

03-1577-CD
KATHRYN GARVEY vs. JOHN E. BURNS, et al.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY

No. 03-1577-CD

Plaintiff,

vs.

JOHN E. BURNS and RUTH G.
BURNS, husband and wife,

Defendant.

PRAECIPE FOR WRIT OF SUMMONS

Filed on behalf of:
Kathryn Garvey

Counsel of record for this party:

NATHANIEL B. SMITH, ESQUIRE

PA I.D. No. 34277

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED

OCT 20 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN L. GARVEY,
Plaintiff

No.:

Vs.

JOHN E. BURNS and RUTH G.
BURNS, husband and wife,
Defendants

PRAECIPE FOR WRIT OF SUMMONS
IN A CIVIL ACTION

TO: PROTHOTARY OF CLEARFIELD COUNTY:

Kindly issue a Writ Of Summons In A Civil Action on behalf of the Plaintiff Kathryn L. Garvey and against Defendants John E. Burns and Ruth G. Burns of 416 Sheffield Street, Philipsburg, Centre County, Pennsylvania, arising out of a hazardous condition on property occurring on January 7, 2002 at Defendant's premises located at 515 Pruner Street, Osceola Mills, Clearfield County, Pennsylvania 16666.

EDGAR SNYDER & ASSOCIATES, LLC

By 
Nathaniel B. Smith
Attorney for Plaintiff(s)

Date: 10/16/03

FILED

OCT 22 2003
2003-07-22
FAY JPD-8500
1CC & CWN-Y to Shif

William A. Shaw
Prothonotary/Clerk of Courts

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

SUMMONS

Kathryn Garvey

Vs.

NO.: 2003-01577-CD

**John E. Burns and
Ruth G. Burns, husband and wife**

**TO: JOHN E. BURNS and
RUTH G. BURNS, husband and wife**

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 10/20/2003

William A. Shaw
Prothonotary

Issuing Attorney:

Nathaniel B. Smith
2900 Old Route 220
Altoona, PA 16601

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KATHRYN GARVEY,

Plaintiff,

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,
Defendants.

CIVIL DIVISION

NO. 2003-01577-CD

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENT
DIRECTED TO PLAINTIFF**

Filed on behalf of:
Defendants

Counsel of record for this party:
Thomas P. Birris, Esquire
Pa. ID #49479

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

\12_A\LIAB\TPB\LLPG\292968\MXD\04938\00253

FILED

NOV 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiffs,

NO. 2003-05177 CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,

Defendants.

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF**

I hereby certify that I have served upon counsel listed on the attached Certificate of Service a true and correct copy of Defendants' Interrogatories and Request for Production of Documents Directed to Plaintiff in the above-captioned matter this 11 day of November, 2003, by First Class Mail, postage prepaid.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY:

Thomas P. Birris, Esquire
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED
TO PLAINTIFF was served by U. S. Mail, First Class, postage pre-paid, this 7th day of
November, 2003, on the below listed:

Nathaniel B. Smith, Esquire
Edgar Snyder & Associates
Regency Square
2900 Old Route 220
Suite 201
Altcona, PA 16601

BY: _____

Thomas P. Birris, Esquire
Attorney for Defendants

FILED NO
10-59484
NOV 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiff,

NO. 2003-01577-CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,

Defendants.

Filed on behalf of:
Defendants

Counsel of record for this party:
Thomas P. Birris, Esquire
Pa. ID #49479

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

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FILED

NOV 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiffs,

NO. 2003-05177 CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,

Defendants.

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Please enter my appearance on behalf of the defendants in the above-referenced matter
and mark the docket accordingly.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY:

Thomas P. Birris, Esquire
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR APPEARANCE was served by U. S. Mail, First Class, postage pre-paid, this 7th day of November, 2003, on the below listed:

Nathaniel B. Smith, Esquire
Edgar Snyder & Associates
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

BY: 

Thomas P. Birris, Esquire
Attorney for Defendants

FILED NO
3) 10:59 AM
NOV 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiff,

NO. 2003-01577-CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,

Defendants.

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

Filed on behalf of:
Defendants

Counsel of record for this party:
Thomas P. Birris, Esquire
Pa. ID #49479

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

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FILED

NOV 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiffs,

NO. 2003-05177 CD

v.

JOHN E. EURNS and
RUTH G. BURNS, husband and wife,

Defendants.

PRAECIPE FOR RULE TO FILE COMPLAINT

TO: PROTHONOTARY

Kindly enter a Rule to File Complaint in the above-referenced matter.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY:



Thomas P. Birris, Esquire
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR RULE TO
FILE COMPLAINT was served by U. S. Mail, First Class, postage pre-paid, this 7th day of
November, 2003, on the below listed:

Nathaniel B. Smith, Esquire
Edgar Snyder & Associates
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

BY: _____

Thomas P. Birris, Esquire
Attorney for Defendants

FILED
NOV 10 2003
1 Rule issued to Atty
William A. Shaw
Prothonotary/Clerk of Courts

COPY

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

Kathryn Garvey

Vs. Case No. 2003-01577-CD
John E. Burns and
Ruth G. Burns, husband and wife

RULE TO FILE COMPLAINT

TO: Kathryn Garvey

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: November 10, 2003

In The Court of Common Pleas of Clearfield County, Pennsylvania

GARVEY, KATHRYN

VS.

BURNS, JOHN E. and RUTH G.

SUMMONS

Sheriff Docket # 14692

03-1577-CD

SHERIFF RETURNS

NOW OCTOBER 21, 2003, DENNY NAU, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON JOHN BURNS and RUTH BURNS, DEFENDANTS.

NOW OCTOBER 30, 2003 SERVED THE WITHIN SUMMONS ON JOHN BURNS and RUTH BURNS, DEFENDANTS BY DEPUTIZING THE SHERIFF OF CENTRE COUNTY. THE RETURNS OF SHERIFF NAU ARE HERETO ATTACHED AND MADE A PART OF THIS RETURN.

