

02-965-CD
Jennifer Gritzer vs Trevor Kephart

02

02-965-CD
JENNIFER GRITZER -vs- TREVOR JAY KEPHART et al

FILED

Atty cd
JUN 17 2002

2 cc Atty Cherry
SAC

William A. Shaw
Prothonotary

Cherry & Cherry
223 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801

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

JENNIFER GRITZER,
Plaintiff

vs.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,
Defendants

: No. *Q65* - 2002 - C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: COMPLAINT
:
: Filed on Behalf of: PLAINTIFF
:
: Counsel of Record for this Party:
:
: PAUL E. CHERRY, ESQ.
: Supreme Court No.42945
:
: CHERRY & CHERRY
: 23 East Park Avenue
: DuBois, PA 15801
: (814) 371-3288

FILED

JUN 17 2002

William A. Shaw
Prothonotary

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

JENNIFER GRITZER,
Plaintiff

vs. : No. - 2002 - C.D.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,
DefendantS

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 defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Amended 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 Ext. 5982

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

JENNIFER GRITZER,
Plaintiff

vs.

No. - 2002 - C.D.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,
Defendants

COMPLAINT

AND NOW, comes the Plaintiff, JENNIFER GRITZER, by and through her attorneys, CHERRY & CHERRY, who file the within Complaint, averring as follows:

1. Plaintiff, JENNIFER GRITZER, is an adult individual, residing at 547 West Long Avenue, DuBois, Clearfield County, Pennsylvania 15801.
2. Defendant, TREVOR JAY KEPHART, is an adult individual, whose last known address was 44 Purity Avenue, Apt. B, Rimersburg, Lawrence County, Pennsylvania 16248.
3. Defendant, TREVOR JAY KEPHART, is an adult individual, whose last known address was rd #1, Box 486, Morrisdale, Clearfield County, Pennsylvania 16858.
3. On June 16, 2000, Plaintiff was operating a 1999 Monte Carlo Automobile owned by her parents, David Gritzer and Carolyn Gritzer, which was involved in the accident described herein.
4. On the aforesaid date, Defendant, TREVOR JAY KEPHART, was operating a 1999 Chevrolet Pickup Truck owned by Defendant, TREVOR JAY KEPHART, which was involved in the accident described herein.

5. On the aforesaid date, at approximately 9:15 p.m., Plaintiff was operating the vehicle owned by the Plaintiff's parents in a southerly direction on State Route 255 in Sandy Township, Clearfield County, Pennsylvania.

6. On the aforesaid date at the same approximate time Defendant, TREVOR JAY KEPHART, was operating the vehicle owned by Defendant, TREVOR JAY KEPHART, in a northerly direction on State Route 255 in Sandy Township, Clearfield County, Pennsylvania, when Defendant, TREVOR JAY KEPHART, attempted to turn unto Interstate 80 East by driving across the southbound lane of State Route 255 and directly into the path of Plaintiff, causing the front of the vehicle driven by Plaintiff to collide with the front side of the vehicle driven by Defendant, TREVOR JAY KEPHART. A true and correct copy of the Commonwealth of Pennsylvania Police Accident Report is attached hereto and made a part hereof as Exhibit "A".

7. At the time of the accident herein described, Plaintiff was operating her vehicle in lawful manner and at the proper speed limit.

8. Defendant, TREVOR JAY KEPHART, was charged by the Sandy Township Police with 75 Pa. Cons. Stat. §§ 3322, Vehicle Turning Left.

9. The accident was directly and proximately caused by the negligence, carelessness, indifference, and reckless disregard of Defendant, TREVOR JAY KEPHART, which consisted of the following:

- (a) operating his motor vehicle in a careless, reckless, and negligent manner;
- (b) operating his motor vehicle with no warning of approach or intended direction;
- (c) not having his motor vehicle under the proper control so as to stop said vehicle within the assured clear distance ahead (Pa. Cons. Stat. Section 3361);
- (d) operating the motor vehicle without due regard to the rights, safety, wellbeing, and position of the Plaintiff;

- (e) Failing to have his motor vehicle under the proper control so as to prevent this vehicle from striking Plaintiff's motor vehicle;
 - (f) failing to keep a proper lookout;
 - (g) failing to use due care under the circumstances;
 - (h) failing to notice the motor vehicle of the Plaintiff;
 - (i) upon noticing the motor vehicle of Plaintiff, failing to yield the right-of-way to Plaintiff's vehicle;
 - (j) failing to take evasive action in order to avoid impacting with Plaintiff's vehicle;
- and
- (k) operating his motor vehicle in disregard of the rule of the road, the ordinances of Sandy Township, and the laws of the Commonwealth of Pennsylvania, including but not limited to the Motor Vehicle Code, 75 Pa. Cons. Stat. Section 3310.

10. At all times material hereto, the Plaintiff acted with due care and was not contributorily negligent.

11. As a result of the negligence, carelessness, reckless disregard, and indifference of Defendant, **TREVOR JAY KEPHART**, Plaintiff was thrown violently against the interior of her motor vehicle and sustained severe injuries to the muscles, blood vessels, nerves, tendons, connective tissues, skin, bones, and organs of her body, including but not limited to; closed head injury; contusion of the forehead; soft tissue injury to the cervical spine; and cervical strain.

12. The injuries sustained by Plaintiff as set forth above, are serious injuries which resulted in serious impairment of bodily function and permanent serious disfigurement.

13. As a direct and proximate result of the collision and the negligence, carelessness, reckless disregard, and indifference of Defendant, **TREVOR JAY KEPHART**, Plaintiff, has suffered, and will suffer in the future, great pain, agony, and inconvenience.

14. As a direct and proximate result of the collision and the negligence, carelessness, reckless disregard, and indifference of Defendant, TREVOR JAY KEPHART, Plaintiff has incurred, and in the future may incur, expenses for medical treatment and physical therapy in an amount not yet ascertained.

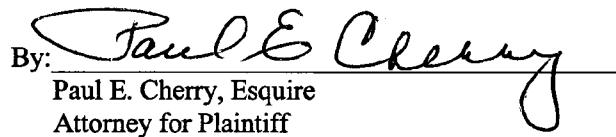
15. As a direct and proximate result of the collision and the negligence of Defendant, TREVOR JAY KEPHART, Plaintiff has suffered a disruption in her daily habits and pursuits and a loss of enjoyment of life.

16. A jury trial is demanded.

WHEREFORE, Plaintiff, JENNIFER GRITZER, demands judgment against Defendants in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00), exclusive of interest and costs of suit.

