

02-1367-CD  
ESTHER L. NEEPER -vs- CHARLES R. SAGESE et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTHER L. NEEPER,

Plaintiff,

vs.

CHARLES R. AND DEBORAH L.  
SAGGESE,

Defendants.

CIVIL DIVISION

G.D. No.

*2002-1867-CD*

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff:  
Esther L. Neeper

COUNSEL OF RECORD FOR THIS  
PARTY:

Ronald H. Heck, Esquire  
P.A. I.D. #10423

LAW OFFICES OF RONALD H. HECK  
100 Wood Street Building, 5th Fl.  
Pittsburgh, PA 15222  
Telephone No. (412) 281-2100  
Facsimile No. (412) 281-2555

FILED

SEP 01 2002

*m 10:48/BA*

William A. Shaw  
Prothonotary

*pd 80.00*  
*4CC to sheriff*

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

ESTHER L. NEEPER,

G.D. No.

Plaintiff,

vs.

CHARLES R. AND DEBORAH L.  
SAGGESE,

Defendants.

**NOTICE TO DEFEND**

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**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.**

**DAVID S. MEHOLICK  
CLEARFIELD COUNTY COURTHOUSE  
ONE NORTH SECOND STREET  
CLEARFIELD, PA 16830**

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

ESTHER L. NEEPER,

G.D. No.

Plaintiff,

vs.

CHARLES R. AND DEBORAH L.  
SAGGESE,

Defendants.

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes the Plaintiff, Esther L. Neeper, by and through her attorney, Ronald H. Heck, Esquire, and files the following Complaint in Civil Action and avers as follows:

1. Plaintiff Esther L. Neeper is an individual residing at P.O. Box 543, Clearfield, Clearfield County, PA 16830.
2. Defendants Charles R. and Deborah L. Saggese are married individuals residing together at Lance, PA 16849.
3. Defendants are co-owners of a property located at 716 East Fourth Street, Clearfield, PA 16830 and during the events described in this Complaint were in the possession and control of these premises which it had a duty to inspect, maintain, and repair.
4. The events upon which this Complaint are based occurred on or about November 19, 2000 at or about 7:30 P.M. on Defendant's Premises.
5. On and prior to this date, there existed on this Defendants' premises a dangerous, unsafe, and hazardous condition created by the absence of a railing on the steps of the property.
6. On account of this dangerous, unsafe, and hazardous condition, Plaintiff fell while exiting the house and walking down the stairs and sustained serious and severe injuries.

7. Plaintiff's injuries and damages were caused by and were the direct and proximate result of some or all of the following negligent conduct of Defendants:

- a. In causing and/or permitting the dangerous, hazardous, and unsafe condition to exist on the property.
- b. In failing to repair or remove the defect in the stairs when the Defendants knew, or should have known, of its existence and that it created a serious risk of injury to pedestrians walking thereon.
- c. In failing to cordon off or otherwise block access to the part of the property where the defective condition existed.
- d. In failing to warn or otherwise notify pedestrians of the dangerous and defective condition of the stairs.
- e. In otherwise failing to exercise that regard and care for the rights and safety of Plaintiff required of Defendants under the law

8. As a result of Defendants' Charles and Deborah Saggese's negligence, Plaintiff sustained the following injuries, all of which are or may be of a permanent nature:

- (a) lateral tibial plateau fracture of the right knee and tibia;
- (b) multiple lacerations, abrasions, and contusions;
- (c) other serious and permanent injuries.

9. Plaintiff has sustained the following damages as a result of these injuries:

(a) She has endured and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish, and emotional and psychological trauma;

(b) She has been and will be required to expend large sums of money for medical treatment and care, hospitalization, medical supplies, surgical appliances, rehabilitation and therapeutic

treatment, medicines, and other attendant services;

(c) He has sustained and will continue to sustain lost earnings, and her earning capacity has been reduced and may be permanently impaired;

(d) Her general health, strength, and vitality have been impaired; and

(e) She has and will in the future be unable to enjoy various pleasures of life that she previously enjoyed.

WHEREFORE, Plaintiff seeks a judgment against Defendants Charles and Deborah Saggese for damages in excess of the jurisdictional amount for compulsory arbitration.

A JURY TRIAL IS DEMANDED.

