

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation

Defendants.

DATE FILED:

NUMBER: 04-1024-CD

TYPE OF PLEADING:

PRAECIPE FOR WRIT OF SUMMONS

COUNSEL OF RECORD:

J. DAVID CARUTHERS, ESQUIRE

ATTORNEY FOR: PLAINTIFF

PA. I.D. NUMBER: 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

REC Atty
FILED
2 cc & 2 writs to
Shiff
m/10:06@
OCT 18 2004
Atty pd. 85.00

William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,)
)
Plaintiff,)
vs.)
)
J.D. CHRIST, an individual and)
SADOWSKI TRUCKING COMPANY,)
a corporation)
)
Defendants.)

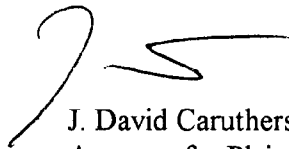
PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA:

Kindly issue writs of summons against the above-captioned Defendants.

Respectfully submitted,

CARUTHERS & CARUTHERS, P.C.



J. David Caruthers, Esquire
Attorney for Plaintiff

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

COPY

SUMMONS

Rodney Smith

Vs.

NO.: 2004-01624-CD

**J. D. Christ, an individual, and
Sadowski Trucking Company, a corporation**

TO: J. D. CHRIST
SADOWSKI TRUCKING COMPANY

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: 10/18/2004

William A. Shaw
Prothonotary

Issuing Attorney:
J. David Caruthers, Esq.
114 South Main Street
Greensburg, PA 15601
(724) 834-0660

In The Court of Common Pleas of Clearfield County, Pennsylvania

SMITH, RODNEY

VS.

CHRIST, J.D., an ind. & SADOWSKI TRUCKING COMPANY

PRAECIPE & SUMMONS

Sheriff Docket #

16479

04-1624-CD

SHERIFF RETURNS

NOW OCTOBER 21, 2004 MAILED THE WITHIN PRAECIPE & SUMMONS TO J.D. CHRIST, DEFENDANT BY CERT. MAIL # 7002 3150 0000 7854 6273 AT 171 BIG HOLLOW ROAD, APT 1, DEPOSIT, NY 13754 BEING HIS LAST KNOWN ADDRESS. THE LETTER WAS SENT MARKED "ADDRESSEE ONLY" AND IS HERETO ATTACHED MARKED "UNCLAIMED".

NOW OCTOBER 20, 2004, SHERIFF OF LUZERNE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN PRAECIPE & SUMMONS ON SADOWSKI TRUCKING COMPANY, DEFENDANT.

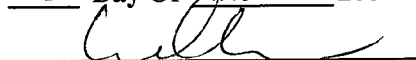
NOW NOVEMBER 8, 2004 ATTEMPTED TO SERVE THE WITHIN PRAECIPE & SUMMONS ON SADOWSKI TRUCKING COMPANY, DEFENDANT BY DEPUTIZING THE SHERIFF OF LUZERNE COUNTY. THE RETURN IS HERETO ATTACHED MARKED "NO ANSWER".

Return Costs

Cost	Description
38.92	SHERIFF HAWKINS PAID BY: ATTY CK# 57978
20.00	SURCHARGE PAID BY: ATTY CK# 57979
32.00	LUZERNE CO. SHFF. PAID BY: ATTY

Sworn to Before Me This

18 Day Of Dec 2004



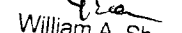
So Answers,



Chester A. Hawkins
Sheriff

FILED

DEC 15 2004


William A. Shaw
Prothonotary/Clerk of Courts

Certified Mail Provides:

- ☐ A mailing receipt
 - ☐ A unique identifier for your mailpiece
 - ☐ A record of delivery kept by the Postal Service for two years
- Important Reminders:**
- ☐ Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
 - ☐ Certified Mail is not available for any class of international mail.
 - ☐ NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
 - ☐ For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
 - ☐ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
 - ☐ If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

16479

COMPLETE THIS

A. Signature

X

B. Received by (Print name)

D. Is delivery address correct? If YES, enter delivery point

If YES, enter delivery point

3. Service Type

☒ Certified Mail☐ Registered☐ Insured Mail

4. Restricted Delivery

7002 3150 0000

Domestic Return Receipt

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

J.D. CHRIST
171 Big Hollow Road Apt 1
Deposit, NY 13754

2. Article Number

(Transfer from service label)



CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

ADDRESSEE
ONLY

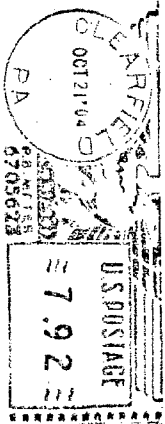
RESTRICTED
DELIVERY

J.D. CHRIST
171 Big Hollow Road
Apt 1
Deposit, NY

7002 3150 0000 7854 6273



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™



ADDRESSEE
ONLY

NIXIE

130

1

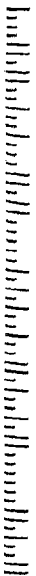
06 11/10/04

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

EC: 16830243801

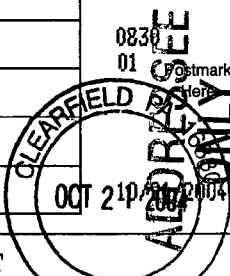
*1643-07365-21-35

13734+3604 01
168302438



7002 3150 0000 05TE 2004

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
DEPOSIT NY 13754	
Postage	\$ 10.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$3.50
Total Postage & Fees	\$ 17.92
Sent To	
J.D. CHRIST	
Street, Apt. No., or PO Box No.	
171 Big Hollow Road, Apt 1	
City, State, ZIP+4	
Deposit, NY 13754	
PS Form 3800, June 2002	
See Reverse for Instructions	



Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
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IMPORTANT: Save this receipt and present it when making an inquiry.
Internet access to delivery information is not available on mail addressed to APOs and FPOs.

PS Form 3800, June 2002 (Reverse)

16479

14479
TDD (570) 825-1860

FAX: (570) 825-1849

Luzerne County Sheriff's Department
Luzerne County Courthouse



200 North River Street
Wilkes-Barre, Pennsylvania 18711
(570) 825-1651

CLEARFIELD COUNTY

04-01624-CD

RODNEY SMITH

VS

STATE OF PENNSYLVANIA
COUNTY OF LUZERNE: SS.

J.D. CHRIST, AN IND., ET AL

MARK SENCZAKOWICZ Deputy Sheriff of Luzerne County, being duly sworn according to law,
deposes and says that after having made diligent search and inquiry for the within named, SADOWSKI
TRUCKING COMPANY

he was unable to find the within named in the said County of Luzerne. Reason: SEE ATTACHED SHEET.

Attempts: _____

Sworn to and subscribed before me

So answers,

this 8TH day of NOVEMBER 20 04

[Signature]
Sheriff of Luzerne County

[Signature]

Prothonotary of Luzerne County

by [Signature]
Deputy Sheriff of Luzerne County

LUZERNE COUNTY SHERIFF'S DEPARTMENT
WILKES-BARRE, PA. 18711
(570) 825-1651
FAX (570) 825-1849

DEFENDANT: Sadowski Trucking

EXECUTION #: 04-01624-c /SALE # _____

DEFENDANT NOT FOUND BECAUSE: _____

No Answer

ATTEMPTS MADE:

DATE: 10/27/04 TIME: 12:40 PM

ADDRESS: 587 Sweet Valley Rd. Hunkle creek

DATE: 11/5/04 TIME: 10:30 AM

ADDRESS: _____

DATE: _____ TIME: _____

ADDRESS: _____

REMARKS: _____

[Signature]
DEPUTY SHERIFF

[Signature]
SHERIFF OF LUZERNE COUNTY

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

SUMMONS

Rodney Smith

Vs.

NO.: 2004-01624-CD

**J. D. Christ, an individual, and
Sadowski Trucking Company, a corporation**

**TO: J. D. CHRIST
SADOWSKI TRUCKING COMPANY**

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: 10/18/2004



William A. Shaw
Prothonotary

Issuing Attorney:
J. David Caruthers, Esq.
114 South Main Street
Greensburg, PA 15601
(724) 834-0660

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation

Defendants.

DATE FILED:

NUMBER: 04-1624-02

TYPE OF PLEADING:

PRAECIPE FOR WRIT OF SUMMONS

COUNSEL OF RECORD:

J. DAVID CARUTHERS, ESQUIRE

ATTORNEY FOR: PLAINTIFF

PA. I.D. NUMBER: 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

OCT 18 2004

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

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

RODNEY SMITH,)
)
Plaintiff,)
vs.)
)
J.D. CHRIST, an individual and)
SADOWSKI TRUCKING COMPANY,)
a corporation)
)
Defendants.)

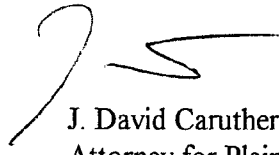
PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA:

Kindly issue writs of summons against the above-captioned Defendants.

