

03-1412-CD
COMMUNICATIONS CONSTRUCTION GROUP vs. NEIL DOTTS

Date: 10/27/2004

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 10:20 AM

ROA Report

Page 1 of 1

Case: 2003-01412-CD

Current Judge: Fredric Joseph Ammerman

Communications Construction Group, Inc. vs. Neil C. Dotts

Civil Other

Date		Judge
09/19/2003	Filing: Civil Complaint Paid by: Apple and Apple Receipt number: 1866343 Dated: 09/19/2003 Amount: \$85.00 (Check) 1 Cert. to Sheriff	No Judge <input checked="" type="checkbox"/>
10/08/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge <input checked="" type="checkbox"/>
11/07/2003	Filing: Judgment Paid by: Apple & Apple Receipt number: 1868834 Dated: 11/07/2003 Amount: \$20.00 (Check) Notice to Defendant Stmt. to Atty. Entered Judgment against Defendant in the Amount \$3,228.57	No Judge <input checked="" type="checkbox"/>
05/13/2004	Affidavit Of no Answer To Requests For Admissions. filed by, s/Charles F. Bennett, Esquire Certificate of Service no cc	No Judge <input checked="" type="checkbox"/>
09/22/2004	Motion for Summary Judgment to Assess Damages, filed by s/Charles F. Bennett, Esq. No CC	No Judge <input checked="" type="checkbox"/>
09/28/2004	Notice of Motion Presentation, AND NOW, this 27th day of Sept. 2004, you are hereby notified that the within Motion shall be presented to the Court on the 3rd day of November, 2004, at 3: 00 P.M., before Judge Ammerman. If you oppose the granting of this motion, you should appear at this time and place to give your reason for opposing the granting of the Motion to the court. By: /s/ Fredric J. Ammerman. 2 CC Atty Bennett	Fredric Joseph Ammerman <input checked="" type="checkbox"/>

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-1412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

COMPLAINT

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719


4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED

SEP 19 2003 
m/2:15/um
William A. Shaw
Prothonotary/Clerk of Courts
1 Clerk to Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO.
LLC IN CIVIL ACTION

-vs- Plaintiff(s)

NEIL DOTTS

Defendant(s)

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 upon you, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice, for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, Pennsylvania 16830
Telephone Number 814-765-2641 Ex 50-51

COMPLAINT

1. Plaintiff is a Limited Liability Company having offices at 235 E. Gay Street, West Chester, PA 19380.

2. Defendant is an individual whose address is RR 1 Box 368, Coalport, Clearfield County, Pennsylvania 16627.

3. On or about April 2, 2003, the Defendant was operating a motor vehicle east bound on SR 1009 in Logan Township Pennsylvania.

4. The Defendant negligently operating his vehicle at the time and failing to exercise due care under the conditions failed to stop and struck a vehicle which was being lawfully and carefully operated by Plaintiff's employee, Robert E. Monahan, Jr.

5. The Defendant caused damage to Plaintiff's vehicle in the amount of \$3,228.57.

6. The Plaintiff is entitled to be subrogated to all of the rights and claims of said incident.

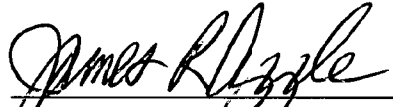
7. Plaintiff avers that as a direct and proximate result of the negligent operation of said vehicle by Defendant, Plaintiff suffered damages.

8. Plaintiff avers that the balance due amounts to \$3,228.57.

9. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against Defendant in the principal amount of \$3,228.57.

APPLE AND APPLE, P.C.

By: 
Attorneys for Plaintiff(s)

AFFIDAVIT

I, Joseph Poliafico, of
Communications Construction Group LLC, Plaintiff
herein, verify that the statements of fact contained in the foregoing Complaint
are true and correct. I understand that false statements herein are made
subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification
to authorities.

7/28/03
Date

Joseph Poliafico
Affiant

Director of Administration
Title

235 E. 6th St.
Address

West Chester PA 19380
City, State and Zip

In The Court of Common Pleas of Clearfield County, Pennsylvania

COMMUNICATIONS CONSTRUCTION GROUP LLC

Sheriff Docket # 14589

VS.