LAW OFFICES OF RONALD H. HECK

Dated: 5/30/12

BY



RONALD H. HECK, ESQUIRE  
PA I.D. #10423

LAW OFFICES OF RONALD H. HECK  
100 Wood Street Building, Fifth Floor  
Pittsburgh, PA 15222

COUNSEL FOR PLAINTIFF

**VERIFICATION**

I VERIFY that the statements made in this Complaint are true and correct. I understand that the false statements herein made are subject to the penalties of 18 Pa. C.S. section 4904, relating to unsworn falsification to authorities.

Date: July 25, 2002

Esther L. Neeper  
Esther L. Neeper

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ESTHER L. NEEPER,

Plaintiff

Vs.

No. 02-1367 CD

CHARLES R. and DEBORAH L.  
SAGGESE,

Defendants

ENTRY OF APPEARANCE

Please enter my appearance for Defendants in the above matter. Papers may be served at the address listed below.

DEMAND FOR JURY TRIAL

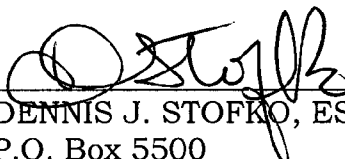
Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in this action.

I certify this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties.

**FILED**

SEP 25 2002

William A. Shaw  
Prothonotary

  
DENNIS J. STOFKO, ESQUIRE  
P.O. Box 5500  
Johnstown, Pa. 15904  
814 262-0064  
ID 27638



FILED

NO  
m 12:54  
SEP 25 2002  
cc  
KBI

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ESTHER L. NEEPER,

Plaintiff

Vs.

No. 02-1367 CD

CHARLES R. and DEBORAH L.  
SAGGESE,

Defendants

ANSWER AND NEW MATTER  
Counsel of record for this party:  
Dennis J. Stofko, Esquire  
P.O. Box 5500  
Johnstown, Pa. 15904  
814 262-0064  
ID 27638

TO THE PLAINTIFF:

You are hereby notified to reply to the  
enclosed New Matter within 20 days  
of service hereof or a default judgment  
may be entered against you.

**FILED**

OCT 02 2002

William A. Shaw  
Prothonotary

ANSWER AND NEW MATTER

NOW COME the Defendants by and through counsel, Dennis J. Stofko and files the following Answer and New Matter.

1. Admitted.

2. Admitted.

3. Admitted in part, denied in part. It is admitted that the Defendants were co-owners of a property located at 716 East Fourth Street, Clearfield. The balance of the averment is denied in that it contains a conclusion of law for which no responsive pleading is required.

4. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

5. Denied. Paragraph 5 contains a conclusion of law for which no responsive pleading is required.

6. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

7. Denied. Paragraph 7 contains a conclusion of law for which no responsive pleading is required.

8. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendants request Plaintiff's Complaint be dismissed.

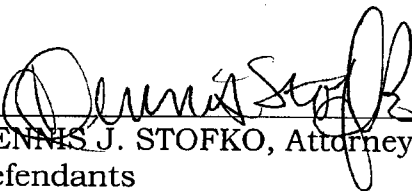
NEW MATTER

9. The Defendants are informed, believe and therefore aver that the Plaintiff is contributorily negligent and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978, Pl. 202 No. 53 Section 10 (89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after November 15, 2000 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendants.

10. In the alternative pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. CSA Section 7102A any damage which the Plaintiff may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff.

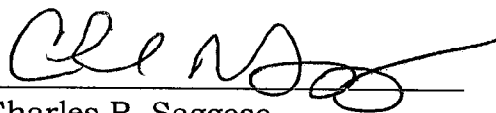
11. The Defendants aver that they were landlords out of possession and therefore raises this as a defense to plaintiff's claim.

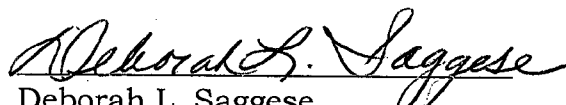
WHEREFORE, Defendants request judgment on their behalf.

  
\_\_\_\_\_  
DENNIS J. STOFKO, Attorney for  
Defendants

We, Charles R. Saggese and Deborah L. Saggese do hereby swear or affirm that the facts set forth in the Answer and New Matter are true and correct to the best of my knowledge, information and belief.

We understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.

