

04-40-CD  
DOROTHY M. DUDA vs. KRISTINA M. BETHEL et al

Dorothy Duda vs. Kristina Bethel et. al.  
2004-40-CD

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
: *04-40-CD*  
: No.       , 2004 C.D.  
:  
v. : Type of Pleading:  
: Complaint  
:  
: Filed on Behalf of:  
KRISTINA M. BETHEL, an individual; : Plaintiff, Dorothy M. Duda  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; : Counsel of Record for This  
BRUCE BETHEL and MELINDA BETHEL, : Party:  
husband and wife, : Mary L. Pothoven, Esq.  
Defendants : Supreme Court ID #72164  
: 600 E. Main Street  
: PO Box 218  
: Reynoldsville, PA 15851  
: (814)653-2243

FILED

JAN 09 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. \_\_\_\_\_, 2004 C.D.  
:  
v. :  
:  
:  
:  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

**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.

WILLIAM SHAW, PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
PO BOX 549  
CLEARFIELD, PA 16830  
814-765-2641, EXT. 1330

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:   
: No. \_\_\_\_\_, 2004 C.D.  
:   
v. :   
:   
:   
:   
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

**COMPLAINT**

AND NOW, comes the Plaintiff, DOROTHY M. DUDA, by her attorney, MARY L. POTHOVEN, ESQUIRE, and brings this Complaint of which the following is a concise statement:

**GENERAL ALLEGATIONS AS TO ALL COUNTS**

1. The Plaintiff, Dorothy M. Duda, is a sui juris adult who resides at PO Box 155, Fifth Street, Stump Creek, Jefferson County, Pennsylvania 15863.

2. The Defendant, Kristina M. Bethel, is a sui juris adult who resides at 135 Grant Street, Sykesville, Jefferson County, Pennsylvania 15865.

3. The Defendant, Bruce Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

4. The Defendant, Melinda Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

5. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were husband and wife.

6. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were the owners of a 1995 Mercury bearing Pennsylvania Title Number 1MELM50UXSA601980 and Pennsylvania Registration Plate Number DTB6893, being operated by the Defendant, Kristina M. Bethel. Hereinafter, said vehicle will be referred to as the Bethel vehicle.

7. That at all times material to the within Complaint, the Plaintiff, Dorothy M. Duda, was the operator of a 1993 Jeep Cherokee bearing Pennsylvania Registration Plate Number H18716H. Hereinafter, said vehicle will be referred to as the Duda vehicle.

8. That on January 15, 2002, the Plaintiff, Dorothy M. Duda, was operating the Duda vehicle in a Northerly direction on

SR 119 in the township of Sandy, Clearfield County, near the intersection of SR 119 and SR 4012 (West Liberty Road).

9. The intersection of SR 119 and SR 4012 is controlled by a stop sign located on SR 4012 (West Liberty Road).

10. The Plaintiff, Dorothy M. Duda, was traveling North on SR 119 when she entered the SR 119/SR4012 (West Liberty Road) intersection. At the time she entered the intersection, there was no stop sign or other traffic signal controlling traffic moving North on SR 119.

11. That at all times material to the within Complaint the Defendant, Kristina M. Bethel, was operating the Bethel vehicle in a Westerly direction on SR 4012 (West Liberty Road). When Defendant, Kristina M. Bethel, approached the intersection of SR 4012 with SR 119, there was a stop sign on SR 4012 at said intersection which would have directed her to stop before entering the intersection. While attempting to turn left onto SR 119, Defendant, Kristina M. Bethel, pulled into the path of the northbound Duda vehicle, causing the front of the Duda vehicle to collide with the driver's side of the Bethel vehicle.

12. The foregoing collision involving the Duda vehicle and the Bethel vehicle and all of the injuries and damages set forth herein sustained by the Plaintiff were the direct and proximate result of carelessness, recklessness, and negligence of the Defendant, Kristina M. Bethel.

13. The Duda vehicle was violently impacted in the collision with the Bethel vehicle.

14. As a direct and proximate result of the collision, the Plaintiff, Dorothy M. Duda, suffered various injuries including, but not limited to: cervical sprain/strain; whiplash; cervical parascapular myofascial pain; concussion; lumbar sprain/strain; blunt force trauma to the left leg/knee and to the head/face as well as contusions and abrasions.

15. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has suffered emotional and physical suffering, inconvenience and agony and will continue to suffer the same indefinitely into the future.

16. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has incurred, and in the future will incur, various expenses and bills for necessary and reasonable medical services and treatment in an effort to care for and alleviate her injuries.

17. Because of said injuries, Plaintiff, Dorothy M. Duda, was prevented from attending to her usual duties and vocation, all to her great damage and loss.

18. Because of said injuries, the Plaintiff's general health, strength and vitality has been impaired and diminished and will continue to be so indefinitely into the future and her ability to enjoy and live a full and beneficial life has been

impaired and diminished and will continue to be so indefinitely into the future.

19. As a result of the injuries she suffered and as a result of a need to seek medical care and treatment for the injuries she suffered which were caused by the Defendant, Kristina M. Bethel, Plaintiff, Dorothy M. Duda, has suffered a loss of earnings, and will continue to do so into the future.

20. As a result of the collision, Plaintiff, Dorothy M. Duda, has incurred various miscellaneous expenses.

21. Because of said injuries, the Plaintiff, Dorothy M. Duda, has suffered permanent bodily injuries resulting in permanent physical limitations.

**COUNT ONE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Kristina M. Bethel, Defendant**  
**Negligence**

22. Paragraphs 1 through 21 are incorporated herein by reference and made a part hereof.

23. The collision was solely, jointly and/or severally the result of the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, in that she:

(a) operated her vehicle in an inattentive manner;

(b) failed to pay proper attention to the operation of her vehicle in disregard to the position and safety of others;



(c) operated her vehicle in disregard to the position and safety of others;

(d) operated her motor vehicle in a careless, reckless and negligent manner;

(e) failed to observe the traffic rules and regulations of the Commonwealth of Pennsylvania including, but not limited to: 75 Pa. C.S.A. §3322 vehicle turning left; 75 Pa. C.S.A. §3323 Stop signs and yield signs; 75 Pa. C.S.A. §3714 Careless driving; 75 Pa. C.S.A. §3736 Reckless driving;

(f) failed, when turning left within the intersection, to yield the right of way to vehicles approaching from the opposite direction which were so close as to constitute a hazard;

(g) proceeding into the intersection and turning without first ascertaining it was safe to proceed;

(h) operated her vehicle at a speed greater than was reasonable under the circumstances;

(i) failed to operate her vehicle with due regard for the highway, weather and traffic conditions which existed or which she was aware of or should have been aware of;

(j) failed to have her vehicle under proper and adequate control so as to prevent her vehicle from striking the Duda vehicle;

(k) failed to apply the brakes in time to avoid the collision;

(l) improperly applied her brakes;

(m) permitted or allowed her vehicle to strike and collide with the front of the Duda vehicle;

(n) failed to keep a reasonable look-out for other vehicles lawfully on the road;

(o) failing to use due care under the circumstances;

(p) failing to notice the Duda vehicle was approaching the intersection;

(q) failing to take evasive action to avoid impacting with the Duda vehicle; and

(r) operated or caused to be operated a vehicle which was not equipped as required under the traffic rules and regulations of the Commonwealth of Pennsylvania and/or which was otherwise in an unsafe condition or in violation of the traffic rules and regulations of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for a judgment against Defendant, Kristina M. Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

**COUNT TWO**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Bruce Bethel, Defendant**  
**Negligence Imputed**

24. Paragraphs 1 through 23 are incorporated herein by reference and made a part hereof.

25. On the date and time the subject collision occurred, the Defendant, Bruce Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.

26. That on the date and at the time the subject collision occurred the Defendants, Bruce Bethel and Kristina M. Bethel, were engaged in a common enterprise.

27. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Bruce Bethel, had the right to share in the control of the operation of the Bethel vehicle.

28. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

29. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Bruce Bethel.

30. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Bruce Bethel, engaged in his business.

31. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Bruce Bethel, with him being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Bruce Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

**COUNT THREE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Melinda Bethel, Defendant**  
**Negligence Imputed**

32. Paragraphs 1 through 31 are incorporated herein by reference and made a part hereof.

33. On the date and time the subject collision occurred, the Defendant, Melinda Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.

34. That on the date and at the time the subject collision occurred the Defendants, Melinda Bethel and Kristina M. Bethel, were engaged in a common enterprise.

35. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Melinda Bethel, had the right to share in the control of the operation of the Bethel vehicle.

36. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

37. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Melinda Bethel.

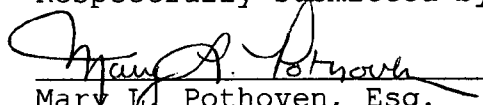
38. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Melinda Bethel, engaged in her business.

39. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Melinda Bethel, with her being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Melinda Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

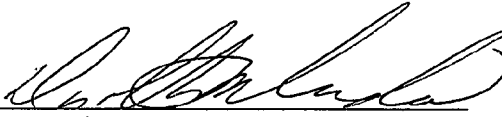
Respectfully submitted by:

Date: 1/8/04

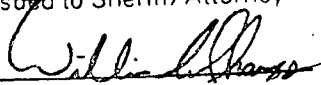
  
Mary L. Pothoven, Esq.  
Attorney for Plaintiff


**VERIFICATION**

I, Dorothy M. Duda, verify the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief and that I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authority.

  
Dorothy M. Duda

2-17-04 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

  
Deputy Prothonotary

  
**FILED** Atty pd 85.00  
m/12:59:04  
JAN 09 2004  
3cc shff  
William A. Shaw  
Prothonotary/Clerk of Courts



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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
MELINDA BETHEL, an individual,  
BRUCE BETHEL and MELINDA  
BETHEL, husband and wife,

Defendants.

: No. 04-40-C.D.

:  
: TYPE OF PLEADING:  
: **PRAECIPE FOR ENTRY**  
: **OF APPEARANCE**

:  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**

:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX#(814) 238-9624

**FILED**

**FEB 09 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
MELINDA BETHEL, an individual,	:	
BRUCE BETHEL and MELINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendant.	:	

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

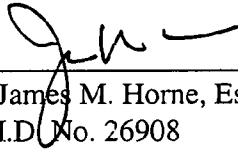
Please enter our appearance on behalf of the Defendants KRISTINA M. BETHEL, an individual, MELINDA BETHEL, an individual, BRUCE BETHEL and MELINDA BETHEL, husband and wife, in the above-captioned matter.

We are authorized to accept service on their behalf.

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Dated: February 5, 2004

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
MELINDA BETHEL, an individual,	:	
BRUCE BETHEL and MELINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendant.	:	

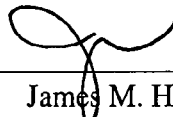
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of our Praecipe for Entry of Appearance on behalf the Defendants, in the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this SE day of February, 2004, to the attorney of record:

Mary L. Pothoven, Esquire  
523 Grant Street  
Reynoldsville, PA 15851-1311  
(814) 653-2243

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_



James M. Horne, Esquire  
I. D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

DUDA, DOROTHY M.

VS.

BETHEL, KRISTINA M. al

Sheriff Docket # 15041

04-40-CD

COMPLAINT

**SHERIFF RETURNS**

NOW JANUARY 12, 2004 THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON KRISTINA M. BETHEL, DEFENDANT.

NOW JANUARY 26, 2004 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ON KRISTINA J. BETHEL, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "NOT FOUND" . NEW ADDRESS: 33 EAST SCRIBNER AVE, DUBOIS, PA.

NOW FEBRUARY 4, 2004 AT 10:55 AM SERVED THE WITHIN COMPLAINT ON KRISTINA M. BETHEL, DEFENDANT AT RESIDENCE, 33 EAST SCRIBNER AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KRISTINA M. BETHEL A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.  
SERVED BY: MCCLEARY

NOW FEBRUARY 11, 2004 RETURN THE WITHIN COMPLAINTS "NOT SERVED, TIME EXPIRED" AS TO BRUCE BETHEL and MELINDA BETHEL, DEFENDANTS. ATTEMPTED, NOT HOME, POSSIBLY NEEDS TO BE SERVED IN THE EVENING.

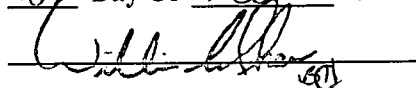
**Return Costs**

Cost	Description
68.50	SHERIFF HAWKINS PAID BY: ATTY CK# 25932
30.00	SURCHARGE PAID BY: ATTY CK# 25933
30.49	JEFFERSON COUNTY SHFF. PAID BY: ATTY CK# 25934

128.99

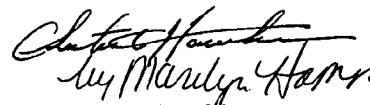
Sworn to Before Me This

12<sup>th</sup> Day Of Feb 2004



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

So Answers,



Chester A. Hawkins  
Sheriff

**FILED**

013:00 PM  
FEB 12 2004



William A. Shaw  
Prothonotary/Clerk of Courts

No. 04-40-CD

Now, January 26, 2004, I return the Notice and Complaint for KRISTINA M. BETHEL, Defendant, to Clearfield County, marked "not found, new address as of June, 2002 is 33 East Scribner Avenue, DuBois (Clearfield County), PA 15801".

Advance Costs Received:	\$125.00
My Costs:	\$ 28.49 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 30.49
Refunded:	\$ 94.51

Sworn and subscribed

to before me this 28<sup>th</sup>  
day of January, 2004  
By Angela S. Leust

So Answers,

Thomas A. Demko  
Sheriff  
JEFFERSON COUNTY, PENNSYLVANIA

My Commission Expires The  
First Monday January 2006

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:   
: No. 04-40-CD, 2004 C.D.  
:   
v. : Type of Pleading:  
: Complaint  
:   
: Filed on Behalf of:  
KRISTINA M. BETHEL, an individual; : Plaintiff, Dorothy M. Duda  
BRUCE BETHEL, an individual; :   
MELINDA BETHEL, an individual; : Counsel of Record for This  
BRUCE BETHEL and MELINDA BETHEL, : Party:  
husband and wife, : Mary L. Pothoven, Esq.  
Defendants : Supreme Court ID #72164  
: 600 E. Main Street  
: PO Box 218  
: Reynoldsville, PA 15851  
: (814) 653-2243

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

JAN 09 2004

Attest.

*Gregory L. ...*  
Prothonotary  
Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. \_\_\_\_\_, 2004 C.D.  
:  
v. :  
:  
:  
:  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

**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.

WILLIAM SHAW, PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
PO BOX 549  
CLEARFIELD, PA 16830  
814-765-2641, EXT. 1330

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. \_\_\_\_\_, 2004 C.D.  
:  
v. :  
:  
:  
:  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

**COMPLAINT**

AND NOW, comes the Plaintiff, DOROTHY M. DUDA, by her attorney, MARY L. POTHOVEN, ESQUIRE, and brings this Complaint of which the following is a concise statement:

**GENERAL ALLEGATIONS AS TO ALL COUNTS**

1. The Plaintiff, Dorothy M. Duda, is a sui juris adult who resides at PO Box 155, Fifth Street, Stump Creek, Jefferson County, Pennsylvania 15863.

2. The Defendant, Kristina M. Bethel, is a sui juris adult who resides at 135 Grant Street, Sykesville, Jefferson County, Pennsylvania 15865.



3. The Defendant, Bruce Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

4. The Defendant, Melinda Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

5. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were husband and wife.

6. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were the owners of a 1995 Mercury bearing Pennsylvania Title Number 1MELM50UXSA601980 and Pennsylvania Registration Plate Number DTB6893, being operated by the Defendant, Kristina M. Bethel. Hereinafter, said vehicle will be referred to as the Bethel vehicle.

7. That at all times material to the within Complaint, the Plaintiff, Dorothy M. Duda, was the operator of a 1993 Jeep Cherokee bearing Pennsylvania Registration Plate Number H18716H. Hereinafter, said vehicle will be referred to as the Duda vehicle.

8. That on January 15, 2002, the Plaintiff, Dorothy M. Duda, was operating the Duda vehicle in a Northerly direction on

SR 119 in the township of Sandy, Clearfield County, near the intersection of SR 119 and SR 4012 (West Liberty Road).

9. The intersection of SR 119 and SR 4012 is controlled by a stop sign located on SR 4012 (West Liberty Road).

10. The Plaintiff, Dorothy M. Duda, was traveling North on SR 119 when she entered the SR 119/SR4012 (West Liberty Road) intersection. At the time she entered the intersection, there was no stop sign or other traffic signal controlling traffic moving North on SR 119.

11. That at all times material to the within Complaint the Defendant, Kristina M. Bethel, was operating the Bethel vehicle in a Westerly direction on SR 4012 (West Liberty Road). When Defendant, Kristina M. Bethel, approached the intersection of SR 4012 with SR 119, there was a stop sign on SR 4012 at said intersection which would have directed her to stop before entering the intersection. While attempting to turn left onto SR 119, Defendant, Kristina M. Bethel, pulled into the path of the northbound Duda vehicle, causing the front of the Duda vehicle to collide with the driver's side of the Bethel vehicle.

12. The foregoing collision involving the Duda vehicle and the Bethel vehicle and all of the injuries and damages set forth herein sustained by the Plaintiff were the direct and proximate result of carelessness, recklessness, and negligence of the Defendant, Kristina M. Bethel.

13. The Duda vehicle was violently impacted in the collision with the Bethel vehicle.

14. As a direct and proximate result of the collision, the Plaintiff, Dorothy M. Duda, suffered various injuries including, but not limited to: cervical sprain/strain; whiplash; cervical parascapular myofascial pain; concussion; lumbar sprain/strain; blunt force trauma to the left leg/knee and to the head/face as well as contusions and abrasions.

15. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has suffered emotional and physical suffering, inconvenience and agony and will continue to suffer the same indefinitely into the future.

16. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has incurred, and in the future will incur, various expenses and bills for necessary and reasonable medical services and treatment in an effort to care for and alleviate her injuries.

17. Because of said injuries, Plaintiff, Dorothy M. Duda, was prevented from attending to her usual duties and vocation, all to her great damage and loss.

18. Because of said injuries, the Plaintiff's general health, strength and vitality has been impaired and diminished and will continue to be so indefinitely into the future and her ability to enjoy and live a full and beneficial life has been

impaired and diminished and will continue to be so indefinitely into the future.

19. As a result of the injuries she suffered and as a result of a need to seek medical care and treatment for the injuries she suffered which were caused by the Defendant, Kristina M. Bethel, Plaintiff, Dorothy M. Duda, has suffered a loss of earnings, and will continue to do so into the future.

20. As a result of the collision, Plaintiff, Dorothy M. Duda, has incurred various miscellaneous expenses.

21. Because of said injuries, the Plaintiff, Dorothy M. Duda, has suffered permanent bodily injuries resulting in permanent physical limitations.

**COUNT ONE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Kristina M. Bethel, Defendant**  
**Negligence**

22. Paragraphs 1 through 21 are incorporated herein by reference and made a part hereof.

23. The collision was solely, jointly and/or severally the result of the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, in that she:

- (a) operated her vehicle in an inattentive manner;
- (b) failed to pay proper attention to the operation of her vehicle in disregard to the position and safety of others;

(c) operated her vehicle in disregard to the position and safety of others;

(d) operated her motor vehicle in a careless, reckless and negligent manner;

(e) failed to observe the traffic rules and regulations of the Commonwealth of Pennsylvania including, but not limited to: 75 Pa. C.S.A. §3322 vehicle turning left; 75 Pa. C.S.A. §3323 Stop signs and yield signs; 75 Pa. C.S.A. §3714 Careless driving; 75 Pa. C.S.A. §3736 Reckless driving;

(f) failed, when turning left within the intersection, to yield the right of way to vehicles approaching from the opposite direction which were so close as to constitute a hazard;

(g) proceeding into the intersection and turning without first ascertaining it was safe to proceed;

(h) operated her vehicle at a speed greater than was reasonable under the circumstances;

(i) failed to operate her vehicle with due regard for the highway, weather and traffic conditions which existed or which she was aware of or should have been aware of;

(j) failed to have her vehicle under proper and adequate control so as to prevent her vehicle from striking the Duda vehicle;

(k) failed to apply the brakes in time to avoid the collision;

(l) improperly applied her brakes;

(m) permitted or allowed her vehicle to strike and collide with the front of the Duda vehicle;

(n) failed to keep a reasonable look-out for other vehicles lawfully on the road;

(o) failing to use due care under the circumstances;

(p) failing to notice the Duda vehicle was approaching the intersection;

(q) failing to take evasive action to avoid impacting with the Duda vehicle; and

(r) operated or caused to be operated a vehicle which was not equipped as required under the traffic rules and regulations of the Commonwealth of Pennsylvania and/or which was otherwise in an unsafe condition or in violation of the traffic rules and regulations of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for a judgment against Defendant, Kristina M. Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

COUNT TWO  
Dorothy M. Duda, Plaintiff  
vs.  
Bruce Bethel, Defendant  
Negligence Imputed

24. Paragraphs 1 through 23 are incorporated herein by reference and made a part hereof.

25. On the date and time the subject collision occurred, the Defendant, Bruce Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.

26. That on the date and at the time the subject collision occurred the Defendants, Bruce Bethel and Kristina M. Bethel, were engaged in a common enterprise.

27. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Bruce Bethel, had the right to share in the control of the operation of the Bethel vehicle.

28. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

29. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Bruce Bethel.

30. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Bruce Bethel, engaged in his business.

31. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Bruce Bethel, with him being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Bruce Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

**COUNT THREE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Melinda Bethel, Defendant**  
**Negligence Imputed**

32. Paragraphs 1 through 31 are incorporated herein by reference and made a part hereof.

33. On the date and time the subject collision occurred, the Defendant, Melinda Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.



34. That on the date and at the time the subject collision occurred the Defendants, Melinda Bethel and Kristina M. Bethel, were engaged in a common enterprise.

35. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Melinda Bethel, had the right to share in the control of the operation of the Bethel vehicle.

36. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

37. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Melinda Bethel.

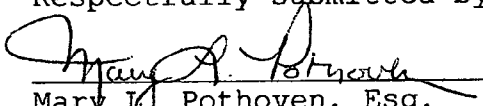
38. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Melinda Bethel, engaged in her business.

39. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Melinda Bethel, with her being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Melinda Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

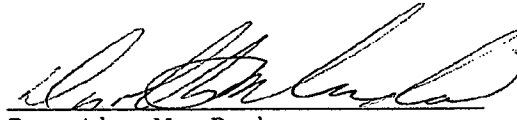
Respectfully submitted by:

Date: 1/8/04

  
Mary L. Pothoven, Esq.  
Attorney for Plaintiff

**VERIFICATION**

I, Dorothy M. Duda, verify the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief and that I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authority.

  
Dorothy M. Duda

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
: 04-40-CJ  
: No. \_\_\_\_\_, 2004 C.D.  
:  
v. : Type of Pleading:  
: Complaint  
:  
: Filed on Behalf of:  
KRISTINA M. BETHEL, an individual; : Plaintiff, Dorothy M. Duda  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; : Counsel of Record for This  
BRUCE BETHEL and MELINDA BETHEL, : Party:  
husband and wife, : Mary L. Pothoven, Esq.  
Defendants : Supreme Court ID #72164  
: 600 E. Main Street  
: PO Box 218  
: Reynoldsville, PA 15851  
: (814) 653-2243

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

JAN 09 2004

Attest.

*William L. Pothoven*  
Prothonotary/  
Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
: :  
: No. \_\_\_\_\_, 2004 C.D.  
: :  
v. :  
: :  
: :  
: :  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

**COMPLAINT**

AND NOW, comes the Plaintiff, DOROTHY M. DUDA, by her attorney, MARY L. POTHOVEN, ESQUIRE, and brings this Complaint of which the following is a concise statement:

**GENERAL ALLEGATIONS AS TO ALL COUNTS**

1. The Plaintiff, Dorothy M. Duda, is a sui juris adult who resides at PO Box 155, Fifth Street, Stump Creek, Jefferson County, Pennsylvania 15863.

2. The Defendant, Kristina M. Bethel, is a sui juris adult who resides at 135 Grant Street, Sykesville, Jefferson County, Pennsylvania 15865.

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
: No. \_\_\_\_\_, 2004 C.D.  
v. :  
:   
:   
:   
:   
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

**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.

WILLIAM SHAW, PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
PO BOX 549  
CLEARFIELD, PA 16830  
814-765-2641, EXT. 1330

3. The Defendant, Bruce Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

4. The Defendant, Melinda Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

5. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were husband and wife.

6. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were the owners of a 1995 Mercury bearing Pennsylvania Title Number 1MELM50UXSA601980 and Pennsylvania Registration Plate Number DTB6893, being operated by the Defendant, Kristina M. Bethel. Hereinafter, said vehicle will be referred to as the Bethel vehicle.

7. That at all times material to the within Complaint, the Plaintiff, Dorothy M. Duda, was the operator of a 1993 Jeep Cherokee bearing Pennsylvania Registration Plate Number H18716H. Hereinafter, said vehicle will be referred to as the Duda vehicle.

8. That on January 15, 2002, the Plaintiff, Dorothy M. Duda, was operating the Duda vehicle in a Northerly direction on

SR 119 in the township of Sandy, Clearfield County, near the intersection of SR 119 and SR 4012 (West Liberty Road).

9. The intersection of SR 119 and SR 4012 is controlled by a stop sign located on SR 4012 (West Liberty Road).

10. The Plaintiff, Dorothy M. Duda, was traveling North on SR 119 when she entered the SR 119/SR4012 (West Liberty Road) intersection. At the time she entered the intersection, there was no stop sign or other traffic signal controlling traffic moving North on SR 119.

11. That at all times material to the within Complaint the Defendant, Kristina M. Bethel, was operating the Bethel vehicle in a Westerly direction on SR 4012 (West Liberty Road). When Defendant, Kristina M. Bethel, approached the intersection of SR 4012 with SR 119, there was a stop sign on SR 4012 at said intersection which would have directed her to stop before entering the intersection. While attempting to turn left onto SR 119, Defendant, Kristina M. Bethel, pulled into the path of the northbound Duda vehicle, causing the front of the Duda vehicle to collide with the driver's side of the Bethel vehicle.

12. The foregoing collision involving the Duda vehicle and the Bethel vehicle and all of the injuries and damages set forth herein sustained by the Plaintiff were the direct and proximate result of carelessness, recklessness, and negligence of the Defendant, Kristina M. Bethel.



13. The Duda vehicle was violently impacted in the collision with the Bethel vehicle.

14. As a direct and proximate result of the collision, the Plaintiff, Dorothy M. Duda, suffered various injuries including, but not limited to: cervical sprain/strain; whiplash; cervical parascapular myofascial pain; concussion; lumbar sprain/strain; blunt force trauma to the left leg/knee and to the head/face as well as contusions and abrasions.

15. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has suffered emotional and physical suffering, inconvenience and agony and will continue to suffer the same indefinitely into the future.

16. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has incurred, and in the future will incur, various expenses and bills for necessary and reasonable medical services and treatment in an effort to care for and alleviate her injuries.

17. Because of said injuries, Plaintiff, Dorothy M. Duda, was prevented from attending to her usual duties and vocation, all to her great damage and loss.

18. Because of said injuries, the Plaintiff's general health, strength and vitality has been impaired and diminished and will continue to be so indefinitely into the future and her ability to enjoy and live a full and beneficial life has been

impaired and diminished and will continue to be so indefinitely into the future.

19. As a result of the injuries she suffered and as a result of a need to seek medical care and treatment for the injuries she suffered which were caused by the Defendant, Kristina M. Bethel, Plaintiff, Dorothy M. Duda, has suffered a loss of earnings, and will continue to do so into the future.

20. As a result of the collision, Plaintiff, Dorothy M. Duda, has incurred various miscellaneous expenses.

21. Because of said injuries, the Plaintiff, Dorothy M. Duda, has suffered permanent bodily injuries resulting in permanent physical limitations.

**COUNT ONE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Kristina M. Bethel, Defendant**  
**Negligence**

22. Paragraphs 1 through 21 are incorporated herein by reference and made a part hereof.

23. The collision was solely, jointly and/or severally the result of the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, in that she:

- (a) operated her vehicle in an inattentive manner;
- (b) failed to pay proper attention to the operation of her vehicle in disregard to the position and safety of others;

(c) operated her vehicle in disregard to the position and safety of others;

(d) operated her motor vehicle in a careless, reckless and negligent manner;

(e) failed to observe the traffic rules and regulations of the Commonwealth of Pennsylvania including, but not limited to: 75 Pa. C.S.A. §3322 vehicle turning left; 75 Pa. C.S.A. §3323 Stop signs and yield signs; 75 Pa. C.S.A. §3714 Careless driving; 75 Pa. C.S.A. §3736 Reckless driving;

(f) failed, when turning left within the intersection, to yield the right of way to vehicles approaching from the opposite direction which were so close as to constitute a hazard;

(g) proceeding into the intersection and turning without first ascertaining it was safe to proceed;

(h) operated her vehicle at a speed greater than was reasonable under the circumstances;

(i) failed to operate her vehicle with due regard for the highway, weather and traffic conditions which existed or which she was aware of or should have been aware of;

(j) failed to have her vehicle under proper and adequate control so as to prevent her vehicle from striking the Duda vehicle;

(k) failed to apply the brakes in time to avoid the collision;

(l) improperly applied her brakes;

(m) permitted or allowed her vehicle to strike and collide with the front of the Duda vehicle;

(n) failed to keep a reasonable look-out for other vehicles lawfully on the road;

(o) failing to use due care under the circumstances;

(p) failing to notice the Duda vehicle was approaching the intersection;

(q) failing to take evasive action to avoid impacting with the Duda vehicle; and

(r) operated or caused to be operated a vehicle which was not equipped as required under the traffic rules and regulations of the Commonwealth of Pennsylvania and/or which was otherwise in an unsafe condition or in violation of the traffic rules and regulations of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for a judgment against Defendant, Kristina M. Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

COUNT TWO  
Dorothy M. Duda, Plaintiff  
vs.  
Bruce Bethel, Defendant  
Negligence Imputed

24. Paragraphs 1 through 23 are incorporated herein by reference and made a part hereof.

25. On the date and time the subject collision occurred, the Defendant, Bruce Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.

26. That on the date and at the time the subject collision occurred the Defendants, Bruce Bethel and Kristina M. Bethel, were engaged in a common enterprise.

27. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Bruce Bethel, had the right to share in the control of the operation of the Bethel vehicle.

28. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

29. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Bruce Bethel.

30. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Bruce Bethel, engaged in his business.

31. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Bruce Bethel, with him being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Bruce Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

**COUNT THREE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Melinda Bethel, Defendant**  
**Negligence Imputed**

32. Paragraphs 1 through 31 are incorporated herein by reference and made a part hereof.

33. On the date and time the subject collision occurred, the Defendant, Melinda Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.

34. That on the date and at the time the subject collision occurred the Defendants, Melinda Bethel and Kristina M. Bethel, were engaged in a common enterprise.

35. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Melinda Bethel, had the right to share in the control of the operation of the Bethel vehicle.

36. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

37. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Melinda Bethel.

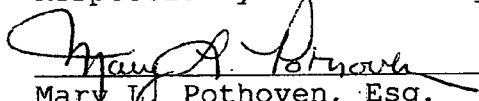
38. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Melinda Bethel, engaged in her business.

39. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Melinda Bethel, with her being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Melinda Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

Respectfully submitted by:

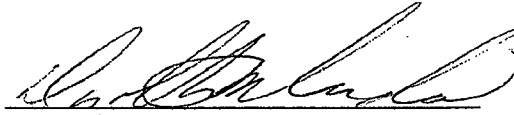
Date: 1/8/04

  
Mary L. Pothoven, Esq.  
Attorney for Plaintiff



**VERIFICATION**

I, Dorothy M. Duda, verify the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief and that I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authority.

A handwritten signature in cursive script, appearing to read 'Dorothy M. Duda', written over a horizontal line.

Dorothy M. Duda

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
MELINDA BETHEL, an individual,  
BRUCE BETHEL and MELINDA  
BETHEL, husband and wife,

Defendants.

: No. 04-40-C.D.

:  
: TYPE OF PLEADING:  
: **CERTIFICATE OF SERVICE**

:  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**

:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX#(814) 238-9624

**FILED**

**FEB 18 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

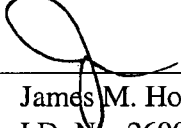
DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
MELINDA BETHEL, an individual,	:	
BRUCE BETHEL and MELINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 17<sup>th</sup> day of February, 2004, to the attorneys/parties of record:

Mary L. Pothoven, Esquire  
523 Grant Street  
Reynoldsville, PA 15851-1311

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By:   
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
MELINDA BETHEL, an individual,  
BRUCE BETHEL and MELINDA  
BETHEL, husband and wife,

Defendants.

No. 04-40-C.D.

TYPE OF PLEADING:  
**CERTIFICATE OF SERVICE**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

**FEB 18 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
MELINDA BETHEL, an individual,	:	
BRUCE BETHEL and MELINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

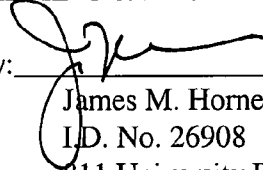
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Interrogatories Propounded by Defendants for Answer By Plaintiff (Set One) and Request for Production (Set One) and Request for Production of Documents and Tangible Things (Set Two) in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 17<sup>th</sup> day of February, 2004, to the attorneys/parties of record:

Mary L. Pothoven, Esquire  
523 Grant Street  
Reynoldsville, PA 15851-1311  
(for Plaintiff)

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
MELINDA BETHEL, an individual,  
BRUCE BETHEL and MELINDA  
BETHEL, husband and wife,

Defendants.

: No. 04-40-C.D.

: TYPE OF PLEADING:

: **Certificate Prerequisite to Service of**  
: **Subpoenas**

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

: **DEFENDANT**

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: McQUAIDE, BLASKO, SCHWARTZ,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX#(814) 238-9624

**FILED**

**FEB 20 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
 :  
 : No. 04-40-C.D.  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 :  
 KRISTINA M. BETHEL, an individual, :  
 MELINDA BETHEL, an individual, :  
 BRUCE BETHEL and MELINDA :  
 BETHEL, husband and wife, :  
 :  
 Defendants. :

**CERTIFICATE**  
**PREREQUISITE TO SERVICE OF SUBPOENAS**  
**PURSUANT TO RULE 4009.22**

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendants certify that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) Plaintiff's counsel has waived the 20-day objection period,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

MCQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Date: February 19, 2004

By: 

James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926  
Attorney for Defendants

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

DOROTHY M. DUDA, an individual, :  
 :  
 : No. 04-40-C.D.  
 :  
 Plaintiff, :  
 :  
 :  
 :  
 v. :  
 :  
 :  
 :  
 KRISTINA M. BETHEL, an individual, :  
 MELINDA BETHEL, an individual, :  
 BRUCE BETHEL and MELINDA :  
 BETHEL, husband and wife, :  
 :  
 :  
 Defendants. :

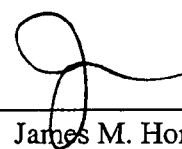
**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendants intend to serve subpoenas identical to those 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 subpoenas. If no objection is made, the subpoenas may be served.

MCQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Date: February 17, 2004

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Attorneys for Defendants



COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual, :  
Plaintiff, : No. 04-40-C.D.  
v. :  
:   
KRISTINA M. BETHEL, an individual, :  
MELINDA BETHEL, an individual, :  
BRUCE BETHEL and MELINDA :  
BETHEL, husband and wife, :  
Defendants. :

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *DuBois Regional Medical Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual, :  
Plaintiff, : No. 04-40-C.D.  
v. :  
:   
KRISTINA M. BETHEL, an individual, :  
MELINDA BETHEL, an individual, :  
BRUCE BETHEL and MELINDA :  
BETHEL, husband and wife, :  
Defendants. :

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Mary Jane Fina Kinosian, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual, :  
Plaintiff, : No. 04-40-C.D.  
v. :  
:   
KRISTINA M. BETHEL, an individual, :  
MELINDA BETHEL, an individual, :  
BRUCE BETHEL and MELINDA :  
BETHEL, husband and wife, :  
Defendants. :

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *P&G Physical Therapy*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual, :  
Plaintiff, : No. 04-40-C.D.  
v. :  
:   
KRISTINA M. BETHEL, an individual, :  
MELINDA BETHEL, an individual, :  
BRUCE BETHEL and MELINDA :  
BETHEL, husband and wife, :  
Defendants. :

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Primary Care Associates*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual, :  
Plaintiff, : No. 04-40-C.D.  
v. :  
:   
KRISTINA M. BETHEL, an individual, :  
MELINDA BETHEL, an individual, :  
BRUCE BETHEL and MELINDA :  
BETHEL, husband and wife, :  
Defendants. :

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO:

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual, :  
Plaintiff, : No. 04-40-C.D.  
v. :  
:   
KRISTINA M. BETHEL, an individual, :  
MELINDA BETHEL, an individual, :  
BRUCE BETHEL and MELINDA :  
BETHEL, husband and wife, :  
Defendants. :

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO:

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

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

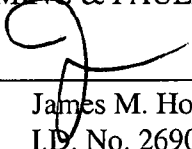
DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
MELINDA BETHEL, an individual,	:	
BRUCE BETHEL and MELINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Certificate Prerequisite to Service of Subpoenas in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 19<sup>th</sup> day of February, 2004, to the attorneys/parties of record:

Mary L. Pothoven, Esquire  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By:   
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
MELINDA BETHEL, an individual,  
BRUCE BETHEL and MELINDA  
BETHEL, husband and wife,

Defendants.

No. 04-40-C.D.

TYPE OF PLEADING:  
**Answer with New Matter**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

**FEB 23 2004**

William A. Shaw  
Prothonotary/Clerk of Courts



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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
MELINDA BETHEL, an individual,	:	
BRUCE BETHEL and MELINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

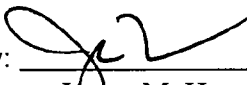
**NOTICE TO PLEAD**

TO: Dorothy M. Duda, an individual  
% Mary L. Pothoven, Esquire

YOU ARE HEREBY notified to file a written response to the enclosed Answer and New Matter within twenty (20) days from the date of service hereof or a judgment may be entered against you.

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Dated: February 20, 2004

By:   
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
MELINDA BETHEL, an individual,	:	
BRUCE BETHEL and MELINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**ANSWER WITH NEW MATTER**  
**OF DEFENDANTS TO PLAINTIFF'S COMPLAINT**

**General Allegations As To All Counts**

1. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1. The same are therefore denied and strict proof thereof demanded.

2. Admitted.

3. Admitted.

4. Admitted, except that Defendant's proper name is Linda Bethel, not Melinda Bethel as alleged.

5. Admitted, with the exception that Defendant Melinda Bethel's proper name is Linda Bethel, not Melinda Bethel as alleged.

6. Admitted, with the exception that Defendant Melinda Bethel's proper name is Linda Bethel, not Melinda Bethel as alleged.

7. Admitted.

8. Admitted.

9. It is admitted only that a stop sign exists at the intersection of SR 119 and SR 4012 for traffic traveling on SR 4012.

10. It is admitted only that Plaintiff Dorothy M. Duda was traveling north on SR 119 and that no stop sign or other traffic signal exists for traffic traveling north on SR 119.

11. Admitted in part and denied in part. It is admitted that Defendant Kristina M. Bethel was traveling in a westerly direction on SR 4012. It is further admitted that a stop sign existed for traffic traveling on SR 4012 at the intersection of SR 119 and SR 4012. It is further admitted that contact occurred between the vehicle operated by Defendant Kristina M. Bethel and the vehicle operated by Plaintiff Dorothy M. Duda. The balance of the allegations of paragraph 11 are denied as stated. To the contrary, Defendant Kristina M. Bethel properly and lawfully brought her vehicle to a stop at the intersection of SR 119 and SR 4012. It is further averred that at all times material hereto, Defendant Kristina M. Bethel attempted to enter the intersection at issue in a proper, safe and careful fashion after having first stopped at the aforesaid stop sign.

12. Defendants are advised and therefore believe that paragraph 12 pleads conclusions of law to which no further response is required. To the extent any response is required, the allegations of paragraph 12 are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

13. It is admitted only that contact occurred between the Duda vehicle and the Bethel vehicle. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the balance of the allegations of paragraph 13. The same are therefore denied and strict proof thereof demanded.

14. – 21. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 14 through 21 inclusive. The same are therefore denied and strict proof thereof demanded.

**Count One**  
**Dorothy M. Duda, Plaintiff vs. Kristina M. Bethel, Defendant**  
**Negligence**

22. Defendant Kristina M. Bethel incorporates herein by reference, the same as though set forth at length, her responses to paragraphs 1 through 21 inclusive.

23. (a) – (r). The allegations of paragraphs 23(a) through (r) inclusive are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

WHEREFORE, Defendant Kristina M. Bethel requests that the Complaint of Plaintiff Dorothy M. Duda be dismissed with prejudice and costs of suit.

**Count Two**  
**Dorothy M. Duda, Plaintiff vs. Bruce Bethel, Defendant**  
**Negligence Imputed**

24. Defendant Bruce Bethel hereby incorporates by reference, the same as though set forth at length, the responses to paragraphs 1 through 23 inclusive.

25. Admitted.

26. – 30. The allegations of paragraphs 26 through 30 are denied in their entirety. To the contrary, at all times material hereto the Defendant Bruce Bethel did not control, have the right to control, or otherwise share in the control of the operation of the Bethel vehicle at or about the time of the accident at issue. Contrary to the allegations in Plaintiff's Complaint, no common enterprise existed at or about the time of the accident at issue, nor was the vehicle being operated for a family purpose benefiting both Kristina M. Bethel and Bruce Bethel. Further, the Defendant Kristina M. Bethel was not acting as the agent, servant, workman, or employee of

Defendant Bruce Bethel at or about the time of the accident at issue. Defendant Bruce Bethel denies any and all liability for the accident at issue, and for any claims arising out of said accident. At all times material hereto, the vehicle was being operated by Kristina M. Bethel by and on her own account and not by or on behalf of, or for the benefit of, Defendant Bruce Bethel.

31. Defendants are advised and therefore believe that paragraph 31 pleads conclusions of law to which no response is required. To the extent any response is required, the allegations of paragraph 31 are denied for the reasons set forth above, all of which are incorporated herein by reference.

WHEREFORE, Defendant Bruce Bethel requests that the Complaint of Dorothy M. Duda be dismissed with prejudice and costs of suit.

**Count Three**  
**Dorothy M. Duda, Plaintiff vs. Melinda Bethel, Defendant**  
**Negligence Imputed**

32. Defendant Linda Bethel hereby incorporates by reference, the same as though set forth at length, the responses to paragraphs 1 through 31 inclusive.

33. Admitted, with the exception that Defendant Melinda Bethel's proper name is Linda Bethel, not Melinda Bethel as alleged.

34 – 38. The allegations of paragraphs 34 through 38 are denied in their entirety. To the contrary, at all times material hereto the Defendant Linda Bethel did not control, have the right to control, or otherwise share in the control of the operation of the Bethel vehicle at or about the time of the accident at issue. Contrary to the allegations in Plaintiff's Complaint, no common enterprise existed at or about the time of the accident at issue, nor was the vehicle being operated for a family purpose benefiting both Kristina M. Bethel and Linda Bethel. Further, the Defendant Kristina M. Bethel was not acting as the agent, servant, workman, or employee of

Defendant Linda Bethel at or about the time of the accident at issue. Defendant Linda Bethel denies any and all liability for the accident at issue, and for any claims arising out of said accident. At all times material hereto, the vehicle was being operated by Kristina M. Bethel by and on her own account and not by or on behalf of, or for the benefit of, Defendant Linda Bethel.

39. Defendants are advised and therefore believe that paragraph 39 pleads conclusions of law to which no response is required. To the extent any response is required, the allegations of paragraph 39 are denied for the reasons set forth above, all of which are incorporated herein by reference.

WHEREFORE, Defendant Linda Bethel, incorrectly characterized as Melinda Bethel, requests that the Complaint of Dorothy M. Duda be dismissed with prejudice and costs of suit.

#### **NEW MATTER**

40. Defendants hereby assert and raise all those defenses and/or limitations on damages available to them by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

41. To the extent Plaintiff's medical expenses were paid, or are payable, under a policy of insurance, the same may not be pled, proven, or recovered in the instant action.

42. To the extent Plaintiff's wage loss, if any, was paid or is payable, under a policy of insurance, the same may not be pled, proven, or recovered in the instant action.

43. To the extent Plaintiff was insured under a policy of insurance bearing the limited tort option, Plaintiff's claims are barred or reduced accordingly.

WHEREFORE, Defendants Kristina M. Bethel, Bruce Bethel and Linda Bethel, individually and as husband and wife, request that the Complaint of Plaintiff Dorothy M. Duda be dismissed, with prejudice and costs of suit.

Respectfully submitted,

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Dated: February 20, 2004

By: 

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendants

### **VERIFICATION**

The undersigned verifies that she is authorized to make this Verification on her own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiff's Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.


  
KRISTINA M. BETHEL

Dated: Feb. 17, 2004



### **VERIFICATION**

The undersigned verifies that she is authorized to make this Verification on her own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiff's Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.

  
LINDA BETHEL

Dated: 2-17-04, 2004

### **VERIFICATION**

The undersigned verifies that he is authorized to make this Verification on his own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiff's Complaint are true and correct to the best of his knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.

  
\_\_\_\_\_  
BRUCE BETHEL

Dated: 2-17-04, 2004

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

DOROTHY M. DUDA, an individual, :  
 :  
 : No. 04-40-C.D.  
 :  
 Plaintiff, :  
 :  
 :  
 :  
 v. :  
 :  
 :  
 :  
 KRISTINA M. BETHEL, an individual, :  
 :  
 MELINDA BETHEL, an individual, :  
 :  
 BRUCE BETHEL and MELINDA :  
 :  
 BETHEL, husband and wife, :  
 :  
 :  
 Defendants. :


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Answer with New Matter to Plaintiff's Complaint in the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 20<sup>th</sup> day of February, 2004, to the attorney of record:

Mary L. Pothoven, Esquire  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I. D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
 :  
 : No. 2004-40 C.D.  
 :  
v. : Type of Pleading: **CERTIFICATE OF SERVICE**  
 :  
 : Filed on Behalf of:  
KRISTINA M. BETHEL, an individual; : Plaintiff, Dorothy M. Duda  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; : Counsel of Record for This  
BRUCE BETHEL and MELINDA BETHEL, : Party:  
husband and wife, : Mary L. Pothoven, Esq.  
Defendants : Supreme Court ID #72164  
 : 600 E. Main Street  
 : PO Box 218  
 : Reynoldsville, PA 15851  
 : (814) 653-2243

**FILED**

**MAR 12 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

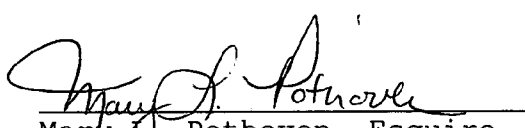
DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. 2004-40 C.D.  
:  
v. :  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Interrogatories Propounded by Plaintiff for Answer by Defendant, Kristina M. Bethel (Set One); Interrogatories Propounded by Plaintiff for Answer by Defendant, Bruce Bethel (Set One); Interrogatories Propounded by Plaintiff for Answer by Defendant, Melinda Bethel (Set One); and Request for Production of Documents (Set One) in the above referenced matter was mailed by U.S. First Class Mail, postage prepaid, this 3rd day of March, 2004, to the attorney of record:

McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.  
James M. Horne, Esquire  
811 University Drive  
State College, PA 16801  
(for Defendants)

By:

  
Mary L. Pothoven, Esquire  
I.D. No. 72164  
600 E. Main Street  
PO Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

Attorney for Plaintiff

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

DOROTHY M. DUDA, an individual,  
Plaintiff

v.

KRISTINA M. BETHEL, an individual;  
BRUCE BETHEL, an individual;  
MELINDA BETHEL, an individual;  
BRUCE BETHEL and MELINDA BETHEL,  
husband and wife,  
Defendants

:  
: CIVIL DIVISION  
:  
: No. 2004-40 C.D.  
:  
: Type of Pleading **CERTIFICATE OF SERVICE**  
:  
: Filed on Behalf of:  
: Plaintiff, Dorothy M. Duda  
:  
: Counsel of Record for This  
: Party:  
: Mary L. Pothoven, Esq.  
: Supreme Court ID #72164  
: 600 E. Main Street  
: PO Box 218  
: Reynoldsville, PA 15851  
: (814) 653-2243

FILED

MAR 18 2004

William A. Shaw  
Prothonotary/Clerk of Courts


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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. 2004-40 C.D.  
:  
v. :  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of  
Plaintiff's Reply to Defendants' New Matter in the above  
referenced matter was mailed by U.S. First Class Mail, postage  
prepaid, this 2nd day of March, 2004, to the attorney of record:

McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.  
James M. Horne, Esquire  
811 University Drive  
State College, PA 16801  
(for Defendants)

By:   
Mary L. Pothoven, Esquire  
I.D. No. 72164  
600 E. Main Street  
PO Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

Attorney for Plaintiff

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

DOROTHY M. DUDA, an individual,  
Plaintiff

v.

KRISTINA M. BETHEL, an individual;  
BRUCE BETHEL, an individual;  
MELINDA BETHEL, an individual;  
BRUCE BETHEL and MELINDA BETHEL,  
husband and wife,  
Defendants

:  
: CIVIL DIVISION  
:  
: No. 2004-40 C.D.  
:  
: Type of Pleading  
: **PLAINTIFF'S REPLY TO**  
: **DEFENDANTS' NEW MATTER**  
:  
: Filed on Behalf of:  
: Plaintiff, Dorothy M. Duda  
:  
: Counsel of Record for This  
: Party:  
: Mary L. Pothoven, Esq.  
: Supreme Court ID #72164  
: 600 E. Main Street  
: PO Box 218  
: Reynoldsville, PA 15851  
: (814) 653-2243

**FILED**

**MAR 18 2004**

William A. Shaw  
Prothonotary/Clerk of Courts



2. The allegations set forth in Paragraph 41 of Defendants' New Matter contains conclusions of law to which no

response is required. To the extent a response may deemed required, said conclusions of law are denied and strict proof thereof is demanded at trial.

3. The allegations set forth in Paragraph 42 of Defendants' New Matter contains conclusions of law to which no response is required. To the extent a response may deemed required, said conclusions of law are denied and strict proof thereof is demanded at trial.

4. The allegations set forth in Paragraph 43 of Defendants' New Matter contains conclusions of law to which no response is required. To the extent a response may deemed required, said conclusions of law are denied and strict proof thereof is demanded at trial.

WHEREFORE, Plaintiff, Dorothy M. Duda, demands judgment in her favor and against the Defendants.


Dated: 3-1-04

By: Mary L. Pothoven  
Mary L. Pothoven, Esq.  
ID/No. 27164  
600 E. Main Street  
PO Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

**VERIFICATION**

I, Dorothy M. Duda, verify the facts set forth in the foregoing Plaintiff's Reply to Defendants' New Matter are true and correct to the best of my knowledge, information and belief and I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

Date: 3-1-04

  
Dorothy M. Duda

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
MELINDA BETHEL, an individual,  
BRUCE BETHEL and MELINDA  
BETHEL, husband and wife,

Defendants.

No. 04-40-C.D.

TYPE OF PLEADING:  
**Certificate of Service**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANTS**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
CHENA L. GLENN-HART, ESQ.  
I.D. NO. 82750  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

**APR 05 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

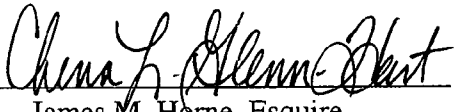
DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
MELINDA BETHEL, an individual,	:	
BRUCE BETHEL and MELINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Answers to Plaintiff's Interrogatories (Set One) Directed to each Defendant, Kristina M. Bethel, Bruce Bethel, and Linda Bethel, and Defendants' Response to Plaintiff's Request for Production of Documents in the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 2<sup>nd</sup> day of April, 2004, to the attorney of record:

Mary L. Pothoven, Esquire  
Law offices of Querino R. Torretti  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By:   
James M. Horne, Esquire  
I. D. No. 26908  
Chena L. Glenn-Hart, Esquire  
I.D. No. 82750  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,	:	
Plaintiff	:	CIVIL DIVISION
	:	
	:	No. 2004-40 C.D.
	:	
v.	:	Type of Pleading:
	:	Amended Complaint
	:	
	:	Filed on Behalf of:
KRISTINA M. BETHEL, an individual;	:	Plaintiff, Dorothy M. Duda
BRUCE BETHEL, an individual;	:	
LINDA BETHEL, an individual;	:	Counsel of Record for This
BRUCE BETHEL and LINDA BETHEL,	:	Party:
husband and wife,	:	Mary L. Pothoven, Esq.
Defendants	:	Supreme Court ID #72164
	:	600 E. Main Street
	:	PO Box 218
	:	Reynoldsville, PA 15851
	:	(814) 653-2243

FILED

APR 05 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. 2004-40 C.D.  
:  
v. :  
:  
:  
:  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
LINDA BETHEL, an individual; :  
BRUCE BETHEL and LINDA BETHEL, :  
husband and wife, :  
Defendants :

**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.

WILLIAM SHAW, PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
PO BOX 549  
CLEARFIELD, PA 16830  
814-765-2641, EXT. 1330

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. 2004-40 C.D.  
:  
v. :  
:  
:  
:  
:  
KRISTINA M. BETHEL, an individual;:  
BRUCE BETHEL, an individual; :  
LINDA BETHEL, an individual; :  
BRUCE BETHEL and LINDA BETHEL, :  
husband and wife, :  
Defendants :

**AMENDED COMPLAINT**

AND NOW, comes the Plaintiff, DOROTHY M. DUDA, by her attorney, MARY L. POTHOVEN, ESQUIRE, and brings this Complaint of which the following is a concise statement:

**GENERAL ALLEGATIONS AS TO ALL COUNTS**

1. The Plaintiff, Dorothy M. Duda, is a sui juris adult who resides at PO Box 155, Fifth Street, Stump Creek, Jefffferson County, Pennsylvania 15863.

2. The Defendant, Kristina M. Bethel, is a sui juris adult who resides at 135 Grant Street, Sykesville, Jefferson County, Pennsylvania 15865.



3. The Defendant, Bruce Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

4. The Defendant, Linda Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

5. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Linda Bethel, were husband and wife.

6. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Linda Bethel, were the owners of a 1995 Mercury bearing Pennsylvania Title Number 1MELM50UXSA601980 and Pennsylvania Registration Plate Number DTB6893, being operated by the Defendant, Kristina M. Bethel. Hereinafter, said vehicle will be referred to as the Bethel vehicle.

7. That at all times material to the within Complaint, the Plaintiff, Dorothy M. Duda, was the operator of a 1993 Jeep Cherokee bearing Pennsylvania Registration Plate Number H18716H. Hereinafter, said vehicle will be referred to as the Duda vehicle.

8. That on January 15, 2002, the Plaintiff, Dorothy M. Duda, was operating the Duda vehicle in a Northerly direction on SR 119 in the township of Sandy, Clearfield County, near the intersection of SR 119 and SR 4012 (West Liberty Road).

9. The intersection of SR 119 and SR 4012 is controlled by a stop sign located on SR 4012 (West Liberty Road).

10. The Plaintiff, Dorothy M. Duda, was traveling North on SR 119 when she entered the SR 119/SR4012 (West Liberty Road) intersection. At the time she entered the intersection, there was no stop sign or other traffic signal controlling traffic moving North on SR 119.

11. That at all times material to the within Complaint the Defendant, Kristina M. Bethel, was operating the Bethel vehicle in a Westerly direction on SR 4012 (West Liberty Road). When Defendant, Kristina M. Bethel, approached the intersection of SR 4012 with SR 119, there was a stop sign on SR 4012 at said intersection which would have directed her to stop before entering the intersection. While attempting to turn left onto SR 119, Defendant, Kristina M. Bethel, pulled into the path of the northbound Duda vehicle, causing the front of the Duda vehicle to collide with the driver's side of the Bethel vehicle.

12. The foregoing collision involving the Duda vehicle and the Bethel vehicle and all of the injuries and damages set forth herein sustained by the Plaintiff were the direct and proximate result of carelessness, recklessness, and negligence of the Defendant, Kristina M. Bethel.

13. The Duda vehicle was violently impacted in the collision with the Bethel vehicle.

14. As a direct and proximate result of the collision, the Plaintiff, Dorothy M. Duda, suffered various injuries including, but not limited to: cervical sprain/strain; whiplash; cervical parascapular myofascial pain; concussion; lumbar sprain/strain; blunt force trauma to the left leg/knee and to the head/face as well as contusions and abrasions.

15. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has suffered emotional and physical suffering, inconvenience and agony and will continue to suffer the same indefinitely into the future.

16. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has incurred, and in the future will incur, various expenses and bills for necessary and reasonable medical services and treatment in an effort to care for and alleviate her injuries.

17. Because of said injuries, Plaintiff, Dorothy M. Duda, was prevented from attending to her usual duties and vocation, all to her great damage and loss.

18. Because of said injuries, the Plaintiff's general health, strength and vitality has been impaired and diminished and will continue to be so indefinitely into the future and her ability to enjoy and live a full and beneficial life has been impaired and diminished and will continue to be so indefinitely into the future.

19. As a result of the injuries she suffered and as a result of a need to seek medical care and treatment for the injuries she suffered which were caused by the Defendant, Kristina M. Bethel, Plaintiff, Dorothy M. Duda, has suffered a loss of earnings, and will continue to do so into the future.

20. As a result of the collision, Plaintiff, Dorothy M. Duda, has incurred various miscellaneous expenses.

21. Because of said injuries, the Plaintiff, Dorothy M. Duda, has suffered permanent bodily injuries resulting in permanent physical limitations.

**COUNT ONE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Kristina M. Bethel, Defendant**  
**Negligence**

22. Paragraphs 1 through 21 are incorporated herein by reference and made a part hereof.

23. The collision was solely, jointly and/or severally the result of the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, in that she:

- (a) operated her vehicle in an inattentive manner;
- (b) failed to pay proper attention to the operation of her vehicle in disregard to the position and safety of others;
- (c) operated her vehicle in disregard to the position and safety of others;

(d) operated her motor vehicle in a careless, reckless and negligent manner;

(e) failed to observe the traffic rules and regulations of the Commonwealth of Pennsylvania including, but not limited to: 75 Pa. C.S.A. §3322 vehicle turning left; 75 Pa. C.S.A. §3323 Stop signs and yield signs; 75 Pa. C.S.A. §3714 Careless driving; 75 Pa. C.S.A. §3736 Reckless driving;

(f) failed, when turning left within the intersection, to yield the right of way to vehicles approaching from the opposite direction which were so close as to constitute a hazard;

(g) proceeding into the intersection and turning without first ascertaining it was safe to proceed;

(h) operated her vehicle at a speed greater than was reasonable under the circumstances;

(i) failed to operate her vehicle with due regard for the highway, weather and traffic conditions which existed or which she was aware of or should have been aware of;

(j) failed to have her vehicle under proper and adequate control so as to prevent her vehicle from striking the Duda vehicle;

(k) failed to apply the brakes in time to avoid the collision;

(l) improperly applied her brakes;

(m) permitted or allowed her vehicle to strike and collide with the front of the Duda vehicle;

(n) failed to keep a reasonable look-out for other vehicles lawfully on the road;

(o) failing to use due care under the circumstances;

(p) failing to notice the Duda vehicle was approaching the intersection;

(q) failing to take evasive action to avoid impacting with the Duda vehicle; and

(r) operated or caused to be operated a vehicle which was not equipped as required under the traffic rules and regulations of the Commonwealth of Pennsylvania and/or which was otherwise in an unsafe condition or in violation of the traffic rules and regulations of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for a judgment against Defendant, Kristina M. Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

**COUNT TWO**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Bruce Bethel, Defendant**  
**Negligence Imputed**

24. Paragraphs 1 through 23 are incorporated herein by reference and made a part hereof.

25. On the date and time the subject collision occurred, the Defendant, Bruce Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.

26. That on the date and at the time the subject collision occurred the Defendants, Bruce Bethel and Kristina M. Bethel, were engaged in a common enterprise.

27. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Bruce Bethel, had the right to share in the control of the operation of the Bethel vehicle.

28. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

29. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Bruce Bethel.

30. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Bruce Bethel, engaged in his business.

31. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Bruce Bethel, with him being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Bruce Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

**COUNT THREE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Linda Bethel, Defendant**  
**Negligence Imputed**

32. Paragraphs 1 through 31 are incorporated herein by reference and made a part hereof.

33. On the date and time the subject collision occurred, the Defendant, Linda Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.



34. That on the date and at the time the subject collision occurred the Defendants, Linda Bethel and Kristina M. Bethel, were engaged in a common enterprise.

35. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Linda Bethel, had the right to share in the control of the operation of the Bethel vehicle.

36. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

37. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Linda Bethel.

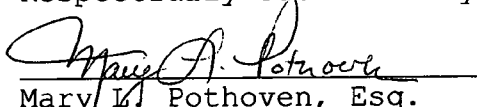
38. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Linda Bethel, engaged in her business.

39. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Linda Bethel, with her being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Linda Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

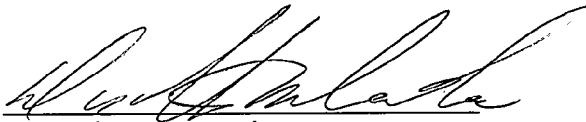
Date: 4-1-04

Respectfully submitted by:

  
Mary L. Pothoven, Esq.  
Attorney for Plaintiff

**VERIFICATION**

I, Dorothy M. Duda, verify the facts set forth in the foregoing Amended Complaint are true and correct to the best of my knowledge, information and belief and that I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authority.



Dorothy M. Duda

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

DOROTHY M. DUDA, an individual,	:	
Plaintiff	:	CIVIL DIVISION
	:	
	:	No. 2004-40 C.D.
	:	
v.	:	Type of Pleading:
	:	<b>CERTIFICATE OF SERVICE</b>
	:	
	:	Filed on Behalf of:
KRISTINA M. BETHEL, an individual;	:	Plaintiff, Dorothy M. Duda
BRUCE BETHEL, an individual;	:	
LINDA BETHEL, an individual;	:	Counsel of Record for This
BRUCE BETHEL and LINDA BETHEL,	:	Party:
husband and wife,	:	Mary L. Pothoven, Esq.
Defendants	:	Supreme Court ID #72164
	:	600 E. Main Street
	:	PO Box 218
	:	Reynoldsville, PA 15851
	:	(814) 653-2243

**FILED**

**APR 12 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

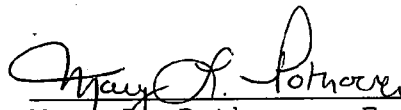
DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. 2004-40 C.D.  
:  
v. :  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
LINDA BETHEL, an individual; :  
BRUCE BETHEL and LINDA BETHEL, :  
husband and wife, :  
Defendants :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Amended Complaint was served on Kristina Bethel and Bruce Bethel by mailing the same U.S. First Class Mail, postage prepaid, this 8th day of April, 2004, to the attorney of record:

McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.  
James M. Horne, Esquire  
811 University Drive  
State College, PA 16801  
(for Defendants)

By:

  
Mary D. Pothoven, Esquire  
I.D. No. 72164  
600 E. Main Street  
PO Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

Attorney for Plaintiff

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

DUDA, DOROTHY M.

VS.

BETHEL, KRISTINA M. al

Sheriff Docket #

15041

04-40-CD

COMPLAINT

**SHERIFF RETURNS**

NOW MARCH 4, 2004 AT 5:25 PM SERVED THE WITHIN COMPLAINT ON BRUCE BETHEL, DEFENDANT AT RESIDENCE, RR#1 BOX 312, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LINDA BETHEL, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF. SERVED BY: MCCLEARY

NOW APRIL 7, 2004 RETURN THE WITHIN COMPLAINT "NOT SERVED" AS TO MELINDA BETHEL, DEFENDANT. CORRECT NAME IS LINDA BETHEL.

**Return Costs**

Cost	Description
28.62	SHERIFF HAWKINS PAID BY: ATTY CK# 26071
20.00	SURCHARGE PAID BY: ATT CK# 26101

Sworn to Before Me This

12<sup>th</sup> Day Of April 2004

William A. Shaw

So Answers,

Chester A. Hawkins  
by Marilyn Hamer

Chester A. Hawkins  
Sheriff

**FILED**

APR 12 2004

01 8:45 a.m.

William A. Shaw  
Prothonotary

*William A. Shaw*  
Deputy Prothonotary

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

DOROTHY M. DUDA, an individual,  
Plaintiff

v.

KRISTINA M. BETHEL, an individual;  
BRUCE BETHEL, an individual;  
MELINDA BETHEL, an individual;  
BRUCE BETHEL and MELINDA BETHEL,  
husband and wife,  
Defendants

:  
: CIVIL DIVISION  
:  
: No. 04-40-CD, 2004 C.D.  
:  
: Type of Pleading:  
: Complaint  
:  
: Filed on Behalf of:  
: Plaintiff, Dorothy M. Duda  
:  
: Counsel of Record for This  
: Party:  
: Mary L. Pothoven, Esq.  
: Supreme Court ID #72164  
: 600 E. Main Street  
: PO Box 218  
: Reynoldsville, PA 15851  
: (814) 653-2243

FILED  
12 34  
JAN 09 2004  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. \_\_\_\_\_, 2004 C.D.  
:  
v. :  
:  
:  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

**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.

WILLIAM SHAW, PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
PO BOX 549  
CLEARFIELD, PA 16830  
814-765-2641, EXT. 1330



3. The Defendant, Bruce Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

4. The Defendant, Melinda Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

5. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were husband and wife.

6. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were the owners of a 1995 Mercury bearing Pennsylvania Title Number 1MELM50UXSA601980 and Pennsylvania Registration Plate Number DTB6893, being operated by the Defendant, Kristina M. Bethel. Hereinafter, said vehicle will be referred to as the Bethel vehicle.

7. That at all times material to the within Complaint, the Plaintiff, Dorothy M. Duda, was the operator of a 1993 Jeep Cherokee bearing Pennsylvania Registration Plate Number H18716H. Hereinafter, said vehicle will be referred to as the Duda vehicle.

8. That on January 15, 2002, the Plaintiff, Dorothy M. Duda, was operating the Duda vehicle in a Northerly direction on

SR 119 in the township of Sandy, Clearfield County, near the intersection of SR 119 and SR 4012 (West Liberty Road).

9. The intersection of SR 119 and SR 4012 is controlled by a stop sign located on SR 4012 (West Liberty Road).

10. The Plaintiff, Dorothy M. Duda, was traveling North on SR 119 when she entered the SR 119/SR4012 (West Liberty Road) intersection. At the time she entered the intersection, there was no stop sign or other traffic signal controlling traffic moving North on SR 119.

11. That at all times material to the within Complaint the Defendant, Kristina M. Bethel, was operating the Bethel vehicle in a Westerly direction on SR 4012 (West Liberty Road). When Defendant, Kristina M. Bethel, approached the intersection of SR 4012 with SR 119, there was a stop sign on SR 4012 at said intersection which would have directed her to stop before entering the intersection. While attempting to turn left onto SR 119, Defendant, Kristina M. Bethel, pulled into the path of the northbound Duda vehicle, causing the front of the Duda vehicle to collide with the driver's side of the Bethel vehicle.

12. The foregoing collision involving the Duda vehicle and the Bethel vehicle and all of the injuries and damages set forth herein sustained by the Plaintiff were the direct and proximate result of carelessness, recklessness, and negligence of the Defendant, Kristina M. Bethel.

13. The Duda vehicle was violently impacted in the collision with the Bethel vehicle.

14. As a direct and proximate result of the collision, the Plaintiff, Dorothy M. Duda, suffered various injuries including, but not limited to: cervical sprain/strain; whiplash; cervical parascapular myofascial pain; concussion; lumbar sprain/strain; blunt force trauma to the left leg/knee and to the head/face as well as contusions and abrasions.

15. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has suffered emotional and physical suffering, inconvenience and agony and will continue to suffer the same indefinitely into the future.

16. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has incurred, and in the future will incur, various expenses and bills for necessary and reasonable medical services and treatment in an effort to care for and alleviate her injuries.

17. Because of said injuries, Plaintiff, Dorothy M. Duda, was prevented from attending to her usual duties and vocation, all to her great damage and loss.

18. Because of said injuries, the Plaintiff's general health, strength and vitality has been impaired and diminished and will continue to be so indefinitely into the future and her ability to enjoy and live a full and beneficial life has been

impaired and diminished and will continue to be so indefinitely into the future.

19. As a result of the injuries she suffered and as a result of a need to seek medical care and treatment for the injuries she suffered which were caused by the Defendant, Kristina M. Bethel, Plaintiff, Dorothy M. Duda, has suffered a loss of earnings, and will continue to do so into the future.

20. As a result of the collision, Plaintiff, Dorothy M. Duda, has incurred various miscellaneous expenses.

21. Because of said injuries, the Plaintiff, Dorothy M. Duda, has suffered permanent bodily injuries resulting in permanent physical limitations.

**COUNT ONE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Kristina M. Bethel, Defendant**  
**Negligence**

22. Paragraphs 1 through 21 are incorporated herein by reference and made a part hereof.

23. The collision was solely, jointly and/or severally the result of the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, in that she:

(a) operated her vehicle in an inattentive manner;

(b) failed to pay proper attention to the operation of her vehicle in disregard to the position and safety of others;

(c) operated her vehicle in disregard to the position and safety of others;

(d) operated her motor vehicle in a careless, reckless and negligent manner;

(e) failed to observe the traffic rules and regulations of the Commonwealth of Pennsylvania including, but not limited to: 75 Pa. C.S.A. §3322 vehicle turning left; 75 Pa. C.S.A. §3323 Stop signs and yield signs; 75 Pa. C.S.A. §3714 Careless driving; 75 Pa. C.S.A. §3736 Reckless driving;

(f) failed, when turning left within the intersection, to yield the right of way to vehicles approaching from the opposite direction which were so close as to constitute a hazard;

(g) proceeding into the intersection and turning without first ascertaining it was safe to proceed;

(h) operated her vehicle at a speed greater than was reasonable under the circumstances;

(i) failed to operate her vehicle with due regard for the highway, weather and traffic conditions which existed or which she was aware of or should have been aware of;

(j) failed to have her vehicle under proper and adequate control so as to prevent her vehicle from striking the Duda vehicle;

(k) failed to apply the brakes in time to avoid the collision;

(l) improperly applied her brakes;

(m) permitted or allowed her vehicle to strike and collide with the front of the Duda vehicle;

(n) failed to keep a reasonable look-out for other vehicles lawfully on the road;

(o) failing to use due care under the circumstances;

(p) failing to notice the Duda vehicle was approaching the intersection;

(q) failing to take evasive action to avoid impacting with the Duda vehicle; and

(r) operated or caused to be operated a vehicle which was not equipped as required under the traffic rules and regulations of the Commonwealth of Pennsylvania and/or which was otherwise in an unsafe condition or in violation of the traffic rules and regulations of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for a judgment against Defendant, Kristina M. Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

COUNT TWO  
Dorothy M. Duda, Plaintiff  
vs.  
Bruce Bethel, Defendant  
Negligence Imputed

24. Paragraphs 1 through 23 are incorporated herein by reference and made a part hereof.

25. On the date and time the subject collision occurred, the Defendant, Bruce Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.

26. That on the date and at the time the subject collision occurred the Defendants, Bruce Bethel and Kristina M. Bethel, were engaged in a common enterprise.

27. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Bruce Bethel, had the right to share in the control of the operation of the Bethel vehicle.

28. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

29. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Bruce Bethel.

30. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Bruce Bethel, engaged in his business.

31. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Bruce Bethel, with him being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Bruce Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

**COUNT THREE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Melinda Bethel, Defendant**  
**Negligence Imputed**

32. Paragraphs 1 through 31 are incorporated herein by reference and made a part hereof.

33. On the date and time the subject collision occurred, the Defendant, Melinda Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.



34. That on the date and at the time the subject collision occurred the Defendants, Melinda Bethel and Kristina M. Bethel, were engaged in a common enterprise.

35. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Melinda Bethel, had the right to share in the control of the operation of the Bethel vehicle.

36. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

37. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Melinda Bethel.

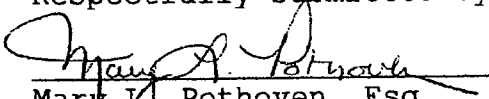
38. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Melinda Bethel, engaged in her business.

39. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Melinda Bethel, with her being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Melinda Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

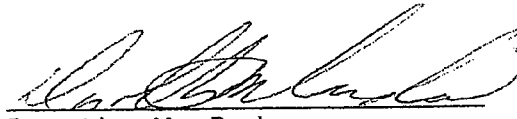
Respectfully submitted by:

Date: 1/8/04

  
Mary L. Pothoven, Esq.  
Attorney for Plaintiff

**VERIFICATION**

I, Dorothy M. Duda, verify the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief and that I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authority.

A handwritten signature in cursive script, appearing to read 'Dorothy M. Duda', written over a horizontal line.

Dorothy M. Duda

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

COPY

DOROTHY M. DUDA, an individual,  
Plaintiff

:  
: CIVIL DIVISION  
:  
: No. 04-40-CD, 2004 C.D.

v.

: Type of Pleading:  
: Complaint

KRISTINA M. BETHEL, an individual;  
BRUCE BETHEL, an individual;  
MELINDA BETHEL, an individual;  
BRUCE BETHEL and MELINDA BETHEL,  
husband and wife,  
Defendants

: Filed on Behalf of:  
: Plaintiff, Dorothy M. Duda  
:  
: Counsel of Record for This  
: Party:  
: Mary L. Pothoven, Esq.  
: Supreme Court ID #72164  
: 600 E. Main Street  
: PO Box 218  
: Reynoldsville, PA 15851  
: (814) 653-2243

FILED  
JAN 09 2004  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. \_\_\_\_\_, 2004 C.D.  
:  
v. :  
:  
:  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
MELINDA BETHEL, an individual; :  
BRUCE BETHEL and MELINDA BETHEL, :  
husband and wife, :  
Defendants :

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.

WILLIAM SHAW, PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
PO BOX 549  
CLEARFIELD, PA 16830  
814-765-2641, EXT. 1330

3. The Defendant, Bruce Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

4. The Defendant, Melinda Bethel, is a sui juris adult who resides at RR 1, Box 312, DuBois, Clearfield County, Pennsylvania 15801.

5. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were husband and wife.

6. That at all times material to the within Complaint, the Defendants, Bruce Bethel and Melinda Bethel, were the owners of a 1995 Mercury bearing Pennsylvania Title Number 1MELM50UXSA601980 and Pennsylvania Registration Plate Number DTB6893, being operated by the Defendant, Kristina M. Bethel. Hereinafter, said vehicle will be referred to as the Bethel vehicle.

7. That at all times material to the within Complaint, the Plaintiff, Dorothy M. Duda, was the operator of a 1993 Jeep Cherokee bearing Pennsylvania Registration Plate Number H18716H. Hereinafter, said vehicle will be referred to as the Duda vehicle.

8. That on January 15, 2002, the Plaintiff, Dorothy M. Duda, was operating the Duda vehicle in a Northerly direction on

SR 119 in the township of Sandy, Clearfield County, near the intersection of SR 119 and SR 4012 (West Liberty Road).

9. The intersection of SR 119 and SR 4012 is controlled by a stop sign located on SR 4012 (West Liberty Road).

10. The Plaintiff, Dorothy M. Duda, was traveling North on SR 119 when she entered the SR 119/SR4012 (West Liberty Road) intersection. At the time she entered the intersection, there was no stop sign or other traffic signal controlling traffic moving North on SR 119.

11. That at all times material to the within Complaint the Defendant, Kristina M. Bethel, was operating the Bethel vehicle in a Westerly direction on SR 4012 (West Liberty Road). When Defendant, Kristina M. Bethel, approached the intersection of SR 4012 with SR 119, there was a stop sign on SR 4012 at said intersection which would have directed her to stop before entering the intersection. While attempting to turn left onto SR 119, Defendant, Kristina M. Bethel, pulled into the path of the northbound Duda vehicle, causing the front of the Duda vehicle to collide with the driver's side of the Bethel vehicle.

12. The foregoing collision involving the Duda vehicle and the Bethel vehicle and all of the injuries and damages set forth herein sustained by the Plaintiff were the direct and proximate result of carelessness, recklessness, and negligence of the Defendant, Kristina M. Bethel.

13. The Duda vehicle was violently impacted in the collision with the Bethel vehicle.

14. As a direct and proximate result of the collision, the Plaintiff, Dorothy M. Duda, suffered various injuries including, but not limited to: cervical sprain/strain; whiplash; cervical parascapular myofascial pain; concussion; lumbar sprain/strain; blunt force trauma to the left leg/knee and to the head/face as well as contusions and abrasions.

15. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has suffered emotional and physical suffering, inconvenience and agony and will continue to suffer the same indefinitely into the future.

16. As a direct and proximate result of said injuries, the Plaintiff, Dorothy M. Duda, has incurred, and in the future will incur, various expenses and bills for necessary and reasonable medical services and treatment in an effort to care for and alleviate her injuries.

17. Because of said injuries, Plaintiff, Dorothy M. Duda, was prevented from attending to her usual duties and vocation, all to her great damage and loss.

18. Because of said injuries, the Plaintiff's general health, strength and vitality has been impaired and diminished and will continue to be so indefinitely into the future and her ability to enjoy and live a full and beneficial life has been



impaired and diminished and will continue to be so indefinitely into the future.

19. As a result of the injuries she suffered and as a result of a need to seek medical care and treatment for the injuries she suffered which were caused by the Defendant, Kristina M. Bethel, Plaintiff, Dorothy M. Duda, has suffered a loss of earnings, and will continue to do so into the future.

20. As a result of the collision, Plaintiff, Dorothy M. Duda, has incurred various miscellaneous expenses.

21. Because of said injuries, the Plaintiff, Dorothy M. Duda, has suffered permanent bodily injuries resulting in permanent physical limitations.

**COUNT ONE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Kristina M. Bethel, Defendant**  
**Negligence**

22. Paragraphs 1 through 21 are incorporated herein by reference and made a part hereof.

23. The collision was solely, jointly and/or severally the result of the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, in that she:

(a) operated her vehicle in an inattentive manner;

(b) failed to pay proper attention to the operation of her vehicle in disregard to the position and safety of others;

(c) operated her vehicle in disregard to the position and safety of others;

(d) operated her motor vehicle in a careless, reckless and negligent manner;

(e) failed to observe the traffic rules and regulations of the Commonwealth of Pennsylvania including, but not limited to: 75 Pa. C.S.A. §3322 vehicle turning left; 75 Pa. C.S.A. §3323 Stop signs and yield signs; 75 Pa. C.S.A. §3714 Careless driving; 75 Pa. C.S.A. §3736 Reckless driving;

(f) failed, when turning left within the intersection, to yield the right of way to vehicles approaching from the opposite direction which were so close as to constitute a hazard;

(g) proceeding into the intersection and turning without first ascertaining it was safe to proceed;

(h) operated her vehicle at a speed greater than was reasonable under the circumstances;

(i) failed to operate her vehicle with due regard for the highway, weather and traffic conditions which existed or which she was aware of or should have been aware of;

(j) failed to have her vehicle under proper and adequate control so as to prevent her vehicle from striking the Duda vehicle;

(k) failed to apply the brakes in time to avoid the collision;

(l) improperly applied her brakes;

(m) permitted or allowed her vehicle to strike and collide with the front of the Duda vehicle;

(n) failed to keep a reasonable look-out for other vehicles lawfully on the road;

(o) failing to use due care under the circumstances;

(p) failing to notice the Duda vehicle was approaching the intersection;

(q) failing to take evasive action to avoid impacting with the Duda vehicle; and

(r) operated or caused to be operated a vehicle which was not equipped as required under the traffic rules and regulations of the Commonwealth of Pennsylvania and/or which was otherwise in an unsafe condition or in violation of the traffic rules and regulations of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for a judgment against Defendant, Kristina M. Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

COUNT TWO  
Dorothy M. Duda, Plaintiff  
vs.  
Bruce Bethel, Defendant  
Negligence Imputed

24. Paragraphs 1 through 23 are incorporated herein by reference and made a part hereof.

25. On the date and time the subject collision occurred, the Defendant, Bruce Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.

26. That on the date and at the time the subject collision occurred the Defendants, Bruce Bethel and Kristina M. Bethel, were engaged in a common enterprise.

27. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Bruce Bethel, had the right to share in the control of the operation of the Bethel vehicle.

28. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

29. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Bruce Bethel.

30. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Bruce Bethel, engaged in his business.

31. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Bruce Bethel, with him being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Bruce Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

**COUNT THREE**  
**Dorothy M. Duda, Plaintiff**  
**vs.**  
**Melinda Bethel, Defendant**  
**Negligence Imputed**

32. Paragraphs 1 through 31 are incorporated herein by reference and made a part hereof.

33. On the date and time the subject collision occurred, the Defendant, Melinda Bethel, was a co-owner of the Bethel vehicle being operated by the Defendant, Kristina M. Bethel.

34. That on the date and at the time the subject collision occurred the Defendants, Melinda Bethel and Kristina M. Bethel, were engaged in a common enterprise.

35. That on the date and at the time the subject collision occurred although the Defendant, Kristina M. Bethel, was operating the Bethel vehicle, the Defendant, Melinda Bethel, had the right to share in the control of the operation of the Bethel vehicle.

36. That in the alternative, the Bethel vehicle was being maintained by the Defendants for the benefit of the family unit, including themselves.

37. That on the date and at the time the subject collision occurred the Bethel vehicle was being operated by the Defendant, Kristina M. Bethel, for a family purpose benefiting both herself and the Defendant, Melinda Bethel.

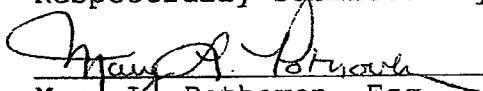
38. That in the alternative at the time the subject collision occurred, Defendant, Kristina M. Bethel's, operation of the Bethel vehicle as heretofore indicated was as an agent, servant, workman, or employee of Defendant, Melinda Bethel, engaged in her business.

39. That the recklessness, negligence and carelessness of the Defendant, Kristina M. Bethel, is therefore imputed to the Defendant, Melinda Bethel, with her being liable for the damages herein being requested.

WHEREFORE, Plaintiff, Dorothy M. Duda, prays for judgment against Defendant, Melinda Bethel, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and demands a jury trial on the same and requests such other relief as your Honorable Court deems appropriate.

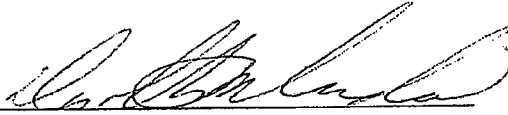
Date: 1/8/04

Respectfully submitted by:

  
Mary L. Pothoven, Esq.  
Attorney for Plaintiff

**VERIFICATION**

I, Dorothy M. Duda, verify the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief and that I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authority.

  
Dorothy M. Duda



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

DOROTHY M. DUDA, an individual,	:	
Plaintiff	:	CIVIL DIVISION
	:	
	:	No. 2004-40 C.D.
	:	
v.	:	Type of Pleading:
	:	<b>ACCEPTANCE OF SERVICE</b>
	:	
	:	Filed on Behalf of:
KRISTINA M. BETHEL, an individual;	:	Plaintiff, Dorothy M. Duda
BRUCE BETHEL, an individual;	:	
LINDA BETHEL, an individual;	:	Counsel of Record for This
BRUCE BETHEL and LINDA BETHEL,	:	Party:
husband and wife,	:	Mary L. Pothoven, Esq.
Defendants	:	Supreme Court ID #72164
	:	600 E. Main Street
	:	PO Box 218
	:	Reynoldsville, PA 15851
	:	(814) 653-2243

FILED

APR 21 2004

William A. Shaw  
Prothonotary/Clerk of Courts

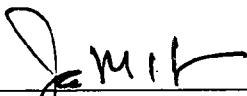
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. 2004-40 C.D.  
:  
v. :  
:  
:  
:  
KRISTINA M. BETHEL, an individual;:  
BRUCE BETHEL, an individual; :  
LINDA BETHEL, an individual; :  
BRUCE BETHEL and LINDA BETHEL, :  
husband and wife, :  
Defendants :

**ACCEPTANCE OF SERVICE OF AMENDED COMPLAINT**

I accept service of the Amended Complaint on behalf of my  
client, Linda Bethel, and attest I am authorized to do so.

Date: 4/12/04

  
\_\_\_\_\_  
James M. Horne, Esq.  
McQuaide, Blasko  
811 University Drive  
State College, PA 16801

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

DOROTHY M. DUDA, an individual,	:	
Plaintiff	:	CIVIL DIVISION
	:	
	:	No. 2004-40 C.D.
	:	
v.	:	Type of Pleading:
	:	<b>CERTIFICATE OF SERVICE</b>
	:	
	:	Filed on Behalf of:
KRISTINA M. BETHEL, an individual;	:	Plaintiff, Dorothy M. Duda
BRUCE BETHEL, an individual;	:	
LINDA BETHEL, an individual;	:	Counsel of Record for This
BRUCE BETHEL and LINDA BETHEL,	:	Party:
husband and wife,	:	Mary L. Pothoven, Esq.
Defendants	:	Supreme Court ID #72164
	:	600 E. Main Street
	:	PO Box 218
	:	Reynoldsville, PA 15851
	:	(814) 653-2243

FILED

APR 22 2004

William A. Shaw  
Prothonotary, Clerk of Courts

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


DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
:  
v. : No. 2004-40 C.D.  
:  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
LINDA BETHEL, an individual; :  
BRUCE BETHEL and LINDA BETHEL, :  
husband and wife, :  
Defendants :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiff's Response to Defendants' Request for Production of Documents (Set Two) and Answers to Interrogatories Propounded by Defendants for Answer by Plaintiff (Set One) and Plaintiff's Response to Defendants' Request for Production of Documents (Set One) was served on Kristina Bethel, Bruce Bethel, and Linda Bethel by mailing the same U.S. First Class Mail, postage prepaid, the 19th day of April, 2004, to the attorney of record:

McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.  
James M. Horne, Esquire  
811 University Drive  
State College, PA 16801  
(for Defendants)

Date: April 21, 2004

By:   
Mary G. Pothoven, Esquire  
I.D. No. 72164  
600 E. Main Street  
PO Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

Attorney for Plaintiff

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
LINDA BETHEL, an individual,  
BRUCE BETHEL and LINDA  
BETHEL, husband and wife,

Defendants.

: No. 04-40-C.D.

:  
: TYPE OF PLEADING:  
: **Answer with New Matter**  
: **to Amended Complaint**

:  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANTS**

:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: CHENA L. GLENN-HART, ESQ.  
: I.D. NO. 82750  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX#(814) 238-9624

**FILED**

**APR 23 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**NOTICE TO PLEAD**

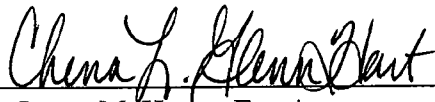
TO: Dorothy M. Duda, an individual  
% Mary L. Pothoven, Esquire

YOU ARE HEREBY notified to file a written response to the enclosed Answer and New Matter within twenty (20) days from the date of service hereof or a judgment may be entered against you.

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Dated: April 22, 2004

By:



James M. Horne, Esquire

I.D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**ANSWER WITH NEW MATTER**  
**OF DEFENDANTS TO PLAINTIFF'S AMENDED COMPLAINT**

**General Allegations As To All Counts**

1. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1. The same are therefore denied and strict proof thereof demanded.

2. Admitted in part and denied in part. It is admitted that Defendant Kristina M. Bethel is an adult individual. It is denied that Defendant Kristina M. Bethel resides at the address cited within paragraph 2 of the Amended Complaint. By way of further response, Defendant Kristina M. Bethel has moved since the filing of the Complaint and Defendant's Answer thereto and now resides at 795 Woodwinds Drive, Conway, South Carolina 29526.

3. – 21. Defendants incorporate by reference the averments set forth in the Answer with New Matter of Defendants to Plaintiff's Complaint as though set forth at length herein. By way of further response, Defendants acknowledge that the Amended Complaint properly replaces Defendant Linda Bethel for Melinda Bethel as alleged in the original Complaint. In this regard,

Defendants hereby redact references to the alleged Defendant Melinda Bethel's proper name as being Linda Bethel in the Answer with New Matter.

**Count One**  
**Dorothy M. Duda, Plaintiff vs. Kristina M. Bethel, Defendant**  
**Negligence**

22. Defendant Kristina M. Bethel incorporates herein by reference, the same as though set forth at length, her responses to paragraphs 1 through 21 inclusive.

23. (a) – (r). Defendants incorporate by reference the averments set forth in the Answer with New Matter of Defendants to Plaintiff's Complaint as though set forth at length herein.

WHEREFORE, Defendant Kristina M. Bethel requests that the Amended Complaint of Plaintiff Dorothy M. Duda be dismissed with prejudice and costs of suit.

**Count Two**  
**Dorothy M. Duda, Plaintiff vs. Bruce Bethel, Defendant**  
**Negligence Imputed**

24. – 31. Defendants incorporate by reference the averments set forth in the Answer with New Matter of Defendants to Plaintiff's Complaint as though set forth at length herein.

WHEREFORE, Defendant Bruce Bethel requests that the Amended Complaint of Dorothy M. Duda be dismissed with prejudice and costs of suit.

**Count Three**  
**Dorothy M. Duda, Plaintiff vs. Linda Bethel, Defendant**  
**Negligence Imputed**

33. – 39. Defendants incorporate by reference the averments set forth in the Answer with New Matter of Defendants to Plaintiff's Complaint as though set forth at length herein. By way of further response, Defendants acknowledge that the Amended Complaint properly replaces Defendant Linda Bethel for Melinda Bethel as alleged in the original Complaint. In this regard,



Defendants hereby redact references to the alleged Defendant Melinda Bethel's proper name as being Linda Bethel in the Answer with New Matter.

WHEREFORE, Defendant, Linda Bethel, requests that the Amended Complaint of Dorothy M. Duda be dismissed with prejudice and costs of suit.

**NEW MATTER**

40. – 43. Defendants incorporate by reference the averments set forth at paragraphs 40 through 43 of New Matter contained within the previously filed Answer with New Matter of Defendants to Plaintiff's Complaint as though set forth at length herein.

WHEREFORE, Defendants Kristina M. Bethel, Bruce Bethel and Linda Bethel, individually and as husband and wife, request that the Amended Complaint of Plaintiff Dorothy M. Duda be dismissed, with prejudice and costs of suit.

Respectfully submitted,

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Dated: April 22, 2004

By:



James M. Horne, Esquire

I.D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendants

### **VERIFICATION**


The undersigned verifies that he is authorized to make this Verification on his own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiff's Amended Complaint are true and correct to the best of his knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.

  
\_\_\_\_\_  
BRUCE BETHEL

Dated: 4- 17-, 2004

### **VERIFICATION**

The undersigned verifies that she is authorized to make this Verification on her own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiff's Amended Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.

  
LINDA BETHEL

Dated: 4 - 17 -, 2004

### **VERIFICATION**

The undersigned verifies that she is authorized to make this Verification on her own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiff's Amended Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.

  
KRISTINA M. BETHEL

Dated: April 19, 2004

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

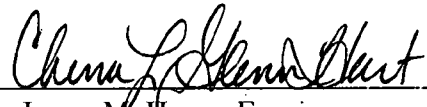
DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Answer with New Matter to Plaintiff's Amended Complaint in the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 22<sup>nd</sup> day of April, 2004, to the attorney of record:

Mary L. Pothoven, Esquire  
Law offices of Querino R. Torretti  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By:   
James M. Horne, Esquire  
I. D. No. 26908  
Chena L. Glenn-Hart, Esquire  
I.D. No. 82750  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
LINDA BETHEL, an individual,  
BRUCE BETHEL and LINDA  
BETHEL, husband and wife,

Defendants.

No. 04-40-C.D.

TYPE OF PLEADING:  
**CERTIFICATE OF SERVICE**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

**APR 23 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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


DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 21 day of April, 2004, to the attorneys/parties of record:

Mary L. Pothoven, Esquire  
Law offices of Querino R. Torretti  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
LINDA BETHEL, an individual,  
BRUCE BETHEL and LINDA  
BETHEL, husband and wife,

Defendants.

No. 04-40-C.D.

TYPE OF PLEADING:  
**Certificate of Service**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANTS**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
CHENA L. GLENN-HART, ESQ.  
I.D. NO. 82750  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

**MAY 10 2004**

William A. Shaw  
Prothonotary/Clerk of Courts



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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
MELINDA BETHEL, an individual,	:	
BRUCE BETHEL and MELINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

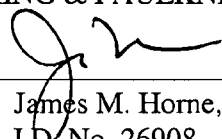
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Supplemental Request for Production of Documents and Tangible Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 7<sup>th</sup> day of May, 2004, to the attorneys/parties of record:

Mary L. Pothoven, Esquire  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851  
(for Plaintiff)

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
LINDA BETHEL, an individual,  
BRUCE BETHEL and LINDA  
BETHEL, husband and wife,

Defendants.

No. 04-40-C.D.

TYPE OF PLEADING:  
**CERTIFICATE OF SERVICE**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

MAY 10 2004

William A. Shaw  
Prothonotary

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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 7<sup>th</sup> day of May, 2004, to the attorneys/parties of record:

Mary L. Pothoven, Esquire  
Law offices of Querino R. Torretti  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendants

FILED

M 1:49 PM

MAY 10 2004

KG

William A. Shaw  
Prothonotary

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
LINDA BETHEL, an individual,  
BRUCE BETHEL and LINDA  
BETHEL, husband and wife,

Defendants.

: No. 04-40-C.D.

:  
: TYPE OF PLEADING:  
: **Certificate of Service**

:  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANTS**

:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: CHENA L. GLENN-HART, ESQ.  
: I.D. NO. 82750  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX#(814) 238-9624

FILED

MAY 11 2004

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

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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

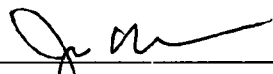
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Notice of Deposition of Plaintiff in the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 10<sup>th</sup> day of May, 2004, to the attorney of record:

Mary L. Pothoven, Esquire  
Law offices of Querino R. Torretti  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I. D. No. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
LINDA BETHEL, an individual,  
BRUCE BETHEL and LINDA  
BETHEL, husband and wife,

Defendants.

: No. 04-40-C.D.

: TYPE OF PLEADING:

: **Certificate Prerequisite to Service of**  
: **Subpoenas and Certificate of Service**

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

: **DEFENDANT**

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: McQUAIDE, BLASKO, SCHWARTZ,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX#(814) 238-9624

**FILED**

**MAY 14 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
 :  
 : No. 04-40-C.D.  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 :  
 KRISTINA M. BETHEL, an individual, :  
 LINDA BETHEL, an individual, :  
 BRUCE BETHEL and LINDA :  
 BETHEL, husband and wife, :  
 :  
 Defendants. :

**CERTIFICATE**  
**PREREQUISITE TO SERVICE OF SUBPOENAS**  
**PURSUANT TO RULE 4009.22**

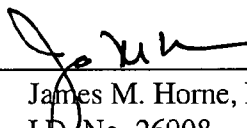
As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendants certify that:

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

MCQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Date: May 13, 2004

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926  
Attorney for Defendants



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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	


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

Defendants intend to serve subpoenas identical to those 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 subpoenas. If no objection is made, the subpoenas may be served.

MCQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Date: April 21, 2004

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Attorneys for Defendants

COT 7

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual,	:	
Plaintiff,	:	No. 04-40-C.D.
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
Defendants.	:	

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *West Penn Orthopedics*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual, :  
Plaintiff, : No. 04-40-C.D.  
v. :  
KRISTINA M. BETHEL, an individual, :  
LINDA BETHEL, an individual, :  
BRUCE BETHEL and LINDA :  
BETHEL, husband and wife, :  
Defendants. :

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Eric Peck, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual, :  
Plaintiff, : No. 04-40-C.D.  
v. :  
:   
KRISTINA M. BETHEL, an individual, :  
LINDA BETHEL, an individual, :  
BRUCE BETHEL and LINDA :  
BETHEL, husband and wife, :  
Defendants. :

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Erie Insurance Group*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all records in your possession pertaining to Claim #010110421380 and/or Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

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

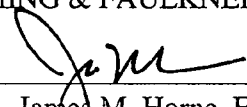
DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Certificate Prerequisite to Service of Subpoenas in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 13 day of May, 2004, to the attorneys/parties of record:

Mary L. Pothoven, Esquire  
Law offices of Querino R. Torretti  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
LINDA BETHEL, an individual,  
BRUCE BETHEL and LINDA  
BETHEL, husband and wife,

Defendants.

: No. 04-40-C.D.

: TYPE OF PLEADING:

: **Certificate Prerequisite to Service of**  
: **Subpoena w/Certificate of Service**

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

: **DEFENDANT**

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: McQUAIDE, BLASKO, SCHWARTZ,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX#(814) 238-9624

**FILED**

**JUN 02 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
 :  
 : No. 04-40-C.D.  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 :  
 KRISTINA M. BETHEL, an individual, :  
 LINDA BETHEL, an individual, :  
 BRUCE BETHEL and LINDA :  
 BETHEL, husband and wife, :  
 :  
 Defendants. :

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

As a prerequisite to service of subpoena for documents and things pursuant to Rule 4009.22, Defendants certify 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,
- 4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

MCQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Date: June 1, 2004

By: 

James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926  
Attorney for Defendants

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

DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

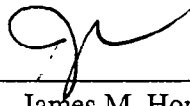
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendants intends to serve a subpoena identical to that 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.

MCQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Date: May 7, 2004

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Attorneys for Defendants





COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DOROTHY M. DUDA, an individual, :  
Plaintiff, : No. 04-40-C.D.  
v. :  
:   
KRISTINA M. BETHEL, an individual, :  
LINDA BETHEL, an individual, :  
BRUCE BETHEL and LINDA :  
BETHEL, husband and wife, :  
Defendants. :

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS**  
**FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Duda's Auto Body and Sales*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all employment and wage records in your possession pertaining to Dorothy M. Duda, SS#187-62-3414, Date of Birth: 04/27/69*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *26908*  
ATTORNEY FOR: *Defendants*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

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

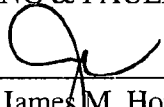
DOROTHY M. DUDA, an individual,	:	
	:	No. 04-40-C.D.
Plaintiff,	:	
	:	
v.	:	
	:	
KRISTINA M. BETHEL, an individual,	:	
LINDA BETHEL, an individual,	:	
BRUCE BETHEL and LINDA	:	
BETHEL, husband and wife,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Certificate Prerequisite to Service of Subpoena for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 1<sup>st</sup> day of June, 2004, to the attorneys/parties of record:

Mary L. Pothoven, Esquire  
Law offices of Querino R. Torretti  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By:   
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual,

Plaintiff,

v.

KRISTINA M. BETHEL, an individual,  
BRUCE BETHEL, an individual,  
LINDA BETHEL, an individual,  
BRUCE BETHEL and LINDA  
BETHEL, husband and wife,

Defendants.

No. 04-40-C.D.

TYPE OF PLEADING:  
**Certificate of Service**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANTS**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
CHENA L. GLENN-HART, ESQ.  
I.D. NO. 82750  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

**JUN 09 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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


DOROTHY M. DUDA, an individual, :  
 :  
Plaintiff, : No. 04-40-C.D.  
 :  
v. :  
 :  
KRISTINA M. BETHEL, an individual, :  
LINDA BETHEL, an individual, :  
BRUCE BETHEL and LINDA :  
BETHEL, husband and wife, :  
 :  
Defendants. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Notice of Rescheduled Deposition of Plaintiff in the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 8<sup>th</sup> day of June, 2004, to the attorney of record:

Mary L. Pothoven, Esquire  
Law offices of Querino R. Torretti  
600 East Main Street  
P.O. Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By:   
James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
: No. 2004-40 C.D.  
:  
v. : Type of Pleading:  
: PLAINTIFF'S REPLY TO  
: DEFENDANTS' NEW MATTER  
: TO AMENDED COMPLAINT  
:  
: Filed on Behalf of:  
KRISTINA M. BETHEL, an individual; : Plaintiff, Dorothy M. Duda  
BRUCE BETHEL, an individual; :  
LINDA BETHEL, an individual; : Counsel of Record for This  
BRUCE BETHEL and LINDA BETHEL, : Party:  
husband and wife, : Mary L. Pothoven, Esq.  
Defendants : Supreme Court ID #72164  
: 600 E. Main Street  
: PO Box 218  
: Reynoldsville, PA 15851  
: (814) 653-2243

FILED

JUN 28 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
:  
v. : No. 2004-40 C.D.  
:  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
LINDA BETHEL, an individual; :  
BRUCE BETHEL and LINDA BETHEL, :  
husband and wife, :  
Defendants :

PLAINTIFF'S REPLY TO DEFENDANTS' NEW MATTER TO AMENDED COMPLAINT

TO: Kristina M. Bethel, an individual;  
Bruce Bethel, an individual;  
Linda Bethel, an individual;  
c/o James Horne, Esquire

AND NOW, comes Plaintiff, Dorothy M. Duda, by and through  
her attorney, Mary L. Pothoven, Esquire, and files the within  
reply to Defendants' New Matter as follows:

1. - 4. Plaintiff incorporates by reference the averments  
set forth in paragraph 1 - 4 of Plaintiff's Reply to Defendants'  
New Matter contained within the previously filed reply to  
Defendants' New Matter as though set forth at length herein.

WHEREFORE, Plaintiff, Dorothy M. Duda, demands judgment in  
her favor and against the Defendants.


Date: 6/25/04

  
Mary L. Pothoven, Esq.

VERIFICATION

I, Dorothy M. Duda, verify the facts set forth in the foregoing Plaintiff's Reply To Defendants' New Matter to Amended Complaint are true and correct to the best of my knowledge, information and belief and I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

Date: 6/25/04

  
Dorothy M. Duda

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

DOROTHY M. DUDA, an individual,	:	
Plaintiff	:	CIVIL DIVISION
	:	
	:	No. 2004-40 C.D.
	:	
v.	:	Type of Pleading:
	:	CERTIFICATE OF SERVICE
	:	
	:	Filed on Behalf of:
KRISTINA M. BETHEL, an individual;	:	Plaintiff, Dorothy M. Duda
BRUCE BETHEL, an individual;	:	
LINDA BETHEL, an individual;	:	Counsel of Record for This
BRUCE BETHEL and LINDA BETHEL,	:	Party:
husband and wife,	:	Mary L. Pothoven, Esq.
Defendants	:	Supreme Court ID #72164
	:	600 E. Main Street
	:	PO Box 218
	:	Reynoldsville, PA 15851
	:	(814) 653-2243

FILED

JUN 28 2004

William A. Shaw  
Prothonotary/Clerk of Courts



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

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
:  
v. : No. 2004-40 C.D.  
:  
:  
KRISTINA M. BETHEL, an individual; :  
BRUCE BETHEL, an individual; :  
LINDA BETHEL, an individual; :  
BRUCE BETHEL and LINDA BETHEL, :  
husband and wife, :  
Defendants :


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Reply to Defendants' New Matter to Amended Complaint was served on Kristina Bethel, Bruce Bethel, and Linda Bethel by mailing the same U.S. First Class Mail, postage prepaid, the 25th day of June, 2004 to the attorney of record:

McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.  
James M. Horne, Esquire  
811 University Drive  
State College, PA 16801  
(for Defendants)

Date: 6/25/04

By:

  
Mary L. Pothoven, Esquire  
I.D. No. 72164  
600 E. Main Street  
PO Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

Attorney for Plaintiff

DOROTHY M. DUDA, an individual, :  
Plaintiff : CIVIL DIVISION  
:  
:  
: No. 2004-40 C.D.  
:  
v. : Type of Pleading:  
: **PRAECIPE TO SETTLE AND**  
: **DISCONTINUE**  
:  
: Filed on Behalf of:  
KRISTINA M. BETHEL, an individual; : Plaintiff, Dorothy M. Duda  
BRUCE BETHEL, an individual; :  
LINDA BETHEL, an individual; : Counsel of Record for This  
BRUCE BETHEL and LINDA BETHEL, : Party:  
husband and wife, : Mary L. Pothoven, Esq.  
Defendants : Supreme Court ID #72164  
: 600 E. Main Street  
: PO Box 218  
: Reynoldsville, PA 15851  
: (814) 653-2243

**FILED**

6/1 m 1:25 PM 1CC + cont.  
to letter  
copy to CH  
JAN 19 2005

William A. Shaw  
Prothonotary

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

**CIVIL DIVISION**

**Dorothy M. Duda**

**Vs.**

**No. 2004-00040-CD**

**Kristina M. Bethel  
Bruce Bethel  
Melinda Bethel**

**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 January 19, 2005, marked:

Discontinued, Settled and Ended.

Record costs in the sum of \$269.61 have been paid in full by Attorney Pothoven.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 19th day of January A.D. 2005.

---

William A. Shaw, Prothonotary