

03-478-CD
JODY MCLAUGHLIN, ~~RE~~ ~~RE~~, 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: Praeipce 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
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
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)	No Judge
	Praeipce To Reissue Writ of Summons. filed by s/Joseph H. Ellermeyer, Esquire 3 Writs Re-issued to Shff	No Judge
07/21/2003	Filing: Reissue Writ/Complaint Paid by: Ellermeyer, Joseph H. Receipt number: 1863333 Dated: 07/21/2003 Amount: \$7.00 (Check)	No Judge
	Praeipce To Reissue Writ Of Summons. filed by s/Joseph H. Ellermeyer, Esquire 2 Wrots Re-issued to Shff	No Judge
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
07/28/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
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
10/20/2003	Praeipce to Enter A Rule upon the Plaintiffs. s/Joseph P. Green, Esquire 1 cc & Issued Rule to Attorney Green	No Judge
11/06/2003	Complaint filed by Atty. Ellermeyer 2 CC to Atty.	No Judge
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
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
01/05/2004	Motion To Amend. filed by, s/Joseph H. Ellermeyer, Esquire Verification s/Jody McLaughlin 1 cc Atty Ellermeyer	No Judge
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
11/22/2004	Motion for Summary Judgment, filed by s/Joseph P. Green, Esq. One CC Attorney Green	Fredric Joseph Ammerman
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

**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.

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:
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:
:
: 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
JODY FITZSIMMONS,
Plaintiff,

vs.

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

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: CIVIL ACTION - Law
:
: No.: C.D. 2003
:
:

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

314

No cc

7/3:2003

Att. pd. 85.00

APR 08 2003

2 units to SHS (cust)

William A. Shaw
Prothonotary

COPY

**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/Amerson~~
for service.

Will. L. L. L.
~~Deputy Prothonotary~~

21 July 03 Document
~~Reissued to Sheriff/Amerson~~
for service.

Will. L. L. L.
~~Deputy 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. GARY 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

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 A. Hawkins
by Maury Hamr

Chester A. Hawkins
Sheriff

PETER R. DEFAZIO
Sheriff

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

DATE: April 2003

ATTY'S Phone 814/849-6701

CASE#

EXPIRES

☒ SUMMONS/PRAECIPE

☐ SEIZURE OR POSSESSION

☐ NOTICE AND COMPLAINT

☐ REVIVAL of SCI FA

☐ INTERROGATORIES

☐ EXECUTION - LEVY OR GARNISHEE

☐ OTHER

ATTY. Joseph H. Ellermeyer, Esquire

ADDRESS 379 Main Street

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 deputize 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 April, 2003 at _____ 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/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 _____

Notarial Seal
Sheila R. O'Brien, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 19, 2004
Member, 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 _____

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

PETER R. DEFAZIO, Sheriff

By _____

Deputy

District _____

White Copy - Sheriff

Yellow - Sheriff

Pink Copy - Attorney

PETER R. DEFAZIO
Sheriff

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. E. GAY REIGEL

ADD. DEFT. _____

ADD. DEFT. _____

GARNISHEE _____

ADDRESS 700 Devonshire Street
Pittsburgh, PA 15213

MUNICIPALITY or CITY WARD Oakland - Fourth Ward

DATE: April ~~xx~~ 2003

ATTY'S Phone 814/849-6701

CASE# 03-478-CD

EXPIRES 5303

☒ SUMMONS/PRAECIPE

☐ SEIZURE OR POSSESSION

☐ NOTICE AND COMPLAINT

☐ REVIVAL of SCI FA

☐ INTERROGATORIES

☐ EXECUTION - LEVY OR GARNISHEE

☐ OTHER

ATTY. Joseph H. Ellermeyer, Esquire

ADDRESS 879 Main Street
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 deputize 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 _____ 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/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 _____

MAY 16 2003

Notarial Seal
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.

White Copy - Sheriff

Yellow - Sheriff

Pink Copy - Attorney



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

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

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

Pl. 13904

JODY MCLAUGHLIN p/k/a

VS

DONALD H. REIGEL & E. GAY REIGEL

TERM & NO. 03-478-CD

DOCUMENT TO BE SERVED:

SUMMONS

SERVE BY: 05/03/2003

MAKE REFUND PAYABLE TO:

ACHILLE, ELLERMEYER & 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 deputize 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.

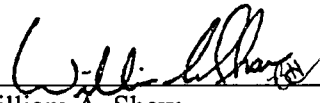
NO.: 2003-00478-CD

**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.

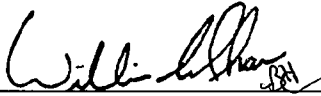
NO.: 2003-00478-CD

**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.

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: 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

JUL 01 2003

William A. Shaw
Prothonotary

PLANNING
YODI STRIMONS,
YODI MCLAUGHLIN b/w

.2V

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

PRECEDENCE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COUNTY:

Kindly - 15 - 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 Defendant at 700

Devonshire Street, Pittsburgh, Pennsylvania

9229

William A. Shaw
Prothonotary

M10:003
JUN 05 2003

A vertical strip of four black and white photographs showing the progression of a child's development from infancy to early childhood. The top photo shows a baby lying down. The second photo shows a baby sitting up. The third photo shows a toddler standing. The bottom photo shows a young child walking.

4th

100

64 101

—

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

vs.

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

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: CIVIL ACTION - Law
:
: No.: 478 C.D. 2003
:
:
:

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

APR 11 2003
M 12:00 PM
JUN 05 2003
Atty pd.
7.00
3 conts & issued
to Shff
Wm A. Shaw
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.

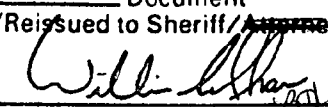
Date: 04/03/2003



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.

Deputy 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.

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: CIVIL ACTION - Law
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: No.: 03-478-CD C.D. 2003
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: 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

FILED

2 units Re-issued

01242201

to SH 55

JUL 21 2003

Atty pd. 7.00

~~SH~~

William A. Shaw
Prthonotary

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

vs.

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

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: CIVIL ACTION - Law
:
: No.: C.D. 2003
:
:
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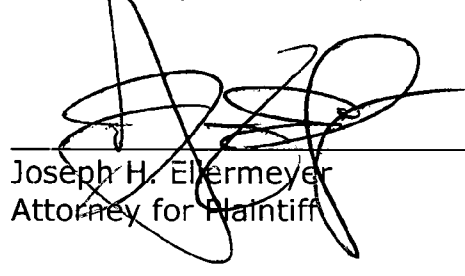
PRAECIPE TO REISSUE WRIT OF SUMMONS

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. Elermeyer
Attorney for Plaintiff

FILED

2 units Re-issued

012-48-201

to SH 55

012-21-203

Any pd. 7.00

~~012-21-203~~

William A. Shaw
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

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 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.

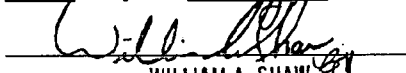
NOW JUNE 12, 2003 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON DONALD H. REIGEL and E. GAY REIGEL, DEFENDANTS BY DEPUTIZING THE SHERIFF OF ALLEGHENY COUNTY. THE RETURN OF SHERIFF DEFAZIO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "MOVED". LEONARD SILK BOUGHT HOUSE OFF OF DEFENDANT A FEW YEARS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

3:46-82

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

PETER R. DEFAZIO
Sheriff

DENNIS SKOSNIK
Chief Deputy

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. Ellermeier, Esquire

DATE: June 3 20 03

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 deputize 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, 20 03, at 8:30 o'clock, 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/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 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 JUN 20 2003

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

PETER R. DEFAZIO, Sheriff

BY: Gary Decker (DEPUTY)

DISTRICT: 4-12

White Copy - Sheriff

Pink Copy - Attorney

Leonard Silk
PETER R. DEFAZIO
Sheriff

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT
436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700
FAX (412) 350-6388

205
DENNIS SKOSNIK
Chief Deputy

PLAINTIFF: Jody McLaughlin

VS.

DEFT.: Donald H. Riegel

DEFT.: _____

DEFT.: _____

GARNISHEE: _____

ADDRESS: 700 Devonshire Street
Pittsburgh, PA 15213

MUNICIPALITY OR CITY WARD: Oakland-Fourth Ward

DATE: June 3 2003

ATTY'S PHONE: 814/849-6701

ATTY: Joseph H. Ellermeier, Esquire

ADDRESS: 879 Main Street
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 deputize 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 hearby CERTIFY and RETURN that on the 12th day of June, 20 03, 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

☐ Certified Mail ☐ Receipt ☐ Envelope Returned ☐ Neither receipt or envelope returned: writ expired of the Deft. A few years Ago

☐ 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 _____

PETER R. DEFAZIO, Sheriff

BY: Larry Decker (DEPUTY)

DISTRICT: 4-12

White Copy - Sheriff

Pink Copy - Attorney

Shirley R. O'Brien
Notary

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 Praecipe 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.

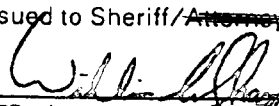
Date: 04/03/2003



William A. Shaw
Prothonotary

Issuing Attorney:

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

10-5-03 Document
~~Reinstated~~/Reissued to Sheriff/Attorney
for service.

~~Prothonotary~~ Prothonotary

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

SUMMONS

Jody McLaughlin, p/k/a
Jodi Fitzsimmons

Vs.

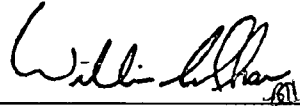
NO.: 2003-00478-CD

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.

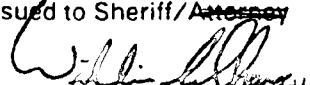
Date: 04/03/2003



William A. Shaw
Prothonotary

Issuing Attorney:

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

60-5-03 Document
~~Reinstated~~/Reissued to Sheriff/Attorney
for service.

~~Deputy~~ Prothonotary

COPY

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.

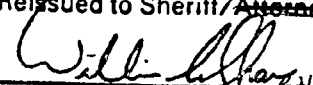
Date: 04/03/2003



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/Attorney~~
for service. 
Deputy 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

Sheriff Docket #

13904

03-478-CD

SUMMONS

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 ORIGNIAL 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,	:	No. 200 ³ 4 -00478-CD
Plaintiff)	
	:	
vs.)	
	:	
DONALD H. REIGEL and E. GAY REIGEL,)	
husband and wife,	:	
Defendants)	

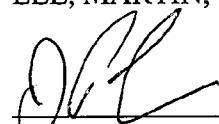
ENTRY OF APPEARANCE

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

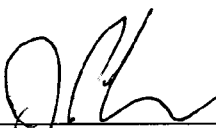
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

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 Aug., 2003 addressed to the following:

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



Joseph P. Green

Prothonotary/Clerk of Courts

William A. Shaw

FILED NO
M 11-12-201
AUG 28 2003
cc
A
2003

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~~7~~-00478-CD
)
:
:
)
:
)

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:



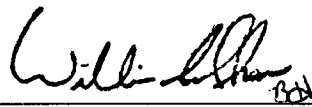
Joseph P. Green, Esq., ID #19238
Attorney for Defendants
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-4769

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 1 cc. 2 issued.

~~Oct 15 1-4-04~~ Rule to Atty Green
Oct 20 2003

William A. Shaw
Prothonotary/Clerk of Courts
KAB

[Handwritten signature]

**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
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
:
:
:

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
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
:
:
:

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 know 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;

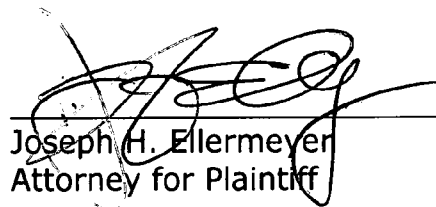
c. Said Plaintiff's earning capacity has been reduced and permanently impaired;

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 grantee s,

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

053485 COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
REALTY
TRANSFER
TAX JUL 31 '96
PB. 11352
985.00

DUBOIS AREA SCHOOL DISTRICT
1% REALTY TRANSFER TAX

AMOUNT \$ 1970.00

PAID 7-31-96 KAREN L. STARCK
Date Agent

053485 COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
REALTY
TRANSFER
TAX JUL 31 '96
PB. 11352
985.00

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 10:16 AM 7-31-96
BY *Daniel R. Starck*
FEES 13.50
Karen L. Starck, 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. 253, approved September 10, 1965, as amended.)

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

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

Scaled and delivered in the presence of

Margaret J. Thompson

Mark D. Whiteman

[Seal]

Margaret J. Thompson

Victoria M. Whiteman

[Seal]

[Seal]

[Seal]

[Seal]

[Seal]

CERTIFICATE OF RESIDENCE

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

David P. King
Attorney or Agent for Grantor

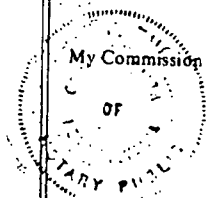
Commonwealth of Pennsylvania

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 name s 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

56674 1970.00
116-182 985.00
Sewage 985.00

Deed

WARRANTY DEED
The Plantenhorn 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____

Tax \$

Fee \$

Recorder

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

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

THIS DEED

MADE THE 6th day of ~~MAY~~ 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, 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.

NOTICE

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

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 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:

[Signature]

[Signature]
Donald H. Reigel

E. Gay Reigel

This 7th day of MARCH, 1997

VOL 1824 PAGE 366

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:

Pamela J. Reitz

Robert J. Reitz
Robert J. Reitz

Pamela J. Reitz

Nancy Reitz
Nancy Reitz

State of Ohio

County of SUMMIT

On this, the 6TH day of MARCH 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



Amelia Fox
Notary Public

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

My commission expires

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

Kenneth M. Vance

(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 3:52pm 7-7-97
BY Starck
FEES 13.50
Karen L. Starck, Recorder

26671.000.00
DUBOIS 100.00
8-18-97 100.00

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

Entered of Record May 7 1997 3:52pm 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 cursive script, reading "Jody McLaughlin", written over a horizontal line.

Dated: 11/5/03

~~14~~ **FILED** *rec*
~~018:57~~ *Atty Ellsmeyer*
NOV 06 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,

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,

Plaintiff

vs.

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

Defendants

)

:

No. 2003-00478-CD

)

:

)

JURY TRIAL DEMANDED

:

)

:

)

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 n 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,

Plaintiff

vs.

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

Defendants

)
: No. 2003-00478-CD
)
:
) JURY TRIAL DEMANDED
:
)
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)

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 11:30 AM
DEC 01 2013

ICC
Atty Green
K22

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.

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: 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
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
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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:

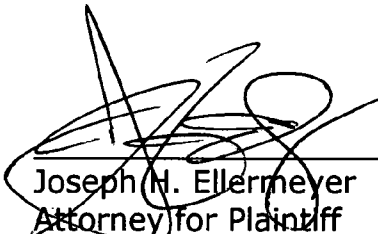
- a. She was inattentive or not observant relative to the weather conditions;
- b. She was inattentive or not observant of the walking surface condition;
- c. She failed to wear appropriate footwear;

- 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 H. 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

Jody Fitzsimmons McLaughlin

FILED No cc

11/24/03
DEC 31 2003
E
K24

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.

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: 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
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
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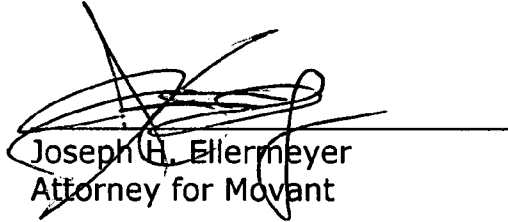
PLAINTIFF'S MOTION TO AMEND COMPLAINT

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
JODY FITZSIMMONS,
Plaintiff,

vs.

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

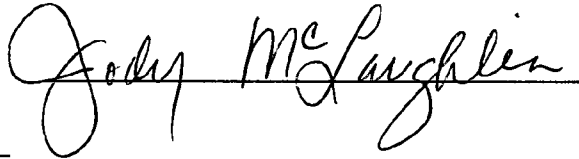
: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: CIVIL ACTION - Law
:
: No.: 00478 C.D. 2003
:
:
:

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 100

M 114034
JAN 05 2004

Amy Ellermeier

William A. Shaw
Prothonotary Clerk of Courts

[Signature]

**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.

:
:
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:
:
: 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
JODY FITZSIMMONS,
Plaintiff,

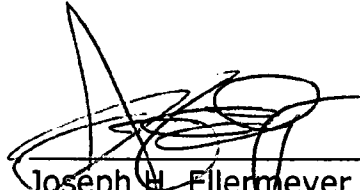
vs.


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
:
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:

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

3/13/04

CE

FEB 17 2004

RECEIVED

William A. Shaw

Prothonotary/Clerk of Courts

Court & CA

LA

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:
) Motion for Summary Judgment
:
)
: 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

NOV 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

Atty Green

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)	

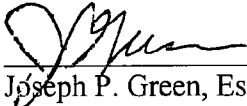
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

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

CA

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

JODY MCLAUGHLIN, p/k/a
JODI FITZSIMMONS

vs.

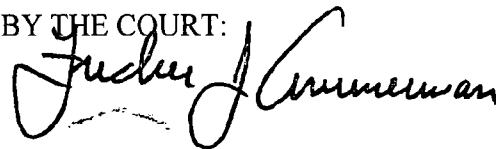
DONALD H. REIGEL and E. GAY
REIGEL, husband and wife

:
:
:
: No. 03-478-CD
:
:
:

ORDER

AND NOW, this 6th day of ~~November~~ 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

DEC 06 2004

William A. Shaw
Prothonotary/Clerk of Courts

200
13:55/61
Amy Green
w/ memo Re: service

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.) JURY TRIAL DEMANDED
DONALD H. REIGEL and E. GAY REIGEL,)
husband and wife,)
Defendants)

AFFIDAVIT OF SERVICE

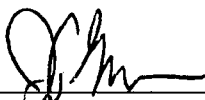
The undersigned defense counsel hereby deposes and states this 10th day of December, 2004, that a copy of the Scheduling Order and Summary Judgment Motion upon the following by regular U.S. Mail:

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

David S. Meholick, 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

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 10th DAY
OF DECEMBER, 2004



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Carol K. Lenhart, Notary Public
Bellefonte Boro, Centre County
My Commission Expires Oct. 3, 2007

Member, Pennsylvania Association Of Notaries

FILED ^{EBK}
DEC 13 2004 ^{NO CC}

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. SAUNDERS and
BRENDA A. SAUNDERS,
husband and wife,

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,

v.

GEORGE M. KOSCO, M.D. and
DUBOIS RADIOLOGISTS, INC.,
a corporation,

Defendants.

CIVIL DIVISION

CONSOLIDATED AT
NO. 03-1051-CD

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

NO. 04-1245-CD

FILED *WCC*
11/30/04
DEC 15 2004 *EGK*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. SAUNDERS and
BRENDA A. SAUNDERS,
husband and wife,

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,

v.

GEORGE M. KOSCO, M.D. and
DUBOIS RADIOLOGISTS, INC.,
a corporation,

Defendants.

CIVIL DIVISION

CONSOLIDATED AT
NO. 03-1051-CD

NO. 04-1245-CD

**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' Praecipe 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' Praecipe, the purpose of the Praecipe 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

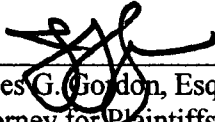
I hereby certify that I have served a true and correct copy of the within Answer to the Motion to Strike Plaintiffs' Praecipe For a Jury Trial filed by George M. Kosco, M.D. on this 13th day of December, 2004, via facsimile transmission, to the following counsel of record:

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

I hereby certify that I have served a true and correct copy of the Within Answer to the Motion to Strike Plaintiff's Pleading for a Jury Trial filed by George M. Kosco, M.D. on this day of December 2004 via facsimile transmission to the following counsel of record:

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

Walter Wall, Esquire
Meyer, Darragh, Buckler, Hebenack & Eck
120 Lakemont Park Blvd.
Allentown, Pennsylvania 18602

David R. Thompson, Esquire
1010 Two Club Circle
Pittsburgh, Pennsylvania 15219

Tracey G. Benson, Esquire
Miller, Kishler, Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Belleville, Pennsylvania 18823

James G. Johnston, Esquire
Attorney for Plaintiff

GA

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

JODY McLAUGHLIN p/k/a
JODY FITZSIMMONS,
Plaintiff

vs.

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

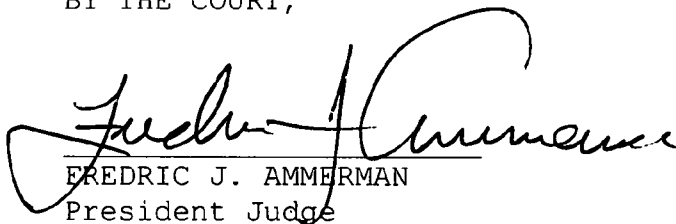
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NO. 03-00478-CD

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 ^②
to 11:07 AM 2004 *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.

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:
: 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
M/4.00 (w)
William A. Shaw
Prothonotary/Clerk of Courts
2 CENS TO ATTY

CENT. OF DISC. TO ATTY
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

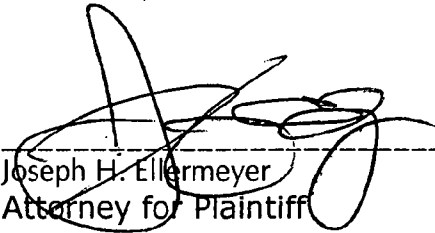
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: CIVIL ACTION - Law

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: No.: 00478 C.D. 2003
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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

Prothonotary/Clerk of Courts
William A. Shaw

OCT 14 2005

FILED

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

CIVIL DIVISION

**Jody McLaughlinp/k/a
Jody Fitzsimmons**

Vs.

No. 2003-00478-CD

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

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