

02-1201-CD
DETSCH, DOLORES -vs- MODAL, INC.

IN THE COURT OF COMMON PLEAS OF THE 46TH
JUDICIAL DISTRICT OF PENNSYLVANIA

DOLORES DETSCH, : CLEARFIELD COUNTY
Plaintiff, :
vs. : CIVIL ACTION - LAW
MODAL, INC. : NO. 2002-1201-CO
Defendant. : COMPLAINT

JURY TRIAL DEMANDED

: Counsel for Plaintiff:
: Thomas G.G. Coppolo, Esquire
: COPPOLO & COPPOLO
: ID No. 59179
: 19 N. St. Marys St.
: P.O. Box 186
: St. Marys, PA 15857
: (814) 834-2848

: Counsel for Defendant
: Unknown

FILED

AUG 02 2002
07/15/02 Atty Coppolo
William A. Shaw PD 80.00
Prothonotary
Jcc Shaw
Jcc Atty

IN THE COURT OF COMMON PLEAS OF THE 46TH
JUDICIAL DISTRICT OF PENNSYLVANIA

DOLORES DETSCH, : CLEARFIELD COUNTY
Plaintiff, :
vs. : CIVIL ACTION - LAW
MODAL, INC. : NO. 2002- 1201 - CD
Defendant. : NOTICE

JURY TRIAL DEMANDED

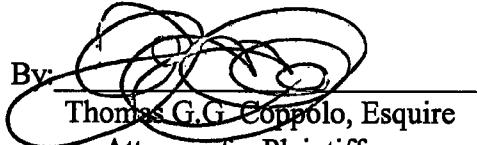
NOTICE TO DEFEND AND CLAIM RIGHTS

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 IS SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY, AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUIRED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS DOCUMENT 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.

PROTHONOTARY'S OFFICE
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641

COPPOLO & COPPOLO,

By 
Thomas G.G. Coppolo, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF THE 46TH
JUDICIAL DISTRICT OF PENNSYLVANIA

DOLORES DETSCH, : CLEARFIELD COUNTY
Plaintiff, :
vs. : CIVIL ACTION - LAW
MODAL, INC. : NO. 2002- 1201-CD
Defendant. : COMPLAINT

PLAINTIFF'S COMPLAINT

AND NOW, come the Plaintiff, DOLORES DETSCH, by and through his attorneys Coppolo & Coppolo, and presents the following averments against the Defendant, to wit:-

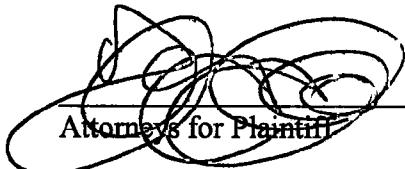
1. DOLORES DETSCH, Plaintiff herein, is an individual who resides at 1110 South Michael Road, St. Marys, Elk County, Pennsylvania, 15857.
2. MODAL, INC., is a business corporation, the state of whose incorporation is unknown to Plaintiff, that maintains and operates the business complex known as the DuBois Mall, which is located on State Route 255, DuBois, Clearfield County, Pennsylvania, 15801.
3. On July 15, 2001, Plaintiff was a business invitee at the DuBois Mall.
4. During the period of time when Plaintiff was a business invitee at the DuBois Mall, and at approximately 2:00 PM, Plaintiff was walking through the common walkway or hallway which runs throughout the Mall and provides patrons with access to all of the businesses located within the mall.

5. As Plaintiff was walking outside of the Bath 'n Body Store located within the Mall she slipped upon some hand cream which was on the floor, and fell to the ground.
6. As a direct and proximate result of her fall, Plaintiff suffered injuries to her wrist area and her knee.
7. As a direct and proximate result of her fall, Plaintiff had to undergo surgery to repair the injuries she suffered to her knee.
8. As a direct and proximate result of her fall, Plaintiff was confined to a wheelchair and had to undergo extensive physical therapy to recover from the injuries suffered to her knee.
9. As a direct and proximate result of her fall, Plaintiff was required to use devices to assist her in the process of walking until she had fully recovered from the injuries she suffered to her knee.
10. As a direct and proximate result of her fall, Plaintiff has inured various medical and surgical related bills which require payment.
11. As a direct and proximate result of her fall, Plaintiff has lost the enjoyment of life's pleasures, and is no longer capable of participating in activities in which she participated prior to her fall.
12. As a business invitee upon Defendant's premises, Defendant had a duty of care to Plaintiff, which duty included keeping its premises and common areas in a safe and orderly condition for its patrons.

13. Defendant breached its duty of care to Plaintiff by allowing hand cream to remain on the floor of its common area outside of the Bath 'n Body store at the DuBois Mall.
14. As a result of Defendant's breach of its duty of care, Plaintiff slipped and fell upon the hand cream which was located upon the floor.
15. As a result of slipping and falling upon the hand cream on the floor, Plaintiff suffered immediate and long-lasting injuries, including but not limited to pain and suffering and loss of life's pleasures.
16. Plaintiff has requested that Defendant accept responsibility for her losses, and Defendant has elected not to do so.