Respectfully submitted,

CHERRY & CHERRY

By: 
Paul E. Cherry, Esquire
Attorney for Plaintiff

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

Date: 6-14-02

Jennifer A. Gritzer
Jennifer Gritzer

COMMONWEALTH OF PENNSYLVANIA
POLICE ACCIDENT REPORT



XX. REFER TO OVERLAY SHEETS

REPORTABLE NON - REPORTABLE

PENNDOT USE ONLY

POLICE INFORMATION				ACCIDENT LOCATION											
1. INCIDENT NUMBER <i>STP-06-00-1946</i>				20. COUNTY <i>Clearfield</i> CODE <i>17</i>											
2. AGENCY NAME <i>Sandy Twp Police Dept.</i>				21. MUNICIPALITY <i>Sandy Twp</i> CODE <i>228</i>											
3. STATION/ PRECINCT		4. PATROL ZONE		PRINCIPAL ROADWAY INFORMATION											
5. INVESTIGATOR <i>OFC. R.C. Fairman</i>		BADGE NUMBER <i>22806</i>		22. ROUTE NO. OR STREET NAME <i>SR 0255</i>											
6. APPROVED BY		BADGE NUMBER		23. SPEED LIMIT <i>45</i> (24) TYPE HIGHWAY <i>0</i> (25) ACCESS CONTROL <i>1</i>											
7. INVESTIGATION DATE <i>6-16-00</i>		8. ARRIVAL TIME <i>2127 hrs.</i>		INTERSECTING ROAD:											
ACCIDENT INFORMATION				26. ROUTE NO. OR STREET NAME <i>I-80 Exit 17 off Ramp</i>											
9. ACCIDENT DATE <i>6-16-00</i>		10. DAY OF WEEK <i>Fri</i>		27. SPEED LIMIT <i>65</i> (28) TYPE HIGHWAY <i>E</i> (29) ACCESS CONTROL <i>2</i>											
11. TIME OF DAY <i>2124 hrs.</i>		12. NUMBER OF UNITS <i>2</i>		IF NOT AT INTERSECTION:											
13. # KILLED <i>0</i>		14. # INJURED <i>2</i>		30. CROSS STREET OR SEGMENT MARKER											
16. DID VEHICLE HAVE TO BE REMOVED FROM THE SCENE? UNIT 1 <i>Y</i> <input checked="" type="checkbox"/> <i>N</i> <input type="checkbox"/> UNIT 2 <i>Y</i> <input checked="" type="checkbox"/> <i>N</i> <input type="checkbox"/>				17. VEHICLE DAMAGE 0 - NONE <i>3</i> UNIT 1 1 - LIGHT 2 - MODERATE 3 - SEVERE <i>3</i> UNIT 2											
18. HAZARDOUS MATERIALS <i>Y</i> <input type="checkbox"/> <i>N</i> <input checked="" type="checkbox"/>				19. PENNDOT PROPERTY <i>Y</i> <input type="checkbox"/> <i>N</i> <input checked="" type="checkbox"/>											
UNIT #1															
36. LEGALLY PARKED? <input type="checkbox"/> <input checked="" type="checkbox"/>		37. REG. PLATE <i>ZP 36878</i>		38. STATE <i>PA</i>		36. LEGALLY PARKED? <input type="checkbox"/> <input checked="" type="checkbox"/>		37. REG. PLATE <i>PZE 077C</i>		38. STATE <i>PA</i>					
39. PA TITLE OR OUT-OF-STATE VIN <i>53596649</i>								39. PA TITLE OR OUT-OF-STATE VIN <i>53370379</i>							
40. OWNER <i>Trevor Jay Kephart</i>								40. OWNER <i>David + Carolyn Gritzer</i>							
41. OWNER ADDRESS <i>411 Purity AVE Apt - B</i>								41. OWNER ADDRESS <i>14 Treasure Lake</i>							
42. CITY, STATE & ZIPCODE <i>Petersburg, PA. 16248</i>								42. CITY, STATE & ZIPCODE <i>Dubois, PA. 15801</i>							
43. YEAR <i>99</i>		44. MAKE <i>Chevrolet</i>		43. YEAR <i>99</i>		44. MAKE <i>Chevrolet</i>									
45. MODEL - (NOT BODY TYPE)				46. INS. Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>				45. MODEL - (NOT BODY TYPE) <i>Monte Carlo</i>				46. INS. Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>			
47. BODY TYPE <i>50</i>		48. SPECIAL USAGE <i>0</i>		49. VEHICLE OWNERSHIP <i>1</i>		47. BODY TYPE <i>02</i>		48. SPECIAL USAGE <i>0</i>		49. VEHICLE OWNERSHIP <i>2</i>					
50. INITIAL IMPACT POINT <i>12</i>		51. VEHICLE STATUS <i>0</i>		52. TRAVEL SPEED <i>99</i>		50. INITIAL IMPACT POINT <i>12</i>		51. VEHICLE STATUS <i>0</i>		52. TRAVEL SPEED <i>45</i>					
53. VEHICLE GRADIENT <i>1</i>		54. DRIVER PRESENCE <i>1</i>		55. DRIVER CONDITION <i>1</i>		53. VEHICLE GRADIENT <i>1</i>		54. DRIVER PRESENCE <i>1</i>		55. DRIVER CONDITION <i>1</i>					
56. DRIVER NUMBER <i>24 16 7734</i>				57. STATE <i>PA</i>				56. DRIVER NUMBER <i>24 681799</i>				57. STATE <i>PA</i>			
58. DRIVER NAME <i>Trevor Jay Kephart</i>								58. DRIVER NAME <i>Jennifer Gritzer</i>							
59. DRIVER ADDRESS <i>RD#1 Box 486</i>								59. DRIVER ADDRESS <i>14 Treasure Lake</i>							
60. CITY, STATE & ZIPCODE <i>Morrisdale, PA. 16858</i>								60. CITY, STATE & ZIPCODE <i>Dubois, PA.</i>							
61. SEX <i>M</i>		62. DATE OF BIRTH <i>2/5/77</i>		63. PHONE <i>342-4552</i>		61. SEX <i>F</i>		62. DATE OF BIRTH <i>10-3-78</i>		63. PHONE <i>377-4253</i>					
64. COMM. VEH. Y <input type="checkbox"/> N <input checked="" type="checkbox"/>		65. DRIVER CLASS <i>C</i>				64. COMM. VEH. Y <input type="checkbox"/> N <input checked="" type="checkbox"/>		65. DRIVER CLASS <i>C</i>							
67. CARRIER								67. CARRIER							
68. CARRIER ADDRESS								68. CARRIER ADDRESS							
69. CITY, STATE & ZIPCODE								69. CITY, STATE & ZIPCODE							
70. USDOT #		ICC #		PUC #		70. USDOT #		ICC #		PUC #					
72. VEH. CONFIG.		73. CARGO BODY TYPE		74. GVWR		72. VEH. CONFIG.		73. CARGO BODY TYPE		74. GVWR					
75. NO. OF AXLES		76. HAZARDOUS MATERIALS		77. RELEASE OF HAZMAT Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>		75. NO. OF AXLES		76. HAZARDOUS MATERIALS		77. RELEASE OF HAZMAT Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>					

78. RESPONDING EMS AGENCY *Amseco*
 79. MEDICAL FACILITY *DRMC West*

INCIDENT #: *STR-06-00-1946*
 ACCIDENT DATE: *6-16-00*

80. PEOPLE INFORMATION

A	B	C	D	E	F	G	NAME	ADDRESS	H	I	J	K	L	M
1	1	M	23	3	1	1	Oper # 1		0	0	0	B	0	0
1	2	F	21	3	1	1	Carrie Lawrence R0#1 Box 627 Morrisdale PA		4	9	2	B	9	1
2	1	F	22	3	1	1	Oper H 2		9	9	6	B	9	1

(81) ILLUMINATION *4*

(82) WEATHER *0*

(83) ROAD SURFACE *1*

84. PENNSYLVANIA SCHOOL DISTRICT
(IF APPLICABLE)

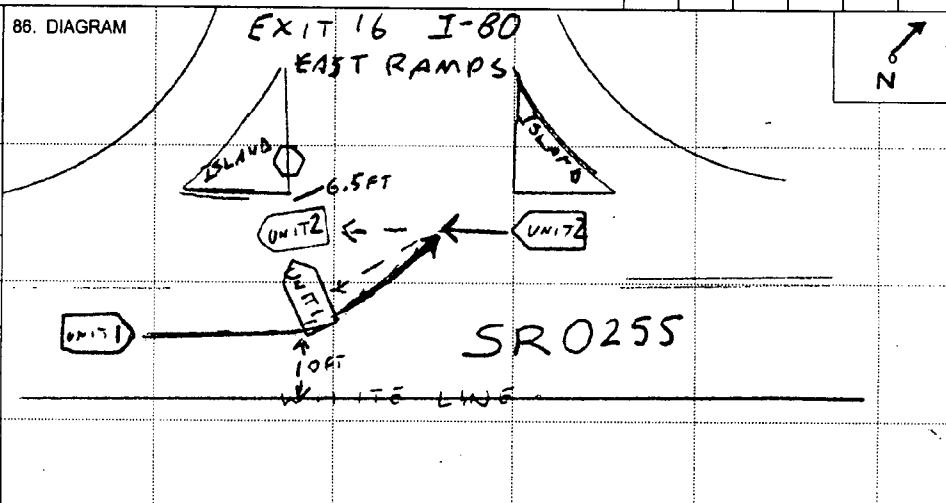
85. DESCRIPTION OF DAMAGED PROPERTY

OWNER

ADDRESS

PHONE

86. DIAGRAM



87. NARRATIVE - IDENTIFY PRECIPITATING EVENTS, CAUSATION FACTORS, SEQUENCE OF EVENTS, WITNESS STATEMENTS, AND PROVIDE ADDITIONAL DETAILS. LIKE INSURANCE INFORMATION AND LOCATION OF TOWED VEHICLES, IF KNOWN.

Upon Police arrival Both vehicles Resting on Highway Blocking Both North + South Lanes of SR0255 Ambulance personnel on scene. Statement oper # 1 going North on SR255 wanting to go onto I-80, became somewhat confused to what ramp he wanted to go onto. Noticed a I-80 sign, turned Left into the path of unit # 2 whom was going South on SR255 unable to avoid colliding with unit # 2. Statement oper # 2 was traveling South on SR255 going the Speed Limit when unit # 1 turned left into the path of her vehicle. unit # 1 towed by Jims Atlantic unit # 2 towed by Zimmerman Towing.

INSURANCE INFORMATION	COMPANY <i>State Farm.</i>	INSURANCE INFORMATION	COMPANY <i>Allstate</i>
UNIT 1	POLICY NO <i>24190-F 29-381</i>	UNIT 2	POLICY NO <i>008749780</i>
88. WITNESSES	NAME <i>None.</i>	ADDRESS	PHONE
	NAME	ADDRESS	PHONE

89. VIOLATIONS INDICATED

90. SECTION NUMBERS (ONLY IF CHARGED)

TC NTC

UNIT 1 *Vehicle turning Left.* PA title 75 Section 3322

UNIT 2

91. PROBABLE USE	92. TYPE TEST	93. RESULTS	91. PROBABLE USE	92. TYPE TEST	93. RESULTS	94. INVESTIGATION COMPLETE ?
UNIT 1 <i>0</i>	UNIT 2 <i>0</i>	0. <u> </u> %	UNIT 1 <i>0</i>	UNIT 2 <i>0</i>	0. <u> </u> %	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

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

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, :
: TYPE OF PLEADING:
: **PRAECLPSE FOR ENTRY**
: **OF APPEARANCE**
v. :
TREVOR JAY KEPHART and : TYPE OF CASE: CIVIL
TREVOR JAY KEPHART, :
Defendants. : FILED ON BEHALF OF:
: **DEFENDANT**
: :
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

JUL 15 2002
m 2:23 ncc
William A. Shaw
Prothonotary Copy CA

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

Jennifer Gritzer, :
Plaintiff, : **No. 02-965-CD**
: :
v. :
: :
Trevor Jay Kephart and :
Trevor Jay Kephart, :
Defendants. :
:

PRAECIPE FOR ENTRY OF APPEARANCE

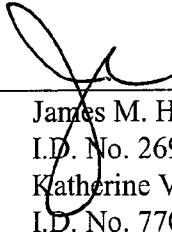
TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, **TREVOR JAY KEPHART**, in
the above-captioned matter.

We are authorized to accept service on his behalf.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: July 8, 2002

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

Jennifer Gritzer, :
Plaintiff, : **No. 02-965-CD**
: :
v. :
: :
Trevor Jay Kephart and :
Trevor Jay Kephart, :
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praecipe for Entry of Appearance on behalf the Defendant, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 8th day of July, 2002, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801
(814) 371-3288

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____

James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, :
: TYPE OF PLEADING:
: **ANSWER WITH NEW**
: **MATTER**
v. :
: TYPE OF CASE: CIVIL
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, : FILED ON BEHALF OF:
Defendants. : **DEFENDANT**
: :
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED
JUL 23 2002
m 10:55 nocc
William A. Shaw
Prothonotary

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

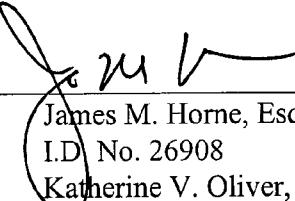
NOTICE TO PLEAD

TO: Jennifer Gritzer
% Paul E. Cherry, Esquire

YOU ARE HEREBY notified to plead to the within New Matter within twenty (20) days
from the date of service hereof or a default judgment may be entered against you.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: July 22, 2002

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

ANSWER WITH NEW MATTER OF DEFENDANT

AND NOW, comes Defendant, Trevor Jay Kephart, by and through his undersigned counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and responds to Plaintiff's Complaint as follows:

1. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1. The same are therefore denied and strict proof thereof demanded.

2. and 3. The allegations of paragraph 2 are admitted, with the qualification that Trevor Jay Kephart is one and the same person. Defendant Kephart was both the owner and operator of the vehicle involved in the accident which gives rise to the instant Complaint.

3. [sic] Admitted in part and denied in part. It is admitted that on June 16, 2000, Plaintiff was operating a 1999 Chevrolet Monte Carlo automobile and that said automobile was involved in an accident with the Defendant Trevor Jay Kephart. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the balance of the allegations of paragraph 3 [sic]. Accordingly, the same are therefore denied and strict proof thereof demanded.

4. Admitted, with the qualification as set forth above that Defendant Trevor Jay Kephart was both the owner and operator of the vehicle involved in the accident.

5. Admitted in part and denied in part. It is admitted that at or about the time and date alleged, Plaintiff was operating a 1999 Chevrolet Monte Carlo in a generally southerly direction on SR 255 in Sandy Township, Clearfield County, Pennsylvania. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the balance of the allegations of paragraph 5. The same are therefore denied and strict proof thereof demanded.

6. Admitted in part and denied in part. It is admitted that at or about the date, time and place, Defendant Kephart was operating his vehicle in a northerly direction on SR 255 in Sandy Township at or near the intersection of said roadway with Interstate 80-East. The balance of the allegations of paragraph 6 are denied as stated. To the contrary, it is averred that at or about the date, time and place in question, Defendant Kephart attempted in a careful and prudent fashion to safely make a left-hand turn from SR 255 onto the entrance ramp to Interstate 80. It is averred that as Defendant Kephart was attempting this turning maneuver, contact occurred between his vehicle and the vehicle operated by the Plaintiff. It is admitted that a copy of the police accident report is attached as an Exhibit. Defendant does not, however, admit any and all of the statements set forth in said police report.

7. Defendant is advised and therefore believes that paragraph 7 pleads a conclusion of law to which no response is required. To the extent any response is required, Defendant avers that after reasonable investigation, he is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7. The same are therefore denied and strict proof thereof demanded.

8. Admitted, however, said charge is irrelevant to and not admissible in the instant proceeding.

9. (a) – (k). The allegations of paragraph 9(a) through (k) are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

10. In response to the allegations of paragraph 10, Defendant incorporates herein by reference, the same as though as set forth at length, his response to paragraph 7.

11. – 15. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 11 through 15, inclusive. The same are therefore denied and strict proof thereof demanded.

16. No response required.

WHEREFORE, Defendant, Trevor Jay Kephart, requests that the Complaint filed against him by Plaintiff, Jennifer Gritzer, be dismissed, with prejudice and costs of suit.

NEW MATTER

17. Defendant hereby asserts and raises all those defenses and/or limitations on damages available to him by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

18. To the extent Plaintiff's medical expenses, if any, have been paid or are payable under a policy of insurance, the same may not be plead, proven or recovered in the instant action.

19. To the extent Plaintiff's wage loss, if any, has been paid or is payable under a policy of insurance, the same may not be plead, proven or recovered in the instant action.

20. To the extent Plaintiff was insured under a policy of insurance bearing the limited tort option, Plaintiff's claims are barred or reduced accordingly.

21. Plaintiff's injuries and damages, if any, are the result of conditions unrelated to the motor vehicle accident at issue.

WHEREFORE, Defendant, Trevor Jay Kephart, requests that the Complaint filed against him by Plaintiff, Jennifer Gritzer, be dismissed, with prejudice and costs of suit.

Respectfully submitted,

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: July 22, 2002

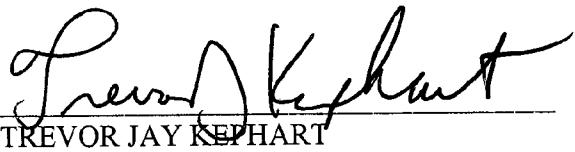
By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

VERIFICATION

The undersigned verifies that he is authorized to make this Verification on his own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiff's Complaint are true and correct to the best of his knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.



TREVOR JAY KEPHART

Dated: July 19, 2002

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

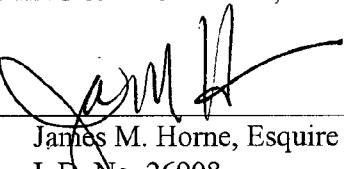
JENNIFER GRITZER, :
Plaintiff, : **No. 02-965-CD**
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answer with New Matter, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 22nd day of July, 2002, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801
(814) 371-3288

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

JENNIFER GRITZER,

: No. 02-965-C.D.

Plaintiff,

: TYPE OF PLEADING:
CERTIFICATE OF SERVICE

v.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,

: TYPE OF CASE: CIVIL

Defendants.

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

JUL 24 2002

011139 no cc
William A. Shaw
Prothonotary

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

JENNIFER GRITZER, :
Plaintiff, : **No. 02-965-CD**
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Interrogatories (Set 1) and Requests for Production of Documents (Sets 1 and 2), in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 23rd day of July, 2002, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801
(814) 371-3288

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

JENNIFER GRITZER,

: No. 02-965-C.D.

Plaintiff,

: TYPE OF PLEADING:
CERTIFICATE OF SERVICE

v.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,

: TYPE OF CASE: CIVIL

Defendants.

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

JUL 24 2002
m (144) noc
William A. Shaw
Prothonotary

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

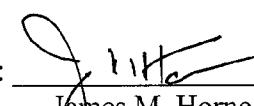
JENNIFER GRITZER, :
Plaintiff, : **No. 02-965-CD**
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas to Produce Documents and Things directed to DuBois Regional Medical Center, Mark Piasio, M.D., James A. Scerbo, M.D., William F. Donaldson, III, M.D. and P&G Therapy, Inc. in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 23rd day of July, 2002, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 
James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

Cherry & Cherry
23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801

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

JENNIFER GRITZER,
Plaintiff

vs.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,
Defendants

: No. 02 - 965 - C.D.
: Type of Case: CIVIL
: Type of Pleading: PLAINTIFF'S ANSWER
: TO NEW MATTER
: Filed on Behalf of: PLAINTIFF
: Counsel of Record for this Party
: PAUL E. CHERRY, ESQ.
: Supreme Court No.42945
: CHERRY & CHERRY
: 23 East Park Avenue
: DuBois, PA 15801
: (814) 371-3288

FILED
(Handwritten stamp)

AUG 14 2002

m1122100/C
William A. Shaw
Prothonotary

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

JENNIFER GRITZER,	:	
Plaintiff	:	
vs.	:	No. 02 - 965 - C.D.
TREVOR JAY KEPHART and	:	
TREVOR JAY KEPHART,	:	
Defendants	:	

PLAINTIFF'S ANSWER TO NEW MATTER

AND NOW, comes the Plaintiff, JENNIFER GRITZER, by and through her attorneys, CHERRY & CHERRY, who file the following Plaintiff's Answer to New Matter, and in support thereof aver the following;

17. Denied. The allegations contained in Paragraph 17 of Defendant's Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied.

18. Denied. The allegations contained in Paragraph 18 of Defendant's Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied. By way of further answer, if any medical expenses have been paid or are payable under a policy of insurance, the same are subject to a claim for subrogation.

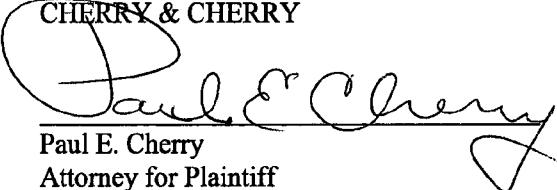
19. Denied. The allegations contained in Paragraph 19 of Defendant's Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied. By way of further answer, if any wage loss has been paid or is payable under a policy of insurance, the same are subject to a subrogation claim.

20. Denied. The allegations contained in Paragraph 20 of Defendant's Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied. By way of further answer, Plaintiff was not insured under a policy of insurance bearing the limited tort option so the same does not apply.

21. Denied. The allegations contained in Paragraph 21 of Defendant's Answer and New Matter are conclusions of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure and the same, therefore, are denied. By way of further answer, the injuries and damages sustained by Plaintiff were a direct result of the motor vehicle accident at issue.

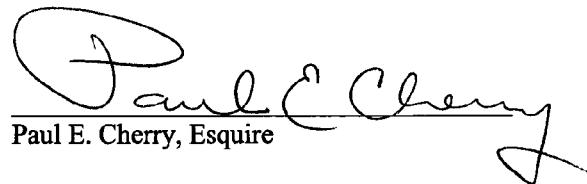
WHEREFORE, Plaintiff, JENNIFER GRITZER, demands that judgment be entered in her favor and against Defendant, in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00), exclusive of interest and costs of suit.

Respectfully submitted,

CHERRY & CHERRY

Paul E. Cherry
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF CLEARFIELD :

PAUL E. CHERRY, Esquire, being duly sworn according to law deposes and says that he is the attorney for Plaintiff in the foregoing action; that the facts set forth in the foregoing Plaintiff's Answer to New Matter are true and correct based upon information received from the Plaintiff and after his own diligent inquiry, and that an Affidavit of the Plaintiff can be supplied at a later date upon request.


Paul E. Cherry, Esquire

Sworn to and subscribed before

me this 12th day of August, 2002.


Lisa A. Fitzwater
Notary Public



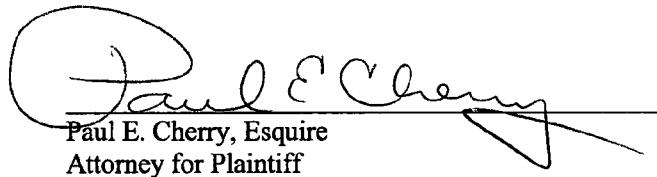
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

JENNIFER GRITZER, :
Plaintiff :
vs. : No. 02 - 965 - C.D.
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants :
:

CERTIFICATE OF SERVICE

PAUL E. CHERRY, ESQUIRE, certifies that as counsel for the Plaintiff in the above-captioned action, he served a true and correct copy of the Plaintiff's Answer to New Matter on August 12, 2002, to James M. Horne, Esquire, counsel for the Defendant, TREVOR JAY KEPHART, at McQuaide Blasko, 811 University Drive, State College, PA 16801-6699, by U.S. Postal Service, First-class mail, postage prepaid.

CHERRY & CHERRY



Paul E. Cherry, Esquire
Attorney for Plaintiff

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

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, : TYPE OF PLEADING: **Certificate**
v. : **Prerequisite to Service of Subpoenas and**
TREVOR JAY KEPHART and : **Certificate of Service**
TREVOR JAY KEPHART, :
Defendants. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

AUG 15 2002

W/ 1:10 AM

William A. Shaw
Prothonotary

No C/L

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

JENNIFER GRITZER, :
Plaintiff, : **No. 02-965-CD**
: :
v. :
: :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

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

MCQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Date: August 13, 2002

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

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

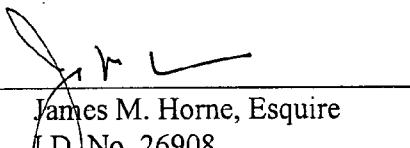
JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
v. :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

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

Defendant intends to serve subpoenas identical to those 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 subpoenas. If no objection is made, the subpoenas may be served.

MCQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Date: July 23, 2002

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, :
v. :
TREVOR JAY KEPHART, :
Defendant. :
:

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

TO: *DuBois Regional Medical Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Jennifer A. Gritzer, SS#178-62-0046, Date of Birth: 10/3/78.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

JENNIFER GRITZER, : No. 02-965-C.D.

Plaintiff, :

v. :

TREVOR JAY KEPHART, :
Defendant. :

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

TO: *Mark A. Piasio, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Jennifer A. Gritzer, SS#178-62-0046, Date of Birth: 10/3/78.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, :
v. :
TREVOR JAY KEPHART, :
Defendant. :

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

TO: *James A. Scerbo, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Jennifer A. Gritzer, SS#178-62-0046, Date of Birth: 10/3/78.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, :
v. :
TREVOR JAY KEPHART, :
Defendant. :
:

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

TO: *William F. Donaldson, III, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Jennifer A. Gritzer, SS#178-62-0046, Date of Birth: 10/3/78.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, :
v. :
TREVOR JAY KEPHART, :
Defendant. :
:

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

TO: *P&G Physical Therapy, Inc.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Jennifer A. Gritzer, SS#178-62-0046, Date of Birth: 10/3/78.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

JENNIFER GRITZER, :
Plaintiff, : **No. 02-965-CD**
: :
v. :
: :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas to Produce Documents and Things directed to DuBois Regional Medical Center, Mark Piasio, M.D., James A. Scerbo, M.D., William F. Donaldson, III, M.D. and P&G Therapy, Inc. in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 14th day of August, 2002, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12661

GRITZER, JENNIFER

02-965-CD

VS.

KEPHART, TREVOR JAY and TREVOR JAY KEPHART

COMPLAINT

SHERIFF RETURNS

**NOW JULY 3, 2002 AT 11:35 AM DST SERVED THE WITHIN COMPLAINT ON
TREVOR JAY KEPHART, DEFENDANT AT RESIDENCE, RD#1 BOX 486,
MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DENNIS
KEPHART, FATHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT
AND MADE KNOWN TO HIM THE CONTENTS THEREOF.**

SERVED BY: COUDRIET/RYEN

**NOW JUNE 19, 2002 WILLIAM PECK, SHERIFF OF CLARION COUNTY WAS
DEPUTIZED BY CHESTER A HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO
SERVE THE WITHIN COMPLAINT ON TREVOR JAY KEPHART, DEFENDANT.**

**NOW JUNE 28, 2002 SERVED THE WITHIN COMPLAINT ON TREVOR JAY
KEPHART, DEFENDANT BY DEPUTIZING THE SHERIFF OF CLARION COUNTY.
THE RETURN OF SHERIFF PECK IS HERETO ATTACHED AND MADE A PART OF
THIS RETURN.**

Return Costs

Cost	Description
-------------	--------------------

50.79 SHFF. HAWKINS PAID BY : ATTY.

41.70 SHFF. PECK PAID BY: ATTY.

20.00 SURCHARGE PAID BY: ATTY.

112.49

FILED

AUG 26 2002

**William A. Shaw
Prothonotary**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12661

GRITZER, JENNIFER

02-965-CD

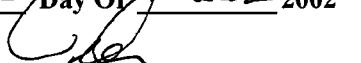
VS.

KEPHART, TREVOR JAY and TREVOR JAY KEPHART

COMPLAINT

SHERIFF RETURNS

Sworn to Before Me This

26 Day Of January 2002


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

So Answers,


Chester A. Hawkins
Sheriff



AFFIDAVIT OF SERVICE

IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY

JENNIFER GRITZER
VERSUS
TREVOR JAY KEPHART

No. 02-965-CD

COMMONWEALTH of PENNSYLVANIA
COUNTY OF CLARION

SS#:

Before me, the undersigned, personally appeared

DEPUTY DOUG SLAGLE
who being duly sworn according to law, deposes and says that on
the 28TH of JUNE, 2002 at 2:52 PM

served the within COMPLAINT

on the within named TREVOR JAY KEPHART at HIS place of
144 PURITY AVENUE, APT. #B, RIMERSBURG, PA 16248

Clarion County, Pennsylvania, by making known the contents to
TREVOR JAY KEPHART

and handing to and leaving with TREVOR JAY KEPHART PERSONALLY the
certified copy of the within COMPLAINT received from
THE CLEARFIELD COUNTY SHERIFF'S OFFICE.

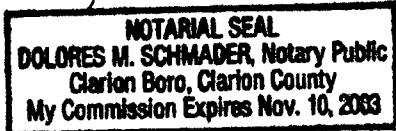
Se Answers

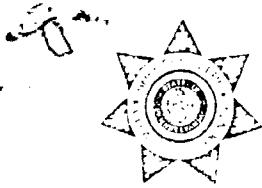
Doug Slagle
Deputy

William H. Pack III
Sheriff of Clarion County

Sworn to and subscribed before me this

9th day of July A.D. 2002
Dolores M. Schmader
Notary Public





CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

12661
OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-5915

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ
CHIEF DEPUTY
MARGARET PUTT
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JENNIFER GRITZER

TERM & NO. 02-965-CD

VS

SERVE BY: 7/17/02

TREVOR JAY KEPHART

DOCUMENT TO BE SERVED:
COMPLAINT

MAKE REFUND PAYABLE TO: CHERRY & CHERRY, Attorneys

SERVE: TREVOR JAY KEPHART

ADDRESS: 44 Purity Ave., Apt B, Rimersburg, Pa. 16248

144

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF LAWRENCE COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this

19th Day of June 2002.

Respectfully,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

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

JENNIFER GRITZER,

: No. 02-965-C.D.

Plaintiff,

: TYPE OF PLEADING:

v.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,

: Motion to Compel Plaintiff's Responses
to Defendant's Interrogatories (Set One)
and Requests for Production of
Documents (Sets One and Two)

Defendants.

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX#(814) 238-9624

FILED

DEC 18 2002

William A. Shaw
Prothonotary

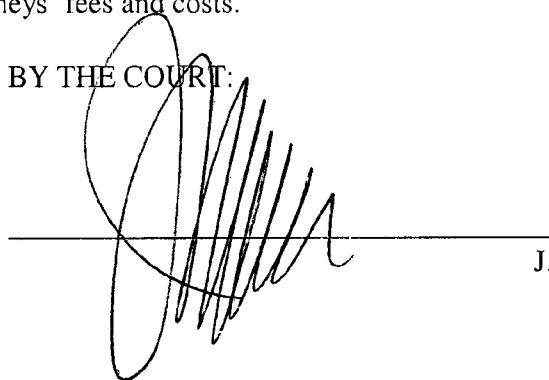
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
v. :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :

ORDER

AND NOW, this 27th day of December, 2002 upon consideration of Defendant's Motion to Compel Plaintiff's Responses to Defendant's Interrogatories (Set One) and Request for Production of Documents (Set One) and Request for Production of Documents and Tangible Things (Set Two) served upon Plaintiff, it is hereby ORDERED that Plaintiff shall serve full and complete answers to Defendant's Interrogatories (Set One) and Requests for Production of Documents (Sets One and Two) within 10 days of the date of this Order, and, if Plaintiff fails to answer Defendant's Interrogatories and Requests for Production fully and completely, the Court upon Motion shall issue an appropriate Order imposing sanctions on Plaintiff, which may include the imposition of attorneys' fees and costs.

BY THE COURT:



J.

FILED

DEC 27 2002

William A. Shaw
Prothonotary

FILED

O- 3-989 2 cc to attp Name
DEC 27 2002

William A. Shaw
Prothonotary

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

JENNIFER GRITZER,

Plaintiff, : No. 02-965-CD

v.

TREVOR JAY KEPHART and

TREVOR JAY KEPHART,

Defendants. :

RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 200__, Plaintiff is
requested to show cause within 20 days why Defendant's Motion to Compel Production of
Plaintiff's Responses to Interrogatories (Set One) and Request for Production of Documents
(Sets One and Two) propounded upon Plaintiff by Defendant should not be granted.

Rule returnable the _____ day of _____, 200__, at _____.
in Courtroom _____ of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

J.

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

MOTION TO COMPEL PLAINTIFF'S RESPONSES TO
DEFENDANT'S FIRST SET OF INTERROGATORIES (Set One)
and REQUESTS FOR PRODUCTION OF DOCUMENTS (Sets One and Two)

AND NOW, comes Defendant, Trevor Jay Kephart, by and through his attorneys, McQuaide, Blasko, Schwartz, Fleming and Faulkner, Inc., and respectfully moves this Honorable Court to issue an appropriate Order compelling Plaintiff, Jennifer Gritzer, to fully and completely answer Interrogatories (Set One) and Request for Production of Documents (Sets One and Two).

In support thereof, Defendant avers as follows:

1. Plaintiff commenced the instant personal injury action via Complaint filed on June 17, 2002.
2. Thereafter, Defendant filed his Answer with New Matter on July 22, 2002.
3. According to the Complaint, Plaintiff seeks damages in excess of \$25,000 for injuries Plaintiff allegedly sustained in a June 16, 2000 motor vehicle accident which occurred on State Route 255 in Sandy Township, Clearfield County, Pennsylvania.
4. Defendant served his Interrogatories Propounded by Defendant for Answer by Plaintiff (Set One) and Request for Production (Set One) Request for Production of Documents

and Tangible Things by Defendant Directed to Plaintiff (Set Two) upon Plaintiff on July 23, 2002. (See copy of said discovery requests and applicable Certificates of Service attached hereto as Exhibit A).

5. Pursuant to Pennsylvania Rule of Civil Procedure 4006, the Interrogatories and Request for Production (Set One) requested Plaintiff to respond to said discovery requests within 30 days of service of same. (See Exhibit A).

6. The Request for Production of Documents and Tangible Things (Set Two) indicated that Plaintiff was to produce any relevant documents and/or tangible things on or before August 26, 2002, in accordance with Pennsylvania Rule of Civil Procedure 4009.12. (See Exhibit A).

7. Approximately two months following service of said discovery requests upon Plaintiff, Defendant's counsel inquired about the status of Plaintiff's responses to same by written correspondence dated September 27, 2002. (See copy of correspondence attached hereto as Exhibit B).

8. On November 4, 2002, Defendant's counsel made a second written request for Plaintiff's discovery responses. (See copy of correspondence attached hereto as Exhibit C).

9. Despite defense counsel's repeated requests and the passage of over four months since service of Defendant's discovery requests, Plaintiff has failed and refused to respond to Defendant's interrogatories and requests for production.

10. Moreover, to date, Plaintiff has not filed an objection to the outstanding discovery requests.

11. Defendant is severely prejudiced by Plaintiff's failure to respond to the outstanding discovery requests in that his preparation of the defense of this case and his pursuit of any and all aspects of discovery, including but not limited to expert review and preparation for depositions of witnesses and the parties, has been severely frustrated.

WHEREFORE, Defendant, Trevor J. Kephart, respectfully requests that an Order be issued compelling Plaintiff, Jennifer Gritzer, to fully and completely answer Defendant's Interrogatories and Request for Production of Documents (Set One) and Request for Production of Documents and Tangible Things (Set Two) within 10 days of the date of such Order, or suffer appropriate sanctions, which may include the imposition of attorneys' fees and costs. A proposed Order reflecting the same is attached hereto.

Respectfully submitted,

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: December 17, 2002

By: 
James M. Horne, Esquire
I.D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Motion to Compel Plaintiff's Responses to Defendant's Interrogatories (Set One) and Request for Production of Documents and Request for Production of Documents and Tangible Things (Set Two), in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 17th day of December, 2002, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801
(814) 371-3288

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: Chena L. Glenn-Hart

James M. Horne, Esquire
I. D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Exhibit A

Exhibit A

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
v. :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

**INTERROGATORIES PROPOUNDED BY DEFENDANT
FOR ANSWER BY PLAINTIFF (SET ONE)**
-and-
REQUEST FOR PRODUCTION (SET ONE)

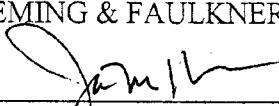
To: Jennifer Gritzer
% Paul E. Cherry, Esquire

Please take notice that you are hereby required pursuant to the Pennsylvania Rules of Civil Procedure, to serve upon the undersigned, within thirty (30) days from service hereof, your answers to the Interrogatories provided by Defendant, in writing and under oath.

These shall be deemed to be continuing interrogatories. If, between the time of your answers and the time of trial of this case, you or anyone acting on your behalf learn of any further information not contained in your answers, you shall promptly furnish said information to the undersigned by supplemental answers.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: July 23, 2002

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

DEFINITIONS

A. "You" and/or "your" means Plaintiff, her agents and employees and others acting on her behalf with regard to asserting the cause of action to be set forth in Plaintiff's Complaint in the above-captioned case.

B. "Document" shall mean any writing (whether handwritten, typed, printed or otherwise made), drawing, graph, chart, photograph, phonograph record, or electronic or mechanical matter (including microfilm of any kind or nature, tape or recording), or other data compilations from which information can be obtained (translated, if necessary, by Defendant, through detection devices into reasonably usable form), and shall include, without limiting the generality of the foregoing, all records, correspondence, telegrams, teletypes, agreements, studies, reports, drafts, memoranda, and computer print outs.

C. As used herein "identify," when used in reference to an individual, means his/her full name and present or last known residence and business address, his/her present or last known position or title and business affiliation, and his/her position at the time in question.

D. "Health care provider" means a person, corporation, facility, institution or other entity licensed or approved by the Commonwealth to provide health care or professional services as a physician, including a medical doctor and a doctor of osteopathy and a doctor of podiatry; hospital; nursing home; health maintenance organization; or an officer, employee or agent of any of them acting in the course and scope of his/her employment.

Where the Interrogatories request that documents be identified, an identification of it should include at least the following: author, addressee, type of document, date, subject matter,

and the name and address of the person or party presently having custody of the document and any known copies of it.

INSTRUCTIONS FOR ANSWERING INTERROGATORIES

- A. In accordance with Pa. R.C.P. Rule 4005, the original of these written Interrogatories have been served upon you to be answered by the party served of, if the party served is a public or private corporation or similar entity or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party.
- B. In accordance with Pa. R.C.P. Rule 4006, written answers shall be inserted in the spaces provided in the Interrogatories. If there is not sufficient space to answer an Interrogatory, the remainder of the answer shall follow on a supplemental sheet.
- C. In accordance with Pa. R.C.P. Rule 4006(b), a sufficient answer to such an Interrogatory shall be to specify the records from which the answer may be derived or ascertained.
- D. Please serve Plaintiff's Answers to Interrogatories in accordance with the Rules of Civil Procedure.

INTERROGATORIES

1. State your full name(s), date(s) of birth, place(s) of birth, and Social Security number(s).

ANSWER:

2. State your present residence address, the period during which you have resided at said address, and telephone number.

ANSWER:

3. State your residence address at the time of the accident to be referred to in your Complaint.

ANSWER:

4. Are you married at the present time?

ANSWER:

5. If so, state:

(a) Your spouse's full name;

ANSWER:

(b) If female, her maiden name;

ANSWER:

(c) His or her address;

ANSWER:

(d) The date and place of your marriage;

ANSWER:

(e) State whether or not your spouse is now living with you;

ANSWER:

(f) If not, when the separation occurred;

ANSWER:

(g) Your spouse's present address.

ANSWER:

6. State your business or occupation at the time of the accident to be referred to in your Complaint and if you are still engaged in such a business or occupation.

ANSWER:

7. If so, state:

(a) When you ceased working in such business or occupation;

ANSWER:

(b) Your present business or occupation, the date you entered it and your present income from such business;

ANSWER:

(c) Any other business occupations prior to your present one and after the date set out in answer to paragraph (a) above.

ANSWER:

8. Have you lost any time from your business or occupation since the accident to be referred to in your Complaint and if so, state:

ANSWER:

(a) The cause of such loss of time;

ANSWER:

(b) The number of days lost and the dates;

ANSWER:

(c) The amount of any income or wages lost.

ANSWER:

9. If employed at the time of the accident to be referred to in your Complaint, state;

(a) The name and address of the employer;

ANSWER:

(b) The position held and the nature of the work performed;

ANSWER:

(c) Average weekly wages for the preceding year.

ANSWER:

10. If employed since the accident to be referred to in the Complaint, state:

(a) Name and address of present employer;

ANSWER:

(b) Position held and nature of work being performed;

ANSWER:

(c) Hours worked per week;

ANSWER:

(d) Present weekly wages, earnings, income or profit;

ANSWER:

(e) Name your immediate boss, foreman or the superior to whom you are responsible;

ANSWER:

(f) Whether a physical examination was required and if so, state the date, place and person giving the examination;

ANSWER:

(g) For each employer, whether or not you made any representations in writing or answered in writing any questions concerning your physical condition.

ANSWER:

11. Are you now receiving or have you ever received any disability pension, income or insurance or any workers' compensation from any agency, company, person, corporation, state or government?

ANSWER:

12. If so, state:

(a) The nature of any such payment;

ANSWER:

(b) Dates you received such income;

ANSWER:

(c) For what injuries or disability you received it, and how such injury occurred or disability arose;

ANSWER:

(d) By whom paid;

ANSWER:

- (e) Whether you now have any present disability as a result of such injuries or disability;

ANSWER:

- (f) If so, the nature and extent of such disability;

ANSWER:

- (g) Whether you had any disability at the time of the accident to be referred to in the Complaint;

ANSWER:

- (h) If so, the nature and extent of such disability.

ANSWER:

13. Have you made claim for any benefits under any medical pay coverage or policy of insurance relating to injuries arising out of the accident alleged in your Complaint?

ANSWER:

14. If so, state:

- (a) The name of the insurance company or organization to whom said claim was made;

ANSWER:

- (b) The date of the Claim or application;

ANSWER:

- (c) The claim number or policy number.

ANSWER:

15. Have you ever made claim for any benefits under any insurance policy, or against any person, firm or corporation for personal injuries or physical condition which you have not heretofore listed in your answers to these interrogatories?

ANSWER:

16. If so, state:

- (a) The injury or condition for which such claim was made;

ANSWER:

- (b) The name and address of the person, firm or corporation to whom or against whom it was made;

ANSWER:

- (c) The date it was made;

ANSWER:

- (d) The nature and amount of any payment received therefor.

ANSWER:

17. State in detail the manner in which you assert that the accident to be referred to in the Complaint occurred, specifying the speed, position, direction, and location of each vehicle and person involved during its approach to, at the time of and immediately after the collision.

ANSWER:

18. Did you consume any alcoholic beverages of any type, or any sedative, tranquilizer or other drug, medicine or pill during the 48 hours immediately preceding the accident to be referred to in the Complaint?

ANSWER:

19. If so, state:

(a) The nature, amount, and type of item consumed;

ANSWER:

(b) The amount of time over which consumed;

ANSWER:

(c) The names and addresses of any and all persons who have any knowledge as to the consumption of these items.

ANSWER:

20. State whether you made any statement or statements in any form to any person regarding any of the events or happenings to be referred to in your Complaint.

ANSWER:

21. If so, state:

(a) The names and addresses of the person or persons to whom such statements were made;

ANSWER:

(b) The date such statements were made;

ANSWER:

(c) The form of the statement, whether written, oral, by recording device or to a stenographer;

ANSWER:

(d) Whether such statements, if written, were signed;

ANSWER:

(e) The names and addresses of the persons presently having custody of such statements.

ANSWER:

22. State the full name and last known address, giving the street, street number, city and state of every witness known to you or to your attorneys who has any knowledge regarding the facts and circumstances surrounding the happening of the accident to be referred to in the Complaint or your alleged injuries, including, but not limited to, eye witnesses to such event, as well as medical witnesses and other persons having any knowledge thereof.

ANSWER:

23. If any of the witnesses listed in Interrogatory number 22 or whom you propose to use at trial are related to you or to each other, please state the nature of such relationship.

ANSWER:

24. State the full name and last known address, giving the street, street number, city and state, of every witness known to you or your attorneys who claims to have seen or heard the defendant made any statement or statements pertaining to any of the events or happenings to be alleged in your Complaint.

ANSWER:

25. Supply the following information with respect to each individual whose name you have given in the answer to Interrogatory No. 24:

- (a) The location or locations where the Defendant made any such statement or statements;

ANSWER:

- (b) The name and address of the person or persons in whose presence the Defendant made any such statement or statements;

ANSWER:

- (c) The time and date upon which the Defendant made any such statement or statements;

ANSWER:

- (d) The full name and address of any other person who was present at the time and place the Defendant made such statement or statements;

ANSWER:

- (e) Whether you or anyone acting on your behalf obtained statements in any form from any persons who claim to be able to testify to the statement or statements made by the Defendant.

ANSWER:

26. If the answer to Paragraph (e) of the foregoing interrogatory is in the affirmative, then state:

- (a) The names and addresses of the persons from whom any such statements were taken.

ANSWER:

(b) The date upon which said statements were taken;

ANSWER:

(c) The names and addresses of the employers of the persons who took such statements;

ANSWER:

(d) The names and addresses of the persons having custody of such statements;

ANSWER:

(e) Whether such statements were written, oral, by recording device or by court reporter or stenographer.

ANSWER:

27. State whether you, your attorney, your insurance carrier or anyone acting on your or their behalf obtained statements in any form from any persons regarding any of the events or happenings that occurred at the scene of the accident to be referred to in the Complaint immediately before, at the time of, or immediately after said accident.

ANSWER:

28. If so, state:

(a) The name and address of the person from whom any such statements were taken;

ANSWER:

(b) The dates on which such statements were taken;

ANSWER:

(c) The names and addresses of the persons and employers of such persons who took such statements;

ANSWER:

(d) The names and addresses of the persons having custody of such statements;

ANSWER:

(e) Whether such statements were written, by recording device, by court reporter or stenographer.

ANSWER:

29. For each expert witness you intend to call at the trial of this case, please list:

(a) Name, business address, and home address;

ANSWER:

(b) Date of birth, technical schools attended, dates of attendance, date of graduation and degree attained;

ANSWER:

- (c) The specialties in which the witness has received certification by and board or professional organization, the date of such certification, and the identity of the board issuing such certification;

ANSWER:

- (d) All professional societies, academies, associations or other organized professional groups of which this expert is a member;

ANSWER:

- (e) All states in which the witness has ever been licensed and the states in which the witness is currently licensed;

ANSWER:

- (f) Whether any state board of licensure has ever revoked or suspended the witness's license and if so, the date of such revocation or suspension and the name of the state board of licensure imposing such revocation or suspension;

ANSWER:

- (g) Whether any professional or governmental agency or body has ever had occasion to investigate the witness pursuant to any complaint calling into question the professional conduct or professional ethics of the witness and if so, the name of such investigative body, the date of investigation, and the outcome or disposition of such investigation;

ANSWER:

- (h) All lawsuits in which this expert has ever testified as an expert witness, and for each, whether he testified on behalf of the Plaintiff or Defendant, the Court term and number of each action, and the area of expertise to which this expert testified in each case;

ANSWER:

- (i) All textbooks, treatises, papers, articles, or other writings which this witness has ever authored, and for each, the name of the article, publication, citation of the publication and date of publication;

ANSWER:

(j) If the witness is not self-employed, state each address where the witness is employed.

ANSWER:

30. For each such expert witness you intend to call at the trial of this case, state the subject matter on which the expert is expected to testify.

ANSWER:

31. For each such expert witness, state the substance of each and every fact which each expert is expected to utilize during his/her testimony.

ANSWER:

32. For each such expert witness, state the substance of each and every opinion to which the expert is expected to testify and for each opinion give a complete statement of the ground for such opinion.

ANSWER:

33. If you received any treatment with respect to the injuries allegedly suffered state:

(a) The name and address of each hospital at which you were treated or admitted;

ANSWER:

(b) The dates on which said treatment was rendered, including the dates of entry into and discharge from said hospital or hospitals;

ANSWER:

(c) Itemize the charges rendered by each of the hospitals listed above;

ANSWER:

- (d) State the name and address of each doctor or medical practitioner of any type whatsoever who has examined or treated Plaintiff or conferred with you with respect to the injuries alleged;

ANSWER:

- (e) Itemize the cost and expenses of such examinations or treatments by the doctors listed above.

ANSWER:

34. Since the date of the accident to be referred to in your Complaint, have you been treated by or examined by or have you conferred with or consulted with any other doctor or medical practitioner of any type whatsoever whose name you have not heretofore supplied?

ANSWER:

35. If so, state:

- (a) The name and address of each doctor or medical practitioner of any type whatsoever who has examined, treated, conferred, or consulted with you and the date of same.

ANSWER:

- (b) The condition for which said care or treatment or attention was rendered.

ANSWER:

36. If you have incurred any medical bills in connection with the alleged injuries not heretofore listed, state:

- (a) The total amount of each such bill;

ANSWER:

- (b) The person to whom such amount was paid;

ANSWER:

(c) The service or thing for which the bill was rendered.

ANSWER:

37. If you are still receiving medical services or treatment of any nature whatsoever, state:

(a) The name or names of the person or persons attending you;

ANSWER:

(b) The approximate frequency of said treatment of service;

ANSWER:

(c) The date you last received said treatment or service.

ANSWER:

38. State the dates during which you were confined following your discharge from the hospital.

(a) To your bed;

ANSWER:

(b) To your home.

ANSWER:

39. Were you an insured or beneficiary under any policy of insurance under which you received benefits or reimbursement for medical expenses resulting from the injuries received in the accident?

ANSWER:

40. If so, state:

(a) The name and address of the company paying the benefits;

ANSWER:

- (b) Whether the company required you to assign to it any rights of recovery you may have against others.

ANSWER:

41. At the time of the accident referred to in your Complaint, was there in effect an insurance policy which provided benefits and coverage pursuant to the Pennsylvania No-Fault Motor Vehicle Insurance Act of the Motor Vehicle Financial Responsibility Law?

ANSWER:

42. If so, as to each state:

- (a) Name, principal place of business and telephone number of insurer;

ANSWER:

- (b) Name, address and telephone number of named insured;

ANSWER:

(c) Policy Number; and

ANSWER:

(d) Claim number designated to your policy.

ANSWER:

43. Have you been paid any benefits under said policy for medical expenses as a result of the accident referred to in your Complaint?

ANSWER:

44. If so, state the total amount of benefits you have received for medical expenses from the date of the accident to the present.

ANSWER:

45. Have you been paid any benefits under said policy for lost wages as a result of the accident referred to in your Complaint?

ANSWER:

46. If so, state the total amount of benefits you have received for lost wages from the date of the accident to the present.

ANSWER:

47. In the years prior to the accident referenced in this matter, had you ever been involved in any other vehicular accidents?

ANSWER:

48. If so, as to each, state:

- (a) The date, time, and location of accident;

ANSWER:

- (b) The names and addresses of people involved;

ANSWER:

- (c) If legal proceedings were commenced;

ANSWER:

(d) The names of parties and the status they occupied in any action;

ANSWER:

(e) The result of any judgment rendered in any action;

ANSWER:

(f) The result of any settlement in absence of legal proceedings;

ANSWER:

(g) The nature and extent of any injuries you sustained.

ANSWER:

49. Have you been involved in any vehicular accidents since the date of the accident referenced in this matter?

ANSWER:

50. If so, as to each, state:

(a) The date, time, and location of accident;

ANSWER:

(b) The names and addresses of people involved;

ANSWER:

(c) If legal proceedings were commenced;

ANSWER:

(d) The names of parties and the status they occupied in any action;

ANSWER:

(e) The result of any judgment rendered in any action;

ANSWER:

(f) The result of any settlement in absence of legal proceedings;

ANSWER:

(g) The nature and extent of any injuries you sustained.

ANSWER:

51. Do you have any difficulty in judging distance? If so, describe such difficulty.

ANSWER:

52. Identify fully and completely each and every document which you intend to introduce into evidence at the trial of this case.

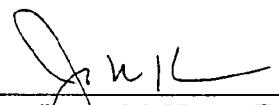
ANSWER:

53. Identify each and every demonstrative exhibit, picture, object, model, movie, tape or other document which you intend to refer to during any witnesses' testimony at the trial of this case, and for each, identify the witness(es) whom you intend to question concerning said exhibit.

ANSWER:

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: July 23, 2002

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

AS TO ANSWERS:

Date: _____

Paul E. Cherry, Esquire
Attorney for Plaintiff

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

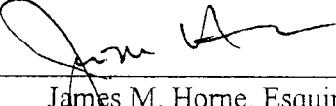
JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
v. :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

REQUEST FOR PRODUCTION OF DOCUMENTS
(SET ONE)

Defendant, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure, hereby requests that Plaintiff produce for inspection and copying, all documents identified in the answers to the foregoing Interrogatories and all documents reviewed by Plaintiff or anyone acting on behalf of Plaintiff in the preparation of answers to the foregoing Interrogatories.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: July 23, 2002

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
: :
v. : :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. : :
:

**REQUEST FOR PRODUCTION OF DOCUMENTS
and TANGIBLE THINGS BY DEFENDANT
DIRECTED TO PLAINTIFF (SET TWO)**

TO: Jennifer Gritzer
% Paul E. Cherry, Esquire

AND NOW COMES, Defendant, by and through his counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and hereby requests Plaintiff to produce the documents and tangible things described below, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure for inspection and/or photocopying by Defendant, his attorneys and agents. The documents and tangible things shall be produced at the offices of McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, on or before August 26, 2002, at 5:00 p.m., or at such other time and place that the parties may mutually agree. In responding to this request, you (as hereinafter defined) shall utilize the definitions and follow the instructions hereinafter set forth, each of which shall be deemed to be a material part of each request.

INSTRUCTIONS

1. With respect to each of the following requests, you shall identify and/or produce all documents which are known to you or which can be located or discovered by you through diligent effort on the part of you, your employees, representatives, attorneys or accountants, including but not limited to, all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

2. The following requests shall be deemed to be continuing so as to require further and supplemental production of documents by you in accordance with Rule 4007.4 of the Pennsylvania Rules of Civil Procedure.

3. If any documents requested herein or fairly comprised within the scope of the following requests have been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (1) The date of origin; (2) a brief description of such document; (3) the author of such document; (4) the date upon which the document was lost or destroyed; and (5) a brief statement of the manner in which the document was lost or destroyed.

4. In the event you refuse to produce any document requested on grounds of any claimed privilege from discovery, state each ground for such claimed privilege, describe the document withheld by date, author, recipients (including all persons who were shown or received a copy), and give a general description of the subject matter of the document.

5. In the event that more than one copy of a document exists, the original shall be produced, as well as every copy on which appears any notation or marking of any sort not

appearing on the original.

6. For any documents which are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and indicate the file from which such documents were taken.

DEFINITIONS

1. "You" and "Your" shall mean Plaintiff as well as her agents, attorneys, employees, accountants, consultants, independent contractors, and any other individual or entity associated or affiliated with her or purporting to act on her behalf with respect to the matter in question.
2. "Document" shall mean all written or printed matter of any kind in your possession, custody or control, which is either known to you or can be located or discovered by diligent effort, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, speeches, press releases, diaries, calendars, agenda, statistics, letters, telegrams, minutes, contracts, purchase orders, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, offers, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets, work papers, records of telephone calls or other communications or conversations, and all drafts, alterations, modifications, changes or amendments of any of the foregoing graphic or aural records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, recordings and motion pictures) and electric or mechanical records of representations of any kind (including without limitation, tapes, cassettes, discs, and recordings).
3. "Relating to" shall include pertaining to, recording, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning or referring to, whether directly or indirectly.

4. The conjunctions "and" and "or" shall be interpreted to mean "and/or," and shall not be interpreted to exclude any information otherwise within the scope of any request.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any "person" acting by or through, directly or indirectly, any other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

REQUEST

1. All photographs in the possession, custody or control of the Plaintiff, counsel for Plaintiff, or any other person or entity acting on behalf of the Plaintiff, including any insurers for the Plaintiff, showing, representing or purporting to show any vehicles, locales, instrumentalities, persons, and any and all other matters related to the subject matters of this litigation.
2. All diagrams, sketches, drawings, plans, measurements or blueprints in the possession, custody or control of Plaintiff, counsel for Plaintiff, or any other person or entity acting on behalf of said Plaintiff, including any insurer of said Plaintiff, showing, representing, or purporting to show any of the instrumentalities, locales, persons or other matters involved in the incident which forms the basis of Plaintiff's Complaint.
3. All statements, signed statements, transcripts of recorded statements or interviews, recorded statements if not transcribed or any statement of recorded statements if not transcribed verbatim taken of any parties, persons, or witnesses as part of an investigation of the happening or cause of the incident in question, conducted by, or in the possession of Plaintiff, Plaintiff's attorney, insurers, or anyone else acting on behalf of Plaintiff.
4. All expert opinion, expert reports, expert summaries, or other writings of experts in the possession, custody or control of Plaintiff, or her attorneys or insurers, which relate to the subject matter of this litigation and the incident in question.
5. All documents prepared by Plaintiff or by any insurers, representatives, agents or anyone acting on behalf of Plaintiff, except her attorneys, during an investigation of any aspect of the incident in question. Such documents shall include any documents made or prepared up through the present time, with the exclusion of the mental impressions, conclusions, or opinions

respecting the value or merit of a claim or defense or respecting strategy or tactics.

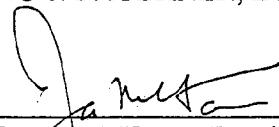
(NOTE: As referred to herein, "documents" includes written, printed, typed, recorded, or graphic matter, however produced or reproduced, including correspondence, telegrams, other written communications, data processing storage units, tapes, contracts, agreements, notes, memoranda, analyses, projections, indices, work papers, studies, reports, surveys, diaries, calendars, films, photographs, diagrams, drawings, minutes of meetings or any other writing (including copies of the foregoing, regardless of whether the parties to whom this request is addressed is now in the possession, custody or control of the original) now in the possession, custody or control of Plaintiff, her former or present counsel, agents, employees, officers, insurers, or any other person acting on Plaintiff's behalf.)

6. If not otherwise covered by the above Requests, the complete claims/investigation/subrogation file(s) of any insurers of Plaintiff, dealing with the incident in questions, with the exclusion of the mental impressions, conclusions, or opinions respecting the value or merit of a claim or defense, or respecting strategy or tactics.

7. All documents in the possession, custody or control of Plaintiff, Plaintiff's counsel, insurers, or anyone else acting on Plaintiff's behalf, dealing in any way with the injuries, damages and losses sustained by Plaintiff, other than those documents supplied by Plaintiff's counsel to Defendant's counsel. This should include, but not be limited to, all medical bills, medical records, medical reports, correspondence and any and all bills documents relating to medical treatment, hospitalization, medication, appliances, lost wages, etc.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: July 23, 2002

By: 

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

Attorneys for Defendant

811 University Drive

State College, PA 16801

(814) 238-4926

MEDICAL AUTHORIZATION

TO:

YOU ARE HEREBY authorized and requested to furnish to James M. Horne, Esquire, of McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, any and all medical records/bills and information within your custody or control regarding the medical condition, treatment, diagnosis and prognosis of **JENNIFER A. GRITZER** which either her physician, a hospital, its agents, servants or employees were consulted relative to any medical services, the nature of physical impairment, history, prescription, x-rays, MRI films/reports, consultation reports from other health care providers, hospital medical records, consent forms, subjective and objective symptoms, and other information which may be available to you, including medical records' summary sheets, incident reports, and invoices of services rendered. This Authorization may be used to update these records at any time prior to the trial of this matter. A copy of this Authorization may also be presented.

JENNIFER A. GRITZER

SS# 178-62-0046

Date of Birth: 10/3/78

Sworn to and subscribed
before me this _____ day
of _____, 2002.

NOTARY PUBLIC
[SEAL]

MEDICAL AUTHORIZATION

TO:

YOU ARE HEREBY authorized and requested to furnish to James M. Horne, Esquire, of McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, any and all medical records/bills and information within your custody or control regarding the medical condition, treatment, diagnosis and prognosis of **JENNIFER A. GRITZER** which either her physician, a hospital, its agents, servants or employees were consulted relative to any medical services, the nature of physical impairment, history, prescription, x-rays, MRI films/reports, consultation reports from other health care providers, hospital medical records, consent forms, subjective and objective symptoms, and other information which may be available to you, including medical records' summary sheets, incident reports, and invoices of services rendered. This Authorization may be used to update these records at any time prior to the trial of this matter. A copy of this Authorization may also be presented.

JENNIFER A. GRITZER

SS# 178-62-0046

Date of Birth: 10/3/78

Sworn to and subscribed

before me this _____ day

of _____, 2002.

NOTARY PUBLIC
[SEAL]

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NOTARY PUBLIC
[SEAL]

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SS# 178-62-0046

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before me this _____ day

of _____, 2002.

NOTARY PUBLIC
[SEAL]

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JENNIFER A. GRITZER

SS# 178-62-0046

Date of Birth: 10/3/78

Sworn to and subscribed

before me this _____ day

of _____, 2002.

NOTARY PUBLIC
[SEAL]



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
600 Centerview Drive, Suite 5103, Hershey, Pennsylvania 17033-2903

(814) 238-4926 FAX (814) 234-5620
(717) 531-1199 FAX (717) 531-1193
www.mcquaideblasko.com

Reply to: State College

direct 235-2206

September 27, 2002

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

Re: Gritzer v. Kephart, No. 02-965-CD

Dear Mr. Cherry:

Could you please let me know when you expect to have completed responses to the outstanding discovery requests in this matter?

Thank you for your attention to this matter.

Very truly yours,

MCQUAIDE BLASKO

JAMES M. HORNE

JMH/sap

cc: Howard C. Shaffer, Claim Specialist (#38-J375-585)

MCQUAIDE, BLASKO, SCHWARTZ, FLEMING & FAULKNER, INC.

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Sliwak Mark Righter Daniel E. Bright
Paul J. Tomczuk June C. Gismondi Maureen A. Gallagher John A. Snyder April C. Simpson Allen P. Neely Charles Eppolito, III Katherine V. Oliver Katherine M. Allen
Wayne L. Mowery, Jr. Pamela A. Ruest Michelle S. Katz Ashley Humes Kranich Chenu L. Glenn-Hurt Richard K. Laws John H. Taylor Michael J. Mohr Livinia N. Jones

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
600 Centerview Drive, Suite 5103, Hershey, Pennsylvania 17033-2903

(814) 238-4926 FAX (814) 234-5620
(717) 531-1199 FAX (717) 531-1193
www.mcquaideblasko.com

Reply to: State College

direct 235-2206

November 4, 2002

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

Re: Gritzer v. Kephart, No. 02-965-CD

Dear Mr. Cherry:

This will follow up my letter of September 27, 2002. I would appreciate your advising me as to the status of preparing discovery responses in this matter. The discovery requests were served back in July and I would definitely appreciate receiving responses soon so that this matter can move ahead.

Should you have any questions or comments concerning this, feel free to contact me.

Very truly yours,

McQUAIDE BLASKO


JAMES M. HORNE

JMH/sap

cc: Howard C. Shaffer, Claim Specialist (#38-J375-585)

MCQUAIDE, BLASKO, SCHWARTZ, FLEMING & FAULKNER, INC.

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weikel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slinak Mark Righter Daniel E. Bright
Paul J. Tomeczuk June C. Gismondi Maureen A. Gallagher John A. Snyder April C. Simpson Allen P. Neely Charles Eppolito, III Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr.
Pamela A. Ruest Michelle S. Kutz Ashley Hurwitz Kranich Chenia L. Glenn-Hart Richard K. Laws John H. Taylor Michael J. Mohr Livinia N. Jones Cristin R. Barnes Jonathan B. Stepanian

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

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William A. Shaw
Prothonotary

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

JENNIFER GRITZER,

: No. 02-965-C.D.

Plaintiff,

: TYPE OF PLEADING:
Certificate of Service

v.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,

: TYPE OF CASE: CIVIL

Defendants.

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

JAN 02 2003

William A. Shaw
Prothonotary

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

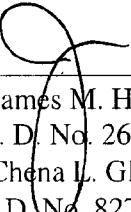
JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
:
v.
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Court-issued Order concerning Defendant's Motion to Compel Plaintiff's Responses to Defendant's Interrogatories (Set One) and Request for Production of Documents and Request for Production of Documents and Tangible Things (Set Two), in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 31st day of December, 2002, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801
(814) 371-3288

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I. D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

FILED

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JAN 02 2003
SAC
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William A. Shaw
Prothonotary

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

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, : TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**
v. :
TREVOR JAY KEPHART and : TYPE OF CASE: CIVIL
TREVOR JAY KEPHART, : FILED ON BEHALF OF:
Defendants. : **DEFENDANT**
: :
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

JAN 08 2003

William A. Shaw
Prothonotary

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

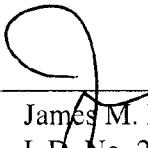
JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas to Produce Documents and Things directed to Scotties Automotive Detailing Co. and Allstate Insurance Co. in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 11th day of January, 2003, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

NO
cc

11-2081

JAN 08 2003

William A. Shaw
Prothonotary

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

JENNIFER GRITZER,

: No. 02-965-C.D.

Plaintiff,

: TYPE OF PLEADING:
Certificate of Service

v.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,

: TYPE OF CASE: CIVIL

Defendants.

: FILED ON BEHALF OF:
DEFENDANT

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: CHENA L. GLENN-HART, ESQ.

: I.D. NO. 82750

: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX#(814) 238-9624

FILED

JAN 08 2003

William A. Shaw
Prothonotary

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

JENNIFER GRITZER,

Plaintiff, : No. 02-965-CD

v.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,

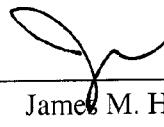
Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Kephart's Request for Production of Documents and Tangible Things (Set Three) directed to Plaintiff, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 12 day of January, 2003, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801
(814) 371-3288

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I. D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

FILED NO
M 17 2003

JAN 6 2003

cc
William A. Shaw
Prothonotary

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

JENNIFER GRITZER,

: No. 02-965-C.D.

Plaintiff,

: TYPE OF PLEADING: **Certificate
Prerequisite to Service of Subpoenas**

v.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,

: TYPE OF CASE: CIVIL

Defendants.

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

JAN 30 2003

William A. Shaw
Prothonotary

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
v. :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENA
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoena for documents and things pursuant to Rule 4009.22,
Defendant certifies that:

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

MCQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Date: January 21, 2003

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

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

JENNIFER GRITZER,
Plaintiff, : No. 02-965-CD

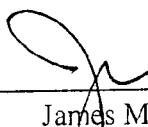
v.
TREVOR JAY KEPHART and
TREVOR JAY KEPHART,
Defendants.

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

Defendant intends to serve subpoenas identical to those 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 subpoenas. If no objection is made, the subpoenas may be served.

MCQUAIDE, BLASKO, SCHWARTZ.
FLEMING & FAULKNER, INC.

Date: January 2, 2003

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, :
v. :
TREVOR JAY KEPHART, :
Defendant. :
:

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

TO: *Scotties Automotive Detailing Co.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all employment and payroll records in your possession pertaining to Jennifer A. Gritzer, SS#178-62-0046, Date of Birth: 10/3/78.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, :
v. :
TREVOR JAY KEPHART, :
Defendant. :

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

TO: *Allstate Insurance Company*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all first party benefits records in your possession pertaining to CLAIM #008749780 and/or Jennifer A. Gritzer, SS#178-62-0046, Date of Birth: 10/3/78.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 27 day of January, 2003, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

SEARCHED
INDEXED
SERIALIZED
FILED
JAN 30 2003
CLERK
NO CC

William A. Shaw
Prothonotary

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

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, : TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**
v. :
TREVOR JAY KEPHART and : TYPE OF CASE: CIVIL
TREVOR JAY KEPHART, : FILED ON BEHALF OF:
Defendants. : **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

MAY 12 2003

William A. Shaw
Prothonotary

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

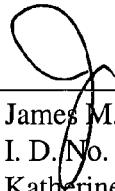
JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
: :
v. : :
: :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. : :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoena to Produce Documents and Things directed to Allstate Insurance Co. in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 9 day of May, 2003, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED
MAY 12 2003
cc
RE

William A. Shaw
Prothonotary

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

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, : TYPE OF PLEADING: **Certificate**
: **Prerequisite to Service of Subpoena**
v. :
TREVOR JAY KEPHART and : TYPE OF CASE: CIVIL
TREVOR JAY KEPHART, : FILED ON BEHALF OF:
Defendants. : **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

JUN 03 2003

William A. Shaw
Prothonotary

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :
:

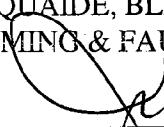
CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENA
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoena for documents and things pursuant to Rule 4009.22,
Defendant certifies that:

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

MCQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Date: June 2, 2003

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
: :
v. : :
: :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. : :
:

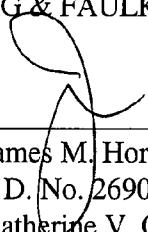
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoena Pursuant to Rule 4009.22 in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 2nd day of June, 2003, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

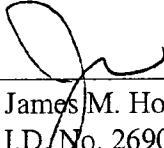
JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
v. :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :

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

Defendant intends to serve a subpoena identical to those 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.

MCQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Date: May 9, 2003

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

JENNIFER GRITZER, : No. 02-965-C.D.

Plaintiff,

v.

TREVOR JAY KEPHART, :
Defendant.

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

TO: *Allstate Insurance Company*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all first party benefits records in your possession pertaining to CLAIM #6941532803 3KH and/or Jennifer A. Gritzer, SS#178-62-0046, Date of Birth: 10/3/78.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

FILED
MAY 20 2003
JUN 03 2003
Erg

William A. Shaw
Prothonotary

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

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, :
: TYPE OF PLEADING:
: CERTIFICATE OF SERVICE
:
: v.
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: DEFENDANT
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED
M 1:30 PM 07/16/03
JUL 16 2003
EKL

William A. Shaw
Prothonotary

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
:
v. :
:
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoena to Produce Documents and Things directed to Clarion University of Pennsylvania in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 15 day of July, 2003, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

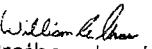
By: 

James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

JUL 16 2003

Attest.


William L. Ober
Prothonotary/
Clerk of Courts

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

JENNIFER GRITZER, : No. 02-965-C.D.
Plaintiff, : TYPE OF PLEADING: **Certificate**
: **Prerequisite to Service of Subpoena**
v. :
TREVOR JAY KEPHART and : TYPE OF CASE: CIVIL
TREVOR JAY KEPHART, : FILED ON BEHALF OF:
Defendants. : **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

AUG 07 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
v. :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. :

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

Defendant intends to serve a subpoena identical to those 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.

MCQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Date: July 15, 2003

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

JENNIFER GRITZER, : No. 02-965-C.D.

Plaintiff,

v.

TREVOR JAY KEPHART, :
Defendant.

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

TO: *Clarion University of Pennsylvania*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all academic records in your possession pertaining to Jennifer A. Gritzer, SS#178-62-0046, Date of Birth: 10/3/78.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

JENNIFER GRITZER, :
Plaintiff, : No. 02-965-CD
: :
v. : :
: :
TREVOR JAY KEPHART and :
TREVOR JAY KEPHART, :
Defendants. : :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoena Pursuant to Rule 4009.22 in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 6th day of August, 2003, to the attorney of record:

Paul E. Cherry, Esquire
Cherry & Cherry
23 East Park Avenue
DuBois, PA 15801

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

10:46 AM
DEC 23 2003
FBI - DUBOIS
1000+ cts. of Disc.
to Amy P. Cherry
Get copy of Disc. to ~~get~~ CIA

Cherry & Cherry
23 EAST PARK AVENUE
DUBOIS, PENNSYLVANIA 15801

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

JENNIFER GRITZER,
Plaintiff

vs.

TREVOR JAY KEPHART and
TREVOR JAY KEPHART,
Defendant

: No. 02 - 965 - C.D.
: Type of Case: CIVIL
: Type of Pleading: PRAECIPE FOR
: DISCONTINUANCE
: Filed on Behalf of: PLAINTIFF
: Counsel of Record for this Party:
: PAUL E. CHERRY, ESQ.
: Supreme Court No.42945
: CHERRY & CHERRY
: 23 East Park Avenue
: DuBois, PA 15801
: (814) 371-3288

FILED

DEC 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

JENNIFER GRITZER,
Plaintiff

vs. : No. 02 - 965 - C.D.

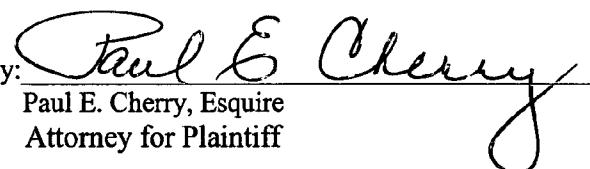
TREVOR JAY KEPHART and
TREVOR JAY KEPHART,
Defendant

PRAECIPE FOR DISCONTINUANCE

To the Prothonotary:

Please mark the above-captioned case ended, settled, and forever discontinued and/or dismissed, with prejudice.

CHERRY & CHERRY

By: 
Paul E. Cherry, Esquire
Attorney for Plaintiff

COPY

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

CIVIL DIVISION

Jennifer Gritzer

Vs.

No. 2002-00965-CD

**Trevor Jay Kephart and
Trevor Jay Kephart**

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 December 23, 2003, marked:

Ended, Settled, and forever Discontinued and/or Dismissed with Prejudice

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of December A.D. 2003.

William A. Shaw, Prothonotary