

2004-1847-CD
VERIZON PENNSYLVANIA, INC.

VS
COMM. OF PENNA. DEPT. TRAN

Verizon PA vs Comm of PA Dept of Trans
2004-1847-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 2004-1847-C0
Civil Action - Law
 Equity

VERIZON PENNSYLVANIA, INC. vs.
c/o James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

Plaintiff

: COMMONWEALTH OF PENNSYLVANIA
: DEPARTMENT OF TRANSPORTATION
: Washington and Hall Streets
: Hyde, PA 16843

Defendant

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COURT:

Please issue a writ of summons in the above-captioned action.

Writ of Summons shall be issued and forwarded to Attorney Sheriff

Date: 11/19/04

James E. Himes
James E. Himes, Esquire
Attorney for Plaintiff
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Supreme Court ID # 06706

FILED

NOV 22 2004

m (1:30)
William A. Shaw
Prothonotary
ISSUED, WAIT TO SUFF
CERT TO ATTY

WRIT OF SUMMONS

TO THE ABOVE NAMED DEFENDANT:

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF HAS COMMENCED AN
ACTION AGAINST YOU.

Date: November 22, 2004

Prothonotary

by

CJ Deputy

FILED

NOV 22 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100020
NO: 04-1847-CD
SERVICE # 1 OF 1
WRIT OF SUMMONS

PLAINTIFF: VERIZON PENNSYLVANIA, INC.

vs.

DEFENDANT: COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

SHERIFF RETURN

NOW, November 30, 2004 AT 11:09 AM SERVED THE WITHIN WRIT OF SUMMONS ON COMMONWEALTH OF PA. DEPT. OF TRANSPORTATION DEFENDANT AT Washington & Hall Sts., HYDE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GREGORY L. SAYERS, ASST. COUNTY MGR. A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

FILED
DEC 09 2004
3:00 PM
William A. St. B.
Prothonotary/Clerk of Court
e62

PURPOSE	VENDOR	CHECK #	AMOUNT
SHERIFF HAWKINS	JAMES HIMES	16706	21.37
SURCHARGE	JAMES HIMES	16706	10.00

Sworn to Before Me This

____ Day of _____ 2004

So Answers,

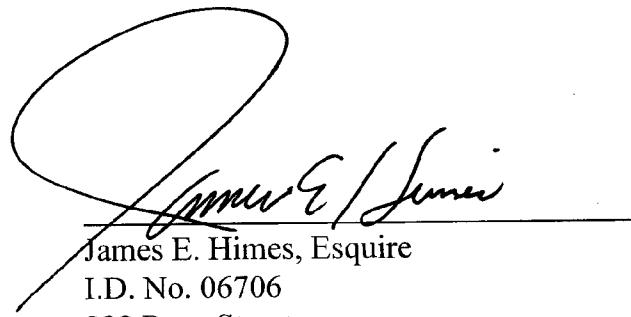
*Chester A. Hawkins
by Marley Hanes*
Chester A. Hawkins
Sheriff

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

VERIZON PENNSYLVANIA, INC., :
Plaintiff : NO. 04-1847-CD
vs. :
: :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Defendant : JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, James E. Himes, Esquire, hereby certify that I have served a true and correct copy of Plaintiff's Complaint upon Defendant Commonwealth of Pennsylvania, Department of Transportation at its office address of Washington & Hall Streets, Hyde, PA 16843, by certified mail, return receipt card requested, on this 8th day of April, 2005.



James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorney for Plaintiff

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

FILED ^{no cc}
APR 11 2005
M 14734
Clerk

William A. Shaw
Prothonotary/Clark of Courts

FILED

APR 11 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

VERIZON PENNSYLVANIA, INC.,
Plaintiff,

NO. 04-1847-CD

v.

DEPARTMENT OF TRANSPORTATION
OF THE COMMONWEALTH OF
PENNSYLVANIA,

Defendant

JURY TRIAL DEMANDED

N O T I C E

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

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

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

FILED ^{NO cc}
APR 11 2005 60
M 11:47:51

William A. Shaw
Prothonotary/Clerk of Courts

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

VERIZON PENNSYLVANIA, INC.,
Plaintiff,

v.

