

04-391-CD
DIANE SENIOR, et al. vs. MICHELLE R. BAILOR, et al.

Diane Senior et al vs. Michelle Bailor et al
2004-391-CD

DIANE SENIOR and RONNIE A. : IN THE COURT OF COMMON PLEAS OF
SENIOR, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
vs. : CIVIL DIVISION
MICHELLE R. BAILOR and : NO. 04-391-CD
CHARLES A. BAILOR, :
Defendants :

PRAECIPE FOR WRIT OF SUMMONS

TO: PROTHONOTARY OF CLEARFIELD COUNTY:

Enter my appearance for the Plaintiffs and issue a Writ of Summons in the
above-captioned matter against the Defendants.

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE
& LEVINE LLP

BY:



Nathan W. Karn, Esq.
Attorney for Plaintiffs
Attorney I.D. #86068
401 Allegheny Street, P. O. Box 415
Hollidaysburg, PA 16648
(814) 695-7581

Dated: 3/18/04

FILED

MAR 22 2004

William A. Shaw
Prothonotary

FILED

M 623 AM Press-Or
2 White & Shaff

MAR 22 2004

William A. Shaw
Prothonotary

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

SUMMONS

**Diane Senior
Ronnie A. Senior**

Vs.

NO.: 2004-00391-CD

**Michelle R. Bailor
Charles A. Bailor**

**TO: MICHELLE R. BAILOR
CHARLES A. BAILOR**

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: 03/22/2004

William A. Shaw
Prothonotary

Issuing Attorney:

Nathan W. Karn Esq
401 Allegheny Street
Hollidaysburg, PA 16648

In The Court of Common Pleas of Clearfield County, Pennsylvania

SENIOR, DIANE & RONNIE A.

VS.

BAILOR, MICHELLE R. & CHARLES A.

Sheriff Docket # 15341

04-391-CD

SUMMONS

SHERIFF RETURNS

NOW MARCH 25, 2004 AT 9:55 AM SERVED THE WITHIN SUMMONS ON CHARLES A. BAILOR, DEFENDANT AT RESIDENCE, 329 LAWANA LANE, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CHARLES A. BAILOR A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/NEVLING

NOW MARCH 25, 2004 AT 9:55 AM SERVED THE WITHIN SUMMONS ON MICHELLE R. BAILOR, DEFENDANT AT RESIDENCE, 329 LAWANA LANE, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CHARLES A. BAILOR, HUSBAND 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
26.00	SHERIFF HAWKINS PAID BY: ATTY
20.00	SURCHARGE PAID BY: ATTY

Sworn to Before Me This

10th Day Of May 2004

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

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

FILED
01/5/04
MAY 10 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE SENIOR and RONNIE A. SENIOR, Plaintiffs Civil Division
vs. No. 04-391-CD
MICHELLE R. BAILOR and CHARLES A. BAILOR, Defendants Type of Pleading: Complaint
Filed on Behalf of Plaintiff
Counsel of Record for this Party:
Nathan W. Karn, Esq.
Pennsylvania I.D. No: 86068
Evey, Routh, Black, Dorezas, Magee & Levine LLP
P.O. Box 415
401 Allegheny Street
Hollidaysburg, PA 16648-0415
(814) 695-7581

FILED

JUN 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

DIANE SENIOR and RONNIE A.
SENIOR,
Plaintiffs
vs.
MICHELLE R. BAILOR and
CHARLES A. BAILOR,
Defendants

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL DIVISION
: NO. 04-391-CD

NOTICE

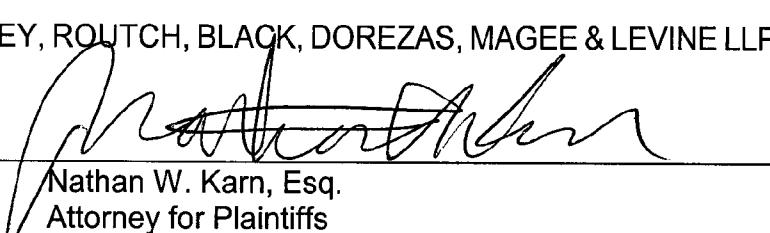
You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses 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, 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.

