

2004-1170-CD
Kevim Bundy vs Rodney Felix et al

04-1170-CD
KEVIN R. BUNDY
VS
RODNEY J. FELIX et al

Date: 12/01/2004

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 09:54 AM

ROA Report

Page 1 of 1

Case: 2004-01170-CD

Current Judge: Fredric Joseph Ammerman

Kevin R. Bundy vs. Rodney J. Felix, Julie Felix

Civil Other

Date	Judge
08/04/2004	Filing: Civil Complaint Paid by: Bundy, Kevin R. (plaintiff) Receipt number: No Judge ✓
1883974	Dated: 08/04/2004 Amount: \$85.00 (Check) Four CC Plaintiff
09/02/2004	Sheriff Return: Now August 27, 2004 served the within complaint on Julie and Rodney J. Felix, Defendants at residence. So Answers, Chester A. Hawkins, Sheriff s/Marilyn Hamm
09/07/2004	Entry of Appearance filed by Atty. Stofko No cc. No Judge ✓
09/22/2004	Answer and New Matter filed on behalf of Defendants, filed by s/Dennis J. Stofko, Esquire. Signed by Rodney J. Felix and Julie Felix, No CC No Judge ✓
10/08/2004	Preliminary Objections, filed by Atty. Kerr, II 1 cert. to Atty. No Judge ✓
10/29/2004	Order, AND NOW, this 29th day of Oct., 2004, the Court having received Plaintiff's Preliminary Objections in the above case, and for good cause having been shown, it is ORDERED that hearing on said Motion shall be conducted on the 9th day of Dec. 2004 at 10:00 a.m. at the Clfd. Co. Courthouse, Court Room No. 1. BY THE COURT/s/ Fredric J. Ammerman, President Judge. 1 CC to Atty. Fredric Joseph Ammerman ✓
11/12/2004	Notice of Reply to Defendants' First Set of Interrogatories and Request for Production of Documents, on behalf of Plaintiff, served upon Defendants Attorney on Nov. 10, 2004, filed by s/ William C. Kerr III, 1CC to Atty. Fredric Joseph Ammerman ✓

THE HONORABLE FREDRIC J. AMMERMAN, PRESIDING

THURSDAY, AUGUST 26, 2004:

9:00	JUDITH A. BROWN vs. THOMAS R. OCHREITOR and SUSAN M. OCHREITOR, husband and wife, and ROGER L. DUFFEE No. 02-1052-CD Plaintiff's Motion for Extension of Discovery and Continuance of Trial	Pro Se Matthew B. Taladay, Esquire Robert A. Mix, Esquire
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CIVIL JURY SELECTION

9:00	KAY CHURNER, individually and as EXECUTRIX OF THE ESTATE OF JOHN DIMMICK vs. CLIFFORD COX, an Incapacitated Person, by JOHN R. RYAN, ESQUIRE, HIS GUARDIAN AD LITEM, LINDA ESTRATA, Individually and as next friend (ANF) of Clifford Cox, RESTA JENE GREGORI, and DARLENE A. GREGORI, individually and t/d/b/a JENE'S GUNSHOP, INC. and UNISYS CORPORATION No. 99-825-CD	John R. Carfley, Esquire and James A. Naddeo, Esquire John R. Ryan, Esquire Paul W. Grego, Esquire
9:30	RICHARD C. LAWSON and KIM EBOCH-LAWSON, husband and wife, Parents and natural guardians of MARIAH C. LAWSON, a minor vs. PCA INTERNATIONS, INC., a corporation No. 02-378-CD	James A. Naddeo, Esquire and John R. Carfley, Esquire Paul T. Grater, Esquire
10:00	JUDITH A. BROWN vs. THOMAS R. OCHREITOR and SUSAN M. OCHREITOR, husband and wife, and ROGER L. DUFFEE No. 02-1052-CD	Pro Se Matthew B. Taladay, Esquire Robert A. Mix, Esquire

Cont.

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

KEVIN R. BUNDY : No: 04-1170-CJ
Plaintiff, : Type of Case
vs. : CIVIL
RODNEY J. FELIX, Individually : Type of Pleading:
JULIE FELIX, Individually : COMPLAINT
Defendant. : Filed on Behalf of:
 : PLAINTIFF
 : Counsel of Record for This party:
 : WILLIAM C. KERR III
 : 12 PINE VIEW DR
 : Brookville, PA 15825
 : (814) 849-5034
 : ID# 900668

FILED 4cc
019-2661 Piff
AUG 04 2004 Piff pd.
bby William A. Shaw
Prothonotary/Clerk of Courts 85.00

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

	:	No: _____
KEVIN R. BUNDY	:	
Plaintiff,	:	Type of Case
vs.	:	CIVIL
RODNEY J. FELIX, Individually	:	
JULIE FELIX, Individually	:	
Defendant.	:	
	:	

NOTICE TO DEFEND

To: Rodney J. Felix and Julie Felix

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 responses, defenses, or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, EXT 5051

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

KEVIN R. BUNDY	:	NO: _____
Plaintiff,	:	Type of Case
vs.	:	CIVIL
RODNEY J. FELIX, Individually	:	
JULIE FELIX, Individually	:	
Defendant.	:	
	:	
	:	
	:	

COMPLAINT

AND NOW comes the Plaintiff, Kevin Bundy, by and through his attorney, William C. Kerr III, and files the following Complaint and in support avers as follows:

THE PARTIES

1. The plaintiff is Kevin R. Bundy. Plaintiff is an adult male residing at 230 Beechtree Rd, Dubois PA 15801, Clearfield County.
2. The Defendants, Rodney J. Felix and Julie Felix, are adults who reside at RR 1 Box 301 Kiwanis Trail, Dubois PA 15801, Clearfield County.

First Claim for Relief

3. The Court has subject matter Jurisdiction and Venue over the case because all relevant matters occurred within the Commonwealth of Pennsylvania and the County of Clearfield.
4. Defendants are the owners, by possession, of a dog.

5. On or about the 13th day of August 2002, Defendants permitted their dog to run at large.
6. The Defendants knew of the dog's temperament and nature and that it would attack, jump upon and generally accost mankind.
7. Despite having this knowledge, the Defendants negligently kept the dog so that it was allowed to leave their premises at will, without the control of the Defendants.
8. The dog, so kept by the Defendants on August 13th 2002, did leave the Defendants' yard, ran into and jumped upon the Plaintiff, Kevin R. Bundy, while he was lawfully walking on the road in front of Defendants' residence, and caused the Plaintiff to fall down and be injured.
9. Plaintiff suffered and underwent great pain, and was thereby hindered and prevented from transacting his affairs and business causing him damages as follow. He was unable to go about his normal employment causing him lost wages. He was forced to withdrawal funds from his IRA account causing him a loss of \$10,712.39. He was forced to expend \$341.91 for medical expenses, in an endeavor to be cured of his injuries.
10. Plaintiff, Kevin R. Bundy, as a result of the dog attack suffered a fish mouth tear of the medial meniscus of the right knee, a medial collateral ligament sprain, and osteal chondral fracture of the patella, and was forced to undergo corrective surgery.
11. Plaintiff, Kevin R. Bundy, was permanently injured as a result of the attack of Defendant's dog as follows:
 - a. His right knee has been damaged and weakened.

b. The ligaments of his right leg have been damaged and weakened.

12. Plaintiff, Kevin R. Bundy, as a result of the injury sustained in the dog attack of August 13, 2002 has experienced diminished capacity in the undertaking of his day to day activities as follows:

- a. Is unable to stand for extended periods of time without pain.
- b. Is unable to maintain his previous walking and exercise regimen.
- c. Is unable to perform at level of physical exertion he was accustomed to prior to dog attack.

13. Plaintiff's injuries are the direct and foreseeable consequences of Defendants negligent failure to keep a known dangerous animal under control.

WHEREFORE, Plaintiff Demands judgment against the Defendants, for compensatory damages in excess of \$20,000.00, plus costs and interest.

Second Claim for Relief

14. Plaintiff repeats and reiterates Paragraphs 1 through 13 as if fully set forth herein.

15. Under the Law of the Commonwealth of Pennsylvania specifically *PA ST 3 P.S. § 459-305* one is required to maintain control of one's dog so as to confine it to one's premises.

16. Yet the Defendants, without regard to their legal duty to maintain control of their dog, did allow their dog to roam free and leave their premises resulting in the attack upon Plaintiff causing him injury.

WHEREFORE, Plaintiff Demands judgment against the Defendants, for compensatory damages in excess of \$20,000.00, plus costs and interest.

Jury trial is demanded as to all issues so triable.

Date: 9-2-04

Respectfully Submitted,

William C. Kerr III

William C. Kerr III, Esquire

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

KEVIN R. BUNDY : NO. _____
Plaintiff, : Type of Case
vs. : CIVIL
RODNEY J. FELIX, Individually :
JULIE FELIX, Individually :
Defendant. :

VERIFICATION

I, Kevin Bundy, hereby state that I am the Plaintiff in the above captioned matter and by my signature below hereby verify that the facts and statements set forth in the foregoing complaint are true and correct to the best of my knowledge, information and belief. I understand that this verification is made subject to the provisions and penalties set forth in 18 Pa. C.S.A., Sec 4904, relating to Unsworn Falsification to Authorities.

Date: 8-2-04



Kevin R. Bundy

FILED

AUG 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

BUNDY, KEVIN R.

VS.

FELIX, RODNEY J. & JULIE

COMPLAINT

Sheriff Docket # 16057

04-1170-CD

SHERIFF RETURNS

NOW AUGUST 27, 2004 AT 11:15 AM SERVED THE WITHIN COMPLAINT ON JULIE FELIX, DEFENDANT AT RESIDENCE, RR#1 BOX 301, KIWANIS TRAIL, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JULIE FELIX A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF. SERVED BY: COUDRIET/DEHAVEN

NOW AUGUST 27, 2004 AT 11:15 AM SERVED THE WITHIN COMPLAINT ON RODNEY J. FELIX, DEFENDANT AT RESIDENCE, RR#1 BOX 301, KIWANIS TRAIL, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JULIE FELIX, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: COUDRIET/DEHAVEN

Return Costs

Cost	Description
52.87	SHERIFF HAWKINS PAID BY: PLFF CK# 1845
20.00	SURCHARGE PAID BY: PLFF CK.# 1846

Sworn to Before Me This

27 Day Of Sept 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 Mauler Harry
Chester A. Hawkins
Sheriff

FILED
09/02/2004
SEP 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

FILED
m/12/5861
SEP 03 2004
no

KEVIN R. BUNDY,

William A. Shaw
Prothonotary/Clerk of Courts

Plaintiff

vs.

NO. 04-1170 CD

RODNEY J. FELIX, Individually,
JULIE FELIX, Individually,

Defendants

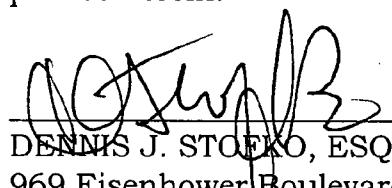
ENTRY OF APPEARANCE

Please enter my appearance for Defendants, Rodney J. Felix and Julie Felix, in the above matter. Papers may be served at the address listed below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in this action.

I certify this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties herein.


DENNIS J. STOCKO, ESQUIRE
969 Eisenhower Boulevard
P. O. Box 5500
Johnstown, PA 15904
Telephone: (814) 262-0064
ID# 27638

FILED

SEP 03 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KEVIN R. BUNDY,

Plaintiff

vs.

No. 04-1170 CD

RODNEY J. FELIX, Individually
and JULIE FELIX, Individually,

Defendants

ANSWER and NEW MATTER
Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

TO THE PARTIES:

You are hereby notified to reply to
the enclosed New Matter within 20 days
of service hereof or a default judgment may
be entered against you.

FILED *EGK*
MH:2384 NO CC
SEP 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

ANSWER AND NEW MATTER

NOW COME the Defendants by and through counsel, Dennis J. Stofko and files the following Answer and New Matter.

1. Admitted.

2. Admitted.

3. Denied. Paragraph 3 contains a conclusion of law to which no responsive pleading is required.

4. Admitted.

5. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

6. Denied. Paragraph 6 contains a conclusion of law to which no responsive pleading is required.

7. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

8. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

9. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

10. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

11. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

12. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

13. Denied. Paragraph 13 contains a conclusion of law to which no responsive pleading is required.

WHEREFORE, Defendants request Plaintiff's Complaint be dismissed.

14. Denied. See previous Answers.

15. Denied. Paragraph 15 contains a conclusion of law to which no responsive pleading is required.

16. Denied. Paragraph 16 contains a conclusion of law to which no responsive pleading is required.

WHEREFORE, Defendants request Plaintiff's Complaint be dismissed.

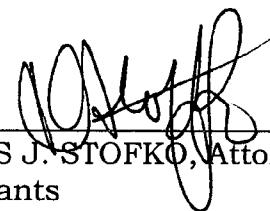
NEW MATTER

17. The Defendant is informed, believes and therefore avers that the Plaintiff is contributorily negligent and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978, Pl. 202 No. 53 Section 10 (89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after August 13, 2002 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendant.

18. In the alternative pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. CSA Section 7102A any damage which the Plaintiff may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff.

19. The plaintiffs have failed to state a cause of action upon which relief can be granted.

WHEREFORE, Defendants request judgment on their behalf.



DENNIS J. STOFKO, Attorney for
Defendants

We, Rodney J. Felix and Julie Felix, do hereby swear or affirm that the facts set forth in the Answer and New Matter are correct to the best of our knowledge, information and belief.

We understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.

Rodney J. Felix
Rodney J. Felix

Julie Felix
Julie Felix

Dated: _____

FILED

SEP 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

(X)

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

KEVIN R. BUNDY : **No: 04-1170 CD**
Plaintiff, : **Type of Case**
vs. : **CIVIL**
RODNEY J. FELIX, Individually : **Type of Pleading:**
JULIE FELIX, Individually : **Preliminary Objections**
Defendant. : **Filed on Behalf of:**
 : **PLAINTIFF**
 : **Counsel of Record for This party:**
 : **WILLIAM C. KERR III**
 : **12 PINE VIEW DR**
 : **Brookville, PA 15825**
 : **(814) 849-5034**
 : **ID# 90668**

FILED 

OCT 08 2004
m/2:00 pm
William A. Shaw
Prothonotary/Clerk of Courts
1 cent to Attn:

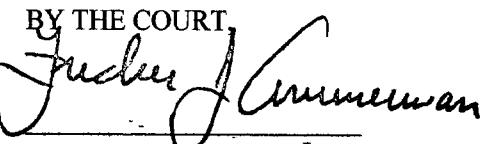
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSLVANIA
CIVIL DIVISION

KEVIN R. BUNDY	:	No: 04-1170 CD
Plaintiff,	:	Type of Case
vs.	:	CIVIL
RODNEY J. FELIX, Individually	:	
JULIE FELIX, Individually	:	
Defendant.	:	
	:	

ORDER

AND NOW, this 29th day of October, 2004, the Court having received Plaintiff's Preliminary Objections in the above case, and for good cause having been shown, it is

SO ORDERED that Hearing on said Motion shall be conducted on the 9 day of December, 2004 at 10:00 A.m. at the Clearfield County Courthouse, Clearfield, Pennsylvania, in Court Room # 1.

BY THE COURT

J.

FILED *E6K*
OCT 30 2004
0 3:03 PM 1004
OCT 29 2004

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

KEVIN R. BUNDY : No: 04-1170 CD
Plaintiff, : Type of Case
vs. : CIVIL
RODNEY J. FELIX, Individually :
JULIE FELIX, Individually :
Defendant. :
:

NOTICE TO PLEAD

TO: Rodney J. Felix and Julie Felix, Defendants

YOU ARE HEREBY NOTIFIED TO PLEAD TO THE ENCLOSED
PRELIMINARY OBJECTIONS OF THE PLAINTIFF WITHIN TWENTY (20)
DAYS FROM SERVICE THEREOF OR A DEFAULT JUDGMENT MAY BE
ENTERED AGAINST YOU.

William C. Kerr III
William C. Kerr III, Esquire

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

KEVIN R. BUNDY	:	No: 04-1170 CD
	:	
Plaintiff,	:	Type of Case
vs.	:	CIVIL
	:	
RODNEY J. FELIX, Individually	:	
JULIE FELIX, Individually	:	
Defendant.	:	
	:	

PRELIMINARY OBJECTIONS

**I. PRELIMINARY OBJECTION RAISING LACK OF CONFORMITY TO
PENNSYLVANIA RULES OF CIVIL PROCEDURE**

1. Defendants as "New Matter" state "19. The plaintiffs have failed to state a cause of action upon which relief can be granted."
2. Pennsylvania Rules of Civil Procedure Rule 1030 provides that all affirmative defenses are to be raised under New Matter.
3. Pennsylvania Rules of Civil Procedure Rule 1028 provides that legal insufficiency of a pleading is to be raised under Preliminary Objections.
4. Defendants' pleading is improper.

WHEREFORE, the Plaintiff moves this Court to strike line 19 of Defendants' New Matter on the ground that it does not comply with the Pennsylvania Rules of Civil Procedure and for such relief as this Court deems equitable and just.

Respectfully Submitted

Date: 10-7-04

William C. Kerr III
William C. Kerr III

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

KEVIN R. BUNDY	:	No: 04-1170 CD
Plaintiff,	:	Type of Case
vs.	:	CIVIL
RODNEY J. FELIX, Individually	:	
JULIE FELIX, Individually	:	
Defendant.	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Plaintiff's Preliminary Objections to Defendants' New Matter submitted to the Prothonotary in the above-entitled action was served on the following via First-Class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

Date: 10-7-09

William C. Kerr III
William C. Kerr III, Esquire

1. *Scirpus* (L.) *tridens* (L.) *var. glaucus* (L.) *Walt.*

1920-1921. 1921-1922.

2010-11-12 10:00:00 2010-11-12 10:00:00

and the *lateral* and *anterior* β -cell groups are situated in the *anterior* part of the *anterior* lobe, and the *posterior* β -cell group is situated in the *posterior* part of the *anterior* lobe.

THE BOSTONIAN

FILED

OCT 08 2004

William
Prothonotary, C. S. A.

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

KEVIN R. BUNDY : NO: 041170 CD

Plaintiff,

vs.

RODNEY J FELIX, Individually :
JULIE FELIX, Individually :
Defendants :

NOTICE OF REPLY TO
DEFENDANTS'
FIRST SET OF
INTERROGATORIES AND
REQUEST FOR PRODUCTION
OF DOCUMENTS

Filed on behalf of Plaintiff
Kevin R. Bundy

Counsel of Record:
WILLIAM C. KERR III
12 PINEVIEW DR
BROOKVILLE, PA 15825
(814) 849-5034
ID# 90668

FILED

EW
NOV 12 2004
m/2/2004
William A. Shaw
Prothonotary/Clerk of Courts
1 copy to Am

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

KEVIN R. BUNDY	:	NO: 041170 CD
Plaintiff,	:	
vs.	:	Type of Case
	:	CIVIL
RODNEY J FELIX, Individually	:	
JULIE FELIX, Individually	:	
Defendants	:	
	:	

**NOTICE OF REPLY TO DEFENDANTS' FIRST SET OF
INTERROGATORIES TO DEFENDANTS**

TO: THE CLEARFIELD COUNTY PROTHONOTARY

Please be advised that on Nov 10, 2004 an original and two copies of the interrogatories and Request for Production of Documents of Defendants, Rodney J. Felix and Julie Felix, were served upon Defendants' attorney:

By first class U.S. mail, postage pre-paid.

Date: Nov 10 2004

By: William C. Kerr III
William C. Kerr III, Esquire
Attorney for Plaintiff

FILED

NOV 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

CS

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

KEVIN R. BUNDY,

Plaintiff,

vs.

No. - 04 - 1170 - CD

RODNEY J. FELIX, Individually,
JULIE FELIX, Individually,
Defendant.

ORDER OF COURT

AND NOW, this 9th day of December, 2004, following argument on preliminary objections raised on behalf of Plaintiff, with the Court noting that no one has appeared on behalf of the Defendant, **IT IS THE ORDER OF THIS COURT** that the preliminary objections are hereby granted and Paragraph 19 of the New Matter is hereby struck.

BY THE COURT:



Judge

FILED *EGK*
O 11/19/2004 2:00:00 AM Kerr

DEC 10 2004

William A. Shaw
Prothonotary

NOTES OF DECISIONS

In general 1
Admissibility of evidence 14
Conspiracy 26
Corpus delicti 4
Counsel 11
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Detention and search 6
Elements of offense 2, 3

- Elements of offense - In general** 2
- Elements of offense - Intent** 3

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Evidence 27
Excessiveness, sentence and punishment 19
Grading 17.5
Guilty plea 25

Habeas corpus 22
Indictment 7
Information or complaint 8
Instructions 17
Intent 3, 16

- Intent - Elements of offense** 3
- Intent - Sufficiency of evidence** 16

Jurisdiction and venue 10
Juveniles 6.5
Matters considered, sentence and punishment 20
Merger of offenses, sentence and punishment 21
New trial 23
Presumption of intent 13
Prior offenses 24
Sentence and punishment 18-21

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- Sentence and punishment - Enhancement** 19.5
- Sentence and punishment - Excessiveness** 19
- Sentence and punishment - Matters considered** 20
- Sentence and punishment - Merger of offenses** 21

Sufficiency of evidence 15, 16

Sufficiency of evidence - In general 15

- Sufficiency of evidence - Intent** 16

Trial, generally 9
Validity 1/2
Value of stolen merchandise 5
Venue 10
Witnesses 16.5

1/2. Validity

Provision of this section permitting store employees to stop, detain, and search individuals whom they reasonably suspect of retail theft, is constitutional, since such employees do not act under color of state authority. *Com. v. Lacy*, 471 A.2d 888, 324 Pa.Super. 379, Super.1984. Arrest ~~com~~ 64

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

KEVIN R. BUNDY,

Plaintiff

vs.

No. 04-1170 CD

RODNEY J. FELIX, Individually
and JULIE FELIX, Individually,

Defendants

PRAECIPE

Please mark the above captioned matter ended, settled and forever
discontinued.

William C. Kerr III
William C. Kerr, III, Attorney for
Plaintiff

Dennis J. Stofko
Dennis J. Stofko, Attorney for
Defendants

FILED NOCC
MAY 11 2005 Cert. of
MAY 23 2005 Disc. to
William A. Shaw
Prothonotary/Clerk of Courts
Atty
Copy to C/A
6W

FILED

MAY 23 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Copy

Kevin R. Bundy

Vs. **No. 2004-01170-CD**
Rodney J. Felix
Julie Felix

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 May 23, 2005, marked:

Ended, Settled and Forever Discontinued

Record costs in the sum of \$85.00 have been paid in full by Kevin R. Bundy.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of May A.D. 2005.

William A. Shaw, Prothonotary