

02-1933-CD
JOHNSON BROTHERS COAL CO. vs. VALLEY COAL & SUPPLY, e

Johnson, Duffie, Stewart & Weidner

By: John A. Statler, Esquire

I.D. No. 43812

301 Market Street

P. O. Box 109

Lemoyne, Pennsylvania 17043-0109

(717) 761-4540

jas@jdsdw.com

Attorneys for Defendants

Valley Coal & Supply Company

and Michael D. Tyger

JOHNSON BROTHERS COAL COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : CIVIL ACTION - LAW
VALLEY COAL & SUPPLY COMPANY : NO. 2002-01933-CD
and MICHAEL D. TYGER, :
Defendants : JURY TRIAL DEMANDED

PRAECIPE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please mark the Award of Arbitrators in this case satisfied and paid in full. Please issue a Certificate of Satisfaction of the Arbitrator's Award.

Respectfully Submitted,

JOHNSON, DUFFIE, STEWART & WEIDNER

By: _____

John A. Statler, Esquire

Attorney I.D. No. 43812

301 Market Street

P.O. Box 109

Lemoyne, PA 17043-0109

Telephone (717) 761-4540

Attorneys for Counterclaim Plaintiff

Valley Coal & Supply Company

DATE:
:274239

4/27/06

FILED

MAY 01 2006

William A. Shaw

Prothonotary/Clerk of Courts

1 SENT TO ATT
w/ CERTIFICATE OF SAT.

SENT TO ATT OF SAT.

TO ATT
BCL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the foregoing Praecipe upon all parties or counsel of record by depositing a copy of same in the United States Mail at Lemoyne, Pennsylvania, with first-class postage prepaid on the 27th day of April, 2006, addressed to the following:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P. O. Box 670
Clearfield, PA 16830-0670

~~JOHNSON, DUFFIE, STEWART & WEIDNER~~

By: _____

John A. Statler, Esquire
Attorney I.D. No. 43812
301 Market Street
P.O. Box 109
Lemoyne, PA 17043-0109
Telephone (717) 761-4540
Attorneys for Counterclaim Plaintiff,
Valley Coal & Supply Company

Prothonotary/Clerk of Courts
William A. Shaw

MAY 01 2006

FILED

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CERTIFICATE OF SATISFACTION OF JUDGMENT

Johnson Brothers Coal Company

No.: 2002-01933-CD

Vs.

Debt: \$21,015.48

Valley Coal and Supply, Inc.
Michael D. Tyger

Atty's Comm.:

Interest From:

Cost: \$7.00

NOW, Monday, May 01, 2006 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 1st day of May, A.D. 2006.

Prothonotary

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO. 02-1933-CJ

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

Type of Pleading
COMPLAINT

Filed on Behalf of:
Plaintiffs

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

DEC 12 2002

William A. Shaw
Prothonotary

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO.

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

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. 50-51

BELL, SILBERBLATT & WOOD
BY



Richard A. Bell, Esquire
Attorney for Plaintiff

BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, Pennsylvania 16830

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO.

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

COMPLAINT

NOW COMES, the Plaintiff Johnson Brothers Coal Company by its attorney Richard A. Bell, Esquire of Bell, Silberblatt & Wood and states its Complaint against the Defendants as follows:

1. The Plaintiff is a Pennsylvania Corporation with its principal place of business at R.R.#1, Box 580, Mahaffey, Pennsylvania 15757.

2. Valley Coal & Supply Company is a Pennsylvania Corporation with its principal place of business at 222 Emette Street, P.O. Box 384, Ridgway, Pennsylvania 15883.

3. Michael D. Tyger is an adult individual residing at 116 Skyline Drive, Kersey, Pennsylvania 15846.

4. On June 8, 2001, on or about 5:56 A.M., the Plaintiff's vehicle driven by Bryan Johnson was proceeding East on State Route 322 approaching the Intersection

with State Route 119. The intersection was controlled by a traffic light and the Plaintiff's vehicle stopped for the red light. When the light turned green the Plaintiff proceeded into the intersection and was struck on the left side of his vehicle near the front by the vehicle of Defendant Valley Coal & Supply Company driven by Defendant Michael D. Tyger.

5. At the time of the incident Michael D. Tyger was an employee of Valley Coal & Supply Company acting within the course of his employment.

6. In the operation of his vehicle at the time of this incident Michael D. Tyger was willfully and wantonly careless and negligent in the following respects:

A. Going through the intersection when the traffic signal in his direction was a red light.

B. Failure to yield the right-of-way to the vehicle of the Plaintiff.

C. Driving his vehicle at an excessive speed under the circumstances then and there existing.

D. Failure to keep a proper lookout for other users of the highway and the Plaintiff in particular.

E. Failure to stop his vehicle before hitting the vehicle of the Plaintiff.

6. The negligence of Michael D. Tyger is imputed to Valley Coal & Supply Company in that he was an employee and acting on behalf of the said Valley Coal & Supply Company at the time of this incident.

7. As the result of the negligence of the Defendants, the vehicle of the Plaintiff was broken, damaged and destroyed in the amount of Ten Thousand Five Hundred and Eighty-One Dollars and Thirty-Four Cents (\$10,581.34).

8. As the further result of the negligence of the Defendants, the Plaintiff suffered loss of income in the amount of Six Thousand Three Hundred and Thirty-Four Dollars and Sixty-Five Cents (\$6,334.65).

WHEREFORE, the Plaintiff demands of the Defendants judgment in the total amount of Sixteen Thousand Nine Hundred and Fifteen Dollars and Ninety-Nine Cents (\$16,915.99).

BELL, SILBERBLATT & WOOD
BY

A handwritten signature in cursive script, appearing to read "Richard A. Bell", is written over a horizontal line.

Richard A .Bell, Esquire
Attorney For Plaintiff

VERIFICATION

LESLIE JOHNSON, owner/employee of JOHNSON
BROTHERS COAL COMPANY, verify that the statements made in the COMPLAINT
are true and correct. I understand that false statements herein are made subject to the
penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

DATE: 11-25-02

Leslie Johnson

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

vs.

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

COMPLAINT

FILED

0114384
DEC 12 2002

William A. Shaw
Præthnotary

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

Atty Bell
pd. \$5.00
see Atty Bell

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13420

JOHNSON BROTHERS COAL COMPANY

02-1933-CD

VS.

VALLEY COAL & SUPPLY COMPANY & MICHAEL D. TYGER

COMPLAINT

SHERIFF RETURNS

NOW DECEMBER 16, 2002, THOMAS KONTES, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON VALLEY COAL & SUPPLY COMPANY and MICHAEL D. TYGER, DEFENDANTS.

NOW DECEMBER 18, 2002 SERVED THE WITHIN COMPLAINT ON VALLEY COAL & SUPPLY COMPANY, DEFENDANT BY DEPUTIZING THE SHERIFF OF ELK COUNTY THE RETURN OF SHERIFF KONTES IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED JOSEPH URMANN, PART OWNER.

NOW DECEMBER 26, 2002 SERVED THE WITHIN COMPLAINT ON MICHAEL D. TYGER, DEFENDANT BY DEPUTIZING THE SHERIFF OF ELK COUNTY. THE RETURN OF SHERIFF KONTES IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED TRACY TYGER, WIFE.

Return Costs

Cost	Description
34.29	SHFF. HAWKINS PAID BY: ATTY.
43.20	SHFF. KONTES PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

FILED

FEB 05 2003

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13420

JOHNSON BROTHERS COAL COMPANY

02-1933-CD

VS.

VALLEY COAL & SUPPLY COMPANY & MICHAEL D. TYGER

COMPLAINT

SHERIFF RETURNS

Sworn to Before Me This

5th Day Of February 2003

William A. Shaw

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

So Answers,

Chester A. Hawkins
Jay Markley

Chester A. Hawkins
Sheriff

Johnson Brothers Coal Company

IN THE COURT OF COMMON PLEAS
ELK COUNTY

vs.