Return Costs

Cost	Description
33.37	SHERIFF HAWKINS PAID BY: ATTY
20.00	SURCHARGE PAID BY: ATTY
51.00	CENTRE CO. SHFF. PAID BY: ATTY.

Sworn to Before Me This

26 Day Of Nov, 2003
C. A. Hawkins

So Answers,

*C. A. Hawkins
by Marilyn Harr*
Chester A. Hawkins
Sheriff

FILED

*03:10 AM
NOV 26 2003*

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S OFFICE

CENTRE COUNTY

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

1681
14692

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.

1. Plaintiff(s)	2. Case Number
<u>Kathryn Garvey</u>	
3. Defendant(s)	4. Type of Writ or Complaint:
<u>John & Ruth Burns</u>	
SERVE → AT <div style="display: inline-block; vertical-align: middle; text-align: center; margin-left: 10px;"> 5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. <u>John Burns</u> 6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) <u>416 Shetfield St, Philipsburg, Pa. 16866</u> </div>	
7. Indicate unusual service:	Reg Mail Certified Mail Deputize Post Other

Now, 20 I SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. Sheriff of Centre County

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN – Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator	10. Telephone Number	11. Date
	12. Signature	

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed	15. Expiration/Hearing Date
--	--	----------------	-----------------------------

TO BE COMPLETED BY SHERIFF

16. Served and made known to John Burns, on the 30 day of Oct,
 20 03, at 1:10 o'clock, P m., at Same as above, County of Centre

Commonwealth of Pennsylvania, in the manner described below:

Defendant(s) personally served.

Adult family member with whom said Defendant(s) resides(s). Relationship is _____

Adult in charge of Defendant's residence.

Manager/Clerk of place of lodging in which Defendant(s) resides(s).

Agent or person in charge of Defendant's office or usual place of business.

_____ and officer of said Defendant company.

Other _____

On the _____ day of _____, 20_____, at _____ o'clock, _____ M.

Defendant not found because:

Moved Unknown No Answer Vacant Other _____

Remarks:

Advance Costs	Docket	Service	Sur Charge	Affidavit	Mileage	Postage	Misc.	Total Costs	Costs Due or Refund
<u>75.00</u>	<u>9.00</u>	<u>15.00</u>	<u>~</u>	<u>3.50</u>	<u>21.00</u>	<u>.50</u>	<u>2.00</u>	<u>51.00</u>	<u>24.00</u>

17. AFFIRMED and subscribed to before me this 18

So Answer.

20. day of November 2003

19. Date

23. Arienne Peters

10-31-03

Notary Public

21. Signature of Sheriff

22. Date

SHERIFF OF CENTRE COUNTY

My Commission Expires

Amount Pd.

Page

24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE
OF AUTHORIZED AUTHORITY AND TITLE.

25. Date Received

SHERIFF'S OFFICE

CENTRE COUNTY

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.

1. Plaintiff(s) <i>Kathryn Garvey</i>		2. Case Number <i>03-1577-CD</i>							
3. Defendant(s) <i>John & Ruth Burns</i>		4. Type of Writ or Complaint: <i>Summons</i>							
SERVE → AT <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> Ruth Burns 416 Sheffield St, Philipsburg, Pa. 16866 </div>		5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. 6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)							
7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other									
Now, <u>20</u> I, SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. <u>Sheriff of Centre County</u>									
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE									
NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN – Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.									
9. Print/Type Name and Address of Attorney/Originator		10. Telephone Number	11. Date						
		12. Signature							
SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE									
13. I acknowledge receipt of the writ or complaint as indicated above.		SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed						
TO BE COMPLETED BY SHERIFF									
16. Served and made known to <u>Ruth Burns</u> , on the <u>30</u> day of <u>Oct</u> ,									
20 <u>03</u> , at <u>1:10</u> o'clock, <u>8</u> m., at <u>same as above</u> , County of Centre									
Commonwealth of Pennsylvania, in the manner described below:									
<input checked="" type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is _____ <input type="checkbox"/> Adult in charge of Defendant's residence. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) resides(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____									
On the _____ day of _____, 20_____, at _____ o'clock, _____ M.									
Defendant not found because:									
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____									
Remarks:									
Advance Costs	Docket	Service	Sur Charge	Affidavit	Mileage	Postage	Misc.	Total Costs	Costs Due or Refund
17. AFFIRMED and subscribed to before me this _____				So Answer.					
20. day of _____ 20_____				18. Signature of Dep. Sheriff <i>Teddy J. W.</i>					
23. _____ Notary Public				19. Date <u>10-31-03</u>					
My Commission Expires				21. Signature of Sheriff <i>Teddy J. W.</i>					
				22. Date					
				SHERIFF OF CENTRE COUNTY					
				Amount Pd. _____ Page _____					
24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED AUTHORITY AND TITLE.				25. Date Received					



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
PAGE 14692

KATHRYN GARVEY TERM & NO. 03-1577-CD

VS DOCUMENT TO BE SERVED:

JOHN BURNS and RUTH BURNS SUMMONS

SERVE BY: 11/19/2003

MAKE REFUND PAYABLE TO: EDGAR SNYDER & ASSOC.

SERVE: JOHN BURNS and RUTH BURNS

ADDRESS: 416 SHEFIELD ST., PHILIPSBURG, PA.

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 21st Day of OCTOBER 2003

Respectfully,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

2519-AA
75.0

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY

Plaintiff,

vs.

JOHN BURNS AND RUTH BURNS
Defendant.

