

03-478-CD
JODY MC LAUGHLIN, ~~ET AL.~~ VS.
DONALD H. REIGEL, ET AL.

Date: 12/09/2004

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 02:43 PM

ROA Report

Page 1 of 1

Case: 2003-00478-CD

Current Judge: Fredric Joseph Ammerman

Jody McLaughlin vs. Donald H. Reigel, E. Gay Reigel

Civil Other

Date		Judge
04/03/2003	Filing: Praeclipe for Writ Of Summons Paid by: Ellermeyer, Joseph H. (attorney for McLaughlin, Jody) Receipt number: 1858133 Dated: 04/03/2003 Amount: \$85.00 (Check) No CC. 2 Writs to Sheriff.	No Judge <input checked="" type="checkbox"/>
05/30/2003	Sheriff Returns: Now May 6, 2003 Summons returned Marked "Writ Expired" Shff. Hawkins \$28.97 Surcharge \$20.00 Paid by Atty.	No Judge <input checked="" type="checkbox"/>
06/05/2003	Filing: Reissue Writ/Complaint Paid by: Ellermeyer, Joseph H. Esq (attorney for McLaughlin, Jody) Receipt number: 1861192 Dated: 06/05/2003 Amount: \$7.00 (Check) Praeclipe To Reissue Writ of Summons. filed by s/Joseph H. Ellermeyer, Esquire 3 Writs Re-issued to Shff	No Judge <input checked="" type="checkbox"/>
07/21/2003	Filing: Reissue Writ/Complaint Paid by: Ellermeyer, Joseph H. Receipt number: 1863333 Dated: 07/21/2003 Amount: \$7.00 (Check) Praeclipe To Reissue Writ Of Summons. filed by s/Joseph H. Ellermeyer, Esquire 2 Wrots Re-issued to Shff	No Judge <input checked="" type="checkbox"/>
07/25/2003	Sheriff Return, Now, June 12, 2003, attempted to serve summons on Defendants by deputizing the Sheriff of Allegheny County. Return of Sheriff DeFazio is hereto attached and made a part of this return*marked "MOVED", Leonard Silk bought house off of Defendant a few years ago. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge <input checked="" type="checkbox"/>
07/28/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge <input checked="" type="checkbox"/>
08/28/2003	Entry Of Appearance On Behalf Of Donald H. Reigel and E. Gay Reigel, Defendants. filed by s/Joseph P. Green, Esq. Certificate of Service no cc	No Judge <input checked="" type="checkbox"/>
10/20/2003	Praeclipe to Enter A Rule upon the Plaintiffs. s/Joseph P. Green, Esquire 1 cc & Issued Rule to Attorney Green	No Judge <input checked="" type="checkbox"/>
11/06/2003	Complaint filed by Atty. Ellermeyer 2 CC to Atty.	No Judge <input checked="" type="checkbox"/>
12/01/2003	Answer and New Matter. filed by, s/Joseph P. Green, Esquire Verification s/Donald H. Reigel Certificate of Service 1 cc Atty Green	No Judge <input checked="" type="checkbox"/>
12/31/2003	Plaintiff's Reply To Defendants' New Matter. filed by, s/Joseph H. Ellermeyer, Esquire Verification s/Jody Fitzsimmons McLaughlin no cc	No Judge <input checked="" type="checkbox"/>
01/05/2004	Motion To Amend. filed by, s/Joseph H. Ellermeyer, Esquire Verification s/Jody McLaughlin 1 cc Atty Ellermeyer	No Judge <input checked="" type="checkbox"/>
02/17/2004	Stipulation to Resolve the Pending Motion to Amend w/o Further Hearing. s/Joseph H. Ellermeyer, Esq. s/Joseph P. Green, Esq. no cc copy to CA	Fredric Joseph Ammerman <input checked="" type="checkbox"/>
11/22/2004	Motion for Summary Judgment, filed by s/Joseph P. Green, Esq. One CC Attorney Green	Fredric Joseph Ammerman <input checked="" type="checkbox"/>
12/08/2004	Order AND NOW, this 6th day of December, 2004, it is the ORDER of the Court that argument on Def. Motion for Summary Judgment filed in the above matter has been scheduled for the 17th day of December, 2004 at 9AM. A/FJA 2 CC to Atty. Green w/memo re; service.	Fredric Joseph Ammerman <input checked="" type="checkbox"/>

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

JODY McLAUGHLIN p/k/a
JODI FITZSIMMONS,

Plaintiff,

vs.

DONALD H. REIGEL and
E. GAY REIGEL, husband and wife,

Defendants.

CIVIL ACTION - Law

No.: 03-478-CD C.D. 2003

Type of Pleading:
PRAECIPE FOR WRIT
OF SUMMONS

Filed on behalf of: Plaintiff

Counsel of Record for this
Party:

Joseph H. Ellermeyer, Esquire
Achille, Ellermeyer & French,
Attorneys at Law
379 Main Street
Brookville, PA 15825
814 849-6701
I.D. No. 43944

FILED

APR 03 2003

William A. Shaw
Prothonotary

JODY McLAUGHLIN p/k/a : IN THE COURT OF COMMON PLEAS OF
JODY FITZSIMMONS, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :
: CIVIL ACTION - Law
: vs. : No.: C.D. 2003
: :
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife, :
Defendant. :
:

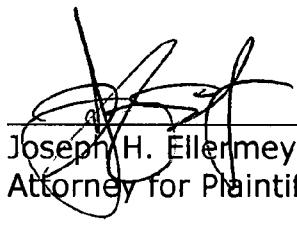
PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COUNTY:

Kindly issue Writs of Summons in civil action against the above-named Defendants in the above-captioned matter.

Please deliver the Summons to Sheriff's Office of Clearfield County to deputize the Sheriff of Allegheny County for service upon the Defendants at 700 Devonshire Street, Pittsburgh, Pennsylvania.

Respectfully submitted,


Joseph H. Ellermeyer
Attorney for Plaintiff

FILED

5/13/2003
No cc

Atty pd \$5.00

APR 03 2003

2003-2003-2003
2003-2003-2003

William A. Shaw
Prothonotary

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

SUMMONS

**Jody McLaughlin, p/k/a
Jodi Fitzsimmons**

Vs.

NO.: 2003-00478-CD

**Donald H. Reigel and
E. Gay Reigel, husband and wife**

**TO: DONALD H. REIGEL
E. GAY REIGEL**

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: 04/03/2003

William A. Shaw
Prothonotary

Issuing Attorney:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221

5 June Document

~~Reissued to Sheriff/Attorney~~
for service.

L-H-A
~~Prothonotary~~

21 July 03 Document

~~Reissued to Sheriff/Attorney~~
for service.

W.L.B.
~~Prothonotary~~

In The Court of Common Pleas of Clearfield County, Pennsylvania

McLAUGHLIN, JODY P/K/A JODI FITZSIMMONS

Sheriff Docket #

13904

VS.

03-478-CD

REIGEL, DONALD H. and E GAY REIGEL

SUMMONS

SHERIFF RETURNS

NOW APRIL 14, 2003 PETER DEFAZIO, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON DONALD H. REIGEL AND E. GAY REIGEL, DEFENDANTS.

NOW MAY 6, 2003 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON DONALD H. REIGEL AND E. GAY REIGEL, DEFENDANTS BY DEPUTIZING THE SHERIFF OF ALLEGHENY COUNTY. THE RETURN OF SHERIFF DEFAZIO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "WRIT EXPIRED".

FILED

0 1:59 PM

108 MAY 30 2003

William A. Shaw
Prothonotary

Return Costs

Cost	Description
28.97	SHERIFF HAWKINS PAID BY: ATTY CK# 4869
20.00	SURCHARGE PAID BY: ATTY CK# 4870

Sworn to Before Me This

30 Day Of May 2003
William A. Shaw

So Answers,

Chester Hawkins
by Marley Hamm
Chester A. Hawkins
Sheriff

P.R.D.
PETER R. DEFAZIO
Sheriff

202
ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700

DENNIS SKOSNIK
Chief Deputy

PLAINTIFF JODY McLAUGHLIN

VS.

DEFT. DONALD H. REIGEL

ADD. DEFT. _____

ADD. DEFT. _____

GARNIShee _____

ADDRESS 700 Devonshire Street
Pittsburgh, PA 15213

MUNICIPALITY or CITY WARD Oakland - Fourth Ward

ATTY. Joseph H. Ellermeyer, Esquire

DATE: April 2003

ADDRESS 379 Main Street

ATTY'S Phone 814/849-6701

Brookville, PA 15825

INDICATE TYPE OF SERVICE: PERSONAL PERSON IN CHARGE DEPUTIZE CERT. MAIL POSTED OTHER LEVY SEIZED & STORE

Now 19 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby depose the Sheriff of

County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person or attachment without liability on the part of such deputy herein for any loss, destruction or removal of any property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at: _____

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY AND RETURN that on the 6 day of May 2003 at 10:00 A.M. Address Above/Address Below. County of Allegheny, Pennsylvania

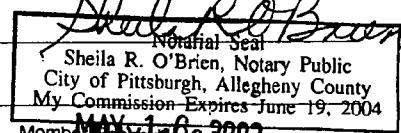
I have served in the manner described below:

- Defendant(s) personally served.
- Adult family member with whom said Defendant(s) reside(s). Name & Relationship _____
- Adult in charge of Defendant's residence who refused to give name or relationship.
- Manager/Clerk of place of lodging in which Defendant(s) reside(s).
- Agent or person in charge of Defendant(s) office or usual place of business.
- Other _____
- Property Posted _____

Defendant not found because: Moved Unknown No Answer Vacant Other _____

Certified Mail Receipt _____ Envelope Returned _____ Neither receipt or envelope returned: writ expired _____

Regular Mail Why _____



You are hereby notified that on _____, 19 _____, levy was made in the case of _____
Possession/Sale has been set for _____, 19 _____ at _____ o'clock.

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____ / _____ / _____ / _____ / _____

PETER R. DEFAZIO, Sheriff

By: Peter R. DeFazio
Deputy
District _____

Additional Costs Due \$ _____, This is placed
on writ when returned to Prothonotary. Please check before
satisfying case.

P.R. (e)

PETER R. DEFAZIO
Sheriff

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700

105
DENNIS SKOSNIK
Chief Deputy

PLAINTIFF JODY McLAUGHLIN

VS.

DEFT. E. GAY REIGEL

ADD. DEFT. _____

ADD. DEFT. _____

GARNISHEE _____

ADDRESS 700 Devonshire Street
Pittsburgh, PA 15213

MUNICIPALITY or CITY WARD Oakland - Fourth Ward

ATTY. Joseph H. Ellermeyer, Esquire

DATE: April xx 2003

ADDRESS 879 Main Street

ATTY'S Phone 814/849-6701

Brookville, PA 15825

INDICATE TYPE OF SERVICE: PERSONAL PERSON IN CHARGE DEPUTIZE CERT. MAIL POSTED OTHER LEVY SEIZED & STORE

Now. 19 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person or attachment without liability on the part of such deputy herein for any loss, destruction or removal of any property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at: _____

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY AND RETURN that on the 6 day of MAY, 2003 at 10:00 A.M. Address Above/Address Below. County of Allegheny, Pennsylvania

I have served in the manner described below:

- Defendant(s) personally served.
- Adult family member with whom said Defendant(s) reside(s). Name & Relationship _____
- Adult in charge of Defendant's residence who refused to give name or relationship.
- Manager/Clerk of place of lodging in which Defendant(s) reside(s).
- Agent or person in charge of Defendant(s) office or usual place of business.
- Other _____
- Property Posted _____

Defendant not found because: Moved Unknown No Answer Vacant Other _____

Certified Mail Receipt _____ Envelope Returned _____ Neither receipt or envelope returned: writ expired _____

Regular Mail Why _____

Shelia R. O'Brien
Sheila R. O'Brien, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 19, 2004
Member, Pennsylvania Association of Notaries

You are hereby notified that on _____, 19_____, levy was made in the case of _____
Possession/Sale has been set for _____, 19_____, at _____ o'clock.

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____ / _____ / _____ / _____ / _____

PETER R. DEFAZIO, Sheriff

By _____

Deputy _____

District _____

Additional Costs Due \$_____, This is placed
on writ when returned to Prothonotary. Please check before
satisfying case.



Sheriff's Office Clearfield County

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-5915

CHESTER A. HAWKINS
SHERIFF

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

Robert Snyder
CHIEF DEPUTY
Cynthia Aughenbaugh
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Pb. 13904

JODY MC LAUGHLIN p/k/a TERM & NO. 03-478-CD

VS DOCUMENT TO BE SERVED:

DONALD H. REIGEL & E. GAY REIGEL SUMMONS

SERVE BY: 05/03/2003

MAKE REFUND PAYABLE TO: ACHILLE, ELLERMAYER & FRENCH, ATTY.

SERVE: DONALD H. REIGEL and E. GAY REIGEL

ADDRESS: 700 DEVONSHIRE ST., PITTSBURGH, PA. 15213

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 14th Day of APRIL 2003

Respectfully,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

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

SUMMONS

**Jody McLaughlin, p/k/a
Jodi Fitzsimmons**

Vs.

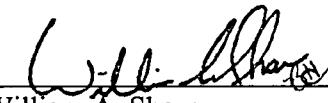
NO.: 2003-00478-CD

**Donald H. Reigel and
E. Gay Reigel, husband and wife**

**TO: DONALD H. REIGEL
 E. GAY REIGEL**

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: 04/03/2003



William A. Shaw
Prothonotary

Issuing Attorney:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221

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

SUMMONS

**Jody McLaughlin, p/k/a
Jodi Fitzsimmons**

Vs.

NO.: 2003-00478-CD

**Donald H. Reigel and
E. Gay Reigel, husband and wife**

**TO: DONALD H. REIGEL
E. GAY REIGEL**

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: 04/03/2003



William A. Shaw
Prothonotary

Issuing Attorney:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221

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

JODY McLAUGHLIN p/k/a
JODI FITZSIMMONS,

Plaintiff,

vs.

DONALD H. REIGEL and
E. GAY REIGEL, husband and wife,

Defendants.

CIVIL ACTION - Law

No.: 478 C.D. 2003

Type of Pleading:
PRAECIPE TO REISSUE WRIT
OF SUMMONS

Filed on behalf of: Plaintiff

Counsel of Record for this
Party:

Joseph H. Ellermeyer, Esquire
Achille, Ellermeyer & French,
Attorneys at Law
379 Main Street
Brookville, PA 15825
814 849-6701
I.D. No. 43944

FILED
JULY 1 2003

WILLIAM R. SHAW
Notary Public
Pennsylvania

JOEY MULUGHIN v/JA
JOEY FLASSWOMNS,
CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff
CIVIL ACTION - LAW
No: 478 C.D. 2003
as.
DONALD H. REIGER and E. GAY
REGEL, husband and wife
Defendents.

PRIVILEGE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COUNTY:

Kindly issue Writs of Summons in Civil Action against the spouse-husband

Defendents in the above-captioned matter.

Please deliver the Summons to Sheriff's Office of Clearfield County to

deputy of the Sheriff of Allegheny County to receive number this day of July 200

Devonshire Street, Pittsburgh, Pennsylvania

William A. Protheroe
Protheroe & Shaw
Attorney to Plaintiff
Issued

FILE

JUN 8 2000
10:00 AM
2000

Resbe

1000

AM

2000

AM

2000

JODY McLAUGHLIN p/k/a : IN THE COURT OF COMMON PLEAS OF
JODY FITZSIMMONS, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :
vs. : CIVIL ACTION - Law
: No.: 478 C.D. 2003
: :
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife, :
Defendant. : :

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COUNTY:

Kindly re-issue Writs of Summons in civil action against the above-named Defendants in the above-captioned matter.

Please deliver the Summons to Sheriff's Office of Clearfield County to deputize the Sheriff of Allegheny County for service upon the Defendants at 700 Devonshire Street, Pittsburgh, Pennsylvania.

Respectfully submitted,

Joseph H. Ellermeyer
Attorney for Plaintiff

Atyp pd.

M120047 7.00

JUN 8 5 2003

3 wnts Re-issued

William A. Shaw

100

Prothonotary

to Shft

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

COPY

SUMMONS

**Jody McLaughlin, p/k/a
Jodi Fitzsimmons**

Vs.

NO.: 2003-00478-CD

**Donald H. Reigel and
E. Gay Reigel, husband and wife**

**TO: DONALD H. REIGEL
E. GAY REIGEL**

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: 04/03/2003

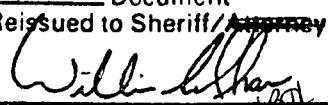


William A. Shaw

Prothonotary

Issuing Attorney:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221

10-5-03 Document
Re-issued to Sheriff/Attorney
for service.


William A. Shaw
Prothonotary

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

JODY McLAUGHLIN p/k/a
JODI FITZSIMMONS,

Plaintiff,

vs.

DONALD H. REIGEL and
E. GAY REIGEL, husband and wife,

Defendants.

CIVIL ACTION - Law

03-478-CD

No.: C.D. 2003

Type of Pleading:

PRAECIPE TO REISSUE WRIT
OF SUMMONS

Filed on behalf of: Plaintiff

Counsel of Record for this
Party:

Joseph H. Ellermeyer, Esquire
Achille, Ellermeyer & French,
Attorneys at Law
379 Main Street
Brookville, PA 15825
814 849-6701
I.D. No. 43944

FILED

JUL 21 2003

William A. Shaw
Prothonotary

File 2 wants re-issued
to Sheriff of
Jefferson Co.
Aug 21 2003
Atty pd. 7.00

William A. Shaw
Prothonotary

JODY McLAUGHLIN p/k/a : IN THE COURT OF COMMON PLEAS OF
JODY FITZSIMMONS, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :
: CIVIL ACTION - Law
: No.: C.D. 2003
vs. :
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife, :
Defendant. :
:

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COUNTY:

Kindly re- issue Writs of Summons in civil action against the above-named Defendants in the above-captioned matter.

Please deliver the Summons to Sheriff's Office of Clearfield County for service upon the Defendants at 1475 Treasure Lake, DuBois, Pennsylvania.

Respectfully submitted,



Joseph H. Eltermeyer
Attorney for Plaintiff

2 wnts Re-issued
to Shff ~~Off~~
Att'y pd. 7.00 ~~Att'y~~

Att'y pd. 7.00
Dated 2/1/83

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

CCPA
CL

SUMMONS

**Jody McLaughlin, p/k/a
Jodi Fitzsimmons**

Vs.

NO.: 2003-00478-CD

**Donald H. Reigel and
E. Gay Reigel, husband and wife**

**TO: DONALD H. REIGEL
E. GAY REIGEL**

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: 04/03/2003

William A. Shaw
Prothonotary

Issuing Attorney:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221

In The Court of Common Pleas of Clearfield County, Pennsylvania

McLAUGHLIN, JODY P/K/A JODI FITZSIMMONS

Sheriff Docket # 13904

VS.

03-478-CD

REIGEL, DONALD H. and E GAY REIGEL

SUMMONS

SHERIFF RETURNS

NOW JUNE 6, 2003, PETER DEFAZIO, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA TO SERVE THE WITHIN SUMMONS ON DONALD H. REIGEL and E. GAY REIGEL, DEFENDANTS.