03-1412-CD

DOTTS, NEIL

COMPLAINT

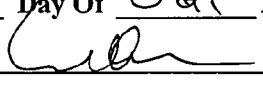
SHERIFF RETURNS

NOW SEPTEMBER 30, 2003 AT 1:44 PM SERVED THE WITHIN COMPLAINT ON NEIL DOTTS, DEFENDANT AT RESIDENCE, RR#1 BOX 368, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO NEIL DOTTS A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: NEVLING/MCCLEARY

Return Costs

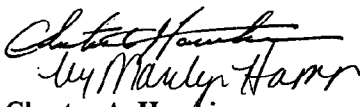
Cost	Description
38.16	SHERIFF HAWKINS PAID BY: atty ck# 60457
10.00	SURCHARGE PAID BY: atty ck# 60458

Sworn to Before Me This

8 Day Of Oct, 2003


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

So Answers,


Chester A. Hawkins
Sheriff

FILED
OCT 08 2003
0/3230
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs- *Plaintiff(s)*

NEIL DOTTS

Defendant(s)

**PRAECIPE FOR DEFAULT
JUDGMENT**

CODE -
FILED ON BEHALF OF
PLAINTIFF

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED

NOV 07 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY

SIR:

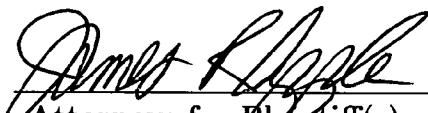
Kindly enter Judgment, for liability only, against the Defendant(s) above-named in Default of an Answer upon the above trespass claim.

I certify that Notice of the intention to enter this Judgment was given pursuant to Pa. R.C.P. 237.1. A copy of said Notice is attached, and was mailed on October 21, 2003 by Regular United States Mail postage prepaid and addressed as follows:

Neil Dotts
RR #1 Box 368
Coalport, PA 16627

APPLE AND APPLE, P.C.

Dated: 11/4/03

By: 
Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP,
LLC

NO. 2003-01412-CD
IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

Neil Dotts
RR#1 Box 368
Coalport, PA 16627

Date of Notice: October 21, 2003

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, Pennsylvania 16830
Telephone Number 814-765-2641 Ex 50-51

APPLE AND APPLE, P.C.

By: 

James R. Apple, Esq.
Attorneys for Plaintiff(s)
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs- Plaintiff(s)

NEIL DOTTS

Defendant(s)

NOTICE OF JUDGMENT OR ORDER

TO: () Plaintiff (xx) Defendant () Garnishee

You are hereby notified that the following Order or Judgment was entered against
you on 11-7-03.

() Assumpsit Judgment in the amount of _____, plus costs.

(xxx) Trespass Judgment, liability only in an unliquidated amount.

() If not satisfied within sixty (60) days, your motor vehicle operator's license and/or
registration will be suspended by the Dept. of Transportation, Bureau of Traffic Safety,
Harrisburg, PA.

(X) Entry of Judgment () Court Order
() Non-Pros
() Confession
(xx) Default
() Verdict
() Arbitration Award
() Other

Neil Dotts
RR #1 Box 368
Coalport, PA 16627

PROTHONOTARY

By: _____
Prothonotary (or Deputy)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Communications Construction Group, Inc.
Plaintiff(s)

No.: 2003-01412-CD

Real Debt: \$3,228.57

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Neil C. Dotts
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: November 7, 2003

Expires: November 7, 2008

Certified from the record this 7th day of November, 2003

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt,
Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

AFFIDAVIT OF NO
ANSWER TO REQUESTS
FOR ADMISSIONS

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED

MAY 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF CLEARFIELD)

SS

1. On April 1, 2004 Requests for Admissions were mailed to Defendant, Neil Dotts by First Class Mail, postage prepaid.

2. Attached as Exhibit "A" is a copy of the Requests for Admissions.

3. Pursuant to Pennsylvania Rule of Civil Procedure 4014, Answers to the Requests for Admissions were due by May 1, 2004.

4. As of the date of the filing of this Affidavit, no Answers have been received to the Requests for Admissions, nor has Plaintiff received any objections to the relevance or competence of the Requests for Admissions nor has Plaintiff's counsel received any sworn denials or explanation as to why the Requests cannot be admitted or denied.

5. Defendant has requested no extension of time for the filing of Answers.

SWORN TO AND SUBSCRIBED

APPLE AND APPLE, P.C.

