

Civil Other

Date		Judge
03/01/2004	✓ Filing: Writ of Summons Paid by: Naddeo, James A. (attorney for Owens, Peggy L.) Receipt number: 1874665 Dated: 03/01/2004 Amount: \$85.00 (Check) No cc. 4 Writs to Shff.	No Judge
05/10/2004	✓ Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
07/02/2004	✓ Entry of Appearance, enter appearance on behalf of John R. Lukens and Laura J. Lukens, husband and wife, t/d/b/a Bear's Place, Defendants, filed by s/Joseph P. Green, Esq. No CC	No Judge
07/16/2004	✓ Praecipe to Issue Rule to File a Complaint, filed by s/Joseph P. Green, Esq. Rule issued. One CC and Rule to Attorney Green	No Judge
08/09/2004	✓ Complaint, filed by s/James A. Naddeo, Esq. 1 cc Atty Naddeo	No Judge
09/03/2004	✓ Answer and New Matter, on behalf of Defendants John R. Lukens and Laura J. Lukens, filed by s/Joseph P. Green, Esq. No CC. Certificate of Service, upon James A. Naddeo, Esq.	No Judge
09/22/2004	✓ Answer and New Matter filed. by Atty. Naddeo 1 Cert. to Atty.	No Judge
12/15/2004	✓ Certificate of Service, Answer to Request for Production of Documents upon Joseph P. Green, Esquire, the 15th of Dec., 2004. filed by s/ James A. Naddeo. No CC	No Judge
05/31/2005	✓ Certificate of Service, Copy of Plaintiff's First Request for Production Of Documents served upon Joseph P. Green, Esq. Filed by James A. Naddeo, Esq. No CC.	No Judge
08/24/2005	✓ Certificate of Service, filed. that a true and correct copy of Plaintiff's Notices to Taking Deposition in the above-captioned action was served on Robert A. Mix Esq., on August 24, 2005, filed by s/ James A. Naddeo Esq. No CC.	No Judge
12/05/2005	✓ Certificate of Service, filed. That a true and correct copy of Plaintiff's Answers to Defendants' Interrogatories in the above-captioned action was served on Robert A. Mix Esq., filed by s/ James A. Naddeo Esq. No CC.	No Judge
12/09/2005	✓ Motion For Summary Judgment, filed by s/ Robert A. Mix, Esquire. No CC	No Judge
12/14/2005	✓ Order, AND NOW, this 13th day of December, 2005, argument on Motion for Summary Judgment is set for the 11th day of January, 2006, at 9:30 a.m. BY THE COURT: /s/Fredric J. Ammerman, P.J. One CC Attorney Mix	No Judge
12/20/2005	✓ Certificate of Service, filed. That a true and correct copy of Plaintiff's Notice of Taking Deposition in the above-captioned action was served on Robert A. Mix Esq., Larry T. Kemp, filed by s/ James A. Naddeo Esq. No CC.	No Judge
12/22/2005	✓ Answer to Defendants Motion For Summary Judgment, filed by s/ James A. Naddeo, Esquire.	No Judge
01/05/2006	✓ Motion For Continuance of Argument on Motion for Summary Judgment, filed by s/ Joseph P. Green, Esquire. No CC	No Judge
01/09/2006	✓ Order, NOW, this 6th day of Jan., 2006, upon Motion for Continuance of Argument on Motion for Summary Judgement, argument is set for the 6th day of Feb., 2006 at 9:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman. 1CC Atty. J. Green	Fredric Joseph Ammerman
01/11/2006	✓ Certificate of Service; filed. That a true and correct copy of Notice of Taking Deposition filed in the above-captioned action was served on Robert A. Mix Esq and Larry T. Kemp, on the 11th day of January 2006, filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman

Date: 02/03/2006

Clearfield County Court of Common Pleas

User: GLKNISLEY

Time: 01:21 PM

ROA Report

Page 2 of 2

Case: 2004-00297-CD

Current Judge: Fredric Joseph Ammerman

Peggy L. Owens vs. Larry T. Kemp, John R. Lukens, Laura J. Lukens, Bear's Place

Civil Other

Date		Judge
02/02/2006	✓ Plaintiff's Answers to Defendants' Interrogatories, filed by s/ Peggy Owens-plff. No CC.	Fredric Joseph Ammerman
	Original Transcript of Deposition of Laura Jean Lukens from September 26, 2005, filed.	Fredric Joseph Ammerman
	Original Transcript of Deposition of Gary E. Marty, Sr. from April 18, 2005, filed.	Fredric Joseph Ammerman
	Original Transcript of Deposition of Bonnie L. Marty from April 18, 2005, filed.	Fredric Joseph Ammerman
	Original Transcript of Deposition of Peggy L. Owens from Jan. 7, 2005, filed.	Fredric Joseph Ammerman

2-8-06 Order, dated 2-6-06

FILED
MAR 01 2004
William A. Shaw
Prothonotary, Clerk of Courts

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual,
Defendant,

and

JOHN R. LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

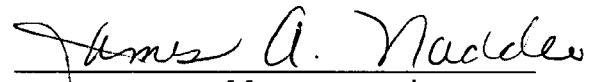
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No. 03 - - CD

PRAECIPE TO ISSUE WRIT OF SUMMONS

To the Prothonotary:

Please issue a Writ of Summons against Larry T. Kemp,
P.O. Box 282, Smithmill, Pennsylvania 16680; and against John R.
Lukens and Laura J. Lukens, t/d/b/a Bear's Place, RR1 Box 518,
Osceola Mills, Pennsylvania 16666.


James A. Naddeo, Esquire
Attorney for Plaintiffs

Dated: 3-1-04

JAMES A. NADDEO

ATTORNEY AT LAW

P.O. BOX 552

CLEARFIELD, PENNSYLVANIA 16830

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

SUMMONS

Peggy L. Owens

Vs.

NO.: 2004-00297-CD

**Larry T. Kemp, an individual
and
John R. Lukens and
Laura J. Lukens, husband and wife
t/d/b/a Bear's Place**

TO: LARRY T. KEMP and
JOHN R. LUKENS and LAURA J. LUKENS, husband and wife,
t/d/b/a BEAR'S PLACE

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: 03/01/2004

William A. Shaw
Prothonotary

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830

In The Court of Common Pleas of Clearfield County, Pennsylvania

OWENS, PEGGY L.

Sheriff Docket # 15273

VS.

04-297-CD

KEMP, LARRY T. and LUKENS, JOHN R. al

SUMMONS

SHERIFF RETURNS

NOW MARCH 19, 2004 AT 10:00 AM SERVED THE WITHIN SUMMONS ON LARRY T. KEMP, DEFENDANT AT RESIDENCE, PO BOX 282, SMITHMILL, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LARRY T. KEMP A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: DAVIS

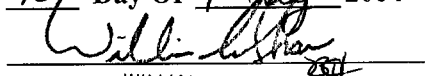
NOW MARCH 19, 2004 AT 2:05 PM SERVED THE WITHIN SUMMONS ON JOHN R. LUKENS and LAURA J. LUKENS, husband & wife t/d/b/a BEAR'S PLACE, DEFENDANT AT RESIDENCE, 463 STUMPTOWN ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOHN LUKENS A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: McCLEARY/NEVLING

Return Costs

Cost	Description
96.37	SHERIFF HAWKINS PAID BY: ATTY
20.00	SURCHARGE PAID BY: ATTY CK# 9460

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
018:55/01
MAY 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

SUMMONS

Peggy L. Owens

Vs.


NO.: 2004-00297-CD

**Larry T. Kemp, an individual
and
John R. Lukens and
Laura J. Lukens, husband and wife
t/d/b/a Bear's Place**

**TO: LARRY T. KEMP and
JOHN R. LUKENS and LAURA J. LUKENS, husband and wife,
t/d/b/a BEAR'S PLACE**

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: 03/01/2004



William A. Shaw
Prothonotary

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830

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

SUMMONS

Peggy L. Owens

Vs.

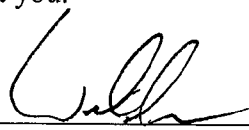
NO.: 2004-00297-CD

**Larry T. Kemp, an individual
and
John R. Lukens and
Laura J. Lukens, husband and wife
t/d/b/a Bear's Place**

**TO: LARRY T. KEMP and
JOHN R. LUKENS and LAURA J. LUKENS, husband and wife,
t/d/b/a BEAR'S PLACE**

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: 03/01/2004



William A. Shaw
Prothonotary

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830

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

PEGGY L. OWENS,)
Plaintiff : No. 2004-00297-CD
vs. :
LARRY T. KEMP, an individual and :
JOHN R. LUKENS and LAURA J. LUKENS,)
husband and wife t/d/b/a BEAR'S PLACE, :
Defendants)

ENTRY OF APPEARANCE

To the Prothonotary:

Enter the appearance of the undersigned on behalf of John R. Lukens and Laura J.

Lukens, husband and wife, t/d/b/a Bear's Place, Defendants above-named.


LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esq., ID #19238
Attorney for Defendants John R. Lukens &
Laura J. Lukens, h/w t/d/b/a Bear's Place
115 East High Street, PO Box 179
Bellefonte, PA 16823
814-355-4769

FILED

m/11:46/64
JUL 02 2004

 William A. Shaw
Prothonotary, Clerk of Courts


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

PEGGY L. OWENS,)	
Plaintiff	:	No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Entry of Appearance was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 30TH day of June, 2004 addressed to the following:

James A. Naddeo, Esq.
PO Box 552
Clearfield, PA 16830



Joseph P. Green

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


PEGGY L. OWENS,)
Plaintiff : No. 2004-00297-CD
vs. :
LARRY T. KEMP, an individual and :
JOHN R. LUKENS and LAURA J. LUKENS,)
husband and wife t/d/b/a BEAR'S PLACE, :
Defendants)

PRAECIPE

To the Prothonotary:

Enter a Rule upon the Plaintiff to file a complaint within twenty (20) days after service of the Rule, or judgment of non pros will be entered

LEE, GREEN & REITER, INC.

By: 
Joseph P. Green, Esq., ID #19238
Attorney for Defendants John R. Lukens &
Laura J. Lukens, h/w t/d/b/a Bear's Place
115 East High Street, PO Box 179
Bellefonte, PA 16823
814-355-4769

FILED

JUL 16 2004

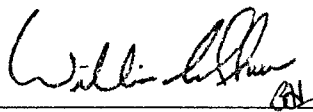
William A. Shaw
Prothonotary/Clerk of Courts

RULE

TO THE PLAINTIFF:

You are ruled to file a complaint within twenty (20) days after service hereof or judgment of non pros will be entered.

Date: July 16, 2004


Prothonotary


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

PEGGY L. OWENS,)	
Plaintiff	:	No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe and Rule was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 15 day of July, 2004 addressed to the following:

James A. Naddeo, Esq.
PO Box 552
Clearfield, PA 16830



Joseph P. Green

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

No. 04 - 297 - CD

Type of Pleading:

COMPLAINT

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED
01:01:50 PM
AUG 09 2004
William A. Shaw
Prothonotary/Clerk of Courts
cc
Amy Naddeo

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

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No. 04 - 297 - CD

NOTICE

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

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

No. 04 - 297 - CD

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

C O M P L A I N T

NOW COMES the Plaintiff, Peggy L. Owens, and by her attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is Peggy L. Owens, a sui juris, adult individual, who resides at 303 Lingle Street, Osceola Mills, Pennsylvania 16666.

2. That the Defendant, John R. Lukens, is a sui juris, adult individual, who resides at RR1 Box 518, Osceola Mills, Pennsylvania 16666.

3. That the Defendant, Laura J. Lukens, is a sui juris, adult individual, who resides at RR1 Box 518, Osceola Mills, Pennsylvania 16666.

4. That at all times referred to herein, the Defendants, John R. Lukens and Laura J. Lukens, were the owners of a restaurant trading and doing business as Bear's Place.

5. That at all times referred to herein, Defendants, John R. Lukens and Laura J. Lukens, were the owners in possession and control of a piece or parcel of land located on the corner of Sarah and Elizabeth Streets in the Borough of Osceola Mills, Clearfield, Pennsylvania, upon which was erected a commercial building utilized as a restaurant which property is more particularly described in Deed of Debra A. Koptchak and Rick L. Koptchak to John R. Lukens and Laura J. Lukens dated November 25, 1997, and recorded in the Recorder's Office of Clearfield County in Deed Book 1880/144.

6. That on or about December 18, 2002, at approximately 6:00/6:30 p.m., Plaintiff parked her vehicle in the parking area of the premises described in Paragraph 5 hereof for the purpose of dining at the restaurant known as Bear's Place.

7. That on or about the said day at or about the said time, Plaintiff exited her vehicle along with her passengers and proceeded to enter Defendants' place of business.

8. That Plaintiff and her passengers finished their dinner at Defendants' place of business at approximately 7:00 p.m. at which time Plaintiff exited the restaurant and proceeded to the parking area where she had left her vehicle.

9. That on or about the said date at approximately 7:00 p.m., Plaintiff was walking through the parking area owned

by the Defendants when she tripped over a hard clump of frozen snow and/or ice located near the left front tire of her vehicle causing her to fall and strike her left shoulder on the ground resulting in the serious injuries hereinafter set forth.

10. That subsequent to her fall, Plaintiff and the parties who accompanied her made a visual inspection of the clump of frozen snow and/or ice that caused Plaintiff to fall at which time it was determined that said clump of snow and/or ice appeared to have partially melted and refrozen to the ground.

11. That at the time of the accident referred to in Paragraph 9 hereof, the parking area of Defendants' property was dark because the artificial lighting had either not been turned on or was non-functional at the time of the accident.

12. That on or about the said date at or about the said time, Defendants knew or should have known of the condition of their parking area which contained hard clumps of snow and/or ice which had partially melted and subsequently had refrozen to the ground.

13. That the Defendants, John R. Lukens and Laura J. Lukens, were guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident as follows:

A. Defendants, John R. Lukens and Laura J. Lukens, failed to have proper lighting in the parking area provided for the customers of Bear's Place.

B. That Defendants, John R. Lukens and Laura J. Lukens, failed to properly maintain the parking area provided for the customers of Bear's Place.

C. That Defendants, John R. Lukens and Laura J. Lukens, failed to warn their customers as to the condition of the parking area provided for the customers of Bear's Place.

D. That the Defendants, John R. Lukens and Laura J. Lukens, were negligent, careless and reckless in that they failed to use due care under all of the circumstances of this case.

14. That as a result of the negligence, recklessness and carelessness of the Defendants, John R. Lukens and Laura J. Lukens, as set forth in Paragraph 13 hereof which is incorporated herein by reference, the Plaintiff suffered the following injuries which may and probably will be permanent:

A. Multiple bruises and contusions;

B. Torn rotator cuff left shoulder.

15. That as a result of the injuries described in Paragraph 14 hereof, the Plaintiff has incurred medical expenses

to the date of this Complaint in the amount of \$4,848.17 and will incur medical expenses in an unspecified amount in the future.

16. That the Plaintiff claims a reasonable amount for the following:

A. Pain and suffering; past, present and future;

B. Privation and inconvenience; past, present and future;

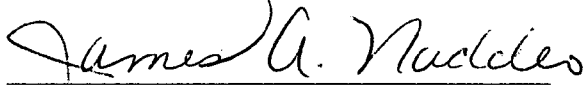
C. Impairment of earning power; past, present and future;

D. Future lost wages;

E. Future medical expenses;

F. All other damages allowable by law.

WHEREFORE, Plaintiff claims unliquidated damages in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars. Jury trial demanded.


James A. Naddeo
Attorney for Plaintiff

COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared PEGGY L. OWENS who, being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Peggy L Owens
Peggy L Owens

SWORN and SUBSCRIBED before me this 3rd day of August, 2004.

Jennifer L. Royer

Notarial Seal
Jennifer L. Royer, Notary Public
Clearfield, Pa., Clearfield County

Notarial Seal
Jennifer L. Royer, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires May 17, 2007

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

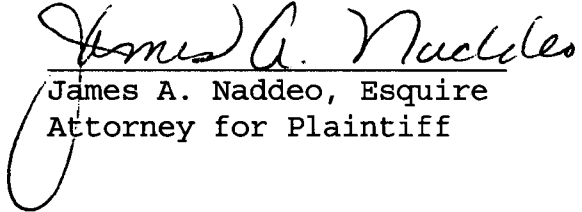
PEGGY L. OWENS, an	*	
individual,	*	
Plaintiff,	*	
	*	
vs.	*	No. 04 - 297 - CD
	*	
LARRY T. KEMP, an	*	
individual, and JOHN R.	*	
LUKENS and LAURA J.	*	
LUKENS, husband and wife,	*	
t/d/b/a Bear's Place,	*	
Defendants.	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Plaintiff's Complaint filed in the above-captioned action was served on the following person and in the following manner on the 9th day of August 2004:

First-Class Mail, Postage Prepaid

Joseph P. Green, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823


James A. Naddeo, Esquire
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW ,
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

PEGGY L. OWENS,

Plaintiff

vs.

LARRY T. KEMP, an individual and
JOHN R. LUKENS and LAURA J. LUKENS,
Husband and wife t/d/b/a BEAR'S PLACE,
Defendants

)
: No. 2004-00297-CD
)
: Type of Pleading: Answer and New Matter
)
:
)
: Filed on behalf of: Defendants
) John R. Lukens and Laura J. Lukens
:
) Counsel of Record for this Party:
:
) Joseph P. Green, Esquire
: Lee, Green & Reiter, Inc.
) 115 East High Street
: PO Box 179
) Bellefonte, PA 16823
: 814-355-4769
) I.D. No. 19238

FILED ^{EGK}
m/11:03 ^{No} ^{cc}
SEP 03 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

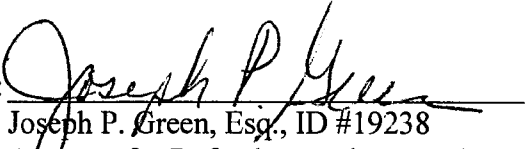
PEGGY L. OWENS,)	
	Plaintiff	: No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

NOTICE TO PLEAD

To the within named parties:

You are hereby notified to plead to the within NEW MATTER within 20 days of service hereof, or judgment may be entered against you.

LEE, GREEN & REITER, INC.

By: 
Joseph P. Green, Esq., ID #19238
Attorney for Defendants John R. Lukens &
Laura J. Lukens, h/w t'd/b/a Bear's Place
115 East High Street, PO Box 179
Bellefonte, PA 16823
814-355-4769

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

PEGGY L. OWENS,)	
Plaintiff	:	No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

ANSWER AND NEW MATTER FILED BY
DEFENDANTS JOHN R. LUKENS AND LAURA J. LUKENS

Defendants John R. Lukens and Laura J. Lukens hereby respond to the Complaint as follows:

1. Admitted.
2. Admitted. However, the current address is now 463 Stumptown Road, Osceola Mills, PA.
3. Admitted. However, the current address is now 463 Stumptown Road, Osceola Mills, PA.
- 4 & 5. Admitted in part and denied in part. Defendants were owners of the property on the alleged date of incident. However, they were not trading and doing business as "Bear's Place" at that time. The business was operated by Defendant Larry T. Kemp who was in actual possession of the property. The responding parties were lessors of the property who were not in possession and control of same when the underlying alleged event occurred.

6 through 11. Denied. After reasonable investigation, the responding parties are without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

12. Denied. The averments are denied pursuant to Pa. R.C.P. 1029(e).

13. (including subparagraphs A through D). Denied. The averments are denied pursuant to Pa. R.C.P. 1029(e). In addition, it is affirmatively stated that Defendants Lukens acted with reasonable care and prudence in all respects and engaged in no tortious conduct which was a legal or proximate cause of the alleged harm.

14 through 16. Denied. The averments are denied pursuant to Pa. R.C.P. 1029(e). In addition, it is affirmatively stated that Defendants Lukens acted with reasonable care and prudence in all respects and engaged in no tortious conduct which was a legal or proximate cause of the alleged harm.

In addition, all averments relating to damages are denied. After reasonable investigation, the responding parties are without knowledge or information sufficient to form a belief as to the truth of the averments and strict proof thereof is demanded.

WHEREFORE, it is respectfully requested that judgment be entered in favor of Defendants Lukens and against Plaintiff Owens.

NEW MATTER – GENERAL

14. It is asserted that it was the negligent and careless conduct of the plaintiff which was the legal and proximate cause of harm.

15. The plaintiff's own negligent and careless conduct constitutes a complete or partial bar to recovery.

16. To the extent applicable, the defendants raise the defense of the expiration of the statute of limitations dealing with personal injury claims.

WHEREFORE, it is respectfully requested that judgment be entered in favor of Defendants Lukens and against Plaintiff Owens.

NEW MATTER – JOINDER PURSUANT TO Pa. R.C.P. 2252

17. Defendants Lukens hereby join Defendant Larry T. Kemp as an additional defendant pursuant to Pa. R.C.P. 2252.

18. In the event that the plaintiff was harmed as a result of tortious conduct by a defendant herein, such a theory being expressly denied, it is asserted that Defendant Larry T. Kemp is solely liable to the plaintiff herein.

19. In addition to the foregoing, Defendants Lukens hereby join Defendant Larry T. Kemp as an additional defendant for purposes of contribution and/or indemnification.

WHEREFORE, it is respectfully requested that judgment be entered accordingly.

LEE, GREEN & REITER, INC.

By: 

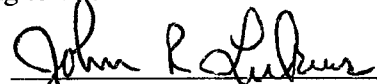
Joseph P. Green, Esq., ID #19238
Attorney for Defendants John R. Lukens &
Laura J. Lukens, h/w t/d/b/a Bear's Place
115 East High Street, PO Box 179
Bellefonte, PA 16823
814-355-4769

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

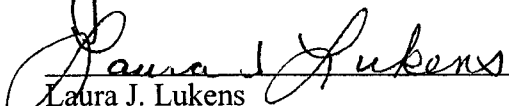
PEGGY L. OWENS,)	
Plaintiff	:	No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

VERIFICATION

John R. Lukens and Laura J. Lukens state that they are the defendants; that they are acquainted with the facts set forth in the foregoing responsive pleading; that the same are true and correct to the best of their knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



John R. Lukens



Laura J. Lukens

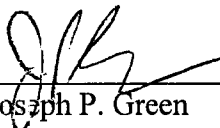
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

PEGGY L. OWENS,)
Plaintiff : No. 2004-00297-CD
vs. :
LARRY T. KEMP, an individual and :
JOHN R. LUKENS and LAURA J. LUKENS,)
husband and wife t/d/b/a BEAR'S PLACE, :
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter
Filed by Defendants John R. Lukens and Laura J. Lukens was deposited in the United States
mail, postage prepaid, in Bellefonte, Pennsylvania, on the 1st day of September, 2004
addressed to the following:

James A. Naddeo, Esq.
PO Box 552
Clearfield, PA 16830



Joseph P. Green

1 cent to Abby

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

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No. 04 - 297 - CD

ANSWER TO NEW MATTER - GENERAL


NOW COMES the Plaintiff, Peggy L. Owens, and by her attorney, James A. Naddeo, Esquire, sets forth the following:

14. States a conclusion to which no answer is required. To the extent that an answer may be required, said allegation is generally denied.

15. States a conclusion to which no answer is required. To the extent that an answer may be required, said allegation is generally denied.

16. States a conclusion of law to which no answer is required. To the extent that an answer may be required, it is alleged that Plaintiff's claim was filed timely.

Respectfully submitted,


James A. Naddeo, Esquire
Attorney for Plaintiff

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

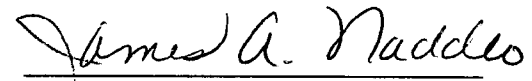
PEGGY L. OWENS, an	*	
individual,	*	
Plaintiff,	*	
	*	
vs.	*	No. 04 - 297 - CD
	*	
LARRY T. KEMP, an	*	
individual, and JOHN R.	*	
LUKENS and LAURA J.	*	
LUKENS, husband and wife,	*	
t/d/b/a Bear's Place,	*	
Defendants.	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Answer to New Matter filed in the above-captioned action was served on the following person and in the following manner on the 22nd day of September 2004:

First-Class Mail, Postage Prepaid

Joseph P. Green, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823


James A. Naddeo, Esquire
Attorney for Plaintiff

ss.

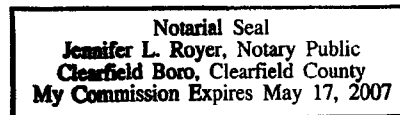
COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared PEGGY L. OWENS, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of her knowledge, information and belief.

Peggy L Owens
Peggy L. Owens

SWORN and SUBSCRIBED before me this 22nd day of September, 2004.

Jennifer L. Royce



JAMES A. NADDEO

ATTORNEY AT LAW

P.O. BOX 552

CLEARFIELD, PENNSYLVANIA 16830

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

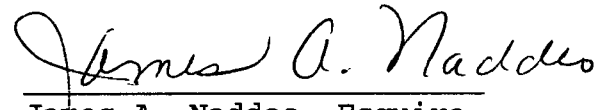
PEGGY L. OWENS, an	*	
individual,	*	
Plaintiff,	*	
	*	
vs.	*	No. 04 - 297 - CD
	*	
LARRY T. KEMP, an	*	
individual, and JOHN R.	*	
LUKENS and LAURA J.	*	
LUKENS, husband and wife,	*	
t/d/b/a Bear's Place,	*	
Defendants.	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Answer to Request for Production of Documents in the above-captioned action was served on the following person and in the following manner on the 15th day of December 2004:

First-Class Mail, Postage Prepaid

Joseph P. Green, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823


James A. Naddeo, Esquire
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

No. 04 - 297 - CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

cf
01/110364
MAY 31 2005
cc

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


PEGGY L. OWENS, an	*	
individual,	*	
Plaintiff,	*	
	*	
vs.	*	No. 04 - 297 - CD
	*	
LARRY T. KEMP, an	*	
individual, and JOHN R.	*	
LUKENS and LAURA J.	*	
LUKENS, husband and wife,	*	
t/d/b/a Bear's Place,	*	
Defendants.	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiff's First Request for Production of Documents in the above-captioned action was served on the following person and in the following manner on the 31st day of May, 2005:

First-Class Mail, Postage Prepaid

Joseph P. Green, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823


James A. Naddeo, Esquire
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

William A. Shaw
Prothonotary/Clerk of Courts

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

PEGGY L. OWENS, an
individual,

Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

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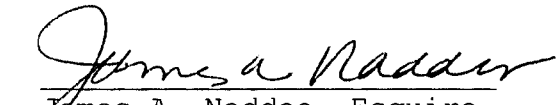
No. 04 - 297 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiff's Notices of Taking Depositions in the above-captioned action was served on the following person and in the following manner on the 24th day of August, 2005:

First-Class Mail, Postage Prepaid

Robert A. Mix, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823


James A. Naddeo, Esquire
Attorney for Plaintiff

William A. Shaw
Prothonotary/Clerk of Courts

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

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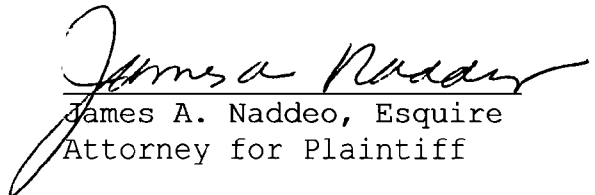
No. 04 - 297 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiff's Answers to Defendants' Interrogatories in the above-captioned action was served on the following person and in the following manner on the 5th day of December, 2005:

First-Class Mail, Postage Prepaid

Robert A. Mix, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823


James A. Naddeo, Esquire
Attorney for Plaintiff

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

PEGGY L. OWENS,

Plaintiff

vs.

LARRY T. KEMP, an individual and
JOHN R. LUKENS and LAURA J. LUKENS,
Husband and wife t/d/b/a BEAR'S PLACE,
Defendants

)
: No. 2004-00297-CD
)
: Type of Pleading: Motion for
) Summary Judgment
:
) Filed on behalf of: Defendants
) John R. Lukens and Laura J. Lukens
:
) Counsel of Record for this Party:
:
) Robert A. Mix, Esquire
: Lee, Green & Reiter, Inc.
) 115 East High Street
: PO Box 179
) Bellefonte, PA 16164
: 814-355-4769
) I.D. No. 19238

FILED NO CC
m/2:15/04
DEC 09 2005 (62)

William A. Shaw
Prothonotary/Clerk of Courts

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

PEGGY L. OWENS,)	
Plaintiff	:	No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

DEFENDANTS JOHN AND LAURA LUKENS'
MOTION FOR SUMMARY JUDGMENT

Now Comes Defendants John and Laura Lukens by their attorneys, Lee, Green & Reiter, Inc., pursuant to Pa. R.C.P. 1035.2 and respectfully represents:

1. Plaintiff Peggy Owens (Owens) commenced this civil action against Defendants Larry Kemp (Kemp) and John and Laura Lukens (Lukens) by the issuance of a Writ of Summons on April 5, 2004. The Writ of Summons was subsequently served on Defendants Lukens but not on Defendant Kemp.
2. Plaintiff Owens filed a Complaint on August 9, 2004 which was subsequently served on Defendants Lukens but not on Defendant Kemp.
3. The pleadings, as they pertain to Plaintiff Owens and Defendants Lukens are now closed.
4. In this civil action Plaintiff Owens seeks recovery of damages for personal injuries sustained on December 1, 2002 when she slipped and fell in the parking lot of a restaurant known as Bear's Place located in Osceola Mills, Clearfield County, Pennsylvania.

5. In this civil action, Plaintiff Owens asserts a cause of action in negligence against Defendants Lukens contending that as the possessors of the premises, they failed to exercise reasonable care to protect her from, or warn her of, a dangerous condition, i.e., a patch of ice in the parking lot, which caused her to slip and fall.

6. There is no genuine issue of material fact as to necessary elements of Plaintiff Owens' cause of action which could be established by additional discovery or expert report and Plaintiff Owens, who will bear her burden of proof at trial, has failed to produce evidence of facts essential to her cause of action, which in a jury trial, would require the issues to be submitted to a jury.

7. In particular, Plaintiff Owens has failed to produce evidence of facts sufficient to show that:

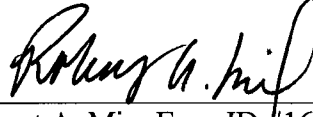
- (a) Defendant Lukens had actual knowledge of the presence of the patch of ice in the parking lot;
- (b) The patch of ice was present in the parking lot for a period of time prior to her slip and fall, sufficient to charge Defendants Lukens with constructive notice of its presence; and,
- (c) Defendants Lukens were in possession or control of the premises at the time of her slip and fall.

8. Defendants Lukens are entitled to summary judgment in their favor and against Plaintiff Owens as a matter of law.

9. This civil action is not presently scheduled for trial and this motion for summary judgment will not unreasonably delay it.

WHEREFORE, Defendants Lukens respectfully request that summary judgment be entered in their favor and against Plaintiff Owens.

LEE, GREEN & REITER, INC.

By: 
Robert A. Mix, Esq., ID #16164
Attorney for Defendants John R. Lukens &
Laura J. Lukens, h/w t/d/b/a Bear's Place
115 East High Street, PO Box 179
Bellefonte, PA 16823
814-355-4769

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

PEGGY L. OWENS,)	
Plaintiff	:	No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants John and Laura Lukens' Motion for Summary Judgment was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 7th day of December, 2005 addressed to the following:

James A. Naddeo, Esq.
207 E. Market Street
PO Box 552
Clearfield, PA 16830



Robert A. Mix

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

PEGGY L. OWENS,)	
	Plaintiff	: No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

ORDER

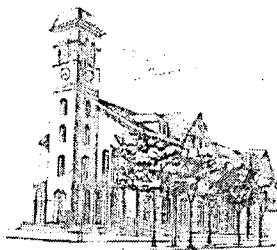
AND NOW, this 13 day of Dec, 2005, upon consideration of the within
Defendants John and Laura Lukens' Motion for Summary Judgment, argument is set for the
11th day of January, 2006, at 9:30 o'clock a. m., in Courtroom No. 1,
of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

Paul G. ...

P

FILED
DEC 14 2005
William A. Shaw
Notary/Clerk of Courts
019:41/81
rec
Amy Mix



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

Date: September 19, 2005

Over the past several weeks, 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

 X You are responsible for serving all appropriate parties.

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

 Plaintiff(s)/Attorney(s)

 Defendant(s)/Attorney(s)

 Other

 Special Instructions:

DEC 20 2005

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

PEGGY L. OWENS, an
individual,

Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

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No. 04 - 297 - CD

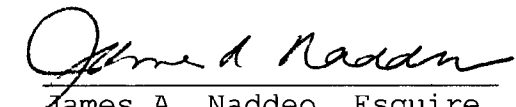
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiff's Notice of Taking Deposition in the above-captioned action was served on the following person and in the following manner on the 19th day of December, 2005:

First-Class Mail, Postage Prepaid

Robert A. Mix, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823

Larry T. Kemp
PO Box 282
Smithmill, PA 16680


James A. Naddeo, Esquire
Attorney for Plaintiff

JAMES A. NADDEO
ATTORNEY AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

CERTIFIED TRUE AND CORRECT COPY

James A. Naddo

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

No. 04 - 297 - CD

Type of Pleading:

ANSWER TO DEFENDANTS
MOTION FOR SUMMARY
JUDGMENT

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

0 3:14 p.m. 6K

DEC 22 2005 @

William A. Shaw
Prothonotary

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

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No. 04 - 297 - CD

ANSWER TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

NOW COMES the Plaintiff, Peggy Owens, and by her attorney, James A. Naddeo, Esquire, set forth the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. Admitted but in further answer thereto Plaintiff generally alleged in her Complaint that Defendants Lukens failed to use due care under all of the circumstances of this case which allegation permits Plaintiff to assert any theory of liability developed during discovery.

6. Denied and on the contrary it is alleged that discovery has not been completed in this case and it is believed and therefore averred that additional witnesses including but not limited to Defendant Larry Kemp, Mary Barnett and Gerry

Barnett, will provide evidence supporting the necessary elements of Plaintiff's case.

7. States a conclusion which is generally denied and in further answer thereto Plaintiff answers as follows:

A. Admitted.

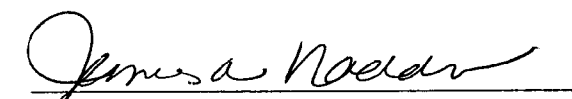
B. Denied and on the contrary it is alleged that Plaintiff has witnesses who can testify that a heavy snow fall occurred several days prior to Plaintiff's accident followed by several days of freezing rain which would account for the lump of frozen snow which had attached itself to the surface of Defendant's parking area. Whether this interval of time was sufficient to provide Defendants Lukens with constructive notice of its presence is an issue of material fact to be determined by a jury and not by the Court as a matter of law.

C. Admitted.

8. States a general conclusion which is generally denied for reasons to be determined through further discovery.

9. Admitted.

WHEREFORE, Plaintiff respectfully requests that Defendants Lukens Motion for Summary Judgment be denied.


James A. Naddeo
Attorney for Plaintiff

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

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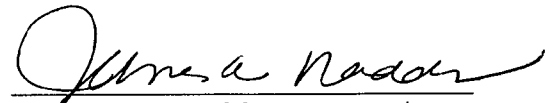
No. 04 - 297 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiff's Answer to Motion for Summary Judgment filed in the above-captioned action was served on the following person and in the following manner on the 22nd day of December, 2005:

First-Class Mail, Postage Prepaid

Robert A. Mix, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823


James A. Naddeo, Esquire
Attorney for Plaintiff

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

PEGGY L. OWENS,

Plaintiff

vs.

LARRY T. KEMP, an individual and
JOHN R. LUKENS and LAURA J. LUKENS,
Husband and wife t/d/b/a BEAR'S PLACE,
Defendants

)
: No. 2004-00297-CD
)
: Type of Pleading: Motion for Continuance
) of Argument on Motion for Summary
: Judgment
)
: Filed on behalf of: Defendants
) John R. Lukens and Laura J. Lukens
:
) Counsel of Record for this Party:
:
) Robert A. Mix, Esquire
: Lee, Green & Reiter, Inc.
) 115 East High Street
: PO Box 179
) Bellefonte, PA 16164
: 814-355-4769
) I.D. No. 19238

FILED ^{no} ^{cc}
m11:25/51
JAN 05 2006 ©

William A. Shaw
Prothonotary/Clerk of Courts

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

PEGGY L. OWENS,)	
Plaintiff	:	No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

MOTION FOR CONTINUANCE OF ARGUMENT
ON DEFENDANTS LUKENS' MOTION FOR SUMMARY JUDGMENT

Now come Defendants John and Laura Lukens by their attorneys, Lee, Green & Reiter, Inc. and respectfully represent:

1. In this civil action Plaintiff Peggy Owens (Owens) seeks recovery of damages for personal injuries she sustained on December 1, 2002 when she slipped and fell in the parking lot of a restaurant known as Bears Place, which was leased and operated by Defendant Larry Kemp (Kemp) and which was located on premises owned by Defendants John and Laura Lukens (Lukens).
2. On December 9, 2005, Defendants Lukens filed a Motion for Summary Judgment.
3. On December 22, 2005 Plaintiff Owens filed an Answer alleging, among other things, that discovery was not complete and that depositions of additional persons, to include Defendant Kemp were necessary to provide evidence to support her cause of action.
4. This Court has scheduled argument on Defendants Lukens Motion for Summary Judgment on January 11, 2006.

5. Plaintiff Owens scheduled a deposition of Defendant Kemp to be taken on December 28, 2005, however, Defendant Kemp failed to appear.

6. Plaintiff Owens has rescheduled a deposition of Defendant Kemp on January 26, 2006.

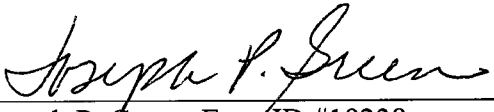
7. Defendants Lukens believe that the deposition of Defendant Kemp will provide testimony relevant to the issues raised in their Motion for Summary Judgment.

8. Defendants Lukens believe that it would be in the best interests of all parties to complete the deposition of Defendant Kemp prior to argument on their Motion for Summary Judgment.

9. Defendants Lukens have sought the concurrence of Plaintiff Owens to the requested continuance and she concurs therewith.

WHEREFORE, Defendants Lukens respectfully request that Your Honorable Court grant a continuance of the argument on their Motion for Summary Judgment for a period of sixty (60) days or such other period of time as the Court deems appropriate.

LEE, GREEN & REITER, INC.

By: 
Joseph P. Green, Esq., ID #19238
Attorney for Defendants John R. Lukens &
Laura J. Lukens, h/w t/d/b/a Bear's Place
115 East High Street, PO Box 179
Bellefonte, PA 16823
814-355-4769

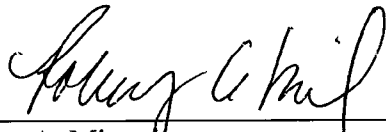
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

PEGGY L. OWENS,)
Plaintiff : No. 2004-00297-CD
)
vs. :
)
LARRY T. KEMP, an individual and :
JOHN R. LUKENS and LAURA J. LUKENS,)
husband and wife t/d/b/a BEAR'S PLACE, :
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Continuance of
Argument on Defendants John and Laura Lukens' Motion for Summary Judgment was
deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 4th
day of January, 2006 addressed to the following:

James A. Naddeo, Esq.
207 E. Market Street
PO Box 552
Clearfield, PA 16830



Robert A. Mix

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

PEGGY L. OWENS,)	
	Plaintiff	: No. 2004-00297-CD
)	
vs.	:	
)	
LARRY T. KEMP, an individual and	:	
JOHN R. LUKENS and LAURA J. LUKENS,)	
husband and wife t/d/b/a BEAR'S PLACE,	:	
Defendants)	

ORDER

AND NOW, this 6th day of JANUARY, 2006, upon consideration of the within Motion for Continuance of Argument on Defendants John and Laura Lukens' Motion for Summary Judgment, argument is set for the 6th day of February, 2006, at 9:00 o'clock 9 m., in Courtroom no. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

Judith J. Cunningham

FILED ^{ICC}
01/20/2006
JAN 09 2006
Amy J. Green
CK

William A. Shaw
Prothonotary/Clerk of Courts

LEE, GREEN & REITER, INC.

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

DONALD E. LEE
JOSEPH P. GREEN
DENNIS O. REITER
ROBERT A. MIX
JONATHAN D. GRINE

115 EAST HIGH STREET
POST OFFICE BOX 179
BELLEFONTE, PA. 16823-0179
(814) 355-4769
FAX (814) 355-5024
WWW.LMGR.LAW.COM

December 30, 2005

The Honorable Fredric J. Ammerman
230 East Market Street
Clearfield, PA 16830

RE: Peggy L. Owens
Vs. Larry T. Kemp, et al
Civil Action No. 2004-297-CD

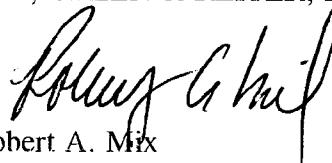
Dear Judge Ammerman:

I am in receipt of James Naddeo, Esquire's, letter of December 28, 2005 requesting a continuance of the argument scheduled on January 11, 2006 on Defendant's Motion for Summary Judgment and I concur in this request. The deposition of Defendant Larry Kemp will be of interest to all parties and important to the issues raised in this Motion.

Thank you.

Very truly yours,

LEE, GREEN & REITER, INC.


Robert A. Mix

RAM/taw

C: James A. Naddeo, Esquire

LEE, GREEN & REITER, INC.

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

January 4, 2006

DONALD E. LEE
JOSEPH P. GREEN
DENNIS O. REITER
ROBERT A. MIX
JONATHAN D. GRINE

115 EAST HIGH STREET
POST OFFICE BOX 179
BELLEFONTE, PA 16823-0179
(814) 355-4769
FAX (814) 355-5024
WWW.LMGRLAW.COM

William Shaw, Prothonotary
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

Re: Peggy L. Owens
Vs. Larry T. Kemp, an individual and John R. Lukens and Laura J. Lukens,
Husband and wife, t/d/b/a Bear's Place
No. 2004-00297-CD
Our File: L-7964

Dear Mr. Shaw:

Enclosed for filing is a Motion for Continuance of Argument on Defendants John and Laura Lukens' Motion for Summary Judgment previously filed in connection with the above matter. In addition, a proposed scheduling Order is also enclosed.

If you have any questions regarding this matter, please give me a call.

Very truly yours,

LEE, GREEN & REITER, INC.

By: 

Robert A. Mix

RAM/cl
Enclosure

C: James A. Naddeo, Esq. – w/enc.
David Meholick, Court Administrator – w/enc.

JAMES A. NADDEO
ATTORNEY AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

ASSOCIATE
LINDA C. LEWIS

(814) 765-1601
FAX: (814) 765-8142
naddeolaw@atlanticbbn.net

December 29, 2005

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830

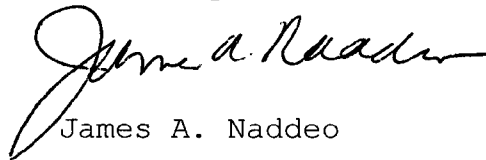
RE: Owens v. Lukens, et al
No. 04-297-CD

Dear Dave:

The Defendant filed a Motion for Summary judgment on December 7, 2005. Defendant's Motion is scheduled to be argued on January 11, 2006. Please be advised that this case is not ripe for argument. The deposition of one of the Defendants, Larry Kemp, was scheduled to be taken at my office on December 28, 2005. Mr. Kemp did not appear. Counsel anticipated that Mr. Kemp's deposition would be completed prior to argument. This is not the case. We are attempting to arrange a deposition date convenient to all parties.

I respectfully request that argument in this case be continued. You will be receiving written confirmation of this request from defense counsel.

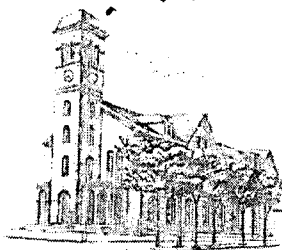
Sincerely,



James A. Naddeo

JAN/lcl

Cc: Peggy A. Owens
Robert A. Mix, Esq.



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: 11/9/06

X You are responsible for serving all appropriate parties.

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

_____ Plaintiff(s)/Attorney(s)

_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

William A. Shaw
Prothonotary/Clerk of Courts

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

PEGGY L. OWENS, an	*	
individual,	*	
Plaintiff,	*	
	*	
vs.	*	No. 04 - 297 - CD
	*	
LARRY T. KEMP, an	*	
individual, and JOHN R.	*	
LUKENS and LAURA J.	*	
LUKENS, husband and wife,	*	
t/d/b/a Bear's Place,	*	
Defendants.	*	

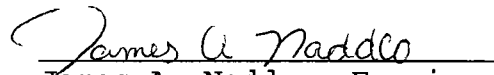
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Taking Deposition filed in the above-captioned action was served on the following person and in the following manner on the 11th day of January, 2006:

First-Class Mail, Postage Prepaid

Robert A. Mix, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823

Larry T. Kemp
PO Box 282
Smithmill, PA 16680


James A. Naddeo, Esquire
Attorney for Plaintiff

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

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No. 04 - 297 - CD

PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES

1. It had snowed a day or so prior to Plaintiff's accident. On the day of the accident it was obvious from a visual inspection of the parking area that snow had been plowed into various piles surrounding the lot. Following the snow fall, it rained and froze. The clump of snow that caused Plaintiff to trip had to have been in the parking area from the time of the snow fall through the rain and freezing conditions. The parking area was generally covered with ridges and valleys evident by frozen footprints and tire tracks in the parking area. Prior to Plaintiff's accident, Larry T. Kemp was informed by a patron that the condition of his parking lot was dangerous and required salt. Kemp responded that he had placed all of the salt in the lot that he intended to use.

2. Peggy Owens
303 Lingle Street
Osceola Mills, PA 16666

Bonnie Marty
PO Box 93
Houtzdale, PA 16651

Gary E. Marty, Sr.
PO Box 93
Houtzdale, PA 16651

FILED NO CC
M/3:37/24
FEB 02 2006
William A. Shaw
Prothonotary/Clerk of Courts

Mary Barnett
Hale Street
Osceola Mills, PA 16666

Jerry Barnett
Hale Street
Osceola Mills, PA 16666

3. Plaintiff has no evidence that John Lukens or Laura Lukens had actual knowledge of the condition of the parking area.

4. n/a

5. Plaintiff cannot comprehend the phrase "presence of said clean up of frozen snow and/or ice". Consequently she is unable to respond to this interrogatory.

6. n/a

7. Plaintiff has no evidence that John Lukens or Laura Lukens operated or were in possession and control of the restaurant known as Bear Place on the date of Plaintiff's accident.

8. n/a

9. Same response as to Interrogatory No. 7.

10. n/a

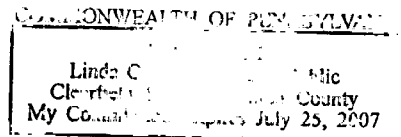
[illegible]

Before me, the undersigned officer, personally appeared PEGGY L. OWENS, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Answers to Interrogatories are true and correct to the best of her knowledge, information and belief.

Peggy L Owens
Peggy L Owens

SWORN and SUBSCRIBED before me this 30th day of November, 2005.

Linda Lewis



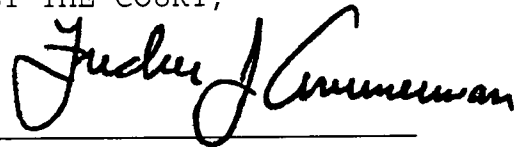
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

PEGGY L. OWENS :
VS. : NO. 04-297-CD
LARRY T. KEMP, an ind., and :
JOHN R. LUKENS and LAURA J. :
LUKENS, husband and wife, :
t/d/b/a BEAR'S PLACE :

O R D E R

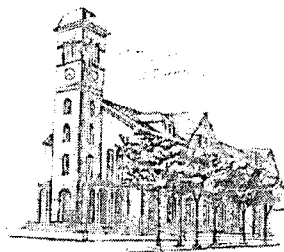
NOW, this 6th day of February, 2006, following argument on Defendant's Motion for Summary Judgment, it is the ORDER of this Court that counsel for Plaintiff shall provide the Court with a brief within no more than twenty (20) days from today's date.

BY THE COURT,



President Judge

FILED
01/10/4631
FEB 08 2006
William A. Shaw
Notary/Clerk of Courts
ice Atty's
No added
mix
J. Green



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: 2/8/06

_____ 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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

No. 04 - 297 - CD

Type of Pleading:

ORDER

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED 2cc
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MAR 03 2006
Att. Naddeo
@x

William A. Shaw
Prothonotary/Clerk of Courts

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

PEGGY L. OWENS, an
individual,
Plaintiff,

vs.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

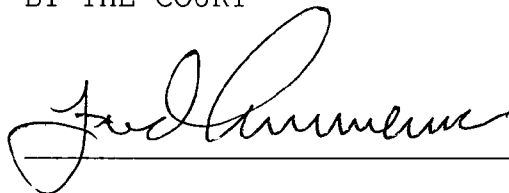
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No. 04 - 297 - CD

ORDER

AND NOW, this 1ST day of March, 2006, the Court
having heard argument upon the Motion of John R. Lukens and
Laura J. Lukens seeking summary judgment in their favor, the
Court finds that the record of this case taken as a whole
establishes that Defendants, John R. Lukens and Laura J. Lukens,
were landlords out of possession and thus owed no duty of care
to Plaintiff who was a business invitee of Defendant Kemp.
Therefore, it is the ORDER of this Court that the Motion of
Defendants, John R. Lukens and Laura J. Lukens, for summary
judgment is granted without prejudice to Plaintiff's right to
proceed against the Defendant, Larry T. Kemp.

BY THE COURT



CP

JAMES A. NADDEO
ATTORNEY AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

ASSOCIATE
LINDA C. LEWIS

(814) 765-1601
FAX: (814) 765-8142
naddeolaw@atlanticbbn.net

March 1, 2006

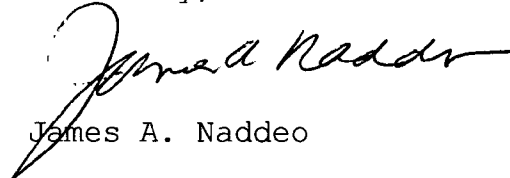
Honorable Fredric J. Ammerman
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

RE: Owens v. Lukens, et al
No. 04-297-CD

Dear Judge Ammerman:

Attorney Robert Mix and I have reached an agreement in regard to the Motion for Summary Judgment filed by the Lukens. Enclosed is Order which counsel would ask that you enter in the above-captioned case.

Sincerely,

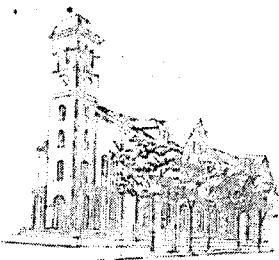


James A. Naddeo

JAN/lcl

Cc: Peggy A. Owens
Robert A. Mix, Esq.

Enclosure



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: 3/3/06

X You are responsible for serving all appropriate parties.

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

 Plaintiff(s)/Attorney(s)

 Defendant(s)/Attorney(s)

 Other

 Special Instructions:

C/A

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

PEGGY L. OWENS, an
individual,

Plaintiff,

v.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

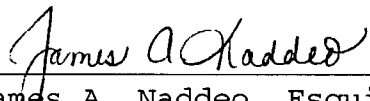
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No. 04 - 297 - CD

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned case settled and
discontinued.



James A. Naddeo, Esquire
Attorney for Plaintiff

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

PEGGY L. OWENS, an
individual,

Plaintiff,

v.

LARRY T. KEMP, an
individual, and JOHN R.
LUKENS and LAURA J.
LUKENS, husband and wife,
t/d/b/a Bear's Place,
Defendants.

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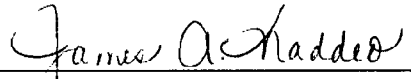
No. 04 - 297 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Praeipie To Settle And Discontinue filed in the above-captioned action was served on the following person and in the following manner on the 10th day of August, 2006:

First-Class Mail, Postage Prepaid

Robert A. Mix, Esquire
LEE, GREEN & REITER, INC.
115 East High Street
P.O. Box 179
Bellefonte, PA 16823


James A. Naddeo, Esquire
Attorney for Plaintiff

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

CIVIL DIVISION

Peggy L. Owens

Vs.

No. 2004-00297-CD

**Larry T. Kemp
John R. Lukens
Laura J. Lukens
Bear's Place**

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 August 10, 2006, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by James A. Naddeo, Esq.,

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 10th day of August A.D. 2006.

William A. Shaw, Prothonotary