

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KIMBERLY DICKINSON, Personal
Representative of the Estate of HUNTER
DICKINSON, JR.

Plaintiff,

vs.

RANDY J. WATT,

Defendant.

CIVIL DIVISION

No. 02-1041-C2

PRAECIPE FOR WRIT
OF SUMMONS

Code: 006

Filed on behalf of Plaintiff:

KIMBERLY DICKINSON

Counsel of record for this party:

VICTOR H. PRIBANIC
PA I.D. No. 30785

PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

FILED

JUL 02 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KIMBERLY DICKINSON, Personal
Representative of the Estate of HUNTER
DICKINSON, JR.

Plaintiff,

vs.

RANDY J. WATT,

Defendant.

CIVIL DIVISION

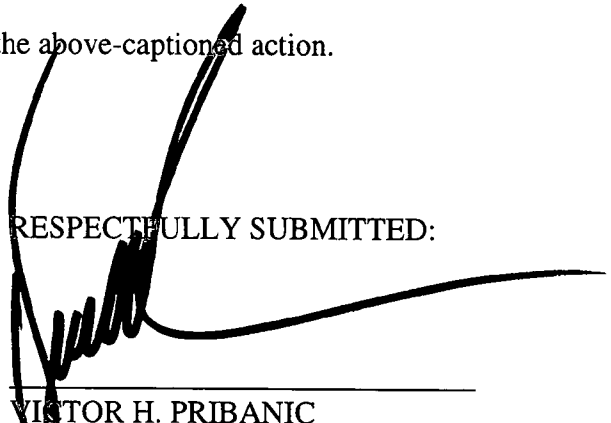
No.

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons regarding the above-captioned action.

RESPECTFULLY SUBMITTED:


VICTOR H. PRIBANIC
Counsel for Plaintiff

FILED

Piff pd.

019:31.84

80.00

JUL 02 2002

2 Summons issued

to Piff to house

Shiff serve

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12719

DICKINSON, KIMBERLY, personal rep. Of Estate of Hunter Dickinson Jr. 02-1041-CD

VS.

WATT, RANDY J.

SUMMONS

SHERIFF RETURNS

NOW JULY 3, 2002, BOB KOLAR, SHERIFF OF CAMBRIA COUNTY WAS
DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY
TO SERVE THE WITHIN SUMMONS ON RANDY J. WATT, DEFENDANT.

NOW AUGUST 1, 2002 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON
RANDY J. WATT, DEFENDANT BY DEPUTIZING THE SHERIFF OF CAMBRIA
COUNTY. THE RETURN OF SHERIFF KOLAR IS HERETO ATTACHED AND
MADE A PART OF THIS RETURN MARKED "NOT FOUND". ADDRESS IS VACANT.

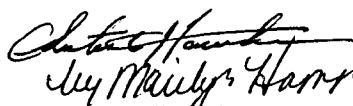
Return Costs

Cost	Description
23.74	SHFF. HAWKINS PAID BY: PLFF.
38.90	SHFF. KOLAR PAID BY: PLFF.
10.00	SURCHARGE PAID BY: PLFF.
<u>72.64</u>	

Sworn to Before Me This

20 Day Of Sept 2002


So Answers,


Chester A. Hawkins
Sheriff

FILED

SEP 20 2002

2:30

William A. Shaw
Prothonotary

CASE # PLAINTIFF
90219-02 DICKINSON, KIMBERLY
DATE 8/01/02

DEFENDANT
WATT, RANDY J. 02-1041

NOT FOUND AS TO THE WITHIN NAMED DEFENDANT RANDY J. WATT
BY BOB KOLAR, SHERIFF OF CAMBRIA CO. PA. DEFENDANT'S
ADDRESS IS VACANT. MY COSTS PAID BY ATTORNEY FOR PLAINTIFF.

SHERIFF COSTS 35.90
PRO 3.00
TOTAL COSTS 38.90

SO ANSWERS,

Bob Kolar

BOB KOLAR, SHERIFF

SWORN AND SUBSCRIBED TO BEFORE ME THIS 14TH DAY OF AUG. 02.

.PROTHONATARY

Patty Berkebile

CAMBRIA COUNTY SHERIFF'S DEPT.
200 S. CENTER ST.
EBENSBURG, PA. 15931
(814)472-1691

NAME: Clearfield Co. Sheriff Dept. NO: 2002-90219 (02-1041)
ADDRESS: One North Second St. DATE: August 8, 2002
CITY: Clearfield, PA 16830

PLAINTIFF: KIMBERLY DICKINSON

DEFENDANT: RANDY WATT

Service of the: Summons filed in the above
captioned matter has: has not: X been made
on: Randy Watt
: NOT FOUND - house is vacant
:
: (this is a notification - not a Return)
pursuant to your instructions.

The date of service is:

BOB KOLAR, SHERIFF

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

SUMMONS

**Kimberly Dickinson, Personal
representative of the Estate of
Hunter Dickinson Jr.**

Vs.

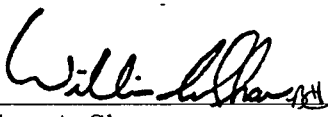
NO.: 2002-01041-CD

Randy J. Watt

TO: RANDY J. WATT

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

Date: 07/02/2002



William A. Shaw
Prothonotary

Issuing Attorney:

Victor H. Pribanic
1735 Lincoln Way
White Oak, PA 15131
(412) 672-5444

2002 JUL 11 10:00 AM



Sheriff's Office Clearfield County

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

CHESTER A. HAWKINS
SHERIFF

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

2002 90219

~~DAVID E. SHULTZ~~
CHIEF DEPUTY
~~MARGARET KUNK~~
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY DICKINSON, personal rep. of Estate
of Hunter Dickinson Jr.

TERM & NO. 02-1041-CD

VS

SERVE BY: 8/1/02

RANDY J. WATT

DOCUMENT TO BE SERVED:
SUMMONS

MAKE REFUND PAYABLE TO: HUNTER E. DICKINSON

SERVE: RANDY J. WATT

ADDRESS: Dysart, Pa. (See attached directions)

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CAMBRIA COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 3rd Day of JULY 2002.

Respectfully,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

RECEIVED
SHERIFF'S OFFICE

2002 JUL -5 A 10:41

CAMBRIA COUNTY
EBENSBURG. PA

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

COPY

SUMMONS

**Kimberly Dickinson, Personal
representative of the Estate of
Hunter Dickinson Jr.**

Vs.

NO.: 2002-01041-CD

Randy J. Watt

TO: RANDY J. WATT

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

Date: 07/02/2002



William A. Shaw
Prothonotary

Issuing Attorney:

Victor H. Pribanic
1735 Lincoln Way
White Oak, PA 15131
(412) 672-5444

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

KIMBERLY DICKINSON, Personal
Representative of the Estate of HUNTER
DICKINSON, JR.

Plaintiff,

vs.

RANDY J. WATT,

Defendant.

CIVIL DIVISION

No. 2002 – 01041 - CD

**PRAECIPE TO REISSUE
WRIT OF SUMMONS**

Code: 006

Filed on behalf of Plaintiff:

KIMBERLY DICKINSON

Counsel of record for this party:

VICTOR H. PRIBANIC
PA I.D. No. 30785

PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

FILED

NOV 01 2002

William A. Shaw
Prothonotary

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

KIMBERLY DICKINSON, Personal
Representative of the Estate of HUNTER
DICKINSON, JR.

Plaintiff,

vs.

RANDY J. WATT,

Defendant.

CIVIL DIVISION

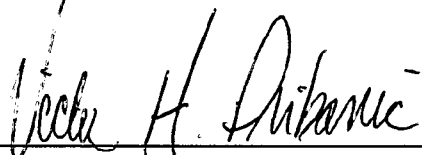
No. 2002 – 01041 - CD

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly reissue the Writ of Summons regarding the above-captioned action.

RESPECTFULLY SUBMITTED:



VICTOR H. PRIBANIC
Counsel for Plaintiff

FILED ice shg w/le-issued cert
M13:29-81 Atty pt 7.00
NOV 01 2002

William A. Shaw
Prothonotary

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

COPY

SUMMONS

**Kimberly Dickinson, Personal
representative of the Estate of
Hunter Dickinson Jr.**

Vs.

NO.: 2002-01041-CD

Randy J. Watt

TO: RANDY J. WATT

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

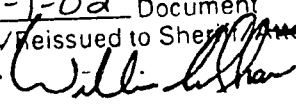
Date: 07/02/2002



William A. Shaw
Prothonotary

Issuing Attorney:

Victor H. Pribanic
1735 Lincoln Way
White Oak, PA 15131
(412) 672-5444

11-1-02 Document
Reinstated/Reissued to Sheriff's Attorney
for service. 

Deputy Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY DICKINSON, Personal
Representative of the Estate of
Hunter Dickinson, Jr.

Plaintiff

vs.

RANDY J. WATT,

Defendant

) Civil Division
:
) No. 2002-01041-CD
:
) ENTRY OF APPEARANCE
:
)
:
) Filed on behalf of Defendant:
:
) RANDY J. WATT
:
)
:
) Counsel of record for this party:
:
) JOSEPH P. GREEN, ESQUIRE
) PA I.D. No. 19238
:
) LEE, MARTIN, GREEN & REITER, INC.
:
) 115 East High Street
) PO Box 179
:
) Bellefonte, PA 16823
)
:
) 814-355-4769

FILED

DEC 12 2002

William A. Shaw
Prothonotary


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

KIMBERLY DICKINSON, Personal)	
Representative of the Estate of	:	
Hunter Dickinson, Jr.)	No. 2002-01041-CD
Plaintiff	:	
)	
vs.	:	
)	
RANDY J. WATT,	:	
Defendant)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Entry of Appearance was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 10 day of Jan, 2002 addressed to the following:

Victor E. Pribanic, Esq.
Pribanic & Pribanic, L.L.C.
1735 Lincoln Way
White Oak, PA 15131



Joseph P. Green

FILED

DEC 12 2002

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12719

DICKINSON, KIMBERLY, personal rep. Of Estate of Hunter Dickinson Jr. 02-1041-CD

VS.

WATT, RANDY J.

SUMMONS

SHERIFF RETURNS

NOW NOVEMBER 6, 2002, BOB KOLAR, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS & PRAECIPE TO REISSUE ON RANDY J. WATT, DEFENDANT.

NOW NOVEMBER 18, 2002 SERVED THE WITHIN SUMMONS & PRAECIPE TO REISSUE ON RANDY J. WATT, DEFENDANT BY DEPUTIZING THE SHERIFF OF CAMBRIA COUNTY. THE RETURN OF SHERIFF KOLAR IS HERETO ATTACHED AND MADE APART OF THIS RETURN.

Return Costs

Cost	Description
18.37	SHFF. HAWKINS PAID BY: ATTY
35.60	SHFF. KOLAR PAID BY: ATTY
<u>10.00</u>	<u>SURCHARGE PAID BY: ATTY</u>
63.97	

FILED

013:55:301
JAN 27 2003

William A. Shaw
Prothonotary

Sworn to Before Me This

27th Day Of Jan 2003

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

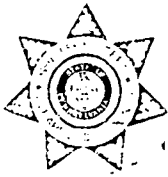
So Answers,

Chester A. Hawkins
Randy J. Watt
Chester A. Hawkins
Sheriff

[illegible]

PA 15131-0000

[illegible]



**Sheriff's Office
Clearfield County**

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533

CLEARFIELD COUNTY FAX
(814) 765-5915

2002-90339

CHESTER A. HAWKINS
SHERIFF

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

Robert Snyder
CHIEF DEPUTY
Cynthia Aughenbaugh
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY DICKINSON Personal rep of Estate
of Hunter Dickinson Jr.

VS

RANDY J. WATT

TERM & NO. 02-1041-CD

DOCUMENT TO BE SERVED:
SUMMONS & PRAECIPE TO REISSUE

SERVE BY: 11/31/02

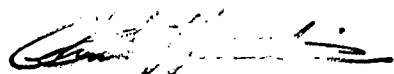
MAKE REFUND PAYABLE TO: PRIBANIC & PRIBANIC, Attorneys

SERVE: RANDY J. WATT

ADDRESS: 184 Maple St., Ashville, Pa. 16613

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CAMBRIA COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 6th Day of NOVEMBER 2002.

Respectfully,


CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

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

KIMBERLY DICKINSON, Personal)	
Representative of the Estate of	:	
Hunter Dickinson, Jr.)	No. 2002-01041-CD
	:	
Plaintiff)	
	:	
vs.)	
	:	
RANDY J. WATT,)	
	:	
Defendant)	


PRAECIPE

To the Prothonotary:

Enter a Rule upon the Plaintiff to file a complaint within twenty (20) days after service of the Rule, or judgment of non pros will be entered.

LEE, MARTIN, GREEN & REITER, INC.

By: _____


Joseph P. Green, Esq., ID #19238
Attorney for Defendant
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-3769

FILED

MAR 26 2003
m/4:00pm
William A. Shaw
Prothonotary
2 Rules to Appt

RULE

TO THE PLAINTIFF:

You are ruled to file a complaint within twenty (20) days after service hereof or judgment of non pros will be entered.

Date: _____

Prothonotary

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

Kimberly Dickinson
Hunter Dickinson Jr.

Vs.
Randy J. Watt

Case No. 2002-01041-CD

RULE TO FILE COMPLAINT

TO: Kimberly Dickinson

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

William A. Shaw, Prothonotary

Dated: March 26, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY DICKINSON, Personal
Representative of the Estate of HUNTER
DICKINSON, JR.

Plaintiff,

vs.

RANDY J. WATT,

Defendant.

CIVIL DIVISION

No. 2002 – 01041 - CD

COMPLAINT

Filed on behalf of Plaintiff:

KIMBERLY DICKINSON

Counsel of record for this party:

VICTOR H. PRIBANIC
PA I.D. No. 30785

PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

FILED

MAY 16 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY DICKINSON, Personal]	CIVIL DIVISION
Representative of the Estate of HUNTER]	
DICKINSON, JR.]	No. 2002 – 01041 - CD
]	
Plaintiff,]	
]	
]	
vs.]	
]	
]	
RANDY J. WATT,]	
]	
]	
]	
Defendant.]	

NOTICE TO DEFEND

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

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

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Telephone: (814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY DICKINSON, Personal]	CIVIL DIVISION
Representative of the Estate of HUNTER]	
DICKINSON, JR.]	No. 2002 – 01041 - CD
]	
Plaintiff,]	
]	
]	
vs.]	
]	
]	
RANDY J. WATT,]	
]	
]	
]	
Defendant.]	

COMPLAINT

AND NOW, comes Kimberly Dickinson, Personal Representative of the Estate of Hunter Dickinson, Jr., Plaintiff, by and through her counsel, Victor H. Pribanic, Esquire, and PRIBANIC & PRIBANIC, L.L.C., and files the following COMPLAINT IN CIVIL ACTION and in support thereof avers as follows:

1. Plaintiff is an adult individual resident of Clearfield County, Pennsylvania, is the mother of decedent, Hunter Dickinson, Jr., and has been appointed personal representative her son's estate.

2. Defendant, Randy J. Watt, is upon information and belief, an adult individual residing at 184 Maple Street, Ashville, Cambria County, Pennsylvania 16613.

3. Plaintiff, as the Personal Representative of the Estate of Hunter Dickinson, Jr., brings this action on her own behalf and on behalf of all other persons entitled to recover damages for the wrongful death of Hunter Dickinson, Jr. pursuant to the provisions of 42 PA. C.S. § 8301.

4. Plaintiff also brings this action to recover damages on behalf of the Estate of Hunter Dickinson, Jr. pursuant to the provisions of 42 Pa. C.S. § 8302.

5. The following persons are or may be entitled by law to recover for the wrongful death of Hunter Dickinson, Jr.:

Kimberly Dickinson, Post Office Box 350, Coalport, Pennsylvania 16627
Decedent's Mother

Hunter Dickinson, Sr., Post Office Box 111, Fallen Timber, Pennsylvania 16630
Decedent's Father

6. During his lifetime, Hunter Dickinson, Jr. did not commence any action to recover damages for the injuries which caused his death and no other actions have been filed to recover damages for the wrongful death of Hunter Dickinson, Jr.

FIRST CAUSE OF ACTION - WRONGFUL DEATH

Plaintiff incorporates Paragraphs 1 through 6 of the Complaint herein by reference and further avers that:

7. On or about July 2, 2000, Plaintiff's Decedent, Hunter Dickinson, Jr., was a twenty year-old male front-seated passenger in a 1985 Mazda RX7 automobile owned and being operated by Defendant, Randy J. Watt, a twenty-seven year old male, who was travelling Southbound on State Route 53 in the Township of Beccaria, Clearfield County, Pennsylvania when suddenly and without warning, he lost control of the vehicle, causing it to leave the Southbound lane, enter the southern berm

and strike a tree west of the roadway, whereby the vehicle rolled over an embankment, coming to rest on the passenger side facing southeast, causing Hunter Dickinson, Jr. to sustain serious injuries resulting in his death.

8. Alternatively, in the event Hunter Dickinson, Jr. was the operator of the vehicle at the time of this incident, Defendant Watt supplied alcoholic beverages to decedent which resulted in his impairment causing the within incident resulting in his death.

9. The injuries and damages hereinafter set forth were caused solely by and were the direct and proximate result of the negligent, reckless, and wanton misconduct of the Defendant in any or all of the following respects:

- (a) in operating the vehicle at a high, dangerous, and reckless speed under the circumstances;
- (b) in failing to have the vehicle under proper control;
- (c) in that the driver was inattentive and failed to maintain a reasonable lookout of the road and the surrounding conditions;
- (d) in failing to exercise reasonable care and caution as was required under the circumstances;
- (e) in violating various statutes and municipal ordinances pertaining to the operation of motor vehicles on public thoroughfares in the Commonwealth, including but not limited to the following statutory provisions: 75 Pa. C.S. §3742 Accidents Involving Death Or Personal Injury; 75 Pa. C.S. §3736 Reckless Driving; 75 Pa. C.S. §3361 Driving Vehicle at Safe Speed; 75 Pa. C.S. §3309 Driving on Roadways Laned for Traffic; 75 Pa. C.S. §3715 Restriction on Alcoholic Beverages; 75 Pa. C.S. §3731 Driving Under the Influence or Alcohol or Controlled Substance; 75 Pa. C.S. §3732 Homicide by Vehicle; 75 Pa. C.S. §3735 Homicide by Vehicle While Driving Under the Influence; and 75 Pa. C.S. §3714 Careless Driving;
- (f) in that the driver was not in a proper physical condition to drive the vehicle; and,

- (g) in providing alcoholic beverages to persons, including decedent, under the age of twenty-one years.

10. The Defendant's conduct as described above was extreme and outrageous and undertaken in reckless disregard of the Plaintiff's Decedent's safety.

11. The persons entitled by law to recover damages for Hunter Dickinson, Jr.'s death have sustained the following damages:

- (a) the cost of medical treatment and supplies incident to the treatment and subsequent death of the decedent;
- (b) the cost of funeral and burial expenses occasioned by the death of Hunter Dickinson, Jr.;
- (c) loss of the pecuniary value of the service, assistance, comfort, guidance, counseling, companionship, and society of Hunter Dickinson, Jr.;
- (d) loss of financial support and all pecuniary benefits which would have been received from Hunter Dickinson, Jr.;
- (e) the cost of the administration of the Estate of Hunter Dickinson, Jr.; and,
- (f) such other losses and damages as are recoverable by law or statute.

WHEREFORE, Plaintiff, Kimberly Dickinson, Personal Representative of the Estate of Hunter Dickinson, Jr., brings this suit against Defendant to recover compensatory and punitive damages in an amount in excess of the jurisdiction of the Board of Arbitrators of this Court.

SECOND CAUSE OF ACTION - SURVIVAL

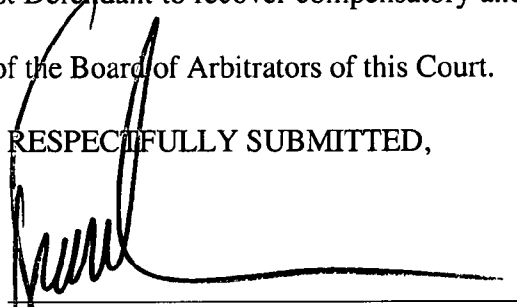
Plaintiff incorporates Paragraphs 1 through 11 of the Complaint herein by reference and further avers that:

12. As a result of the previously described negligent, willful, and reckless conduct of the Defendant, Plaintiff, Kimberly Dickinson, personal representative of the Estate of Hunter Dickinson, Jr., seeks damages pursuant to the provisions of 20 Pa. C.S. § 3373 and 42 Pa. C.S. § 8302 which include, inter alia:

- (a) physical and mental pain, suffering and inconvenience of Hunter Dickinson, Jr. from the moment of apprehension of the collision through the time of his death;
- (b) Hunter Dickinson, Jr.'s loss of earnings and/or earning potential during the balance of his life expectancy calculated from the date of his death;
- (c) hospital and medical expenses incurred on his behalf;
- (d) such other losses and damages as are recoverable by law or statute.

WHEREFORE, Plaintiff, Kimberly Dickinson, Personal Representative of the Estate of Hunter Dickinson, Jr., brings this suit against Defendant to recover compensatory and punitive damages in an amount in excess of the jurisdiction of the Board of Arbitrators of this Court.

RESPECTFULLY SUBMITTED,



VICTOR H. PRIBANIC
Attorney for Plaintiff

JURY TRIAL DEMANDED

VERIFICATION TO COMPLAINT

Plaintiff verifies that she is the Plaintiff in the foregoing action; that the foregoing Complaint is based upon information which she has furnished to her counsel and information which has been gathered by her counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of the Plaintiff. Plaintiff has read the Complaint and to the extent that the Complaint is based upon information which she has given to her counsel, it is true and correct to the best of her knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, she has relied upon counsel in making this Affidavit. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

May 9, 03
Date

Kimberly Dickinson
KIMBERLY DICKINSON

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Complaint in Civil Action has been served via U. S. Postal Service postage prepaid on the 12th day of May, 2003 upon the following:

Joseph P. Green, Esquire
LEE, MARTIN, GREEN & REITER, PC
115 East High Street
Post Office Box 179
Bellefonte, PA 16823-0179


PRIBANIC & PRIBANIC, LLC

VICTOR H. PRIBANIC
Counsel for Plaintiff

FILED

MAY 13 2003

NO cc
E
#27

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY DICKINSON, Personal
Representative of the Estate of
Hunter Dickinson, Jr.

Plaintiff

vs.

RANDY J. WATT,

Defendant

) Civil Division
:
) No. 2002-01041-CD
:
) ANSWER AND NEW MATTER
:
)
:
) Filed on behalf of Defendant:
:
) RANDY J. WATT
:
)
:
) Counsel of record for this party:
:
) JOSEPH P. GREEN, ESQUIRE
:
) PA I.D. No. 19238
:
) LEE, MARTIN, GREEN & REITER, INC.
:
) 115 East High Street
:
) PO Box 179
:
) Bellefonte, PA 16823
:
)
:
) 814-355-4769

FILED

m 11:55 AM
JUN 24 2003

William A. Shaw
Prothonotary

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

KIMBERLY DICKINSON, Personal)	
Representative of the Estate of	:	
Hunter Dickinson, Jr.)	No. 2002-01041-CD
Plaintiff	:	
)	
vs.	:	
)	
RANDY J. WATT,	:	
Defendant)	


NOTICE TO PLEAD

To the within named parties:

You are hereby notified to plead to the within NEW MATTER within 20 days of service hereof, or judgment may be entered against you.

LEE, MARTIN, GREEN & REITER, INC.

By:



Joseph P. Green, Esq., ID #19238
Attorney for Defendant
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-3769

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

KIMBERLY DICKINSON, Personal)	
Representative of the Estate of	:	
Hunter Dickinson, Jr.)	No. 2002-01041-CD
Plaintiff	:	
)	
vs.	:	
)	
RANDY J. WATT,	:	
Defendant)	

ANSWER AND NEW MATTER

The Defendant in the above matter, Randy J. Watt, responds to the Complaint as follows:

1. Admitted.
2. Admitted.
3. Denied. After reasonable investigation, the responding party is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.
4. Admitted in part and denied in part. It is admitted that the Plaintiff purports to bring this action in order to recover the described damages. However, it is denied that the Plaintiff would be entitled to said damages. The Defendant herein denies liability in all respects pursuant to Pa. R.C.P. 1029(e).
5. Denied. After reasonable investigation, the responding party is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

6. Denied. After reasonable investigation, the responding party is without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

FIRST CAUSE OF ACTION – WRONGFUL DEATH

The foregoing responses are incorporated at this point by reference.

7. Admitted in part and denied in part. It is admitted that a vehicular event occurred on July 2, 2000, at or near the described location. However, the balance of the averments are denied. It is affirmatively asserted that Defendant Randy J. Watt was not the operator of the subject motor vehicle at the time of the incident. On the contrary, it is believed that the subject vehicle was being driven by Plaintiff's decedent, Hunter Dickinson, Jr., at that time. All other averments contained in paragraph 7 are denied pursuant to Pa. R.C.P. 1029(e).

8. Admitted in part and denied in part. It is believed that the operator of the subject motor vehicle was Hunter Dickinson, Jr., at the time of the underlying incident. It is denied pursuant to Pa. R.C.P. 1029(e) that Defendant Randy J. Watt supplied alcoholic beverages to the decedent which resulted in impairment causing death.

9. Denied. It is denied that Defendant Randy J. Watt was operating the subject vehicle at the time of the incident. Said party committed no tortious conduct which was a legal or proximate cause of the accident or resultant harm.

(a) through (f). Denied. The responding party was not the operator of the subject vehicle. All averments are denied pursuant to Pa. R.C.P. 1029(e). Defendant Randy J. Watt did not engage in any form of tortious conduct which was a legal or proximate cause of the subject incident or resultant harm.

(g) Denied. The averments are denied pursuant to Pa. R.C.P. 1029(e). In addition, it is affirmatively stated that the responding party did not supply alcoholic beverages to the decedent.

10. Denied. The averments are denied in all respects. The responding party did not act in an extreme and outrageous manner nor did he conduct himself in reckless disregard of the decedent's safety. All averments are denied pursuant to Pa. R.C.P. 1029(e).

11. Denied. The responding party committed no tortious conduct which was a legal or proximate cause of the underlying incident or the alleged harm. All averments relative to damages are denied pursuant to Pa. R.C.P. 1029(e) including all of the specified items set forth in subparagraphs (a) through (f).

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Defendant and against the Plaintiffs.

SECOND CAUSE OF ACTION – SURVIVAL

The responding party hereby incorporates by reference at this point the responses set forth in the above paragraphs.

12. Denied. Defendant Randy J. Watt committed no tortious conduct which was a legal or proximate cause of the underlying harm or the subject incident. All averments in this regard are denied pursuant to the averments of the responding party set forth above and pursuant to Pa. R.C.P. 1029(e). All allegations relating to damages set forth in subparagraphs (a) through (d) are similarly denied pursuant to Pa. R.C.P. 1029(e).

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Defendant and against the Plaintiffs.

NEW MATTER


13. In order to preserve the Defendant's statute of limitations, the defense of the expiration of the statute of limitations is hereby asserted. In the event that the Plaintiff failed to effectively commence a civil action in the required time period, the expiration of said time period would constitute a complete bar to the cause of action asserted herein.

14. It is asserted that the underlying incident and the resultant death of the decedent resulted from the negligent, careless, and reckless conduct of the decedent. It was the decedent who was operating the subject vehicle and he failed to do so in a reasonable and prudent manner.

15. The responding party hereby raises all limitations, restrictions, and conditions upon recovery as set forth in the Pennsylvania Motor Vehicle Financial Responsibility Act.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Defendant and against the Plaintiffs.

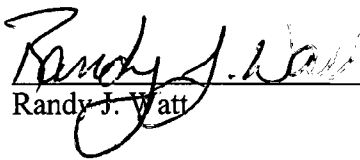
LEE, MARTIN, GREEN & REITER, INC.

By: 

Joseph P. Green, Esq., ID #19238
Attorney for Defendant
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-3769

VERIFICATION

Randy J. Watt states that he is the defendant; that he is acquainted with the facts set forth in the foregoing responsive pleading; that the same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Randy J. Watt

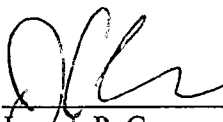
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

KIMBERLY DICKINSON, Personal)	
Representative of the Estate of	:	
Hunter Dickinson, Jr.)	No. 2002-01041-CD
Plaintiff	:	
)	
vs.	:	
)	
RANDY J. WATT,	:	
Defendant)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter
was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the
19 day of June, 2003 addressed to the following:

Victor H. Pribanic, Esq.
1735 Lincoln Way
White Oak, PA 15131



Joseph P. Green

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

KIMBERLY DICKINSON, Personal
Representative of the Estate of HUNTER
DICKINSON, JR.

Plaintiff,

vs.

RANDY J. WATT,

Defendant.

CIVIL DIVISION

No. 2002 - 01041 - CD

REPLY TO NEW MATTER

Filed on behalf of Plaintiff:

KIMBERLY DICKINSON

Counsel of record for this party:

VICTOR H. PRIBANIC
PA I.D. No. 30785

PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

SLP

FILED

JUL 17 2003

William A. Shaw
Prothonotary

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

KIMBERLY DICKINSON, Personal
Representative of the Estate of HUNTER
DICKINSON, JR.

Plaintiff,

vs.

RANDY J. WATT,

Defendant.

CIVIL DIVISION

No. 2002 - 01041 - CD

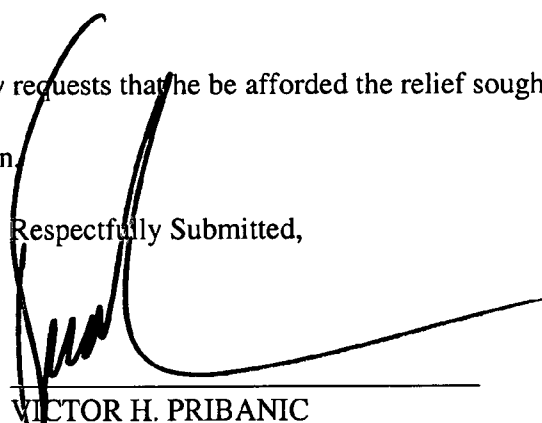
REPLY TO NEW MATTER

Plaintiff, by her counsel, Victor H. Pribanic, files the within Reply to New Matter asserted on behalf of Defendant and in support thereof avers:

1. The averments of Defendant's New Matter are denied.

WHEREFORE, Plaintiff respectfully requests that he be afforded the relief sought in the Complaint filed in the captioned action.

Respectfully Submitted,



VICTOR H. PRIBANIC
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Complaint ^{in Civil}
Action has been served via U. S. Postal Service postage prepaid on the 14 day of
July, 2003 upon the following:

Joseph P. Green, Esquire
LEE, MARTIN, GREEN & REITER, PC
115 East High Street
Post Office Box 179
Bellefonte, PA 16823-0179

PRIBANIC & PRIBANIC, LLC

VICTOR H. PRIBANIC
Counsel for Plaintiff

FILED

M 11:15 AM
JUL 17 2003

(Signature)
NO
CC

William A. Shaw
Prothonotary

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

KIMBERLY DICKINSON, Personal
Representative of the Estate of HUNTER
DICKINSON, JR.

Plaintiff,

vs.

RANDY J. WATT,

Defendant.

CIVIL DIVISION

No. 2002 – 01041 - CD

**PRAECIPE TO
SETTLE & DISCONTINUE**

Filed on behalf of Plaintiff:

KIMBERLY DICKINSON

Counsel of record for this party:

VICTOR H. PRIBANIC
PA I.D. No. 30785

PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

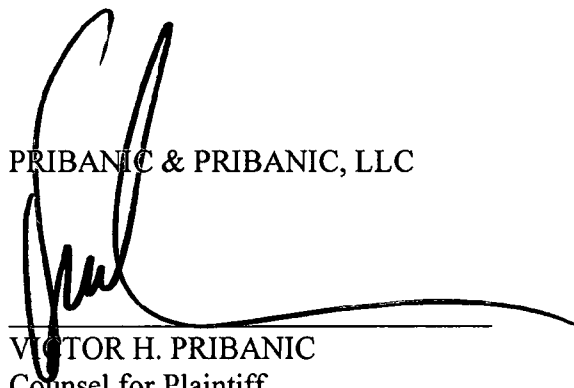
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MAR 21 2005 *2 Cert. of Disc.*
to Amy
William A. Shaw
Prothonotary/Clerk of Courts *copy to CIA*
GK

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within has been served via U. S. Postal Service postage prepaid on the 15th day of March, 2005 upon the following:

Joseph P. Green, Esquire
LEE, MARTIN, GREEN & REITER, PC
115 East High Street
Post Office Box 179
Bellefonte, PA 16823-0179


PRIBANIC & PRIBANIC, LLC

VICTOR H. PRIBANIC
Counsel for Plaintiff

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

CIVIL DIVISION

COPY

**Kimberly Dickinson, Personal
Representative of the Estate of
Hunter Dickinson, Jr.**

**Vs.
Randy J. Watt**

No. 2002-01041-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 21, 2005, marked:

Settled and Discontinued

Record costs in the sum of \$87.00 have been paid in full by Pribanic & Pribanic, LLC.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of March A.D. 2005.

William A. Shaw, Prothonotary