

02-1377-CD
DONNA S. CARFLY -vs- CUMMENSVILLE COMMONS, INC.

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

DONNA S. CARFLEY, an adult individual,

PLAINTIFF,

No. 02-1377-CD

v.

CURWENSVILLE COMMONS, INC., a
Pennsylvania Corporation,

DEFENDANT.

Type of Pleading:

CIVIL COMPLAINT

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

SEP 04 2002

William A. Shill
Notary Public

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

)
DONNA S. CARFLEY,)
an adult individual;)
)
PLAINTIFF,)
)
)
v.)
CURWENSVILLE COMMONS, INC.,)
a Pennsylvania corporation,)
)
DEFENDANT.)
)
No. 02-_____ -CD

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM 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 CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). 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 AN ATTORNEY, OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David Meholick, Court Administrator
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

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

)
DONNA S. CARFLEY,
an adult individual;
)
PLAINTIFF,
)
v.
CURWENSVILLE COMMONS, INC.,
a Pennsylvania corporation,
)
DEFENDANT.)
No. 02-_____ -CD

CIVIL COMPLAINT

NOW COMES, the Plaintiff, Donna S. Carfley, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of her CIVIL COMPLAINT:

The Parties

1. Plaintiff is Donna S. Carfley, an adult individual, who at all material times did reside at 100 4th Avenue, Apartment 305, Curwensville, Clearfield County, Pennsylvania.
2. That Defendant is Curwensville Commons, upon information and belief a duly existing Pennsylvania Corporation, with business address of 100 4th Avenue, Curwensville, Clearfield County, Pennsylvania.

Background

3. That Ms. Carfley did rent an apartment from the Defendant at the aforementioned address.
4. That shortly after 7:00 A.M., on the morning of February 28th (2002), Ms. Carfley was returning to her residency. She parked her vehicle in a duly assigned area and was walking from her vehicle towards her apartment on a sidewalk.
5. That said sidewalk was maintained by the defendant.

6. That as Ms. Carfley was walking on said sidewalk, she fell on a part of the sidewalk which was raised up, i.e. not level, causing her to break her left ankle.

Negligence

Count I

7. That as Ms. Carfley's landlord, defendant owed Ms. Carfley a duty of care.
8. That Defendant breached that duty of care in that Defendant was negligent.
9. That Defendant was negligent as follows:
 - (a) It failed to properly maintain said sidewalk so as to provide a level walking area;
 - (b) It failed to place material between the cracks of the various pieces of the sidewalk in the area at which Ms. Carfley tripped and fell so that such a piece or pieces would not protrude; and
 - (c) It failed to adequately inspect its premises such that it either did not discover, or if discovered, failed to correct the raised portion of the sidewalk.
10. That Defendant's negligence was a direct and proximate cause of Ms. Carfley's accident and resulting broken ankle.
11. That as a result of the broken ankle, Ms. Carfley needed and obtained medical care, which should be borne by the Defendant in an amount to be determined at time of trial.
12. That Ms. Carfley did miss work as a result of the broken ankle and resulting medical care for which she should be compensated in an amount to be determined at time of trial.
13. That Ms. Carfley did suffer and does continue to suffer pain from her injuries for which she should be compensated in an amount to be determined at time of trial.

Miscellaneous

14. That jurisdiction is proper.
15. That venue is proper.

WHEREFORE, Plaintiff requests that judgment be entered in her favor, together with costs and interest in an amount to be determined but in excess of Twenty-Thousand Dollars.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

)
DONNA S. CARFLEY,
an adult individual;
)
PLAINTIFF,)
No. 02-_____ -CD
v.
CURWENSVILLE COMMONS, INC.,
a Pennsylvania corporation,
)
DEFENDANT.)

VERIFICATION

I, Donna S. Carfley, Plaintiff, do hereby swear and affirm that I have read the foregoing and attached CIVIL COMPLAINT in the above captioned matter, and that to the best of my information, knowledge and belief, the facts as set forth therein are true and correct. Furthermore, that I make this statement subject to the penalties of 18 Pa.C.S.A. 4101, relating to unsworn falsification to authorities.

