

03-1255-CD
BERNARD P. CARREY, et al. vs. CURWENSVILLE MUNICIPAL AUTHORITY

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,

Plaintiffs,

vs.

No. 03 - 1256-C.D.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

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.

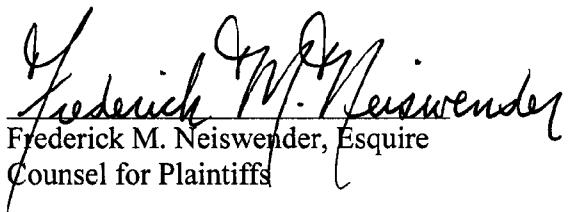
9. On July 1, 2002, the CURWENSVILLE MUNICIPAL AUTHORITY placed a camera in the sewer line. The resulting film showed the line was blocked by tree roots and had not been properly maintained.

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/Re~~l~~ed to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

FILED

01:56 22 Aug 2003
3rd flr
Clerk's Office

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 - 1255 - C.D.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

Type of case: Civil

Type of pleading: Praeclipe 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. : No. 03 - 1255 - C.D.
CURWENSVILLE MUNICIPAL :
AUTHORITY, :
Defendant. :

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

FILED

Att'y Ad. 7.00

013-26941
SEP 22 2003 1 Complaint to Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

2 Complaints to Att'y

*et
fcl*

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
William A. Shaw

So Answers,


Chester A. Hawkins
Sheriff

FILED
02-14596

SEP 30 2003

William A. Shaw
Prothonotary

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,

**PRAECIPE FOR ENTRY
OF APPEARANCE**

Defendants.

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.

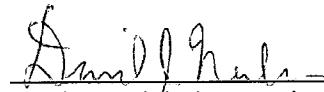
CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendants.

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

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

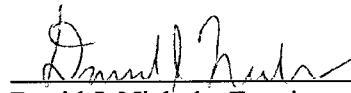


David J. Nichols, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praeclipe 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

11/05/03
AM 9:00 AM
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.

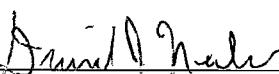
CURWENSVILLE MUNICIPAL
AUTHORITY,

ANSWER AND NEW MATTER

Defendants.

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 CIVIL DIVISION
L. CARFLEY,
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.

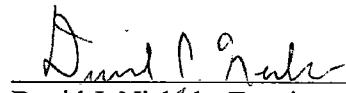
NEW MATTER

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.

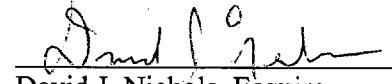
Gordon L. Bloom

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 NO
cc
Nov 10, 2003
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 CIVIL DIVISION
L. CARFLEY,

No. 03-1255 - C.D.

Plaintiff,

vs.

MOTION TO COMPEL

CURWENSVILLE MUNICIPAL
AUTHORITY,

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

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.

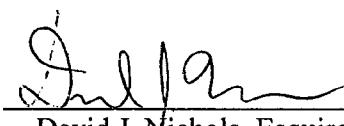
MOTION TO COMPEL

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: 
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.

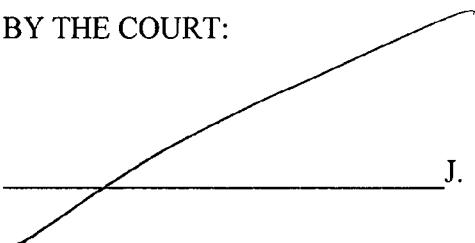
CURWENSVILLE MUNICIPAL
AUTHORITY,

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 C. CARFLEY, CIVIL DIVISION
Plaintiff, No. 03-1255 - C.D.

vs.

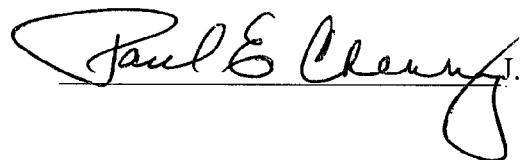
CURWENSVILLE MUNICIPAL AUTHORITY,

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 A.M.

BY THE COURT:



FILED

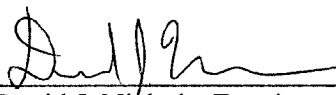
JAN 03 2005
6K 01/4/05
William A. Shaw
Prothonotary/Clerk of Courts

1 copy 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

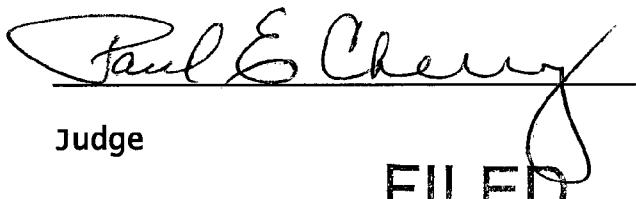
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

BERNARD P. CARFLEY and :
HARRIET L. CARFLEY :
-vs- : No. 03-1255-CD
CURWENSVILLE MUNICIPAL :
AUTHORITY :
:

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
6/12/3015 GK
William A. Shaw
Prothonotary/Clerk of Courts

SENT TO ATM NEWSPAPER

DAVIN NICHOLS

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

BERNARD P. CARFLEY and
HARRIET L. CARFLEY,

Plaintiffs,

vs.

