

02-1967-CD  
EDWARD L. BLAKE vs. VETERANS OF FOREIGN WARS,  
POST #842

From 10/10/2005 08:00 AM to 10/14/2005 05:00 PM

Fredric Joseph Ammerman

Begin Date and Time End Date and Time

Shoff, Giard

Days to Speedy Trial:

Speedy Trial Date:

Bednarchick, John Jr

Days to Speedy Trial:

Speedy Trial Date:

Bednarchick, Deborah

Days to Speedy Trial:

Speedy Trial Date:

Cardinal, Michael G.

Days to Speedy Trial:

Speedy Trial Date:

Stewart, Lisa E.

Days to Speedy Trial:

Speedy Trial Date:

Stewart, David J.

Days to Speedy Trial:

Speedy Trial Date:

Hayward, Linda M.

Days to Speedy Trial:

Speedy Trial Date:

Hayward, Randy L.

Days to Speedy Trial:

Speedy Trial Date:

Kitko, Mark F.

Days to Speedy Trial:

Speedy Trial Date:

Ball, William

Days to Speedy Trial:

Speedy Trial Date:

Ball, Eileen

Days to Speedy Trial:

Speedy Trial Date:

Martin, Robert R.

Days to Speedy Trial:

Speedy Trial Date:

Albert, Robert W.

Days to Speedy Trial:

Speedy Trial Date:

Albert, Maxine M.

Days to Speedy Trial:

Speedy Trial Date:

Federal National Mortgage Association

Days to Speedy Trial:

Speedy Trial Date:

Stodart, Mary

Days to Speedy Trial:

Speedy Trial Date:

Stodart, Robert J.

Days to Speedy Trial:

Speedy Trial Date:

Alias: Robert James Stodart (1 of 1)

Chandler, Keith Sr

Days to Speedy Trial:

Speedy Trial Date:

Chandler, Rhonda

Days to Speedy Trial:

Speedy Trial Date:

Mast, Lester E.

Days to Speedy Trial:

Speedy Trial Date:

Date: 11/14/2005

**Clearfield County Court of Common Pleas**

User: LBENDER

Time: 08:56 AM

**ROA Report**

Page 1 of 1

Case: 2002-01967-CD

Current Judge: No Judge

Edward L. Blake vs. Veterans of Foreign Wars, Post 842

**Civil Other**

Date		Judge
12/20/2002	✓ Filing: Praeclipe for Writ of Summons Paid by: Carfley, John R. Receipt number: 1852896 Dated: 12/20/2002 Amount: \$85.00 (Check) Writ issued to Sheriff with checks.	No Judge
02/06/2003	✓ Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
12/05/2003	✓ Complaint. filed by, s/John R. Carfley, Esquire Verification s/Edward L. Blake 1 cc Atty Carfley	No Judge
01/20/2004	✓ Praeclipe For Appearance On Behalf Of Defendant, VFW. filed by, s/Mark R. Hamilton, Esquire Certificate of Service no cc	No Judge
02/27/2004	✓ Answer And New Matter. filed by, s/Philip J. Sbrolla, Esquire Verification s/Philip J. Sbrolla, Esquire Certificate of Service no cc	No Judge
03/02/2004	✓ Plaintiff's Answer To Defendant's New Matter. filed by, s/John R. Carfley, Esquire Verification s/Edward L. Blake 1 cc to Atty ✓ Certificate of Service, Plaintiff's Answer to Defendant's New Matter, upon Philip J. Sbrolla, Esquire. filed by, s/John R. Carfley, Esq. no cc	No Judge
03/15/2004	✓ Verification To Answer and New Matter. s/John L. Best Certificate of Service no cc	No Judge
07/29/2004	✓ Praeclipe for Withdrawal of Appearance, withdraw appearance of Mark R. Hamilton, Esq. and Philip J. Sbrolla, Esq. of Zimmer Kunz, PLLC on behalf of Defendant, The Veterans of Foreign War, Post 842, s/Philip J. Sbrolla Praeclipe for Entry of Appearance, Mark R. Hamilton and Philip J. Sbrolla, Esq. of Rawle & Henderson, LLP on behalf of Defendant, The Veterans of Foreign War, Post 842, s/Philip J. Sbrolla, Esq. Two CC Attorney	No Judge
08/26/2005	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Philip J. Sbrolla Esq. No CC.	No Judge
10/26/2005	✓ Petition to Enforce Subpoena, filed by s/ Robert W. Galbraith, Esquire. No CC	No Judge
10/28/2005	✓ PROPOSED SCHEDULING ORDER, AND NOW, to wit, this 27th day of October 2005, it is hereby ORDERED that Defendant's Petition to Enforce Subpoena will be considered in Motions Court on the 18th day of November 2005 at 2:30 p.m. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Galbraith.	Fredric Joseph Ammerman

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

EDWARD L. BLAKE  
Plaintiff

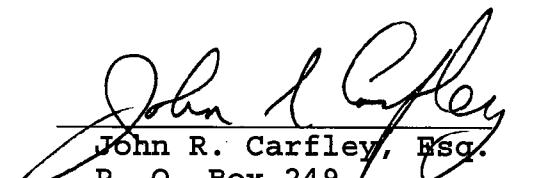
vs. : NO. 2002-1967-60

THE VETERANS OF FOREIGN WARS,  
POST 842  
19 River Road  
Curwensville, Pa., 16833  
Defendant

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

PLEASE issue writ of summons on defendant, The Veterans  
of Foreign Wars, Post 842, 19 River Road, Curwensville, Pa.  
16833.

  
John R. Carfley, Esq.  
P. O. Box 249  
Philipsburg, Pa., 16866  
(814) 342-5581  
ID# 17621

Dated: December 3, 2002

FILED

DEC 20 2002  
M 1:45 PM  
William A. Shaw PD  
Prothonotary 85--  
NO CERT.  
WITNESS OF SUMMONS  
ISSUED TO SHERIFF

FILED

DEC 20 2002

William A. Shaw  
Prothonotary

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

**SUMMONS**

Edward L. Blake

Vs.

NO.: 2002-01967-CD

**Veterans of Foreign Wars, Post 842**

TO: VETERANS OF FOREIGN WARS, POST 842

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 12/20/2002

---

William A. Shaw  
Prothonotary

Issuing Attorney:  
John R. Carfley, Esq.  
222 Presqueisle St.  
Philipsburg, PA 16866

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 13463

BLAKE, EDWARD L.

02-1967-CD

VS.

