTS :

WRIT OF SUMMONS

TO EARL E. SHENKLE and MICHAEL THOMAS SHENKLE:

You are hereby notified that GERALD A. VOLPE and DIANA L. VOLPE have commenced
an action against you.

Date: 4/25/02

Willie Shaffer

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

12449

VOLPE, GERALD A. & DIANA L.

02-667-CD

VS.

SHENKLE, EARL E. & MICHAEL THOMAS

WRIT OF SUMMONS

SHERIFF RETURNS

NOW MAY 1, 2002 AT 1:10 PM DST SERVED THE WITHIN SUMMONS ON
EARL E. SHENKLE, DEFENDANT AT RESIDENCE, 304 SOUTH MAIN ST.,
DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO PHIL SHENKLE,
SON A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE
KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: COUDRIET

NOW MAY 1, 2002 AT 1:10 PM DST SERVED THE WITHIN SUMMONS ON
MICHAEL THOMAS SHENKLE, DEFENDANT AT RESIDENCE, 304 SOUTH MAIN ST.,
DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO PHIL SHENKLE,
BROTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE
KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: COUDRIET

Return Costs

Cost	Description
36.69	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

FILED

MAY 20 2002

0/3/25
William A. Shaw
Prothonotary

Sworn to Before Me This

20th Day Of May 2002
Chester A. Hawkins

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins
by Maury Harris
Chester A. Hawkins
Sheriff

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

GERALD A. VOLPE and : NO. 02-667-C.D.
DIANA L. VOLPE, husband and wife, :
PLAINTIFFS : TYPE OF CASE: CIVIL
VS. : TYPE OF PLEADING: PRAECIPE FOR
EARL E. SHENKLE and MICHAEL : WRIT OF SUMMONS
THOMAS SHENKLE, : FILED ON BEHALF OF: PLAINTIFF
DEFENDANTS : COUNSEL OF RECORD FOR
THIS PARTY: : CHRISTOPHER E. MOHNEY, ESQUIRE
SUPREME COURT NO.: 26331
: BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE, BOX 6
DU BOIS, PA 15801
(814) 371-2730
: PATRICK J. GIBBONS, ESQUIRE
SUPREME COURT NO.: 63816
: RYAN, BROWN, McDONNELL,
BERGER & GIBBONS, P.C.
1600 MARKET STREET, 14TH FLOOR
PHILADELPHIA, PA 19103-7240
(215) 564-3800

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 25 2002

Attest,


Prothonotary
Clerk of Courts

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

GERALD A. VOLPE and : NO. 02- - C.D.
DIANA L. VOLPE, husband and wife, :

PLAINTIFFS :

VS. :

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE, :

DEFENDANTS :

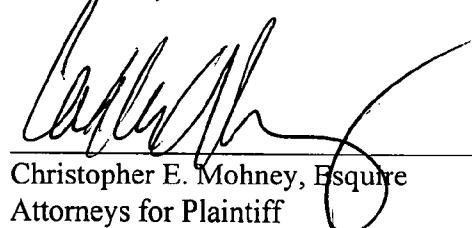
PRAECIPE FOR WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY:

Kindly issue a Writ of Summons upon Defendants in the above-captioned matter.

BLAKLEY, JONES & MOHNEY

BY:


Christopher E. Mohney, Esquire
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,

Plaintiffs,

vs.

No. 02-667-CD

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

Issue No.

PRAECIPE FOR APPEARANCE

Defendants.

Code: 012

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

MAY 28 2002
m/14/11nocc Copy G
William A. Shaw
Prothonotary

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter our appearance on behalf of the defendants, Earl E. Shenkle and Michael Thomas Shenkle.

JURY TRIAL DEMANDED.

THOMSON, RHODES & COWIE, P.C.

By Richard E. Rush
Richard E. Rush, Esquire
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRAECIPE FOR APPEARANCE has been served upon the following counsel of record on this 16 day of May, 2002, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

THOMSON, RHODES & COWIE, P.C.

By Richard E. Rush
Richard E. Rush, Esquire
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,

No. 02-667-CD

Plaintiffs,

vs.

Issue No.

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

Defendants.

Code: 012

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

JUL 26 2002

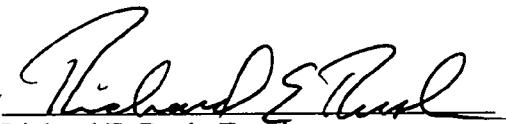
mla421ndcc or
William A. Shaw
Prothonotary 3 rules
to atty Rush

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Kindly issue a rule to file complaint in the above-captioned case.

THOMSON, RHODES & COWIE, P.C.

By 
Richard E. Rush, Esquire
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Praecipe For Rile To File Complaint** has been served upon the following counsel of record on this 24 day of July, 2002, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240

THOMSON, RHODES & COWIE, P.C.

