

02-1584- CD

LOU ANN TYLMARK, et al., vs. COMMONWEALTH OF PA.

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

LOU ANN TYLWALK and CHARLES
TYLWALK, husband and wife,
Plaintiffs
vs.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,
Defendant

No. 02-1584-CD

**PRAECIPE FOR WRIT OF
SUMMONS**

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

OCT 10 2002

William A. Shaw
Prothonotary

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

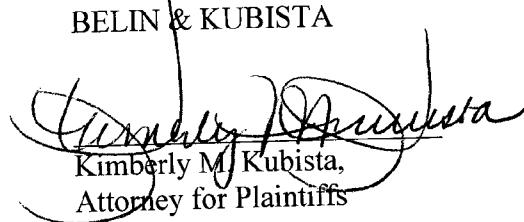
LOU ANN TYLWALK and CHARLES	:	
TYLWALK, husband and wife,	:	
Plaintiffs	:	
vs.	:	No.
COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF CONSERVATION	:	
AND NATURAL RESOURCES,	:	
Defendant	:	

PRAECIPE

TO THE PROTHONOTARY:

Please issue a Writ of Summons in the above-captioned civil action.

BELIN & KUBISTA


Kimberly M. Kubista,
Attorney for Plaintiffs

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELLIN & KUBISTA

FIELD & CO. LLC
1/2:38888
to Atty
Atty ad. & C.C.
William A. Shaw
prothonotary

COPY

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

SUMMONS

**Lou Ann Tylwalk
Charles Tylwalk**

Vs.

NO.: 2002-01584-CD

Commonwealth of Pennsylvania

TO: COMMONWEALTH OF PENNSYLVANIA

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: 10/10/2002

William A. Shaw
Prothonotary

Issuing Attorney:

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

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

LOU ANN TYLWALK and CHARLES
TYLWALK, Husband and Wife,
Plaintiffs

vs.

No. 2002-1584-CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,
Defendant.

**PETITION TO SHOW CAUSE
WHY REQUEST FOR PRE-
COMPLAINT DISCOVERY
SHOULD NOT BE GRANTED**

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

NOV 14 2002

William A. Shaw
Prothonotary

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

LOU ANN TYLWALK and CHARLES
TYLWALK, Husband and Wife,
Plaintiffs
vs.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,
Defendant.

No. 2002-1584-CD

RULE

NOW, this 15th day of November, 2002, upon
consideration of the attached Petition, a Rule is hereby issued upon Defendant to show Cause why
the Petition should not be granted. Rule returnable thereon the 12 day of
December, 2002, for filing written response.

NOTICE

A Petition or Motion has been filed against you in Court. If you wish to defend against the
claims set forth in the following Petition by entering a written appearance personally or by attorney
and filing in writing with the Court your defenses or objections to the matter set forth against you.
You are warned that if you fail to do so the case may proceed without you and an order may be
entered against you by the Court without further notice for relief requested by the Petitioner or
Movant. You may lose 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.

FILED

NOV 19 2002

William A. Shaw
Prothonotary

COURT ADMINISTRATOR
Clearfield County Courthouse
Market & Second Streets
Clearfield, PA 16830
(814) 765-2641, ext. 1300

BY THE COURT:

Judge

1928-29
200
May 1929
Atty Kubista

William A. Shaw
Prothonotary

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

LOU ANN TYLWALK and CHARLES	:	
TYLWALK, Husband and Wife,	:	
Plaintiffs	:	
vs.	:	No. 2002-1584-CD
COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF CONSERVATION	:	
AND NATURAL RESOURCES,	:	
Defendant.	:	

**PETITION TO SHOW CAUSE WHY REQUEST FOR
PRE-COMPLAINT DISCOVERY SHOULD NOT BE GRANTED**

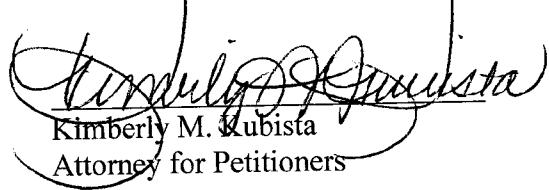
NOW COMES the Plaintiffs, LOU ANN TYLWALK and CHARLES TYLWALK, and sets forth the following Petition to Show Cause Why Request for Pre-Complaint Discovery Should Not Be Granted prior to filing the complaint:

1. That Petitioners are Lou Ann Tylwalk and Charles Tylwalk, husband and wife, who currently reside at 119 South High Street, Clearfield, Pennsylvania 16830.
2. That Respondents are the Commonwealth of Pennsylvania Department of Conservation and Natural Resources, of P.O. Box 85511, Harrisburg, Pennsylvania 17105.
3. That Petitioners have filed a Writ of Summons in the Court of Common Pleas of Clearfield County, Pennsylvania based on injuries which Petitioner, Lou Ann Tylwalk, sustained as a result of an accident which occurred on August 24, 2001 in Parker Dam State Park, Clearfield County, Pennsylvania.
4. That limited communication has taken place between the parties.

5. That in order to file the appropriate Complaint, it is necessary for Petitioners to conduct discovery and obtain certain information from the Commonwealth of Pennsylvania.

WHEREFORE, Petitioners request Your Honorable Court to issue a rule upon Respondents to show cause why Petitioners should not be permitted to complete pre-complaint discovery pursuant to Pa.R.C.P. 4001(c) in this matter.

BELIN & KUBISTA



Kimberly M. Kubista
Attorney for Petitioners

COMMONWEALTH OF PENNSYLVANIA:

: ss

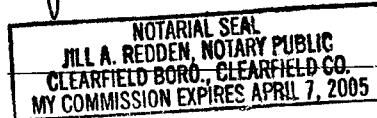
COUNTY OF CLEARFIELD

Before me, the undersigned Officer, personally appeared LOU ANN TYLWALK and CHARLES TYLWALK, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing PETITION are true and correct to the best of their knowledge, information and belief.

Lou Ann Tylwalk
Lou Ann Tylwalk
Charles Tylwalk
Charles Tylwalk

SWORN and SUBSCRIBED before me this 14th day of Nov., 2002.

Jill A. Redden



CLIFFFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELLIN & KUBISTA

0124781200
BELLIN & KUBISTA

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
vs. : No. 2002-1584-CD
: :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant. :
:

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

RECEIVED
MAY 25 2002

William A. Shaw
Prothonotary

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

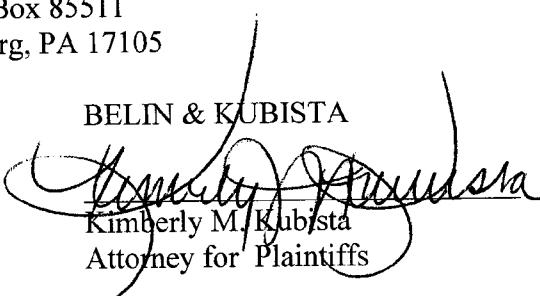
LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
:
vs. : No. 2002-1584-CD
:
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant. :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Petition to Show Cause
Why Request For Pre-Complaint Discovery Should Not Be Granted in the above captioned
matter on the following party by first-class, postage prepaid mail on the 19th day of November,
2002:

Commonwealth of Pennsylvania
Department of Conservation and Natural Resources
P.O. Box 85511
Harrisburg, PA 17105

BELIN & KUBISTA


Kimberly M. Kubista
Attorney for Plaintiffs

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

RECEIVED
NOV 26 1968
C. C.
E. H.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LOU ANN TYLWALK,
CHARLES TYLWALK,

Plaintiffs,

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Defendant.

