

04-1991-CD
JOHN V. ANDERSON, et al. vs. JACK MANNERS

John Anderson et al vs Jack Manners
2004-1991-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,**
individually and as husband
and wife,

Plaintiffs

Vs.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

Type of Case - **CIVIL**

No. 04-1991-cd

Type of Pleading - **COMPLAINT**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE,
P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED
M 10:50 AM 12/8/04
100th Dist. Ct. 10th Flr.
DEC 7 2004

William A. Shaw
Prothonotary

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

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,**

Plaintiffs

Vs.

No. _____

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

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 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.

Prothonotary
Clearfield County Courthouse
230 E. Market St.
Clearfield, PA 16830
(814) 765-2641

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

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,**
individually and as husband
and wife,

Plaintiffs

Vs.

No. _____

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

COMPLAINT

AND NOW, come the plaintiffs, JOHN V. ANDERSON and ELIZABETH ANDERSON, individually and as husband and wife, by and through their attorneys, LORENZO, GIANVITO & LAVELLE, P.C., and present the following Complaint, of which the facts set forth hereinafter are a true and concise summary.

1. Plaintiff, JOHN V. ANDERSON, is an adult individual who resides at 5340 Wayne Road, Dubois, Clearfield County, Pennsylvania, 15801, and is full age and sui juris.
2. Plaintiff, ELIZABETH ANDERSON, is the spouse of plaintiff JOHN V. ANDERSON, and is an adult individual living at 5340 Wayne Road, Dubois, Clearfield County, Pennsylvania, 15801.
3. Defendant, JACK MANNERS, is the owner and trades and does business under the name "JACK'S HEATING", with his principal place of business at R.D. #1, Box 179, Reynoldsville, Jefferson County, Pennsylvania, 15851.

4. All acts of the defendant, JACK'S HEATING, and/or JACK MANNERS, were performed by JACK MANNERS and/or individuals employed by JACK'S HEATING, all of which were acting within the scope of their employment and/or authority.

5. At all times material to this Complaint, the plaintiff, JOHN V. ANDERSON's mother, Grace V. Anderson, lived in property located adjacent to the property owned and occupied by the plaintiffs herein.

6. During the period of time between January 20, 2003 and February 12, 2003, the plaintiff, JOHN V. ANDERSON's mother, Mrs. Grace V. Anderson, was hospitalized at Dubois Regional Medical Center and at Christ the King Manor in Dubois, Pennsylvania. During the absence from her home, the plaintiff, JOHN V. ANDERSON, entered his mother's home for the purpose of making sure that the home was secure and heated.

7. During the time period aforescribed, the plaintiff entered his mother's home and discovered that the gas furnace was not operating.

8. Plaintiff called the defendant to make a service call to determine the cause of the inoperability of the furnace. JACK'S HEATING was called by plaintiff as the defendant business concern had originally installed the furnace in prior years.

9. A service technician from JACK'S HEATING visited the home and inspected the furnace.

10. The service technician from JACK'S HEATING, the defendant herein, contacted the reset button on two occasions and the furnace restarted. The technician said that there was a simple problem with the relay switch, and that no further repairs were needed.

11. The plaintiff, JOHN V. ANDERSON, paid the service technician in full of all charges due for the furnace inspection and repair.

12. The technician, before he left the premises, advised and instructed the plaintiff, JOHN V. ANDERSON, that if the furnace stopped operating again, all he would need to do is to just push the reset button and the furnace will restart.

13. Between the time of the repair and February 12, 2003, the plaintiff, JOHN V. ANDERSON, discovered that the furnace went out on two occasions. Each time, Mr. Anderson, following the direction of the service repairmen of defendant, engaged the reset button and the furnace restarted. Despite the fact that the furnace restarted, the furnace was not venting properly, causing a buildup of carbon monoxide. The improper venting would eventually cause the furnace to shut off, but filled the cellar area with a dangerous level of carbon monoxide.

14. On February 12, 2003, the plaintiff, JOHN V. ANDERSON, entered his mother's home to prepare the home for his mother's return from the nursing home. While in the basement near the subject furnace, plaintiff had the onset of pain in his arms and body, and a shortness of breath. Subsequently, the pain progressed to his chest.

15. The plaintiff called 9-1-1 to obtain emergency medical treatment. The Emergency Medical Services of Dubois, Pennsylvania, administered emergency care, including the drawing of blood, and transported plaintiff, JOHN V. ANDERSON, to Dubois Regional Medical Center (DRMC), emergency room.

16. While an emergency room patient in DRMC, a series of examinations and medical testing revealed that the plaintiff, JOHN V. ANDERSON, had suffered carbon monoxide poisoning. The necessary treatment was to place the plaintiff in a hyperbaric chamber; however, such medical equipment is not available at DRMC.

17. The plaintiff was transported by ambulance to UPMC-Presbyterian in Pittsburgh, Allegheny County, Pennsylvania, and was admitted as a patient in the Cardiology Department.

While a patient at UPMC, Mr. Anderson was placed in a hyperbaric chamber on multiple occasions for approximately one and one-half hours during each treatment.

18. The plaintiff, JOHN V. ANDERSON, remained a patient at UPMC-Presbyterian in Pittsburgh, Allegheny County, Pennsylvania, from February 12, 2003 through February 14, 2003.

19. As a result of the herein described incident, plaintiff, JOHN V. ANDERSON, suffered the following injuries and/or conditions:

- a) carbon monoxide poisoning;
- b) heart muscle damage;
- c) arm and chest pain;
- d) shortness of breath;
- e) headache;
- f) aggravation of pre-existing heart condition.

20. The aforescribed injuries were as a direct and proximate cause of the negligence of the defendant and/or defendant's employees acting within the scope of their employment and/or authority.

COUNT ONE

John V. Anderson, Plaintiff
vs.
Jack Manners, an individual, t/d/b/a
Jack's Heating, Defendant

NEGLIGENCE

21. Paragraphs one (1) through twenty (20) are herein incorporated by reference as though set forth fully and at length.

22. The defendant was negligent and careless and failed to perform their duties in a reasonable workmanlike manner in the following respects:

- a) failing to determine the cause for the periodic shutoff of the furnace;
- b) use of the flue spill reset button merely closed a switch which permitted furnace to run without venting carbon monoxide;
- c) failing to check the carbon monoxide presence and/or concentration;
- d) failing to check the draft and the carbon monoxide applicable codes, either in existence and operable at the time of the incident, or codes which serve as a definition of the standard of care for workmanlike furnace repair were violated;
- e) failing to give competent advice to the plaintiff when plaintiff was advised to simply hit the reset button to reset the furnace, as it simply allowed the furnace to operate in such a fashion so as to not vent the carbon monoxide;
- f) failing to demonstrate proper knowledge and understanding of the operation of the furnace by activating the reset button, which reset a flue spill switch below the furnace draft hood, which allowed the furnace to operate in a dangerous condition which prohibits proper venting of carbon monoxide, a lethal by-product of combustion.

23. As a result of the negligence and carelessness of the defendants as aforesaid, the plaintiffs were required to expend certain sums for reasonable and necessary medical services. A portion of those expenses were paid by Medicare; however, balances were left as the plaintiffs' responsibility, as set forth below:

DATE	PROVIDER	CHARGES	MEDICARE PAID	PLAINTIFFS PAID
02/12/03	EMS Amb.	2,366.00		
02/12/03	Dubois Radiol.	23.00	21.22	1.78
02/12/03-02/14/03	UPMC-Presby.	21,384.25	20,544.25	840.00
02/12/03-02/14/03	UPMC Phys.	3,568.00	3,362.33	205.67
02/15/03	Bi-Lo Pharmacy	42.26		42.26
02/18/03	DRMC	1,376.70	1,362.00	14.70
	TOTAL	\$28,760.21	\$ 25,289.80	\$1,104.41

The above table is summarized as follows: total medical charges incurred were in the sum of \$28,760.21, of which Medicare paid \$25,289.80, and plaintiffs paid \$1,104.41.

24. As a result of the negligence and carelessness of the defendant, the plaintiff, JOHN V. ANDERSON, experienced pain, suffering, inconvenience, embarrassment, humiliation, loss of enjoyment of life, and loss of quality of life, as a result of enduring his injuries.

25. Plaintiff will in the future be required to expend various sums for medical services, including, but not limited to, physician charges, hospital charges, ancillary care, and other related diagnostic or treatment services.

26. Plaintiff will in the future endure pain, suffering, inconvenience, embarrassment, humiliation, loss of enjoyment of life, and loss of quality of life, as a result of enduring his injuries.

WHEREFORE, plaintiff demands judgment against defendant in an amount in excess of the mandatory arbitration limits of this jurisdiction.

COUNT TWO

Elizabeth Anderson, Plaintiff
vs.
Jack Manners, an individual, t/d/b/a
Jack's Heating, Defendant

LOSS OF CONSORTIUM

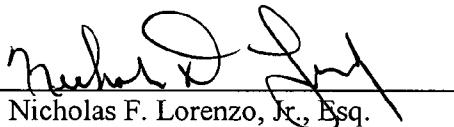
27. Paragraphs one (1) through twenty-six (26) are herein incorporated by reference as though set forth fully and at length.

28. At all times prior to February 12, 2003, John V. Anderson and Elizabeth Anderson lived happily as husband and wife. Plaintiff, Elizabeth Anderson, derived comfort, aid and assistance from her husband and engaged in the customary marital acts with normal and usual frequency. As a result of the aforescribed injuries to her husband, plaintiff-wife was deprived of the comfort, aid, assistance and enjoyment of her husband which she, since the date of his injuries, ought to have had; furthermore, plaintiff-wife has suffered, since the aforescribed injuries to her husband, and will continue to suffer in the future, great mental stress and anguish, all to the damage of plaintiff-wife.

WHEREFORE, plaintiff demands judgment against the defendant in a sum in excess of the mandatory arbitration limits of this jurisdiction.

JURY TRIAL DEMANDED AS TO ALL COUNTS.

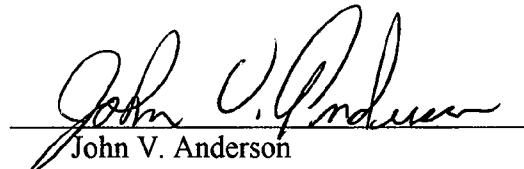
LORENZO, GIANVITO & LAVELLE, P.C.

BY: 

Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs
410 W. Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

STATE OF PENNSYLVANIA
SS:
COUNTY OF JEFFERSON

JOHN V. ANDERSON and ELIZABETH ANDERSON, individually and as husband and wife, Plaintiffs, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their information, knowledge and belief.


John V. Anderson


Elizabeth Anderson

Sworn and subscribed before me

this 8 day of December, 2004.


Lorie A. Miller
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Lorie A. Miller, Notary Public
City of DuBois, Clearfield County
My Commission Expires Nov. 8, 2007

Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100071
NO: 04-1991-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: JOHN V. ANDERSON and ELIZABETH ANDERSON Ind & as Huband & Wife
vs.
DEFENDANT: JACK MANNERS, i/t/d/b/a JACK'S HEATING

SHERIFF RETURN

NOW, December 21, 2004, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON JACK MANNERS i/t/d/b/a JACK'S HEATING.

NOW, December 29, 2004 AT 12:05 PM SERVED THE WITHIN COMPLAINT ON JACK MANNERS i/t/d/b/a JACK'S HEATING, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
0123864
FEB 02 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100071
NO: 04-1991-CD
SERVICES 1
COMPLAINT

PLAINTIFF: JOHN V. ANDERSON and ELIZABETH ANDERSON Ind & as Huband & Wife
vs.
DEFENDANT: JACK MANNERS, i/t/d/b/a JACK'S HEATING

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	LORENZO	16129	10.00
SHERIFF HAWKINS	LORENZO	16128	28.50
JEFFERSON CO.	LORENZO	16131	29.75

Sworn to Before Me This

So Answers,

____ Day of _____ 2005



Chester A. Hawkins
Sheriff

No. 04-1991-CD

Personally appeared before me, Paul J. Pape, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on December 29, 2004 at 12:05 o'clock P.M. served the Notice and Complaint upon JACK MANNERS, t/d/b/a JACK'S HEATING, Defendant, at RD#2, Box 179, Reynoldsville, Township of Winslow, County of Jefferson, State of Pennsylvania by handing to Lori Manners, Secretary and adult person in charge at time of service, a true copy of the Notice and Complaint and by making known to her the contents thereof.

Advance Costs Received: \$100.00
My Costs: \$ 27.75 Paid
Prothy: \$ 2.00
Total Costs: \$ 29.75
Refunded: \$ 70.25

Sworn and subscribed to before me the 10th
day of Jan. 2005
By Paul J. Pape
My Commission Expires The
First Monday January 2006

So Answers,

Paul J. Pape Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

POST & SCHELL, P.C.
BY: JOHN W. DORNBURGER
I.D. #: 69293
240 GRANDVIEW AVENUE
CAMP HILL, PA 17011
(717) 731-1970

JOHN V. ANDERSON and ELIZABETH
ANDERSON, individually and as husband and
wife,

Plaintiffs,

v.

JACK MANNERS, an individual, t/d/b/a
JACK'S HEATING,

Defendant.

ATTORNEYS FOR DEFENDANT
JACK MANNERS t/d/b/a JACK'S
HEATING

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 04-1991-CD

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter the appearance of John W. Dornberger, Esquire as counsel of record for
Defendant Jack Manners t/d/b/a Jack's Heating in the above-captioned matter.

POST & SCHELL, P.C.



JOHN W. DORNBURGER, ESQUIRE
Attorney ID #69293

Attorneys for Defendant Jack Manners
t/d/b/a Jack's Heating ..

Dated: March 14, 2005

m/12:54pm
MAR 16 2005
NO CC
⑧

William J. Dornberger
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, John W. Dornberger, counsel for Defendant, Jack Manners t/d/b/a Jack's Heating, hereby certify that on the date listed below, I did serve a true and correct copy of the foregoing document upon the following person(s) at the following address(es) by sending same in the United States mail, first-class, postage prepaid:

Nicholas F. Lorenzo, Jr. Esquire
Lorenzo, Gianvito & Layelle, P.C.
410 West Mahoning Street
P. O. Box 495
Punxsutawney, PA 15767

POST & SCHELL, P.C.



JOHN W. DORNBERGER, ESQUIRE
Attorney ID #69293

Date: March 14, 2005

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

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
Individually and as husband
and wife,

Plaintiffs,

v.

JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,
Defendant

CIVIL ACTION - LAW

NO. 04 - 1991 -CD

Typed of Case: Negligence/Loss of Consortium

Type of Pleading: ANSWER

Filed on Behalf of: DEFENDANT

Counsel of Record for this Party:

POST & SCHELL, P.C.
BY: JOHN W. DORNBURGER
I.D. #: 69293
STEVEN K. BAINBRIDGE
I.D. #91018
240 GRANDVIEW AVENUE
CAMP HILL, PA 17011
PHONE: (717) 731-1970

FILED
NOV 10 2005
MAR 18 2005
NO CC
GK

William A. Shaw
Prothonotary/Clerk of Courts

POST & SCHELL, P.C.
BY: JOHN W. DORNBURGER
I.D. #: 69293
240 GRANDVIEW AVENUE
CAMP HILL, PA 17011
(717) 731-1970

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
Individually and as husband
and wife,
Plaintiffs,
v.
JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,
Defendant

ATTORNEYS FOR DEFENDANT
JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION - LAW
NO: 04 - 1991 - CD
ANSWER
JURY TRIAL DEMANDED

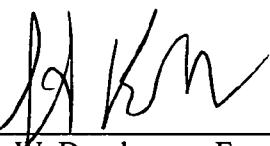
NOTICE TO PLEAD

TO: Plaintiffs

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

POST & SCHELL, P.C.

By:


John W. Dornberger, Esquire
Steven K. Bainbridge, Esquire

Counsel for Defendant
Jack Manners, t/d/b/a Jack's Heating

POST & SCHELL, P.C.
BY: JOHN W. DORNBURGER
I.D. #: 69293
240 GRANDVIEW AVENUE
CAMP HILL, PA 17011
(717) 731-1970

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
Individually and as husband
and wife,
Plaintiffs,

v.

JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,
Defendant

ATTORNEYS FOR DEFENDANT
JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

NO: 04 - 1991 - CD

ANSWER

JURY TRIAL DEMANDED

ANSWER AND NEW MATTER OF DEFENDANT
JACK MANNERS T/D/B/A JACK'S HEATING TO PLAINTIFFS' COMPLAINT

Defendant Jack Manners, t/d/b/a Jack's Heating ("Manners" or "Defendant"), by and through its attorneys, Post & Schell, P.C., hereby file this Answer and New Matter to Plaintiffs' Complaint as follows:

1. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

2. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

3. It is admitted that Defendant, Joe Manners, is an adult individual doing business under the name "Jack's Heating." It is admitted that Defendant has a principal place of business at 5995 Route 322, Reynoldsville, Jefferson County, Pennsylvania, 15851.

4. Denied. The corresponding allegations are denied because the Complaint fails to identify "all acts of the defendant" or "individuals employed by Jack's Heating" with sufficient specificity. To the extent any further answer is required, all remaining allegations are denied as conclusions of law.

5. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

6. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

7. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

8. Denied. The corresponding allegations are denied because the Complaint fails to identify with sufficient specificity the date that defendant allegedly called Jack's Heating, and after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation. The corresponding allegations are denied because the Complaint fails to identify with sufficient specificity the time period that defendant allegedly installed the furnace and the address into which the furnace was allegedly installed, and after

reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation.

9. The corresponding allegations are denied because the Complaint fails to identify with sufficient specificity the location of the home in question, and after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation. It is denied that in or about January 2003, Defendant was under contract or other agreement, express or otherwise, with Plaintiffs, to provide any service or maintenance relative to any of its equipment, including but not limited to furnaces. Any remaining allegations are denied as conclusions of law to which no response is required.

10. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

11. The corresponding allegations are denied because the Complaint fails to identify with sufficient specificity the location of the home in question, the date of the alleged service, and after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation. It is denied that in or about January 2003, Defendant was under contract or other agreement, express or otherwise, with Plaintiffs, to provide any service or maintenance relative to any of its equipment, including but not limited to furnaces. Any remaining allegations are denied as conclusions of law to which no response is required.

12. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

13. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

14. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

15. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

16. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

17. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

18. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

19. Denied. The corresponding allegations are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). Any remaining allegations are denied as conclusions of law.

20. Denied. The corresponding allegations are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). Any remaining allegations are denied as conclusions of law.

COUNT I - NEGLIGENCE

21. Defendant incorporates its Answer to Paragraphs 1 through 20 as if set forth at length herein.

22. Denied. The corresponding allegations are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). Any remaining allegations are denied as conclusions of law.

23. Denied. The corresponding allegations are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). Any remaining allegations are denied as conclusions of law.

24. Denied. The corresponding allegations are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). Any remaining allegations are denied as conclusions of law.

25. Denied. The corresponding allegations are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). Any remaining allegations are denied as conclusions of law.

26. Denied. The corresponding allegations are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). Any remaining allegations are denied as conclusions of law.

WHEREFORE, Defendant Jack Manners, t/d/b/a Jack's Heating respectfully requests that this Honorable Court dismiss the Complaint and enter Judgment in his favor.

COUNT II – LOSS OF CONSORTIUM

27. Defendant incorporates its Answer to Paragraphs 1 through 26 as if set forth at length herein.

28. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation and, therefore, all such allegations are denied.

WHEREFORE, Defendant Jack Manners, t/d/b/a Jack's Heating respectfully requests that this Honorable Court dismiss the Complaint and enter Judgment in his favor.

NEW MATTER

29. Plaintiffs may have failed to state a claim upon which relief can be granted.
30. Plaintiffs' claims may be barred by the statute of limitations or improper service pursuant to the Pennsylvania Rules of Civil Procedure.
 31. Plaintiffs' claims may be barred in whole or in part by the doctrine of preemption.
 32. The injuries and damages of Mr. Anderson were the result of the actions and/or omissions of Mr. Anderson and/or persons other than Defendant.
 33. Plaintiffs' claims may be barred and/or limited in that the product(s) in question was abused, misused and/or not being used in the manner or for the purpose intended and/or not appropriately maintained by persons other than Defendant.
 34. Plaintiffs' claims are barred and/or limited in that the product(s) in question was substantially modified and/or substantially altered and/or materially altered prior to the alleged exposure and injury, thereby barring recovery herein.
 35. Plaintiffs' claims may be barred in whole or in part by the doctrine of spoliation of evidence.
 36. Plaintiffs' claims may be barred or limited in accordance with the learned intermediary and/or sophisticated purchaser doctrines.
 37. Plaintiffs' claims may be barred or limited by the doctrines of res judicata or collateral estoppel.
 38. Plaintiffs' claims may be barred and/or limited by the State of the Art Defense.
 39. The injuries and damages of Mr. Anderson, if any, were caused by the intervening wrongdoing of others, over whom Defendant had no control and for which Defendant is not responsible.

40. Plaintiff may have failed to join all persons or parties necessary for a just adjudication of the controversy.

41. The perils or dangers of which Plaintiff complains, to the extent they existed, which Defendant denies, were open and obviously known to Mr. Anderson, who nevertheless conducted himself in such a manner as to expose himself to said perils and dangers or to the extent that the Mr. Anderson failed to heed any warnings, instructions or directions concerning any alleged perils and/or dangers associated with the alleged products of Defendant.

42. Plaintiffs' claims are barred and/or limited because Mr. Anderson assumed the risk of injury.

43. Plaintiffs' claims are barred and/or limited because Mr. Anderson was comparatively or contributorily negligent.

44. Plaintiffs' claims may be barred and/or limited because Defendant provided warnings to Mr. Anderson of the perils or dangers of which Mr. Anderson complains, to the extent they existed, which Defendant denies.

45. Plaintiffs' claims are barred and/or limited against Defendant to the extent that any alleged defects or dangerous conditions in the products of Defendant were created or caused by some other entity after the products left the control of Defendant, but before the manifestation of the Mr. Anderson's injuries or damages.

46. The warnings provided by Defendant and any other party with the product enabled Mr. Anderson to safely use the product.

47. Plaintiffs' claims are barred and/or limited against Defendant because the product at issue was substantially altered subsequent to delivery by Defendant.

48. Plaintiffs' claims may be barred and/or limited by the Doctrine of Waiver.

49. Plaintiffs' claims may be barred and/or limited by the Doctrine of Release.

50. Plaintiffs' claims may be barred and/or limited by the Doctrine of Laches.

51. Defendant raises any and all conditions, warranties, warnings, disclaimers, terms or other provisions provided with its products.

52. Plaintiffs' claims may be barred and/or limited because the injuries and damages of Plaintiff-Wife were the result of idiosyncratic reactions or responses on the part of Ms. Anderson for which Defendant has no responsibility or liability.

53. If Mr. Anderson was exposed to products sold or manufactured by Defendant, any product sold or manufactured by Defendant was not unreasonably dangerous, was not defective in design or manufacture and was safe for its intended use.

54. The damages alleged are not recoverable under the applicable law.

Post & Schell, P.C.

By: _____

John W. Dornberger, Esquire
Steven K. Bainbridge, Esquire

Counsel for Defendant
Jack Manners, t/d/b/a Jack's Heating

Date: March 17, 2005

VERIFICATION

I, Jack Manners, do hereby swear and affirm that the facts and matters set forth in the foregoing documents are and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements made therein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: 3/17/05

Jack Manners
Jack Manners
t/d/b/a Jack's Heating

CERTIFICATE OF SERVICE

I, Steven K. Bainbridge, Esquire, certify that on this date, I served a certified true and correct copy of the forgoing Answer upon the following counsel of record via First Class Mail, postage prepaid, addressed as follows:

Nicholas F. Lorenzo, Jr., Esquire
Lorenzo, Gianvito & Lavelle, P.C.
410 W. Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767

Respectfully submitted,



Steven K. Bainbridge, Esquire
POST & SCHELL, P.C.
204 Grandview Avenue
Camp Hill, PA 17011
(717) 612-6013
Fax: (717) 731-1985
E-mail: sbainbridge@postschell.com

Date: March 17, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,**
individually and as husband
and wife,

Plaintiffs

Vs.

JACK MANNERS, an individual,
t/d/b/a **JACK'S HEATING**,

Defendant

Type of Case - **CIVIL**

No. 04-1991 C.D.

Type of Pleading - **REPLY TO
NEW MATTER OF DEFENDANT**

Filed on Behalf of - **PLAINTIFFS**

Filed by -
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED NO
m/11/2005
MAR 31 2005 GK

William A. Shaw
Prothonotary/Clerk of Courts

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

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,**

Plaintiffs

vs.

No. 04-1991 C.D.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

PLAINTIFFS' REPLY TO
NEW MATTER OF DEFENDANT

AND NOW, come the plaintiffs, JOHN V. ANDERSON and ELIZABETH ANDERSON, individually and as husband and wife, by and through their attorneys, LORENZO & GIANVITO, P.C., and file the following Reply to New Matter of Defendant:

29. Paragraph 29 of defendant's New Matter states that plaintiff has failed to state a claim upon which relief can be granted. This is a bald allegation of law to which no reply is necessary. If an answer is deemed to be required, plaintiffs' Complaint fully and completely alleges a cause of action in negligence which caused serious bodily harm to the plaintiff-husband.

30. Plaintiffs filed this civil cause of action within two years of the subject occurrence, and as such, complied with the applicable statute of limitations.

31. Paragraph 31 of defendant's New Matter alleges that plaintiffs' claims "may be barred in whole or in part by the doctrine of preemption". To the extent that defendant does not set forth how and/or why the doctrine of preemption applies herein, plaintiffs are incapable of formulating a specific denial thereto. The defense of preemption is an affirmative defense which requires specific allegations, or as posited, defendant's allegation of preemption is a bald allegation of law to which no response is required. However, to the degree an answer is required, plaintiffs' cause of action in negligence is not barred by any statutory or common law preemption.

32. The averments of paragraph 32 constitute conclusions of law to which no reply is necessary. To the extent a reply may be deemed necessary, it is denied that "the injuries and damages of Mr. Anderson were the result of the actions and/or omissions of Mr. Anderson and/or persons other than defendant." To the extent that defendant does not identify what said actions and/or omissions allegedly caused the damages, nor how and/or why such actions and/or omissions caused the damages, plaintiffs are incapable of formulating a specific denial to this allegation, apart from a general denial thereto. This allegation is therefore denied, and strict proof of same is required at time of trial.

33. Defendant alleges, in paragraph 33 of his New Matter, that plaintiffs' claims may be barred and/or limited in that "the product(s) in question was abused, misused and/or not being used in the manner or for the purpose intended and/or not appropriately maintained by persons other than defendant". To the contrary, plaintiff maintained and used the subject furnace in an appropriate manner, and in fact, used it for its ordinary use and function, and the same, having been negligently inspected and repaired, emitted carbon monoxide, injuring plaintiff as described in plaintiffs' Complaint. To the extent and degree defendant asserts the negligence or conduct of plaintiff or others, said allegation is so vague and indefinite it cannot be answered. However, plaintiff does deny said allegation and demands strict proof of same at the time of trial.

34. It is specifically denied that plaintiff or anyone acting in his behalf modified, altered, or abused the furnace which defendant negligently repaired. To the extent defendant may possess proof in support of this vague and boilerplate allegation, it is denied and strict proof of same is demanded at the time of trial.

35. Defendant alleges a barring of the claim by the doctrine of spoliation of evidence, without alleging with any degree of specificity the artifact spoiled, identity of the spoliator, means and method of spoliation, and any prejudice suffered by the defendant. Accordingly, this vague allegation demands no answer

under the Pennsylvania Rules of Civil Procedure. However, if an answer is required, plaintiffs deny that through any conduct on their part the legally significant artifacts were spoiled, or that defendant has suffered any prejudice whatsoever.

36. Defendant alleges a defense of learned intermediary and/or sophisticated purchaser doctrines. These doctrines are well defined concepts of law embodied in the law of product liability. These defenses have no bearing to the negligence case as set forth by the plaintiffs. Accordingly, no answer is required to these bald allegations of misplaced law. However, if an answer is required, since no complaint is made on the issue of warnings, the sophisticated purchaser doctrine does not apply. Plaintiffs did not purchase any products from a learned intermediary or sophisticated purchaser, but simply fell victim to the negligence repairs performed by the defendant.

37. Defendant asserts the legal defenses of res judicata and collateral estoppel. There has been no judicial determination affecting the rights and liability of the parties of this suit and accordingly, these doctrines have no place in this litigation. Further, alleging the application of these doctrines, without sufficiently alleging the facts upon which said affirmative defenses are based, renders these allegations meaningless, bald allegations of law which require no response under the Pa.R.C.P.

38. Defendant alleges the state of the art defense. That defense is purely and exclusively an affirmative defense in a

product liability case. A plain reading of plaintiffs' Complaint indicates that this is not a product liability case. Accordingly, assertion of the state of the art defense is meaningless, superfluous, and legally ineffective as a defense in this case. Further, in addition to being an improper application of law, this allegation is vague and uncertain and cannot be answered, and deserves no answer pursuant to Pa.R.C.P.

39. As alleged in plaintiffs' Complaint, the sole and proximate cause of the injuries to plaintiff were by the negligent acts of the defendant. Paragraph 39 of defendant's New Matter is devoid of any facts which plaintiff can review and answer pursuant to Pa.R.C.P. Accordingly, plaintiff demands proof of any such allegations at the time of trial.

40. Defendant's allegation that necessary parties have not been joined is a legal conclusion without facts stated in support thereof. Accordingly, no answer is required under Pa.R.C.P. As stated in plaintiffs' Complaint, plaintiff avers and believes that the defendant is the sole cause of the harm suffered.

41. Paragraph 41 of defendant's New Matter alleges that plaintiff encountered open and obvious dangers of the type that legally require no warning. The toxic gas which injured plaintiff is odorless and colorless. Defendant provided no warnings or instructions concerning carbon monoxide, so plaintiff had no warnings or instructions to ignore and encountered a hazardous

substance which can only be known by its deleterious effects on the human body.

42. Paragraph 42 of defendant's New Matter asserts the affirmative defense of assumption of the risk. Affirmative defenses require allegations of facts to which plaintiff can respond. In the absence of allegation of any facts, no answer is required under Pa.R.C.P. However, to the extent an answer may be required to this legal conclusion, at the time of this incident plaintiff was not aware, nor could he be expected to be aware of the nature of the hazard or risk of the injury. As above alleged, carbon monoxide is odorless and colorless and undetectable until adverse physical effects are experienced.

43. Paragraph 43 of defendant's New Matter alleges plaintiff was comparatively and/or contributorily negligent. For the reasons set forth in plaintiffs' Complaint, plaintiff at all times exercised due care to safeguard himself. The sole and exclusive cause of plaintiff's injury was the negligence of the defendant.

44. It is specifically denied that the defendant provided any adequate warnings or any sufficient instructions to the plaintiff so that plaintiff, with reasonable conformity to the warnings and instructions, could avoid the injury.

45. Paragraph 45 asserts liability on the part of others in creating a dangerous condition which injured plaintiff. As heretofore set forth, to the best of plaintiff's information,

knowledge and belief, no third party was responsible for any of the injuries suffered by plaintiff. Plaintiff's injuries, as set forth in plaintiffs' Complaint, were the result of the sole negligence of the defendant, as set forth in plaintiffs' Complaint.

46. See plaintiffs' Answer to New Matter, paragraph 41.

47. See plaintiffs' Answer to New Matter, paragraph 34.

48. Paragraph 48 sets forth the affirmative defense of waiver. Waiver is inapplicable to this negligence action, and is a conclusion of law which requires no answer, as it is not supported by any facts to which plaintiff can respond. Accordingly, the allegation of paragraph 48 is denied.

49. Defendant raises the defense of doctrine of release. Plaintiff executed no written release, nor under any circumstances did plaintiff otherwise perform any acts which would constitute a release. Accordingly, the allegation of paragraph 49 is denied.

50. Plaintiffs deny the allegation in paragraph 50 of defendant's New Matter, which raises the affirmative defense of laches. This case was filed within the statute of limitations which governs the appropriate period for filing a civil action for personal injuries. Accordingly, the allegation of laches is denied.

51. Defendant raises the defense of conditions, warranties, warnings, disclaimers, terms or other provisions provided with its products. Such defenses are associated with the sale of goods, and the sale of goods is not involved in this case. To the extent an

answer may be requested, it is denied that any of the defenses set forth apply to this action, and strict proof of same is demanded at the time of trial.

52. It is specifically denied that plaintiff suffered idiosyncratic reactions to the carbon monoxide that caused plaintiff's carbon monoxide toxicity. Plaintiff's reaction was an anticipatable human biological response to a noxious gas which is both colorless and odorless. Specific proof at the time of trial is demanded of that defense to show scientific literature of idiosyncratic responses to carbon monoxide, together with credentials of those offering said literature and additional information on the methodology used to reach such a conclusion.

53. The allegation of paragraph 53 is denied, for plaintiff alleges no product liability claim. As stated in plaintiffs' Complaint, which is incorporated herein, defendant was negligent for failing to perform services in a reasonable and workmanlike manner. Defendant's carelessness was the factual and legal cause of plaintiff's injuries.

54. Paragraph 54 is denied in that the allegation that plaintiff's alleged damages are not recoverable under applicable law. Defendant fails to state upon which laws he is presenting this defense. Allegations of law require no response and is deemed thereby to be denied.

Respectfully submitted,

LORENZO & GIANVITO, P.C.

BY:


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

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March, 2005, a true and correct copy of the foregoing Reply to New Matter of defendant was forwarded via first-class mail, postage prepaid, to the following:

John W. Dornberger, Esq.
Post & Schell
240 Grandview Ave.
Camp Hill, PA 17011


Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,**
individually and as husband
and wife,

Plaintiffs

Vs.

JACK MANNERS, an individual,
t/d/b/a **JACK'S HEATING**,

Defendant

Type of Case - **CIVIL**

No. 04-1991 C.D.

Type of Pleading -
NOTICE OF SERVICE

Filed on Behalf of - **PLAINTIFFS**

Filed by -
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED ^{no} _{cc}
MAY 10 2005
MAY 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,**
individually and as husband
and wife,
Plaintiffs

vs. No. 04-1991 C.D.

JACK MANNERS, an individual,
t/d/b/a **JACK'S HEATING**,

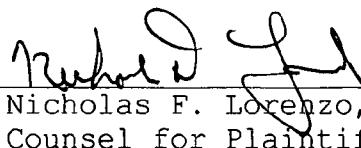
Defendant

NOTICE OF SERVICE OF DISCOVERY RESPONSES

TO THE PROTHONOTARY:

Please be advised that Plaintiffs' Answers to Interrogatories
and Response to Request for Production of Documents of Defendant
were served upon said defendant, c/o his attorney: Benjamin D.
Andreozzi, Esq., Post & Schell, 17 N. Second St., 12th Floor,
Harrisburg, Pa., 17101, this 12th day of May, 2005, via first-
Class U.S. Mail, postage prepaid.

LORENZO & GIANVITO, P.C.

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Counsel for Plaintiffs

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

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
Individually and as husband
and wife,

Plaintiffs,

v.

JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,
Defendant.

CIVIL ACTION – LAW

NO. 04-1991 – CD

Type of Case: Negligence/Loss of Consortium

Type of Leading: Notice Of Intent To Serve A
Subpoena Pursuant To Rule 4009.21

Filed on Behalf of: Defendant

Counsel of Record for this Party:

POST & SCHELL, P.C.
BY: JOHN W. DORNBURGER
I.D. #: 69293
BENJAMIN D. ANDREOZZI
I.D. #: 89271
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG, PA 17101
(717) 731-1970

FILED NO
M1234645
AUG 03 2005
Clerk of Courts

V. Lam A Shaw
Prothonotary, Clerk of Courts

POST & SCHELL, P.C.
JOHN W. DORNBURGER
I.D. #: 69293
BENJAMIN D. ANDREOZZI
I.D. #: 89271
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG, PA 17101-1601
717-731-1970

JOHN V. ANDERSON and ELIZABETH
ANDERSON, Individually and as husband and
wife,

Plaintiffs,

v.

JACK MANNERS, an individual, t/d/b/a
JACK'S HEATING,

Defendant.

ATTORNEYS FOR DEFENDANT
Jack Manners, an individual, t/d/b/a Jack's
Heating

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 04-1991-CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

TO: John V. Anderson and Elizabeth Anderson, c/o Nicolas F. Lorenzo, Jr., Esq.

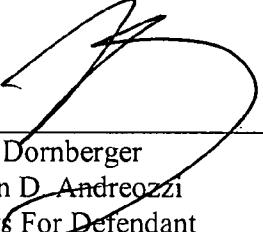
Defendant Jack Manners, t/d/b/a Jack's Heating, intends to serve a subpoena identical to the one attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Dated: August 1, 2005

POST & SCHELL, P.C.

By:

John W. Dornberger
Benjamin D. Andreozzi
Attorneys For Defendant



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

John V. Anderson
Elizabeth Anderson
Plaintiff(s)

Vs.

*

Jack Manners
Defendant(s)

*

No. 2004-01991-CD

*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: National Fuel & Gas Distribution Corporation, Attn: Legal Department
P.O. Box 2081, Erie, PA 16512
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

SEE ATTACHED EXHIBIT A.

Benjamin D. Andreozzi, Esq., Post & Schell, P.C., 17 N. 2nd St., 12th Fl.
Harrisburg, PA 17101
(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Benjamin D. Andreozzi
ADDRESS: Post & Schell, P.C.
17 N. 2nd St., 12th Fl., Harrisburg, PA 17101
TELEPHONE: (717) 731-1970
SUPREME COURT ID # 89271
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy



WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DATE: Thursday, July 28, 2005
Seal of the Court

EXHIBIT A

Any and all records pertaining to the heating system or hot water heater or service of the heating system or hot water heater in the home of Mrs. Grace Anderson on Wayne Road, Dubois, PA 15801, which residence is adjacent to the home of John and Elizabeth Anderson located at 5340 Wayne Road, Dubois, PA 15801, including, but not limited to, records of communication via phone or e-mail or any other means whatsoever with Mrs. Grace Anderson, John Anderson, or Elizabeth Anderson or anyone else regarding this heating system or hot water heater, complaint records/reports, visits to the residence of Mrs. Grace Anderson including dates of service, purpose of the visit, and any reports generated therefrom regarding any inspections made or any repairs done to the heating system or hot water heater, recommendations made regarding the heating system or hot water heater, information disseminated regarding carbon monoxide poisoning, test results on emissions related to the heating system or hot water heater, and any other information whatsoever.

CERTIFICATE OF SERVICE

I, Mindy R. Fink, a paralegal with the firm of Post & Schell, P.C., hereby state that I have this day served the foregoing ***Notice of Intent to Serve a Subpoena Pursuant to Rule 4009.21*** via U.S. First Class Mail, postage prepaid to the parties of record as follows:

Nicholas F. Lorenzo, Jr., Esq.
Lorenzo & Gianvito, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390


Mindy R. Fink
Mindy R. Fink

Dated: August 1, 2005

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

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
Individually and as husband
and wife,

Plaintiffs,

v.

JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,
Defendant.

CIVIL ACTION – LAW

NO. 04-1991 – CD

Type of Case: Negligence/Loss of Consortium

Type of Leading: Notice Of Intent To Serve A
Subpoena Pursuant To Rule 4009.21

Filed on Behalf of: Defendant

Counsel of Record for this Party:

POST & SCHELL, P.C.
BY: JOHN W. DORNBURGER
I.D. #: 69293
BENJAMIN D. ANDREOZZI
I.D. #: 89271
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG, PA 17101
(717) 731-1970

FILED NO CC
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SEP 01 2005
in

William A. Shaw
Prothonotary/Clerk of Courts

POST & SCHELL, P.C.
JOHN W. DORNBURGER
I.D. #: 69293
BENJAMIN D. ANDREOZZI
I.D. #: 89271
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG, PA 17101-1601
717-731-1970

ATTORNEYS FOR DEFENDANT
Jack Manners, an individual, t/d/b/a Jack's
Heating

JOHN V. ANDERSON and ELIZABETH
ANDERSON, Individually and as husband and
wife,

Plaintiffs,

v.

JACK MANNERS, an individual, t/d/b/a
JACK'S HEATING,

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 04-1991-CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

TO: John V. Anderson and Elizabeth Anderson, c/o Nicolas F. Lorenzo, Jr., Esq.

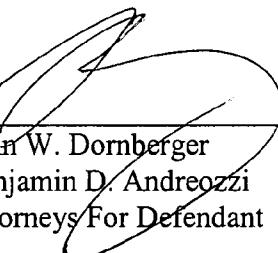
Defendant Jack Manners, t/d/b/a Jack's Heating, intends to serve a subpoena upon Miller
Electric identical to the one attached to this notice. You have twenty (20) days from the date
listed below in which to file of record and serve upon the undersigned an objection to the
subpoena. If no objection is made, the subpoena may be served.

Dated: August 30 2005

POST & SCHELL, P.C.

By:

John W. Dornberger
Benjamin D. Andreozzi
Attorneys For Defendant



William A. Shaw
Protthonotary/Clerk, Civil Division
Deputy
WILLIAM A. SHAW
Protthonotary
My Commission Expires
1st Monday in Jan. 20
Clearfield Co., Clearfield

DATE: Thursday, July 28, 2005
Seal of the Court

BY THE COURT:

NAMe: Benjamin D. Andreozzi
ADDRESS: Post & Schell, P.C.
17 N. 2nd St., 12th Fl., Harrisburg, PA 17101
TELEPHONE: (717) 731-1970
SUPREME COURT ID # 89271
ATTORNEY FOR: Defendant

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

It you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

(Address)

Benjamin D. Andreozzi, Esq., Post & Schell, P.C., 17 N. 2nd St., 12th Fl., Harrisburg, PA 17101

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: **SEE ATTACHED EXHIBIT A.**

(Name of Person or Entity)

TO: Miller Electric, Box 626, Falls Creek, PA 15840

RULE 4009.22

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO

Defendant(s)

＊

• 5

Elizabeth Anderson

*

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

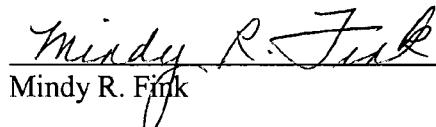
Any and all service receipts, time entries, logs, notes, memorandum, records of communication via phone, e-mail or any other means, recommendations made, test results, and other documents related to any work performed at the residence of Grace Anderson, Wayne Road, DuBois, PA or the Bumham boiler which was located at Ms. Anderson's residence.

EXHIBIT A

CERTIFICATE OF SERVICE

I, Mindy R. Fink, a paralegal with the firm of Post & Schell, P.C., hereby state that I have this day served the foregoing ***Notice of Intent to Serve a Subpoena Pursuant to Rule 4009.21*** via U.S. First Class Mail, postage prepaid to the parties of record as follows:

Nicholas F. Lorenzo, Jr., Esq.
Lorenzo & Gianvito, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390



Mindy R. Fink

Dated: August 30, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,**
individually and as husband
and wife,

Plaintiffs

Vs.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

Type of Case - **CIVIL**

No. 04-1991 C.D.

Type of Pleading - **FIRST
SUPPLEMENTAL RESPONSE
TO REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Filed on Behalf of - **PLAINTIFFS**

Filed by -
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED
FEB 07 2006
cc
William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,

Plaintiffs

vs.

No. 04-1991 C.D.

JACK MANNERS, an individual,
t/d/b/a **JACK'S HEATING**,

Defendant

PLAINTIFFS' FIRST SUPPLEMENTAL RESPONSE TO
REQUESTS FOR PRODUCTION OF DOCUMENTS

AND NOW, come the plaintiffs, JOHN V. ANDERSON and ELIZABETH ANDERSON, individually and as husband and wife, by and through their attorneys, LORENZO & GIANVITO, P.C., and file the following First Supplemental Response to Defendant's Requests for Production of Documents:

1. Attached is a photocopy of a check dated April 28, 1995, made payable to defendant, Jack's Heating, in the sum of \$1,952.00, representing payment for the furnace installation of Grace V. Anderson.

LORENZO & GIANVITO, P.C.

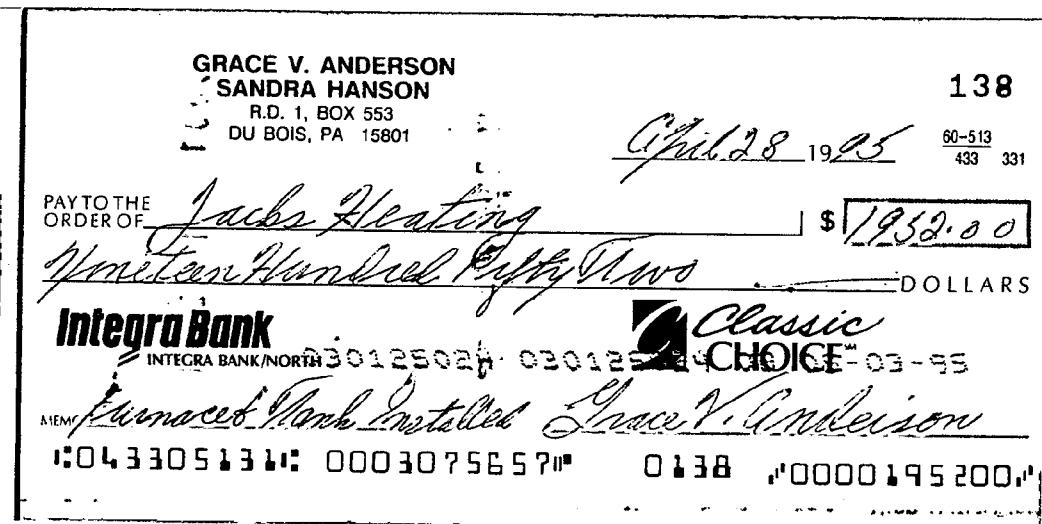
BY: 
Nicholas F. Lorenzo, Jr., Esq.
Counsel for Plaintiffs

TO: Nicholas F. Lorenzo, Jr.
FROM: John V. Anderson
RE: Update on information
DATE: January 11, 2006

This check was found among Mrs. Anderson's papers. If you need the original, please let us know.

Thank you,

John V. Anderson



CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of February, 2006, a true and correct copy of the foregoing First Supplemental Response to Requests for Production of Documents was forwarded via first-class mail, postage prepaid, to the following:

Benjamin D. Andreozzi, Esq.
Post & Schell
17 N. Second St., 12th Fl.
Harrisburg, PA 17101


Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**JOHN V. ANDERSON and
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Vs.

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Defendant

Type of Case - **CIVIL**

No. 04-1991 C.D.

Type of Pleading -
NOTICE OF SERVICE

Filed on Behalf of - **PLAINTIFFS**

Filed by -
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED NO
M10:54 AM
JUN 21 2008
S

William A. Shaw
Prothonotary/Clerk of Courts

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

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,**

Plaintiffs

vs.

No. 04-1991 C.D.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

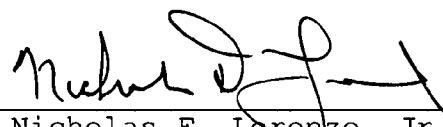
NOTICE OF SERVICE OF DISCOVERY RESPONSES

TO THE PROTHONOTARY:

Please be advised that Plaintiffs' Answers to Defendant's Third Set of Interrogatories were served upon said defendant, c/o his attorney: Benjamin D. Andreozzi, Esq., Post & Schell, 17 N. Second St., 12th Floor, Harrisburg, Pa., 17101, this 20th day of June, 2006, via first-class U.S. Mail, postage prepaid.

LORENZO & GIANVITO, P.C.

BY:


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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,**
individually and as husband
and wife,

Plaintiffs

Vs.

JACK MANNERS, an individual,
t/d/b/a **JACK'S HEATING**,

Defendant

Type of Case - **CIVIL**

No. 04-1991 C.D.

Type of Pleading -
NOTICE OF SERVICE

Filed on Behalf of - **PLAINTIFFS**

Filed by -
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED
MHO:4264
JUL 19 2006
2006
vcc
William A. Shaw
Prothonotary/Clerk of Courts
IN

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

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,

Plaintiffs

vs.

No. 04-1991 C.D.

JACK MANNERS, an individual,
t/d/b/a **JACK'S HEATING**,

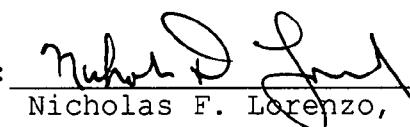
Defendant

NOTICE OF SERVICE OF DISCOVERY RESPONSES

TO THE PROTHONOTARY:

Please be advised that Plaintiffs' Response to Defendant's Third Request for Production of Documents were served upon said defendant, c/o his attorney: Benjamin D. Andreozzi, Esq., Post & Schell, 17 N. Second St., 12th Floor, Harrisburg, Pa., 17101, this 18th day of July, 2006, via first-class U.S. Mail, postage prepaid.

LORENZO & GIANVITO, P.C.

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Counsel for Plaintiffs

POST & SCHELL, P.C.
BY: BENJAMIN D. ANDREOZZI
ATTORNEY ID #89271
17 NORTH SECOND ST.
12TH FLOOR
HARRISBURG PA 17101-1601
(717) 731-1970

ATTORNEYS FOR DEFENDANT
JACK MANNERS, an individual
t/d/b/a JACK'S HEATING

FILED NOCC
M 12:59 PM
JAN 10 2011
S

William A. Shaw
Prothonotary/Clerk of Courts

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
Individually and as husband
and wife,
Plaintiffs,
v.
JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,
Defendant

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

NO: 04 - 1991 - CD

JURY TRIAL DEMANDED

**CERTIFICATE PREREQUISITE TO SERVICE
OF A SUBPOENA PURSUANT TO RULE 4009.22**

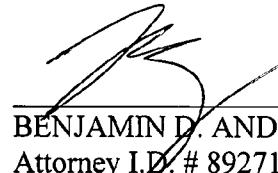
As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Jack Manners t/d/b/a Jack's Heating, Defendant in the above-captioned matter, by and through the undersigned attorney, hereby certifies that:

1. A Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 with a copy of the subpoena directed to National City Bank attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed subpoena, sent to opposing counsel for Plaintiff is attached to this certificate as Exhibit A;

3. No objection to the subpoena has been received and opposing counsel has waived the twenty (20) day waiting period for the service of the subpoena (a copy of the waiver is attached to this certificate as Exhibit B); and

4. The subpoena which will be served is identical to the subpoena which is attached to the Notice of Intent served on opposing counsel.

POST & SCHELL, P.C.



BENJAMIN D. ANDREOZZI, ESQUIRE
Attorney I.D. # 89271
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
(717) 731-1970

Dated: January 8, 2007

EXHIBIT A

POST & SCHELL, P.C.
BY: BENJAMIN D. ANDREOZZI
ATTORNEY ID #89271
17 NORTH SECOND ST.
12TH FLOOR
HARRISBURG PA 17101-1601
(717) 731-1970

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
Individually and as husband
and wife,
Plaintiffs,

v.

JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,
Defendant

ATTORNEYS FOR DEFENDANT
JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

NO: 04 - 1991 - CD

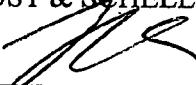
JURY TRIAL DEMANDED

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

TO: Nicholas F. Lorenzo, Jr., Esquire
Lorenzo, Gianvito & Lavelle, P.C.
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767

Defendant Jack Manners t/d/b/a Jack's Heating intends to serve a subpoena identical to the one attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

POST & SCHELL, P.C.


BENJAMIN D. ANDREOZZI
ATTORNEY I.D. #:89271

17 NORTH ~~SECOND~~ STREET, 12TH FL.
HARRISBURG, PA 17101-1601
717-731-1970

Dated: December 24, 2006

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

John V. Anderson

*

Elizabeth Anderson

Plaintiff(s)

Vs.

*

No. 2004-01991-CD

Jack Manners

*

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

National City Bank

TO: 200 S. Brady St. #327, DuBois, PA 15801

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

See attached Exhibit "A"

Post & Schell, P.C.
(Address) 17 N. 2nd St., 12th Floor
Harrisburg, PA 17101

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Benjamin Andreozzi

ADDRESS: 17 N. 2nd St., 12th Floor
Harrisburg, PA 17101

TELEPHONE: 717-731-1970

SUPREME COURT ID # 89271

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, December 26, 2006

Seal of the Court

Deputy

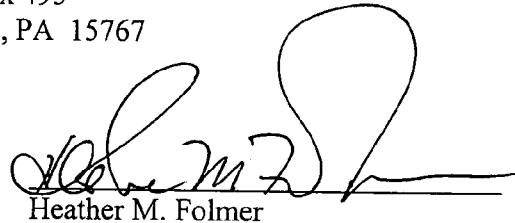
EXHIBIT "A"

Any and all bank records, statements or other documents pertaining to any individual or joint account held by John V. Anderson, 5340 Wayne Road, DuBois, Pennsylvania 15801 and/or Grace V. Anderson, 5344 Wayne Road, DuBois, Pennsylvania 15801 for the years 2002 and 2003.

CERTIFICATE OF SERVICE

I, Heather M. Folmer, Paralegal with the firm of Post & Schell, P.C., do hereby certify that on the date set forth below, I did serve a true and correct copy of the foregoing *Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21* upon the following individual at the following address indicated below via United States Mail:

Nicholas F. Lorenzo, Jr., Esquire
Lorenzo, Gianvito & Lavelle, P.C.
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767



Heather M. Folmer

Dated: December 29, 2006

EXHIBIT B

POST & SCHELL, P.C.
BY: BENJAMIN D. ANDREOZZI
ATTORNEY ID #89271
17 NORTH SECOND ST.
12TH FLOOR
HARRISBURG PA 17101-1601
(717) 731-1970

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
Individually and as husband
and wife,

Plaintiffs,

v.

JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,

Defendant

ATTORNEYS FOR DEFENDANT
JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

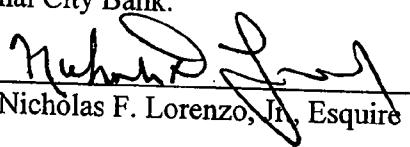
NO: 04 - 1991 - CD

JURY TRIAL DEMANDED

WAIVER OF TWENTY (20) DAY PERIOD BEFORE SUBPOENA MAY BE SERVED

I, Nicholas F. Lorenzo, Jr., Esquire, acknowledge receipt of the **Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21** and agree to waive the twenty (20) day waiting period for service of the subpoena. Furthermore, I have no objections to serving the subpoena on National City Bank.

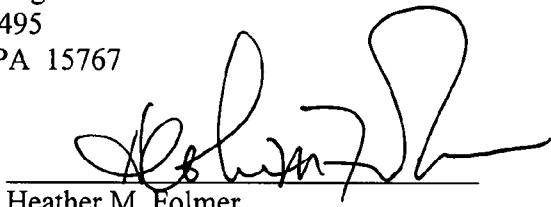
Dated: 1-3-07


Nicholas F. Lorenzo, Jr., Esquire

CERTIFICATE OF SERVICE

I, Heather M. Folmer, Paralegal with the firm of Post & Schell, P.C., do hereby certify that on the date set forth below, I did serve a true and correct copy of the foregoing *Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22* upon the following persons at the following addresses indicated below via United States Mail:

Nicholas F. Lorenzo, Jr., Esquire
Lorenzo, Gianvito & Lavelle, P.C.
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767



Heather M. Folmer

Dated: January 8, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,**

Plaintiffs

Vs.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

Type of Case - **CIVIL**

No. 04-1991 C.D.

Type of Pleading - **NOTICE
OF DEPOSITIONS**

Filed on Behalf of - **PLAINTIFFS**

Filed by -
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

**LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390**

FILED
M 10:59 AM
JAN 12 2007
CC
WMS

William A. Shaw
Prothonotary/Clerk of Courts

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

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,**

Plaintiffs

vs.

No. 04-1991 C.D.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

NOTICE OF DEPOSITIONS

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure, plaintiffs herein give notice that the deposition of the following individuals, will be taken on Wednesday, January 17, 2007 beginning at 1:00 PM at the office of Lorenzo & Gianvito, P.C., 410 W. Mahoning St., Punxsutawney, PA 15767.

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

Jack Manners 1:00 PM

Joseph Manners 2:00 PM

LORENZO & GIANVITO, P.C.

January 2nd, 2007

BY

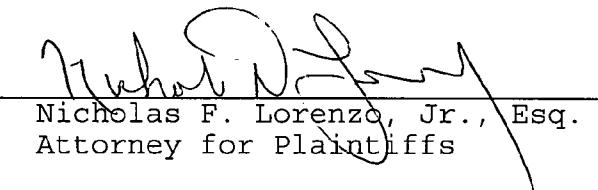

Nicholas F. Lorenzo, Jr.
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of January, 2007, a true and correct copy of the foregoing Notice of Depositions was forwarded via first-class mail, postage prepaid, to the following:

Benjamin D. Andreozzi, Esq.
Post & Schell
17 N. Second St., 12th Fl.
Harrisburg, PA 17101

Sargent's Court Reporting
210 Main Street
Johnstown, PA 15901


Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,

Plaintiffs

Vs.

JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,

Defendant

Type of Case - CIVIL

No. 04-1991 C.D.

Type of Pleading - RESCHEDULED
NOTICE OF DEPOSITIONS

Filed on Behalf of - PLAINTIFFS

Filed by -
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED NO
M110:351614 CC
JAN 18 2007
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William A. Shaw
Prothonotary/Clerk of Courts

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

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,**
Plaintiffs

vs.

No. 04-1991 C.D.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

RESCHEDULED NOTICE OF DEPOSITIONS

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure, plaintiffs herein give notice that the deposition of the following individuals, will be taken on Thursday, February 15, 2007 beginning at 1:00 PM at the office of Lorenzo & Gianvito, P.C., 410 W. Mahoning St., Punxsutawney, PA 15767.

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

Jack Manners 1:00 PM

Joseph Manners 2:00 PM

LORENZO & GIANVITO, P.C.

January 17, 2007

BY


Nicholas F. Lorenzo, Jr.
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January, 2007, a true and correct copy of the foregoing Notice of Depositions was forwarded via first-class mail, postage prepaid, to the following:

Benjamin D. Andreozzi, Esq.
Post & Schell
17 N. Second St., 12th Fl.
Harrisburg, PA 17101

Sargent's Court Reporting
210 Main Street
Johnstown, PA 15901


Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

POST & SCHELL, P.C.

By: Anne E. Gingrich
Attorney ID #92909
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
(717) 731-1970

Attorneys for Defendant
Jack Manners, an individual
t/d/b/a Jack's Heating

JOHN V. ANDERSON and
ELIZABETH ANDERSON,
Individually and as husband
and wife,

Plaintiffs,

v.

JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,

Defendant

: COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA

:

:

: CIVIL ACTION - LAW
:

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: NO.: 04-1991-CD

:

: JURY TRIAL DEMANDED

:

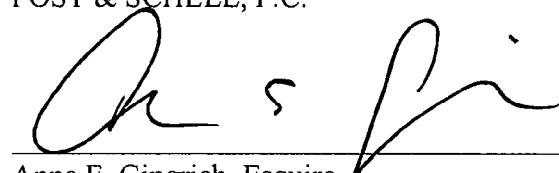
ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter the appearance of Anne E. Gingrich, Esquire on behalf of Defendant Jack Manners, an individual, t/d/b/a Jack's Heating in the above-captioned matter.

Respectfully submitted,

POST & SCHELL, P.C.



Anne E. Gingrich, Esquire
17 North Second Street, 12th Floor
Harrisburg, PA 17101
(717) 731-1970

Dated: August 10, 2007

FILED
M 11 3 2007
AUG 13 2007
6K
cc

William A. Shaw
Prothonotary/Clerk of Courts

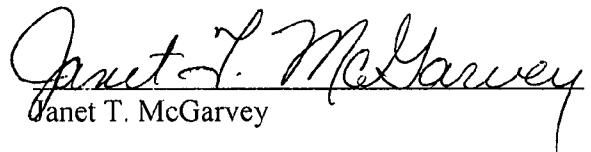
CERTIFICATE OF SERVICE

I, Janet T. McGarvey, an employee of Post & Schell, P.C., hereby state that I have this day caused to be served a true and correct copy of the foregoing *Entry of Appearance* upon the person and in the manner as set forth below:

Via First Class Mail

Nicholas F. Lorenzo, Jr. Esquire
Lorenzo, Gianvito & Lavelle, P.C.
410 West Mahoning Street
P. O. Box 495
Punxsutawney, PA 15767

POST & SCHELL, P.C.


Janet T. McGarvey

Dated: August 10, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,**
individually and as husband
and wife,

Plaintiffs

vs.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

Type of Case - **CIVIL**

No. 04-1991 C.D.

Type of Pleading -
NOTICE OF INTENTION TO PROCEED

Filed on Behalf of - **PLAINTIFFS**

Filed by -
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

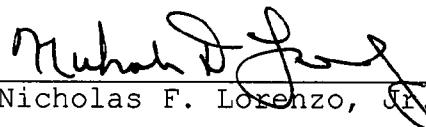
NICHOLAS F. LORENZO, JR., P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED
MAY 22 2001 NOCC
S
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I do hereby certify that on the 13th day of May, 2010, I served a copy of the within Notice of Intention to Proceed by first class mail, postage prepaid, upon the following:

Anne E. Gingrich, Esq.
Post & Schell
17th N. Second St., 12th Floor
Harrisburg, PA 17101


Nicholas F. Lorenzo, Jr.

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

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,**

Plaintiffs

vs.

No. 04-1991 C.D.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

NOTICE OF INTENTION TO PROCEED

TO THE PROTHONOTARY:

JOHN V. ANDERSON and ELIZABETH ANDERSON, Plaintiffs, intend to proceed with the above captioned matter.

NICHOLAS F. LORENZO, JR., P.C.

BY: Nicholas F. Lorenzo
Nicholas F. Lorenzo, Jr., Esq.
Counsel for Plaintiffs

FILED

MAY 17 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN V. ANDERSON and ELIZABETH ANDERSON
Plaintiffs

vs.

JACK MANNERS
Defendant

* NO. 2004-1991-CD

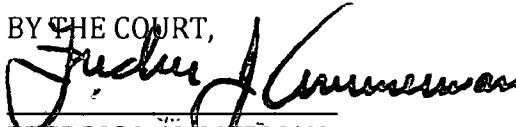
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FILED

5 MAR 18 2013
611-561-
William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 15th day of March, 2013, it is the ORDER of this Court that a **status**
conference in the above-captioned case be and is hereby scheduled for the **8th day of**
May, 2013 at 1:30 p.m. in Courtroom No. 1, Clearfield County Courthouse, Clearfield,
Pennsylvania.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED
MAR 18 2013
William A. Shaw
Prothonotary/Clerk of Courts

FILED

9
Z APR 05 2013
m/r-00/c
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

Com To

WATC

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,**
individually and as husband
and wife,

Plaintiffs

vs.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

Type of Case - **CIVIL**

No. 04-1991 C.D.

Type of Pleading -
PRAECIPE FOR DISCONTINUANCE

Filed on Behalf of - **PLAINTIFFS**

Filed by -
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

NICHOLAS F. LORENZO, JR., P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

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

**JOHN V. ANDERSON and
ELIZABETH ANDERSON,
individually and as husband
and wife,**

Plaintiffs

vs.

No. 04-1991 C.D.

**JACK MANNERS, an individual,
t/d/b/a JACK'S HEATING,**

Defendant

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please discontinue and terminate the above captioned matter.

NICHOLAS F. LORENZO, JR., P.C.

BY: 

Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I do hereby certify that on the 4th day of April, 2013, I served a copy of the within Praeclipe for Discontinuance by first class mail, postage prepaid, upon the following:

John W. Dornberger, Esq.
Post & Schell
17th N. Second St., 12th Floor
Harrisburg, PA 17101


Nicholas F. Lorenzo, Jr.

FILED
APR 05 2013
William A. Shaw
Probate Clerk of Courts

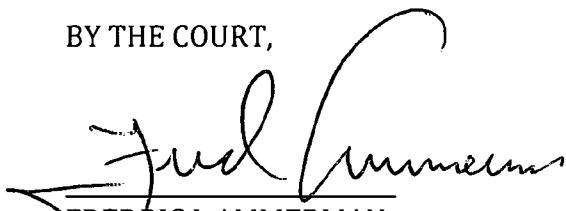
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JOHN V. ANDERSON and ELIZABETH ANDERSON * NO. 2004-1991-CD
Plaintiffs *
vs. *
JACK MANNERS *
Defendant *
*

ORDER

NOW, this 8th day of April, 2013, upon receipt and review of the Praeipe for Discontinuance filed by Nicholas F. Lorenzo, Esquire, on April 5, 2013; it is the ORDER of this Court that the **status conference** scheduled for the **8th day of May, 2013 at 1:30 p.m.** be and is hereby CANCELED.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED *acc Atty's:*

APR 08 2013

William A. Shaw
Prothonotary/Clerk of Courts

Lorenzo
Dornberger
Gingrich

68

DATE: 4-8-13

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 Instruction(s)

FILED

APR 08 2013

William A. Shaw
Prothonotary/Clerk of Courts