

02-1391-3  
KAREN LEE McFARLAND et al. -vs- THOMASINE N. BOYCE

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

KAREN LEE McFARLAND and  
JEFFREY McFARLAND, her husband  
Plaintiffs

vs.

THOMAZINE N. BOYCE  
Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 02- 1391 -CD

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a writ of summons in the above-captioned  
action.

Dated: September 6, 2002

Timothy E. Durant  
Timothy E. Durant, Esquire  
Attorney for Plaintiff  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711  
Pa. I.D. 21352

**FILED**

SEP 06 2002

William A. Shaw  
Prothonotary

Address:           Thomazine N. Boyce  
                  Dale Road, Box 723  
                  Clearfield, PA 16830

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

COPY

**SUMMONS**

**Karen Lee Mcfarland  
Jeffrey Mcfarland**

Vs.

**NO.: 2002-01391-CD**

**Thomazine N. Boyce**

TO: THOMAZINE N. BOYCE

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 09/06/2002

---

William A. Shaw  
Prothonotary

Issuing Attorney:

Timothy E. Durant

Clearfield, PA 16830

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,  
Plaintiffs,

vs.

THOMAZINE N. BOYCE

Defendant.

CIVIL ACTION - LAW

Number 2002 - 1391 C.D.

Type of Case: Civil Division

Type of Pleading: Appearance

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**

OCT 04 2002

William A. Shaw  
Prothonotary

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,  
Plaintiffs,

vs.

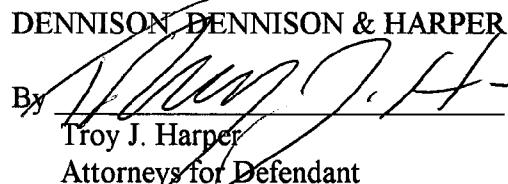
THOMAZINE N. BOYCE,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\* Civil Action - Law  
\*  
\*  
\* Number 2002 - 1391 C.D.

**APPEARANCE**

**TO THE PROTHONOTARY OF CLEARFIELD COUNTY:**

Please enter our Appearance on behalf of the Defendant, THOMAZINE N. BOYCE, in  
regard to the above entitled matter.

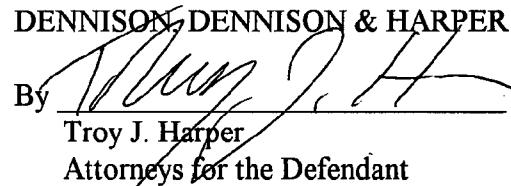
DENNISON, DENNISON & HARPER  
By   
Troy J. Harper  
Attorneys for Defendant

Dated: 10/3/02

## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Appearance was served on the  
3<sup>rd</sup> day of October, 2002, by United States Mail, First Class,  
Postage Prepaid, addressed to the following:

Timothy E. Durant, Esq.  
201 N. Second Street  
Clearfield, Pennsylvania 16830

DENNISON, DENNISON & HARPER  
By   
Troy J. Harper  
Attorneys for the Defendant

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13018

McFARLAND, KAREN LEE & JEFFREY

02-1391-CD

VS.

BOYCE, THOMAZINE N.

**SUMMONS**

**SHERIFF RETURNS**

NOW SEPTEMBER 11, 2002 AT 1:43 PM DST SERVED THE WITHIN SUMMONS  
ON THOMAZINE N. BOYCE, DEFENDANT AT RESIDENCE, DALE ROAD, BOX 723,  
CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO THOMAZINE  
N. BOYCE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE  
KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

---

**Return Costs**

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

Sworn to Before Me This

24<sup>th</sup> 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: Mawlyn Harr  
Chester A. Hawkins  
Sheriff

**FILED**

0/3:53  
OCT 24 2002

*E  
KEL*

William A. Shaw  
Prothonotary

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

COPY

SUMMONS

**Karen Lee Mcfarland**  
**Jeffrey Mcfarland**

Vs.

NO.: 2002-01391-CD

**Thomazine N. Boyce**

TO: THOMAZINE N. BOYCE

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 09/06/2002

  
\_\_\_\_\_  
William A. Shaw  
Prothonotary

Issuing Attorney:

Timothy E. Durant

Clearfield, PA 16830

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

COPY

SUMMONS

**Karen Lee Mcfarland**  
**Jeffrey Mcfarland**

Vs.

**NO.: 2002-01391-CD**

**Thomazine N. Boyce**

TO: THOMAZINE N. BOYCE

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 09/06/2002

  
\_\_\_\_\_  
**William A. Shaw**  
Prothonotary

Issuing Attorney:

Timothy E. Durant

Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

Plaintiffs,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL DIVISION

No. 2002-1391 C.D.

**PRAECIPE FOR APPEARANCE  
AS CO-COUNSEL FOR PLAINTIFFS**

Code: 001

Filed on Behalf of: Karen Lee McFarland  
and Jeffrey McFarland, Plaintiffs

Counsel of Record for this Party:

Andrew J. Leger, Jr., Esquire  
Pa. I.D. No. 43702

**LEGER & BALL, P.C.**  
Firm I.D. No. 142  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219  
(412) 456-9700  
(412) 456-9701 (fax)

**JURY TRIAL DEMANDED**

**FILED**

NOV 12 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and,	)	CIVIL DIVISION
JEFFREY MCFARLAND,	)	
	)	
Plaintiffs,	)	No. 2002-1391 C.D.
	)	
vs.	)	
	)	
THOMAZINE N. BOYCE,	)	
	)	
Defendant.	)	

**PRAECIPE FOR APPEARANCE**  
**AS CO-COUNSEL FOR PLAINTIFFS**

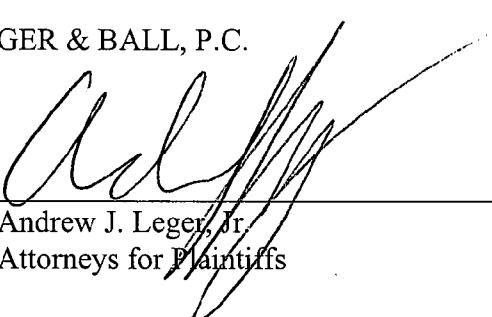
TO: WILLIAM SHAW, PROTHONOTARY

Kindly enter my appearance as co-counsel for Plaintiffs, Karen Lee McFarland and Jeffrey McFarland, in the above captioned action.

LEGER & BALL, P.C.

By

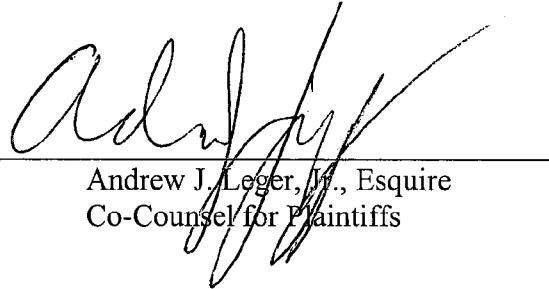
Andrew J. Leger, Jr.  
Attorneys for Plaintiffs



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Praecipe for Appearance as Co-Counsel for Plaintiffs was served upon the following counsel of record by first-class mail, postage prepaid on this 8<sup>th</sup> day of November, 2002:

Troy J. Harper, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
Andrew J. Leger, Jr., Esquire  
Co-Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND, her husband,

Plaintiffs,

v.

THOMAZINE N. BOYCE,

Defendant.

CIVIL DIVISION

NO. 2002-1391 C.D.

ISSUE NO.

**COMPLAINT**

CODE:

Filed on Behalf of: Karen Lee McFarland  
and Jeffrey McFarland, Plaintiffs

Counsel of Record for this Party:

Andrew J. Leger, Jr., Esquire  
Pa. I.D. No. 43702

**LEGER & BALL, P.C.**  
Firm I.D. No. 142  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219  
(412) 456-9700  
(412) 456-9701 (fax)

**A JURY TRIAL DEMANDED**

FILED *No cc*  
MTI 5384  
JUL 01 2004  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and ) CIVIL DIVISION  
JEFFREY MCFARLAND, her husband, )  
Plaintiffs, ) NO. 2002-1391 C.D.  
v. )  
THOMAZINE N. BOYCE, )  
Defendant. )

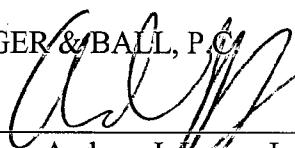
NOTICE TO DEFEND

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 the Complaint and notice are served, by entering a written appearance personally or by an attorney and by filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

**LAWYER REFERRAL SERVICES**  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641, ext. 51, or  
(800) 692-7375

Date: 6/29/04, 2004

LEGER & BALL, P.C.  
By:   
Andrew J. Leger, Jr., Esquire  
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and	)	CIVIL DIVISION
JEFFREY MCFARLAND, her husband,	)	
	)	NO. 2002-1391 C.D.
Plaintiffs,	)	
	)	
v.	)	
	)	
THOMAZINE N. BOYCE,	)	
	)	
Defendant.	)	

**COMPLAINT**

**A Jury Trial Demanded**

AND NOW, come the Plaintiffs, Karen Lee McFarland and Jeffrey McFarland, her husband, by and through their attorneys, Andrew J. Leger, Jr., Esquire, and Leger and Ball, P.C., and file the following Complaint against the Defendant, Thomazine N. Boyce, upon a set of particulars of which the following is a statement:

1. Plaintiffs, Karen Lee McFarland and Jeffrey McFarland, wife and husband, are adult individuals residing at 314 South 4<sup>th</sup> Street, Clearfield, PA 16830.
2. Defendant, Thomazine N. Boyce, is an adult individual residing at Dale Road Box 723, Clearfield, PA 16830.
3. On or about October 9, 2000, at or about 2:56 p.m., Wife-Plaintiff, Karen Lee McFarland, was operating a 1985 Chevrolet Eurosport, which was traveling south on Route SR-0153 in Lawrence Township, Clearfield County, Pennsylvania.
4. At the same, date, time, and place, Defendant, Thomazine N. Boyce, was operating a 1990 Ford Taurus traveling north on Route SR-0153 in Lawrence Township, Clearfield County, Pennsylvania.

5. At the above stated date, time, and place Wife-Plaintiff, Karen Lee McFarland, was proceeding through the intersection of Route SR-0153 and the Clearfield Bypass in a legal, safe, and cautious manner, when she was struck by Defendant, Thomazine N. Boyce while she was attempting to make a left turn onto the Clearfield Bypass, who was not watching where she was going or the conditions of traffic in front of her.