  
Charles R. Saggese

  
Deborah L. Saggese

Dated: \_\_\_\_\_

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 12998

NEEPER, ESTHER L.

02-1367-CD

VS.

SAGGESE, CHARLES R. & DEBORAH L.

COMPLAINT

**SHERIFF RETURNS**

NOW SEPTEMBER 16, 2002 AT 3:30 PM DST SERVED THE WITHIN COMPLAINT  
ON CHARLES R. SAGGESE, DEFENDANT AT RESIDENCE, PO BOX 12, LANSE,  
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CHARLES SAGGESE A  
TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO  
HIM THE CONTENTS THEREOF.  
SERVED BY: NEVLING.

NOW SEPTEMBER 16, 2002 AT 3:30 PM DST SERVED THE WITHIN COMPLAINT  
ON DEBORAH L. SAGGESE, DEFENDANT AT RESIDENCE, PO BOX 12, LANSE,  
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DEBORAH SAGGESE A  
TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO  
HER THE CONTENTS THEREOF.  
SERVED BY: NEVLING

**Return Costs**

Cost	Description
42.37	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

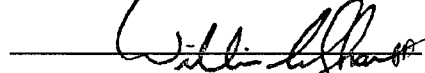
**FILED**

NOV 13 2002


William A. Shaw  
Prothonotary

Sworn to Before Me This

13<sup>th</sup> Day Of November 2002



So Answers,

  
Chester A. Hawkins  
Sheriff

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTHER L. NEEPER,

Plaintiff,

vs.

CHARLES R. AND DEBORAH L.  
SAGGESE,

Defendants.

CIVIL DIVISION

G.D. No. 02-1367-CD

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff:  
Esther L. Neeper

COUNSEL OF RECORD FOR THIS  
PARTY:

Ronald H. Heck, Esquire  
P.A. I.D. #10423

LAW OFFICES OF RONALD H. HECK  
100 Wood Street Building, 5th Fl.  
Pittsburgh, PA 15222  
Telephone No. (412) 281-2100  
Facsimile No. (412) 281-2555

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

SEP 01 2002

Attest.

*William L. Shaw*  
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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G.D. No.

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**DAVID S. MEHOLICK  
CLEARFIELD COUNTY COURTHOUSE  
ONE NORTH SECOND STREET  
CLEARFIELD, PA 16830**

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4. The events upon which this Complaint are based occurred on or about November 19, 2000 at or about 7:30 P.M. on Defendant's Premises.
5. On and prior to this date, there existed on this Defendants' premises a dangerous, unsafe, and hazardous condition created by the absence of a railing on the steps of the property.
6. On account of this dangerous, unsafe, and hazardous condition, Plaintiff fell while exiting the house and walking down the stairs and sustained serious and severe injuries.

7. Plaintiff's injuries and damages were caused by and were the direct and proximate result of some or all of the following negligent conduct of Defendants:

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8. As a result of Defendants' Charles and Deborah Saggese's negligence, Plaintiff sustained the following injuries, all of which are or may be of a permanent nature:

- (a) lateral tibial plateau fracture of the right knee and tibia;
- (b) multiple lacerations, abrasions, and contusions;
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9. Plaintiff has sustained the following damages as a result of these injuries:

- (a) She has endured and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish, and emotional and psychological trauma;
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(e) She has and will in the future be unable to enjoy various pleasures of life that she previously enjoyed.

WHEREFORE, Plaintiff seeks a judgment against Defendants Charles and Deborah Saggese for damages in excess of the jurisdictional amount for compulsory arbitration.

A JURY TRIAL IS DEMANDED.

LAW OFFICES OF RONALD H. HECK

Dated: 5/30/02

BY



RONALD H. HECK, ESQUIRE  
PA I.D. #10423

LAW OFFICES OF RONALD H. HECK  
100 Wood Street Building, Fifth Floor  
Pittsburgh, PA 15222

COUNSEL FOR PLAINTIFF

**VERIFICATION**

I VERIFY that the statements made in this Complaint are true and correct. I understand that the false statements herein made are subject to the penalties of 18 Pa. C.S. section 4904, relating to unsworn falsification to authorities.

Date:

July 25, 2002

Esther L. Neeper  
Esther L. Neeper

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTHER L. NEEPER,

Plaintiff,

vs.

CHARLES R. AND DEBORAH L.  
SAGGESE,

Defendants.

