

2002-1647-CD

Michael Bobal vs Kenneth Hartchik

Date: 06/29/2005
Time: 11:47 AM
Page 1 of 2

Clearfield County Court of Common Pleas
ROA Report
Case: 2002-01647-CD
Current Judge: Paul E. Cherry

User: BILLSHAW

Michael Bobal vs. Kenneth Harchick

Civil Other

| Date | Judge | |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 10/21/2002 | Filing: Civil Complaint Paid by: Sibert, Thomas J. (attorney for Bobal, Michael) Receipt number: 1850152 Dated: 10/21/2002 Amount: \$80.00 (Check) 1 Cert. to Sheriff | No Judge |
| 12/09/2002 | Praecipe For Entry of Appearance on Behalf of Defendant, KENNETH HARCHICK. filed by s/R. Denning Gearhart, Esquire no cc | No Judge |
| 12/16/2002 | Praecipe For Entry of Appearance, filed by Atty. Gearhart. Please enter my appearance on behalf of Defendant | No Judge |
| 12/17/2002 | Praecipe to Correct Caption, filed by Atty. Gearhart. No Cert. Copies Correct spelling of Defendant to read as follows: KENNETH HARCHICK. | No Judge |
| 01/31/2003 | Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm | No Judge |
| 02/19/2003 | Answer To Complaint And Counterclaim. filed by s/R. Denning Gearhart Verification Kenneth Harchick 3 cc Atty Gearhart | No Judge |
| 03/13/2003 | Answer To Counter Claim. filed by s/Thomas J. Sibert, Esquire Certificate of Service no cc | No Judge |
| 09/15/2003 | Filing: Praecipe/List For Arbitration Paid by: Sibert, Thomas J. (attorney for Bobal, Michael) Receipt number: 1866392 Dated: 09/22/2003 Amount: \$20.00 (Check) Praecipe For Arbitration. filed by s/Thomas J. Sibert, Esq. no cc Copy to CA | No Judge |
| 11/17/2003 | Certificate of Service, PreTrial Brief upon: Thomas J. Sibert, Esq. filed by, s/R. Denning Gearhart | No Judge |
| 11/26/2003 | Civil Continuance Request. filed by, s/Thomas J. Sibert, Esq. ORDER, AND NOW, this 26th day of November, 2003, re: Arbitration Hearing scheduled for Defember 2, 2003, is hereby continued to a date to be scheduled by the Court Administrator. by the Court, s/JKR,JR.,P.J. 2 cc Atty Sughrue | No Judge |
| 02/17/2004 | February 17, 2004, Oath of Affirmation of Arbitrators, Filed. Award of Arbitrators, Hearing adjourned on Motion of Plaintiff's Counsel. S/James A. Naddeo, Esq. Chairman. Andrew P. Gates, Esq. and Gary A. Knaresboro, Esq. Entry of Award, Witness My Hand and the Seal of the Court, William A. Shaw, Prothonotary. | No Judge |
| 02/18/2004 | Civil Continuance Motion. filed by, s/Thomas J. Sibert, Esquire no cc | No Judge |
| 03/03/2004 | Motion For Nolle Pros And/Or Directed Verdict For Defendant. filed by, s/R. Denning Gearhart, Esq. 3 cc to Atty | No Judge |
| 03/05/2004 | Filing: Arbitration Appeal Paid by: Sibert, Thomas J. (attorney for Bobal, Michael) Receipt number: 1874996 Dated: 03/05/2004 Amount: \$450.00 (Check) No cc. | No Judge |
| 03/15/2004 | ORDER, NOW, this 12th day of March, 2004, re: Defendant's Motion for Dismissal/Nolle Pros is hereby DISMISSED. The Plaintiff's Praecipe to Appeal is hereby DISMISSED. The CA shall re-list for Arbitration. Plaintiff shall bear all costs of the original Arbitration scheduled for Feb. 17, 2004. Said costs in the amount of \$450.00 to be paid within no more than 30 days from this date. by the Court, s/FJA, P.J. 2 cc Atty Gearhart, Sibert, and 1 cc Arbitrators: Naddeo, Gates and Knaresboro | Fredric Joseph Ammerman |

✓ Date: 06/29/2005

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 11:47 AM

ROA Report

Page 2 of 2

Case: 2002-01647-CD

Current Judge: Paul E. Cherry

Michael Bobal vs. Kenneth Harchick

Civil Other

| Date | Judge | |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 03/15/2004 | ORDER, NOW, this 15th day of March, 2004, re: Arbitration scheduled on Monday, May 24, 2004, at 9:00 a.m. before Arbitrators: James A. Naddeo, Esq., Chairman, Andrew P. Gates, Esq. and Gary A. Knaresboro, Esq. Pre-Trial Statement must be submitted 7 days prior to scheduled Arbitration. by the Court, s/FJA, P.J. 5 cc C/A | Fredric Joseph Ammerman |
| 03/19/2004 | Certificate of Service, Motion for Dismissal/Nolle Pros and Order upon Thomas J. Sibert, Esquire. filed by, s/R. Denning Gearhart, Esquire no cc | Fredric Joseph Ammerman |
| 05/24/2004 | Miscellaneous Filing May 24, 2004, Oath or Affirmation of Arbitrators, filed. Award of Arbitrators, Amount of Judgment \$11,000.00 to Plff. Defendant's Counterclaim withdrawn. S/James A. Naddeo, Esq. Chairman, Andrew P. Gates, Esq., and Gary A. Knaresboro, Esq. Entry of Award, Witness My Hand and the Seal of the Court, William A. Shaw, Prothonotary. | Fredric Joseph Ammerman |
| 06/14/2004 | Filing: Arbitration Appeal Paid by: Gearhart, R. Denning (attorney for Harchick, Kenneth) Receipt number: 1880866 Dated: 06/14/2004 Amount: \$600.00 (Check) Notice of Appeal of Arbitrator's Award filed by Atty. Gearhart. 4 CC to Atty. | Fredric Joseph Ammerman |
| 08/10/2004 | Joint Motion for Continuance, filed by s/Chris A. Pentz s/R. Denning Gearhart Two CC Attorney Gearhart | Fredric Joseph Ammerman |
| 08/11/2004 | Order, Now this 9th day of August, 2004, it is the ORDER of this Court that Fredric Joseph Ammerman the Motion for Continuance be granted. Non-Jury Trial and Pre-Trial Conference are hereby continued. The Court Administrator shall list the case for Jury Trial for the Winter Term of Court. By The Court /s/Fredric J. Ammerman, President Judge. 2 Cert. Copies to Atty. Pentz, 2 Cert. Copies to Atty. Gearhart, 1 copy to Court Administrator. | Fredric Joseph Ammerman |
| 08/17/2004 | Praecipe to Withdraw/Enter Appearance, Filed on behalf of Plaintiff by s/Chris A. Pentz, Esq. Please withdraw my appearance on behalf of the Plaintiff. Thomas J. Sibert, Esquire. Please enter my appearance on behalf of the Plaintiff. Chris A Pentz, Esq. 2 cc Atty. Pentz. Certificate of Service, Joint Motion for Continuance and Order, on Chris A. Fredric Joseph Ammerman Pentz, Esq., Filed by s/R. Denning Gearhart, Esq., No cc | Fredric Joseph Ammerman |
| 01/17/2005 | Order, AND NOW, this 13th day of Jan., 2005, following Pre-Trial Conference and in consideration of the Joint Motion for Continuance as requested by counsel for both parties, it is the ORDER of this Court that said motion be and is hereby Granted. The Court Administrator shall list this case for Jury Trial for the spring term of Court with Civil call to be held on April 5, 2005. BY THE COURT, /s/ Paul E. Cherry, Judge. 2CC Atty Gearhart, Pentz | Paul E. Cherry |
| 04/12/2005 | Certificate of Service Defendant's Pretrial Statement on Chris Pentz, Esq, Paul E. Cherry Filed by s/R. Denning Gearhart, Esq. No CC | Paul E. Cherry |
| 04/25/2005 | Order, AND NOW, this 21st day of April, 2005, following Pre-Trial Conference, Order: Jury Selection scheduled for May 3, 2005, beginning at 9:00 a.m. Trial scheduled for June 30 and July 1, 2005, beginning at 9:00 a.m. (See Original for Details Re: discovery, Motions, Points for Charge, Proposed Verdict Slip, and Exhibits). BY THE COURT: /s/Paul E. Cherry, Judge Two CC Attys: Pentz, Gearhart | Paul E. Cherry |

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARTCHIK,

Defendant.

No.: 2002 - 1647 - CD

COMPLAINT IN CIVIL ACTION

Filed on behalf of: Michael Bobal, Plaintiff

Counsel of record for this party:

THOMAS J. SIBERT, ESQUIRE
PA ID# 34948

Thomas J. Sibert
Attorney at Law
300 West Highland Avenue
Ebensburg, Pennsylvania 15931
814-471-7500

FILED

OCT 21 2002

William A. Shaw
Prothonotary

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

MICHAEL BOBAL,

No.: 2002 -

Plaintiff,

vs.

KENNETH HARTCHIK,

Defendant.

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and 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 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

LAWYER REFERRAL SERVICE -

Office of the Court Administrator
Clearfield County Court House
230 Market Street - Suite 228
Clearfield, PA 16830
Telephone (814) 765-2641
Extension 1300 or 1301

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARTCHIK,

Defendant.