So made this 24th day of August, 2002.

Donna S. Carfley
Donna S. Carfley, Plaintiff

FILED

SEP 04 2002

12:08 p.m.
William A. Shewy
Prothonotary

3 cc to [unclear]

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

DONNA S. CARFLEY,
An adult individual,

Plaintiff

CIVIL DIVISION

NO. 02-1377 CD

v.
CURWENSVILLE COMMONS, INC.,
A Pennsylvania Corporation,

Defendant

Filed on behalf of: Defendant

Counsel of record for this party:
Stuart H. Sostmann, Esquire
Pa. ID #84065

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

W12_A\LAB\SYS\LLPG\238667\MXD\03180\00107

FILED

SEP 27 2002

William A. Shaw
Prothonotary

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

DONNA S. CARFLEY,
An adult individual,

Plaintiff

CIVIL DIVISION

NO. 02-1377 CD

v.

CURWENSVILLE COMMONS, INC.,
A Pennsylvania corporation,

Defendant

PRAECIPE FOR APPEARANCE

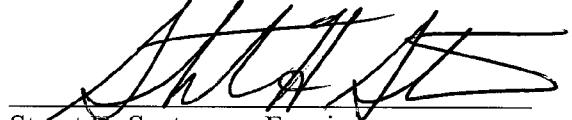
TO: PROTHONOTARY

Please enter my appearance on behalf of the Defendant in the above-referenced matter
and mark the docket accordingly.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

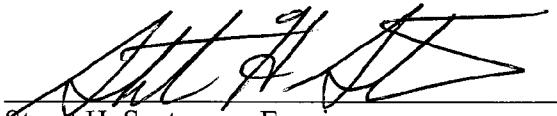
BY:


Stuart H. Sostmann, Esquire
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR APPEARANCE was served by U. S. Mail, First Class, postage pre-paid, this 25th day of September, 2002, on the below listed:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

By: 

Stuart H. Sostmann, Esquire
Attorney for Defendant

\12_A\LIAB\SYS\LLPG\238667\MXD\03180\00107

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

DONNA S. CARFLEY,
An adult individual,

Plaintiff,

v.

CURWENSVILLE COMMONS, INC.,
A Pennsylvania Corporation,

Defendant

CIVIL DIVISION

NO. 02-1377 CD

ANSWER AND NEW MATTER

Filed on behalf of: Defendant

Counsel of record for this party:
Stuart H. Sostmann, Esquire
Pa. ID #84065

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

You are hereby notified to file a written

response to the within New Matter within
twenty (20) days of service hereof or a default
judgment may be entered against you.



Attorney for Defendant

FILED

OCT 21 2002

William A. Shaw
Prothonotary

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

DONNA S. CARFLEY,
An adult individual,

Plaintiff,

CIVIL DIVISION

NO. 02-1377 CD

v.
CURWENSVILLE COMMONS, INC.,
A Pennsylvania corporation,

Defendant.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, Curwensville Commons (inappropriately designated as Curwensville Commons, Inc.), by and through its attorneys, Marshall, Dennehey, Warner, Coleman & Goggin, and Stuart H. Sostmann, Esquire, and files the following Answer and New Matter to Plaintiff's Complaint in civil action, and in support thereof, avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.
5. Admitted.
6. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.

COUNT I

NEGLIGENCE

7. These averments constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments are denied, and strict proof thereof is demanded at the time of trial.

8. These averments constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments are denied, and strict proof thereof is demanded at the time of trial.

9. These averments, including subparagraphs (a) through (c), constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments are denied, and strict proof thereof is demanded at the time of trial.

10. These averments constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments are denied, and strict proof thereof is demanded at the time of trial.

11. As to the Plaintiff's allegations regarding her injuries and need for medical care, after reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial. As to the remaining averments, they constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments are denied, and strict proof thereof is demanded at the time of trial.

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

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

14. Admitted.

15. Admitted.

WHEREFORE, Defendant, Curwensville Commons, respectfully requests that this Honorable Court dismiss Count I of Plaintiff's Complaint with prejudice.

