

03-1687-CD
SUSAN C. SHADLOCK vs. WAL-MART SUPERCENTER

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

46th

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 Wal-Mart Supercenter		MAG. DIST. NO. OR NAME OF D.J. CV-0000307-03/Rudella	
ADDRESS OF APPELLANT 100 Supercenter Drive		CITY Clearfield	STATE PA
		ZIP CODE 16830	
DATE OF JUDGMENT 11/4/03	IN THE CASE OF (Plaintiff) Susan C. Shadeck		
		(Defendant) vs. Wal-Mart Supercenter	
CLAIM NO. CV 0000307-03 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT Brad D. Trust, Esq./Dell, Moser, Lane & Loughney <i>Brad D. Trust</i>		
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.		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.	
_____ Signature of Prothonotary or Deputy			

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 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

m/12/2003

NOV 12 2003

Atty Trust

pd. 85.00

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 _____, ☐ 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 _____

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**

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: **SHADECK, SUSAN C.**
P.O. BOX 17
KARTHAUS, PA 16845

VS.
DEFENDANT: **WAL-MART SUPERCENTER**
100 SUPERCENTER DR.
CLEARFIELD, PA 16830

WAL-MART SUPERCENTER
100 SUPERCENTER DR.
CLEARFIELD, PA 16830

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



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **SHADECKSUSAN**

☒ 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 \$ _____

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

Amount of Judgment	\$ 1,595.00
Judgment Costs	\$ 67.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,662.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

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 **MA Rudella**, District Justice

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

_____, Date _____, District Justice

My commission expires first Monday of January, **2006**.

SEAL

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

COUNTY OF Allegheny

; SS

FIDAVIT: I hereby swear or affirm that I served

☒ a copy of the Notice of Appeal, Common Pleas No. 03-1687-CD, upon the District Justice designated therein on (date of service) November 14, 2003, receipt attached hereto, and upon the appellee, (name) Susan C. Shadeck

☒ 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 November 14, 2003, receipt attached hereto.

WITNESSED AND SUBSCRIBED BEFORE ME
this 14th DAY OF NOVEMBER, 2003

Mildred A. Engster
NOTARY PUBLIC

10/26/06



Signature of appellant

Notarial Seal
Mildred A. Engster, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Oct. 26, 2006
Member, Pennsylvania Association Of Notaries

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

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

Sent To
MICHAEL A. RUDELA
131 ROLLING STONE ROAD
P.O. BOX 210
KYLERTOWN, PA 16847-0444

PS Form 3800, June 2002
See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

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

Sent To
SUSAN C. SHADECK
P.O. BOX 17
KARTHAUS, PA 16845

PS Form 3800, June 2002
See Reverse for Instructions

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

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.		
CV _____ LT _____	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		

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.

Signature of Prothonotary or Deputy

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.

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

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:

NAME and ADDRESS

SHADECK, SUSAN C.
P.O. BOX 17
KARTHAUS, PA 16845

VS.

DEFENDANT:

NAME and ADDRESS

WAL-MART SUPERCENTER
100 SUPERCENTER DR.
CLEARFIELD, PA 16830

Docket No.: **CV-0000307-03**

Date Filed: **10/09/03**



03-1687-03

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **SHADECKSUSAN**

☒ 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 \$ _____

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

FILED
NOV 20 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

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 **MA 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 **MA Rudella**, District Justice

My commission expires first Monday of January, **2006**.

SEAL

William A. Shaw
Prothonotary

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

SUSAN C. SHADECK,

Plaintiff

vs.

WAL-MART SUPERCENTER,

Defendant

*

*

* **DISTRICT JUSTICE APPEAL**

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

*

*


*

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, Plaintiff

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

SUSAN C. SHADECK,

Plaintiff

vs.

WAL-MART SUPERCENTER,

Defendant

*

*

* **DISTRICT JUSTICE APPEAL**

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

*

*

*

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 loose 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 Shadeck

PLAINTIFF

FILED
03:01 PM 2003
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

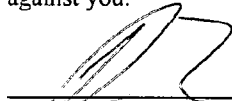
ANSWER AND NEW MATTER

Code:

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

TO: Plaintiff

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



Brad D. Trust, Esquire
Attorney for 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

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

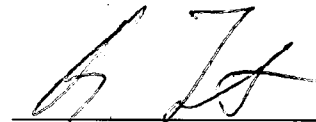
1. Plaintiff's claims may be barred by the applicable statute of limitations.
2. Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.

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



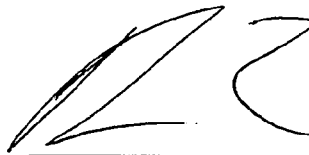
Brad D. Trust, Esquire
Counsel for Wal-Mart Stores, Inc.,
Incorrectly Identified as Wal-Mart
Supercenter, Defendant

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: _____

12/9/03



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. Shadeck
P. O. Box 17
Karthaus, PA 16845
Plaintiff

A handwritten signature in black ink, appearing to be 'B. Trust', written over a horizontal line.

Brad D. Trust, Esquire

FILED *McC*
DEC 10 10:50 AM '03 *Q/ro*

William A. Shaw
Prothonotary/Clerk of Courts

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

SUSAN C. SHADECK,

Plaintiff,

Vs.

WAL-MART SUPERCENTER,

Defendant.

CIVIL DIVISION

G.D. No. 03-1687-CD

JURY TRIAL DEMANDED

VERIFICATION

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 16thth day of December 2003, upon all parties as follows:

Susan C. Shadeck
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/10:43/21
DEC 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

SUSAN C. SHADECK,

Plaintiff

vs.

WAL-MART SUPERCENTER,

Defendant

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

CERTIFICATE OF SERVICE

AND NOW, this 18th 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 18th day
of December, 2003.

William A. Shaw
611

Notary Public

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

FILED

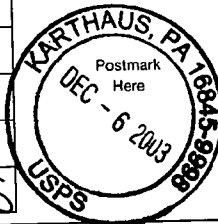
DEC 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

7000 1670 0002 4682 4155

Postage	\$ 60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 12.05



Send To
 Brad D. Trust, Esq.,
 DELL, MOSER, LANE & LOUGHNEY, LLC
 1300 Frick Building, 437 Grant Street
 Pittsburgh, PA 15219-6002

PS Form 3800, May 2000

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Brad D. Trust, Esquire
 DELL, MOSER, LANE & LOUGHNEY, LLC
 1300 Frick Building
 437 Grant Street
 Pittsburgh, PA 15219-6002

2. Article Number
 (Transfer from service label) 7000 1670 0002 4682 4155

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X Kathy Winwood
☐ Agent
☐ Addressee
 B. Received by (Printed Name) Kathy Winwood
 C. Date of Delivery 12/08/03
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

102595-02-M-1540

FILED
013.2564
DEC 18 2003
cc
William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary

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

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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, 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.

WAL-MART SUPERCENTER,

Defendant

*

*

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* No. 03-1687-CD

*

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CERTIFICATE OF SERVICE

AND NOW, this 2nd 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.

WAL-MART SUPERCENTER,

Defendant

*

*

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* No. 03-1687-CD

*

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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

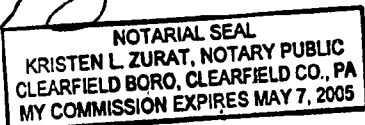
Susan C. Shadeck, Plaintiff

SWORN to and subscribed

before me this 22nd day of

December, 2003.

Kristen L. Zurat
Notary Public



FILED

O 9:42 AM 2 Dec. 22 2003

DEC 22 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

G.D. No. 03-1687-CD

JURY TRIAL DEMANDED

PRAECIPE FOR ARBITRATION

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 Praecipe for Arbitration has been served by U.S. Mail, postage prepaid, this 2 day of February, 2004, upon all parties as follows:

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



Brad D. Trust, Esquire

FILED Noce

M/11:01~~01~~ copy to c/A
FEB 04 2004

William A. Shaw Atty Trust pd. 80.00
Prothonotary/Clerk of Courts

~~80.00~~

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

SUSAN C. SHADEK

vs.

WAL-MART SUPERCENTER

:
:
: No. 03-1687-CD
:
:

FILED

MAR 03 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

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 LCC
01/10:30/01 C/A
MAR 03 2004 *ges*

William A. Shaw
Prothonotary/Clerk of Courts

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature X <i>Susan Shadeck</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Susan C. Shadeck Post Office Box 17 Karthaus, PA 16845</p> <p><i>Arb. 4504</i> <i>#03-1687-CD</i></p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery MAR 05 2004</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label) 7001 2510 0005 2723 8737</p>		<p>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.</p>	
<p>PS Form 3811 August 2001</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p style="text-align: right;">102595-01-M-2509</p>	

Domestic Return Receipt

03-1687-CD

FILED

01:35 PM
MAR 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

SUSAN C. SHADECK,

Plaintiff,

Vs.

WAL-MART SUPERCENTER,

Defendant.

CIVIL DIVISION

G.D. No. 03-1687-CD

JURY TRIAL DEMANDED

**PRAECIPE TO SETTLE AND
DISCONTINUE**

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

FILED

M 10.49.158.100 + Conf to atty.
copy to CA

MAR 29 2004

CA
JES

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: Praeipce/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 ✓
	Praeipce 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 ✓

Clearfield, PA 16830
Phone: 814-765-2641, Ext. 1330
Fax: 814-765-7659

**Clearfield County
Courthouse**

Fax

To: Julia

From: William A. Shaw

Fax: 355-5340

Date: 3/17/04

Phone: _____

Pages: 10

Re: _____

CC: _____

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

•Comments: _____