By Richard E. Rush
Richard E. Rush, Esquire
Attorneys for Defendants

COPY

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

Gerald A. Volpe
Diana L. Volpe

Vs.
Earl E. Shenkle
Michael Thomas Shenkle

Case No. #2002-00667-CD

RULE TO FILE COMPLAINT

TO: Christopher E. Mohney, Esquire
Patrick J. Gibbons, Esquire

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

William A. Shaw, Prothonotary

Dated: July 26, 2002

Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
BY: PATRICK J. GIBBONS, ESQUIRE
IDENTIFICATION NO. 63816
1600 MARKET STREET, 14TH FLOOR
PHILADELPHIA, PA 19103
215.564.3800

Attorney for Plaintiff,
Gerald Volpe

GERALD A. VOLPE and	:	COURT OF COMMON PLEAS
DIANA L. VOLPE	:	CLEARFIELD COUNTY
Rd. 1, Box 303 A	:	
Dubois, PA 15801	:	
	:	
V.	:	
	:	
EARL E. SHENKLE and	:	NO. 02-667-CD
MICHAEL THOMAS SHENKLE	:	
304 South Main Street	:	CIVIL ACTION - LAW
Dubois, PA 15801	:	JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiffs, Gerald Volpe and Diana L. Volpe, ("Plaintiffs") are adult individuals and citizens of the Commonwealth of Pennsylvania, residing at Rd. 1, Box 303 A, DuBois, Pennsylvania 15801.

2. Defendant, Earl E. Shenkle, (Defendant") is an adult individual and citizen of the Commonwealth of Pennsylvania, residing at 304 South Main Street, DuBois, Pennsylvania 15801.

3. Defendant, Michael Thomas Shenkle, (Defendant") is an adult individual and citizen of the Commonwealth of Pennsylvania, residing at 304 South Main Street, DuBois, Pennsylvania 15801.

4. At all times relevant hereto, Defendant Earl E. Shenkle owned a 1987 GMC
Safari motor vehicle.

FILED

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William A. Shaw
Prothonotary *✓ KED*

5. At all times relevant hereto, Defendant Michael Thomas Shenkle, possessed, operated, controlled and maintained the 1987 GMC Safari motor vehicle.

6. On or about May 9, 2000 at approximately 4:30 p.m., Plaintiff Gerald A. Volpe was lawfully operating his 1983 Mercury Grande Marque motor vehicle on Main Street in DuBois, Clearfield County, Pennsylvania.

7. On that same date and time, Defendant Michael Thomas Shenkle was operating his motor vehicle on Rumbarger Avenue in DuBois, Pennsylvania, when he failed to stop at a stop sign at the intersection of Rumbarger Avenue and Main Street, thereby striking the Plaintiff's vehicle and causing personal injury to Plaintiff Gerald A. Volpe.

8. The accident described above was caused solely and exclusively by reason of the negligence and carelessness of Defendants Michael Thomas Shenkle and/or Earl E. Shenkle, and was due in no part to any act or omission to act on the part of Plaintiff Gerald A. Volpe.

COUNT I

GERALD A. VOLPE v. MICHAEL THOMAS SHENKLE

9. Plaintiffs hereby incorporate by reference Paragraphs 1 through 8 above as though fully set forth herein at length.

10. The negligence, carelessness and recklessness of Defendant Michael Thomas Shenkle consisted of the following acts and omissions:

- (a) Failing to maintain an adequate lookout upon the highway;
- (b) Failing to keep the motor vehicle under adequate control
- (c) Operating the said motor vehicle at an excessive rate of speed under the circumstances;

- (d) Failing to be attentive to the traffic lawfully then and there proceeding in the lane of travel which Defendant's vehicle entered and obstructed in violation of the law;
- (e) Failing to yield the right of way to Plaintiff's vehicle;
- (f) Failing to regard the point and position of Plaintiff's vehicle which was then and there lawfully upon the highway;
- (g) Failing to take the necessary steps to avoid obstructing Plaintiff's clear lane of travel while attempting to cross same;
- (h) Failing to observe the Plaintiff's vehicle in the lane which she was lawfully traveling;
- (i) Failing to stop at the traffic control sign controlling the direction of travel for Defendant's vehicle before entering the intersection and obstructing Plaintiff's lane of travel;
- (j) Failing to regard his duties and rules of the road during the entry upon and across a lane of travel of a through highway;
- (k) Failing to maintain the said motor vehicle in an adequate state of repairs;
- (l) Failure to regard the rights, safety and position of other vehicles and the vehicle which Plaintiff was operating; and
- (m) Violating the various statutes of the Commonwealth of Pennsylvania with regard to the rules of the road and proper operation of a motor vehicle upon the streets and highways of the Commonwealth of Pennsylvania.

11. As a result of the aforementioned acts of negligence and carelessness by

Defendant Michael Shenkle, Plaintiff sustained serious and permanent injuries to, in and about his body and possible aggravation and/or exacerbation of pre-existing conditions, ailments, or diseases he had, and more particularly, but without limitations, injuries to his head, neck, low back, knees, and legs, significant myalgias, ribs, chest, back, left hip, left and right thigh, cervical/lumbar/ sacral vertebral contusions with muscle spasms, contusions and nerve damage,

left leg and knee, left ankle and stomach. Such injuries were diagnosed to be inter alia disc herniation, disc protrusion, and disc bulging. Such injury to bones, muscles, nerves, ligaments, veins and other tissues of the body, may be permanent.

12. As the result of the negligence of the Defendant herein, and/or his agents, servants, and/or employees, Plaintiff Gerald A. Volpe has undergone severe physical pain and mental anguish and will continue to endure the same for an indefinite time in the future to her great detriment and loss.

13. As a further result of the aforesaid, Plaintiff has experienced and may in the future experience pain, suffering, inconvenience, and embarrassment, and a loss of life's pleasures.

