

03-355-CD
WESTFIELD GROUP -vs- JAYNE D. ALBRIGHT

Date: 09/15/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 12:01 PM

ROA Report

Page 1 of 1

Case: 2003-00355-CD

Current Judge: Fredric Joseph Ammerman

Westfield Group vs. Jayne D. Albright

Civil Other

Date		Judge
03/13/2003	X Filing: Writ of Summons Paid by: Hausman, Joel E. (attorney for Westfield Group) Receipt number: 1857055 Dated: 03/13/2003 Amount: \$85.00 (Check)	No Judge
05/19/2003	X Sheriff Returns: Now March 27, 2003 served summons on Defendant at 108 Apt. D. Curtin St. Osceola Mills. Shff. Hawkins \$57.00 Surcharge \$10.00 paid by Atty.	No Judge
01/30/2004	X Complaint. filed by, s/James R. Apple, Esquire Affidavit of Verification s/Treva Shaffer Certificate of Service no cc	No Judge
04/05/2004	X Filing: Judgment Paid by: Hausman, Joel E. (attorney for Westfield Group) Receipt number: 1876590 Dated: 04/05/2004 Amount: \$20.00 (Check) Judgment entered against Defendant in the amount \$4,606.10 Notice to Def. Stmt. to Plff.	No Judge
03/23/2005	X Affidavit Of No Answer to Requests For Admissions, filed by s/ Charles F. Bennett, Esquire. No CC	No Judge
08/24/2005	X Motion For Summary Judgment to Assess Damages, filed by s/ Charles F. Bennett, Esquire. No CC	No Judge
	X Praecipe for Argument filed. By s/ Charles F. Bennett, Esquire. No CC	No Judge
08/25/2005	X Order, this 25th day of August, 2005, upon consideration of Plaintiff's Motion for Summary Judgment to Assess Damages filed in the above matter, it is the Order of the Court that argument has been scheduled for the 20th day of September, 2005 at 2:00 p.m. in Courtroom No. 1. By The Court: /s/ Fredric J. Ammerman, President Judge. 2CC Atty. Bennett	Fredric Joseph Ammerman
08/31/2005	X Affidavit of Service by First Class mail, filed. Served upon the Defendant-Jayne D. Albright and the Court Administrator's Office, true and correct copies of the Motion for Summary Judgment to Assess Damages; Brief in Support of Summary Judgment; and Order setting argument date filed in the above-captioned proceeding on August 29, 2005, filed by Laurie Carey-paralegal. No CC.	Fredric Joseph Ammerman
09/14/2005	✓ Affidavit of Service by First Class mail, filed. Served upon Defendant true and correct copies of the Motion for Summary Judgment to Assess Damages; Brief in Support of Summary Judgment; and Order setting argument date filed in the above-captioned matter on Jayne D. Albright on August 29, 2005, and again on September 12, 2005, filed by s/ Laurie Cary. NoCC.	Fredric Joseph Ammerman

Civil Other

Date		Judge
✓ 09/08/2004	Filing: Civil Complaint Paid by: Naddeo, James Receipt number: 1886162 Dated: 09/08/2004 Amount: \$85.00 (Check) 2 cert. to Atty.	No Judge
✓ 10/08/2004	Sheriff Return, now, Sept. 14, 2004, served the within complaint on Sandra J. Shomo, Defendant at Sheriff's office. Now, September 22, 2004 Sheriff of Cambria Co. served the within complaint on James E. Shomo, Defendant. So Answers, Chester A. Hawkins, Sheriff, by s/Marilyn Hamm. No CC.	No Judge
✓ 10/13/2004	Certificate of Service, Notice of Default served on James E. Shomo and Sandra J. Shomo on the 13th of Oct. 2004 by 1st class mail. Filed by s/James A. Naddeo, Esquire. 2CC Atty. Naddeo	No Judge
✓ 10/14/2004	Praecipe For Entry of Appearance, for Defendant Sandra J. Shomo, filed by s/Suzanne Bigelow-Cherry, Esquire. No CC Certificate of Service, upon James A. Naddeo, Esq., October 13, 2004.	No Judge
✓	Answer and New Matter filed, along with Notice to Plead. On behalf of Defendant, by s/Suzanne Bigelow-Cherry. Certificate of Service, October 13th, 2004 upon James A. Naddeo, Esq. by first-class mail.	No Judge
✓ 10/26/2004	Filing: Judgment Paid by: Naddeo, James A. (attorney for Ankney, Raymond G.) Receipt number: 1889105 Dated: 10/26/2004 Amount: \$20.00 (Check) Notice to Def. Stmt. to Atty. Judgment entered against Def. in the amount \$36,779.75	No Judge
✓ 11/02/2004	Petition for Leave to Amend Complaint, filed by s/James A. Naddeo, Esq. One CC Attorney Naddeo	No Judge
✓ 11/04/2004	Rule, AND NOW, this 4th day of Nov. 2004, upon consideration of the attached Petition, a Rule is hereby issued upon Defendant, Sandra J. Shomo, to show cause why the Petition should not be granted. Rule Returnable the 10th of December, 2004, at 11:00 a.m., Clfd. Co. Courthouse, for hearing. BY THE COURT, Fredric J. Ammerman, President Judge. 1CC Atty. Naddeo	Fredric Joseph Ammerman
✓	Answer to New Matter, filed by s/ James A. Naddeo, Esq. 1CC Atty Naddeo	Fredric Joseph Ammerman
✓ 11/05/2004	Certificate of Service, Plaintiff's Answer to New Matter and Petition for Leave to Amend Complaint, on the 5th day of November, 2004 by 1st class Mail, served on Suzanne Bigelow-Cherry, Esquire. Filed by s/ James A. Naddeo, Esquire. no cc	Fredric Joseph Ammerman
✓ 11/24/2004	Reply to Petition to Amend, filed by s/ Suzanne Bigelow-Cherry, Esquire. Certificate of Service to James A. Naddeo, Esquire. No CC	Fredric Joseph Ammerman
✓ 12/13/2004	Order, NOW, this 10th day of December, 2004, following argument on the Plaintiff's Petition for Leave to Amend Complaint, it is the ORDER of this Court that said Petition be and is hereby granted. The Plaintiff shall have no more than 20 days from this date in which to file amended complaint with the Court. BY THE COURT: Fredric J. Ammerman, President Judge. 1CC Atty Naddeo, 1CC Atty Bigelow-Cherry, 1CC Def J. Shomo	Fredric Joseph Ammerman
✓ 01/14/2005	Answer and New Matter filed, by s/ Suzanne Bigelow-Cherry, Esquire. No CC	Fredric Joseph Ammerman
✓ 01/25/2005	Answer To New Matter, filed by s/ James A. Naddeo, Esquire. 1CC to Atty Fredric Joseph Ammerman Naddeo	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO. 03-355-CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

PRAECIPE FOR WRIT
OF SUMMONS IN
CIVIL ACTION

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED

MAR 13 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.
IN CIVIL ACTION

-vs- Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

PRAECIPE FOR WRIT OF SUMMONS IN CIVIL ACTION

TO THE PROTHONOTARY

SIR:

Kindly issue a Writ of Summons in Civil Action against the Defendant(s) above named. The amount involved is approximately \$4,606.10.

Dated: 11 Mar '03

APPLE AND APPLE, P.C.

By: 

Attorneys for Plaintiff(s)

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

COPY

SUMMONS

Westfield Group

Vs.

NO.: 2003-00355-CD

Jayne D. Albright

TO: JAYNE D. ALBRIGHT

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: 03/13/2003

William A. Shaw
Prothonotary

Issuing Attorney:

Joel E. Hausman
4650 Baum Boulevard
Pittsburgh, PA 15213-1237

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13794

WESTFIELD GROUP

03-355-CD

VS.

ALBRIGHT, JAYNE D.

SUMMONS

SHERIFF RETURNS

NOW MARCH 27, 2003 AT 1:50 PM SERVED THE WITHIN SUMMONS ON JAYNE D. ALBRIGHT, DEFENDANT AT 108 APT. D, CURTIN ST., OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JAYNE ALBRIGHT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: MCCLEARY

FILED

MAY 19 2003

012406
William A. Shaw

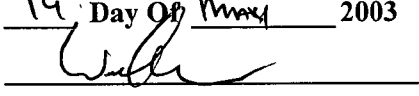
Prothonotary/Clerk of Courts

Return Costs


Cost	Description
57.00	SHERIFF HAWKINS PAID BY: ATTY CK# 58375
10.00	SURCHARGE PAID BY: ATTY CK# 58376

Sworn to Before Me This

19 Day Of May 2003


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

So Answers,


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

COMPLAINT

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED

12:43

JAN 30 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

NOTICE TO DEFEND

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

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

Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, Pennsylvania 16830
Telephone Number 814-765-2641 Ex 50-51

COMPLAINT

1. Plaintiff is a corporation having offices at 1 Park Circle P.O. Box 5001 Westfield, Center, OH 44251.

2. Defendant is an individual whose address is 108 Apt. D Curtin Street, Osceola Mills, Clearfield County, PA 16666.

3. On or about March 25, 2001 the Defendant was operating a motor vehicle north on SR 53 in Chester Hill Pennsylvania.

4. The defendant negligently operating his vehicle at the time and failing to exercise due care under the conditions failed to stop and struck the rear of a vehicle which was being lawfully and carefully operated by Plaintiff's insured, Catherine A. Showers.

5. The Plaintiff subsequently paid its insured an insurance claim in the amount of \$4,606.10.

6. Plaintiff avers that it is entitled to be subrogated to all of the rights and claims of its insured, arising from said incident.

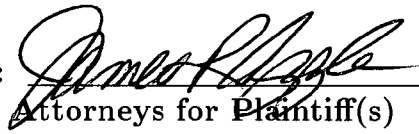
7. Plaintiff avers that as a direct and proximate cause of the negligent operation of said vehicle by Defendant, Plaintiff suffered damages.

8. Plaintiff avers that the balance due amounts to \$4,606.10.

9. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against Defendant(s) in the principal amount of \$4,606.10.

APPLE AND APPLE, P.C.

By: _____
Attorneys for Plaintiff(s)

AFFIDAVIT

I, TREVA SHAFFER, of Old
Guard Insurance Company c/o Westfield Group, Plaintiff herein, verify that the
statements of fact contained in the foregoing 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.

1-9-04
Date

Treva Shaffer
Subrogation Specialist
P.O. Box 3010
Lancaster, PA 17604

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached or foregoing document upon the person(s) and in the manner indicated below:

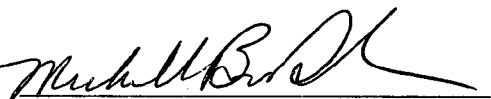
Service by first class mail, postage prepaid and addressed as follows:

Jayne D. Albright
108 Apt D Curtin St.
Osceola Mills, PA 16666

Dated: _____

1/22/04

By: _____



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

PRAECIPE FOR DEFAULT
JUDGMENT

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED

APR 05 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY

SIR:

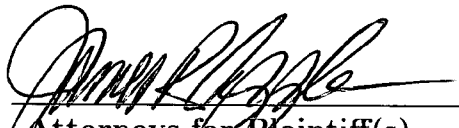
Kindly enter Judgment, for liability only, against the Defendant(s) above-named in Default of an Answer upon the above trespass claim.

I certify that Notice of the intention to enter this Judgment was given pursuant to Pa. R.C.P. 237.1. A copy of said Notice is attached, and was mailed on February 23, 2004 by Regular United States Mail postage prepaid and addressed as follows:

Jayne D. Albright
108 Curtin Street
Apt. D
Osceola Mills, PA 16666

APPLE AND APPLE, P.C.

Dated: 4/2/04

By: 
Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

Jayne D. Albright
108 Curtin Street
Apt. D
Osceola Mills, PA 16666

Date of Notice: February 23, 2004

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, Pennsylvania 16830
Telephone Number 814-765-2641 Ex 50-51

APPLE AND APPLE, P.C.

By: 

James R. Apple, Esq.
Attorneys for Plaintiff(s)
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

NOTICE OF JUDGMENT OR ORDER

TO: ()Plaintiff (xx)Defendant ()Garnishee

You are hereby notified that the following Order or Judgment was entered against
you on April 5, 2004.

() Assumpsit Judgment in the amount of 4,606.10, plus costs.

(xxx) Trespass Judgment, liability only in an unliquidated amount.

(X) If not satisfied within sixty (60) days, your motor vehicle operator's license and/or
registration will be suspended by the Dept. of Transportation, Bureau of Traffic Safety,
Harrisburg, PA.

(X) Entry of Judgment () Court Order
() Non-Pros
() Confession
(xx) Default
() Verdict
() Arbitration Award
() Other

Jayne D. Albright
108 Curtin Street
Apt. D
Osceola Mills, PA 16666

PROTHONOTARY

By: William L. Hanson
Prothonotary (or Deputy)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Westfield Group
Plaintiff(s)

No.: 2003-00355-CD

Real Debt: \$4,606.10

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Jayne D. Albright
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 5, 2004

Expires: April 5, 2009

Certified from the record this 5th day of April, 2004

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt,
Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

AFFIDAVIT OF NO
ANSWER TO REQUESTS
FOR ADMISSIONS

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED *NO cc*
m/11:34301
MAR 23 2005 *(6K)*
William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA)
) SS
COUNTY OF)

Notarial Seal
Mary Beth Vandergraft, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires July 20, 2006
Member, Pennsylvania Association Of Notaries

lic/41926 rfa

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

JAYNE D. ALBRIGHT

PLAINTIFF'S FIRST SET
OF REQUESTS FOR ADMISSIONS
DIRECTED TO DEFENDANT

Defendant(s)

CODE -

FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

EXHIBIT *A*.....

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

**PLAINTIFFS' FIRST SET OF REQUESTS FOR
ADMISSIONS DIRECTED TO DEFENDANT**

TO: Jayne D. Albright
108 Curtin St., Apt. D
Osceola Mills, PA 16666

You are requested to admit the truth of each of the statements of fact hereinafter stated. You are instructed that:

This request is made under Pennsylvania Rules of Civil Procedure 4001, et seq., and each of the matters of which an admission is requested shall be deemed admitted unless your sworn statement in compliance with such Rules is timely made.

If you do not admit each of such statements, you must specifically deny each one not admitted, or set forth in detail the reasons why you cannot truthfully either admit or deny each such matter.

Your answer, signed and properly verified, must be delivered to the undersigned attorney of record for the Plaintiffs within thirty (30) days after delivery hereof.

If you fail or refuse to admit the truth of any such statement of fact and the Plaintiffs thereafter prove the truth thereof, you may be required to pay the reasonable expenses incurred in making such proof, including attorney's fees, witness expenses, etc.

If, in response to any of the following statements of fact, it is your position that the statement is true in part or as to some items, but not true in full or as to all items, then answer separately as to each part or item.

If you have been sued in more than one capacity, or if your answers would be different if answered in any different capacity, such as partner, agent, corporate officer or director or the like, then you are requested to answer separately in each such capacity. Failure to do so constitutes an admission in any such other capacity.

REQUESTS FOR ADMISSIONS

Pursuant to Pa. R.C.P. No. 4014, Plaintiff hereby requests that you admit the following statements of fact:

1. That on March 25, 2001 Defendant was involved in a collision with a 1999 Hyundai Accent GS.

ANSWER:

Admitted: _____ Denied: _____

2. That the 1999 Hyundai Accent GS involved in the accident on was owned by Catherine Showers.

ANSWER:

Admitted: _____ Denied: _____

3. That Catherine Showers is Plaintiff's insured.

ANSWER:

Admitted: _____ Denied: _____

4. That the 1999 Hyundai Accent GS was damaged in the accident that occurred on March 25, 2001.

ANSWER:

Admitted: _____ Denied: _____

5. That the car was determined to be a total loss.

ANSWER:

Admitted: _____ Denied: _____

6. That the document attached hereto as Attachment "1" is a genuine and accurate copy of the Central PA Claim Service damage assessment.

ANSWER:

Admitted: _____ Denied: _____

7. That said damage assessment states that the car is a "total loss."

ANSWER:

Admitted: _____ Denied: _____

8. That the document attached hereto as Attachment "2" is a genuine and accurate copy of the Autosource Pre-Damage Appraisal (PDA) Sheet.

ANSWER:

Admitted: _____ Denied: _____

9. That as indicated on the Appraisal the automobile was appraised at \$4,838.90.

ANSWER:

Admitted: _____ Denied: _____

10. That Plaintiff received \$547.80 from the sale of the vehicle at salvage and said amount has been deducted from the amount due.

ANSWER:

Admitted: _____ Denied: _____

11. That Plaintiff's insured paid a deductible of \$500.00.

ANSWER:

Admitted: _____ Denied: _____

12. That Plaintiff's insured paid charges for towing and storage amounting to \$215.00.

ANSWER:

Admitted: _____ Denied: _____

13. That the document attached hereto as Attachment "3" is a genuine and accurate copy of Plaintiff's Transaction History.

ANSWER:

Admitted: _____ Denied: _____

14. That as indicated on the Transaction History Plaintiff issued two checks to its insured in payment of the claim totalling \$4,438.90.

ANSWER:

Admitted: _____ Denied: _____

15. That the total amount due for damages to said vehicle resulting from Defendant's negligence amounts to \$4,606.10.

ANSWER:

Admitted: _____ Denied: _____

16. That the Defendant has not repaid the monies due for said damages

ANSWER:

Admitted: _____ Denied: _____

APPLE AND APPLE, P.C.

By: _____
Attorneys for Plaintiff(s)

A F F I D A V I T

COUNTY OF

)

)

SS

)

STATE OF

Before me, the undersigned authority, personally appeared _____
_____ who, being duly sworn according to law, deposes and says that
the foregoing Answers to Requests For Admissions are true and correct to the best of the
affiant's knowledge, information and belief.

SWORN TO AND SUBSCRIBED

AFFIANT'S SIGNATURE

BEFORE ME THIS _____ DAY OF

AFFIANT'S PRESENT ADDRESS:

_____, 20____

NOTARY PUBLIC

TITLE OF OFFICIAL

Date: 4/ 2/2001 03:24 PM
Estimate ID: 23247RB
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

CENTRAL PA CLAIM SERVICE

PO BOX 264 WOOLRICH, PA 17779
(570) 753-5530
Fax: (570) 753-5698

Damage Assessed By: RICK BURGAN

Appraised For: OLD GUARD INS GROUP

Condition Code: Good
Date of Loss: 3/25/2001
Accident Date: 3/25/2001
Deductible: 500.00
File Number: 23247RB
Claim Number: 33540

Type of Loss: Collision
Date of Insp: 3/30/2001

Insured: CATHERINE SHOWERS
Address: 603 COAL STREET, OSCEOLA MILLS, PA 16666
Telephone: Home Phone: (814) 339-7173

TOTAL LOSS

Mitchell Service: 910723

Description: 1999 Hyundai Accent GS
Body Style: 2D HB
VIN: KMHVD34NXXU425189
Mileage: 65,656
Color: GREEN
Options: AIR CONDITIONING, POWER STEERING, POWER BRAKES, ELECTRIC DEFOGGER
AM-FM STEREO CASSETTE, 5 SPEED MANUAL TRANSMISSION, 2-DOOR HATCHBACK

Drive Train: 1.5L Inj 4 Cyl 5M
License: DKR 1902 PA

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type	Dollar Amount	Labor Units
1	000176	BDY	REMOVE/REPLACE	REPLACE LIFTGATE	Qual Recycled Part	250.00 *	1.4
2	AUTO	REF	REFINISH	LIFTGATE			C 1.7
3	AUTO	REF	REFINISH	ADD FOR UNDERSIDE			C 0.9
4	000190	BDY	REMOVE/REPLACE	REAR REPLACE BUMPER	Qual Recycled Part	150.00 *	INC
5	AUTO	REF	REFINISH	REAR BUMPER			C 1.8
6	000191	BDY	REMOVE/REPLACE	R REPLACE TAIL LAMP	Qual Recycled Part	50.00 *	0.4
7	000192	BDY	REMOVE/REPLACE	L REPLACE TAIL LAMP	Qual Recycled Part	50.00 *	0.4
8				*** END OF ATG SECTION ***			
9	000722	BDY	REMOVE/INSTALL	FRT BUMPER ASSY			1.0 #
10	000792	BDY	REPAIR	FRT BUMPER COVER	Existing		2.0*#
11	AUTO	REF	REFINISH	FRT BUMPER COVER			C 2.3
12	001654	REF	BLEND	R FRT DOOR OUTSIDE			C 1.0
13	001655	REF	BLEND	L FRT DOOR OUTSIDE			C 1.0
14	002717	BDY	REMOVE/INSTALL	R FRT DOOR MLDG			0.2
15	002718	BDY	REMOVE/INSTALL	L FRT DOOR MLDG			0.2
16	000886	BDY	REMOVE/INSTALL	R FRT DOOR TRIM PANEL			INC
17	000887	BDY	REMOVE/INSTALL	L FRT DOOR TRIM PANEL			INC
18	000932	BDY	REMOVE/INSTALL	R FRT DOOR HANDLE			0.7 #
19	000933	BDY	REMOVE/INSTALL	L FRT DOOR HANDLE			0.7 #
20	AUTO	BDY	REMOVE/REPLACE	BOTH QTRS/REAR BODY PANEL			30.5
21	002757	BDY	REMOVE/INSTALL	R PANEL MOULDING			INC

ESTIMATE RECALL NUMBER: 4/ 2/2001 15:23:27 23247RB

Mitchell Data Version: MAR_01_A
UltraMate Version: 4.6.004

UltraMate is a Trademark of Mitchell International
Copyright (C) 1994 - 2000 Mitchell International
All Rights Reserved

Page 1 of 5

Attachment 1/1

Date: 4/2/2001 03:24 PM
 Estimate ID: 23247RB
 Estimate Version: 0
 Preliminary
 Profile ID: CUSTOMIZED

22	002758	BDY	REMOVE/INSTALL	L PANEL MOULDING				INC
23	002759	BDY	REMOVE/REPLACE	R QUARTER OUTER PANEL	New	272.89	INC #	
24	AUTO	REF	REFINISH	R QUARTER PANEL OUTSIDE			C 2.2	
25	AUTO	REF	REFINISH	R LOCK PILLAR			C 0.5	
26	AUTO	REF	REFINISH	R QUARTER PANEL EDGE			C 0.5	
27	002760	BDY	REMOVE/REPLACE	L QUARTER OUTER PANEL	New	300.18	INC #	
28	AUTO	REF	REFINISH	L QUARTER PANEL OUTSIDE			C 2.2	
29	AUTO	REF	REFINISH	L LOCK PILLAR			C 0.5	
30	AUTO	REF	REFINISH	L QUARTER PANEL EDGE			C 0.5	
31	002761	BDY	REMOVE/REPLACE	R QUARTER WHEELHOUSE LINER	New	6.95	0.3	
32	931090	FRM *	ALIGN	UNIBODY STRUCTURE	Existing		6.0*	
33	900500	BDY *	REMOVE/REPLACE	FLEX ADDITIVE	New	12.00 *	0.0*	
34	900500	BDY *	ADD'L LABOR OP	GLASS CLEANUP	Existing		0.5*	
35	002762	BDY	REMOVE/REPLACE	L QUARTER WHEELHOUSE LINER	New	6.95	0.3	
36	001974	GLS	REMOVE/INSTALL	R QTR GLASS			0.2 #	
37	001975	GLS	REMOVE/INSTALL	L QTR GLASS			0.2 #	
38	002524	BDY	REMOVE/REPLACE	L UPR LIFTGATE ADHESIVE NAMEPLATE	New	21.40	0.2	
39	001838	BDY	REMOVE/REPLACE	L UPR LIFTGATE ADHESIVE NAMEPLATE	New	11.03	0.2	
40	001890	BDY	REMOVE/REPLACE	LIFTGATE INNER TRIM PANEL	New	120.66	0.3	
41	001901	GLS	REMOVE/REPLACE	HEATED LIFTGATE GLASS	Qual Recycled Part		INC* 0.0*#	
42	001922	BDY	REMOVE/REPLACE	REAR BODY PANEL	New	226.44	INC #	
43	AUTO	REF	REFINISH	REAR BODY PANEL			C 1.4	
44	AUTO	REF	REFINISH	ADD FOR EDGE & INSIDE			0.8	
45	001483	BDY	REPAIR	REAR BODY FLOOR PAN	Existing		6.0*#	
46		REF	REFINISH/REPAIR	REAR BODY FLOOR PAN			1.0*	
47	001486	BDY	REPAIR	R REAR BODY RAIL -S	Existing		2.0*#	
48	001487	BDY	REPAIR	L REAR BODY RAIL -S	Existing		2.0*#	
49	002264	BDY	REMOVE/REPLACE	R LICENSE LAMP ASSEMBLY	Qual Recycled Part		INC* 0.2	
50	002265	BDY	REMOVE/REPLACE	L LICENSE LAMP ASSEMBLY	Qual Recycled Part		INC* 0.2	
51	AUTO	BDY	OVERHAUL	REAR COVER ASSY			0.4	
52	001957	BDY	REMOVE/REPLACE	R REAR BUMPER BRACE	Qual Recycled Part		INC* INC	
53	001958	BDY	REMOVE/REPLACE	L REAR BUMPER BRACE	Qual Recycled Part		INC* INC	
54	002825	BDY	REMOVE/REPLACE	REAR BUMPER HONEYCOMB REINF	Qual Recycled Part		INC* INC	
55	001960	BDY	REMOVE/REPLACE	REAR BUMPER RAIL	Qual Recycled Part		INC* INC	
56	AUTO	REF	ADD'L OPR	CLEAR COAT			3.8	
57	933004	BDY	ADD'L OPR	UNDERCOATING		10.00 *		
58	933006	FRM	ADD'L OPR	FRAME/RACK SET UP			2.0*	
59	933018	REF	ADD'L OPR	MASK FOR OVERSPRAY		5.00 *	0.2*	
60	AUTO		ADD'L COST	PAINT/MATERIALS		350.00 *		
61				ESTIMATE CALCULATED USING A PRESET USER THRESHOLD				
62				AMOUNT FOR THE PAINT AND MATERIAL COST				

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

ESTIMATE RECALL NUMBER: 4/2/2001 15:23:27 23247RB

Mitchell Data Version: MAR_01_A
 UltraMate Version: 4.6.004

UltraMate is a Trademark of Mitchell International
 Copyright (C) 1994 - 2000 Mitchell International
 All Rights Reserved

Page 2 of 5

THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE USED
 TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED:
 A/C=AIR CONDITIONING, ABS=ANTILOCK BRAKE SYSTEM, ADD'L
 COST=ADDITIONAL COST, ADD'L OPERATION=ADDITIONAL OPERATION, ASSY=
 ASSEMBLY, ATG=ASSEMBLY TIME GUIDE, BDS=BODY STRUCTURE, BDY=BODY,
 BRKT=BRACKET, COND=CONDITIONER OR CONDITIONING, CONV=CONVERTIBLE,
 CTR=CENTER, CYL=CYLINDER, DERM=DIAGNOSTIC ENERGY RESERVE MODULE,
 ENG=ENGINE, EXT=EXTENSION, FRM=FRAME, FRT=FRONT, GLS=GLASS,
 H/LAMP=HEADLAMP, INFORM=INFORMATION, INR=INNER, INST=INSTRUMENT,
 L=LEFT, LKQ=LIKE, KIND AND QUALITY, LWR=LOWER, -M=MECHANICAL,
 MCH=MECHANICAL, MKR=MARKER, MLDG=MOULDING, MNTG=MOUNTING,
 MTG=MOUNTING, NAGS=NATIONAL AUTO GLASS SERVICE, OTR=OUTER,
 QTR=QUARTER, QUAL RECYCLED PART=QUALITY RECYCLED PART (LKQ), QUAL
 REPL PART=QUALITY REPLACEMENT PART, R=RIGHT, R&I=REMOVE AND INSTALL,
 REF=REFINISH, REINF=REINFORCEMENT, RR=REAR, -S=STRUCTURAL,
 SIR=SUPPLEMENTAL INFLATABLE RESTRAINT, SPCL=SPECIAL, SRS=SUPPLEMENTAL
 RESTRAINT SYSTEM, SUPT=SUPPORT, SUSP=SUSPENSION, SYS=SYSTEM,
 TRANS=TRANSMISSION, UPR=UPPER, W/=WITH, W/O=WHEEL OPENING,
 W/OPENING=WHEEL OPENING, W/PWR=WITH POWER, W/SHIELD=WINDSHIELD
 W/STRIP=WEATHERSTRIP
 USED/LKQ PARTS WERE LOCATED AT: MUELLER'S - ALTOONA PA

(814) 946-1245

I. Labor Subtotals						II. Part Replacement Summary				Amount
	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals					
Body	50.1	36.00	10.00	0.00	1,813.60 T	Taxable Parts			1,478.50	
Refinish	22.3	36.00	5.00	0.00	807.80 T	Parts Adjustments			125.00	
Glass	0.4	36.00	0.00	0.00	14.40 T	Sales Tax	@	6.000%	96.21	
Frame	8.0	36.00	0.00	0.00	288.00 T					
Taxable Labor					2,923.80	Total Replacement Parts Amount			1,699.71	
Labor Tax @ 6.000 %					175.43					
Labor Summary	80.8				3,099.23					
III. Additional Costs					Amount	IV. Adjustments				Amount
Taxable Costs					350.00	Insurance Deductible				500.00-
Sales Tax @ 6.000%					21.00	Customer Responsibility				500.00-
Total Additional Costs					371.00					
						I. Total Labor:				3,099.23
						II. Total Replacement Parts:				1,699.71
						III. Total Additional Costs:				371.00
						Gross Total:				5,169.94
						IV. Total Adjustments:				500.00-
						Net Total:				4,669.94

ESTIMATE RECALL NUMBER: 4/ 2/2001 15:23:27 23247RB

Mitchell Data Version:
 UltraMate Version:

MAR_01_A
 4.6.004

UltraMate is a Trademark of Mitchell International
 Copyright (C) 1994 - 2000 Mitchell International
 All Rights Reserved

Date: 4/ 2/2001 03:24 PM
Estimate ID: 23247RB
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

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

Point(s) of Impact
6 Rear Center (P)

Insurance Co: OLD GUARD INS GROUP
Address: P.O. BOX 3010
LANCASTER, PA 17604
Telephone: (717) 569-5361

Inspection Site: DUNLAP'S GARAGE
Address: ROUTE 53
PHILIPSBURG, PA
Inspection Date: 3/30/2001

THIS IS NOT AN AUTHORIZATION TO REPAIR! ALL APPRAISALS ARE SUBJECT
TO INSURANCE COMPANY APPROVAL! NO SUPPLEMENT WITHOUT PRIOR APPROVAL!

THIS VEHICLE IS: ___ REPAIRABLE ___ BORDERLINE X TOTAL LOSS

IN CONSIDERATION OF THE GROSS TOTAL AMOUNT, THE BODY SHOP AGREES TO
COMPLETE AND GUARANTEE THE ABOVE REPAIRS TO THE ABOVE LISTED
VEHICLE, INCLUDING ALL RELATED TOWING AND STORAGE.

APPRAISER'S SIGNATURE AND LICENSE #: Rich Burgen #136977

A COPY OF THIS APPRAISAL WAS FORWARDED TO THE VEHICLE OWNER AND BODY
SHOP (IF APPLICABLE) THIS DAY. IF NO BODY SHOP'S NAME APPEARS ON
THIS APPRAISAL AND THIS VEHICLE IS REPAIRABLE, TWO COPIES OF THIS
APPRAISAL HAVE BEEN FORWARDED TO THE VEHICLE OWNER. THE VEHICLE
OWNER MUST PROVIDE A COPY TO THE BODY SHOP PRIOR TO REPAIRS
COMMENCING. NEW ORIGINAL EQUIPMENT MANUFACTURER (O.E.M.) PARTS ARE
AVAILABLE THROUGH AN AUTHORIZED MANUFACTURER'S DEALERSHIP.

ESTIMATE RECALL NUMBER: 4/ 2/2001 15:23:27 23247RB

Mitchell Data Version:
UltraMate Version:

MAR_01_A
4.6.004

UltraMate is a Trademark of Mitchell International
Copyright (C) 1994 - 2000 Mitchell International
All Rights Reserved

Page 4 of 5

X

Date: 4/ 2/2001 03:24 PM
Estimate ID: 23247RB
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

THIS ESTIMATE REPRESENTS AN APPRAISAL OF THE COST OF REPAIR FOR THE VISIBLE DAMAGE TO THE VEHICLE NOTED AT THE TIME OF INSPECTION NECESSARY TO RETURN THE VEHICLE TO ITS PREDAMAGED CONDITION. COSTS ABOVE THE APPRAISED AMOUNT MAY BE THE RESPONSIBILITY OF THE VEHICLE OWNER.

THERE IS NO REQUIREMENT THAT THE VEHICLE OWNER USE ANY SPECIFIED REPAIR SHOP.

INFORMATION REGARDING FACILITIES WHICH WILL BE ABLE TO REPAIR THE VEHICLE FOR THE APPRAISED AMOUNT IS AVAILABLE FROM THE INSURANCE COMPANY.

IF USED PARTS (QUALITY RECYCLED PARTS) ARE SPECIFIED, THEY ARE REQUIRED TO BE OF LIKE, KIND AND QUALITY TO THOSE BEING REPLACED. THIS APPRAISAL WILL INDICATE IF AFTERMARKET CRASH PARTS (QUALITY REPLACEMENT PARTS) ARE SPECIFIED. IF THE USE OF SUCH PARTS VOIDS THE WARRANTY ON THE PART BEING REPLACED OR ON ANY OTHER PART, THE AFTERMARKET CRASH PART WILL BE WARRANTED BY THE MANUFACTURER OR INSURANCE COMPANY EQUAL TO OR BETTER THAN THE REMAINDER OF THE EXISTING WARRANTY. INCIDENTAL CHARGES SUCH AS TOWING, PROTECTIVE CARE, CUSTODY, STORAGE, DEPRECIATION, BATTERY AND TIRE REPLACEMENT ARE NOTED WHEN APPLICABLE.

ESTIMATE RECALL NUMBER: 4/ 2/2001 15:23:27 23247RB

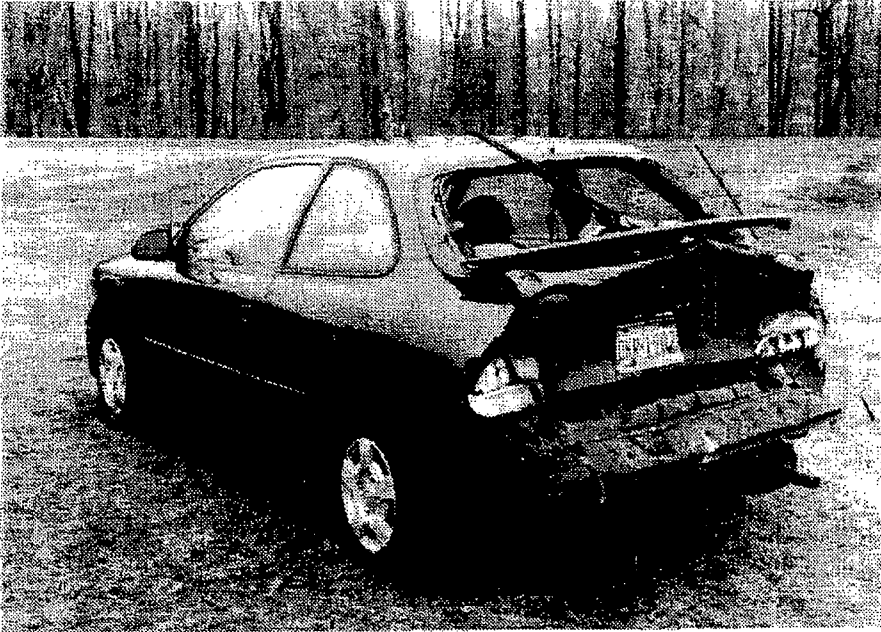
Mitchell Data Version:
UltraMate Version:

MAR_01_A
4.6.004

UltraMate is a Trademark of Mitchell International
Copyright (C) 1994 - 2000 Mitchell International
All Rights Reserved

Page 5 of 5

PHOTOGRAPHS



DATE TAKEN: 03/30/01
PHOTO TAKEN BY: RICK BURGAN
DESCRIPTION: INSURED VEHICLE



DATE TAKEN: 03/30/01
PHOTO TAKEN BY: RICK BURGAN
DESCRIPTION: INSURED VEHICLE

PHOTOGRAPHS



DATE TAKEN: 03/30/01
PHOTO TAKEN BY: RICK BURGAN
DESCRIPTION: INSURED VEHICLE



DATE TAKEN: 03/30/01
PHOTO TAKEN BY: RICK BURGAN
DESCRIPTION: INSURED VEHICLE

4

ADP	07/01/00	Autosource Value	Autosource Request # 6514309	Product <input checked="" type="checkbox"/> Valuation <input type="checkbox"/> Market Search
Report Retrieval	<input type="checkbox"/> E-mail Address:	<input type="checkbox"/> FaxBack Fax # ()	<input type="checkbox"/> Other:	
Audatex ID # (Required) 3E301 PA	Co. Name & Branch CLO GARO - LANCASTER	Claim Rep Name TAMMY SNYDER	Claim Rep Phone # ()	Loss Date 3-25-01
Claim # 33540	Policy/Member #	Insured Name CATHERINE SHOWERS	Insured Phone # (814) 339-7173	Loss Type CL
Market Area (City/Zip/Postal Code) OSCEOLA MILLS PA 16866		Claimant Name	Claimant Phone # ()	License #

Odometer 65656	Ext. Color GREEN	VIN KMHVD34 NXXU425189
-------------------	---------------------	---------------------------

10th digit-model year A=80 B=81 C=82 D=83 E=84 F=85 G=86 H=87 J=88 K=89 L=90 M=91 N=92 P=93 R=94 S=95 T=96 V=97 W=98 X=99 Y=2000 I=01 2=02

Year 99	Make HYUNDAI	Model ACCENT GS	Doors 2	Bodystyle H1B	<input type="checkbox"/> Reg Cab <input type="checkbox"/> Ext Cab <input type="checkbox"/> Drive <input type="checkbox"/> Edition
Engine Type: <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Diesel <input type="checkbox"/> Turbo <input type="checkbox"/> Supercharged	Engine Size 1.5	# Cylinders 4	Trans. <input checked="" type="checkbox"/> Manual <input type="checkbox"/> Auto	<input type="checkbox"/> 2 sp <input type="checkbox"/> 3 sp <input type="checkbox"/> 4 sp <input type="checkbox"/> 5 sp <input type="checkbox"/> CVT	<input type="checkbox"/> 6 sp
# Passenger Capacity:	Bed Length: <input type="checkbox"/> Short <input type="checkbox"/> Long	Capacity/Tonnage: <input type="checkbox"/> 1/2 T <input type="checkbox"/> 3/4 T <input type="checkbox"/> 1T	Van Type: <input type="checkbox"/> Passenger <input type="checkbox"/> Cargo <input type="checkbox"/> Regular <input type="checkbox"/> Extended	<input type="checkbox"/> Conversion Name:	

Inspected By RICK BUNGAN	Date 3-30-01	Location of Vehicle	Pool #
-----------------------------	-----------------	---------------------	--------

VEHICLE EQUIPMENT

POWER ACC <input checked="" type="checkbox"/> Power Brakes (PB) <input checked="" type="checkbox"/> Power Steering (PS) <input type="checkbox"/> Power Windows (PW) <input type="checkbox"/> Power Locks (PL) <input type="checkbox"/> Power Mirrors (PM) <input type="checkbox"/> Heated Mirrors (DHM) <input type="checkbox"/> Cruise Control (CC) <input type="checkbox"/> Tilt Wheel (TW) <input type="checkbox"/> Rear Defroster (DEF) <input checked="" type="checkbox"/> Air Cond (AC) <input type="checkbox"/> Dual Air Cond (DAC) <input type="checkbox"/> Anti-Lock Brakes (ABS) <input type="checkbox"/> Air Bag-Driver (ABR) <input type="checkbox"/> Air Bag-Passenger (DAB) <input type="checkbox"/> Air Bag Other <input type="checkbox"/> Power Antenna (ANT) <input type="checkbox"/> Rear Wiper (RWV) <input type="checkbox"/> Remote Trunk Rls (RTR)	RADIOS/ALARMS <input type="checkbox"/> AM Radio (AM) <input type="checkbox"/> AM/FM Stereo (FMS) <input checked="" type="checkbox"/> AM/FM Tape (FMC) <input type="checkbox"/> AM/FM Cass/CD (CMT) <input type="checkbox"/> CD Player (CD) <input type="checkbox"/> CD Changer (CDC) <input type="checkbox"/> Equalizer (GEQ) <input type="checkbox"/> Removed <input type="checkbox"/> CB (CB) <input type="checkbox"/> Alarm System (ALR) <input type="checkbox"/> Phone (CTP) <input type="checkbox"/> Remote Starter (RMS) <input type="checkbox"/> Keyless Entry (KES) <input type="checkbox"/> Navigation Sys <input type="checkbox"/> Tachometer (TCH) <input type="checkbox"/> Center Console (CTC) <input type="checkbox"/> Overhead Console (OHC) <input type="checkbox"/> Lighted Entry Sys (LES)	SEATS <input type="checkbox"/> Power Seat (ES) <input type="checkbox"/> Dual Pwr (ES2) <input type="checkbox"/> Heated Seats (HSS) <input type="checkbox"/> Split (SBS) <input type="checkbox"/> 60/40 <input type="checkbox"/> Bucket (BST) <input type="checkbox"/> Cloth/Velour (VEL) <input type="checkbox"/> Leather (LTH) <input type="checkbox"/> Vinyl (VNS) <input type="checkbox"/> Captain Chairs 2 (CC2) <input type="checkbox"/> 4 (CC4) <input type="checkbox"/> 6 (CC6)	PAINT/TRIM/GLASS <input type="checkbox"/> Tu-Tone (TN2) <input type="checkbox"/> Custom (CPT) <input type="checkbox"/> Graphics (GRA) <input type="checkbox"/> Tinted Glass (OEM) (TNT) <input type="checkbox"/> Tinted AM <input type="checkbox"/> Privacy Glass (PRG) <input type="checkbox"/> Rear Spoiler (SPL)	ROOF <input type="checkbox"/> Vinyl Top (VNL) <input type="checkbox"/> Carriage Roof (CRF) <input type="checkbox"/> Luggage Rack (RAK) <input type="checkbox"/> Roll Bar/Lie Bar (BAR) <input type="checkbox"/> Convertible Top (CON) <input type="checkbox"/> Hard Top (HTR) SUNROOF <input type="checkbox"/> Sliding - Power (PSU) <input type="checkbox"/> Sliding - Manual (MSR) <input type="checkbox"/> Pop-Up (PMR) <input type="checkbox"/> T-Top Glass (GPR) <input type="checkbox"/> T-Top Solid (TTP) TRUCK VANS <input type="checkbox"/> Refrigerator (RFR) <input type="checkbox"/> Television (BTV, CTV) <input type="checkbox"/> Microwave <input type="checkbox"/> Full Pop-Top <input type="checkbox"/> 1/2 Pop-Top	BUMPERS <input type="checkbox"/> Rear Step Bumper (RSB) <input type="checkbox"/> Tube Bumper <input type="checkbox"/> Chrome Bumper (CHB) <input type="checkbox"/> Chrome Stp Bmper (CHS) WHEELS/TIRES <input type="checkbox"/> Wire Wheels (WW) <input type="checkbox"/> Wire Wheel Cvs (WWC) <input type="checkbox"/> Alloy (ALW) <input type="checkbox"/> AM <input type="checkbox"/> Chrome (CHR) <input type="checkbox"/> AM <input type="checkbox"/> Styled Steel (STY) <input type="checkbox"/> Auto Lock Hubs (ALH) <input type="checkbox"/> Manual Lock (MLH) <input type="checkbox"/> Wide Tires (WDT) <input type="checkbox"/> Dual Rear Wheels (DRW) SUSPENSION <input type="checkbox"/> Trailer Tow Pkg. (TOW) <input type="checkbox"/> Camper Special <input type="checkbox"/> Trailer Hitch (TRH)	OTHER <input type="checkbox"/> Grill Guard (GG) <input type="checkbox"/> Fog Lights (FOG) <input type="checkbox"/> Winch (WCH) <input type="checkbox"/> Canopy (CAN) <input type="checkbox"/> Camper Shell (CSH) <input type="checkbox"/> Bed Liner (BDL) <input type="checkbox"/> Rear Tool Box (TBX) <input type="checkbox"/> Extra Tank (AUX) <input type="checkbox"/> Hydraulic Liftgate (HGT) <input type="checkbox"/> Lift Kit (LO3) (LO6) (L10) <input type="checkbox"/> Ground Eff. Pkg (GRD) <input type="checkbox"/> Lowered in (LOW) <input type="checkbox"/> Side Rear Wind (SRW) <input type="checkbox"/> Exterior Visor <input type="checkbox"/> Dash Mat <input type="checkbox"/> Running Boards (RNB) <input type="checkbox"/> BRA <input type="checkbox"/> Air Dam (FAD)
--	---	---	---	---	---	--

EQUIPMENT NOTES:

VEHICLE CONDITION Check either Sub-category (Seats/Paint/Engine/etc.) or Category (INT/EXT/MECH/TIRE) or write in Description and \$ amount.

INTERIOR	<input type="checkbox"/> ABOVE AVERAGE	<input checked="" type="checkbox"/> AVERAGE	<input type="checkbox"/> BELOW AVERAGE	
SEATS:	<input type="checkbox"/> Restored	<input type="checkbox"/> Good	<input type="checkbox"/> Minor Wear	<input type="checkbox"/> Moderate Wear <input type="checkbox"/> Needs Replacing Desc/\$:
CARPETS:	<input type="checkbox"/> Restored	<input type="checkbox"/> Good	<input type="checkbox"/> Minor Wear	<input type="checkbox"/> Moderate Wear <input type="checkbox"/> Needs Replacing Desc/\$:
DASH/TRIM:	<input type="checkbox"/> Restored	<input type="checkbox"/> Good	<input type="checkbox"/> Minor Wear	<input type="checkbox"/> Moderate Damage <input type="checkbox"/> Needs Replacing Desc/\$:
GLASS:	<input type="checkbox"/> Recently Replaced	<input type="checkbox"/> Good	<input type="checkbox"/> Minor Wear	<input type="checkbox"/> Needs Repair <input type="checkbox"/> Needs Replacing Desc/\$:
HEADLINER:	<input type="checkbox"/> Restored	<input type="checkbox"/> Good	<input type="checkbox"/> Minor Wear	<input type="checkbox"/> Moderate Wear <input type="checkbox"/> Needs Replacing Desc/\$:
EXTERIOR	<input type="checkbox"/> ABOVE AVERAGE	<input checked="" type="checkbox"/> AVERAGE	<input type="checkbox"/> BELOW AVERAGE	
BODY	<input type="checkbox"/> Restored	<input type="checkbox"/> Good	<input type="checkbox"/> Minor Damage	<input type="checkbox"/> Moderate Damage <input type="checkbox"/> Serious Damage Desc/\$:
PAINT	<input type="checkbox"/> New	<input type="checkbox"/> Good	<input type="checkbox"/> Minor Wear	<input type="checkbox"/> Moderate Damage <input type="checkbox"/> Needs Repainting Desc/\$:
	Repainted	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date:	Cost: \$
TRIM:	<input type="checkbox"/> New	<input type="checkbox"/> Good	<input type="checkbox"/> Minor Damage	<input type="checkbox"/> Moderate Damage <input type="checkbox"/> Needs Replacing Desc/\$:
ROOF/OP:	<input type="checkbox"/> Restored	<input type="checkbox"/> Good	<input type="checkbox"/> Minor Damage	<input type="checkbox"/> Moderate Damage <input type="checkbox"/> Needs Replacing Desc/\$:
MECHANICAL	<input type="checkbox"/> ABOVE AVERAGE	<input checked="" type="checkbox"/> AVERAGE	<input type="checkbox"/> BELOW AVERAGE	
ENGINE:	<input type="checkbox"/> New/Rebuilt	<input type="checkbox"/> Well Maint	<input type="checkbox"/> Minor Wear	<input type="checkbox"/> Needs Minor Work <input type="checkbox"/> Needs Major Work Desc/\$:
	Rebuilt Engine	<input type="checkbox"/> Yes <input type="checkbox"/> No	Miles on Rebuilt	Cost: \$
TRANS:	<input type="checkbox"/> New/Rebuilt	<input type="checkbox"/> Well Maint	<input type="checkbox"/> Minor Wear	<input type="checkbox"/> Needs Minor Work <input type="checkbox"/> Needs Major Work Desc/\$:
	Rebuilt Trans	<input type="checkbox"/> Yes <input type="checkbox"/> No	Miles on Rebuilt	Cost: \$
OTHER MECHANICAL RECEIPTS	Desc/\$:	Date work done/Part(s):		
TIRES	<input type="checkbox"/> ABOVE AVERAGE	<input checked="" type="checkbox"/> AVERAGE	<input type="checkbox"/> BELOW AVERAGE	
FRONT	<input type="checkbox"/> New or 80-100% of tread. Rubber nubs visible amid tire tread.	<input type="checkbox"/> Good or 30-79% tread remains.	<input type="checkbox"/> Worn or 0-29% of tread remains. Wear bar visible amid tire tread.	
REAR	<input type="checkbox"/> New or 80-100% of tread. Rubber nubs visible amid tire tread.	<input type="checkbox"/> Good or 30-79% tread remains.	<input type="checkbox"/> Worn or 0-29% of tread remains. Wear bar visible amid tire tread.	
DESC/\$:				

ADD'L ADJUSTMENTS W/COMMENTS (100% \$ added or deducted):

GEN'L COMMENTS (to appear as text, no adjustments):

Amy

4565.00
273.90 TAX
4838.90

Attachment-211

[illegible]

Attachment - 3⁴

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached
or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Jayne D. Albright
108 Curtin St., Apt D
Osceola Mills, PA 16666

Dated: _____

2/8/05

By: _____

Laurie Carey

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid, and addressed as follows:

Jayne D. Albright
108 Curtin Street, Apt. D
Osceola Mills, PA 16666

Dated: _____

3/21/05

By: _____

Laurie Carey

62

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

MOTION FOR SUMMARY
JUDGMENT TO ASSESS
DAMAGES

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466
Fax (412) 682-3138

FILED ^{NO cc}
m/11:52 ^{cc}
AUG 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes Plaintiff Westfield Group, by and through its attorneys, Apple and Apple, P.C, and moves this Honorable Court pursuant to Pa. R.C.P. 1035 for an Order of Court directing entry of Summary Judgment in favor of Plaintiff and against the Defendant on the cause of action alleged in Plaintiff's Complaint as follows:

1. The within suit was commenced by Writ of Summons on March 13, 2003 and Plaintiff filed its Complaint in the above-captioned action on January 30, 2004, which averred that Defendant, Jayne D. Albright, caused an accident resulting in damage to a vehicle owned by Plaintiff's insured.

2. Defendant failed to file an Answer and a default judgment for liability was entered on April 5, 2004.

3. On or about February 8, 2005, Plaintiff served Request for Admissions on Defendant, which Requests went unanswered by the Defendant within the time prescribed by law.

4. Said Requests for Admissions set forth evidence to establish the amount of damages claimed due and owing Plaintiff.

5. Thereafter Plaintiff filed an Affidavit with the court relative to the service of the aforementioned Requests for Admissions and the Defendant's failure to answer.

6. The affidavit was accompanied by a copy of the Requests for Admissions served in the matter.

7. Pursuant to Pa. R.C.P. 4014 the matters for which admissions were requested by Plaintiff are deemed admitted by operation of law due to Defendant's failure to respond within the time prescribed by law.

8. Plaintiff believes and therefore asserts that no genuine triable issue of material fact exists, based upon the pleadings and admissions of record in this case.

9. Plaintiff believes and therefore sets forth that Plaintiff is entitled to Summary Judgment as a matter of law.

WHEREFORE, Plaintiff moves this Honorable Court to enter Summary Judgment in favor of Plaintiff and against the Defendant in the amount of \$4,606.10 with appropriate additional interest and costs.

Respectfully Submitted,

APPLE AND APPLE, P.C.

Dated: August 11, 2005

By: 
Attorneys for Plaintiff(s)

VERIFICATION

The undersigned counsel of record for Plaintiff herein, verifies that the statements of fact contained in the foregoing document are true and correct to the best of his/her knowledge, information and belief. The within verification is made by counsel and not by Plaintiff. Counsel, and not Plaintiff, possesses first-hand knowledge of the facts contained in the foregoing document. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

APPLE AND APPLE, P.C.

Dated: August 11, 2005

By: 
Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

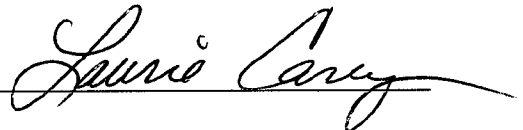
CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached
or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Jayne D. Albright
108 Curtain Street Apt. D
Osceola Mills PA 16666

Dated: 8/22/05

By: 

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 20____,
after review and consideration the Plaintiff's Motion for Summary Judgment is granted.

It is hereby **ORDERED, ADJUDGED** and **DECREED** that there being no
genuine issue at material fact and the Plaintiff being entitled to Judgment as a matter of law,
based upon the pleadings and admissions of record in the above-captioned case, Judgment is
entered in favor of Plaintiff and against the Defendant in the amount of \$4,606.10 and costs.

BY THE COURT:

_____**J.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

PRAECIPE FOR ARGUMENT

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED ^{NO} _{cc}
m11:52/6
AUG 24 2005 ©

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

PRAECIPE FOR ARGUMENT

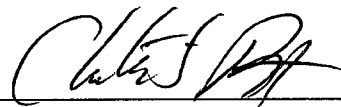
TO THE PROTHONOTARY:

Kindly place the above captioned case on the next available argument list.

Matter for Argument: MOTION FOR SUMMARY JUDGMENT TO ASSESS
DAMAGES.

APPLE AND APPLE, P.C.

Dated: August 15, 2005

By: 
Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Jayne D. Albright
108 Curtain Street, Apt. D
Osceola Mills PA 16666

Dated: 8/22/05

By: Laurie Carey

APPLE and APPLE P.C. *Attorneys at Law*
4650 BAUM BOULEVARD - PITTSBURGH, PA 15213-1237

TEL: 412-682-1466
Toll Free: 800-477-2775
Fax: 412-682-3138

JAMES R. APPLE

CHARLES F. BENNETT
JOEL E. HAUSMAN

MARVIN J. APPLE, OF COUNSEL

August 22, 2005

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market St.
Clearfield PA 16830

Re: Westfield Group
vs: Jayne D. Albright
AAfile: 41426

Dear Sir/Madam:

Enclosed please find the original of our Brief On Support Of Summary Judgment. We have filed our Motion For Summary Judgment To Assess Damages and Praeipce For Argument with the Prothonotary in the above-referenced matter.

If you have any questions or if anything further is needed from our office please contact us at your earliest convenience. Thank you for your assistance in this matter.

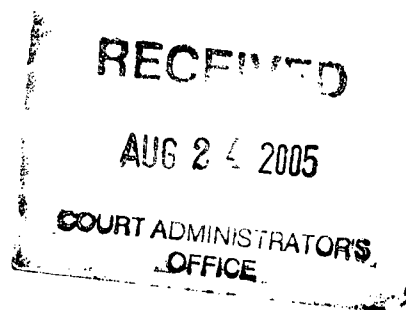
Very truly yours,

APPLE AND APPLE, P.C.



Laurie Carey,
Paralegal

LJC/lai



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

BRIEF IN SUPPORT
OF SUMMARY JUDGMENT

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

RECEIVED

AUG 24 2005

**COURT ADMINISTRATOR'S
OFFICE**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

BRIEF IN SUPPORT OF SUMMARY JUDGMENT
FACTS

Defendant was involved in an accident which caused damage to Plaintiff's insured's vehicle. Plaintiff subsequently paid its insured an insurance claim. Plaintiff then instituted this suit as a subrogation claim.

Defendant failed to respond to Plaintiff's Complaint and therefore a default judgment for liability was entered.

Plaintiff's attorneys served the Defendant with Requests for Admissions seeking to establish the damages due Plaintiff. The Defendant did not answer the requests.

ARGUMENT

In this case, Plaintiff's entitlement to Summary Judgment stems from the operation of Pa. R.C.P. No. 4014, which details the method of, and requirements for, a party's response to Requests For Admissions. The well established purpose of Pa. R.C.P. No. 4014 is to clarify issues raised in prior pleadings with the goal of expediting the litigation process. *Commonwealth of Pennsylvania vs. Diamond Shamrock Chemical Company*, 38 Pa. Cmwlth. 89, 391 A.2d 1333 (1978).

Pa.R.C.P. 4014(b) provides:

“(b) Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within thirty days after service of the requests, or within such shorter or longer time as the court may allow, the party to which the request is directed serves upon the party requesting the admission an answer verified by the party or an objection, signed by the party or by his attorney...”

Under the above-referenced rule, it has been consistently held that a party on which requests for admissions are served runs the risk that the facts as set forth in the request will be conclusively binding upon him if he chooses not to file an answer or file objections to the request. *Innovate, Inc. vs. United Parcel Service, Inc.*, 275 Pa. Super. 276, 418 A.2d 720 (1980); *Richard T. Byrnes Co., Inc. vs. Buss Automation, Inc.*, 415 Pa. Super. 549, 609 A.2d 1360, at 1364 (1992). Generally, failure to respond to a request for admissions causes the facts contained within the requests to be deemed to be admitted by the party from who the admission was sought. *Id.*, 609 A.2d at 1367; *Diamond*, 391 A.2d at 1336.1

The granting of Summary Judgment where an opposing party fails to answer requests for admissions is expressly sanctioned by Pennsylvania's case law. In *Innovate*, 418 A.2d 720, the court noted that Pennsylvania's practice under procedural Rule 4014 followed federal practice, and cited *Creedon v. Howle*, 8 F.D.R. 92, D.C., N.D. (1948) as a parallel instance of where the federal courts entered Summary Judgment based upon a failure to respond to Requests for Admissions. Yet another instance where decisional law directly supported the entry of Summary Judgment based upon unanswered requests for admissions

is found in the *Diamond* case 391 A.2d at 1337.

By virtue of the cases cited above, and the controlling provisions of the Pennsylvania Rules of Civil Procedure, the facts contained in the requests for admissions propounded by the Plaintiff, must be deemed admitted. The facts contained in the requests for admissions establish the liability of the Defendant, and the damages that Plaintiff suffered as a result.

The following facts are contained in the requests for admissions and establish the damages suffered by the Plaintiff:

- a. that the Plaintiff's insured's 1999 Hyundai Accent GS was damaged in the accident that occurred on March 25, 2001;
- b. that the document which had been attached to the the Requests as Attachment "1" is a genuine and accurate copy of the Central PA Claim Service damage assessment;
- c. that said damage assessment states that car is a "total loss";
- d. that the document which had been attached to the the Requests as Attachment "2" is a genuine and accurate copy of the Autosource Pre-Damage Appraisal (PDA) Sheet;
- e. that as indicated on the Appraisal the automobile was appraised at \$4,838.90;
- f. that Plaintiff received \$547.80 from the sale of the vehicle at salvage and said amount has been deducted from the amount due;
- g. that Plaintiff's insured paid a deductible of \$500.00;
- g. that Plaintiff's insured paid charges for towing and storage amounting to \$215.00;
- h. that the document which had been attached to the the Requests as Attachment "3" is a genuine and accurate copy of Plaintiff's Transaction History;
- i. that as indicated on the Transaction History, Plaintiff issued two checks to its insured in payment of the claim totalling \$4,438.90;
- j. that the total amount due for damages to said vehicle resulting from defendant's negligence amounts to \$4,606.10;
- k. that the Defendant has not repaid the monies due for said damages.

The touchstone as to whether Summary Judgment is appropriate is whether or not there are any genuine issues of material fact remaining in the case. *Richard T. Byrnes*

Co., Inc. vs. Buss Automation, Inc., 415 Pa. Super. 549, 609 A.2d 1360, at 1364 (1992). In the instant case, Plaintiff would posit that there are none, insofar as each necessary fact to establish Plaintiff's right to recovery the damages has been conclusively established, by operation of law, through Defendant's failure to respond to Plaintiff's Requests for Admissions.

As no genuine issue of any material fact with regard to Defendant's liability exists, and Plaintiff's damages have been established, Plaintiff is, as a matter of law, entitled to Summary Judgment.

Accordingly, Plaintiff respectfully requests that this Honorable Court, pursuant to Pa. R.C.P. No. 4014(b), enter judgment in favor of the Plaintiff and against the Defendant for the amounts contained in the Complaint, and requests for admissions.

Respectfully Submitted,

APPLE AND APPLE, P.C.

Dated: August 11, 2005

By: 
Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Jayne D. Albright
108 Curtain Street Apt. D
Osceola Mills, PA 16666

Dated: 8/22/05

By: Laurie Carey

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

WESTFIELD GROUP

vs.

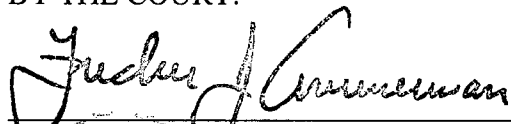
JAYNE D. ALBRIGHT

:
:
: No. 03-355-CD
:
:

ORDER

AND NOW, this 25th day of August, 2005, upon consideration of Plaintiff's Motion for Summary Judgment to Assess Damages filed in the above matter, it is the Order of the Court that argument has been scheduled for the 20th day of September, 2005, at 2:00 P.M, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED ^{CR} 2cc
9/12/38 BY Atty
AUG 25 2005 Bennett

William A. Shaw
Prothonotary/Clerk of Courts



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

MEMO: To all parties filing Petitions/Motions in Clearfield County:

Please make note of the following:

Rule 206(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both the Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see PA. R.C.P. 440) and upon the Court Administrator.

Rule 206(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

***** Please note: This also includes service of scheduling orders obtained as the result of the filing of any pleading.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

AFFIDAVIT OF SERVICE
BY FIRST CLASS
MAIL

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED

m/10:20/05
AUG 31 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

AFFIDAVIT OF SERVICE
BY FIRST CLASS MAIL

I hereby Certify that I am this date serving upon the Defendant and the Court Administrator's Office, true and correct copies of the Motion For Summary Judgment to Assess Damages; Brief In Support of Summary Judgment; and Order setting argument date filed in the above-captioned proceeding, by First Class Mail, postage prepaid, and addressed to the said Defendant as follows:

Jayne D. Albright
108 Curtain Street, Apt. D
Osceola Mills, PA 16666
and
Office of the Court Administrator
230 E. Market Street
Clearfield PA 16830

I verify that the statements contained in the foregoing Affidavit 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.

8/29/05
DATE

Laurie Carey
INDIVIDUAL LAURIE CAREY
Paralegal

TITLE
Apple and Apple, P.C.
4650 Baum Blvd

Pittsburgh PA 15213

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

AFFIDAVIT OF SERVICE
BY FIRST CLASS
MAIL

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED ^{NO CC}

SEP 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WESTFIELD GROUP

NO.03-355 CD
IN CIVIL ACTION

-vs- Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

AFFIDAVIT OF SERVICE
BY FIRST CLASS MAIL

I hereby Certify that:

1. on or about August 29, 2005 I served upon the Defendant true and correct copies of the Motion For Summary Judgment to Assess Damages; Brief In Support of Summary Judgment; and Order setting argument date filed in the above-captioned proceeding, by First Class Mail, postage prepaid, and addressed to the said Defendant, Jayne D. Albright at 108 Curtain Street, Apt. D, Osceola Mills, PA 16666;

2. the mailing was forwarded to the Defendant at her new address and the Post Office notified our office that Defendant's new address is PO Box 230, Ramey PA 16671-0230;

3. On September 12, 2005 I served upon the Defendant true and correct copies of the Motion For Summary Judgment to Assess Damages; Brief In Support of Summary Judgment; and Order setting argument date filed in the above-captioned proceeding, by First Class Mail, postage prepaid, and addressed to the said Defendant, Jayne D. Albright at PO Box 230, Ramey PA 16671-0230.

I verify that the statements contained in the foregoing Affidavit 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.

9/12/05
DATE

Laurie Carey
INDIVIDUAL
LAURIE CAREY
Paralegal
TITLE
Apple and Apple, P.C.
4650 Baum Blvd
Pittsburgh PA 15213
ADDRESS

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

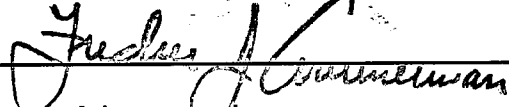
FILED
012:23/01
SEP 21 2005
ICC Atty: Hausman
J. Colavecchi
William A. Shaw ICC Def-
Prothonotary/Clerk of Courts PO Box 230
Ramey, PA
© 10071

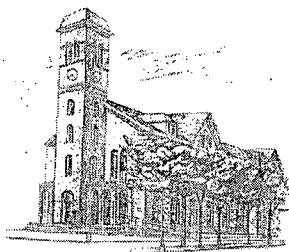
WESTFIELD GROUP :
-VS- : No. 03-355-CD
JAYNE D. ALBRIGHT :

O R D E R

NOW, this 20th day of September, 2005, this being the date and time set for hearing on the Plaintiff's Motion for Summary Judgment in regard to assessment of damages; the Court noting that Joseph Colavecchi, Esquire, has appeared as local counsel for the Plaintiff; the Defendant has failed to appear, nor has any attorney entered an appearance on her behalf, nor does the court file reflect that the Defendant has taken any steps whatsoever to defend the case. Accordingly, it is the ORDER of this Court that the said Motion for Summary Judgment to Assess Damages be and is hereby granted. Judgment is hereby entered in favor of the Plaintiff and against the Defendant in the amount of Four Thousand Six Hundred Six Dollars and Ten (\$4,606.10) Cents, including costs in interest.

BY THE COURT,


President Judge



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

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

Sincerely,

William A. Shaw
Prothonotary

_____ You are responsible for serving all appropriate parties.

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

☒ Plaintiff(s)/Attorney(s)

☒ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

WESTFIELD GROUP

**NO. 03-355-CD
IN CIVIL ACTION**

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

**PRAECIPE TO ENTER
JUDGMENT AS PER
COURT ORDER**

**CODE-
FILED ON BEHALF OF
PLAINTIFF**

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.

PA I.D. 37942

Charles F. Bennett, Esq.

PA I.D. No 30541

Joel Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

FILED

712-4121
OCT 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

Atty pd. 20.00

ICCS Notice to Def.

Statement to Atty

(CK)

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

WESTFIELD GROUP

**NO. 03-355-CD
IN CIVIL ACTION**

-vs- *Plaintiff(s)*

JAYNE D. ALBRIGHT

Defendant(s)

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff, Westfield Group and against Defendant, Jayne D. Albright, on the Order dated September 20, 2005 in the amount of \$4,606.10 plus costs.

Attached is a copy of said Order.

Dated: October 19, 2005

By: 

Attorney For Plaintiff(s)

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

WESTFIELD GROUP :
-VS- : No. 03-355-CD
JAYNE D. ALBRIGHT :

O R D E R

NOW, this 20th day of September, 2005, this being the date and time set for hearing on the Plaintiff's Motion for Summary Judgment in regard to assessment of damages; the Court noting that Joseph Colavecchi, Esquire, has appeared as local counsel for the Plaintiff; the Defendant has failed to appear, nor has any attorney entered an appearance on her behalf, nor does the court file reflect that the Defendant has taken any steps whatsoever to defend the case. Accordingly, it is the ORDER of this Court that the said Motion for Summary Judgment to Assess Damages be and is hereby granted. Judgment is hereby entered in favor of the Plaintiff and against the Defendant in the amount of Four Thousand Six Hundred Six Dollars and Ten (\$4,606.10) Cents, including costs in interest.

BY THE COURT,

/s/ Fredric J. Ammerman

President Judge


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

SEP 21 2005

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

 COPY

WESTFIELD GROUP

NO. 03-355-CD
IN CIVIL ACTION

-vs- Plaintiff(s)

JAYNE D. ALBRIGHT

Defendant(s)

NOTICE OF JUDGMENT OR ORDER

TO: () Plaintiff (X) Defendant () Garnishee

You are hereby notified that the following Order or Judgment was entered against
you on October 24, 2005.

(X) Assumpsit Judgment in the amount of \$4,606.10, plus costs.

() Trespass Judgment, liability only in an unliquidated amount.

(X) If not satisfied within sixty (60) days, your motor vehicle operator's license and/or

(X) Registration will be suspended by the Dept. of Transportation, Bureau of
Traffic Safety, Harrisburg, PA.

(X) Entry of Judgment

() Court Order

() Non-Pros

() Confession

() Default

() Verdict

() Arbitration Award

() Other

Jayne Albright
P.O. Box 230
Ramey PA 16671-0230

PROTHONOTARY

By: _____
Prothonotary(or Deputy)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA
STATEMENT OF JUDGMENT



COPY

Westfield Group
Plaintiff(s)

No.: 2003-00355-CD

Real Debt: \$4,606.10

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Jayne D. Albright
Defendant(s)

Entry: \$20.00

Instrument: Court-Ordered Judgment

Date of Entry: October 24, 2005

Expires: October 24, 2010

Certified from the record this 24th day of October, 2005.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney