

63-469-CD
DENNIS D. HAZLAK, ETAL. VS.
NATIONAL FUEL GAS DISTRIBUTION CORPATION

DENNIS D. HAZLAK, and his wife, : IN THE COURT OF COMMON PLEAS OF
KATHLEEN D. HAZLAK, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs, :
v. : CIVIL ACTION - LAW
: NO. 2003- 469- CD
: NATIONAL FUEL GAS
DISTRIBUTION CORPORATION, :
Defendant. :

TO: National Fuel Gas Distribution Corporation
10 Lafayette Square
Buffalo, NY 14203

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by an 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, CONTACT:**

Pennsylvania Bar Association
Lawyer Referral Service
100 South Street
P.O. Box 186
Harrisburg, Pennsylvania 17108-0186
Telephone: (800) 692-7375

FILED

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- continued on next page -

William A. Shaw
Prothonotary

**IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ELIGIBLE FOR LEGAL
AID THROUGH:**

Keystone Legal Services
211½ East Locust Street
Clearfield, PA 16830
Telephone: (570) 323-8741

McNERNEY, PAGE, VANDERLIN & HALL

By: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs

433 Market Street, P.O. Box 7
Williamsport, PA 17703
Telephone: (570) 326-6555

**DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK,** : **IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**
:
Plaintiffs, : **CIVIL ACTION - LAW**
:
v. : **NO.**
:
NATIONAL FUEL GAS :
DISTRIBUTION CORPORATION, :
Defendant. :

COMPLAINT

AND NOW, comes the Plaintiffs, Dennis D. Hazlak and his wife, Kathleen D. Hazlak, by and through their attorneys, McNerney, Page, Vanderlin & Hall, and aver the following:

1. Plaintiffs, Dennis D. Hazlak and Kathleen D. Hazlak (hereinafter "Plaintiffs"), are married adult individuals with an address of 1816 Pine Tree Road, Hughesville, Lycoming County, Pennsylvania 17737.
2. Defendant, National Fuel Distribution Corporation (hereinafter "Defendant"), is a corporation operating under the laws of the State of New York, with its principal executive office located at 10 Lafayette Square, Buffalo, New York 14203.
3. The Plaintiffs own a home and real property located at the corner of Admiral Dunbar and Treasure Lake Roads in the Treasure Lake Development, Dubois, Pennsylvania 15801.
4. The Defendant installed gas lines along the property under the foundation drainage pipes and to the Plaintiff's home.
5. The Defendant had a duty to install the gas lines in a manner that would not cause harm and/or damage to the home.

6. The Defendant improperly installed the gas lines by placing them under the drainage pipes.

7. The Defendant's improper installation of the gas lines under the drainage pipes caused the drainage pipes to become inoperable.

8. On or about June 28, 2002, due to the inoperable drainage pipes, the Plaintiffs' home became flooded.

9. The Defendant's improper installation of the gas lines is a breach of their duty to install the gas lines in a manner that would not damage the property.

10. As a result of the above-referenced flood, the Plaintiffs' home incurred significant damage.

11. Due to the flood, the Plaintiffs had to excavate the foundation of the home to prevent future flooding.

12. During the excavation, the improper installation of the gas pipes was discovered.

13. Due to the flood, the Plaintiffs incurred costs for the excavation and cleanup of the home in the amount of \$31,145.16.

14. The Plaintiffs submitted a Personal Property Inventory Form to their insurance carrier identifying the costs incurred. A true and correct copy of the Personal Property Inventory Form is hereby attached and incorporated into this Complaint as Exhibit "A".

15. Additional work still remains to be done due to the fact that mold has been discovered in the home.

16. It is currently estimated that at a minimum, it will cost \$1,000 to conduct an inspection and removal of the mold.

17. The Plaintiffs have received \$10,000 from their insurance company in relation to these damages.

18. The Plaintiffs are requesting damages in the amount of \$32,145.16.

19. The Plaintiffs intend to repay to their insurance company the \$10,000 they received from any damages awarded to them in excess of \$22,145.16.

20. The Plaintiffs wish to repay their insurance company for the \$10,000 in order to keep their premiums on their insurance from increasing.

WHEREFORE, the Plaintiffs, Dennis D. Hazlak and his wife, Kathleen D. Hazlak, demand judgment against the Defendant, National Fuel Distribution Corporation, for their negligence that caused damages to the Plaintiffs in the amount of \$32,145.16, along with costs and any other relief this Court deems appropriate.

Respectfully submitted,

McNERNEY, PAGE, VANDERLIN & HALL

BY: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. #89338
Attorney for Plaintiffs

433 Market Street
PO Box 7
Williamsport, PA 17703
Telephone: 570-326-6555

Dated: 3/31/03



ERIE
INSURANCE
GROUP

PERSONAL PROPERTY INVENTORY FORM

Claim No. C 1017062292

Room

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CONCEALMENT OR FRAUD. We do not provide coverage for any insured who has intentionally concealed or misrepresented any material fact or circumstance relating to this insurance.

THE BORROWER'S THE FULL AND PROPER COMPLETION OF THIS SCHEDULE.

Page 4 of 11

Pg 1 of 3

Item	Description	Quantity	Unit	Unit Price	Total
1	Heavy Metal Bench	1		—	—
2	Plastic Table Cloth	1		—	—
3	5' Artificial Christmas Tree	1		40.00	40.00
4	Dropped Ceiling 15' x 15'	1	Square	75.00	75.00
5	Wood Paneling	1		—	—
6	4' x 8' Sheetrock wall insulation	1		—	—
7	Electric 3 Backboard Heaters	3		—	—
8	Large Bi-fold 3 Closet Doors	3		—	—
9	Packing 3 Wood Boxes	3		—	—
10	Floor & Delivery Truck	1		—	—
11	Gas furnace & Humidifier replaced by "Furnace". Air Conditioner Both	1		175.00	175.00
12	Gas Hot Water Heater	1		Both were cleaned & service by "Gasus". TO TOT Charge:	\$ 85.00

NOTICE: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any material false information or omissions for the purpose of misleading, knowingly committing any false material facts commits a fraudulent insurance act, which is a crime and subject to punishment, to criminal and civil penalties.

C-334-PA 3/26

SIGNATURE

DATE 8-27-2022





ERIE
INSURANCE
GROUP

CONCEALMENT OR FRAUD. We do not provide coverage for any insured who has intentionally concealed or misrepresented any material fact or circumstance relating to this insurance.

THE ERIE REQUIRES THE FULL AND PROPER COMPLETION OF THIS SCHEDULE.

It is very important that each column be completely filled out. See other side for instructions.

PERSONAL PROPERTY INVENTORY FORM

Claim No. 0107062292

Room _____

Pg 2 of 3

ITEM	DESCRIPTION	QUANTITY	SIZE	DESCRIPTION	UNIT	AMOUNT	
1	Pool Table	1	Brinsford	HJ	Antiquary 150"	Set Attached	2491.00
2	Full Size Mattress	1	7'	7'			260.00
3	Full Size Box Spring	1					260.00
4	metal Bed	1	out Bed	(furnished)	?		200.00
5	Ping Pong Table	1		?			40.00
6	Washer	1	Montgomery Ward	Pair			88.94
7	Dryer	1	Montgomery Ward				50.00
8	Twin Size Bed Frame	1					400.00
9	Armchair	1					150.00
10	Sofa + Chair	1					100.00
11	dehumidifier	1					100.00
12	dining Room	1					100.00
	Buffet + Chair Set	1					100.00
12	Wooden Desk	1					100.00

NOTICE: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any inaccurate information or conceals for the purpose of misleading, intentionally committing any such material offense commits a fraudulent insurance act, which is a crime and subjecting the person to criminal and civil penalties.



CONCEALMENT OR FRAUD. We do not provide coverage for any insured who has intentionally concealed or misrepresented any material fact or circumstance relating to this insurance.

THE ERIE REQUIRES THE FULL AND PROPER COMPLETION OF THIS SCHEDULE.

It is very important that each column be completely filled out. See other side for instructions.

PERSONAL PROPERTY INVENTORY FORM

Claim No. 010706229X
Room _____

Pg. 3 of 3

1 ON PREMISES	2 NAME	3 DESCRIPTION	4 QUANTITY	5 UNIT	6 COST
1	Wood Table				147.00
1	Sick Bed Headboard	WANTED			
2	Evaluate				
Condition of Wash & Dryer	Service Charge	(see attached "Tip/Kick" form)			42.75
3	Repair of				
	Lawn	Reseeding, Mulch & Fertilizer			
4	Trunsize				45.00
1	Mattress				200.
5	Twin Size				200.
6	Box Spring				50.00
6	Full Size				
7	Bed Frame				
8					
9					
10					
11					
12					

NOTICE: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any故意ly false information, or conceals for the purpose of misrepresentation, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects the person to criminal and/or disciplinary

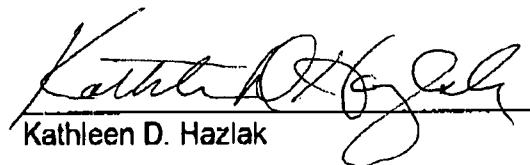
267970

VERIFICATION

We, Dennis D. Hazlak and Kathleen D. Hazlak, do state that we are the Plaintiffs in the foregoing Complaint and that the facts set forth in the said Complaint are true and correct to the best of our knowledge, information and belief. We understand that false statements made herein are subject to the penalties set forth in 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



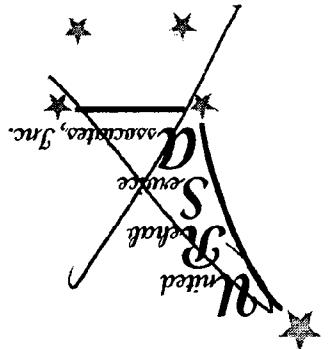
Dennis D. Hazlak



Kathleen D. Hazlak

FILED

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William A. Shaw 2cc to ATTY
Prothonotary



DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK, : IN THE COURT OF COMMON PLEAS OF
Plaintiffs, : CLEARFIELD COUNTY, PENNSYLVANIA
v. : CIVIL ACTION - LAW
NATIONAL FUEL GAS : NO. 03-464-CD
DISTRIBUTION CORPORATION, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Pa. R.C.P. Rule 403, on this 3rd day of April 2003, a file-stamped copy of the foregoing Complaint was served by placing same in the United States Mail, Certified Mail, Receipt No. 7002 0510 0001 6354 1197, addressed to National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203 with the original being filed with the Prothonotary, Clearfield County Courthouse, 230 East Market Street, Clearfield, Pennsylvania 16830.

McNERNEY, PAGE, VANDERLIN & HALL

BY: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs

433 Market Street
PO Box 7
Williamsport, Pennsylvania 17703
Telephone: (570) 326-6555

FILED

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William A. Shaw
Prothonotary

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William A. Shaw
Prostator

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN HAZLAK,

Plaintiffs,

vs

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION,

Defendant,

CIVIL DIVISION

No.: GD 2003-469-CD

PRAECIPE FOR APPEARANCE

Filed on behalf of: National Fuel Gas
Distribution Corporation, Defendant

Counsel of record for this party:

Jerry S. Eisenberg, Esquire
LAW OFFICES OF JERRY S.
EISENBERG
1225 One Oxford Center
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 41241

Tel. (412) 281-7761

FILED

APR 28 2003

William A. Shaw
Prothonotary

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK,

Plaintiffs,

vs

CORPORATION,

Defendant.
CIVIL DIVISION

No.: GD 2003-469-CD

NATIONAL FUEL GAS DISTRIBUTION

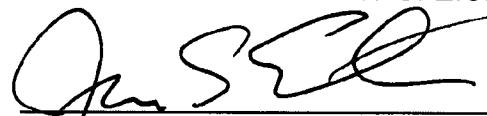
Defendant.

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter my appearance on behalf of National Fuel Gas Distribution
Corporation, Defendant named within.

LAW OFFICES OF JERRY S. EISENBERG



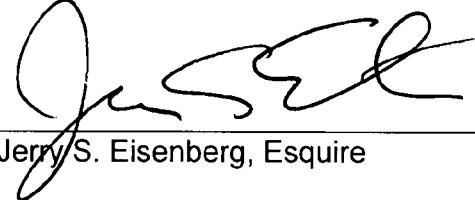
Jerry S. Eisenberg, Esquire
Attorney for National Fuel Gas Distribution
Corporation, Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praeclipe for Appearance was served upon the following at their address of record by first class mail, postage prepaid, this 25th day April, 2003.

Ryan M. Tira, Esquire
McNERNEY, PAGE, VANDERLIN & HALL
433 Market Street
P.O. Box 7
Williamsport, PA 17703

LAW OFFICES OF JERRY S. EISENBERG



Jerry S. Eisenberg, Esquire

FILED

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APR 10 2003
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William A. Shaw
Prothonotary

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN HAZLAK,

Plaintiffs,

vs

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION,

Defendant,

CIVIL DIVISION

No.: GD 2003-469-CD

ANSWER AND NEW MATTER TO
PLAINTIFFS' COMPLAINT

Filed on behalf of: National Fuel Gas
Distribution Corporation, Defendant

Counsel of record for this party:

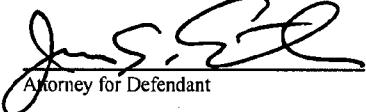
Jerry S. Eisenberg, Esquire
LAW OFFICES OF JERRY S.
EISENBERG
1225 One Oxford Center
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 41241

Tel. (412) 281-7761

NOTICE TO PLEAD

You are hereby notified to plead to
the following New Matter and
New Matter Under Rule 2252 (d) within
twenty (20) days from service hereof
or a judgment may be entered against you.



Attorney for Defendant

FILED

MAY 02 2003

William A. Shaw
Prothonotary

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK,

CIVIL DIVISION

Plaintiffs,

No.: GD 2003-469-CD

vs

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION,

Defendant.

ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW comes, the Defendant, National Fuel Gas Distribution Corporation, by and through its attorneys Jerry S. Eisenberg, Esquire and files the following Answer and New Matter to Plaintiffs' Complaint and avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Paragraph 4 of Plaintiffs' Complaint is denied as stated. To the contrary, this Defendant contracted with Fessenden Construction Company to install the gas lines in question.
5. Paragraph 5 of Plaintiffs' Complaint contains conclusions of law to which no responsive pleading is required. By way of further answer, it is denied that this Defendant and/or Fessenden Construction installed the gas lines in the manner that caused harm and/or damage to the home.

6. Paragraph 6 of Plaintiffs' Complaint is denied.
7. Paragraph 7 of Plaintiffs' Complaint is denied.
8. Paragraph 8 of Plaintiffs' Complaint is denied.
9. Paragraph 7 of Plaintiffs' Complaint is denied.
10. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.
11. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.
12. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.
13. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.
14. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.
15. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

16. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

17. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

18. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

19. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

20. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, the Defendant, National Fuel Gas Distribution Corporation denies that they are liable to the Plaintiffs for any sum whatsoever and demands judgment be entered in their favor.

NEW MATTER

21. Defendant hereby incorporates paragraphs 1 through 20 of this Answer and New Matter as though fully set forth at length.

22. The Defendant avers that it had no notice, either actual or constructive, of any alleged hazardous condition with regard to the area in question.

23. The Defendant denies that either it or any of its contractors improperly installed the gas line in question.

24. The Defendant avers that the damages complained of by the Plaintiffs were the result of preexisting flooding and/or water backups into the Plaintiffs' basement, which were caused by drainage problems at the Treasure Lake Development.

25. The Defendant avers that the damages complained of by the Plaintiffs' in their Complaint are the result of superseding and/or intervening causes over which this Defendant had no control.

26. The Defendant hereby raises the statute of limitations as an affirmative defense.

27. The Defendant hereby raises the statute of repose as an affirmative defense.

28. The Defendant hereby raises the provisions of the Pennsylvania Comparative Negligence Act as an affirmative defense to Plaintiffs' claims.

29. The Defendant hereby raises assumption of risk as an affirmative defense to Plaintiffs' claims.

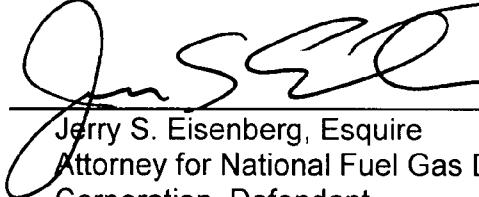
30. The Defendant did not breach any duty which may have been owed to the Plaintiffs.

31. The Defendant avers that the damages complained of by Plaintiffs in their Complaint were the result of the superseding or intervening acts of third persons or parties over which this Defendant had no right of control.

WHEREFORE, the Defendant, National Fuel Gas Distribution Corporation denies that they are liable to the Plaintiffs for any sum whatsoever and demands judgment be entered in their favor.

Respectfully submitted,

LAW OFFICES OF JERRY S. EISENBERG

A handwritten signature in black ink, appearing to read "J.S.E." followed by a stylized surname.

Jerry S. Eisenberg, Esquire
Attorney for National Fuel Gas Distribution
Corporation, Defendant

VERIFICATION

DAVID *MP*

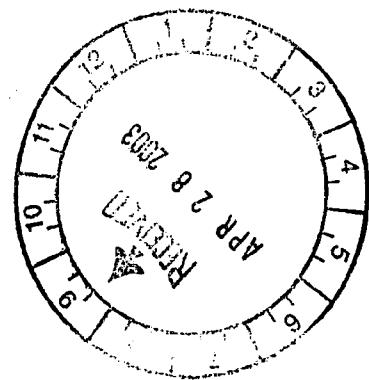
I, Mike J. Paolella, do hereby verify that I am

An Employee of National Fuel Gas Distribution Corporation, the Defendant named herein, and that as such, I have the authority to make this verification on behalf of National Fuel Gas Distribution Corporation, Defendant herein. I verify that the averments of fact set forth in the foregoing Answer and New Matter to Plaintiffs' Complaint are true and correct to the best of my knowledge, information and belief based upon information provided to me by others.

This verification is made subject to the penalties of 18 PA CSA Section 4904 relating to unsworn falsification to authorities.

DATED: 9-28-03

Michael J. Paolella

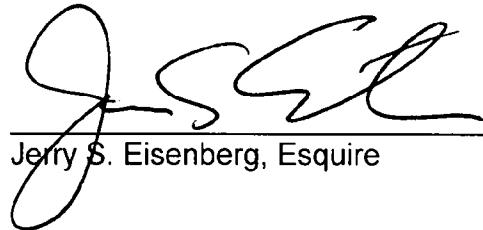


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter to Plaintiffs' Complaint was served upon the following at their address of record by first class mail, postage prepaid, this 30th day April, 2003.

Ryan M. Tira, Esquire
McNERNEY, PAGE, VANDERLIN & HALL
433 Market Street
P.O. Box 7
Williamsport, PA 17703

LAW OFFICES OF JERRY S. EISENBERG



Jerry S. Eisenberg, Esquire

FILED NO
cc

APR 10 2003

2003

William A. Shaw
Presbyterian

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

AYDEN SHAFFER-DOAN, a minor,)
by his parents and natural guardians,)
TIMOTHY DOAN and KAREN)
SHAFFER, and TIMOTHY DOAN)
and KAREN SHAFFER, in their own)
right,)
Plaintiffs,)
vs.)
DUBOIS REGIONAL MEDICAL CENTER,)
GEORGE PALMER, JR., D.O.)
RICHARD GROUT, M.D. and)
GATEWAY AREA MEDICAL ASSOCIATES,)
Defendants.)
NO. 2003-475-CD
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Gateway Area Medical Associates' Interrogatories and Request for Production (Set One), in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 15 day of May, 2003, to the attorney(s) of record:

William S. Schweers, Jr., Esquire
100 Ross Street
Pittsburgh, PA 15219

David Johnson, Esquire
Two Chatham Center, 10th Floor
Pittsburgh, PA 15219-3499

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By:

John W. Blasko/cjs
JOHN W. BLASKO

Attorneys for Defendant,
Gateway Area Medical Associates

FILED

MAY 02 2003

William A. Shaw
Prothonotary

FILED

NO
CC

MO 12-57-84
MN 02-663

*Ex-
Rec*

William A. Shaw
Prothonotary

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

AYDEN SHAFFER-DOAN, a minor,)
by his parents and natural guardians,)
TIMOTHY DOAN and KAREN)
SHAFFER, and TIMOTHY DOAN)
and KAREN SHAFFER, in their own)
right,)
Plaintiffs,)
vs.)
DUBOIS REGIONAL MEDICAL CENTER,)
GEORGE PALMER, JR., D.O.)
RICHARD GROUT, M.D. and)
GATEWAY AREA MEDICAL ASSOCIATES,)
Defendants.)
NO. 2003-475-CD
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Gateway Area Medical Associates' Request for Production (Set Two), in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 1st day of May, 2003, to the attorney(s) of record:

William S. Schweers, Jr., Esquire
100 Ross Street
Pittsburgh, PA 15219

David Johnson, Esquire
Two Chatham Center, 10th Floor
Pittsburgh, PA 15219-3499

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By:

John W. Blasko (CJ)
JOHN W. BLASKO

Attorneys for Defendant,
Gateway Area Medical Associates

FILED

MAY 02 2003

William A. Shaw
Prothonotary

FILED NO 00

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MAY 02 2003

RE

William A. Shaw
Prothonotary

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

AYDEN SHAFFER-DOAN, a minor,)
by his parents and natural guardians,)
TIMOTHY DOAN and KAREN)
SHAFFER, and TIMOTHY DOAN)
and KAREN SHAFFER, in their own)
right,)
Plaintiffs,)
vs.)
DUBOIS REGIONAL MEDICAL CENTER,)
GEORGE PALMER, JR., D.O.)
RICHARD GROUT, M.D. and)
GATEWAY AREA MEDICAL ASSOCIATES,)
Defendants.)
)

NO. 2003-475-CD
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Gateway Area Medical Associates' Expert Interrogatories, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 1st day of May, 2003, to the attorney(s) of record:

William S. Schweers, Jr., Esquire
100 Ross Street
Pittsburgh, PA 15219

David Johnson, Esquire
Two Chatham Center, 10th Floor
Pittsburgh, PA 15219-3499

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant,
Gateway Area Medical Associates

FILED

MAY 02 2003

William A. Shaw
Prothonotary

FILED

APR 25 2003
MAY 02 2003
6:28

cc
William A. Shaw
Prothonotary

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN HAZLAK,

Plaintiffs,

vs

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION,

Defendant,

CIVIL DIVISION

No.: GD 2003-469-CD

AMENDED ANSWER AND NEW
MATTER TO PLAINTIFFS'
COMPLAINT

Filed on behalf of: National Fuel Gas
Distribution Corporation, Defendant

Counsel of record for this party:

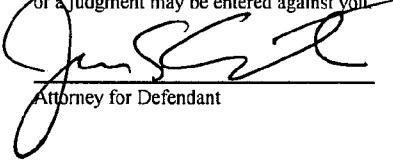
Jerry S. Eisenberg, Esquire
LAW OFFICES OF JERRY S.
EISENBERG
1225 One Oxford Center
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 41241

Tel. (412) 281-7761

NOTICE TO PLEAD

You are hereby notified to plead to
the following New Matter and
New Matter Under Rule 2252 (d) within
twenty (20) days from service hereof
or a judgment may be entered against you


Attorney for Defendant

FILED

MAY 21 2003

William A. Shaw
Prothonotary

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK,

CIVIL DIVISION

Plaintiffs,

No.: GD 2003-469-CD

vs

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION,

Defendant.

AMENDED ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW comes, the Defendant, National Fuel Gas Distribution Corporation, by and through its attorneys Jerry S. Eisenberg, Esquire and files the following Amended Answer and New Matter to Plaintiffs' Complaint and avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Paragraph 4 of Plaintiffs' Complaint is denied as stated. To the contrary, this Defendant contracted with Fessenden Construction Company to install the gas lines in question.

5. Paragraph 5 of Plaintiffs' Complaint contains conclusions of law to which no responsive pleading is required. By way of further answer, it is denied that this Defendant and/or Fessenden Construction installed the gas lines in the manner that caused harm and/or damage to the home.

6. Paragraph 6 of Plaintiffs' Complaint is denied.
7. Paragraph 7 of Plaintiffs' Complaint is denied.
8. Paragraph 8 of Plaintiffs' Complaint is denied.
9. Paragraph 7 of Plaintiffs' Complaint is denied.
10. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

11. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

12. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

13. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

14. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

15. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

16. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

17. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

18. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

19. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

20. Upon reasonable investigation, this Defendant lacks sufficient knowledge to form a belief as to truth of the matters set forth. Accordingly, the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, the Defendant, National Fuel Gas Distribution Corporation denies that they are liable to the Plaintiffs for any sum whatsoever and demands judgment be entered in their favor.

NEW MATTER

21. Defendant hereby incorporates paragraphs 1 through 20 of this Amended Answer and New Matter as though fully set forth at length.

22. The Defendant avers that it had no notice, either actual or constructive, of any alleged hazardous condition with regard to the area in question.

23. The Defendant denies that either it or any of its contractors improperly installed the gas line in question.

24. The Defendant avers that the damages complained of by the Plaintiffs were the result of preexisting flooding and/or water backups into the Plaintiffs' basement, which were caused by drainage problems at the Treasure Lake Development.

25. The Defendant avers that the damages complained of by the Plaintiffs' in their Complaint are the result of superseding and/or intervening causes over which this Defendant had no control.

26. The Defendant hereby raises the statute of limitations as an affirmative defense. It is believed and therefore averred that some or all of the Plaintiffs' damages were the result of previous flooding, which occurred beyond the statute of limitations. It is also averred that the discovery rule may not apply to Plaintiffs in light of the prior incidents.

27. The Defendant hereby raises the statute of repose as an affirmative defense. It is believed and therefore averred that any work performed by its contractors may fall outside of the statutory period within which suit must be brought by the Plaintiffs.

28. The Defendant did not breach any duty which may have been owed to the Plaintiffs.

29. The Defendant avers that the damages complained of by Plaintiffs in their Complaint were the result of the superseding or intervening acts of third persons or parties over which this Defendant had no right of control.

WHEREFORE, the Defendant, National Fuel Gas Distribution Corporation denies that they are liable to the Plaintiffs for any sum whatsoever and demands judgment be entered in their favor.

Respectfully submitted,

LAW OFFICES OF JERRY S. EISENBERG



Jerry S. Eisenberg, Esquire
Attorney for National Fuel Gas Distribution
Corporation, Defendant

VERIFICATION

I, Jerry S. Eisenberg, do hereby verify that I am counsel for National Fuel Gas Distribution Corporation, Defendant herein, and that as such, I have the authority to make this verification on behalf of National Fuel Gas Distribution Corporation, Defendant herein. I verify that the averments of fact set forth in the foregoing Amended Answer and New Matter to Plaintiffs' Complaint are true and correct to the best of my knowledge, information and belief based upon information provided to me by others.

This verification is made subject to the penalties of 18 PA CSA Section 4904 relating to unsworn falsification to authorities.

Dated: 5-19-03



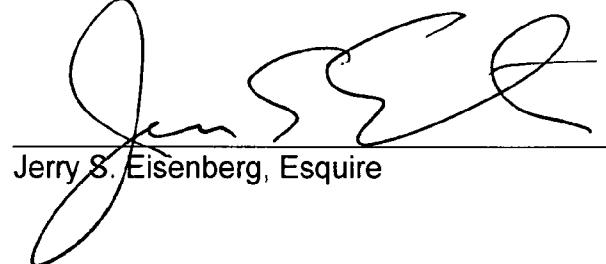
JERRY S. EISENBERG, ESQUIRE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amended Answer and New Matter to Plaintiffs' Complaint was served upon the following at their address of record by first class mail, postage prepaid, this 1st day May, 2003.

Ryan M. Tira, Esquire
McNERNEY, PAGE, VANDERLIN & HALL
433 Market Street
P.O. Box 7
Williamsport, PA 17703

LAW OFFICES OF JERRY S. EISENBERG



Jerry S. Eisenberg, Esquire

FILED

NO
CC

104831
MAY 21 2003
FEB

William A. Shaw
Prothonotary

DENNIS D. HAZLAK, and his wife, : IN THE COURT OF COMMON PLEAS OF
KATHLEEN D. HAZLAK, : CLEARFIELD COUNTY, PENNSYLVANIA
: :
Plaintiffs, : CIVIL ACTION - LAW
: :
v. : NO. 2003-469-CD
: :
NATIONAL FUEL GAS :
DISTRIBUTION CORPORATION, :
Defendant. : :

CA
FILED

MAY 14 2003
5/12-30/03
William A. Shaw
Prothonotary
I CERT TO APP

PLAINTIFFS' PRELIMINARY OBJECTION TO
DEFENDANTS NATIONAL FUEL GAS DISTRIBUTION CORPORATION
ANSWER AND NEW MATTER

1. On or about April 30, 2003, Defendant National Fuel Gas Distribution Corporation("Defendant") filed an Answer and New Matter to the Plaintiffs' Complaint.
2. Pennsylvania Rule of Civil Procedure 1019(a) states "The material facts in which a cause of action or defense is based shall be stated in a concise and summary form".
3. Pennsylvania Rule of Civil Procedure 1028(c) permits a preliminary objection raising insufficient specificity of a defendant's pleading.
4. When a Defendant's New Matter sets forth an affirmative defense totally unsupported by factual allegations, the Plaintiff is entitled to file preliminary objections and have the general averment stricken. 5 Standard Pennsylvania Practice 2d §26:52 (Citing Allen v. Lipson, 8 Pa. D. & C. 4th 390 (C.P. 1990)).

I. Motion to Strike
Paragraph 26 of Defendant's Answer and New Matter
Pursuant to Pa. R.Civ.P. 1019 and 1028(a)(3)

5. Paragraphs 1-4 are hereby incorporated herein by reference as though set forth in full.

6. Paragraph 26 of Defendant's Answer and New Matter raises the affirmative defense of the statute of limitations.

7. Paragraph 26 constitutes a general averment of an affirmative defense.

8. Paragraph 26 is an improper boilerplate averment of an affirmative defense, failing to set forth any facts to support the general averment.

9. Due to the failure to conform to Pennsylvania Rules of Civil Procedure, paragraph 26 should be stricken as improper and not in conformance with the applicable Rules of Civil Procedure.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to strike paragraph 26 of Defendants' Answer and New Matter.

II. Motion to Strike
Paragraph 27 of Defendant's Answer and New Matter
Pursuant to Pa. R.Civ.P. 1019 and 1028(a)(3)

10. Paragraphs 1-9 are hereby incorporated herein by reference as though set forth in full.

11. Paragraph 27 of Defendant's Answer and New Matter raises the affirmative defense of the statute of repose.

12. Paragraph 27 constitutes a general averment of an affirmative defense.

13. Paragraph 27 is an improper boilerplate averment of an affirmative defense, failing to set forth any facts to support the general averment.

14. Due to the failure to conform to Pennsylvania Rules of Civil Procedure, paragraph 27 should be stricken as improper and not in conformance with the applicable Rules of Civil Procedure.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to strike paragraph 27 of Defendants' Answer and New Matter.

III. Motion to Strike
Paragraph 28 of Defendant's Answer and New Matter
Pursuant to Pa. R.Civ.P. 1019 and 1028(a)(3)

15. Paragraphs 1-14 are hereby incorporated herein by reference as though set forth in full.

16. Paragraph 28 of Defendant's Answer and New Matter raises the affirmative defense of the Pennsylvania Comparative Negligence Act.

17. Paragraph 28 constitutes a general averment of an affirmative defense.

18. Paragraph 28 is an improper boilerplate averment of an affirmative defense, failing to set forth any facts to support the general averment.

19. Due to the failure to conform to Pennsylvania Rules of Civil Procedure, paragraph 28 should be stricken as improper and not in conformance with the applicable Rules of Civil Procedure.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to strike paragraph 28 of Defendants' Answer and New Matter.

IV. Motion to Strike
Paragraph 29 of Defendant's Answer and New Matter
Pursuant to Pa. R.Civ.P. 1019 and 1028(a)(3)

20. Paragraphs 1-19 are hereby incorporated herein by reference as though set forth in full.

21. Paragraph 29 of Defendant's Answer and New Matter raises the affirmative defense of the assumption of risk.

22. Paragraph 29 constitutes a general averment of an affirmative defense.

23. Paragraph 29 is an improper boilerplate averment of an affirmative defense, failing to set forth any facts to support the general averment.

24. Due to the failure to conform to Pennsylvania Rules of Civil Procedure, paragraph 29 should be stricken as improper and not in conformance with the applicable Rules of Civil Procedure.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to strike paragraph 29 of Defendants' Answer and New Matter.

Respectfully submitted,

McNERNEY, PAGE, VANDERLIN & HALL

BY: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs

433 Market Street
P.O. Box 7
Williamsport, PA 17703
Telephone: 570-326-6555

Dated: 5/13/03

**DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK,** : **IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**
:
Plaintiffs, : **CIVIL ACTION - LAW**
:
v. : **NO. 2003-469-CD**
:
NATIONAL FUEL GAS :
DISTRIBUTION CORPORATION, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Pa. R.C.P. Rule 403, on this 13th day of May, 2003, a true and correct copy of the foregoing Preliminary Objections to Defendants National Fuel Gas Distribution Corporation Answer and New Matter was served by placing same in the United States Mail, Certified Mail, Receipt No. 7002 0510 0001 6354 1128, addressed to Mr. Jerry S. Eisenberg, Esquire, 1225 One Oxford Centre, 301 Grant Street, Pittsburgh, Pennsylvania 15219, Counsel of record for Defendant, and this Certificate of Service filed with the Prothonotary, Clearfield County Courthouse, 230 East Market Street, Clearfield, Pennsylvania 16830.

McNERNEY, PAGE, VANDERLIN & HALL

BY: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs

433 Market Street
PO Box 7
Williamsport, Pennsylvania 17703
Telephone: (570) 326-6555

FILED
MAY 14 2003
William A. Shaw
Prothonotary

DENNIS D. HAZLAK, and his wife, KATHLEEN D. HAZLAK, Plaintiffs,	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
v.		CIVIL ACTION - LAW
NATIONAL FUEL GAS DISTRIBUTION CORPORATION, Defendant.	:	NO. 2003-469-CD

Case assigned to Judge: _____

1. Name of filing party: Dennis D. and Kathleen D. Hazlak

2. Filing party's attorney: Ryan M. Tira, Esquire

3. Type of filing: Plaintiffs' Preliminary Objection to Defendants National Fuel Gas Distribution Corporation Answer and New Matter

4. The following is/are required:

- Issuance of a rule to show cause (See Pa. R.C.P. No. 206.5 for form)
- Argument
- Evidentiary Hearing
- Court conference
- Entry of order in an uncontested matter or upon agreement of the parties
(attach order and all supporting documentation)
- Expedited consideration. State the basis:

5. Time required: 1/2 hour

6. Name and address of all counsel of record and unrepresented parties.

Ryan M. Tira, Esquire
McNerney, Page, Vanderlin & Hall
433 Market Street
Williamsport, PA 17703
Counsel for Plaintiffs

Jerry S. Eisenberg, Esquire
1225 One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219
Counsel of Record for Defendant

ORDER

1. An _____ argument _____ factual hearing _____ court conference
is scheduled for _____ at _____ m. in Courtroom no. _____ Lycoming County Courthouse,
Williamsport, Pennsylvania.

2. _____ Briefs are to be filed by the following dates:

Filing party _____
Responding party(ies) _____

3. _____ A rule to show cause or other order is issued as attached.

4. Other _____

Judge

Date

c: Ryan M. Tira, Esquire
Jerry S. Eisenberg, Esquire
Scheduling Clerk

DENNIS D. HAZLAK, and his wife, : IN THE COURT OF COMMON PLEAS OF
KATHLEEN D. HAZLAK, : CLEARFIELD COUNTY, PENNSYLVANIA
: :
Plaintiffs, : CIVIL ACTION - LAW
: :
v. : NO. 2003-469-CD
: :
NATIONAL FUEL GAS :
DISTRIBUTION CORPORATION, :
Defendant. : :
:

FILED

JUN 04 2003

**PLAINTIFFS' ANSWER
TO THE DEFENDANT'S NEW MATTER**

William A. Shaw
Prothonotary

AND NOW, comes the Plaintiffs, Dennis D. Hazlak and Kathleen D. Hazlak, his wife, by and through their attorneys, McNerney, Page, Vanderlin & Hall, and file the following Answer to the Defendant's New Matter and avers the following:

21. No answer required.
22. Denied. National Fuel Gas was responsible for the installation of the gas lines and therefore was aware of the conditions in the area of the gas lines.
23. Denied. National Fuel Gas or its contractors improperly installed the gas lines in a manner that caused the drainage pipes to the Plaintiffs' home to become inoperable.
24. Denied. The damages averred in the Plaintiffs' Complaint are directly related to the flooding that occurred in May 2002. No flooding of the Plaintiffs' home occurred prior to National Fuel Gas's installation of the gas lines to the Plaintiffs' home.
25. Denied. By way of further explanation, National Fuel Gas has failed to identify any superseding and/or intervening cause which allegedly existed and/or caused the damage to the Plaintiffs' home. Therefore, strict proof of any superseding or intervening cause is demanded at trial.

26. Denied. The Plaintiffs' damages are a direct result of flooding that occurred in May 2002. At no time prior to July 15, 2002, were the Plaintiffs aware of the crushed drainage pipes.

27. Denied. National Fuel Gas has failed to allege any applicable statutory period in which the Plaintiffs' Complaint was required to be filed within.

28. Denied. National Fuel Gas fails to allege any facts that support that National Fuel Gas has not breached its duty to the Plaintiffs to properly install the gas lines to their home.

29. Denied. National Fuel Gas fails to identify any third party responsible for any alleged superseding or intervening act. Therefore, strict proof of any third party responsible for any superseding or intervening act is demanded at trial.

WHEREFORE, the Plaintiffs, Dennis D. Hazlak and Kathleen D. Hazlak, demand judgment against the Defendant, National Fuel Gas Distribution Corporation, for their negligence that caused damages to the Plaintiffs in the amount of \$32,145.16, along with costs and any other relief this Court deems appropriate.

Respectfully submitted,

McNERNEY, PAGE, VANDERLIN & HALL

BY: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs

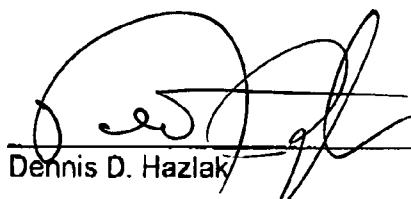
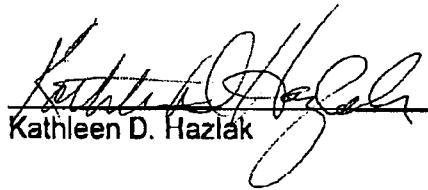
433 Market Street, P.O. Box 7
Williamsport, PA 17703
Telephone: (570) 326-6555

Date: 6/2/05

272457

VERIFICATION

We, Dennis D. Hazlak and Kathleen D. Hazlak, hereby state that we are the Plaintiffs in the foregoing and that the facts contained herein are true, correct and accurate to the best of my knowledge, information and belief. I further understand that false statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.


Dennis D. Hazlak
Kathleen D. Hazlak

1846 Line Tree Road, Houghsville, PA 17323. Telephone: (520) 541-0426. Fax: (520) 541-6422

¹⁰ See, for example, the discussion of the 1992 Constitutional Convention in the *Constitutional Convention of 1992: The Final Report* (1993).

¹⁴ See also the discussion of the role of the state in the development of the market in the section on the 'Economic State' in this volume.

**DENNIS D. HAZLAK, and
KATHLEEN D. HAZLAK, his wife** : **IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**
Plaintiffs, : **CIVIL ACTION - LAW**
v. : **NO. 2003-469-CD**
**NATIONAL FUEL GAS
DISTRIBUTION CORPORATION,** :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiffs' Answer to Defendant's New Matter was served upon Jerry S. Eisenberg, Esquire, at 1225 One Oxford Center, 301 Grant Street, Pittsburgh, PA 15219, by placing same in the United States First Class Mail, postage pre-paid, with a Certificate of Mailing on the 3rd day of June, 2003, the original having been mailed for filing with the Prothonotary of Clearfield County, Pennsylvania on the same date.

Respectfully submitted,

McNERNEY, PAGE, VANDERLIN & HALL

BY: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs

433 Market Street, P.O. Box 7
Williamsport, PA 17703
Telephone: (570) 326-6555

100-2523
JUN 04 1963
No
cc

William A. Shaw
Framham Station

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN HAZLAK,

Plaintiffs,

vs

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION,

Defendant,

CIVIL DIVISION

No.: GD 2003-469-CD

NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

Filed on behalf of: Defendant

Counsel of record for this party:

Jerry S. Eisenberg, Esquire
LAW OFFICES OF JERRY S.
EISENBERG
1225 One Oxford Center
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 41241

Tel. (412) 281-7761

JURY TRIAL DEMANDED

FILED

JUN 30 2003

William A. Shaw
Prothonotary

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN HAZLAK,

Plaintiffs,

vs

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION,

Defendant,

CIVIL DIVISION

No.: GD 2003-469-CD

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS**

TO: PROTHONOTARY

It is hereby certified that the Interrogatories and Request for Production of Documents were forwarded to counsel for Plaintiffs on this 27th day of June, 2003 by first class mail.

LAW OFFICES OF JERRY S. EISENBERG



Jerry S. Eisenberg, Esquire
Attorney for National Fuel Gas Distribution
Corporation, Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Service of Interrogatories and Request for Production of Documents was served upon the following at their address of record by first class mail, postage prepaid, this 27th day June, 2003.

Ryan M. Tira, Esquire
McNERNEY, PAGE, VANDERLIN & HALL
433 Market Street
P.O. Box 7
Williamsport, PA 17703

LAW OFFICES OF JERRY S. EISENBERG



Jerry S. Eisenberg, Esquire

FILED NO
cc

10:46 AM
JUN 30 2003

William A. Shaw
Prothonotary

DENNIS D. HAZLAK, and his wife
KATHLEEN D. HAZLAK, : IN THE COURT OF COMMON PLEAS
Plaintiff, : CLEARFIELD COUNTY, PENNSYLVANIA
v. :
NATIONAL FUEL GAS : CIVIL ACTION - LAW
DISTRIBUTION CORPORATION, :
Defendants. : NO. 2003-469-CD

CERTIFICATE OF SERVICE

Ryan M. Tira, Esquire, hereby certifies that he has served a true and correct copy of the Plaintiff's Response to Defendant's First Set of Interrogatories Directed to the Plaintiffs to Jerry S. Eisenberg, Esquire, 1225 One Oxford Center, 301 Grant Street, Pittsburgh, PA 15219, by placing the same in the United States mail, postage prepaid, first class rate, with a Certificate of Mailing, on this the 14th day of August, 2003.

Submitted by;

McNERNEY, PAGE, VANDERLIN & HALL

BY: 
Ryan M. Tira, Esquire
I.D. #89338
Attorney for Plaintiff

433 Market Street
PO Box 7
Williamsport, PA 17703
Telephone: 570-326-6555

FILED

AUG 15 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED
M 11/12/03
AUG 15 2003
cc

William A. Shaw
Prothonotary/Clerk of Courts



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DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK, : IN THE COURT OF COMMON PLEAS OF
Plaintiffs, : CLEARFIELD COUNTY, PENNSYLVANIA
v. : CIVIL ACTION - LAW
NATIONAL FUEL GAS : NO. 2003-469-CD
DISTRIBUTION CORPORATION, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify on this 9th day of October, 2003, an original of the foregoing Plaintiff's Interrogatories Addressed to Defendant National Fuel Gas Distribution Corporation, and this Certificate of Service, was served to Jerry S. Eisenberg, Esquire, 12251 Oxford Center, 301 Grant Street, Pittsburgh, PA 15219 by depositing the same in the First Class Mail, postage prepaid, via the United States Postal Service.

McNERNEY, PAGE, VANDERLIN & HALL

BY: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs
433 Market Street
P.O. Box 7
Williamsport, PA 17703
Telephone: 570-326-6555

FILED

OCT 10 2003
M/1:30P
William A. Shaw
Prothonotary/Clerk of Courts
L CANT TO AKA

FILED

OCT 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK, : IN THE COURT OF COMMON PLEAS OF
Plaintiffs, : CLEARFIELD COUNTY, PENNSYLVANIA
v. :
: CIVIL ACTION - LAW
: NO. 2003-469-CD
:
NATIONAL FUEL GAS :
DISTRIBUTION CORPORATION, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify on this 9th day of October, 2003, an original of the foregoing Plaintiff's Request for Documents Addressed to Defendant National Fuel Gas Distribution Corporation, and this Certificate of Service, was served to Jerry S. Eisenberg, Esquire, 12251 Oxford Center, 301 Grant Street, Pittsburgh, PA 15219 by depositing the same in the First Class Mail, postage prepaid, via the United States Postal Service.

McNERNEY, PAGE, VANDERLIN & HALL

BY: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs
433 Market Street
P.O. Box 7
Williamsport, PA 17703
Telephone: 570-326-6555

FILED

OCT 10 2003

11:30 AM
William A. Shaw
Prothonotary/Clerk of Courts
1 Cents to Return

E. Tira

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN HAZLAK,

Plaintiffs,

vs

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION,

Defendant,

CIVIL DIVISION

No.: GD 2003-469-CD

NOTICE OF SERVICE OF
DEFENDANT'S ANSWERS TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES AND RESPONSE
TO PLAINTIFFS' FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

Filed on behalf of: Defendant

Counsel of record for this party:

Jerry S. Eisenberg, Esquire
LAW OFFICES OF JERRY S.
EISENBERG
1225 One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 41241

Tel. (412) 281-7761

JURY TRIAL DEMANDED

FILED

NOV 17 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

DENNIS D. HAZLAK, and his wife,
KATHLEEN HAZLAK,

Plaintiffs,

vs

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION,

Defendant,

CIVIL DIVISION

No.: GD 2003-469-CD

**NOTICE OF SERVICE OF DEFENDANT'S ANSWERS TO PLAINTIFFS' FIRST SET
OF INTERROGATORIES AND RESPONSE TO PLAINTIFFS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

TO: PROTHONOTARY

It is hereby certified that the original Defendant's Answers to Plaintiffs' First Set of Interrogatories and Response to Plaintiffs' First Request for Production of Documents were forwarded to counsel for Plaintiffs on this 13th day of November, 2003 by first class mail.

LAW OFFICES OF JERRY S. EISENBERG



Jerry S. Eisenberg, Esquire
Attorney for National Fuel Gas Distribution
Corporation, Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Service was served upon the following at their address of record by first class mail, postage prepaid, this 13th day **November, 2003**.

Ryan M. Tira, Esquire
McNERNEY, PAGE, VANDERLIN & HALL
433 Market Street
P.O. Box 7
Williamsport, PA 17703

LAW OFFICES OF JERRY S. EISENBERG



Jerry S. Eisenberg, Esquire

FILED NO cc
M1904-
NOV 17 2003
WPS

William A. Shaw
Prothonotary/Clerk of Courts

DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK,
Plaintiffs, : IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
v. :
: CIVIL ACTION - LAW
: NO. 2003-469-CD
NATIONAL FUEL GAS :
DISTRIBUTION CORPORATION, :
Defendant. :
:

PRAECIPE TO DISCONTINUE

TO THE CLERK OF JUDICIAL RECORDS:

Kindly mark the above-captioned matter settled, ended and discontinued with prejudice.

McNERNEY, PAGE, VANDERLIN & HALL

By: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs

433 Market Street, P.O. Box 7
Williamsport, PA 17703
Telephone: (570) 326-6555

Dated: 4/10/04

FILED

APR 07 2004

WILLIAM A. SHAW
PENNSYLVANIA NOTARY

DENNIS D. HAZLAK, and his wife,
KATHLEEN D. HAZLAK,
Plaintiffs, : IN THE COURT OF COMMON PLEAS OF
v. : CLEARFIELD COUNTY, PENNSYLVANIA
NATIONAL FUEL GAS :
DISTRIBUTION CORPORATION, : CIVIL ACTION - LAW
Defendant. : NO. 2003-469-CD

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2004, a copy of the Praeclipe to Discontinue was served upon Jerry S. Eisenberg, Esquire, 12251 Oxford Center, 301 Grant Street, Pittsburgh, PA 15219, by placing same in the United States First Class Mail, postage prepaid, and the original having been filed with the Prothonotary of Clearfield County, Pennsylvania, on this same date.

McNERNEY, PAGE, VANDERLIN & HALL

By: Ryan M. Tira
Ryan M. Tira, Esquire
I.D. No. 89338
Attorney for Plaintiffs

433 Market Street, P.O. Box 7
Williamsport, PA 17703
Telephone: (570) 326-6555

Dated: 4/6/04

FILED

10:24 AM REC'D CLERK'S OFFICE

APR 07 2004

EP

William A. Shaw
Prostatory

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Dennis D. Hazlak
Kathleen D. Hazlak**

Vs. No. 2003-00469-CD
National Fuel Gas Distribution Corporation

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 7, 2004, marked:

Discontinued, settled and ended.

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of April A.D. 2004.



William A. Shaw, Prothonotary