No. 03 - 1255 - C.D.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

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

FILED ^{cc}
07/19/2005 Atty Neiswender
JUL 19 2005

William A. Shaw Atty pd.
Prothonotary/Clerk of Courts 20.00

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

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

CERTIFICATE OF READINESS

TO THE PROTHONOTARY:

Please place the above captioned case on the Civil Trial List.

1. Date presented: July 18, 2005.
2. Date compliant filed: August 22, 2003.
3. Type of trial requested: Arbitration.
4. Estimated trial time: $\frac{1}{2}$ day.
5. Amount at issue: Less than \$20,000.00 including interest and court costs.
6. Counsel for the Defendant: David J. Nichols, Esq., Telephone: (412) 338-3145.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Respectfully submitted,


Frederick M. Neiswender
Counsel for Plaintiffs

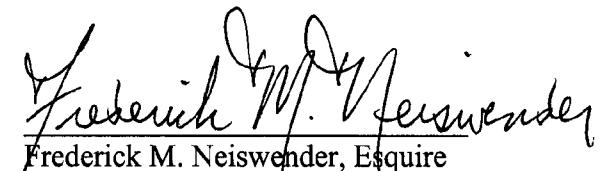
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL ACTION)

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

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. : No. 03-1255-CD
CURWENSVILLE MUNICIPAL :
AUTHORITY :
:

FILED 5cc
014:00 AM SEP 01 2005 CIA
William A. Shaw
Prothonotary/Clerk of Courts
6K

ORDER

NOW, this 15th 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
in enclosed as well as a copy of said Local Rule of Court.

BY THE COURT:

FREDERIC 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

RECEIVED
NOV 14 2005
COURT ADMINISTRATOR'S
OFFICE

November 11, 2005

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

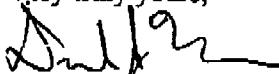
Clearfield County Court Administrator
228 Courthouse
230 E. Market Street
Clearfield, PA 16830

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,

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, CIVIL DIVISION

No. 03-1255 - C.D.

Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

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.

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

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

No. 03-1255 - C.D.

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

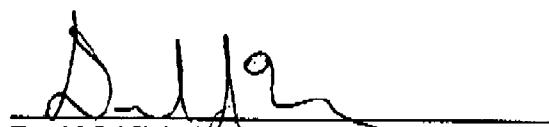
BY: 

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 CIVIL DIVISION
L. CARFLEY,
No. 03-1255 – C.D.
Plaintiff,

vs.

CURWENSVILLE MUNICIPAL
AUTHORITY,

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.



**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

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 Stricek

Gordon Bloom

Any other employees of Curwensville Municipal Authority

Bills

Defendant has no bills

LAW OFFICE OF JOSEPH S. WEIMER

BY: 

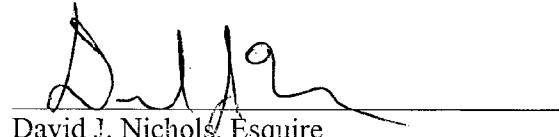
David J. Nichols, Esquire
Attorney for Defendant

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

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

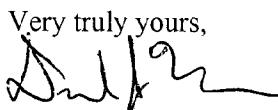
RECEIVED
NOV 14 2005
COURT ADMINISTRATORS
OFFICE

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,

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.

No. 03-1255-C.D.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

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.

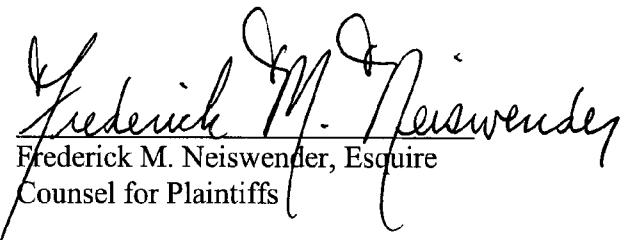
E. DAMAGES

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 Received: 6/27/2002		
Date Inspected: 6/27/2002	Date Entered: 7/2/2002		
Price List: ALTOONAMERGE Estimate: CARFLEY			

SERVICEMASTER PROFESSIONAL CLEANING SERVICES

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

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 mildew 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:			
Contents Totals:			
Room Totals: Garage			150.00
			60.00
			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:			
Room Totals: Master bedroom			356.40
			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

07/02/2002 Page: 2

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

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

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

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

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

2612 18TH STREET
ALTOONA, PA 16601-2697
(814) 946-7671
FAX (814) 946-3041
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:			
Room Totals: Equipment rental			

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:			
Room Totals: Disposal fee			

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

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

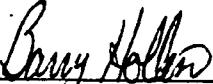
Recap by Room

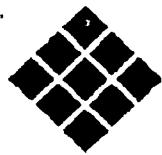
Estimate: CARFLEY		
Garage	210.00	9.43%
Master bedroom	356.40	16.01%
Master bath	64.17	2.88%
Bedroom 1	285.12	12.81%
Bedroom 2	285.12	12.81%
Hallway	69.30	3.11%
Bathroom (full)	145.60	6.54%
Stairway-basement	37.38	1.68%
Basement	426.00	19.14%
Equipment rental	247.08	11.10%
Disposal fee	100.00	4.49%
 Subtotal of Areas	 2,226.17	 100.00%
Total	2,226.17	100.00%

SERVICEMASTER PROFESSIONAL CLEANING SERVICES

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

Recap By Category		Total Dollars	%
O&P Items			
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: Bettie & Harriet Curtley
ADDRESS: 503 Citrusian Rd.
CITY: Citrusville PA 16835
PHONE: 236-3005

Date: July 1-87

Sales Person: _____

ORDER # _____

MATERIALS:

AREA	STYLE	COLOR	SIZE	SQ. YDS.	PRICE	NET	INSTALL	TOTAL
Bath	Carpet	Blue	12x7'	21	10.11	Net	underlay	645
Bath	Carpet	Blue	12x7'	21	10.11	Net	underlay	645
LIV/DIN/HALL/STEP	Brockshire	Brown	15x43'	72	14.52	Net	Rip out	2052-
Bed-M.	Symmetry	Carpet	12x15'	21	8.10			509.25
Bed	Cornith	Carpet	12x15'	17.33				364
								364
Basement		Blue	Patch					90-
Laundry Circu		Blue	12x26'	35.34				413.74

PADDING

TYPE	THICKNESS	SIZE	SQ. YDS.	PRICE	TOTAL
Thick		8 yds			=

INSTALLATION :	SQ. YDS.	PRICE	TOTAL
INSTALL			=
RIP UP			=

YES

NO

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: 1160.99

TAX: 116.09

LABOR: _____

TOTAL: _____

AL

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

*Bloom
Electronics*

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 NET 30 DAYS 2% INTEREST	REMIT PAYMENT TO: P.O. BOX 93 GRAMPIAN, PA 16838	DATE COMPLETED 07/08/02	TOTAL MATERIALS 59.07
WORK ORDERED BY			TOTAL OTHER 122.50
AUTHORIZED SIGNATURE			TOTAL LABOR 3.54
			TOTAL ► 185.11

I hereby acknowledge the satisfactory completion of the above described work.

LEZZER LUMBER
SPECIAL ORDER WORKSHEET

Sold To:	BERNIE CARFLEY	Today's Date:	<u>6/14/02</u> <u>7/8/02</u>
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 <i>10 x 15 ft</i>	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.

Please initial for your approval

CUSTOMER _____

DATE: _____

SIZE _____
 QUANTITY _____
 MODEL _____
 COLOR _____
 PRICE _____

731573

Clewenville TrueValue

customer's order no.		phone	date	
name		6/28/02		
address				
city, state, zip				
sold by		cash <input type="checkbox"/> charge <input type="checkbox"/>	shipping information	
c.o.d. <input type="checkbox"/> on acct <input type="checkbox"/>				
quantity	descriptions	price	amount	
1	1 h Pledge	1.99	1.99	
2	1 Spunk's	2.29	2.29	
3	1 Latex gloves	.99	99	
4	2 Bucket's	4.79	9.58	
5	1 toilet seat	9.99	9.99	
6				
7				
8		1.49	1.49	
9				
10				
11				
12	pd 6/28/02 total		26.57	
13				
14				
received by:				

adams

keep this slip for reference

DC3908UV

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 x	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 M	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 x	2.98	
	TOTAL	52.57	
	CASH TEND	60.00	
	CHANGE DUE	7.43	

ITEMS SOLD 11

TC# 0347 5609 9793 7074 2779



EX KEEBLER 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. 4 p.m. - 9 p.m.	2 1	28 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. 6 p.m. - 8 p.m.	2 2	12 4
7/16/2002	8 a.m. - 11 a.m. 7 p.m. - 8 p.m.	2 3	6 3
7/17/2002	8 a.m. - 11 a.m. 7 p.m. - 8 p.m.	2 3	6 3
7/18/2002	8 a.m. - 11 a.m.	2	6
7/23/2002	8 a.m. - 11 a.m. 7 p.m. - 8 p.m.	2 3	6 3
7/24/2002	8 a.m. - 11 a.m. 7 p.m. - 8 p.m.	2 3	6 3
7/25/2002	8 a.m. - 11 a.m.	3	6
TOTAL HOURS -----			192
			$\textcircled{2} 10.20 / \text{hr.}$
			$1,920.00$

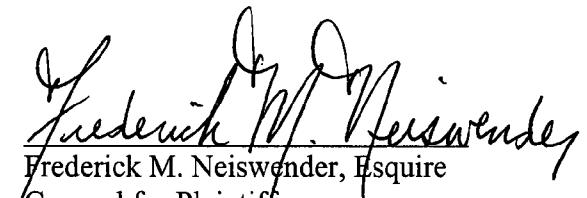
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

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

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

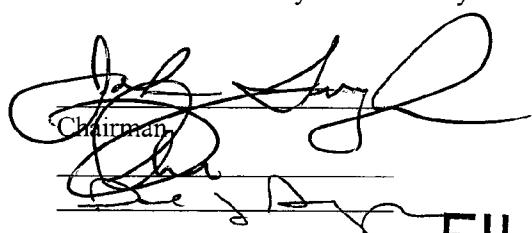
Bernard P. Carfley and Harriet L. Carfley
vs.
Curwensville Municipal Authority

No. 2003-01255-CD

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.



Chairman

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

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


Prothonotary

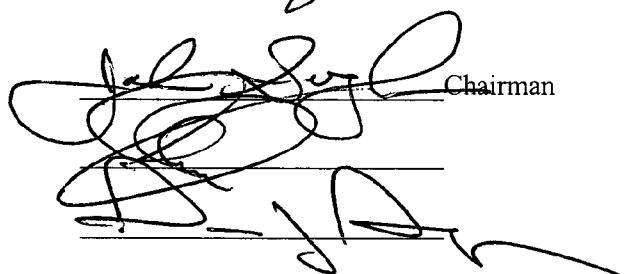
FILED
01:00
NOV 15 2005

William A. Shaw
Prothonotary/Clerk of Courts
Notice to Attys: Neiswender
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.*



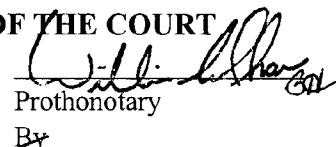
Chairman

(Continue if needed on reverse.)

ENTRY OF AWARD

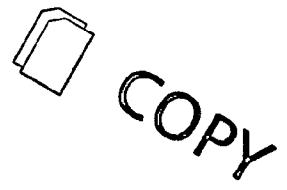
Now, this 16th day of November, 2005, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT



Prothonotary
By _____

Bernard P. Carfley : IN THE COURT OF COMMON PLEAS
Harriet L. Carfley : OF CLEARFIELD COUNTY

Vs. : No. 2003-01255-CD
Curwensville Municipal Authority : 

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.

No. 03 - 1255 - C.D.

CURWENSVILLE MUNICIPAL
AUTHORITY,

Defendant.

Type of case: Civil

Type of pleading: Praeclipe 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 300-3Cet.
03-3781 of Disc. to
MAY 15 2006 Atty
W.A. Shaw

William A. Shaw
Prothonotary/Clerk of Courts

Copy to
CIA

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

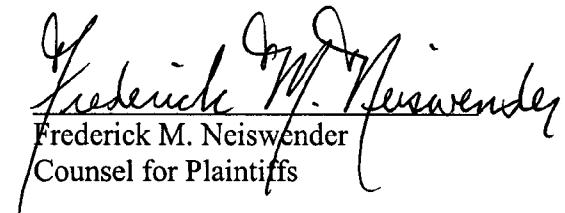
BERNARD P. CARFLEY and :
HARRIET L. CARFLEY, :
Plaintiffs, :
vs. : No. 03 - 1255 - C.D.
CURWENSVILLE MUNICIPAL :
AUTHORITY, :
Defendant. :

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above captioned case DISCONTINUED.

Respectfully submitted,


Frederick M. Neiswender
Counsel for Plaintiffs

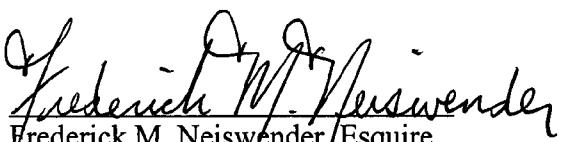
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL ACTION)

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

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Praeclipe 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

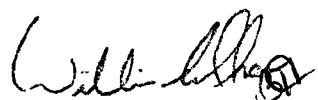
Commonwealth of PA
County of Clearfield

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