

02-1455-CD
Henry Royer vs Adam Bowman al

02

02-1455-CD
HENRY B. ROYER, et al vs. ADAM DOUGLAS BOWMAN, et al.

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

vs.

NO. 02- 1455 -CD

**ADAM DOUGLAS BOWMAN, single,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN, husband
and wife,
Defendants.**

* Type of Pleading: WRIT OF SUMMONS

* Filed on behalf of: PLAINTIFFS:
* HENRY B. ROYER AND
* CAROLYN ROYER

* Counsel of Record for Plaintiffs:
* BARBARA J. HUGNEY-SHOPE, ESQ.
* Supreme Court I. D. No. 26274
* 23 North Second Street
* Clearfield, PA 16830
* (814) 765-5155

FILED

SEP 20 2002
012:10pm

William A. Shaw Jr.
Prothonotary

3 Writs to Sheriff
1 Cert to Sheriff
1 Cert to Clerk

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

HENRY B. ROYER and	*	
CAROLYN ROYER, his wife,	*	
Plaintiffs,	*	
	*	
vs.	*	NO. 02-
	*	-CD
	*	
ADAM DOUGLAS BOWMAN, single,	*	JURY TRIAL DEMANDED
DOUGLAS F. BOWMAN and	*	
BARBARA A. BOWMAN, husband	*	
and wife,	*	
Defendants.	*	
	*	
	*	

PRAECIPE FOR WRIT OF SUMMONS

TO: WILLIAM A. SHAW, PROTHONOTARY

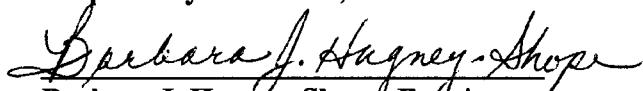
Please issue a Writ of Summons in the above matter directed to the above-named Defendants. The address of all Defendants is R. D. #2, Box 61, Smethport, Pennsylvania 16749.

The amount in controversy is in excess of \$25,000.00.

Please direct the Writ of Summons to the Sheriff of Clearfield County to deputize the Sheriff of McKean County for service upon the Defendants.

A jury trial is demanded.

Respectfully submitted,



**Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830
(814) 765-5155
Supreme Court I.D. No. 26274**

Dated: September 19, 2002

FILED

SEP 20 2002

William A. Shaw
Prothonotary

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

SUMMONS

**Henry B. Royer
Carolyn Royer**

Vs.

NO.: 2002-01455-CD

**Adam Douglas Bowman
Douglas F. Bowman
Barbara A. Bowman**

**TO: ADAM DOUGLAS BOWMAN
DOUGLAS F. BOWMAN
BARBARA A. BOWMAN**

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: 09/20/2002

**William A. Shaw
Prothonotary**

**Issuing Attorney:
Barbara Hugney-Shope, Esq.
23 North Second Street
Clearfield, PA 16830
814-765-5155**

2

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and
CAROLYN ROYER,
Plaintiffs

-vs-

ADAM DOUGLAS BOWMAN,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN,
Defendants

Type of Case: Civil Action
No. 02-1455-CD

Type of Pleading:
Praecipe for
Entry of Appearance

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:
Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

OCT 01 2002

William A. Shaw
Prothonotary

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

HENRY B. ROYER and
CAROLYN ROYER,
Plaintiffs

-vs-

No. 02-1455-CD

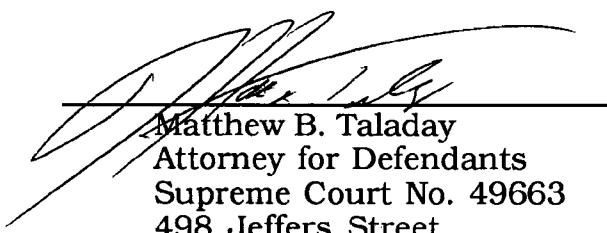
ADAM DOUGLAS BOWMAN,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN,
Defendants

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendants, Adam
Douglas Bowman, Douglas F. Bowman and Barbara A. Bowman, in the
above captioned matter.

Dated: 9-30-02


Matthew B. Taladay
Attorney for Defendants
Supreme Court No. 49663
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

cc: Barbara Hugney-Shope, Esq.
23 North Second Street
Clearfield, PA 16830

FILED
M 16:44 PM
OCT 6 1 2002
SAC
FBI

William A. Shaw
Prothonotary

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

3
Sheriff Docket # 13078

ROYER, HENRY B. & CAROLYN

02-1455-CD

VS.

BOWMAN, ADAM DOUGLAS, DOUGLAS F. & BARBARA A.

SUMMONS

SHERIFF RETURNS

NOW SEPTEMBER 23, 2002, DONALD MOREY, SHERIFF OF MCKEAN COUNTY
WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY
TO SERVE THE WITHIN SUMMONS ON BARBARA A. BOWMAN, DOUGLAS F.
BOWMAN AND ADAM DOUGLAS BOWMAN, DEFENDANTS.

NOW SEPTEMBER 27, 2002 SERVED THE WITHIN SUMMONS ON BARBARA A.
BOWMAN, DEFENDANT BY DEPUTIZING THE SHERIFF OF MCKEAN COUNTY.
THE RETURN OF SHERIFF MOREY IS HERETO ATTACHED AND MADE A PART OF
THIS RETURN.

NOW SEPTEMBER 27, 2002 SERVED THE WITHIN SUMMONS ON DOUGLAS F.
BOWMAN, DEFENDANT BY DEPUTIZING THE SHERIFF OF MCKEAN COUNTY.
THE RETURN OF SHERIFF MOREY IS HERETO ATTACHED AND MADE A PART OF
THIS RETURN STATING THAT HE SERVED BARBARA BOWMAN, WIFE.

NOW SEPTEMBER 27, 2002 SERVED THE WITHIN SUMMONS ON ADAM D. BOWMAN,
DEFENDANT BY DEPUTIZING THE SHERIFF OF MCKEAN COUNTY. THE RETURN
OF SHERIFF MOREY IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

FILED
03:32
OCT 24 2002

William A. Shaw
Prothonotary

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

Sheriff Docket # 13078

ROYER, HENRY B. & CAROLYN

02-1455-CD

VS.

BOWMAN, ADAM DOUGLAS, DOUGLAS F. & BARBARA A.

SUMMONS

SHERIFF RETURNS

Return Costs

Cost	Description
39.37	SHFF. HAWKINS PAID BY; ATTY.
50.00	SHFF. MOREY PAID BY: ATTY.
30.00	SURCHARGE PAID BY; ATY.

Sworn to Before Me This

24th Day Of October 2002
William M. H.

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

So Answers,

Chester A. Hawkins
by Marilyn Harris

Chester A. Hawkins
Sheriff

E. G. H.

SHERIFF'S RETURN

IN THE COURT OF COMMON PLEAS
OF McKEAN COUNTY

NO. Clearfield County, PA

PLAINTIFF: Henry B. Royer and Carolyn Royer

DEFENDANT: Barbara A. Bowman, et al

AFFIDAVIT OF SERVICE

Now, September 27 2002, at 9:45 A.M., served the within _____

Writ of Summons upon Barbara A. Bowman

at Lower Open Brook Road, Port Allegany, PA 16743 by handing to

her personally true and attested copy thereof and made

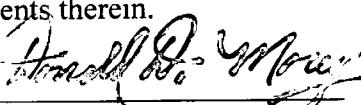
known to her the contents therein.

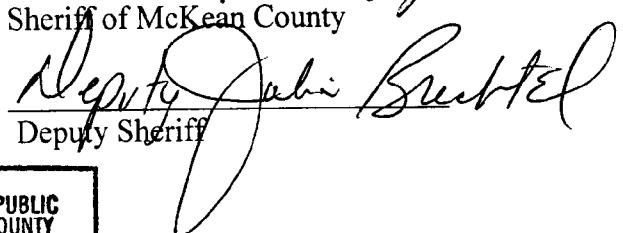
Sworn to and subscribed before me this

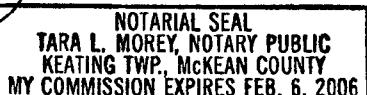
30th day of September 20 02

Tara L. Morey
Notary or Prothonotary

Sheriff's costs \$ _____


Sheriff of McLean County


Deputy Sheriff



SHERIFF'S RETURN

IN THE COURT OF COMMON PLEAS
OF McKEAN COUNTY

NO. Clearfield County, PA

PLAINTIFF: Henry B. Royer and Carolyn Royer

DEFENDANT: Douglas F. Bowman, et al

AFFIDAVIT OF SERVICE

Now, September 27 2002, at 9:45 A.M., served the within _____

Writ of Summons upon Douglas F. Bowman

at Lower Open Brook Road, Port Allegany, PA 16743 by handing to

Barbara Bowman, wife true and attested copy thereof and made

known to her the contents therein.

Sworn to and subscribed before me this

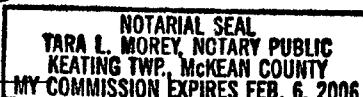
30th day of September 2002

Tara L. Morey
Notary or Prothonotary

Sheriff's costs \$ _____

Michael W. Gobea
Sheriff of McKeans County

Deputy Julie Brechtel
Deputy Sheriff



SHERIFF'S RETURN

IN THE COURT OF COMMON PLEAS
OF McKEAN COUNTY

NO. Clearfield County, PA

PLAINTIFF: Henry B. Royer and Carolyn Royer

DEFENDANT: Adam D. Bowman, et al

AFFIDAVIT OF SERVICE

Now, September 27 2002, at 12:25 P M., served the within _____

Writ of Summons upon Adam D. Bowman

at McKean County Sheriff's Office, Smethport, PA 16749 by handing to
him personally true and attested copy thereof and made

known to him the contents therein.

Sworn to and subscribed before me this

30th day of September 2002

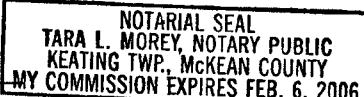
Tara L. Morey

Notary or Prothonotary

Sheriff's costs \$ _____

Donald D. Dyer
Sheriff of McKean County

Joseph D. Dyer
Deputy Sheriff



4

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and CAROLYN ROYER, Plaintiffs	Type of Case: Civil Action No. 02-1455-CD
-vs-	Type of Pleading:
ADAM DOUGLAS BOWMAN, DOUGLAS F. BOWMAN and BARBARA A. BOWMAN, Defendants	Praeclipe for Rule to File Complaint Filed on Behalf of: Defendants Counsel of Record for This Party: Matthew B. Taladay, Esq. Supreme Court No. 49663 Hanak, Guido and Taladay 498 Jeffers Street P.O. Box 487 DuBois, PA 15801 (814) 371-7768

JAN 13 2003

William A. Shaw
Prothonotary

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

HENRY B. ROYER and CAROLYN ROYER, Plaintiffs	:	
-vs-	:	No. 02-1455-CD
ADAM DOUGLAS BOWMAN, DOUGLAS F. BOWMAN and BARBARA A. BOWMAN, Defendants	:	

PRAECIPE FOR RULE TO FILE COMPLAINT

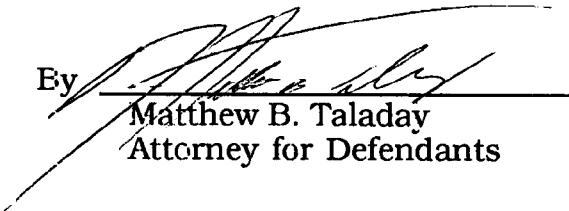
TO THE PROTHONOTARY:

Kindly issue a Rule to File Complaint upon the Plaintiff in the above referenced matter. Please forward this Rule to my office for service upon Plaintiffs' Attorney of Record.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay
Attorney for Defendants

2007-01-19:03 84
JAN 13 2007
1 Rule to Alleg. Toladory
No
CC

William A. Shaw
Prothonotary

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

Henry B. Royer
Carolyn Royer

Vs.
Case No. #2002-01455-CD
Adam Douglas Bowman,
Douglas F. Bowman, and
Barbara A. Bowman

RULE TO FILE COMPLAINT

TO: Henry B. Royer and Carolyn Royer

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: January 13, 2003

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and : Type of Case: Civil Action
CAROLYN ROYER, :
Plaintiffs : No. 02-1455-CD
-vs- : Type of Pleading:
ADAM DOUGLAS BOWMAN, :
DOUGLAS F. BOWMAN and : Certificate
BARBARA A. BOWMAN, : of Service
Defendants : Filed on Behalf of:
 : Defendants
 : Counsel of Record for This
 : Party:
 : Matthew B. Taladay, Esq.
 : Supreme Court No. 49663
 : Hanak, Guido and Taladay
 : 498 Jeffers Street
 : P.O. Box 487
 : DuBois, PA 15801
 :
 : (814) 371-7768

10/23

William A. Shaw
Prothonotary

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

HENRY B. ROYER and
CAROLYN ROYER,
Plaintiffs

-vs-

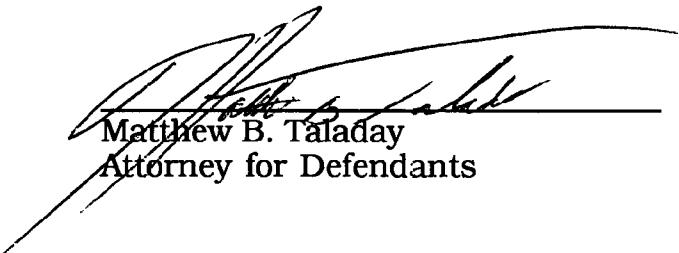
No. 02-1455-CD

ADAM DOUGLAS BOWMAN,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN,
Defendants

CERTIFICATE OF SERVICE

I certify that on the 17th day of January, 2003, a true
and correct copy of Rule to File Complaint was sent via first class mail,
postage prepaid, to the following:

Barbara Hugney-Shope, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay
Attorney for Defendants

5
BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO. 02-1455-CD

HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,

vs.

ADAM DOUGLAS BOWMAN, single,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN, husband
and wife,
Defendants.

C O M P L A I N T

200
C. J. Hugney
Hugney
Clearfield, PA 16830

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

vs.

**ADAM DOUGLAS BOWMAN, single,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN, husband
and wife,**

Defendants.

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NO. 02-1455-CD

* **Type of Pleading: COMPLAINT**

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* **Filed on behalf of: PLAINTIFFS:**
* **HENRY B. ROYER AND**
* **CAROLYN ROYER**

*
*
*
*

* **Counsel of Record for Plaintiffs:**
* **BARBARA J. HUGNEY-SHOPE, ESQ.**
* Supreme Court I. D. No. 26274
* 23 North Second Street
* Clearfield, PA 16830
* (814) 765-5155

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

vs.

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*
*

NO. 02-1455-CD

**ADAM DOUGLAS BOWMAN, single,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN, husband
and wife,**

Defendants.

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*

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against these claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any 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 OFFICE SET FORTH BELOW
TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

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

HENRY B. ROYER and	*
CAROLYN ROYER, his wife,	*
Plaintiffs,	*
	*
vs.	*
	NO. 02-1455-CD
	*
ADAM DOUGLAS BOWMAN, single,	*
DOUGLAS F. BOWMAN and	*
BARBARA A. BOWMAN, husband	*
and wife,	*
Defendants.	*
	*

C O M P L A I N T

AND NOW, come the Plaintiffs, **HENRY B. ROYER and CAROLYN ROYER**, by and through their attorney, **BARBARA J. HUGNEY-SHOPE, ESQUIRE**, and make the following Complaint against the Defendants, and in support thereof aver as follows:

FIRST COUNT

Henry B. Royer vs. Adam Douglas Bowman, single,
Douglas F. Bowman and Barbara A. Bowman, husband and wife.

1. That the Plaintiff, Henry B. Royer, is an adult individual who resides at 308 Frenchville Road, Frenchville, Pennsylvania.

2. That the Defendants, Adam Douglas Bowman, Douglas F. Bowman, and Barbara A. Bowman, are adult individuals who reside at R.D. 2, Box 61, Smethport, Pennsylvania.

3. The events and conduct complained of herein occurred on or about Tuesday, September 26, 2000, at or about 12:00 Noon, at a point on State Highway Route 879 in Goshen Township, Clearfield County, Pennsylvania, at or near segment marker 390/400.

4. At said time and place , State Highway Route 879 was a two-lane macadam roadway approximately twenty-one (21) feet in width with one lane for southbound traffic and one lane for northbound traffic.

5. At said time and place, and at all times pertinent hereto, the Plaintiff, Henry B. Royer, was operating a 1992 Ford F-150 pick-up truck bearing Pennsylvania Registration No. YAE 5396 which vehicle was owned by the Plaintiff and his wife, Carolyn Royer, and was traveling from Clearfield toward Frenchville in a northerly direction in the lane for northbound traffic.

6. At said time and place, and at all times pertinent hereto, the Defendant, Adam Douglas Bowman, was the operator of a 1995 Ford Ranger pick-up truck bearing Pennsylvania Registration No. WR 1623J, which vehicle was owned by the Defendants, Douglas F. Bowman and Barbara A. Bowman, and was traveling in a southerly direction.

7. At said time and place, the Defendant, Adam Douglas Bowman, operated his vehicle in such a negligent, reckless and careless manner by suddenly and without warning while negotiating a right curve caused his vehicle to cross the center line of State Highway Route 879 directly into the path of the vehicle operated by the Plaintiff thereby colliding with Plaintiff's vehicle, which at that time was traveling in the lane for northbound traffic.

8. Prior to impact, Plaintiff took evasive action by applying his brakes and turning his vehicle onto the berm of the northbound lane; however, the Defendant, Adam Douglas Bowman, failed to gain control of his vehicle and as a result struck Plaintiff's vehicle with great force in the northbound lane.

9. At said time and place, the Defendant, Adam Douglas Bowman, operated his vehicle in such a negligent, reckless and careless manner as to cause or permit his vehicle to collide with Plaintiff's vehicle, thereby causing Plaintiff to sustain serious and possibly permanent injuries and damages as hereinafter more fully set forth;

10. The injuries and damages sustained by the Plaintiff, as hereinafter set forth, were caused by and were the direct and proximate result of the negligence and carelessness of the Defendant, Adam Douglas Bowman, generally and in the following particulars:

- A. In failing to have his vehicle under proper control;
- B. In failing to maintain a proper lookout;
- C. In failing to slow his vehicle upon approaching a sharp right curve when the Defendant knew or by the exercise of reasonable care should have known that to proceed without slowing his vehicle could result in a collision with any oncoming traffic;
- D. In operating his vehicle at an unsafe speed under the circumstances;
- E. In failing to yield to Plaintiff the right-of-way reserved for his vehicle;
- F. In failing to take evasive action to avoid a collision with the Plaintiff's vehicle which was occupying the northbound lane;
- G. In operating his vehicle without due regard for the right, safety and position of the Plaintiff;
- H. In otherwise failing to exercise the regard and care for the rights and safety of the Plaintiff required of the Defendant under the law and under the circumstances then and there existing.

11. As a direct and proximate result of the negligence, carelessness and recklessness of the Defendant, Adam Douglas Bowman, as set forth in Paragraph 10

hereof and incorporated herein by reference, the Plaintiff, Henry B. Royer, sustained serious and permanent injuries as follows:

- A. Sprain, injury and damage to the muscle tissues and ligaments of the head, neck, shoulder and back and including bilateral fractures of several ribs.
- B. Bruises, contusions, cuts, lacerations and other damage to tissue of his body.
- C. Shock and injuries to the nerves and central nervous system;
- D. Multiple blunt force trauma about the body, including pulmonary contusion, contusion of his right hip; and possible cardiac contusion;
- E. Aggravation of pre-existing arthritis in his right hip; and
- F. Other serious injury.

12. The negligence of Defendant, Adam Douglas Bowman, and Plaintiff's injuries resulting therefrom, as aforesaid, are the direct and legal cause of the Plaintiff incurring the following damages:

- A. He has in the past and will continue in the future to permanently endure great pain and suffering;

- B. His ability to enjoy life has in the past and will continue in the future to be permanently diminished;
- C. He has in the past and may in the future be required to spend sums of money for medical and surgical services, hospitalization, medical supplies, appliances, medicines, drugs, transportation, lodging, and other services and merchandise related to his medical treatment and cure;
- D. His general health, strength and vitality have been impaired;
- E. Loss of earnings;
- F. His earning power has been permanently impaired;
- G. Other damages to which he is entitled under the law and under the circumstances of this case.

WHEREFORE, the Plaintiff, Henry B. Royer claims damage from the Defendants in excess of Twenty-five Thousand (\$25,000.00) Dollars together with costs of suit and interest and further, **DEMANDS A JURY TRIAL ON THE ISSUES AND MATTERS RAISED HEREIN.**

SECOND COUNT

Carolyn Royer vs. Adam Douglas Bowman, single,
Douglas F. Bowman and Barbara A. Bowman, husband and wife

- 13. That the Plaintiff, Carolyn Royer, is an adult individual who resides at 308 Frenchville Road, Frenchville, Pennsylvania.

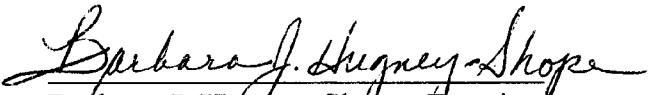
14. That the Plaintiff, Carolyn Royer, is a married individual having been married to the Plaintiff, Henry B. Royer, on February 7, 1959.

15. That the Plaintiff, Carolyn Royer, was residing with her husband, Henry B. Royer, at the time of the accident referred to herein.

16. That the Plaintiff, Carolyn Royer, claims a reasonable amount for loss of consortium.

WHEREFORE, the Plaintiff, Carolyn Royer, claims damage from the Defendants in excess of Twenty-five Thousand (\$25,000.00) Dollars together with costs of suit and interest and further, **DEMANDS A JURY TRIAL ON THE ISSUES AND MATTERS RAISED HEREIN.**

Respectfully submitted,


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in the foregoing Complaint are true and correct. We understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Henry B. Royer
Henry B. Royer

Carolyn Royer
Carolyn Royer

Dated: Feb 5, 2003

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

vs.

**ADAM DOUGLAS BOWMAN, single,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN, husband
and wife,**

Defendants.

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NO. 02-1455-CD

CERTIFICATE OF SERVICE

AND NOW, this 5th day of February, 2003, I, Barbara J. Hugney-Shope, Esquire, do hereby certify that I served a true and correct copy of the COMPLAINT filed in the above-captioned matter on Matthew B. Taladay, Esquire, Attorney for the Defendants in the above-captioned matter, by depositing the same with the United States Postal Service, postage prepaid, on the 5th day of February, 2003, at the following address:

Matthew B. Taladay, Esquire
Attorney for Defendant
HANAK, GUIDO & TALADAY
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

Barbara J. Hugney-Shope

Barbara J. Hugney-Shope, Esquire
Attorney for the Plaintiffs
23 North Second Street
Clearfield, PA 16830

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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and
CAROLYN ROYER,
Plaintiffs

-vs-

ADAM DOUGLAS BOWMAN,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN,
Defendants

Type of Case: Civil Action

No. 02-1455-CD

Type of Pleading:

Preliminary
Objections

Filed on Behalf of:

Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

FEB 19 2003

William A. Shaw
Prothonotary

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

HENRY B. ROYER and	:	
CAROLYN ROYER,	:	
Plaintiffs	:	
-vs-		No. 02-1455-CD
ADAM DOUGLAS BOWMAN,	:	
DOUGLAS F. BOWMAN and	:	
BARBARA A. BOWMAN,	:	
Defendants	:	

PRELIMINARY OBJECTIONS TO PLAINTIFFS' COMPLAINT

AND NOW, comes the Defendants, Adam Douglas Bowman, Douglas F. Bowman and Barbara A. Bowman, by their attorneys, Hanak, Guido and Taladay, and hereby file the within Preliminary Objections to Plaintiffs' Complaint as follows:

1. Plaintiffs' Complaint seeks damages for personal injuries allegedly sustained by Henry B. Royer as a result of an automobile accident which occurred on or about Tuesday, September 26, 2000, in Goshen Township, Clearfield County, Pennsylvania.

2. The accident which is the subject of this lawsuit allegedly occurred when a 1995 Ford Ranger pickup truck owned by Defendants Douglas F. Bowman and Barbara A. Bowman traveled across the center line and struck a 1992 Ford F150 pickup truck operated by the Husband Plaintiff Henry B. Royer.

3. Wife Plaintiff Carolyn Royer seeks damages for loss of consortium.

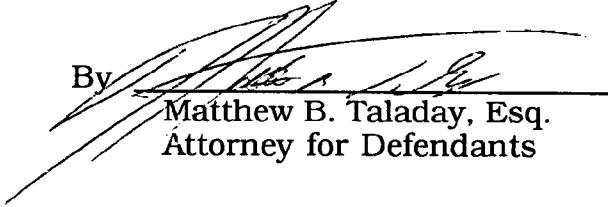
4. While the Plaintiffs' Complaint sets forth the factual basis by which Defendant Adam Douglas Bowman could potentially be held liable for the Plaintiff's injuries, there are no factual or legal allegations set forth which can support a finding of negligence against Douglas F. Bowman and Barbara A. Bowman.

5. Defendants hereby file Preliminary Objections in the nature of demurer in dismissal of all claims against Douglas F. Bowman and Barbara A. Bowman for failure to state a claim upon which relief can be granted.

WHEREFORE, it is respectfully requested that Defendants' Preliminary Objections be granted.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By 
Matthew B. Taladay, Esq.
Attorney for Defendants

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

HENRY B. ROYER and
CAROLYN ROYER,

Plaintiffs

-vs-

No. 02-1455-CD

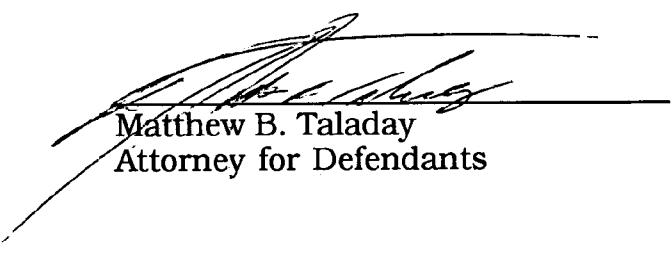
ADAM DOUGLAS BOWMAN,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN,

Defendants

CERTIFICATE OF SERVICE

I certify that on the 17th day of February, 2003, a true and correct copy of Defendants' Preliminary Objections was sent via first class mail, postage prepaid, to the following:

Barbara Hugney-Shope, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay
Attorney for Defendants

FILED

102
cc

10:35 AM
FEB 19 2003
SAC

William A. Shaw
Prothonotary

8

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and
CAROLYN ROYER,
Plaintiffs

-vs-

ADAM DOUGLAS BOWMAN,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN,
Defendants

Type of Case: Civil Action

No. 02-1455-CD

Type of Pleading:

Notice
of Service

Filed on Behalf of:

Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

FEB 19 2003

William A. Shaw
Prothonotary

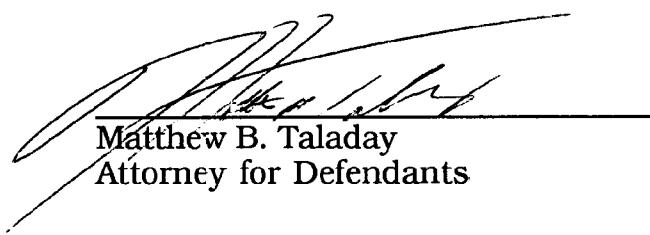
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

HENRY B. ROYER and CAROLYN ROYER, Plaintiffs	:	
-vs-	:	No. 02-1455-CD
ADAM DOUGLAS BOWMAN, DOUGLAS F. BOWMAN and BARBARA A. BOWMAN, Defendants	:	

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being
counsel of record for Defendants, do hereby certify that I propounded
on Plaintiffs, via United States mail, first class, postage pre-paid, this
17th of February, 2003, Defendants' FIRST SET OF DISCOVERY
MATERIALS to the below indicated person, at said address, being
counsel of record for the Plaintiff:

Barbara Hugney-Shope, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830



Matthew B. Taladay
Attorney for Defendants

FILED

MC
37484
FEB 19 2003
2003

William A. Shaw
Prothonotary

Barbara J. Hugney-Shope
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
Clerfield, PA 16830

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO. 02-1455-CD

HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,

vs.

ADAM DOUGLAS BOWMAN, single,
Defendant.

PRAECIPE TO AMEND CAPTION

ED
P. 43
JUN 02 2003

Barbara J. Hugney-Shope
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

vs. * NO. 02-1455-CD

**ADAM DOUGLAS BOWMAN, single,
Defendant.**

*** Type of Pleading: PRAECIPE TO
* AMEND CAPTION**

* Filed on behalf of: PLAINTIFFS:
* HENRY B. ROYER AND
* CAROLYN ROYER

- * **Counsel of Record for Plaintiffs:**
- * **BARBARA J. HUGNEY-SHOPE, ESQ.**
- * Supreme Court I. D. No. 26274
- * 23 North Second Street
- * Clearfield, PA 16830
- * (814) 765-5155

FILED

JUN 02 2003

WILLIAMSON PRESIDENT

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

*

*

*

*

vs.

NO. 02-1455-CD

*

**ADAM DOUGLAS BOWMAN, single,
Defendant.**

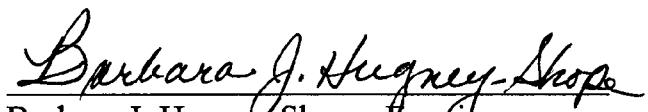
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PRAECIPE TO AMEND CAPTION

TO: WILLIAM A. SHAW, PROTHONOTARY

Please amend the above caption with regard to the name of the Defendant from ADAM DOUGLAS BOWMAN, DOUGLAS F. BOWMAN and BARBARA A. BOWMAN to **ADAM DOUGLAS BOWMAN, single**, Defendant in the above-captioned action.


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

Dated: June 2, 2003

Clearfield, PA 16830
23 N. Second Street
Attorney-at-Law
BARBARA J. HUGNEY-SHOPE

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

NO. 02-1455-CD

HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,

vs.

ADAM DOUGLAS BOWMAN, single,
Defendant.

FIRST AMENDED COMPLAINT

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1.43 134 33-2007
JUN 02 2003
ED

William A. Shaw
Attala County
Barbara J. Hugney

BARBARA J. HUGNEY-SHOPE

Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

vs.

**ADAM DOUGLAS BOWMAN, single,
Defendant.**

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NO. 02-1455-CD

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*** Type of Pleading: FIRST
* AMENDED COMPLAINT**

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*

*** Filed on behalf of: PLAINTIFFS:
* HENRY B. ROYER AND
* CAROLYN ROYER**

*
*
*

*** Counsel of Record for Plaintiffs:
* BARBARA J. HUGNEY-SHOPE, ESQ.
* Supreme Court I. D. No. 26274
* 23 North Second Street
* Clearfield, PA 16830
* (814) 765-5155**

FILED

JUN 02 2003

**William A. Shaw
Prothonotary**

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

vs.

**ADAM DOUGLAS BOWMAN, single,
Defendant.**

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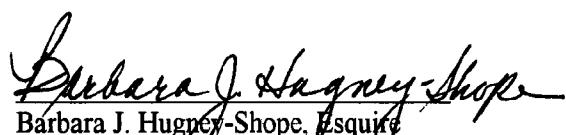
NO. 02-1455-CD

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against these claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any 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 OFFICE SET FORTH BELOW
TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

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

HENRY B. ROYER and	*	
CAROLYN ROYER, his wife,	*	
Plaintiffs,	*	
	*	
vs.	*	NO. 02-1455-CD
	*	
ADAM DOUGLAS BOWMAN, single,	*	JURY TRIAL DEMANDED
Defendant.	*	
	*	

COMPLAINT

AND NOW, come the Plaintiffs, **HENRY B. ROYER** and **CAROLYN ROYER**, by and through their attorney, **BARBARA J. HUGNEY-SHOPE, ESQUIRE**, and make the following Complaint against the Defendant, and in support thereof aver as follows:

FIRST COUNT

Henry B. Royer vs. Adam Douglas Bowman, single,

1. That the Plaintiff, Henry B. Royer, is an adult individual who resides at 308 Frenchville Road, Frenchville, Pennsylvania.
2. That the Defendant, Adam Douglas Bowman, is a single adult individual who resides at R.D. 2, Box 61, Smethport, Pennsylvania.

3. The events and conduct complained of herein occurred on or about Tuesday, September 26, 2000, at or about 12:00 Noon, at a point on State Highway Route 879 in Goshen Township, Clearfield County, Pennsylvania, at or near segment marker 390/400.

4. At said time and place , State Highway Route 879 was a two-lane macadam roadway approximately twenty-one (21) feet in width with one lane for southbound traffic and one lane for northbound traffic.

5. At said time and place, and at all times pertinent hereto, the Plaintiff, Henry B. Royer, was operating a 1992 Ford F-150 pick-up truck bearing Pennsylvania Registration No. YAE 5396 which vehicle was owned by the Plaintiff and his wife, Carolyn Royer, and was traveling from Clearfield toward Frenchville in a northerly direction in the lane for northbound traffic.

6. At said time and place, and at all times pertinent hereto, the Defendant, Adam Douglas Bowman, was traveling in a southerly direction operating a 1995 Ford Ranger pick-up truck bearing Pennsylvania Registration No. WR 1623J, registered in the names of Douglas F. Bowman and Barbara A. Bowman, believed to be the parents of the said Defendant.

7. At said time and place, the Defendant, Adam Douglas Bowman, operated his vehicle in such a negligent, reckless and careless manner by suddenly and without warning while negotiating a right curve caused his vehicle to cross the center line of

State Highway Route 879 directly into the path of the vehicle operated by the Plaintiff thereby colliding with Plaintiff's vehicle, which at that time was traveling in the lane for northbound traffic.

8. Prior to impact, Plaintiff took evasive action by applying his brakes and turning his vehicle onto the berm of the northbound lane; however, the Defendant, Adam Douglas Bowman, failed to gain control of his vehicle and as a result struck Plaintiff's vehicle with great force in the northbound lane.

9. At said time and place, the Defendant, Adam Douglas Bowman, operated his vehicle in such a negligent, reckless and careless manner as to cause or permit his vehicle to collide with Plaintiff's vehicle, thereby causing Plaintiff to sustain serious and possibly permanent injuries and damages as hereinafter more fully set forth;

10. The injuries and damages sustained by the Plaintiff, as hereinafter set forth, were caused by and were the direct and proximate result of the negligence and carelessness of the Defendant, Adam Douglas Bowman, generally and in the following particulars:

- A. In failing to have his vehicle under proper control;
- B. In failing to maintain a proper lookout;
- C. In failing to slow his vehicle upon approaching a sharp right curve when the Defendant knew or by the exercise of reasonable care

should have known that to proceed without slowing his vehicle could result in a collision with any oncoming traffic;

D. In operating his vehicle at an unsafe speed under the circumstances;

E. In failing to yield to Plaintiff the right-of-way reserved for his vehicle;

F. In failing to take evasive action to avoid a collision with the Plaintiff's vehicle which was occupying the northbound lane;

G. In operating his vehicle without due regard for the right, safety and position of the Plaintiff;

H. In otherwise failing to exercise the regard and care for the rights and safety of the Plaintiff required of the Defendant under the law and under the circumstances then and there existing.

