

02-1275-CD
ROGER J. BRESSLER, et al. vs. ELLEN I. MAGNUSON, et al.

Civil Other

Date		Judge
8/16/2002	X Filing: Civil Complaint Paid by: Gearhart, R. Denning (attorney for Bressler, Roger J) Receipt number: 1847126 Dated: 08/16/2002 Amount: \$80.00 (Check) 5 CC to Atty. Gearhart.	No Judge
8/23/2002	X ANSWER(?) s/Patsy N. Errigo, Jr. s/Miriam V. Errigo no cc	No Judge
8/26/2002	X Filing: Affidavit of Mailing to Defendant Patricia Quiros. No cc.	No Judge
	X Filing: Affidavit of Mailing to Defendants G. Thomas Sorbera and Veronica M. Sorbera. No cc.	No Judge
	X Filing: Affidavit of Mailing to Defendants Patsy N. Errigo and Miriam V. Errigo. No cc.	No Judge
9/17/2002	X Praecipe for Entry of Appearance, for Defendant Ellen L. Magnuson, filed by s/Matthew B. Taladay No CC	No Judge
	X Preliminary Objections, filed on behalf of Ellen Magnuson, by s/Matthew B. Taladay, Esq. Five CC Attorney Taladay	No Judge
9/18/2002	X Filing: Certificate of Service of Defendant's Preliminary Objections by Atty. Taladay. No cc.	No Judge
9/20/2002	X Sheriff Return of Service filed. Now August 29, 2002, served complaint on Defendant Ellen Magnuson ONLY.	No Judge
11/26/2002	X Certificate of Mailing, Amended Complaint In Ejectment to: Matthew B. Taladay, Esq., Patricia Quiros, Mr. & Mrs. G. Thomas Sorbera and Mr. and Mrs. Patsy N. Errigo, Jr. s/R. Denning Gearhart, Esq. no cc	No Judge
	X Amended Complaint In Ejectment. filed by s/R. Denning Gearhart, Esq.	No Judge
	X Affidavit s/Robert J. and Allen G. Bressler 5 cc to Atty	No Judge
12/5/2002	X Filing: Statement regarding Amended Complaint in Ejectment. No CC.	No Judge
12/10/2002	X Praecipe to Enter Appearance on Behalf of Defendants G. THOMAS SORBERA and VERONICA M. SORBERA. filed by s/James A. Naddeo, Esquire no cc	No Judge
12/12/2002	X Acceptance of Service, filed by Atty. Naddeo No Cert. Copies Accepted service of Complaint filed by Atty. Gearhart, on behalf of G.T. Sorbera and V. Sorbera. s/Atty. Naddeo.	No Judge
1/2/2003	X Answer and New Matter to Amended Complaint in Ejectment. filed by s/Matthew B. Taladay, Esquire Verification s/Ellen L. Magnuson Certificate of Service no cc	No Judge
6/9/2003	X Answer To New Matter. filed by s/R. Denning Gearhart, Esquire Affidavit s/R. Denning Gearhart, Esquire no cc	No Judge
6/24/2003	X Answer To Amended Complaint and New Matter. filed by s/James A. Naddeo, Esquire Verification s/G.Thomas Sorbera Certificate of Service 2 cc to Atty	No Judge
3/12/2004	X Motion For Summary Judgment. filed by, s/R. Denning Gearhart, Esquire 6 cc to Atty	No Judge
3/15/2004	X ORDER, AND NOW, this 15th day of March, 2004, re: Argument on Plaintiffs' Motion for Summary Judgment scheduled for Monday, April 19, 2004 at 3:00 p.m., in Courtroom No. 2. by the Court, s/PEC, J. 5 cc w/memo re: service of rule to Atty Gearhart	Paul E. Cherry

Date: 01/05/2006

Time: 02:27 PM

Page 563 of 607

Clearfield County Court of Common Pleas

User: BHUDSON

Cases by Filing Date
CT COMMON PLEAS,
Case Type: CD, All Subtypes
From 11/01/2000 to 12/30/2005
All Judges

Judge: Reilly, John K. Jr.

Case	Filed	Entered	Party	Status
2000-00504-CD 5-2-00	05/22/2001	05/22/2001	Commonwealth of Pennsylvania, Plaintiff Hollobaugh, Dale Edward, Defendant	Pending
2000-00615-CD 5-24-00	01/29/2001	01/29/2001	Keystone Financial Mortgage Corp., Plaintiff Nesmith, Robert L., Defendant Nesmith, Kathy, Defendant Nesmith, Robert Jr., Defendant	disposed
2000-00623-CD 5-25-00	11/08/2000	11/14/2000	Miller, Kimberly M., Plaintiff Srock, Dorothy M., Plaintiff DuBois Regional Medical Center, Defendant Reynoldsville Medical Center, PC, Defendant	Settled and/or Disc. and Ended
2000-00738-CD 6-21-00	02/07/2001	02/07/2001	Eckberg, Elaine, Plaintiff Brock, Dawn, Defendant	Pending
2000-00740-CD 6-21-00	12/20/2000	12/20/2000	Zelenky, Linda M., Plaintiff Rice, Jeffrey W., Defendant Rice, Jeffrey W. DMD, Defendant	Settled and/or Disc. and Ended
2000-00769-CD 6-29-00	02/12/2001	02/12/2001	Spingola, Thomas J. Jr., Plaintiff Commonwealth of Pennsylvania, Defendant	Pending
2000-00770-CD 6-29-00	01/15/2001	01/15/2001	Woodland-Bigler Area Authority, Subject Peters, William C., Subject Peters, Sandra L., Subject	disposed
2000-00772-CD 6-29-00	11/27/2000	11/27/2000	Providian National Bank, Plaintiff Yale, Harry N., Defendant	Pending
2000-00804-CD 7-12-00	02/14/2001	02/14/2001	Mcquillen, Clyde Jr., Plaintiff Mcquillen, Kristy K., Plaintiff Mcquillen, McKenzie, Plaintiff Bailor, Jane, Defendant	Pending
2000-00817-CD 7-14-00	05/22/2001	05/22/2001	Commonwealth of Pennsylvania, Plaintiff McCloskey, Richard Matthew, Defendant	Pending
2000-00818-CD 7-14-00	05/22/2001	05/22/2001	Commonwealth of Pennsylvania, Plaintiff McCloskey, Richard Matthew, Defendant	Pending
2000-00819-CD 7-14-00	05/22/2001	05/22/2001	Commonwealth of Pennsylvania, Plaintiff McCloskey, Richard Matthew, Defendant	Pending
2000-00955-CD 8-10-00	12/22/2000	12/22/2000	Irvona Municipal Authority, Plaintiff Eriksen Well Drilling, Defendant Casselberry, James R., Defendant Casselberry, James R. & Assoc., Inc., Defendant EADS, Group, The. t/a, Defendant Neilan Engineers Division, Defendant Eriksen, David, Defendant	Pending
2000-00957-CD 8-10-00	02/16/2001	02/16/2001	Russell Real Estate, Plaintiff Fairman, Donald, Defendant	Terminated by Court Order
2000-00981-CD 8-14-00	02/01/2001	02/01/2001	Conseco Finance Consumer Disc. Co., Plaintiff Green Tree Consumer Disc. Co., Plaintiff Bloom, Kenneth Lynn Sr., Defendant Bloom, Vida Eleanor, Defendant	Pending
2000-01014-CD 8-18-00	11/20/2000	11/20/2000	Shaffer, Linda A., Plaintiff Shaffer, Donald, Plaintiff McCaw, John Dennis, Defendant	Settled and/or Disc. and Ended
2000-01035-CD 8-23-00	12/08/2000	12/08/2000	Plusquellec, Merle, Plaintiff Plusquellec, Lois Jean, Plaintiff Gallagher, John E., Defendant Gallagher, Genevieve M., Defendant	Pending

Civil Other

Date		Judge
3/18/2004	X Certificate of Service, Motion For Summary Judgment upon Matthew B. Taladay, Esq. and James A. Naddeo, Esq. filed by, s/R. Denning Gearhart, Esquire no cc	Paul E. Cherry
3/19/2004	X Defendant Ellen L. Magnuson's Response To Motion For Summary Judgment Filed On Behalf Of Plaintiffs. filed by, s/Matthew B. Taladay, Esquire Certificate of Service no cc	Paul E. Cherry
3/29/2004	X Affidavit Of Mailing, Motion for Summary Judgment upon Defendants, Patsy N. Errigo, Jr., and Miriam V. Errigo. filed by, s/R. Denning Gearhart, Esquire no cc	Paul E. Cherry
X	X Certificate of Service, Order dated March 15, 2004, upon Defendants, Patsy N. Errigo, Jr. and Miriam V. Errigo. filed by, s/R. Denning Gearhart, Esquire no cc	Paul E. Cherry
X	X Certificate of Service, Order dated March 15, 2004, together with a Certified copy of the Motion for Summary Judgment upon Defendant, Patricia Quiros. filed by, s/R. Denning Gearhart, Esquire no cc	Paul E. Cherry
X	X Certificate of Service, Order dated March 15, 2004, upon Matthew B. Taladay, Esq. and James A. Naddeo, Esq. filed by, s/R. Denning Gearhart, Esquire no cc	Paul E. Cherry
4/21/2004	X ORDER, AND NOW, this 20th day of April, 2004, re: Plaintiffs' Motion for Summary Judgment has been RESCHEDULED from April 19, 2004 to Wednesday, May 12, 2004 at 9:30 a.m. in Courtroom No. 2. by the Court, s/PEC, J. 4 cc to Atty Gearhart	Paul E. Cherry
5/5/2004	X ORDER, AND NOW, this 4th day of May, 2004, re: Plaintiffs' Motion for Summary Judgment has been RESCHEDULED from May 12, 2004 to Friday, May 28, 2004, at 2:00 p.m., in Courtroom No. 2. by the Court, s/PEC, J. 5 cc to Atty Gearhart	Paul E. Cherry
5/24/2004	X ORDER, AND NOW, this 24th day of May, 2004, re: Plaintiffs' Motion for Summary Judgment has been RESCHEDULED from May 28, 2004 to Thursday, June 24, 2004 at 9:00 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 4 cc Atty Gearhart to serve	Paul E. Cherry
5/27/2004	X ORDER, AND NOW, this 26th day of May, 2004, re: Plaintiffs' Motion for Summary Judgment RESCHEDULED from June 24, 2004 to Friday, June 25, 2004 at 2:00 p.m. in Courtroom No. 2. by the Court, s/PEC, J. 1 cc Atty Gearhart, Taladay, and Naddeo	Paul E. Cherry
5/28/2004	X Certificate of Service, ORDER dated May 24, 2004, upon Ms. Patricia Quiros, Mr. and Mrs. Patsy N. Errigo, Jr., Matthew B. Taladay, Esq., and James A. Naddeo, Esquire no cc	Paul E. Cherry
6/8/2004	X Certificate of Service, Order dated May 26, 2004, upon: Ms. Patricia Quiros, Mr. and Mrs. Patsy N. Errigo, Jr., Matthew B. Taladay, Esquire and James A. Naddeo, Esquire filed by, s/R. Denning Gearhart, Esquire no cc	Paul E. Cherry
6/15/2004	X Order, AND NOW, this 14th day of June, 2004, Order that hearing with regard to Plaintiff's Motion for Summary Judgment scheduled for June 25, 2004, be and is hereby continued until the 16 day of July, 2004, at 2:00 p.m. in Courtroom No. 2 of the Clearfield County Courthouse. BY THE COURT: /s/Paul E. Cherry, Judge Four CC Attorney Gearhart	Paul E. Cherry

Clearfield County Court of Common Pleas

Cases by Filing Date
 CT COMMON PLEAS,
 Case Type: CD, All Subtypes
 From 11/01/2000 to 12/30/2005
 All Judges

Judge: Reilly, John K. Jr.

Case	Filed	Entered	Party	Status
2000-01058-CD 8-28-00	11/07/2000	11/07/2000	Harter, Sandra K., Plaintiff Martell, Randy L., Defendant Martell, Evelyn, Defendant Shirey, Neva, Defendant Martell, Raymond Paul Jr., Defendant Martell, Betty, Defendant	Settled and/or Disc. and Ended
2000-01077-CD 8-31-00	11/01/2000	11/07/2000	Bordas, John Sr., Plaintiff Bordas, Sandra, Plaintiff Somsky, Paul, Defendant	Settled and/or Disc. and Ended
2000-01081-CD 9-1-00	12/19/2000	12/19/2000	Greendot, Inc., Subject DuBois Area High School, Other Party	disposed
2000-01096-CD 9-7-00	11/01/2000	11/01/2000	Russell Real Estate, Plaintiff Fairman, Donald, Defendant	Terminated by Court Order
2000-01114-CD 9-8-00	11/20/2000	11/20/2000	Goralczyk, Barbara M., Plaintiff Plyler, Derwood G. Jr., Defendant	Pending
2000-01119-CD 9-11-00	12/18/2000	12/18/2000	Aurora Loan Services, Inc., Plaintiff Spuck, C. Douglas, Defendant	Pending
2000-01149-CD 9-15-00	05/22/2001	05/22/2001	Commonwealth of Pennsylvania, Plaintiff Starcovic, Timothy J., Defendant	Pending
2000-01150-CD 9-15-00	02/16/2001	02/16/2001	Swan, Executor of the Estate of Ralph Marcus Swan, William H., Plaintiff Stephens, Pers Rep. of the Est. of Thelma S. Lynch, Martha L., Plaintiff Eaton Corporation, Defendant Young, Eldon, Defendant Witherow, Robert, Defendant	Settled and/or Disc. and Ended
2000-01162-CD 9-14-00	05/22/2001	05/22/2001	Spingola, Thomas J. Jr., Plaintiff Commonwealth of Pennsylvania, Defendant	Pending
2000-01207-CD 9-29-00	12/13/2000	12/13/2000	Stellabuto's, Jim Everything Under Foot, Inc., Plaintiff Caldwell, James, Defendant East Fork Construction, Defendant	Terminated by Court Order
2000-01347-CD	11/01/2000	11/01/2000	Smeal, Jill A., Plaintiff Little's Drive In Auto Sales, Defendant	Terminated by Court Order
2000-01350-CD	11/01/2000	11/01/2000	Root, Dorothy E. Lang, Plaintiff Schrand, Nellie Root, Defendant Huber, Blodwen Shrand, Defendant Schrand, Jane, Defendant	Pending
2000-01363-CD	11/06/2000	11/06/2000	Dysard, Ronald P., Plaintiff Dysard, Barbara Ann, Plaintiff Siegler, Stephen E., Defendant Siegler, Gwen Michele, Defendant	Pending
2000-01369-CD	11/06/2000	11/06/2000	Harzinski, Edward A., Plaintiff Briggs, Chester L., Defendant Hueys Excavating, Defendant	Settled and/or Disc. and Ended
2000-01370-CD	11/06/2000	11/06/2000	Ludwig, Robert C, Plaintiff Ludwig, Eleanor W., Plaintiff Barrett, Mary J., Defendant Duell, Anna P., Defendant	Pending
2000-01375-CD	11/07/2000	11/07/2000	County National Bank, Plaintiff Caldwell, John Tinsley, Defendant	Reopened
2000-01378-CD	11/07/2000	11/07/2000	Aurandt, Paul, Plaintiff Neely-Aurandt, Jennifer, Plaintiff Gallagher, John, Defendant Gallagher, Genevieve, Defendant	Pending
2000-01386-CD	11/09/2000	11/09/2000	Fields, Michael, Plaintiff Fields, Linda, Plaintiff Ladrew Builders, Inc., Defendant	Pending

Civil Other

Date		Judge
7/2/2004	X Order, AND NOW, this 30th day of June, 2004, Court having received a request for continuance due to a scheduling conflict of R. Denning Gearhart, Esq., of the hearing scheduled on July 16, 2004, it is the Order of this Court that hearing be and is hereby continued until the 26 day of July, 2004, at 9:30 a.m. in Courtroom No. 2. BY THE COURT: /s/Paul E. Cherry, Judge Two CC Attorneys Gearhart, Talady, and Naddeo One CC Patricia Quiros-1233 East Gore Road-Erie, PA 16540; One CC Mr. and Mrs. Patsy Errigo, Jr.-RR 1, Box 402-G-Curwensville, PA 16833	Paul E. Cherry
7/12/2004	X Certificate of Service, Order dated June 30, 2004, upon: Ms. Patricia Quiros, Mr. & Mrs. Patsy N Errigo, Jr., and on G. Thomas Sorbera & Veronica M Sorbera, through attorney, Matthew B Taladay. Esq. & James A Naddeo. no cc	Paul E. Cherry
7/29/2004	X Order, Cert. to Atty's Gearhart, Taladay and Naddeo. cert. to P. Quiros and Mr. & Mrs. Patsy Errigo, Jr. NOW, this 26th day of July, 2004, Order of Court that Plaintiff's Motion for Summary Judgment is hereby denied.	Paul E. Cherry
11/9/2006	X Certificate of Readiness for Non-Jury Trial, filed by Atty. Gearhart 5 Cert. to Atty.	Paul E. Cherry
11/28/2006	X Petition to Withdraw as Counsel, filed by s/James A. Naddeo, Esq. Five CC Attorney Naddeo	Paul E. Cherry
	X Order, NOW, this 28th day of Nov., 2006, upon consideration of the forgoing Petition, it is Ordered that; a rule is issued upon Respondents G. Thomas and Veronica M. Sorbera. The Respondent shall file an answer to the petition within 20 days of service upon the Respondent. By The Court, /s/ Paul E. Cherry, Judge. 5CC Atty. Naddeo	Paul E. Cherry
11/29/2006	X Certificate of Service, filed. That a true and certified copy of Petition to Withdraw as Counsel filed in the above-captioned action was served on the 29th day of November 2006 to R. Denning Gearhart Esq., Matthew B. Taladay Esq., Mr. & Mrs. Thomas G. Sorbera, Ms. Patricia Quiros and Mr. & Mrs. Patsy N. Errigo Jr., filed by s/ James A. Naddeo Esq. 5CC Atty.	Paul E. Cherry
12/28/2006	X Order, NOW, this 28th day of Dec., 2006, upon consideration of the Petition and Motion to Withdraw as Counsel, it is Ordered that James A. Naddeo, Esquire, be permitted to withdraw as counsel on behalf of the Defendants, G. Thomas and Veronica M. Sorbera. It is the further Order of this Court that a certified copy of this Order be directed to G. Thomas Sorbera By James A. Naddeo, Esquire. By The Court, /s/ Paul E. Cherry, Judge. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Naddeo	Paul E. Cherry
12/29/2006	X Praeipce for Withdrawal, filed by Atty. Naddeo 1 Cert. to Atty. Withdraw appearance on behalf of Defendant G. Thomas Sorbera and Veronica M. Sorbera.	Paul E. Cherry
1/3/2007	X Notice of Service, filed. I propounded on Plaintiffs this 2nd day of January 2007, Defendant Magnuson's First Set of Discovery Materials on R. Denning Gearhart Esq., Mr & Mrs Patsy N. Errigo Jr., Mr & Mrs. G. Thomas Sorbera and Patricia Quiros, field by s/ Matthew B. Taladay Esq. NO CC.	Paul E. Cherry

1-25-07 X Order, dated 1-24-07
 3-7-07 X Answers to Interrogatories

Fax

To: Sharon **From:** William A. Shaw

Fax: 342-0870 **Date:** January 8, 2007

Phone: **Pages:** 4

Re: Judgement Report **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275 -CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER: 02-1275 -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

AUG 16 2002

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02- -CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

NOTICE TO DEFEND

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

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

Court Administrator's Office
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641 Ext. 50-51

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275 -CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

COMPLAINT IN EJECTMENT

AND NOW, comes Plaintiffs, by and through their attorney, R. Denning Gearhart,
who avers as follows:

1. That Plaintiff, ROGER J. BRESSLER, is an adult individual, residing at R.R. #1, Box 13, Curwensville, Clearfield County, Pennsylvania 16833.
2. That Plaintiff, ALLEN G. BRESSLER, is an adult individual, residing at R.R. #3, Box 540, Curwensville, Clearfield County, Pennsylvania 16833.
3. That Defendant, ELLEN L. MAGNUSON, is an adult individual, with an address of R.R. #1, Box 420-C, Curwensville, Clearfield County, Pennsylvania 16833. She is the owner and possessor of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania and adjoining the property of the Plaintiffs. The property of the Defendant is the servient tenement of the easement which is the subject of this suit.

4. That Defendants, PATSY N. ERRIGO, JR. and MIRIAM V. ERRIGO, are husband and wife, with an address of R.R. #1, Box 402-G, Curwensville, Clearfield County, Pennsylvania 16833. They are the owners and possessors of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania. The property of the Defendants is the servient tenement of the easement which is the subject of this suit.

5. That Defendants, G. THOMAS SORBERA and VERONICA M. SORBERA, are husband and wife, with an address of 1313 1/2 Daisy Street, Clearfield, Clearfield County, Pennsylvania 16830. They are the owners and possessors of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania. The property of the Defendants is the servient tenement of the easement which is the subject of this suit.

6. That Defendant, PATRICIA QUIROS, is an adult individual, with an address of 1233 E. Gore Road, Erie, Pennsylvania 16504. She is the owner and possessor of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania. The property of the Defendant is the servient tenement of the easement which is the subject of this suit.

7. The easement in question is a strip of road running through the property of the Defendants to the property now owned by the Plaintiffs. Said right of way is indicated on the map found of record in the Recorder's Office of Clearfield County. The property of the Plaintiffs is designated by the letter "P". The property of the Defendants is designated by the letter "M" (Magnuson); "E" (Errigo); "S" (Sobera); "Q" (Quiros).

8. That the parcel of land which is the dominant tenement of this easement was conveyed to the Plaintiffs by Deed of First Interstate Bank of Denver, N.A., et al dated March 28, 1991 and recorded in Clearfield to Deeds & Records Book Volume 1394, Page 605.

COUNT I - EASEMENT BY PRESCRIPTION

9. Paragraphs 1-8 are hereby incorporated as above stated as if fully averred in this Count.

10. There presently exists a visible road from L.R. 17115 to the Plaintiffs property.

11. This road, or right of way of way has been used openly, notoriously, visibly and continuously by the Plaintiffs and their predecessors in title, as a matter of right and without license, for a period in excess of twenty-one (21) years. As such, Plaintiffs, or their predecessors in title, have enjoyed a free and uninterrupted easement or right of way over that portion of the Defendants' land for ingress, egress, and regress by vehicle and foot to enter upon their property.

COUNT II - EASEMENT BY NECESSITY

12. Paragraphs 1-11 are hereby incorporated as above stated as if fully averred in this Count.

13. It is believed and therefore averred that all of the parcels which are the subject of this action were part of the same tract of land.

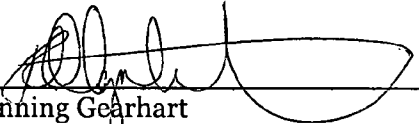
14. Inasmuch as said right of way is the only access to the property owned by Plaintiffs and Plaintiffs' property is without access to any roads except for the easement in question, and it is believed and therefore averred that the predecessors in title used and relied upon the easement in question in a manner described above, it is also believed and therefore averred that the sub-dividing predecessor in title implicitly intended an easement across what would become Defendants' property.

15. That the Plaintiffs are entitled to the relief sought based on a formation of an easement by prescription as well as an easement by necessity.

WHEREFORE, Plaintiff requests that this Court:

- (1) allow the continued use of the right of way herein described; and
- (2) find that an easement exists; or
- (3) in the alternative, let the Court find that an easement exists by prescription or in the alternative implication by necessity; and
- (4) enter an Order prohibiting the Defendants or their successors in title from obstructing said easement.

Respectfully submitted,



R. Denning Gearhart
Attorney for Plaintiffs


V:\02FILES\BRESSLER.ALL\PLEADING\BRESSLER.WPD

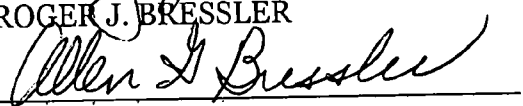
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

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AFFIDAVIT

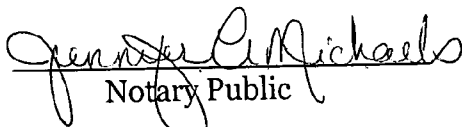
Before me, the undersigned officer, personally appeared, ROGER J. BRESSLER nad ALLEN G. BRESSLER who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information, and belief.



ROGER J. BRESSLER


ALLEN G. BRESSLER

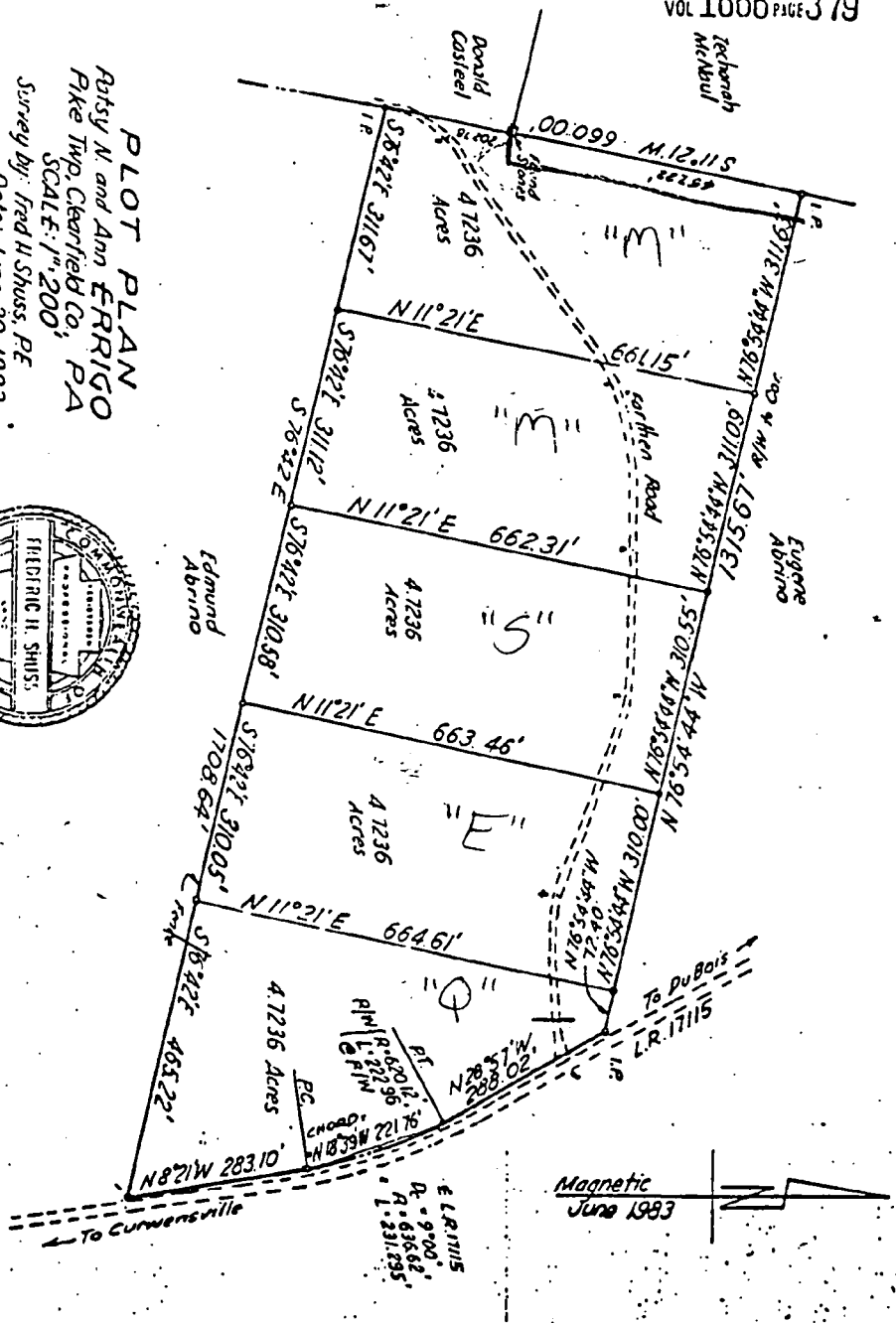
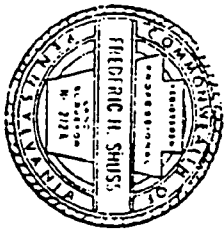
Sworn to and subscribed
before me this 15th day
of August, 2002.



Notary Public

NOTARIAL SEAL
JENNIFER A. MICHAELS, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO.
MY COMMISSION EXPIRES JUNE 17, 2003

PLOT PLAN
Rutzy N and Ann FERRIGO
 Pike Twp, Clearfield Co, PA
 SCALE: 1"=200'
 Survey by: Fred H. Shuss, PE
 Date: June 20, 1993
 DWG. No. 764-1



Lap over margin

FILED

AUG 16 2002

09:27 City of
William A. Shaw,
Prothonotary

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

COMMERCIAL PRINTING CO., CLEARFIELD, PA

pd 80.00
Sec City of Gearhart

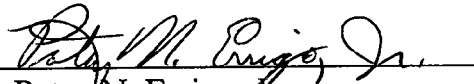
R. D. 1 Box 402-G
Curwensville, PA 16833
August 21, 2002

CASE NUMBER:02-1275-CD

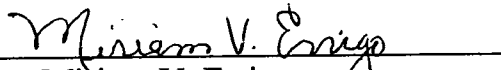
TYPE OF CASE: Civil

We would like the court to be aware of the fact that the Plaintiffs, Roger J. Bressler and Allen G. Bressler have never been permitted to use the access road in question to reach their property. Previous to the purchase of two plots of land by Ellen Magnuson, there had been a locked gate at the end of the road to prohibit the use of the road by anyone other than the defendants. At the time of Ellen Magnuson's purchase of the property, the gate was removed to allow her access, but permission for Bresslers or any other party was never given.

Several years ago, the Plaintiffs had approximately \$200,000.00 to \$300,000.00 worth of timber cut and removed from their property. They were denied use of the access road in question at that time also. They were able to use the Pike Township Water Company Road, which is located approximately 500 yards parallel to the access road crossing our property. They have used this road as access for the length of time that they have owned the property, and we suggest that they continue to access their property this way, leaving the road crossing our property as a private lane to Ellen Magnuson's home.



Patsy N. Errigo, Jr.



Miriam V. Errigo

cc: William Shaw, Prothonotary
R. Denning Gearhart, Attorney at Law

FILED

AUG 23 2002
M/2:15/NOCC
William A. Shaw
Prothonotary



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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

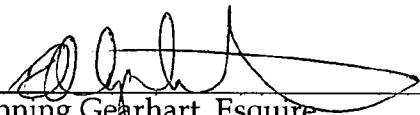
NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

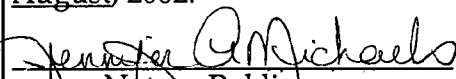
AFFIDAVIT OF MAILING

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

R. Denning Gearhart, Esquire, the attorney for Plaintiff, being duly sworn according to law, says that he mailed by certified mail, restricted delivery, return receipt requested, a true and correct copy of the Complaint in Ejectment filed in the above action, to the Defendant, Patricia Quiros, at her place of residence as evidenced by the signed receipt attached hereto as Exhibit 'A'.



R. Denning Gearhart, Esquire
Attorney for Plaintiffs

Sworn to and Subscribed
before me this 26th day of
August, 2002.


Notary Public

NOTARIAL SEAL
JENNIFER A. MICHAELS, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO.
MY COMMISSION EXPIRES JUNE 17, 2003

FILED

 AUG 28 2002
0111.14/nacc
William A. Shaw
Prothonotary

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>Kathy Quiros</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <i>PATRY QUIROS</i> <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery <i>8/24/02</i></p>
<p>1. Article Addressed to:</p> <p><i>Patricia Quiros 1233 E. Gore Road Erie, PA 16504</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service type(s) <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (transfer from service label)</p>	<p><i>7001 2510 0003 0263 1418</i></p>
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509</p>	

Exhibit 'A'

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

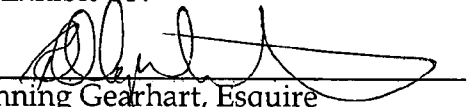
NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants


AFFIDAVIT OF MAILING

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :


R. Denning Gearhart, Esquire, the attorney for Plaintiff, being duly sworn according to law, says that he mailed by certified mail, restricted delivery, return receipt requested, a true and correct copy of the Complaint in Ejectment filed in the above action, to the Defendants, G. Thomas Sorbera and Veronica M. Sorbera, at their place of residence as evidenced by the signed receipt attached hereto as Exhibit 'A'.


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

Sworn to and Subscribed
before me this 26th day of
August, 2002.


Notary Public

NOTARIAL SEAL
JENNIFER A. MICHAELS, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO.
MY COMMISSION EXPIRES JUNE 17, 2003

FILED
 AUG 26 2002
m/11/14/nock
William A. Shaw
Prethenotary

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery Thomas Sobczak AUG 17 2002</p>
<p>1. Article Addressed to:</p> <p>Mr. & Mrs. G. Thomas Sorber 1313 1/2 Daisy St. Clearfield PA 16830</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7001 2510 0003 0263 1401 </p>	
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2309</p>	

Exhibit 'A'

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

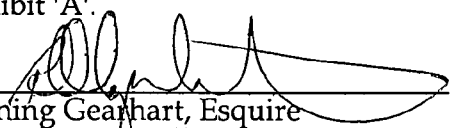
NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants


AFFIDAVIT OF MAILING

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :


R. Denning Gearhart, Esquire, the attorney for Plaintiff, being duly sworn according to law, says that he mailed by certified mail, restricted delivery, return receipt requested, a true and correct copy of the Complaint in Ejectment filed in the above action, to the Defendants, Patsy N. Errigo, Jr. and Miriam V. Errigo, at their place of residence as evidenced by the signed receipt attached hereto as Exhibit 'A'.


