

03-100-CD

GEORGE W. ANDERSON vs. C. ALAN WALKER, et al.

Civil Other

Date		Judge
01/23/2003	Filing: Writ of Summons Paid by: Pentz, Chris A. (attorney for Anderson, George W.) Receipt number: 1854407 Dated: 01/23/2003 Amount: \$85.00 (Check) 5 Summons to Atty. Pentz.	No Judge ✓
04/02/2003	Acceptance of Service, of Summons on behalf of the Defendants. s/William C. Kriner, Esquire no cc	No Judge ✓
04/16/2003	Filing: Complaint on behalf of Plaintiff by Atty. Chris Pentz. 1 cc to Atty. Pentz.	No Judge ✓
04/28/2003	Certificate of Service, Complaint upon: ATTY WILLIAM C. KRINER, s/Chris A. Pentz, Esq. no cc	No Judge ✓
05/22/2003	Answer and New Matter to Plaintiff's Complaint. filed by s/William C. Kriner, Esquire Verification s/C. Alan Walker Certificate of Service no cc	No Judge ✓
06/05/2003	Complaint Against Additional Defendant Moravian Run Reclamation Company, Inc. filed by s/William C. Kriner, Esq. Verification s/C. Alan Walker Certificate of Service no cc	No Judge ✓
06/16/2003	Petition To Amend Complaint. filed by s/Chris A. Pentz, Esq. 2 cc to Atty	No Judge ✓
06/18/2003	RULE TO SHOW CAUSE WHY PETITION TO AMEND COMPLAINT SHOULD NOT BE GRANTED, AND NOW, this 18th day of June, 2003, issued upon Respondent. Rule Returnable the 9th day of July, 2003, for filing a Written Response. by the Court, s/JKR,JR.,P.J. 2 cc Atty Pentz	John K. Reilly Jr. ✓
07/02/2003	Praecipe To Enter Appearance on Behalf of Additional Defendant, Moravian Run Reclamation Company, Inc. filed by sDwight L. Koerber, Jr., Esquire Certificate of Service 3 cc to Atty Koerber	John K. Reilly Jr. ✓
07/07/2003	Reply to New Matter. filed by s/Chris A. Pentz, Esquire Verification s/George W. Anderson 1 cc Atty Pentz	John K. Reilly Jr. ✓
07/10/2003	Reply and New Matter of Moravian Run Reclamation Company, Inc. To Petition To Amend Complaint. filed by s/Dwight L. Koerber, Jr., Esquire Certificate of Service 4 cc Atty Koerber	John K. Reilly Jr. ✓
07/14/2003	Certificate of Service, Reply to New Matter upon: WILLIAM C. KRINER, ESQ. and DWIGHT L. KOERBER, JR., ESQ. filed by s/Chris A. Pentz, Esquire no cc	John K. Reilly Jr. ✓
07/17/2003	Certificate of Service Set I Interrogatories and Request for Production of Documents. No CC.	John K. Reilly Jr. ✓
08/04/2003	Answer And New Matter Of Moravian Run Reclamation Company To Complaint Against Additional Defendant. filed by s/Dwight L. Koerber, Jr., Esquire Verification s/David M. Curulla Certificate of Service 4 cc Atty Koerber	John K. Reilly Jr. ✓
09/24/2003	Reply to New Matter of Additional Defendant, filed by s/Chris A. Pentz, Esq. Two CC Attorney	John K. Reilly Jr. ✓
09/25/2003	Motion to Compel Answers to Set I Interrogatories and Request for Production of Documents of Additional Defendant Directed to Plaintiff, filed by s/Dwight L. Koerber, Jr., Esq. Five CC Attorney Koerber	John K. Reilly Jr. ✓
09/26/2003	RULE TO SHOW CAUSE, AND NOW, this 26th day of September, 2003, issued upon Plaintiff, George W. Anderson. Written response due on the 16th day of October, 2003. by the Court, s/JKR,JR.,P.J. 1 cc to Atty Koerber	John K. Reilly Jr. ✓

Civil Other

Date		Judge
10/01/2003	Motion to Withdraw Motion to Compel Answers filed by Atty. Koerber. 4 CC to Atty.	John K. Reilly Jr. ✓
	Certificate of Service of Motion. 4 CC to Atty.	John K. Reilly Jr. ✓
01/12/2004	Certificate of Service, Plaintiff's Interrogatories and Request for Production of Documents (Set 1) upon: William C. Kriner, Esquire s/Dwight L. Koerber, Jr., Esq. no cc	John K. Reilly Jr. ✓
06/25/2004	Motion to Compel Discovery, filed by s/Chris A. Pentz, Esq. One CC Attorney Pentz	John K. Reilly Jr. ✓
06/28/2004	Scheduling Order, AND NOW, this 28 day of June, 2004, upon consideration of the Plaintiff's Motion to Compel Discovery filed by Chris A. Pentz, a hearing is scheduled for 19 day of July, 2004, at 10:00 a.m. in Courtroom No. 1. BY THE COURT: /s/Fredric J. Ammerman, P.J. One CC Attorney Pentz	Fredric Joseph Ammerman ✓
07/13/2004	Certificate of Service, On the 13th day of July, 2004, Answer of Additional Defendant, Moravian Run Reclamation Company, Inc., to Interrogatories/Request for Production of Documents of Plaintiff, served upon: Counsel for Plaintiff- Chris A Pentz, Esq & Counsel for Defendants- William C Kriner, Esq. Filed by, s/ Dwight L Koerber, Jr., Esq. No cc	Fredric Joseph Ammerman ✓
	Reply of Additional Defendant to Motion to Compel Discovery, filed by s/Dwight L. Koerber, Jr., Esq. Four CC Attorney Koerber	Fredric Joseph Ammerman ✓
07/16/2004	Praeipce to Withdraw Motion to Compel Discovery, filed by s/Chris A. Pentz, Esq. Two CC Attorney Pentz	Fredric Joseph Ammerman ✓
10/20/2004	Praeipce to List for Trial, filed by s/Chris A. Pentz, Esq. Two CC Attorney Pentz	Fredric Joseph Ammerman ✓

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
T/D/B/A SHANNON LAND AND
MINING COMPANY,
Defendants

No. 03- 100 -C.D.

Type of Case: Civil

Type of Pleading: Praecipe for
Writ of Summons

Filed on Behalf of: Plaintiff

Counsel of Record for this Party:
CHRIS A. PENTZ, Esquire

Supreme Court I.D. # 39232
211 ½ East Locust Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

FILED

JAN 23 2003

William A. Shaw
Prothonotary

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

GEORGE W. ANDERSON,
Plaintiff

vs.

No. 2003 - - C.D.

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO, t/d/b/a
SHANNON LAND AND MINING Co.,
Defendants

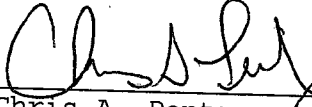
PRAECIPE FOR WRIT OF SUMMONS

Please issue a Writ of Summons against the following
individuals:

C. Alan Walker
1018 Country Club Road
Clearfield PA 16830

Susan Walker Kriner
2512 Meadow Road
Clearfield PA 16830

Anne Walker Macko
1334 Chestnut Ridge Drive
State College PA 16801


Chris A. Pentz
Attorney for Plaintiff
Supreme Court #39232
211 1/2 East Locust Street
Clearfield PA 16830
814 765-4000

Atty pd. 85.00

0/3-25-81

5 Summons to Atty Pentz

Shaw
notary

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

SUMMONS

George W. Anderson

Vs.

NO.: 2003-00100-CD

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, t/d/b/a
Shannon Land and Mining Company

TO: C. ALAN WALKER
SUSAN WALKER KRINER
ANNE WALKER MACKO, t/d/b/a
SHANNON LAND AND MINING COMPANY

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: 01/23/2003

William A. Shaw
Prothonotary

Issuing Attorney:
Chris A. Pentz
P.O. Box 552
Clearfield, PA 16830

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY,
Defendants

No. 2003- 100 -C.D.

Type of Case: Civil

Type of Pleading: Acceptance of
Service

Filed on Behalf of: Plaintiff

Counsel of Record for this Party:
CHRIS A. PENTZ, Esquire

Supreme Court I.D. # 39232
211 1/2 East Locust Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

FILED

APR 02 2003

0/3140/WS
William A. Shaw
Prothonotary

No. C.A. 100

for

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

GEORGE W. ANDERSON,
Plaintiff

vs

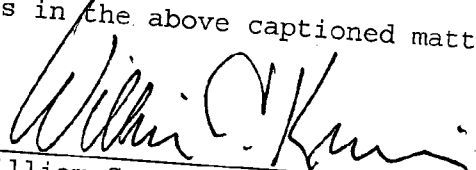
C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY,
Defendant

No. 03-100-C.D.

ACCEPTANCE OF SERVICE

I, WILLIAM C. KRINER, attorney at law, accept service of the
Summons on behalf of the Defendants in the above captioned matter.

Date: 26 March 2003


William C. Kriner

William A. Shaw
Prothonotary

APR 02 2003

FILED

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUSAN WALKER
KRINER, and ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING,
Defendants

No. 2003 - 100 -C.D.

Type of Case: Civil

Type of Pleading: Complaint

Filed on Behalf of: Plaintiff

Counsel of Record for this Party:
CHRIS A. PENTZ, Esquire

Supreme Court I.D. # 39232
211 1/2 East Locust Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

FILED

APR 16 2003

William A. Shaw
Prothonotary

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUASN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING,
Defendants

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No. 03- 100 -C.D.

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 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 the 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.

Office of Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield PA 16830
814 765-2641

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

GEORGE W. ANDERSON,
Plaintiff

vs.

No. 2003- 100 -CD

C. ALAN WALKER, SUSAN WALKER*
KRINER, ANNE WALKER MACKO,
T/D/B/A SHANNON LAND AND
MINING,
Defendants

COMPLAINT

1. The Plaintiff is George W. Anderson of P. O. Box 449, Clearfield Pennsylvania 16830.
2. The Defendants, t/d/b/a Shannon Land and Mining Company, are as follows:
 - a. C. Alan Walker of 1018 Country Club Road, Clearfield Pennsylvania 16830.
 - b. Susan Walker Kriner of 2512 Meadow Road, Clearfield Pennsylvania 16830.
 - c. Anne Walker Macko of 1334 Chestnut Ridge Drive, State College Pennsylvania 16801.
3. The Plaintiff is the owner of coal rights located in Pike Township, Clearfield County, Pennsylvania as described in Deed dated June 2, 1969 and recorded in Clearfield County Deed Book 548, page 271 and identified as

tract No. 13- SAMUEL WEST TRACT.

4. The Defendants directed the removal of the coal without the consent of the Plaintiff.

5. The Defendants retained the profits from the removal of the coal.

6. Plaintiff has never been compensated for the removal of the coal.

7. The Plaintiff believes and therefore avers that the amount of coal removed was 21,477.99 tons.

COUNT I - TRESPASS

8. Paragraphs 1 through 7 above are incorporated herein by reference as though set forth in full.

9. Demand has been made for compensation at the prevailing royalty rate.

10. Defendants have not paid in response to Plaintiff's demands.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount in excess of \$25,000.00, together with costs and interest. Jury Trial Demanded.

COUNT II - TORT

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

12. As a direct and proximate result of Defendants' actions, Plaintiff has suffered the following damages:

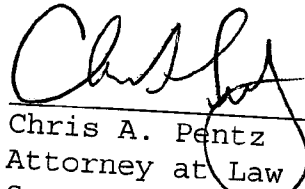
- a. Loss of value of coal in place.
- b. Loss of right to determine when to develop or to sell coal.
- c. Loss of profits from the sale of the coal.

13. The Defendants failed to determine the proper owner of the coal prior to mining.

14. The Defendants knew or should have known that the Plaintiff was the owner of the coal when they ordered its removal.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount in excess of \$25,000.00 together with costs, interest and punitive damages. Jury Trial Demanded.

Respectfully submitted this 16 day of April, 2003.



Chris A. Pentz
Attorney at Law
Supreme Court I.D.# 39232
211 1/2 East Locust Street
Clearfield PA 16830
814 765-4000

VERIFICATION

I, GEORGE ANDERSON, verify that the statements made in this Complaint 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.

2/25/03
Date

George Anderson
George Anderson

FILED ^{1cc}
APR 10 2003
APR 16 2003
Atty Pentz

William A. Shaw
Prethorotary

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

GEORGE W. ANDERSON,
Plaintiff

vs

No. 03-100-C.D.

C. ALAN WALKER, SUSAN WALKER
KRINER, and ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND

MINING,

Defendants

* Type of Case: Civil

* **Type of Pleading:** Certificate
* of Service

* Filed on Behalf of: Plaintiff
*

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire
*

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

APR 28 2003

William A. Shaw
Prothonotary

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

GEORGE W. ANDERSON,
Plaintiff

vs

No. 03-100-C.D.

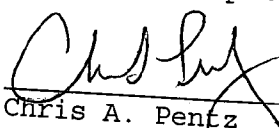
C. ALAN WALKER, SUSAN WALKER
KRINER, and ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING,
Defendants

CERTIFICATE OF SERVICE

I, Chris A. Pentz, Attorney for the Plaintiff,
certify that a certified copy of the Complaint was served by
first class mail, postage prepaid, from the U.S. Post Office
in Clearfield PA. upon:

Attorney William C. Kriner
31 North Third Street
Clearfield PA 16830

Service was made the 28 day of April, 2003.


