

03-1023-CD
BERNADETTE PEOPLES vs. MICHAEL P. KOVALCIN, et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNADETTE PEOPLES,

CIVIL DIVISION

Plaintiff,

Case No.: GD-03- 1023-CD

vs.

COMPLAINT IN CIVIL ACTION

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,

Code:

Defendants.

Filed on behalf of Plaintiff:
Bernadette Peoples

Counsel of Record for this Party:

Charles A. Frankovic, Esquire
Pa. I.D. No.: 66033

Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219
(412) 281-8844

JURY TRIAL DEMANDED

FILED

JUL 11 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNADETTE PEOPLES,

CIVIL DIVISION

Plaintiff,

Case No.: GD-03-

vs.

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,

Defendants.

NOTICE TO DEFEND

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 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.

CLEARFIELD COUNTY BAR ASSOCIATION

Keystone Legal Services
211 1/2 E. Locust Street
Clearfield, PA 16830
(800) 326-9177

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNADETTE PEOPLES,

CIVIL DIVISION

Plaintiff,

Case No.: GD-03-

vs.

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,

Defendants.

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, Bernadette Peoples, by and through her counsel,
Charles A. Frankovic, Esquire and Pribanic & Pribanic, LLC, and files the following
Complaint in Civil Action and in support thereof avers as follows:

1. Plaintiff, Bernadette Peoples (hereinafter Plaintiff) is an adult individual
residing at 426 Water Street Extension, Apartment C5, Elk County, Johnsonburg,
Pennsylvania 15845.

2. Defendant, Michael P. Kovalcin, is upon information and belief, an adult
individual resident of RR 4 Box 529, Phillipsburg, Clearfield County, Pennsylvania
16866.

3. Defendant, Joseph Kovalcin, is upon information and belief, an adult
individual resident residing at RR 4 Box 529, Phillipsburg, Clearfield County,
Pennsylvania 16866.

4. State Route 322 is a public thoroughfare located in Clearfield County, running in an easterly and westerly direction.

COUNT I

BERNADETTE PEOPLES v. MICHAEL P. KOVALCIN

Plaintiff incorporates Paragraphs 1 through 4 hereinabove by reference thereto and further avers that:

5. On or about October 18, 2001 Plaintiff was operating a vehicle traveling in the eastbound lane of State Route 322.

6. Plaintiff brought the vehicle she was driving to a stop behind two other stopped vehicles traveling in the eastbound lane.

7. The first of these two vehicles in front of Plaintiff had stopped to make a left hand turn.

8. The vehicle operated by Plaintiff was subsequently struck in the rear by a vehicle operated by Defendant, Michael P. Kovalcin, causing Plaintiff to suffer the severe and serious injuries and damages as are hereinafter set forth.

9. The injuries and damages set forth hereinbelow were caused solely by and were the direct and proximate result of the negligent, reckless and wanton misconduct of the Defendant, Michael P. Kovalcin in any or all of the following respects:

a. In failing to have the vehicle under proper control;

- b. That the driver was inattentive and failed to maintain a reasonable lookout of the road and surrounding traffic conditions;
- c. In failing to exercise reasonable caution and care as it was required under the circumstances;
- d. In violating various statutes and municipal ordinances pertaining to the operation of motor vehicles on public thoroughfares under the circumstances, including but not limited to careless driving (75 Pa. C.S.A. §3714);
- e. In failing to maintain a reasonable lookout for the presence of other motor vehicles on the road;
- f. In failing to maintain a safe distance between the Defendant's vehicle and the Plaintiff's vehicle; and
- g. In failing to apply the brakes in time to avoid a collision with the rear-end of Plaintiff's vehicle.

10. Solely as a result of the negligence, recklessness and carelessness of Defendant, Michael P. Kovalcin as hereinabove set forth, Plaintiff sustained injuries which are or may be of a serious and permanent nature, including:

- a. Injuries to the bones, muscles, tissues, nerves, nervous system, veins, circulatory system and ligaments of the head, neck, arms, elbows, chest, shoulder, back, legs, buttocks and body generally;
- b. Shock and injury to nerves and nervous system;
- c. Comminuted fracture of the distal tibia requiring intramedullary nailing of a rod;
- d. Loss of the feeling of wellbeing;
- e. Worry, anxiety, apprehension and frustration;

- f. Emotional upset;
- g. Past medical expenses and future medical expenses; and
- h. Past, present and future mental pain, suffer and inconvenience.
- i. Chronic pain and discomfort from standing and walking.

11. Plaintiff, Bernadette Peoples, is entitled to pursue an action for non-economic damages in the above-captioned action by virtue of election of the full tort option pursuant to the provision of the Pennsylvania Motor Vehicle Financial Responsibility Law or in the alternative, Plaintiff, under the circumstances that this action, falls within an exception to the rule barring recovery for non-economic damages in the event Plaintiff has elected the limited tort option pursuant to the terms of the foregoing statute.

WHEREFORE, Plaintiff, Bernadette Peoples, brings a suit against Defendant, Michael P. Kovalcin, to recover compensatory damages, including costs and interest in an amount in excess of the jurisdiction of the Board of Arbitrators of this Court.

COUNT II

BERNADETTE PEOPLES v. JOSEPH KOVALCIN

Plaintiff incorporates Paragraphs 1 through 11 hereinabove by reference thereto and further avers that:

12. Defendant, Joseph Kovalcin, is the father of Defendant, Michael P. Kovalcin, and at the time of the accident complained of in Plaintiff's Complaint, Joseph Kovalcin was the legal guardian of Defendant, Michael P. Kovalcin.

13. It is upon information and belief that at the time of the accident, Defendant, Michael P. Kovalcin was operating a vehicle owned by Defendant, Joseph Kovalcin, and purchased for the pleasure, comfort and enjoyment of Defendants, Michael P. Kovalcin, Joseph Kovalcin and other members of the family of the Defendant, Joseph P. Kovalcin.

14. At all of the times mentioned herein above and hereinafter, Defendant, Michael P. Kovalcin, was an inexperienced driver of 17 years of age.

15. Knowing Defendant, Michael P. Kovalcin, to be such an inexperienced driver, the Defendant-parent, Joseph Kovalcin, negligently allowed and permitted Defendant, Michael P. Kovalcin, to drive the vehicle without a licensed and/or an experienced driver accompanying him.

16. At and/or immediately prior to the accident herein referred to, Michael P. Kovalcin was driving the vehicle with the consent, knowledge and/or permission of the Defendant-parent and was acting in furtherance of and not apart from the service and control of the Defendant-parent and within the purpose for which the automobile was purchased.

17. The injuries and damages set forth herein above in Paragraph 10 was caused solely by and was the direct and proximate result of the negligence of Defendant, Joseph Kovalcin, in any or all of the following respects:

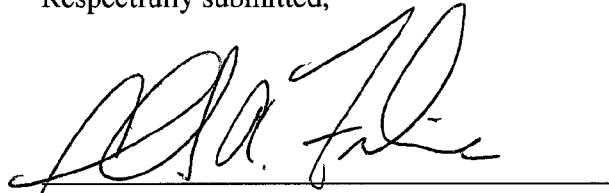
- a. In entrusting the motor vehicle in question to Defendant, Michael P. Kovalcin, knowing that Defendant, Michael P. Kovalcin, was an inexperienced driver;
- b. In entrusting the motor vehicle in question to Defendant, Michael P. Kovalcin, when Defendant should have known that his son was an inexperienced driver;
- c. In allowing Defendant, Michael P. Kovalcin, to operate the vehicle in question without a licensed and/or experienced driver; and
- d. In allowing Defendant, Michael P. Kovalcin, access to the vehicle in question without the permission of his parent.

18. Plaintiff, Bernadette Peoples, is entitled to pursue an action for non-economic damages in the above-captioned action by virtue of election of the full tort option pursuant to the provision of the Pennsylvania Motor Vehicle Financial Responsibility Law or in the alternative, Plaintiff, under the circumstances that this action, falls within an exception to the rule barring recovery for non-economic damages in the event Plaintiff has elected the limited tort option pursuant to the terms of the foregoing statute.

WHEREFORE, Plaintiff, Bernadette Peoples, brings this suit against Defendant, Joseph Kovalcin to recover compensatory and consequential damages, including costs

and interest in an amount in excess of the jurisdiction of the Board of Arbitrators of this
Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C.A. Frankovic', written over a horizontal line.

Charles A. Frankovic
Counsel for Plaintiff, Bernadette Peoples

VERIFICATION

Plaintiff verifies that the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

DATE 86-20-03

Bernadette Peoples
BERNADETTE PEOPLES

FILED

M 11:25 AM 7d 85.00
3 cc to Betty

JUL 11 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

Type of Case: Civil Action

No. 03-1023-CD

Type of Pleading:

Praecipe for
Entry of Appearance

Filed on Behalf of:

Defendants

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

JURY TRIAL DEMANDED

FILED

AUG 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

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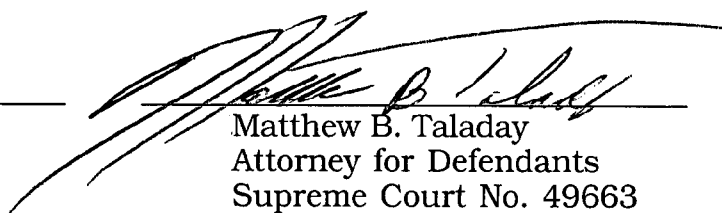
No. 03-1023-CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendants, Michael P.
Kovalcin and Joseph Kovalcin, in the above captioned matter.

Dated: 08-15-03



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

cc: Charles A. Frankovic, Esq.
Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219

FILED No
cc
3/10/4784
AUG 18 2003
4/29

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

PEOPLES, BERNADETTE

VS.

KOVALCIN, MICHAEL P. & JOSEPH

COMPLAINT

Sheriff Docket #

14351

03-1023-CD

SHERIFF RETURNS

NOW JULY 25, 2003 AT 10:43 AM SERVED THE WITHIN COMPLAINT ON JOSEPH KOVALCIN, DEFENDANT AT RESIDENCE, 84 FAWN DRIVE, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOSEPH KOVALCIN A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

NOW JULY 25, 2003 AT 10:43 AM SERVED THE WITHIN COMPLAINT ON MICHAEL P. KOVALCIN, DEFENDANT AT RESIDENCE, 84 FAWN DRIVE, PHILPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOSEPH KOVALCIN, FATHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

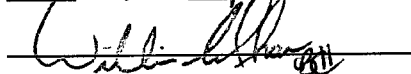
SERVED BY: DAVIS/MORGILLO

Return Costs

| Cost | Description |
|-------|--|
| 47.04 | SHERIFF HAWKINS PAID BY: ATTY CK# 3314 |
| 20.00 | SURCHARGE PAID BY: ATTY CK# 3315 |

Sworn to Before Me This

2nd Day Of Sept 2003



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

So Answers,



Chester A. Hawkins
Sheriff

FILED

013:17451
SEP 02 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

Type of Case: Civil Action

No. 03-1023-CD

Type of Pleading:

Answer and
New Matter

Filed on Behalf of:

Defendants

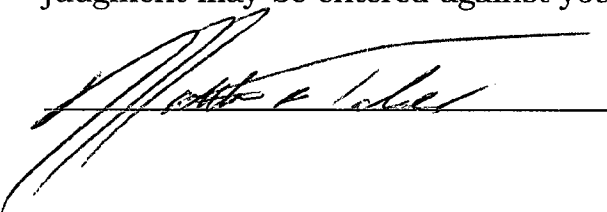
Counsel of Record for This
Party:

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

JURY TRIAL DEMANDED

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

SEP 05 2003
m/1140/nex
William A. Shaw
Prothonotary/Clerk of Courts



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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

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No. 03-1023-CD

ANSWER

AND NOW, comes the Defendants, Michael P. Kovalcin and Joseph Kovalcin, by their attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiff's Complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

Count I

Bernadette Peoples vs. Michael P. Kovalcin

Defendant incorporates responses to paragraphs 1 through

4.

5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted in part and denied in part. It is admitted

that the vehicle operated by Plaintiff was struck in the rear by a

vehicle operated by Defendant Michael P. Kovalcin. With regard to the remaining allegations of paragraph 8, this Defendant is, after reasonable investigation, without information sufficient to form a belief as to these allegations, therefore they are denied, and strict proof thereof is demanded at the time of trial.

9. Defendant Michael P. Kovalcin admits liability for the accident. The remaining allegations of paragraphs 9 are denied.

10. After reasonable investigation, Defendant Michael P. Kovalcin is without information sufficient to form a belief as to the truth of the averments of paragraph 10 of Plaintiff's Complaint, and therefore these allegations are denied and strict proof thereof is demanded at the time of trial.

11. The averments set forth in paragraph 11 of the Plaintiff's Complaint constitute a conclusion of law to which no response is required. To the extent that a response may be required, Defendant Michael P. Kovalcin believes that some or all of Plaintiff's claims may be barred by application of the Pennsylvania Motor Vehicle Financial Responsibility Law regarding limited tort and therefore reserves the right to argue applicable legal principles.

WHEREFORE, Defendant Michael P. Kovalcin demands judgment in his favor.

Count II
Bernadette Peoples vs. Joseph Kovalcin

The responses to paragraphs 1 through 11 set forth above are incorporated by reference.

12. Admitted.

13. Admitted in part and denied in part. It is admitted that Defendant Joseph Kovalcin permitted Defendant Michael P. Kovalcin to operate the Ford F-150 pick up truck involved in this incident for the pleasure and convenience of Michael P. Kovalcin. It is denied that the use or operation of this truck was for the convenience, pleasure or business of any other members of the family.

14. It is admitted that at the time of the incident Michael P. Kovalcin was 17 years of age. The remaining allegations of paragraph 14 are denied as subjective semantics.

15. Denied. To the contrary, Joseph Kovalcin in no way acted recklessly in allowing his son to operate his vehicle.

16. Admitted in part and denied in part. It is admitted that Michael P. Kovalcin was driving the vehicle with the consent, knowledge and permission of his father. It is denied that Michael P. Kovalcin was acting under the control, service, or furtherance of any business of his defendant parent Joseph Kovalcin.

17. Denied pursuant to Pa.R.C.P. 1029(e).

18. The averments set forth in paragraph 18 of the Plaintiff's Complaint constitute a conclusion of law to which no response is required. To the extent that a response may be required, Defendant Joseph Kovalcin believes that some or all of Plaintiff's claims may be barred by application of the Pennsylvania Motor Vehicle Financial Responsibility Law regarding limited tort and therefore reserves the right to argue applicable legal principles.

WHEREFORE, Defendant Joseph Kovalcin demands judgment against in his favor.

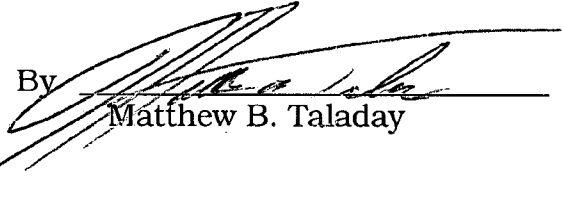
NEW MATTER

19. Plaintiff's claims are barred or limited by application of the Pennsylvania Motor Vehicle Financial Responsibility Law regarding limited tort status.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

A handwritten signature in black ink, appearing to read "Matthew B. Taladay", is written over a horizontal line.

Matthew B. Taladay

VERIFICATION

I, **Michael P. Kovalcin**, 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: 9/1/03

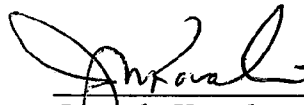
Michael Kovalcin
Michael P. Kovalcin

VERIFICATION

I, **Joseph Kovalcin**, 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: 9/1/03



Joseph Kovalcin

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

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No. 03-1023-CD

CERTIFICATE OF SERVICE

I certify that on the 4th day of September,
2003, a true and correct copy of Defendants' Answer and New Matter
was sent via first class mail, postage prepaid, to the following:

Charles A. Frankovic, Esq.
Attorney for Plaintiff
Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219


Matthew B. Taladay,
Attorney for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

Type of Case: Civil Action

No. 03-1023-CD

Type of Pleading:

Notice of
Service

Filed on Behalf of:

Defendants

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

JURY TRIAL DEMANDED

FILED

SEP 05 2003

m11c40/noc
William A. Shaw

Prothonotary/Clerk of Courts



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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

No. 03-1023-CD

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendants, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 4th day of September, 2003, Defendants' FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

Charles A. Frankovic, Esq.
Attorney for Plaintiff
Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219

Matthew B. Taladay
Matthew B. Taladay,
Attorney for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNADETTE PEOPLES,

PLAINTIFF,

vs.

