

02-1355-CD
RYAN KNARR

vs. NATHAN C. MUTH

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RYAN KNARR,

Plaintiff,

vs.

NATHAN C. MUTH,

Defendant.

CIVIL DIVISION

No. 02-1355-CJ

COMPLAINT IN A CIVIL ACTION

Code: 001

Filed on behalf of:
Plaintiff, Ryan Knarr

Counsel of record for this party:

MICHAEL H. ROSENZWEIG, ESQUIRE
PA I.D. No. 41248

Firm No. 1605

EDGAR SNYDER & ASSOCIATES, LLC
Gulf Tower, Sixteenth Floor
707 Grant Street
Pittsburgh, PA 15219-1925

(412) 394-1000

FILED

AUG 29 2002

William A. Shaw
Prothonotary

NOTICE TO DEFEND

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

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

LAWYER REFERRAL SERVICE -

Court Administrator's Office
1 North Second Street
Clearfield, PA 16830

Telephone (814) 765-2641, Ext: 50

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RYAN KNARR,

CIVIL DIVISION

Plaintiff,

No.

vs.

NATHAN C. MUTH,

Defendant.

COMPLAINT IN A CIVIL ACTION

AND NOW comes the Plaintiff, RYAN KNARR, by and through his Attorneys, EDGAR SNYDER & ASSOCIATES, LLC and MICHAEL H. ROSENZWEIG, ESQUIRE, and sets forth the following Complaint in a Civil Action:

1. Plaintiff is Ryan Knarr, who resides at R.R. #1, Box 21, Dubois, Clearfield County, PA 15801.
2. Defendant is Nathan Charles Muth, who resides at R.R. #1, Box 61A, Reynoldsville, Jefferson County, PA 15851.
3. On December 10, 2000, Plaintiff was a passenger in a vehicle operated by Brandy Nicole Peace of R.D. #3, Box 50, Reynoldsville, Jefferson County, PA 15815, which was traveling north on SR 219 in Dubois, Clearfield County. As the Peace vehicle crossed where SR 219 intersects with Beaver Drive, Defendant went through or otherwise failed to heed a red traffic signal and drove his vehicle into the Peace vehicle, thereby injuring Plaintiff.

4. The aforesaid accident was a direct and proximate result of the negligence, carelessness, wantonness, and recklessness of Defendant generally and in the following particulars:

- a. In traveling at an excessive or dangerous rate of speed under the circumstances then and there existing;
- b. In pulling out from a red traffic signal;
- c. In pulling into the intersection when it was unsafe or without having ascertained whether it was safe to do;
- d. In failing to yield the right of way;
- e. In failing to properly, appropriately or completely stop his vehicle;
- f. In failing to keep a safe and careful lookout for other vehicles on the roadway;
- g. In pulling out when he either did not look or could not see;
- h. In failing to observe the Peace vehicle;
- i. In failing to avoid striking or a collision with the Peace vehicle;
- j. In failing to inspect, maintain and/or service the vehicle he was operating;
- k. In operating a vehicle in an unsafe or unfit mental or physical condition;
- l. In operating a vehicle when he was not qualified to do so;
- m. In violating one or more provisions of the Pennsylvania Motor Vehicle Code.

5. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff sustained the following injuries, some or all of which are of a permanent nature and have caused permanent and on-going disfigurement and impairment:

- a. Comminuted irregular complete transverse fracture of the left patella requiring open reduction and internal fixation;

- b. Arthritis, crepitation and on-going pain and limitation of motion and strength;
- d. Loss of health, strength, vigor and vitality.

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

7. As a further direct and proximate result of the aforesaid accident, Plaintiff has suffered a severe loss of earnings and/or an impairment of earning capacity and power, which such loss of income and/or impairment of earning capacity has or may exceed the sums recoverable under the limits in 75 Pa. C.S.A. §1711.

8. As a further result of this accident, Plaintiff has sustained significant and permanent cosmetic disfigurement.

9. Plaintiff is entitled to non-economic damages as allowed under the full tort option and has sustained a permanent injury and has and will sustain past as well as on-going and future impairment of bodily function.

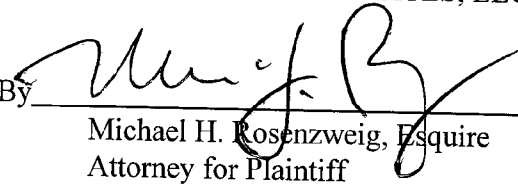
10. As a further result of this accident, Plaintiff has suffered severe physical pain, mental anguish, humiliation, embarrassment, loss of enjoyment of life, loss of vitality, vigor, health and/or strength and may continue to suffer the same for an indefinite time into the future.

WHEREFORE, Plaintiff demands judgment in his favor against Defendant in an amount in excess of the statutory arbitration limits plus court costs and Pa.R.C.P. 238 damages.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES, LLC

By 
Michael H. Rosenzweig, Esquire
Attorney for Plaintiff

VERIFICATION

I hereby verify that the foregoing averments of fact are true and correct and based upon my personal knowledge, information or belief. I understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.




Ryan Knarr

Date:

8/14/02

FILED

11:30
AUG 29 2002

 William A. Shaw
Prothonotary

Atty pd.