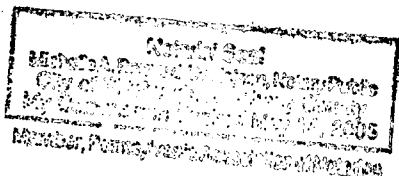
BEFORE ME THIS 6 DAY OF

May, 2004

By:

Attorneys for Plaintiff(s)

Michelle A. Bond
NOTARY PUBLIC



JL 43896 rta

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY
PENNSYLVANIA

ENTERPRISE RENT-A-CENTER

NO. 6329 C 2002
IN CIVIL ACTION

-vs-

Plaintiff(s)

STEVEN KOCH

PLAINTIFF'S FIRST SET
OF REQUESTS FOR ADMISSIONS
DIRECTED TO DEFENDANT

Defendant(s)

CODE -

FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY
PENNSYLVANIA

ENTERPRISE RENT-A-CENTER

NO. 6329 C 2002
IN CIVIL ACTION

-vs- *Plaintiff(s)*

STEVEN KOCH

Defendant(s)

**PLAINTIFFS' FIRST SET OF REQUESTS FOR
ADMISSIONS DIRECTED TO DEFENDANT**

TO: Neil Dotts
RR#1, Box 368
Coalport PA 16627

You are requested to admit the truth of each of the statements of fact hereinafter stated. You are instructed that:

This request is made under Pennsylvania Rules of Civil Procedure 4001, et seq., and each of the matters of which an admission is requested shall be deemed admitted unless your sworn statement in compliance with such Rules is timely made.

If you do not admit each of such statements, you must specifically deny each one not admitted, or set forth in detail the reasons why you cannot truthfully either admit or deny each such matter.

Your answer, signed and properly verified, must be delivered to the undersigned attorney of record for the Plaintiffs within thirty (30) days after delivery hereof.

If you fail or refuse to admit the truth of any such statement of fact and the Plaintiffs thereafter prove the truth thereof, you may be required to pay the reasonable expenses incurred in making such proof, including attorney's fees, witness expenses, etc.

If, in response to any of the following statements of fact, it is your position that the statement is true in part or as to some items, but not true in full or as to all items, then answer separately as to each part or item.

If you have been sued in more than one capacity, or if your answers would be different if answered in any different capacity, such as partner, agent, corporate officer or director or the like, then you are requested to answer separately in each such capacity. Failure to do so constitutes an admission in any such other capacity.

REQUESTS FOR ADMISSIONS

Pursuant to Pa. R.C.P. No. 4014, Plaintiff hereby requests that you admit the following statements of fact:

1. That the loss to Plaintiff resulting from damage to the truck caused by Defendant amounts to \$3,228.57.

ANSWER:

Admitted: _____ Denied: _____

2. That the document attached hereto as Attachment "1" is a genuine and accurate copy of the repair estimate.

ANSWER:

Admitted: _____ Denied: _____

4. That the estimate is accurate with regard to the damage done and the estimated expense to repair.

ANSWER:

Admitted: _____ Denied: _____

5. That said estimate states that the cost to repair the damage amounts to \$3,228.57.

ANSWER:

Admitted: _____ Denied: _____

6. That Defendant has not paid Plaintiff the amounts due for damage to the car caused by him.

ANSWER:

Admitted: _____ **Denied:** _____

APPLE AND APPLE, P.C.

By: _____
Attorneys for Plaintiff(s)

A F F I D A V I T

COUNTY OF

)

)

SS

)

STATE OF

Before me, the undersigned authority, personally appeared _____
_____ who, being duly sworn according to law, deposes and says that
the foregoing Answers to Requests For Admissions and Interrogatory are true and correct
to the best of the affiant's knowledge, information and belief.

SWORN TO AND SUBSCRIBED

AFFIANT'S SIGNATURE

BEFORE ME THIS _____ DAY OF

AFFIANT'S PRESENT ADDRESS:

_____, 20____

NOTARY PUBLIC

TITLE OF OFFICIAL



CRUM'S AUTO BODY

710 OLD ROUTE 22
DUNCANSVILLE, PA 16835

(814) 695-9378

1-04 6960176

DATE 4-8-03 0305702730088 001 INVOICE NO.

CAR OWNER

C.C.M.

CITY STATE

West Chester Pa.

STREET ADDRESS

PO#

quality replacement parts

MAKE

86 Ford 150

BODY STYLE

4 door coupe

No.

863

DESCRIPTION	PARTS	PAINTING LABOR	BODY WORK LABOR
✓ Rear bumper	325.00	-	1.2
✓ R Bumper		1.0	1.4
✓ Front bumper	150.00		
✓ Grille shield	30.00	0.5	1.0
✓ Grille	45.00		0.5
✓ L Headlight bezel	24.00		0.2
✓ L Headlight assy	18.00		0.4
✓ L Headlight housing	X		-
✓ L fender	84.00	3.2	2.8
✓ Hood	190.00	4.8	1.0
✓ Hood latch	33.00		0.5
✓ Radiator	171.00		1.5
✓ Transmission only	36.00		0.5
✓ Radiator support		-	1.5
✓ R headlight bezel	24.00		0.2
✓ R headlight assy	18.00		0.4
✓ R fender	84.00	3.2	2.8
✓ Upper manifold	20.00		0.3
✓ Lower gull manifold	30.00		0.3
✓ Lower manifold	38.68		0.7
✓ L door		0.3	0.3
✓ Glass 44.00 per hour			
✓ Seal cap	2.00		
✓ Pull Time	2.0		
✓ R & L Lower Fenders L & R	176.00		
✓ Fan	79.68		1.0
✓ Retain nameplates			1.0
✓ Wagon water	3.75		
✓ Cassin protection	15.00	0.5	
✓ Cass. Truck	5.00		0.5
Paint Labor 13.8 x 38.00 = 524.40	Same Split		176.00
Paint material 13.8 x 19.00 = 262.20	Split		23.75
Body Labor 19.6 x 38.00 = 744.80	PARTS	\$	1338.36
	PAINT	\$	862.28
	LABOR	\$	1267.20
	SUBTOTAL	\$	3048.76
	TAX	\$	188.75
	TOTAL	\$	3238.51

Payment due upon
services rendered. - Thank You

011-11111111

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY
PENNSYLVANIA

ENTERPRISE RENT-A-CENTER

NO. 6329 C 2002
IN CIVIL ACTION

-vs-

Plaintiff(s)

STEVEN KOCH

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached
or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Neil Dotts
RR#1 Box 368
Coalport, PA 16627

Dated: 4/1/04

By: Laurie Corey

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached
or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Neil Dotts
RR #1 Box 368
Coalport PA 16627

Dated: 5/11/04

By: Laurel Carey

FILED

M/D: 4984
MAY 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

NO
CC
Q
K

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

MOTION FOR SUMMARY
JUDGMENT TO ASSESS
DAMAGES

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

FILED ^{no cc}
m/10:30/6/1
SEP 22 2004

WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

NOTICE OF MOTION PRESENTATION

AND NOW, this 27 day of Sept, 2009, you are
hereby notified that the within Motion shall be presented to the Court on the 3 day of
November, 2004, at 3:00 ~~a.m.~~/p.m., before Judge Ammerman

If you oppose the granting of this Motion, you should appear at this time and place to give
your reason for opposing the granting of the Motion to the court.

By: Judge J. Ammerman

FILED ^{2CC}
01/10:05/07 ^{Att. Bennett}
SEP 28 2004

William A. Shaw
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs- Plaintiff(s)

NEIL DOTTS

Defendant(s)

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes Plaintiff Communications Construction Group, LLC, by and through its attorneys, Apple and Apple, P.C, and moves this Honorable Court pursuant to Pa. R.C.P. 1035 for an Order of Court directing entry of Summary Judgment in favor of Plaintiff and against the Defendant on the cause of action alleged in Plaintiff's Complaint as follows:

1. Plaintiff filed its Complaint in the above-captioned action on September 19, 2003, which averred that Defendant, Neil Dotts, caused an accident resulting in damage to a vehicle owned by Plaintiff's insured.
2. Defendant failed to file an Answer and a default judgment for liability was entered on November 7, 2003.
3. On or about April 1, 2004, Plaintiff served Request for Admissions on Defendant, which Requests went unanswered by the Defendant within the time prescribed by law.
4. Said Requests for Admissions set forth evidence to establish the amount of damages claimed due and owing Plaintiff.
5. Thereafter Plaintiff filed an Affidavit with the court relative to the service of

the aforementioned Requests for Admissions and the Defendant's failure to answer.

6. The affidavit was accompanied by a copy of the Requests for Admissions served in the matter. a true and correct copy of the Affidavit is attached hereto as Exhibit "A."

7. Pursuant to Pa. R.C.P. 4014 the matters for which admissions were requested by Plaintiff are deemed admitted by operation of law due to Defendant's failure to respond within the time prescribed by law.

8. Plaintiff believes and therefore asserts that no genuine triable issue of material fact exists, based upon the pleadings and admissions of record in this case.

9. Plaintiff believes and therefore sets forth that Plaintiff is entitled to Summary Judgment as a matter of law.

WHEREFORE, Plaintiff moves this Honorable Court to enter Summary Judgment in favor of Plaintiff and against the Defendant in the amount of \$3,228.57 and costs.

Respectfully Submitted,

APPLE AND APPLE, P.C.

Dated: _____

Sept. 16, 2004

By: _____

Clark [Signature]

Attorneys for Plaintiff(s)

VERIFICATION

The undersigned counsel of record for Plaintiff herein, verifies that the statements of fact contained in the foregoing document are true and correct to the best of his/her knowledge, information and belief. The within verification is made by counsel and not by Plaintiff. Counsel, and not Plaintiff, possesses first-hand knowledge of the facts contained in the foregoing document. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

APPLE AND APPLE, P.C.

Dated: Sept. 16, 2004

By: Charles F. Bratt
Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

AFFIDAVIT OF NO
ANSWER TO REQUESTS
FOR ADMISSIONS

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

EXHIBIT *A*.....

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF CLEARFIELD) SS

NOTARY PUBLIC

50/43896-11

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY
PENNSYLVANIA

ENTERPRISE RENT-A-CENTER

NO. 6329 C 2002
IN CIVIL ACTION

-vs-

Plaintiff(s)

STEVEN KOCH

PLAINTIFF'S FIRST SET
OF REQUESTS FOR ADMISSIONS
DIRECTED TO DEFENDANT

Defendant(s)

CODE -

FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

A

RECEIVED

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY
PENNSYLVANIA

ENTERPRISE RENT-A-CENTER

NO. 6329 C 2002
IN CIVIL ACTION

-vs-

Plaintiff(s)

STEVEN KOCH

Defendant(s)

**PLAINTIFFS' FIRST SET OF REQUESTS FOR
ADMISSIONS DIRECTED TO DEFENDANT**

TO: Neil Dotts
RR#1, Box 368
Coalport PA 16627

You are requested to admit the truth of each of the statements of fact hereinafter stated. You are instructed that:

This request is made under Pennsylvania Rules of Civil Procedure 4001, et seq., and each of the matters of which an admission is requested shall be deemed admitted unless your sworn statement in compliance with such Rules is timely made.

If you do not admit each of such statements, you must specifically deny each one not admitted, or set forth in detail the reasons why you cannot truthfully either admit or deny each such matter.

Your answer, signed and properly verified, must be delivered to the undersigned attorney of record for the Plaintiffs within thirty (30) days after delivery hereof.

If you fail or refuse to admit the truth of any such statement of fact and the Plaintiffs thereafter prove the truth thereof, you may be required to pay the reasonable expenses incurred in making such proof, including attorney's fees, witness expenses, etc.

If, in response to any of the following statements of fact, it is your position that the statement is true in part or as to some items, but not true in full or as to all items, then answer separately as to each part or item.

If you have been sued in more than one capacity, or if your answers would be different if answered in any different capacity, such as partner, agent, corporate officer or director or the like, then you are requested to answer separately in each such capacity. Failure to do so constitutes an admission in any such other capacity.

REQUESTS FOR ADMISSIONS

Pursuant to Pa. R.C.P. No. 4014, Plaintiff hereby requests that you admit the following statements of fact:

1. That the loss to Plaintiff resulting from damage to the truck caused by Defendant amounts to \$3,228.57.

ANSWER:

Admitted: _____ Denied: _____

2. That the document attached hereto as Attachment "1" is a genuine and accurate copy of the repair estimate.

ANSWER:

Admitted: _____ Denied: _____

4. That the estimate is accurate with regard to the damage done and the estimated expense to repair.

ANSWER:

Admitted: _____ Denied: _____

5. That said estimate states that the cost to repair the damage amounts to \$3,228.57.

ANSWER:

Admitted: _____ Denied: _____

6. That Defendant has not paid Plaintiff the amounts due for damage to the car caused by him.

ANSWER:

Admitted: _____ Denied: _____

APPLE AND APPLE, P.C.

