

Claim # 010110435152MT

No. 04-863-CD 20

This is to certify, in accordance with Act of Assembly,
that the precise residence of the creditor is:

3410 West 12th Street
(If in Borough or City, give Ward)

(Township or Borough)

ERIE Erie, PA 16505
(County) (State)

AND

That the precise residence address of the debtor is:

1802 Dorey Street
(If in Borough or City, give Ward)

(Township or Borough)

CLEARFIELD Clearfield, PA 16830
(County) (State)

Edward W. Steele
Edward W. Steele (Plaintiff)
Claims Supervisor
Erie Insurance Exchange

JUN 14 2004

William A. Shaw
Prothonotary

Claim # 010110435152MT

Erie Insurance Exchange for
Patrick S. Bryan

Plaintiff

VS.

Shannon N. Miller

Defendant

* In the Court of Common Pleas
*
* of Clearfield County, PA
*
* Civil Division
*
* No. 04-863-19

TO: Above Defendant,

If a judgment has been entered by confession you will find enclosed copies of all documents filed in this office in support of the confession of judgment.

Prothonotary

JUDGMENT NOTE

Erie, Pennsylvania, 5/1/2003 \$8,900.42
(place) (amount)

FOR VALUE RECEIVED, I/we promise to pay to the order of
Erie Insurance Group

the sum of Eight thousand, nine hundred and 42/100 dollars.
said sum to be payable as follows:

Fifty and 00/100 dollars (\$ 50.00)

on the 26th day of September 2003, and

Fifty and 00/100 dollars (\$ 50.00)

Bi-weekly thereafter until PAID IN FULL.

UPON FAILURE to make any payments as herein agreed, this note shall, at the option of its holder, become immediately due and payable, without demand or notice.

AND FURTHER, I/we do hereby authorize and empower the Prothonotary or any attorney of any Court of Record of Pennsylvania or elsewhere, to appear for and confess judgment for the sum due and payable hereon, with or without declaration, with costs of suit, release of errors, without stay of execution; and also waived the right of inquisition on any real estate that may be levied upon to collect this note; and do hereby voluntarily condemn the same and authorize the Prothonotary to enter voluntary condemnation upon any Fieri Facias that may be issued to collect said judgment; and further agree that said estate may be sold on a Fieri Facias, and do hereby waive and release all relief from any and all appraisement, stay of execution, exemption or bankruptcy laws of this or any other state now in force or hereafter to be passed.

Shannon Miller (I.s.)
Shannon N. Miller

This note is given and executed without duress or coercion and with full and complete understanding that upon failure to make payment as agreed, that my operating privileges may be suspended.

Further, I do hereby acknowledge that the damages incurred in the accident of May 10, 2002 for which this note is given resulted from my negligence and fault, and I do hereby acknowledge and waive my right to any hearing or trial on that issue.

Shannon Miller (I.s.)
Shannon N. Miller

Driver date of birth 3/27/80

Driver operator # 26 168 540

Driver Social Security # 189 60 2445

M 1041 3rd fl 2000
N Street NW
JUN 14 2004 Starts 10 AM

William A. Shaw
Prothonotary

2005
SEP 29 2005
ERIE 3

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Erie Insurance Exchange
Patrick S. Bryan
Plaintiff(s)

No.: 2004-00863-CD

Real Debt: \$8,900.42

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Shannon N. Miller
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: June 14, 2004

Expires: June 14, 2009

Certified from the record this 14th day of June, 2004

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

As to the first issue, Plaintiffs' counsel has asked the same questions two (2) times and has been provided with the same answers on both occasions. Ms. Aftoora, in her capacity as corporate designee for CSXT, has made her statement and reported her findings to Plaintiffs' counsel.

As to the second issue, Plaintiffs' counsel has made three (3) separate requests for information which is clearly protected by the attorney-client privilege beginning with the June 13, 2000 Notice of Deposition directed to Patricia Aftoora. It is well established that "legal advice given by an attorney in his professional capacity in response to a client inquiry is immune from discovery on the basis of attorney-client privilege pursuant to Rule 4003.1.

Sedat, Inc. v. Department of Environmental Resources et al., 163 Pa. Commonwealth Ct. 29, 641 A.2d 1243 (1994). The attorney-client privilege extends to communications between corporate counsel and a corporation's employees made for the purpose of rendering legal advice. Upjohn Co. v. United States, 449 U.S. 383, 394 (1981). A corporation may claim attorney-client privilege under Pennsylvania law for communications between its counsel and its employees who have authority to act on its behalf. In re Ford Motor Co., 110 F.3d 954 (3d Cir. 1997). In the case at bar, it is clear that any written legal memorandum that was prepared in connection with Ms. Aftoora's consultation with corporate counsel is protected by the attorney-client privilege.

As to the third issue, the only leased line, which is in controversy, is the C&M. No other party has raised a claim or defense, which involves CSXT's interest in any other leased lines. There is absolutely no basis in law or in fact which would support Plaintiffs' asserted right to engage in the unfettered discovery of CSXT's other leased lines which have no

cl# 010110435152MT

Erie Insurance Exchange and/or
Patrick S. Bryan

V.

Shannon N. Miller

IN THE COURT OF COMMON PLEAS
OF Clearfield County, PA
No. 00863 Term 2004

2004-863-CO

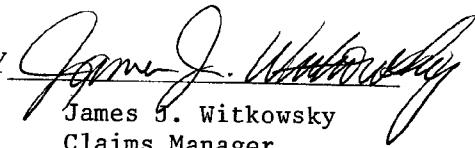
PRAECIPE FOR CERTIFICATION OF JUDGMENT

TO THE PROTHONOTARY:

Please certify to the Pennsylvania Department of Transportation as judgment in the above captioned case.

The defendant is Shannon N. Miller; date of birth 3/27/80;
date of accident 5/10/2002; license number 26168540

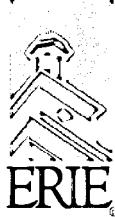
Respectfully submitted,

BY 
James J. Witkowsky
Claims Manager
Erie Insurance Exchange

DATED: August 17, 2004

FILED ^{EGK}
130307 Certification of
AUG 20 2004 MV Judgm to
PennDot

William A. Shaw
Prothonotary/Clerk of Courts



ERIE INSURANCE GROUP

Branch Office • 3410 West 12th Street • Erie, Pennsylvania 16505 • (814) 451-5000
Toll Free 1-877-771-3743 • Fax (814) 451-5060 • www.erieinsurance.com

JAMES J. WITKOWSKY, CPCU, AIC, AIM
Claims Manager

August 17, 2004

PENNDOT
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17105-8693

RE: ERIE Claim: 010110435152MT
Accident Date: 5/10/2002
Defendant: Shannon N. Miller
Operator #: 26168540
Docket #: 2004-00863
Date of Birth: 3/27/80
Social Security # 189-60-2445

To Whom It May Concern:

The Defendant has failed to make payment on his Judgment Note as agreed. We request that you proceed with suspension of driving privileges in accordance with the Financial Responsibility Law.

Sincerely,

Debra Thoreson
Subrogation Specialist
(814)451-5076

cc: File

CL-96C
Enclosure

L-201 (5-84)
Bureau of Driver Licensing
Room 302, Transportation & Safety Bldg.
Harrisburg, PA 17120

Date: August 20th, 2004
Clearfield County No. 46
No. 2004-00863-CD

CERTIFICATION OF MOTOR VEHICLE JUDGMENT

TO THE SECRETARY OF TRANSPORTATION:

This is to certify that on June 14, 2004 a judgment for \$8,900.42 was entered against the following:

JUDGMENT DEBTOR

Name: Shannon N. Miller
Address:
City:
Date of Birth: 3/27/80
Operator Number: 26168540
Date of Accident: 5/10/02
Insurance Co. Claim Number: 010110435152MT
(If applicable)

JUDGMENT CREDITOR

Name: Erie Insurance Exchange
Street Address: 3410 West 12th Street
City, State Zip: Erie, PA 16505
Telephone: (814) 451-5076

ATTORNEY FOR THE JUDGMENT
CREDITOR

Name:
Street Address:
City, State Zip: ,
Telephone:

THE ABOVE MENTIONED JUDGMENT AROSE FROM A MOTOR VEHICLE ACCIDENT.
SIXTY DAYS HAVE ELAPSED SINCE THE ENTRY OF SAID JUDGMENT, AND THE
SAME HAS NOT BEEN SATISFIED OR RECORD AND NO APPEAL HAS BEEN TAKEN
THEREFROM.

IN WITNESS WHEREOF, I have hereunto
affixed my hand and seal of the court this
20th day of August, 2004.

William A. Shaw, Prothonotary

(Seal)