

04-1619-CD
LINDA KLINE, et al. vs. STACY CLARK, et al

Linda Line et al vs Stacy Clark
2004-1619-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE,
her husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. MASONRY

Defendant.

CIVIL DIVISION

No.: 04-1619-CD

COMPLAINT IN CIVIL ACTION

Filed on behalf of Plaintiff

COUNSEL OF RECORD FOR THIS
PARTY:

JAY N. SILBERBLATT, ESQUIRE
Pa. I.D. #32253

SILBERBLATT MERMELSTEIN, P.C.
Firm #645
2904 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
412-232-0580

FILED
M 11/25/04 10:20 AM
cc: sh

OCT 15 2004

William A. Shaw
Prothonotary

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 Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU SHOULD NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

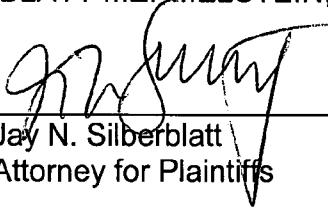
IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**CLEARFIELD COUNTY PROTHONOTARY
P.O. BOX 549
CLEARFIELD, PA 16830**

TELEPHONE NUMBER: 814-765-2641 (x5988)

SILBERBLATT MERMELSTEIN, P.C.

By _____


Jay N. Silberblatt
Attorney for Plaintiffs

COMPLAINT IN CIVIL ACTION

FIRST COUNT

LINDA KLINE vs. STACY CLARK, individually and trading and doing business as B.C. MASONRY

1. Plaintiffs are residents of the Municipality of Curwensville, County of Clearfield and Commonwealth of Pennsylvania.
2. Defendant, Stacy Clark, individually and trading and doing business as B. C. Masonry, is a resident of the Municipality of Mahaffey, County of Clearfield and Commonwealth of Pennsylvania, with a place of business located at 146 East Main Street in Mahaffey, County of Clearfield and Commonwealth of Pennsylvania, and on December 13, 2002, was the operator of that particular vehicle that struck the vehicle being operated by the woman Plaintiff.
3. At the time of the accident here in set forth and at all times pertinent hereto, the Defendant, Stacy Clark, was acting individually and/or was acting as the agent, servant or employee of B. C. Masonry, while on the business of B. C. Masonry and while acting within the scope of her authority.
4. The events hereinafter set forth occurred on December 13, 2002, at or about 8:15 a.m. on State Route 219, a public highway in the Municipality of Bells Landing, County of Clearfield and Commonwealth of Pennsylvania.
5. At the aforementioned time and place, State Route 219 was a two lane highway, with one lane running in a generally northern direction and one lane running in a generally southern direction.
6. At the aforementioned time and place, the woman Plaintiff was lawfully and

while using due care operating a vehicle in a generally northern direction on State Route 219.

7. At the aforementioned time and place, the Defendant, Stacy Clark, individually and trading and doing business as B. C. Masonry, was also operating a motor vehicle in a generally northern direction on State Route 219, some distance to the rear of the motor vehicle being operated by the woman Plaintiff.

8. At the aforementioned time and place, the Defendant, Stacy Clark, individually and trading and doing business as B. C. Masonry, operated her vehicle in such a reckless, careless and negligent manner so as to run into, strike and collide with the Plaintiff's automobile, thereby causing the Plaintiff to sustain certain injuries and damages as are hereinafter more fully set forth.

9. All of the resultant losses, damages and injuries sustained by the Plaintiffs were a direct and proximate result of the negligence of the Defendant, Stacy Clark, individually and trading and doing business as B. C. Masonry, generally and in the following particulars:

- (a) In operating Defendant's vehicle at an excessive rate of speed under the circumstances; and/or
- (b) In not watching or looking where Defendant's vehicle was being operated; and/or
- (c) In failing to watch the road in front of and to the side of Defendant's vehicle; and/or
- (d) In failing to have Defendant's vehicle under proper control; and/or
- (e) In failing to have Defendant's vehicle under proper control when approaching traffic ahead of and to the side of Defendant's vehicle; and/or