CIVIL DIVISION

G.D. No. 02-1367-SD

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff:  
Esther L. Neeper

COUNSEL OF RECORD FOR THIS  
PARTY:

Ronald H. Heck, Esquire  
P.A. I.D. #10423

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Telephone No. (412) 281-2100  
Facsimile No. (412) 281-2555

I hereby certify this is a true  
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statement filed in this case.

SEP 01 2002

Attest.

*William L. Shaw*  
Prothonotary

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

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G.D. No.

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CLEARFIELD COUNTY COURTHOUSE  
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CIVIL DIVISION

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G.D. No.

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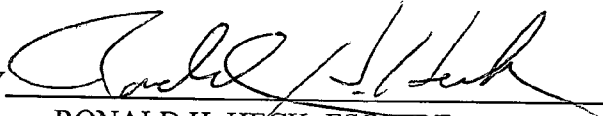
WHEREFORE, Plaintiff seeks a judgment against Defendants Charles and Deborah Saggese for damages in excess of the jurisdictional amount for compulsory arbitration.

A JURY TRIAL IS DEMANDED.

LAW OFFICES OF RONALD H. HECK

Dated: 5/30/02

BY



RONALD H. HECK, ESQUIRE  
PA I.D. #10423

LAW OFFICES OF RONALD H. HECK  
100 Wood Street Building, Fifth Floor  
Pittsburgh, PA 15222

COUNSEL FOR PLAINTIFF

**VERIFICATION**

I VERIFY that the statements made in this Complaint are true and correct. I understand that the false statements herein made are subject to the penalties of 18 Pa. C.S. section 4904, relating to unsworn falsification to authorities.

Date: July 25, 2002

Esther L. Neeper  
Esther L. Neeper

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ESTHER L. NEEPER,

Plaintiff,

vs.

CHARLES R. AND DEBORAH L.  
SAGGESE,

Defendants.

CIVIL DIVISION

No. 02-1367-CD

**Reply to New Matter**

Filed on Behalf of Plaintiff:  
Esther L. Neeper

COUNSEL OF RECORD FOR THIS  
PARTY:

Ronald H. Heck, Esquire  
P.A. I.D. #10423

LAW OFFICES OF RONALD H. HECK  
100 Wood Street Building, 5th Fl.  
Pittsburgh, PA 15222  
Telephone No. (412) 281-2100  
Facsimile No. (412) 281-2555

**FILED**

NOV 18 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ESTHER L. NEEPER,	)	
	)	
Plaintiff	)	
	)	
v.	)	CASE NO. 02-1367-CD
	)	
CHARLES R. SAGGESE and	)	
DEBORAH L. SAGGESE,	)	
	)	
Defendants.	)	

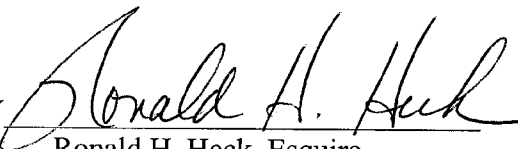
REPLY TO NEW MATTER

AND NOW, comes the Plaintiff, ESTHER L. NEEPER, by and through her attorneys, the LAW OFFICES OF RONALD H. HECK, and files the following Reply to the Defendants' New Matter, and avers as follows:

1. Paragraphs 9, 10, and 11 of the Defendants' New Matters contain conclusions of law to which no responsive pleading is required. However, to the extent that factual allegations are contained therein, the same are hereby denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Plaintiff, ESTHER L. NEEPER, demands judgment in her favor and against the Defendants.

LAW OFFICES OF RONALD H. HECK

BY   
Ronald H. Heck, Esquire  
Pa. I.D. #10423  
100 Wood Street Building, 5th Floor  
Pittsburgh, PA 15222  
(412) 281-2100

VERIFICATION

I, Esther L. Neeper, have read the foregoing Reply to New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is 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: Oct. 16, 02

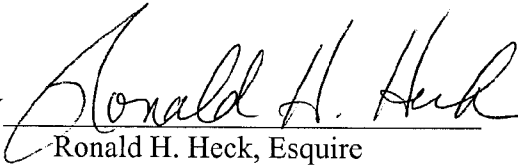
Esther L. Neeper  
Esther L. Neeper

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the within Reply to New Matter upon all Counsel of record, by mailing same by United States First-Class mail, postage prepaid, on the 14th day of November, 2002.

LAW OFFICES OF RONALD H. HECK

BY

  
Ronald H. Heck, Esquire

MAILED TO:

Dennis J. Stofko, Esquire  
P. O. Box 5500  
Johnstown, PA 15904

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

ESTHER L.NEEPER,

Plaintiff

vs.

No. 02-1367 CD

CHARLES R. and DEBORAH L.  
SAGGESE

Defendants

MOTION TO COMPEL AGAINST  
PLAINTIFF

Counsel of record for this party:

Dennis J. Stofko, Esquire

P.O. Box 5500

Johnstown, Pa. 15904

814 262-0064

ID27638

FILED

DEC 11 2002

William A. Shaw  
Prothonotary

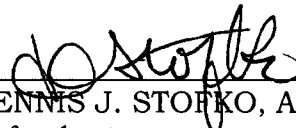


MOTION TO COMPEL

NOW COME the Defendants by and through counsel, Dennis J. Stofko and files the following Motion to Compel.

1. Plaintiff initiated the above cause of action as a result of an accident occurring on November 19, 2000.
2. On October 1, 2002 Defendants served interrogatories and a request for production of documents on Plaintiff with notice to answer within 30 days.
3. By letter dated November 6, 2002 counsel inquired as to the status of this discovery.
4. Plaintiff's counsel had requested an extension of time until November 20, 2002 to file the discovery.
5. To date no response has been received from the Plaintiff.
6. The discovery requested is necessary and relevant with regard to claims being asserted by the Plaintiff to the within cause of action and are reasonable in scope.
7. Defendants are entitled to an order compelling Plaintiff to respond to the requested discovery pursuant to Rule 4019 of the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Defendants request that this Court compel Plaintiff to answer said discovery as requested or to suffer such sanctions as the Court shall impose.

  
\_\_\_\_\_  
DENNIS J. STOFKO, Attorney for  
Defendants

FILED  
NO  
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DEC 11 2002  
KEY  
William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
ESTHER L.NEEPER,

Plaintiff

vs.

No. 02-1367 CD

CHARLES R. and DEBORAH L.  
SAGGESE

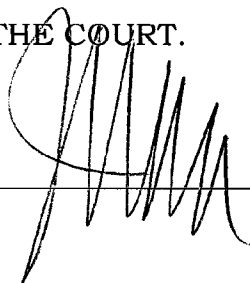
Defendants

ORDER

AND NOW this 17<sup>th</sup> day of Dec., 2002 upon consideration of the  
foregoing Motion to Compel,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that the Plaintiff  
shall have twenty (20) days from the date of this order to respond to said  
discovery or suffer those sanctions deemed appropriate by the Court.

BY THE COURT.

  
\_\_\_\_\_

FILED

DEC 18 2002

*(Signature)*

William A. Shaw  
Prothonotary

FILED <sup>for</sup> ICC  
018:56:84 Amy Stofko  
DEC 18 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ESTHER L. NEEPER,

Plaintiff

vs.

No. 02-1367 CD

CHARLES R. and DEBORAH L.  
SAGGESE,

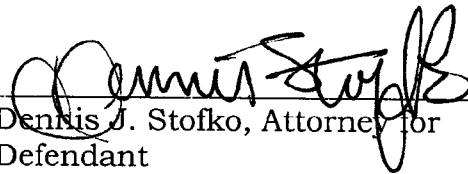
Defendants

PRAECIPE

Please mark the above captioned matter ended, settled and  
forever discontinued.



Ronald H. Heck, Attorney for  
Plaintiff



Dennis J. Stofko, Attorney for  
Defendant

FILED

OCT 01 2003

11:50 AM

William A. Shaw

Prothonotary/Clerk of Courts

NO CHARGE

CERT OF DISC.

TO ATTORNEYS

AS TO CASE

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

**CIVIL DIVISION**

**Esther L. Neeper**

**Vs.**

**No. 2002-01367-CD**

**Charles R. Saggese  
Deborah L. Saggese**

**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 October 1, 2003, marked:

Ended, Settled and Forever Discontinued

Record costs in the sum of \$80.00 have been paid in full by Ronald H. Heck, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of October A.D. 2003.

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William A. Shaw, Prothonotary