14. As a further result of the aforementioned, Plaintiff has been and may, in the future, be unable to attend to his usual daily duties and occupations, thereby suffering impairment of her earning capacity and power and a loss of earning which has or may exceed the sum recoverable under the limits of 75 Pa.C.S.A. §101 *et seq.*

15. As a further result of the aforementioned, Plaintiff has incurred, and may in the future incur, expenditures which may exceed sums recoverable under the limits of 75 Pa.C.S.A. §101 *et seq.* and may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future.

16. As a result of the aforementioned motor vehicle accident, Plaintiff Gerald A. Volpe has suffered increase and exacerbation of existing physical conditions, thereby resulting increased pain, suffering, inconvenience, embarrassment and loss of life's pleasures.

WHEREFORE, Plaintiff Gerald A. Volpe demands judgment against Defendants Earl E. Shenkle and Michael Thomas Shenkle in an amount in excess of \$50,000 plus lawful interest and costs. The sum sued upon is in excess of the amount requiring submission to arbitration.

COUNT II

GERALD A. VOLPE v. EARL E. SHENKLE

17. Plaintiffs hereby incorporate by reference Paragraphs 1 through 16 above as though fully set forth herein at length.

18. The negligence, carelessness and recklessness of Defendant Earl E. Shenkle consisted of the following acts and omissions:

- (a) Negligently entrusting his motor vehicle to Michael Thomas Shenkle with knowledge and information which should have made Defendant Earl E. Shenkle aware that Michael Thomas Shenkle was not capable of operating the vehicle in a safe manner;
- (b) Failing to properly determine whether Defendant Michael Thomas Shenkle was a safe driver;
- (c) Failing to properly maintain his motor vehicle in an adequate state of repairs; and
- (d) Failing to prevent Defendant Michael Thomas Shenkle from operating the vehicle despite knowledge and information that Michael Thomas Shenkle was an unsafe driver.

19. As a result of the aforementioned acts of negligence and carelessness by Defendant Earl E. Shenkle, Plaintiff sustained serious and permanent injuries to, in and about his body and possible aggravation and/or exacerbation of pre-existing conditions, ailments, or diseases he had, and more particularly, but without limitations, injuries to his head, neck, low back, knees, and legs, significant myalgias, ribs, chest, back, left hip, left and right thigh,

cervical/lumbar/ sacral vertebral contusions with muscle spasms, contusions and nerve damage, left leg and knee, left ankle and stomach. Such injuries were diagnosed to be inter alia disc herniation, disc protrusion, and disc bulging. Such injury to bones, muscles, nerves, ligaments, veins and other tissues of the body, may be permanent.

20. As the result of the negligence of the Defendant herein, and/or his agents, servants, and/or employees, Plaintiff Gerald A. Volpe has undergone severe physical pain and mental anguish and will continue to endure the same for an indefinite time in the future to her great detriment and loss.

21. As a further result of the aforesaid, Plaintiff has experienced and may in the future experience pain, suffering, inconvenience, and embarrassment, and a loss of life's pleasures.

22. As a further result of the aforementioned, Plaintiff has been and may, in the future, be unable to attend to his usual daily duties and occupations, thereby suffering impairment of her earning capacity and power and a loss of earning which has or may exceed the sum recoverable under the limits of 75 Pa.C.S.A. §101 *et seq.*

23. As a further result of the aforementioned, Plaintiff has incurred, and may in the future incur, expenditures which may exceed sums recoverable under the limits of 75 Pa.C.S.A. §101 *et seq.* and may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future.

24. As a result of the aforementioned motor vehicle accident, Plaintiff Gerald A. Volpe has suffered increase and/or exacerbation of existing physical conditions, thereby resulting increased pain, suffering, inconvenience, embarrassment and loss of life's pleasures.

WHEREFORE, Plaintiff Gerald A. Volpe demands judgment against Defendants Earl E. Shenkle and Michael Thomas Shenkle in an amount in excess of \$50,000 plus lawful interest and costs. The sum sued upon is in excess of the amount requiring submission to arbitration.

COUNT III

DIANA L. VOLPE v. EARL E. SHENKLE and MICHAEL THOMAS SHENKLE

25. Plaintiffs hereby incorporate by reference Paragraphs 1 through 24 above as though fully set forth herein at length.

26. As a result of the negligence, recklessness, and carelessness of Defendants Earl E. Shenkle and Michael Thomas Shenkle described previously in this Complaint and incorporated herein by reference, Plaintiff Diana L. Volpe has suffered a loss of consortium, services, companionship, personal interaction, spousal comfort, and all other recoverable forms of spousal consortium proven by the relevant evidence.

WHEREFORE, Plaintiffs Gerald A. Volpe and Diana L. Volpe hereby judgment against Defendants Earl E. Shenkle and Michael T. Shenkle in an amount in excess of \$50,000 plus lawful interest and costs. The sum sued upon is in excess of the amount requiring submission to arbitration.

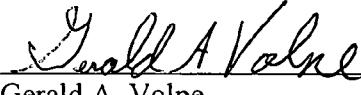
Respectfully submitted,

RYAN, BROWN, MCDONNELL,
BERGER, & GIBBONS, P.C.

By: Patrick J. Gibbons
Patrick J. Gibbons
Attorney for Plaintiffs
Gerald A. Volpe and
Diana L. Volpe

VERIFICATION

The undersigned, having read the attached pleading, verifies that the within pleading is based on information furnished to counsel, which information has been gathered by counsel in the course of this lawsuit. The language of the pleading is that of counsel and not of the signor. Signor verifies that she has read the within pleading and that it is true and correct to the best of signor's knowledge, information and belief. To the extent that the contents of the pleading are not that of counsel, verifier has relied upon counsel in taking this verification. This verification is made subject to the penalties of 18 Pa C.S.A. §4904, relating to unsworn falsification to authorities.



Gerald A. Volpe

Dated: 8-9-02

VERIFICATION

The undersigned, having read the attached pleading, verifies that the within pleading is based on information furnished to counsel, which information has been gathered by counsel in the course of this lawsuit. The language of the pleading is that of counsel and not of the signor. Signor verifies that she has read the within pleading and that it is true and correct to the best of signor's knowledge, information and belief. To the extent that the contents of the pleading are not that of counsel, verifier has relied upon counsel in taking this verification. This verification is made subject to the penalties of 18 Pa C.S.A. §4904, relating to unsworn falsification to authorities.

Diana L. Volpe
Diana L. Volpe

Dated: 8-12-02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,

Plaintiffs,

vs.

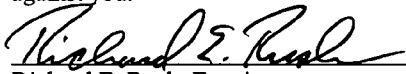
EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

Defendants.

NOTICE TO PLEAD:

To all parties:

You are hereby notified to file a written response to the
within Answer and New Matter within twenty (20) days
of service hereof or a default judgment may be entered
against you.


Richard E. Rush, Esquire

Attorneys for Defendants

ANSWER AND NEW MATTER

Code:

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

SEP 09 2002
11:30 AM CCL
William A. Shaw
Prothonotary

ANSWER AND NEW MATTER

Defendants, Earl E. Shenkle and Michael Thomas Shenkle, by their attorneys, Thomson, Rhodes & Cowie, P.C., make this answer and new matter to the complaint of plaintiffs.

ANSWER

1-4. The averments of paragraphs 1 through 4 of the complaint are admitted.

5. The averments of paragraph 5 of the complaint are denied as stated. To the contrary, it is averred that at the time of the accident in the above case, the 1987 GMC was being operated by Michael Thomas Shenkle.

6-8. The averments of paragraphs 6-8 of the complaint are denied pursuant to Pa.R.C.P. 1029(e).

9. In response to paragraph 9 of the complaint, defendants incorporate by reference paragraphs 1 through 8 of this answer.

10-16. The averments of paragraphs 10 through 16 of the complaint are denied pursuant to Pa.R.C.P. 1029(e).

17. In response to paragraph 17 of the complaint, defendants incorporate by reference paragraphs 1 through 16 of this answer.

18. The averments of paragraphs 18 of the complaint are denied. To the contrary, it is averred that Michael Thomas Shenkle was capable of operating the vehicle in a safe manner, Michael Thomas Shenkle was a safe driver, the vehicle operated by Michael Thomas Shenkle was in good repair and that Michael Thomas Shenkle was a safe driver.

19-24. The averments of paragraphs 19 through 24 of the complaint are denied pursuant to Pa.R.C.P. 1029(e).

25. In response to paragraph 25 of the complaint, defendants incorporate herein by reference paragraphs 1 through 24 of this answer.

26. The averments of paragraph 26 of the complaint are denied pursuant to Pa.R.C.P. 1029(e).

NEW MATTER

27. Plaintiffs' causes of action are barred by the Pennsylvania Motor Vehicle Financial Responsibility Law pertaining to the selection of the limited tort option.

28. Plaintiffs' causes of action are barred/limited by virtue of the Pennsylvania Motor Vehicle Financial Responsibility Law, §1722 pertaining to the preclusion of recovery of benefits.

WHEREFORE, defendants deny that they are liable to plaintiffs.

JURY TRIAL DEMANDED.

THOMSON, RHODES & COWIE, P.C.

By: 
Richard E. Rush, Esquire
Attorneys for Defendants

W:\RER\12694 Volpe\Pleadings\Answer and New Matter.doc

VERIFICATION

I, Earl E. Shenkle, have read the foregoing ANSWER AND NEW MATTER. The statements therein are correct to the best of my personal knowledge or information and belief.

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

By Earl E. Shenkle

Date 9/1/02

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER AND NEW MATTER has been served upon the following counsel of record on this 5th day of September, 2002, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240

THOMSON, RHODES & COWIE, P.C.

By Richard E. Rush
Richard E. Rush, Esquire
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,

Plaintiffs,

vs.

Issue No.

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

SUPPLEMENTAL VERIFICATION

Defendants.

Code:

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

SEP 19 2002

William A. Shaw
Prothonotary

VERIFICATION

I, Michael Thomas Shenkle, have read the foregoing ANSWER AND NEW MATTER. The statements therein are correct to the best of my personal knowledge or information and belief.

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

By Michael Shenkle

Date 9/5/02

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing SUPPLEMENTAL
VERIFICATION has been served upon the following counsel of record on this 17 day of
Sept, 2002, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240

THOMSON, RHODES & COWIE, P.C.