DEPARTMENT OF TRANSPORTATION
OF THE COMMONWEALTH OF
PENNSYLVANIA,
Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA
NO. 04-1847-CD
CIVIL ACTION - LAW
JURY TRIAL DEMANDED

COMPLAINT

NOW COMES the Plaintiff, Verizon Pennsylvania, Inc., by its attorney, James E. Himes, Esquire, and files the following Complaint:

1. Plaintiff Verizon Pennsylvania, Inc. (hereinafter "Verizon") is a Pennsylvania corporation with its registered place of business at 1717 Arch Street, 32nd Floor, Philadelphia, Pennsylvania.

2. Defendant Department of Transportation of the Commonwealth of Pennsylvania (hereinafter "PennDOT") is a governmental division of the Commonwealth of Pennsylvania located at Washington & Hall Streets, Hyde, PA 16843 and is responsible for, among other matters, the maintenance of state highways and thoroughfares in Pennsylvania.

3. The occurrences that are the subject of this lawsuit took place on September 2, 2003, near the intersection of State Route 453 and its intersection with Trails End Road in Curwensville Boro, Clearfield County, Pennsylvania.

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

4. At the aforementioned date and place Defendant PennDOT, through its agents, employees or servants, was grading and cleaning the drainage ditches along State Route 453 near the intersection with Trails End Road.

5. During the cleaning and grading operations, Defendant PennDOT struck and damaged telephone cables owned by the Plaintiff, causing telephone outages in the vicinity.

6. The actions of the Defendant PennDOT were negligent and careless and the property damage sustained by the Plaintiff is the direct and proximate result of the negligent and careless manner in which Defendant PennDOT's agents, servants, and employees operated their equipment as follows:

- a. Graded and cleaned in an area where it knew or should have known that the Plaintiff maintained telephone cables;
- b. Conducted its grading and cleaning operations in such a way that it resulted in being the equivalent of a digging operation requiring it to inquire where buried cables were located;
- c. Failure to contact the Plaintiff to determine where its cables were located;
- d. Failure to make a timely request for information concerning underground utilities from Pennsylvania One Call System before operating its equipment in the area of the buried underground cable;
- e. Failure to use due care to avoid striking buried telephone and utility cable.

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

7. As a result of the aforementioned negligence on the part of Defendant PennDOT, Plaintiff has sustained monetary loss in the amount of \$2,275.05, as itemized in Exhibit "A" attached hereto.

8. In spite of demands for payment, Defendant PennDOT has failed and refused to compensate Plaintiff Verizon for the damages caused by Defendant's negligence.

WHEREFORE, Plaintiff Verizon Pennsylvania, Inc. demands judgment against Defendant PennDOT in the amount of \$2,275.05 plus interest and costs, all of which is within the mandatory arbitration limits of this court.

Date: 4/8/05

By: 
James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740

Attorney for Plaintiff

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

VERIFICATION

I, Diane Hansberry, Specialist – SPB/Claims, am an employee of Verizon Pennsylvania, Inc. and am authorized to verify the facts contained in this Complaint and hereby verify that the statements contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Verizon Pennsylvania, Inc.

Date: 4/5/05

By: Diane Hansberry
Diane Hansberry, Specialist-SPB/Claims

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652



Mail Correspondence to:
CMR Claims Department
PO Box 60770
Oklahoma City, OK 73146

Billing Date: 10/30/2003
Damage Date: 09/02/2003
Bill Number: 215N125181003
Claim Number: PAPR032452
Bill Type: DC0
Authorization Number: 04A12518

Questions? Call: (800) 321-4158

DESCRIPTION:
50PR BURIED CABLE, RTE 453 & TRAILS END
CURWENSVILLE, PA

Charge Description	Hours	Amount
LABOR	19.00	\$ 1,879.74
ADMINISTRATIVE COST		\$ 172.20
ENGINEERING	1.00	\$ 169.28
MOTOR VEHICLE COSTS		\$ 53.83

Total Amount Due Upon Receipt \$ 2,275.05
A late payment charge may apply.

Please write the bill number on your check. Mail bottom stub with your payment to address below.



PENN DOT DISTRICT 8

2140 HERR STREET
HARRISBURG, PA 17103

Claim Number PAPR032452
Bill Number 215N125181003
Total Amount Due \$ 2,275.05
Please Pay Upon Receipt



Verizon
P.O. Box 1096
Cockeysville, MD 21030-6096

513215N125181003DC04103020038000000000022750559

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VERIZON PENNSYLVANIA, INC.,

Plaintiff,

No. 04-1847-CD

PRAECIPE FOR APPEARANCE

vs.

DEPARTMENT OF TRANSPORTATION
OF THE COMMONWEALTH OF
PENNSYLVANIA,

Defendant.

Filed on Behalf of Defendant,
Department of Transportation
of the Commonwealth of
Pennsylvania

Counsel of Record:

HENRY J. SALVI
Deputy Attorney General
Pa. I. D. #73945

Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-5446

FILED ¹⁰ CC
MAY 11 2005
MAY 25 2005

William A. Shaw
Prothonotary/Clerk of Courts

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above-referenced case on behalf of defendant Department of Transportation of the Commonwealth of Pennsylvania. The defendant, Department of Transportation of the Commonwealth of Pennsylvania, hereby demand a trial by a jury of twelve.

THOMAS W. CORBETT, JR.
Attorney General

BY:


Henry J. Salvi
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRAECLPSE FOR APPEARANCE was served upon the following counsel of record by mailing the same via first class mail, postage pre- paid, on May 20, 2005.

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652
(Counsel for Plaintiff)

Respectfully Submitted,

THOMAS W. CORBETT, JR.
Attorney General

BY:


HENRY J. SALVI
Deputy Attorney General

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VERIZON PENNSYLVANIA, INC.,

Plaintiff,

No. 04-1847-CD

vs.

ANSWER AND NEW MATTER

DEPARTMENT OF TRANSPORTATION
OF THE COMMONWEALTH OF
PENNSYLVANIA,

Defendant.

Filed on Behalf of Defendant,
Department of Transportation
of the Commonwealth of
Pennsylvania

Counsel of Record:

HENRY J. SALVI
Deputy Attorney General
Pa. I. D. #73945

Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-5446

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

John J. [Signature]
Attorney for Defendant PennDOT

FILED NO CC
M 11:32 AM JUN 23 2005
60

William A. Shaw
Prothonotary/Clerk of Courts

ANSWER AND NEW MATTER

AND NOW, comes the defendant, Commonwealth of Pennsylvania, Department of Transportation, (hereinafter "PennDOT"), by the Attorney General of the Commonwealth of Pennsylvania, and files the following Answer and New Matter, averring support as follows:

ANSWER

1. Denied. After reasonable investigation, the defendant, PennDOT is without sufficient knowledge or information to form a belief as to the truth of these averments.
2. Admitted in part, denied in part. It is admitted only that PennDOT is a governmental agency with a local office at Washington and Hill Streets, Hyde, PA 16843 and PennDOT has those legal duties prescribed by law. To the extent the remaining averments require an answer, they are specifically denied.
3. Denied. After reasonable investigation, the defendant, PennDOT is without sufficient knowledge or information to form a belief as to the truth of these averments.
4. Admitted in part, denied in part. It is admitted that defendant, PennDOT was cleaning ditches along State Route 453 near the intersection with Trails End Road in Currensville Boro on 9/2/03. The remaining averments contained in Paragraph 4 are specifically denied.
5. Denied. After reasonable investigation, the defendant, PennDOT is without sufficient knowledge or information to form a belief as to the truth of these averments.
6. These allegations are denied generally pursuant to 1029(e) of the Pennsylvania Rules of Civil Procedure. Additionally, the allegations set forth in this Paragraph of the Complaint constitute conclusions of law to which no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent that portions of this Paragraph could

be construed as factual allegations, they are specifically denied and strict proof, thereof, is hereby demanded at the time of trial. Further, it is specifically denied that any alleged damages, injuries and/or losses were caused by any negligence or carelessness on the part of the defendant, PennDOT and/or any of its agents, servants, workmen and/or employees. Specifically, it is alleged that the lines in question were not buried at the depth required by 67 Pa. C.S.A. §459.

7. These allegations are denied generally pursuant to 1029(e) of the Pennsylvania Rules of Civil Procedure. The allegations set forth in this Paragraph of the Complaint constitute conclusions of law to which no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent that portions of this Paragraph could be construed as factual allegation, they are specifically denied and strict proof, thereof, is hereby demanded at the time of trial.

8. The allegations set forth in this Paragraph of the Complaint constitute conclusions of law to which no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent that portions of this Paragraph could be construed as factual allegations, they are admitted in part, denied in part. It is admitted only that defendant, PennDOT has failed to pay plaintiff for any damages allegedly incurred, because the defendant, PennDOT is not legally responsible for said damages. The remaining averments contained in Paragraph 8 are specifically denied.

WHEREFORE, the defendant, PennDOT demands judgment in its favor.

NEW MATTER

9. This action is not within any of the exceptions to immunity as set forth in 42 Pa. C.S.A. §8522, and therefore is barred.

10. The Judicial Code at 42 Pa. C.S.A. §8522(a), which section is incorporated herein and pled by reference, provides that the defendant, PennDOT and the Attorney General must have received written notice of intent to sue within six (6) months from the date the cause of action accrues. In the absence of such notice, this action is barred.

11. Should liability be found on the part of the defendant, PennDOT, the amounts and types of damages recoverable in the present action are limited and controlled by 42 Pa. C.S.A. §8528.

12. All affirmative defenses under Pa. R.C.P. §1030 are asserted and incorporated by reference as it set forth herein at length.

13. The casual negligence of the plaintiff was greater than any negligence on the part of the defendant, PennDOT, and plaintiff's recovery is therefore barred, or, in the alternative, must be diminished in accordance with the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. §7102.

14. The defendant, PennDOT invokes any and all common law defenses available to it pursuant to 42 Pa. C.S.A. §8524.

15. The defendant, PennDOT invokes any and all defenses available to it pursuant to the Pennsylvania One Call Act, 73 Pa. C.S.A. §176 et. seq.

WHEREFORE, the defendant, PennDOT demands judgment in its favor.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

BY:


HENRY J. SALVI

VERIZON - NO. 04-1847-CD/CLEARFIELD COUNTY (HJS)

VERIFICATION

I, PETER M. FILO, 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 is made subject to the penalties of 18 Pa. C.S.A. §4904
relating to unsworn falsification to authorities, which provides that if I make knowingly false
averments, I may be subject to criminal penalties.

Peter M. Filo

DATE: 6/15/05

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER AND NEW MATTER was served upon the following counsel of record by mailing the same via first class mail, postage pre- paid, on June 21, 2005.

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652
(Counsel for Plaintiff)

Respectfully Submitted,

THOMAS W. CORBETT, JR.
Attorney General

BY:


HENRY J. SALVI
Deputy Attorney General

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

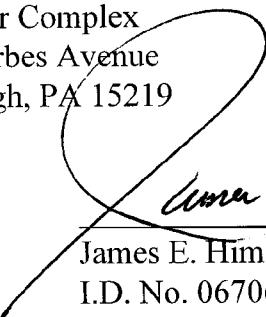
VERIZON PENNSYLVANIA, INC., :
Plaintiff : NO. 04-1847-CD
vs. :
DEPARTMENT OF TRANSPORTATION :
OF THE COMMONWEALTH OF :
PENNSYLVANIA, :
Defendant : JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, James E. Himes, Esquire, hereby certify that I have served a true and correct copy of Plaintiff's Reply to New Matter as addressed below by depositing same in the U.S. Mail, first class, postage prepaid, on this 11th day of July, 2005.

Henri J. Salvi, Esquire
Deputy Attorney General
Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: 7/11/05


James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorney for Plaintiff

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

FILED *no cc*
m/11/4301
JUL 12 2005 *55*

William A. Shaw
Prothonotary/Clerk of Courts

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

VERIZON PENNSYLVANIA, INC., :
Plaintiff : NO. 04-1847-CD
vs. :
DEPARTMENT OF TRANSPORTATION :
OF THE COMMONWEALTH OF :
PENNSYLVANIA, :
Defendant :
:

REPLY TO NEW MATTER

Filed on Behalf of Plaintiff
Verizon Pennsylvania, Inc.

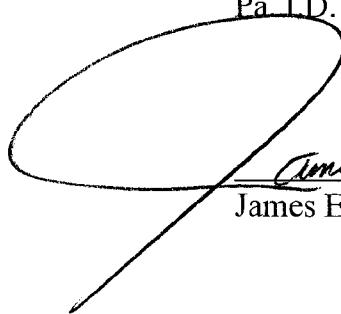
Counsel of Record:

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

(814) 643-1740

Pa. I.D. No. 06706

Date: 7/11/05



James E. Himes
James E. Himes, Esquire

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

FILED NO CC
7/11/05 BY
JUL 12 2005
©

William A. Shaw
Prothonotary/Clerk of Courts

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

VERIZON PENNSYLVANIA, INC.,
Plaintiff, : NO. 04-1847-CD

v.

DEPARTMENT OF TRANSPORTATION
OF THE COMMONWEALTH OF
PENNSYLVANIA,
Defendant : JURY TRIAL DEMANDED

REPLY TO NEW MATTER

NOW COMES the Plaintiff, Verizon Pennsylvania, Inc., by its attorney, James E. Himes, Esquire, and files the following Reply to New Matter:

9. Denied and patently false. The allegations of the Complaint bring this action squarely within the exceptions to immunity as set forth in 42 Pa. C.S. §8522 (b)(1).

10. The provisions of 42 Pa.C.S. §8522(a) speak for themselves. It is denied that in the absence of such notice, an action is necessarily barred.

11. Admitted.

12. Defendant fails to set forth any facts in support of the affirmative defenses which are the subject of Pa.R.C.P.No. §1030, and therefore no response is required or possible.

13. Denied and strict proof is demanded.

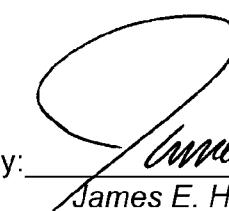
JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

14. Defendant fails to set forth any facts in support of the common law defenses which are the subject of 42 Pa.C.S.A. §8524, and therefore no response is required or possible.

15. Defendant fails to set forth any facts in support of any affirmative defenses which are the subject of 73 Pa.C.S.A. §176 et seq., and therefore no response is required or possible.

WHEREFORE, Plaintiff Verizon Pennsylvania, Inc. demands judgment against Defendant PennDOT in the amount of \$2,275.05 plus interest and costs, all of which is within the mandatory arbitration limits of this court.

Date: July 11, 05

By: 

James E. Himes
James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740

Attorney for Plaintiff

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
VERIZON PENNSYLVANIA, INC.,

Plaintiff,

No. 04-1847-CD

vs.

DEPARTMENT OF TRANSPORTATION
OF THE COMMONWEALTH OF
PENNSYLVANIA,

Defendant.

**NOTICE OF SERVICE TO
REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED
TO PLAINTIFF**

Filed on Behalf of Defendant,
Department of Transportation
of the Commonwealth of
Pennsylvania

Counsel of Record:

HENRY J. SALVI
Deputy Attorney General
Pa. I. D. #73945

Office of Attorney General
Tort Litigation Unit
Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-5446

FILED *no*
M 12 5 2005
JUL 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF SERVICE TO

TO THE PROTHONOTARY:

Please take note that the undersigned has served Request for Production of Documents Directed to the Plaintiff, Verizon Pennsylvania, Inc., and copies sent to all counsel of record, on behalf of Commonwealth of Pennsylvania, Department of Transportation in the above-referenced case.

THOMAS W. CORBETT, JR.
Attorney General

BY:

HENRY J. SALVI
HENRY J. SALVI
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF SERVICE
TO REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF

was served upon the following counsel of record by mailing the same via first class mail, postage
pre-paid, on July 19, 2005.

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652
(Counsel for Plaintiff)

Respectfully Submitted,

THOMAS W. CORBETT, JR.
Attorney General

BY:


HENRY J. SALVI
Deputy Attorney General

JAMES HIMES, ESQUIRE
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740

Attorney for Plaintiff

VERIZON PENNSYLVANIA, INC., Plaintiff, : IN THE COURT OF COMMON PLEAS
Plaintiff, : CLEARFIELD COUNTY,
v. : PENNSYLVANIA
NO. 04-1847-CD
DEPARTMENT OF TRANSPORTATION : CIVIL ACTION - LAW
OF THE COMMONWEALTH OF :
PENNSYLVANIA, :
Defendant : JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, James E. Himes, Esquire, hereby certify that I have served a true and correct copy of Plaintiff's Reply to Request for Production of Documents of the Defendant, PennDOT Addressed to Plaintiff as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this 30th day of November, 2005:

FILED

Henry J. Salvi
Deputy Attorney General
Office of Attorney General
Torts Litigation Unit
564 Forbes Avenue
Pittsburgh, PA 15219

DEC 01 2005

ms/2-001/ *UN*
William A. Shaw

Prothonotary/Clerk of Courts

1 Ctr to Att

Date: 11/30/05

By:

James E. Himes, Esquire

I.D. No. 06706

222 Penn Street

Huntingdon, PA 16652

(814) 643-1740

Attorney for Plaintiff

FILED

DEC 01 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

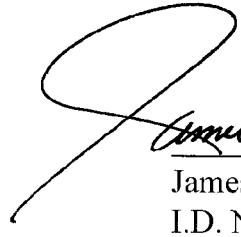
VERIZON PENNSYLVANIA, INC., :
Plaintiff : NO. 04-1847-CD
vs. :
DEPARTMENT OF TRANSPORTATION :
OF THE COMMONWEALTH OF :
PENNSYLVANIA, :
Defendant : JURY TRIAL DEMANDED

PRAECIPE FOR DISCONTINUANCE

TO: PROTHONOTARY

Kindly mark the above-captioned matter discontinued, terminated and settled.

Date: 6/29/06



James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740

Attorney for Plaintiff

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

FILED *Em*

JUN 30 2006

m/ll:so/c
William A. Shaw
Prothonotary/Clerk of Courts

I went to Atty

w/ went of disc.

copy to CJA

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

CIVIL DIVISION

Verizon Pennsylvania, Inc.

Vs. **No. 2004-01847-CD**
Commonwealth of Pennsylvania Department of Transp

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 June 30. 2006, marked:

Discontinued, Terminated and Settled

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of June A.D. 2006.

William A. Shaw, Prothonotary

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

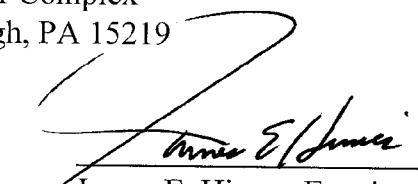
VERIZON PENNSYLVANIA, INC., :
Plaintiff : NO. 04-1847-CD
vs. :
DEPARTMENT OF TRANSPORTATION :
OF THE COMMONWEALTH OF :
PENNSYLVANIA, :
Defendant : JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, James E. Himes, Esquire, hereby certify that I have served a true and correct copy of my Praeclipe for Discontinuance as filed on behalf of Plaintiff as addressed below by depositing same in the U.S. Mail, first class, postage prepaid, on this 29th day of June, 2006.

Henri J. Salvi, Esquire
Deputy Attorney General
Office of Attorney General
Tort Litigation Unit
564 Forbes Avenue
Manor Complex
Pittsburgh, PA 15219

Date: 6/29/06


James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorney for Plaintiff

JAMES E. HIMES
ATTORNEY-AT-LAW
222 PENN STREET
HUNTINGDON, PA
16652

FILED
6/30/06

JUN 30 2006
William A. Shaw
Prothonotary/Clerk of Courts
I came to file