David S. Meholic, Court Administrator
Clearfield County Court House
Clearfield, PA 16830

Phone: (814) 765-2641 Ext. 5982

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE & LEVINE LLP

By: 

Nathan W. Karn, Esq.
Attorney for Plaintiffs
401 Allegheny St., P. O. Box 415
Hollidaysburg, PA 16648
(814) 695-7581
Pa. I.D.# 86068

DIANE SENIOR and RONNIE A.
SENIOR,
Plaintiffs
vs.
MICHELLE R. BAILOR and
CHARLES A. BAILOR,
Defendants

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL DIVISION
: NO. 04-391-CD

COMPLAINT

AND NOW, comes the Plaintiffs, Diane Senior and Ronnie A. Senior, by and through their attorneys, Evey, Routh, Black, Dorezas, Magee & Levine LLP, and file the following Complaint:

1.

Plaintiff, Diane Senior, is an adult individual residing at RR1 Box 144, West Decatur, Clearfield County, Pennsylvania 16878-9603.

2.

Plaintiff, Ronnie A. Senior, is an adult individual residing at RR1 Box 144, West Decatur, Clearfield County, Pennsylvania 16878-9603

3.

Defendant, Michelle R. Bailor, is an adult individual residing at 329 Lawana Lane, Clearfield, Clearfield County, Pennsylvania 16830-1071.

4.

Defendant, Charles A. Bailor, is an adult individual residing at 329 Lawana Lane, Clearfield, Clearfield County, Pennsylvania 16830-1071.

5.

On or about November 20, 2002, Plaintiffs were the owners of a 1993 Isuzu Rodeo motor vehicle which was involved in the accident described herein.

6.

On that date, Defendant, Charles A. Bailor, was the owner of a 1989 Dodge Daytona motor vehicle which was involved in the accident described herein.

7.

On the aforesaid date, at approximately 7:00 p.m., Plaintiff, Diane Senior, was operating her vehicle in a careful, lawful and prudent manner on S.R. 153, Clearfield, Clearfield County, Pennsylvania.

8.

On the aforesaid date and time, Defendant, Michele R. Bailor, was operating Charles A. Bailor's motor vehicle in a careless, reckless and negligent manner on S.R. 153, Clearfield, Clearfield County, Pennsylvania.

9.

As the motor vehicle being operated by Defendant, Michelle R. Bailor, approached Plaintiff's vehicle, said motor vehicle, suddenly and without warning, carelessly, negligently and recklessly came into violent contact and collision with the rear end of the motor vehicle of the Plaintiff, causing damages as more specifically set forth below.

10

The motor vehicle of the Plaintiff was damaged solely, directly and entirely as a result of the aforesaid collision resulting in the motor vehicle being a total loss resulting in damages in an amount of \$6,333.18, being less than the fair market value of the motor vehicle of the Plaintiff at the time of the collision.

11.

Plaintiffs also suffered loss of use of their vehicle in the amount of \$120.00

COUNT I

PLAINTIFF V. MICHELLE R. BAILOR

12.

Paragraphs 1-11 are incorporated by reference herein as if the same had been set forth at length.

13.

The aforesaid accident was directly and proximately caused by the carelessness, recklessness and negligence of the Defendant, Michelle r. Bailor, which consisted of the following:

- a. Failing to have the motor vehicle under proper, adequate, and reasonable control under the circumstances and conditions then and there existing;
- b. Operating her motor vehicle at an excessive rate of speed under the circumstances;
- c. Operating the motor vehicle without due regard for the right, safety and position of the motor vehicle of the Plaintiffs at the time and place aforesaid;
- d. Failing to see and observe the motor vehicle of the Plaintiffs in sufficient time to avoid the damages to said motor vehicle of the Plaintiffs;
- e. Being inattentive and disregarding the condition and circumstances then and there existing;
- f. Operating a motor vehicle in such a way as to negligently and carelessly collide with the motor vehicle of the Plaintiffs;
- g. Failing to take evasive action in order to avoid impacting with Plaintiffs' vehicle;

- h. Failing to apply her brakes in sufficient time to avoid striking Plaintiffs' vehicle;
- i. Failing to operate her vehicle in such a manner so as to be able to stop within the assured clear distance ahead in violation of Pa. 75 C.S.A. §3361;
- j. Driving her vehicle with careless disregard for the safety of persons or property in violation of 75 Pa.C.S.A. §3714;
- k. Violating the laws and statutes of the Commonwealth of Pennsylvania pertaining to the control of speed, management, and operation of the motor vehicle in the Commonwealth.

WHEREFORE, Plaintiff claims damages of Defendant, Michelle R. Bailor, in the amount of Six Thousand Three Hundred Thirty-Three and 18/100 (\$6,333.18) Dollars, together with interest plus costs of suit.

COUNT II

PLAINTIFFS V. CHARLES A. BAILOR

14.

Paragraphs 1 - 13 are incorporated herein as if the same had been set forth at length.

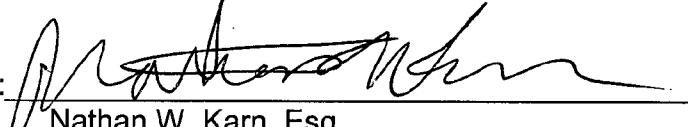
15.

Defendant, Charles A. Bailor, is responsible for the aforesaid negligence of Defendant, Michelle R. Bailor, in that he was negligent in entrusting his motor vehicle to Defendant, Michelle R. Bailor, as he had knowledge that she was unskilled in the operation of a motor vehicle and/or that she was a careless driver and was likely to cause harm to others in operating a motor vehicle.

WHEREFORE, Plaintiff claims damages of Defendant, Charles A. Bailor, in the amount of Six Thousand Three Hundred Thirty-three and 18/100 (\$6,333.18) Dollars, together with interest plus costs of suit.

Respectfully Submitted,

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE
& LEVINE LLP

BY: 

Nathan W. Karn, Esq.
Attorney for Plaintiffs
PA I.D. # 86068
401 Allegheny Street
Hollidaysburg, Pennsylvania

(814) 695-7581

Dated: 6/24/04

VERIFICATION

The undersigned, DIANE SENIOR and RONNIE A. SENIOR, aver that the statements of fact contained in the foregoing Complaint are true and correct to the best of their knowledge, information and belief, and are made subject to the penalties of 18 Pa. Con. Stat. Ann. Section 4904 relating to unsworn falsification to authorities.

Diane Senior
Diane Senior

Ronnie A. Senior
Ronnie A. Senior

DATED: 6-24-04

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 28th day of June , 2004, by United States Mail, First Class, postage prepaid, addressed to the following:

Michelle R. Bailor
329 Lawana Lane
Clearfield, PA 16830

Charles A. Bailor
329 Lawana Lane
Clearfield, PA 16830

EVEY, ROUTCH, BLACK, DOREZAS, MAGEE,
& LEVINE LLP

BY: 

Nathan W. Karn, Esq.
Attorney for Plaintiffs

FILED
M 11:00 AM
JUN 29 2004
cc

PSW
William A. Shaw
Prothonotary/Clerk of Courts

DIANE SENIOR and RONNIE
A. SENIOR
Plaintiffs

VS.

MICHELLE R. BAILOR and
CHARLES A. BAILOR,
Defendants.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 04 - 391 - cd

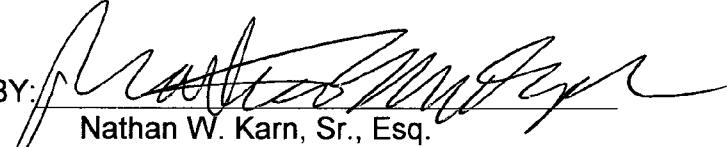
PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please mark the above matter settled and discontinued of record.

EVEY, BLACK, DOREZAS, MAGEE, LEVINE,
ROSENSTEEL & MAUK, LLP

BY:


Nathan W. Karn, Sr., Esq.
Attorney for Plaintiff
Pa. ID# 86068
401-03 Allegheny Street
P.O. Box 415
Hollidaysburg, PA 16648-0415
(814) 695-7581

Dated: March 18, 2010

FILED 1st Ct of
Clearfield
discussed to
my 10:15am AM, Karn
MAR 19 2010
S
William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Diane Senior
Ronnie A. Senior

Vs. No. 2004-00391-CD
Michelle R. Bailor
Charles A. Bailor

CERTIFICATE OF DISCONTINUATION

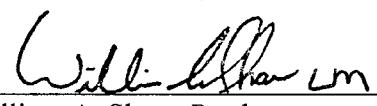
Commonwealth of PA
County of Clearfield

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 March 19, 2010, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by Nathan W. Karn Sr. Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 19th day of March A.D. 2010.



William A. Shaw, Prothonotary