

02-1409- CD  
ROBERT PATTON, et al vs. SYSCO CORPORATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON, CIVIL DIVISION - ARBITRATION

Plaintiffs, No. 02-1409-CO

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**COMPLAINT**

Filed on behalf of Plaintiffs:  
Robert Patton and Sheila Patton

Counsel of Record for this Party:

Christopher P. Deegan, Esquire  
PA I.D. #85635

WEBER GALLAGHER SIMPSON  
STAPLETON FIRES & NEWBY, LLP  
Firm #594

Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222

(412) 281-4541

**JURY TRIAL DEMANDED**

**FILED**

SEP 11 2002

William A. Shaw  
Prothonotary  
\$80.00  
no cc

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON, CIVIL DIVISION - ARBITRATION

Plaintiffs, No.

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notices are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David S. Meholic  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
Telephone: (814) 765-2641 x. 5982

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON, CIVIL DIVISION - ARBITRATION

Plaintiffs, No.

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**COMPLAINT**

AND NOW come plaintiffs, Robert Patton and Sheila Patton, by and through their counsel, Christopher P. Deegan, Esquire and Weber Gallagher Simpson Stapleton Fires & Newby LLP, and file the following Complaint:

1. Plaintiffs, Robert Patton and Sheila Patton (hereinafter referred to as "the Pattons"), are individuals residing at 20 Piney Lane, DuBois, Pennsylvania 15801.
2. Defendant, Sysco Corporation t/d/b/a Sysco Food Services of Jamestown (hereinafter referred to as "Sysco"), is a corporation doing business at P.O. 160 Jamestown, New York 14702.
3. Defendant, Robert Marquart (hereinafter referred to as "Marquart"), is an individual residing at 7037 Main Street, Cherry Creek, New York 14723.
4. At all times relevant hereto Robert Patton was operating a 1995 Ford Explorer owned by the Pattons.
5. At all times relevant hereto, Marquart was an employee and/or representative and/or agent of Sysco.
6. At all times relevant hereto, Marquart was operating a 2001 Mack truck with New

York license number 6318P8 and was acting within the scope of his employment and/or representation and/or agency.

7. On or about August 21, 2001, Robert Patton was traveling east on Shaffer Drive in DuBois, Clearfield County, Pennsylvania.

8. Robert Patton had stopped in the right lane of Shaffer Drive at the red light at the intersection with Route 255.

9. After the light had turned green, Robert Patton proceeded into the intersection and, suddenly without warning, was struck by Marquart.

10. Marquart had been traveling south on Route 255 and failed to obey a red light.

11. At all times relevant hereto, Robert Patton was proceeding with caution, had the right-of-way, and attempted to avoid the collision.

12. As a result of the aforementioned accident, the damages suffered by the Pattons and the expenses related thereto include, but are not limited to, the following:

- a. Severe damage to their vehicle;
- b. Expenses associated with the towing and storage of the damaged vehicle;
- c. Inconvenience of not having a vehicle for 20 days.

### **COUNT I - NEGLIGENCE**

#### **Robert Patton and Sheila Patton v. Roger Marquart**

13. Paragraphs 1 through 12 are incorporated herein as if set forth in full.

14. The careless, negligent and reckless conduct of Marquart was the direct and proximate cause of the damages suffered by the Pattons and that conduct is more particularly set forth below:

- a. In failing to watch the road in front of his vehicle;
- b. In not looking or watching where his vehicle is being operated;
- c. In operating his vehicle in a manner which caused it to strike the Pattons' vehicle;
- d. In failing to stop at a red light;
- e. In failing to watch the roadway as he approached the intersection;
- f. In failing to yield the right-of-way to Robert Patton;
- g. In failing to recognize that Robert Patton had control of the intersection;
- h. In failing to use his brakes or braking mechanisms;
- i. In traveling at an unsafe speed;
- j. In failing to take evasive action to avoid striking the Pattons' vehicle;
- k. In operating his vehicle in a reckless, careless and negligent manner;
- l. In operating his vehicle in violation of the Pennsylvania Motor Vehicle Code;
- m. In failing to provide the Pattons with the standard of care owed to them under the existing circumstances.

WHEREFORE, plaintiffs Robert Patton and Sheila Patton demand judgment in their favor and against the defendant Roger Marquart in the amount of \$10,439.90, exclusive of interest and costs.

## **COUNT II - NEGLIGENCE**

Robert Patton and Sheila Patton v. Sysco Corporation t/d/b/a Sysco Food Services of Jamestown

15. Paragraphs 1 through 14 are incorporated herein as if set forth in full.

16. The careless, negligent and reckless conduct of Sysco's employee and/or representative and/or agent, Roger Marquarat, was the direct and proximate cause of the damages suffered by the Pattons and that conduct is more particularly set forth below:

- a. In failing to watch the road in front of his vehicle;
- b. In not looking or watching where his vehicle is being operated;
- c. In operating his vehicle in a manner which caused it to strike the Pattons' vehicle;
- d. In failing to stop at a red light;
- e. In failing to watch the roadway as he approached the intersection;
- f. In failing to yield the right-of-way to Robert Patton;
- g. In failing to recognize that Robert Patton had control of the intersection;
- h. In failing to use his brakes or braking mechanisms;
- i. In traveling at an unsafe speed;
- j. In failing to take evasive action to avoid striking the Pattons' vehicle;
- k. In operating his vehicle in a reckless, careless and negligent manner;
- l. In operating his vehicle in violation of the Pennsylvania Motor Vehicle Code;
- m. In failing to provide the Pattons with the standard of care owed to them under the existing circumstances.

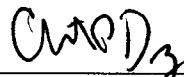
17. The careless, negligent and reckless conduct of Sysco is the direct and proximate cause of damages suffered by the Pattons and the conduct is more particularly set forth below:

- a. In failing to properly train its employees and/or representatives/and or agents;
- b. In failing to supervise its employees and/or representatives and/or agents;
- c. In permitting those employees and/or representatives and/or agents to act or omit to act as described in Paragraphs 14 and 16 above;
- d. In failing to provide the Pattons with the standard of care owed to them under the existing circumstances.

