

03-1255-CD

BERNARD P CARLEY, etal. vs. CUMMINGSVILLE MUNICIPAL AUTHORITY

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,
Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,
Defendant.

No. 03 - ~~1256~~ C.D.

Type of case: Civil

Type of pleading: Complaint

Filed on behalf of: Plaintiffs,
Bernard P. and Harriet L. Carfley

Counsel for Plaintiffs:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

FILED

AUG 22 2003

William A. Shaw
Prothonotary

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

BERNARD P. CARFLEY and	:	
HARRIET L. CARFLEY,	:	
Plaintiffs,	:	
	:	
vs.	:	No. 03 - - C.D.
	:	
CURWENSVILLE MUNICIPAL	:	
AUTHORITY,	:	
Defendant.	:	

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 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
1 North Second Street
Clearfield, Pennsylvania 16830
(814) 765-2641

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

BERNARD P. CARFLEY and	:	
HARRIET L. CARFLEY,	:	
Plaintiffs,	:	
	:	
vs.	:	No. 03 - - C.D.
	:	
CURWENSVILLE MUNICIPAL	:	
AUTHORITY,	:	
Defendant.	:	

COMPLAINT

AND NOW, come the Plaintiffs, BERNARD P. CARFLEY and HARRIET L. CARFLEY, by and through their attorney, FREDERICK M. NEISWENDER, ESQUIRE, and file this Complaint against the Defendant, CURWENSVILLE MUNICIPAL AUTHORITY, on a cause of action upon which the following is a statement:

1. Plaintiffs, BERNARD P. CARFLEY and HARRIET L. CARFLEY [hereinafter referred to as "CARFLEYS"], are husband and wife residing at 3501 Windy Hill Road, (formerly known as 503 Grampian Road), Curwensville, Clearfield County, Pennsylvania 16833.

2. Defendant, CURWENSVILLE MUNICIPAL AUTHORITY, is a political subdivision of the Commonwealth of Pennsylvania located in Clearfield County with an address of 900 Susquehanna Avenue, Curwensville, Clearfield County, Pennsylvania 16833.

3. The CARFLEYS own the house and land comprising their residence at 3501 Windy Hill Road, (formerly known as 503 Grampian Road), Curwensville, Clearfield County, Pennsylvania, to which they took title by deed of record in the Clearfield County Courthouse in Deed Book 970, Page 579.

4. The CURWENSVILLE MUNICIPAL AUTHORITY owns and maintains a sewage pipe system, which serves the CARFLEYS' residence.

5. On or about June 27, 2002, an obstruction in the CURWENSVILLE MUNICIPAL AUTHORITY'S sewage line caused untreated sewage to back up into the CARFLEYS' residence.

6. This sewage extensively damaged carpeting and flooring in their residence.

7. Numerous items of clothing and other personal property were ruined and had to be thrown away.

8. As a result of the sewage back up, the CARFLEYS had to have the affected areas professionally cleaned and disinfected. Carpeting, flooring and numerous items of personal property had to be replaced.

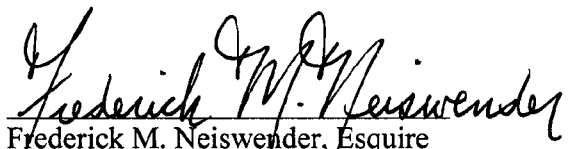
9. On July 1, 2002, the CURWENSVILLE MUNICIPAL AUTHORITY placed a camera in the sewer line. The resulting film showed the line was blocked by tree roots and had not been properly maintained.

10. The CARFLEYS' damages were proximately caused by the CURWENSVILLE MUNICIPAL AUTHORITY'S negligence because the Authority failed to properly clear, maintain and/or repair the sewer line in question.

11. The CURWENSVILLE MUNICIPAL AUTHORITY is not immune from this suit and liability under the Political Subdivision Torts Claims Act, 1980, October 5, P.L. 693, No. 142, 42 Pa. C.S.A. §8542 (b)(5).

WHEREFORE, Plaintiffs request this Court enter judgement against Defendant in an amount less than \$20,000.00.

Respectfully submitted,


Frederick M. Neiswender, Esquire
Counsel for Plaintiffs

BERNARD P. CARFLEY and HARRIET L. CARFLEY hereby state that they are the Plaintiffs in this action and that the statements of fact made in the foregoing Complaint are true and correct upon personal knowledge. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

DATE: 8-13-03

Bernard P. Carfley
BERNARD P. CARFLEY

DATE: 8-13-03

Harriet L. Carfley
HARRIET L. CARFLEY

22 Sept 03 Document
Reinstated/Returned to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

FILED

01:56 PM PA 83-03026 atty
AUG 22 2003

William A. Shaw
Prothonotary

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,
Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,
Defendant.

No. 03 - 1255 - C.D.

Type of case: Civil

Type of pleading: Praecipe to
Reinstate Compliant

Filed on behalf of: Plaintiffs

Counsel for Plaintiffs:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

FILED

SEP 22 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,

Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

No. 03 - 1255 - C.D.

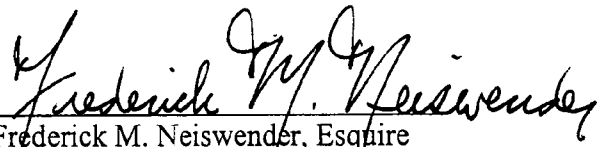
PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Please reinstate the Complaint filed on behalf of the Plaintiffs in the above captioned matter on August 22, 2003.

Date:

9/22/03


Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

FILED

Atty Ad. 7.00

SEP 22 2003

Complaint to SHG

William A. Shaw 2 Complaints to Atty
Prothonotary/Clerk of Courts



In The Court of Common Pleas of Clearfield County, Pennsylvania

CARFLEY, BERNARD P. & HARRIET L.

VS.

CURWENSVILLE MUNICIPAL AUTHORITY

COMPLAINT

Sheriff Docket #

14596

03-1255-CD

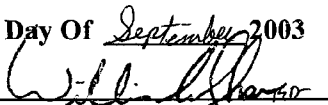
SHERIFF RETURNS

NOW SEPTEMBER 25, 2003 AT 9:25 AM SERVED THE WITHIN COMPLAINT ON CURWENSVILLE MUNICIPAL AUTHORITY, DEFENDANT AT EMPLOYMENT, 900 SUSQUEHANNA AVE., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDNIG TO SUSAN WILLIAMS, OFFICE MGR. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: MORGILLO


Return Costs

Cost	Description
22.69	SHERIFF HAWKINS PAID BY: ATTY CK# 1746
10.00	SURCHARGE PAID BY: ATTY Ck# 1747

Sworn to Before Me This

30 Day Of September 2003


So Answers,


Chester A. Hawkins
Sheriff

FILED

0 2:45 PM

SEP 30 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNARD P. CARFLEY and HARRIET
L. CARFLEY,

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendants.

CIVIL DIVISION

No. 03-1255 – C.D.

**PRAECIPE FOR ENTRY
OF APPEARANCE**

Filed on behalf of Defendant,
Curwensville Municipal Authority

Counsel of Record for This Party:

David J. Nichols, Esquire
Pa. I.D. #87579

GIGLER & JOYAL
612 Frick Building
437 Grant Street
Pittsburgh PA 15219-6003

(412) 471-9640

JURY TRIAL DEMANDED.

FILED

NOV 05 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNARD P. CARFLEY and HARRIET CIVIL DIVISION
L. CARFLEY,

No. 03-1255 – C.D.

Plaintiff,

vs.

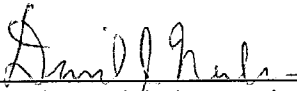
CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendants.

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

KINDLY ENTER my appearance on behalf of Defendant, Curwensville Municipal
Authority, regarding the above-captioned case.

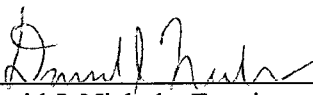


David J. Nichols, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe for Entry of Appearance has been served by First Class, United States mail, postage prepaid, upon the following parties on this 3rd day of November 2003.

Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA 16830



David J. Nichols, Esquire
Counsel for Defendant

FILED No
cc
NOV 11 2005
NOV 05 2003
Clerk of CA

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNARD P. CARFLEY and HARRIET
L. CARFLEY,

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendants.

CIVIL DIVISION

No. 03-1255 – C.D.

ANSWER AND NEW MATTER

Filed on behalf of Defendant,
Curwensville Municipal Authority

You are hereby notified to file a written
response to the enclosed Answer and New
Matter within 20 days from service
hereof or a judgment may be entered
against you.

By: 

David J. Nichols, Esquire
Counsel for Defendant

Counsel of Record for This Party:

David J. Nichols, Esquire
Pa. I.D. #87579

GIGLER & JOYAL
612 Frick Building
437 Grant Street
Pittsburgh PA 15219-6003

(412) 471-9640

JURY TRIAL DEMANDED.

FILED

NOV 07 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNARD P. CARFLEY and HARRIET L. CARFLEY, CIVIL DIVISION

No. 03-1255 – C.D.

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

ANSWER

AND NOW, comes the Defendant, CURWENSVILLE MUNICIPAL
AUTHORITY, by and through its attorneys, Gigler & Joyal, and David J. Nichols, Esquire, and file
this Answer to Plaintiffs' Complaint as follows:

1. In answer to the averments of Paragraph 1 of Plaintiffs' Complaint,
Defendant states that after reasonable investigation, it is unable to form a belief as to their truth,
therefore the same are denied and strict proof thereof is demanded at the time of trial.

2. Paragraph 2 is admitted.

3. In answer to the averments of Paragraph 3 of Plaintiffs' Complaint,
Defendant states that after reasonable investigation, it is unable to form a belief as to their truth,
therefore the same are denied and strict proof thereof is demanded at the time of trial.

4. It is admitted that Defendant owns and maintains a sewage pipe system that serves the Curwensville community. The Carfley-Plaintiffs' own a lateral sewer pipe that ties into the Defendant's sewer pipe.

5. Paragraph 5 is denied pursuant to Pa. R. C. P. 1029 (e) and strict proof thereof is demanded at the time of trial.

6. Paragraph 6 is denied pursuant to Pa. R. C. P. 1029 (e) and strict proof thereof is demanded at the time of trial.

7. Paragraph 7 is denied pursuant to Pa. R. C. P. 1029 (e) and strict proof thereof is demanded at the time of trial.

8. Paragraph 8 is denied pursuant to Pa. R. C. P. 1029 (e) and strict proof thereof is demanded at the time of trial.

9. Paragraph 9 is admitted in part and denied in part. It is admitted that Defendant placed a camera in both the Plaintiffs' lateral line and Defendant's sewer line on or about July 1, 2002. As to the remaining averments of Paragraph 9, they constitute conclusions of law to which no response is required. To the extent that a response is required pursuant to Pa. R. C. P. 1029 (e) they are denied and strict proof thereof is demanded at the time of trial.

10. The averments of Paragraph 10 constitute conclusions of law to which no response is required. To the extent that a response is required pursuant to Pa. R. C. P. 1029 (e) they are denied and strict proof thereof is demanded at the time of trial.

11. The averments of Paragraph 11 constitute conclusions of law to which no response is required. To the extent that a response is required Paragraph 11 is denied, and Defendant is immune from this suit and liability under the Political Subdivision Tort Claims Act.

WHEREFORE, Defendant denies any and all liability and demands that judgment be entered in its favor.

JURY TRIAL DEMANDED.

NEW MATTER

1. Plaintiffs actions are barred by the applicable statute of limitations, including, but not limited to, 42 Pa. C.S.A. §5521 et seq. and 13 Pa. C.S.A. §2725.

2. The damages and injuries allegedly sustained by the Plaintiffs were caused by the negligent actions or omissions of individuals or entities other than the Defendant.

3. The damages and injuries allegedly sustained by the Plaintiffs were not proximately caused by the Defendant.

4. The Complaint fails to state a claim against the Defendant.

5. Defendant is immune from suit pursuant to the Political Subdivision Tort Claims Act.

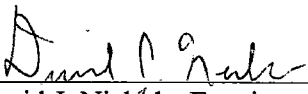
6. The Plaintiff's rights, if any, are limited and controlled by the provisions of the aforementioned Political Subdivision Tort Claims Act and/or Claims against Local Agencies Act.

7. Under the provisions of the aforementioned Act, if the Plaintiff receives or is entitled to benefits under a policy of insurance other than a life insurance policy as a result of losses for which damages are recoverable under the appropriate section of the Act, the amount of such benefits shall be deducted from the amount of damages which would otherwise be recoverable by the Plaintiff.

8. It is averred that Defendant was not given proper or timely notice of the alleged incident or injuries by the Plaintiff s or on behalf of the Plaintiffs as required under law, 42 P. S. §5522.

WHEREFORE, Defendant denies that Plaintiffs are entitled to judgment against it in the sum stated, or to any sum of money or other relief, if prayed for, whatsoever. Defendant prays that the Court enter judgment for the Defendant and against the Plaintiffs and for costs, fees and such other relief as the Court deems appropriate.

JURY TRIAL DEMANDED.



David J. Nichols, Esquire
Counsel for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNARD P. CARFLEY and HARRIET CIVIL DIVISION
L. CARFLEY,

No. 03-1255 - C.D.

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

VERIFICATION

I, Gordon L. Bloom as Chairman,

and on behalf of Defendant have read the foregoing ANSWER and NEW MATTER. The
statements therein are correct to the best of my personal knowledge or information and belief.

This Verification is made subject to the penalties of 18 Pa.C.S.A., Section 4904
relating to unsworn falsification to authorities, which provides that if I make knowingly false
averments, I may be subject to criminal penalties.

