

02-1490-CD
KAREN LYNN BAKER vs. RUTH E. WINTERS, etal.

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT


46th

COMMON PLEAS No.

02-1490-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT <u>Ruth E. Winters & Fullington Auto Bus Co.</u>		MAG. DIST. NO. OR NAME OF D.J. <u>46-3-02</u>	
ADDRESS OF APPELLANT <u>R.D. 3, Box 5B</u>	CITY <u>Clearfield</u>	STATE <u>PA</u>	ZIP CODE <u>16830</u>
DATE OF JUDGMENT <u>9/03/02</u>	IN THE CASE OF (Plaintiff) <u>Baker, Karen Lynn</u>		(Defendant) <u>vs. Winters, Ruth E.</u>
CLAIM NO. CV <u>0000317-02</u> LT _____	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

Signature of Prothonotary or Deputy

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Karen Lynn Baker, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 02-1490-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To Karen Lynn Baker, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: September 25, 2002

Signature of Prothonotary or Deputy

FILED

m/1/21/02
SEP 25 2002
Copies
Toothy
Christopher
Sinnott

William A. Shaw
Prothonotary

10-31-00

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) _____, on
_____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom
the Rule was addressed on _____, ☐ by personal service ☐ by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

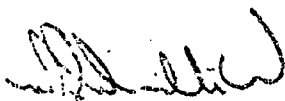
THIS _____ DAY OF _____, _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____



Mag. Dist. No.:	46-3-02
DJ Name: Hon.	RICHARD A. IRELAND
Address:	650 LEONARD STREET CLEARFIELD, PA
Telephone: (814) 765-5335	16830

**RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS
**BAKER, KAREN LYNN
PO BOX 194
CURWENSVILLE, PA 16833**

VS.
DEFENDANT: NAME and ADDRESS
**WINTERS, RUTH E, ET AL.
RD3, BOX 5B
CLEARFIELD, PA 16830**

Docket No.: **CV-0000317-02**
Date Filed: **7/15/02**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **BAKER, KAREN LYNN**

☒ Judgment was entered against: (Name) **WINTERS, RUTH E**

in the amount of \$ **1,980.13** on: (Date of Judgment) **9/03/02**

☐ Defendants are jointly and severally liable. (Date & Time) _____

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ _____

☐ Levy is stayed for _____ days or ☐ generally stayed.

☐ Objection to levy has been filed and hearing will be held:

Amount of Judgment	\$ <u>1,913.13</u>
Judgment Costs	\$ <u>67.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>1,980.13</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

SEP 03 2002

Date *Richard A. Ireland*, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	46-3-02
DJ Name: Hon.	RICHARD A. IRELAND
Address:	650 LEONARD STREET CLEARFIELD, PA
Telephone:	(814) 765-5335 16830

**RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS
**BAKER, KAREN LYNN
PO BOX 194
CURWENSVILLE, PA 16833**

VS.

DEFENDANT: NAME and ADDRESS
**WINTERS, RUTH E, ET AL.
RD3, BOX 5B
CLEARFIELD, PA 16830**

Docket No.: **CV-0000317-02**
Date Filed: **7/15/02**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **BAKER, KAREN LYNN**

☒ Judgment was entered against: (Name) **FULLINGTON AUTO BUS CO**

in the amount of \$ **1,980.13** on: (Date of Judgment) **9/03/02**

☐ Defendants are jointly and severally liable. (Date & Time) _____

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ _____

☐ Levy is stayed for _____ days or ☐ generally stayed.

☐ Objection to levy has been filed and hearing will be held:

Amount of Judgment	\$ 1,913.13
Judgment Costs	\$ 67.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,980.13
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
	=====
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

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SEP 03 2002

Date *Richard A. Ireland*, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

**KNOX
McLAUGHLIN
GORNALL
& SENNETT**

A Professional Corporation

120 West Tenth Street
Erie, Pennsylvania 16501-1461
814-459-2800
Fax 814-453-4530
www.kmgslaw.com

Christopher J. Sinnott
csinnott@kmgslaw.com

September 23, 2002

Prothonotary
Clearfield County Court House
230 East Market Street
Clearfield, PA 16830

**RE: Baker v. Winters
CV-0000317-02**

Dear Sir or Madam:

Enclosed is an original Notice of Appeal from District Justice Judgment for the 46th judicial district along with a copy of the District Justice judgment and the \$80.00 filing fee. Please file the enclosed notice of appeal and return the copies to be served on the appellee and the District Justice as well as the copies I will need to return to your office as proof of service.

Thank you for your attention to this matter.

Very truly yours,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

By 

Christopher J. Sinnott, Esquire

WILLIAM C. SENNETT
EDWIN L.R. McKEAN
RICHARD H. ZAMBOLDI
JACK M. GORNALL
HARRY K. THOMAS
MICHAEL A. FETZNER
JAMES T. MARNEN
DONALD E. WRIGHT, JR.
RICHARD W. PERHACS
ROBERT G. DWYER
R. PERRIN BAKER
MARK E. MIODUSZEWSKI
CARL N. MOORE
DAVID M. MOSIER
THOMAS A. TUPITZA
GUY C. FUSTINE
RICHARD E. BORDONARO
BRIAN GLOWACKI
JOHN O. DODICK
FRANCIS J. KLEMENSIC
TIMOTHY M. SENNETT
WILLIAM C. WAGNER
PATRICIA K. SMITH
MARK T. WASSELL
RICHARD A. LANZILLO
JOANNA K. BUDDE
PETER A. PENTZ
MARK G. CLAYPOOL
THOMAS C. HOFFMAN II
MARK J. KUJAR
CHRISTOPHER J. SINNOTT
TIMOTHY M. ZIEZIULA
W. JOHN KNOX III
JENNIFER E. GORNALL-ROUCH
VASILIOS T. NACOPOULOS
JEROME C. WEGLEY
CRAIG W. SNETHEN

CJS/jmn:cas
Enclosures
454050

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
DJ Name: Hon.
RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA
Telephone: **(814) 765-5335 16830**

RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: NAME and ADDRESS
BAKER, KAREN LYNN
PO BOX 194
CURWENSVILLE, PA 16833

VS.
DEFENDANT: NAME and ADDRESS
WINTERS, RUTH E, ET AL.
RD3, BOX 5B
CLEARFIELD, PA 16830

Docket No.: **CV-0000317-02**
Date Filed: **7/15/02**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

02-1490-CD

☒ Judgment was entered for: (Name) **BAKER, KAREN LYNN**

☒ Judgment was entered against: (Name) **FULLINGTON AUTO BUS CO**

in the amount of \$ **1,980.13** on: (Date of Judgment) **9/03/02**

☐ Defendants are jointly and severally liable. (Date & Time) _____

☐ Damages will be assessed on: _____

☐ This case dismissed without prejudice. _____

☐ Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ _____

☐ Levy is stayed for _____ days or ☐ generally stayed.

☐ Objection to levy has been filed and hearing will be held: _____

Amount of Judgment	\$ 1,913.13
Judgment Costs	\$ 67.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,980.13
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

Date:	Place:
Time:	FILED <i>013:42</i> <i>OCT 01 2002</i>

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

SEP 03 2002

Date *Richard A. Ireland*, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.	
SEP 30 2002	Date <u><i>Richard A. Ireland</i></u> , District Justice

My commission expires first Monday of January,

2006

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND

Address: **650 LEONARD STREET
CLEARFIELD, PA**

Telephone: **(814) 765-5335 16830**

**RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830**

NOTICE OF JUDGMENT/TRANSCRIPT CIVIL CASE

PLAINTIFF:

NAME and ADDRESS

**BAKER, KAREN LYNN
PO BOX 194
CURWENSVILLE, PA 16833**

VS.