By: _____
Attorneys for Plaintiff(s)

A F F I D A V I T

COUNTY OF _____

)

)

SS

STATE OF _____

)

Before me, the undersigned authority, personally appeared _____
_____ who, being duly sworn according to law, deposes and says that
the foregoing Answers to Requests For Admissions and Interrogatory are true and correct
to the best of the affiant's knowledge, information and belief.

SWORN TO AND SUBSCRIBED

AFFIANT'S SIGNATURE

BEFORE ME THIS _____ DAY OF

AFFIANT'S PRESENT ADDRESS:

_____, 20____

NOTARY PUBLIC

TITLE OF OFFICIAL

1-04 6960176

DATE 4-8-03 09057027300398 001 INVOICE NO.

CAR OWNER

CITY STATE

STREET ADDRESS

309

MAKE

BODY STYLE

No

DESCRIPTION	PARTS	PAINTING LABOR	BODY WORK LABOR
Rear bumper	325.00	-	1.2
R bumper Blank		1.0	1.4
Front bumper	150.00		
Gravel shield	30.00	0.8	1.8
Wheels	45.00		0.5
L Headlight bezel	24.00		0.2
L Headlight assm	18.00		0.4
L Headlight housing	X		-
L fenders edges 0.6 x 6	84.00	3.2	2.8
R door underside 3.2	190.00	4.8	1.0
Door latch	33.00		0.5
Radiator	171.00		1.5
Sparemount cover	36.00		0.5
Radiator support		-	1.5
R headlight bezel	24.00		0.2
R headlight assm	18.00		0.4
R fenders edges 0.6 - 2.8	84.00	3.2	2.8
Upper maulders	20.00		0.3
Lower grill maulders	10.00		0.3
Grill maulders	38.68		0.7
L door Trackup		0.3	0.7
Grease 44.00 per hour			
Seat cap 2.0 Support			
Pull Ties 2.0	176.00		
R + L Bumper Fenders L & R			1.0
San	79.68		1.0
Retape nameplates			1.0
Wagon water	3.75		
Cassim protection	15.00	0.5	
Conv. Trench	5.00		0.5
Paint Labor 13.8 x 38.00 = 524.40	Paint Labor		176.00
Paint material 13.8 x 19.00 = 262.20	Subtotal		252.25
Body Labor 19.6 x 38.00 = 744.80	PARTS	\$	1338.36
	PAINT	\$	952.28
	LABOR	\$	1267.20
	SUBTOTAL	\$	3046.76
	TAX	\$	182.75
	TOTAL	\$	3228.51

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY
PENNSYLVANIA

ENTERPRISE RENT-A-CENTER

NO. 6329 C 2002
IN CIVIL ACTION

-vs-

Plaintiff(s)

STEVEN KOCH

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached
or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Neil Dotts
RR#1 Box 368
Coalport, PA 16627

Dated: 4/1/04

By: Laurie Carey

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached
or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Neil Dotts
RR #1 Box 368
Coalport PA 16627

Dated: 5/11/04

By: Laurie Carey

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached
or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Neil Dotts
RR #1 Box 368
Coalport PA 16627

Dated: _____

9/20/04

By: _____

Laurie Carey

FILED

SEP 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs- Plaintiff(s)

NEIL DOTTS

Defendant(s)

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 20____,
after review and consideration the Plaintiff's Motion for Summary Judgment is granted.

It is hereby **ORDERED, ADJUDGED** and **DECREED** that there being no
genuine issue at material fact and the Plaintiff being entitled to Judgment as a matter of law,
based upon the pleadings and admissions of record in the above-captioned case, Judgment is
entered in favor of Plaintiff and against the Defendant in the amount of \$3,228.57 and costs.

BY THE COURT:

_____**J.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs-

Plaintiff(s)

NEIL DOTTS

Defendant(s)

BRIEF IN SUPPORT
OF SUMMARY JUDGMENT

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.

PA I.D. No. 37942

Charles F. Bennett, Esq.

PA I.D. No. 30541

Joel E. Hausman, Esq.

PA I.D. No. 42096

APPLE AND APPLE, P.C.

Firm No. 719

4650 Baum Boulevard

Pittsburgh, PA 15213-1237

Telephone (412) 682-1466

Fax (412) 682-3138

RECEIVED

SEP 22 2004

**COURT ADMINISTRATOR'S
OFFICE**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs- Plaintiff(s)

NEIL DOTTS

Defendant(s)

BRIEF IN SUPPORT OF SUMMARY JUDGMENT
FACTS

Defendant was involved in an accident which caused damage to Plaintiff's insured's vehicle. Plaintiff subsequently paid its insured an insurance claim. Plaintiff then instituted this suit as a subrogation claim.

Defendant failed to respond to Plaintiff's Complaint and therefore a default judgment for liability was entered.

Plaintiff's attorneys served the Defendant with Requests for Admissions seeking to establish the damages due Plaintiff. The Defendant did not answer the requests.

ARGUMENT

In this case, Plaintiff's entitlement to Summary Judgment stems from the operation of Pa. R.C.P. No. 4014, which details the method of, and requirements for, a party's response to Requests For Admissions. The well established purpose of Pa. R.C.P. No. 4014 is to clarify issues raised in prior pleadings with the goal of expediting the litigation process. *Commonwealth of Pennsylvania vs. Diamond Shamrock Chemical Company*, 38 Pa. Cmwlth. 89, 391 A.2d 1333 (1978).

Pa.R.C.P. 4014(b) provides:

“(b) Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within thirty days after service of the requests, or within such shorter or longer time as the court may allow, the party to which the request is directed serves upon the party requesting the admission an answer verified by the party or an objection, signed by the party or by his attorney...”

Under the above-referenced rule, it has been consistently held that a party on whom requests for admissions are served runs the risk that the facts as set forth in the request will be conclusively binding on him if he chooses not to file an answer or file objections to the request. *Innovate, Inc. vs. United Parcel Service, Inc.*, 275 Pa. Super. 276, 418 A.2d 720 (1980); *Richard T. Byrnes Co., Inc. vs. Buss Automation, Inc.*, 415 Pa. Super. 549, 609 A.2d 1360, at 1364 (1992). Generally, failure to respond to a request for admissions causes the facts contained within the requests to be deemed admitted by the party from whom the admission was sought. *Id.*, 609 A.2d at 1367; *Diamond*, 391 A.2d at 1336.1

The granting of Summary Judgment where an opposing party fails to answer requests for admissions is expressly sanctioned by Pennsylvania's case law. In *Innovate*, 418 A.2d 720, the court noted that Pennsylvania's practice under procedural Rule 4014 followed federal practice, and cited *Creedon v. Howle*, 8 F.D.R. 92, D.C., N.D. (1948) as a parallel instance of where the federal courts entered Summary Judgment based upon a failure to respond to Requests for Admissions. Yet another instance where decisional law directly supported the entry of Summary Judgment based upon unanswered requests for admissions is found in the *Diamond* case, 391 A.2d at 1337.

By virtue of the cases cited above, and the controlling provisions of the Pennsylvania Rules of Civil Procedure, the facts contained in the requests for admissions propounded by the Plaintiff, must be deemed admitted. The facts contained in the requests for admissions establish the liability of the Defendant, and the damages that Plaintiff suffered as a result.

The following facts are contained in the requests for admissions and establish the damages suffered by the Plaintiff:

- a. that the loss to Plaintiff resulting from damage to the truck caused by Defendant amounts to \$3,228.57;
- b. that the document which had been attached to the the Requests as Attachment "1" is a genuine and accurate copy of the repair estimate;
- c. that said estimate is accurate with regard to the damage to the vehicle done and the estimated expense to repaie;
- d. that said estimate states that the cost to repair the damage amounts to \$3,228.57;
- g. that the Defendant has not repaid the monies due for said damages.

The touchstone as to whether Summary Judgment is appropriate is whether or not there are any genuine issues of material fact remaining in the case. *Richard T. Byrnes Co., Inc. vs. Buss Automation, Inc.*, 415 Pa. Super. 549, 609 A.2d 1360, at 1364 (1992). In the instant case, Plaintiff would posit that there are none, insofar as each necessary fact to establish Plaintiff's right to recovery the damages has been conclusively established, by operation of law, through Defendant's failure to respond to Plaintiff's Requests for Admissions.

As no genuine issue of any material fact with regard to Defendant's liability exists, and Plaintiff's damages have been established, Plaintiff is, as a matter of law, entitled to Summary Judgment.

Accordingly, Plaintiff respectfully requests that this Honorable Court, pursuant to Pa. R.C.P. No. 4014(b), enter judgment in favor of the Plaintiff and against the Defendant for the amounts contained in the Complaint, and requests for admissions.

Respectfully Submitted,

APPLE AND APPLE, P.C.

Dated: Sept. 16, 2001

By: 

Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs- Plaintiff(s)

NEIL DOTTS

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached
or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Neil Dotts
RR#1 Box 368
Coalport PA 16627

Dated: 9/20/04

By: Laurie Carey

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs- Plaintiff(s)

NEIL DOTTS

Defendant(s)

PRAECIPE TO WITHDRAW
MOTION FOR SUMMARY
JUDGMENT

CODE -
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466
Fax (412) 682-3138

FILED ^{no}cc
m/11/18/04
NOV 04 2004

W.A.S.
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

COMMUNICATIONS CONSTRUCTION GROUP, NO. 2003-01412-CD
LLC IN CIVIL ACTION

-vs- Plaintiff(s)

NEIL DOTTS

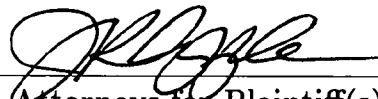
Defendant(s)

PRAECIPE TO WITHDRAW MOTION FOR SUMMARY JUDGMENT
TO THE PROTHONOTARY:

Kindly withdraw our Motion For Summary Judgment in the above matter. We
have received notice that the Defendant is deceased.

APPLE AND APPLE, P.C.

Dated: 10/28/04

By: 
Attorneys for Plaintiff(s)
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466

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

COMMUNICATIONS CONSTRUCTION GROUP,
INC.,

Plaintiff

vs.

Neil C. Dotts,

Defendant

:
: CIVIL DIVISION
: No. 2003-01412-CD
:
: Type of Pleading:
: PRAECIPE TO MARK JUDGMENT
: SATISFIED
:
: Filed on Behalf of:
: Plaintiff
:
:
: Counsel of Record for
: Plaintiff
: James R. Apple, Esquire.
: PA I.D. No. 37942
: Joel E. Hausman, Esquire
: PA I.D. No. 42096
: Apple and Apple, P.C.
: 4650 Baum Boulevard
: Pittsburgh, PA 15213-1237
: Telephone: (412) 682-1466
:
:

FILED No CC

0/10: 2781 Unlimited Real
NOV 17 2005 Estate pd. 7.00

William A. Shaw Cert. of Sat.
Prothonotary/Clerk of Courts to Unlimited

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

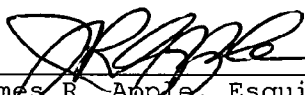
COMMUNICATIONS CONSTRUCTION GROUP, INC.,	:	
	:	CIVIL DIVISION
Plaintiff	:	No. 2003-01412-CD
	:	
vs.	:	
	:	
	:	
Neil C. Dotts,	:	
	:	
Defendant	:	
	:	

PRAECIPE TO MARK JUDGMENT SATISFIED

TO THE PROTHONOTARY:

Please mark the judgment in the above-captioned matter satisfied
of record upon payment of your costs only.

DATED: 10/6/05, 2005


James R. Apple, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

IN RE: **ESTATE OF NEIL DOTTS,**
(Deceased)


:
:
: No. 1704-05-02
:
:

CERTIFICATION OF SATISFIED CLAIM

TO KAREN STARCK, CLERK OF ORPHAN'S COURT:

I, James R. Apple, Attorney for **Communications Construction Group, LLC.**, hereby certify that the claim of **Communications Construction Group, LLC.**, recorded on July 18, 2005, against the **Estate of Neil Dotts**, deceased, has been satisfied.

DATED: 10/6/05, 2005




James R. Apple, Esquire
Attorney for Communications
Construction Group, LLC.

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

CIVIL DIVISION

CERTIFICATE OF SATISFACTION OF JUDGMENT

 **COPY**

Communications Construction Group, Inc.	No.: 2003-01412-CD
	Debt: \$3,228.57
Vs.	Atty's Comm.:
Neil C. Dotts	

Interest From:

Cost: \$7.00

NOW, Thursday, November 17, 2005 , directions for satisfaction having been received,
and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 17th day of November, A.D. 2005.

Prothonotary