WHEREFORE, plaintiffs Robert Patton and Sheila Patton demand judgment in their favor and against the defendant Sysco Corporation t/d/b/a Sysco Food Services of Jamestown in the amount of \$10,439.90, exclusive of interest and costs.

Respectfully submitted,

WEBER GALLAGHER SIMPSON STAPLETON  
FIRES & NEWBY LLP



---

Christopher P. Deegan, Esquire  
Counsel for Plaintiffs



**VERIFICATION**

I, Robert Patton, verify that the statements made in the Complaint are true and correct to the best of my knowledge. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Robert Patton

Dated: 9-6-02

**VERIFICATION**

I, Sheila Patton, verify that the statements made in the Complaint are true and correct to the best of my knowledge. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Sheila Patton

Dated: Sept 6, 2002

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

ROBERT PATTON and SHELIA PATTON

CIVIL DIVISION – ARBITRATION

Plaintiffs,

No. 02-1409-00

v.

SYSKO CORPORATION t/d/b/a SYSKO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**PRAECIPE FOR APPEARANCE**

Filed on behalf of Defendants:

Sysco Corporation t/d/b/a Sysco Food Services  
of Jamestown and Roger Marquart

Counsel for Record for this Party:

Bryan J. Smith, Esquire  
Pa. I.D.#: 63223

DELL, MOSER, LANE & LOUGHNEY, LLC  
Firm I.D. #753

1300 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-1180 – Telephone  
(412) 471-9012 – Fax

JURY TRIAL DEMANDED

**FILED**

SEP 30 2002

William A. Shaw  
Prothonotary

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

ROBERT PATTON and SHELIA PATTON

CIVIL DIVISION - ARBITRATION

Plaintiffs,

No. 02-1409-00

v.

JURY TRIAL DEMANDED

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

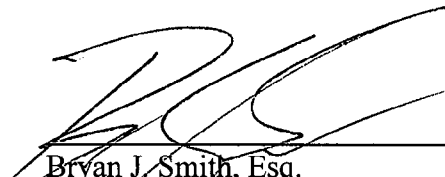
Defendants.

**PRAECIPE FOR APPEARANCE**

TO: William A. Shaw, Prothonotary

Kindly enter our appearance on behalf of Sysco Corporation t/d/b/a Sysco Food Services  
of Jamestown and Roger Marquart, Defendants in the above-captioned matter.

DELL, MOSER, LANE & LOUGHNEY, LLC

  
\_\_\_\_\_  
Bryan J. Smith, Esq.  
Attorneys for Sysco Corporation t/d/b/a Sysco  
Food Services of Jamestown and Roger  
Marquart, Defendants

**JURY TRIAL DEMANDED**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within **PRAECIPE FOR APPEARANCE** has been served upon the following by U.S. Mail, postage prepaid, this 26<sup>th</sup> day of September 2002:

Christopher P. Deegan, Esquire  
Weber, Gallagher, Simpson, Stapleton, Fires & Newby, L.L.P.  
Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222



Bryan J. Smith, Esquire  
Attorneys for Defendants

**FILED**

NO

CC

M 11:55A  
SEP 30 2002

William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON, CIVIL DIVISION - ARBITRATION

Plaintiffs, No. 02-1409-CD

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**PROOF OF SERVICE - SYSCO  
CORPORATION t/d/b/a SYSCO FOOD  
SERVICES OF JAMESTOWN**

Filed on behalf of Plaintiffs:  
Robert Patton and Sheila Patton

Counsel of Record for this Party:

Christopher P. Deegan, Esquire  
PA I.D. #85635

WEBER GALLAGHER SIMPSON  
STAPLETON FIRES & NEWBY, LLP  
Firm #594

Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222

(412) 281-4541

**JURY TRIAL DEMANDED**

**FILED**

SEP 30 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON, CIVIL DIVISION - ARBITRATION

Plaintiffs, No. 02-1409-CD

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

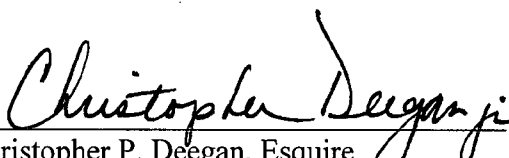
**PROOF OF SERVICE**

I, Christopher P. Deegan, Esquire, counsel for plaintiffs in the above-captioned case, hereby certify that a copy of the Complaint was served upon defendant, Sysco Corporation t/d/b/a Sysco Food Services of Jamestown, by Certified Mail, Return Receipt Requested. A copy of the Return Receipt from such Certified Mailing, showing that the Complaint was delivered on September 19, 2002, is attached hereto as Exhibit "A".

I also verify that the statements in this Proof of Service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to Unsworn Falsification to Authorities.

Respectfully submitted,

WEBER GALLAGHER SIMPSON STAPLETON  
FIRES & NEWBY LLP

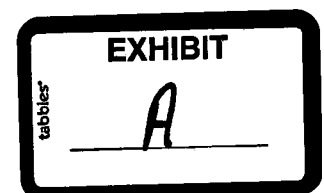
  
\_\_\_\_\_  
Christopher P. Deegan, Esquire  
Counsel for Plaintiffs

Dated: 9-26-02



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits. <i>Patton</i></li></ul>	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <i>9-19-02</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><i>SYSCO CORPORATION t/a/b/a SYSCO FOOD SERVICES OF JAMESTOWN P.O. BOX 160 JAMESTOWN, NY 14702</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label) <i>7002 2030 0002 6342 5376</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-154C



FILED

SEP 30 2002

William A. Shaw  
Prothonotary

NO cc  
[Signature]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON, CIVIL DIVISION - ARBITRATION  
Plaintiffs, No. 02-1409-CD

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

**PROOF OF SERVICE - ROGER  
MARQUART**

Defendants.

Filed on behalf of Plaintiffs:  
Robert Patton and Sheila Patton

Counsel of Record for this Party:

Christopher P. Deegan, Esquire  
PA I.D. #85635

WEBER GALLAGHER SIMPSON  
STAPLETON FIRES & NEWBY, LLP  
Firm #594

Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222

(412) 281-4541

JURY TRIAL DEMANDED

**FILED**

SEP 30 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON, CIVIL DIVISION - ARBITRATION

Plaintiffs, No. 02-1409-CD

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

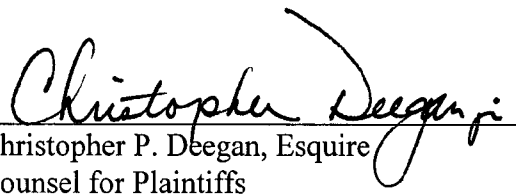
**PROOF OF SERVICE**

I, Christopher P. Deegan, Esquire, counsel for plaintiffs in the above-captioned case, hereby certify that a copy of the Complaint was served upon defendant, Roger Marquart, by Certified Mail, Return Receipt Requested. A copy of the Return Receipt from such Certified Mailing, showing that the Complaint was delivered on September 23, 2002, is attached hereto as Exhibit "A".

I also verify that the statements in this Proof of Service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to Unsworn Falsification to Authorities.

Respectfully submitted,

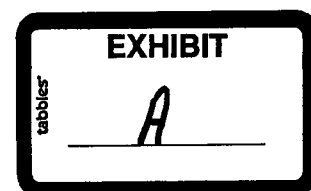
WEBER GALLAGHER SIMPSON STAPLETON  
FIRES & NEWBY LLP

  
Christopher P. Deegan, Esquire  
Counsel for Plaintiffs

Dated: 9.26.02

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature <u>Roger Marquart</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Roger Marquart</u> C. Date of Delivery <u>9-23-02</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><b>ROBERT MARQUART</b> <b>7037 MAIN STREET</b> <b>CHERRY CREEK, NY 14723</b></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label) <b>7002 2030 0002 6342 5369</b></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1



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

ROBERT PATTON and SHELIA PATTON

CIVIL DIVISION – ARBITRATION

Plaintiffs,

No. 02-1409-CD

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

**ANSWER, NEW MATTER AND  
COUNTERCLAIM**

Defendants.

Filed on behalf of Defendants:  
Sysco Corporation t/d/b/a Sysco Food Services  
of Jamestown and Roger Marquart

Counsel for Record for this Party:

Bryan J. Smith, Esquire  
Pa. I.D.#: 63223

DELL, MOSER, LANE & LOUGHNEY, LLC  
Firm I.D. #753

1300 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-1180 – Telephone  
(412) 471-9012 – Fax

JURY TRIAL DEMANDED

**FILED**

OCT 10 2002

William A. Shaw  
Prothonotary

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

ROBERT PATTON and SHELIA PATTON      CIVIL DIVISION - ARBITRATION

Plaintiffs,

No. 02-1409-CD

v.

JURY TRIAL DEMANDED

SYSKO CORPORATION t/d/b/a SYSKO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**ANSWER, NEW MATTER AND COUNTERCLAIM**

AND NOW, come the defendants, Sysco Corporation t/d/b/a Sysco Food Services of Jamestown ("Sysco") and Roger Marquart ("Marquart"), by and through its counsel, Bryan J. Smith, Esquire, and Dell, Moser, Lane & Loughney, L.L.C., and files the following Answer, New Matter and Counterclaim to Plaintiffs' Complaint, and in support thereof as follows:

**ANSWER**

1. Upon information and belief, the allegations contained in paragraph 1 of the Complaint are admitted.
2. The averments contained in paragraph 2 of the Complaint are denied as stated. To the contrary, Sysco Food Services of Jamestown is a division of Sysco Corporation.
3. The averments contained in paragraph 3 of the Complaint are admitted.
4. Upon information and belief, the averments contained in paragraph 4 are admitted.
5. The averments contained in paragraph 5 are admitted.
6. The averments contained in paragraph 6 are admitted.

7. The averments contained in paragraph 7 of the Complaint are denied as stated. To the contrary, it is believed and therefore averred that the vehicle operated by Robert Patton ("Patton") was traveling on State Route 4017, when the Patton vehicle suddenly and abruptly made a right-hand turn onto State Route 255 colliding with the vehicle operated by Defendant Marquart.

8. The averments contained in paragraph 8 of the Complaint are denied pursuant to Pa.R.C.P. 1029(e).

9. The averments contained in paragraph 9 of the Complaint are denied pursuant to Pa.R.C.P. 1029(e). To the contrary, the traffic signal controlling traffic on State Route 4017 at the time Patton made his right-hand turn was red. Thus, Patton traveled through a red light while the signal controlling the traffic on State Route 255 was green. Therefore, Defendant Marquart proceeded through the green light.

10. The averments contained in paragraph 10 of the Complaint are admitted in part and denied in part. It is admitted Marquart was traveling south on Route 255. The remaining allegations are denied pursuant to Pa.R.C.P. 1029(e). To the contrary, Marquart had a green light as he proceeded through the intersection.

11. The averments contained in paragraph 11 of the Complaint set forth conclusions of law to which no response is required. In the event it is determined a response is required, the averments are denied pursuant to Pa.R.C.P. 1029(e). To the contrary, at all times relevant hereto, Patton operated his vehicle in a careless, reckless, and negligent manner by, inter alia, traveling through a red light.

12. The averments contained in paragraph 12 of the Complaint and subparagraphs 12 (a)-(c) set forth conclusions of law to which no response is required. In the event it is



determined a response is required, it is denied that any acts and/or omissions of defendants caused and/or contributed to the accident in question, or any alleged damages.

**COUNT I – NEGLIGENCE**

**Robert and Sheila Patton v. Roger Marquart**

13. In response to the averments contained in paragraph 13 of the Complaint, defendants incorporated paragraphs 1 through 12 of this Answer as if set forth at length herein.

