

02-1151-CD
LOUISE PHILLIPS -vs- ROY D. MCGARVEY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

LOUISE PHILLIPS,

Plaintiffs

vs.

ROY D. MCGARVEY,

Defendants

*
*
* No. 02- 1161- CO
*
* TYPE OF CASE:
* Civil Division - Law
*
*
*
* TYPE OF PLEADING:
* Writ of Summons
*
* FILED ON BEHALF OF:
* Plaintiff
*
* COUNSEL OF RECORD FOR
* THIS PARTY:
* David R. Thompson, Esquire
* Supreme Court I.D. No. 73053
* P.O. Box 587
* Philipsburg PA 16866
* (814) 342-4100
*
*
*

FILED

JUL 24 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL COURT DIVISION - LAW

LOUISE PHILLIPS,

*

*

*

No. 02- 1151- CD

Plaintiff

*

*

vs.

*

*

ROY D. MCGARVEY,

*

Defendant

*

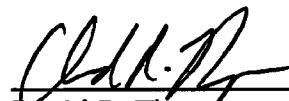
*

PRAECIPE FOR ISSUANCE OF

WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons in the above captioned matter to the Defendant above named and forward to Sheriff for service.



David R. Thompson, Esquire
Attorney for Plaintiff

6
8
14
FILED

JUL 24 2002

07/11/02 Letty Thompson
SAC William A. Shaw
FBI - Philadelphia
FBI - Philadelphia
\$20.00

cc: Letty Thompson

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

COPY

SUMMONS

Louise Phillips

Vs.

NO.: 2002-01151-CD

Roy D McGarvey

TO: ROY D MCGARVEY

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: 07/24/2002



William A. Shaw
Prothonotary

Issuing Attorney:

David R. Thompson
P.O. Box 587
Philipsburg, PA 16866

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12854

PHILLIPS, LOUISE

02-1151-CD

VS.

MCGARVEY, ROY D.

SUMMONS & PRAECIPE

SHERIFF RETURNS

NOW AUGUST 23, 2002 AT 10:50 AM SERVED THE WITHIN SUMMONS & PRAECIPE ON ROY D. MCGARVEY, DEFENDANT AT RESIDENCE, RR#1 BOX 347, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GARY SHAWVER, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS & PRAECIPE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS.

Return Costs

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

Sworn to Before Me This

20 Day Of Sept 2002


So Answers,


Chester A. Hawkins
Sheriff

FILED

SEP 20 2002
2230


William A. Shaw
Prothonotary

COPY

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

SUMMONS

Louise Phillips

Vs.

NO.: 2002-01151-CD

Roy D McGarvey

TO: ROY D MCGARVEY

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: 07/24/2002



William A. Shaw
Prothonotary

Issuing Attorney:

David R. Thompson
P.O. Box 587
Philipsburg, PA 16866

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

LOUISE PHILLIPS,

Plaintiffs

vs.

ROY D. MCGARVEY,

Defendants

*

*

* No. 02- 1151- CO

*

TYPE OF CASE:

Civil Division - Law

*

*

TYPE OF PLEADING:

Writ of Summons

*

FILED ON BEHALF OF:

Plaintiff

*

COUNSEL OF RECORD FOR

THIS PARTY:

* David R. Thompson, Esquire
* Supreme Court I.D. No. 73053
* P.O. Box 587
* Philipsburg PA 16866
* (814) 342-4100

*

*

*

*

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

JUL 24 2002

Attest,

Wm. A. R.
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL COURT DIVISION - LAW

LOUISE PHILLIPS,

*

*

No. 02-

Plaintiff

*

*

vs.

*

*

ROY D. MCGARVEY,

*

*

Defendant

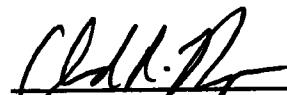
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*

PRAECIPE FOR ISSUANCE OF
WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons in the above captioned matter to the Defendant
above named and forward to Sheriff for service.