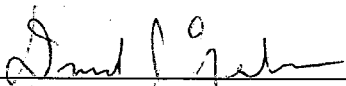
Gordon L. Bloom

DATED: 11-5-03

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter has been served by First Class, United States mail, postage prepaid, upon the following parties on this 5th day of November 2003.

Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA 16830



David J. Nichols, Esquire
Counsel for Defendant

FILED ¹⁶
~~20~~ 11/10/51884 ⁰⁰
NOV 07 2003

William A. Shaw
Prothonotary/Clerk of Courts

CP

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

BERNARD P. CARFLEY and HARRIET
L. CARFLEY,

CIVIL DIVISION

No. 03-1255 – C.D.

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

MOTION TO COMPEL

Defendants.

Filed on behalf of Defendant,
Curwensville Municipal Authority

Counsel of Record for This Party:

David J. Nichols, Esquire
Pa. I.D. #87579

LAW OFFICE OF JOSEPH S. WEIMER

975 Two Chatham Center
Pittsburgh, PA 15219

(412) 338-3184

JURY TRIAL DEMANDED.

FILED NO CC
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DEC 27 2004
William A. Shaw
Prothonotary/Clerk of Courts

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

BERNARD P. CARFLEY and HARRIET CIVIL DIVISION
L. CARFLEY,

No. 03-1255 – C.D.

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

MOTION TO COMPEL

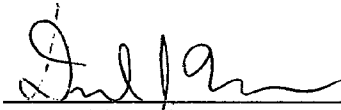
AND NOW, comes the Defendant, CURWENSVILLE MUNICIPAL
AUTHORITY, by and through its attorney, David J. Nichols, Esquire, and the Law Office of
Joseph S. Weimer, and hereby files this Motion to Compel as follows:

1. On June 9, 2004, Defendant propounded Defendant's First Set of Interrogatories and Request for Production of Documents directed to Plaintiffs on the Plaintiffs.
2. To date, the Plaintiffs have failed to provided answers, object to the Interrogatories and/or Requests, or otherwise respond.
3. The information requested is necessary to completely evaluate and defend this case.

WHEREFORE, the Defendant respectfully request this Honorable Court enter the attached Order compelling Plaintiffs to provide answers to the Interrogatories and responses to the Requests within thirty (30) days of the date of this Order or suffer such sanctions as this Court may impose.

LAW OFFICE OF JOSEPH S. WEIMER

BY:

A handwritten signature in cursive script, appearing to read "D. Nichols", written over a horizontal line.

David J. Nichols, Esquire
Attorney for Defendant.

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

BERNARD P. CARFLEY and HARRIET CIVIL DIVISION
L. CARFLEY,

No. 03-1255 – C.D.

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

ORDER OF COURT

AND NOW, this _____ day of _____, 2005, upon
consideration of Defendant's Motion to Compel, it is hereby ORDERED that said Motion is
GRANTED. Plaintiff is hereby ORDERED to provide Defendant with complete Answers to
Interrogatories and responses to Request for Production of Documents within thirty (30) days
from the date of this order or suffer such sanctions as may be appropriate.

BY THE COURT:

_____ J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNARD P. CARFLEY and HARRIET L. CARFLEY, CIVIL DIVISION

No. 03-1255 – C.D.

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

ORDER OF COURT

AND NOW, this 3rd day of January, 2005, upon
consideration of Defendant's Motion to Compel, it is hereby ORDERED that said Motion will be
presented for argument before the Honorable Paul E. Cherry on
March 4, 2005. at 10:00 AM

BY THE COURT:

Paul E. Cherry

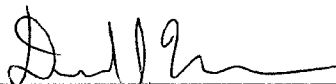
FILED

JAN 03 2005
OK 01/4:00
William A. Shaw
Prothonotary/Clerk of Courts
1 sent to ATT
w/memo

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO COMPEL has been served by First Class, United States mail, postage prepaid, upon the following parties on this 23rd day of December 2004.

Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA 16830
(Counsel for Plaintiffs)



David J. Nichols, Esquire
Counsel for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BERNARD P. CARFLEY and
HARRIET L. CARFLEY

-VS-

CURWENSVILLE MUNICIPAL
AUTHORITY

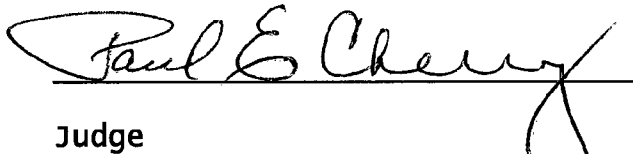
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No. 03-1255-CD

O R D E R

NOW, this 4th day of March, 2005, this being the
date set for hearing on Defendant's Motion to Compel;
Defendant's counsel having failed to appear, it is the
ORDER of this Court that said Motion be and is hereby
denied.

BY THE COURT,



Judge

FILED

MAR 04 2005
0112:301- (GK)
William A. Shaw
Prothonotary/Clerk of Courts

SENT TO ATTY NEWMAN
+

DAVID NICHOLS

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,
Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,
Defendant.

No. 03 - 1255 - C.D.


Type of case: Civil

Type of pleading: Certificate of Readiness

Filed on behalf of: Plaintiffs,
Bernard P. and Harriet L. Carfley

Counsel for Plaintiffs:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

FILED⁶⁰
012:5237 acc
JUL 19 2005, *Atty Neiswender*
William A. Shaw *Atty pd.*
Prothonotary/Clerk of Courts 20.00


Frederick M. Neiswender
Counsel for Plaintiffs

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,

Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

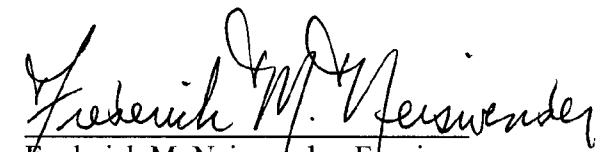
Defendant.

No. 03 - 1255 - C.D.

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Certificate of Readiness was made upon the Curwensville Municipal Authority, by mailing, first class, postage prepaid, a true copy to the office of their attorney of record, David J. Nichols, Esquire, on July 18, 2005, at the following address:

David J. Nichols, Esquire
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, Pennsylvania 15219


Frederick M. Neiswender, Esquire
Counsel for Plaintiffs
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY

:
:
:
: No. 03-1255-CD
:
:
:

FILED 5cc
014:0081 CIA
SEP 01 2005
William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 1st day of September, 2005, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on **Tuesday, November 15, 2005** at **1:00 P.M.** in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

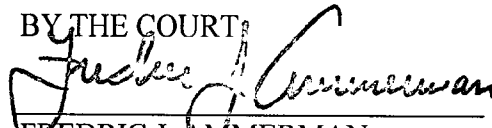
John Sughrue, Esquire, Chairman

Benjamin S. Blakley, Esquire

David J. Hopkins, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

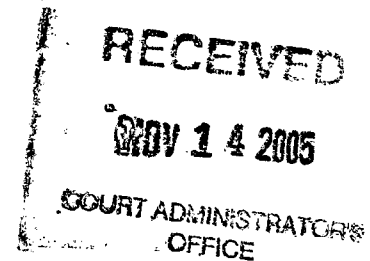
BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