No. 03 1577 CD

COMPLAINT IN CIVIL ACTION

Filed on behalf of:
KATHRYN GARVEY

Counsel of record for this party:

NATHANIEL B. SMITH, ESQUIRE

PA I.D. No. 34277

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED

DEC 08 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY)
Plaintiff,) CIVIL DIVISION
vs.) No. 03 1577 CD
JOHN BURNS and RUTH BURNS)
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 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]. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE -

Court Administrator's Office
1 North Second Street
Clearfield, PA 16830

Telephone (814) 765-2641, Ext: 50

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHYRN GARVEY,

Plaintiff,

CIVIL DIVISION

vs.

No. 03 1577 CD

JOHN BURNS and RUTH BURNS,

Defendants

COMPLAINT IN A CIVIL ACTION

AND NOW, comes the Plaintiff, KATHRYN GARVEY, by and through her attorneys, Edgar Snyder & Associates, P.C., and Nathaniel B. Smith, Esquire, and files the within Complaint in a Civil Action and in support thereof avers the following:

1. Plaintiff, Kathryn Garvey, is an adult individual who presently resides at 515 Pruner Street, Apartment 1, Osceola Mills, Clearfield County, Pennsylvania.
2. Defendants, John and Ruth Burns, are adult individual who reside at 416 Shefield Street, Philipsburg, Centre County, Pennsylvania.
3. Defendants, John and Ruth Burns, are owners of a piece of real estate with a rental premises located upon it, located at 515 Pruner Street, Osceola Mills, Clearfield County, Pennsylvania, and said parcel of property can be found at Clearfield County Deed Book Volume 572, Page 401.
4. The events hereinafter complained of occurred on January 7, 2002, at approximately 5:00 a.m., at 515 Pruner Street, Osceola Mills, Clearfield County, Pennsylvania, the real estate which was owned by Defendants, John and Ruth Burns, and rented on a month-to-month basis to the Plaintiff, Kathryn Garvey.

5. At said time and place and for a substantial time prior to the date of the accident, the gutters and downspouts on said premises located at 515 Pruner Street, Osceola Mills, Pennsylvania, were in a state of disrepair so that the gutter and the downspout which led from it was missing and not placed into the ground, but instead, was allowed to have water flow onto various portions of the rental premises on the outside area, causing ice to form on the sidewalk when temperatures dropped below the freezing mark.

6. The Defendants, John and Ruth Burns, had actual notice of this defective and dangerous condition of the gutters and downspouts being in a state of disrepair and designed improperly such that water was permitted to flow onto the walkway areas and other areas that the tenant was to use, and/or they had constructive notice of the condition since the gutters and downspouts were never tied into an integral drainage system which was input into the ground.

7. The injuries and damages sustained by Kathryn Garvey were caused solely by and were a direct and proximate result of the negligence of the Defendants, John and Ruth Burns, as aforesaid generally and in the following particulars:

- a) In causing, allowing and permitting an open downspout to have water flow directly from it to the sidewalk, which is an unacceptable defect of the real estate, causing ice formation below which hindered ingress and egress;
- b) In causing, allowing and permitting an open downspout to allow water to flow directly on the sidewalk, even though the Defendants knew or should have known of the hazardous and dangerous condition which existed;
- c) In causing, allowing and permitting a dangerous and hazardous condition to exist where water was permitted to flow from the gutters and downspouts onto the area below which would form ice and become a hazardous condition;
- d) In causing, allowing and permitting said water runoff to exist on said rental premises in negligent and careless disregard for the tenant or any individual who would be using the premises;
- e) In failing to adequately maintain said rental premises such that a proper drainage facility would exist from the gutters and downspouts so that water would not be

permitted to flow onto portions of the tenants' premises, causing ice formations and hazardous conditions to form;

- f) In failing to take the necessary steps and precautions to see that the tenants' premises was maintained in a safe and secure manner such that water run off and ice accumulation would not be allowed or permitted to exist based upon the negligent design and maintenance of the gutter and downspout system on the rental premises;
- g) In failing to remove the hazardous and dangerous condition which existed at the rental premises of the ice formation when the landlord knew or should have known that their negligent design and maintenance of said system had caused said problem;
- h) In failing to inspect said rental premises in an attempt to discover said hazardous and dangerous conditions which existed in the gutter and downspout spout system which permitted water to flow onto the tenants' premises and freeze on the sidewalk where Plaintiff had ingress and egress to the building;
- i) In failing to adequately keep and maintain said tenancy in a safe condition free and clear of all ice buildup which occurred as a result of the failure to design and maintain a proper drainage system from the gutters and downspouts which existed on said building;
- j) In failing to adequately warn the Plaintiff and/or any other individuals who would use the premises of the dangerous and hazardous conditions which existed when water would flow from the gutters and downspouts onto the sidewalk, causing a dangerous and hazardous condition for individuals attempting to enter or exit the tenants' premises; and
- k) In failing to take necessary or adequate steps or precautions to insure that the gutter and downspout system on said rental property could exist in a reasonable manner so as not to provide a dangerous condition of the real estate by permitting water to flow on areas of ingress and egress, causing a hazardous and dangerous for anyone who attempted to enter or leave the property;

8. Solely as a result of the negligence and carelessness of the Defendants, John and Ruth Burns, the Plaintiff, Kathryn Garvey, sustained the following serious and severe injures, some or all of which may be permanent in nature:

- i) Fracture of the right distal fibula;
- ii) Right ankle traumatic diastasis;

- iii) Possible traumatic arthritic changes;
- iv) Severe pain of the left leg and ankle area;
- v) Chronically sore ankle;
- vi) Swelling and pain in the foot region;
- vii) Pain in the ankle area; and
- viii) Severe shock, strain and sprain of the nerves, muscles, tissues, ligaments and vessels of the musculoskeletal system.

