

03-16687-CD  
SUSAN C. SHADECK vs. WAL-MART SUPERCENTER

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

416<sup>th</sup>

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

03-1687-CD

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
Wal-Mart Supercenter		CV-0000307-03/Rudella		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
100 Supercenter Drive		Clearfield	PA	16830
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff) (Defendant)			
11/4/03	Susan C. Shadeck vs Wal-Mart Supercenter			
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			
CV 0000307-03	Brad D. Trust, Esq./Dell, Moser, Lane & Loughney			
LT	<i>Brad D. Trust</i>			
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>				
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>				

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

## PRAECIPE: To Prothonotary

Enter rule upon Susan C. Shadeck, appellee(s), to file a complaint in this appeal  
 Name of appellee(s)

(Common Pleas No. 03-1687-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

*Brad D. Trust*

Signature of appellant or his attorney or agent

RULE: To Susan C. Shadeck, appellee(s).  
 Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: November 12, 2003

**FILED**

*11/12/2003*

NOV 12 2003 Atty Trust

pd. \$5.00

William A. Shaw  
 Prothonotary/Clerk of Courts Copies to Atty

*William A. Shaw*

Signature of Prothonotary or Deputy

## PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

*(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)*

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_ ; SS

**AFFIDAVIT:** I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on  
(date of service) \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's  
receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, on  
 by personal service  by (certified) (registered) mail, sender's receipt attached hereto.  
 and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom  
the Rule was addressed on \_\_\_\_\_,  by personal service  by (certified) (registered)  
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_



FILED

NOV 17 2003

William A. Shaw

Prothonotary/Clerk of Courts

**PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT**

*This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes.*

COMMONWEALTH OF PENNSYLVANIA

UNTY OF Allegheny

; SS

**EFDIAVIT:**

I hereby swear or affirm that I served

a copy of the Notice of Appeal, Complaint, Pleas No.

(date of service) November 14, 2003

receipt attached hereto and upon the appellee, (name)

November 14, 2003

03-1687-CD

upon the District Justice designated therein on

by personal service  by certified/registered mail senders

Susan C. Shadec

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee, to whom

the Rule was addressed on November 14, 2003

by personal service  by certified/registered

mail senders receipt attached hereto

mail senders receipt attached hereto

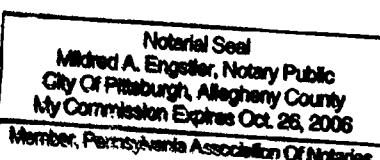
I OATH AFFIRMED AND SIGNED AND BEFORE ME

IS 14th DAY OF NOVEMBER, 2003

Mildred A. Engster  
NOTARY PUBLIC

10/26/06

Signature of Notary



U.S. Postal Service™  
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MICHAEL A. RUDZALA, DISTRICT JUSTICE  
Street, Apt. No. 131 ROLLING STONE ROAD  
or PO Box No. P.O. BOX 210  
City, State, ZIP 16847-0444  
KYLERTOWN, PA 16847-0444

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal Service™  
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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ .37
Certified Fee	\$ 2.30
Return Receipt Fee (Endorsement Required)	\$ 1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

Postmark Here

Sent To  
SUSAN C. SHADECK  
Street, Apt. No.  
or PO Box No.  
City, State, ZIP 17  
KARLHAUS, PA 16845

PS Form 3800, June 2002

See Reverse for Instructions

## COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT	MAG. DIST NO. OR NAME OF D.J.		
ADDRESS OF APPELLANT	CITY	STATE	ZIP CODE
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff) (Defendant)		
CLAIM NO.	VS. SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV LT			
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.        This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>			
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>			

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

## PRAECIPE: To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

\_\_\_\_\_  
Signature of appellant or his attorney or agent

**RULE:** To \_\_\_\_\_, appellee(s).  
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: \_\_\_\_\_.

\_\_\_\_\_  
Signature of Prothonotary or Deputy

*W.C. Brown*

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-03**

DJ Name: Hon.