VETERANS OF FOREIGN WARS, POST 842

**SUMMONS**

**SHERIFF RETURNS**

**NOW JANUARY 3, 2003 AT 2:35 PM EST SERVED THE WITHIN SUMMONS ON  
VETERANS OF FOREIGN WARS, POST 842, DEFENDANT AT EMPLOYMENT, 19  
RIVER ROAD, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING  
TO GLEN KESTER, TRUSTEE (P.I.C.) A TRUE AND ATTESTED COPY OF THE  
ORIGINAL SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: DAVIS/MORGILLO**

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**Return Costs**

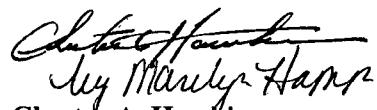
**Cost      Description**

**22.27 SHFF. HAWKINS PD. BY: ATTY.  
10.00 SURCHARGE PD. BY: ATTY.**

**Sworn to Before Me This**  
5th Day Of Feb 2003  
William A. Shaw

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

**So Answers,**

  
My Manly Hand  
Chester A. Hawkins  
Sheriff

**FILED**

FEB 05 2003



William A. Shaw  
Prothonotary

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

EDWARD L. BLAKE  
Plaintiff

vs. : No. 2002-1967-CD  
THE VETERANS OF FOREIGN WARS, : Jury Trial Demanded  
POST 842  
19 River Road  
Curwensville, Pa., 16833 :  
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claims 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  
COURTHOUSE  
CLEARFIELD, PA., 16830  
(814) 765-2641

**FILED**

**DEC 05 2003**

William A. Shaw  
Prothonotary/Clerk of Courts

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

EDWARD L. BLAKE :  
Plaintiff  
  
vs. : No.  
  
THE VETERANS OF FOREIGN WARS, : Jury Trial Demanded  
POST 842 :  
19 River Road :  
Curwensville, Pa., 16833 :

COMPLAINT

AND NOW comes the plaintiff, Edward L. Blake, who by and through his attorney, John R. Carfley, Esquire, sets forth a claim against the defendant, the following of which is a statement:

1. The Plaintiff is Edward L. Blake, an adult individual who presently resides at 615 Williams Street, Clearfield, Clearfield County, Pennsylvania.

2. The Defendant is The Veterans of Foreign Wars (VFW) Post 842, whose address is 19 River Road, Curwensville, Pennsylvania.

3. On or about the 24th day of December, 2001, Plaintiff sustained injuries when he fell on ice which was allowed to accumulate in the main parking lot near the walkway leading up to the main entrance of the Curwensville VFW. At the time Mr. Blake was entering the facility as a business invitee.

4. Plaintiff was injured on the date aforesaid when he slipped on the accumulations of ice and snow in the walkway of the parking lot, which lot was under the care and control of the said defendant and/or its agents and employees.

5. As a result of this accident, plaintiff suffered certain injuries which required medical attention, hospitalization and

surgery at the Clearfield Hospital.

6. The injuries sustained by the plaintiff consisted of Sprain or strain of upper neck and back; Fractured left elbow.

7. During the period of his rehabilitation and continuing up to the present time, plaintiff has suffered complications which have required further treatment, extensive rehabilitation and care and has further resulted in disability rendering him incapable of engaging in certain activities which were routinely performed by him prior to the date of this accident.

8. As a result of the injuries sustained in the accident, plaintiff was forced to expend unreimbursed sums of money on medical treatment and other accident related costs which expenses currently exceed \$10,000.00. In addition Plaintiff will continue to accrue unreimbursed medical expenses indefinitely into the future.

9. As a result of the injuries sustained as aforesaid, plaintiff has suffered and will continue to suffer the following additional damages all of which are or may be permanently disabling:

A. Plaintiff has suffered and will suffer great pain, inconvenience, embarrassment, and mental anguish.

B. Plaintiff has been and will be required to expend sums of money for medical attention, medical supplies, medicines and attendant services.

C. Plaintiff's general health, strength and vitality have been impaired.

D. Plaintiff will suffer loss of pleasure and enjoyment of life including an inability to routinely engage in duties in and about his work station and in sports as he had engaged in beforehand including but not limited to golf, hunting, fishing and softball.

10. The parking lot/walkway at this location as it existed on December 24, 2001, gave rise to a dangerous condition which created a reasonably foreseeable risk of the kind of injuries sustained by the plaintiff.

11. The parking lot/walkway and the social club owned and operated by the defendant was open to the general public and social members at the date and time in question.

12. The plaintiff in this matter was a business visitor and invitee in that he qualified as a person who was invited to enter or remain upon the land owned by the defendant.

13. On or about the date in question, Plaintiff therefore occupied the property of the defendant as a business invitee.

14. It is believed and therefore averred that the defendant, had responsibility to maintain the said parking lot and walkway on which Plaintiff was standing at the time of his injury in a reasonable condition for its patrons and was further responsible for the continued maintenance, inspection, repair and care of the said parking lot/walkway.

15. Notwithstanding this duty, the Defendant failed and refused to provide adequate maintenance, care, repair, and supervision of the parking lot and walkway, and therefore, breached a duty of care owed to the Plaintiff which breach of duty and care

resulted in the injuries to the Plaintiff as hereinabove set forth.

16. The aforesaid incident and the injuries resulting to the plaintiff occurred solely as a result of the negligence, carelessness and recklessness of the defendant who was in exclusive control of the parking lot/walkway which negligence, carelessness and recklessness consisted of the following:

- (a) Failing to maintain, inspect and repair the property.
- (b) Failing to supervise the cleaning of said parking lot/walkway so as to insure that parties who were legally entitled to utilization of the parking lot/walkway were safe and secure.
- (c) Knew or by the exercise of reasonable care should have discovered the condition of the parking lot/walkway and realize that it involved an unreasonable risk of harm to its business invitees.
- (d) Failed to recognize that business invitees in a position similar to that of the plaintiff would not discover or realize the danger, or having so discovered the danger would fail to protect themselves against it.
- (e) Failing to exercise reasonable care to protect its business invitees from the danger inherent in this condition.
- (f) Creating or allowing to exist for an unreasonable period of time an icy condition at or upon the parking lot/walkway which was dangerous to persons utilizing the said parking lot/walkway.
- (g) Failing to exercise reasonable care in selecting competent persons who could be entrusted with the responsibility for maintenance on its premises which care would have disclosed the condition and the unreasonable risk involved in the use thereof

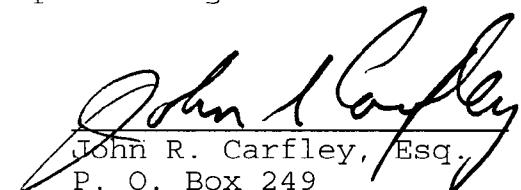
and/or in further failing to make it reasonably safe by maintenance.

(h) Allowing a known dangerous condition to exist on or about its property knowing or having reason to know that said condition would result in injury to persons utilizing said property.

(i) Allowing accumulations of ice and snow to collect on the parking lot/walkway knowing that this created a dangerous condition and presented an unreasonable risk of harm to pedestrian traffic.

17. The injuries sustained by the Plaintiff were the direct and causal result of the negligence of the Defendant and was caused in no way by any act or failure to act on the part of the Plaintiff.

WHEREFORE, Plaintiff demands that judgment be entered in favor of the Plaintiff and against the Defendant named herein in an amount in excess of \$20,000.00 together with interest thereon, delay damages, and costs of this proceeding.



John R. Carfley, Esq.  
P. O. Box 249  
Philipsburg, Pa., 16866  
(814) 342-5581

Dated: December 2, 2003

VERIFICATION

I hereby verify that the statements made in this instrument are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Edward Z Blake

Dated: December 1, 2003

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William A. Shaw  
Prothonotary/Clerk of Courts

### Prothonotary/Clerk of (

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

Plaintiff

v.

THE VETERANS OF FOREIGN WAR,  
POST 842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendants

CIVIL DIVISION

No. 02-1967-CD

**PRAECIPE FOR APPEARANCE**

Filed on behalf of:  
DEFENDANT

Counsel of Record for this party:  
**MARK R. HAMILTON, ESQUIRE**  
Pa. I.D. #29919  
**PHILIP J. SBROLLA, ESQUIRE**  
Pa. I.D. #90231

**JURY TRIAL DEMANDED**

**ZIMMER KUNZ**  
**PROFESSIONAL LIMITED LIABILITY**  
**COMPANY**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

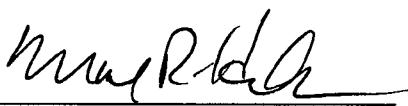
**JAN 20 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

**PRAECIPE FOR APPEARANCE**

Kindly enter my appearance on behalf of the defendant in the above-captioned matter.

ZIMMER KUNZ

By:   
Mark R. Hamilton, Esquire  
Philip J. Sbrolla, Esquire

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within document was forwarded to counsel below named by United States Mail on the 18<sup>th</sup> day of January, 2004.

John R. Carfley, Esquire  
222 Presqueisle Street  
P.O. Box 249  
Philipsburg, PA 16866

ZIMMER KUNZ  
PROFESSIONAL LIMITED LIABILITY COMPANY

By: 

FILED NO  
cc  
M 11/16/04 A  
JAN 20 2004  
SPL

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

Plaintiff

v.

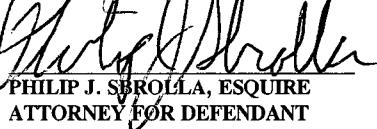
THE VETERANS OF FOREIGN WAR,  
POST 842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendants

**JURY TRIAL DEMANDED**

TO: ALL PARTIES

You are hereby required to file a response to the NEW  
MATTER within twenty (20) days from the date of service hereof  
or a judgment may be entered against you.



PHILIP J. SBROLLA, ESQUIRE  
ATTORNEY FOR DEFENDANT

CIVIL DIVISION

No. 02-1967-CD

**ANSWER AND NEW MATTER**

Filed on behalf of:  
**DEFENDANT**

Counsel of Record for this party:  
**MARK R. HAMILTON, ESQUIRE**  
Pa. I.D. #29919  
**PHILIP J. SBROLLA, ESQUIRE**  
Pa. I.D. #90231

**ZIMMER KUNZ**  
**PROFESSIONAL LIMITED LIABILITY**  
**COMPANY**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

**FEB 27 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

THE VETERANS OF FOREIGN WAR,  
POST 842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendants

**ANSWER AND NEW MATTER**

AND NOW, comes the Defendant, The Veterans of Foreign Wars, Post 842, by and through its counsel, Mark R. Hamilton, Esquire, Philip J. Sbrolla, Esquire and Zimmer Kunz, P.L.L.C., and files the following Answer and New Matter to Plaintiff's Complaint:

1. After reasonable investigation, this Defendant is without knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 1 of Plaintiff's Complaint.

2. Admitted.

3. After reasonable investigation, this Defendant is without knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 3 of Plaintiff's Complaint. As to Plaintiff's allegation in paragraph 3 that he was entering the facility as a business invitee, said allegation amounts to a legal conclusion to which no response is required.

4. In response to paragraph 4, said paragraph contains averments that are insufficiently specific to enable a meaningful response and are therefore denied as stated. To the extent that further response is deemed required, it is admitted that the parking lot was under the care and control of the Defendant. After reasonable investigation, Defendant is without knowledge and information sufficient to form a belief as to the truth of the remaining averments of said paragraph as stated.

5. After reasonable investigation, this Defendant is without knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 5 of Plaintiff's Complaint.

6. After reasonable investigation, this Defendant is without knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 6 of Plaintiff's Complaint.

7. After reasonable investigation, this Defendant is without knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 7 of Plaintiff's Complaint.

8. After reasonable investigation, this Defendant is without knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 8 of Plaintiff's Complaint.

9. After reasonable investigation, this Defendant is without knowledge and information sufficient to form a belief as to the truth of the averments contained in paragraph 9 and subparagraphs (A) through (D) of Plaintiff's Complaint.

10. The allegations in paragraph 10 of Plaintiff's Complaint are legal conclusions to which no response is required. To the extent a response is required the allegations of paragraph 10 of Plaintiff's Complaint are denied in accordance with Pa.R.C.P. 1029(d) and 1029(e).

11. Admitted.

12. The allegations in paragraph 12 of Plaintiff's Complaint are legal conclusions to which no response is required. To the extent a response is required the allegations of paragraph 12 of Plaintiff's Complaint are denied in accordance with Pa.R.C.P. 1029(d) and 1029(e).

13. The allegations in paragraph 13 of Plaintiff's Complaint are legal conclusions to which no response is required. To the extent a response is required the allegations of paragraph 13 of Plaintiff's Complaint are denied in accordance with Pa.R.C.P. 1029(d) and 1029(e).

14. The allegations in paragraph 14 of Plaintiff's Complaint are legal conclusions to which no response is required. To the extent a response is required the allegations of paragraph 14 of Plaintiff's Complaint are denied in accordance with Pa.R.C.P. 1029(d) and 1029(e).

15. The allegations in paragraph 15 of Plaintiff's Complaint are legal conclusions to which no response is required. To the extent a response is required the allegations of paragraph 15 of Plaintiff's Complaint are denied in accordance with Pa.R.C.P. 1029(d) and 1029(e).

16. In response to paragraph 16 of Plaintiff's Complaint, Defendant incorporates paragraph 4 of the within Answer and New Matter as if set forth at length with regard to the care and custody of the parking lot. The remainder of the allegations in paragraph 16 and subparagraphs (a) through (i) of Plaintiff's Complaint are legal conclusions to which no response is required. To the extent a response is required the allegations of paragraph 16 and subparagraphs (a) through (i) of Plaintiff's Complaint are denied in accordance with Pa.R.C.P. 1029(d) and 1029(e).

17. The allegations in paragraph 17 of Plaintiff's Complaint are legal conclusions to which no response is required. To the extent a response is required the allegations of paragraph 17 of Plaintiff's Complaint are denied in accordance with Pa.R.C.P. 1029(d) and 1029(e).

WHEREFORE, Defendant The Veterans of Foreign Wars, Post 842 demands judgment in its favor and against the Plaintiff.

**New Matter**

18. This Defendant incorporates herein by reference thereto their answers to paragraphs 1 through 17 of this Answer and New Matter as though the same were set forth at length herein.

19. The Defendant pleads the affirmative defenses of assumption of risk, comparative negligence and contributory negligence, as preserved under Pa.R.C.P. 1030(b).

20. This Defendant was insured under a policy issued by Legion Insurance Company or one of its former subsidiaries that were merged into Legion insurance Company (collectively "Legion").

21. The Commonwealth Court of Pennsylvania entered an Order of Liquidation with a finding of insolvency against Legion on July 25, 2003.

22. Any and all liability of this Defendant or the Pennsylvania Property & Casualty Insurance Guaranty Association for any claim of any party in this action, which liability is and has been expressly denied, is barred or limited by the provisions of the Pennsylvania Property & Casualty Insurance Guaranty Act, 40 P.S. § 991.1801 et seq.

23. As a result of the Liquidation Order, the provisions of 40 P.S. § 991.1817(a) apply to Plaintiff's claim.

24. Plaintiff is required to exhaust his rights under any insurance policy, including but not limited to claims under accident and health insurance, worker's compensation, Blue Cross and Blue Shield, motor vehicle insurance and all other coverages except for policies of an insolvent insurer. Any failure to exhaust other insurance bars Plaintiff's recovery, if any, in this action.

25. Upon information and belief, bills or damages related to the loss for which Plaintiff seeks recovery in this action were paid or are payable under accident and health insurance, Blue Cross and Blue Shield, worker's compensation insurance, motor vehicle insurance or other insurance.

26. The Pennsylvania Property and Casualty Insurance Guaranty Association has asserted that any amount that may be payable by it, on behalf of this Defendant is reduced by the amount of Plaintiff's recovery under other insurance.

27. Plaintiff's recovery under other insurance reduces any amount that may be found to be payable by these Defendants in this action, to the extent as the recovery reduces any amount payable by the Pennsylvania Property and Casualty Insurance Guaranty Association.

WHEREFORE, Defendant, The Veterans of Foreign Wars, Post, demands judgment in its favor and against Plaintiff.

ZIMMER KUNZ, P.L.L.C.

By:



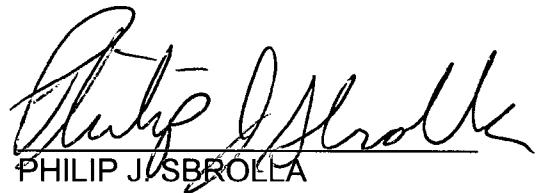
Mark R. Hamilton, Esquire

Philip J. Sbrolla, Esquire

Attorneys for Defendant

## VERIFICATION

I, PHILIP J. SBROLLA, ESQUIRE, Counsel of Record for THE VETERANS OF FOREIGN WAR, POST 842, Defendant herein, deposes and says that I am counsel for said party in the above matter; that I am authorized to make this verification on behalf of said party; that the facts set forth in the foregoing are true and correct, not of my own knowledge, but from information supplied to me by said party; that the foregoing pleading includes conclusions of law and averments of fact averred by other parties to this action and not within the personal knowledge of the defendant; that the purpose of this verification is to expedite litigation; this verification is made pursuant to Rule 1024(c) of the Pennsylvania Rules of Civil Procedure; and that a verification by this party will be furnished if requested. This statement is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



Philip J. Sbrolla

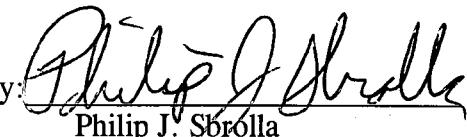
Dated: 2/26/04

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have served a true and correct copy of the foregoing document upon all known counsel of record by United States, first-class mail, postage prepaid, this 26 day of February, 2004.

John R. Carfley  
222 Presqueisle Street  
P.O. Box 249  
Philipsburg, PA 16866

ZIMMER KUNZ, PLLC

By:   
Philip J. Sbrolla

**FILED** NO CC  
M) Lincoln Co. Ct.  
FEB 27 2004  
WES

William A. Shaw  
Prothonotary/Clerk of Courts

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

EDWARD L. BLAKE :  
Plaintiff

vs. : No. 02-1967-CD

THE VETERANS OF FOREIGN WARS, : Jury Trial Demanded  
POST 842 :  
19 River Road :  
Curwensville, Pa., 16833 : Document filed:  
Plaintiff's Answer to  
Defendant's New Matter

: Filed on behalf of:  
Plaintiff

:  
: Counsel for this Party:  
John R. Carfley, Esq.  
P. O. Box 249  
Philipsburg, Pa., 16866  
(814) 342-5581

**FILED**

MAR 02 2004

William A. Shaw  
Prothonotary

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

EDWARD L. BLAKE  
Plaintiff

vs. : No. 02-1967-CD

THE VETERANS OF FOREIGN WARS, : Jury Trial Demanded  
POST 842 :  
19 River Road :  
Curwensville, Pa., 16833 :  
:

PLAINTIFF'S ANSWER TO DEFENDANT'S NEW MATTER

AND NOW comes the plaintiff, Edward L. Blake, who by and through his attorney, John R. Carfley, Esquire, responds to Defendant's New Matter in the following manner:

19. Denied. On the contrary it is averred that Paragraph 19 of Defendant's New Matter states conclusions of law as to which no specific response is required. Insofar as relevant, proof of these affirmative offenses are demanded at time of trial in that plaintiff claims that he committed no act and was guilty of no failure to act in any way which would give rise to the defense of assumption of risk, comparative negligence and/or contributory negligence as those legal concepts are defined.

20. Denied. On the contrary it is averred that after reasonable investigation, plaintiff is without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial.

21. Denied. On the contrary it is averred that after reasonable investigation, plaintiff is without knowledge sufficient to form a belief as to the truth of the averment set forth therein

and insofar as relevant, proof thereof is demanded at time of trial.

22. Denied. On the contrary it is averred that after reasonable investigation, plaintiff is without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial. It is further averred that Paragraph 22 states a conclusion of law as to which no further response is required.

23. Denied. On the contrary it is averred that after reasonable investigation, plaintiff is without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial. It is further averred that Paragraph 23 states a conclusion of law as to which no further response is required.

24. Denied. On the contrary it is averred that after reasonable investigation, plaintiff is without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial. It is further averred that Paragraph 24 states a conclusion of law as to which no further response is required.

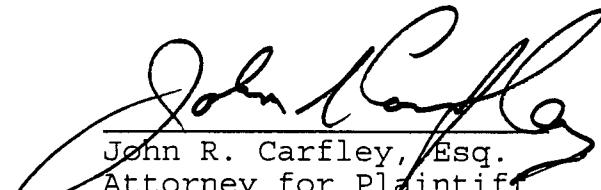
25. It is specifically denied that the bills and/or damages related to the loss for which plaintiff seeks recovery were paid or are payable under any Health or Accident Insurance, Blue Cross and Blue Shield, Workman's Compensation insurance, Motor Vehicle insurance or other insurance and insofar as relevant, proof thereof is demanded at time of trial.

26. Denied. On the contrary it is averred that after

reasonable investigation, plaintiff is without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial. It is further averred that Paragraph 26 states a conclusion of law as to which no further response is required.

27. Denied. On the contrary it is averred that after reasonable investigation, plaintiff is without knowledge sufficient to form a belief as to the truth of the averment set forth therein and insofar as relevant, proof thereof is demanded at time of trial. It is further averred that Paragraph 27 states a conclusion of law as to which no further response is required.

WHEREFORE, Plaintiff requests that judgment be entered in favor of the Plaintiff and against the Defendant consistent with the prayer of Plaintiff's Complaint the averments of which are incorporated herein by reference as fully as though set forth at length.



John R. Carfley, Esq.  
Attorney for Plaintiff  
P. O. Box 249  
Philipsburg, Pa., 16866  
(814) 342-5581

Dated: March 2, 2004

VERIFICATION

I hereby verify that the statements made in this instrument are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Edward Z Blah

Dated: March 1, 2004

FILED

100 to 110  
1-39 11  
MAR 02 2004  
SAC

William A. Shaw  
Prothonotary

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

EDWARD L. BLAKE :  
Plaintiff

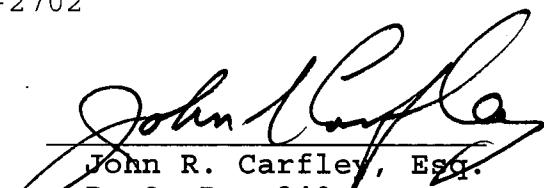
vs. : No. 02-1967-CD

THE VETERANS OF FOREIGN WARS, : Jury Trial Demanded  
POST 842 :  
19 River Road :  
Curwensville, Pa., 16833 :

CERTIFICATE OF SERVICE

I, John R. Carfley, Esquire, attorney for the Plaintiff, Edward Blake in the above matter do certify that on the 2nd day of March, 2004, I served a copy of Plaintiff's Answer to Defendant's New Matter filed in the above matter, by placing the same in the United States Mail, regular service to the following attorneys and parties of record by first class U.S. mail, postage prepaid:

Philip J. Sbrolla, Esq.  
ZIMMER KUNZ  
3300 U.S. Steel Tower  
Pittsburgh, Pa., 15219-2702

  
John R. Carfley, Esq.  
P. O. Box 249  
Philipsburg, Pa., 16866  
Attorney for Plaintiff

FILED

MAR 02 2004

William A. Shaw  
Prothonotary

FILED  
O 1:40 AM 2004  
MAR 02 2004  
EAST

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

Plaintiff

v.

THE VETERANS OF FOREIGN WAR,  
POST 842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendants

**JURY TRIAL DEMANDED**

CIVIL DIVISION

No. 02-1967-CD

**VERIFICATION TO ANSWER AND NEW  
MATTER**

Filed on behalf of:  
DEFENDANT

Counsel of Record for this party:  
**MARK R. HAMILTON, ESQUIRE**  
Pa. I.D. #29919  
**PHILIP J. SBROLLA, ESQUIRE**  
Pa. I.D. #90231

**ZIMMER KUNZ**  
**PROFESSIONAL LIMITED LIABILITY**  
**COMPANY**  
Firm #920  
3300 USX Tower  
Pittsburgh, PA 15219

(412) 281-8000

**FILED**

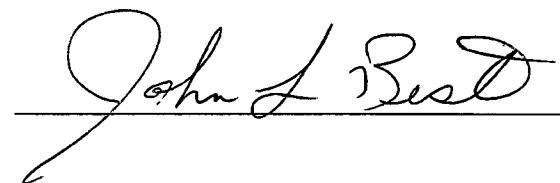
MAR 15 2004

William A. Shaw  
Prothonotary/Clerk of Courts

I, John L. Best verify that I am President OF the Veterans of Foreign Wars, Post 842. I have read the foregoing ANSWER AND NEW MATTER. The statements contained therein are true and correct to the best of my personal knowledge, information and belief.

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

Date: 2/24/04

A handwritten signature in black ink, appearing to read "John L. Best", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized "J" at the beginning.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have served a true and correct copy of the foregoing document upon all known counsel of record by United States, first-class mail, postage prepaid, this 11 day of March, 2004.

John R. Carfley  
222 Presqueisle Street  
P.O. Box 249  
Philipsburg, PA 16866

ZIMMER KUNZ, PLLC

By: Philip J. Sbrolla  
Philip J. Sbrolla

FILED  
1-22-04  
MAR 15 2004  
WES

cc  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

Plaintiff

v.

THE VETERANS OF FOREIGN WAR,  
POST 842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendants

**JURY TRIAL DEMANDED**

CIVIL DIVISION

No. 02-1967-CD

**PRAECIPE FOR WITHDRAWAL OF  
APPEARANCE/PRAECIPE FOR ENTRY  
OF APPEARANCE**

Filed on behalf of:  
DEFENDANT

Counsel of Record for this party:  
**MARK R. HAMILTON, ESQUIRE**  
Pa. I.D. #29919  
**PHILIP J. SBROLLA, ESQUIRE**  
Pa. I.D. #90231

RAWLE & HENDERSON LLP  
535 Smithfield Street  
Oliver Building, Suite 1000  
Pittsburgh, PA 15222  
(412) 261-5700

*red*  
*bx*  
**FILED**  
*7/11/3004*  
**JUL 29 2004**  
Atty  
William A. Shaw  
Prothonotary/Clerk of Courts  
*copy to cfa*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

THE VETERANS OF FOREIGN WAR,  
POST 842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

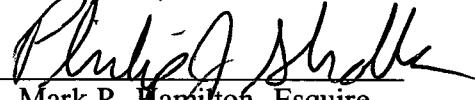
Defendants

**PRAECIPE FOR WITHDRAWAL OF APPEARANCE**

TO: Prothonotary of Clearfield County

Kindly withdraw the appearance of MARK R. HAMILTON, ESQUIRE and  
PHILIP J. SBROLLA, ESQUIRE of ZIMMER KUNZ, P.L.L.C. on behalf of Defendant, THE  
VETERANS OF FOREIGN WAR, POST 842 in the above-captioned matter.

ZIMMER KUNZ, P.L.L.C.

BY: 

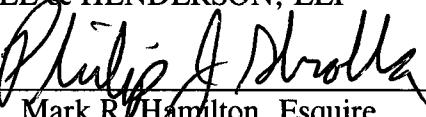
Mark R. Hamilton, Esquire  
Philip J. Shrolla, Esquire  
3300 U. S. Steel Tower  
Pittsburgh, PA 15219

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO: *Prothonotary of Clearfield County*

Kindly enter the appearance of MARK R. HAMILTON, ESQUIRE and PHILIP J. SBROLLA, ESQUIRE of RAWLE & HENDERSON LLP on behalf of Defendant, THE VETERANS OF FOREIGN WAR, POST 842 in the above-captioned matter.

RAWLE & HENDERSON, LLP

BY: 

Mark R. Hamilton, Esquire  
Philip J. Sbrolla, Esquire  
535 Smithfield Street  
Oliver Building, Suite 1000  
Pittsburgh, PA 15222  
(412) 261-5700

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have served a true and correct copy of the foregoing PRAECIPE FOR WITHDRAWAL OF APPEARANCE/PRAECIPE FOR ENTRY OF APPEARANCE, upon all known counsel of record by United States, first-class mail, postage prepaid, this 26<sup>th</sup> day of July, 2004, as follows:

John R. Carfley  
222 Presqueisle Street  
P.O. Box 249  
Philipsburg, PA 16866

By:

  
Mark R. Hamilton, Esquire  
Philip J. Sorolla, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

Plaintiff

v.

THE VETERANS OF FOREIGN WAR, POST  
842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendant.

CIVIL DIVISION

No. 02-1967-CD

**CERTIFICATE PREREQUISITE TO  
SERVICE OF SUBPOENA**

Filed on behalf of:

DEFENDANT

Counsel of Record for this party:

**MARK R. HAMILTON, ESQUIRE**

Pa. I.D. #29919

**PHILIP J. SBROLLA, ESQUIRE**

Pa. I.D. #90231

RAWLE & HENDERSON, LLP  
Henry W. Oliver Building, Suite 1000  
535 Smithfield Street  
Pittsburgh, PA 15222  
(412) 261-5700

**JURY TRIAL DEMANDED**

**FILED**

AUG 26 2005

11:12:50 AM

William A. Shaw

Prothonotary/Clerk of Courts

No 9C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

THE VETERANS OF FOREIGN WAR, POST

842

19 RIVER ROAD

CURWENSVILLE, PA 16833,

Defendant.

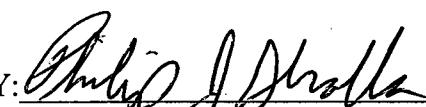
**CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA**

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Defendant, **The Veterans of Foreign War, Post 842** certifies that

1. a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
2. a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
3. no objection to the subpoena has been received, and the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena

RAWLE & HENDERSON, LLP

BY:

  
Philip J. Sprolla, Esquire  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

Plaintiff

v.

THE VETERANS OF FOREIGN WAR, POST  
842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendant.

CIVIL DIVISION

No. 02-1967-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA**

Filed on behalf of:  
DEFENDANT

Counsel of Record for this party:  
**MARK R. HAMILTON, ESQUIRE**  
Pa. I.D. #29919  
**PHILIP J. SBROLLA, ESQUIRE**  
Pa. I.D. #90231

**JURY TRIAL DEMANDED**

RAWLE & HENDERSON, LLP  
Henry W. Oliver Building, Suite 1000  
535 Smithfield Street  
Pittsburgh, PA 15222  
(412) 261-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

THE VETERANS OF FOREIGN WAR, POST  
842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendant.

**NOTICE OF INTENT TO SERVE A SUBPOENA**

Defendant, The Veterans of Foreign War, Post 842, intends to serve a subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

RAWLE & HENDERSON, LLP

BY:

  
Philip J. Sbrolla, Esquire  
Attorney for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Edward L. Blake

\*

Plaintiff(s)

\*

Vs.

No. 2002-01967-CD

Veterans of Foreign Wars, Post 842

\*

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Grandview Golf Course, 122 WM Cemetery Road, Curwensville, PA 16833  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

~~Please produce all documents reflecting number of rounds of golf played by Edward L. Blake between 1998 and the present. Please produce all documents reflecting the scores posted by Edward L. Blake to any round of golf played between 1998 and the present. Please produce all documents reflecting the handicap of Edward L. Blake from 1998 to the present.~~ (Address)

Rawle & Henderson, LLP, 535 Smithfield Street, Henry W. Oliver, Suite 1000,

You may deliver or mail legible copies of the documents or produce things requested by Pittsburgh, P. 15222 this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Philip J. Sbrolla, Esquire

ADDRESS: 535 Smithfield Street  
Henry W. Oliver Building, Suite 1000  
Pittsburgh, PA 15222

TELEPHONE: (412) 261-5700

SUPREME COURT ID # 90231

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Friday, July 01, 2005

Seal of the Court

Deputy

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

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have served a true and correct copy of the foregoing document upon all known counsel of record by United States, first-class mail, postage prepaid, this

21<sup>th</sup> day of July, 2005.

John R. Carfley  
222 Presque Isle Street  
P.O. Box 249  
Philipsburg, PA 16866

RAWLE & HENDERSON, LLP

By: Philip J. Sbrolla  
Philip J. Sbrolla

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have served a true and correct copy of the foregoing document upon all known counsel of record by United States, first-class mail, postage prepaid, this

24<sup>th</sup> day of August, 2005.

John R. Carfley  
222 Presque Isle Street  
P.O. Box 249  
Philipsburg, PA 16866

RAWLE & HENDERSON, LLP

By:   
Philip J. Sbrolla

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

**PETITION TO ENFORCE SUBPOENA**

THE VETERANS OF FOREIGN WAR, POST  
842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Filed on behalf of:  
DEFENDANT

Counsel of Record for this party:

Defendant.

**PHILIP SBROLLA, ESQUIRE**  
Pa. I.D. #90231

**JURY TRIAL DEMANDED**

**ROBERT W. GALBRAITH, ESQUIRE**  
Pa. I.D. #86473

RAWLE & HENDERSON, LLP  
Henry W. Oliver Building, Suite 1000  
535 Smithfield Street  
Pittsburgh, PA 15222  
(412) 261-5700

FILED NOCC  
OCT 26 2005  
6P  
m 10:19 AM

William A. Shaw  
Prothonotary Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

THE VETERANS OF FOREIGN WAR, POST  
842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendant.

**PETITION TO ENFORCE SUBPOENA**

1. The above-captioned matter was initiated as a result of an alleged slip and fall.
2. Throughout the course of discovery, plaintiff has claimed that the injuries allegedly suffered in the accident giving rise to this suit have diminished his ability to enjoy the hobby of golf.
3. Discovery has further revealed that the plaintiff is a member of Grandview Golf Course at 122 WM Cemetery Road, Curwensville, Pennsylvania 16833.
4. On or about August 24, 2005, defendant properly subpoenaed from Grandview Golf Course all documents reflecting the number of rounds of golf played by plaintiff since the year of the accident through the present, and all documents reflecting scores posted by the plaintiff during that time. A copy of the subpoena is attached hereto and marked as Exhibit A.

5. Certified mail return receipt shows that the golf course was served with the Subpoena on August 26, 2005. See Certified Mail green card attached hereto and marked as Exhibit B.

6. Having received no response from the golf course, defendant forwarded correspondence dated September 26, 2005 requesting compliance with the Subpoena. See correspondence attached hereto and marked as Exhibit C.

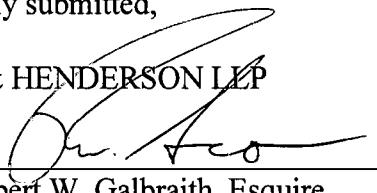
7. To date, defendant has received no response.

8. Defendant respectfully submits that Grandview Golf Course's continued failure to respond to the Subpoena prejudice this defendant.

WHEREFORE, defendant respectfully requests that the Court enter the attached Order.

Respectfully submitted,

RAWLE & HENDERSON LLP

By   
Robert W. Galbraith, Esquire

The Henry W. Oliver Building  
535 Smithfield Street, Suite 910  
Pittsburgh, PA 15222  
(412) 261-5700

Counsel for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Edward L. Blake

Plaintiff(s)

Vs.

\*

No. 2002-01967-CD

Veterans of Foreign Wars, Post 842

\*

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Grandview Golf Course, 122 WM Cemetery Road, Curwensville, PA 16833  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

~~Please produce all documents reflecting number of rounds of golf played by Edward L Blake between 1998 and the present. Please produce all documents reflecting the scores posted by Edward L. Blake to any round of golf played between 1998 and the present. Please produce all documents reflecting the handicap of Edward L. Blake from 1998 to the present.~~ (Address)

Rawle & Henderson, LLP, 535 Smithfield Street, Henry W. Oliver, Suite 1000,

You may deliver or mail legible copies of the documents or produce things requested by Pittsburgh, 15222 this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Philip J. Sbrolla, Esquire

ADDRESS: 535 Smithfield Street  
Henry W. Oliver Building, Suite 1000  
Pittsburgh, PA 15222

TELEPHONE: (412) 261-5700

SUPREME COURT ID # 90231

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Friday, July 01, 2005

Seal of the Court

Deputy

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

EXHIBIT

tabbies®

A

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Grandview Golf Course  
Laurel Cemetery Road  
Carmensville, PA 16833

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X** *John P. B.*  Agent  
 Addressee

B. Received by (Printed Name)  
**John B. B.**  C. Date of Delivery  
**10-2005**

D. Is delivery address different from item 1?  Yes  
 No

If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
(Transfer from service label)

**7004 1160 0000 4935 3764**

Domestic Return Receipt

102595-02-M-1540

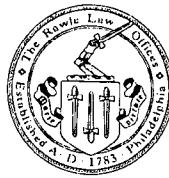
EXHIBIT

**B**

saqqea

PS Form 3811, February 2004

# RAWLE & HENDERSON LLP



PHILIP J. SBROLLA  
412-261-5703  
psbrolla@rawle.com

The Nation's Oldest Law Office • Established in 1783

[www.rawle.com](http://www.rawle.com)

THE HENRY W. OLIVER BUILDING  
SUITE 1000, 535 SMITHFIELD ST.  
PITTSBURGH, PA 15222

TELEPHONE: (412) 261-5700  
FACSIMILE: (412) 261-5710

September 26, 2005

Grandview Golf Course  
122 WM Cemetery Road  
Curwensville, PA 16833

**RE: Edward Blake v. VFW  
Clearfield County – No. 02-1967-CD**

Dear Sir or Madam:

As you may recall, on or about August 24, 2005, I served upon you a subpoena for the inspection or copying of certain documents listed therein. More than twenty (20) days have elapsed since the service of the subpoena. Failure to comply with a subpoena may be sanctionable by the Court.

Kindly comply with the subpoena within the next ten (10) days to avoid the necessity of approaching the Court with your noncompliance.

Thank you for your anticipated cooperation.

Very truly yours,

RAWLE & HENDERSON LLP

By: Philip J. Sbrolla

PJS/cw

COPY

100117  
1208759 v.1

EXHIBIT

tables

C

NEW YORK, NY

WILMINGTON, DE

WHEELING, WV

PHILADELPHIA, PA

PITTSBURGH, PA

HARRISBURG, PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

THE VETERANS OF FOREIGN WAR, POST  
842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendant.

**ORDER OF COURT**

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_ 2005, it is hereby  
ORDERED that:

a. Grandview Golf Course must respond to defendant's Subpoena and forward  
all documentation within its possession reflecting number of rounds of golf played by  
Edward L. Blake between 1998 and the present and all other documents and/or items  
requested in the Subpoena within twenty (20) days or suffer further sanctions;

b. A Rule is hereby issued, which is returnable to this Court on the 18<sup>th</sup> day of  
November 2005 at 2:30a.m. (p.m.) should Grandview Golf Course continue to  
ignore the Subpoena at which time, a representative of Grandview Golf Course will be  
required to appear before this Court and explain its failure to comply with the Court's  
Subpoena power.

BY THE COURT,

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

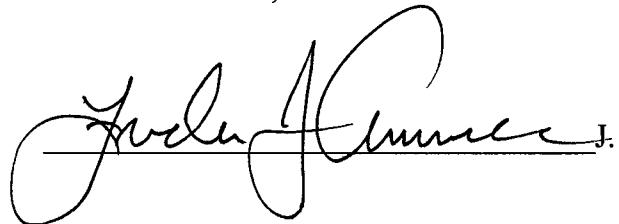
THE VETERANS OF FOREIGN WAR, POST  
842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendant.

**PROPOSED SCHEDULING ORDER**

AND NOW, to wit, this 27<sup>th</sup> day of October 2005, it is hereby  
ORDERED that Defendant's Petition to Enforce Subpoena will be considered in Motions  
Court on the 18<sup>th</sup> day of November 2005 at 2:30 a.m./p.m.

BY THE COURT,



**FILED**

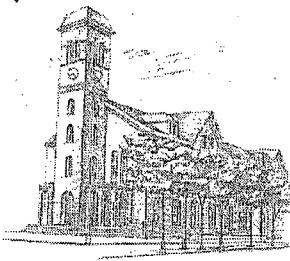
02/02/06 1CC Atty  
OCT 28 2006 Galbraith  
LAW

William A. Shaw  
Prothonotary

**FILED**

OCT 28 2005

William A. Shaw  
Prothonotary



## 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.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

THE VETERANS OF FOREIGN WAR, POST  
842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

**PRAECIPE TO WITHDRAW  
PETITION TO ENFORCE SUBPOENA**

Defendant.

Filed on behalf of:  
DEFENDANT

**JURY TRIAL DEMANDED**

Counsel of Record for this party:

**PHILIP SBROLLA, ESQUIRE**  
Pa. I.D. #90231

**ROBERT W. GALBRAITH, ESQUIRE**  
Pa. I.D. #86473

RAWLE & HENDERSON, LLP  
Henry W. Oliver Building, Suite 1000  
535 Smithfield Street  
Pittsburgh, PA 15222  
(412) 261-5700

FILED NOCC  
m/10/05  
NOV 17 2005 6P

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

EDWARD L. BLAKE,

CIVIL DIVISION

Plaintiff

No. 02-1967-CD

v.

THE VETERANS OF FOREIGN WAR, POST  
842  
19 RIVER ROAD  
CURWENSVILLE, PA 16833,

Defendant.

**PRAECIPE TO WITHDRAW PETITION**  
**TO ENFORCE SUBPOENA WITHOUT PREJUDICE**

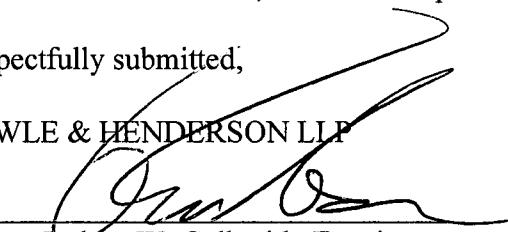
TO: Prothonotary

Kindly withdraw defendant's Petition to Enforce Subpoena Without Prejudice,  
same Petition having been scheduled for presentation on November 18, 2005 at 2:30 p.m.

Respectfully submitted,

RAWLE & HENDERSON LLP

By



Robert W. Galbraith, Esquire

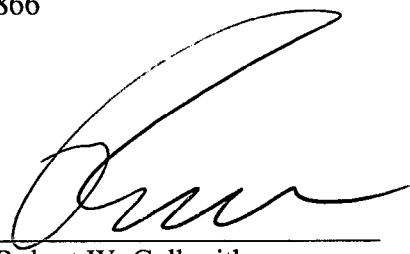
The Henry W. Oliver Building  
535 Smithfield Street, Suite 910  
Pittsburgh, PA 15222  
(412) 261-5700

Counsel for Defendant

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have served a true and correct copy of the foregoing document upon all known counsel of record by United States, first-class mail, postage prepaid, this 15<sup>th</sup> day of November 2005.

John R. Carfley  
222 Presque Isle Street  
P.O. Box 249  
Philipsburg, PA 16866

By: 

Robert W. Galbraith

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

EDWARD L. BLAKE  
Plaintiff

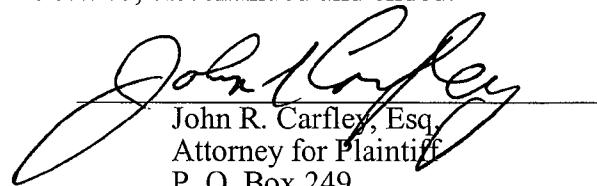
vs. : No. 02-1967-CD

THE VETERANS OF FOREIGN WARS, : Jury Trial Demanded  
POST 842  
19 River Road  
Curwensville, Pa., 16833 :  
:

PRAECIPE

TO THE PROTHONOTARY

Please mark the above captioned matter as settled, discontinued and ended.

  
John R. Carfley, Esq.  
Attorney for Plaintiff  
P. O. Box 249  
Philipsburg, PA 16866  
(814) 342-5581

Dated:

FILED *cc & 1 Cert of disc issued to*  
*11:30 am Atty. Carfley*  
*JUL 03 2006*  
*Copy to C/A*  
*WM*  
William A. Shaw  
Prothonotary

**JOHN R. CARFLEY**  
ATTORNEY AT LAW  
222 PRESQUEISLE STREET  
P. O. BOX 249  
PHILIPSBURG, PENNSYLVANIA 16866

AREA CODE 814  
TELEPHONE 342-5581  
FAX 342-1127

June 30, 2006

William Shaw, Prothonotary  
Clearfield County Courthouse  
Clearfield, PA 16830

Re: Edward L. Blake  
vs. The Veterans of Foreign Wars  
No. 2002-1967-CD

Dear Mr. Shaw:

Please find enclosed a Praeclipe to Settle, Discontinue and End the above captioned matter. Please file the original and time-stamp the copy to be returned to my office in the enclosed envelope. Would you also provide a Certificate of Discontinuance along with a bill of costs for this matter?

Thank you for your consideration.

Very truly yours,



John R. Carfley

JRC:bjc

Encls.

cc: Philip J. Sbrolla, Esq.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Edward L. Blake

Vs.  
Veterans of Foreign Wars, Post 842

No. 2002-01967-CD

CERTIFICATE OF DISCONTINUATION

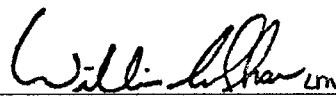
Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 3, 2006, marked:

Settled, discontinued and ended

Record costs in the sum of \$85.00 have been paid in full by John R. Carfley Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of July A.D. 2006.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary