

02-741-CD  
PENN MUTUAL INSURANCE COMPANY etal -vs- JAMES FOLEY

Date: 12/26/2003

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 01:12 PM

ROA Report

Page 1 of 1

Case: 2002-00741-CD

Current Judge: John K. Reilly Jr.

Penn Mutual Insurance Company, Marianne Cimino vs. James Foley

Civil Other

Date		Judge
05/09/2002	Filing: Praeipe/Writ of Summons Paid by: Walker, Brian J. Esq (attorney for Cimino, Marianne) Receipt number: 1842321 Dated: 05/09/2002 Amount: \$80.00 (Check) One CC and Writ to Sheriff One CC Attorney	No Judge ✓
08/07/2002	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge ✓
09/03/2002	Filing: Complaint and verification filed by Plaintiff by Attorney Walker. Two CC to Atty. Walker	No Judge ✓
10/22/2002	Answer To Plaintiffs' Complaint. filed by s/Anthony S. Guido, Esq. Verification s/James Foley 2 cc to Atty	No Judge ✓
10/24/2002	Certificate of Service, Answer to Plaintiffs' Complaint upon BRIAN J. WALKER, ESQ. s/Anthony S. Guido, Esq. no cc	No Judge ✓
11/22/2002	Certificate of Service, Complaint upon Defendant's Counsel: ANTHONY S. GUIDO, ESQ. filed by s/Brian J. Walker, Esquire no cc	No Judge ✓
08/04/2003	Praeipe To Have Matter Scheduled For A Non-Jury Trial. filed by s/Brian J. Walker, Esquire no cc Copy to C/A	No Judge ✓
08/15/2003	Motion to Strike Case from Trial List, filed by Atty. Guido 1 Cert. to Atty.	No Judge ✓
09/04/2003	Notice of Service, First Set of Discovery Materials upon: Brian J. Walker, Esq. filed by s/Anthony S. Guido no cc	John K. Reilly Jr. ✓
09/29/2003	Praeipe to Discontinue filed by Atty. Walker. 1 CC & Cert. to Atty.	John K. Reilly Jr. ✓

Brian J. Walker, Esquire  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. # 71927

Attorney for Plaintiff

---

Penn Mutual Insurance Company : In The Court of Common Pleas  
A/S/O Marianne Cimino :  
17 East Gay Street, PO Box 659 : Clearfield County, Pennsylvania  
West Chester, PA 19381-0659 :  
And : Civil Action-Law  
Marianne Cimino :  
RD #2, Box 42 : No: 02-741-CD  
Dubois, PA 15801

vs.

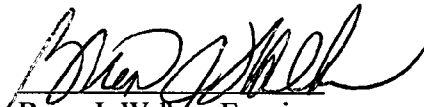
James Foley  
Kyle Run Road  
Brookville, PA 15825

**Praecipe**

Prothonotary:

Please issue a Writ of Summons to the Defendant on the above captioned  
action.

Please forward to Sheriff office.

  
Brian J. Walker, Esquire  
O'Brien & Hennessy

**FILED**

MAY 09 2002

William A. Shaw  
Prothonotary

**FILED**

2' CC & Write to Sheriff

MAY 09 2002

1 cc Atty

William A. Shaw  
Prothonotary

Atty pd. 80.00

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

COPY

SUMMONS

**Penn Mutual Insurance Company**  
**Marianne Cimino**

**Vs.**

**NO.: 2002-00741-CD**

**James Foley**

TO: JAMES FOLEY

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

Date: 05/09/2002

---

William A. Shaw  
Prothonotary

Issuing Attorney:

Brian J. Walker Esq  
142 West Market Street  
West Chester, PA 19382

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

Sheriff Docket # 12514

PENN MUTUAL INSURANCE COMPANY

02-741-CD

VS.

FOLEY, JAMES

PRAECIPE & SUMMONS

**SHERIFF RETURNS**

NOW MYAY 15, 2002, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS  
DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO  
SERVE THE WITHIN PRAECIPE & SUMMONS ON JAMES FOLEY, DEFENDANT.

NOW JUNE 10, 2002 SERVED THE WITHIN PRAECIPE & SUMMONS ON  
JAMES FOLEY, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON  
COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE  
A PART OF THIS RETURN STATING THAT HE SERVED BRENDA ENGLISH, ADULT  
AT RESIDENCE.

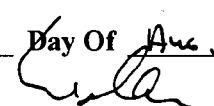
**Return Costs**

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

**FILED**

AUG 07 2002  
01:40 PM  
William A. Shaw  
Prothonotary

Sworn to Before Me This

7 Day Of Aug. 2002  


WILLIAM A. SHAW  
Prothonotary  
Commission Expires  
in Jan. 2006  
Clearfield, PA

So Answers,



Chester A. Hawkins  
Sheriff

No. 02-741-CD

Personally appeared before me, Kirk Brudnock, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on June 10, 2002 at 10:40 o'clock A.M. served the Summons upon JAMES FOLEY, Defendant, at Kyle Run Road, Falls Creek, township of Washington, County of Jefferson, Stat of Pennsylvania, by handing to Brenda English, girl-friend and adult person in charge at time of service, a true and attested copy of the Summons and by making known to her 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 14  
day of JUNE 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,

<u>Kirk Brudnock</u>	Deputy
<u>Thomas A. Demko</u>	Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

Brian J. Walker, Esquire  
O'Brien & Hennessy  
142 West Market Street, Suite 2  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Penn Mutual Insurance Company  
A/S/O Marianne & Eugene Cimino  
and  
Marianne & Eugene Cimino

vs.

James Foley

: In The Court of Common Pleas  
: Clearfield County, Pennsylvania  
: Civil Action Law  
: No: 02-741-CD

**FILED**

SEP 03 2002

William A. Shaw  
Prothonotary

**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.*

David S. Meholick, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

*Lleva esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

David S. Meholick, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641



Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Attorney for Plaintiffs

---

Penn Mutual Insurance Company	: In The Court of Common Pleas
A/S/O Marianne & Eugene Cimino	
PO Box 659	: Clearfield County, Pennsylvania
West Chester, PA 19382	
AND	: Civil Action Law
Marianne & Eugene Cimino	
R.D. #8, Box 42	: No: 02-741-CD
Dubois, PA 15801	

VS.

James Foley  
Kyle Run Road  
Brooksville, PA 15825

### **COMPLAINT**

1. Plaintiff Penn Mutual Insurance Company is an insurance carrier licensed and authorized to conduct business in the Commonwealth of Pennsylvania and having as one of its principal places of business the above captioned address.

2. Plaintiffs Marianne & Eugene Cimino, h/w are adult individuals residing at the above captioned address.

3. Defendant James Foley is and adult individual residing at the above captioned address.

4. On or about 2/28/01, Plaintiff Penn Mutual Insurance Company insured Plaintiffs Cimino with a homeowners policy, policy number DP 0135689-0805, said policy covering Plaintiff's home and rental

property located at RD #8 Box 42, Dubois, PA 15801, said policy carrying structure and contents coverages with same.

5. On or about 2/28/01 Defendant James Foley was a tenant, renter, occupant and/or in exclusive possession and control of the aforesaid property, specifically the bedroom area..

6. On or about 2/28/01, Defendant James Foley, acting individually, jointly, and or by and through persons under their custody and control, and or in concert with one another, while in exclusive possession and control of the aforesaid bedroom area, did negligently, carelessly and/or recklessly cause and/or allow a fire to erupt at the property resulting in extensive property damages to same including damages to the structure and contents.

7. The negligence of Defendants consisted of:

- a) failing to exercise due care;
- b) being inattentive;
- c) failing to promptly notify fire officials so as to avoid the spread of said fire;
- d) leaving a lit flame unattended;
- e) failing to properly monitor an open fire;
- f) failing to give due regard to the rights, safety point and position of Plaintiff's property;
- g) leaving a lit cigarette on or around combustible materials;
- h) failing to properly extinguish a cigarette prior to falling asleep;
- i) failing to properly discard smoking materials;
- j) other such negligence as may be developed through discovery..

8. The aforesaid fire resulted solely from the negligent acts and/or omissions on part of Defendant named herein and were due in no manner whatsoever to any act and/or failure to act on part of Plaintiffs.


9. As a result of the aforesaid fire, Plaintiff's property sustained extensive

smoke, fire and water damages to same.

10. Pursuant to the aforesaid policy of insurance, Plaintiff Penn Mutual settled the first party homeowners claim of Plaintiffs Cimino in the amount of \$59,233.75 (said figure includes Plaintiff Cimino's deductible) representing fair and reasonable reimbursement for the damages sustained.

11. Pursuant to the aforesaid policy of insurance Plaintiff Penn Mutual Insurance Company is subrogated to Plaintiff Cimino for this loss.

**WHEREFORE**, Plaintiffs demand judgment against Defendants, jointly and severally in the amount of \$59,233.75 together plus costs, interest and such other relief this court finds equitable and just.

  
Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF CHESTER

: ss.

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements herein are made subject to the penalties of 19 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

If applicable, this affidavit is made on behalf of the Plaintiff(s); that the said Plaintiff(s) is/are unable and unavailable to make this verification on its/his/her own behalf within the time allotted for filing of this pleading, and the facts set forth in the foregoing pleading are true and correct to the best of counsel's knowledge, information and belief.

This verification is made pursuant to Pa. R.C.P. 1024 and is based on interviews, conferences, reports, records and other investigative material in the file.



---

Dated: August 27, 2002

FILED

~~12~~ mjb:44/61  
SEP 03 2002

2cc

Attys Banks

William A. Shaw  
Prothonotary

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

PENN MUTUAL INSURANCE  
COMPANY, A/S/O MARIANNE  
AND EUGENE CIMINO and  
MARIANNE AND EUGENE  
CIMINO,

Plaintiffs

vs.

JAMES FOLEY,

Defendant

No. 02-741 - CD

Type of pleading

**ANSWER TO PLAINTIFFS'  
COMPLAINT**

Filed on behalf of:

DEFENDANT

Counsel of record for  
this party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

**FILED**

OCT 22 2002

0 / 11:25 / 2002  
William A. Shaw  
Prothonotary

2 CENT TO ATTY.

*EST*

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

PENN MUTUAL INSURANCE  
COMPANY, A/S/O MARIANNE  
AND EUGENE CIMINO and  
MARIANNE AND EUGENE  
CIMINO,

Plaintiffs

vs.

JAMES FOLEY,

Defendant

No. 02-741-CD

**ANSWER TO PLAINTIFFS' COMPLAINT**

AND NOW, comes the Defendant, JAMES FOLEY, and by  
his Attorney, ANTHONY S. GUIDO, ESQ., files this Answer to the  
Complaint filed by Plaintiffs in the above entitled action as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

6. Denied. Although it is admitted that the Defendant,  
JAMES FOLEY, had exclusive possession and control of the aforesaid  
bedroom area, it is denied that the Defendant, JAMES FOLEY,  
negligently, carelessly and recklessly caused or allowed a fire to erupt  
on the property alleging resulting in damage to the property.

7. Denied. Defendant, JAMES FOLEY, denies allegations set forth in Paragraph 7(a) through 7(j). Proof thereof is demanded at trial of this case.

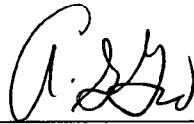
8. Denied. Defendant, JAMES FOLEY, denies that the fire resulted in any negligent acts or omissions on his part, and it is further averred that JAMES FOLEY did nothing to cause said fire or damage.

9. Admitted.

10. Admitted.

11. Admitted.

WHEREFORE, Defendant, JAMES FOLEY, demands that said cause of action and Complaint be dismissed.



---

Anthony S. Guido  
Attorney for Defendant




**VERIFICATION**

I, JAMES FOLEY, do hereby verify that I have read the foregoing ANSWER. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are 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: 1 \_\_\_\_\_

  
\_\_\_\_\_  
James Foley

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

PENN MUTUAL INSURANCE  
COMPANY, A/S/O MARIANNE  
AND EUGENE CIMINO and  
MARIANNE AND EUGENE  
CIMINO,

Plaintiffs

vs.

JAMES FOLEY,

Defendant

No. 02-741 - CD

Type of pleading

**CERTIFICATE OF  
SERVICE**

Filed on behalf of:

DEFENDANT

Counsel of record for  
this party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

**FILED**

OCT 24 2002

William A. Shaw  
Prothonotary

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

PENN MUTUAL INSURANCE  
COMPANY, A/S/O MARIANNE  
AND EUGENE CIMINO and  
MARIANNE AND EUGENE  
CIMINO,

Plaintiffs

vs.

JAMES FOLEY,

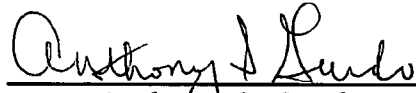
Defendant

No. 02-741-CD

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 23rd day of October, 2002,  
I mailed a copy of Answer to Plaintiffs' Complaint, by first class mail,  
postage prepaid, to:

Brian J. Walker, Esq.  
142 W. Market Street  
West Chester, PA 19382

  
\_\_\_\_\_  
Anthony S. Guido  
Attorney for Plaintiff

FILED

NOV 10 3 39 PM  
OCT 24 2002

*[Signature]*

William A. Shaw  
Prothonotary

Brian J. Walker, Esquire  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Attorney for Plaintiff

Penn Mutual Insurance Company  
A/S/O Marianne & Eugene Cimino  
**AND**  
Marianne & Eugene Cimino

: In The Court of Common Pleas  
: Clearfield County, Pennsylvania  
: Civil Action Law  
: No: 02-741-CD


vs.

James Foley

**CERTIFICATION OF SERVICE**

I hereby certify that I have served a true and correct copy of the Complaint filed in the  
above captioned action upon the Defendant's counsel on September 5, 2002, by First  
Class United States mail, addressed as follows:

Anthony S. Guido, Esquire  
PO Box 487  
DuBois, PA 15801

  
Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy

**FILED**

NOV 22 2002

William A. Shaw  
Prothonotary

FILED No cc

11:20 AM  
NOV 22 2002

William A. Shaw  
Prothonotary

*(Signature)*

Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Attorney for Plaintiffs

Penn Mutual Insurance Company  
A/S/O Marianne & Eugene Cimino  
**AND**  
Marianne & Eugene Cimino

: In The Court of Common Pleas

: Clearfield County, Pennsylvania

: Civil Action Law

vs.


: No: 02-741-CD

James Foley

**PRAECIPE**

To the Prothonotary:

Please have the above matter scheduled for a non-jury trial.

  
Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy

**FILED**

**AUG 04 2003**

William A. Shaw  
Prothonotary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

PENN MUTUAL INSURANCE  
COMPANY, A/S/O MARIANNE  
AND EUGENE CIMINO and  
MARIANNE AND EUGENE  
CIMINO,

Plaintiffs

vs.

JAMES FOLEY,

Defendant

CIVIL ACTION - LAW

No. 02-741 - CD

Type of pleading

**MOTION TO STRIKE CASE  
FROM TRIAL LIST**

Filed on behalf of:

DEFENDANT

Counsel of record for  
this party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

**FILED**

**AUG 15 2003**

William A. Shaw  
Prothonotary/Clerk of Courts



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

PENN MUTUAL INSURANCE	:	
COMPANY, A/S/O MARIANNE	:	
AND EUGENE CIMINO and	:	
MARIANNE AND EUGENE	:	
CIMINO,	:	No. 02-741-CD
Plaintiffs	:	
	:	
vs.	:	
	:	
JAMES FOLEY,	:	
Defendant	:	

**MOTION TO STRIKE CASE FROM TRIAL LIST**

AND NOW, comes the Defendant, JAMES FOLEY, and by his Attorney, ANTHONY S. GUIDO, files this Motion to strike the instant case from the trial list for the following reasons.

1. Letter dated August 8, 2003, was received on August 12, 2003, by Anthony S. Guido, Attorney for Defendant, James Foley.
2. Clearfield County Rule 212.2(4)(b) provides in part that any party objecting to the case being on the trial list shall file his motion to strike the case from the trial list within seven days after receiving notice of the praecipe from the other party.
3. The Praecipe to place the case on the trial list, a copy of which is enclosed, fails to comply with Rule 212.2(a)(1) which provides that the praecipe shall provide that no motions are outstanding, and that discovery has been completed, and that the case is ready for trial.

4. Discovery has not been completed in this case and, therefore, the case is not ready for trial.

WHEREFORE, for the above stated reason, Defendant, James Foley, by his Attorney, Anthony S. Guido, respectfully requests that the above entitled case be stricken from the trial list.

A handwritten signature in black ink, appearing to read 'Anthony S. Guido', is written above a horizontal line.

---

Anthony S. Guido  
Attorney for Defendant

Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Attorney for Plaintiffs

Penn Mutual Insurance Company  
A/S/O Marianne & Eugene Cimino  
AND  
Marianne & Eugene Cimino

: In The Court of Common Pleas

: Clearfield County, Pennsylvania

: Civil Action Law

vs.


: No: 02-741-CD

James Foley

**PRAECIPE**

To the Prothonotary:

Please have the above matter scheduled for a non-jury trial.

  
Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy

**FILED**  
2:41  
AUG 04 2003  
William A. Shaw  
Prothonotary/Clerk of Courts

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

PENN MUTUAL INSURANCE  
COMPANY, A/S/O MARIANNE  
AND EUGENE CIMINO and  
MARIANNE AND EUGENE  
CIMINO,

Plaintiffs

vs.

JAMES FOLEY,

Defendant

No. 02-741-CD

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2003, in  
consideration of the foregoing Motion, the entitled case is stricken  
from the trial list.


BY THE COURT:

---

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 14<sup>th</sup> day of August  
2003, I mailed a copy of MOTION TO STRIKE CASE FROM TRIAL  
LIST, by first class mail, postage prepaid, to:

Brian J. Walker, Esq.  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382



---

Anthony S. Guido  
Attorney for Defendant

**FILED** <sup>icc</sup>  
M/11:20:51  
AUG 15 2003  
Atty Guido

William A. Shaw  
Prothonotary/Clerk of Courts

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

PENN MUTUAL INSURANCE  
COMPANY, A/S/O MARIANNE  
AND EUGENE CIMINO and  
MARIANNE AND EUGENE  
CIMINO,

Plaintiffs

vs.

JAMES FOLEY,

Defendant

No. 02-741-CD

Type of Case:

Civil Action

Type of Pleading:

**Notice of  
Service**

Filed on Behalf of:

Defendant

Counsel of Record for  
This Party:

Anthony S. Guido, Esq.  
Supreme Court No. 05877  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

**FILED**

SEP 04 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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

PENN MUTUAL INSURANCE  
COMPANY, A/S/O MARIANNE  
AND EUGENE CIMINO and  
MARIANNE AND EUGENE  
CIMINO,

Plaintiffs

vs.

JAMES FOLEY,

Defendant

No. 02-741-CD

**NOTICE OF SERVICE**

I, Anthony S. Guido, of Hanak, Guido and Taladay, being  
counsel of record for Defendant, do hereby certify that I propounded  
on Plaintiffs, via United States mail, first class, postage pre-paid, this  
3rd day of September, 2003, Defendant's FIRST SET OF DISCOVERY  
MATERIALS to the below indicated person, at said address, being  
counsel of record for the Plaintiff:

Brian J. Walker, Esq.  
142 W. Market Street  
West Chester, PA 19382

Anthony S. Guido  
Anthony S. Guido  
Attorney for Defendant



Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy  
142 W. Market Street  
West Chester, PA 19382  
610-431-2727  
Attorney I.D. 71927

Attorney for Plaintiffs

Penn Mutual Insurance Company  
A/S/O Marianne & Eugene Cimino  
AND  
Marianne & Eugene Cimino

: In The Court of Common Pleas

: Clearfield County, Pennsylvania

: Civil Action Law

vs.

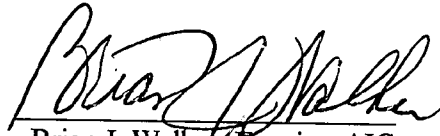
: No: 02-741-CD

James Foley

**PRAECIPE**

To the Prothonotary:

Please mark the above action as Dismissed Without Prejudice.

  
Brian J. Walker, Esquire, AIC  
O'Brien & Hennessy

**FILED**

*M 2.03 PM Jcc + cat  
to atty*

SEP 29 2003

William A. Shaw  
Prothonotary

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

**CIVIL DIVISION**

**Penn Mutual Insurance Company  
Marianne Cimino**

**Vs.  
James Foley**

**No. 2002-00741-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 September 29, 2003, marked:

Discontinued, settled and ended.

Record costs in the sum of \$151.32 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of September A.D. 2003.

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