MICHAEL P. KOVALCIN
and JOSEPH KOVALCIN,

DEFENDANTS.

CIVIL DIVISION

No. 03-1023-CD

**PLAINTIFF'S REPLY TO
DEFENDANT'S NEW MATTER**

FILED ON BEHALF OF PLAINTIFF,
BERNADETTE PEOPLES

COUNSEL OF RECORD FOR
THIS PARTY:

CHARLES A. FRANKOVIC, ESQUIRE
PA I.D. #66033

PRIBANIC & PRIBANIC, P.C.
513 COURT PLACE
PITTSBURGH, PA 15219
(412) 281-8844

FILED

SEP 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNADETTE PEOPLES,

CIVIL DIVISION

PLAINTIFF,

No. 03-1023-CD

vs.

MICHAEL P. KOVALCIN
and JOSEPH KOVALCIN,

DEFENDANTS.

PLAINTIFF'S REPLY TO DEFENDANTS' NEW MATTER

AND NOW, comes Plaintiff, BERNADETTE PEOPLES, by and through her counsel, PRIBANIC & PRIBANIC, LLC and CHARLES A. FRANKOVIC, ESQUIRE, and files the following PLAINTIFF'S REPLY TO DEFENDANTS' NEW MATTER and in support thereof avers as follows:

1. Paragraph 19 of Defendants' New Matter is denied generally pursuant to Pennsylvania Rules of Civil Procedure 1029.

Respectfully submitted,

PRIBANIC & PRIBANIC, P.C.

By: 

Charles A. Frankovic, Esquire

PA I.D. #66033

513 Court Place


Pittsburgh, PA 15219

(412) 281-8844

VERIFICATION

CHARLES A. FRANKOVIC, ESQUIRE, deposes and says that he is counsel for the foregoing party; that he is authorized to make this Verification; that the facts set forth in the foregoing are true and correct based upon information supplied to him by the foregoing party; that the purpose of this Verification is to expedite litigation; and that a Verification by the party hereto will be furnished if requested. This statement is made subject to penalties of 18 Pa. C.S.A. Section 4909 relating to unsworn falsification of authorities.

Dated: 9/8/03

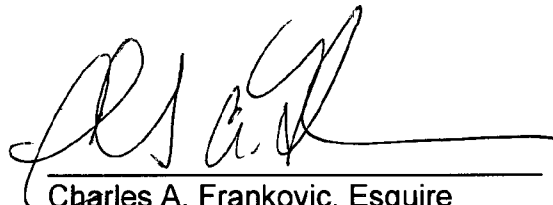


CHARLES A. FRANKOVIC, ESQUIRE
Counsel for Plaintiff, Bernadette
Peoples

CERTIFICATE OF SERVICE

I, CHARLES A. FRANKOVIC, ESQUIRE, hereby certify that a true and correct copy of the foregoing PLAINTIFF'S REPLY TO DEFENDANTS' NEW MATTER was served upon the following via United States First Class Mail, postage prepaid on the 8TH day of September 2003:

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



Charles A. Frankovic, Esquire
513 Court Place
Pittsburgh, PA 15219
(412) 281-8844

FILED *MB*
SEP 10 2003 *cc*
SEP 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

Type of Case: Civil Action

No. 03-1023-CD

Type of Pleading:

Certificate of
Service

Filed on Behalf of:

Defendants

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

JURY TRIAL DEMANDED

FILED

NOV 17 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

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No. 03-1023-CD

CERTIFICATE OF SERVICE

I certify that on the 14th day of November, 2003, an
original Notice of Deposition, copy of which is attached hereto, was
sent via first class mail, postage prepaid, to the following:

Charles A. Frankovic, Esq.
Attorney for Plaintiff
Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219

Matthew B. Taladay
Matthew B. Taladay,
Attorney for Defendants

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

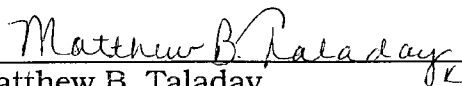
MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

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No. 03-1023-CD

TO: BERNADETTE PEOPLES
c/o Charles A. Frankovic, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Monday, December 1, 2003 at 11:00 a.m.** at the law office of Hanak, Guido and Taladay, 498 Jeffers Street, DuBois, 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 Defendants

cc: Theresa Cravener, Court Reporter

FILED
M18-5284
NOV 17 2003

NO
CC
61
821

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

Type of Case: Civil Action

No. 03-1023-CD

Type of Pleading:

Certificate of
Service

Filed on Behalf of:

Defendants

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

JURY TRIAL DEMANDED

FILED

DEC 11 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

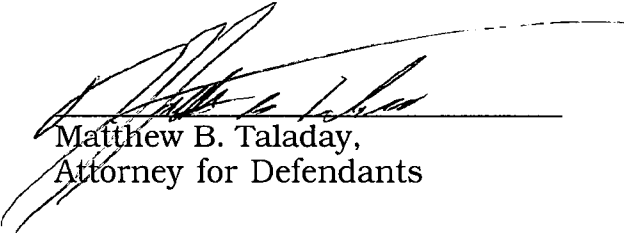
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No. 03-1023-CD

CERTIFICATE OF SERVICE

I certify that on the 10th day of December, 2003, an
original Amended Notice of Deposition, copy of which is attached
hereto, was sent via first class mail, postage prepaid, to the following:

Charles A. Frankovic, Esq.
Attorney for Plaintiff
Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219



Matthew B. Taladay,
Attorney for Defendants

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

No. 03-1023-CD

AMENDED NOTICE OF DEPOSITION

TO: BERNADETTE PEOPLES
c/o Charles A. Frankovic, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Tuesday, February 10, 2004 at 2:00 p.m.** at the law office of Hanak, Guido and Taladay, 498 Jeffers Street, DuBois, 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 Defendants

cc: Schreiber Reporting Service

FILED

NOV 10 4 47 PM '03

DEC 11 2003

cc
E/K

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

Type of Case: Civil Action

No. 03-1023-CD

Type of Pleading:

Notice of
Service

Filed on Behalf of:

Defendants

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

JURY TRIAL DEMANDED

FILED

JAN 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

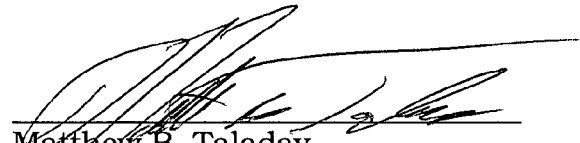
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No. 03-1023-CD

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendants, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 21st day of January, 2004, Defendants' RESPONSES TO FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

Charles A. Frankovic, Esq.
Attorney for Plaintiff
Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219


Matthew B. Taladay,
Attorney for Defendants

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

No. 03-1023-CD

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoena for the production of documents and things pursuant to Rule 4009.22, Plaintiff certifies that

1. A notice of intent to serve subpoena with a copy of subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the notice, including the proposed subpoena, is attached to this certificate;
3. No objection to the subpoena has been received; and
4. The subpoena which will be served is identical to the one attached to the notice of intent to serve the subpoena.

Date: 12/15/04


Matthew B. Taladay
Attorney for Defendants

FILED

DEC 16 2004

William A. Shaw

Prothonotary/Clerk of Courts

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

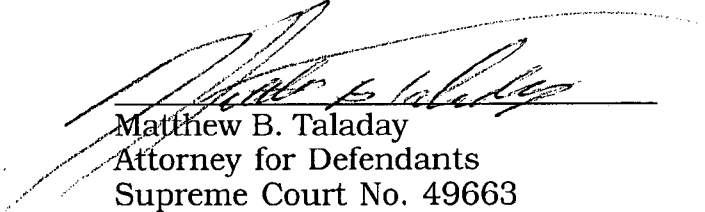
No. 03-1023-CD

**NOTICE OF INTENT TO SERVE SUBPOENA
TO PRODUCE DOCUMENTS AND THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendants, Michael P. Kovalcin and Joseph Kovalcin,
intend to serve a subpoena identical to the one attached to this notice.
You have twenty (20) days from the date listed below to file of record
and serve upon the undersigned objections to the subpoena. If no
objections are made, the subpoena may be served.

Date:

12-7-04


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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Bernadette Peoples
Plaintiff(s)

Vs.

Michael Kovalcin
Joseph Kovalcin
Defendant(s)

*

*

*

No. 2003-01023-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: Aiello's Cafe, 102 N. Broad Street, Ridgway, PA 15853

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to
produce the following documents or things:

All employment records, attendance records, payroll information
and time cards from January 1, 2001 to present pertaining to
Bernadette Peoples.

(Address)

PO Box 487
DuBois, PA 15801

You may deliver or mail legible copies of the documents or produce things requested by
this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty
(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Matthew B. Taladay, Esq.
ADDRESS: 498 Jeffers St. PO Box 487
DuBois PA 15801
TELEPHONE: (814) 371-7768
SUPREME COURT ID # 49663
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Wednesday, December 01, 2004

Seal of the Court

Deputy

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

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNADETTE PEOPLES

CIVIL DIVISION

CASE NO. 03-1023-CD

PLAINTIFF,

**CERTIFICATE OF
READINESS FOR TRAIL**

vs.

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN

Filed on Behalf of Plaintiff
Bernadette Peoples

Counsel of Record:

DEFENDANTS.

Charles A. Frankovic, Esquire
Pa. I.D. No.: 66033

Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219
(412) 281-8844

JURY TRIAL DEMANDED

FILED *no cc*
m/10:57
JUL 27 2005
Shaw
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNADETTE PEOPLES

CIVIL DIVISION

CASE NO. 03-1023-CD

PLAINTIFF,

vs.

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN

DEFENDANTS.

CERTIFICATE OF READINESS FOR TRIAL

TO THE PROTHONOTARY:

Please know that no Motions are outstanding in the above captioned matter and discovery has been completed and the case is ready for trial. The case has been listed as a Jury Trial case and Notice of this Certificate has been given to counsel for the Defendant, Matthew Taladay.

Respectfully submitted,

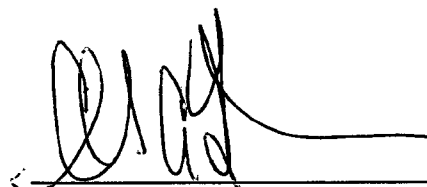
A handwritten signature in black ink, appearing to read 'Charles A. Frankovic', is written over a horizontal line.

Charles A. Frankovic
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, CHARLES A. FRANKOVIC, ESQUIRE, hereby certify that a true and correct copy of the foregoing **CERTIFICATE OF READINESS FOR TRIAL** was served upon the following via U.S Postal Service postage prepaid on the 16th day of July, 2005 upon the following:

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



Charles A. Frankovic, Esquire
Pa. I.D. # 66033
513 Court Place
Pittsburgh, PA 15219
(412) 281-8844

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

Type of Case: Civil Action

No. 03-1023-CD

Type of Pleading:

Praecept for
Discontinuance

Filed on Behalf of:

Plaintiff

Counsel of Record for This
Party:

Charles A. Frankovic, Esq.
Supreme Court No. 66033
Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219

(412) 281-8844

Dated: October 20, 2005

FILED ^{NO} ^{CC}
m/11:00 AM
OCT 21 2005
Cert. of Disc. to
Att'y
William A. S.
Prothonotary/Clerk of Court
Copy to CIA

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

BERNADETTE PEOPLES,
Plaintiff

-vs-

MICHAEL P. KOVALCIN and
JOSEPH KOVALCIN,
Defendants

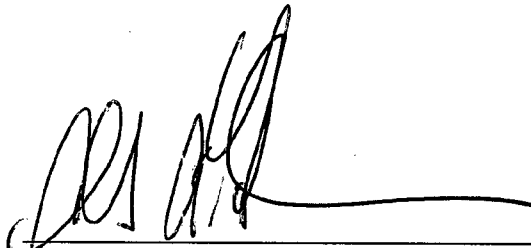
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No. 03-1023-CD

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Kindly mark the above referenced matter settled and
discontinued.



Charles A. Frankovic, Esq.
Attorney for Plaintiff


FILED

OCT 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL DIVISION

 **COPY**

Bernadette Peoples

Vs.

No. 2003-01023-CD

Michael Kovalcin

Joseph Kovalcin

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 21, 2005, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Pribanic & Pribanic.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of October A.D. 2005.

William A. Shaw, Prothonotary