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

Sworn to and Subscribed
before me this 26th day of
August, 2002.


Notary Public



FILED
 AUG 28 2002
mll: 14/noc
William A. Shaw
Prothonotary

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr + Mrs Patsy D. Emigo, Jr.
RR#1 Box 402-G
Curwensville, PA 16833

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X *[Signature]*

B. Received by (Printed Name) C. Date of Delivery
[Signature] 8/19/08

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7001 2510 0003 0263 1425

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

Exhibit 'A'

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CIVIL ACTION - AT LAW

No. 02-1275-CD

Type of Pleading:

Praecepte for Entry
Appearance

Filed on Behalf of:

Defendant Magnuson

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

SEP 17 2002

William A. Shaw
Prothonotary

FILED
 01/2:40 8M
 SEP 17 2002
 NB
 cc
 William A. Shaw
 Prothonotary

CP

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CIVIL ACTION - AT LAW

No. 02-1275-CD

Type of Pleading:

Preliminary Objections

Filed on Behalf of:

Defendant Magnuson

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

SEP 17 2002

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

No. 02-1275-CD

**PRELIMINARY OBJECTIONS FILED ON
BEHALF OF DEFENDANT, ELLEN L. MAGNUSON**

AND NOW, comes Defendant, Ellen L. Magnuson, an individual, by her attorneys, Hanak, Guido and Taladay, preliminarily objects to Plaintiffs' Complaint pursuant to Pa.R.C.P. 1028 as follows:

1. Plaintiffs, Roger J. Bressler and Allen G. Bressler, initiated this action by filing a Complaint on August 16, 2002. A true and correct copy of said Complaint is attached hereto and marked as Exhibit "A".
2. Plaintiffs' Complaint in an action of ejectment alleges, in summary, that the Plaintiffs are entitled to an easement across the lands of Defendants.
3. Pa.R.C.P. Rule 1054(a) requires that a plaintiff describe the land in the complaint in an action of ejectment.
4. Plaintiffs have failed to adequately describe lands owned by Defendant, Ellen L. Magnuson. Paragraph 3 of Plaintiffs'

Complaint describes land owned by Defendant, Ellen L. Magnuson, only as "a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania and adjoining property of the Plaintiffs." Further, Plaintiffs failed to provide any description of the allegedly adjoining property.

5. Plaintiffs have also failed to provide a description of the route by which the easement allegedly runs over Defendant's land.

WHEREFORE, Defendant, Ellen L. Magnuson, respectfully requests this Court to grant her preliminary objection by way of demur and dismiss all counts of Plaintiffs' Complaint against her.

Preliminary Objection
Failure to Provide Abstract of Title

6. The above paragraphs are incorporated by reference as if set forth herein at length.

7. Count II of Plaintiffs' Complaint alleges that they are entitled to an easement by necessity.

8. Pa.R.C.P. 1054(b) provides "a party shall set forth in the complaint or answer an abstract of title upon which the party relies at least from the common source of the adverse titles of the parties."

9. Plaintiffs have failed to provide an abstract of title back to a common source.

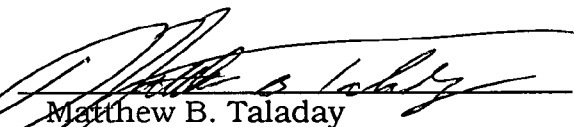
WHEREFORE, Defendant, Ellen L. Magnuson, respectfully requests this Honorable Court to grant her Preliminary Objections

by way of demur and dismiss all counts of Plaintiffs' Complaint against
her.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By



Matthew B. Taladay
Attorney for Defendant Magnuson

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

NO. 02-1275-CD

CASE NUMBER: 02-1275 -CD

TYPE OF CASE: Civil

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

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

AUG 16 2002

EXHIBIT "A"

Attest.

William A. Hines
Prothonotary/
Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02- -CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

NOTICE TO DEFEND

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

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

Court Administrator's Office
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641 Ext. 50-51

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02- -CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

COMPLAINT IN EJECTMENT

AND NOW, comes Plaintiffs, by and through their attorney, R. Denning Gearhart,
who avers as follows:

1. That Plaintiff, ROGER J. BRESSLER, is an adult individual, residing at R.R. #1, Box 13, Curwensville, Clearfield County, Pennsylvania 16833.
2. That Plaintiff, ALLEN G. BRESSLER, is an adult individual, residing at R.R. #3, Box 540, Curwensville, Clearfield County, Pennsylvania 16833.
3. That Defendant, ELLEN L. MAGNUSON, is an adult individual, with an address of R.R. #1, Box 420-C, Curwensville, Clearfield County, Pennsylvania 16833. She is the owner and possessor of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania and adjoining the property of the Plaintiffs. The property of the Defendant is the servient tenement of the easement which is the subject of this suit.

4. That Defendants, PATSY N. ERRIGO, JR. and MIRIAM V. ERRIGO, are husband and wife, with an address of R.R. #1, Box 402-G, Curwensville, Clearfield County, Pennsylvania 16833. They are the owners and possessors of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania. The property of the Defendants is the servient tenement of the easement which is the subject of this suit.

5. That Defendants, G. THOMAS SORBERA and VERONICA M. SORBERA, are husband and wife, with an address of 1313 1/2 Daisy Street, Clearfield, Clearfield County, Pennsylvania 16830. They are the owners and possessors of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania. The property of the Defendants is the servient tenement of the easement which is the subject of this suit.

6. That Defendant, PATRICIA QUIROS, is an adult individual, with an address of 1233 E. Gore Road, Erie, Pennsylvania 16504. She is the owner and possessor of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania. The property of the Defendant is the servient tenement of the easement which is the subject of this suit.

7. The easement in question is a strip of road running through the property of the Defendants to the property now owned by the Plaintiffs. Said right of way is indicated on the map found of record in the Recorder's Office of Clearfield County. The property of the Plaintiffs is designated by the letter "P". The property of the Defendants is designated by the letter "M" (Magnuson); "E" (Errigo); "S" (Sobera); "Q" (Quiros).

8. That the parcel of land which is the dominant tenement of this easement was conveyed to the Plaintiffs by Deed of First Interstate Bank of Denver, N.A., et al dated March 28, 1991 and recorded in Clearfield to Deeds & Records Book Volume 1394, Page 605.

COUNT I - EASEMENT BY PRESCRIPTION

9. Paragraphs 1-8 are hereby incorporated as above stated as if fully averred in this Count.

10. There presently exists a visible road from L.R. 17115 to the Plaintiffs property.

11. This road, or right of way of way has been used openly, notoriously, visibly and continuously by the Plaintiffs and their predecessors in title, as a matter of right and without license, for a period in excess of twenty-one (21) years. As such, Plaintiffs, or their predecessors in title, have enjoyed a free and uninterrupted easement or right of way over that portion of the Defendants' land for ingress, egress, and regress by vehicle and foot to enter upon their property.

COUNT II - EASEMENT BY NECESSITY

12. Paragraphs 1-11 are hereby incorporated as above stated as if fully averred in this Count.

13. It is believed and therefore averred that all of the parcels which are the subject of this action were part of the same tract of land.

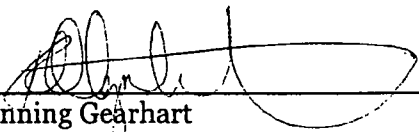
14. Inasmuch as said right of way is the only access to the property owned by Plaintiffs and Plaintiffs' property is without access to any roads except for the easement in question, and it is believed and therefore averred that the predecessors in title used and relied upon the easement in question in a manner described above, it is also believed and therefore averred that the sub-dividing predecessor in title implicitly intended an easement across what would become Defendants' property.

15. That the Plaintiffs are entitled to the relief sought based on a formation of an easement by prescription as well as an easement by necessity.

WHEREFORE, Plaintiff requests that this Court:

- (1) allow the continued use of the right of way herein described; and
- (2) find that an easement exists; or
- (3) in the alternative, let the Court find that an easement exists by prescription or in the alternative implication by necessity; and
- (4) enter an Order prohibiting the Defendants or their successors in title from obstructing said easement.

Respectfully submitted,



R. Denning Gearhart
Attorney for Plaintiffs


V:\02FILES\BRESSLER.ALL\PLEADING\BRESSLER.WPD

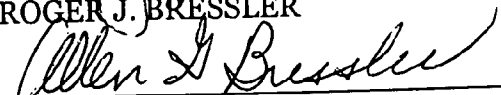
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

:
: SS:
:

AFFIDAVIT

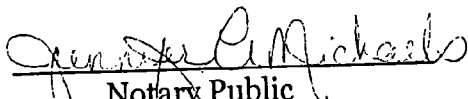
Before me, the undersigned officer, personally appeared, ROGER J. BRESSLER nad ALLEN G. BRESSLER who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information, and belief.



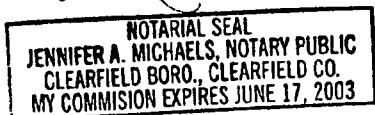
ROGER J. BRESSLER


ALLEN G. BRESSLER

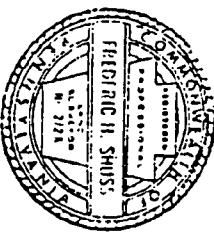
Sworn to and subscribed
before me this 15th day
of August, 2002.



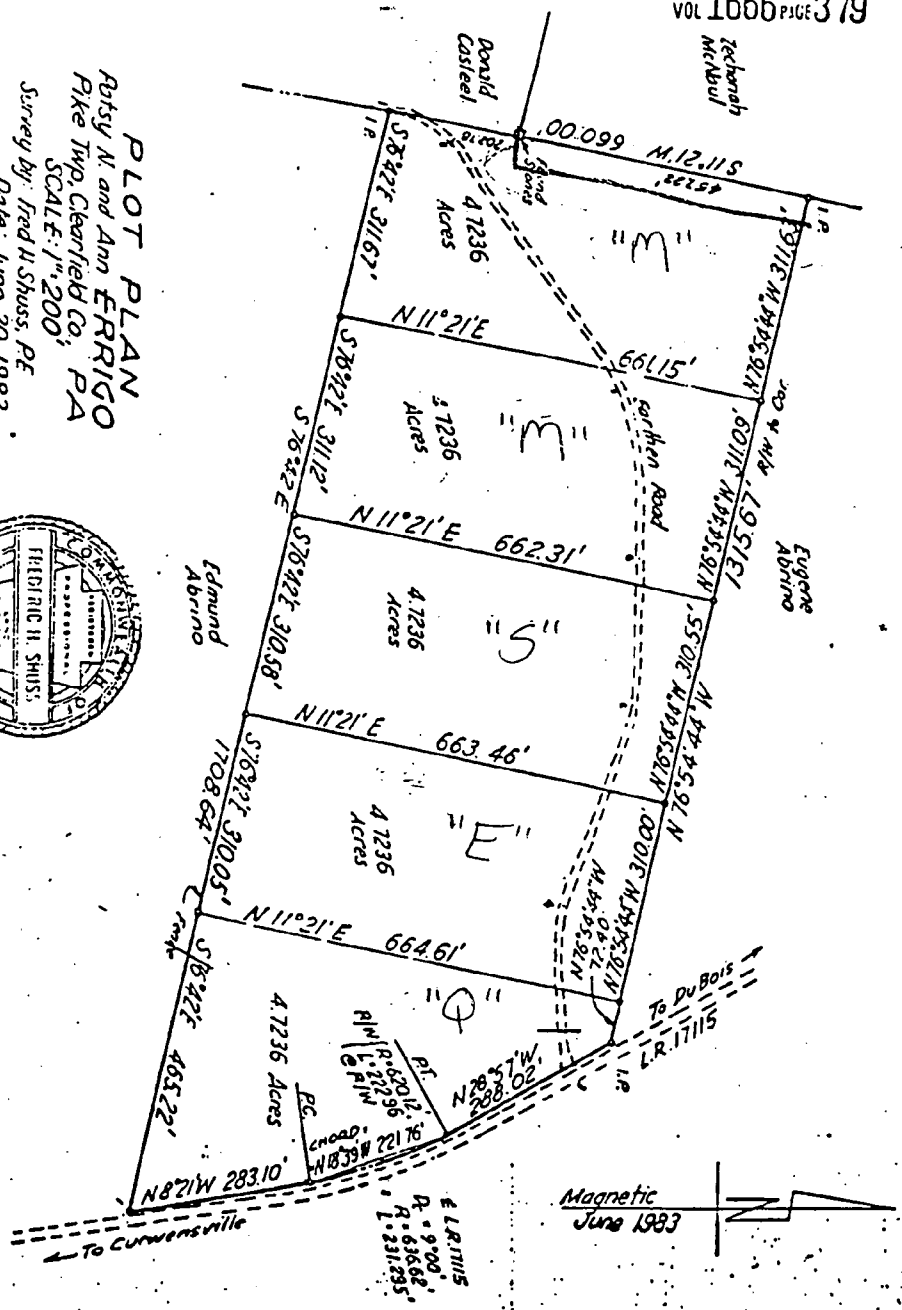
Notary Public



PLOT PLAN
Ritsy N. and Ann ERRIGO
Pike Twp, Clearfield Co, PA
SCALE: 1"=200'
Survey by: Fred H. Shuss, P.E.
Date: June 20, 1983



DWG. No. 764-1



FILED

012:42~~28~~

SEP 17 2002

5 CC

Atty Taladay

 William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CIVIL ACTION - AT LAW

No. 02-1275-CD

Type of Pleading:

Certificate
of Service

Filed on Behalf of:

Defendant Magnuson

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

SEP 18 2002

M110:3712002

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

No. 02-1275-CD

CERTIFICATE OF SERVICE

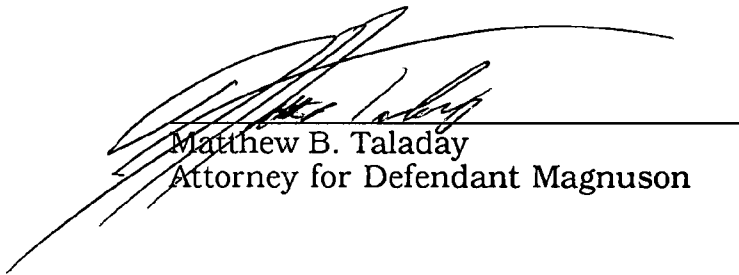
I certify that on the 17th day of September, 2002 a Court certified copy of Defendant Magnuson's Preliminary Objections to Plaintiffs' Complaint were sent via first class mail, postage prepaid, to the following:

R. Denning Gearhart, Esq.
Attorney for Plaintiffs
215 E. Locust Street
Clearfield, PA 16830

G. Thomas and Veronica M. Sorbera
Defendants
1313-1/2 Daisy Street
Clearfield, PA 16830

Patsy N. and Miriam V. Errigo
Defendants
R.R. #1, Box 402-G
Curwensville, PA 16833

Patricia Quiros
Defendant
1233 E. Gore Road
Erie, PA 16504


Matthew B. Taladay
Attorney for Defendant Magnuson

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12940

BRESSLER, ROGER J. & ALLEN G.

02-1275-CD

VS.

MAGNUSON, ELLEN L. AI

COMPLAINT

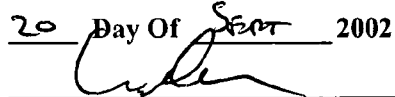
SHERIFF RETURNS

NOW AUGUST 29, 2002 AT 12:05 PM DST SERVED THE WITHIN COMPLAINT ON ELLEN L. MAGNUSON, DEFENDANT AT EMPLOYMENT, MULTI-SERVICE CENTER, LEONARD ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ELLEN L. MAGNUSON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF. SERVED BY: MORGILLO


Return Costs

Cost	Description
20.37	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 
2:40

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CERTIFICATE OF MAILING

I. R. Denning Gearhart, Esquire, hereby state that I mailed a true and correct copy of the Amended Complaint in Ejectment to the following persons:

Matthew B. Taladay, Esquire
HANAK, GUIDO and TALADAY
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

Patricia Quiros
1233 E. Gore Road
Erie, PA 16501

Mr. and Mrs. G. Thomas Sorbera
1313 1/2 Daisy Street
Clearfield, PA 16830

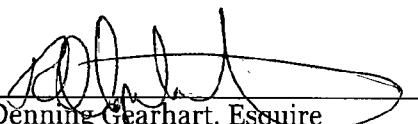
Mr. and Mrs. Patsy N. Errigo, Jr.
R.R. #1, Box 402-G
Curwensville, PA 16833

The said Amended Complaint was mailed regular mail, postage prepaid.