NEW MATTER

For a further and more specific response, this Defendant files the following New Matter.

16. The rights of the Plaintiff in this action are governed, diminished and/or barred by the contributory and/or comparative negligence of the Plaintiff, and this Defendant claims all of the benefits of the provisions of the Pennsylvania Comparative Negligence Act, as set forth at 42 Pa. C.S.A. §7102 et. seq. and pleads the same as an affirmative defense in this action.

17. In the event it is established that the Plaintiff has sustained injuries and damages as claimed in this Complaint, which are denied for the reasons previously set forth in the preceding paragraphs of this Answer, then in that event, said injuries and damages are due to the acts of persons and/or individuals other than this Defendant, which acts were independent, intervening, and superseding, and for which this Defendant is not liable or responsible.

18. Defendant reserves the right to establish that any injuries that may be established by Plaintiff were caused by pre-existing physical conditions and/or occurrences.

19. Plaintiff's Complaint in civil action fails to state a claim upon which relief may be granted pursuant to applicable law.

20. Any and all claims of the Plaintiff in this action are barred by the applicable statute of limitations, laches, estoppel and/or waiver.

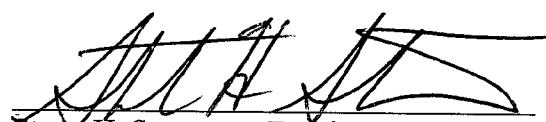
21. There is no causal relationship between any damages claimed by the Plaintiff, and any wrongful act or omission on the part of this Defendant, which act or omission is expressly denied.

22. Defendant, Curwensville Commons is guilty of no negligent, wrongful or tortious or unlawful act or omission which proximately contributed to the damages claimed by the Plaintiff.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY:



Stuart H. Sostmann, Esquire
Attorney for Defendant,
Curwensville Commons

VERIFICATION

I, Valerie Shaw, do hereby verify that I have read the foregoing **Answer and New Matter** and that the statements contained herein are true and correct to the best of my knowledge.

This verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: 10.10.2002

Valerie Shaw

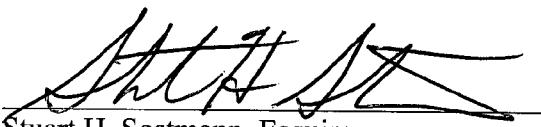
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **ANSWER AND NEW MATTER** was served by U. S. Mail, First Class, postage pre-paid, this 17th day of October, 2002, on the below listed:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

By:


Stuart H. Sostmann, Esquire
Attorney for Defendant,
Curwensville Commons

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

DONNA S. CARFLEY,
An adult individual,

Plaintiff,

v.

CURWENSVILLE COMMONS, INC.,
A Pennsylvania Corporation,

Defendant

CIVIL DIVISION

NO. 02-1377 CD

**NOTICE OF SERVICE OF
DEFENDANT'S FIRST SET OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF**

Filed on behalf of: Defendant

Counsel of record for this party:
Stuart H. Sostmann, Esquire
Pa. ID #84065

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

FILED

OCT 23 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DONNA S. CARFLEY,
An adult individual,

Plaintiff,

CIVIL DIVISION

NO. 02-1377 CD

v.

CURWENSVILLE COMMONS, INC.,
A Pennsylvania corporation,

Defendant.

**NOTICE OF SERVICE OF DEFENDANT'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF**

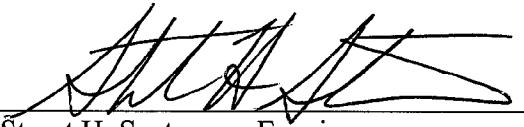
I hereby certify that true and correct copies of Defendant's Firsts Set of Interrogatories and Request for Production of Documents were served by first class, U.S. Mail, postage prepaid, this 21st day of October, 2002, on the parties listed below:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY:

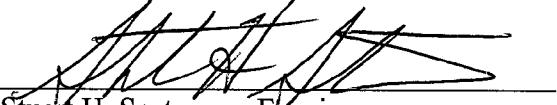

Stuart H. Sostmann, Esquire
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Notice of Service of Defendant's First Set of Interrogatories and Request for Production of Documents to Plaintiff** was served by U. S. Mail, First Class, postage pre-paid, this 21st day of October, 2002, on the below listed:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

By:


Stuart H. Sostmann, Esquire
Attorney for Defendant

\12_A\LIAB\SYS\SLPG\242091\DL\03180\00107

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

DONNA S. CARFLEY, an adult individual,

PLAINTIFF,

v.

CURWENSVILLE COMMONS, INC., a
Pennsylvania Corporation,

DEFENDANT.

Type of Pleading:

REPLY TO NEW MATTER

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

OCT 23 2002

William A. Shaw
Prothonotary

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

)
DONNA S. CARFLEY,)
an adult individual;)
)
PLAINTIFF,)
)
v.) No. 02-1377-CD
CURWENSVILLE COMMONS, INC.,)
a Pennsylvania corporation,)
)
DEFENDANT.)

PLAINTIFF'S REPLY TO NEW MATTER

NOW COMES, the Plaintiff, Donna S. Carfley, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows as her REPLY TO NEW MATTER:

16. The same is a legal conclusion for which no response is necessary.
17. The same is a legal conclusion for which no response is necessary. To the extent an answer might be deemed necessary, it is strictly DENIED that there were such other acts of an intervening, independent or superseding nature which caused, wholly or in part, Ms. Carfley's injuries. Strict proof of the same is demanded at time of trial.
18. The same is a legal conclusion for which no response is necessary. To the extent an answer might be deemed necessary, it is strictly DENIED that Ms. Carfley suffered from any such pre-existing condition which effects her claim for damages in any manner. Strict proof of the same is demanded at time of trial.
19. The same is a legal conclusion for which no response is necessary.
20. The same is a legal conclusion for which no response is necessary.
21. The same is a legal conclusion for which no response is necessary.

22. The same is a legal conclusion for which no response is necessary.

WHEREFORE, Plaintiff requests that judgment be entered in her favor, together with costs and interest in an amount to be determined but in excess of Twenty-Thousand Dollars, as per her CIVIL COMPLAINT.

Respectfully Submitted,



TGN

Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

)
DONNA S. CARFLEY,)
an adult individual;)
)
PLAINTIFF,)
)
)
v.)
CURWENSVILLE COMMONS, INC.,)
a Pennsylvania corporation,)
)
DEFENDANT.)
)
No. 02-1377-CD

NOTICE OF SERVICE

To: William A. Shaw, Prothonotary

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify this 22nd day of October, 2002, that I did propound Plaintiff's REPLY TO NEW MATTER, to the below indicated persons, being all counsel of record, via United States Mail, postage prepaid, first class:

Stuart H. Sostmann, Esquire
Marshall, Dennehey, Warner, Coleman & Coggin
USX Tower
Suite 2900
600 Grant Street
Pittsburgh, PA 15219

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13001

CARFLEY, DONNA S.

02-1377-CD

VS.

CURWENSVILLE COMMONS, INC.

COMPLAINT

SHERIFF RETURNS

**NOW SEPTEMBER 10, 2002 AT 8:57 AM DST SERVED THE WITHIN COMPLAINT
ON CURWENSVILLE COMMONS, INC., DEFENDANT AT EMPLOYMENT, 100 4TH AVE.,
CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO VALERIE
SHAW, SITE MGR. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT
AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: NEVLING.**

Return Costs

Cost	Description
30.07	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

24th Day Of October 2002
William A. Shaw

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

So Answers,

*Chester A. Hawkins
By Marly Harr*
Chester A. Hawkins
Sheriff

FILED
013:54
OCT 24 2002
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RBS

William A. Shaw
Prothonotary

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

DONNA S. CARFLEY, an adult individual,

PLAINTIFF,

: No. 02- 1377 -CD

v.

CURWENSVILLE COMMONS, INC., a
Pennsylvania Corporation,

DEFENDANT.

Type of Pleading:

VERIFICATION

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

OCT 29 2002

William A. Shaw
Prothonotary

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

)
DONNA S. CARFLEY,)
an adult individual;)
)
PLAINTIFF,)) No. 02-1377-CD
v.)
CURWENSVILLE COMMONS, INC.,)
a Pennsylvania corporation,)
)
DEFENDANT.)

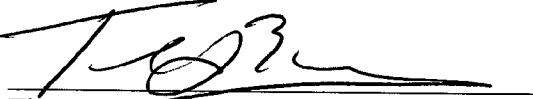
NOTICE OF SERVICE

To: William A. Shaw, Prothonotary

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify this 28th day of October, 2002, that I did serve a true and correct copy of Plaintiff's VERIFICATION as to her REPLY TO NEW MATTER, to the below indicated persons, being all counsel of record, via United States Mail, postage prepaid, first class:

Stuart H. Sostmann, Esquire
Marshall, Dennehey, Warner, Coleman & Coggin
USX Tower
Suite 2900
600 Grant Street
Pittsburgh, PA 15219

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

)
DONNA S. CARFLEY,)
an adult individual;)
)
PLAINTIFF,)
)
) No. 02- 1377 -CD
v.)
CURWENSVILLE COMMONS, INC.,)
a Pennsylvania corporation,)
)
DEFENDANT.)

VERIFICATION

I, Donna S. Carfley, Plaintiff in the foregoing and attached REPLY TO NEW MATTER, do hereby swear and affirm that I have read the same and that to the best of my information, knowledge and belief, the facts as set forth therein are true and correct. Furthermore, that I make this statement subject to the penalties of 18 Pa.C.S.A. 4101, relating to unsworn falsification to authorities.

So made this 25th day of October, 2002.

Donna S. Carfley
Donna S. Carfley, Plaintiff

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

)
DONNA S. CARFLEY,
an adult individual;
)
PLAINTIFF,
)
v.
)
CURWENSVILLE COMMONS, INC.,
a Pennsylvania corporation,
)
DEFENDANT.
)
No. 02-1377-CD

PRAECIPE TO DISCONTINUE

To: William A. Shaw, Prothonotary

Date: April 7, 2003

Please mark the above captioned case, SETTLED, ENDED and FOREVER
DISCONTINUED.

Respectfully Submitted,



T G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

FILED

APR 09 2003
m/2:00/m
William A. Shaw
Prothonotary
no c/c


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

)
DONNA S. CARFLEY,)
an adult individual;)
)
PLAINTIFF,)
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v.)
CURWENSVILLE COMMONS, INC.,)
a Pennsylvania corporation,)
)
DEFENDANT.)
)
No. 02- 1377 -CD

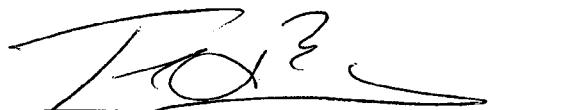
NOTICE OF SERVICE

To: William A. Shaw, Prothonotary

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify this 7th day of April, 2003, that I did serve a true and correct copy of Plaintiff's PRAECIPE TO DISCONTINUE, to the below indicated persons, being all counsel of record, via United States Mail, postage prepaid, first class:

Stuart H. Sostmann, Esquire
Marshall, Dennehey, Warner, Coleman & Coggin
USX Tower
Suite 2900
600 Grant Street
Pittsburgh, PA 15219

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Donna S. Carfley

Vs. **No. 2002-01377-CD**
Curwensville Commons, Inc.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

COPY

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 April 09, 2003, marked:

Discontinuation

Record costs in the sum of \$120.07 have been paid in full by Attorney Noble.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of April A.D. 2003.

William A. Shaw, Prothonotary

COPY

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

BILL OF COSTS

Donna S. Carfley,

Vs.

2002-01377-CD

Curwensville Commons, Inc., Total \$120.07

<u>Amount</u>	<u>Document</u>	<u>Paid By</u>
\$80.00	Filing Fee	Attorney Noble
\$40.07	Sheriff Return	Attorney Noble

COPY

Certified from the record this 9th day of April, 2003.

WILLIAM A. SHAW
PROTHONOTARY

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