

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

Current Judge: Fredric Joseph Ammerman

Raymond G. Ankney vs. James E. Shomo, Sandra J. Shomo

## 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	Praeclipe 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 \$36,778.75 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)*

**PRAECLPICE 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:

*Jill Dawson*  
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**

*WAS*  
MAY 19 2003  
012-401n

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*  
*Jay Manley, Harris*  
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

COMPLAINT

*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

**FILED**

12/4/3

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.

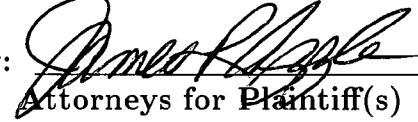
8. Plaintiff avers that the balance due amounts to \$4,606.10.

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)

556899

100033540

## 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

41426

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: Muhall Brinkley

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

PRAECIPE FOR DEFAULT  
JUDGMENT

*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

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.

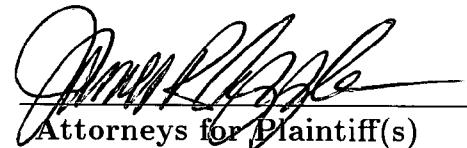
I certify that Notice of the intention to enter this Judgment was given pursuant to Pa. R.C.P. 237.1. A copy of said Notice is attached, and was mailed on February 23, 2004 by Regular United States Mail postage prepaid and addressed as follows:

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  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.  
 Trespass Judgment, liability only in an unliquidated amount.  
 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.  
 Entry of Judgment  Court Order  
 Non-Pros  
 Confession  
 Default  
 Verdict  
 Arbitration Award  
 Other

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

**PROTHONOTARY**

By: William L. Harbo  
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: \$

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 11:34 601  
MAR 23 2005  
OK

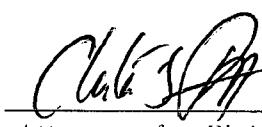
William A. Shaw  
Prothonotary/Clerk of Courts

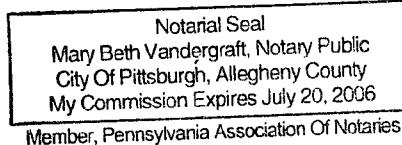
**AFFIDAVIT OF NO ANSWER**  
**TO REQUESTS FOR ADMISSIONS**

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS  
COUNTY OF )

**BEFORE ME**, the undersigned authority, personally appeared Charles F. Bennett, Esq., who, being duly sworn according to law, deposes and says:

1. On February 8, 2006 Requests for Admissions were mailed to Defendant by First Class Mail, postage prepaid.
2. Attached as Exhibit "A" is a copy of the Requests for Admissions.
3. Pursuant to Pennsylvania Rule of Civil Procedure 4014, Answers to the Requests for Admissions were due by March 10, 2005.
4. As of the date of the filing of this Affidavit, no Answers have been received to the Requests for Admissions, nor has Plaintiff received any objections to the relevance or competence of the Requests for Admissions nor has Plaintiff's counsel received any sworn denials or explanation as to why the Requests cannot be admitted or denied.
5. Defendant has requested no extension of time for the filing of Answers.

**SWORN TO AND SUBSCRIBED** **APPLE AND APPLE, P.C.**  
**BEFORE ME THIS 15<sup>th</sup> DAY OF**  
**March, 2005** By:   
**Mary Beth Vandergraft**  
**NOTARY PUBLIC** Attorneys for Plaintiff(s)



lc/414265fa

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)

## AFFIDAVIT

COUNTY OF )  
 )  
 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  
BEFORE ME THIS \_\_\_\_\_ DAY OF

## AFFIANT'S SIGNATURE

**AFFIANT'S PRESENT ADDRESS:**

## NOTARY PUBLIC

**TITLE OF OFFICIAL**

# 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

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	

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Attachment //

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

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

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/LKO PARTS WERE LOCATED AT: MUELLER'S - ALTOONA PA

W/ STRUT WEATHERSTRIP  
USED/LKQ PARTS WERE LOCATED AT: MUELLER'S - ALTOONA PA

(814) 946-1295

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

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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.

APPRAYER'S SIGNATURE AND LICENSE #: Lick Burger #138977

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.

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

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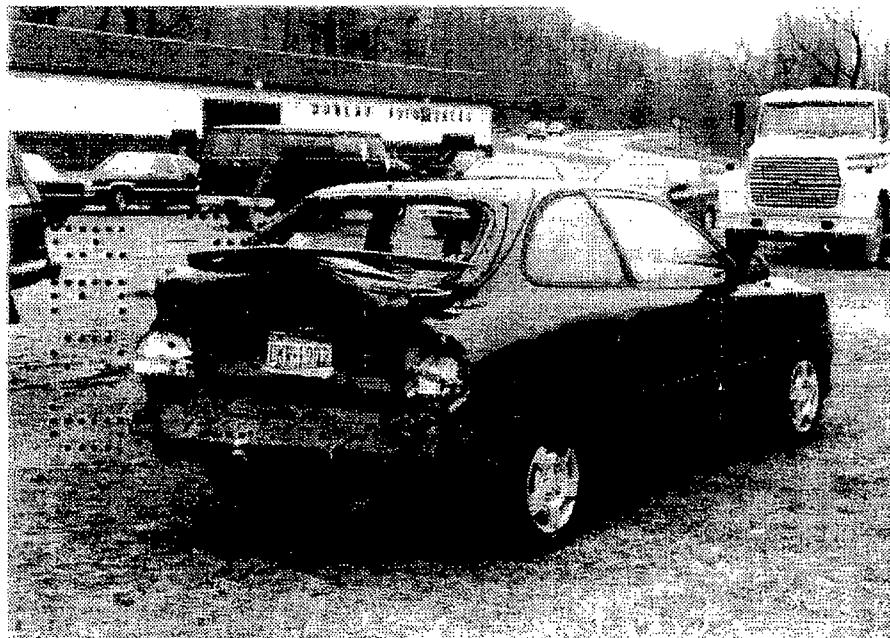
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## PHOTOGRAPHS



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

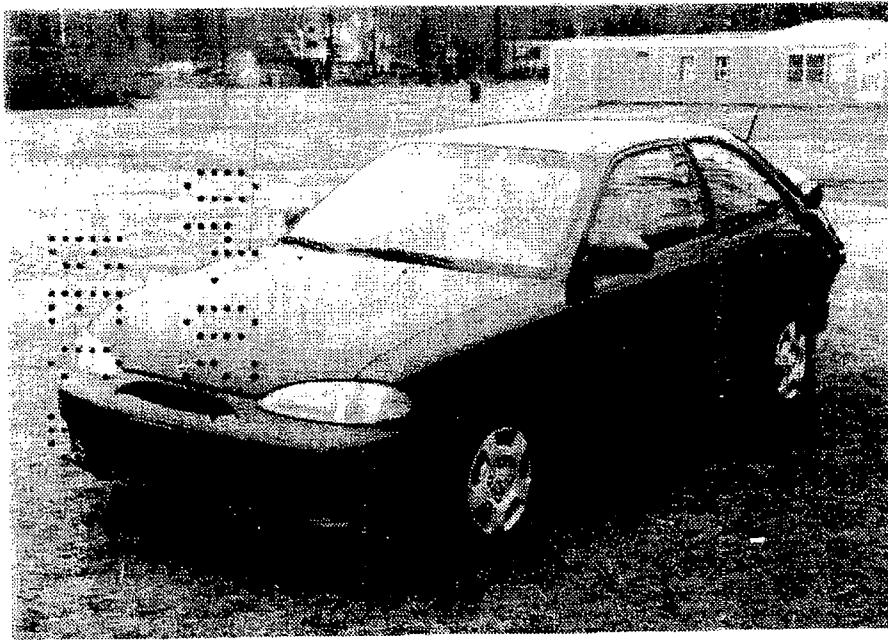


DATE TAKEN: 03/30/01  
PHOTO TAKEN BY: RICK BURGAN  
DESCRIPTION: INSURED VEHICLE

## 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

<b>ADP</b>	07/01/00	Autosource Value	Autosource Request #	Product	
Report Retrieval		<input type="checkbox"/> E-mail Address:	<input type="checkbox"/> FaxBack Fax #	<input checked="" type="checkbox"/> Valuation <input type="checkbox"/> Market Search	
Audatex ID # (Required) 38301 PA		Co. Name & Branch CLO 6400 - LANCASTER	Claim Rep Name TAMMY SNYDER	Claim Rep Phone # ( ) -	Loss Date 3-25-01
Claim # 33540		Policy/Member #	Insured Name CATHERINE SHOWERS	Insured Phone # (614) 339-7173	Loss Type CL
Market Area (City/Zip/Postal Code) OSCEOLA HILLS PA 16666		Claimant Name	Claimant Phone # ( ) -	License #	

Odometer **65656** Ext. Color **GREEN** VIN **KMHVD34NXXU475189**  
10<sup>th</sup> digit-model year A=80 B=81 C=82 D=83 E=84 F=83 G=86 H=87 I=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 <b>99</b>	Make <b>HYUNDAI</b>	Model <b>ACCENT GS</b>	Doors <b>2</b>	Bodystyle <b>HIB</b>	<input type="checkbox"/> Reg Cab <input type="checkbox"/> Ext Cab <input type="checkbox"/> Drive	<input type="checkbox"/> Crew Cab <input type="checkbox"/> Stepside <input type="checkbox"/> 2W <input type="checkbox"/> 4W	Edition
Engine Type: <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Diesel <input type="checkbox"/> Turbo <input type="checkbox"/> Supercharged <input type="checkbox"/> Other:	Engine Size <b>1.5</b>	# Cylinders <b>4</b>	Trans. <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 checked="" type="checkbox"/> Manual <input type="checkbox"/> 3 sp <input type="checkbox"/> 4 sp <input checked="" type="checkbox"/> 5 sp <input type="checkbox"/> 6sp				
# Passenger Capacity: <input type="checkbox"/> Short <input type="checkbox"/> Long	Bed Length: <input type="checkbox"/> <b>1/2 T</b> <input type="checkbox"/> <b>3/4 T</b> <input type="checkbox"/> <b>1T</b>	Capacity/Tonnage: <input type="checkbox"/> <b>1/2 T</b> <input type="checkbox"/> <b>3/4 T</b> <input type="checkbox"/> <b>1T</b>	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 **LICK BURGAN** Date **3-30-01** Location of Vehicle  Pool #

VEHICLE EQUIPMENT							
POWER ACC	RADIOS/ALARMS	SEATS	ROOF	BUMPERS	OTHER		
<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 checked="" 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 (RWW) <input type="checkbox"/> Remote Trunk Rls (RTT)	<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 (CDT) <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)	<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)	<input type="checkbox"/> Vinyl Top (VNL) <input type="checkbox"/> Carriage Roof (CRF) <input type="checkbox"/> Luggage Rack (RAK) <input type="checkbox"/> Roll Bar/Lite Bar (BAR) <input type="checkbox"/> Convertible Top (CON) <input type="checkbox"/> Hard Top (HTR)	<input type="checkbox"/> Rear Step Bumper (RSB) <input type="checkbox"/> Tube Bumper <input type="checkbox"/> Chrome Bumper (CHB) <input type="checkbox"/> Chrome Stp Bumper (CHS)	<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 (L03) L06/L10 <input type="checkbox"/> Ground Eff. Pkg. (GRD) <input type="checkbox"/> Lowered <b> </b> in. (LOW) <input type="checkbox"/> Side Rear Wind (SRW) <input type="checkbox"/> Exterior Visor (EV) <input type="checkbox"/> Dash Mat <input type="checkbox"/> Running Boards (RNB) <input type="checkbox"/> BRA <input type="checkbox"/> Air Dam (FAD)		
PAINT/TRIM/GLASS	PAINT/TRIM/GLASS	PAINT/TRIM/GLASS	SUNROOF	WHEELS/TIRES			
<input type="checkbox"/> Tu-Tone (TN2) <input type="checkbox"/> Custom (CPT) <input type="checkbox"/> Graphics (GRA) <input type="checkbox"/> Tinted Glass(GEM) (TNT) <input type="checkbox"/> Tinted AM <input type="checkbox"/> Privacy Glass (PRG) <input type="checkbox"/> Rear Spoiler (SPL)	<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 (JTP)	<input type="checkbox"/> Captain Chairs 2 (CC2) <input type="checkbox"/> 4 (CC4) <input type="checkbox"/> 6 (CC6)	<input type="checkbox"/> Hard Top (HTR)	<input type="checkbox"/> Wire Wheels (WW) <input type="checkbox"/> Wire Wheel Cvr (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)			
TRICK VANS	TRICK VANS	REFRIGERATOR (RFR)	TELEVISION (BTV, CTV)	WHEELS/TIRES			
<input type="checkbox"/> Refrigerator (RFR)	<input type="checkbox"/> Microwave	<input type="checkbox"/> Television (BTV, CTV)	<input type="checkbox"/> Full Pop-Top	<input type="checkbox"/> Wide Tires (WDT)			
	<input type="checkbox"/> Full Pop-Top		<input type="checkbox"/> <b>1/2 Pop-Top</b>	<input type="checkbox"/> Dual Rear Wheels (DRW)			
				<input type="checkbox"/> Trailer Tow Pkg. (TOW)			
				<input type="checkbox"/> Camper Special			
				<input type="checkbox"/> Trailer Hitch (TRH)			

## 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/\$:			
PAINT	<input type="checkbox"/> 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/TOP:	<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/\$:			
ENGINE:	<input type="checkbox"/> 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/\$:			
TRANS:	<input type="checkbox"/> 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 2/1

### Transaction History

Open O: A			ORI		10
Final O: A 04/13/2001	TLOSS 99 HYUNDAI	0200650	FRE	OMEGA BANK	\$4,338.90
Close O: A			CRI		10
Supp O: A 04/18/2001	TRANSPORTATION FEES	0203428	SRE	11 CATHERINE ANN	\$100.00

#### With Selected References

Борис Григорьев

## Agenda [Organization]

### Select Translation

THE BOSTONIAN

Attachment 3<sup>4</sup>

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: 3/24/05

By: Laurie Carey

(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)*

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 <sup>NO CC</sup>  
m/11/52005  
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: Jayne Albright

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

PRAECIPE FOR ARGUMENT

*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

FILED NO  
m11:52:04  
AUG 24 2005 ⑥

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:

*Chas. B.*  
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 Praecipe 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/lsi

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

BRIEF IN SUPPORT  
OF SUMMARY JUDGMENT

*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

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 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 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 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. : No. 03-355-CD  
JAYNE D. ALBRIGHT :

**ORDER**

AND NOW, this 25<sup>th</sup> 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 20<sup>th</sup> 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 <sup>60</sup>  
012:38 PM Aug 25 2005  
2cc  
Atty  
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/10/2005  
NO CC  
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 <sup>No CC</sup>  
M 11-07-2005  
SEP 14 2005  
R

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.

DATE

9/12/05

*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

WESTFIELD GROUP

:

-vs-

: No. 03-355-CD

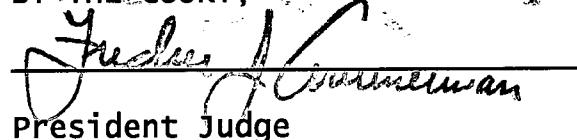
JAYNE D. ALBRIGHT

:

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,

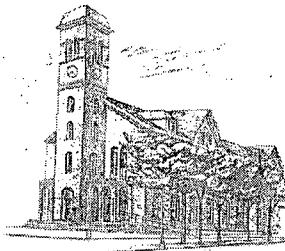
  
\_\_\_\_\_  
President Judge

FILED

01/23/01  
SEP 21 2005

ICC Atty:  
Housman  
J. Colavecchi

William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Def.  
PoBox 230  
Kane, PA  
610-714-10071



## 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 Atty pd. 20.00**  
10/24/05  
OCT 24 2005  
ICCA Notice to Def.  
Statement to Atty  
William A. Shaw  
Prothonotary/Clerk of Courts  
⑥

**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:

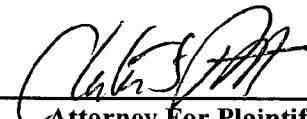
Kindly enter Judgment in favor of Plaintiff, Westfield Group and against Defendant, Jayne D. Albright, on the Order dated September 20, 2005 in the amount of \$4,606.10 plus costs.

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. Ritter*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

FILED  
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  Defendant  Garnishee

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

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

Trespass Judgment, liability only in an unliquidated amount.

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.

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.

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William A. Shaw, Prothonotary

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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.

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Plaintiff/Attorney