Chris A. Pentz
Attorney for Plaintiff

FILED
NOCC
APR 29 2003
10:55 AM
C
[Signature]

William A. Shaw
Prothonotary

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

GEORGE W. ANDERSON
Plaintiff

vs.

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING
Defendants

No. 2003-100-CD

Type of Case: Civil

Type of Pleading: Answer and New
Matter to Plaintiff's Complaint

Filed on Behalf of: Defendant

Counsel of record for this party:
William C. Kriner, Esq.

Supreme Ct. I.D. # 15559
31 North Third Street
P. O. Box 1425
Clearfield, PA 16830
814-768-7893

FILED

MAY 22 2003

William A. Shaw
Prothonotary

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

GEORGE W. ANDERSON
Plaintiff

vs.

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING

Defendants

No. 2003-100-CD

ANSWER AND NEW MATTER TO PLAINTIFF'S COMPLAINT

ANSWER

1. Admitted.

2. Admitted.

3. Denied. On the contrary, it is alleged that the coal rights in question are not owned by the Plaintiff, but are owned by the Defendants.

4. Denied. The Defendants did not direct removal of the coal rights. The coal was mined and removed by Moravian Run Reclamation Company, Inc. ("Moravian"), under a lease arrangement with the Defendants.

5. Denied. The Defendants were paid tonnage royalty for coal removed by Moravian. Whatever profits were made from mining coal were not "retained" by Defendants.

6. Admitted.

7. Admitted.

COUNT I - TRESSPASS

8. The Answers to paragraphs 1 through 7 are incorporated herein by reference.

9. Denied. On the contrary, Plaintiff has specifically made no demand for coal tonnage royalty rates to Defendants.

10. Admitted in part; denied in part. While it is admitted that the Defendants have paid the Plaintiff no tonnage royalty, said refusal was not made in response to a specific tonnage royalty demand but by virtue of the coal rights not being owned by Plaintiff.

COUNT II - TORT

11. The Answers to paragraphs 1 through 10 are incorporated herein by reference.

12. Denied. On the contrary, Plaintiff has suffered no damage for coal removed for the reason that the Plaintiff has no claim of right, title or interest in said coal.

13. Denied. On the contrary, Defendants owned the coal in question for 49 years.

NEW MATTER

By way of further answer to the Plaintiff's Complaint, the Defendants offer the following New Matter:

14. That the mining operations of Moravian mined and removed the Upper Freeport ("E") coal and Lower Freeport ("D") coal.

15. That the corporate predecessor of the Defendants was conveyed title to the "D" and "E" coal mined by Moravian by Deed dated May 1, 1954, and recorded in Deed Book 436, at Page 3, identified as Tract # 11 in said Deed.

16. The Defendants owned the coal mined for forty-nine (49) years.

17. That the Defendants paid taxes to Clearfield County for the coal rights in question for a period of forty-nine (49) years.

18. That the Defendants have exercised exclusive, complete, actual, open, notorious, hostile and continuous use of the coal rights adverse to the Plaintiff and any claimed predecessor in title of the Plaintiff, for a period in excess of 21 years.

19. That no objection to the ownership of the Defendants was made during the entire forty-nine (49) years they have held title to said coal.

20. That no objection was made to the Moravian surface mine operation when the mining of the coal rights of the Defendants took place.

21. That the mining and removal of the coal was not performed by Defendants.

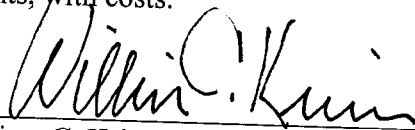
22. That Defendants received a tonnage royalty payment for each ton of coal mined and removed by Moravian.

23. That beyond a tonnage royalty, Defendant obtained no benefits or profits from development and sale of coal under their lease with Moravian.

24. Plaintiff claims no surface rights necessary to develop coal rights.

25. Plaintiff is not a miner or marketer of coal so as to obtain profits for the development and sale of coal mined and removed by the surface mining method.

WHEREFORE, Defendants request the Honorable Court to enter judgment against the Plaintiff and on behalf of the Defendants, with costs.



William C. Kriner, Attorney for Defendants
Supreme Court I. D. # 15559
31 North Third Street
P. O. Box 1425
Clearfield, PA 16830

May 22, 2003

Verification

I verify that the foregoing are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 PA. C.S.A. Section 4904 relating to unsworn falsification to authorities and is given pursuant to the provisions for verification of pleadings as defined and provided for in Rule 1024 of the Pennsylvania Rules of Civil Procedure.

Shannon Land and Mining Company
By

C. Alan Walker
C. Alan Walker

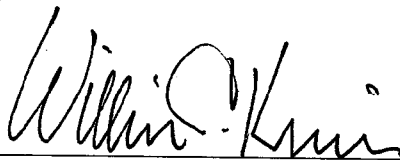
May 22, 2003

CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of May, 2003, I have served the foregoing Answer and New Matter to Plaintiff's Complaint upon the following and in the manner described below:

SERVICE BY REGULAR FIRST CLASS MAIL:

Chris A. Pentz, Esq.
211 ½ East Locust Street
P. O. Box 552
Clearfield, PA 16830



William C. Kriner
Attorney for Defendants

FILED

MAY 5 2003

CLERK OF COURT
JUDICIAL DISTRICT OF PENNSYLVANIA
CLEARFIELD COUNTY

Handwritten signature

FILED

MAY 22 2003

0/2:17 *p.m.*
William A. Shaw
Prothonotary

not cc
6/24

FILED

01/15/18
JUN 05 2003

William A. Shaw
Prothonotary

No
cc
\$

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

GEORGE W. ANDERSON,

Plaintiff

vs

No. 03-100-C.D.

C. ALAN WALKER, SUSAN WALKER
KRINER, and ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING,

Defendants

CERTIFICATE OF SERVICE

I, Chris A. Pentz, Attorney for the Plaintiff,
certify that a certified copy of the Complaint was served by
first class mail, postage prepaid, from the U.S. Post Office
in Clearfield PA. upon:

Attorney William C. Kriner
31 North Third Street
Clearfield PA 16830

Service was made the _____ day of April, 2003.

Chris A. Pentz
Attorney for Plaintiff

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

VERIFICATION

I, GEORGE ANDERSON, verify that the statements made in this Complaint 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.

2/25/03
Date

George Anderson
George Anderson

COUNT II - TORT

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

12. As a direct and proximate result of Defendants' actions, Plaintiff has suffered the following damages:

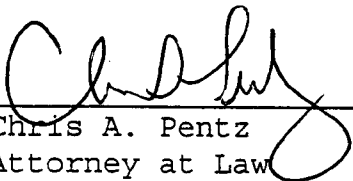
- a. Loss of value of coal in place.
- b. Loss of right to determine when to develop or to sell coal.
- c. Loss of profits from the sale of the coal.

13. The Defendants failed to determine the proper owner of the coal prior to mining.

14. The Defendants knew or should have known that the Plaintiff was the owner of the coal when they ordered its removal.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount in excess of \$25,000.00 together with costs, interest and punitive damages. Jury Trial Demanded.

Respectfully submitted this 16 day of April, 2003.


Chris A. Pentz
Attorney at Law
Supreme Court I.D.# 39232
211 ½ East Locust Street
Clearfield PA 16830
814 765-4000

tract No. 13- SAMUEL WEST TRACT.

4. The Defendants directed the removal of the coal without the consent of the Plaintiff.

5. The Defendants retained the profits from the removal of the coal.

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7. The Plaintiff believes and therefore avers that the amount of coal removed was 21,477.99 tons.

COUNT I - TRESPASS

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10. Defendants have not paid in response to Plaintiff's demands.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount in excess of \$25,000.00, together with costs and interest. Jury Trial Demanded.

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

GEORGE W. ANDERSON,
Plaintiff

vs.

No. 2003- 100 -CD

C. ALAN WALKER, SUSAN WALKER*
KRINER, ANNE WALKER MACKO,
T/D/B/A SHANNON LAND AND *
MINING,
Defendants *

COMPLAINT

1. The Plaintiff is George W. Anderson of P. O. Box 449, Clearfield Pennsylvania 16830.
2. The Defendants, t/d/b/a Shannon Land and Mining Company, are as follows:
 - a. C. Alan Walker of 1018 Country Club Road, Clearfield Pennsylvania 16830.
 - b. Susan Walker Kriner of 2512 Meadow Road, Clearfield Pennsylvania 16830.
 - c. Anne Walker Macko of 1334 Chestnut Ridge Drive, State College Pennsylvania 16801.
3. The Plaintiff is the owner of coal rights located in Pike Township, Clearfield County, Pennsylvania as described in Deed dated June 2, 1969 and recorded in Clearfield County Deed Book 548, page 271 and identified as

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

GEORGE W. ANDERSON,
Plaintiff

vs

No. 03-100 -C.D.

C. ALAN WALKER, SUASN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING,
Defendants

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 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 the 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.

Office of Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield PA 16830
814 765-2641

GEORGE W. ANDERSON,
Plaintiff

No. 2003 - 100 -C.D.

* Type of Case: Civil

* Type of Pleading: Complaint

* Filed on Behalf of: Plaintiff

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

I hereby certify this to be a true and attested copy of the original statement filed in this case.

APR 16 2003

Attest.

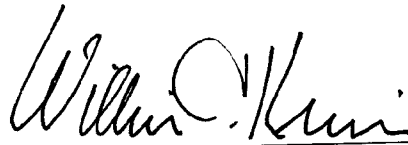
Prothonotary/
Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that on this the 5th day of June, 2003, I have served the foregoing Complaint Against Additional Defendant upon the following and in the manner described below:

SERVICE BY REGULAR FIRST CLASS MAIL:

Chris A. Pentz, Esq.
211 ½ East Locust Street
P. O. Box 552
Clearfield, PA 16830

A handwritten signature in cursive script, appearing to read "William C. Kriner", is written over a horizontal line.

William C. Kriner
Attorney for Defendants

Verification

I verify that the foregoing are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 PA. C.S.A. Section 4904 relating to unsworn falsification to authorities and is given pursuant to the provisions for verification of pleadings as defined and provided for in Rule 1024 of the Pennsylvania Rules of Civil Procedure.

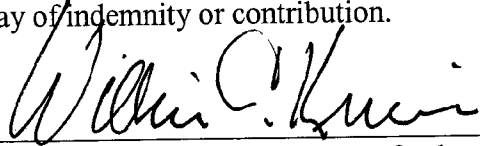
Shannon Land and Mining Company
By

C. Alan Walker
C. Alan Walker

June 5, 2003

WHEREFORE, Defendant Shannon demands

- (A) Judgment in their favor; or
- (B) Judgment for any liability being solely that of Additional Defendant Moravian; or
- (C) In the event of any verdict for Plaintiff Anderson against Defendant Shannon, judgment over and against Additional Defendant Moravian by way of indemnity or contribution.



William C. Kriner, Attorney for Defendants
Supreme Ct. I. D. # 15559
31 North Third Street
P. O. Box 1425
Clearfield, PA 16830
814-768-7893

June 5, 2003

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

GEORGE W. ANDERSON
Plaintiff

No. 2003-100-CD

vs.

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING
Defendants

vs.

MORAVIAN RUN RECLAMATION
COMPANY, INC.

**COMPLAINT AGAINST ADDITIONAL DEFENDANT MORAVIAN RUN
RECLAMATION COMPANY, INC.**

1. That the Additional Defendant is Moravian Run Reclamation Company, Inc., of 605 Sheridan Drive, Clearfield, Pennsylvania.
2. That the Plaintiff, George W. Anderson ("Anderson"), instituted a Complaint against Defendants C. Alan Walker, Susan W. Kriner and Anne Walker Macko t/d/b/a Shannon Land and Mining Company ("Shannon"). A copy of said Complaint is attached hereto as Exhibit "A".
3. That the Complaint alleges that Shannon directed removal of coal from property of the Anderson, retained proceeds from the coal, refused to pay royalty to Anderson for coal removed and caused Anderson to lose use, value and profit from the coal.
4. That the mining of coal on the property claimed by Anderson was performed by Moravian Run Reclamation Company, Inc. ("Moravian").
5. That the loss of use, value and profit of coal was from the actions of Moravian, not Shannon.
6. That as a result of the mining activities of Moravian, Moravian is solely liable, jointly and severally liable, or liable over to Shannon for indemnification and/or contribution, and any liability on the part of Shannon is expressly denied.

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

GEORGE W. ANDERSON

Plaintiff

vs.

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING

Defendants

vs.

MORAVIAN RUN RECLAMATION
COMPANY, INC.

Additional Defendant

No. 2003-100-CD

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 claim or relief requested by the Defendant. 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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
Second & Market Sts.
Clearfield, Pennsylvania 16830
Telephone: (814) 765-2641
Ext. 50-51

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

GEORGE W. ANDERSON
Plaintiff

vs.

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING

Defendants

vs.

MORAVIAN RUN RECLAMATION
COMPANY, INC.

Additional Defendant

No. 2003-100-CD

Type of Case: Civil

Type of Pleading: Complaint
Against Additional Defendant

Filed on Behalf of: Defendant

Counsel of record for this party:
William C. Kriner, Esq.

Supreme Ct. I.D. # 15559
31 North Third Street
P. O. Box 1425
Clearfield, PA 16830
814-768-7893

FILED

JUN 05 2003

William A. Shaw
Prothonotary

2 CENT TO ATTN

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

GEORGE W. ANDERSON,
Plaintiff

vs

No. 2003-100-C.D.

C ALAN WALKER, SUSAN WALKER
KRINER, and ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING,
Defendants

RULE TO SHOW CAUSE WHY PETITION TO AMEND COMPLAINT
SHOULD NOT BE GRANTED

AND NOW this 18th day of June, 2003, upon
consideration of the within Petition and upon motion of Chris A.
Pentz, Esquire, Attorney for Petitioner, a Rule is hereby issued
upon the Respondent to show cause why the Petition to Amend
Complaint should not be granted.

Rule Returnable the 9 day of July, 2003, for filing
a written response.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT.
IF YOU WISH TO DEFEND AGAINST ANY CLAIMS SET FORTH IN THE
FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN
APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH
THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH
AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE
MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU
BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE
PETITIONER OR MOVANT. YOU MAY LOSE 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.

Court Administrator
Clearfield County Courthouse
Clearfield PA 16830
(814) 765-2641, Ext. 88-89

BY THE COURT

FILED

JUN 18 2003

William A. Shaw
Prothonotary

FILED

2 cc

013:39 ~~for~~
JUN 18 2003

My Bentz



William A. Shaw
Prothonotary

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING,
Defendants

No. 2003-100-CD

PETITION TO AMEND COMPLAINT

1. The Petitioner is George W. Anderson, the Plaintiff in the above captioned matter.

2. This litigation is based upon the removal of coal by or at the direction of the Defendants which belonged to the Plaintiff.

3. The Answer filed by the Defendants indicates in Paragraphs 4 and 5 that the coal was removed by Moravian Run Reclamation Company, Inc., independent of the direction or control of the Defendants.

4. The Petitioner believes and therefore avers that in light of the Answers of the Defendants, that the Moravian Run Reclamation Company, Inc. is a necessary party and that judicial economy would be served by permitting Petitioner to join Moravian Run Reclamation Company, Inc. to the present action.

WHEREFORE, the Petitioner respectfully requests Your Honorable Court to enter an Order permitting Plaintiff to amend his Complaint to include the Moravian Run Reclamation Company, Inc.

Respectfully submitted this 16 day of June, 2003.

Chris A. Pentz
Chris A. Pentz
Attorney for Petitioner

VERIFICATION

I, George W. Anderson, verify that the statements made in this
Petition to Amend Complaint 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.

June 16th/03
Date

George W. Anderson
George W. Anderson

William A. Shaw
Fishery

JUN 16 2003

FILED

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

George W. Anderson
Plaintiff

*

*

-VS-

*

Docket No. 03-100-CD

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

*

Type of Pleading:
PRAECIPE TO ENTER APPEARANCE

Filed on behalf of:
Additional Defendant
Moravian Run Reclamation
Company, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr., Esquire
PA I.D. No. 16332

FILED

JUL 02 2003

William A. Shaw
Prothonotary

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

George W. Anderson
Plaintiff

*

*

-VS-

*

Docket No. 03-100-CD

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

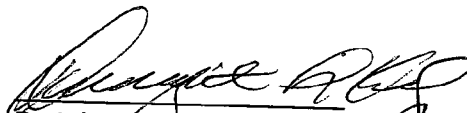
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*

PRAECIPE TO ENTER APPEARANCE

Please enter my appearance on behalf of Additional Defendant, Moravian Run
Reclamation Company, Inc. in the above-referenced matter.

Respectfully Submitted,



Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant,
Moravian Run Reclamation Company, Inc.

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

George W. Anderson
Plaintiff

*

*

-VS-

*

Docket No. 03-100-CD

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

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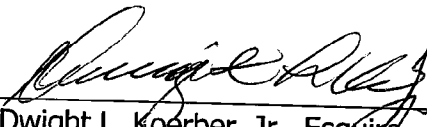
*

CERTIFICATE OF SERVICE

This is to certify that on the 2nd day of July, 2003 the undersigned served
a true and correct copy of the PRAECIPE TO ENTER APPEARANCE in the above captioned
matter upon counsel for Plaintiff and counsel for Original Defendants. Such documents
were served via United States First Class Mail upon the following:

Chris A. Pentz, Esquire
211 1/2 East Locust Street
Marino Building
P. O. Box 552
Clearfield, PA 16830

William C. Kriner, Esquire
P. O. Box 1425
31 North Third Street
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
Moravian Run Reclamation Company, Inc.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO. 03-100-CD

George W. Anderson

-VS.-

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A/
Shannon Land and Mining Company

PRAECIPE TO ENTER APPEARANCE

FILED
JUL 02 2003
JUL 02 2:56 PM
3CC
Atty
Koerber

William A. Shaw
Prothonotary

Law Office

DWIGHT L. KOERBER, JR.

ATTORNEY - AT - LAW

110 NORTH SECOND STREET

P. O. Box 1320

CLEARFIELD, PENNSYLVANIA 16830

William A. Shaw
Prothonotary

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING,
Defendants

No. 2003-100-CD

REPLY TO NEW MATTER

14. Paragraph 14 is denied. After reasonable investigation the Plaintiff is without sufficient knowledge or information to form a belief as to the averment. By way of further Answer, the Plaintiff claims that he was the owner of all coal located on the property in question.

15. Paragraph 15 is denied. The Plaintiff acquires title to the coal interest in question through chain of title associated with County Commissioner's deed dated November 21, 1973 and recorded in the Office of Recorder of Deeds of Clearfield County and recorded on May 28, 1975 to deed Book 701, Page 47.

16. Paragraph 16 is denied. Answer set forth in Paragraph 15 above is incorporated herein by reference as though set forth in full.

17. Paragraph 17 is denied. After reasonable investigation the Plaintiff is without sufficient knowledge or information to form a belief as to the averment.

18. Paragraph 18 is a conclusion of law to which no response is required. To the extent that an Answer is required Paragraph 18 is denied. The Plaintiff is without any knowledge or information as to any possession for use that the Defendants or their predecessors in title have made concerning the coal rights other than the removal of the coal which forms the basis of this litigation.

19. Paragraph 19 is admitted in part and denied in part. It is admitted that no objection was made by the Plaintiff to the Defendants. It is denied that the Defendants are the owners of the coal in question and Paragraphs 14 through 18 above are incorporated herein by reference as though set forth in full.

20. Paragraph 20 is admitted. The Plaintiff was unaware of the removal of the coal until after mining operations were completed.

21. Paragraph 21 is admitted in part and denied in part. It is admitted that the actual mining and removal was not performed by the Defendants but it is alleged that the mining and removal was done at the direction of the Defendants.

22. Paragraph 22 is denied. After reasonable investigation the Plaintiff is without sufficient knowledge or information to form a belief as to the averment.

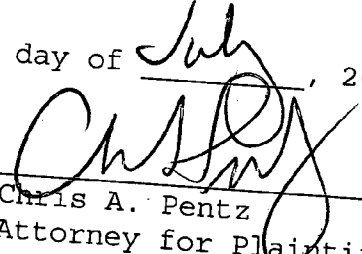
23. Paragraph 23 is denied. After reasonable investigation the Plaintiff is without sufficient knowledge or information to form a belief as to the averment.

24. Paragraph 24 is admitted in part and denied in part. It is admitted that the Plaintiff does not own the surface rights covering the coal in question. It is denied that the Plaintiff would be unable to develop the coal rights without said ownership since the Defendants are not the owners of the surface covering the coal in question.

25. Paragraph 25 is admitted in part and denied in part. It is admitted the Plaintiff is not a miner or marketer of coal. It is denied that it is necessary for Plaintiff to be a miner or marketer of coal in order to develop and sell coal mined and removed by surface mining methods.

WHEREFORE, the Plaintiff requests Your Honorable Court to grant relief set forth in his Complaint.

Respectfully submitted this 7 day of July, 2003


Chris A. Pentz
Attorney for Plaintiff

VERIFICATION

I, George W. Anderson, verify that the statements made in this
Reply to New Matter 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.

June 16th / 03
Date

George W. Anderson
George W. Anderson

FILED

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JUL 07 2003

1cc
Atty Pentz
E
R24

William A. Shaw
Prathometary

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

George W. Anderson
Plaintiff

*

-vs-

*

Docket No. 03-100-CD

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

*

-vs-

*

Moravian Run Reclamation Company, Inc. *
Additional Defendant

Type of Pleading:
REPLY AND NEW MATTER OF
MORAVIAN RUN RECLAMATION
COMPANY, INC. TO PETITION
TO AMEND COMPLAINT

Filed on behalf of:
Additional Defendant
Moravian Run Reclamation
Company, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr., Esquire
PA I.D. No. 16332

FILED

JUL 10 2003

William A. Shaw
Prothonotary

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

George W. Anderson
Plaintiff

*

-vs-

*

Docket No. 03-100-CD

*

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

-vs-

*

Moravian Run Reclamation Company, Inc. *
Additional Defendant

**REPLY AND NEW MATTER OF MORAVIAN RUN RECLAMATION COMPANY, INC.
TO PETITION TO AMEND COMPLAINT**

COMES NOW, Moravian Run Reclamation Company, Inc., Additional Defendant in the above-referenced case, and files the within Reply to the Petition to Amend Complaint filed by Plaintiff.

1. Admitted.
2. Additional Defendant disagrees with the characterization of the nature of this case, as this case as Additional Defendant understands it, is one that relates to a dispute over ownership of the mineral rights beneath the McKee property. This dispute is moot, however, because the statute of limitations has run. See New Matter.

3. It is admitted that a defense of this nature was asserted, but Additional Defendant vigorously objects to such a defense. This defense is moot because the statute of limitations has run. See New Matter.

4. Denied, as legal argument. In further response to that argument, Additional Defendant would rely upon New Matter, set forth below.

NEW MATTER

In further support of its position herein, Additional Defendant presents the following New Matter.

5. The property, which is the subject of the coal mining operations that gave rise to this dispute, involves property where the surface rights are owned by John E. & Shirley A. McKee. The tonnage, which the Plaintiff has asserted in its Complaint, is tonnage that has come off of the McKee property.

6. All operations conducted on the McKee property were completed, with the coal being removed prior to October 2000. See Exhibit A, attached hereto, which is a letter from the Pennsylvania Department of Environmental Protection which confirms that point.

7. The nature of the Complaint herein is a trespass action, alleging that coal was taken from the subsurface mineral rights owned by Plaintiff for which Plaintiff was not paid. While there is a dispute as to who is the proper title holder to the mineral rights, the facts remain that there is a two-year statute of limitations.

8. The litigation initiated herein, which began with a Writ of Summons on served on January 23, 2003, shows that the litigation was not commenced within the requisite two-year period.

9. Attached hereto as Exhibit B is a copy of the docket entries confirming when the Writ of Summons was filed.

10. The statute of limitations applicable to this matter is two years, as is set forth at 42 Pa. C.S.A. § 5524, with subsections (3) and (4) or (7) covering the claims made herein by the Plaintiff. Attached hereto as Appendix C is a copy of the statutory language on this point.

11. The amendment should not be permitted herein, in view of the well-established principle that an amendment which introduces a cause of action that is barred by the statute of limitations is prohibited. See, eg. Frey v. Pennsylvania Electric Company, 607 A2d 796 (Pa.Super. 1992).

WHEREFORE, Additional Defendant Moravian Run Reclamation Company, Inc. prays that the Petition to Amend Complaint filed by the Plaintiff be denied.

Respectfully submitted,

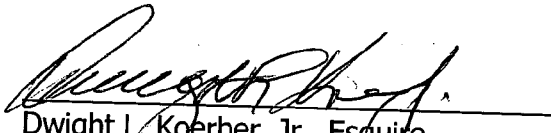
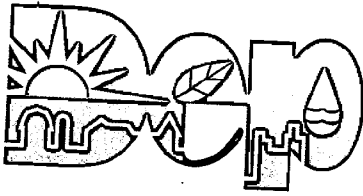

Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
Moravian Run Reclamation Company, Inc.

EXHIBIT A

Attached hereto as Exhibit A is a letter from the Pennsylvania Department of Environmental Protection.



Pennsylvania Department of Environmental Protection

P. O. Box 209
792 Empire Road
Hawk Run, PA 16840-0209
July 9, 2003

Hawk Run District Office

(814) 342-8200
FAX (814) 342-8216

Mr. Joseph Tarbay
Moravian Run Reclamation Company, Inc.
605 Sheridan Drive
Clearfield, PA 16830

RE: Moravian Run Reclamation Company, Inc.
SMP #17980109, McKee Operation
Pike Township, Clearfield County

Dear Mr. Tarbay:

The purpose of this letter is to document an office review of the above referenced SMP, the McKee Operation, Pike Township, Clearfield County. Inspectors James Parlavecchio and Dale Salada reviewed thoroughly the Departmental documentation consisting of mining maps, auger permit maps, photographs and inspection reports. Mr. Parlavecchio was the inspector assigned to inspect this mining operation for the period of 8/2000 to present. Prior to that time, Mr. Salada was the inspector from 10/99 to 7/2000.

This review indicates that all coal removal, on the property identified as property #1 of the mining permit, landowners John E. and Shirley A. McKee, was completed prior to October, 2000.

If you need any additional information or documentation, please contact me at our Hawk Run District Office.

Sincerely,

Nancy Rieg
Inspector Supervisor
District Mining Operations

cc: Terry L. Confer
Nancy Rieg
Dale Salada
James Parlavecchio
File

NR/hao



EXHIBIT B

Attached hereto as Exhibit B is a copy of the docket entries confirming when the Writ of Summons was filed.

Date: 07/01/2003

Time: 02:50 PM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Case: 2003-00100-CD

Current Judge: John K. Reilly Jr.

Civil Other

Date		Judge
01/23/2003	Filing: Writ of Summons Paid by: Pentz, Chris A. (attorney for Anderson, George W.) Receipt number: 1854407 Dated: 01/23/2003 Amount: \$85.00 (Check) 5 Summons to Atty. Pentz.	No Judge
04/02/2003	Acceptance of Service, of Summons on behalf of the Defendants. s/William C. Kriner, Esquire no cc	No Judge
04/16/2003	Filing: Complaint on behalf of Plaintiff by Atty. Chris Pentz. 1 cc to Atty. Pentz.	No Judge
04/28/2003	Certificate of Service, Complaint upon: ATTY WILLIAM C. KRINER, s/Chris A. Pentz, Esq. no cc	No Judge
05/22/2003	Answer and New Matter to Plaintiff's Complaint. filed by s/William C. Kriner, Esquire Verification s/C. Alan Walker Certificate of Service no cc	No Judge
06/05/2003	Complaint Against Additional Defendant Moravian Run Reclamation Company, Inc. filed by s/William C. Kriner, Esq. Verification s/C. Alan Walker Certificate of Service no cc	No Judge
06/16/2003	Petition To Amend Complaint. filed by s/Chris A. Pentz, Esq. 2 cc to Atty	No Judge
06/18/2003	RULE TO SHOW CAUSE WHY PETITION TO AMEND COMPLAINT SHOULD NOT BE GRANTED, AND NOW, this 18th day of June, 2003, issued upon Respondent. Rule Returnable the 9th day of July, 2003, for filing a Written Response. by the Court, s/JKR,JR.,P.J. 2 cc Atty Pentz	John K. Reilly Jr.

EXHIBIT C

Attached hereto as Exhibit C is a copy of the applicable statutory language concerning the statute of limitations.

Under Pennsylvania's discovery rule, statute of limitations does not begin to run until plaintiff has discovered his injury, or, in the exercise of reasonable diligence, should have discovered his injury. *Doe v. Kohn Nast & Graf, P.C., E.D.Pa. 1994, 866 F.Supp. 190.*

25. Invasion of privacy

Patient's claim that psychologist disclosed information protected by statutory codification of testimonial patient-psychologist privilege was in nature of invasion of privacy claim subject to one-year statute of limitations. *Coulter v.*

Rosenblum, 682 A.2d 838, 452 Pa.Super. 619, Super.1996.

26. Nullum tempus

Claim on performance bond, arising out of county's contract to purchase electronic voting machines, accrued to the county in its governmental capacity and would be brought to enforce an obligation imposed by law, and thus, the doctrine of nullum tempus occurit regi applied to overcome any limitations bar. *Montgomery County v. MicroVote Corp., E.D.Pa.2001, 152 F.Supp.2d 784.*

§ 5524. Two year limitation

The following actions and proceedings must be commenced within two years:

- (1) An action for assault, battery, false imprisonment, false arrest, malicious prosecution or malicious abuse of process.
- (2) An action to recover damages for injuries to the person or for the death of an individual caused by the wrongful act or neglect or unlawful violence or negligence of another.
- (3) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof.
- (4) An action for waste or trespass of real property.
- (5) An action upon a statute for a civil penalty or forfeiture.
- (6) An action against any officer of any government unit for the nonpayment of money or the nondelivery of property collected upon on execution or otherwise in his possession.
- (7) Any other action or proceeding to recover damages for injury to person or property which is founded on negligent, intentional, or otherwise tortious conduct or any other action or proceeding sounding in trespass, including deceit or fraud, except an action or proceeding subject to another limitation specified in this subchapter.
- (8) An action to recover damages for injury to a person or for the death of a person caused by exposure to asbestos shall be commenced within two years from the date on which the person is informed by a licensed physician that the person has been injured by such exposure or upon the date on which the person knew or in the exercise of reasonable diligence should have known that the person had an injury which was caused by such exposure, whichever date occurs first.

Amended 1982, Dec. 20, P.L. 1409, No. 326, art. II, § 201, effective in 60 days; 2001, Dec. 17, P.L. 904, No. 101, § 2, effective in 60 days.

Historical and Statutory Notes

1982 Amendment: In par. (5), deleted "where the action is given to a government unit" and added par. (7).

Section 403 of Act 1982, Dec. 20, P.L. 1409, No. 326, provides, in part, that the amendment to

this section "shall apply only to causes of action which accrue after the effective date of this act".

Act 2001-101 legislation

Act 2001-101, § 2, added par. (8).

Law Review and Journal Commentaries

Application of the discovery rule in diethylstilbestrol cases. (1982) 55 Temp.L.Q. 1149.

Discovery rule not extended to wrongful death and survival actions. (1982) 55 Temp.L.Q. 625.

Legal malpractice—the lawyer as a target. James J. McCabe, 56 Pa.B.A.Q. 209 (1985).

Plaintiffs claiming personal injury damages caused by allegedly defective products may proceed in trespass, using the tort statute of limitations, or in assumpsit, using the Uniform Commercial Code statute of limitations. (1984) 23 Duq.L.Rev. 279.

Romeo revisited: limiting the statute of limitations that applies to claims for breach of a construction contract. Kristie M. Kachuriak, 39 Duq.L.Rev. 551 (2001).

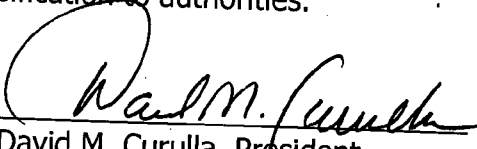
Statute of limitations and the discovery rule: Variations on a theme of fairness. Gerald A. McHugh, Jr., 64 Pa.B.A.Q. 197 (1993).

Statutes of limitations and the discovery rule in latent injury claims. (1982) 43 U.Pitt.L.Rev. 501.

Torts—wrongful death and survival actions—discovery rule. 34 Duq. L. Rev. 570 (1996).

VERIFICATION

I certify that the statements made in the foregoing document 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.

A handwritten signature in dark ink, appearing to read "David M. Curulla", written over a horizontal line.

David M. Curulla, President
Moravian Run Reclamation Company, Inc.

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

George W. Anderson
Plaintiff

*

-VS-

*

Docket No. 03-100-CD

*

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

-VS-

*

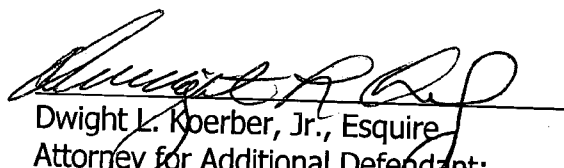
Moravian Run Reclamation Company, Inc. *
Additional Defendant

CERTIFICATE OF SERVICE

This is to certify that on the 10th day of July, 2003 the undersigned served a true and correct copy of the REPLY AND NEW MATTER OF MORAVIAN RUN RECLAMATION COMPANY, INC. TO PETITION TO AMEND COMPLAINT in the above-captioned matter upon counsel for Plaintiff and counsel for Original Defendants. Such documents were served via United States First Class Mail upon the following:

Chris A. Pentz, Esquire
211 1/2 East Locust Street
Marino Building
P. O. Box 552
Clearfield, PA 16830

William C. Kriner, Esquire
P. O. Box 1425
31 North Third Street
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
Moravian Run Reclamation Company, Inc.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
DOCKET NO. 03-100-CD

George W. Anderson

-vs.-

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company

-vs-

Moravian Run Reclamation Company,
Inc.

REPLY AND NEW MATTER OF MORAVIAN
RUN RECLAMATION COMPANY, INC. TO
PETITION TO AMEND COMPLAINT

012000-04
JUL 10 2003

William A. Koerber
Attorney at Law

Law Office

DWIGHT L. KOERBER, JR.

ATTORNEY - AT - LAW

110 NORTH SECOND STREET

P. O. Box 1320

CLEARFIELD, PENNSYLVANIA 16830

4cc
Atty Koerber
GJD

William A. Shaw
Prothonotary

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

George W. Anderson,
Plaintiff

vs

C. Alan Walker, Susan Walker
Kriner, Anne Walker Macko,
T/D/B/A Shannon Land and
Mining Company
Defendants

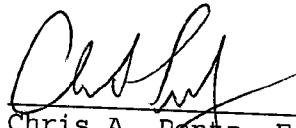
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* No. 03-100-C.D.
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CERTIFICATE OF SERVICE

This is to certify that on the 14 day of July,
2003, the undersigned served a certified copy of Reply to New
Matter in the above captioned matter upon counsel for Original
Defendants and Counsel for Added Defendant. Such documents were
served via United States First Class Mail upon the following:

William C. Kriner, Esquire
P. O. Box 1425
31 North Third street
Clearfield PA 16830

Dwight L. Koerber, Jr., Esquire
P. O. Box 1320
110 North Second street
Clearfield PA 16830


Chris A. Pentz, Esquire
Attorney for Plaintiff

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

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY,
Defendants

-vs-

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

*

*

*

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*

*

Docket No. 03-100-CD

Type of pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
ADDITIONAL DEFENDANT,
Moravian Run Reclamation
Company, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

JUL 17 2003

William A. Shaw
Prothonotary

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

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY,
Defendants

-vs-

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

*

*

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Docket No. 03-100-CD

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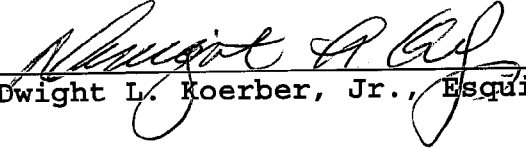
CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July, 2003, the original and two copies of Set I Interrogatories and Request for Production of Documents of Additional Defendant Directed to Plaintiff were served upon counsel for plaintiff at the following name and address:

Chris A. Pentz, Esquire
211½ East Locust Street
Clearfield, PA 16830

In addition, a copy has been served upon counsel for Original Defendants, for his records, at the following name and address:

William C. Kriner, Esquire
31 North Third Street
P. O. Box 1425
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 03-100-CD

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, et al.,
Defendants

-vs-

MORAVIAN RUN RECLAMATION COMPANY,
INC.,
Additional Defendant

CERTIFICATE OF SERVICE

NO
CC

At 3:00 PM
JUL 17 2003

William A. Shaw
Prothonotary

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

George W. Anderson
Plaintiff

*

-VS-

*

Docket No. 03-100-CD

*

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

-VS-

*

Moravian Run Reclamation Company, Inc. *
Additional Defendant

Type of Pleading:
ANSWER AND NEW MATTER OF
MORAVIAN RUN RECLAMATION
COMPANY TO COMPLAINT AGAINST
ADDITIONAL DEFENDANT

Filed on behalf of:
Additional Defendant:
Moravian Run Reclamation Company

Counsel of record for
this party:

Dwight L. Koerber, Jr., Esquire
PA I.D. No. 16332

FILED

AUG 04 2003

William A. Shaw
Prothonotary/Clerk of Courts

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

George W. Anderson
Plaintiff

*

-VS-

*

Docket No. 03-100-CD

*

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

-VS-

*

Moravian Run Reclamation Company, Inc. *
Additional Defendant

**ANSWER AND NEW MATTER OF MORAVIAN RUN RECLAMATION COMPANY,
INC. TO COMPLAINT AGAINST ADDITIONAL DEFENDANT**

COMES NOW, Moravian Run Reclamation Company, Inc., by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Answer and New Matter to the Complaint against Additional Defendant filed by Defendants, C. Alan Walker, Susan Walker Kriner, Anne Walker Macko, T/D/B/A Shannon Land and Mining Company. In support thereof, Additional Defendant avers and shows as follows.

1. Admitted.
2. Admitted.

3. Admitted, with the further understanding that the terms of the Complaint stand as set forth in that document with the terms and provisions of the Complaint speaking for themselves.

4. Admitted, with the understanding that Additional Defendant had no proprietary interest in the coal, and moved forward with its operations with the express understanding that proper authorization from the owner in interest was given.

5. Denied, legal conclusion.

6. Denied, legal conclusion. Moreover, see New Matter

NEW MATTER

In further support of its position herein, Additional Defendant offers the following New Matter.

7. Joinder of Additional Defendant as a party in this proceeding is improper because there is no viable theory of recovery that can be asserted against Additional Defendant.

8. Defendant has no duty of indemnification, contribution or liability of any nature that is owed to Shannon. On the contrary, it is Shannon that has the duty to indemnify and hold Additional Defendant harmless.

9. The mineral rights which are the subject of the coal mining operations that gave rise to the dispute in the case, involve property where the surface rights are owned

by John E. & Shirley A. McKee. The tonnage, which the Plaintiff has asserted in his Complaint, is tonnage that has come off of the McKee property.

10. All operations conducted on the McKee property were completed, with the coal being removed, prior to October 2000. See Exhibit A, attached hereto, which is a letter from the Pennsylvania Department of Environmental Protection which confirms that point.

11. The nature of the Complaint herein is a trespass action, alleging that coal was taken from the subsurface mineral rights owned by Plaintiff for which Plaintiff was not paid. While there is a dispute as to who is the proper title holder to the mineral rights, the facts remain that there is a two-year statute of limitations.

12. The litigation initiated herein, which began with a Writ of Summons on served on January 23, 2003, shows that the litigation was not commenced within the requisite two-year period.

13. Attached hereto as Exhibit B is a copy of the docket entries confirming when the Writ of Summons was filed.

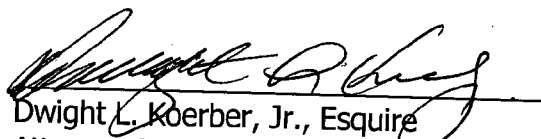
14. The statute of limitations applicable to this matter is two years, as is set forth at 42 Pa. C.S.A. § 5524, with subsections (3) and (4) or (7) covering the claims made herein by the Plaintiff. Attached hereto as Appendix C is a copy of the statutory language on this point.

15. This Complaint against Additional Defendant is not only barred by the Statute of Limitations, but is devoid of underlying merit.

16. Additional Defendant asserts an affirmative defense in the form of the two-year Statute of Limitations as it relates to the Complaint against it as an Additional Defendant, as well as it asserting that defense to the underlying causative action that has been asserted by the Plaintiff.

WHEREFORE, Additional Defendant, Moravian Run Reclamation Company, Inc. prays that the Complaint filed against them by Defendants be dismissed, that judgment be entered in its favor and against Defendants, and that if there is a finding of any liability in this matter that it be restricted solely to the original Defendants.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Dwight L. Koerber, Jr.", is written over a horizontal line.

Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
Moravian Run Reclamation Company, Inc.

EXHIBIT A

Attached hereto as Exhibit A is a letter from the Pennsylvania Department of Environmental Protection.



Pennsylvania Department of Environmental Protection

P. O. Box 209
792 Empire Road
Hawk Run, PA 16840-0209
July 9, 2003

Hawk Run District Office

(814) 342-8200
FAX (814) 342-8216

Mr. Joseph Tarbay
Moravian Run Reclamation Company, Inc.
605 Sheridan Drive
Clearfield, PA 16830

RE: Moravian Run Reclamation Company, Inc.
SMP #17980109, McKee Operation
Pike Township, Clearfield County

Dear Mr. Tarbay:

The purpose of this letter is to document an office review of the above referenced SMP, the McKee Operation, Pike Township, Clearfield County. Inspectors James Parlavecchio and Dale Salada reviewed thoroughly the Departmental documentation consisting of mining maps, auger permit maps, photographs and inspection reports. Mr. Parlavecchio was the inspector assigned to inspect this mining operation for the period of 8/2000 to present. Prior to that time, Mr. Salada was the inspector from 10/99 to 7/2000.

This review indicates that all coal removal, on the property identified as property #1 of the mining permit, landowners John E. and Shirley A. McKee, was completed prior to October, 2000.

If you need any additional information or documentation, please contact me at our Hawk Run District Office.

Sincerely,

Nancy Rieg
Inspector Supervisor
District Mining Operations

cc: Terry L. Confer
Nancy Rieg
Dale Salada
James Parlavecchio
File

NR/hao



EXHIBIT B

Attached hereto as Exhibit B is a copy of the docket entries confirming when the Writ of Summons was filed.

Date: 07/01/2003

Time: 02:50 PM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Case: 2003-00100-CD

Current Judge: John K. Reilly Jr.

Civil Other

Date		Judge
01/23/2003	Filing: Writ of Summons Paid by: Pentz, Chris A. (attorney for Anderson, George W.) Receipt number: 1854407 Dated: 01/23/2003 Amount: \$85.00 (Check) 5 Summons to Atty. Pentz.	No Judge
04/02/2003	Acceptance of Service, of Summons on behalf of the Defendants. s/William C. Kriner, Esquire no cc	No Judge
04/16/2003	Filing: Complaint on behalf of Plaintiff by Atty. Chris Pentz. 1 cc to Atty. Pentz.	No Judge
04/28/2003	Certificate of Service, Complaint upon: ATTY WILLIAM C. KRINER, s/Chris A. Pentz, Esq. no cc	No Judge
05/22/2003	Answer and New Matter to Plaintiff's Complaint. filed by s/William C. Kriner, Esquire Verification s/C. Alan Walker Certificate of Service no cc	No Judge
06/05/2003	Complaint Against Additional Defendant Moravian Run Reclamation Company, Inc. filed by s/William C. Kriner, Esq. Verification s/C. Alan Walker Certificate of Service no cc	No Judge
06/16/2003	Petition To Amend Complaint. filed by s/Chris A. Pentz, Esq. 2 cc to Atty	No Judge
06/18/2003	RULE TO SHOW CAUSE WHY PETITION TO AMEND COMPLAINT SHOULD NOT BE GRANTED, AND NOW, this 18th day of June, 2003, issued upon Respondent. Rule Returnable the 9th day of July, 2003, for filing a Written Response. by the Court, s/JKR,JR.,P.J. 2 cc Atty Pentz	John K. Reilly Jr.

EXHIBIT C

Attached hereto as Exhibit C is a copy of the applicable statutory language concerning the statute of limitations.

Under Pennsylvania's discovery rule, statute of limitations does not begin to run until plaintiff has discovered his injury, or, in the exercise of reasonable diligence, should have discovered his injury. *Doe v. Kohn Nast & Graf, P.C.*, E.D.Pa. 1994, 866 F.Supp. 190.

25. Invasion of privacy

Patient's claim that psychologist disclosed information protected by statutory codification of testimonial patient-psychologist privilege was in nature of invasion of privacy claim subject to one-year statute of limitations. *Coulter v.*

Rosenblum, 682 A.2d 838, 452 Pa.Super. 619, Super.1996.

26. Nullum tempus

Claim on performance bond, arising out of county's contract to purchase electronic voting machines, accrued to the county in its governmental capacity and would be brought to enforce an obligation imposed by law, and thus, the doctrine of nullum tempus occurit regi applied to overcome any limitations bar. *Montgomery County v. MicroVote Corp.*, E.D.Pa.2001, 152 F.Supp.2d 784.

§ 5524. Two year limitation

The following actions and proceedings must be commenced within two years:

- (1) An action for assault, battery, false imprisonment, false arrest, malicious prosecution or malicious abuse of process.
- (2) An action to recover damages for injuries to the person or for the death of an individual caused by the wrongful act or neglect or unlawful violence or negligence of another.
- (3) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof.
- (4) An action for waste or trespass of real property.
- (5) An action upon a statute for a civil penalty or forfeiture.
- (6) An action against any officer of any government unit for the nonpayment of money or the nondelivery of property collected upon on execution or otherwise in his possession.
- (7) Any other action or proceeding to recover damages for injury to person or property which is founded on negligent, intentional, or otherwise tortious conduct or any other action or proceeding sounding in trespass, including deceit or fraud, except an action or proceeding subject to another limitation specified in this subchapter.
- (8) An action to recover damages for injury to a person or for the death of a person caused by exposure to asbestos shall be commenced within two years from the date on which the person is informed by a licensed physician that the person has been injured by such exposure or upon the date on which the person knew or in the exercise of reasonable diligence should have known that the person had an injury which was caused by such exposure, whichever date occurs first.

Amended 1982, Dec. 20, P.L. 1409, No. 326, art. II, § 201, effective in 60 days; 2001, Dec. 17, P.L. 904, No. 101, § 2, effective in 60 days.

Historical and Statutory Notes

1982 Amendment: In par. (5), deleted "where the action is given to a government unit" and added par. (7).

Section 403 of Act 1982, Dec. 20, P.L. 1409, No. 326, provides, in part, that the amendment to

this section "shall apply only to causes of action which accrue after the effective date of this act".

Act 2001-101 legislation

Act 2001-101, § 2, added par. (8).

Law Review and Journal Commentaries

Application of the discovery rule in diethylstilbestrol cases. (1982) 55 Temp.L.Q. 1149.

Discovery rule not extended to wrongful death and survival actions. (1982) 55 Temp.L.Q. 625.

Legal malpractice—the lawyer as a target. *James J. McCabe*, 56 Pa.B.A.Q. 209 (1985).

Plaintiffs claiming personal injury damages caused by allegedly defective products may proceed in trespass, using the tort statute of limitations, or in assumpsit, using the Uniform Commercial Code statute of limitations. (1984) 23 Duq.L.Rev. 279.

Romeo revisited: limiting the statute of limitations that applies to claims for breach of a construction contract. *Kristie M. Kachuriak*, 39 Duq.L.Rev. 551 (2001).

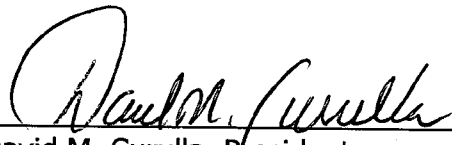
Statute of limitations and the discovery rule: Variations on a theme of fairness. *Gerald A. McHugh, Jr.*, 64 Pa.B.A.Q. 197 (1993).

Statutes of limitations and the discovery rule in latent injury claims. (1982) 43 U.Pitt.L.Rev. 501.

Torts—wrongful death and survival actions—discovery rule. 34 Duq. L. Rev. 570 (1996).

VERIFICATION

I certify that the statements made in the foregoing document 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.

A handwritten signature in cursive script, appearing to read "David M. Curulla", is written over a horizontal line.

David M. Curulla, President
Moravian Run Reclamation Company, Inc.

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

George W. Anderson
Plaintiff

*

*

-VS-

Docket No. 03-100-CD

*

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

-VS-

*

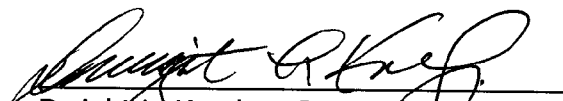
Moravian Run Reclamation Company, Inc. *
Additional Defendant

CERTIFICATE OF SERVICE

This is to certify that on the 4th day of August, 2003 the undersigned served a true and correct copy of the ANSWER AND NEW MATTER OF MORAVIAN RUN RECLAMATION COMPANY, INC. TO COMPLAINT AGAINST ADDITIONAL DEFENDANT in the above-captioned matter upon counsel for Plaintiff and counsel for Original Defendants. Such documents were served via United States First Class Mail upon the following:

Chris A. Pentz, Esquire
211 1/2 East Locust Street
Marino Building
P. O. Box 552
Clearfield, PA 16830

William C. Kriner, Esquire
P. O. Box 1425
31 North Third Street
Clearfield, PA 16830



Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
Moravian Run Reclamation Company, Inc.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO: 03-100-CD

George W. Anderson

-vs-

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company

-vs-

Moravian Run Reclamation Company,
Inc.

ANSWER AND NEW MATTER OF MORAVIAN
RUN RECLAMATION COMPANY TO
COMPLAINT AGAINST ADDITIONAL
DEFENDANT

FILED

4cc Amy Koerber
8/3/15
AUG 04 2003

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

2 cent to Army

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING,
Defendants

No. 2003-100-CD

PLAINTIFF'S REPLY TO NEW MATTER OF ADDITIONAL DEFENDANT

7. Paragraph 7 is a conclusion of law to which no response is required.
8. Paragraph 8 is a conclusion of law to which no response is required.
9. Paragraph 9 is admitted.
10. Paragraph 10 is denied. After reasonable investigation the Plaintiff is without sufficient knowledge or information to form a belief as to the averment.
11. Paragraph 11 is a conclusion of law to which no response is required.
12. Paragraph 12 is a conclusion of law to which no response is required.
13. Paragraph 13 is admitted.
14. Paragraph 14 is a conclusion of law to which no

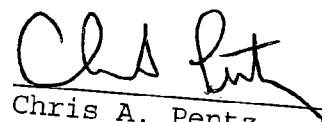
response is required.

15. Paragraph 15 is a conclusion of law to which no response is required.

16. Paragraph 16 - No response required.

WHEREFORE, the Plaintiff requests Your Honorable Court to grant relief as set forth in his Complaint.

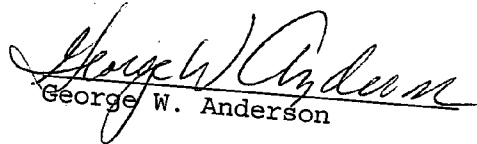
Respectfully submitted this 23 day of Sept., 2003


Chris A. Pentz
Attorney for Plaintiff

VERIFICATION

I, GEORGE W. ANDERSON, verify that the statements made in this
Reply to New Matter 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.

9/23/03
Date


George W. Anderson

Prothonotary/Clerk of Courts
William A. Shaw

SEP 24 2003

FILED

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

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, SUSAN WALKER
KRINER and ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND MINING
COMPANY,
Defendants

-vs-

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

Docket No. 03-100-CD

Type of pleading:
MOTION TO COMPEL ANSWERS
TO SET I INTERROGATORIES
AND REQUEST FOR
PRODUCTION OF DOCUMENTS
OF ADDITIONAL DEFENDANT
DIRECTED TO PLAINTIFF

Filed on behalf of:
ADDITIONAL DEFENDANT,
Moravian Run Reclamation
Company, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

SEP 25 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, SUSAN WALKER
KRINER and ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND MINING
COMPANY,
Defendants

-vs-

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

Docket No. 03-100-CD

MOTION TO COMPEL ANSWER TO SET I INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS OF
ADDITIONAL DEFENDANT DIRECTED TO PLAINTIFF

COMES NOW, Additional Defendant Moravian Run Reclamation Company, Inc. (referred to hereinafter as "Moravian Run" or "additional defendant"), by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Motion to Compel Answers to Set I Interrogatories and Request for Production of Documents of Additional Defendant Directed to Plaintiff (referred to hereinafter as "Set I").

1. Movant is Moravian Run, additional defendant in the above-referenced proceeding.
2. Respondent is George W. Anderson, plaintiff in the above-

referenced proceeding.

3. On July 17, 2003, additional defendant served Set I upon counsel for plaintiff, as shown by the Certificate of Service filed in this matter.

4. Attached hereto as Appendix A is a true and correct copy of the Set I document filed upon plaintiff.

5. The due date for plaintiff to answer Set I was August 18, 2003.

6. When plaintiff failed to meet that timetable, additional defendant sent a letter to counsel for plaintiff, dated September 2, 2003, requesting that plaintiff respond within 15 days. Attached hereto as Appendix B is a copy of that letter.

7. Additional Defendant sent another letter to counsel for plaintiff, dated September 18, 2003, again requesting that plaintiff respond. Attached hereto as Appendix C is a copy of that letter.

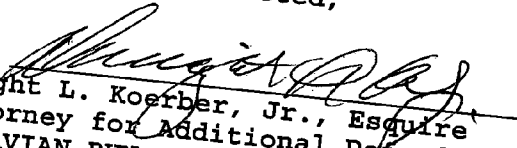
8. Plaintiff has neither responded to Set I as originally served, nor has he responded to the September 2 and September 18, 2003 letters of counsel for additional defendant requesting compliance.

9. Additional defendant now files this motion, seeking to have an Order entered compelling plaintiff to fully and properly respond to Set I.

WHEREFORE, additional defendant prays that this motion be

granted and that plaintiff be ordered to answer Set I, or to have sanctions entered against him.

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant,
MORAVIAN RUN RECLAMATION COMPANY,
INC.

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

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, SUSAN WALKER
KRINER and ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND MINING
COMPANY,
Defendants

-vs-

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

Docket No. 03-100-CD

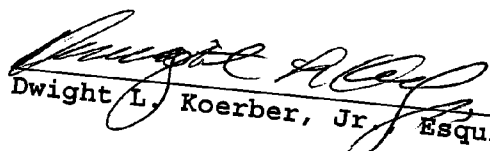
CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September, 2003,
a copy of the foregoing motion was served by United States First
Class Mail upon counsel for plaintiff at the following address:

Chris A. Pentz, Esquire
211½ East Locust Street
P. O. Box 552
Clearfield, PA 16830

In addition, a copy has been served upon counsel for original
defendants, for his records, at the following address:

William C. Kriner, Esquire
31 North Third Street
P. O. Box 1425
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire

APPENDIX A

Attached hereto is a true and correct copy of Set I Interrogatories and Request for Production of Documents of Additional Defendant Directed to Plaintiff.

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

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY,
Defendants

-vs-

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

Docket No. 03-100-CD

Type of pleading:
SET I
INTERROGATORIES AND
REQUEST FOR PRODUCTION
OF DOCUMENTS OF
ADDITIONAL DEFENDANT
DIRECTED TO PLAINTIFF

Filed on behalf of:
ADDITIONAL DEFENDANT,
Moravian Run Reclamation
Company, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY,
Defendants

-vs-

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

Docket No. 03-100-CD

SET I

INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS OF ADDITIONAL DEFENDANT DIRECTED TO PLAINTIFF

TO: GEORGE W. ANDERSON
c/o Chris A. Pentz, Esquire
211½ East Locust Street
P. O. Box 552
Clearfield, PA 16830

PLEASE TAKE NOTICE THAT you are hereby required, pursuant to Rule 4005, 4006, and 4009 of the Pennsylvania Rules of Civil Procedure, Pa.R.C.P. 4005, 4006, 4009, to serve upon the undersigned, within thirty (30) days hereof, your answers in writing and under oath to the following Interrogatories/Request for Production of Documents. If, between the time of your answers to said Interrogatories/Request for Production of Documents and the time of trial of this case, you or anyone acting on your behalf shall learn the identity or whereabouts of any other witnesses not identified in your answers, or if you or anyone acting on your behalf obtains or becomes aware of additional requested information not supplied in your answers, you shall promptly furnish the same to the undersigned by supplemental answers.

These Interrogatories/Request for Production of Documents are addressed to you as a party to this action and your answers shall be based upon the information known to you, your attorneys, or your representatives. Failure to provide the requested information and/or documents or make objections within the term specified may subject you to sanctions under Rule 4019 of the Pennsylvania Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

- A. "You, your and/or plaintiff" means and includes GEORGE W. ANDERSON (hereinafter referred to as "plaintiff"), and other persons acting, having acted or purporting to act on behalf of plaintiff.
- B. As used herein, the terms "additional defendant" refers to MORAVIAN RUN RECLAMATION COMPANY, INC..
- C. If you claim that the subject matter of a document or oral communication is privileged, you need not set forth a brief statement of the subject of this document, or the substance of the oral communication called for above. You shall, however, otherwise identify such document or oral communication and shall state each ground on which you claim that such document or oral communication is privileged.
- D. Whenever you are asked to "identify" a person, the following information shall be given: (1) the name, present address, present employer and position of the person; and (2) whether the person has given any testimony by way of deposition or otherwise in any proceeding related to the present proceeding and/or whether the person has given a statement whether oral, written, or otherwise, and if so, the title and nature of any such proceeding, the date of the testimony, whether you have a copy of the transcript thereof, the name of the person to whom the statement was given, where the statement is presently located if written or otherwise transcribed, and the present location of such transcript or statement if not in your possession.
- E. Whenever the term "document" is used herein, it includes (whether or not specifically called for) all printed, typewritten, handwritten, graphic or recorded matter, however produced or reproduced and however formal or informal.

F. Whenever you are asked to "identify" a document or documents, the following information should be given: (1) the identity of each person who wrote, signed, initiated, dictated or otherwise participated in the creation thereof; (2) the date of preparation; (3) its present location; (4) a description of the type of document; (5) the identity of all persons having custody or control thereof; and (7) if the document was, but is no longer, in your possession or control or your agents or representatives, describe the disposition of the document.

G. Whenever you are asked to "identify" an oral communication, the following information should be given: (1) the identity of each person who participated in the making thereof; (2) the date of the communication; (3) the place of the communication; (4) the identity of each person present when the communication was made; (5) the identity of any document or other form of record made regarding the content of the oral communication; (6) a description of the type of document; (7) the record's present location; and (8) the identity of each person having custody or control of such record.

H. You are hereby requested to produce in accordance with Rule 4009 of the Pennsylvania Rules of Civil Procedure the below listed documents and/or items. These documents can be photocopies and forwarded without any inconvenience or hardship to the parties hereto. The below listed documents and/or items are to be forwarded to the offices of Dwight L. Koerber, Jr., Esquire, 110 North Second Street, P. O. Box 1320, Clearfield, Pa. 16830.

Whenever any of the aforesaid items are requested from you, they are to include not only those in your possession, custody or control, but likewise, that of your attorneys, consultants, sureties, indemnitors, adjusters and/or agents, pursuant to the Pennsylvania Rules of Civil Procedure.

THIS REQUEST IS DEEMED TO BE CONTINUING INsofar AS IF ANY OF THE REQUESTED DOCUMENTS AND/OR ITEMS ARE SECURED SUBSEQUENT TO THE DATE HEREIN FOR THE PRODUCTION OF SAME, SAID DOCUMENTS AND/OR ITEMS ARE TO BE PROVIDED TO DEFENDANT'S COUNSEL WITHIN THIRTY (30) DAYS OF THE RECEIPT OF SAME.

1. Set forth the name and address of all individuals who have participated in furnishing information so as to answer these Interrogatories and Request for Production of Documents.

ANSWER:

2. Set forth the precise location where you live, identifying the property from the perspective of its location to the mining activities that gave rise to the Complaint you filed in this case.

ANSWER:

3. On a weekly basis, describe the frequency with which you drive by or in some fashion have occasion to see the location where the mining activities were occurring in this case.

ANSWER:

4. When did you first become aware that there were mining activities at or near the property on which you are now asserting an entitlement to coal royalties?

ANSWER:

5. How did you become aware of these mining activities?

ANSWER:

6. Are you aware that the mining activities that you have identified in the Complaint herein involved removal of coal from the following persons:

(a) John E. and Shirley McKee.

ANSWER:

(b) Clear Tru.

ANSWER:

(c) Ray V. and Alice J. Owens.

ANSWER:

(d) Alice R. Price.

ANSWER:

(e) Joseph L. Waroquier, Sr.

ANSWER:

(f) Walter Elensky, Jr.

ANSWER:

7. If your answer to the foregoing interrogatory was in the affirmative, state the following:

(a) When you first became aware of these mining operations.

ANSWER:

(b) How you became aware of these mining operations.

ANSWER:

(c) What was your understanding concerning these mining operations and their relationship to the mineral rights that you are asserting an interest in through the Complaint filed herein.

ANSWER:

8. Set forth the name and address of each individual that you spoke with concerning the mining operations that are the subject of this Complaint, or are the subject of operations pertaining to the individuals listed in Interrogatory No. 6.

ANSWER:

9. With as much accuracy and specificity as possible, summarize the information you acquired as a result of your discussions with individuals listed in response to the preceding interrogatory, and when responding, set forth the date all information that you had these discussions, to the best of your ability.

ANSWER:

10. Did you or anyone on your behalf contact the Pennsylvania Department of Environmental Resources concerning the coal mining activities that are the subject of the Complaint you filed in this proceeding.

ANSWER:

11. If the answer to the preceding interrogatory is in the affirmative, provide/state the following:

(a) Set forth the name and address of the individual(s) that you spoke with.

ANSWER:

(b) Set forth the information you gathered as a result of speaking with the said individual(s).

ANSWER:

(c) Furnish copies of all documents that you were provided as a result of your discussions with such individual(s).

ANSWER:

12. In paragraph 3 of the Complaint filed herein, you stated that you are the owner of coal, identified as Tract No. 13-Samuel West Tract, as described in Deed dated June 2, 1969, recorded at Deed Book Volume 548, page 271. With respect to that coal ownership interest, state the following:

(a) When you acquired your ownership interest, what was your understanding as to where the coal was located?

ANSWER:

(b) Describe all efforts that you pursued in an effort to obtain information concerning the location of the coal in which you are claiming an ownership interest.

ANSWER:

(c) Present a copy of all documents in your possession which pertain to the location of the coal in which you are now claiming an ownership interest.

ANSWER:

13. After you acquired the coal ownership rights in question, did you subsequently acquire information which caused you to believe that the coal was located at a different location than you had originally assumed that it was, and if the answer is in the affirmative, state when you acquired such information, from whom you acquired it, and set forth the substance of it.

ANSWER:

THIS REQUEST IS DEEMED TO BE CONTINUING INsofar AS IF ANY OF THE REQUESTED DOCUMENTS AND/OR ITEMS ARE SECURED SUBSEQUENT TO THE DATE HEREIN FOR THE PRODUCTION OF SAME, SAID DOCUMENTS AND/OR ITEMS ARE TO BE PROVIDED TO DEFENDANT'S COUNSEL WITHIN THIRTY (30) DAYS OF THE RECEIPT OF SAME.

Respectfully submitted,

By: Dwight L. Koenber, Jr.
Dwight L. Koenber, Jr., Esquire
Attorney for Additional Defendant,
MORAVIAN RUN RECLAMATION COMPANY,
INC.

DATE: 7/17/83

APPENDIX B

Attached hereto is a true and correct copy of the letter counsel for additional defendant sent to counsel for plaintiff on September 2, 2003.

LAW OFFICES
OF
DWIGHT L. KOERBER, JR.

Attorneys at Law
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830

September 2, 2003

FILE

Dwight L. Koerber, Jr.
Cynthia B. Stewart

Telephone (814) 765-9611
Facsimile (814) 765-9503

Chris A. Pentz, Esquire
211 1/2 East Locust Street
Marino Building
P. O. Box 552
Clearfield, PA 16830


**Re: George W. Anderson v. C. Alan Walker,
Susan Walker Kriner, and Anne Walker
Macko, t/d/b/a Shannon Land and Mining
vs. Moravian Run Reclamation Company, Inc.
Docket No. 03-100-CD**

Dear Chris:

On July 17, 2003, I served upon you a set of Interrogatories in this case. I have not yet received a response. Also, I have not received your request for any additional time to respond.

If you need additional time in order to respond to the Interrogatories, please give me an exact date by which I can expect to receive the reply. If we have not agreed upon a firm date or if you have not responded within the next 15 days, I will file a Motion to Compel.

Very truly yours,


Dwight L. Koerber, Jr.

DLK/sah
cc:

Mr. David M. Curulla

LAW OFFICES
OF
DWIGHT L. KOERBER, JR.

Attorneys at Law
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830

September 18, 2003

FILE

Dwight L. Koerber, Jr.
Cynthia B. Stewart

Telephone (814) 765-9611
Facsimile (814) 765-9503

Chris A. Pentz, Esquire
211 1/2 East Locust Street
Marino Building
P. O. Box 552
Clearfield, PA 16830

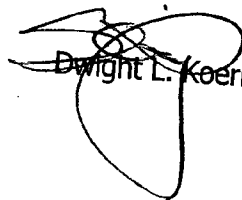
**Re: George W. Anderson v. C. Alan Walker,
Susan Walker Kriner, and Anne Walker
Macko, t/d/b/a Shannon Land and Mining
vs. Moravian Run Reclamation Company, Inc.
Docket No. 03-100-CD**

Dear Chris:

I have received a message that you would be replying to New Matter by the end of the week. I am not pressing you for a reply to New Matter. It is the reply to the Interrogatories and Request for Production of Documents that is overdue and has prompted my prior letter.

It is my understanding that from your response that you will be replying to the Answers to the Interrogatories and Request for Productions by the end of this week.

Very truly yours,



Dwight L. Koerber, Jr.

DLK/sah
cc: Mr. David M. Curulla

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 03-100-CD

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, et al.,
Defendants

-vs-

MORAVIAN RUN RECLAMATION COMPANY,
INC.,

Additional Defendant

MOTION TO COMPEL ANSWERS TO SET I
INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS OF
ADDITIONAL DEFENDANT DIRECTED
TO PLAINTIFF

FILED 502
SEP 25 2003
3:34 PM
W.A. Koerber

William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, SUSAN WALKER
KRINER and ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND MINING
COMPANY,
Defendants

-vs-

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

Docket No. 03-100-CD

Type of pleading:
RULE TO SHOW CAUSE

Filed on behalf of:
ADDITIONAL DEFENDANT,
Moravian Run Reclamation
Company, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

SEP 26 2003

William A. Shaw
Prothonotary

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

GEORGE W. ANDERSON,
Plaintiff

-vs-

C. ALAN WALKER, SUSAN WALKER
KRINER and ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND MINING
COMPANY,
Defendants

-vs-

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

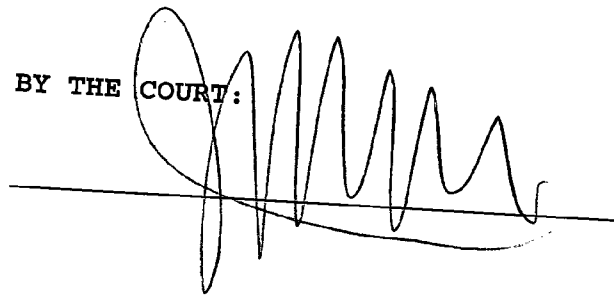
Docket No. 03-100-CD

RULE TO SHOW CAUSE

AND NOW, this 26th day of September, 2003,
upon consideration of the Motion to Compel Answers to Set I
Interrogatories and Request for Production of Documents of
Additional Defendant Directed to Plaintiff, it is the ORDER AND
DECREE of this Court that Plaintiff George W. Anderson SHOW CAUSE
WHY the Motion to Compel should not be granted.

Written response due on the 10 day of October,
2003.

BY THE COURT:



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 03-100-GD

GEORGE W. ANDERSON,
Plaintiff

-VS-

C. ALAN WALKER, et al,
Defendants

-VS-

MORAVIAN RUN RECLAMATION COMPANY,
INC.,

Additional Defendant

RULE TO SHOW CAUSE

FILED

*O 3:46 PM acc to atty
Koerber*

SEP 26 2003

*E
Hoy*

William A. Shaw
Prothonotary

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

George W. Anderson
Plaintiff

-VS-

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

-VS-

Moravian Run Reclamation Company, Inc. *
Additional Defendant

Docket No. 03-100-CD

Type of Pleading:
MOTION TO WITHDRAW
MOTION TO COMPEL ANSWERS TO
SET I INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS OF
ADDITIONAL DEFENDANT DIRECTED TO
PLAINTIFF

Filed on Behalf of:
Additional Defendant:
Moravian Run Reclamation
Company, Inc.

Counsel of Record for
This Party:

Dwight L. Koerber, Jr.
Pa. I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

OCT 01 2003

William A. Shaw
Prothonotary

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

George W. Anderson
Plaintiff

*

-VS-

*

Docket No. 03-100-CD

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

*

-VS-

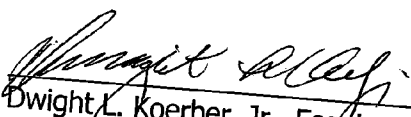
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Moravian Run Reclamation Company, Inc. *
Additional Defendant

**MOTION TO WITHDRAW MOTION TO COMPEL ANSWERS TO
SET I INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS OF ADDITIONAL DEFENDANT DIRECTED TO PLAINTIFF**

I hereby withdraw the Motion to Compel Answers to Set I Interrogatories and
Request for Production of Documents of Additional Defendant Directed to Plaintiff in the
above-captioned matter.

Respectfully submitted,


Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
Moravian Run Reclamation Company, Inc.

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

George W. Anderson
Plaintiff

*

-vs-

*

Docket No. 03-100-CD

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

*

-vs-

*

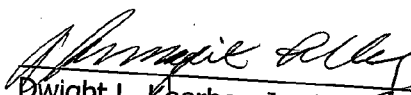
Moravian Run Reclamation Company, Inc. *
Additional Defendant

CERTIFICATE OF SERVICE

This is to certify that on the 1st day of October, 2003, the undersigned served a true and correct copy of the foregoing Motion to Withdraw Motion to Compel Answers to Set I Interrogatories and Request for Production of Documents of Additional Defendant Directed to Plaintiff in the above-captioned matter upon Chris A. Pentz, Esquire and upon William C. Kriner, Esquire. Such documents were served via United States First Class Mail upon the following:

Chris A. Pentz, Esquire
211 1/2 East Locust Street
Marino Building
P. O. Box 552
Clearfield, PA 16830

William C. Kriner, Esquire
P. O. Box 1425
31 North Third Street
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
Moravian Run Reclamation Company, Inc.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
DOCKET NO: 03-100-CD

George W. Anderson

-vs-

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company

-vs-

Moravian Run Reclamation Company,
Inc.

MOTION TO WITHDRAW MOTION TO COMPEL
ANSWERS TO SET I INTERROGATORIES
AND REQUEST FOR PRODUCTION OF
DOCUMENTS OF ADDITIONAL DEFENDANT
DIRECTED TO PLAINTIFF

FILED

O 3:18 PM 4-00 today

OCT 01 2003

William A. Shaw
Prothonotary

LAW OFFICE

DWIGHT KOERBER, JR.
ATTORNEY-AT-LAW

110 NORTH SECOND STREET
P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

George W. Anderson
Plaintiff

*

-vs-

*

Docket No. 03-100-CD

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

*

-vs-

*

Moravian Run Reclamation Company, Inc. *
Additional Defendant

Type of Pleading:
CERTIFICATE OF SERVICE

Filed on Behalf of:
Additional Defendant:
Moravian Run Reclamation
Company, Inc.

Counsel of Record for
This Party:

Dwight L. Koerber, Jr.
Pa. I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

OCT 01 2003

William A. Shaw
Prothonotary

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

George W. Anderson
Plaintiff

*

-vs-

*

Docket No. 03-100-CD

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company
Defendants

*

*

*

-vs-

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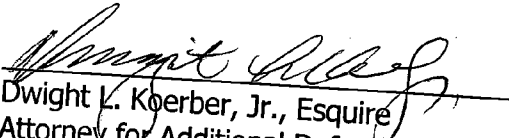
Moravian Run Reclamation Company, Inc. *
Additional Defendant

CERTIFICATE OF SERVICE

This is to certify that on the 1st day of October, 2003, the undersigned served a true and correct copy of the September 26, 2003 Rule to Show Cause in the above-captioned matter upon Chris A. Pentz, Esquire and upon William C. Kriner, Esquire. Such documents were served via United States First Class Mail upon the following:

Chris A. Pentz, Esquire
211 1/2 East Locust Street
Marino Building
P. O. Box 552
Clearfield, PA 16830

William C. Kriner, Esquire
P. O. Box 1425
31 North Third Street
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
Moravian Run Reclamation Company, Inc.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO: 03-100-CD

George W. Anderson

-vs-

C. Alan Walker, Susan Walker Kriner,
Anne Walker Macko, T/D/B/A Shannon
Land and Mining Company

-vs-

Moravian Run Reclamation Company,
Inc.

CERTIFICATE OF SERVICE

FILED

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OCT 01 2003

William A. Shaw
Prothonotary

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUSAN WALKER
KRINER, and ANNE WALKER
MACKO, t/d/b/a Shannon Land
And Mining, and Additional
Defendant, Moravian Run
Reclamation Company, Inc.,
Defendants

*

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* No. 03-100-C.D.

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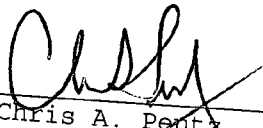
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CERTIFICATE OF SERVICE

I hereby certify that on the 12 day of January,
2004, the original and two (2) copies of Plaintiff's
Interrogatories and Request for Production of Documents (Set I)
were personally served upon each of the following:

William C. Kriner, Esquire
Attorney for Shannon Land & Mining
P. O. Box 1425
31 North Third Street
Clearfield PA 16830

Dwight L. Koerber, Jr., Esquire
Attorney for Moravian Run Reclamation Co.
P. O. Box 1320
110 North Second Street
Clearfield PA 16830


Chris A. Pentz
Attorney for Plaintiff

FILED No cc
d/3:31 PM
JAN 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER
MACKO, t/d/b/a SHANNON LAND
AND MINING,
Defendants

vs

MORAVIAN RUM RECLAMATION
COMPANY, INC.,
Additional Defendant

No. 2003-100-CD

Type of Case: Civil

Type of Pleading: Motion to
Compel Discovery

Filed on Behalf of: Plaintiff

* Counsel of Record for this
Party

* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
207 East Market Street

* P. O. Box 552
Clearfield PA 16830

* 814 765-4000

FILED

JUN 25 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE W. ANDERSON,

Plaintiff

*

Vs

*

C. Alan Walker, Susan Walker Kriner,*
Anne Walker Macko, t/d/b/a
Shannon Land and Mining Company,
Defendants

*

Vs

*

Moravian Run Reclamation Company,
Inc.

*

No. 2003-100-CD

Additional Defendant

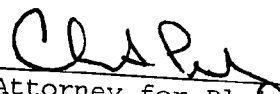
*

MOTION TO COMPEL DISCOVERY

1. The Petitioner is George W. Anderson, the Plaintiff in The above captioned matter.
2. The Respondent is Moravian Run Reclamation Company, Inc., the Additional Defendant in the above captioned matter.
3. Interrogatories and Request for Production of Documents directed to Defendants and Additional Defendant were served upon their counsel by letter of January 12, 2004, first class mail, postage prepaid. A copy of that letter is attached hereto and marked Exhibit "A" and incorporated herein by reference.
4. By letter dated March 15, 2004, attorney for the Petitioner granted an extension of time for filing the Answers and Response to the Interrogatories and Request for Production of Documents until March 31st, 2004.
5. As of the date of the filing of this Petition, the Additional Defendant Moravian Run Reclamation Company, Inc. has failed to provide Answers and Responses nor have objections to the requested Discovery been filed.

WHEREFORE, Petitioner respectfully requests Your Honorable Court to enter an Order directing the Additional Defendant Moravian Run Reclamation Company, Inc. to file Answers and Responses to the Interrogatories and Request for Production of Documents.

Respectfully submitted this 22 day of June, 2004.



Attorney for Plaintiff
Chris A. Pentz
207 East Market Street
Clearfield PA 16830
814 765-4000
I.D. # 39232

CHRIS A. PENTZ
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE
(814) 765-4000

FAX
(814) 765-8142

January 12, 2004

William C. Kriner, Esquire
Attorney for Shannon Land & Mining
P. O. Box 1425
Clearfield PA 16830

Dwight L. Koerber, Jr., Esquire
Attorney for Moravian Run Reclamation Co.
P. O. Box 1320
Clearfield PA 16830

Re: Anderson vs C. Alan Walker, et al
No. 2003-100-C.D

Dear Counsel:

Enclosed are an original and two (2) copies of
Plaintiff's Interrogatories and Request for Production of
Documents. (Set I)

Sincerely,

Chris A. Pentz

CAP/jms

Enclosures

cc: File

Exhibit "A"

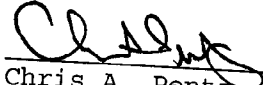
VERIFICATION

I, Chris A. Pentz, have read the foregoing Motion to Compel Discovery. The statements therein are correct to the best of my personal knowledge or information and belief.

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

I am authorized to make this verification on behalf of Plaintiff/ because of my position as counsel of record.

Dated: 6-28-04


Chris A. Pentz
207 East Market Street
Clearfield PA 16830
814 765-4000
I. D. # 39232

FILED

ice

01/10:41/84
JUN 25 2004

Atty Pentz

[Signature]

William A. Shaw
Prothonotary/Clerk of Courts

A

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

GEORGE W. ANDERSON,

Plaintiff

*

*

Vs

C. Alan Walker, Susan Walker Kriner,*
Anne Walker Macko, t/d/b/a

No. 03-100-CD

Shannon Land and Mining Company,
Defendants

*

*

Vs

Moravian Run Reclamation Company,
Inc.,

*

Additional Defendant

*

SCHEDULING ORDER

AND NOW, this 28 day of June, 2004,

upon consideration of the Plaintiff's Motion to Compel Discovery
filed by Chris A. Pentz, Attorney for Plaintiff/Petitioner, a
hearing is hereby scheduled for the 19 day of July,
2004, at 10:00 A.m. in Courtroom No. 1 of the
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


P.J.

FILED

JUN 28 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED *icc*

9/10/04
JUN 28 2004

Atty Gen + 2

dx
William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE W. ANDERSON,
Plaintiff

v.

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY
Defendants

v.

MORAVIAN RUN RECLAMATION
COMPANY, INC.
Additional Defendant

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Docket No. 03-100-CD

Type of Pleading:
CERTIFICATE OF SERVICE

Filed on Behalf of:
Additional Defendant, MORAVIAN RUN
RECLAMATION COMPANY, INC.

Counsel of Record for
This Party:

Dwight L. Koerber, Jr., Esquire
PA I.D. 16332

LAW OFFICES OF
DWIGHT L. KOERBER, JR.
110 N. Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED No CC
8/3/24/01
JUL 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE W. ANDERSON,
Plaintiff

v.

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY
Defendants

v.

MORAVIAN RUN RECLAMATION
COMPANY, INC.
Additional Defendant

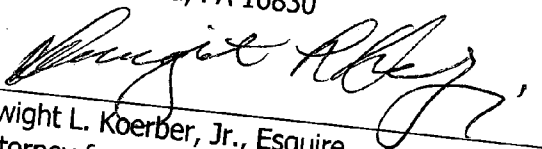
Docket No. 03-100-CD

CERTIFICATE OF SERVICE

I certify that on the 13th day of July, 2004, the undersigned its Answer of
Additional Defendant, Moravian Run Reclamation Company, Inc., to Interrogatories
/Request for Production of Documents of Plaintiff in the above-captioned matter upon
counsel for the Plaintiff and Defendants. Such documents were served via United States
First Class Mail upon the following:

COUNSEL FOR PLAINTIFF:
Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield, PA 16830

COUNSEL FOR DEFENDANTS:
William C. Kriner, Esquire
219 East Market Street
P. O. Box 1425
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
MORAVIAN RUN RECLAMATION COMPANY, INC.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO. 03-100-CD

GEORGE W. ANDERSON

Plaintiff

v.

C. ALAN WALKER, SUSAN WALKER KRINER,
ANNE WALKER MACKO, t/d/b/a SHANNON
LAND AND MINING COMPANY
Defendants

v.

MORAVIAN RUN RECLAMATION COMPANY, INC.
Additional Defendant

CERTIFICATE OF SERVICE

FILED

JUL 13 2004

CLERK OF COURT
CLEARFIELD COUNTY, PENNSYLVANIA

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

GEORGE W. ANDERSON,
Plaintiff

v.

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY
Defendants

v.

MORAVIAN RUN RECLAMATION
COMPANY, INC.
Additional Defendant

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Docket No. 03-100-CD

Type of Pleading:
REPLY OF ADDITIONAL DEFENDANT TO
MOTION TO COMPEL DISCOVERY

Filed on Behalf of:
Additional Defendant, MORAVIAN RUN
RECLAMATION COMPANY, INC.

Counsel of Record for
This Party:

Dwight L. Koerber, Jr., Esquire
PA I.D. 16332

LAW OFFICES OF
DWIGHT L. KOERBER, JR.
110 N. Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

01/3/25/04
JUL 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

4 CC Atty Koerber

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

GEORGE W. ANDERSON,
Plaintiff

v.

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY
Defendants

v.

MORAVIAN RUN RECLAMATION
COMPANY, INC.
Additional Defendant

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Docket No. 03-100-CD

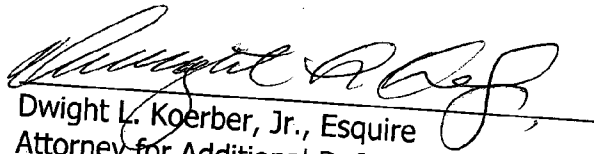
**REPLY OF ADDITIONAL DEFENDANT TO
MOTION TO COMPEL DISCOVERY**

COMES NOW, Additional Defendant, Moravian Run Reclamation Company, Inc.,
by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Answer
to the Motion to Compel Discovery filed by Plaintiff.

- (1) Admitted.
- (2) Admitted.
- (3) Admitted.
- (4) Admitted.
- (5) Denied. Additional Defendant has filed its Answers to the Interrogatories
and Request for Production for Documents. Attached hereto as Appendix A is a copy of
the Certificate of Service confirming that such filing has occurred.

WHEREFORE, Additional Defendant, Moravian Run Reclamation Company, Inc.
prays that the Motion to Compel be dismissed as being moot.

Respectfully submitted,



Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
MORAVIAN RUN RELCLAMATION COMPANY,
INC.

Law Offices of Dwight L. Koerber, Jr.
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

Appendix A

Copy of Certificate of Service for Answer to Interrogatories/Request for Production of Documents.

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

GEORGE W. ANDERSON,
Plaintiff

v.

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY
Defendants

v.

MORAVIAN RUN RECLAMATION
COMPANY, INC.
Additional Defendant

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Docket No. 03-100-CD

Type of Pleading:
CERTIFICATE OF SERVICE

Filed on Behalf of:
Additional Defendant, MORAVIAN RUN
RECLAMATION COMPANY, INC.

Counsel of Record for
This Party:

Dwight L. Koerber, Jr., Esquire
PA I.D. 16332

LAW OFFICES OF
DWIGHT L. KOERBER, JR.
110 N. Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

GEORGE W. ANDERSON,
Plaintiff

v.

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY
Defendants

v.

MORAVIAN RUN RECLAMATION
COMPANY, INC.
Additional Defendant

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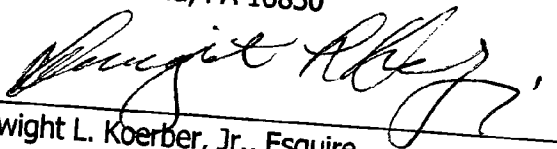
Docket No. 03-100-CD

CERTIFICATE OF SERVICE

I certify that on the 13th day of July, 2004, the undersigned its Answer of
Additional Defendant, Moravian Run Reclamation Company, Inc., to Interrogatories
/Request for Production of Documents of Plaintiff in the above-captioned matter upon
counsel for the Plaintiff and Defendants. Such documents were served via United States
First Class Mail upon the following:

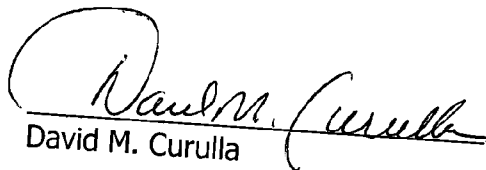
COUNSEL FOR PLAINTIFF:
Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield, PA 16830

COUNSEL FOR DEFENDANTS:
William C. Kriner, Esquire
219 East Market Street
P. O. Box 1425
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
MORAVIAN RUN RECLAMATION COMPANY, INC.

VERIFICATION

I certify that the statements made in the foregoing information 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.


David M. Curulla

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

GEORGE W. ANDERSON,
Plaintiff

v.

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY
Defendants

v.

MORAVIAN RUN RECLAMATION
COMPANY, INC.
Additional Defendant

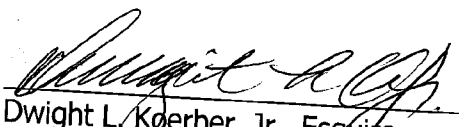
Docket No. 03-100-CD

CERTIFICATE OF SERVICE

I certify that on the 13th day of July, 2004, the undersigned served certified copies of the Answer of Additional Defendant, Moravian Run Reclamation Company, Inc., to Interrogatories/Request for Production of Documents of Plaintiff in the above-captioned matter upon counsel for the Plaintiff and Defendants. Such documents were served via United States First Class Mail upon the following:

COUNSEL FOR PLAINTIFF:
Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield, PA 16830

COUNSEL FOR DEFENDANTS:
William C. Kriner, Esquire
219 East Market Street
P. O. Box 1425
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire
Attorney for Additional Defendant:
MORAVIAN RUN RECLAMATION COMPANY, INC.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO. 03-100-CD

GEORGE W. ANDERSON
Plaintiff

v.

C. ALAN WALKER, SUSAN WALKER KRINER,
ANNE WALKER MACKO, t/d/b/a SHANNON
LAND AND MINING COMPANY
Defendants

v.

MORAVIAN RUN RECLAMATION COMPANY, INC.
Additional Defendant

REPLY OF ADDITIONAL DEFENDANT TO
MOTION TO COMPEL DISCOVERY

FILED

JUL 13 2004

William A. Koerber,
Prothonotary Clerk of Courts

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

GEORGE W. ANDERSON,
Plaintiff

vs

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
COMPANY,
Defendants

vs

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

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No. 03-100-CD

* Type of Case: Civil

* Type of Pleading: Praecipe to
* Withdraw Motion to Compel
* Discovery

* Filed on Behalf of: Plaintiff

* Counsel of Record for this
* Party:

* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232

* 207 East Market Street

* P. O. Box 552

* Clearfield PA 16830

* 814 765-4000

FILED

JUL 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE W. ANDERSON,
Plaintiff

vs

No. 03-100-CD

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
COMPANY,
Defendants

vs

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

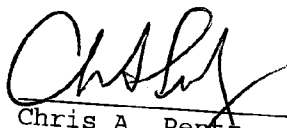
PRAECIPE TO WITHDRAW MOTION TO COMPEL DISCOVERY

TO THE PROTHONOTARY:

Please mark the Motion to Compel Discovery in the above
captioned matter withdrawn.

Date:

7/16/04


Chris A. Pentz
Attorney for Defendant
207 East Market Street
Clearfield PA 16830
814 765-4000
I. D. # 29323

FILED

JUL 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE ANDERSON,
Plaintiff

vs

NO. 2003-100-CD

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY,
Defendants

Vs

MORAVIAN RUN RECLAMATION
COMPANY, INC.,
Additional Defendant

Type of Case: Civil

Type of Pleading: Praeipie to
List for Trial

Filed on Behalf of: Plaintiff,
George Anderson

Counsel of Record for this Party:
CHRIS A. PENTZ, Esquire

Supreme Court I.D. # 39232
207 East Market Street
P.O. Box 552
Clearfield, PA 16830
814 / 765 - 4000

FILED acc
01/10:39/01 Amy Pentz
OCT 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE ANDERSON

Plaintiff

vs

NO. 2003-100-CD

C. ALAN WALKER, SUSAN WALKER
KRINER, ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND
MINING COMPANY,

Defendants

Vs

MORAVIAN RUN RECLAMATION
COMPANY, INC.,

Additional Defendant

PRAECIPE

To: The Prothonotary

Please list the above-captioned matter for trial on:

1. (a) ☒ No Motions are outstanding and Discovery
has been completed and the case is ready for trial; or
(b) ☐ No Motions are outstanding and that an
Order of the Court has been entered limiting Discovery to a
period ending more than thirty (30) days prior to the
filing of the Praecipe; and

2. This case is to be heard:
☒ Jury

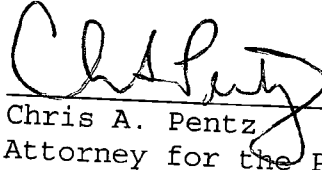
☐ Non jury

☐ Arbitration

3. Notice of the Praecipe has been given to the
attorney or attorneys representing the other parties or in
the event that the other parties are not represented by

counsel, then directly to such parties.

Respectfully submitted this 19 day of Oct, 2004

A handwritten signature in cursive script, appearing to read "Chris A. Pentz", written over a horizontal line.

Chris A. Pentz
Attorney for the Plaintiff

FILED

OCT 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

GEORGE ANDERSON,

vs.

NO. 03-100-CD

C. ALAN WALKER, SUSAN WALKER KRINER,
ANNE WALKER MACKO, t/d/b/a SHANNON LAND
AND MINING COMPANY

vs.

MORAVIAN RUN RECLAMATION COMPANY, INC.

ORDER

NOW, this 21st day of January, 2005, this being the date set for Pre-Trial Conference; counsel for the Plaintiff George Anderson and counsel for Defendants C. Alan Walker, Susan Walker Kriner, Anne Walker Macko and Shannon Land and Mining Company having advised the Court that the matter is settled, it is the ORDER of this Court that Pre-Trial Conference and Jury Selection be and is hereby cancelled.

Counsel for the parties shall have no more than thirty (30) days from this date to file any appropriate settlement agreement or Praecipe to Discontinue in order that the case may be formally closed.

FILED

08:53 AM
JAN 26 2005

William A. Shaw
Prothonotary/Clerk of Courts.

BY THE COURT

Fredric J. Ammerman
FREDRIC J. AMMERMAN
President Judge

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

GEORGE W. ANDERSON
Plaintiff

vs.

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND MINING
COMPANY

Defendants

vs.

MORAVIAN RUN RECLAMATION
COMPANY, INC.

Additional Defendant

No. 2003-100-CD

Type of Pleading:

PRAECIPE TO DISCONTINUE

Filed on behalf of:
Plaintiff

Counsel of record for this
party:

Chris A. Pentz, Esq.
P. O. Box 552
Clearfield, PA 16830
(814) 765-4000
PA I.D. # 39232

Counsel of record for
Defendants:

William C. Kriner, Esq.
P. O. Box 14254
Clearfield, PA 16830
(814) 768-7893
PA I.D. # 15559

Counsel of record for Additional
Defendant:

Dwight L. Koerber, Jr., Esq.
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611
PA I.D. # 16332

FILED

M 2:10 p.m. GK NO CC

MAY 25 2005 1 Cert of Disc.

To Atty

William A. Shaw
Prothonotary

GW

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

GEORGE W. ANDERSON

Plaintiff

vs.

No. 2003-100-CD

C. ALAN WALKER, SUSAN WALKER
KRINER, AND ANNE WALKER MACKO,
t/d/b/a SHANNON LAND AND MINING
COMPANY,

Defendants

vs.

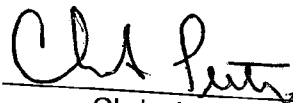
MORAVIAN RUN RECLAMATION
COMPANY, INC.

Additional Defendant

PRAECIPE TO DISCONTINUE

TO: WILLIAM A. SHAW, PROTHONOTARY OF CLEARFIELD COUNTY

Please mark the above captioned case as settled, discontinued and ended upon
payment of all costs by Defendant Shannon Land and Mining Company.



Chris A. Pentz, Esquire
Attorney for Plaintiff

May 19, 2005

FILED

MAY 25 2005

William A. Shaw
Prothonotary

COPY

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

CIVIL DIVISION

George W. Anderson

Vs.

No. 2003-00100-CD

**C. Alan Walker
Susan Walker Kriner
Anne Walker Macko
Shannon Land and Mining Company
Moravian Run Reclamation Company, Inc.**

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 May 25, 2005, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Chris A. Pentz.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of May A.D. 2005.

William A. Shaw, Prothonotary