6. As a sole, direct, and proximate result of the negligent, careless, and reckless conduct by the Defendant, Thomazine N. Boyce, Wife-Plaintiff was caused to sustain the following injuries, all of which are may be permanent nature:

- (a) Post-traumatic vertigo;
- (b) Injured neck;
- (c) Concussion;
- (d) Persistent headaches and dizziness;
- (e) Neck muscles spasms;
- (f) Neck pains and stiffness;
- (g) Tenderness on left C-spine;
- (h) Burning Pain in neck;
- (i) Cervical spine injury with cervical spine subluxations;
- (j) Hypolordotic cervical spine with slight right spine curvature with an apex at C5;
- (k) Subluxation thoracic segments;
- (l) Cervical strain;
- (m) Contusion of the left head and left elbow;
- (n) Post-traumatic musculoskeletal headaches and migraine headaches;

- (o) Episodic dizziness;
- (p) Swollen hands;
- (q) Post-traumatic headaches;
- (r) Shock to the nervous system; and
- (s) Other serious and sever injuries.

7. That solely as a result of the aforesaid injuries, Wife-Plaintiff, Karen Lee McFarland, sustained the following damages;

- (a) She has suffered and will suffer great pain, suffering, inconvenience, mental anguish, and embarrassment;
- (b) She has been and will be required to expend large sums of money for medical attention, physical therapy, hospitalization, medical supplies, medicines, and attendant services;
- (c) She has been and will be deprived of her earnings;
- (d) Her earning capacity has been reduced and permanently impaired;
- (e) Her general health, strength, and vitality have been impaired; and
- (f) She has been unable to enjoy the ordinary pleasures in life.

#### COUNT I

Karen Lee McFarland, Wife-Plaintiff, v.  
Thomazine N. Boyce, Defendant.

**(Negligence)**

8. Wife-Plaintiff, Karen Lee McFarland, hereby, by incorporates by references each and every allegations contained in Paragraphs 1 through 7, inclusive, as if the same had been fully set forth at length herein.

9. At all times material and relevant hereto, Defendant, Thomazine N. Boyce, owed a duty to Wife-Plaintiff and to all others similarly situated to exercise due care and caution in the operation of the said vehicle with due regard to the rights and safety of others.

10. The above described accident and resulting injuries and damages were caused solely by and were the direct and proximate result of this Defendant breaching her duty of due care to Wife-Plaintiff and that Defendant was negligent in general and with respect to the following particulars:

- (a) In negligently striking Wife-Plaintiff's vehicle from the side;
- (b) In operating Defendant's vehicle at a dangerous and excessive rate of speed;
- (c) In failing to stop for oncoming traffic before proceeding to make a left turn through an intersection;
- (d) In failing to operate Defendant's vehicle in a safe manner under the then existing conditions;
- (e) In failing to warn Wife-Plaintiff by sounding the horn or otherwise;
- (f) In failing to operate the brakes in such a manner that the Defendant could stop the vehicle before striking Wife-Plaintiff's vehicle;
- (g) In failing to have Defendant's vehicle under proper control;
- (h) In failing to steer the vehicle in such a manner as to avoid colliding with a vehicle that had proper right-of-way;
- (i) In being inattentive and in failing to maintain a sharp lookout of the road and the surrounding traffic conditions;
- (j) In failing to have due regard for the rights and safety of others;
- (k) In that Defendant was not in proper physical condition to operate a vehicle;

- (l) In failing to inspect the Defendant's motor vehicle for defects;
- (m) In failing to maintain the Defendant's motor vehicle in a proper and safe repair;
- (n) In failing to operate the Defendant's motor vehicle so as to be able to stop the same within the assured clear distance ahead;
- (o) In violating the various ordinances of the Lawrence Township, County of Clearfield, and the statutes of the Commonwealth of Pennsylvania relating to the operation of motor vehicles on public thoroughfares under the circumstances; and
- (p) In otherwise being negligent under the circumstances as more fully set forth hereinbefore.

WHEREFORE, Wife-Plaintiff, Karen Lee McFarland, claims damages from the Defendant, Thomazine N. Boyce, in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).

**COUNT II**

**Jeffrey McFarland, Husband-Plaintiff, v.**  
**Thomazine N. Boyce, Defendant.**

**(Loss of Consortium)**

11. Husband-Plaintiff, Jeffrey McFarland, hereby incorporates by reference each and every allegation contained in Paragraph 1 through 10, inclusive, as if the same had been fully set forth at length herein.

12. Because of the injuries and damages inflicted upon his wife, Wife-Plaintiff, Karen Lee McFarland, has been deprived of her aid, comfort, society, and her services in the management of his domestic affairs.

13. Husband-Plaintiff, Jeffrey McFarland, has suffered and will continue to suffer the loss of services of his wife, and his comfort and happiness in her society and companionship have been impaired.

14. Husband-Plaintiff, Jeffrey McFarland, is claiming loss of consortium due to his wife's injuries which she received as result of the aforementioned accident, including loss of his wife's services, companionship, and consortium.

WHEREFORE, Husband-Plaintiff, Jeffrey McFarland, claims damages from the Defendant, Thomazine N. Boyce, in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).

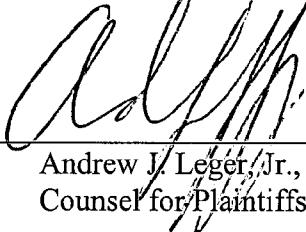
Respectfully submitted,

**A JURY TRIAL DEMANDED**

**LEGER & BALL, P.C.**

By:

Andrew J. Leger, Jr., Esquire  
Counsel for Plaintiffs



**VERIFICATION**

I hereby verify that the statements of fact made in the Complaint are true and correct to the best of my knowledge, information and belief; that I am authorized to execute this Verification and that I understand that any false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Dated: 6-24-04

Jeffrey McFarland  
Jeffrey McFarland

**VERIFICATION**

I hereby verify that the statements of fact made in the Complaint are true and correct to the best of my knowledge, information and belief; that I am authorized to execute this Verification and that I understand that any false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Dated: 10/24/04

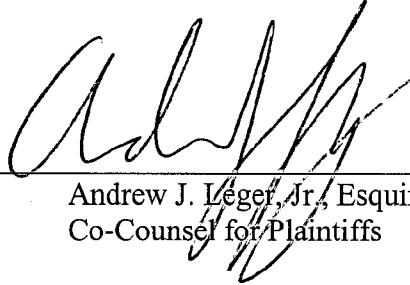
Karen Lee McFarland  
Karen Lee McFarland

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Complaint was served upon the following counsel of record by first-class mail, postage prepaid on this 29<sup>th</sup> day of June 2004:

Troy J. Harper, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

Andrew J. Leger, Jr., Esquire  
Co-Counsel for Plaintiffs



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND, her husband,  
Plaintiff,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL ACTION - LAW

Number 2002 - 1391 C.D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED NO  
JUL 1 19 2004  
JUL 28 2004  
S  
William A. Shaffer  
Prothonotary/Clerk of Courts

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND, her husband,  
Plaintiff,

vs.

THOMAZINE BOYCE,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\* Civil Action - Law  
\*  
\*  
\*  
\* Number 2002 - 1391 C.D.

**NOTICE TO PLEAD**

**TO: KAREN LEE MCFARLAND and JEFFREY MCFARLAND, PLAINTIFFS:**

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

DENNISON, DENNISON & HARPER

By \_\_\_\_\_  
Troy J. Harper  
Attorneys for the Defendant

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND, her husband,  
Plaintiff,

vs.

THOMAZINE BOYCE,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\* Civil Action - Law  
\*  
\*  
\*  
\* Number 2002 - 1391 C.D.

### **ANSWER AND NEW MATTER**

AND NOW, comes the Defendant, THOMAZINE BOYCE, by and through her attorneys, Dennison, Dennison & Harper, who file the following Answer and New Matter in response to the Plaintiffs' Complaint:

1. After reasonable investigation, the Defendant, Thomazine Boyce, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 1 of the Plaintiffs' Complaint, and said averments are therefore denied.
2. Admitted.
3. Admitted.
4. Admitted.
5. The averments of Paragraph 5 of the Plaintiffs' Complaint are admitted insofar as the Plaintiff was operating a vehicle and the Defendant was operating a vehicle. The remaining averments are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.
6. The averments of Paragraph 6 of the Plaintiffs' Complaint that the Defendant was negligent, careless and reckless are denied pursuant to Pa.R.C.P. 1029(e), and no further response

is required. With respect to the remaining averments of Paragraph 6 of the Plaintiffs' Complaint and subparagraphs (a) through (s) thereof, after reasonable investigation, the Defendant, Thomazine Boyce, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 10 of the Plaintiffs' Complaint, and said averments are therefore denied.

7. After reasonable investigation, the Defendant, Thomazine Boyce, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 7 of the Plaintiffs' Complaint and subparagraphs (a) through (f) thereof, and said averments are therefore denied.

## COUNT I

Karen Lee McFarland, Wife-Plaintiff v.  
Thomazine N. Boyce, Defendant

(Negligence)

8. Paragraph 8 of the Plaintiffs' Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 7 of this Answer are incorporated herein by reference thereto.

9. The averments of Paragraph 9 of the Plaintiffs' Complaint constitute conclusions of law to which no response is deemed required. To the extent any response would be deemed required, said averments are denied pursuant to Pa.R.C.P. 1029(e).

10. With respect to the averments of Paragraph 10 of the Plaintiffs' Complaint alleging

any injuries and damages, after reasonable investigation, the Defendant, Thomazine Boyce, is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied. The remaining averments of Paragraph 10 of the Plaintiffs' Complaint and subparagraphs (a) through (p) thereof are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

**WHEREFORE**, the Defendant, Thomazine Boyce, demands judgment in her favor and against the Plaintiffs. **JURY TRIAL DEMANDED.**

## **COUNT II**

**Jeffrey McFarland, Husband-Plaintiff v.**  
**Thomazine N. Boyce, Defendant**

**(Loss of Consortium)**

11. Paragraph 11 of the Plaintiffs' Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 10 of this Answer are incorporated herein by reference thereto.

12. After reasonable investigation, the Defendant, Thomazine Boyce, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 12 of the Plaintiffs' Complaint, and said averments are therefore denied.

13. After reasonable investigation, the Defendant, Thomazine Boyce, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 13 of the Plaintiffs' Complaint, and said averments are therefore denied.

14. After reasonable investigation, the Defendant, Thomazine Boyce, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 14 of the Plaintiffs' Complaint, and said averments are therefore denied.