**MICHAEL A. RUDELLA**  
Address: **131 ROLLING STONE ROAD**  
**P.O. BOX 210**  
**KYLERTOWN, PA**  
Telephone: **(814) 345-6789**

**16847-0444**

**MICHAEL A. RUDELLA**  
**131 ROLLING STONE ROAD**  
**P.O. BOX 210**  
**KYLERTOWN, PA 16847-0444**

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF: **SHADECK, SUSAN C.** NAME and ADDRESS

**P.O. BOX 17**  
**KARTHAUS, PA 16845**

VS.

DEFENDANT: **WAL-MART SUPERCENTER** NAME and ADDRESS

**100 SUPERCENTER DR.**  
**CLEARFIELD, PA 16830**

Docket No.: **CV-0000307-03**  
Date Filed: **10/09/03**



*03-1687-C*

THIS IS TO NOTIFY YOU THAT:

Judgment:

**DEFAULT JUDGMENT PLTF**

Judgment was entered for: (Name) **SHADECK SUSAN**

Judgment was entered against: (Name) **WAL-MART SUPERCENTER**

in the amount of \$ **1,662.50** on: (Date of Judgment) **11/04/03**

Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

Damages will be assessed on: \_\_\_\_\_

This case dismissed without prejudice. \_\_\_\_\_

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ \_\_\_\_\_

Prothonotary/Clerk of Courts

*William A. Shaw*

Portion of Judgment for physical damages arising out of residential lease \$ \_\_\_\_\_

Amount of Judgment	\$ <b>1,595.00</b>
Judgment Costs	\$ <b>67.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 1,662.50</b>
Post Judgment Credits	\$ <b>—</b>
Post Judgment Costs	\$ <b>—</b>
<b>Certified Judgment Total</b> \$ <b>1662.50</b>	

**FILED**  
*01056841*  
**NOV 20 2003**

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

*11-4-03* Date

*M A Rudella*

, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

*11/17/03* Date

*M A Rudella*

, District Justice

My commission expires first Monday of January, 2006

SEAL

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

**SUSAN C. SHADECK,**

**Plaintiff**

**vs.**

**WAL-MART SUPERCENTER,**  
**Defendant**

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**\* DISTRICT JUSTICE APPEAL**  
**\* No. 03-1687-CD**

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**FILED**

DEC 05 2003

William A. Shaw  
Prothonotary

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

**SUSAN C. SHADECK,**

**Plaintiff**

\*

\*

**\* DISTRICT JUSTICE APPEAL**

**\* No. 03-1687-CD**

\*

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\*

**WAL-MART SUPERCENTER,**  
**Defendant**

\*

\*

\*

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against these claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

*Susan C. Shadeck*  
\_\_\_\_\_  
Susan C. Shadeck, Plaintiff

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

SUSAN C. SHADECK,

Plaintiff

\*

\*

\* **DISTRICT JUSTICE APPEAL**

\* **No. 03-1687-CD**

\*

\*

WAL-MART SUPERCENTER,

Defendant

\*

\*

**COMPLAINT**

AND NOW COMES, the Plaintiff, SUSAN C. SHADECK, who hereby avers as follows:

1. The Plaintiff is SUSAN C. SHADECK, an adult individual, whose present address is P. O. Box 17, Karthaus, Clearfield County, Pennsylvania 16845.
2. The Defendant is WAL-MART SUPERCENTER, an Arkansas corporation, trading and doing business in Pennsylvania with a local address of 100 Supercenter Drive, Clearfield, Clearfield County, Pennsylvania 16830.
3. For in excess of one (1) year, Plaintiff had been having her oil changed by Wal-Mart Tire and Lube at the Wal-Mart Supercenter in Clearfield, Pennsylvania, with the most recent time being July 18, 2003.
4. Following the oil change on July 18, 2003, Plaintiff operated her vehicle for a period of time without any noticeable problems, but then on September 9, 2003,

at approximately 7:15 a.m., while on her way to work, she observed the oil light on her dash come on.

5. At about the same time that she observed the oil light coming on, her engine began to make a strange noise and immediately the engine stalled.

