

COURT OF COMMON PLEAS

CLEARFIELD CO.
JUDICIAL DISTRICT

46TH


FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2004-343-CO

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Wal-Mart Stores, Inc.		MAG. DIST. NO. OR NAME OF D.J. 46-3-02 Richard A. Ireland	
ADDRESS OF APPELLANT 100 Supercenter Drive		CITY Clearfield	STATE PA
		ZIP CODE 16830	
DATE OF JUDGMENT 3/8/04	IN THE CASE OF (Plaintiff) Gina R. Anderson		
		(Defendant) Wal-Mart	
CLAIM NO. CV 0000034-04 LT		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 	
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>		<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

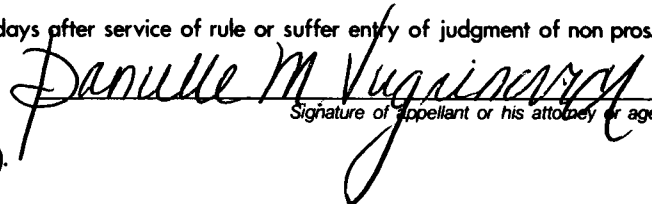
(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Gina R. Anderson, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 2004-343-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Gina R. Anderson, appellee(s).
Name of appellee(s)

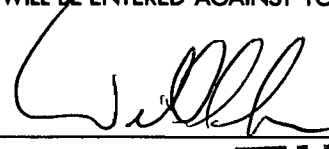

Signature of appellant or his attorney or agent

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: MARCH 12, 2004



Signature of Prothonotary or Deputy

FILED

MAR 12 2004

m71236/um
William A. Shaw
Prothonotary

Mag. Dist. No.	46-3-02
DJ Name: Hon	RICHARD A. IRELAND
Address	650 LEONARD STREET SUITE 133 CLEARFIELD, PA 16830
Telephone: (814)	765-5335 16830

**RICHARD A. IRELAND
650 LEONARD STREET
SUITE 133
CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF
**ANDERSON, GINA R.
214 WITMER STREET
CLEARFIELD, PA 16830**

VS.

DEFENDANT.
**WALMART,
100 SUPERCENTER DR
CLEARFIELD, PA 16830**

Docket No.: **CV-0000034-04**
Date Filed: **2/09/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **ANDERSON, GINA R.**

☒ Judgment was entered against: (Name) **WALMART.**

in the amount of \$ **6,713.70** on: (Date of Judgment) **3/08/04**

☐ Defendants are jointly and severally liable. (Date & Time) _____

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 \$ _____

☐ Portion of Judgment for physical
damages arising out of residential
lease \$ _____

Amount of Judgment	\$ 6,595.20
Judgment Costs	\$ 118.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 6,713.70
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
	=====
Certified Judgment Total	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

MAR 08 2004 Date **Richard Ireland**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

My commission expires first Monday of January, 2006

SEAL

FILED

MAR 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY; SS

AFFIDAVIT: I hereby swear or affirm that I served

☒ a copy of the Notice of Appeal, Common Pleas No. 2004-343-CD, upon the District Justice designated therein on (date of service) MARCH 15, 2004, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) GINA R. ANDERSON, on MARCH 15, 2004, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.
☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on MARCH 15, 2004, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 15th DAY OF MARCH, 2004

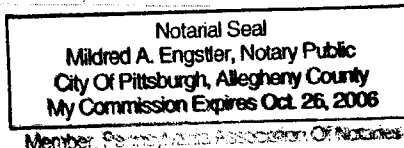
Mildred A. Engstler
Signature of official before whom affidavit was made

NOTARY PUBLIC

(If not official)

My commission expires on _____

Danell M. Vagstad
Signature of affiant



U.S. Postal Service CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$ <u>1.37</u>
Certified Fee	<u>2.30</u>
Return Receipt Fee (Endorsement Required)	<u>1.75</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <u>4.42</u>

Postmark
Here

Sent To GINA R. ANDERSON
Street, Apt. No., or PO Box No. 214 WITMER STREET
City, State, ZIP+4 CLEARFIELD, PA 16830

PS Form 3800, April 2002

See Reverse for Instructions

U.S. Postal Service CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$ <u>1.37</u>
Certified Fee	<u>2.30</u>
Return Receipt Fee (Endorsement Required)	<u>1.75</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <u>4.42</u>

Postmark
Here

Sent To RICHARD A. IRELAND, DISTRICT MAGISTRATE
Street, Apt. No., or PO Box No. 650 LEONARD STREET, SUITE 133
City, State, ZIP+4 CLEARFIELD, PA 16830

PS Form 3800, April 2002

See Reverse for Instructions

COURT OF COMMON PLEAS

CLEARFIELD CO.
JUDICIAL DISTRICT

46TH


FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2004-343-CO

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Wal-Mart Stores, Inc.		MAG. DIST. NO. OR NAME OF D.J. 46-3-02 Richard A. Ireland	
ADDRESS OF APPELLANT 100 Supercenter Drive		CITY Clearfield	STATE PA
		ZIP CODE 16830	
DATE OF JUDGMENT 3/8/04	IN THE CASE OF (Plaintiff) Gina R. Anderson		(Defendant) Wal-Mart
CLAIM NO. CV 0000034-04 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>		<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

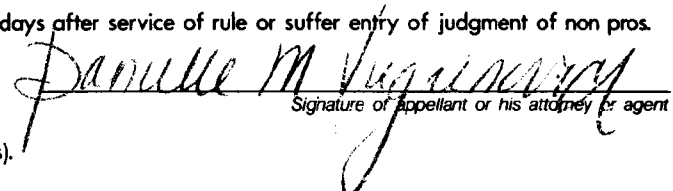
(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Gina R. Anderson, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 2004-343-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Gina R. Anderson, appellee(s).
Name of appellee(s)

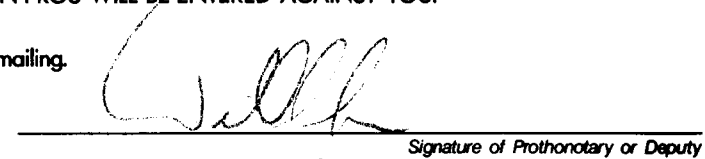

Signature of appellant or his attorney or agent

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

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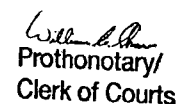
Date: MARCH 12, 2004


Signature of Prothonotary or Deputy

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

MAR 12 2004

Attest.


Prothonotary/
Clerk of Courts

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

GINA R. ANDERSON
Plaintiff

Vs.

Wal-Mart Supercenter
Defendent

*
*
* DISTRICT JUSTICE APPEAL
* No. CV-0000034-04
* 04-343-CD
*
* Type of case: CIVIL ACTION
*
*
* Type of Pleading: COMPLAINT
*
*
* Filed on behalf of: PLAINTIFF
* GINA R. ANDERSON
*
*
* Plaintiff's address:
* 214 Witmer Street
* Clearfield, Pennsylvania 16830
*

FILED

MAR 22 2004

William A. Shaw
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA

GINA R. ANDERSON
Plaintiff

Vs.

WAL-MART SUPERCENTER
Defendent

*
*
* District Justice Appeal
* CASE NO. 2004-343-CD
*
*
* Type of Pleading:
* COMPLAINT
*
*
*
*

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 defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed 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
230 East Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641, extension 1300

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

GINA R. ANDERSON
Plaintiff

Vs.

Wal-Mart Supercenter
Defendant

*
*
* District Justice Appeal
* CASE NO. 2004-343-CD
*
*
* Type of Pleading:
* **COMPLAINT**
*
*
*
*

COMPLAINT

Now, comes the **Plaintiff, Gina R. Anderson** who hereby avers as follows:

1. Gina R. Anderson is an adult individual whose address is 214 Witmer Street, Clearfield, Pennsylvania 16830.
2. Defendant is Wal-Mart Supercenter with a local address is 100 Supercenter Drive, Clearfield, Pennsylvania 16830.
3. Gina R. Anderson is the owner of a 1994 Ford Explorer.
4. On Nov 12, 2003 I took my car to the Defendants which is Wal-Mart Supercenter to the Tire & lube to have my oil changed and have all fluids checked.
5. Following the oil change & fluids checked on November 12, 2003, Plaintiff operated her vehicle for a approximately 1 month without any noticeable problems.
6. But then on December 11, 2003 on my way to Ohio my car had a clucking noise and had no gears.
7. I had it towed by A.J. Ross Jr. Towing & Recovery, they towed it to JB's Garage.
8. On December 14, 2003 JB's Garage called me at work and explained the transmission was burnt up because of lack of gear oil.
9. I had explained to them that I had took my car to the Defendant which is Wal-Mart Supercenter Tire & Lube and I had my oil changed and fluids checked. The technician who

worked on my car said there was no way it was checked and advised me to file a claim at Wal-Mart.

10. I called the Defendants and filed a claim and they gave me a number to call which was the Claims Management, Inc. When I had talked to them they advised me that they was denying any claim for the Plaintiff's damages.

Plaintiff, believes and avers that the Defendant, and/or it's agents, are directly and solely liable for the Plaintiff's damages with respect to the damage to her transmission, including cost for towing, the cost for replacement of transmission and it's installation, loss of wages because of missing work & overtime that could of been able to work, paying gas money per day for a ride to and from work, car rental, mental anguish, filing fee's.

Plaintiff claims damages in the amount of 6,595.20 including costs, represented as follows:

- a). 424.29- car rental
- b). 60.00- towing
- c). 1,565.20- total bill for rebuilt transmission
- d). 460.00- gas money
- e). 1,395.00- loss of wages
- f). 118.50- filing fee
- g). 2,572.21- for mental anguish

Wherefore, the Plaintiff, Gina R. Anderson, demands judgement against the Defendant Wal-Mart Supercenter in the amount of 6,595.20 plus all court costs including District Justice Court, and other such reasonable costs as the court may allow.

Respectfully Submitted

Gina R. Anderson
Gina R. Anderson

COMPLAINT- VERIFICATION

VERIFICATION

I Verify that the statements made in this Complaint are true and correct. I understand that a false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.

Mina R. Anderson
Plaintiff

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
DJ Name: Hon. **RICHARD A. IRELAND**
Address: **650 LEONARD STREET**
SUITE 133
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

RICHARD A. IRELAND
650 LEONARD STREET
SUITE 133
CLEARFIELD, PA 16830

NOTICE OF JUDGMENT TRANSCRIPT
CIVIL CASE

PLAINTIFF: **ANDERSON, GINA R.**
214 WITMER STREET
CLEARFIELD, PA 16830

DEFENDANT: **WALMART,**
100 SUPERCENTER DR
CLEARFIELD, PA 16830

Docket No.: **CV-0000034-04**
Date Filed: **2/09/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **ANDERSON, GINA R.**

☒ Judgment was entered against: (Name) **WALMART,**

in the amount of \$ **6,713.70** on: (Date of Judgment) **3/08/04**

☐ Defendants are jointly and severally liable. (Date & Time)

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$

☐ Portion of Judgment for physical damages arising out of residential lease \$

FILED

01220801
MAR 25 2004

William A. Shaw
Prothonotary/Clerk of Courts

Amount of Judgment	\$ 6,595.20
Judgment Costs	\$ 118.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 6,713.70
Post Judgment Credits	\$
Post Judgment Costs	\$
Certified Judgment Total	\$

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

MAR 08 2004 Date **Richard A. Ireland**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

MAR 17 2004 Date **Richard A. Ireland**, District Justice

My commission expires first Monday of January, **2006**.

SEAL

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

GINA R. ANDERSON,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

No. 2004-343-CD

JURY TRIAL DEMANDED

**PRAECIPE FOR CHANGE OF ADDRESS
OF DELL, MOSER, LANE & LOUGHNEY,
LLC**

Filed on behalf of Defendant Wal-Mart Stores,
Inc.

Counsel of Record for this Party:

Patrick J. Loughney, Esquire
Pa. I.D. #23163

Danielle M. Vugrinovich, Esquire
Pa. I.D. #88326

DELL, MOSER, LANE & LOUGHNEY, LLC
Firm #753
437 Grant Street
1300 Frick Building
Pittsburgh, PA 15219

Phone: (412) 471-1180
Fax: (412) 471-9012

FILED

APR 26 2004

m/1:20/w
William A. Shaw
Prothonotary
wa c/c.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GINA R. ANDERSON,

CIVIL DIVISION

Plaintiff,

No. 2004-343-CD

Vs.

JURY TRIAL DEMANDED

WAL-MART STORES, INC.,

Defendant.

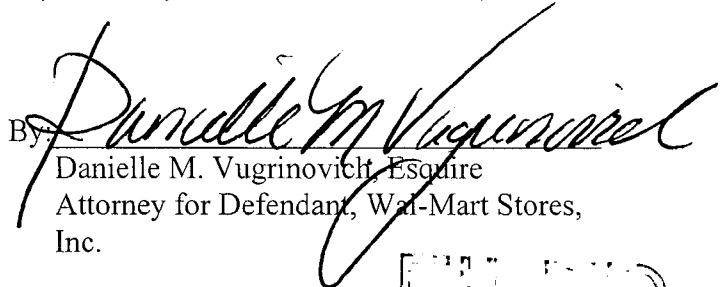
PRAECIPE FOR CHANGE OF ADDRESS
OF DELL, MOSER, LANE & LOUGHNEY, LLC

KINDLY enter as of record the following address change for Dell, Moser, Lane &
Loughney, LLC:

Dell, Moser, Lane & Loughney, LLC
525 William Penn Place
Suite 3700
Pittsburgh, PA 15219
(412) 471-1180 – Phone
(412) 471-9012 – Facsimile
www.dellmoser.com

DELL, MOSER, LANE & LOUGHNEY, LLC

By


Danielle M. Vugrinovitch, Esquire
Attorney for Defendant, Wal-Mart Stores,
Inc.

FILED

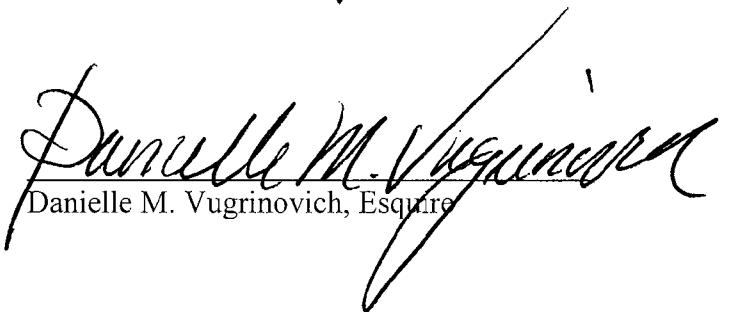
APR 26 2004

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of PRAECIPE FOR CHANGE OF ADDRESS OF DELL, MOSER, LANE & LOUGHNEY, LLC has been served by U.S. Mail, postage prepaid, this 22nd day of April, 2004, upon all counsel of record as follows:

Gina R. Anderson
214 Witmer Street
Clearfield, PA 16830
Plaintiff


Danielle M. Vugrinovich, Esquire

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

GINA R. ANDERSON,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

No. 2004-343-CD

JURY TRIAL DEMANDED

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Filed on behalf of Defendant Wal-Mart Stores,
Inc.

Counsel of Record for this Party:

Patrick J. Loughney, Esquire
Pa. I.D. #23163

Danielle M. Vugrinovich, Esquire
Pa. I.D. #88326

DELL, MOSER, LANE & LOUGHNEY, LLC
Firm #753
437 Grant Street
1300 Frick Building
Pittsburgh, PA 15219

Phone: (412) 471-1180
Fax: (412) 471-9012

FILED
(R)
OCT 08 2004
m/1:20/2
W. J. ...
Prothonotary Clerk of Courts
do Court

sent of All to
ATTY, C/A &
D.J.

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

GINA R. ANDERSON,

CIVIL DIVISION

Plaintiff,

No. 2004-343-CD

Vs.

JURY TRIAL DEMANDED

WAL-MART STORES, INC.,

Defendant.

PRAECIPE TO SETTLE AND DISCONTINUE

TO: Prothonotary of Clearfield County

Kindly settle and discontinue the above-captioned case as to all parties with prejudice.

By: Gina R. Anderson
Gina R. Anderson

Sworn and subscribed to
before me this 4th day
of October, 2004.

Karen Starck
Notary Public

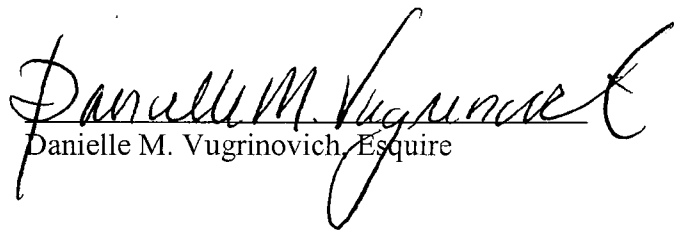
RECORDER OF DEEDS

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of PRAECIPE TO SETTLE AND DISCONTINUE has been served by U.S. Mail, postage prepaid, this 6th day of October, 2004, upon all counsel of record as follows:

Gina R. Anderson
214 Witmer Street
Clearfield, PA 16830
Plaintiff


Danielle M. Vugrinovich, Esquire

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

CIVIL DIVISION

Gina R. Anderson

Vs.

No. 2004-00343-CD

Wal-Mart Stores, Inc.

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 October 8, 2004, marked:

Settle and Discontinue as to all parties with prejudice.

Record costs in the sum of \$85.00 have been paid in full by Dell, Moser, Lane & Loughney, LLC.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 8th day of October A.D. 2004.

William A. Shaw, Prothonotary