

02-1759-CD  
Nationwide Ins. Vs Richard Bartel

02

02-1759-CD  
NATIONWIDE INSURANCE COMPANY, et al vs. RICHARD L.  
BARTEL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY, CIVIL ACTION - LAW  
as subrogee of STEPHEN F. LAZERATION,  
NO. 02-1759-CD

Plaintiff,

vs.

RICHARD L. BARTEL,

Defendant.

Type of Pleading:  
**COMPLAINT IN CIVIL ACTION**

Filed on behalf of Plaintiff

Counsel of record for this party:  
JOHN C. DONAHER, III, ESQUIRE  
PA I.D. No. 46891

JACOBS & SABA  
35 N. Main Street  
Second Floor  
Greensburg, PA 15601  
(724)837-8484

**JURY TRIAL DEMANDED**

**FILED**  
on 11:35 AM  
NOV 12 2002

pd 85.00  
1 cc to att  
1 cc to shaw

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY, CIVIL ACTION - LAW  
as subrogee of STEPHEN F. LAZERATION,

NO. \_\_\_\_\_

Plaintiff,

vs.

RICHARD L. BARTEL,

Defendant.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this answer with new matter 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 answer and new matter 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.

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the office below. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend any scheduled conference or hearing.

DAVID S. MEHOLICK, COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 ext. 5982

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY, CIVIL ACTION - LAW  
as subrogee of STEPHEN F. LAZERATION,  
NO. \_\_\_\_\_

Plaintiff,

vs.

RICHARD L. BARTEL,

Defendant.

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes the Plaintiff, Nationwide Insurance Company as subrogee of Stephen F. Lazeration, by and through its attorneys, Jacobs & Saba, and files the following Complaint in Civil Action and in support thereof avers as follows:

1. Plaintiff, Nationwide Insurance Company, is a corporation licensed to do business in the Commonwealth of Pennsylvania with offices located 1000 Nationwide Drive, Harrisburg, Pennsylvania 17105.
2. Defendant, Richard L. Bartel, is an adult individual currently residing in Clearfield County with a residence address of R.D. #1, Box 678, Osceola Mills, Pennsylvania 15666.
3. Plaintiff is the insurance carrier for Stephen F. Lazeration, an adult individual residing in Clearfield County with an address of P.O. Box 142, Garcelon Street, Brisbin, Pennsylvania 16620.

4. At all times relevant, Stephen F. Lazeration was the owner and operator of a 1993 Chevrolet Blazer automobile with Pennsylvania Registration Number ATX8803. Said vehicle being insured by the Plaintiff.

5. On or about July 14, 2001, Stephen F. Lazeration was legally and carefully operating his vehicle northbound on State Route 153 near the 260/270 segment marker in Boggs Township, Clearfield County, Pennsylvania.

6. On that date, at approximately 9:58 a.m., as Stephen F. Lazeration was attempting to complete a pass of a slower, northbound vehicle in an authorized passing zone, Defendant, Richard L. Bartel, negligently, carelessly and negligently operated his vehicle so as to enter the southbound lane of State Route 153 causing a collision with the Lazeration vehicle.

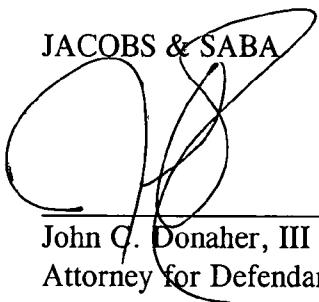
7. The collision cause was the direct and proximate result of the negligence, carelessness and recklessness of Defendant, Richard L. Bartel, generally and in the following particulars:

- a. in operating his vehicle in a reckless and dangerous manner;
- b. in failing to keep his vehicle under proper control;
- c. in failing to maintain a proper lookout;
- d. in operating his vehicle into the Lazeration vehicle;
- e. in operating his vehicle so as to stop to avoid a collision;
- f. in failing to properly, promptly and adequately operate his brakes so as to avoid a collision;
- g. in failing to stop or turn aside his vehicle or take other appropriate action so as to avoid a collision with the Lazeration vehicle;
- h. in failing yield the right-of-way;

- i. in failing to use due care and acting without due regard for the rights and safety of other vehicles on the roadway;
8. As a direct and proximate result of Defendant, Richard L. Bartel's negligence, recklessness and carelessness, the Lazeration vehicle sustained substantial damage so as to render it a total loss.
9. As a proximate result of the recklessness, negligence and carelessness of Defendant, Richard L. Bartel, the Lazeration's vehicle was rendered a total loss which, pursuant to its insurance contract with Stephen F. Lazeration, compelled Nationwide to make payment of \$7,287.29. Attached and marked as Exhibit 1 and 2 is the total loss evaluation and salvage documentation that Plaintiff intends to offer into evidence at any future arbitration hearing in accordance with Pa. R.C.P. 1305(b).

WHEREFORE, Plaintiff, Nationwide Insurance Company, as subrogee of Stephen Lazeration, demands judgment in its favor and against the Defendant, Richard L. Bartel, in an amount not in excess of the arbitration limits of Clearfield County.

Respectfully submitted,

By:   
John C. Donaher, III  
Attorney for Defendant



## Nationwide Insurance

# Market Valuation Report

Report Reference Number: 27869828

Adjuster: Troupe, Dennis

Claim reference: 5437B 32953907140101S/L1

Loss Incident Date: 07/14/2001

Insured: Lazeration

Owner: Stephen F

Appr. License: 0136468

Garcelon Street

Policy Number: 58A 32953954B

Brisbin

## Introduction

Nationwide Insurance has conducted an appraisal of your 1993 Chevrolet T10 4X4 Blazer 4 Door Sport Utility Vehicle located in Brisbin, PA. The appraisal information was then used to conduct research in your local market to determine the local market value of your car. This Market Valuation Report details the results of that research. It contains the following sections:

### Vehicle Valuation Summary

Provides the market valuation including all components

### VINguard™ Vehicle Identification

Details the vehicle configuration information

### VINguard™ Vehicle History Information

Provides the results of vehicle history research

### Local Market Definition

Details the local market basis for this valuation

### Valuation Methodology

Describes the method used to evaluate the loss vehicle

### Vehicle Condition

Details the vehicle's pre-accident condition

### Local Market Comparable Vehicles

Presents the comparable vehicles located in your market

### NHTSA Vehicle Recall

Lists National Highway Traffic Safety Administration recall notices

### Vehicle Appraisal and Valuation Notes

Lists detailed log notes for this file

Prepared for: Nationwide Insurance  
1000 Nationwide Drive  
Harrisburg, PA 17105

Reach us at the web:

Claim reference: 5437B 32953907140101S/L1

Report Reference Number: 27869828

## Vehicle Valuation Summary

### 1993 Chevrolet T10 4X4 Blazer 4 Door Sport Utility Vehicle - Brisbin, PA

Below are the components included in this local market valuation:

Component	Code	Pennsylvania State Value	Local Value	Market Value	
Base Value		\$ 6,177.00	\$ 6,284.00		
Odometer	82,484	+ 489.00	+ 489.00		
<b>Equipment</b>					
Transmission					The base value is the local market value of a vehicle of the same year, make, and model as the loss vehicle, including average mileage, and all standard and predominant options.
Automatic Transmission	AT		Included	Included	
Overdrive	OD	Standard	Included	Included	
4 Wheel Drive	4W	Standard	Included	Included	
Power					
Power Steering	PS	Standard	Included	Included	
Power Brakes	PB	Standard	Included	Included	
Power Windows	PW		+ 44.00	+ 44.00	
Power Locks	PL		+ 44.00	+ 44.00	
Decor/Convenience					
Air Conditioning	AC		Included	Included	
Rear Defogger	RD		+ 44.00	+ 44.00	
Tilt Wheel	TW		+ 44.00	+ 44.00	
Cruise Control	CC		+ 44.00	+ 44.00	
Cloth Seats	CS	Standard	Included	Included	
Dual Mirrors	DM	Standard	Included	Included	
Radio					
AM Radio	AM	Standard	Included	Included	
FM Radio	FM		Included	Included	
Stereo	ST		Included	Included	
Cassette	CA		+ 44.00	+ 44.00	
Search/Seek	SE		Included	Included	
Roof/Other					
Luggage/Roof Rack	RR		+ 22.00	+ 22.00	
Other Group 1					
Rear Step Bumper	SB		Included	Included	
Metallic Paint	MP		Included	Included	
Tinted Glass	TG	Standard	Included	Included	
Running Boards	BD		+ 66.00	+ 66.00	
Anti-Lock Brakes (4)	AB	Standard	Included	Included	
Other Group 2					
Aluminum Wheels	AW		+ 66.00	+ 66.00	
Rally Wheels	RW	Not Present	- 66.00	- 66.00	
Body Side Moldings	BN	Standard	Included	Included	
Intermittent Wipers	IW		Included	Included	
Power Mirrors	PM		Included	Included	
Dual Mirrors	DM	Standard	Included	Included	
ACV prior to averaging			\$ 7,018.00	\$ 7,125.00	