David R. Thompson, Esquire
Attorney for Plaintiff

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

LOUISE PHILLIPS, : No. 02-1151-C.D.
Plaintiff, : TYPE OF PLEADING:
: PRAECIPE FOR ENTRY
: OF APPEARANCE
v. :
ROY D. McGARVEY, : TYPE OF CASE: CIVIL
Defendant. : 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 13 2002

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

PRAECIPE FOR ENTRY OF APPEARANCE

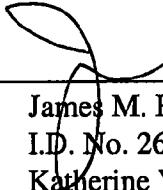
TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, ROY D. McGARVEY, in the
above-captioned matter.

We are authorized to accept service on his behalf.

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

Dated: December 12, 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

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praeclipe 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 12th day of December, 2002, to the attorney of record:

David R. Thompson, Esquire
P.O. Box 587
Philipsburg, PA 16866
(814) 342-4100

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

FILED

mc
cc

111-06-81
DEC 13 2002

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, : No. 02-1151-C.D.
Plaintiff, : TYPE OF PLEADING:
: PRAECIPE FOR RULE TO FILE
: COMPLAINT
v. :
ROY D. McGARVEY, : TYPE OF CASE: CIVIL
Defendant. : 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 13 2002

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please issue a Rule on Plaintiff to file her Complaint within twenty (20) days from service thereof or suffer a judgment of non pros against her.

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

Dated: December 12, 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

LOUISE PHILLIPS, :
: No. 02-1151-C.D.
Plaintiff, :
: v.
: :
ROY D. McGARVEY, :
: :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praeclipe for Rule to File Complaint on behalf the Defendant, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 12th day of December, 2002, to the attorney of record:

David R. Thompson, Esquire
P.O. Box 587
Philipsburg, PA 16866
(814) 342-4100

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

FILED

No CC

func

11:10 AM

1

Rule issued

DEC 13 2002

to Andy Horne

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, :
: No. 02-1151-C.D.
Plaintiff, :
:
v. :
:
ROY D. McGARVEY, :
: Defendant. :
:

RULE

To: Louise Phillips
% David R. Thompson, Esquire

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 Shaw, Prothonotary
[SEAL]

Dated: December 13, 2002

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

LOUISE PHILLIPS, : No. 02-1151-C.D.
Plaintiff, : TYPE OF PLEADING:
: Certificate of Service
v. :
ROY D. McGARVEY, : TYPE OF CASE: CIVIL
Defendant. : 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 17 2002

*William A. Shaw
Prothonotary*

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

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the issued Rule to File Complaint in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 16th day of December, 2002, to the attorney of record:

David R. Thompson, Esquire
P.O. Box 587
Philipsburg, PA 16866
(814) 342-4100

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

FILED

NO
112384
CC
DEC 17 2002
Q44

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, : No. 02-1151-C.D.

Plaintiff, : TYPE OF PLEADING:
: CERTIFICATE OF SERVICE

v.

ROY D. McGARVEY, : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
Defendant. : 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

LOUISE PHILLIPS, :
: No. 02-1151-C.D.
Plaintiff, :
: v.
: :
ROY D. McGARVEY, :
: :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's First Set of Interrogatories and First and Second Request for Production of Documents 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:

David R. Thompson, Esquire
P.O. Box 587
Philipsburg, PA 16866
(814) 342-4100

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

FILED

10:45 AM
NOV 18 2002

cc

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, : No. 02-1151-C.D.
Plaintiff, : TYPE OF PLEADING:
: CERTIFICATE OF SERVICE
v. :
ROY D. McGARVEY, : TYPE OF CASE: CIVIL
Defendant. : 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

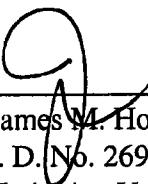
LOUISE PHILLIPS, :
: No. 02-1151-C.D.
Plaintiff, :
: v.
: :
ROY D. McGARVEY, :
: :
Defendant. :
:

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 for Discovery directed to Philipsburg Hospital and Geisinger Medical Clinic in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 17th day of December, 2002, to the attorney/party of record:

David R. Thompson, Esquire
P.O. Box 587
Philipsburg, PA 16866
(814) 342-4100

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

FILED
MAY 18 2002
D.C. 18 2002

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, : No. 02-1151-C.D.
Plaintiff, :
: TYPE OF PLEADING:
: Certificate Prerequisite to Service
: of Subpoena w/Certificate of Service
v. :
ROY D. McGARVEY, :
Defendant. : 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 31 2002

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, :
: No. 02-1151-C.D.
Plaintiff, :
:
v. :
:
ROY D. McGARVEY, :
: Defendant. :

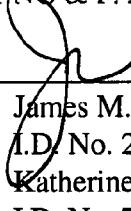
CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

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 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 are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) Plaintiff's counsel, by correspondence dated December 19, 2002 to Defendant's counsel, has waived the 20-day objection period, 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: December 30, 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

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

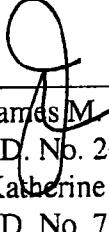
LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

**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: December 17, 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

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :

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

TO: Philipsburg Hospital

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 Louise Phillips SS#184-32-4219, Date of Birth: 10/24/26..*

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

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :

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

TO: *Geisinger Medical Clinic*

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 Louise Phillips SS#184-32-4219, Date of Birth: 10/24/26..*

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

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

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 30th day of December, 2002, to the attorney of record:

David R. Thompson, Esquire
P.O. Box 587
Philipsburg, PA 16866
(814) 342-4100

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

FILED
m 1:23 PM
DEC 31 2002

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, : No. 02-1151-C.D.
Plaintiff, :
: TYPE OF PLEADING:
: **Certificate of Service**
: :
: v.
: :
ROY D. McGARVEY, : TYPE OF CASE: CIVIL
Defendant. : 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

MAY 14 2003

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Deposition in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 15 day of May, 2003, to the attorney of record:

David R. Thompson, Esquire
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866
(814) 342-4100

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

110.2584
MAY 1 1904
W.C.

William A. Shaw
Secretary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

LOUISE PHILLIPS,

*

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*

*

No. 02-1151-CD

Plaintiff

*

*

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*

ROY D. MCGARVEY,

Defendant

*

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of **PLAINTIFF'S ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES**, in the above captioned matter on the following by hand:

James M. Horne, Esquire
811 University Drive
State College, PA 16801

DATE: 6-25-03

BY:



David R. Thompson, Esquire

FILED

2cc

10/26/03 AMY THOMPSON
JKT 262003

William A. Shaw
Prothonotary

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

LOUISE PHILLIPS, : No. 02-1151-C.D.
Plaintiff, :
: TYPE OF PLEADING:
: Certificate of Readiness
: v. :
: :
ROY D. McGARVEY, : TYPE OF CASE: CIVIL
Defendant. : 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

SEARCHED
INDEXED
FILED

MAR 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

CERTIFICATE OF READINESS

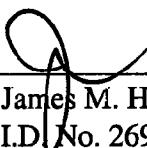
The undersigned hereby certifies:

1. This matter has been at issue more than twenty (20) days.
2. All pre-trial discovery is completed.
3. There are no pending pre-trial motions.
4. This case is not subject to compulsory arbitration or has been appealed therefrom.
5. This matter is to be heard by a jury.

Respectfully submitted,

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

Dated: March 12, 2004

By: 

James M. Horne, Esquire
I.D. No. 26908
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

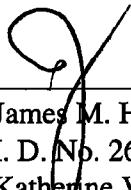
LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate of Readiness in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 12th day of March, 2004, to the attorney of record:

David R. Thompson, Esquire
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866
(814) 342-4100

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

7
m] 8:40 AM
MAR 15 2004
no cc
copy to cja

William A. Shaw
Prothonotary/Clerk of Courts

JKR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION-LAW

LOUISE PHILLIPS,

* No. 0~~2~~ 157-CD

*

*

Plaintiff

*

vs.

* TYPE OF CASE:

* Civil Action - Law

*

*

ROY D. MCGARVEY,

Defendant

*

* TYPE OF PLEADING:

* Complaint

*

*

*

*

*

* FILED ON BEHALF OF:

* Plaintiff

*

* COUNSEL OF RECORD FOR

* THIS PARTY:

* David R. Thompson, Esq.
* Attorney at Law
* Supreme Court I.D. 73053
* P.O. Box 587
* 308 Walton Street, Suite 4
* Philipsburg PA 16866
* (814) 342-4100

FILED
APR 15 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

LOUISE PHILLIPS,

Plaintiff

*
* No. 04-

vs.

ROY D. MCGARVEY,

Defendant

*

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*

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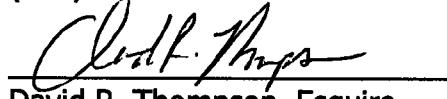
*

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 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 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.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641



David R. Thompson, Esquire

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

LOUISE PHILLIPS, *
* No. 04- -CD
*
Plaintiff *
*
* vs. *
*
*
ROY D. MCGARVEY, *
*
*
Defendant *

COMPLAINT

AND NOW come the Plaintiff, by and through her attorney, David R. Thompson, Esquire, and file the following Complaint against the Defendant, of which the following are averments of fact:

1. Plaintiff LOUISE PHILLIPS, is an adult individual who resides at RD 2, Box 677, Houtzdale, Clearfield County, Pennsylvania, 16651.
2. Defendant ROY D. MCGARVEY, is an adult individual with a last known address of RR 1, Box 347, Houtzdale, Clearfield County, Pennsylvania, 16651.
3. On or about July 27, 2000, at approximately 3:50 p.m. (Eastern Standard Time), Plaintiff LOUISE PHILLIPS was operating an automobile. (This vehicle will be referred to hereinafter as the "PHILLIPS" vehicle.)
4. The PHILLIPS vehicle was properly being operated in the South bound lane of S.R. 153 in Woodward Township, Clearfield County, Pennsylvania.
5. At the same time, a vehicle operated by Defendant ROY D. MCGARVEY,

hereinafter referred to as the "MCGARVEY" vehicle), was traveling in a northerly direction on S.R. 153.

6. The MCGARVEY vehicle did cross the center line and strike the PHILLIPS vehicle head on.

7. The vehicle which MCGARVEY was operating struck the automobile driven by PHILLIPS while the same was properly in its own lane of travel traveling at a speed and in a manner which was safe and prudent.

8. The PHILLIPS vehicle came to rest after impact was facing North in the South bound lane of travel with the MCGARVEY vehicle facing South in the North bound lane of travel.

9. After the accident, both vehicles were towed from the scene of the accident.

10. As a direct and proximate result of the accident, Plaintiff LOUISE PHILLIPS has suffered the following injuries, some or all of which are of a permanent nature:

- a. blunt force injury to her left knee;
- b. Advanced osteoarthritic changes to her right knee;
- c. continuing severe pain, swelling and instability to her left knee;
- d. blunt force injury to her chest;
- e. blunt force injury to her right arm;
- f. blunt force injury to her left side of neck;
- g. blunt force injury to her abdomen;
- h. blunt force injury to her left hip;

- i. blunt force injury to her left thigh;
- j. injury to her nervous system;
- k. severe contusions to her left knee;
- l. severe contusions to her chest;
- m. severe contusions to her right arm;
- n. severe contusions to the left side of her neck;
- o. severe contusions to her abdomen;
- p. severe contusions to her left hip;
- q. severe contusions to her left thigh;
- r. permanent scar to right forearm;
- s. loss of health, strength, rigor, vitality and/or physical and mental well-being.

11. As a direct and proximate result of the accident, Plaintiff, LOUISE PHILLIPS, has been forced to undergo painful physical therapy for injuries sustained to her left knee.

12. As a further direct and proximate result of the aforesaid accident, Plaintiff, LOUISE PHILLIPS has been and will be obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses, which expenses have exceeded or may exceed the sums recoverable under the limits set forth in Title 75 Pa.C.S. § 1711, and may be obliged to expend such sums or incur such expenditures for an indefinite time into the future.

13. As a further direct and proximate result of this accident, Plaintiff LOUISE PHILLIPS has suffered severe physical pain, mental anguish, humiliation, embarrassment,

loss of enjoyment of life, loss of vitality, vigor, health and/or strength and may continue to suffer the same for an indefinite time into the future.

COUNT I
LOUISE PHILLIPS
vs.
ROY D. MCGARVEY

Paragraphs 1 through 13 are incorporated by reference herein as though the same were set forth at length.

14. Defendant ROY D. MCGARVEY was negligent in the operation of said vehicle on the day and date aforesaid and at the location of the collision with the PHILLIPS vehicle.

15. The negligence of Defendant ROY D. MCGARVEY was as follows:

- a. in failing to keep a safe, careful and adequate look out for other vehicles on the roadway, particularly to those vehicles approaching him, to wit: the PHILLIPS vehicle;
- b. in operating his vehicle in a direction toward the Phillips vehicle when he knew or should have known would result in a violent collision;
- c. failing to keep his vehicle under proper and adequate control such that the operator did not avoid striking the PHILLIPS vehicle when the PHILLIPS vehicle was lawfully within its own lane of travel;
- d. in failing to maintain the appropriate lane of travel and crossing into the opposing traffic's lane of travel;
- e. in failing to observe and see the approaching PHILLIPS vehicle;

- f. in operating his vehicle in such mental and/or physical condition that it was imprudent, unsafe and hazardous to operate his said vehicle;
- g. in violating one or more of the provisions of the Motor Vehicle Code.
- h. in failing to operate his vehicle in the proper lane of traffic;
- i. in failing to keep appropriate control of his vehicle while operating the same on roadways in this Commonwealth;
- j. in failing to operate his motor vehicle in a safe and prudent manner;
- k. in failing to take appropriate, proper, timely and/or other evasive action to avoid and prevent the aforesaid accident, despite said avenues of evasion being open to him;
- l. in failing to warn, signal, or otherwise advise the PHILLIPS vehicle or the Plaintiff that he was improperly and illegally operating his vehicle in the south bound lane of traffic;
- m. in failing to keep control of the operation of his vehicle while it was still on the roadway in the lane of travel.

WHEREFORE, Plaintiff demands that judgment be entered in favor of Plaintiff and against Defendant in an amount in excess of \$25,000.00 plus costs of suit.

COUNT II
LOUISE PHILLIPS
vs.
ROY D. MCGARVEY

Paragraphs 1 through 15 are incorporated by reference herein as though the same were set forth at length.

16. As a direct and proximate result of the Defendant's negligence, as aforesaid, and Plaintiff's sensory observation of both the accident and the injuries which were sustained by Plaintiff LOUISE PHILLIPS, Plaintiff has experienced severe emotional distress and extreme mental pain and suffering, and injury from loss of sleep, diminution in appetite, shock, frustration and fatigue.

WHEREFORE, Plaintiff demands that judgment be entered in favor of Plaintiff and against Defendant in an amount in excess of \$25,000.00 each, plus costs of suit.

Respectfully submitted,

DAVID R. THOMPSON



David R. Thompson, Esquire
Attorney for Plaintiff

VERIFICATION

I certify that the facts set forth in the foregoing **COMPLAINT** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 4-14-04

Louise Phillips
Louise Phillips

010-09 for rec to attorney.

APR 15 2004

CHS

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION-LAW

LOUISE PHILLIPS,

* *O2*
* No. ~~04~~ 1151-CD

Plaintiff

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ROY D. MCGARVEY,

* TYPE OF CASE:
* Civil Action - Law

Defendant

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*

* FILED ON BEHALF OF:

* Plaintiff

*

* COUNSEL OF RECORD FOR
* THIS PARTY:

* David R. Thompson, Esquire
* Attorney at Law
* Supreme Court 73053
* P.O. Box 587
* 308 Walton Street, Suite 4
* Philipsburg PA 16866
* (814) 342-4100

APR 20 2004

William A. Shaw
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LOUISE PHILLIPS,

* ⁰²
No. ~~04~~ 1151-CD

Plaintiff

*

*

*

vs.

*

ROY D. MCGARVEY,

TYPE OF CASE:
Civil Action - Law

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*

*

Defendant

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*

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of COMPLAINT, in the above captioned matter on the following by Prepaid, First Class, United States Mail:

James M. Horne, Esquire
MCQUAIDE BLASKO
811 University Drive
State College, PA 16801-6699

DATE: 4-16-04

BY:



David R. Thompson, Esquire

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12:00 PM 2004 APR 2004
2004 Amy Thompson
William A. Shaw
Prothonotary Clerk of Courts

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

LOUISE PHILLIPS, : No. 02-1151-C.D.
Plaintiff, :
: TYPE OF PLEADING:
: **Answer with New Matter**
v. :
ROY D. McGARVEY, :
Defendant. : 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

MAY 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

LOUISE PHILLIPS, :
Plaintiff, : No. 02-1151-C.D.
v. :
ROY D. McGARVEY, :
Defendant. :
:

NOTICE TO PLEAD

TO: Louise Phillips
% David R. Thompson, 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: May 3, 2004

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

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

LOUISE PHILLIPS,	:	
	:	No. 02-1151-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
ROY D. McGARVEY,	:	
	:	
Defendant.	:	

ANSWER WITH NEW MATTER TO PLAINTIFF'S COMPLAINT

AND NOW, comes Defendant, Roy D. McGarvey, by and through his attorneys, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., to file the instant Answer with New Matter to Plaintiff's Complaint and, in support thereof, avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part and denied in part. It is admitted only that Plaintiff's vehicle was being operated in the southbound lane of State Route 153 in Woodward Township, Clearfield County, Pennsylvania. The balance of the allegations of paragraph 4 and specifically the characterization that Plaintiff's vehicle was being operated "properly" is denied.
5. Admitted.
6. It is admitted only that contact occurred between the McGarvey vehicle and the Phillips' vehicle. 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 6. The same are therefore denied and strict proof thereof demanded.

7. It is admitted only that contact occurred between the McGarvey vehicle and the Phillips' vehicle. 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 7. The same are therefore denied and strict proof thereof demanded.

8. It is admitted only that contact occurred between the McGarvey vehicle and the Phillips' vehicle. 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 8. The same are therefore denied and strict proof thereof demanded.

9. Admitted.

10. Defendant is advised and therefore believes that the allegations in paragraph 10 set forth legal and medical conclusions to which no further response is required. To the extent that any response is required, the allegations of paragraph 10 are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

11. – 13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 11 through 13. The same are therefore denied and strict proof thereof demanded.

COUNT I
Louise Phillips v. Roy D. McGarvey

Defendant incorporates herein by reference, the same as though set forth at length, his responses to paragraphs 1 through 13, inclusive.

14. The allegations of paragraph 14 set forth conclusions of law to which no response is required. The same are therefore denied and strict proof thereof demanded. To the extent that

a response is required, the allegations of paragraph 14 are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

15. (a) – (m). The allegations of paragraphs 15(a) through (m) inclusive are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

WHEREFORE, Defendant Roy D. McGarvey requests that the Complaint of Plaintiff Louise Phillips be dismissed with prejudice and costs of suit.

COUNT II
Louise Phillips v. Roy D. McGarvey

Defendant incorporates herein by reference, the same as though set forth at length, his responses to paragraphs 1 through 15, inclusive.

16. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant Roy D. McGarvey requests that the Complaint of Plaintiff Louise Phillips 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 that Plaintiff's medical expenses were paid, or payable, under a policy of insurance, the same may not be pled, proven, or recovered in the instant action.

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

WHEREFORE, Defendant Roy D. McGarvey requests that the Complaint of Plaintiff Louise Phillips be dismissed with prejudice and costs of suit.

Respectfully submitted,

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

Dated: May 3, 2004

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

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.



ROY D. McGARVEY

Dated: 4-27-04, 2004

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

LOUISE PHILLIPS,	:	
	:	No. 02-1151-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
ROY D. McGARVEY,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answer with New Matter to Plaintiff's Complaint in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 3rd day of May, 2004, to the attorney of record:

David R. Thompson, Esquire
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866
(814) 342-4100

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

FILED
MAY 04 2004
8:00 AM
cc
KDO

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

LOUISE PHILLIPS,

*

*

Plaintiff * No. 02-1151-CD

*

*

vs.

ROY D. MCGARVEY,

*

TYPE OF CASE:

Civil Action - Law

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*

Defendant *

*

TYPE OF PLEADING

Reply to New Matter

*

FILED ON BEHALF OF:

Plaintiff

*

COUNSEL OF RECORD FOR

THIS PARTY:

David R. Thompson, Esquire

Attorney at Law

Supreme Court I.D. 73053

P.O. Box 587

308 Walton Street, Suite 4

Philipsburg PA 16866

(814) 342-4100

FILED

MAY 21 2004

10:45 AM

ERD

William A. Shaw

Prothonotary/Clerk of Court

2 c fms to ATT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

LOUISE PHILLIPS,	*	
	Plaintiff	* No. 02-1151-CD
vs.	*	
	*	
	*	
ROY D. MCGARVEY,	*	
	Defendant	*

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff, LOUISE PHILLIPS, by and through her attorney DAVID R. THOMPSON, ESQUIRE, and files the following Reply to Defendant's New Matter:

Paragraphs 1 through 16 of Plaintiff's Complaint are incorporated by referenced as though the same were set forth at length herein.

17. Paragraph 17 is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, the same is denied and strict proof is demanded at the time of trial.

18. Admitted.

19. Paragraph 19 is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, the same is denied, and strict proof is demanded at the time of trial.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgement in her favor and against Defendant in accordance with Plaintiffs Complaint.

Respectfully submitted,



David R. Thompson, Esquire
Attorney for Plaintiff

Date: 5-21-04

VERIFICATION

I certify that the facts set forth in the foregoing **REPLY TO NEW MATTER** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 5-21-04

Louise Phillips
Louise Phillips

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION-LAW

LOUISE PHILLIPS,

* No. 02-1151-CD

Plaintiff

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LOUISE PHILLIPS,

* No. 02-1151-CD

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Plaintiff

*

*

vs.

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ROY D. MCGARVEY,

TYPE OF CASE:

Civil Action - Law

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*

Defendant

*

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of **REPLY TO NEW MATTER**, in the above captioned matter on the following by Prepaid, First Class, United States Mail:

Chena L. Glenn-Hart, Esquire
MCQUAIDE BLASKO
811 University Drive
State College, PA 16801-6699

DATE: 5-24-04

BY: 

David R. Thompson, Esquire

FILED
O 12:47 PM MAY 27 2004
cc
MAY 27 2004 Amy Thompson

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LOUISE PHILLIPS,

Plaintiff

vs.

ROY D. MCGARVEY,

Defendant

*
* No. 02-1151-CD

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* TYPE OF CASE:
* Civil Division - Law

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* TYPE OF PLEADING:
* Praecipe to Discontinue

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* FILED ON BEHALF OF:
* Plaintiff

*

*

* COUNSEL OF RECORD FOR
* THIS PARTY:
* David R. Thompson, Esquire
* Attorney at Law
* 308 Walton Street, Suite 4
* P.O. Box 587
* Philipsburg PA 16866
* (814) 342-4100
* Supreme Court I.D. No. 73053

*

FILED

AUG 27 2004

o/ 11:30 a.m.
William A. Shaw
Prothonotary
2 cent to mail
come to C/A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LOUISE PHILLIPS,

*

Plaintiff

No. 02-1151-CD

*

*

vs.

*

*

ROY D. MCGARVEY,

*

*

*

Defendant

*

*

PRAECLPICE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter as discontinued.

Respectfully submitted,

DATE: 8-26-04



David R. Thompson, Esquire

Attorney for Plaintiff

FILED

AUG 27 2004

William A. Shaw
Prothonotary

80. -
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6.00 S
86.25
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126.32

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

CIVIL DIVISION

Louise Phillips

Vs.
Roy D. McGarvey **No. 2002-01151-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 August 27, 2004, marked:

Discontinued

Record costs in the sum of \$120.07 & \$6.25 have been paid in full by Atty. Thompson and Atty. Horne.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 27th day of August A.D. 2004.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION-LAW

LOUISE PHILLIPS,

Plaintiff

VS.

ROY D. MCGARVEY,

Defendant

No. 02-1151-CD

TYPE OF CASE:
Civil Action - Law

TYPE OF PLEADING:
Certificate of Service

FILED ON BEHALF OF:
Plaintiff

**COUNSEL OF RECORD FOR
THIS PARTY:**
David R. Thompson, Esquire
Attorney at Law
Supreme Court 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED

AUG 27 2004

o / 11:00 a.m.
William A. Shaw
Prothonotary
2 clear to Apr

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LOUISE PHILLIPS,

Plaintiff

VS.

ROY D. MCGARVEY,

Defendant

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* No. 02-1151-CD
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CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of **PRAECIPE TO SETTLE AND DISCONTINUE**, in the above captioned matter on the following by Prepaid, First Class, United States Mail:

James M. Horne, Esquire
MCQUAIDE BLASKO
811 University Drive
State College, PA 16801-6699

DATE: 8-26-04

BY:



David R. Thompson, Esquire