

04-1684-CD
ERIC INSURANCE EXCHANGE, ETAL. vs. ENGLISH'S VARIETY STORE
et al.

5
Eric Insurance et al vs English's Variety
2004-1684-CD

Date: 09/13/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 12:14 PM

ROA Report

Page 1 of 1

Case: 2004-01684-CD

Current Judge: No Judge

Erie Insurance Exchange, Maynard H. Gray Jr., Laura A. Gray vs. English's Variety Store, Ronald English

District Justice Appeal

Date		Judge
10/26/2004	✓ Filing: District Justice Appeals Paid by: McIntyre Dugas Hartye & Schmitt Receipt number: 1889114 Dated: 10/26/2004 Amount: \$85.00 (Check) Copies to Atty.	No Judge
10/28/2004	✓ Proof of Service of Notice of Appeal and Rule to File Complaint filed by Appellant. No cc.	No Judge
11/03/2004	✓ District Justice Transcript filed.	No Judge
11/23/2004	✓ Complaint in a Civil Action, on behalf of Plaintiffs, filed by s/ S. Casey Bowers, Esq. 2 CC Atty Bowers	No Judge
12/23/2004	✓ Answer and New Matter filed by Atty. Harrington no cert. copies.	No Judge
01/11/2005	✓ Reply To New Matter filed by s/ Casey Bowers, Esquire. 3CC Atty Bowers	No Judge
02/01/2005	✓ Notice of Service of Defendants' Request for Production of Documents Directed to Plaintiffs Dated 1/31/2005, upon S. Casey Bowers, Esquire. Filed by s/ Heather A. Harrington, Esquire. no cc	No Judge
03/24/2005	✓ Notice of Service, Request for Production of documents to Heather A. Harrington, Esquire, on March 23, 2005. Filed by s/ S. Casey Bowers, Esquire. no CC ✓ Notice of Service, copy of Responses to Request for Production of Documents of Defendants, to Heather A. Harrington Esquire. Filed by s/ S. Casey Bowers No CC	No Judge
03/28/2005	✓ Notice of Depositions of Plaintiffs, filed by s/ Heather A. Harrington, Esquire. No CC	No Judge
04/15/2005	✓ Filing: Praecipe/List For Arbitration, Certificate of Readiness Paid by: Bowers, S. Casey (attorney for Erie Insurance Exchange) Receipt number: 1899445 Dated: 04/15/2005 Amount: \$20.00 (Check). No CC	No Judge
04/26/2005	✓ Notice of Service of Defendant's Responses to Plaintiffs' Request for Production of Documents, on April 25, 2005 upon S. Casey Bowers, Esquire. Filed by s/ Heather A. Harrington, Esquire. No CC	No Judge
07/08/2005	✓ Order, this 8th day of July, 2005, ORDERED that Arbitration is Scheduled on Tuesday, Sept. 13, 2005 at 9:00 a.m. Arbitrators: Carl A. Belin, Jr., Esquire, Chairman Christopher J. Shaw, Esquire Patrick Lavelle, Esquire. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 5 CC to C/A	No Judge
09/13/2005	✓ Oath or Affirmation of Arbitrators and Entry of Award, filed. Entered Award of Arbitrators: Verdict for Plaintiff in the amount of \$6,323.16. s/Carl A. Belin, Jr., Esq., Christopher J. Shaw, Esq. and Patrick Lavelle, Esq. Notice to Atty. Bowers and Harrington	No Judge

Date: 06/28/2005

Time: 09:35 AM

Page 3 of 9

Clearfield County Court of Common Pleas

User: BILLSHAW

ROA Report

Case: 2001-00420-CD

Current Judge: Fredric Joseph Ammerman

Joyce M. Meckley, Ronald C. Meckley vs. Otolaryngology Group of Central Pennsylvania, Inc., Steven Y. Kim MD, Clearfield Hospital

Civil Other

Date		Judge
09/24/2001	Rule to Show Cause Regarding Defts' Supplemental Motion to compel Directed to Plaintiffs, filed by Atty. Slimak	Fredric Joseph Ammerman
09/26/2001	Plaintiffs' Objection to Subpoena to Subpoena directed to UPMC Radiology Department Pursuant to Rule 4009.1 s/Arthur L. Schwarzwaelder, Esq. Cert of Svc no cc	John K. Reilly Jr.
09/27/2001	Certificate of Service, Subpoena Duces Tecum and Notice of Records Deposition Directed to Gregory J. Roscoe, M.D., upon Atty Schwarzwaelder and Atty Hartye Filed by s/Darryl R. Slimak, Esq. no cc	John K. Reilly Jr.
	Certificate of Service, Subpoena Duces Tecum and Notice of Records Deposition Directed to Pittsburgh Medical Center Health Information Management, upon Atty Schwarzwaelder and Atty Hartye. Filed by s/Darryl R. Slimak, Esq. no cc	John K. Reilly Jr.
	Certificate of Service, Subpoena Duces Tecum and Notice of Records Deposition Directed to University of Pittsburgh Medical Center Radiology Department, upon Atty Schwarzwaelder and Atty Hartye. Filed by s/Darryl R. Slimak, Esq. no cc	John K. Reilly Jr.
	Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22. Filed by s/Darryl R. Slimak, Esq. no cc	John K. Reilly Jr.
10/03/2001	Certificate Prerequisite to Service of Subpoena Pursuant to Rule 4009.22. Filed by s/Darryl R. Slimak, Esq. no cc	John K. Reilly Jr.
	Certificate of Service, Subpoena Duces Tecum and Notice of Records Deposition Directed to Carol G. Elkins, M.D./Curwensville Family Practice upon Atty Schwarzwaelder and Atty Sosnowski Filed by s/Darryl R. Slimak, Esq.	John K. Reilly Jr.
10/11/2001	Plaintiff's Reply to Supplemental Motion to Compel of Defendants Otolaryngology Group of Central Pennsylvania, Inc. and Steven Y. Kim, MD, filed by s/Arthur L. Schwarzwaelder, Esq. No CC	John K. Reilly Jr.
	Plaintiff's Reply to Motion to Compel of Defendants Otolaryngology Group of Central Pennsylvania, Inc. and Steven Y. Kim, MD, filed by s/Arthur L. Schwarzwaelder/ Esq. No CC	John K. Reilly Jr.
10/15/2001	Order, NOW, this 12th day of October, 2001, following argument into Defendant's Motion to Compel and Supplemental Motion to Compel, Order that Motions shall be granted and Plaintiff ordered to fully respond to Defendant's requests for discovery within 20 days from date hereof. BY THE COURT: /s/John K. Reilly, Jr., P.J. Two CC Atty Schwarzwaelder Two CC Atty Slimak	John K. Reilly Jr.
11/05/2001	Plaintiffs' Notice of Service of Answers to Defendants Req. 1 and 2, served on Defendant's Counsel of Record. s/Arthur L. Schwarzwaelder, Esq. Cert of Svc no cc	John K. Reilly Jr.
11/19/2001	Notice of Service, filed on behal of Plaintiff's by Arthur L. Schwarzwaelder, John K. Reilly Jr. Esquire no cc	John K. Reilly Jr.
01/07/2002	Plaintiffs' Objections to Subpoena Directed to Dr. Mary Loskovan Pursuant John K. Reilly Jr. to Rule 4009.1 Filed by s/Arthur L. Schwarzwaelder, Esq. Cert of Svc no cc	John K. Reilly Jr.
	Plaintiffs' Objections to Subpoena Directed to Chesquehanna Medical Center Pursuant to Rule 4009.1. Filed by s/Arthur L. Schwarzwaelder, Esq. Cert of Svc no cc	John K. Reilly Jr.

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
JUDICIAL DISTRICT
46TH

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-1684-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT ENGLISH'S VAR. STORE/RONALD ENGLISH		MAG. DIST. NO. OR NAME OF D.J. 46-3-03	
ADDRESS OF APPELLANT 209 SARAH STREET		CITY OSCEOLA MILLS	STATE PA ZIP CODE 16666-1028
DATE OF JUDGMENT 10/11/2004	IN THE CASE OF (Plaintiff) ERIE INSURANCE EXCHANGE	(Defendant) vs. ENGLISH'S VAR. STORE/RONALD ENGLISH	
CLAIM NO. CV LT	0000354-04	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Heather A. Shantz</i>	
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.		If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.	
Signature of Prothonotary or Deputy			

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon ERIE INSURANCE EXCHANGE, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 04-1684-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Heather A. Shantz
Signature of appellant or his attorney or agent

RULE: To ERIE INSURANCE EXCHANGE, appellee(s).
(Name of appellee(s))

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: 10-26-04.

William A. Shaw

Signature of Prothonotary or Deputy

FILED

OCT 26 2004

William A. Shaw
Prothonotary

COURT FILE TO BE FILED WITH PROTHONOTARY

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS _____

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____
 by personal service by (certified) (registered) mail, sender's receipt attached hereto.
 and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom
the Rule was addressed on _____, by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-03

DJ Name: Hon.

MICHAEL A. RUDELLA

Address: **131 ROLLING STONE ROAD
P.O. BOX 210
KYLERTOWN, PA**

Telephone: **(814) 345-6789 16847-0444**

**ENGLISH'S VAR. STORE/RONALD ENGLISH
209 SARAH STREET
OSCEOLA MILLS, PA 16666-1028**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

ERIE INSURANCE EXCHANGE
NAME and ADDRESS
**3410 W. 12TH ST
ERIE, PA 16505**

VS.

DEFENDANT:

ENGLISH'S VAR. STORE/RONALD ENGLISH
NAME and ADDRESS
**209 SARAH STREET
OSCEOLA MILLS, PA 16666-1028**

Docket No.: **CV-0000354-04**
Date Filed: **9/14/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **ERIE INSURANCE EXCHANGE**

Judgment was entered against: (Name) **ENGLISH'S VAR. STORE/RONALD ENGLISH**

in the amount of \$ **6,337.66** on: (Date of Judgment) **10/11/04**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 \$ _____

Portion of Judgment for physical
damages arising out of residential
lease \$ _____

Amount of Judgment	\$ 6,223.16
Judgment Costs	\$ 114.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 6,337.66
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

10-11-04 Date *M A Rudella*, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

My commission expires first Monday of January, **2006**.

SEAL

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

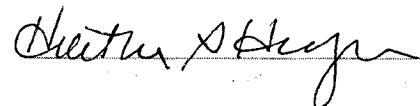
COUNTY OF Clearfield ;ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 04-1684 CD, upon the District Justice designated therein on
(date of service) October 27, 2004, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Erie Insurance Exchange, on
October 27, 2004 by personal service by (certified) (registered) mail, sender's receipt attached hereto.
 and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom
the Rule was addressed on October 27, 2004, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 27th DAY OF October, 2004

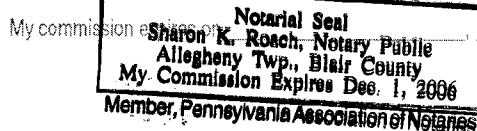


Signature of affiant



Signature of official before whom affidavit was made

Title of official



11/10/4684
OCT 28 2004

PROBATE COURT, JUDICIAL COURT

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
JUDICIAL DISTRICT
46TH

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-1684-C

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT ENGLISH'S VAR. STORE/RONALD ENGLISH		MAG. DIST. NO. OR NAME OF D.J. 46-3-03	
ADDRESS OF APPELLANT 209 SARAH STREET		CITY OSCEOLA MILLS	STATE PA
DATE OF JUDGMENT 10/11/2004	IN THE CASE OF (Plaintiff) ERIE INSURANCE EXCHANGE	(Defendant) vs. ENGLISH'S VAR. STORE/RONALD ENGLISH	
CLAIM NO. CV LT	0000354-04	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Heather A. Sherry</i>	
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.		If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.	
Signature of Prothonotary or Deputy			

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. *checkmark*
IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon ERIE INSURANCE EXCHANGE, appellee(s), to file a complaint in this appeal
(Name of appellee(s))
(Common Pleas No. 04-1684-C) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Heather A. Sherry
Signature of appellant or his attorney or agent

RULE: To ERIE INSURANCE EXCHANGE, appellee(s).
(Name of appellee(s))

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: 11-26-04

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

William A. Sherry
Signature of Prothonotary or Deputy

OCT 26 2004

Attest.

