

02-1172 CD
Brown, Jan vs Brown Judith A.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JAN BROWN, II,

Plaintiff

No. 00-1172-CO

vs.

JUDITH A. BROWN,

Defendant

Type of Pleading:

**COMPLAINT IN A
CIVIL ACTION**

Filed on Behalf of:
PLAINTIFF

Counsel of Record for this Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

JUL 29 2002

019571atty DuBois pd
William A. Shaw
Prothonotary \$80.00
3cc atty.

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

JAN BROWN, II,

Plaintiff

vs.

JUDITH A. BROWN,

Defendant

No. 02-1172-CD

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the 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
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641 Ext. 1303

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

JAN BROWN, II,
Plaintiff

vs.

No. 02-1172-CD

JUDITH A. BROWN,
Defendant

COMPLAINT IN A CIVIL ACTION

AND NOW, comes the Plaintiff, JAN BROWN, II, by and through his attorneys, HANAK, GUIDO AND TALADAY, and files this Complaint and in support thereof aver the following:

1. Plaintiff, JAN BROWN, II, is an adult individual residing in Pittsburgh, Pennsylvania.
2. Defendant, JUDITH A. BROWN, is an adult individual residing at 1552 Treasure Lake, DuBois, Clearfield County, Pennsylvania, 15801.
3. The subject matter of the controversy in this transaction took place in Clearfield County, and this Honorable Court therefore has jurisdiction in this matter.
4. Defendant is the natural mother of Plaintiff.
5. On or about 1988, Defendant and her former husband, Dr. Jan Brown, started a PUGMA account for Plaintiff, who was a minor child at the time.

6. Said PUGMA account was regularly contributed to over the years by Dr. Jan Brown, Plaintiff's father, for Plaintiff for his benefit.
7. On or about August of 1995, Ten Thousand and 00/100 (\$10,000.00) Dollars was taken from Plaintiff's PUGMA account for the purchase of a 1993 Ford Explorer.
8. The 1993 Ford Explorer was purchased for Plaintiff.
9. Upon reaching the age of 16 and obtaining his driver's license in 1998, Plaintiff began to drive said Ford Explorer.
10. Said Ford Explorer was considered Plaintiff's vehicle and Plaintiff always drove the vehicle.
11. On or about June of 2000, Defendant and her former husband, Dr. Jan Brown, separated and Defendant left the marital residence.
12. Approximately 2 or 3 days after Defendant separated and left the marital residence, she physically took Plaintiff's aforementioned Ford Explorer.
13. Some time thereafter, Defendant sold Plaintiff's Ford Explorer, without the consent or knowledge of Plaintiff, and used the proceeds received from the sale for the purchase of a new vehicle for Defendant.
14. Defendant never asked Plaintiff's permission to take the Ford Explorer, nor did Defendant ask Plaintiff's permission to sell the Ford Explorer.
15. Moreover, Defendant never informed Plaintiff of her actions after she had sold the Ford Explorer.

16. The above actions are wrongful, without the consent of the Plaintiff, and have unjustly enriched Defendant and to the detriment of Plaintiff in the amount of Ten Thousand and 00/100 (\$10,000.00) Dollars.

17. Additionally, because of the nature of a PUGMA account, and its purpose and use, in the taking of an asset, such as Defendant did in this case, purchased with funds from a PUGMA account and designed to be used by the minor in whom the PUGMA account is named, constitutes willful, malicious, and outrageous conduct.

18. As a consequence of this willful and outrageous conduct by the Defendant, Plaintiff is entitled to attorney's fees incurred in this action.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to award judgment in his favor and against the Defendant in an amount of Ten Thousand and 00/100 (\$10,000.00) Dollars, plus interest, costs and reasonable attorney's fees, and any other relief this Court deems just and equitable.



Jeffrey S. DuBois
Attorney for Plaintiff

VERIFICATION

I, JEFFREY S. DUBOIS, hereby verify that the statements contained in the foregoing COMPLAINT are correct to the best of my personal knowledge or information and belief.

At the time of the signing of this Verification, Plaintiff was unavailable. The undersigned has sufficient knowledge to sign this Verification as I am counsel for Plaintiff and possess a detailed knowledge of the case.

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



Jeffrey S. DuBois
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JAN BROWN, II, : Plaintiff : No. 02-1172-CD
vs. : : Type of Pleading:
JUDITH A. BROWN, : Defendant : **PRAECIPE FOR
DISCONTINUANCE**
: : Filed on Behalf of:
: : PLAINTIFF
: : Counsel of Record for this Party:
: : Jeffrey S. DuBois, Esquire
: : Supreme Court No. 62074
: : Hanak, Guido and Taladay
: : 498 Jeffers Street
: : P. O. Box 487
: : DuBois, PA 15801
: : (814) 371-7768

1/16/2003

William A. Shaw
Court Clerk

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

JAN BROWN, II,
Plaintiff

vs.

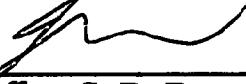
No. 02-1172-CD

JUDITH A. BROWN,
Defendant

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above captioned case settled, discontinued and
terminated.



Jeffrey S. DuBois
Attorney for Plaintiff

Acc. Cert. of
Off. Soc. Disc. to Arg. & B's
Copy of Cert. to C. A.
L. Kell

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Jan Brown II

Vs. No. 2002-01172-CD
Judith A. Brown

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 January 28, 2003, marked:

Settled, Discontinued and Terminated

Record costs in the sum of \$80.00 have been paid in full by Jeffrey S. DuBois, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of January A.D. 2003.

William A. Shaw, Prothonotary