

04-266-CD  
SAMUEL D. BRINK, et al. vs. SCOTT L. GROVE

Samuel Brink et al vs. Scott Grove  
2004-266-CD



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

SAMUEL D. BRINK, individually,  
and BRINK TRANSPORTATION, INC., \*  
a Pennsylvania Corporation,  
Plaintiffs \*

-vs-\* Docket No. 04- -CD  
T L. GROVE, \*  
Defendant \*

## **PRAECLPPE FOR WRIT OF SUMMONS**

TO THE PROTHONOTARY:

Please prepare a Writ of Summons and arrange for the Sheriff to serve the same upon the defendant as listed below:

Scott L. Grove  
4648 McCartney Road  
Irving, PA 16656

Respectfully submitted,

By: Dwight L. Koerber, Jr., Esquire  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs,  
SAMUEL D. BRINK and  
BRINK TRANSPORTATION, INC.

DATED: February 24, 2004

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
Docket No. 04-  
-CD

SAMUEL D. BRINK, individually,  
and BRINK TRANSPORTATION, INC.,  
a Pennsylvania Corporation,  
Plaintiffs

-vs-

SCOTT L. GROVE,  
Defendant

PRAECIPE FOR  
WRIT OF SUMMONS

FILED *Atty pd 85cc*  
01/31/2004 10:00 AM  
FEB 24 2004 *Summons*  
William M. *Sh*  
Prothonotary Clerk of Courts  
*to Sheriff*

LAW OFFICE  
DWIGHT KOERBER, JR.  
ATTORNEY-AT-LAW  
110 NORTH SECOND STREET  
P. O. BOX 1320  
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA  
CIVIL ACTION

COPY

**SUMMONS**

**Samuel D. Brink, individually, and  
Brink Transportation, Inc., a  
Pennsylvania Corporation**

**Vs.**

**NO.: 2004-00266-CD**

**Scott L. Grove**

TO: SCOTT L. GROVE

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 02/24/2004

---

William A. Shaw  
Prothonotary

Issuing Attorney:

Dwight L. Koerber, Jr.  
P.O. Box 1320  
Clearfield, PA 16830

In The Court of Common Pleas of Clearfield County, Pennsylvania

BRINK, SAMUEL D. ind & BRINK TRANSPORTATION, INC.

Sheriff Docket # 15228

VS.

04-266-CD

GROVE, SCOTT L.

SUMMONS

**SHERIFF RETURNS**

NOW MARCH 4, 2004 AT 9:46 AM SERVED THE WITHIN SUMMONS ON SCOTT L. GROVE, DEFENDANT AT RESIDENCE, 4648 MCCARTNEY ROAD, IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SCOTT L. GROVE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS

**Return Costs**

Cost	Description
58.87	SHERIFF HAWKINS PAID BY: ATTY CK# 1813
10.00	SURCHARGE PAID BY: ATTY CK# 1814

Sworn to Before Me This

5<sup>th</sup> Day Of March 2004  
*William A. Shaw*

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

So Answers,

*Chester A. Hawking*  
My Marty Hawk  
Chester A. Hawking  
Sheriff

FILED  
03/30/04 C.R.D.  
MAY 05 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

SAMUEL D. BRINK, individually,  
and BRINK TRANSPORTATION, INC., \*  
a Pennsylvania Corporation,  
Plaintiffs \*

-vs- \* Docket No. 04-266-CD

SCOTT L. GROVE,  
Defendant

\* Docket No. 04-266-CD

1

Type of pleading:  
**COMPLAINT**

Filed on behalf of:  
PLAINTIFFS, Samuel D.  
Brink and Brink  
Transportation, Inc.

Counsel of record for  
these parties:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED  
01254814CC Atty  
OCT 27 2004

William A. Shaw  
Prothonotary Clerk of Courts

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

-vs- \* Docket No. 04-266-CD

SCOTT L. GROVE,  
Defendant

## 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 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 within twenty (20) days. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any relief claimed in the complaint by the plaintiff.

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.

DAVID S. MEHOLICK, COURT ADMINISTRATOR  
CLEARFIELD COUNTY  
Clearfield County Courthouse  
Second and Market Streets  
Clearfield, PA 16830  
(814) 2641, Ext. 5982

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

-vs- \* Docket No. 04-266-CD

SCOTT L. GROVE,  
Defendant

## **COMPLAINT**

COME NOW, Plaintiffs Samuel D. Brink and Brink Transportation, Inc., by and through their attorney, Dwight L. Koerber, Jr., Esquire, and file the within Complaint against Defendant Scott L. Grove. In support thereof, plaintiffs aver and show as follows:

1. Plaintiff Samuel D. Brink is an individual, who resides at  
R. D. 1, Box 154, Irvona, Clearfield County, PA 16656.

2. Plaintiff Brink Transportation, Inc. is a Pennsylvania corporation, with its principal place of business located at 4654 Green Acre Road, Houtzdale, Clearfield County, PA 16651.

3. Defendant is Scott L. Grove, an individual, who resides at  
4648 McCartney Road, Irvona, PA 16656.

4. Plaintiff Samuel D. Brink is the owner of a 1995 Ford LTD triaxle, Registration No. YFX0716, Serial No. IFDZA90XX-SVA71584, which he leases to Plaintiff Brink Transportation, Inc.

5. Attached hereto as Appendix A is a copy of the Certificate of Title to the said vehicle.

6. Plaintiff Brink Transportation, Inc. is in the business of providing transportation services, and at the time set forth herein, its vehicle was transporting coal, through operation of its driver named Richard A. Waite, Jr.

7. On January 7, 2003, at approximately 5:45 A.M., plaintiffs' vehicle was traveling south on State Route 53, approximately 1½ miles north of the Village of Glen Hope, Pennsylvania.

8. Defendant was the driver of a vehicle which was traveling east on SR 2015 at the stated time.

9. A stop sign is in place where SR 2015 joins State Route 53, with such sign requiring defendant to yield to traffic traveling on State Route 53.

10. Defendant failed to yield, and pulled out onto State Route 53, striking plaintiff's vehicle. In pulling out onto State Route 53, defendant was negligent in failing to operate his motor vehicle in a safe and prudent fashion with due regard to the risk of other vehicles on the highway. In addition, defendant was negligent for the following specific reasons:

(a) Failure to yield to traffic which has the right of way, in violation of 75 Pa.C.S.A. §3321.

(b) Failure to come to a complete stop prior to proceeding into an intersection, in violation of 75 Pa.C.S.A. §3323(b).

(c) In addition, assuming defendant asserts that he actually stopped at the said stop sign, defendant is in violation of 75 Pa.C.S.A. §3333 and §3334.

11. In attempting to avoid the collision caused by defendant, plaintiffs' vehicle was forced into the opposing lane of traffic, where it struck a third vehicle.

12. As a result of being forced into the opposing lane of traffic and striking another vehicle, a fatality occurred in the third vehicle.

13. As a result of the accident caused by defendant, plaintiffs' vehicle has sustained extensive damage, including down time necessitated for repairs.

14. The damages to plaintiffs' vehicle are in excess of \$20,000.00.

15. Attached hereto as Appendix B is a copy of the invoice showing repair expenses for plaintiffs' vehicle as caused by defendant, in the amount of \$36769.17.

16. In addition, the down time which resulted from the damage to plaintiffs' vehicle amounts to lost profits of \$300.00 per day, covering a two month period of time, equaling \$18,000.00.

17. Plaintiffs also incurred towing charges which were a result of the accident caused by defendant.

18. Attached hereto as Appendix C is a copy of the towing service invoice presented to plaintiffs, in the amount of \$1,430.00. Plaintiffs also incurred a towing charge of \$450.00, which is identified in Appendix B, attached hereto, but not itemized in that appendix. Towing charges therefore amounted to \$1880.00.

WHEREFORE, Plaintiffs Samuel D. Brink and Brink Transportation, Inc. pray that judgment be entered in their favor and against Defendant Scott L. Grove in the amount of \$56649.17, plus costs of suit and interest.

Respectfully submitted,

By: Dwight L. Koerber, Jr.  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs,  
SAMUEL D. BRINK and  
BRINK TRANSPORTATION, INC.

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

*Samuel D. Brink*  
\_\_\_\_\_  
Samuel D. Brink, individually and  
as President of Brink  
Transportation, Inc.  
DATE: 9-2-04

APPENDIX A

Attached hereto is a copy of the Certificate of Title to plaintiffs' vehicle.

## COMMONWEALTH OF PENNSYLVANIA

## CERTIFICATE OF TITLE FOR A VEHICLE

5-749

021400045007760-001

1FDZA90XXSVA71584

VEHICLE IDENTIFICATION NUMBER

1995

FORD

51270747801 BR

MAKE OF VEHICLE

TITLE NUMBER

TK

BODY TYPE

1

DUP

BEAT CAP

YFAH

PRIOR TITLE STATE

NY

ODOM. PROCD. DATE

5/31/02

ODOM. MILES

000000

0

ODOM. STATUS

3/25/97

DATE PA TILED

5/31/02

DATE OF ISSUE

26,500

UNI ADEN WEIGHT

73,280

GVWR

GCWR

TITLE BRANDS

REGISTERED OWNER(S)

SAMUEL D BRINK  
RD 1 BOX 154  
IRVONA PA 16656Commonwealth of Pennsylvania  
Department of Transportation

ODOMETER STATUS	
0	ACTUAL MILEAGE
1	MILEAGE EXCEEDS THE MECHANICAL LIMITS
2	NOT THE ACTUAL MILEAGE
3	NOT THE ACTUAL MILEAGE ODOMETER TAMPERING VERIFIED
4	EXEMPT FROM ODOMETER DISCLOSURE
TITLE BRANDS	
A	ANTIQUE VEHICLE
C	CLASSIC VEHICLE
D	COLLECTIBLE VEHICLE
F	OUT OF COUNTRY
G	ORIGINALLY MFGD. FOR NON-U.S. DISTRIBUTION
H	AGRICULTURAL VEHICLE
L	LOGGING VEHICLE
P	IS/WAS A POLICE VEHICLE
N	RECONSTRUCTED
S	STREET ROV
T	RECOVERED THEFT VEHICLE
V	VEHICLE CONTAINS MISBIDDEN VIN
W	FLUID VEHICLE
X	IS/WAS A TAXI

FIRST LIEN FAVOR OF:

CSB BANK

FIRST LIEN RELEASED

JAN 13 2004

Diane Peterman

MAILING ADDRESS

CSB BANK  
434 STATE ST  
P O BOX 29  
CURWENSVILLE PA 16833

If a second lienholder is issued upon satisfaction of the first lien, the first lienholder must forward this title to the Bureau of Motor Vehicles with the appropriate form and fee.

SECOND LIEN RELEASED

DATE

BY

AUTHORIZED REPRESENTATIVE



I certify as of the date of issue, the official records of the Pennsylvania Department of Transportation reflect that the person(s) or company named herein is the lawful owner of the said vehicle.

BRADLEY L MALLORY

Secretary of Transportation

I HAVE COMPLETED BY PURCHASER WHEN VEHICLE IS SOLD AND THE APPROPRIATE SPACES ON THE REVERSE SIDE OF THIS DOCUMENT ARE COMPLETED.

If a co-purchaser other than your spouse is listed and you want the title to be listed as "Joint Tenants With Right of Survivorship" (On death of one owner, title goes to surviving owner.) CHECK HERE  Otherwise, the title will be issued as "Tenants in Common" (On death of one owner, interest of deceased owner goes to his/her heirs or estate).1ST LIEN DATE:  IF NO LIEN, CHECK 

1ST LIENHOLDER

STREET

CITY

STATE

ZIP

FINANCIAL INSTITUTION NUMBER

2ND LIEN DATE:  IF NO LIEN, CHECK 

2ND LIENHOLDER

STREET

CITY

STATE

ZIP

FINANCIAL INSTITUTION NUMBER

The undersigned hereby makes application for Certificate of Title to the vehicle described above, subject to the circumstances and other legal claims set forth here.

SIGNATURE OF APPLICANT OR AUTHORIZED SIGNER

SIGNATURE OF CO-APPLICANT/TITLE OF AUTHORIZED SIGNER

STORE IN A SAFE PLACE. IF LOST APPLY FOR A DUPLICATE. ANY ALTERATION OR ERASURE VOIDS THIS TITLE

APPENDIX B

Attached hereto is a copy of the invoice showing the cost of repairs to plaintiff's triaxle.

# **BRINK'S BODY SHOP**

R.R.1, Box 317  
Houtzdale, PA 16651  
(814) 672-5998

To: Nationwide Insurance

Date: 2/10/03

Vision Press 11988

Thank You!

APPENDIX C

Attached hereto is a copy of the invoice from Folmar's Towing, which was presented to plaintiffs.

**Brink Transportation**

TERMS: Net due 30 days

Please detach and return with your remittance

DATE	DESCRIPTION	AMOUNT	CREDITS	BALANCE
7-Jan-03	Recover & Clean-up tri-axle after accident			
	on RT 53 S near Irionia, PA.			
	1 Wrecker 4 hrs @ \$ 200.00/hr	800.00		
	1 Consultation Fees	200.00		
	2 hrs DOT Time @ \$ 40.00/hr	80.00		
				1080.00
157	days Storage @ \$25.00/day		3.50	
				1430

Pay last amount  
in this column

**FOLMAR'S GARAGE & TOWING SERVICE**

*Thank You*

*Rd Jr #16410*

*Ed C*

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
Docket No. 04-266-CD

SAMUEL D. BRINK, individually,  
and BRINK TRANSPORTATION, INC., a  
Pennsylvania Corporation,  
Plaintiffs

-vs-

SCOTT L. GROVE,  
Defendant

COMPLAINT

LAW OFFICE  
DWIGHT KOERBER, JR.  
ATTORNEY-AT-LAW  
110 NORTH SECOND STREET  
P. O. BOX 1320  
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

SAMUEL D. BRINK, individually and  
BRINK TRANSPORTATION, INC.,  
a Pennsylvania Corporation,

Plaintiffs

vs.

No. 04-266 CD

SCOTT L. GROVE,

Defendant

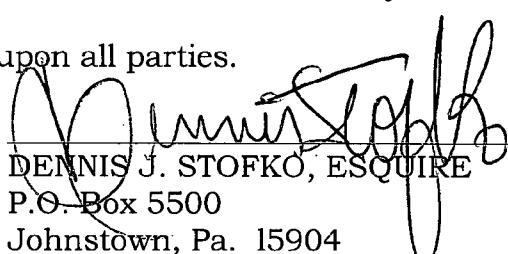
ENTRY OF APPEARANCE

Please enter my appearance for Defendant in the above matter. Papers  
may be served at the address listed below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as  
amended, a Jury Trial is demanded on all issues raised by the pleadings in this  
action.

I certify this Entry of Appearance and Demand for Jury Trial shall be  
served forthwith by ordinary mail upon all parties.

  
DENNIS J. STOKFO, ESQUIRE  
P.O. Box 5500  
Johnstown, Pa. 15904  
814 262-0064  
ID 27638

864  
FILED NO  
m101801 cc  
DEC 01 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

- VS -

Docket No. 04-266-CD

SCOTT L. GROVE,  
Defendant

六

Type of pleading:  
PRAEICE TO DISCONTINUE

Filed on behalf of:  
PLAINTIFFS, Samuel D.  
Brink and Brink  
Transportation, Inc.

Counsel of record for  
these parties:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

3ccs  
3 Cert. of Disc.  
to Atty  
Copy to CiA

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

SAMUEL D. BRINK, individually,  
and BRINK TRANSPORTATION, INC., \*  
a Pennsylvania Corporation,  
Plaintiffs \*

-vs- \* Docket No. 04-266-CD

SCOTT L. GROVE,  
Defendant

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Docket No. 04-266-CD

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Filed on behalf of:  
PLAINTIFFS, Samuel D.  
Brink and Brink  
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Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

**FILED** 3 CCs  
6K 01/31/04 3 Cert. of Disc.  
DEC 28 2004 to Atty  
William A. Shaw Copy to CIA  
Prothonotary/Clerk of Courts

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

- vs - \* Docket No. 04-266-CD

SCOTT L. GROVE,  
Defendant

**PRAECLIPSE TO DISCONTINUE**

TO THE PROTHONOTARY:

Please mark this proceeding as discontinued and settled with prejudice.

Respectfully submitted,

By: Dwight L. Koerber, Jr., Esquire  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiffs,  
SAMUEL D. BRINK and BRINK  
TRANSPORTATION, INC.  
DATE: 12/28/04

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of December,  
2004, a copy of the foregoing pleading was served by United  
States Mail upon the following:

Dennis J. Stofko, Esquire  
STOFKO LAW OFFICES  
969 Eisenhower Boulevard, Suite E  
P. O. Box 5500  
Johnstown, PA 15904

  
Dwight L. Koerber, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
Docket No. 04-266-CD

SAMUEL D. BRINK, individually,  
and BRINK TRANSPORTATION, INC.,  
a Pennsylvania Corporation,  
Plaintiffs

-vs-

SCOTT L. GROVE,  
Defendant

PRAECIPE TO DISCONTINUE

DEC 28 2004

W.H.G. A. S-3w  
Prothonotary Clerk of Courts

LAW OFFICE  
DWIGHT KOERBER, JR.  
ATTORNEY-AT-LAW  
110 NORTH SECOND STREET  
P. O. BOX 1320  
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**COPY**

**Samuel D. Brink**  
**Brink Transportation, Inc.**

**Vs.**  
**Scott L. Grove**

**No. 2004-00266-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 December 28, 2004, marked:

Discontinued and Settled with Prejudice

Record costs in the sum of \$85.00 have been paid in full by Dwight L. Koerber, Jr., Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of December A.D. 2004.

---

William A. Shaw, Prothonotary