

03-773-CD
VALERIE STINGER vs. ERIE INSURANCE EXCHANGE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

VALERIE STINGER,
Respondent

-vs-

ERIE INSURANCE EXCHANGE,
Petitioner

No. 03-773-CD

Type of Case: Civil Action

Type of Pleading:
Petition for
Appointment of
Arbitrator

Filed on Behalf of:
Petitioner

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Superior Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

MAY 23 2003

William A. Shaw
Prothonotary

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

VALERIE STINGER,	:	
Respondent	:	
	:	
vs.	:	No.
	:	
ERIE INSURANCE EXCHANGE,	:	
Petitioner	:	

PETITION FOR APPOINTMENT OF ARBITRATOR

AND NOW, comes the Petitioner, ERIE Insurance Exchange, by its attorney, Matthew B. Taladay, and hereby petitions this Court for appointment of Arbitrator, averring as follows:

1. The above captioned matter is an underinsured motorist arbitration pursuant to a policy of insurance issued by ERIE Insurance Exchange. A copy of the applicable policy is attached hereto.

2. The above referenced arbitration is governed by the Uniform Arbitration Act of 1980, 42 Pa. C.S.A. §§7301-7320.

3. The Claimant is Valerie Stinger whose attorney is James Lestitian, Esq. of 615 Washington Road, Suite 400, Pittsburgh, Pennsylvania 15228.

4. Claimant's attorney has advised the Petitioner of his appointed arbitrator, who is Richard J. Shubert, 310 Grant Street, Suite 825, Pittsburgh, Pennsylvania.

5. Petitioner has appointed as its designated arbitrator, James Horne, Esq. of McQuaide Blasko, 811 University Drive, State College, Pennsylvania 16801.

6. Claimant's arbitrator was appointed on or before September 16, 2002. The Petitioner's arbitrator was appointed on or before September 16, 2002.

7. To date the parties and their respective appointed arbitrators have been unable to agree on a third arbitrator to act as Chairperson of the arbitration panel.

8. Petitioner hereby requests this Honorable Court to appoint a qualified and unbiased member of the Clearfield County Bar to serve as Chairperson of the arbitration panel in this matter in accordance with the Arbitration Act of 1980.

WHEREFORE, it is respectfully requested that this Petition for Appointment of Arbitrator be granted.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

Matthew B. Taladay
Attorney for Petitioner

FILED

Of 10:08 AM

MAY 23 2003

3cc

Atty Taladay

William A. Shaw
Prothonotary

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

VALERIE STINGER,
Respondent

vs.
ERIE INSURANCE EXCHANGE,
Petitioner

No. 03-773-CD

ORDER

AND NOW, this 27th day of May, 2003,
Rule is hereby issued upon the Respondent, Valerie Stinger, through
her attorney, James Lestitian, to show cause, if any, why the within
Petition for Appointment of Arbitrator should not be granted.

Rule returnable by written response the 16 day of

June, 2003.

BY THE COURT,

FILED

MAY 28 2003

William A. Shaw
Prothonotary

FILED ^{3 CC}
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MAY 28 1978

William A. Shaw
Prothonotary

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

VALERIE STINGER,
Respondent

vs. No. 03-773-CD

ERIE INSURANCE EXCHANGE,
Petitioner

ORDER

AND NOW, this _____ day of _____, 2003,
upon Petition of ERIE Insurance Exchange and opportunity for
response by the Claimant, Valerie Stinger, the Court hereby appoints
_____, Esq. to serve as Chairperson of the
Arbitration Panel in this matter pursuant to the Uniform Arbitration
Act of 1980, 42 Pa. C.S.A. §§7301-7320.

BY THE COURT,

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

VALERIE STINGER,
Respondent

No. 03-773-CD

-vs-

ERIE INSURANCE EXCHANGE,
Petitioner

Type of Case: Civil Action

Type of Pleading:

Certificate of
Service

Filed on Behalf of:
Petitioner

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Superior Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

AUG 06 2003

William A. Shaw
Prothonotary/Clerk of Courts

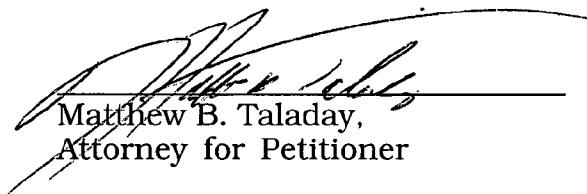
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

VALERIE STINGER, :
Respondent :
vs. : No. 03-773-CD
ERIE INSURANCE EXCHANGE, :
Petitioner :
.

CERTIFICATE OF SERVICE

I certify that on the 30th day of May, 2003, a Court
certified copy of Petition for Appointment of Arbitrator and Order of
Court was sent via first class mail, postage prepaid, to the following:

James J. Lestitian, Esq.
Attorney for Respondent
Suite 400
615 Washington Road
Pittsburgh, PA 15228


Matthew B. Taladay,
Attorney for Petitioner

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

VALERIE STINGER,
Respondent

-vs-

ERIE INSURANCE EXCHANGE,
Petitioner

No. 03-773-CD

Type of Case: Civil Action

Type of Pleading:
Petition for
Appointment of
Arbitrator

Filed on Behalf of:
Petitioner

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Superior Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

AUG 06 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

VALERIE STINGER,
Respondent :
vs. : No. 03-773-CD
ERIE INSURANCE EXCHANGE,
Petitioner :
:

PETITION FOR APPOINTMENT OF ARBITRATOR

AND NOW, comes the Petitioner, ERIE Insurance Exchange, by its attorney, Matthew B. Taladay, and hereby petitions this Court for appointment of Arbitrator, as follows:

1. By Petition for Appointment of Arbitrator filed with this Court May 23, 2003, the Petitioner requested that a Rule to Show Cause be issued on counsel for Valerie Stinger to show cause why the Petition should not be granted.

2. A certified copy of the Petition and Order dated May 27, 2003 setting a rule returnable date of June 16, 2003 was forwarded to the attorney for Valerie Stinger by first class mail on May 30, 2003.

3. A Certificate of Service evidencing service has been filed with the Prothonotary of Clearfield County.

4. By letter dated June 2, 2003, counsel for Respondent indicated that if the members of the panel were unable to agree upon a Chairperson by July 10, 2003, there would be no objection to the Petition.

5. To date there has been no agreement regarding an Arbitration Chairperson.

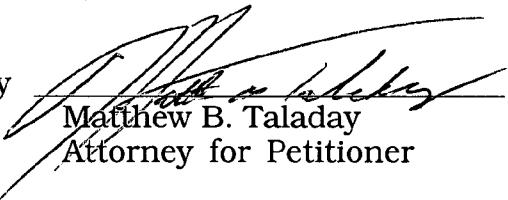
6. Petitioner hereby requests this Honorable Court to issue an Order appointing a qualified attorney to act as Chairperson in arbitration for purposes of an uninsured motorist action.

WHEREFORE, it is respectfully requested that this Petition be granted.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay
Attorney for Petitioner

JAMES J. LESTITIAN
KIM A. BODNAR

RECEIVED
06-04-03

Atorneys at Law

June 2, 2003

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. 487
DuBois, PA 15801

Re: Stinger v. Erie
File No. 56723-001

Dear Mr. Taladay:

Thank you for your letter of May 30, 2003 concerning Stinger v. Erie Insurance Exchange. It is my recommendation that we allow Attorneys Horne and Schubert to decide upon the chair person without the need for court intervention. May I suggest that we allow them at least another thirty (30) days to appoint the chair and if they cannot do so by July 10, 2003, then I would not object to your Petition.

Please call me to discuss.

Very truly yours,

James J. Lestitian

JJL/rsd

cc: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801

Richard Schubert, Esquire
310 Grant Street
Suite 825, Grant Building
Pittsburgh, PA 15219

FILED
1cc
08/22/2005
AUG 06 2005
Atty Talaray
PAC
William A. Shaw
Prothonotary/Clerk of Courts

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

VALERIE STINGER,
Respondent

vs.

No. 03-773-CD

ERIE INSURANCE EXCHANGE,
Petitioner

ORDER

AND NOW, this 7th day of August, 2003,
upon Petition of ERIE Insurance Exchange and opportunity for
response by Respondent, Valerie Stinger, with no response being filed
by Rule Returnable Date as designated by prior Order of this Court,

IT IS HEREBY ORDERED AND DECREED that

Mark A. Davis, Esq. is appointed as Chairperson
of the arbitration panel with regard to the above captioned uninsured
motorist action. The parties shall be equally responsible for payment
of the reasonable and customary fees of the appointed arbitrator.

BY THE COURT,

FILED

AUG 07 2003

William A. Shaw
Prothonotary

FILED

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AUG 07 2003
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William A. Shaw
Prothonotary

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

VALERIE STINGER :
vs. : No. 03-773-CD
ERIE INSURANCE EXCHANGE :

ORDER

AND NOW, this 26th day of August, 2003, it is the ORDER of this Court that Laurance B. Seaman, Esquire shall replace Mark A. Falvo, Esquire as Chairperson of the arbitration panel with regard to the above captioned uninsured motorist action. The parties shall be equally responsible for payment of the reasonable and customary fees of the appointed master.

BY THE COURT:

JOHN K. REHILLY, JR.
President Judge

FILED

AUG 26 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

1cc. Atty Lestitian

1cc. Atty Taladay

1cc. Atty Falvo

1cc. Atty Seaman

William A. Shaw
Prothonotary/Clerk of Courts

EAT

HANAK, GUIDO and TALADAY
Attorneys at Law

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

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

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

Nicole Hanak Bankovich
Jeffrey S. DuBois
S. Casey Bowers

August 22, 2003

Honorable John K. Reilly, Jr.
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

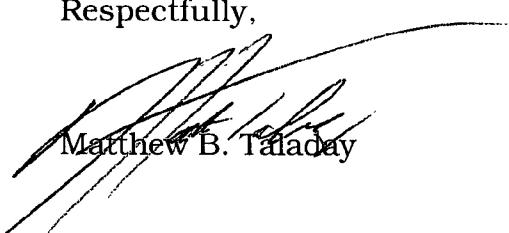
Re: Valerie Stinger vs. ERIE Insurance Exchange

Dear Judge Reilly:

It is my understanding that Mark Falvo is asking to be relieved of his duties as Chairman of an arbitration panel. Prior to submitted a Petition, the carrier in this matter suggested as neutral arbitrators either Larry Seaman or Lee Nollau. If the Court deems either of these individuals to be appropriate, we would ask for their consideration as appointed chairperson.

It is important to have a chairperson appointed so that we may have subpoenas issued for discovery purposes. Thank you for the Court's attention to this matter.

Respectfully,



Matthew B. Taladay

MBT:kam

cc: James J. Lestitian, Esq.
James M. Horne, Esq.
Ronald Habursky
Claim No. 010110361517

Akman & Associates, P.C.

LAW OFFICES

Bryan J. Akman - MD
Robert S. Shreve - MD & PA
Steven D. Cox - MD
L. Dawn Haber - PA

—
F. Lee Elrick - MD
Erika Greenblum - MD & D.C.
Rosalind Marion Ross - PA
Kenneth P. Montgomery - MD & D.C.
Jill L. DeStefano - PA
Susan J. Land - MD
Lawrence H. Fisher - PA
Jason C. Ridgell - MD
T. Michael Riley - MD
Stephen M. Hearne - MD
Michael J. Menner - PA

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Outside MD:
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FAX: (410) 321-0848

345 Southpointe Blvd.
Suite 100
Canonsburg, Pennsylvania 15317
(724) 514-1001
Toll Free:
1-800-982-4078
FAX: (724) 514-1016

105 West Main Street
Salisbury, Maryland 21801
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FAX: (410) 749-6390

38 West Scribner Ave.
DuBois, Pennsylvania 15801
(814) 375-2259
1-800-657-6239
FAX: (814) 375-4178

BRANCH OFFICES:

WASHINGTON, D.C.

August 21, 2003

MARYLAND

Cumberland
Bel Air
Millersville
Baltimore
Frederick

PENNSYLVANIA
Greensburg
Johnstown
Butler
Oil City

MASSACHUSETTS
Boston
Springfield

The Honorable John K. Reilly, Jr.
Judge's Chambers
Clearfield County Courthouse
One North Second Street
Clearfield, Pa 16830

In re: Valerie Stinger v. ERIE Insurance
Exchange

20

Dear Judge Reilly:

On August 18, 2003, I was notified by Attorney Matt Taladay that I had been appointed by you to be the Chairman of the Arbitration Panel in the above-mentioned case. Later, that same day, I received a call from Attorney Jim Horne at my home that I had been appointed to the above-mentioned case.

Although I appreciate that you think that I should be appointed to such a matter, I do not believe that I have enough experience to handle this matter, especially as Chairman of the Panel. Therefore, I respectfully request that you reconsider and appoint another member of the Bar for this matter. I have attached a copy of the Court Order that I received from Attorney Taladay.

Very truly yours,
Mark A. Elrick, Esq.

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

VALERIE STINGER, :
Respondent :
vs. : No. 03-773-CD
: :
ERIE INSURANCE EXCHANGE, :
Petitioner :
:

ORDER

AND NOW, this 7 day of August, 2003,
upon Petition of ERIE Insurance Exchange and opportunity for
response by Respondent, Valerie Stinger, with no response being filed
by Rule Returnable Date as designated by prior Order of this Court,

IT IS HEREBY ORDERED AND DECREED that

Mark A. Nalew, Esq. is appointed as Chairperson
of the arbitration panel with regard to the above captioned uninsured
motorist action. The parties shall be equally responsible for payment
of the reasonable and customary fees of the appointed arbitrator.

BY THE COURT,

/s/ JOHN K. REILLY, JR.

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

AUG 07 2003

Attest.

William L. Lash
Prothonotary/
Clerk of Courts