DEFENDANT:

NAME and ADDRESS

**WINTERS, RUTH E, ET AL.
RD3, BOX 5B
CLEARFIELD, PA 16830**

Docket No.: **CV-0000317-02**
Date Filed: **7/15/02**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **BAKER, KAREN LYNN**

☒ Judgment was entered against: (Name) **WINTERS, RUTH E**

in the amount of \$ **1,980.13** on: (Date of Judgment) **9/03/02**

☐ Defendants are jointly and severally liable. (Date & Time) _____

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☐ This case dismissed without prejudice.

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Total	\$ 1,980.13
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
	=====
Certified Judgment Total	\$ _____

Date:

Place:

Time:

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

SEP 03 2002

_____ Date **Richard Ireland**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

SEP 30 2002 Date **Richard Ireland**, District Justice

My commission expires first Monday of January,

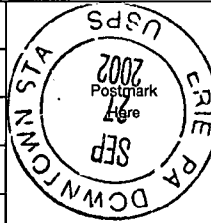
2006

SEAL

J.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$4.42



Sent To The Hon. Richard Ireland
Street, Apt. No.,
or PO Box No. 650 Leonard Street
City, State, ZIP+4 Clearfield PA 16830

PS Form 3800, January 2001

See Reverse for Instructions

7001 2510 0006 3859 8553

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

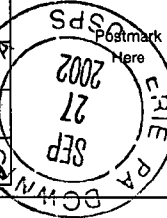
IMPORTANT: Save this receipt and present it when making an inquiry.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

CHAR

OFFICIAL USE

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42



Sent To
Karen Lynn Baker
Street, Apt. No.,
or PO Box No. P.O. Box 194
City, State, ZIP+4
Curwensville PA 16833

PS Form 3800, January 2001

See Reverse for Instructions

7001 2510 0006 3A59 A560

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

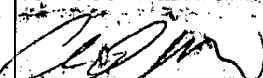
46th

COMMON PLEAS No.

02-1490-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Ruth F. Winters & Fullington Auto Bus Co.		MAG. DIST. NO. OR NAME OF D.J. 15-3-02	
ADDRESS OF APPELLANT P.O. Box 5B		CITY Clearfield	STATE PA
DATE OF JUDGMENT 9/03/02	IN THE CASE OF (Plaintiff) Baker, Karen Lynn	(Defendant) vs. Winters, Ruth E.	ZIP CODE 16830
CLAIM NO. CV 0000317-02	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
LT. 0000317-02			

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

Signature of Prothonotary or Deputy

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon **Karen Lynn Baker**, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. **02-1490-CD**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To **Karen Lynn Baker**, appellee(s).

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: **September 25, 2002**

Signature of Prothonotary or Deputy

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield; SS

AFFIDAVIT: I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 02-1490-CD, upon the District Justice designated therein on (date of service) September 27 2002, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Karen Lynn Baker, on September 27, 2002 ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.
- ☒ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on September 27, 2002, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

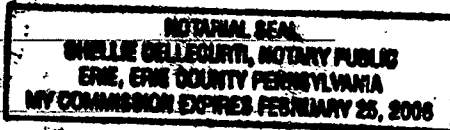
SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 30th DAY OF September 2002

[Signature]
Signature of official before whom affidavit was made

Title of official

My commission expires on



[Signature]
Signature of affiant

FILED

m 11:31 AM
OCT 02 2002

William A. Shaw
Prothonotary

[Signature]

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

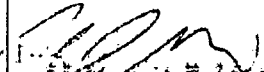
46th

COMMON PLEAS No.

02-1490-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Ruth E. Winters & Fullinaton Auto Bus Co.		MAG. DIST. NO. OR NAME OF D.J. 46-3-02	
ADDRESS OF APPELLANT R.D. 3, Box 5B	CITY Clearfield	STATE PA	ZIP CODE 16830
DATE OF JUDGMENT 9/03/02	IN THE CASE OF (Plaintiff) Baker, Karen Lynn		(Defendant) Hinters, Ruth E.
CLAIM NO. CV 0000317-02	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

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Signature of Prothonotary or Deputy

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon **Karen Lynn Baker**

Name of appellee(s)

(Common Pleas No. **02-1490-CD**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To **Karen Lynn Baker**, appellee(s).

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: **September 25, 2002**

Signature of Prothonotary or Deputy

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield; SS

AFFIDAVIT: I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 02-1490-CD, upon the District Justice designated therein on (date of service) September 27 2002, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Karen Lynn Baker, on September 27, 2002 ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.
- ☒ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on September 27, 2002, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 30th DAY OF September 2002

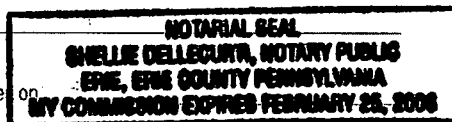
[Signature]
Signature of official before whom affidavit was made

K-d a 2-61

Signature of affiant

Title of official

My commission expires on



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

Karen Lynn Baker

Plaintiff/Appellant

CASE No. 02-1490-CD

VS.

Type of Pleading:
COMPLAINT

Ruth Winters/Fullington Auto Bus Co.

Defendant/Appellee

COMPLAINT

Now, comes the **Plaintiff, Karen Lynn Baker** who hereby avers as follows:

1. Karen Baker is an adult individual whose address is PO Box 194 Curwensville, PA 16833.
2. Defendant is Ruth Winters, an adult individual, whose address is RD#3 Box 58 Clearfield, PA 16830 and Fullington Auto Bus Co. who place of business is located at 316 East Cherry Street, Clearfield, PA 16830.
3. On May 17 2002, at approximately 3:00 PM Karen Baker was the owner and operator of a 1995 Jeep Grand Cherokee, traveling on SR 3007 in the village of New Millport, Clearfield County, Pennsylvania.
4. At the date, time and place above referenced, Defendant was the operator of a 1996 Blue Bird school bus owned by Fullington Auto Bus Co. of Clearfield PA and was stopped on SR 3007.
5. Suddenly, unexpectedly and without warning, Defendant put her school bus into reverse and proceeded back into the path of Plaintiff's Jeep, which resulted in a collision.
6. The collision was solely and proximately the result of the negligence of Defendant, which is as follows:
 - a. In putting her bus into reverse and backing without first ascertaining whether or not it was safe to do so.
 - b. In suddenly, unexpectedly and without warning putting her bus in reverse to turn onto a side street (Main Street, New Millport PA) when she knew or should have known that to do so would cause undue risk or collision.
7. As a direct and proximate result of Defendant's negligence as described herein, Plaintiff has sustained damages as follows:
 - a. Damage to the front bumper, grille, headlamp, right park signal, hood, right fender outside, bug shield, radiator support and other miscellaneous damage to her Jeep in the amount of \$1,913.13.

Wherefore, Plaintiff demands judgment against Defendant in the amount of \$1,913.13, plus interest, court costs and such other reasonable costs as the court may allow.

FILED

Karen Lynn Baker
Plaintiff

OCT 17 2002
01/8435/ was
William A. Shaw
Prothonotary
No Court Cost

COMPLAINT – VERIFICATION

VERIFICATION

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

Karen Lynn Baker

Date: 6/24/02 01:22 PM
Estimate ID: M02A39880
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

THIS IS NOT AN AUTHORIZATION FOR REPAIR

D.L. Dravis & Associates Inc.

630 Pleasant Valley Blvd. P.O. Box 801 Altoona, PA 16602
(814) 943-6155
Fax: (814) 943-6002

Damage Assessed By: Rocky McCumbee145702

Appraised For: DEBORAH PECORARO UTICA NAT INS CO

Condition Code: Good
Date of Loss: 6/24/02
Contact Date: 6/21/02
Deductible: UNKNOWN
File Number: M02A39880
Claim Number: 972086

Type of Loss: Collision
Arrival Date: 6/24/02
Accident Date: 5/17/02

Insured: FULLINGTON AUTO BUS CO.
Claimant: KAREN L. BAKER
Address: LARSON ROAD P.O. BOX 141 CURWENSVILLE, PA 16833
Telephone: Home Phone: (814) 236-7429

Mitchell Service: 916523

No supplements
without prior approval.

Description: 1995 Jeep GrandCherokee Laredo
Body Style: 4D Ut 106" WB
VIN: 1J4GZ58S2SC570827
Mileage: 117,889

Drive Train: 4.0L Inj 6 Cyl 4WD
License: ZWP-070 PA

OEM/ALT: A
Color: GREEN

Search Code: B16602

Options: AIR CONDITIONING, POWER STEERING, POWER BRAKES, POWER WINDOWS, POWER DOOR LOCKS
TILT STEERING WHEEL, CRUISE CONTROL, ELECTRIC DEFOGGER, AM-FM STEREO CASSETTE
AUTOMATIC TRANSMISSION, LUGGAGE RACK, REAR GATE WIPER, BUG DEFLECTOR
POWER REMOTE MIRROR, 4-DOOR HATCHBACK, SPECIAL WHEELS, DRIVER FRONT AIR BAG

"IF THIS APPRAISAL USES AFTERMARKET PARTS, THEY WILL BE STATED ON THE
FACE OF THE APPRAISAL (AM). IF AFTERMARKET PART WAS USED, AND IF IT
VOIDS THE EXISTING MANUFACTURE'S WARRANTY ON THE PART BEING
REPLACED, THE AFTERMARKET PART WILL HAVE A WARRANTY EQUAL TO OR BETTER
THAN THE REMAINDER OF EXISTING WARRANTY FOR THE PART THAT WAS
REPLACED."

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
--------------	-----------------	---------------	-----------	--------------------------	---------------------------	------------------	----------------

ESTIMATE RECALL NUMBER: 6/24/02 13:08:46 M02A39880

Mitchell Data Version:
UltraMate Version:

JUN_02_A
4.8.009

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Copyright (C) 1994 - 2002 Mitchell International
All Rights Reserved

Page 1 of 4

Date: 6/24/02 01:22 PM
 Estimate ID: M02A39880
 Estimate Version: 0
 Preliminary
 Profile ID: CUSTOMIZED

Kaufman

OLM 55032684

1	AUTO	BDY	OVERHAUL	FRT COVER ASSY				
2	629909	BDY	REMOVE/REPLACE	FRT BUMPER COVER - <i>Gray tape</i>	** QUAL REPL PART	139.00	INC	#
3	600069	BDY	REMOVE/REPLACE	FRT UPR BUMPER BRACKET	52058271	12.60	INC	
4	601141	BDY	REMOVE/REPLACE	GRILLE	55054890	195.00	INC	
5	601500	BDY	REMOVE/REPLACE	GRILLE MOUNTING PANEL	55054886	115.00	3.4	#
6	AUTO	BDY	CHECK/ADJUST	HEADLAMPS			0.4	
7	601790	BDY	REMOVE/REPLACE	L H/LAMP ASSEMBLY	55155127	119.00	INC	#
8	602130	BDY	REMOVE/REPLACE	L PARK/SIGNAL LAMP ASSEMBLY	** QUAL REPL PART	21.00	INC	#
9	602800	BDY	REMOVE/REPLACE	HOOD PANEL	55295753	412.00	1.3	
10	AUTO	REF	REFINISH	HOOD OUTSIDE			C 2.8	
11	AUTO	REF	REFINISH	HOOD UNDERSIDE			C 1.4	
12	605210	REF	BLEND	R FENDER OUTSIDE			C 1.0	
13	900500	BDY	REMOVE/REPLACE	BUG SHIELD	**Qual Repl Part	69.95	0.0*	
14	605220	REF	BLEND	L FENDER OUTSIDE			C 1.0	
15	600738	BDY	REPAIR	L FRONT BODY RADIATOR SIDE PANEL -S	Existing		1.0*	
16	AUTO	REF	REFINISH	L RADIATOR SIDE PANEL			0.5	
17	936012		ADD'L COST	HAZARDOUS WASTE DISPOSAL		3.50	*	
18	AUTO	REF	ADD'L OPR	CLEAR COAT			2.1	
19	933018	REF	ADD'L OPR	MASK FOR OVERSPRAY		5.00	0.2*	
20	AUTO		ADD'L COST	PAINT/MATERIALS		158.40	*	

* - Judgement Item
 # - Labor Note Applies
 ** QUAL REPL PART - Quality Replacement Parts
 C - Included in Clear Coat Calc

SMEALS ENTERPRISES
 230 NORTH FOURTH ST
 MAIN DIVISION
 PHILIPSBURG
 PA 16866
 (800) 874-8341 (814) 342-0230
 2 ** 19-40-90-2
 8 ** TYC12152201

NOT Available from SMEALS

Remarks
 NO COST EFFECTIVE LKQ AVAILABLE.

I. Labor Subtotals						II. Part Replacement Summary			
	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals				Amount
Body	6.4	36.00	0.00	0.00	230.40	T	Taxable Parts		1,083.55
Refinish	9.0	36.00	5.00	0.00	329.00	T	Sales Tax	@ 6.000%	65.01
Taxable Labor					559.40	Total Replacement Parts Amount			
Labor Tax @ 6.000 %					33.56				
Labor Summary	15.4				592.96				

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,
Plaintiff,

v.

RUTH E. WINTERS AND
FULLINGTON AUTO BUS COMPANY,
Defendants.

)
) CIVIL ACTION
)
)
)
)
)

NO. 2002 – 1490 C.D.

Type of Pleading: PROOF OF SERVICE

Filed on Behalf of: Defendant,
Fullington Auto Bus Company

Counsel of Record for this Party:

Christopher J. Sinnott, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

FILED

OCT 18 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,) CIVIL ACTION
Plaintiff,)
)
v.)
)
RUTH E. WINTERS AND)
FULLINGTON AUTO BUS COMPANY,)
Defendants.) NO. 2002 - 1490 C.D.

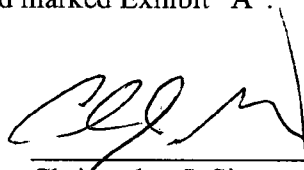
PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :

ss:

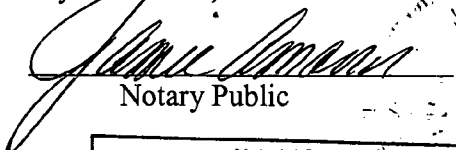
COUNTY OF Erie :

On this, the 16th day of October 2002, before me, a Notary Public, personally appeared Christopher J. Sinnott, Esq., who, being duly sworn according to law, deposes and says that he is the attorney for the Defendant, Fullington Auto Bus Company, in the above-captioned matter and that he served a Notice of Appeal of District Justice Judgment on Plaintiff, Karen Lynn Baker, by Certified Mail, Article Number 7001 2510 0006 3859 8560, through the United States Mail and that said Plaintiff accepted service of same on September 30, 2002, as is evidenced by the return receipt attached hereto and marked Exhibit "A".

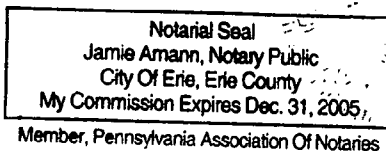


Christopher J. Sinnott, Esquire

Sworn to and subscribed
Before me this 16th
day of October, 2002.



Notary Public

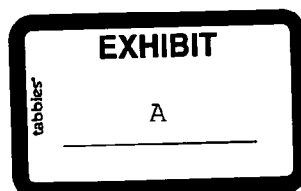


PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>Jerome C. Woods</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Jerome C. Woods</i></p> <p>C. Date of Delivery <i>9-30-02</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Karen Lynn Baker P.O. Box 194 Curwensville PA 16833</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p>7001 2510 0006 3859 8560</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

RECEIVED OCT 02 2002

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381

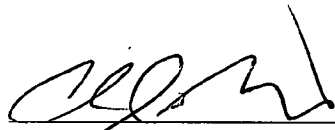


IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,	)	CIVIL ACTION
Plaintiff,)	
)	
v.)	
)	
RUTH E. WINTERS AND)	
FULLINGTON AUTO BUS COMPANY,)	
Defendants.	)	NO. 2002 – 1490 C.D.

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within Proof of Service of Notice of Appeal of District Justice Judgment, was mailed by first class mail, postage prepaid, or hand delivered this 16th day of October, 2002, to all counsel of record and unrepresented parties in the above-captioned matter.



Christopher J. Sinnott, Esquire

FILED
No cc
311:29-181
OCT 18 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,
Plaintiff,

v.

RUTH E. WINTERS AND
FULLINGTON AUTO BUS COMPANY,
Defendants.

)
) CIVIL ACTION
)

)
)
)
)
) NO. 2002 – 1490 C.D.

Type of Pleading: PROOF OF SERVICE

Filed on Behalf of: Defendant,
Fullington Auto Bus Company

Counsel of Record for this Party:

Christopher J. Sinnott, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

FILED

OCT 18 2002

William A. Shaw
Prothonotary

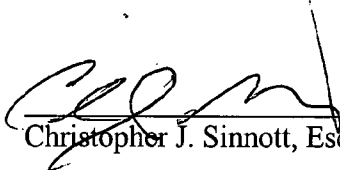
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,) CIVIL ACTION
Plaintiff,)
)
v.)
)
RUTH E. WINTERS AND)
FULLINGTON AUTO BUS COMPANY,)
Defendants.) NO. 2002 – 1490 C.D.

PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
 : SS:
COUNTY OF Erie :

On this, the 16th day of October 2002, before me, a Notary Public, personally appeared Christopher J. Sinnott, Esq., who, being duly sworn according to law, deposes and says that he is the attorney for the Defendant, Fullington Auto Bus Company, in the above-captioned matter and that he served a Notice of Appeal of District Justice Judgment on The Honorable Richard Ireland, by Certified Mail, Article Number 7001 2510 0006 3859 8553, through the United States Mail and that said Plaintiff accepted service of same on September 30, 2002, as is evidenced by the return receipt attached hereto and marked Exhibit "A".

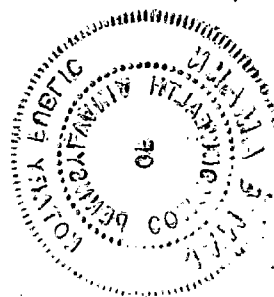

Christopher J. Sinnott, Esquire

Sworn to and subscribed
Before me this 16th
day of October, 2002.


Notary Public

Notarial Seal
Jamie Amann, Notary Public
City Of Erie, Erie County
My Commission Expires Dec. 31, 2005

Member, Pennsylvania Association Of Notaries

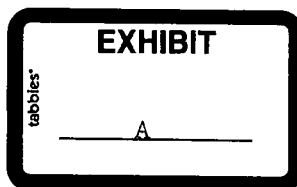


PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <div style="display: flex; justify-content: space-between; align-items: center;"> <i>x Elizabeth Queen</i> <div style="text-align: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div> </div> </p> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>B. Received by (Printed Name) <i>Elizabeth Queen</i> </p> </div> <div style="width: 35%;"> <p>C. Date of Delivery <i>9.30.02</i> </p> </div> </div> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>The Honorable Richard Ireland 650 Leonard Street Clearfield PA 16830</p>	<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail </div> <div style="width: 50%;"> <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </div> </div>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> 7001 2510 0006 3859 8553 </div>	

RECEIVED OCT 02 2002

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381

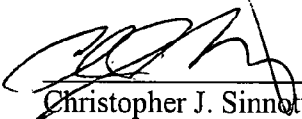


IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,	)	CIVIL ACTION
Plaintiff,)	
)	
v.)	
)	
RUTH E. WINTERS AND)	
FULLINGTON AUTO BUS COMPANY,)	
Defendants.	)	NO. 2002 – 1490 C.D.

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within Proof of Service of Notice of Appeal of District Justice Judgment, was mailed by first class mail, postage prepaid, or hand delivered this 16th day of October, 2002, to all counsel of record and unrepresented parties in the above-captioned matter.



Christopher J. Sinnott, Esquire

mp **FILED** ^{N^o}cc
OCT 11 29 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,
Plaintiff,

v.

RUTH E. WINTERS AND
FULLINGTON AUTO BUS COMPANY,
Defendants.

)
) CIVIL ACTION
)
)
)
)
)
)

NO. 2002 – 1490 C.D.

Type of Pleading: TEN DAY NOTICE OF
INTENTION TO ENTER JUDGMENT OF
NON PROS

Filed on Behalf of: Defendant,
Fullington Auto Bus Company

Counsel of Record for this Party:

Christopher J. Sinnott, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

FILED

OCT 30 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,	)	CIVIL ACTION
Plaintiff,)	
)	
v.)	
)	
RUTH E. WINTERS AND)	
FULLINGTON AUTO BUS COMPANY,)	
Defendants.	)	NO. 2002 - 1490 C.D.

TEN DAY NOTICE OF INTENTION TO ENTER JUDGMENT OF NON PROS

To: Karen Baker
P.O. Box 194
Curwensville, PA 16833

Date of Notice: October 28, 2002

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE A COMPLAINT IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR RIGHT TO SUE THE DEFENDANT AND THEREBY LOSE PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Clearfield County Bar Association
215 E. Locust Street
Clearfield, PA 16830
(814) 765-1581

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY 

Christopher J. Sinnott, Esquire
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

Attorneys for Defendant,
Fullington Auto Bus Company

FILED

NO
cc

M/1:37

OCT 30 2002

6/23

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,
Plaintiff,

v.

RUTH E. WINTERS AND
FULLINGTON AUTO BUS COMPANY,
Defendants.

)
) CIVIL ACTION
)
)
)
)
)
)

NO. 2002 - 1490 C.D.

Type of Pleading: Answer and New Matter

Filed on Behalf of: Defendant,
Fullington Auto Bus Company

Counsel of Record for this Party:

Christopher J. Sinnott, Esquire
James M. Nadzam, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

FILED

NOV 25 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,	)	CIVIL ACTION
Plaintiff,)	
)	
v.)	
)	
RUTH E. WINTERS AND)	
FULLINGTON AUTO BUS COMPANY,)	
Defendants.)	NO. 2002 - 1490 C.D.

NOTICE TO PLEAD

TO THE PLAINTIFF:

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgment may be entered against 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.

Clearfield County Bar Association
215 E. Locust Street
Clearfield, PA 16830
(814) 765-1581

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: 

Christopher J. Sinnott

BY: 

James M. Nadzam, Esquire
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

Attorneys for Fullington Auto Bus Company

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,	)	CIVIL ACTION
Plaintiff,)	
)	
v.)	
)	
RUTH E. WINTERS AND)	
FULLINGTON AUTO BUS COMPANY,)	
Defendants.	)	NO. 2002 – 1490 C.D.

DEFENDANTS' ANSWER AND NEW MATTER

AND NOW, come the defendants, Ruth Winters and Fullington Auto Bus Company, by and through their attorneys, Knox McLaughlin Gornall & Sennett, P.C., and file this Answer and New Matter to plaintiff's Complaint as follows:

1. After reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of these averments and, accordingly, deny the same.
2. Admitted.
3. It is admitted that on May 17 2002, at approximately 3:00 PM, plaintiff was traveling on SR 3007 in the village of New Millport. After reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments remaining in paragraph 3 and, accordingly, deny the same.
4. Admitted.

5. Admitted in part and denied in part. It is admitted that a collision occurred involving the vehicles of plaintiff and defendant. The remainder of the averments of paragraph 5 are denied.

6. The averments of paragraph 6 and its subparts (a) and (b) are denied.

7. Denied. It is specifically denied that this defendant was negligent.

Furthermore, it is specifically denied that any such negligence caused any of plaintiff's alleged damages. As to the remaining allegations of this paragraph pertaining to damages, after reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of these averments and, accordingly, denies the same.

WHEREFORE, defendants, Ruth E. Winters and Fullington Auto Bus Co., demand judgment in their favor and against the plaintiff on all claims.

NEW MATTER

8. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

9. The rights of the plaintiff are restricted, governed, diminished and/or barred by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S.A. § 1701, et seq., and any amendments or acts successive thereto, including, but not limited to, limited tort and non-recovery of medical expenses and wage loss.

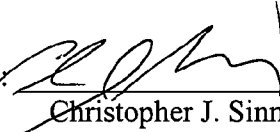
10. Plaintiff's claims are barred by the expiration of the applicable statute of limitations.

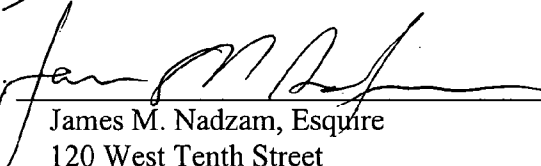
WHEREFORE, defendants, Ruth E. Winters and Fullington Auto Bus Co., demand judgment in their favor and against the plaintiff on all claims.

A TRIAL BY JURY OF TWELVE (12) IS DEMANDED

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: 
Christopher J. Sinnott

BY: 
James M. Nadzam, Esquire
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

Attorneys for Defendant,
Fullington Auto Bus Company

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,
Plaintiff,

v.

RUTH E. WINTERS AND
FULLINGTON AUTO BUS COMPANY,
Defendants.

) CIVIL ACTION

)

)

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)

)

) NO. 2002 - 1490 C.D.

VERIFICATION

I, Ruth E. Winters, hereby verify that the facts contained in the within Answer and New Matter are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities and is given pursuant to the provisions for Verification of pleadings as defined and provided for in Rule 1024 of Pennsylvania Rules of Civil Procedure.


Ruth E. Winters

Dated: 11-18-2002

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,
Plaintiff,

v.

RUTH E. WINTERS AND
FULLINGTON AUTO BUS COMPANY,
Defendants.

) CIVIL ACTION

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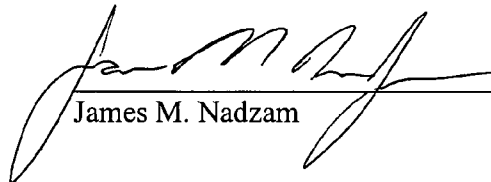
)

)

) NO. 2002 - 1490 C.D.

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within Answer and New Matter, was mailed by first class mail, postage prepaid, or hand delivered this 21st day of November, 2002, to all counsel of record and unrepresented parties in the above-captioned matter.


James M. Nadzam

FILED

NO
cc

NOV 25 2002

William A. Shaw
Prothonotary

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,
Plaintiff,

v.

RUTH E. WINTERS AND
FULLINGTON AUTO BUS COMPANY,
Defendants.

)
) CIVIL ACTION
)
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)
)
)

NO. 2002 - 1490 C.D.

Type of Pleading: Praecipe for Arbitration

Filed on Behalf of: Defendant,
Fullington Auto Bus Company

Counsel of Record for this Party:

James M. Nadzam, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

FILED

APR 04 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,	)	CIVIL ACTION
Plaintiff,)	
)	
v.)	
)	
RUTH E. WINTERS AND)	
FULLINGTON AUTO BUS COMPANY,)	
Defendants.	)	NO. 2002 - 1490 C.D.

PRAECIPE FOR ARBITRATION

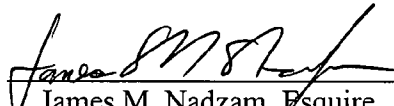
TO THE PROTHONOTARY:

Please certify this case for arbitration.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY:


James M. Nadzam, Esquire
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

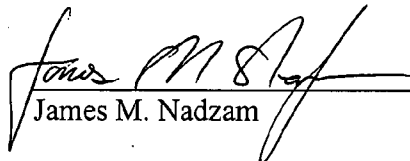
Attorneys for Defendant,
Fullington Auto Bus Company

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,	)	CIVIL ACTION
Plaintiff,)	
)	
v.)	
)	
RUTH E. WINTERS AND)	
FULLINGTON AUTO BUS COMPANY,)	
Defendants.	)	NO. 2002 – 1490 C.D.

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within Praecipe for Arbitration, was mailed by first class mail, postage prepaid, or hand delivered this 2nd day of April, 2003, to all counsel of record and unrepresented parties in the above-captioned matter.


James M. Nadzam

FILED

m/2:30/81

APR 04 2003

Att'y pd. 20.00

Att'y Nadzani

William A. Shaw
Proprietary

copy to C/A

~~2~~

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

2002-1490 C.D. Civil DATE PRESENTED 4/2/03
CASE NUMBER TYPE TRIAL REQUESTED ESTIMATED TRIAL TIME

() Jury () Non-Jury
(X) Arbitration
Date Complaint Filed: October 17, 2002 1/2 Days

PLAINTIFF(S)

Karen Lynn Baker ()

DEFENDANT(S)

Ruth E. Winters &
Fullington Auto bus Company ()

ADDITIONAL DEFENDANT(S)

Check Block if
a Minor is a
Party to the
Case

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

FILED

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

more than.
\$1913.13

() yes () no

APR 04 2003

William A. Shaw
Prothonotary

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

James M. Nadzam

(814) 459-2800

FOR THE DEFENDANT

TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

FILED

1cc

m/2:31/81

Atty Nadzarn

APR 04 2003

copy to CIA

William A. Shaw
Prothonotary

Arb 8-18-03

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Karen Lynn Baker

Plaintiff/Appellant

Case No. 2002 – 1490 C.D.

RECEIVED

VS.

Ruth Winters/Fullington Auto Bus Co.

Defendant/Appellee

AUG 11 2003

COURT ADMINISTRATOR'S
OFFICE

Pretrial Statement of the Case

Now, comes the **Plaintiff, Karen Lynn Baker** who hereby avers as follows:

1. Karen Baker is an adult individual whose address is PO Box 194 Curwensville, PA 16833.
2. Defendant is Ruth Winters, an adult individual, whose address is RD#3 Box 58 Clearfield, PA 16830 and Fullington Auto Bus Co. who place of business is located at 316 East Cherry Street, Clearfield, PA 16830.
3. On May 17 2002, at approximately 3:00 PM Karen Baker was the owner and operator of a 1995 Jeep Grand Cherokee, stopped behind the vehicle of Defendant on SR 3007 in the village of New Millport, Clearfield County, Pennsylvania.
4. At the date, time and place above referenced, Defendant was the operator of a 1996 Blue Bird school bus owned by Fullington Auto Bus Co. of Clearfield PA and was stopped on SR 3007.
5. Suddenly, unexpectedly and without warning, Defendant put her school bus into reverse and proceeded back into the path of Plaintiff's Jeep, which resulted in a collision.
6. The collision was solely and proximately the result of the negligence of Defendant, which is as follows:
 - a. In putting her bus into reverse and backing without first ascertaining whether or not it was safe to do so.
 - b. In suddenly, unexpectedly and without warning putting her bus in reverse to turn onto a side street (Main Street, New Millport PA) when she knew or should have known that to do so would cause undue risk or collision.

7. As a direct and proximate result of Defendant's negligence as described herein, Plaintiff has sustained damages as follows:
 - a. Damage to the front bumper, grille, headlamp, right park signal, hood, right fender outside, bug shield, radiator support and other miscellaneous damage to her Jeep in the amount of \$1,913.13.

Wherefore, Plaintiff seeks judgment against Defendant in the amount of \$1,913.13, and such other reasonable costs as the court may allow.

This case was introduced to the District Magistrate on September 3, 2002 at which time a judgment was ruled in favor of Plaintiff due to Defendant not appearing at the hearing.

List of Plaintiff's physical evidence/exhibits

1. Enlarged copy of the site diagram of the accident scene
2. Videotape of the area to enhance the details of the diagram
3. Photographs of property damage
4. Repair estimate for Plaintiff's property
5. All legal documents, written correspondence and sources pertaining to the case

Date: 6/24/02 01:22 PM
Estimate ID: M02A39880
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

THIS IS NOT AN AUTHORIZATION FOR REPAIR

D.L. Dravis & Associates Inc.

630 Pleasant Valley Blvd. P.O. Box 801 Altoona, PA 16602
(814) 943-6155
Fax: (814) 943-6002

Damage Assessed By: Rocky McCumbee145702

Appraised For: DEBORAH PECORARO UTICA NAT INS CO

Condition Code: Good
Date of Loss: 6/24/02
Contact Date: 6/21/02
Deductible: UNKNOWN
File Number: M02A39880
Claim Number: 972086

Type of Loss: Collision
Arrival Date: 6/24/02
Accident Date: 5/17/02

Insured: FULLINGTON AUTO BUS CO.
Claimant: KAREN L. BAKER
Address: LARSON ROAD P.O. BOX 141 CURWENSVILLE, PA 16833
Telephone: Home Phone: (814) 236-7429

Mitchell Service: 916523

No supplements
without prior approval.

Description: 1995 Jeep GrandCherokee Laredo
Body Style: 4D Ut 106" WB
VIN: 1J4GZ58S2SC570827

Drive Train: 4.0L Inj 6 Cyl 4WD
License: ZWP-070 PA

Mileage: 117,889
OEM/ALT: A
Color: GREEN

Search Code: B16602

Options: AIR CONDITIONING, POWER STEERING, POWER BRAKES, POWER WINDOWS, POWER DOOR LOCKS
TILT STEERING WHEEL, CRUISE CONTROL, ELECTRIC DEFOGGER, AM-FM STEREO CASSETTE
AUTOMATIC TRANSMISSION, LUGGAGE RACK, REAR GATE WIPER, BUG DEFLECTOR
POWER REMOTE MIRROR, 4-DOOR HATCHBACK, SPECIAL WHEELS, DRIVER FRONT AIR BAG

"IF THIS APPRAISAL USES AFTERMARKET PARTS, THEY WILL BE STATED ON THE
FACE OF THE APPRAISAL (AM). IF AFTERMARKET PART WAS USED, AND IF IT
VOIDS THE EXISTING MANUFACTURE'S WARRANTY ON THE PART BEING
REPLACED, THE AFTERMARKET PART WILL HAVE A WARRANTY EQUAL TO OR BETTER
THAN THE REMAINDER OF EXISTING WARRANTY FOR THE PART THAT WAS
REPLACED."

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
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ESTIMATE RECALL NUMBER: 6/24/02 13:08:46 M02A39880

Mitchell Data Version:
UltraMate Version:

JUN_02_A
4.8.009

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Page 1 of 4

Date: 6/24/02 01:22 PM
 Estimate ID: M02A39880
 Estimate Version: 0
 Preliminary
 Profile ID: CUSTOMIZED

1	AUTO	BDY	OVERHAUL	FRT COVER ASSY					
2	629909	BDY	REMOVE/REPLACE	FRT BUMPER COVER - <i>Gray tarp</i>	** QUAL REPL PART	215.00	139.00	INC	#
3	600069	BDY	REMOVE/REPLACE	FRT UPR BUMPER BRACKET	52058271		12.80	INC	
4	601141	BDY	REMOVE/REPLACE	GRILLE	55054890		195.00	INC	
5	601500	BDY	REMOVE/REPLACE	GRILLE MOUNTING PANEL	55054886		115.00	3.4	#
6	AUTO	BDY	CHECK/ADJUST	HEADLAMPS				0.4	
7	601790	BDY	REMOVE/REPLACE	L H/LAMP ASSEMBLY	55155127		119.00	INC	#
8	602130	BDY	REMOVE/REPLACE	L PARK/SIGNAL LAMP ASSEMBLY	** QUAL REPL PART	27.00	21.00	INC	#
9	602800	BDY	REMOVE/REPLACE	HOOD PANEL	55295753		412.00	1.3	
10	AUTO	REF	REFINISH	HOOD OUTSIDE				C 2.8	
11	AUTO	REF	REFINISH	HOOD UNDERSIDE				C 1.4	
12	605210	REF	BLEND	R FENDER OUTSIDE				C 1.0	
13	900500	BDY *	REMOVE/REPLACE	BUG SHIELD	**Qual Repl Part		69.95	0.0	*
14	605220	REF	BLEND	L FENDER OUTSIDE				C 1.0	
15	600738	BDY	REPAIR	L FRONT BODY RADIATOR SIDE PANEL - S	Existing			1.0	*
16	AUTO	REF	REFINISH	L RADIATOR SIDE PANEL				0.5	
17	936012		ADD'L COST	HAZARDOUS WASTE DISPOSAL			3.50	*	
18	AUTO	REF	ADD'L OPR	CLEAR COAT				2.1	
19	933018	REF	ADD'L OPR	MASK FOR OVERSPRAY			5.00	0.2	*
20	AUTO		ADD'L COST	PAINT/MATERIALS			158.40	*	

* - Judgement Item
 # - Labor Note Applies
 ** QUAL REPL PART - Quality Replacement Parts
 C - Included in Clear Coat Calc

SMEALS ENTERPRISES
 230 NORTH FOURTH ST
 MAIN DIVISION
 PHILIPSBURG
 PA 16886
 (800) 874-8341 (814) 342-0230
 2 ** 19-40-90-2
 8 ** TYC12152201

139.00
 21.00

NOT AVAILABLE FROM SMEALS

Remarks

NO COST EFFECTIVE LKQ AVAILABLE.

I. Labor Subtotals						II. Part Replacement Summary			
	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals				Amount
Body	6.4	36.00	0.00	0.00	230.40 T	Taxable Parts			1,083.55
Refinish	9.0	36.00	5.00	0.00	329.00 T	Sales Tax	@ 6.000%		65.01
Taxable Labor					559.40	Total Replacement Parts Amount			
Labor Tax @ 6.000 %					33.56				
Labor Summary	15.4				592.96				

ESTIMATE RECALL NUMBER: 6/24/02 13:08:46 M02A39880

Mitchell Data Version: JUN_02_A
 UltraMate Version: 4.8.009

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Arb-8-18-03

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GORNALL
& SENNETT**

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www.kmgslaw.com

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VASILIOS T. NACOPOULOS
MARK A. DENLINGER
JEROME C. WEGLEY
TRACEY D. JONES
CRAIG W. SNETHEN
JAMES M. NADZAM

TO: *Clearfield County Court Administrator* 814-765-7649
John A. Ayers, Jr., Esq. 814-765-2612
Kimberly M. Kubista, Esq. 814-765-9893
Frederick M. Neiswender, Esq. 814-765-7205

FROM: *James M. Nadzam, Esq.*

RE: *Baker v. Winters and Fullington Auto Bus Co. #02-1490CD*

OUR FILE NO. 1079.0071

DATE SENT: August 11, 2003

SENT BY:

NO. OF PAGES FOLLOWING: 5

SPECIAL INSTRUCTIONS/MESSAGES:

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AUG 11 2003

**COURT ADMINISTRATOR'S
OFFICE**

**KNOX
McLAUGHLIN
GORNALL
& SENNETT**

A Professional Corporation

120 West Tenth Street
Eric, Pennsylvania 16501-1461
814-459-2800
Fax 814-453-4530
www.kmgslaw.com

James M. Nadzam
jnadzam@kmgslaw.com

August 11, 2003

WILLIAM C. SENNETT
EDWIN L. McKEAN
RICHARD H. ZAMBOLDI
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HARRY K. THOMAS
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John A. Ayres, Jr., Esquire
101 South Second Street
Clearfield, PA 16830

Kimberly M. Kubista, Esquire
Belin & Kubista
P.O. Box 1
Clearfield, PA 16830

Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA 16830

Karen Lynn Baker
P.O. Box 194
Curwensville, PA 16833

**RE: Karen Lynn Baker v. Ruth E. Winters and
Fullington Auto Bus Company
No. 02 - 1490 C.D.**

Dear Counsel:

Enclosed please find a copy of defendants' Pretrial Narrative Statement. The original has been filed this date with the Clearfield County Court Administrator.

Very truly yours,

**KNOX McLAUGHLIN GORNALL
& SENNETT, P.C.**

By


James M. Nadzam

JMN:cas
Enclosure
506846

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AUG 11 2003

**COURT ADMINISTRATOR'S
OFFICE**

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

KAREN LYNN BAKER,

Plaintiff,

V.

**RUTH E. WINTERS AND
FULLINGTON AUTO BUSS
COMPANY,**

Defendants.

1) CIVIL ACTION

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)

) NO. 2002-1490 C.D.

Type of Pleading: Pretrial Narrative Statement

**Filed on Behalf of: Defendants,
Ruth E. Winters and Fullington Auto Bus
Company**

Counsel of Record for this Party:

James M. Nadzam, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West 10th Street
Erie, PA 16501
(814) 459-2800

RECEIVED

AUG 11 2003

**COURT ADMINISTRATOR'S
OFFICE**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,	)	CIVIL ACTION
)	
Plaintiff,)	
)	
v.)	
)	
RUTH E. WINTERS AND)	
FULLINGTON AUTO BUSS)	
COMPANY,)	
)	
Defendants.	)	NO. 2002 - 1490 C.D.

DEFENDANTS' PRETRIAL NARRATIVE STATEMENT

I. Statement of the Case

On May 17, 2002, defendant, Ruth E. Winters, was driving a school bus for Fullington Auto Bus Company. Ms. Winters had just dropped a student off at his home on State Route 3007 and needed to turn her bus around to continue on her route. To accomplish the turnaround, Ms. Winters would drive the bus past a side street, stop the bus, reverse the bus onto the side street and pull out going in the other direction (a three-point turn). On this date, Ms. Winters had just driven the bus past the "turnaround side street" and stopped the bus in preparation to turn the bus around. Ms. Winters looked in her rearview mirror and saw no one there. Ms. Winters had her foot on the brake and was about to shift the transmission into reverse when an impact occurred. At the time of the impact, the bus was pointed downhill and was not moving backward. In fact, Ms. Winters had her foot on the brake and had not even shifted the transmission into reverse yet.

After the impact, Ms. Winters exited the bus and noticed that Karen Baker had driven into the back of the bus. Karen Baker stated that she was in a hurry and had to get to an appointment. The bus did not sustain any damage.

Defendants, Ruth E. Winters and Fullington Auto Bus Company are not liable for plaintiff's damages because plaintiff drove into the bus in question when said bus was stationary and not moving.

II. WITNESSES

Ruth E. Winters
R.D. #3, Box 58
Clearfield, PA 16830

75 Pa. C.S.A. § 3345

75 Pa. C.S.A. § 3361

IV. APPLICABLE CASES

Lockhart v. List, 542 Pa. 141, 665 A.2d 1176 (1995).

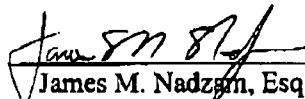
Turner v. Smith, 237 Pa. Super. 161, 346 A.2d 806 (1975).

Springer v. Luptowski, 535 Pa. 332, 635 A.2d 134 (1993).

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY:


James M. Nadzarn, Esquire
Attorneys for Defendants,
Ruth E. Winters and
Fullington Auto Bus Company
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,

Plaintiff,

v.

RUTH E. WINTERS AND
FULLINGTON AUTO BUSS
COMPANY,

Defendants.

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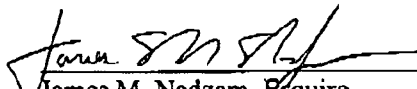
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) NO. 2002 - 1490 C.D.

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within Defendants' Pretrial Narrative Statement was mailed by first class mail, postage prepaid, or hand delivered this 7th day of August, 2003, to all counsel of record and unrepresented parties in the above-captioned matter.


James M. Nadzam, Esquire

Arb 8-10-03

**KNOX
McLAUGHLIN
GORNALL
& SENNETT**

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James M. Nadzam
jnadzam@kmgslaw.com

August 11, 2003

WILLIAM C. SENNETT
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RICHARD H. ZAMBOLDI
JACK M. GORNALL
HARRY K. THOMAS
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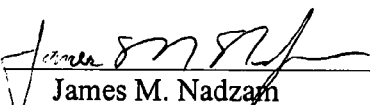
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No. 02 - 1490 C.D.**

Dear Counsel:

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Very truly yours,

KNOX McLAUGHLIN GORNALL
& SENNETT, P.C.

By 
James M. Nadzam

JMN:cas
Enclosure
506846

RECEIVED

AUG 13 2003

**COURT ADMINISTRATOR'S
OFFICE**

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OFFICE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

KAREN LYNN BAKER,)	CIVIL ACTION
)	
Plaintiff,)	
)	
v.)	
)	
RUTH E. WINTERS AND)	
FULLINGTON AUTO BUSS)	
COMPANY,)	
)	
Defendants.	)	NO. 2002 – 1490 C.D.

DEFENDANTS' PRETRIAL NARRATIVE STATEMENT

I. Statement of the Case

On May 17, 2002, defendant, Ruth E. Winters, was driving a school bus for Fullington Auto Bus Company. Ms. Winters had just dropped a student off at his home on State Route 3007 and needed to turn her bus around to continue on her route. To accomplish the turnaround, Ms. Winters would drive the bus past a side street, stop the bus, reverse the bus onto the side street and pull out going in the other direction (a three-point turn). On this date, Ms. Winters had just driven the bus past the "turnaround side street" and stopped the bus in preparation to turn the bus around. Ms. Winters looked in her rearview mirror and saw no one there. Ms. Winters had her foot on the brake and was about to shift the transmission into reverse when an impact occurred. At the time of the impact, the bus was pointed downhill and was not moving backward. In fact, Ms. Winters had her foot on the brake and had not even shifted the transmission into reverse yet.

After the impact, Ms. Winters exited the bus and noticed that Karen Baker had driven into the back of the bus. Karen Baker stated that she was in a hurry and had to get to an appointment. The bus did not sustain any damage.

Defendants, Ruth E. Winters and Fullington Auto Bus Company are not liable for plaintiff's damages because plaintiff drove into the bus in question when said bus was stationary and not moving.

II. WITNESSES

Ruth E. Winters
R.D. #3, Box 58
Clearfield, PA 16830

III. APPLICABLE STATUTES

75 Pa. C.S.A. § 3345

75 Pa. C.S.A. § 3361

IV. APPLICABLE CASES

Lockhart v. List, 542 Pa. 141, 665 A.2d 1176 (1995).

Turner v. Smith, 237 Pa. Super. 161, 346 A.2d 806 (1975).

Springer v. Luptowski, 535 Pa. 332, 635 A.2d 134 (1993).

Respectfully submitted,

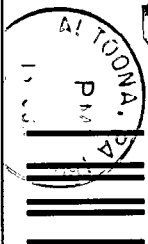
KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: 

James M. Nadzam, Esquire
Attorneys for Defendants,
Ruth E. Winters and
Fullington Auto Bus Company
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

SENDER: COMPLETE		PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS.		DELIVERY
<div><input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</div> <div><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</div> <div><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</div>		<div>A. Signature X Karen Baker<div><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</div></div> <div>B. Received by (Printed Name) Karen Baker</div> <div>C. Date of Delivery 6-13-03</div>		<div>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</div>
1. Article Addressed to: Karen Lynn Baker Post Office Box 194 Curwensville, PA 16833		<div>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.</div> <div>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</div>		
2. Article Number (Transfer from service label)		7000 0600 0023 6398 7144		
PS Form 3811, August 2001		Domestic Return Receipt		

UNITED STATES POSTAL SERVICE



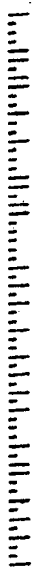
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Office of Court Administrator
Clearfield County Courthouse
Ste. 228, 230 E. Market St.
Clearfield, PA 16830

next Arb

6830=2425



SENDER: COMPLETE.

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ruth E. Winters
R.D.#3, Box 58 SB
Clearfield, PA 16830

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.

DELIVERY

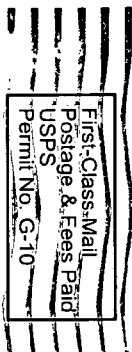
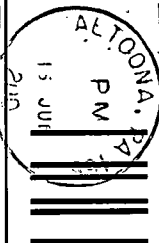
- A. Signature ☒ Agent
Ruth E. Winters ☐ Addressee
- B. Received by (Printed Name) ☐ C. Date of Delivery
Ruth E. Winters *5/6/93*
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7000 0600 0023 6398 7137

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

UNITED STATES POSTAL SERVICE

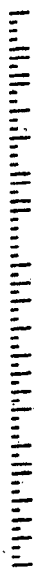


• Sender: Please print your name, address, and ZIP+4 in this box •

Office of Court Administrator
Clearfield County Courthouse
Ste. 228, 230 E. Market St.
Clearfield, PA 16830

nmk/hrs

15830=2425



7000 0600 0023 6398 7137

U.S. Postal Service		
CERTIFIED MAIL RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
Article Sent To:		
Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	
Name (Please Print Clearly) (to be completed by mailer)		
Ruth E. Winters		
Street, Apt. No. or PO Box No.		
R.D. #3, Box 58		
City, State, ZIP		
Clearfield, PA 16830		
PS Form 3800 July 1999		See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

7000 0600 0023 6398 7144

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Name (Please Print Clearly) (to be completed by mailer)

Karen Lynn Baker

Street, Apt. No., or P.O. Box No.

Post Office Box 194

City, State, and ZIP+4

Cowensville, PA 16833

PS Form 3800 July 1995

See Reverse for Instructions

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IMPORTANT: Save this receipt and present it when making an inquiry.



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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

DAVID S. MEHOLICK
COURT ADMINISTRATOR

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

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

June 2, 2003

Karen Lynn Baker
Post Office Box 194
Curwensville, PA 16833

Ruth E. Winters
R.D. #3, Box 58
Clearfield, PA 16830

James M. Nadzam, Esquire, Esquire
Knox, McLaughlin, Gornall & Sennett
120 West 10th Street
Erie, PA 16501

RE: KAREN LYNN BAKER

vs.

RUTH E. WINTERS and
FULLINGTON AUTO BUS COMPANY
No. 02-1490-CD

Dear Ms. Baker, Ms. Winters and Attorney Nadzam:

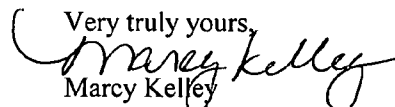
The above case is scheduled for Arbitration Hearing to be held **Monday, August 18, 2003**. The following have been appointed to the Board of Arbitrators:

Joseph Colavecchi, Esquire
John A. Ayres, Jr., Esquire
Kimberly M. Kubista, Esquire
Frederick M. Neiswender, Esquire
Cynthia B. Stewart, Esquire
Brian K. Marshall, Esquire

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

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

Very truly yours,


Marcy Kelley
Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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

DAVID S. MEHOLICK
COURT ADMINISTRATOR

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

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

June 12, 2003

Karen Lynn Baker
Post Office Box 194
Curwensville, PA 16833

Ruth E. Winters
R.D. #3, Box 58
Clearfield, PA 16830

James M. Nadzam, Esquire
Knox, McLaughlin, Gornall & Sennett
120 West 10th Street
Erie, PA 16501

RE: KAREN LYNN BAKER

vs.

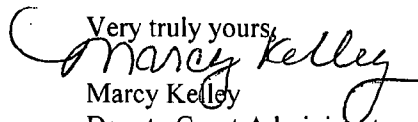
RUTH E. WINTERS and
FULLINGTON AUTO BUS COMPANY
No. 02-1490-CD

Dear Ms. Baker, Ms. Winters and Attorney Nadzam:

The above case is scheduled for Arbitration Hearing to be held **Monday, August 18, 2003 at 1:00 P.M.** The following have been appointed as Arbitrators:

John A. Ayres, Jr., Esquire, Chairman
Kimberly M. Kubista, Esquire
Frederick M. Neiswender, Esquire

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

Very truly yours,

Marcy Kelley
Deputy Court Administrator

cc: John A. Ayres, Jr., Esquire
Kimberly M. Kubista, Esquire
Frederick M. Neiswender, Esquire

KAREN LYNN BAKER,

Plaintiff

vs.

RUTH E. WINTERS and FULLINGTON
AUTO BUS COMPANY,

Defendant

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

) Civil Division

) No. 2002-1490 C.D.

PRAECIPE AND POWER OF ATTORNEY FOR SATISFACTION AND/OR TERMINATION

TO THE PROTHONOTARY:

You are hereby authorized, empowered, and directed to enter, as indicated, the following on the records thereof:

X The within suit is Settled, Discontinued, Ended WITH Prejudice and costs paid.

DATE: August 28 2003

Karen Lynn Baker
Karen Lynn Baker
Plaintiff

COST PAYMENT VERIFICATION

I UNDERSTAND THAT THE ABOVE ACTION CANNOT BE FILED AND DOCKETED
UNTIL ALL COSTS HAVE BEEN PAID, INCLUDING SHERIFF'S COSTS; AND HEREBY
VERIFY THAT ALL COSTS HAVE BEEN PAID. I UNDERSTAND THAT FALSE
STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 Pa.C.S.
SEC. 4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

Karen Lynn Baker
Karen Lynn Baker

507870

FILED

SEP 09 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED *nbcc*

M/1:30 PM *copy of Disc. to CIA*
SEP 09 2003

William A. Shaw
Prothonotary/Clerk of Courts

Est. of Disc. to Atty Nadzam
E/
10/2

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Karen Lynn Baker

Vs.

No. 2002-01490-CD

Ruth E. Winters
Fullington Auto Bus Co.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on September 9, 2003, marked:

Settled, Discontinued, and Ended with Prejudice

Record costs have been paid in full. The sum of \$80.00 has been paid by Christopher J. Sinnott, Esq., and the sum of \$20.00 has been paid by James M. Nadzam, Esq.

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

William A. Shaw, Prothonotary