11. As a direct and proximate result of the negligence, carelessness and recklessness of the Defendant, Adam Douglas Bowman, as set forth in Paragraph 10 hereof and incorporated herein by reference, the Plaintiff, Henry B. Royer, sustained serious and permanent injuries as follows:

A. Sprain, injury and damage to the muscle tissues and ligaments of the head, neck, shoulder and back and including bilateral fractures of several ribs.

- B. Bruises, contusions, cuts, lacerations and other damage to tissue of his body.
- C. Shock and injuries to the nerves and central nervous system;
- D. Multiple blunt force trauma about the body, including pulmonary contusion, contusion of his right hip; and possible cardiac contusion;
- E. Aggravation of pre-existing arthritis in his right hip; and
- F. Other serious injury.

12. The negligence of Defendant, Adam Douglas Bowman, and Plaintiff's injuries resulting therefrom, as aforesaid, are the direct and legal cause of the Plaintiff incurring the following damages:

- A. He has in the past and will continue in the future to permanently endure great pain and suffering;
- B. His ability to enjoy life has in the past and will continue in the future to be permanently diminished;
- C. He has in the past and may in the future be required to spend sums of money for medical and surgical services, hospitalization, medical supplies, appliances, medicines, drugs, transportation, lodging, and other services and merchandise related to his medical treatment and cure;

D. His general health, strength and vitality have been impaired;

E. Loss of earnings;

F. His earning power has been permanently impaired;

G. Other damages to which he is entitled under the law and under the circumstances of this case.

WHEREFORE, the Plaintiff, Henry B. Royer claims damage from the Defendant in excess of Twenty-five Thousand (\$25,000.00) Dollars together with costs of suit and interest and further, **DEMANDS A JURY TRIAL ON THE ISSUES AND MATTERS RAISED HEREIN..**

SECOND COUNT

Carolyn Royer vs. Adam Douglas Bowman, single

13. That the Plaintiff, Carolyn Royer, is an adult individual who resides at 308 Frenchville Road, Frenchville, Pennsylvania.

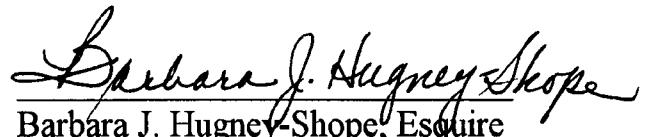
14. That the Plaintiff, Carolyn Royer, is a married individual having been married to the Plaintiff, Henry B. Royer, on February 7, 1959.

15. That the Plaintiff, Carolyn Royer, was residing with her husband, Henry B. Royer, at the time of the accident referred to herein.

16. That the Plaintiff, Carolyn Royer, claims a reasonable amount for loss of consortium.

WHEREFORE, the Plaintiff, Carolyn Royer, claims damage from the Defendant in excess of Twenty-five Thousand (\$25,000.00) Dollars together with costs of suit and interest and further, **DEMANDS A JURY TRIAL ON THE ISSUES AND MATTERS RAISED HEREIN.**

Respectfully submitted,



Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

VERIFICATION

We verify that the statements made in the foregoing First Amended Complaint are true and correct. We understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Henry B Royer
Henry B. Royer

Carolyn Royer
Carolyn Royer

Dated: May 30, 2003

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

VS.

* * *

NO. 02-1455-CD

ADAM DOUGLAS BOWMAN, single,
Defendant.

* * * *

CERTIFICATE OF SERVICE

AND NOW, this 2nd day of June, 2003, I, Barbara J. Hugney-Shope, Esquire, do hereby certify that I served a true and correct copy of the FIRST AMENDED COMPLAINT filed in the above-captioned matter on Matthew B. Taladay, Esquire, Attorney for the Defendant in the above-captioned matter, by depositing the same with the United States Postal Service, postage prepaid, on the 2nd day of June, 2003, at the following address:

Matthew B. Taladay, Esquire
Attorney for Defendant
HANAK, GUIDO & TALADAY
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

Barbara J. Hugney-Shope
Barbara J. Hugney Shope, Esquire
Attorney for the Plaintiffs
23 North Second Street
Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and
CAROLYN ROYER,

Plaintiffs

-vs-

ADAM DOUGLAS BOWMAN,
Defendant

Type of Case: Civil Action

No. 02-1455-CD

Type of Pleading:

Answer and New Matter
to Amended Complaint

Filed on Behalf of:

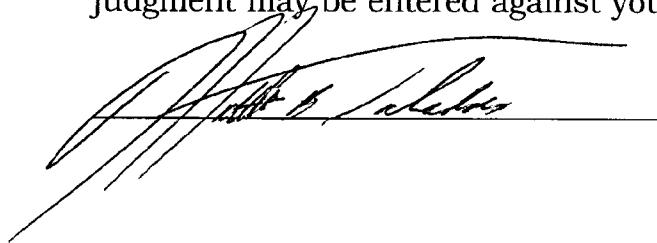
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

You are hereby notified to plead
to the within pleading within twenty
(20) days of service thereof or default
judgment may be entered against you.



FILED

JUN 17 2003

William A. Shaw
Prothonotary

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

HENRY B. ROYER and	:	
CAROLYN ROYER,	:	
Plaintiffs	:	
-vs-		No. 02-1455-CD
ADAM DOUGLAS BOWMAN,	:	
Defendant	:	

ANSWER TO AMENDED COMPLAINT

AND NOW, comes the Defendant, Adam Douglas Bowman, by his attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiffs' Amended Complaint as follows:

First Count

Henry B. Royer vs. Adam Douglas Bowman, single

1. Admitted.

2. Denied. Defendant, Adam Douglas Bowman, currently resides at 223 Pump Station Road, Smethport, PA 16749.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Denied as stated. After reasonable investigation, Defendant, Adam Douglas Bowman, is without information sufficient to form a belief as to how the accident occurred, therefore the allegations set forth in paragraph 7 of the Complaint are denied.

8. Denied as stated. After reasonable investigation, Defendant, Adam Douglas Bowman, is without information sufficient to form a belief as to how the accident occurred, therefore the allegations set forth in paragraph 8 of the Complaint are denied.

9. Denied as stated, however, Defendant, Adam Douglas Bowman, admits liability for the subject accident. With regard to the remaining allegations regarding Plaintiff's injuries, Defendant is without information sufficient to form a belief as to these averments, therefore, the same are denied and strict proof is demanded at the time of trial.

10. Denied as stated, however, Defendant, Adam Douglas Bowman, admits liability for the subject accident. With regard to the remaining allegations regarding Plaintiff's injuries, Defendant is without information sufficient to form a belief as to these averments, therefore, the same are denied and strict proof is demanded at the time of trial.

11. Denied as stated. After reasonable investigation, Defendant, Adam Douglas Bowman, is without information sufficient to form a belief as to how the accident occurred, therefore the allegations set forth in paragraph 11 of the Complaint are denied.

12. Denied as stated. After reasonable investigation, Defendant, Adam Douglas Bowman, is without information sufficient to form a belief as to how the accident occurred, therefore the allegations set forth in paragraph 12 of the Complaint are denied.

WHEREFORE, Defendant, Adam Douglas Bowman, demands judgment in his favor.

Second Count

Carolyn Royer vs. Adam Douglas Bowman, single

13. Admitted.
14. Admitted.
15. Admitted.
16. No response required.

WHEREFORE, Defendant, Adam Douglas Bowman,
demands judgment in his favor.

NEW MATTER

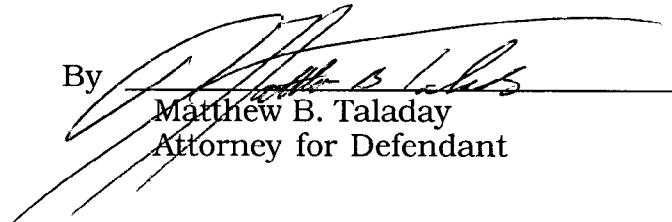
17. Plaintiffs' claims are barred or limited by application
of the Pennsylvania Motor Vehicle Financial Responsibility Law.

WHEREFORE, Defendant, Adam Douglas Bowman,
demands judgment in his favor.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

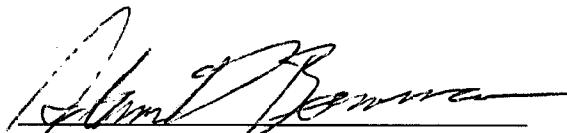

Matthew B. Taladay
Attorney for Defendant

VERIFICATION

I, **Adam Douglas Bowman**, do hereby verify that I have read the foregoing Answer & New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 6-9-03



Adam Douglas Bowman

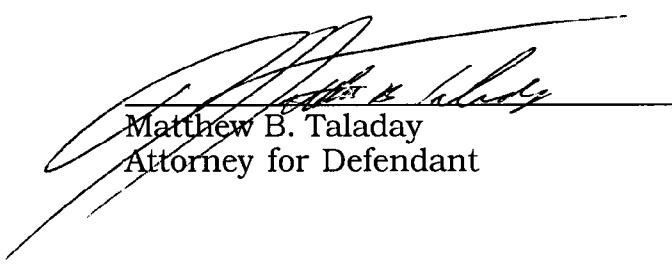
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

HENRY B. ROYER and	:	
CAROLYN ROYER,	:	
Plaintiffs	:	
-vs-		Nc. 02-1455-CD
ADAM DOUGLAS BOWMAN,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I certify that on the 16th day of June, 2003, a true and correct copy of Defendant's Answer and New Matter was sent via first class mail, postage prepaid, to the following:

Barbara Hugney-Shope, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay
Attorney for Defendant

FILED
NO. 10-2545
JUN 17 2003
cc
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and
CAROLYN ROYER,
Plaintiffs

-vs-

ADAM DOUGLAS BOWMAN,
Defendant

Type of Case: Civil Action
No. 02-1455-CD

Type of Pleading:
Certificate
of Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:
Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768



JUL 01 2003

William A. Shaw
Prothonotary

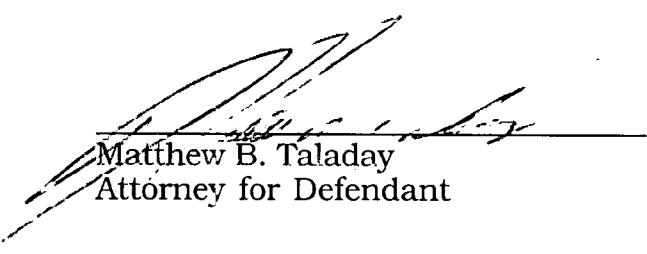
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

HENRY B. ROYER and CAROLYN ROYER, Plaintiffs	:	
-vs-	:	No. 02-1455-CD
ADAM DOUGLAS BOWMAN, Defendant	:	

CERTIFICATE OF SERVICE

I certify that on the 7th day of July, 2003, two original Notices of Deposition, copies of which is attached hereto, were sent via first class mail, postage prepaid, to the following:

Barbara Hugney-Shope, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay
Attorney for Defendant

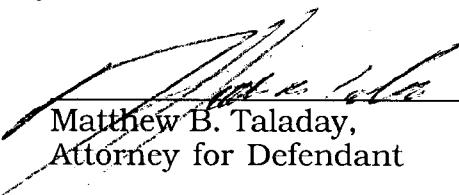
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

HENRY B. ROYER and	:	
CAROLYN ROYER,	:	
Plaintiffs	:	
:		
-vs-	:	No. 02-1455-CD
:		
ADAM DOUGLAS BOWMAN,	:	
Defendant	:	

NOTICE OF DEPOSITION

TO: HENRY B. ROYER
c/o Barbara J. Hugney-Shope, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Friday, July 25, 2003 at 10:00 a.m.** at the law office of Barbara J. Hugney-Shope, 23 North Second Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.


Matthew B. Taladay,
Attorney for Defendant

cc: Schreiber Reporting Service

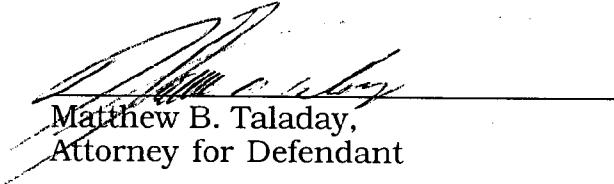
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

HENRY B. ROYER and :
CAROLYN ROYER, :
Plaintiffs :
: :
-vs- : No. 02-1455-CD
: :
ADAM DOUGLAS BOWMAN, :
Defendant :
: :

NOTICE OF DEPOSITION

TO: CAROLYN ROYER
c/o Barbara J. Hugney-Shope, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Friday, July 25, 2003 at 10:00 a.m.** at the law office of Barbara J. Hugney-Shope, 23 North Second Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.


Matthew B. Taladay,
Attorney for Defendant

cc: Schreiber Reporting Service

10.16 SA
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JUL 08 2003
W.A.S.

William A. Shaw
Prothonotary

Barbara J. Hugney-Shope
Attnomey-at-Law
23 N. Second Street
Clearfield, PA 16830

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

NO. 02-1455-CD

HENRY B. ROYER AND CAROLYN ROYER,
Plaintiffs

- vs -

ADAM DOUGLAS BOWMAN, Defendant

PLAINTIFFS' ANSWERS TO INTERRO-
GATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS - FIRST
SET

10/18/02
William A. Hugney-Shope
Attorney-at-Law

Two(2) cc to attorney

Barbara J. Hugney-Shope

Attnomey-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and
CAROLYN ROYER,
Plaintiffs

-vs-

ADAM DOUGLAS BOWMAN,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN,
Defendants

Type of Case: Civil Action
No. 02-1455-CD

Type of Pleading:
PLAINTIFFS' ANSWERS TO
Interrogatories and
Request for Production
of Documents - First Set

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

JUL 11 2003

William A. Shaw
Prothonotary

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

HENRY B. ROYER and
CAROLYN ROYER,

Plaintiffs

-vs-

No. 02-1455-CD

ADAM DOUGLAS BOWMAN,
DOUGLAS F. BOWMAN and
BARBARA A. BOWMAN,

Defendants

PLAINTIFFS' ANSWERS TO
**DEFENDANT'S INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS
PROPOUNDED UPON PLAINTIFFS - FIRST SET**

TO: HENRY B. ROYER and CAROLYN ROYER
c/o BARBARA J. HUGNEY-SHOPE, ESQ.

Definitions and Instructions

Instructions

Pursuant to the provisions of Pa.R.C.P. 4005 and 4006, as amended, you are required to serve on the undersigned, your answers and objections, if any, in writing, to the following Interrogatories, within thirty (30) days after service of the Interrogatories.

The answers shall be inserted in the spaces provided following each Interrogatory. If there is insufficient space to answer an Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

These Interrogatories shall be deemed to be continuing in nature, in accordance with the provisions of Pa.R.C.P. 4007.4 as amended. If between the time of serving your original answers to these Interrogatories, and the time of trial of this matter, you or anyone acting on your behalf learn the identity of persons expected to be called as an expert witness at the trial not disclosed in your Answers or if you or an expert witness obtain information upon the basis of which you or he knows that an answer was incorrect when made, or knows that an answer though correct when made is no longer true, then you shall promptly supplement your original answers under oath to include such information thereafter acquired, and to promptly furnish such supplemental answer to the undersigned.

Definitions

Please note the following definitions and instructions are an integral part of these Interrogatories:

A. "Plaintiff", "you", and "yours" shall mean you or any agent, employee, representative, attorney or any other person acting on behalf of Plaintiff.

B. "Defendant" shall mean Defendant and any officer, employee agent, representative, attorney or other person acting on behalf of Defendant.

C. "Person(s)" include the singular and plural of natural persons, partnerships, associations, incorporations, organizations, governments, including all officers, agents and subdivisions thereof.

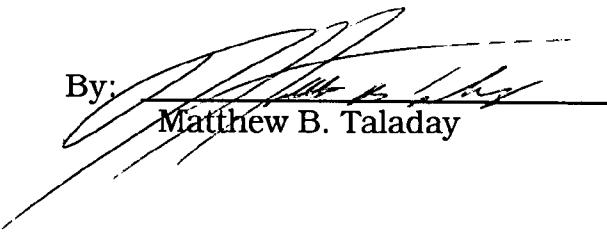
D. "Document" shall mean all written, printed or graphic matter of every kind or description, however produced or reproduced, whether drafted or final, signed or unsigned, and including, but not limited to, written communications, letters, correspondence, memoranda, minutes, notes, photographs, slides, diagrams, sketches, telegrams, sound or tape recordings or materials similar to any of the foregoing, however denominated and by whomever prepared which are in your possession, custody or control, or to which you have, have had or can obtain access.

E. Production in lieu of identification. In lieu of identifying documents, you may supply the documents, or true and correct copies thereof, with your answers to these Interrogatories.

F. In answering these Interrogatories, you must furnish all information which is available to you including that which has been obtained by and which is now in possession of your attorneys,

employees, insurers, agents and other representatives, and not merely information known by the individual or individuals preparing the response.

By:


Matthew B. Taladay

INTERROGATORIES

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

ANSWER: NAME: Henry B. Royer
AGE: 69 years old; born August 6, 1933
ADDRESS: 308 Frenchville Road, Frenchville, PA 16836 (P.O. Box 195)
SOCIAL SECURITY NO. 201-28-8389
EDUCATION: High School Graduate (Clearfield High School)
EMPLOYER: Retired from PA Dept. of Transportation; part-time
employee of Covington Township Supervisors; Frenchville, PA
SPOUSE: Carolyn Royer

2. State Plaintiffs' full names, ages and social security numbers.

ANSWER: HENRY B. ROYER
69 years old
201-28-8389

CAROLYN ROYER
65 years old
170-30-9068

3. State Plaintiffs' exact ages, giving dates and places of birth.

ANSWER: Henry B. Royer
August 6, 1933
At home in Frenchville, PA

Carolyn Royer
September 30, 1937
Philipsburg State Hospital, Philipsburg, PA

4. Has either Plaintiff ever been known by any other names? If so, state each such name and give the date or dates when used.

ANSWER: NO

7. State the names and respective addresses and ages of all Plaintiffss children.

ANSWER: Susanne Royer English - 900 Newberry Rd., Middletown, PA; age 43
Jean Royer Peake - 7740 East Appalachian Trail, Harrisburg, PA; age 42
Nancy Royer Hoover - P.O. Box 59, Westover, PA; age 41
Mary Kay Royer - Frenchville-Karthaus Highway, Frenchville, PA; age 37
Melanie Agatha Royer - 308 Frenchville Road, Frenchville, PA; age 35
Nicole Royer Fedder - Back Street, Frenchville, PA; age 28

8. Identify all persons 16 years of age and older living in the same household as Plaintiffs.

ANSWER: Melanie Agatha Royer - age 35

5. State Plaintiffs' current address. In addition, list chronologically all other addresses at which Plaintiffs resided at any time during the last ten years and for each address state the approximate days during which Plaintiffs resided there.

ANSWER: 308 Frenchville Road, Frenchville, PA 16836
Mailing address: P.O. Box 195, Frenchville, PA 16836
Same address for past 10+ years

6. Identify all persons to whom Plaintiffs are or have ever been married. For each person, state:

- (a) That person's last known address and telephone number;
- (b) The date of marriage to Plaintiff;
- (c) The dates of any and all periods of separation;
- (d) Whether the marriage was terminated;
- (e) The date of termination; and
- (f) The manner in which the marriage was terminated.

ANSWER: Current spouse first and only marriage for both.

9. State whether Plaintiffs or any member of the household in which the Plaintiffs reside owns a motor vehicle. If your answer is affirmative:

- (a) Describe the year, model and make of each such motor vehicle;
- (b) Identify the person who owns the motor vehicle;
- (c) State the registration number of the motor vehicle; and
- (d) Identify the insurance company with which each motor vehicle is insured.

ANSWER: Plaintiffs own:

1988 Ford F-150; VIN 1FTEF14Y7JLA31353

1991 Oldsmobile Cutlass Ciera SL; VIN 2G3AM54NiM2321450

1992 Ford F-150

All insured by Prudential

Melanie Royer owns:

1999 Saturn SL 2; 4 Dr. sedan

Insured by Allstate at time of accident

10. List the names and addresses of persons known or believed by Plaintiffs or any person acting on Plaintiffs' 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: None except Plaintiff, Henry B. Royer, that Plaintiffs are aware of at this time.

11. List the name, address and telephone number of each individual who Plaintiffs believe has information or knowledge regarding the facts and circumstances of the subject accident or the injuries that Plaintiffs are claiming have resulted from this accident.

ANSWER: Plaintiffs and their children; addresses already provided.

Emergency Room Staff at the Clearfield Hospital; see medical records

Treating physicians; see medical records

12. For each individual listed above, please summarize the facts or circumstances of which he or she has knowledge relating to this case.

ANSWER: Plaintiff, Henry B. Royer, would testify as to facts with regard to the accident and his injuries and treatment;

Plaintiff, Carolyn Royer, would testify as to her husband's condition after the accident and through his various surgeries and treatment.

The children of Henry B. Royer would testify as to their father's condition prior to the accident and after.

Emergency and hospital personnel would testify as to the condition of Henry B. Royer immediately after the accident and the treatment provided.

Treating physicians would testify as to Mr. Royer's injuries and the treatment for these injuries as well as prognosis due to the injuries.

13. Did Plaintiffs consume any alcoholic beverage, sedative, tranquilizer, or other drug, medication or pill during the eight (8) hours immediately preceding the accident 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; and
- (d) The names and addresses of the physicians or other persons who gave, purchased or prescribed any of the items.

ANSWER: No alcoholic beverages; medication only.

- (a) Plavix, 75 mg.
- (b) At 8:00 a.m. day of accident
- (c) Wife, Carolyn Royer, same address as Henry B. Royer
- (d) Ralph A. Cardamone, M.D., P.C.; 807 Turnpike Ave., Clearfield, PA

- (a) Lasix, 20 mg.
- (b) At 8:00 a.m. day of accident
- (c) Wife, Carolyn Royer, same address as Henry B. Royer
- (d) Donald E. Conrad, D.O., 502 Park Ave., Clearfield, PA

- (a) Aspirin, 81 mg. and Centrum Silver
- (b) At 8:00 a.m. day of accident
- (c) Wife, Carolyn Royer, same address as Henry B. Royer
- (d) Self

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

- (a) Subject matter on which the expert is to testify;
- (b) The facts and opinions to which the expert is to testify;
- (c) 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; and
- (g) The date, name and author of any text book, document or other source relied upon by the expert in rendering his opinion and testimony.

ANSWER:

Michael T. Dotsey, M.D., P.C.
807 Turnpike Avenue, Clearfield, PA 16830
General Surgeon

- (a) Medical condition of Plaintiff, Henry B. Royer, before and after accident
- (b) As a result of accident, Henry B. Royer, was required to undergo surgery to correct multiple problems caused and/or aggravated by accident.
- (c) Same as (b)
- (d) Medical tests including but not limited to X-rays, etc.
- (e) Not applicable
- (f) Not applicable
- (g) Not applicable

Donald E. Conrad, D.O.
502 Park Avenue, Clearfield, PA 16830
General Practitioner

- (a) Medical condition of Plaintiff, Henry B. Boyer, before

(Con't)

No. 14 (Cont'd)

and after accident. Dr. Conrad was regular physician seen by Plaintiff, Henry B. Royer, for some time before the accident.

- (b) As a result of accident, Henry B. Boyer, had multiple problems that did not respond to treatment with medication or physical therapy and surgery was required.
- (c) Dr. Conrad continues to be Mr. Royer's regular physician and continues to see him on a regular basis.
- (d) Medical testing; physician's training and experience
- (e) Not applicable
- (f) Not applicable
- (g) Not applicable

15. Please list each and every automobile accident in which Plaintiffs have been involved as a driver, passenger or pedestrian and for each specify:

- (a) Date, month, year and place of each such accident;
- (b) Your involvement in the accident, i.e., driver, passenger, pedestrian;
- (c) Any injuries you may have sustained in each accident, including any residual injuries;
- (d) Brief description of the operative facts of each accident above mentioned; and
- (e) Whether or not you made any claim for personal injuries as a result of the accidents.

ANSWER: AS TO PLAINTIFF, HENRY B. ROYER:

In excess of 15 years ago, Mr. Royer had a single vehicle accident because of a mechanical problem with his pick-up truck; He was operating the vehicle, there were no passengers and no one was injured.

Prior to 1991 while plowing snow for his employer, PA Dept. of Transportation, and using their vehicle, the truck bed caught in the utility wires that were weighed down with snow. There were no personal injuries as a result of this accident.

AS TO PLAINTIFF, CAROLYN ROYER:

Approximately 9 or 10 years ago, Mrs. Royer was traveling West on Rte. 322 in Mifflin County, PA, when an oncoming vehicle lost a wheel that rolled across the highway striking her vehicle. There were no personal injuries as a result of this accident.

16. With regard to each accident set forth above, please state:

- (a) Any and all injuries sustained as a result of each accident;
- (b) List all doctors, medical facilities, practitioners, and clinics which provided diagnosis or treatment for these injuries;
- (c) List date and place of each service provided in connection with these injuries;
- (d) Have you made a full recovery from the injuries above noted?

ANSWER: (a) None
(b) None
(c) NOne
(d) N/A

17. Are Plaintiffs or anyone acting on behalf of Plaintiffs in possession of, or know of, the existence of any photographs, blueprints, sketches, drawings, diagrams or plans of the instrumentalities, locality or any other matter involved in the accident at issue? If so, state:

- (a) The nature of the document and the names and addresses of the person or persons preparing such document, and the date of its preparation;
- (b) The name and address of the person presenting having possession or custody of each such document;
- (c) Specific subject matter of the document;
- (d) Date it was made or taken;
- (e) What the document purports to show, illustrate or represent; and
- (f) Please attach a copy of each document referred to in response to the preceding Interrogatory.

ANSWER:

- (a) Police report - Tpr. Grattan, PSP, Woodland Barracks, Sept. 26, 2000;
- (b) Plaintiffs have a photocopy obtained from PA Dept. Motor Vehicles
- (c) Details of accident; parties' statements
- (d) September 26, 2000
- (e) Details of accident and parties' statements

- (a) Photographs of Plaintiff's and Defendant's vehicles; Plaintiff, Carolyn Royer took photographs on or about September 26, 2000
- (b) Plaintiffs
- (c) Vehicles after accident showing damage to front ends
- (d) Taken September 26, 2000
- (e) See (c) above

No. 17. Cont'd

- (a) Photographs of Plaintiff, Henry Royer, depicting chin lacerations incurred in accident; 9-29-00; taken by Carolyn Royer
- (b) Plaintiffs
- (c) Shows bruising and sutures in chin area
- (d) September 29, 2000
- (e) See (c) above

18. Have Plaintiffs or any one acting on Plaintiffs' behalf conducted any investigation which is the subject matter of the Complaint? If so, identify:

- (a) Person and the employer of each person who conducted any investigation;
- (b) The dates of any investigations;
- (c) All notes, reports or other documentation prepared during or as a result of the investigation;
- (d) The identity of the person who has possession thereof; and
- (e) Please forward copies of all documents referenced in response to the preceding Interrogatory.

ANSWER: Not at this time. Plaintiffs understand from Defendant's Answer to their Complaint that he is not denying liability; therefore, no accident reconstruction or other investigation was conducted. In the event that Defendant changes his position with regard to liability, Plaintiffs may request such an investigation.

19. Have Plaintiffs ever previously been involved in a lawsuit? If so, state:

- (a) Date and location of the action;
- (b) Nature of the action;
- (c) Names and addresses of the parties;
- (d) The disposition of the action; and
- (e) Name and address of the attorney who represented Plaintiffs.

ANSWER: NO

20. Have Plaintiffs ever been convicted of a crime? If so, state:

- (a) The nature of the conviction;
- (b) The date and location of the conviction; and
- (c) The penalty imposed.

ANSWER: NO

21. With the exception of any depositions taken for purposes of this case, have Plaintiffs made any statement, whether in writing, tape recording, or otherwise, to any person regarding any of the events referred to in the Complaint? If so, state:

- (a) The names and addresses of each person to whom such statement was made;
- (b) The date of such statement;
- (c) The form of the statement;
- (d) Whether such statement was written or signed; and
- (e) The names and addresses of the persons presently having custody of such statement.

ANSWER:

- (a) Joe Bucek, Claims Representative of Erie Insurance
Current address unknown
- (b) November 8, 2000
- (c) Verbal responses to questions from Mr. Bucek
- (d) Mr. Bucek took notes; Plaintiffs did not sign
- (e) Unknown

22. Identify all exhibits which Plaintiffs expect to offer into evidence at the time of trial in this case.

ANSWER:

1. Medical records
2. Medical expenses
3. Receipts for prescriptions, replacement of glasses, etc.
4. Income statements from Covington Township
5. Photographs of vehicles and Plaintiff-Henry B. Royer
6. Plaintiffs reserve right to offer additional exhibits should they become aware of same; copies will be provided to Defendant should that occur

23. Please identify all medical witnesses Plaintiffs intend to call at trial of this matter.

ANSWER: Michael T. Dotsey, M.D.

Donald E. Conrad, D.O.

24. Set forth the names and office addresses of any and all physicians or other licensed medical practitioners who have examined or treated the Plaintiffs for any injuries allegedly sustained in the accident, stating for each physician or licensed medical practitioner, the number of occasions on which such treatment was given, or examination performed, the specific dates on which treatments or examinations occurred, and the date or dates on which the Plaintiffs were discharged from the care of the physician or medical practitioner.

ANSWER: SEE ATTACHED SUMMARY

24. SUMMARY OF NAMES AND OFFICE ADDRESS OF MEDICAL PROVIDERS
FOR INJURIES IN CHRONOLOGICAL ORDER AND TREATMENT:

September 26, 2000

CLEARFIELD HOSPITAL EMERGENCY DEPARTMENT

Physician: Dr. Mark Shaw

TREATMENT: Laboratory

CAT Scan Abdomen

Suturing of laceration under chin

E.C.G., Transthoracic, heart, complete Doppler Echo Exam
of heart, complete Doppler Color Flow Velocity Mapping

CAT Scan Thorax

X-ray cervical spine

X-ray jaw

Transported via Life Flight to Hershey Medical Center. Dr. Shaw ordered this
due to questionable heart contusion and Clearfield Hospital was not capable of
handling if problem arose.

DIAGNOSIS: Contusion of Lung

Bilateral rib fractures

Laceration under chin with sutures

Questionable contusion of heart

September 26 and 27, 2000

HERSHEY MEDICAL CENTER (VIA helicopter)

EMERGENCY ROOM:

Dr. Robert Cooney

TREATMENT: Pelvic X-ray

Chest X-ray

Lumboracral, thoracic, cervical spine X-rays

Monitored overnight on telemetry

Physical therapy consult

Oxycontin 20mg. q 12hr

Percocet 1-2 tablets Q4 hrs

Bacitracin Ointment to chin laceration breakthrough

Pulmonary Function

Respiratory svs

DIAGNOSIS: Bilateral rib fractures

Pulmonary contusion

Possible cardiac contusion

c/o Pain in right hip; Resident doctor stated pelvic X-ray negative for
fracture - probably "stoved."

To return to Hershey Medical Center Trauma Clinic - October 19, 2000

DONALD E. CONRAD, D.O.

502 Park Avenue

Clearfield, PA 16830

(Family Physician)

October 4, 2000 - Check-up following accident

Sutures removed from chin

Lungs checked - ribs painful

Ambulation painful with limp

October 23, 2000 - (1) Left inguinal hernia

(2) Limping very pronounced - X-ray right hip

(3) Referral to Dr. Michael T. Dotsey

(4) Physical Therapy ordered - Therapy Works of Clearfield Hospital

November 29, 2000 - (1) Increasing pain right hip, thigh, knee

(2) X-ray both knees

(3) Limping very pronounced

(4) Scheduled bone scan for 12-2-00 at Clearfield Hospital

(5) Left inguinal hernia same - able to reduce it

(6) Scheduled appoint with Orthopedist, Rodolfo S. Polintan for
12-29-00

April 17, 2000 - Pre-surgical exam - RE: left inguinal hernia repair

September 19, 2001 - Pre-surgical exam - RE: right hip replacement

MICHAEL T. DOTSEY, M.D.

807 Turnpike Avenue

Clearfield, PA 16830

Surgical referral

October 30, 2000 - (1) Re-check fractured ribs

(2) Left inguinal hernia - instructed how to reduce strangulation
symptoms

(3) Wait 6 weeks before repairing - ribs will be healed more;
body recovered more from trauma from accident

(4) Increasing pain in right hip, thigh, and knee; limping very
pronounced

November 13, 2000: (1) Fractured ribs healing

(2) Right hip pain, thigh, knee increasing

(3) Scheduled for surgical repair left inguinal hernia 12-6-00

(4) Increased discomfort left inguinal area

(5) Difficulty ambulating

November 30, 2000: (1) Pain right knee, hip and groin - ambulation difficult

(2) Surgical repair left inguinal hernia on hold

(3) Epigastric discomfort

(4) Ordered abdominal ultrasound 12-01-00

(5) Advil tablets - 2-tid

(6) Use heat on right hip and thigh

December 5, 2000: (1) Continue Advil tablets 2 three times per day
 (2) Darvocet tab at least daily
 (3) Continue using heat as needed
 (4) Having to reduce hernia 2 - 3 times per day
 (5) Surgery canceled due to need for cholecystectomy
 (6) Arthritic hot spots right hip
 (7) Increasing pain and difficulty walking
 (8) Pain right hip and knee

January 11, 2001: (1) Pre-surgical check-up - checked ribs and left inguinal hernia; still increased pain right hip, thigh and knee; ambulating with cane; cholecystectomy scheduled for 1-15-01

January 22, 2001: (1) Post-cholectectomy re-check. Ribs healed; advised to take it easy. Ambulation pain and resting pain right hip remain; Using cane for ambulation

February 12, 2001: (1) Re-check ribs and left inguinal hernia; no improvement right hip pain; using cane

March 26, 2001: (1) Re-check ribs and left inguinal hernia, no improvement right hip pain. Hernia repair scheduled for 4-23-01; using cane for ambulation

April 17, 2001: (1) Pre-surgical check-up; complaints of right hip pain and in thigh and knee increasing; ambulates with cane. Must rest after short periods of ambulation; continues to take Advil tablets 2 three times per day. Left inguinal repair scheduled for 4-23-01

April 23, 2001: Surgical Repair of Inguinal Hernia - Clearfield Hospital (Dr. Dotsey)
 Admitted 4-23-01 - Discharged 4-29-01

May 10, 2001: Post-surgical Left Inguinal Hernia Repair; Complaints of right hip, thigh and knee pain continues; using cane to steady ambulation

THERAPY WORKS OF CLEARFIELD HOSPITAL:

Rte. 879
 Clearfield, PA 16830

Therapy to right hip - Mitchell R. Henry, P.T.

10-26-00	11-10-00	11-24-00	12-15-00
10-30-00	11-14-00	11-27-00	12-19-00
10-31-00	11-15-00	12-04-00	12-21-00
11-02-00	11-17-00	12-08-00	
11-06-00	11-20-00	12-11-00	
11-08-00	11-22-00	12-13-00	

No Improvement in Ambulation or reduction in pain; ambulating with cane
 Only able to drive short distances (1 to 2 miles)
 Wife drove to therapy

MILTON HERSHEY MEDICAL CENTER

Trauma Clinic

Dr. James Smith

October 19, 2000: Re-check following 9-26 and 9-27 treatment at Milton Hershey

Medical Center Hospital

Pain bilaterally in ribs

Difficulty ambulating due to pain in right hip

Lump in left inguinal area

DIAGNOSIS: Healing bilateral rib fractures

Left inguinal hernia

Arthritis/trauma right hip

Ribs will take 10 to 12 weeks to heal

Unable to drive due to hip pain and pain in ribs. Uncomfortable when left inguinal hernia protruded and was reduced.