William A. Sherry
Prothonotary/
Clerk of Courts

COURT FILE

3028 3091 3110 3110 3103 3003 3003

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

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HOLIDAYSBURG PA 16848

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 Street, Apt. No.
 or P.O. Box No.
 City, State, ZIP+4
*Dr. Michael Rudella
 1121 N. Bellomy Stene Rd., P.O. Box 210
 Kutztown, PA 16847*

PS Form 3800, June 2002

See Reverse for Instructions

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-03

DJ Name: Hon.

MICHAEL A. RUDELLA

Address: 131 ROLLING STONE ROAD
P.O. BOX 210
KYLERTOWN, PA

Telephone: (814) 345-6789

16847-0444

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF:

ERIE INSURANCE EXCHANGE
3410 W. 12TH ST
ERIE, PA 16505

NAME and ADDRESS

DEFENDANT:

ENGLISH'S VAR. STORE/RONALD ENGLISH
209 SARAH STREET
OSCEOLA MILLS, PA 16666-1028

VS.

NAME and ADDRESS

MICHAEL A. RUDELLA
131 ROLLING STONE ROAD
P.O. BOX 210
KYLERTOWN, PA 16847-0444

Docket No.: CV-0000354-04

Date Filed: 9/14/04



04-1684-CB

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) ERIE INSURANCE EXCHANGE

Judgment was entered against: (Name) ENGLISH'S VAR. STORE/RONALD ENGLISH

in the amount of \$ 6,337.66 on:

(Date of Judgment) 10/11/04

Defendants are jointly and severally liable.

(Date & Time) _____

Damages will be assessed on:

This case dismissed without prejudice.

Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 \$ _____

Portion of Judgment for physical
damages arising out of residential
lease \$ _____

FILED
NOV 03 2004
William A. Frost
Prothonotary/Clerk
Post Judgment Credits
Post Judgment Costs
=====
Certified Judgment Total \$6337.66

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

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10-11-04

Date

M A Rudella

, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

10/28/04

Date

M A Rudella

, District Justice

My commission expires first Monday of January, 2006

SEAL

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

MAYNARD H. GRAY, JR., and :
and LAURA A. GRAY, his wife, :
Plaintiffs :
: No. 04-1684-CD
vs. : Type of Pleading:
: COMPLAINT IN A
RONALD ENGLISH, d/b/a : CIVIL ACTION
ENGLISH VARIETY STORE, :
Defendants : Filed on Behalf of:
: PLAINTIFFS
: Counsel of Record for
: This Party:
: S. Casey Bowers, Esq.
: Supreme Court No. 89032
: Hanak, Guido and Taladay
: 498 Jeffers Street
: PO Box 487
: DuBois, PA 15801
: 814-371-7768

FILED ^{acc}
09/14/04 AttyBowers
NOV 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

MAYNARD H. GRAY, JR., and :
LAURA A. GRAY, his wife, :
Plaintiffs :
: :
vs. : No. 04-1684-CD
: :
RONALD ENGLISH, d/b/a :
ENGLISH VARIETY STORE, :
Defendants :
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

(814) 765-2641 Ext. 1303

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

MAYNARD H. GRAY, JR., and :
LAURA A. GRAY, his wife, :
Plaintiffs :
vs. : No. 04-1684-CD
RONALD ENGLISH, d/b/a :
ENGLISH VARIETY STORE, :
Defendants :

COMPLAINT IN A CIVIL ACTION

AND NOW, comes the Plaintiffs, MAYNARD H. GRAY, JR., and LAURA A. GRAY, his wife, by and through their attorneys, HANAK, GUIDO AND TALADAY, who files this Complaint and in support thereof aver the following:

1. The Plaintiffs are MAYNARD H. GRAY, JR., and LAURA A. GRAY, husband and wife, residing at 5942 Morgan Run Road, West Decatur, Clearfield County, Pennsylvania, 16878.
2. The Defendant is RONALD ENGLISH an adult individual doing business as ENGLISH VARIETY STORE, and with a business address of 209 Sarah Street, Osceola Mills, Clearfield County, Pennsylvania, 16666.
3. At all times pertinent hereto, the Defendant has been in the business of servicing appliances.
4. At all times pertinent hereto, Plaintiffs have owned and continue to own a home located at 5942 Morgan Run Road, in West Decatur, Pennsylvania.

5. On or about March 9, 2004, per Plaintiffs' request, the Defendant serviced Plaintiffs' Whirlpool automatic clothes washing machine relative to a screeching sound emanating from the washing machine.

6. In the course of servicing the washing machine, Defendant performed the following tasks:

- (a) He lifted the washing machine out of a permanent in-floor drain pan;
- (b) He moved the machine 3 to 4 feet from his normal location;
- (c) He removed and replaced various components of the washing machine; and
- (d) He moved the washing machine back into place.

7. In the course of servicing the washing machine, Defendant loosened the washing machine's water discharge hose.

8. Unbeknownst to Plaintiffs, the water discharge hose was loosened to such a degree that the hose became completely dislodged allowing gallons of water to escape into and damage Plaintiffs' house.

9. The water so escaped from the washing machine during the first load of laundry washed by Plaintiffs after Defendant serviced the machine.

10. Defendant was negligent in failing to check the hose connection at any time before, during or after servicing the washing machine.

11. As a direct and proximate result of Defendant's negligence, Plaintiffs suffered property damage in excess of Six Thousand Three Hundred Thirty-seven and 66/100 (\$6,337.66) Dollars.

WHEREFORE, Plaintiffs demand judgment in their favor and against the Defendant in an amount in excess of Six Thousand Three Hundred Thirty-seven and 66/100 (\$6,337.66) Dollars, together with costs of suit, interest and any further relief this Court deems just and equitable.

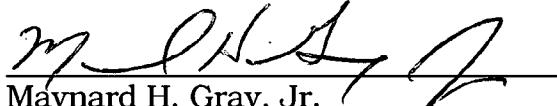


S. Casey Bowers
Attorney for Plaintiff
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
Supreme Court I.D. No. 89032

VERIFICATION

We, MAYNARD H. GRAY, JR., and LAURA A. GRAY, verify that the statements in the foregoing COMPLAINT IN A CIVIL ACTION are true and correct to the best of our knowledge, information and belief.

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


Maynard H. Gray, Jr.