No. 02-1933

Valley Coal & Supply Company and
Michael D. TygerSTATE OF PENNSYLVANIA
COUNTY OF ELK

Earl Pontious, Deputy Sheriff, being duly sworn according to law, deposes and says, that he served Valley Coal & Supply Company at 220 Emmett Ave., Ridgway, Elk County, PA by handing a true and attested copy of the Complaint to William Urmann, son of Joseph Urmann, part-owner of Valley Coal & Supply Company, and made known to him the contents thereof on December 18, 2002 at 2:44 P.M.

Earl Pontious, Deputy Sheriff, being duly sworn according to law, deposes and says, that he served Michael D. Tyger at 116 Skyline Drive, Kersey, Elk County, PA by handing a true and attested copy of the original Complaint to Tracy Tyger, his wife, and made known to her the contents thereof on December 26, 2002 at 3:03 P.M.

Elk County Sheriff's Costs - \$43.20 PAID

Sworn to and subscribed before me this 26th

day of December A.D. 2002

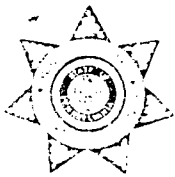
Dorinda L. Assalone

Deputy

My Commission Expires
January 5, 2004

So Answers:

Thomas C. Korte SheriffEarl C. Pontious Deputy



Sheriff's Office Clearfield County

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

CHESTER A. HAWKINS
SHERIFF

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

Robert Snyder
CHIEF DEPUTY
Cynthia Aughenbaugh
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHNSON BROTHERS COAL COMPANY

TERM & NO. 02-1933-CD

VS

DOCUMENT TO BE SERVED:
COMPLAINT

VALLEY COAL & SUPPLY COMPANY &
MICHAEL D. TYGER

SERVE BY: 1/11/03

MAKE REFUND PAYABLE TO: BELL, SILBERBLATT & WOOD, Attorneys

SERVE: VALLEY COAL & SUPPLY COMPANY and MICHAEL D. TYGER

ADDRESS: Valley-222 Emette St., PO box 384, Ridgway, Pa. 15883
Tyger--116 Skyline Drive, Kersey, Pa. 15846

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ELK COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 16th Day of DECEMBER 2002.

Respectfully,


CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

John R. Ninosky, Esquire
Attorney I. D. No. 78000
GOLDBERG, KATZMAN & SHIPMAN, P.C.
320 Market Street
P.O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161
Attorneys for Defendants

JOHNSON BROTHERS COAL COMPANY : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
:
v. : CIVIL ACTION - LAW
:
VALLEY COAL & SUPPLY COMPANY : NO. 02-1933-CD
and MICHAEL D. TYGER, :
Defendants : JURY TRIAL DEMANDED

PRAECIPE

TO THE PROTHONOTARY:

Please substitute the appearance of John R. Ninosky,
Esquire, of Goldberg, Katzman and Shipman, P.C., as counsel for
Defendants, Valley Coal & Supply Company and Michael D. Tyger, in
the above-captioned action.

GOLDBERG, KATZMAN & SHIPMAN, P.C.

By John R. Ninosky
John R. Ninosky, Esquire
Attorney I.D. No. 78000
320 Market Street
P. O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161
Attorneys for Defendants

DATE: 2/10/03
91247.1

FILED

FEB 12 2003

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the foregoing document upon all parties or counsel of record by depositing a copy of same in the United States Mail at Harrisburg, Pennsylvania, with first-class postage prepaid on the 10th day of February, 2003, addressed to the following:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P. O. Box 670
Clearfield, PA 16330

GOLDBERG, KATZMAN & SHIPMAN, P.C.

By John R. Ninosky
John R. Ninosky, Esquire
Attorney I.D. No. 78000
320 Market Street
P. O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161
Attorneys for Defendants

DATE:
90033.1

10/15/03

FILED
M 11:36 AM
FEB 12 2003
William A. Shaw
Prothonotary
NO
OC
KOK

John R. Ninosky, Esquire
Attorney I. D. No. 78000
GOLDBERG, KATZMAN & SHIPMAN, P.C.
320 Market Street
P.O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161

Attorney for Defendants

JOHNSON BROTHERS COAL COMPANY : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
:
v. : CIVIL ACTION - LAW
:
VALLEY COAL & SUPPLY COMPANY : NO. 02-1933-CD
and MICHAEL D. TYGER, :
Defendants : JURY TRIAL DEMANDED

NOTICE TO PLEAD

TO: JOHNSON BROTHERS COAL COMPANY, Plaintiff
c/o RICHARD A. BELL, ESQUIRE
Bell, Silberblatt & Wood
318 East Locust Street
P. O. Box 670
Clearfield, PA 670
Attorney for Plaintiff

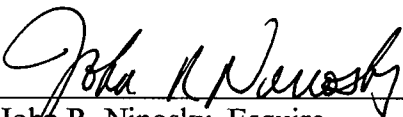
FILED

FEB 12 2003

William A. Shaw
Prothonotary

YOU ARE REQUIRED to plead to the within Counterclaim within twenty days of
service hereof or a default judgment may be entered against you.

GOLDBERG, KATZMAN & SHIPMAN, P.C.

By: 
John R. Ninosky, Esquire
Attorney I. D. No. 78000
320 Market Street
P.O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161
Attorney for Defendants

DATE: 2/10/03

John R. Ninosky, Esquire
Attorney I. D. No. 78000
GOLDBERG, KATZMAN & SHIPMAN, P.C.
320 Market Street
P.O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-161

Attorney for Defendants

JOHNSON BROTHERS COAL COMPANY :	IN THE COURT OF COMMON PLEAS
Plaintiff :	CLEARFIELD COUNTY, PENNSYLVANIA
:	:
v. :	CIVIL ACTION - LAW
:	:
VALLEY COAL & SUPPLY COMPANY :	NO. 02-1933-CD
and MICHAEL D. TYGER, :	:
Defendants :	JURY TRIAL DEMANDED

ANSWER OF DEFENDANTS
VALLEY COAL & SUPPLY COMPANY AND MICHAEL D. TYGER
TO PLAINTIFF'S COMPLAINT INCLUDING COUNTERCLAIM

AND NOW, come the Defendants, Valley Coal & Supply Company and Michael D. Tyger, by their attorneys, Goldberg, Katzman and Shipman, P.C., who file the following Answer and Counterclaim in response to the Plaintiff's Complaint:

1. Denied. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth or falsity of the averments in this paragraph and, therefore, deny the same and demand strict proof at time of trial if deemed material.

2. It is admitted that Valley Coal & Supply Company was a business in Ridgeway at the time of this accident.

3. Admitted.

4. It is admitted that on June 8, 2001 at approximately 5:56 a.m. a collision occurred at the intersection of State Route 322 and State Route 119 involving the Plaintiff's and Defendant's vehicles. It is also admitted that the intersection was controlled by a traffic light. It is denied that the Plaintiff had a green light when he proceeded into the intersection.

5. Admitted.

6. The averments in this paragraph constitute conclusions of law to which no response is required. In the event a response is deemed to be required, it is denied that Michael D. Tyger acted willfully, wantonly, carelessly or negligently. It is further denied that Michael D. Tyger:

- a. entered the intersection when the traffic signal in his direction was a red light;
- b. failed to yield the right-of-way to the vehicle of the Plaintiff;
- c. drove his vehicle at an excessive speed under the circumstances;
- d. failed to keep a proper lookout for other users of the highway; and
- e. failed to stop his vehicle before hitting the vehicle of the Plaintiff.

6. The averments in this paragraph constitute conclusions of law to which no response is required. In the event a response is deemed to be required, it is denied that Michael D. Tyger was negligent and denied therefore that any negligence would be imputed to Valley Coal & Supply Company.

7. The averments in this paragraph constitute conclusions of law to which no response is required. In the event a response is deemed to be required, it is denied that the Defendants were negligent and therefore denied that the Plaintiff suffered any damages as a result of any negligence of the Defendants. Defendants demand strict proof of the nature and extent of the Plaintiff's alleged damages.

8. The averments in this paragraph constitute conclusions of law to which no response is required. In the event a response is deemed to be required, it is denied that the Defendants were negligent and therefore denied that the Plaintiff suffered any damages as a result of any negligence of the Defendants. Defendants demand strict proof of the nature and extent of the Plaintiff's alleged damages.

WHEREFORE, Defendants Valley Coal & Supply Company and Michael D. Tyger respectfully request that the Plaintiff's Complaint be dismissed and that judgment be entered in favor of the Defendants and against the Plaintiff.

COUNTERCLAIM

Valley Coal & Supply Company
v.
Johnson Brothers Coal Company

9. The accident of June 8, 2001 was caused by the negligence and carelessness of Bryan Johnson, acting in his capacity as an agent, servant and/or employee of Johnson Brothers Coal Company in that he:

- a. failed to yield the right-of-way to the vehicle being operated by Michael Tyger;
- b. entered the intersection when the traffic signal in his direction was a red light;
- c. failed to keep a proper lookout for other users of the highway including Michael D. Tyger;
- d. failed to permit the vehicle being operated by Michael Tyger to clear the intersection;
- e. failed to stop his vehicle before colliding with the vehicle being operated by Michael Tyger.

10. Valley Coal & Supply Company was the owner of the 1996 Mack truck being operated by Michael D. Tyger on June 8, 2001

11. The negligence and carelessness of Bryan Johnson as aforesaid was a substantial factor in the happening of the accident of June 6, 2001.

12. At the time of the accident of June 8, 2001, Bryan Johnson was operating a vehicle owned by Johnson Brother Coal Company and was operating the vehicle in the course and scope of his agency, servancy, employment or contractual relationship with Johnson Brothers Coal Company.

13. Johnson Brother Coal Company is vicariously liable for the negligent and careless acts and omissions of Bryan Johnson as aforesaid.

14. As a result of the accident of June 8, 2001, Valley Coal & Supply Company suffered the following damages:

- a. property damages to a 1996 Mack Truck in the amount of \$25,938.60; and
- b. towing charges of \$780.00.

WHEREFORE, Valley Coal & Supply Company demands judgment against Johnson Brothers Coal Company in the amount of \$26,718.60 plus interest and costs of suit.

Respectfully submitted,

GOLDBERG, KATZMAN & SHIPMAN, P.C.

By:



John R. Ninosky, Esquire
Attorney I. D. No. 43812

320 Market Street
P. O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161

Attorneys for Defendants

DATE: 2/10/03

89965.1

VERIFICATION

I, **MICHAEL D. TYGER**, hereby acknowledge that I am a Defendant in this action; that I have read the foregoing Answer to Plaintiff's Complaint Including Counterclaim; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.

I understand that any false statements herein are made subject to penalties of 18 Pa. C. S. Section 4904, relating to unsworn falsification to authorities.



MICHAEL D. TYGER

DATE:

VERIFICATION

I, Anthony Sweet, hereby acknowledge that Valley Coal & Supply Company is a Defendant in this action and that I am authorized to make this verification on behalf of Integrity Administrators, Subrogee of Valley Coal & Supply Company; that I have read the foregoing Answer to Plaintiff's Complaint Including Counterclaim; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.

I understand that any false statements herein are made subject to penalties of 18 Pa. C. S. Section 4904, relating to unsworn falsification to authorities.

Anthony A. Sweet

DATE: 2/5/03

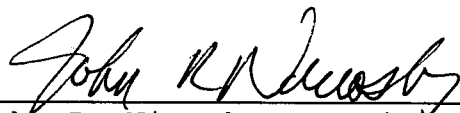
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the foregoing document upon all parties or counsel of record by depositing a copy of same in the United States Mail at Harrisburg, Pennsylvania, with first-class postage prepaid on the 16th day of February, 2003, addressed to the following:

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

GOLDBERG, KATZMAN & SHIPMAN, P.C.

By



John R. Ninosky, Esquire
Attorney I.D. No. 78000
320 Market Street
P. O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161
Attorneys for Defendants

DATE:
90033.1

February

10

FILED

NO 11-24-03
FEB 12 2003

William A. Shaw
Prothonotary

[Handwritten signature]

cc

[Handwritten initials]

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO. 2002-01933-CD

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

Type of Pleading
ANSWER TO COUNTER-CLAIM
AND NEW MATTER

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED

APR 02 2003

William A. Shaw
Prothonotary

Prothonotary
William A. Shaw
APR 05 2003

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.


NO. 2002-01933-CD

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

NOTICE TO PLEAD

TO: Valley Coal & Supply Company
And Michael D. Tyger
c/o John R. Ninosky, Esquire
320 Market Street
P.O. Box 1268
Harrisburg, PA 17108-1268

You are hereby notified to file a written response to the enclosed Answer To Counter-Claim and New Matter within twenty (20) days from service hereof or a judgment may be entered against you.


Richard A. Bell, Esquire
Attorney for Plaintiff

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO. 2002-01933-CD

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

ANSWER TO COUNTER-CLAIM AND NEW MATTER

NOW COMES, the Plaintiff by its attorney, Richard A. Bell, of Bell, Silberblatt and Wood and files the following Answer to the Counter-Claim of the Defendants.

9. It is denied that the accident in question was caused by the negligence and carelessness of Bryan Johnson in any capacity and it is denied that Bryan Johnson is guilty of any negligence including the following subparagraphs:

(a). It is denied that he failed to yield the right-of-way to the vehicle of Michael D. Tyger.

(b). It is denied that Bryan Johnson entered the intersection when the traffic signal in his direction was a red light, and rather it is alleged that Bryan Johnson was stopped for a red light and did not enter the intersection until the light had turned to green.

(c). It is denied that Bryan Johnson failed to keep a proper lookout for other users of the highway, including Michael D. Tyger.

(d). It is denied that Bryan Johnson failed to permit the vehicle being operated by Michael D. Tyger to clear the intersection, since the vehicle operated by Michael D. Tyger was improperly in the intersection.

(e). It is denied that Bryan Johnson failed to stop his vehicle before colliding with the vehicle being operated by Michael D. Tyger in as much as the Tyger vehicle collided with the vehicle of the Plaintiff.

10. Admitted.

11. This paragraph is a conclusion of law, but to the extent that an answer is required, it is denied that Bryan Johnson is guilty of any negligence or carelessness and therefore such could not be a substantial factor in the happening of the accident.

12. Admitted.

13. It is denied that Johnson Brothers Coal Company is liable vicariously or otherwise since it is denied that there was any negligence or carelessness or admissions on the part of Bryan Johnson.

14. After reasonable investigation, the Plaintiff is without information sufficient to form a belief as to the truth or falsity of the averments and therefore the same are denied and strict proof is demanded.

NEW MATTER

In further Answer to the Counter-Claim the following New Matter is alleged.

15. Any applicable Statute Of Limitations are hereby pled.

16. The Principles and Statutes having to do with concurrent negligence are
pled.

17. The provisions of the vehicle code and any violations thereof are pled.

18. The actions of Michael D. Tyger in entering the intersection at the time in
questions and under the circumstances therein existing was improper and constituted
negligence.

WHEREFORE, the Plaintiff respectfully requests that the Defendants' Counter-
Claim be dismissed and judgment be entered in favor of the Plaintiff and against the
Defendants as pled.

