

04-1965-CD  
JACQUELINE K. KALGREN, et al. vs. LAWRENCE C. HUBER, et al.

Jacqueline Kalgren et al vs Lawrence Huber  
2004-1965-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JACQUELINE K. KALGREN,  
Administratrix of the  
ESTATE OF EDWARD J. KALGREN,  
Deceased, on behalf of the  
Estate and Next-of-Kin of  
EDWARD J. KALGREN, deceased,

Plaintiff

vs.

LAWRENCE C. HUBER, an individual;  
GAINNEY TRANSPORTATION SERVICES,  
INC., a corporation; DANIEL B.  
NAKAMURA, an individual; and  
JONATHAN B. KNIGHT, an individual,

Defendants.

Type of Case - CIVIL

No. 04-1965-CD

Type of Pleading - COMPLAINT

Filed on Behalf of - PLAINTIFF,  
JACQUELINE K. KALGREN

Filed by:

NICHOLAS F. LORENZO, JR., ESQ.  
Pa. I.D. #05864  
LORENZO, GIANVITO & LAVELLE, PC  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

and

QUERINO R. TORRETTI, ESQ.  
Pa. I.D. #23996  
600 East Main St.  
P.O. Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

FILED 5cc Atty  
m/10/18/04  
DEC 13 2004 Atty p. 85.00  
William A. Shaw  
Prothonotary/Clerk of Courts

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

**JACQUELINE K. KALGREN,**  
Administratrix of the  
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No. \_\_\_\_\_

**LAWRENCE C. HUBER,** an individual;  
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**INC.,** a corporation; **DANIEL B.**  
**NAKAMURA,** an individual; and  
**JONATHAN B. KNIGHT,** an individual,

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 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 claim 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 OBTAIN LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT 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.

PROTHONOTARY  
Courthouse  
One N. Second St.  
Clearfield, PA 16830  
(814) 765-2641

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

JACQUELINE K. KALGREN,  
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Defendants.

COMPLAINT

AND NOW, comes the plaintiff, JACQUELINE K. KALGREN, Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, on behalf of the Estate and Next-of-Kin of EDWARD J. KALGREN, deceased, by and through her attorneys, NICHOLAS F. LORENZO, JR., ESQ., of LORENZO, GIANVITO & LAVELLE, P.C., and QUERINO R. TORRETTI, ESQ., and files the following Complaint, of which the facts set forth hereinafter are a true and concise summary.

General Allegations As To All Counts

1. Plaintiff, JACQUELINE K. KALGREN, is the duly appointed Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, having been granted Letters of Administration by Diane Maihle Kiehl,

Register of Wills of Jefferson County, Pennsylvania, on January 28, 2003.

2. The defendant, LAWRENCE C. HUBER (hereinafter sometimes referred to as "Defendant-HUBER"), is an adult individual residing at 1210 Colquitt, Houston, Texas, 77006. At all times material to this Complaint, defendant HUBER was engaged as a commercial truck driver driving a tractor-trailer for defendant GAINNEY.

3. The defendant, GAINNEY TRANSPORTATION SERVICES, INC. (hereinafter sometimes referred to as "Defendant-GAINNEY"), is a corporation believed to be organized and existing under the laws of the State of Michigan, with its principal place of business located at P.O. Box 8487, Grand Rapids, Michigan, 49508. Said corporation is engaged in the business of transporting goods and materials in intra- and interstate commerce, and causes tractors and trailers to travel throughout the United States, including interstate highways within Pennsylvania.

4. Defendant, DANIEL B. NAKAMURA (hereinafter referred to as "Defendant-NAKAMURA"), is an adult individual who resides at 7413 Cedar Avenue, Tokoma Park, Maryland, 20912.

5. Defendant, JONATHAN B. KNIGHT (hereinafter referred to as "Defendant-KNIGHT"), is an adult individual residing at 1705 Hill Mead Drive, Nashville, Tennessee, 37215.

6. At all times material to this Complaint, Defendant-HUBER was engaged as a truck driver, operating within the scope of his employment and/or agency with GAINNEY TRANSPORTATION SERVICES, INC.,

a defendant herein.

7. On Saturday, December 28, 2002, at approximately 6:40 p.m., the defendant, NAKAMURA, was traveling in a westerly direction on Interstate 80, operating a 1999 Chevrolet Malibu automobile, owned by defendant KNIGHT.

8. It is believed and therefore averred that defendant NAKAMURA was operating the vehicle at the request and in furtherance of the business interests or within a common purpose of the owner of the said vehicle, KNIGHT. NAKAMURA was the agent/servant/workman and/or employee and/or joint venturer of and/or with KNIGHT at all times relevant to this Complaint.

9. At a location approximately two miles from the Borough of Clearfield, Bradford Township, Clearfield County, Pennsylvania, the defendant, NAKAMURA, lost control of the 1999 Malibu and left the traveled portion of I-80 and struck guiderails on the north side of the highway. His vehicle careened off the northern guiderails, crossing the traveled portion of I-80, and came to rest facing south along the fog line of the left (passing) lane of I-80. The rear of NAKAMURA's vehicle extended onto the traveled portion of the highway.

10. Two individuals, not defendants herein, also traveling westbound, came upon NAKAMURA'S disabled vehicle and, in an attempt to avoid NAKAMURA's vehicle, lost control and came to rest in the medial strip between westbound and eastbound lanes of I-80. Said vehicle was operated by one WILLIAM ZACHARY SIMS of 410 Market

Street, Lewisburg, Pennsylvania, 17837. SIMS was accompanied by ALICIA B. HUNTER, of 735 Buffalo Road B11, Lewisburg, Pennsylvania, 17837, as a guest passenger. Both Sims and Hunter exited their vehicle and stood in the medial strip of I-80.

11. Plaintiff's decedent, EDWARD J. KALGREN, was traveling west on I-80 in his 1993 Ford pickup truck and came upon the disabled vehicles of NAKAMURA and Sims. EDWARD J. KALGREN drove past and avoided the NAKAMURA vehicle and pulled his vehicle off the westbound lane to a position wholly and completely off the traveled portion of I-80 westbound. The purpose of decedent stopping on the highway berm was to render aid and assistance to Sims and Hunter.

12. Plaintiff's decedent, EDWARD J. KALGREN, remained in his vehicle and placed a cell phone call to a family member to advise that he had left work early from Walmart Distribution Center in Clearfield, and that he had stopped on I-80 to render assistance to the individuals in the medial strip. Plaintiff's decedent never left his vehicle.

13. Defendant HUBER was operating his 1999 Freightliner tractor, hauling a 1997 Hyundai 53-foot box trailer, both marked with the name, "Gainey Transportation Services, Inc." in the left or passing lane of I-80 westbound. HUBER encountered the aforescribed NAKAMURA vehicle and steered his tractor trailer to the right, causing the tractor-trailer to jackknife in a counterclockwise direction, and travel in a northwest direction off



of the traveled portion of the highway, causing the right rear of the trailer to strike the left rear of plaintiff's decedent's vehicle, pushing plaintiff's decedent's vehicle into the northerly guiderail. After impacting plaintiff's decedent's vehicle, HUBER's tractor-trailer continued to rotate in a counterclockwise direction and moved across both traveled lanes of I-80 west, and proceed into the medial strip, striking both Sim's vehicle and Mr. Sims and Ms. Hunter.

14. As a direct and proximate result of the violent impact of defendant HUBER's tractor-trailer with plaintiff's decedent's vehicle, plaintiff's decedent was violently impacted, injured and killed as a result of the negligence and carelessness (as hereinafter detailed) of defendant HUBER on behalf of his employer, GAINNEY.

15. The fatal injuries suffered by plaintiff's decedent as a result of the negligence and carelessness of the defendants, as hereinafter detailed, were as follows:

- a) fractured skull;
- b) severe head and neck trauma;
- c) internal injuries;
- d) lacerations;
- e) shock and fear of the imminent crash.

16. The conduct of defendants, HUBER and GAINNEY, was the sole and/or concurrent cause of plaintiff's decedent's injuries and death, along with other defendants, and they were negligent and

careless in the following respects:

a) failing to operate the Freightliner at a safe and prudent speed under the circumstances;

b) failure to observe the presence of the NAKAMURA disabled vehicle and the vehicle of plaintiff's decedent;

c) failing to at all times keep the Freightliner tractor-trailer under control so as to not jackknife and proceed out of control and strike the vehicle in which plaintiff's decedent was an occupant;

d) failing to drive in the right lane on a divided, multiple-lane highway;

e) leaving the traveled portion of the highway and entering the north berm of I-80 west so as to strike the vehicle in which plaintiff's decedent was an occupant;

f) being an inattentive driver to the road and traffic conditions that existed at the time of this impact;

g) failure to slow his vehicle so as to avoid loss of control resulting in a jackknife and striking of plaintiff's decedent's vehicle;

h) by striking plaintiff's decedent's vehicle;

i) in failing to adjust speed and lane position to existing weather conditions, which resulted in a loss of control of the tractor-trailer.

17. The defendant, NAKAMURA, was the cause, either individually or concurrently with other defendants, of the injuries

and death of the plaintiff's decedent, EDWARD J. KALGREN, and was negligent and careless in the following respects:

a) failing to operate his vehicle at a safe speed under the circumstances so as to cause his vehicle to go out of control, strike the northbound guiderail and careen across the highway, coming to a stop in or about the medial strip and traveled portion of I-80 west;

b) failing to maintain control of his vehicle so as to prevent the loss of control as aforescribed, resulting in his vehicle becoming disabled and located as aforescribed;

c) causing his vehicle to come to rest blocking a portion of the traveled portion of the passing lane of I-80 westbound;

d) failing to remove his vehicle which was an obstruction to following drivers.

18. As a result of the aforescribed negligence of defendants HUBER, GAINNEY and NAKAMURA, either individually, jointly and/or severally, plaintiff's decedent was injured and killed as aforescribed.

COUNT ONE

Jacqueline K. Kalgren, as Administratrix  
of the Estate of Edward J. Kalgren, deceased,  
on Behalf of the Estate and Next-of-Kin of Edward  
J. Kalgren, deceased, Plaintiff

vs.

Lawrence C. Huber, an individual; Gainney  
Transportation Services, Inc., a Corporation;  
Daniel B Nakamura, an individual; and Jonathan  
B. Knight, an individual, Defendants

WRONGFUL DEATH ACTION

19. Paragraphs one (1) through eighteen (18) are incorporated herein by reference as though the same were set forth fully and at length.

20. Plaintiff, JACQUELINE K. KALGREN, duly appointed Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, brings this action under the provisions of law hereinafter set forth on behalf of the next-of-kin of said decedent to recover damages for those persons so entitled by law, to-wit:

- a) Jacqueline K. Kalgren - spouse  
RD #1, 388 Crossroads  
Brockport, PA 15823
- b) Paige Elizabeth Kalgren - daughter  
RD #1, 388 Crossroads  
Brockport, PA 15823

21. The right to bring this action is conferred upon the above-named plaintiff as Administratrix by the following laws, upon which said action is brought:

a) Wrongful Death Act of 1851, P.L. 699, as amended by the Act of 1855, P.L. 309; the Act of 1911, P.L. 678; the Act of 1927, P.L. 992, 480; the Act of 1937, P.L. 1961; and

b) The Act of April 18, 1949, P.L. 512; and

c) Any other wrongful death act or amendments thereof, Fiduciary Acts, Supreme Court rulings, the Pennsylvania Rules of Civil Procedure, Pa.R.C.P. No. 2201, et seq., and the Judiciary Act, 42 Pa.C.S. Section 8301.

22. No action was filed by the decedent against the defendants named herein.

23. Plaintiff, JACQUELINE K. KALGREN, Administratrix of the Estate of Edward J. Kalgren, deceased, brings these causes of action to recover the following:

- a) funeral expenses;
- b) expenses of administration related to decedent's injuries and death;
- c) such other damages as are permissible in a wrongful death action.

WHEREFORE, plaintiff demands judgment against defendant(s), individually, jointly and/or severally, in an amount in excess of the mandatory limits of compulsory arbitration in this jurisdiction.

#### COUNT TWO

Jacqueline K. Kalgren, as Administratrix  
of the Estate of Edward J. Kalgren, deceased,  
on Behalf of the Estate of Edward  
J. Kalgren, deceased, Plaintiff

vs.

Lawrence C. Huber, an individual; Gainey  
Transportation Services, Inc., a Corporation;  
Daniel B Nakamura, an individual; and Jonathan  
B. Knight, an individual, Defendants

#### SURVIVAL ACTION

24. Paragraphs one (1) through twenty-three (23) are incorporated herein by reference as though the same were set forth fully and at length.

25. Plaintiff, JACQUELINE K. KALGREN, Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, brings this cause of action on behalf of the ESTATE OF EDWARD J. KALGREN, deceased, by virtue

of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. Section 3373, and 42 Pa.C.S. Section 8302, their predecessor legislation, court rulings, all as amended and/or supplemented.

26. The defendants, individually, jointly and/or severally, are liable to the ESTATE OF EDWARD J. KALGREN for the following damages:

a) decedent's pain and suffering between the time of his injuries and the time of his death;

b) decedent's total estimated future earning power, less his estimated cost of personal maintenance;

c) decedent's loss of productivity, retirement and Social Security income;

d) decedent's other financial losses suffered as a result of his death;

e) decedent's loss of enjoyment of life;

f) all other losses permitted to be recovered under survival actions, including, but not limited to, loss of parental guidance, tutelage, and loss of spousal consortium.

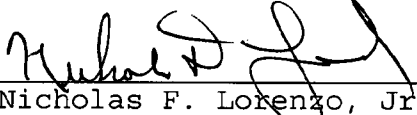
WHEREFORE, plaintiff demands judgment against defendant(s), individually, jointly and/or severally, in an amount in excess of the mandatory limits of compulsory arbitration in this jurisdiction.

JURY TRIAL DEMANDED AS TO ALL COUNTS.

Respectfully submitted,

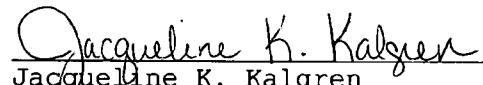
LORENZO, GIANVITO & LAVELLE, P.C.

BY:


  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr., Esq.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390  
Co-Counsel for Plaintiff

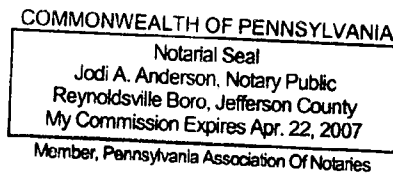
STATE OF PENNSYLVANIA  
SS:  
COUNTY OF JEFFERSON

JACQUELINE K. KALGREN, Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, Plaintiff, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her information, knowledge and belief.

  
Jacqueline K. Kalgren

Sworn and subscribed before me  
this 6<sup>th</sup> day of December, 2004.

  
Notary Public





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**JACQUELINE K. KALGREN,**  
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**ESTATE OF EDWARD J. KALGREN,**  
Deceased, on behalf of the  
Estate and Next-of-Kin of  
**EDWARD J. KALGREN,** deceased,

Plaintiff

vs.

**LAWRENCE C. HUBER,** an individual;  
**GAINNEY TRANSPORTATION SERVICES,**  
**INC.,** a corporation; **DANIEL B.**  
**NAKAMURA,** an individual; and  
**JONATHAN B. KNIGHT,** an individual,

Defendants.

Type of Case - **CIVIL**

No. 04-1965-CD

Type of Pleading -  
**AFFIDAVIT OF SERVICE**

Filed on Behalf of - **PLAINTIFF,**  
**JACQUELINE K. KALGREN**

Filed by:

**NICHOLAS F. LORENZO, JR., ESQ.**

Pa.I.D. #05864

LORENZO & GIANVITO, PC

410 West Mahoning St.

P.O. Box 495

Punxsutawney, PA 15767

(814) 938-6390

and

**QUERINO R. TORRETTI, ESQ.**

Pa. I.D. #23996

600 East Main St.

P.O. Box 218

Reynoldsville, PA 15851

(814) 653-2243

**FILED**  
OK M 8:36 AM No CL  
JAN 03 2005

William A. Shaw  
Prothonotary

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PENNSYLVANIA  
CIVIL ACTION

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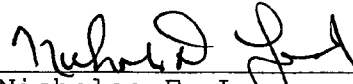
I hereby certify that on the 15<sup>th</sup> day of December, 2004, a true and correct copy of a Complaint in a Civil Action in the above-captioned matter was forwarded, by means of certified mail, to the defendant: Gainey Transportation Services, Inc., P.O. Box 8487, Grand Rapids, Michigan, 49508. The original return receipt of said mailing indicating receipt on December 21, 2004, at that address, is attached hereto and incorporated herein.

This statement is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

LORENZO & GIANVITO, P.C.

Date: 12/29/04

BY:



Nicholas F. Lorenzo, Jr., Esq.  
Counsel for Plaintiff

Cc: John T. Pion, Esq.  
Daniel T. Moskal, Esq.

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:


Gainsy Transport, Inc  
P.O. Box 8487  
Grand Rapids, MI  
49508

2. Article Number  
(Transfer from service label)

7099 3400 0005 6909 9699

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent☐ Addressee

B. Received by (Printed Name)

DAWSON WADSWORTH

C. Date of Delivery

12/2/04

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
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Defendants.

**ACCEPTANCE OF SERVICE**

The undersigned hereby accepts service of plaintiff's  
Complaint on behalf of defendants LAWRENCE C. HUBER and GAINEY  
TRANSPORTATION SERVICES, INC., in the above-captioned matter.

DICKIE, MCCAMEY & CHILCOTE

Date: 12/22/04

BY: John T. Pion  
John T. Pion, Esq.

**FILED**  
M 8-36 6A NOCC

JAN 03 2005

William A. Shaw  
Prothonotary

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PENNSYLVANIA

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Filed on Behalf of - **PLAINTIFF,**  
**JACQUELINE K. KALGREN**

Filed by:

**NICHOLAS F. LORENZO, JR., ESQ.**

Pa. I.D. #05864  
LORENZO & GIANVITO, PC  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

and

**QUERINO R. TORRETTI, ESQ.**

Pa. I.D. #23996  
600 East Main St.  
P.O. Box 218  
Reynoldsville, PA 15851  
(814) 653-2243

**FILED**

M 10:49 AM NOCL

JAN 05 2005

William A. Shaw  
Prothonotary

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PENNSYLVANIA  
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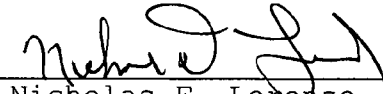
I hereby certify that on the 15<sup>th</sup> day of December, 2004, a true and correct copy of a Complaint in a Civil Action in the above-captioned matter was forwarded, by means of certified mail, to the defendant: Daniel B. Nakamura, 7413 Cedar Avenue, Tokoma Park, Maryland, 20912. The original return receipt of said mailing indicating receipt on December 29, 2004, at that address, is attached hereto and incorporated herein.

This statement is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

LORENZO & GIANVITO, P.C.

Date: 1/3/05

BY:



Nicholas F. Lorenzo, Jr., Esq.  
Counsel for Plaintiff

Cc: John T. Pion, Esq.  
Daniel T. Moskal, Esq.



**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

Daniel B. Nakamura  
7413 Cedar Ave.  
Tokoma Park, MD  
20912

2. Article Number 7099 3400 0005 6909 9637  
(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-0835

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *D.B. Nakamura* ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

12/29/04D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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NAKAMURA, an individual; and  
JONATHAN B. KNIGHT, an individual,

Defendants.

No.: 04-1965 C.D.

NOTICE OF REMOVAL

Filed on behalf of Defendants, Lawrence C.  
Huber and Gainney Transportation Services,  
Inc.

Counsel of Record:

John T. Pion, Esquire  
PA ID #43675

Michael F. Nerone, Esquire  
PA ID #62446

Dickie, McCamey & Chilcote, P.C.  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**FILED** *no cc*  
*6/10/04*  
JAN 16 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JACQUELINE K. KALGREN, Administratrix      No.: 04-1965 C.D.  
of the Estate of EDWARD J. KALGREN,  
Deceased, on behalf of the Estate of and Next-  
of-Kin of EDWARD J. KALGREN, deceased,

Plaintiff

vs.

LAWRENCE C. HUBER, an individual;  
GAINEY TRANSPORTATION SERVICES,  
INC., a corporation; DANIEL B.  
NAKAMURA, an individual; and  
JONATHAN B. KNIGHT, an individual,

Defendants.

**NOTICE OF REMOVAL**

Please take notice that on this 6<sup>th</sup> day of January, 2005, the undersigned attorneys for the Defendants Lawrence C. Huber and Gainey Transportation Services, Inc., have filed a Notice of Removal in this action from the Court of Common Pleas of Clearfield County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania. A copy of said Notice of Removal, which has been filed with the United States District Court for the Western District of Pennsylvania, is attached hereto and is incorporated herein by reference as if the same were set forth herein at length.

Respectfully submitted,  
Dickie, McCamey & Chilcote, P.C.

By:

  
Michael F. Nerone, Esquire

Counsel for Lawrence C. Huber and  
Gainey Transportation Services, Inc.


**CERTIFICATE OF SERVICE**

I, Michael F. Nerone, Esquire, Esquire, hereby certify that a true and correct copy of the foregoing Notice of Removal have been served this 6<sup>th</sup> day of January, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Nicholas F. Lorenzo, Jr., Esquire  
Lorenzo, Gianvito and Lavelle  
P. O. Box 495  
Punxsutawney, PA 15767

Joseph Hudock, Esq.  
Summers, McDonnell, Walsh & Skeel  
Gulf Tower, Suite 2400  
707 Grant Street  
Pittsburgh, PA 15219

DICKIE, McCAMEY & CHILCOTE, P.C.

By   
Michael F. Nerone, Esquire

Attorneys for Defendants Lawrence C.  
Huber and Gainey Transportation Services,  
Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JACQUELINE K. KALGREN, Administratrix      No.:  
of the Estate of EDWARD J. KALGREN,  
Deceased, on behalf of the Estate of and Next-  
of-Kin of EDWARD J. KALGREN, deceased,

Plaintiff

vs.

LAWRENCE C. HUBER, an individual;  
GAINNEY TRANSPORTATION SERVICES,  
INC., a corporation; DANIEL B.  
NAKAMURA, an individual; and  
JONATHAN B. KNIGHT, an individual,

Defendants.

**NOTICE OF REMOVAL**

AND NOW, come the Defendants, Lawrence C. Huber and Gainney Transportation Services, Inc., by and through their counsel, John T. Pion, Esquire and Michael F. Nerone, Esquire, and Dickie, McCamey & Chilcote, P.C., and file this Notice of Removal in the above-captioned case from the Court of Common Pleas of Clearfield County, Pennsylvania, where it has been assigned Civil Action No. 04-1965 C.D. to the United States District Court for the Western District of Pennsylvania and, in support thereof, set forth the following:

1. This action was commenced by a Complaint filed on or about December 12, 2004, a true and correct copy of which is attached hereto as Exhibit "A".
2. Pursuant to the allegations contained in Plaintiff's Complaint, the Plaintiff Decedent was a resident of Pennsylvania. Further, pursuant to the sworn allegations of Plaintiff's Complaint, original Defendant, Lawrence C. Huber, is a resident of Texas. Further, original Defendant Gainney Transportation Services, Inc. is a resident of Michigan, and original

Defendants Nakamura and Knight are residents of Maryland and Tennessee, respectively. Thus, complete diversity exists among the parties.

3. Attached hereto as Exhibit "B" is an Affidavit executed by counsel for Defendants Huber and Gainey Transportation Services, Inc. asserting that the amount in controversy in this case exceeds Seventy Five Thousand and 00/100 (\$75,000.00), exclusive of interest and costs.

4. None of the original Defendants were at the time of the commencement of this action and are not now citizens of the Commonwealth of Pennsylvania.

5. Clearfield County, Pennsylvania, where this action was initially filed is within the jurisdiction of the United States District Court for the Western District of Pennsylvania.

6. This Court has original jurisdiction of this action based upon the complete diversity of citizenship under 28 U.S.C. Section 1332 and this action is removable from the State Court under the provisions of 28 U.S.C. Section 1441, et seq.

7. Defendants Nakamura and Knight by and through their counsel consent and join in this removal.

8. Defendants aver that not more than thirty (30) days have passed since Plaintiff's Complaint was served upon them.

9. Concurrent with the filing of the Notice with the United States District Court for the Western District of Pennsylvania, these Defendants have filed with the Clearfield Court of Common Pleas and have served upon Plaintiff's counsel a Notice of Removal advising the State Court that these Defendants have removed this action to the United States District Court for the Western District of Pennsylvania. See attached Exhibit "C".

WHEREFORE, these Defendants pray that this case be removed from the Court of  
Common Pleas of Clearfield County, Pennsylvania, to the United States District Court for the  
Western District of Pennsylvania.

Respectfully submitted,

Dickie, McCamey & Chilcote, P.C.

By:   
Michael F. Nerone, Esquire

Counsel for Lawrence C. Huber and  
Gainey Transportation Services, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

COPY

JACQUELINE K. KALGREN,  
Administratrix of the  
ESTATE OF EDWARD J. KALGREN,  
Deceased, on behalf of the  
Estate and Next-of-Kin of  
EDWARD J. KALGREN, deceased,

Plaintiff

vs.

LAWRENCE C. HUBER, an individual;  
GAINNEY TRANSPORTATION SERVICES,  
INC., a corporation; DANIEL B.  
NAKAMURA, an individual; and  
JONATHAN B. KNIGHT, an individual,

Defendants.

Type of Case - CIVIL

No. \_\_\_\_\_

Type of Pleading - COMPLAINT

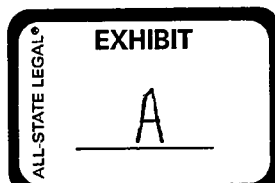
Filed on Behalf of - PLAINTIFF,  
JACQUELINE K. KALGREN

Filed by:

NICHOLAS F. LORENZO, JR., ESQ.  
Pa. I.D. #05864  
LORENZO, GIANVITO & LAVELLE, PC  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

and

QUERINO R. TORRETTI, ESQ.  
Pa. I.D. #23996  
600 East Main St.  
P.O. Box 218  
Reynoldsville, PA 15851  
(814) 653-2243





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

JACQUELINE K. KALGREN,  
Administratrix of the  
ESTATE OF EDWARD J. KALGREN,  
Deceased, on behalf of the  
Estate and Next-of-Kin of  
EDWARD J. KALGREN, deceased,

Plaintiff

vs.

No. \_\_\_\_\_

LAWRENCE C. HUBER, an individual;  
GAINNEY TRANSPORTATION SERVICES,  
INC., a corporation; DANIEL B.  
NAKAMURA, an individual; and  
JONATHAN B. KNIGHT, an individual,

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 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 claim 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 OBTAIN LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT 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.

PROTHONOTARY  
Courthouse  
One N. Second St.  
Clearfield, PA 16830  
(814) 765-2641

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

JACQUELINE K. KALGREN,  
Administratrix of the  
ESTATE OF EDWARD J. KALGREN,  
Deceased, on behalf of the  
Estate and Next-of-Kin of  
EDWARD J. KALGREN, deceased,

Plaintiff

vs.

No. \_\_\_\_\_

LAWRENCE C. HUBER, an individual;  
GAINNEY TRANSPORTATION SERVICES,  
INC., a corporation; DANIEL B.  
NAKAMURA, an individual; and  
JONATHAN B. KNIGHT, an individual,

Defendants.

COMPLAINT

AND NOW, comes the plaintiff, JACQUELINE K. KALGREN, Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, on behalf of the Estate and Next-of-Kin of EDWARD J. KALGREN, deceased, by and through her attorneys, NICHOLAS F. LORENZO, JR., ESQ., of LORENZO, GIANVITO & LAVELLE, P.C., and QUERINO R. TORRETTI, ESQ., and files the following Complaint, of which the facts set forth hereinafter are a true and concise summary.

General Allegations As To All Counts

1. Plaintiff, JACQUELINE K. KALGREN, is the duly appointed Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, having been granted Letters of Administration by Diane Maihle Kiehl,

Register of Wills of Jefferson County, Pennsylvania, on January 28, 2003.

2. The defendant, LAWRENCE C. HUBER (hereinafter sometimes referred to as "Defendant-HUBER"), is an adult individual residing at 1210 Colquitt, Houston, Texas, 77006. At all times material to this Complaint, defendant HUBER was engaged as a commercial truck driver driving a tractor-trailer for defendant GAINNEY.

3. The defendant, GAINNEY TRANSPORTATION SERVICES, INC. (hereinafter sometimes referred to as "Defendant-GAINNEY"), is a corporation believed to be organized and existing under the laws of the State of Michigan, with its principal place of business located at P.O. Box 8487, Grand Rapids, Michigan, 49508. Said corporation is engaged in the business of transporting goods and materials in intra- and interstate commerce, and causes tractors and trailers to travel throughout the United States, including interstate highways within Pennsylvania.

4. Defendant, DANIEL B. NAKAMURA (hereinafter referred to as "Defendant-NAKAMURA"), is an adult individual who resides at 7413 Cedar Avenue, Tokoma Park, Maryland, 20912.

5. Defendant, JONATHAN B. KNIGHT (hereinafter referred to as "Defendant-KNIGHT"), is an adult individual residing at 1705 Hill Mead Drive, Nashville, Tennessee, 37215.

6. At all times material to this Complaint, Defendant-HUBER was engaged as a truck driver, operating within the scope of his employment and/or agency with GAINNEY TRANSPORTATION SERVICES, INC.,

a defendant herein.

7. On Saturday, December 28, 2002, at approximately 6:40 p.m., the defendant, NAKAMURA, was traveling in a westerly direction on Interstate 80, operating a 1999 Chevrolet Malibu automobile, owned by defendant KNIGHT.

8. It is believed and therefore averred that defendant NAKAMURA was operating the vehicle at the request and in furtherance of the business interests or within a common purpose of the owner of the said vehicle, KNIGHT. NAKAMURA was the agent/servant/workman and/or employee and/or joint venturer of and/or with KNIGHT at all times relevant to this Complaint.

9. At a location approximately two miles from the Borough of Clearfield, Bradford Township, Clearfield County, Pennsylvania, the defendant, NAKAMURA, lost control of the 1999 Malibu and left the traveled portion of I-80 and struck guiderails on the north side of the highway. His vehicle careened off the northern guiderails, crossing the traveled portion of I-80, and came to rest facing south along the fog line of the left (passing) lane of I-80. The rear of NAKAMURA's vehicle extended onto the traveled portion of the highway.

10. Two individuals, not defendants herein, also traveling westbound, came upon NAKAMURA'S disabled vehicle and, in an attempt to avoid NAKAMURA's vehicle, lost control and came to rest in the medial strip between westbound and eastbound lanes of I-80. Said vehicle was operated by one WILLIAM ZACHARY SIMS of 410 Market

Street, Lewisburg, Pennsylvania, 17837. SIMS was accompanied by ALICIA B. HUNTER, of 735 Buffalo Road B11, Lewisburg, Pennsylvania, 17837, as a guest passenger. Both Sims and Hunter exited their vehicle and stood in the medial strip of I-80.

11. Plaintiff's decedent, EDWARD J. KALGREN, was traveling west on I-80 in his 1993 Ford pickup truck and came upon the disabled vehicles of NAKAMURA and Sims. EDWARD J. KALGREN drove past and avoided the NAKAMURA vehicle and pulled his vehicle off the westbound lane to a position wholly and completely off the traveled portion of I-80 westbound. The purpose of decedent stopping on the highway berm was to render aid and assistance to Sims and Hunter.

12. Plaintiff's decedent, EDWARD J. KALGREN, remained in his vehicle and placed a cell phone call to a family member to advise that he had left work early from Walmart Distribution Center in Clearfield, and that he had stopped on I-80 to render assistance to the individuals in the medial strip. Plaintiff's decedent never left his vehicle.

13. Defendant HUBER was operating his 1999 Freightliner tractor, hauling a 1997 Hyundai 53-foot box trailer, both marked with the name, "Gainey Transportation Services, Inc." in the left or passing lane of I-80 westbound. HUBER encountered the aforescribed NAKAMURA vehicle and steered his tractor trailer to the right, causing the tractor-trailer to jackknife in a counterclockwise direction, and travel in a northwest direction off

of the traveled portion of the highway, causing the right rear of the trailer to strike the left rear of plaintiff's decedent's vehicle, pushing plaintiff's decedent's vehicle into the northerly guiderail. After impacting plaintiff's decedent's vehicle, HUBER's tractor-trailer continued to rotate in a counterclockwise direction and moved across both traveled lanes of I-80 west, and proceed into the medial strip, striking both Sim's vehicle and Mr. Sims and Ms. Hunter.

14. As a direct and proximate result of the violent impact of defendant HUBER's tractor-trailer with plaintiff's decedent's vehicle, plaintiff's decedent was violently impacted, injured and killed as a result of the negligence and carelessness (as hereinafter detailed) of defendant HUBER on behalf of his employer, GAINNEY.

15. The fatal injuries suffered by plaintiff's decedent as a result of the negligence and carelessness of the defendants, as hereinafter detailed, were as follows:

- a) fractured skull;
- b) severe head and neck trauma;
- c) internal injuries;
- d) lacerations;
- e) shock and fear of the imminent crash.

16. The conduct of defendants, HUBER and GAINNEY, was the sole and/or concurrent cause of plaintiff's decedent's injuries and death, along with other defendants, and they were negligent and

careless in the following respects:

a) failing to operate the Freightliner at a safe and prudent speed under the circumstances;

b) failure to observe the presence of the NAKAMURA disabled vehicle and the vehicle of plaintiff's decedent;

c) failing to at all times keep the Freightliner tractor-trailer under control so as to not jackknife and proceed out of control and strike the vehicle in which plaintiff's decedent was an occupant;

d) failing to drive in the right lane on a divided, multiple-lane highway;

e) leaving the traveled portion of the highway and entering the north berm of I-80 west so as to strike the vehicle in which plaintiff's decedent was an occupant;

f) being an inattentive driver to the road and traffic conditions that existed at the time of this impact;

g) failure to slow his vehicle so as to avoid loss of control resulting in a jackknife and striking of plaintiff's decedent's vehicle;

h) by striking plaintiff's decedent's vehicle;

i) in failing to adjust speed and lane position to existing weather conditions, which resulted in a loss of control of the tractor-trailer.

17. The defendant, NAKAMURA, was the cause, either individually or concurrently with other defendants, of the injuries



and death of the plaintiff's decedent, EDWARD J. KALGREN, and was negligent and careless in the following respects:

a) failing to operate his vehicle at a safe speed under the circumstances so as to cause his vehicle to go out of control, strike the northbound guiderail and careen across the highway, coming to a stop in or about the medial strip and traveled portion of I-80 west;

b) failing to maintain control of his vehicle so as to prevent the loss of control as aforescribed, resulting in his vehicle becoming disabled and located as aforescribed;

c) causing his vehicle to come to rest blocking a portion of the traveled portion of the passing lane of I-80 westbound;

d) failing to remove his vehicle which was an obstruction to following drivers.

18. As a result of the aforescribed negligence of defendants HUBER, GAINNEY and NAKAMURA, either individually, jointly and/or severally, plaintiff's decedent was injured and killed as aforescribed.

COUNT ONE

Jacqueline K. Kalgren, as Administratrix  
of the Estate of Edward J. Kalgren, deceased,  
on Behalf of the Estate and Next-of-Kin of Edward  
J. Kalgren, deceased, Plaintiff

vs.

Lawrence C. Huber, an individual; Gainney  
Transportation Services, Inc., a Corporation;  
Daniel B Nakamura, an individual; and Jonathan  
B. Knight, an individual, Defendants

WRONGFUL DEATH ACTION

19. Paragraphs one (1) through eighteen (18) are incorporated herein by reference as though the same were set forth fully and at length.

20. Plaintiff, JACQUELINE K. KALGREN, duly appointed Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, brings this action under the provisions of law hereinafter set forth on behalf of the next-of-kin of said decedent to recover damages for those persons so entitled by law, to-wit:

- a) Jacqueline K. Kalgren - spouse  
RD #1, 388 Crossroads  
Brockport, PA 15823
- b) Paige Elizabeth Kalgren - daughter  
RD #1, 388 Crossroads  
Brockport, PA 15823

21. The right to bring this action is conferred upon the above-named plaintiff as Administratrix by the following laws, upon which said action is brought:

a) Wrongful Death Act of 1851, P.L. 699, as amended by the Act of 1855, P.L. 309; the Act of 1911, P.L. 678; the Act of 1927, P.L. 992, 480; the Act of 1937, P.L. 1961; and

b) The Act of April 18, 1949, P.L. 512; and

c) Any other wrongful death act or amendments thereof, Fiduciary Acts, Supreme Court rulings, the Pennsylvania Rules of Civil Procedure, Pa.R.C.P. No. 2201, et seq., and the Judiciary Act, 42 Pa.C.S. Section 8301.

22. No action was filed by the decedent against the defendants named herein.

23. Plaintiff, JACQUELINE K. KALGREN, Administratrix of the Estate of Edward J. Kalgren, deceased, brings these causes of action to recover the following:

- a) funeral expenses;
- b) expenses of administration related to decedent's injuries and death;
- c) such other damages as are permissible in a wrongful death action.

WHEREFORE, plaintiff demands judgment against defendant(s), individually, jointly and/or severally, in an amount in excess of the mandatory limits of compulsory arbitration in this jurisdiction.

#### COUNT TWO

Jacqueline K. Kalgren, as Administratrix  
of the Estate of Edward J. Kalgren, deceased,  
on Behalf of the Estate of Edward  
J. Kalgren, deceased, Plaintiff

vs.

Lawrence C. Huber, an individual; Gainey  
Transportation Services, Inc., a Corporation;  
Daniel B Nakamura, an individual; and Jonathan  
B. Knight, an individual, Defendants

#### SURVIVAL ACTION

24. Paragraphs one (1) through twenty-three (23) are incorporated herein by reference as though the same were set forth fully and at length.

25. Plaintiff, JACQUELINE K. KALGREN, Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, brings this cause of action on behalf of the ESTATE OF EDWARD J. KALGREN, deceased, by virtue

of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. Section 3373, and 42 Pa.C.S. Section 8302, their predecessor legislation, court rulings, all as amended and/or supplemented.

26. The defendants, individually, jointly and/or severally, are liable to the ESTATE OF EDWARD J. KALGREN for the following damages:

a) decedent's pain and suffering between the time of his injuries and the time of his death;

b) decedent's total estimated future earning power, less his estimated cost of personal maintenance;

c) decedent's loss of productivity, retirement and Social Security income;

d) decedent's other financial losses suffered as a result of his death;

e) decedent's loss of enjoyment of life;

f) all other losses permitted to be recovered under survival actions, including, but not limited to, loss of parental guidance, tutelage, and loss of spousal consortium.

WHEREFORE, plaintiff demands judgment against defendant(s), individually, jointly and/or severally, in an amount in excess of the mandatory limits of compulsory arbitration in this jurisdiction.

JURY TRIAL DEMANDED AS TO ALL COUNTS.

Respectfully submitted,

LORENZO, GIANVITO & LAVELLE, P.C.

BY: 

Nicholas F. Lorenzo, Jr., Esq.  
410 West Mahoning St.

P.O. Box 495

Punxsutawney, PA 15767

(814) 938-6390

Co-Counsel for Plaintiff

STATE OF PENNSYLVANIA

SS:

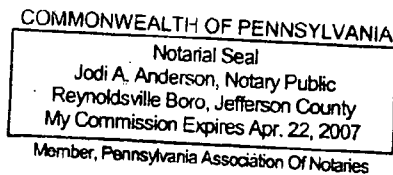
COUNTY OF JEFFERSON

JACQUELINE K. KALGREN, Administratrix of the ESTATE OF EDWARD J. KALGREN, deceased, Plaintiff, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her information, knowledge and belief.

Jacqueline K. Kalgren  
Jacqueline K. Kalgren

Sworn and subscribed before me  
this 6<sup>th</sup> day of December, 2004.

Jodi A. Anderson  
Notary Public



**AFFIDAVIT**

Commonwealth of Pennsylvania )  
 ) ss:  
County of Allegheny )

Before me, the undersigned authority, personally appeared Michael F. Nerone, Esquire, of Dickie, McCamey & Chilcote, P.C. who, being first duly sworn, did depose and say that he is the attorney of record for Lawrence C. Huber and Gainey Transportation Services, Inc., in this action; that the foregoing Notice of Removal is true and correct to the best of his information, knowledge and belief, and that the amount in controversy in this action exceeds Seventy-Five Thousand and 00/100 (\$75,000.00) exclusive of interest and costs.

Michael F. Moore

**Michael F. Nerone, Esquire**

On this 6<sup>th</sup> day of January, 2005, before me personally appeared Michael F. Nerone, Esquire, known to me to be the person named herein and who acknowledged that he executed the above Affidavit as his free act and deed.

Witness my hand and notarial seal the date aforesaid.

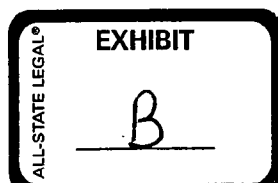
My commission expires:

Kenneth Remmon

Notary Public

Notarial Seal  
Nanette Lemmon, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Dec. 16, 2006

Member, Pennsylvania Association Of Notaries



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JACQUELINE K. KALGREN, Administratrix  
of the Estate of EDWARD J. KALGREN,  
Deceased, on behalf of the Estate of and Next-  
of-Kin of EDWARD J. KALGREN, deceased,

No.: 04-1965 C.D.

NOTICE OF REMOVAL

Plaintiff

vs.

Filed on behalf of Defendants, Lawrence C.  
Huber and Gainey Transportation Services,  
Inc.

LAWRENCE C. HUBER, an individual;  
GAINY TRANSPORTATION SERVICES,  
INC., a corporation; DANIEL B.  
NAKAMURA, an individual; and  
JONATHAN B. KNIGHT, an individual,

Defendants.

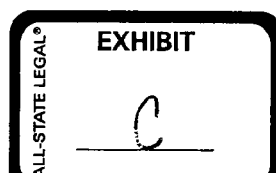
Counsel of Record:

John T. Pion, Esquire  
PA ID #43675

Michael F. Nerone, Esquire  
PA ID #62446

Dickie, McCamey & Chilcote, P.C.  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JACQUELINE K. KALGREN, Administratrix    No.: 04-1965 C.D.  
of the Estate of EDWARD J. KALGREN,  
Deceased, on behalf of the Estate of and Next-  
of-Kin of EDWARD J. KALGREN, deceased,

Plaintiff

vs.

LAWRENCE C. HUBER, an individual;  
GAINNEY TRANSPORTATION SERVICES,  
INC., a corporation; DANIEL B.  
NAKAMURA, an individual; and  
JONATHAN B. KNIGHT, an individual,

Defendants.

**NOTICE OF REMOVAL**

Please take notice that on this 6<sup>th</sup> day of January, 2005, the undersigned attorneys for the Defendants Lawrence C. Huber and Gainney Transportation Services, Inc., have filed a Notice of Removal in this action from the Court of Common Pleas of Clearfield County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania. A copy of said Notice of Removal, which has been filed with the United States District Court for the Western District of Pennsylvania, is attached hereto and is incorporated herein by reference as if the same were set forth herein at length.

Respectfully submitted,  
Dickie, McCamey & Chilcote, P.C.

By:

  
Michael F. Nerone, Esquire

Counsel for Lawrence C. Huber and  
Gainney Transportation Services, Inc.


**CERTIFICATE OF SERVICE**

I, Michael F. Nerone, Esquire, Esquire, hereby certify that a true and correct copy of the foregoing Notice of Removal have been served this 6<sup>th</sup> day of January, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Nicholas F. Lorenzo, Jr., Esquire  
Lorenzo, Gianvito and Lavelle  
P. O. Box 495  
Punxsutawney, PA 15767

Joseph Hudock, Esq.  
Summers, McDonnell, Walsh & Skeel  
Gulf Tower, Suite 2400  
707 Grant Street  
Pittsburgh, PA 15219

DICKIE, McCAMEY & CHILCOTE, P.C.

By   
Michael F. Nerone, Esquire

Attorneys for Defendants Lawrence C.  
Huber and Gainey Transportation Services,  
Inc.

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

**JACQUELINE K. KALGREN,**  
Administratrix of the  
**ESTATE OF EDWARD J. KALGREN,**  
Deceased, on behalf of the  
Estate and Next-of-Kin of  
**EDWARD J. KALGREN,** deceased,

Plaintiff

vs.

No. 04-1965 C.D.

**LAWRENCE C. HUBER,** an individual;  
**GAINNEY TRANSPORTATION SERVICES,**  
**INC.,** a corporation; **DANIEL B.**  
**NAKAMURA,** an individual; and  
**JONATHAN B. KNIGHT,** an individual,

Defendants.

**ACCEPTANCE OF SERVICE**

The undersigned hereby accepts service of plaintiff's  
Complaint on behalf of defendant JONATHAN B. KNIGHT, in the above-  
captioned matter.

OFFICE OF JOSEPH S. WEIMER

Date: 1-17-05

BY: Daniel T. Moskal  
Daniel T. Moskal, Esq.

FILED NO  
m/10:3401 cc  
JAN 21 2005 6K

W. J. S. W.  
Promotary Clerk of Courts