6. The Plaintiff thinking that her engine oil was low because of the oil light coming, obtained a quart of oil from the Wal-Mart Store in State College, Pennsylvania, to add to the oil in the engine; however, the oil went right through the engine and appeared on the ground.

7. Being unable to operate her vehicle, she contacted Reiter Repair Road Service to check her vehicle and the owner of this Road Service transported her vehicle to his garage in Snow Shoe, Pennsylvania, to check it over.

8. He subsequently notified the Plaintiff that the oil drain plug was missing, thus causing her to lose all her engine oil and thus ruin her engine.

9. He further indicated that the cause for the loss of the oil drain plug was that it had not been tightened properly during her last oil change.

10. Plaintiff notified Defendant of the fact that the workmanship during the oil change on July 18, 2003, was defective and submitted a claim for the replacement of her engine that was damaged due to the loss of oil, as well as her other costs.

11. On September 24, 2003, she was advised by the Defendant that it was denying any claim for her damages.

12. Plaintiff believes and avers that the Defendant, and/or its agents, are directly and solely liable for her damages with respect to the damage to her engine, including the cost for towing, the cost for a replacement engine and its installation, and loss of wages because she had to miss work.

13. Plaintiff claims damages in the amount of \$2,262.35 plus costs, represented as follows:

- (a) Towing - \$166.07
- (b) Purchase of re-manufactured engine (replacement engine) \$1,595.00
- (c) Installation of said engine - \$388.44
- (d) Loss of one (1) day's wages - \$112.84.

WHEREFORE, the Plaintiff, SUSAN C. SHADECK, demands judgment against the Defendant WAL-MART SUPERCENTER in the amount of \$2,262.35 plus all Court costs including District Justice costs.

Respectfully submitted,

Susan C Shadeck  
Susan C. Shadeck, Plaintiff

## **VERIFICATION**

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 PA. C.S. Section 4904 relating to Unsworn Falsification to Authorities.

Susan C Shadock  
PLAINTIFF

FILED  
O 3:01 PM 30 Oct 2011  
Secto, pff.

DEC 05 2003

William A. Shaw  
Prothonotary

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

SUSAN C. SHADECK,

Plaintiff,

vs.

WAL-MART SUPERCENTER,

Defendant.

CIVIL DIVISION

No. 03-1687-CD

Issue No.

JURY TRIAL DEMANDED

**ANSWER AND NEW MATTER**

Code:

Filed on behalf of Wal-Mart Stores, Inc.,  
incorrectly identified as Wal-Mart Supercenter,  
Defendant

Counsel of Record for this Party:

Brad D. Trust, Esquire  
Pa. I.D. No. 83748

**DELL, MOSER, LANE & LOUGHNEY, LLC**  
Firm #753

1300 Frick Building  
Pittsburgh, PA 15219

Phone: (412) 471-1180  
Fax: (412) 471-9012

  
\_\_\_\_\_  
Brad D. Trust, Esquire  
Attorney for Defendant

**FILED**

DEC 11 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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

SUSAN C. SHADECK,

CIVIL DIVISION

Plaintiff,

No. 03-1687-CD

vs.

WAL-MART SUPERCENTER,

Defendant.

**ANSWER AND NEW MATTER**

AND NOW, comes Defendant Wal-Mart Stores, Inc., incorrectly identified in the caption as Wal-Mart Supercenter, by and through its attorneys, Dell, Moser, Lane & Loughney, LLC and Brad D. Trust, Esquire, and submits the instant Answer and New Matter, stating as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained within Paragraph 1 of Plaintiff's Complaint. Therefore, the same are specifically denied and strict proof thereof is demanded at the time of trial.

2. The allegations contained within Paragraph 2 of Plaintiff's Complaint are admitted in part and denied in part. It is admitted that the Defendant does business in Pennsylvania at 100 Supercenter Drive, Clearfield, Pennsylvania 16830. The remaining allegations contained within Paragraph 2 of Plaintiff's Complaint are specifically denied.

3. The allegations contained within Paragraph 3 of Plaintiff's Complaint are admitted in part and denied in part. It is admitted that for in excess of one year Plaintiff had had her oil changed at the Wal-Mart Supercenter in Clearfield, Pennsylvania, the most recent time

being July 18, 2003. However, to the extent that Paragraph 3 alleges that the Plaintiff did not have her oil changed at any other location during the relevant time period, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of said allegation. Therefore, the same is specifically denied and strict proof thereof is demanded at the time of trial.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained within Paragraph 4 of Plaintiff's Complaint. Therefore, the same are specifically denied and strict proof thereof is demanded at the time of trial.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained within Paragraph 5 of Plaintiff's Complaint. Therefore, the same are specifically denied and strict proof thereof is demanded at the time of trial.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained within Paragraph 6 of Plaintiff's Complaint. Therefore, the same are specifically denied and strict proof thereof is demanded at the time of trial.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained within Paragraph 7 of Plaintiff's Complaint. Therefore, the same are specifically denied and strict proof thereof is demanded at the time of trial.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained within Paragraph 8 of Plaintiff's Complaint.

Therefore, the same are specifically denied. However, to the extent that the allegations contained within Paragraph 8 of Plaintiff's Complaint allege a cause of the Plaintiff's engine failure, said allegation constitutes a conclusion of law to which no responsive pleading is required. By way of further response, said allegations are denied in accordance with Pa. R.C.P. 1029(e).

9. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained within Paragraph 9 of Plaintiff's Complaint. Therefore, the same are specifically denied. However, to the extent that the allegations contained within Paragraph 9 of Plaintiff's Complaint allege a cause of the Plaintiff's engine failure, said allegation constitutes a conclusion of law to which no responsive pleading is required. By way of further response, said allegations are denied in accordance with Pa. R.C.P. 1029(e).

10. The allegations contained within Paragraph 10 of Plaintiff's Complaint constitute conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the allegations contained within Paragraph 10 of Plaintiff's Complaint are denied in accordance with Pa. R.C.P. 1029(e).

11. Upon information and belief, the allegations contained within Paragraph 11 of Plaintiff's Complaint are admitted.

12. The allegations contained within Paragraph 12 of Plaintiff's Complaint constitute conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the allegations contained within Paragraph 12 of Plaintiff's Complaint are denied in accordance with Pa. R.C.P. 1029(e).

13. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained within Paragraph 13 of Plaintiff's Complaint. Therefore, the same are specifically denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant Wal-Mart Stores, Inc. demands judgment in its favor and against the Plaintiff along with costs of suit.

**NEW MATTER**

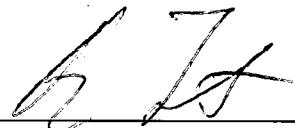
1. Plaintiff's claims may be barred by the applicable statute of limitations.
2. Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.

WHEREFORE, Defendant Wal-Mart Stores, Inc. demands judgment in its favor and against the Plaintiff along with costs of suit.

Respectfully submitted,

DELL MOSER LANE & LOUGHNEY, LLC

By



---

Brad D. Trust, Esquire  
Counsel for Wal-Mart Stores, Inc.,  
Incorrectly Identified as Wal-Mart  
Supercenter, Defendant

## VERIFICATION

I, Brad D. Trust, Esquire, verify that I am the attorney for Wal-Mart Stores, Inc., in this action and that the averments of fact made in this foregoing ANSWER AND NEW MATTER are true and correct to the best of my personal knowledge, information and belief. I make this verification in lieu of Wal-Mart Stores, Inc. because Wal-Mart Stores, Inc. is outside the jurisdiction of the Court and its verification could not be obtained within the time allowed for this pleading. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. § 4904, relating to the unsworn falsifications to authorities.

Date: 12/7/03



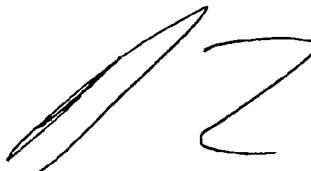
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Brad D. Trust  
Counsel for Wal-Mart Stores, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Answer and New Matter has been served by U.S. Mail, postage prepaid, this 9th day of December 2003, upon all counsel of record as follows:

Susan C. Shadreck  
P. O. Box 17  
Karthaus, PA 16845  
*Plaintiff*



---

Brad D. Trust, Esquire

FILED  
Dec 10 2003  
DEC 11 2003  
Wm

William A. Shaw  
Prothonotary Clerk of Courts

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

SUSAN C. SHADECK,

CIVIL DIVISION

Plaintiff,

G.D. No. 03-1687-CD

Vs.

JURY TRIAL DEMANDED

WAL-MART SUPERCENTER,

**VERIFICATION**

Defendant.

Filed on behalf of Wal-Mart Stores, Inc.,  
Defendant

Counsel of Record for this Party:

Brad D. Trust, Esquire  
Pa. I.D. #83748

**DELL, MOSER, LANE & LOUGHNEY, LLC**

Firm #753  
437 Grant Street  
1300 Frick Building  
Pittsburgh, PA 15219

Phone: (412) 471-1180  
Fax: (412) 471-9012

**FILED**

DEC 10 2003

William A. Shaw  
Prothonotary Clerk of Courts

## VERIFICATION

I verify that the averments of fact made in this foregoing Answer and New Matter is true and correct to the best of my knowledge, information or belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. § 4904, relating to the unsworn falsifications to authorities.

I am authorized to make this verification on behalf of Wal-Mart Stores, Inc. because of my position as manager.

Date: 12-11-03

  
KATE MORA  
KATE MORA, MANAGER

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Verification to Defendant's Answer and New Matter has been served by U.S. Mail, postage prepaid, this 16th day of December 2003, upon all parties as follows:

Susan C. Shadec  
P. O. Box 17  
Karthaus, PA 16845  
*Plaintiff*

---

Brad D. Trust, Esquire

Certificate of Service  
(same as above) signed  
on back of original  
Answer and New Matter  
Filed 12/11/03

FILED NO. CC  
m/p/18/03  
DEC 18 2003  
ECC  
William A. Shaw  
Prothonotary/Clerk of Courts

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

SUSAN C. SHADECK,

Plaintiff

\*

\*

\* **DISTRICT JUSTICE APPEAL**

\* **No. 03-1687-CD**

\*

\*

WAL-MART SUPERCENTER,

Defendant

\*

\*

CERTIFICATE OF SERVICE

AND NOW, this 18<sup>th</sup> day of December, 2003, I, Susan C. Shadeck, who, being duly sworn according to law, deposes and says that I served a certified copy of the COMPLAINT filed in the above-captioned matter, upon Brad D. Trust, Esquire, Attorney for the Defendant in the above-captioned matter, by depositing the same with the United States Postal Service, postage prepaid, Certified Mail No. 7000 1670 0002 4682 4155, return receipt requested, addressed to BRAD D. TRUST, ESQUIRE, at his last known address, to wit: DELL, MOSER, LANE & LOUGHNEY, LLC, 1300 Frick Building, 437 Grant Street, Pittsburgh, PA 15219-6002, with service having been accepted on December 08, 2003, as evidenced by the Certified Mail receipt which is attached hereto.

Susan C. Shadeck  
Susan C. Shadeck, Plaintiff

SWORN to and subscribed  
before me this 18<sup>th</sup> day  
of December, 2003.

William A. Shaw

Notary Public

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

FILED

DEC 18 2003

William A. Shaw  
Prothonotary/Clerk of Courts

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

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DEC 18 2003  
William A. Shaw  
Prothonotary/Clerk of Courts

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

**SUSAN C. SHADECK,**

**Plaintiff**

\*

\*

\*

**vs.**

**\* No. 03-1687-CD**

\*

\*

\*

**WAL-MART SUPERCENTER,**

**Defendant**

**\* Type of Case: CIVIL ACTION**

\*

\*

\*

\*

**\* Type of Pleading: REPLY TO  
NEW MATTER**

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**\* Filed on behalf of: PLAINTIFF  
SUSAN C. SHADECK**

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**FILED**

DEC 22 2003

William A. Shaw  
Prothonotary

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

SUSAN C. SHADECK,

Plaintiff

\*

\*

\*

vs.

\* No. 03-1687-CD

\*

\*

\*

WAL-MART SUPERCENTER,  
Defendant

REPLY TO NEW MATTER

AND NOW COMES, the Plaintiff, SUSAN C. SHADECK, who hereby avers as follows:

1. Paragraph 1 of Defendant's New Matter is denied. The allegations contained within paragraph 1 of Defendant's New Matter constitutes a conclusion of law to which no responsive pleading is required.

2. Paragraph 2 of Defendant's New Matter is denied. The allegations contained within paragraph 2 of Defendant's New Matter constitutes a conclusion of law to which no responsive pleading is required.

WHEREFORE, the Plaintiff, SUSAN C. SHADECK, demands judgment in her favor and against the Defendant in the amount of \$2,262.35 plus all Court costs including District Justice costs.

Respectfully submitted,

Susan C. Shadeck  
Susan C. Shadeck, Plaintiff

VERIFICATION

I verify that the statements made in the foregoing Reply to New Matter are true and correct. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Susan C. Shadeck  
Susan C. Shadeck

Dated: Dec. 22, 2003

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

SUSAN C. SHADECK, \*  
Plaintiff \*  
\*  
vs. \* No. 03-1687-CD  
\*  
WAL-MART SUPERCENTER, \*  
Defendant \*

CERTIFICATE OF SERVICE

AND NOW, this 22nd day of December, 2003, I, Susan C. Shadeck, who, being duly sworn according to law, deposes and says that I served a certified copy of the REPLY TO NEW MATTER filed in the above-captioned matter, upon Brad D. Trust, Esquire, Attorney for the Defendant in the above-captioned matter, by depositing the same with the United States Postal Service, postage prepaid, addressed to BRAD D. TRUST, ESQUIRE, Attorney for the Defendant, at the following address, to wit: DELL, MOSER, LANE & LOUGHNEY, LLC, 1300 Frick Building, 437 Grant Street, Pittsburgh, PA 15219-6002.

Susan C Shadeck  
Susan C. Shadeck, Plaintiff

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

SUSAN C. SHADECK,

Plaintiff

\*

\*

\*

vs.

\* No. 03-1687-CD

\*

\*

\*

WAL-MART SUPERCENTER,

Defendant

CERTIFICATE OF SERVICE

AND NOW, this 22nd day of December, 2003, I, Susan C. Shadeck, who, being duly sworn according to law, deposes and says that I served a certified copy of the REPLY TO NEW MATTER filed in the above-captioned matter, upon Brad D. Trust, Esquire, Attorney for the Defendant in the above-captioned matter, by depositing the same with the United States Postal Service, postage prepaid, addressed to BRAD D. TRUST, ESQUIRE, Attorney for the Defendant, at the following address, to wit: DELL, MOSER, LANE & LOUGHNEY, LLC, 1300 Frick Building, 437 Grant Street, Pittsburgh, PA 15219-6002.

Susan C. Shadeck  
Susan C. Shadeck, Plaintiff

SWORN to and subscribed

before me this 22<sup>nd</sup> day of

December, 2003.

Notary Public



**FILED**

O 9-4284 2 CL & 049

DEC 22 2003

William A. Shaw  
Prothonotary

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

SUSAN C. SHADECK,

CIVIL DIVISION

Plaintiff,

G.D. No. 03-1687-CD

Vs.

JURY TRIAL DEMANDED

WAL-MART SUPERCENTER,

**PRAECIPE FOR ARBITRATION**

Defendant.

Filed on behalf of Wal-Mart Stores, Inc.,  
Defendant

Counsel of Record for this Party:

Brad D. Trust, Esquire  
Pa. I.D. #83748

**DELL, MOSER, LANE & LOUGHNEY, LLC**  
Firm #753  
437 Grant Street  
1300 Frick Building  
Pittsburgh, PA 15219

Phone: (412) 471-1180  
Fax: (412) 471-9012

**FILED**

**FEB 04 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

SUSAN C. SHADECK,

CIVIL DIVISION

Plaintiff,

G.D. No. 03-1687-CD

Vs.

JURY TRIAL DEMANDED

WAL-MART SUPERCENTER,

Defendant.

**PRAECIPE FOR ARBITRATION**

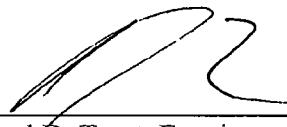
TO THE PROTHONOTARY:

Kindly place the above-captioned case on the next available arbitration hearing list.

Respectfully submitted,

Dell, Moser, Lane & Loughney, LLC

By:

  
\_\_\_\_\_  
Brad D. Trust, Esquire  
Attorneys for Wal-Mart Stores, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Praeclipe for Arbitration has been served by U.S. Mail, postage prepaid, this 2 day of February, 2004, upon all parties as follows:

Susan C. Shadec  
P. O. Box 17  
Karthaus, PA 16845  
*Plaintiff*

  
\_\_\_\_\_  
Brad D. Trust, Esquire

FILED  
m 11/07/04 Copy to CIA  
FEB 04 2004  
William A. Shaw Attn: Trust pd. \$0.00  
Prothonotary/Clerk of Courts  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

SUSAN C. SHADEK

vs.

FILED

No. 03-1687-CD

WAL-MART SUPERCENTER

MAR 03 2004

ORDER

William A. Shaw  
Prothonotary/Clerk of Courts

NOW, this 3rd day of March, 2004, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Monday, April 5, 2004 at 1:30 P.M. The following have been appointed as Arbitrators:

John Sughrue, Esquire, Chairman

Blaise Ferraraccio, Esquire

Brian K. Marshall, Esquire

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

BY THE COURT:



FREDRIC J. AMMERMAN  
President Judge

FILED 6CC  
01/10/2004 CJA  
MAR 03 2004 *WAS*

William A. Shaw  
Prothonotary/Clerk of Courts

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT											
<b>SENDER: COMPLETE THIS SECTION</b>											
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>											
<b>COMPLETE THIS SECTION ON DELIVERY</b>											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">A. Signature <i>X Susan Shadec</i></td> <td style="width: 50%; padding: 5px; text-align: center;"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee         </td> </tr> <tr> <td style="padding: 5px;">B. Received by (Printed Name)</td> <td style="padding: 5px; text-align: center;">C. Date of Delivery <b>MAR 05 2004</b></td> </tr> <tr> <td colspan="2" style="padding: 5px;">           D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No         </td> </tr> <tr> <td colspan="2" style="padding: 5px;">           3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.         </td> </tr> <tr> <td colspan="2" style="padding: 5px;">           4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes         </td> </tr> </table>		A. Signature <i>X Susan Shadec</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	B. Received by (Printed Name)	C. Date of Delivery <b>MAR 05 2004</b>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
A. Signature <i>X Susan Shadec</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee										
B. Received by (Printed Name)	C. Date of Delivery <b>MAR 05 2004</b>										
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No											
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.											
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes											
1. Article Addressed to: Susan C. Shadec Post Office Box 17 Karthaus, PA 16845  <i>Arb. 4584</i> <i>#03-1687-CD</i>											
2. Article Number <small>(Transfer from service label)</small> <b>7001 2510 0005 2723 8737</b>											
<small>PS Form 3811 August 2001</small> Domestic Return Receipt <small>102595-01-M-2509</small>											

03-1687-CD

FILED  
*01/3580*  
**MAR 08 2004** *CD*  
 William A. Shaw  
 Prothonotary/Clerk of Courts  
*WAS*

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

SUSAN C. SHADECK,

CIVIL DIVISION

Plaintiff,

G.D. No. 03-1687-CD

Vs.

JURY TRIAL DEMANDED

WAL-MART SUPERCENTER,

**PRAECIPE TO SETTLE AND  
DISCONTINUE**

Defendant.

Filed on behalf of Plaintiff

Counsel of Record for this Party:

Susan C. Shadeck, *Pro Se*  
P.O. Box 17  
Karthaus, PA 16845

**FILED**

MAR 29 2004

William A. Shaw  
Prothonotary

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

SUSAN C. SHADECK,

CIVIL DIVISION

Plaintiff,

G.D. No. 03-1687-CD

Vs.

JURY TRIAL DEMANDED

WAL-MART SUPERCENTER,

Defendant.

**PRAECIPE TO SETTLE AND DISCONTINUE**

To the Prothonotary:

Kindly mark the docket in the above-captioned matter settled and discontinued.

Respectfully submitted,

By: Susan C. Shadeck  
Susan C. Shadeck, Pro Se

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Praeclipe To Settle and Discontinue has been served by U.S. Mail, postage prepaid, this 26 day of March, 2004, upon all parties as follows:

Brad D. Trust, Esquire  
Dell, Moser, Lane & Loughney, LLC  
1300 Frick Building  
437 Grant Street  
Pittsburgh, PA 15219

Susan C. Sadeck  
Susan C. Sadeck, *Pro Se*

**FILED**

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COPY TO CIR

MAR 29 2004

ESQ

William A. Shaw  
Prothonotary

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

## CIVIL DIVISION

**Susan C. Shadeck**

VS. No. 2003-01687-CD  
**Wal-Mart Stores, Inc.**

**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 March 29, 2004, marked:

### Discontinued, Settled and Ended.

Record costs in the sum of \$105.00 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of March A.D. 2004.

William A. Shaw, Prothonotary

Date: 03/26/2004

**Clearfield County Court of Common Pleas**

User: BANDERSON

Time: 09:34 AM

ROA Report

Page 1 of 1

Case: 2003-01687-CD

Current Judge: No Judge

Susan C. Shadeck vs. Wal-Mart Stores, Inc.

District Justice Appeal

Date	Judge
11/12/2003	Filing: District Justice Appeals Paid by: Trust, Brad D. (attorney for Wal-Mart Supercenter) Receipt number: 1869003 Dated: 11/12/2003 Amount: \$85.00 (Check) Copies to Atty. No Judge ✓
11/17/2003	Proof Of Service Of Notice Of Appeal And Rule To File Complaint. filed. No Judge ✓
11/20/2003	Transcript From Justice Rudella. filed. No Judge ✓
12/05/2003	Complaint filed by Plff. 2 CC to Plff. No Judge ✓
12/11/2003	Answer and New Matter. filed by, s/Brad D. Trust, Esquire Verification s/Brad D. Trust, Esq. Certificate of Service no xx No Judge ✓
12/18/2003	Verification. s/Kate Mora, Manager no cc No Judge ✓
	Certificate of Service, COMPLAINT, upon BRAD D. TRUST, ESQUIRE. filed by, s/Susan C. Shadeck, Plaintiff no cc No Judge ✓
12/22/2003	Reply to New Matter filed by Plff. 2 CC to Plff. No Judge ✓
02/04/2004	Filing: Praeclipe/List For Arbitration Paid by: Trust, Brad D. (attorney for Wal-Mart Supercenter) Receipt number: 1873118 Dated: 02/04/2004 Amount: \$20.00 (Check) No Judge ✓
	Praeclipe For Arbitration. filed by, s/Brad D. Trust, Esquire Certificate of Service no cc Copy to C/A No Judge ✓
03/03/2004	ORDER, NOW, this 3rd day of March, 2004, re: Arbitration scheduled for Monday, April 5, 2004, at 1:30 p.m. Pre-Trial Statement must be submitted 7 days prior to the scheduled Arbitration. by the Court, s/FJA, P.J. 6 cc to C/A No Judge ✓
03/09/2004	Domestic Return Receipt, #7001 2510 0005 2723 8737. filed. No Judge ✓

# Fax

**To:** Julia **From:** William A. Shaw

**Fax:** 355-5340 **Date:** 3/17/04

**Phone:** \_\_\_\_\_ **Pages:** 1

**Re:** \_\_\_\_\_ **CC:** \_\_\_\_\_

**Urgent**  **For Review**  **Please Comment**  **Please Reply**  **Please Recycle**

**Comments:**