BELL, SILBERBLATT & WOOD
BY

A handwritten signature in cursive script, reading "Richard A. Bell", is written over a horizontal line.

Richard A. Bell, Esquire
Attorney for Plaintiff

VERIFICATION

LESLIE JOHNSON, owner/employee of JOHNSON
BROTHERS COAL COMPANY, verify that the statements made in the Answer To
Counter-Claim and New Matter are true and correct. I understand that false
statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating
to unsworn falsification to authorities.

DATE: 3-17-03

Leslie Johnson

RECEIVED MAR 27 2003

... ..

On November 1, 1964, the following information was received from the Bureau of the Census, Washington, D.C.:

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO. 2002-01933-CD

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of my Answer To Counter-Claim and New Matter entered on behalf of Junior Coal Contracting, Inc., in the above matter was mailed the 2nd day of April, 2003, by regular mail postage prepaid at the post office in Clearfield, PA 16830 to the following:

John R. Ninosky, Esquire
320 Market Street
P.O. Box 1268
Harrisburg, PA 17108-1268


Richard A. Bell, Esquire
Attorney for Plaintiff

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

JOHNSON BROTHERS COAL
COMPANY, Plaintiff

VS.

VALLEY COAL & SUPPLY
COMPANY AND MICHAEL D.
TYGER, Defendants

ANSWER TO COUNTER-CLAIM
AND NEW MATTER

FILED

APR 02 2003

36
KZ

William A. Shaw
Prothonotary

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

FILED

APR 21 2003

William A. Shaw
Prothonotary

John R. Ninosky, Esquire
Attorney I. D. No. 78000
GOLDBERG, KATZMAN & SHIPMAN, P.C.
320 Market Street
P.O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161
Attorneys for Defendants

JOHNSON BROTHERS COAL COMPANY	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	
v.	:	CIVIL ACTION - LAW
	:	
VALLEY COAL & SUPPLY COMPANY	:	NO. 02-1933-CD
and MICHAEL D. TYGER,	:	
Defendants	:	JURY TRIAL DEMANDED

DEFENDANTS' REPLY TO THE NEW MATTER OF
JOHNSON BROTHERS COAL COMPANY

AND NOW, come the Defendants, Valley Coal & Supply Company and Michael D. Tyger, by and through their counsel, Goldberg, Katzman & Shipman, P.C., and file this reply to the Counterclaim Defendant's New Matter:


15. Denied. The averments contained in this paragraph are conclusions of law and fact to which no response is required. If a response is deemed to be required, the averments contained therein are specifically denied.

16. Denied. The averments contained in this paragraph are conclusions of law and fact to which no response is required. If a response is deemed to be required, the averments contained therein are specifically denied.

VERIFICATION

PURSUANT TO PA. R.C.P. NO. 1024(c)

John R. Ninosky, Esquire, states that he is the attorney for the party filing the foregoing document; that he makes this affidavit as an attorney, because the party he represents lacks sufficient knowledge or information upon which to make a verification and/or because he has greater personal knowledge of the information and belief than that of the party for whom he makes this affidavit; and that he has sufficient knowledge or information and belief, based upon his investigation of the matters averred or denied in the foregoing document; and that this statement is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.



John R. Ninosky

DATE:
94391.1

4/16/03

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the foregoing document upon all parties or counsel of record by depositing a copy of same in the United States Mail at Harrisburg, Pennsylvania, with first-class postage prepaid on the 16th day of April, 2003, addressed to the following:

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

GOLDBERG, KATZMAN & SHIPMAN, P.C.

By

John R. Ninosky
John R. Ninosky, Esquire
Attorney I.D. No. 78000
320 Market Street
P. O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161
Attorneys for Defendants

DATE:
90033.1

FILED

Ph 1136-81
APR 21 2003

William A. Shaw
Prothonotary

RET

1cc
My Vinosky

John A. Statler, Esquire
Attorney I. D. No. 43812
FORRY, ULLMAN, ULLMAN & FORRY, P.C.
2000 Linglestown Road
Suite 301
Harrisburg, PA 17110
Telephone: (717) 441-9257
Fax: (717) 441-0814
Email: jstatler@fuufllaw.com

FILED *no*
m/a: 15/8/04
SEP 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

Attorneys for Defendant

JOHNSON BROTHERS COAL COMPANY,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	
v.	:	CIVIL ACTION - LAW
	:	
VALLEY COAL & SUPPLY COMPANY	:	NO. 2002-01933-CD
and MICHAEL D. TYGER,	:	
Defendants	:	JURY TRIAL DEMANDED

PRAECIPE FOR ENTRY AND WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Please enter the appearance of John A. Statler, Esquire of Forry, Ullman, Ullman and Forry, P.C. as counsel for Defendants Valley Coal & Supply Company and Michael D. Tyger.

Please withdraw the appearance of Goldberg, Katzman & Shipman as counsel for Defendants Valley Coal & Supply Company and Michael D. Tyger.

FORRY, ULLMAN, ULLMAN & FORRY, P.C.

By: 

John A. Statler, Esquire
Attorney I. D. No. 43812
2000 Linglestown Road, Suite 301
Harrisburg, PA 17110
Telephone: (717) 441-9257
Email: jstatler@fuufllaw.com
Attorneys for Defendants

DATE: 8/31/04

GOLDBERG, KATZMAN, P.C.

By: 

Thomas E. Brenner, Esquire
320 Market Street
P.O. Box 1268
Harrisburg, PA 17108-1268
Telephone: (717) 234-4161

DATE:

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that I served a true and correct copy of the foregoing Praecipe for Entry and Withdrawal of Appearance upon all parties or counsel of record by depositing a copy of same in the United States Mail at Harrisburg, Pennsylvania, with first-class postage prepaid on the 7th day of September, 2004, addressed to the following:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 E. Locust Street
P.O. Box 670
Clearfield, PA 16830-0670

Thomas E. Brenner, Esquire
Goldberg, Katzman, P.C.
320 Market Street
P.O. Box 1268
Harrisburg, PA 17108-1268

Respectfully submitted,

FORRY, ULLMAN, ULLMAN & FORRY, P.C.

By: 

John A. Statler, Esquire
Attorney I. D. No. 43812
2000 Linglestown Road
Suite 301
Harrisburg, PA 17110
Telephone: (717) 441-9257
Attorneys for Defendants

Johnson, Duffie, Stewart & Weidner

By: John A. Statler, Esquire
I.D. No. John A. Statler, Esquire
301 Market Street
P. O. Box 109
Lemoyne, Pennsylvania 17043-0109
(717) 761-4540
jas@jdsdw.com

Attorneys for Defendants
Valley Coal & Supply Company
and Michael D. Tyger

JOHNSON BROTHERS COAL COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : CIVIL ACTION - LAW
VALLEY COAL & SUPPLY COMPANY : NO. 2002-01933-CD
and MICHAEL D. TYGER, :
Defendants : JURY TRIAL DEMANDED

PRAECIPE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Kindly correct the record to reflect the new address of John A. Statler, Esquire, counsel for Defendants Valley Coal & Supply Company and Michael D. Tyger as follows:

John A. Statler, Esquire
301 Market Street
P.O. Box 109
Lemoyne, PA 17043-0109

JOHNSON, DUFFIE, STEWART & WEIDNER

By: _____

John A. Statler, Esquire
Attorney I.D. No. 43812
301 Market Street
P.O. Box 109
Lemoyne, PA 17043-0109
Telephone (717) 761-4540
Attorneys for Defendants

FILED *EGK*

*M 2:17 PM 10/6/04
copy to CA*

OCT 06 2004

236383

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that I served a true and correct copy of the foregoing Praecipe upon all parties or counsel of record by depositing a copy of same in the United States Mail at Harrisburg, Pennsylvania, with first-class postage prepaid on the 4th day of Oct., 2004, addressed to the following:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P. O. Box 670
Clearfield, PA 16830-0670

JOHNSON, DUFFIE, STEWART & WEIDNER

By: 

John A. Statler, Esquire
Attorney I.D. No. 43812
301 Market Street
P.O. Box 109
Lemoyne, PA 17043-0109
Telephone (717) 761-4540
Attorneys for Defendants

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO. 2002-01933-CD

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

Type of Pleading
CERTIFICATE OF READINESS

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

FILED ^{NO} _{CC}
9/10:50 30
AUG 18 2005
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED: August 18, 2005

CASE NUMBER TYPE TRIAL REQUESTED ESTIMATED TRIAL TIME

DATE COMPLAINT () Jury () Non-Jury ½ day
FILED: 12/12/2002 (X) Arbitration

PLAINTIFF(S)

JOHNSON BROTHERS COAL COMPANY () Check block if a Minor
Is Party to the Case

DEFENDANT(S)

VALLEY COAL & SUPPLY COMPANY
AND MICHAEL D. TYGER () Check block if a Minor
Is Party to the Case

ADDITIONAL DEFENDANT(S)

N/A () Check block if a Minor
Is Party to the Case

JURY DEMAND FILED BY:
DEFENDANTS

DATE JURY DEMAND FILED:
2/10/2003

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED
\$16,885.89 &
\$21,015.48 ON COUNTERCLAIM
More than STIPULATION FILED TO REFER TO ARBITRATION
() yes () no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:

Richard A. Bell, Esquire

BELL, SILBERBLATT & WOOD

(814) 765-5537

FOR THE PLAINTIFF

TELEPHONE NUMBER

John A. Statler, Esquire

JOHNSON, DUFFIE, STEWART & WEIDNER (717) 761-4540

FOR THE DEFENDANT

TELEPHONE NUMBER

N/A

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO. 2002-01933

FILED

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

SEP 14 2005

9/12/05 LM

William A. Shaw
Prothonotary

AGREEMENT OF REFERENCE AND STIPULATION

The parties by their counsel hereby request that the above matter be referred to a Board Of Arbitrators for hearing, and agree that the matter be referred to Arbitration even though damages may exceed the amount of Twenty Thousand (\$20,000.00) Dollars as stated in the Rules Of Court.

The parties further agree and stipulate that damages shall be as follows:

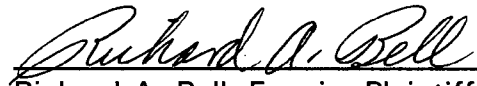
For The Plaintiff: Sixteen Thousand Eight Hundred and Eighty-Five Dollars and Eighty-Nine Cents (\$16,885.89)

For The Defendant: Twenty-One Thousand Fifteen Dollars and Forty-Eight Cents (\$21,015.48)

Date: 8/22/05


John A. Statler, Esquire-Defendant's counsel

Date: 8-16-05


Richard A. Bell, Esquire-Plaintiff's counsel

FILED

SEP 14 2005

William A. Shaw
Prothonotary

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

JOHNSON BROTHERS COAL :
COMAPANY, :
Plaintiff :
vs. : No. 2002-1933-CD
VALLEY COAL & SUPPLY COMPANY, :
and MICHAEL D. TYGER, :
Defendants :
:

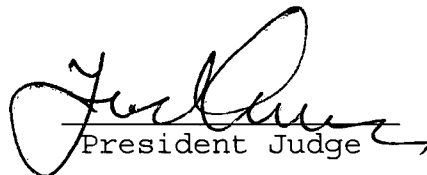
ORDER

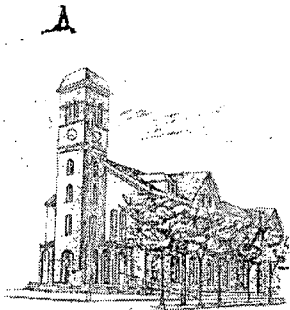
NOW, this 19th day of September, 2005, upon
consideration of Agreement of Reference and Stipulation
executed by the parties respective counsel in the above
captioned civil matter, it is the ORDER of this Court
that same be and is hereby GRANTED. The matter shall be
transferred and referred to compulsory arbitration. The
Court Administrator is directed to schedule the same in
accordance and consistent with Local Rule 1302 of the
Clearfield County Local Civil Rules of Court.

BY THE COURT,

FILED 1CC Aug
019:35/BL
SEP 20 2005
William A. Shaw
Prothonotary/Clerk of Courts

Bel
Statter
Ninosky


President Judge



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

_____ You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

JOHNSON BROTHERS
COAL COMPANY

vs.

VALLEY COAL & SUPPLY
COMPANY and
MICHAEL D. TYGER

:
:
:
: No. 02-1933-CD
:
:
:
:

FILED
01/10/14/06
FEB 28 2006

William A. Shaw
Prothonotary/Clerk of Courts
6 cc CIA

ORDER

NOW, this 27 day of February, 2006, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on **Tuesday, April 11, 2006 at 9:00 A.M.** in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

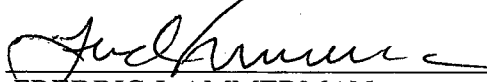
Carl A. Belin, Jr., Chairman

Robin J. Foor, Esquire

Gary A. Knaresboro, Esquire

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

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

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

JOHNSON BROTHERS	:	
COAL COMPANY	:	
	:	
vs.	:	No. 02-1933-CD
	:	
VALLEY COAL & SUPPLY	:	
COMPANY and	:	
MICHAEL D. TYGER	:	

AMENDED ORDER

NOW, this 13 day of March, 2006, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on **Tuesday, April 11, 2006 at 9:00 A.M.** in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

Carl A. Belin, Jr., Chairman

Robin J. Foor, Esquire


Peter J. Carfley, 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.

FILED 3cc
019:17/371 CIA
MAR 14 2006 @

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

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

Johnson Brothers Coal Company

vs.

No. 2002-01933-CD

Valley Coal and Supply, Inc. and Michael D. Tyger

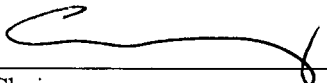
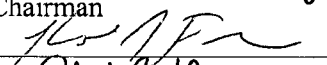
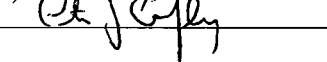
OATH OR AFFIRMATION OF ARBITRATORS

Now, this 11th day of April, 2006, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

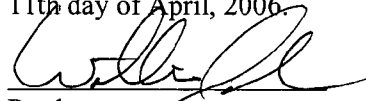
Carl A. Belin, Jr., Esq.

Robin J. Foor, Esq.

Peter J. Carfley, Esq.


Chairman



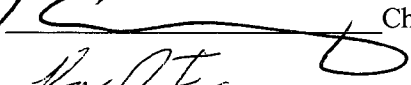
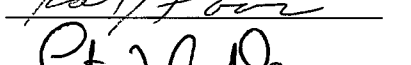
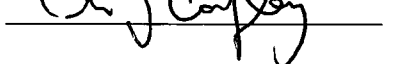
Sworn to and subscribed before me this
11th day of April, 2006.


Prothonotary

AWARD OF ARBITRATORS

Now, this 11 day of April, 2006, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

*In favor of Valley Coal in the amount
\$210,151.48 and against Johnson
Brothers Coal Company*

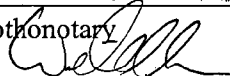

Chairman



(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 11th day of April, 2006, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

William A. Shaw
Prothonotary
By 

FILED

APR 11 2006

Notice of Award
to Atty's. Bell
Stallor
Ninosky

William A. Shaw
Prothonotary/Clerk of Courts

Johnson Brothers Coal Company

Vs.

Valley Coal and Supply, Inc. and
Michael D. Tyger

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2002-01933-CD
:

NOTICE OF AWARD

TO: RICHARD A. BELL, ESQ.
JOHN A. STATLER, ESQ.
JOHN R. NINOSKY, ESQ.

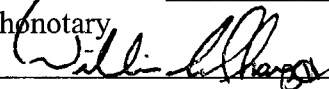
You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on April 11, 2006, and have awarded:

In favor of Valley Coal in the amount of \$21,015.48 and against Johnson Brothers Coal Company.

William A. Shaw

Prothonotary

By



April 11, 2006

Date

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

FILED ^{icc}
m11:18301 Amy
APR 17 2006 ⁶²

William A. Shaw
Prothonotary/Clerk of Courts

Johnson, Duffie, Stewart & Weidner

By: John A. Statler, Esquire
I.D. No. 43812
301 Market Street
P. O. Box 109
Lemoyne, Pennsylvania 17043-0109
(717) 761-4540
jas@jdsww.com

Attorneys for Defendants
Valley Coal & Supply Company
and Michael D. Tyger

JOHNSON BROTHERS COAL COMPANY,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	
v.	:	CIVIL ACTION - LAW
	:	
VALLEY COAL & SUPPLY COMPANY	:	NO. 2002-01933-CD
and MICHAEL D. TYGER,	:	
Defendants	:	JURY TRIAL DEMANDED

TO: JOHNSON BROTHERS COAL COMPANY

You are hereby notified to file a written answer to the attached Motion for Delay Damages within 20 days from the filing of the Motion or the delay damages sought in the Motion may be added to the verdict or decision against you.

MOTION FOR DELAY DAMAGES
OF VALLEY COAL & SUPPLY COMPANY

AND NOW, comes Valley Coal & Supply Company, by its attorneys, Johnson, Duffie, Stewart & Weidner, P.C., who move this Honorable Court to add delay damages to the arbitration award in this case based on the following:

1. Valley Coal & Supply Company filed a counterclaim against Johnson Brothers Coal Company on February 12, 2003 for property damages to a 1996 Mack Truck owned by Valley Coal & Supply Company.

2. The counterclaim was served on Johnson Brothers Coal Company and acknowledged in writing by their counsel, Richard Bell, Esquire, on February 13, 2003.

3. On April 11, 2006, a panel of Arbitrators in Clearfield County entered an award in favor of Valley Coal & Supply Company and against Johnson Brothers Coal Company in the amount of \$21,015.48. (The parties had earlier entered into a written stipulation authorizing the arbitrators to render an award in excess of their jurisdictional limit.)

4. Johnson Brothers Coal Company did not make any written offers of settlement to Valley Coal & Supply Company.

5. Pursuant to Rule 238(a)(2) of the Pennsylvania Rules of Civil Procedure, Valley Coal & Supply Company is entitled to delay damages on its award of \$21,015.48 from February 13, 2004 through April 11, 2006.

6. Pursuant to the Addendum to Explanatory Comments to Rule 238 of the Pennsylvania Rules of Civil Procedure, the interest rates for the years 2004, 2005 and 2006 are equal to the prime rate plus one percent, or 5%, 6.25% and 8.25% respectively.

7. For the period of February 13, 2004 to December 31, 2004, delay damages in this case are calculated as follows:

2004

2/13/04 – 12/31/2004 = 322 days (.8798 year)

$\$21,015.48 \times 5\% \times .879 = \underline{\$924.47}$

8. For the period of January 1, 2005 to December 31, 2005, delay damages in this case are calculated as follows:

2005

1/01/05 – 12/31/05 = 365 days (1.0 year)

$\$21,015.48 \times 6.25\% \times 1.0 = \underline{\$1,313.47}$

9. For the period of January 1, 2006 to April 11, 2006, delay damages in this case are calculated as follows:

2006

1/01/06 – 4/11/06 = 101 days (.2767 year)

$\$21,015.48 \times 8.25\% \times .2767 = \underline{\$479.74}$

10. The total delay damages owed to Valley Coal & Supply Company amount to \$2,717.68.

11. The total arbitrators' award plus delay damages in this case amount to \$23,733.16.

WHEREFORE, Valley Coal & Supply Company respectfully requests this Honorable Court to mold the award against Johnson Brothers Coal Company to \$23,733.16 to reflect the addition of \$2,717.68 in delay damages.

Respectfully Submitted,

JOHNSON, DUFFIE, STEWART & WEIDNER

By: 

John A. Statler, Esquire
Attorney I.D. No. 43812
301 Market Street
P.O. Box 109
Lemoyne, PA 17043-0109
Telephone (717) 761-4540
Attorneys for Counterclaim Plaintiff
Valley Coal & Supply Company

DATE: 4/12/06

:273139

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that I served a true and correct copy of the foregoing Motion for Delay Damages of Valley Coal Company upon all parties or counsel of record by depositing a copy of same in the United States Mail at Lemoyne, Pennsylvania, with first-class postage prepaid on the 12th day of April, 2006, addressed to the following:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P. O. Box 670
Clearfield, PA 16830-0670

JOHNSON, DUFFIE, STEWART & WEIDNER

By: _____

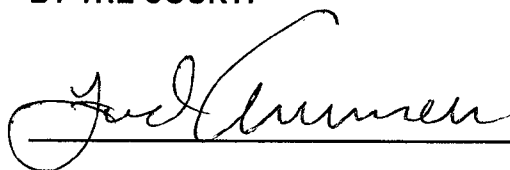
John A. Statler, Esquire
Attorney I.D. No. 43812
301 Market Street
P.O. Box 109
Lemoyne, PA 17043-0109
Telephone (717) 761-4540
Attorneys for Counterclaim Plaintiff,
Valley Coal & Supply Company

JOHNSON BROTHERS COAL COMPANY,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	
v.	:	CIVIL ACTION - LAW
	:	
VALLEY COAL & SUPPLY COMPANY	:	NO. 2002-01933-CD
and MICHAEL D. TYGER,	:	
Defendants	:	JURY TRIAL DEMANDED

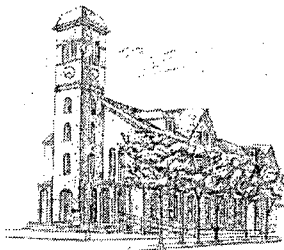
ORDER

AND NOW, this 18th day of April, 2006, upon Motion of Valley Coal & Supply Company, it is hereby **ORDERED** that delay damages of \$2,717.68 are added to the arbitrators' award of \$21,015.48 for a total award and judgment of \$23,733.16 in favor of Valley Coal & Supply Company and against Johnson Brothers Coal Company.

BY THE COURT:


_____ J.

FILED ^{icc Atty's:}
01:29:30
 APR 18 2006
 Bell
 Statler
 Ninosky
 William A. Shaw
 Prothonotary/Clerk of Courts (CR)



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

Bell and Ninosky

DATE: 4/18/06

_____ You are responsible for serving all appropriate parties.

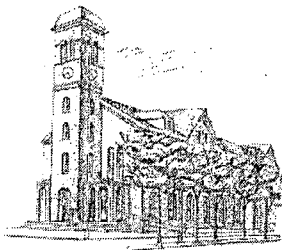
X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

Statler:
DATE: 4/18/06

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

 Other

 X Special Instructions:

Please file a Praecipe to enter judgment per court order, along with \$20.00 filing fee and a stamped envelope to opposing counsel.

Thank you

Johnson, Duffie, Stewart & Weidner

By: John A. Statler, Esquire

I.D. No. 43812

301 Market Street

P. O. Box 109

Lemoyne, Pennsylvania 17043-0109

(717) 761-4540

jas@jdsdw.com

Attorneys for Defendants

Valley Coal & Supply Company

and Michael D. Tyger

JOHNSON BROTHERS COAL COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : CIVIL ACTION - LAW
VALLEY COAL & SUPPLY COMPANY : NO. 2002-01933-CD
and MICHAEL D. TYGER, : JURY TRIAL DEMANDED
Defendants :

PRAECIPE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please withdraw the Motion of for Delay Damages of Valley Coal & Supply Company
previously filed in this case.

Respectfully Submitted,

JOHNSON, DUFFIE, STEWART & WEIDNER

By: _____

John A. Statler, Esquire

Attorney I.D. No. 43812

301 Market Street

P.O. Box 109

Lemoyne, PA 17043-0109

Telephone (717) 761-4540

Attorneys for Counterclaim Plaintiff

Valley Coal & Supply Company

DATE:
:273642

4/19/06

FILED

APR 21 2006

m/1:15/um

William A. Shaw

Prothonotary/Clerk of Courts

1 cent to Att

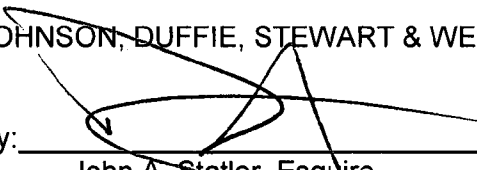
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the foregoing Praecipe to Withdraw Motion for Delay Damages of Valley Coal Company upon all parties or counsel of record by depositing a copy of same in the United States Mail at Lemoyne, Pennsylvania, with first-class postage prepaid on the 19th day of April, 2006, addressed to the following:

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P. O. Box 670
Clearfield, PA 16830-0670

~~JOHNSON, DUFFIE, STEWART & WEIDNER~~

By: _____


John A. Statler, Esquire
Attorney I.D. No. 43812
301 Market Street
P.O. Box 109
Lemoyne, PA 17043-0109
Telephone (717) 761-4540
Attorneys for Counterclaim Plaintiff,
Valley Coal & Supply Company

FILED

APR 21 2006

**William A. Shaw
Prothonotary/Clerk of Courts**

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

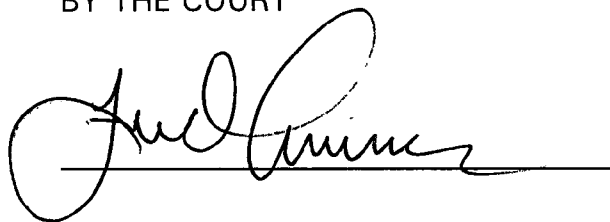
NO. 02-1933-CD

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

ORDER OF COURT

AND NOW this 24 day of April, 2006, the Plaintiff having withdrawn his Motion For Delay Damages in this case, the Order Of Court dated the 18th day of April, 2006 granting Delay Damages is hereby rescinded.

BY THE COURT



FILED

APR 24 2006

William A. Shaw
Prothonotary/Clerk of Courts

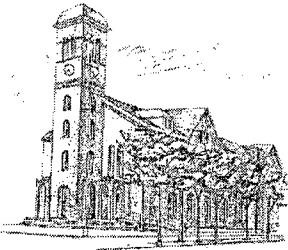
icc Attys:

Bell

Statler

Ninosky

CR



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 4/24/06

_____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

Johnson, Duffie, Stewart & Weidner

By: John A. Statler, Esquire

I.D. No. 43812

301 Market Street

P. O. Box 109

Lemoyne, Pennsylvania 17043-0109

(717) 761-4540

jas@jdsdw.com

Attorneys for Defendants

Valley Coal & Supply Company

and Michael D. Tyger

JOHNSON BROTHERS COAL COMPANY, : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA

v.

: CIVIL ACTION - LAW

VALLEY COAL & SUPPLY COMPANY :
and MICHAEL D. TYGER, :

Defendants

: NO. 2002-01933-CD

: JURY TRIAL DEMANDED

RECEIVED

MAR 13 2006

COURT ADMINISTRATOR
OFFICE

DEFENDANTS' PRE-TRIAL (ARBITRATION) MEMORANDUM

AND NOW, come Defendants Valley Coal & Supply Company and Michael D. Tyger, by their attorneys, Johnson, Duffie, Stewart & Weidner, P.C., who submit the following Pre-Trial (Arbitration) Memorandum:

A. Brief Statement of the Case

This case arises out of a two-vehicle accident that occurred on June 8, 2001 at the intersection of Routes 322 and 119 in Sandy Township, Clearfield County, Pennsylvania. The accident occurred as a southbound tractor trailer operated by Defendant Michael Tyger collided with an eastbound dump truck owned by the Plaintiff, Johnson Brothers Coal Company, and operated by Bryan Johnson. As Mr. Tyger entered the intersection at approximately 20 miles per hour, his light turned yellow. He continued through the intersection and was struck when the Plaintiff's dump truck later pulled forward into the intersection. Both vehicles sustained property damage.

B. Citations to Applicable Cases/Statutes

Section 3112(a)(1) of the Pennsylvania Motor Vehicle Code, 75 Pa. C.S.A. Section 3112(a)(1), states that vehicular traffic facing a circular green signal may proceed straight through except that vehicular traffic shall yield the right-of-way to other vehicles lawfully within the intersection at that time the signal is exhibited.

Bryan Johnson is expected to testify that he was stopped at a red light at the intersection and moved forward into the intersection after his light turned green. Significantly, Mr. Johnson will testify that although there was nothing blocking his view to the left or right, he did not look left or right before pulling forward into the intersection. Johnson will estimate that he had an unobstructed view to his left of approximately 1,000 yards as he waited at the red light.

Michael Tyger entered the intersection on a yellow light and had possession of the intersection when Bryan Johnson's light turned green. Johnson, therefore, had a duty to yield the right-of-way to Tyger's tractor trailer which was already within the intersection. See, generally, Lind v. Thomas, 265 Pa. Super. 121, 125, 401 A.2d 830, 833 (1979); Smith v. United News Company, 413 Pa. 243, 249, 196 A.2d 301, 306 (1964); Angelo v. Pittsburgh RYS. Co., 189 Pa. Super. 574, 151 A.2d 867 (1959).

C. List of Witnesses for Defendant

1. Michael Tyger
116 Skyline Drive
Kersey, PA 15846

D. Statement of Damages

The parties have stipulated that Plaintiff's damages total \$16,885.89 and Defendant Valley Coal & Supply Company's damages total \$21,015.48. The parties have further stipulated that the arbitrators may render an award in excess of the \$20,000.00 jurisdictional limit.

Respectfully submitted,

JOHNSON, DUFFIE, STEWART & WEIDNER

By: 

John A. Statler, Esquire
Attorney I.D. No. 43812
301 Market Street
P.O. Box 109
Lemoyne, PA 17043-0109
Telephone (717) 761-4540
Attorneys for Defendants
Valley Coal & Supply Company
and Michael D. Tyger

DATE: 3/7/06

:270515

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that I served a true and correct copy of the foregoing Defendants' Pre-Trial (Arbitration) Memorandum upon all parties or counsel of record by depositing a copy of same in the United States Mail at Lemoyne, Pennsylvania, with first-class postage prepaid on the 7th day of March, 2006, addressed to the following:

Mr. David S. Meholick
Court Administrator
Court of Common Pleas of Clearfield County
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P. O. Box 670
Clearfield, PA 16830-0670

Carl A. Belin, Jr., Esquire
Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830-2455

Robin J. Foor, Esquire
MidPenn Legal Services
211 East Locust Street
Clearfield, PA 16830

Gary A. Knaresboro, Esquire
33 Beaver Drive
Suite 2
Dubois, PA 15801

JOHNSON, DUFFIE, STEWART & WEIDNER

By: _____

John A. Statler, Esquire
Attorney I.D. No. 43812
301 Market Street
P.O. Box 109
Lemoyne, PA 17043-0109
Telephone (717) 761-4540
Attorneys for Defendants

JERRY R. DUFFIE
RICHARD W. STEWART
C. ROY WEIDNER, JR.
EDMUND G. MYERS
DAVID W. DELUCE
JOHN A. STATLER
JEFFERSON J. SHIPMAN
RALPH H. WRIGHT, JR.
MARK C. DUFFIE
JOHN R. NINOSKY
MICHAEL J. CASSIDY
MELISSA PEEL GREEVY
ROBERT M. WALKER
WADE D. MANLEY
ELIZABETH D. SNOVER

OF COUNSEL
HORACE A. JOHNSON
F. LEE SHIPMAN
BRUCE J. GROSSMAN*
*also admitted in NY

LAW OFFICES
**JOHNSON
DUFFIE**

WRITER'S EXT. NO. 151
E-MAIL: jas@jdsd.com

March 7, 2006

Mr. David S. Meholick
Court Administrator
Court of Common Pleas of Clearfield County
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

**Re: Johnson Brothers Coal Company v. Valley Coal & Supply Company, et al.
Clearfield County Civil Action No. 2002-1933-CD**

Dear Mr. Meholick:

I enclose an original and one copy of Defendants' Pre-Trial (Arbitration) Memorandum in the above-captioned action. This case is scheduled for Arbitration on Tuesday, April 11, 2006 at 9:00 a.m. Please return the clocked-in copy to me in the enclosed self-addressed, stamped envelope.

If you have any questions, please contact me.

Very truly yours,

JOHNSON, DUFFIE, STEWART & WEIDNER

John A. Statler

JAS/ch:270546
041255-20

cc: Richard A. Bell, Esquire (w/enclosure)
Carl A. Belin, Jr., Esquire (w/enclosure)
Robin J. Foor, Esquire (w/enclosure)
Gary A. Knaresboro, Esquire (w/enclosure)
Ms. Sharon Leaman (w/enclosure)
(Claim No.: T14899)

301 MARKET STREET P.O. BOX 109 LEMOYNE, PENNSYLVANIA 17043-0109
WWW.JDSW.COM 717.761.4540 FAX: 717.761.3015 MAIL@JDSW.COM

JOHNSON, DUFFIE, STEWART & WEIDNER, P.C.

411

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO. 2002-01933-CD

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

Type of Pleading
PLAINTIFF'S PRE-TRIAL
MEMORANDUM

Filed on Behalf of:
Plaintiff

Counsel of Record for
this Party:

Richard A. Bell, Esquire
PA I.D. #06808
BELL, SILBERBLATT &
WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

(814) 765-5537

RECEIVED

MAR 28 2006

COURT ADMINISTRATOR'S
OFFICE

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO. 02-1933-CD

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

PLAINTIFF'S PRE-TRIAL MEMORANDUM

NOW COMES the Plaintiff Johnson Brothers Coal Company, by its attorneys, Richard A. Bell, of Bell, Silberblatt & Wood and submits the following Pre-Trial Memorandum:

A.

BRIEF STATEMENT OF CASE

This case involves an accident that occurred on June 8, 2001 at the intersections of Route 322 and 119 in Sandy Township, Clearfield County, Pennsylvania. Plaintiff's vehicle was a tri-axle dump truck operated by Bryan Johnson and was traveling East on Route 322 when it came to the intersection. Defendant's tractor trailer operated by Michael Tyger was preceding South on Route 119. Bryan Johnson's statement given to the police officer the morning of the accident indicated that he had stopped at the intersection because the traffic signal was red in his direction. He said he did notice the truck of the Defendant to his left proceeding toward the intersection. When the light turned green for the Plaintiff's vehicle he proceeded into the intersection and was struck on his left front by the vehicle of the Defendant.

As the Defendant's vehicle approached the intersection Defendant Michael Tyger said he had a concern about the trailer hitting something in the median strip and therefore he looked in his mirrors to check the presence of the trailer. He said the light had turned yellow but he proceeded into the intersection. The right front of his vehicle struck the left front of the Plaintiff's vehicle.

B.

CITATIONS APPLICABLE TO CASES OR STATUTES

Section 3112 of the Vehicle Code, 75 Pa. C.S.A. 3112 deals with traffic control signals. Section (a)(2)(1) deals with a steady yellow signal being a warning to traffic proceeding in that direction that the light will change to red imminently.

It is the position of the Plaintiff that their vehicle lawfully entered the intersection with the green signal. Their vehicle was at a dead stop and had to advance into the intersection at a very slow rate of speed because of the size of the vehicle. The vehicle of the Defendant was moving according to Mr. Tyger's testimony at least twenty (20) miles per hour, and it is Plaintiff's position that Mr. Tyger was inattentive and not looking at the intersection and entered after the vehicle of the Plaintiff was already started into the intersection causing the collision.

A driver on the highway is not required to anticipate and guard against the want of ordinary care on the part of another driver. See Rankin vs. Boyle, 328 Pa 284, 195 A. 36, (1937).

C.

WITNESSES

1. Leslie P. Johnson, 1390 Lee Run Road, Mahaffey, PA
2. Bryan P. Johnson, Mahaffey, PA

D.

STATEMENT OF DAMAGES

The parties have stipulated the damages in this case. The stipulation has set the damages for the Plaintiff at Sixteen Thousand Eight Hundred and Eighty-Five Dollars and Eighty-Nine Cents (\$16,885.89), and for the Defendant Twenty-One Thousand Fifteen Dollars and Forty-Eight Cents (\$21,015.48). The same stipulation stated that the parties agree that the Arbitrators may rule on the case even though damages may exceed the amount of Twenty Thousand (\$20,000.00) Dollars.

Respectfully Submitted,

BELL, SILBERBLATT & WOOD
BY

A handwritten signature in cursive script, appearing to read "Richard A. Bell", is written over a horizontal line.

Richard A. Bell, Esquire
Attorney for Plaintiff

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

JOHNSON BROTHERS COAL COMPANY,
Plaintiff

Vs.

NO. 2002-01933-CD

VALLEY COAL & SUPPLY COMPANY,
and MICHAEL D. TYGER,
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Plaintiff's Pre-Trial Memorandum in the
above matter was mailed the 28th day of March,
2006, by regular mail postage prepaid at the post office in Clearfield, PA 16830 to
the following:

John A. Statler, Esquire
JOHNSON, DUFFIE, STEWART & WEIDNER
301 Market Street
P.O. Box 109
Lemoyne, Pennsylvania 17043-0109



Richard A. Bell, Esquire
Attorney for Plaintiff

Law Office
BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830
e-mail: bswlaw@pennswoods.net
Writer's direct e-mail: rbell@pennswoods.net

RICHARD A. BELL
ANN B. WOOD

(814) 765-5537
Fax (814) 765-9730
OF COUNSEL:
DANIEL C. BELL

PAUL SILBERBLATT 1954-1985
F. CORTEZ BELL, JR. 1954-2002

March 28, 2006

RE: JOHNSON V. VALLEY COAL, et al
No. 02-1933-CD

ORIGINAL HAND DELIVERED

David Meholick, Court Administrator
Clearfield County Courthouse
Suite 228 -230 East Market Street
Clearfield, PA 16830

Dear Dave:

Enclosed is the original Pre-Trial Memorandum of Plaintiff in the above matter.
I have forwarded copies to the Arbitrators in this matter as well as Defendant's attorney.

Very truly yours,

BELL, SILBERBLATT & WOOD
BY



Richard A. Bell

RAB/sai
Enclosure
CC: John A. Statler, Esquire
Carl A. Belin, Jr., Esquire
Robin J. Foor, Esquire
Peter J. Carfley, Esquire
Rockwood Casualty Insurance Co.
Your File No. 242909
all with enclosures

RECEIVED

MAR 28 2006

NO. 0078