**WHEREFORE**, the Defendant, Thomazine Boyce, demands judgment in her favor and against the Plaintiffs. **JURY TRIAL DEMANDED.**

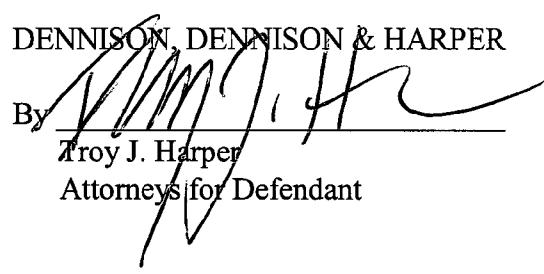
#### **NEW MATTER**

15. The terms and conditions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq., are hereby incorporated herein by reference thereto as fully as the same bar and/or diminish any claim or cause of action of the Plaintiffs.

16. The Plaintiffs have failed to state a cause of action upon which relief may be granted. **WHEREFORE**, the Defendant, Thomazine Boyce, demands judgment in her favor and against the Plaintiffs. **JURY TRIAL DEMANDED.**

DENNISON, DENNISON & HARPER

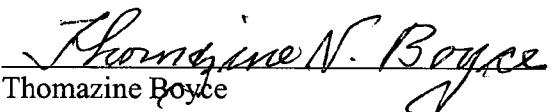
By

  
Troy J. Harper

Attorneys for Defendant

## **VERIFICATION**

I verify that the averments made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

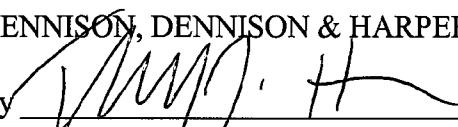
  
\_\_\_\_\_  
Thomazine Boyce

## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Answer and New Matter was served on the 26<sup>th</sup> day of July, 2004, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Andrew J. Leger, Jr., Esq.  
Leger & Ball, P.C.  
3100 Grant Building  
330 Grant Street  
Pittsburgh, Pennsylvania 15219

Timothy E. Durant, Esq.  
201 N. Second Street  
Clearfield, Pennsylvania 16830

DENNISON, DENNISON & HARPER  
By   
Troy J. Harper  
Attorneys for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

Plaintiffs,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL DIVISION

No. 2002-1391 C.D.

**NOTICE OF SERVICE OF  
INTERROGATORIES DIRECTED  
TO DEFENDANT**

Code: 001

Filed on Behalf of: Karen Lee McFarland  
and Jeffrey McFarland, Plaintiffs

Counsel of Record for this Party:

Andrew J. Leger, Jr., Esquire  
Pa. I.D. No. 43702

LEGER & BALL, P.C.

Firm I.D. No. 142  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219  
(412) 456-9700  
(412) 456-9701 (fax)

JURY TRIAL DEMANDED

FILED NO CC  
m/j:25/8/1  
AUG 02 2004

*WAS*  
William A. Shaw  
Prothonotary/Clerk of Courts

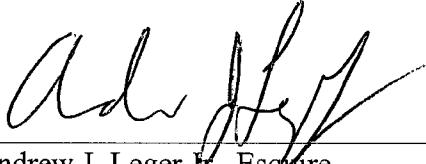
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KAREN LEE MCFARLAND and,	)	CIVIL DIVISION
JEFFREY MCFARLAND,	)	
	)	
Plaintiffs,	)	No. 2002-1391 C.D.
	)	
vs.	)	
	)	
THOMAZINE N. BOYCE,	)	
	)	
Defendant.	)	

**NOTICE OF SERVICE  
OF INTERROGATORIES**

TO: WILLIAM SHAW, PROTHONOTARY

Kindly take notice that Interrogatories Directed to Defendant were served on Troy J. Harper, Esquire, Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825 U.S. Mail, first class, postage prepaid on this 28<sup>th</sup> day July, 2004.



\_\_\_\_\_  
Andrew J. Leger Jr., Esquire  
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND, her husband,

Plaintiffs,

v.

THOMAZINE N. BOYCE,

Defendant.

CIVIL DIVISION

NO. 2002-1391 C.D.

ISSUE NO.

**REPLY TO NEW MATTER**

CODE:

Filed on Behalf of: Karen Lee McFarland  
and Jeffrey McFarland, Plaintiffs

Counsel of Record for this Party:

Andrew J. Leger, Jr., Esquire  
Pa. I.D. No. 43702

**LEGER & BALL, P.C.**  
Firm I.D. No. 142  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219  
(412) 456-9700  
(412) 456-9701 (fax)

**A JURY TRIAL DEMANDED**

FILED  
m73:5561  
AUG 25 2004  
No cc

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and ) CIVIL DIVISION  
JEFFREY MCFARLAND, her husband, )  
Plaintiffs, ) NO. 2002- 1391 C.D.  
v. )  
THOMAZINE N. BOYCE, )  
Defendant. )

**REPLY TO NEW MATTER**

**A Jury Trial Demanded**

AND NOW, come the Plaintiffs, Karen Lee McFarland and Jeffrey McFarland, her husband, by and through their attorneys, Andrew J. Leger, Jr., Esquire, and Leger and Ball, P.C., and file Plaintiff's Reply to New Matter, and in support thereof aver the following:

1. In response to the allegations contained in Paragraph 15 of Defendant's New Matter, it is averred that the same set forth conclusions of law for which no response is required. However, to the extent that a response may be deemed necessary, it is denied that Plaintiffs' claims are barred or diminished in any way by any applicable provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. § 1701, et.seq.

2. In response to the allegations contained in Paragraph 16 of Defendant's New Matter, it is averred that the same set forth conclusions of law for which no response is required. However, to the extent that a response may be deemed necessary, it is denied that Plaintiffs' have

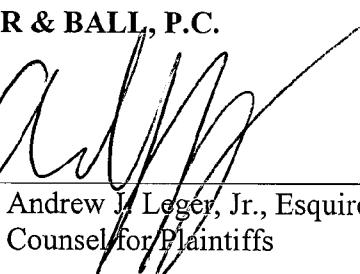
failed to state a claim upon which relief can be granted. To the contrary, Plaintiffs have set forth viable causes of action against the Defendant.

WHEREFORE, Plaintiffs, Karen Lee McFarland and Jeffrey McFarland, claims damages from the Defendant, Thomazine N. Boyce, in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).

**A JURY TRIAL DEMANDED**

Respectfully submitted,

**LEGER & BALL, P.C.**

By: 

Andrew J. Leger, Jr., Esquire  
Counsel for Plaintiffs

**VERIFICATION**

I hereby verify that the statements of fact made in the Reply to New Matter are true and correct to the best of my knowledge, information and belief; that I am authorized to execute this Verification and that I understand that any false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Dated: 8/20/04

  
\_\_\_\_\_  
Jeffrey McFarland

**VERIFICATION**

I hereby verify that the statements of fact made in the Reply to New Matter are true and correct to the best of my knowledge, information and belief; that I am authorized to execute this Verification and that I understand that any false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Dated:

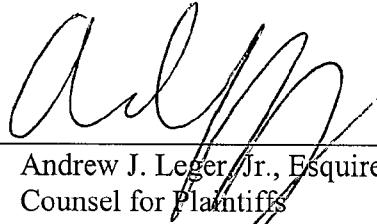
8/20/04Karen Lee McFarland

Karen Lee McFarland

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Reply to New Matter was served upon the following counsel of record by first-class mail, postage prepaid on this 23rd day of August, 2004:

Troy J. Harper, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
Andrew J. Leger Jr., Esquire  
Counsel for Plaintiffs

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

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,  
Plaintiffs

vs.

THOMAZINE N. BOYCE,  
Defendant

No. 2002-1391 C.D.

**MOTION TO COMPEL ANSWERS  
TO DISCOVERY**

Filed on Behalf of: Karen Lee McFarland and  
Jeffrey McFarland, Plaintiffs

Counsel of Record for this Party:

Andrew J. Leger, Jr., Esquire  
Pa. I.D. No. 43702  
LEGER & BALL, P.C.  
Firm I.D. No. 142  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219  
(412) 456-9700

Timothy E. Durant, Esquire  
Pa. I.D. #21352  
201 North Second Street  
Clearfield, PA 16830  
(814) 765-1711

Opposing Counsel:

Troy J. Harper  
Pa. I. D. # 74753  
John C. Dennison, II  
Pa. I.D. # 29408

**FILED**  
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0/2/05  
William A. Shaw  
Prothonotary/Clerk of Courts  
4 cent to App

DENNISON, DENNISON & HARPER  
293 Main St.  
Brookville, PA 15825  
(814) 849-8316

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and,	)	CIVIL DIVISION
JEFFREY MCFARLAND,	)	
	)	
Plaintiffs,	)	No. 2002-1391 C.D.
	)	
vs.	)	
	)	
THOMAZINE N. BOYCE,	)	
	)	
Defendant.	)	

**MOTION TO COMPEL  
ANSWERS TO DISCOVERY**

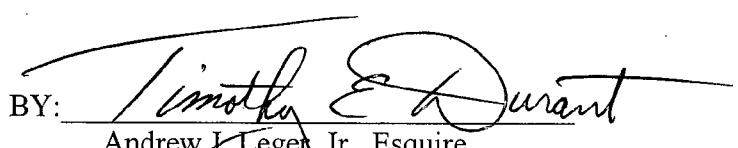
AND NOW, come the Plaintiffs, Karen Lee McFarland and Jeffrey McFarland, by and through their attorneys, Andrew J. Leger, Jr., Esquire and Leger & Ball, P.C., and files the following Motion to Compel Answers to Discovery and in support thereof avers the following:

1. On 29<sup>th</sup> day of July, 2004, Plaintiffs propounded Interrogatories and Request for Production of Documents on the Defendant. (A copy of the Interrogatories and Request for Production of Documents are attached as Exhibit "A").
2. More than thirty (30) days has passed since that time.
3. On February 10, 2005, Plaintiffs requested that Defendant provide them with a date on which to expect the answers to Interrogatories and responses to Request for Production of Documents. (A copy of that correspondence is attached as Exhibit "B").
4. To date, no reply has been made.
5. Plaintiffs will be severely prejudiced by Defendant's failure to provide responses to these reasonable discovery request.

WHEREFORE, Plaintiffs request that Defendant be compelled to answer Plaintiffs' Interrogatories and respond to Plaintiffs' Request for Production of Documents within ten (10) days or suffer such sanctions as the Court may deem necessary.

Respectfully submitted,

LEGER & BALL, P.C.

BY: 

Andrew J. Leger, Jr., Esquire  
Timothy E. Durant, Esquire  
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

Plaintiffs,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL DIVISION

No. 2002-1391 C.D.

**INTERROGATORIES DIRECTED  
TO DEFENDANT**

Code: 001

Filed on Behalf of: Karen Lee McFarland  
and Jeffrey McFarland, Plaintiffs

Counsel of Record for this Party:

Andrew J. Leger, Jr., Esquire  
Pa. I.D. No. 43702

LEGER & BALL, P.C.

Firm I.D. No. 142  
3100 Grant Building  
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(412) 456-9700  
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JURY TRIAL DEMANDED



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and,	)	CIVIL DIVISION
JEFFREY MCFARLAND,	)	
	)	
Plaintiffs,	)	No. 2002-1391 C.D.
	)	
vs.	)	
	)	
THOMAZINE N. BOYCE,	)	
	)	
Defendant.	)	

**INTERROGATORIES DIRECTED TO  
DEFENDANT THOMAZINE N. BOYCE**

AND NOW, comes the Plaintiffs, Karen McFarland and Jeffrey McFarland, by and through his attorneys, Andrew J. Leger, Jr., Esquire and Leger & Ball, P.C. and pursuant to the Pennsylvania Rules of Civil Procedure, requesting that Defendant Thomazine N. Boyce and file answers to the following Interrogatories, in writing, and under oath, within thirty (30) days after the date of service hereof.

**INSTRUCTIONS**

1. With respect to each of the following requests, you shall identify and/or produce all documents which are known to you or which can be located or discovered by you through diligent effort on the part of you, your employees, representatives, attorneys or accountants, including, but not limited to, all documents which are in the business or personnel files of your employees, in the possession of your representatives, attorneys or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

2. The following requests shall be deemed to be continuing so as to require further and supplemental production of documents by you in accordance with the Rules of Civil Procedure.

3. If any documents requested herein or fairly comprised within the scope of the following requests have been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (1) the date of origin; (2) a brief description of such document; (3) the author of such document; (4) the date upon which the document was lost or destroyed; and (5) a brief statement of the manner in which the document was lost or destroyed.

4. In the event you refuse to produce any document requested on grounds of any claimed privilege from discovery, state each ground for such claimed privilege, describe the document withheld by date, author, recipients (including all persons who were shown or received a copy), and give a general description of the subject matter of the document.

5. In the even that more than one copy of a document exists, the original shall be produced, as well as every copy on which appears any notation or marking of any sort not appearing on the original.

6. For any documents which are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and indicate the file from which such documents were taken.

#### DEFINITIONS

1. "You" and "Your" shall mean Defendant, as well as your agents, attorneys, employees, accountants, consultants, independent contractors, and any other individual or entity associated or affiliated with you or purporting to act on your behalf with respect to the matter in question.

2. "Document" shall mean all written or printed matter of any kind in your possession, custody or control, which is either known to you or can be located or discovered by diligent effort, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, speeches, press releases, diaries, calendars, agenda, statistics, letters, telegrams, minutes, contracts, purchase orders, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, offers, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets, work papers, records of telephone calls or other communications or conversations, and all drafts, alterations, modifications, changes or amendments of any of the foregoing graphic or aural records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures) and electric or mechanical records of representations of any kind (including without limitation, tapes, cassettes, discs, and recordings).

3. "Relating to" shall include pertaining to, recording, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning or referring to, whether directly or indirectly.

4. The conjunctions "and" and "or" shall be interpreted to mean "and/or", and shall not be interpreted to exclude any information otherwise within the scope of any request.

5. "Persons" shall mean any individual, firm, partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any "person" acting by or through, directly or indirectly, any other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

## **INTERROGATORIES**

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

**ANSWER:**

2. Please state the name and address of the owner of the vehicle that was in the auto accident from the underlying Complaint involved in the accident which is the subject of this case, which was driven by the Defendant, Thomazine N. Boyce.

**ANSWER:**

3. State the year, make, model number and registered owner of the vehicle that you were driving at the time the accident in question occurred.

**ANSWER:**

4. If you were not the owner of the motor vehicle but were the operator, give the name and address of the party who gave you the authority to use the vehicle you were driving at the time the accident in question occurred and state what instructions, if any, were given to you prior to operating the vehicle.

**ANSWER:**

5. Please state whether the vehicle that was in the auto accident from the underlying Complaint, which is the subject of this case, which was being driven by Defendant, Thomazine N. Boyce, is a vehicle used for business purposes, or was at the time of the subject accident being used for a business purpose, and, if so, by what business entity.

**ANSWER:**

6. Please state whether on the date of the subject accident, the vehicle described in Interrogatory No. 1 had on it any distinguishing markings, signs, etc., other than the usual vehicle manufacturer markings.

**ANSWER:**

7. Please state whether Defendant, Thomazine N. Boyce, and the vehicle that was in the auto accident from the underlying Complaint were, on the day of the subject accident, insured pursuant to any insurance policy or policies providing liability protection for an accident of this type and, if so:

- a. The amount or amounts of such policy protection;
- b. The name of the insurer, the name of the insured, the policy number and the insured vehicle; and
- c. Please attach a copy of the declaration sheet(s) of the Defendant's policy(s) in effect at the time of the accident.

**ANSWER:**

8. State whether in addition to any insurance policy mentioned in any prior answer to Plaintiffs' Interrogatories there was in effect as of the time of the collision mentioned in Plaintiffs' Complaint any other insurance policy or policies affording general personal liability coverage to the Defendant as of the date of said collision. If so:

- a. State the full name and address of the insurance company which had issued each and every policy which was in effect as of the date of the collision mentioned in Plaintiffs' Complaint;
- b. State the number of each and every such policy;
- c. State the full name and complete present address of the named insured of each and every such policy;
- d. State the limits of liability provided by each and every such policy; and
- e. Quote any language in each and every such policy which the Defendant, its attorneys, representatives, insurance companies, or its representatives may contend that the provisions of such policy or policies are inapplicable to the liability facts asserted in Plaintiffs' Complaint.

**ANSWER:**

9. Please state whether on the date and at the time of the subject accident, Defendant, Thomazine N. Boyce was acting within the scope of his employment or on behalf of another at the time of the incident in question.

- a. If so, by whom was he/she employed by at the time?
- b. If so, by whom was he/she acting on behalf of at the time?

**ANSWER:**

10. List the names and addresses of persons known or believed by you, or any person acting on your behalf, to have been within sight or hearing distance of the accident referred to in the Complaint, and with regard to each person, state:

- (a) his or her exact location at the time of the accident;
- (b) his or her activity at the time of the accident; and
- (c) whether he or she witnessed the accident.

**ANSWER:**

11. State the name and present addresses of all witnesses to the events immediately preceding the alleged accident, which are known to the Defendant, his attorneys, agents, investigators, or other representatives.

**ANSWER:**

12. State the name and present addresses of all witnesses to the alleged accident which are known to the Defendant, his attorneys, agents, investigators or other representatives.

**ANSWER:**

13. State the names and present addresses of all witnesses to the events immediately subsequent to the alleged accident which are known to the Defendant, his attorneys, agents, investigators or other representatives

**ANSWER:**

14. As to each person named in response to Interrogatory Nos.11,12 and 13, please state whether Defendant has a statement whether or not signed, adopted or approved by such person.

**ANSWER:**

15. As to each statement referred to in answer to Interrogatory No. 14 please state:

- a. Whether the statement is in question and answer or in narrative form;
- b. Whether the person giving it received a copy of the statement;
- c. Whether the statement was signed;
- d. If the statement was not signed, the method by which it was adopted or approved;
- e. The name and present address of the person by whom the statement was taken;
- f. When the statement was taken;
- g. Where the statement was taken; and
- h. Will Defendant attach a copy of any statement to these Interrogatories without the necessity of a Motion to Produce? If so, please attach.

**ANSWER:**

16. As to each person named in response to Interrogatory Nos. 11, 12 and 13, please state whether Defendant has a stenographic, mechanical, electrical or other recording or transcript of an oral statement of such person.

**ANSWER:**

17. As to each statement referred to in answer to Interrogatory No. 16, please state:

- a. Whether the statement is in question and answer or in narrative form;
- b. Whether the person giving it received a copy of the statement;
- c. The method by which the statement was preserved;
- d. The name and present address of the person by whom the statement was taken; and
- e. Will Defendant attach a copy of the statement without the necessity of a Motion to Produce? If so, please attach.

**ANSWER:**

18. List the names and addresses of all investigators, representatives or employees who have investigated the accident described in Plaintiffs' Complaint. With respect to each such person state the following:

- a. Employment affiliation at the time of the investigation;
- b. Present employment affiliation;
- c. The names and addresses of each and every party whom was contacted;
- d. The date when contacted;
- e. Whether an attempt was made to procure a statement in any form;
- f. The results of attempt;
- g. Whether said investigator or representative submitted a report to counsel for the Defendant or to any other person;
- h. If the answer to the preceding sub-interrogatory is in the affirmative, attach a copy of said report to these answers, if said report is in writing; if oral give a summary of said report;
- i. All notes, reports or other documentation prepared during or a result of the investigations, and the identity of the person who has possession thereof.
- j. If your attorney has completed an investigation, please provide the name, address and telephone number of all witness identified in the investigation.

**ANSWER:**

19. Does Defendant have any plans, drawings, maps movies, pictures, digital pictures, photographs, or films relating to the claim in this case or any defense to said claim?

**ANSWER:**

20. If your answer to the preceding Interrogatory is yes as to each item, please state:

- a. Whether it is a plan, drawing, map, photograph, or film;
- b. When it was made;
- c. By whom it was made;
- d. What scene or object it shows or portrays;
- e. Who has possession of it; and
- f. Will Defendant attach copies of the above items to these Interrogatories without the necessity of a Motion to Produce? If so, please attach.

**ANSWER:**

21. Does Defendant have any charts, graphs, or recordings relating to the claim in this case or any defense to said claim?

**ANSWER:**

22. If your answer to the preceding Interrogatory is yes, as to each item, please state:

- a. Whether it is a chart, graph, or recording;
- b. When it was made;
- c. By whom it was made;
- d. The information or date it contains;
- e. Who has possession of it; and
- f. Will Defendant attach copies of the above items to these Interrogatories without the necessity of a Motion to Produce? If so, please attach.

**ANSWER:**

23. Does Defendant allege there was any mechanical defect in the vehicle that was in the auto accident from the underlying Complaint operated by Defendant Thomazine N. Boyce which contributed to the accident, which is the subject of this litigation? If the answer is yes, please state:

- a. Specifically what mechanical defects Defendant alleges existed in the aforementioned vehicle that was in the auto accident from the underlying Complaint at the time of the accident complained of; and
- b. In what way Defendant alleges that any mechanical defect in the aforementioned vehicle that was in the auto accident from the underlying Complaint contributed to the subject accident.