Referred to Dr. Michael T. Dotsey; 807 Turnpike Avenue, Clearfield, PA 16830; closer to patient's home

RODOLPHO S. POLINTAN, M.D., P.C.

807 Turnpike Avenue

Clearfield, PA 16830

Orthopedic Surgeon

December 12, 2000: Orthopedic consult for right hip pain and difficulty ambulating

Reviewed X-rays and CAT Scan

DIAGNOSIS: Needs right hip replacement

Ambulate with cane for stability

Arthritis aggravated by accident

August 21, 2001: To schedule surgery; right hip replacement

(1) Pain in right hip worsening; also in knee and thigh

(2) Ambulation more difficult; ambulates with cane and frequent stops to rest

(3) Pain increasing in right hip with rest in chair or bed

(4) Unable to drive more than 1-2 miles due to pain in right hip

(5) Advil tablets 2 three times per day

DIAGNOSIS: (1) Need right hip replacement; scheduled for 10-4-01

(2) Need to have 2 pints of blood drawn by Red Cross in case needed for surgery

(3) Have physical by Dr. Donald E. Conrad

(4) Pre-surgical lab and chest X-ray

September 26, 2001 - Pre-surgical consult

DIAGNOSIS: Right hip replacement scheduled for 10-4-01

HOSPITALIZED - October 4, 2001 through October 8, 2001

TRANSITIONAL CARE UNIT - October 8, 2001 through October 17, 2001

OPERATIVE REPORT: Arthritis aggravated by accident

October 23, 2001 - Post-surgical re-check right hip replacement

Check incision; using walker for ambulation

November 12, 2001 - Post surgical re-check right hip replacement;
incision healing; using walker for ambulation;
pain relief since surgery

December 24, 2001 - Re-check right hip replacement; incision healed
X-rays done; ambulation with cane; pain on
ambulation decreased

RED CROSS, State College:

September 19, 2001 - pint of blood drawn for surgery

RED CROSS, DuBois:

September 27, 2001 - pint of blood drawn for surgery

**CLEARFIELD HOSPITAL HOME HEALTH VISITS FOLLOWING RIGHT HIP
REPLACEMENT ON 10-4-01:**

HOME HEALTH R.N. VISITS - 10-18-01 THROUGH 11-21-01

PHYSICAL THERAPISTS VISITS - 10-18-01 THROUGH 11-19-01

Continued improvement in ability to ambulate; pain decreased daily; able to
ambulate with single point cane to ambulate with out aide

MARK PIASIO, M.D. (second opinion)

145 Hospital Avenue

DuBois, PA

Orthopedic Surgeon

January 25, 2001 - Orthopedic Consult

No pain relief; ambulates with cane; difficulty ambulating; feels
like leg wants to give out; uses cane

UNIVERSITY ORTHOPEDIC CENTER (second opinion)

101 Regent Court

State College, PA 16801

Thomas J. Ellis, D.O. - Orthopedic Consult

June 20, 2001 - Consult; re right hip pain and difficulty ambulating -
unsteady at times; uses cane; needs new right hip

June 21, 2001 - Centre Community Hospital for injection
in right hip ordered by Dr. Ellis
Temporary relief only

HOSPITALS

9-26-00 - Clearfield Hospital - Emergency Room; Laboratory; Imaging
9-26-00 to 9-27-00 - Hershey Medical Center - Emergency Room; Laboratory; Imaging
10-19-00 - Hershey Medical Center - Trauma Clinic
10-26-00 to 12-21-00 - Therapy Works of Clearfield Hospital
12-1-00 - Clearfield Hospital - Abdominal Ultrasound
12-2-00 - Clearfield Hospital - Bone Scan and X-rays
12-6-00 - Clearfield Hospital - Carotid Ultrasound
4-17-01 - Clearfield Hospital - Pre-surgical Laboratory and X-ray Left Inguinal hernia
4-23-01 to 4-29-01 - Repair Left Inguinal Hernia (hospital stay)
6-21-01 - Centre Community Hospital - Fluoro-guided injection in right hip
7-30-01 - Clearfield Hospital - Stress test and laboratory work
9-28-01 - Clearfield Hospital - Presurgical Laboratory and X-ray for right hip replacement
10-4-01 to 10-8-01 - Clearfield Hospital - Right Hip Replacement Surgery (hospital stay)
10-8-01 to 10-17-01 - Clearfield Hospital -Transitional Care Unit (hospital stay)
12-24-01 - Clearfield Hospital - Recheck X-ray for right hip replacement

25. Set forth the exact amount of medical bills incurred by Plaintiffs or paid on Plaintiffs' behalf as a result of treatment rendered as a result of injuries allegedly sustained in the accident.

SEE ATTACHED SHEET

ANSWER:

No. 25

AMBULANCE - CLEARFIELD EMS, INC.

09-26-00 - \$ 535.00

FIRE COMPANY #1 RESCUE SERVICE

09-26-00 - 500 00

GEISINGER MEDICAL CENTER - (LIFE FLIGHT)

09-26-00 - 11,103.00 (Helicopter & Advanced Life Support Mileage)
09-26-00 - 72.00

MILTON S. HERSHEY MEDICAL CENTER

9-26 - 9-27-00 - \$5,269.55

J. STANLEY SMITH, M.D.

10-19-00 - 65.00

CLEARFIELD HOSPITAL

9-26-00 - \$5,092.80
10-26 - 10-31-00 - 285.00 (Therapy Works)
11-02 - 11-27-00 - 1,075.00 (Therapy Works)
12-04 - 12-21-00 - 1,013.00 (Therapy Works)
12-02-00 - 1,149.00 (Radiology and Nuclear Medicine)
12-06-00 - 762.00 (Radiology)
04-17-01 - 235.00 (Radiology, Laboratory, E.K.G.)
04-23-01 - 04-29-01 - 9,423.87 (Repair of left inguinal hernia)
05-03-01 - 33.00 (Laboratory)
07-30-01 - 3,670.75 (Chemical Stress Test prior to hip surgery)
09-28-01 - 368.50 (Radiology, Laboratory, E.K.G.)
10-04 - 10-08-01 - 27,218.45 (Replacement of right hip)
10-08 - 10-17-01 - 10,411.86 (Transitional care following hip surgery)
12-24-01 - 102.00 (Radiology)

DONALD E. CONRAD, D.O.

10-04-00 - 47.00
10-23-00 - 103.00
11-29-00 - 197.00
04-17-01 -
09-19-01 - 49.00
10-05 - 10-7-01 - 184.00
10-09 - 10-17-01 - 240.00
11-19-01 - 49.00

MICHAEL T. DOTSEY, M.D.

10-30-00 - 115.00
11-13-00 - 50.00

11-30-00	-	50.00
04-17-01	-	79.00
04-23-01	-	878.00
04-26-01	-	121.00

RODOLFO POLITAN, M.D.

09-26-01	-	65.00
10-04-01	-	4,500.00
06-12-02	-	40.00

R & R (RADIOLOGY) CONSULTANTS

09-26-00	-	\$1,020.00
10-30-00	-	72.00
12-02-00	-	366.00
12-06-00	-	672.00
04-17-01	-	32.00
04-24-01	-	32.00
04-26-01	-	116.00
07-30-01	-	475.00
09-28-01	-	32.00
10-04-01	-	25.00
10-07-01	-	34.00
12-24-01	-	34.00

RALPH A. CARDAMONE, M.D., P.C.

09-26-00	-	30.00
04-17-01	-	30.00
08-15-01	-	90.00
09-28-01	-	30.00
10-4 to 10-07-01	-	360.00

SUSQUEHANNA ANES ASSOC.

04-23-01	-	720.00
10-04-01	-	1,140.00

MICHAEL F. REED

10-04-01	-	16.00
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TERRENCE E. BABB, M.D.

10-04-01	-	750.00
10-04-01	-	570.00

MARK PIASIO, M.D.

01-25-01	-	
----------	---	--

UNIVERSITY ORTHOPEDIC CENTER (Thomas J. Ellis, D.O.)

06-20-01

06-21-01

CLEAR CARE CORP. (PURCHASE WALKER)

10-17-01 99.81

WISE EYES OF CLEARFIELD (REPLACE GLASSES DAMAGED IN ACCIDENT)

10-13-01 304.00

RITE AID PHARMACY (Prescriptions from Hershey)

09-27-00 102.67

WAL-MART PHARMACY

7.00

AMES DEPARTMENT STORE (ankle weights recommended by therapist)

13.35

OTHER EXPENSES:

Replace jacket ruined in accident 26.97

CAROLYN ROYER - MILEAGE

26. List each and every item of injury which you allegedly sustained in the subject accident.

ANSWER:

1. Bilateral fractured ribs
2. Laceration under chin
3. Left inguinal hernia - requiring surgery
4. Right hip trauma - aggravated existing arthritic changes requiring right hip replacement
5. Multiple contusions and bruises

27. For each injury above listed, please list:

- (a) Each physician, practitioner, hospital or institution providing diagnosis or treatment;
- (b) List each and every doctor consultation, appointment, treatment, modality, and therapy incurred;
- (c) For each injury above, state whether you have made a full recovery, and if not, please list the names of each and every physician or practitioner providing continuing care for said injury.

ANSWER: See Summary attached as response to No. 24

28. Identify all persons, representatives, insurers or attorneys who have knowledge or information concerning the nature and extent of the injuries allegedly suffered by Plaintiffs as a result of the accident that is the subject of this lawsuit.

ANSWER: Plaintiffs

Susie English, daughter, R.N.

Melanie Royer, daughter

Ralph Anderson, supervisor on township job

Barbara J. Hugney-Shope, Esquire. attorney

29. State whether any of the alleged injuries resulted in any permanent disability to any part of Plaintiffs' body. If so, describe in full and specific detail the nature and degree of the disability and the parts of the body affected.

ANSWER: There has been a permanent effect on Mr. Royer's ability to do certain activities as follows:

- 1) limitations on lifting
- 2) limitation on his ability to walk reasonable distances
- 3) unable to continue work for township which required both lifting and walking

30. Identify each health, accident, disability, hospitalization, medical, automobile, or other insurance policy under which Plaintiffs are eligible to receive any benefits as a result of the damages and injuries for which recovery is being sought in this case. For each such insurance policy:

- (a) Identify the company providing the insurance;
- (b) State the number of the policy;
- (c) Describe the type of insurance;
- (d) State the applicable policy limits;
- (e) State whether you have submitted a claim for payment or reimbursement under the policy; and
- (f) State the date and amount of all benefits received thus far.

ANSWER:

- (a) PRUDENTIAL PROPERTY AND CASUALTY INS. CO.
- (b) Policy No. 282A834044
- (c) Automobile Insurance
- (d) \$10,000 Personal Injury Protection
- (e) Claims were submitted and benefits exhausted
- (f) January 8, 2001 - \$10,000

31. State whether Plaintiffs have ever received welfare or public assistance payments of any kind. If so, state the dates during which such payments were received. Describe the exact nature of the public assistance under which such payments were received and the total amount of payments received by Plaintiffs up to the present time.

ANSWER: No

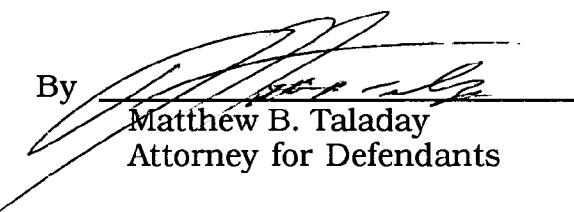
32. State whether Plaintiffs are now or has ever received any Social Security Disability or SSI payments of any kind. If so, state the dates from which such payments were received, the amount of the payments, and disability, condition or other reason for which Plaintiffs have received such payments.

ANSWER: Plaintiffs are both retired and receive pension and social security benefits.

HANAK, GUIDO AND TALADAY

Date: 02/17/03

By


Matthew B. Taladay
Attorney for Defendants

Answered By:

Date: 6-20-03


Barbara J. Hugney-Skope

VERIFICATION

I, HENRY B. ROYER & CAROLYN ROYER, do hereby verify that I have read the foregoing Answers to Interrogatories. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: June 20, 2003

Henry B Royer
Carolyn Royer

TO: HENRY B. ROYER and CAROLYN ROYER, Plaintiff
c/o BARBARA J. HUGNEY-SHOPE, ESQ.

You are hereby requested, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure to produce and make available to: Matthew B. Taladay, Esquire, Attorney for the Defendant, thirty days from the date of this document, at his office at 498 Jeffers Street, DuBois, Pennsylvania 15801, for the purpose of inspecting, reproducing, and photocopying the following described and identified documents, papers and writings.

This Request for Production of Documents may in the alternative be complied with by photocopying or reproducing the hereinafter mentioned documents, records, writings, photographs, films and video tapes and making such reproductions or photocopies available to Matthew B. Taladay, Esq., 498 Jeffers Street, DuBois, Pennsylvania 15801.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. A photostatic copy or like reproduction of any and all investigative reports, statements, memoranda, or other records in possession or control of the Plaintiffs, Plaintiffs' Attorneys, agents or representatives pertaining to the subject matter of this action.

2. Any and all statements, signed or unsigned, as defined by Rule 4003.4 of the Rules of Civil Procedure for all witnesses, including any statements from the parties herein.

3. All photographs, maps, sketches, diagrams, plans, video tapes or films of the scene of the incident or any instrumentality involved therein.

4. Any and all documents containing the names and addresses of individuals contacted as potential witnesses.

5. All reports and/or statements of any and all experts who will testify at trial.

6. All medical reports, records, documents and writings pertaining to hospitalization, treatment or care of Plaintiffs as a result of the occurrence complained of in the pleadings.

7. Any and all documents, papers, records, reports or writings prepared by any and all doctors, physicians, physical therapists, chiropractors, hospitals, institutions, and other practitioners who examined, treated or otherwise attended to Plaintiffs as a result of the occurrence complained of in the pleadings.

8. All records, reports, correspondence and documentation of payments made as a result of any first party claim, whether for wage loss or medical benefits, arising out of the subject accident.

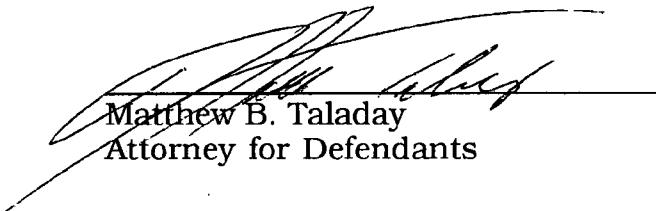
9. The Federal and State Income Tax Returns filed by the Plaintiffs in each of the three (3) years prior to the occurrence as well as all returns filed thereafter.

10. Please provide copies of all documents which you claim prove any items of economic loss for which you are seeking recovery in this case.

Paragraphs 1 - 10. RESPONSES TO DEFENDANT'S REQUEST FOR DOCUMENTS ARE PROVIDED UNDER SEPARATE COVER.

Respectfully submitted,

Date: 02/17/03


Matthew B. Taladay
Attorney for Defendants

Answered By,

Date: July 7, 2003


Barbara J. Hughey-Shoppe

14
FILED

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

OCT 22 2003

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

William A. Shaw

Prothonotary Clerk of Courts

10/21/03

DATE PRESENTED

CASE NUMBER	TYPE	TRIAL REQUESTED	ESTIMATED TRIAL TIME
02-1455-CD Date Complaint Filed: 02/05/03	(x) Jury () Arbitration	Non-Jury	2 Days

PLAINTIFF(S)

HENRY B. ROYER and CAROLYN ROYER ()

DEFENDANT(S)

ADAM DOUGLAS BOWMAN ()

Check Block if
a Minor is a
Party to the
Case

ADDITIONAL DEFENDANT(S)

()

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

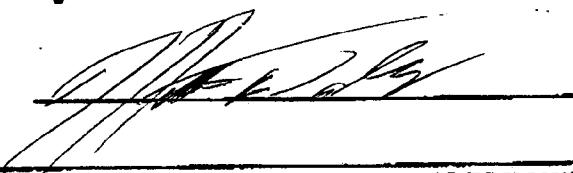
Plaintiff 02/05/03

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

more than
\$ 25,000.00 () yes () no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.



FOR THE PLAINTIFF

TELEPHONE NUMBER

Barbara J. Hugney-Shope, Esq.

(814) 765-5155

FOR THE DEFENDANT

TELEPHONE NUMBER

Matthew B. Taladay, Esq.

(814) 371-7768

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

FILED *110:44 AM*
Oct 22 2003 copy to cja

William A. Shaw
Prothonotary/Clerk of Courts

WAS

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

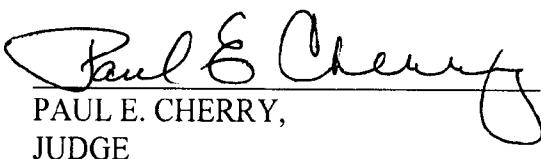
HENRY B. ROYER and : NO. 02-1455-CD
CAROLYN ROYER :
: V. :
: :
ADAM DOUGLAS BOWMAN :
:

ORDER

AND NOW, this 23rd day of January, 2004, following Pre-Trial Conference, it is
the ORDER of this Court:

1. The Discovery deadline in this matter for the taking of Depositions and exchange to opposing counsel shall be no later than March 31, 2004.
2. Motions in Limine shall be filed by and no later than fifteen (15) days prior to the commencement of trial.
3. The parties shall provide suggested Points for Charge by and no later than March 31, 2004.
4. Jury Selection in this matter is scheduled for 9:00 A.M. on January 29, 2004, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.
5. Jury Trial in this matter is scheduled for April 26 and 27, 2004, at 9:00 A.M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, Pennsylvania.
6. The parties shall mark all exhibits for trial in advance of trial to speed introduction of exhibits.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

JAN 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
1cc Amy Shore
1cc Amy Taladay
JAN 26 2004
SAC

William A. Shaw
Prothonotary/Clerk of Courts

2
BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
Clefield, PA 16830

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

NO. 02-1455-CD

HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,

vs.

ADAM DOUGLAS BOWMAN, single,
Defendant.

MOTION TO EXTEND TIME FOR TAKING
DEPOSITION OF MEDICAL EXPERT
WITNESS FOR USE AT TRIAL

3-06-04 3:00 PM
MAR 24 2004
KRP

BARBARA J. HUGNEY-SHOPE

Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

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

HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,

*
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*
*

vs.

* **NO. 02-1455-CD**

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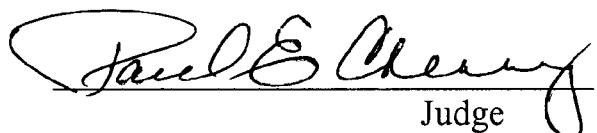
ADAM DOUGLAS BOWMAN, single
Defendant.

* **Type of Case: CIVIL ACTION**

O R D E R

AND NOW, this 24th day of March, 2004, upon consideration of Plaintiff's Motion to Extend Time for Taking Deposition of Medical Expert Witness for Use at Trial, it is hereby ORDERED that Plaintiff's Motion is hereby granted.

BY THE COURT,


Judge

013:06 p.m.
MAR 24 2004
3 cc to attorney

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

vs.

**ADAM DOUGLAS BOWMAN, single
Defendant.**

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* NO. 02-1455-CD
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* Type of Case: CIVIL ACTION
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*
* Type of Pleading: MOTION TO EXTEND
* TIME FOR TAKING DEPOSITION OF
* MEDICAL EXPERT WITNESS FOR USE
* AT TRIAL
* Filed on behalf of: PLAINTIFFS
* HENRY B. ROYER
* CAROLYN ROYER
*
*
* Counsel of Record of this Party:
* BARBARA J. HUGNEY-SHOPE, ESQUIRE
*
* Supreme Court I. D. No. 26274
* 23 North Second Street
* Clearfield, PA 16830
* (814) 765-5155

FILED

MAR 24 2004

William A. Shaw
Prothonotary

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

HENRY B. ROYER and *
CAROLYN ROYER, his wife, *
Plaintiffs, *
*
* **vs.** * **NO. 02-1455-CD**
ADAM DOUGLAS BOWMAN, single *
Defendant. * **Type of Case: CIVIL ACTION**

**MOTION TO EXTEND TIME FOR TAKING DEPOSITION
OF MEDICAL EXPERT WITNESS FOR USE AT TRIAL**

AND NOW, comes BARBARA J. HUGNEY-SHOPE, ESQUIRE, attorney of record for Plaintiffs, Henry B. Royer and Carolyn Royer, in the above-captioned matter and file this Motion and avers as follows:

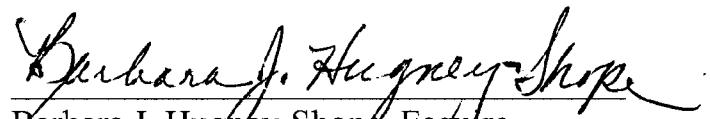
1. That a Pre-Trial Conference in this matter was held January 23, 2004.
2. That the Court entered an Order following said Pre-Trial Conference indicating that "the Discovery deadline in this matter for the taking of Depositions and exchange to opposing counsel shall be no later than March 31, 2004."
3. That Plaintiffs intend to take the depositions of two (2) medical experts for use at trial with one (1) deposition being scheduled for March 29, 2004.
4. That as of the date of the filing of this Motion, the deposition of Michael Dotsey, M.D., the other expert witness, could not be scheduled due to his being out of state.

5. It is planned that the deposition of the unavailable expert witness be taken on or before the 16th day of April, 2004.

6. The extension of time to take the deposition of Dr. Dotsey is not expected to delay the trial scheduled for April 26, 2004.

WHEREFORE, Plaintiffs respectfully request your Honorable Court to extend the time to complete discovery in this matter until April 16, 2004, in order to allow Plaintiffs' time to take the deposition of their expert witness.

Respectfully submitted,


Barbara J. Hugney-Shoppe, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and CAROLYN ROYER, Plaintiffs	:	Type of Case: Civil Action No. 02-1455-CD
-vs-	:	Type of Pleading:
ADAM DOUGLAS BOWMAN, Defendant	:	Praecipe for Discontinuance
	:	Filed on Behalf of:
	:	Plaintiffs
	:	Counsel of Record for This Party:
	:	Barbara J. Hugney-Shope, Esq. Supreme Court No. 26274 23 North Second Street Clearfield, PA 16830
	:	(814) 765-5155

FILED

MAY 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

HENRY B. ROYER and CAROLYN ROYER, Plaintiffs	:	
-vs-	:	No. 02-1455-CD
ADAM DOUGLAS BOWMAN, Defendant	:	

PRAECIPE FOR DISCONTINUANCE

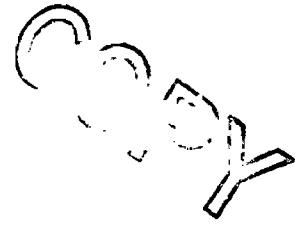
TO THE PROTHONOTARY:

Kindly mark the above referenced case settled and
discontinued.

Barbara J. Hugney-Shope
Barbara J. Hugney-Shope
Attorney for Plaintiffs

FILED 3cc & 3 Certificates
MAY 1 07 2004 to A. H. Shope
MAY 26 2004 (D)
William A. Straw
Prothonotary/Clerk of Courts
Copy of Certificate
to CJA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA



CIVIL DIVISION

**Henry B. Royer
Carolyn Royer**

**Vs.
Adam Douglas Bowman**

No. 2002-01455-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 May 26, 2004, marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by Barbara J. Hugney-Shope, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of May A.D. 2004.

William A. Shaw, Prothonotary

Clearfield, PA 16830
23 N. Second Street
Attorney-at-Law
BARBARA J. HUGNEY-SHOPE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO. 02-1455-CD

HENRY B. ROYER and
CAROLYN ROYER,

Plaintiffs,

vs.

ADAM DOUGLAS BOWMAN,
Defendant.

PLAINTIFFS' PRE-TRIAL STATEMENT

BARBARA J. HUGNEY-SHOPE
Attorney-at-Law
23 N. Second Street
Clearfield, PA 16830
(814) 765-5155
FAX (814) 765-2957

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

**HENRY B. ROYER AND
CAROLYN ROYER,
PLAINTIFFS,**

vs.

**ADAM DOUGLAS BOWMAN,
DEFENDANT.**

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*

* **NO. 02-1455-CD**

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* **Type of Pleading: PLAINTIFFS'**
* **PRE-TRIAL STATEMENT**

*
*
*

* **Filed on behalf of: PLAINTIFFS:**
* **HENRY B. ROYER and**
* **CAROLYN ROYER**

*

* **Counsel of Record for Plaintiffs:**
* **BARBARA J. HUGNEY-SHOPE, ESQ.**
* Supreme Court I. D. No. 26274
* 23 North Second Street
* Clearfield, PA 16830
* (814) 765-5155

RECEIVED

JAN 15 2004

**COURT ADMINISTRATORS
OFFICE.**

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

HENRY B. ROYER AND

CAROLYN ROYER,

PLAINTIFFS,

vs.

NO. 02-1455-CD

ADAM DOUGLAS BOWMAN,

DEFENDANT.

PLAINTIFFS' PRE-TRIAL STATEMENT

HENRY B. ROYER and CAROLYN ROYER, Plaintiffs, by their counsel, Barbara J. Hugney-Shope, Esquire, respectfully submit the following Pre-Trial Statement as follows:

I. STATEMENT OF THE CLAIM

Plaintiffs commenced this action by filing a Writ of Summons against Defendant, Adam Douglas Bowman, and Defendant's parents, Douglas F. Bowman and Barbara A. Bowman, on September 20, 2002. A Complaint was filed February 5, 2003 and Defendants, Douglas F. Bowman and Barbara A. Bowman filed Preliminary Objections on February 19, 2003. Plaintiffs then filed a First Amended Complaint removing Douglas F. Bowman and Barbara A. Bowman as Defendants on June 2, 2003. The Defendant-Adam Douglas Bowman filed an Answer and New Matter to said Amended Complaint on June 17, 2003, admitting liability but disputing Plaintiffs' claim for damages.

In their Complaint, Plaintiffs claim damages as a result of injuries to Plaintiff Henry B. Royer, which he sustained in a motor vehicle accident on September 26, 2000

on State Highway Route 879. Plaintiff-Carolyn Royer, files a claim for consortium as the spouse of Henry B. Royer.

The claim of Plaintiff-Henry B. Royer arose from injuries and damages that he sustained in a motor vehicle accident that occurred on September 26, 2000, in Goshen Township, Clearfield County, Pennsylvania, while he was operating his 1992 Ford F-150 pickup truck traveling from Clearfield, Pennsylvania, toward Shawville, Pennsylvania, on State Route 879. The Defendant, while operating his 1995 Ford Ranger pickup truck traveling in the opposite direction from that of Plaintiff, failed to negotiate a right-hand curve, crossed over the centerline of the road into the lane being traveled by the Plaintiff, and collided head-on with Plaintiff's vehicle. The impact of the collision caused the Plaintiff's upper body to be thrown about the cab of his vehicle, forced his chest into the steering wheel and caused his head to strike the windshield, all of which resulted in substantial injuries to his person. The claim of Plaintiff-Carolyn Royer is that of consortium and who as a registered nurse provided the home care for Plaintiff-Henry B. Royer and supplied all transportation for him to attend his medical and physical therapy appointments.

II. LIST OF EXHIBITS

1. Medical records from Milton S. Hershey Medical Center, Clearfield Hospital, Michael Dotsey, M.D., P.C., Rodolpho S. Polintan, M.D., P.C., and Donald E. Conrad, D.O.
2. Copies of medical bills from the above medical providers.
3. Copies of bills for expenses incurred by Plaintiffs solely due to Plaintiff-Henry B. Royer's injuries.
4. Photographs of Plaintiff's face and damages to Plaintiff's and Defendant's vehicles.

Plaintiff reserves the right to supplement this list of exhibits prior to the time of trial.

III. NAMES AND ADDRESS OF WITNESSES

LIABILITY WITNESSES:

1. Defendant has stipulated to liability; therefore, Plaintiffs do not anticipate calling any liability witnesses

MEDICAL WITNESSES:

2. Michael Dotsey, M.D., P.C.
807 Turnpike Ave.
Clearfield, PA 16830
3. Rodolpho S. Politan, M.D., P.C.
807 Turnpike Ave.
Clearfield, PA 16830
4. Donald E. Conrad, D.O.
502 Park Avenue
Clearfield, PA 16830

DAMAGE WITNESSES:

5. Henry B. Royer
308 Frenchville Road
Frenchville, PA 16836
6. Carolyn Royer
308 Frenchville Road
Frenchville, PA 16836
7. Ralph Anderson
P.O. Box 152
Frenchville, PA 16836

8. Susie English, R.N.
900 Newberry Road
Middletown, PA 17057

9. Mary Kay Royer
28594 Frenchville-Karthaus Highway
Frenchville, PA 16836

10. Melanie Royer
308 Frenchville Road
Frenchville, PA 16836

Plaintiffs reserve the right to call other witnesses after reasonable notice to the Court and the Defendant.

IV. BRIEF STATEMENT OF THE DAMAGES CLAIMED

Medical expenses - \$79,588.78 to date

Miscellaneous expenses - \$15,000.00 to date

Pain and suffering

Loss of income

Wife's loss of consortium

V. LIST OF EVIDENTIARY PROBLEMS

There are no evidentiary problems anticipated at this time.

VI. LIST OF ANTICIPATED STIPULATIONS

It is anticipated that the Defendant will stipulate to liability for the injuries incurred by the Plaintiffs.

VII. SPECIAL POINTS FOR CHARGE

None anticipated at this time.

VIII. ESTIMATED TIME FOR TRIAL

Estimated time for trial: Two (2) days.

Respectfully submitted,


Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs

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

HENRY B. ROYER and	*
CAROLYN ROYER,	*
PLAINTIFF,	*
	*
vs.	*
	*
ADAM DOUGLAS BOWMAN,	*
DEFENDANT.	*

NO. 02-1455-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Plaintiff's Pre-Trial Statement filed in the above-captioned matter has been served upon the following individual by First Class, United States mail, postage prepaid, on this 15th day of January, 2004.

Matthew Taladay, Esquire
HANAK, GUIDO, & TALADAY
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

Barbara J. Hugney-Shope
Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiffs
23 North Second Street
Clearfield, Pa 16830

(C)

Barbara J. Hugney-Shope
ATTORNEY AT LAW

23 North Second Street
Clearfield, PA 16830

814-765-5155
Fax 814-765-2957

January 15, 2004

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830

RE: Royer, et. al. vs. Bowman
No. 02-1455-CD

Dear Dave:

Enclosed herewith you will find the original Pre-Trial Statement filed on behalf of my clients, Henry B. Royer and Carclyn Royer. By copy of this letter, I am forwarding a copy of the same to Matthew B. Taladay, Esquire, Attorney for the Defendant.

If you have any questions on the enclosed, please do not hesitate to contact my office.

Very truly yours,

Barbara J. Hugney-Shope
Barbara J. Hugney-Shope

BJHS/tmb

Enclosure

cc: Mr. and Mrs. Henry B. Royer, (w/enc)
Matthew B. Taladay, Esquire, (w/enc)

RECEIVED

JAN 15 2004

COURT ADMINISTRATOR'S
OFFICE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

HENRY B. ROYER and CAROLYN ROYER, Plaintiffs	:	Type of Case: Civil Action No. 02-1455-CD
-vs-	:	Type of Pleading:
ADAM DOUGLAS BOWMAN, Defendant	:	Pre-Trial Statement
	:	Filed on Behalf of:
	:	Defendants
	:	Counsel of Record for This Party:
	:	Matthew B. Taladay, Esq. Supreme Court No. 49663 Hanak, Guido and Taladay 498 Jeffers Street P.O. Box 487 DuBois, PA 15801
	:	(814) 371-7768

RECEIVED

JAN 15 2004

COURT ADMINISTRATOR'S
OFFICE

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

HENRY B. ROYER and CAROLYN ROYER, Plaintiffs	:	
-vs-	:	No. 02-1455-CD
ADAM DOUGLAS BOWMAN, Defendants	:	

PRE-TRIAL STATEMENT ON BEHALF OF DEFENDANT

A Background

On September 26, 2000, a 1995 Ford Ranger pickup truck operated by Adam Douglas Bowman collided with a 1992 Ford F-150 pickup truck operated by Henry R. Royer on State Highway 879, Goshen Township, Clearfield County, Pennsylvania. Mr. Bowman has admitted responsibility for the collision.

Plaintiffs have filed suit seeking money damages for injuries allegedly sustained in the collision. A jury trial has been demanded with the sole issue for determination to be the damages, if any, due and owing to the Plaintiffs by the Defendant.

B Witnesses

1. Henry B. Royer
P.O. Box 195
Frenchville, PA 16836
2. Carolyn Royer
P.O. Box 195
Frenchville, PA 16836

Defendant reserves the right to call any witness listed in the Pre-Trial Statement of Plaintiffs.

C. Exhibits

None

Defendant reserves the right to utilize the exhibits listed in the Pre-Trial Statement of Plaintiffs.

D. Plots or Plans

None

E. Expert Witnesses

None

F. Estimated Time for Trial

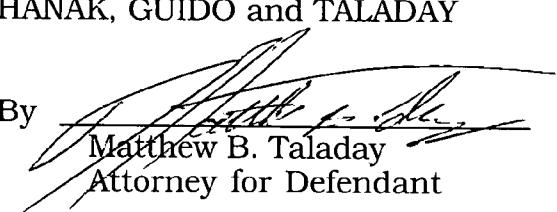
2 days

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

Matthew B. Taladay
Attorney for Defendant



(C)

HANAK, GUIDO and TALADAY

Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Nicole Hanak Bankovich
S. Casey Bowers

Telephone: (814) 371-7768
Fax: (814) 371-1974

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

January 14, 2004

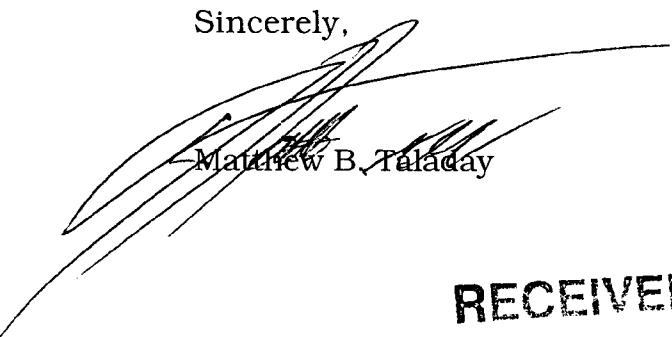
David S. Meholic
Court Administrator
Suite 228
230 East Market Street
Clearfield, PA 16830

Re: Royer, et al. vs. Bowman
No. 02-1455-CD

Dear Dave:

Enclosed please find Defendant's Pre-Trial Statement in the above referenced matter. Kindly note that by copy of this letter I have forwarded a copy to Barbara Hugney-Shope, Attorney for Plaintiffs. If you require anything further on this, please do not hesitate to contact me.

Sincerely,



Matthew B. Taladay

MBT:kam

Enc.

cc: Barbara Hugney-Shope, Esq.
Scott C. Steffey
Claim No. 010110367185

RECEIVED

JAN 15 2004

**COURT ADMINISTRATOR'S
OFFICE**

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

6
TRACY YARGER, : No. 00-1322-C.D.
: Plaintiff, : TYPE OF PLEADING:
: : **Supplemental Points for Charge**
v. :
: :
CINDY NADVIT, : TYPE OF CASE: CIVIL
: Defendant. : FILED ON BEHALF OF:
: : **DEFENDANT**
: :
: : COUNSEL OF RECORD FOR
: : FOR THIS PARTY:
: : JAMES M. HORNE, ESQ.
: : I.D. NO. 26908
: : CHENA L. GLENN-HART, ESQ.
: : I.D. NO. 82750
: : McQUAIDE, BLASKO, SCHWARTZ,
: : FLEMING & FAULKNER, INC.
: : 811 University Drive
: : State College, PA 16801
: : PH# (814) 238-4926
: : FAX#(814) 238-9624

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JAN 29 2004

COURT ADMINISTRATORS
OFFICE

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

TRACY YARGER, : No. 00-1322-C.D.
: :
Plaintiff, : :
: :
v. : :
: :
CINDY NADVIT, : :
: :
Defendant. : :

DEFENDANT'S SUPPLEMENTAL POINTS FOR CHARGE

James M. Horne
I.D. No. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant Nadvit

Defendant's Proposed Point for Charge #10:

In order to recover any damages in this case, the Plaintiff must do more than prove by a fair preponderance of the evidence that the Defendant was negligent and that the Defendant's negligence was a substantial factor in causing her harm. The Plaintiff must also demonstrate by a fair preponderance of the evidence that her injuries were serious. I will separately define for you what constitutes a serious injury.

75 Pa. C.S.A. § 1705(d); Washington v. Baxter, 553 Pa. 434, 719 A.2d 733 (1998).

Given

Refused

Modified

Refused, as covered in the general charge

Defendant's Proposed Point for Charge #11:

A serious injury is one which results in either serious impairment of a bodily function or permanent serious disfigurement.

75 Pa. C.S.A. § 1702; Washington v. Baxter, 553 Pa. 434, 719 A.2d 733 (1998).

Given

Refused

Modified

Refused, as covered in the general charge

Defendant's Proposed Point for Charge #12:

In determining whether Ms. Yarger's injuries, if any, caused a serious impairment of bodily function, your focus should be on assessing how the injuries affected a particular bodily function and not on the injuries themselves. Injury alone is not sufficient to constitute a serious impairment.

Washington v. Baxter, 553 Pa. 434, 719 A.2d 733 (1998).

Given

Refused

Modified

Refused, as covered in the general charge

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

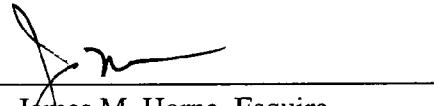
TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Supplemental Points for Charge in the above-captioned matter was served via Fax and U.S. First Class Mail, postage prepaid, on this 28th day of January, 2004, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

CL
TRACY YARGER, : No. 00-1322-C.D.
Plaintiff, :
v. : TYPE OF PLEADING:
CINDY NADVIT, : Revised Special Verdict Questions
Defendant. :
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: DEFENDANT
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: CHENA L. GLENN-HART, ESQ.
: I.D. NO. 82750
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

RECEIVED

JAN 29 2004

COURT ADMINISTRATOR'S
OFFICE

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

TRACY YARGER, : No. 00-1322-C.D.
: Plaintiff, :
v. :
: CINDY NADVIT, :
: Defendant. :
:

REVISED SPECIAL VERDICT QUESTIONS
PROPOSED BY DEFENDANT

James M. Horne, Esquire
I.D. No. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant Nadvit

Answer the following questions based on the preponderance of the evidence:

QUESTION NO. 1:

Was the negligence of the Defendant, Cindy Nadvit, a substantial factor in causing any injuries to the Plaintiff, Tracy Yarger?

(check one) _____ Yes
_____ No
_____ Evidence equally balanced

INSTRUCTIONS:

- (a) *If your answer to Question No. 1 is “Yes,” go to Question No. 2.*
- (b) *If your answer to Question No. 1 is “No” or “Evidence equally balanced,” skip the balance of the questions and return to the Courtroom.*

QUESTION NO. 2:

As to those injuries you found causally related to the accident of October 30, 1998, did those injuries result in serious impairment of body functions or permanent serious disfigurement?

(check one) _____ Yes
_____ No
_____ Evidence equally balanced

INSTRUCTIONS:

- (a) *If your answer to Question No. 2 is "Yes," go to Question No. 3.*
- (b) *If your answer to Question No. 2 is "No" or "Evidence equally balanced," skip the balance of the questions and return to the Courtroom.*

QUESTION NO. 3:

State the amount of damages, if any, sustained by Plaintiff Tracy Yarger.

\$ _____

Jury Foreperson

INSTRUCTIONS:

Return to the Courtroom.

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

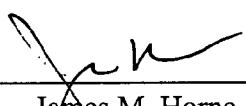
TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Revised Special Verdict Questions in the above-captioned matter was served via Fax and U.S. First Class Mail, postage prepaid, on this 28th day of January, 2004, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

23 No
Clear

TR 01
4-20-04
10:00 AM
10:00 AM

1
Hugney-Shope
AT LAW

2004

814-765-5155
Fax 814-765-2957

Dav:
Clearfield County Courthouse
Clearfield, PA 16830

RE: Royer vs. Bowman, No. 02-1455-CD

Dear Mr. Meholic:

Enclosed herewith you will find Plaintiff's Proposed Jury Instructions with regard to the above-captioned matter. I have this date also forwarded a copy of the Proposed Jury Instructions to Matthew B. Taladay, attorney for Defendant.

If you have any questions on the enclosed, please do not hesitate to contact my office.

Very truly yours,

Barbara J. Hugney-Shope
Barbara J. Hugney-Shope

BJHS/tmb
Enclosure
cc: Matthew B. Taladay, Esquire

RECEIVED

APR 01 2004

COURT ADMINISTRATOR'S
OFFICE

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

*
*
*
*

vs.

* **NO. 02-1455-CD**

*

**ADAM DOUGLAS BOWMAN, single
Defendant.**

*
* **Type of Case: CIVIL ACTION**
*

*

* **Type of Pleading: PLAINTIFF'S
PROPOSED JURY INSTRUCTIONS**
*

*

* **Filed on behalf of: PLAINTIFFS
HENRY B. ROYER
CAROLYN ROYER**
*

*

* **Counsel of Record of this Party:
BARBARA J. HUGNEY-SHOPE, ESQUIRE**
*

* Supreme Court I. D. No. 26274

* 23 North Second Street

* Clearfield, PA 16830

* (814) 765-5155

RECEIVED

APR 01 2004

**COURT ADMINISTRATOR'S
OFFICE**

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

**HENRY B. ROYER and
CAROLYN ROYER, his wife,
Plaintiffs,**

*
*
*
*

vs.

* **NO. 02-1455-CD**

*

**ADAM DOUGLAS BOWMAN, single
Defendant.**

* **Type of Case: CIVIL ACTION**

PLAINTIFF'S PROPOSED JURY INSTRUCTIONS

Plaintiffs request the Court to charge the jury as follows:

1. 1.43 (Civ)–ADMITTED NEGLIGENCE

The Defendant has admitted negligence in causing the accident in question. Thus, you are required to determine:

- (1) What injury, if any, the Plaintiff sustained that was caused by the accident;.
- (2) The amount of damages, if any, to which the Plaintiff is entitled as compensation for such injury.

Accepted

Rejected

Modified

2. 1.48 (Civ)–EVIDENCE

I have mentioned the word "evidence." "Evidence" includes the testimony of witnesses, documents and other things received as exhibits in court. It also may include any facts that have been stipulated to or formally agreed to by the parties [and any facts that have been judicially noticed—that is, facts that I say you must accept as true]. Certain things are not evidence, and those things are as follows:

- (1) Statements, arguments, questions and comments by lawyers are not evidence.
- (2) During the course of the trial, you will hear from the attorneys on numerous occasions. Always bear in mind that the attorneys are not witnesses and what they say is not evidence in the case, whether they are arguing, objecting or asking questions. The attorneys are here as advocates and spokespersons for their clients' positions.
- (3) Objections are not evidence. Lawyers have a right to object. You should not be influenced by the objection. If I sustain an objection to a question, you must ignore the question and must not try to guess what the answer might have been.
- (4) Testimony that I strike from the record, or tell you to disregard, is not evidence and must not be considered.
- (5) Anything you see or hear about this case outside the courtroom is not evidence unless I specifically tell you otherwise during the trial.

Furthermore, a particular item of evidence is sometimes received for a limited purpose only. That is, it can be used by you only for one particular purpose, and not for any other purpose. I will tell you when that occurs and instruct you on the purposes for which the items can and cannot be used.

Accepted Rejected Modified

3. 6.00(Civ)–DAMAGES

If you find that the Defendant is liable to the Plaintiff, you must then find an amount of money damages you believe will fairly and adequately compensate the Plaintiff for all the physical and financial injury he has sustained as a result of the occurrence. The amount you award today must compensate the Plaintiff completely for damage sustained in the past, as well as damage the Plaintiff will sustain in the future.

Accepted

Rejected

Modified

4. 6.01 (Civ)–INJURIES TO ADULT NOT RESULTING IN DEATH

The damages recoverable by the Plaintiff in this case and the items that go to make them up, each of which I will discuss separately, are as follows:

(1) Medical expenses: The Defendant has agreed to pay Plaintiff the full amount of medical expenses claims in this action. Therefore, in arriving at your verdict you should not consider any past medical expenses that the Plaintiff has incurred.

Accepted

Rejected

Modified

5. 6.01C (Civ)-LOSS OF EARNINGS

The Plaintiff is entitled to be compensated for the amount of earnings that he has lost up to the time of trial as a result of his injuries. This amount is the difference between what he probably could have earned but for the harm and any loss sum which he actually earned in any employment. (It is not essential to recovery that the Plaintiff should have been employed at the time of the accident, but his opportunity for employment is relevant in determining the amount that he probably could have earned.)

Accepted

Rejected

Modified

6. 6.01E (Civ)-PAST PAIN AND SUFFERING

The Plaintiff is entitled to be fairly and adequately compensated for all physical pain, mental anguish, discomfort, inconvenience and distress you find he has endured from the time of the accident until today.

Accepted

Rejected

Modified

7. 6.01F (Civ)–FUTURE PAIN AND SUFFERING

The Plaintiff is entitled to be fairly and adequately compensated for all physical pain, mental anguish, discomfort, inconvenience and distress you find he will endure in the future as a result of his injuries.

In determining the amount of just compensation, you may consider as part of the damages from the Defendant's conduct, expert testimony regarding the probability that additional physical and emotional effects from the injury will occur in the future.

Accepted

Rejected

Modified

8. 601I (Civ)-ENJOYMENT OF LIFE

The Plaintiff is entitled to be fairly and adequately compensated for past, present and future loss of his ability to enjoy any of the pleasures of life as a result of his injuries.

Accepted

Rejected

Modified

9. 6.01K (Civ)–ADDITIONAL COSTS

In addition to the costs of medical care, the Plaintiff is entitled to be compensated for all other incidental costs incurred as a result of the accident or which you find will be incurred in the future. The expenses may include.

- (A) Costs of transportation.
- (B) Telephone calls.
- (C) Travel expenses of wife to visit hospitalized husband .

Accepted

Rejected

Modified

10. 6.01L (Civ)–LOSS OF CONSORTIUM

The Plaintiff's spouse is entitled to be compensated for the past, present and future loss of the injured party's services to her and the past, present and future loss of companionship of her spouse. Consortium claims are losses arising out of the marital relationship. Consortium is the marital fellowship of a husband and a wife and includes the company, society, cooperation, affection and aid of the other in the marital relationship. Such claims include a loss of support, comfort and assistance, the loss of association and companionship, and the loss of ability to engage in sexual relations.

Accepted

Rejected

Modified

11. 6.23(Civ)–PRE-EXISTING INJURIES

A negligent party is subject to liability for harm to another although a physical condition of that person not known to the actor makes the injury greater than that which the actor as a reasonable person, should have foreseen as a probable result of his or her conduct. If you find that the Plaintiff had a pre-existing condition that was aggravated by the Defendant's negligence, you must find the Defendant responsible for the enhancement of the Plaintiff's injury.

Accepted

Rejected

Modified

(C)

Barbara J. Hugney-Shope
ATTORNEY AT LAW

23 North Second Street
Clearfield, PA 16830

814-765-5155
Fax 814-765-2957

March 31, 2004

David S. Meholic, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830

RE: Royer vs. Bowman, No. 02-1455-CD

Dear Mr. Meholic:

Enclosed herewith you will find Plaintiff's Proposed Jury Instructions with regard to the above-captioned matter. I have this date also forwarded a copy of the Proposed Jury Instructions to Matthew B. Taladay, attorney for Defendant.

If you have any questions on the enclosed, please do not hesitate to contact my office.

Very truly yours,

Barbara J. Hugney-Shope
Barbara J. Hugney-Shope

BJHS/tmb
Enclosure
cc: Matthew B. Taladay, Esquire

RECEIVED

MAR 31 2004

COURT ADMINISTRATORS
OFFICE

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

HENRY B. ROYER and *
CAROLYN ROYER, his wife, *
Plaintiffs, *
*
vs. * NO. 02-1455-CD
*
ADAM DOUGLAS BOWMAN, single *
Defendant. * Type of Case: CIVIL ACTION

PLAINTIFF'S PROPOSED JURY INSTRUCTIONS

Plaintiffs request the Court to charge the jury as follows:

1. 1.43 (Civ)-ADMITTED NEGLIGENCE

The Defendant has admitted negligence in causing the accident in question. Thus, you are required to determine:

- (1) What injury, if any, the Plaintiff sustained that was caused by the accident;.
- (2) The amount of damages, if any, to which the Plaintiff is entitled as compensation for such injury.

Accepted Rejected Modified

RECEIVED

MAR 31 2004

COURT ADMINISTRATIVE
OFFICE

2. 1.48 (Civ)-EVIDENCE

I have mentioned the word "evidence." "Evidence" includes the testimony of witnesses, documents and other things received as exhibits in court. It also may include any facts that have been stipulated to or formally agreed to by the parties [and any facts that have been judicially noticed—that is, facts that I say you must accept as true}. Certain things are not evidence, and those things are as follows:

- (1) Statements, arguments, questions and comments by lawyers are not evidence.
- (2) During the course of the trial, you will hear from the attorneys on numerous occasions. Always bear in mind that the attorneys are not witnesses and what they say is not evidence in the case, whether they are arguing, objecting or asking questions. The attorneys are here as advocates and spokespersons for their clients' positions.
- (3) Objections are not evidence. Lawyers have a right to object. You should not be influenced by the objection. If I sustain an objection to a question, you must ignore the question and must not try to guess what the answer might have been.
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Furthermore, a particular item of evidence is sometimes received for a limited purpose only. That is, it can be used by you only for one particular purpose, and not for any other purpose. I will tell you when that occurs and instruct you on the purposes for which the items can and cannot be used.

Accepted

Rejected

Modified

3. 6.00(Civ)-DAMAGES

If you find that the Defendant is liable to the Plaintiff, you must then find an amount of money damages you believe will fairly and adequately compensate the Plaintiff for all the physical and financial injury he has sustained as a result of the occurrence. The amount you award today must compensate the Plaintiff completely for damage sustained in the past, as well as damage the Plaintiff will sustain in the future.

Accepted

Rejected

Modified

4. 6.01 (Civ)-INJURIES TO ADULT NOT RESULTING IN DEATH

The damages recoverable by the Plaintiff in this case and the items that go to make them up, each of which I will discuss separately, are as follows:

(1) **Medical expenses:** The Defendant has agreed to pay Plaintiff the full amount of medical expenses claims in this action. Therefore, in arriving at your verdict you should not consider any past medical expenses that the Plaintiff has incurred.

Accepted

Rejected

Modified

5. 6.01C (Civ)-LOSS OF EARNINGS

The Plaintiff is entitled to be compensated for the amount of earnings that he has lost up to the time of trial as a result of his injuries. This amount is the difference between what he probably could have earned but for the harm and any loss sum which he actually earned in any employment. (It is not essential to recovery that the Plaintiff should have been employed at the time of the accident, but his opportunity for employment is relevant in determining the amount that he probably could have earned.)

Accepted

Rejected

Modified

6. 6.01E (Civ)-PAST PAIN AND SUFFERING

The Plaintiff is entitled to be fairly and adequately compensated for all physical pain, mental anguish, discomfort, inconvenience and distress you find he has endured from the time of the accident until today.

Accepted

Rejected

Modified

7. **6.01F (Civ)-FUTURE PAIN AND SUFFERING**

The Plaintiff is entitled to be fairly and adequately compensated for all physical pain, mental anguish, discomfort, inconvenience and distress you find he will endure in the future as a result of his injuries.

In determining the amount of just compensation, you may consider as part of the damages from the Defendant's conduct, expert testimony regarding the probability that additional physical and emotional effects from the injury will occur in the future.

Accepted

Rejected

Modified

8. 601I (Civ)-ENJOYMENT OF LIFE

The Plaintiff is entitled to be fairly and adequately compensated for past, present and future loss of his ability to enjoy any of the pleasures of life as a result of his injuries.

Accepted

Rejected

Modified

9. 6.01K (Civ)-ADDITIONAL COSTS

In addition to the costs of medical care, the Plaintiff is entitled to be compensated for all other incidental costs incurred as a result of the accident or which you find will be incurred in the future. The expenses may include.

- (A) Costs of transportation.
- (B) Telephone calls.
- (C) Travel expenses of wife to visit hospitalized husband .

Accepted

Rejected

Modified

10. 6.Q1L (Civ)-LOSS OF CONSORTIUM

The Plaintiff's spouse is entitled to be compensated for the past, present and future loss of the injured party's services to her and the past, present and future loss of companionship of her spouse. Consortium claims are losses arising out of the marital relationship. Consortium is the marital fellowship of a husband and a wife and includes the company, society, cooperation, affection and aid of the other in the marital relationship. Such claims include a loss of support, comfort and assistance, the loss of association and companionship, and the loss of ability to engage in sexual relations.

Accepted

Rejected

Modified

11. 6.23(Civ)-PRE-EXISTING INJURIES

A negligent party is subject to liability for harm to another although a physical condition of that person not known to the actor makes the injury greater than that which the actor as a reasonable person, should have foreseen as a probable result of his or her conduct. If you find that the Plaintiff had a pre-existing condition that was aggravated by the Defendant's negligence, you must find the Defendant responsible for the enhancement of the Plaintiff's injury.

Accepted

Rejected

Modified

C

HANAK, GUIDO and TALADAY

Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Nicole Hanak Bankovich
S. Casey Bowers

Telephone: (814) 371-7768
Fax: (814) 371-1974

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

March 31, 2004

FAX Transmission:
765-7649

Via FAX and Regular Mail

Pages: **11**

David S. Meholic
Court Administrator
Suite 228
230 East Market Street
Clearfield, PA 16830

Re: Royer vs. Bowman
No. 02-1455

Dear Mr. Meholic:

Enclosed please find Defendant's Proposed Jury Instructions with regard to the above referenced matter. Kindly note that by copy of this letter I am forwarding a copy of the Proposed Jury Instructions to Barbara Hugney-Shope, attorney for Plaintiffs. If you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,

Matthew B. Taladay

Matthew B. Taladay

MBT:kam

RECEIVED

Enc.

APR 01 2004

cc: Barbara J. Hugney-Shope, Esq.
FAX: 765-2957

**COURT ADMINISTRATOR'S
OFFICE**

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

DEFENDANT'S PROPOSED JURY INSTRUCTIONS

Defendant requests the Court to charge the jury as follows:

1. 1.42 (Civ) - BURDEN OF PROOF AND PREPONDERANCE OF EVIDENCE

The plaintiff is seeking damages in this case based upon a claim of negligence. In civil cases such as this one, the plaintiff has the burden of proving those contentions that entitle him or her to relief. The plaintiff has the burden of proving his case by a preponderance of the evidence.

A fair preponderance of the evidence means you are persuaded that it is more probably accurate and true than not.

To put it another way, think, if you will, of the "scales of justice," which is really an ordinary balance scale, with a pan on each side. Onto one side of the scale, place all of the evidence favorable to the plaintiff; onto the other, place all of the evidence favorable to the defendant. If, after considering the comparable weight of the evidence, you feel that the scales tip, ever so slightly, in favor of the plaintiff, your verdict must be for the plaintiff. If the scales are equally balanced or tip in favor of the defendant, your verdict must be for the defendant.

In this case, the plaintiff has the burden of proving his claim for the various injuries that he alleges were a result of this accident, and that the defendant was negligent, and that that negligence was a substantial factor in bringing about the harm. If, after considering all of the evidence, you feel persuaded that these propositions are more probably true than not true, your verdict must be for the plaintiff. Otherwise, your verdict should be for the defendant. *Pa. Suggested Standard Jury Instructions 1.42 (modified).*

RECEIVED

APR 01 2004

**COURT ADMINISTRATION
OFFICE**

2. 1.43 (Civ) - ADMITTED NEGLIGENCE

The defendant has admitted negligence in causing the accident in question.
Thus, you are required to determine:

- (1) What injury, if any, the plaintiff sustained that was caused by the accident, and
- (2) The amount of damages, if any, to which the plaintiff is entitled as compensation for such injury.

Accepted Rejected Modified

3. 1.48 (Civ) - EVIDENCE

I have mentioned the word "evidence." "Evidence" includes the testimony of witnesses, documents, and other things received as exhibits in court. It also may include any facts that have been stipulated to or formally agreed to by the parties [and any facts that have been judicially noticed—that is, facts that I say you must accept as true].

Certain things are not evidence. I will list those things for you now:

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Furthermore, a particular item of evidence is sometimes received for a limited purpose only. That is, it can be used by you only for one particular purpose, and not for any other purpose. I will tell you when that occurs, and instruct you on the purposes for which the item can and cannot be used.

Accepted Rejected Modified

4. 6.00 (Civ) - DAMAGES

If you find that the defendant is liable to the plaintiff, you must then find an amount of money damages you believe will fairly and adequately compensate the plaintiff for all the physical and financial injury he has sustained as a result of the occurrence. The amount you award today must compensate the plaintiff completely for damage sustained in the past, as well as damage the plaintiff will sustain in the future.

Accepted Rejected Modified

5. 6.01 (Civ) - INJURIES TO ADULT NOT RESULTING IN DEATH

The damages recoverable by the plaintiff in this case and the items that go to make them up, each of which I will discuss separately, are as follows:

(1) Medical expenses – the Defendant has agreed to pay Plaintiff the full amount of medical expenses claimed in this action. Therefore, in arriving at your verdict you should not consider any past medical expenses that the Plaintiff has incurred.

Accepted Rejected Modified

6. 6.01E (Civ) - PAST PAIN AND SUFFERING

The plaintiff is entitled to be fairly and adequately compensated for all physical pain, mental anguish, discomfort, inconvenience, and distress you find he has endured, from the time of the accident until today.

Accepted Rejected Modified

7. 6.01F (Civ) - FUTURE PAIN AND SUFFERING

The plaintiff is entitled to be fairly and adequately compensated for all physical pain, mental anguish, discomfort, inconvenience, and distress you find he will endure in the future as a result of his injuries.

In determining the amount of just compensation, you may consider as part of the damages from the defendant's conduct, expert testimony regarding the probability that additional physical, and emotional effects from the injury will occur in the future.

Accepted Rejected Modified

8. 601I (Civ) - ENJOYMENT OF LIFE

The plaintiff is entitled to be fairly and adequately compensated for past, present, and future loss of his ability to enjoy any of the pleasures of life as a result of his injuries.

Accepted Rejected Modified

9. 6.01L (Civ) - LOSS OF CONSORTIUM

The plaintiff's spouse is entitled to be compensated for the past, present, and future loss of the injured party's services to her and the past, present, and future loss of companionship of her spouse. Consortium claims are losses arising out of the marital relationship. Consortium is the marital fellowship of a husband and a wife and includes the company, society, cooperation, affection, and aid of the other in the marital relationship. Such claims include a loss of support, comfort, and assistance, the loss of association and companionship, and the loss of ability to engage in sexual relations.

Accepted Rejected Modified

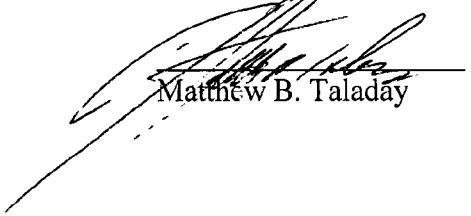
10. **6.35 (Civ) - MITIGATION OF DAMAGES**

Need to Secure Medical Care

The defendant in this action contends that had the plaintiff not delayed in seeking medical care, the damage sustained by the plaintiff would have been reduced. If you decide that the defendant is liable and there is evidence tending to show that such a contention is warranted, you must determine whether an ordinarily prudent person in a situation of the injured plaintiff would have acted otherwise than he did act. In making this determination, you must understand that the law does not require an injured victim to undergo a medical procedure that does not have a reasonable chance of improving the plaintiff's condition. You should ask yourself whether a reasonable person such as the plaintiff would have sought such treatment after considering the risks of the procedure and the probability of success.

Accepted Rejected Modified

Respectfully submitted,


Matthew B. Taladay

HANAK, GUIDO and TALADAY
Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Nicole Hanak Bankovich
S. Casey Bowers

Telephone: (814) 371-7768
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498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

March 31, 2004

FAX Transmission:
765-7649

Via FAX and Regular Mail

Pages: **11**

David S. Meholic
Court Administrator
Suite 228
230 East Market Street
Clearfield, PA 16830

Re: Royer vs. Bowman
No. 02-1455

Dear Mr. Meholic:

Enclosed please find Defendant's Proposed Jury Instructions with regard to the above referenced matter. Kindly note that by copy of this letter I am forwarding a copy of the Proposed Jury Instructions to Barbara Hugney-Shope, attorney for Plaintiffs. If you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,

Matthew B. Taladay

Matthew B. Taladay

MBT:kam

Enc.

cc: Barbara J. Hugney-Shope, Esq.
FAX: 765-2957

RECEIVED

MAR 31 2004

COURT ADMINISTRATORS
OFFICE

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

HENRY B. ROYER and :
CAROLYN ROYER, :
Plaintiffs :
vs. : No. 02-1455-CD
ADAM DOUGLAS BOWMAN, :
Defendant :
:

DEFENDANT'S PROPOSED JURY INSTRUCTIONS

Defendant requests the Court to charge the jury as follows:

1. 1.42 (Civ) -BURDEN OF PROOF AND PREPONDERANCE OF EVIDENCE

The plaintiff is seeking damages in this case based upon a claim of negligence. In civil cases such as this one, the plaintiff has the burden of proving those contentions that entitle him or her to relief. The plaintiff has the burden of proving his case by a preponderance of the evidence.

A fair preponderance of the evidence means you are persuaded that it is more probably accurate and true than not.

To put it another way, think, if you will, of the "scales of justice," which is really an ordinary balance scale, with a pan on each side. Onto one side of the scale, place all of the evidence favorable to the plaintiff; onto the other, place all of the evidence favorable to the defendant. If, after considering the comparable weight of the evidence, you feel that the scales tip, ever so slightly, in favor of the plaintiff, your verdict must be for the plaintiff. If the scales are equally balanced or tip in favor of the defendant, your verdict must be for the defendant.

In this case, the plaintiff has the burden of proving his claim for the various injuries that he alleges were a result of this accident, and that the defendant was negligent, and that that negligence was a substantial factor in bringing about the harm. If, after considering all of the evidence, you feel persuaded that these propositions are more probably true than not true, your verdict must be for the plaintiff. Otherwise, your verdict should be for the defendant. *Pa. Suggested Standard Jury Instructions 1.42 (modified)*

Accepted Rejected Modified

RECEIVED

MAR 31 2004

COURT ADMINISTRATORS
OFFICE

2. 1.43 (Civ) - ADMITTED NEGLIGENCE

The defendant has admitted negligence in causing the accident in question. Thus, you are required to determine:

- (1) What injury, if any, the plaintiff sustained that was caused by the accident, and
- (2) The amount of damages, if any, to which the plaintiff is entitled as compensation for such injury.

Accepted Rejected Modified

3. 1.48 (Civ) - EVIDENCE

I have mentioned the word "evidence." "Evidence" includes the testimony of witnesses, documents, and other things received as exhibits in court. It also may include any facts that have been stipulated to or formally agreed to by the parties [and any facts that have been judicially noticed—that is, facts that I say you must accept as true].

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Accepted Rejected Modified

4. 6.00 (Civ) - DAMAGES

If you find that the defendant is liable to the plaintiff, you must then find an amount of money damages you believe will fairly and adequately compensate the plaintiff for all the physical and financial injury he has sustained as a result of the occurrence. The amount you award today must compensate the plaintiff completely for damage sustained in the past, as well as damage the plaintiff will sustain in the future.

Accepted Rejected Modified

5. 6.01 (Civ) - INJURIES TO ADULT NOT RESULTING IN DEATH

The damages recoverable by the plaintiff in this case and the items that go to make them up, each of which I will discuss separately, are as follows:

(1) Medical expenses - the Defendant has agreed to pay Plaintiff the full amount of medical expenses claimed in this action. Therefore, in arriving at your verdict you should not consider any past medical expenses that the Plaintiff has incurred.

Accepted Rejected Modified

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The plaintiff is entitled to be fairly and adequately compensated for all physical pain, mental anguish, discomfort, inconvenience, and distress you find he has endured, from the time of the accident until today.

Accepted Rejected Modified

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Accepted Rejected Modified

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Accepted Rejected Modified

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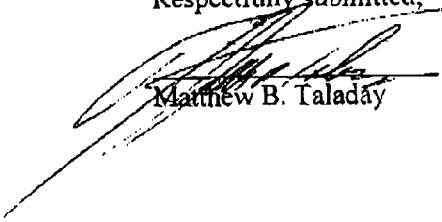
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Accepted Rejected Modified

Respectfully submitted,


Matthew B. Taladay

HANAK, GUIDO and TALADAY
Attorneys at Law

RECEIVED
4-10-04

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Nicole Hanak Bankovich
S. Casey Bowers

Telephone: (814) 371-7768
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498 Jeffers Street
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March 31, 2004

FAX Transmission:
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Pages: **11**

David S. Meholick
Court Administrator
Suite 228
230 East Market Street
Clearfield, PA 16830

COPY

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No. 02-1455

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Matthew B. Taladay

Matthew B. Taladay

MBT:kam

Enc.

cc: Barbara J. Hugney-Shope, Esq.
FAX: 765-2957

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

HENRY B. ROYER and :
CAROLYN ROYER, :
Plaintiffs :
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Defendant :
:

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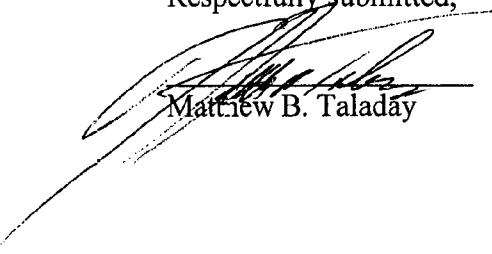
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Accepted Rejected Modified

Respectfully submitted,


Matthew B. Taladay

Civil Other

Date	Judge
09/20/2002	No Judge
✓ Filing: Writ of Summons Paid by: Hugney-Shope, Barbara Receipt number: 1848631 Dated: 09/20/2002 Amount: \$80.00 (Check) 3 Writs to Sheriff. 1 CC to Sheriff 1 CC to Atty. Shope. 3 Writs of Summons issued to Sheriff	
10/01/2002	No Judge
✓ Praecept for Entry of Appearance on Behalf of Defendants. s/Matthew B. Taladay, Esq. no cc	
10/24/2002	No Judge
✓ Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	
01/13/2003	No Judge
✓ Praecept for Rule to File Complaint filed by Defendants. No cc. 1 Rule to file to Atty. Taladay.	
01/20/2003	No Judge
✓ Certificate of Service, Rule to File Complaint upon BARBARA HUGNEY-SHOPE, ESQ. filed by s/Matthew B. Taladay, Esquire no cc	
02/05/2003	No Judge
✓ Complaint. filed by s/Barbara J. Hugney-Shope, Esq. Verification s/Henry B. Royer s/Carolyn Royer Certificate of Service 2 cc Atty Shope	
02/19/2003	No Judge
✓ Preliminary Objections To Plaintiffs' Complaint. filed by s/Matthew B. Taladay, Esquire Certificate Of Service no cc	
✓ Notice Of Service, Defendants' FIRST SET OF DISCOVERY MATERIALS upon Barbara Hugney-Shope, Esquire s/Matthew B. Taladay, Esquire no cc	No Judge
06/02/2003	John K. Reilly Jr.
✓ Praecept to Amend Caption. filed by s/Barbara J. Hugney-Shope, Esquire 3 cc to Atty	
✓ First Amended Complaint. filed by s/Barbara J. Hugney-Shope, Esquire Verification s/Henry B. Royer s/Carolyn Royer Certificate of Service 3 cc to Atty	John K. Reilly Jr.
06/17/2003	John K. Reilly Jr.
✓ Answer and New Matter to Amended Complaint. filed by s/Matthew B. Taladay, Esquire Certificate of Service no cc	
07/08/2003	John K. Reilly Jr.
✓ Certificate of Service, Notices of Deposition upon: BARBARA HUGNEY-SHOPE, ESQ. filed by s/Matthew B. Taladay, Esquire no cc	
07/11/2003	John K. Reilly Jr.
✓ Plaintiffs' Answers To Interrogatories and Request for Production of Documents - First Set. filed by s/Matthew B. Taladay, Esquire Two (2) cc to Atty	
10/22/2003	John K. Reilly Jr.
✓ Certificate Of Readiness. filed by s/Matthew B. Taladay, Esq. no cc Copy to C/A	
01/26/2004	Paul E. Cherry
✓ ORDER, AND NOW, this 23rd day of January, 2004, Discovery deadline for taking of Depositions and exchange of opposing counsel shall be no later than March 31, 2004. Motion in Limine shall be filed no later than 15 days prior to the commencement of trial. Parties shall provide suggested Points of Charge no later than Mar. 31, 2004. Jury selection scheduled for 9:00 a.m. on Jan. 29, 2004. Jury Trial scheduled for Apr. 26 and 27, 2004, at 9:00 a.m. Parties shall mark all exhibits for trial in advance of trial to speed introduction of exhibits. by the Court, s/PEC,J. 1 cc Atty Shope, Taladay	
03/24/2004	Paul E. Cherry
✓ Motion To Extend Time For Taking Deposition of Medical Expert Witness For Use At Trial. filed by, s/Barbara J. Hugney-Shope, Esq. 2 cc to Atty	
✓ ORDER, AND NOW, this 24th day of March, 2004, re: Plaintiff's Motion To Extend Time for Taking Deposition of Medical Expert Witness for Use at Trial is GRANTED. by the Court, s/PEC, J. 3 cc to Atty	Paul E. Cherry