

03-1765-CD
CHRISTINA M. VELRT, et al, vs. MOVING SOLUTIONS, INC.
et al.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI, individually
and as personal representative of the
Estate of JOSEPH J. VELTRI, deceased,
and all persons entitled to share in his estate,

Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND CHRIST
THE KING MANOR ASSOCIATION,

Defendants.

: CIVIL DIVISION
: :
: No. 03-1765-4
: :
: COMPLAINT IN CIVIL ACTION
: :
: :
: JURY TRIAL DEMANDED
: :
: Filed on behalf of PLAINTIFF
: :
: Counsel of record for this party:
: :
: John P. Gismondi, Esquire
: Pa. I.D. No. 31200
: :
: Scott D. Glassmith, Esquire
: Pa. I.D. No. 27557
: :
: GISMONDI & ASSOCIATES
: 700 Grant Building
: 310 Grant Street
: Pittsburgh, PA 15219
: :
: (412) 281-2200
: :

FILED

NOV 26 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No.
and all persons entitled to share in his estate,	:	
 Plaintiff,	 :	
 vs.	 :	JURY TRIAL DEMANDED
 MOVING SOLUTIONS, INC., CHRIST	 :	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
 Defendants.	 :	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense 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
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641 ext. 5982**

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

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No.
and all persons entitled to share in his estate,	:	
 Plaintiff,	 :	
 vs.	 :	JURY TRIAL DEMANDED
 MOVING SOLUTIONS, INC., CHRIST	 :	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
 Defendants.	 :	

COMPLAINT IN CIVIL ACTION

AND NOW comes the Plaintiff, CHRISTINA M. VELTRI, by and through her attorneys, SCOTT D. GLASSMITH, ESQUIRE, and GISMONDI & ASSOCIATES, P.C., and files this Complaint based upon the following:

1. The Plaintiff Christina M. Veltri is the daughter of the deceased and the Adminstratrix of the Estate of Joseph J. Veltri, who died intestate on November 29, 2001. In addition to Christina M. Veltri, the other persons entitled to claim damages as a result of the death of Joseph J. Veltri are:

- a. Michael Veltri, son;
- b. Joseph J. Veltri, son;
- c. George Veltri, son;
- d. Richard Veltri, son;

- e. Dennis Veltri, son;
- f. Diane Dickerson, daughter; and
- g. Mary Kay Zemell, step-daughter.

2. The Defendant Moving Solutions, Inc., is an Illinois corporation that conducts business within the Commonwealth of Pennsylvania.

3. The Defendants Christ the King Manor, Inc., and Christ the King Manor Association (hereinafter collectively referred to as Defendant Manor) are not-for-profit corporations that operate a nursing home in Clearfield County, Pennsylvania.

4. In November, 2001, the decedent was a resident at the Defendant Manor.

5. On or about November 29, 2001, the Defendant Manor used a Faaborgliften lift (a.k.a. Faaborg lift) distributed by Defendant Moving Solutions to transfer the decedent from his bed to a chair.

6. Defendant Manor purchased this Faaborgliften lift from Defendant Moving Solutions through a Pennsylvania salesman in 1997.

7. While the decedent was suspended in the air, the lift failed, causing him to drop to the floor.

8. As a result of the lift failing, the decedent suffered a rupture of his thoracic aorta, a crushed skull, blunt force trauma, and other injuries, causing his death.

COUNT I

Strict Liability

**Christina M. Veltri, individually and as personal representative
of the Estate of Joseph J. Veltri, deceased, and on behalf of
all persons entitled to share in his estate**

vs.

Moving Solutions, Inc.

9. Paragraphs 1 through 8 are incorporated by reference as fully set forth above.
10. The aforementioned injuries and accompanying death were caused by Defendant Moving Solutions distributing the Faaborgliften lift, which was in a defective condition when it was supplied for sale to the public. Said defective condition consisted of the following:
 - a. The product's ability to break; and
 - b. The product's failure to incorporate in its design adequate safety devices to prevent the lift from breaking; and
 - c. The distributor's failure to adequately instruct and warn users of the product as to maintenance procedures and consequences of failing to properly maintain the product.
11. The lift would not have failed had the Defendant Moving Solutions not sold it in a defective condition.

12. Directly as a result of the defective condition, the decedent suffered severe injuries and death as previously mentioned in this Complaint.

13. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of the Estate of Joseph J. Veltri, claims all appropriate damages under the Survival Act, including, but not limited to, pain, suffering, and inconvenience.

14. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of herself and all persons entitled to share in his estate, claims all appropriate damages under the Wrongful Death Statute, including, but not limited to, the following:

- a. Loss of companionship, society and service.
- b. Funeral expenses; and
- c. Estate administration expenses.

WHEREFORE, the Plaintiff demands judgment against the Defendant Moving Solutions, Inc., in an amount in excess of \$20,000.00 exclusive of costs and interest.

JURY TRIAL DEMANDED.

COUNT II

Negligence

**Christina M. Veltri, individually and as personal representative
of the Estate of Joseph J. Veltri, deceased, and on behalf of
all persons entitled to share in his estate**

vs.

Christ the King Manor, Inc., and Christ the King Manor Association

15. Paragraphs 1 through 14 are incorporated by reference as fully set forth above.

16. Defendant Manor failed to properly maintain the lift.

17. Defendant Manor failed to properly inspect the lift.

18. Defendant Manor failed to properly employ the lift.

19. As a result of Defendant Manor's failure to properly maintain, inspect, and employ the lift, the lift failed, causing the decedent to suffer serious injuries, and ultimately die.

20. The lift would not have failed and caused the above-mentioned injuries had Defendant Manor properly maintained, inspected, and employed the lift.

21. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of the Estate of Joseph J. Veltri, claims all appropriate damages under the Survival Act, including but not limited to, pain, suffering, and inconvenience.

22. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of herself and all persons entitled to share in his estate, claims all appropriate damages under the Wrongful Death Statute, including, but not limited to, the following:

a. Loss of companionship, society and service.

- b. Funeral expenses; and
- c. Estate administration expenses.

WHEREFORE, the Plaintiff demands judgment against the Defendants Christ the King Manor, Inc., and Christ the King Manor Association in an amount in excess of \$20,000.00 exclusive of costs and interest.

JURY TRIAL DEMANDED.

COUNT III

Res Ipsa

**Christina M. Veltri, individually and as personal representative
of the Estate of Joseph J. Veltri, deceased, and on behalf of
all persons entitled to share in his estate**

vs.

**Moving Solutions, Inc, Christ the King Manor, Inc., and
Christ the King Manor Association**

23. Paragraphs 1 through 22 are incorporated by reference as fully set forth above.

24. The lift's failure and resulting injuries and death ordinarily would not occur absent the Defendants selling the lift in a defective condition and/or negligently maintaining and inspecting the lift.

25. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of the Estate of Joseph J. Veltri, claims all appropriate damages under the Survival Act, including but not limited to, pain, suffering, and inconvenience.

26. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of herself and all person entitled to share in his estate, claims all appropriate damages under the Wrongful Death Statute, including, but not limited to, the following:

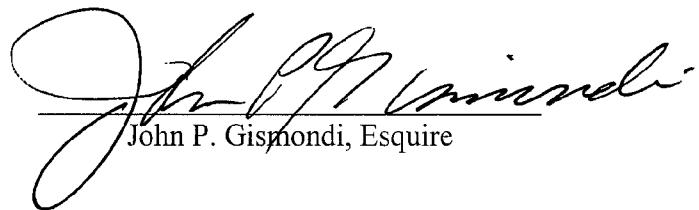
- a. Loss of companionship, society and service.
- b. Funeral expenses; and
- c. Estate administration expenses.

WHEREFORE, the Plaintiff demands judgment against the Defendants Moving Solutions, Inc., Christ the King Manor, Inc., and Christ the King Manor Association in an amount in excess of \$20,000.00 exclusive of costs and interest.

JURY TRIAL DEMANDED.

Respectfully submitted,

GISMONDI & ASSOCIATES, P.C.



John P. Gismondi, Esquire



Scott D. Glassmith, Esquire

VERIFICATION

I, CHRISTINA M. VELTRI, Administratrix of the Estate of JOSEPH J. VELTRI, Deceased, do hereby certify that the facts alleged in the within COMPLAINT IN CIVIL ACTION are true and correct to the best of my knowledge.

This statement is made subject to the penalties of 18 Pa.C.S.A. 4904, relating to unsworn falsifications to authorities.



Christina M. Veltri

Dated: 11/24/03

FILED

NOV 26 2003
U.S. DISTRICT COURT
CLERK'S OFFICE

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,
individually and as personal
representative of the Estate of
JOSEPH J. VELTRI, deceased, and
all persons entitled to share
in his estate,

Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND
CHRIST THE KING MANOR
ASSOCIATION,

Defendants.

CIVIL DIVISION

NO. 03-1765-CD

TYPE OF PLEADING: **PRAECIPE FOR
APPEARANCE**

FILED ON BEHALF OF: MOVING
SOLUTIONS, INC., Defendant

COUNSEL OF RECORD FOR THIS
PARTY:

DANIEL M. TAYLOR, JR.
Pa. I.D. No. 62936

SWARTZ CAMPBELL LLC
Firm I.D. No. 765

1120 Grant Building
310 Grant Street
Pittsburgh, PA 15219

(412) 391-7800

JURY TRIAL DEMANDED

FILED

DEC 15 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,) CIVIL DIVISION
individually and as personal)
representative of the Estate of) NO. 03-1765-CD
JOSEPH J. VELTRI, deceased, and)
all persons entitled to share)
in his estate,)
)
Plaintiff,)
)
)
vs.)
)
MOVING SOLUTIONS, INC., CHRIST)
THE KING MANOR, INC., AND)
CHRIST THE KING MANOR)
ASSOCIATION,)
)
Defendants.)

PRAECIPE FOR APPEARANCE

TO: William A. Shaw, Prothonotary
Court of Common Pleas of Clearfield County, Pennsylvania

Please enter the appearance of Daniel M. Taylor, Jr. and
Swartz Campbell LLC as counsel of record for Moving Solutions,
Inc., Defendant in the within action.

Respectfully submitted,

SWARTZ CAMPBELL LLC

By: 

DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

CERTIFICATE OF SERVICE

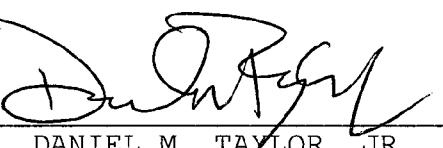
I hereby certify that a true and correct copy of the within PRAECIPE FOR APPEARANCE has been forwarded to the following by United States first-class mail, postage prepaid, this 11th day of December 2003:

John P. Gismondi, Esquire
Scott D. Glassmith, Esquire
GISMONDI & ASSOCIATES
700 Grant Building
310 Grant Street
Pittsburgh, PA 15219
(Counsel for Plaintiff)

Christ the King Manor, Inc.
1100 W. Long Avenue
DuBois, PA 15801-8722
(Defendant)

Christ the King Manor Association
1100 W. Long Avenue
DuBois, PA 15801-8722
(Defendant)

SWARTZ CAMPBELL LLC

By: 

DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED
:
: No. 03-1765 - LD
:
: ISSUE:
: Praceipe for Argument
:
: FILED ON BEHALF OF:
: Defendant
:
: COUNSEL OF RECORD FOR THIS
: PARTY:
:
: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS MAILED TO ALL PARTIES OF RECORD THIS 10th DAY OF December, 2003.

Attnorneys for Named Defendants

FILED

DEC 16 2003

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW

: No. 03-1765 – LD

: JURY TRIAL DEMANDED

PRAECIPE FOR ARGUMENT

TO: PROTHONOTARY

Kindly list the above-captioned matter for the next available argument list. The matter to be argued is Preliminary Objections on behalf of Defendants, Christ the King Manor, Inc./Christ the King Manor Association.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

Atorneys for Defendants
Stephen L. Dugas, Esquire
PA. I.D. No.: 21351
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - FAX

FILED NO
M/10/25/03
DEC 16 2003
Copy to DA

William A. Shaw
Prothonotary/Clerk of Courts

(R)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,
individually and as personal
representative of the Estate of
JOSEPH J. VELTRI, deceased, and
all persons entitled to share
in his estate,

Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND
CHRIST THE KING MANOR
ASSOCIATION,

Defendants.

CIVIL DIVISION

NO. 03-1765-CD

TYPE OF PLEADING: **PRELIMINARY
OBJECTIONS**

FILED ON BEHALF OF: MOVING
SOLUTIONS, INC., Defendant

COUNSEL OF RECORD FOR THIS
PARTY:

DANIEL M. TAYLOR, JR.
Pa. I.D. No. 62936

SWARTZ CAMPBELL LLC
Firm I.D. No. 765

1120 Grant Building
310 Grant Street
Pittsburgh, PA 15219

(412) 391-7800

JURY TRIAL DEMANDED

FILED
m

DEC 26 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,) CIVIL DIVISION
individually and as personal)
representative of the Estate of) NO. 03-1765-CD
JOSEPH J. VELTRI, deceased, and)
all persons entitled to share)
in his estate,)
Plaintiff,)
vs.)
MOVING SOLUTIONS, INC., CHRIST)
THE KING MANOR, INC., AND)
CHRIST THE KING MANOR)
ASSOCIATION,)
Defendants.)

PRELIMINARY OBJECTIONS

Defendant, Moving Solutions, Inc., by and through its attorneys Daniel M. Taylor, Jr. and Swartz Campbell LLC, files the within Preliminary Objections to Plaintiff's Complaint pursuant to Pa. R.C.P. 1028 and in support thereof avers as follows:

1. Plaintiff Christina M. Veltri, individually and as personal representative of the Estate of Joseph J. Veltri, deceased, and all persons entitled to share in his estate, commenced this action by filing a Complaint in Civil Action against Defendant Moving Solutions, Inc. and Defendants Christ the King Manor, Inc. and Christ the King Manor Association on or about November 26, 2003.

2. The Complaint contains two counts against Defendant Moving Solutions, Inc.: Count I - strict liability; and Count III - asserting a cause of action of "*Res Ipsa.*"

3. Counts I and III should be dismissed pursuant to Pennsylvania Rule of Civil Procedure 1028.

I.

**PRELIMINARY OBJECTION IN THE NATURE OF
A DEMURRER TO COUNT I**

4. Rule 1019(a) of the Pennsylvania Rules of Civil Procedure requires that a complaint contain "the material facts on which a cause of action or defense is based ... stated in a concise and summary form."

5. Plaintiff alleges in Count I that a product allegedly distributed by this Defendant was in a defective condition when it was supplied for sale to the public. Plaintiff identifies the defective condition as follows:

- a. The product's ability to break; and
- b. The product's failure to incorporate in its design adequate safety devices to prevent the lift from breaking; and
- c. The distributor's failure to adequately instruct and warn users of the product as to maintenance procedures and consequences of failing to properly maintain the product.

(Complaint, Paragraph 10).

6. The allegation that the product was defective because of its "ability to break" does not meet Rule 1019(a)'s requirement that the material facts on which a cause of action is based be stated.

7. A properly pleaded complaint "must not only apprise the defendant of what the plaintiff's claim is and the grounds upon which it rests, but must also formulate issues by summarizing those facts essential to support the claim." Cassel v. Shellenberger, 514 A.2d 163, 165 (Pa. Super. 1986).

8. Plaintiff's Complaint, because it fails to identify any defective condition in the product with sufficient specificity, and fails to allege any facts describing the defect, fails to state a cause of action and should be dismissed.

WHEREFORE, Count I of Plaintiff's Complaint should be dismissed.

II.

PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER TO COUNT III

9. Count III is styled "Res *Ipsa*."

10. Plaintiff alleges that Plaintiff decedent's injuries and death would not have occurred absent Defendants selling the product in question in a defective condition and/or negligently maintaining and inspecting it. (Complaint, Paragraph 24).

11. *Res Ipsa* is not a cause of action, but rather is a rule of evidence by which a cause of action sounding in negligence may be proven.

12. Plaintiff does not allege to any specific acts of negligence on the part of Defendant Moving Solutions, Inc.

13. In the alternative, if *res ipsa* were a cause of action, one element of the cause of action would be that the instrumentality in question be in the exclusive control of the Defendant.

14. Plaintiff has not alleged that the product in question was in the exclusive control of Defendant Moving Solutions, Inc. at the time of Plaintiff's injuries and/or death. To the contrary, Plaintiff alleges in the Complaint that the product was sold by Defendant Moving Solutions, Inc. in 1997. (Complaint, Paragraph 6).

WHEREFORE, Count III of Plaintiff's Complaint fails to state a cause of action upon relief can be granted and should be dismissed.

Respectfully submitted,

SWARTZ CAMPBELL LLC

By:


DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,) CIVIL DIVISION
individually and as personal)
representative of the Estate of) NO. 03-1765-CD
JOSEPH J. VELTRI, deceased, and)
all persons entitled to share)
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Plaintiff,)
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)
vs.)
)
MOVING SOLUTIONS, INC., CHRIST)
THE KING MANOR, INC., AND)
CHRIST THE KING MANOR)
ASSOCIATION,)
)
Defendants.)

ORDER

AND NOW, this ____ day of _____, 2004, upon
consideration of Defendant Moving Solutions, Inc.'s Preliminary
Objections, same are hereby GRANTED.

It is further ORDERED that:

[] Count I of Plaintiff's Complaint is dismissed.

[] Count III of Plaintiff's Complaint is dismissed.

BY THE COURT:

J.

CERTIFICATE OF SERVICE

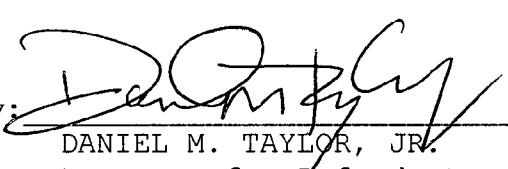
I hereby certify that a true and correct copy of the within PRELIMINARY OBJECTIONS has been forwarded to the following by United States first-class mail, postage prepaid, this 24th day of December 2003:

John P. Gismondi, Esquire
Scott D. Glassmith, Esquire
Gismondi & Associates
700 Grant Building
310 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

SWARTZ CAMPBELL LLC

By:


DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

FILED
in 1-4987 voc

DEC 26 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,
individually and as personal
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Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND
CHRIST THE KING MANOR
ASSOCIATION,

Defendants.

CIVIL DIVISION

NO. 03-1765-CD

TYPE OF PLEADING: **PRAECIPE FOR
ARGUMENT**

FILED ON BEHALF OF: MOVING
SOLUTIONS, INC., Defendant

COUNSEL OF RECORD FOR THIS
PARTY:

DANIEL M. TAYLOR, JR.
Pa. I.D. No. 62936

SWARTZ CAMPBELL LLC
Firm I.D. No. 765

1120 Grant Building
310 Grant Street
Pittsburgh, PA 15219

(412) 391-7800

JURY TRIAL DEMANDED

FILED

DEC 26 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,) CIVIL DIVISION
individually and as personal)
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JOSEPH J. VELTRI, deceased, and)
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vs.)
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MOVING SOLUTIONS, INC., CHRIST)
THE KING MANOR, INC., AND)
CHRIST THE KING MANOR)
ASSOCIATION,)
)
Defendants.)

PRAECIPE FOR APPEARANCE

TO: William A. Shaw, Prothonotary
Court of Common Pleas of Clearfield County, Pennsylvania

Please place the Preliminary Objections, on behalf of
Defendant Moving Solutions, Inc., regarding the above-entitled
case on the next available list for argument.

Respectfully submitted,

SWARTZ CAMPBELL LLC

By:



DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

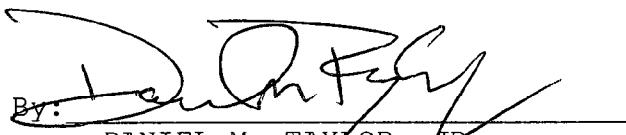
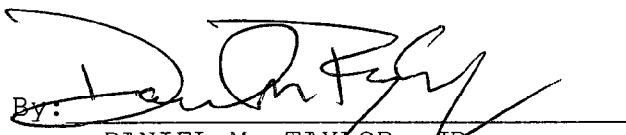
CERTIFICATE OF SERVICE

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John P. Gismondi, Esquire
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700 Grant Building
310 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

SWARTZ CAMPBELL LLC


By: 
DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

FILED

in 149th rec

DEC 26 2003

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

VELTRI, CHRISTINA M.

VS.

MOVING SOLUTIONS INC. a/c

COMPLAINT

Sheriff Docket # 14875

03-1765-CD

SHERIFF RETURNS

NOW DECEMBER 2, 2003 AT 2:24 PM SERVED THE WITHIN COMPLAINT ON CHRIST THE KING MANOR INC., DEFENDANT AT EMPLOYMENT, 1100 W. LONG AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SAM ZAFFUTO, ASST. ADM. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: McCLEARY/NEVLING

NOW DECEMBER 2, 2003 AT 2:24 PM SERVED THE WITHIN COMPLAINT ON CHRIST THE KNIG MANOR ASSOCIATION, DEFENDANT AT EMPLOYMENT, 1100 W. LONG AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SAM ZAFFUTO, ASST. ADM. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/NEVLING

Return Costs

Cost	Description
37.68	SHERIFF HAWKINS PAID BY: ATTY CK# 15765
20.00	SURCHARGE PAID BY: ATTY

Sworn to Before Me This

20th Day Of Jan 2004


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

So Answers,


Chester A. Hawkins
Sheriff

FILED
03-30-04
JAN 20 2004
William A. Shaw
Prothonotary/Clerk of Courts

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

CHRISTINA L. VELTRI, individually :
and as personal representative of the :
Estate of JOSEPH J. VELTRI, deceased, :
and all persons entitled to share in his :
estate :
vs. : No. 03-1765-CD
:
:
:
MOVING SOLUTIONS, INC., :
CHRIST THE KING MANOR, INC. :
AND CHRIST THE KING MANOR :
ASSOCIATION :
:

ORDER

NOW, this 21st day of January, 2004, upon consideration of Attorney Dugas' Preliminary Objections, a Rule is hereby issued upon the Plaintiff to Appear and Show Cause why the Objections should not be granted. Argument is scheduled the 12 day of February, 2004, at 10:30 A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

FILED

JAN 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

Fredric J. Ammerman
FREDRIC J. AMMERMAN
President Judge

FILED
01/30/2004 3:05 PM
JAN 23 2004

3cc
AHF Dugas w/ service memo

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED
:
: No. 03-1765 - LD
:
: ISSUE:
: Preliminary Objections
:
: FILED ON BEHALF OF:
: Defendant
:
: COUNSEL OF RECORD FOR THIS
: PARTY:
:
: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS MAILED TO ALL PARTIES OF RECORD THIS 10th DAY OF December, 2003.

Atorneys for Named Defendants

FILED

DEC 16 2003

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
CIVIL ACTION LAW
No. 03-1765 – LD
JURY TRIAL DEMANDED

PRELIMINARY OBJECTIONS

AND NOW, come defendants CHRIST THE KING MANOR, INC./CHRIST THE KING MANOR ASSOCIATION, and by their attorneys, McIntyre, Dugas, Hartye, & Schmitt, and file these Preliminary Objections to the Plaintiff's Complaint were the following as statement:

1. Plaintiff has filed a Complaint alleging, among other things, that these Defendants were negligent, and that such negligence constituted the cause of Plaintiff's decedent's demise.
2. The allegations against these Defendants are contained in "Count II" of Plaintiff's Complaint, paragraph 16, 17 and 18. Those paragraphs recite the following:
 16. Defendant Manor failed to properly maintain the lift.
 17. Defendant Manor failed to properly inspect the lift.
 18. Defendant Manor failed to properly employ the lift.
3. Nowhere in the Plaintiff's Complaint does she allege any material facts.

To the contrary, all of the allegations in her Complaint constitute mere legal "boiler plate" in violation of Pa.R.C.P Rule 1019(a), which require "material facts" to be "stated in a concise and summary form."

4. Under Pa.R.C.P. Rule 1028(a), Preliminary Objections are available to a Defendant to raise, among other things, failure of a pleading to conform to Rule of Court, insufficient specificity in a pleading, and legal insufficiency of a pleading.

5. In Count III of her Complaint, the Plaintiff purports to set forth an independent cause of action titled "Res Ipsa".

6. There is no independent cause of action under "Res Ipsa"; to the contrary, "Res Ipsa" (loquitur) is merely a rule of circumstantial evidence, which, when properly applied, raises a permissible inference of negligence.

7. Even if the doctrine of "Res Ipsa Loquitur" would properly be raised in pleadings, it would not apply to the instant case, because the Plaintiff herself has alleged another responsible cause, namely, actionable conduct on the part of Co-Defendant Moving Solutions, thereby failing to make out a *prima facie* entitlement to application of the doctrine.

8. Because Plaintiff has improperly included "Res Ipsa" in Count III of her Complaint, the said Count, consisting of paragraphs 23 through 26 inclusive, must be dismissed, inasmuch as Plaintiff has simply failed to plead a recognized cause of action, consistent with Pa.R.C.P. Rule 1028.

WHEREFORE, Defendants seek to have Plaintiff's Complaint dismissed in its entirety, for failing to set forth any legally cognizable claim or cause of action whatsoever; in the alternatively, Defendants seek to have the entirety of Count III of the Plaintiff's Complaint dismissed for failure to set forth a legally cognizable cause of action; alternatively, Defendants demand that the Plaintiff be ordered to file a more specific Complaint, setting forth all material facts in a concise and summary form.

Respectfully submitted,

McIntyre, Dugas, Hartye, & Schmitt

By: _____

Attorneys for Defendant

Stephen L. Dugas, Esquire
PA. I.D. No.: 21351
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3531
(814) 696-9399 - FAX

Notice to Plead

To: Plaintiff

You are hereby notified to file a
written response to the enclosed
Preliminary Objections
within twenty (20) days from
service hereof or a judgment may
be entered against you.

Attorney for Defendants

FILED
m 10:25 AM 16 Dec 2003
DEC 16 2003
WAS

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED
:
: No. 03-1765 – LD
:
: ISSUE:
: Praceipe for Argument
:
: FILED ON BEHALF OF:
: Defendant
:
: COUNSEL OF RECORD FOR THIS
: PARTY:
:
: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS MAILED TO ALL PARTIES OF RECORD THIS 10th DAY OF December, 2003.

Atorneys for Named Defendants

COPY

FILED

DEC 16 2003

William A. Caw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW

: No. 03-1765 - LD

: JURY TRIAL DEMANDED

PRAECIPE FOR ARGUMENT

TO: PROTHONOTARY

Kindly list the above-captioned matter for the next available argument list. The matter to be argued is Preliminary Objections on behalf of Defendants, Christ the King Manor, Inc./Christ the King Manor Association.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

Atorneys for Defendants
Stephen L. Dugas, Esquire
PA. I.D. No.: 21351
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - FAX

COPY

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

CHRISTINA L. VELTRI, individually :
and as personal representative of the :
Estate of JOSEPH J. VELTRI, deceased, :
and all persons entitled to share in his :
estate :
vs. : No. 03-1765-CD
:
:
:
MOVING SOLUTIONS, INC., :
CHRIST THE KING MANOR, INC. :
AND CHRIST THE KING MANOR :
ASSOCIATION :
:

CRX
FILED

JAN 23 2004

ORDER

William A. Shaw
Prothonotary/Clerk of Courts

NOW, this 22nd day of January, 2004, upon consideration of
Attorney Taylor's' Preliminary Objections, a Rule is hereby issued upon the
Plaintiff to Appear and Show Cause why the Objections should not be granted.
Argument is scheduled the 12 day of February, 2004, at
10:30 A.M. in Courtroom No. 1, Clearfield County
Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED 3cc
JAN 23 2004 Any Taylor w/service memo

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,
individually and as personal
representative of the Estate of
JOSEPH J. VELTRI, deceased, and
all persons entitled to share
in his estate,

Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND
CHRIST THE KING MANOR
ASSOCIATION,

Defendants.

CIVIL DIVISION

NO. 03-1765-CD

TYPE OF PLEADING: **AFFIDAVIT OF
SERVICE OF ORDER ENTERING RULE
RE: SCHEDULING ARGUMENT ON
PRELIMINARY OBJECTIONS**

FILED ON BEHALF OF: MOVING
SOLUTIONS, INC., Defendant

COUNSEL OF RECORD FOR THIS
PARTY:

DANIEL M. TAYLOR, JR.
Pa. I.D. No. 62936

SWARTZ CAMPBELL LLC
Firm I.D. No. 765

1120 Grant Building
310 Grant Street
Pittsburgh, PA 15219

(412) 391-7800

JURY TRIAL DEMANDED

FILED

JAN 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,) CIVIL DIVISION
individually and as personal)
representative of the Estate of) NO. 03-1765-CD
JOSEPH J. VELTRI, deceased, and)
all persons entitled to share)
in his estate,)
)
Plaintiff,)
)
)
vs.)
)
MOVING SOLUTIONS, INC., CHRIST)
THE KING MANOR, INC., AND)
CHRIST THE KING MANOR)
ASSOCIATION,)
)
Defendants.)

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

Before me, the undersigned authority, Notary Public in and
for said County and State, personally appeared DANIEL M. TAYLOR,
JR., who, after being duly sworn according to law, states that
he served a copy of the attached ORDER on all counsel of record
by mailing same to John P. Gismondi, Esquire and Scott D.
Glassmith, Esquire, Gismondi & Associates, 700 Grant Building,
310 Grant Street, Pittsburgh, PA 15219 and Stephen L. Dugas,
Esquire, McIntyre, Dugas, Hartye & Schmitt, P.O. Box 533,

Hollidaysburg, PA 16648, by United States First Class Mail,
postage prepaid, on January 26, 2004.

SWARTZ CAMPBELL LLC

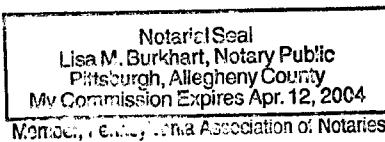
By: 
DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

SWORN TO AND SUBSCRIBED
before me this 27th day
of January, 2004.

Lisa M. Burkhart

NOTARY PUBLIC

My Commission Expires: 4/12/04



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

CHRISTINA L. VELTRI, individually :
and as personal representative of the :
Estate of JOSEPH J. VELTRI, deceased, :
and all persons entitled to share in his :
estate :

vs. : No. 03-1765-CD

MOVING SOLUTIONS, INC., :
CHRIST THE KING MANOR, INC. :
AND CHRIST THE KING MANOR :
ASSOCIATION :

O R D E R

NOW, this 22nd day of January, 2004, upon consideration of
Attorney Taylor's Preliminary Objections, a Rule is hereby issued upon the
Plaintiff to Appear and Show Cause why the Objections should not be granted.
Argument is scheduled the 12 day of February, 2004, at
10:30 A.M. in Courtroom No. 1, Clearfield County
Courthouse, Clearfield, PA.

BY THE COURT:

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

JAN 23 2004

Attest,

William E. Ammerman
Prothonotary/
Clerk of Courts

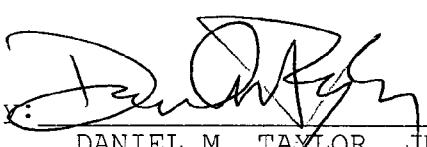
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within
AFFIDAVIT OF SERVICE OF ORDER ENTERING RULE RE: SCHEDULING
ARGUMENT ON PRELIMINARY OBJECTIONS has been forwarded to the
following by United States first-class mail, postage prepaid,
this 27th day of January 2004:

John P. Gismondi, Esquire
Scott D. Glassmith, Esquire
Gismondi & Associates
700 Grant Building
310 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

SWARTZ CAMPBELL LLC

By: 
DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

FILED
M 11.28.04
JAN 29 2004
a
cc
fhp

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED
:
: No. 03-1765 - LD
:
: ISSUE:
: **Affidavit of Service**
:
: FILED ON BEHALF OF:
: Defendant
:
: COUNSEL OF RECORD FOR THIS
: PARTY:
:
: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

FILED

FEB 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW

: No. 03-1765 – LD

: JURY TRIAL DEMANDED

AFFIDAVIT OF SERVICE

I, Stephen L. Dugas, Esquire, hereby certify that a true and attested copy of the Order of January 22, 2004, was served this 30th day of January, 2004, upon the following:

Scott Glassmith, Esquire
Gismondi & Associates, P.C.
Suite 700, Grant Building
310 Grant Street
Pittsburgh, PA 15219
(Attorney for Plaintiff)

Daniel M. Taylor, Jr., Esquire
Swartz Campbell LLC
1120 Grant Building
310 Grant Street
Pittsburgh, PA 15219
(Attorney for Moving Solutions)

A copy of the cover letter accompanying the true and attested copy of the Order is attached hereto, marked Exhibit "A" and made a part hereof.

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendants
Christ the King Manor, Inc. and Christ the
King Association
STEPHEN L. DUGAS, ESQUIRE
PA. I.D. NO. 21351
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

LAW OFFICES
MCINTYRE, DUGAS, HARTYE & SCHMITT

JOHN L. MCINTYRE
STEPHEN L. DUGAS
FRANK J. HARTYE
LOUIS C. SCHMITT, JR.
HEATHER A. HARRINGTON
MICHAEL A. SOSNOWSKI

P. O. BOX 533
HOLLIDAYSBURG, PA 16648-0533

—
(814) 696-3581
FAX (814) 696-9399
www.mdhslaw.com

January 30, 2004

Our Reference: GB 079 OH

Scott Glassmith, Esquire
Gismondi & Associates, P.C.
Suite 700, Grant Building
310 Grant Street
Pittsburgh, PA 15219

Daniel M. Taylor, Jr., Esquire
Swartz Campbell LLC
1120 Grant Building
310 Grant Street
Pittsburgh, PA 15219

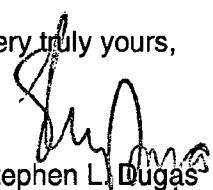
Re: Joseph J. Veltre vs. Moving Solutions, Inc., Christ the King Manor, Inc.
and Christ the King Manor Association
Clearfield County Docket No. 03-1765-CD

Dear Counsel:

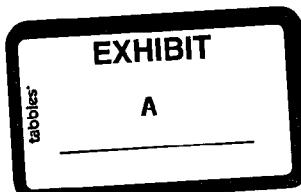
Enclosed you will find a true and attested copy of the Order signed by Judge Ammerman scheduling Argument on the Preliminary Objections that I had filed for 10:30 a.m. on February 12, 2004 in Courtroom No. 1 of Clearfield County Courthouse in Clearfield, Pennsylvania. Also enclosed is a copy of the Affidavit of Service I had filed with the Prothonotary.

Thank you.

Very truly yours,


Stephen L. Dugas

SLD:lag
Enclosures



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

CHRISTINA L. VELTRI, individually :
and as personal representative of the :
Estate of JOSEPH J. VELTRI, deceased, :
and all persons entitled to share in his :
estate :

vs. : No. 03-1765-CD

MOVING SOLULTIONS, INC., :
CHRIST THE KING MANOR, INC. :
AND CHRIST THE KING MANOR :
ASSOCIATION :

ORDER

NOW, this 22nd day of January, 2004, upon consideration of
Attorney Dugas' Preliminary Objections, a Rule is hereby issued upon the Plaintiff
to Appear and Show Cause why the Objections should not be granted. Argument
is scheduled the 12 day of February, 2004, at 10:30
A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield,
PA.

BY THE COURT:

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

JAN 23 2004

Attest.

William J. Ammerman
Prothonotary/
Clerk of Courts

CA

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

CHRISTINA L. VELTRI, individually :
and as personal representative of the :
Estate of JOSEPH J. VELTRI, deceased, :
and all persons entitled to share in his :
estate :
vs. : No. 03-1765-CD
:
:
:
MOVING SOLUTIONS, INC., :
CHRIST THE KING MANOR, INC. :
AND CHRIST THE KING MANOR :
ASSOCIATION :
:

ORDER

AND NOW, this 11th day of February, 2004, it is the ORDER of the Court that argument on Defendants' Preliminary Objections in the above matter has been rescheduled from February 23, 2004 to Thursday, March 4, 2004 at 1:30 P.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

FEB 11 2004

William A. Shaw
Prothonotary

FILED

O 3:34 SA 3 CO 9 YACCO
FEB 11 2004
To City Attorney

William A. Shaw
Prothonotary

WA
CJ

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

CHRISTINA M. VELTRI, *
individually and as personal *
representative of the Estate *
of JOSEPH J. VELTRI, deceased, *
and all persons entitled to *
share in his estate, *
Plaintiff *
*
vs. * NO. 2003-1765-C.D.
*
MOVING SOLUTIONS, INC., *
CHRIST THE KING MANOR, INC., *
and CHRIST THE KING MANOR *
ASSOCIATION, *
Defendants *

FILED

MAR 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

O R D E R

NOW, this 3rd day of March, 2004, counsel for the parties having advised the Court that the parties have reached an agreement and Argument on Defendant's Preliminary Objections scheduled for Thursday, March 4, 2004 is no longer necessary, therefore, it is the ORDER of this Court that said Argument scheduled in the above captioned action be and is hereby cancelled. Counsel for Plaintiff and the Defendants shall have no more than twenty (20) days from the date of this Order to present the appropriate settlement document to the Court.

By the Court,



FREDRIC J. AMMERMAN
PRESIDENT JUDGE

FILED

MAR 04 2004
010.301
William A. Shaw
Prothonotary/Clerk of Courts

✓ 2 certified copies to Scott D. Glassmith, Gismondi & Associates, P.C.
Suite 700, Grant Building, 310 Grant Street, Pittsburgh, PA 15219

✓ 2 certified copies to Stephen L. Dugas, McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533, Hollidaysburg, PA 16648-0533

✓ 2 certified copies to Daniel M. Taylor, Jr., Swartz & Campbell
1120 Grant Building, 310 Grant Street, Pittsburgh, PA 15219

1 copy to Judge Ammerman

1 copy to Court Administrator

GISMONDI & ASSOCIATES, P.C.
ATTORNEYS AT LAW

SUITE 700, GRANT BUILDING
310 GRANT STREET
PITTSBURGH, PENNSYLVANIA 15219

WEBSITE: WWW.GISLAW.COM

(412) 281-2200

E-MAIL: JPG@GISLAW.COM

TOLL FREE: 1-888-529-1255
FAX: (412) 281-6302

March 3, 2004

(Via Facsimile 814-765-7649)

The Honorable Frederick J. Ammerman
CLEARFIELD COUNTY COURTHOUSE
230 East Market Street
Clearfield, PA 16830

Attention: Judy

In re: Joseph Veltri vs. Christ the King Manor and Moving Solutions, Inc.
C.D. No. 03-1765

Dear Judge Ammerman:

As per my recent telephone conversation with your office I am enclosing the Proposed Consent Order of Court in the above-captioned matter. All parties are agreeable to the language found in the Order.

Very truly yours,

GISMONDI & ASSOCIATES, P.C.



Scott D. Glassmith

SDG:cmd

Enclosure

cc: Daniel M. Taylor, Jr., Esquire (w/enclosure)
Stephen Dugas, Esquire (w/enclosure)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**CHRISTINA M. VELTRI, individually
and as personal representative of the
Estate of JOSEPH J. VELTRI, deceased,
and all persons entitled to share in his estate,**

Plaintiff,

vs.

**MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND CHRIST
THE KING MANOR ASSOCIATION,**

Defendants.

: **CIVIL DIVISION**
: **No. 03-1765-CD**
: **PROPOSED CONSENT
ORDER OF COURT**
: **JURY TRIAL DEMANDED**
: **Filed on behalf of PLAINTIFF**
: **Counsel of record for this party:**
: **John P. Gismondi, Esquire**
: **Pa. I.D. No. 31200**
: **Scott D. Glassmith, Esquire**
: **Pa. I.D. No. 27557**
: **GISMONDI & ASSOCIATES**
: **Suite 700 Grant Building**
: **310 Grant Street**
: **Pittsburgh, PA 15219**
: **(412) 281-2200**

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

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 03-1765-cd
and all persons entitled to share in his estate,	:	
 Plaintiff,	 :	
 vs.	 :	JURY TRIAL DEMANDED
 MOVING SOLUTIONS, INC., CHRIST	 :	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
 Defendants.	 :	

**PROPOSED CONSENT
ORDER OF COURT**

AND NOW, this _____ day of March, it is hereby Ordered that Count III of Plaintiff's Complaint entitled Res Ipsa be stricken without prejudice to the Plaintiff to request a charge of res ipsa at time of trial.

The Preliminary Objections filed by Defendants requesting a more specific pleading to Count I and Count II of the Complaint will be held in abeyance for 90 (ninety) days while the parties conduct discovery, which may include depositions of fact witnesses from Christ the King Manor and inspection of the lift in question.

BY THE COURT:

J.

GISMONDI & ASSOCIATES, P.C.
ATTORNEYS AT LAW

SUITE 700 GRANT BUILDING
310 GRANT STREET
PITTSBURGH, PENNSYLVANIA 15219

TOLL FREE: 1-888-529-1255

(412) 281-2200

E-MAIL:GISLAW@NAUTICOM.NET

FAX: (412) 281-6302

FAX COVER PAGE

DATE: 3-3-04

TRANSMIT TO: The Honorable Frederick J. Perrianni

COMPANY/FIRM: —

TELEPHONE NO.: (—) (Please include area code)

FAX NO.: (412) 281-2200 (Please include area code)

CLIENT NAME: Heidi

MATTER: —

NO. OF PAGES: 4 (including cover)

FROM: Scott D. Glassman Esq. PHONE: 412-281-6302

COMMENTS: —

—

PLEASE REPORT PROBLEMS WITH RECEPTION BY CALLING 281-2200 IMMEDIATELY

WHEN SENDING TO US, PLEASE BE SURE TO INCLUDE A COVER SHEET
WITH YOUR TRANSMITTAL AND A TELEPHONE NUMBER WHERE YOU CAN BE
CONTACTED IN CASE OF EQUIPMENT MALFUNCTION

TRANSMITTED BY: D. Glassman DATE: 3-3-04 TIME: — AM
— PM

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED
AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE
INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS
NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY
DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS
STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN
ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE
ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL
SERVICE. THANK YOU.

LAW OFFICES

MCINTYRE, DUGAS, HARTYE & SCHMITT

JOHN L. MCINTYRE
STEPHEN L. DUGAS
FRANK J. HARTYE
LOUIS C. SCHMITT, JR.
HEATHER A. HARRINGTON
MICHAEL A. SOSNOWSKI

P. O. BOX 533
HOLLIDAYSBURG, PA 16648-0533

(814) 696-3581
FAX (814) 696-9399
www.mdhslaw.com

March 3, 2004

Our Reference: GB 079 OH

VIA FAX ONLY

The Honorable Frederick J. Ammerman,
Clearfield County Courthouse
P.O. Box 548
Clearfield, PA 16830-0549

Re: Christina M. Veltri, individually and personal representative of the
Estate of Joseph J. Veltri, deceased vs. Moving Solutions, Inc., Christ the
King Manor, Inc., and Christ the King Manor Association
No. 03-1765 - LD

Dear Prothonotary:

This will serve to confirm our agreement to take oral argument on the Preliminary Objections off your schedule tomorrow, based upon the proposed Order about which I have been informed by Attorney Glassmith. A copy of this letter has been sent by fax to other counsel to advise them of our consent to entry of the Order by Your Honor.

Thank you.

Very truly yours,

Stephen L. Dugas

SLD/lag

cc via fax only: Scott Glassmith, Esquire
Daniel M. Taylor, Esquire

LAW OFFICES

MCINTYRE, DUGAS, HARTYE & SCHMITT

P. O. BOX 533

JOHN L. MCINTYRE
STEPHEN L. DUGAS
FRANK J. HARTYE
LOUIS C. SCHMITT, JR.
HEATHER A. HARRINGTON
MICHAEL A. SOSNOWSKI

HOLLIDAYSBURG, PA 16648-0533

—
(814) 696-3581
FAX (814) 696-9399
www.mdhslaw.com

Our Reference: GB 079 OH

TO: The Honorable Frederick J. Ammerman
FAX NUMBER 765-7649
FROM: Stephen L. Dugas, Esquire
DATE: 03/04/2004
RE: Veltri, Dec'd v. Christ the King Manor, et al.
No. 03-1765 LD

Total number of pages including this cover letter: 2

If you have not received all of the pages, please call 814-696-3581

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Swartz Campbell LLC
1120 Grant Building
310 Grant Street
Pittsburgh PA 15219

direct line (412) 456-5402
phone (412) 391-7800
Facsimile (412) 391-5110
dtaylor@swartzcampbell.com
www.swartzcampbell.com

Daniel M. Taylor, Jr.
Attorney At Law

March 3, 2004

VIA FAX ONLY 814-765-7649

The Honorable Frederick J. Ammerman
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

RE: Christina M. Veltri, individually and as personal representative of the Estate
of Joseph J. Veltri, deceased, and all persons entitled to share in his estate v.
Moving Solutions, Inc., Christ the King Manor, Inc. and Christ the King Manor
Association
Court of Common Pleas of Clearfield County, Pennsylvania
Docket No. 03-1765-CD

Dear Judge Ammerman:

This will confirm the agreement to remove this matter from the oral argument list for
tomorrow, March 4, 2004, in light of the stipulation of the parties, as set forth in the consent
order forwarded today by attorney Glassmith.

Very truly yours,
Swartz Campbell LLC

A handwritten signature in black ink, appearing to read "Daniel M. Taylor, Jr.".

Daniel M. Taylor, Jr.

DMT/alk
cc: Scott D. Glassmith, Esq.
Stephen L. Dugas, Esq.



Daniel M. Taylor, Jr.
Attorney At Law

Swartz Campbell LLC
1120 Grant Building
310 Grant Street
Pittsburgh PA 15219

direct line (412) 456-5402
phone (412) 391-7800
facsimile (412) 991-5110
dtaylor@swartzcampbell.com
www.swartzcampbell.com

FAX COVER SHEET

DATE: March 3, 2004
TO: The Honorable Frederick J. Ammerman
FAX NUMBER: 814-765-7649
FROM: Daniel M. Taylor, Jr.
CLIENT/MATTER: Veltri v. Christ the King Manor
No. 03-1765

If you experience any difficulties with this transmission or you do not receive the number of pages indicated, please contact Amy Kahl at (412) 456-5403.

Letter re: argument list	2 including cover

COMMENTS:

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 2003 - 1765 - C.D.
and all persons entitled to share in his estate,	:	
 Plaintiff,	:	 AMENDED COMPLAINT
 vs.	:	 IN CIVIL ACTION
 MOVING SOLUTIONS, INC., CHRIST	:	 JURY TRIAL DEMANDED
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	 Filed on behalf of PLAINTIFF
 Defendants.	:	 Counsel of record for this party:
	:	 John P. Gismondi, Esquire
	:	Pa. I.D. No. 31200
	:	 Scott D. Glassmith, Esquire
	:	Pa. I.D. No. 27557
	:	 GISMONDI & ASSOCIATES
	:	700 Grant Building
	:	310 Grant Street
	:	Pittsburgh, PA 15219
	:	 (412) 281-2200
	:	

FILED

MAR 11 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 2003 - 1765 - C.D.
and all persons entitled to share in his estate,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	JURY TRIAL DEMANDED
	:	
MOVING SOLUTIONS, INC., CHRIST	:	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
	:	
Defendants.	:	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense 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
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641 ext. 5982**

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

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 2003-1765 - C.D.
and all persons entitled to share in his estate,	:	
 Plaintiff,	:	
 vs.	:	JURY TRIAL DEMANDED
 MOVING SOLUTIONS, INC., CHRIST	:	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
 Defendants.	:	

AMENDED COMPLAINT IN CIVIL ACTION

AND NOW comes the Plaintiff, CHRISTINA M. VELTRI, by and through her attorneys, SCOTT D. GLASSMITH, ESQUIRE, and GISMONDI & ASSOCIATES, P.C., and files this Amended Complaint based upon the following:

1. The Plaintiff Christina M. Veltri is the daughter of the deceased and the Adminstratrix of the Estate of Joseph J. Veltri, who died intestate on November 29, 2001. In addition to Christina M. Veltri, the other persons entitled to claim damages as a result of the death of Joseph J. Veltri are:

- a. Michael Veltri, son;
- b. Joseph J. Veltri, son;
- c. George Veltri, son;

- d. Richard Veltri, son;
- e. Dennis Veltri, son;
- f. Diane Dickerson, daughter; and
- g. Mary Kay Zemell, step-daughter.

- 2. The Defendant Moving Solutions, Inc., is an Illinois corporation that conducts business within the Commonwealth of Pennsylvania.
- 3. The Defendants Christ the King Manor, Inc., and Christ the King Manor Association (hereinafter collectively referred to as Defendant Manor) are not-for-profit corporations that operate a nursing home in Clearfield County, Pennsylvania.
- 4. In November, 2001, the decedent was a resident at the Defendant Manor.
- 5. On or about November 29, 2001, the Defendant Manor used a Faaborgliften lift (a.k.a. Faaborg lift) distributed by Defendant Moving Solutions to transfer the decedent from his bed to a chair.
- 6. Defendant Manor purchased this Faaborgliften lift from Defendant Moving Solutions through a Pennsylvania salesman in 1997.
- 7. While the decedent was suspended in the air, the lift failed, causing him to drop to the floor.

8. As a result of the lift failing, the decedent suffered a rupture of his thoracic aorta, a crushed skull, blunt force trauma, and other injuries, causing his death.

COUNT I

Strict Liability

**Christina M. Veltri, individually and as personal representative
of the Estate of Joseph J. Veltri, deceased, and on behalf of
all persons entitled to share in his estate**

vs.

Moving Solutions, Inc.

9. Paragraphs 1 through 8 are incorporated by reference as fully set forth above.

10. The aforementioned injuries and accompanying death were caused by Defendant Moving Solutions distributing the Faaborgliften lift, which was in a defective condition when it was supplied for sale to the public. Said defective condition consisted of the following:

- a. The product's ability to break; and
- b. The product's failure to incorporate in its design adequate safety devices to prevent the lift from breaking; and
- c. The distributor's failure to adequately instruct and warn users of the product as to maintenance procedures and consequences of failing to properly maintain the product.

11. The lift would not have failed had the Defendant Moving Solutions not sold it in a defective condition.

12. Directly as a result of the defective condition, the decedent suffered severe injuries and death as previously mentioned in this Complaint.

13. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of the Estate of Joseph J. Veltri, claims all appropriate damages under the Survival Act, including, but not limited to, pain, suffering, and inconvenience.

14. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of herself and all persons entitled to share in his estate, claims all appropriate damages under the Wrongful Death Statute, including, but not limited to, the following:

- a. Loss of companionship, society and service.
- b. Funeral expenses; and
- c. Estate administration expenses.

WHEREFORE, the Plaintiff demands judgment against the Defendant Moving Solutions, Inc., in an amount in excess of \$20,000.00 exclusive of costs and interest.

JURY TRIAL DEMANDED.

COUNT II

Negligence

**Christina M. Veltri, individually and as personal representative
of the Estate of Joseph J. Veltri, deceased, and on behalf of
all persons entitled to share in his estate**

vs.

Christ the King Manor, Inc., and Christ the King Manor Association

15. Paragraphs 1 through 14 are incorporated by reference as fully set forth above.

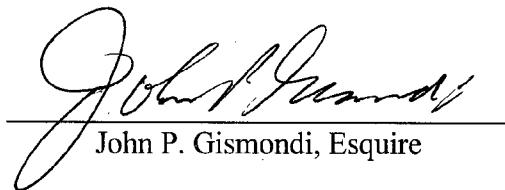
16. Defendant Manor failed to properly maintain the lift.
17. Defendant Manor failed to properly inspect the lift.
18. Defendant Manor failed to properly employ the lift.
19. As a result of Defendant Manor's failure to properly maintain, inspect, and employ the lift, the lift failed, causing the decedent to suffer serious injuries, and ultimately die.
20. The lift would not have failed and caused the above-mentioned injuries had Defendant Manor properly maintained, inspected, and employed the lift.
21. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of the Estate of Joseph J. Veltri, claims all appropriate damages under the Survival Act, including but not limited to, pain, suffering, and inconvenience.
22. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of herself and all persons entitled to share in his estate, claims all appropriate damages under the Wrongful Death Statute, including, but not limited to, the following:
 - a. Loss of companionship, society and service.
 - b. Funeral expenses; and
 - c. Estate administration expenses.

WHEREFORE, the Plaintiff demands judgment against the Defendants Christ the King
Manor, Inc., and Christ the King Manor Association in an amount in excess of \$20,000.00
exclusive of costs and interest.

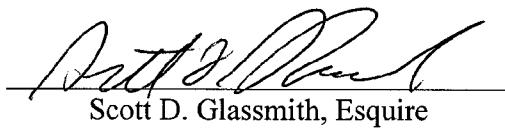
JURY TRIAL DEMANDED.

Respectfully submitted,

GISMONDI & ASSOCIATES, P.C.



John P. Gismondi, Esquire



Scott D. Glassmith, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI,
individually and as personal
representative of the Estate of
JOSEPH J. VELTRI, deceased, and
all persons entitled to share
in his estate,

Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND
CHRIST THE KING MANOR
ASSOCIATION,

Defendants.

CIVIL DIVISION

NO. 03-1765-CD

TYPE OF PLEADING:

**NOTICE OF INTENT TO SERVE
SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY
PURSUANT TO RULE 4009.21**

FILED ON BEHALF OF:

MOVING SOLUTIONS, INC.,
Defendant

COUNSEL OF RECORD FOR THIS
PARTY:

DANIEL M. TAYLOR, JR.
Pa. I.D. No. 62936

SWARTZ CAMPBELL LLC
Firm I.D. No. 765

1120 Grant Building
310 Grant Street
Pittsburgh, PA 15219

JURY TRIAL DEMANDED

(412) 391-7800

FILED

JUN 24 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI,) CIVIL DIVISION
individually and as personal)
representative of the Estate of) NO. 03-1765-CD
JOSEPH J. VELTRI, deceased, and)
all persons entitled to share)
in his estate,)
)
Plaintiff,)
)
)
vs.)
)
MOVING SOLUTIONS, INC., CHRIST)
THE KING MANOR, INC., AND)
CHRIST THE KING MANOR)
ASSOCIATION,)
)
Defendants.)

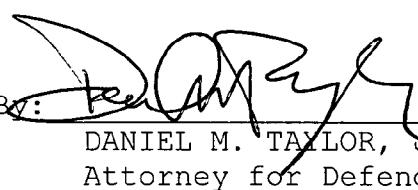
NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

Defendant, Moving Solutions, Inc., intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Respectfully submitted,

SWARTZ CAMPBELL LLC

By:


DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Christina M. Veltre, individually and as personal *
representative of the Estate of Joseph J. Veltre,
Deceased, and all persons entitled to share in his
estate

Plaintiff(s)

Vs.

*

No. 2003-01765-CD

Moving Solutions, Inc.

*

Christ the King Manor, Inc.

Christ the King Manor Association

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO

Pa Dept of Health RULE 4009.22

Division of Nursing Care Facilities

TO: Bureau of Facility Licensure & Certification

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

See attached Addendum

(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Daniel M. Taylor, Jr.

ADDRESS: 1120 Grant Bldg., 310 Grant Street
Pittsburgh, PA 15219

TELEPHONE: (412) 391-7800

SUPREME COURT ID # 62936

ATTORNEY FOR: Defendant, Moving
Solutions, Inc.

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, June 17, 2004

Seal of the Court

Deputy

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

ADDENDUM TO SUBPOENA
DIRECTED TO THE DIVISION OF NURSING CARE FACILITIES
BUREAU OF FACILITY LICENSURE & CERTIFICATION

RE: Christina M. Veltri, individually and as personal representative of the Estate of Joseph J. Veltri, deceased, and all persons entitled to share in his estate v. Moving Solutions, Inc., Christ The King Manor, Inc. and Christ The King Manor Association
Court of Common Pleas of Clearfield County, Pennsylvania
Docket No. 03-1765-CD

Documents to Produce:

Please provide all and any investigative reports, findings, and documents pertaining to any investigation of an incident which occurred on November 29, 2001, resulting in the death of Joseph J. Veltri at Christ the King Manor, 1100 W. Long Avenue, DuBois, PA 15801.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 has been forwarded to the following by United States first-class mail, postage prepaid, this 21 day of June 2004:

John P. Gismondi, Esquire
Scott D. Glassmith, Esquire
Gismondi & Associates
700 Grant Building
310 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

SWARTZ CAMPBELL LLC

By: 
DANIEL M. TAYLOR, JR.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI, CIVIL DIVISION
individually and as personal
representative of the Estate of
JOSEPH J. VELTRI, deceased, and NO. 03-1765-CD
all persons entitled to share
in his estate,

Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND
CHRIST THE KING MANOR
ASSOCIATION,

Defendants.

CIVIL DIVISION

NO. 03-1765-CD

TYPE OF PLEADING:

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA PURSUANT
TO RULE 4009.22**

FILED ON BEHALF OF:

MOVING SOLUTIONS, INC.,
Defendant

COUNSEL OF RECORD FOR THIS
PARTY:

DANIEL M. TAYLOR, JR.
Pa. I.D. No. 62936

SWARTZ CAMPBELL LLC
Firm I.D. No. 765

1120 Grant Building
310 Grant Street
Pittsburgh, PA 15219
(412) 391-7800

JURY TRIAL DEMANDED

FILED

JUL 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI,)	CIVIL DIVISION
individually and as personal)	
representative of the Estate of)	NO. 03-1765-CD
JOSEPH J. VELTRI, deceased, and)	
all persons entitled to share)	
in his estate,)	
)	
Plaintiff,)	
)	
)	
vs.)	
)	
MOVING SOLUTIONS, INC., CHRIST)	
THE KING MANOR, INC., AND)	
CHRIST THE KING MANOR)	
ASSOCIATION,)	
)	
Defendants.)	

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Daniel M. Taylor, Jr., counsel for Defendant, Moving Solutions, Inc., certifies that:

- (1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) a copy of the notice of intent, including the proposed subpoena is attached to this certificate,
- (3) no objection to the subpoena has been received, and

(4) the subpoena which will be served is identical to the subpoena which was attached to the notice of intent to serve the subpoenas.

Respectfully submitted,

SWARTZ CAMPBELL LLC

By:



DANIEL M. TAYLOR, JR.

Attorney for Defendant,
Moving Solutions, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI,
individually and as personal
representative of the Estate of
JOSEPH J. VELTRI, deceased, and
all persons entitled to share
in his estate,

Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND
CHRIST THE KING MANOR
ASSOCIATION,

Defendants.

CIVIL DIVISION

NO. 03-1765-CD

TYPE OF PLEADING:

**NOTICE OF INTENT TO SERVE
SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY
PURSUANT TO RULE 4009.21**

FILED ON BEHALF OF:

MOVING SOLUTIONS, INC.,
Defendant

COUNSEL OF RECORD FOR THIS
PARTY:

DANIEL M. TAYLOR, JR.
Pa. I.D. No. 62936

SWARTZ CAMPBELL LLC
Firm I.D. No. 765

1120 Grant Building
310 Grant Street
Pittsburgh, PA 15219

JURY TRIAL DEMANDED

(412) 391-7800

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI,) CIVIL DIVISION
individually and as personal)
representative of the Estate of) NO. 03-1765-CD
JOSEPH J. VELTRI, deceased, and)
all persons entitled to share)
in his estate,)
Plaintiff,)
vs.)
MOVING SOLUTIONS, INC., CHRIST)
THE KING MANOR, INC., AND)
CHRIST THE KING MANOR)
ASSOCIATION,)
Defendants.)

NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

Defendant, Moving Solutions, Inc., intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Respectfully submitted,

SWARTZ CAMPBELL LLC

By:

DANIEL M. TAYLOR, JR.

Attorney for Defendant,
Moving Solutions, Inc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Christina M. Veltre, individually and as personal *
representative of the Estate of Joseph J. Veltre,
Deceased, and all persons entitled to share in his
estate

Plaintiff(s)

Vs.

*

No. 2003-01765-CD

Moving Solutions, Inc.

*

Christ the King Manor, Inc.

Christ the King Manor Association

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO

Pa. Dept. of Health RULE 4009.22

Division of Nursing Care Facilities

TO: Bureau of Facility Licensure & Certification

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

See attached Addendum

(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Daniel M. Taylor, Jr.

ADDRESS: 1120 Grant Bldg., 310 Grant Street
Pittsburgh, PA 15219

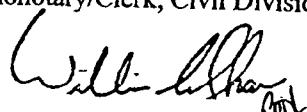
TELEPHONE: (412) 391-7800

SUPREME COURT ID # 62936

ATTORNEY FOR: Defendant, Moving
Solutions, Inc.

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

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

DATE: Thursday, June 17, 2004

Seal of the Court

ADDENDUM TO SUBPOENA
DIRECTED TO THE DIVISION OF NURSING CARE FACILITIES
BUREAU OF FACILITY LICENSURE & CERTIFICATION

RE: Christina M. Veltri, individually and as personal representative of the Estate of Joseph J. Veltri, deceased, and all persons entitled to share in his estate v. Moving Solutions, Inc., Christ The King Manor, Inc. and Christ The King Manor Association
Court of Common Pleas of Clearfield County, Pennsylvania
Docket No. 03-1765-CD

Documents to Produce:

Please provide all and any investigative reports, findings, and documents pertaining to any investigation of an incident which occurred on November 29, 2001, resulting in the death of Joseph J. Veltri at Christ the King Manor, 1100 W. Long Avenue, DuBois, PA 15801.

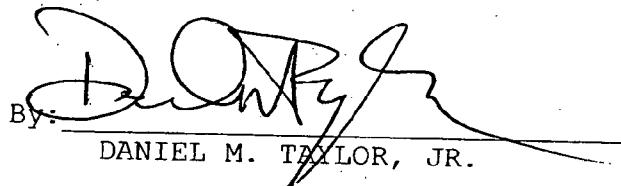
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 has been forwarded to the following by United States first-class mail, postage prepaid, this 21 day of June 2004:

John P. Gismondi, Esquire
Scott D. Glassmith, Esquire
Gismondi & Associates
700 Grant Building
310 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

SWARTZ CAMPBELL LLC

By: 
DANIEL M. TAYLOR, JR.

CERTIFICATE OF SERVICE

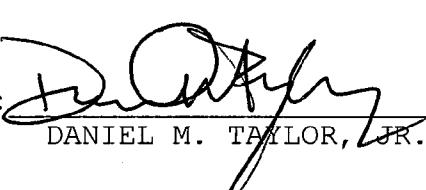
I hereby certify that a true and correct copy of the within CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE 4009.22 has been forwarded to the following by United States first-class mail, postage prepaid, this 13¹ day of July 2004:

John P. Gismondi, Esquire
Scott D. Glassmith, Esquire
Gismondi & Associates
700 Grant Building
310 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

SWARTZ CAMPBELL LLC

By:


DANIEL M. TAYLOR, JR.

FILED

NO
cc

JUL 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,
individually and as personal
representative of the Estate of
JOSEPH J. VELTRI, deceased, and
all persons entitled to share
in his estate,

Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND
CHRIST THE KING MANOR
ASSOCIATION,

Defendants.

CIVIL DIVISION

NO. 03-1765-CD

TYPE OF PLEADING:

NOTICE OF CHANGE OF ADDRESS

FILED ON BEHALF OF:

MOVING SOLUTIONS, INC.,
Defendant

COUNSEL OF RECORD FOR THIS
PARTY:

DANIEL M. TAYLOR, JR.
Pa. I.D. No. 62936

SWARTZ CAMPBELL LLC
Firm I.D. No. 765

4750 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

(412) 232-9800

JURY TRIAL DEMANDED

FILED
M 26 2004
Copy to CA
OCT 15 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,) CIVIL DIVISION
individually and as personal)
representative of the Estate of) NO. 03-1765-CD
JOSEPH J. VELTRI, deceased, and)
all persons entitled to share)
in his estate,)
)
Plaintiff,)
)
vs.)
)
MOVING SOLUTIONS, INC., CHRIST)
THE KING MANOR, INC., AND)
CHRIST THE KING MANOR)
ASSOCIATION,)
)
Defendants.)

NOTICE OF CHANGE OF ADDRESS

TO: William A. Shaw, Prothonotary
Clearfield County Courthouse

Take notice that the new address for SWARTZ CAMPBELL LLC is
4750 U.S. Steel Tower, 600 Grant Street, Pittsburgh,
Pennsylvania 15219. The new telephone number is (412) 232-9800.
The new facsimile number is (412) 471-1106. Please change your
records and the docket accordingly.

A copy of this Notice is being served upon all counsel of
record.

SWARTZ CAMPBELL LLC

By: 

DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

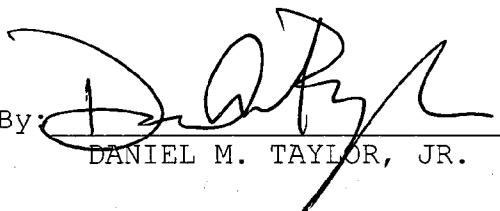
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within NOTICE OF CHANGE OF ADDRESS has been forwarded to the following by United States first-class mail, postage prepaid, this 12th day of October 2004:

John P. Gismondi, Esquire
Scott D. Glassmith, Esquire
Gismondi & Associates
700 Grant Building
310 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

SWARTZ CAMPBELL LLC

By: 

DANIEL M. TAYLOR, JR.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 2003 - 1765 - C.D.
and all persons entitled to share in his estate,	:	
Plaintiff,	:	SECOND AMENDED
	:	COMPLAINT IN CIVIL ACTION
vs.	:	JURY TRIAL DEMANDED
MOVING SOLUTIONS, INC., CHRIST	:	Filed on behalf of PLAINTIFF
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	Counsel of record for this party:
Defendants.	:	John P. Gismondi, Esquire
	:	Pa. I.D. No. 31200
	:	Scott D. Glassmith, Esquire
	:	Pa. I.D. No. 27557
	:	GISMONDI & ASSOCIATES
	:	Suite 700 Grant Building
	:	310 Grant Street
	:	Pittsburgh, PA 15219
	:	(412) 281-2200
	:	

FILED NO
m 12:50 PM
APR 04 2005
cc
69

William A. Shaw
Prothonotary/Clerk of Courts

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

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 2003 - 1765 - C.D.
and all persons entitled to share in his estate,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	JURY TRIAL DEMANDED
	:	
MOVING SOLUTIONS, INC., CHRIST	:	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
	:	
Defendants.	:	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense 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
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641 ext. 5982**

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

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 2003-1765 - C.D.
and all persons entitled to share in his estate,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	JURY TRIAL DEMANDED
	:	
MOVING SOLUTIONS, INC., CHRIST	:	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
	:	
Defendants.	:	

SECOND AMENDED COMPLAINT IN CIVIL ACTION

AND NOW comes the Plaintiff, CHRISTINA M. VELTRI, by and through her attorneys, SCOTT D. GLASSMITH, ESQUIRE, and GISMONDI & ASSOCIATES, P.C., and files this Second Amended Complaint based upon the following:

1. The Plaintiff Christina M. Veltri is the daughter of the deceased and the Adminstratrix of the Estate of Joseph J. Veltri, who died intestate on November 29, 2001. In addition to Christina M. Veltri, the other persons entitled to claim damages as a result of the death of Joseph J. Veltri are:
 - a. Michael Veltri, son;
 - b. Joseph J. Veltri, son;

- c. George Veltri, son;
- d. Richard Veltri, son;
- e. Dennis Veltri, son;
- f. Diane Dickerson, daughter; and
- g. Mary Kay Zemell, step-daughter.

2. The Defendant Moving Solutions, Inc., is an Illinois corporation that conducts business within the Commonwealth of Pennsylvania.

3. The Defendants Christ the King Manor, Inc., and Christ the King Manor Association (hereinafter collectively referred to as Defendant Manor) are not-for-profit corporations that operate a nursing home in Clearfield County, Pennsylvania.

4. In November, 2001, the decedent was a resident at the Defendant Manor.

5. On or about November 29, 2001, the Defendant Manor used a Faaborgliften lift (a.k.a. Faaborg lift) distributed by Defendant Moving Solutions to transfer the decedent from his bed to a chair.

6. Defendant Manor purchased this Faaborgliften lift from Defendant Moving Solutions through a Pennsylvania salesman in 1997.

7. While the decedent was suspended in the air, the lift failed, causing him to drop to the floor.

8. As a result of the lift failing, the decedent suffered a rupture of his thoracic aorta, a crushed skull, blunt force trauma, and other injuries, causing his death.

COUNT I

Strict Liability

**Christina M. Veltri, individually and as personal representative
of the Estate of Joseph J. Veltri, deceased, and on behalf of
all persons entitled to share in his estate**

vs.

Moving Solutions, Inc.

9. Paragraphs 1 through 8 are incorporated by reference as fully set forth above.

10. The aforementioned injuries and accompanying death were caused by Defendant Moving Solutions distributing the Faaborgliften lift, which was in a defective condition when it was supplied for sale to the public. Said defective condition consisted of the following:

- a. The product's failure to have a fiber or rubber material (washer) between the hanger bar and hanger bar belt so as to decrease or eliminate abnormal wear between those two parts of the product (which was the cause of the breakage in this case);
- b. The product's failure to incorporate in its design adequate safety devices to prevent the lift from breaking; and
- c. The distributor's failure to adequately instruct and warn users of the product as to proper maintenance procedures and consequences of failing to properly maintain the product.

11. The lift would not have failed had the Defendant Moving Solutions not sold it in a defective condition.

12. Directly as a result of the defective condition, the decedent suffered severe injuries and death as previously mentioned in this Complaint.

13. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of the Estate of Joseph J. Veltri, claims all appropriate damages under the Survival Act, including, but not limited to, pain, suffering, and inconvenience.

14. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of herself and all persons entitled to share in his estate, claims all appropriate damages under the Wrongful Death Statute, including, but not limited to, the following:

- a. Loss of companionship, society and service.
- b. Funeral expenses; and
- c. Estate administration expenses.

WHEREFORE, the Plaintiff demands judgment against the Defendant Moving Solutions, Inc., in an amount in excess of \$20,000.00 exclusive of costs and interest.

JURY TRIAL DEMANDED.

COUNT II.

Negligence

**Christina M. Veltri, individually and as personal representative
of the Estate of Joseph J. Veltri, deceased, and on behalf of
all persons entitled to share in his estate**

vs.

Christ the King Manor, Inc., and Christ the King Manor Association

15. Paragraphs 1 through 14 are incorporated by reference as fully set forth above.

16. Defendant Manor failed to properly maintain the lift by failing to conduct periodic inspections of the lift so as to locate and repair any abnormal wear of the parts, specifically to the area between the hanger bar belt and the hanger bar.

17. As a result of Defendant Manor's failure to properly maintain and inspect the lift, the lift failed causing the decedent to suffer serious injuries, and ultimately die.

18. The lift would not have failed and caused the above-mentioned injuries had Defendant Manor properly maintained, inspected, and employed the lift.

19. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of the Estate of Joseph J. Veltri, claims all appropriate damages under the Survival Act, including but not limited to, pain, suffering, and inconvenience.

20. As a result of the death of her father, Plaintiff Christina M. Veltri, on behalf of herself and all persons entitled to share in his estate, claims all appropriate damages under the Wrongful Death Statute, including, but not limited to, the following:

- a. Loss of companionship, society and service.
- b. Funeral expenses; and
- c. Estate administration expenses.

WHEREFORE, the Plaintiff demands judgment against the Defendants Christ the King Manor, Inc., and Christ the King Manor Association in an amount in excess of \$20,000.00 exclusive of costs and interest.

JURY TRIAL DEMANDED.

Respectfully submitted,

GISMONDI & ASSOCIATES, P.C.

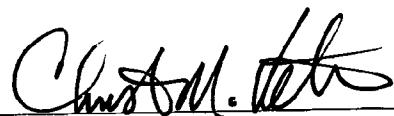


Scott D. Glassmith, Esquire

VERIFICATION

I, CHRISTINA M. VELTRI, Individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, do hereby certify that the facts alleged in the within SECOND AMENDED COMPLAINT IN CIVIL ACTION are true and correct to the best of my knowledge.

This statement is made subject to the penalties of 18 Pa.C.S.A. 4904, relating to unsworn falsifications to authorities.



CHRISTINA M. VELTRI

Dated: 4/1/05

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within SECOND AMENDED COMPLAINT IN CIVIL ACTION was mailed postage pre-paid on this 1st day of April, 2005 to the following counsel of record:

Daniel M. Taylor, Jr., Esquire
SWARTZ CAMPBELL
4750 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
P.O. Box 533
Hollidaysburg, PA 16648-0533

GISMONDI & ASSOCIATES, P.C.



Scott D. Glassmith, Esquire

ORIGINAL

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED
:
: No. 03-1765 - LD
:
: ISSUE: DEFENDANTS'
: ANSWER, NEW MATTER AND NEW
: MATTER PURSUANT TO Pa. R.C.P.
: RULE 2252(d)
:
: FILED ON BEHALF OF:
: Defendants, Christ the King Manor, Inc.
: and The King Manor Association
:
: COUNSEL OF RECORD FOR THIS
: PARTY:
:
: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS MAILED TO ALL PARTIES OF RECORD THIS 12TH DAY OF MAY, 2005.

Atorneys for Named Defendants

FILED *WA*
MAY 13 2005
NO. 4161 CC

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW

: No. 03-1765 - LD

: JURY TRIAL DEMANDED

ANSWER, NEW MATTER AND NEW MATTER

PURSUANT TO Pa. R.C.P. RULE 2252(d)

AND NOW come defendants, CHRIST THE KING MANOR, INC, AND CHRIST THE KING MANOR ASSOCIATION, named in the above-referenced Second Amended Complaint, and by and through their counsel, McIntyre, Dugas, Hartye & Schmitt, file this Answer, New Matter and New Matter pursuant to Pa. R.C.P. Rule 2252(d), whereof the following is a statement.

1. After reasonable investigation defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 1 of the Complaint, strict proof is demanded at the time of trial.
2. Admitted, upon information and belief.
3. Admitted.
4. Admitted.

5. Admitted.
6. Admitted.
7. Admitted.
8. After reasonable investigation defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 8 of the Complaint. Strict proof is demanded at the time of trial.

COUNT I

Strict Liability

Christina M. Veltri, individually, and as personal representative of the Estate of Joseph J. Veltri, deceased, and on behalf of all persons entitled to share in his estate,

vs.

Moving Solutions, Inc.

9. – 14. To the extent the averments contained in Count I, Paragraphs 9 through 14, inclusive, of the Complaint are directed at a party other than these defendants, they are neither admitted nor denied, but are deemed denied and at issue by the Rules of Pleading.

WHEREFORE, defendants Christ the King Manor, Inc. and Christ the King Manor Association demand that Count I of the Second Amended Complaint against them be dismissed, with prejudice, together with the costs of suit awarded.

Count II

Negligence

Christina M. Veltri, individually, and as personal representative
of the Estate of Joseph J. Veltri, deceased, and on behalf
of all persons entitled to shares in his estate

vs.

Christ the King Manor, Inc., and Christ the King Manor Association

15. Defendants incorporate my reference all denials contained in Paragraphs
1 through 14, inclusive, as fully as though the same were set forth herein at length.

16. – 20. Denied. All averments in Paragraphs 16 through 20, inclusive, of
the Complaint are denied, pursuant to Pa. R.C.P. Rule 1029(e). In addition, all said
averments are denied as mere conclusions of law, which are further deemed denied and
at issue by the Rules of Pleading, or because, after reasonable investigation, defendants
are without knowledge or information sufficient to form the belief as to the truth thereof.
Strict proof is demanded at time of trial.

WHEREFORE, defendants Christ the King Manor, Inc., and Christ the King
Manor Association demand that Count II of the plaintiff's Second Amended Complaint
against them be dismissed with prejudice, together with costs of suit awarded.

NEW MATTER

By way of further and more complete answer to the plaintiff's Second Amended
Complaint, defendants set forth the following New Matter, in accordance with the
Pennsylvania Rules of Civil Procedure.

21. These defendants are "health care providers" as defined by §503 of the
Pennsylvania Medical Care Availability and Reduction of Error Act, 40 P.S. 1303.503.

22. Plaintiff's Complaint is governed by Pa. R.C.P. Rule 1042.1, et seq.

23. These defendants assert all defenses, privileges and immunities conferred upon them by virtue of their status as a "health care provider" as so defined. These defendants also raise the defense of the Statute of Limitations set forth in 42 Pa. C.S.A. §5524.

WHEREFORE, defendants Christ the King Manor, Inc. and Christ the King Manor Association demand that the plaintiff's Second Amended Complaint against them be dismissed with prejudice, together with the costs of suit awarded.

NEW MATTER PURSUANT TO Pa. R.C.P. RULE 2252(d)

By way of further and more complete answer to the plaintiff's Second Amended Complaint, these defendants set forth the following crossclaim pursuant to Pa. R.C.P. Rule 2252(d), whereof the following is a statement:

24. The defendants incorporate by reference all averments contained in Paragraphs 1 through 23, as fully as though the same were set forth herein at length.

25. If it is determined at time of trial that the plaintiff is entitled to any recovery on the cause of action pleaded, then the co-defendant Moving Solutions, Inc. is solely liable to the plaintiff, or in the alternative, is jointly and severally liable with these defendants to plaintiff, or is liable over to these defendants for contribution or indemnification.

26. In support of this crossclaim, defendants Christ the King Manor, Inc. and Christ the King Manor Association incorporate by reference all the averments in the plaintiff's Complaint directed to or against co-defendant Moving Solutions, Inc., as fully as though the same were set forth herein at length.

WHEREFORE, defendants Christ the King Manor, Inc. and Christ the King Manor Association, demand judgment to be entered in their favor and against co-defendant Moving Solutions, Inc., pursuant to Pa. R.C.P. Rule 2252(d), together with the costs of suit awarded.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendants
Christ the King Manor, Inc. and
Christ the King Manor Association

**STEPHEN L. DUGAS, ESQUIRE
PA ID. No. 21351**

P. O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - FAX

Notice to Plead

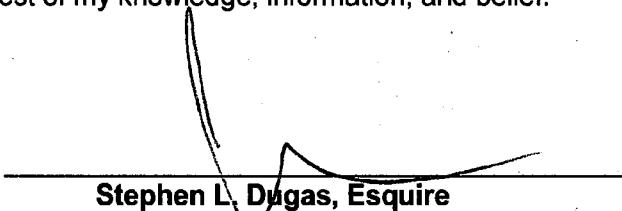
To: Plaintiff

You are hereby notified to file a
written response to the enclosed
NEW MATTER AND NEW MATTER
PURSUANT TO Pa. R.C.P. RULE 2252(d)
within twenty (20) days from
service hereof or a judgment may
be entered against you.

Attorney for Defendants

VERIFICATION

I, STEPHEN L. DUGAS, ESQUIRE, being the attorney of record for
Defendants, CHRIST THE KING MANOR, INC. AND CHRIST THE KING MANOR
ASSOCIATION, verify that I am authorized to make this verification on behalf of said
Defendants in the within action, and that the statements made in the foregoing
ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO Pa. R.C.P. RULE
2252(d) are true and correct to the best of my knowledge, information, and belief.


Stephen L. Dugas, Esquire

Date: May 11, 2005

FILED

MAY 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 2003 - 1765 - C.D.
and all persons entitled to share in his estate,	:	
Plaintiff,	:	REPLY TO NEW MATTER
vs.	:	OF DEFENDANT CHRIST THE
MOVING SOLUTIONS, INC., CHRIST	:	KING MANOR, INC. AND
THE KING MANOR, INC., AND CHRIST	:	CHRIST THE KING MANOR
THE KING MANOR ASSOCIATION,	:	ASSOCIATION
Defendants.	:	Filed on behalf of Plaintiff
	:	Counsel of record for this Party:
	:	John P. Gismondi, Esquire
	:	Pa. I.D. No. 31200
	:	Scott D. Glassmith, Esquire
	:	Pa. I.D. No. 27557
	:	GISMONDI & ASSOCIATES
	:	Suite 700 Grant Building
	:	310 Grant Street
	:	Pittsburgh, PA 15219
	:	(412) 281-2200
	:	

FILED

MAY 16 2005 (W)

~11:45~

William A. Shaw
Prothonotary

1 CERT. TO ATTY

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

CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 2003 - 1765 - C.D.
and all persons entitled to share in his estate,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	JURY TRIAL DEMANDED
	:	
MOVING SOLUTIONS, INC., CHRIST	:	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
	:	
Defendants.	:	

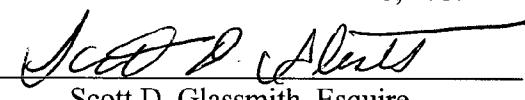
**REPLY TO NEW MATTER OF DEFENDANT CHRIST THE KING
MANOR, INC. AND CHRIST THE KING MANOR ASSOCIATION**

AND NOW comes the Plaintiff, CHRISTINA M. VELTRI, Individually and personal representative of the Estate of JOSEPH J. VELTRI, Deceased, by and through her attorneys, SCOTT D. GLASSMITH, ESQUIRE, and GISMONDI & ASSOCIATES, P.C., and files the following Reply to New Matter of Defendant Christ the King Manor, Inc. and Christ the King Manor Association:

1. It is specifically denied that this claim is barred by the Statute of Limitations and it is further denied that Plaintiffs claim is limited by the provisions of the Pennsylvania Medical Care Availability and Reduction of Error Act.

Respectfully submitted,

GISMONDI & ASSOCIATES, P.C.



Scott D. Glassmith, Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within REPLY TO NEW MATTER was mailed postage pre-paid on this 13th day of May, 2005 to the following counsel of record:

Daniel M. Taylor, Jr., Esquire
SWARTZ CAMPBELL
4750 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
P.O. Box 533
Hollidaysburg, PA 16648-0533

GISMONDI & ASSOCIATES, P.C.



Scott D. Glassmith, Esquire

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED

: No. 03-1765 - LD

: ISSUE: DEFENDANTS' NOTICE OF
: SERVICE OF INTERROGATORIES
: AND REQUEST FOR PRODUCTION
: OF DOCUMENTS DIRECTED TO
: MOVING SOLUTIONS, INC.,
: DATED 5/25/05

: FILED ON BEHALF OF:
: Defendants, Christ the King Manor, Inc.
: and The King Manor Association

: COUNSEL OF RECORD FOR THIS
: PARTY:

: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 25TH DAY OF MAY, 2005.



Attorneys for Named Defendants

FILED
MAY 31 2005
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND CHRIST
, THE KING MANOR ASSOCIATION,

Defendants

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

No. 03-1765 - LD

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO CO-DEFENDANT, MOVING SOLUTIONS, INC. DATED MAY 25, 2005**

TO: PROTHONOTARY

You are hereby notified that on the 25TH day of May, 2005, Defendants, **Christ the King Manor, Inc. and Christ the King Manor Association**, served Interrogatories and Request for Production of Documents Directed to Co-Defendant, Moving Solutions, Inc., Dated May 25, 2005 by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Daniel M. Taylor, Jr., Esquire
Swartz Campbell LLC
4750 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendants
Christ the King Manor, Inc. and
Christ the King Manor Association
STEPHEN L. DUGAS-, ESQUIRE
PA I.D. No. 21351
P. O. Box 533
Hollidaysburg, PA 16648 - (814) 696-3581

FILED

MAY 31 2005

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED

: No. 03-1765 - LD

: ISSUE: DEFENDANTS' NOTICE OF
: SERVICE OF INTERROGATORIES
: AND REQUEST FOR PRODUCTION
: OF DOCUMENTS DIRECTED TO
: PLAINTIFF, DATED 5/25/05

: FILED ON BEHALF OF:
: Defendants, Christ the King Manor, Inc.
: and The King Manor Association

: COUNSEL OF RECORD FOR THIS
: PARTY:

: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 25TH DAY OF MAY, 2005.

Atorneys for Named Defendants

FILED NO CC
MAY 19 2005
MAY 31 2005

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW

: No. 03-1765 – LD

: JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF DATED MAY 25, 2005**

TO: PROTHONOTARY

You are hereby notified that on the 25TH day of May, 2005, Defendants, **Christ the King Manor, Inc. and Christ the King Manor Association**, served Interrogatories and Request for Production of Documents Directed to Plaintiff Dated May 25, 2005 by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Scott Glassmith, Esquire
Gismondi & Associates, P.C.
Suite 700, Grant Building, 310 Grant Street
Pittsburgh, PA 15219

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendants
Christ the King Manor, Inc. and
Christ the King Manor Association
STEPHEN L. DUGAS-, ESQUIRE
PA I.D. No. 21351
P. O. Box 533
Hollidaysburg, PA 16648 - (814) 696-3581

FILED

MAY 31 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,
individually and as personal
representative of the Estate of
JOSEPH J. VELTRI, deceased, and
all persons entitled to share
in his estate,

Plaintiff,

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND
CHRIST THE KING MANOR
ASSOCIATION,

Defendants.

TO: ALL PARTIES

You are hereby notified to
file a written response to the
enclosed Answer, New Matter
and New Matter Pursuant to Pa.
R.C.P. 2252(d) to Plaintiff's
Second Amended Complaint within
twenty(20) days from service hereof
or a judgment may be entered
against you.

SWARTZ CAMPBELL LLC

By: 

Daniel M. Taylor, Jr.
Attorney for Defendant,
Moving Solutions, Inc.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO. 03-1765-CD

TYPE OF PLEADING:

**ANSWER, NEW MATTER and NEW
MATTER PURSUANT TO Pa. R.C.P.
2252(d) TO PLAINTIFF'S SECOND
AMENDED COMPLAINT**

FILED ON BEHALF OF:

MOVING SOLUTIONS, INC.,
Defendant

COUNSEL OF RECORD FOR THIS
PARTY:

DANIEL M. TAYLOR, JR.
Pa. I.D. No. 62936

SWARTZ CAMPBELL LLC
Firm I.D. No. '765

4750 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

(412) 232-9800

FILED

JUN 17 2005

W/3:10a
William A. Shaw
Prothonotary/Clerk of Courts

No C/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,) CIVIL DIVISION
individually and as personal)
representative of the Estate of) NO. 03-1765-CD
JOSEPH J. VELTRI,)
deceased, and all persons)
entitled to share in his)
estate,)
Plaintiff,)
vs.)
MOVING SOLUTIONS, INC., CHRIST)
THE KING MANOR, INC., AND)
CHRIST THE KING MANOR)
ASSOCIATION,)
Defendants.

ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO PA. R.C.P. 2252(d)
TO PLAINTIFF'S SECOND AMENDED COMPLAINT

Defendant, Moving Solutions, Inc., by and through its attorneys, Daniel M. Taylor, Jr. and Swartz Campbell LLC, answers Plaintiff's Second Amended Complaint in Civil Action and pleads new matter thereto as follows:

1. This Defendant, after reasonable investigation, is without knowledge and/or information sufficient to form a belief as to the veracity of the averments set forth in Paragraph 1 and same are therefore denied, with strict proof demanded at time of trial.

2. Admitted.

3. This Defendant, after reasonable investigation, is without knowledge and/or information sufficient to form a belief

as to the veracity of the averments set forth in Paragraph 3 and same are therefore denied, with strict proof demanded at time of trial.

4. Admitted.

5. This Defendant, after reasonable investigation, is without knowledge and/or information sufficient to form a belief as to the veracity of the averments set forth in Paragraph 5 and same are therefore denied, with strict proof demanded at time of trial.

6. This Defendant, after reasonable investigation, is without knowledge and/or information sufficient to form a belief as to the veracity of the averments set forth in Paragraph 6 and same are therefore denied, with strict proof demanded at time of trial.

7. This Defendant, after reasonable investigation, is without knowledge and/or information sufficient to form a belief as to the veracity of the averments set forth in Paragraph 7 and same are therefore denied, with strict proof demanded at time of trial.

8. This Defendant, after reasonable investigation, is without knowledge and/or information sufficient to form a belief as to the veracity of the averments set forth in Paragraph 8 and same are therefore denied, with strict proof demanded at time of trial.

COUNT I

Strict Liability

Christina M. Veltri, individually and as personal representative of the Estate of Joseph J. Veltri, deceased, and on behalf of all persons entitled to share in his estate vs. Moving Solutions, Inc.

9. Paragraphs 1 through 8 of Defendant's Answer to Plaintiff's Second Amended Complaint are incorporated by reference as if fully set forth herein at length.

10. The averments of Paragraph 10 state legal conclusions to which no response is required and same are therefore denied. By way of further answer, the averments of Paragraph 10 are generally denied pursuant to Rule 1029(e).

11. The averments of Paragraph 11 state legal conclusions to which no response is required and same are therefore denied. By way of further answer, the averments of Paragraph 11 are generally denied pursuant to Rule 1029(e).

12. The averments of Paragraph 12 state legal conclusions to which no response is required and same are therefore denied. By way of further answer, the averments of Paragraph 12 are generally denied pursuant to Rule 1029(e).

13. The averments of Paragraph 13 state legal conclusions to which no response is required and same are therefore denied.

14. The averments of Paragraph 13 state legal conclusions to which no response is required and same are therefore denied.

COUNT II

Negligence

Christine M. Veltri, individually and as personal representative of the Estate of Joseph J. Veltri, deceased, and on behalf of all persons entitled to share in his estate vs. Christ the King Manor, Inc., and Christ the King Manor Association

15. Paragraphs 1 through 14 of Defendant's Answer to Plaintiff's Second Amended Complaint are incorporated by reference as if fully set forth herein at length.

16-20. Paragraphs 16-20 are directed to a party other than this Defendant such that no response is required.

WHEREFORE, Defendant Moving Solutions, Inc. demands judgment in its favor and against the Plaintiff, Christina M. Veltri, individually and as personal representative of the Estate of Joseph J. Veltri, deceased, and all persons entitled to share in his estate.

NEW MATTER

21. The subject Faaborgliften had been substantially changed or modified by Defendant Christ the King Manor, Inc. or some other entity as of November 21, 2001.

22. The subject Faaborgliften was being misused on November 29, 2001 in a manner not foreseeable to Defendant Moving Solutions, Inc.

23. The failure of the subject Faaborgliften, which is generally denied, was caused by normal wear and tear, which wear and tear should have been observed and remedied by Defendant Christ the King Manor, Inc.

24. The subject Faaborgliften was free of defects and safe for its intended use at the time it left the control of Defendant Moving Solutions, Inc.

25. The death of Plaintiff's decedent was caused solely by the negligence of Defendant Christ the King Manor, Inc., as set more fully in the new matter pursuant to Rule 2252(d) to Plaintiff's Second Amended Complaint, which is incorporated herein by reference.

NEW MATTER PURSUANT TO RULE 2252(d)

26. Defendant Moving Solutions, Inc. hereby incorporates by reference paragraphs 1-25 of the within Answer and New Matter as if fully set forth at length herein.

27. Solely for purposes of preserving this cross-claim and its claims for contribution and/or indemnity, this Defendant incorporates herein those allegations set forth in Plaintiff's Second Amended Complaint asserting claims against all other Defendants to this action as though fully set forth herein at length.

28. The negligence of Defendant Christ the King Manor, Inc. was as follows:

- a. In failing to inspect the Faaborgliften;
- b. In failing to observe the alleged wear described in Paragraph 10(a) of Plaintiff's Second Amended Complaint;
- c. In failing to repair and replace worn components of the Faaborgliften, and specifically the component parts described in paragraph 10 (a) of the Second Amended Complaint; and
- d. In failing to train and instruct its maintenance personnel to properly and safely inspect and maintain the Faaborgliften at those intervals recommended by Defendant Moving Solutions, Inc.

29. In the event Plaintiffs are found to be entitled to damages, which is generally denied, then Defendant Christ the King Manor, Inc. is solely liable to Plaintiffs or, in the alternative, should be held jointly and severally liable to Plaintiffs.

30. In the event that this Defendant Moving Solutions, Inc. is held liable to Plaintiff for any sums whatsoever, such liability being denied, then, in that event, Defendant, Christ the King Manor, Inc. in this action should be held liable over to this Defendant Moving Solutions, Inc. for contribution and/or indemnity for any sums recoverable by the Plaintiff herein.

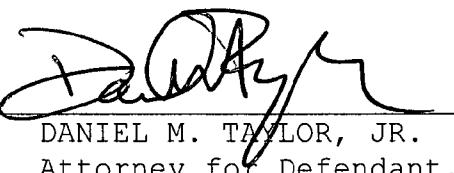
WHEREFORE, in the event that Defendant Moving Solutions, Inc. is held liable to Plaintiff for any sums whatsoever, such liability being denied, Defendant Moving Solutions, Inc. requests that judgment be entered in its favor thereby requiring that Defendant Christ the King Manor, Inc. in this action be held

liable over to this Defendant Moving Solutions, Inc. for contribution and/or indemnity for any sums recoverable by the Plaintiff.

Respectfully submitted,

SWARTZ CAMPBELL LLC

By:


DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

VERIFICATION

I, Daniel M. Taylor, Jr., counsel for Defendant, Moving Solutions, Inc., verify upon information and belief that the information set forth in the foregoing Answer, New Matter and New Matter Pursuant to Pa. R.C.P. 2252(d) to Plaintiff's Second Amended Complaint is true and correct. This Verification is made pursuant to Rule 1024(c). Defendant Moving Solutions, Inc. is an out-of-state corporation, located in Illinois and verification by the party could not be obtained within the time allowed for pleading.

This statement is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities, and is given pursuant to the provisions for verification of pleadings as defined and provided for in the Pennsylvania Rules of Civil Procedure.

Dated:

13 June 2005



Daniel M. Taylor, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the
within ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO PA.
R.C.P. 2252(d) TO PLAINTIFF'S SECOND AMENDED COMPLAINT has
been forwarded to the following by United States first-
class mail, postage prepaid, this 14th day of

July 2005:

John P. Gismondi, Esquire
Scott D. Glassmith, Esquire
Gismondi & Associates
700 Grant Building
310 Grant Street
Pittsburgh, PA 15219

Stephen L. Dugas, Esquire
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

SWARTZ CAMPBELL LLC

By: 

DANIEL M. TAYLOR, JR.
Attorney for Defendant,
Moving Solutions, Inc.

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED

: No. 03-1765 – LD

: ISSUE: DEFENDANTS'
: REPLY TO NEW MATTER
: PURSUANT TO Pa. R.C.P.
: RULE 2252(d)

: FILED ON BEHALF OF:
: Defendants, Christ the King Manor, Inc.
: and The King Manor Association

: COUNSEL OF RECORD FOR THIS
: PARTY:

: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 5th DAY OF JULY, 2005.

Attorneys for Named Defendants

FILED

JUL 08 2005

11:00 AM

62
William A. Shaw

Prothonotary/Clerk of Courts

No 4/2

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

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

No. 03-1765 - LD

JURY TRIAL DEMANDED

REPLY TO NEW MATTER PURSUANT TO Pa. R.C.P. RULE 2252(d)

AND NOW, come defendants CHRIST THE KING MANOR, INC. and CHRIST THE KING MANOR ASSOCIATION, and file this Reply to New Matter Pursuant to Pa. R.C.P. Rule 2252(d), whereof the following is a statement:

26. Defendants incorporate by reference all denials previously set forth in their Answer and New Matter heretofore filed as fully as though the same were set forth herein at length.

27. - 30. Denied. All the averments in Paragraphs 27 through 30 of the New Matter pursuant to Pa. R.C.P. Rule 2252(d) are denied pursuant to Pa. R.C.P. Rule 1029(e), or because they constitute mere conclusions of law which are deemed denied and at issue by the Rules of Pleading, or because, after reasonable investigation, the defendants are without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at the time of trial.

WHEREFORE, defendants Christ the King Manor, Inc. and Christ the King
Manor Association demand that the New Matter Pursuant to Pa. R.C.P. Rule 2252(d)
against them be dismissed, with prejudice, together with costs of suit awarded.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

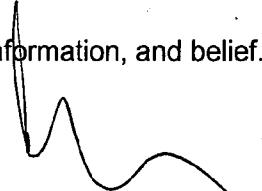
Attorney for Defendants
Christ the King Manor, Inc.
Christ the King Manor Association

**STEPHEN L. DUGAS, ESQUIRE
PA ID. No. 21351**

P. O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - FAX

VERIFICATION

I, **STEPHEN L. DUGAS, ESQUIRE**, being the attorney of record for
Defendant, CHRIST THE KING MANOR, INC. and CHRIST THE KING MANOR
ASSOCIATION verify that I am authorized to make this verification on behalf of said
Defendants in the within action, and that the statements made in the foregoing
DEFENDANTS' REPLY TO NEW MATTER PURUANT TO PA. R.C.P. RULE 2252(d)
are true and correct to the best of my knowledge, information, and belief.


Stephen L. Dugas, Esquire

Date: July 5, 2005

ORIGINAL

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased, and all persons entitled to share in his estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED

: No. 03-1765 – LD

: ISSUE: SUPPLEMENTAL
: VERIFICATION TO ANSWER, NEW
: MATTER AND NEW MATTER
: PURSUANT TO Pa.
: RULE 2252(d)

: FILED ON BEHALF OF:
: Defendants, Christ the King Manor, Inc.
: and The King Manor Association

: COUNSEL OF RECORD FOR THIS
: PARTY:

: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 14th DAY OF JULY, 2005.

Atorneys for Named Defendants

FILED ^{6W}
NO CC
M 11/22/05
JUL 20 2005

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually
and as personal representative of the
Estate of JOSEPH J. VELTRI, deceased,
and all persons entitled to share in his
estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND CHRIST
THE KING MANOR ASSOCIATION,

Defendants

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

No. 03-1765 - LD

JURY TRIAL DEMANDED

SUPPLEMENTAL VERIFICATION

AND NOW, come the defendants, Christ the King Manor, Inc. and The King
Manor Association, by and through their attorneys, MCINTYRE, DUGAS, HARTYE &
SCHMITT, and file the following Supplemental Verification in support of our Answer,
New Matter and New Matter pursuant to Pa. R.C.P. Rule 2252(d).

DATE: July 14, 2005

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendants

STEPHEN L. DUGAS, ESQUIRE
PA. ID. No. 21351

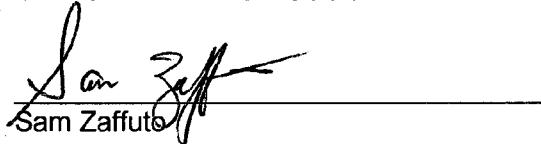
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

VERIFICATION

I, **SAM ZAFFUTO**, Administrator of Christ the King Manor, Inc. and Christ the King Manor Association, do hereby verify that I have read the foregoing **ANSWER, NEW MATTER AND PURSUANT TO Pa. R.C.P. Rule 2252(d)**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

CHRIST THE KING MANOR, INC.
CHRIST THE KING ASSOCIATION



Sam Zaffuto

Title: Administrator

Date: 7-7-05

FILED

JUL 20 2005

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

CHRISTINA M. VELTRI, individually
and as personal representative of the
Estate of JOSEPH J. VELTRI, deceased,
and all persons entitled to share in his
estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND CHRIST
THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED

: No. 03-1765 - LD

: ISSUE: SUPPLEMENTAL
: VERIFICATION TO REPLY TO NEW
: MATTER PURSUANT TO Pa.
: RULE 2252(d)

: FILED ON BEHALF OF:
: Defendants, Christ the King Manor, Inc.
: and The King Manor Association

: COUNSEL OF RECORD FOR THIS
: PARTY:

: Stephen L. Dugas, Esquire
: PA. I.D. No.: 21351
: McIntyre, Dugas, Hartye & Schmitt
: P.O. Box 533
: Hollidaysburg, PA 16648
: 814/696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 14th DAY OF JULY, 2005.

Atorneys for Named Defendants

FILED ^{CK}
NO CC
M/11/2005
JUL 20 2005

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually
and as personal representative of the
Estate of JOSEPH J. VELTRI, deceased,
and all persons entitled to share in his
estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND CHRIST
THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW

: No. 03-1765 - LD

: JURY TRIAL DEMANDED

SUPPLEMENTAL VERIFICATION

AND NOW, come the defendants, Christ the King Manor, Inc. and The King
Manor Association, by and through their attorneys, MCINTYRE, DUGAS, HARTYE &
SCHMITT, and file the following Supplemental Verification in support of our Reply to
New Matter pursuant to Pa. R.C.P. Rule 2252(d).

MCINTYRE, DUGAS, HARTYE & SCHMITT

DATE: July 14, 2005

Attorney for Defendants

STEPHEN L. DUGAS, ESQUIRE
PA. ID. No. 21351

P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

VERIFICATION

I, SAM ZAFFUTO, Administrator of Christ the King Manor, Inc. and Christ the King
Manor Association, do hereby verify that I have read the foregoing **REPLY TO NEW MATTER**
PURSUANT TO Pa. R.C.P. Rule 2252(d). The statements therein are correct to the best of
my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section
4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false
averments I may be subject to criminal penalties.

CHRIST THE KING MANOR, INC.
CHRIST THE KING ASSOCIATION



Sam Zaffuto

Title: Administrator

Date: 7-1-05

FILED

JUL 20 2005

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually
and as personal representative of the
Estate of JOSEPH J. VELTRI, deceased,
and all persons entitled to share in his
estate,

Plaintiff

vs.

MOVING SOLUTIONS, INC., CHRIST
THE KING MANOR, INC., AND CHRIST
THE KING MANOR ASSOCIATION,

Defendants

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW

: No. 03-1765 – CD

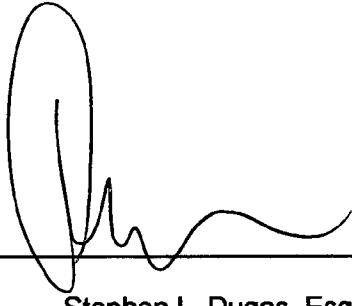
: JURY TRIAL DEMANDED

PRAECIPE FOR ENTRY OF APPEARANCE

TO: PROTHONOTARY

Kindly enter the appearance of Stephen L. Dugas, Esquire, as counsel of record for,
CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION, in the
above-captioned action noting that all papers and process for service upon said party may be
served upon the undersigned at his office, R.D. #1, Box 436 F, Roaring Spring, PA 16673.

By _____



Stephen L. Dugas, Esquire
Attorney for Defendants

Dated: 1-02-2006

FILED NO CC
JAN 06 2006 Copy to
William A. Shaw
Prothonotary/Clerk of Courts
DA

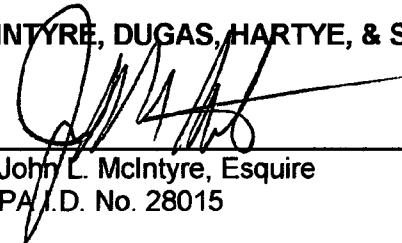
PRAECIPE FOR WITHDRAWL OF APPEARANCE

TO: PROTHONOTARY

Kindly withdraw the appearance of McIntyre, Dugas, Hartye & Schmitt, previously entered on behalf of, CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION, in the above-entitled action, based upon the appearance of Stephen L. Dugas, Esquire as counsel of record for CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION.

Dated: 1/5/06

MCINTYRE, DUGAS, HARTYE, & SCHMITT

By: 

John L. McIntyre, Esquire
PA I.D. No. 28015

P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-9399

FILED
JAN 06 2006

William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased and all persons entitled to share in his estate,

Plaintiff

v.

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION,

Defendants.

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PA
: CIVIL ACTION LAW
: JURY TRIAL DEMANDED
:
: No. 03-1765-CD
:
: ISSUE: Praecipe to Substitute Appearance
:
: FILED ON BEHALF OF:
: Defendants
:
: COUNSEL OF RECORD FOR THIS
: PARTY:
:
: Margolis Edelstein
: Stephen L. Dugas, Esquire
: PA.I.D.# 21351
: RR1 Box 436F
: Roaring Spring, PA 16673
: PH/FAX: (814)224-2119

I hereby certify that a true and correct copy of the within was mailed to all parties of record this 6th day of February, 2006.

Atorneys for Named Defendants

FILED NO
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William A. Shaw
Prothonotary/Clerk of Courts

CHRISTINA M. VELTRI, individually and as personal representative of the Estate of JOSEPH J. VELTRI, deceased and all persons entitled to share in his estate, : IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA CIVIL ACTION LAW JURY TRIAL DEMANDED

Plaintiff : No. 03-1765-CD

v. :
:

MOVING SOLUTIONS, INC., CHRIST THE KING MANOR, INC., AND CHRIST THE KING MANOR ASSOCIATION, :
:

Defendants. : JURY TRIAL DEMANDED

PRAECIPE TO SUBSTITUTE APPEARANCE

TO: PROTHONOTARY:

Substitute my Appearance for Defendants, Christ the King Manor, Inc., and Christ the King Manor Association.

Papers may be served at the address set forth below.

Margolis Edelstein

By: _____

Stephen L. Dugas, Esquire
PA.I.D. # 21351
RR1 Box 436F
Roaring Spring, PA 16673
(814) 224-2119

Date: February 6, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

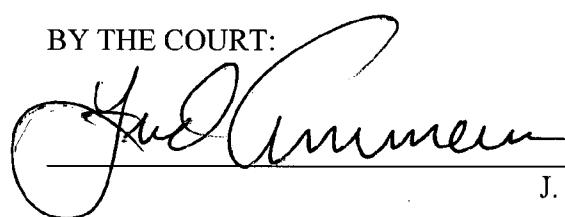
CHRISTINA M. VELTRI, individually	:	CIVIL DIVISION
and as personal representative of the	:	
Estate of JOSEPH J. VELTRI, deceased,	:	No. 2003 - 1765 - C.D.
and all persons entitled to share in his estate,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	JURY TRIAL DEMANDED
	:	
MOVING SOLUTIONS, INC., CHRIST	:	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
	:	
Defendants.	:	

ORDER OF COURT

AND NOW, to wit, on this 4th day of April, ²⁰⁰⁶₂₀₀₅, upon

consideration of the foregoing Petition it is hereby Ordered and Decreed that approval is given
for settlement of this claim said settlement to follow the proposal found in Plaintiff's Petition to
Approve Wrongful Death/Survival Action Settlement.

BY THE COURT:



J.

FILED

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William A. Shaw
Prothonotary/Clerk of Courts

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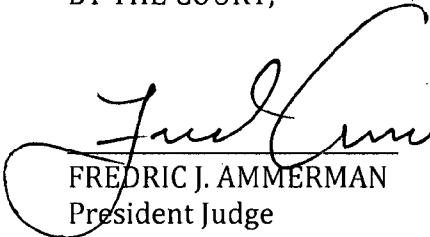
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHRISTINA M. VELTRI, * NO. 2003-1765-CD
ESTATE OF JOSEPH J. VELTRI, *
Plaintiffs *
* vs.
*
MOVING SOLUTIONS, INC., CHRIST THE *
KING MANOR and CHRIST THE KING *
MANOR ASSOCIATION, *
Defendants *
*

ORDER

NOW, this 1st day of March, 2013, upon the Court's review of the record, the Court notes that on April 4, 2006 an Order was entered granting the Plaintiffs' Petition to Approve Wrongful Death/Survival Action Settlement the Court considers this case to be concluded. The Prothonotary shall code the case in Full Court as Z-SETTLA.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

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MAR 1 2013
WILLIAM A. SHAW
Prothonotary/Clerk of Courts
cc: Attn:
S. Glassmith
D. Taylor
S. Duggs

William A. Shaw
Prothonotary/Clerk of Courts
Po Box 549
Clearfield, PA 16830.

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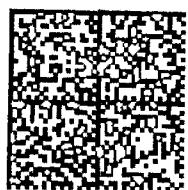
William A. Shaw
Prothonotary/Clerk of Courts

Scott D. Glassmith, Esq.
Gismondi & Associates
700 Grant Building
Pittsburgh, PA 15219

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

CHRISTINA M. VELTRI,
ESTATE OF JOSEPH J. VELTRI,
Plaintiffs

* NO. 2003-1765-CD

vs.

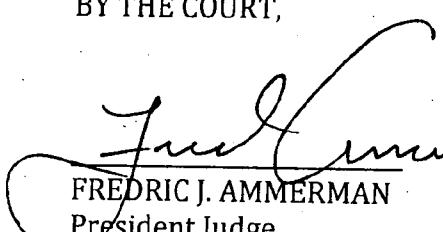
MOVING SOLUTIONS, INC., CHRIST THE
KING MANOR and CHRIST THE KING
MANOR ASSOCIATION,
Defendants

*
*
*
*
*

ORDER

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BY THE COURT,

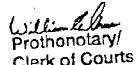

FREDRIC J. AMMERMAN

President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAR - 1 2013

Attest.


Prothonotary/
Clerk of Courts