CIVIL DIVISION

NO. 2002-01584-CD

PRAECIPE FOR APPEARANCE

Filed on Behalf of Defendant,
Commonwealth of Pennsylvania,
Department of Conservation
and Natural Resources

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

John R. BENTY

John R. BENTY
Prostator

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above-referenced case on behalf of the defendant, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources. The defendant, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, hereby demands a trial by a jury of twelve.

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY: John R. Benty
JOHN R. BENTY
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

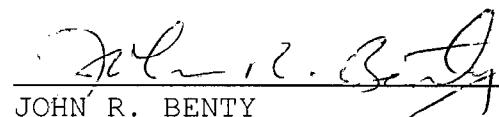
I hereby certify that a true and correct copy of the foregoing Praeclipe for Appearance was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, on December 3, 2002:

Kimberly M. Kubista, Esq.
P. O. Box 1
Clearfield, PA 16830
(Counsel for Plaintiffs)

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY:


JOHN R. BENTY
Sr. Deputy Attorney General

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LOU ANN TYLWALK,
CHARLES TYLWALK,

Plaintiffs,

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Defendant.

CIVIL DIVISION

NO. 2002-01584-CD

**PRAECIPE FOR RULE TO
FILE COMPLAINT**

Filed on Behalf of Defendant,
Commonwealth of Pennsylvania,
Department of Conservation
and Natural Resources

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

100

*M. J. Gray
Secretary*

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please issue a rule upon the plaintiffs, Lou Ann Tylwalk and Charles Tylwalk, 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. BENTY
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe 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:

Kimberly M. Kubista, Esq.
P. O. Box 1
Clearfield, PA 16830
(Counsel for Plaintiffs)

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY:


JOHN R. BENTY
Sr. Deputy Attorney General

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

COPY

Lou Ann Tylwalk
Charles Tylwalk

Vs.
Commonwealth of Pennsylvania

Case No. #2002-01584-CD

RULE TO FILE COMPLAINT

TO: Lou Ann Tylwalk and Charles Tylwalk

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

Sheriff Docket # 13158

TYLWALK, LOU ANN & CHARLES

02-1584-CD

VS.

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CONSERVATION

SUMMONS & PRAECIPE

SHERIFF RETURNS

**NOW OCTOBER 11, 2002, JACK LOTWICK, SHERIFF OF DAUPHIN COUNTY
WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY
TO SERVE THE WITHIN SUMMONS ON COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF NATURAL RESOURCES, DEFENDANT.**

**NOW OCTOBER 22, 2002 SERVED THE WITHIN SUMMONS ON COMMONWEALTH
OF PENNSYLVANIA DEPARTMENT OF NATURAL RESOURCES, 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 MARTHA SMITH, ASST. COUNSEL.**

Return Costs

Cost	Description
27.74	SHFF. HAWKINS PAID BY: ATTY.
25.50	SHFF. LOTWICK PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

63.24

FILED

JAN 22 2003

9:20 AM
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

22nd Day Of January 2003


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

So Answers,

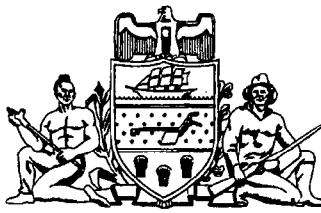

by Marilyn Hamp
Chester A. Hawkins
Sheriff

Office of the Sheriff

13158

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 : TYLWALK CHARLES
vs
County of Dauphin : COMMONWEALTH OF PA DEPARTMENT OF NATUR

Sheriff's Return

NO. 2362-T - - - 2002

OTHER COUNTY NO. 02 1584 CD

AND NOW: October 22, 2002 at 2:39PM served the within

Sworn and subscribed to
before me this 23RD day of OCTOBER, 2002

Stephen C. (Harina)

PROTHONOTARY

So Answers

J R Lohse

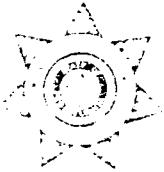
Sheriff of Dauphin County, Pa.

By Malchel Deputy Sheriff

Sheriff's Costs: \$25.50 PD 10/17/2002

RCPT NO 170570

MG



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

Cynthia Aughenbaugh
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LOU ANN TYLWALK
& CHARLES TYLWALK
VS

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CONSERVATION & NATURAL
RESOURCES

TERM & NO. 02-1584-CD

DOCUMENT TO BE SERVED:
SUMMONS

SERVE BY: 11/9/02

MAKE REFUND PAYABLE TO: BELIN & KUBISTA, Attorneys

SERVE: COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF NATURAL RESOURCES

ADDRESS: 400 Market St., Harrisburg, Pa. 17120

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF DAUPHIN COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 11th Day of OCTOBER 2002.

Respectfully,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY



COUNTY OF DAUPHIN
HARRISBURG, PA.

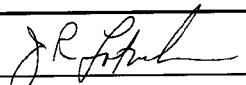
J. R. LOTWICK
SHERIFF OF DAUPHIN COUNTY
OFFICIAL RECEIPT

RECEIPT NUMBER... 170570
RECEIVED FROM... BELIN & KUBISTA ATTO
DESCRIPTION.... (1) CIVIL ACTION - NOTICE
DOCKET NUMBER... 2362T 2002
DEFENDANT.... COMMONWEALTH OF PENN

RECEIPT DATE....
OPERATOR.... HH

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

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

RECD. BY 

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
vs. : NO. 2002-1584-CD
: :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :
:

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

Kimberly M. Kubista, Esquire
PA I.D. #52782

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JAN 30 2003

William A. Shaw
Prothonotary

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
: NO. 2002-1584-CD
vs. :
:
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :
:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a true and correct copy of Plaintiffs' First Set of Interrogatories Directed to Defendant in the above-captioned matter to the following party by postage prepaid United States mail on the 30th day of January, 2003:

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

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiffs

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELLIN & KUBISTA

FIELD
12438X
JAN 30 1963
C. C.
FBI

William A. Shaw
Prothonotary

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
: NO. 2002-1584-CD
vs. :
: :
COMMONWEALTH OF PENNSYLVANIA : CERTIFICATE OF
DEPARTMENT OF CONSERVATION : SERVICE
AND NATURAL RESOURCES, :
Defendant :
:

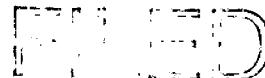
Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

Kimberly M. Kubista, Esquire
PA I.D. #52782

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

FEB 03 2003

William A. Shaw
Prothonotary

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

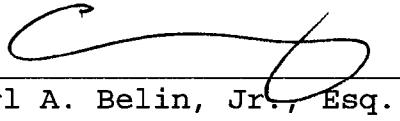
LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
: NO. 2002-1584-CD
vs. :
: COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :
:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a true and correct copy of Plaintiffs' Request For Production of Documents Directed to Defendant in the above-captioned matter to the following party by postage prepaid United States mail on the 3rd day of February, 2003:

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

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiffs

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

Clearfield
Pa
Belin & Kubista

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LOU ANN TYLWALK,
CHARLES TYLWALK,

CIVIL DIVISION

Plaintiffs,

No. 2002-01584-CD

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

SUBSTITUTION OF COUNSEL

Defendant.

Filed on Behalf of Defendant,
Commonwealth of Pennsylvania,
Department of Conservation
and Natural Resources

Counsel of Record:

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

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

(412) 565-2569

FFB 18253

William A. Shaw
Prothonotary

SUBSTITUTION OF COUNSEL

TO THE PROTHONOTARY:

Please withdraw the appearance of John R. Benty, Sr. Deputy Attorney General, and substitute Joseph F. McCarthy, III, Deputy Attorney General, on behalf of the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, in the above-captioned case.

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

Joseph F. McCarthy III

BY:

JOSEPH F. McCARTHY, III
Deputy Attorney General

CERTIFICATE OF SERVICE

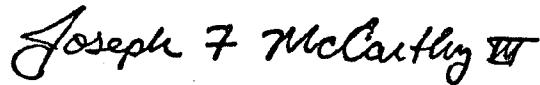
I hereby certify that a true and correct copy of the foregoing Substitution of Counsel was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, on February 13, 2003:

Kimberly M. Kubista, Esq.
P. O. Box 1
Clearfield, PA 16830
(Counsel for Plaintiffs)

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY:


JOSEPH F. McCARTHY, III
Deputy Attorney General

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LOU ANN TYLWALK,
CHARLES TYLWALK,

Plaintiffs,

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Defendant.

CIVIL DIVISION

No. 2002-01584-CD

**NOTICE OF SERVICE OF
ANSWERS TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS**

Filed on Behalf of Defendant,
Commonwealth of Pennsylvania,
Department of Conservation
and Natural Resources

Counsel of Record:

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

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

(412) 565-2569

FILED

MAR 17 2003

William A. Shaw
Prothonotary

NOTICE OF SERVICE

Please take note that the undersigned has answered Plaintiffs' First Set of Interrogatories and Request for Production of Documents and copies sent to all counsel of record, on behalf of Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, in the above-referenced case.

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY:


JOSEPH F. McCARTHY, III
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Service of Answers to Plaintiffs' First Set of Interrogatories and Request for Production of Documents was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, on March 13, 2003:

Kimberly M. Kubista, Esq.
BELIN & KUBISTA
15 North Front St.
P. O. Box 1
Clearfield, PA 16830
(Counsel for Plaintiffs)

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY: 
JOSEPH F. McCARTHY, III
Deputy Attorney General

FILED

MAR 17 2003

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cc

William A. Shaw
Prothonotary

KBS

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
: No. 2002-1584-C.D.
vs. :
: COMPLAINT
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

MAY 22 2003

William A. Shaw
Prothonotary

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

LOU ANN TYLWALK and CHARLES	:	
TYLWALK, Husband and Wife,	:	
	Plaintiffs	:
		: No. 2002-1584-C.D.
vs.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF CONSERVATION	:	
AND NATURAL RESOURCES,	:	
	Defendant	:

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

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

COURT ADMINISTRATOR
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

(814) 765-2641 Ex 5982

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

LOU ANN TYLWALK and CHARLES	:	
TYLWALK, Husband and Wife,	:	
	Plaintiffs	:
		No. 2002-1584-C.D.
vs.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF CONSERVATION	:	
AND NATURAL RESOURCES,	:	
	Defendant	:

COMPLAINT

AND NOW comes the Plaintiffs, Lou Ann Tylwalk and Charles Tylwalk, by and through their attorneys, Belin & Kubista, and file the following Civil Actions:

**COUNT I - LOU ANN TYLWALK V. COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES**

1. The Plaintiffs, Lou Ann Tylwalk and Charles Tylwalk, are individuals who are husband and wife, and who reside at 119 South High Street, Clearfield, Clearfield County, Pennsylvania 16830 ("Lou Ann," "Charles," or collectively "the Tylwalks").

2. That the Department of Conservation and Natural Resources of the Commonwealth of Pennsylvania is a state agency created under the laws of the Commonwealth of Pennsylvania which

has its office and place of business at 400 Market Street, Harrisburg, Pennsylvania 17120-0000 ("DCNR").

3. That the DCNR owns and operates a state park known as Parker Dam State Park in Huston Township, Clearfield County, Pennsylvania ("Parker Dam").

4. That the DCNR has developed an area within Parker Dam into campsites which it rents to the general public.

5. That the campsites have been developed to include a macadam pad and an area which has been cleared of most trees and bushes which it has kept mowed and set aside for camping at each site, and the campsites include picnic tables, areas for cooking and electrical hookups to enable the camper to use tents or vehicles for camping and related uses at the campsites.

6. That the sites that have been developed for camping are individually identified by numbers within Parker Dam.

7. That one of the sites is numbered 072 and is a site which contained a macadam pad, a mowed area for camping, which site included approximately four (4) trees which extended as a canopy over the site which was being provided for camping ("the campsite").

8. That Charles reserved the campsite for the week of August 21, 2001 for a rental of \$104.00 which rental was confirmed by reservation #16738245, a copy of which is attached hereto as Exhibit "1."

9. That the Tylwalks and their children arrived at the campsite in the late afternoon hours of August 21, 2001, and erected tents in the area provided by DCNR for camping.

10. That the Tylwalks occupied a tent near a tree that was within the campsite.

11. That Charles left the campsite early in the morning of August 24, 2001, to return to Clearfield to go to work during the day.

12. That on or about August 24, 2001, on or about 7:15 A.M. E.D.S.T. a tree branch or a tree ("branch/tree") within a clump of trees in the campsite suddenly and without warning broke from the stump and fell on the tent occupied by Lou Ann, thereby collapsing the tent, and violently struck her on the head causing her serious and permanent injuries.

13. That the tree branch/tree that fell on the Tylwalk tent was between approximately eleven (11") inches and thirteen (13") inches thick and was approximately thirty (30') feet long

and was of such a weight as to require three (3) people to remove the tree from the tent.

14. That the base of the branch/tree was visibly diseased and had rotted to the point it could not support the tree which fell from its weight as a result.

15. That the DCNR was guilty of the following negligence, recklessness, and carelessness, which was the proximate cause of the accident and injuries of Lou Ann in that:

(a) it rented the campsite to the Tylwalks in a dangerous condition in that it knew or should have known a tree within the campsite was so diseased that it could fall from its weight at any time and cause injury to individuals camping within the campsite;

(b) it rented a campsite to the Tylwalks in a dangerous condition in that it, its agents, employees or contractors, had inspected the trees in the area of the campsite and observed a tree that was visibly diseased within the campsite and which it knew or should have known constituted a serious hazard for anyone renting the campsite yet took no action to remove the diseased tree from the campsite area;

(c) it rented a campsite to the Tylwalks in a dangerous condition in that it, its agents, employees or contractors, had inspected the trees in the area of the campsite and failed to observe a tree within the campsite that was visibly diseased and which it knew or should have known constituted a serious hazard for anyone renting the campsite and could have been removed from the campsite to render the campsite safe for its intended use;

(d) it rented a campsite to the Tylwalks which was in a dangerous condition in that a tree was situated in the campsite which was visibly diseased and that the disease had existed on the tree for such a period that the tree was a serious hazard to anyone renting the campsite but it, its agents, employees and contractors, failed to take any action to discover the diseased trees or to remove the trees which constituted a hazard for the campsite;

(e) that it rented a campsite to the Tylwalks in a dangerous condition in that it, its agents, employees or contractors, had actual or constructive notice of a tree within the campsite which was so diseased that it could fall at any time and as a result would constitute a serious hazard to anyone

camping within the campsite which hazard could have been avoided by the removal of the diseased tree;

(f) that it breached its duty to inspect the campsite it was renting to the public to assure that no dangerous condition existed which would cause injury to anyone camping within the site and to take action to remove a dangerous condition such as the diseased tree which constituted a serious hazard to anyone camping within the campsite;

(g) that it breached its duty in renting the campsite to the Tylwalks when a dangerous condition existed while it represented through advertisement that the sites would be safe for the intended use of camping within the area designated as the campsite; and

(h) that it was negligent, reckless, and careless, in that it failed to use due care under all the circumstances of this case.

16. That as a result of the negligence, recklessness and carelessness of DCNR which was the proximate cause of the accident, Lou Ann sustained the following injuries which may and probably will be permanent:

(a) closed head injury;

- (b) multiple facial skeletal fractures;
- (c) a fractured right frontal bone and supraorbital rim;
- (d) nasal bone fractures;
- (e) naso-orbital ethmoidal fractures;
- (f) bilateral zygomaticomaxillary complex fractures;
- (g) blow out fracture of the right orbital floor;
- (h) Le Fort I maxillary fracture;
- (i) fracture of the right coronoid process of the mandible;
- (j) facial and scalp lacerations and abrasions.

17. As a result of her injuries, Lou Ann has undergone the following medical treatment and multiple surgeries:

- (a) On August 31, 2001, a bicoronal flap of the skull was developed and the right-sided Le Fort fracture was repaired; the right zygomatic bone body and arch fracture was repaired along with the repair and reduction of the right supraorbital fracture of the frontal bone. A Killian ("open sky") midline approach was made to repair multiple nasal bone fractures with reconstruction of the nasal bridge with Leibinger mesh.

(b) On September 10, 2001, the blow out fracture of the left orbital floor and blow in fracture of the right orbital floor were repaired;

(c) On November 2, 2001, a right coronoidectomy was performed;

(d) On February 4, 2002, she was admitted once again to Allegheny General Hospital. At that time the lack of bone in the upper jaw was managed by grafting corticocancellous bone from the posterolateral iliac crest (right) to the maxillary sinuses bilaterally;

(e) On June 14, 2002, she was admitted to the Short Procedure Unit at Allegheny General Hospital. At that time she had a right-sided cheek implant placed, a surgical browlift to elevate the eyebrows, lysis of adhesions around the right frontozygomatic suture and right inferior orbital rim with removal of the bone plates and screws. A Silastic implant was placed into the right orbital floor to attempt to elevate the right globe;

(f) She was admitted on September 23, 2002 to place endosseous implants into the maxilla;

(g) On September 27, 2002, the following procedures were done to attempt to rebuild the upper jaw: left posterior iliac crest corticocancellous bone procurement, drawing of a unit of blood for platelet rich plasma, right unicoronal flap with harvest of calvarial grant, corticocancellous graft to the upper jaw and skull graft to the lateral and anterior aspects of the upper jaw;

(h) On April 25, 2003, multiple dental implants (6) were placed into the maxilla. Further a left lateral canthopexy was performed.

18. That as a result of the negligence, recklessness and carelessness of DCNR which was the proximate cause of the accident, Lou Ann has suffered the following impairments and disabilities from her injuries which may and probably will be permanent:

- (a) double vision in right eye;
- (b) enophthalmus of the right orbit and eyeball;
- (c) scarring and disfigurement of the facial area;
- (d) numbness of right side of face;
- (e) numbness of tongue and interior of mouth on right side;

(f) mood disorder secondary to traumatic brain injury; and

(g) cognitive disorder.

19. That Lou Ann claims damages for the following:

(a) a reasonable amount for pain and suffering, past, present, and future;

(b) privation and inconvenience due to the injuries and treatment;

(c) loss of life's pleasures she had before the accident;

(d) loss of wages (and benefits) in the amount of \$109,416.00;

(e) impairment of earning power;

(f) doctor, rehabilitation, and hospital expenses in the present amount of \$134,554.20;

(g) cost of present and future medical treatment;

(h) personal expenses resulting from the accident in the present amount of \$29,235.73; and

(h) other damages allowable by law.

WHEREFORE, Plaintiff Lou Ann Tylwalk claims damages from Defendant in an unliquidated amount in excess of the arbitration limits of Clearfield County. **JURY TRIAL DEMANDED.**

**COUNT II - CHARLES TYLWALK v. COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES**

20. That the Plaintiff Charles hereby incorporates Paragraphs 1 through 19 of the First Count of this Complaint and makes the same a part hereof.

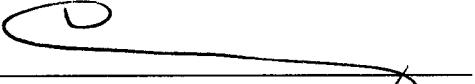
21. That by reason of the aforesaid, the Plaintiff, Charles, has been deprived of the assistance of his wife all of which have been to his great financial damage and loss from the date of her injury to the present time and probably will incur great financial damage and loss for the remainder of his life.

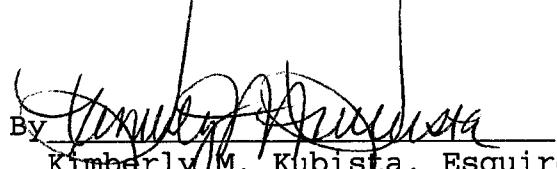
WHEREFORE, Plaintiff Charles Tylwalk claims damages from Defendant in an unliquidated amount in excess of the arbitration limits of Clearfield County.

JURY TRIAL DEMANDED.

RESPECTFULLY SUBMITTED,

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esquire

By 
Kimberly M. Kubista, Esquire
Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA:

: ss

COUNTY OF CLEARFIELD

:

Before me, the undersigned Officer, personally appeared LOU ANN TYLWALK, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Lou Ann Tylwalk
Lou Ann Tylwalk

SWORN and SUBSCRIBED before me this 22 day of May, 2003.

Susan M Hartzfeld

NOTARIAL SEAL
SUSAN M. HARTZFELD, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD COUNTY
MY COMMISSION EXPIRES AUGUST 16, 2005

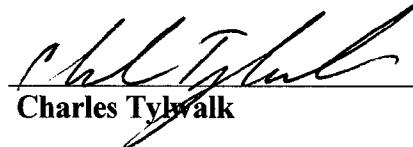
COMMONWEALTH OF PENNSYLVANIA:

: ss

COUNTY OF CLEARFIELD

:

Before me, the undersigned Officer, personally appeared CHARLES TYLWALK, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.


Charles Tylwalk

SWORN and SUBSCRIBED before me this 22 day of May, 2003.



NOTARIAL SEAL
SUSAN M. HARTZFELD, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD COUNTY
MY COMMISSION EXPIRES AUGUST 16, 2005



PENNSYLVANIA STATE PARKS CENTRAL
RESERVATION CALL CENTER
1-888-PA-PARKS
Aug. 15, 2001

CHARLES T TYLWALK
119 S HIGH ST
CLEARFIELD PA 16830

Reservation #: 16738245
Status: CONFIRM
VIP Number: 16509761
Arrival Date: Tuesday, August 21, 2001
Check-in Time: 03:00 PM
Departure Date: Wednesday, August 29, 2001
Check-out Time: 03:00 PM

Park: Parker Dam	Park Phone: 814-765-0630	
Area Name: Campground	SubArea Name: Third	
Site No.: 072	Number of People: 5	
Class: Class A - Modern (with showers)	Electric: 30 amp service	
Accessibility to persons w/ h disabilities: No	Equipment Type:	
Price: \$ 104.00	Payments Received: \$ 104.00	Account #: XXXX XXXX XXXX 1512
Tax: \$ 0.00	Total Payments: \$ 104.00	Exp. Date: 03/2003
Total Charges: \$ 104.00	Balance Owed: \$ 0.00	Auth. Number:
Payment Date: Aug. 14, 2001	Payment History: \$ 104.00 Credit Card	
X - TELEPHONE ORDER ONLY		
I agree to pay above total amount according to card issuer agreement.		

PARK DIRECTIONS:

Located in Clearfield county 17 miles north of the community of Clearfield; 5 miles south of the village of Penfield; off PA. Rt. 153, 2 1/2 miles. Eight miles north on PA. Rt. 153 at exit 18 of Route I-80.

FACILITY DIRECTIONS:

COMMENTS:

There must be someone 18 years of age or older occupying the campsite. This person will be held responsible for the conduct of your party and/or any damages that occur during your stay. Campsites are limited to one single family household or 5 people. PETS AND ALCOHOLIC BEVERAGES ARE PROHIBITED. BE AWARE THAT SPECIFIC SITE RESERVATIONS WILL BE MADE BUT THE PARK RESERVES THE RIGHT TO MAKE ANY CHANGES, SUCH AS REASSIGNMENT OF CAMPSITE IF NECESSARY.

CANCELLATIONS/TRANSFERS: Prior to your arrival please call the Central Call Center to change or cancel a reservation 1-888-PA-PARKS. Reservation dates can be changed, subject to available vacancies. However, there will be an additional transfer charge of \$10.00. Call the Central Call Center to cancel a reservation. Your rental payment will be refunded less the cancellation charge of \$10.00.

Thank you for reserving a facility in a Pennsylvania State Park! Specific information about your reservation is on the reverse side. The 116 state parks administered by the Pennsylvania Department of Conservation and Natural Resources (DCNR) offer a wide variety of recreational and educational opportunities. Discover our national natural and historical landmarks, our woodlands and waterways.

Here is some interesting information for you:

- **VIP Number!** Please use your unique Visitor in Park/Very Important Person (VIP) Number to make your future reservations. It will speed the process and ensure accuracy of your personal information. If you forget, give them your telephone number.
- **Transfers-Cancellations** - To change or cancel a reservation, please call the call center at 1-888-PA-PARKS (727-2757). There will be a service fee of \$10.00 for any changes/transfers to an existing reservation.

June 1, 1998 until February 28, 2002: Canceling a reservation will result in a \$10.00 to \$30.00 service fee, depending on the type of facility.

Effective March 1, 2002: Cancellations requested prior to seven (7) days of the scheduled arrival date will result in a cancellation service charge of \$10.00. Cancellations within seven (7) days of your scheduled arrival date will result in the charge of a one night's fee or the daily charge.

- **Conservation Volunteers are needed!** At some locations we need campground hosts – hosts receive free camping and serve as a "live-in" host at a state park campground or cabin colony by greeting and assisting campers and performing light maintenance.

A Conservation Volunteer is someone who cares about protecting and enhancing our beautiful natural resources. People of all ages can participate in the program, which matches interests and abilities with appropriate outdoor projects. You can join us as a group or an individual. Work is challenging, exhilarating and, above all, rewarding. From a few hours, to a lifetime commitment, the choice is yours. Any amount of time will benefit you and the outdoors. Please call 1-888-PA-PARKS for a brochure or visit any DCNR office. TT (Text telephone) 1-888-537-7294.

- **Internet users** – Visit DCNR's home page directly at www.dcnr.state.pa.us, or through the Commonwealth of Pennsylvania's home page at www.state.pa.us. The web pages of DCNR include descriptions of all the parks, details of many forms of recreation, a calendar of events, historical information and a photo tour.
- **For interesting Pennsylvania Tourist information**, call 1-800-VISIT-PA.
- **Access for People with Disabilities** – If you need an accommodation to participate in park activities due to a disability, please contact the Pennsylvania Bureau of State Parks:

888-PA-PARKS (voice)
888-537-7294 (TTY)

717-558-2711 (local or international TTY)
800-654-5984 (PA AT&T Relay Service)

State Park Mission – The primary purpose of state parks is to provide opportunities for enjoying healthful outdoor recreation and to serve as outdoor classrooms for environmental education. In meeting these purposes, the conservation of the natural, scenic, aesthetic and historical values of the parks should be given first consideration. Stewardship responsibilities should be carried out in a way that protects the natural outdoor experience for the enjoyment of current and future generations.

Pennsylvania
Memories last a lifetime.™

www.dcnr.state.pa.us
1-888-PA-PARKS



 Printed on Recycled Paper

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

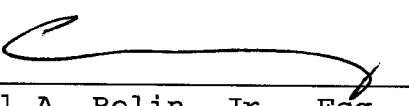
LOU ANN TYLWALK and CHARLES	:	
TYLWALK, Husband and Wife,	:	
	Plaintiffs	:
		: No. 2002-1584-C.D.
vs.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF CONSERVATION	:	
AND NATURAL RESOURCES,	:	
	Defendant	:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a certified copy of Plaintiffs' Complaint in the above-captioned matter to the following party by postage prepaid United States mail on the 22nd day of May, 2003:

Joseph F. McCarthy, III
Deputy Attorney General
Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

BELIN & KUBISTA

By 

Carl A. Belin, Jr., Esq.
Attorney for Plaintiffs

BELIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW

FILED
O 10 13 PM
3rd Circuit
MAY 22 2003
EWT
William A. Shaw
Prothonotary

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
: NO. 2002-1584-C.D.
vs. :
: NOTICE OF
COMMONWEALTH OF PENNSYLVANIA : DEPOSITION
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :
:

Filed on behalf of:
Plaintiffs

Counsel of record for This
party:

CARL A. BELIN JR.,
ESQUIRE
P.A. I.D. #:06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

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JUL 07 2003

William A. Shaw
Prothonotary

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

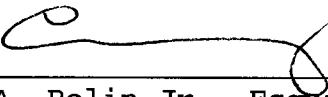
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vs. :
:
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :
:

NOTICE OF DEPOSITION

TO: **NORMAN KAUFFMAN**
c/o Joseph F. McCarthy, III
Deputy Attorney General
Commonwealth of Pennsylvania
Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

PLEASE TAKE NOTE, that on **Tuesday, July 22, 2003**, commencing
at **1:00 P.M.** before a representative of Cameron Reporting, the
deposition of **Norman Kauffman** upon oral examination will be held
at the offices of Belin & Kubista, 15 North Front Street,
Clearfield, Pennsylvania, for the purposes of discovery and
trial.

BELIN & KUBISTA

By 
Carl A. Belin Jr., Esquire
Attorney for Plaintiffs

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

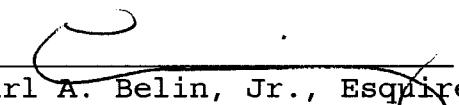
LOU ANN TYLWALK and CHARLES	:	
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	Plaintiffs	:
		: No. 2002-1584-C.D.
vs.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF CONSERVATION	:	
AND NATURAL RESOURCES,	:	
	Defendant	:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a Notice of Deposition of Norman Kauffman in the above-captioned matter to the following party by postage prepaid First Class Mail on the 7th day of July, 2003:

Joseph F. McCarthy, III
Deputy Attorney General
Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

BELIN & KUBISTA

By 

Carl A. Belin, Jr., Esquire
Attorney for Plaintiffs

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BEILIN & KUBISTA

RECEIVED
OCT 16 1968
cc
FBI - PHILADELPHIA
William A. Shaw
Administrator

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

LOU ANN TYLWALK and CHARLES :
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COMMONWEALTH OF PENNSYLVANIA : DEPOSITION
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :
:

Filed on behalf of:
Plaintiffs

Counsel of record for This
party:

CARL A. BELIN JR.,
ESQUIRE
P.A. I.D. #:06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

FILED

JUL 07 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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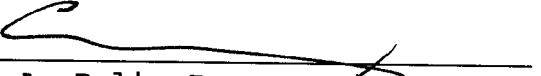
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: DEPARTMENT OF CONSERVATION :
: AND NATURAL RESOURCES, :
Defendant :
:

NOTICE OF DEPOSITION

TO: **SCOTT STREATOR**
c/o Joseph F. McCarthy, III
Deputy Attorney General
Commonwealth of Pennsylvania
Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

PLEASE TAKE NOTE, that on **Tuesday, July 22, 2003**, commencing at **11:00 A.M.** before a representative of Cameron Reporting, the deposition of **Scott Streator** upon oral examination will be held at the offices of Belin & Kubista, 15 North Front Street, Clearfield, Pennsylvania, for the purposes of discovery and trial.

BELIN & KUBISTA

By 
Carl A. Belin Jr., Esquire
Attorney for Plaintiffs

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

LOU ANN TYLWALK and CHARLES	:	
TYLWALK, Husband and Wife,	:	
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COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF CONSERVATION	:	
AND NATURAL RESOURCES,	:	
	Defendant	:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a Notice of Deposition of Scott Streater in the above-captioned matter to the following party by postage prepaid First Class Mail on the 7th day of July, 2003:

Joseph F. McCarthy, III
Deputy Attorney General
Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esquire
Attorney for Plaintiffs

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

John A. Shaw
President
John A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LOU ANN TYLWALK,
CHARLES TYLWALK,

Plaintiffs,

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Defendant.

STIPULATION

Filed on Behalf of Defendant,
Commonwealth of Pennsylvania,
Department of Conservation
and Natural Resources

Counsel of Record:

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

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

(412) 565-2569

FILED

JUL 31 2003
11:28/nocc
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LOU ANN TYLWALK,
CHARLES TYLWALK,

Plaintiffs,

CIVIL DIVISION

No. 2002-01584-CD

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Defendant.

STIPULATION

The undersigned parties hereby agree the following is to be stricken from Plaintiffs' Complaint:

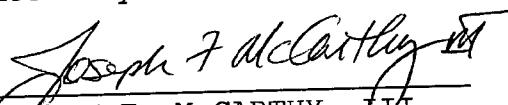
"Paragraph 19(h)-other damages allowable by law."

The remaining subparagraphs of paragraph 19 are not effected by this Stipulation.

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY:


JOSEPH F. McCARTHY, III
Deputy Attorney General
Counsel for Commonwealth of
Pennsylvania Department of
Conservation and Natural
Resources

CONSENTED TO:


Carl A. Belin, Jr., Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Stipulation was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, on July 29, 2003:

Carl A. Belin, Jr., Esq.
BELIN & KUBISTA
15 North Front St.
P. O. Box 1
Clearfield, PA 16830
(Counsel for Plaintiffs)

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY:

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LOU ANN TYLWALK,
CHARLES TYLWALK,

Plaintiffs,

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Defendant.

CIVIL DIVISION

NO. 2002-01584-CD

ANSWER AND NEW MATTER
TO PLAINTIFFS' COMPLAINT

Filed on Behalf of Defendant,
Commonwealth of Pennsylvania,
Department of Conservation
and Natural Resources

Counsel of Record:

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

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

(412) 565-2569

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 Defendant

FILED

JUL 31 2003

m/128/ncc
William A. Shaw
Prothonotary

ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW, comes the Defendant, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, by the Attorney General of the Commonwealth of Pennsylvania, and files the within Answer and New Matter to Plaintiffs' Complaint, averring in support thereof, as follows:

1. Denied. After reasonable investigation, the Commonwealth Defendant is without sufficient knowledge or information to form a belief as to the truth of these averments.

2. Admitted.

3. Admitted.

4. Denied as stated. DCNR has established campsite areas within Parker Dam State Park which are available to the public for a fee.

5. Denied as stated. It is admitted that the developed area of the campsite is a macadam pad for vehicle parking or recreational vehicle use which includes electrical hookup contiguous to the macadam pad. All remaining averments of this paragraph 5 concerning developed areas of the campsite and concluding such are specifically denied.

6. Denied as stated. It is admitted that camping site areas are identified by a numerical system within the park. To the extent said allegations of this paragraph 6 constitute the camping site areas are developed, said allegations are denied consistent with defendant's response in paragraph 5.

7. Denied as stated. It is admitted that the campsite

area numbered 072 is comprised of a paved parking spur for a vehicle, a picnic table and a fire ring, among trees in a mowed grassy area. The remaining averments are denied. By way of further answer, after reasonable investigation, the Commonwealth Defendant is without sufficient knowledge or information to form a belief as to the truth of these averments.

8. Admitted to the extent that said averments are consistent with the document identified as exhibit 1.

9. Denied. After reasonable investigation, the Commonwealth Defendant is without sufficient knowledge or information to form a belief as to the truth of these averments.

10. Denied. After reasonable investigation, the Commonwealth Defendant is without sufficient knowledge or information to form a belief as to the truth of these averments.

11. Denied. After reasonable investigation, the Commonwealth Defendant is without sufficient knowledge or information to form a belief as to the truth of these averments.

12. Denied. After reasonable investigation, the Commonwealth Defendant is without sufficient knowledge or information to form a belief as to the truth of these averments.

13. To the extent that the averments are consistent with the language and/or legal affect of the incident report provided to Plaintiffs during pre-complaint discovery, those averments are admitted. To the extent that the averments contained in this paragraph are inconsistent with the language and/or legal affect of said document, those averments are denied pursuant to Pa.

R.C.P. 1029(e).

14. Said averments are conclusions whereby no response is required. By of further answer, after reasonable investigation, the Commonwealth Defendant is without sufficient knowledge or information to form a belief as to the truth of these averments.

15. The allegations set forth in this paragraph, including subparts (a) through (h), of Plaintiffs' Complaint constitute conclusions of law to which no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent that portions of this paragraph could be construed as factual allegations, said allegations are specifically denied, and strict proof thereof is hereby demanded at the time of trial.

16. The allegations set forth in this paragraph, including subparts (a) through (j), of Plaintiffs' Complaint constitute conclusions of law to which no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent that portions of this paragraph could be construed as factual allegations, said allegations are specifically denied, and strict proof thereof is hereby demanded at the time of trial.

17. The allegations set forth in this paragraph, including subparts (a) through (h), of Plaintiffs' Complaint constitute conclusions of law to which no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent that portions of this paragraph could be construed as factual allegations, said allegations are specifically denied, and strict proof thereof is hereby demanded at the time of trial.

18. The allegations set forth in this paragraph, including subparts (a) through (g), of Plaintiffs' Complaint constitute conclusions of law to which no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent that portions of this paragraph could be construed as factual allegations, said allegations are specifically denied, and strict proof thereof is hereby demanded at the time of trial.

19. The allegations set forth in this paragraph, including subparts (a) through (h), of Plaintiffs' Complaint constitute conclusions of law to which no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent that portions of this paragraph could be construed as factual allegations, said allegations are specifically denied, and strict proof thereof is hereby demanded at the time of trial.

Count II

20. The Commonwealth Defendant incorporates herein by reference its answers to paragraphs 1 through 19 of Plaintiffs' Complaint as though fully set forth herein at length.

21. The allegations set forth in this paragraph of Plaintiffs' Complaint constitute conclusions of law to which no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent that portions of this paragraph could be construed as factual allegations, said allegations are specifically denied, and strict proof thereof is hereby demanded at the time of trial.

New Matter

By way of further and more complete answer to Plaintiffs' Complaint, the Commonwealth Defendant sets forth the following New Matter:

22. The cause of action against the Commonwealth Defendant is barred by the Doctrine of Sovereign Immunity.

23. By way of further defense, it is averred that the cause of action against the Commonwealth Defendant does not fall within one of the nine (9) categories enumerated by §8522 of Act 152, September 28, 1978, P.L. 788, as amended, 42 Pa. C.S.A. §8522.

24. By way of further defense, it is averred that the cause of action against the Commonwealth Defendant fails as a result of the failure of this Commonwealth Defendant to receive actual written notice pursuant to §8555 of Act 152, September 28, 1978, P.L. 788, as amended, 42 Pa. C.S.A. §5522.

25. By way of further defense, it is averred that in the event that damages are awarded in this case, said damages are limited to the amounts and for the losses as set forth in §8528 of Act 152, September 28, 1978, P.L. 788, as amended, 42 Pa. C.S.A. §8528.

26. The injuries, losses, damages or occurrences alleged in the Plaintiffs' Complaint were the result of an independent and intervening cause or causes over which the Commonwealth Defendant had no control or in any way participated.

27. The injuries, losses, damages or occurrences alleged in

the Plaintiffs' Complaint were the result of the assumption of the risk of such injuries, losses or damages by the Plaintiffs.

28. All rights which might otherwise exist against this party are barred in whole or in part by the applicable statutes of limitations, other similar statutes, contractual provisions and/or other fundamental provisions, including waiver, estoppel and laches.

29. By way of further defense, it is averred that the Commonwealth Defendant is protected by the defense that it was acting pursuant to a duty required by statute or statutorily authorized regulation at all times relevant to the events at issue herein, and therefore, said acts were within the discretion granted to it by statute or statutorily authorized regulation and said defenses are articulated at 42 Pa. C.S.A. §8524.

30. Plaintiffs' cause of action is barred by the provisions of the Recreation Use of Land and Water Act as set forth at 68 P.S. §471-1, et. seq.

WHEREFORE, the Commonwealth Defendant prays this Honorable Court to dismiss the Plaintiffs' Complaint, with costs assessed against the Plaintiffs.

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY:


JOSEPH F. McCARTHY, III
Deputy Attorney General

JFM

TYLWALK

VERIFICATION

I, Gary K. Smith, have read the foregoing Answer and New Matter to Plaintiffs' Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Gary K. Smith

DATE: 7-25-03

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter to Plaintiffs' Complaint was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, on July 29, 2003:

Carl A. Belin, Jr., Esq.
BELIN & KUBISTA
15 North Front St.
P. O. Box 1
Clearfield, PA 16830
(Counsel for Plaintiffs)

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

BY:


JOSEPH F. McCARTHY, III
Deputy Attorney General

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
: No. 2002-1584-C.D.
vs. :
: REPLY TO NEW MATTER
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :
:

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

Kimberly M. Kubista, Esquire
PA I.D. #52782

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

AUG 08 2003
012:45PM
William A. Shaw
Prothonotary/Clerk of Courts

3 CCRs TO ATT

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
: No. 2002-1584-C.D.
vs. :
: COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :

REPLY TO NEW MATTER

AND NOW comes the Plaintiffs, Lou Ann Tylwalk and Charles Tylwalk ("Tylwalk"), by and through their attorneys, Belin & Kubista, and file a Reply to the New Matter of the Defendant, the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources ("Commonwealth"), and in support thereof aver as follows:

22. Paragraph 22 sets forth an allegation of law and a denial is not required by Pa. R.C.P. 1029; in any event, the action is authorized by 42 Pa.C.S.A. § 8522(b)(4), and the Commonwealth has waived its statutory immunity.

23. Paragraph 23 is denied and it is averred this action is specifically authorized by 42 Pa.C.S.A. § 8522 (b)(4).

24. Paragraph 24 is denied in that the Commonwealth was given the requisite notice on February 4, 2002, by certified mail, a copy of which is attached hereto as Exhibit "1."

25. Paragraph 25 is admitted.

26. Paragraph 26 is denied and Paragraphs 2 through 21 of the Complaint are hereby incorporated by reference and made a part hereof.

27. Paragraph 27 is denied and Paragraphs 2 through 21 of the Complaint are hereby incorporated by reference and made a part hereof.

28. Paragraph 28 is denied and Paragraphs 2 through 21 of the Complaint are hereby incorporated by reference and made a part hereof.

29. Paragraph 29 is denied and 42 Pa.C.S.A. § 8524 does not apply to steps taken for safety purposes nor does it apply where the Commonwealth has leased or rented land for campsites and sections 2 through 21 of the Complaint are hereby incorporated by reference and made a part hereof.

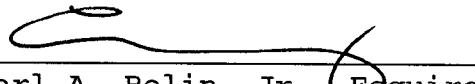
30. Paragraph 30 is denied in that § 477-6(2) of the Recreation Use of Land and Water Act as set forth at 68 P.S. § 471-1, et seq. specifically excludes the situation where the

owner charges the person entering the land for recreational use thereof and Paragraphs 2 through 21 of the Complaint are hereby incorporated by reference and made a part hereof.

WHEREFORE, Plaintiffs Lou Ann Tylwalk and Charles Tylwalk claim damages from Defendant in an unliquidated amount in excess of the arbitration limits of Clearfield County. **JURY TRIAL DEMANDED.**

RESPECTFULLY SUBMITTED,

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esquire


By 
Kimberly M. Kubista, Esquire
Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Before me the undersigned officer, personally appeared LOU ANN TYLWALK and CHARLES TYLWALK, being duly sworn according to law, depose and say that the facts set forth in the foregoing Reply to New Matter are true and correct to the best of our knowledge, information and belief.

Lou Ann Tylwalk
Lou Ann Tylwalk
Charles Tylwalk
Charles Tylwalk

Sworn and subscribed before me this 5th day of
August, 2003.

Susan M. Hartzfeld
Notary Public

NOTARIAL SEAL
SUSAN M. HARTZFELD, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD COUNTY
MY COMMISSION EXPIRES AUGUST 16, 2005

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
TELECOPIER (814) 765-9893

January 28, 2002

Commonwealth of Pennsylvania
Department of Conservation
And Natural Resources
Bureau of State Parks
P.O. Box 85511
Harrisburg, PA 17105-8551
ATTN: Director Bureau of State Parks, Roger Fickes

RE: Tylwalk v. Commonwealth of Pennsylvania

To Whom It May Concern:

This letter is in accordance with the 42 Pa.C.S.A. §5522. Pursuant to the statute, any person who is about to commence any civil action against a government unit must file a statement in writing setting forth the following in the office of the government unit:

Name and Residence of Person to Whom Cause of Action Accrued:

Lou Ann Tylwalk
119 South High Street
Clearfield, PA 16830

Name and Residence Address of the Person Injured:

Lou Ann Tylwalk
119 South High Street
Clearfield, PA 16830

Date and Hour of the Accident:

August 24, 2001
7:20 a.m.

Commonwealth of Pennsylvania
January 28, 2002
Page 2

Approximate Location Where Accident Occurred:

Parker Dam State Park
Lot #72

Name and Residence or Office Address of Any Attending Physician:

Dr. Floyd
Allegheny General
Pittsburgh, PA

Given the extent of the personal injuries of Ms. Tylwalk, numerous doctors will be consulted throughout the course of her recovery.

Please advise should you have any questions.

Sincerely,

BELIN & KUBISTA

Kimberly M. Kubista

KMK/jr
Cc: Mr. and Mrs. Charles Tylwalk

SENDER: COMPLETE THIS SECTION

- 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.

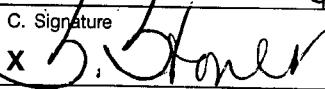
1. Article Addressed to:

Commonwealth of PA
Dept. of Conservation & Natural Resources
Bureau of State Parks
P.O. Box 85511
Harrisburg, PA 17105-8551
Attn: Director Bureau of State Parks, Roger Fickes

COMPLETE THIS SECTION ON DELIVERY

A. Recipient by (Please Print Clearly) B. Date of Delivery

C. Signature


X F. Fickes

FEB 04 2002

Agent
 Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

Yes
 No

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 (Copy from service label)

7099 3400 0016 7883 0463

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

FILED

AUG 08 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
: No. 2002-1584-C.D.
vs. :
: CERTIFICATE OF
COMMONWEALTH OF PENNSYLVANIA : SERVICE
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :
:

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

Kimberly M. Kubista, Esquire
PA I.D. #52782

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
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AUG 11 2003

William A. Shaw
Prothonotary

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

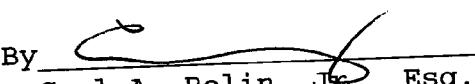
LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
: No. 2002-1584-C.D.
vs. :
: COMMONWEALTH OF PENNSYLVANIA :
: DEPARTMENT OF CONSERVATION :
: AND NATURAL RESOURCES, :
Defendant :
:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a
certified copy of Plaintiffs' Reply to New Matter in the above-
captioned matter to the following party by postage prepaid
United States mail on the 11th day of August, 2003:

Joseph F. McCarthy, III
Deputy Attorney General
Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esq.
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
LOU ANN TYLWALK,
CHARLES TYLWALK,

Plaintiffs,

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Defendant.

CIVIL DIVISION
No. 2002-01584-CD

**NOTICE OF SERVICE OF
FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS AND
INTERROGATORIES DIRECTED
TO PLAINTIFFS**

Filed on Behalf of Defendant,
Commonwealth of Pennsylvania,
Department of Conservation
and Natural Resources

Counsel of Record:

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

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

(412) 565-2569

FILED

AUG 20 2003

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF SERVICE

Please take note that the undersigned has served upon Plaintiff First Set of Interrogatories and Request for Production of Documents and copies sent to all counsel of record, on behalf of the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, in the above-referenced case.

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 Notice of Service of First Request for Production of Documents and Interrogatories Directed to Plaintiffs was served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, on August 18, 2003:

Carl A. Belin, Jr., Esq.
BELIN & KUBISTA
15 North Front St.
P. O. Box 1
Clearfield, PA 16830
(Counsel for Plaintiffs)

Respectfully Submitted,

D. MICHAEL FISHER
Attorney General

Joseph F. McCarthy III

BY:

JOSEPH F. McCARTHY, III
Deputy Attorney General

FILED NO
CC

8/20/03
AUG
20 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

LOU ANN TYLWALK and CHARLES :
TYLWALK, Husband and Wife, :
Plaintiffs :
vs. : No. 2002-1584-C.D.
: :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, : PRAECIPE
Defendant : DISCONTINUE

Filed on Behalf of:
Plaintiffs

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

Kimberly M. Kubista, Esquire
PA I.D. #52782

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972 (PHONE)
(814) 765-9893 (FAX)

FILED

DEC 02 2003

William A. Shaw
Prothonotary Clerk of Courts

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

LOU ANN TYLWALK and CHARLES
TYLWALK, Husband and Wife, :
Plaintiffs :
vs. : No. 2002-1584-C.D.
: :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CONSERVATION :
AND NATURAL RESOURCES, :
Defendant :
:

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above matter settled, discontinued and
ended.

BELIN & KUBISTA

Carl A. Belin, Jr., Esquire

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

FILED NO
0191181 CC
DEC 02 2003 Cert of S. & C.
to 444
Copy to CJA
A. M.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

**Lou Ann Tylwalk and
Charles Tylwalk, husband and wife**

Vs.

**Commonwealth of Pennsylvania
Department of Conservation
and Natural Resources**

No. 2002-01584-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 2, 2003, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$80.00 have been paid in full by Kimberly M. Kubista, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of December A.D. 2003.

William A. Shaw, Prothonotary