

2004-1938-CD
Bradley White vs Diana McGonigal

04-1938-CD
BRADLEY ROBERT WILT vs. DIANA K. MCGONIGAL

Original
0

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. McGONIGAL,

Defendant.

CIVIL DIVISION

Case No. 04-1938-CD

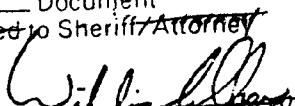
COMPLAINT IN CIVIL ACTION

Filed on behalf of Plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

22-05 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

FILED 1CC Sheriff
M.L.D./B
DEC 06 2004 Atty pd. 85.00

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. McGONIGAL,

Defendant.

CIVIL DIVISION

GD No.

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 an 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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

Mr. David Meholick
Court Administrator
1 North 2nd Street
Clearfield, PA 16830
814-765-2641 ext. 5982

COMPLAINT

Bradley Wilt, Plaintiff, brings this civil action against Diane McGonigal, Defendant, to recover damages upon a cause of action whereof the following is a statement:

1. Plaintiff is a resident of Clearfield, Clearfield County, Pennsylvania.
2. Defendant, Diana McGonigal, is an adult who resides at 315 North Wigley Street, Clearfield, Clearfield County, Pennsylvania.
3. The events hereinafter complained of occurred on or about January 7, 2003 at or about 2:10 o'clock p.m. on Rockton Mountain in Clearfield County, Pennsylvania.
4. At said time, there existed in said location a public highway known as State Route 322 which extended in a general easterly and westerly direction in and about the vicinity where Greenwood Road intersects said state highway.
5. At said time, Plaintiff was the owner and operator of a 1996 Plymouth Breeze headed eastwardly on State Route 322, a short distance past Greenwood Road.
6. At said time, Defendant Diane McGonigal was the operator of a 1989 Chevrolet Blazer Sport Utility vehicle, also headed eastwardly on said State Route 322 and traveling a distance behind Plaintiff's car.

7. At said time, as Plaintiff slowed his vehicle with his turn signal engaged to make a right turn, Defendant caused or allowed her SUV to collide violently into the rear of the car operated by Plaintiff.

8. The injuries and damage hereinafter set forth were caused by, and were the direct and proximate result of the negligence and wantonness of Defendant, generally, and in the following particulars:

- a. In causing or allowing her SUV to collide into the rear of Plaintiff's car;
- b. In operating her SUV while suffering from mental and physical conditions, disorders and ailments, well known to her, which made it difficult or impossible for her to operate same efficiently, properly, or with safety to herself and others;
- c. In failing to sound a horn, signal or other warning device;
- d. In operating her SUV at a rate of speed which was excessive under the circumstances;
- e. In failing to stop before striking the car operated by Plaintiff when Defendant knew or should have known that the vehicles would strike and collide if she proceeded;
- f. In operating her SUV in excess of the posted speed limit;
- g. In failing to maintain a proper look out;

h. In failing to have her SUV under proper control;
and

i. In following too closely.

9. Plaintiff sustained the following serious and severe injuries, some or all of which will be permanent in nature:

a. Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones, joints and intervertebral discs of the neck, back and spine;

b. Severe headache;

c. Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones, joints and intervertebral discs of the lumbosacral and sacroiliac regions in the spine;

d. Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones and joints of the shoulders;

e. Possible aggravation of a preexisting and non-disabling condition;

f. Shock injuries to the nerves and nervous system;

g. Internal injuries; and

h. Other serious and severe injuries.

10. As a result of the injuries aforesaid, Plaintiff has been damaged as follows:

a. He has suffered and will suffer great pain, inconvenience, embarrassment and mental anguish;

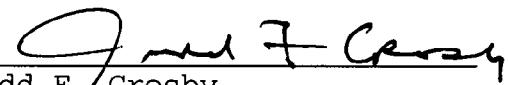
- b. He has been and will be required to spend sums of money for medical attention, hospitalization, medical services, physician services and other related services;
- c. He has been and will be deprived of his earnings;
- d. His earning power has been reduced and permanently impaired; and
- e. His general health, strength and vitality have been impaired.

11. While Plaintiff elected limited tort insurance coverage, full tort damages are applicable to this action under the circumstances.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,



Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219-3427
(412) 471-3530

VERIFICATION

I, Bradley Robert Wilt, Plaintiff herein, states that the averments of fact set forth in the foregoing **Complaint** are true and correct to the best of my knowledge, information and belief.

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

Bradley Robert Wilt
Bradley Robert Wilt

Dated: 12-1-0-1

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **100047**

Case # 04-1938-CD

BRADLEY ROBERT WILT

vs.

DIANE K. MCGONIGAL

SHERIFF RETURNS

NOW January 24, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO DIANA K. MCGONIGAL, DEFENDANT. NO SUCH ADDRESS.

SERVED BY: /

018:49 NO CC
CA 2:70

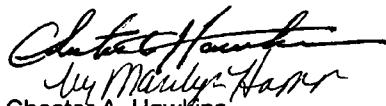
Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	JUDD F. CROSBY	6576	10.00
SHERIFF HAWKINS	JUDD F. CROSBY	6575	16.00

Sworn to Before me This

____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. McGONIGAL,

Defendant.

CIVIL DIVISION

Case No. 04-1938-CJ

COMPLAINT IN CIVIL ACTION

Filed on behalf of Plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

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

DEC 06 2004

Attest.

William L. Blair
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. McGONIGAL,

Defendant.

CIVIL DIVISION

GD No.

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

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Mr. David Meholick
Court Administrator
1 North 2nd Street
Clearfield, PA 16830
814-765-2641 ext. 5982

COMPLAINT

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- a. In causing or allowing her SUV to collide into the rear of Plaintiff's car;
- b. In operating her SUV while suffering from mental and physical conditions, disorders and ailments, well known to her, which made it difficult or impossible for her to operate same efficiently, properly, or with safety to herself and others;
- c. In failing to sound a horn, signal or other warning device;
- d. In operating her SUV at a rate of speed which was excessive under the circumstances;
- e. In failing to stop before striking the car operated by Plaintiff when Defendant knew or should have known that the vehicles would strike and collide if she proceeded;
- f. In operating her SUV in excess of the posted speed limit;
- g. In failing to maintain a proper look out;

- h. In failing to have her SUV under proper control; and
- i. In following too closely.

9. Plaintiff sustained the following serious and severe injuries, some or all of which will be permanent in nature:

- a. Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones, joints and intervertebral discs of the neck, back and spine;
- b. Severe headache;
- c. Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones, joints and intervertebral discs of the lumbosacral and sacroiliac regions in the spine;
- d. Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones and joints of the shoulders;
- e. Possible aggravation of a preexisting and non-disabling condition;
- f. Shock injuries to the nerves and nervous system;
- g. Internal injuries; and
- h. Other serious and severe injuries.

10. As a result of the injuries aforesaid, Plaintiff has been damaged as follows:

- a. He has suffered and will suffer great pain, inconvenience, embarrassment and mental anguish;

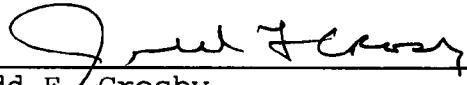
- b. He has been and will be required to spend sums of money for medical attention, hospitalization, medical services, physician services and other related services;
- c. He has been and will be deprived of his earnings;
- d. His earning power has been reduced and permanently impaired; and
- e. His general health, strength and vitality have been impaired.

11. While Plaintiff elected limited tort insurance coverage, full tort damages are applicable to this action under the circumstances.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,



Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219-3427
(412) 471-3530

VERIFICATION

I, Bradley Robert Wilt, Plaintiff herein, states that the averments of fact set forth in the foregoing **Complaint** are true and correct to the best of my knowledge, information and belief.

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

Bradley Robert Wilt
Bradley Robert Wilt

Dated: 12-1-04

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. MCGONIGAL,

Defendant.

CIVIL DIVISION

Case No. 04-1938-CD

**PRAECIPE TO REINSTATE
COMPLAINT IN CIVIL ACTION**

Filed on behalf of Plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED
10:44 AM 2/2/05
FEB 02 2005
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. MCGONIGAL,

Defendant.

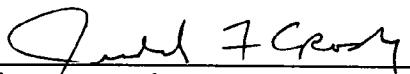
CIVIL DIVISION

Case No. 04-1938-CD

PRAECIPE TO REINSTATE COMPLAINT

TO: Prothonotary

Please reinstate the Complaint in the above-captioned
action.


Judd F. Crosby

Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219-3427
(412) 471-3530

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

vs.

No. 04-1938 CD

DIANA K. MCGONIGAL,

Defendant

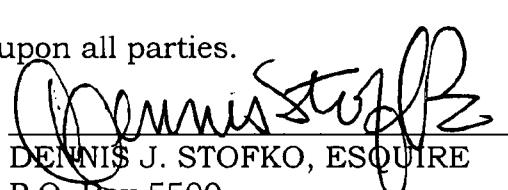
ENTRY OF APPEARANCE

Please enter my appearance for Defendant in the above matter. Papers may be served at the address listed below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in this action.

I certify this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties.


DENNIS J. STOKO, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

RECEIVED
CLEARFIELD COUNTY CLERK'S OFFICE
MAR 08 2005
m/1/2005
NOCC

DENNIS J. STOKO
McKeesport, CLEARFIELD COUNTY
CLERK'S OFFICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100196
NO: 04-1938-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: BRADLEY ROBERT WILT
vs.
DEFENDANT: DIANA K. McGONIGAL

SHERIFF RETURN

NOW, February 03, 2005, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON DIANA K. McGONIGAL.

NOW, February 15, 2005 AT 3:44 PM SERVED THE WITHIN COMPLAINT ON DIANA K. McGONIGAL, DEFENDANT.
THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

(P)
013:53:01
12/09/2005

Previously Served

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100196
NO: 04-1938-CD
SERVICES 1
COMPLAINT

PLAINTIFF: BRADLEY ROBERT WILT
VS.
DEFENDANT: DIANA K. McGONIGAL

SHERIFF RETURN

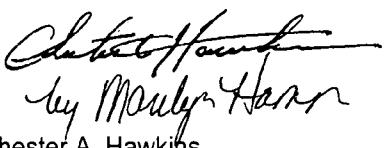
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	CROSBY	1024	10.00
SHERIFF HAWKINS	CROSBY	1024	21.00
JEFFERSON CO.	CROSBY	1025	37.82
			<u>68.82</u>

Sworn to Before Me This

____ Day of _____ 2005

So Answers,


by 
Chester A. Hawkins
Sheriff

No. 04-1938 C.D.

Personally appeared before me, Brian Henretta, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on February 15, 2005 at 3:44 o'clock P.M. served the Notice and Complaint upon DIANA K. MCGONIGAL, defendant, at the address of 107 E. Liberty Street, Borough of Punxsutawney, County of Jefferson, State of Pennsylvania, by handing to Maxine Segar, mother of the defendant and adult person in charge at time of service, one true copy of the Notice and Complaint and by making known to her the contents thereof.

Advance Costs Received:	\$125.00	
My Costs:	35.82	Paid
Prothy:	2.00	
Total Costs:	37.82	
REFUNDED:	\$ 87.18	

So Answers,

Sworn and subscribed
to before me this 17th
day of Feb. 2005
By Deputy Sheriff
My Commission Expires The
First Monday January 2006

Brian Henretta Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

vs.

No. 04-1938 CD

DIANA K. MCGONIGAL,

ANSWER AND NEW MATTER

Defendant

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED *6/11/2005* *10*
APR 12 2005 *cc*

William A. Shaw
Prothonotary/Clerk of Courts

ANSWER AND NEW MATTER

NOW COMES the Defendant by and through counsel, Dennis J. Stofko and files the following Answer and New Matter.

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
8. Denied. Paragraph 8 contains conclusions of law to which no responsive pleading is required.
9. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
10. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

11. Admitted in part, denied in part. It is admitted that Plaintiff elected the limited tort coverage on her policy. By way of further answer, it is specifically denied that the full tort damages would apply in the above matter.

WHEREFORE, Defendant requests Plaintiff's Complaint be dismissed.

NEW MATTER

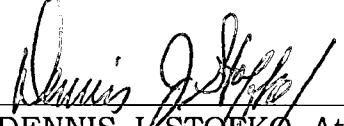
12. The Defendant is informed, believes and therefore avers that the Plaintiff is contributorily negligent and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978, Pl. 202 No. 53 Section 10 (89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after January 7, 2003 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendant.

13. In the alternative pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. CSA Section 7102A any damage which the Plaintiff may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff.

14. The accident described in Plaintiff's complaint occurred on January 7, 2003 which date was subsequent to the effective date of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. CSA Chapter 17.

15. The Defendant pleads the said Motor Vehicle Financial Responsibility Law as a defense to the extent that said law limits and controls Plaintiff's right to recover damages in this action.

WHEREFORE, Defendant requests judgment on her behalf.



DENNIS J. STOJKO, Attorney for
Defendant

I, Diana McGonigal, do hereby state that the statements made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief.

I understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.

Diana McGonigal
Diana McGonigal

Dated: 4-8-5

CA
BRADLEY ROBERT WILT,

PLAINTIFF

vs.

DIANA K. MCGONIGAL,

DEFENDANT

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

: NO. 04-1938 CD

:

:

:

:

FILED NO
M115364 CC
SEP 12 2005 CR

DEFENDANT'S MOTION TO COMPEL

V. William A. Shaw
Prothonotary, Clerk of Courts

NOW comes Defendant, by undersigned counsel, and files the following Motion to Compel.

1. The present matter relates to an automobile accident which occurred on January 7, 2003.
2. On July 21, 2005, counsel for Defendant served upon counsel for Plaintiff Supplemental Discovery Requests (see Exhibit A).
3. As of this date, despite a second request of Defendant dated August 23, 2005, Plaintiff has failed to file any responses to the outstanding Supplemental Discovery Requests.
4. Until such time as Defendant is in receipt of the previously-requested Discovery materials from the Plaintiff, Defendant is not in a position to meaningfully defend against the pending claims.

WHEREFORE, Defendant prays for the entry of an Order of Court compelling responses to the outstanding Discovery Requests.


ANDREW L. HORVATH,
ATTORNEY FOR DEFENDANT

BRADLEY ROBERT WILT,
PLAINTIFF

vs.

DIANA K. MCGONIGAL,
DEFENDANT

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 04-1938 CD
:
:
:
:
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:
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 9th day of September, 2005, Defendant's Motion to Compel, was forwarded by U.S. Mail, postage prepaid, to counsel of record, addressed as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

Dated: September 9, 2005


ANDREW L. HORVATH,
ATTORNEY FOR DEFENDANT

BRADLEY ROBERT WILT,

PLAINTIFF

VS.

DIANA K. MCGONIGAL,

DEFENDANT

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

: NO. 04-1938 CD

:

:

:

BRIEF IN SUPPORT OF MOTION TO COMPEL

NOW comes Defendant, by undersigned counsel, and files
the following Brief in Support of Motion to Compel.

Pursuant to Pa. R.C.P. 4005, Supplemental Discovery Requests
were served upon Plaintiff in July of 2005. In violation of Pa. R.C.P. 4006, to
date no responses have been served upon Defendant by Plaintiff.

WHEREFORE, Defendant prays for the entry of an Order of Court
compelling Plaintiff to file full and complete responses to the outstanding
Supplemental Discovery Requests.



ANDREW L. HORVATH,
ATTORNEY FOR DEFENDANT

RECEIVED
SEP 12 2005
COURT ADMINISTRATOR'S
OFFICE

BRADLEY ROBERT WILT,

PLAINTIFF

vs.

DIANA K. MCGONIGAL,

DEFENDANT

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

: NO. 04-1938 CD

:

:

:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 9th day of September, 2005, Defendant's Brief in Support of Motion to Compel, was forwarded by U.S. Mail, postage prepaid, to counsel of record, addressed as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

Dated: September 9, 2005



ANDREW L. HORVATH,
ATTORNEY FOR DEFENDANT

BRADLEY ROBERT WILT,

PLAINTIFF

vs.

DIANA K. MCGONIGAL,

DEFENDANT

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

: NO. 04-1938 CD

:

:

:

ORDER

AND NOW, this 14th day of September, 2005, upon

consideration of the foregoing Motion to Compel, it is hereby ordered that Plaintiff shall full and complete responses to Defendant's outstanding Supplemental Discovery Requests within thirty (30) days.

BY THE COURT:


J.

FILED 2cc
013 30 AM Atty Hornak
SEP 14 2005
JN

J. Michael Hornak
Prothonotary Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,
Plaintiff
v.
DIANA K. McGONIGAL,
Defendant.

CIVIL DIVISION

Case No. 04-1938-CD

**PETITION FOR RULE TO SHOW
CAUSE WHY COUNSEL SHOULD NOT
BE GRANTED LEAVE TO WITHDRAW**

Filed on behalf of Plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED
M 19 2006
OCT 16 2006
NOCC
S

William A. Shaw
Prothonotary/Clerk of Courts

**PETITION FOR RULE TO SHOW CAUSE
WHY COUNSEL SHOULD NOT BE GRANTED LEAVE TO WITHDRAW**

AND NOW, comes your Petitioner, Judd F. Crosby, current counsel for plaintiff in the above action, and hereby seeks leave of Court to withdraw as counsel and in support thereof states as follows:

1. This action results from a motor vehicle collision on January 7, 2003, the manner of which is in dispute.
2. Plaintiffs through Petitioner commenced the instant action in December, 2004.
3. Petitioner has engaged in substantial discovery and negotiations on behalf of plaintiff.
4. Petitioner has invested in excess of \$1,000.00 of his own money in preparation of this action for trial.
5. Petitioner, through negotiations, is close to obtaining a settlement and has negotiated an incredibly favorable position for plaintiff with regard to two outstanding liens against any recovery obtained in this action and which would result in over \$3,000.00 net recovery for plaintiff.
6. Plaintiff has ceased all cooperation with Petitioner in that he refuses to answer or respond to numerous telephone calls.

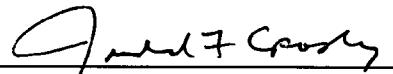
7. Plaintiff refuses to respond in any way to numerous written communications by mail.

8. Plaintiff refuses to accept the advice of Petitioner and even refuses to respond to advice in any fashion.

9. The total lack of cooperation from plaintiff renders additional representation impossible.

WHEREFORE, your Petitioner respectfully requests that this Honorable Court enter an Order granting Petitioner leave to withdraw as counsel.

Respectfully submitted,

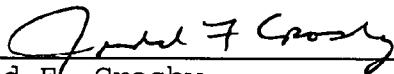


Judd F. Crosby, Esquire
Petitioner

VERIFICATION

I, Judd F. Crosby, Petitioner herein, state that the averments of fact set forth in the foregoing Petition for Rule to Show Cause Why Counsel Should Not Be Granted Leave to Withdraw are true and correct to the best of my knowledge, information and belief.

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



Judd F. Crosby

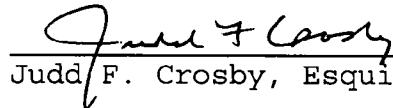
Dated: 10-12-06

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing PETITION FOR RULE TO SHOW CAUSE WHY COUNSEL SHOULD NOT BE GRANTED LEAVE TO WITHDRAW were served this 12 ^h day of October, 2006, by certified mail and regular U. S. mail, postage prepaid, on the following:

Mr. Bradley Wilt
608 E. 11th St.
Clearfield, PA 15801

Andrew L. Horvath, Esquire
Stofko Law Offices
969 Eisenhower Boulevard, Suite E
P. O. Box 5500
Johnstown, PA 15904



Judd F. Crosby, Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. McGONIGAL,

Defendant.

CIVIL DIVISION

Case No. 04-1938-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2006, it is hereby ORDERED that Petitioner, Judd F. Crosby, is hereby granted leave to withdraw as counsel in the above captioned action.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. McGONIGAL,

Defendant.

CIVIL DIVISION

Case No. 04-1938-CD

FILED

OCT 18 2006

073-4016

William A. Shaw
Prothonotary/Clerk of Courts

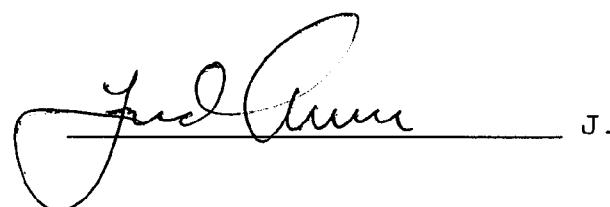
1 year to Atty

(6K)

AND NOW, to wit, this 18 day of October, 2006,
upon Petition of counsel for plaintiff it is hereby ORDERED that
a Rule is entered upon plaintiff and all concerned to show cause,
if any, why Petitioner's relief should not be granted.

Rule returnable on the 6th day of November, 2006.
for Plaintiff to provide written response.

BY THE COURT:

 J.

FILED
OCT 18 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10-18-06

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. McGONIGAL,

Defendant.

CIVIL DIVISION

Case No. 04-1938-CD

PRAECLPTE TO SETTLE AND
DISCONTINUE

Filed on behalf of Plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED *1cc + 1 cert of
m/3:40pm disc and Cert
MAR 08 2007 Of Costs to
Atty Crosby*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BRADLEY ROBERT WILT,

Plaintiff

v.

DIANA K. McGONIGAL,

Defendant.

} CIVIL DIVISION

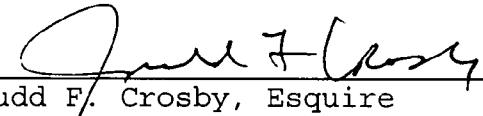
Case No. 04-1938-CD

PRAECIPE TO SETTLE AND DISCONTINUE

TO: WILLIAM A. SHAW, PROTHONOTARY

SIR:

Please mark the above captioned case ended, settled, and
forever discontinued.



Judd F. Crosby, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Copy

Bradley Robert Wilt

Vs.
Diana K. McGonigal

No. 2004-01938-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 8, 2007, marked:

Ended, settled and forever discontinued

Record costs in the sum of \$92.00 have been paid in full by Judd F. Crosby Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 8th day of March A.D. 2007.



William A. Shaw, Prothonotary