

03-54-CD
CLINT ALLEN STEPHENS vs. LANAGER LANDSCAPE

**DEFENDANTS NOTICE OF APPEAL FROM DISTRICT JUSTICE JUDGMENT
COMMON PLEAS CASE NO. AR-**

Clint Allen Stephens, R.D.1, Box 390 Curwensville, PA 16833

Plaintiff(s) name and address

Lanager Landscape, P.O. Box 506, Hyde, PA 16843

Defendant(s) name and address

Lanager Landscape

Name of appellant(s) (People or company filing this appeal)

Richard A. Ireland, District Justice

Name of District Justice

CV-0000513-02

District Justice case number

December 17, 2002

District Justice Hearing Date

This block will be signed only when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice will operate as a SUPERSEDEAS to the judgment for possession in this case.

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

Signature of Prothonotary or Deputy

**PRAECIPE TO ENTER RULE TO FILE A COMPLAINT
TO PROTHONOTARY:**

Enter rule upon Clint Allen Stephens
plaintiff(s)

to file a complaint in this appeal within twenty (20) days after the date of service of this rule by the Prothonotary's Office.

Bernard W. O'Keefe
Bernard W. O'Keefe Esquire
Signature of appellant or attorney

RULE: To Clint Allen Stephens
plaintiff(s)

1. You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule.
2. If you do not file a complaint within this time, A JUDGMENT OF NON PROS MAY BE ENTERED AGAINST YOU.
3. The date of service of this rule is the MAIL DATE.

January 14, 2003
mail date

William A. Shaw 1/14/03
Filing Date & Signature of Prothonotary or Deputy

**DIRECTIONS: TO FILE YOUR COMPLAINT AS PER THE ABOVE RULE, BRING THIS FORM TO:
PROTHONOTARY'S OFFICE, 1ST FLOOR CITY COUNTY BLDG. 414 GRANT ST. PGH, PA 15219
OFFICE HOURS: 8:30 A.M. TO 4:30 P.M. MON.-FRI (NO FEE TO FILE THIS COMPLAINT)**

FILED

1/18/03
JAN 14 2003

William A. Shaw
Prothonotary

Atty pd.
85.00

1 copy
sealed to
Atty O'Keefe

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF **CLEARFIELD**

Mag. Dist. No.:	46-3-02
DJ Name: Hon.	RICHARD A. IRELAND
Address:	650 LEONARD STREET CLEARFIELD, PA
Telephone: (814) 765-5335	16830

ATTORNEY DEF PRIVATE :

BERNARD W. O'KEEFE
300 WEYMAN PLAZA
SUITE 310
PITTSBURGH, PA 15236

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **STEPHENS, CLINT ALLEN**
NAME and ADDRESS
RD1, BOX 390
CURWENSVILLE, PA 16833

VS.

DEFENDANT: **LANAGER LANDSCAPE, ET AL.**
NAME and ADDRESS
PO BOX 506
HYDE, PA 16843

Docket No.: **CV-0000513-02**
Date Filed: **11/06/02**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

☒ Judgment was entered for: (Name) **STEPHENS, CLINT ALLEN**

☒ Judgment was entered against: (Name) **LANAGER LANDSCAPE**

in the amount of \$ **1,171.82** on: (Date of Judgment) **12/22/02**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

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

☐ Levy is stayed for _____ days or ☐ generally stayed.

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

Amount of Judgment	\$ 1,096.32
Judgment Costs	\$ 75.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,171.82
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

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

DEC 22 2002 Date **Richard A. Ireland**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
_____, Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

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

CLINT ALLEN STEPHENS,

Plaintiff

v.

LANAGER LANDSCAPE,

Defendant

NO. 03-54-CD

PRAECIPE

Filed on behalf of:
Plaintiff

Counsel for this party:

GARY A. KNARESBORO, Esquire
Supreme Court No. 52097
Sobel, Collins, & Knaresboro
Attorneys at Law
218 South Second Street
Clearfield, PA 16830
(814) 765-6555
FAX (814) 765-6210

FILED

JAN 29 2003

William A. Shaw
Prothonotary

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

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

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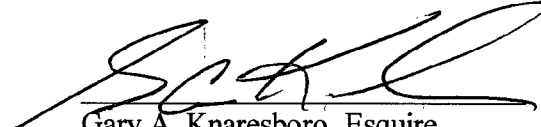
No. 03-54-CD

P R A E C I P E

TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly enter my appearance as counsel for the above named Plaintiff and direct all matters
and pleadings concerning the same to the undersigned.

Date: January 29, 2003


Gary A. Knaresboro, Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 03-54-CD

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

PRAECIPE FOR ENTRY OF APPEARANCE

FILED

012:50 PM
JAN 29 2003

William A. Shaw
Prothonotary

Suhel, Collins & Knarensboro
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-5555

2cc
And Knarensboro

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

CLINT ALLEN STEPHENS,

Plaintiff

v.

LANAGER LANDSCAPE,

Defendant

NO. 03-54-CD

COMPLAINT

Filed on behalf of:
Plaintiff

Counsel for this party:

GARY A. KNARESBORO, Esquire
Supreme Court No. 52097
Sobel, Collins, & Knaresboro
Attorneys at Law
218 South Second Street
Clearfield, PA 16830
(814) 765-6555
FAX (814) 765-6210

FILED

JAN 29 2003

William A. Shaw
Prothonotary

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

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

:
:
:
:
:
:
:

No. 03-54-CD

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David A. Meholic, Court Administrator
Court Administrator's Office
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

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

CLINT ALLEN STEPHENS,	:	
Plaintiff	:	
	:	
v.	:	No. 03-54-CD
	:	
LANAGER LANDSCAPE,	:	Jury Trial Demanded
Defendant	:	

COMPLAINT

AND NOW, comes the Plaintiff, Clint Allen Stephens, by his attorney, Gary A. Knaresboro, Esquire, and avers as follows:

1. That the Plaintiff, Clint Allen Stephens, is an adult individual who resides at R. D. 1, Box 390, Curwensville, Pennsylvania 16833.

2. That the Defendant, Lanager Landscape, is a business owned and operated by Chris Lanager and located at Kerr Avenue, Clearfield, Pennsylvania 16838.

3. That on or about September 5, 2002, the Plaintiff was traveling in his vehicle, a 1995 Subaru, on SR3013, in Pike Township, Clearfield County, Pennsylvania, when the Plaintiff encountered large rocks that were placed on the road by Lanager Landscape employees.


4. That the Plaintiff's vehicle suffered damage in the amount of One Thousand Fifty-One and 81/100 (\$1,051.81) Dollars. An estimate of damage was obtained from D. L. Dravis & Associates, Inc. A true and correct copy of said estimate is attached hereto and incorporated herein by reference as Attachment A.

5. That the Plaintiff was unable to avoid the dangerous situation created by Lanager Landscape.

6. That the damage to the Plaintiff's vehicle was the direct and proximate result of the conduct of Lanager Landscape.

7. That the actions of Lanager Landscape were reckless and negligent.

WHEREFORE, the Plaintiff claims compensatory damages from the Defendant and requests this Court to enter judgment in favor of the Plaintiff and against the Defendant in the amount of One Thousand Fifty-One and 81/100 (\$1,051.81) Dollars, together with interest and costs.



Gary A. Knaresboro, Esquire

Date: 9/27/02 02:00 PM
Estimate ID: M02A40328
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

"THIS IS NOT AN AUTHORIZATION FOR REPAIR"

D.L. Dravis & Associates Inc.

630 Pleasant Valley Blvd. P.O. Box 801 Altoona, PA 16602
(814) 943-6155
Fax: (814) 943-6002

Damage Assessed By: Rocky McCumbee145702

Appraised For: HARLEYSVILLE MUTUAL INS CO

Condition Code: Good
Date of Loss: 9/ 5/02
Contact Date: 9/23/02
Deductible: UNKNOWN
File Number: M02A40328
Claim Number: M0371788

Type of Loss: Collision
Arrival Date: 9/24/02
Accident Date: 9/ 5/02

Insured: LANAGER LANDSCAPE
Claimant: CLINT STEPHENS
Address: RD # 1 BOX 390 CURWENSVILLE, PA 16833
Telephone: Home Phone: (142) 363-443

OWNER'S COPY

Mitchell Service: 910185

Description: 1995 Subaru Legacy LS

Body Style: 4D Sed

VIN: 4S3BD6550S7210239

Mileage: 123,482

OEM/ALT: A

Color: GREEN

Options: 4WD OR AWD, ALUM/ALLOY WHEELS, AIR CONDITIONING, POWER STEERING, POWER BRAKES
POWER WINDOWS, POWER DOOR LOCKS, TILT STEERING WHEEL, CRUISE CONTROL
ELECTRIC DEFOGGER, AM-FM STEREO, COMPACT DISC PLAYER-SINGLE
AUTOMATIC TRANSMISSION, MANUAL SUNROOF, POWER REMOTE MIRROR, 4-DOOR

Drive Train: 2.2L Inj 4 Cyl 4A 4WD

License: ENR-9263 PA

Search Code: B16602

"IF THIS APPRAISAL USES AFTERMARKET PARTS, THEY WILL BE STATED ON THE
FACE OF THE APPRAISAL (AM). IF AFTERMARKET PART WAS USED, AND IF IT
VOIDS THE EXISTING MANUFACTURE'S WARRANTY ON THE PART BEING
REPLACED, THE AFTERMARKET PART WILL HAVE A WARRANTY EQUAL TO OR BETTER
THAN THE REMAINDER OF EXISTING WARRANTY FOR THE PART THAT WAS
REPLACED."

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
--------------	-----------------	---------------	-----------	--------------------------	---------------------------	------------------	----------------

ESTIMATE RECALL NUMBER: 9/27/02 13:31:03 M02A40328
UltraMate is a Trademark of Mitchell International
Mitchell Data Version: SEP_02_A Copyright (C) 1994 - 2002 Mitchell International
UltraMate Version: 4.8.011 All Rights Reserved

Page 1 of 4

Attachment A

0.2

*** - Judgement Item**
- Labor Note Applies
C - Included in Clear Coat Calc

**WHEELS AVAILABLE AT HUB CAP HEAVEN CALL 1-800-966-8739 CORE MUST BE
RETUNED USE REF. # 68689.**

[illegible]

ESTIMATE RECALL NUMBER: 9/27/02 13:31:03 M02A40328

Mitchell Data Version: SEP_02_A
UltraMate Version: 4.8.011

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Page 2 of 4

Attachment A

Date: 9/27/02 02:00 PM
Estimate ID: M02A40328
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

I.	Total Labor:	397.82
II.	Total Replacement Parts:	627.90
III.	Total Additional Costs:	70.60
	Gross Total:	1,096.32
IV.	Total Adjustments:	44.52-
	Net Total:	1,051.80

This is a preliminary estimate.
Additional changes to the estimate may be required for the actual repair.

Point(s) of Impact
3 Right Side (P)

Insurance Co: HARLEYSVILLE MUTUAL INS CO

Inspection Site: WILKINSON'S SUBARU
CURWENSVILLE, PA

Body Shop: WILKERSON'S SUBARU
Address: 312 SOUTH STREET
CURWENSVILLE, PA 16833
Telephone: (814) 236-1921

"ANY COST ABOVE APPRAISAL AMOUNT AS SHOWN ON THIS DOCUMENT MAY BE
THE FULL AND SOLE RESPONSIBILITY OF THE VEHICLE OWNER."

"THE APPRAISAL DOES NOT LIMIT THE VEHICLE OWNER TO USE ANY SPECIFIED
REPAIR SHOP. THEN THE REPAIR SHOP MAY BE SELECTED BY, AND IS AT THE
DISCRETION OF, THE VEHICLE OWNER.

"UPON REQUEST FROM THE VEHICLE OWNER, THE INSURER WILL PROVIDE
INFORMATION REGARDING REPAIR FACILITIES, WHICH WILL BE ABLE TO REPAIR
THE VEHICLE FOR THE APPRAISED AMOUNT. HOWEVER, THE VEHICLE OWNER
IS NOT REQUIRED TO HAVE REPAIRS COMPLETED AT ANY OF THESE FACILITIES.

"ANY INCIDENTAL CHARGES, WHICH WERE KNOWN AT THE TIME OF THIS
APPRAISAL (SUCH TOWING, STORAGE, DEPRECIATION, ECT.) ARE CONTAINED
HEREIN."

Any person who knowingly and with intent to injure or defraud any
insurer files and application or claim containing any false,
incomplete or misleading information shall, upon conviction, be
subject to imprisonment for up to 7 years and payment of a fine of
up to \$15,000.00.

ESTIMATE RECALL NUMBER: 9/27/02 13:31:03 M02A40328

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Mitchell Data Version:
UltraMate Version:

SEP_02_A
4.8.011

Page 3 of 4

Attachment A

Date: 9/27/02 02:00 PM
Estimate ID: M02A40328
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

"AN AFTERMARKET PART IS DEFINED AS A NON ORIGINAL EQUIPMENT
MANUFACTURER (NON-OEM) REPLACEMENT PART, EITHER NEW OR USED, FOR ANY
OF THE NON-MECHANICAL PARTS THAT GENERALLY CONSTITUTE THE EXTERIOR OF
THE MOTOR VEHICLE, INCLUDING INNER AND OUTER PANELS."

ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS LISTED ON THIS APPRAISAL
CAN BE LOCATED AT YOUR LOCAL NEW CAR FRANCHISED DEALERS.

WARNING: Accidental air bag deployment is possible. Personal Injury may result. Avoid area near steering wheel
and instrument panel even if air bags have deployed. Dual-stage air bag modules may be present that could
contain an undeployed stage. When disposing of a deployed dual-stage air bag, always treat it as a "live" module.
See appropriate MITCHELL® AIR BAG SERVICE & REPAIR MANUAL, or OEM information.

ESTIMATE RECALL NUMBER: 9/27/02 13:31:03 M02A40328

Mitchell Data Version:
UltraMate Version:

SEP_02_A
4.8.011

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Page 4 of 4

Attachment A

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

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

:
:
:
:
:
:

No. 03-54-CD

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

:

ss.

COUNTY OF CLEARFIELD

:
:

Before me, the undersigned authority, personally appeared CLINT ALLEN STEPHENS,
who, being duly sworn according to law, deposes and says that the facts and averments set forth in
the foregoing Complaint are true and correct to the best of his knowledge, information, and belief.

Clint A. Stephens
Clint Allen Stephens

Sworn to and subscribed before me this 29th day of January, 2003.

Margaret B. Buzzanca
Notary Public

My Commission Expires:

NOTARIAL SEAL
MARGARET B. BUZZANCA, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires Nov. 23, 2005

CLINT ALLEN STEPHENS,
Plaintiff

• V.

LANAGER LANDSCAPE,
Defendant

COMPLAINT

Q: 508d Amy Kneasbord
JAN 29 2001

William A. Straw
Prothonotary

Sobel, Collins & Kharazburo
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-6555

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

CLINT ALLEN STEPHENS,

Plaintiff

v.

LANAGER LANDSCAPE,

Defendant

No. 03-54-CD

Type of Case: Civil

Type of Pleading: **CERTIFICATE OF
SERVICE**

Filed on behalf of:
Plaintiff

Counsel for this party:

GARY A. KNARESBORO, ESQUIRE

Supreme Court No. 52097

Sobel, Collins & Knaresboro

Attorneys at Law

218 South Second Street

Clearfield, PA 16830

Phone: (814) 765-6555

Fax: (814) 765-6210

FILED

JAN 30 2003

William A. Shaw
Prothonotary

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

CLINT ALLEN STEPHENS,
Plaintiff

v.

No. 03-54-CD

LANAGER LANDSCAPE,
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January, 2003 I served a true and correct copy of a Complaint filed in the above-captioned matter by United States mail, first class, postage prepaid, on the following:

Bernard O'Keefe, Esquire
Law Offices of Bernard W. O'Keefe
300 Weyman Plaza, Suite 310
Pittsburgh, PA 15236



Gary A. Knaresboro, Esquire

January 29, 2003

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 03-54-CD

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

CERTIFICATE OF SERVICE

FILED

6/12/07
JAN 30 2003

William A. Shaw
Prothonotary

Sobel, Collins & Knareshorn
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-6555

cc
file

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CLINT ALLEN STEPHENS,

Plaintiff,

vs.

LANAGER LANDSCAPE,

Defendant.

CIVIL DIVISION

NO. 2003-00054-CD

ANSWER AND NEW MATTER

Filed on behalf of Defendant,
LANAGER LANDSCAPE

Counsel of Record for this
Party:

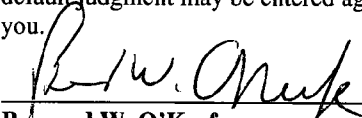
Bernard W. O'Keefe, Esquire
Pa. I.D. No. 28125

Law Offices of Bernard W. O'Keefe
300 Weyman Plaza
Suite 310
Pittsburgh, PA 15236

Telephone: (412) 884-4697
Facsimile: (412) 884-6712

TO THE WITHIN PARTIES:

You are hereby required to plead to the
within **New Matter** within **twenty(20)**
days of the date of service hereof, or a
default judgment may be entered against
you.


Bernard W. O'Keefe

FILED

FEB 28 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CLINT ALLEN STEPHENS,

CIVIL DIVISION

Plaintiff,

NO. 2003-00054-CD

vs.

LANAGER LANDSCAPE,

Defendant.

ANSWER

AND NOW, comes the Defendant, Lanager Landscape, by and through its attorney, Bernard W. O'Keefe, and files the following Answer to Plaintiff's Complaint averring as follows:

1. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of Paragraph 1 of Plaintiff's Complaint and same is specifically denied and strict proof is demanded at time of trial.

2. Admitted.

3.-7. Denied. Paragraphs 3, 4, 5, 6, and 7, set forth conclusions of law, which are deemed denied by operation of law. Insofar as any response may be required, all said allegations of Paragraphs 3, 4, 5, 6 and 7, are specifically denied and strict proof is demanded at time of trial. It is denied that this Defendant, Lanager Landscape, was negligent in any manner. To the contrary, Plaintiff's own negligence, carelessness and recklessness was the sole and proximate cause of this alleged accident. Plaintiff's case should be dismissed with prejudice.

WHEREFORE, this Defendant requests this Honorable Court enter a judgment dismissing Plaintiff's Complaint, and awarding costs to Defendant.

NEW MATTER

8. This Defendant incorporates herein by reference hereto Paragraphs 1 through 7 of this Answer and New Matter as if set forth at length.

9. Plaintiff's assumption of a known risk is a complete bar to this case.

10. There exists no proximate cause between any of Plaintiff's alleged injuries and damages, and any alleged act or omission on the part of Lanager Landscape.

Therefore, the Plaintiff is not entitled to recover from Lanager Landscape.

11. The acts and/or omissions of other individuals or entities, over which this Defendant, Lanager Landscape, exercised no control, constitute intervening or superseding clauses for the injuries and damages allegedly sustained by the Plaintiffs.

12. Plaintiff's alleged injuries or damages were solely the result of the acts, omissions and/or tortuous conduct of other persons or entities, over which this Defendant, Lanager Landscape, exercised no control, including, but not limited to, Plaintiff's own negligent maintenance and/or operation of the vehicle prior to the time of the alleged incident.

13. Defendant, Lanager Landscape, believes, and therefore avers that any of the damages alleged by the Plaintiffs were directly caused by the Plaintiffs', and therefore, Plaintiffs' claims are barred, in whole or in part, by the applicable provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. 22.

14. The injuries and/or damages complained of were the direct and proximate result of the Plaintiffs' failure to take all reasonable steps to reduce and/or mitigate the

potential for damage. Therefore, the Plaintiffs are not entitled to recover against Lanager Landscape.

15. Defendant, Lanager Landscape, believes, and therefore avers, that the injuries and/or damages alleged by the Plaintiffs in the Complaint are the direct and proximate result of misuse and/or abuse of the vehicle by the Plaintiffs.

16. This Defendant had no involvement with any material or relevant part or aspect to this vehicle, and as such, this Defendant should be released from this case.

17. This Defendant, Lanager Landscape, is entitled to a set-off from any recovery against it to the extent of any and all benefits paid or payable to or on behalf of Plaintiffs from any and all collateral sources to the extent such as set-off is permissible under the law applicable to the state of Pennsylvania.

18. This Defendant affirmatively raises and pleads all of the defenses, limitations and preclusion of the Pennsylvania Motor Vehicle Financial Responsibilities Act, as a bar and preclusion to Plaintiffs' recovery in this case of any applicable damages.

19. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant avers that the Plaintiff may not recover any medical expense reimbursements in excess of amounts except this full payment in satisfaction by medical providers pursuant to Moorhead v. Crozer Medical Center. This Defendant avers that Plaintiff failed or may have failed to mitigate his damages in this case.

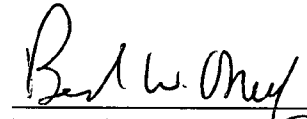
20. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant raises as affirmative defenses through

Plaintiffs' claims, the legal doctrines of payment, accord and satisfaction, release, waiver and/or estoppel, and the statute of limitations.

21. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant avers the injuries and damages alleged by the Plaintiff were the result of a pre-existing condition unrelated to this accident and/or occurrence.

WHEREFORE, Plaintiff's Complaint should be immediately dismissed and costs assessed against the Plaintiff.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Bernard W. O'Keefe", is written over a horizontal line.

Bernard W. O'Keefe
Attorney for Defendant

VERIFICATION

I, Bernard W. O'Keefe, Esquire, verify that the ANSWER AND NEW MATTER are true and correct as to the best of my knowledge, information and belief. This Affidavit is made to expedite the litigation process of this case.

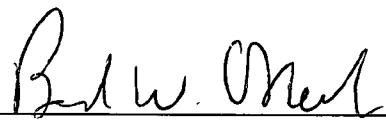
Date: Feb 26, 2003

B. W. O'Keefe
Bernard W. O'Keefe

CERTIFICATE OF SERVICE

I, the undersigned authority hereby certify that a true and correct copy of the
within ANSWER AND NEW MATTER was served this 26th day of February, 2003, via
United States First Class Mail upon the following counsel of record:

Gary A. Knaresboro, Esquire
218 South Second Street
Clearfield, PA 16830


Bernard W. O'Keefe

LEG
FEB 26 2003
MAIL ROOM
CLEARFIELD, PA

FILED *NO CC*

11:26 AM
FEB 28 2003 *APD*

William A. Shaw
Prothonotary

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

CLINT ALLEN STEPHENS,

Plaintiff

v.

No. 03-54-CD

LANAGER LANDSCAPE,

Defendant.

ACCEPTANCE OF SERVICE

On behalf of Defendant, Lanager Landscape, I, Bernard W. O'Keefe, Esquire, hereby
accept service of the Complaint filed in the above captioned matter.

Bernard W. O'Keefe

Bernard W. O'Keefe, Esquire

Feb 13, 2002
Date

FILED

MAR 20 2003

William A. Shaw
Prothonotary

FILED

of 1109 8301
MAR 20 2003

William A. Shaw
Prothonotary

ICE
Att'y Kneasboro
(dropped off
for Att'y O'Keefe)

MA
MAR 20 2003
Prothonotary

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

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

: No. 03 - 54 - CD

: Type of Case: Civil

: Type of Pleading:
: **REPLY TO NEW MATTER**

: Filed on behalf of: Plaintiff

: Counsel of record for this party:

: GARY A. KNARESBORO, ESQUIRE
: Supreme Court I.D. No. 52097
: Sobel, Collins & Knaresboro
: Attorneys at Law
: 218 South Second Street
: Clearfield, PA 16830
: Phone: (814) 765-6555
: Fax: (814) 765-6210

FILED

MAR 25 2003

William A. Shaw
Prothonotary

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

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

No. 03-54-CD

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff, Clint Allen Stephens, by and through his counsel, Gary A. Knaresboro, Esquire, and replies to Defendant's New Matter as follows:

8. No answer required.
9. Denied.
10. Denied. As a direct result of the actions of Lanager Landscape, the Plaintiff suffered loss.
11. Denied. There are no superseding or intervening causes.
12. Denied. The Plaintiff is unaware of any of the other persons or entities.
13. No answer required.
14. Denied. The Plaintiff was unable to avoid the accident.
15. Denied. The loss is a result of the actions of Lanager Landscape.
16. Denied. The Defendant is liable for the damage caused from its actions.
17. No answer required.
18. No answer required.

19. No answer required.

20. No answer required.

21. Denied. If the Defendant knows of pre-existing damages, the Plaintiff requests this information prior to trial.

WHEREFORE, Plaintiff requests that Defendant's New Matter be dismissed with prejudice and that this Honorable Court enter judgment in favor of Plaintiff and against Defendant in the amount of One Thousand Fifty-One and 81/100 (\$1,051.81) Dollars together with interest and costs of suit.



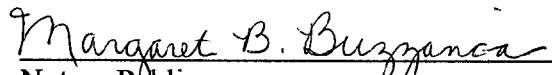
Gary A. Knaresboro, Esquire

AFFIDAVIT

Before me, the undersigned authority, personally appeared CLINT ALLEN STEPHENS, who being duly sworn according to law, deposes and says that the facts and averments set forth in the foregoing Reply to New Matter are true and correct to the best of his knowledge, information, and belief.


CLINT ALLEN STEPHENS

Sworn to and subscribed before me this 20th day of March, 2003.


Notary Public

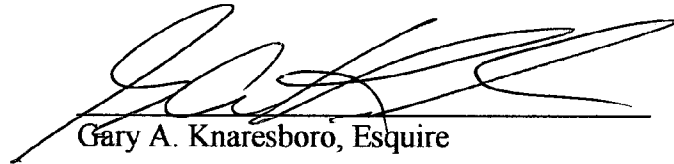
My Commission Expires:

NOTARIAL SEAL MARGARET B. BUZZANCA, Notary Public Clearfield Boro, Clearfield County, PA My Commission Expires Nov. 23, 2005

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 2003 I served a true and correct copy of Plaintiff's Reply to New Matter filed in the above-captioned matter by United States mail, first class, postage prepaid, on the following:

Bernard O'Keefe, Esquire
Attorney for Defendant
Law Offices of Bernard W. O'Keefe
300 Weyman Plaza, Suite 310
Pittsburgh, PA 15236



Gary A. Knaresboro, Esquire

March 25, 2003

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 03-54-CD

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

REPLY TO NEW MATTER

FILED

0142:5781
MAR 25 2003

William A. Shaw
Prothonotary

Sobel, Collins & Knuesborn
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-5555

3cc
Atty Knuesborn
2
KSA

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

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

: No. 03 - 54 - CD

: Type of Case: Civil

: Type of Pleading:

: Praecipe to Settle and Discontinue

: Filed on behalf of: Plaintiff

: Counsel of record for this party:

: GARY A. KNARESBORO, ESQUIRE

: Supreme Court I. D. No. 52097

: Gary A. Knaresboro, Esquire

: Attorney at Law

: 33 Beaver Drive, Suite 2

: DuBois, PA 15801

: Phone: (814) 375-2311

: Fax: (814) 375-2314

FILED

SEP 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

no cert.

cert to pff.

copy to c/a.

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

CLINT ALLEN STEPHENS,
Plaintiff

v.

LANAGER LANDSCAPE,
Defendant

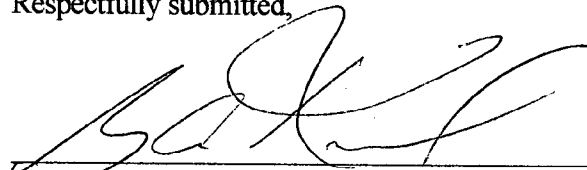
:
:
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: NO. 03-54-CD
:
:
:

PRAECIPE TO SETTLE AND DISCONTINUE

TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly mark the above-captioned case settled, discontinued, and ended.

Respectfully submitted,



Gary A. Knaresboro, Esquire
Attorney for Plaintiff

Gary A. Tharesboro, Esquire

33 BEAVER DRIVE, SUITE 2
DUBOIS, PA 15801
TELEPHONE (814) 375-2311
FAX (814) 375-2314

FILED

SEP 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL DIVISION

Clint Allen Stephens

Vs.

No. 2003-00054-CD

Lanager Landscape

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 September 29, 2003, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$ 85.00 have been paid in full by Attorney for Defendant.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of September A.D. 2003.

William A. Shaw, Prothonotary