

04-250-CD
TIMOTHY L. BAINY, et al. vs. DAVID RENAUD

Timothy Bainy et al vs. David Renaud
2004-250-CD

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CR
*

*
* TYPE OF CASE: Civil Action - Law
* Personal Injury
*

* TYPE OF PLEADING: Complaint
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* FILED ON BEHALF OF :
* Plaintiffs
*

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* Supreme Court I.D. #39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED

FEB 20 2004

William A. Shaw
Prothonotary

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

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* No.
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NOTICE

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

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

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641


David C. Mason, Esquire Atty. for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

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* No.
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COMPLAINT

AND NOW comes TIMOTHY L. BAINEY and DELORES E. BAINEY, his wife, by and through their Attorney, David C. Mason, Esquire, and files this Complaint of which the following are material averments of fact.

1. Plaintiffs are Timothy L. BaineY and Delores E. BaineY, his wife, adult individuals, with a current mailing address of P. O. Box 125, Osceola Mills, Pennsylvania, 16666.

2. Defendant is David Renaud, an adult individual, whose last known mailing address is

3. On June 20, 2002, at approximately 1:30 P. M. Plaintiff Timothy L. BaineY was operating a 1980 Mercedes Benz sedan (hereinafter "BaineY" vehicle) in an east-bound direction on Route 322 in Decatur Township, Clearfield County,

Pennsylvania.

4. At the same time and in the same approximate location, Defendant David Renaud was operating his automobile, being a 1994 Ford F-150 pick-up (hereinafter "Renaud" vehicle).

5. While Plaintiff was lawfully traveling in the center or "turning" lane of U. S. 322, the Renaud vehicle attempted to enter the roadway from a parking lot on the southerly side of U. S. 322. The Renaud vehicle intended to enter the westerly lane of travel from the southerly side of the highway by crossing the easterly lane of travel and the center lane of travel and continuing in a westerly direction.

6. As the direct and proximate result of the collision with the Defendant's vehicle, Plaintiff Timothy L. Baine has suffered the following injuries, some or all of which are permanent in nature:

- a. Vertebral subluxation of multiple cervicals;
- b. Vertebral subluxation of thoracic spine;
- c. Vertebral subluxation of lumbar spine;
- d. Vertebral subluxation of right and left ilium;
- e. Subluxation of sacrum;
- f. lower back pain and stiffness;
- g. neck pain;
- h. loss of health, strength, vigor, vitality and/or physical and mental well being.

7. Defendant David Renaud was negligent in the operation of his vehicle on

the day and date aforesaid and at the location of the collision with the Bainey vehicle in the following manner:

- a. in failing to stop in order to avoid striking the "Baine" vehicle;
- b. in failing to keep his vehicle under proper and adequate control such that the Defendant did not avoid striking the Bainey vehicle when the same was lawfully within its own lane of travel;
- c. in failing to keep a careful and diligent watch on the road such that the operator did not observe the Bainey vehicle lawfully in its lane of travel;
- d. in crossing two lanes of travel when he knew or in the exercise of reasonable caution should have known that doing so was not safe;
- e. in failing to take appropriate, proper, timely evasive action to avoid the aforesaid accident, despite said avenues of evasion being available to him, such as turning, braking or slowing his vehicle;
- f. in failing to keep a safe, careful and adequate look out for other vehicles on the roadway, and particularly those vehicles traveling in the direction of travel of the "Baine" vehicle;
- g. in operating the vehicle in such mental and/or physical condition that it was imprudent, unsafe or hazardous to operate the said vehicle, in that Defendant was unaware and unresponsive to the traffic in front of him;
- h. in failing to warn, signal, or otherwise advise the Plaintiff that he was going to strike him;

i. In operating his vehicle at a speed greater than is reasonable and prudent under the conditions then and there present such that he could not and did not bring his vehicle to a safe stop within the assured clear distance ahead;

8. As a further direct and proximate result of the negligence of the Defendant and the collision with the Renaud vehicle, Plaintiff Timothy L. Baine has been and will be obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses which expenses have or may exceed the sum recoverable under the limits in 75 Pa. C.S. §1711 and may be obliged to expend such sums to incur such expenditures for an indefinite time into the future.

9. Further, as a direct and proximate result of the collision with the Renaud vehicle, Plaintiff Timothy Baine's medical treatment is continuing and additional medical expenses will be incurred in the future.

10. As a further result of this collision, Plaintiff Timothy L. Baine has suffered severe physical pain, mental anguish, humiliation, embarrassment, loss of enjoyment of life, loss of vitality, vigor, health and/or strength and may continue to suffer the same for an indefinite time into the future.

11. Plaintiff Timothy L. Baine is an insured under a policy of automobile insurance issued by Erie Insurance Group, which provides Plaintiff Timothy L. Baine with the full tort option under the Pennsylvania Motor Vehicle Financial Responsibility Law.

COUNT I

TIMOTHY L. BAINEY and DELORES E. BAINEY, his wife, Plaintiffs

VS.

DAVID RENAUD, Defendant

Paragraphs 1 through 11 are incorporated herein as though fully set forth at length.

12. Defendant David Renaud is liable to the Plaintiffs for damages arising from the injuries as aforesaid.

WHEREFORE, Plaintiffs pray your Honorable Court for the entry of an Order that judgment be entered in their favor and against Defendant in an unliquidated amount in excess of \$20,000.00, plus interest to the extent permitted by law, and costs of suit.

COUNT II

DELORES E. BAINEY

VS.

DAVID RENAUD

LOSS OF CONSORTIUM

Paragraphs 1 through 12 are incorporated by reference herein as though the same were fully set forth at length.

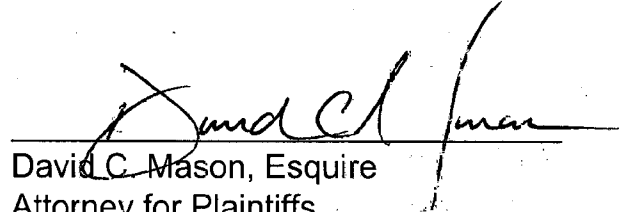
13. At all times material hereto, **DELORES E. BAINEY**, is and has been the

lawful wife of **TIMOTHY L. BAINEY**.

14. As a result of the injuries sustained by Plaintiff **TIMOTHY L. BAINEY**, Plaintiff **DELORES E. BAINEY** has suffered, yet suffers and will continue to suffer in the future the loss of consortium, society, companionship, and related conjugal benefits as well as the loss of services of Plaintiff **TIMOTHY L. BAINEY**.

15. Plaintiff **DELORES E. BAINEY'S** losses, above detailed, are the direct and proximate result of the automobile accident, and hence the negligence of Defendant Tiffany Monique Brown, as enumerated above.

WHEREFORE, Plaintiffs demand that judgment be entered in favor of Plaintiffs and against Defendant in an amount in excess of \$20,000.00 plus costs of suit.

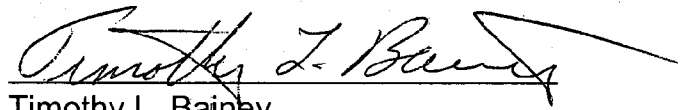

David C. Mason, Esquire
Attorney for Plaintiffs

VERIFICATION

We certify that the facts set forth in the foregoing Complaint are true and correct to the best of our knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED:

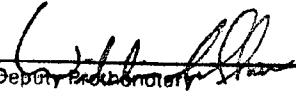
2/13/04


Timothy L. Bainey

EX-105

RECEIVED
FEB 16 2004
CLERK OF COURT

18 Mar 04 Document
Reinstated/~~Reissued~~ to Sheriff/Attorney
for service.


Deputy Prothonotary

FILED

FEB 20 2004

0/2:46

William A. Shaw
Prothonotary

200 to all

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELCRES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
*

*
* Type of Pleading: PRAECIPE TO
* REINSTATE COMPLAINT
*

*
* COUNSEL OF RECORD FOR PLAINTIFF
* David C. Mascn, Esquire
* Mason Law Office
* 409 North Front Street
* P.O. Box 28
* Philipsburg, PA 16866
* 814 342 2240
* Supreme Court ID NO. 39180
*

FILED

MAR 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

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* No. 04-250-CD
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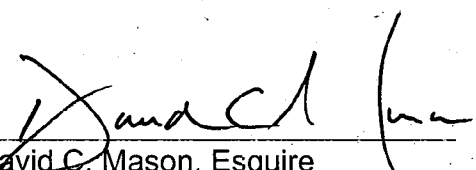
PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY OF SAID COURT:

Kindly reinstate the Complaint in the above captioned matter and forward the same
to the Sheriff for service.

MASON LAW OFFICE

DATED: 3/16/04

By: 

David C. Mason, Esquire
Attorney for Plaintiffs

FILED
09:20:00
MAR 18 2004
Att'y O'd.
7:00

William A. Shaw
Prothonotary/Clerk of Courts

1 Compl. Unstated

to SHff

Q
HPL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINY and
DELORES E. BAINY, his wife,

Plaintiffs,

vs.

DAVID RENAUD,

Defendant.

CIVIL DIVISION

No. 04-250-CD

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Filed on behalf of: Defendant, David Renaud

Counsel of Record for this Party:
Warren L. Siegfried, Esquire
Pa. ID # 43679

WAYMAN, IRVIN & McAULEY
Firm #583
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

(412) 566-2970

JURY TRIAL DEMANDED

FILED

APR 01 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

CIVIL DIVISION

Plaintiffs,

v.

No. 04-250-CD

DAVID RENAUD,

Defendant.

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance of record for Defendant, David Renaud, with regard to the
above-captioned case.

Respectfully submitted,

WAYMAN, IRVIN & McAULEY

BY: Warren L. Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant, David Renaud

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Praeceptum for Entry of Appearance has been mailed to all counsel of record by First Class Mail, Postage Prepaid, on the 30th day of March, 2004 as follows:

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

Wayman, Irvin & McAuley

By: W L Siegfried
Warren L. Siegfried, Esquire

FILED NO
M 1:15 PM
APR 01 2004
cc

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs,

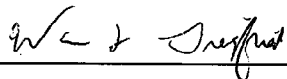
vs.

DAVID RENAUD,

Defendant.

TO: ALL PARTIES

YOU ARE HEREBY NOTIFIED TO FILE A
WRITTEN RESPONSE TO THE WITHIN
NEW MATTER WITHIN TWENTY (20) DAYS
FROM SERVICE HEREOF OR A JUDGMENT
MAY BE ENTERED AGAINST YOU



JURY TRIAL DEMANDED

CIVIL DIVISION

No. 04-250-CD

ANSWER AND NEW MATTER

Filed on behalf of: Defendant, David Renaud

Counsel of Record for this Party:
Warren L. Siegfried, Esquire
Pa. ID # 43679

WAYMAN, IRVIN & McAULEY
Firm #583

437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

(412) 566-2970

FILED

APR 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

CIVIL DIVISION

Plaintiffs,

v.

No. 04-250-CD

DAVID RENAUD,

Defendant.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, David Renaud, by and through his counsel, WAYMAN, IRVIN & McAULEY, and files the within Answer and New Matter and in support thereof avers as follows:

1. Paragraph 1 of Plaintiffs' Complaint is denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 1 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

2. Paragraph 2 of Plaintiffs' Complaint is admitted in part and Defendant provides clarification in part. It is admitted that David Renaud is an adult individual. By way of further clarification, his address is 126 SW Third Avenue, Clearfield, PA 16830-1814.

3. Paragraph 3 of Plaintiffs' Complaint is denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the

averments as set forth in Paragraph 3 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

4. Paragraph 4 of Plaintiffs' Complaint is admitted in part and denied in part. It is admitted that Defendant was operating his motor vehicle at approximately that same time and at that approximate location. However, it is specifically denied that his automobile is a 1994 Ford F150 Pickup Truck. To the contrary, Defendant's vehicle is a 1990 Ford 150 Pickup Truck.

5. Paragraph 5 of Plaintiffs' Complaint is admitted in part and denied pursuant to Pa. R.C.P. 1029(c) in part. It is admitted that Defendant entered U.S. Route 322 attempting to travel in a westerly direction. The remaining factual allegations contained in Paragraph 5 of Plaintiffs' Complaint are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 5 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

6. Paragraph 6 of Plaintiffs' Complaint state conclusions of law in part and is denied pursuant to Pa. R.C.P. 1029(c) in part. Proximate causation is a conclusion of law to which no responsive pleading is necessary. Plaintiff's injuries generally and as specifically listed in subparagraphs a. through h. are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 6 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

7. Paragraph 7 of Plaintiffs' Complaint is specifically denied in part, states conclusions of law in part, and is denied pursuant to Pa. R.C.P. 1029(c) in part. It is specifically denied that Defendant was negligent in any way whatsoever. To the contrary, Defendant operated his vehicle

in a prudent manner at all times. Paragraph 7 of Plaintiffs' Complaint states conclusions of law to which no responsive pleading is necessary. Plaintiffs' allegations of negligence generally and as specifically contained in sub-paragraphs a. through i. are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 7 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

8. Paragraph 8 of Plaintiffs' Complaint is specifically denied in part, states conclusions of law in part, and is denied pursuant to Pa. R.C.P. 1029(c) in part. It is specifically denied that Defendant was negligent in any manner whatsoever. To the contrary, Defendant operated his vehicle in a prudent manner at all times. Paragraph 8 of Plaintiffs' Complaint states conclusions of law to which no responsive pleading is necessary. As to any remaining factual allegations contained in Paragraph 8 of Plaintiffs' Complaint, the same are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 8 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

9. Paragraph 9 of Plaintiffs' Complaint states conclusions of law in part and is denied pursuant to Pa. R.C.P. 1029(c) in part. Proximate causation is a conclusion of law to which no responsive pleading is necessary. The remaining factual allegations contained in Paragraph 9 of Plaintiffs' Complaint are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 9 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

10. Paragraph 10 of Plaintiffs' Complaint states conclusions of law in part and is denied pursuant to Pa. R.C.P. 1029(c) in part. Proximate causation is a conclusion of law to which no responsive pleading is necessary. The remaining factual allegations contained in Paragraph 10 of Plaintiffs' Complaint are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 10 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

11. Paragraph 11 of Plaintiffs' Complaint is denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 11 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

COUNT I

TIMOTHY L. BAINEY and DELORES E. BAINEY v. DAVID RENAUD

The Defendant hereby incorporates by reference Paragraphs 1 through 11 of his Answer as though same were set forth at length herein.

12. Paragraph 12 of Plaintiffs' Complaint states conclusions of law in part and is denied pursuant to Pa. R.C.P. 1029(c) in part. Proximate causation is a conclusion of law to which no responsive pleading is necessary. The remaining factual allegations contained in Paragraph 12 of Plaintiffs' Complaint are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 12 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

WHEREFORE, Defendant denies any and all liability to the Plaintiffs and demands judgment in his favor with costs.

COUNT II

DELORES E. BAINEY v. DAVID RENAUD

LOSS OF CONSORTIUM

The Defendant hereby incorporates by reference Paragraphs 1 through 12 of his Answer as though same were set forth at length herein.

13. Paragraph 13 of Plaintiffs' Complaint is denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 13 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

14. Paragraph 14 of Plaintiffs' Complaint states conclusions of law in part and is denied pursuant to Pa. R.C.P. 1029(c) in part. Proximate causation is a conclusion of law to which no responsive pleading is necessary. The remaining factual allegations contained in Paragraph 14 of Plaintiffs' Complaint are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 14 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

15. Paragraph 15 of Plaintiffs' Complaint is specifically denied in part, states conclusions of law in part, and is denied pursuant to Pa. R.C.P. 1029(c) in part. By way of further clarification, Defendant assumes the name of Tiffany Monique Brown has been left in Paragraph 15 by error and will plead as if Defendant were listed in its place. It is specifically denied that Defendant was

negligent in any way whatsoever. To the contrary, Defendant operated his vehicle prudently at all times related hereto. Proximate causation is a conclusion of law to which no responsive pleading is necessary. Any remaining factual allegations contained in Paragraph 15 of Plaintiffs' Complaint are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 15 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

WHEREFORE, Defendant denies any and all liability to the Plaintiffs and demands judgment in his favor with costs.

NEW MATTER

The Defendant hereby incorporates by reference Paragraphs 1 through 15 of his Answer as though same were set forth at length herein.

16. Plaintiffs' claims are barred, limited, and/or restricted by provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

17. Plaintiffs' claims are barred and/or limited by application of the Pennsylvania Comparative Negligence Act.

18. Plaintiffs' claims are barred and/or limited by the affirmative defense and contributory negligence.

19. Plaintiffs' claims are barred and/or limited by the application of the affirmative defense of assumption of the risk.

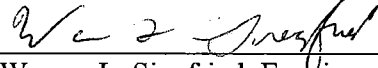
20. Should discovery reveal that Plaintiff's injuries as alleged pre-existed this accident, then Defendant sets forth those pre-existing injuries as a limitation on the Plaintiffs' damages.

21. Defendant asserts the Sudden Emergency Doctrine as a complete bar to Plaintiffs' claims in that Plaintiffs' vehicle made a sudden and unexpected lane change.

WHEREFORE, Defendant denies any and all liability to the Plaintiffs and demands judgment in his favor with costs.

Respectfully submitted,

WAYMAN, IRVIN & McAULEY

BY: 
Warren L. Siegfried, Esquire
Attorney for Defendant, David Renaud

VERIFICATION

I, David Renaud, have read the foregoing Answer and New Matter and verify that the statements contained therein are true to the best of my knowledge, information and belief.

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

Date:

4-15-04



David Renaud

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Answer and New Matter has been mailed to all counsel of record by First Class Mail, Postage Prepaid, on the 16th day of April, 2004 as follows:

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

Wayman, Irvin & McAuley

By: W. L. Siegfried
Warren L. Siegfried, Esquire

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

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* No. 04-250-CD

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* TYPE OF PLEADING: PLAINTIFFS' REPLY
* TO DEFENDANT'S NEW MATTER

*

* FILED ON BEHALF OF: Plaintiffs

*

* COUNSEL OF RECORD FOR THIS

* PARTY:

*

David C. Mason, Esquire

*

I.D. No. 39180

*

Mason Law Office

*

P.O. Box 28

*

409 N. Front Street

*

Philipsburg, PA 16866

*

(814) 342-2240

FILED

APR 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

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* No. 04-250-CD
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PLAINTIFFS' REPLY TO
DEFENDANT'S NEW MATTER

16 through 19. The averments contained in paragraphs 16 through 19 of Defendant's New Matter constitute conclusions of law, not averments of fact. Accordingly, no response is necessary or required. To the extent a response is necessary or required, the averments are denied generally.

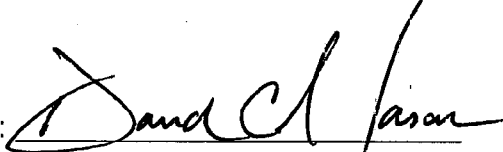
20. DENIED. It is denied that any pre-existing injuries constitute a limitation on Plaintiffs' damages and strict proof thereof is demanded at the time of trial.

21. The averment contained in paragraph 21 constitutes a conclusion of law, not an averment of fact. Therefore, no response is necessary or required. To the extent a response is necessary or required it is strictly denied that the sudden emergency doctrine is applicable in this type of motor vehicle collision, and it is further denied that plaintiffs' vehicle made a sudden and unexpected lane change. To the contrary, at all times material to this cause of action, plaintiffs' vehicle was being operated safely, prudently, and

cautiously under the circumstances then and there existing.

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

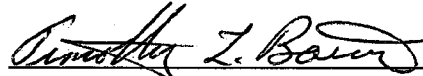
MASON LAW OFFICE

By: 
David C. Mason, Esquire
Attorney for Plaintiffs

VERIFICATION

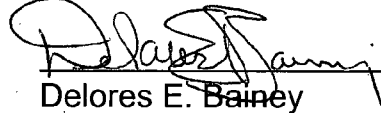
We certify that the facts set forth in the foregoing PLAINTIFFS' REPLY TO DEFENDANT'S NEW MATTER are true and correct to the best of our knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED: 4/20/04



Timothy L. Bainey

DATED: 4/20/04



Delores E. Bainey

Prothonotary/Clerk of Courts

William A. Shaw

APR 23 2004

FILED

No. 00-00000
cc
NY

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*

* No. 04-250-CD

*

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* TYPE OF CASE: Civil Action - Law

* Personal Injury

*

* TYPE OF PLEADING: Certificate of Service

*

* FILED ON BEHALF OF :

* Plaintiffs

*

* COUNSEL OF RECORD FOR THIS

* PARTY:

* David C. Mason, Esquire

* Supreme Court I.D. #39180

* Attorney at Law

* P. O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

FILED

APR 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

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* No.
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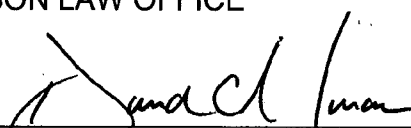
CERTIFICATE OF SERVICE

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

Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley
Attorneys at Law
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

MASON LAW OFFICE

DATED: 4-22-04

By: 

David C. Mason, Esquire
Attorney for Plaintiffs

FILED *Ne*
M 1:00 PM
APR 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
*

*
* TYPE OF CASE: Civil Action
*

*
* TYPE OF PLEADING: Notice of Service
* of Interrogatories
*

*
* FILED ON BEHALF OF:
* Plaintiffs
*

*
* COUNSEL OF RECORD FOR THIS
* PARTY:
*

*
* David C. Mason, Esquire
* Supreme Court I.D. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED

APR 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
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NOTICE OF SERVICE OF INTERROGATORIES

Notice is hereby given that on the 28th day of April, 2004, the Plaintiffs, TIMOTHY L. BAINEY and DELORES E. BAINEY, his wife, by and through their attorney, David C. Mason, served Plaintiff's First Set of Interrogatories and Request for Production of Documents on the Defendant, DAVID RENAUD, by mailing an original and two copies of the same via First Class United States Mail, postage prepaid, to the following address:

David Renaud
c/o Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley
Attorneys at Law
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

MASON LAW OFFICE

BY: David C. Mason

David C. Mason, Esquire
Attorney for Plaintiffs

FILED

APR 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

BAINEY, TIMOTHY L. & DELORIES E.

Sheriff Docket # 15331

VS.

04-250-CD

RENAUD, DAVID

COMPLAINT

SHERIFF RETURNS

NOW MARCH 24, 2004 AT 8:00 AM SERVED THE WITHIN COMPLAINT ON DAVID RENAUD, DEFENDANT AT RESIDENCE, 126 SW 3RD AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KIM RENAUD, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

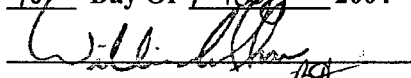
SERVED BY: MCCLEARY/NEVLING

Return Costs

Cost	Description
20.37	SHERIFF HAWKINS PAID BY: ATTY CK# 15156
10.00	SURCHARGE PAID BY: ATTY CK# 15157

Sworn to Before Me This

10th Day Of May 2004



WILLIAM A. SHAW
Prothonotary

My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,



Chester A. Hawkins
Sheriff

FILED

01:55 PM
MAY 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
*

*
* TYPE OF CASE: Civil Action
*

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* TYPE OF PLEADING: Notice of
* Plaintiffs' Motion for Coordination of
* Actions in Different Counties Pursuant
* to Pa. R.C.P. §213.1
*

*
* FILED ON BEHALF OF:
* Plaintiff's
*

*
* COUNSEL OF RECORD FOR THIS
* PARTY:
*

*
* David C. Mason, Esquire
* DAVID C. MASON LAW OFFICE
* Supreme Court No. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240
*

*
* COUNSEL OF RECORD FOR THE
* DEFENDANT:
*

*
* Warren L. Siegfried, Esquire
* Wayman, Irvin & McAuley
* Supreme Court No. 43679
* 437 Grant Street
* 1624 Frick Building
* Pittsburgh, PA 15219
* (412) 566-2970
*

FILED

JUL 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

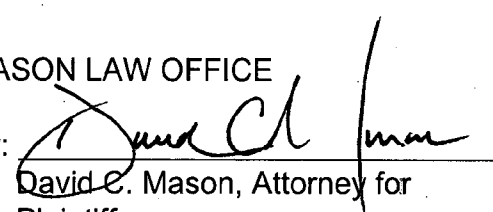
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* No. 04-250-CD
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NOTICE TO PLEAD

TO: David Renaud
% Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

YOU ARE HEREBY REQUIRED TO FILE A WRITTEN RESPONSE TO THE ATTACHED **PLAINTIFFS' MOTION FOR COORDINATION OF ACTIONS IN DIFFERENT COUNTIES PURSUANT TO PA. R.C.P. §213.1** WITHIN TWENTY (20) DAYS FROM SERVICE HEREOF OR A JUDGMENT OR OTHER ORDER MAY BE ENTERED AGAINST YOU.

MASON LAW OFFICE

By: 

David C. Mason, Attorney for
Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
*

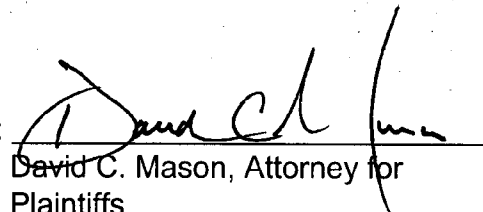
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**NOTICE OF PLAINTIFFS' MOTION FOR
COORDINATION OF ACTIONS IN DIFFERENT COUNTIES
PURSUANT TO PA. R.C.P. §213.1**

TAKE NOTICE that on the 15th day of July, 2004, Plaintiffs have filed in the Court of Common Pleas of Clinton County, Pennsylvania, Plaintiffs' Motion for Coordination of Actions in Different Counties Pursuant to Pa. R.C.P. §213.1, endorsed with a Notice to Plead, a copy of which is attached hereto as Exhibit "A". The caption and docket number of the Clinton County action is: Timothy L. Baine & Delores E. Baine, his wife, Plaintiffs, v. Tiffany Monique Brown and Martin J. Whalley, Defendants, No. 2003-00813. Attached as Exhibit "B" is Plaintiffs' Certificate of Service of Plaintiffs' Motion on defense counsel in the instant action.

MASON LAW OFFICE

By:


David C. Mason, Attorney for
Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*

*
* TYPE OF CASE: Civil Action
*

*
* TYPE OF PLEADING: Plaintiffs' Motion
* for Coordination of Actions in Different
* Counties Pursuant to Pa. R.C.P. §213.1
*

*
* FILED ON BEHALF OF:
* Plaintiffs
*

*
* COUNSEL OF RECORD FOR THIS
* PARTY:
*

*
* David C. Mason, Esquire
* DAVID C. MASON LAW OFFICE
* Supreme Court No. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

Ex "A"

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

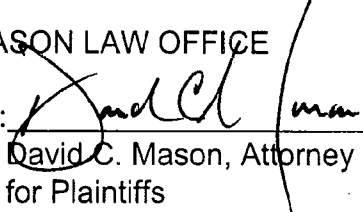
*
* No. 2003-00813
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NOTICE TO PLEAD

TO: Tiffany Monique Brown
Martin J. Whalley
%Darryl R. Wishard, Esquire
Mitchell, Mitchell, Gray & Gallagher
10 West Third Street
Williamsport, PA 17701

YOU ARE HEREBY REQUIRED TO FILE A WRITTEN RESPONSE TO THE ATTACHED **PLAINTIFFS' MOTION FOR COORDINATION OF ACTIONS IN DIFFERENT COUNTIES PURSUANT TO PA. R.C.P. §213.1** WITHIN TWENTY (20) DAYS FROM SERVICE HEREOF OR A JUDGMENT OR OTHER ORDER MAY BE ENTERED AGAINST YOU.

MASON LAW OFFICE

By: 

David C. Mason, Attorney
for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
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**PLAINTIFFS' MOTION FOR
COORDINATION OF ACTIONS
IN DIFFERENT COUNTIES
PURSUANT TO PA. R.C.P. §213.1**

AND NOW come the Plaintiffs, Timothy L. Baine and Delores E. Baine, his wife, by and through their attorney David C. Mason, Esquire, who file this Motion for Coordination of Actions in Different Counties, and in support thereof aver as follows:

1. Plaintiffs filed the instant action on October 2, 2003, seeking damages for injuries sustained in an automobile collision with the Defendants on August 31, 2001, in Lamar Township, Clinton County, Pennsylvania.

2. Plaintiffs filed a complaint in Clearfield County on February 20, 2004, seeking damages for injuries sustained in an automobile collision with the Defendant David Renaud on June 20, 2002, in Decatur Township, Clearfield County, Pennsylvania. The caption and

docket number of the Clearfield County action is: Timothy L. Baine y & Delores E. Baine y,
his wife, Plaintiffs, v. David Renaud, Defendant, No. 04-250-CD.

3. Plaintiff Timothy L. Baine y injured the lumbar region of his spine in the August 31, 2001, accident, as well as other areas of his body as more fully set forth in the complaint, and was still receiving treatment for those injuries at the time of the second collision on June 20, 2002.

4. The collision in Clearfield County with David Renaud exacerbated the injuries Mr. Baine y sustained in the Clinton County collision on August 31, 2001.

5. Pa. Rule of Civil Procedure 213.1 permits the coordination of "...actions pending in different counties which involve a common question of law or fact or which arise from the same transaction or occurrence" In the instant matter the common question of fact is the physical injury to Mr. Baine y and the common claim for loss of consortium filed by Plaintiff Delores E. Baine y against the Defendants in each of the actions.

6. The negligence of the Defendants in each of the cases, although denied in the pleadings, is clear, in that:

A. On August 31, 2001, while stopped in traffic on Interstate 80, the Baine y vehicle was struck from behind by the Whalley vehicle driven by Tiffany Monique Brown.

B. On June 20, 2002, while traveling on U. S. Route 322 in Clearfield County the Baine y vehicle was struck broadside by the Renaud vehicle which was attempting to enter U. S. Route 322 from a parking lot.

7. The significant point of contention in both cases is not liability, but rather the extent of the injuries sustained by Plaintiffs. The medical witnesses and evidence, including the continued treatment of Mr. Baineey over the past two (2) years since the date of the last collision will be duplicative.

8. No significant inconvenience to witnesses or counsel would result from the coordination of these actions in Clinton County, and it would not result in any unreasonable delay or expense to any party, nor would it otherwise prejudice any party which would be the subject of coordination.

9. The coordination of these actions will result in the efficient utilization of judicial facilities and personnel; will avoid the disadvantages of potentially duplicative or inconsistent orders, verdicts and judgments; and will encourage settlement without further litigation.

10. Attached as Exhibit "A" is Plaintiffs' Notice of filing Plaintiffs' Motion for Coordination of Actions Pending in Different Counties Pursuant to Pa. R.C.P. §213.1 and Certificate of Service which is being filed to the Clearfield County action simultaneously herewith.

WHEREFORE, Plaintiffs pray your Honorable Court for the entry of an Order:

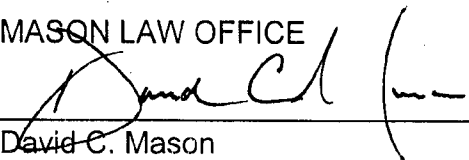
A. Staying any and all proceedings in the instant action as well as in the Clearfield County action: Timothy L. Baineey & Delores E. Baineey, his wife, Plaintiffs, v. David Renaud, Defendant, No. 04-250-CD;

B. Transfer any and all further proceedings in Bainey v. Renaud from the Court of Common Pleas of Clearfield County to the Court of Common Pleas of Clinton County; and

C. Make any other appropriate order which the Court deems just and proper.

Respectfully submitted,

MASON LAW OFFICE



David C. Mason
Attorney for Plaintiffs
Supreme Court No. 39180

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*

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CERTIFICATE OF SERVICE

I, DAVID C. MASON, do hereby certify that I served a true and correct copy of
Plaintiffs' Motion for Coordination of Actions in Different Counties Pursuant to Pa. R.C.P.
§213.1 filed to the above captioned action by placing a copy of the same in the United
States mail, addressed as follows:

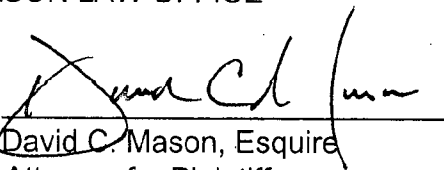
DARRYL R. WISHARD, ESQUIRE
MITCHELL, MITCHELL, GRAY &
GALLAGHER
ATTORNEYS AT LAW
10 WEST THIRD STREET
WILLIAMSPORT, PA 17701

WARREN L. SIEGFRIED, ESQUIRE
WAYMAN, IRVIN & McAULEY
437 GRANT STREET
1624 FRICK BUILDING
PITTSBURGH, PA 15219

MASON LAW OFFICE

DATED: 7-14-04

By:


David C. Mason, Esquire
Attorney for Plaintiffs

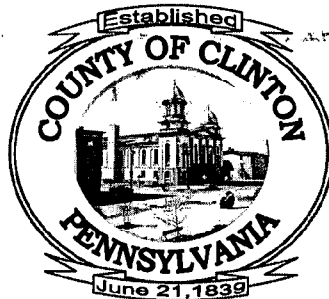
Ex B

William A. Shaw
Prothonotary/Clerk of Courts

FILED
NO
M/10:50/64
JUL 16 2004

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20

Sherry L. Yarrison
Prothonotary
And
Clerk of Courts



Clinton County Courthouse
230 East Water Street
Lock Haven, Pa 17745

Telephone: (570) 893-4007

04-250-CD

CERTIFICATE OF TRANSMITTAL OF RECORD

The undersigned, Prothonotary and Clerk of Courts of the Common Pleas Court of Clinton County, Pennsylvania, does hereby certify that annexed hereto is the whole and entire record in the following matter:

TIMOTHY L. BAINEY AND DELORES E. BAINEY

VS.

TIFFANY MONIQUE BROWN AND MARTIN J. WHALLEY

Sherry L. Yarrison

SHERRY L. YARRISON
PROTHONOTARY/CLERK OF COURTS
Clinton County, Pennsylvania

Date: 7-26-2004

FILED

m/11:15/BD
JUL 28 2004

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

2003-00813 BAINY TIMOTHY L ET AL (vs) BROWN TIFFANY MONIQUE ET AL

Reference No...:		Filed.....:	7/21/2003
Case Type.....:	WRIT OF SUMMONS	Time.....:	10:05
Judgment.....:	.00	Execution Date	0/00/0000
Judge Assigned:		Jury Trial....	
Disposed Desc.:		Disposed Date.	0/00/0000
----- Case Comments -----		Higher Crt 1.:	
		Higher Crt 2.:	

 General Index Attorney Info

BAINY TIMOTHY L	PLAINTIFF	MASON DAVID C ESQ
BAINY DELORES E	PLAINTIFF	MASON DAVID C ESQ
BROWN TIFFANY MONIQUE	DEFENDANT	WISHARD DARRYL R ESQ
WHALLEY MARTIN J	DEFENDANT	WISHARD DARRYL R ESQ

 * Date Entries *

7/21/2003 FIRST ENTRY
 PRAECIPE FOR ISSUANCE OF WRIT OF SUMMONS FILED BY DAVID C. MASON, ESQ. CC: (2) ATTY MASON.

7/21/2003 **ORIGINAL WRIT OF SUMMONS AND (4) CERTIFIED COPIES ISSUED TO SHERIFF FOR SERVICE**

8/21/2003 SHERIFF'S RETURNS (WRIT OF SUMMONS).

9/03/2003 ENTRY OF APPEARANCE AND CERTIFICATE OF SERVICE ON BEHALF OF DEFENDANTS FILED BY DARRYL R. WISHARD, ESQ. CC: ATTY WISHARD.

9/03/2003 PRAECIPE FOR RULE TO FILE COMPLAINT AND CERTIFICATE OF SERVICE FILED BY DARRYL WISHARD, ESQ. CC: ATTY WISHARD.

9/03/2003 **CERTIFIED COPY OF RULE TO FILE COMPLAINT ISSUED TO ATTORNEY DAVID MASON**

10/02/2003 COMPLAINT FILED BY DAVID C. MASON, ESQ. CC: (2) ATTY MASON.

10/06/2003 CERTIFICATE OF PREREQUISITE TO SERVICE OF A SUBPOENA FILED BY DARRYL R. WISHARD, ESQ. CC: ATTY. WISHARD

10/14/2003 DEFENDANT'S ANSWER AND NEW MATTER AND CERTIFICATE OF SERVICE FILED BY DARRYL WISHARD, ESQ. CC: ATTY WISHARD.

10/17/2003 NOTICE OF SERVICE OF INTERROGATORIES FILED BY DAVID C. MASON, J.ESQ NO COPIES

10/17/2003 PLAINTIFF'S REPLY TO DEFENDANT'S NEW MATTER AND CERTIFICATE OF SERVICE FILED BY DAVID C MASON, ESQ. NO COPIES

10/17/2003 PRAECIPE TO ATTACH VERIFICATION TO ANSWER AND NEW MATTER AND CERTIFICATE OF SERVICE FILED BY DARRLY R. WISHARD, ESQ. NO COPIES

11/26/2003 CERTIFICATE OF SERVICE FILED BY DAVID MASON, ESQ. NO COPIES.

3/05/2004 CERTIFICATE OF SERVICE FILED BY DAVID MASON, ESQ. NO COPIES.

7/16/2004 PLAINTIFFS' MOTION FOR COORDINATION OF ACTIONS IN DIFFERENT COUNTIES AND CERTIFICATE OF SERVICE FILED BY DAVID MASON, ESQ. NO COPIES.

7/19/2004 DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR COORDINATION OF ACTIONS IN DIFFERENT COUNTIES PURSUANT TO PA RULE OF CIVIL

2003-00813 BAINY TIMOTHY L ET AL (vs) BROWN TIFFANY MONIQUE ET AL

Reference No.:		Filed.....:	7/21/2003
Case Type.....:	WRIT OF SUMMONS	Time.....:	10:05
Judgment.....:	.00	Execution Date	0/00/0000
Judge Assigned:		Jury Trial....	
Disposed Desc.:		Disposed Date:	0/00/0000
----- Case Comments -----		Higher Crt 1.:	
		Higher Crt 2.:	

PROCEDURE 213.1 AND CERTIFICATE OF SERVICE FILED BY DARRYL WISHARD, ESQ.
CC: ATTY WISHARD.

7/20/2004 ORDER DATED 7-19-2004, THIS MATTER IS TO BE TRANSFERRED TO THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY UPON PAYMENT OF COSTS BY THE COURT: J.M. WILLIAMSON, J. CC: ATTY. MASON, ATTY. WISHARD, ATTY. SIEGFRIED, HONORABLE FREDRIC J. AMMERMAN, AND CT. ADMN.

7/26/2004 CERTIFICATE OF SERVICE FILED BY DAVID MASON, ESQ.
NO COPIES.

7/26/2004 **COSTS FOR EXEMPLIFICATION PAID**

7/26/2004 **CASE MAILED TO CLEARFIELD COUNTY PER ORDER ON 7-26-2004**
LAST ENTRY

***** Escrow Information *****			
* Fees & Debits	Beg Bal	Pymts/Adj	End Bal

TAX COMPLAINT	.50	.50	.00
J.C.S. / A.T.J.	10.00	10.00	.00
AUTOMATION FEE	5.00	5.00	.00
TAX ON EX. RCD	.50	.50	.00
COMPLAINT FILED	75.00	75.00	.00
EXEMPLIFIED REC	14.50	14.50	.00
	-----	-----	-----
	105.50	105.50	.00

***** End of Case Information *****

CERTIFIED FROM CIVIL RECORDS
OF THE COURT OF COMMON PLEAS AT
LOCK HAVEN, PA THIS 26 DAY

OF July 26, 2004
Sherry L. Yarrison
SHERRY L. YARRISON, Prothonotary
Clinton County, PENNSYLVANIA

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*

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FILED
CLINTON COUNTY, PA

2004 JUL 26 P 12:17

SHERRY L. YARRISON
PROTHONOTARY & CLERK

No Copies

CERTIFICATE OF SERVICE

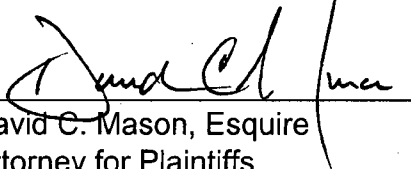
I, DAVID C. MASON, do hereby certify that I served a true and correct copy of an Order dated July 19, 2004, filed to the above captioned action by placing a copy of the same in the United States mail, addressed as follows:

WARREN L. SIEGFRIED, ESQUIRE
WAYMAN, IRVIN & McAULEY
437 GRANT STREET
1624 FRICK BUILDING
PITTSBURGH, PA 15219

MASON LAW OFFICE

DATED: 7-23-04

By:


David C. Mason, Esquire
Attorney for Plaintiffs

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

TIMOTHY L. BAINEY and DELORES E.)
BAINEY, his wife,)
Plaintiffs)

v.)

NO. 813 - 03 CV

TIFFANY MONIQUE BROWN and)
MARTIN J. WHALLEY,)
Defendants)

FILED
CLINTON COUNTY, PA
2004 JUL 20 A 9:47
SHERRY L. YARRISON
PROTHONOTARY & CLERK

ORDER

NOW, this 19th day of July, 2004, after full consideration of the Motion of Plaintiffs for Coordination of Actions in Different Counties, and after considering all factors set forth in Rule 213.1 of the Rules of Civil Procedure, and with the consent of counsel for Defendants in this matter, IT IS HEREBY ORDERED as follows:

1. This matter shall, at the sole expense of Plaintiffs, be transferred to the Court of Common Pleas of Clearfield County.
2. This matter, and the matter of Timothy L. BaineY and Delores E. BaineY, his wife, Plaintiffs, vs. David Renaud, Defendant, filed to No. 04-250-CD in Clearfield County, shall be consolidated for trial.
3. Notice of this Order shall be given to counsel in this action and to Warren L. Siegfried, Esquire, by the Prothonotary and by Plaintiffs' counsel.
4. A certified copy of this Order shall be sent to the Honorable Fredric J. Ammerman, President Judge of the Court of Common Pleas of Clearfield County, who shall, pursuant to Rule 213.1, take such action as may be appropriate to carry out this Coordination Order.

5. Pursuant to Rule 213.1(f), the Final Order disposing of the coordinated action shall be certified and sent to this Court.

BY THE COURT:



J. Michael Williamson, Judge

xc: ☒ David C. Mason, Esquire
☒ Darryl R. Wishard, Esquire
☒ Warren L. Siegfried, Esquire
☒ Honorable Fredric J. Ammerman
☒ Court Administrator

J. MICHAEL WILLIAMSON
JUDGE
—
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

TIMOTHY L. BAINEY and
DELORES E. BAINEY,
Plaintiffs

vs.

TIFFANY MONIQUE BROWN and
MARTIN J. WALLEY,
Defendants

: IN THE COURT OF COMMON PLEAS OF
: CLINTON COUNTY, PENNSYLVANIA

: No.: 2003-00813

: CIVIL ACTION - LAW

FILED
CLINTON COUNTY, PA

2004 JUL 19 P 2:15

SHERY L. YARRISON
PROTHONOTARY & CLERK

(1) Wishard

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR COORDINATION OF
ACTIONS IN DIFFERENT COUNTIES PURSUANT TO PENNSYLVANIA RULE OF
CIVIL PROCEDURE 213.1**

1. Admitted.
2. Admitted upon information and belief. However, plaintiffs' counsel has never provided the defendants with a copy of the complaint in Clearfield County action of Bainey v. Renauld.
3. Admitted upon information and belief.
4. Admitted upon information and belief.
5. Admitted.
6. As to subparagraph A, the defendants rest on their pleadings. As to subparagraphs B, the defendants are without knowledge, information, or belief.
7. The first sentence is denied. The second sentence is admitted upon information and belief.
8. Admitted as to witnesses and parties. Denied as to counsel, as Clinton County is closer geographically than Clearfield County. However, this inconvenience is not significant to counsel.
9. Admitted.
10. Admitted that exhibit A so states that.

WHEREFORE, defendants concur with the stay of the pending case in Clinton County at number 2003-00813, and consolidation of that case with the pending Bainey v. Renauld case in the Court of Common Pleas of Clearfield County.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD P.C.

BY: 

Darryl R. Wishard
Attorneys for Defendants

ID #56862

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

CERTIFICATE OF SERVICE

DARRYL R. WISHARD, hereby certifies that on this 16th day of July, 2004, he mailed the foregoing Defendants' Response to Plaintiffs' Motion for Coordination of Actions in Different Counties Pursuant to Pennsylvania Rule of Civil Procedure 213.1 to the Clinton County Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following by U.S. Mail, postage prepaid, first class rates this same date:

David Mason, Esquire
409 North Front Street
P.O. Box 28
Philipsburg PA 16866



Darryl R. Wishard

FILED
CLINTON COUNTY, PA
2004 JUL 19 P 2:05
SHERRY L. YARRISON
PROTHONOTARY & CLERK

CIVIL ACTION - LAW

Defendants

David C. Mason, Esquire
DAVID C. MASON LAW OFFICE
Supreme Court No. 39180
Attorney at Law
P. O. Box 28
Philipsburg, PA 16866
(814) 342-2240

SHERRY L. YARRISON
PROTHONOTARY & CLERK

no copies

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*

NOTICE TO PLEAD

TO: Tiffany Monique Brown
Martin J. Whalley
%Darryl R. Wisnard, Esquire
Mitchell, Mitchell, Gray & Gallagher
10 West Third Street
Williamsport, PA 17701

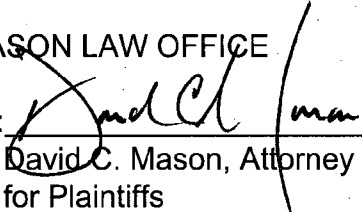
FILED
CLINTON COUNTY, PA

2004 JUL 16 A 11:00

SHERRY L. YARRISON
PROTHONOTARY & CLERK

YOU ARE HEREBY REQUIRED TO FILE A WRITTEN RESPONSE TO THE ATTACHED **PLAINTIFFS' MOTION FOR COORDINATION OF ACTIONS IN DIFFERENT COUNTIES PURSUANT TO PA. R.C.P. §213.1** WITHIN TWENTY (20) DAYS FROM SERVICE HEREOF OR A JUDGMENT OR OTHER ORDER MAY BE ENTERED AGAINST YOU.

MASON LAW OFFICE

By: 

David C. Mason, Attorney
for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
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FILED
CLINTON COUNTY, PA

2004 JUL 16 A 11:00

SHERRY L. YARRISON
PROTHONOTARY & CLERK

**PLAINTIFFS' MOTION FOR
COORDINATION OF ACTIONS
IN DIFFERENT COUNTIES
PURSUANT TO PA. R.C.P. §213.1**

AND NOW come the Plaintiffs, Timothy L. Bainey and Delores E. Bainey, his wife, by and through their attorney David C. Mason, Esquire, who file this Motion for Coordination of Actions in Different Counties, and in support thereof aver as follows:

1. Plaintiffs filed the instant action on October 2, 2003, seeking damages for injuries sustained in an automobile collision with the Defendants on August 31, 2001, in Lamar Township, Clinton County, Pennsylvania.

2. Plaintiffs filed a complaint in Clearfield County on February 20, 2004, seeking damages for injuries sustained in an automobile collision with the Defendant David Renaud on June 20, 2002, in Decatur Township, Clearfield County, Pennsylvania. The caption and

docket number of the Clearfield County action is: Timothy L. Baine y & Delores E. Baine y,
his wife. Plaintiffs, v. David Renaud, Defendant, No. 04-250-CD.

3. Plaintiff Timothy L. Baine y injured the lumbar region of his spine in the August 31, 2001, accident, as well as other areas of his body as more fully set forth in the complaint, and was still receiving treatment for those injuries at the time of the second collision on June 20, 2002.

4. The collision in Clearfield County with David Renaud exacerbated the injuries Mr. Baine y sustained in the Clinton County collision on August 31, 2001.

5. Pa. Rule of Civil Procedure 213.1 permits the coordination of "...actions pending in different counties which involve a common question of law or fact or which arise from the same transaction or occurrence" In the instant matter the common question of fact is the physical injury to Mr. Baine y and the common claim for loss of consortium filed by Plaintiff Delores E. Baine y against the Defendants in each of the actions.

6. The negligence of the Defendants in each of the cases, although denied in the pleadings, is clear, in that:

A. On August 31, 2001, while stopped in traffic on Interstate 80, the Baine y vehicle was struck from behind by the Whalley vehicle driven by Tiffany Monique Brown.

B. On June 20, 2002, while traveling on U. S. Route 322 in Clearfield County the Baine y vehicle was struck broadside by the Renaud vehicle which was attempting to enter U. S. Route 322 from a parking lot.

7. The significant point of contention in both cases is not liability, but rather the extent of the injuries sustained by Plaintiffs. The medical witnesses and evidence, including the continued treatment of Mr. Bainey over the past two (2) years since the date of the last collision will be duplicative.

8. No significant inconvenience to witnesses or counsel would result from the coordination of these actions in Clinton County, and it would not result in any unreasonable delay or expense to any party, nor would it otherwise prejudice any party which would be the subject of coordination.

9. The coordination of these actions will result in the efficient utilization of judicial facilities and personnel; will avoid the disadvantages of potentially duplicative or inconsistent orders, verdicts and judgments; and will encourage settlement without further litigation.

10. Attached as Exhibit "A" is Plaintiffs' Notice of filing Plaintiffs' Motion for Coordination of Actions Pending in Different Counties Pursuant to Pa. R.C.P. §213.1 and Certificate of Service which is being filed to the Clearfield County action simultaneously herewith.

WHEREFORE, Plaintiffs pray your Honorable Court for the entry of an Order:

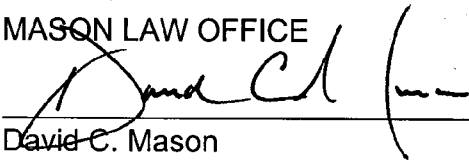
A. Staying any and all proceedings in the instant action as well as in the Clearfield County action: Timothy L. Bainey & Delores E. Bainey, his wife, Plaintiffs, v. David Renaud, Defendant, No. 04-250-CD;

B. Transfer any and all further proceedings in Bainey v. Renaud from the Court of Common Pleas of Clearfield County to the Court of Common Pleas of Clinton County; and

C. Make any other appropriate order which the Court deems just and proper.

Respectfully submitted,

MASON LAW OFFICE



David C. Mason
Attorney for Plaintiffs
Supreme Court No. 39180

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*

* No. 04-250-CD

*

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TYPE OF CASE: Civil Action

*

*

TYPE OF PLEADING: Notice of
Plaintiffs' Motion for Coordination of
Actions in Different Counties Pursuant
to Pa. R.C.P. §213.1

*

*

FILED ON BEHALF OF:

*

Plaintiff's

*

*

COUNSEL OF RECORD FOR THIS
PARTY:

*

*

David C. Mason, Esquire
DAVID C. MASON LAW OFFICE
Supreme Court No. 39180
Attorney at Law
P. O. Box 28
Philipsburg, PA 16866
(814) 342-2240

*

*

COUNSEL OF RECORD FOR THE
DEFENDANT:

*

*

Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley
Supreme Court No. 43679
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219
(412) 566-2970

*

Ex "A"

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

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* No. 04-250-CD
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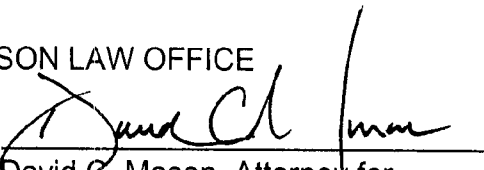
NOTICE TO PLEAD

TO: David Renaud
% Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

YOU ARE HEREBY REQUIRED TO FILE A WRITTEN RESPONSE TO THE ATTACHED **PLAINTIFFS' MOTION FOR COORDINATION OF ACTIONS IN DIFFERENT COUNTIES PURSUANT TO PA. R.C.P. §213.1** WITHIN TWENTY (20) DAYS FROM SERVICE HEREOF OR A JUDGMENT OR OTHER ORDER MAY BE ENTERED AGAINST YOU.

MASON LAW OFFICE

By:


David C. Mason, Attorney for
Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

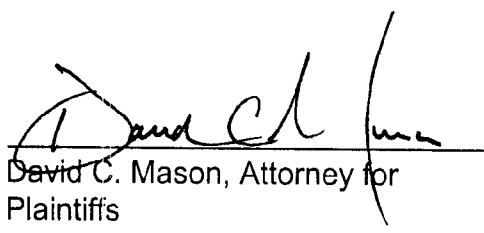
Defendant

*
* No. 04-250-CD
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**NOTICE OF PLAINTIFFS' MOTION FOR
COORDINATION OF ACTIONS IN DIFFERENT COUNTIES
PURSUANT TO PA. R.C.P. §213.1**

TAKE NOTICE that on the _____ day of July, 2004, Plaintiffs have filed in the Court of Common Pleas of Clinton County, Pennsylvania, Plaintiffs' Motion for Coordination of Actions in Different Counties Pursuant to Pa. R.C.P. §213.1, endorsed with a Notice to Plead, a copy of which is attached hereto as Exhibit "A". The caption and docket number of the Clinton County action is: Timothy L. Baine & Delores E. Baine, his wife, Plaintiffs, v. Tiffany Monique Brown and Martin J. Whalley, Defendants, No. 2003-00813. Attached as Exhibit "B" is Plaintiffs' Certificate of Service of Plaintiffs' Motion on defense counsel in the instant action.

MASON LAW OFFICE

By: 

David C. Mason, Attorney for
Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
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CERTIFICATE OF SERVICE

I, DAVID C. MASON, do hereby certify that I served a true and correct copy of
Notice of Plaintiffs' Motion for Coordination of Actions in Different Counties Pursuant to Pa.
R.C.P. §213.1 filed to the above captioned action by placing a copy of the same in the
United States mail, addressed as follows:

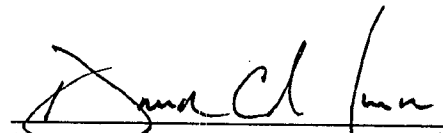
DARRYL R. WISHARD, ESQUIRE
MITCHELL, MITCHELL, GRAY &
GALLAGHER
ATTORNEYS AT LAW
10 WEST THIRD STREET
WILLIAMSPORT, PA 17701

WARREN L. SIEGFRIED, ESQUIRE
WAYMAN, IRVIN & McAULEY
437 GRANT STREET
1624 FRICK BUILDING
PITTSBURGH, PA 15219

MASON LAW OFFICE

DATED: 7-14-04

By:


David C. Mason, Esquire
Attorney for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 2003-00813
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FILED
CLINTON COUNTY, PA

2004 JUL 16 A 11:00

SHERY L. YARRISON
PROTHONOTARY & CLERK

CERTIFICATE OF SERVICE

I, DAVID C. MASON, do hereby certify that I served a true and correct copy of
Plaintiffs' Motion for Coordination of Actions in Different Counties Pursuant to Pa. R.C.P.
§213.1 filed to the above captioned action by placing a copy of the same in the United
States mail, addressed as follows:

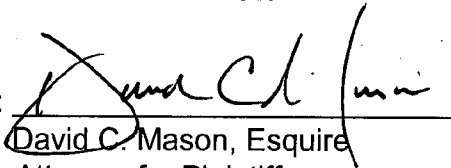
DARRYL R. WISHARD, ESQUIRE
MITCHELL, MITCHELL, GRAY &
GALLAGHER
ATTORNEYS AT LAW
10 WEST THIRD STREET
WILLIAMSPORT, PA 17701

WARREN L. SIEGFRIED, ESQUIRE
WAYMAN, IRVIN & McAULEY
437 GRANT STREET
1624 FRICK BUILDING
PITTSBURGH, PA 15219

MASON LAW OFFICE

DATED: 7-14-04

By:


David C. Mason, Esquire
Attorney for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*

*
* TYPE OF PLEADING:
* Certificate of Service
*

*
* FILED ON BEHALF OF:
* Plaintiffs
*

*
* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* Supreme Court I.D. No. 39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg PA 16866
* (814) 342-2240
*

*
* COUNSEL OF RECORD FOR THE
* DEFENDANT:

* Darryl R. Wishard, Esquire
* 10 West Third Street
* Williamsport, PA 17701
* (570) 323-8404
*

FILED
CLINTON COUNTY, PA.

2004 MAR -5 A 10:40

SHERY L. YARRISON
PROTHONOTARY & CLERK

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 2003-00813
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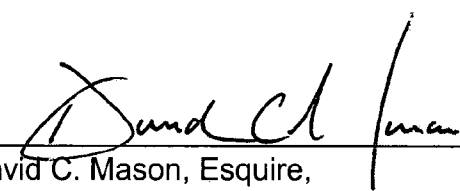
SHERRY L. VARRISON
PROTHONOTARY & CLERK

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, hereby certify that I have served true and correct copy of the attached and foregoing Notice of Taking Deposition Upon Oral Examination In Aid of Execution Pursuant to Pa. R.C.P. §4003.1 upon Tiffany Monique Brown through her attorney, Darryl R. Wishard, Esquire, by depositing a copy of said Notice in the United States Mail, postage prepaid and addressed as follows:

Tiffany Monique Brown
% Darryl R. Wishard, Esquire
10 West Third Street
Williamsport, PA 17701

DATED: 3/3/04


David C. Mason, Esquire,
Attorney for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
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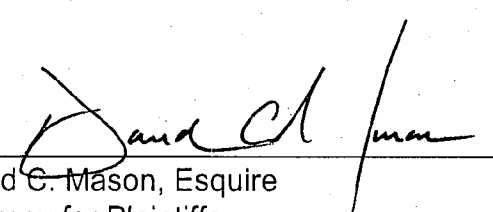
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NOTICE OF TAKING DEPOSITION
PURSUANT TO PA. R.C.P. §4003.1

TO: TIFFANY MONIQUE BROWN
% Darryl R. Wishard
10 West Third Street
Williamsport, PA 17701

You are hereby notified that the Plaintiffs intend to take your Deposition Upon Oral Examination Pursuant to Pa.R.C.P. §4003.1 at the Office of MLP Court Reporting, 413 Vesper Street, Lock Haven, Clinton County, Pennsylvania, on the 2nd day of April, 2004, at 11:00 A.M., Eastern Standard Time.

DATED: 3/3/04


David C. Mason, Esquire
Attorney for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
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FILED
CLINTON COUNTY, PA

2003 NOV 26 A 10:19

KAROL E. BOWMAN
PROTHONOTARY & CLERK

No Copies

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* TYPE OF PLEADING:
* Certificate of Service
*

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* FILED ON BEHALF OF:
* Plaintiffs
*

*
* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* Supreme Court I.D. No. 39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg PA 16866
* (814) 342-2240
*

*
* COUNSEL OF RECORD FOR THE
* DEFENDANT:

* Darryl R. Wishard, Esquire
* 10 West Third Street
* Williamsport, PA 17701
* (570) 323-8404
*

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 2003-00813
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FILED
CLINTON COUNTY, PA

2003 NOV 26 A 10:19

KAROL E. BOWMAN
PROTHONOTARY & CLERK

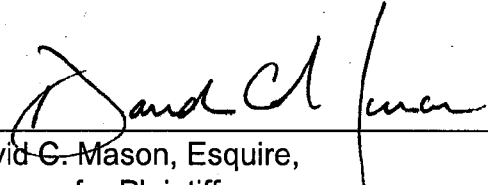
CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, hereby certify that I have served true and correct copy of the attached and foregoing Notice of Taking Deposition Upon Oral Examination In Aid of Execution Pursuant to Pa. R.C.P. §4003.1 upon Tiffany Monique Brown through her attorney, Darryl R. Wishard, Esquire, by depositing a copy of said Notice in the United States Mail, postage prepaid and addressed as follows:

Tiffany Monique Brown
% Darryl R. Wishard, Esquire
10 West Third Street
Williamsport, PA 17701

DATED:

11/19/03


David C. Mason, Esquire,
Attorney for Plaintiffs

TIMOTHY L. BAINEY and
DELORES E. BAINEY,
Plaintiffs

vs.

TIFFANY MONIQUE BROWN and
MARTIN J. WALLEY,
Defendants

: IN THE COURT OF COMMON PLEAS OF
: CLINTON COUNTY, PENNSYLVANIA

: No.: 2003-00813

: CIVIL ACTION - LAW

FILED
CLINTON COUNTY, PA

2010 OCT 17 A 9:56

KAROLE E. BOWMAN
PROTHONOTARY & CLERK

No Copies

PRAECIPE TO ATTACH VERIFICATION TO ANSWER AND NEW MATTER

MITCHELL, MITCHELL, GRAY & GALLAGHER
a professional corporation

BY: 

Darryl R. Wishard ID #56862
Attorneys for Defendants

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

VERIFICATION

TIFFANY MONIQUE BROWN, hereby verifies that he is the Defendant in the foregoing action and as such the facts set forth in the foregoing Answer and New Matter are true and correct to the best of her knowledge or information and belief and that this verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATE: 10/13/03

Tiffany Monique Brown
Tiffany Monique Brown

CERTIFICATE OF SERVICE

DARRYL R. WISHARD, hereby certifies that on this 16th day of October, 2003,
he mailed the foregoing Praecipe to Attach Verification to the Clinton County
Prothonotary by U.S. Mail, postage prepaid, first class rates.

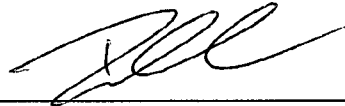
He further certifies that a true and correct copy has been mailed to the following
by U.S. Mail, postage prepaid, first class rates this same date:

David Mason, Esquire
409 North Front Street
P.O. Box 28
Philipsburg PA 16866

FILED
CLINTON COUNTY, PA

2003 OCT 17 A 9:56

KAROL E. BOWMAN
PROTHONOTARY & CLERK



Darryl R. Wishard

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*

FILED
CLINTON COUNTY, PA

2003 OCT 17 A 9:53

KAROL E. BOWMAN
PROTHONOTARY & CLERK

No Copies

*
* TYPE OF CASE: Civil Action
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*
* TYPE OF PLEADING: Plaintiffs' Reply
* to Defendants' New Matter
*

*
* FILED ON BEHALF OF:
* Plaintiffs
*

*
* COUNSEL OF RECORD FOR THIS
* PARTY:
*

*
* David C. Mason, Esquire
* DAVID C. MASON LAW OFFICE
* Supreme Court No. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 2003-00813
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FILED
CLINTON COUNTY, PA

2003 OCT 17 A 9:53

KAROL E. BOWMAN
PROTHONOTARY & CLERK

PLAINTIFFS' REPLY

TO DEFENDANTS' NEW MATTER

AND NOW come the Plaintiffs, Timothy L. Baine and Delores Baine, his wife, by and through their attorney and file the following Reply to Defendants' New Matter:

21. Paragraphs 1 through 20 of Plaintiffs' Complaint are incorporated herein by reference.

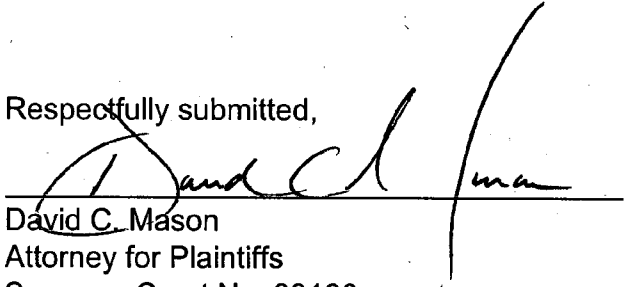
22. DENIED. It is specifically denied that Defendant Martin J. Whalley did not own the motor vehicle operated by Defendant Tiffany Monique Brown and strict proof thereof to the extent deemed relevant is demanded at the time of trial.

23. DENIED. It is denied that Plaintiffs' claims are barred by any Statute of Limitations and strict proof thereof to the extent deemed relevant is demanded at the time of trial.

24 & 25. DENIED. The averments contained in paragraphs s24 and 25 constitute conclusions of law and not averments of fact to which a response is required. To the extent a response is required, these averments are denied and strict proof thereof to the extent deemed relevant is demanded at the time of trial.

WHEREFORE, Plaintiffs pray your Honorable Court for the entry of a Judgment in favor of the Plaintiffs and against the Defendants in accordance with the prayer for relief contained in Plaintiffs' Complaint.

Respectfully submitted,

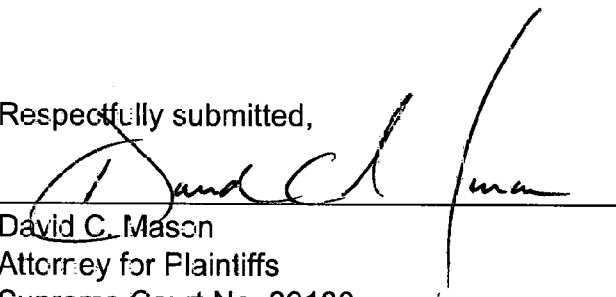


David C. Mason
Attorney for Plaintiffs
Supreme Court No. 39180

24 & 25. DENIED. The averments contained in paragraphs s24 and 25 constitute conclusions of law and not averments of fact to which a response is required. To the extent a response is required, these averments are denied and strict proof thereof to the extent deemed relevant is demanded at the time of trial.

WHEREFORE, Plaintiffs pray your Honorable Court for the entry of a Judgment in favor of the Plaintiffs and against the Defendants in accordance with the prayer for relief contained in Plaintiffs' Complaint.

Respectfully submitted,

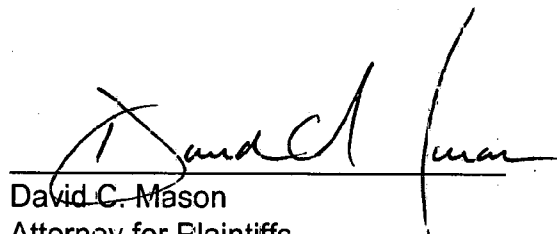


David C. Mason
Attorney for Plaintiffs
Supreme Court No. 39180

VERIFICATION

I, **DAVID C. MASON**, Attorney for the Plaintiffs herein, do hereby certify that the facts set forth in the foregoing **PLAINTIFFS' REPLY TO DEFENDANTS' NEW MATTER** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED: 10-15-03


David C. Mason
Attorney for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
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FILED
CLINTON COUNTY, PA

2003 OCT 17 A 9:53

KAROL E. BOWMAN
PROTHONOTARY & CLERK

CERTIFICATE OF SERVICE

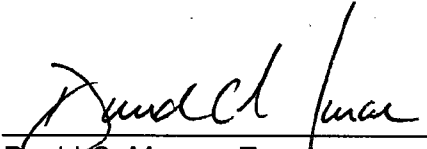
I, DAVID C. MASON, do hereby certify that I served a true and correct copy of
Plaintiffs' Reply to Defendants' New Matter filed to the above captioned action by placing
a copy of the same in the United States mail, addressed as follows:

DARRYL R. WISHARD, ESQUIRE
MITCHELL, MITCHELL, GRAY & GALLAGHER
ATTORNEYS AT LAW
10 WEST THIRD STREET
WILLIAMSPORT, PA 17701

MASON LAW OFFICE

DATED: 10-15-03

By:


David C. Mason, Esquire
Attorney for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*

* No. 2003-00813

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* TYPE OF CASE: Civil Action

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* TYPE OF PLEADING: Notice of Service
* of Interrogatories

*

*

* FILED ON BEHALF OF:

* Plaintiffs

*

* COUNSEL OF RECORD FOR THIS
* PARTY:

*

* David C. Mason, Esquire
* Supreme Court I.D. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED
CLINTON COUNTY, PA

2003 OCT 17 A 9:54

KAROLE E. BOWMAN
PROTHONOTARY & CLERK

No Copies

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 2003-00813
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FILED
CLINTON COUNTY, PA

2003 OCT 17 A 9:54

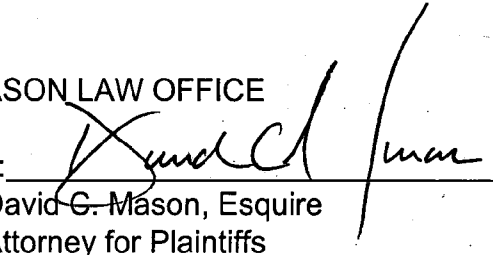
KAROLE E. BOWMAN
PROTHONOTARY & CLERK

NOTICE OF SERVICE OF INTERROGATORIES

Notice is hereby given that on the 15 day of OCT, 2003, the Plaintiffs, TIMOTHY L. BAINEY and DELORES E. BAINEY, his wife, by and through their attorney, David C. Mason, served Plaintiff's First Set of Interrogatories and Request for Production of Documents on the Defendant, TIFFANY MONIQUE BROWN, by mailing an original and two copies of the same via First Class United States Mail, postage prepaid, to the following address:

Tiffany Monique Brown
%Darryl R. Wishard, Esquire
Mitchell, Mitchell, Gray & Gallagher
10 West Third Street
Williamsport, PA 17701

MASON LAW OFFICE

BY: 

David C. Mason, Esquire
Attorney for Plaintiffs

VS.

: CIVIL ACTION - LAW

FILED
CLINTON COUNTY, PA

2003 OCT 14 A 10: 36

KAROL E. BOWMAN
PROTHONOTARY & CLERK

(1) Wishard

BY:

(570) 323-8404

TIMOTHY L. BAINEY and
DELORES E. BAINEY,
Plaintiffs

vs.

TIFFANY MONIQUE BROWN and
MARTIN J. WALLEY,
Defendants

: IN THE COURT OF COMMON PLEAS OF
: CLINTON COUNTY, PENNSYLVANIA

: No.: 2003-00813

: CIVIL ACTION - LAW

FILED
CLINTON COUNTY, PA

2003 OCT 14 A 10:36

KAROL E. BOWMAN
PROTHONOTARY & CLERK

DEFENDANTS' ANSWER AND NEW MATTER

1. Admitted upon information and belief.

2a. Admitted that Tiffany Monique Brown is an adult individual. However, her current mailing address is 472 East College Avenue, Apartment A10, State College, Centre County, Pennsylvania 16801.

2b. Admitted, except that Defendant's name is spelled "Walley."

3. Denied as stated. Admitted that, upon information and belief, Plaintiff Timothy L. BaineY was operating a pick up truck on August 31, 2001 eastbound on Interstate 80 in Clinton County, Pennsylvania. Admitted that there was a construction zone in this area. The remainder is denied.

4. Denied as stated. Admitted that Defendant Tiffany Monique Brown was operating an automobile on August 31, 2001, which was traveling eastbound on Interstate 80 in Clinton County, Pennsylvania. Denied that the automobile was owned by Defendant Martin J. Walley. Admitted that the automobile was a 1991 Honda Civic. The remainder is denied.

5. Denied as stated. Admitted that the vehicle owned and operated by Defendant Brown struck the rear of Plaintiff's vehicle. Otherwise, after reasonable investigation, the answering Defendants are without knowledge or information sufficient

to form a belief as to the truth of the remainder of this paragraph, and therefore, it is denied. By way of further answer, this paragraph is denied as a conclusion of law.

6. Denied. By way of further answer, denied as a conclusion of law.

7. Denied. By way of further answer, denied as a conclusion of law.

8. Denied. By way of further answer, denied as a conclusion of law.

9. Denied. By way of further answer, denied as a conclusion of law.

10. Denied. By way of further answer, denied as a conclusion of law.

11. Denied. By way of further answer, denied as a conclusion of law.

COUNT I

TIMOTHY L. BAINEY and DELORES E. BAINEY, HIS WIFE v. TIFFANY MONIQUE

BROWN, DEFENDANT

12. Paragraphs 1-11 above are incorporated herein by reference.

13. Denied. By way of further answer, denied as a conclusion of law.

WHEREFORE, Defendants request that this action be dismissed.

COUNT II

TIMOTHY L. BAINEY and DELORES E. BAINEY, HIS WIFE, PLAINTIFFS v.

MARTIN J. Walley

NEGLIGENT ENTRUSTMENT

14. Paragraphs 1-12 above are incorporated herein by reference.

13. Denied. By way of further answer, denied as a conclusion of law.

14. Denied. By way of further answer, denied as a conclusion of law. By way of additional answer, Defendant Martin J. Walley did not own the vehicle operated by Defendant Tiffany Monique Brown on August 31, 2001.

15. Denied. By way of further answer, denied as a conclusion of law. By way of additional answer, Defendant Martin J. Walley did not own the vehicle operated by Defendant Tiffany Monique Brown on August 31, 2001.

16. Denied. By way of further answer, denied as a conclusion of law. By way of additional answer, Defendant Martin J. Walley did not own the vehicle operated by Defendant Tiffany Monique Brown on August 31, 2001.

17. Denied. By way of further answer, denied as a conclusion of law. By way of additional answer, Defendant Martin J. Walley did not own the vehicle operated by Defendant Tiffany Monique Brown on August 31, 2001.

WHEREFORE, Defendants request that this action be dismissed.

COUNT II

DELORES E. BAINEY, PLAINTIFFS v. TIFFANY MONIQUE BROWN

LOSS OF CONSORTIUM

18. Paragraphs 1-17 above are incorporated herein by reference.

19. Denied. After reasonable investigation, the answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

19. Denied. By way of further answer, denied as a conclusion of law.

20. Denied. By way of further answer, denied as a conclusion of law.

WHEREFORE, Defendants request that this action be dismissed.

NEW MATTER

21. Paragraphs 1-20 above are incorporated herein by reference.

22. Defendant Martin J. Walley did not own the motor vehicle operated by Defendant Tiffany Monique Brown on August 31, 2001 at the time and location of this

motor vehicle accident.

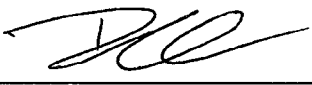
23. Plaintiffs' claims may be barred by the applicable two year statute of limitations for personal injury claims under Section 5524 of the Judicial Code, 42 Pa. C.S. Section 5524.

24. Plaintiffs' claims may be barred or limited by the Pennsylvania Motor Vehicle Financial Responsibility Law.

25. Plaintiffs' claims may be barred or limited by the revised Pennsylvania Comparative Negligence Law.

WHEREFORE, Defendants request that this action be dismissed.

MITCHELL, MITCHELL, GRAY & GALLAGHER
a professional corporation

BY: 

Darryl R. Wishard
Attorneys for Defendants

ID #56862

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

VERIFICATION

~~WALLEY~~
MARTIN J. ~~WALLEY~~, hereby verifies that he is the Defendant in the foregoing action and as such the facts set forth in the foregoing Answer and New Matter are true and correct to the best of his knowledge or information and belief and that this verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATE: 10-7-03

Martin J. Walley
Martin J. Walley
~~WALLEY~~

CERTIFICATE OF SERVICE

DARRYL R. WISHARD, hereby certifies that on this 10th day of October, 2003,
he mailed the foregoing Answer and New Matter to the Clinton County Prothonotary by
U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following
by U.S. Mail, postage prepaid, first class rates this same date:

David Mason, Esquire
409 North Front Street
P.O. Box 28
Philipsburg PA 16866



Darryl R. Wishard

FILED
CLINTON COUNTY, PA

2003 OCT 14 A 10:36

KAROL E. BOWMAN
PROTHONOTARY & CLERK

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

FILED
CLINTON COUNTY, PA

2003 OCT -6 A 11:20

KAROL E. BOWMAN
PROTHONOTARY & CLERK

(17) Wishard

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINEY AND DELORES E. BAINEY

TERM,

-VS-

CASE NO: 2003-00813

TIFFANY MONIQUE BROWN AND MARTIN J.
WHALLEY

As a prerequisite to service of a subpoena for documents and things pursuant
to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

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

DATE: 10/02/2003

MCS on behalf of
Darryl R. Wishard, Esq.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLINTON

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINEY AND DELORES E. BAINEY

TERM,

-VS-

CASE NO: 2003-00813

TIFFANY MONIQUE BROWN AND MARTIN J.
WHALLEY

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

MALIK N. MOMIN, M.D.	MEDICAL RECORDS
JOHN EVANS, D.O.	MEDICAL RECORDS
MARK B. CASTELLE, D.C.	MEDICAL RECORDS
ANIL PATIL, M.D.	MEDICAL RECORDS
KEVIN J. KOLLMAN, M.D.	MEDICAL RECORDS
PHILIPSBURG HOSPITAL	MEDICAL RECORDS

TO: DAVID C. MASON, ESQUIRE
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 09/12/2003

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17680
ROSEANN PAKYZ - 2595305251URP
-
-
-

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
DE0122512206-00968-C02

SUBPOENA

THE COMMONWEALTH OF PENNSYLVANIA COUNTY OF CLINTON

Case Caption:

TIMOTHY L. BAINY AND DELORES E.

BAINY

Vs.

TIFFANY MONIQUE BROWN AND MARTIN J.

WHALLEY

Case No. 2003-00813

TO: CUSTODIAN OF RECORDS FOR:

MALIK N. MOMIN, M.D.

2025 TECHNOLOGY PARKWAY

S-201

MECHANICSBURG PA 17050

(Name and Address of Witness)

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

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

SEE ATTACHED

At MCS GROUP INC, 1601 MARKET STREET, STE 800 , PHILA PA 19103

(Address)

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

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

ATTORNEY'S NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET

WILLIAMSPORT PA 17701

TELEPHONE NUMBER: (215)246-0900

IDENTIFICATION NUMBER: _____

ATTORNEY FOR: DEFENDANT

BY THE COURT:

10/02/2003

Date: 09-10-2003
Seal of the Court

BY

Karol E Bowman
Karol E. Bowman,
Clinton County Prothonotary

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

MALIK N. MOMIN, M.D.
2025 TECHNOLOGY PARKWAY
S-201

MECHANICSBURG, PA 17050

RE: 25968
TIMOTHY BAINEY

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records
correspondence to and from the consulting and treating physicians, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, including any and all such items as may be stored in a
computer database or otherwise in electronic form, relating to any examination,
diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : TIMOTHY BAINEY

P.O. BOX 125, OSCEOLA MILLS, PA 16666

Social Security #: 193-48-0597

Date of Birth: 06-25-1958

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINEY AND DELORES E. BAINEY

TERM,

-VS-

CASE NO: 2003-00813

TIFFANY MONIQUE BROWN AND MARTIN J.
WHALLEY

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
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- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

MCS on behalf of

DATE: 10/02/2003

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLINTON

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINY AND DELORES E. BAINY

TERM,

-VS-

CASE NO: 2003-00813

TIFFANY MONIQUE BROWN AND MARTIN J.
WHALLEY

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

MALIK N. MOMIN, M.D.	MEDICAL RECORDS
JOHN EVANS, D.O.	MEDICAL RECORDS
MARK B. CASTELLE, D.C.	MEDICAL RECORDS
ANIL PATIL, M.D.	MEDICAL RECORDS
KEVIN J. KOLLMAN, M.D.	MEDICAL RECORDS
PHILIPSBURG HOSPITAL	MEDICAL RECORDS

TO: DAVID C. MASON, ESQUIRE
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 09/12/2003

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17680
ROSEANN PAKYZ - 2595305251URP

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
DE0122512246-020968-C02

SUBPOENA

THE COMMONWEALTH OF PENNSYLVANIA COUNTY OF CLINTON

Case Caption:

TIMOTHY L. BAINY AND DELORES E.

BAINY

Vs.

TIFFANY MONIQUE BROWN AND MARTIN J.

WHALLEY

TO: CUSTODIAN OF RECORDS FOR:

JOHN EVANS, D.O.

1520 MARTIN ST.

STATE COLLEGE PA 16803

(Name and Address of Witness)

Case No. 2003-00813

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

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SEE ATTACHED

At MCS GROUP INC, 1601 MARKET STREET, STE 800 , PHILA PA 19103

(Address)

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

ATTORNEY'S NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT PA 17701

TELEPHONE NUMBER: (215)246-0900

IDENTIFICATION NUMBER: _____

ATTORNEY FOR: DEFENDANT

BY THE COURT:

10/02/2003

Date: 09-10-2003
Seal of the Court

BY

Karol E. Bowman
Karol E. Bowman,
Clinton County Prothonotary

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

JOHN EVANS, D.O.
1520 MARTIN ST.

STATE COLLEGE, PA 16803

RE: 25968
TIMOTHY BAINEY

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records
correspondence to and from the consulting and treating physicians, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, including any and all such items as may be stored in a
computer database or otherwise in electronic form, relating to any examination,
diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : TIMOTHY BAINEY

P.O. BOX 125, OSCEOLA MILLS, PA 16666

Social Security #: 193-48-0597

Date of Birth: 06-25-1958

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINY AND DELORES E. BAINY

TERM,

-VS-

CASE NO: 2003-00813

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MCS on behalf of

DATE: 10/02/2003

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLINTON

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINY AND DELORES E. BAINY

TERM,

-VS-

CASE NO: 2003-00813

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WHALLEY

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DATE: 09/12/2003

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17680
ROSEANN PAKYZ - 2595305251URP

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1601 MARKET STREET
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PHILADELPHIA, PA 19103
DE0122512246-00968-C02

SUBPOENA

THE COMMONWEALTH OF PENNSYLVANIA COUNTY OF CLINTON

Case Caption:

TIMOTHY L. BAINY AND DELORES E.

TO: CUSTODIAN OF RECORDS FOR:

BAINY

MARK B. CASTELLE, D.C.

Vs.

109 NORTH CENTRE STREET

TIFFANY MONIQUE BROWN AND MARTIN J.

P.O. BOX 248

WHALLEY

PHILIPSBURG PA 16866

(Name and Address of Witness)

Case No. 2003-00813

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WILLIAMSPORT PA 17701

TELEPHONE NUMBER: (215)246-0900

IDENTIFICATION NUMBER: _____

ATTORNEY FOR: DEFENDANT

BY THE COURT:

Date: 10/02/2003
09-10-2003
Seal of the Court

BY Karol E Bowman
Karol E. Bowman,
Clinton County Prothonotary

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

**MARK B. CASTELLE, D.C.
109 NORTH CENTRE STREET
P.O. BOX 248**

PHILIPSBURG, PA 16866

**RE: 25968
TIMOTHY BAINEY**

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records
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Social Security #: 193-48-0597

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IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINEY AND DELORES E. BAINEY

TERM,

-VS-

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MCS on behalf of

DATE: 10/02/2003

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLINTON

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINY AND DELORES E. BAINY

TERM,

-VS-

CASE NO: 2003-00813

TIFFANY MONIQUE BROWN AND MARTIN J.
WHALLEY

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KEVIN J. KOLLMAN, M.D.	MEDICAL RECORDS
PHILIPSBURG HOSPITAL	MEDICAL RECORDS

TO: DAVID C. MASON, ESQUIRE
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 09/12/2003

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17680
ROSEANN PAKYZ - 2595305251URP
-
-
-

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
DE0122512206-05968-C02

SUBPOENA

THE COMMONWEALTH OF PENNSYLVANIA COUNTY OF CLINTON

Case Caption:

TIMOTHY L. BAINY AND DELORES E.

BAINY

Vs.

TIFFANY MONIQUE BROWN AND MARTIN J.

WHALLEY

TO: CUSTODIAN OF RECORDS FOR:

ANIL PATIL, M.D.

100 N. ACADEMY AVE

DANVILLE PA 17821

(Name and Address of Witness)

Case No. 2003-00813

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

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

SEE ATTACHED

At MCS GROUP INC, 1601 MARKET STREET, STE 800 , PHILA PA 19103

(Address)

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

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

ATTORNEY'S NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET

WILLIAMSPORT PA 17701

TELEPHONE NUMBER: (215)246-0900

IDENTIFICATION NUMBER: _____

ATTORNEY FOR: DEFENDANT

BY THE COURT:

Date: 10/02/2003
09-10-2003
Seal of the Court

BY Karol E Bowman
Karol E. Bowman,
Clinton County Prothonotary

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

ANIL PATIL, M.D.
100 N. ACADEMY AVE.

DANVILLE, PA 17821

RE: 25968
TIMOTHY BAINEY

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records
correspondence to and from the consulting and treating physicians, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, including any and all such items as may be stored in a
computer database or otherwise in electronic form, relating to any examination,
diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : TIMOTHY BAINEY

P.O. BOX 125, OSCEOLA MILLS, PA 16666

Social Security #: 193-48-0597

Date of Birth: 06-25-1958

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINEY AND DELORES E. BAINEY

TERM,

-VS-

CASE NO: 2003-00813

TIFFANY MONIQUE BROWN AND MARTIN J.
WHALLEY

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

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

MCS on behalf of

DATE: 10/02/2003

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLINTON

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINY AND DELORES E. BAINY

TERM,

-VS-

CASE NO: 2003-00813

TIFFANY MONIQUE BROWN AND MARTIN J.
WHALLEY

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

MALIK N. MOMIN, M.D.	MEDICAL RECORDS
JOHN EVANS, D.O.	MEDICAL RECORDS
MARK B. CASTELLE, D.C.	MEDICAL RECORDS
ANIL PATIL, M.D.	MEDICAL RECORDS
KEVIN J. KOLLMAN, M.D.	MEDICAL RECORDS
PHILIPSBURG HOSPITAL	MEDICAL RECORDS

TO: DAVID C. MASON, ESQUIRE

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DATE: 09/12/2003

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17680
ROSEANN PAKYZ - 2595305251URP

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
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PHILADELPHIA, PA 19103
DE0122512206-000968-C02

SUBPOENA

THE COMMONWEALTH OF PENNSYLVANIA COUNTY OF CLINTON

Case Caption:

TIMOTHY L. BAINY AND DELORES E.

BAINY

Vs.

TIFFANY MONIQUE BROWN AND MARTIN J.

WHALLEY

TO: CUSTODIAN OF RECORDS FOR :

KEVIN J. KOLLMAN, M.D.

3 MEDICAL CENTER DRIVE

PHILIPSBURG PA 16866

(Name and Address of Witness)

Case No. 2003-00813

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

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

SEE ATTACHED

At MCS GROUP INC, 1601 MARKET STREET, STE 800 , PHILA PA 19103

(Address)

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ATTORNEY'S NAME: DARRYL R. WISHARD, ESQ,

ADDRESS: 10 WEST THIRD STREET

WILLIAMSPORT PA 17701

TELEPHONE NUMBER: (215)246-0900

IDENTIFICATION NUMBER: _____

ATTORNEY FOR: DEFENDANT

BY THE COURT:

Date: 10/02/2003
09-10-2003
Seal of the Court

BY Karol E Bowman
Karol E. Bowman,
Clinton County Prothonotary

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

KEVIN J. KOLLMAN, M.D.
3 MEDICAL CENTER DRIVE

PHILIPSBURG, PA 16866

RE: 25968
TIMOTHY BAINEY

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire medical file, including but not limited to any and all records
correspondence to and from the consulting and treating physicians, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, including any and all such items as may be stored in a
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diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : TIMOTHY BAINEY

P.O. BOX 125, OSCEOLA MILLS, PA 16666

Social Security #: 193-48-0597

Date of Birth: 06-25-1958

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINEY AND DELORES E. BAINEY

TERM,

-VS-

CASE NO: 2003-00813

TIFFANY MONIQUE BROWN AND MARTIN J.
WHALLEY

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DATE: 10/02/2003

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLINTON

IN THE MATTER OF:

COURT OF COMMON PLEAS

TIMOTHY L. BAINY AND DELORES E. BAINY

TERM,

-VS-

CASE NO: 2003-00813

TIFFANY MONIQUE BROWN AND MARTIN J.
WHALLEY

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
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MALIK N. MOMIN, M.D.	MEDICAL RECORDS
JOHN EVANS, D.O.	MEDICAL RECORDS
MARK B. CASTELLE, D.C.	MEDICAL RECORDS
ANIL PATIL, M.D.	MEDICAL RECORDS
KEVIN J. KOLLMAN, M.D.	MEDICAL RECORDS
PHILIPSBURG HOSPITAL	MEDICAL RECORDS

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DATE: 09/12/2003

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17680
ROSEANN PARYZ - 2595305251URP
-
-
-

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
DE0122512906-000968-C02

SUBPOENA

THE COMMONWEALTH OF PENNSYLVANIA COUNTY OF CLINTON

Case Caption:

TIMOTHY L. BAINY AND DELORES E.

BAINY

Vs.

TIFFANY MONIQUE BROWN AND MARTIN J.

WHALLEY

TO: CUSTODIAN OF RECORDS FOR:

PHILIPSBURG HOSPITAL

201 LOCHLOMOND ROAD

OSCEOLA MILLS PA 16666

(Name and Address of Witness)

Case No. 2003-00813

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

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WILLIAMSPORT PA 17701

TELEPHONE NUMBER: (215)246-0900

IDENTIFICATION NUMBER: _____

ATTORNEY FOR: DEFENDANT

BY THE COURT:

10/02/2003

Date: 09-10-2003
Seal of the Court

BY Karol E Bowman
Karol E. Bowman,
Clinton County Prothonotary

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

PHILIPSBURG HOSPITAL
201 LOCHLOMOND ROAD

PHILIPSBURG, PA 16866

RE: 25968
TIMOTHY BAINEY

INCLUDING RECORDS FROM 8/30/01 TO 9/1/01 SPECIFIC TO EMERGENCY
DEPARTMENT RECORDS.

Please call for prior approval for fees in excess of \$100.00 for hospitals,
\$50.00 for all other providers.

Entire hospital medical file, including but not limited to any and all records,
correspondence to and from the consulting and/or treating physician, files,
memoranda, handwritten notes, history and physical reports, medication/
prescription records, nurse's notes, doctor's comments, dietary restrictions,
and all patient consent or refusal of treatment, procedures, test, and/or
medication, lab and diagnostic test results, including any and all such items
as may be stored in a computer database or otherwise in electronic form,
relating to any examination, consultation, diagnosis, care, treatment,
admission, discharge, or emergency care pertaining to:

Dates Requested: up to and including the present.

Subject : TIMOTHY BAINEY

P.O. BOX 125, OSCEOLA MILLS, PA 16666

Social Security #: 193-48-0597

Date of Birth: 06-25-1958

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*

FILED
CLINTON COUNTY, PA

2003 OCT -2 A 10: 09

KAROL E. ROWMAN
PROTHONOTARY & CLERK

David C. Mason

*
* TYPE OF CASE: Civil Action - Law
* Personal Injury
*

* TYPE OF PLEADING: Complaint
*

* FILED ON BEHALF OF :
* Plaintiffs
*

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* Supreme Court I.D. #39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

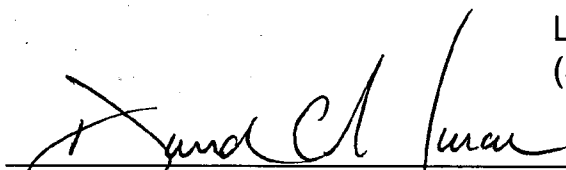
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* No. 2003-00813
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NOTICE

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

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

Court Administrator
Clinton County Courthouse
Lock Haven, PA 16830
(570) 893-4016


David C. Mason, Esquire, Atty. for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*
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FILED
CLINTON COUNTY, PA

2003 OCT -2 A 10: 09

KAROL E. BOWMAN
PROTHONOTARY & CLERK

COMPLAINT

AND NOW comes TIMOTHY L. BAINEY and DELORES E. BAINEY, his wife, by and through their Attorney, David C. Mason, Esquire, and files this Complaint of which the following are material averments of fact.

1. Plaintiffs are Timothy L. BaineY and Delores E. BaineY, his wife, adult individuals, with a current mailing address of P. O. Box 125, Osceola Mills, Pennsylvania, 16666.

2. Defendants are:

(a) Tiffany Monique Brown, an adult individual, with a current mailing address of 307 Stormfield Drive, Harleysville, Pennsylvania, 19438; and

(b) Martin J. Whalley, an adult individual, with a current mailing address of 307 Stormfield Drive, Harleysville, Pennsylvania, 19438.

3. On August 31, 2001, at approximately 5:30 p.m. Plaintiff Timothy L. Baine was operating a K1500 Chevrolet pick-up truck (hereinafter "Baine" vehicle) in an east-bound direction on Interstate 80 in East Porter Township, Clinton County, Pennsylvania, when he encountered a construction zone.

4. At the same time and in the same location, Defendant Tiffany Monique Brown was operating an automobile owned by Defendant Martin J. Whalley, being a 1991 Honda Civic (hereinafter "Whalley" vehicle) in the same direction of travel as Plaintiff.

5. While Plaintiff was lawfully stopped in the construction zone, the Whalley vehicle failed to stop and violently struck the rear of Plaintiff's vehicle, dislodging the Plaintiff's foot from the brake pedal and pushing it into an automobile operated or under the control of Thomas G. Dagger (hereinafter "Dagger" vehicle). The Dagger vehicle was likewise stopped in the construction zone.

6. As the direct and proximate result of the collision with the Defendant's vehicle, Plaintiff Timothy L. Baine has suffered the following injuries, some or all of which are permanent in nature:

- a. Vertebral subluxation of multiple cervicals;
- b. Vertebral subluxation of thoracic spine;

- c. Vertebral subluxation of lumbar spine;
- d. Vertebral subluxation of right and left ilium;
- e. Subluxation of sacrum;
- f. lower back pain and stiffness;
- g. neck pain;
- h. loss of health, strength, vigor, vitality and/or physical and mental well being.

7. Defendant Tiffany Monique Brown was negligent in the operation of the Whalley vehicle on the day and date aforesaid and at the location of the collision with the Bainey vehicle in the following manner:

- a. in failing to stop in order to avoid striking the vehicle in front of her;
- b. in failing to keep the vehicle under proper and adequate control such that the operator did not avoid striking the Bainey vehicle when the same was lawfully within its own lane of travel while stopped in a construction zone;
- c. in failing to keep a careful and diligent watch on the road such that the operator did not observe the Bainey vehicle stopped in the same lane of travel;
- d. in operating her vehicle too close to the Bainey vehicle when she knew or should have known doing so would result in a collision;

e. in failing to take appropriate, proper, timely evasive action to avoid the aforesaid accident, despite said avenues of evasion being available to her, such as turning, braking or slowing her vehicle;

f. in failing to keep a safe, careful and adequate look out for other vehicles on the roadway, and particularly those vehicles traveling in the same direction, directly in front of her, to wit, the Bainey vehicle;

g. in operating the vehicle in such mental and/or physical condition that it was imprudent, unsafe or hazardous to operate the said vehicle, in that Defendant was unaware and unresponsive to the stopped traffic in front of her;

h. in failing to warn, signal, or otherwise advise the Plaintiff that she was going to strike her;

i. In operating her vehicle at a speed greater than is reasonable and prudent under the conditions then and there present such that she could not and did not bring her vehicle to a safe stop within the assured clear distance ahead;

j. in violating one or more of the provisions of the Motor Vehicle Code.

8. As a further direct and proximate result of the negligence of the Defendant and the collision with the Whalley vehicle and the subsequent collision with the Dagger vehicle, Plaintiff Timothy L. Bainey has been and will be obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses which expenses have or may exceed the sum recoverable

under the limits in 75 Pa. C.S. §1711 and may be obliged to expend such sums to incur such expenditures for an indefinite time into the future. To date, Plaintiff Timothy L. Baaney has incurred the following medical expenses:

A. Casteel Chiropractic Center	\$ 1,751.00
B. Susquehanna Valley Pain Management	\$ 3,456.09
C. Central Penn Rehabilitation	\$ 65.00
D. Moshannon Valley Pharmacy	\$ 101.87
E. Geisinger Medical Center	\$ 656.82
F. Philipsburg Area Hospital	\$ 138.00
TOTAL	\$6,168.78

9. Further, as a direct and proximate result of the collision with the Whalley vehicle, Plaintiff Timothy Baaney's medical treatment is continuing and additional medical expenses will be incurred in the future.

10. As a further result of this collision, Plaintiff Timothy L. Baaney has suffered severe physical pain, mental anguish, humiliation, embarrassment, loss of enjoyment of life, loss of vitality, vigor, health and/or strength and may continue to suffer the same for an indefinite time into the future.

11. Plaintiff Timothy L. Baaney is an insured under a policy of automobile insurance issued by Erie Insurance Group, which provides Plaintiff Timothy L. Baaney with the full tort option under the Pennsylvania Motor Vehicle Financial Responsibility Law.

COUNT I

TIMOTHY L. BAINEY and DELORES E. BAINEY, his wife, Plaintiffs

vs.

TIFFANY MONIQUE BROWN, Defendant

Paragraphs 1 through 11 are incorporated herein as though fully set forth at length.

12. Defendant Tiffany Monique Brown is liable to the Plaintiffs for damages arising from the injuries as aforesaid.

WHEREFORE, Plaintiffs pray your Honorable Court for the entry of an Order that judgment be entered in their favor and against Defendant in an unliquidated amount in excess of \$25,000.00, plus interest to the extent permitted by law, and costs of suit.

COUNT II

TIMOTHY L. BAINEY and DELORES E. BAINEY, his wife, Plaintiffs

VS.

MARTIN J. WHALLEY

NEGLIGENT ENTRUSTMENT

Paragraphs 1 through 12 of the Complaint are incorporated by reference as if fully set forth at length.

13. Tiffany Monique Brown is an incompetent and/or unsafe operator of a vehicle, lacking the necessary training, education, and experience to operate the same in a safe, careful and prudent manner.

14. Defendant Martin J. Whalley knew that Tiffany Monique Brown was an incompetent and/or unsafe driver at and before the time of the accident.

15. Defendant Martin J. Whalley entrusted to Tiffany Monique Brown a vehicle when Defendant knew or should have known that Tiffany Monique Brown was incompetent and/or unsafe to operate the same.

16. Defendant Martin J. Whalley knew or should have known that Tiffany Monique Brown had violated provisions of the Motor Vehicle Code in the past by traveling at excessive rates of speed.

17. Despite the fact that Defendant Martin J. Whalley knew or should have known that Tiffany Monique Brown was incompetent and/or unsafe to operate the vehicle, Defendant Martin J. Whalley nonetheless entrusted to Tiffany Monique Brown his vehicle, the same vehicle which collided with the Baineey vehicle and caused the collision.

WHEREFORE, Plaintiffs demand judgment against the Defendant for a sum in excess of \$25,000.00, plus interest and costs.

COUNT III

DELORES E. BAINEY, Plaintiff

vs.

TIFFANY MONIQUE BROWN

LOSS OF CONSORTIUM

Paragraphs 1 through 17 are incorporated by reference herein as though the same were fully set forth at length.

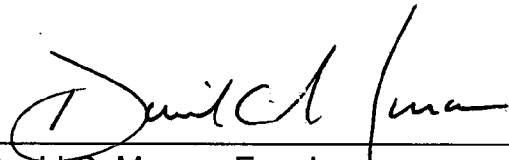
18. At all times material hereto, **DELORES E. BAINEY**, is and has been the lawful wife of **TIMOTHY L. BAINEY**.

19. As a result of the injuries sustained by Plaintiff **TIMOTHY L. BAINEY**, Plaintiff **DELORES E. BAINEY** has suffered, yet suffers and will continue to suffer

in the future the loss of consortium, society, companionship, and related conjugal benefits as well as the loss of services of Plaintiff **TIMOTHY L. BAINEY**.

20. Plaintiff **DELORES E. BAINEY'S** losses, above detailed, are the direct and proximate result of the automobile accident, and hence the negligence of Defendant Tiffany Monique Brown, as enumerated above.

WHEREFORE, Plaintiffs demand that judgment be entered in favor of Plaintiffs and against Defendant in an amount in excess of \$25,000 00 plus costs of su t.



David C. Mason, Esquire
Attorney for Plaintiffs

VERIFICATION

We certify that the facts set forth in the foregoing Complaint are true and correct to the best of our knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATED: 10/1/03


Timothy L. Bainey

DATED: 10-1-03


Delores E. Bainey

Karol E. Bowman
Karol Bowman, Prothonotary

CERTIFICATE OF SERVICE

DARRYL R. WISHARD, hereby certifies that on this 2nd day of September, 2003,
he mailed the foregoing Praeipe for Rule to File Complaint to the Clinton County
Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following
by U.S. Mail, postage prepaid, first class rates this same date:

David Mason, Esquire
409 North Front Street
P.O. Box 28
Philipsburg PA 16866



Darryl R. Wishard

FILED
CLINTON COUNTY, PA

2003 SEP -3 A 10:49

KAROL E. BOWMAN
PROTHONOTARY & CLERK

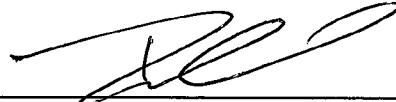
KAROL E. BOWMAN, Notary Public
PROTHONOTARY & CLERK
(1) *Wishard.*

CERTIFICATE OF SERVICE

DARRYL R. WISHARD, hereby certifies that on this 2nd day of September, 2003,
he mailed the foregoing Entry of Appearance to the Clinton County Prothonotary by
U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following
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P.O. Box 28
Philipsburg PA 16866



Darryl R. Wishard

FILED
CLINTON COUNTY, PA
2003 SEP -3 A 10:48
KAROL E. BOWMAN
PROTHONOTARY & CLERK

DATE RECEIVED

DATE PROCESSED

SHERIFF'S DEPARTMENT

CLINTON COUNTY, PENNSYLVANIA

COURTHOUSE, BASEMENT, LOCK HAVEN, PA 17745

**SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN****INSTRUCTIONS:**

Print legibly, insuring readability of all copies.

Do not detach any copies.

CCSD ENV.#

544-03

1. PLAINTIFF / S /
Bainey, Timothy L. et al.2. COURT NUMBER
813-20033. DEFENDANT / S /
Brown, Tiffany et al.4. TYPE OF WRIT OR COMPLAINT
Writ of Summons**SERVE****AT**5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.
MARTIN J. WHALLEY

LAST DAY FOR SERVICE 8-20-03

6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)
307 STORMFIELD DRIVE HARLEYSVILLE, PA 194387. INDICATE UNUSUAL SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☐ DEPUTIZE ☐ CERT. MAIL ☐ REGISTERED MAIL ☐ POSTED ☐ OTHERNOW, 7/22/03, I, SHERIFF OF CLINTON COUNTY, PA., do hereby deputize the Sheriff of
MONTGOMERY County to execute this Writ and make return thereof according
to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF CLINTON COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within-writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:

DAVID C. MASON

☐ PLAINTIFF
☐ DEFENDANT

10. TELEPHONE NUMBER

11. DATE

7/22/03

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above.

SIGNATURE of Authorized CCSD Deputy or Clerk and Title
CHRISTINA M. BILBY SECRETARY13. Date Received
7/22/0314. Expiration/Hearing date
8/20/0315. I hereby CERTIFY and RETURN that I ☒ have personally served, ☐ have served person in charge, ☐ have legal evidence of service as shown in "Remarks" (on reverse)
☐ have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handling/or Posting a TRUE and ATTESTED COPY thereof.16. ☐ I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served

Martin Whalley

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. ☐Read Order
☐19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)
as given

20. Date of Service

8-8-03

21. Time

0935

22. ATTEMPTS

Date

Miles

Dep. Int.

Date

Miles

Dep. Int.

Date

Miles

Dep. Int.

Date

Miles

Dep. Int.

7-29

0750

12

23. Advance Costs

24.

25.

26.

27. Total Costs

28. COST DUE OR REFUND

Notarial Seal
Helene Friedman, Notary Public
Montgomery County, PA
My Commission Expires April 1, 2004

AFFIRMED and subscribed to before me this 20th day of August 2003

day of

August 20 03

MY COMMISSION EXPIRES

NOTARY PUBLIC

April 1, 2004

SO ANSWER.

By (Sheriff/Dep. Sheriff) (Please Print or Type)

Signature of Sheriff

SHERIFF OF CLINTON COUNTY

OFFICE OF THE
SHERIFF
MONTGOMERY CO.
PA

03 JUL 28 AM 8-03

RECEIVED

Date

Date

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE.

23250

39. Date Received

PROTHONOTARY

SHERIFF'S RETURN OF SERVICE

(1) The within _____
upon _____, the within named
defendant by mailing to _____
by _____ mail, return receipt requested, postage
prepaid, _____ on the _____
a true and attested copy thereof at _____

The return receipt signed by _____
defendant on the _____ is hereto attached and
made a part of this return.

(2) Outside the Commonwealth, pursuant to Pa. RCP.405 (c) (1) (2), by mailing a true and
attested copy thereof at _____

in the following manner:

() (a) To the defendant by () registered () certified mail, return receipt requested,
postage prepaid, addressee only on the _____,
said receipt being returned NOT signed by defendant, but with a notation by the
Postal Authorities that Defendant refused to accept the same. The returned
receipt and envelope is attached hereto and made part of this return.

And thereafter:

() (b) To the defendant by ordinary mail addressed to defendant at same address, with
the return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not
received said envelope back from the Postal Authorities. A certificate of mailing
is hereto attached as a proof of mailing.

() (3) By publication in the Lock Haven Express, a weekly publication of general circulation
in the County of Clinton, Commonwealth of Pennsylvania, one time with publication
appearing _____

The affidavit from said Lock Haven Express is hereto attached.

() (4) By mailing to _____
by _____ mail, return receipt requested, postage prepaid,
_____ on the _____
a true and attested copy thereof at _____

The _____ returned by the Postal
Authorities marked _____
is hereto attached.

() (5) Other _____

DATE RECEIVED

DATE PROCESSED

SHERIFF'S DEPARTMENT

CLINTON COUNTY, PENNSYLVANIA

COURTHOUSE, BASEMENT, LOCK HAVEN, PA 17745

7-29
⑥**SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN****INSTRUCTIONS:**

Print legibly, insuring readability of all copies.

Do not detach any copies.

CCSD ENV.#

544-03

1. PLAINTIFF / S / Bainey, Timothy L. et al.		2. COURT NUMBER 813-2003	
3. DEFENDANT / S / Brown, Tiffany et al.		4. TYPE OF WRIT OR COMPLAINT Writ of Summons	
5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD TIFFANY BROWN 11/2			
6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) 307 STORMFIELD DRIVE HARLEYSVILLE, PA 19438			
7. INDICATE UNUSUAL SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☐ DEPUTIZE ☐ CERT. MAIL ☐ REGISTERED MAIL ☐ POSTED ☐ OTHER			
NOW 7/22/03, I, SHERIFF OF CLINTON COUNTY, PA., do hereby deputize the Sheriff of MONTGOMERY County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.			
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE: * Serve on Friday after 8 am.			

LAST DAY FOR SERVICE 8-20-03

SHERIFF OF CLINTON COUNTY

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of: DAVID C. MASON		10. TELEPHONE NUMBER	11. DATE 7/22/03
---	--	----------------------	---------------------

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above.		SIGNATURE of Authorized CCSD Deputy or Clerk and Title CHRISTINA M. BILBY SECRETARY		13. Date Received 7/22/03	14. Expiration/Hearing date 8/20/03										
15. I hereby CERTIFY and RETURN that I ☐ have personally served, ☒ have served person in charge, ☐ have legal evidence of service as shown in "Remarks" (on reverse) ☐ have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handling/or Posting a TRUE and ATTESTED COPY thereof.															
16. ☐ I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)															
17. Name and title of individual served Martin Whalley				18. A person of suitable age and discretion then residing in the defendant's usual place of abode. ☐	Read Order ☐										
19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) 95 Given Helmhor				20. Date of Service 8-8-03	21. Time 0935										
22. ATTEMPTS	Date 7-29	Dep. Int. 0750	Dep. Int. P2	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.
23. Advance Costs		24.	25.	26.	27. Total Costs			28. COST DUE OR REFUND							

AFFIRMED and subscribed to before me this 20th day of August 2002 Helene Friedman NOTARY PUBLIC		SO ANSWER. PAUL R ZAPPA LA By (Sheriff/Dep. Sheriff) (Please Print or Type) Signature of Sheriff SHERIFF OF CLINTON COUNTY	
MY COMMISSION EXPIRES April 1, 2004		39. Date Received 8-8-03	
I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE. 23250			

PROTHONOTARY

SHERIFF'S RETURN OF SERVICE

() (1) The within _____
upon _____, the within named
defendant by mailing to _____
by _____ mail, return receipt requested, postage
prepaid, _____ on the _____
a true and attested copy thereof at _____

The return receipt, signed by _____
defendant on the _____ is hereto attached and
made a part of this return.

() (2) Outside the Commonwealth, pursuant to Pa. RCP.405 (c) (1) (2), by mailing a true and
attested copy thereof at _____

in the following manner:

() (a) To the defendant by () registered () certified mail, return receipt requested,
postage prepaid, addressee only on the _____
said receipt being returned NOT signed by defendant, but with a notation by the
Postal Authorities that Defendant refused to accept the same. The returned
receipt and envelope is attached hereto and made part of this return.

And thereafter:

() (b) To the defendant by ordinary mail addressed to defendant at same address, with
the return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not
received said envelope back from the Postal Authorities. A certificate of mailing
is hereto attached as a proof of mailing.

() (3) By publication in the Lock Haven Express, a weekly publication of general circulation
in the County of Clinton, Commonwealth of Pennsylvania, one time with publication
appearing _____

The affidavit from said Lock Haven Express is hereto attached.

() (4) By mailing to _____
by _____ mail, return receipt requested, postage prepaid,
on the _____
a true and attested copy thereof at _____

The _____ returned by the Postal
Authorities marked _____
is hereto attached.

() (5) Other _____

Writ of Summons

Commonwealth of Pennsylvania
County of Clinton

No.: 2003-00813

BAINY TIMOTHY L
BAINY DELORES E

** VERSUS **

✓ BROWN TIFFANY MONIQUE
WHALLEY MARTIN J

You are hereby notified that the following Plaintiff(s),

BAINY TIMOTHY L
BAINY DELORES E

has(have) commenced an action against you.

Date: 07-21-2003

Karol E Bowman
Prothonotary (Clerk)

By _____

Deputy

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 813-2003
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*
*
* TYPE OF CASE: Civil Action
*
* TYPE OF PLEADING: Praecipe
* For Issuance of Writ of
* Summons
*
* FILED ON BEHALF OF:
* Plaintiffs
*
* COUNSEL OF RECORD FOR THIS
* PARTY:
*
* David C. Mason, Esquire
* Supreme Court I.D. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED
CLINTON COUNTY, PA

2003 JUL 21 - A 10:05

KAROL E. BOWMAN
PROTHONOTARY & CLERK

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 813-2003
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FILED
CLINTON COUNTY, PA

2003 JUL 21 A 10: 05

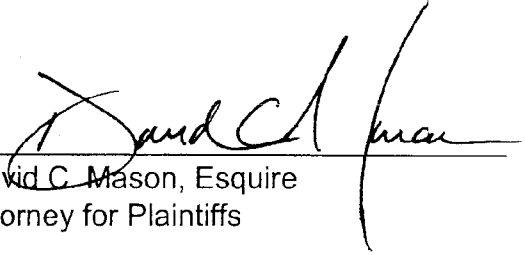
KAROL E. BOWMAN
PROTHONOTARY & CLERK

PRAECIPE FOR ISSUANCE OF

WRIT OF SUMMONS

TO THE PROTHONOTARY:

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


David C. Mason, Esquire
Attorney for Plaintiffs

Writ of Summons

Commonwealth of Pennsylvania
County of Clinton

No.: 2003-00813

BAINY TIMOTHY L
BAINY DELORES E

** VERSUS **

BROWN TIFFANY MONIQUE
✓ WHALLEY MARTIN J

You are hereby notified that the following Plaintiff(s),

BAINY TIMOTHY L
BAINY DELORES E

has(have) commenced an action against you.

Date: 07-21-2003

Karal E. Bowman
Prothonotary (Clerk)

By _____
Deputy

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*

* No. 813-2003

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* TYPE OF CASE: Civil Action

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* TYPE OF PLEADING: Praecipe
* For Issuance of Writ of
* Summons

*

* FILED ON BEHALF OF:
* Plaintiffs

*

* COUNSEL OF RECORD FOR THIS
* PARTY:

*

* David C. Mason, Esquire
* Supreme Court I.D. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED
CLINTON COUNTY, PA

2003 JUL 21 A 10:05

KAROL E. BOWMAN
PROTHONOTARY & CLERK

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 813-2003
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FILED
CLINTON COUNTY, PA

2003 JUL 21 A 10:05

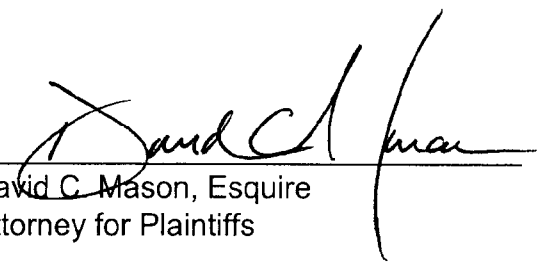
KAROL E. BOWMAN
PROTHONOTARY & CLERK

PRAECIPE FOR ISSUANCE OF

WRIT OF SUMMONS

TO THE PROTHONOTARY:

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


David C. Mason, Esquire
Attorney for Plaintiffs

Writ of Summons

Commonwealth of Pennsylvania
County of Clinton

No.: 2003-00813

BAINY TIMOTHY L
BAINY DELORES E

** VERSUS **

✓ BROWN TIFFANY MONIQUE
WHALLEY MARTIN J

COPY

You are hereby notified that the following Plaintiff(s),

BAINY TIMOTHY L
BAINY DELORES E

has(have) commenced an action against you.

Date: 07-21-2003

Karal E. Bowman
Prothonotary (Clerk)

By _____
Deputy

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 813-2003
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* TYPE OF CASE: Civil Action
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* TYPE OF PLEADING: Praecipe
* For Issuance of Writ of
* Summons
*
* FILED ON BEHALF OF:
* Plaintiffs
*
* COUNSEL OF RECORD FOR THIS
* PARTY:
*
* David C. Mason, Esquire
* Supreme Court I.D. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED
CLINTON COUNTY, PA

2003 JUL 21 : A 10: 05

KAROL E. BOWMAN
PROTHONOTARY & CLERK

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

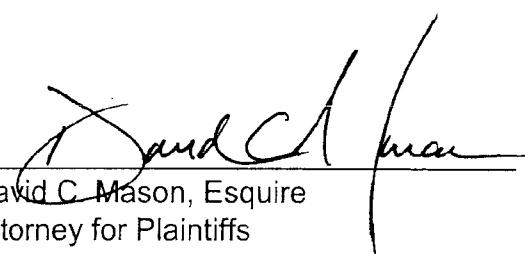
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* No. 813-2003
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PRAECIPE FOR ISSUANCE OF

WRIT OF SUMMONS

TO THE PROTHONOTARY:

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



David C. Mason, Esquire
Attorney for Plaintiffs

FILED
CLINTON COUNTY, PA

2003 JUL 21 A 10:05

KAROLE E. BOWMAN
PROTHONOTARY & CLERK

Writ of Summons

Commonwealth of Pennsylvania
County of Clinton

No.: 2003-00813

BAINEY TIMOTHY L
BAINEY DELORES E

** VERSUS **

BROWN TIFFANY MONIQUE
✓ WHALLEY MARTIN J

COPY

You are hereby notified that the following Plaintiff(s),

BAINEY TIMOTHY L
BAINEY DELORES E

has(have) commenced an action against you.

Date: 07-21-2003

Karol E Bowman
Prothonotary (Clerk)

By _____
Deputy

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*

* No. 813-2003

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* TYPE OF CASE: Civil Action

*

* TYPE OF PLEADING: Praecipe
* For Issuance of Writ of
* Summons

*

* FILED ON BEHALF OF:

* Plaintiffs

*

* COUNSEL OF RECORD FOR THIS
* PARTY:

*

* David C. Mason, Esquire
* Supreme Court I.D. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED
CLINTON COUNTY, PA

2003 JUL 21 A 10:05

KAROL E. BOWMAN
PROTHONOTARY & CLERK

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 813-2003
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FILED
CLINTON COUNTY, PA

2003 JUL 21 A 10:05

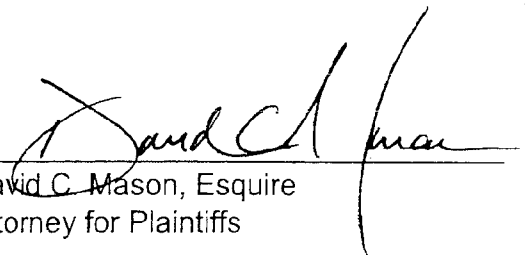
KAROLE E. BOWMAN
PROTHONOTARY & CLERK

PRAECIPE FOR ISSUANCE OF

WRIT OF SUMMONS

TO THE PROTHONOTARY:

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


David C. Mason, Esquire
Attorney for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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* No. 813-2003
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* TYPE OF CASE: Civil Action
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* TYPE OF PLEADING: Praecipe
* For Issuance of Writ of
* Summons
*
* FILED ON BEHALF OF:
* Plaintiffs
*
* COUNSEL OF RECORD FOR THIS
* PARTY:
*
* David C. Mason, Esquire
* Supreme Court I.D. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED
CLINTON COUNTY, PA

2003 JUL 21 A 10:05

KAROL E. BOWMAN
PROTHONOTARY & CLERK

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

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CLINTON COUNTY, PA

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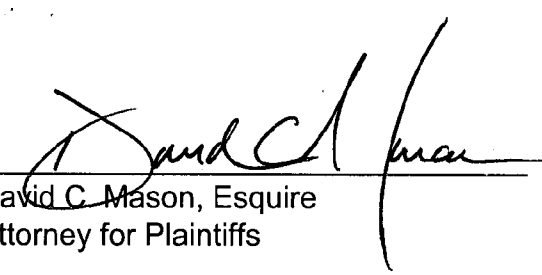
KAROL E. BOWMAN
PROTHONOTARY & CLERK

PRAECIPE FOR ISSUANCE OF

WRIT OF SUMMONS

TO THE PROTHONOTARY:

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


David C. Mason, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and DELORES E.
BAINEY, his wife,

Plaintiffs,

vs.

DAVID RENAUD,

Defendant.

CIVIL DIVISION

NO. 04-250-CD

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

Filed on behalf of: Defendant, David Renaud

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. ID #43679
Gregory S. Knight, Esquire
Pa. ID #85523

JURY TRIAL DEMANDED

WAYMAN, IRVIN & McAULEY
Firm # 583
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

(412) 566-2970

FILED ^{EGK}

m 1:33 PM NOV

SEP 30 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and DELORES E.
BAINEY, his wife,

CIVIL DIVISION

Plaintiffs,

NO. 04-250-CD

vs.

DAVID RENAUD,

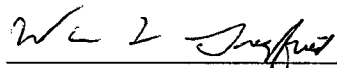
Defendant.

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

I hereby certify that true and correct copies of **DEFENDANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS** and **DEFENDANT'S FIRST SET OF INTERROGATORIES DIRECTED TO PLAINTIFFS** have been served on David C. Mason, Esquire, P. O. Box 28, Philipsburg, PA 16866 by first class U.S. mail, postage pre-paid, on September 28th, 2004.

Respectfully submitted,

WAYMAN, IRVIN & McAULEY



Warren L. Siegfried, Esquire
Attorneys for Defendant

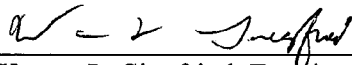
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF SERVICE** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, or by hand delivery, this 28th day of September, 2004:

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

WAYMAN, IRVIN & McAULEY



Warren L. Siegfried, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and DELORES E.
BAINEY, his wife,

Plaintiffs,

vs.

DAVID RENAUD,

Defendant.

CIVIL DIVISION

NO. 04-250-CD

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

Filed on behalf of: Defendant, David Renaud

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. ID #43679
Gregory S. Knight, Esquire
Pa. ID #85523

JURY TRIAL DEMANDED

WAYMAN, IRVIN & McAULEY
Firm # 583
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

(412) 566-2970

FILED ^{EOK}
^{NO}
^{CC}
OCT 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and DELORES E.
BAINEY, his wife,

CIVIL DIVISION

Plaintiffs,

NO. 04-250-CD

vs.

DAVID RENAUD,

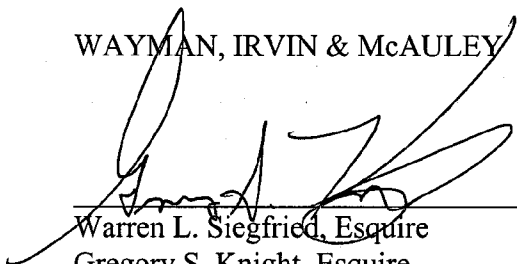
Defendant.

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

I hereby certify that true and correct copies of **DEFENDANT'S ANSWERS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS** have been served on David C. Mason, Esquire, P. O. Box 28, Philipsburg, PA
16866 by first class U.S. mail, postage pre-paid, on October 20th, 2004.

Respectfully submitted,

WAYMAN, IRVIN & McAULEY



Warren L. Siegfried, Esquire
Gregory S. Knight, Esquire
Counsel for Defendant

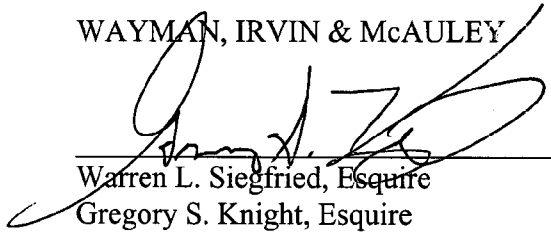
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF SERVICE** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, or by hand delivery, this 20th day of October, 2004:

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

WAYMAN, IRVIN & McAULEY



Warren L. Siegfried, Esquire
Gregory S. Knight, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs,

vs.

DAVID RENAUD,

Defendant.

CIVIL DIVISION

NO. 04-250-CD

CERTIFICATE OF SERVICE

FILED ON BEHALF OF: PLAINTIFFS

COUNSEL OF RECORD:

ATTORNEY FOR PLAINTIFFS:

David C. Mason, Esquire
Supreme Court ID #39180
DAVID C. MASON LAW OFFICE
P.O. Box 28
Philipsburg, PA 16866
(814) 342-2240

JURY TRIAL DEMANDED

ATTORNEYS FOR DEFENDANT:

Warren L. Siegfried, Esquire
Supreme Court ID #43679
Gregory S. Knight, Esquire
Supreme Court ID #43679
WAYMAN, IRVIN & MCAULEY
Firm #583
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219
(412) 566-2970

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

OCT 28 2004

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

CIVIL DIVISION

Plaintiffs,

NO. 04-250-CD

vs.

DAVID RENAUD,

Defendant.

TYPE OF PLEADING: CERTIFICATE OF
SERVICE

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

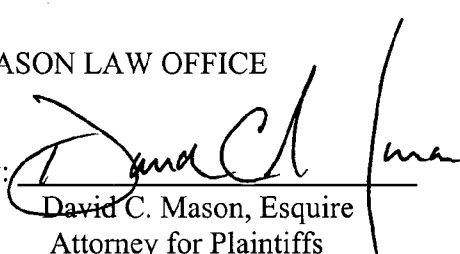
Notice is hereby given that on the 27th day of October, 2004, the Plaintiff's, Timothy L. Baine and Delores E. Baine, by and through their attorney, DAVID C. MASON, served a true and correct copy of the PLAINTIFF'S ANSWER TO DEFENDANT'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS, by placing the same in the United States mail, postage prepaid and addressed as follows:

Warren L. Siegfried, Esquire
WAYMAN, IRVIN & MCAULEY
Firm #583
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219
(412) 566-2970

DATED: 10/27/04

MASON LAW OFFICE

By:


David C. Mason, Esquire
Attorney for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
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CONSOLIDATED FOR PURPOSE OF TRIAL WITH:

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*
*
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*
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*
*
*

* TYPE OF CASE: Civil Action
*

* TYPE OF PLEADING: Praecipe to
* Place on Jury Trial List
*

* FILED ON BEHALF OF: Plaintiffs
*

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* Supreme Court I.D.#39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED NO
0/3/04 CC
FEB 22 2005
William A. Shaw
Prothonotary/Clerk of Courts
COPY TO C/A

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
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CONSOLIDATED FOR PURPOSE OF TRIAL WITH:

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
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PRAECIPE FOR JURY TRIAL LIST
PURSUANT TO 46 J.D. R.C.P. §212.2

TO THE PROTHONOTARY OF SAID COURT:

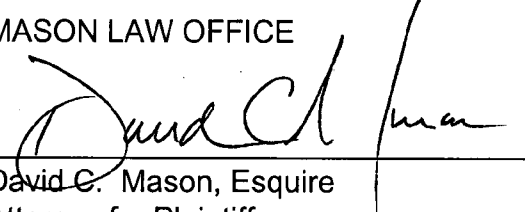
Kindly list the above captioned matter on the Jury Trial List. I certify that the pleadings have been closed and there are no outstanding Discovery Requests and there are no outstanding Motions.

It is anticipated that the trial in this matter will require no more than three (3) days.

A copy of this Praecept to place the case on the Jury Trial List has been provided to the attorneys representing the Defendants in each of the cases, to wit, Darryl R. Wishard, Esquire, Attorney for Defendants Brown and Whalley and Warren L. Siegfried, Esquire, Attorney for Defendant David Renaud.

DATED: 2/22/05

MASON LAW OFFICE



David C. Mason, Esquire
Attorney for Plaintiff
Supreme Court No. 39180

FILED

FEB 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
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CONSOLIDATED FOR PURPOSE OF TRIAL WITH:

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
*
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*

* TYPE OF CASE: Civil Action

* TYPE OF PLEADING: Certificate of Service

* FILED ON BEHALF OF: Plaintiffs

* COUNSEL OF RECORD FOR THIS

* PARTY:

* David C. Mason, Esquire

* Supreme Court I.D.#39180

* Attorney at Law

* P. O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

FILED No
64 0/30/04 CC
FEB 22 2005
William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
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CONSOLIDATED FOR PURPOSE OF TRIAL WITH:

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

TIFFANY MONIQUE BROWN
and MARTIN J. WHALLEY

Defendants

*
* No. 2003-00813
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CERTIFICATE OF SERVICE

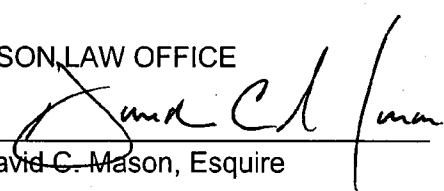
I, DAVID C. MASON, Esquire, do hereby certify that I served a copy of the Praecept to Be Placed on Jury Trial List filed to the above captioned action, by placing the same in the United States mail, postage prepaid and addressed as follows:

Darryl R. Wishard, Esquire
Mitchell, Mitchell, Gray & Gallagher
10 West Third Street
Williamsport, PA 17701

Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley, LLC
Suite 1624, Frick Building
437 Grant Street
Pittsburgh, PA 15219-6101

MASON, LAW OFFICE

DATED: 2/22/05

BY: 
David C. Mason, Esquire

FILED

FEB 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and DELORES E.
BAINEY, his wife,

Plaintiffs,

vs.

DAVID RENAUD,

Defendant.

CIVIL DIVISION

NO. 04-250-CD

**MOTION TO STRIKE CASE FROM
TRIAL LIST**

Filed on behalf of: Defendant:
David Renaud

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. ID #43679
Gregory S. Knight, Esquire
Pa. ID #85523

WAYMAN, IRVIN & McAULEY, LLC
Firm # 583
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

(412) 566-2970

JURY TRIAL DEMANDED

FILED
m/1:2500
FEB 28 2005
William A. Shaw
Prothonotary/Clerk of Courts
Any Siegfried

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and DELORES E.
BAINEY, his wife,

CIVIL DIVISION

NO. 04-250-CD

Plaintiffs,

vs.

DAVID RENAUD,

Defendant.

MOTION TO STRIKE CASE FROM TRIAL LIST

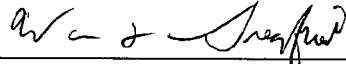
AND NOW, comes the Defendant, David Renaud, by and through his attorneys Warren L. Siegfried, Esquire, Gregory S. Knight, Esquire and Wayman, Irvin & McAuley, LLC, and files the within Motion to Strike Case from Trial List and in support whereof, avers as follows:

1. On February 24, 2005, this Defendant received a copy of Plaintiffs' Praecipe to Place the above-referenced matter on the jury trial list.
2. Plaintiff has failed to comply with Subsection (a) of Clearfield County Local Rule of Court 221.2.
3. The above-referenced action has not been listed for trial previously.
4. The instant matter is not ready for trial because the moving Defendant has not received complete medical records from plaintiff's physical therapy and final report of Plaintiff's treating physician. Depending on the information contained in those records, this moving Defendant may require Plaintiff to submit to an independent medical evaluation.
5. This Defendant has not yet taken the deposition of Plaintiff.
6. Based on the foregoing, discovery in this case is not yet complete and the case is not ready for trial.

WHEREFORE, movant requests this Honorable Court strike the action from the trial list.

Respectfully submitted,

WAYMAN, IRVIN & McAULEY

A handwritten signature in cursive script, appearing to read "Warren L. Siegfried", is written over a horizontal line.

Warren L. Siegfried, Esquire
Gregory S. Knight, Esquire
Counsel for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and DELORES E.
BAINEY, his wife,

CIVIL DIVISION

NO. 04-250

Plaintiffs,

vs.

DAVID RENAUD,

Defendant.

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 2005, upon
consideration of Defendant's Motion to Strike Case From Trial List, it is hereby ORDERED,
ADJUDGED and DECREED that the above-captioned matter shall be stricken from the trial list.

BY THE COURT:

_____. J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and DELORES E.
BAINEY, his wife,

CIVIL DIVISION

NO. 04-250

Plaintiffs,

vs.

DAVID RENAUD,

Defendant.

ORDER OF COURT

AND NOW, to-wit, this 4th day of March, 2005, it is
hereby ORDERED, ADJUDGED and DECREED that the following Motion will be set for
argument on the 5th day of April, 2005. at 10:30 am.

BY THE COURT:

Paul E. Cherry J.

FILED ^{icc}
013:40/BA Amy Siegfried
MAR 04 2005 (2)

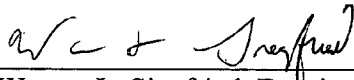
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION TO STRIKE CASE FROM TRIAL LIST** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, or by hand delivery, this 25th day of February, 2005:

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

WAYMAN, IRVIN & McAULEY, LLC



Warren L. Siegfried, Esquire
Gregory S. Knight, Esquire

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY L. BAINEY and DELORES E.
BAINEY, his wife,

CIVIL DIVISION

NO. 04-250

Plaintiffs,

vs.

DAVID RENAUD,

Defendant.

ORDER OF COURT

AND NOW, to-wit, this 24th day of March, 2005, upon
consideration of Defendant's Motion to Strike Case From Trial List, it is hereby ORDERED,
ADJUDGED and DECREED that the above-captioned matter shall be stricken from the trial list.

BY THE COURT:

Paul E. Cherry, Jr.

FILED

01/4:00 PM
MAR 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

Joe
Amy Siegfried
(OK)

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
*

* TYPE OF CASE:
* Civil Action - Law
*

* TYPE OF PLEADING:
* Certificate of Service
*

* FILED ON BEHALF OF:
* Plaintiffs
*

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* Supreme Court I.D. No. 39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg PA 16866
* (814) 342-2240
*

* COUNSEL OF RECORD FOR THE
* DEFENDANT:

* Warren L. Siegfried, Esquire
* Wayman, Irvin & McAuley, LLC
* Suite 1624, Frick Building
* 437 Grant Street
* Pittsburgh, PA 15219-6101
* (412) 566-2970

FILED
NOV 09 2005
cc

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

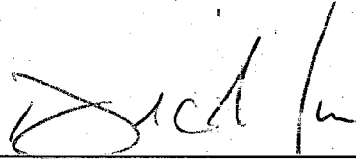
*
* No. 04-250-CD
*

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, hereby certify that I have served a true and correct copy of the attached and foregoing Notice of Taking Deposition Upon Oral Examination Pursuant to Pa. R.C.P. §4003.1 upon David Renaud, through his attorney, Warren L. Siegfried, Esquire, by depositing a copy of said Notice in the United States Mail, postage prepaid and addressed as follows:

David Renaud
% Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley, LLC
Suite 1624, Frick Building
437 Grant Street
Pittsburgh, PA 15219-6101

DATED: 11-8-05



David C. Mason, Esquire,
Attorney for Plaintiffs

FILED

NOV 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
*

*
* TYPE OF PLEADING: Certificate of
* Service
*

* FILED ON BEHALF OF: Plaintiffs
*

* COUNSEL OF RECORD FOR THIS
* PARTY:

* David C. Mason, Esquire
* I.D. No. 39180
* Mason Law Office
* P.O. Box 28
* 409 N. Front Street
* Philipsburg, PA 16866
* (814) 342-2240
*

* COUNSEL OF RECORD FOR DEFENDANT:

* Warren L. Siegfried, Esquire
* Wayman, Irvin & McAuley, LLC
* Suite 1624, Frick Building
* 437 Grant Street
* Pittsburgh, PA 15219-6101
* (412) 566-2970
*

FILED *NO CC*
m/11/14/05
NOV 09 2005 *(5)*

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

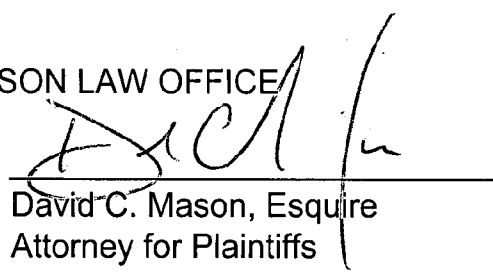
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* No. 04-250-CD
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CERTIFICATE OF SERVICE

I, David C. Mason, Esquire, hereby certify that a true and correct copy of Plaintiffs' Expert Interrogatories was served upon counsel for Defendant, Warren L. Siegfried, Esquire, by First Class U.S. Mail, postage prepaid, this 8 day of November 2005, at the following address:

Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley, LLC
Suite 1624, Frick Building
437 Grant Street
Pittsburgh, PA 15219-6101

MASON LAW OFFICE

BY: 

David C. Mason, Esquire
Attorney for Plaintiffs

RECEIVED

RECEIVED 2 VICTIMS
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FILED

NOV 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*

* No. 04-250-CD

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* TYPE OF CASE: Civil Action

*

* TYPE OF PLEADING: Certificate of Service

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*

* FILED ON BEHALF OF: Plaintiffs

*

*COUNSEL OF RECORD FOR THIS

*PARTY:

* David C. Mason, Esquire

* Supreme Court I.D.#39180

* Attorney at Law

* P. O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

*

*COUNSEL FOR DEFENDANT:

*Warren L. Siegfried, Esquire

*Wayman, Irvin & McAuley, LLC

*Suite 1624, Frick Building

*437 Grant Street

*Pittsburgh, PA 15219-6101

*(412) 566-2970

FILED *no cc*
mlr: 4/20/05
NOV 09 2005 *3*

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
*

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a copy of the Praecipe to Place on Jury Trial List filed to the above captioned action, by placing the same in the United States mail, postage prepaid and addressed as follows:

Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley, LLC
Suite 1624, Frick Building
437 Grant Street
Pittsburgh, PA 15219-6101

DATED: 11-8-05

MASON LAW OFFICE

BY:

David C. Mason, Esquire

FILED

NOV 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*

* No. 04-250-CD

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*

* TYPE OF CASE: Civil Action

*

* TYPE OF PLEADING: Praecipe to
Place on Jury Trial List

*

* FILED ON BEHALF OF: Plaintiffs

*

* COUNSEL OF RECORD FOR THIS

* PARTY:

* David C. Mason, Esquire

* Supreme Court I.D.#39180

* Attorney at Law

* P. O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

*

* COUNSEL FOR DEFENDANT:

* Warren L. Siegfried, Esquire

* Wayman, Irvin & McAuley, LLC

* Suite 1624, Frick Building

* 437 Grant Street

* Pittsburgh, PA 15219-6101

* (412) 566-2970

FILED ND ^{CC}
mjl/11/9/05
NOV 09 2005 ^{GR}

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
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PRAECIPE FOR JURY TRIAL LIST
PURSUANT TO 46 J.D. R.C.P. §212.2

TO THE PROTHONOTARY OF SAID COURT:

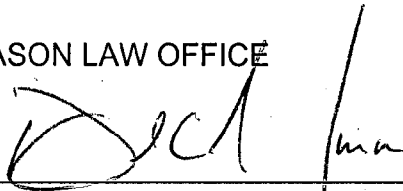
Kindly list the above captioned matter on the Jury Trial List. I certify that the pleadings have been closed and there are no outstanding Discovery Requests which would delay Trial in this matter and there are no outstanding Motions.

It is anticipated that the trial in this matter will require no more than two (2) days.

A copy of this Praecipe to place the case on the Jury Trial List has been provided to the attorney representing the Defendant in this case, to wit, Warren L. Siegfried, Esquire.

DATED: 11-8-05

MASON LAW OFFICE



David C. Mason, Esquire
Attorney for Plaintiffs
Supreme Court No. 39180

2-20

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 10/10/00 BY 60322

EXEMPT FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

EXEMPTION CODE: 25X(1)

EXEMPTION CODE: 25X(1)

EXEMPTION CODE: 25X(1)

EXEMPTION CODE: 25X(1)

EXEMPTION CODE: 25X(1)

EXEMPTION CODE: 25X(1)

FILED

NOV 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,
Plaintiffs

V.

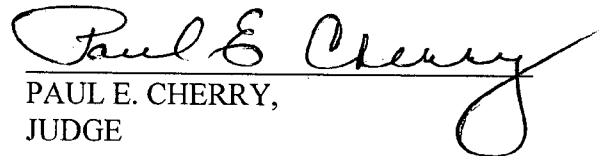
DAVID RENAUD

: NO. 04-250-CD
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ORDER

AND NOW, this 18th day of January, 2006, the Court being advised that this matter has settled, it is the ORDER of this Court that pre-trial conference scheduled for Friday, January 20, 2006, be and is hereby cancelled. It is the further ORDER of this Court that the parties shall file appropriate Stipulation and/or Discontinuance no later than Friday, January 27, 2006.

BY THE COURT,

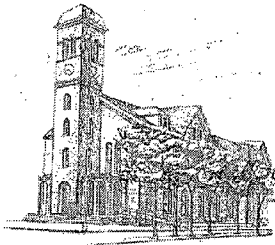

PAUL E. CHERRY,
JUDGE

FILED ^{ace}
01/23/06
JAN 19 2006
William A. Shaw
Prothonotary/Clerk of Courts
Ansys. Mason
Siegfried
LW

FILED

JAN 19 2006

William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 11/19/06

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

 Other

 Special Instructions:

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

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,
Plaintiffs

v.

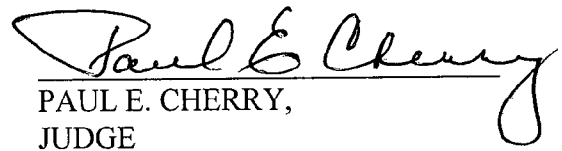
DAVID RENAUD,
Defendant

NO. 2004-250-CD

ORDER

NOW, this 2nd day of February, 2006, the Court being advised that the parties have failed to comply with this Court's Order of January 18, 2006, it is the ORDER of this Court that a hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with said Order is scheduled for the 27th day of February, 2006, at 9:00 o'clock a. m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania at which time the parties and their counsel must be present or a Bench Warrant may be issued for their arrest.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

Attorney for Plaintiffs: David Mason, Esquire
Attorney for Defendant: Warren L. Siegfried, Esquire

FILED
01/06/06
FEB 06 2006

2cc
Atty: Mason
Siegfried

William A. Shaw
Prothonotary/Clerk of Courts

FILED

FEB 06 2006

William A. Shaw
Prothonotary/Clerk of Courts



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Sincerely,

William A. Shaw
Prothonotary

DATE: 2/16/06

_____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
*

*
* TYPE OF PLEADING:
* PRAECIPE TO SETTLE
* AND DISCONTINUE
*

* FILED ON BEHALF OF:
* Plaintiffs
*

* ATTORNEY FOR PLAINTIFFS:
* David C. Mason, Esquire
* Supreme Court ID #39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240
*

* COUNSEL OF RECORD FOR THE
* DEFENDANT:
* Warren L. Siegfried, Esquire
* Wayman, Irvin & McAuley
* Supreme Court No. 43679
* Attorneys at Law
* 437 Grant Street
* 1624 Frick Building
* Pittsburgh, PA 15219
* (412) 566-2970
*

FILED

FEB 08 2006

William A. Shaw
Prothonotary/Clerk of Courts

4CC & 4 Cert.
of Disc. to
Att.

Copy to CIA

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
*
*
*
*
*
*
*

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY OF SAID COURT:

Kindly mark the above captioned action settled and discontinued. Thanks very much.

MASON LAW OFFICE

DATED: 2-6-06

By: _____

David C. Mason, Esquire,
Attorney for Plaintiffs

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

CIVIL ACTION - LAW

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,

Plaintiffs

vs.

DAVID RENAUD

Defendant

*
* No. 04-250-CD
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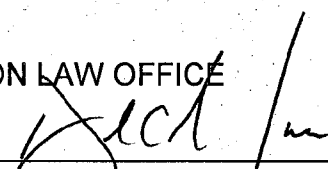
CERTIFICATE OF SERVICE

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

Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley
Attorneys at Law
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

DATED:

MASON LAW OFFICE

By: 

David C. Mason, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

Timothy L. Bainey
Delores E. Bainey

Vs.
David Renaud

No. 2004-00250-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on February 8, 2006, marked:

Settled and Discontinued

Record costs in the sum of \$92.00 have been paid in full by David C. Mason, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 8th day of February A.D. 2006.

William A. Shaw, Prothonotary

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

TIMOTHY L. BAINEY and
DELORES E. BAINEY, his wife,
Plaintiffs

V.

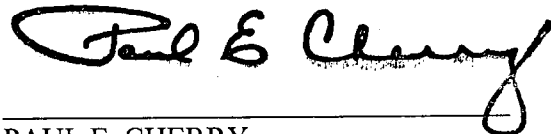
DAVID RENAUD,
Defendant

NO. 04-250-CD

ORDER

AND NOW, this 15th day of February, 2006, the Court having received Praecipe to Settle and Discontinue with regard to the above caption matter, it is the ORDER of this Court that hearing for Failure to Comply scheduled on February 27, 2006, at the Clearfield County Courthouse be and is hereby CANCELLED.

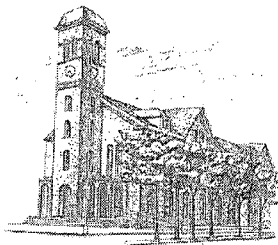
BY THE COURT,



PAUL E. CHERRY,
JUDGE

FILED 2 CC Atty:
019:37611 Mason
FEB 16 2006 Siegfried

William A. Shaw
Prothonotary/Clerk of Courts



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Sincerely,

William A. Shaw
Prothonotary

DATE: 2/11/06

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 X Defendant(s)/Attorney(s)

 Other

 Special Instructions: