

04-688-CD
KATHLEEN E. SCHPAK, et al. vs. MARLA A. KYLER, et al.

Kathleen Schpak et al vs Marla Kyler et al
2004-688-CD

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

KATHLEEN E. SCHPAK and
JEFFREY R. SCHPAK, husband
and wife,

Plaintiffs

-vs-

MARLA A. KYLER,
RAYMOND W. BLOOM,
JESSICA OGDEN, WILLIAM
OGDEN and BARBARA OGDEN,
Defendants

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No. 04-688-CD
JURY TRIAL DEMANDED

Type of Action:
Personal Injury

Type of Pleading:
Praecipe to Settle
and Discontinue

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

FILED

6 2:30 pm Certificate
to attorney
OCT 25 2004 copy to CA

William A. Shaw
Prothonotary

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

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

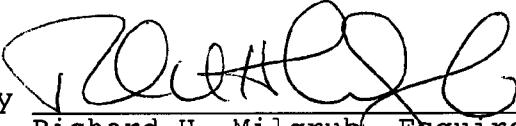
KATHLEEN E. SCHPAK and *
JEFFREY R. SCHPAK, husband *
and wife, *
Plaintiffs *
*
-vs- * No. 04-688-CD
* JURY TRIAL DEMANDED
MARLA A. KYLER, *
RAYMOND W. BLOOM, *
JESSICA OGDEN, WILLIAM *
OGDEN and BARBARA OGDEN, *
Defendants *

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned action settled and discontinued.

Date: 10/22/04

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiffs

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Kathleen E. Schpak
Jeffrey R. Schpak

Vs.

No. 2004-00688-CD

Marla A. Kyler
Raymond W. Bloom
Jessica Ogden
William Ogden
Barbara Ogden

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 25, 2004, marked:

Discontinued, Settled and Ended.

Record costs in the sum of \$223.37 have been paid in full by Attorney Milgrub.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of October A.D. 2004.

William A. Shaw, Prothonotary

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KATHLEEN E. SCHPAK and JEFFREY
R. SCHPAK, husband and wife,
Plaintiffs,

vs.

MARLA A. KYLER, RAYMOND W.
BLOOM, JESSICA OGDEN, WILLIAM
OGDEN and BARBARA OGDEN,
Defendants.

CIVIL ACTION - LAW

Number 688 of 2004, C. D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on Behalf of: Raymond W. Bloom, Jessica
Ogden, William Ogden and Barbara Ogden,
several of the Defendants

Counsel of Record for this Party:
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED *EGK*

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William A. Shaw
Prothonotary/Clerk of Courts
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KATHLEEN E. SCHPAK and JEFFREY
R. SCHPAK, husband and wife,
Plaintiffs,

vs.

MARLA A. KYLER, RAYMOND W.
BLOOM, JESSICA OGDEN, WILLIAM
OGDEN and BARBARA OGDEN,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law
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* Number 688 of 2004, C. D.

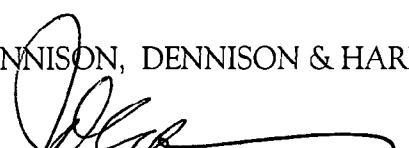
NOTICE TO PLEAD

TO: **KATHLEEN E. SCHPAK and JEFFREY R. SCHPAK, PLAINTIFFS, and MARLA A. KYLER, DEFENDANT**

You are hereby notified to plead to the enclosed Answer and New Matter within twenty (20) days from service hereof or a default judgment may be entered against you.

DENNISON, DENNISON & HARPER

By


John C. Dennison, II

Attorneys for Raymond W. Bloom, Jessica Ogden, William Ogden and Barbara Ogden, several of the Defendants

KATHLEEN E. SCHPAK and JEFFREY
R. SCHPAK, husband and wife,
Plaintiffs,

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

*

vs.

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MARLA A. KYLER, RAYMOND W.
BLOOM, JESSICA OGDEN, WILLIAM
OGDEN and BARBARA OGDEN,
Defendants.

* Number 688 of 2004, C. D.

ANSWER AND NEW MATTER

AND NOW, come the Defendants, RAYMOND W. BLOOM, JESSICA OGDEN,
WILLIAM OGDEN, and BARBARA OGDEN, by their attorneys, Dennison, Dennison & Harper,
who file the following Answer and New Matter to Plaintiffs' Complaint:

1. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 1 of Plaintiffs' Complaint and said averments are therefore denied.
2. The averments of Paragraph 2 of Plaintiffs' Complaint are admitted.
3. The averments of Paragraph 3 of Plaintiffs' Complaint are admitted.
4. The averments of Paragraph 4 of Plaintiffs' Complaint are admitted.
5. The averments of Paragraph 5 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.
6. The averments of Paragraph 6 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

7. The averments of Paragraph 7 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

8. The averments of Paragraph 8 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

9. The averments of Paragraph 9 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

10. The averments of Paragraph 10 of Plaintiffs' Complaint which state that William Ogden was the owner of the vehicle are denied. On the contrary, the vehicle was owned by Jessica Ogden and Barbara Ogden. The remaining averments of Paragraph 10 of Plaintiffs' Complaint are admitted.

11. The averments of Paragraph 11 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

12. The averments of Paragraph 12 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

13. The averments of Paragraph 13 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

14. The averments of Paragraph 14 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

15. The averments of Paragraph 15 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

16. The averments of Paragraph 16 of Plaintiffs' Complaint, including all subparagraphs, are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

17. The averments of Paragraph 17 of Plaintiffs' Complaint, including all subparagraphs, are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

18. The averments of Paragraph 18 of Plaintiffs' Complaint, including all subparagraphs, are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. In addition, the averments of Paragraph 10 of this Answer are incorporated herein by reference thereto. It is further averred that William Ogden and Barbara Ogden did not have any notice that Raymond W. Bloom was operating the vehicle at the time and place set forth in Plaintiffs' Complaint.

Claim I

Kathleen E. Schpak v. Marla A. Kyler, Raymond W. Bloom
Jessica Ogden, William Ogden and Barbara Ogden

19. The averments of Paragraphs 1 through 17 of this Answer are incorporated herein by reference thereto as fully as the same are set forth herein.

20. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 20 of Plaintiffs' Complaint and said averments are therefore denied.

21. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 21 of Plaintiffs' Complaint and said averments are therefore denied.

22. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 22 of Plaintiffs' Complaint and said averments are therefore denied.

23. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 23 of Plaintiffs' Complaint and said averments are therefore denied.

24. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 24 of Plaintiffs' Complaint and said averments are therefore denied.

25. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 25 of Plaintiffs' Complaint and said averments are therefore denied.

26. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 26 of Plaintiffs' Complaint and said averments are therefore denied.

WHEREFORE, Defendants demand judgment against Plaintiffs.

Claim I

Jeffrey R. Schpk v. Marla A. Kyler, Raymond W. Bloom
Jessica Ogden, William Ogden and Barbara Ogden

27. The averments of Paragraphs 1 through 17 of this Answer are incorporated herein by reference thereto as though set forth in full.

28. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 28 of Plaintiffs' Complaint and said averments are therefore denied.

WHEREFORE, Defendants demand judgment against Plaintiffs.

NEW MATTER DIRECTED TO PLAINTIFFS

29. The provisions of the Motor Vehicular Financial Responsibility Act (75 Pa.C.S.A. 1701, et. seq.), as amended, are incorporated herein by reference thereto as fully as the same bar and/or diminish any claim or cause of action of Plaintiffs.

30. If the Plaintiffs had selected the "Limited Tort" Option pursuant to Section 1705 of the Motor Vehicular Financial Responsibility Act, then any and all claims and causes of action for pain and suffering and other non-monetary damages are barred as the Plaintiffs did not sustain a "serious injury," as defined under Pennsylvania Law, in the accident set forth in Plaintiffs' Complaint.

NEW MATTER DIRECTED TO MARLA A. KYLER, DEFENDANT

31. The Defendant, Marla A. Kyler, is solely liable to the Plaintiffs for any alleged damages or injuries suffered by her, and the averments of the Plaintiffs' Complaint directed against the

Defendant, Marla A. Kyler, are incorporated herein by reference thereto, solely for the purpose of establishing a claim for sole liability.

32. If Raymond W. Bloom, Jessica Ogden, William Ogden, or Barbara Ogden are held liable to the Plaintiffs on any cause of action set forth in the Plaintiffs' Complaint, such liability being expressly denied, then the Defendant, Marla A. Kyler is liable over to the Defendants, Raymond W. Bloom, Jessica Ogden, William Ogden, or Barbara Ogden for contribution and/or indemnity, and the averments of the Plaintiffs' Complaint against the Defendant, Marla A. Kyler are incorporated herein by reference thereto solely for establishing a claim for contribution or indemnity against said Defendant.

WHEREFORE, the Defendants, Raymond W. Bloom, Jessica Ogden, William Ogden, and Barbara Ogden, hereby join the Defendant, Marla A. Kyler, as an Additional Defendant and demand judgment against her as being solely liable for the damages claimed by the Plaintiffs, or in the alternative, as being liable over to the Defendants, Raymond W. Bloom, Jessica Ogden, William Ogden, or Barbara Ogden, for indemnity and/or contribution.

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II
Attorneys for Raymond W. Bloom, Jessica
Ogden, William Ogden and Barbara Ogden,
several of the Defendants

VERIFICATION

I verify that the averments made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

Dated: 09/29/04, 2004

Will J. Ogden
Barbara A. Ogden

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHLEEN E. SCHPAK and
JEFFREY R. SCHPAK, husband
and wife,

Plaintiffs,

vs.

MARLA A. KYLER, RAYMOND W.
BLOOM, JESSICA OGDEN, WILLIAM
OGDEN and BARBARA OGDEN,

Defendants.

CIVIL DIVISION

No. 04 - 688 - CD

**ANSWER, NEW MATTER, AND NEW
MATTER PURSUANT TO Pa. R.C.P.
2252(d)**

TO: ALL PARTIES

**YOU ARE HEREBY NOTIFIED TO FILE A
WRITTEN RESPONSE TO THE WITHIN
NEW MATTER WITHIN TWENTY (20) DAYS
FROM SERVICE HEREOF OR A JUDGMENT
MAY BE ENTERED AGAINST YOU.**

✓ 2 Siegfried

Filed on behalf of: Defendant, Marla A. Kyler

Counsel of Record for this Party:
Warren L. Siegfried, Esquire
Pa. ID # 43679

Gregory S. Knight, Esquire
Pa. ID #85523

WAYMAN, IRVIN & McAULEY
Firm #583
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

JURY TRIAL DEMANDED

(412) 566-2970

FILED
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EJAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHLEEN E. SCHPAK and
JEFFREY R. SCHPAK, husband
and wife,

CIVIL DIVISION

Plaintiffs,

v.

No. 04 - 688 - CD

MARLA A. KYLER, RAYMOND W.
BLOOM, JESSICA OGDEN, WILLIAM
OGDEN and BARBARA OGDEN,

Defendants.

ANSWER, NEW MATTER, AND NEW MATTER
PURSUANT TO Pa. R.C.P. 2252(d)

AND NOW comes the Defendant, Marla A. Kyler, by and through her attorneys, Wayman, Irvin & McAuley, and files the within Answer, New Matter, and New Matter Pursuant to Pa. R.C.P. 2252(d) and, in support thereof, avers as follows:

1. Paragraph 1 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 1 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

2. Paragraph 2 of Plaintiffs' Complaint is admitted. However, by way of further clarification, Defendant Kyler's address is 222 Leavy Avenue, Apartment 612, Clearfield, Pennsylvania. The other address listed in Paragraph 2 of Plaintiffs' Complaint is her daughter's address.

3. Paragraph 3 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 3 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

4. Paragraph 4 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 4 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

5. Paragraph 5 of Plaintiffs' Complaint is admitted.

6. Paragraph 6 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 6 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

7. Paragraph 7 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 7 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

8. Paragraph 8 of Plaintiffs' Complaint is admitted.

9. Paragraph 9 of Plaintiffs' Complaint is specifically denied. To the contrary, it is the actions of Plaintiff, Kathleen E. Schpk, in operation of her motor vehicle which resulted in a collision of the vehicles.

10. Paragraph 10 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief

as to the truth of the averments as set forth in Paragraph 10 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

11. Paragraph 11 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 11 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

12. Paragraph 12 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 12 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

13. Paragraph 13 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 13 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

14. Paragraph 14 of Plaintiffs' Complaint states conclusions of law in part and it is specifically denied in part. It is specifically denied that Defendant, Marla A. Kyler, was negligent, careless, wanton, and reckless in any manner whatsoever. To the contrary, Defendant, Marla A. Kyler, acted in a reasonably prudent manner at all times. The remaining allegations contained in Paragraph 14 are conclusions of law to which no responsive pleading is necessary. However, to the extent that a response is deemed required, the same is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 14 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

15. Paragraph 15 of Plaintiffs' Complaint is specifically denied. To the contrary, it was the actions or inactions of Plaintiff, Kathleen E. Schpak, which resulted in the happening of the incident.

16. Paragraph 16 of Plaintiffs' Complaint is specifically denied in part and denied pursuant to Pa. R.C.P. 1029(c) in part. It is specifically denied that Defendant, Marla A. Kyler, was negligent or careless in any manner whatsoever including, but not limited to, the allegations contained in sub-paragraphs a. through l. Any remaining allegations contained in Paragraph 16 are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 16 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

17. Paragraph 17 of Plaintiffs' Complaint is directed to another Defendant; therefore, no response from Defendant, Marla A. Kyler, is necessary. However, to the extent a response is deemed required, all allegations are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 17 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

18. Paragraph 18 of Plaintiffs' Complaint is directed to another Defendant; therefore, no response from Defendant, Marla A. Kyler, is necessary. However, to the extent a response is deemed required, all allegations are denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 18 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

WHEREFORE, Defendant denies any and all liability to the Plaintiffs and demands judgment in her favor with costs.

CLAIM I

Kathleen E. Schpak v. Marla A. Kyler, Raymond W. Bloom,

Jessica Ogden, William Ogden, and Barbara Ogden

19. The Defendant hereby incorporates by reference Paragraphs 1 through 18 of her Answer as though same were set forth at length herein.

20. Paragraph 20 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 20 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

21. Paragraph 21 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 21 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

22. Paragraph 22 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 22 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

23. Paragraph 23 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief

as to the truth of the averments as set forth in Paragraph 23 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

24. Paragraph 24 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 24 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

25. Paragraph 25 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 25 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

26. Paragraph 26 of Plaintiffs' Complaint is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 26 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

WHEREFORE, Defendant denies any and all liability to the Plaintiffs and demands judgment in her favor with costs.

CLAIM II

Jeffrey R. Schpak v. Marla A. Kyler, Raymond W. Bloom,

Jessica Ogden, William Ogden, and Barbara Ogden

27. The Defendant hereby incorporates by reference Paragraphs 1 through 27 of her Answer as though same were set forth at length herein.

28. Paragraph 28 of Plaintiffs' Complaint states conclusions of law and is denied pursuant to Pa. R.C.P. 1029(c). Paragraph 28 of Plaintiffs' Complaint states conclusions of law to which no responsive pleading is necessary. However, to the extent a response is deemed required, the same is denied pursuant to Pa. R.C.P. 1029(c). After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments as set forth in Paragraph 28 of Plaintiffs' Complaint. Therefore, the same are deemed denied pursuant to Pa. R.C.P. 1029(c) and strict proof is demanded at time of trial.

WHEREFORE, Defendant denies any and all liability to the Plaintiffs and demands judgment in her favor with costs.

NEW MATTER

29. The averments of Paragraphs 1 through 28 of this Defendant's Answer, New Matter, and New Matter Pursuant to Rule 2252(d) are incorporated herein as though the same were set forth at length.

30. Plaintiffs' claims are barred and/or reduced by the reason of Plaintiff, Kathleen E. Schpak's, own contributorily negligence, under and pursuant to the Pennsylvania Comparative Negligent Act, 42 Pa. C.S.A. § 7102.

31. Plaintiffs' claims are barred and/or limited by the affirmative defense and contributory negligence.

32. It is believed and therefore averred that the alleged accident in question was the result of a superceding and/or intervening cause for which the Defendant cannot be liable.

33. Any and all damages sustained by Plaintiffs in this matter were pre-existing conditions for which this Defendant bears no responsibility.

34. Plaintiffs' claims are barred, limited, and/or restricted by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

NEW MATTER PURSUANT TO PA. R.C.P. 2252(d)

35. The averments of Paragraphs 1 through 31 of this Defendant's Answer, New Matter, and New Matter Pursuant to Rule 2252(d) are incorporated herein as though the same were set forth at length.

36. Solely for purposes of this New Matter Pursuant to Pa. R.C.P. 2252(d), this Defendant incorporates herein by reference the allegations contained in the Plaintiffs' Complaint as directed against the co-Defendants.

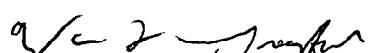
37. This Defendant makes cross-claims against all co-Defendants for any and all of the injuries and damages claimed by Plaintiffs. Said co-Defendants are each directly and solely liable to the Plaintiffs or, in the alternative, are liable along with this Defendant for contribution or liable over to this Defendant for indemnification for all injuries and damages claimed in this matter.

WHEREFORE, this Defendant denies any and all liability to the Plaintiffs and demands judgment in her favor with costs.

Respectfully submitted,

WAYMAN, IRVIN & McAULEY

BY:



Warren L. Siegfried, Esquire

Gregory S. Knight, Esquire

Counsel for Defendant, Marla A. Kyler

VERIFICATION

I, Marla A. Kyler, have read the foregoing Answer, New Matter, and New Matter Pursuant to Pa. R.C.P. 2252(c) and verify that the statements contained therein are true to the best of my knowledge, information and belief.

This statement is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: 8-3-04

Marla A. Kyler
Marla A. Kyler

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Answer, New Matter, and New Matter Pursuant to Pa. R.C.P. 2252(d) has been mailed to all counsel of record by First Class Mail, Postage Prepaid, on this 17th day of August, 2004 as follows:

Richard H. Milgrub, Esquire
The Law Offices of Richard H. Milgrub
211 North Second Street
Clearfield, PA 16830

John C. Dennison, Esquire
293 Main Street
Brookville, PA 15825

Wayman, Irvin & McAuley

By: W.L. Siegfried
Warren L. Siegfried, Esquire

FILED

AUG 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

SCHPAK, KATHLEEN E. & JEFFREY R.

VS.

KYLER, MARLA A. al

COMPLAINT

Sheriff Docket # 15603

04-688-CD

SHERIFF RETURNS

NOW MAY 19, 2004 AT 1:12 PM SERVED THE WITHIN COMPLAINT ON MARLA A. KYLER, DEFENDANT AT RESIDENCE, 222 LEAVEY AVE., APT 612, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARLA A. KYLER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

NOW MAY 24, 2004 AT 9:48 AM SERVED THE WITHIN COMPLAINT ON WILLIAM OGDEN, DEFENDANT AT RESIDENCE, RR#1 BOX 214, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO WILLIAM OGDEN A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

NOW MAY 24, 2004 AT 9:48 AM SERVED THE WITHIN COMPLAINT ON BARBARA OGDEN, DEFENDANT AT RESIDENCE, RR#1 BOX 214, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO WILLIAM OGDEN, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

NOW MAY 17, 2004, JACK LOTWICK, SHERIFF OF DAUPHIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON RAYMOND W. BLOOM and JESSICA OGDEN, DEFENDANTS.

NOW MAY 28, 2004 SERVED THE WITHIN COMPLAINT ON RAYMOND W. BLOOM, DEFENDANT BY DEPUTIZING THE SHERIFF OF DAUPHIN COUNTY. THE RETURN OF SHERIFF LOTWICK IS HERETO ATTCHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED JESSIACE OGDEN, WIFE.

NOW MAY 28, 2004 SERVED THE WITHIN COMPLAINT ON JESSICA OGDEN, DEFENDANT BY DEPUTIZING THE SHERIFF OF DAUPHIN COUNTY. THE RETURN OF SHERIFF LOTWICK IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED JESSICE OGDEN, DEFENDANT.

Return Costs

Cost	Description
62.37	SHERIFF HAWKINS PAID BY: ATTY CK# 23004
50.00	SURCHARGE PAID BY: ATTY CK# 23005
36.00	DAUPHIN CO. SHFF. PAID BY: ATTY

FILED
9/2/05
JUL 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

SCHPAK, KATHLEEN E. & JEFFREY R.

VS.

KYLER, MARLA A. al

COMPLAINT

Sheriff Docket # 15603

04-688-CD

SHERIFF RETURNS

Sworn to Before Me This

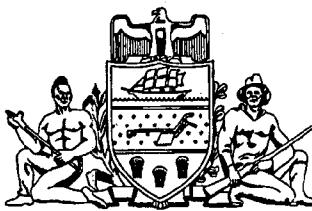
8th Day Of July 2004
William A. Shaw
PA

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

So Answers,

Chester A. Hawkins
by Marilyn Hamer
Chester A. Hawkins
Sheriff

Office of the Sheriff



Mary Jane Snyder
Real Estate Deputy

William T. Tully
Solicitor

J. Daniel Basile
Chief Deputy

Michael W. Rinehart
Assistant Chief Deputy

Dauphin County
Harrisburg, Pennsylvania 17101
ph: (717) 255-2660 fax: (717) 255-2889

Jack Lotwick
Sheriff

Commonwealth of Pennsylvania : SCHPAK KATHLEEN E
County of Dauphin : BLOOM RAYMOND W

Sheriff's Return

No. 4839-T - - - 2004
OTHER COUNTY NO. 04-688-CD

AND NOW: May 28, 2004 at 8:55AM served the within

COMPLAINT upon
BLOOM RAYMOND W by personally handing
to JESSIACE ODGEN WIFE 1 true attested copy(ies)
of the original COMPLAINT and making known
to him/her the contents thereof at 2079 BRENTWOOD DR
MIDDLETON, PA 00000-0000

Sworn and subscribed to
before me this 3RD day of JUNE, 2004

So Answers,

J. R. Lotwick

Sheriff of Dauphin County, Pa.

By

Emrys Law Deputy Sheriff

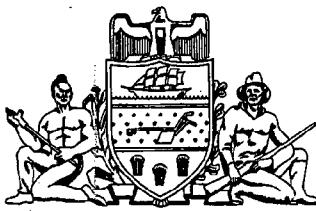
Sheriff's Costs: \$36.00 PD 05/27/2004

RCPT NO 195083

NOTARIAL SEAL
MARY JANE SNYDER, Notary Public
Highspire, Dauphin County
My Commission Expires Sept. 1, 2006

ET

Office of the Sheriff



Mary Jane Snyder
Real Estate Deputy

William T. Tully
Solicitor

J. Daniel Basile
Chief Deputy

Michael W. Rinehart
Assistant Chief Deputy

Dauphin County
Harrisburg, Pennsylvania 17101
ph: (717) 255-2660 fax: (717) 255-2889

Jack Lotwick
Sheriff

Commonwealth of Pennsylvania : SCHPAK KATHLEEN E
County of Dauphin : vs BLOOM RAYMOND W

Sheriff's Return

No. 4839-T - - - 2004
OTHER COUNTY NO. 04-688-CD

AND NOW: May 28, 2004 at 8:55AM served the within

COMPLAINT upon
OGDEN JESSICA by personally handing
to JESSICE OGDEN 1 true attested copy(ies)
of the original COMPLAINT and making known
to him/her the contents thereof at 2079 BRENTWOOD DR
MIDDLETON, PA 00000-0000

Sworn and subscribed to
before me this 3RD day of JUNE, 2004

So Answers,

Sheriff of Dauphin County, Pa.

By

Deputy Sheriff

Sheriff's Costs: \$36.00 PD 05/27/2004

RCFT NO 195083

NOTARIAL SEAL
MARY JANE SNYDER, Notary Public
Highspire, Dauphin County
My Commission Expires Sept. 1, 2006

ET



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

ROBERT SNYDER
CHIEF DEPUTY

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 15603

KATHLEEN E. SCHPAK al

TERM & NO. 04-688-CD

VS

DOCUMENT TO BE SERVED:

COMPLAINT

MARLA A. KYLER al

SERVE BY: 06/16/2004

MAKE REFUND PAYABLE TO:

RICHARD MILGRUB, ESQ.

SERVE: RAYMOND W. BLOOM and JESSICA OGDEN, Husband & wife

ADDRESS: 2079 BRENTWOOD DRIVE, MIDDLETOWN, PA.

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby depose the SHERIFF OF DAUPHIN COUNTY, Pennsylvania to execute this writ. This Deposition being made at the request and risk of the Plaintiff this 17th Day of MAY 2004

Respectfully,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHLEEN E. SCHPAK and
JEFFREY R. SCHPAK, husband
and wife,

Plaintiffs,

vs.

MARLA A. KYLER, RAYMOND W.
BLOOM, JESSICA OGDEN, WILLIAM
OGDEN and BARBARA OGDEN,

Defendants.

CIVIL DIVISION

No. 04 - 688 - CD

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Filed on behalf of: Defendant, Marla A.
Kyler

Counsel of Record for this Party:
Warren L. Siegfried, Esquire
Pa. ID # 43679

WAYMAN, IRVIN & McAULEY
Firm #583
437 Grant Street
1624 Frick Building
Pittsburgh, PA 15219

(412) 566-2970

JURY TRIAL DEMANDED

FILED

JUN 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KATHLEEN E. SCHPAK and
JEFFREY R. SCHPAK, husband
and wife,

CIVIL DIVISION

Plaintiffs,

v.

No. 04 - 688 - CD

MARLA A. KYLER, RAYMOND W.
BLOOM, JESSICA OGDEN, WILLIAM
OGDEN and BARBARA OGDEN,

Defendants.

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance of record for Defendant, Marla A. Kyler, with regard to the
above-captioned case.

Respectfully submitted,

WAYMAN, IRVIN & McAULEY

BY:

Warren L. Siegfried

Warren L. Siegfried, Esquire

Attorney for Defendant, Marla A. Kyler

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Praeclipe for Entry of Appearance has been mailed to all counsel of record by First Class Mail, Postage Prepaid, on this 9th day of June, 2004 as follows:

Richard H. Milgrub, Esquire
The Law Offices of Richard H. Milgrub
211 North Second Street
Clearfield, PA 16830

Wayman, Irvin & McAuley

By: Warren L. Siegfried
Warren L. Siegfried, Esquire

FILED
MAY 31 2004
JUN 14 2004
R.A.
No
cc

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHLEEN E. SCHPAK and
JEFFREY R. SCHPAK, husband
and wife, Plaintiffs

No. 04-688-(1)
JURY TRIAL DEMANDED

MARLA A. KYLER,
RAYMOND W. BLOOM,
JESSICA OGDEN, WILLIAM
OGDEN and BARBARA OGDEN,
Defendants

Type of Action:
Personal Injury

Type of Pleading:
Complaint

Filed on Behalf of:
Plaintiffs

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

FILED

MAY 17 2004

William A. Shaw
Prothonotary

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

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

KATHLEEN E. SCHPAK and	*
JEFFREY R. SCHPAK, husband	*
and wife,	*
Plaintiffs	*
	*
	*
-vs-	* No.
	* JURY TRIAL DEMANDED
MARLA A. KYLER,	*
RAYMOND W. BLOOM,	*
JESSICA OGDEN, WILLIAM	*
OGDEN and BARBARA OGDEN,	*
Defendants	*

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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

—
109 NORTH BRADY STREET
DUBOIS, PA 15801

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641

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

KATHLEEN E. SCHPAK and	*
JEFFREY R. SCHPAK, husband	*
and wife,	*
Plaintiffs	*
	*
	*
-vs-	*
	No.
	*
	JURY TRIAL DEMANDED
MARLA A. KYLER,	*
RAYMOND W. BLOOM,	*
JESSICA OGDEN, WILLIAM	*
OGDEN and BARBARA OGDEN,	*
Defendants	*

COMPLAINT

AND NOW, comes the Plaintiffs, Kathleen E. Schpak and Jeffrey R. Schpak, husband and wife, by and through their attorney, Richard H. Milgrub, Esquire, who bring the following cause of action:

1. Plaintiffs, Kathleen E. Schpak and Jeffrey R. Schpak, husband and wife, and citizens of the Commonwealth of Pennsylvania, adult individuals, who reside at 3 Patterson Street, Clearfield, Pennsylvania.
2. Defendant, Marla A. Kyler, is a citizen of the Commonwealth of Pennsylvania, an adult individual, who resides at RR 1, Box 372D, West Decatur, Pennsylvania, or 222 Leavy Avenue, Apartment 612, Clearfield, Pennsylvania.
3. Defendants, Raymond W. Bloom and Jessica Ogden, husband and wife, and citizens of the Commonwealth of Pennsylvania, adult individuals, who reside at 2079 Brentwood Drive, Middletown, Pennsylvania.

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CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15301

4. Defendants, William Ogden and Barbara Ogden, husband and wife, and citizens of the Commonwealth of Pennsylvania, adult individuals, who reside at RR 1, Box 214, Clearfield, Pennsylvania.

5. The facts and occurrences hereinafter related took place on or about May 24, 2002 at approximately 5:03 p.m. near the intersection of Woodland Road, Cemetery Road, and Byers Street in Clearfield Borough, Clearfield County, Pennsylvania.

6. At that time and place, Plaintiff, Kathleen E. Schpak, was operating her motor vehicle, a 1990 Chevrolet Sedan, in a westerly direction on Woodland Road and approaching the intersection of Woodland Road, Cemetery Road, and Byers Street.

7. At that time and place, Plaintiff, Kathleen E. Schpak, was traveling within the right lane of travel for westbound traffic on Woodland Road, Clearfield County, Pennsylvania.

8. At that time and place, Defendant, Marla A. Kyler, was operating a 2000 Chevrolet Sedan in an easterly direction on Cemetery Road and made a left turn into Hillcrest Cemetery at the intersection of Woodland Road, Cemetery Road, and Byers Street.

9. As a result of Defendant, Marla A. Kyler's, actions, turning left into the path of Plaintiff, Kathleen E. Schpak's vehicle, said vehicles collided.

10. At that time, Defendant, Raymond W. Bloom, an unlicensed driver, was operating a 2000 Dodge Sedan owned by Jessica Ogden, Barbara Ogden and William Ogden.

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DUBOIS, PA 15301

11. At the time that Defendant, Raymond W. Bloom, was operating said vehicle as an unlicensed driver, Defendants, Jessica Ogden, Barbara Ogden and William Ogden, were aware or should have been aware of his status.

12. Defendant, Raymond W. Bloom, was operating his vehicle west on Woodland Road, trailing Plaintiff, Kathleen E. Schpak's, vehicle, when Plaintiff, Kathleen E. Schpak, applied her brakes in an attempt to avoid a collision with Defendant, Marla A. Kyler.

13. Defendant, Raymond W. Bloom, was unable to stop his vehicle and collided with the rear of Plaintiff, Kathleen E. Schpak's, vehicle.

14. The foregoing accident and all of the injuries and damages set forth hereinafter sustained by Plaintiffs are the direct and proximate result of the negligent, careless, wanton and reckless manner in which Defendants, Marla A. Kyler and Raymond W. Bloom, operated their respective motor vehicles.

15. No act or failure to act on the part of Plaintiff, Kathleen E. Schpak, caused or contributed to the happening of the incident or the natures and/or extent of her injuries, losses and damages.

16. The injuries, losses and damages sustained by Plaintiff, Kathleen E. Schpak, were caused as a result of the negligence and carelessness of the Defendant, Marla A. Kyler, in sum or all of the following respects:

a. in failing to keep a reasonable lookout for other vehicles lawfully on the road;

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- b. in failing to yield the right of way to traffic already upon the highway;
- c. in operating her vehicle in a manner not consistent with the road and weather conditions prevailing at the time;
- d. in turning in a such a manner not consistent with the road and weather conditions prevailing at the time;
- e. in turning in such a manner as to endanger other vehicles on the highway;
- f. in failing to observe oncoming traffic;
- g. in operating her vehicle so as to create a dangerous situation for other vehicles on the roadway;
- h. in failing to keep her vehicle within the proper lane;
- i. in failing to keep her vehicle under proper and adequate control;
- j. in permitting or allowing her vehicle to strike and collide with the vehicle owned by the Plaintiffs;
- k. in failing to keep a proper lookout and see Plaintiff, Kathleen E. Schpak's, vehicle lawfully traveling on the roadway prior to the collision; and
- l. otherwise operating said vehicle in a careless, reckless and negligent manner and in a manner violating the Pennsylvania Motor Vehicle Code.

17. The injuries, losses and damages sustained by Plaintiff, Kathleen E. Schpak, were caused as a result of the

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negligence and carelessness of the Defendant, Raymond W. Bloom, in sum or all of the following respects:

- a. in permitting or allowing his vehicle to struck and collide with the rear of the vehicle operated by the Plaintiff, Kathleen E. Schpak;
- b. in operating his motor vehicle at a time when Defendant, Raymond W. Bloom, did not have a current Pennsylvania Operator's License or registration card in his possession;
- c. in failing to drive at a speed and in a manner that would allow the Defendant, Raymond W. Bloom, to stop within the assured clear distance ahead;
- d. in failing to keep a reasonable lookout for other vehicles lawfully on the road;
- e. in failing to yield the right of way to traffic already upon the highway;
- f. in operating his vehicle in a manner not consistent with the road and weather conditions at the time;
- g. in operating the vehicle so as to create a dangerous situation for other vehicles on the roadway;
- h. in failing to have his vehicle under proper and adequate control;
- i. in otherwise operating said vehicle in a careless, reckless and negligent manner and in a manner violating the Motor Vehicle Code of the Commonwealth of Pennsylvania;
- j. in failing to operate his vehicle at a speed and in such a manner so as to be able to stop within the assured clear distance ahead in violation of 75 Pa.C.S. Section 3361;

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DUBCIS. PA 15801

k. in operating his vehicle in careless disregard for the lives and property of others;

l. in permitting or allowing his vehicle to strike and collide with the vehicle operated by the Plaintiff, Kathleen E. Schpak;

m. in operating his vehicle with a suspended registration in violation of 75 Pa.C.S. Section 1371; and

18. The injuries, losses and damages sustained by Plaintiff, Kathleen E. Schpak, were caused as a result of the negligence and carelessness of the Defendants, Jessica Ogden, William Ogden and Barbara Ogden, in sum or all of the following respects:

a. in entrusting a motor vehicle to an individual without undertaking adequate measures to ensure that the driver was capable of operating said motor vehicle in a safe and careful manner;

b. in entrusting a motor vehicle to an individual that she/he knew or should have known was likely to use said motor vehicle in a manner which would create an unreasonable risk or harm to others in violation of 75 Pa.C.S. Section 1574; and

c. in entrusting a motor vehicle to an individual that she/he knew or should have known did not have a valid driver's license.

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CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

Claim I

Kathleen E. Schpak v. Marla A. Kyler, Raymond W. Bloom
Jessica Ogden, William Ogden and Barbara Ogden

19. Paragraphs One through Seventeen of the Complaint

are incorporated herein by reference as though set forth in full.

20. Plaintiff, Kathleen E. Schpak sustained painful and severe injuries which include, but are not limited to:

a. right subligamentous nucleus pulposus protrusion at T9 and T10 with some extradural compression on the thecal sac;

b. left-sided protruding disc at T10-11; and

c. right upper thoracic pain.

21. By reason of the aforesaid injuries sustained by Plaintiff, Kathleen E. Schpak, she was forced to incur liability for medical treatment, medications, hospitalizations, and similar miscellaneous expenses in an effort to restore herself to health and claim is made therefore.

22. Because of the nature of her injuries, Plaintiff, Kathleen E. Schpak, has been advised and therefore avers that she may be forced to incur similar expenses in the future, and claim is made therefore.

23. As a result of the aforementioned injuries, Plaintiff, Kathleen E. Schpak, has undergone and in the future will undergo great physical and mental suffering, great inconvenience in carrying out her daily activities, loss of life's pleasures and enjoyment, and claim is made therefore.

24. As a result of the aforesaid injuries, Plaintiff, Kathleen E. Schpak, has been and in the future will be subject to great humiliation and embarrassment and claim is made therefore.

25. As a result of the aforesaid injuries, Plaintiff,

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CLEARFIELD, PA 16830

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DUBOIS, PA 15801

Kathleen E. Schpak, has sustained loss of opportunity and a permane diminution in her earning power and capacity and claim is made therefore.

26. Plaintiff, Kathleen E. Schpak, continues to be plagued by persistent pain and limitation and therefore, avers that her injuries may be of a permanent nature, causing residual problems the remainder of her lifetime and claim is made therefore.

WHEREFORE, Plaintiff, Kathleen E. Schpak, demands judgment against the Defendants, Marla A. Kyler, Raymond W. Bloom, Jessica Ogden, William Ogden and Barbara Ogden, in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

Claim II

Jeffrey R. Schpak v. Marla A. Kyler, Raymond W. Bloom
Jessica Ogden, William Ogden and Barbara Ogden

27. Paragraphs One through Seventeen of this Complaint are incorporated herein by reference as though set forth in full.

28. As a result of the aforementioned injuries sustained by his wife, Plaintiff, Jeffrey R. Schpak, has been and may in the future be deprived of the care, companionship, consortium, and society of his wife, all of which would be to his detriment, and claim is made therefore.

WHEREFORE, Plaintiff, Jeffrey R. Schpak, demands judgment against the Defendants, Marla A. Kyler, Raymond W. Bloom, Jessica

Ogden, William Ogden and Barbara Ogden, in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

By


Richard H. Milgrub, Esquire
Attorney for Plaintiffs

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 15830

—
109 NORTH BRADY STREET
DUBOIS, PA 15801

We, Kathleen E. Schpak and Jeffrey R. Schpak, her husband, verify that the statements made in the are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 5-14-04

Date: 5-14-04

Kathleen Schpak
Jeffrey Schpak

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

O 21.3483

MAY 17 2004

William A. Shaw
Prothonotary