

02-1045-CD  
RANDY J. WATT -vs- KIMBERLY DICKINSON et al

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

RANDY J. WATT, an adult individual,

Civil Division

Plaintiff,

Case No. 02-1045-CD

-vs-

KIMBERLY DICKINSON, an adult  
individual, as Administratrix of the Estate of  
HUNTER DICKINSON, JR., Deceased,

**JURY TRIAL DEMANDED**

Defendant.

Type of Document:

**PRAECIPE FOR A WRIT OF SUMMONS**

Filed on Behalf of:

**Plaintiff**

Counsel of Record for this Party:

John M. Daley, Esquire  
Pa. I.D. # 63279

BRENNAN, ROBINS & DALEY, P.C.  
Firm #038  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219-1322  
(412) 281-0776, Ext. 1303  
(412) 281-2180 (Fax)

**FILED**

JUL 02 2002

William A. Shaw  
Prothonotary

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

RANDY J. WATT, an adult individual,

Plaintiff,

-vs-

KIMBERLY DICKINSON, an adult  
individual, as Administratrix of the Estate of  
HUNTER DICKINSON, JR., Deceased,

Defendant.

Case No.  
**JURY TRIAL DEMANDED**

**PRAECIPE FOR A WRIT OF SUMMONS**

TO: The Prothonotary

Kindly issue a Writ of Summons in the above-captioned case.

~~John M. Daley, Esquire~~  
~~BRENNAN, ROBINS & DALEY, P.C.~~

Theodore J. Krol  
Theodore J. Krol, Esquire

LAW OFFICES OF THOMAS M. DICKEY

Attorneys for Plaintiff

FILED

Atty: Jickey

7-28-02

pd. \$0.00

RE  
William A. Shaw cc Sheriff  
Prothonotary wla wits of summons

**COPY**

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

**SUMMONS**

**Randy J. Watt**

**Vs.**

**NO.: 2002-01045-CD**

**Kimberly Dickinson, an adult individual,  
as Administratrix of the Estate of  
Hunter Dickinson Jr., Deceased**

**TO: KIMBERLY DICKINSON, an adult individual, as Administratrix  
of the Estate of HUNTER DICKINSON JR., Deceased**

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:**

John M. Daley, Esq.  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219-1322  
(412) 281-0776, Ext. 1303

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

Sheriff Docket # 12720

WATT, RANDY J.

02-1045-CD

VS.

DICKINSON, KIMBERLY, an adult ind.,as Adminx. Of Estate of Hunter Dicki

**PRAECIPE & SUMMONS**

**SHERIFF RETURNS**

**NOW JULY 3, 2002 AT 1:20 PM DST SERVED THE WITHIN PRAECIPE & SUMMONS ON KIMBERLY DCKINSON, an adult ind. Admx. Of Estate of Hunter Dickinson Jr, deceased,DEFENDANT AT SHERIFF'S OFFICE, MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KIMBERLY DICKINSON A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.  
SERVED BY: HAWKNIS**

---

**Return Costs**

Cost	Description
19.37	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

**Sworn to Before Me This**

29 Day Of August, 2002  
William A. Shaw

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

**So Answers,**

Chester A. Hawkins  
W. M. Riley, Jr.  
Chester A. Hawkins  
Sheriff

**FILED**

*SP*  
AUG 29 2002

018:59 B4

William A. Shaw  
Prothonotary

**COPY**

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

RANDY J. WATT, an adult individual,

Civil Division

Plaintiff,

Case No. 02-1045-C

-vs-

KIMBERLY DICKINSON, an adult  
individual, as Administratrix of the Estate of  
HUNTER DICKINSON, JR., Deceased,

**JURY TRIAL DEMANDED**

Defendant.

Type of Document:

**PRAECIPE FOR A WRIT OF SUMMONS**

Filed on Behalf of:

**Plaintiff**

Counsel of Record for this Party:

John M. Daley, Esquire  
Pa. I.D. # 63279

BRENNAN, ROBINS & DALEY, P.C.  
Firm #038  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219-1322  
(412) 281-0776, Ext. 1303  
(412) 281-2180 (Fax)

**COPY**

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

112323.1

JUL 02 2002

Attest:

*William J. ...*  
Prothonotary

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

RANDY J. WATT, an adult individual,

Plaintiff,

-vs-

KIMBERLY DICKINSON, an adult  
individual, as Administratrix of the Estate of  
HUNTER DICKINSON, JR., Deceased,

Defendant.