Laura A. Gray

CERTIFICATE OF SERVICE

I do hereby certify that on the 23rd day of November, 2004, a copy of the within Complaint in a Civil Action was served by first class mail, postage prepaid, upon the following:

Heather A. Harrington, Esq.
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648-0533

S. Casey Bowers
S. Casey Bowers

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

MAYNARD H. GRAY, JR. and
LAURA A. GRAY, his wife,

No. 04 - 1684 - CD

ISSUE: ANSWER AND NEW MATTER

Plaintiffs

vs.

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,

Filed on Behalf of Defendants,
RONALD ENGLISH, d/b/a ENGLISH
VARIETY STORE

Defendant

Counsel of Record:
Heather A. Harrington, Esquire
PA I.D. #62977

McINTYRE, DUGAS, HARTYE &
SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 22nd DAY OF
DECEMBER, 2004.

Heather A. Harrington
Attorneys for Defendant

FILED 10/16/04
DEC 23 2004
M
cc

William A. Shaw
Prothonotary/Clerk of Courts

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

MAYNARD H. GRAY, JR. and
LAURA A. GRAY, his wife,

No. 04 - 1684 - CD

Plaintiffs

vs.

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,

Defendant

JURY TRIAL DEMANDED

ANSWER AND NEW MATTER

AND NOW, comes defendant RONALD ENGLISH, d/b/a ENGLISH VARIETY
STORE, by and through his counsel, McIntyre, Dugas, Hartye & Schmitt, and files the
within Answer and New Matter to the plaintiffs' Complaint.

ANSWER

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Denied.
8. Denied.
9. The defendant, after reasonable investigation does not have information
sufficient to form a belief as to the truth of these allegations and the same are therefore
denied.

10. Denied.

11. Denied.

WHEREFORE, the defendant respectfully requests that judgment be entered in his favor, and against the plaintiffs, with prejudice.

NEW MATTER

12. Defendant hereby incorporates by reference his responses to the plaintiffs' Complaint, as if set forth at length.

13. Prior to leaving the home of plaintiffs, the defendant ran a "test cycle" on the washing machine.

14. The "test cycle" was successfully run without any leakage of any kind.

15. If any leakage developed after the defendant left the plaintiffs' home, they were due solely to forces outside of his control including, but not limited to, work done by other individuals on the washing machine or by the plaintiffs themselves.

16. The direct and proximate result of the damages complained of were the actions of third parties over which the defendant had no control.

17. No conduct on part of the defendant was a substantial factor/factual cause in causing or contributing to any harm which the plaintiffs may have suffered.

Respectfully submitted,

McIntyre, Dugas, Hartye & Schmitt



Attnorneys for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 FAX

Notice to Plead

To: Plaintiffs

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



Attnorneys for Defendant

VERIFICATION

I, **Ronald English, t/d/b/a English Variety Store**, do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER**. The statements therein are correct to the best of my personal knowledge or information and belief.

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



Ronald English
t/d/b/a English Variety Store

Date: 11 - 13 04

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

MAYNARD H. GRAY, JR., and
and LAURA A. GRAY, his wife,
Plaintiffs

No. 04-1684-CD

vs.

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,
Defendants

Type of Pleading:

REPLY TO NEW MATTER

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

FILED 3cc
6K 01/11/2005 Atty Bowers
JAN 11 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

MAYNARD H. GRAY, JR., and :
LAURA A. GRAY, his wife, :
Plaintiffs :
vs. : No. 04-1684-CD
RONALD ENGLISH, d/b/a :
ENGLISH VARIETY STORE, :
Defendants :

REPLY TO NEW MATTER

AND NOW, comes the Plaintiffs, MAYNARD H. GRAY, JR., and LAURA A. GRAY, his wife, by and through their attorneys, HANAK, GUIDO AND TALADAY, who files the within Reply to Defendant's New Matter averring as follows:

12. This Paragraph requires no response.
13. Denied. After reasonable investigation, Plaintiffs are without knowledge sufficient to form a belief as to the truth of these allegations. As such, said allegations are denied.
14. Denied. After reasonable investigation, Plaintiffs are without knowledge sufficient to form a belief as to the truth of these allegations. As such, said allegations are denied.
15. Denied. As set forth in Plaintiffs' Complaint, the leakage was caused solely by Defendant's conduct.
16. This paragraph constitutes a legal conclusion, as such, no response is required. To the extent a response is required, said allegations are denied.

17. Denied. As set forth in Plaintiffs' Complaint, Plaintiffs suffered harm as a direct result of Defendant's conduct.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant in an amount in excess of Six Thousand Three Hundred Thirty-seven and 66/100 (\$6,337.66) Dollars, together with costs of suit, interest and any further relief this Court deems just and equitable.



S. Casey Bowers
Attorney for Plaintiff
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
Supreme Court I.D. No. 89032

VERIFICATION

We, MAYNARD H. GRAY, JR., and LAURA A. GRAY, verify that the statements in the foregoing REPLY TO NEW MATTER are true and correct to the best of our knowledge, information and belief.

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


Maynard H. Gray, Jr.


Laura A. Gray

CERTIFICATE OF SERVICE

I do hereby certify that on the 11th day of January, 2005, a copy of the within Reply to New Matter was served by first class mail, postage prepaid, upon the following:

Heather A. Harrington, Esq.
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648-0533


S. Casey Bowers

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

MAYNARD H. GRAY, JR. and
LAURA A. GRAY, his wife,

Plaintiffs

vs.

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,

Defendants

: No. 04 - 1684 - CD

: ISSUE: Notice of Service of
Defendants' Request for Production
of Documents Directed to Plaintiffs
Dated 01/31/2005

: Filed on Behalf of Defendants,
RONALD ENGLISH, d/b/a ENGLISH
VARIETY STORE

: Counsel of Record:
Heather A. Harrington, Esquire
PA I.D. #62977

: McINTYRE, DUGAS, HARTYE &
SCHMITT
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 31st DAY OF
January, 2005.

Heather A. Harrington
Atorneys for Defendants

FILED 10:34 AM
FEB 01 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

MAYNARD H. GRAY, JR. and : No. 04 - 1684 - CD
LAURA A. GRAY, his wife, :

Plaintiffs : :

VS. : :

RONALD ENGLISH, d/b/a :
ENGLISH VARIETY STORE, :

Defendants : JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF DEFENDANTS'
REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

TO: PROTHONOTARY

You are hereby notified that on the **31st** day of **January, 2005**, Defendants, served Request for Production of Documents Directed to Plaintiffs Dated 01/31/2005 by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

S. Casey Bowers, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendants

HEATHER A. HARRINGTON, ESQUIRE
PA I.D #: 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

FEB 01 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

MAYNARD H. GRAY, JR., and
and LAURA A. GRAY, his wife,
Plaintiffs

No. 04-1684-CD

vs.