NOW JUNE 12, 2003 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON DONALD H. REIGEL and E. GAY REIGEL, DEFENDANTS BY DEPUTIZING THE SHERIFF OF ALLEGHENY COUNTY. THE RETURN OF SHERIFF DEFAZIO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "MOVED". LEONARD SILK BOUGHT HOUSE OFF OF DEFENDANT A FEW YEARS AGO.

Return Costs

Cost	Description
24.97	SHERIFF HAWKINS PAID BY: ATTY CK# 5039
20.00	SURCHARGE PAID BY: ATTY CK# 5040
0.00	ALLEGHENY (NO COSTS)

Sworn to Before Me This

25th Day Of July 2003


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

So Answers,


Chester A. Hawkins
Sheriff

FILED

© 3:46-8P

JUL 25 2003



William A. Shaw
Prothonotary

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700
FAX (412) 350-6388

46 AT 57
PETER R. DEFAZIO
Sheriff

1 of 2
13904

PLAINTIFF: Jody McLaughlin

VS.

DEFT: E. Gay Reigel

DEFT: _____

DEFT: _____

GARNISHEE: _____

ADDRESS: 700 Devonshire Street
Pittsburgh, PA 15213

MUNICIPALITY OR CITY WARD: Oakland-Fourth Ward

ATTY: Joseph H. Ellermeyer, Esquire

DATE: June 3 2003

ADDRESS: 379 Main Street

ATTY'S PHONE: 814/849-6701

CD

INDICATE TYPE OF SERVICE: PERSONAL PERSON IN CHARGE DEPUTIZE MAIL POSTED OTHER LEVY SEIZED & STORED

NOW: 20 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at: _____

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 12th day of June, 2003, at 8:30 o'clock, A.M. P.M. Address Above/ Address Below, County of Allegheny, Pennsylvania

I have served in the manner Described below: _____

Defendant(s) personally served.

Adult family member with whom said Defendant(s) reside(s). Name & Relationship _____

Adult in charge of Defendant's residence who refused to give name or relationship.

Manager/other person authorized to accept deliveries of United States Mail _____

Agent or person in charge of Defendant(s) office or usual place of business.

Other _____

Property Posted _____

Defendant not found because: Moved Unknown No Answer Vacant Other *LEONARD SILK Bought the House*
OFF OF DEPT. A FEW years AGO

Certified Mail Receipt _____ Envelope Returned _____ Neither receipt or envelope retuned: writ expired _____

Regular Mail Why _____

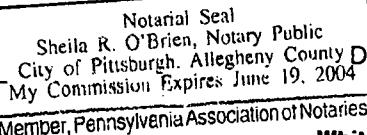
You are hereby notified that on _____, 19_____, levy was made in the case of _____
Possession/Sale has been set for _____, 20_____, at _____ o'clock

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____ / _____ / _____ / _____ / _____ / _____ / _____

Additional Costs Due \$ _____, This is
placed on writ when returned to Prothonotary. Please check
before satisfying case.

Affirmed and subscribed before me
this _____ day of JUN 20 2003



PETER R. DEFAZIO, Sheriff
BY: *Gary Decker* (DEPUTY)

DISTRICT: 4-12

Sheila R. O'Brien
Notary

Member, Pennsylvania Association of Notaries

White Copy - Sheriff

Pink Copy - Attorney

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
 PITTSBURGH, PA 15219-2496
 PHONE (412) 350-4700
 FAX (412) 350-6388

*Leonard
SILK*
PETER R. DEFAZIO
 Sheriff

205
DENNIS SKOSNIK
 Chief Deputy

PLAINTIFF: Jody McLaughlin

NO CHARGE
 CASE# 478 of 2003 CD

DEFT.: Donald H. Reigel

VS.

DEFT.: _____

DEFT.: _____

GARNIShee: _____

ADDRESS: 700 Devonshire Street
Pittsburgh, PA 15213

MUNICIPALITY OR CITY WARD: Oakland-Fourth Ward

ATTY: Joseph H. Ellermeyer, Esquire

DATE: June 3 2003

ADDRESS: 379 Main Street

ATTY'S PHONE: 814/849-6701

Brookville, PA 15825

INDICATE TYPE OF SERVICE: PERSONAL PERSON IN CHARGE DEPUTIZE MAIL POSTED OTHER LEVY SEIZED & STORED

NOW: 20 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby depelize the Sheriff of County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale therof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at: _____

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 12th day of June, 2003, at 8:30 o'clock, A.M. (P.M.) Address Above/ Address Below, County of Allegheny, Pennsylvania

I have served in the manner Described below: _____

Defendant(s) personally served.
 Adult family member with whom said Defendant(s) reside(s). Name & Relationship _____
 Adult in charge of Defendant's residence who refused to give name or relationship.
 Manager/other person authorized to accept deliveries of United States Mail _____
 Agent or person in charge of Defendant(s) office or usual place of business.

Other _____

Property Posted _____ *Leonardo SILK Bought the House off*

Defendant not found because: Moved Unknown No Answer Vacant Other *of the Deft. A few years Ago*

Certified Mail Receipt _____ Envelope Returned _____ Neither receipt or envelope returned: writ expired _____

Regular Mail Why _____

You are hereby notified that on _____, 19_____, levy was made in the case of _____
 Possession/Sale has been set for _____, 20_____, at _____ o'clock

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____ / _____ / _____ / _____ / _____ / _____ / _____

Additional Costs Due \$ _____, This is
 placed on writ when returned to Prothonotary. Please check
 before satisfying case.

Affirmed and subscribed before me

this _____ day of _____ 20_____
Shelia R. Obrien

Notary

PETER R. DEFAZIO, Sheriff

BY: *Larry Decker* (DEPUTY)

DISTRICT: 4-12

White Copy - Sheriff

Pink Copy - Attorney

Achille, Ellermeyer & French

Attorneys At Law

COPY

John G. Achille*
Joseph H. Ellermeyer
Stephen W. French**
*Also NJ Bar
**Also CPA

379 Main Street
Brookville, PA 15825

(814)849-6701 voice
(814)849-2889 fax

June 3, 2003

Prothonotary's Office
Clearfield County Courthouse
230 E Market Street
Clearfield, PA 16830

RE: McLaughlin v Reigel
No. 478 of 2003, C.D.

Dear Sir/madam:

Please find enclosed for filing a Praeclipe to Reissue the Writ of Summons relative to the above-captioned action. I have also enclosed the requisite filing fee.

After filing, please forward the Writ to the Sheriff of Clearfield County to forward to the Sheriff of Allegheny County for service upon the Defendants. I have also enclosed checks for the Sheriff of Clearfield County which I would appreciate your forwarding with the reissued Writs.

Please note that Sylvia of the Allegheny County Sheriff's Office advised that there would be no additional funds needed for the service of the Writs.

Thank you for your consideration in this matter.

Very truly yours,

Joseph H. Ellermeyer

Enclosures

JHE/ch

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

SUMMONS

**Jody McLaughlin, p/k/a
Jodi Fitzsimmons**

vs.

NO.: 2003-00478-CD

**Donald H. Reigel and
E. Gay Reigel, husband and wife**

TO: DONALD H. REIGEL
E. GAY REIGEL

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: 04/03/2003

William A. Shaw
Prothonotary

Issuing Attorney:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221

10-5-03 Document
Re-~~stated~~/Reissued to Sheriff/Attorney
for service. 
~~Will M. Prothonotary~~

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

SUMMONS

**Jody McLaughlin, p/k/a
Jodi Fitzsimmons**

Vs.

NO.: 2003-00478-CD

**Donald H. Reigel and
E. Gay Reigel, husband and wife**

**TO: DONALD H. REIGEL
E. GAY REIGEL**

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

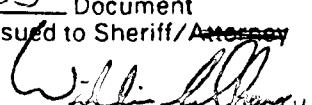
Date: 04/03/2003



William A. Shaw
Prothonotary

Issuing Attorney:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221

6-5-03 Document
Reinstated/Reissued to Sheriff/_____
for service.


Deputy Prothonotary

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

COPY

SUMMONS

Jody McLaughlin, p/k/a
Jodi Fitzsimmons

Vs.

NO.: 2003-00478-CD

Donald H. Reigel and
E. Gay Reigel, husband and wife

TO: DONALD H. REIGEL
E. GAY REIGEL

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: 04/03/2003

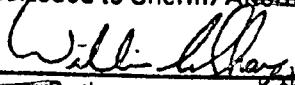


William A. Shaw
Prothonotary

Issuing Attorney:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221

6-5-03 Document
Reinstated/Reissued to Sheriff/Attorney
for service.



William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

McLAUGHLIN, JODY P/K/A JODI FITZSIMMONS

VS.

REIGEL, DONALD H. and E GAY REIGEL

SUMMONS

Sheriff Docket # 13904

03-478-CD

SHERIFF RETURNS

NOW JULY 24, 2003 AT 9:29 AM SERVED THE WITHIN SUMMONS ON E. GAY REIGEL, DEFENDANT AT RESIDENCE, 1475 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GARY REIGEL A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: RYEN

NOW JULY 24, 2003 AT 9:29 AM SERVED THE WITHIN SUMMONS ON DONALD H. REIGEL, DEFENDANT AT RESIDENCE, 1475 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GAY REIGEL, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.

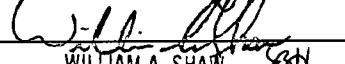
SERVED BY: RYEN

Return Costs

Cost	Description
29.05	SHERIFF HAWKINS PAID BY: ATTY CK# 5134
20.00	SURCHARGE PAID BY: ATTY CK# 5135

Sworn to Before Me This

25th Day Of July 2003


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

So Answers,


Chester A. Hawkins
Sheriff

FILED

3:46 PM

JUL 25 2003

William A. Shaw
Prothonotary

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

JODY McLAUGHLIN, p/k/a)
JODI FITZSIMMONS,)
Plaintiff)
:
vs.)
:
DONALD H. REIGEL and E. GAY REIGEL,)
husband and wife,)
Defendants)

ENTRY OF APPEARANCE

To the Prothonotary

Please enter the appearance of the undersigned on behalf of Donald H. Reigel and E. Gay
Reigel, Defendants above-named.

LEE, MARTIN, GREEN & REITER, INC.

By: 

Joseph P. Green, Esq., ID #19238
Attorney for Defendants
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-4769

FILED

AUG 28 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

JODY McLAUGHLIN, p/k/a)
JODI FITZSIMMONS, : No. 2004-00478-CD
Plaintiff)
: vs.)
:)
DONALD H. REIGEL and E. GAY REIGEL,)
husband and wife, :
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Entry of Appearance was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 27 day of July, 2003 addressed to the following:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221



Joseph P. Green

FILED NO
CC
AUG 1 2003
2003
2003

William A. Shaw
Prothonotary/Clerk of Courts

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

JODY McLAUGHLIN, p/k/a)
JODI FITZSIMMONS,) : No. 2004-00478-CD
Plaintiff)
:
vs.)
:
DONALD H. REIGEL and E. GAY REIGEL,)
husband and wife,)
Defendants)

FILED

OCT 20 2003

William A. Shaw
Prothonotary/Clerk of Courts

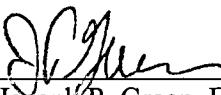
PRAECIPE

To the Prothonotary:

Enter a Rule upon the Plaintiffs to file a complaint within twenty (20) days after service
of the Rule, or judgment of non pros will be entered.

LEE, MARTIN, GREEN & REITER, INC.

By:


Joseph P. Green, Esq., ID #19238
Attorney for Defendants
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-4769

RULE

TO THE PLAINTIFF:

You are ruled to file a complaint within twenty (20) days after service hereof or judgment
of non pros will be entered.

Date: October 20, 2003


Prothonotary

FILED

cc's issued.

Oct 15/2003

Rule to Atty Green

W.A. Shaw

William A. Shaw

Prothonotary/Clerk of Courts

KOB

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

JODY McLAUGHLIN p/k/a
JODY FITZSIMMONS,

Plaintiff.

vs.

DONALD H. REIGEL and
E. GAY REIGEL, husband and wife,

Defendants.

CIVIL ACTION - Law

No.: 00478 C.D. 2003

Type of Pleading:
COMPLAINT

Filed on behalf of: Plaintiff

Counsel of Record for this Party:

Joseph H. Ellermeyer, Esquire
Achille, Ellermeyer & French,
Attorneys at Law
379 Main Street
Brookville, PA 15825
814 849-6701
I.D. No. 43944

FILED

NOV 06 2003

William A. Shaw
Prothonotary/Clerk of Courts

JODY McLAUGHLIN p/k/a : IN THE COURT OF COMMON PLEAS OF
JODY FITZSIMMONS, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :
vs. : CIVIL ACTION - Law
: No.: 00478 C.D. 2003
: :
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife, :
Defendants. :
:

NOTICE

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

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

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 E Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

Keystone Legal Services
211½ East Locust Street
Clearfield, PA 16830
(800) 326-9177

JODY McLAUGHLIN p/k/a : IN THE COURT OF COMMON PLEAS OF
JODY FITZSIMMONS, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :
: CIVIL ACTION - Law
: vs. : No.: 00478 C.D. 2003
: :
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife, :
Defendants. :
:

COMPLAINT

AND NOW comes the Plaintiff, by and through her attorney, Joseph H. Ellermeyer, Esquire, and files the following Complaint:

1. The Plaintiff, Jody McLaughlin p/k/a Jody Fitzsimmons, is an adult individual who resides in Brookville, Jefferson County, Pennsylvania.
2. The Defendants, Donald H. Reigel and E. Gay Reigel, are adult individuals who reside in Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. At all times relevant hereto, the Defendants were in the exclusive custody, possession and control of that area hereinafter described as "premises", and it was the duty of the Defendants to keep and maintain those "premises" in a reasonably safe condition for those persons lawfully thereon.
4. On or about February 14, 2002, at 11:00 a.m., the Plaintiff was lawfully present at the "premises", more fully described in attached Exhibits "A" and "B", and was lawfully and carefully proceeding on foot upon said premises.

5. On the aforesaid date and at the aforesaid time, the Plaintiff was at the Defendants' "premises" while in the course of her employment to deliver various articles of clothing from her employer to the Defendants' "premises" at the Defendants' request.

6. Notwithstanding their duty, the Defendants did, at the aforementioned time and date, and for some time prior thereto, carelessly, recklessly and negligently allow and permit to remain on the said premises a dangerous and defective condition, to-wit, certain holes, ridges, depression, elevations and slippery portions of ice and snow the accumulation of which caused the Defendants' walkways to be slippery.

7. As the Plaintiff was proceeding upon the "premises", the Plaintiff was caused to fall by reason of the aforesaid dangerous condition, with the result that the Plaintiff suffered severe and serious injuries and damages as are hereinafter set forth.

8. At the same time of the incident and for some time prior thereto, the Defendants did or should have had both notice and knowledge of the aforesaid dangerous condition, and did allow and permit the dangerous condition to be and remain on the "premises".

9. The "premises" were at all time relevant hereto under the exclusive possession, custody and control of the Defendants, or through their servants, agents or employees, who were then and there engaged in and upon the performance of their duties, within the scope of their authority then delegated to them by the Defendants.

10. The injuries and damages which are hereinafter set forth were caused solely by and were direct and proximate result of the negligence of the Defendants in any or all of the following respects:

- a. In failing to keep the premises in a safe condition for persons lawfully using same;
- b. In permitting the dangerous condition to be and remain on the premises when the Defendants knew or in the exercise of reasonable care should have known of the danger involved;
- c. In failing to warn the Plaintiff of the dangerous condition created by the above-described hazard;
- d. In failing to remove, cover, blockage, or otherwise remove the dangerous condition of which the Defendant knew or in the exercise of reasonable care should have known;
- e. In permitting persons, and the Plaintiff in particular, to traverse the premises when the Defendants knew or in the exercise of reasonable care should have known that it was dangerous to do so and involved an unreasonable risk of harm to persons so doing;
- f. In failing to notify or warn the Plaintiff of the dangerous condition so that the hazard involved could be avoided;
- g. In maintaining the premises in such a manner as to constitute a danger to persons lawfully thereon;

- h. In failing to provide persons lawfully using the premises with a safe area to traverse said premises;
 - i. In failing to inspect the premises to discover the dangerous condition or in inspecting so carelessly as not to have discovered the condition;
 - k. In maintaining the premises in an improper manner or in employing personnel who were not sufficiently qualified to maintain the premises in a proper manner;
 - l. In inspecting the premises in an improper manner or in employing personnel who were not sufficiently qualified to inspect the premises in a proper manner;
 - m. In failing to hire, employ or retain personnel sufficiently qualified to supervise maintenance of the premises;
 - n. In allowing ice and/or snow or other debris to collect on the premises;
 - o. In permitting the existence of a quantity of holes, depressions, ridges, elevations, ruts, and slippery portions of ice and/or snow to be and remain on the premises, which created a dangerous condition;
 - p. In failing to provide an adequate system for removal of ice and snow and in failing to clear said ice and snow;
 - q. In permitting a down spout to be installed so as to permit water to form into ice upon a walkway and remain there so as to create a dangerous condition;
 - r. In permitting the walkway to be of such a grade so as to allow ice to form on said walkway and remain there so as to create a dangerous condition;

s. In failing to repair or replace the area where the Plaintiff fell when the Defendant knew or in the exercise of reasonable care should have known it to be in an unsafe condition;

t. In failing to exercise that degree of care and regard for the rights and safety of the Plaintiff as was required under the circumstances;

u. In being otherwise careless, reckless, and negligent;

v. Such other acts or omissions which constitute negligence, recklessness, or breaches of care which may become apparent during discovery or at the time of trial; and

w. vicarious liability for the acts of negligence, recklessness or carelessness for their acts or the acts of their employees, agents or assigns.

11. Solely as the result of the negligence of the Defendant as aforesaid, the Plaintiff sustained the following injuries, all of which are or may be of a permanent nature:

a. Cerebrospinal fluid leak/dural tear with reactive meningitis;

b. Dysphoria and sleep deprivation;

c. Neck pain;

d. Headaches and headache syndrome;

e. Strain/sprain with myospasms;

f. Cervical/dorsal subluxation dysfunction due to the muscular strain/sprain with associated cervicogenic headache, nausea and dizziness causing her to undergo a spinal tap and take prescription medications;

g. Impairment of her general health, strength and vitality;

h. Inability to continue her usual activities; and

i. Loss of life's pleasures.

12. As a result of the injuries as aforesaid, the Plaintiff has sustained the following damages:

a. Said Plaintiff has suffered and will continue to suffer great pain, suffering, inconvenience, embarrassment, mental anguish, and loss of the enjoyment of life;

b. Said Plaintiff has expended and will be required to expend large sums of money for medical and surgical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services;

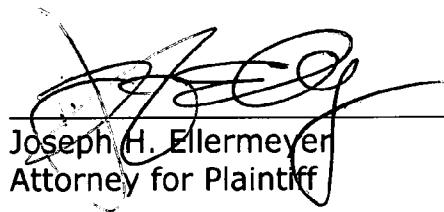
c. Said Plaintiff's earning capacity has been reduced and permanently impaired;

d. Said Plaintiff's general health, strength, and vitality have been impaired; and

e. Said Plaintiff has been and will be deprived of earnings.

WHEREFORE, the Plaintiff brings this action against the Defendants to recover damages in excess of the jurisdiction limits for arbitration along with such other relief as the Court may deem appropriate.

Respectfully submitted,



Joseph H. Ellermeyer
Attorney for Plaintiff

County Parcel No. _____

This Deed,

MADE the 23rd day of July
in the year nineteen hundred and ninety six (1996)BETWEEN MARK D. WHITEMAN and VICTORIA M. WHITEMAN,
husband and wife, of DuBois, Clearfield
County, PA,

Grantors

AND DONALD H. REIGEL and E. GAY REIGEL, husband
and wife, as tenants by the entireties and
not as tenants in common,

Grantees

WITNESSETH, That in consideration of
One Hundred Ninety Seven Thousand (\$197,000.00) ----- Dollars,
in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant
and convey to the said grantees,

ALL that certain tract of land designated as Lot No. 164, Section
No. 15, in the Treasure Lake Subdivision in Sandy Township, Clearfield
County, Pennsylvania, recorded in the Recorder of Deeds office in
Misc. Docket Map File No. 25. Excepting and reserving therefrom and
subject to:

1. All easements, rights of way, reservations, restrictions and
limitations shown or contained in prior instruments of record and in
the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in
Misc. Book Vol. 146, Page 476; all of said restrictions being covenants
which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by
Treasure Lake, Inc. or Treasure Lake Property Owners Association, Inc.,
which lien shall run with the land and be an encumbrance against it.

BEING the same premises conveyed to the Grantors herein by Deed of
Mark D. Whiteman, et ux., dated the 7th day of July, 1992, as recorded
in Deed Book Volume 1471, Page 98.

Exhibit "A"

VOL 1777 PAGE 06

0 5 3 4 8 COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
REALTY TRANSFER JUL 31 '96
TAX P.B.11352 985.00

DEBOIS AREA SCHOOL DISTRICT
1% REALTY TRANSFER TAX

AMOUNT \$ 1970.00
PAID 7-31-96 KAREN L. STARK
Date Agent

0 5 3 4 8 COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
REALTY TRANSFER JUL 31 '96
TAX P.B.11352 985.00

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Stark
Karen L. Stark
Recorder of Deeds

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 10:16 AM 7-31-96
BY *Daniel R.*
FEES *13.50*
Karen L. Stark, Recorder

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Donald H. Reigel
Donald H. Reigel
E. Gay Reigel
E. Gay Reigel

This 31st day of July, 1996

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

VOL 1777 PAGE 07

AND the said grantor **s** will **GENERALLY WARRANT AND FOREVER DEFEND** the property hereby conveyed.

IN WITNESS WHEREOF, said grantor **s** have hereunto set their hand **s** and seal **s**, the day and year first above-written.

Sealed and delivered in the presence of

Margaret J. Thompson.....

[Seal]

Margaret J. Thompson.....

[Seal]

Victoria M. Whiteman.....

[Seal]

.....

[Seal]

.....

[Seal]

CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the grantee **s** herein is as follows:
700 Devonshire Street
Pittsburgh, PA 15213

Dawn O.R. King

Attorney or Agent for Grantee

Commonwealth of Pennsylvania

County of Clearfield

ss.

On this, the 23rd day of July, 1996, before me, a Notary Public, the undersigned officer, personally appeared Mark D. Whiteman and Victoria M. Whiteman, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

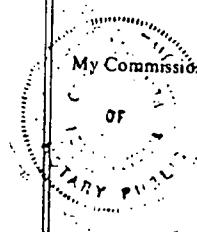
IN WITNESS WHEREOF, I have hereunto set my hand and

official seal.

My Commission Expires

Notarial Seal
Margaret J. Thompson, Notary Public
DuBois, Clearfield County
My Commission Expires Oct. 31, 1998
Member, Pennsylvania Association of Notaries

Margaret J. Thompson



State of VOL 1777 PAGE 08 } ss.
County of

On this, the _____ day of _____, 19____, before me
the undersigned officer, personally appeared
known to me (or satisfactorily proven) to be the person _____ whose name _____ subscribed to the within
instrument, and acknowledged that _____ executed the same for the purpose therein
contained.

IN WITNESS WHEREOF, I have hereunto set my hand and

seal.

My Commission Expires

Commonwealth of Pennsylvania } ss.
County of

RECORDED in the Office for Recording of Deeds, etc., in and for the said
County, in Deed Book No. _____, Page _____
WITNESS my hand and official seal this _____ day of _____, 19____

Recorder of Deeds

5/6/76 5/20.00
1/1/68-
5/20.00 985.00
5/20.00 985.00

Deed

WARRANTY DEED

The Plankinton Co., Williamsport, Pa.

MARK D. WHITEMAN and
VICTORIA M. WHITEMAN,
husband and wife
TO
DONALD H. REIGEL and
E. GAY REIGEL, husband
and wife

Dated _____
For _____
Consideration _____
Recorded _____
Entered for Record in the Recorder's _____
Office of _____, County, the _____ day of _____, 19____, _____
Fees, \$ _____
Recorder _____

DAVID P. KING
ATTORNEY AT LAW
23 BEAVER DRIVE
P.O. BOX 1016
DUBOIS, PA. 15801

Entered of Record July 31, 1976 :10:16 Karen L. Starck, Recorder

THIS DEED

MADE THE 6th day of ~~MARCH~~ in the year of our Lord one thousand nine hundred ninety-seven (1997) by and between

ROBERT J. REITZ and NANCY REITZ, husband and wife, of 380 Aterbury Boulevard, Hudson, Ohio, 44236,

parties of the first part,

AND

DONALD H. REIGEL and E. GAY REIGEL, husband and wife, of 700 Devonshire Street, Pittsburgh, Pennsylvania, 15213,

parties of the second part,

WITNESSETH, that the said parties of the first part for and in consideration of the sum of One and NO/100 (\$1.00) Dollars lawful money of the United States of America, unto said parties of the first part well and truly paid by the said parties of the second part at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, released and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release and confirm unto the said parties of the second part, their heirs and assigns,

ALL that certain tract of land designated as Lot No. 165, Section 15 "Bimini" in the TREASURE LAKE SUBDIVISION in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25 on October 23, 1970. Map #128-D03-15-165-00-21.

EXCEPTING AND RESERVING THEREFROM AND SUBJECT TO:

1. All easements, rights of way, reservations and limitations as shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by the Developer or Treasure Lake Property Owners Association, Inc; which lien shall run with the land and be an encumbrance against it.

Exhibit "B" ⁽²⁾

BEING the same premises conveyed to Robert J. Reitz and Nancy Reitz, husband and wife, by deed of Joseph Kenney Jr. and Joan Kenney, husband and wife, husband and wife, dated September 19, 1991 and recorded on October 28, 1991 in Clearfield County Record Book 1425, page 509.

The Grantors hereby certify that the land hereby conveyed has, to the best of their knowledge, information and belief, never been used for hazardous waste disposal, as the term is used in Solid Waste Management Act No. 97 of 1980. This notice is given pursuant to Section 405 of said Act is included with this deed in compliance with the requirement of the Act of 1980, July 7, PL 380, No. 35P.S. 6018.405.

N O T I C E

To comply with the Act of July 17, 1957, P. L. 984 as amended by Act 255 of 1964 (52 P.S. Sections 1551 - 1554), notice is hereby given as follows:

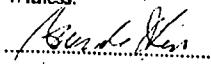
THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR
INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE
SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR
OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE
ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO
THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER
STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT
ENLARGE, RESTRICTS OR MODIFY ANY LEGAL RIGHTS OR ESTATES
OTHERWISE CREATED, TRANSFERRED, EXCEPT OR RESERVED BY THIS
INSTRUMENT

662 B

N O T I C E

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owner of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point.

Witness:





Donald H. Reigel

E. Gay Reigel

This 1st day of March, 1991

VOL 1824 PAGE 266

The true value of the premises herein conveyed is \$20,000.00.

AND the said grantors hereby covenant and agree that they will warrant
GENERALLY the property hereby conveyed.

IN WITNESS WHEREOF, the grantors herein have set their hands and seals the day,
month and year first above written:

WITNESS:

Ramona J. Reitz

Robert J. Reitz

Ramona J. Reitz

Nancy Reitz

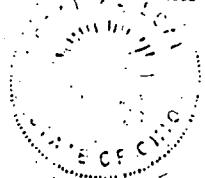
Nancy Reitz

State of Ohio

County of SUMMIT

On this, the 6TH day of November in the Year of Our Lord, 1997, before me, a notary
public, personally appeared Robert J. Reitz and Nancy Reitz, known to me (or satisfactorily
proven) to be the persons whose names are subscribed to the within instrument, and
acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal



Notary Public

AMELIA FOX, Notary Public
Residence-Summit County
State Wide Jurisdiction, Ohio
My Commission Expires Oct. 24, 2000

My commission expires

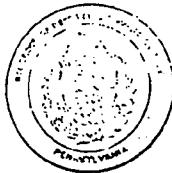
I hereby certify that the precise residence of the within named Grantees is 700
Devonshire Street, Pittsburgh PA 15213

Amelia Fox

(P)

vol 1824 PAGE 367

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 3:56 p.m. 3-7-97
BY J. L. Starck
FEES 13.50
Karen L. Starck, Recorder

✓ 25.00
Bridgeton 100.00
100.00
Subtotal 200.00
Realty Tax
1% NSFL Tax

DUBOIS AREA SCHOOL DISTRICT
1% REALTY & NSFL TAX
AMOUNT \$ 200.00
PAID 3-7-97 KAREN L. STARCK
Date Agent

Entered of Record Mar 7 1997 3:56p.m. Karen L. Starck, Recorder

VERIFICATION

I, Jody Fitzsimmons, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink that reads "Jody McLaughlin". The signature is written in a cursive style with a horizontal line underneath the name.

Dated: 11/5/03

FILED 2nd Flg. 8:57 AM
NOV 06 2003
Auty Ellermeier

William A. Shaw
Prothonotary/Clerk of Courts

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

JODY McLAUGHLIN, p/k/a
JODI FITZSIMMONS,

Plaintiff

vs.

DONALD H. REIGEL and E. GAY REIGEL,
husband and wife,

Defendants

)
: No. 2003-00478-CD
)
: Type of Pleading:
:) ANSWER AND NEW MATTER
:
:
: Filed on Behalf of:
:) Defendants Donald H. Reigel and
: E. Gay Reigel
:
: Counsel of record for this party:
:
: Joseph P. Green, Esquire
:) I.D. No. 19238
: 115 E. High Street, PO Box 179
:) Bellefonte, PA 16823
: 814-355-4769
:
: JURY TRIAL DEMANDED

FILED

DEC 01 2003

William A. Shaw
Prothonotary, Court of Common Pleas

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

JODY McLAUGHLIN, p/k/a)	
JODI FITZSIMMONS,	:	No. 2003-00478-CD
Plaintiff)	
	:	
vs.	)	JURY TRIAL DEMANDED
	:	
DONALD H. REIGEL and E. GAY REIGEL,)	
husband and wife,	:	
Defendants)	

NOTICE TO PLEAD

To the within named party:

You are hereby notified to plead to the within NEW MATTER within 20 days of service hereof, or judgment may be entered against you.

LEE, MARTIN, GREEN & REITER, INC.

By: 

Joseph P. Green, Esq., ID #19238
Attorney for Defendants
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-4769

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

JODY McLAUGHLIN, p/k/a)	
JODI FITZSIMMONS,	:	No. 2003-00478-CD
)	
Plaintiff	:	JURY TRIAL DEMANDED
vs.)	
	:	
DONALD H. REIGEL and E. GAY REIGEL,)	
husband and wife,	:	
Defendants)	

ANSWER AND NEW MATTER FILED
BY DEFENDANTS REIGEL

Defendants Reigel respond to the Complaint filed in this matter as follows:

1. Admitted.
2. Admitted in part and denied in part. The Defendants used the premises described in paragraph 2 as a part-time residence. They were not in residence at the time of the underlying events. At the time of the Plaintiff's fall, Defendants were not in exclusive possession or control of the property. Otherwise, it is admitted that the Defendants are properly identified as Donald H. Reigel and E. Gay Reigel.
3. Denied. As set forth above, the Defendants used the premises as a part-time residence. They were not in residence at the time of the underlying events. At the time of Plaintiff's alleged fall, Defendants were not in exclusive possession, custody, or control of the property.
4. Denied. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded. In addition, the averments are denied pursuant to Pa. R.C.P. 1029(e).

5. Denied. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded. In addition, the averments are denied pursuant to Pa. R.C.P. 1029(e).

6. Denied. The Defendants deny all averments as set forth in paragraph 6 pursuant to Pa. R.C.P. 1029(e). In addition, the Defendants affirmatively assert that they exercised reasonable care and prudence in all respects and committed no tortious conduct which was a legal or proximate cause of the subject harm.

7. Denied. The Defendants deny all averments as set forth in paragraph 7 pursuant to Pa. R.C.P. 1029(e). In addition, the Defendants affirmatively assert that they exercised reasonable care and prudence in all respects and committed no tortious conduct which was a legal or proximate cause of the subject harm. All averments relating to damages are denied. After reasonable investigation, the responding parties are without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

8. Denied. The Defendants deny all averments as set forth in paragraph 8 pursuant to Pa. R.C.P. 1029(e). In addition, the Defendants affirmatively assert that they exercised reasonable care and prudence in all respects and committed no tortious conduct which was a legal or proximate cause of the subject harm. Defendants had no notice or knowledge as to any such dangerous condition.

9. Denied. As set forth above, the Defendants used the premises as a part-time residence. They were not in residence at the time of the underlying events. At the time of the Plaintiff's alleged fall, Defendants are not in exclusive possession, custody or control of the property. In addition, the Defendants affirmatively assert that they exercised reasonable care and

prudence in all respects and committed no tortious conduct which was a legal or proximate cause of the subject harm.

10. (including subparagraphs a through w). Denied. The Defendants deny all averments set forth in paragraph 10, including subparagraphs, pursuant to Pa. R.C.P. 10929(e). In addition, the Defendants affirmatively assert that they exercised reasonable care and prudence in all respects and committed no tortious conduct which was a legal or proximate cause of the subject harm.

11. (including subparagraphs a through i). Denied. As stated above, the Defendants assert that they acted with reasonable care and prudence in all respects and committed no tortious conduct which was a legal or proximate cause of the subject harm. All allegations relating to damages are denied. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

12. (including subparagraphs a through e). Denied. As stated above, the Defendants assert that they acted with reasonable care and prudence in all respects and committed no tortious conduct which was a legal or proximate cause of the subject harm. All allegations relating to damages are denied. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded. All averments are similarly denied pursuant to Pa. R.C.P. 1029(e).

WHEREFORE, it is respectfully requested that judgment be entered in favor of the responding parties and against the Plaintiff.

NEW MATTER – GENERAL

13. To the extent applicable, the Defendants raise the protection of the two-year statute of limitations applicable to personal injury actions in defense of this matter.

14. It is asserted that the Plaintiff herself acted in a negligent and careless manner with respect to her own safety and that such conduct was the legal or proximate cause of injury. The negligent acts and omissions of the Plaintiff include the following:

- Failing to be attentive and observant relative to weather conditions in terms of her own safety;
- Failing to be attentive and observant of walking surface conditions relative to her own safety;
- Failing to take an alternate or safe route of travel;
- Failing to use appropriate footwear;
- Failing to exercise due caution in walking across outdoor surfaces in winter weather; and,
- Failing to take safe and prudent precautions during adverse weather conditions.

15. The negligent and careless conduct of the Plaintiff constitutes a complete or partial bar to recovery.

WHEREFORE, it is respectfully requested that judgment be entered in favor of responding parties and against the Plaintiff.

LEE, MARTIN, GREEN & REITER, INC.

By:


Joseph P. Green, Esq., ID #19238
Attorney for Defendants
115 East High Street, PO Box 179
Bellefonte, PA 16823
814-355-4769

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

JODY McLAUGHLIN, p/k/a)	
JODI FITZSIMMONS,	:	No. 2003-00478-CD
Plaintiff)	
	:	
vs.)	
	:	
DONALD H. REIGEL and E. GAY REIGEL,)	
husband and wife,	:	
Defendants)	

VERIFICATION

Donald H. Reigel states that he is acquainted with the facts set forth in the foregoing responsive pleading; that the same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Donald H. Reigel

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

JODY McLAUGHLIN, p/k/a)
JODI FITZSIMMONS,) : No. 2003-00478-CD
Plaintiff)
: vs.) JURY TRIAL DEMANDED
:)
DONALD H. REIGEL and E. GAY REIGEL,)
husband and wife,)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice to Plead was
deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 26
day of Nov - , 2003 addressed to the following:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221



Joseph P. Green

FILED
m 1:30 PM
DEC 01 2003
KRW

cc Atty Green

William A. Shaw
Prothonotary/Clerk of Courts

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

JODY McLAUGHLIN p/k/a
JODY FITZSIMMONS,

Plaintiff,

vs.

DONALD H. REIGEL and
E. GAY REIGEL, husband and wife,

Defendants.

: CIVIL ACTION - Law

: No.: 00478 C.D. 2003

: Type of Pleading:
: PLAINTIFF'S REPLY TO
: DEFENDANTS' NEW MATTER

: Filed on behalf of: Plaintiff

: Counsel of Record for this
: Party:

: Joseph H. Ellermeyer, Esquire
: Achille, Ellermeyer & French,
: Attorneys at Law
: 379 Main Street
: Brookville, PA 15825
: 814 849-6701
: I.D. No. 43944

FILED

DEC 31 2003

William A. Shaw
Prothonotary Clerk of Courts

JODY McLAUGHLIN p/k/a : IN THE COURT OF COMMON PLEAS OF
JODY FITZSIMMONS, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :
: CIVIL ACTION - Law
vs. : No.: 00478 C.D. 2003
: :
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife, :
Defendants. :
:

PLAINTIFF'S REPLY TO NEW MATTER

AND NOW comes the Plaintiff, by and through her attorney, Joseph H. Ellermeyer, Esquire, and files the following Reply to the Defendant's New Matter:

13. Admitted. The Plaintiff admits that there is a two year statute for personal injury cases and avers that she has presented her case within the applicable time period.

14. Denied. The Plaintiff denies that she acted in a negligent and careless manner with respect to her own safety or that she, in any way, caused her own injury. The Claimant specifically denies that:

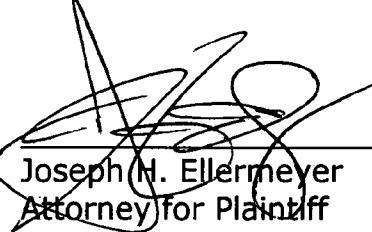
- a. She was inattentive or not observant relative to the weather conditions;
- b. She was inattentive or not observant of the walking surface condition;
- c. She failed to wear appropriate footwear;

- d. She failed to exercise due caution in walking across outdoor surfaces in winter weather; and/or
- e. She failed to take safe and prudent precautions during adverse weather conditions.

15. Denied. The Claimant denies that she was, in any fashion, negligent or careless in her conduct which would completely or partially bar recovery.

WHEREFORE, the Claimant requests Judgment be entered in her favor in excess of the jurisdiction limits for arbitration along with such other relief as the Court may deem appropriate.

Respectfully submitted,



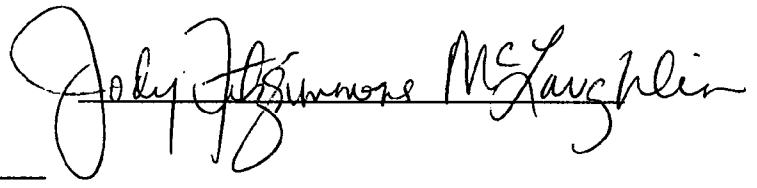
Joseph N. Ellermeyer
Attorney for Plaintiff

VERIFICATION

I, Jody Fitzsimmons McLaughlin, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated:

12/23/03



A handwritten signature in black ink, appearing to read "Jody Fitzsimmons McLaughlin". The signature is fluid and cursive, with "Jody" and "McLaughlin" being the most prominent parts.

FILED NOC

12-4584
DEC 3 1 2003

William A. Shaw
Prothonotary Clerk of Courts

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

JODY McLAUGHLIN p/k/a
JODY FITZSIMMONS,

Plaintiff,

vs.

DONALD H. REIGEL and
E. GAY REIGEL, husband and wife,

Defendants.

: CIVIL ACTION - Law

: No.: 00478 C.D. 2003

: Type of Pleading:
: MOTION TO AMEND

: Filed on behalf of: Plaintiff

: Counsel of Record for this
: Party:

: Joseph H. Ellermeyer, Esquire
: Achille, Ellermeyer & French,
: Attorneys at Law
: 379 Main Street
: Brookville, PA 15825
: 814 849-6701
: I.D. No. 43944

FILED

JAN 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

JODY McLAUGHLIN p/k/a : IN THE COURT OF COMMON PLEAS OF
JODY FITZSIMMONS, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :
: CIVIL ACTION - Law
: vs. : No.: 00478 C.D. 2003
: :
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife, :
Defendants. :
:

PLAINTIFF'S MOTION TO AMEND COMPLAINT

AND NOW comes the Plaintiff, by and through her attorney, Joseph H. Ellermeyer, Esquire, and files the following Motion to Amend Complaint:

1. The Movant is the Plaintiff in the above-captioned action.
2. The Respondents are the Defendants in the above-captioned action.
3. On November 6, 2003, the Plaintiff filed a Complaint as above-docketed wherein she alleged in paragraph 4 that "On or about February 14, 2002, at 11:00 a.m., the Plaintiff was lawfully present at the "premises", more fully described in attached Exhibits "A" and "B", and was lawfully and carefully proceeding on foot upon said premises."
4. The Movant avers that the date of February 14, 2002, was a typographical error and requests permission to amend paragraph 4 of her Complaint so as to correct the date of the incident to January 14, 2002.
5. This Motion for the requested amendment is filed within the applicable statute of limitations.

WHEREFORE, the Movant requests this Court's permission to so amend paragraph 4 of her Complaint so as to allege the date of the incident to be January 14, 2002.

Respectfully submitted,



Joseph H. Ellermeyer
Attorney for Movant

JODY McLAUGHLIN p/k/a : IN THE COURT OF COMMON PLEAS OF
JODY FITZSIMMONS, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :
vs. : CIVIL ACTION - Law
: No.: 00478 C.D. 2003
: :
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife, :
Defendants. :
:

VERIFICATION

I, Jody McLaughlin p/k/a Jody Fitzsimmons, hereby state that I am the Movant in this action and verify that the statements made in the foregoing Motion are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated:

12/30/03



FILED 1cc
JAN 05 2004 Atty Ellermeier
William A. Ellermeier
Prothonotary Clerk of Courts
Clerk

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

JODY McLAUGHLIN p/k/a
JODY FITZSIMMONS,

Plaintiff,

vs.

DONALD H. REIGEL and
E. GAY REIGEL, husband and wife,

Defendants.

CIVIL ACTION - Law

No.: 00478 C.D. 2003

Type of Pleading:
STIPULATION

Filed on behalf of: Plaintiff

Counsel of Record for this
Party:

: Joseph H. Ellermeyer, Esquire
: Achille, Ellermeyer & French,
: Attorneys at Law
: 379 Main Street
: Brookville, PA 15825
: 814 849-6701
: I.D. No. 43944

FILED

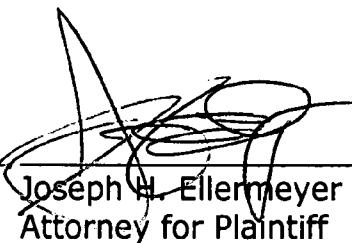
FEB 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

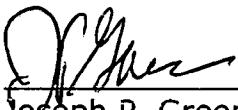
JODY McLAUGHLIN p/k/a : IN THE COURT OF COMMON PLEAS OF
JODY FITZSIMMONS, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :
vs. : CIVIL ACTION - Law
: No.: 00478 C.D. 2003
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife, :
Defendants. :
:

STIPULATION

The parties above captioned, by and through their attorneys, wishing to resolve the pending Motion to Amend without further Hearing hereby stipulate and agree that paragraph 4 of the Plaintiff's Complaint shall be amended to reference the correct injury date of January 14, 2002.



Joseph H. Ellermeyer
Attorney for Plaintiff



Joseph P. Green
Attorney for Defendants

FILED NO
3124654
FEB 17 2004
cc
William A. Shaw
Prothonotary/Clerk of Courts
Court of Cr

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

JODY McLAUGHLIN, p/k/a)
JODI FITZSIMMONS,) No. 2003-00478-CD
Plaintiff)
vs.) Type of Pleading:
DONALD H. REIGEL and E. GAY REIGEL,) Motion for Summary Judgment
husband and wife,)
Defendants) Filed on Behalf of:
) Defendants Donald H. Reigel and
 : E. Gay Reigel
) Counsel of record for this party:
) Joseph P. Green, Esquire
) I.D. No. 19238
 : 115 E. High Street, PO Box 179
) Bellefonte, PA 16823
 : 814-355-4769
)
 : JURY TRIAL DEMANDED

FILED *rec*
311:3464 *Atty Green*
NOV 22 2004
W.A.S. William A. Shaw
Prothonotary/Clerk of Courts

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

JODY McLAUGHLIN, p/k/a)	
JODI FITZSIMMONS,	:	No. 2003-00478-CD
	Plaintiff)
		:
vs.	)	JURY TRIAL DEMANDED
	:	
DONALD H. REIGEL and E. GAY REIGEL,)	
husband and wife,	:	
	Defendants)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

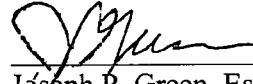
Defendants in the above matter hereby move for summary judgment in their favor as follows:

1. The instant matter involves an alleged slip and fall which occurred at premises owned by the defendants on
2. The plaintiff has testified by way of deposition in this matter and a copy of that transcript is being filed along with this motion.
3. The deposition testimony of the plaintiff herself illustrates that she should be precluded from recovery in these circumstances.
4. The plaintiff has furnished testimony which indicates that she was subjectively aware of the prevailing conditions and was able to fully observe her path of travel. The plaintiff concedes that she voluntarily encountered a visible, known and obvious condition.
5. The record developed to date demonstrates that the plaintiff will not be able to meet her burden of proof in this negligence action against property owners.
6. The record developed to date indicates that there are no genuine issues of material fact and that judgment should be entered as a matter of law in favor of the defendants.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the defendants and against the plaintiffs.

LEE, GREEN & REITER, INC.

By:


Joseph P. Green, Esq., ID #19238
Attorney for Defendants
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-4769

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

JODY McLAUGHLIN, p/k/a)
JODI FITZSIMMONS, : No. 2003-00478-CD
Plaintiff)
: vs.) JURY TRIAL DEMANDED
:)
DONALD H. REIGEL and E. GAY REIGEL,)
husband and wife, :
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Motion for Summary Judgment was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 19 day of Nov., 2004 addressed to the following:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221


Joseph P. Green

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

JODY MCLAUGHLIN, p/k/a :
JODI FITZSIMMONS :
vs. : No. 03-478-CD
DONALD H. REIGEL and E. GAY :
REIGEL, husband and wife :
:

ORDER

AND NOW, this 6th day of December, 2004, it is the ORDER
of the Court that argument on Defendants' Motion for Summary Judgment filed in
the above matter has been scheduled for the 17 day of December,
2004, at 9:00 A.M, in Courtroom No. 1, Clearfield County
Courthouse, Clearfield, PA.

BY THE COURT:



FREDRIC J. AMMERMAN

President Judge

FILED

13:55 PM
DEC 06 2004

Att Green
w memo re: Service

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 06 2004

*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
CIVIL ACTION

JODY McLAUGHLIN, p/k/a)
JODI FITZSIMMONS,) : No. 2003-00478-CD
Plaintiff)
vs.)
DONALD H. REIGEL and E. GAY REIGEL,) JURY TRIAL DEMANDED
husband and wife,)
Defendants)

AFFIDAVIT OF SERVICE

The undersigned defense counsel hereby deposes and states this 10th day of December, 2004, that a copy of the Scheduling Order and Summary Judgment Motion upon the following by regular U.S. Mail:

Joseph H. Ellermeyer, Esq.
379 Main Street
Brookville, PA 15825-1221

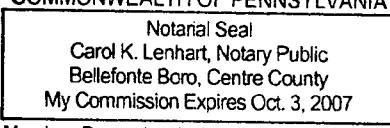
David S. Meholic, Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esq., ID #19238
Attorney for Defendants
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-4769

COMMONWEALTH OF PENNSYLVANIA



Member, Pennsylvania Association Of Notaries

FILED *66k*
mla:2961 NO CC
DEC 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. SAUNDERS and	)	CIVIL DIVISION
BRENDA A. SAUNDERS,)	
husband and wife,	)	CONSOLIDATED AT
	)	NO. 03-1051-CD
Plaintiffs,)	
v.)	
DUBOIS REGIONAL MEDICAL CENTER,)	
a corporation, t/d/b/a DRMC,)	
Defendant,)	
v.)	
JERJIS T. ALAJAJI, M.D. and)	
GEORGE M. KOSCO, M.D.)	
Additional Defendants.)	
CONSOLIDATED WITH)	
JOHN D. SAUNDERS and)	
BRENDA A. SAUNDERS,)	
husband and wife,)	
Plaintiffs,)	
v.)	
DUBOIS REGIONAL MEDICAL CENTER,)	
a corporation, t/d/b/a DRMC, and)	
DANIEL S. GORDON, D.O.,)	
Defendants)	
-----)	
JOHN D. SAUNDERS and BRENDA A.)	
SAUNDERS, husband and wife,)	
Plaintiffs,	)	NO. 04-1245-CD
v.)	
GEORGE M. KOSCO, M.D. and)	
DUBOIS RADIOLOGISTS, INC.,)	
a corporation,)	
Defendants.)	

FILED *10cc*
2/1/2004 *ELK*
DEC 15 2004

William A. Shaw
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. SAUNDERS and	)	CIVIL DIVISION
BRENDA A. SAUNDERS,)	
husband and wife,	)	CONSOLIDATED AT
	)	NO. 03-1051-CD
Plaintiffs,)	
v.)	
DUBOIS REGIONAL MEDICAL CENTER,)	
a corporation, t/d/b/a DRMC,)	
Defendant,)	
v.)	
JERJIS T. ALAJAJI, M.D. and)	
GEORGE M. KOSCO, M.D.)	
Additional Defendants.)	
CONSOLIDATED WITH)	
JOHN D. SAUNDERS and)	
BRENDA A. SAUNDERS,)	
husband and wife,)	
Plaintiffs,)	
v.)	
DUBOIS REGIONAL MEDICAL CENTER,)	
a corporation, t/d/b/a DRMC, and)	
DANIEL S. GORDON, D.O.,)	
Defendants)	
-----)	
JOHN D. SAUNDERS and BRENDA A.)	
SAUNDERS, husband and wife,)	
Plaintiffs,	)	NO. 04-1245-CD
v.)	
GEORGE M. KOSCO, M.D. and)	
DUBOIS RADIOLOGISTS, INC.,)	
a corporation,)	
Defendants.)	

ANSWER TO DR. KOSCO'S WITHDRAWAL OF STIPULATION TO CONSOLIDATE
AND MOTION FOR SEVERANCE

AND NOW comes the Plaintiffs, by and through their undersigned counsel, who file the within Answer to Dr. Kosco's Withdrawal of Stipulation to Consolidate and Motion for Severance. In support hereof, Plaintiffs state the following:

1. Plaintiffs incorporate herein their answer to the various defendants' motion to strike Plaintiffs' Praeclipe to place case on jury trial list.

2. The three (3) consolidated actions derive from the same group of operative facts.

All Defendants are alleged to have jointly and severally caused the injuries and damages complained of by Plaintiffs.

3. Dr. Kosco was joined as an additional defendant by DuBois Regional Medical Center ("DRMC") in the action filed at No. 03-1051-CD, but was later dismissed because a certificate of merit as to Dr. Kosco was not filed by DRMC. Dr. Kosco was later sued directly by Plaintiffs in the action filed at No. 04-1245-CD.

4. As set forth in Plaintiffs' answer to defendants' motion to strike Plaintiffs' Praeclipe, the purpose of the Praeclipe was to obtain dates for the end of discovery, the filing of pre-trial reports, and trial.

5. Plaintiffs have already provided defendants with copies of Plaintiffs' preliminary expert reports. All noticed depositions have been recorded. Plaintiffs are not aware of any other outstanding discovery, but does not oppose same.

6. It is both reasonable and appropriate to move this matter toward a trial date.

WHEREFORE, Plaintiffs request that Dr. Kosco withdrawal of stipulation for consolidation and motion for severance be denied, and Plaintiffs renew their request that the Court hold a Pretrial Conference, at which time a discovery cut off date, the exchange of pretrial reports, and a jury trial date are set in this matter.

Respectfully Submitted;

JAMES G. GORDON & ASSOCIATES

BY



James G. Gordon, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the within Answer to the Motion to Strike Plaintiffs' Praecipe For a Jury Trial filed by George M. Kosco, M.D. on this 13th day of December, 2004, via facsimile transmission, to the following counsel of record:

Darryl R. Slimak, Esquire
McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.
811 University Drive
State College, Pennsylvania 16801

Walter Wall, Esquire
Meyer, Darragh, Buckler, Bebenek & Eck
120 Lakemont Park Blvd.
Altoona, Pennsylvania 16602

David R. Johnson, Esquire
Thompson, Rhodes & Cowie, P.C.
1010 Two Chatham Center
Pittsburgh, Pennsylvania 15219

Tracey G. Benson, Esquire
Miller, Kistler, Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, Pennsylvania 16823


James G. Gordon, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

McNamee, Bieske, Stoyanov, Hennig & Hartman, Inc.
811 University Drive
Seattle, Washington 98101
Daryl R. Stoyanov, Esquire
Attn: Mr. George P. Bush
Washington State Auditor
100 Capitol Way
Olympia, Washington 98504
Re: Motion to Strike Plaintiff's Cross-Claim
Plaintiff's Cross-Claim
I hereby certify that I have served a true and correct copy of the foregoing upon George P. Bush, the State Auditor of the State of Washington, at his office in Olympia, Washington, on this 10th day of July, 1981.

RECEIVED
Kirkle Cynthie Miller Williams & Benzer, Inc.
134 North Allegheny Street
Bellefonte, Pennsylvania 16823
Kirkle Cynthie Miller Williams & Benzer, Inc.
134 North Allegheny Street
Bellefonte, Pennsylvania 16823
FILED
15 DECEMBER 2004
William C. Gitterman
1010 North Capital Street
Tompson, Lester C. (William C. Gitterman)
DEC 15 2004
Dwight R. Miller
PROTHONOTARY
Villanova Pennsylvania 19085
120 Leiperwood Park Blvd
Mecher, Design, Buckner, Beppenre & Hef
Master Mill Engineers
1111 15th Street, Suite 1000
Washington, D.C. 20004-1501

Answers to the Preliminary

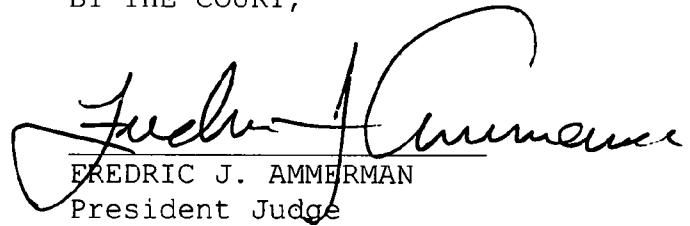
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JODY McLAUGHLIN p/k/a :
JODY FITZSIMMONS, :
Plaintiff :
vs. : NO. 03-00478-CD
DONALD H. REIGEL and :
E. GAY REIGEL, husband :
and wife :
Defendants :

O R D E R

NOW, this 22nd day of December, 2004, it is the ORDER of
this Court that the Defendant's Motion for Summary Judgment in
the above-captioned case be and is hereby DENIED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
6/11/07 2007 Atty J. Green
DEC 23 2004

William A. Shaw
Prothonotary

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

JODY McLAUGHLIN p/k/a
JODY FITZSIMMONS,

Plaintiff,

vs.

DONALD H. REIGEL and
E. GAY REIGEL, husband and wife,

Defendants.

CIVIL ACTION - Law

No.: 00478 C.D. 2003

Type of Pleading:
PRAECIPE TO DISCONTINUE

Filed on behalf of: Plaintiff

Counsel of Record for this
Party:

: Joseph H. Ellermeyer, Esquire
: Achille, Ellermeyer & French,
: Attorneys at Law
: 379 Main Street
: Brookville, PA 15825
: 814 849-6701
: I.D. No. 43944

FILED *(E)*

OCT 14 2005
M14:00 (u)
William A. Shaw
Prothonotary/Clerk of Courts

2 CERT. TO ATTY

CERT. OF DISC. TO ATTY
4
C/A

JODY McLAUGHLIN p/k/a
JODY FITZSIMMONS,
Plaintiff,

vs.

DONALD H. REIGEL and E. GAY
REIGEL, husband and wife,
Defendants.

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

:
: CIVIL ACTION - Law

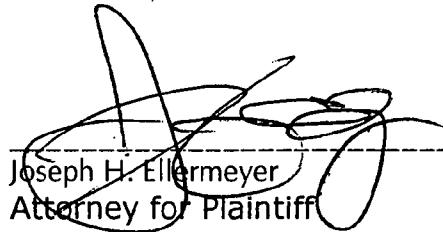
:
: No.: 00478 C.D. 2003

:
:
:

PRAECIPE FOR DISCONTINUANCE

You are hereby directed to discontinue the above-captioned matter upon payment of
your costs.

Date: October 5, 2005


Joseph H. Ellermeyer
Attorney for Plaintiff

FILED

OCT 14 2005
William A. Shaw
Prothonotary/Clerk of Courts

21.1
49.05
44.97
20.00
28.97
142.99
99
241.99

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Jody McLaughlin/k/a
Jody Fitzsimmons**

Vs.
**Donald H. Reigel and
E. Gay Reigel, husband and wife**

No. 2003-00478-CD

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 October 14, 2005, marked:

Discontinue

Record costs in the sum of \$241.99 have been paid in full by Joseph H. Ellermeyer.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 14th day of October A.D. 2005.

William A. Shaw, Prothonotary