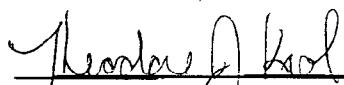
Case No.  
**JURY TRIAL DEMANDED**

**PRAECIPE FOR A WRIT OF SUMMONS**

TO: The Prothonotary

Kindly issue a Writ of Summons in the above-captioned case.

  
John M. Daley, Esquire  
BRENNAN, ROBBINS & DALEY, P.C.

  
Theodore J. Krol, Esquire  
LAW OFFICES OF THOMAS M. DICKEY

Attorneys for Plaintiff

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

**SUMMONS**

**Randy J. Watt**

**Vs.**

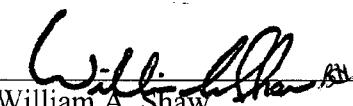
**NO.: 2002-01045-CD**

**Kimberly Dickinson, an adult individual,  
as Administratrix of the Estate of  
Hunter Dickinson Jr., Deceased**

**TO: KIMBERLY DICKINSON, an adult individual, as Administratrix  
of the Estate of HUNTER DICKINSON JR., Deceased**

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:

John M. Daley, Esq.  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219-1322  
(412) 281-0776, Ext. 1303

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

RANDY J. WATT, an adult individual,

Civil Division

Plaintiff,

Case No. 02-1045-CD

-vs-

**JURY TRIAL DEMANDED**

KIMBERLY DICKINSON, an adult  
individual, as Administratrix of the Estate of  
HUNTER DICKINSON, JR., Deceased,

Type of Document:

Defendant.

**COMPLAINT IN CIVIL ACTION**

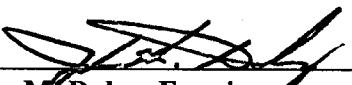
**TO: Defendant**

**You are hereby noticed to  
plead to the within *Complaint*  
within twenty (20) days of service  
hereof, or a default judgment  
may be taken against you.**

Filed on Behalf of:

**Plaintiff**

Counsel of Record for this Party:

  
John M. Daley, Esquire  
BRENNAN, ROBINS & DALEY, P.C.  
Attorneys for Plaintiff

John M. Daley, Esquire  
Pa. I.D. # 63279

BRENNAN, ROBINS & DALEY, P.C.  
Firm #038  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219-1322  
(412) 281-0776, Ext. 1303  
(412) 281-2180 (Fax)

**JURY TRIAL DEMANDED** **FILED**

OCT 02 2002

112496.1

William A. Shaw  
Prothonotary

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

RANDY J. WATT, an adult individual,

Plaintiff,

-vs-

KIMBERLY DICKINSON, an adult  
individual, as Administratrix of the Estate of  
HUNTER DICKINSON, JR., Deceased,

Defendant.

Case No. 02-1045-CD  
**JURY TRIAL DEMANDED**

**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 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  
1 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
(814) 765-2641

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

RANDY J. WATT, an adult individual,

Plaintiff,

-vs-

Case No. 02-1045-CD  
**JURY TRIAL DEMANDED**

KIMBERLY DICKINSON, an adult individual, as Administratrix of the Estate of HUNTER DICKINSON, JR., Deceased,

Defendant.

**COMPLAINT IN CIVIL ACTION**

AND NOW comes the Plaintiff, Randy J. Watt, an adult individual, by and through his attorneys, John M. Daley, Esquire, and the law firm of BRENNAN, ROBINS & DALEY, P.C., and makes complaint against the Defendant, Kimberly Dickinson, as Administratrix of the Estate of Hunter Dickinson, Jr., Deceased, and in support thereof, states as follows:

1. Plaintiff Randy J. Watt is an adult individual who resides at 184 Maple Street, Ashville, Cambria County, Pennsylvania 16613.
2. Defendant Kimberly Dickinson is an adult individual who has been appointed Administratrix of the Estate of Hunter Dickinson, Jr., Deceased (Hunter Dickinson, Jr. will hereinafter be referred to as "the Decedent") who resides at P.O. Box 358, Coalport, Clearfield County, Pennsylvania 16627. At the time of his death, the Decedent resided with his father, Hunter Dickinson, Sr., at P.O. Box 111, Fallen Timber, Cambria County, Pennsylvania 16639.

3. On July 2, 2000, there existed in Beccaria Township, Clearfield County, Pennsylvania, a highway or trafficway known as SR 53, which ran generally in a northerly and southerly direction.

4. On July 2, 2000, the Plaintiff was the owner of a 1985 Mazda motor vehicle.

5. On July 2, 2000, at approximately 5:30 a.m., the Plaintiff was a passenger in the right front passenger seat of the Mazda he owned. At the said time and date, the Plaintiff's Mazda was being operated by the Decedent. The Decedent was proceeding southbound on SR 53, when suddenly and without warning, he lost control of the vehicle, causing it to leave the southbound lane, enter the southern berm and ultimately strike a tree west of the roadway, whereby the vehicle rolled over an embankment, coming to rest on the passenger side facing southeast. The accident resulted in the death of the Decedent and serious and permanent injuries to the Plaintiff as more fully described herein.

6. The damages sustained by the Plaintiff were a direct and proximate result of the negligence and recklessness of the Decedent, in the following particulars:

- a. In Decedent operating the Mazda at an excessive rate of speed;
- b. In Decedent operating the Mazda at a speed in excess of the posted speed limit;
- c. In Decedent operating the Mazda at a speed too fast for conditions;
- d. In Decedent failing to keep a sharp lookout ahead;
- e. In Decedent failing to have the Mazda under proper control;
- f. In Decedent causing the Mazda to leave the roadway and collide with the aforementioned tree; and
- g. In Decedent violating the laws and regulations of the Commonwealth of Pennsylvania, including the Pennsylvania Motor Vehicle Code.

7. As a direct and proximate result of the conduct of the Decedent as previously described, the Plaintiff sustained the following serious injuries, all or some of which are permanent in nature:

- a. Right rib fractures;
- b. Oblique displaced fracture of the right distal humerus, necessitating open reduction and internal fixation surgery;
- c. Laceration to his neck ,ear and submandibular gland, resulting in permanent scarring and nerve damage, with a loss of sensation on part of his face and neck;
- d. Facial contusions;
- e. Abrasions to knees;
- f. Shock and injury to his nerves and nervous system; and
- g. Past, present and future pain, suffering, inconvenience and loss of some of the ordinary pleasures of life;

8. As a direct and proximate result of the conduct of the Decedent as previously described, the Plaintiff has and will in the future incur hospital, doctor, drug and other medical expenses.

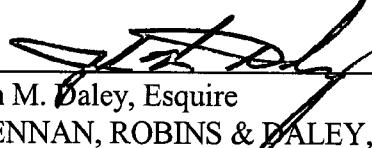
9. As a direct and proximate result of the conduct of the Decedent as previously described, the Plaintiff has sustained loss of earnings and his earning capacity has been permanently affected.

10. On June 2, 2000, the Plaintiff was insured under a policy of motor vehicle insurance issued by Erie Insurance Group, which policy provided for the "limited-tort" option. However, it is averred that the Plaintiff has sustained a "serious bodily injury" pursuant to the

Pennsylvania Motor Vehicle Financial Responsibility Law, involving permanent scarring and disfigurement and the serious impairment of one or more bodily functions. Therefore, the Plaintiff is entitled to recover in this action against the Defendant all of his damages, both economic and non-economic in nature.

**WHEREFORE**, Plaintiff Randy J. Watt demands judgment against Defendant Kimberly Dickinson in an amount in excess of the arbitration limits for the Court of Common Pleas of Clearfield County, Pennsylvania

**JURY TRIAL DEMANDED**

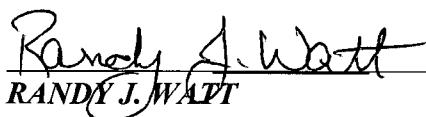


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John M. Daley, Esquire  
BRENNAN, ROBINS & DALEY, P.C.  
Attorneys for Plaintiff

## VERIFICATION

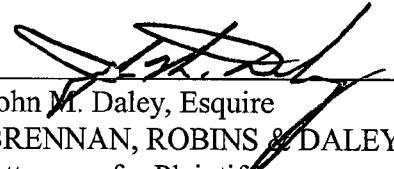
I hereby verify that the statements made in the foregoing ***COMPLAINT IN CIVIL ACTION*** are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to Unsworn Falsification to Authorities.

  
RANDY J. WATT

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of September, 2002, a true and correct copy of the within ***Complaint in Civil Action*** was served upon the Defendant via regular U.S. First-Class Mail, postage prepaid:

Kimberly Dickinson  
PO Box 358  
Coalport, PA 16627

  
John M. Daley, Esquire  
BRENNAN, ROBINS & DALEY, P.C.  
Attorneys for Plaintiff

FILED

NO CC

10/02/02  
OCT 02 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RANDY J. WATT, an adult individual,

CIVIL DIVISION

Plaintiff,

Case No. 02-1045-CD

JURY TRIAL DEMANDED

vs.

KIMBERLY DICKINSON, an adult  
Individual, as Administratrix of the  
Estate of HUNTER DICKINSON, JR.,  
Deceased,

Defendant.

**PRAECIPE FOR APPEARANCE**

Filed on behalf of Defendant,  
KIMBERLY DICKINSON,  
as Administratrix of the Estate of  
Hunter Dickinson, Jr., Deceased

Counsel of Record for this  
Party:

Stephen J. Magley, Esquire  
Pa. I.D. #59990

O'MALLEY & MAGLEY, LLP  
5280 Steubenville Pike  
Pittsburgh, PA 15205

(412) 788-1200

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

~~OCT 16 2002~~

**FILED**

OCT 16 2002

11/135/ln  
William A. Shaw  
Prothonotary  
cc -

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

*ED KPS*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RANDY J. WATT, an adult individual,

CIVIL DIVISION

Case No. 02-1045-CD

Plaintiff,

JURY TRIAL DEMANDED

vs.

KIMBERLY DICKINSON, an adult  
Individual, as Administratrix of the  
Estate of HUNTER DICKINSON, JR.,  
Deceased,

Defendant.

**PRAECIPE FOR APPEARANCE**

Kindly enter the appearance of O'Malley and Magley, L.L.P. as counsel of record  
for Defendant, Kimberly Dickinson, Administratrix of the Estate of Hunter Dickinson,  
Jr., Deceased.

Respectfully submitted,

By: Stephen J. Magley  
Stephen J. Magley, Esquire  
Attorney for Defendant,  
Kimberly Dickinson, Administratrix  
of the Estate of Hunter Dickinson, Jr.

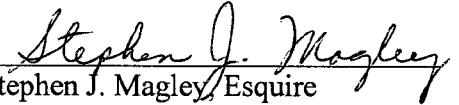
O'MALLEY and MAGLEY, L.L.P.  
5280 Steubenville Pike  
Pittsburgh, PA 15205

## CERTIFICATE OF SERVICE

I hereby certify that on this 15<sup>th</sup> day of October, 2002 a true and correct copy of the within **Praecipe for Appearance** was served by First Class Mail, postage prepaid upon the following individuals:

John M. Daley, Esq.  
Brennan, Robins & Daley, P.C.  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15205

O'MALLEY AND MAGLEY, LLP

  
\_\_\_\_\_  
Stephen J. Magley, Esquire  
Attorney for Defendant  
Kimberly Dickinson, Administratrix  
of the Estate of Hunter Dickinson, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RANDY J. WATT, an adult individual,

CIVIL DIVISION

Case No. 02-1045-CD

Plaintiff,

JURY TRIAL DEMANDED

vs.

KIMBERLY DICKINSON, an adult  
Individual, as Administratrix of the  
Estate of HUNTER DICKINSON, JR.,  
Deceased,

Defendant.

NOTICE OF SERVICE OF  
INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO  
PLAINTIFF

Filed on behalf of Defendant,  
KIMBERLY DICKINSON,  
as Administratrix of the Estate of  
Hunter Dickinson, Jr., Deceased

Counsel of Record for this  
Party:

Stephen J. Magley, Esquire  
Pa. I.D. #59990

O'MALLEY & MAGLEY, LLP  
5280 Steubenville Pike  
Pittsburgh, PA 15205

(412) 788-1200

**FILED**

OCT 16 2002

William A. Shaw  
Notary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RANDY J. WATT, an adult individual,

CIVIL DIVISION

Case No. 02-1045-CD

Plaintiff,

JURY TRIAL DEMANDED

vs.

KIMBERLY DICKINSON, an adult  
Individual, as Administratrix of the  
Estate of HUNTER DICKINSON, JR.,  
Deceased,

Defendant.

**NOTICE OF SERVICE OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFF, RANDY J. WATT**

TO: PROTHONOTARY

AND NOW, comes the Defendant, Kimberly Dickinson, Administratrix of the  
Estate of Hunter Dickinson, Jr., Deceased, by and through her attorneys, O'MALLEY AND  
MAGLEY, L.L.P., and certifies that Interrogatories and a Request for Production of  
Documents Directed to the above-named Plaintiff were served upon counsel for Plaintiff,  
John M. Daley, Esq., at Suite 500, Fort Pitt Commons, 445 Fort Pitt Boulevard,  
Pittsburgh, PA 15219, by United States mail, postage pre-paid this 15<sup>th</sup> day of October,  
2002.

By: Stephen J. Magley  
Stephen J. Magley, Esquire  
Attorney for Defendant,  
Kimberly Dickinson, Administratrix  
of the Estate of Hunter Dickinson, Jr.

