

02-72808  
SCOTT HILLIARD -vs- CLEARFIELD COUNTY HOUSING AUTHORITY

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

SCOTT HILLIARD,

Plaintiff

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,

Defendant.

CIVIL DIVISION

Case No. 02-712-CD

COMPLAINT

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby

PA ID 16373

1450 Two Chatham Center

Pittsburgh, PA 15219-3427

(412) 471-3530

**FILED**

MAY 6 6 2002

11:19:00 atty Crosby  
William A. Shaw  
Prothonotary

pd \$80.00

1 cc Shaw

## NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and Notice are served, by entering a written appearance personally or by an 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 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

**Mr. David Meholick  
Court Administrator  
1 North 2nd Street  
Clearfield, PA 16830  
814-765-2641 ext. 5982**

## COMPLAINT

Scott Hilliard, plaintiff, brings this civil action against Clearfield County Housing Authority, defendant, to recover damages upon a cause of action whereof the following is a statement:

1. Plaintiff is a resident of Centre County, Pennsylvania.

2. Defendant, Clearfield County Housing Authority, is a Commonwealth of Pennsylvania agency which engages in the business of owning and renting residential real property.

3. The events hereinafter complained of occurred on or about September 11, 2001, at or about 5:30 o'clock P.M. in Clearfield, Clearfield County, Pennsylvania.

4. At said time, there existed in said locality real estate with improvements thereon in the form of a multi-storied apartment building known as 222 Leavy Avenue.

5. A part of said real estate included a unit known as Apartment 500 which defendant, at said time, leased to plaintiff and which unit included a facility commonly known as a bathroom.

6. At said time, defendant was the owner of said real estate including said unit and was in possession and control thereof and

was operating said real estate leasing activities through its agents, servants and employees, acting within the course, scope and authority of their said employment.

7. At said time, plaintiff was caused to slip and fall by a dangerous condition of said real estate in the form of water leaking from the toilet in said bathroom onto the tile floor.

8. The injuries and damage hereinafter set forth were caused by, and were the direct and proximate result of the negligence of defendant, as aforesaid, in the following particulars:

- a. In causing plaintiff to fall.
- b. In allowing a dangerous and defective condition of real estate to exist when defendant knew or should have known of the dangers created thereby.
- c. In failing to repair and maintain said real estate in a proper and timely manner.
- d. In failing to timely inspect said real estate.
- e. In allowing said real estate to exist in a dangerous state of disrepair.
- f. In failing to maintain said real estate in such a condition that it was safe for ordinary use by tenants and other invited guests.
- g. In failing to provide warning or other notice to plaintiff and others of the dangerous condition resulting from said defective condition of the real estate.
- h. In making or causing to be made improper, inadequate, insufficient and untimely repairs of said real estate on some date prior to September 11, 2001.
- i. In failing to provide premises pursuant to said lease which were fit for ordinary tenant use.

9. Plaintiff sustained the following serious and severe injuries, some or all of which may be permanent in nature:

- a. Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones, joints and intervertebral disks of the back and spine, including the lumbosacral region and sacroiliac regions.
- b. A herniated disk requiring surgery.
- c. A possible aggravation of a pre-existing, non-disabling and asymptomatic condition.
- d. Shock and injuries to the nerves and nervous system.
- e. Internal injuries.
- f. Other serious and severe injuries.

11. As a result of the injuries aforesaid, plaintiff has been damaged as follows:

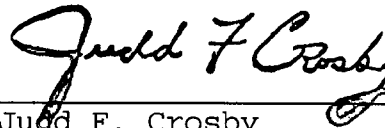
- a. He has suffered and will suffer great pain, inconvenience, embarrassment and mental anguish.
- b. He has been and will be required to expend large sums of money for surgical and medical attention, hospitalization, medical supplies, surgical appliances, physicians' services, medicines and other related services.
- c. His earning power has been reduced and permanently impaired.
- d. He has been disfigured.
- e. His general health, strength and vitality have been impaired.

12. Defendant received proper and timely notice of the instant claim as required by statute.

WHEREFORE, plaintiff demands judgment against defendant in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

A handwritten signature in cursive script, reading "Judd F. Crosby". The signature is written in black ink and is positioned above a horizontal line.

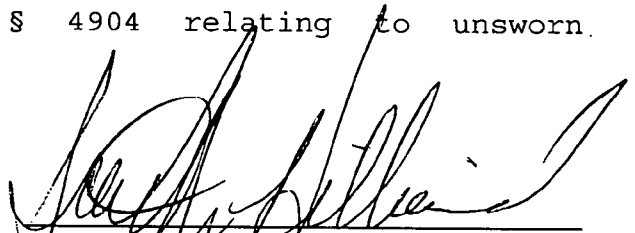
Judd F. Crosby  
Attorney for Plaintiff

1450 Two Chatham Center  
Pittsburgh, PA 15219-3427  
(412) 471-3530

VERIFICATION

I, Scott Hilliard, plaintiff herein, state that the averments of fact set forth in the foregoing **Complaint** are true and correct to the best of my knowledge, information and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Scott Hilliard

Dated: April 20<sup>th</sup> 2002



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

Sheriff Docket #

12486

HILLIARD, SCOTT

02-712-CD

VS.

CLEARFIELD COUNTY HOUSING AUTHORITY

COMPLAINT

**SHERIFF RETURNS**

NOW MAY 8, 2002 AT 8:45 AM DST SERVED THE WITHIN COMPLAINT ON  
CLEARFIELD COUNTY HOUSING AUTHORITY, DEFENDANT AT EMPLOYMENT,  
222 LEAVY AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY  
HANDING TO PAUL PECHARKO, EX. DIRECTOR A TRUE AND ATTESTED COPY  
OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS  
THEREOF.  
SERVED BY: NEVLING.

**Return Costs**

Cost	Description
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20.34	SHFF. HAWKINS PAID BY: ATTY.
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10.00	SURCHARGE PAID BY; ATTY.
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Sworn to Before Me This

20th Day of May 2002  
*William A. Shaw*

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

So Answers,

*Chester A. Hawkins*  
*by Paul Pecharko*  
Chester A. Hawkins  
Sheriff

**FILED**

MAY 20 2002

01323

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

SCOTT HILLIARD,  
Plaintiff

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,  
Defendant

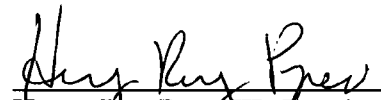
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No. 2002 - 712 C.D.

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above captioned case as attorney for Defendant  
Clearfield County Housing Authority.

  
Henry Ray Pope III, Esquire  
Attorney for Defendant  
I.D. 01530  
Pope and Drayer  
Ten Grant Street  
Clarion, PA 16214  
814-226-5700

Date: May 21, 2002

**FILED**

MAY 23 2002

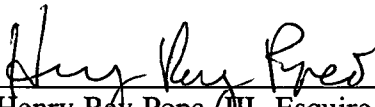
  
William A. Shaw  
Prothonotary

CERTIFICATE OF SERVICE

I, Henry Ray Pope III, did on the date of this Certificate, serve a true and correct copy of the foregoing Praecipe for Appearance by First Class U.S. Mail as follows:

Judd F. Crosby, Esquire      (Attorney for Plaintiff)  
1450 Two Chatham Center  
Pittsburgh, PA 15219-3427

IN WITNESS WHEREOF, I have signed this Certificate this 21st day of May, 2002.

  
\_\_\_\_\_  
Henry Ray Pope, III, Esquire  
Attorney for Defendant

FILED NO  
cc  
MAY 10 13 21  
MAY 23 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

SCOTT HILLIARD,

Plaintiff

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,

Defendant.

CIVIL DIVISION

Case No. 02-712-CD

PRAECIPE TO REINSTATE  
COMPLAINT

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby  
PA ID 16373  
1450 Two Chatham Center  
Pittsburgh, PA 15219-3427

(412) 471-3530

**FILED**

JUN 19 2002

William A. Shaw  
Prothonotary

OF  
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02-712-CD

CIVIL DIVISION

Case No. 02-712-CD

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007-64980-10

Judge F.  
Attorney  
1450 T  
Piscataway

*Edward F. Crosby*  
Edward F. Crosby

FILED

JUN 19 2002

11:33 AM City Clerk's 7.00

William A. Shaw

Prothonotary

(1) Complaint removed to City

6/19/02  
WAS

6-19-02 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*William A. Shaw*  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division - Law

SCOTT HILLIARD,  
Plaintiff

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,  
Defendant

No. 712 CD 2002

**Type of Pleading:**  
Answer and New Matter

**Filed by:**  
Defendant

**Counsel of Record:**  
Henry Ray Pope, III, Esquire  
Pope and Drayer  
I.D. No.: 01530  
10 Grant Street  
Clarion, Pennsylvania 16214  
(814) 226-5700

**FILED**

AUG 05 2002  
11/1307 no CL  
William A. Shaw  
Prothonotary

*[Handwritten signature]*



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Action - Law

SCOTT HILLIARD,  
Plaintiff

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,  
Defendant

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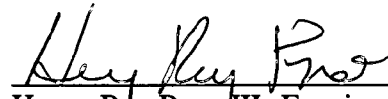
No. 712 C.D. 2002

**NOTICE TO PLEAD**

TO THE ABOVE NAMED PLAINTIFF:

You are hereby notified to plead to the enclosed New Matter within twenty (20) days  
from service hereof or a default judgment may be entered against you.

POPE AND DRAYER



Henry Ray Pope III, Esquire  
Attorney for Defendant  
10 Grant Street  
Clarion, PA 16214  
814-226-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division - Law

SCOTT HILLIARD,  
Plaintiff

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,  
Defendant

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No. 712 CD 2002

**ANSWER AND NEW MATTER**

AND NOW, comes Clearfield County Housing Authority by its attorney, Henry Ray Pope, III, and files this Answer and New Matter to Plaintiff's Complaint and in connection therewith submits the following:

ANSWER

1. Admitted.
2. Admitted.
3. After reasonable investigation, the Defendant is without sufficient knowledge or information to form an opinion as to the truth of the averments of Paragraph 3, and strict proof thereof is demanded at time of trial.
4. Admitted.
5. Admitted, and in further answer thereto, it is submitted that the bathroom was a private bathroom under the sole possession and control of the Plaintiff.
6. Admitted in part, in that it is admitted that Defendant owned a high-rise apartment building, and that it rented an apartment to the Plaintiff in that building. It is denied that

Defendant was in possession and control of the apartment, and on the contrary, the Plaintiff was in the actual possession and control of the apartment in which the accident allegedly occurred.

7. After reasonable investigation, the Defendant is without sufficient knowledge or information to form an opinion as to the truth of the averments of Paragraph 7, and strict proof thereof is demanded at time of trial.

8. Denied, and on the contrary, the Defendant did properly maintain its rental property. In the event that a leak did develop around the base of the toilet, it was not communicated to the Defendant until after the time that the Plaintiff allegedly had his accident. As to the rest of the averments set forth in Paragraph 8, after reasonable investigation the Defendant is without sufficient knowledge or information to form an opinion as to the truth of the averments, and strict proof thereof is demanded at time of trial.

9. After reasonable investigation, the Defendant is without sufficient knowledge or information to form an opinion as to the truth of the averments of Paragraph 9, and strict proof thereof is demanded at time of trial.

11. (This Paragraph is incorrectly numbered in Plaintiff's Complaint)

After reasonable investigation, the Defendant is without sufficient knowledge or information to form an opinion as to the truth of the averments of Paragraph 11, and strict proof thereof is demanded at time of trial.

12. The averment in Paragraph 12 constitutes a legal conclusion to which no answer is required.

#### NEW MATTER

13. Plaintiff did not, prior to his alleged accident, advise the Defendant that Plaintiff's

toilet was leaking or that there was water on his bathroom floor.

14. That at all times material to this proceeding the Plaintiff was in sole and exclusive control of his bathroom to the exclusion of the Defendant.

15. The condition described in Plaintiff's Complaint was not a dangerous condition, and was in the exclusive control of Plaintiff.

16. The Defendant did not know, nor did it have reason to know, the Plaintiff's toilet was leaking until three (3) days after Plaintiff's alleged fall had occurred.

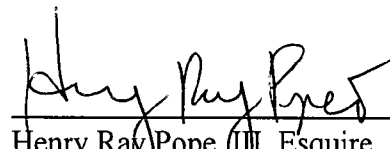
17. Pa. R.C.P. 1030 (b) provides that the affirmative defense of assumption of the risk, comparative negligence and contributory negligence need not be plead. However, the authority hereby gives notice that it may assert such defenses at time of trial.

18. The Defendant is immune from all of Plaintiff's damage claims.

19. The Plaintiff has failed to state a cause of action upon which relief can be granted.

WHEREFORE, the Defendant requests that judgment be entered in favor of Defendant and against Plaintiff with cost of suit.

Respectfully submitted,

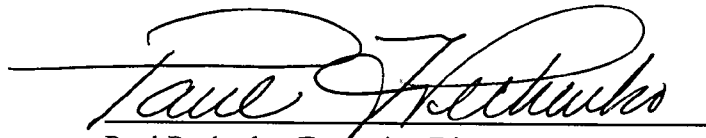


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Henry Ray Pope, III, Esquire  
Attorney for Defendant

**VERIFICATION**

I, Paul Pecharko, Executive Director of Clearfield County Housing Authority, says that the averments contained in the foregoing Answer and New Matter are true and correct to the best of his knowledge, information and belief. The undersigned further states that he understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

A handwritten signature in cursive script, reading "Paul Pecharko", written over a horizontal line.

Paul Pecharko, Executive Director  
Clearfield County Housing Authority

Date: 7/31/02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division - Law

SCOTT HILLIARD,  
Plaintiff

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,  
Defendant

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No.712 C.D. 2002

**CERTIFICATE OF SERVICE**

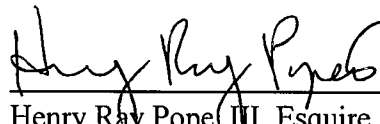
I hereby certify that I did on the date of this Certificate serve a copy of an Answer and

New Matter by first class mail on:

Judd F. Crosby, Esquire  
PA ID#: 16373  
1450 Two Chatham Center  
Pittsburgh, PA 15219-3427

IN WITNESS WHEREOF, I have signed this Certificate this 2nd day of <sup>Aug</sup>~~July~~,

2002.

  
Henry Ray Pope, III, Esquire  
Pope and Drayer  
I.D. # 01530  
10 Grant Street  
Clarion, Pennsylvania 16214  
(814) 226-5700

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

SCOTT HILLIARD,

Plaintiff

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,

Defendant.

CIVIL DIVISION

Case No. *2002-712-CD*

REPLY TO NEW MATTER

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby  
PA ID 16373  
1450 Two Chatham Center  
Pittsburgh, PA 15219-3427

(412) 471-3530

**FILED**

AUG 19 2002

*mjs6/nbcc*  
William A. Shaw  
Prothonetary

REPLY TO NEW MATTER

AND NOW, comes the plaintiff by his counsel, Judd F. Crosby, Esquire, and hereby states as follows in reply to New Matter of Defendant Clearfield County Housing Authority:

13. The allegations in paragraph 13 are admitted in that plaintiff was not aware of the leak prior to the time of his fall.

14. The allegations in paragraph 14 of defendant's New Matter are specifically denied in that prior to plaintiff's moving into said apartment said premises were under the exclusive control of defendant.

15. The allegations in paragraph 15 are specifically denied in that the condition caused serious injury to plaintiff and in further response plaintiff reasserts the allegations in the preceding paragraph.

16. The allegations in paragraph 16 of defendant's New Matter are specifically denied since, on the contrary, defendant new or should have known of the dangerous condition which caused the fall and resulting injuries.

17. The allegations in paragraph 17 are conclusions of law which require no response.



18. The allegations in paragraph 18 of defendant's New Matter are conclusions of law which require no response.

19. The allegations in paragraph 19 of defendant's New Matter are conclusions of law which require no response.

WHEREFORE, plaintiff requests that defendant's New Matter be dismissed and further reasserts the claims for relief as set forth in the Complaint.

Respectfully submitted,


A handwritten signature in cursive script, appearing to read "Judd F. Crosby", is written over a horizontal line.

Judd F. Crosby  
Attorney for Plaintiff

VERIFICATION

I, Scott Hilliard, plaintiff herein, state that the averments of fact set forth in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

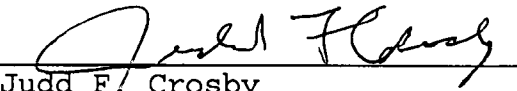
  
\_\_\_\_\_  
Scott Hilliard

Dated: Aug 10<sup>th</sup> 2002

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing Plaintiff's Reply to New Matter were served this 15<sup>th</sup> \_\_\_\_\_ day of August, 2002, by regular mail, postage prepaid, on the following counsel of record:

Henry Ray Pope, III, Esquire  
Pope and Drayer  
Ten Grant Street  
Clarion, PA 16214

  
Judd F. Crosby

JA

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

SCOTT HILLIARD,  
Plaintiff/Respondent

**Case No.** 02 - 712 - CD

**Type of Case:** Civil

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,  
Defendant/Petitioner

**Type of Pleading:**  
Petition to Dismiss Inactive Case  
Pursuant to Pa.R.A.P. 1901

**Filed On Behalf Of:**  
Defendant/Petitioner

**Counsel of Record for this Party:**

Henry Ray Pope III, Esq.  
Supreme Court No. 01530  
POPE AND DRAYER  
Ten Grant Street  
Clarion, PA 16214  
814-226-5700

**FILED** ICC  
012-3181 Any Pope  
JUN 15 2007 (GR)  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

SCOTT HILLIARD,	:	
Plaintiff/Respondent	:	
	:	
v.	:	No. 02 - 712 - CD
	:	
CLEARFIELD COUNTY HOUSING	:	
AUTHORITY,	:	
Defendant/Petitioner	:	

PETITION TO DISMISS INACTIVE CASE  
PURSUANT TO Pa.R.A.P. 1901

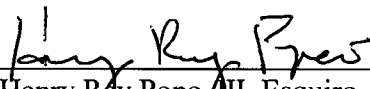
AND NOW comes the Clearfield County Housing Authority, hereinafter "Petitioner", by its attorney, Henry Ray Pope, III, and requests your Honorable Court to issue a rule to show cause as to why the above captioned case should not be dismissed for failure of the Plaintiff, Scott Hilliard, hereinafter "Respondent", to prosecute the case, and in connection therewith submits the following:

1. The Respondent in this case is represented by Judd F. Crosby, Esquire, whose address is 1450 Two Chatham Center, Pittsburgh, Pennsylvania 15219.
2. The Complaint in this case was filed in May of 2002.
3. There has been no action taken in this case since December 24, 2003.
4. The Petitioner has not been responsible for the delay.

WHEREFORE, the Petitioner requests your Honorable Court to issue a rule to show cause on counsel for the Respondent, Judd F. Crosby, Esquire, to cause why the above captioned case should not be dismissed for failure of the Respondent to prosecute the case.

Respectfully submitted,

Date: 6/13/07

  
\_\_\_\_\_

Henry Ray Pope, III, Esquire  
Attorney for Petitioner

PA ID #01530

POPE AND DRAYER

10 Grant Street

Clarion, PA 16214

814-226-5700

c:\tap\Civil\ClearfieldHilliardDismiss

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

SCOTT HILLIARD,  
Plaintiff/Respondent

v.

CLEARFIELD COUNTY HOUSING  
AUTHORITY,  
Defendant/Petitioner

No. 02 - 712 - CD

**FILED**

JUN 21 2007

0/11:30/4 (6K)  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CENT - AM

ORDER

AND NOW, this 20 day of June, 2007, upon consideration of

the foregoing Petition, it is hereby ordered that:

1. Petitioner seeks to dismiss the case for lack of activity;
2. a rule is issued upon the Respondent to show cause why the Petitioner is not entitled to the relief requested;
3. Respondent shall file an answer to the Petition within twenty (20) days of service upon the Respondent, and if a timely answer is not filed the requested relief shall be granted;
4. the Petition shall be decided under Pa.R.C.P. 206.7;
5. depositions, if necessary, shall be completed within \_\_\_\_\_ days of this date;
6. an evidentiary hearing on disputed issues of material fact and argument shall be held on July 25, 2007, in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania; @ 9:00 A.M.
7. notice of entry of this Order shall be provided to all parties by the Petitioner.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE OR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE 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  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 50-51

BY THE COURT,

 .J.



DATE: 6-21-07

☒ You are responsible for serving all appropriate parties.

☐ The Probationary's office has provided service to the following parties:

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

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

**FILED**  
**JUN 21 2007**  
William A. Shaw  
Probationary/Clerk of Courts

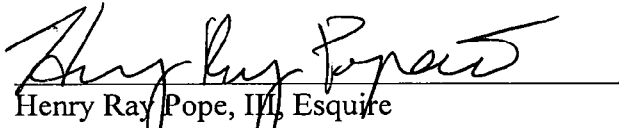
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

SCOTT HILLIARD, :  
Plaintiff/Respondent :  
 :  
v. : No. 02 - 712 - CD  
 :  
CLEARFIELD COUNTY HOUSING :  
AUTHORITY, :  
Defendant/Petitioner :

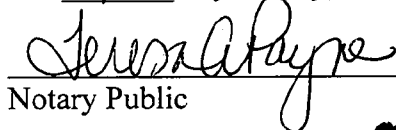
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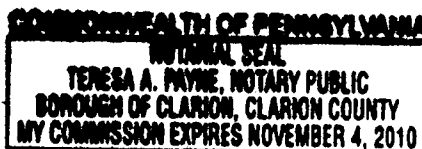
COMMONWEALTH OF PENNSYLVANIA :  
 : ss.  
COUNTY OF CLARION :

Before me, a Notary Public, personally appeared Henry Ray Pope, III, who, after being duly sworn according to law, deposes and says that on June 28, 2007, he served Defendant's *Petition to Dismiss Inactive Case Pursuant to Pa.R.A.P. 1901* and Judge Ammerman's Order dated June 20, 2007, entered in response thereto, on Plaintiff's attorney, Judd F. Crosby, Esquire, via facsimile transmission at (412) 261-3783, and by First Class Mail to 1450 Two Chatham Center, Pittsburgh, Pennsylvania 15210 (this mailing was returned to the undersigned on July 9, 2007, because of an incorrect zip code and was placed back in the mail on July 9, 2007, to Judd F. Crosby, Esquire, at 1450 Two Chatham Center, Pittsburgh, Pennsylvania 15219.)

  
Henry Ray Pope, III, Esquire  
Attorney for Defendant  
PA I.D. #01530  
10 Grant Street  
Clarion, PA 16214  
814-226-5700

Sworn to and subscribed to before me  
this 9<sup>th</sup> day of July, 2007.

  
Notary Public

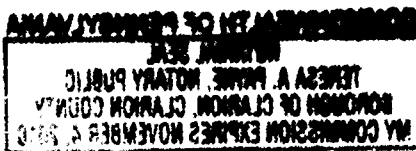


**FILED** <sup>no cc</sup>  
JUL 11 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**JUL 11 2007**

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



CA

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

SCOTT HILLIARD,  
Plaintiff/Respondent

**Case No.** 02 - 712 - CD

**Type of Case:** Civil

v.

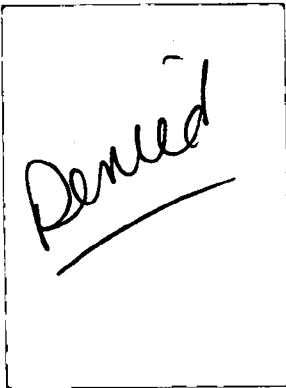
CLEARFIELD COUNTY HOUSING  
AUTHORITY,  
Defendant/Petitioner

**Type of Pleading:**  
Motion for Continuance of  
Hearing and Argument

**Filed On Behalf Of:**  
Defendant/Petitioner

**Counsel of Record for this Party:**

Henry Ray Pope III, Esq.  
Supreme Court No. 01530  
POPE AND DRAYER  
Ten Grant Street  
Clarion, PA 16214  
814-226-5700



FILED NO CC  
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JUL 20 2007 (6K)

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

SCOTT HILLIARD,	:	
Plaintiff/Respondent	:	
	:	
v.	:	No. 02 - 712 - CD
	:	
CLEARFIELD COUNTY HOUSING	:	
AUTHORITY,	:	
Defendant/Petitioner	:	

MOTION FOR CONTINUANCE  
OF HEARING AND ARGUMENT

AND NOW comes Clearfield County Housing Authority, by its attorney, Henry Ray Pope, III, and requests your Honorable Court to continue the hearing and argument set in the above captioned case based upon the following statement of facts:

1. By Order dated June 20, 2007, your Honorable Court directed the Respondent to file an answer to a Petition within twenty (20) days of the service upon the Respondent, and if a timely answer is not filed the requested relief shall be granted.
2. The Order of June 20, 2007, was to be served by the Defendant/Petitioner.
3. A copy of the Court's Order was faxed to Attorney Judd F. Crosby, Esquire, attorney for Plaintiff and mailed to him by First Class Mail at 1450 Two Chatham Center, Pittsburgh, Pennsylvania 15210; however, the First Class Mail was returned to counsel for Defendant because of an inaccurate zip code.
4. The Attorney for Defendant/Petitioner's office immediately corrected the erroneous zip code and placed it in the mail to Judd F. Crosby, Esquire, on July 9, 2007.
5. Defendant/Petitioner believes and therefore avers that there is no provision in the

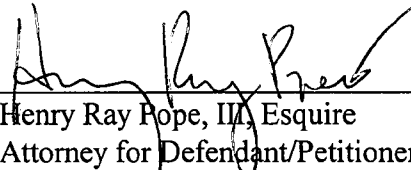
Pennsylvania Rules of Civil Procedure for service of orders on attorneys by fax transmission.

6. As a result of the erroneous zip code and the necessity to re-serve the attorney for the Plaintiff/Respondent, he would not have had twenty (20) days from the date of service to respond to the Order prior to the hearing and argument, which twenty (20) days will expire on or about July 29, 2007.

WHEREFORE, the Defendant/Petitioner requests your Honorable Court to continue the hearing set for July 25, 2007, at 9:00 a.m. to a date after July 29, 2007.

Respectfully submitted,

Date: July 19, 2007



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Henry Ray Pope, III, Esquire  
Attorney for Defendant/Petitioner  
PA ID #01530  
POPE AND DRAYER  
10 Grant Street  
Clarion, PA 16214  
814-226-5700

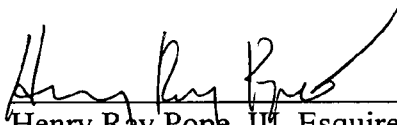
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CERTIFICATE OF SERVICE

I, Henry Ray Pope, III, did, on the date of this Certificate, serve a true and correct copy of the foregoing *Motion for Continuance of Hearing and Argument* on the following by First Class U.S. Mail, postage prepaid:

Judd F. Crosby, Esquire  
1450 Two Chatham Center  
Pittsburgh, PA 15219  
*(Attorney for Plaintiff/Respondent)*

IN WITNESS WHEREOF, I have signed this Certificate this 19th day of July, 2007.

  
Henry Ray Pope, III, Esquire  
Attorney for Defendant/Petitioner  
PA I.D. #01530  
POPE AND DRAYER  
10 Grant Street  
Clarion, PA 16214  
814-226-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

SCOTT HILLIARD,	:	
Plaintiff/Respondent	:	
	:	
v.	:	No. 02 - 712 - CD
	:	
CLEARFIELD COUNTY HOUSING	:	
AUTHORITY,	:	
Defendant/Petitioner	:	

ORDER

AND NOW, this \_\_\_\_\_ day of July, 2007, upon consideration of the attached Motion, the prayer thereof is granted and the hearing and argument in the above captioned matter previously set forth July 25, 2007, at 9:00 a.m. is continued to \_\_\_\_\_, 2007, at \_\_\_\_\_ .m., in Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

\_\_\_\_\_  
Frederic J. Ammerman, P.J.



Cr

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

SCOTT HILLIARD

:

VS.

: NO. 02-712-CD

CLEARFIELD COUNTY HOUSING

:

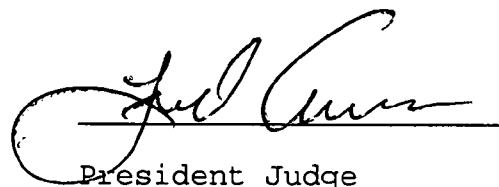
AUTHORITY

:

O R D E R

AND NOW, this 25th day of July, 2007, this being the date set for evidentiary hearing on the Defendant's Petition to Dismiss Inactive Case; counsel for the Defendant having appeared; the issue of service having been discussed; the Court noting that neither counsel of record, nor the Plaintiff, nor anyone indicating they are representing the Plaintiff, having appeared, it is the ORDER of this Court that said Petition shall be and is hereby granted. The above-captioned case is hereby dismissed.

BY THE COURT,

  
President Judge

FILED

JUL 27 2007

icc  
Any's Crosby  
Pope

William A. Shaw  
Prothonotary/Clerk of Courts

CR

FILED

JUL 27 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/27/07

☐ 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: