

03-1765-CD  
CHRISTINA M. VELTRI, etal, vs. MOVING SOLUTIONS, INC. etal.

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. 03-1765-40

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

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

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.

**COURT ADMINSTRATOR**  
**Clearfield County Courthouse**  
**Second & Market Streets**  
**Clearfield, PA 16830**  
**(814) 765-2641 ext. 5982**

**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,**

**vs.**

**Defendants.**

No.

## JURY TRIAL DEMANDED

- 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:

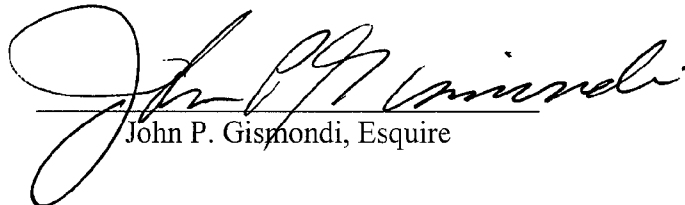
- a. Loss of companionship, society and service.
- b. Funeral expenses; and
- c. Estate administration expenses.


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 19 11 11 AM PCL 85-00  
102 & 104  
NOV 26 2003

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 10<sup>th</sup> DAY OF

December, 2003.

\_\_\_\_\_  
Attorneys 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,  
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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

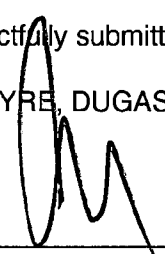
**PRAECIPE FOR ARGUMENT**

**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



---

Attorneys 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

William A. Shaw  
Prothonotary/Clerk of Courts

FILED NO  
7/10:25 AM  
DEC 16 2003

Copy to CA

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  
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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: **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

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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.

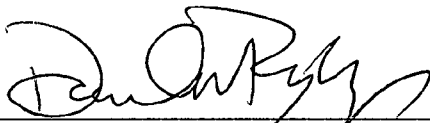
13. In the alternative, if *res ipsa* were a cause of action, one element of the cause of action would be that the instrumentality in question be in the exclusive control of the Defendant.

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	)	
in his estate,	)	
	)	
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

*M 1:49 PM NOCC*

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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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  
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(412) 391-7800

JURY TRIAL DEMANDED

**FILED**

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William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTINA M. VELTRI,	)	CIVIL DIVISION
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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 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.

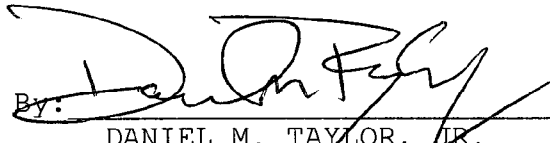
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within  
PRAECIPE FOR ARGUMENT 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

M 1:49 PM WAC

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/

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.

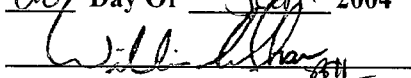
SERVED BY: MCCLEARY/NEVLING

**Return Costs**

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

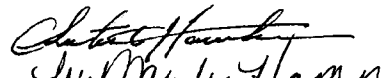
Sworn to Before Me This

20<sup>th</sup> 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**

01/30/04  
JAN 20 2004

William A. Shaw  
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**

NOW, this 2nd 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



William A. Shaw  
Prothonotary/Clerk of Courts

FILED  
01/30/05  
JAN 23 2004

3cc  
AHY  
Dugas w/ service memo

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 10<sup>th</sup> DAY OF  
December, 2003.

\_\_\_\_\_  
Attorneys 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  
decendent's demised.

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/10:23:01  
DEC 16 2003

William A. Shay  
Prothonotary/Clerk of Courts

RECEIVED  
CLERK OF COURTS  
JAN 14 2004

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 10<sup>th</sup> DAY OF  
December, 2003.

\_\_\_\_\_  
Attorneys for Named Defendants

COPY

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

Attorneys 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 :

FILED


JAN 23 2004

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

NOW, this 2nd 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~~ 3 cc  
JAN 23 2004  
Att'y Taylor ad 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.	)	

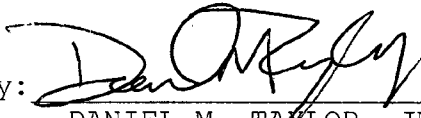
**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA	)	
	)	SS:
COUNTY OF ALLEGHENY	)	

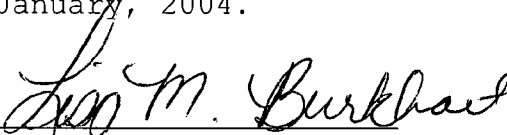
Before me, the undersigned authority, Notary Public in and for said County and State, personally appeared DANIEL M. TAYLOR, JR., who, after being duly sworn according to law, states that he served a copy of the attached ORDER on all counsel of record by mailing same to John P. Gismondi, Esquire and Scott 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.

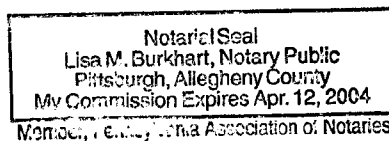
SWARTZ CAMPBELL LLC

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

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

  
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 :

**ORDER**

NOW, this 22<sup>nd</sup> 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:

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN  
President Judge

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

JAN 23 2004

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

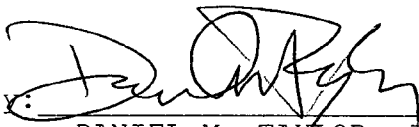
**CERTIFICATE OF SERVICE**

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 27<sup>th</sup> 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 ND  
cc  
m 11:22 AM  
JAN 29 2004

*[Handwritten signature]*

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	:	IN THE COURT OF COMMON PLEAS
and as personal representative of the	:	OF CLEARFIELD COUNTY, PA
Estate of JOSEPH J. VELTRI, deceased,	:	CIVIL ACTION LAW
and all persons entitled to share in his	:	
estate,	:	
Plaintiff	:	No. 03-1765 – LD
	:	
vs.	:	
	:	
MOVING SOLUTIONS, INC., CHRIST	:	
THE KING MANOR, INC., AND CHRIST	:	
THE KING MANOR ASSOCIATION,	:	
	:	
Defendants	:	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 30<sup>th</sup> 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](http://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

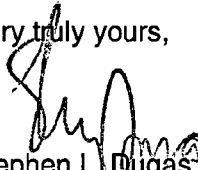
Re: Joseph J. Veltri vs. Moving Solutions, Inc., Christ the King Manor, Inc.  
and Christ the King Manor Association  
Clearfield County Docket No. 03-1765-CD

Dear Counsel:

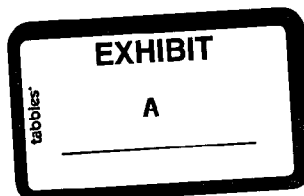
Enclosed you will find a true and attested copy of the Order signed by Judge Ammerman scheduling Argument on the Preliminary Objections that I had filed for 10:30 a.m. on February 12, 2004 in Courtroom No. 1 of Clearfield County Courthouse in Clearfield, Pennsylvania. Also enclosed is a copy of the Affidavit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

**ORDER**

NOW, this 22<sup>nd</sup> 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:

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN  
President Judge

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

JAN 23 2004

Attest.

*William L. [Signature]*  
Prothonotary/  
Clerk of Courts

## CA

VS.

: No. 03-1765-CD

## ORDER

BY THE COURT:

Judith Kammann

FILED

William A. Shaw  
Prothonotary

FILED

0 3:34 00 300 4 Mono  
FEB 11 2004 To Atty. General

William A. Shaw  
Prothonotary



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.

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

NO. 2003-1765-C.D.

**FILED**

**MAR 04 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

NOW, this 3<sup>rd</sup> 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  
0/10:30/—  
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  
TOLL FREE: 1-888-529-1255  
FAX: (412) 281-6302

E-MAIL: JPG@GISLAW.COM

---

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**

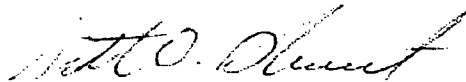
**In re: Joseph Veltri vs. Christ the King Manor and Moving Solutions, Inc.**  
**C.D. No. 03-1765**

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.

MOYING 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  
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**

**JURY TRIAL DEMANDED**

**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  
FAX: (412) 281-6302

E-MAIL: GISLAW@NAUTICOM.NET

## FAX COVER PAGE

DATE: 3-3-04

TRANSMIT TO:

The Honorable Frederick J. Amerman

COMPANY/FIRM:

—

TELEPHONE NO.:

( — )

(Please include area code)

FAX NO.:

( 914 ) 945-7649

(Please include area code)

CLIENT NAME:

Vetci

MATTER:

—

NO. OF PAGES:

4

(including cover)

FROM:

Scott D. Gismondi, Esq.

PHONE:

412-281-2200

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:

PapayanDATE: 3-3-04

TIME:

AM  
PM

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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**

P. O. BOX 533

HOLLIDAYSBURG, PA 16648-0533

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

(814) 696-3581

FAX (814) 696-9399

[www.mdhsllaw.com](http://www.mdhsllaw.com)

March 3, 2004

Our Reference: GB 079 QH

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

HOLLIDAYSBURG, PA 16648-0533

JOHN L. McINTYRE  
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MICHAEL A. SOSNOWSKI

(814) 696-3581

FAX (814) 696-9399

[www.mdhsllaw.com](http://www.mdhsllaw.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

Daniel M. Taylor, Jr.

DMT/alk

cc: Scott D. Glassmith, Esq.  
Stephen L. Dugas, Esq.



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*

## 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  
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. 2003 - 1765 - C.D.  
:  
: AMENDED 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**

**MAR 11 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.**

**vs.**

### Defendants.

**No. 2003 - 1765 - C.D.**

## JURY TRIAL DEMANDED

**COURT ADMINSTRATOR**  
**Clearfield County Courthouse**  
**Second & Market Streets**  
**Clearfield, PA 16830**  
**(814) 765-2641 ext. 5982**



- 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:

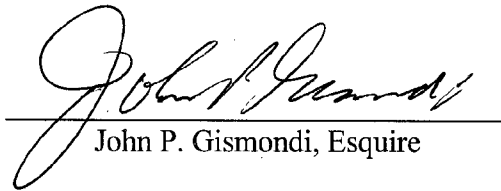
- a. Loss of companionship, society and service.
- b. Funeral expenses; and
- c. Estate administration expenses.

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

(412) 391-7800

JURY TRIAL DEMANDED

**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, SR.  
Attorney for Defendant,  
Moving Solutions, Inc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

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(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.

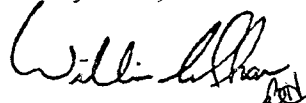
If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

DATE: Thursday, June 17, 2004  
Seal of the Court

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.**

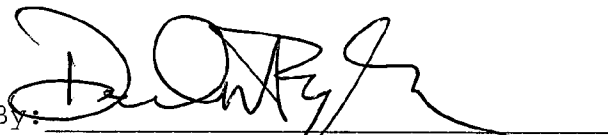
**CERTIFICATE OF SERVICE**

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,  
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:

**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:

A handwritten signature in black ink, appearing to read "Dan Taylor, Jr.", written over a horizontal line.

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

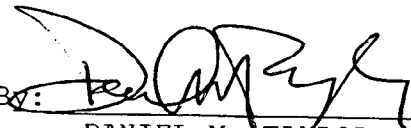
CHRISTINA M. VELTRI,	)	CIVIL DIVISION
individually and as personal	)	
representative of the Estate of	)	NO. 03-1765-CD
JOSEPH J. VELTRI, deceased, and	)	
all persons entitled to share	)	
in his estate,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
MOVING SOLUTIONS, INC., CHRIST	)	
THE KING MANOR, INC., AND	)	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

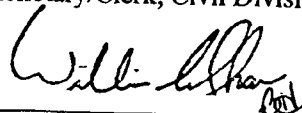
TELEPHONE: (412) 391-7800

SUPREME COURT ID # 62936

ATTORNEY FOR: Defendant, Moving  
Solutions, Inc.

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, June 17, 2004  
Seal of the Court

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.**

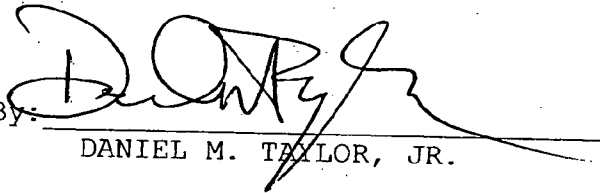
CERTIFICATE OF SERVICE

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.

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 13<sup>th</sup> 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

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** <sup>ELK</sup>

M 2:26 PM <sup>ALL</sup>  
<sup>copy to CA</sup>  
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 12<sup>th</sup>  
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  
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. 2003 - 1765 - C.D.  
:  
: SECOND AMENDED  
: 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  
: Suite 700 Grant Building  
: 310 Grant Street  
: Pittsburgh, PA 15219  
:  
: (412) 281-2200  
:**

**FILED** *NO CC*  
*m/12:50*  
**APR 04 2005** *(64)*

William A. Shaw  
Prothonotary/Clerk of Courts

**COURT ADMINSTRATOR**  
**Clearfield County Courthouse**  
**Second & Market Streets**  
**Clearfield, PA 16830**  
**(814) 765-2641 ext. 5982**

**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,**

**VS.**

**Defendants.**

[illegible]

## JURY TRIAL DEMANDED

- 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:

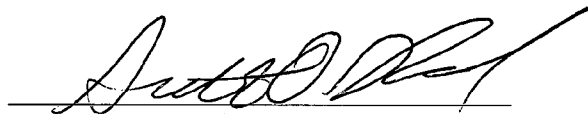
- a. Loss of companionship, society and service.
- b. Funeral expenses; and
- c. Estate administration expenses.

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,

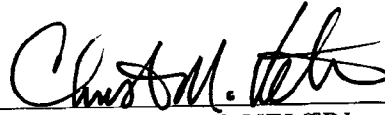
GISMONDI & ASSOCIATES, P.C.

  
\_\_\_\_\_  
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 1<sup>st</sup> 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.

A handwritten signature in cursive script, appearing to read "Scott D. Glassmith", is written over a horizontal line.

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 12<sup>TH</sup> DAY OF MAY, 2005.

\_\_\_\_\_  
Attorneys for Named Defendants

**FILED** <sup>CR</sup> NO  
MAY 10 4 16 PM '05  
MAY 13 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

**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.

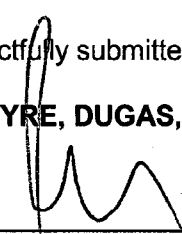
25. If it is determined at time of trial that the plaintiff is entitled to any recovery on the cause of action pleaded, then the co-defendant Moving Solutions, Inc. is solely liable to the plaintiff, or in the alternative, is jointly and severally liable with these defendants to plaintiff, or is liable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

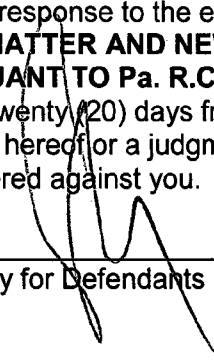
**STEPHEN L. DUGAS, ESQUIRE**  
**PA ID. No. 21351**

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  
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. 2003 - 1765 - C.D.  
:  
: REPLY TO NEW MATTER  
: OF DEFENDANT CHRIST THE  
: KING MANOR, INC. AND  
: CHRIST THE KING MANOR  
: ASSOCIATION  
:  
: 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 @

m/11:45/

William A. Shaw  
Prothonotary

1 CERT. TO ATTY



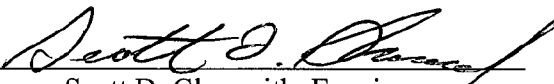
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within REPLY TO NEW MATTER was mailed postage pre-paid on this 13<sup>th</sup> 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

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

  
Attorneys for Named 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

FILED NO CC  
MAY 31 2005  
m/9.03/04

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 25<sup>TH</sup> 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

RECEIVED  
MAY 31 2005  
CLERK OF COURTS  
JANUARY 1 2006

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

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

\_\_\_\_\_  
Attorneys for Named 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

cf FILED no cc  
m 19:03  
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 25<sup>TH</sup> 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/3:10 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
no 9/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 Faaborgliffen 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 Faaborgliffen 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.

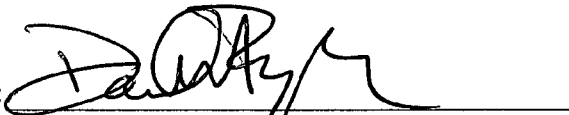
WHEREFORE, in the event that Defendant Moving Solutions, Inc. is held liable to Plaintiff for any sums whatsoever, such liability being denied, Defendant Moving Solutions, Inc. requests that judgment be entered in its favor thereby requiring that Defendant Christ the King Manor, Inc. in this action be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

A handwritten signature in black ink, appearing to read "Daniel M. Taylor, Jr.", written over a horizontal line.

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 14<sup>th</sup> day of June 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 5<sup>th</sup> DAY OF JULY, 2005.

\_\_\_\_\_  
Attorneys for Named Defendants

**FILED**

JUL 08 2005  
M/11:00 (w) @10  
William A. Shaw  
Prothonotary/Clerk of Courts  
No 4/c



CHRISTINA M. VELTRI, individually  
and as personal representative of the  
Estate of JOSEPH J. VELTRI, deceased,  
and all persons entitled to share in his  
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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  
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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 14<sup>th</sup> DAY OF JULY, 2005.

\_\_\_\_\_  
Attorneys for Named Defendants

FILED<sup>64</sup> NO CC  
JUL 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 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  
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Plaintiff

vs.

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

Defendants

: IN THE COURT OF COMMON PLEAS  
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: CIVIL ACTION LAW  
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: 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 14<sup>th</sup> DAY OF JULY, 2005.

  
Attorneys for Named Defendants

FILED  
m/11:22  
JUL 20 2005

William A. Shaw  
Prothonotary/Clerk of Courts



CHRISTINA M. VELTRI, individually  
and as personal representative of the  
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vs.

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Defendants

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: OF CLEARFIELD COUNTY, PA  
: CIVIL ACTION LAW

: No. 03-1765 – LD

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**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).

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 **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: \_\_\_\_\_

7-7-05

**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

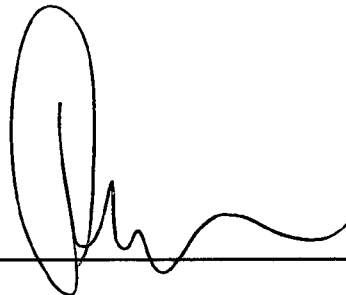
: JURY TRIAL DEMANDED

**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**

JAN 06 2006

William A. Shaw  
Prothonotary/Clerk of Courts

NO CC  
m 11:30  
Copy to  
CLA

**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 J.D. No. 28015

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

IN RE: [illegible]

**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: Praecept 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 6<sup>th</sup> day of  
February, 2006.

  
Attorneys for Named Defendants

**FILED** *no cc*  
*m/12:44:51*  
**FEB 07 2006** *SM*

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

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  
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. 2003 - 1765 - C.D.

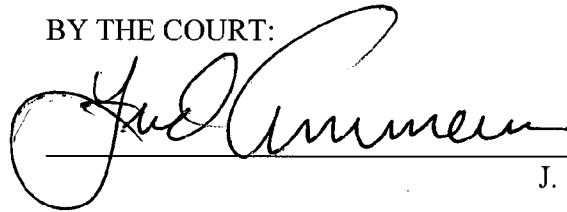
JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, to wit, on this 4<sup>th</sup> day of April, 2006 <sup>FSJ</sup>, 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  
APR 04 2006  
01:11:11  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CASE TO ATT  
DUGAS

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

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

vs.

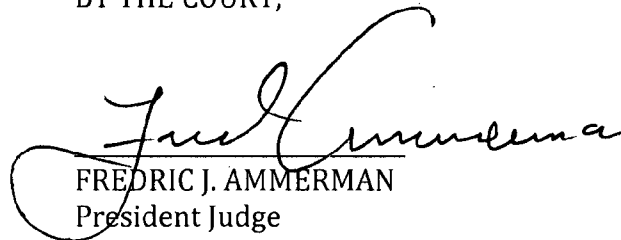
MOVING SOLUTIONS, INC., CHRIST THE  
KING MANOR and CHRIST THE KING  
MANOR ASSOCIATION,  
Defendants

\* NO. 2003-1765-CD  
\*  
\*  
\*  
\*  
\*  
\*  
\*

**ORDER**

NOW, this 1<sup>st</sup> 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

5  
FILED

@ 12.22pm  
MAR 1 2013

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Alys.  
S. Glasssmith  
D. Taylor  
S. Dugas

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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

vs.

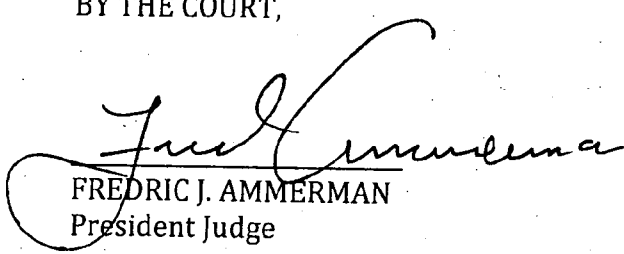
MOVING SOLUTIONS, INC., CHRIST THE  
KING MANOR and CHRIST THE KING  
MANOR ASSOCIATION,  
Defendants

\* NO. 2003-1765-CD  
\*  
\*  
\*  
\*  
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\*

**ORDER**

NOW, this 1<sup>st</sup> 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.

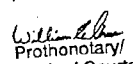
BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

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