## CERTIFICATE OF SERVICE

I hereby certify that on this 15<sup>th</sup> day of October, 2002 a true and correct copy of the within **Notice of Service of Interrogatories and Request for Production of Documents Directed to Plaintiff** was served by First Class Mail, postage prepaid upon the following individuals:

John M. Daley, Esq.  
Brennan, Robins & Daley, P.C.  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15205

O'MALLEY AND MAGLEY, LLP

*Stephen J. Magley*  
Stephen J. Magley, Esquire  
Attorney for Defendant  
Kimberly Dickinson, Administratrix  
of the Estate of Hunter Dickinson, Jr.

O'MALLEY and MAGLEY, L.L.P.  
5280 Steubenville Pike  
Pittsburgh, PA 15205

RECEIVED  
SHERIFF'S OFFICE  
MONROE COUNTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RANDY J. WATT, an adult individual,

Plaintiff,

vs.

KIMBERLY DICKINSON, an adult  
Individual, as Administratrix of the  
Estate of HUNTER DICKINSON, JR.,  
Deceased,

Defendant.

**FILED**

OCT 25 2002

William A. Shaw  
Prothonotary

TO: Plaintiff  
YOU ARE HEREBY NOTIFIED TO FILE A  
WRITTEN RESPONSE TO THE ENCLOSED

New Matter  
WITHIN Twenty (20) DAYS FROM SERVICE HEREOF  
OR A JUDGMENT MAY BE  
ENTERED AGAINST YOU.

S. J. Magley, Esq.  
BY

ATTORNEY(S) FOR Defendant

CIVIL DIVISION

Case No. 02-1045-CD

JURY TRIAL DEMANDED

**ANSWER AND NEW MATTER**

Filed on behalf of Defendant,  
KIMBERLY DICKINSON,  
as Administratrix of the Estate of  
Hunter Dickinson, Jr., Deceased

Counsel of Record for this  
Party:

Stephen J. Magley, Esquire  
Pa. I.D. #59990

Kevin R. O'Malley, Esq.  
Pa I.D. #65976

Annabelle L. Carone, Esq.  
Pa. I.D. #83178

O'MALLEY & MAGLEY, LLP  
5280 Steubenville Pike  
Pittsburgh, PA 15205

(412) 788-1200

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RANDY J. WATT, an adult individual,

CIVIL DIVISION

Case No. 02-1045-CD

Plaintiff,

JURY TRIAL DEMANDED

vs.

KIMBERLY DICKINSON, an adult  
Individual, as Administratrix of the  
Estate of HUNTER DICKINSON, JR.,  
Deceased,

Defendant.

**ANSWER TO COMPLAINT IN CIVIL ACTION**

AND NOW, comes the Defendant, Kimberly Dickinson, Administratrix of the  
Estate of Hunter Dickinson, Jr., Deceased, by and through her attorneys, O'Malley and  
Magley, L.L.P., and files the following Answer to Plaintiffs' Complaint:

1. The averments of this paragraph are denied according to Pa. R.C.P. 1029  
(e).
2. The averments of this paragraph are admitted.
3. The averments of this paragraph are denied according to Pa. R.C.P. 1029  
(e).
4. The averments of this paragraph are denied according to Pa. R.C.P. 1029  
(e).
5. This Defendant is advised and therefore avers that the averments of this  
paragraph contain conclusions of law to which no response is required. If a response

were required, it is admitted that the decedent, Hunter Dickinson, Jr., was riding in Plaintiff's car. It is further admitted that an accident occurred causing the death Hunter Dickinson, Jr. It is specifically denied that the decedent, Hunter Dickinson, Jr., was driving Plaintiff's car at the time of the accident. The remaining averments set forth in this paragraph are denied according to Pa. R.C.P. 1029 (e).

6. This Defendant is advised and therefore avers that the averments of this paragraph contain conclusions of law to which no response is required. If a response were required, said averments are denied according to Pa. R.C.P. 1029 (e).

7. This Defendant is advised and therefore avers that the averments of this paragraph contain conclusions of law to which no response is required. If a response were required, said averments are denied according to Pa. R.C.P. 1029 (e).

8. This Defendant is advised and therefore avers that the averments of this paragraph contain conclusions of law to which no response is required. If a response were required, said averments are denied according to Pa. R.C.P. 1029 (e).

9. This Defendant is advised and therefore avers that the averments of this paragraph contain conclusions of law to which no response is required. If a response were required, said averments are denied according to Pa. R.C.P. 1029 (e).

10. This Defendant is advised and therefore avers that the averments of this paragraph contain conclusions of law to which no response is required. If a response were required, the averments of this paragraph are admitted in part and denied in part. It is admitted that Plaintiff was the owner of a policy of insurance with Erie Insurance Group at the time of this accident which is believed to be July 2, 2000, and not June 2, 2000, as stated in paragraph 10. It is further admitted that Plaintiff selected the "limited

tort" option of his policy of insurance with Erie Insurance Group. The remaining averments are specifically denied.

WHEREFORE, this Defendant, Kimberly Dickinson, Administratrix of the Estate of Hunter Dickinson, Jr., Deceased, denies any and all liability to the Plaintiff and demands judgment in her favor.

A jury trial is demanded.

**NEW MATTER**

11. This Defendant, Kimberly Dickinson, Administratrix of the Estate of Hunter Dickinson, Jr., Deceased, hereby incorporates each and every paragraph and averment of her Answer as if the same were set forth at length herein.

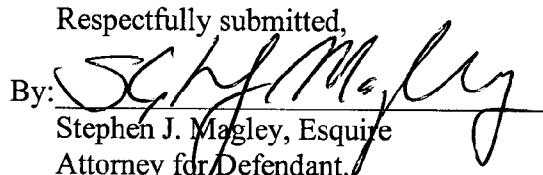
12. If applicable based upon facts developed through discovery or at the time of trial, this Defendant hereby avers that the Causes of Action and injuries Plaintiffs claim, occurred more than two (2) years before this action was filed and are precluded by the provisions of 42 Pa. R.C.P. Section 5524, et seq., as amended and other applicable Statutes of Limitation.

13. This Defendants is advised and therefore avers that Plaintiffs selected or are bound by limited tort option of the applicable insurance policies and are precluded from maintaining any action according to the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law set forth at 75 Pa. C.S.A. Section 1701, et seq., as amended and the applicable insurance policies.

14. This Defendant hereby sets forth the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law set forth at 75 Pa. C.S.A., Section 1701, et seq., as amended as an affirmative defense to any and all claims of the Plaintiffs in this action.

WHEREFORE, this Defendant, Kimberly Dickinson, Administratrix of the Estate of Hunter Dickinson, Jr., Deceased, denies any and all liability to the Plaintiff and demands judgment in her favor.

A jury trial is demanded.

Respectfully submitted,  
By:   
Stephen J. Magley, Esquire  
Attorney for Defendant,  
Kimberly Dickinson, Administratrix  
of the Estate of Hunter Dickinson, Jr.

O'MALLEY and MAGLEY, L.L.P.  
5280 Steubenville Pike  
Pittsburgh, PA 15205

(412) 788-1200

## **VERIFICATION**

I, KIMBERLY DICKINSON, Administratrix of the Estate of Hunter Dickinson, Jr., have read the foregoing ANSWER AND NEW MATTER. The statements of fact contained therein are true and correct to the best of my personal knowledge, information and belief.

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

Date: 10/17/02

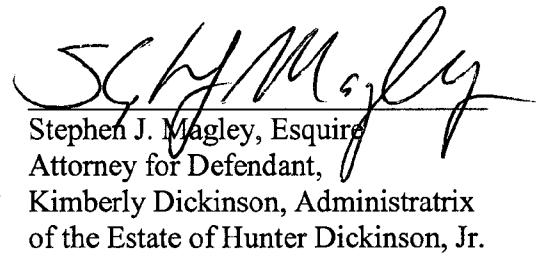
Kimberly Dickinson  
Kimberly Dickinson

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of October, 2002 a true and correct copy of the within **Answer and New Matter** was served by First Class Mail, postage prepaid upon the following individuals:

John M.Daley, Esq.  
Brennan, Robins & Daley, P.C.  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15205

O'MALLEY AND MAGLEY, LLP



Stephen J. Magley, Esquire  
Attorney for Defendant,  
Kimberly Dickinson, Administratrix  
of the Estate of Hunter Dickinson, Jr.

FILED

11:14 AM  
OCT 25 2002

MOCC

67  
KBD

William A. Shaw  
Prothonotary

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

RANDY J. WATT, an adult individual,

Plaintiff,

-vs-

HUNTER DICKINSON, SR., and  
KIMBERLY DICKINSON, adult  
individuals, as Co-Administrators of the  
Estate of HUNTER DICKINSON, JR.,  
Deceased,

Defendant.

Civil Division

Case No. 02-1045-CD

**JURY TRIAL DEMANDED**

Type of Document:

**REPLY TO NEW MATTER**

Filed on Behalf of:

**Plaintiff**

Counsel of Record for this Party:

John M. Daley, Esquire  
Pa. I.D. # 63279

BRENNAN, ROBINS & DALEY, P.C.  
Firm #038  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219-1322  
(412) 281-0776, Ext. 1303  
(412) 281-2180 (Fax)

**FILED**

NOV 18 2002

William A. Shaw  
Prothonotary

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

RANDY J. WATT, an adult individual,

Plaintiff,

-vs-

Case No. 02-1045-CD  
**JURY TRIAL DEMANDED**

KIMBERLY DICKINSON, an adult individual, as Administratrix of the Estate of HUNTER DICKINSON, JR., Deceased,

Defendant.

**REPLY TO NEW MATTER**

AND NOW comes the Plaintiff, Randy J. Watt, an adult individual, by and through his attorneys, John M. Daley, Esquire, and the law firm of BRENNAN, ROBINS & DALEY, P.C., and propounds the within *Reply to New Matter* of the Defendant, Kimberly Dickinson, as Administratrix of the Estate of Hunter Dickinson, Jr., Deceased, and in support thereof, states as follows:

11. As Paragraph 11 of the Defendant's New Matter simply incorporates Paragraphs 1 through 10 of her Answer, no responsive pleading is required.

12. Paragraph 12 of the Defendant's New Matter states legal conclusions to which no responsive pleading is required. To the extent that a response is deemed necessary, the provisions of 42 Pa. C.S. §5524, et seq., as amended, and other applicable statutes of limitations speak for themselves. By way of further response, however, it is specifically denied that the Plaintiff's, the

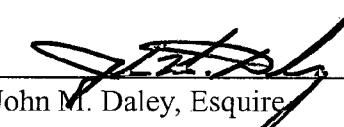
Causes of Action and injuries claimed by the Plaintiff occurred more than two years before the Action was filed and it is specifically denied that the Action is time-barred. Strict proof to the contrary is demanded at the time of trial.

13. Paragraph 13 of the Defendant's New Matter states legal conclusions to which no responsive pleading is required. To the extent that a response is deemed necessary, the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, set forth at 75 Pa. C.S. §1701, et seq., as amended, and the applicable insurance policies, speak for themselves. It is also admitted that the Plaintiff had selected the "limited-tort" option on his own policy of motor vehicle insurance with Erie Insurance. By way of further response, however, it is specifically denied that the Plaintiff's election of limited tort precludes him from maintaining an action in this case. Plaintiffs are entitled to recover their economic items of damage even if they have elected limited tort. Moreover, the Plaintiff in the accident in question has sustained a "serious bodily injury" involving permanent scarring and disfigurement and the impairment of one or more vital bodily functions, whereby he is entitled to recover for all of his damages, both economic and non-economic in nature. Strict proof to the contrary is demanded at the time of trial.

14. Paragraph 14 of the Defendant's New Matter states legal conclusions to which no responsive pleading is required. To the extent that a response is deemed necessary, the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, set forth at 75 Pa. C.S. §1701, et seq., as amended, speak for themselves. The Plaintiff acknowledges that the Defendant is free to raise such affirmative defenses, but denies that they are applicable to the present case.

**WHEREFORE**, Plaintiff Randy J. Watt demands judgment against Defendant Kimberly Dickinson in an amount in excess of the arbitration limits for the Court of Common Pleas of Clearfield County, Pennsylvania

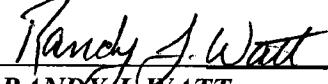
**JURY TRIAL DEMANDED**



John M. Daley, Esquire  
BRENNAN, ROBINSON & DALEY, P.C.  
Attorneys for Plaintiff

## **VERIFICATION**

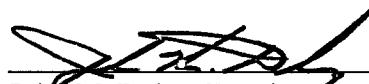
I hereby verify that the statements made in the foregoing ***REPLY TO NEW MATTER*** are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to Unsworn Falsification to Authorities.

  
RANDY J. WATT

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of November, 2002, a true and correct copy of the within *Reply to New Matter* was served upon the following counsel of record for the Defendant via regular U.S. First-Class Mail, postage prepaid:

Stephen J. Magley, Esquire  
O'MALLEY & MAGLEY, L.L.P.  
5280 Steubenville Pike  
Pittsburgh, PA 15205

  
John M. Daley, Esquire  
BRENNAN, ROBINS & DALEY, P.C.  
Attorneys for Plaintiff

FILED NO  
m 11:32 AM  
NOV 18 2002  
S  
K21

William A. Shaw  
Prothonotary

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

RANDY J. WATT, an adult individual,  
Plaintiff,

-vs-

KIMBERLY DICKINSON, an adult  
individual, as Administratrix of the Estate of  
HUNTER DICKINSON, JR., Deceased,

Defendant.

Civil Division

Case No. 02-1045-CD

**JURY TRIAL DEMANDED**

Type of Document:

***NOTICE OF SERVICE OF  
PLAINTIFF'S ANSWERS TO  
INTERROGATORIES AND RESPONSE  
TO REQUEST FOR PRODUCTION OF  
DOCUMENTS***

Filed on Behalf of:

**Plaintiff**

Counsel of Record for this Party:

John M. Daley, Esquire  
Pa. I.D. # 63279

BRENNAN, ROBINS & DALEY, P.C.  
Firm #038  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219-1322  
(412) 281-0776, Ext. 1303  
(412) 281-2180 (Fax)

**FILED**

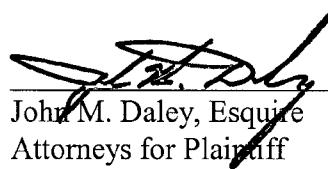
MAR 17 2003

William A. Shaw  
Prothonotary

**NOTICE OF SERVICE OF PLAINTIFF'S ANSWERS TO INTERROGATORIES AND  
RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

I hereby certify that a true and correct copy of PLAINTIFF'S ANSWERS TO  
INTERROGATORIES AND RESPONSE TO REQUEST FOR PRODUCTION OF  
DOCUMENTS was served upon the following counsel of record by First Class U.S. mail,  
postage prepaid, on this 14th day of March, 2003

Stephen J. Magley, Esquire  
O'MALLEY and MAGLEY, L.L.P.  
5280 Steubenville Pike  
Pittsburgh, PA 15205

  
John M. Daley, Esquire  
Attorneys for Plaintiff

FILED

MAR 17 2003

cc

William A. Shaw  
Prothonotary

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

RANDY J. WATT, an adult individual,

Plaintiff,

-vs-

Case No. 02-1045-CD  
**JURY TRIAL DEMANDED**

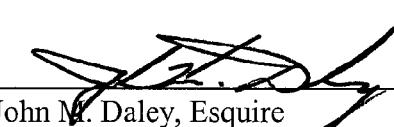
KIMBERLY DICKINSON, an adult  
individual, as Administratrix of the Estate of  
HUNTER DICKINSON, JR., Deceased,

Defendant.

**PRAECIPE TO SETTLE & DISCONTINUE**

**TO: The Prothonotary**

Kindly mark the above-captioned matter "settled and discontinued."

  
John M. Daley, Esquire  
BRENNAN, ROBINS & DALEY, P.C.  
Attorneys for Plaintiff

*Sworn to and subscribed  
before me on this 25<sup>th</sup> day  
of April, 2004:*

  
NOTARY PUBLIC

Notarial Seal	
Cheryl L. Hough, Notary Public	
Pittsburgh, Allegheny County	
My Commission Expires Aug. 9, 2004	
Member, Pennsylvania Association of Notaries	

127483.1

FILED

APR 22 2004

William A. Shaw  
Prothonotary/Clerk of Courts

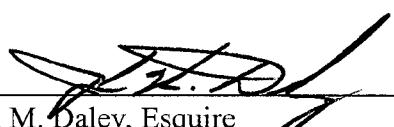
## **CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of April, 2004, a true and correct copy of the within *Praecipe to Settle & Discontinue* was served upon the following counsel of record via regular U.S. First-Class Mail, postage prepaid:

Stephen J. Magley, Esquire  
O'MALLEY & MAGLEY, L.L.P.  
5280 Steubenville Pike  
Pittsburgh, PA 15205  
(Counsel for Kimberly Dickinson as Defendant)

Victor H. Pribanic, Esquire  
PRIBANIC & PRIBANIC, L.L.C.  
1735 Lincoln Way  
White Oak, PA 15131  
(Counsel for Kimberly Dickinson as Plaintiff)

Joseph P. Green, Esquire  
LEE, MARTIN, GREEN & REITER, INC.  
115 East High Street  
P.O. Box 179  
Bellefonte, PA 16823-0179  
(Counsel for Randy J. Watt as Defendant)

  
John M. Daley, Esquire  
BRENNAN, ROBINS & DALEY, P.C.  
Attorneys for Plaintiff

FILED  
MAY 5 2004  
APR 22 2004

No cc  
Cert. of Disc.

William A. Shaw

Prothonotary/Clerk of Court  
Copy to CJA

cc  
WAS

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

**Randy J. Watt**

Vs. **No. 2002-01045-CD**  
**Kimberly Dickinson**  
**Estate of Hunter Dickinson Jr., Deceased**

**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 April 22, 2004, marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by John M. Daley, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 22nd day of April A.D. 2004.

---

William A. Shaw, Prothonotary