14. The averments contained in paragraph 14 of the Complaint set forth conclusions of law to which no response is required. In the event it is determined that a response is required, the averments are denied pursuant to Pa.R.C.P. 1029(e). To the contrary, the accident was caused by the careless, negligent, and reckless conduct of Patton in, inter alia, failing to obey the red light controlling his lane of travel.

15. In response to the averments contained in paragraph 15 of the Complaint, defendants incorporated paragraphs 1 through 14 of this Answer as if set forth at length herein.

16. The averments contained in paragraph 16 and subparagraphs 16 (a)-(m) of the Complaint are denied pursuant to Pa.R.C.P. 1029(e). To the contrary, the subject accident was caused by the careless, negligent, and reckless conduct of Patton in, inter alia, failing to obey the traffic signal controlling his lane of travel.

17. The averments contained in paragraph 17 and subparagraphs 17 (a)-(d) set forth conclusions of law to which no response is required. In the event it is determined a response is required, the averments are denied pursuant to Pa.R.C.P. 1029(e). To the contrary, the subject accident was caused by the careless, negligent, and reckless conduct of Patton in, inter alia, failing to obey the traffic signal controlling his lane of travel.

WHEREFORE, Defendants, Sysco Corporation t/d/b/a Sysco Food Services of Jamestown and Roger Marquart, demand that judgment be entered in their favor against plaintiffs.

**NEW MATTER**

By way of further answer, Sysco and Marquart assert the following as new matter:

18. The Complaint fails to state a cause of action against Sysco and Marquart upon which relief can be granted.

19. The subject accident was caused by the careless, negligent, and reckless conduct of Robert Patton in, inter alia, traveling through a red light.

20. The plaintiff's claims are barred in whole or in part by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law which are pled herein as an affirmative defense.

21. Alternatively, plaintiffs claims are barred and/or limited by the contributory negligence of the plaintiff Robert Patton, and the provisions of the comparative negligence statute which is pled herein as an affirmative defense.

**COUNTERCLAIM**

AND NOW, come defendants, Sysco Corporation t/d/b/a Sysco Food Services of Jamestown and Roger Marquart, by and through their attorneys Bryan J. Smith, Esquire and Dell, Moser, Lane & Loughney, L.L.C., and states the following in support of its counterclaim against the plaintiff's as follows:

**COUNT I**

**Negligence**

22. Paragraphs 1 through 21 are incorporated by reference as if set forth at length herein.

23. At all times relevant hereto, Marquart was proceeding with caution and had a green light as he traveled through the intersection of State Route 255 and State Route 4017.

24. As a result of the accident, the damages sustained by the defendants and expenses related thereto include, but are not limited to, the following:

- (a). Damage to the Sysco vehicle in the amount of \$5,834.70; and
- (b). Expenses associated with towing and storage of the damaged vehicle;

25. The careless, negligent and reckless conduct of Robert Patton was the direct and proximate cause of the damages sustained by defendants.

26. The direct and proximate cause of the accident was the careless, negligent, and reckless conduct of Patton including, but not limited to, the following particulars:

- (a). In failing to stop at a red light;
- (b). In traveling into the intersection in disregard of the red light controlling Patton's lane of travel;
- (c). In failing to watch the road in front of his vehicle;
- (d). In not watching where he was operating his vehicle;
- (e). In failing to watch the roadway as he approached the intersection;
- (f). In failing to yield the right-of-way to Roger Marquart;
- (g). In failing to observe that Roger Marquart had control of the intersection;
- (h). In failing to take evasive action to avoid striking Marquart's vehicle;
- (i). In operating his vehicle in violation of the Pennsylvania Motor Vehicle Code;
- (j). In operating his vehicle in a reckless, careless, negligent manner;
- (k). In failing to provide Marquart with the standard of care owed to him under the existing circumstances.

WHEREFORE, defendants demand judgment against plaintiff in the amount of \$5,834.70, plus costs, interest, and attorneys fees.

DELL, MOSER, LANE & LOUGHNEY, LLC

By: 

Bryan J. Smith, Esquire

PA ID. #63223

Attorneys for Defendant

Sysco Corporation t/d/b/a Sysco Food Services  
of Jamestown and Roger Marquart

Dell, Moser, Lane & Loughney, LLC  
1300 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

Phone: (412) 471-1180

Fax: (412) 471-9012

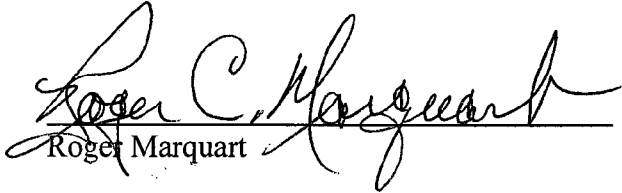
**JURY TRIAL DEMANDED**

## VERIFICATION

I verify that the averments of fact made in this foregoing **ANSWER, NEW MATTER AND COUNTERCLAIM** are true and correct and based upon my personal knowledge, information or belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. §4904, relating to the unsworn falsifications to authorities.

Date:

October 8, 2002

  
Roger Marquart

## VERIFICATION

I verify that the averments of fact made in this foregoing **ANSWER, NEW MATTER AND COUNTERCLAIM** are true and correct and based upon my personal knowledge, information or belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. §4904, relating to the unsworn falsifications to authorities.

Date: 10/9/02

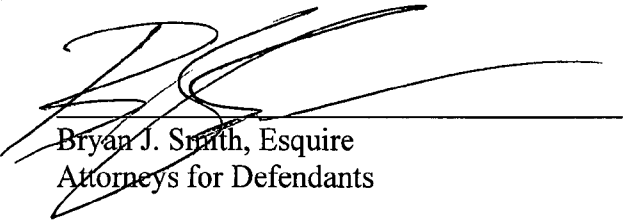
Michele Giordano  
Michele Giordano

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within **ANSWER, NEW MATTER  
AND COUNTERCLAIM** has been served upon the following by U.S. Mail, postage prepaid, this

14<sup>th</sup> day of October 2002:

Christopher P. Deegan, Esquire  
Weber, Gallagher, Simpson, Stapleton, Fires & Newby, L.L.P.  
Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222



Bryan J. Smith, Esquire  
Attorneys for Defendants

**FILED**  
NO  
cc  
M 11:00 AM  
OCT 16 2002  
E  
S

William A. Shaw  
Prothonotary



CA

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

ROBERT PATTON and SHELIA PATTON

CIVIL DIVISION – ARBITRATION

Plaintiffs,

No. 02-1409-CD

v.

SYSKO CORPORATION t/d/b/a SYSKO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

**MOTION TO COMPEL DISCOVERY  
RESPONSES AND PLAINTIFFS'  
DEPOSITIONS**

Defendants.

Filed on behalf of Defendants:  
Sysco Corporation t/d/b/a Sysco Food Services  
of Jamestown and Roger Marquart

Counsel for Record for this Party:

Bryan J. Smith, Esquire  
Pa. I.D.#: 63223

DELL, MOSER, LANE & LOUGHNEY, LLC  
Firm I.D. #753

1300 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-1180 – Telephone  
(412) 471-9012 – Fax

JURY TRIAL DEMANDED

**FILED**

DEC 10 2002

William A. Shaw  
Prothonotary

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

ROBERT PATTON and SHELIA PATTON

CIVIL DIVISION - ARBITRATION

Plaintiffs,

No. 02-1409-CD

v.

JURY TRIAL DEMANDED

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**MOTION TO COMPEL DISCOVERY RESPONSES AND PLAINTIFFS' DEPOSITIONS**

AND NOW, come Defendants, Sysco Corporation t/d/b/a Sysco Food Services of Jamestown and Roger Marquart, by and through their attorneys, Dell, Moser, Lane & Loughney, LLC and Bryan J. Smith, Esquire, and presents the within Motion to Compel Discovery Responses and Plaintiffs' Depositions.

1. On October 24, 2002, the undersigned sent a letter to plaintiffs' counsel requesting that plaintiffs' counsel provide dates in November and December when his clients' could be made available for deposition. ("A true and correct copy of the October 24, 2002 letter is attached hereto as exhibit "A"). To date, plaintiffs' counsel has failed to provide dates when his clients' can be deposed.

2. On September 26, 2002, Defendants propounded Interrogatories and a Request for Production of Documents to Plaintiffs'. (See a copy of the Certificate of Service attached hereto as exhibit "B").

3. On November 4, 2002, the undersigned sent a letter to plaintiffs' counsel requesting that plaintiff produce the discovery response within twenty (20) days. (See a copy of the letter attached hereto as exhibit "C").

4. To date, plaintiffs' have not responded to defendants' discovery requests.

5. The information requested in Defendants' Interrogatories and Request for Production of Documents and the plaintiffs' depositions are essential for the defense of this case as well as Defendants' Counterclaim against plaintiffs'.

6. Defendants' are entitled to the foregoing pursuant to Pa.R.C.P. 4004, 4007 and 4009.

WHEREFORE, it is respectfully requested that the Court order plaintiffs' to file its discovery responses within twenty (20) days and are ordered to provide dates plaintiffs' are available to be deposed within the next thirty (30) days or else suffer the imposition of sanctions.

Respectfully submitted

Dell, Moser, Lane & Loughney, LLC

By: 

Bryan J. Smith, Esquire  
Attorneys for Sysco Corporation t/d/b/a  
Sysco Food Services of Jamestown and  
Roger Marquart

# DELL, MOSER, LANE & LOUGHNEY, LLC

ATTORNEYS AT LAW

1300 FRICK BUILDING  
437 GRANT STREET  
PITTSBURGH, PENNSYLVANIA 15219-6002

TELEPHONE: 412-471-1180  
FAX: 412-471-9012  
www.dellmoser.com

JOHN BURGESS♦  
RICHARD W. DELL, JR.  
PATRICK J. DOHENY, JR. †  
SEAN P. HANNON‡  
MARK R. LANE†  
PATRICK J. LOUGHNEY†  
SHARON M. MENCHYK  
SCOTT A. MATTHEWS†

♦ ALSO ADMITTED IN CA, DC, NJ  
\* ALSO ADMITTED IN FL  
‡ ALSO ADMITTED IN OH  
† ALSO ADMITTED IN WV  
♠ ADMITTED ONLY IN OH

DONALD J. McCORMICK††  
PETER MOLINARO, JR.  
MELVIN L. MOSER\*†  
MELISSA C. PETERSEN♦  
GEORGE A. POWER  
BRYAN J. SMITH  
BRAD D. TRUST†  
CARY W. VALYO  
DANIELLE M. VUGRINOVICH  
ELEONORA M. ZYCH

October 24, 2002  
File No. 7976

Christopher P. Deegan, Esquire  
Weber, Gallagher, Simpson, Stapleton,  
Fires & Newby, L.L.P.  
Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222

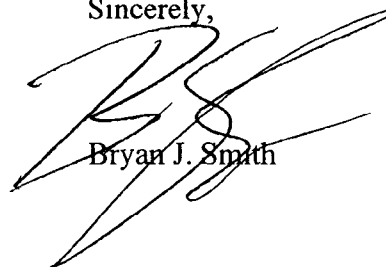
**Re: Patton v. Sysco Corporation t/d/b/a Sysco Food Services of Jamestown and  
Roger Marquart  
No. 02-1409-00**

Dear Mr. Deegan:

Please provide me with dates in November and December when you and your clients are available for deposition. I will contact the Clearfield County Courthouse to determine whether we can use the courthouse for purposes of taking the deposition, unless you can suggest some alternative arrangements.