WHEREFORE, Plaintiff prays your Honorable Court to enter judgment in her favor, and against Defendant MODAL, INC., for compensation for her damages, injuries and expenses, in an amount in excess of Twenty-five thousand (\$25,000.00) Dollars.

RESPECTFULLY SUBMITTED,
COPPOLO & COPPOLO



Attnorneys for Plaintiff

I, Dolores Detsch, Plaintiff herein, verify that the statements made in the foregoing Complaint are true and correct to the best of my personal 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.

Dolores Detsch
Dolores Detsch

IN THE COURT OF COMMON
PLEAS OF THE 46TH JUDICIAL
DISTRICT, CLEARFIELD COUNTY

DOLORES DETSCH,
Plaintiff

vs.

MODAL, INC.
Defendant

COMPLAINT

Law Offices
COPPOLA & COPPOLA
100 E. 5TH STREET
P.O. BOX 138
ST. ALBANS, PENNSYLVANIA 15801-0138
(412) 234-9545

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES DETSCH,

CLEARFIELD COUNTY

Plaintiff

CIVIL DIVISION

v.

No. 2002-1201-CD

MODAL, INC.,

**NOTICE OF SERVICE OF
DEFENDANT'S FIRST SET OF
INTERROGATORIES DIRECTED TO
PLAINTIFF**

Defendant

JURY TRIAL DEMANDED

Filed on behalf of:
Defendant

Counsel of Record for this party:
JOHN W. ZOTTER, ESQUIRE
Pa. I.D. #58117

**ZIMMER KUNZ
PROFESSIONAL LIMITED LIABILITY
COMPANY**
Firm #920
3300 USX Tower
Pittsburgh, PA 15219

(412) 281-8000

FILED

SEP 05 2002
m11:40/ndcc
William A. Shew
Prothonotary

NOTICE OF SERVICE OF DEFENDANT'S FIRST SET OF INTERROGATORIES
DIRECTED TO PLAINTIFF

This is to certify that the original of DEFENDANT'S FIRST SET OF INTERROGATORIES DIRECTED TO PLAINTIFF was served by U.S. Mail, postage prepaid on the 3rd day of September, 2002 to:

Thomas G. G. Coppolo, Esquire
Coppolo & Coppolo
19 N. St. Marys Street
P.O. Box 186
St. Marys, PA 15857

ZIMMER KUNZ
PROFESSIONAL LIMITED LIABILITY COMPANY

By: John W. ZOTTER
JOHN W. ZOTTER, ESQUIRE
Counsel for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES DETSCH,

Plaintiff

v.

MODAL, INC.,

Defendant

JURY TRIAL DEMANDED

CLEARFIELD COUNTY

CIVIL DIVISION

No. 2002-1201-CD

**NOTICE OF SERVICE OF REQUEST
FOR PRODUCTION OF DOCUMENTS**

Filed on behalf of:
Defendant

Counsel of Record for this party:
JOHN W. ZOTTER, ESQUIRE
Pa. I.D. #58117

**ZIMMER KUNZ
PROFESSIONAL LIMITED LIABILITY
COMPANY**
Firm #920
3300 USX Tower
Pittsburgh, PA 15219

(412) 281-8000

FILED

AS SEP 05 2002
M114010CC
William A. Shaw
Prothonotary

NOTICE OF SERVICE OF REQUEST FOR PRODUCTION OF DOCUMENTS

This is to certify that the original of Defendant's Request for Production of Documents Directed to Plaintiff was served by U.S. Mail, postage prepaid on the 3rd day of September, 2002 to:

Thomas G. G. Coppolo, Esquire
Coppolo & Coppolo
19 N. St. Marys Street
P.O. Box 186
St. Marys, PA 15857

ZIMMER KUNZ
PROFESSIONAL LIMITED LIABILITY COMPANY

By: John W. Z.
JOHN W. ZOTTER, ESQUIRE
Counsel for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOLORES DETSCH,

CLEARFIELD COUNTY

Plaintiff

CIVIL DIVISION

v.

No. 2002-1201-CD

MODAL, INC.,

PRAECIPE FOR APPEARANCE

Defendant

Filed on behalf of:
Defendant

JURY TRIAL DEMANDED

Counsel of Record for this party:
JOHN W. ZOTTER, ESQUIRE
Pa. I.D. #58117

ZIMMER KUNZ
PROFESSIONAL LIMITED LIABILITY
COMPANY
Firm #920
3300 USX Tower
Pittsburgh, PA 15219

(412) 281-8000

FILED

SEP 03 2002

William A. Shaw
Prothonotary

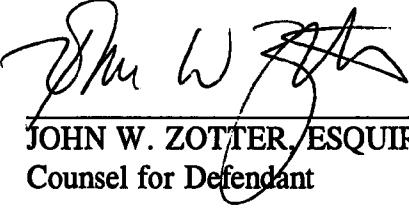
PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Please enter our firm's appearance on behalf of the Defendant, MODAL,
INC., in the above-captioned matter.

**ZIMMER KUNZ
PROFESSIONAL LIMITED LIABILITY
COMPANY**

By


JOHN W. ZOTTER, ESQUIRE
Counsel for Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within PRAECIPE FOR APPEARANCE was forwarded to counsel below named by United States Mail on the 29th day of August, 2002.

Thomas G. G. Coppolo, Esquire
Coppolo & Coppolo
19 N. St. Marys Street
P.O. Box 186
St. Marys, PA 15857

ZIMMER KUNZ
PROFESSIONAL LIMITED LIABILITY COMPANY

By: John W. Zottter
JOHN W. ZOTTER, ESQUIRE
Counsel for Defendant

FILED NO CC
M 11241 88
SEP 03 2002 COPY CT

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12869

DETSCHE, DOLORES

02-1201-CD

VS.

MODAL, INC.

COMPLAINT

SHERIFF RETURNS

**NOW AUGUST 21, 2002 AT 11:45 AM DST SERVED THE WITHIN COMPLAINT
ON MODAL, INC., DEFENDANT AT S.R. 255, DUBOIS MALL, DUBOIS,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LARRY SMELKO,
MALL MGR. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT
AND MADE KNOWN TO HIM THE CONTENTS THEREOF.**

SERVED BY: COUDRIET/RYEN

Return Costs

Cost	Description
55.42	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATY.

Sworn to Before Me This

20 Day Of Sept 2002


So Answers,


Chester A. Hawkins
Sheriff

FILED

SEP 20 2002

2:40

442

**William A. Shaw
Prothonotary**

LAW OFFICES
COPPOLO & COPPOLO
19 N. ST. MARYS STREET
P. O. BOX 186
ST. MARYS, PENNSYLVANIA 15857-0186
(814) 834-2848

CERTIFIED TO BE A TRUE AND CORRECT COPY

[Handwritten signature]

IN THE COURT OF COMMON PLEAS OF THE 46TH
JUDICIAL DISTRICT OF PENNSYLVANIA

DOLORES DETSCH,
Plaintiff,

vs.

MODAL, INC.
Defendant.

: CLEARFIELD COUNTY
: CIVIL ACTION - LAW
: NO. 2002-1201-60
: COMPLAINT

COPY

JURY TRIAL DEMANDED

: Counsel for Plaintiff:
: Thomas G.G. Coppolo, Esquire
: COPPOLO & COPPOLO
: ID No. 59179
: 19 N. St. Marys St.
: P.O. Box 186
: St. Marys, PA 15857
: (814) 834-2848

: Counsel for Defendant
: Unknown

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

AUG 02 2002

Attest.

Lee A. R.
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF THE 46TH
JUDICIAL DISTRICT OF PENNSYLVANIA

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Plaintiff, :
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MODAL, INC. : NO. 2002-_____
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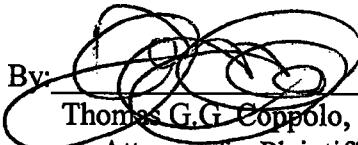
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CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641

COPPOLO & COPPOLO,

By: 
Thomas G.G. Coppolo, Esquire
Attorney for Plaintiff

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JUDICIAL DISTRICT OF PENNSYLVANIA

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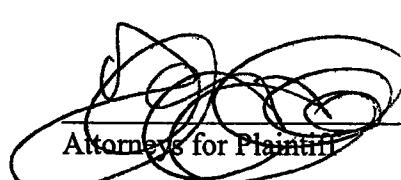
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RESPECTFULLY SUBMITTED,
COPPOLO & COPPOLO



Attorneys for Plaintiff

I, Dolores Detsch, Plaintiff herein, verify that the statements made in the foregoing Complaint are true and correct to the best of my personal 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.

Dolores Detsch
Dolores Detsch

IN THE COURT OF COMMON PLEAS OF THE 46TH
JUDICIAL DISTRICT OF PENNSYLVANIA

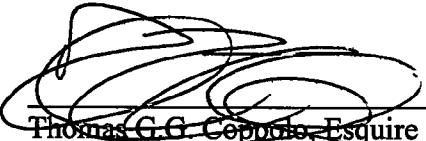
DOLORES DETSCH, : CLEARFIELD COUNTY
Plaintiff, :
vs. : CIVIL ACTION - LAW
MODAL, INC. : NO. 2002-1201-CD
Defendant. : PRAECIPE

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter discontinued.

RESPECTFULLY SUBMITTED,


Thomas G.G. Cappello, Esquire

Attorney for Plaintiff

November
Date: September 8, 2004

11-2002-CD-100
9-12-2004 11:57 AM ICETelex/Clerk
Copy to CA
NOV 15 2004

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

CIVIL DIVISION

Dolores Detsch

Vs. **No. 2002-01201-CD**
Modal Inc

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 November 15, 2004, marked:

Discontinued, Settled and Ended.

Record costs in the sum of \$145.42 have been paid in full by Attorney Coppolo.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of November A.D. 2004.

William A. Shaw, Prothonotary