Vehicle Valuation Amount		\$ 7,071.50
Actual Cash Value		<u>\$ 7,071.50</u>
Pre Tax Amount		\$ 7,071.50
Vehicular Sales Tax	6.00%	+ 424.29
Value Before Deductible		<u>\$ 7,495.79</u>
Deductible		- 500.00
Adjusted Vehicle Value		<u>\$ 6,995.79</u>

Appraiser's signature: \_\_\_\_\_

Claim reference: 5437B 32953907140101S/L1

Report Reference Number: 27869828

## VINguard™ Vehicle Identification

**VIN: 1GNDT13W7P2186902**

Every vehicle sold in the United States is required to have a manufacturer assigned Vehicle Identification Number (VIN). This number provides the exact specifications of the vehicle. Decoding the VIN identifies the exact vehicle for which the local market value will be determined.

	Insurer Description	VINguard Analysis
Year	1993	1993
Make	Chevrolet	Chevrolet
Model	T10 4X4 Blazer	T10 4X4 Blazer
Model Number	NT13	NT13
Body Style	4 Door Sport Utility Vehicle	4 Door Sport Utility Vehicle
Engine	6-4.3L-FI	6-4.3L-Fi
Transmission	Automatic Transmission Overdrive 4 Wheel Drive	
Restraints		Manual Belt
Odometer	82,484	

This vehicle was assembled in MORAINE, OH

VINguard™ is a database used to decode completely and accurately all manufacturer assigned Vehicle Identification Numbers.

## VINguard™ Vehicle History Information

Using the VIN for this vehicle, VINguard™ detected discrepancies or prior history requiring additional research. Please review the information detailed below.

VINguard™ Messages: VINguard has decoded this VIN without any errors.

### ISO Vehicle History:

ISO response indicates no history for this VIN,

Number of times reported to ISO: 0

ISO's file number: H0064863098

### Collision History Information:

Collision incident reported by Nationwide Insurance on 11/03/1999.

Claim # 5437B 32953911019901S/L1 in Reynoldsville, PA

Repair estimate: \$540 Miles: 70579

Damage Location: Rollover.



07/24/2001 AT 10:06 AM  
35880

5437B 32953907140101S/L1

NATIONWIDE INSURANCE ENTERPRISE  
GRANTVILLE  
8 PARK DR  
GRANTVILLE, PA 17028  
(888) 301-0025

ESTIMATE OF RECORD

WRITTEN BY: DENNIS TROUPE #0136468 07/24/2001 10:06 AM  
ADJUSTER: DENNIS TROUPE #

INSURED: STEPHEN F LAZERATION CLAIM #5437B 32953907140101S/L1  
OWNER: STEPHEN F LAZERATION POLICY #58A 32953954B  
ADDRESS: GARCELON STREET DATE OF LOSS: 07/14/2001  
BRISBIN, PA 16620-0142 TYPE OF LOSS: COLLISION  
OTHER: (814) 378-8403 POINT OF IMPACT: 15. TOTAL LOSS

INSPECT CARL KEITHS GARAGE 814 378-5217 DAY: ()-  
LOCATION: NON\_DRIVE\_IN

REPAIR DAYS TO REPAIR  
FACILITY: LICENSE #

1993 CHEV T10 4X4 BLAZER 6-4.3L-FI 4D UTV BLUE INT:  
VIN: 1GNDT13W7P2186902 LIC: PADSF975 PROD DATE: 04/1993 ODOMETER: 82484  
AIR CONDITIONING REAR DEFOGGER TILT WHEEL  
CRUISE CONTROL INTERMITTENT WIPERS TINTED GLASS  
BODY SIDE MOLDINGS BUMPER CUSHIONS DUAL MIRRORS  
LUGGAGE/ROOF RACK CLEAR COAT PAINT METALLIC PAINT  
POWER STEERING POWER BRAKES POWER WINDOWS  
POWER LOCKS POWER MIRRORS AM RADIO  
FM RADIO STEREO CASSETTE  
SEARCH/SEEK ANTI-LOCK BRAKES (4) CLOTH SEATS  
REAR STEP BUMPER RUNNING BOARDS AUTOMATIC TRANSMISSION  
4 WHEEL DRIVE OVERDRIVE ALUMINUM WHEELS

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
1		COWL & WINDSHIELD				
2	REPL GLASS PANEL GM		1	227.63		3.5
3	REPL GLASS PANEL URETHANE KIT		1	48.10		
4	REPL GLASS PANEL SEALER UPPER		1	6.90		
5	REPL GLASS PANEL SEALER SIDE		1	3.33		
6#	REPL LKQ LT 3/4 FRONT /MKUP		1	1750.00	8.0	7.5
7	COOLING					
8	REPL RADIATOR SUPPORT		1	180.98		5.0
9	EVACUATE & RECHARGE				M	1.4
10	REFRIGERANT RECOVERY				M	0.4
11	AIM HEADLAMPS					0.5
12	ADD FOR AC OPTION				M	0.4
13	REPL RADIATOR AUTO TRANS		1	302.56	MINCL.	
14	ADD FOR AUTO TRANS				M	0.2
15	WHEELS & FRONT SUSPENSION					



P.O. Box 2011 Aurora, IL 60507  
1-800-557-3737

November 13, 2001

Nationwide Mutual Insurance Company  
PO Box 2655  
Harrisburg PA 17105-9971  
Attn: Patricia Hoon

Our Customer: Lee Hummel  
Our Claim Number: APA035527001  
Date of Accident: 7-14-01  
Your Insured: Stephen Lazeration  
Your Claim Number: 5437B3295390714200101

Dear Ms. Hoon:

Before making payment on any claim, we must investigate the incident to determine whether or not our insured was negligent in any way, and therefore legally liable for the loss. We also review the policy itself to determine whether the loss is covered. Our investigation has determined that the loss you sustained:

X was not a result of any negligence on the part of our insured.

  is not covered by the policy of our insured.

Specifically, your insured was attempting to pass another vehicle when it was not safe to do so and struck our insured who was in the oncoming lane. Your insured is the majority at fault for this loss and we are denying your claim.

If you have any questions about our investigation or this decision, please do not hesitate to contact me. I would be happy to provide assistance in any way possible.

Sincerely,

Karin Dowd  
Claims Adjuster  
Ext. 7039

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such a person to criminal and civil penalties.



P.O. Box 2011 Aurora, IL 60507  
1-800-557-3737

October 3, 2001

Nationwide Mutual Insurance Company  
PO Box 2655  
Harrisburg PA 17105-9971  
Attn: Patricia Hoon

Our Customer: Lee Hummel  
Our Claim Number: APA035527001  
Date of Accident: 7-14-01  
Your insured: Stephen Lazeration  
Your Claim Number: 54 37 B 329539 07142001 01

Dear Patricia Hoon:

We received your subrogation notice and intend to respond once our investigation into the accident is complete.

In the meantime, you are welcome to call with any questions or comments in the interim. We also ask that you note our file number on any future correspondence.

Thank you.

Sincerely,

Karin Dowd  
Claims Adjuster  
Ext. 7039

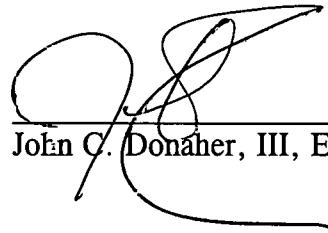
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such a person to criminal and civil penalties.

