

03-1753-CD
EVELYN M. ENGSTROM vs. DAVID E. GRINE, et al.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

EVELYN M. ENGSTROM,

Plaintiff

VS.

DAVID E. GRINE, Personal
Representative of the ESTATE OF
ETHEL I. ENGSTROM,

Defendant

* No. 03-1753-CD

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* TYPE OF CASE: Civil Action

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* TYPE OF PLEADING: Praeclipe

* For Issuance of Writ of

* Summons

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* FILED ON BEHALF OF:

* Plaintiff

*

* COUNSEL OF RECORD FOR THIS
* PARTY:

*

* David C. Mason, Esquire

* Supreme Court I.D. 39180

* Attorney at Law

* P. O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

FILED

NOV 24 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

EVELYN M. ENGSTROM,

Plaintiff

* No.

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DAVID E. GRINE, Personal
Representative of the ESTATE OF
ETHEL I. ENGSTROM,

Defendant

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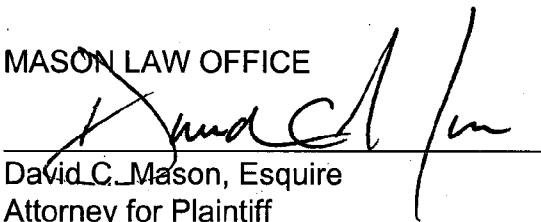
PRAECIPE FOR ISSUANCE OF

WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons in the above captioned matter to the Defendant
above named.

MASON LAW OFFICE



David C. Mason, Esquire
Attorney for Plaintiff

FILED

NOV 24 2003

William A. Shaw
Prothonotary

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

SUMMONS

Evelyn Engstrom

Vs.

NO.: 2003-01753-CD

**David E. Grine Personal
Representative of the Estate of
Ethel I. Engstrom**

TO: DAVID E. GRINE

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: 11/24/2003

William A. Shaw
Prothonotary

Issuing Attorney:
David C. Mason, Esq.

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

EVELYN ENGSTROM,

CIVIL DIVISION

Plaintiff,

NO.: 2003-01753-CD

v.

DAVID E. GRINE, Personal Representative
of the Estate of ETHEL I. ENGSTROM,

Defendant.

PRAECIPE FOR APPEARANCE

Filed on behalf of Defendant:
David E. Grine, Personal Representative of the
Estate of Ethel I. Ingstrom

Counsel of Record for this Party:
Robert C. James, Esquire

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140 – phone
412-803-1188 – fax

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FILED

APR 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EVELYN ENGSTROM,

Plaintiff,

NO.: 2003-01753-CD

v.

DAVID E. GRINE, Personal Representative of
the Estate of ETHEL I. ENGSTROM,

Defendant.

PRAECIPE FOR APPEARANCE

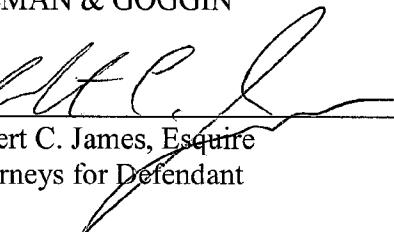
TO THE PROTHONOTARY:

Kindly enter the appearance of Robert C. James, Esquire and Marshall, Dennehey,
Warner, Coleman & Goggin, on behalf of the Defendant in the above-captioned action.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:


Robert C. James, Esquire
Attorneys for Defendant

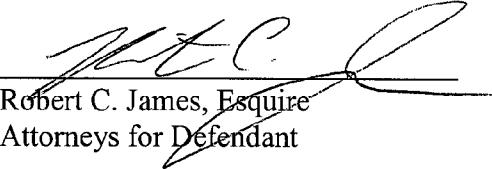
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
PRAECIPE FOR APPEARANCE has been served upon all parties of record this 16
day of April, 2004 via U.S. First Class mail, postage prepaid as
follows:

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:


Robert C. James, Esquire
Attorneys for Defendant

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

EVELYN ENGSTROM,

CIVIL DIVISION

Plaintiff,

v.

DAVID E. GRINE, Personal Representative
of the Estate of ETHEL I. ENGSTROM,

Defendant.

NO.: 2003-01753-CD

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

Filed on behalf of Defendant:
David E. Grine, Personal Representative of the
Estate of Ethel I. Ingstrom

Counsel of Record for this Party:
Robert C. James, Esquire

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140 – phone
412-803-1188 – fax

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Two
FILED *CCS 1 rule*
7/2/10 6:11 AM to Atty. James
JUL 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EVELYN ENGSTROM,

Plaintiff,

NO.: 2003-01753-CD

v.

DAVID E. GRINE, Personal Representative of
the Estate of ETHEL I. ENGSTROM,

Defendant.

PRAECIPE FOR RULE TO FILE COMPLAINT

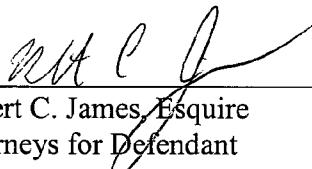
TO THE PROTHONOTARY:

Kindly issue a Rule to File Complaint upon the Plaintiff in the above-captioned action.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:



Robert C. James, Esquire
Attorneys for Defendant

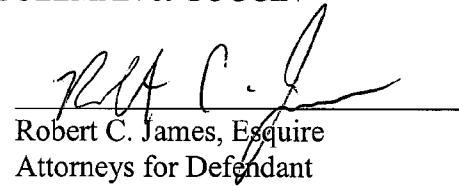
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
PRAECIPE FOR RULE TO FILE COMPLAINT has been served upon all parties of record
this 20 day of July, 2004 via U.S. First Class mail,
postage prepaid as follows:

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:


Robert C. James, Esquire
Attorneys for Defendant

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

COPY

Evelyn Engstrom

Vs.
David E. Grine, Personal Representative
of the Estate of Ethel I. Engstrom

Case No. 2003-01753-CD

RULE TO FILE COMPLAINT

TO: Evelyn Engstrom

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: July 22, 2004

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

EVELYN ENGSTROM,

CIVIL DIVISION

Plaintiff,

v.

DAVID E. GRINE, Personal Representative
of the Estate of ETHEL I. ENGSTROM,

Defendant.

**AFFIDAVIT OF SERVICE OF RULE TO
FILE COMPLAINT**

Filed on behalf of Defendant:
David E. Grine, Personal Representative of the
Estate of Ethel I. Ingstrom

Counsel of Record for this Party:
Robert C. James, Esquire

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140 – phone
412-803-1188 – fax

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FILED NO
m 15 2004 cc
AUG 05 2004
WAS
William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN ENGSTROM,

Plaintiff,

NO.: 2003-01753-CD

v.

DAVID E. GRINE, Personal Representative of
the Estate of ETHEL I. ENGSTROM,

Defendant.

AFFIDAVIT OF SERVICE OF RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

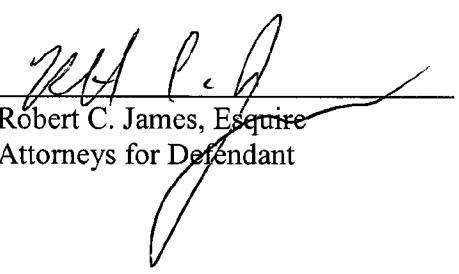
The undersigned, being duly sworn according to law, deposes and says that he served a Rule To File Complaint in the above-captioned matter upon counsel for the Plaintiff, David C. Mason, Esquire, P.O. Box 28, Philipsburg, PA 16866, , via Certified Mail, Return Receipt Requested, and the same was received by counsel for Plaintiff on July 29, 2004.

The original return receipt evidencing delivery thereof and a copy of the Rule is attached hereto as Exhibit "A".

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:


Robert C. James, Esquire
Attorneys for Defendant

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

Evelyn Engstrom

Vs.

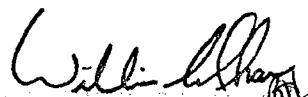
David E. Grine, Personal Representative
of the Estate of Ethel I. Engstrom

Case No. 2003-01753-CD

RULE TO FILE COMPLAINT

TO: Evelyn Engstrom

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: July 22, 2004

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:

DAVID C. MASON
P. O. Box 28
PHILIPSBURG, PA
16866

2. Article Number
(Transfer from service label)

7001 2510 0006 7641 1258

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X B.L. Barney

 Agent Addressee

B. Received by (Printed Name)

B.L. BAINERY

C. Date of Delivery

7-29-01

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

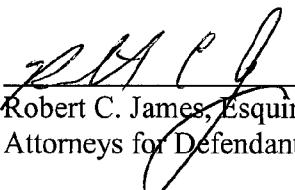
4. Restricted Delivery? (Extra Fee) Yes

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
AFFIDAVIT OF SERVICE OF RULE TO FILE COMPLAINT has been served upon all
parties of record this 3 day of August, 2004 via U.S. First
Class mail, postage prepaid as follows:

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By: 

Robert C. James, Esquire
Attorneys for Defendant

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

EVELYN M. ENGSTROM

Plaintiff

vs.

DAVID E. GRINE, Personal
Representative of the ESTATE OF
ETHEL I. ENGSTROM,

Defendant

*

* No. 2003-01753-CD

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* TYPE OF ACTION: COMPLAINT

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* FILED ON BEHALF OF :

* Plaintiff

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire

* Supreme Court I.D. #39180

* Attorney at Law

* P. O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

* COUNSEL OF RECORD FOR

* Defendant:

* Robert C. James, Esquire

* Marshall, Dennehey, Warner,

* Coleman & Goggin

* Suite 2900, 600 Grant Street

* Pittsburgh, PA 15219

* (412) 803-1140

FILED

AUG 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

EVELYN M. ENGSTROM

Plaintiff

vs.

DAVID E. GRINE, Personal
Representative of the ESTATE OF
ETHEL I. ENGSTROM,

Defendant

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* No. 2003-01753-CD

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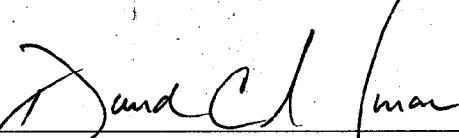
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NOTICE

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 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
Clearfield, PA 16830
(814) 765-2641


David C. Mason, Esquire, Atty. for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

EVELYN M. ENGSTROM

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* No. 2003-01753-CD

Plaintiff

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DAVID E. GRINE, Personal
Representative of the ESTATE OF
ETHEL I. ENGSTROM,

Defendant

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COMPLAINT

AND NOW comes Evelyn M. Engstrom, by and through her Attorney, David C. Mason, Esquire, and files this Complaint against the Defendant, of which the following are material averments of fact.

1. Plaintiff is Evelyn M. Engstrom, an adult individual, who currently resides at P.O. Box 265, Bellefonte, Centre County, Pennsylvania, 16823.
2. Defendant is David E. Grine, Personal Representative of the Estate of Ethel I. Engstrom, late of Cooper Township, Clearfield County, Pennsylvania. The said David E. Grine was designated to serve as Personal Representative pursuant to the Last Will and Testament of Ethel I. Engstrom dated March 30, 2000, and he was qualified and appointed Personal Representative on March 25, 2002.

3. Defendant's decedent, Ethel I. Engstrom, died November 24, 2001, a resident of Clearfield County, Pennsylvania, as the result of injuries sustained in a motor vehicle collision.

4. On or about Tuesday, November 20, 2001, at approximately 10:25 a.m., Defendant's decedent Ethel I. Engstrom was operating a 1991 Dodge Spirit on SR 1014 in Cooper Township, Clearfield County, Pennsylvania, (hereinafter "Engstrom vehicle") in which Plaintiff, Evelyn Engstrom, was a front seat passenger.

5. At or about the same time a 1984 International tri-axle coal truck was being operated by Robert Spicer (hereinafter "Spicer vehicle") in the South-bound lane of SR 1011, approaching the intersection of SR 1014.

6. It is believed and therefore averred that the "Engstrom vehicle" was positioned at a stop sign in the East-bound lane of SR 1014 preparing to make a right hand turn onto SR 1011 and pulled from the stop sign into the path of the "Spicer vehicle".

7. The "Spicer vehicle" struck the driver's side front door of the "Engstrom vehicle", causing it to spin in a clock-wise direction, and travel 90 feet following the collision.

8. The collision with the "Spicer vehicle" caused the death of the driver, Ethel I. Engstrom, and caused serious injury to the Plaintiff, Evelyn M. Engstrom, a passenger in the Engstrom vehicle.

9. Defendant's decedent Ethel I. Engstrom was taken by life flight helicopter to Altoona Hospital, Altoona, Pennsylvania, and the Plaintiff, Evelyn M. Engstrom was life flighted from the scene to Geisinger Medical Center, Danville, Pennsylvania.

10. As the direct and proximate result of the collision with the "Spicer vehicle", Plaintiff Evelyn Engstrom has suffered the following injuries, some or all of which are permanent in nature:

- a. multiple fractures of the ribs;
- b. contusions and bruising over her whole body;
- c. shock to the central nervous system and other bodily systems and organs;
- d. shock and emotional distress over the injuries she sustained;
- e. fear of death upon hearing of her sister's passing, resulting in long-term emotional distress;
- f. loss of health, strength, vigor, vitality and/or physical and mental well being;
- g. loss of the ability to continue living an independent existence at her own home;

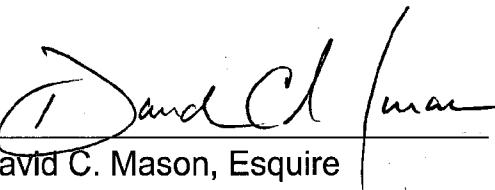
11. The Defendant's decedent was negligent in the operation of her vehicle on the day and date aforesaid and at the location of the collision with the "Spicer vehicle" in the following manner:

- a. failing to keep the vehicle under proper and adequate control such that the operator did not avoid striking the "Spicer vehicle" when the same was lawfully within its own lane of travel;
- b. failing to keep a careful and diligent watch on the road such that the operator did not observe the "Spicer vehicle" approaching the intersection clearly in front of her;
- c. in failing to keep a safe, careful and adequate look out for other vehicles on the roadway, and particularly those vehicles traveling toward her, to wit: the "Spicer vehicle";
- d. in operating the vehicle in a direction through the intersection toward the "Spicer vehicle" when she knew or should have known that to do so would result in a collision;
- e. in failing to take appropriate, proper, timely or other evasive action to avoid the aforesaid collision, despite said avenues of evasion being open to her such as turning, braking, or slowing her vehicle;
- f. in failing to observe and see the "Spicer vehicle" which was plainly in front of her;

g. in operating her vehicle in such mental and/or physical condition that it was imprudent, unsafe or hazardous to operate the said vehicle.

WHEREFORE, Plaintiff demands judgment be entered against the Defendant and in her favor for a sum in excess of \$25,000.00, plus interest and costs in accordance with law.

MASON LAW OFFICE

By: 

David C. Mason, Esquire
Attorney for Plaintiff

VERIFICATION

I, MARTHA NASTASE, Agent for Evelyn M. Engstrom, the Plaintiff herein, certify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED: 8-9-04

By Martha Nastase
Martha Nastase, Agent for Evelyn
M. Engstrom, Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EVELYN ENGSTROM,

CIVIL DIVISION

Plaintiff,

NO.: 2003-01753-CD

v.

DAVID E. GRINE, Personal Representative
of the Estate of ETHEL I. ENGSTROM,

Defendant.

**PRAECIPE FOR WITHDRAWAL AND
SUBSTITUTION OF APPEARANCE**

Filed on behalf of Defendant:
David E. Grine, Personal Representative of the
Estate of Ethel I. Ingstrom

Counsel of Record for this Party:
Robert G. Cameron, Esquire
PA I.D. #82254

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140 – phone
412-803-1188 – fax

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FILED
NOV 12 2004
WILLIAM J. COOPER
Prothonotary

WILLIAM J. COOPER
Prothonotary

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

EVELYN ENGSTROM,

Plaintiff,

NO.: 2003-01753-CD

v.

DAVID E. GRINE, Personal Representative of
the Estate of ETHEL I. ENGSTROM,

Defendant.

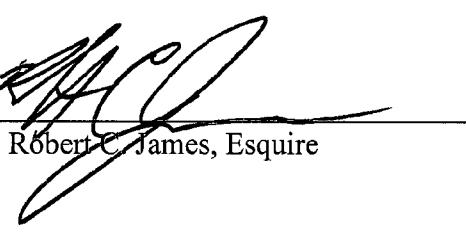
PRAECIPE FOR WITHDRAWAL AND SUBSTITUTION OF APPEARANCE

TO: Prothonotary of Clearfield County, Pennsylvania

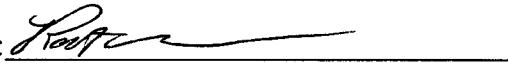
KINDLY withdraw the appearance of Robert C. James, Esquire on behalf of Defendant David E. Grine, Personal Representative of the Estate of Ethel I. Ingstrom and kindly substitute the appearance of Robert G. Cameron, Esquire on behalf of Defendant David E. Grine, Personal Representative of the Estate of Ethel I. Ingstrom in regard to the above-captioned matter.

Respectfully submitted,

By:


Robert C. James, Esquire

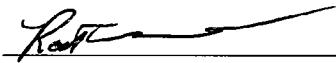
By:


Robert G. Cameron, Esquire

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
PRAECIPE FOR WITHDRAWAL AND SUBSTITUTION OF APPEARANCE has been
served upon all parties of record this 9th day of November, 2004
via U.S. First Class mail, postage prepaid as follows:

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866

By: 

Robert G. Cameron, Esquire
Attorneys for Defendant

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

EVELYN ENGSTROM,

CIVIL DIVISION

Plaintiff,

NO.: 2003-01753-CD

v.

DAVID E. GRINE, Personal Representative
of the Estate of ETHEL I. ENGSTROM,

ANSWER AND NEW MATTER

Defendant.

Filed on behalf of Defendant:

David E. Grine, Personal Representative of the
Estate of Ethel I. Egstrom

Counsel of Record for this Party:

Robert G. Cameron, Esquire
PA I.D. #82254

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140 – phone
412-803-1188 – fax

TO THE PLAINTIFF:

**You are hereby notified to file a written
response to the within New Matter within
twenty (20) days of service hereof or a default
judgment may be entered against you.**



Attorney for Defendant

JURY TRIAL DEMANDED

12
FILED
M 10 5887
DEC 23 2004
NOCC

William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN ENGSTROM,

Plaintiff,

NO.: 2003-01753-CD

v.

DAVID E. GRINE, Personal Representative of
the Estate of ETHEL I. ENGSTROM,

Defendant.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, David E. Grine, personal representative of the Estate of Ethel I. Engstrom by the through his undersigned counsel, Marshall, Dennehey, Warner, Coleman & Goggin, and Robert G. Cameron, Esquire, and files the following Answer and New Matter to Plaintiff's Complaint as follows:

1. To the extent relevant, the averments in paragraph 1 of Plaintiff's Complaint are not contested.

2. To the extent relevant, the averments in paragraph 2 of Plaintiff's Complaint are not contested.

3. To the extent relevant, the averments in paragraph 3 of Plaintiff's Complaint are not contested.

4.-10. Defendant is advised that under the applicable rules of civil procedure, no answer need be made in response to the averments in paragraphs 4 through 10, including the averments contained therein, and that all such factual averments and allegations of negligence are deemed denied as a matter of law, by virtue of Pennsylvania Rule of Civil Procedure 1029(e). Therefore,

the averments in paragraphs 4 through 10, including the subparagraphs contained therein, of Plaintiff's Complaint are denied, and strict proof of the same is hereby demanded.

WHEREFORE, Defendant demands judgment in his favor and against the Plaintiff.

JURY TRIAL DEMANDED.

NEW MATTER

11. The herein Defendant incorporates by reference the averments contained in paragraphs 1 through 10 of his Answer in the following New Matter as if the same were set forth at length herein.

12. Recovery in the within cause is governed, and is or may be limited or barred, in whole or in part, by the applicable provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1701 et seq. and this Defendant hereby claims the benefit of any and all limitations applicable thereunder.

13. Any and all claims of the Plaintiff or any other party to this action are barred by the applicable statute of limitations, laches, estoppel and/or waiver.

14. The Defendant sets for the comparative negligence statute as a bar to the claims and/or a diminution of the claims of the Plaintiff.

15. To the extent discovery should so reveal, the claims against this Defendant are barred by failure to join a necessary or indispensable party without whom an action may not proceed.

16. The Defendant pleads superseding and/or intervening causes as a bar, in whole or in part, to the cause of action.

17. To the extent the alleged events were caused by third parties or individuals outside of the control of the Defendant, the Defendant believes such conduct is a bar to the claims against the Defendant.

18. Defendant avers as affirmative defenses, the Doctrines of Sudden Emergency, Unavoidable Accident, and Act of God.

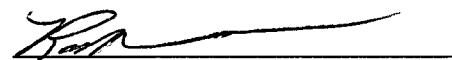
WHEREFORE, Defendant demands judgment in his favor and against the Plaintiff.

JURY TRIAL DEMANDED.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:

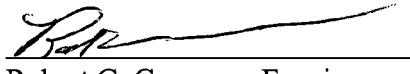


Robert G. Cameron, Esquire
Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **ANSWER**
AND NEW MATTER has been served upon all parties of record this 21st day of
December, 2004 via U.S. First Class mail, postage prepaid as follows:

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866

By: 

Robert G. Cameron, Esquire
Attorneys for Defendant

\12_ALIAB\RC\LLPG\343194\DD\13241\00330

VERIFICATION

I, David E. Grine, do hereby verify that I have read the foregoing **Answer and New Matter** and that the statements contained herein are true and correct to the best of my knowledge.

This verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: 12/4/04

A handwritten signature in black ink, appearing to read "David E. Grine".

\12_A\LIAB\RCJ\LLPG\343194\DL\13241\00330

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

EVELYN M. ENGSTROM

*

* No. 2003-01753-CD

Plaintiff

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DAVID E. GRINE, Personal
Representative of the ESTATE OF
ETHEL I. ENGSTROM,

Defendant

*

**PLAINTIFFS REPLY TO DEFENDANT'S
ANSWER AND NEW MATTER**

11. No reply is necessary.

12. ADMITTED IN PART AND DENIED IN PART. It is admitted that certain aspects of this matter may be governed by the applicable provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law (MVFRL). It is denied that any such provisions of law limit or bar the claim of the Plaintiff.

13. DENIED. Although paragraph 13 of Defendant's New Matter contains a conclusion of law not an averment of fact and therefore no response is necessary or required, to the extent a response is necessary, the said averment contained in paragraph 13 is denied and strict proof thereof is demanded at the time of trial.

14. Although paragraph 14 of Defendant's New Matter contains a conclusion of law not an averment of fact and therefore no response is necessary or required,

to the extent a response is necessary, the said averment contained in paragraph 14 is denied and strict proof thereof is demanded at the time of trial.

15. Although paragraph 15 of Defendant's New Matter contains a conclusion of law not an averment of fact and therefore no response is necessary or required, to the extent a response is necessary, the said averment contained in paragraph 15 is denied and strict proof thereof is demanded at the time of trial.

16. Although paragraph 16 of Defendant's New Matter contains a conclusion of law not an averment of fact and therefore no response is necessary or required, to the extent a response is necessary, the said averment contained in paragraph 16 is denied and strict proof thereof is demanded at the time of trial.

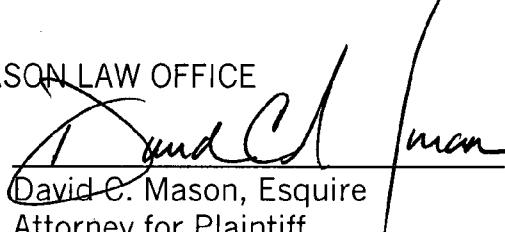
17. DENIED. It is denied that the actions of any third parties or individuals outside the control of the Defendant caused Plaintiff's injuries. To the contrary, and by way of further answer, Plaintiff incorporates herein by reference paragraphs 4 through 7, and paragraph 11 of Plaintiff's complaint.

18. Paragraph 18 contains conclusions of law, not averments of fact, therefore no response is necessary or required.

WHEREFORE, Plaintiff prays your Honorable Court for the dismissal of the New Matter and the Entry of an Order granting the relief prayed for in Plaintiff's Complaint.

MASON LAW OFFICE

By:


David C. Mason, Esquire
Attorney for Plaintiff

VERIFICATION

I, Martha L. Nastase, P of A do hereby verify that the facts set forth in the foregoing **Plaintiff's Reply to Defendant's Answer and New Matter** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED: 1-16-05

Martha L. Nastase POA

E.G.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

EVELYN M. ENGSTROM

Plaintiff

vs.

DAVID E. GRINE, Personal
Representative of the ESTATE OF
ETHEL I. ENGSTROM,

Defendant

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* No. 2003-01753-CD

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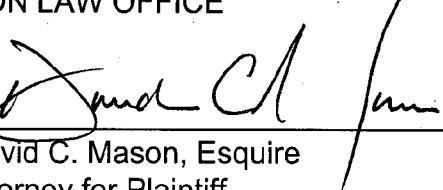
CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy
of PLAINTIFF'S REPLY TO DEFENDANT'S ANSWER AND NEW MATTER filed in the
above captioned action by placing the same in the United States mail, postage prepaid and
addressed as follows:

Robert G. Cameron, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin
2900 U. S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

MASON LAW OFFICE

DATED: *January 19, 2005*

By: 
David C. Mason, Esquire
Attorney for Plaintiff

FILED

JAN 2 0 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

EVELYN ENGSTROM,

CIVIL DIVISION

Plaintiff,

v.

DAVID E. GRINE, Personal Representative
of the Estate of ETHEL I. ENGSTROM,

Defendant.

**NOTICE OF SERVICE OF
DEFENDANT'S FIRST SET OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF**

Filed on behalf of Defendant:
David E. Grine, Personal Representative of the
Estate of Ethel I. Ingstrom

Counsel of Record for this Party:
Robert C. James, Esquire

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
2900 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140 – phone
412-803-1188 – fax

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FILED *No cc*
7/1/2005 *SP*
JUN 29 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EVELYN ENGSTROM,

Plaintiff,

NO.: 2003-01753-CD

v.

DAVID E. GRINE, Personal Representative of
the Estate of ETHEL I. ENGSTROM,

Defendant.

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

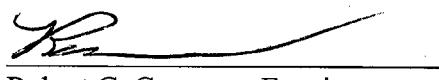
I hereby certify that I have served upon counsel listed below a true and correct copy of
the **INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**
DIRECTED TO PLAINTIFF in the above-captioned matter this 28th day of June, 2005, by
First Class Mail, postage prepaid:

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:

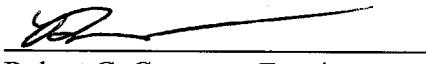

Robert G. Cameron, Esquire
Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF SERVICE** has been served upon all parties of record this 28th day of June, 2005 via U.S. First Class mail, postage prepaid as follows:

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By: 

Robert G. Cameron, Esquire
Attorneys for Defendant

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

EVELYN M. ENGSTROM

Plaintiff

vs.

DAVID E. GRINE, Personal
Representative of the ESTATE OF
ETHEL I. ENGSTROM,

Defendant

*
* No. 2003-01753-CD

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* TYPE OF ACTION: PRAECIPE TO

* SETTLE & DISCONTINUE

*

* FILED ON BEHALF OF :

* Plaintiff

* COUNSEL OF RECORD FOR THIS

* PARTY:

* David C. Mason, Esquire

* Supreme Court I.D. #39180

* Attorney at Law

* P. O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

* COUNSEL OF RECORD FOR

* Defendant:

* Robert G. Cameron, Esquire

* Marshall, Dennehey, Warner,

* Coleman & Goggin

* Suite 2900, 600 Grant Street

* Pittsburgh, PA 15219

* (412) 803-1140

FILED

DEC 06 2005

m/7:00/was *Buy*

William A. Shaw
Prothonotary

1 cent to Atte 4 cent on
n/c/c

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

EVELYN M. ENGSTROM

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* No. 2003-01753-CD

Plaintiff

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

EVELYN M. ENGSTROM

*

* No. 2003-01753-CD

Plaintiff

*

*

VS.

*

*

DAVID E. GRINE, Personal
Representative of the ESTATE OF
ETHEL I. ENGSTROM,

*

*

*

*

Defendant

*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praeclipe to Settle and Discontinue was served upon the following by depositing the same in the U.S. Mail, postage prepaid, and addressed as follows:

Robert G. Cameron, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin
Suite 2900, 600 Grant Street
Pittsburgh, PA 15219

DATED: Dec 5, 2005

MASON LAW OFFICE

By: David C. Mason

David C. Mason, Esquire
Attorney for Plaintiff

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

CIVIL DIVISION

Evelyn Engstrom

Vs.

No. 2003-01753-CD

**David E. Grine, Personal Representative
of the Estate of Ethel I. Engstrom**

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 December 6, 2005, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Atty. Mason.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 6th day of December A.D. 2005.

William A. Shaw, Prothonotary