FILED

NOV 26 2002

William A. Shaw
Prothonotary


R. Denning Gearhart, Esquire
215 E. Locust Street
Clearfield, PA 16830
(814) 765-1581

Dated: November 25, 2002

FILED

01/01/42 PM
NOV 20 2002

W/O
CC

William A. Shaw
Prothonotary



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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER: 02-1275-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: AMENDED COMPLAINT IN EJECTMENT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

02/13/02
0/3:20/02
William A. Gearhart
Prothonotary

5 CMT TO AOTL



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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

NOTICE TO DEFEND

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

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

Court Administrator's Office
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641 Ext. 50-51

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

AMENDED COMPLAINT IN EJECTMENT

AND NOW, comes Plaintiffs, by and through their attorney, R. Denning Gearhart, who amends the Complaint in Ejectment filed to the above caption so that it should now read as follows:

1. That Plaintiff, ROGER J. BRESSLER, is an adult individual, residing at R.R. #1, Box 13, Curwensville, Clearfield County, Pennsylvania 16833.
2. That Plaintiff, ALLEN G. BRESSLER, is an adult individual, residing at R.R. #3, Box 540, Curwensville, Clearfield County, Pennsylvania 16833.
3. That the Plaintiffs are the owners of a certain parcel of real estate located in Pike Township and more particularly described in Deed dated Marcy 28, 1991 and recorded to Clearfield County Deeds & Records Book Volume 1394, Page 554, and attached hereto as Exhibit 'A'. That ownership of this parcel of property, for reasons described below, includes the right to

use as a right-of-way to the property a certain strip of property approximately twenty-four (24) feet in width from L.R. 17115 to their property, a copy of that strip is shown on the Plot Plan Map of Patsy N. and Ann Errigo found in Deeds & Records Book Volume 1666, Page 379, and attached hereto as Exhibit 'B'. Said strip or right-of-way in question being highlighted.

4. That Defendant, ELLEN L. MAGNUSON, is an adult individual, with an address of R.R. #1, Box 420-C, Curwensville, Clearfield County, Pennsylvania 16833. She is the owner and possessor of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania and adjoining the property of the Plaintiffs. The property of the Defendant is the servient tenement of the easement which is the subject of this suit.

5. That Defendants, PATSY N. ERRIGO, JR. and MIRIAM V. ERRIGO, are husband and wife, with an address of R.R. #1, Box 402-G, Curwensville, Clearfield County, Pennsylvania 16833. They are the owners and possessors of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania. The property of the Defendants is the servient tenement of the easement which is the subject of this suit.

6. That Defendants, G. THOMAS SORBERA and VERONICA M. SORBERA, are husband and wife, with an address of 1313 1/2 Daisy Street, Clearfield, Clearfield County, Pennsylvania 16830. They are the owners and possessors of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania. The property of the Defendants is the servient tenement of the easement which is the subject of this suit.

7. That Defendant, PATRICIA QUIROS, is an adult individual, with an address of 1233 E. Gore Road, Erie, Pennsylvania 16504. She is the owner and possessor of a certain parcel of property located in Pike Township, Clearfield County, Pennsylvania. The property of the Defendant is the servient tenement of the easement which is the subject of this suit.

8. The easement in question is a strip of road running through the property of the Defendants to the property now owned by the Plaintiffs. Said right of way is indicated on the map found of record in the Recorder's Office of Clearfield County. The property of the Plaintiffs is designated by the letter "P". The property of the Defendants is designated by the letter "M" (Magnuson); "E" (Errigo); "S" (Sobera); "Q" (Quiros).

9. That the parcel of land which is the dominant tenement of this easement was conveyed to the Plaintiffs by Deed of First Interstate Bank of Denver, N.A., et al dated March 28, 1991 and recorded in Clearfield to Deeds & Records Book Volume 1394, Page 605; and by Deed of Mrs. Melissa Roos, et al dated April 26, 1991 and recorded in Clearfield to Deeds & Records Book Volume 1394, Page 545.

10. That Defendant, Ellen L. Magnuson, obtained her property by Deed from Richard L. Magnuson, et al dated December 30, 2001 and recorded in Clearfield to Instrument No. 200200184.

11. That Richard L. Magnuson and Ellen L. Magnuson, husband and wife, obtained their property from Frank J. Errigo, single, dated July 18, 1995 and recorded in Clearfield to Deeds & Records Book Volume 1689, Page 281.

12. That Frank J. Errigo, single, obtained the property from Francis J. Duffy, Executor under the Last Will and Testament of Joseph A. Errigo, deceased dated March 7, 1995 and recorded in Clearfield to Deeds & Records Book Volume 1666, Page 373.

13. That Joseph Errigo obtained the property from Ann Errigo, single by Deed dated August 3, 1983 and recorded in Clearfield County to Deeds & Records Book Volume 1255, Page 439.

14. That the property of Defendants, Patsy N. Errigo, Jr. and Miriam V. Errigo, was obtained from Ann Errigo, by Deed dated August 3, 1983 and recorded in Clearfield County to Deeds & Records Book Volume 901, Page 269.

15. That property was further obtained by Defendants, Patsy N. Errigo and Ann Errigo by Deed of Gertrude S. Kester, et al dated December 31, 1951 and recorded in Clearfield County to Deed Book 419, Page 15.

16. That the property of Defendant, Veronica M. Sorbera and G. Thomas Sorbera was obtained from Ann Errigo, single by Deed dated August 3, 1983 and recorded in Clearfield County to Deeds & Records Book Volume 901, Page 278.

17. That the property of Defendant, Patricia Quiros, was obtained from Ann Errigo, single by Deed dated August 3, 1983 and recorded in Clearfield County to Deeds & Records Book Volume 1241, Page 593.

COUNT I - EASEMENT BY PRESCRIPTION

18. Paragraphs 1-17 are hereby incorporated as above stated as if fully averred in this Count.

19. There presently exists a visible road from L.R. 17115 to the Plaintiffs property.

20. This road, or right of way of way has been used openly, notoriously, visibly and continuously by the Plaintiffs and their predecessors in title, as a matter of right and without license, for a period in excess of twenty-one (21) years. As such, Plaintiffs, or their predecessors in title, have enjoyed a free and uninterrupted easement or right of way over that portion of the Defendants' land for ingress, egress, and regress by vehicle and foot to enter upon their property.

COUNT II - EASEMENT BY NECESSITY

21. Paragraphs 1-20 are hereby incorporated as above stated as if fully averred in this Count.

22. It is believed and therefore averred that all of the parcels which are the subject of this action were part of the same tract of land.


23. Inasmuch as said right of way is the only access to the property owned by Plaintiffs and Plaintiffs' property is without access to any roads except for the easement in question, and it is believed and therefore averred that the predecessors in title used and relied upon the easement in question in a manner described above, it is also believed and therefore averred that the sub-dividing predecessor in title implicitly intended an easement across what would become Defendants' property.

24. That the Plaintiffs are entitled to the relief sought based on a formation of an easement by prescription as well as an easement by necessity.

WHEREFORE, Plaintiff requests that this Court:

- (1) allow the continued use of the right of way herein described; and
- (2) find that an easement exists; or
- (3) in the alternative, let the Court find that an easement exists by prescription or in the alternative implication by necessity; and
- (4) enter an Order prohibiting the Defendants or their successors in title from obstructing said easement.

Respectfully submitted,




R. Denning Gearhart
Attorney for Plaintiffs

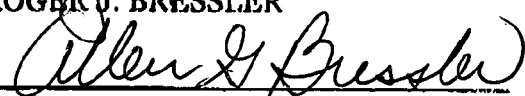
V:\o2FILES\BRESSLER.ALL\PLEADING\BRESSLER.WPD

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

AFFIDAVIT

Before me, the undersigned officer, personally appeared, ROGER J. BRESSLER and ALLEN G. BRESSLER, who being duly sworn according to law deposes and says that the facts set forth in the foregoing Amended Complaint are true and correct to the best of their knowledge, information, and belief.



ROGER J. BRESSLER


ALLEN G. BRESSLER

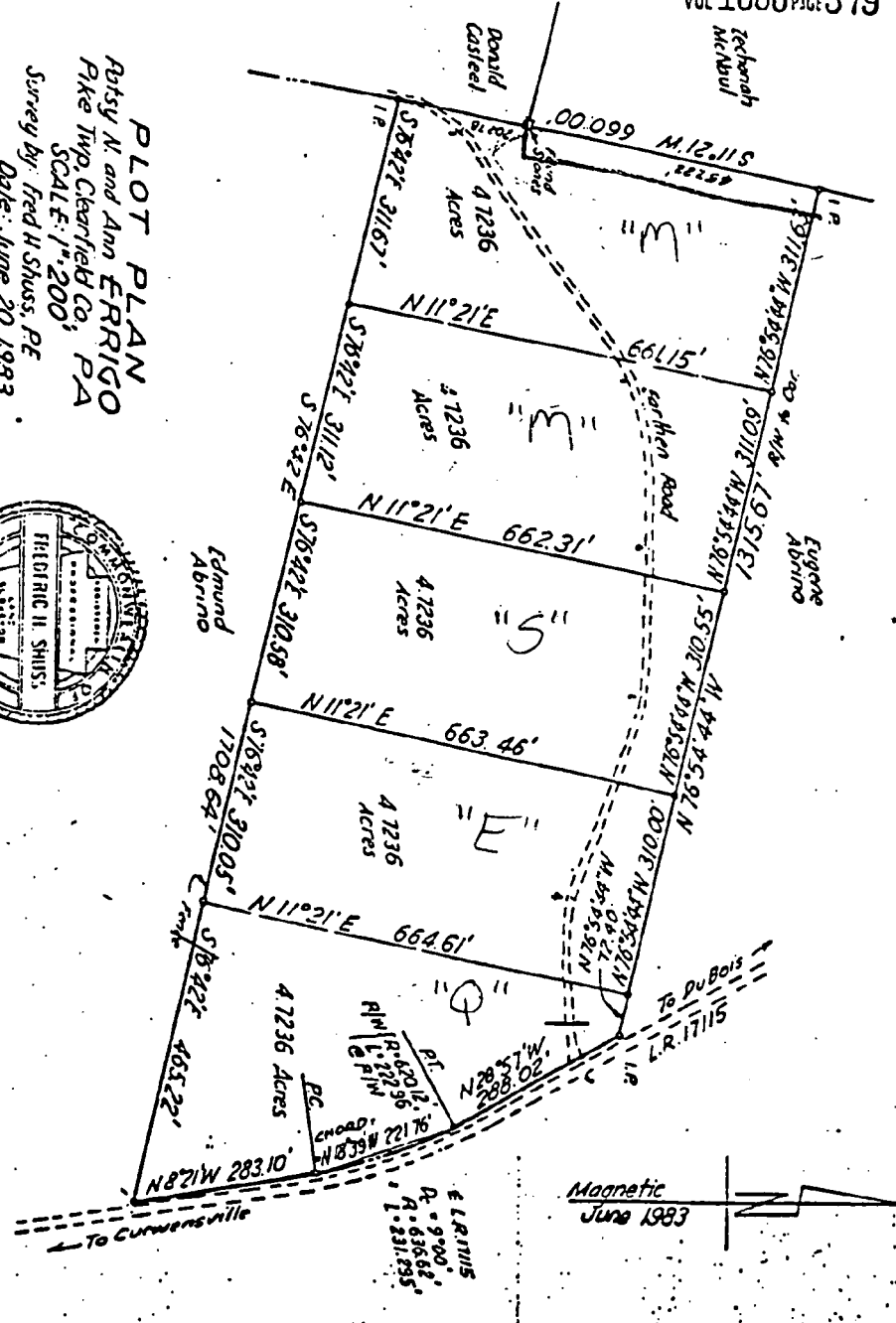
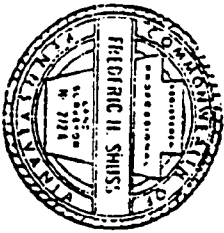
Sworn to and subscribed
before me this 22 day
of November, 2002.



Notary Public

Notarial Seal
Dennis E. Borger, Notary Public
Curwensville Boro, Clearfield County
My Commission Expires Apr. 10, 2005
Member, Pennsylvania Association of Notaries

PLOT PLAN
Ritsy N. and Ann **ERRIGO**
Pke Twp, Clearfield Co, PA
SCALE: 1"=200'
Survey by: Fred H. Shuss, PE
Date: June 20, 1983
DWG. No 764-1



Magnetic
June 1983

E. L. RITZ
D. 9° 00'
A. 636.68'
L. 231.735'

Lap over margin

<p>R. DENNING GEARHART ATTORNEY AT LAW CLEARFIELD, PA. 16830</p>				
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COMMERCIAL PRINTING CO., CLEARFIELD, PA

FILED

NOV 25 2002

William A. Shaw
Prothonotary

769 Greenwood Road
Curwensville, PA 16833
December 2, 2002

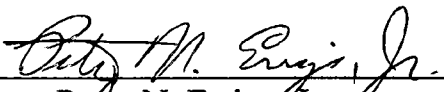
CASE NUMBER: 02-1275-CD

TYPE OF CASE: Civil


In response to the "Amended Complaint in Ejectment" we recently received, we would like to submit once again, the letter we had filed on August 21, 2002, stating the fact that the Plaintiffs, Roger J. Bressler and Allen G. Bressler have never had permission to use the access road in question. We would also like to add that even at the time that Frank J. Errigo, the previous owner of the land now owned by Ellen Magnuson, removed timber from his ground, he did not use the access road crossing our property which was gated at the time. He also used the Pike Township Water Company Road to remove the timber.

We would also like to point out that the map which was sent with the complaint is incorrectly labeled. The ground we own is the first section which borders on the township highway. I have enclosed a corrected map.

We would like to once again suggest that the Bresslers use the Pike Township Company road as the continued access to their property as they have for the past 10 or more years.



Patsy N. Errigo, Jr.



Miriam V. Errigo

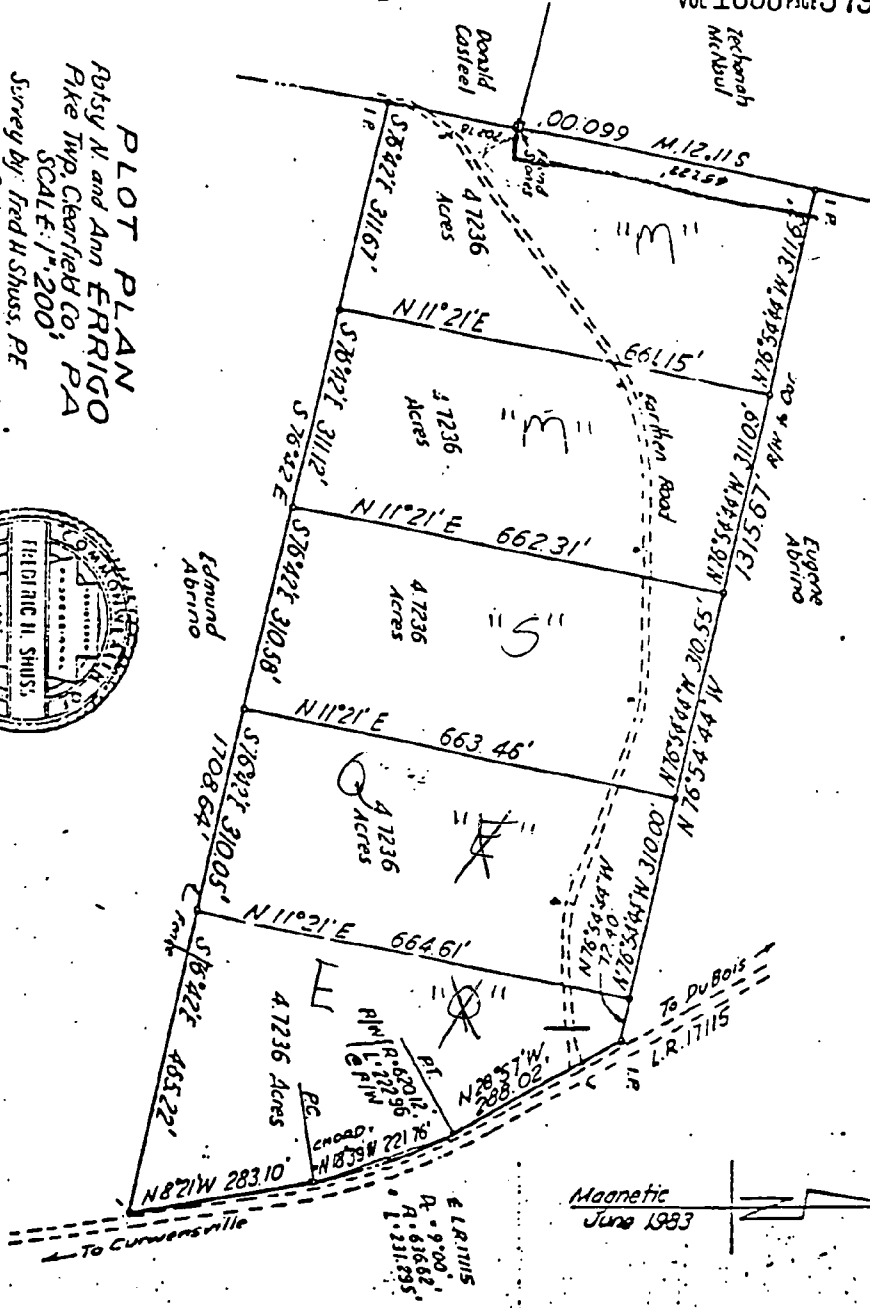
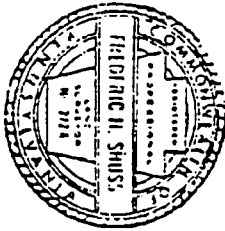
cc: William Shaw, Prothonotary
R. Denning Gearhart, Attorney at Law

encs: 2

FILED
11/19/02
5:05 2002
cc

William A. Shaw
Prothonotary

PLOT PLAN
 Ritsy N. and Ann ERRIGO
 Pike Twp, Clearfield Co, PA
 SCALE: 1"=200'
 Survey by: Fred H. Shuss, PE
 Date: June 20, 1993
 Dwg. No. 764-1



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

ROGER J. BRESSLER and *
ALLEN G. BRESSLER, *
Plaintiffs *

vs. *

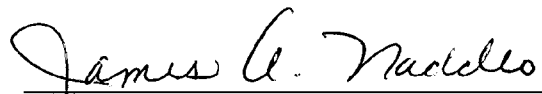
No. 02 - 1275 - CD

ELLEN L. MAGNUSON, PATSY *
N. ERRIGO, JR., and MIRIAM *
V. ERRIGO, husband and wife, *
G. THOMAS SORBERA and *
and VERONICA M. SORBERA, *
husband and wife, and *
PATRICIA QUIROS, *
Defendants *

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the
Defendants, G. Thomas Sorbera and Veronica M. Sorbera, in the
above-captioned case.


James A. Naddeo, Esquire
Attorney for Defendants

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

FILED
DEC 10 10:44 AM
DEC 10 2002
no cc
WAS

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and *
ALLEN G. BRESSLER, *
Plaintiffs *


vs. *

No. 02 - 1275 - CD

ELLEN L. MAGNUSON, PATSY *
N. ERRIGO, JR., and MIRIAM *
V. ERRIGO, husband and wife, *
G. THOMAS SORBERA and *
and VERONICA M. SORBERA, *
husband and wife, and *
PATRICIA QUIROS, *
Defendants *

ACCEPTANCE OF SERVICE

I, James A. Naddeo, Esquire, do hereby accept service of the Complaint filed by R. Denning Gearhart, Esquire, on behalf of the Defendants, G. Thomas Sorbera and Veronica M. Sorbera, in the above-captioned action.


James A. Naddeo, Esquire

Date: 12/10/02

FILED

DEC 12 2002

William A. Shaw
Prothonotary

FILED
NO
DEC 12 2002
013:32
ca

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CIVIL ACTION - AT LAW

No. 02-1275-CD

Type of Pleading:

Answer and New Matter
to Amended Complaint
in Ejectment

Filed on Behalf of:

Defendant Magnuson

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

JAN 02 2003

William A. Shaw
Prothonetary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

No. 02-1275-CD

**DEFENDANT MAGNUSON'S
ANSWER AND NEW MATTER TO
AMENDED COMPLAINT IN EJECTMENT**

AND NOW, comes Defendant, Ellen L. Magnuson, an individual, by her attorneys, Hanak, Guido and Taladay, and hereby responds to the Plaintiffs' Amended Complaint in Ejectment as follows:

1. Admitted.
2. Admitted in part and denied in part. It is admitted that Ellen Magnuson is an adult individual. However, her correct address is 903 Greenwood Road, Curwensville, Clearfield County, Pennsylvania.
3. Admitted in part and denied in part. It is admitted that Plaintiffs claim deed title to a certain parcel of property described in Clearfield County Deed Book Volume 1394, Page 554. It is denied

that Plaintiffs have any right, title or interest to a right of way over property of the responding Defendant.

4. Admitted in part and denied in part. It is denied that the property of Ellen Magnuson is the servient tenement of any easement in favor of the Plaintiffs. The remaining averments of paragraph 4 are admitted.

5. - 7. Defendant Ellen Magnuson denies the existence of an easement across her property and in favor of Plaintiffs. With regard to the remaining allegations of paragraphs 5, 6 and 7, these averments are directed at parties other than the responding Defendant, therefore, no response is required.

8. Defendant Ellen Magnuson denies the existence of an easement across her property and in favor of Plaintiffs. With regard to the remaining allegations of paragraph 8, after reasonable investigation, this Defendant is without information sufficient to form a belief as to their truth, therefore the same are denied and strict proof thereof is demanded at the time of trial.

9. Defendant Ellen Magnuson denies the existence of an easement across her property and in favor of Plaintiffs. With regard to the remaining allegations of paragraph 9, after reasonable investigation, this Defendant is without information sufficient to form a belief as to their truth, therefore the same are denied and strict proof thereof is demanded at the time of trial.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. After reasonable investigation, this Defendant is without information sufficient to form a belief as to the truth of these averments, therefore, the same are denied and strict proof thereof is demanded at the time of trial.

15. After reasonable investigation, this Defendant is without information sufficient to form a belief as to the truth of these averments, therefore, the same are denied and strict proof thereof is demanded at the time of trial.

16. After reasonable investigation, this Defendant is without information sufficient to form a belief as to the truth of these averments, therefore, the same are denied and strict proof thereof is demanded at the time of trial.

17. After reasonable investigation, this Defendant is without information sufficient to form a belief as to the truth of these averments, therefore, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT I - EASEMENT BY PRESCRIPTION

18. Defendant Ellen Magnuson's responses to paragraphs 1 through 17 of the Complaint are incorporated by reference.

19. Defendant Ellen Magnuson denies the existence of a valid easement through her property and in favor of Defendants. With regard to the remaining allegations of paragraph 19, after reasonable investigation, this Defendant is without information sufficient to form a belief as to the truth of these allegations, therefore, the same are denied and strict proof thereof is demanded at the time of trial.

20. Denied. To the contrary, Plaintiffs and their predecessors-in-title have failed to conduct any acts or activities which would constitute a validly enforceable easement across the property of Defendant Ellen Magnuson and in favor of Plaintiffs.

COUNT II - EASEMENT BY NECESSITY

21. The answers to paragraphs 1 through 20 of the Complaint are incorporated by reference.

22. After reasonable investigation, this Defendant is without information sufficient to form a belief as to the truth of these averments, therefore, the same are denied and strict proof thereof is demanded at the time of trial.

23. It is denied that Plaintiffs are without access to their property and further deny that Plaintiffs and their predecessors-in-title used and relied on any easements across the property of Defendant Ellen Magnuson. To the contrary, it is believed and therefore averred that Plaintiffs have valid and enforceable alternative routes of access to their property and are therefore precluded from asserting easement by necessity.

24. The averments of paragraph 24 constitute a conclusion of law to which no response is required.

WHEREFORE, Defendant Ellen Magnuson demands judgment in her favor.

NEW MATTER

25. Plaintiffs' claims are barred or limited by the doctrine of laches.

26. Plaintiffs' claims are barred by the statute of limitations.

27. Any usage which Plaintiffs and/or their predecessors may have made of lanes of travel across lands of Plaintiffs, which this Defendant specifically denies, was, if proven, strictly permissive in nature, and therefore not adverse for purposes of establishing prescriptive easement.

WHEREFORE, Defendant Ellen Magnuson demands judgment in her favor.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay

Attorney for Defendant Magnuson

VERIFICATION

I, ELLEN L. MAGNUSON, do hereby verify that I have read the foregoing Answer and New Matter to Amended Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 12/26/02

Ellen L. Magnuson
Ellen L. Magnuson

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

No. 02-1275-CD

CERTIFICATE OF SERVICE

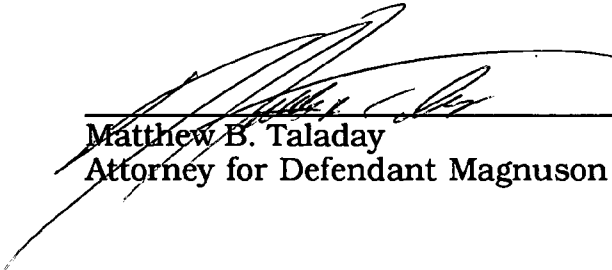
I certify that on the 31st day of December, 2002 a true and correct copy of Defendant Magnuson's Answer and New Matter to Plaintiffs' Amended Complaint was sent via first class mail, postage prepaid, to the following:

R. Denning Gearhart, Esq.
Attorney for Plaintiffs
215 E. Locust Street
Clearfield, PA 16830

James A. Naddeo, Esq.
Attorney for Defendants Sorberas
211-1/2 E. Locust Street
Clearfield, PA 16830

Patsy N. and Miriam V. Errigo
Defendants
R.R. #1, Box 402-G
Curwensville, PA 16833

Patricia Quiros
Defendant
1233 E. Gore Road
Erie, PA 16504


Matthew B. Taladay
Attorney for Defendant Magnuson

FILED

m/10:30 AM
JAN 02 2003

NO
CC
[Handwritten signature]

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER: 02-1275-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: ANSWER TO NEW MATTER

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

JUN 09 2003

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

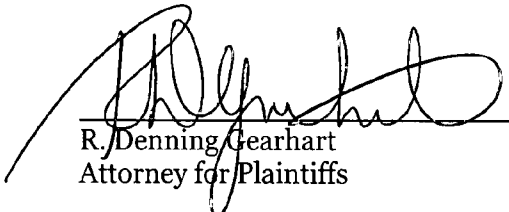
ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

ANSWER TO NEW MATTER

AND NOW, comes Plaintiffs, by and through their attorney, R. Denning Gearhart, who Answers New Matter by Defendant Magnuson as follows:

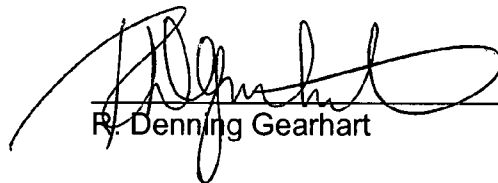
25. Plaintiffs' claims are not barred or limited by the doctrine of laches. Plaintiffs would be interested in discovering Defendant's theory.
26. Plaintiffs' claims are not barred by the statute of limitations.
27. Denied. Plaintiffs' usage or the usage of the predecessor of the lane of travel across Defendant's property was done as a matter of right and was adverse to any other claims.

Respectfully submitted,


R. Denning Gearhart
Attorney for Plaintiffs

AFFIDAVIT

R. DENNING GEARHART, being duly sworn according to law, deposes and says that he is the agent of the Plaintiffs , ROGER J. BRESSLER and ALLEN G. BRESSLER, that said Plaintiffs cannot make the verification to the foregoing Answer because they were not present on the day and date this Answer was filed, and further, that the Plaintiffs would not be available until after the day of the filing of this Answer, and that the facts set forth in the foregoing Answer are based on information provided to Counsel by the Plaintiffs and based partially upon personal knowledge of the Plaintiffs' attorney. However, the Plaintiffs verified this information to them counsel fully aware of the penalties of false statements under 18 Pa. C.S.A., section 4904, relating to unsworn falsification to authorities.

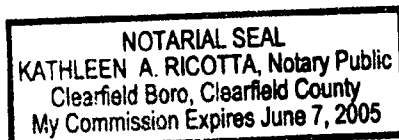

R. Denning Gearhart

Sworn to and subscribed

before me this 5 day

of June, 2003.


Kathleen A. Ricotta
Notary Public



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

NO. 02-1275-CD

NEW ANSWER

ROGER J. BRESSLER AND
ALLEN G. BRESSLER,
PLAINTIFFS

VS.

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MARIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife,
AND PATRICIA QUITROS,
DEFENDANTS

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

GERBERSON PRINTING CO., CLEARFIELD, PA

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FILED

o 9:55 AM
JUN 09 2003

MS CC
ESB

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and *
ALLEN G. BRESSLER, *
Plaintiffs *

vs. *

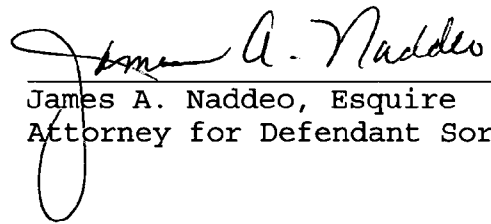
No. 02 - 1275 - CD

ELLEN L. MAGNUSON, PATSY *
N. ERRIGO, JR., and MIRIAM *
V. ERRIGO, husband and wife, *
G. THOMAS SORBERA and *
and VERONICA M. SORBERA, *
husband and wife, and *
PATRICIA QUIROS, *
Defendants *

NOTICE TO PLEAD

TO THE PLAINTIFFS:

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.


James A. Naddeo, Esquire
Attorney for Defendant Sorberas

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

ROGER J. BRESSLER and *
ALLEN G. BRESSLER, *
Plaintiffs *

vs. *

No. 02 - 1275 - CD

ELLEN L. MAGNUSON, PATSY *
N. ERRIGO, JR., and MIRIAM *
V. ERRIGO, husband and wife, *
G. THOMAS SORBERA and *
and VERONICA M. SORBERA, *
husband and wife, and *
PATRICIA QUIROS, *
Defendants *

**DEFENDANT SORBERAS' ANSWER
AND NEW MATTER TO AMENDED
COMPLAINT IN EJECTMENT**

NOW COME the Defendants, G. Thomas Sorbera and
Veronica M. Sorbera, by and through their attorney, James A.
Naddeo, Esquire, and set forth the following:

1. Admitted.

2. Admitted.

3. Admitted in part and denied in part. It is
admitted that Plaintiffs claim deed title to a certain parcel of
property described in Clearfield County Deed Book Volume 1394,
Page 554. It is denied that Plaintiffs have any right, title or
interest to a right of way over property of the responding
Defendants.

4. This averment is directed at a party other than the responding Defendants; therefore, no response is required.

5. This averment is directed at a party other than the responding Defendants; therefore, no response is required.

6. Admitted in part and denied in part. It is denied that the property of Defendant Sorberas is the servient tenement of any easement in favor of Plaintiffs. The remaining averments of Paragraph 6 are admitted.

7. This averment is directed at a party other than the responding Defendants; therefore, no response is required.

8. Denied. After reasonable investigation Defendant Sorberas are without knowledge or information sufficient to form a belief as to the truth of said averment.

9. Denied. After reasonable investigation Defendant Sorberas are without knowledge or information sufficient to form a belief as to the truth of said averment.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Denied. After reasonable investigation Defendant Sorberas are without knowledge or information sufficient to form a belief as to the truth of said averment.

15. Denied. After reasonable investigation Defendant Sorberas are without knowledge or information sufficient to form a belief as to the truth of said averment.

16. Denied. After reasonable investigation Defendant Sorberas are without knowledge or information sufficient to form a belief as to the truth of said averment.

17. Denied. After reasonable investigation Defendant Sorberas are without knowledge or information sufficient to form a belief as to the truth of said averment.

COUNT I - EASEMENT BY PRESCRIPTION

18. Answers to Paragraphs 1 through 17 of Plaintiff's Complaint are incorporated herein by reference.

19. Denied. After reasonable investigation Defendant Sorberas are without knowledge or information sufficient to form a belief as to the truth of said averment.

20. Denied. On the contrary, Plaintiffs and their predecessors-in-title have failed to conduct any acts or activities which would constitute a validly enforceable easement across the property of Defendant Sorberas and in favor of Plaintiffs.

COUNT II - EASEMENT BY NECESSITY

21. Answers to Paragraphs 1 through 20 of Plaintiff's Complaint are incorporated herein by reference.

22. Denied. After reasonable investigation Defendant Sorberas are without knowledge or information sufficient to form a belief as to the truth of said averment.

23. It is denied that Plaintiffs are without access to their property and further that Plaintiffs and their predecessors-in-title used and relied on any easements across the property of Defendant Sorberas. To the contrary, it is believed and therefore averred that Plaintiffs have valid and enforceable alternative routes of access to their property and are therefore precluded from asserting easement by necessity.

24. States a conclusion of law to which no answer is required.

NEW MATTER

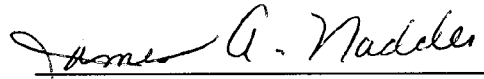
25. Plaintiffs' claims are barred or limited by the Doctrine of Laches.

26. Plaintiffs' claims are barred by the Statute of Limitations.

27. Any usage which Plaintiffs and/or their predecessors may have made of lanes of travel across lands of Plaintiffs, which Defendant Sorberas specifically deny, was, if proven, strictly permissive in nature and therefore not adverse for purposes of establishing prescriptive easement.

WHEREFORE, Defendant Sorberas demand judgment in their favor.


Respectfully submitted,



James A. Naddeo, Esquire
Attorney for Defendant Sorberas

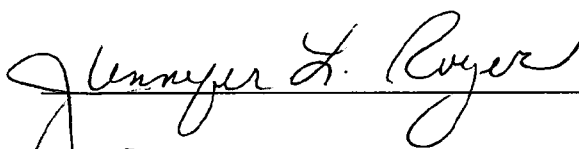
COMMONWEALTH OF PENNSYLVANIA)
)
) SS.
)
COUNTY OF CLEARFIELD)

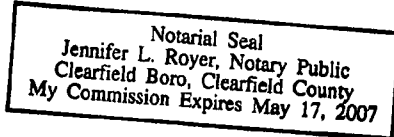
Before me, the undersigned officer, personally appeared G. THOMAS SORBERA, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.



G. Thomas Sorbera

SWORN and SUBSCRIBED before me this 18th day of June, 2003.





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

ROGER J. BRESSLER and *
ALLEN G. BRESSLER, *
Plaintiffs *

vs. *

No. 02 - 1275 - CD

ELLEN L. MAGNUSON, PATSY *
N. ERRIGO, JR., and MIRIAM *
V. ERRIGO, husband and wife, *
G. THOMAS SORBERA and *
and VERONICA M. SORBERA, *
husband and wife, and *
PATRICIA QUIROS, *
Defendants *

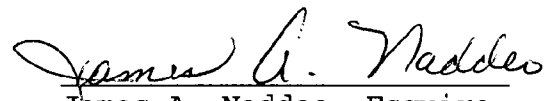
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Defendant Sorberas Answer to Amended Complaint and New Matter filed in the above-captioned action was served on the following persons and in the following manner on the 24th day of June, 2003:

First-Class Mail, Postage Prepaid

R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

Matthew B. Taladay, Esquire
HANAK, GUIDO & TALADAY
498 Jeffers Street
DuBois, PA 15801


James A. Naddeo, Esquire
Attorney for Defendants

JAMES A. NAPDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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FILED

JUN 24 2003

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

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:
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:
:
:
No. 02-1275-CD

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER: 02-1275-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: MOTION FOR SUMMARY JUDGMENT

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

MAR 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

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:
: No. 02-1275-CD
:
:

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the Plaintiffs, by and through their attorney, R. Denning Gearhart, Esq., who moves for Summary Judgment and in support thereof avers as follows:

1. That a Complaint in Ejectment was filed by the Plaintiffs. Following Preliminary Objections, an Amended Complaint in Ejectment was filed.
2. The Complaint seeks access to a right-of-way across the property of the Defendants to the property of the Plaintiffs.
3. Defendant, Ellen L. Magnuson, filed an Answer and New Matter through her attorney, Matthew B. Taladay, Esq.
4. Defendants, G. Thomas Sorbera and Veronica M. Sorbera filed an Answer and New Matter through their attorney, James A. Naddeo, Esq. However, during the course of this, it is believed that Defendants, G. Thomas Sorbera and Veronica M.

Sorbera, sold their real estate which is the subject of this action to Defendant, Ellen L. Magnuson.

5. Defendants, Patsy N. Errigo, Jr. and Miriam V. Errigo, husband and wife, and Patricia Quiros, did not file an Answer.

6. That the Deeds to the properties of the Defendants all refer to :

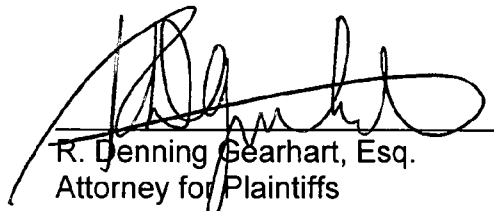
“UNDER AND SUBJECT to the easement described in
The deed from Ann Errigo, single, to Joseph Errigo
Dated August 3, 1983, and recorded in Clearfield County
Deeds and Records Book 1255, Page 439.”

7. That none of the responsive pleadings questions or limits the use of this right-of-way, nor do they deny the existence of this language.

8. Accordingly, there is no disputed fact as to the existence of the right-of-way sought by the Plaintiffs.

WHEREFORE, Plaintiffs pray Your Honorable Court to grant to them Summary Judgment and declare the right-of-way open for use by the Plaintiffs and enjoin the Defendants from obstructing this use.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Plaintiffs

19

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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 02-1275-CD

ROGER J. BRESSLER and
ALLEN G. BRESSLER, Plaintiffs

vs.

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA, husband
and wife, and PATRICIA QUIROS,
Defendants,

MOTION FOR SUMMARY JUDGMENT

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

COMMERCIAL PRINTING CO., CLEARFIELD, PA

FILED

MAR 12 2004

William A. Shaw

Prothonotary/Clerk of Courts

6 (ENT to ATT)

CA

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

ROGER J. BRESSLER and
ALLEN C. BRESSLER

vs.

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:
:
: No. 02-1275-CD
:
:

ELLEN L. MAGNUSON, PATSY
N. ERRIGO, JR. and MIRIAM N.
ERRIGO, husband and wife, G.
THOMAS SORBERA and VERONICA
M. SORBERA, husband and wife, and
PATRICIA QUIROS

FILED

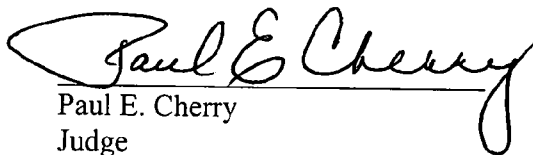
MAR 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 15th day of March, 2004, it is the ORDER of the Court that argument on Plaintiffs' Motion for Summary Judgment in the above-captioned matter has been scheduled for **Monday, April 19, 2004 at 3:00 P.M.** in Courtroom No. 2, Clearfield County Courthouse.

BY THE COURT:


Paul E. Cherry
Judge

FILED
MAR 15 2004

5:02 w/ memo re: service of rule
to Atty Gearhart

William A. Shaw

Prothonotary/Clerk of Courts

WAS

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

No. 02-1275-CD

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER:

No. 02-1275-CD

TYPE OF CASE:

Civil

TYPE OF PLEADING:

CERTIFICATE OF SERVICE

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

MAR 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

No. 02-1275-CD


ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the MOTION FOR SUMMARY JUDGMENT filed in the above captioned matter on the Defendant, Ellen L. Magnuson, through Defendant's attorney, and on the Defendants, G. Thomas Sorbera and Veronica M. Sorbera, through Defendants' attorney, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Matthew B. Taladay, Esq.
HANAK, GUIDO and TALADAY, ESQS.
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

James A. Naddeo, Esq.
211 1/2 East Locust Street
P. O. Box 552
Clearfield, PA 16830


R. Denning Gearhart, Esq.
Attorney for Plaintiffs

Dated: March 12, 2004

FILED

APR 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

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NO CC

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CIVIL ACTION - AT LAW

No. 02-1275-CD

Type of Pleading:

Response to Motion
For Summary Judgment

Filed on Behalf of:

Defendant Magnuson

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

MAR 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

and incorporates by reference the Answer and New Matter filed by the Sorbera Defendants.

5. Upon information and belief, admitted.

6. Admitted in part and denied in part. It is admitted that the Defendant's deed contains numerous exceptions and reservations, including that set forth in Plaintiffs' Motion for Summary Judgment. It is denied that this exception or reservation grants any rights to Plaintiffs.

7. Denied. The responsive pleadings filed by all Defendants adamantly deny Plaintiffs' claimed right to use an alleged easement across the respective properties. There are numerous disputed issues of fact which require resolution by the Court. It is further averred that the existence or non-existence of an easement to Joseph Errigo in any way grants Plaintiffs any right to use or cross Defendants' properties.


8. Denied. As set forth above, the Defendants adamantly deny that Plaintiffs have any right of way or easement across their property by virtue of any exception or reservation in their deeds to Joseph Errigo or based on any matter set forth in the Complaint. By way of further answer, it is averred that the Complaint does not base the claim of right on the easement reservation set forth in the Motion for Summary Judgment.

WHEREFORE, it is respectfully requested that Plaintiffs'
Motion for Summary Judgment be denied.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay
Attorney for Defendant Magnuson

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

-vs-

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO, husband
and wife, G. THOMAS SORBERA
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

No. 02-1275-CD

CERTIFICATE OF SERVICE

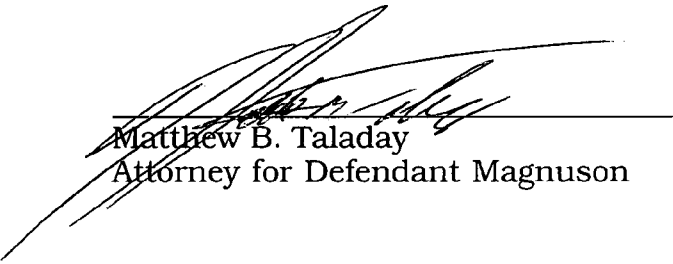
I certify that on the 18th day of March, 2004 true and correct copies of Defendant Magnuson's Response to Motion for Summary Judgment were sent via first class mail, postage prepaid, to the following:

R. Denning Gearhart, Esq.
Attorney for Plaintiffs
215 E. Locust Street
Clearfield, PA 16830

James A. Naddeo, Esq.
Attorney for Defendants Sorberas
P.O. Box 552
Clearfield, PA 16830

Patsy N. and Miriam V. Errigo
Defendants
R.R. #1, Box 402-G
Curwensville, PA 16833

Patricia Quiros
Defendant
1233 E. Gore Road
Erie, PA 16504



Matthew B. Taladay
Attorney for Defendant Magnuson

FILED
MAR 19 2004
MAR 19 10:34 AM
MAR 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

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:
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:
: No. 02-1275-CD
:
:

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER: No. 02-1275-CD
TYPE OF CASE: Civil
TYPE OF PLEADING: AFFIDAVIT OF MAILING
FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

MAR 29 2004

William A. Shaw
Prothonotary Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

No. 02-1275-CD

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

AFFIDAVIT OF MAILING


COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

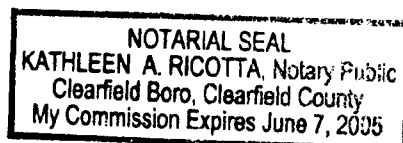
R. Denning Gearhart, Esquire, the attorney for Plaintiffs, being duly sworn according to law, says that he mailed by certified mail, restricted delivery, return receipt requested, a true and correct copy of the Motion for Summary Judgment filed in the above action, to the Defendants, Patsy N. Errigo, Jr. and Miriam V. Errigo, at their place of residence as evidenced by the signed receipt attached hereto as Exhibit 'A'.


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

Sworn to and Subscribed

before me this 29 day
of March, 2004.


Kathleen A. Ricotta
Notary Public



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr & Mrs. Patey N.
Errigo, Jr.
R.R. #1, Box 402-G
Cerrvensville, PA
16833

COMPLETE THIS SECTION ON DELIVERY

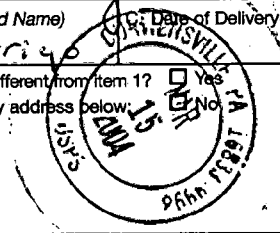
A. Signature Agent
 Addressee
X Miriam Errigo

B. Received by (Printed Name) Date of Delivery
Miriam Errigo

D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below.

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



2. Article Number (Transfer from service label) 7002 2030 0000 6873 2464

EXHIBIT "A"

FILED NO CC
01319 821
MAR 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

:
:
:
:
: No. 02-1275-CD
:

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

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CASE NUMBER: No. 02-1275-CD
TYPE OF CASE: Civil
TYPE OF PLEADING: CERTIFICATE OF SERVICE
FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

MAR 29 2004

William A. Shaw
Prothonotary, Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

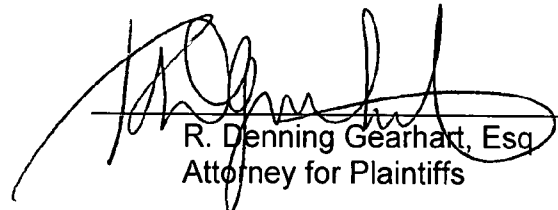
No. 02-1275-CD

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Order dated March 15, 2004, filed in the above captioned matter on the Defendant, Patsy N. Errigo, Jr. and Miriam V. Errigo, Defendants, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Mr. and Mrs. Patsy N. Errigo, Jr.
R. R. #1, Box 402-G
Curwensville, PA 16833


R. Denning Gearhart, Esq
Attorney for Plaintiffs

Dated: March 29, 2004

FILED
0/3:19
MAR 29 2004

ND
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S
D

William A. Shaw
Prothonotary/Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

No. 02-1275-CD

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER: No. 02-1275-CD
TYPE OF CASE: Civil
TYPE OF PLEADING: CERTIFICATE OF SERVICE
FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

MAR 29 2004

William A. Shaw
Prothonotary Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

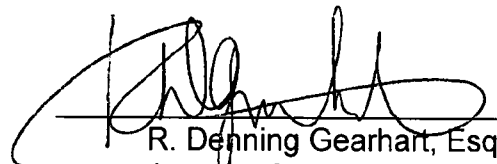
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No. 02-1275-CD

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Order dated March 15, 2004, together with a certified copy of the Motion for Summary Judgment filed in the above captioned matter on the Defendant, Patricia Quiros, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Ms. Patricia Quiros
1233 E. Gore Road
Erie, PA 16504


R. Denning Gearhart, Esq.
Attorney for Plaintiffs

Dated: March 29, 2004

FILED No cc

of 3:19 PM
MAR 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

No. 02-1275-CD

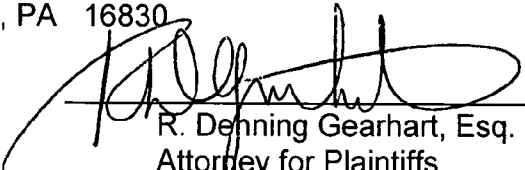
ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Order dated March 15, 2004, filed in the above captioned matter on the Defendant, Ellen L. Magnuson, through Defendant's attorney, and on the Defendants, G. Thomas Sorbera and Veronica M. Sorbera, through Defendants' attorney, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Matthew B. Taladay, Esq.
HANAK, GUIDO and TALADAY, ESQS.
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

James A. Naddeo, Esq.
211 ½ East Locust Street
P. O. Box 552
Clearfield, PA 16830


R. Denning Gearhart, Esq.
Attorney for Plaintiffs

Dated: March 29, 2004

FILED

NO
CC

013:19:804
MAR 29 2004

William A. Shaw

Prothonotary/Clerk of Courts

[Handwritten signature]

R. Denning Gearhart

Attorney & Counselor at Law

215 E. Locust Street
Clearfield, PA 16830

814-765-1581

(fax) 814-765-6745
<http://www.dgearhartpalaw.com>

April 19, 2004

DELIVERED BY FAX

David Meholick
Court Administrator's Office
Court House
Clearfield, PA 16830

Re: Roger J. Bressler, et. al. vs. Ellen L. Magnuson, et. al. - No. 02-1275-CD

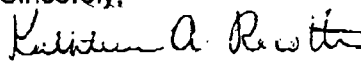
Dear Mr. Meholick:

I note that the above matter is scheduled for Argument today before the Honorable Paul E. Cherry, Esq., at 3:00 o'clock P.M.

I arrived in the office this morning to be notified by a note from Mr. Gearhart's family that he has been rushed to the Emergency Room at the Clearfield Hospital. The note asks me to cancel his appointments, etc. for the day as they are not sure of what this emergency entails and what the prognosis will be.

Therefore, I respectfully request that the Argument scheduled for this afternoon be continued to another date.

Please advise.

Sincerely,

Kathleen A. Ricotta
Secretary

cc: James A. Naddeo, Esq.
Matthew B. Taladay, Esq.

*WJed
5-18-04
EAS*

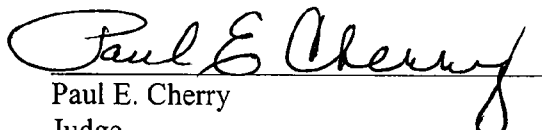
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

ROGER J. BRESSLER and	:	
ALLEN G. BRESSLER	:	
	:	
vs.	:	No. 02 - 1275 - C.D.
	:	
ELLEN L. MAGNUSON, PATSY N.	:	
ERRIGO, JR. and MIRIAM M.	:	
ERRIGO, husband and wife, G.	:	
THOMAS SORBERA and VERONICA	:	
M. SORBERA, husband and wife, and	:	
PATRICIA QUIROS	:	


ORDER

AND NOW, this 20th day of April, 2004, it is the ORDER of this Court that Plaintiffs' Motion for Summary Judgment in the above captioned matter has been rescheduled from April 19, 2004 to **Wednesday, May 12, 2004 at 9:30 A.M.**, in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


Paul E. Cherry
Judge

FILED 

APR 21 2004
0111054cc atty
William A. Shaw
Prothonotary/Clerk of Courts 

CA

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER

vs.

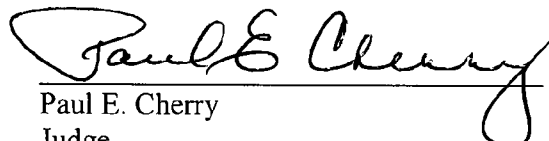
No. 02 - 1275 - C.D.

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR. and MIRIAM M.
ERRIGO, husband and wife, G.
THOMAS SORBERA and VERONICA
M. SORBERA, husband and wife, and
PATRICIA QUIROS

ORDER

AND NOW, this 4th day of May, 2004, it is the ORDER of this Court
that Plaintiffs' Motion for Summary Judgment in the above captioned matter has been
rescheduled from May 12, 2004 to **Friday, May 28, 2004 at 2:00 P.M.**, in Courtroom
No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


Paul E. Cherry
Judge

FILED

MAY 05 2004

William A. Shaw
Prothonotary

FILED

0 10:36 AM

See Utility Purchase.

MAY 05 2004

~~FILED~~

William A. Shaw
Prothonotary

CA

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER

vs.