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Shss

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

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No. 02-1355-CS

JURY TRIAL DEMANDED

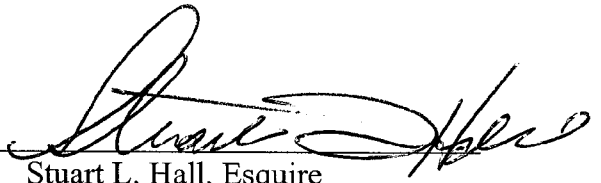
ENTRY OF APPEARANCE

Please enter my appearance on behalf of Nathan C. Muth, Defendant, in the above captioned action.

Respectively Submitted,

SNOWISS, STEINBERG, FAULKNER & HALL, LLP

By



Stuart L. Hall, Esquire
Attorney for Defendant
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961
I.D. #72814

FILED

SEP 23 2002

William A. Shaw
Prothonotary

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September ,2002, I served a copy of the foregoing Entry of Appearance upon Michael H. Rosenzweig, Esquire, Attorney for Ryan Knarr, Gulf Tower, Sixteenth Floor, 707 Grant Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, PA 15219-1925, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By



Stuart L. Hall, Esquire
Attorney for Defendant
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961
I.D. #72814

FILED
SEP 23 2002
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CC

William A. Shaw
Prothonotary

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-^{CD}~~CS~~

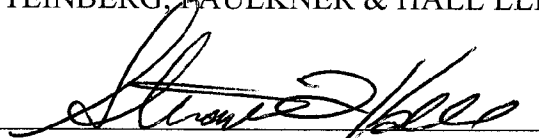
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2002, I served a copy of the foregoing Defendant's Objections to Plaintiff's Request for Production of Documents upon Michael H. Rosenzweig, Esquire, Attorney for Ryan Knarr, Gulf Tower, Sixteenth Floor, 707 Grant Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, PA 15219-1925, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By



Stuart L. Hall, Esquire
Attorney for Defendant
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

FILED

OCT 01 2002

William A. Shaw
Prothonotary

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-^{CD}~~CS~~

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2002, I served a copy of the foregoing Defendant's Objections to Plaintiff's Interrogatories upon Michael H. Rosenzweig, Esquire, Attorney for Ryan Knarr, Gulf Tower, Sixteenth Floor, 707 Grant Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, PA 15219-1925, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By



Stuart L. Hall, Esquire
Attorney for Defendant
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

FILED

OCT 01 2002

William A. Shaw
Prothonotary

FILED

SEP 30 2002

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-ES

JURY TRIAL DEMANDED

DEFENDANT'S PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

AND NOW, comes Defendant Nathan C. Muth, by and through his attorneys, Snowiss, Steinberg, Faulkner & Hall, LLP, and hereby files his Preliminary Objections to Plaintiff's Complaint and states the following:

1. Plaintiff commenced this automobile negligence action and filed a Complaint for damages allegedly sustained as a result of an automobile accident which occurred on December 10, 2000.

I. MOTION TO STRIKE AND/OR FOR A MORE SPECIFIC PLEADING

2. Paragraph 4 of the Complaint indicates, "The aforesaid accident was a direct and proximate result of the negligence, carelessness, **wantonness** and **recklessness** of Defendant generally and in the following particulars:" (emphasis added).

3. Paragraph 4j alleges that Defendant was negligent in, "failing to inspect, maintain and/or service the vehicle he was operating."

4. Paragraph 4k alleges that Defendant was negligent in, "operating a vehicle in an unsafe or unfit mental or physical condition."

5. Paragraph 4l alleges Defendant was negligent in, "operating a vehicle when he was not qualified to do so."

6. Paragraph 4m alleges Defendant was negligent in, "violating one or more provisions of the Pennsylvania Motor Vehicle Code."

7. Paragraphs 4j, k, l, and m are overly broad, vague, factually unsupported and conclusory in nature. The allegations fail to sufficiently apprise Defendant of the tortuous conducts with which Plaintiff seeks to charge Defendant. The allegations fail to comply with the Pennsylvania Rules of Civil Procedure No. 1019(a), which requires Plaintiff to aver the material facts on which Plaintiff's claims are based.

8. The aforesaid objected to averments, if not stricken, could entitle Plaintiff to amend his Complaint to state a new cause of action against Defendant after the statute of limitations has expired and will permit Plaintiff to amplify existing causes of actions to include new theories of alleged negligence, all of which would be to Defendant's substantial prejudice.

9. Pennsylvania Rule of Civil Procedure No. 1019(a) requires that the material facts in which a cause of action is based be stated in a concise and summary form. The cases considering this Rule hold that the Complaint must define the issues, and every act or performance essential to that end must be set forth in the Complaint. See Santiago v. Pennsylvania National Mutual Casualty Insurance Company, 418 Pa. Super. 178, 613 A.2d 1235 (1992).

10. As a result of Pennsylvania Rule of Civil Procedure No. 1019(a), Pennsylvania is a "fact pleading state". Smith v. Brown, 283 Pa. Super. 116, 423 A.2d 743, 745 (1980).

11. Where a pleader omits the basic pleading requirements, his failure cannot be overcome by imposing upon respondent the burden of seeking out his cause by discovery procedures. Goldstein v. Sylk, 69 D.&C.2d 338 (1974).

12. Plaintiff fails to indicate how Defendant was in an unsafe or unfit mental or physical condition, fails to indicate how Defendant failed to maintain or service the vehicle and fails to indicate why Defendant was not qualified to operate a vehicle. Plaintiff is not permitted to make unfounded and unsubstantiated claims with the hope that in the future evidence to somehow support such a vague claim will materialize.

13. Essentially, what Plaintiff is alleging in these paragraphs is that Defendant was negligent as may be ascertained by discovery. Such an allegation has been found to lack the required specificity. Farmer v. Rhoads, 43 Pa. D&C.3d 393 (1996).

14. Allegations indicating Defendant violated City and Commonwealth Ordinances pertaining to the operation of a motor vehicle has previously been found to lack the required specificity of the Pennsylvania Rules of Civil Procedure. Colbert v. Notarnicole, 119 Dauphin 75 (1999).

THEREFORE, Defendant Nathan C. Muth respectfully requests that this Honorable Court strike paragraphs 4j, k, l and m from Plaintiff's Complaint or, in the alternative, order

Plaintiff to file a more specific Complaint which corrects the deficiencies in those paragraphs.

II. MOTION TO STRIKE ALLEGATIONS OF WANTONNESS AND RECKLESSNESS

15. Paragraphs One (1) through Fourteen (14) of these Preliminary Objections are hereby incorporated by reference as if fully set forth.

16. In his Complaint, Plaintiff asserts that the Defendant is guilty of “wantonness and recklessness”. See Paragraph 4 of Plaintiff’s Complaint.

17. Recklessness, otherwise termed reckless disregard, is defined as:

The intentional doing of an act or failure to do an act, which the actor has a duty to do, knowing or have reason to know of facts which would lead a reasonable person to realize that his or her conduct not only creates an unreasonable risk of bodily harm to the other, but also involves a high degree of probability that substantial harm will result (emphasis added).

Gaul v. Consolidated Rail Corporation, 383 Pa. Super. 250, 556 A.2d 892 (1989);

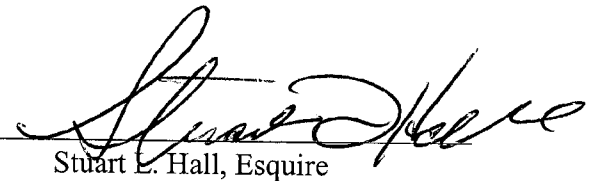
Restatement (Second) of Torts Section 500 (1965). Reckless is a difference in both degree and kind from negligence.

18. In his Complaint in the instant matter, it is clear that Plaintiff has set forth a cause of action for negligence only. He has failed to alleged facts which one could conclude that the Defendant acted with wanton indifference necessary to sustain an allegation of recklessness.

THEREFORE, Defendant requests that this Honorable Court dismiss the claims of wantonness and recklessness and strike those terms from Paragraph 4 of Plaintiff's Complaint.

Respectively Submitted,

SNOWISS, STEINBERG, FAULKNER & HALL, LLP

By 

Stuart E. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS


JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September, 2002, I served a copy of the foregoing Preliminary Objections upon Michael H. Rosenzweig, Esquire, Attorney for Ryan Knarr, Gulf Tower, Sixteenth Floor, Grant Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, PA 15219-1925, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By


Stuart L. Hall, Esquire
Attorney for Defendant
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

FILED

SEP 30 2002

icc
Atty Hall

~~W~~ William A. Shaw
Prothonotary

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS

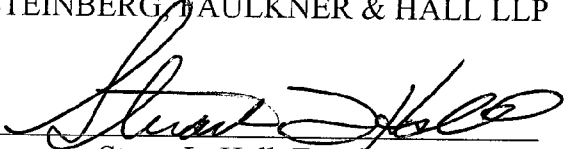
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of November, 2002, I served a copy of the foregoing Defendant's Answer to Plaintiff's Interrogatories upon Michael H. Rosenzweig, Esquire, Attorney for Plaintiff Ryan Knarr, Gulf Tower, Sixteenth Floor, 707 Grant Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, PA 15219-1925, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By


Stuart L. Hall, Esquire
Attorney for Defendant
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961
I.D. #72814

FILED

NOV 07 2002

William A. Shaw
Prothonotary

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS

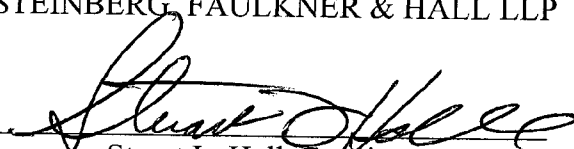
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of November, 2002, I served a copy of the foregoing Defendant's Response to Plaintiff's Request for Production of Documents upon Michael H. Rosenzweig, Esquire, Attorney for Plaintiff Ryan Knarr, Gulf Tower, Sixteenth Floor, 707 Grant Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, PA 15219-1925, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By


Stuart L. Hall, Esquire
Attorney for Defendant
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961
I.D. #72814

FILED

NOV 07 2002

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12981

KNARR, RYAN

02-1355-CD

VS.

MUTH, NATHAN C.

COMPLAINT

SHERIFF RETURNS

NOW AUGUST 30, 2002, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY
WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY
TO SERVE THE WITHIN COMPLAINT ON NATHAN C. MUTH, DEFENDANT.

NOW SEPTEMBER 16, 2002 SERVED THE WITHIN COMPLAINT ON NATHAN C.
MUTH, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY.
THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART
OF THIS RETURN.

Return Costs

Cost	Description
32.60	SHFF. HAWKINS PAID BY; ATTY.
33.64	SHFF. DEMKO PAID BY: ATTY.
10.00	SURCHARGE PAID BY; ATTY.

FILED

013108 BH & 12/1
NOV 13 2002

William A. Shaw
Prothonotary

Sworn to Before Me This

13th Day Of November 2002

William A. Shaw
Deputy Prothonotary

My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins
My Marilyn Hawkins

Chester A. Hawkins
Sheriff

No. 92-1355-CD

Personally appeared before me, Carl J. Gotwald, Sr., Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on September 16, 2002 at 11:00 o'clock A.M. served the Notice to Defend and Complaint in Civil Action upon NATHAN C. MUTH, Defendant, at his residence, R.D. #1, Box 61A, Reynoldsville, Township of Winslow, County of Jefferson, State of Pennsylvania by handing to him, personally, a true copy of the Notice and Complaint, and by making known to him the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 31.64 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 33.64
Refunded:	\$ 91.36

Given and subscribed

to before me this 17th
 day of September 2002
 By Carl J. Gotwald, Sr.

My commission
 expires the first
 Monday in
 January 2006.

So Answers,

Thomas A. Demko
 Sheriff
 JEFFERSON COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RYAN KNARR,

Plaintiff,

VS.

NATHAN C. MUTH,

Defendant.

CIVIL DIVISION

No. 02-1355-CS~~b~~

**PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Code: 001

Filed on behalf of:
Plaintiff, Ryan Knarr

Counsel of record for this party:

MICHAEL H. ROSENZWEIG, ESQUIRE
PA I.D. No. 41248

Firm No. 1605

EDGAR SNYDER & ASSOCIATES, LLC
Gulf Tower, Sixteenth Floor
707 Grant Street
Pittsburgh, PA 15219-1925

(412) 394-1000

FILED

OCT 07 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RYAN KNARR,

CIVIL DIVISION

Plaintiff,

No. 02-1355-CS

vs.

NATHAN C. MUTH,

Defendant.

PLAINTIFF'S FIRST AMENDED COMPLAINT

AND NOW comes the Plaintiff, RYAN KNARR, by and through his Attorneys, EDGAR SNYDER & ASSOCIATES, LLC and MICHAEL H. ROSENZWEIG, ESQUIRE, and sets forth the following Plaintiff's First Amended Complaint:

1. Plaintiff is Ryan Knarr, who resides at R.R. #1, Box 21, Dubois, Clearfield County, PA 15801.
2. Defendant is Nathan Charles Muth, who resides at R.R. #1, Box 61A, Reynoldsville, Jefferson County, PA 15851.
3. On December 10, 2000, Plaintiff was a passenger in a vehicle operated by Brandy Nicole Peace of R.D. #3, Box 50, Reynoldsville, Jefferson County, PA 15815, which was traveling north on SR 219 in Dubois, Clearfield County. As the Peace vehicle crossed where SR 219 intersects with Beaver Drive, Defendant went through or otherwise failed to heed a red traffic signal and drove his vehicle into the Peace vehicle, thereby injuring Plaintiff.

4. The aforesaid accident was a direct and proximate result of the negligence and carelessness of Defendant generally and in the following particulars:

- a. In traveling at an excessive or dangerous rate of speed under the circumstances then and there existing;
- b. In pulling out from a red traffic signal;
- c. In pulling into the intersection when it was unsafe or without having ascertained whether it was safe to do;
- d. In failing to yield the right of way;
- e. In failing to properly, appropriately or completely stop his vehicle;
- f. In failing to keep a safe and careful lookout for other vehicles on the roadway;
- g. In pulling out when he either did not look or could not see;
- h. In failing to observe the Peace vehicle;
- i. In failing to avoid striking or a collision with the Peace vehicle;
- j. **As Plaintiff has not received Discovery from Defendant nor an Answer to the Complaint, Plaintiff believes Defendant may claim a mechanical defect or other condition of the vehicle as a causal factor, therefore Plaintiff alleges that any such claimed mechanical defect or factor was the result of Defendant's failure to inspect, maintain and/or service the vehicle he was operating;**
- k. **As Plaintiff has not received Discovery from Defendant nor an Answer to the Complaint, Plaintiff believes Defendant may claim that he was the victim of the sudden onset of an unavoidable physical condition or it may be learned that Defendant was tired, drunk or had taken some other substance which should have foreseeably made him unfit to operate a vehicle, therefore, Plaintiff avers Defendant operated his vehicle in an unsafe or unfit mental or physical condition;**

- l. **As Plaintiff has not received Discovery from Defendant nor an Answer to the Complaint, Plaintiff believes that to the extent Discovery reveals that Defendant was a habitually unsafe driver, was unlicensed or otherwise did not have the capabilities to safely operate a motor vehicle, then Defendant operated a vehicle when he was not qualified to do so;**
- m. **In violating Sections 3324, 3331, 3334, 3323, 3111, 3112 and/or 3114 of the Pennsylvania Motor Vehicle Code.**

5. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff sustained the following injuries, some or all of which are of a permanent nature and have caused permanent and on-going disfigurement and impairment:

- a. Comminuted irregular complete transverse fracture of the left patella requiring open reduction and internal fixation;
- b. Arthritis, crepitation and on-going pain and limitation of motion and strength;
- d. Loss of health, strength, vigor and vitality.