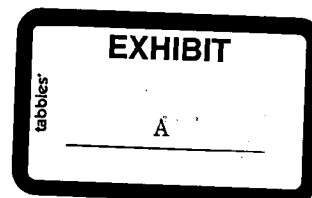
Thank you for your prompt attention to this matter.

Sincerely,



Bryan J. Smith

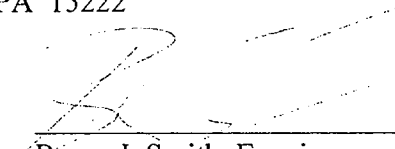
BJS/hlm

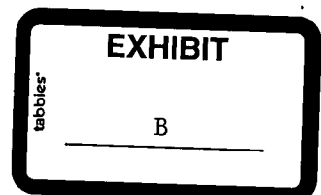


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within **DEFENDANTS SYSCO CORPORATION T/D/B/A SYSCO FOOD SERVICES OF JAMESTOWN AND ROGER MARQUART'S FIRST SET OF INTERROGATORIES DIRECTED TO THE PLAINTIFFS** has been served upon the following by U.S. Mail, postage prepaid, this 27<sup>th</sup> day of September 2002:

Christopher P. Deegan, Esquire  
Weber, Gallagher, Simpson, Stapleton, Fires & Newby, L.L.P.  
Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222


  
\_\_\_\_\_  
Bryan J. Smith, Esquire  
Attorneys for Defendants



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within **DEFENDANTS SYSCO CORPORATION T/D/B/A SYSCO FOOD SERVICES OF JAMESTOWN AND ROGER MARQUART'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO THE PLAINTIFFS** has been served upon the following by U.S. Mail, postage prepaid, this 27th day of September 2002:

Christopher P. Deegan, Esquire  
Weber, Gallagher, Simpson, Stapleton, Fires & Newby, L.L.P.  
Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222

  
\_\_\_\_\_  
Bryan J. Smith, Esquire  
Attorneys for Defendants

**DELL, MOSER, LANE & LOUGHNEY, LLC**  
ATTORNEYS AT LAW

1300 FRICK BUILDING  
437 GRANT STREET  
PITTSBURGH, PENNSYLVANIA 15219-6002

TELEPHONE: 412-471-1180  
FAX: 412-471-9012  
www.dellmoser.com

JOHN BURGESS♦  
RICHARD W. DELL, JR.  
PATRICK J. DOHENY, JR. †  
SEAN PHANNON‡  
MARK R. LANE†  
PATRICK J. LOUGHNEY†  
SHARON M. MENCHYK  
SCOTT A. MATTHEWS†

♦ ALSO ADMITTED IN CA, DC, NJ  
\* ALSO ADMITTED IN FL  
‡ ALSO ADMITTED IN OH  
† ALSO ADMITTED IN WV  
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DONALD J. McCORMICK†‡  
PETER MOLINARO, JR.  
MELVIN L. MOSER\*†  
MELISSA C. PETERSEN♦  
GEORGE A. POWER  
BRYAN J. SMITH  
BRAD D. TRUST†  
CARY W. VALYO  
DANIELLE M. VUGRINOVICH  
ELEONORA M. ZYCH

November 4, 2002  
File No. 7976

Christopher P. Deegan, Esquire  
Weber, Gallagher, Simpson, Stapleton,  
Fires & Newby, L.L.P.  
Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222

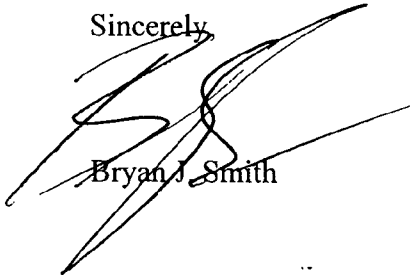
**Re: Patton v. Sysco Corporation t/d/b/a Sysco Food Services of Jamestown and  
Roger Marquart  
No. 02-1409-00**

Dear Mr. Deegan:

On September 26, 2002, we served you with Defendant's First Set of Interrogatories and Request for Production of Documents Directed to the Plaintiff. To date, we have not received a response. Please respond within twenty (20) days, otherwise, we will have no alternative but to file a Motion to Compel with the court.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

  
Bryan J. Smith

BJS/hlm

**EXHIBIT**

**C**

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

ROBERT PATTON and SHELIA PATTON

CIVIL DIVISION - ARBITRATION

Plaintiffs,

No. 02-1409-CD

v.

JURY TRIAL DEMANDED

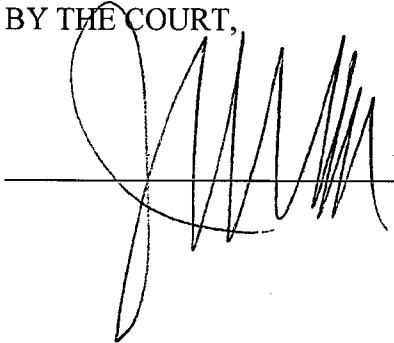
SYSKO CORPORATION t/d/b/a SYSKO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**ORDER OF COURT**

AND NOW, this 17<sup>th</sup> day of December, 2002, it is Ordered, Adjudged and Decreed that Plaintiffs' shall file Answers to Defendants' Interrogatories and Request for Production of Documents within twenty (20) days and Plaintiffs' are further ordered to provide dates when the plaintiffs' can be deposed within the next thirty (30) days. If plaintiffs' fail to comply with this Order they will be subject to sanctions.

BY THE COURT,



J.

**FILED**

DEC 18 2002

William A. Shaw  
Prothonotary



*(copy)*

**FILED**

*Jec*

*019:00884 of Macy's  
DEC 18 2002 Bullets Show*

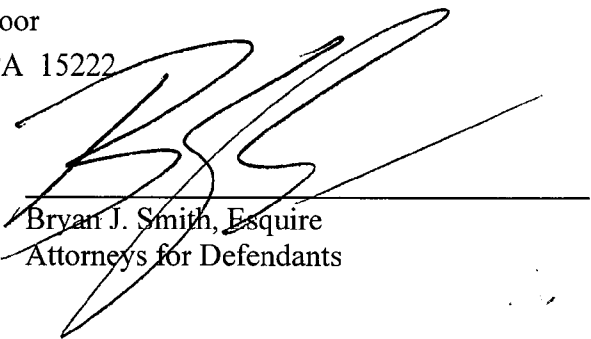
**William A. Shaw  
Prothonotary**

*Cause Memo  
to  
Alicy Smith*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within **MOTION TO COMPEL DISCOVERY RESPONSES AND PLAINTIFFS' DEPOSITIONS** has been served upon the following by U.S. Mail, postage prepaid, this 13<sup>th</sup> day of December 2002:

Christopher P. Deegan, Esquire  
Weber, Gallagher, Simpson, Stapleton, Fires & Newby, L.L.P.  
Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222



\_\_\_\_\_  
Bryan J. Smith, Esquire  
Attorneys for Defendants

FILED

M/12:54/84  
DEC 18 2002

NO  
CC

(E-100)

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON, CIVIL DIVISION - ARBITRATION

Plaintiffs, No. 02-1409-CD

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

**REPLY TO NEW MATTER AND  
ANSWER TO COUNTERCLAIM**

Defendants.

Filed on behalf of Plaintiffs:  
Robert Patton and Sheila Patton

Counsel of Record for this Party:

Christopher P. Deegan, Esquire  
PA I.D. #85635

WEBER GALLAGHER SIMPSON  
STAPLETON FIRES & NEWBY, LLP  
Firm #594

Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222

(412) 281-4541

**FILED**

DEC 23 2002

William A. Shaw  
Prothonotary

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON, CIVIL DIVISION - ARBITRATION

Plaintiffs, No. 02-1409-CD

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**REPLY TO NEW MATTER AND ANSWER TO COUNTERCLAIM**

AND NOW come plaintiffs, Robert Patton and Sheila Patton, by and through their counsel, Christopher P. Deegan, Esquire and Weber Gallagher Simpson Stapleton Fires & Newby LLP, and file the following Reply to New Matter and Answer to Counterclaim:

**REPLY TO NEW MATTER**

18. The averments set forth in Paragraph 18 constitute conclusions of law to which no response is necessary and are therefore denied. Strict proof of the same is demanded at the time of trial.

19. The averments set forth in Paragraph 19 constitute conclusions of law to which no response is necessary and are therefore denied. By way of further response, the averments set forth in Paragraph 19 are denied pursuant to Pa.R.C.P. 1029(e). Strict proof of the same is demanded at the time of trial.

20. The averments set forth in Paragraph 20 constitute conclusions of law to which no response is necessary and are therefore denied. By way of further response, the averments set forth in Paragraph 20 are denied pursuant to Pa.R.C.P. 1029(e). Strict proof of the same is demanded at the time of trial.

21. The averments set forth in Paragraph 21 constitute conclusions of law to which no response is necessary and are therefore denied. By way of further response, the averments set forth in Paragraph 21 are denied pursuant to Pa.R.C.P. 1029(e). Strict proof of the same is demanded at the time of trial.

#### **ANSWER TO COUNTERCLAIM**

22. Plaintiffs' Complaint and Reply to New Matter are incorporated herein as if set forth in full.

23. The averments set forth in Paragraph 23 are denied pursuant to Pa.R.C.P. 1029(e). Strict proof of the same is demanded at the time of trial.

24. After reasonable investigation, plaintiffs are presently without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 24 and said averments are therefore denied. By way of further response, the averments set forth in Paragraph 24 are denied pursuant to Pa.R.C.P. 1029(e).

25. The averments set forth in Paragraph 25 constitute conclusions of law to which no response is necessary and are therefore denied. By way of further response, the averments set forth in Paragraph 25 are denied pursuant to Pa.R.C.P. 1029(e). Strict proof of the same is demanded at the time of trial.

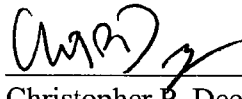
26. The averments set forth in Paragraph 26 and its subparts constitute conclusions of law to which no response is necessary and are therefore denied. By way of further response, the averments set forth in Paragraph 26 and its subparts are denied pursuant to Pa.R.C.P. 1029(e). Strict proof of the same is demanded at the time of trial.

WHEREFORE, plaintiffs Robert Patton and Sheila Patton demand judgment in their favor and

against the defendant Sysco Corporation t/d/b/a Sysco Food Services of Jamestown in the amount of \$10,439.90, exclusive of interest and costs.

Respectfully submitted,

WEBER GALLAGHER SIMPSON STAPLETON  
FIRES & NEWBY LLP

A handwritten signature in black ink, appearing to read 'C. Deegan', is written over a horizontal line.

Christopher P. Deegan, Esquire  
Counsel for Plaintiffs

**VERIFICATION**

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

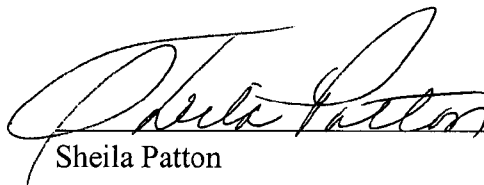
  
Robert Patton

Dated: 12-15-02



**VERIFICATION**

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

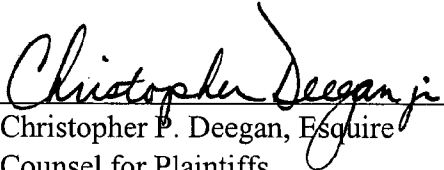
  
\_\_\_\_\_  
Sheila Patton

Dated: 12-15-02

**CERTIFICATE OF SERVICE**

I, Christopher P. Deegan, Esquire, hereby certify that a true and correct copy of the foregoing  
Reply to New Matter and Answer to Counterclaim was served upon the following counsel by first-class  
mail this 19<sup>th</sup> day of December, 2002:

Bryan J. Smith, Esquire  
Dell, Moser, Lane & Loughney, LLC  
1300 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

  
\_\_\_\_\_  
Christopher P. Deegan, Esquire  
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON

CIVIL DIVISION – ARBITRATION

Plaintiffs,

No. 02-1409-CD

v.

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

**PRAECIPE FOR ARBITRATION**

Defendants.

Filed on behalf of Defendants:

Sysco Corporation t/d/b/a Sysco Food Services  
of Jamestown and Roger Marquart

Counsel for Record for this Party:

Bryan J. Smith, Esquire

Pa. I.D.#: 63223

DELL, MOSER, LANE & LOUGHNEY, LLC  
Firm I.D. #753

1300 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

(412) 471-1180 – Telephone

(412) 471-9012 – Fax

JURY TRIAL DEMANDED

**FILED**

FEB 20 2003

m/12-01/2  
William A. Shaw  
Prothonotary/Clerk of Courts

COPY TO CA

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

ROBERT PATTON and SHELIA PATTON

CIVIL DIVISION - ARBITRATION

Plaintiffs,

No. 02-1409-00

v.

JURY TRIAL DEMANDED

SYSKO CORPORATION t/d/b/a SYSKO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

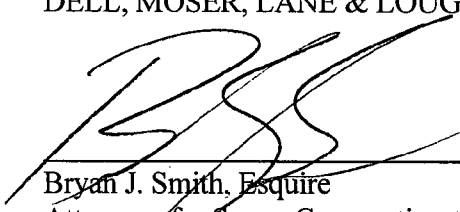
Defendants.

**PRAECIPE FOR ARBITRATION**

TO: William A Shaw, Prothonotary

Please place the above-captioned matter on the next available arbitration list. It is anticipated that the hearing will take approximately 2-3 hours.

DELL, MOSER, LANE & LOUGHNEY, LLC



Bryan J. Smith, Esquire  
Attorneys for Sysco Corporation t/d/b/a Sysco  
Food Services of Jamestown and Roger  
Marquart, Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within **PRAECIPE FOR ARBITRATION** has been served upon the following by U.S. Mail, postage prepaid, this 19<sup>th</sup> day of February 2003:

Christopher P. Deegan, Esquire  
Weber, Gallagher, Simpson, Stapleton, Fires & Newby, L.L.P.  
Two Gateway Center  
14<sup>th</sup> Floor  
Pittsburgh, PA 15222



Bryan J. Smith, Esquire  
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT PATTON and SHEILA PATTON

CIVIL DIVISION - ARBITRATION

Plaintiffs,

No. 02-1409-00

v.

JURY TRIAL DEMANDED

SYSCO CORPORATION t/d/b/a SYSCO  
FOOD SERVICES OF JAMESTOWN and  
ROGER MARQUART,

Defendants.

**JOINT PRAECIPE TO SETTLE AND DISCONTINUE**

TO: William A Shaw, Prothonotary

Please mark the above-captioned case settled and discontinued.

DELL, MOSER, LANE & LOUGHNEY, LLC

  
Bryan J. Smith, Esquire

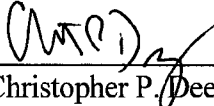
Attorneys for Sysco Corporation t/d/b/a Sysco  
Food Services of Jamestown and Roger  
Marquart, Defendants

WEBER, GALLAGHER, SIMPSON,  
STAPLETON, FIRES & NEWBY, L.L.P.

**FILED**

*M 1132 DA Cont'd City*  
JUN 23 2003

William A. Shaw  
Prothonotary

  
Christopher P. Deegan, Esquire  
Attorneys for Robert Patton and Sheila Patton,  
Plaintiffs

FILED

JUN 23 2003

William A. Shaw  
Prothonotary

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

**CIVIL DIVISION**

COPY

**Robert Patton  
Sheila A. Patton**

**Vs.**

**No. 2002-01409-CD**

**Sysco Corporation  
Roger Marquart  
Sysco Food Services of Jamestown**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 23, 2003, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$103.00 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of June A.D. 2003.

---

William A. Shaw, Prothonotary





OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

April 17, 2003

Christopher P. Deegan, Esquire  
Attorney at Law  
Two Gateway Center, 14<sup>th</sup> Floor  
Pittsburgh, PA 15222

Bryan J. Smith, Esquire  
Attorney at Law  
1300 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

RE: ROBERT PATTON, al  
vs.  
SYSCO CORPORATION, al  
No. 02-1409-CD

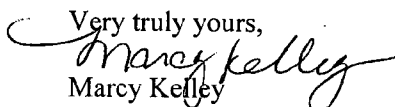
Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Tuesday, June 10, 2003.** The following have been appointed to the Board of Arbitrators:

Richard H. Milgrub, Esquire  
Peter F. Smith, Esquire  
Theron G. Noble, Esquire  
Warren B. Mikesell, II, Esquire  
David R. Thompson, Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven (7) days from the date of this letter the name you wish stricken from the list.

You will be notified at a later date the exact time of the Arbitration Hearing.

Very truly yours,  
  
Marcy Kelley  
Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

April 30, 2003

Christopher P. Deegan, Esquire  
Attorney at Law  
Two Gateway Center, 14<sup>th</sup> Floor  
Pittsburgh, PA 15222

Bryan J. Smith, Esquire  
Attorney at Law  
1300 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

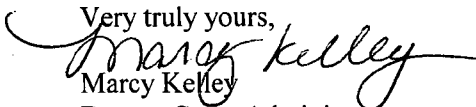
RE: ROBERT PATTON, al  
vs.  
SYSCO CORPORATION, al  
No. 02-1409-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Tuesday, June 10, 2003 at M.** The following have been appointed as Arbitrators:

Richard H. Milgrub, Esquire, Chairman  
Peter F. Smith, Esquire  
Theron G. Noble, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For you convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

Very truly yours,  
  
Marcy Kelley  
Deputy Court Administrator

cc: Richard H. Milgrub, Esquire  
Peter F. Smith, Esquire  
Theron G. Noble, Esquire