- (f) In failing to have Defendant's vehicle under proper control when attempting to pass another vehicle; and/or
- (g) In following vehicular traffic on the highway in front of Defendant's vehicle too closely; and/or
- (h) In operating Defendant's vehicle so as to be unable to stop within the assured clear distance ahead; and/or
- (i) In failing to have the brakes and braking mechanism on Defendant's vehicle in proper working order and/or in failing to properly, promptly and adequately operate the brakes and braking mechanism on Defendant's vehicle; and/or
- (j) In operating Defendant's vehicle in such a reckless, careless and negligent manner so as to cause or allow Defendant's vehicle to run into, strike and collide with the vehicle occupied by the injured Plaintiff; and/or
- (k) In operating Defendant's vehicle in such a reckless, careless and negligent manner so as to change lanes without first ascertaining that it was safe to do so; and/or
- (l) In failing to stop, turn aside Defendant's vehicle or take other appropriate action so that the collision between Defendant's vehicle and the vehicle occupied by the injured Plaintiff would be avoided; and/or
- (m) In failing to observe the vehicle being operated by the woman Plaintiff or, if observing, in failing to take proper and appropriate action to avoid striking the woman Plaintiff's vehicle; and/or
- (n) In failing to respect the rights of the injured Plaintiff to the use of the highway; and/or
- (o) In failing to change lanes in a proper and safe manner; and/or
- (p) In failing to stay in the proper lane of traffic; and/or

- (q) In operating Defendant's vehicle too fast for conditions; and/or
- (r) In operating Defendant's vehicle in violation of the Pennsylvania Motor Vehicle Code in such cases made and provided; and/or
- (s) In operating Defendant's vehicle in a careless, reckless and negligent manner.

10. As a result of the aforementioned accident, the woman Plaintiff sustained injuries to her neck, shoulders, left arm and back, and the muscles, ligaments, tissues, tendons and nerves in, about and extending from the aforementioned portions of woman Plaintiff's body were strained, torn and dislocated, all of which are or may be serious and permanent injuries.

11. On the date of the accident and at all times pertinent hereto, the Plaintiffs carried the Full Tort Option as that term has been defined under the Pennsylvania Motor Vehicle Financial Responsibility Law.

12. As a result of her injuries, woman Plaintiff has suffered and may continue to suffer physical and mental anguish and pain, suffering and inconvenience.

13. As a result of her injuries, woman Plaintiff has suffered and may continue to suffer shock and injury to the nerves and nervous system and has suffered and may continue to suffer emotional distress.

14. As a result of her injuries, woman Plaintiff has been and/or may be deprived of the ordinary pleasures of life.

15. As a result of her injuries, woman Plaintiff has been and/or may be compelled to expend money for medical aid, medicines and the like in excess of sums recoverable under the limitations and/or provisions of the Motor Vehicle Financial Responsibility Law,

75 Pa. C.S.A. 1701 et seq.

16. As a result of her injuries, woman Plaintiff has been and/or may be compelled to abstain from carrying on her ordinary household duties.

17. As a result of her injuries, woman Plaintiff has been and/or may be compelled to abstain from carrying on her ordinary occupation.

18. As a result of her injuries, woman Plaintiff's earning power has been and/or may be greatly reduced, diminished and lessened.

19. As a result of her injuries, woman Plaintiff's earnings have been and/or may be greatly reduced, diminished and lessened.

WHEREFORE, woman Plaintiff claims of the Defendant damages in a sum in excess of **TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS.**

SECOND COUNT

**DONALD KLINE, her husband vs. STACY CLARK,
individually and doing business as B. C. MASONRY**

20. Donald Kline, her husband, man Plaintiff herein, incorporates by reference paragraphs 1 through 11, inclusive, with the same force and effect as though set forth herein.

21. As a result of the injuries to the woman Plaintiff, man Plaintiff has been and/or may be compelled to expend money for medical aid, medicines and the like in excess of sums recoverable under the limitations and/or provisions of the Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. 1701 et seq.

22. As a result of the injuries to the woman Plaintiff, man Plaintiff has been

and/or may be compelled to expend money for hiring help to perform the household duties previously performed by his wife.

23. As a result of the injuries to the woman Plaintiff, man Plaintiff has been and/or may be deprived of his wife's aid, comfort, assistance, companionship and consortium.

WHEREFORE, man Plaintiff claims of the Defendant damages in a sum in excess of **TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS.**

JURY TRIAL DEMANDED

SILBERBLATT MERMELSTEIN, P.C.

By _____



Jay N. Silberblatt
Counsel for Plaintiffs
(412) 232-0580

Dated: 10/13/04

VERIFICATION

I verify that the statements made in this **Complaint in Civil Action** are true and correct to the best of my knowledge or information and belief. I understand that false statements herein are subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: 8-1-2004

Linda Kline
Linda Kline

Donald Kline
Donald Kline

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. Masonry,

Defendant.

CIVIL DIVISION

Docket No.: 04-1619CD

PRAECIPE FOR APPEARANCE
(Jury Trial Demanded)

Filed on Behalf of the
Defendant

Counsel of Record for This Party:

PAMELA V. COLLIS
PA I.D. # 73657

WALSH, COLLIS & BLACKMER, LLC

The Gulf Tower, Suite 2300
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#140

FILED NOV
3/1/2004
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. MASONRY,

Defendant.

CIVIL DIVISION

Docket No.: 04-1619CD

PRAECIPE FOR APPEARANCE

TO: THE PROTHONOTARY

Kindly enter the appearance of the undersigned, Pamela V. Collis, Esquire, of the law firm of Walsh, Collis & Blackmer, LLC, on behalf of the Defendant, Stacy Clark, individually and trading and doing business as B.C. Masonry, in the above case.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, LLC

By Pamela V. Collis
Pamela V. Collis, Esquire
Counsel for Defendant /S/

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe for Appearance** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 28th day of October, 2004.

Jay Silberblatt, Esquire
Silberblatt & Mermelstein
Suite 2904; Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

WALSH, COLLIS & BLACKMER, LLC

By Pamela V. Collis
Pamela V. Collis, Esquire
Counsel for Defendant

In The Court of Common Pleas of Clearfield County, Pennsylvania

KLINE, LINDA and DONALD

VS.

CLARK, STACY ind & t/a/d/b/a B.C. MASONRY

COMPLAINT

Sheriff Docket # 16472

04-1619-CD

SHERIFF RETURNS

NOW OCTOBER 22, 2004 AT 10:03 AM SERVED THE WITHIN COMPLAINT ON STACY CLARK ind & t/a/d/b/a B.C. MASONRY, DEFENDANT AT RESIDENCE, 146 EAST MAIN ST., MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JANNIE CLARK, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

Return Costs

Cost	Description
34.50	SHERIFF HAWKINS PAID BY: ATTY CK# 4205
10.00	SURCHARGE PAID BY: ATTY CK# 4206

Sworn to Before Me This

4th Day Of Nov 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
My Mckay - Hawn
Chester A. Hawkins

Sheriff

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
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Defendant.

CIVIL DIVISION

Docket No.: 04-1619CD

**NOTICE OF SERVICE OF DISCOVERY
DIRECTED TO PLAINTIFFS**
(Jury Trial Demanded)

Filed on Behalf of the
Defendant

Counsel of Record for This Party:

PAMELA V. COLLIS
PA I.D. # 73657

WALSH, COLLIS & BLACKMER, LLC

The Gulf Tower, Suite 2300
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
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STACY CLARK, individually and trading
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Defendant.

CIVIL DIVISION

Docket No.: 04-1619CD

NOTICE OF SERVICE OF DISCOVERY DIRECTED TO PLAINTIFFS

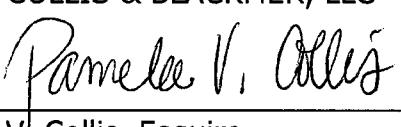
TO: THE PROTHONOTARY

The undersigned herein represents Interrogatories and a Request for
Production of Documents were sent to Jay Silberblatt, Esquire, on Wednesday,
November 3, 2004.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, LLC

By


Pamela V. Collis, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing **Notice of Service of Discovery** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 3rd day of November, 2004.

Jay Silberblatt, Esquire
Silberblatt & Mermelstein
Suite 2904; Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

WALSH, COLLIS & BLACKMER, LLC

By Pamela V. Collis
Pamela V. Collis, Esquire
Counsel for Defendant 15/

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. Masonry,

Defendant.

CIVIL DIVISION

Docket No.: 04-1619CD

STIPULATION

(Jury Trial Demanded)

Filed on Behalf of the
Defendant

Counsel of Record for This Party:

PAMELA V. COLLIS
PA I.D. # 73657

WALSH, COLLIS & BLACKMER, LLC

The Gulf Tower, Suite 2300
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#140

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
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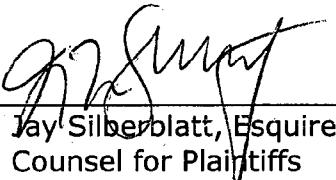
Defendant.

STIPULATION

AND NOW, the parties to this action by and through their undersigned
counsel, hereby stipulate and agree that Paragraph 9(s) of Plaintiffs' Complaint in
Civil Action is hereby **DISMISSED WITH PREJUDICE**.

SILBERBLATT & MERMELSTEIN

By


Jay Silberblatt, Esquire
Counsel for Plaintiffs

WALSH, COLLIS & BLACKMER, LLC

By

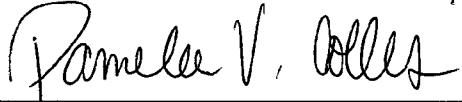

Pamela V. Collis, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Stipulation** has been mailed by U.S. Mail to counsel of record via first class mail, postage prepaid, this 17th day of November, 2004.

Jay Silberblatt, Esquire
Silberblatt & Mermelstein
Suite 2904; Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

WALSH, COLLIS & BLACKMER, LLC,

By 
Pamela V. Collis, Esquire
Counsel for Defendant

FILED

NOV 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. Masonry,

Defendant.

To: PLAINTIFFS

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


Walsh, Collis & Blackmer, LLC

#140

CIVIL DIVISION

Docket No.: 04-1619CD

ANSWER AND NEW MATTER

(Jury Trial Demanded)

Filed on Behalf of the
Defendant

Counsel of Record for This Party:

PAMELA V. COLLIS
PA I.D. # 73657

WALSH, COLLIS & BLACKMER, LLC

The Gulf Tower, Suite 2300
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
husband,

CIVIL DIVISION

Plaintiffs,

Docket No.: 04-1619CD

vs.

STACY CLARK, individually and trading
and doing business as B.C. MASONRY,

Defendant.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, Stacy Clark, individually and trading and doing business as B.C. Masonry, by and through her undersigned attorneys, Walsh, Collis & Blackmer, LLC, and Pamela V. Collis, Esquire, and files the following Answer and New Matter and avers as follows:

FIRST COUNT

**LINDA KLINE vs. STACY CLARK, individually
and trading and doing business as B.C. Masonry**

1. Paragraph 1 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her hereinafter set forth responses and New Matter.

2. Paragraph 2 of Plaintiffs' Complaint is admitted in part and denied in part. It is admitted that Stacy Clark is a resident of the Municipality of Mahaffey County of Clearfield, Pennsylvania, and that on December 13, 2002, was operating

a vehicle that was involved in a collision with a vehicle operated by Plaintiff-Wife. It is specifically denied that Stacy Clark trades and does business as B.C. Masonry or that B.C. Masonry has a place of business located at 146 East Main Street, in Mahaffey County of Clearfield, Pennsylvania. To the contrary, B.C. Masonry's place of business is at 2995 Cecil Hurd Highway.

3. Paragraph 3 of Plaintiffs' Complaint is denied. It is specifically denied that Defendant, Stacy Clark, was an agent, servant or employee of B.C. Masonry, or on the business of B.C. Masonry, or acting as an agent, servant or employee of B.C. Masonry. To the contrary, she was acting on her own behalf. By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

4. Paragraph 4 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

5. Paragraph 5 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

6. Paragraph 6 of Plaintiffs' Complaint states a legal conclusion to which no responsive pleading is required. To the extent that responses are deemed

necessary, said allegations are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e).

By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

7. Paragraph 7 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

8. Paragraph 8 of Plaintiffs' Complaint states a legal conclusion to which no responsive pleading is required. To the extent that responses are deemed necessary, said allegations are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

9. Paragraph 9 of Plaintiffs' Complaint and sub-paragraphs (a) - (r) thereof state legal conclusions to which no responsive pleading is required. To the extent that responses are deemed necessary, said allegations are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

9(s). Paragraph 9(s) of Plaintiffs' Complaint has been dismissed by Stipulation of the parties.

10. Paragraph 10 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to

Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

11. Paragraph 11 of Plaintiffs' Complaint states a legal conclusion to which no responsive pleading is required. To the extent that responses are deemed necessary, said allegations are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

12. Paragraph 12 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

13. Paragraph 13 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

14. Paragraph 14 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein

refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

15. Paragraph 15 of Plaintiffs' Complaint states a legal conclusion to which no responsive pleading is required. To the extent that responses are deemed necessary, said allegations are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

16. Paragraph 16 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

17. Paragraph 17 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

18. Paragraph 18 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

19. Paragraph 19 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

WHEREFORE, the Defendant, Stacy Clark, individually and trading and doing business as B.C. Masonry, denies that she is liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, requests this Honorable Court to enter judgment in her favor and against Plaintiffs with costs and prejudice imposed.

SECOND COUNT

DONALD KLINE, her husband vs. STACY CLARK, individually and doing business as B.C. Masonry

20. The Defendant hereby incorporates paragraphs 1 through 19 as though fully set forth at length herein.

21. Paragraph 21 of Plaintiffs' Complaint states a legal conclusion to which no responsive pleading is required. To the extent that responses are deemed necessary, said allegations are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates her previously set forth responses, hereinafter set forth responses, and New Matter.

22. Paragraph 22 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates its previously set forth responses, hereinafter set forth responses, and New Matter.

23. Paragraph 23 of Plaintiffs' Complaint is denied. After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments, and therefore, the same are denied pursuant to Pa. R.C.P. 1029(c) and 1029(e). By way of further answer, this Defendant herein refers to and incorporates its previously set forth responses, hereinafter set forth responses, and New Matter.

WHEREFORE, the Defendant, Stacy Clark, individually and trading and doing business as B.C. Masonry, denies that she is liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, requests this Honorable Court to enter judgment in her favor and against Plaintiffs with costs and prejudice imposed.

NEW MATTER

24. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, the Plaintiff's Complaint is barred in whole or in part by the applicable provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

25. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant pleads the accident involved herein was the direct, sole, and proximate result of Plaintiff-Wife's own negligence generally and in the following particulars:

- a. In failing to maintain a proper and adequate look-out for the roadway and traffic conditions;
- b. In bringing his/her vehicle to a sudden, abrupt, and unexpected halt without regard to traffic and roadway conditions;
- c. In operating his/her vehicle at an excessive rate of speed; and,
- d. In violating the Motor Vehicle Code and local ordinances.

26. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant avers that any injuries/damages sustained by the Plaintiff-Wife were the result of her own contributory negligence and that Plaintiff-Wife's claim is therefore barred by the Comparative Negligence Act or, in the alternative, any recovery by Plaintiffs must be reduced by the extent of Plaintiff-Wife's contributory negligence.

27. To the extent justified by evidence developed in discovery or the testimony at the time of trial, this Defendant pleads the voluntary assumption of the risk of the Plaintiff-Wife as a complete or partial bar to any recovery by Plaintiffs in this action.

28. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant raises all affirmative defenses set forth in Pa. R.C.P. 1030 to the Plaintiff's claims, including the legal doctrines of payment, accord and satisfaction, release, waiver, estoppel, and the statute of limitations

29. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant avers the sudden emergency doctrine as an affirmative defense.

30. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant avers the assured clear distance rule as an affirmative defense.

31. To the extent justified by the evidence developed in discovery at the testimony of trial, this Defendant avers that any medical expenses are not recoverable, and/or admissible as the same were paid or payable within the meaning of 75 Pa. C.S.A. Section 1722.

32. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant reserves the right to assert any and all other affirmative defenses which discovery may reveal appropriate or proper.

33. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant avers that any medical expenses not precluded per 75 Pa. C.S.A. Section 1722 must be reduced in accordance with Moorhead v. Crozer Medical Center.

34. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant avers the injuries and damages alleged by the Plaintiff-Wife were the result of a pre-existing condition unrelated to this accident and/or occurrence.

35. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, this Defendant avers that Plaintiff-Wife failed to mitigate her damages by ignoring the advice of medical providers.

36. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, the Defendant avers that the Plaintiff-Wife is bound by the limited tort option and attendant rules governing the same in the Pennsylvania Motor Vehicle Financial Responsibility Law as set forth in 75 Pa. C.S.A. Section 1701 et seq.

37. Plaintiff-Husband's claim is wholly derivative of Plaintiff-Wife's claim and therefore because of the aforementioned allegations as set forth in this New Matter, his claim is barred, or in the alternative, reduced to the extent of Plaintiff-wife's contributory negligence.

WHEREFORE, the Defendant, Stacy Clark, individually and trading and doing business as B.C. Masonry, denies that she is liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, requests this Honorable Court to enter judgment in her favor and against Plaintiffs with costs and prejudice imposed.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, LLC

By 
Pamela V. Collis, Esquire
Counsel for Defendant

VERIFICATION

I, **Stacy Clark**, Defendant, do hereby verify that averments of facts contained in the **Answer and New Matter** are true and correct to the best of my knowledge, information and belief. To the extent that the content of this **Answer and New Matter** is both permitted by Pennsylvania Rules of Civil Procedure and that of counsel, I have relied upon counsel in verifying the same.

I understand false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: 11-19-04



Stacy Clark, Defendant

#140

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Answer and New Matter** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 30th day of November, 2004.

Jay Silberblatt, Esquire
Silberblatt & Mermelstein
Suite 2904; Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

WALSH, COLLIS & BLACKMER, LLC

By Pamela V. Collis
Pamela V. Collis, Esquire
Counsel for Defendant 151

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE,
her husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. MASONRY

Defendant.

CIVIL DIVISION

No.: 04-1619CD

**PLAINTIFFS' REPLY TO
DEFENDANT'S NEW MATTER**

Filed on behalf of Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

JAY N. SILBERBLATT, ESQUIRE
Pa. I.D. #32253

SILBERBLATT MERMELSTEIN, P.C.
Firm #645
2904 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
412-232-0580

FILED

66 JAN 03 2005
m/10/2005
William A. Shaw
Prothonotary/Clerk of Courts
ws C/C

**PLAINTIFFS' REPLY TO
DEFENDANT'S NEW MATTER**

And now come the Plaintiffs by their attorneys, Jay N. Silberblatt, Esquire and the law firm of Silberblatt Mermelstein, P.C. and present the within Reply to the Defendant's New Matter, and in pursuance thereof, respectfully represent as follows:

24. The allegations contained in Paragraph 24 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. It is specifically denied that the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law bar or in any way affect Plaintiffs' claims.

25. The allegations contained in Paragraph 25 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, it is specifically denied that the Plaintiff's injuries were caused by the Plaintiff's negligence in any respect. To the contrary, the Plaintiffs incorporate by reference the allegations contained in their Complaint as though more fully set forth at length herein.

26. The allegations contained in Paragraph 26 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, the Plaintiff specifically denies that she was contributory

negligent or comparatively negligent in any way and the Plaintiffs incorporate by reference the allegations contained in their Complaint as though more fully set forth at length herein.

27. The allegations contained in Paragraph 27 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, the Plaintiff specifically denies that she voluntarily assumed any risks and, to the contrary, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

28. The allegations contained in Paragraph 28 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

29. The allegations contained in Paragraph 29 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, the Plaintiff specifically denies that the sudden emergency doctrine is applicable to this matter and, to the contrary, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

30. The allegations contained in Paragraph 30 of the Defendant's New Matter

are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, the Plaintiff specifically denies that the assured clear distance rule is applicable to the within matter and, to the contrary, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

31. The allegations contained in Paragraph 31 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. It is specifically denied that the Plaintiff's medical expenses are not recoverable and, to the contrary, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

32. The allegations contained in Paragraph 32 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, paragraph 32 of the Defendant's New Matter is nonspecific with regard to the affirmative defenses that are asserted, and contrary to any such unknown and unnamed defenses, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

33. The allegations contained in Paragraph 33 of the Defendant's New Matter are

conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. It is specifically denied that the Plaintiff's medical expenses are not recoverable and, to the contrary, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

34. The allegations contained in Paragraph 34 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, it is specifically denied that Plaintiff's injuries are the result of any preexisting condition and, to the contrary, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

35. The allegations contained in Paragraph 35 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, it is specifically denied that Plaintiff's have failed to mitigate their damages by ignoring the advice of medical advisors and, to the contrary, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

36. The allegations contained in Paragraph 36 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules

of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, the Plaintiffs had selected the full tort option on their auto insurance policy and, the Plaintiffs incorporate by reference the allegations contained in their complaint as though more fully set forth at length herein.

37. The allegations contained in Paragraph 37 of the Defendant's New Matter are conclusions of law to which no reply is required in accordance with the Pennsylvania Rules of Civil Procedure. To the extent that a reply may be necessary, the allegations contained therein are specifically denied and strict proof thereof is demanded at the time of trial. By way of further answer, the Plaintiff specifically denies that she was contributory negligent or comparatively negligent in any way and the Plaintiffs incorporate by reference the allegations contained in their Complaint as though more fully set forth at length herein.

WHEREFORE, the Plaintiffs respectfully request this Honorable Court to dismiss the Defendant's New Matter and enter judgment in favor of the Plaintiffs and against the Defendants.

SILBERBLATT MERMELSTEIN, P.C.

By _____



Jay N. Silberblatt
Counsel for Plaintiffs
2904 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 232-0580

Dated: 12/30/04

VERIFICATION

I verify that the statements made in this **Reply to New Matter** are true and correct to the best of my knowledge or information and belief. I understand that false statements herein are subject to the penalties of 18 Pa.C.S. **S4904** relating to unsworn falsification to authorities.

Date: 12-28-04

Linda Kline
Linda Kline

Date: 12-28-04

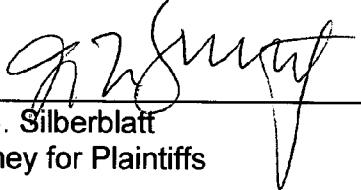
Donald Kline
Donald Kline

CERTIFICATE OF SERVICE

I, Jay N. Silberblatt, Esquire, do hereby certify that a true and correct copy of the **Reply to New Matter** was mailed by first class mail, postage prepaid, on the 30 day of December, 2004 to counsel as follows:

Pamela V. Collis, Esquire
Walsh, Collis & Blackmer, LLC
The Gulf Tower, Suite 2300
707 Grant Street
Pittsburgh, PA 15219

SILBERBLATT MERMELSTEIN, P.C.

By 
Jay N. Silberblatt
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE,
her husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. MASONRY

Defendant.

CIVIL DIVISION

No.: 04-1619CD

**VERIFICATION OF SERVICE OF
PLAINTIFFS' ANSWERS TO
DEFENDANT'S INTERROGATORIES
AND RESPONSE TO DEFENDANT'S
REQUEST FOR PRODUCTION OF
DOCUMENTS**

Filed on behalf of Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

JAY N. SILBERBLATT, ESQUIRE
Pa. I.D. #32253

SILBERBLATT MERMELSTEIN, P.C.
Firm #645
2904 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
412-232-0580

FILED NOCC
JAN 11 2005
FEB 04 2005
by

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, CIVIL DIVISION
her husband,
NO.: 04-1619CD

Plaintiffs,

vs.

STACY CLARK, individually and trading and
doing business as B.C. MASONRY

Defendant.

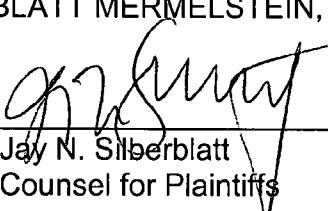
**VERIFICATION OF SERVICE
OF PLAINTIFFS' ANSWERS TO
DEFENDANT'S INTERROGATORIES
AND PLAINTIFFS' RESPONSE TO
DEFENDANT'S REQUEST FOR
PRODUCTION OF DOCUMENTS**

I, Jay N. Silberblatt, Esquire, counsel for the Plaintiffs in the within matter, do hereby
certify that a true and correct copy of **Plaintiffs' Answers to Defendant's Interrogatories**
and Response to Defendant's Request for Production of Documents was hand
delivered on the 2 day of February, 2005 to the following person:

**Pamela V. Collis, Esquire
Walsh, Collis & Blackmer, L.L.C.
Suite 1400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
Attorney for Defendant**

SILBERBLATT MERMELSTEIN, P.C.

By _____


Jay N. Silberblatt
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE,
her husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. MASONRY

Defendant.

CIVIL DIVISION

No.: 04-1619CD

**VERIFICATION OF SERVICE OF
PLAINTIFFS' INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO
DEFENDANT**

Filed on behalf of Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

JAY N. SILBERBLATT, ESQUIRE
Pa. I.D. #32253

SILBERBLATT MERMELSTEIN, P.C.
Firm #645
2904 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
412-232-0580

FILED

CK FEB 11 2005
M/ (10:30) ~
William A. Shaw
Prothonotary/Clerk of Courts
n. c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE,
her husband,

CIVIL DIVISION

NO.: 04-1619CD

Plaintiffs,

vs.

STACY CLARK, individually and trading and
doing business as B.C. MASONRY

Defendant.

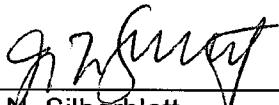
**VERIFICATION OF SERVICE
OF PLAINTIFFS' INTERROGATORIES
AND REQUEST FOR
PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT**

I, Jay N. Silberblatt, Esquire, counsel for the Plaintiffs in the within matter, do hereby certify that a true and correct copy of **Plaintiffs' Interrogatories and Request for Production of Documents Directed to Defendant** were hand delivered on the 9 day of February, 2005 to the following person:

**Pamela V. Collis, Esquire
Walsh, Collis & Blackmer, L.L.C.
Suite 1400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
Attorney for Defendant**

SILBERBLATT MERMELSTEIN, P.C.

By _____


Jay N. Silberblatt
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
husband,

Plaintiffs,

VS.

STACY CLARK, individually and trading
and doing business as B.C. Masonry,

Defendant.

CIVIL DIVISION

Docket No.: 04-1619CD

**NOTICE OF SERVICE OF DISCOVERY
RESPONSES (Jury Trial Demanded)**

Filed on Behalf of the
Defendant

Counsel of Record for This Party:

PAMELA V. COLLIS
PA I.D. # 73657

WALSH, COLLIS & BLACKMER, LLC
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#140

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m 11:10 AM
MAY 02 2005
cc

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE, her
husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. MASONRY,

Defendant.

CIVIL DIVISION

Docket No.: 04-1619CD

NOTICE OF SERVICE OF DISCOVERY RESPONSES

TO: THE PROTHONOTARY

The undersigned herein represents that the following were sent to Jay
Silberblatt, Esquire, on Thursday, April 28, 2005:

1. Defendant's Answers to Plaintiffs' Interrogatories Directed to the Defendant; and,
2. Defendant's Response to Plaintiffs' Request for Production of Documents Directed to the Defendant.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, LLC

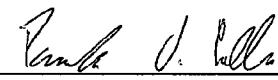
By Pamela V. Collis
Pamela V. Collis, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing **Notice of Service of Discovery Responses** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 28th day of April, 2005.

Jay Silberblatt, Esquire
Silberblatt & Mermelstein
Suite 2904; Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

WALSH, COLLIS & BLACKMER, LLC

By 
Pamela V. Collis, Esquire
Counsel for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA KLINE and DONALD KLINE,
her husband,

Plaintiffs,

vs.

STACY CLARK, individually and trading
and doing business as B.C. MASONRY

Defendant.

CIVIL DIVISION

No.: 04-1619CD

**PRAECIPE TO SETTLE
AND DISCONTINUE**

Filed on behalf of Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

JAY N. SILBERBLATT, ESQUIRE
Pa. I.D. #32253

SILBERBLATT MERMELSTEIN, P.C.
Firm #645
2904 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
412-232-0580

④
FILED ^{no cc}
M 1/100 AM
JUL 27 2005 ^{Cert. of Disc.}
William A. Shaw ^{to A44}
Prothonotary/Clerk of Courts
Copy to CIA

PRAECIPE TO SETTLE AND DISCONTINUE

TO: **WILLIAM A. SHAW, PROTHONOTARY**

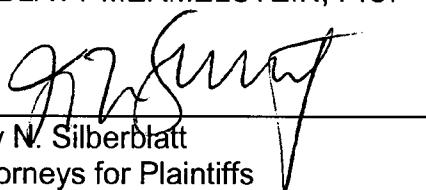
SIR:

Please settle and discontinue the within-captioned case and mark it off the docket or satisfy the Verdict, Award or Judgment.

- (XXX) Attorney for Plaintiffs;
(XXX) Prothonotary Settle and Discontinue with Issue Costs; and
() Certificate.

SILBERBLATT MERMELSTEIN, P.C.

By _____


Jay N. Silberblatt
Attorneys for Plaintiffs

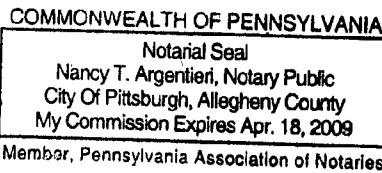
DATE: _____

PROTHONOTARY COSTS: _____

SWORN to and subscribed before me

this 25 day of July, 2005.

Nancy T. Argentieri
NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

Linda Kline
Donald Kline

Vs. No. 2004-01619-CD
Stacy Clark
B.C. Masonry

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 July 27, 2005, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Jay N. Silberblatt, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 27th day of July A.D. 2005.

William A. Shaw, Prothonotary