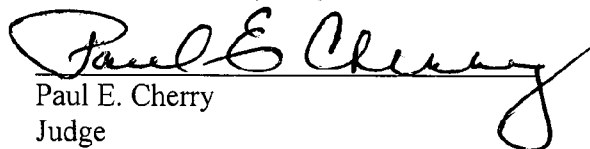
No. 02 - 1275 - C.D.

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR. and MIRIAM M.
ERRIGO, husband and wife, G.
THOMAS SORBERA and VERONICA
M. SORBERA, husband and wife, and
PATRICIA QUIROS

ORDER

AND NOW, this 24th day of May, 2004, it is the ORDER of this Court
that Plaintiffs' Motion for Summary Judgment in the above captioned matter has been
rescheduled from May 28, 2004 to Thursday, June 24, 2004 at 9:00 A.M., in
Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:



Paul E. Cherry
Judge

FILED

MAY 24 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
01/21/04
MAY 24 2004

400
Atty Gearhart - to serve


William A. Shaw
Prothonotary/Clerk of Courts

CA

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER

vs.

No. 02 - 1275 - C.D.

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR. and MIRIAM M.
ERRIGO, husband and wife, G.
THOMAS SORBERA and VERONICA
M. SORBERA, husband and wife, and
PATRICIA QUIROS


ORDER

AND NOW, this 26th day of May, 2004, it is the ORDER of this Court that Plaintiffs' Motion for Summary Judgment in the above captioned matter has been rescheduled from June 24, 2004 to **Friday, June 25, 2004 at 2:00 P.M.**, in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

FILED

MAY 27 2004

BY THE COURT:


Paul E. Cherry
Judge

William A. Shaw
Prothonotary

FILED

0 10.414
MAY 27 2004

*1cc atty - bankrupt
1cc atty - bankruptcy
1cc atty - address*

WAS

William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

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:
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:
:
: No. 02-1275-CD

ELLEN L. MAGNUSON, PATSY N.
ERRIGO, JR., and MIRIAM V.
ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

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FILED

CASE NUMBER: 02-1275-CD

MAY 27 2004

TYPE OF CASE: Civil

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Plaintiffs

William A. Shaw
Prothonotary

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

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

ROGER J. BRESSLER and :
ALLEN G. BRESSLER, :
Plaintiffs :
 :
vs. : No. 02-1275-CD
 :
ELLEN L. MAGNUSON, PATSY N. :
ERRIGO, JR., and MIRIAM V. :
ERRIGO, husband and wife, :
G. THOMAS SORBERA and :
VERONICA M. SORBERA, :
husband and wife, and :
PATRICIA QUIROS, :
Defendants :

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the ORDER dated May 24, 2004, filed in the above captioned matter on the Defendants, Ms. Patricia Quiros and Mr. And Mrs. Patsy N. Errigo, Jr., by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

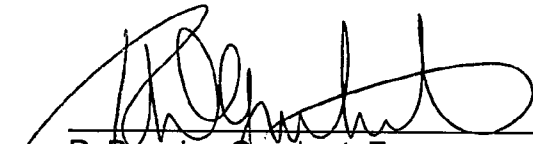
Ms. Patricia Quiros
1233 E. Gore Road
Erie, PA 16540

Mr. And Mrs. Patsy N. Errigo, Jr.
R. R. #1, Box 402-G
Curwensville, PA 16833

and upon Defendants, Ellen L. Magnuson, through Defendant's attorney, and on Defendants, G. Thomas Sorbera and Veronica M. Sorbera, through Defendants' attorney, by depositing such documents in the United States Mail postage prepaid and addressed as follows:

Matthew B. Taladay, Esq.
HANAK, GUIDO and TALADAY, ESQS.
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

James A. Naddeo, Esq.
207 E. Market Street
Clearfield, PA 16830



R. Denning Gearhart, Esq.
Attorney for Plaintiffs

DATED: May 27, 2004

FILED

3:45 PM WJCC

MAY 27 2004



William A. Shaw
Prothonotary

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER: 02-1275-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

FILED

JUN 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of the ORDER dated May 26, 2004, filed in the above-captioned matter on the Defendants, Ms. Patricia Quiros and Mr. and Mrs. Patsy N. Errigo, Jr., by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Ms. Patricia Quiros
1233 East Gore Road
Erie, PA 16540

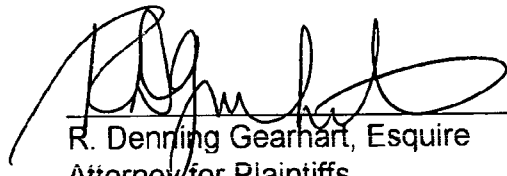
Mr. and Mrs. Patsy N. Errigo, Jr.
RR1 Box 402-G
Curwensville, PA 16833

and upon Defendants, Ellen L. Magnuson, through Defendant's attorney, and on Defendants, G. Thomas Sorbera and Veronica M. Sorbera, through Defendant's attorney, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

James A. Naddeo, Esquire
207 East Market Street
Clearfield, PA 16830

DATED: **June 8, 2004**


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

FILED NO CC
 01/10:31:05 PM
 JAN 08 2004
 KBA
 27 Elizabeth A. Shaw
 Secretary/Clerk of Courts

CA

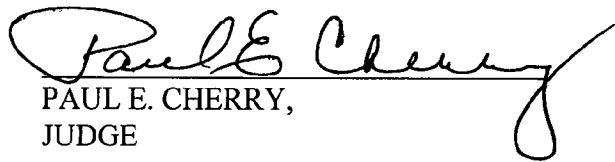
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROGER J. BRESSLER and : NO. 02-1275-CD
ALLEN G. BRESSLER :
 :
 :
V. :
 :
 :
ELLEN L. MAGNUSON; PATSY N. :
ERRIGO, JR.; MIRIAM V. ERRIGO; :
THOMAS G. SORBERA; VERONICA :
M. SORBERA and PATRICIA QUIRAS :

ORDER

AND NOW, this 14th day of June, 2004, it is the ORDER of this Court that hearing with regard to Plaintiff's Motion for Summary Judgement scheduled for June 25, 2004, be and is hereby continued until the 16 day of July, 2004 at 2:00 o'clock P.M. in Courtroom No. 2 of the Clearfield County Courthouse.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

JUN 15 2004

William A. Shaw
Prothonotary

FILED

10:50 AM

JUN 15 2004

400 to City Search

WAS
William A. Shaw
Prothonotary

CA

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

ROGER BRESSLER

V.

ELLEN L. MAGNUSON

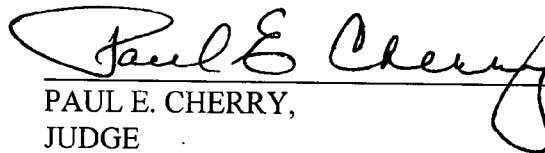
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NO. 02-1275-CD

ORDER

AND NOW, this 30th day of June, 2004, the Court having received a request for continuance due to a scheduling conflict of R. Denning Gearhart, Esquire, of the hearing scheduled on July 16, 2004, it is the ORDER of this Court that hearing be and is hereby continued until the 31st day of July, 2004, at 9:30 o'clock A.M. in Courtroom No.2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

JUL 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

11

FILED

8/10/15 ~~2011~~
JUL 02 2004

Prothonotary/Clerk of Courts
William A. Shay

2cc Atty Gearhart

2cc Atty Taladay

2cc Atty Nadder

1cc Patricia Quiras

1233 East Gore Road

Erie, PA 16540

1cc Mr. and Mrs. Fotsy Errigo, Jr.
RR 1 Bdx 403-B

Curwensville, PA 16833

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER: 02-1275-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: **CERTIFICATE OF SERVICE**

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

FILED
10-37-04
JUL 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of the ORDER dated June 30, 2004, filed in the above-captioned matter on the Defendants, Ms. Patricia Quiros and Mr. and Mrs. Patsy N. Errigo, Jr., by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

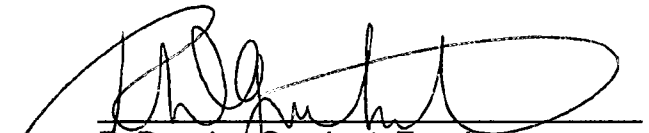
Ms. Patricia Quiros
1233 East Gore Road
Erie, PA 16540

Mr. and Mrs. Patsy N. Errigo, Jr.
RR1 Box 402-G
Curwensville, PA 16833

and upon Defendants, Ellen L. Magnuson, through Defendant's attorney, and on Defendants, G. Thomas Sorbera and Veronica M. Sorbera, through Defendant's attorney, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

James A. Naddeo, Esquire
207 East Market Street
Clearfield, PA 16830


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

DATED: July 12, 2004

FILED

JUL 12 2004

Walter A. Sear,
Department of Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ROGER BRESSLER, et al. :

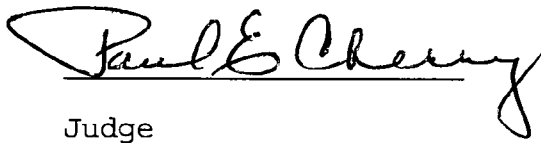
VS. : NO. 02-1275-CD

ELLEN L. MAGNUSON, et al. :

O R D E R

NOW, this 26th day of July, 2004, following argument on Plaintiff's Motion for Summary Judgment, it is the ORDER of this Court that said Motion be and is hereby denied.

BY THE COURT:


Judge

FILED

JUL 29 2004

William A. Shaw
Prothonotary Clerk of Courts

2

FILED

2 cc Atty's: Gearhart

019:26:81
JUL 29 2004

Taladay
Maddeo

OFFICE OF THE
PROCURATOR GENERAL

1 cc Patricia Quiras

12033 East Gore Road
Erie, PA 16540

1 cc Mr. & Mrs. Ratsy Emigo, Jr.
RR 1 Box 409-G
Curtzonsville, PA 16833

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs,

v.

No. 02-1275-CD

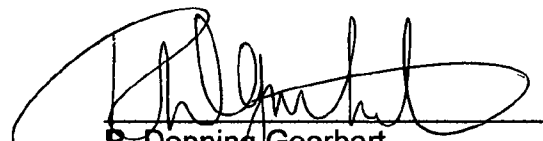
ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants.

PRAECIPE TO LIST FOR TRIAL

TO THE PROTHONOTARY:

Please place the above-captioned matter on the next list for trial. In support thereof I certify the following:

1. There are no Motions outstanding.
2. Discovery has been completed and the case is ready for trial.
3. The case is to be heard by non-jury.
4. Notice of the Praecipe has been given to opposing counsel.
5. The time for trial is estimated at 1 day.


R. Denning Gearhart
Attorney for Plaintiffs

Date: November 9, 2006

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs,

v.

No. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants.

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of the PRAECIPE TO LIST FOR TRIAL filed in the above-captioned matter on the Defendants, Ms. Patricia Quiros and Mr. and Mrs. Patsy N. Errigo, Jr., by depositing such documents in the United States Mail Postage pre-paid and addressed as follows:

Ms. Patricia Quiros
1233 East Gore Road
Erie, PA 16540

Mr. and Mrs. Patsy N. Errigo, Jr.
RR1 Box 402-G
Curwensville, PA 16833

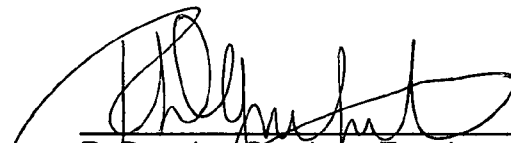
and upon Defendants, Ellen L. Magnuson, through Defendant's attorney, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

and on Defendants, G. Thomas Sorbera and Veronica M. Sorbera, through Defendants' attorney, by hand delivering as follows:

James A. Naddeo, Esquire
207 East Market Street
Clearfield, PA 16830

Date: **November 9, 2006**



R. Denning Gearhart, Esquire
Attorney for Plaintiffs

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs,

vs.

ELLEN L. MAGNUSON, PATSY
N. ERRIGO, JR., and MIRIAM
V. ERRIGO, husband and wife,
G. THOMAS SORBERA and
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants.

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No. 02 - 1275 - CD

FILED
014:00301
NOV 28 2006

William A. Shaw
Prothonotary/Clerk of Courts
5 CC Atty Naddeo

ORDER

AND NOW, this 28th day of November, 2006, upon consideration of the forgoing Petition, it is hereby ordered that:

(1) a rule is hereby issued upon Respondents, G. Thomas and Veronica M. Sorbera, to Show Cause why the Petitioner, James A. Naddeo, Esquire, is not entitled to the relief requested;

(2) the Respondent shall file an answer to the petition within twenty (20) days of service upon the Respondent;

(3) the petition shall be decided under Pa. R.C.P. No. 206.7;

(4) notice of the entry of this order shall be provided to all parties by the Petitioner.

NOTICE

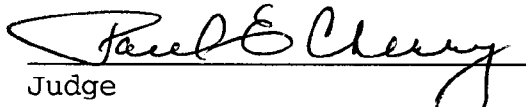
A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY

OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY FOR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE 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 Street
CLEARFIELD, PA 16830
(814) 765-2641, Ext. 50-51

BY THE COURT,


Judge

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

ROGER J. BRESSLER and *
ALLEN G. BRESSLER, *
Plaintiffs *

vs..

No. 02 - 1275 - CD

ELLEN L. MAGNUSON, PATSY *
N. ERRIGO, JR., and MIRIAM *
V. ERRIGO, husband and wife, *
G. THOMAS SORBERA and *
and VERONICA M. SORBERA, *
husband and wife, and *
PATRICIA QUIROS, *
Defendants

PETITION TO WITHDRAW AS COUNSEL

NOW COMES James A. Naddeo, Esquire, attorney of record for the Defendants, G. Thomas and Veronica M. Sorbera, and sets forth the following:

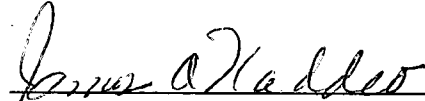
1. That Plaintiffs in the above-captioned action are Roger J. Bressler and Allen G. Bressler who currently reside in Curwensville, Pennsylvania 16866.

2. That Defendants in the above-captioned action are G. Thomas and Veronica M. Sorbera whose address is 1313½ Daisy Street, Clearfield, Pennsylvania 16830.

3. That the Defendant consulted your Petitioner on or about December 14, 2001, and requested that your Petitioner file pleadings on their behalf to the above-captioned term and number.

4. That Defendants contacted your Petitioner and advised him that they no longer require his services.

WHEREFORE, Petitioner respectfully requests Your Honorable Court to enter a Rule upon Defendants, G. Thomas and Veronica M. Sorbera, to show cause why Petitioner should not be allowed to withdraw as counsel.



James A. Naddeo, Esquire
Attorney for Defendants
Sorbera

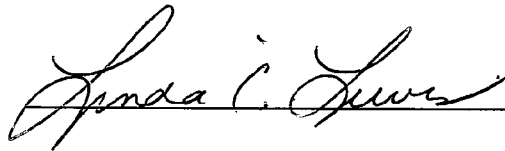
COMMONWEALTH OF PENNSYLVANIA)
)
) SS.
)
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally JAMES A. NADDEO appeared, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition to Withdraw as Counsel are true and correct to the best of his knowledge, information and belief.



James A. Naddeo

SWORN and SUBSCRIBED before me this 28th day of November, 2006.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

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

ROGER J. BRESSLER and *
ALLEN G. BRESSLER, *
Plaintiffs *

vs. *

No. 02 - 1275 - CD

ELLEN L. MAGNUSON, PATSY *
N. ERRIGO, JR., and MIRIAM *
V. ERRIGO, husband and wife, *
G. THOMAS SORBERA and *
and VERONICA M. SORBERA, *
husband and wife, and *
PATRICIA QUIROS, *
Defendants *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Petition to Withdraw as Counsel filed in the above-captioned action was served on the following persons and in the following manner on the 29th day of November, 2006:

First-Class Mail, Postage Prepaid

R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

Matthew B. Taladay, Esquire
HANAK, GUIDO & TALADAY
498 Jeffers Street
DuBois, PA 15801

Mr. and Mrs. Thomas G. Sorbera
1313½ Daisy Street
Clearfield, PA 16830

Ms. Patricia Quiros
1233 E. Gore Road
Erie, PA 16504

Mr. & Mrs. Patsy N. Errigo, Jr.
RR1 Box 402-G
Curwensville, PA 16833

James A. Naddeo

James A. Naddeo, Esquire
Attorney for Defendants
G. Thomas Sorbera and
Veronica M. Sorbera

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

ELLEN L. MAGNUSON, PATSY
N. ERRIGO, JR., and MIRIAM
V. ERRIGO, husband and wife,
G. THOMAS SORBERA and
and VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants.

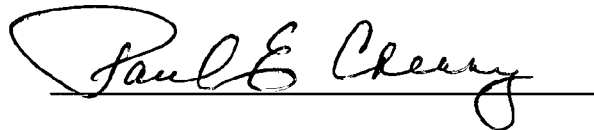
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No. 02 - 1275 - CD

ORDER

NOW this 28th day of December, 2006, upon
consideration of the Petition and Motion to Withdraw as Counsel
filed by James A. Naddeo, Esquire, it appearing that a return
date was set upon said Petition for November 20, 2006 and the
Defendants, G. Thomas and Veronica M. Sorbera having failed to
file a response, it is the ORDER of this Court that James A.
Naddeo, Esquire, be permitted to withdraw as counsel on behalf of
the Defendants, G. Thomas and Veronica M. Sorbera. It is the
further ORDER of this Court that a certified copy of this Order
be directed to G. Thomas Sorbera by James A. Naddeo, Esquire.

BY THE COURT


Paul E. Cherry

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

ROGER J. BRESSLER and *
ALLEN G. BRESSLER, *
Plaintiffs *

vs. *


No. 02 - 1275 - CD

ELLEN L. MAGNUSON, PATSY *
N. ERRIGO, JR., and MIRIAM *
V. ERRIGO, husband and wife, *
G. THOMAS SORBERA and *
and VERONICA M. SORBERA, *
husband and wife, and *
PATRICIA QUIROS, *
Defendants *

PRAECIPE TO WITHDRAW APPEARANCE

TO THE PROTHONOTARY:

Please withdraw my Appearance on behalf of the
Defendant, G. Thomas Sorbera and Veronica M. Sorbera, in the
above captioned case.



James A. Naddeo
Attorney for Defendants,
G. Thomas Sorbera and
Veronica M. Sorbera

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

ELLEN L. MAGNUSON, PATSY
N. ERRIGO, JR., and MIRIAM
V. ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

Type of Case: Civil Action

No.02-1275-C.D.

Type of Pleading:
Notice of
Service

Filed on Behalf of:
Defendant Magnuson

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
3 S. Brady Street, Suite 300
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED ^{NO CC}
18:55/01
JAN 03 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

ELLEN L. MAGNUSON, PATSY
N. ERRIGO, JR., and MIRIAM
V. ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

No.02-1275-C.D.

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant Magnuson, do hereby certify that I propounded on Plaintiffs, via United States mail, first class, postage pre-paid, this 2nd day of January, 2007, Defendant Magnuson's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiffs:

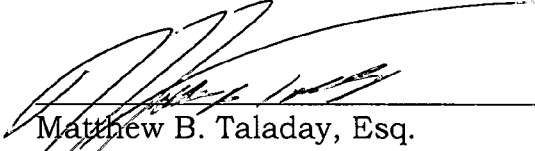
R. Denning Gearhart, Esq.
207 E. Market Street
Clearfield, PA 16830

With a copy to:

Mr. & Mrs. Patsy N. Errigo, Jr.
R.R. #1, Box 402-G
Greenwood Road
Curwensville, PA 16833

Mr. and Mrs. G. Thomas Sorbera
1313½ Daisy Street
Clearfield, PA 16830

Patricia Quiros
1233 E. Gore Road
Erie, PA 16504



Matthew B. Taladay, Esq.
Attorney for Defendant Magnuson

FILED

JAN 03 2007

WILLIAM A. SORRE
PROthonary/Clerk of Courts

CA

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

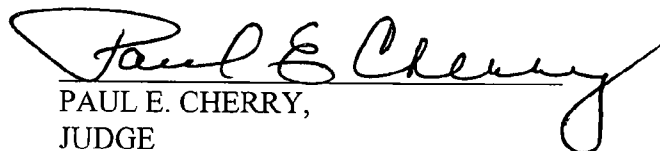
ROGER J. BRESSLER and : NO. 02-1275-CD
ALLEN G. BRESSLER :
 :
V. :
 :
ELLEN L. MAGNUSON; PATSY N. :
ERRIGO, JR.; MIRIAM V. ERRIGO; :
THOMAS G. SORBERA; VERONICA :
M. SORBERA and PATRICIA QUIRAS :

ORDER

AND NOW, this 24th day of January, 2007, following Pre-Trial Conference, it is
the ORDER of this Court as follows:

1. Trial in this matter is scheduled for May 2, 2007, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. The deadline for providing any and all outstanding discovery shall be by and no later than twenty (20) days from this date.
3. The deadline for submitting any and all Motions shall be by and no later than thirty (30) days prior to the commencement of trial.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

01/25/07
JAN 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

①
1 CC- Atty Gearhart
Atty Taladay
1 CC Patsy N. Errigo, Jr.
Miriam V. Errigo
RR1, Box 402 G
Curwensville, PA 16833
1 CC Thomas G. Sorbera
Veronica M. Sorbera
1313 1/2 Daisy St.
Clearfield, PA 16830
1 CC Patricia Quiros
1233 E. Gore Rd.
Erie, PA 16504

FILED

JAN 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/25/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Erin Sorbaza, QAITOS

Special Instructions:

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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

NO. 02-1275-CD

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

CASE NUMBER: 02-1275-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: **ANSWERS TO INTERROGATORIES**

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

FILED 5CC
0/10:54/01 Atty Gearhart
MAR 07 2007
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

vs.

ELLEN L. MAGNUSON, PATSY
N. ERRIGO, JR., and MIRIAM
V. ERRIGO, husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

: Type of Case: Civil Action

:
: No.02-1275-C.D.
:

: Type of Pleading:

: Interrogatories and
: Request for Production of
: Documents - First Set

: Filed on Behalf of:

: Defendant Magnuson

: Counsel of Record for This

: Party:

: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 3 S. Brady Street, Suite 300
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

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

ROGER J. BRESSLER and	:	
ALLEN G. BRESSLER,	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
ELLEN L. MAGNUSON, PATSY	:	No.02-1275-C.D.
N. ERRIGO, JR., and MIRIAM	:	
V. ERRIGO, husband and wife,	:	
G. THOMAS SORBERA and	:	
VERONICA M. SORBERA,	:	
husband and wife, and	:	
PATRICIA QUIROS,	:	
Defendants	:	

**INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS
SUBMITTED ON BEHALF OF DEFENDANT ELLEN L. MAGNUSON**

TO: Roger J. Bressler and Allen G. Bressler, Plaintiffs
c/o R. Denning Gearhart, Esq.

Definitions and Instructions

Instructions

Pursuant to the provisions of Pa.R.C.P. 4005 and 4006, as amended, you are required to serve on the undersigned, your answers and objections, if any, in writing, to the following Interrogatories, within thirty (30) days after service of the Interrogatories.

The answers shall be inserted in the spaces provided following each Interrogatory. If there is insufficient space to answer an

Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

These Interrogatories shall be deemed to be continuing in nature, in accordance with the provisions of Pa.R.C.P. 4007.4 as amended. If between the time of serving your original answers to these Interrogatories, and the time of trial of this matter, you or anyone acting on your behalf learn the identity of persons expected to be called as an expert witness at the trial not disclosed in your Answers or if you or an expert witness obtain information upon the basis of which you or he knows that an answer was incorrect when made, or knows that an answer though correct when made is no longer true, then you shall promptly supplement your original answers under oath to include such information thereafter acquired, and to promptly furnish such supplemental answer to the undersigned.

Definitions

Please note the following definitions and instructions are an integral part of these Interrogatories:

A. "Plaintiff", "you", and "yours" shall mean you or any agent, employee, representative, attorney or any other person acting on behalf of Plaintiff.

B. "Defendant" shall mean Defendant and any officer, employee agent, representative, attorney or other person acting on behalf of Defendant.

C. "Person(s)" include the singular and plural of natural persons, partnerships, associations, incorporations, organizations, governments, including all officers, agents and subdivisions thereof.

D. "Document" shall mean all written, printed or graphic matter of every kind or description, however produced or reproduced, whether drafted or final, signed or unsigned, and including, but not limited to, written communications, letters, correspondence, memoranda, minutes, notes, photographs, slides, diagrams, sketches, telegrams, sound or tape recordings or materials similar to any of the foregoing, however denominated and by whomever prepared which are in your possession, custody or control, or to which you have, have had or can obtain access.

E. Production in lieu of identification. In lieu of identifying documents, you may supply the documents, or true and correct copies thereof, with your answers to these Interrogatories.

F. In answering these Interrogatories, you must furnish all information which is available to you including that which has been obtained by and which is now in possession of your attorneys,

employees, insurers, agents and other representatives, and not merely information known by the individual or individuals preparing the response.

By: _____
Matthew B. Taladay, Esq.
Attorney for Defendant

INTERROGATORIES

1. For the person answering these Interrogatories, please state your full name, age, address, social security number, extent of formal education, occupation, and name of the employer, employer's address, and, if married, give your spouse's name.

ANSWER:

Allen G. Bressler
Age 55
62 Wood Street
Curwensville, PA 16833
Soc. Sec. NHFB
BA - Edinboro University

2. State Plaintiff's full name, age and social security number.

ANSWER:

Rober J. Bressler
Age 53
62 Wood Street
Curwensville, PA 16833
Soc. Sec. NHFB
BA - Edinboro University

3. List the names, addresses and telephone numbers of persons known or believe by Plaintiffs or any other person acting on Plaintiffs' behalf to have information relating to the subject matter of Plaintiffs' cause of action.

ANSWER:

Parties listed in #1 and #2 above. In addition, a list of witnesses will be or has been provided.

4. For each individual listed above, please summarize the facts or circumstances of which he or she has knowledge relating to the subject matter of Plaintiffs' claim.

ANSWER:

See #1 and #2. In addition, a list of witnesses will be or has been provided.

5. Is Plaintiff or anyone acting on behalf of Plaintiff in possession of, or know of, the existence of any photographs, blueprints, sketches, drawings, diagrams or plans of the instrumentalities, locality or any other matter regarding the subject matter of the allegations and claims set forth in Plaintiffs' Complaint? If so, state:

- (a) The nature of the document and the names and addresses of the person or persons preparing such document, and the date of its preparation;
- (b) The name and address of the person presenting having possession or custody of each such document;
- (c) Specific subject matter of the document;
- (d) Date it was made or taken;
- (e) What the document purports to show, illustrate or represent; and
- (f) Please attach a copy of each document referred to in response to the preceding Interrogatory.

ANSWER:

Information provided through Pre-Trial process.

6. Have Plaintiffs or any one acting on Plaintiffs' behalf conducted any investigation which is the subject matter of the Complaint? If so, identify:

- (a) Person and the employer of each person who conducted any investigation;
- (b) The dates of any investigations;
- (c) All notes, reports or other documentation prepared during or as a result of the investigation;
- (d) The identity of the person who has possession thereof; and
- (e) Please forward copies of all documents referenced in response to the preceding Interrogatory.

ANSWER:

Information provided through Pre-Trial process.

7. Identify all exhibits which Plaintiffs expect to offer into evidence at the time of trial in this case.

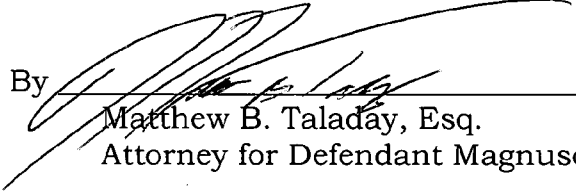
ANSWER:

Information provided through Pre-Trial process.

HANAK, GUIDO AND TALADAY

Date: 01-02-07

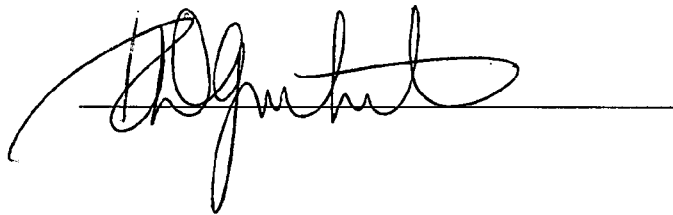
By


Matthew B. Taladay, Esq.

Attorney for Defendant Magnuson

Answered By:

Date: 3/6/07

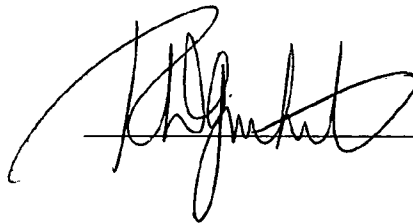


VERIFICATION

I, R. Denning Gearhart, do hereby verify that I have read the foregoing Answers to Interrogatories. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 3/6/09



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

ROGER J. BRESSLER and
ALLEN G. BRESSLER,
Plaintiffs

VS.

ELLEN L. MAGNUSON,
PATSY N. ERRIGO, JR. and
MIRIAM V. ERRIGO,
husband and wife,
G. THOMAS SORBERA and
VERONICA M. SORBERA,
husband and wife, and
PATRICIA QUIROS,
Defendants

NO. 02-1275-CD

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of the Answers to Interrogatories filed in the above-captioned matter on the Defendants, Ms. Patricia Quiros, Patsy N. Errigo, Jr. and Miriam V. Errigo, husband and wife, and G. Thomas Sorbera and Veronica M. Sorbera, husband and wife, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Ms. Patricia Quiros
1233 East Gore Road
Erie, PA 16540

Mr. and Mrs. Patsy N. Errigo, Jr.
RR1 Box 402-G
Curwensville, PA 16833

Mr. and Mrs. . Thomas Sorbera
1313 ½ Daisy Street
Clearfield, PA 16830

and upon Defendants, Ellen L. Magnuson, through Defendant's attorney, by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

DATED: **March 7, 2007**

TO: Roger J. Bressler and Allen G. Bressler, Plaintiffs
c/o R. Denning Gearhart, Esq.

You are hereby requested, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure to produce and make available to: Matthew B. Taladay, Esquire, Attorney for the Defendant Magnuson, thirty days from the date of this document, at his office at 3 South Brady Street, Suite 300, DuBois, Pennsylvania 15801, for the purpose of inspecting, reproducing, and photocopying the following described and identified documents, papers and writings.

This Request for Production of Documents may in the alternative be complied with by photocopying or reproducing the hereinafter mentioned documents, records, writings, photographs, films and video tapes and making such reproductions or photocopies available to Matthew B. Taladay, Esq., 3 South Brady Street, Suite 300, DuBois, Pennsylvania 15801.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. A photostatic copy or like reproduction of any and all investigative reports, statements, memoranda, or other records in possession or control of the Plaintiffs, Plaintiffs' Attorneys, agents or representatives pertaining to the subject matter of this action.

2. All photographs, maps, sketches, diagrams, plans, video tapes or films of the alleged defects, deficiencies or damages claimed by Plaintiffs or any instrumentality involved therein.

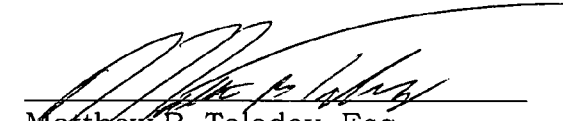
3. Any and all documents containing the names and addresses of individuals contacted as potential witnesses.

4. All reports and/or statements of any and all experts who will testify at trial.

5. Please provide copies of all documents which you claim prove any element of the claims which are the subject matter of Plaintiffs' Complaint.

Respectfully submitted,

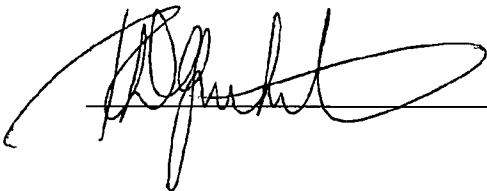
Date: 01-02-07



Matthew B. Taladay, Esq.
Attorney for Defendant Magnuson

Answered By,

Date: 3/6/07



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 02-1275-CD

ROBERT J. BRESSLER and
ALLEN G. BRESSLER, Plaintiffs

vs.

ELLEN L. MAGNUSON, et. al.,
Defendants

ANSWER TO INTERROGATORIES

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

COMMON PLEAS CO., CLEARFIELD, PA

FILED

MAR 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

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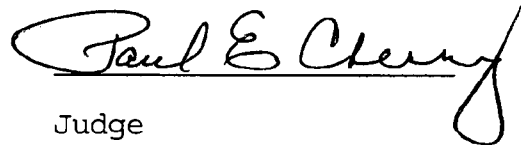
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROGER J. BRESSLER and :
ALLEN G. BRESSLER :
VS. : NO. 02-1275-CD
ELLEN L. MAGNUSON; PATSY N. :
ERRIGO, JR; MIRIAM V. ERRIGO; :
THOMAS G. SORBERA; VERONICA M. :
SORBERA and PATRICIA QUIRAS :

O R D E R

AND NOW, this 2nd day of May, 2007, upon Motion for Nonsuit made by the Defense, it is the ORDER of this Court that said Motion shall be and is hereby granted.

BY THE COURT,


Judge

FILED copies -
019144/00
MAY 03 2007 see attached

William A. Shaw
Prothonotary/Clerk of Courts (CK)

FILED

MAY 03 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/3/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Erigo Sorbara, and Quiras
Special Instructions:

02-1275-CD

Roger Bressler et al vs. Ellen L. Magnuson et al

100 R. Denning Gearhart, Esq.

100 Matthew B. Taladay, Esq.

100 Patsy N. Errigo, Jr.
Miriam V. Errigo
RR 1 Box 402-G
Curwensville, PA 16833

100 G. Thomas Sorbera
Veronica M. Sorbera
1313 1/2 Daisy Street
Clearfield, PA 16830

100 Patricia Quiros
1233 E. Gore Road
Erie, PA 16504