**ANSWER:**

24. Please state whether Defendant owns any real estate and if so:

- a. The location of the real estate;
- b. Is the ownership sole, joint, by the entireties or otherwise; and
- c. If not sole ownership, state the other owners.

**ANSWER:**

25. Please list other assets, real or personal, of the Defendant, the number and location of the same and the number and location of any bank accounts:

- a. If any with regard to the above Interrogatory, please state whether the ownership is sole, joint, by the entireties or otherwise; and
- b. If not sole ownership, state the other owners.

**ANSWER:**

26. Except for those persons identified in Interrogatory No. 18, please state the name and present address of any person who had been retained, employed or consulted by Defendant as an expert in connection with the claim in this case or any defenses to the claim in this case.

**ANSWER:**

27. As to any expert witness listed in answer to Interrogatory Nos. 18 and 26, please state whether this Defendant has a written report from said expert, and if so:

- a. Will this Defendant attach a copy of the same without a Motion to Produce? If so please attach.

**ANSWER:**

28. Does this Defendant allege that the subject accident was caused by the negligence, strict liability and/or vicarious liability of any other person or entity and, if so, please state:

- a. Specifically what person or entity; and,
- b. In what precise manner Defendant alleges that such other persons were negligent, strictly or vicariously liable.

**ANSWER:**

29. Did you consume any alcoholic beverage, sedative, tranquilizer, marijuana, cocaine, hashish or other drug, medication or urinate during the eight hours immediately preceding the incident referred to in the Complaint: if so, state:

- (a) the nature, amount and type of item consumed;
- (b) the amount of time over which consumed;
- (c) the names and addresses of any and all persons who have knowledge as to the consumption of those items;
- (d) the names and addresses of the physician(s) or other person(s) who have, purchased or prescribed any of the said items;
- (e) the location of where you consumed that item(s); and
- (f) whether you consumed any non-alcoholic beverage(s) immediately before, after or during the time period identified in 6(b), and if so, the type and quantity of beverage(s) consumed.

**ANSWER:**

30. State the name, address and occupation of any person whom you expect to call as an expert witness at trial, and with regard thereto, state:

- (a) the subject matter on which the expert is to testify;
- (b) the facts and opinions to which the expert is to testify;
- (c) a summary of the grounds of each opinion;
- (d) the name of any report, memorandum or transcript used to substantiate each opinion;
- (e) any code, regulation or standard, governmental or otherwise, alleged by the expert to have been violated, in whole or in part;
- (f) any standard scientific principle alleged by the expert to have been violated, in whole or in part;
- (g) any standard manufacturing principle alleged by the expert to have been violated, in whole or in part; and
- (h) the date, name and author of any textbook, document or other source relied upon by the expert in rendering his opinion and testimony.

**ANSWER:**

31. With regard to each individual you expect to call as an expert witness at trial, state the following:

- (a) date of birth;
- (b) name and address of present employer, and if self-employed, name and address of the business;
- (c) full formal educational background, with date of attendance and degrees obtained;
- (d) a list of all writings and/or documents of any kind prepared in whole or in part by the expert; and
- (e) names and addresses of all persons, firms or corporations who have retained this expert in the past ten (10) years to render a report or testify as an expert witness.

**ANSWER:**

32. State your whereabouts for the twenty-four (24)-hour period prior to the incident in question.

**ANSWER:**

33. State the purpose of the trip or journey in which you were involved at the time of the incident in question, including the exact time and point of departure, destination and time and place of all stops and departures.

**ANSWER:**

34. As of the time of the incident referred to in the Complaint, please state whether or not you were familiar with the location where the occurrence happened and state the nature and extent of your familiarity, indicating the number of time you had visited the location where the incident took place within the last year prior to the time of the accident.

**ANSWER:**

35. Please describe as fully as possible the weather and read conditions at the time and location of the alleged occurrence, setting forth conditions of light, visibility, precipitation and temperature.

**ANSWER:**

36. Describe as accurately as possible what you were doing immediately prior to this incident, and all circumstances surrounding this incident.

**ANSWER:**

37. State the following as accurately as possible:

- (a) your speed when you first viewed Plaintiff's vehicle;
- (b) the distance between your vehicle and Plaintiff's vehicle prior to the accident, and your speed at that time;
- (c) the distance from Plaintiff's vehicle when you first applied your brakes;
- (d) any efforts made by you to avoid Plaintiff's vehicle;
- (e) if your car skidded, the distance from Plaintiff's vehicle when the skid began; and
- (f) the amount of feet your vehicle required to stop at time of collision with full application of the brakes and traveling at the speed you were going.

**ANSWER:**

38. State exactly how you contend the incident occurred.

**ANSWER:**

39. Do you contend that the Plaintiff was contributorily negligent or that the Plaintiff assumed the risk of being injured? If so, state precisely the facts that support your position.

**ANSWER:**

40. Have you ever been charged for any violation of the motor vehicle traffic laws or ordinances of any state or municipality arising from the incident involved in this action. If so, state:

- (a) the specific violation with which you were charged;
- (b) the manner in which you were charged, i.e., citation;
- (c) by and before whom you were charged;
- (d) the verdict rendered and/or fin paid regarding said violation; and
- (e) the court involved.

**ANSWER:**

41. At the time of the incident referred to in the Complaint, did you have a valid license to operate a motor vehicle? If so, state:

- (a) issuing state; expiration date;
- (b) operator's license number; and
- (c) any restrictions, qualifications or conditions on said license.

**ANSWER:**

42. With regard to any restrictions, qualifications or conditions on your license, please state:

- (a) a full and complete description including the exact and precise language or working on your license; and
- (b) the time, in months and years, that such working appeared on your license.

**ANSWER:**

43. At the time of the incident referred to in the Complaint, did your license contain any reference to any prior actions, violations or offenses committed by your? If so, please state:

- (a) the date, time and place; and
- (b) the precise language or wording of each action, violation or offense as it appeared on your license.

**ANSWER:**

44. At the time of the incident referred to in the Complaint, did you have any condition for which you wore eyeglasses or contacts, or for which eyeglasses or contacts were prescribed? If so, state:

- (a) a description of the condition;
- (b) whether you were wearing eyeglasses or contacts at the time of the incident;
- (c) the name and address of the person who prescribed the eyeglasses or contacts; and
- (d) a description of your vision at the time of the accident referred to in the Complaint, both corrected and uncorrected.

**ANSWER:**

45. At the time of the occurrence, did your motor vehicle license refer in any way to the use of eyeglasses or corrective lenses by you while operating a motor vehicle? If so, please give full details as to any reference to eyeglasses or corrective lenses on your motor vehicle operator's license.

**ANSWER:**

46. Have you ever previously been involved in a lawsuit? If so, state:

- (a) the date and location of the action;
- (b) the nature of the action;
- (c) the name(s) and addresses(s) of the party(ies);
- (d) the disposition of the action; and
- (e) the name and address of the attorney who represented you.

**ANSWER:**

47. Have you ever been convicted of a crime: If so, state:

- (a) the nature of the conviction;
- (b) the date and location of said conviction;
- (c) the penalty imposed; and
- (d) the issuing authority.

**ANSWER:**

48. If you have served time in prison as a result of any conviction, for each conviction give the name of the prison, the length of the term served and the date of release.

**ANSWER:**

49. Have you ever received any citation or summons of a criminal nature resulting from the operating of a motor vehicle: If so, state:

- (a) the nature of the citation or summons;
- (b) the final disposition; and
- (c) the court involved.

**ANSWER:**

50. Have you ever had an operator's license suspended or revoked: if so, state:

- (a) time and location of suspension or revocation;
- (b) period of time of said suspension or revocation, including dates;
- (c) reason for such suspension or revocation; and
- (d) whether such suspension or revocation was lifted.

**ANSWER:**

51. Identify all exhibits, which you expect to use at trial or offer into evidence at the time of trial of this case.

**ANSWER:**

52. State whether there was an accident report made regarding the subject incident, and, if so, the place where such report was filed.

**ANSWER:**

53. Are you aware of any newspaper articles concerning the incident referred to in the Complaint: If so, state the date of publication and newspaper involved.

**ANSWER:**

54. Surveillance. Has the Defendant, or any representative of the Defendant, his/her counsel or his/her insurer performed or contracted to be performed any surveillance of the Plaintiff or his or her activities at any time? If so, please identify each such person(s) or entities who have custody of and attach complete copy, without editing, of all reports, memoranda, letters electronic data or information of any type (including computer records), regarding such surveillance activity along with a copy of any photographs, films, videotapes, or other information including but not limited to videos, 8 millimeter film, digital image recording and hand-written notes.

**ANSWER:**

55. Was there a phone in the motor vehicle at the time of the accident?

**ANSWER:**

56. Were you using a phone at the time of, before or after the accident?

**ANSWER:**

57. State the following information relative to the accident herein:

- (a) the place of occurrence, giving the definite location in reference to identifiable objects, setting forth the distances, if known, from any such object;
- (b) the direction of travel of your vehicle at the time of the accident;
- (c) your actions at the time of the accident.

**ANSWER:**

58. As you approached the scene of the accident, was the road in front of you;

- (a) straight;
- (b) gently curved;
- (c) sharply curved;
- (d) level;
- (e) inclined;
- (f) divided?

**ANSWER:**

59. For the trip in which you were engaged at the time of the accident, state the number of miles you had already traveled at the time of the accident.

**ANSWER:**

60. Describe in sequence the movements and speed and time involved in the operation of your vehicle of the last three minutes immediately preceding the collision therein.

**ANSWER:**

61. How fast were you traveling a the time of the accident;

**ANSWER:**

62. At the scene of the accident, what was the posted speed limit?

**ANSWER**

63. For what distance did you have a clear view as you approached the scene of the Accident?

**ANSWER:**

64. Did you have a conversation with any of the police officers who investigated the accident at the scene of the accident?

**ANSWER:**

65. If so, state:

- (a) the name and badge number of each officer;
- (b) the substance of such conversation;
- (c) the names and addresses of other persons present.

**ANSWER:**

66. At the time of the accident, what was the mileage reading on your vehicle?

**ANSWER:**

67. At the time of the accident, state the condition of the following parts of the automobile you were operating:

- (a) brakes;
- (b) signaling device;
- (c) steering mechanism;
- (d) tires.

**ANSWER:**

68. State the date on which the vehicle you were operating was last inspected by any authorized state inspection agency.

- (a) State the name and address of the person or firm inspecting your vehicle prior to the accident;
- (b) State what work was done at the time of the inspection prior to the accident.

**ANSWER:**

69. Do you deny that you were negligent in the accident involved herein?

**ANSWER**

70. If so, what is the basis for your denial of negligence?

**ANSWER**

71. Please set forth the names and titles of all persons who have participated in answering these Interrogatories.

**ANSWER:**

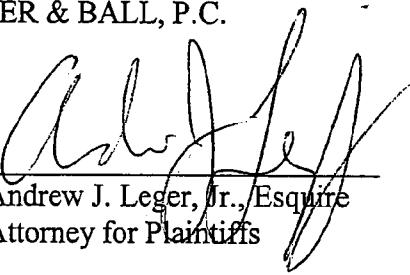
These Interrogatories shall be deemed to be continuing. If between the time of your answers to these Interrogatories and the time of trial of this case, you or anyone acting on your behalf learn the identity and whereabouts of any other witness(es) not identified in your answers, or if you obtain or become aware of additional requested information not supplied in your answers, you shall promptly furnish same to the undersigned by supplemental answers.

Respectfully submitted,

LEGER & BALL, P.C.

BY:

Andrew J. Leger, Jr., Esquire  
Attorney for Plaintiffs



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

Plaintiffs,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL DIVISION

No. 2002-1391 C.D.

**REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO  
DEFENDANT**

Code: 001

Filed on Behalf of: Karen Lee McFarland  
and Jeffrey McFarland, Plaintiffs

Counsel of Record for this Party:

Andrew J. Leger, Jr., Esquire  
Pa. I.D. No. 43702

LEGER & BALL, P.C.

Firm I.D. No. 142  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219  
(412) 456-9700  
(412) 456-9701 (fax)

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and,	)	CIVIL DIVISION
JEFFREY MCFARLAND,	)	
	)	
Plaintiffs,	)	No. 2002-1391 C.D.
	)	
vs.	)	
	)	
THOMAZINE N. BOYCE,	)	
	)	
Defendant.	)	

**REQUEST FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO DEFENDANT**

AND NOW, comes the Plaintiffs, Karen Lee McFarland and Jeffrey McFarland, by and through their attorneys, Andrew J. Leger, Jr., Esquire and Leger & Ball, P.C., and pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure, files Plaintiffs' Request for Production of Documents and Things and requests that the items be produced for copying within thirty (30) days at the offices of Leger & Ball, P.C., 330 Grant Street, 3100 Grant Building, Pittsburgh, Pennsylvania 15219, or at such other place convenient to all parties. In responding, it is respectfully requested that you (as hereinafter defined) shall utilize the definitions and follow the instructions hereinafter set forth, each of which shall be deemed to be a material part of each request.

**INSTRUCTIONS**

1. With respect to each of the following requests, you shall identify and/or produce all documents which are known to you or which can be located or discovered by you through diligent effort on the part of you, your employees, representatives, attorneys or accountants, including, but not limited to, all documents which are in the business or personnel files of your

employees, in the possession of your representatives, attorneys or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

2. The following requests shall be deemed to be continuing so as to require further and supplemental production of documents by you in accordance with the Rules of Civil Procedure.

3. If any documents requested herein or fairly comprised within the scope of the following requests have been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (1) the date of origin; (2) a brief description of such document; (3) the author of such document; (4) the date upon which the document was lost or destroyed; and (5) a brief statement of the manner in which the document was lost or destroyed.

4. In the event you refuse to produce any document requested on grounds of any claimed privilege from discovery, state each ground for such claimed privilege, describe the document withheld by date, author, recipients (including all persons who were shown or received a copy), and give a general description of the subject matter of the document.

5. In the event that more than one copy of a document exists, the original shall be produced, as well as every copy on which appears any notation or marking of any sort not appearing on the original.

6. For any documents which are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and indicate the file from which such documents were taken.

## DEFINITIONS

1. "You" and "Your" shall mean Defendant, as well as your agents, attorneys, employees, accountants, consultants, independent contractors, and any other individual or entity associated or affiliated with you or purporting to act on your behalf with respect to the matter in question.
2. "Document" shall mean all written or printed matter of any kind in your possession, custody or control, which is either known to you or can be located or discovered by diligent effort, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, speeches, press releases, diaries, calendars, agenda, statistics, letters, telegrams, minutes, contracts, purchase orders, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, offers, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets, work papers, records of telephone calls or other communications or conversations, and all drafts, alterations, modifications, changes or amendments of any of the foregoing graphic or aural records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures) and electric or mechanical records of representations of any kind (including without limitation, tapes, cassettes, discs, and recordings).
3. "Relating to" shall include pertaining to, recording, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning or referring to, whether directly or indirectly.

4. The conjunctions "and" and "or" shall be interpreted to mean "and/or", and shall not be interpreted to exclude any information otherwise within the scope of any request.

5. "Persons" shall mean any individual, firm, partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any "person" acting by or through, directly or indirectly, any other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

**REQUESTS FOR PRODUCTION**

1. All motion pictures, digital pictures, photographs or negatives if photographs have not been printed in the possession, custody or control of the Defendant, counsel for Defendant, or any other person or entity acting on behalf of the Defendant, including any insurers for the Defendant, showing, representing or purporting to show any vehicles, locales, instrumentalities, persons, and any and all other matters related to the subject matters of the litigation.

**ANSWER:**

2. All diagrams, maps, surveys, models, sketches, drawings, plans, measurements or blueprints in the possession, custody or control of Defendant, counsel for Defendant, or any other person or entity acting on behalf of said Defendant, including any insurer of said Defendant, showing, representing, or purporting to show any of the instrumentalities, locales, persons or other matters involved in the incident which forms the basis of Defendant's Answer and/or New Matter.

**ANSWER:**

3. If not otherwise covered by the above requests, the complete claims investigation/subrogation file(s) of any insurers of Defendant dealing with the incident in question, with the exclusion of the mental impressions, conclusions, or opinions respecting the value or merit of a claim or defense, or respecting strategy or tactics.

**ANSWER:**

4. All documents in the possession, custody or control of Defendant, Defendant's counsel, insurers, or anyone else acting on Defendant's behalf, dealing in any way with the injuries, damages and losses sustained by plaintiff, other than those documents previously supplied by Plaintiffs' counsel to Defendant's counsel, or Defendant's counsel to Plaintiffs' counsel. This should include, but not be limited to:

- (a) all medical bills;
- (b) all medical records;
- (c) all medical reports;
- (d) correspondence;
- (e) any and all other bills and documents relating to medical treatment, hospitalization, medication and appliances, in any way related to the damages and injuries claimed by the Plaintiff;
- (f) all documentation regarding any claim for lost income, loss of earning capacity, or loss of future income or loss of future earning capacity, including any loss of profit from any business or profession.

**ANSWER:**

5. Any and all documents containing the names and home and business addresses and phone numbers of all individuals previously contacted or to be contacted as potential witnesses.

**ANSWER:**

6. Photographs and/or motion pictures of any and all surveillance of Plaintiff performed by anyone, including those acting on behalf of Defendant, Defendant's insurer or Defendant's attorney.

**ANSWER:**

7. A copy of the declaration page(s) and insurance policy(ies) pertaining to the coverage available to the Defendant on the date of the accident.

**ANSWER:**

8. Any and all documents referred to in your Answers to Plaintiffs' Interrogatories.

**ANSWER:**

9. Any and all estimates and/or repair bills involving the vehicle that was in the auto accident from the underlying Complaint for two years prior to the accident and through the present date.

**ANSWER:**

10. Any and all curriculum vitae for each and every person whom you expect to call as an expert witness at trial.

**ANSWER:**

11. Any and all expert reports from each person whom you expect to call as an expert witness at trial.

**ANSWER:**

12. Any and all writings, memoranda, reports, statements and records, etc., which you, your company and/or client possess concerning the case, investigation or review of the plaintiff in his/her case.

**ANSWER:**

13. Copies of all statements, memoranda, summaries of other writings, documents, diagrams and pictures obtained from your investigation, your insurance company's investigation or your attorney's investigation into the incident involved. You need not supply any attorney's "work product" or other material that is specifically excepted as privileged by the above rule.

**ANSWER:**

14. All documents in your possession, custody or control prepared in anticipation of litigation or trial of this case, except those documents which disclose the mental impressions of your attorney or your attorney's conclusions, opinions, memoranda, notes or summaries, legal research or legal theories, and except those documents prepared in anticipation of litigation by your representatives to the extent that they would disclose the representatives' mental impression, conclusions, or opinions respecting the value or merit of the claim or defense.

**ANSWER:**

15. To the extent that you have not already provided the same in response to previous requests herein, all statements obtained from any witnesses or memoranda of conversations with witnesses or recordings of witnesses' statements made or obtained during the course of the investigation or matters relating to this lawsuit, and all such statements, memoranda or records made by parties to this lawsuit or their representatives.

**ANSWER:**

16. To the extent not already provided in response to previous requests herein, all statements made by any party to this action, including written statements, signed or otherwise adopted or approved by the person making it, or stenographic, mechanical, electrical or other recording or transcription thereof, which is a substantially verbatim recital of an oral statement and contemporaneously recorded, as allowed by Pa. R.C.P. 4003.4 and/or Fed. R.C.P. 34.

**ANSWER:**

17. To the extent that you have not already provided the same, copies of all records, documents and memoranda which have any bearing upon the matters alleged against the requesting party or upon the responsibility of the requesting party for the matters alleged against the requesting party.

**ANSWER:**

18. To the extent not already provided, copies of all experts' reports made by secured by you in connection with your investigation of the matters relating to this lawsuit.

**ANSWER:**

19. To the extent not already provided, copies of all exhibits that you intend to use at trial and/or to offer into evidence at the trial of this matter,

**ANSWER:**

20. Copies of Declaration Sheets for each and every policy insuring you against the claims made in the instant action.

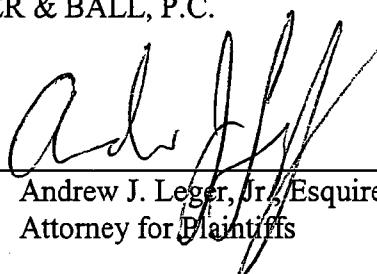
**ANSWER:**

21. Any and all documents which evidence any facts on the basis of which you will assert a defense against the cause of action stated in the Complaint.

**ANSWER:**

Respectfully submitted,

LEGER & BALL, P.C.

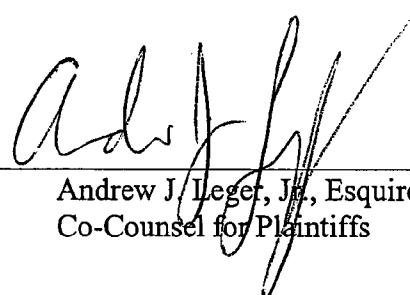
BY: 

Andrew J. Leger, Jr., Esquire  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Request for Production of Documents was served upon the following counsel of record by first-class mail, postage prepaid on this 29<sup>th</sup> day of July 2004:

Troy J. Harper, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825



\_\_\_\_\_  
Andrew J. Leger, Jr., Esquire  
Co-Counsel for Plaintiffs

Andrew J. Leger, Jr., Esquire  
E-Mail: [aleger@legerball.com](mailto:aleger@legerball.com)

Leger & Ball, P.C.  
Attorneys and Counselors at Law  
3100 Grant Building  
330 Grant Street  
Pittsburgh, Pennsylvania 15219  
Website: [www.legerball.com](http://www.legerball.com)

Phone: (412) 456-9700  
Fax: (412) 456-9701

February 10, 2005

Troy J. Harper, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

In Re: McFarland v. Boyce; No: 2002-1391 C.D.

Dear Mr. Harper:

Kindly advise me as to when I may be in receipt of Answers to Interrogatories and Responses to Requests for Production of Documents. Also, please provide me with dates in late March, early April when I may take the deposition of your client with regard to the above-captioned action.

Thank you for your attention to this matter.

Sincerely,

Andrew J. Leger, Jr.

AJLJr/ns



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and, ) CIVIL DIVISION  
JEFFREY MCFARLAND, )  
 )  
Plaintiffs, ) No. 2002-1391 C.D.  
 )  
vs. )  
 )  
THOMAZINE N. BOYCE, )  
 )  
Defendant. )

ORDER OF COURT

AND NOW, to wit, this 2 day of March, 2005, upon  
consideration of the foregoing Plaintiffs' Motion to Compel Answers to Discovery, it is hereby  
ORDERED, ADJUDGED AND DECREED that Defendant is required to provide answers to  
Interrogatories and responses to Request for Production of Documents within ~~ten (10)~~ days or  
suffer such sanctions as the Court may deem appropriate.

*thirty (30)*  
FJA

BY THE COURT:

*Jud Cummer, J.*

**FILED**

MAR 03 2005

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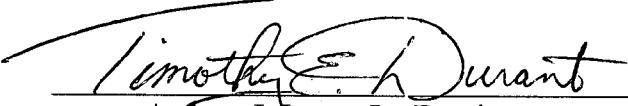
William A. Shaw  
Prothonotary

4 cent to Atty

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Motion to Compel  
Answers to Discovery was served upon the following counsel of record by first-class mail,  
postage prepaid on this 1<sup>st</sup> day of March, 2005:

Troy J. Harper, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
Andrew J. Leger, Jr., Esquire  
Timothy E. Durant, Esquire  
Counsel for Plaintiffs

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND, her husband,  
Plaintiff,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL ACTION - LAW

Number 2002 - 1391 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED NO  
MAY 30 2005 cc  
60

William A. Shaw  
Prothonotary/Clerk of Courts

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND, her husband,  
Plaintiff,

vs.

THOMAZINE BOYCE,

Defendant.

- \* In the Court of Common Pleas of
- \* Clearfield County, Pennsylvania
- \*
- \* Civil Action - Law
- \*
- \*
- \*
- \*
- \* Number 2002 - 1391 C.D.

#### **CERTIFICATE OF SERVICE**

I certify that an original and one certified copy of the Defendant's Answers and Objections to Interrogatories and an original and one certified copy of the Defendant's Responses and Objections to Request for Production of Documents were served on the 29<sup>th</sup> day of March, 2005, by United States Mail, First Class, Postage Prepaid, addressed to the following:

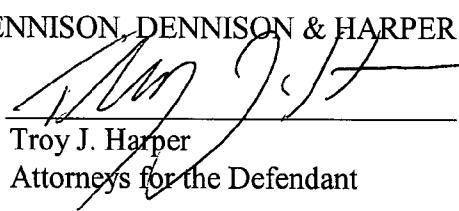
Andrew J. Leger, Jr., Esq.  
Leger & Ball, P.C.  
3100 Grant Building  
330 Grant Street  
Pittsburgh, Pennsylvania 15219

and one certified copy of the same was served on the following in the same manner and on the same date:

Timothy E. Durant, Esq.  
201 N. Second Street  
Clearfield, Pennsylvania 16830

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper  
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

Plaintiffs,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL ACTION - LAW

Number 2002 - 1391 C. D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED NO  
APR 11 2005  
APR 08 2005  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

**Plaintiffs,**

VS.

THOMAZINE N. BOYCE,

Defendant.

## CERTIFICATE OF SERVICE

I certify that an original and two certified copies of the First Set of Interrogatories  
Directed to the Plaintiffs and an original and two certified copies of the First Set of Request for  
Production of Documents Directed to the Plaintiffs was served on the 6<sup>th</sup> day of March,  
2005, by United States Mail, First Class, postage prepaid, addressed to the following:

Andrew J. Leger, Jr., Esquire  
LEGER & BALL  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219

and one certified copy was served on the following, in the same manner:

Timothy E. Durant, Esquire  
201 N. Second Street  
Clearfield, PA 16830

## DENNISON, DENNISON & HARPER

By

Troy J. Harper  
Attorneys for the Defendant

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

Plaintiffs,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL DIVISION

No. 2002-1391 C.D.

**PLAINTIFFS' CERTIFICATE OF  
READINESS/PRAECIPE FOR TRIAL**

Code: 001

Filed on Behalf of: Karen Lee McFarland  
and Jeffrey McFarland, Plaintiffs

Counsel of Record for this Party:

Andrew J. Leger, Jr., Esquire  
Pa. I.D. No. 43702

**LEGER & BALL, P.C.**  
Firm I.D. No. 142  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219  
(412) 456-9700  
(412) 456-9701 (fax)

**JURY TRIAL DEMANDED**

o  
FILED NO CC  
M/14/05  
DEC 07 2005  
(6K)

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and,	)	CIVIL DIVISION
JEFFREY MCFARLAND,	)	
	)	
Plaintiffs,	)	No. 2002-1391 C.D.
	)	
vs.	)	
	)	
THOMAZINE N. BOYCE,	)	
	)	
Defendant.	)	

**PLAINTIFFS' CERTIFICATE OF**  
**READINESS/PRAECIPE FOR TRIAL**

TO: WILLIAM SHAW, PROTHONOTARY

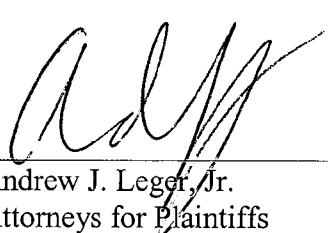
Kindly place this case on the next available trial list.

Plaintiff hereby certifies that there are no outstanding motions and that Plaintiff has completed discovery.

This should be listed as a two (2) day jury trial.

LEGER & BALL, P.C.

By

  
Andrew J. Leger, Jr.  
Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Plaintiffs' Certificate of Readiness/Praecipe for Trial was served upon the following counsel of record by first-class mail, postage prepaid on this 5<sup>th</sup> day of December, 2005:

Troy J. Harper, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

---

Andrew J. Leger, Jr., Esquire  
Counsel for Plaintiffs

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

Plaintiffs,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL ACTION - LAW

Number 2002 - 1391 C. D.

Type of Case: Civil Division

Type of Pleading: Notice of  
Deposition of Karen Lee McFarland

Filed on behalf of: Defendant

Counsel of Record for this Party:  
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED  
M 10/386X NO CC  
JAN 09 2006 UN

William A. Shaw  
Prothonotary/Clerk of Courts

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

Plaintiffs,

vs.

THOMAZINE N. BOYCE,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\* Civil Action Law  
\*  
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\*  
\* Number 2002 - 1391 C.D.

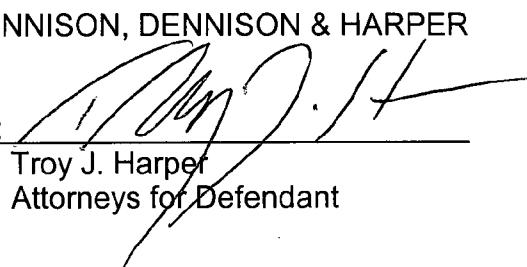
### NOTICE OF DEPOSITION

TO: Karen Lee McFarland  
c/o Andrew J. Leger, Jr., Esquire  
LEGER & BALL, P.C.  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219

Take notice that the deposition of **KAREN LEE MCFARLAND** will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on Tuesday, February 14, 2006, at 11:00 a.m., at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825. The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

DENNISON, DENNISON & HARPER

By:

  
Troy J. Harper  
Attorneys for Defendant

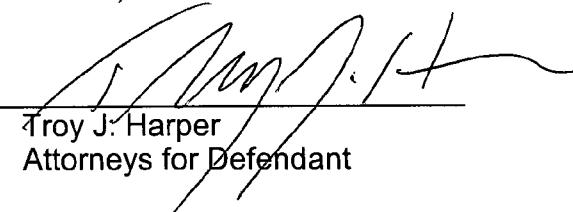
## CERTIFICATE OF SERVICE

I hereby certify that on the 6<sup>th</sup> day of January, 2006, a true and correct copy of the foregoing Notice of Deposition for Karen Lee McFarland was mailed by United States mail, first class, postage prepaid, addressed to the following:

Andrew J. Leger, Jr., Esquire  
LEGER & BALL, P.C.  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219

Sargent's Court Reporting Service, Inc.  
210 Main Street  
Johnstown, PA 15901

DENNISON, DENNISON & HARPER

By: 

Troy J. Harper  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,  
Plaintiffs,

vs.

THOMAZINE N. BOYCE,  
Defendant.

CIVIL ACTION - LAW

Number 2002 - 1391 C.D.

Type of Case: Civil Division

Type of Pleading: Motion for Continuance

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED  
M 12/14/01  
MAR 22 2006  
ATTY  
cc  
RE

William A. Shaw  
Prothonotary/Clerk of Courts

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,  
Plaintiffs,

vs.

THOMAZINE N. BOYCE,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\*  
\* Civil Action - Law  
\*  
\*  
\* Number 2002 - 1391 C.D.

### **MOTION FOR CONTINUANCE**

AND NOW, comes the Defendant, THOMAZINE N. BOYCE, by and through her attorneys, Dennison, Dennison & Harper, who file the following Motion for Continuance pursuant to 46 J.D.R.C.P. 216(b)(1):

1. On March 15, 2006, this Honorable Court set forth the 2006 Spring Trial List and the above-captioned matter appears as case number 2 on the Honorable Fredric J. Ammerman's trial list and the Call of the List is scheduled for April 4, 2006.
2. After a recent deposition, it was learned that additional discovery in this matter is necessary with respect to additional medical treatment and records and possibly an independent medical examination.
3. Counsel for the Plaintiffs and the Defendant are in agreement and consent that a continuance is necessary to complete discovery in this matter. A Consent executed by counsel for the Plaintiffs is attached hereto.
4. This matter has not appeared on any previous Trial List and has never been previously continued.

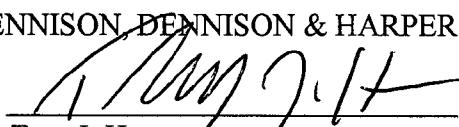
5. In light of the foregoing, the parties request this Honorable Court to continue this matter from the 2006 Spring Trial List to the next term Trial List pursuant to 46 J.D.R.C.P. 216(b)(1).

**WHEREFORE**, the Defendant, Thomazine N. Boyce, respectfully requests that this matter be continued from the Spring 2006 Trial List to the next term Trial List.

RESPECTFULLY SUBMITTED,

DENNISON DENNISON & HARPER

By

  
Troy J. Harper

Attorneys for Defendant

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,  
Plaintiffs,

vs.

THOMAZINE N. BOYCE,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\*  
\* Civil Action - Law  
\*  
\*  
\* Number 2002 - 1391 C.D.

#### CONSENT

Andrew J. Leger, Jr., Esq., as counsel for the Plaintiffs in the above-captioned matter  
hereby joins in and consents to the foregoing Motion for Continuance.

LEGER & BALL, P.C.

By

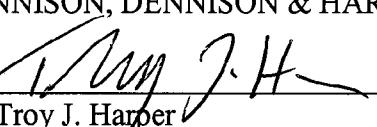
Andrew J. Leger, Jr., Esq.  
Counsel for the Plaintiffs.

## CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Continuance was served on the 21<sup>st</sup> day of March, 2006, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Andrew J. Leger, Jr., Esq.  
Leger & Ball, P.C.  
3100 Grant Building  
330 Grant Street  
Pittsburgh, Pennsylvania 15219

DENNISON, DENNISON & HARPER

By   
Troy J. Harper  
Attorneys for the Defendant

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,  
Plaintiffs,

vs.

THOMAZINE N. BOYCE,  
Defendant.

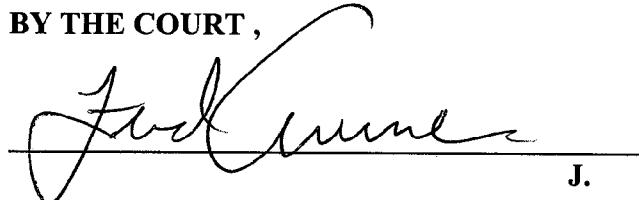
- \* In the Court of Common Pleas of
- \* Clearfield County, Pennsylvania
- \*
- \*
- \*
- \* Civil Action - Law
- \*
- \*
- \*
- \* Number 2002 - 1391 C.D.

**ORDER**

AND NOW, this 23 day of March, 2006, upon consideration  
of the Defendant's Motion for Continuance;

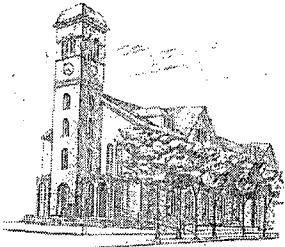
**IT IS HEREBY ORDERED** that said Motion is granted and this matter is removed from  
the 2006 Spring Trial List and the Court Administrator is directed to place the matter on the next  
term of court Trial List.

BY THE COURT,

  
J.

**FILED** 03/01/2011 2cc  
MAR 23 2006 Atty Harper  
(GW)

William A. Shaw  
Prothonotary/Clerk of Courts



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 3/23/00

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND, her husband,  
Plaintiff,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL ACTION - LAW

Number 2002 - 1391 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED  
MAR 31 2008  
11:17 AM  
No. 00-CC-  
LJ

William A. Shaw  
Prothonotary/Clerk of Courts

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND, her husband,  
Plaintiff,

vs.

THOMAZINE BOYCE,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\* Civil Action - Law  
\*  
\*  
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\* Number 2002 - 1391 C.D.

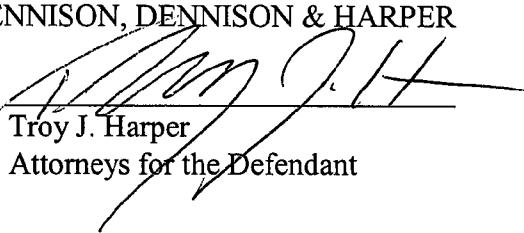
#### **CERTIFICATE OF SERVICE**

I certify that a copy of the Order of Court dated March 23, 2006, in regard to the Motion  
for Continuance was served on the 30<sup>th</sup> day of March, 2006, by  
United States Mail, First Class, Postage Prepaid, addressed to the following:

Andrew J. Leger, Jr., Esq.  
Leger & Ball, P.C.  
3100 Grant Building  
330 Grant Street  
Pittsburgh, Pennsylvania 15219

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper  
Attorneys for the Defendant

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

KAREN LEE McFARLAND and  
JEFFREY McFARLAND,  
Plaintiffs

vs

THOMAZINE N. BOYCE,  
Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

NO. 02-1391-CD

FILED  
040051 Durant  
AUG 11 2006 Leger  
William A. Shaw  
Prothonotary/Clerk of Courts  
Harper

O R D E R

NOW, this 10<sup>th</sup> day of August, 2006, following Pre-Trial Conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on August 29, 2006 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for November 7 and 8, 2006 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of Trial shall submit said objections to the Court, in writing, no later than thirty (30) days prior to the commencement of Trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall submit its brief in opposition to said objections no later than fifteen (15) days prior to the commencement of Trial.

4. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than thirty (30) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than fifteen (15) days prior to trial.
5. The parties hereby agree to the authenticity of any and all medical records and bills which were previously provided through the discovery process. No party shall be required to produce a medical records witness for purposes of authentication.

BY THE COURT,



Fredric J. Ammerman  
PRESIDENT JUDGE

**FILED**

**AUG 11 2006**

**William A. Shaw**  
**Prothonotary/Clerk of Courts**

**DATE: 8/11/06**

**You are responsible for serving all appropriate parties.**

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

**Plaintiff(s)  Plaintiff(s) Attorney  Other**  
 **Defendant(s)  Defendant(s) Attorney  Other**  
 **Special Instructions:**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and  
JEFFREY MCFARLAND,

Plaintiffs,

vs.

THOMAZINE N. BOYCE,

Defendant.

CIVIL DIVISION

No. 2002-1391 C.D.

**PRAECIPE TO SETTLE AND  
DISCONTINUE**

Code: 001

Filed on Behalf of: Karen Lee McFarland  
and Jeffrey McFarland, Plaintiffs

Counsel of Record for this Party:

Andrew J. Leger, Jr., Esquire  
Pa. I.D. No. 43702

**LEGER & BALL, P.C.**  
Firm I.D. No. 142  
3100 Grant Building  
330 Grant Street  
Pittsburgh, PA 15219  
(412) 456-9700  
(412) 456-9701 (fax)

**FILED** 1ccd 1  
M/156 cm Cert of  
SEP 05 2006 disc issued  
to AAG Leger  
Wm A. Shaw, C.R.C.P.  
Prothonotary/Clerk of Courts

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LEE MCFARLAND and,	)	CIVIL DIVISION
JEFFREY MCFARLAND,	)	
	)	
Plaintiffs,	)	No. 2002-1391 C.D.
	)	
vs.	)	
	)	
THOMAZINE N. BOYCE,	)	
	)	
Defendant.	)	

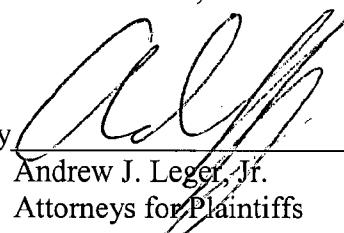
**PRAECIPE TO SETTLE AND DISCONTINUE**

TO: WILLIAM SHAW, PROTHONOTARY

Kindly settle and discontinue this matter on behalf of the Plaintiffs, Karen Lee McFarland and Jeffrey McFarland, in the above captioned action.

LEGER & BALL, P.C.

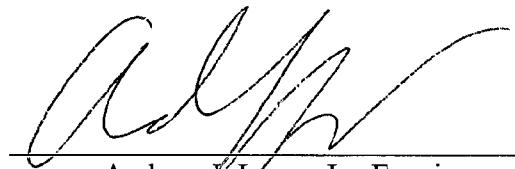
By

  
Andrew J. Leger, Jr.  
Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Praeclipe to Settle and Discontinue was served upon the following counsel of record by first-class mail, postage prepaid on this 31<sup>st</sup> day of August, 2006:

Troy J. Harper, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825



---

Andrew J. Leger, Jr., Esquire  
Counsel for Plaintiffs

**Leger & Ball, P.C.**  
Attorneys and Counselors at Law  
3100 Grant Building  
330 Grant Street  
Pittsburgh, Pennsylvania 15219  
Website: [www.legerball.com](http://www.legerball.com)

**Andrew J. Leger, Jr., Esquire**  
E-Mail: [aleger@legerball.com](mailto:aleger@legerball.com)

Phone: (412) 456-9700  
Fax: (412) 456-9701

August 31, 2006

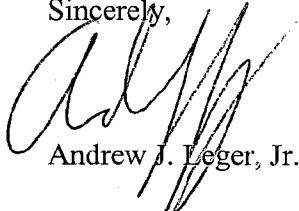
William Shaw, Prothonotary  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

**In Re:            McFarland v. Boyce; No: 2002-1391 C.D.**

Dear Mr. Shaw:

Enclosed please find an original and one (1) copy of a Praeclipe to Settle and Discontinue with regard to the above-captioned action. Kindly file the original Praeclipe and return a time-stamped copy to me, **along with a Certificate of Costs/Discontinuance**, in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Sincerely,  
  
Andrew J. Leger, Jr.

AJLJr/ns  
Enclosures

cc:    Troy J. Harper, Esquire  
          Timothy E. Durant, Esquire

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**COPY**

**Karen Lee McFarland**  
**Jeffrey McFarland**

**Vs.**  
**Thomazine N. Boyce**

**No. 2002-01391-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 September 5, 2006, marked:

Settled and discontinued

Record costs in the sum of \$80.00 have been paid in full by Timothy E. Durant Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of September A.D. 2006.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary