

03-164-CD
ROBERT L. MICHAELS, et al. vs. GERTRUDE YINGLING

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

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS,
husband and wife,
Plaintiffs

vs.

GERTRUDE YINGLING,
an individual,
Defendant.

*
*
*
*
*
* No. 03 - 764 - CD
*

* Type of Pleading:

* **COMPLAINT**

* Filed on behalf of:
* Plaintiffs
*
* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820
*
* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

MAY 21 2003

William A. Shaw
Prothonotary

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

ROBERT L. MICHAELS and *
BEVERLY A. MICHAELS, *
husband and wife, *
Plaintiffs *
*
vs. * No. 03 - - CD
*
GERTRUDE YINGLING, *
an individual, *
Defendant. *

NOTICE

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

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURT HOUSE
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641

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

ROBERT L. MICHAELS and *
BEVERLY A. MICHAELS, *
husband and wife, *
Plaintiffs *
*
vs. * No. 03 - - CD
*
GERTRUDE YINGLING, *
an individual, *
Defendant. *

C O M P L A I N T

NOW COME the Plaintiffs, ROBERT L. MICHAELS and BEVERLY A. MICHAELS, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiffs are Robert L. Michaels and Beverly A. Michaels, husband and wife, whose address is RD3 Box 74, Clearfield, Pennsylvania 16830.
2. That the Defendant, Gertrude Yingling, is a sui juris, adult individual whose address is 143 Main Street, Fallentimber, Pennsylvania 16639.

COUNT I

Beverly A. Michaels vs. Gertrude Yingling

3. That on or about November 13, 2001, Plaintiff Beverly Michaels was the operator of a 1996 Chevrolet S10 Truck, which vehicle was owned by Plaintiffs.

4. That on the aforesaid date, the Defendant is believed to have been the owner and also the operator of a 2001 Ford.

5. That on the aforesaid date at approximately 12:00 p.m. E.D.S.T., it was daylight, there were no adverse weather conditions and the roadway was dry.

6. That South Second Street is a 2-lane macadam road which proceeds in a generally North-South direction through the Borough of Clearfield.

7. That South Second Street at the intersection of that roadway of East Locust Street is a one way street with two lanes of traffic for vehicles proceeding in a southerly direction.

8. That East Locust Street is a 2-lane macadam road which proceeds in a generally East-West direction through the Borough of Clearfield and intersects with South Second Street.

9. That the intersection of South Second Street and East Locust Street is controlled by a traffic light.

10. That on or about the said day and at or about the said time, Plaintiff Beverly Michaels was proceeding South on Second Street in the left hand lane of travel approaching the intersection of Second Street with East Locust Street at which time the traffic signal was green.

11. That on or about the said day and at or about the said time, Defendant was proceeding South on Second Street in the right hand lane of Second Street near the intersection of that roadway with East Locust Street.

12. That as Plaintiff entered the intersection of Second Street with East Locust Street the Defendant suddenly and without warning made a left hand turn causing a collision with the vehicle operated by Plaintiff Beverly Michaels.

13. That the vehicles of Plaintiff Beverly Michaels and Defendant collided near the middle of the intersection of South Second and East Locust Streets where the left front fender of the vehicle operated by the Defendant impacted with the right passenger door of the vehicle operated by the Plaintiff Beverly Michaels.

14. That as a result of the collision described in Paragraph 13 hereof, which is incorporated herein by reference, the Plaintiff was thrown generally forward and backward within the vehicle which she was operating causing the numerous and serious injuries hereinafter set forth.

15. That the Defendant was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries received by the Plaintiff as follows:

A. The Defendant failed to have her vehicle under proper control;

B. The Defendant failed to maintain a proper lookout;

C. The Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. Section 3331(b), 75 Pa.C.S.A. Section 3331(b), and supplements thereto, in that she attempted to make a left hand turn from the right hand lane of travel.

D. The Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. Section 3334(a), 75 Pa.C.S.A. Section 3334(a), and supplements thereto, in that she attempted to turn her vehicle from one lane of traffic to another when said movement could not be made with reasonable safety.

E. The Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. Section 3334(b), 75 Pa.C.S.A. Section 3334(b), and supplements thereto, in that she attempted to turn from one lane of traffic to another while failing to give an appropriate signal of her intention to turn at least 100 feet prior to turning.

F. The Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. Section 3714, 75 Pa.C.S.A.

Section 3714, and supplements thereto, in that she operated her vehicle upon Second Street in careless disregard for the safety of the Plaintiff.

G. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. Section 3736, 75 Pa.C.S.A. Section 3736, and supplements thereto, in that she operated her vehicle upon Second Street in willful or wanton disregard for the safety of the person of the Plaintiff.

H. That the Defendant was negligent, careless and reckless in that she failed to use due care under all of the circumstances of the case.

16. That as a result of the negligence, recklessness and carelessness of the Defendant as set forth in Paragraph 15 hereof, which is incorporated herein by reference, the Plaintiff received serious and extensive injuries which may and probably will be permanent as follows:

- A. Herniated disc L5;
- B. Herniated disc L5-S1;
- C. Cervical disc displacement;
- D. Cervical radiculopathy; and
- E. Lumbar radiculopathy.

17. That the Plaintiff Beverly Michaels has or will be required to expend sums for the treatment of the injuries referred to in Paragraph 16 hereof and will continue to incur medical services for an indefinite period of time in the future.

18. That as a result of the injuries referred to in Paragraph 16 hereof, which is incorporated herein by reference, the Plaintiff Beverly Michaels suffers serious and permanent physical impairment which substantially prohibits her ability to engage in the normal and usual functions which she enjoyed prior to the accident, including but not limited to her household duties, hobbies and social relationships.

19. That as a result of the injuries referred to in Paragraph 16 hereof, which is incorporated herein by reference, Plaintiff Beverly Michaels suffered serious and permanent physical impairment which substantially impairs her earning power.

20. That the Plaintiff claims a reasonable amount for the following:

A. A reasonable amount for pain and suffering; past, present and future;

B. Cost of replacing household services;

C. Privation and inconvenience due to the injuries and treatment, past, present and future;

D. Mental anguish and depression resulting from the accident;

E. Other damages allowable by law.

WHEREFORE, Plaintiff claims unliquidated damages against the Defendant in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

COUNT II

Robert L. Michaels vs. Gertrude Yingling

21. That the Plaintiff Robert L. Michaels incorporates Paragraphs 1 through 20 of this Complaint by reference and makes them a part hereof.

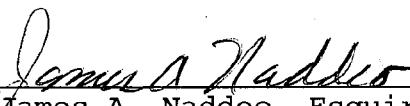
22. That the Plaintiff Robert L. Michaels is the husband of Beverly A. Michaels, having been married to the said Beverly A. Michaels on August 22, 1959.

23. That the Plaintiff Robert L. Michaels has resided with his wife, Beverly A. Michaels, since the date of the parties' marriage and has continued to reside with her up to and include the time of the filing of this Complaint.

24. That as a result of the injuries suffered by the Plaintiff Beverly A. Michaels the Plaintiff Robert L. Michaels has been denied the society of his wife and shall continue to be denied her society for an indefinite period of time in the future.

WHEREFORE, Plaintiff Robert L. Michaels claims unliquidated damages in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

Respectfully submitted,


James A. Naddeo

James A. Naddeo, Esquire
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD

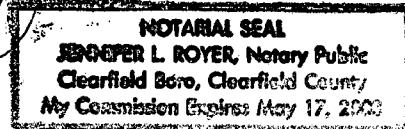
)

Before me, the undersigned officer, personally appeared BEVERLY A. MICHAELS who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Beverly A. Michaels
Beverly A. Michaels

SWORN and SUBSCRIBED before me this 20th day of November, 2002.

Jennifer L. Royer



CLERAFFIELD, PENNSYLVANIA 16830
PO. BOX 552
211 1/2 EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

Lap over margin _____

1cc Atty Nadeo
01/10/57
MAY 21 2013
Atty pd. \$5.00

Mr. A. A. Shaw
Fiduciary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,

Plaintiffs

-vs-

GERTRUDE YINGLING,
and individual,

Defendant

Type of Case: Civil Action

No. 03-764-CD

Type of Pleading:

Praeclipe for
Entry of Appearance

Filed on Behalf of:

Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

JUN 05 2003

William A. Shaw
Prothonotary

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

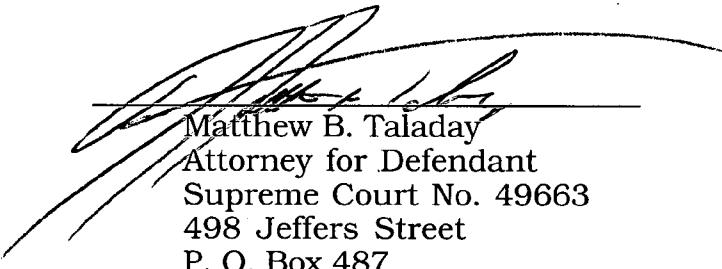
ROBERT L. MICHAELS and BEVERLY A. MICHAELS, husband and wife,	:	
		Plaintiffs
-vs-		
		No. 03-764-CD
GERTRUDE YINGLING, an individual,	:	
		Defendant

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendant, Gertrude Yingling, in the above captioned matter.

Dated: 06/04/03


Matthew B. Taladay
Attorney for Defendant
Supreme Court No. 49663
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

cc: James A. Naddeo, Esq.
211-1/2 E. Locust Street
Clearfield, PA 16830

FILED NO CO
MAY 10 2003
JUN 05 2003
69

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

MICHAELS, ROBERT L. & BEVERLY A.

VS.

YINGLING, GERTRUDE

COMPLAINT

Sheriff Docket # 14089

03-764-CD

SHERIFF RETURNS

NOW MAY 22, 2003, BOB KOLAR, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON GERTRUDE YINGLING, DEFENDANT.

NOW MAY 29, 2003 SERVED THE WITHIN COMPLAINT ON GERTRUDE YINGLING, DEFENDANT BY DEPUTIZING THE SHERIFF OF CAMBRIA COUNTY. THE RETURN OF SHERIFF KOLAR IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

Return Costs

Cost	Description
27.97	SHERIFF HAWKINS PAID BY: ATY CK# 8787
10.00	SURCHARGE PAID BY: ATTY CK# 8788
42.60	CAMBRIA COUNTY SHFF. PAID BY: ATTY
<u>80.57</u>	

Sworn to Before Me This

9th Day Of June 2003

William A. Shaw

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

So Answers,

Chester Hawkins
by Maury J. Hamer

Chester A. Hawkins
Sheriff

FILED

019:16-Bd
JUN 09 2003
EKL

William A. Shaw
Prothonotary

CASE # PLAINTIFF DEFENDANT
90150-03 MICHAELS, ROBERT & BEVERLY YINGLING, GERTRUDE 03-764
DATE 5/29/03

AT 14:00 HRS. SERVED THE COMPLAINT WITH NOTICE TO DEFEND UPON GERTRUDE YINGLING BY HANDING A TRUE AND ATTESTED COPY THEREOF TO HER PERSONALLY AT 143 MAIN ST. FALLENTIMBER, PA. 16639 AND MAKING CONTENTS THEREOF KNOWN TO HER.

MY COSTS PAID BY ATTORNEY FOR PLAINTIFF.

. SHERIFF COSTS 39.60
. PROTHONOTARY 3.00
. TOTAL COSTS 42.60

SO ANSWERS

Bob Kolar

BOB KOLAR, SHERIFF

SWORN AND SUBSCRIBED TO BEFORE ME THIS, 5TH DAY OF JUNE, 03.

. PROTHONOTARY

Patty Burkeville

C A M B R I A C O U N T Y

卷之三

6/03/03

JAMES NADDEO, ESQ.
211 1/2 EAST LOCUST ST.

BOB KOLAR, SHERIFF
CAMBRIA COUNTY
PENNSYLVANIA

CLEARFIELD PA 16830-0000

STATEMENT

BOB KOLAR, SHERIFF
SHERIFF, CAMBRIA COUNTY, PA

I CIVIL REC & DOCKETING & R	9.00
I CIVIL SERVICE	9.00
I GENERAL MILEAGE	21.60
I PROTHONOTARY NOTARY	3.00
I REFUND ON DOCKET	57.40

MICHAELS, ROBERT & BEVERLY
90150-03
COMPLAINT - MICHAELS VS. Y
MICHAELS, ROBERT & BEVERLY

V S
YINGLING, GERTRUDE 03-764

JAMES NADDEO, ESQ.
211 1/2 EAST LOCUST ST.

CLEARFIELD, PA 16830

TOTAL COSTS.....	100.00
TOTAL RECEIPTS.....	100.00

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,
Plaintiffs

-vs-

GERTRUDE YINGLING,
and individual,

Defendant

Type of Case: Civil Action
No. 03-764-CD
Type of Pleading:
Answer and New Matter

Filed on Behalf of:

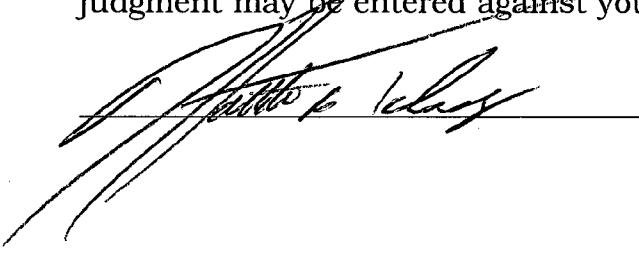
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

You are hereby notified to plead
to the within pleading within twenty
(20) days of service thereof or default
judgment may be entered against you.



FILED

JUL 01 2003

William A. Shaw
Prothonotary

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

ROBERT L. MICHAELS and :
BEVERLY A. MICHAELS, husband :
and wife, :
Plaintiffs :
-vs- : No. 03-764-CD
GERTRUDE YINGLING, :
an individual, :
Defendant :

ANSWER

AND NOW, comes the Defendant, Gertrude Yingling, by her attorneys, Hanak, Guido and Taladay and hereby responds to Plaintiffs' Complaint as follows:

1. Admitted.
2. Admitted.

Count I

Beverly A. Michaels vs. Gertrude Yingling

3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.

12. Admitted in part and denied in part. It is admitted that Defendant, Gertrude Yingling, made a left hand turn resulting in a collision of the vehicle operated by Plaintiff Beverly A. Michaels. The remaining allegations of paragraph 12 are denied.

13. Admitted.

14. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 14 of Plaintiff's Complaint, therefore these are denied and strict proof thereof is demanded at the time of trial.

15. Denied as stated. However, Defendant admits liability for the accident.

16. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 16 of Plaintiff's Complaint, therefore these are denied and strict proof thereof is demanded at the time of trial.

17. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 17 of Plaintiff's Complaint, therefore these are denied and strict proof thereof is demanded at the time of trial.

18. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 18 of Plaintiff's Complaint, therefore these are denied and strict proof thereof is demanded at the time of trial.

19. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 19 of Plaintiff's Complaint, therefore these are denied and strict proof thereof is demanded at the time of trial.

20. No response required.

WHEREFORE, Defendant, Gertrude Yingling, demands judgment in her favor.

Count II

Robert L. Michaels vs. Gertrude Yingling

21. Defendant incorporates paragraphs 1 through 20 above as if set forth in full.

22. Admitted.

23. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 23 of Plaintiff's Complaint, therefore these are denied and strict proof thereof is demanded at the time of trial.

24. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments of paragraph 24 of Plaintiff's Complaint, therefore these are denied and strict proof thereof is demanded at the time of trial.

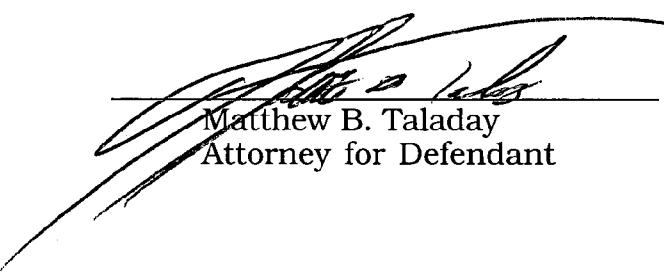
WHEREFORE, Defendant demands judgment in her favor.

NEW MATTER

25. Plaintiffs' claims are barred or limited by application of the Pennsylvania Motor Vehicle Financial Responsibility Law.

Respectfully submitted,

HANAK, GUIDO and TALADAY



Matthew B. Taladay
Attorney for Defendant

VERIFICATION

I, **Gertrude Yingling**, do hereby verify that I have read the foregoing Answer & New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 6/26/03

Gertrude Yingling
Gertrude Yingling

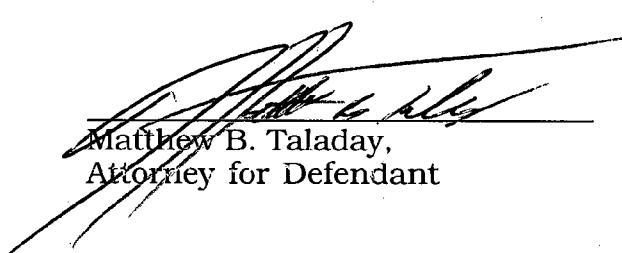
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

ROBERT L. MICHAELS and :
BEVERLY A. MICHAELS, husband :
and wife, :
Plaintiffs :
: :
-vs- : No. 03-764-CD :
: :
GERTRUDE YINGLING, :
an individual, :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 30th day of June, 2003, a true
and correct copy of Defendant's Answer and New Matter was sent via
first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiffs
211-1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830


Matthew B. Taladay,
Attorney for Defendant

FILED
MAY 10 2003
JUL 01 2003
S. R. CO.

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,

Plaintiffs

-vs-

GERTRUDE YINGLING,
and individual,

Defendant

Type of Case: Civil Action

No. 03-764-CD

Type of Pleading:

Notice of
Service

Filed on Behalf of:

Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

JUL 08 2003

William A. Shaw
Prothonotary

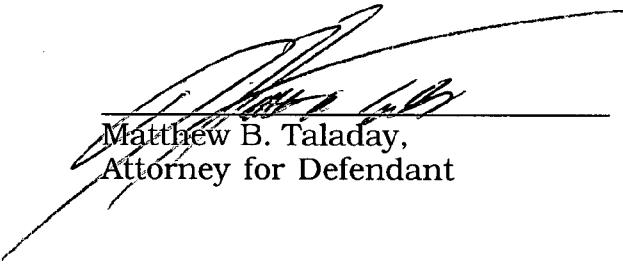
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

ROBERT L. MICHAELS and	:	
BEVERLY A. MICHAELS, husband	:	
and wife,	:	
Plaintiffs	:	
 -vs-		No. 03-764-CD
GERTRUDE YINGLING,	:	
an individual,	:	
Defendant	:	

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiffs, via United States mail, first class, postage pre-paid, this 7th day of July, 2003, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

James A. Naddeo, Esq.
Attorney for Plaintiffs
211-1/2 E. Locust Street
Clearfield, PA 16830


Matthew B. Taladay,
Attorney for Defendant

FILED

10:15 AM NOV
JUL 08 2003
S
WPA

William A. Shaw
Prothonotary

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

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS,
husband and wife,
Plaintiffs

vs.

GERTRUDE YINGLING,
an individual,
Defendant.

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*
* No. 03 - 764 - CD
*

* Type of Pleading:

* **ANSWER TO NEW MATTER**

*
* Filed on behalf of:
* Plaintiffs

*
* Counsel of Record for
* this party:

*
* James A. Naddeo, Esq.
* Pa I.D. 06820

*
* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

JUL 14 2003

William A. Shaw
Prothonotary

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

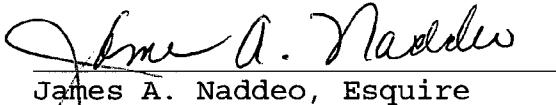
ROBERT L. MICHAELS and *
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husband and wife, *
Plaintiffs *
*
vs. * No. 03 - - CD
*
GERTRUDE YINGLING, *
an individual, *
Defendant. *

ANSWER TO NEW MATTER

NOW COME the Plaintiffs, ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, and by their attorney, James A. Naddeo,
Esquire, set forth the following:

25. States a conclusion of law to which no answer is
required.

Respectfully submitted,



James A. Naddeo, Esquire

Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared BEVERLY L. MICHAELS, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of her knowledge, information and belief.

Beverly A. Michaels
Beverly A. Michaels

SWORN and SUBSCRIBED before me this 14th day of July, 2003.

Jennifer L. Royer

Notarial Seal
Jennifer L. Royer, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires May 17, 2007

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

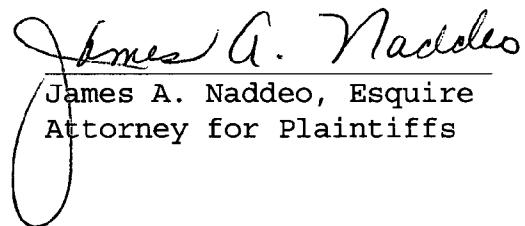
ROBERT L. MICHAELS and *
BEVERLY A. MICHAELS, *
husband and wife, *
Plaintiffs *
*
vs. * No. 03 - 764 - CD
*
GERTRUDE YINGLING, *
an individual, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Answer to New Matter filed in the above-captioned action was served on the following person and in the following manner on the 14th day of July, 2003:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
HANAK, GUIDO and TALADAY
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801



James A. Naddeo, Esquire
Attorney for Plaintiffs

CLERAFFIELD, PENNSYLVANIA 16830
P.O. BOX 552
211 1/2 EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

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FILED
3:44 PM
JUL 14 2003
FBI
William A. Shaw
Prothonotary

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

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS,
husband and wife,

Plaintiffs

vs.

GERTRUDE YINGLING,
an individual,

Defendant.

*

*

*

*

*

* No. 03 - 764 - CD

*

*

*

*

* Type of Pleading:

*

* **CERTIFICATE OF SERVICE**

*

* Filed on behalf of:

* Plaintiffs

*

* Counsel of Record for

* this party:

*

*

* James A. Naddeo, Esq.

* Pa I.D. 06820

*

* 211 1/2 E. Locust Street

* P.O. Box 552

* Clearfield, PA 16830

* (814) 765-1601

FILED

JUL 14 2003

William A. Shaw
Prothonotary

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

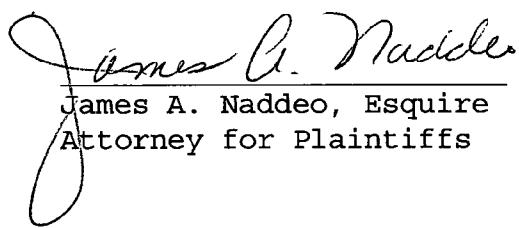
ROBERT L. MICHAELS and *
BEVERLY A. MICHAELS, *
husband and wife, *
Plaintiffs *
*
vs. * No. 03 - 764 - CD
*
GERTRUDE YINGLING, *
an individual, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that true
and correct copies of Interrogatories Addressed to Defendant in
the above-captioned action were served on the following person and
in the following manner on the 14th day of July, 2003:

First-Class Mail, Postage Prepaid

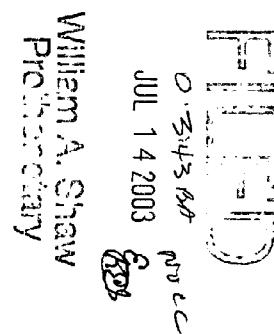
Matthew B. Taladay, Esquire
HANAK, GUIDO and TALADAY
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801



James A. Naddeo, Esquire
Attorney for Plaintiffs

CLARFIELD, PENNSYLVANIA 16830
P.O. BOX 552
211½ EAST LOCUST STREET
ATTORNEY AT LAW
JAMES A. NADDEO

Lap over margin _____



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

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS,
husband and wife,
Plaintiffs

vs.

GERTRUDE YINGLING,
an individual,
Defendant.

*
*
*
*
*
* No. 03 - 764 - CD
*

* Type of Pleading:

* **CERTIFICATE OF SERVICE**

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 211 1/2 E. Locust Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

JUL 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

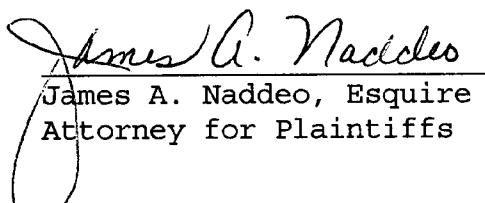
ROBERT L. MICHAELS and *
BEVERLY A. MICHAELS, *
husband and wife, *
Plaintiffs *
*
vs. * No. 03 - 764 - CD
*
GERTRUDE YINGLING, *
an individual, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiffs' Answers to Interrogatories and Request for Production of Documents in the above-captioned action were served on the following person and in the following manner on the 29th day of July, 2003:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
HANAK, GUIDO and TALADAY
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801


James A. Naddeo, Esquire
Attorney for Plaintiffs

CLERAFFIELD, PENNSYLVANIA 16830
P.O. BOX 552
21 1/2 EAST DOCUMENT STREET
ATTORNEY AT LAW
JAMES A. NADDEO

Lap over margin _____

FILED
OCT 10 2003
JUL 29 2003
NO. 03-437
FCC
KRB
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,

Plaintiffs

-vs-

GERTRUDE YINGLING,
and individual,

Defendant

Type of Case: Civil Action

No. 03-764-CD

Type of Pleading:

Certificate of
Service

Filed on Behalf of:

Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

SEP 03 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

ROBERT L. MICHAELS and BEVERLY A. MICHAELS, husband and wife,	Plaintiffs	:
-vs-		No. 03-764-CD
GERTRUDE YINGLING, an individual,	Defendant	:

CERTIFICATE OF SERVICE

I certify that on the 2nd day of September, 2003, two original Notices of Deposition, copies of which are attached hereto, were sent via first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiffs
211-1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830

Matthew B. Taladay

Matthew B. Taladay, *JK*
Attorney for Defendant

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

ROBERT L. MICHAELS and	:
BEVERLY A. MICHAELS, husband	:
and wife,	:
Plaintiffs	:
	:
-vs-	No. 03-764-CD
	:
GERTRUDE YINGLING,	:
an individual,	:
Defendant	:

NOTICE OF DEPOSITION

TO: ROBERT L. MICHAELS
c/o James A. Naddeo, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Thursday, October 30, 2003 at 10:00 a.m.** at the law office of James A. Naddeo, 211-1/2 E. Locust Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.

Matthew B. Taladay
Matthew B. Taladay,
Attorney for Defendant

cc: Schreiber Reporting Service

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

ROBERT L. MICHAELS and	:	
BEVERLY A. MICHAELS, husband	:	
and wife,	:	
Plaintiffs	:	
	:	
-vs-	:	No. 03-764-CD
	:	
GERTRUDE YINGLING,	:	
an individual,	:	
Defendant	:	

NOTICE OF DEPOSITION

TO: BEVERLY A. MICHAELS
c/o James A. Naddeo, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Thursday, October 30, 2003 at 10:00 a.m.** at the law office of James A. Naddeo, 211-1/2 E. Locust Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.

Matthew B. Taladay
Matthew B. Taladay,
Attorney for Defendant

cc: Schreiber Reporting Service

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,

Plaintiffs

-vs-

GERTRUDE YINGLING,
and individual,

Defendant

Type of Case: Civil Action

No. 03-764-CD

Type of Pleading:

Notice of
Service

Filed on Behalf of:

Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

SEP 03 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

ROBERT L. MICHAELS and BEVERLY A. MICHAELS, husband and wife,	:	
		Plaintiffs
-vs-	:	No. 03-764-CD
GERTRUDE YINGLING, an individual,	:	
		Defendant

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being
counsel of record for Defendant, do hereby certify that I propounded
on Plaintiffs, via United States mail, first class, postage pre-paid, this
2nd day of September, 2003, Defendant's DISCOVERY RESPONSES to
the below indicated person, at said address, being counsel of record
for the Plaintiff:

James A. Naddeo, Esq.
Attorney for Plaintiffs
211-1/2 E. Locust Street
Clearfield, PA 16830

Matthew B. Taladay
Matthew B. Taladay,
Attorney for Defendant

FILED
M 10 50 2003
SEP 03 2003
EKA
KCB

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,

Plaintiffs

-vs-

GERTRUDE YINGLING,
and individual,

Defendant

Type of Case: Civil Action

No. 03-764-CD

Type of Pleading:

Certificate of
Service

Filed on Behalf of:

Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

FILED

OCT 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,

Plaintiffs

-vs-

No. 03-764-CD

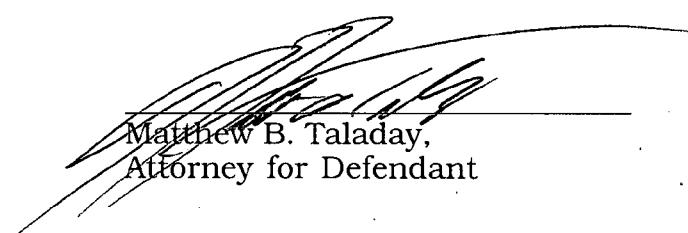
GERTRUDE YINGLING,
an individual,

Defendant

CERTIFICATE OF SERVICE

I certify that on the 28th day of October, 2003, two
original Amended Notices of Deposition, copies of which are attached
hereto, were sent via first class mail, postage prepaid, to the
following:

James A. Naddeo, Esq.
Attorney for Plaintiffs
211-1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830


Matthew B. Taladay,
Attorney for Defendant

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

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,

Plaintiffs

-vs-

No. 03-764-CD

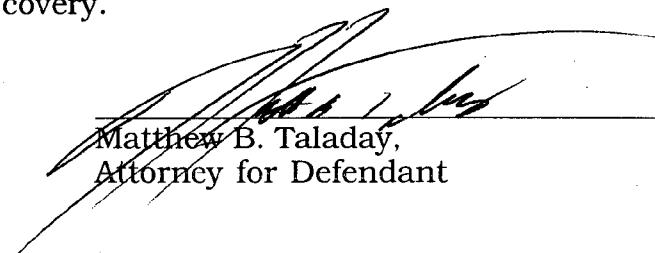
GERTRUDE YINGLING,
an individual,

Defendant

AMENDED NOTICE OF DEPOSITION

TO: ROBERT L. MICHAELS
c/o James A. Naddeo, Esq.

TAKE NOTICE that your deposition by oral examination
will be taken on **Tuesday, November 25, 2003 at 10:00 a.m.** at the law
office of James A. Naddeo, 211-1/2 E. Locust Street, Clearfield,
Pennsylvania. This deposition is being taken for the purpose of
discovery and for use at trial, pursuant to the Pennsylvania Rules of
Civil Procedure regarding Discovery.


Matthew B. Taladay,
Attorney for Defendant

cc: Schreiber Reporting Service

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

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,

Plaintiffs

-vs-

No. 03-764-CD

GERTRUDE YINGLING,
an individual,

Defendant

AMENDED NOTICE OF DEPOSITION

TO: BEVERLY A. MICHAELS
c/o James A. Naddeo, Esq.

TAKE NOTICE that your deposition by oral examination
will be taken on **Tuesday, November 25, 2003 at 10:00 a.m.** at the law
office of James A. Naddeo, 211-1/2 E. Locust Street, Clearfield,
Pennsylvania. This deposition is being taken for the purpose of
discovery and for use at trial, pursuant to the Pennsylvania Rules of
Civil Procedure regarding Discovery.



Matthew B. Taladay,
Attorney for Defendant

cc: Schreiber Reporting Service

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT L. MICHAELS and BEVERLY A. MICHAELS, husband and wife, Plaintiffs	Type of Case: Civil Action
-vs-	No. 03-764-CD
GERTRUDE YINGLING, and individual, Defendant	Type of Pleading: Praecipe for Discontinuance
	Filed on Behalf of: Plaintiffs
	Counsel of Record for This Party: James A. Naddeo, Esq. Supreme Court No. 06820 211½ E. Locust Street P.O. Box 552 Clearfield, PA 16830 (814) 765-1601

FILED No CC.
m/11/27 LM 1CeA of disc to
MAR 10 2006 Attn: Naddeo &
Taladay and
copy to CJA

William A. Shaw
Prothonotary

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

ROBERT L. MICHAELS and
BEVERLY A. MICHAELS, husband
and wife,
Plaintiffs

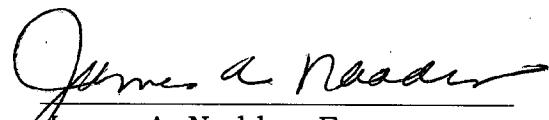
-vs- No. 03-764-CD

GERTRUDE YINGLING,
an individual,
Defendant

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.


James A. Naddeo, Esq.
Attorney for Plaintiffs

FILED

MAR 10 2006

William A. Shaw
Prothonotary

HANAK, GUIDO and TALADAY
Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Nicole Hanak Bankovich
S. Casey Bowers

Telephone: (814) 371-7768
Fax: (814) 371-1974

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

mbtaladay@verizon.net

March 9, 2006

William A. Shaw
Prothonotary
P.O. Box 549
Clearfield, PA 16830

Re: Michaels vs. Yingling
No. 03-764

Dear Mr. Shaw:

Enclosed is a Praecept for Discontinuance for filing. After filing the Praecept, please forward to my office a Certificate of Discontinuance. If you have any questions concerning the enclosed, please contact me. Thank you for your assistance in this matter.

Sincerely,

Matthew B. Taladay
Matthew B. Taladay

MBT:kam

Encs.

cc: James A. Naddeo, Esq.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Robert L. Michaels
Beverly A. Michaels

Vs.
Gertrude Yingling

No. 2003-00764-CD

CERTIFICATE OF DISCONTINUATION

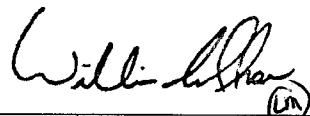
Commonwealth of PA
County of Clearfield

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 March 10, 2006, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by James A. Naddeo Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 10th day of March A.D. 2006.



William A. Shaw, Prothonotary