

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

Samuel Brink et all 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-

SCOTT L. GROVE,  
Defendant

Docket No. 04-266 -CD

Type of pleading:  
PRAECIPE FOR WRIT OF  
SUMMONS

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

Counsel of record for  
this party:

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

FEB 24 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

SAMUEL D. BRINK, individually,  
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Plaintiffs

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Docket No. 04-

-CD

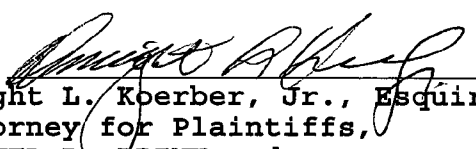
PRAECIPE FOR WRIT OF SUMMONS

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  
Irvona, PA 16656

Respectfully submitted,

By:   
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  
01/31/2004  
FEB 24 2004  
Att'y pd 85.00  
1000 Summons  
to 1000 05/11

William A. Shaw  
Prothonotary Clerk of Courts

LAW OFFICE  
DWIGHT KOERBER, JR.  
ATTORNEY-AT-LAW  
110 NORTH SECOND STREET  
P. O. BOX 1370  
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.

VS.

GROVE, SCOTT L.

SUMMONS

Sheriff Docket #

15228

04-266-CD

**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 May 2004  
William A. Shaw

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

So Answers,

Chester A. Hawkins  
My Marilyn Harris  
Chester A. Hawkins  
Sheriff

**FILED**

013136  
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,  
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Type of pleading:  
COMPLAINT

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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  
012:54/61 40c Atty  
OCT 27 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

\*

\*

N O T I C E

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

SAMUEL D. BRINK, individually,  
and BRINK TRANSPORTATION, INC.,  
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Plaintiffs

-vs-

SCOTT L. GROVE,  
Defendant

Docket No. 04-266-CD

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.

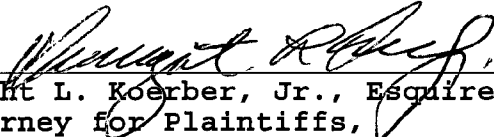
16. In addition, the down time which resulted from the damage to plaintiffs' vehicle amounts to lost profits of \$300.00 per day, covering a two month period of time, equaling \$18,000.00.

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.

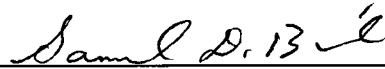
WHEREFORE, Plaintiffs Samuel D. Brink and Brink Transportation, Inc. pray that judgment be entered in their favor and against Defendant Scott L. Grove in the amount of \$56649.17, plus costs of suit and interest.

Respectfully submitted,

By:   
Dwight L. Koerber, Jr., 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, individually and  
as President of Brink  
Transportation, Inc.

DATE: 9-2-08

**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

TK

BODY TYPE

L

DUP

SEAT CAP

NY

PRIOR TITLE STATE

MAKE OF VEHICLE

5/31/02

ODOM. PROC. DATE

000000

ODOM. MILES

0

ODOM. STATUS

9/25/97  
DATE PA TITLED5/31/02  
DATE OF ISSUANCE26,500  
LINE ADEN WEIGHT73,280  
GVWR

GVWR

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  
O - ORIGINALLY MFGD FOR NON-U.S. DISTRIBUTION  
H - AGRICULTURAL VEHICLE  
L - LOGGING VEHICLE  
P - WAS A POLICE VEHICLE  
R - RECONSTRUCTED  
S - STREET ROD  
T - RECOVERED THEFT VEHICLE  
V - VEHICLE CONTAINS REISSUED VIN  
W - FLUXED VEHICLE  
X - WAS A TAXI

FIRST LIEN FAVOR OF:

CSB BANK

SECOND LIEN FAVOR OF:

FIRST LIEN RELEASED

JAN 13 2004

AUTHORIZED REPRESENTATIVE

If a second lienholder is listed 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

MAILING ADDRESS

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

BRADLEY L MALLORY

Secretary of Transportation

### D. APPLICATION FOR TITLE AND LIEN INFORMATION

SUBSCRIBED AND SWORN  
TO BEFORE ME:

MO DAY YEAR

SIGNATURE OF PERSON ADMINISTERING OATH

TO BE COMPLETED BY PURCHASER WHEN VEHICLE IS SOLD AND THE APPROPRIATE AFFIDAVIT 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 encumbrances and other legal claims set forth here.

SIGNATURE OF APPLICANT OR AUTHORIZED OWNER

SIGNATURE OF CO-APPLICANT/IF 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.



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

Invoice No. \_\_\_\_\_  
1995 Ford  
VIN#1FDZAXXSV A71584

[illegible]

Vision Press 11993K29

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 Irvona, PA.			
	1 Wrecker 4hrs @ \$ 200.00/hr	800.00		
	1 Consultation Fees	200.00		
	2 hrs DOT Time @ \$ 40.00/hr	80.00		
				1080.00
14	days Storage @ \$25.00/day			350.00
				1430.00

Pay last amount  
in this column

**FOLMAR'S GARAGE & TOWING SERVICE**

*Thank You*

*Pd In #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

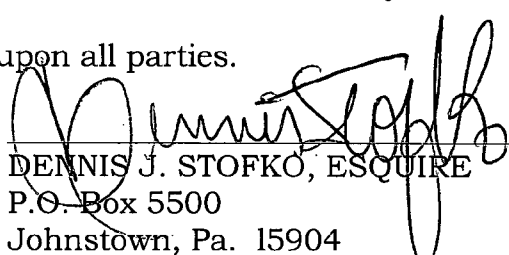
ENTRY OF APPEARANCE

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

EGK  
**FILED**  
m/10/04  
DEC 01 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-

SCOTT L. GROVE, \*  
Defendant \*

Docket No. 04-266-CD

Type of pleading;  
PRAECIPE 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

FILED

DEC 28 2004

William A. Shaw  
Prothonotary/Clerk of Courts

3 cc  
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., \*  
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Plaintiffs \*

-vs-

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Defendant \*

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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

6K **FILED** 3 CC  
01/31/58Y 3 Cert. of Disc.  
DEC 28 2004 to Atty  
Copy to CIA  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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SAMUEL D. BRINK, individually,  
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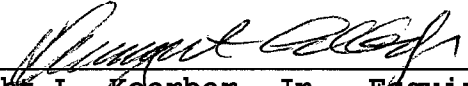
SCOTT L. GROVE, \*  
Defendant \*

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark this proceeding as discontinued and settled with  
prejudice.

Respectfully submitted,


By:   
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

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PRAECIPE TO DISCONTINUE

DEC 28 2004

WILLIAM A. STANLEY  
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