

03-1793-CD
DENNIS LINGLE, et al. vs BARBARA L. SHAW

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

DENNIS LINGLE and CAROL
LINGLE, husband and wife,
Plaintiffs

-vs-

BARBARA L. SHAW,
Defendant

*
*
*
*
*
*

No. 2003-1793-C0
JURY TRIAL DEMANDED

Type of Action:
Personal Injury

Type of Pleading:
Complaint

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

DEC 03 2003

o T3104/

William A. Shaw
Prothonotary/Clerk of Courts

1 CENT TO FILE

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

DENNIS LINGLE and CAROL LINGLE, husband and wife, Plaintiffs	*
	*
	*
	*
-vs-	*
	No.
BARBARA L. SHAW, Defendant	*
	JURY TRIAL DEMANDED
	*
	*

NOTICE

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

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

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

—
109 NORTH BRADY STREET
DUBOIS, PA 15801

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

DENNIS LINGLE and CAROL *
LINGLE, husband and wife, *
Plaintiffs *
*
*
-vs- * No.
* JURY TRIAL DEMANDED
BARBARA L. SHAW, *
Defendant *

COMPLAINT

AND NOW, comes the Plaintiffs, Dennis Lingle and Carol Lingle, by and through their attorney, Richard H. Milgrub, Esquire, who files the following Complaint:

1. Plaintiffs, Dennis Lingle and Carol Lingle, husband and wife, are citizens of the Commonwealth of Pennsylvania, and adult individuals who reside at 1227 Riverview Road, Clearfield, Clearfield County, Pennsylvania.

2. Defendant, Barbara L. Shaw, an adult individual, is a citizen of the Commonwealth of Pennsylvania who resides at 1999 Barrett Road, Clearfield, Pennsylvania, and who has a mailing address of PO Box 783, Clearfield, Pennsylvania.

3. The facts and occurrences hereinafter related took place on or about January 21, 2002 at approximately 9:30 a.m. on Route 322, Lawrence Township, Clearfield County, Pennsylvania.

4. At that time and place, Plaintiff, Dennis Lingle, was a passenger in a vehicle being operated by John Shimshock which was proceeding in a northerly direction out of the Clearfield Mall parking lot where it intersected with US Route 322.

5. At that time and place, the Defendant, Barbara L. Shaw, was operating her motor vehicle in a westerly direction along US Route 322, Lawrence Township, Clearfield County, Pennsylvania.

6. At that time and place, as the Shimshock vehicle was proceeding through the intersection with a green light, the Defendant's vehicle went through a red light colliding with the Shimshock vehicle.

7. The foregoing accident and all of the injuries and damages set forth hereinafter sustained by Plaintiffs are the direct and proximate result of the negligent, careless, wanton and reckless manner in which Defendant, Barbara L. Shaw, operated her motor vehicle as follows:

a. failing to exercise the high degree of care required of a motorist entering an intersection;

b. failing to drive at a speed and in a manner that would allow the Defendant to stop within the assured clear distance ahead;

c. failing to properly observe traffic signals controlling the Defendant's direction of travel;

d. failing to keep a reasonable lookout for other vehicles lawfully on the road;

e. attempting to enter an intersection when such movement could not be safely accomplished;

f. failing to yield the right-of-way to traffic already upon the highway;

g. operating the vehicle in a manner not

THE LAW OFFICES OF
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CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

consistent with the road and weather conditions prevailing at the time;

h. failing to prudently proceed through an intersection so as to avoid creating a dangerous situation for other vehicles on the highway;

i. proceeding through an intersection when such movement could not be made in safety;

j. operating the vehicle so as to create a dangerous situation for other vehicles on the roadway;

k. failing to have her vehicle under proper and adequate control;

l. permitting or allowing her vehicle to strike and collide with the vehicle operated by John Shimshock; and

m. failing to operate her vehicle at a speed and in such a manner so as to be able to stop within the assured clear distance ahead in violation of 75 Pa.C.S. Section 3361;

n. operating her vehicle in a careless disregard for the lives and property of others in violation of 75 Pa.C.S. Section 3714;

o. failing to stop at a red light; and

p. failing to keep a proper lookout for approaching vehicles.

Claim I

Dennis Lingle v. Barbara L. Shaw

8. Paragraphs One through Seven of this Complaint are incorporated herein by reference as though set forth in full.

9. Plaintiff, Dennis Lingle, sustained painful and

severe injuries which include, but are not limited to:

a. concussive peripheral neuropathy to the facial nerve;

b. seventh nerve injury;

c. brain stem injury;

d. aggravation of pre-existing injuries to back;

and

e. miscellaneous bruises and contusions.

10. By reason of the aforesaid injuries sustained by the Plaintiff, Dennis Lingle, he was forced to incur liability for medical treatment, medications, hospitalizations, and similar miscellaneous expenses in an effort to restore himself to health and claim is made therefore.

11. Because of the nature of his injuries, Plaintiff, Dennis Lingle, has been advised and therefore avers that he may be forced to incur similar expenses in the future, and claim is made therefore.

12. Plaintiff, Dennis Lingle's, accident-related medical expenses exceeded Ten thousand dollars and claim is made for all expenses incurred above Ten thousand dollars (\$10.000.00).

13. As a result of the aforementioned injuries, Plaintiff, Dennis L. Lingle, has undergone and in the future will undergo great physical and mental suffering, great inconvenience in carrying out his daily activities, loss of life's pleasures and enjoyment, and claim is made therefore.

14. As a result of the aforesaid injuries, Plaintiff, Dennis Lingle, has been and in the future will be subject to

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CLEARFIELD, PA 16830

—
109 NORTH BRADY STREET
DUBOIS, PA 15801

great humiliation and embarrassment and claim is made therefore.

15. As a result of the aforesaid injuries, Plaintiff, Dennis Lingle, has sustained loss of opportunity and a permanent diminution in his earning power and capacity and claim is made therefore.

16. Plaintiff, Dennis Lingle, continues to be plagued by persistent pain and limitation and therefore, avers that his injuries may be of a permanent nature, causing residual problems the remainder of his lifetime and claim is made therefore.

WHEREFORE, Plaintiff, Dennis Lingle, demands judgment against the Defendant, Barbara L. Shaw, in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

Claim II

Carol Lingle v. Barbara L. Shaw

17. Paragraphs One through Sixteen of this Complaint are incorporated herein by reference as though set forth in full.

18. As a result of the aforementioned injuries sustained by her husband, Plaintiff, Carol Lingle, has been and may in the future be deprived of the care, companionship, consortium, and society of her husband, all of which would be to her detriment, and claim is made therefore.

WHEREFORE, Plaintiff, Carol Lingle, demands judgment against the Defendant, Barbara L. Shaw, in an amount in

excess of Twenty-five thousand dollars (\$25,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

By


Richard H. Milgrub, Esquire
Attorney for Plaintiff

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

We, Dennis Lingle and Carol Lingle, verify that the statements made in the Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 12-2-03

Date: 12-2-03

Dennis Lingle
Carol Lingle wife of

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

FILED

DEC 03 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

**DENNIS LINGLE and CAROL LINGLE,
husband and wife,**

Plaintiffs,

vs.

BARBARA L. SHAW,

Defendant.

CIVIL ACTION - LAW

Number 2003 - 1793 C.D.

Type of Case: Civil Division

Type of Pleading: Appearance

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

FILED

DEC 24 2003

**William A. Shaw
Prothonotary/Clerk of Courts**

DENNIS LINGLE and CAROL LINGLE,

Plaintiffs,

vs.

BARBARA L. SHAW,

Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2003 - 1793 C.D.

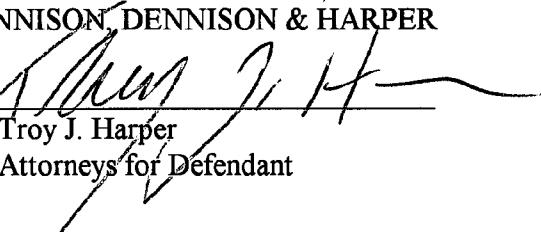
APPEARANCE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please enter our Appearance on behalf of the Defendant, BARBARA L. SHAW, in regard to the above entitled matter.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant

Dated: 12/23/03

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Appearance was served on the
23rd day of December, 2004, by United States Mail, First Class,
Postage Prepaid, addressed to the following:

Richard A. Milgrub, Esq.
211 North Second Street
Clearfield, Pennsylvania 16830

DENNISON, DENNISON & HARPER
By Troy J. H
Troy J. Harper
Attorneys for the Defendant

FILED
M 11:10 AM
DEC 24 2003
Clerk
William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DENNIS LINGLE and CAROL LINGLE,
husband and wife,

Plaintiffs,

vs.

BARBARA L. SHAW,

Defendant.

CIVIL ACTION - LAW

Number 2003 - 1793 C.D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JAN 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

DENNIS LINGLE and CAROL LINGLE,

Plaintiffs,

vs.

BARBARA L. SHAW,

Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2003 - 1793 C.D.

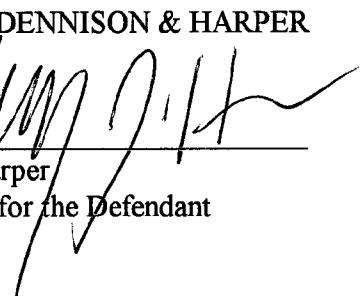
NOTICE TO PLEAD

TO: DENNIS LINGLE and CAROL LINGLE, PLAINTIFFS:

You are hereby notified to plead to the within New Matter within twenty (20) days from service hereof or a default judgment may be entered against you.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

DENNIS LINGLE and CAROL LINGLE,

Plaintiffs,

vs.

BARBARA L. SHAW,

Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2003 - 1793 C.D.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, BARBARA L. SHAW, by and through her attorneys, Dennison, Dennison & Harper, who file the following Answer and New Matter in response to the Plaintiffs' Complaint:

1. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 1 of the Plaintiffs' Complaint, and said averments are therefore denied.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. The averments of Paragraph 6 of the Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.
7. With respect to the averments of Paragraph 7 of the Plaintiffs' Complaint alleging any injuries or damages, after reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments, and said

averments are therefore denied. With respect to the remaining averments of Paragraph 7 of the Plaintiffs' Complaint and subparagraphs a. through p. thereof, said averments are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

Claim I

Dennis Lingle v. Barbara L. Shaw

8. Paragraph 8 of the Plaintiffs' Complaint fails to contain any specific averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any further response would be required, the averments of Paragraphs 1 through 7 of this Answer are incorporated herein by reference thereto.

9. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 9 of the Plaintiffs' Complaint and subparagraphs a. through e. thereof, and said averments are therefore denied.

10. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 10 of the Plaintiffs' Complaint, and said averments are therefore denied.

11. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 11 of the Plaintiffs' Complaint, and said averments are therefore denied.

12. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 12 of

the Plaintiffs' Complaint, and said averments are therefore denied.

13. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 13 of the Plaintiffs' Complaint, and said averments are therefore denied.

14. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 14 of the Plaintiffs' Complaint, and said averments are therefore denied.

15. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 15 of the Plaintiffs' Complaint, and said averments are therefore denied.

16. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 16 of the Plaintiffs' Complaint, and said averments are therefore denied.

WHEREFORE, the Defendant, Barbara L. Shaw, demands judgment in her favor and against the Plaintiffs. **JURY TRIAL DEMANDED.**

Claim II

Carol Lingle v. Barbara L. Shaw

17. Paragraph 17 of the Plaintiffs' Complaint fails to contain any specific averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any further response would be required, the averments of Paragraphs 1 through 16 of this Answer are incorporated herein by reference thereto.

18. After reasonable investigation, the Defendant, Barbara L. Shaw, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 18 of the Plaintiffs' Complaint, and said averments are therefore denied.

WHEREFORE, the Defendant, Barbara L. Shaw, demands judgment in her favor and against the Plaintiffs. **JURY TRIAL DEMANDED.**

NEW MATTER

19. The terms and conditions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq., are hereby incorporated herein by reference thereto as fully as the same bar and/or diminish any claim or cause of action of the Plaintiffs.

20. At the time of the accident complained of in the Plaintiffs' Complaint, and at all times material hereto, the Plaintiff, Dennis Lingle, was subject to the limited tort option under the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq.

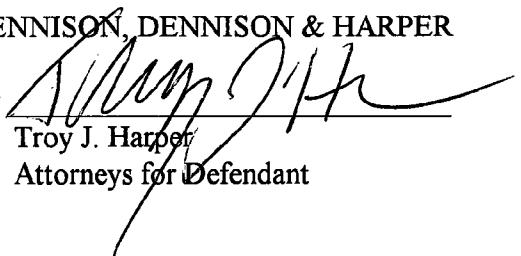
21. The Plaintiff, Dennis Lingle, did not sustain serious injuries as defined by the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq., as a result of the accident described in the Plaintiffs' Complaint and, therefore, all of the Plaintiffs' claims for noneconomic damages are barred.

22. The Plaintiffs have failed to state a cause of action upon which relief may be granted.

WHEREFORE, the Defendant, Barbara L. Shaw, demands judgment in her favor and against the Plaintiffs. **JURY TRIAL DEMANDED.**

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Defendant

VERIFICATION

I verify that the averments made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

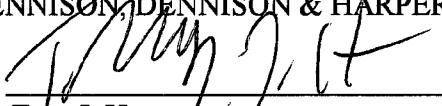
Barbara L. Shaw
Barbara L. Shaw

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Answer and New Matter was served on the 22nd day of January, 2004, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Richard A. Milgrub, Esq.
211 North Second Street
Clearfield, Pennsylvania 16830

DENNISON, DENNISON & HARPER

By 

Troy J. Harper
Attorneys for the Defendant

FILED
M 1.31.04
cc
JAN 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

LINGLE, DENNIS & CAROL

VS.

SHAW, BARBARA L.

Sheriff Docket # 14893

03-1793-CD

COMPLAINT; PLFF. REQUEST/PRODUCTION OF DOCUMENTS;PL

SHERIFF RETURNS

NOW DECEMBER 5, 2003 AT 12:10 PM SERVED THE WTIHIN COMPLAINT, PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUTMENTS; PLAINTIFF'S FIRST SET OF INTERROGATORIES ON BARBARA L. SHAW, DEFENDANT AT RESIDENCE, 1999 BARRETT ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ED SHAW, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT etc. AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

Return Costs

Cost	Description
20.37	SHERIFF HAWKINS PAID BY: ATTY CK# 22333
10.00	SURCHARGE PAID BY: ATTY CK# 22334

Sworn to Before Me This

29th Day Of Jan. 2004
William A. Shaw

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

So Answers,

*Chester A. Hawkins
by Marlynn Harris*

Chester A. Hawkins
Sheriff

FILED

*019-02-301
JAN 29 2004*

William A. Shaw
Prothonotary/Clerk of Courts

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

DENNIS LINGLE and CAROL *
LINGLE, husband and wife, *
Plaintiffs *
*
-vs- * No. 2003-1793-CD
* JURY TRIAL DEMANDED
BARBARA L. SHAW, *
Defendant *
*

Type of Action:
Personal Injury

Type of Pleading:
Praecipe to Settle
and Discontinue

Filed on Behalf of:
Plaintiff

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

MAR 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

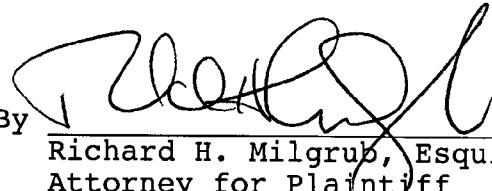
DENNIS LINGLE and CAROL *
LINGLE, husband and wife, *
Plaintiffs *
*
-vs- * No. 2003-1793-CD
* JURY TRIAL DEMANDED
BARBARA L. SHAW, *
Defendant *

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned matter settled and
discontinued.

By


Richard H. Milgrub, Esquire
Attorney for Plaintiff

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

ICCA Cert. to

6/2/04
6/2/04
MAR 18 2004

Atty M. Iglesias

William A. Shaw
Prothonotary/Clerk of Courts

Copy of Cert. to CIA

EKG

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

COPY

Dennis Lingle
Carol Lingle

Vs.
Barbara L. Shaw

No. 2003-01793-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 18, 2004, marked:

Settled and Discontinued

Record costs in the sum of \$115.37 have been paid in full by Richard H. Milgrub, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 18th day of March A.D. 2004.

William A. Shaw, Prothonotary