

02-1568-CD  
SHAWN W. AMMERMAN vs. PA. DEPT. OF GENERAL SERVICES,

SHAWN W. AMMERMAN, Plaintiff : IN THE COURT OF COMMON PLEAS OF  
vs. : CLEARFIELD COUNTY, PENNSYLVANIA  
PENNSYLVANIA DEPARTMENT OF : CIVIL DIVISION  
GENERAL SERVICES and : NO. 02-1568-CJ  
STEPHEN T. KIRSCH, Defendants :

**PRAECIPE FOR WRIT OF SUMMONS**

TO: PROTHONOTARY OF CLEARFIELD COUNTY:

Enter my appearance for the Plaintiff and issue a Writ of Summons in the above-captioned matter against the Defendants.

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE  
& LEVINE LLP

BY: 

Nathan W. Karn, Esq.  
Attorney for Plaintiff  
Attorney I.D. #86068  
401 Allegheny Street, P. O. Box 415  
Hollidaysburg, PA 16648  
(814) 695-7581

Dated: 10/16/02

**FILED** Atty pd,  
10/18/02 JK J 80.00  
OCT 08 2002 TCC Sheriff  
2 wnts to Shff  
William A. Shaw  
Prothonotary

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

SUMMONS

COPY

**Shawn W. Ammerman**

**Vs.**

**NO.: 2002-01568-CD**

**Pennsylvania Department of General Services  
and Stephen T. Kirsch**

**TO: PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES  
STEPHEN T. KIRSCH**

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: 10/08/2002

---

William A. Shaw  
Prothonotary

Issuing Attorney:

Nathan W. Karn Esq  
401 Allegheny Street  
Hollidaysburg, PA 16648

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHAWN W. AMMERMAN,

CIVIL DIVISION

Plaintiff,

No. 2002-01568-CD

vs.

PENNSYLVANIA DEPARTMENT OF  
GENERAL SERVICES and  
STEPHEN T. KIRSCH,

PRAECIPE FOR RULE TO  
FILE COMPLAINT

Defendants.

Filed on Behalf of Defendants,  
Pennsylvania Department of  
General Services and  
Stephen T. Kirsch

Counsel of Record:

JOHN R. BENTY  
Sr. Deputy Attorney General  
Pa. I. D. #44606

Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-3539

**FILED**

DEC 05 2002

William A. Shaw  
Prothonotary

PRAECIPE FOR RULE TO FILE COMPLAINT

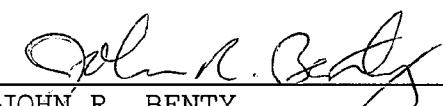
TO THE PROTHONOTARY:

Please issue a rule upon the plaintiff, Shawn W. Ammerman, to file a Complaint within twenty (20) days or suffer Judgment of Non Pros sec. reg.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
JOHN R. BENTZ  
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praeclipe for Rule to File Complaint was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, on December 3, 2002:

Nathan W. Karn, Esq.  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(Counsel for Plaintiff)

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
JOHN R. BENTY  
Sr. Deputy Attorney General

FILED

NO  
cc

10/16/2002 Rule issued to Amy Bentz

William A. Shaw  
Prothonotary

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

**COPY**

Shawn W. Ammerman

Vs.  
Pennsylvania Department of General Services  
and Stephen T. Kirsch

Case No. #2002-01568-CD

**RULE TO FILE COMPLAINT**

TO: Shawn W. Ammerman

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: December 5, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHAWN W. AMMERMAN,

CIVIL DIVISION

Plaintiff,

No. 2002-01568-CD

vs.

PENNSYLVANIA DEPARTMENT OF  
GENERAL SERVICES and  
STEPHEN T. KIRSCH,

PRAECIPE FOR APPEARANCE

Defendants.

Filed on Behalf of Defendants,  
Pennsylvania Department of  
General Services and  
Stephen T. Kirsch

Counsel of Record:

JOHN R. BENTY  
Sr. Deputy Attorney General  
Pa. I. D. #44606

Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-3539

**FILED**

DEC 05 2002

William A. Shaw  
Fleming & Shaw  
Fleming & Shaw

PRAECIPE FOR APPEARANCE

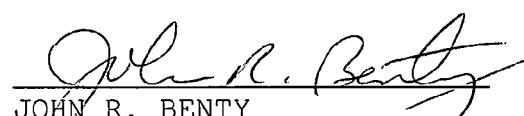
TO THE PROTHONOTARY:

Please enter my appearance in the above-referenced case on behalf of the defendants, Pennsylvania Department of General Services and Stephen T. Kirsch. The defendants, Pennsylvania Department of General Services and Stephen T. Kirsch, hereby demand a trial by a jury of twelve.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
JOHN R. BENTY  
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

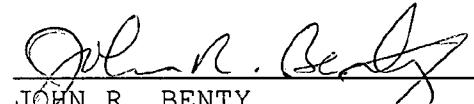
I hereby certify that a true and correct copy of the foregoing Praeclipe for Appearance was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, on December 3, 2002:

Nathan W. Karn, Esq.  
401 Allegheny Street  
Hollidaysburg, PA 16648  
(Counsel for Plaintiff)

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
JOHN R. BENTY  
Sr. Deputy Attorney General

**FILED**

APR 11 2002  
2002-05-05

Vernon A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

---

SHAWN W. AMMERMAN,  
Plaintiff

vs.

PENNSYLVANIA DEPARTMENT OF  
GENERAL SERVICES and STEPHEN  
T. KIRSCH,

Defendants

Civil Division

No. 02-1568-CD

Type of Pleading: Complaint

Filed on Behalf of Plaintiff

Counsel of Record for this Party:

Nathan W. Karn, Esq.  
Pennsylvania I.D. No: 86068

Evey, Routh, Black, Dorezas, Magee  
& Levine LLP  
P.O. Box 415  
401 Allegheny Street  
Hollidaysburg, PA 16648-0415

(814) 695-7581

---

**FILED**

DEC 16 2002

**William A. Shaw  
Prothonotary**

SHAWN W. AMMERMAN, : IN THE COURT OF COMMON PLEAS OF  
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA  
vs. : CIVIL DIVISION  
PENNSYLVANIA DEPARTMENT OF : NO. 02-1568-CD  
GENERAL SERVICES and :  
STEPHEN T. KIRSCH, :  
Defendants :  
.