Respectfully submitted,

CARUTHERS & CARUTHERS, P.C.


J. David Caruthers, Esquire
Attorney for Plaintiff

LUZERNE COUNTY
SHERIFF
THANK YOU

Sheriff's Office Clearfield County

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

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

ROBERT SNYDER
CHIEF DEPUTY
CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

NOV 09 '04 13:23

#0041624
SUMMONS 32.00
CHARGE1 32.00
Qty 1

5775 CASHIER4

DEPUTATION

RT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TERM & NO. 04-1624-CD

DOCUMENT TO BE SERVED:

PRAECIPE & SUMMONS

J.D. CHRIST, an ind. al

SERVE BY: 11/17/2004

MAKE REFUND PAYABLE TO:

CARUTHERS & CARUTHERS, ESQ.

SERVE:

SADOWSKI TRUCKING COMPANY

ADDRESS:

587 SWEET VALLEY ROAD, HUNLOCK, PA. 18621

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of
CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF
LUZERNE COUNTY, Pennsylvania to execute this writ. This
Deputation being made at the request and risk of the Plaintiff this 20th Day of
OCTOBER 2004

Respectfully,



CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation

Defendants.

DATE FILED:

NUMBER: 04-1624-CD

TYPE OF PLEADING:

PRAECIPE TO REISSUE WRIT OF
SUMMONS

COUNSEL OF RECORD:

J. DAVID CARUTHERS, ESQUIRE

ATTORNEY FOR: PLAINTIFF

PA. I.D. NUMBER: 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

FILED *1CC*
11/18/04 to SHFF
DEC 22 2004 *App'd 7:00*
William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,)	
)	
Plaintiff,)	
vs.)	
	)	No. 04-1624-CD
J.D. CHRIST, an individual and)	
SADOWSKI TRUCKING COMPANY,)	
a corporation)	
)	
Defendants.)	

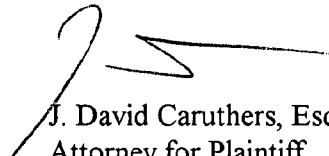
PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA:

Kindly reissue writs of summons against the above-captioned Defendants.

Respectfully submitted,

CARUTHERS & CARUTHERS, P.C.


J. David Caruthers, Esquire
Attorney for Plaintiff

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

SUMMONS

Rodney Smith

Vs.

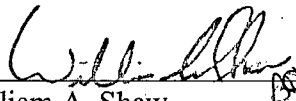
NO.: 2004-01624-CD

J. D. Christ, an individual, and
Sadowski Trucking Company, a corporation

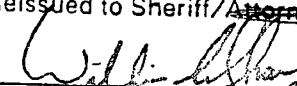
TO: J. D. CHRIST
SADOWSKI TRUCKING COMPANY

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: 10/18/2004


William A. Shaw
Prothonotary

Issuing Attorney:
J. David Caruthers, Esq.
114 South Main Street
Greensburg, PA 15601
(724) 834-0660

12-22-04 Document
~~Reinstated~~/Reissued to Sheriff/Attorney
for service.

~~Deputy~~ Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100083
NO: 04-1624-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: RODNEY SMITH

vs.

DEFENDANT: J.D. CHRIST, ind. & SADOWSKI TRUCKING COMPANY, Corp.

SHERIFF RETURN

NOW, January 03, 2005 SERVED THE WITHIN SUMMONS ON J.D. CHRIST, Ind. DEFENDANT AT 308 BUSH HILL, HANCOCK, NY, , 13754 BY CERTIFIED MAIL # 7002 3150 0000 7854 6501. THE RETURN RECEIPT IS HERETO ATTACHED ENDORSED BY J.D. CHRIST.

FILED

01/13/05
FEB 28 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100083
NO: 04-1624-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: RODNEY SMITH

vs.

DEFENDANT: J.D. CHRIST, ind. & SADOWSKI TRUCKING COMPANY, Corp.

SHERIFF RETURN

NOW, December 27, 2004, SHERIFF OF LUZERNE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON SADOWSKI TRUCKING COMPANY, A Corp..

NOW, January 07, 2005 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON SADOWSKI TRUCKING COMPANY, A Corp., DEFENDANT. THE RETURN OF LUZERNE COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100083
NO: 04-1624-CD
SERVICES 2
SUMMONS

PLAINTIFF: RODNEY SMITH

vs.

DEFENDANT: J.D. CHRIST, ind. & SADOWSKI TRUCKING COMPANY, Corp.

SHERIFF RETURN

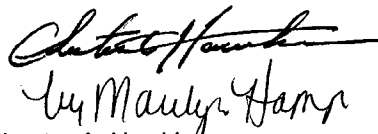
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	CARUTHERS	58097	20.00
SHERIFF HAWKINS	CARUTHERS	58098	31.30
LUZERNE CO.	CARUTHERS	58099	32.00

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

J.D. CHRIST
308 Bush Hill
Hancock NY 13754

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Jamus Christ

☐ Agent☒ Addressee

B. Received by (Printed Name)

Jamus Christ

C. Date of Delivery

1-3-05

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered ☐ Return Receipt for Merchandise☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

2. Article Number

(Transfer from service label)

7002 3150 0000 7854 6501

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

CHESTER A. HAWKINS
SHERIFF OF CLEARFIELD COUNTY
1 N. 2nd St. Suite 116
CLEARFIELD, PA. 16830

100083



1059 4582 0000 051E 2002

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
DEROSIT NY 13754	
Postage	\$ 0.37 37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$3.50
Total Postage & Fees	\$ 7.92 92
0830 07	
ADDRESS ONLY	
12/28/2004	
Sent To	
J.D. CHRIST	
Street, Apt. No., or PO Box No. 308 Bush Hill	
City, State, ZIP+4 Hancock, NY 13754	
PS Form 3800 June 2002 See Reverse for Instructions	

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

PS Form 3800, June 2002 (Reverse)

Important Reminders:

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- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
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100083

Luzerne County Sheriff's Department
Luzerne County Courthouse



200 North River Street
Wilkes-Barre, Pennsylvania 18711
(570) 825-1651

CLEARFIELD COUNTY

04-1624-CD

RODNEY SMITH

VS

STATE OF PENNSYLVANIA
COUNTY OF LUZERNE: SS.

J.D. CHRIST, IND., ET AL

MARK SENCZAKOWICZ Deputy Sheriff of Luzerne County, being duly sworn according to law,
deposes and says that after having made diligent search and inquiry for the within named, SADOWSKI
TRUCKING COMPANY

he was unable to find the within named in the said County of Luzerne. Reason: SEE ATTACHED SHEETS

Attempts: _____

Sworn to and subscribed before me

So answers,

this SEVENTH day of JANUARY 20 05

Sheriff of Luzerne County

Prothonotary of Luzerne County

by
Deputy Sheriff of Luzerne County

LUZERNE COUNTY SHERIFF'S DEPARTMENT
WILKES-BARRE, PA. 18711
(570) 825-1651
FAX (570) 825-1849

DEFENDANT: Sadowski Trucking Comp.

EXECUTION #: _____ / SALE # _____

DEFENDANT NOT FOUND BECAUSE: _____

No Answer

ATTEMPTS MADE:

DATE: 1/4/05 TIME: 11:45 AM

ADDRESS: 587 Sweet Valley Rd. Hurlock creek

DATE: 1/7/05 TIME: 11:02 AM

ADDRESS: "

DATE: _____ TIME: _____

ADDRESS: _____

REMARKS: _____

[Signature]
DEPUTY SHERIFF

SHERIFF OF LUZERNE COUNTY

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

SUMMONS

Rodney Smith

Vs.

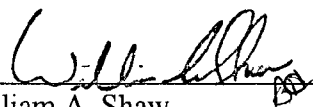
NO.: 2004-01624-CD

J. D. Christ, an individual, and
Sadowski Trucking Company, a corporation

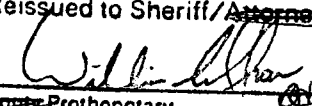
TO: J. D. CHRIST
SADOWSKI TRUCKING COMPANY

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: 10/18/2004


William A. Shaw
Prothonotary

Issuing Attorney:
J. David Caruthers, Esq.
114 South Main Street
Greensburg, PA 15601
(724) 834-0660

12-22-04 Document
~~Registered~~/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

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

ROBERT SNYDER
CHIEF DEPUTY

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100083

RODNEY SMITH

VS.

TERM & NO. 04-1624-CD

SUMMONS

J.D. CHRIST, ind. & SADOWSKI TRUCKING COMPANY, Corp.

SERVE BY: 01/21/05

MAKE REFUND PAYABLE TO CARUTHERS & CARUTHERS, P.C.

SERVE: SADOWSKI TRUCKING COMPANY, A Corp.

ADDRESS: 587 SWEET VALLEY ROAD, HUNLOCK, PA 18621

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF LUZERNE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, December 27, 2004.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation

Defendants.

DATE FILED:

NUMBER: 04-1624-CD

TYPE OF PLEADING:

PRAECIPE TO REISSUE WRIT OF
SUMMONS

COUNSEL OF RECORD:

J. DAVID CARUTHERS, ESQUIRE

ATTORNEY FOR: PLAINTIFF

PA. I.D. NUMBER: 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

^{CP}
FILED *Atty*
m/b: 04/01/05 pd.
MAY 10 2005 7:00

William A. Shaw *2000*
Prothonotary/Clerk of Courts
2000 summons
to Atty

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

RODNEY SMITH,)	
)	
Plaintiff,)	
vs.)	
	)	No. 04-1624-CD
J.D. CHRIST, an individual and)	
SADOWSKI TRUCKING COMPANY,)	
a corporation)	
)	
Defendants.)	

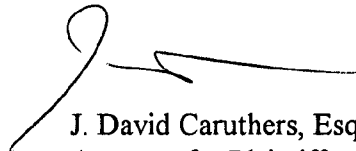
PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA:

Kindly reissue a Writ of Ssummons against the above-captioned Defendant,
Sadowski Trucking Company, a corporation. Thank you.

Respectfully submitted,

CARUTHERS & CARUTHERS, P.C.



J. David Caruthers, Esquire
Attorney for Plaintiff

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

COPY

SUMMONS

Rodney Smith

Vs.

NO.: 2004-01624-CD

J. D. Christ
Sadowski Trucking Company

TO: J. D. CHRIST
SADOWSKI TRUCKING COMPANY

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: 10/18/2004

William A. Shaw
Prothonotary

Issuing Attorney:
J. David Caruthers, Esq.
114 South Main Street
Greensburg, PA 15601
(724) 834-0660

5-10-05 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation

Defendants.

DATE FILED:

NUMBER: 04-1624-CD

TYPE OF PLEADING:

ACCEPTANCE OF SERVICE

COUNSEL OF RECORD:

J. DAVID CARUTHERS, ESQUIRE

ATTORNEY FOR: PLAINTIFF

PA. I.D. NUMBER: 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

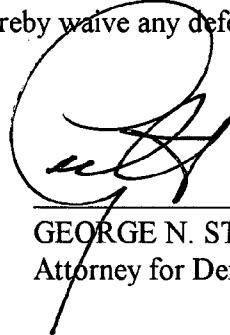
FILED *no cc*
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MAY 19 2005 *GW*
William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,)	
)	
Plaintiff,)	
vs.)	
	)	No. 04-1624-CD
J.D. CHRIST, an individual and)	
SADOWSKI TRUCKING COMPANY,)	
a corporation)	
)	
Defendants.)	

ACCEPTANCE OF SERVICE

I, George N. Stewart, Attorney for Defendant Sadowski Trucking Company, in the above-captioned action, do hereby accept service of the Writ of Summons in the above-captioned action, and further, do hereby waive any defects in the service thereof that might exist.



GEORGE N. STEWART, Esquire
Attorney for Defendant Sadowski Trucking

DATE: 5/16/05

FILED

MAY 19 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation

Defendants.

DATE FILED:

NUMBER: 04-1624-CD

TYPE OF PLEADING:

COMPLAINT

COUNSEL OF RECORD:

J. DAVID CARUTHERS, ESQUIRE

ATTORNEY FOR: PLAINTIFF

PA. I.D. NUMBER: 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

FILED ^{cc}
m/10:32B/ ^{no}
AUG 08 2005 ^{cc}

William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,)	
)	
Plaintiff,)	
vs.)	
	)	No. 04-1624-CD
J.D. CHRIST, an individual and)	
SADOWSKI TRUCKING COMPANY,)	
a corporation)	
)	
Defendants.)	

NOTICE TO DEFEND

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 defenses or objections to the claim 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 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
230 East Market Street
Clearfield, PA 16830
(814) 765-2641**

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

RODNEY SMITH,)	
)	
Plaintiff,)	
vs.)	
	)	No. 04-1624-CD
J.D. CHRIST, an individual and)	
SADOWSKI TRUCKING COMPANY,)	
a corporation)	
)	
Defendants.)	

COMPLAINT

AND NOW, comes the Plaintiff, Rodney Smith, by and through his attorney, J. David Caruthers, Esquire, of Caruthers & Caruthers, P.C., and brings this Complaint, of which the following is a statement:

1. The Plaintiff is Rodney G. Smith, an individual, presently residing at 385 Lecontes Mills Road, Frenchville, Clearfield County, Pennsylvania 16836. However, at the time of the accident in question, the Plaintiff's mailing address was Post Office Box 332, Bald Hill Road, Frenchville, Clearfield County, Pennsylvania.
2. The Defendant is J.D. Christ, an individual residing at 308 Bush Hill, Hancock, New York 13783-1718. However, at the time of the accident in question, the Defendant's mailing address was 171 Big Hollow Road, Apartment 1, Deposit, New York 13754.
3. The Defendant is Sadowski Trucking Company, a corporation licensed in the Commonwealth of Pennsylvania and/or doing business in the Commonwealth of Pennsylvania nonetheless with its business address at 587 Sweet Valley Road, Hunlock Creek, Luzerne County, Pennsylvania.

4. That State Route 0879 is a public highway in Lawrence Township, Clearfield County, running generally in a north-south direction, however, at that location Route 0879 runs east-west, and said road intersects with the eastbound ramp of Interstate Route 80, and which said eastbound ramp is controlled by a traffic control device, to wit, a stop sign.

5. That on or about the 19th day of November, 2002, at approximately 6:25 o'clock p.m., the Defendant, J.D. Christ was operating a 2003 flat bed semi-trailer truck owned by Sadowski Trucking Company, with Pennsylvania license plate T448TW, in a generally easterly direction on the eastbound off ramp of Exit 120 of Interstate 80 in Lawrence Township, Clearfield County, Pennsylvania, while he was an agent, servant and/or employee of the Defendant corporation, Sadowski Trucking Company.

6. That on or about November 19, 2002, at 6:25 o'clock p.m., and at all times pertinent hereto, the Plaintiff, Rodney G. Smith was operating a motor vehicle in a generally southbound direction on State Route 0879 in Lawrence Township, Clearfield County, Pennsylvania.

7. That at said Intersection of the eastbound off ramp of Exit 120 of Interstate 80 and State Route 0879 the Defendant, J.D. Christ, did not stop at the stop sign controlling the said intersection and violently struck the left or passenger side of the Plaintiff's vehicle causing it to strongly deviate it from its intended path.

8. That at said date and time and at all times pertinent hereto, the Plaintiff, Rodney G. Smith, was carefully and prudently operating his motor vehicle.

9. That at said date and time, as aforesaid, and at all times pertinent hereto, the Plaintiff had elected the "Limited Tort Option" under the Motor Vehicle Financial Responsibility Law, 75 Pa.C.S.A. Section 1701, et. seq.

COUNT I

RODNEY SMITH vs. J. D. CHRIST

10. That the Plaintiff hereby incorporates all those allegations contained in paragraphs 1 through 9, inclusive, by reference thereto with the same effect as if set forth at length herein.

11. That at said date, time and place as aforesaid, the Plaintiff, Rodney G. Smith, was operating his vehicle upon State Route 0879 in Lawrence Township, Clearfield County, Pennsylvania, in a safe, careful and prudent manner.

12. That the injuries and damages suffered by the Plaintiff, Rodney G. Smith, as hereinafter set forth were the sole, legal, direct and proximate result of the negligence of the Defendant, J.D. Christ, and in the following particulars:

a. In failing to properly apply the brakes of his vehicle in such a manner as to stop at the said controlled intersection of the said off ramp and State Route 0879;

b. In continuing to operate his vehicle in such a direction on the said off ramp of Exit 120 of Interstate Route 80 and into the side of the vehicle operated by the Plaintiff when the Defendant knew or in the exercise of reasonable diligence should have known that to continue in that direction would result in a violent collision;

c. In failing to maintain proper and reasonable control of his motor vehicle so that he might maintain the safe and prudent speed, as well as stopping distance and direction of the said vehicle within the assured clear distance ahead;

d. In failing to operate his vehicle with due regard for the rights, safety and position of the Plaintiff, Rodney G. Smith;

e. In failing to bring his said vehicle to a stop at the intersection controlled by a stop sign when the Defendant knew, or in the exercise of reasonable diligence should have known that enter the said intersection posed an unreasonable risk of harm to the Plaintiff;

f. In failing to allow traffic traveling on State Route 0879 its lawful right of way;

g. In failing to obey the ordinances and/or laws of Lawrence Township and/or the statutes of the Commonwealth of Pennsylvania dealing with the safe and prudent operation of motor vehicles;

h. In failing to operate the steering wheel of the said vehicle in such a manner as to avoid the collision between the Defendant's tractor trailer truck and that of the automobile of the Plaintiff;

i. In directing his vehicle into the intersection of the off ramp and State Route 0879 in such a manner as to cause a violent collision between the two vehicles;

j. In failing to properly maintain the said tractor trailer and its mechanical components when the Defendant knew or should have known that to do so would pose an unreasonable risk of harm;

k. In failing to repair the said tractor trailer when the Defendant knew or should have known that to do so would pose an unreasonable risk of harm;

l. In operating the said tractor trailer with a brake systems that was defective, when the Defendant knew or should have known that the said brake systems was defective;

m. In failing to properly inspect the said vehicle to ascertain the said dangerous condition of the motor vehicle; and

n. In failing to stop his vehicle at an intersection controlled by a stop sign.

13. As a sole, legal, direct and proximate result of the negligence of the Defendant, J.D. Christ, as aforesaid, the Plaintiff, Rodney G. Smith suffered the following injuries:

- a. Subacute fracture of right posterior Rib #8;
- b. Subacute fracture of right posterior Rib #10;
- c. Subacute fracture of Sternum;
- d. Subacute fracture of the lateral tibial plateau, non-displaced.
- e. Contusion and/or sprain of the left shoulder.

14. As a sole, legal, direct and proximate result of the negligence of the Defendant, J.D. Christ, as aforesaid, the Plaintiff, Rodney G. Smith suffered the following damages:

- a. He has suffered and will suffer great pain, suffering, inconvenience, embarrassment and mental anguish;
- b. He has been and will be required to expend large sums of money for surgical and medical attention, medical supplies, surgical appliances, medicines and/or attendant services;
- c. His earning capacity has been reduced and this reduction of earning capacity is and/or may be of a permanent nature;
- d. His general health, strength and vitality have been impaired;
- e. He has been unable to enjoy the ordinary pleasures of life;
- f. He stands at risk for the onset of traumatic arthritis;
- g. He stands at risk for further surgeries, and/or medical services and/or treatments.

WHEREFORE, the Plaintiffs respectfully requests that this Honorable Court enter judgment in their behalf and against the Defendant, J.D. Christ, generally, jointly and severally in an amount in excess of TWENTY THOUSAND (\$20,000.00) DOLLARS, exclusive of interest and cost of suit.

A JURY TRIAL IS RESPECTFULLY DEMANDED.

COUNT II

15. That the Plaintiff hereby incorporates all those allegations contained in paragraphs 1 through 14, inclusive, by reference thereto with the same effect as if set forth at length herein.

16. That on said date and time as aforesaid herein, and at all times pertinent hereto, the Defendant, J.D. Christ, was an agent, servant and/or employee of the Defendant, Sadowski Trucking Company, acting within the scope of his agency and/or employment.

17. That at said date and time while the Defendant, J.D. Christ, was an agent, servant and/or employee of the Defendant, Sadowski Trucking Company, acting within the scope of his agency and/or employment, the Defendant, J.D. Christ was negligent as is set forth in Paragraph 12 herein and incorporated herein with the same effect as if set forth at length herein.

18. That as a sole, legal, direct and proximate result of the negligence of the Defendant, J.D. Christ, as is set forth in Paragraph 12, the Plaintiff, Rodney Smith, suffered those injuries as set forth in Paragraph 13 and incorporated by reference thereto with the same effect as if set forth at length herein.

19. That as a sole, legal, direct and/or proximate result of the negligence of the Defendant, J.D. Christ, as is set forth herein in Paragraph 12 the Plaintiff, Rodney Smith, suffered those damages set forth in Paragraph 14 herein and incorporated by reference thereto with the same effect as if set forth at length herein.

WHEREFORE, the Plaintiff, Rodney Smith, respectfully requests that this Honorable Court enter judgment in his behalf and against the Defendant, Sadowski Trucking Company, generally, jointly and severally in an amount in excess of TWENTY THOUSAND (\$20,000.00) DOLLARS, exclusive of interest and cost.

A JURY TRIAL IS RESPECTFULLY DEMANDED.

COUNT III

RODNEY SMITH vs. SADOWSKI TRUCKING COMPANY

20. That the Plaintiff hereby incorporates all those allegations contained in paragraphs 1 through 19, inclusive, by reference thereto with the same effect as if set forth at length herein.

21. That on said date and time and as aforesaid and all times pertinent hereto, Sadowski Trucking Company, was acting through its agents, servants and/or employees in owning a certain flat bed semi-tractor trailer which said motor vehicle was involved in the said accident herein.

22. That the Defendant, Sadowski Trucking Company, acting through its agents, servants and/or employees acting through its agents, servants and/or employees acting within the scope of their agency and/or employment was negligent in the following manner:

a. In failing to properly inspect the said vehicle on a periodic basis when the Defendant knew or in the exercise of reasonable diligence should have known that the failure to do so posed a threat to the safety of the public in general and the Plaintiff specifically;

b. In failing to properly repair and/or cause to have repaired the said motor vehicle when the Defendant knew or should have know that the said vehicle was in a defective and/or dangerous condition;

c. In failing to properly maintain the said vehicle when the Defendant knew or should have known that the said vehicle was in a dangerous condition;

d. In failing to repair the said brake systems of the said trailer of the said motor vehicle when the Defendant knew or should have known that to do so would create an unreasonable risk of harm;

e. In failing to properly inspect the tires and/or steering and/or braking system of the said vehicle;

f. In failing to properly maintain the tires and/or steering and/or brake system of said vehicle; and

g. In failing to properly train its employees to inspect, repair and maintain its vehicles.

23. That as a sole, legal, direct and proximate result of the negligence of the Defendant, Sadowski Trucking Company, as is set forth in Paragraph 22, the Plaintiff, Rodney Smith suffered those injuries as set forth in Paragraph 13 and incorporated by reference thereto with the same effect as if set forth at length herein.

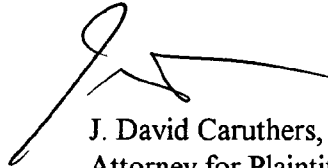
24. That as a sole, legal, direct and/or proximate result of the negligence of the Defendant, Sadowski Trucking Company, as is set forth herein in Paragraph 22, the Plaintiff, Rodney Smith suffered those damages set forth in Paragraph 14 herein and incorporated by reference thereto with the same effect as if set forth at length herein.

WHEREFORE, the Plaintiff, Rodney Smith, respectfully requests that this Honorable Court enter judgment in his behalf and against the Defendant, Sadowski Trucking Company, generally, jointly and severally in an amount in excess of TWENTY THOUSAND (\$20,000.00) DOLLARS, exclusive of interest and cost.

A JURY TRIAL IS RESPECTFULLY DEMANDED.

Respectfully submitted,

CARUTHERS & CARUTHERS, P.C.

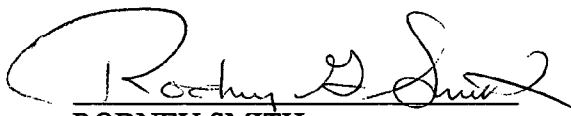
A handwritten signature in black ink, appearing to read 'J. David Caruthers', with a long horizontal stroke extending to the right.

J. David Caruthers, Esquire
Attorney for Plaintiff

VERIFICATION

I, RODNEY SMITH, hereby verify that the statements set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. Section 4909, relating to unsworn falsification to authorities.


RODNEY SMITH

DATED: 03-15-05

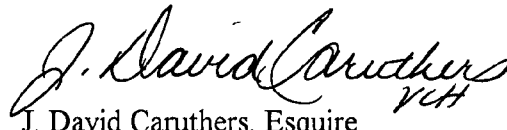
CERTIFICATE OF SERVICE

I, J. David Caruthers, Esquire, do hereby certify that I have served a true and correct copy of the within Complaint upon the following party by first class mail, U.S. postage prepaid on this 4th day of August, 2005, addressed as follows:

George N. Stewart, Esquire
Zimmer Kunz
132 South Main St., Suite 400
Greensburg, PA 15601

J. D. Christ
308 Bush Hill
Hancock, NY 13754

CARUTHERS & CARUTHERS, P.C.

The signature is written in cursive and includes the initials "JDC" at the end.

J. David Caruthers, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RODNEY SMITH,

Plaintiff,

v.

J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

JURY TRIAL DEMANDED

CIVIL DIVISION

No. 04-1624-CD

PRAECIPE FOR APPEARANCE

Code:

Filed on behalf of Sadowski Trucking
Company, Defendant

Counsel of Record for this Party:

George N. Stewart, Esquire

Pa. I.D. #39362

WV I.D. #5628

ZIMMER KUNZ, PLLC

Firm #920

132 South Main Street, Suite 400

Greensburg, PA 15601

(724) 836-5400

FILED

DEC 16 2005

m/g 10:30/c
William A. Shaw

Prothonotary/Clerk of Courts

m/c

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

RODNEY SMITH,)	
)	
Plaintiff,)	
)	
v.	)	No. 04-1624-CD
)	
J. D. CHRIST, an individual and SADOWSKI)	
TRUCKING COMPANY, a corporation,)	
)	
Defendants.)	

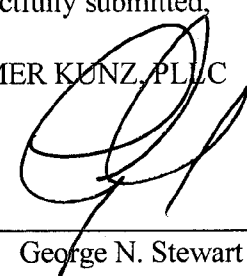
PRAECIPE FOR APPEARANCE

TO: Prothonotary

Kindly enter the appearance of GEORGE N. STEWART, ESQUIRE and ZIMMER
KUNZ, PLLC on behalf of Defendant, Sadowski Trucking Company in the within matter.

Respectfully submitted,

ZIMMER KUNZ, PLLC



By _____
George N. Stewart

132 South Main Street, Suite 400
Greensburg, PA 15601
(724) 836-5400

Date: December 14, 2005

Attorneys for Sadowski Trucking Company,
Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record this 14th day of December, 2005, by United States mail, first-class, postage prepaid, addressed as follows:

J. David Caruthers, Esquire
CARUTHERS & CARUTHERS, PC
114 South Main Street
Greensburg, PA 15601
Attorneys for Plaintiff



George N. Stewart

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RODNEY SMITH,

Plaintiff,

v.

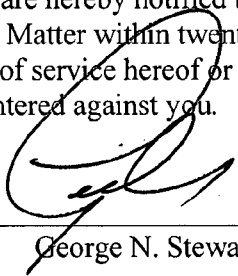
J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

TO: Plaintiff

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

By


George N. Stewart

JURY TRIAL DEMANDED

CIVIL DIVISION

No. 04-1624-CD

ANSWER AND NEW MATTER

Code:

Filed on behalf of Sadowski Trucking
Company, Defendant

Counsel of Record for this Party:

George N. Stewart, Esquire

Pa. I.D. #39362

WV I.D. #5628

ZIMMER KUNZ, PLLC

Firm #920

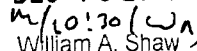
132 South Main Street, Suite 400

Greensburg, PA 15601

(724) 836-5400

FILED 

DEC 16 2005


William A. Shaw

Prothonotary/Clerk of Courts

no c/c

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

RODNEY SMITH,)	
)	
Plaintiff,)	
)	
v.	)	No. 04-1624-CD
)	
J. D. CHRIST, an individual and SADOWSKI)	
TRUCKING COMPANY, a corporation,)	
)	
Defendants.)	

ANSWER AND NEW MATTER

AND NOW comes the Defendant, Sadowski Trucking Company, by and through its attorneys, GEORGE N. STEWART, ESQUIRE and ZIMMER KUNZ, PLLC and files the following Answer and New Matter to the Plaintiff's Complaint averring as follows:

Preliminary Statement

Because of the nature and timing of the Complaint, in order to preserve important legal rights and protections, Defendant sets forth below certain defenses and affirmative defenses which, based upon the information set forth in the Complaint, it believes do or may apply to some or all of the claims raised therein. Defendant reserves the right to withdraw or modify some or all of the affirmative defenses set forth below, in whole or in part, depending upon the outcome of discovery. Defendant Sadowski Trucking believes and, therefore, avers that the co-defendant has been mis-named and/or has not been served with process herein and is, therefore, not subject to the jurisdiction of this Court.

ANSWER

1. Defendant is without personal knowledge regarding the allegations contained in paragraph 1 of Plaintiff's Complaint and strict proof is demanded.

2. Paragraph 2 of Plaintiff's Complaint is directed to the co-defendant and no response is required. Insofar as any further response is required, it is not admitted that Defendant Christ has been properly named herein and/or is subject to service of process.

3. Paragraph 3 of Plaintiff's Complaint contains conclusions of law to which no response is required. Insofar as any further response is required, said paragraph is admitted.

4. Paragraph 4 of Plaintiff's Complaint concerns matters of public record and/or matters as to which Defendant does not have personal knowledge regarding the specific configuration and direction of the said roadway. It is admitted that State Route 879 does run in Clearfield County and does so in the vicinity of the eastbound ramp of Interstate Route 80. It is further averred that the eastbound ramp is controlled by a traffic control device.

5. Paragraph 5 of Plaintiff's Complaint is admitted in part and denied in part. It is admitted that equipment owed by Sadowski Trucking Company was being operated in and about the area where the accident occurred by an employee of Sadowski Trucking Company. It is denied that the said equipment was a 2003 vehicle.

6. Paragraph 6 of Plaintiff's Complaint concern matters as to which this Defendant is without personal knowledge and strict proof is demanded.

7. Paragraph 7 of Plaintiff's Complaint concern matters as to which this Defendant is without personal knowledge and strict proof is demanded.

8. Paragraph 8 of Plaintiff's Complaint contains conclusions of law to which no response is required. Insofar as any further response is required, these allegations are denied.

9. Paragraph 9 of Plaintiff's Complaint contains conclusions of law to which no response is required. Insofar as any further response is required, Defendant Sadowski is without personal knowledge regarding these allegations.

Count I

10. The allegations contained in paragraphs 10 through 14 of Plaintiff's Complaint are directed to Defendant J.D. Christ and no response is required on the part of Defendant Sadowski. Insofar as any further response is required, Defendant Sadowski avers as follows:

- (a) The allegations contained in paragraph 11 of Plaintiff's Complaint are denied for those reason stated in response to paragraph 8
- (b) Paragraph 12 of Plaintiff's Complaint contains conclusions of law to which no response is required. Insofar as any further response is required on the part of Defendant Sadowski, it is denied that it or any of its alleged agents or employees were negligent and/or the proximate cause of injuries and damages as asserted by Plaintiff. Strict proof is demanded of all such allegations.
- (c) In response to paragraphs 13 and 14 of Plaintiff's Complaint, Defendant Sadowski denies that it or its alleged agent or employee was negligent or the proximate cause of injuries and damages alleged by Plaintiff. By way of further answer, with regard to the said injuries and damages, this Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations and strict proof is demanded.

WHEREFORE, Defendant Sadowski Trucking denies that it is liable to the Plaintiff in any amount and demands that judgment be entered in its favor.

Count II

11. In response to paragraph 15 of Plaintiff's Complaint, Defendant Sadowski incorporates herein by reference its answer to paragraphs 1 through 14 as if the same were set forth in their entirety herein.

12. Paragraph 16 of Plaintiff's Complaint contains conclusion of law to which no response is required. Insofar as any further response is required, it is admitted that the operator of the Sadowski vehicle was an employee of Sadowski Trucking at the time of the subject accident.

13. Paragraph 17 of Plaintiff's Complaint contains conclusions of law to which no response is required. Insofar as any further response is required, it is denied that Defendant Sadowski Trucking or its alleged employee or agent were negligent and/or the proximate cause of injuries or damages of the type alleged by Plaintiff. By way of further answer, Sadowski Trucking incorporates herein by reference its answer to paragraph 12 as if set forth at length herein.

14. In response to paragraphs 18 and 19 of Plaintiff's Complaint Defendant Sadowski incorporates herein by reference its answers to paragraphs 12 through 14 of Plaintiff's Complaint as if the same were set forth in their entirety herein.

WHEREFORE, Defendant Sadowski Trucking denies that it is liable to the Plaintiff in any amount and demands that judgment be entered in its favor.

Count III

15. In response to paragraph 20 of Plaintiff's Complaint, Defendant Sadowski incorporates herein by reference its answers to paragraphs 1 through 19 as if the same were set forth in their entirety herein.

16. Paragraph 21 of Plaintiff's Complaint contains conclusions of law to which no response is required. Insofar as any further response is required, Defendant Sadowski admits it

was the owner of a tractor-trailer that was allegedly involved in an accident. All remaining allegations implicit or asserted in the said paragraph are denied.

17. Paragraph 22 of Plaintiff's Complaint is denied. Defendant Sadowski denies that it was negligent and/or the proximate cause of any injuries and damages of which Plaintiff claims and denies those allegations of negligence set forth in subparagraphs (a) through (g). To the contrary, Sadowski Trucking did not breach any duty allegedly owed to the Plaintiff.

18. In response to paragraphs 23 and 24 of Plaintiff's Complaint, Defendant Sadowski denies that it was negligent or in any fashion the proximate cause of any injuries and damages of which the Plaintiff complains. In regard to the said alleged injuries and damages, Defendant Sadowski incorporates herein by reference its answers to paragraphs 13 and 14 as if the same were set forth in their entirety herein.

WHEREFORE, Defendant Sadowski Trucking Company denies that it is liable to the Plaintiff in any amount and demands that judgment be entered in its favor.

NEW MATTER

19. Plaintiff's Complaint fails to state a cause of action upon which relief may be granted.

20. Defendant sets forth any and all applicable statutes of limitations as a bar to Plaintiff's claim.

21. Defendant sets forth the Pennsylvania Motor Vehicle Financial Responsibility Law as a bar to and/or in diminution of Plaintiff's claim for damages.

22. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Additional Defendant avers that any medical expenses not precluded from the evidence at trial, must be reduced in accordance with Act 6 of the MVFRL and/or *Moorhead v. Crozier Chester Medical Center*, 765 A.2d 786 (Pa. 2001).

23. To the extent revealed by discovery, Defendant sets forth the Pennsylvania Comparative Negligence Act as a bar to and/or in diminution of Plaintiff's claim for damages to the extent of the Plaintiff's comparative negligence.

24. To the extent revealed by discovery or testimony rendered at trial, Defendant sets forth that Plaintiff's injuries, in whole or in part, pre-existed and/or are unrelated to the accident at issue.

25. Defendant Sadowski Trucking Company denies that Plaintiff has properly identified the driver of the Sadowski equipment that was allegedly involved in the subject accident.

WHEREFORE, Defendant Sadowski Trucking Company denies that it is liable to the Plaintiff in any amount and demands that judgment be entered in its favor.

Respectfully submitted,

ZIMMER KUNZ, PLLC

By 

George N. Stewart

132 South Main Street, Suite 400
Greensburg, PA 15601
(724) 836-5400

Date: December 14, 2005

Attorneys for Sadowski Trucking Company,
Defendant

VERIFICATION

I, Ted Sadowski of Sadowski Trucking Company have read the foregoing Answer and New Matter. The statements contained therein are true and correct to the best of my personal knowledge, information and belief.

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


Date: 12/07/05

Ted Sadowski

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record this 14th day of December, 2005, by United States mail, first-class, postage prepaid, addressed as follows:

J. David Caruthers, Esquire
CARUTHERS & CARUTHERS, PC
114 South Main Street
Greensburg, PA 15601
Attorneys for Plaintiff



George N. Stewart

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation

Defendants.

DATE FILED:

NUMBER: 04-1624-CD

TYPE OF PLEADING:

NOTICE OF SERVICE OF
ANSWERS TO INTERROGATORIES

COUNSEL OF RECORD:

J. DAVID CARUTHERS, ESQUIRE

ATTORNEY FOR: PLAINTIFF

PA. I.D. NUMBER: 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

FILED NO CC
m 19:59/61
JUL 24 2006
William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,)	
)	
Plaintiff,)	
vs.)	
	)	No. 04-1624-CD
J.D. CHRIST, an individual and)	
SADOWSKI TRUCKING COMPANY,)	
a corporation)	
)	
Defendants.)	

NOTICE OF SERVICE OF
ANSWERS TO INTERROGATORIES

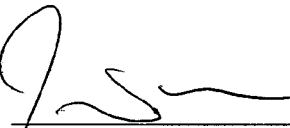
TO: WILLIAM SHAW, PROTHONOTARY:

KINDLY take notice that the Answers to Interrogatories propounded upon the Plaintiff were served upon the Defendants through their counsel, by mailing the same, by U.S. Mail, postage prepaid, first class, to the following address:

GEORGE N. STEWART, ESQ.
132 South Main Street, Suite 400
Greensburg, PA 15601

Respectfully submitted,

Caruthers & Caruthers, PC



J. David Caruthers
Attorney for Plaintiff, Rodney Smith

DATE: 7/20/06

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation

Defendants.

DATE FILED:

NUMBER: 04-1624-CD

TYPE OF PLEADING:

NOTICE OF SERVICE OF
INTERROGATORIES TO DEFENDANT
SADOWSKI TRUCKING

COUNSEL OF RECORD:

J. DAVID CARUTHERS, ESQUIRE

ATTORNEY FOR: PLAINTIFF

PA. I.D. NUMBER: 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

FILED ^{NO CC}
m110:3084
NOV 13 2006 ^{UN}

William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,)	
)	
Plaintiff)	
)	
vs.	)	No. 04-1624-CD
)	
J.D. CHRIST, an individual)	
and SADOWSKI TRUCKING)	
COMPANY, a corporation)	
)	
Defendants.)	

NOTICE OF SERVICE OF
INTERROGATORIES TO DEFENDANT,
SADOWSKI TRUCKING COMPANY

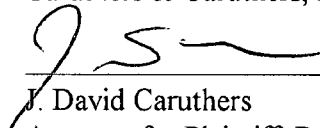
TO: WILLIAM SHAW, PROTHONOTARY:

KINDLY take notice that an original and two copies of Interrogatories propounded upon the Defendant, Sadowski Trucking Company were served upon the Defendant through its counsel, by mailing the same, by U.S. Mail, postage prepaid, first class, to the following address:

GEORGE N. STEWART, ESQ.
132 South Main Street, Suite 400
Greensburg, PA 15601

Respectfully submitted,

Caruthers & Caruthers, PC



J. David Caruthers
Attorney for Plaintiff, Rodney Smith

DATE: 11/8/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RODNEY SMITH,

Plaintiff,

v.

J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

JURY TRIAL DEMANDED

CIVIL DIVISION

No. 04-1624-CD

NOTICE OF SERVICE

Code:

Filed on behalf of Sadowski Trucking
Company, Defendant

Counsel of Record for this Party:

George N. Stewart, Esquire
Pa. I.D. #39362
WV I.D. #5628

ZIMMER KUNZ, PLLC
Firm #920
132 South Main Street, Suite 400
Greensburg, PA 15601

(724) 836-5400

FILED *no cc*
02/11/07
MAY 10 2007
LSM

William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,

Plaintiff,

v.

J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

No. 04-1624-CD

NOTICE OF SERVICE

I hereby certify that I served Defendant, Sadowski Trucking Company's, Answers to Interrogatories upon counsel for Plaintiff this 8th day of May, 2007 by United States mail, first-class, postage prepaid.

Respectfully submitted,

ZIMMER KUNZ, PLLC

By


George N. Stewart

132 South Main Street, Suite 400
Greensburg, PA 15601
(724) 836-5400

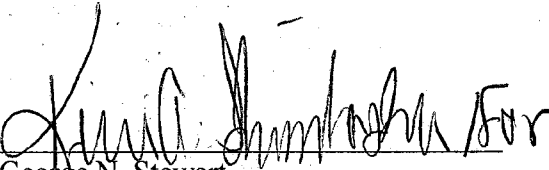
Date: May 8, 2007

Attorneys for Sadowski Trucking Company,
Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record this 8th day of May, 2007 by United States mail, first-class, postage prepaid, addressed as follows:

J. David Caruthers, Esquire
CARUTHERS & CARUTHERS, PC
114 South Main Street
Greensburg, PA 15601
(Attorneys for Plaintiff)


George N. Stewart

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RODNEY SMITH,

Plaintiff,

v.

J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

JURY TRIAL DEMANDED

CIVIL DIVISION

No. 04-1624-CD

MOTION TO COMPEL DISCOVERY

Code:

Filed on behalf of Sadowski Trucking
Company, Defendant

Counsel of Record for this Party:

George N. Stewart, Esquire
Pa. I.D. #39362
WV I.D. #5628

ZIMMER KUNZ, PLLC
Firm #920
132 South Main Street, Suite 400
Greensburg, PA 15601

(724) 836-5400

FILED ^{NO} CC
m p. O'Neil
AUG 13 2007 (GK)

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

RODNEY SMITH,)	
)	
Plaintiff,)	
)	
v.	)	No. 04-1624-CD
)	
J. D. CHRIST, an individual and SADOWSKI)	
TRUCKING COMPANY, a corporation,)	
)	
Defendants.)	

MOTION TO COMPEL DISCOVERY

AND NOW, comes the Defendant, SADOWSKI TRUCKING COMPANY, by and through its attorneys, GEORGE N. STEWART, ESQUIRE and ZIMMER KUNZ, PLLC, and files the following Motion to Compel Discovery as follows:

1. The Plaintiff filed the within Complaint in Civil Action asserting that he sustained personal injuries as a result of a motor vehicle accident.

2. In order to secure additional information regarding Plaintiff's alleged injuries and damages, the Defendant, Sadowski Trucking Company served its First Set of Interrogatories and Request for Production of Documents upon the Plaintiff on September 27, 2005.

3. Pursuant to Pa. R.C.P. 4006(a)(2), the Plaintiff's written responses and objections, if any, to said discovery was due within thirty days of the date of service.

4. The Plaintiff responded to Defendant's Interrogatories on July 20, 2006. However, no responses were provided to the Request for Production of Documents.

5. Defense counsel followed up with two letters to Plaintiff's counsel inquiring into the status of the overdue responses. (Copies of the said letters to Plaintiff's counsel are attached hereto and marked as Exhibit "1").

6. To date, no answers, responses or objections of any kind have been provided to Defendant's Request for Production of Documents.

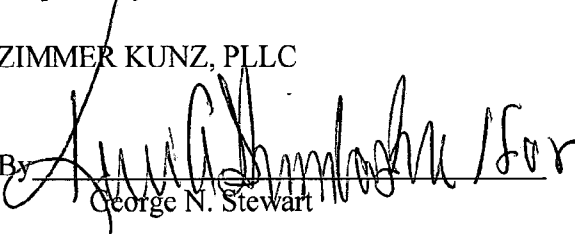
7. The Defendant requests an Order pursuant to Pa. R.C.P. 4019(a)(1)(i) and (vii) directing the Plaintiff to respond completely to the Request for Production of Documents.

WHEREFORE, Defendant, Sadowski Trucking, Inc., respectfully requests this Honorable Court to enter an Order compelling the Plaintiff to answer the various discovery requests that are outstanding within twenty days of the date of this Order.

Respectfully submitted,

ZIMMER KUNZ, PLLC

By


George N. Stewart

132 South Main Street, Suite 400
Greensburg, PA 15601
(724) 836-5400

Date: August 9, 2007

Attorneys for Sadowski Trucking Company,
Defendant

ZIMMER KUNZ

PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

HARRY J. ZIMMER
RAYMOND H. CONAWAY (PA & WV)
GEORGE N. STEWART (PA & WV)
JONIM. MANGINO (PA & WV)
JOSEPH W. SELEP (PA & WV)
EDWARD K. DIXON
ALEXANDER P. BICKET (PA & WV)
JOHN W. ZOTTER (PA & OH)
JEFFREY A. RAMALEY (PA & OH)
DARA A. DECOURCY (PA & WV)
DANIEL E. KRAUTH
GEORGE R. FARNETH II

ANTHONY C. CARONE (PA & WV)
CHRISTOPHER T. YOSKOSKY
MEGHAN F. WISE (PA & OH)
JOHN K. BRYAN
MACEL E. RHODES (WV ONLY)
JOHN M. BIONDI
JOSEPH F. BUTCHER
SHARON Z. HALL (PA & WV)
AARON R. CRAMER (PA & IL)
CHRISTIAN W. WRABLEY (PA & WV)
MATTHEW G. BRENNEMAN (PA & WV)
COLLEEN P. KARTYCHAK

MEGHAN A. MORAN
KERRI A. SHIMBORSKE (PA & WV)
SAMUEL F. ZETS (PA & WV)
JILL N. QUINN
BRIAN S. QUINN

OF COUNSEL

JOHN E. KUNZ
ANDREW J. BANYAS, III
THOMAS A. LAZAROFF

132 SOUTH MAIN STREET, SUITE 400
GREENSBURG, PA 15601

(724) 836-5400
FAX (724) 836-5149

PITTSBURGH OFFICE:
(412) 281-8000
FAX (412) 281-1765

MORGANTOWN OFFICE:
(304) 292-8531
FAX (304) 292-7529

BUTLER OFFICE:
(724) 285-6677
FAX (724) 431-2490

BEAVER OFFICE:
(724) 774-6000
FAX (724) 774-4400

REPLY TO GREENSBURG OFFICE

E-Mail Address: shimborske@zklaw.com

May 31, 2006

J. David Caruthers, Esquire
CARUTHERS & CARUTHERS, PC
114 South Main Street
Greensburg, PA 15601

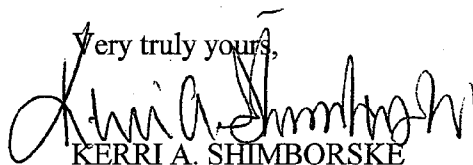
**RE: Rodney Smith v. Sadowski Trucking Company, et al.
No. 04-1624 CD (Clearfield County, PA)**

Dear Mr. Caruthers:

Your client's discovery responses in the above-referenced matter are currently overdue. I would ask that you please provide me with those responses within the next twenty days. If I do not hear from you or receive your Answers within the next twenty days, I will file a Motion to Compel.

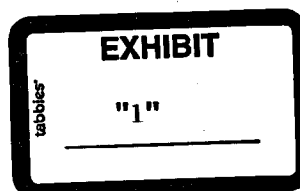
Of course, should you have any questions, please do not hesitate to contact my office.

Very truly yours,


KERRI A. SHIMBORSKE

KAS:lk

cc: George N. Stewart, Esquire



ZIMMER KUNZ

PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

HARRY J. ZIMMER
RAYMOND H. CONAWAY (PA & WV)
GEORGE N. STEWART (PA & WV)
JONIM. MANGINO (PA & WV)
JOSEPH W. SELEP (PA & WV)
EDWARD K. DIXON
ALEXANDER P. BICKET (PA & WV)
JOHN W. ZOTTER (PA & OH)
JEFFREY A. RAMALEY (PA & OH)
DARA A. DeCOURCY (PA & WV)
DANIEL E. KRAUTH
GEORGE R. FARNETH II

ANTHONY C. CARONE (PA & WV)
CHRISTOPHER T. YOSKOSKY
MEGHAN F. WISE (PA & OH)
JOHN K. BRYAN
MACEL E. RHODES (WV ONLY)
JOHN M. BIONDI
JOSEPH F. BUTCHER
SHARON Z. HALL (PA & WV)
AARON R. CRAMER (PA & IL)
MATTHEW G. BRENNEMAN (PA & WV)
COLLEEN P. KARTYCHAK
MEGHAN A. MORAN

KERRI A. SHIMBORSKE (PA & WV)
SAMUEL F. ZETS (PA & WV)
BRIAN S. QUINN
RYANA A. ZELI
CHRISTINA A. ROGERS

OF COUNSEL

JOHN E. KUNZ
ANDREW J. BANYAS, III
THOMAS A. LAZAROFF

132 SOUTH MAIN STREET, SUITE 400
GREENSBURG, PA 15601

(724) 836-5400
FAX (724) 836-5149

PITTSBURGH OFFICE:
(412) 281-8000
FAX (412) 281-1765

MORGANTOWN OFFICE:
(304) 292-8531
FAX (304) 292-7529

BEAVER OFFICE:
(724) 774-6000
FAX (724) 774-4400

REPLY TO GREENSBURG OFFICE

E-Mail Address: shimborske@zklaw.com

July 17, 2007

FILE COPY

J. David Caruthers, Esquire
CARUTHERS & CARUTHERS, PC
114 South Main Street
Greensburg, PA 15601

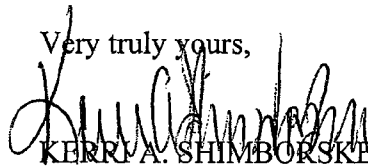
Re: Rodney Smith v. Sadowski Trucking Company, et al.
No. 04-1624 CD (Clearfield County, PA)

Dear Mr. Caruthers:

After a review of my file, I noticed that you have not provided responses to Defendant's First Set of Request for Production of Documents, which was served on September 27, 2005. I would ask that you advise me at your earliest convenience as to the status of your responses.

Thank you for your attention in this matter.

Very truly yours,



KERRI A. SHIMBORSKE

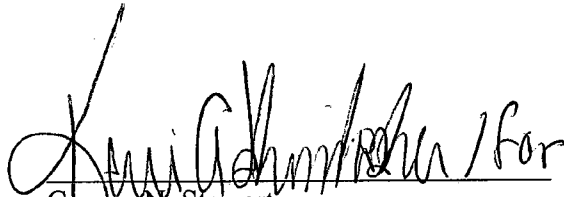
KAS:lk

cc: George N. Stewart, Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record this 9th day of August, 2007 by United States mail, first-class, postage prepaid, addressed as follows:

J. David Caruthers, Esquire
CARUTHERS & CARUTHERS, PC
114 South Main Street
Greensburg, PA 15601
(Attorneys for Plaintiff)


George N. Stewart

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

Case No. 07-10001

U.S. District Court

U.S. District Court

U.S. District Court

U.S. District Court

U.S. District Court

U.S. District Court

U.S. District Court

FILED
AUG 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,

Plaintiff,

v.

J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

No. 04-1624-CD

FILED ^{ICC}
09/14/07
AUG 21 2007 *Atty*
William A. Shaw *Stewart*
Prothonotary/Clerk of Courts *WAS*

ORDER OF COURT

AND NOW, this 20 day of August, 2007, upon consideration of the foregoing motion, it is hereby Ordered that:

(1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;

(2) the respondent shall file an answer to the motion within 20 days of this date;

(3) the motion shall be decided under Pa. R.C.P. 206.7;

~~(4)~~ depositions and all other discovery shall be completed within _____ days of this date;

~~(5)~~ an evidentiary hearing on disputed issues of material fact shall be held on

_____, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. _____;

(6) argument shall be held on October 1, 2007 in Courtroom No. 1 of the Clearfield County Courthouse; and
11:00 A.M

(7) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT:

Jack Kummer

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

RODNEY SMITH,
Plaintiff

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation,
Defendant


*
*
*
*
*
*
*
*

NO. 04-1624-CD

ORDER

NOW, this 1st day of October, 2007, the Court noting that argument on the Defendant's Motion to Compel being scheduled for this date and that the Defendant did not serve the Plaintiff with a copy of this Court's scheduling Order of August 20, 2007, it is the ORDER of this Court that said argument be and is hereby rescheduled to the **5th day of November, 2007 at 9:30 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 2CC AM
0/11:20 am Stewart
OCT 01 2007 (will serve)
66

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RODNEY SMITH,

Plaintiff,

v.

J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

JURY TRIAL DEMANDED

CIVIL DIVISION

No. 04-1624-CD

NOTICE OF SERVICE

Code:

Filed on behalf of Sadowski Trucking
Company, Defendant

Counsel of Record for this Party:

George N. Stewart, Esquire
Pa. I.D. #39362
WV I.D. #5628

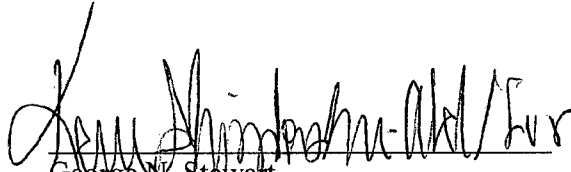
ZIMMER KUNZ, PLLC
Firm #920
132 South Main Street, Suite 400
Greensburg, PA 15601

(724) 836-5400

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record this 12th day of October, 2007 by United States mail, first-class, postage prepaid, addressed as follows:

J. David Caruthers, Esquire
CARUTHERS & CARUTHERS, PC
114 South Main Street
Greensburg, PA 15601
(Attorneys for Plaintiff)


George N. Stewart

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation

Defendants.

DATE FILED:

NUMBER: 04-1624-CD

TYPE OF PLEADING:

NOTICE OF SERVICE
RESPONSE TO REQUEST FOR
PRODUCTION OF DOCUMENTS

COUNSEL OF RECORD:

J. DAVID CARUTHERS, ESQUIRE

ATTORNEY FOR: PLAINTIFF

PA. I.D. NUMBER: 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

FILED

OCT 17 2007
m/po:20/c
William A. Shaw
Prothonotary/Clerk of Courts
WC C/C

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

RODNEY SMITH,)
)
Plaintiff,)
vs.)
) No. 04-1624-CD
J.D. CHRIST, an individual and)
SADOWSKI TRUCKING COMPANY,)
a corporation)
)
Defendants.)

**NOTICE OF SERVICE OF RESPONSE TO
REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: PROTHONOTARY OF CLEARFIELD COUNTY

KINDLY TAKE NOTICE of service of the Response to Request for Production of Documents served on the Plaintiff, this 15th day of October, 2007, by hand delivery of the same to the offices of counsel for the Defendant, at the following address:

George N. Stewart, Esq.
132 S. Main Street
Greensburg, PA 15601

Respectfully submitted,

Caruthers & Caruthers, PC

J. David Caruthers
Counsel for Plaintiff

Date: 10/15/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RODNEY SMITH,

Plaintiff,

v.

J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

JURY TRIAL DEMANDED

CIVIL DIVISION

No. 04-1624-CD

Honorable Fredric J. Ammerman

**PRAECIPE TO WITHDRAW MOTION TO
COMPEL**

Code:

Filed on behalf of Sadowski Trucking
Company, Defendant

Counsel of Record for this Party:

George N. Stewart, Esquire
Pa. I.D. #39362
WV I.D. #5628

ZIMMER KUNZ, PLLC
Firm #920
132 South Main Street, Suite 400
Greensburg, PA 15601

(724) 836-5400

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

RODNEY SMITH,

Plaintiff,

v.

J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

No. 04-1624-CD

Honorable Fredric J. Ammerman

PRAECIPE TO WITHDRAW MOTION TO COMPEL

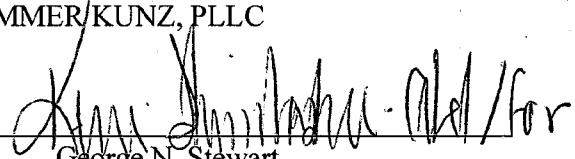
TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly withdraw the Motion to Compel filed by Defendant, Sadowski Trucking Company, on August 9, 2007, in the above matter. Accordingly, the argument on the Motion to Compel scheduled for Monday, November 5, 2007 at 9:30 a.m. before the Honorable Fredric J. Ammerman will no longer be necessary.

Respectfully submitted,

ZIMMER/KUNZ, PLLC

By


George N. Stewart

132 South Main Street, Suite 400
Greensburg, PA 15601
(724) 836-5400

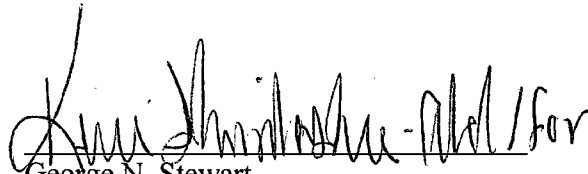
Date: October 17, 2007

Attorneys for Sadowski Trucking Company,
Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record this 17th day of October, 2007 by United States mail, first-class, postage prepaid, addressed as follows:

J. David Caruthers, Esquire
CARUTHERS & CARUTHERS, PC
114 South Main Street
Greensburg, PA 15601
(Attorneys for Plaintiff)


George N. Stewart

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RODNEY SMITH,

Plaintiff,

v.

J. D. CHRIST, an individual and SADOWSKI
TRUCKING COMPANY, a corporation,

Defendants.

JURY TRIAL DEMANDED

CIVIL DIVISION

No. 04-1624-CD

PRAECIPE FOR APPEARANCE

Code:

Filed on behalf of Sadowski Trucking Company
and J.D. Christ, Defendants

Counsel of Record for this Party:

George N. Stewart, Esquire

Pa. I.D. #39362

WV I.D. #5628

Kerri Shimborske-Abel, Esquire

Pa. I.D. #93011

WV I.D. #10009

ZIMMER KUNZ, PLLC

Firm #920

132 South Main Street, Suite 400

Greensburg, PA 15601

(724) 836-5400

FILED (12)

NOV 08 2007

William A. Shaw

Prothonotary/Clerk of Courts

W.A. Shaw

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record this 6 day of November, 2007, by United States mail, first-class, postage prepaid, addressed as follows:

J. David Caruthers, Esquire
CARUTHERS & CARUTHERS, PC
114 South Main Street
Greensburg, PA 15601
Attorneys for Plaintiff



George N. Stewart
Kerri Shimborske-Abel, Esquire

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

RODNEY SMITH,

Plaintiff,

vs.

J.D. CHRIST, an individual and
SADOWSKI TRUCKING COMPANY,
a corporation,

Defendants.

DATE FILED:

NUMBER: 04 - 1624 - CD

TYPE OF PLEADING:

PRAECIPE TO SETTLE,
DISCONTINUE, AND END

COUNSEL OF RECORD FOR THIS
PARTY:

J. DAVID CARUTHERS

ATTORNEY FOR : PLAINTIFF

PA I.D. 39534

FIRM:

CARUTHERS & CARUTHERS, P.C.
114 SOUTH MAIN STREET
GREENSBURG, PA 15601

(724) 834-0660

FILED

m/10:35am
SEP 18 2008

ICC + 1 cert of
disc issued to
Atty Caruthers

William A. Shaw
Prothonotary/Clerk of Courts

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

RODNEY SMITH,)
)
Plaintiff,)
)
vs.) NO. 04-1624-CD
)
J.D. CHRIST, an individual, and)
SADOWSKI TRUCKING COMPANY, a)
Corporation,)
)
Defendants.)

PRAECIPE TO SETTLE, DISCONTINUE, AND END

TO THE PROTHONOTARY:

KINDLY mark the docket of the above captioned matter at the above
number and term SETTLED, DISCONTINUED AND ENDED.

Respectfully submitted,

CARUTHERS & CARUTHERS, P.C.

J. David Caruthers

SWORN to and subscribed
before me this 11th day of

September, 2008.

Linda C. Ranella
Notary Public

My Commission Expires:

NOTARIAL SEAL
Linda C Ranella
NOTARY PUBLIC
City of Greensburg, Westmoreland County
My Commission Expires 03/27/2012

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Rodney Smith

Vs.

No. 2004-01624-CD

J. D. Christ

Sadowski Trucking Company

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 September 18, 2008, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$99.00 have been paid in full by J. David Caruthers Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 18th day of September A.D. 2008.



LM

William A. Shaw, Prothonotary