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

7. As a further direct and proximate result of the aforesaid accident, Plaintiff has suffered a severe loss of earnings and/or an impairment of earning capacity and power, which such loss of income and/or impairment of earning capacity has or may exceed the sums recoverable under the limits in 75 Pa. C.S.A. §1711.

8. As a further result of this accident, Plaintiff has sustained significant and permanent cosmetic disfigurement.

9. Plaintiff is entitled to non-economic damages as allowed under the full tort option and has sustained a permanent injury and has and will sustain past as well as on-going and future impairment of bodily function.

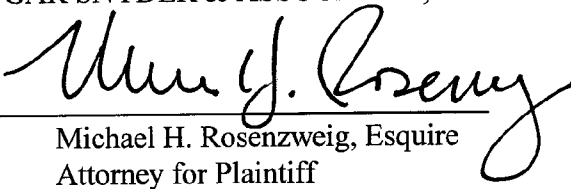
10. As a further result of this accident, Plaintiff has suffered severe physical pain, mental anguish, humiliation, embarrassment, loss of enjoyment of life, loss of vitality, vigor, health and/or strength and may continue to suffer the same for an indefinite time into the future.

WHEREFORE, Plaintiff demands judgment in his favor against Defendant in an amount in excess of the statutory arbitration limits plus court costs and Pa.R.C.P. 238 damages.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES, LLC

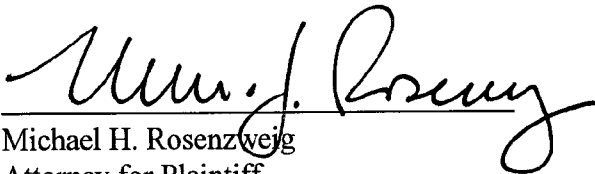
By 
Michael H. Rosenzweig, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Plaintiff's First Amended Complaint was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 3rd day of October, 2002:

Stuart L. Hall, Esquire
SNOWISS, STEINBERG, FAULKNER
& HALL, LLP
333 North Vesper Street
Lock Haven, PA 17748

EDGAR SNYDER & ASSOCIATES, LLC


Michael H. Rosenzweig
Attorney for Plaintiff

FILED

OCT 11 3 32 PM
OCT 6 7 2007

William A. Shaw
Prothonotary

cc
no

cc

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS^D

JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2002, it is
hereby ORDERED that the Preliminary Objections of Defendant Nathan C. Muth are
sustained. Paragraphs 4j, k and l of Plaintiff's Amended Complaint are hereby stricken.

BY THE COURT,

J.

FILED

OCT 09 2002

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS^D

JURY TRIAL DEMANDED

**DEFENDANT NATHAN C. MUTH'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S AMENDED COMPLAINT**

AND NOW, comes Defendant Nathan C. Muth, by and through his attorneys, Snowiss, Steinberg, Faulkner & Hall, LLP, and hereby files his Preliminary Objections to Plaintiff's Amended Complaint and states the following:

1. Plaintiff commenced this automobile negligence action and filed a Complaint for damages allegedly sustained as a result of an automobile accident which occurred on December 10, 2000.

2. Defendant filed Preliminary Objections to Plaintiff's Complaint, concerning the allegations of wantonness and recklessness as well as the averments in Paragraphs 4j, k, l and m.

3. Plaintiff filed an Amended Complaint in which the words wantonness and recklessness were removed and the averments of Paragraphs 4m were more specifically stated. However, Paragraphs 4j, k and l remain objectionable.

I. MOTION TO STRIKE AND/OR FOR A MORE SPECIFIC PLEADING

4. Paragraphs One (1) through Three (3) of these Preliminary Objections are hereby incorporated by reference as if fully set forth.

5. The objectionable paragraphs are as follows:

4j. As Plaintiff has not received discovery from Defendant nor an answer to the complaint, Plaintiff believes Defendant may claim a mechanical defect or other condition of the vehicle as a causal factor, therefore, Plaintiff alleges that any such claim or mechanical defect or factor was a result of Defendant's failure to inspect, maintain and/or service the vehicle he was operating;

k. As Plaintiff has not received discovery from Defendant nor an answer to the Complaint, Plaintiff believes Defendant may claim that he was the victim of the sudden onset of an unavoidable physical condition or it may be learned that Defendant was tired, drunk or had taken some other substance which should have foreseeably made him unfit to operate a vehicle, therefore, Plaintiff avers Defendant operated his vehicle in an unsafe or unfit mental or physical condition; and

l. As Plaintiff has not received discovery from Defendant nor an answer to the Complaint, Plaintiff believes that to the extent discovery reveals that Defendant was a habitually unsafe driver, was unlicensed or otherwise did not have the capabilities to safely operate a motor vehicle, then Defendant operated a vehicle when he was not qualified to do so.

6. The averments in the above-referenced paragraphs should be stricken pursuant to Pennsylvania Rule of Civil Procedure No. 1028(a)(2) and (3) in that they contain scandalous or impertinent matter and lack the specificity required.

7. It is improper for Plaintiff to suggest that Defendant may have been drunk, or had taken some substance which made him unfit to operate a vehicle when Plaintiff has absolutely no proof that Defendant did either.

8. Plaintiff should not be permitted to make vague allegations in the Complaint in anticipation of every imaginable defense that could possibly be pleaded or revealed at some point during this course of litigation.

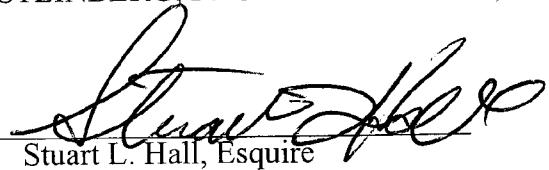
9. By allowing Plaintiff to make such vague, groundless averments, Defendant is unable to properly respond to the Complaint and is unable to know the claims which are being brought against him, until at the earliest, discovery has been completed.

THEREFORE, Defendant Nathan C. Muth respectfully requests that this Honorable Court sustain his Preliminary Objections to the Amended Complaint and strike Paragraphs 4j, k and l from the Amended Complaint. In the alternative, Defendant requests that the Court order Plaintiff to file a second Amended Complaint which contains the requisite specificity.

Respectfully Submitted,

SNOWISS, STEINBERG, FAULKNER & HALL, LLP

By

A handwritten signature in dark ink, appearing to read "Stuart L. Hall", written over a horizontal line.

Stuart L. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961
I.D. #72814

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS

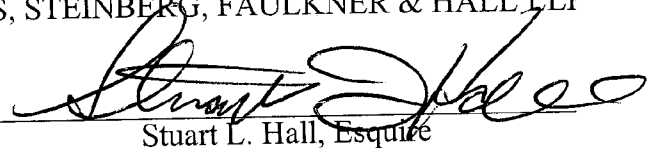
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of October, 2002, I served a copy of the foregoing Defendant Nathan C. Muth's Preliminary Objections to Plaintiff's Amended Complaint upon Michael H. Rosenzweig, Esquire, Attorney for Ryan Knarr, Gulf Tower, Sixteenth Floor, Grant Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, PA 15219-1925, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By


Stuart L. Hall, Esquire
Attorney for Defendant
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

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

RYAN KNARR

:

-vs-

:

No. 02 - 1355 - CD

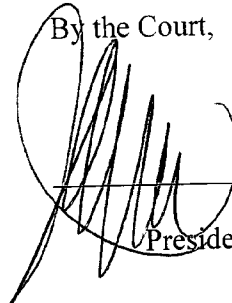
NATHAN C. MUTH

:

ORDER

NOW, this 25th day of November, 2002, upon consideration of Defendant's Preliminary Objections to Plaintiff's First Amended Complaint, and argument and briefs thereon, it is the ORDER of this Court that said Objections be and are hereby sustained and paragraph 4(j)(k)(l) of said Complaint stricken.

By the Court,



President Judge

FILED

NOV 20 2002

William A. Shaw
Prothonotary

FILED

NOV 20 2002

1cc Amy Rosenzweig
1cc Amy Hall

William A. Shaw
Prothonotary



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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-C8

JURY TRIAL DEMANDED

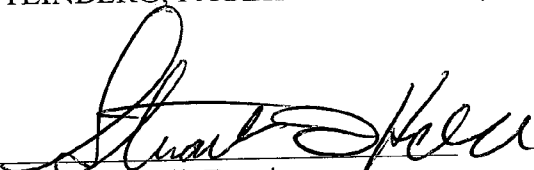
NOTICE

To the within Plaintiff:

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a default judgment may be entered against you.

SNOWISS, STEINBERG, FAULKNER & HALL, LLP

By


Stuart L. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961
I.D. #72814

DEC 10 2002

William A. Shaw
Prothonotary

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS

JURY TRIAL DEMANDED

ANSWER WITH NEW MATTER TO PLAINTIFF'S AMENDED COMPLAINT

1. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph and therefore, the averments are denied.

2. Admitted.

3. Admitted in part, denied in part. It is admitted that on December 10, 2000, Plaintiff was a passenger in a vehicle operated by Brandy Nicole Pearce which was traveling North on State Route 219 in Dubois, Clearfield County. It is specifically denied that Defendant went through or otherwise failed to heed a red traffic signal and drove his vehicle into the Pearce vehicle, thereby injuring Plaintiff.

4-4i. Denied in accordance with Pennsylvania Rule of Civil Procedure No. 1029(e).

4j-1. These Paragraphs have been stricken from the Complaint pursuant to the Court's November 25, 2002 Order,

4m. Denied in accordance with Pennsylvania Rule of Civil Procedure No. 1029(e).

5-5d. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in these Paragraphs and therefore, the averments are denied. It is specifically denied that Defendant was negligent.

6-8. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the averments in these paragraphs and therefore, the averments are denied.

9. The averments in this Paragraph state legal conclusions to which no responses are required. To the extent responses are deemed required, it is specifically denied that Plaintiff is entitled to non-economic damages as allowed under the full tort option.

10. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the averments in this paragraph and therefore, the averments are denied.

THEREFORE, Defendant demands judgment in his favor and against Plaintiff.

NEW MATTER

11. Paragraphs One (1) through Ten (10) of this Answer are hereby incorporated by reference as if fully set forth.

12. Pursuant to the Court's November 25, 2002 Order, Paragraphs 4j, k and l, have been stricken from the Complaint.

13. The claim of Plaintiff is barred by the selection of the limited tort option.

14. Plaintiff's claims may be barred or reduced by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility law (75 Pa. C.S.A. Section 1701 et. seq.) and/or the provisions of his own automobile insurance policy.

15. The claim of Plaintiff for damages in the nature of medical expenses is barred by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility law.

16. Defendant was not negligent.

17. Any acts or omissions of Defendant alleged to constitute negligence were not substantial factors in causing the injuries and/or losses alleged by the Plaintiff.

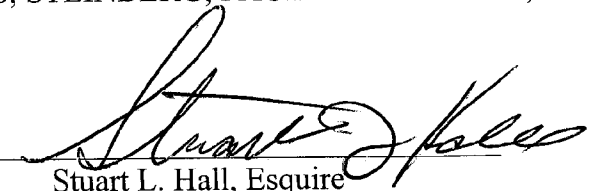
18. Plaintiff's damages may be barred and/or limited by Moorhead vs. Crozer Chester Medical Center, 765 A.2d 786 (Pa. 2001).

THEREFORE, Defendant demands judgement in his favor and against Plaintiff.

Respectfully submitted,

SNOWISS, STEINBERG, FAULKNER & HALL, LLP

By

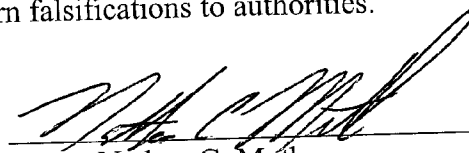

Stuart L. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961
I.D. #72814

VERIFICATION

I hereby state that the language of the foregoing Answer with New Matter is that of counsel and not necessarily my own; however, I have read the foregoing document and, to the extent it is based upon information that I have given to counsel, it is true and correct to the best of my knowledge, information, and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsifications to authorities.

Date: December 4, 2002


Nathan C. Muth

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS

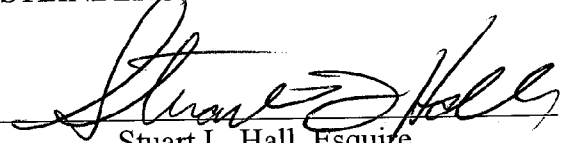
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December, 2002, I served a copy of the foregoing Answer with New Matter upon Michael H. Rosenzweig, Esquire, Attorney for Ryan Knarr, Gulf Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, PA 15219-1925, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By



Stuart L. Hall, Esquire
Attorney for Defendant
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961
I.D. #72814



William A. Shaw
Prothonotary

FILED
M/114081
DEC 06 2002
cc
[Signature]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RYAN KNARR,

Plaintiff,

vs.

NATHAN C. MUTH,

Defendant.

CIVIL DIVISION

No. 02-1355-CS

**PLAINTIFF'S REPLY TO DEFENDANT'S
NEW MATTER**

Code: 001

Filed on behalf of:
Plaintiff, Ryan Knarr

Counsel of record for this party:

MICHAEL H. ROSENZWEIG, ESQUIRE
PA I.D. No. 41248

Firm No. 1605

EDGAR SNYDER & ASSOCIATES, LLC
Gulf Tower, Sixteenth Floor
707 Grant Street
Pittsburgh, PA 15219-1925

(412) 394-1000

FILED

DEC 18 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RYAN KNARR,

Plaintiff,

vs.

NATHAN C. MUTH,

Defendant.

PLAINTIFF'S REPLY TO DEFENDANT'S NEW MATTER

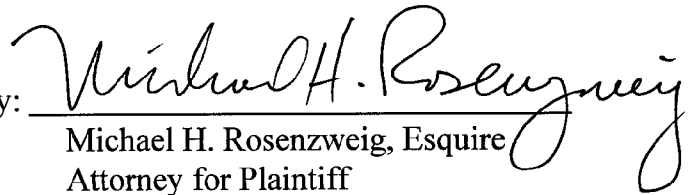
AND NOW come the Plaintiff, RYAN KNARR, by and through his attorneys, EDGAR SNYDER & ASSOCIATES, LLC, and MICHAEL H. ROSENZWEIG, ESQUIRE, and sets forth the following Plaintiff's Reply to Defendant's New Matter:

11-18. Paragraphs 11 through 18 each are conclusions of law to which no responsive pleading is required.

WHEREFORE, Plaintiff demands judgment against Defendant as requested in the Complaint previously filed.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES, LLC

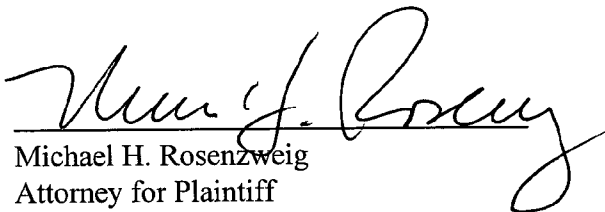
By: 
Michael H. Rosenzweig, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Plaintiff's Reply to Defendant's New Matter was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 16 day of December, 2002:

Stuart L. Hall, Esquire
SNOWISS, STEINBERG,
FAULKNER & HALL, LLP
P. O. Box 5
333 N. Vesper Street
Lock Haven, PA 17746

EDGAR SNYDER & ASSOCIATES, LLC


Michael H. Rosenzweig
Attorney for Plaintiff

William A. Shaw
Prothonotary

DEC 18 2002

FILED

NO
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12/18/02

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

No. 02-1355-CS

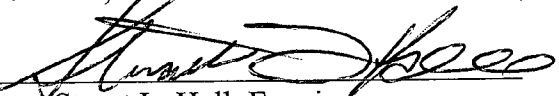
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of December, 2002, I served a copy of the foregoing Defendant's Second Request for Production of Documents Directed to Plaintiff upon Michael H. Rosenzweig, Esquire, Gulf Tower, Sixteenth Floor, 707 Grant Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, Pennsylvania 15219-1925, by United States first class mail, postage prepaid to the addressee aforementioned.

SNOWISS, STEINBERG & FAULKNER, LLP

By


Stuart L. Hall, Esquire

Attorney for Defendant

Nathan C. Muth

333 North Vesper Street

Lock Haven, PA 17745

(717) 748-2961

FILED

DEC 18 2002

William A. Shaw
Prothonotary

FILED

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DEC 18 2002

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William A. Shaw
Prothonotary

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

RYAN KNARR,

Plaintiff

vs.

NATHAN C. MUTH,

Defendant

 ORIGINAL

No. 02-1355-CSD

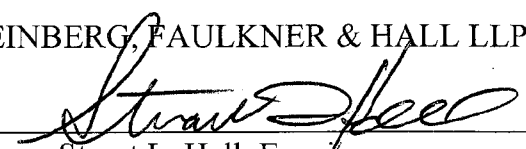
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of March, 2005, I served a copy of the foregoing Defendant's Supplemental Interrogatories Directed to Plaintiff upon Michael H. Rosenzweig, Esquire, Gulf Tower, Sixteenth Floor, 707 Grant Tower, Sixteenth Floor, 707 Grant Street, Pittsburgh, Pennsylvania 15219-1925, by United States first class mail, postage prepaid to the addressee aforementioned.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By


Stuart L. Hall, Esquire
Attorney for Defendant
Nathan C. Muth

FILED ^{NO cc}


MAR 07 2005

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 07 2005

William A. Shaw
Prothonotary/Clerk of Courts

RECEIVED
MAR 07 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RYAN KNARR,

Plaintiff,

vs.

NATHAN C. MUTH,

Defendant.

CIVIL DIVISION

No. 02-1355-C^D~~8~~

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Code: 001

Filed on behalf of:
Plaintiff, Ryan Knarr

Counsel of record for this party:

MICHAEL H. ROSENZWEIG, ESQUIRE
PA I.D. No. 41248

Firm No. 1605

EDGAR SNYDER & ASSOCIATES, LLC
Gulf Tower, Sixteenth Floor
707 Grant Street
Pittsburgh, PA 15219-1925

(412) 394-1000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RYAN KNARR,

Plaintiff,

vs.

NATHAN C. MUTH,

Defendant.

To: William A. Shaw, Prothonotary

Please satisfy, settle and discontinue the within matter.

EDGAR SNYDER & ASSOCIATES, LLC

By 

Michael H. Rosenzweig, Esquire
Attorney for Plaintiff

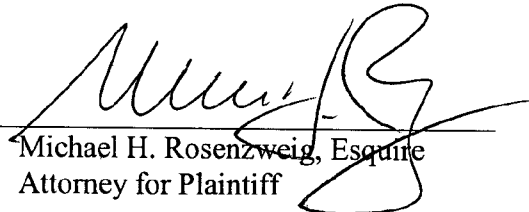
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Praeipie to Settle and Discontinue** was served on Counsel listed below, by First Class Mail, postage prepaid, on this 13th day of June, 2005:

**Stuart L. Hall, Esquire
SNOWISS, STEINBERG, FAULKNER & HALL, LLP
333 North Vesper Street
P. O. Box 5
Lock Haven, PA 17745**


EDGAR SNYDER & ASSOCIATES LLC

By: _____


Michael H. Rosenzweig, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

Ryan Knarr

Vs.
Nathan C. Muth

No. 2002-01355-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 15, 2005, marked:

Satisfied, Settled, and Discontinued

Record costs in the sum of \$156.24 have been paid in full by Michael H. Rosenzweig, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of June A.D. 2005.

William A. Shaw, Prothonotary