9. As a result of the aforesaid injuries caused by the Defendants, John and Ruth Burns, the Plaintiff, Kathryn Garvey, has been damaged as follows:

- i) She has suffered and will suffer great pain, inconvenience, embarrassment, mental anguish, loss of enjoyment of life's pleasure;
- ii) She has been and will be deprived of her health, strength and vitality;
- iii) She has lost substantial earnings and earning capacity and may continue to lose said earnings or earning capacity into the future;
- iv) She has incurred and may in the future incur medical expense and doctors' expense which is recoverable; and
- v) She has suffered scarring and disfigurement.

10. As a result of the aforesaid injuries caused by the Defendants, John and Ruth Burns, the Plaintiff, Kathryn Garvey, was caused to employ others to take care of routine chores around her home and is entitled to recovery for said bills she incurred.

WHEREFORE, the Plaintiff, Kathryn Garvey, demands judgment in her favor and against Defendants, John and Ruth Burns, in an amount in excess of the jurisdictional limits of arbitration in Clearfield County, Pennsylvania.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES, P.C.

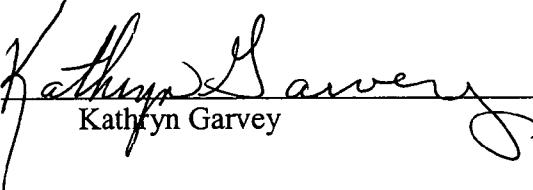
By: N B S
Nathaniel B. Smith, Esq.
Attorney for Plaintiff

Date:

December 4, 2003

VERIFICATION

I, Kathryn Garvey, Plaintiff herein, hereby verify that the averments of fact contained in the foregoing Complaint in Civil Action are true and correct and based upon my personal knowledge, information or belief. I understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.



Kathryn Garvey

Date 12-4-03

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Complaint in Civil Action was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 4th day of December 2003:

Thomas P. Birris, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Nathaniel B. Smith, Esq.
Attorney for Plaintiffs

FILED NOCC
M/11/03 2:00 PM
DEC 08 2003
William A. Shay
Pittsburgh City Clerk

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiff,

NO. 2003-01577-CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,

Defendants.

Filed on behalf of:
Defendants

Counsel of record for this party:
Thomas P. Birris, Esquire
Pa. ID #49479

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

YOU ARE HEREBY NOTIFIED
TO PLEAD TO THE WITHIN
NEW MATTER
WITHIN 20 DAYS OF
SERVICE HEREOF
Thomas P. Birris Esq.
ATTORNEY FOR Defendants

\12_A\LIAB\TPB\LLPG\297858\MXD\04938\00253

FILED

JAN 13 2004

William A. Shaw
Prothonotary Clerk of Courts

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

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiffs,

NO. 2003-05177 CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,

Defendants.

ANSWER AND NEW MATTER

AND NOW, come the defendants, by and through their attorneys, MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN and THOMAS P. BIRRIS, ESQUIRE, and hereby set forth their Answer and New Matter to the plaintiff's Complaint and, in support thereof, aver as follows:

ANSWER

1. The averments of paragraph 1 of the plaintiff's Complaint are admitted in part and denied in part. It is denied that the plaintiff presently resides at 515 Pruner Street, Apartment 1, Osceola Mills, Clearfield County, Pennsylvania. The remaining averments of paragraph 1 are admitted.

2. The averments of paragraph 2 of the plaintiff's Complaint are admitted, with the exception of the spelling of the defendants' street address.

3. The averments of paragraph 3 of the plaintiff's Complaint are admitted in part and denied in part. After reasonable investigation, the defendants are without knowledge or

information sufficient to form a belief as to the truth of the averment concerning the Clearfield County Deed Book Volume. The remaining averments of paragraph 3 are admitted.

4. To the extent that the averments of paragraph 4 of the plaintiff's Complaint purport to incorporate the subsequent averments thereof, the defendants hereby incorporate by reference the subsequent averments of this Answer as if fully set forth herein. It is admitted that the defendants own the property located at 515 Pruner Street and rented an apartment to the plaintiff on a month-to-month basis. After reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 4.

5. The averments of paragraph 5 of the plaintiff's Complaint are admitted in part and denied in part. It is admitted that the downspout from the gutter was not placed into the ground and that water would discharge on a portion of the sidewalk and would sometimes turn to ice. It is denied that the gutters and downspouts were in a state of disrepair.

6. The averments of paragraph 6 of the plaintiff's Complaint are admitted in part and denied in part. It is admitted that the downspout was not part of an integral drainage system. The remaining averments of paragraph 6 are denied.

7. The averments of paragraph 7 of the plaintiff's Complaint are denied. It is specifically denied that the defendants were negligent. After reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 7.

8. The averments of paragraph 8 of the plaintiff's Complaint are denied. It is specifically denied that the defendants were negligent and careless. After reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 8.

9. To the extent that the averments of paragraph 9 of the plaintiff's Complaint purport to incorporate the previous averments thereof, the defendants hereby incorporate by reference the previous averments of this Answer as if fully set forth herein. The averments of paragraph 9 are denied. It is specifically denied that the defendants were negligent. After reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 9.

10. To the extent that the averments of paragraph 10 of the plaintiff's Complaint purport to incorporate the previous averments thereof, the defendants hereby incorporate by reference the previous averments of this Answer as if fully set forth herein. The averments of paragraph 9 are denied. It is specifically denied that the defendants were negligent. After reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 10.

WHEREFORE, the defendants deny that they are liable to the plaintiff in any sum or sums whatsoever and demand judgment in their favor with costs of suit.

NEW MATTER

11. The defendants have denied liability in their Answer. In the alternative, if it determined that the plaintiff sustained the injuries and damages alleged, which is denied as set forth herein, and that the defendants were negligent, which is denied, and that the defendants' negligence was a proximate cause of the plaintiff's injuries and damages, which is denied, then in that alternative, the defendants claim as a set-off any amounts paid by them or on their behalf to the plaintiff for any forms of healthcare received by the plaintiff allegedly as a result of the incident set forth in the Complaint.

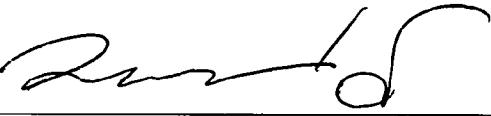
WHEREFORE, the defendants deny that they are liable to the plaintiff in any sum or sums whatsoever and demand judgment in their favor with costs of suit.

JURY TRIAL DEMANDED

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY:



Thomas P. Birris, Esquire
Attorney for Defendants

\12_A\LIAB\TPB\LLPG297858\MXD\04938\00253

VERIFICATION

I, JOHN BURNS, defendant in the above matter, verify that the facts set forth in the ANSWER AND NEW MATTER are true to the best of my knowledge, information and belief. If the above statements are not true, the deponent is subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.



JOHN BURNS

DATE: Dec. 18, 2003

VERIFICATION

I, RUTH BURNS, defendant in the above matter, verify that the facts set forth in the ANSWER AND NEW MATTER are true to the best of my knowledge, information and belief. If the above statements are not true, the deponent is subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

Ruth Burns
RUTH BURNS

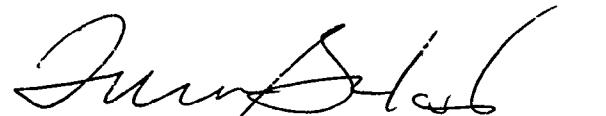
DATE: Dec 18th, 2003

)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ANSWER AND NEW
MATTER was served by U. S. Mail, First Class, postage pre-paid, this 24 day of
December, 2003, on the below listed:

Nathaniel B. Smith, Esquire
Edgar Snyder & Associates
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

BY: 

Thomas P. Birris, Esquire
Attorney for Defendants

FILED NO
M 10 30 AM
JAN 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY

No. No. 03 1577 CD

Plaintiff,

vs.

JOHN BURNS and RUTH BURNS
Defendant.

NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST FOR
PRODUCTION DIRECTED TO THE
DEFENDANTS

Filed on behalf of:
Kathryn Garvey

Counsel of record for this party:

NATHANIEL B. SMITH, ESQUIRE

PA I.D. No. 34277

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED

JAN 13 2004

*William A. Shad
Prothonotary Clerk of Courts*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY,
Plaintiff

Vs.

No.: 03 1577 CD

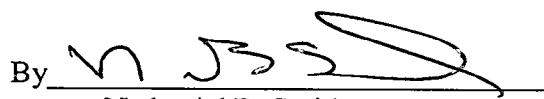
JOHN BURNS and RUTH BURNS,
Defendants

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT[S]**

I hereby certify that on this 12th day of January, 2004, the original INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT[S], and one (1) copy of NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS were mailed by First Class Mail, postage prepaid, to counsel for Defendant[s] at the following address[es]:

Thomas P. Birris, Esq.
2900 USX Tower
600 Grant Street
Pittsburgh PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By 
Nathaniel B. Smith
Attorney for Plaintiff(s)

FILED NOC
JAN 13 2004

William A. Shaw
Prothonotary, Clerk of Courts

100-2002-A filed 1/13/04
in the Circuit Court of Baltimore City
by the Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY

No. 2003-01577 CD

Plaintiff,

vs.

JOHN E. BURNS and RUTH G.
BURNS, husband and wife
Defendant.

REPLY TO NEW MATTER

Filed on behalf of:
Kathryn Garvey

Counsel of record for this party:

NATHANIEL B. SMITH, ESQUIRE

PA I.D. No. 34277

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED

FEB 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY,
Plaintiff,

No.: 2003-01577 CD

Vs.

CIVIL DIVISION

JOHN E. BURNS and
RUTH G. BURNS, husband
And wife,
Defendants

REPLY TO NEW MATTER

AND NOW comes the Plaintiff Kathryn Garvey, by and through her attorneys EDGAR SNYDER & ASSOCIATES and NATHANIEL B. SMITH, ESQUIRE to hereby set forth her reply to Defendants' New Matter and, in support thereof aver as follows:

1. In reply to paragraph 11 of Defendants' New Matter, Plaintiff specifically denies that the Defendants or anyone on their behalf has paid for any portion of the healthcare received by Plaintiff Kathryn Garvey as a result of the incident set forth in the Complaint.

WHEREFORE, Plaintiff Kathryn Garvey demands judgment against the Defendants John E. Burns and Ruth G. Burns, husband and wife in an amount in excess of the jurisdictional limits of arbitration in the Court of Common Pleas of Clearfield County, Pennsylvania, plus costs.

A JURY TRIAL IS DEMANDED

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

By: 

Nathaniel B. Smith, Esquire
Attorney for Plaintiffs

VERIFICATION

I hereby verify that the foregoing averments of fact are true and correct and based upon my personal knowledge, information or belief. I understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.

Date: 1-25-04

Kathryn Garvey
Kathryn Garvey

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Reply to New Matter was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 30 day of January 2004:

Thomas P. Birris, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC


Nathaniel B. Smith, Esq.
Attorney for Plaintiffs

FILED NOCC
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FEB 02 2004
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY

No. 03 1577 CD

Plaintiff,

vs.

JOHN BURNS and RUTH BURNS
Defendants

MOTION TO COMPEL

Filed on behalf of:
KATHRYN GARVEY

Counsel of record for this party:

NATHANIEL B. SMITH, ESQUIRE

PA I.D. No. 34277

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED

MAY 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY,
Plaintiff

No.: 03 1577 CD

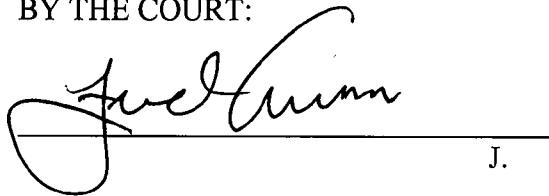
Vs.