**NOTICE**

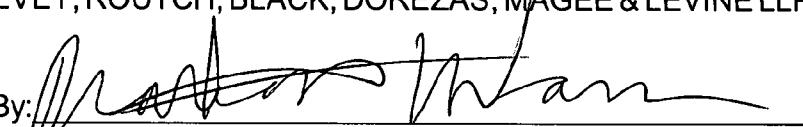
You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money, property or other rights important to you.

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

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

Phone: (814) 765-2641 Ext. 5982

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By: 

Nathan W. Karn, Esq.  
Attorney for Plaintiffs  
401 Allegheny St., P. O. Box 415  
Hollidaysburg, PA 16648  
(814) 695-7581  
Pa. I.D.# 86068

SHAWN W. AMMERMAN, Plaintiff : IN THE COURT OF COMMON PLEAS OF  
vs. : CLEARFIELD COUNTY, PENNSYLVANIA  
PENNSYLVANIA DEPARTMENT OF : CIVIL DIVISION  
GENERAL SERVICES and : NO. 02-1568-CD  
STEPHEN T. KIRSCH, Defendants :

## COMPLAINT

AND NOW, comes the Plaintiff, Shawn W. Ammerman, by and through his attorneys, Evey, Routh, Black, Dorezas, Magee & Levine LLP, and files the following Complaint:

1.

Plaintiff, Shawn W. Ammerman, is an adult individual residing in Fallentimber, Cambria County, Pennsylvania 16639-0028.

2.

Defendant, Pennsylvania Department of General Services, is a government entity with offices located at 2221 Forster Street, Harrisburg, Dauphin County, Pennsylvania 19125.

3.

Defendant, Stephen T. Kirsch, is an adult individual residing at 508 Philadelphia Avenue, Northern Cambria, Cambria County, Pennsylvania 15714.

4.

On or about July 18, 2001, Plaintiff was the owner of a 1999 Dodge Dakota pickup truck which was involved in the accident described herein.

5.

On that date, Defendant, Pennsylvania Department of General Services, was the owner of a 1990 tractor with brush hog, which was involved in the accident described herein.

6.

It is believed, and therefore averred, that at all times relevant hereto, Defendant, Stephen T. Kirsch, was acting as the agent, servant and/or employee of Defendant, Pennsylvania Department of General Services, and was then and there engaged in and upon the performance of his duties within the scope of this authority and in the course of the business of Defendant, Pennsylvania Department of General Services.

7.

On the aforesaid date, at approximately 10:00 a.m., Plaintiff was operating his vehicle in a careful, lawful and prudent manner on S.R. 1026 in White Township, Cambria County, Pennsylvania.

8.

On the aforesaid date and time, Defendant, Stephen T. Kirsch, was operating the vehicle owned by Defendant, Pennsylvania Department of General Services, in a careless, reckless and negligent manner on S.R. 1026 in White Township, Cambria County, Pennsylvania.

9.

As the motor vehicle being operated by Plaintiff rounded a curve, Defendant, Pennsylvania Department of General Services', vehicle was stopped in the center of S.R. 1026, thereby causing Plaintiff's vehicle to collide with Defendant, Pennsylvania

Department of General Services', vehicle and causing damages as more specifically set forth below.

10.

The motor vehicle of the Plaintiff was damaged solely, directly and entirely as a result of the aforesaid collision in the amount of \$8,005.59, being less than the fair market value of the motor vehicle of the Plaintiff at the time of the collision.

11.

Plaintiff incurred car rental expenses in the amount of \$614.00.

**COUNT I**

**PLAINTIFF V. STEPHEN T. KIRSCH**

12.

Paragraphs 1-11 are incorporated by reference herein as if the same had been set forth at length.

13.

The aforesaid accident was directly and proximately caused by the carelessness, recklessness and negligence of the Defendant, Stephen T. Kirsch, which consisted of the following:

- a. Failing to have the tractor under proper, adequate, and reasonable control under the circumstances and conditions then and there existing;
- b. Operating the tractor without due regard for the right, safety and position of the motor vehicle of the Plaintiff at the time and place aforesaid;
- c. Failing to see and observe the motor vehicle of the Plaintiff in sufficient time to avoid the damages to said motor vehicle of the Plaintiff;

- d. Being inattentive and disregarding the condition and circumstances then and there existing;
- e. Operating a tractor in such a way as to negligently and carelessly collide with the motor vehicle of the Plaintiff;
- f. Failing to take evasive action in order to avoid impacting with Plaintiff's vehicle;
- g. Failing to apply his brakes in sufficient time to avoid striking Plaintiff's vehicle;
- h. Failing to operate his vehicle in such a manner so as to be able to stop within the assured clear distance ahead in violation of Pa. 75 C.S.A. §3361;
- i. Failing to yield the right-of-way to the vehicle driven by Plaintiff on S.R. 1026 when Defendant entered and/or crossed such roadway in violation of 75 Pa. C.S.A. §3324;
- j. Driving his vehicle with careless disregard for the safety of persons or property in violation of 75 Pa.C.S.A. §3714;
- k. Failing to keep his vehicle in his lane of travel in violation of 75 Pa. C.S.A. §3309;
- l. Failing to cross the other lane of travel at a location in which oncoming traffic could see Defendant's tractor in time to adjust speed under the circumstances;
- m. Failing to have a flagger or sign to warn Plaintiff of Defendant's presence on the roadway; and
- n. Violating the laws and statutes of the Commonwealth of Pennsylvania pertaining to the control of speed, management, and operation of the motor vehicle in the Commonwealth.

WHEREFORE, Plaintiff claims damages of Defendant, Pennsylvania Department of General Services, in the amount of Eight Thousand Six Hundred Nineteen and 59/100 (\$8,619.59) Dollars, together with interest plus costs of suit.

**COUNT II**

**PLAINTIFF V. PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES**

14.

Paragraphs 1 - 13 are incorporated herein as if the same had been set forth at length.

15.

Defendant is vicariously liable for its employee, servant and/or agent, Defendant, Stephen T. Kirsch, who was then and there engaged in and upon the performance of his duties within the scope of his authority and in the course of the business of Defendant, Pennsylvania Department of General Services.

WHEREFORE, Plaintiff claims damages of Defendant, Pennsylvania Department of General Services, in the amount of Eight Thousand Six Hundred Nineteen and 59/100 (\$8,619.59) Dollars, together with interest plus costs of suit.

**COUNT III**

**PLAINTIFF V. PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES**

15.

Paragraphs 1-14 are incorporated by reference herein as if the same had been set forth at length.

16.

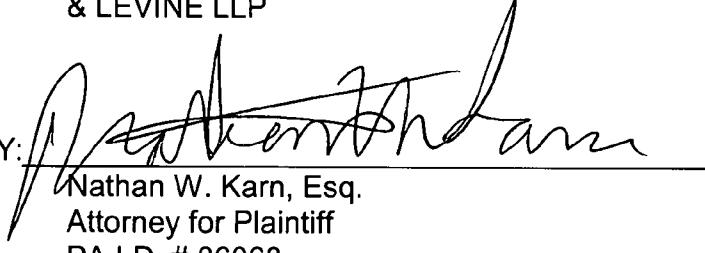
Defendant, Pennsylvania Department of General Services, is responsible for the

aforesaid negligence of Defendant, Stephen T. Kirsch, in that it was negligent in entrusting its tractor to Defendant, Stephen T. Kirsch, as it had knowledge that he was unskilled in the operation of a motor vehicle and/or that he was a careless driver and was likely to cause harm to others in operating a motor vehicle.

WHEREFORE, Plaintiff claims damages of Defendant, Pennsylvania Department of General Services in the amount of Eight Thousand Six Hundred Nineteen and 59/100 (\$8,619.59) Dollars, together with interest plus costs of suit.

Respectfully Submitted,

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE  
& LEVINE LLP

BY: 

Nathan W. Karn, Esq.  
Attorney for Plaintiff  
PA I.D. # 86068  
401 Allegheny Street  
Hollidaysburg, Pennsylvania

(814) 695-7581

Dated: 12/13/07

VERIFICATION

The undersigned, SHAWN W. AMMERMAN, avers that the statements of fact contained in the foregoing Complaint are true and correct to the best of his knowledge, information and belief, and are made subject to the penalties of 18 Pa. Con. Stat. Ann. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Shawn W. Ammerman

DATED: 12/12/02

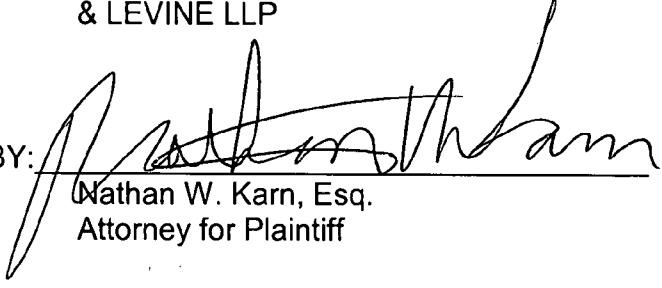
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 13<sup>th</sup> day of December, 2002, by United States Mail, First Class, postage prepaid, addressed to the following:

John R. Benty  
Senior Deputy Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE,  
& LEVINE LLP

BY:

  
Nathan W. Karn, Esq.  
Attorney for Plaintiff

FILED NO

11172002  
CC  
DEC 16 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHAWN W. AMMERMAN,

CIVIL ACTION

Plaintiff,

No. 02-1568-CD

vs.

PENNSYLVANIA DEPARTMENT OF  
GENERAL SERVICES and  
STEPHEN T. KIRSCH,

Defendant.

**PRAECIPE FOR APPEARANCE**

Filed on behalf of Defendant:

Commonwealth of Pennsylvania,  
Department of

Counsel of Record for This  
Party:

Joseph F. McCarthy, III  
Deputy Attorney General  
Pa. I.D. #80328

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2569

**FILED**

JAN 02 2003

William A. Shaw  
Prothonotary

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above-referenced case on behalf of the defendants, Pennsylvania Department of General Services and Stephen T. Kirsch. The defendants, Pennsylvania Department of General Services and Stephen T. Kirsch, hereby demand a trial by a jury of twelve.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

*Joseph F. McCarthy III*  
JOSEPH F. McCARTHY, III  
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRAECIPE FOR APPEARANCE was served upon the following counsel of record, via first-class mail, postage pre-paid on December 30, 2002:

Nathan W. Karn, Esq.  
EVEY, ROUTCH, BLACK,  
DOREZAS, MAGEE & LEVINE  
P. O. Box 415  
401 Allegheny St.  
Hollidaysburg, PA 16648-0415  
(Counsel for Plaintiff)

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

JOSEPH F. McCARTHY, III  
Deputy Attorney General

*Joseph F. McCarthy III*

FILED

NO  
CC

1255 84  
JAN 02 2003

~~EX-1~~

William A. Shaw  
Prothonotary

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

Sheriff Docket # 13147

**AMMERMAN, SHAWN W.**

**02-1568-CD**

**VS.**

**PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES & STEPHEN T.KI**

**SUMMONS**

**SHERIFF RETURNS**

---

**NOW OCTOBER 9, 2002, BOB KOLAR, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A.HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON STEPHEN T. KIRSCH, DEFENDANT.**

**NOW OCTOBER 16, 2002 SERVED THE WITHIN SUMMONS ON STEPHEN T. KIRSCH, DEFENDANT BY DEPUTIZING THE SHERIFF OF CAMBRIA COUNTY. THE RETURN OF SHERIFF KOLAR IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.**

**NOW OCTOBER 10, 2002, JACK LOTWICK, SHERIFF OF DAUPHIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES, DEFENDANT.**

**NOW OCTOBER 22, 2002 SERVED THE WITHIN SUMMONS ON PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES, DEFENDANT BY DEPUTIZING THE SHERIFF OF DAUPHIN COUNTY. THE RETURN OF SHERIFF LOTWICK IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED ARLEAN MITCHELL, RECPT.**

**FILED**

**JAN 22 2003**

**9:00**  
William A. Shaw  
Prothonotary/Clerk of Courts

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

**Sheriff Docket #** 13147

**AMMERMAN, SHAWN W.**

**02-1568-CD**

**VS.**

**PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES & STEPHEN T.KI**

**SUMMONS**

**SHERIFF RETURNS**

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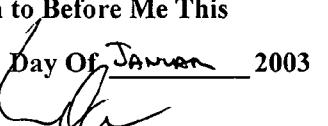
**Return Costs**

| <b>Cost</b> | <b>Description</b>           |
|-------------|------------------------------|
| 47.94       | SHFF. HAWKINS PAID BY: ATTY. |
| 50.20       | SHFF. KOLAR PAID BY: ATTY.   |
| 25.50       | SHFF. LOTWICK PAID BY: ATTY. |
| 20.00       | SURCHARGE PAID BY: ATTY.     |

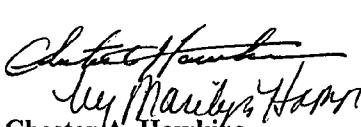
143.64

**Sworn to Before Me This**

22<sup>nd</sup> Day Of JANUARY 2003

  
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

**So Answers,**

  
Chester A. Hawkins  
Sheriff

CASE # PLAINTIFF  
90311-02 AMMERMAN, SHAWN  
DATE 10/16/02

DEFENDANT  
PA DEPT OF GENERAL 02-1568

AT 13:10 HRS. SERVED THE SUMMONS UPON STEPHEN T. KIRSCH  
BY HANDING A TRUE AND ATTESTED COPY THEREOF TO HIM PERSON-  
ALLY AT 508 PHILADELPHIA AVE. NORTHERN CAMBRIA PA. AND  
MAKING CONTENTS THEREOF KNOWN TO HIM. MY COSTS PAID BY  
ATTORNEY FOR PLAINTIFF.

SHERIFF COSTS 47.20  
PRO 3.00  
TOTAL COSTS 50.20

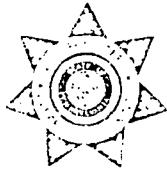
SO ANSWERS,

*Bob Kolar*

BOB KOLAR, SHERIFF

SWORN AND SUBSCRIBED TO BEFORE ME THIS 22ND DAY OF OCT. 02.

PROTHONATARY Patty Berkeli



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

OFFICE (814) 765-2641  
AFTER 4:00 P.M. (814) 765-1533  
CLEARFIELD COUNTY FAX  
(814) 765-5915

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

2002-9031

Robert Snyder  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

Cynthia Aughenbaugh  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

SHAWN W. AMMERMAN

TERM & NO. 02-1568-CD

VS

DOCUMENT TO BE SERVED:  
SUMMONS

PENNSYLVANIA DEPARTMENT OF GENERAL  
SERVICES & STEPHEN T. KIRSCH

**SERVE BY:** 11/7/02

**MAKE REFUND PAYABLE TO:** EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE, Attys.

**SERVE:** STEPHEN T. KIRSCH

**ADDRESS:** 508 Philadelphia Ave., Northern Cambria, Pa. 15714

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CAMBRIA COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 9th Day of OCTOBER 2002.

Respectfully,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY

**SANBRIA COUNTY  
SHERIFF**

10/18/02

EVEY ROUTCH BLACK DOREZAS MAGEE & LEVINE  
PO BOX 415  
  
HOLLIDAYSBURG PA 16648-0000

**BOB KOLAR, SHERIFF  
CAMBRIA COUNTY  
PENNSYLVANIA**

## STATEMENT

|   |  |  |
|---|--|--|
| BOB KOLAR, SHERIFF<br>SHERIFF, CAMBRIA COUNTY, PA | ICIVIL REC & DOCKETING & R<br>ICIVIL SERVICE<br>GENERAL MILEAGE<br>PROTHONOTARY NOTARY<br>REFUND ON DOCKET | 9.00<br>9.00<br>29.20<br>3.00<br>49.80 |
| AMMERMAN, SHAWN<br>90311-02                       |  |  |
| SUMMONS - AMMERMAN VS. PA DEPT OF GEI             |  |  |
| AMMERMAN, SHAWN                                   |  |  |

V S

PA DEPT OF GENERAL 02-1568

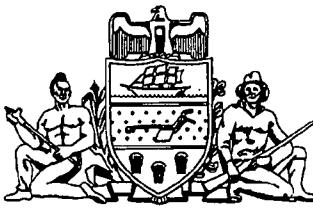
EVEY ROUTCH BLACK DOREZAS MAGEE & LE  
PO BOX 415

**HOLLIDAYSBURG, PA 16648**

TOTAL COSTS..... 100.00  
TOTAL RECEIPTS..... 100.00

13147

# Office of the Sheriff



Mary Jane Snyder  
Real Estate Deputy

William T. Tully  
Solicitor

J. Daniel Basile  
Chief Deputy

Michael W. Rinehart  
Assistant Chief Deputy

Dauphin County  
Harrisburg, Pennsylvania 17101  
ph: (717) 255-2660 fax: (717) 255-2889

Jack Lotwick  
Sheriff

**Commonwealth of Pennsylvania** : AMMERMAN SHAWN W  
**County of Dauphin** : vs  
PA DEPARTMENT OF GENERAL SERVICES

**Sheriff's Return**

NO. 2338-T - - - 2002  
OTHER COUNTY NO. 02 1568CD

AND NOW: October 22, 2002 at 12:05PM served the within

SUMMONS upon  
PA DEPARTMENT OF GENERAL SERVICES by personally handing  
to ARLEAN MITCHELL RECP @ OFFICE 1 true attested copy(ies)  
of the original SUMMONS and making known  
to him/her the contents thereof at 2221 FORSTER STREET  
HARRISBURG, PA 19125-0000

Sworn and subscribed to  
before me this 22ND day of OCTOBER, 2002

*Stephen C. Farina*  
PROTHONOTARY

So Answers,

*J.R. Lotwick*

Sheriff of Dauphin County, Pa.

By

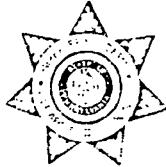
*Robert M. Lynch*

Deputy Sheriff

Sheriff's Costs: \$25.50 PD 10/11/2002

RCPT NO 170410

RM/TH



# Sheriff's Office Clearfield County

OFFICE (814) 765-2641  
AFTER 4:00 P.M. (814) 765-1533  
CLEARFIELD COUNTY FAX  
(814) 765-5915

CHESTER A. HAWKINS  
SHERIFF

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

Robert Snyder  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

Cynthia Aughenbaugh  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

SHAWN W. AMMERMAN

TERM & NO. 02-1568-CD

VS

DOCUMENT TO BE SERVED:

PENNSYLVANIA DEPT. OF GENERAL SERVICES

SUMMONS

SERVE BY: 11/7/02

**MAKE REFUND PAYABLE TO:** EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE, Attys.

**SERVE:** PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES

**ADDRESS:** 2221 Forster ST., Harrisburg, Pa. 19125

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF DAUPHIN COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 10th Day of OCTOBER 2002.

Respectfully,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY



**COUNTY OF DAUPHIN**  
HARRISBURG, PA.

**J. R. LOTWICK**  
**SHERIFF OF DAUPHIN COUNTY**  
**OFFICIAL RECEIPT**

RECEIPT NUMBER... 170410  
RECEIVED FROM... EVEY ROUTH BLACK DO  
DESCRIPTION... ( 1 ) CIVIL ACTION-NOTICE  
DOCKET NUMBER... 2338T 2002  
DEFENDANT... FA DEPART OF GENERAL

RECEIPT DATE... 10/11/2002

OPERATOR... H-H

COUNTY... \*\*\*\*\*23.00  
STATE... \*\*\*\*\*00  
AGENCY... \*\*\*\*\*2.50  
TOTAL... \*\*\*\*\*25.50

CASH... \*\*\*\*\*00  
CHECK... \*\*\*\*\*25.50

RECD. BY

*J. R. Lotwick*

SHAWN W. AMMERMAN, Plaintiff : IN THE COURT OF COMMON PLEAS OF  
vs. : CLEARFIELD COUNTY, PENNSYLVANIA  
PENNSYLVANIA DEPARTMENT OF : CIVIL DIVISION  
GENERAL SERVICES and STEPHEN : NO. 02-1568-CD  
T. KIRSCH, Defendants :

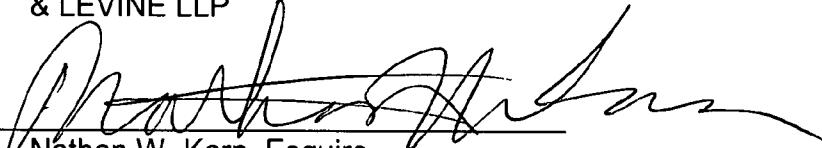
**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please mark the above matter settled and discontinued of record.

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE  
& LEVINE LLP

BY:



Nathan W. Karn, Esquire  
Attorney for Plaintiff  
Pa. ID# 86068  
401-03 Allegheny Street  
P.O. Box 415  
Hollidaysburg, PA 16648-0415  
(814) 695-7581

Dated: 4/4/03

**FILED**

APR 07 2003

W/1:45/m

William A. Shaw  
Prothonotary

1 copy to App

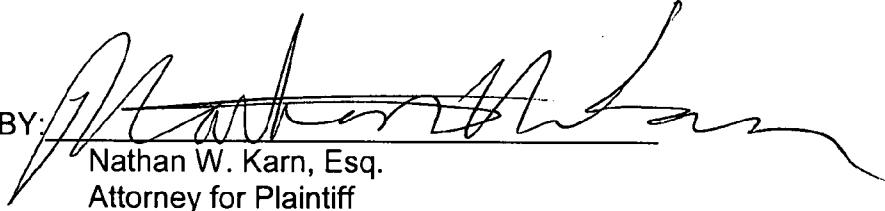
E  
GK

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the *4<sup>th</sup>* day of *April*, 2003 by U.S. Mail, first class, postage prepaid, addressed to the following:

John R. Benty  
Senior Deputy Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS & MAGEE

BY: 

Nathan W. Karn, Esq.  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Shawn W. Ammerman**

**Vs.**

**No. 2002-01568-CD**

**Pennsylvania Department of General Services  
Stephen T. Kirsch**

**CERTIFICATE OF DISCONTINUATION**

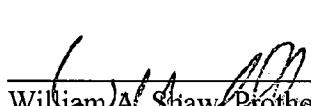
Commonwealth of PA  
County of Clearfield

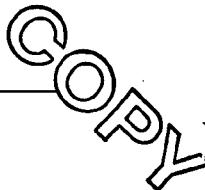
I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 07, 2003, marked:

Settled and Discontinued

Record costs in the sum of \$223.64 have been paid in full by Attorney Karn.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of April A.D. 2003.

  
William A. Shaw, Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHAWN W. AMMERMAN,

CIVIL ACTION

Plaintiff,

No. 02-1568-CD

vs.

PENNSYLVANIA DEPARTMENT of  
GENERAL SERVICES and  
STEPHEN T. KIRSCH,

PRELIMINARY OBJECTIONS

Defendant.

You are hereby notified to plead to the  
within pleading within twenty (20) days  
hereof or a default judgement may be  
entered against you.

*Joseph F. McCarthy III*

Attorney for DEFENDANTS

Filed on behalf of Defendants:

Pennsylvania Department of  
General Services and  
Stephen T. Kirsch

Counsel of Record for This  
Party:

Joseph F. McCarthy, III  
Deputy Attorney General  
Pa. I.D. #80328

Commonwealth of Pennsylvania  
Office of Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-2569

FILED

MAR 12 2003

William A. Shaw  
Prothonotary

PRELIMINARY OBJECTIONS

AND NOW, come the Defendants, Pennsylvania Department of General Services and Stephen T. Kirsch, by the Attorney General of the Commonwealth of Pennsylvania, and file the within Preliminary Objections, averring in support thereof, as follows:

1. The instant case involves a vehicle accident on July 18, 2001 at or about 10:00 a.m. on State Route 1026 in White Township, Cambria County, Pennsylvania.

2. At the time of the said accident, Plaintiff, Shawn Ammerman, was operating his 1999 Dodge Dakota pickup in a westbound direction.

3. Stephen T. Kirsch was operating a 1990 tractor with brush hog, designated as Department of General Services equipment, in an eastbound direction on State Route 1026.

4. Plaintiff, Shawn Ammerman, brings the instant action against Defendant, Department of General Services, for Mr. Kirsch's alleged negligence while in the scope of his employment.

5. Stephen T. Kirsch is not employed by defendant Department of General Services, wherein Department's principal office is located at 603 North Office Building, Dauphin County, Harrisburg, PA 17125.

I. Motion to Transfer Case: Improper Venue

6. On December 16, 2002, Plaintiff filed a Complaint at No. 02-1568 in the Court of Common Pleas of Clearfield County.

7. Pursuant to 42 Pa. C.S.A. §8523(a) (attached hereto as Exhibit "A") and 37 Pa. Code §111.1 (attached hereto as Exhibit "B"), Plaintiff has improperly filed a claim against the Commonwealth party in Clearfield County in that the aforesighted statute and

regulations require that claims against Commonwealth parties must be brought in the county in which the principal or local office of the Commonwealth party is located or in which the cause of action arose or where a transaction of occurrence took place out of which the cause of action arose.

8. A "local office" of the Commonwealth party has been clarified by new legislation and case law to mean where the cause of action arose. 37 Pa. Code §111.4(c) and Bogetti v. Department of Transportation, 601 A.2d 421 (Pa. Cmwlth. 1991).

**II. Motion to Strike Plaintiff's Complaint for Failure of Conformity to Law**

9. Additionally, Plaintiff's Complaint sets forth contradictory facts without arguing in the alternative.

10. Paragraph 9 alleged that Mr. Kirsch's vehicle was stopped in the center of State Route 1026, thereby causing Plaintiff's vehicle to collide with Defendant Pennsylvania Department of General Services' vehicle and causing damages as more specifically set forth below.

11. Whereas, in Paragraph 13, specifically, subparagraphs (c), (g), and (h) of the Plaintiff's Complaint allege that Mr. Kirsch failed to apply his brakes and stop in time to avoid the collision with Shawn Ammerman.

12. The Plaintiff's Complaint is objected to in that the Defendants are unable to respond to the Complaint of the material facts upon which the cause of action is based. Connor v. Allegheny General Hosp., 501 Pa. 306, 461 A.2d 600 (1983).

**III. Motion to Strike Count II of Plaintiff's Complaint**

13. Pennsylvania Department of General Services does not employ Stephen T. Kirsch, therefore cannot be liable for any allegations related to his conduct during and within the scope of his employment.

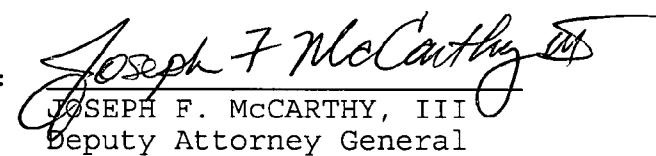
14. An employer may only be subjected to liability if one of its employees were involved in the accident alleged by Plaintiff.

WHEREFORE, Defendants, Pennsylvania Department of General Services and Stephen T. Kirsch, respectfully request that this Honorable Court enter an order transferring the case to the Court of Common Pleas of Dauphin County or Cambria County with costs of transfer to be paid by the Plaintiff. In addition, the Defendants respectfully request the Plaintiff to more specifically plead the allegations set forth in the Complaint. Also, the Defendants respectfully request Count II be stricken.

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
JOSEPH F. McCARTHY, III  
Deputy Attorney General

**COPY**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

---

SHAWN W. AMMERMAN,  
Plaintiff

VS.

PENNSYLVANIA DEPARTMENT OF  
GENERAL SERVICES and STEPHEN  
T. KIRSCH,

Defendants

Civil Division

No. 02-1568-CD

Type of Pleading: Complaint

Filed on Behalf of Plaintiff

Counsel of Record for this Party:

Nathan W. Karn, Esq.  
Pennsylvania I.D. No: 86068

Evey, Routh, Black, Dorezas, Magee  
& Levine LLP  
P.O. Box 415  
401 Allegheny Street  
Hollidaysburg, PA 16648-0415

(814) 695-7581

---

SHAWN W. AMMERMAN, : IN THE COURT OF COMMON PLEAS OF  
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA  
vs. : CIVIL DIVISION  
PENNSYLVANIA DEPARTMENT OF : NO. 02-1568-CD  
GENERAL SERVICES and :  
STEPHEN T. KIRSCH, :  
Defendants :

**NOTICE**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money, property or other rights important to you.

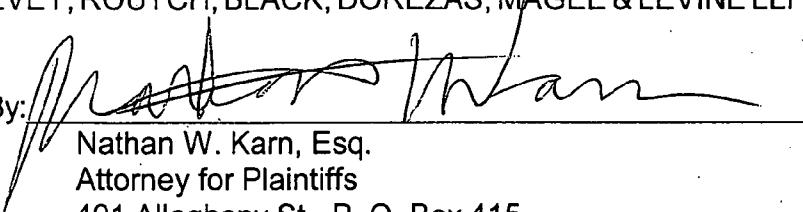
YOU SHOULD TAKE THIS PAPER TO YOUR  
LAWYER AT ONCE. IF YOU DO NOT HAVE  
A LAWYER OR CANNOT AFFORD ONE, GO  
TO OR TELEPHONE THE OFFICE SET FORTH  
BELOW TO FIND OUT WHERE YOU CAN GET  
LEGAL HELP.

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

Phone: (814) 765-2641 Ext. 5982

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By:

  
Nathan W. Karn, Esq.  
Attorney for Plaintiffs  
401 Allegheny St., P. O. Box 415  
Hollidaysburg, PA 16648  
(814) 695-7581  
Pa. I.D.# 86068

SHAWN W. AMMERMAN, Plaintiff : IN THE COURT OF COMMON PLEAS OF  
vs. : CLEARFIELD COUNTY, PENNSYLVANIA  
PENNSYLVANIA DEPARTMENT OF : CIVIL DIVISION  
GENERAL SERVICES and : NO. 02-1568-CD  
STEPHEN T. KIRSCH, Defendants :

COMPLAINT

AND NOW, comes the Plaintiff, Shawn W. Ammerman, by and through his attorneys, Evey, Routh, Black, Dorezas, Magee & Levine LLP, and files the following Complaint:

1.

Plaintiff, Shawn W. Ammerman, is an adult individual residing in Fallentimber, Cambria County, Pennsylvania 16639-0028.

2.

Defendant, Pennsylvania Department of General Services, is a government entity with offices located at 2221 Forster Street, Harrisburg, Dauphin County, Pennsylvania 19125.

3.

Defendant, Stephen T. Kirsch, is an adult individual residing at 508 Philadelphia Avenue, Northern Cambria, Cambria County, Pennsylvania 15714.

4.

On or about July 18, 2001, Plaintiff was the owner of a 1999 Dodge Dakota pickup truck which was involved in the accident described herein.

5.

On that date, Defendant, Pennsylvania Department of General Services, was the owner of a 1990 tractor with brush hog, which was involved in the accident described herein.

6.

It is believed, and therefore averred, that at all times relevant hereto, Defendant, Stephen T. Kirsch, was acting as the agent, servant and/or employee of Defendant, Pennsylvania Department of General Services, and was then and there engaged in and upon the performance of his duties within the scope of this authority and in the course of the business of Defendant, Pennsylvania Department of General Services.

7.

On the aforesaid date, at approximately 10:00 a.m., Plaintiff was operating his vehicle in a careful, lawful and prudent manner on S.R. 1026 in White Township, Cambria County, Pennsylvania.

8.

On the aforesaid date and time, Defendant, Stephen T. Kirsch, was operating the vehicle owned by Defendant, Pennsylvania Department of General Services, in a careless, reckless and negligent manner on S.R. 1026 in White Township, Cambria County, Pennsylvania.

9.

As the motor vehicle being operated by Plaintiff rounded a curve, Defendant, Pennsylvania Department of General Services', vehicle was stopped in the center of S.R. 1026, thereby causing Plaintiff's vehicle to collide with Defendant, Pennsylvania

Department of General Services', vehicle and causing damages as more specifically set forth below.

10.

The motor vehicle of the Plaintiff was damaged solely, directly and entirely as a result of the aforesaid collision in the amount of \$8,005.59, being less than the fair market value of the motor vehicle of the Plaintiff at the time of the collision.

11.

Plaintiff incurred car rental expenses in the amount of \$614.00.

**COUNT I**

**PLAINTIFF V. STEPHEN T. KIRSCH**

12.

Paragraphs 1-11 are incorporated by reference herein as if the same had been set forth at length.

13.

The aforesaid accident was directly and proximately caused by the carelessness, recklessness and negligence of the Defendant, Stephen T. Kirsch, which consisted of the following:

- a. Failing to have the tractor under proper, adequate, and reasonable control under the circumstances and conditions then and there existing;
- b. Operating the tractor without due regard for the right, safety and position of the motor vehicle of the Plaintiff at the time and place aforesaid;
- c. Failing to see and observe the motor vehicle of the Plaintiff in sufficient time to avoid the damages to said motor vehicle of the Plaintiff;

- d. Being inattentive and disregarding the condition and circumstances then and there existing;
- e. Operating a tractor in such a way as to negligently and carelessly collide with the motor vehicle of the Plaintiff;
- f. Failing to take evasive action in order to avoid impacting with Plaintiff's vehicle;
- g. Failing to apply his brakes in sufficient time to avoid striking Plaintiff's vehicle;
- h. Failing to operate his vehicle in such a manner so as to be able to stop within the assured clear distance ahead in violation of Pa. 75 C.S.A. §3361;
- i. Failing to yield the right-of-way to the vehicle driven by Plaintiff on S.R. 1026 when Defendant entered and/or crossed such roadway in violation of 75 Pa. C.S.A. §3324;
- j. Driving his vehicle with careless disregard for the safety of persons or property in violation of 75 Pa.C.S.A. §3714;
- k. Failing to keep his vehicle in his lane of travel in violation of 75 Pa. C.S.A. §3309;
- l. Failing to cross the other lane of travel at a location in which oncoming traffic could see Defendant's tractor in time to adjust speed under the circumstances;
- m. Failing to have a flagger or sign to warn Plaintiff of Defendant's presence on the roadway; and
- n. Violating the laws and statutes of the Commonwealth of Pennsylvania pertaining to the control of speed, management, and operation of the motor vehicle in the Commonwealth.

WHEREFORE, Plaintiff claims damages of Defendant, Pennsylvania Department of General Services, in the amount of Eight Thousand Six Hundred Nineteen and 59/100 (\$8,619.59) Dollars, together with interest plus costs of suit.

**COUNT II**

**PLAINTIFF V. PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES**

14.

Paragraphs 1 - 13 are incorporated herein as if the same had been set forth at length.

15.

Defendant is vicariously liable for its employee, servant and/or agent, Defendant, Stephen T. Kirsch, who was then and there engaged in and upon the performance of his duties within the scope of his authority and in the course of the business of Defendant, Pennsylvania Department of General Services.

WHEREFORE, Plaintiff claims damages of Defendant, Pennsylvania Department of General Services, in the amount of Eight Thousand Six Hundred Nineteen and 59/100 (\$8,619.59) Dollars, together with interest plus costs of suit.

**COUNT III**

**PLAINTIFF V. PENNSYLVANIA DEPARTMENT OF GENERAL SERVICES**

15.

Paragraphs 1-14 are incorporated by reference herein as if the same had been set forth at length.

16.

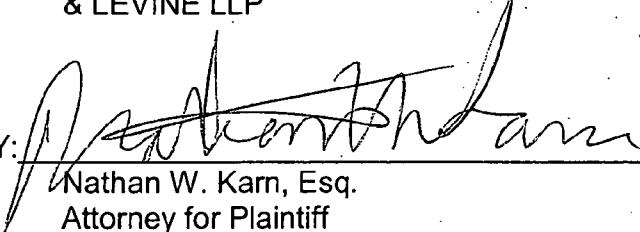
Defendant, Pennsylvania Department of General Services, is responsible for the

aforesaid negligence of Defendant, Stephen T. Kirsch, in that it was negligent in entrusting its tractor to Defendant, Stephen T. Kirsch, as it had knowledge that he was unskilled in the operation of a motor vehicle and/or that he was a careless driver and was likely to cause harm to others in operating a motor vehicle.

WHEREFORE, Plaintiff claims damages of Defendant, Pennsylvania Department of General Services in the amount of Eight Thousand Six Hundred Nineteen and 59/100 (\$8,619.59) Dollars, together with interest plus costs of suit.

Respectfully Submitted,

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE  
& LEVINE LLP

BY: 

Nathan W. Karn, Esq.  
Attorney for Plaintiff  
PA I.D. # 86068  
401 Allegheny Street  
Hollidaysburg, Pennsylvania

(814) 695-7581

Dated: 12/13/02

VERIFICATION

The undersigned, SHAWN W. AMMERMAN, avers that the statements of fact contained in the foregoing Complaint are true and correct to the best of his knowledge, information and belief, and are made subject to the penalties of 18 Pa. Con. Stat. Ann. Section 4904 relating to unsworn falsification to authorities.

Shawn W Ammerman  
Shawn W. Ammerman

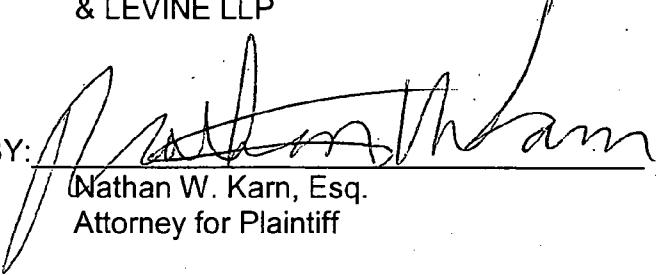
DATED: 12/12/02

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 13<sup>th</sup> day of December, 2002, by United States Mail, First Class, postage prepaid, addressed to the following:

John R. Benty  
Senior Deputy Attorney General  
Tort Litigation Unit  
Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE,  
& LEVINE LLP

BY: 

Nathan W. Karn, Esq.  
Attorney for Plaintiff

## 42 Pa.C.S.A. § 8523

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED  
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED

## TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE

## PART VII. CIVIL ACTIONS AND PROCEEDINGS

## CHAPTER 85. MATTERS AFFECTING GOVERNMENT UNITS

## SUBCHAPTER B. ACTIONS AGAINST COMMONWEALTH PARTIES

## SOVEREIGN IMMUNITY

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Current through Act 2002-237 (End)

## § 8523. Venue and process

**(a) Venue.**--Actions for claims against a Commonwealth party may be brought in and only in a county in which the principal or local office of the Commonwealth party is located or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose. If venue is obtained in the Twelfth Judicial District (Dauphin County) solely because the principal office of the Commonwealth party is located within it, any judge of the Court of Common Pleas of Dauphin County shall have the power to transfer the action to any appropriate county where venue would otherwise lie.

**(b) Process.**--Service of process in the case of an action against the Commonwealth shall be made at the principal or local office of the Commonwealth agency that is being sued and at the office of the Attorney General.

## CREDIT(S)

1998 Main Volume

1980, Oct. 5, P.L. 693, No. 142, § 221(l), effective in 60 days.

&lt;General Materials (GM) - References, Annotations, or Tables&gt;

## CROSS REFERENCES

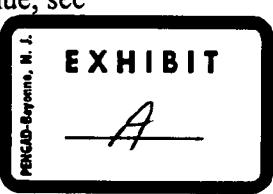
Commonwealth and political subdivisions as parties, venue and service, see Pa.R.C.P. No. 2103, 42 Pa.C.S.A.

## LIBRARY REFERENCES

1998 Main Volume

Substantive tort law, sovereign and governmental immunity, general structure of the immunity acts, a comparative overview, see Litvin &amp; McHugh, 3 Pennsylvania Practice § 10.3.

Substantive tort law, sovereign and governmental immunity, procedural requirements, venue, see Litvin &amp; McHugh, 3 Pennsylvania Practice § 10.6.



## Subpart B-1. TORT CLAIMS

| Chap.                       | Sec.  |
|-----------------------------|-------|
| 111. TORT CLAIMS LITIGATION | 111.1 |

## CHAPTER 111. TORT CLAIMS LITIGATION

| Sec.                       |
|----------------------------|
| 111.1. Service of process. |
| 111.2. [Reserved].         |
| 111.3. [Reserved].         |
| 111.4. Venue.              |

## Authority

The provisions of this Chapter 111 issued under 42 Pa.C.S. App. 11, unless otherwise noted.

## Source

The provisions of this Chapter 111 adopted January 4, 1980, effective January 5, 1980, 10 Pa.B. 39, amended through April 25, 1986, effective April 26, 1986, 16 Pa.B. 1486, unless otherwise noted. Immediately preceding text appears at serial pages (86533) to (86534), (68616) to (68619), (103551) to (103552) and (86537).

**§ 111.1. Service of process.**

(a) Service of process on Commonwealth agencies in actions brought under 42 Pa.C.S. §§ 8501—8564 (relating to matters affecting government units) shall be made at the principal office of the defendant agency as set forth in subsection (b) or at the local office of the defendant agency as designed in § 111.4(c) (relating to venue). Service of process shall also be made at the principal office of the Attorney General as set forth in subsection (b), and at the Office of Attorney General as set forth in subsection (d).

(b) The addresses of the principal offices designated to accept service of an agency are as follows:

*Department of Aging*

Office of Chief Counsel  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, Pennsylvania 17101-2301

*Department of Agriculture*

Office of Chief Counsel  
Room 201 Agriculture Building  
2301 North Cameron Street  
Harrisburg, Pennsylvania 17110

111-1

(230295) No. 273 Aug. 97

**EXHIBIT**B

*Department of Environmental Protection*

Office of Chief Counsel  
16th Floor, Rachel Carson State Office Building  
Post Office Box 2063  
Harrisburg, Pennsylvania 17105-2063

*Fish and Boat Commission*

Office of Chief Counsel  
3532 Walnut Street  
Post Office Box 67000  
Harrisburg, Pennsylvania 17106-7000

*Game Commission*

Executive Director  
2001 Elmerton Ave.  
Harrisburg, Pennsylvania 17110-9797

*Department of General Services*

Office of Chief Counsel  
603 North Office Building  
Harrisburg, Pennsylvania 17125

*Governor's Office*

Office of Counsel to Governor  
225 Main Capitol Building  
Harrisburg, Pennsylvania 17120

*Department of Health*

Office of Chief Counsel  
815 Health and Welfare Building  
Harrisburg, Pennsylvania 17108

*Pennsylvania Higher Education Assistance Agency*

Office of Chief Counsel  
1200 North 7th Street  
Harrisburg, Pennsylvania 17102

*Pennsylvania Higher Educational Facilities Authority*

Executive Director  
1035 Mumma Road  
Wormleysburg, Pennsylvania 17043  
\*\*Post Office Box 990, Camp Hill, Pennsylvania 17001-0990

*Pennsylvania Housing Finance Agency*

Office of Chief Counsel  
2101 N. Front Street  
Harrisburg, Pennsylvania 17110

111-3

(246795) No. 287 Oct. 98

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Preliminary Objections was served upon the following counsel of record, via first-class mail, postage pre-paid on March 10, 2003:

Nathan W. Karn, Esq.  
EVEY, ROUTCH, BLACK,  
DOREZAS, MAGEE & LEVINE  
P. O. Box 415  
401 Allegheny St.  
Hollidaysburg, PA 16648-0415  
(Counsel for Plaintiff)

Respectfully Submitted,

D. MICHAEL FISHER  
Attorney General

BY:

  
JOSEPH F. McCARTHY, III  
Deputy Attorney General

**FILED**

NO  
cc

MAR 12 2003

William A. Shaw  
Prothonotary

*Recd*  
*2*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHAWN W. AMMERMAN,

CIVIL ACTION

Plaintiff,

No. 02-1568-CD

vs.

PENNSYLVANIA DEPARTMENT of  
GENERAL SERVICES and  
STEPHEN T. KIRSCH,

Defendant.

ORDER OF COURT

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2003, it  
is HEREBY ORDERED ADJUDGED AND DECREED that the above-captioned  
case is transferred to the Court of Common Please of Dauphin County  
or Cambria County with costs of transfer to be paid by the  
Plaintiff. In addition, the Defendants respectfully request the  
Plaintiff to more specifically plead the allegations set forth in  
the Complaint. Also, the Defendants respectfully request Count II  
be stricken.

BY THE COURT:

---

J.