No.: 2002 -

COMPLAINT

AND NOW, comes the Plaintiff, **Michael Bobal**, by and through his attorney, **Thomas J. Sibert, Esquire**, and submits the following in support of his Complaint:

1. The Plaintiff, Michael Bobal, is an individual who resides at 451 Goodrich Road, Northern Cambria, Cambria County, Pennsylvania 15714.
2. The Defendant, Kenneth Hartchik, resides at R.D.#1, Silvis Road, Westover, Burnside Township, Clearfield County, Pennsylvania 16692.
3. On or about October 26, 2000, the Plaintiff had several horses upon his premises.
4. At about the same time mentioned above, several horses left his premises and went up the premises of the Defendant.

5. In an effort to retrieve the horses from the Defendant's premises, the Plaintiff went to the Defendant's residence and spoke to the Defendant's wife and received permission to take the horses from the Defendant's premises back to Plaintiff's residence.

6. At about the same time and place mentioned above, the Defendant came upon his residence and found Mr. Bobal there in an attempt to remove the horses from his residence.

7. The Defendant negligently, carelessly, recklessly and intentionally began to assault the Plaintiff by kicking him about his body and thereby injured the Plaintiff's heart area.

8. Furthermore, the Defendant without provocation gouged at the back of the head of the Plaintiff causing him severe contusions and lacerations.

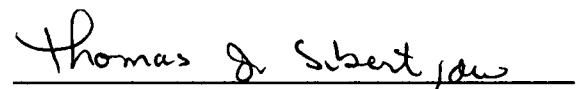
9. As a direct and proximate result of the assault mentioned above, the Plaintiff incurred injuries to his chest and heart and required medical treatment.

10. As a further result of the medical treatment, the Plaintiff had to incur medical expenses from the various providers that gave him medical treatment.

11. As a further direct and proximate result of the said assault, the Plaintiff has suffered great pain and suffering from the time of the accident and far into the future and requests remuneration for said pain and suffering.

Wherefore, the Plaintiff demands judgment against the Defendant in an amount in excess of \$25,000.00, and demands trial by jury.

Respectfully submitted,



Thomas J. Sibert, Esq.
Attorney for Plaintiff

VERIFICATION

I, **Michael Bobal**, Plaintiff herein, hereby verify that the averments of fact are true and correct and based on my personal knowledge, information or belief. I understand that these averments of fact are made subject to the penalties of 18 Purdon's Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.



Michael Bobal
Michael Bobal

10-14-02
Date

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

MICHAEL BOBAL, No.: 2002 -

Plaintiff,

vs.

KENNETH HARTCHIK,

Defendant.

INSTRUCTIONS TO THE SHERIFF

Please serve Defendant, Kenneth Hartchik, at R.D.#1, Silvis Road, Westover, Burnside Township, Clearfield County, Pennsylvania 16692.

Respectfully Submitted,

Thomas J. Sibert, Esq.
Thomas J. Sibert, Esquire
Attorney for Plaintiff

FILED

1cc Shaf
10/21/02
OCT 21 2002

William A. Shaw
Prothonotary

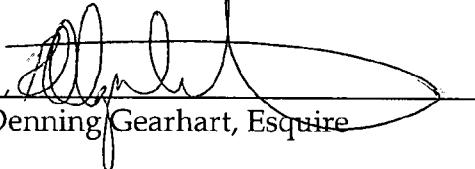
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

MICHAEL BOBAL, :
Plaintiff :
VS. : NO. 02-1647-CD
: :
KENNETH HARCHICK, :
Defendant :
:

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the Defendant, KENNETH HARCHICK,
in the above captioned action.



R. Denning Gearhart, Esquire

Dated: December 9, 2002

FILED

DEC 09 2002
12:40 PM
William A. Shaw
Prothonotary
C.C.



FILED

DEC 08 2002

William A. Shaw
Prothonotary

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

MICHAEL BOBAL, :
VS. Plaintiff :
: NO. 2002-1647-CD
: :
KENNETH HARCHICK, :
Defendant :
:

CASE NUMBER: 2002-1647-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: ENTRY OF APPEARANCE

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

DEC 16 2002

William A. Shaw
Prothonotary

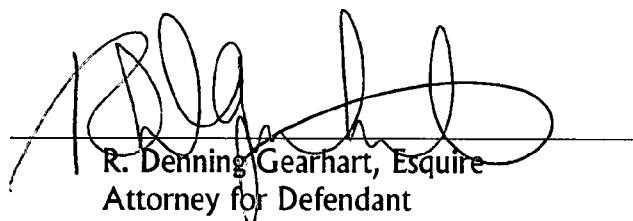
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

MICHAEL BOBAL, :
Plaintiff :
VS. : NO. 2002-1647-CD
: :
KENNETH HARCHICK, :
Defendant :
:

ENTRY OF APPEARANCE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please enter my appearance on behalf of the Defendant, KENNETH HARCHICK, in the above captioned matter.



R. Denning Gearhart, Esquire
Attorney for Defendant

Date: December 16, 2002

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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 2002-1647-CD

MICHAEL BOBAL,
Plaintiff

vs.

KENNETH HARCHICK,
Defendant

ENTRY OF APPEARANCE

FILED

01249
DEC 16 2002

cc
Amy Gearhart

William A. Shaw
Prothonotary

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

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

MICHAEL BOBAL, Plaintiff :
VS. : NO. 2002-1647-CD
KENNETH HARCHICK, Defendant :

CASE NUMBER: 2002-1647-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: PRAECLPSE TO CORRECT CAPTION

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

DEC 17 2002

William A. Shaw
Prothonotary

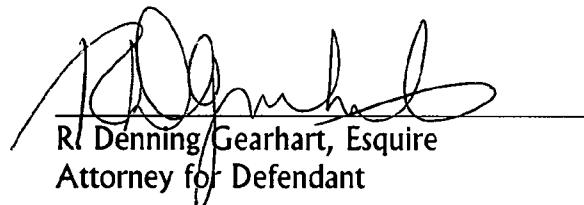
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

MICHAEL BOBAL, :
VS. Plaintiff :
: NO. 2002-1647-CD
KENNETH HARCHICK, :
Defendant :
:

PRAECIPE TO CORRECT CAPTION

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please correct the caption in the above referenced action to correct the spelling
of the name of the Defendant to read as follows: "KENNETH HARCHICK".



R. Denning Gearhart, Esquire
Attorney for Defendant

Date: December 17, 2002

FILED

NO
M 114354
DEC 17 2002

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13204

BOBAL, MICHAEL

02-1647-CD

VS.

HARTCHIK, KENNETH

COMPLAINT

SHERIFF RETURNS

NOW NOVEMBER 20, 2002 AT 4:45 PM EST SERVED THE WITHIN COMPLAINT ON KENNETH HARTCHIK, DEFENDANT AT RESIDENCE, RD 1, BOX 4959, SILVIS RD., WESTOVER, CLEAFIELD COUNTY, PENNSYLVANIA BY HANDING TO KENNETH HARTCHIK A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/NEVLING

Return Costs

| Cost | Description |
|--------|-----------------------------------|
| 125.62 | SHFF. HAWKINS PD. BY: <i>atty</i> |
| 10.00 | SURCHARGE PD. BY: ATTY. |

Sworn to Before Me This

31st Day Of January 2003

William A. Shaw
WAS

So Answers,

*Chester A. Hawkins
by Marilynn Hamer*
Chester A. Hawkins
Sheriff

FILED

JAN 31 2003

01/11/07 a.m.

William A. Shaw
Prothonotary

ma cc

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

MICHAEL BOBAL, :
Plaintiff :
VS. : No.: 2002-1647-CD
KENNETH HARCHICK, :
Defendant :
:

CASE NUMBER: 2002-1647-CD
TYPE OF CASE: Civil
TYPE OF PLEADING: ANSWER TO COMPLAINT AND COUNTERCLAIM
FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

FEB 19 2003

**William A. Shaw
Prothonotary**

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

MICHAEL BOBAL,
Plaintiff

VS.

KENNETH HARCHICK,
Defendant

: No.: 2002-1647-CD

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and 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's Office
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

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

MICHAEL BOBAL,
Plaintiff

VS.

KENNETH HARCHICK,
Defendant

: No.: 2002-1647-CD

ANSWER TO COMPLAINT

AND NOW COMES the Defendant, Kenneth Harchick, by and through his attorney, R. Denning Gearhart, who Answers the Complaint as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Denied. The Plaintiff never obtained permission from the wife of the Defendant,

instead simply announcing his intention to Mrs. Harchick to get his horses. Indeed, the Defendant has spoken to Plaintiff numerous times about his trespassing upon his property. The Plaintiff knew he was not welcome on the Defendant's property.

6. Admitted.

7. Denied. The Defendant never attacked the Plaintiff. In fact, it was the Plaintiff and his associates who attacked the Defendant without provocation, causing him serious bodily harm.

8. Denied for reasons set forth in #7. Specifically denied that the Defendant did anything without provocation and denied that he gouged the back of the Plaintiff's head. As to the Plaintiff's injuries, these are not within his knowledge and therefore strict proof is required at trial.

9. Denied for reasons set forth in #7 and #8 above. Defendant is not aware of any injuries or medical treatment required and therefore strict proof is required at trial.

10. Denied. Defendant is not aware of any injuries or medical treatment required and therefore strict proof is required at trial.

11. Denied. Defendant is not aware of any injuries or medical treatment required and therefore strict proof is required at trial.

WHEREFORE, Defendant demands judgment against the Plaintiff.

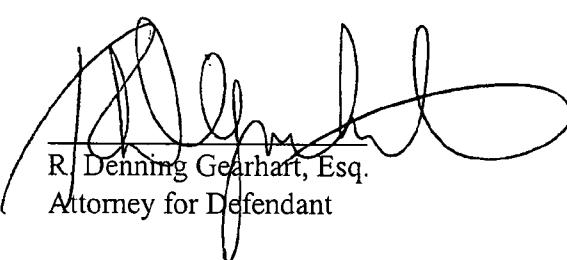
COUNTERCLAIM

12. Paragraphs 1 - 11 of the Complaint and the Answers hereto are hereby incorporated as if fully averred herein.

13. It was the Plaintiff without provocation who attacked the Defendant causing severe injuries and causing him to suffer great pain and suffering.

WHEREFORE Defendant prays Your Honorable Court to enter judgment for Defendant and against the Plaintiff in an amount in excess of \$25,000.00 and demands trial by jury.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Defendant

COMMONWEALTH OF PENNSYLVANIA :

:SS.

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared KENNETH HARCHICK, who being duly sworn according to law deposes and says that the facts set forth in the foregoing Answer to Complaint and Counterclaim are true and correct to the best of his knowledge, information and belief.

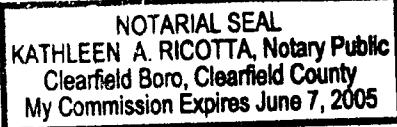
Kenneth B. Harchick
KENNETH HARCHICK

Sworn to and subscribed

before me, this 19

day of February, 2002.

Kathleen A. Ricotta
Notary Public



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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 2002-1647-CD

MICHAEL BOBAL,
Plaintiff

vs.

KENNETH HARCHICK,
Defendant

ANSWER TO COMPLAINT AND
COUNTERCLAIM

FILED

3CC
Feb 19 2003
FEB 19 2003
Atty Gerasch

William A. Shaw
Prothonotary

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

No.: 2002 - 1647 - CD

ANSWER TO COUNTER CLAIM

Filed on behalf of: Michael Bobal, Plaintiff

Counsel of record for this party:

THOMAS J. SIBERT, ESQUIRE
PA ID# 34948

Thomas J. Sibert
Attorney at Law
300 West Highland Avenue
Ebensburg, Pennsylvania 15931
814-471-7500

FILED

MAR 13 2003

William A. Shaw
Prothonotary

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

MICHAEL BOBAL,

No.: 2002 - 1647 - CD

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

ANSWER TO COUNTERCLAIM

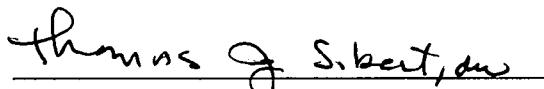
AND NOW, comes the Plaintiff by and through his attorney, **Thomas J. Sibert**, Esquire, and submits the following Answer to Counterclaim filed by the Defendant.

12. Plaintiff hereby incorporates Paragraphs 1 through 11 of the Plaintiff's Complaint, Answers and Counterclaim, as if the same were fully set forth herein

13. Denied. To the contrary at no time did Plaintiff without provocation attack the Defendant causing Defendant severe injuries and great pain and suffering.

WHEREFORE, the Plaintiff requests your Honorable Court to strike off the Counterclaim filed by the Defendant, with prejudice.

Respectfully submitted,



Thomas J. Sibert
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **PLAINTIFF'S ANSWER TO COUNTERCLAIM** was served on all Counsel listed below, by First Class Mail, postage prepaid at Ebensburg, PA on this 12th day of March, 2003:

R. Denning Gearhart, Esquire
215 E. Locust Street
Clearfield, PA 16830

Thomas J. Sibert, Esq.
Thomas J. Sibert, Esquire
Attorney for Plaintiff

FILED NO CC
MAY 11, 2003
MAR 13 2003
EFC
FEB

William A. Shaw
Prothonotary

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

No.: 2002 - 1647 CD

PRAECIPE FOR ARBITRATION

Filed on behalf of: Michael Bobal, Plaintiff

Counsel of record for this party:

THOMAS J. SIBERT, ESQUIRE
PA ID# 34948

Attorney at Law
300 West Highland Avenue
Ebensburg, Pennsylvania 15931
814-471-7500

FILED

SEP 15 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL BOBAL,

No.: 2002 - 1647 CD

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

PRAECIPE FOR ARBITRATION

TO The Prothonotary:

Please put the above-captioned case down for Arbitration with a panel of five (5). The Arbitration hearing is expected to last one day.

Respectfully submitted,



Thomas J. Sibert
Attorney for Plaintiff

pc: R. Denning Gearhart, Esquire

FILED
M 1:26 6A copy to ck
NOC C Atty pd. 20.00
SEP 15 2003
EJS

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Praecipe for Arbitration** was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 11th day of September, 2003:

R. Denning Gearhart, Esquire
Attorney & Counselor at Law
215 E. Locust Street
Clearfield, PA 16830

Thomas J. Sibert, Esq.

Thomas J. Sibert, Esquire
Attorney for Plaintiff

FILED

SEP 15 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL BOBAL,
Plaintiff

vs.

No. 2002-1647-CD

KENNETH HARCHICK,
Defendant

CASE NUMBER:

No. 2002-1647-CD

TYPE OF CASE:

Civil/Trespass

TYPE OF PLEADING:

CERTIFICATE OF SERVICE

FILED ON BEHALF OF:

Defendant, Kenneth Harchick

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

NOV 17 2003

William A. Shaw
Prothonotary

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

MICHAEL BOBAL,
Plaintiff

vs. : No. 2002-1647-CD

KENNETH HARCHICK,
Defendant

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy
of his PreTrial Brief filed in the above captioned matter on the Plaintiff, Michael
Bobal, through Plaintiff's attorney by depositing such documents in the United
States Mail postage pre-paid and addressed as follows:

Thomas J. Sibert, Esq.
300 West Highland Avenue
Ebensburg, PA 15931


By: R. Denning Gearhart, Esq.
Attorney for Defendant

Dated: November 17, 2003

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

MICHAEL BOBAL, :
Plaintiff :
VS. : No.: 2002-1647-CD

KENNETH HARCHICK, :
Defendant : **RECEIVED**

NOV 17 2003

COURT ADMINISTRATOR'S
OFFICE

CASE NUMBER: 2002-1647-CD

TYPE OF CASE: Civil/Trespass

TYPE OF PLEADING: PRETRIAL BRIEF

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR

THIS PARTY: R. DENNING GEARHART
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

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

MICHAEL BOBAL, :
Plaintiff :
VS. : **No.: 2002-1647-CD**
KENNETH HARCHICK, :
Defendant :

DEFENDANTS PRE-TRIAL BRIEF

Procedural History

1. Action was started by Complaint, which the Defendant answered and filed a counterclaim.

Facts

2. Defendant came home from his job as a rural mail carrier and found that the Plaintiff and three other individuals were on his property. This had been an ongoing problem and, previously, he had asked them to stay off of his property – in particular, he asked that they take measures toward controlling Plaintiff's horses which often wandered onto his property. He approached the Defendant and asked what he and his friends were doing there. At that time, he was attacked by the Plaintiff and his three companions. Defendant did not instigate the action and he was the harmed party.

Damages

3. Plaintiff claims serious bodily injury and asks for an amount in excess of \$25,000.00. Defendant has counter-claimed, also alleging serious bodily injury and asking for damages.

Plaintiff's Legal Theory for Recovery

4. Plaintiff seeks compensation for alleged injuries suffered from an alleged battery upon him by the Defendants.

Defendant's Legal Theory for Defense and Counterclaim

5. Defendant denies the Plaintiff's allegation that he attacked or committed a battery upon the Plaintiff. At the very least, any injuries done to the Plaintiff were a result of the Defendant's self defense.

Defendant claims battery upon his person by the Plaintiff.

Stipulations

6. None.

Extraordinary Legal and Evidentiary Issues

7. None.

Special Points for Charge

8. None.

Names and Addresses of Witness; Purpose of Their Testimony

9. The Defendants.

Exhibits

10. None.

Estimated Time for Trial

11. Two hours.

Respectfully submitted,



**R. Denning Gearhart, Esq.
Attorney for Defendant
Supreme Court No. 26540
215 East Locust Street
Clearfield, PA 16830
(814)765-1581**

V:\03FILES\Clfd Co Grange Mutual Insurance Co\Harchick, Ken\Pre-trial brief.wpd

CA

AB 13-03

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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 2002-1647-CD

MICHAEL BOBAL,
Plaintiff

vs.

KENNETH HARCHICK,
Defendant

PRETRIAL BRIEF

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

LAW OFFICE

THOMAS J. SIBERT, ESQ.

Arb 12-2-03

300 WEST HIGHLAND AVENUE
EBENSBURG, PENNSYLVANIA 15931

TELEPHONE (814) 471-7500
FACSIMILE (814) 471-9755

November 21, 2003

Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 124
Clearfield, PA 16830

Re: Bobal v. Hartchik
No: 02-1647-CD

Ladies/Gentlemen:

Please find enclosed one original **Pre-Trial Statement**, on behalf of the Plaintiff in the above captioned matter. By copy of this letter I am providing copies to opposing counsel and Arbitration Panel.

Your cooperation in this matter is most appreciated.

Very truly yours,



Thomas J. Sibert, Esquire

TJS/dw
Enclosure

pc: R. Denning Gearhart, Esq.
Richard A. Bell, Esq.
Ronald L. Collins, Esq.
Kimberly M. Kubista, Esq.

RECEIVED

NOV 24 2003

**COURT ADMINISTRATORS
OFFICE**

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

No.: 2002 - 1647 - CD

PRE-TRIAL STATEMENT

Filed on behalf of: **Michael Bobal**, Plaintiff

Counsel of record for this party:

THOMAS J. SIBERT, ESQUIRE
PA ID# 34948

Thomas J. Sibert
Attorney at Law
300 West Highland Avenue
Ebensburg, Pennsylvania 15931
814-471-7500

RECEIVED

NOV 24 2003

**COURT ADMINISTRATOR'S
OFFICE**

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

MICHAEL BOBAL,

No.: 2002 - 1647 - CD

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

PRE-TRIAL STATEMENT

FACTS

On or about October 26, 2000, the Plaintiff, Michael Bobal, had several horses upon his premises.

At the same time and place mentioned above, several horses left the premises, went up to the premises of the Defendant.

In an effort to retrieve the horses from the Defendant's premises, Plaintiff went to the Defendant's residence and spoke to the Defendant's wife and received permission to take the horses from the Defendant's premises back to the Plaintiff's residence.

At about the same time and place mentioned above, the Defendant came upon the residence and found Mr. Bobal there in an attempt to remove the horses from his residence.

The Defendant, negligently, carelessly and recklessly and intentionally began to assault the Plaintiff by kicking him about the body and thereby injured the Plaintiff's heart area.

DAMAGES

Plaintiff claims the amount due for pain and suffering and medical expenses in connection with his treatment. This amount being less than the sum of Twenty Five Thousand (\$25,000.00) dollars.

WITNESSES

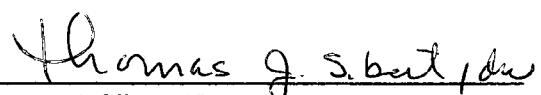
1. Michael Bobal, Plaintiff, 451 Goodrich Road, Northern Cambria, PA 15714
2. Mrs. Michael Bobal, 451 Goodrich Road, Northern Cambria, PA 15714
3. Kenneth Harchick, R.D. #1, Silvis Road, Westover, PA 16692
4. Mrs. Kenneth Harchick R.D. #1, Silvis Road, Westover, PA 16692
5. Mr. Raylynn Westover, Westover, PA 16692
6. Mr. Randy Neff, Westover, PA 16692
7. The Plaintiff reserves the right to amend the Witness list at any time prior to trial.

EXHIBITS

1. Medical bills, records and reports all associated with care and treatment rendered to Michael Bobal.
2. The Plaintiff reserves the right to amend the Document list at any time prior to trial.

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

Respectfully submitted,



Thomas J. Sibert, Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Plaintiff's Pre-Trial Statement** was served on all Counsel listed below, by First Class Mail and Fax, postage prepaid at Ebensburg, PA on this 21st day of November, 2003:

R. Denning Gearhart, Esquire
215 E. Locust Street
Clearfield, PA 16830

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
P.O. Box 670
Clearfield, PA 16830

Ronald L. Collins, Esquire
Sobel & Collins
218 South Second Street
Clearfield, PA 16830

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

Thomas J. Sibert, Esquire
Thomas J. Sibert, Esquire
Attorney for Plaintiff

CA

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

No.: 2002 - 1647 - CD

CIVIL CONTINUANCE REQUEST

Filed on behalf of: **Michael Bobal**, Plaintiff

Counsel of record for this party:

THOMAS J. SIBERT, ESQUIRE
PA ID# 34948

Thomas J. Sibert
Attorney at Law
300 West Highland Avenue
Ebensburg, Pennsylvania 15931
814-471-7500

FILED

NOV 26 2003

William A. Shaw
Prothonotary/Clerk of Courts

CIVIL CONTINUANCE REQUEST

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARCHICK

Defendant.

CASE NO: 2002 - 1647 - CD

This case is presently scheduled for : Arbitration

Before Judge:

Date of Hearing: Tuesday, December 2, 2003

(1) REASON FOR REQUEST: At the present time Plaintiff's counsel's younger sister is dying from pancreatic cancer and not expected to live past the next 2 weeks. Plaintiff's counsel wishes to be with his family at her bedside.

(3) REQUESTING ATTORNEY:

(Print) Thomas J. Sibert

Counsel for : Plaintiff

(Sign) Thomas J. Sibert

OPPOSING COUNSEL:

(Print) _____ Agrees X Objects _____ to the

(Sign) _____ Reason for objecting _____

ORDER

AND NOW, this 26th day of Nov., 2003, upon consideration of the above facts, the above Arbitration Hearing scheduled for December 2, 2003, is hereby continued to a date to be scheduled by the Court Administrator.

BY THE COURT

J.

FILED

NOV 26 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 26 2003

Q

William A. Straw

Prothonotary Clerk of Courts

Aug 12 2003

Aug 12 2003



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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

DAVID S. MEHOLICK
COURT ADMINISTRATOR

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

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

December 16, 2003

Thomas J. Sibert, Esquire
Attorney at Law
300 West Highland Avenue
Ebensburg, PA 15931

R. Denning Gearhart, Esquire
Attorney at Law
215 East Locust Street
Clearfield, PA 16830

RE: MICHAEL BOBAL
vs.
KENNETH HARCHICK
No. 02-1647-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Tuesday,
February 17, 2004 at 9:00 A.M. The following have been appointed to the Board of
Arbitrators:

James A. Naddeo, Esquire
Andrew P. Gates, Esquire
Christopher J. Shaw, Esquire
Gary A. Knaresboro, Esquire
David R. Thompson, Esquire

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

Very truly yours,
Handwritten signature of Marcy Kelley
Marcy Kelley
Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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

DAVID S. MEHOLICK
COURT ADMINISTRATOR

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

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

December 29, 2003

Thomas J. Sibert, Esquire
Attorney at Law
300 West Highland Avenue
Ebensburg, PA 15931

R. Denning Gearhart, Esquire
Attorney at Law
215 East Locust Street
Clearfield, PA 16830

RE: MICHAEL BOBAL
vs.
KENNETH HARCHICK
No. 02-1647-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Tuesday, February 17, 2004 at 9:00 A.M. The following have been appointed as Arbitrators:

James A. Naddeo, Esquire, Chairman
Andrew P. Gates, Esquire
Gary A. Knaresboro, Esquire

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

Very truly yours,
The signature of Marcy Kelley, written in cursive ink.
Marcy Kelley
Deputy Court Administrator

cc: James A. Naddeo, Esquire
Andrew P. Gates, Esquire
Gary A. Knaresboro, Esquire

R. Denning Gearhart

Attorney & Counselor at Law

**215 E. Locust Street
Clearfield, PA 16830**

814-765-1581

(fax) 814-765-6745

<http://www.dgearhartpalaw.com>

January 2, 2004

James A. Naddeo
211 ½ East Locust Street
Marino Building, P.O. Box 552
Clearfield, PA 16830

Andrew P. Gates
Gates & Seaman
2 North Front Street
P.O. Box 846
Clearfield, PA 16830

Gary A. Knaresboro
Sobel, Collins & Knaresboro
218 South Second Street
Clearfield, PA 16830

Re: Michael Bobal v Kenneth Harchick 02-1647-CD

Gentlemen:

Enclosed please find my Pre-trial Brief for the arbitration scheduled on February 17, 2004 at 9:00 a.m. You serve on the Board of Arbitrators.

Sincerely,



R. Denning Gearhart

RDG\
Enclosure

cc: Court Administrator
Thomas A. Sibert, Esquire

RECEIVED

JAN 06 2004

**COURT ADMINISTRATOR'S
OFFICE**

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

I CERTIFY THIS TO BE A TRUE AND CORRECT COPY

✓R

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

MICHAEL BOBAL, :
Plaintiff
VS. : No.: 2002-1647-CD
KENNETH HARCHICK, :
Defendant :

CASE NUMBER: 2002-1647-CD
TYPE OF CASE: Civil/Trespass
TYPE OF PLEADING: PRETRIAL BRIEF
FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR
THIS PARTY: R. DENNING GEARHART
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

RECEIVED

JAN 06 2004

COURT ADMINISTRATOR'S
OFFICE

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

MICHAEL BOBAL, :
Plaintiff
VS. : **No.: 2002-1647-CD**
KENNETH HARCHICK, :
Defendant :

DEFENDANTS PRE-TRIAL BRIEF

Procedural History

1. Action was started by Complaint, which the Defendant answered and filed a counterclaim.

Facts

2. Defendant came home from his job as a rural mail carrier and found that the Plaintiff and three other individuals were on his property. This had been an ongoing problem and, previously, he had asked them to stay off of his property – in particular, he asked that they take measures toward controlling Plaintiff's horses which often wandered onto his property. He approached the Defendant and asked what he and his friends were doing there. At that time, he was attacked by the Plaintiff and his three companions. Defendant did not instigate the action and he was the harmed party.

Damages

3. Plaintiff claims serious bodily injury and asks for an amount in excess of \$25,000.00. Defendant has counter-claimed, also alleging serious bodily injury and asking for damages.

Plaintiff's Legal Theory for Recovery

4. Plaintiff seeks compensation for alleged injuries suffered from an alleged battery upon him by the Defendants.

Defendant's Legal Theory for Defense and Counterclaim

5. Defendant denies the Plaintiff's allegation that he attacked or committed a battery upon the Plaintiff. At the very least, any injuries done to the Plaintiff were a result of the Defendant's self defense.

Defendant claims battery upon his person by the Plaintiff.

Stipulations

6. None.

Extraordinary Legal and Evidentiary Issues

7. None.

Special Points for Charge

8. None.

Names and Addresses of Witness; Purpose of Their Testimony

9. The Defendants.

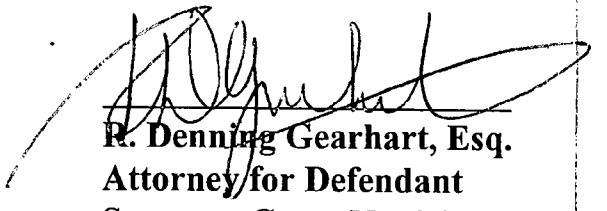
Exhibits

10. None.

Estimated Time for Trial

11. Two hours.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Defendant
Supreme Court No. 26540
215 East Locust Street
Clearfield, PA 16830
(814)765-1581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Michael Bobal
vs.
Kenneth Harchick

No. 2002-01647-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 17th day of February, 2004, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

James A. Naddeo, Esquire

James A. Naddeo
Chairman

Andrew P. Gates, Esquire

Andrew Gates

Gary A. Knaresboro, Esquire

Gary A. Knaresboro

Sworn to and subscribed before me this
February 17, 2004

William A. Shaw
Prothonotary

AWARD OF ARBITRATORS

Now, this 17 day of Feb., 04, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

*Hearing adjourned on motion
of Plaintiff's Counsel.*

James A. Naddeo Chairman

Andrew Gates

Gary A. Knaresboro

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 17 day of February, 2004 I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

FILED

WITNESS MY HAND AND THE SEAL OF THE COURT

William A. Shaw
Prothonotary

By _____

FEB 17 2004

William A. Shaw
Prothonotary

FILED
11/01/03

FEB 17 2004

William A. Shaw
Prothonotary

Michael Bobal

Vs.

Kenneth Harchick

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
No. 2002-01647-CD

NOTICE OF AWARD

TO: KENNETH HARCHICK

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on February 17, 2004 and have awarded:

Hearing adjourned on Motion of Plaintiff's Counsel.

William A. Shaw

Prothonotary

By _____

February 17, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Michael Bobal

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2002-01647-CD

Vs.

Kenneth Harchick

NOTICE OF AWARD

TO: MICHAEL BOBAL

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on February 17, 2004 and have awarded:

Hearing adjourned on Motion of Plaintiff's Counsel.

William A. Shaw

Prothonotary

By _____

February 17, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Michael Bobal

Vs.

Kenneth Harchick

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2002-01647-CD

NOTICE OF AWARD

TO: R. DENNING GEARHART

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on February 17, 2004 and have awarded:

Hearing adjourned on Motion of Plaintiff's Counsel.


William A. Shaw

Prothonotary

By _____

February 17, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Michael Bobal

Vs.

Kenneth Harchick

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
No. 2002-01647-CD

NOTICE OF AWARD

TO: THOMAS J. SIBERT

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on February 17, 2004 and have awarded:

Hearing adjourned on Motion of Plaintiff's Counsel.

William A. Shaw

Prothonotary

By _____

February 17, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Michael Bobal

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2002-01647-CD

Vs.

Kenneth Harchick

NOTICE OF AWARD

TO: Copies to: Kenneth Harchick (Defendant), R.D. #1, Silvis Road, , Westover, PA, 16692, Michael Bobal (Plaintiff), 451 Goodrich Road, , Northern Cambria, PA, 15714, R. Denning Gearhart (Defense Attorney), Thomas J. Sibert (Plaintiff Attorney)

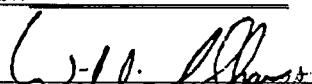
You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on February 17, 2004 and have awarded:

Hearing adjourned on Motion of Plaintiff's Counsel.

William A. Shaw

Prothonotary

By _____



February 17, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

No.: 2002 - 1647 - CD

**CIVIL CONTINUANCE MOTION AND
ORDER**

Filed on behalf of: **Michael Bobal**, Plaintiff

Counsel of record for this party:

THOMAS J. SIBERT, ESQUIRE
PA ID# 34948

Thomas J. Sibert
Attorney at Law
300 West Highland Avenue
Ebensburg, Pennsylvania 15931
814-471-7500

FILED

FEB 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL BOBAL,

CASE NO: 2002 - 1647 - CD

Plaintiff,

vs.

KENNETH HARCHICK

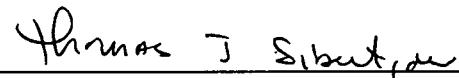
Defendant.

CIVIL CONTINUANCE MOTION

1. The parties to the above captioned case were scheduled for Arbitration Hearing February 17, 2004.
2. Prior to the hearing, Defense counsel made an objection to the introduction of medical bills and medical records, due to the fact that Plaintiff's counsel had failed to turn the bills and records over to defense counsel within the thirty (30) day period prescribed by state and local Rule.
3. After objections, the Board of Arbitrators adjourned the said proceeding granting Plaintiff's counsel the opportunity to continue the said hearing so that he could comply with the thirty (30) day requirement.
4. Plaintiff's counsel submits that it is in the best interest of all parties that the matter be resolved by arbitration rather than a jury trial at the Common Pleas level.

Wherefore, Plaintiff's counsel requests this Honorable Court to set a date into the future, so that Plaintiff's counsel will be in compliance with the thirty (30) day requirement.

Respectfully submitted,



Thomas J. Sibert, Esq.
Attorney for Plaintiff

FILED

NO
cc

3/15/04
FEB
18 2004

ES
FEB

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL BOBAL :
:
vs. : No. 02-1647-CD
:
KENNETH HARCHICK :
:

ORDER

AND NOW, this _____ day of February, 2004, upon consideration of Plaintiff's Civil Continuance Motion, it is the ORDER of the Court that the Arbitration scheduled for February 17, 2004 is continued. The Court Administrator is directed to schedule this matter on the next available Arbitration day.

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

Law Office

THOMAS J. SIBERT, ESQ.

300 West Highland Avenue

Ebensburg, Pennsylvania 15931

Phone (814) 471-7500 • Fax (814) 471-9755

TRUE AND CORRECT COPY:

ATTEST:

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

No.: 2002 - 1647 - CD

**CIVIL CONTINUANCE MOTION AND
ORDER**

Filed on behalf of: **Michael Bobal**, Plaintiff

Counsel of record for this party:

THOMAS J. SIBERT, ESQUIRE
PA ID# 34948

Thomas J. Sibert
Attorney at Law
300 West Highland Avenue
Ebensburg, Pennsylvania 15931
814-471-7500

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

MICHAEL BOBAL,

CASE NO: 2002 - 1647 - CD

Plaintiff,

vs.

KENNETH HARCHICK

Defendant.

CIVIL CONTINUANCE MOTION

1. The parties to the above captioned case were scheduled for Arbitration Hearing February 17, 2004.

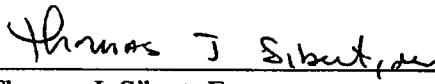
2. Prior to the hearing, Defense counsel made an objection to the introduction of medical bills and medical records, due to the fact that Plaintiff's counsel had failed to turn the bills and records over to defense counsel within the thirty (30) day period prescribed by state and local Rule.

3. After objections, the Board of Arbitrators adjourned the said proceeding granting Plaintiff's counsel the opportunity to continue the said hearing so that he could comply with the thirty (30) day requirement.

4. Plaintiff's counsel submits that it is in the best interest of all parties that the matter be resolved by arbitration rather than a jury trial at the Common Pleas level.

Wherefore, Plaintiff's counsel requests this Honorable Court to set a date into the future, so that Plaintiff's counsel will be in compliance with the thirty (30) day requirement.

Respectfully submitted,



Thomas J. Sibert, Esq.
Attorney for Plaintiff

LAW OFFICE

THOMAS J. SIBERT, ESQ.

**300 WEST HIGHLAND AVENUE
EBENSBURG, PENNSYLVANIA 15931**

**TELEPHONE (814) 471-7500
FACSIMILE (814) 471-9755**

February 17, 2004

William Shaw, Prothonotary
Clearfield County Courthouse
230 East Market Street, Suite 124
Clearfield, PA 16830

**Re: Bobal v. Hartchik
No. 2002 - 1647 - CD**

Dear Mr. Shaw:

Please find enclosed **Motion for Continuance and Order** for filing on behalf of the Plaintiff in the above captioned matter.

Your cooperation in this matter is most appreciated.

Very truly yours,

thomas j. sibert /dw

Thomas J. Sibert, Esquire

TJS/dw
Enclosure

pc: R. Denning Gearhart
Court Administrator ✓

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

MICHAEL BOBAL :
:
vs. : No. 02-1647-CD
:
KENNETH HARCHICK :
:

ORDER

AND NOW, this _____ day of February, 2004, upon consideration of Plaintiff's Civil Continuance Motion, it is the ORDER of the Court that the Arbitration scheduled for February 17, 2004 is continued. The Court Administrator is directed to schedule this matter on the next available Arbitration day.

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

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

MICHAEL BOBAL :
:
vs. : No. 02-1647-CD
:
KENNETH HARCHICK :

ORDER

AND NOW, this _____ day of February, 2004, upon consideration of Plaintiff's Civil Continuance Motion, it is the ORDER of the Court that the Arbitration scheduled for February 17, 2004 is continued. The Court Administrator is directed to schedule this matter on the next available Arbitration day.

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

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

MICHAEL BOBAL,
Plaintiff

:

VS.

:

KENNETH HARCHICK,
Defendant

:

No.: 2002-1647-CD

CASE NUMBER: 2002-1647-CD

TYPE OF CASE: Civil/Trespass

TYPE OF PLEADING: Motion for Dismissal/Nolle Pros

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR

THIS PARTY: R. DENNING GEARHART
Supreme Court I.D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

MAR 03 2004

William A. Shaw
Prothonotary

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

MICHAEL BOBAL,
Plaintiff

VS.

KENNETH HARCHICK,
Defendant

No.: 2002-1647-CD

MOTION FOR NOLLE PROS AND/OR DIRECTED VERDICT FOR
DEFENDANT.

AND NOW COMES, KENNETH HARCHICK, the above referenced Defendant, by and through his attorney, R. Denning Gearhart, who moves Your Honorable Court to dismiss the above referenced case, with prejudice, for failure to prosecute, and/or to direct the impaneled Arbitration Board to enter Judgment against the Plaintiff and for the Defendant, and in support thereof your Movant avers as follows:

1. Plaintiff brought this action alleging that he was assaulted on Defendant's property, by the Defendant, with the alleged assault causing him physical injury.
2. The Complaint was answered, and following a period allowed for discovery (there was none), the matter was listed for arbitration.
3. An Arbitration Panel was appointed and the case was scheduled for Arbitration on December 2, 2003.

4. Prior to the date of the scheduled arbitration, the parties submitted Pretrial Briefs in accordance with the local Rules. No medical records or bills were submitted as per the local Rules and the Pennsylvania Rules of Civil Procedure.

5. Prior to the date of the scheduled Arbitration, counsel for the Plaintiff asked for a continuance due to a family emergency. The matter was continued, and the Arbitration Panel was dismissed.

6. A new Arbitration Panel was appointed: James A. Naddeo (Chairman), Andrew Gates and Gary Knaresboro. The Arbitration was scheduled for February 17, 2004.

7. On February 13, 2004, counsel for Defendant received from counsel for Plaintiff a set of medical records and bills. Counsel for Defendant had not received them earlier – not even before the first scheduled Arbitration.

8. Because of the Plaintiff's failure to provide the Defendant with a copy of these medical records and bills in a timely manner – and inasmuch as the records and bills referred to treatment significantly after the alleged cause of action, bringing into question the relevancy of these records and bills – counsel for the Defendant, objected to their use and the Arbitration. The Arbitration Panel agreed and ruled that these records and bills would not be admissible.

9. Counsel for Plaintiff then asked for a continuance. This request was denied, inasmuch as the Arbitration Panel did not have the authority to grant a continuance. Counsel for Plaintiff then asked for an adjournment, with that request granted. The hearing was adjourned to an unspecified date, specifically to allow the Defendant to ask Your Honorable Court for a continuance.

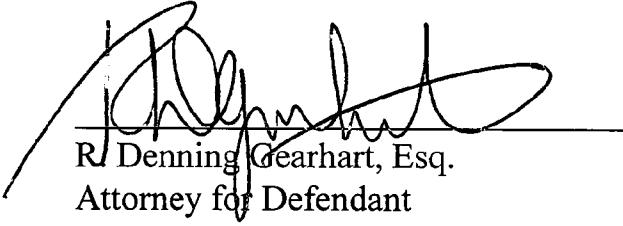
10. Plaintiff did not provide medical records and bills at all for the first scheduled Arbitration hearing. But for the continuance (justifiably granted at that time due to a tragedy in the family of Plaintiff's counsel), Plaintiff clearly would not have been allowed to use these records and bills at the first scheduled hearing. It is not mitigating that these records were then submitted – and submitted late – at the second hearing.. If these records and bills were not available to the Plaintiff before the deadline for submission as evidence at either the first or second hearing, Plaintiff should have asked for continuance in a more timely manner.

11. Plaintiff's failure to comply with the local and state Rules of Civil Procedure is not a reason for a continuance. Accordingly, the decision of the Arbitration Panel to adjourn the hearing to allow the Plaintiff to ask for a continuance, was improper. The remedy for Plaintiff's failure to comply with the local and state Rules of Civil Procedure (this failure making it impossible for the

Plaintiff to go forward with his case) was to find for the Defendant and enter the appropriate judgment.

WHEREFORE, Defendant prays Your Honorable Court to dismiss the above captioned case with prejudice for failure to prosecute, or in the alternative, to enter a direct verdict for the Defendant.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Defendant

Leave over margin

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 2002-1647-CD

MICHAEL BOBAL,
Plaintiff

vs.

KENNETH HARCHICK,
Defendant

MOTION FOR DISMISSAL/NOLLE PROS

FILED
O 11/28/04 3:00 PM
MAR 03 2004 EGD

William A. Shaw
Prothonotary

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

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

**MICHAEL BOBAL,
Plaintiff**

:

No.: 2002-1647-CD

VS.

:

**KENNETH HARCHICK,
Defendant**

:

O R D E R

AND NOW, this _____ day of _____, 2004,
upon consideration of the Motion for Nolle Pros And/or Directed Verdict for
Defendant filed by the Defendant, it is the Order of this Court that argument
shall be heard on the Motion on the _____ day of _____, 2004 at
_____ o'clock ___.M, at the Clearfield County Courthouse in Court room
No. ___, Clearfield, Pennsylvania.

BY THE COURT

JUDGE

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARCHICK,

Defendant.

No.: 2002 - 1647 - CD

PRAECIPE TO APPEAL

Filed on behalf of: **Michael Bobal**, Plaintiff

Counsel of record for this party:

THOMAS J. SIBERT, ESQUIRE
PA ID# 34948

Thomas J. Sibert
Attorney at Law
300 West Highland Avenue
Ebensburg, Pennsylvania 15931
814-471-7500

FILED

MAR 05 2004

William A. Shaw
Prothonotary

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

MICHAEL BOBAL,

Plaintiff,

vs.

KENNETH HARCHICK

Defendant.

CASE NO: 2002 - 1647 - CD

PRAECIPE TO APPEAL

TO THE PROTHONOTARY:

Plaintiff herein appeals the award of the arbitrators dated February 17, 2004.

Respectfully submitted,

Thomas J. Sibert, Jr.

Thomas J. Sibert, Esq.
Attorney for Plaintiff

FILED

M 2/16/04 pg 450.00

ws cc

MAR 05 2004

William A. Shaw
Prothonotary

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

MICHAEL BOBAL,
Plaintiff

*

*

*

vs.

* No. 2002-1647-C.D.

*

*

KENNETH HARCHICK,
Defendant

*

*

O R D E R

NOW, this 12th day of March, 2004, following the Court's receipt of the Defendant's Motion for Dismissal/Nolle Pros filed on March 3, 2004 and the Plaintiff's Praecipe to Appeal filed on March 5, 2004; the Court having reviewed the case file and noting that no effective action was taken by the Board of Arbitration, it is the ORDER of this Court as follows:

1. The Defendant's Motion for Dismissal/Nolle Pros is hereby dismissed;
2. The Plaintiff's Praecipe to Appeal is hereby dismissed;
3. The Court Administrator shall re-list the matter for Arbitration before the same panel. Upon the matter being scheduled, the Board of Arbitration is directed to hear the matter in compliance with all rules and make a determination that the panel would believe to be appropriate. No continuance or adjournment is to be permitted except under the most extraordinary of circumstances.
4. Plaintiff shall bear all costs of the original Arbitration scheduled for February 17, 2004. Said costs are in the amount of Four Hundred Fifty (\$450.00) Dollars and shall be paid in full within no more than thirty (30) days from this date.

FILED

By the Court,

MAR 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

Judie J. Ammerman
HONORABLE FREDRIC J. AMMERMAN
President Judge

FILED 2cc Atty Gearhart
3:47pm 2cc Atty Sibest
MAR 12 2004
1cc Arbitrators'

William A. Shaw
Prothonotary/Clerk of Courts
ST
Atty Nadel
Gores
Kraselbow

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

MICHAEL BOBAL

vs.

: No. 02-1647-CD

KENNETH HARCHICK

ORDER

NOW, this 15th day of March, 2004, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Monday, May 24, 2004 at 9:00 A.M. The following have been appointed as Arbitrators:

James A. Naddeo, Esquire, Chairman

Andrew P. Gates, Esquire

Gary A. Knaresboro, Esquire

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

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED

MAR 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED 5cc
OCT 26 2004 CJA
MAR 15 2004 EKA
William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL BOBAL,

Plaintiff

vs.

: No. 2002-1647-CD

KENNETH HARCHICK,

Defendant

CASE NUMBER:

No. 2002-1647-CD

TYPE OF CASE:

Civil

TYPE OF PLEADING:

CERTIFICATE OF SERVICE

FILED ON BEHALF OF:

Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

MAR 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL BOBAL,

Plaintiff

vs.

No. 2002-1647-CD

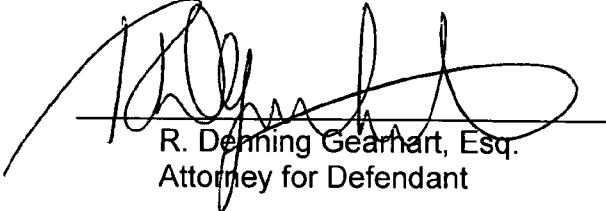
KENNETH HARCHICK,

Defendant

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Motion for Dismissal/Nolle Pros and Order issued in the above captioned matter on the Plaintiff, Michael Bobal, through Plaintiff's attorney by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Thomas J. Sibert, Esquire
300 West Highland Avenue
Ebensburg, PA 15931



R. Denning Gearhart, Esq.
Attorney for Defendant

Dated: March 15, 2004

FILED

NO
CC

00-5364

MAR 19 2004

CJ
RJD

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Michael Bobal

vs.

Kenneth Harchick

No. 2002-01647-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 24th day of May, 2004, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

James A. Naddeo, Esquire, Chairman

James A. Naddeo
Chairman
Andrew P. Gates
Gary A. Knaresboro

Andrew P. Gates, Esquire
Gary A. Knaresboro, Esquire

Sworn to and subscribed before me this
May 24, 2004

Will. A. Shaw
Prothonotary

AWARD OF ARBITRATORS

Now, this 24th day of May, 2004, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

*100 Plaintiff for the amount of
11,000 00 Dis countervalue withdrawn*

James A. Naddeo Chairman
Andrew P. Gates
Gary A. Knaresboro

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 24 day of May, 2004, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

FILED

Prothonotary
By *William A. Shaw*

MAY 24 2004

William A. Shaw
Prothonotary

FILED

11:30 AM
MAY 24 2004

William A. Shaw
Prothonotary

Michael Bobal

Vs.

Kenneth Harchick

COPY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
No. 2002-01647-CD

NOTICE OF AWARD

TO: KENNETH HARCHICK

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 24, 2004 and have awarded:

For Plaintiff in the amount of \$11,000.00. Defendant's counterclaim withdrawn.

William A. Shaw
Prothonotary
By _____

May 24, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Michael Bobal

Vs.

Kenneth Harchick

COPY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
No. 2002-01647-CD

NOTICE OF AWARD

TO: MICHAEL BOBAL

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 24, 2004 and have awarded:

For Plaintiff in the amount of \$11,000.00. Defendant's counterclaim withdrawn.

William A. Shaw

Prothonotary

By _____

May 24, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Michael Bobal

Vs.

Kenneth Harchick

COPY

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2002-01647-CD

NOTICE OF AWARD

TO: R. DENNING GEARHART

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 24, 2004 and have awarded:

For Plaintiff in the amount of \$11,000.00. Defendant's counterclaim withdrawn.

William A. Shaw

Prothonotary

By _____

May 24, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Michael Bobal

Vs.

Kenneth Harchick

COPY

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2002-01647-CD

NOTICE OF AWARD

TO: THOMAS J. SIBERT

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 24, 2004 and have awarded:

For Plaintiff in the amount of \$11,000.00. Defendant's counterclaim withdrawn.

William A. Shaw

Prothonotary

By _____

May 24, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Michael Bobal

Vs.

Kenneth Harchick

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2002-01647-CD

NOTICE OF AWARD

TO: Copies to: Kenneth Harchick(Defendant), R.D. #1, Silvis Road, , Westover, PA, 16692,Michael Bobal(Plaintiff), 451 Goodrich Road, , Northern Cambria, PA, 15714,R. Denning Gearhart (Defense Attorney),Thomas J. Sibert (Plaintiff Attorney)

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 24, 2004 and have awarded:

For Plaintiff in the amount of \$11,000.00. Defendant's counterclaim withdrawn.

William A. Shaw
Prothonotary
By _____

May 24, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

MICHAEL BOBAL, :
Plaintiff :
: :
vs. : No. 2002-1647-CD
: :
KENNETH HARCHICK, :
Defendant :
:

CASE NUMBER: 2002-1647-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: NOTICE OF APPEAL

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. No. 26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED

JUN 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

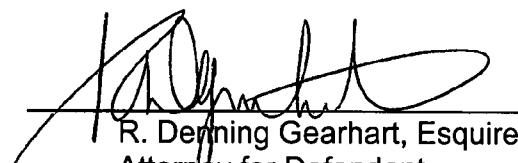
MICHAEL BOBAL, :
Plaintiff :
: vs. : No. 2002-1647-CD
: :
KENNETH HARCHICK, :
Defendant :
:

NOTICE OF APPEAL

TO THE PROTHONOTARY OF SAID COURT:

Please file this Notice of Appeal from an Arbitrator's Award to the Plaintiff
dated May 24, 2004.

Posted herewith is the sum of Six Hundred (\$600.00) Dollars representing
the costs of the Arbitration.



R. Denning Gearhart, Esquire
Attorney for Defendant
Attorney I.D. No. 26540
215 E. Locust Street
Clearfield, PA 16830
(814) 765-1581

Dated: June 14, 2004

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

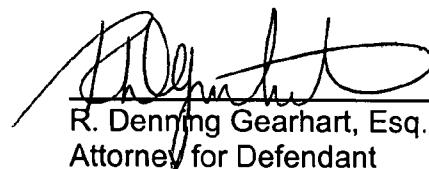
MICHAEL BOBAL, :
Plaintiff :
vs. : No. 2002-1647-CD
KENNETH HARCHICK, :
Defendant :
:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a true and correct copy of the attached and foregoing Notice of Appeal by depositing such copy in the United States Mail postage pre-paid and addressed as follows:

Thomas J. Sibert, Esq.
300 West Highland Avenue
Ebensburg, PA 15931

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830



R. Denning Gearhart, Esq.
Attorney for Defendant

Dated: June 14, 2004

80

Lap over margin _____

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 2002-1647-CD

MICHAEL BOBAL,
Plaintiff

vs.

KENNETH HARCHICK,
Defendant

NOTICE OF APPEAL and
CERTIFICATE OF SERVICE

FILED *4/10/04*
O/c: 4084 *My Gearhart*
JUN 14 2004 *Attn pd. 1000.00*

William A. Shaw
Prothonotary/Clerk of Courts

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

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

MICHAEL BOBAL,
Plaintiff,

v.

NO. 02-1647-CD

KENNETH HARCHICK,
Defendant.

CASE NUMBER: 02-1647-CD

TYPE OF PLEADING: **JOINT MOTION FOR CONTINUANCE**

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

FILED
Aug 10 2004
cc
b6
William A. Shaw
Prothonotary/Clerk of Courts
Aug Gearhart

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

MICHAEL BOBAL,
Plaintiff,

v.

NO. 02-1647-CD

KENNETH HARCHICK,
Defendant.

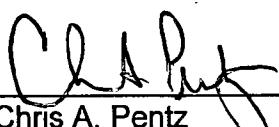
JOINT MOTION FOR CONTINUANCE

NOW COMES Plaintiff in the above action, by and through his attorney Chris A. Pentz, and Defendant in the above action, by and through his attorney, R. Denning Gearhart, who Move as follows:

1. That the matter is listed for a non-jury trial for the fall term and is scheduled for a pretrial conference on Friday, August 13, 2004.
2. That the matter had been scheduled automatically following an appeal from an arbitration award.
3. That the Plaintiff has since that time acquired other counsel, namely Chris A. Pentz.
4. That in addition, discovery has not been completed.
5. That the matter has not been continued before.
6. That the matter should have been scheduled for a jury trial.

WHEREFORE both parties by and through their attorneys move the Honorable Court for a continuance of the above case and to list it on the next available civil jury trial list.

Respectfully Submitted,



Chris A. Pentz

Attorney for Plaintiff



R. Denning Gearhart

Attorney for Defendant

AD

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

MICHAEL BOBAL,
Plaintiff,

v.

KENNETH HARCHICK,
Defendant.

02-1647-CD

JOINT MOTION FOR CONTINUANCE

FILED

AUG 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

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

MICHAEL BOBAL,
Plaintiff

vs.

KENNETH HARCHICK,
Defendant

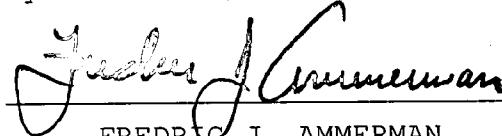
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No. 2002-1647-C.D.

O R D E R

NOW, this 9th day of August, 2004, in consideration of the Joint Motion for Continuance filed by attorneys for both parties, it is the ORDER of this Court that the Motion be granted. Non-Jury Trial and Pre-Trial Conference are hereby continued. The Court Administrator shall list the case for Jury Trial for the Winter Term of Court.

By the Court,



FREDRIC J. AMMERMAN
President Judge

FILED

AUG 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

464
FILED
of 11:00 AM
AUG 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

2 certified copies to Chris A. Pentz, Esquire
2 certified copies to R. Denning Gearhart, Esquire
1 copy to Court Administrator

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

MICHAEL BOBAL,
Plaintiff

vs

KENNETH HARCHICK,
Defendant

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* No. 2002-1647 -C.D.

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* Type of Case: Civil

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*
* Type of Pleading: Praeclipe to
* Withdraw /Enter Appearance

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*
*
* Filed on Behalf of: Plaintiff

*
*
*
*
* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

*
* Supreme Court I.D. # 39232
* 207 East Market Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

010:4584
AUG 17 2004
Atty Fentz
FILED ^{EGK} _{acc}
William A. Shaw
Prothonotary/Clerk of Courts
Copy to CJA

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

MICHAEL BOBAL,
Plaintiff

vs

* No. 2002-1647-CD

KENNETH HARCHICK,
Defendant

*

*

*

PRAECIPE TO WITHDRAW APPEARANCE

Please withdraw my appearance on behalf of the Plaintiff,

Michael Bobal.

Date: Aug 13, 2004



Thomas J. Sibert, Esquire
300 West Highland Avenue
Ebensburg PA 15931

PRAECIPE TO ENTER APPEARANCE

Please enter my appearance on behalf of the Plaintiff,

Michael Bobal.

Date: 8-16-04



Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield PA 16830

CLIBEARFIELD, PENNSYLVANIA 16880
207 EAST MARKET STREET
ATTORNEY AT LAW
CHRIS A. PENNZ

— Fold Here —

FILED

AUG 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL BOBAL,
Plaintiff,

v.

NO. 02-1647-CD

KENNETH HARCHICK,
Defendant.

CASE NUMBER: 02-1647-CD

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 East Market Street
Clearfield, PA 16830
(814) 765-1581

FILED

148

AUG 17 2004

0/3:30 (C)

William A. Shaw

Prothonotary/Clerk of Courts

100 CEA

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

MICHAEL BOBAL,
Plaintiff,

v.

NO. 02-1647-CD

KENNETH HARCHICK,
Defendant.

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the JOINT MOTION FOR CONTINUANCE and ORDER filed in the above captioned matter by hand delivering such documents addressed as follows:

Chris A. Pentz, Esquire
207 East Market Street
Clearfield, PA 16830

By
R. Denning Gearhart, Esq.

Dated: **August 16, 2004**

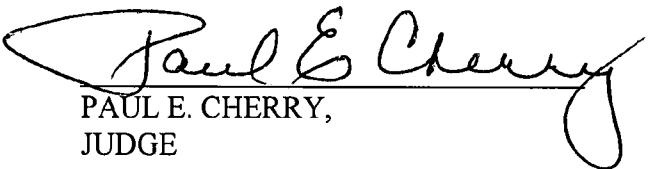
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MICHAEL BOBAL : NO. 02-1647-CD
V. :
KENNETH HARCHICK :
:

ORDER

AND NOW, this 13th day of January, 2005, following Pre-Trial Conference and in consideration of the Joint Motion for Continuance as requested by counsel for both parties, it is the ORDER of this Court that said Motion be and is hereby GRANTED. The Court Administrator shall list this case for Jury Trial for the spring term of Court with Civil Call to be held on April 5, 2005.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED
Wk O 10:18 AM 2005 *Burkhardt*
2005 *Shaw* *Prothonotary*

JAN 17 2005

William A. Shaw
Prothonotary

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

MICHAEL BOBAL,
Plaintiff,

v.

No. 02-1647-CD

KENNETH HARCHICK,
Defendant.

CASE NUMBER: 02-1647-CD

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Defendant

COUNSEL FOR RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court ID#: 26540
207 East Market Street
Clearfield, PA 16830
814-765-1581

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FILED

APR 11 2005
0/3:40/05
William A. Shaw
Prothonotary/Clerk of Courts

No C/C

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

MICHAEL BOBAL,
Plaintiff,

v.

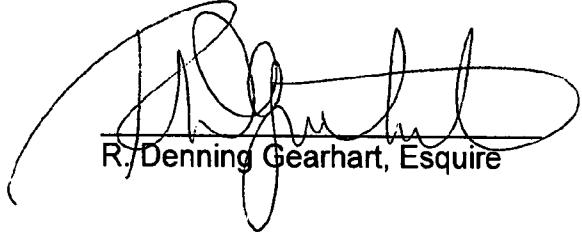
No. 02-1647-CD

KENNETH HARCHICK,
Defendant.

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a true and correct copy of the DEFENDANT'S PRETRIAL STATEMENT filed in the above-captioned matter on the Plaintiff, Michael Bobal, by and hand delivered as follows:

Chris A. Pentz, Esquire
207 East Market Street
Clearfield, PA 16830


R. Denning Gearhart, Esquire

Date: April 11, 2005

FILED

APR 11 2005

William A. Shaw
Prothonotary/Clerk of Courts

6a

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

MICHAEL BOBAL : NO. 02-1647-CD
: :
V. : :
: :
KENNETH HARCHICK : :

ORDER

FILED 2cc
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APR 25 2005 Peritz

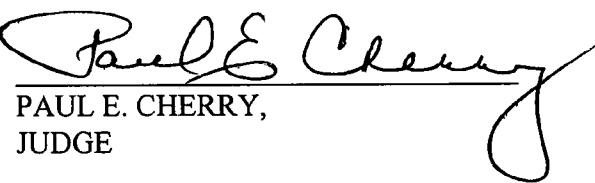
William A. Shaw
Prothonotary/Clerk of Courts

And now, this 21st day of April, 2005, following Pre-Trial Conference, it is the
ORDER of this Court as follows:

1. Jury Selection in this matter is scheduled for May 3, 2005, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for June 30 and July 1, 2005, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
4. The deadline for submitting any and all Motions shall be by and no later than thirty (30) days prior to the commencement of trial.
5. Points for Charge shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
6. Proposed Verdict Slip shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.

7. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

APR 25 2005

William A. Shaw
Prothonotary/Clerk of Courts

(a)

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

MICHAEL BOBAL :
: :
V. : NO. 02-1647-CD
: :
KENNETH HARCHICK :
: :

ORDER

AND NOW, this 28th day of June, 2005, the Court having been advised by R. Denning Gearhart, Esquire, attorney for Defendant, that the parties have reached an agreement, it is the ORDER of the Court that trial in this matter scheduled for June 30, 2005 and July 1, 2005, be and is hereby cancelled. It is the further ORDER of this Court that the parties shall submit to the Court a Praeclipe to Discontinue this matter within fifteen (15) days of this date.

BY THE COURT,


PAUL E. CHERRY,

JUDGE

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01246821 Pentz
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William A. Shaw
Prothonotary/Clerk of Courts

(b)

FILED

JUN 29 2005

William A. Shariv
Prothonotary Clerk of Courts



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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

DAVID S. MEHOLICK
COURT ADMINISTRATOR

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

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

October 6, 2003

Thomas J. Sibert, Esquire
Attorney at Law
300 West Highland Avenue
Ebensburg, PA 15931

R. Denning Gearhart, Esquire
Attorney at Law
215 East Locust Street
Clearfield, PA 16830

FILED
d/340/6A
JUN 28 2005
6W

William A. Shaw
Prothonotary/Clerk of Courts

RE: MICHAEL BOBAL
vs.
KENNETH HARCHICK
No. 02-1647-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Tuesday, December 2, 2003 at 9:00 A.M. The following have been appointed to the Board of Arbitrators:

Richard A. Bell, Esquire
Ronald L. Collins, Esquire
Kimberly M. Kubista, Esquire
Mark A. Falvo, Esquire
Peter J. Carfley, Esquire

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

Very truly yours,
The signature of Marcy Kelley, written in cursive ink.
Marcy Kelley
Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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

DAVID S. MEHOLICK
COURT ADMINISTRATOR

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

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

October 16, 2003

Thomas J. Sibert, Esquire
Attorney at Law
300 West Highland Avenue
Ebensburg, PA 15931

R. Denning Gearhart, Esquire
Attorney at Law
215 East Locust Street
Clearfield, PA 16830

RE: MICHAEL BOBAL
vs.
KENNETH HARCHICK
No. 02-1647-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Tuesday, December 2, 2003 at 9:00 A.M. The following have been appointed as Arbitrators:

Richard A. Bell, Esquire, Chairman
Ronald L. Collins, Esquire
Kimberly M. Kubista, Esquire

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

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator

cc: Richard A. Bell, Esquire
Ronald L. Collins, Esquire
Kimberly M. Kubista, Esquire

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

MICHAEL BOBAL,
Plaintiff,

v.

No. 02-1647-CD

KENNETH HARCHICK,
Defendant.

CASE NUMBER: 02-1647-CD

TYPE OF PLEADING: PRAECIPE TO SETTLE AND DISCONTINUE

FILED ON BEHALF OF: Plaintiff

COUNSEL FOR RECORD FOR THIS PARTY: Chris A. Pentz, Esquire
Supreme Court ID#: 39232
207 East Market Street
PO Box 552
Clearfield, PA 16830
814-765-4000

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FILED 2005-2 Cert.
09-3684 of Disc. to Atty
JUL 07 2005 Pentz

William A. Shaw Copy to CIA
Prothonotary/Clerk of Courts

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

MICHAEL BOBAL,
Plaintiff,

v.

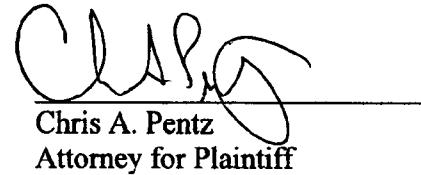
No. 02-1647-CD

KENNETH HARCHICK,
Defendant.

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned matter settled and discontinued.



Chris A. Pentz
Attorney for Plaintiff

Date: June 28, 2005

FILED

JUL 07 2005

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 05 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

 COPY

CIVIL DIVISION

Michael Bobal

Vs. **No. 2002-01647-CD**
Kenneth Harchick

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 July 7, 2005, marked:

Settled and Discontinued

Costs in the sum of \$550.00 have been paid by Thomas J. Sibert; costs in the sum of \$600.00 have been paid by R. Denning Gearhart.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of July A.D. 2005.

William A. Shaw, Prothonotary