JOHN BURNS and RUTH BURNS,
Defendants

ORDER OF COURT

AND NOW, to-wit, this 19 day of May, 2004, it is hereby ORDERED,
DJUDGED and DECREED that Defendants, John Burns and Ruth Burns, shall file full and
thirty (30)
complete answers within ~~twenty~~ (20) days from the date hereof to Plaintiff's Interrogatories and
Request for Production of Documents.

BY THE COURT:



J.

FILED

MAY 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
cc
May 9, 2004
MAY 20 2004
Amy Smith
William A. Shaw
Prothonotary/Clerk of Courts
KJD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY,
Plaintiff

No.: 03 1577 CD

Vs.

JOHN BURNS and RUTH BURNS,
Defendants

PLAINTIFF'S MOTION TO COMPEL ANSWERS TO DISCOVERY
REQUESTS DIRECTED TO DEFENDANTS

AND NOW comes the Plaintiff, Kathryn Garvey, by and through her attorneys, EDGAR SNYDER & ASSOCIATES LLC and NATHAIEL B. SMITH, ESQUIRE, and sets for the following Motion to Compel Answers to Discovery Requests Directed to Defendants John Burns and Ruth Burns:

1. Plaintiff Kathryn Garvey served Interrogatories and Request for Production of Documents upon Defendants John Burns and Ruth Burns, on January 12, 2004. A true and correct copy of the Notice of Service thereof is attached hereto and marked as Exhibit 1.
2. Defendants John Burns and Ruth Burns have not served responses to Plaintiff's discovery to date.

WHEREFORE, it is requested that this Honorable Court enter an Order compelling Defendants John Burns and Ruth Burns to file full and complete answers within twenty (20) days from the date hereto to counsel for Plaintiff.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

By: 

Nathaniel B. Smith, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY,
Plaintiff

Vs.

No.: 03 1577 CD

JOHN BURNS and RUTH BURNS,
Defendants

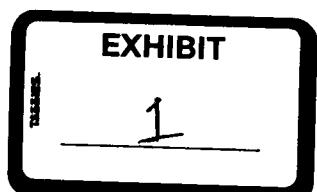
**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT[S]**

I hereby certify that on this 12th day of January, 2004, the original INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT[S], and one (1) copy of NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS were mailed by First Class Mail, postage prepaid, to counsel for Defendant[s] at the following address[es]:

Thomas P. Birris, Esq.
2900 USX Tower
600 Grant Street
Pittsburgh PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By N. B. Smith,
Nathaniel B. Smith
Attorney for Plaintiff(s)



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion to Compel was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 13 day of May 2004:

Thomas P. Birris, Esq.
2900 USX Tower
600 Grant Street
Pittsburgh PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Nathaniel B. Smith, Esq.
Attorney for Plaintiffs

FILED
MAY 17 2004
NO CC
KEL

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KATHRYN GARVEY,

Plaintiff,

CIVIL DIVISION

NO. 2003-01577-CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,
Defendants.

**NOTICE OF SERVICE OF ANSWERS TO
INTERROGATORIES AND RESPONSES
TO REQUEST FOR PRODUCTION OF
DOCUMENTS**

Filed on behalf of:
Defendants

Counsel of record for this party:
Thomas P. Birris, Esquire
Pa. ID #49479

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

\12_A\LIAB\TPB\LLPG\292968\MXD\04938\00253

FILED

JUL 21 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiffs,

NO. 2003-05177 CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,

Defendants.

**NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES AND RESPONSES
TO REQUEST FOR PRODUCTION OF DOCUMENTS**

I hereby certify that I have served upon counsel listed on the attached Certificate of Service a true and correct copy of Defendants' Answers to Interrogatories and Response to Request for Production of Documents in the above-captioned matter this 19th day of July, 2004, by First Class Mail, postage prepaid.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN



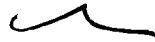
BY:

Thomas P. Birris, Esquire
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES AND RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS was served by U. S. Mail, First Class, postage pre-paid, this 19TH day of July, 2004, on the below listed:

Nathaniel B. Smith, Esquire
Edgar Snyder & Associates
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

BY: 

Thomas P. Birris, Esquire
Attorney for Defendants

FILED
MAY 10 2004
JUL 21 2004
cc

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY

No. 03 1577 CD

Plaintiff,

vs.

NOTICE OF DEPOSITION OF RUTH
BURNS

JOHN BURNS and RUTH BURNS

Defendants

Filed on behalf of:
KATHRYN GARVEY

Counsel of record for this party:

NATHANIEL B. SMITH, ESQUIRE

PA I.D. No. 34277

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

EGK
FILED
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SEP 20 2004
No
cc

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY,
Plaintiff

vs.

03 1577 CD

JOHN BURNS and RUTH BURNS,
Defendants

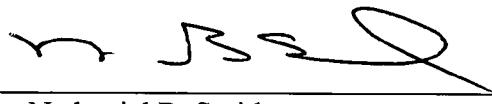
NOTICE OF DEPOSITION

To: Ruth Burns
c/o Thomas P. Birris, Esq.
Marshall, Dennehey, Warner, Coleman & Goggin
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the Plaintiff(s) Kathryn Garvey, by my/their Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Ruth Burns, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on October 19, 2004, at 11:00 a.m., at the offices of Edgar Snyder & Associates LLC, 2900 Old Route 220, Suite 201, Altoona Pennsylvania, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by JoNell Snider Court Reporting.

EDGAR SNYDER & ASSOCIATES, LLC

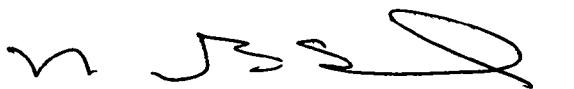
By 
Nathaniel B. Smith
Attorney for Plaintiff(s)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Notice of Deposition was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 16 day of September 2004:

Thomas P. Birris, Esq.
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Nathaniel B. Smith, Esq.
Attorney for Plaintiffs

FILED

SEP 20 2004

William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY

No. 03 1577 CD

Plaintiff,

vs.

JOHN BURNS and RUTH BURNS

Defendants

NOTICE OF DEPOSITION OF JOHN
BURNS

Filed on behalf of:
KATHRYN GARVEY

Counsel of record for this party:

NATHANIEL B. SMITH, ESQUIRE

PA I.D. No. 34277

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

cc
FILED NO
m 19 37 61 cc
SEP 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY,
Plaintiff

vs.

03 1577 CD

JOHN BURNS and RUTH BURNS,
Defendants

NOTICE OF DEPOSITION

To: John Burns
c/o Thomas P. Birris, Esq.
Marshall, Dennehey, Warner, Coleman & Goggin
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the Plaintiff(s) Kathryn Garvey, by my/their Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of John Burns, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on October 19, 2004, at 10:00 a.m., at the offices of Edgar Snyder & Associates LLC, 2900 Old Route 220, Suite 201, Altoona Pennsylvania, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by JoNell Snider Court Reporting.

EDGAR SNYDER & ASSOCIATES, LLC

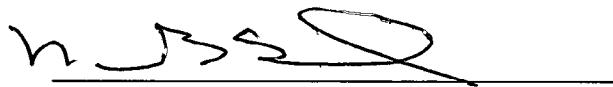
By 
Nathaniel B. Smith
Attorney for Plaintiff(s)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Notice of Deposition was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 16th day of September 2004:

Thomas P. Birris, Esq.
2900 USX Tower
600 Grant Street
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Nathaniel B. Smith, Esq.
Attorney for Plaintiffs

FILED

SEP 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD CO., PENNSYLVANIA

KATHRYN GARVEY,
Plaintiff

Vs.

No.: 2003-01577-CD

JOHN E. BURNS and RUTH G.
BURNS, husband and wife
Defendant

FILED

Oct 10 2005
m 11:54 a.m. 6K NO CC

William A. Shaw
Prothonotary (6K)

CERTIFICATE OF READINESS

Filed on behalf of Kathryn Garvey
(Name of Party)

1. Type of Case: Simple Complex Companion Case

2. Type of Trial: Jury Nonjury Arbitration

3. Estimated Trial Time 2 day(s) hours minutes

Estimated Arbitration day(s) hours minutes

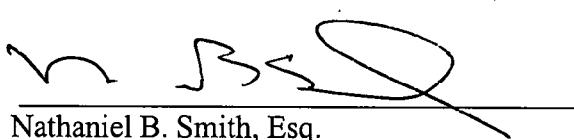
4. Trial Counsel: (List name, address and telephone number for each party and name, address and telephone number of person responsible for each unrepresented party.)

Nathaniel E. Smith, Esq., counsel for Plaintiff, 2900 Old Route 220, Suite 201,
Altoona PA 16601 (814) 942-3699

Thomas p. Birris, Esq., counsel for Defendants, 2900 USX Tower, 600 Grant Street,
Pittsburgh, PA 15219 (412) 303-1140

I Certify on behalf of Kathryn Garvey, Plaintiff
That the pleadings are complete, that all preliminary motions have been resolved, that all discovery has been completed and that the case is in all respects ready for trial except:
a) motions in limine x ; b) expert depositions x.

DATE: October 10, 2005


Nathaniel B. Smith, Esq.

cc: Thomas Birris, Esq.

FILED

OCT 13 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY

1577
No. 2003-0577 CD

Plaintiff,

vs.

JOHN E. BURNS and RUTH G.
BURNS, husband and wife
Defendants

PRAECIPE TO SETTLE AND
DISCONTINUE

Filed on behalf of:
KATHRYN GARVEY

Counsel of record for this party:

NATHANIEL B. SMITH, ESQUIRE

PA I.D. No. 34277

EDGAR SNYDER & ASSOCIATES LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 15601

(814) 942-3699

FILED

NOCC, Cert of
m/2/11 LM discussed to
JAN 18 2006 Atty Smith &
Copy to C/A.
(LM)

Valley City
Commonwealth of Pennsylvania

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHRYN GARVEY,
Plaintiff

No.: 2003-05177 CD

vs.

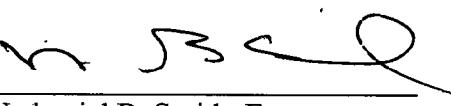
JOHN E. BURNS and
RUTH G. BURNS, husband and wife,
Defendants

PRAECIPE TO SETTLE AND DISCONTINUE

To: Clearfield County, Prothonotary

Please settle and discontinue the within matter.

EDGAR SNYDER & ASSOCIATES, LLC

By 
Nathaniel B. Smith, Esq.
Attorney for Plaintiff(s)

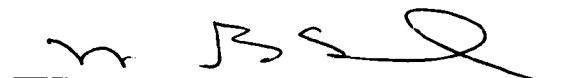
Date: 1/17/06

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeclipe was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 17 day of January 2006:

Stuart H. Sostmann, Esq.
Marshall Dennehey
600 Grant Street, Suite 2900
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Nathaniel B. Smith, Esq.
Attorney for Plaintiffs

FILED

JAN 18 2006

William A. Show
Prothonotary

Edgar Snyder & ASSOCIATES^{LLC}

A Law Firm Representing Injured People.

Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601
Telephone: 814/942-3699
Fax: 814/942-9337

Nathaniel B. Smith, Esquire
Also admitted to practice in Maryland
Email: nsmith@edgarsnyder.com

Other Offices In: Ebensburg
Erie • Johnstown • Pittsburgh

January 17, 2006

Clearfield County Prothonotary
1 North Second Street
Clearfield, PA 16830

Re: Garvey v. Burns
Docket No: 2003-05177 CD
Our File No: 333294

Dear Sir:

Please find enclosed for the above matter the following:

1. The original and one extra cover sheet of the Praeclipe to Settle and Discontinue.
2. A return envelope to this office.

I would appreciate it very much if you would file the Praeclipe, and then return the extra cover sheet, time stamped and docketed, to my office in the enclosed, stamped envelope.

If there is anything further you need in order to file this matter, please call me and I will be happy to provide it to you. In closing, I would like to thank you for your anticipated attention to this matter.

Very truly yours,



Nathaniel B. Smith

NBS:lmw
Enclosures
cc: Stuart Sostmann, Esq.

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

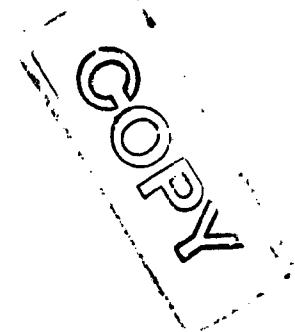
CIVIL DIVISION

Kathryn Garvey

Vs.

**John E. Burns
Ruth G. Burns**

No. 2003-01577-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 January 18, 2006, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Nathaniel B. Smith Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 18th day of January A.D. 2006.

William A. Shaw, Prothonotary

CA

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

KATHRYN GARVEY,

Plaintiff,

CIVIL DIVISION

NO. 2003-01577-CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,
Defendants.

**DEFENDANTS' MOTION FOR LEAVE
OF COURT TO TAKE THE DEPOSITION
OF JEFFREY M. TEATS, WHILE
INCARCERATED**

Filed on behalf of:
Defendants

Counsel of record for this party:
Thomas P. Birris, Esquire
Pa. ID #49479

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
Suite 2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

\12_A\LIAB\SYS\LLPG\386032\DL\04938\00253

FILED *1/19/2006* *Atty Birris*
cc
(GP)
JAN 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiffs,

NO. 2003-05177 CD

v.

JOHN E. BURNS and
RUTH G. BURNS, husband and wife,

Defendants.

**DEFENDANTS' MOTION FOR LEAVE OF COURT TO
TAKE THE DEPOSITION OF JEFFREY M. TEATS, WHILE INCARCERATED**

AND NOW, come the Defendants, John E. Burns and Ruth G. Burns, by and through their attorneys, Marshall, Dennehey, Warner, Coleman & Goggin, and Thomas P. Birris, Esquire and hereby moves this Honorable Court for leave to take the deposition of Jeffrey M. Teats while incarcerated, and in support thereof, avers as follows:

1. The Plaintiff alleges that she has sustained injuries and damages as the result of a slip and fall incident that occurred on the Defendants' property on January 7, 2002.
2. The Plaintiff filed suit against these Defendants as the owner of the apartment complex and alleged that these Defendants had the responsibility to remove dangerous conditions such as ice and snow.
3. At the time of the incident, the snow removal services for the apartment complex was handled by Jeffrey M. Teats. Mr. Teats is currently incarcerated in the State Correction Institution at Laurel Highlands in Somerset, Pennsylvania.
4. Pennsylvania Rule of Civil Procedure 4007.2(d) provides that a deposition of an incarcerated individual may be taken only by leave of Court on such terms as the Court prescribes.

5. If leave of Court is required by the aforementioned rule, these Defendants respectfully request leave of Court to take Mr. Teats' deposition while he is incarcerated.

6. The Plaintiff's attorney does not object to the taking of Mr. Teats' deposition while he is incarcerated in the State Correctional Institution at Laurel Highlands.

WHEREFORE, Defendants respectfully request that this Honorable Court grant the within Motion and enter the attached Order.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY:



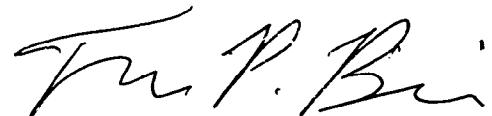
Thomas P. Birris, Esquire
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **DEFENDANTS' MOTION FOR LEAVE OF COURT TO TAKE THE DEPOSITION OF JEFFREY M. TEATS, WHILE INCARCERATED**, was served by U. S. Mail, First Class, postage pre-paid, this 29th day of December, 2005, on the below listed:

Nathaniel B. Smith, Esquire
Edgar Snyder & Associates
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

BY:



Thomas P. Birris, Esquire
Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KATHRYN GARVEY,

CIVIL DIVISION

Plaintiffs,

NO. 2003-05177 CD

v.

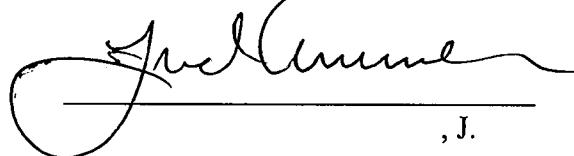
JOHN E. BURNS and
RUTH G. BURNS, husband and wife,

Defendants.

ORDER OF COURT

AND NOW, to-wit, this 4th day of January, 2006, it is hereby
ORDERED, ADJUDGED and DECREED that Defendants' Motion for Leave of Court is
granted. The deposition of Jeffrey M. Teats will be taken on a date mutually agreeable to the
parties at the State Correctional Institution at Laurel Highlands. The warden of the State
Correctional Institution at Laurel Highlands is ordered to provide a suitable location within the
jail for the taking of this deposition.

BY THE COURT:


_____, J.

\12_A\LIAB\SHSOSTMANN\LLPG\386032\DLDEFFNER\04938\00253

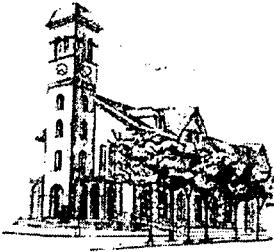
FILED *cc*
01/13/2006 Atty Birris
JAN 04 2006
(GP)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 04 2006

William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (314) 755-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 11/4/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions: