05-44-CD
K. Welsh etal vs. D. Radzavich etal

Kevin Welsh et al v David Radzavich et al
2005-044-CD

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

KEVIN L. WELSH and SUSAN C. WELSH, Plaintiffs,	:	
v.	:	No. 05- 44 -CD
DAVID G. RADZAVICH, ELIZABETH RADZAVICH, and MATTHEW J. RADZAVICH, Defendants.	:	

CASE NUMBER: 05- -CD

TYPE OF PLEADING: **PRAECIPE FOR WRIT OF SUMMONS**

FILED ON BEHALF OF: Plaintiffs

COUNSEL FOR RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court ID#: 26540
207 East Market Street
Clearfield, PA 16830
814-765-1581

FILED 2cc Courts Atty Gearhart
12:35 PM
JAN 10 2005 Atty pd. 85.00
William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN L. WELSH and SUSAN C. WELSH, Plaintiffs,	:	
v.	:	No. 05- -CD
DAVID G. RADZAVICH, ELIZABETH RADZAVICH, and MATTHEW J. RADZAVICH, Defendants.	:	

PRAECIPE TO ISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please issue a Writ of Summons against DAVID G. RADZAVICH, ELIZABETH RADZAVICH and MATTHEW J. RADZAVICH, of RD2 Box 277, Reynoldsville, PA 15851.

R. Denning Gearhart
Attorney for Plaintiffs

Date: **January 10, 2005**

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

KEVIN L. WELSH and
SUSAN C. WELSH,
Plaintiffs,

v.

DAVID G RADZAVICH,
ELIZABETH RADZAVICH and
MATTHEW J. RADZAVICH,
Defendants.

PRAECIPE FOR WRIT OF SUMMONS

FILED

JAN 10 2005

William A. Shaw
Prothonotary/Clerk of Courts

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

COMMERCIAL PRINTING CO., CLEARFIELD, PA

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

SUMMONS

Kevin L. Welsh
Susan C. Welsh

Vs. **NO.: 2005-00044-CD**

David G. Radzavich
Elizabeth Radzavich
Matthew J. Radzavich

TO: DAVID G. RADZAVICH
ELIZABETH RADZAVICH
MATTHEW J. RADZAVICH

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 01/10/2005

William A. Shaw
Prothonotary

Issuing Attorney:

R. Denning Gearhart

Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100123
NO: 05-44-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: KEVIN L. WELSH and SUSAN C. WELSH
vs.
DEFENDANT: DAVID G. RADZAVICH, ELIZABETH RADZAVICH, MATTHEW J. RADZAVICH

SHERIFF RETURN

NOW, January 12, 2005, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON DAVID G. RADZAVICH.

NOW, January 18, 2005 AT 2:40 PM SERVED THE WITHIN SUMMONS ON DAVID G. RADZAVICH, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

FILED
01/12:38 BA
FEB 02 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100123
NO: 05-44-CD
SERVICE # 2 OF 1
SUMMONS

PLAINTIFF: KEVIN L. WELSH and SUSAN C. WELSH
vs.
DEFENDANT: DAVID G. RADZAVICH, ELIZABETH RADZAVICH, MATTHEW J. RADZAVICH

SHERIFF RETURN

NOW, January 12, 2005, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON ELIZABETH RADZAVICH.

NOW, January 18, 2005 AT 2:40 PM SERVED THE WITHIN SUMMONS ON ELIZABETH RADZAVICH, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100123
NO: 05-44-CD
SERVICE # 3 OF 1
SUMMONS

PLAINTIFF: KEVIN L. WELSH and SUSAN C. WELSH
vs.
DEFENDANT: DAVID G. RADZAVICH, ELIZABETH RADZAVICH, MATTHEW J. RADZAVICH

SHERIFF RETURN

NOW, January 12, 2005, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON MATTHEW J. RADZAVICH.

NOW, January 18, 2005 AT 2:40 PM SERVED THE WITHIN SUMMONS ON MATTHEW J. RADZAVICH, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100123
NO: 05-44-CD
SERVICES 1
SUMMONS

PLAINTIFF: KEVIN L. WELSH and SUSAN C. WELSH
vs.
DEFENDANT: DAVID G. RADZAVICH, ELIZABETH RADZAVICH, MATTHEW J. RADZAVICH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GEARHART	7466	30.00
SHERIFF HAWKINS	GEARHART	7466	39.74
JEFFERSON CO.	GEARHART	7467	48.50

Sworn to Before Me This

_____ Day of _____ 2005

_____

So Answers,

Chester A. Hawkins
Sheriff

100123

No. 44 C.D. 2005

Personally appeared before me, Brian Henretta, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that January 18, 2005 at 2:40 o'clock P.M. served the Writ of Summons upon DAVID RADZAVICH, ELIZABETH RADZAVICH, and MATTHEW J. RADZAVICH, defendants, at their residence of R.D. 2, Box 277, Reynoldsville, Township of Winslow, County of Jefferson, State of Pennsylvania, by handing to Matthew personally three true copies of the Writ and by making known to him the contents thereof.

Advance Costs Received:	$125.00	
My Costs:	46.50	Paid
Prothy:	2.00	
Total Costs:	48.50	
REFUNDED:	$ 76.50	

So Answers,

Sworn and subscribed to before me this 27th day of Jan 2005

By Lenore S. Geist

My Commission Expires The First Monday January 2006

Brian Henretta Deputy

Thomas A. Demko Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

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

KEVIN L. WELSH
SUSAN C. WELSH,

Plaintiff(s),

vs.

DAVID G. RADZAVICH
ELIZABETH RADZAVICH
MATTHEW J. RADZAVICH,

Defendant(s).

NO. 2005-00044-CD

Type of Pleading:

PRAECIPE FOR APPEARANCE

Filed on behalf of the Defendant,

Counsel of Record for this Party:

Maria Spina Altobelli
PA I.D. #50101

Jacobs & Associates
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

JURY TRIAL DEMANDED

FILED
GK M 1:33pm NOCC
FEB 22 2005
William A. Shaw
Prothonotary

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

KEVIN L. WELSH
SUSAN C. WELSH,

Plaintiff(s),

NO. 2005-00044-CD

vs.

DAVID G. RADZAVICH
ELIZABETH RADZAVICH
MATTHEW J. RADZAVICH,

Defendant(s).

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Defendants David Radzavich, Elizabeth Radzavich and Matthew J. Radzavich in reference to the above-captioned matter.

JURY TRIAL DEMANDED.

JACOBS & ASSOCIATES

BY: _____

CHRISTOPHER M. FLEMING, ESQUIRE
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

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

KEVIN L. WELSH
SUSAN C. WELSH,

Plaintiff(s),

vs.

DAVID G. RADZAVICH
ELIZABETH RADZAVICH
MATTHEW J. RADZAVICH,

Defendant(s).

NO. 2005-00044-CD

Type of Pleading:

PRAECIPE FOR RULE TO FILE COMPLAINT

Filed on behalf of the Defendant,

Counsel of Record for this Party:

Maria Spina Altobelli
PA I.D. #50101

Jacobs & Associates
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

JURY TRIAL DEMANDED

FILED
GK m 1:33 pm Rule to Atty
FEB 22 2005
William A. Shaw
Prothonotary

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

KEVIN L. WELSH
SUSAN C. WELSH,

Plaintiff(s),

vs.

DAVID G. RADZAVICH
ELIZABETH RADZAVICH
MATTHEW J. RADZAVICH,

Defendant(s).

NO. 2005-00044-CD

PRAECIPE FOR RULE ON THE PLAINTIFF
TO FILE A COMPLAINT AGAINST THE DEFENDANT

TO THE PROTHONOTARY:

Enter Rule upon the Plaintiff to file a Complaint in the above matter within twenty (20) days.

Respectfully submitted,

By: CHRISTOPHER M. FLEMING, ESQ
35 N. Main Street, Second Floor
Greensburg, PA 15601
(724) 837-8484

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

Kevin L. Welsh
Susan C. Welsh

Vs.
David G. Radzavich
Elizabeth Radzavich
Matthew J. Radzavich

Case No. 2005-00044-CD

RULE TO FILE COMPLAINT

TO: Kevin L. Welsh and Susan C. Welsh

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: February 22, 2005

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

KEVIN L. WELSH
SUSAN C. WELSH,

Plaintiff(s),

vs.

DAVID G. RADZAVICH
ELIZABETH RADZAVICH
MATTHEW J. RADZAVICH,

Defendant(s).

NO. 2005-00044-CD

Type of Pleading:
NOTICE OF SERVICE

Filed on behalf of the Defendant,

Counsel of Record for this Party:

Maria Spina Altobelli
PA I.D. #50101

Jacobs & Associates
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

JURY TRIAL DEMANDED

FILED

MAR 14 2005

m/ 1:10 / 6K

William A. Shaw
Prothonotary

no c/c.

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

KEVIN L. WELSH
SUSAN C. WELSH,

Plaintiff(s),

vs.

DAVID G. RADZAVICH
ELIZABETH RADZAVICH
MATTHEW J. RADZAVICH,

Defendant(s).

NO. 2005-00044-CD

NOTICE OF SERVICE

TO THE PROTHONOTARY:

COMES NOW, the Defendants, Avid Radzavich, Elizabeth Radzavich and Matthew Radzavich, by and through their counsel, Christopher M. Fleming, Esquire, and certify that Interrogatories and Request for Production of Documents were served upon all counsel in accordance with the Pennsylvania Rules of Civil Procedure, by United States mail, postage prepaid on this 8th day of March, 2005.

Dated: March 8, 2005

By: _____

Christopher M. Fleming, Esquire
JACOBS & ASSOCIATES
35 N. Main Street
Greensburg, PA 15601
(724) 837-8484

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

KEVIN L. WELSH and SUSAN C. WELSH, Plaintiffs,	:	
v.	:	No. 05-44-CD
DAVID G. RADZAVICH, ELIZABETH RADZAVICH, and MATTHEW J. RADZAVICH, Defendants.	:	

CASE NUMBER: 05-44-CD

TYPE OF PLEADING: **COMPLAINT**

FILED ON BEHALF OF: Plaintiffs

COUNSEL FOR RECORD FOR THIS PARTY: JAMES A. NADDEO & ASSOCIATES

James A. Naddeo, Esquire
Supreme Court ID#: 06820
814-765-1601

R. Denning Gearhart, Esquire
Supreme Court ID#: 26540
814-765-1581

207 East Market Street
Clearfield, PA 16830

FILED
01/11:00 BA
MAY 12 2005
2cc Atty Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN L. WELSH, and SUSAN C. WELSH, Plaintiffs	:	
v.	:	No. 05-44-CD
DAVID G. RADZAVICH, ELIZABETH RADZAVICH, and MATTHEW J. RADZAVICH, Defendants	:	

COMPLAINT

AND NOW COMES Kevin L. Welsh and Susan C. Welsh and by and through their attorneys JAMES A. NADDEO & ASSOCIATES, James A. Naddeo and R. Denning Gearhart, who set forth the following:

1. That Plaintiffs Kevin L. Welsh and Susan C. Welsh are husband and wife residing at 902 Hemlock Road, Reynoldsville, PA 15851.

2. That Defendants David G. Radzavich and Elizabeth Radzavich are husband and wife residing at RD # 2 Box 277, Reynoldsville, PA 15851.

3. That Defendant Matthew J. Radzavich is the adult son of David G. and Elizabeth, who resides at RD # 2 Box 277, Reynoldsville, PA 15851.

4. That on January 11, 2003 Matthew J. Radzavich was driving an automobile owned by David G. Radzavich and Elizabeth Radzavich.

5. That on January 11, 2003 at approximately 5:45 p.m., Susan C. Welsh was traveling south in her automobile on State Route 255, Sandy Township, Clearfield County, Pennsylvania.

6. That at the same time, Matthew J. Radzavich was attempting to negotiate a left-hand turn onto State Route 255 and collided at an angle with the automobile driven by Susan C. Welsh in the lane in which she was travelling.

7. The accident was directly and proximately caused by the negligence and carelessness of Defendant Matthew J. Radzavich, which consisted, among other things of the following:

a) operating the motor vehicle in a careless, reckless, and negligent manner;

b) turning from his designated lane of traffic, into the path of the Plaintiff;

c) operating the motor vehicle without due regard to the rights, safety and position of the Plaintiff;

d) failing to keep his automobile under proper and adequate control so as to prevent the vehicle from striking the Plaintiff Susan C. Welsh's motor vehicle;

e) failing to keep a careful and diligent watch on the road;

f) failing to slow or to bring his automobile to a stop so as to avoid the impact with Plaintiff Susan C. Welsh's automobile;

g) failing to comply with the provisions of the Pennsylvania Motor Vehicle code relating to the operation of motor vehicles, specifically as they relate to the aforesaid acts of negligence;

h) failing to use due care under the circumstances;

i) failing to notice the motor vehicle of Plaintiff Susan C. Welsh;

j) Upon noticing the motor vehicle of the Plaintiff, failing to yield the right-of-way to the Plaintiff's vehicle;

k) failing to take evasive action in order to avoid impacting with the Plaintiff's vehicle;

l) failing to apply his brakes in sufficient time to avoid striking the Plaintiff's car;

m) such other acts or omissions as may be revealed in the course of discovery, or at the trial of this case.

8. That as a result of the impact of the automobile driven by Defendant Matthew J. Radzavich, Plaintiff Susan C. Welsh has suffered permanent injuries.

9. That at all times material hereto, Plaintiff Susan C. Welsh acted with due care and was not contributorily negligent.

COUNT I - NEGLIGENCE
SUSAN C. WELSH v. MATTHEW J. RADZAVICH

10. Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

11. That as a result of Defendant Matthew J. Radzavich's negligence, Plaintiff Susan C. Welsh sustained the following injuries some or all of which may be permanent

a) Sympathetic Reflex Dystrophy;

b) Concussion;

c) Generalized chronic, radiating shoulder, leg, back, neck, jaw, head and facial pain;

d) Insomnia and fatigue;

e) Depression.

12. That as a result of Defendant Matthew J. Radzavich's negligence, Plaintiff Susan C. Welsh has suffered great bodily pain and suffering, as well and mental anxiety and nervousness, to her great detriment and loss.

13. That as a result of Defendant Matthew J. Radzavich's negligence, Plaintiff Susan C. Welsh has sustained serious and permanent injury, for the treatment of which

she has incurred medical bills and expenses, and will probably require treatment in the future.

14. That as a result of Defendant Matthew J. Radzavich's negligence, Plaintiff Susan C. Welsh has suffered a loss of earnings and / or earning capacity.

15. That as a result of Defendant Matthew J. Radzavich's negligence, Plaintiff Susan C. Welsh has suffered an interruption of her daily habits and pursuits to her great and permanent detriment and loss.

WHEREFORE, Plaintiff Susan C. Welsh demands judgment against Defendant Matthew J. Radzavich in an amount in excess of $25,000, exclusive of interests and costs.

COUNT II - LOSS OF CONSORTIUM
KEVIN L. WELSH v. MATTHEW J. RADZAVICH

16. Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

17. That as a result of Defendant Matthew J. Radzavich's negligence, Plaintiff Kevin L. Welsh has been deprived of the society, companionship, contributions, and consortium of his wife, Plaintiff Susan C. Welsh, to his detriment and loss.

18. That as a result of Defendant's negligence, Plaintiff Kevin L. Welsh has incurred and will continue to incur large medical bills and expenses to treat his wife's injuries.

19. That as a result of Defendant's negligence, Plaintiff Kevin L. Welsh has suffered a disruption in his daily habits and pursuits and a loss of enjoyment of life.

WHEREFORE, Plaintiff Kevin L. Welsh demands judgment against Defendant Matthew J. Radzavich in an amount in excess of $25,000, exclusive of interests and costs.

COUNT III - NEGLIGENT ENTRUSTMENT

KEVIN L. WELSH AND SUSAN C. WELSH v. DAVID G. RADZAVICH AND ELIZABETH RADZAVICH

21. Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

22. That Defendants David G. Radzavich and Elizabeth Radzavich negligent entrusted their motor vehicle to their adult son Matthew J. Radzavich.

23. That as a result of Defendant David G. Radzavich's and Defendant Elizabeth Radzavich's negligent entrustment of their motor vehicle to their son, Plaintiff Susan C. Welsh was seriously and permanently injured when their vehicles collided.

24. That the negligent conduct of David G. Radzavich and Elizabeth Radzavich consisted of the following:

a) negligently entrusting Defendant Matthew J. Radzavich with the vehicle owned by David G. Radzavich and Elizabeth Radzavich when they knew or should have known that Matthew J. Radzavich lacked sufficient skill, judgment and prudenc3 in the operation of a motor vehicle;

b) failing to adequately instruct Matthew J. Radzavich in the safe operation of a motor vehicle prior to entrusting him with the motor vehicle;

c) failure to prevent Matthew J. Radzavich from operating the vehicle until he had sufficient ability to operate it safely;

d) failure to adequately ascertain that Matthew J. Radzavich lacked the ability necessary to safely operate the vehicle under the circumstances;

25. That as a result of the above-stated acts and omissions, Plaintiff Susan C. Welsh has suffered such harm as has been previously stated herein.

26. That as a result of the above-stated acts and omissions, Plaintiff Kevin L. Welsh has suffered such harm as has been previously stated herein.

WHEREFORE, Plaintiffs Kevin L. Welsh and Susan C. Welsh demand judgment against Defendants David G. Radzavich and Elizabeth Radzavich in an amount in excess of $25,000, exclusive of interests and costs.

Respectfully Submitted,

JAMES A. NADDEO & ASSOCIATES

by _____
James A. Naddeo, Esq.

_____
R. Denning Gearhart, Esq.

COMMONWEALTH OF PENNSYLVANIA :

: ss.

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared KEVIN L. WELSH and SUSAN C. WELSH, who being dully sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

Kevin L. Welsh

Susan C. Welsh

Commonwealth of PA
County of Jefferson
Sworn to and subscribed
before me, this 10th
day of May, 2005.

Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kathy D. Wymer, Notary Public
Gaskill Twp., Jefferson County
My Commission Expires Oct. 16, 2007
Member, Pennsylvania Association Of Notaries

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

KEVIN L. WELSH and SUSAN C. WELSH, Plaintiffs,	:	
v.	:	No. 05-44-CD
DAVID G. RADZAVICH, ELIZABETH RADZAVICH, and MATTHEW J. RADZAVICH, Defendants.	:	

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the COMPLAINT filed in the above-captioned matter on the Defendants, David G. Radzavich, Elizabeth Radzavich and Matthew J. Radzavich, by depositing such documents in the United States Mail, postage pre-paid and addressed as follows:

Christopher M. Fleming, Esquire
Jacobs & Associates
35 North Main Street, Second Floor
Greensburg, PA 15601

R. Denning Gearhart, Esquire

Date: **May 12, 2005**

FILED

MAY 1 2 2005

William A. Shaw
Prothonotary/Clerk of Courts

Lap over margin

JAMES A. NADDEO
ATTORNEY AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN L. WELSH and SUSAN C. WELSH, Plaintiffs,	:	
v.	:	No. 05-44-CD
DAVID G. RADZAVICH, ELIZABETH RADZAVICH, and MATTHEW J. RADZAVICH, Defendants.	:	

CASE NUMBER: 05-44-CD

TYPE OF PLEADING: **CERTIFICATE OF SERVICE**

FILED ON BEHALF OF: Plaintiffs

COUNSEL FOR RECORD FOR THIS PARTY: JAMES A. NADDEO & ASSOCIATES

James A. Naddeo, Esquire
Supreme Court ID#: 06820
814-765-1601

R. Denning Gearhart, Esquire
Supreme Court ID#: 26540
814-765-1581

207 East Market Street
Clearfield, PA 16830

FILED
11:45 A.M. GK
MAY 27 2005 1 CC TO ATTY
William A. Shaw
Prothonotary

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

KEVIN L. WELSH and SUSAN C. WELSH, Plaintiffs,	:	
v.	:	No. 05-44-CD
DAVID G. RADZAVICH, ELIZABETH RADZAVICH, and MATTHEW J. RADZAVICH, Defendants.	:	

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a true and correct copy of the Answers to Interrogatories and Request for Production of Documents filed in the above-captioned matter on the Defendants, David G. Radzavich, Elizabeth Radzavich and Matthew J. Radzavich, by depositing such documents in the United States Mail, postage pre-paid and addressed as follows:

Christopher M. Fleming, Esquire
Jacobs & Associates
35 North Main Street, Second Floor
Greensburg, PA 15601

R. Denning Gearhart, Esquire

Date: **May 27, 2005**

FILED

MAY 27 2005

William A. Shaw
Prothonotary

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

KEVIN L. WELSH
SUSAN C. WELSH,

Plaintiff(s),

vs.

DAVID G. RADZAVICH
ELIZABETH RADZAVICH
MATTHEW J. RADZAVICH,

Defendant(s).

NO. 2005-00044-CD

ANSWER AND NEW MATTER

Filed on Behalf of the Defendants

Counsel of Record for this Party:

CHRISTOPHER M. FLEMING
PA. I.D.#29300

JACOBS & ASSOCIATES
35 N. Main Street
Second Floor
Greensburg, PA 15601-2401
(724) 837-8484
JURY TRIAL DEMANDED

You are hereby notified to file written response to the enclosed NEW MATTER within 20 days from service hereof or a judgement may be entered against you.

By: Christopher M. Fleming, Esquire

FILED

JUN 15 2005 (6K)
M/10:55/
William A. Shaw
Prothonotary/Clerk of Courts
1 CERT TO ATTY

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

KEVIN L. WELSH
SUSAN C. WELSH,

Plaintiff(s),

NO. 2005-00044-CD

vs.

DAVID G. RADZAVICH
ELIZABETH RADZAVICH
MATTHEW J. RADZAVICH,

Defendant(s).

ANSWER AND NEW MATTER

AND NOW, Comes the Defendants, DAVID G. RADZAVICH, ELIZABETH RADZAVICH and MATTHEW J. RADZAVICH, by and through their attorneys, Jacobs & Associates, per Christopher M Fleming, Esquire, and files the following Answer and New Matter and states as follows:

1. Paragraphs 1 through 5 of Plaintiff's Complaint are admitted.
2. In accordance with amended Pa. R.C.P. 1029, effective September 1, 1994, the Defendants, deny the factual averments contained in Paragraphs 6 through 26 of the Plaintiff's Complaint.

WHEREFORE, Defendant, DAVID G. RADZAVICH, ELIZABETH RADZAVICH and MATTHEW J. RADZAVICH, demand judgment in their favor and against the Plaintiff.

NEW MATTER

3. In accordance with amended Pa. R.C.P. 1030, the Defendant raises the affirmative defenses of contributory/comparative negligence and assumption of the risk.

4. Plaintiff's cause of action is barred by the applicable statue of limitations and/or Plaintiff's failure to prosecute the present action.

5. The Defendant also raises the affirmative defense of the Pennsylvania Motor Vehicle Financial Responsibility Act 75 Pa. C.S.A. 1701 et. seq. and its amendments known as Act 6, which preclude, among other things, the introduction and recovery of medical bills by the Plaintiffs at the time of trial and any limited tort option which may be applicable to the Plaintiff.

WHEREFORE, it is requested that this Honorable Court enter judgment for the Defendant and against the Plaintiff.

Respectfully submitted,

By: Christopher M. Fleming

Christopher M. Fleming
Attorney for Defendants

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF WESTMORELAND)

I verify that the statements made in this ANSWER AND NEW MATTER are true and correct; that the attached ANSWER AND NEW MATTER are based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the ANSWER AND NEW MATTER are that of counsel and not of Defendant. I have read the ANSWER AND NEW MATTER and to the extent that the ANSWER AND NEW MATTER are based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the ANSWER AND NEW MATTER are that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsifications to authorities.

Date: 6-1-05

Matthew J. Radzavich

Matthew J. Radzavich

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF WESTMORELAND)

I verify that the statements made in this ANSWER AND NEW MATTER are true and correct; that the attached ANSWER AND NEW MATTER are based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the ANSWER AND NEW MATTER are that of counsel and not of Defendant. I have read the ANSWER AND NEW MATTER and to the extent that the ANSWER AND NEW MATTER are based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the ANSWER AND NEW MATTER are that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsifications to authorities.

Date: 6-1-05

Elizabeth Radzavich

Elizabeth Radzavich

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF WESTMORELAND)

I verify that the statements made in this ANSWER AND NEW MATTER are true and correct; that the attached ANSWER AND NEW MATTER are based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the ANSWER AND NEW MATTER are that of counsel and not of Defendant. I have read the ANSWER AND NEW MATTER and to the extent that the ANSWER AND NEW MATTER are based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the ANSWER AND NEW MATTER are that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsifications to authorities.

Date: 6/1/05

David G. Radzavich

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

KEVIN L. WELSH SUSAN C. WELSH, Plaintiffs, vs. DAVID G. RADZAVICH ELIZABETH RADZAVICH MATTHEW J. RADZAVICH, Defendants.	*	No. 2005-00044-CD Type of Pleading: **ANSWER TO NEW MATTER** Filed on behalf of: Plaintiffs Counsel of Record for this party: R. Denning Gearhart, Esq. Pa I.D. 26540 207 E. Market Street Clearfield, PA 16830 (814) 765-1581

FILED 3cc
10:34 Atty Gearhart
JUN 20 2005
William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared KEVIN L. WELSH and SUSAN C. WELSH, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of their knowledge, information and belief.

Kevin L. Welsh

Kevin L. Welsh

Susan C. Welsh

Susan C. Welsh

SWORN and SUBSCRIBED before me this 17th day of June, 2005.

Linda C. Lewis

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

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

KEVIN L. WELSH	*	
SUSAN C. WELSH,	*	
Plaintiffs	*	
	*	
vs.	*	No. 2005-00044-CD
	*	
DAVID G. RADZAVICH	*	
ELIZABETH RADZAVICH	*	
MATTHEW J. RADZAVICH,	*	
Defendants.	*	

CERTIFICATE OF SERVICE

I, R. Denning Gearhart, Esquire, do hereby certify that a certified copy of the Answer to New Matter was served on the following and in the following manner on the 20th day of June, 2005:

First-Class Mail, Postage Prepaid

Christopher M. Fleming
Attorney for Defendants
JACOBS & ASSOCIATES
35 N. Main Street
Second Floor
Greensburg, PA 15601-2401

R. Denning Gearhart, Esq.
Attorney for Plaintiff

FILED
JUN 2 0 2005
William A. Shaw
Prothonotary/Clerk of Courts

Lap over margin

JAMES A. NADDEO
ATTORNEY AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

KEVIN L. WELSH and SUSAN C. WELSH, Plaintiffs	:
vs.	: No. 05-44-CD
DAVID G. RADZAVICH, ELIZABETH RADZAVICH and MATTHEW J. RADZAVICH, Defendants	:

CASE NUMBER: No. 05-44-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: PRAECIPE TO MARK SETTLED AND DISCONTINUED

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

R. DENNING GEARHART, ESQ.
Supreme Court I. D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED 2 cc
01/35/(bl) 2 Cert. of Disc.
JAN 25 2006 to Atty

William A. Shaw
Prothonotary/Clerk of Courts

Copy to CA

(6K)

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

KEVIN L. WELSH and SUSAN C. WELSH, Plaintiffs	:
vs.	: No. 05-44-CD
DAVID G. RADZAVICH, ELIZABETH RADZAVICH AND MATTHEW J. RADZAVICH, Defendants	:

PRAECIPE TO MARK SETTLED AND DISCONTINUED

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please mark the above captioned matter settled and discontinued.

R. Denning Gearhart, Esq.
Attorney for Plaintiffs

DATED: January 24, 2006

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Kevin L. Welsh
Susan C. Welsh

Vs. **No. 2005-00044-CD**
David G. Radzavich
Elizabeth Radzavich
Matthew J. Radzavich

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on January 25, 2006, marked:

Settled and Discontinued

Record costs in the sum of $85.00 have been paid in full by R. Denning Gearhart, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of January A.D. 2006.

William A. Shaw, Prothonotary