

04-1460-CD
MINNIE M. ALBERT vs. CURTIS J. MAINES, et al.

Minnie Albert vs Curtis Maines et al
2004-1460-CD

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

* No. 04 - *1460* - CD

* Type of Pleading:

* PRAECIPE FOR WRIT
OF SUMMONS

* Filed on behalf of:
Plaintiff

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
Pa I.D. 06820

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED
O 10.44 BA 1cc to attorney
2 White to Shaff.
SEP 22 2004

WILLIAM J. LAW
PROSECUTOR
CLEARFIELD COUNTY

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

MINNIE M. ALBERT, *
Plaintiff *
*
vs. * NO. 04 - - CD
*
CURTIS J. MAINES and *
RONALD MAINES, *
Defendants *

PRAECIPE TO ISSUE WRIT OF SUMMONS

To the Prothonotary:

Please issue a Writ of Summons against Curtis J. Maines, 109 Clark Lane, Osceola Mills, Pennsylvania 16666, and Ronald Maines, 109 Clark Lane, Osceola Mills, Pennsylvania 16666.

James A. Naddeo

James A. Naddeo, Esquire
Attorney for Plaintiff

Dated: September 22, 2004

CLERAFFIELD, PENNSYLVANIA 16830
P.O. BOX 552
ATTORNEY AT LAW
JAMES A. NADDEO

— Lap over margin —

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



SUMMONS

Minnie M. Albert

Vs.

NO.: 2004-01460-CD

**Curtis Maines
Ronald Maines**

TO: **CURTIS MAINES
RONALD MAINES**

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: 09/22/2004

**William A. Shaw
Prothonotary**

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830

In The Court of Common Pleas of Clearfield County, Pennsylvania

ALBERT, MINNIE M.

VS.

MAINES, CURTIS & RONALD

SUMMONS

Sheriff Docket # 16323

04-1460-CD

SHERIFF RETURNS

NOW OCTOBER 4, 2004 AT 9:47 AM SERVED THE WITHIN SUMMONS ON RONALD MAINES, DEFENDANT AT RESIDENCE, 109 CLARK LANE, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO WIFE OF DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: HUNTER

NOW OCTOBER 4, 2004 AT 9:47 AM SERVED THE WITHIN SUMMONS ON CURTIS MAINES, DEFENDANT AT RESIDENCE, 109 CLARK LANE, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MOTHER OF DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: HUNTER

Return Costs

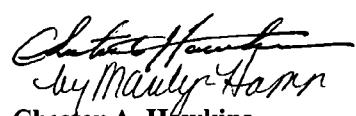
Cost	Description
54.37	SHERIFF HAWKINS PAID BY: ATTY CK# 16542
20.00	SURCHARGE PAID BY: ATTY CK# 16543

Sworn to Before Me This

21 Day Of October, 2004

William A. Shaw

So Answers,


by Marlyn Hawn
Chester A. Hawkins
Sheriff

FILED
e6K

OCT 21 2004

William A. Shaw
Prothonotary

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS MAINES and
RONALD MAINES,
Defendants

CIVIL DIVISION

No. 2004 - 01460 CD

Type of Pleading:

**PRAECIPE FOR ENTRY
OF APPEARANCE**

Filed on Behalf of:

DEFENDANT,
CURTIS MAINES

Counsel of Record for this Party:

Matthew B. Taladay, Esquire
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

100-00000
m 19:00 6/1 NO
JUL 25 2004
cc

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

MINNIE M. ALBERT,
Plaintiff

vs.

No. 2004 - 01460 CD

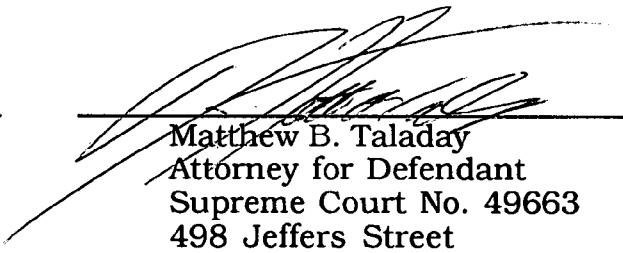
CURTIS MAINES and
RONALD MAINES,
Defendants

PRÆCICE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendant, Curtis
Maines, in the above captioned matter.

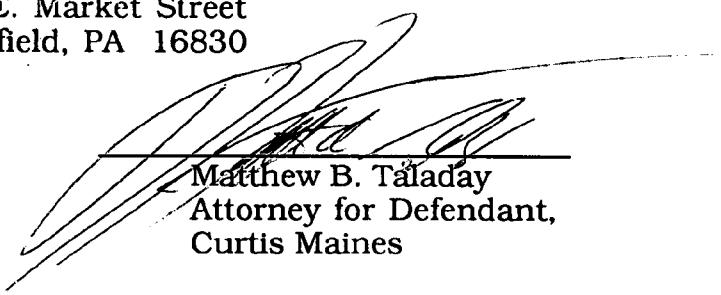
Dated: _____


Matthew B. Taladay
Attorney for Defendant
Supreme Court No. 49663
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

CERTIFICATE OF SERVICE

I certify that on the 22nd day of October, 2004, a true and correct copy of the ENTRY OF APPEARANCE was sent via first class mail, postage prepaid, to the following:

James A. Naddeo
Attorney for Plaintiff
P. O. Box 552
207 E. Market Street
Clearfield, PA 16830


Matthew B. Taladay
Attorney for Defendant,
Curtis Maines

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

*
*
*
* No. 04 - 1460 - CD
*

* Type of Pleading:

* **COMPLAINT**

* Filed on behalf of:
* Plaintiff
*
* Counsel of Record for
* this party:
* JAMES A. NADDEO & ASSOC.
*
* James A. Naddeo, Esq.
* Supreme Court ID#: 06820
* 207 East Market Street
* P. O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED *ICC*
01/10/2004 Atty Naddeo
JUN 29 2005 *(w)*

William A. Shaw
Prothonotary/Clerk of Courts

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

MINNIE M. ALBERT,
Plaintiff

vs. * No. 04 - 1460 - CD

CURTIS J. MAINES and
RONALD MAINES,
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.

Court Administrator
Clearfield County Courthouse
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

MINNIE M. ALBERT,
Plaintiff

*

*

*

vs. * No. 04 - 1460 - CD

*

*

CURTIS J. MAINES and
RONALD MAINES,
Defendants

*

COMPLAINT

NOW COMES the Plaintiff, Minnie M. Albert, and by her attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff, Minnie M. Albert, is an adult individual who resides at 42 Pebble Road, Morrisdale, Pennsylvania 16858

2. That the Defendant, Curtis J. Maines, is an adult individual who resides at 109 Clark Lane, Osceola Mills, Pennsylvania 16666.

3. That the Defendant, Ronald Maines, is an adult individual who resides at 109 Clark Lane, Osceola Mills, Pennsylvania 16666.

COUNT I

Minnie M. Albert v. Curtis J. Maines

4. That on or about Tuesday, December 23, 2003 at approximately 2:54 p.m., E.S.T., the Plaintiff, Minnie M.

Albert, was the owner and operator of a 1989 Chevrolet 1500 Truck bearing Pennsylvania Registration No. YKF9249.

5. That on the said date and at or about the said time, the Defendant, Curtis J. Maines, was the operator of a 1997 Chevrolet Lumina bearing Pennsylvania Registration No. ESG5837 which vehicle was owned by the Defendant, Ronald Maines.

6. That Curtin Street is a two-lane, macadam highway which proceeds in a generally east-west direction through Osceola Mills Borough, Clearfield County, Pennsylvania, and intersects with Lingle Street where Lingle Street is controlled by a stop sign.

7. That on the aforesaid date and at or about the said time, it was daylight and there were no adverse weather conditions.

8. That on the aforesaid date at or about the said time, the Plaintiff, Minnie M. Albert, was proceeding west on Curtin Street in her proper lane of travel.

9. That on the aforesaid date and at or about the said time, the vehicle operated by the Defendant, Curtis J. Maines, had stopped his vehicle at a stop sign facing South on Lingle Street in the Borough of Osceola Mills, Clearfield County, Pennsylvania.

10. That on the aforesaid date and at or about the said time, the Defendant, Curtis J. Maines, pulled his vehicle

from the stop sign on Lingle Street into the path of the vehicle operated by the Plaintiff, Minnie M. Albert, striking the left front fender of her vehicle.

11. That as a result of the collision described in Paragraph 10 hereof which is incorporated herein by reference, the Plaintiff, Minnie M. Albert, was thrown generally forward and backward within the vehicle which she was operating causing the numerous and serious injuries hereinafter set forth.

12. That the Defendant, Curtis J. Maines, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Plaintiff, Minnie M. Albert., as follows:

A. That the Defendant failed to have his vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant, Curtis J. Maines, violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that he operated his vehicle upon Curtin Street with careless disregard for the safety of the Plaintiff, Minnie M. Albert.

D. That the Defendant, Curtis J. Maines, violated the Motor Vehicle Code of 1976, June 17, P.L.

162, Section 3736, 75 Pa. C.S.A. Section 3736, and supplements thereto, in that he operated his vehicle upon Curtin Street in willful or wanton disregard for the safety of the person or property of the Plaintiff, Minnie M. Albert.

E. That the Defendant, Curtis J. Maines, violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3323, 75 Pa.C.S.A. Section 3323, and supplements thereto, in that he failed to yield the right-of-way to the vehicle operated by the Plaintiff which vehicle had entered the intersection controlled by a stop sign in the Defendant's lane of travel.

F. That the Defendant, Curtis J. Maines, was negligent, careless and reckless in that he failed to use due care under all circumstances of the case.

13. That as a result of the collision described in Paragraph 10 hereof, the Plaintiff, Minnie M. Albert, suffered the following injuries which may and probably will be permanent:

- A. Blunt chest trauma;
- B. Fracture of calcaneus, closed;
- C. Fracture of navicular bone of foot, closed;
- D. Closed dislocation, sternum;
- E. Facial lacerations.

14. That as a result of the injuries referred to in Paragraph 13 hereof, the Plaintiff, Minnie M. Albert, has been unable to engage in her regular household duties since the time of the accident up to and including the filing of this complaint and will be unable to do so for an indefinite period of time in the future.

15. That as a result of the injuries referred to in Paragraph 13 hereof, the Plaintiff, Minnie M. Albert, may incur medical expenses for the treatment of her injuries in excess of his available first party medical benefits.

16. That the Plaintiff, Minnie M. Albert, claims a reasonable amount for the following:

- A. Pain and suffering: past, present and future;
- B. Privation and inconvenience: past, present and future;
- C. Future medical expenses;
- D. Impairment of earning power;
- E. All other damages allowable by law.

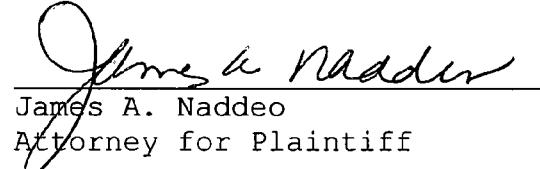
WHEREFORE, the Plaintiff, Minnie M. Albert, claims damages from the Defendant, Curtis J. Maines, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

COUNT II
Minnie M. Albert v. Ronald Maines

17. That the Plaintiff incorporates Paragraphs 4 through 16 of the First Count of this Complaint by reference and makes them a part hereof.

18. That at all times referred to herein, the Defendant, Curtis J. Maines, was acting under the supervision and direction of the Defendant, Ronald Maines.

WHEREFORE, the Plaintiff, Minnie M. Albert, claims damages from the Defendant, Ronald Maines, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.


James A. Naddeo

James A. Naddeo
Attorney for Plaintiff

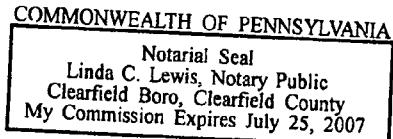
COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared MINNIE M. ALBERT, being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Minnie M. Albert
Minnie M. Albert

SWORN and SUBSCRIBED before me this 26th day of May, 2005.

Linda C. Lewis



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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

*
*
*
* No. 04 - 1460 - CD
*
*
*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Complaint filed in the above-captioned case was served on the following and in the following manner on the 29th day of June, 2005:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

FILED

JUN 29 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

MINNIE M. ALBERT,
Plaintiff
vs.
CURTIS MAINES and
RONALD MAINES,
Defendants

CIVIL DIVISION
No. 2004 - 01460 CD

Type of Pleading:
**PRAECIPE FOR ENTRY
OF APPEARANCE**

Filed on Behalf of:
**DEFENDANT,
RONALD MAINES**

Counsel of Record for this Party:
Matthew B. Taladay, Esquire
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED ¹⁴
7/11/2005
JUL 20 2005
no cc

William A. Shaw
Prothonotary/Clerk of Courts

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

MINNIE M. ALBERT, :
Plaintiff :
vs. : No. 2004 - 01460 CD
CURTIS MAINES and :
RONALD MAINES, :
Defendants :
.

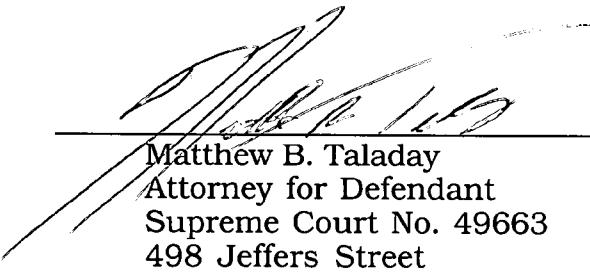
PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendant, Ronald
Maines, in the above captioned matter.

Dated:

7-19-05


Matthew B. Taladay
Attorney for Defendant
Supreme Court No. 49663
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

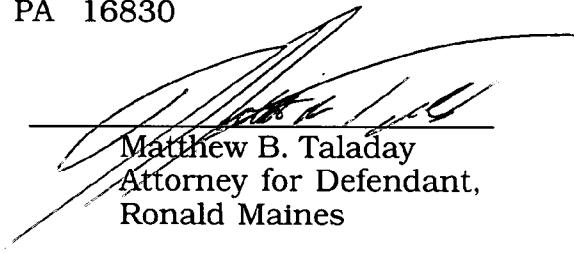
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MINNIE M. ALBERT, :
Plaintiff :
vs. : No. 2004 - 01460 CD
CURTIS MAINES and :
RONALD MAINES, :
Defendants :

CERTIFICATE OF SERVICE

I certify that on the 19th day of July, 2005, a true and correct copy of the ENTRY OF APPEARANCE was sent via first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiff
P. O. Box 552
207 E. Market Street
Clearfield, PA 16830


Matthew B. Taladay
Attorney for Defendant,
Ronald Maines

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

Dated: August 1, 2005

CIVIL DIVISION

No. 2004 - 01460 CD

Type of Pleading:

**Answer and
New Matter**

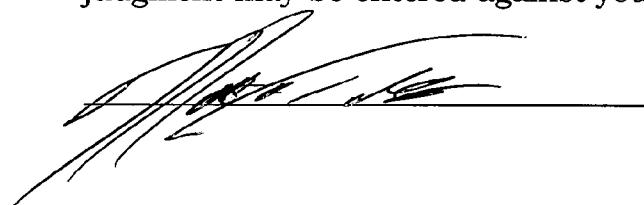
Filed on Behalf of:

Defendants

Counsel of Record for this Party:

Matthew B. Taladay, Esquire
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

You are hereby notified to plead
to the within pleading within twenty
(20) days of service thereof or default
judgment may be entered against you.



FILED
08/01/05
AUG 02 2005
44b Taladay
William A. Shaw
Prothonotary, Clerk of Courts

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

MINNIE M. ALBERT, :
Plaintiff :
vs. : No. 2004 - 01460 CD
CURTIS J. MAINES and :
RONALD MAINES, :
Defendants :

ANSWER

AND NOW, come the Defendants, Curtis J. Maines and Ronald Maines, and by their attorneys, Hanak, Guido and Taladay, and hereby respond to Plaintiff's Complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted.

Count I
Minnie M. Albert vs. Curtis J. Maines

4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted in part and denied in part. It is denied

that the Maines' vehicle struck the left front fender of the Albert

vehicle. To the contrary, it is believed that the front end of the Albert vehicle struck the driver's side of the Maines' vehicle. The remaining allegations of Paragraph 10 are admitted.

11. After reasonable investigation, Defendant Curtis J. Maines is without information sufficient to form a belief as to the truth of the averments of paragraph No. 11, therefore the same are denied and strict proof thereof is demanded at the time of trial.

12. Defendant Curtis J. Maines admits liability for the collision. The remaining allegations of paragraph 12 are denied in accordance with Pa.R.C.P. Rule 1029(e).

13. After reasonable investigation, Defendant Curtis J. Maines is without information sufficient to form a belief as to the truth of the averments of paragraph No. 13, therefore the same are denied and strict proof thereof is demanded at the time of trial.

14. After reasonable investigation, Defendant Curtis J. Maines is without information sufficient to form a belief as to the truth of the averments of paragraph No. 14, therefore the same are denied and strict proof thereof is demanded at the time of trial.

15. After reasonable investigation, Defendant Curtis J. Maines is without information sufficient to form a belief as to the truth of the averments of paragraph No. 15, therefore the same are denied and strict proof thereof is demanded at the time of trial.

16. After reasonable investigation, Defendant Curtis J. Maines is without information sufficient to form a belief as to the truth

of the averments of paragraph No. 16, therefore the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant Curtis J. Maines seeks judgment in his favor.

Count II
Minnie M. Albert vs. Ronald Maines

17. Paragraphs 1 through 16 of this response are incorporated by reference.

18. Denied. to the contrary, at all times relevant hereto, Curtis J. Maines was acting of his own free will and volition and was not under the supervision and direction of Defendant Ronald Maines.

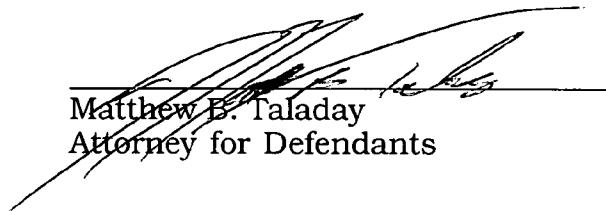
WHEREFORE, Defendant Ronald Maines demands judgment in his favor.

NEW MATTER

19. Plaintiff's claims are barred or limited by the application of the Pennsylvania Motor Vehicle Financial Responsibility Law.

Respectfully submitted,

HANAK, GUIDO and TALADAY

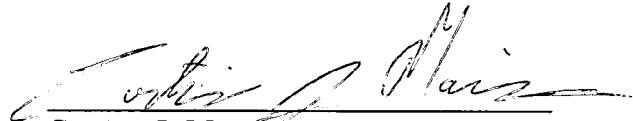

Matthew E. Taladay
Attorney for Defendants

VERIFICATION

I, **Curtis J. Maines**, do hereby verify that I have read the foregoing Answer & New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 7/29/09

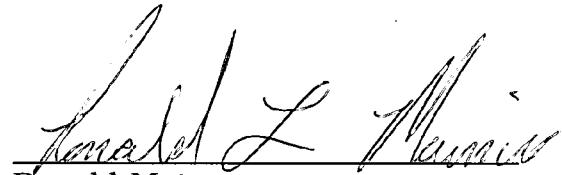

Curtis J. Maines

VERIFICATION

I, **Ronald Maines**, do hereby verify that I have read the foregoing Answer & New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 7-29-05


Ronald L Maines
Ronald Maines

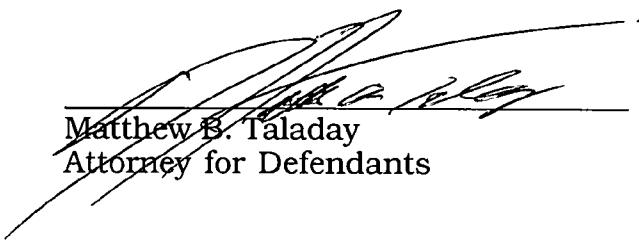
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MINNIE M. ALBERT, :
Plaintiff :
vs. : No. 2004 - 01460 CD
CURTIS J. MAINES and :
RONALD MAINES, :
Defendants :
:

CERTIFICATE OF SERVICE

I certify that on the 2nd day of August, 2005, a true and correct copy of the foregoing Answer & New Matter was sent via first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiff
P. O. Box 552
207 E. Market Street
Clearfield, PA 16830


Matthew B. Taladay
Attorney for Defendants

FILED

AUG 02 2005

Leanne S. H.
Pitman, Clerk, Clerk of Courts

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

*
*
*
* No. 04 - 1460 - CD
*
*
*
*
* Type of Pleading:
*
* Answer to New Matter
*
*
*
* Filed on behalf of:
* Plaintiff
*
* Counsel of Record for
* this party:
* JAMES A. NADDEO & ASSOC.
*
* James A. Naddeo, Esq.
* Supreme Court ID#: 06820
* 207 East Market Street
* P. O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED NO CC
013:51&1
AUG 09 2005 (GA)

William A. Shaw
Prothonotary/Clerk of Courts

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

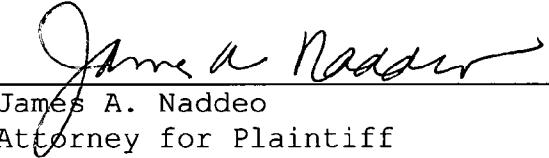
MINNIE M. ALBERT, *
Plaintiff *
*
vs. * No. 04 - 1460 - CD
*
CURTIS J. MAINES and *
RONALD MAINES, *
Defendants *

ANSWER TO NEW MATTER

NOW COMES the Plaintiff, Minnie M. Albert, and by her attorney, James A. Naddeo, Esquire, sets forth the following Answer to New Matter:

1. Paragraph 19 states a conclusion of law to which no answer is required.

WHEREFORE, Plaintiff claims judgment as set forth in her Complaint.



James A. Naddeo

Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)
 ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared MINNIE M. ALBERT, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of her knowledge, information and belief.

Minnie M. Albert
Minnie M. Albert

SWORN and SUBSCRIBED before me this 9th day of August, 2005.

Linda C. Lewis

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

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

MINNIE M. ALBERT,
Plaintiff

*

*

*

vs.

* No. 04 - 1460 - CD

*

*

CURTIS J. MAINES and
RONALD MAINES,
Defendants

*

*

*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Plaintiff's Answer to New Matter filed in the above-captioned case was served on the following and in the following manner on the 9th day of August, 2005:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801


James A. Naddeo
Attorney for Plaintiff

Architectural Record
McGraw-Hill Construction

March 9, 2005

Architectural Record
McGraw-Hill Construction

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS MAINES and
RONALD MAINES,
Defendants

Dated: August 15, 2005

: CIVIL DIVISION
: No. 2004 - 01460 CD
: Type of Pleading:
NOTICE OF SERVICE
: Filed on Behalf of:
: DEFENDANT,
: RONALD MAINES
: Counsel of Record for this Party:
: Matthew B. Taladay, Esquire
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 498 Jeffers Street
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

FILED

AUG 16 2005

mf 11461
William A. Shaw
Prothonotary
w. clc

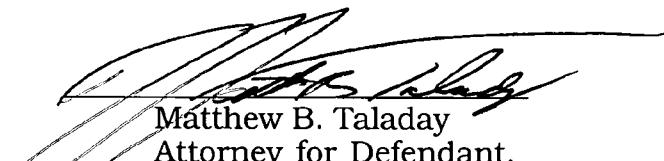
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MINNIE M. ALBERT, :
Plaintiff :
: vs. : No. 2004 - 01460 CD
CURTIS MAINES and :
RONALD MAINES, :
Defendants :

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant Ronald Maines, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 15th day of August, 2005, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

James A. Naddeo, Esq.
Attorney for Plaintiff
P. O. Box 552
207 E. Market Street
Clearfield, PA 16830



Matthew B. Taladay
Attorney for Defendant,
Ronald Maines

FILED
Aug 16 2006
William A. Shaw
Prothonotary

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

MINNIE M. ALBERT,
Plaintiff
vs.
CURTIS MAINES and
RONALD MAINES,
Defendants

CIVIL DIVISION
No. 2004 - 01460 CD

Type of Pleading:

**CERTIFICATE OF
SERVICE**

Filed on Behalf of:

Defendants

Counsel of Record for This Party:

Matthew B. Taladay, Esquire
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: August 31, 2005

FILED *No CC*
M 10:47 AM
SEP 01 2005
WM

William A. Shaw
Prothonotary/Clerk of Courts

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

MINNIE M. ALBERT,	:	
Plaintiff	:	
vs.	:	No. 2004 - 01460 CD
CURTIS MAINES and	:	
RONALD MAINES,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I certify that on the 31st day of August, 2005, an original Notice of Deposition, copy of which is attached hereto, was sent via first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiff
P. O. Box 552
207 E. Market Street
Clearfield, PA 16830

Matthew B. Taladay
Matthew B. Taladay, Esq.
Attorney for Defendants

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

MINNIE M. ALBERT, Plaintiff	:	CIVIL DIVISION
vs.	:	No. 2004 - 01460 CD
CURTIS MAINES and RONALD MAINES, Defendants	:	Type of Pleading: Notice of Deposition
Dated: August 31, 2005	:	Filed on Behalf of: Defendants
	:	Counsel of Record for This Party: Matthew B. Taladay, Esquire Supreme Court No. 49663 Hanak, Guido and Taladay 498 Jeffers Street P.O. Box 487 DuBois, PA 15801 (814) 371-7768

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

MINNIE M. ALBERT,	:	
Plaintiff	:	
	:	
vs.	:	No. 2004 - 01460 CD
	:	
CURTIS MAINES and	:	
RONALD MAINES,	:	
Defendants	:	

NOTICE OF DEPOSITION

TO: MINNIE M. ALBERT
c/o James A. Naddeo, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Wednesday, September 28, 2005 at 10:00 a.m.** at the law office of James A. Naddeo, 207 E. Market Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.

Matthew B. Taladay
Matthew B. Taladay
Attorney for Defendants

cc: Schreiber Reporting Service

FILED

SEP 01 2005

William A. Snow
Prothonotary/Clerk of Courts

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

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* No. 04 - 1460 - CD
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*
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* Type of Pleading:
*
* **CERTIFICATE OF SERVICE**
*

*
* Filed on behalf of:
* Plaintiff
*
* Counsel of Record for
* this party:
* james A. Naddeo, Esq.
*
* Supreme Court ID#: 06820
* 207 East Market Street
* P. O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

SEP 06 2005
07/11/05 (U) GW
William A. Shaw
Prothonotary/Clerk of Courts

NO CERF COPIES

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

MINNIE M. ALBERT,
Plaintiff

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*

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vs. * No. 04 - 1460 - CD

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CURTIS J. MAINES and
RONALD MAINES,
Defendants

*

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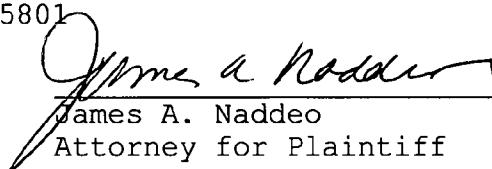
*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Plaintiff's Notice of Taking Deposition for Curtis J. Maines and Ronald Maines in the above-captioned case was served on the following and in the following manner on the 6th day of September, 2005:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801


James A. Naddeo
Attorney for Plaintiff

FILED

SEP 06 2005

William A. Show
Prothonotary/Clerk of Courts

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

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*

* No. 04 - 1460 - CD

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*

*

Type of Pleading:

*

CERTIFICATE OF SERVICE

*

*

*

*

Filed on behalf of:

* Plaintiff

*

* Counsel of Record for
this party:

* James A. Naddeo, Esq.

*

* Supreme Court ID#: 06820

* 207 East Market Street

* P. O. Box 552

* Clearfield, PA 16830

* (814) 765-1601

FILED *No CC.*
9/3/04 LM
SEP 21 2005 *UR*

William A. Shaw
Prothonotary

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

MINNIE M. ALBERT,
Plaintiff

*

*

*

vs.

* No. 04 - 1460 - CD

*

*

CURTIS J. MAINES and
RONALD MAINES,
Defendants

*

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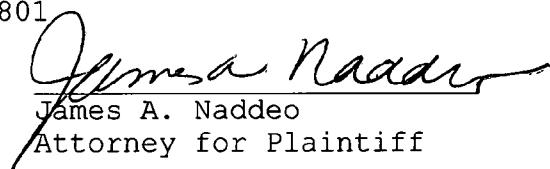
*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Plaintiff's Answers to Interrogatories and Request for Production of Documents in the above-captioned case was served on the following and in the following manner on the 21st day of September, 2005:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801


James A. Naddeo
Attorney for Plaintiff

FILED

SEP 21 2005

William A. Shaw
Prothonotary

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

MINNIE M. ALBERT, : CIVIL DIVISION
Plaintiff :
vs. : No. 2004 - 01460 CD
CURTIS MAINES and : Type of Pleading:
RONALD MAINES, :
Defendants : **STIPULATION TO
AMEND CASE CAPTION**
: Filed on Behalf of:
: Plaintiff
: Counsel of Record for This Party:
: James A. Naddeo, Esquire
: Supreme Court No. 06820
: 207 East Market Street
: P.O. Box 552
: Clearfield, PA 16830
: (814) 765-1601

Dated: October 20, 2005

FILED ^{1CC}
m12:40 AM
OCT 26 2005
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(6)

William A. Shaw
Prothonotary Clerk of Courts

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

MINNIE M. ALBERT,
Plaintiff

vs. : No. 2004 - 01460 CD

CURTIS MAINES and
RONALD MAINES,
Defendants

STIPULATION TO AMEND CASE CAPTION

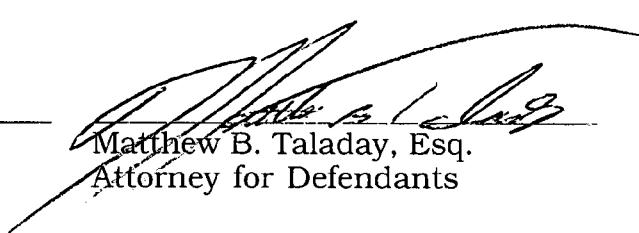
The parties, by their undersigned counsel and upon
voluntary discontinuance of all claims against Ronald Maines do hereby
stipulate to amendment of the case caption to read as follows:

MINNIE M. ALBERT,
Plaintiff

vs. : No. 2004 - 01460 CD

CURTIS MAINES ,
Defendant


James A. Naddeo, Esq.
Attorney for Plaintiff


Matthew B. Taladay, Esq.
Attorney for Defendants

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

MINNIE M. ALBERT,
Plaintiff

vs. : No. 2004 - 01460 CD

CURTIS MAINES and
RONALD MAINES,
Defendants

ORDER

AND NOW, this 25th day of October, 2005
upon Stipulation of the parties,

IT IS HEREBY ORDERED AND DECREED that the case
caption in the above docketed matter shall read as follows:

MINNIE M. ALBERT,
Plaintiff

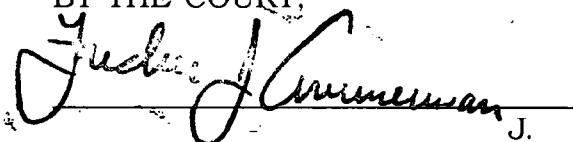
vs. : No. 2004 - 01460 CD

CURTIS MAINES,
Defendant

FILED
0/14/05 ICC Atty
OCT 28 2005 Nodded
WM

William A. Shaw
Prothonotary

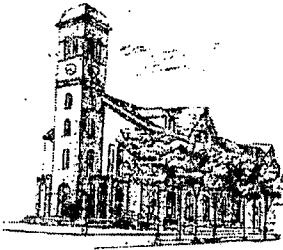
BY THE COURT,


J. Zimmerman

FILED

OCT 28 2005

William A. Shaw
Prothonotary



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

MINNIE M. ALBERT, : CIVIL DIVISION
Plaintiff :
vs. : No. 2004 - 01460 CD
CURTIS MAINES and : Type of Pleading:
RONALD MAINES, :
Defendants : **PRAECIPE TO
DISCONTINUANCE**
: Filed on Behalf of:
: Plaintiff
: Counsel of Record for This Party:
: James A. Naddeo, Esquire
: Supreme Court No. 06820
: 207 East Market Street
: P.O. Box 552
: Clearfield, PA 16830
: (814) 765-1601

Dated: October 20, 2005

FILED NOCC
m12:40pm 2 cert. of
OCT 26 2005 Disc. to Atty
Toladny
William A. Shaw
Prothonotary/Clerk of Courts
copy to CJA

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

MINNIE M. ALBERT,
Plaintiff

vs. : No. 2004 - 01460 CD

CURTIS MAINES and
RONALD MAINES,
Defendants

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above referenced matter settled, ended and discontinued as to Defendant Ronald Maines only. Consent of counsel for all other parties is attached hereto in accordance with Pa.R.C.P. Rule 229. A Stipulation and Order to amend case caption is submitted herewith.

Respectfully submitted,


James A. Naddeo, Esq.
Attorney for Plaintiff

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

MINNIE M. ALBERT,
Plaintiff

vs.

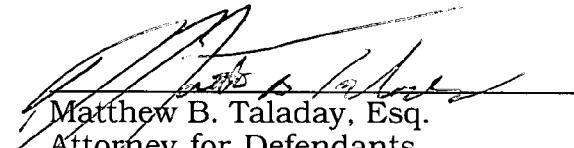
No. 2004 - 01460 CD

CURTIS MAINES and
RONALD MAINES,
Defendants

CONSENT

The undersigned counsel for Curtis Maines and Ronald Maines does hereby consent to discontinuance as regards Defendant Ronald Maines only in accordance with Pa.R.C.P. Rule 1029(b)(1).

Dated: October 14, 2005


Matthew B. Taladay, Esq.
Attorney for Defendants

FILED

OCT 26 2005

VIRGINIA A. SAWYER
Prothonotary, Clerk of Courts

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

CIVIL DIVISION

Minnie M. Albert

Vs.

No. 2004-01460-CD

Curtis J. Maines
Ronald Maines

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 26, 2005, marked:

Settled, Ended, and Discontinued as to Ronald Maines ONLY

Record costs in the sum of \$85.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of October A.D. 2005.

William A. Shaw, Prothonotary

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS MAINES,
Defendant

CIVIL DIVISION

Type of Pleading:

**CERTIFICATE OF
SERVICE**

Filed on Behalf of:

Defendant

Counsel of Record for This Party:

Matthew B. Taladay, Esquire
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: November 3, 2005

111-2206 NOV 04 2005 (V)

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

MINNIE M. ALBERT,
Plaintiff

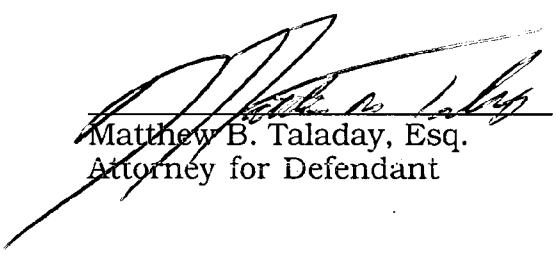
vs. : No. 2004 - 01460 CD

CURTIS MAINES,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 3rd day of November, 2005, a Court certified copy of Stipulation to Amend Case Caption and Order of Court dated October 26, 2005 was sent via first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiff
P. O. Box 552
207 E. Market Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

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* No. 04 - 1460 - CD

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Type of Pleading:

*

**PRAECIPE TO LIST FOR
TRIAL**

*

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* Filed on behalf of:
* Plaintiff

*

* Counsel of Record for
* this party:
* James A. Naddeo, Esq.

*

* Supreme Court ID#: 06820
* 207 East Market Street
* P. O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED ^{cc}
01/11/05 3:21 PM Atty Naddeo
JAN 17 2005
WM

William A. Shaw
Prothonotary/Clerk of Courts

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

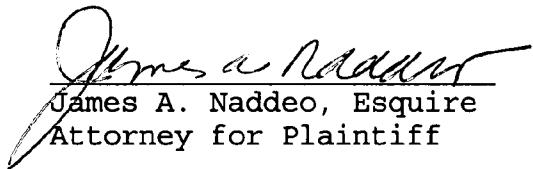
MINNIE M. ALBERT, *
Plaintiff *
*
vs. * No. 04-1460-CD
*
CURTIS J. MAINES and *
RONALD MAINES, *
Defendants *

PRAECIPE TO LIST FOR TRIAL

TO THE PROTHONOTARY:

Please place the above-captioned matter on the next list for trial. In support thereof I certify the following:

1. There are no Motions outstanding.
2. Discovery has been completed and the case is ready for trial.
3. The case is to be heard by jury.
4. Notice of the Praecipe has been given to opposing counsel.
5. The time for trial is estimated at three (3) days.


James A. Naddeo, Esquire
Attorney for Plaintiff

Date: January 17, 2005

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

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No. 04 - 1460 - CD

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CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praeclipe to List for Trial in the above-captioned case was served on the following and in the following manner on the 17th day of January, 2005:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

FILED

JAN 17 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

MINNIE M. ALBERT,
Plaintiff

VS. * No. 04 - 1460 - CD

CURTIS J. MAINES and
RONALD MAINES,
Defendants

Type of Pleading:

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:
James A. Naddeo, Esq.

Supreme Court ID#: 06820
207 East Market Street
P. O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED
O 10:42 a.m. 6/6
APR 13 2003
1CC A-107
1CC CLA

William A. St. Cyr
Prothonotary/Clerk - County

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

MINNIE M. ALBERT, *
Plaintiff, *
*
v. * No. 04 - 1460 - CD
*
CURTIS J. MAINES and *
RONALD MAINES, *
Defendants. *

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned case settled and discontinued.

James A. Naddeo
James A. Naddeo, Esquire
Attorney for Plaintiff

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

MINNIE M. ALBERT,
Plaintiff

vs.

CURTIS J. MAINES and
RONALD MAINES,
Defendants

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*
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No. 04 - 1460 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praeclipe to Settle and Discontinue in the above-captioned case was served on the following and in the following manner on the 13th day of April, 2006:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

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

COPY

Minnie M. Albert

vs.
Curtis J. Maines

No. 2004-01460-CD

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 13th Day of April, 2006, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Atty. Naddeo.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 13th day of April A.D. 2006.

William A. Shaw, Prothonotary