LAW OFFICE OF
JOSEPH S. WEIMER
975 TWO CHATHAM CENTER
PITTSBURGH, PENNSYLVANIA 15219
(412) 338-3184
FAX (412) 471-8748

Writer's Direct Dial: (412) 338-3145

JOSEPH S. WEIMER
WALTER C. FADEREWSKI
DANIEL T. MOSKAL
F. DAVID DERMOTTA
MICHAEL E. RELICH
EDMOND R. JOYAL, JR.
SUSAN D. GARRARD
DAVID J. NICHOLS



November 11, 2005

VIA FACSIMILE & FIRST CLASS MAIL
(814) 765-7649

Clearfield County Court Administrator
228 Courthouse
230 E. Market Street
Clearfield, PA 16830

Re: **Carfley, Bernard v. Curwensville Municipal Authority**
Court of Common Pleas of Clearfield County - No. 03-1255 C.D.

Dear Sir or Madam:

Enclosed for filing with the Court, please find Defendant's Pre-Trial Memorandum regarding the above-captioned case. A copy of this letter and document have been provided to counsel of record.

Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "D. Nichols", written over the typed name "David J. Nichols".

David J. Nichols

DJN

Enclosure

cc: Frederick M. Neiswender, Esquire
(via fax & First Class Mail: 814-765-7205)
John Seghrue, Esquire
Benjamin S. Blakley, Esquire
David J. Hopkins, Esquire
Susan P. Williams (Curwensville Mun. Auth.)
Georgia Franciscus, Tech. Spec. (St. Paul Travelers)
Claim No. GP09307956-09T002
Tracking No. RI01271
(all w/enclosure)

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BERNARD P. CARFLEY and HARRIET
L. CARFLEY,

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendants.

CIVIL DIVISION

No. 03-1255 - C.D.

RECEIVED

NOV 14 2005

COURT ADMINISTRATOR'S
OFFICE

PRE-TRIAL MEMORANDUM

Filed on behalf of Defendant,
Curwensville Municipal Authority

Counsel of Record for This Party:

David J. Nichols, Esquire
Pa. I.D. #87579

LAW OFFICE OF JOSEPH S. WEIMER

975 Two Chatham Center
Pittsburgh, PA 15219

(412) 338-3184

JURY TRIAL DEMANDED.

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

BERNARD P. CARFLEY and HARRIET L. CARFLEY, CIVIL DIVISION

No. 03-1255 – C.D.

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

PRE-TRIAL MEMORANDUM

AND NOW, comes the Defendant, CURWENSVILLE MUNICIPAL AUTHORITY, by and through its attorney, David J. Nichols, Esquire, and the Law Office of Joseph S. Weimer, and hereby files this Pre-Trial Memorandum as follows:

Statement of Case

Plaintiffs' filed a Complaint alleging that they suffered property damage due to a sewage line back up that occurred on June 27, 2002. Defendant, Curwensville Municipal Authority, is entitled to governmental immunity pursuant to the Pennsylvania Political Subdivisions Tort Claims Act.

Statutes

42 Pa.C.S.A §8541 and 42 Pa.C.S.A §8542

Witnesses

Any and all witnesses listed in Plaintiffs' Pre-Trial Memorandum

Dave Stricck

Gordon Bloom

Any other employees of Curwensville Municipal Authority

Bills

Defendant has no bills

LAW OFFICE OF JOSEPH S. WEIMER

BY:

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

David J. Nichols, Esquire
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRE-TRIAL MEMORANDUM has been served by First Class, United States mail, postage prepaid, and facsimile upon the following parties on this 11th day of November 2005.

Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA 16830
(Counsel for Plaintiffs)

LAW OFFICE OF JOSEPH S. WEIMER

David J. Nichols, Esquire
Counsel for Defendant

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

BERNARD P. CARFLEY and HARRIET
L. CARFLEY,

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendants.

CIVIL DIVISION

No. 03-1255 – C.D.

PRE-TRIAL MEMORANDUM

Filed on behalf of Defendant,
Curwensville Municipal Authority

Counsel of Record for This Party:

David J. Nichols, Esquire
Pa. I.D. #87579

LAW OFFICE OF JOSEPH S. WEIMER

975 Two Chatham Center
Pittsburgh, PA 15219

(412) 338-3184

JURY TRIAL DEMANDED.



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

BERNARD P. CARFLEY and HARRIET CIVIL DIVISION
L. CARFLEY,

No. 03-1255 – C.D.

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

PRE-TRIAL MEMORANDUM

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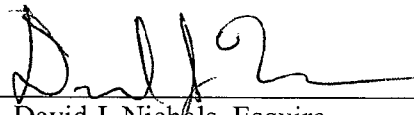
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Defendant has no bills

LAW OFFICE OF JOSEPH S. WEIMER

BY:

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David J. Nichols, Esquire
Attorney for Defendant

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Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA 16830
(Counsel for Plaintiffs)

LAW OFFICE OF JOSEPH S. WEIMER



David J. Nichols, Esquire
Counsel for Defendant

LAW OFFICE OF
JOSEPH S. WEIMER
975 TWO CHATHAM CENTER
PITTSBURGH, PENNSYLVANIA 15219
(412) 338-3184
FAX (412) 471-8748

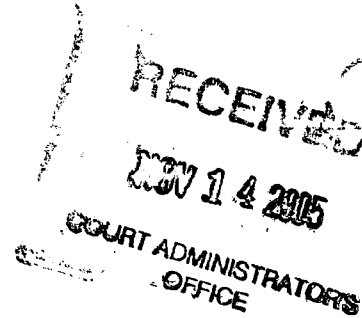
Writer's Direct Dial: (412) 338-3145

JOSEPH S. WEIMER
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EDMOND R. JOYAL, JR.
SUSAN D. GARRARD
DAVID J. NICHOLS

November 11, 2005

VIA FACSIMILE & FIRST CLASS MAIL
(814) 765-7649

Clearfield County Court Administrator
228 Courthouse
230 E. Market Street
Clearfield, PA 16830



Re: Carfley, Bernard v. Curwensville Municipal Authority
Court of Common Pleas of Clearfield County - No. 03-1255 C.D.

Dear Sir or Madam:

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Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Nichols", written over a horizontal line.

David J. Nichols

DJN

Enclosure

cc: Frederick M. Neiswender, Esquire
(via fax & First Class Mail: 814-765-7205)
John Seghrue, Esquire
Benjamin S. Blakley, Esquire
David J. Hopkins, Esquire
Susan P. Williams (Curwensville Mun. Auth.)
Georgia Franciscus, Tech. Spec. (St. Paul Travelers)
Claim No. GP09307956-09T002
Tracking No. RI01271
(all w/enclosure)

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,
Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,
Defendant.

No. 03-1255-C.D.

Type of case: Civil

Type of pleading: Pre-Trial Statement

Filed on behalf of: Plaintiffs,
Bernard P. Carfley and Harriet L. Carfley

Counsel for Plaintiffs:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

RECEIVED
NOV 08 2005
COURT ADMINISTRATOR'S
OFFICE

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

BERNARD P. CARFLEY and	:	
HARRIET L. CARFLEY,	:	
Plaintiffs,	:	
	:	
vs.	:	No. 03-1255-C.D.
	:	
CURWENSVILLE MUNICIPAL	:	
AUTHORITY,	:	
Defendant.	:	

PRE-TRIAL STATEMENT

A. STATEMENT OF THE CASE

Plaintiffs, Bernard P. Carfley and Harriet L. Carfley [hereinafter referred to as "Plaintiffs"] are husband and wife residing at 3501 Windy Hill Road, (formerly known as 503 Grampian Road), Curwensville, Clearfield County, Pennsylvania. Defendant, Curwensville Municipal Authority [hereinafter referred to as "Defendant"] is a political subdivision of the Commonwealth of Pennsylvania located in Clearfield County with an address of 900 Susquehanna Avenue, Curwensville, Clearfield County, Pennsylvania.

The Plaintiffs own the house and land comprising their residence at 3501 Windy Hill Road. The Curwensville Municipal Authority owns and maintains a sewage pipe system, which serves the Plaintiffs' residence. On or about June 27, 2002, an obstruction in the sewage line caused untreated sewage to back up into the Plaintiffs' residence. The sewage extensively damaged carpeting and flooring in their residence. Numerous items of clothing and other personal property were ruined and had to be discarded. Additionally, the affected areas had to be

professionally cleaned and disinfected. Carpeting, flooring and numerous items of personal property had to be replaced.

On July 1, 2002, the Defendant placed a camera in the sewer line. The resulting film showed the line was blocked by tree roots and had not been properly maintained. The Plaintiffs assert that the damage to their property was proximately caused by the negligence of the Defendant because they failed to properly clear, maintain and/or repair the sewer line in question. The Plaintiffs filed suit and the matter is now before the Board of Arbitrators for its decision.

B. CITATION TO APPLICABLE CASE LAW OR STATUTES

1. Basic tenets of Tort Law;
2. Political Subdivision Torts Claims Act, 1980, October 5, P.L. 693, No. 142, 42 Pa. C.S.A. §8542 (b)(5).

C. LIST OF WITNESSES

1. Bernard P. Carfley;
2. Harriet L. Carfley;
3. Jennifer Hutton;
4. Jason Hutton;
5. Plaintiffs reserve the right to call additional witnesses with notice to counsel for Defendant.

D. EXHIBITS

1. Various minutes of the Curwensville Municipal Authority;
2. Copies of customer complaints received by the Curwensville Municipal Authority;
3. Various Invoices paid by Plaintiffs to repair damage to their property *See Attached*;
4. A copy of a Promissory Note for a loan taken out by Plaintiffs;
5. Various photographs of the property and damages;
5. Correspondence between Plaintiffs and Defendant;
6. Articles from The Progress;
7. Plaintiffs reserve the right to offer additional exhibits with notice to counsel for Defendant.

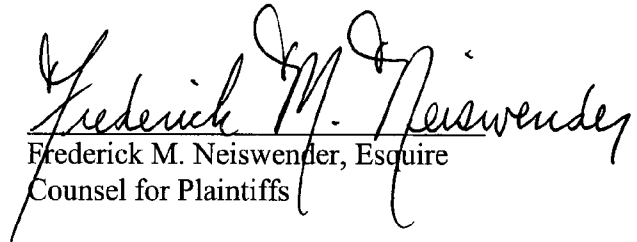
E. DAMAGES

Plaintiffs seek reimbursement for damage to their property in an amount less than \$20,000.00.

F. EVIDENTIARY PROBLEMS

No evidentiary problems are anticipated.

Respectfully submitted,


Frederick M. Neiswender, Esquire
Counsel for Plaintiffs

SERVICEMASTER PROFESSIONAL CLEANING SERVICES

2612 18TH STREET
ALTOONA, PA 16601-2697
(814) 946-7671
FAX (814) 946-3041
FED ID# 25-1360885

Claim Number	Policy Number	Type of Loss	Deductible
X76994	37-000744434	Sewer Job	\$ 0
Insured: BERNARD & HARRIET CARFLEY		Home: (814) 236-3008	
Home: 503 GRAMPIAN ROAD CURWENSVILLE, PA 16833			
Claim Rep.: MIKE LEININGER			
Estimator: BARRY HOLLEN Title: SALES REPRESENTATIVE		Business: (814) 946-7671	
Business: 2612 18TH STREET ALTOONA, PA 16601			
Date of Loss: 6/27/2002 Date Inspected: 6/27/2002		Date Received: 6/27/2002 Date Entered: 7/2/2002	
Price List: ALTOONAMERGE Estimate: CARFLEY			

SERVICEMASTER PROFESSIONAL CLEANING SERVICES

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Room: Garage**CARFLEY****LxWxH 20'0" x 10'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
1. WATER DAMAGE remove wet insulation	200.00 SF@	0.50=	100.00
2. WATER DAMAGE apply sanitizer and mildrew treatment	200.00 SF@	0.25=	50.00
CONTENTS			
3. CLEANING misc. small room content - clean & sanitize misc. content due to raw sewage back up	1.00 UN@	60.00=	60.00
Structural Totals:			150.00
Contents Totals:			60.00
Room Totals: Garage			210.00

Room: Master bedroom**LxWxH 15'0" x 12'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
4. Water extract from floor - Black wtr. - after business hrs	180.00 SF@	1.03=	185.40
5. Remove Tear out wet non-salv. cpt, cut/bag-Black wtr-aft bus. hrs	180.00 SF@	0.36=	64.80
6. Remove Tear out wet carpet pad, cut/bag - Black wtr - aft.bus.hrs	180.00 SF@	0.45=	81.00
7. Apply anti-microbial agent	180.00 SF@	0.14=	25.20
Structural Totals:			356.40
Room Totals: Master bedroom			356.40

Room: Master bath**LxWxH 5'0" x 5'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
8. Water extract from floor - Black wtr. - after business hrs	25.00 SF@	1.03=	25.75
9. Remove Tear out wet non-salv. cpt, cut/bag-Black wtr-aft bus. hrs	25.00 SF@	0.36=	9.00
10. Remove Tear out wet carpet pad, cut/bag - Black wtr - aft.bus.hrs	25.00 SF@	0.45=	11.25

CARFLEY

SERVICEMASTER PROFESSIONAL CLEANING SERVICES

2612 18TH STREET
ALTOONA, PA 16601-2697
(814) 946-7671
FAX (814) 946-3041
FED ID# 25-1360885

CONTINUED - Master bath

DESCRIPTION	QNTY	UNIT COST	TOTAL
11. Apply anti-microbial agent	25.00 SF@	0.14=	3.50
12. Clean toilet	1.00 EA@	9.19=	9.19
13. Clean sink	1.00 EA@	5.48=	5.48
Structural Totals:			64.17
Room Totals: Master bath			64.17

Room: Bedroom 1**LxWxH 12'0" x 12'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
14. Water extract from floor - Black wtr. - after business hrs	144.00 SF@	1.03=	148.32
15. Remove Tear out wet non-salv. cpt, cut/bag-Black wtr-aft bus. hrs	144.00 SF@	0.36=	51.84
16. Remove Tear out wet carpet pad, cut/bag - Black wtr - aft.bus.hrs	144.00 SF@	0.45=	64.80
17. Apply anti-microbial agent	144.00 SF@	0.14=	20.16
Structural Totals:			285.12
Room Totals: Bedroom 1			285.12

Room: Bedroom 2**LxWxH 12'0" x 12'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
18. Water extract from floor - Black wtr. - after business hrs	144.00 SF@	1.03=	148.32
19. Remove Tear out wet non-salv. cpt, cut/bag-Black wtr-aft bus. hrs	144.00 SF@	0.36=	51.84
20. Remove Tear out wet carpet pad, cut/bag - Black wtr - aft.bus.hrs	144.00 SF@	0.45=	64.80

SERVICEMASTER PROFESSIONAL CLEANING SERVICES

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CONTINUED - Bedroom 2

DESCRIPTION	QNTY	UNIT COST	TOTAL
21. Apply anti-microbial agent	144.00 SF@	0.14=	20.16
Structural Totals:			285.12
Room Totals: Bedroom 2			285.12

Room: Hallway**LxWxH 10'0" x 3'6" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
22. Water extract from floor - Black wtr. - after business hrs	35.00 SF@	1.03=	36.05
23. Remove Tear out wet non-salv. cpt, cut/bag-Black wtr-aft bus. hrs	35.00 SF@	0.36=	12.60
24. Remove Tear out wet carpet pad, cut/bag - Black wtr - aft.bus.hrs	35.00 SF@	0.45=	15.75
25. Apply anti-microbial agent	35.00 SF@	0.14=	4.90
Structural Totals:			69.30
Room Totals: Hallway			69.30

Room: Bathroom (full)**LxWxH 10'0" x 8'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
26. Water extract from floor - Black wtr. - after business hrs	80.00 SF@	1.03=	82.40
27. Apply anti-microbial agent	80.00 SF@	0.14=	11.20
28. Clean toilet	1.00 EA@	9.19=	9.19
29. Clean sink	1.00 EA@	5.48=	5.48
30. Clean tub - Heavy	1.00 EA@	11.13=	11.13
31. Clean door (per side)	2.00 EA@	3.10=	6.20

SERVICEMASTER PROFESSIONAL CLEANING SERVICES

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CONTINUED - Bathroom (full)

DESCRIPTION	QNTY	UNIT COST	TOTAL
32. Clean floor - scrub/rinse/sanitize linoleum floor	80.00 SF@	0.25=	20.00
Structural Totals:			145.60
Room Totals: Bathroom (full)			145.60

Room: Stairway-basement

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
33. Remove Tear out wet non-salvageable glue down carpet from 14 steps	14.00 EA@	2.25=	31.50
34. Apply anti-microbial agent	42.00 SF@	0.14=	5.88
Structural Totals:			37.38
Room Totals: Stairway-basement			37.38

Room: Basement**LxWxH 20'0" x 10'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
35. Water extract from floor - Black wtr. - after business hrs	200.00 SF@	1.03=	206.00
36. Remove Tear out wet non-salv. gluedn. cpt, cut/bg-Black wtr-aft. hrs	200.00 SF@	0.82=	164.00
37. Apply anti-microbial agent - entire basement meas. are 40 x 10	400.00 SF@	0.14=	56.00
Structural Totals:			426.00
Room Totals: Basement			426.00

SERVICEMASTER PROFESSIONAL CLEANING SERVICES

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FED ID# 25-1360885

Room: Equipment rental

DESCRIPTION	QNTY	UNIT COST	TOTAL
STRUCTURAL			
38. Drying fan (per day) - No monitoring - 2 fans for 3 days	6.00 EA@	25.00=	150.00
39. Equipment setup, take down, and monitoring (hourly charge)	4.00 HR@	24.27=	97.08
Structural Totals:			247.08
Room Totals: Equipment rental			247.08

Room: Disposal fee

DESCRIPTION	QNTY	UNIT COST	TOTAL
CONTENTS			
40. WATER DAMAGE disposal fee per truck load @ off-site waste management facility	1.00 EA@	100.00=	100.00
Contents Totals:			100.00
Room Totals: Disposal fee			100.00

AREA Structural Totals:	2,066.17
AREA Contents Totals:	160.00
Line Item Totals: CARFLEY	2,226.17

Grand Total Areas:			
2,824.00 SF Walls	1,008.00 SF Ceiling	3,832.00 SF Walls & Ceiling	
1,008.00 SF Floor	112.00 SY Flooring	353.00 LF Floor Perimeter	
832.00 SF Long Wall	580.00 SF Short Wall	353.00 LF Ceil. Perimeter	

SERVICEMASTER PROFESSIONAL CLEANING SERVICES

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FED ID# 25-1360885

Recap by Room

Estimate: CARFLEY

Garage	210.00	9.43%
Master bedroom	356.40	16.01%
Master bath	64.17	2.88%
Bedroom 1	285.12	12.81%
Bedroom 2	285.12	12.81%
Hallway	69.30	3.11%
Bathroom (full)	145.60	6.54%
Stairway-basement	37.38	1.68%
Basement	426.00	19.14%
Equipment rental	247.08	11.10%
Disposal fee	100.00	4.49%

Subtotal of Areas	2,226.17	100.00%
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Total	2,226.17	100.00%
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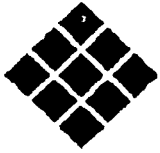
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FAX (814) 946-3041
FED ID# 25-1360885

Recap By Category		
O&P Items	Total Dollars	%
CLEANING	66.67	2.83%
GENERAL DEMOLITION	623.18	26.41%
WATER EXTRACTION SERVICES	1,226.32	51.97%
Subtotal	1,916.17	81.20%
Non-O&P Items	Total Dollars	%
CLEANING	60.00	2.54%
WATER EXTRACTION SERVICES	250.00	10.59%
Non-O&P Items Subtotal	310.00	13.14%
O&P Items Subtotal	1,916.17	81.20%
Cleaning Sales Tax @ 6.000%	133.57	5.66%
Total	2,359.74	



BARRY HOLLEN



F.L.O.O.R.
COVERINGS
INTERNATIONAL
The Carpet Store At Your Door™

Joe & Sandy Anderson
114 West Pauline Drive
Clearfield, PA 16830
814 / 765-5268 or 238-5552

CUSTOMER: Bernie & Harriet Cartley
ADDRESS: 503 Cambridge Rd.
CITY: Clearfield, Pa. 16830
PHONE: 238-3008

Date: July 1 - 87
Sales Person: _____
ORDER # _____

MATERIALS:

AREA	STYLE	COLOR	SIZE	SQ. YDS.	PRICE	TOTAL
Bath	Classic	Blue	12x7	10.11	with underlayment	Installed = 645
Bath	Classic	Blue	12x7	10.11	with underlayment	Installed = 645
Liv/Din/Hall/Steps	Braxshire II	White	15x43	12	8.20	2052.00
Bed-Rm.	Supremacy	Coconut	12x15	21	8.20	509.25
Bed	Coconut	1377 (1/2 inch)	12x15	17.33		364
"	"	"	"	"		364
Basement		Brown	Patch			90.00
Laundry Area		Wagon	12x26	35.34		413.74

PADDING

TYPE	THICKNESS	SIZE	SQ. YDS.	PRICE	TOTAL
Rebound		8 lb			

INSTALLATION :

INSTALL

RIP UP

YES ☐

NO ☐

SQ. YDS.

PRICE

TOTAL

SUB TOTAL

INSTALLATION NOTES:

FLOOR TYPE: WOOD ☐ CEMENT ☐
INSTALLATION TYPE: TACKLESS ☐ GLUE DOWN ☐
METAL: GOLD ☐ SILVER ☐ FOOTAGE _____
STEPS: BOX _____ UPHOLSTERED _____ WATERFALL _____

ESTIMATES:

MATERIALS: _____
PADDING: _____
SUB TOTAL: 4660.99
TAX: _____
LABOR: _____
TOTAL: _____

						AMOUNT
1.00	PVC400 CHECK	4" pvc check valve			39.99	39.99
1.00	PVC40022 T	4"x4"x2" pvc t			9.17	9.17
1.00	PVC200150 BS	2" x 1 1/2" pvc bushing			2.98	2.98
1.00	PVC150 SL	1 1/2" pvc st. 90			2.10	2.10
1.00	PVC150 CPL	1 1/2" pvc coupling			1.18	1.18
1.00	PVC150 PIPE	1 1/2" pvc pipe			.65	.65
1.00	CONS300	Consumables 3			3.00	3.00
TOTAL MATERIALS ►						59.07
OTHER CHARGES	AMOUNT	LABOR	HOURS	RATE	AMOUNT	
TOTAL OTHER ►		TOTAL LABOR ►			122.50	
DESCRIPTION OF WORK						
Installation of main drain line check valve.						
TERMS		REMIT PAYMENT TO:	DATE COMPLETED		TOTAL MATERIALS	
NET 30 DAYS 2% INTEREST		P.O. BOX 93 GRAMPIAN, PA 16838	07/08/02		59.07	
WORK ORDERED BY					TOTAL OTHER	
					122.50	
AUTHORIZED SIGNATURE					TAX	
					3.54	
					TOTAL ►	
					185.11	

LEZZER LUMBER SPECIAL ORDER WORKSHEET

Sold To:	BERNIE CARFLEY	Today's Date:	6/14/02 7/8/02
Address:	503 GRAMPIAN RD.	Salesperson:	DANNY SWATSWORTH
City:	CURWENSVILLE, PA. 16833	Order:	
Phone:	236-3008	Vendor:	
Acct.#:		Contact:	
Job Name:	SEWERAGE DAMAGE	Date Ordered:	

Quantity	Description	Price	Amount
1	BERTCH KENNINGSTON 36"X22" OAK VANITY	239.00	239.00
2	16" POLMER BRAID SINK SUPPLY LINES(B116)	3.99	7.98
2	TOILET WAX RINGS	1.99	3.98
2	UNIVERSAL TOILET BOLT SET	0.99	1.98
2	1/2" IPS CHROME PIPE FLANGE	0.89	1.78
1	4' PC. BLACK RUBBER BASEBOARD	2.39	2.39
16	2-8' SECTIONS 3 1/4" WOOD BASEBOARD (PINE)WM713	0.69	11.04
7	ROLLS OF A R30 KRAFT BACK INSULATION 10x15 R	25.99	181.93
2	9" POLYMER BRAID TOILET SUPPLY LINES(B12D)	3.19	6.38
SUBTOTAL			456.46
TAX			27.39
TOTAL			483.85

SATISFACTION GUARANTEED. In order to insure your order is correct, we need to verify the following information. Please understand that a custom manufactured order is not returnable. Some orders may be returned with vendor approval, however, they will be subject to a return charge.

CUSTOMER _____

DATE: _____

Please initial for your approval

SIZE _____
 QUANTITY _____
 MODEL _____
 COLOR _____
 PRICE _____

731513

Crownsville True Value

ORDER INFO	customer's order no.	phone	date 6/28/02	
	name <u>Harnet Cartley</u>			
	address			
	city, state, zip			
	sold by	cash <input type="checkbox"/> c.o.d. <input type="checkbox"/>	charge <input type="checkbox"/> on acct. <input type="checkbox"/>	shipping information

quantity	description	price	amount
1	1 Pledge	1.99	1.99
2	1 Sponges	2.29	2.29
3	1 Latex gloves	.99	.99
4	2 Duckets	4.79	9.58
5	1 toilet seat	9.99	9.99
6			
7			
8			1.40
9			
10			
11			
12	pd 6/28/02 total		26.55
13			
14			

received by _____

adams

keep this slip for reference

DCS308UV

WAL★MART
ALWAYS LOW PRICES. ALWAYS WAL-MART.

Always

SUPER CENTER
WE SELL FOR LESS
MANAGER ROGER GATES
(814) 765 - 8089

ST# 2129	OP# 00002833	TE# 12	TR# 07816
BATHMAT	004269455627	9.96	J
BATHMAT	004269419560	9.96	J
BATH RUG	004269419260	15.96	J
BATH RUG	004269419660	5.96	J
BATH RUG	004269455654	5.96	J
SUBTOTAL			47.80
TAX 1	6.000 %	2.87	
TOTAL			50.67
CHECK TEND			50.67
CHANGE DUE			0.00

ITEMS SOLD 5

TC# 8474 0144 1612 3638 3301



WAL-MART CREDIT CARD - APPLY TODAY!
07/07/02 15:41:26

WAL★MART
ALWAYS LOW PRICES. ALWAYS WAL-MART.

Always

SUPER CENTER
WE SELL FOR LESS
MANAGER ROGER GATES
(814) 765 - 8089

ST# 2129	OP# 00002819	TE# 16	TR# 02147
BOWL BRUSH	008226902202	2.47	J
PET BOWL	004766917024	2.77	J
PET BOWL	004766917024	2.77	J
RUBBER TUB H	002589808674	5.96	J
MB DOG BISC	001313000203	2.63	J
COLOR PLATES	001370035825	1.00	J
GLOVES XL	007830006332	1.37	J
GLOVES XL	007830006332	1.37	J
4GUAGELINER	066553850008	2.33	J
SHOWER CURT	003429900331	15.96	J
TOILET SEAT	002864516154K	10.96	J
SUBTOTAL			49.59
TAX 1	6.000 %	2.98	
TOTAL			52.57
CASH TEND			60.00
CHANGE DUE			7.43

ITEMS SOLD 11

TC# 0347 5609 9793 7074 2779



OK KEEBLE ON DVD AND VIDEO, 6/18.
06/28/02 14:55:41

September 24, 2002

Dear Mr. Neiswender,

Recently we spoke with you concerning the damage created by the raw sewage from the Curwensville Municipal's Authorities' line that entered our home. The following is a listing of the hours that my husband, daughter and her fiance worked on cleaning up the mess.

Date	Times	People	Total Hours
6/27/2002	2 a.m. - 7:00 p.m.	4	20
6/28/2002	7 a.m. - 9 p.m.	2	28
	4 p.m. - 9 p.m.	1	5
6/29/2002	7 a.m. - 5 p.m.	3	30
6/30/2002	9 a.m. - 12 p.m.	1	3
7/1/2002	9 a.m. - 2 p.m.	2	10
7/2/2002	9 a.m. - 2 p.m.	2	10
7/3/2002	9 a.m. - 2 p.m.	2	10
7/5/2002	9 a.m. - 12 p.m.	2	6
7/9/2002	9 a.m. - 12 p.m.	2	6
7/15/2002	9 a.m. - 3 p.m.	2	12
	6 p.m. - 8 p.m.	2	4
7/16/2002	8 a.m. - 11 a.m.	2	6
	7 p.m. - 8 p.m.	3	3
7/17/2002	8 a.m. - 11 a.m.	2	6
	7 p.m. - 8 p.m.	3	3
7/18/2002	8 a.m. - 11 a.m.	2	6
7/23/2002	8 a.m. - 11 a.m.	2	6
	7 p.m. - 8 p.m.	3	3
7/24/2002	8 a.m. - 11 a.m.	2	6
	7 p.m. - 8 p.m.	3	3
7/25/2002	8 a.m. - 11 a.m.	3	6
TOTAL HOURS			192

② 10.⁰⁰ / hr.
1,920.⁰⁰

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,

Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

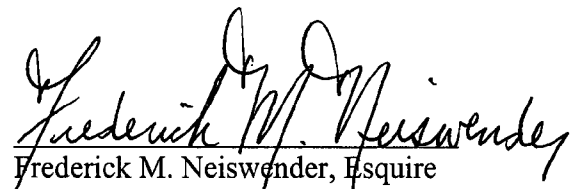
Defendant.

No. 03-1255-C.D.

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing
Pre-trial Statement was made upon the Curwensville Municipal Authority, by mailing, first class,
postage prepaid, a true copy to the office of their attorney of record, David J. Nichols, Esquire,
on November 8, 2005, at the following address:

David J. Nichols, Esquire
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, Pennsylvania 15219


Frederick M. Neiswender, Esquire
Counsel for Plaintiffs
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Bernard P. Carfley and Harriet L. Carfley

vs.

No. 2003-01255-CD


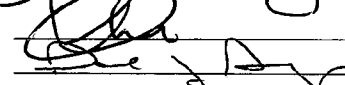

Curwensville Municipal Authority

OATH OR AFFIRMATION OF ARBITRATORS


Now, this 15th day of November, 2005, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

John Sughrue, Esq.

Benjamin S. Blakley, Esq.
David J. Hopkins, Esq.


Chairman



Sworn to and subscribed before me this
15th day of November, 2005


Prothonotary

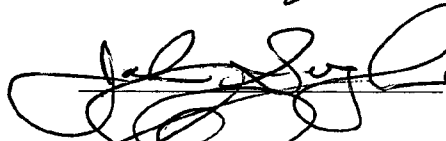


FILED
9/11:00
NOV 15 2005

William A. Shaw
Prothonotary/Clerk of Courts
bld
Notice to ~~Ans: Weiswender~~
and Nichols 11/16/05.

AWARD OF ARBITRATORS

Now, this 15th day of Nov. 2005, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

*Award for Plaintiffs and against
Defendant in the amount of \$9,390.62.*


Chairman



(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 16th day of November, 2005, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT


Prothonotary


By _____

Bernard P. Carfley
Harriet L. Carfley

: IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY

Vs.
Curwensville Municipal Authority

: No. 2003-01255-CD
:

 COPY

NOTICE OF AWARD

TO ALL PARTIES:

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on November 15, 2005, and have docketed the award on November 16, 2005:

Award for Plaintiffs and against Defendant in the amount of \$9,390.62.

William A. Shaw

Prothonotary

By _____

November 16, 2005

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,

Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

No. 03 - 1255 - C.D.

Type of case: Civil

Type of pleading: Praecipe to Discontinue

Filed on behalf of: Plaintiffs,
Bernard P. and Harriet L. Carfley

Counsel for Plaintiffs:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830
(814) 765-6500

FILED 300-302.
03:37:31 of Disc. to
MAY 15 2006 Atty
William A. Shaw Copy to
Prothonotary/Clerk of Courts CIA

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,

Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

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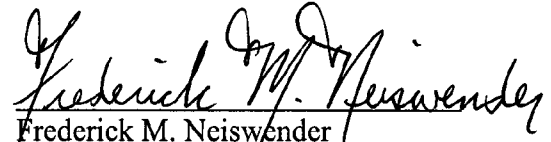
No. 03 - 1255 - C.D.

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above captioned case DISCONTINUED.

Respectfully submitted,


Frederick M. Neiswender
Counsel for Plaintiffs

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,

Plaintiffs,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

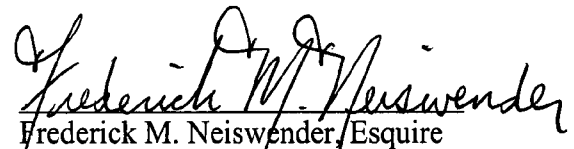
Defendant.

No. 03 - 1255 - C.D.

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Praecipe to Discontinue was made upon the Curwensville Municipal Authority, by mailing, first class, postage prepaid, a true copy to the office of their attorney of record, David J. Nichols, Esquire, on May 12, 2006, at the following address:

David J. Nichols, Esquire
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, Pennsylvania 15219


Frederick M. Neiswender, Esquire
Counsel for Plaintiffs
501 East Market Street, Suite 3
Clearfield, Pennsylvania 16830

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Bernard P. Carfley
Harriet L. Carfley

Vs.
Curwensville Municipal Authority

No. 2003-01255-CD

CERTIFICATE OF DISCONTINUATION

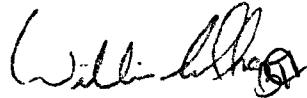
Commonwealth of PA
County of Clearfield

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 May 15, 2006, marked:

Discontinued

Record costs in the sum of \$112.00 have been paid in full by Frederick M. Neiswender, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of May A.D. 2006.



William A. Shaw, Prothonotary