By Richard E. Rush
Richard E. Rush, Esquire
Attorneys for Defendants

FILED

SEP 19 2002

9/20/02 OFFICE to *Acting* *Rush*

William A. Shaw
Prothonotary

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

GERALD A. VOLPE and : NO. 02 - 667 - C.D.
DIANA L. VOLPE, husband and wife, :
PLAINTIFFS : TYPE OF CASE: CIVIL
VS. : TYPE OF PLEADING: RESPONSE
TO NEW MATTER
EARL E. SHENKLE and MICHAEL : FILED ON BEHALF OF: PLAINTIFFS
THOMAS SHENKLE, :
DEFENDANTS : COUNSEL OF RECORD FOR
THIS PARTY:
CHRISTOPHER E. MOHNEY, ESQUIRE
SUPREME COURT NO.: ~~2000~~ 63494
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730
: PATRICK J. GIBBONS, ESQUIRE
: SUPREME COURT NO.: 63816
: RYAN, BROWN, McDONNELL,
: BERGER & GIBBONS, P.C.
: 1600 MARKET STREET, 14TH FLOOR
: PHILADELPHIA, PA 19103-7240
: (215) 564-3800

JURY TRIAL DEMANDED

FILED ~~FILED~~

SEP 20 2002
09:00 AM
✓

William A. Shaw
Prothonotary

2 crm to Harry

SEP 19 2002

William A. Shaw
Prothonotary

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

GERALD A. VOLPE and	:	NO. 02 - 667 - C.D.
DIANA L. VOLPE, husband and wife,	:	
	:	
PLAINTIFFS	:	
	:	
VS.	:	
	:	
EARL E. SHENKLE and MICHAEL	:	
THOMAS SHENKLE,	:	
	:	
DEFENDANTS	:	

RESPONSE TO NEW MATTER

AND NOW, comes the Plaintiffs, **GERALD A. VOLPE and DIANA L. VOLPE**, by their attorneys, BLAKLEY, JONES & MOHNEY, who file the following Response to New Matters as follows:

27. Paragraph 27 of Defendants' New Matter contains conclusions of law to which no response is necessary, the same being deemed denied and strict proof thereof being demanded at Trial. By way of further response, however, it is denied that Plaintiffs selected limited tort option on their motor vehicle financial responsibility coverage.

28. Paragraph 28 of Defendants' New Matter contains conclusions of law to which no response is necessary, the same being deemed denied and strict proof thereof being demanded at Trial.

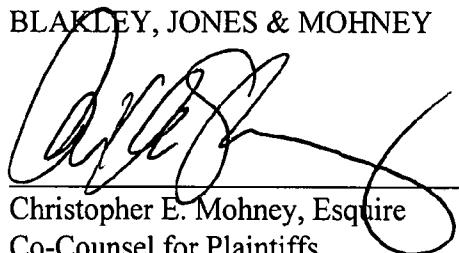
WHEREFORE, Plaintiffs **GERALD A. VOLPE and DIANA L. VOLPE** demand judgment

against Defendants **EARL E. SHENKLE** and **MICHAEL THOMAS SHENKLE** in an amount in excess of \$50,000.00 plus lawful interest and costs. The sum sued upon is in excess of the amount requiring submission to arbitration.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:


Christopher E. Mohney, Esquire
Co-Counsel for Plaintiffs

VERIFICATION

I, **GERALD A. VOLPE**, have read the foregoing Response to New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 9-11-02


GERALD A. VOLPE

VERIFICATION

I, **DIANA L. VOLPE**, have read the foregoing Response to New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 9-11-02

DIANA L. VOLPE

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

GERALD A. VOLPE and	:	NO. 02 - 667 - C.D.
DIANA L. VOLPE, husband and wife,	:	
	:	
PLAINTIFFS	:	
	:	
VS.	:	
	:	
EARL E. SHENKLE and MICHAEL	:	
THOMAS SHENKLE,	:	
	:	
DEFENDANTS	:	

CERTIFICATE OF SERVICE

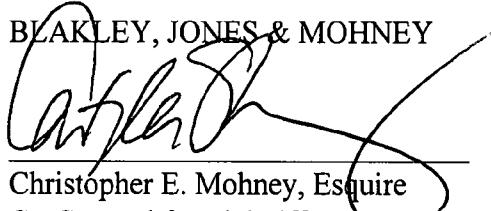
I hereby certify that a true and correct copy of Plaintiff's Response to New Matter has been served upon the following individuals by first class mail, postage prepaid, on this 20 day of September, 2002:

Richard E. Rush, Esquire
Thomson, Rhodes & Cowie, P.C.
1010 Two Chatham Center
Tenth Floor
Pittsburgh, PA 15219-3499
Attorney for Defendants

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell,
Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103
Co-counsel for Plaintiffs

BY:

BLAKLEY, JONES & MOHNEY


Christopher E. Mohney, Esquire
Co-Counsel for Plaintiffs
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

FILED

SEP 20 2002

William A. Shaw
Prothonotary

FILED

SEP 19 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,

No. 02-667-CD

Plaintiffs,

vs.

Issue No.

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

**MOTION TO COMPEL DISCOVERY
RESPONSES**

Defendants.

Code:

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

MAY 19 2003

William A. Shaw
Prothonotary

MOTION TO COMPEL DISCOVERY RESPONSES

Defendants, Earl E. Shenkle and Michael Thomas Shenkle, by their attorneys, Thomson, Rhodes & Cowie, P.C., make the following motion to compel discovery responses.

1. The above-captioned action arises out of a motor vehicle collision which occurred on May 9, 2000.

2. On July 24, 2002, defendants served interrogatories and requests for production of documents on counsel for plaintiff.

3. On September 5, 2002, counsel for plaintiff wrote to counsel for defendant advising that responses were being assembled and that completed answers were hoped to be prepared for service soon.

4. After some phone conversations, counsel for plaintiff wrote to counsel for defendant on September 10, 2002 and asked for forbearance on a motion for sanctions.

5. On February 14, 2003, counsel for defendant wrote to counsel for plaintiff advising that if plaintiff did not respond within two weeks or advise when responses would be made, it would be necessary to proceed with a motion for sanctions.

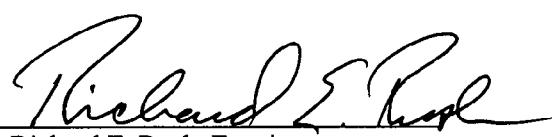
6. On April 21, 2003, counsel for plaintiff wrote to counsel for defendant providing a binder full of medical records and indicating that more formal responses would follow.

7. To date, plaintiff has not fully responded to defendants' discovery request.

WHEREFORE, defendants request the Honorable Court enter an order directing plaintiffs to respond to discovery within thirty (30) days or suffer such further sanctions as the court may impose.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

By: 
Richard E. Rush, Esquire
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO COMPEL DISCOVERY RESPONSES has been served upon the following counsel of record on this 15 day of May, 2003, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240

THOMSON, RHODES & COWIE, P.C.

By *Richard E. Rush*
Richard E. Rush, Esquire
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,

No. 02-667-CD

Plaintiffs,

vs.

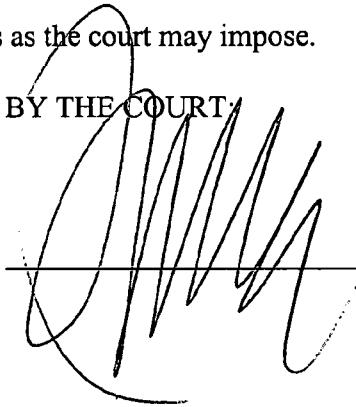
EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

Defendants.

ORDER OF COURT

AND NOW, this 20th day of May, 2003, upon
consideration of the foregoing motion, it is hereby ORDERED, ADJUDGED and DECREED
that plaintiffs are directed to respond to discovery served by defendants within thirty (30) days of
the date of this order or suffer such further sanctions as the court may impose.

BY THE COURT



J.

FILED

MAY 22 2003

William A. Shaw
Prothonotary

FILED

0 10:00 AM EFT
MAY 22 2003

William A. Shaw
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,

Plaintiffs,

vs.

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

Defendants.

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

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

JUL 23 2003

William A. Shaw
Prothonotary

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA RULE OF CIVIL PROCEDURE 4009.21**

I, Richard E. Rush, Esquire, intend 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 no objection is made, the subpoena may be served.

THOMSON, RHODES & COWIE, P.C.

Date:

July 17, 2003

By


Richard E. Rush, Esquire
PA ID #00230
Attorneys for Defendants

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Gerald A. Volpe
Diana L. Volpe
Plaintiff(s)

Vs.

*

No. 2002-00667-CD

Earl E. Shenkle
Michael Thomas Shenkle
Defendant(s)

*

*

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

TO: CorVel Corporation

(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:

All documents and records relating to Gerald Volpe, CorVel Claim No. 49102912.

**661 Andersen Drive
Foster Plaza #7
Pittsburgh, PA 15220**

(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: Richard E. Rush, Esquire
ADDRESS: 1010 Two Chatham Center
Pittsburgh, PA 15219
TELEPHONE: (412) 232-3400
SUPREME COURT ID # 00230
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DATE: Wednesday, July 09, 2003
Seal of the Court

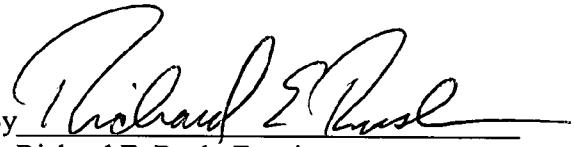
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 has been served upon the following counsel of record on this 17 day of July, 2003, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240

THOMSON, RHODES & COWIE, P.C.

By 
Richard E. Rush, Esquire
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,

Plaintiffs,

vs.

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

Defendants.

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA PURSUANT
TO RULE 4009.22**

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

AUG 07 2003

William A. Shaw
Prothonotary/Clerk of Courts

**CERTIFICATE PREREQUISITE TO SERVICE
OF A SUBPOENA PURSUANT TO RULE 4009.22**

As a prerequisite to service of subpoena for documents and things pursuant to Rule 4009.22, Defendants certify 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.

THOMSON, RHODES & COWIE, P.C.

By: 
Richard E. Rush, Esquire
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,

No. 02-667-CD

Plaintiffs,

vs.

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

Defendants.

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

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED
20203
William A. Shaw
Prothonotary

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA RULE OF CIVIL PROCEDURE 4009.21**

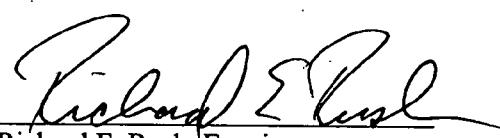
I, Richard E. Rush, Esquire, intend to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

THOMSON, RHODES & COWIE, P.C.

Date:

July 17, 2003

By


Richard E. Rush, Esquire
PA ID #00230
Attorneys for Defendants

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Gerald A. Volpe
Diana L. Volpe
Plaintiff(s)

Vs.
Earl E. Shenkle
Michael Thomas Shenkle
Defendant(s)

*

*

No. 2002-00667-CD

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

TO: CorVel Corporation

(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:

All documents and records relating to Gerald Volpe, CorVel Claim No. 49102912.

**661 Andersen Drive
Foster Plaza #7
Pittsburgh, PA 15220**

(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: Richard E. Rush, Esquire
ADDRESS: 1010 Two Chatham Center
Pittsburgh, PA 15219
TELEPHONE: (412) 232-3400
SUPREME COURT ID # 00230
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DATE: Wednesday, July 09, 2003
Seal of the Court

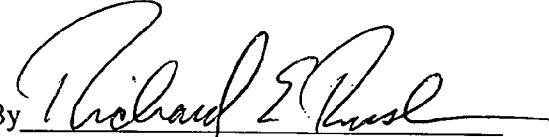
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 has been served upon the following counsel of record on this 17 day of July, 2003, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240

THOMSON, RHODES & COWIE, P.C.

By 
Richard E. Rush, Esquire
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE 4009.22 has been served upon the following counsel of record on this 5 day of August, 2003, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240

THOMSON, RHODES & COWIE, P.C.

By Richard E. Rush
Richard E. Rush, Esquire
Attorneys for Defendants

FILED
M 11:57 AM
AUG 07 2003
cc
William A. Shaw
Prothonotary/Clerk of Courts
[Handwritten signature]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION
husband and wife,
Plaintiffs,

vs.

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

Defendants.

No. 02-667-CD

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA PURSUANT
TO RULE 4009.22**

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

FEB 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

**CERTIFICATE PREREQUISITE TO SERVICE
OF A SUBPOENA PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Defendants Earl E. Shenkle and Michael Thomas Shenkle certify that:

- (1) all parties have agreed to waive the twenty-day notice period before which the subpoena may be served,
- (2) a copy of the proposed subpoena is attached to this certificate, and
- (3) as all parties have agreed to waive the twenty-day notice period, there are no objections to the subpoena.

THOMSON, RHODES & COWIE, P.C.

Date: February 16, 2004

By Richard E. Rush
Richard E. Rush, Esquire
PA I.D. #00230

Attorneys for Defendants

W:\RER\12694 Volpe\Pleadings\Certificate Prerequisite to Serve Subpoena.doc

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Gerald A. Volpe
Diana L. Volpe
Plaintiff(s)

Vs.

*

No. 2002-00667-CD

Earl E. Shenkle
Michael Thomas Shenkle
Defendant(s)

*

*

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

TO: Disclosure Officer, PA Labor & Industry Department, BUCBA
(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:
Any and all unemployment compensation records of Gerald A. Volpe (193-48-0924)
to Thomson, Rhodes & Cowie, P.C., 1010 Two Chatham Center, Pittsburgh, PA
15219-3499
(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: Richard E. Rush
ADDRESS: 1010 Two Chatham Center
Pittsburgh, PA 15219-3499
TELEPHONE: 412-232-3400
SUPREME COURT ID # 00230
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, February 13, 2004
Seal of the Court

William A. Shaw
Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA PURSUANT TO RULE 4009.22 has been served upon the following counsel of record on this 16th day of February, 2004, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
90 Beaver Drive, Suite 201A
DuBois, PA 15801

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240

THOMSON, RHODES & COWIE, P.C.

By Richard E. Rush
Richard E. Rush, Esquire
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GERALD A. VOLPE and DIANA L. VOLPE, CIVIL DIVISION

husband and wife,

No. 02-667-CD

Plaintiffs,

vs.

EARL E. SHENKLE and MICHAEL
THOMAS SHENKLE,

Defendants.

**NOTICE OF CERTIFICATION AND
ATTESTATION OF COMPLIANCE
WITH SUBPOENA TO PRODUCE
DOCUMENTS OR THINGS PURSUANT
TO RULE 4009.23**

Filed on behalf of Defendants

Counsel of Record for this Party:

Richard E. Rush, Esquire
PA I.D. #00230

Thomson, Rhodes & Cowie, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

MAR 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATION AND ATTESTATION

Date: March 1, 2004

COMMONWEALTH OF PENNSYLVANIA

I hereby attest that the annexed documents, listed or described below, are true copies of the official record(s) (or extracts there from) maintained in the Bureau of Unemployment Compensation Benefits and Allowances and that I am the custodian thereof:

Any and all available unemployment compensation claim documents from the unemployment compensation claim of Gerald A. Volpe, social security number 193-48-0924.



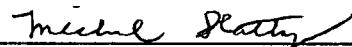
Kenneth E. McClain II, Head
Claims Information Center
Bureau of Unemployment Compensation
Benefits and Allowances

Date: March 1, 2004

COMMONWEALTH OF PENNSYLVANIA

I hereby certify that Kenneth E. McClain, II, who signed the foregoing, was at the time of signing, Head, Claims Information Center, of the Bureau of Unemployment Compensation Benefits and Allowances and as such, was the legal custodian of the above listed document(s).

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Department of Labor and Industry to be affixed on the above date.



Michael Slatky, Acting Executive Assistant
for Unemployment Compensation Programs
Department of Labor and Industry

Seal of the Department
of Labor and Industry

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF CERTIFICATION AND ATTESTATION OF COMPLIANCE WITH SUBPOENA TO PRODUCE DOCUMENTS OR THINGS PURSUANT TO RULE 4009.23 has been served upon the following counsel of record on this 5th day of March, 2004, by the United States Postal Service, first class mail, postage prepaid:

Christopher E. Mohney, Esquire
90 Beaver Drive, Suite 111-B
DuBois, PA 15801

Patrick J. Gibbons, Esquire
Ryan, Brown, McDonnell, Berger & Gibbons, P.C.
1600 Market Street, 14th Floor
Philadelphia, PA 19103-7240

THOMSON, RHODES & COWIE, P.C.

By Richard E. Rush
Richard E. Rush, Esquire
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

Gerald A. Volpe and Diane L. Volpe CIVIL ACTION
(Plaintiffs)

3996 West Liberty Road No. 02-667-CD
(Street Address)

Dubois, PA 15801 Type of Case: Motor Vehicle/Personal Injury
(City, State ZIP)

Type of Pleading: Certificate of Trial Readiness

VS.

Filed on Behalf of:

Gerald A. Volpe and Diana L. Volpe
(Plaintiffs)

Earl E. Shenkle and Michael Thomas Shenkle
(Defendant)

304 South Main Street
(Street Address)

Dubois, PA 15801
(City, State ZIP)

Patrick J. Gibbons, Esquire
(Filed by)

433 Germantown Pike, Lafayette Hill, PA 19444
(Address)

(610) 940-0444
(Phone)

Patrick J. Gibbons
(Signature)

FILED ^{10C}
M 10:38 AM JUL 02 2007 Atty Gibbons
JUL 02 2007

W.A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

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

Civil Trial Listing/Certificate of Readiness

Plaintiff(s): Gerald A. Volpe and
Diana L. Volpe Case Number: 02-667-CD

Defendant(s): Earl E. Shenkle and
Michael Thomas Shenkle

To the Prothonotary:

Arbitration Limit: _____
Type Trial Requested: Jury Non-Jury Arbitration

Jury Demand Filed By: Patrick J. Gibbons, Esquire
Dated Jury Demand Filed: 8/13/02

Please place the above-captioned case on the trial list. I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Patrick Gibbons
(Signature)

6-29-07
(Date)

For the Plaintiff: Patrick J. Gibbons, Esquire (610) 640-0444 Telephone Number

For the Defendant: Richard E. Rush Esquire (412) 316-8691 Telephone Number

For Additional Defendant: _____ Telephone Number

Certification of Current Address for all parties or counsel of record:

Name: Patrick J. Gibbons, Esquire Address: 433 Germantown Pike City/State/Zip: Lafayette Hill, PA 19444

Name: Christopher E. Mohney, Esquire Address: 25 East Park Ave, Ste. 6 City/State/Zip: DuBois, PA 15801

Name: Richard E. Rush, Esquire Address: Two Chatham Center, 10th Floor City/State/Zip: Pittsburgh, PA 15219

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

GERALD A. VOLPE and DIANE L. : No. 02 - 667 - C.D.
VOLPE, :
PLAINTIFFS, : Type of Pleading: PRAECIPE
VS. : TO MARK SETTLED, DISCONTINUED
AND ENDED
EARL E. SHENKLE and MICHAEL : Filed on Behalf of: PLAINTIFFS
THOMAS SHENKLE, :
DEFENDANTS. : Counsel of Record:
 : CHRISTOPHER E. MOHNEY, ESQUIRE
 :
 : SUPREME COURT NO. 63494
 :
 : 25 EAST PARK AVENUE
 : SUITE 6
 : DUBOIS, PA 15801
 : (814) 375-1044

FILED No CC
M 12 5 2001 Cert of Disc.
AUG 07 2001 to Atty
William A. Shaw
Prothonotary/Clerk of Courts
(6K)

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

GERALD A. VOLPE and DIANE L. : No. 02 - 667 - C.D.
VOLPE, :
PLAINTIFFS, :
VS. :
EARL E. SHENKLE and MICHAEL :
THOMAS SHENKLE, :
DEFENDANTS. :
:

PRAECIPE TO MARK SETTLED, DISCONTINUED AND ENDED

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Kindly mark the above captioned case settled, discontinued and ended on behalf of
Plaintiffs GERALD A. VOLPE and DIANE L. VOLPE.

BY:

Christopher E. Mohney
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Gerald A. Volpe
Diana L. Volpe

Vs.
Earl E. Shenkle
Michael Thomas Shenkle

No. 2002-00667-CD

CERTIFICATE OF DISCONTINUATION

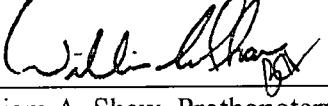
Commonwealth of PA
County of Clearfield

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 August 7, 2007, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$80.00 have been paid in full by Christopher E. Mohney, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of August A.D. 2007.



William A. Shaw, Prothonotary