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,
Defendants

Type of Pleading:

NOTICE OF SERVICE

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

FILED
M 11:11 AM
MAR 24 2005
NO CC
60

William A. Shaw
Prothonotary/Clerk of Courts

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

MAYNARD H. GRAY, JR., and
LAURA A. GRAY, his wife,
Plaintiffs

vs.

No. 04-1684-CD

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,
Defendants

NOTICE OF SERVICE OF
REQUEST FOR PRODUCTION
OF DOCUMENTS BY PLAINTIFFS

This is to certify that on the 23rd day of March, 2005, I mailed a copy of Request for Production of Documents by Plaintiffs, by first class mail, postage prepaid, to:

Heather A. Harrington, Esq.
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648-0533



S. Casey Bowers
Attorney for Defendants

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

MAYNARD H. GRAY, JR., and
and LAURA A. GRAY, his wife,
Plaintiffs

vs. No. 04-1684-CD

vs.

Type of Pleading:

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,
Defendants

NOTICE OF SERVICE

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

FILED NO CC
M JU 11 2005
MAR 24 2005 (GD)

William A. Shaw
Prothonotary/Clerk of Courts

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

MAYNARD H. GRAY, JR., and :
LAURA A. GRAY, his wife, :
Plaintiffs :
vs. : No. 04-1684-CD
RONALD ENGLISH, d/b/a :
ENGLISH VARIETY STORE, :
Defendants :
:

NOTICE OF SERVICE OF RESPONSES
TO REQUEST FOR PRODUCTION
OF DOCUMENTS OF DEFENDANTS

This is to certify that on the 2nd day of March, 2005, I mailed a copy of Responses to Request for Production of Documents of Defendants, by first class mail, postage prepaid, to:

Heather A. Harrington, Esq.
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648-0533



S. Casey Bowers
Attorney for Defendants

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

MAYNARD H. GRAY, JR. and
LAURA A. GRAY, his wife,

: No. 04 - 1684 - CD

: ISSUE: Notice of Depositions
of Plaintiffs

Plaintiffs

vs.

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,

: Filed on Behalf of Defendants,
RONALD ENGLISH, d/b/a ENGLISH
VARIETY STORE

Defendants

: Counsel of Record:
Heather A. Harrington, Esquire
PA I.D. #62977

: McINTYRE, DUGAS, HARTYE &
SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 23rd DAY OF
March, 2005.

Heather A. Harrington
Attorneys for Defendants

FILED

MAR 28 2005

8:30 AM

William A. Shaw

Prothonotary/Clerk of Courts

NUYC 66

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

MAYNARD H. GRAY, JR. and	:	No. 04 - 1684 - CD
LAURA A. GRAY, his wife,	:	
Plaintiffs	:	
vs.	:	
RONALD ENGLISH, d/b/a	:	
ENGLISH VARIETY STORE,	:	
Defendants	:	JURY TRIAL DEMANDED

NOTICE OF DEPOSITIONS

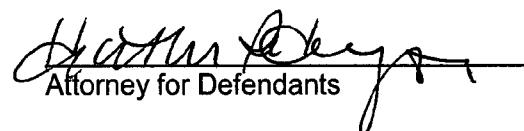
TO: Plaintiffs, Maynard H. Gray, Jr. and Laura A. Gray
c/o S. Casey Bowers, Esquire
HANAK, GUIDO and TALADAY
498 Jeffers Street
P.O. Box 487
Du Bois, PA 15801

Please take notice that the depositions of **Maynard H. Gray, Jr. and Laura A. Gray** shall be taken upon oral examination by an official Court Reporter at the law office of S. Casey Bowers, Esquire, Hanak, Guido and Taladay, 498 Jeffers Street, P.O. Box 487, Du Bois, PA 15801, on the **13th day of April, 2005**, commencing at **11:00 a.m.**

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case.

You are invited to attend and participate.

McINTYRE, DUGAS, HARTYE & SCHMITT


Attorney for Defendants

HEATHER A. HARRINGTON, ESQUIRE
PA I.D. No.: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

FILED

MAR 28 2005

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

FILED
M/10/476478/15
APR 15 2005
William A. Shaw
Prothonotary/Clerk of Courts
20:00

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

MAYNARD H. GRAY, JR., et al.,
vs.
Plaintiffs

RONALD ENGLISH, et al. Defendants

CASE NUMBER	TYPE	TRIAL REQUESTED	DATE PRESENTED
			ESTIMATED TRIAL TIME

Date Complaint () Jury () Non-Jury
Filed: 11/23/04 (x) Arbitration

1/2 Days

PLAINTIFF(S)

Maynard H. Gray, Jr. and Laura A. Gray, his wife ()

04-1684-C

DEFENDANT(S)

Ronald English, d/b/a English Variety Store ()

Check Block if
a Minor is a
Party to the
Case

ADDITIONAL DEFENDANT(S)

()

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
-----------------	---------------	----------------------------

more than

\$ () yes () no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

S. Casey Bowers, Esq.

814-371-7768

FOR THE PLAINTIFF

TELEPHONE NUMBER

Heather A. Harrington, Esq.

814-696-3581

FOR THE DEFENDANT

TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

MAYNARD H. GRAY, JR. and
LAURA A. GRAY, his wife,

No. 04 - 1684 - CD

**ISSUE: NOTICE OF SERVICE OF
DEFENDANT'S RESPONSES TO
PLAINTIFFS' REQUEST FOR
PRODUCTION OF DOCUMENTS**

Plaintiffs

vs

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,

Defendant

Filed on Behalf of Defendants,
RONALD ENGLISH, d/b/a ENGLISH
VARIETY STORE

Counsel of Record:
Heather A. Harrington, Esquire
PA I.D. #62977

MCINTYRE, DUGAS, HARTYE &
SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 25TH DAY OF
April, 2005.

Atorneys for Defendant

FILED
MAY 10 2005
APR 26 2005
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

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

MAYNARD H. GRAY, JR. and LAURA A. GRAY, his wife,	:	No. 04 - 1684 - CD
Plaintiffs		
vs.		
RONALD ENGLISH, d/b/a ENGLISH VARIETY STORE,	:	
Defendants	:	JURY TRIAL DEMANDED

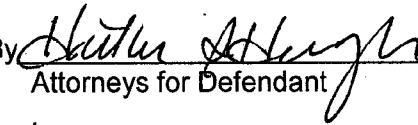
NOTICE OF SERVICE OF DEFENDANT'S RESPONSES TO PLAINTIFFS'
REQUEST FOR PRODUCTION OF DOCUMENTS

TO: PROTHONOTARY

You are hereby notified that on the 25th day of April, 2005, defendant served Responses to Plaintiffs' Request for Production of Documents on the Plaintiffs by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

S. Casey Bowers, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(Counsel for Plaintiffs)

McINTYRE, DUGAS, HARTYE & SCHMITT

By 
Attorneys for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - Fax

FILED

APR 26 2005

William A. Shaw
Prothonotary/Clerk of Courts

✓

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

MAYNARD H. GRAY and
LAURA A. GRAY, his wife

vs.

: No. 04-1684-CD

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE

FILED

JUL 08 2005

019:30 AM 66
William A. Shaw

Prothonotary/Clerk of Courts

ORDER

5 CENT - C/A

NOW, this 8th day of July, 2005, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Tuesday, September 13, 2005 at 9:00 A.M. The following have been appointed as Arbitrators:

Carl A. Belin, Jr., Esquire, Chairman

Christopher J. Shaw, Esquire

Patrick Lavelle, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

Please report to Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Maynard H. Gray Jr. and
Laura A. Gray, his wife
vs.
Ronald English, d/b/a English Variety Store

No. 2004-01684-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 13th day of September, 2005, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

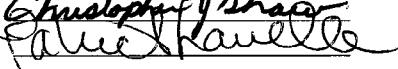
Carl A. Belin, Jr., Esq.

Chairman

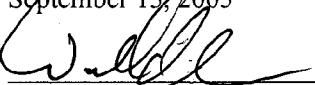
Christopher J. Shaw, Esq.


Christopher J. Shaw

Patrick Lavelle, Esq.


Patrick Lavelle

Sworn to and subscribed before me this
September 13, 2005


Prothonotary

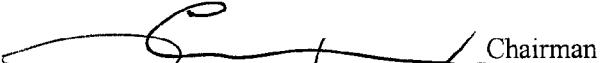
FILED

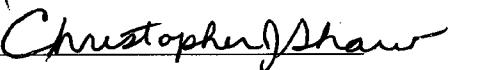
SEP 13 2005
010:35 AM
William A. Shaw
Prothonotary/Clerk of Courts
NOTICES TO ATTORNEYS

AWARD OF ARBITRATORS

Now, this 13 day of Sept., 2005, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

Deed for Plaintiff in the amount
\$6,323.16


Chairman



(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 13 day of Sept., 2005, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT


Prothonotary
By

Maynard H. Gray Jr. : IN THE COURT OF COMMON PLEAS OF
Laura A. Gray CLEARFIELD COUNTY

Vs. : No. 2004-01684-CD

English's Variety Store Ronald English

NOTICE OF AWARD

TO: S. Casey Bowers

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on September 13, 2005 and have awarded:

Verdict for Plaintiff in the amount of \$6,323.16

William A. Shaw

Prothonotary

By _____

September 13, 2005

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Maynard H. Gray Jr.
Laura A. Gray

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2004-01684-CD

English's Variety Store Ronald English

NOTICE OF AWARD

TO: Heather A. Harrington, Esq.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on September 13, 2005 and have awarded:

Verdict for Plaintiff in the amount of \$6,323.16

William A. Shaw

Prothonotary

By _____

September 13, 2005

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

ARBITRATION BOARD

I, William A. Shaw, Prothonotary of the Courts of Clearfield County, hereby certify that:

Case # 2004-01684-CD

Carl A. Belin, Jr., Esq.
Chairman
Christopher J. Shaw, Esq.
Patrick Lavelle, Esq.

are members of the Clearfield County Bar and have served as arbitrators on the 13th day of September, 2005, starting at 9:00 A.M./P.M. and ending at 10:12 A.M./P.M.

COMPENSATION OF ARBITRATORS

Each attorney shall receive an appearance fee of \$100.00 for appearing as a member of the Board of Arbitration on the day designated and shall receive additional fees as follows:

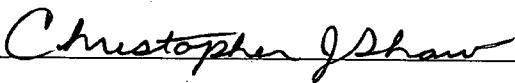
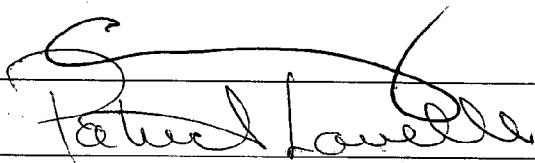
- a) an additional fee of \$50.00 in the event the attorney is required to hear cases until 10:00 A.M.
- b) an additional fee of \$50.00 if the attorney is required to be present between the hours of 10:00 A.M. and 12:00 noon
- c) an additional fee of \$100.00 if an attorney, after a normal lunch break, is required to return for arbitration after 1:00 P.M.

Said rule to be effective as of July 26, 1984

ACKNOWLEDGEMENT OF ARBITRATORS

DATE 9/15/05

Chairman



APPROVED



Prothonotary

Clearfield County Commissioner's Office

By: _____

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

MAYNARD H. GRAY, JR., and
and LAURA A. GRAY, his wife,
Plaintiffs

vs. No. 04-1684-CD

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,
Defendants

Type of Pleading:
**PRAECLPICE FOR
DISCONTINUANCE**

Filed on Behalf of:
PLAINTIFFS

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

FILED

DEC 12 2005

01/12/06
William A. Shaw
Prothonotary/Clerk of Courts

2 CENTS TO PAY

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

MAYNARD H. GRAY, JR., and :
LAURA A. GRAY, his wife, :
Plaintiffs :
vs. : No. 04-1684-CD
RONALD ENGLISH, d/b/a :
ENGLISH VARIETY STORE, :
Defendants :
vs.

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above captioned matter settled, discontinued
and terminated.



S. Casey Bowers
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that on the 12th day of December, 2005, a copy of the within Praecipe for Discontinuance was served by first class mail, postage prepaid, upon the following:

Heather A. Harrington, Esq.
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648-0533



S. Casey Bowers

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

CIVIL DIVISION

**Erie Insurance Exchange
Maynard H. Gray Jr.
Laura A. Gray**

Vs. **No. 2004-01684-CD**
English's Variety Store
Ronald English

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 December 12, 2005, marked:

Settled, Discontinued and Terminated

Record costs in the sum of \$105.00 have been paid in full by Hanak, Guido and Taladay.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of December A.D. 2005.

William A. Shaw, Prothonotary

Arb 9-13-05

LAW OFFICES
MCINTYRE, DUGAS, HARTYE & SCHMITT

JOHN L. MCINTYRE
STEPHEN L. DUGAS
FRANK J. HARTYE
LOUIS C. SCHMITT, JR.
HEATHER A. HARRINGTON
MICHAEL A. SOSNOWSKI

P. O. BOX 533
HOLLIDAYSBURG, PA 16648-0533

(814) 696-3581
FAX (814) 696-9399
www.mdhslaw.com

July 25, 2005

Our Reference: ECM 315 NH

Marcy Kelley
Deputy Court Administrator
Court of Common Pleas
of Clearfield County
Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830

Re: Maynard H. Gray, Jr. and Laura A. Gray
v. English's Variety Store/Ronald English
Clearfield County, Docket No. 04-1684-CD

Dear Ms. Kelley:

Pursuant to the Court's July 8, 2005 Order, enclosed is an original Pre-Arbitration Memorandum. I am also serving copies of this Memorandum on opposing counsel and the arbitration panel members.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,


Heather A. Harrington

HAH:wlb
Enclosure

RECEIVED

JUL 27 2005

COURT ADMINISTRATOR'S
OFFICE

cc: S. Casey Bowers, Esquire
Carl A. Belin, Jr., Esquire
Christopher J. Shaw, Esquire
Patrick Lavelle, Esquire
Ronald English
(All with enclosure)

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

MAYNARD H. GRAY, JR. and
LAURA A. GRAY, his wife,

No. 04 - 1684 - CD

**ISSUE: Pre-Arbitration
Memorandum**

Plaintiffs

vs.

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,

Filed on Behalf of Defendants,
RONALD ENGLISH, d/b/a ENGLISH
VARIETY STORE

Defendant

Counsel of Record:
Heather A. Harrington, Esquire
PA I.D. #62977

McINTYRE, DUGAS, HARTYE &
SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 25th DAY OF
JULY, 2005.

Heather A. Harrington
Attorneys for Defendant

RECEIVED

JUL 27 2005

COURT ADMINISTRATOR'S
OFFICE

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

MAYNARD H. GRAY, JR. and
LAURA A. GRAY, his wife,

No. 04 - 1684 - CD

Plaintiffs

vs.

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,

Defendants

JURY TRIAL DEMANDED

PRE-ARBITRATION MEMORANDUM

AND NOW, comes defendant, RONALD ENGLISH d/b/a ENGLISH VARIETY STORE, by and through his counsel, MCINTYRE, DUGAS, HARTYE, & SCHMITT, and files the within Pre-Arbitration Memorandum.

This litigation stems from water damage done to the home of the plaintiffs on March 9, 2004. Plaintiffs have alleged that the drain hose of their washer became dislodged and allowed water to escape into their laundry room, and other parts of their home, shortly after the washer was serviced by the defendant. Specifically, they allege that Mr. English improperly secured the drain hose after his inspection and repair of the washer, allowing it to be blown off by the pressure of the spin cycle.

The defendant has filed an Answer denying any and all claims of negligence. To the contrary, the defendant has asserted that he did no work which involved the drain hose in question. Further, he ran a cycle through the washing machine for the purposes of testing all connections to ensure that they were patent, before he left the plaintiffs' home. Rather, the defendant asserts that the majority of the damage was caused by an improperly sized drain pan underneath the washing machine, a pan which was

specifically designed by Mr. Gray. When Mr. English left the plaintiffs' home, the washing machine was operating properly and there was no reason to suspect, or any indication of, a loose drain hose or any leaks of any kind.

DAMGES AND BILLS

However, the defendant did create a videotape for illustrative purposes regarding the expected effects of a pressurized drain hose becoming detached from a washing machine during a spin cycle. This video has been produced to counsel for plaintiffs for review and he currently is in possession of the video. The defendant intends to show this video to the panel solely for illustrative purposes regarding the issue of the inappropriate size of the drain pan under the washer and its effect on the discharge of water.

APPLICABLE CASE OR STATUTES

None. This case is governed by the general principals of negligence and damages.

LIST OF WITNESSES

1. Maynard H. Gray, Jr.
2. Laura A. Gray
3. Ronald English

The defendant reserves his right to supplement this Pre-Arbitration Memorandum with appropriate notice to the Court and counsel, as per the local rules.

Respectfully submitted,

McIntyre, Dugas, Hartye & Schmitt

Heather A. Harrington
Attorneys for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 FAX

Arb 4-1305

HANAK, GUIDO and TALADAY
Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Telephone: (814) 371-7768
Fax: (814) 371-1974

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

Nicole Hanak Bankovich
S. Casey Bowers

September 2, 2005

David Meholick, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Gray v. English
No. 04-1684-C.D.

Dear Dave:

Enclosed please find Plaintiffs' Pre-Trial Statement relative to the above captioned arbitration.

Thank you for your attention to this matter.

Sincerely,



S. Casey Bowers

SCB/bab
Enc.

cc: Heather A. Harrington, Esq. (w/enc.)
Carl A. Belin, Jr. (w/enc.)
Christopher J. Shaw, Esq. (w/enc.)
Patrick Lavelle, Esq. (w/enc.)

RECEIVED

SEP 06 2005

**COURT ADMINISTRATOR'S
OFFICE**

OA

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

MAYNARD H. GRAY, JR., and
and LAURA A. GRAY, his wife,
Plaintiffs

vs.

RONALD ENGLISH, d/b/a
ENGLISH VARIETY STORE,
Defendants

CIVIL ACTION - LAW

No. 04-1684-CD

Type of Pleading:

**PLAINTIFFS' PRE-TRIAL
STATEMENT**

Filed on Behalf of:

PLAINTIFFS

Counsel of Record for
This Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

RECEIVED

SEP 06 2005

**COURT ADMINISTRATOR'S
OFFICE**

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

MAYNARD H. GRAY, JR., and	:	
LAURA A. GRAY, his wife,	:	
Plaintiffs	:	
	:	
vs.	:	No. 04-1684-CD
	:	
RONALD ENGLISH, d/b/a	:	
ENGLISH VARIETY STORE,	:	
Defendants	:	

PLAINTIFFS' PRE-TRIAL STATEMENT

AND NOW, comes the Plaintiffs, MAYNARD H. GRAY, JR., and LAURA A. GRAY, his wife, by their attorneys, HANAK, GUIDO AND TALADAY, and hereby presents the following Pre-Trial Statement:

I. BRIEF STATEMENT OF THE CASE.

Plaintiffs, Maynard H. Gray, Jr., and Laura A. Gray, brought this action to recover damages they incurred when the drain line on their washing machine dislodged and allowed water to flow throughout their home. Defendant serviced the subject washing machine earlier that same day. The incident occurred during the first load of clothes washed after Defendant moved, disassembled and serviced the washing machine. Plaintiffs maintain that the Defendant partially dislodged the drain hose in the course of servicing the washing machine and/or failed to insure the drain line was properly connected after positioning the washing machine back into place.

II. CITATION TO APPLICABLE CASE OR STATUTES.

None. This case is governed by general principles of negligence and damages.

III. WITNESSES.

- A. Maynard Gray.
- B. Laura Gray.
- C. Ronald English.

IV. STATEMENT OF DAMAGES AND LIST OF EXHIBITS.

Plaintiffs incurred property damage totaling \$6,323.16 and will present the following statements as proof thereof:

<u>Exhibit</u>	<u>Provider</u>	<u>Description</u>	<u>Amount</u>
A	Pro-Care	Clean up and dry out	\$1,571.45
B	Royer's Floor Covering	Vinyl floor replacement	\$3,650.00
C	Scott Electric	Replacement of central vacuum	\$ 423.95
D	Carper's Custom Cabinets	Cabinet repair	\$ 475.58
E	Michael J. Askey	Removal/reinstallation of oak trim	\$ 136.00
F	Lezzer Lumber	2 sheets multiply underlayment	\$ 21.18
N/A	Maynard Gray	Underlayment repair and replacement	\$ 45.00

In addition, Plaintiffs spent many hours cleaning up.



S. Casey Bowers
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I do hereby certify that on the 2nd day of September, 2005, I served a copy of the within Plaintiffs' Pre-Trial Statement by first class mail, postage prepaid, to the following:

Heather A. Harrington, Esq.
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648-0533

Carlin A. Belin, Jr.
Belin & Kubista
P.O. Box 1
Clearfield, PA 16830

Christopher J. Shaw
P. O. Box 1043
DuBois, PA 15801

Patrick Lavelle
25 E. Park Ave., Suite 4
DuBois, PA 15801



S. Casey Bowers

FROM : QUALITY CARPET & TILE

FAX NO. :

Mar. 23 2004 04:00PM P2

PRO - CARE
 P O BOX 211
 PENFIELD, PA. 15849

Voice: 1 800 241-1482
 Fax:

EIN: 25-1875253

Invoice
 Invoice Number:
 1760
 Invoice Date:
 Mar 23, 2004
 Page:
 1

Sold To: Work
 MAYNARD GRAY
 5942 MORGAN RUN ROAD
 WEST DECATUR, PA 16878

Phone: 342-3504

Phone:

Customer ID	Customer PO	Payment Terms
GRAY3504		Net 30 Days
Operator	Work Order Number	Due Date 4/22/04

Quantity	Item	Description	Unit Price	Extension
		3/12/04 Service Call- Includes Moisture detection		85.00
		(1) Dehumidifier @ 35.00/day for 5 days		175.00
		(3) Air Movers 2 22.50/day for 5 days		337.50
		(1) Dehumidifier @ 35.00/day for 7 days		245.00
		(2) Air Movers @ 22.50/day for 7 days		315.00
		3/18/04 Service Call - Check Drying		65.00
		Process		
		Apply Anti-Mildew Treatment		30.00
		Remove Baseboard and Glue Down		120.00
		Linoleum		
		Transport and Disposal of Debris		45.00
		3/22/04 Service Call - Pull all Equipment		65.00

Subtotal	1,482.50
Sales Tax	88.95
Total Invoice Amount	1,571.45
Payment Received	0.00
TOTAL	1,571.45

Check No:

ROYER'S FLOOR COVERINGS
3702 ALLPORT CUTOFF
MORRISDALE, PA 16858

SALES ORDER

1620

(814) 342-1831

SOLD TO:

1. Umarud Gray
35825. 7 Yangon Min Rd.
2. Abdur Rehman

TERMS:

CUSTOMER ORDER NO.	DATE <i>Jan 30-04</i>
TAX EXEMPT NO.	SALESPERSON

SHIP TO:

Castaneda

Exhibit "B"

THANK YOU

JOB

DATE

3-31-04

ATTN: Maynard Gray

PAGE OF

Scott Electric

Jct. 22 & 220 P.O. Box 660
Duncansville, Pa 16635

Phone (814) 695-5595 (800) 252-3530
Fax (814) 695-1265 (800) 451-4815

Bryan Pruznak

(contractor sales)

Quantities shown above are not guaranteed.
Alternates are subject to approval.
Prices subject to manufacturers price change.

FROM W. H. Per's Custom Embroidery

1120 sunny side Rd Port Matilda Pa 16870

314-692-7983

TO Maynard Gray

3/26 1904

ADDRESS 5942 Morgan Run Rd

ORDER NO.

CITY West DeKalb

STATE Pet 16828 TERMS

GRAY LINE FORM S1647 © 1982 - Printed in U.S.A.

ERIE-18

SFP 3 U 2004

Exhibit "D"

CLAIMS

Michael J. Askey
RR3 Box 266A
Philipsburg, PA 16866
(814) 342-0364

Estimate:

This estimate is given for the removal and reinstallation of oak door and base moldings in the laundry, $\frac{1}{2}$ bath, hall, breakfast area, and kitchen area of the Maynard Gray residence.

The trim requires removal and reinstallation in these areas for the purpose of replacing the vinyl floor covering which resulted from water damage.

7 hrs. labor @ \$ 18.00 per hour	\$126.00
Finish nails and nail hole putty	<u>\$ 10.00</u>
TOTAL:	\$136.00

