

03-795-CD
VICTORIA RICH vs. ESIS/NORTHWEST CLAIMS CENTER

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

VICTORIA A. RICH) CIVIL DIVISION
Plaintiff,)
)
v.) 03-795-CD
) No. ~~116-03~~
)
ESIS/NORTHWEST CLAIMS)
CENTER)
Defendant)

NOTICE OF APPEAL FROM MAGISTRATE'S DECISION

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**
G. Jay Habas, Esquire
PA ID No. 55581
Renaissance Centre
1001 State Street, Suite 1400
Erie, PA 16501
(814) 461-7802

FILED

MAY 30 2003

William A. Shaw
Prothonotary

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

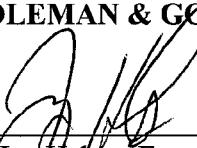
VICTORIA A. RICH) CIVIL DIVISION
Plaintiff,)
)
v.) No. 116-03
)
ESIS/NORTHWEST CLAIMS)
CENTER)
Defendant)

NOTICE OF APPEAL FROM MAGISTRATE'S DECISION

The defendant, ESIS, by its attorneys Marshall, Dennehey, Warner, Coleman & Goggin and G. Jay Habas, Esquire, hereby appeals the decision of Magistrate Richard A. Ireland dated May 12, 2003 pursuant to the Pennsylvania Rules of Civil Procedure. A copy of the Notice of Judgment is attached hereto as Exhibit A.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By: 

G. Jay Habas, Esquire
PA ID No. 55581
Renaissance Centre
1001 State Street, Suite 1400
Erie, PA 16501
(814) 461-7802

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

VICTORIA A. RICH) CIVIL DIVISION
Plaintiff,)
)
v.) No. 116-03
)
ESIS/NORTHWEST CLAIMS)
CENTER)
Defendant)

CERTIFICATE OF SERVICE

I, G. Jay Habas, Esquire, hereby certify on the 28 day of May, 2003, I mailed by U. S. Mail, first class, to the parties listed below, a copy of the within Notice of Appeal from Magistrate's Decision:

Victoria A. Rich
503 Clearfield Street
Clearfield, PA 16830

Michael Sauder
503 Clearfield Street
Clearfield, PA 16830

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By _____

G. Jay Habas, Esquire

\16_A\LIAB\GJH\STAT\36165\BXS\01044\00220

A

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
650 LEONARD STREET
SUITE 133
CLEARFIELD, PA

Telephone: (814) 765-5335 16830

ATTORNEY DEF PRIVATE :

JAY HABAS
1001 STATE STREET
SUITE 1400
ERIE, PA 16501

1044-880
NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF/JUDGMENT DEBTOR: NAME and ADDRESS

RICH, VICTORIA A
503 CLEARFIELD ST
CLEARFIELD, PA 16830

VS.

DEFENDANT/JUDGMENT CREDITOR: NAME and ADDRESS

ESIS/ NORTHWEST CLAIMS CENTER
PO BOX 5001
ATTN: BARBARA JACOBSON
HARTFORD, CT 06102-5001

Docket No.: CV-0000116-03
Date Filed: 3/25/03



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) RICH, VICTORIA A

Judgment was entered against: (Name) ESIS/ NORTHWEST CLAIMS CENTER

in the amount of \$ 651.50 on: (Date of Judgment) 5/12/03

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to
Attachment/Act 5 of 1996 \$ _____

Amount of Judgment	\$ <u>580.00</u>
Judgment Costs	\$ <u>71.50</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>651.50</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<hr/>	
Certified Judgment Total	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

MAY 12 2003 Date Richard Ireland, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

My commission expires first Monday of January, 2006 .

SEAL

FILED Atty pd. 85.00
MAY 1 2003 cc Atty
MAY 30 2003

William A. Shaw
Prothonotary

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

VICTORIA A. RICH,
Plaintiff

vs.

ESIS/NORTHWEST CLAIMS
CENTER,
Defendant

*

*

*

* NO. 03 - 795 - CD

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Type of Pleading:

COMPLAINT

Filed Pro Se:

Victoria A. Rich
503 Clearfield Street
Clearfield, PA 16830

FILED

NOV 05 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

VICTORIA A. RICH, *
Plaintiff *
*
vs. * No. 03 - 795 - CD
*
ESIS/NORTHWEST CLAIMS *
CENTER, *
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, ext. 5982

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

VICTORIA A. RICH, *
Plaintiff *
*
vs. * No. 03 - 795 - CD
*
ESIS/NORTHWEST CLAIMS *
CENTER, *
Defendant *

C O M P L A I N T

NOW COMES the Plaintiff, VICTORIA A. RICH and sets forth the following:

1. Plaintiff is Victoria A. Rich, an adult individual, who resides at 503 Clearfield Street, Clearfield, Pennsylvania 16830.

2. Defendant ESIS, Inc., is a corporation whose principal place of business is located at P.O. Box 15527, 1 Beaver Valley Road, Wilmington, Delaware 19850.

3. That Michael Sauder was injured during the course of his employment with Sargent's Personnel, Inc., on January 31, 2000.

4. That the injury to Michael Sauder occurred on premises operated by Penn Pallet Company.

5. That the said Michael Sauder severely injured his left hand while lifting a wooden pallet during the course of his employment.

6. As a result of the injury described in Paragraph 5 hereof, Michael Sauder sought medical attention from various providers including Dr. Michael Bowman whose office is located in Wexford, Pennsylvania, and Dr. Mark LoDico whose office is located in Moon Township, Pennsylvania.

7. That the said Dr. Michael Bowman prescribed nerve blocks and physical therapy for the treatment of the injury suffered by Michael Sauder on January 31, 2000.

8. That the nerve blocks and physical therapy to be given to Michael Sauder were to be administered at the Hand Surgery Center, Wexford, Pennsylvania.

9. That on or about February 12, 2002, Maureen Tenore is believed to have been employed by the Defendant as an adjuster.

10. That on or about said date, Plaintiff entered into an oral agreement with Defendant through its adjuster, Maureen Tenore, whereby Plaintiff was to provide transportation to Michael Sauder from Clearfield, Pennsylvania, to Wexford, Pennsylvania, to obtain the medical services prescribed by Dr. Michael Bowman.

11. That on or about the aforesaid date, Plaintiff entered into an oral agreement with Defendant through its adjuster, Maureen Tenore, whereby Plaintiff was to provide transportation to Michael Sauder from Clearfield, Pennsylvania,

to Moon Township, Pennsylvania, to obtain the medical services prescribed by Dr. Michael Bowman.

12. That Defendant through its adjuster, Maureen Tenore, agreed to pay Plaintiff the sum of \$135.00 as a flat rate fee per trip from Clearfield, Pennsylvania, to Wexford, Pennsylvania, and the sum of \$155.00 as a flat rate fee per trip from Clearfield, Pennsylvania, to Moon Township, Pennsylvania.

13. That in reliance upon the agreement reached by Plaintiff with Defendant through its adjuster, Maureen Tenore, Plaintiff transported Michael Sauder from Clearfield, Pennsylvania, to Wexford and/or Moon Township, Pennsylvania, on February 12, 2002, February 15, 2002, February 18, 2002, February 22, 2002, February 25, 2002, February 28, 2002, March 19, 2002, May 17, 2002, May 28, 2002, and July 11, 2002.

14. That Plaintiff was paid the amounts agreed by the Defendant for each trip identified in Paragraph 13 hereof, which is incorporated herein by reference, as appears from the statements attached hereto collectively as Exhibit "A".

15. That Plaintiff also provided transportation services to the said Michael Sauder on the following dates: August 9, 2002 (Moon Twp.), September 25, 2002 (Moon Twp.), September 27, 2002 (Wexford) and October 25, 2002 (Wexford).

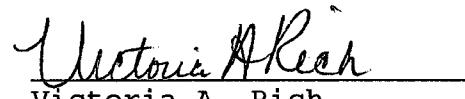
16. That on November 13, 2002, Plaintiff billed Defendant for the transportation services identified in

Paragraph 15 hereof in the amount of \$580.00 and in the custom established between the parties from February 12, 2002, through July 11, 2002. A copy of said bill is attached hereto as Exhibit "B".

17. That subsequent to November 13, 2002, Plaintiff received a telephone call from Barbara Jacobson who represented herself to be an adjuster employed by Defendant.

18. That the said Barbara Jacobson informed Plaintiff that Defendant would not reimburse Plaintiff for transportation services provided to Michael Sauder in accordance with the oral agreement reached between the Plaintiff and Defendant nor in accordance with the custom established from February 12, 2002, through July 11, 2002.

WHEREFORE, Plaintiff claims damages from Defendant in the amount of Five Hundred Eighty (\$580.00) Dollars with interest thereon from November 13, 2002.


Victoria A. Rich

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

VICTORIA A. RICH, *
Plaintiff *
*
vs. * No. 03 - 795 - CD
*
ESIS/NORTHWEST CLAIMS *
CENTER, *
Defendant *

CERTIFICATE OF SERVICE

I, Victoria A. Rich, do hereby certify that a true and certified copy of Complaint filed in the above-captioned action was served on the following person and in the following manner on the 5th day of November, 2003:

First-Class Mail, Postage Prepaid

G. Jay Habas, Esquire
MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
1001 State Street, Suite 1400
Erie, PA 16501

Victoria A. Rich
Victoria A. Rich

*10CN441142440240801010202250004811
ACE PROPERTY AND CASUALTY COMPANIES
PO BOX 5001
HARTFORD CT 06102-5001

DATE 02/25/02

CHECK NO. **CN44114244**

STATEMENT



ACE USA
Insurance Company of North America
ACE Property and Casualty Insurance Company
and Affiliated Insurers



5900A21CN 00 02408 CN44114244
VICTORIA RICH
503 CLEARFIELD ST
CLEARFIELD PA 16830

FILE ID DOLLARS
395C4297799 \$*****405.00

* NOT NEGOTIABLE *

FOR SERVICES FROM 02/12/02 TO 02/15/02

CLAIMANT

SAUDER;MICHAEL

DATE OF EVENT

01/31/00

Questions with regard to this payment should be referred to your agent or the Customer Service Unit of the Claim Office whose address appears above.

DETACH THIS PORTION BEFORE CASHING

1 U U N 4 2 1 / 9 8 8 4 0 2 0 8 0 1 0 1 0 1 0 2 0 3 0 / 0 0 0 8 1 6 2
ACE PROPERTY AND CASUALTY COMPANIES
PO BOX 5001
HARTFORD CT 06102-5001

DATE 03/07/02



CHECK NO. **CN44179884**



ACE USA
Insurance Company of North America
ACE Property and Casualty Insurance Company
and Affiliated Insurers

STATEMENT

5900A21CN 00 02881 CN44179884
VICTORIA RICH
503 CLEARFIELD ST
CLEARFIELD PA 16830

FILE ID DOLLARS
395C4297799 \$*****405.00

* NOT NEGOTIABLE *

FOR SERVICES FROM 02/18/02 TO 02/22/02

CLAIMANT DATE OF EVENT
SAUDER;MICHAEL 01/31/00

Questions with regard to this payment should be referred to your agent or the Customer Service Unit of the Claim Office whose address appears above.

BR018A (05/2001)

DETACH THIS PORTION BEFORE CASHING

100CN441990260340401010203110006084
ACE PROPERTY AND CASUALTY COMPANIES
PO BOX 5001
HARTFORD CT 06102-5001



DATE 03/11/02

CHECK NO. CN44199026



ACE USA
Insurance Company of North America
ACE Property and Casualty Insurance Company
and Affiliated Insurers

STATEMENT

5900A21CN 00 03404 CN44199026
VICOTRIA RICH
503 CLEARFIELD ST
CLEARFIELD PA 16830

FILE ID	DOLLARS
395C4297799	\$*****405.00

* NOT NEGOTIABLE *

FOR
SERVICES FROM 02/25/02 TO 02/28/02

CLAIMANT

SAUDER;MICHAEL

DATE OF EVENT

01/31/00

Questions with regard to this payment should be referred to your agent or the Customer Service Unit of the Claim Office whose address appears above.

BR018A (05/2001)

DETACH THIS PORTION BEFORE CASHING

10CN446127490292201010205210006948
ACE PROPERTY AND CASUALTY COMPANIES
PO BOX 5001
HARTFORD CT 06102-5001

DATE 05/21/02



CHECK NO. **CN44612749**

STATEMENT



ACE USA
Insurance Company of North America
ACE Property and Casualty Insurance Company
and Affiliated Insurers

5900A21CN 00 02922 CN44612749
VICTORIA RICH
503 CLEARFIELD STREET
CLEARFIELD PA 16830

FILE ID DOLLARS
395C4297799 \$*****155.00

* NOT NEGOTIABLE *

FOR SERVICES FROM 03/19/02 TO 03/19/02

CLAIMANT DATE OF EVENT
SAUDER;MICHAEL 01/31/00

Questions with regard to this payment should be referred to your agent or the Customer Service Unit of the Claim Office whose address appears above.

DETACH THIS PORTION BEFORE CASHING

ACE PROPERTY AND CASUALTY COMPANIES
PO BOX 5001
HARTFORD CT 06102-5001

DATE 06/06/02



CHECK NO. **CN44705532**

STATEMENT



ACE USA
Insurance Company of North America
ACE Property and Casualty Insurance Company
and Affiliated Insurers

5900A21CN 00 02909 CN44705532
VICOTRIA RICH
503 CLEARFIELD ST
CLEARFIELD PA 16830

FILE ID DOLLARS
395C4297799 \$*****155.00

* NOT NEGOTIABLE *

FOR
SERVICES FROM 05/28/02 TO 05/28/02

CLAIMANT DATE OF EVENT
SAUDER;MICHAEL 01/31/00

Questions with regard to this payment should be referred to your agent or the Customer Service Unit of the Claim Office whose address appears above.

BR018A-(05/2001)

DETACH THIS PORTION BEFORE CASHING

IOLN449889/8019110101020/260004328
ACE PROPERTY AND CASUALTY COMPANIES
PO BOX 5001
HARTFORD CT 06102-5001

DATE 07/26/02

CHECK NO. **CN44988978**



ACE USA
Insurance Company of North America
ACE Property and Casualty Insurance Company
and Affiliated Insurers

STATEMENT

5900A21CN 00 01907 CN44988978
VICTORIA A. RICH
503 CLEARFIELD ST.
CLEARFIELD PA 16830

FILE ID 395C4297799 DOLLARS
\$*****645.00

* NOT NEGOTIABLE *

FOR SERVICES FROM 05/17/02 TO 07/11/02 PAT.#REIMB

CLAIMANT DATE OF EVENT
SAUDER;MICHAEL 01/31/00

Questions with regard to this payment should be referred to your agent or the Customer Service Unit of the Claim Office whose address appears above.

BRO18A (05/2001)

DETACH THIS PORTION BEFORE CASHING

Victoria A. Rich
503 Clearfield St.
Clearfield, PA 16830
(814) 762-8707

11/13/02

ESIS
Northwest Claims Center
PO Box 5001
Hartford, CT 06102-5001
Attn: Barbara Jacobson

RE: File Number 395 C 429779 9
DOI: 01/31/00
Claimant: Sauder, Michael
Client/Account: Sargent's Personnel, Inc.

Dear Ms. Jacobson:

I'm enclosing a bill for travel services provided Mr. Sauder during the last several months. If you check Mr. Sauder's files I'm sure you will find I have been reimbursed at the current billed rates previously for transportation services and services were provided anticipating the same reimbursement level.

August 9, 2002	Moon Twp.	\$155.00
September 25, 2002	Moon Twp.	\$155.00
September 27, 2002	Wexford	\$135.00
October 25, 2002	Wexford	\$135.00
Total:		\$580.00

If you have any questions, I may be reached at the number listed above. It has been over 3 months since the last time your company has reimbursed me for this service. I would appreciate a timely response.

Thank You.

Victoria A. Rich

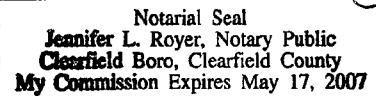
COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared VICTORIA A. RICH, 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.

Victoria A. Rich
Victoria A. Rich

SWORN and SUBSCRIBED before me this 29th day of October, 2003.

Jennifer L. Royer



FILED
cc
NOV 3 2003
NOV 05 2003

3544 44y Nadeen
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

VICTORIA A. RICH) CIVIL DIVISION
Plaintiff,)
v.) No. 03-745-CJ
ESIS/NORTHWEST CLAIMS)
CENTER)
Defendant)

STIPULATION OF DISCONTINUANCE AND DISMISSAL

AND NOW, comes the plaintiff, Victoria A. Rich, and the defendant, ESIS/Northwest Claims Center, by its attorney, G. Jay Habas, Esquire, and hereby stipulate and agree that the above-captioned lawsuit shall be discontinued and dismissed, with prejudice.

Respectfully submitted,

Victoria A. Rich

Victoria Rich
503 Clearfield Street
Clearfield, PA 16830

G. Jay Habas

FOR G. Jay Habas, Esq.
1001 State Street, Suite 1400
Erie, PA 16501

Date: 11-28-03

Date:

\16_A\COMP\GJH\STAT\39163\BXS\01044\00220

FILED

DEC 12 2003

William A. Shaw

Pennsylvania Court of Courts

FILED No CC

11:35 AM
DEC 12 2003 Cert. of Disc.

William A. Shaw
Prothonotary/Clerk of Courts

to Atty Habas, copy to CIA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Victoria A. Rich

Vs.
ESIS/Northwest Claims Center

No. 2003-00795-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 December 12, 2003, marked:

Discontinued and Dismissed with Prejudice

Record costs in the sum of \$85.00 have been paid in full by G. Jay Habas, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of December A.D. 2003.

William A. Shaw, Prothonotary