VERIFICATION

I, John C. Donaher, III, Esquire, verifies that the averments of fact made in the foregoing COMPLAINT IN CIVIL ACTION are true and correct based upon information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. Section 4904 to unsworn falsifications to authorities.

This verification is being signed by counsel due to the fact that there may not be sufficient time to obtain a verification from the Plaintiff. This verification is based upon the investigation file that was supplied by Nationwide Insurance.

Date: 11-4-02

  
John C. Donaher, III, Esquire

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY,  
as subrogee of STEPHEN F. LAZERATION,

CIVIL ACTION - LAW

Plaintiff,

Number 2002 - 1759 C.D.

vs.

Type of Case: Civil Division

RICHARD L. BARTEL,

Type of Pleading: Appearance

Defendant.

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**

JAN 07 2003

William A. Shaw  
Prothonotary

NATIONWIDE INSURANCE COMPANY,  
as subrogee of STEPHEN P. LAZERATION,  
Plaintiff,

vs.

RICHARD L. BARTEL,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\* Civil Action - Law  
\*  
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\*  
\* Number 2002 - 1759 C.D.

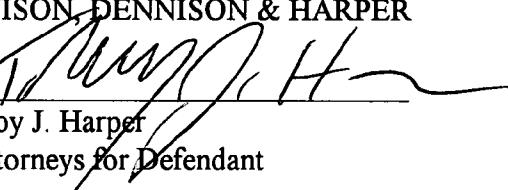
### APPEARANCE

**TO THE PROTHONOTARY OF CLEARFIELD COUNTY:**

Please enter our Appearance on behalf of the Defendant, RICHARD L. BARTEL, in  
regard to the above entitled matter.

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper  
Attorneys for Defendant

Dated: 1/6/03

## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Appearance was served on the  
6<sup>th</sup> day of January, 2003, by United States Mail, First Class,  
Postage Prepaid, addressed to the following:

John C. Donaher, III, Esq.  
Jacobs & Saba  
35 N. Main Street, 2<sup>nd</sup> Floor  
Greensburg, Pennsylvania 15601

DENNISON, DENNISON & HARPER

By



Troy J. Harper  
Attorneys for the Defendant

FILED  
M112:48 SKW  
JAN 07 2003

cc  
SAC  
William A. Shaw  
Prothonotary  
SAC

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13302

NATIONWIDE INSURANCE COMPANY

02-1759-CD

VS.

BARTEL, RICHARD L.

COMPLAINT

**SHERIFF RETURNS**

---

NOW NOVEMBER 20, 2002 AT 1:41 PM EST SERVED THE WITHIN COMPLAINT  
ON RICHARD L. BARTEL, DEFENDANT AT RESIDENCE, RD#1 BOX 678,  
MORGAN RUN ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA  
BY HANDING TO JUDITH BARTEL, MOTHER A TRUE AND ATTESTED COPY OF  
THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS  
THEREOF.

SERVED BY: DAVIS/MORGILLO

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Return Costs

Cost	Description
31.00	SHFF. HAWKINS PAID BY: PLFF.
10.00	SURCHARGE PAID BY: PLFF.

01/31/03  
JAN 27 2003

William A. Shaw  
Prothonotary

Sworn to Before Me This

27<sup>th</sup> Day Of January 2003  
William A. Shaw  
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

Chester Hawkins  
by Marilyn Hamz  
Chester A. Hawkins  
Sheriff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY,  
as subrogee of STEPHEN F. LAZERATION,  
Plaintiff,

vs.

RICHARD L. BARTEL,

Defendant.

CIVIL ACTION - LAW

Number 2002 - 1759 C.D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on behalf of: Defendant

Counsel of Record for this Party:

John C. Dennison, II  
Supreme Court Number: 29408

Troy J. Harper  
Supreme Court Number: 74753

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED  
JUN 2 2003

William A. Snow  
Prothonotary

NATIONWIDE INSURANCE COMPANY,  
as subrogee of STEPHEN F. LAZERATION,  
Plaintiff,

vs.

RICHARD L. BARTEL,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\* Civil Action - Law  
\*  
\*  
\*  
\* Number 2002 - 1759 C.D.

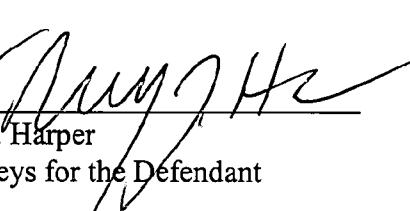
**NOTICE TO PLEAD**

**TO: NATIONWIDE INSURANCE COMPANY as subrogee of STEPHEN F.  
LAZERATION:**

You are hereby notified to plead to the within New Matter within twenty (20) days from service hereof or a default judgment may be entered against you.

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper  
Attorneys for the Defendant

NATIONWIDE INSURANCE COMPANY,  
as subrogee of STEPHEN F. LAZERATION,  
Plaintiff,

vs.

RICHARD L. BARTEL,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\* Civil Action - Law  
\*  
\*  
\* Number 2002 - 1759 C.D.

### **ANSWER AND NEW MATTER**

AND NOW, comes the Defendant, RICHARD L. BARTEL, by and through his attorneys, Dennison, Dennison & Harper, who file the following Answer and New Matter in response to the Plaintiff's Complaint:

1. After reasonable investigation, the Defendant, Richard L. Bartel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 1 of the Plaintiff's Complaint, and said averments are therefore denied.
2. Denied. On the contrary, the Defendant, Richard L. Bartel, is an adult individual who has an address of R.D. #1, Box 678, Osceola Mills, Pennsylvania 16666.
3. After reasonable investigation, the Defendant, Richard L. Bartel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 3 of the Plaintiff's Complaint, and said averments are therefore denied.
4. The averments of Paragraph 4 of the Plaintiff's Complaint that Stephen F. Lazeration was the operator of the 1993 Chevrolet Blazer are admitted. With respect to the remaining averments of Paragraph 4 of the Plaintiff's Complaint, after reasonable investigation, the Defendant, Richard L. Bartel, is without sufficient knowledge and information to form a belief as

9. The averments of Paragraph 9 of the Plaintiff's Complaint that the Defendant, Richard L. Bartel, was negligent, reckless and careless are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required. With respect to the remaining averments of Paragraph 9 of the Plaintiff's Complaint, after reasonable investigation, the Defendant, Richard L. Bartel, is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied.

**WHEREFORE**, the Defendant, Richard L. Bartel, demands judgment in his favor and against the Plaintiff. **JURY TRIAL DEMANDED.**

**NEW MATTER**

10. The terms and conditions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq., are hereby incorporated herein by reference thereto as fully as the same bar and/or diminish any claim or cause of action of the Plaintiff.

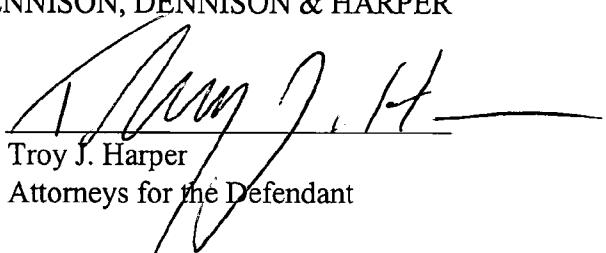
11. The Plaintiff has failed to state a cause of action upon which relief may be granted.

**WHEREFORE**, the Defendant, Richard L. Bartel, demands judgment in his favor and against the Plaintiff. **JURY TRIAL DEMANDED.**

DENNISON, DENNISON & HARPER

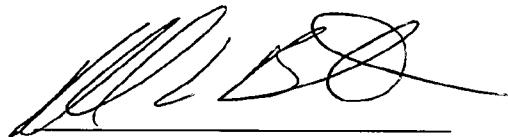
By

Troy J. Harper  
Attorneys for the Defendant



## **VERIFICATION**

I verify that the averments made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.



---

Richard L. Bartel

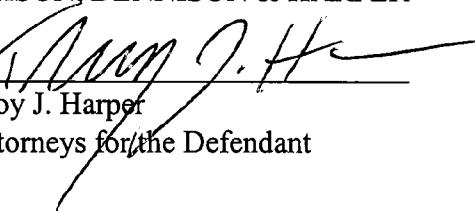
## CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Answer and New Matter was served on the 27<sup>th</sup> day of January, 2003, by United States Mail, First Class, Postage Prepaid, addressed to the following:

John C. Donaher, III, Esq.  
Jacobs & Saba  
35 N. Main Street, 2<sup>nd</sup> Floor  
Greensburg, Pennsylvania 15601

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper  
Attorneys for the Defendant

FILED

NO  
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124524  
JAN 29 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY, CIVIL ACTION - LAW  
as subrogee of STEPHEN F. LAZERATION,  
NO. 2002 - 1759 C.D.

Plaintiff,

vs.

RICHARD L. BARTEL,

Defendant.

Type of Pleading:

REPLY TO NEW MATTER

Filed on behalf of Plaintiff

Counsel of record for this party:  
JOHN C. DONAHER, III, ESQUIRE  
PA I.D. No. 46891

JACOBS & SABA  
35 N. Main Street  
Second Floor  
Greensburg, PA 15601  
(724)837-8484

JURY TRIAL DEMANDED

FILED

FEB 07 2003

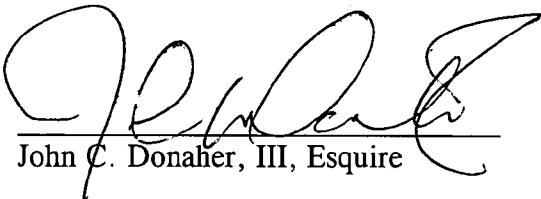
William A. Shaw  
Prothonotary

VERIFICATION

I, John C. Donaher, III, Esquire, verifies that the averments of fact made in the foregoing REPLY TO NEW MATTER are true and correct based upon information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. Section 4904 to unsworn falsifications to authorities.

This verification is being signed by counsel due to the fact that there may not be sufficient time to obtain a verification from the Plaintiff. This verification is based upon the investigation file that was supplied by Nationwide Insurance.

Date: 2-3-03



John C. Donaher, III, Esquire

FILED

114887  
FEB 6 7 2003  
NO CC

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY, CIVIL ACTION - LAW  
as subrogee of STEPHEN F. LAZERATION,  
NO. 2002 1759 C.D.

Plaintiff,

vs.

RICHARD L. BARTEL,

Defendant.

Type of Pleading:  
**PRAECIPE TO SETTLE AND  
DISCONTINUE**

Filed on behalf of Plaintiff

Counsel of record for this party:  
JOHN C. DONAHER, III, ESQUIRE  
PA I.D. No. 46891

JACOBS & SABA  
35 N. Main Street  
Second Floor  
Greensburg, PA 15601  
(724)837-8484

**JURY TRIAL DEMANDED**

**FILED**

JUN 06 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

NATIONWIDE INSURANCE COMPANY, CIVIL ACTION - LAW  
as subrogee of STEPHEN F. LAZERATION,  
NO. 2002 1759 C.D.

Plaintiff,

vs.

RICHARD L. BARTEL,

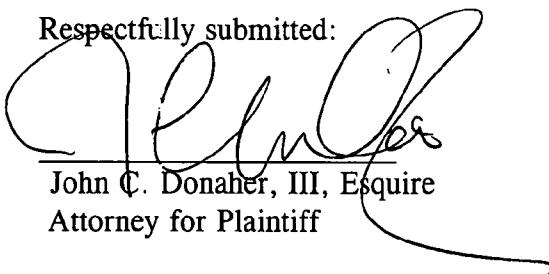
Defendant.

PRAECIPE TO SETTLE AND DISCONTINUE

TO: PROTHONOTARY

Kindly settle and discontinue the above-captioned case.

Respectfully submitted:

  
John C. Donaher, III, Esquire  
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 3<sup>rd</sup> DAY OF

June, 2003.

Bernadette Thompson  
Notary Public



**FILED**

O 1:10-BT, cc & cert to ~~city~~  
JUN 06 2003 ~~copy to court~~

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Nationwide Insurance Company**  
**Stephen F. Lazeration**

**Vs.** **No. 2002-01759-CD**  
**Richard L. Bartel**

**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 6, 2003, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$126.00 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 6th day of June A.D. 2003.

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William A. Shaw, Prothonotary