

02-1747-CD
STEPHANIE R. vs. ROBERT WILLIAMS, et al
HUTTON

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

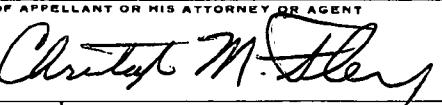
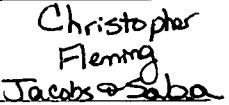
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 02-1747-CJ

NOTICE OF APPEAL

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

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
Robert Williams and Mike Williams		46-3-02		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
12 South 5th Street, Clearfield, PA 16830				
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)		(Defendant)	
10/21/2002	Stephanie R. Hutton v. Robert and Mike Williams			
CLAIM NO.			SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT	
CV 19	0000373-02		 Christopher Fleming	
LT 19			 Jacobs Saba	
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.				
This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.				
Signature of Prothonotary or Deputy				

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

[Signature]

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon Stephanie R. Hutton, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 02-1747-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.



Christopher Fleming
Signature of appellant or his attorney or agent

RULE: To Stephanie R. Hutton, appellee(s)
Name of appellee(s)

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

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

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

Date: November 8, 2002



William A. Shaw
Signature of Prothonotary or Deputy

FILED

NOV 08 2002

Atty pd.
85.00

William A. Shaw
Prothonotary
Copies to
Amy Fleming

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____, ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, 19_____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, 19_____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, 19_____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 19_____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19_____



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: 650 LEONARD STREET
CLEARFIELD, PA

Telephone: (814) 765-5335

16830

ATTORNEY DEF PRIVATE :

CHRISTOPHER M. FLEMING
35 N. MAIN ST
2ND FLOOR
GREENSBURG, PA 15601

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) HUTTON, STEPHANIE R

Judgment was entered against: (Name) WILLIAMS, ROBERT
in the amount of \$ 2,526.00 on: (Date of Judgment) 10/21/02

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

Damages will be assessed on: _____

This case dismissed without prejudice.

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

Levy is stayed for _____ days or generally stayed.

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

Amount of Judgment	\$ 2,446.00
Judgment Costs	\$ 80.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,526.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

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

OCT 21 2002

Date

Ricardo Ireland

, District Justice

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

Date

, District Justice

My commission expires first Monday of January,

2006

SEAL

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Westmoreland ; ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. C2-1747, upon the District Justice designated therein on
(date of service) 11/12/02, 1902, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Sherman Miller on
11/12/02, 1902 by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on 11/12/02, 1902, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS 14th DAY OF November, 1902

Shawn McCloskey

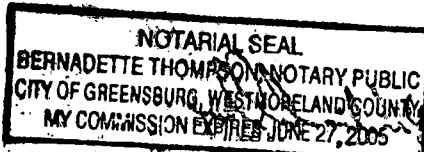
Signature of affiant

Bernadette Thompson

Signature of official before whom affidavit was made

Title of official

My commission expires on 11/16/02, 1902.



FED NO
m 11/16/02 CC
NOV 14 2002 EGD

William A. Shaw
Prothonotary

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 02-1747-CO

NOTICE OF APPEAL

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

NAME OF APPELLANT Robert Williams and Mike Williams		MAG. DIST. NO. OR NAME OF D.J. 46-3-02	
ADDRESS OF APPELLANT 12 South 5th Street, Clearfield, PA 16830		CITY	STATE
DATE OF JUDGMENT 10/21/2002		IN THE CASE OF (Plaintiff) Stephanie R. Hutton v. Robert and Mike Williams	
CLAIM NO. CV 19 0000373-02		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Christy M. Hutton</i>	
LT 19		Defendant <i>Christopher Fleming</i> <i>Jacobs</i>	

PRAECLPTE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECLYPE: To Prothonotary

Enter rule upon Stephanie R. Hutton, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 02-1747-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Stephanie R. Hutton, appellee(s)
Name of appellee(s)

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

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

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

Date: November 6, 2002

Signature of Prothonotary or Deputy

AOPC 312-90

COURT FILE

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

7099 3400	7495 7456	Postage \$
0017	Certified Fee	
	Return Receipt Fee (Endorsement Required)	
	Restricted Delivery Fee (Endorsement Required)	
0000	Total Postage & Fees \$	

Postmark
Here

Stephanie Hutton

Recipient's Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No., or PO Box No.

City, State, ZIP+4

PS Form 3800, February 2000

See Reverse for Instructions

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

7099 3400	7495 7456	Postage \$
0017	Certified Fee	
	Return Receipt Fee (Endorsement Required)	
	Restricted Delivery Fee (Endorsement Required)	
0000	Total Postage & Fees \$	

Postmark
Here

Richard Culand

Recipient's Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No., or PO Box No.

City, State, ZIP+4

PS Form 3800, February 2000

See Reverse for Instructions

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA

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

RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830

NOTICE OF JUDGMENT/TRANSCRIPT

PLAINTIFF: **HUTTON, STEPHANIE R** NAME and ADDRESS

8144 RIDGE ROAD
MAHAFFEY, PA 15757

VS.

DEFENDANT: **WILLIAMS, ROBERT, ET AL.** NAME and ADDRESS
12 S 5TH STREET
CLEARFIELD, PA 16830

Docket No.: **CV-0000373-02**
Date Filed: **8/14/02**



THIS IS TO NOTIFY YOU THAT:

Judgment: FOR PLAINTIFF

Judgment was entered for: (Name) HUTTON, STEPHANIE R

Judgment was entered against: (Name) WILLIAMS, ROBERT

in the amount of \$ 2,526.00 on: (Date of Judgment) 10/21/02

Defendants are jointly and severally liable.

(Date & Time) _____

Damages will be assessed on:

Amount of Judgment	\$ <u>2,446.00</u>
Judgment Costs	\$ <u>80.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>2,526.00</u>

This case dismissed without prejudice.

Post Judgment Credits \$ _____
Post Judgment Costs \$ _____

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

Certified Judgment Total \$ _____

Levy is stayed for _____ days or generally stayed.

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

FILED

NOV 15 2002
NOV 15 2002 *EJ*

Date: _____	Place: _____
Time: _____	

William A. Shaw

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.
OCT 21 2002

Date Richard Ireland, District Justice

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

NOV 14 2002 Date Richard Ireland, District Justice

My commission expires first Monday of January,

2006

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA

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

RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

HUTTON, STEPHANIE R
8144 RIDGE ROAD
MAHAFFEY, PA 15757

NAME and ADDRESS

DEFENDANT:

WILLIAMS, ROBERT, ET AL.
12 S 5TH STREET
CLEARFIELD, PA 16830

VS.

NAME and ADDRESS

Docket No.: **CV-0000373-02**
Date Filed: **8/14/02**



THIS IS TO NOTIFY YOU THAT:

Judgment: FOR DEFENDANT

Judgment was entered for: (Name) WILLIAMS, MIKE

Judgment was entered against: (Name) HUTTON, STEPHANIE R

in the amount of \$ 00 on: (Date of Judgment) 10/21/02

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

Damages will be assessed on: _____

This case dismissed without prejudice. _____

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

Levy is stayed for _____ days or generally stayed. _____

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

Amount of Judgment	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

Date:	Place:
Time:	

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

OCT 21 2002

Date Richard Ireland, District Justice

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

NOV 14 2002 Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No. 02-1747-CD
Plaintiff : Type of Case: Civil Action
VS. :
: Type of Pleading:
ROBERT WILLIAMS and :
MIKE WILLIAMS, : COMPLAINT
Defendant :
: Filed on Behalf of:
: David M. Hutton and Stephanie
: R. Hutton, Plaintiffs
: Counsel of Record for this
: Party:
: Ann B. Wood, Esquire
: Supreme Court No. 23364
: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830
: (814) 765-5537
:
:

FILED
01/11/2003 One cc to
act as
DEC 03 2002

William A. Shaw
Prothonotary

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

DAVID M. HUTTON and : No. 02- 1747 -CD
STEPHANIE R. HUTTON,
Plaintiffs :
vs. :
ROBERT WILLIAMS and :
MIKE WILLIAMS, :
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 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 FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
2nd & Market Streets
Clearfield, Pennsylvania 16830
Telephone (814) 765-2641 Ex. 5982

BELL, SILBERBLATT & WOOD
BY

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiffs

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No.02- 1747 -CD
:
Plaintiffs :
:
VS. :
:
ROBERT WILLIAMS and :
MIKE WILLIAMS, :
:
Defendant :
:

COMPLAINT

AND NOW COMES the Plaintiffs, DAVID M. HUTTON and
STEPHANIE R. HUTTON, his daughter, by and through their attorney,
Ann B. Wood, Esquire, and sets forth their Complaint as follows:

1. The Plaintiff, David M. Hutton, is an adult
individual, residing at 8144 Ridge Road, Mahaffey, Clearfield
County, Pennsylvania 15757.

2. The Plaintiff, Stephanie R. Hutton, is an adult
individual residing at 8144 Ridge Road, Mahaffey, Clearfield
County, Pennsylvania 15757.

3. The Defendant, Robert Williams is an adult individual
residing at 12 South 5th Street, Clearfield, Clearfield County,
Pennsylvania 16830.

4. The Defendant, Mike Williams, is an adult individual residing at 126 South Second Street, Apt. #2, Philipsburg, Pennsylvania 16866.

5. That on or about June 14, 2002 at approximately 3:20 P.M., the Plaintiff, Stephanie R. Hutton was operating a 1988 Saab owned by herself and David M. Hutton and was stopped at the Stop Sign on Park Place, Clearfield Borough, at its intersection with State Route 322.

6. That on that same date and time, Defendant, Robert Williams, was operating a pickup truck owned by Defendant, Mike Williams, and was proceeding westbound on State Route 322 in Clearfield Borough, Pennsylvania.

7. A truck operated by a third party stopped before the intersection of Park Place and State Route 322 to permit Plaintiff, Stephanie R. Hutton, to proceed to make a left turn onto the eastbound lane of State Route 322.

8. That the truck operated by Defendant, Robert Williams, proceeded to come around the rear of the stopped truck and struck the automobile operated by Plaintiff, Stephanie R. Hutton.

9. The impact caused damages to the Hutton vehicle in the amount of Two Thousand Four Hundred Forty-Six Dollars and Sixty-Nine Cents (\$2,446.69) in accordance with a repair estimate dated August 13, 2002, copy of which is attached hereto as Exhibit "A".

10. As a result of the negligence of the Defendants, the Plaintiffs, in addition to the damages alleged in Paragraph 9 above, further incurred costs through the District Magistrates Office in the amount of Eighty (\$80.00) Dollars.

COUNT I

David M. Hutton and Stephanie R. Hutton vs.

Robert Williams

11. The allegations of Paragraphs 1 through 10 are incorporated herein by reference as though set forth in full.

12. The damages to the Hutton vehicle were caused by and were the direct and proximate result of the negligence of the Defendant, Robert Williams, in any or all of the following respects:

- (a) In operating a motor vehicle in a fashion which does not permit passing in an area with a double solid yellow line;

(b) In failing to the vehicle under proper control;

(c) In continuing to operate the vehicle towards Plaintiffs' vehicle when he saw and in the exercise of reasonable diligence, would have seen that further operation in that direction would have resulted in a collision;

(d) That the driver was inattentive and failed to maintain a sharp lookout of the road and surrounding traffic conditions;

(e) In failing to comply with no passing signage;

(f) In violating various statutes pertaining to the operation of motor vehicle in public thoroughfares under the circumstance.

WHEREFORE, Plaintiffs request judgment in favor of the Plaintiffs and against the Defendant, Robert Williams, in the amount of Two Thousand Five Hundred Twenty-Six (\$2,526.00) Dollars, plus interest.

COUNT II

David M. Hutton and Stephanie R. Hutton vs.

Mike Williams

13. The allegations of Paragraphs 1 through 12 are incorporated herein by reference as though set forth in full.

14. The damages to the Hutton vehicle were caused by and were the direct and proximate result of the negligence of the Defendant, Mike Williams, in any or all of the following respects:

(a) In permitting the vehicle he owned to be operated by a driver who was not capable of managing the vehicle in accordance with traffic rules and regulations;

(b) In permitting the vehicle he owned to be operated by a driver who was not capable of managing the vehicle in a reasonable and safe manner under all conditions.

WHEREFORE, Plaintiffs request judgment in favor of the Plaintiffs and against the Defendant, Mike Williams, in the amount of Two Thousand Five Hundred Twenty-Six (\$2,526.00) Dollars, plus interest.

BELL, SILBERBLATT & WOOD
By:

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiffs

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

CD - NO. 03 -

DAVID M. HUTTON and
STEPHANIE R. HUTTON

Plaintiffs

vs.

ROBERT WILLIAMS and
MIKE WILLIAMS

Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the complaint
with reference to the above captioned matter has been served upon
the accused for defendant by mailing a true and correct copy of
same to him at Utica Services #100 Class Mail, postage prepaid,
addressed as follows on October 3, 2003:

Christopher M. Fjorud, Esquire
32 N. Main Street, Suite 3rd Floor
Greensburg, PA 15601-3401

BETT, SILVERBATT & WOOD
BA:

Ann B. Wood, Esquire
Attorney for Plaintiff

MCCRACKEN'S AUTO BODY
 613 FILBERT STREET
 CURWENSVILLE PA 16833
 814-236-0074

COMPLETE COLLISION SERVICE CENTER ASE AND I-CAR CERTIFIED TECHNICIANS

CD LOG NO 556-1 DATE 08/13/02

SHOP: MCCRACKEN'S AUTO BODY INSP DATE: 08/13/02
 ADDRESS: 613 FILBERT ST. CONTACT: RICHARD MCCRACKEN
 CITY STATE: CURWENSVILLE, PA PHONE 1: (814)236-0074
 ZIP: 16833-1206 FAX: (814)236-0074

OWNER: HUTTON, STEPHANIE & DAVID HOME PHONE: (814)277-6213
 ADDRESS: 8144 TIDGE ROAD
 CITY STATE: MAHAFFEY, PA
 ZIP: 15757-

POINT OF IMPACT: 4

LIC#: DJY2840 STATE: PA VIN: YS3AS45DXJ3027653
 BODY COLOR: BLUE MILEAGE: 164,000
 CONDITION: GOOD ACCTNG CTL#:

DRIVEABLE: YES VEH. INSP#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	EU=REPLACE SALVAGE	EP=REPLACE PXN
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

1988 SAAB 900 S 4DOOR SEDAN 4CYL GASOLINE 2.0
 CODE: L2133A/B OPTNS A/24DNK

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
 ELEC REMOTE CONTROL MIRRORS
 CRUISE CONTROL

TWO-STAGE - INTERIOR SURFACES
 POWER WINDOWS

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
E	0018	01	COVER, FRONT BUMPER	6942957	245.00			3.0	1
E	0031		MLDG, FRONT BUMPER	LT 6940357	15.00				1
E	0014		SUPT, FRT BUMPER COV	LT 8266777	26.00				1
E	0015		SUPT, FRT BUMPER COV	RT 8266785	26.00				1
E	0040		SPOILER, UPPER FRONT	6939144	210.00			0.7	1
E	0030		BRKT, FRONT LIC PLATE	6921142	51.00			0.2	1
E	0008		BRKT, FRONT BUMPER M	LT 8266744	29.00				1
E	0009		BRKT, FRONT BUMPER M	RT 8266744	29.00				1
E	0028		GRILLE ASSEMBLY	6926778	209.00			0.3	1
E	0042		HEADLAMP ASSY, HALOG	RT 9556028	245.00			0.5	1
E	0049		PARKLAMP ASSEMBLY	RT 4014965	81.00				1

1988 SAAB 900 S 4DOOR SEDAN
CD LOG NO 556-1

I	0083	PANEL, HOOD	REPAIR	1.5*1
I	0110	FENDER, FRONT SECTIO RT	REPAIR	1.0*1
L	0110 09	FENDER, FRONT SECTIO RT	REFINISH	3.0 4
			2.0 SURFACE	
			0.6 TWO STAGE SETUP	
			0.4 TWO STAGE	
RI	0116	FLARE, WHEEL OPENING RT	R&I ASSEMBLY	0.3 1
I	0210	PNL, FRONT DOOR OUTE RT	REPAIR	1.0*1
RI	0280 01	MLDG, FRONT DOOR SID RT	R&I ASSEMBLY	0.3 1
L	M14	CORROSION PROTECTION	REFINISH	0.3*4
L	M16	COLOR BLEND	REFINISH	2.0*4
EC	M17	COVER CAR EXTERIOR	ECONOMY PART	3.00*
N	M18	SET-UP & MEASURE	ADDNL LABOR OPERA	0.2*4
L		PANEL, HOOD	REFINISH	2.0*3
L		PNL, FRONT DOOR	REFINISH	3.0*4*
N		PULL & STRAIGHTEN	ADDNL LABOR OPERA	2.0*4*
		RIGHT UNIBODY RAIL		2.0*1*
I		PULL & STRAIGHTEN	REPAIR	2.0*1*
N		LEFT UNIBODY RAIL		
N		AIM HEADLAMPS	ADDNL LABOR OPERA	0.4*1*

26 ITEMS

MC MESSAGE(S)

01 CALL DEALER FOR EXACT PART NUMBER / PRICE

09 INCLUDES 0.6 HOURS MAJOR PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS				1,166.00
OTHER PARTS				3.00
PAINT MATERIAL				210.00
PARTS TOTAL				1,379.00
TAX ON PARTS & MATERIAL @			6.000%	82.74
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	36.00	5.3	7.9	475.20
2-MECH/ELEC	36.00			
3-FRAME	38.00		2.0	76.00
4-REFINISH	36.00	10.5		378.00
5-PAINT MATERIAL	20.00			
LABOR TOTAL				929.20
TAX ON LABOR		@	6.000%	55.75
SUBLET REPAIRS				
TOWING				
STORAGE				
GROSS TOTAL				2,446.69
NET TOTAL				2,446.69

ADP SHOPLINK U6655 ES CD LOG 556-1 DATE 08/13/02 03:37:45PM R6.25 CD 06/02
PXM:N/00/00/00/00 CUM:/// HOST LOG
(C) 1998 - 2002 ADP CLAIMS SOLUTIONS GROUP, INC.

1988 SAAB 900 S 4DOOR SEDAN
CD LOG NO 556-1

1.0 HRS WERE ADDED TO THIS EST. BASED ON ADP TWO-STAGE REFINISH FORMULA.

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

DAVID M. HUTTON and STEPHANIE R.
HUTTON,
Plaintiffs

vs.

ROBERT WILLIAMS and MIKE
WILLIAMS,
Defendants

COMPLAINT

FILED

DEC 03 2002

William A. Shaw
Prothonotary

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

PO Box 549
Clearfield, PA 16830
Phone: 814-765-2641, Ext. 1330
Fax: 814-765-7659

**Clearfield County
Courthouse**

Fax

atty Fleming

To: Sharon **From:** William A. Shaw

Fax: 214 - 837- 8312 **Date:** 12-5-02

Phone: **Pages:** 12 + face

Re: 02-17417-CD **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

Comments:

*** TRANSMISSION REPORT ***

Dec. 5 '02 11:31

DATE	START	TIME	PARTNER	MODE	PAGE	RESULT
Dec. 5	11:29	1'43	7248378484	G3	03	OK

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

DAVID M. HUTTON and
STEPHANIE R. HUTTON,

) No. 02-1747 - CD
)
)
)
) ANSWER AND NEW MATTER

Plaintiffs,

VS.

ROBERT WILLIAMS and
MIKE WILLIAMS,

Defendants.

) Filed on Behalf of the
) Defendant
)
)
)
) Counsel of Record for this
) party:
)
) Christopher M. Fleming
) PA I.D. #29300
) Jacobs & Saba
) 35 N. Main Street, Second Flr.
) Greensburg, PA 15601-2401
) (724) 837-8484

JURY TRIAL DEMANDED

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

Attorney for: Defendant

FILED

DEC 23 2002

William A. Shaw
Prothonotary

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

DAVID M. HUTTON and) No. 02-1747 - CD
STEPHANIE R. HUTTON,)
Plaintiffs,)
vs.)
ROBERT WILLIAMS and)
MIKE WILLIAMS,)
Defendants.)

ANSWER AND NEW MATTER

AND NOW, come the Defendants, Robert Williams and Mike Williams, by and through their attorneys, JACOBS & SABA, per CHRISTOPHER M. FLEMING, and files the following Answer and New Matter and states as follows:

1. Paragraphs 1 through 4 are admitted.
2. In accordance with amended Pa. R.C.P. 1029, effective September 1, 1994, the Defendants, Robert Williams and Mike Williams, deny the factual averments contained in Paragraphs 5 through 14 of the Plaintiffs' Complaint.

WHEREFORE, Defendants, Robert Williams and Mike Williams, demands judgment in their favor and against the Plaintiffs.

NEW MATTER

3. It is denied that Robert Williams was acting as agent, servant or employee of Defendant, Mike Williams. To the contrary, Defendant, Robert Williams was acting in his own behalf and in his own interest at the time of the accident.
4. In accordance with amended Pa. R.C.P. 1030, the Defendants raise the affirmative defenses of contributory/comparative negligence and assumption of the risk.

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF WESTMORELAND)

I verify that the statements made in the ANSWER AND NEW MATTER are true and correct; that the attached ANSWER AND NEW MATTER are based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the ANSWER AND NEW MATTER is that of counsel and not of Defendant. I have read the ANSWER AND NEW MATTER and to the extent that the ANSWER AND NEW MATTER is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the ANSWER AND NEW MATTER is that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsifications to authorities.

Date: 12-10-02

Mike Williams
Mike Williams

FILED

NO

ml13:5244-3 CC

DEC 23 2002

Sp. 2002

William A. Shaw
Prothonotary

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No. 02-1747-CD
Plaintiffs :
VS. : Type of Case: Civil Action
: Type of Pleading:
ROBERT WILLIAMS and : ANSWER TO NEW MATTER
MIKE WILLIAMS, :
Defendant :
: Filed on Behalf of:
: David M. Hutton and Stephanie
: R. Hutton, Plaintiffs
: Counsel of Record for this
: Party:
: Ann B. Wood, Esquire
: Supreme Court No. 23364
: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830
: (814) 765-5537
:
:

FILED

JAN 10 2003

William A. Shaw
Prothonotary

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No. 02-1747-CD
:
Plaintiffs :
:
vs. :
:
ROBERT WILLIAMS and :
MIKE WILLIAMS, :
:
Defendant :
:

ANSWER TO NEW MATTER

AND NOW, comes the Plaintiffs, DAVID M. HUTTON and
STEPHANIE R. HUTTON, by their attorney, Ann B. Wood, Esquire, and
files their Answer to New Matter as follows:

3. Paragraph 3 of the New Matter is denied as stated and
on the contrary, it is averred that the Defendant, Mike Williams,
as the owner of the vehicle, is responsible and is negligent in
permitting the vehicle he owned to be operated by a driver not
capable of managing the vehicle in accordance with traffic rules
and regulations and not capable of managing the vehicle in a safe
and reasonable manner under all conditions.

4. Paragraph 4 of the New Matter being a legal
conclusion, no answer is required thereto.

5. Paragraph 5 of the New Matter being a legal
conclusion, no answer is required thereto. In the event that an
answer is determined to be required, it is specifically denied that

the present action is barred by the applicable statute of limitations and/or Plaintiffs' failure to prosecute.

6. Paragraph of the New Matter being a legal conclusion, no answer is required thereto.

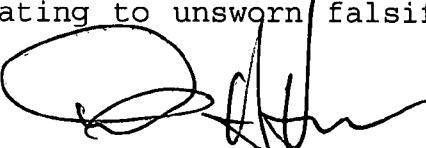
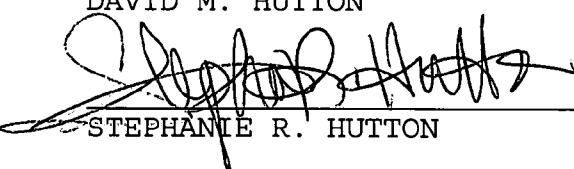
WHEREFORE, the Plaintiffs request judgment in favor of the Plaintiffs and against the Defendants in the amount of Two Thousand Five Hundred Twenty-Six (\$2,526.00) Dollars plus interest.

BELL, SILBERBLATT & WOOD
BY:

Ann B. Wood
Ann B. Wood, Esquire
Attorney For Plaintiffs

VERIFICATION

We, DAVID M. HUTTON and STEPHANIE R. HUTTON, state that the within statements in the foregoing ANSWER TO NEW MATTER are true and correct to the best of our knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S.A., Section 4904, relating to unsworn falsifications to authorities.


DAVID M. HUTTON

STEPHANIE R. HUTTON

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No. 02-1747-CD
Plaintiffs :
vs. :
ROBERT WILLIAMS and :
MIKE WILLIAMS, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that Certified Copy of the Answer To New Matter with reference to the above captioned matter has been served upon the attorney for Defendants by mailing a true and correct copy of same to him by United States First Class Mail, postage prepaid, addressed as follows on Jan 10, 2003 :

Christopher M. Fleming, Esquire
35 N. Main Street, 2nd Floor
Greensburg, PA 15601-2401

BELL, SILBERBLATT & WOOD
By:

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No.02-1747-CD

DAVID M. HUTTON and STEPHANIE R.
HUTTON,
Plaintiffs

vs.

ROBERT WILLIAMS and MIKE
WILLIAMS,

Defendants

ANSWER TO NEW MATTER

FILED *cc*
For 01/13/2003 Atty Wood
For JAN 10 2003

William A. Shaw
Secretary

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

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

JURY TRIAL DEMANDED

FILED

FCB 052003

William A. Shaw
Prothonotary

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

DAVID M. HUTTON and) No. 02-1747 - CD
STEPHANIE R. HUTTON,)
Plaintiffs,)
vs.)
ROBERT WILLIAMS and)
MIKE WILLIAMS,)
Defendants.)

CERTIFICATE OF READINESS

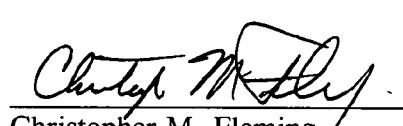
TO THE PROTHONOTARY:

Kindly place the above-captioned case on the pretrial docket. I certify that notice of the filing of this certification has been given to all parties to this action. I certify that all discovery has been completed and that the case is ready for trial.

Respectfully submitted,

JACOBS & SABA

By:


Christopher M. Fleming
Attorney for Defendant

FILED

NO
cc

FEB 05 2003

copy to CJA

William A. Shaw
Prothonotary

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

DAVID M. HUTTON and) No. 02-1747 - CD
STEPHANIE R. HUTTON,)
)
Plaintiffs,)
)
vs.)
)
ROBERT WILLIAMS and)
MIKE WILLIAMS,)
)
Defendants.)

PRAECIPE FOR ARBITRATION

TO THE PROTHONOTARY:

Please place the above-referenced case on the next available arbitration list.

Respectfully submitted,

JACOBS & SABA

By:


Christopher M. Fleming
Attorney for Defendant

2007 RELEASE UNDER E.O. 14176
EXEMPT UNDER E.O. 14176

RECEIVED
FEB 05 2003

2007 RELEASE UNDER E.O. 14176

FILED NO CC

2007 RELEASE UNDER E.O. 14176
FEB 05 2003 AMY FLEMING
PD 20-80

William A. Shaw
Prothonotary copy to CLA
SAC
RKA

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No. 02-1747-CD
Plaintiffs : Type of Case: Civil Action
VS. :
ROBERT WILLIAMS and : Type of Pleading:
MIKE WILLIAMS, : ARBITRATION PRE-TRIAL
Defendant : STATEMENT
: Filed on Behalf of:
: David M. Hutton and Stephanie
: R. Hutton, Plaintiffs
: Counsel of Record for this
: Party:
: Ann B. Wood, Esquire
: Supreme Court No. 23364
: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830
: (814) 765-5537
:
:

RECEIVED

FEB 19 2003

**COURT ADMINISTRATOR'S
OFFICE**

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

DAVID M. HUTTON and	:	
STEPHANIE R. HUTTON,	:	No. 02-1747-CD
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
ROBERT WILLIAMS and	:	
MIKE WILLIAMS,	:	
	:	
Defendant	:	
	:	

ARBITRATION PRE-TRIAL STATEMENT

AND NOW COME the Plaintiffs, David M. Hutton and Stephanie R. Hutton, and sets the following Pre-Trial Statement pursuant to Rule 1306(A):

A. STATEMENT

The present matter arises out of a motor vehicle accident which occurred on June 14, 2002 on Route 322 where it intersects with Park Place in Clearfield Borough by J.J. Powell and the Bridge Street Office of Clearfield Bank & Trust Company. The Plaintiffs' vehicle, operated by Plaintiff, Stephanie R. Hutton, proceeded to make a left-hand turn onto the eastbound lane of Route 322 when she was struck by a truck operated by Defendant, Robert Williams, which proceeded to pass on the left side a truck stopped on Route 322 in the regular lane of travel.

B. APPLICABLE CASES OR STATUTES

75 Pa.C.S.A. §3307 no-passing zones

75 Pa.C.S.A. §3303 overtaking vehicle on the left

(Copies attached.)

C. WITNESSES

1. David M. Hutton
2. Stephanie R. Hutton
3. Robert Williams
4. Mike Williams

D. STATEMENT OF DAMAGES

A copy of the estimated repairs in the amount of \$2,446.69 is attached.

E. EXHIBITS

In addition to the repair estimate listed above, Plaintiffs intend to offer photographs of the accident scene. Because of size, they are not reproduced here, but are available for examination upon request. The same exhibits were used at the Magistrate's Hearing in this matter.

BELL, SILBERBLATT & WOOD
By:

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiffs

OPERATION OF VEHICLE

538, Sup.
 se truck,
 one high-
 g vehicle
 at brakes
 ending hill
 attempted to
 re driver
 head, was
 A.2d 351,

 sustained
 tick which
 ersection
 highway,
 highway
 Jinks v.
 32, Sup.

 resulting
 to make
 : crashed
 ass truck
 ed at in-
 as to ren-
 of statute
 at inter-
 v. Maw-
 up.1936.

 ries sus-
 le collid-
 passing on to the
 ributorily
 tempting
 on if the
 knew or
 was an
 ieling v.
 23, Sup.

 general
 driving
 and sum-
 left side
 ipting to
 arred by
 formerly
 e arising
 notwith-
 formerly
 ary traf-

 304

fic offenses arising out of same uninterrupted criminal episode. *Com. v. H. burn*, 485 A.2d 24, 335 Pa. Super. 58, Super.1984.

Where a justice of the peace transcript showed defendant was charged in a conviction with violation of 75 P.S. § 1008 (repealed) and that at a hearing the charge was amended to show a violation of subsec. (b) thereof, there was a substantive defect and Pa.R.Crim.Pa. 115 (P.S. Appendix), precluded amendment; therefore, on certiorari, the charge was dismissed. *Com. v. Zajacz*, 54 Pa. D. & C.2d 146 (1971).

15. — Evidence, criminal proceedings

Where collision between defendant's truck and a dump truck and trailer combination was a sideswipe, occurring on a relatively narrow highway, and there was no evidence of continuous erratic driving by defendant, unrefuted evidence of defendant's encroachment on opposite lane of traffic was insufficient to justify a finding of recklessness or gross negligence on part of defendant, and defendant's mere murmur to charge of involuntary manslaughter was properly sustained. *Com. v. Trainor*, 381 A.2d 944, 252 Pa. Super. 332, Super.1977.

In prosecution for involuntary manslaughter while operating automobile, evidence as to accused's violation of the Motor Vehicle Code in failing to keep to the right and in passing while on crest of grade without clear view of 500 feet made case for jury and supported conviction. *Com. v. Waters*, 25 A.2d 756, 45 Pa. Super. 473, Super.1942.

Defendant's conviction before a justice of the peace on the charge of unlawful passing in violation of 75 P.S. § 1008 (repealed) was on certiorari set aside where the transcript merely showed that defendant was making a pass of another vehicle at a certain dip in the highway and was still in the process of passing when coming out of the dip on the grade but failed to set forth that defendant had view along the highway while in the act of passing was obstructed within a distance of 500 feet, an essential ingredient of the act. *Com. v. Armstrong*, 45 Pa. D. & C.2d 626 (1968).

RULES OF THE ROAD

75 Pa.C.S.A. § 3307

§ 3307. No-passing zones

(a) **Establishment and marking.**—The department and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and shall by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions of the signs or markings. Signs shall be placed to indicate the beginning and end of each no-passing zone.

(b) **Compliance by drivers.**—Where signs and markings are in place to define a no-passing zone as set forth in subsection (a), no driver shall at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone throughout its length.

(c) **Application of section.**—This section does not apply under the conditions described in section 3301(a)(2) and (5) (relating to driving on right side of roadway).

1976, June 17, P.L. 162, No. 81, § 1, effective July 1, 1977.

Historical and Statutory Notes

Prior Laws:

1959, April 29, P.L. 58, §§ 1008, 1113
(75 P.S. §§ 1008, 1113).
1939, June 27, P.L. 1135, § 24.
1937, June 29, P.L. 2329, §§ 3, 17.
1937, June 5, P.L. 1718, § 3.

1931, June 22, P.L. 751, § 2.

1929, May 1, P.L. 905, art. X, § 1008;
art. XI, § 1112.1 (75 P.S. §§ 543,
712.1).

1927, May 11, P.L. 886, art. X, § 1012.

Cross References

Construction and maintenance areas, duty of driver, see 75 Pa.C.S.A. § 3326.

Duty to drive on right, see 75 Pa.C.S.A. § 3301.

Erection of traffic-control devices while working, see 75 Pa.C.S.A. § 6123.

Points assessed for conviction, see 75 Pa.C.S.A. § 1535.

Powers of department and local authorities, see 75 Pa.C.S.A. § 6109.

Pennsylvania Code References

No-passing zones, see 67 Pa. Code
201.53.

Automobiles 5(5), 172(2), 172(3).
(WESTLAW Topic No. 48A). C.J.S. Motor Vehicles §§ 27, 35, 324,
327.

Notes of Decisions

In general 1
Construction areas 4

Instructions 5
Markings on roadway 3

75 Pa.C.S.A. § 3303

OPERATION OF VEHICLES ON THE ROAD

§ 3303. Overtaking vehicle on the left

(a) **General rule.**—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions and special rules stated in this chapter:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle, maintain a safe distance and shall stay to the left of the other vehicle until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle. The overtaken vehicle shall give way to the right in favor of the overtaking vehicle, unless a suitable signal.

(b) **Suitable signal defined.**—Suitable signal for purposes of section (a)(2) shall be as follows:

(1) At all times when head lamps are required to be lighted according to section 4302 (relating to the period for requiring lighted lamps), an audible signal or the intermittent flashing of low and high beams except that the use of high beams shall not be permitted when a vehicle is approaching from the opposite direction within 500 feet.

(2) At all other times, an audible signal.

1976, June 17, P.L. 162, No. 81, § 1, effective July 1, 1977.

Historical and Statutory Notes

Prior Laws:

1959, April 29, P.L. 58, §§ 1007, 1009
(75 P.S. §§ 1007, 1009).
1931, June 22, P.L. 751, § 2.
1929, May 1, P.L. 905, art. X, §§ 1007,
1009 (75 P.S. §§ 542, 544).

1927, May 11, P.L. 886, art.
§§ 1011, 1013.
1925, April 27, P.L. 254, § 10.
1923, June 14, P.L. 718, § 22.
1919, June 30, P.L. 678, § 25.

Cross References

Points assessed for conviction, see 75 Pa.C.S.A. § 1535.
School bus, duties on meeting or overtaking, see 75 Pa.C.S.A. § 3345.
Turning position and signals, see 75 Pa.C.S.A. § 3331 et seq.

Library References

Automobiles 5(5), 172(1) to 172(15).
WESTLAW Topic No. 48A.

C.J.S. Motor Vehicles §§ 27, 35, 300
seq., 303, 316 to 327, 347, 380.

In general 1
Burden of proof 5
Instructions 7
Negligence 4

Notes of Decisions

Overtaken vehicle, standard of care
Signal 3

IN GENERAL

Dependency of evidence 6

General

Motorist had right to turn to left side of road to pass automobile and standing ahead of him, in absence of any sign on that side or indication that driver preceding automobile intended to go left. Jamison v. Kamerer, 169 A. 33 Pa. 1, Sup. 1933.

1913, July 7, P.L. 672 (repealed), requiring driver of motor vehicle, when overtaken, to turn reasonably to the right of center of the highway, allowing the overtaken vehicle free passage to the left, did not change the rule of the road; or compare with ordinance requiring approaching vehicles to pass to the right. Bell v. Hobbs, 104 A. 587, 261 Pa. 204, Sup. 18.

The provision of 75 P.S. § 1007 (repealed), requiring that the driver of any vehicle overtaking another vehicle proceeding in the same direction should pass to the left of the latter was not to be applied to a case where the "overtaken" vehicle is stationary at an intersection preparatory to a left-hand turn. Com. v. Com., 75 Pa. D. & C.2d 60 (1975).

Overtaken vehicle, standard of care

Motorist's testimony that while passing truck its speed was increased and, though he proceeded straight ahead, just after passing cab of truck it collided with right rear of her automobile, though contradicted by another witness called by motorist, was sufficient to take case to jury on issue of truck driver's failure to observe standard of care required by 75 P.S. § 1009 (repealed), or on issue of truck driver's negligence with respect to motorist, apart from statute. Warlich v. Miller, 1944, 141 F.2d 168.

If motorist being overtaken does not adhere to standard of care prescribed by this section and such breach of statutory standard of care causes injury to overtaken motorist, who is himself free from contributory negligence, overtaken motorist is liable to injured party. Warlich v. Miller, 1944, 141 F.2d 168.

Signal

Under Act 1927, May 11, P.L. 886, 1013 (repealed), automobile driver having signaled intention to pass wagon by blowing horn, driver of wagon was no

MCCRACKEN'S AUTO BODY
 613 FILBERT STREET
 CURWENSVILLE PA 16833
 814-236-0074

COMPLETE COLLISION SERVICE CENTER ASE AND I-CAR CERTIFIED TECHNICIANS

CD LOG NO 556-1 DATE 08/13/02

SHOP: MCCRACKEN'S AUTO BODY INSP DATE: 08/13/02
 ADDRESS: 613 FILBERT ST. CONTACT: RICHARD MCCRACKEN
 CITY STATE: CURWENSVILLE, PA PHONE 1: (814) 236-0074
 ZIP: 16833-1206 FAX: (814) 236-0074

OWNER: HUTTON, STEPHANIE & DAVID HOME PHONE: (814) 277-6213
 ADDRESS: 8144 TIDGE ROAD
 CITY STATE: MAHAFFEY, PA
 ZIP: 15757-

POINT OF IMPACT: 4

LIC#: DJY2840 STATE: PA VIN: YS3AS45DXJ3027653
 BODY COLOR: BLUE MILEAGE: 164,000
 CONDITION: GOOD ACCTNG CTL#:

DRIVEABLE: YES VEH. INSP#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	EU=REPLACE SALVAGE	EP=REPLACE PXN
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

1988 SAAB 900 S 4DOOR SEDAN 4CYL GASOLINE 2.0
 CODE: L2133A/B OPTNS A/24DNK

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
 ELEC REMOTE CONTROL MIRRORS
 CRUISE CONTROL

TWO-STAGE - INTERIOR SURFACES
 POWER WINDOWS

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
E	0018	01	COVER, FRONT BUMPER	6942957	245.00			3.0	1
E	0031		MLDG, FRONT BUMPER	LT 6940357	15.00				1
E	0014		SUPT, FRT BUMPER COV	LT 8266777	26.00				1
E	0015		SUPT, FRT BUMPER COV	RT 8266785	26.00				1
E	0040		SPOILER, UPPER FRONT	6939144	210.00			0.7	1
E	0030		BRKT, FRONT LIC PLATE	6921142	51.00			0.2	1
E	0008		BRKT, FRONT BUMPER M	LT 8266744	29.00				1
E	0009		BRKT, FRONT BUMPER M	RT 8266744	29.00				1
E	0028		GRILLE ASSEMBLY	6926778	209.00			0.3	1
E	0042		HEADLAMP ASSY, HALOG	RT 9556028	245.00			0.5	1
E	0049		PARKLAMP ASSEMBLY	RT 4014965	81.00				1

1988 SAAB 900 S 4DOOR SEDAN
CD LOG NO 556-1

I	0083	PANEL, HOOD	REPAIR	1.5*1
I	0110	FENDER, FRONT SECTIO RT	REPAIR	1.0*1
L	0110 09	FENDER, FRONT SECTIO RT	REFINISH	3.0 4
			2.0 SURFACE	
			0.6 TWO STAGE SETUP	
			0.4 TWO STAGE	
RI	0116	FLARE, WHEEL OPENING RT	R&I ASSEMBLY	0.3 1
I	0210	PNL, FRONT DOOR OUTE RT	REPAIR	1.0*1
RI	0280 01	MLDG, FRONT DOOR SID RT	R&I ASSEMBLY	0.3 1
L	M14	CORROSION PROTECTION	REFINISH	0.3*4
L	M16	COLOR BLEND	REFINISH	2.0*4
EC	M17	COVER CAR EXTERIOR	ECONOMY PART	3.00*
N	M18	SET-UP & MEASURE	ADDNL LABOR OPERA	2.0*3
L		PANEL, HOOD	REFINISH	*
L		PNL, FRONT DOOR	REFINISH	*
N		PULL & STRAIGHTEN	ADDNL LABOR OPERA	2.0*4*
		RIGHT UNIBODY RAIL		
I		PULL & STRAIGHTEN	REPAIR	2.0*1*
		LEFT UNIBODY RAIL		
N		AIM HEADLAMPS	ADDNL LABOR OPERA	*
				0.4*1*

26 ITEMS

MC MESSAGE (S)
01 CALL DEALER FOR EXACT PART NUMBER / PRICE
09 INCLUDES 0.6 HOURS MAJOR PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS				1,166.00
OTHER PARTS				3.00
PAINT MATERIAL				210.00
PARTS TOTAL				1,379.00
TAX ON PARTS & MATERIAL @			6.000%	82.74
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	36.00	5.3	7.9	475.20
2-MECH/ELEC	36.00			
3-FRAME	38.00		2.0	76.00
4-REFINISH	36.00	10.5		378.00
5-PAINT MATERIAL	20.00			
LABOR TOTAL				929.20
TAX ON LABOR	@		6.000%	55.75
SUBLET REPAIRS				
TOWING				
STORAGE				
GROSS TOTAL				2,446.69
NET TOTAL				2,446.69

ADP SHOPLINK U6655 ES CD LOG 556-1 DATE 08/13/02 03:37:45PM R6.25 CD 06/02
PXN:N/00/00/00/00 CUM:/// HOST LOG
(C) 1998 - 2002 ADP CLAIMS SOLUTIONS GROUP, INC.

1988 SAAB 900 S 4DOOR SEDAN
CD LOG NO 556-1

1.0 HRS WERE ADDED TO THIS EST. BASED ON ADP TWO-STAGE REFINISH FORMULA.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 02-1747-CD

DAVID M. HUTTON and STEPHANIE R.
HUTTON, PLAINTIFFS
VS.

ROBERT WILLIAMS and MIKE WILLIAMS,
DEFENDANTS

ARBITRATION PRE-TRIAL STATEMENT

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No. 02-1747-CD
Plaintiffs :
VS. : Type of Case: Civil Action
: Type of Pleading:
ROBERT WILLIAMS and : CERTIFICATE OF SERVICE
MIKE WILLIAMS, :
Defendant :
: Filed on Behalf of:
: David M. Hutton and Stephanie
: R. Hutton, Plaintiffs
: Counsel of Record for this
: Party:
: Ann B. Wood, Esquire
: Supreme Court No. 23364
: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830
: (814) 765-5537
:
:

FILED

FEB 20 2003

**William A. Shaw
Prothonotary**

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No. 02-1747-CD
Plaintiffs :
vs. :
ROBERT WILLIAMS and :
MIKE WILLIAMS, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the repair estimate and owner's statement as to repairs with reference to the above captioned matter has been served upon the attorney for Defendants by mailing a true and correct copy of same to him by United States First Class Mail, postage prepaid, addressed as follows on February 19, 2003:

Christopher M. Fleming, Esquire
35 N. Main Street, 2nd Floor
Greensburg, PA 15601-2401

BELL, SILBERBLATT & WOOD
By:

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 02-1747-CD

DAVID M. HUTTON and STEPHANIE R.
HUTTON, PLAINTIFFS

VS.

ROBERT WILLIAMS and MIKE WILLIAMS,
DEFENDANTS

CERTIFICATE OF SERVICE

FILED

11-13-03
FEB 20 2003

William A. Shaw
Prothonotary

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

Arb-6-9-03

LAW OFFICES
JACOBS & SABA

CHRISTOPHER M. FLEMING
MARIA SPINA ALTOBELL
JOHN C. DONAHER, III

Employees of Nationwide Mutual Insurance
Company®
Not a Partnership

PARALEGALS
SHARON M. CLARK
BERNADETTE M. THOMPSON

35 N. MAIN STREET, SECOND FLOOR
GREENSBURG, PA 15601-2401

(724) 837-8484
(FAX) (724) 837-8312

May 8, 2003

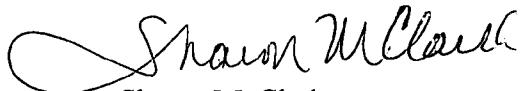
Clearfield County Courthouse
Office of the Prothonotary
230 E. Market Street
Clearfield, PA 16830

Re: *Stephanie R. Hutton v. Robert and Mike Williams*
No. 02-1747-CD

Dear Sir or Madam:

I previously filed the Arbitration Pre-Trial Statement on behalf of the Defendants, Robert and Mike Williams with the Court. I am forwarding a copy of the Pre-Trial statement to each of the Board of Arbitrators and opposing counsel.

Very truly yours,


Sharon M. Clark
Paralegal

smc

cc: Ann B. Wood, Esquire
J. Richard Mattern, II, Esquire
Blaise Ferraraccio, Esquire

RECEIVED

MAY 12 2003

COURT ADMINISTRATOR'S
OFFICE

CA

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

DAVID M. HUTTON and
STEPHANIE R. HUTTON,

Plaintiffs,
STATEMENT

vs.

ROBERT WILLIAMS and
MIKE WILLIAMS,

Defendants.

) No. 02-1747 - CD
)
)
) ARBITRATION PRE-TRIAL
)
)
)
)
)
) Filed on Behalf of the
) Defendant
)
)
)
) Counsel of Record for this
) party:
)
) Christopher M. Fleming
) PA I.D. #29300
) Jacobs & Saba
) 35 N. Main Street, Second Flr.
) Greensburg, PA 15601-2401
) (724) 837-8484

RECEIVED

MAY 12 2003

COURT ADMINISTRATOR'S
OFFICE

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

DAVID M. HUTTON and) No. 02-1747 - CD
STEPHANIE R. HUTTON,)
Plaintiffs,)
vs.)
ROBERT WILLIAMS and)
MIKE WILLIAMS,)
Defendants.)

ARBITRATION PRE-TRIAL STATEMENT

AND NOW, come the Defendants, Robert Williams and Mike Williams and sets forth the following Pre-Trial Statement pursuant to Rule 1306(a):

A. STATEMENT

The present litigation arises out of a motor vehicle accident which occurred on June 14, 2002 at the intersection of Park Avenue and Route 322 by J. J. Powell. The Plaintiff's vehicle was making a left hand turn from a stop sign on Park Avenue intending to turn left onto Route 322 when the front of her car struck the rear of the Defendant's vehicle.

B. APPLICABLE CASE OR STATUTES

75 Pa. C.S.A. 3323, stop signs and yield signs (copy attached)

C. WITNESSES

1. Stephanie R. Hutton
2. Robert Williams
3. Mike Williams

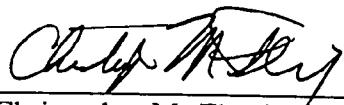
D. STATEMENT OF DAMAGES

None

Respectfully submitted,

JACOBS & SABA

By:



Christopher M. Fleming
Attorney for Defendant

when sig-
attempting
an oncoming
an 150 feet
was travel-
hour; but
s also neg-
speed and
ould be no
vehicle for
of collision
v. U.S.

le had sig-
turn before
d driver of
completed
when left
front of the
uck in driv-
ith the auto-
.. and driver
of contribu-
l law. Griff-
g & Roofing
Super. 405.

ces on cross-
of visible ap-
therein, a
gence if he
safety. Hal-
2d 750, 173

cient to su-
occurring near
plaintiff had
ane in which
is caused by
plaintiff and
red from re-
tributory ne-
endant's ne-
claim, 200 A

rily negli-
left at inter-
was favorable
for oncoming
affic had rig-
o give turn-
ection and
roaching from
stant of con-
unobstruc-
affic. Sam

RIGHT-OF-WAY

son v. McClelland, 193 A. 385, 127 Pa.Su-
per. 209, Super.1937.

In action by automobile guest for inju-
ries sustained when approaching automo-
bile made left turn to enter intersecting
highway and collided with rear bumper
of host's automobile, host was not negli-
gent in failing to stop to let approaching
automobile proceed in front of him where
host, when he first observed other auto-
mobile approaching, was 125 to 130 feet
from intersection and proceeding at 35
miles per hour and approaching automo-
bile was from 39 to 78 feet from intersec-
tion and proceeding slowly, since host
had right to rely on approaching automo-
bile stopping to give host right of way.
Tyler v. Tyler, 181 A. 477, 319 Pa. 496,
Sup.1935.

Negligence of truck driver entering in-
tersection being crossed by street car
held sole cause of collision wherein rear
of truck, in making left turn, collided
with middle of car. Philadelphia Rapid
Transit Co. v. Mann, 169 A. 418, 110
Pa.Super. 602, Super.1933.

Motorman was not contributorily negli-
gent in proceeding across intersection af-
ter observing truck on intersecting street,
as regards intersectional collision wherein
in rear of truck, in making left turn, col-
lided with middle of trolley car. Phila-
delphia Rapid Transit Co. v. Mann, 169
A. 418, 110 Pa.Super. 602, Super.1933.

4. Jury questions

In action by southbound motorist mak-
ing left turn at highway intersection onto
side street for damages sustained in colli-
sion with northbound vehicle proceeding
on highway, contributory negligence, if
any, of motorist presented a jury issue.
Thornton v. Aronoff, C.A.3 (Pa.)1960, 279
F.2d 39.

In action by husband and wife to recov-
er for damages arising out of automobile

75 Pa.C.S.A. § 3323

collision near intersection occurring
shortly after husband had made a left
turn into traffic lane in which defendant
was driving, whether husband made left
turn without due regard for traffic, or
whether he completed turn and had pro-
ceeded some distance before being struck
from the rear by defendant's automobile
was for jury. Finkelstein v. McClain, 200
A. 596, 331 Pa. 198, Sup.1938.

Where motorist's guest was injured in
collision at street intersection with other
automobile entering intersection and en-
deavoring to make left turn, whether one
or other or both drivers were negligent
was for jury. Wilt v. Slotkin, 175 A. 756,
115 Pa.Super. 491, Super.1934.

Negligence of driver making left turn
and striking school janitor acting as traf-
fic officer in center of intersection and
visible to driver for 150 feet was for jury.
Beyrent v. Kaplan, 172 A. 651, 315 Pa.
353, Sup.1934.

9. Sufficiency of evidence

Evidence showing that eastbound motorist,
who could not remember actual
injury-causing accident, approached in-
tersection with right-of-way and that
westbound motorist was attempting to
make left turn, as testified to by police
officer investigating accident, was suffi-
cient to create inference that westbound
motorist violated provision of 75 P.S.
§ 1013 (repealed) that driver of vehicle
intending to turn left within intersection
shall yield right-of-way to vehicle ap-
proaching from opposite direction and
that such violation was proximate cause
of resulting collision between two auto-
mobiles in eastbound motorist's lane of
traffic and, therefore, negligence per se
on part of westbound motorist. Zevas v.
Ponikera, 357 A.2d 654, 238 Pa.Super.
375, Super.1976.

§ 3323. Stop signs and yield signs

(a) **Intersections controlled by signs.**—Preferential right-of-way at
an intersection may be indicated by stop signs or yield signs as
authorized in section 6124 (relating to erection of traffic-control
devices at intersections).

(b) **Duties at stop signs.**—Except when directed to proceed by a
police officer or appropriately attired persons authorized to direct,
control or regulate traffic, every driver of a vehicle approaching a

stop sign shall stop at a clearly marked stop line or, if none, before entering a crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering. After having stopped, the driver shall yield the right-of-way to any pedestrian in a crosswalk or to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time when the driver is moving across or within the intersection or junction of roadways.

(c) **Duties at yield signs.**—The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop before entering a crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering. After slowing down or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time the driver is moving across or within the intersection of roadways. If a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign, the collision shall be deemed prima facie evidence of failure of the driver to yield the right-of-way.

1976, June 17, P.L. 162, No. 81, § 1, effective July 1, 1977.

Historical and Statutory Notes

Prior Laws:

1974, Dec. 10, P.L. 840, No. 281, § 1.	1951, Aug. 24, P.L. 1368, § 31.
1965, July 29, P.L. 259, § 3.	1951, July 19, P.L. 1098, § 1.
1963, Aug. 2, P.L. 486, § 1.	1943, May 21, P.L. 310, § 3.
1960, Jan. 7 (1959), P.L. 2104, § 1 (75 P.S. § 1016.1).	1937, June 5, P.L. 1718, § 3.
1959, April 29, P.L. 58, §§ 1014, 1016.	1931, June 22, P.L. 751, § 2.
	1929, May 1, P.L. 905, art. X, §§ 1014, 1016 (75 P.S. §§ 573, 591).
	1927, May 11, P.L. 886, art. X, § 1018.

Cross References

Drivers of emergency vehicles, see 75 Pa.C.S.A. § 3105.
Points assessed for conviction, see 75 Pa.C.S.A. § 1535.

Pennsylvania Code References

Stop or yield intersections, etc., see 67
Pa. Code §§ 201.52, 201.52a.

Law Review Commentaries

Pennsylvania's obsolete traffic laws.
Edward F. Kearney, 44 Pa.B.A.Q. 561
(1973).

RIGHT-OF-WAY

Automobiles 171(9).
WESTLAW Topic No. 48
C.J.S. Motor Vehicles §§

In general 1
Anticipation of negligence
Contributory negligence 1
Through highways 1
Apparent safe distance, etc.
Assumptions, through high
Burden of proof 33
Complaint, indictment and
criminal prosecutions
Contributory negligence
In general 23
Anticipation of negligence 25
Failure to signal 24
Lookout 24
Reliance on another's
Control
Stop signs 4
Through highways 1
Criminal prosecutions 2
In general 28
Complaint, indictment
and trial 29
Evidence 30
Sentence 31
Defenses 32
Duty of care
Stop signs 7
Through highways
Duty to stop and yield, etc.
Evidence 30, 34-36
In general 34
Criminal prosecution
Presumptions 35
Sufficiency of evidence
Failure to signal, contri
25
Forfeiture of right-of-w
ways 18
Instructions 38
Jury questions 37
Lookout
Contributory neglig
Stop signs 5
Through highways
Negligence 21, 22
In general 21
Reliance on another
Non-legal signs 2
Obstructed view, stop si
Place of stopping 20
Presumptions, evidence
Private road, stop signs

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No. 02-1747-CD
:
Plaintiffs : Type of Case: Civil Action
:
VS. :
: Type of Pleading:
:
ROBERT WILLIAMS and :
MIKE WILLIAMS, : Praeceppe To Settle and
:
Defendant : Discontinue
:
: Filed on Behalf of:
: David M. Hutton and Stephanie
: R. Hutton, Plaintiffs
:
: Counsel of Record for this
: Party:
:
: Ann B. Wood, Esquire
:
: Supreme Court No. 23364
:
: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830
:
: (814) 765-5537
:
:
:

FILED

JUN 20 2003

*William A. Shaw
Prothonotary*

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

DAVID M. HUTTON and :
STEPHANIE R. HUTTON, : No. 02-1747-CD
:
Plaintiffs :
:
vs. :
:
ROBERT WILLIAMS and :
MIKE WILLIAMS, :
:
Defendant :
:

PRAECIPE TO SETTLE AND DISCONTINUE

TO: William A. Shaw, Prothonotary,

Please mark the above captioned matter settled and
discontinued.

BELL, SILBERBLATT & WOOD
By

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiffs

Date: June 11, 2003

FILED 16 CC

3/22/2003 JUN 20 2003 mailed by Jacobs & Associates

Copy to J & A

William A. Shaw
Prothonotary
Copy to CJA
JAS



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

David M. Hutton
Stephanie R. Hutton

Vs. **No. 2002-01747-CD**
Robert Williams
Mike Williams

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 June 20, 2003, marked:

Settled and Discontinued

Record costs in the sum of \$105.00 have been paid in full by Christopher Fleming, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 20th day of June A.D. 2003.

William A. Shaw, Prothonotary



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

April 14, 2003

Ann B. Wood, Esquire
Bell, Silberblatt & Wood
Post Office Box 670
Clearfield, PA 16830

Christopher M. Fleming, Esquire
Jacobs & Saba
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401

RE: DAVID M. HUTTON, al
vs.
ROBERT WILLIAMS, al
No. 02-1747-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Monday, June 9, 2003. The following have been appointed to the Board of Arbitrators:

J. Richard Mattern, II, Esquire
Andrew P. Gates, Esquire
Kimberly M. Kubista, Esquire
Blaise Ferraraccio, Esquire
Brian K. Marshall, Esquire

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

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

Very truly yours,

Marcy Kelley
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

April 24, 2003

Ann B. Wood, Esquire
Bell, Silberblatt & Wood
Post Office Box 670
Clearfield, PA 16830

Christopher M. Fleming, Esquire
Jacobs & Saba
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401

RE: DAVID M. HUTTON, al

vs.

ROBERT WILLIAMS, al
No. 02-1747-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Monday, June 9, 2003 at 1:00 P.M. The following have been appointed as Arbitrators:

J. Richard Mattern, II, Esquire, Chairman
Andrew P. Gates, Esquire
Blaise Ferraraccio, 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: J. Richard Mattern, II, Esquire
Andrew P. Gates, Esquire
Blaise Ferraraccio, Esquire