

05-48-CD

Marlin Bowser vs. Patricia Beatty

Marlin Bowser v. Patricia Beatty
2005-48-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER,
Plaintiff,
vs.
PATRICIA JEAN BEATTY,
Defendant

Case No.: No. 05-48-CJ - 2004 C.D.
Type of Case: CIVIL
TYPE OF PLEADING: **PRAECIPE FOR
WRIT OF
SUMMONS**
Counsel of Record for this Party:
J. KIPP LUKEHART
PA I.D. 08565
LUKEHART & LUNDY
219 East Union Street
P.O. Box 74
Punxsutawney, PA 15767
(814) 938-8110

FILED *ICC* / *writ*
1/3/5/05 *CD* to Shff
JAN 10 2005
William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty
Atty pd. 85.00

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER,
Plaintiff,

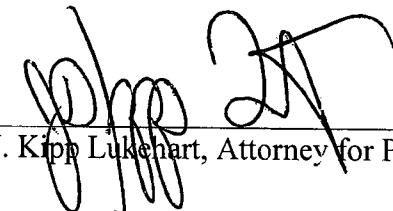
vs.
PATRICIA JEAN BEATTY,
Defendant

Case No.: No. _____ - 2004 C.D.

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY: Please issue a Writ of Summons in a Civil Action pursuant to Rule 1007 of the Pennsylvania Rules of Civil Procedure against the above named Defendant.

Date: January 6, 2004


J. Kipp Lukehart, Attorney for Plaintiff

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

COPY

SUMMONS

Marlin Bowser

Vs.

NO.: 2005-00048-CD

Patricia Jean Beatty

TO: PATRICIA JEAN BEATTY

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:

J. Kipp Lukehart
219 East Union Street
Punxsutawney, PA 15767
(814) 938-8110

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

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
: TYPE OF PLEADING:
: PRAECIPE FOR ENTRY OF
: APPEARANCE
:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: DEFENDANT PATRICIA JEAN BEATTY
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED 6K
1/14/2005 NO CC
JAN 27 2005

William A. Straw
Prothonotary/Clerk of Courts

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

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
:

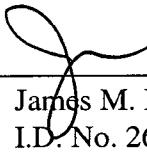
PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant PATRICIA JEAN BEATTY in
the above-captioned matter.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

Dated: January 26, 2005

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Patricia Jean Beatty

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

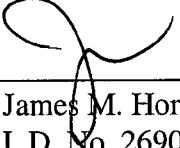
MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praeclipe for Entry of Appearance on behalf of Defendant Patricia Jean Beatty, in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 26th day of January, 2005, to the attorney of record:

J. Kipp Lukehart, Esquire
219 East Union Street
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100133
NO: 05-48-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: MARLIN BOWSER
vs.
DEFENDANT: PATRICIA JEAN BEATTY

SHERIFF RETURN

NOW, January 17, 2005 AT 10:32 AM SERVED THE WITHIN SUMMONS ON PATRICIA JEAN BEATTY DEFENDANT AT 113 WEST MAIN ST., MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES BEATTY, BROTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	LUKEHART	21415	10.00
SHERIFF HAWKINS	LUKEHART	21415	36.19

FILED

6/
FEB 10 2005

0/2:36 AM

William A. Shaw

Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2005

Chester A. Hawkins
My Maulyn Harry
Chester A. Hawkins
Sheriff

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

MARLIN BOWSER, : No. 2005-00048-C.D.
Plaintiff, :
v. : TYPE OF PLEADING:
PATRICIA JEAN BEATTY, : Praeclipe for Rule to File Complaint
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: Defendant Patricia Jean Beatty
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

JUL 27 2006
2006
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

ISSUED Rule to
ATTY

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

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
:

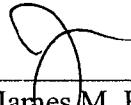
PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please issue a Rule on Plaintiff to file his Complaint within twenty (20) days from service thereof or suffer a judgment of non pros against him.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: July 26, 2006

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Patricia Jean Beatty

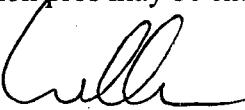
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
:

RULE

To: Marlin Bowser
% J. Kipp Lukehart, Esquire

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 Shaw, Prothonotary
[SEAL]

Dated: June 27, 2005

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

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praeice for Rule to File Complaint, in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 26th day of July, 2006, to the attorney of record:

J. Kipp Lukehart, Esquire
219 East Union Street
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

MARLIN BOWSER,

: No. 2005-00048-C.D.

Plaintiff,

v.

PATRICIA JEAN BEATTY,

Defendant.

TYPE OF PLEADING:
Certificate of Service

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
Defendant Patricia Jean Beatty

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

JUL 31 2006
m/11:00/mga
William A. Shaw
Prothonotary
no/c/c

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

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Court-issued Rule to File Complaint in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 28th day of July, 2006, to the attorney of record:

J. Kipp Lukehart, Esquire
219 East Union Street
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

James M. Horne, Esquire
I. D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER, : Case No. : 05-48-CD
Plaintiff, : Type of Case: Civil
Vs. :
PATRICIA JEAN BEATTY, : Type of Pleading: COMPLAINT
Defendant : Counsel of Record for the Plaintiff:
: J. Kipp Lukehart
: PA I.D. 08565
: Lukehart & Lundy
: 219 East Union Street
: P.O. Box 74
: Punxsutawney, PA 15767
: (814) 938-8110

FILED 3cc
11:44AM AUG 15 2006
AUG 15 2006
ATTY LUKEHART
LM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER, :
: Plaintiff, : Case No. : 05-48-CD
Vs. :
: PATRICIA JEAN BEATTY, :
: 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 the 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 SOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF
YOU DONOT HAVE LAWYER OR CANNOT AFFORD ONE, GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU
CAN OBTAIN LEGAL HELP.**

Clearfield County Prothonotary
Clearfield County Courthouse
One North 2nd Street
Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER, :
Plaintiff, :
Vs. : Case No. : 05-48-CD
PATRICIA JEAN BEATTY, :
Defendant :
:

COMPLAINT

AND NOW, the Plaintiff, Marlin Bowser, by and through his attorney J. Kipp Lukehart, Esquire, Lukehart & Lundy, presents the following Complaint:

1. The Plaintiff, Marlin Bowser, is an adult individual who resides at 44 Bowser Lane, Mahaffey, Clearfield County, Pennsylvania, 15757.
2. The Defendant, Patricia Jean Beatty, is an adult individual who resides at 113 West Main Street, Mahaffey, Clearfield County, Pennsylvania, 15757.
3. On February 27, 2003, at approximately 4:30 p.m. the Defendant, Patricia Jean Beatty was driving her vehicle in a southern direction along SR 36 in Bell Township, Clearfield County, Pennsylvania.
4. On that same date and time the Plaintiff was operating a vehicle owned by Bowser Lumber Company also in a southerly direction on SR 36 in Bell Township, Clearfield County, Pennsylvania and was ahead of the Defendant.
5. Plaintiff stopped his vehicle in the south bound lane and had his left turn signal on and was attempting to access his personal, private driveway.
6. The Defendant crashed into the rear of the Plaintiff's vehicle causing the Plaintiff to be thrown about the interior of his vehicle.
7. The negligence and carelessness of the Defendant, which resulted in the accident included:
 - a. Driving at a speed not safe for the conditions.
 - b. Driving her vehicle in a careless manner.
 - c. Failing to maintain a proper distance between her vehicle and the Plaintiff's vehicle.

d. Operating her vehicle at such a speed that she was unable to stop her vehicle prior to impacting the rear of the Plaintiff's vehicle.

8. The aforesaid negligence and carelessness of the Defendant was the proximate cause for physical injuries sustained by the Plaintiff, specifically, the following:

- a. Aggravating soft tissue injury;
- b. Continuous pain in right neck and arm;
- c. Weakness in right arm;
- d. Numbness in fingers;
- e. Headaches.

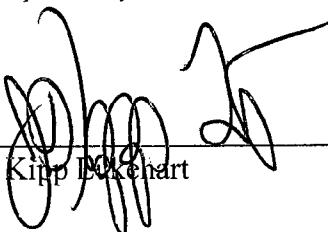
9. As a result of the Defendant's negligence, the Plaintiff has undergone medical examination, treatment and prescriptions which expenses are expected to continue, and medical expenses as follows, but said medical expenses are expected to continue:

a. Dr. Arun Seth \$502.80

10. As a result of the injuries sustained by the Plaintiff, the Plaintiff has suffered and will continue to suffer pain, humiliation, embarrassment and loss of enjoyment of life in the future.

WHEREFORE, the Plaintiff claims an amount in excess of \$25,000.00.

Respectfully submitted,



J. Kipp Buehner

VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to the authorities.

Marlin Bowser
Marlin Bowser

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER,

Plaintiff,

Case No. : 05-48-CD

Vs.

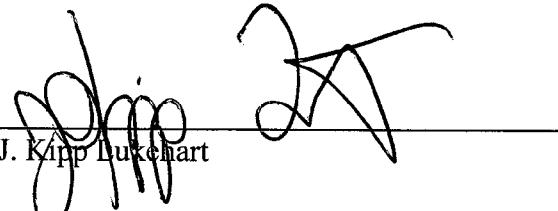
PATRICIA JEAN BEATTY,

Defendant

CERTIFICATE OF SERVICE

I, J. Kipp Lukehart, hereby certify that on the 14th day of August, 2006, a true and correct copy of the foregoing Complaint was forwarded via first-class mail, postage prepaid, to the following:

James M. Horne
McQuaide Blasko
811 University Drive
State College, PA 16801-6699


J. Kipp Lukehart

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

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
TYPE OF PLEADING:
CERTIFICATE OF SERVICE
PATRICIA JEAN BEATTY, :
Defendant. :
TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT PATRICIA JEAN BEATTY
COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624
:

FILED *Wec*
7/11/2005
AUG 18 2005
BS

William A. Shaw
Prothonotary/Clerk of Courts

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

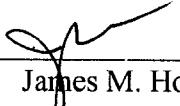
MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's First Set of Interrogatories and Request for Production of Documents, and Defendant's Request For Production of Documents and Tangible Things Directed to Plaintiff (Set Two) in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 17th day of August, 2006, to the attorney of record:

J. Kipp Lukehart, Esquire
Lukehart & Lundy
219 East Union Street
P.O. Box 74
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
TYPE OF PLEADING:
ANSWER WITH NEW MATTER
PATRICIA JEAN BEATTY, :
Defendant. :
TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT PATRICIA JEAN BEATTY
COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED NO cc
m 110:27/5
AUG 24 2005
LW

William A. Shaw
Prothonotary/Clerk of Courts

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

MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

NOTICE TO PLEAD

TO: Marlin Bowser
% J. Kipp Lukehart

YOU ARE HEREBY notified to plead to the within New Matter within twenty (20) days
from the date of service hereof or a default judgment may be entered against you.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: August 23, 2006

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

DEFENDANT'S ANSWER WITH NEW MATTER

AND NOW, comes Defendant, Patricia Jean Beatty, by and through her undersigned counsel, McQuaide, Blasko, Fleming & Faulkner, Inc., to file the instant Answer with New Matter to Plaintiff's Complaint, and in support thereof, aver as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted in part and denied in part. It is admitted that at or about the date, time and place in question, Plaintiff Bowser had brought his vehicle to a stop in the southbound lane of Route 36. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the balance of the allegations of paragraph 5. The same are therefore denied and strict proof thereof demanded.
6. Admitted in part and denied in part. It is admitted that contact occurred between the front of the vehicle operated by the Defendant and the rear of the vehicle operated by the

Plaintiff. As to the balance of the allegations of paragraph 6, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

7. a. – d. The allegations of paragraphs 7 a through d are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

8. a. – e. The allegations of negligence and carelessness are denied pursuant to Pa. Rule of Civil Procedure 1029(e). As to the balance of the allegations of paragraphs 8 a through e, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

9. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9. The same are therefore denied and strict proof thereof demanded.

10. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant Patricia Jean Beatty requests that the Complaint filed against her by Plaintiff Marlin Bowser be dismissed with prejudice and costs of suit.

NEW MATTER

11. Defendant hereby raises and asserts all those defenses and/or limitations on damages available to her by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

12. To the extent Plaintiff's medical expenses, if any, have been paid or are payable under a policy of insurance, the same may not be pled, proven or recovered in the instant action.

13. To the extent Plaintiff was insured under a policy of insurance bearing the limited tort option, Plaintiff's claims are barred or reduced accordingly.

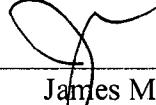
14. Plaintiff's injuries and damages, if any, are caused in whole or in part by reason of pre-existing or other non-accident-related conditions.

WHEREFORE, Defendant Patricia Jean Beatty requests that the Complaint filed against her by Plaintiff Marlin Bowser be dismissed with prejudice and costs of suit.

Respectfully submitted,

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: August 23, 2006

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

VERIFICATION

The undersigned verifies that she is authorized to make this Verification on her own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiff's Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.

Patricia Jean Beatty
PATRICIA JEAN BEATTY

Dated: August 22, 2006

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

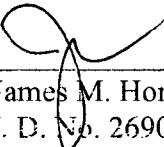
MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answer with New Matter to Plaintiff's Complaint in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 23rd day of August, 2006, to the attorney of record:

J. Kipp Lukehart, Esquire
Lukehart & Lundy
219 East Union Street
P.O. Box 74
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER,

: Case No. : 05-48-CD
: Type of Case: Civil

Plaintiff,

:
: Type of Pleading: ANSWER TO NEW
: MATTER

Vs.

PATRICIA JEAN BEATTY,

: Counsel of Record for the Plaintiff:
: J. Kipp Lukehart
: PA I.D. 08565
: Lukehart & Lundy
: 219 East Union Street
: P.O. Box 74
: Punxsutawney, PA 15767
: (814) 938-8110

Defendant

FILED

SEP 27 2006

11:45 AM
William A. Shaw
Prothonotary/Clerk of Courts

3 cent to ATTY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER,

Plaintiff,

Case No. : 05-48-CD

Vs.

PATRICIA JEAN BEATTY,

Defendant

ANSWER TO NEW MATTER

AND NOW, comes the Plaintiff Marlin Bowser, by and through his Attorney, J. Kipp Lukehart and files the following Answer to Defendant's New Matter.

11. The allegations of Paragraph 11 are a conclusions of law and no response is necessary but in further response, Plaintiff asserts that Defendant has no defense and or limitations on damages available to her by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

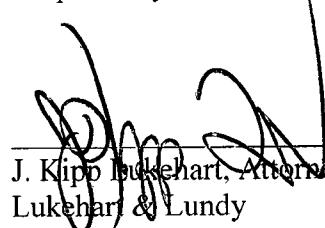
12. Admitted only to the extent that expense paid by Plaintiff's automotive insurance carrier.

13. Admitted, but to the contrary, Plaintiff's motor vehicle insurance policy was not that of the limited tort option.

14. Admitted that the Plaintiff did have pre-existing conditions but further alleged that there was a serious aggravation of his pre-existing condition by virtue of the negligent conduct of the Defendant.

WHEREFORE, Plaintiff prays your Honorable Court to dismiss the Defendant's New Matter.

Respectfully submitted,


J. Kipp Lukehart, Attorney for Plaintiff
Lukehart & Lundy
219 E. Union Street
P.O. Box 74
(814) 938-8110

VERIFICATION

I verify that the statements made in this Answer to New Matter are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to the authorities.


Marlin Bowser
Marlin Bowser

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER,

Plaintiff,

Vs.

PATRICIA JEAN BEATTY,

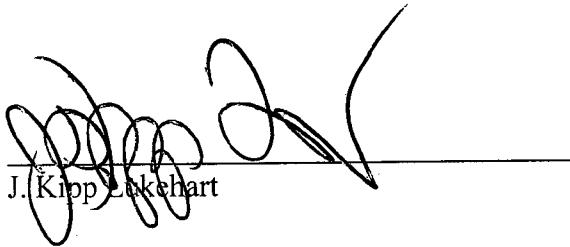
Defendant

Case No. : 05-48-CD

CERTIFICATE OF SERVICE

I, J. Kipp Lukehart, hereby certify that on the 26th day of September, 2006, a true and correct copy of the foregoing Answer to New matter was forwarded via first-class mail, postage prepaid, to the following:

James M. Horne
McQuaide Blasko
811 University Drive
State College, PA 16801-6699



J. Kipp Lukehart

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

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
: TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT PATRICIA JEAN BEATTY**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

FILED
FEB 14 2007
m/11:00/07
William A. Shaw
Prothonotary/Clerk of Courts
No. 4/

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

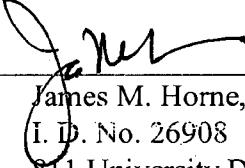
MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Deposition in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 13th day of February, 2007, to the attorney of record:

J. Kipp Lukehart, Esquire
Lukehart & Lundy
219 East Union Street
P.O. Box 74
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

MARLIN BOWSER, : No. 2005-00048-C.D.
Plaintiff, :
v. : TYPE OF PLEADING:
PATRICIA JEAN BEATTY, : Certificate of Service
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: Defendant Patricia Jean Beatty
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

FILED No CC-
M/10:55am
MAR 09 2007 *WS*

William A. Shaw
Prothonotary/Clerk of Courts

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

MARLIN BOWSER,

:
: No. 2005-00048-C.D.

Plaintiff,

:

v.

:

PATRICIA JEAN BEATTY,

:

:

Defendant.

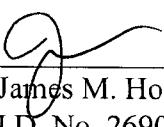
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things Pursuant to Rule 4009.21 in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 8th day of March, 2007, to the attorneys/parties of record:

J. Kipp Lukehart, Esquire
219 East Union Street
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: TYPE OF PLEADING:
v. : **Certificate Prerequisite to Service of
PATRICIA JEAN BEATTY, Subpoenas Pursuant to Rule 4009.22**
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
Defendant. : **Defendant Patricia Jean Beatty**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED *no cc*
112:35 AM
MAR 30 2007
JW
William A. Shaw
Prothonotary/Clerk of Courts

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

MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

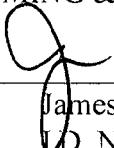
CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) no objection to the subpoenas has been received,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: March 29, 2007

By: 

James M. Horne, Esquire
ID. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorneys for Defendant

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

MARLIN BOWSER,

: No. 2005-00048-C.D.

Plaintiff,

v.

PATRICIA JEAN BEATTY,

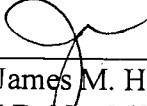
Defendant.

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

Defendant intends to serve subpoenas identical to those 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 subpoenas. If no objection is made, the subpoenas may be served.

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: March 8, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

PATRICIA JEAN BEATTY, :
Defendant. : .

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

TO: *Howard Fugate, Jr., M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Marlin Dean Bowser, SS#172-32-1503, Date of Birth: 4/19/1940*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*

ADDRESS: 811 University Drive, State College, PA 16801

TELEPHONE: (814) 238-4926

SUPREME CT ID#: 26908

ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated:

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

MARLIN BOWSER,

Plaintiff : No. 2005-00048-C.D.

v.

PATRICIA JEAN BEATTY,

Defendant.

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

TO: *Frederick L. Hoover, Jr., Chiropractor*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all chiropractic/medical records in your possession pertaining to Marlin Dean Bowser, SS#172-32-1503, Date of Birth: 4/19/1940*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*

ADDRESS: *811 University Drive, State College, PA 16801*

TELEPHONE: *(814) 238-4926*

SUPREME CT ID#: *26908*

ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

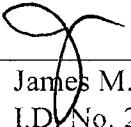
MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 29th day of March, 2007, to the attorneys/parties of record:

J. Kipp Lukehart, Esquire
219 East Union Street
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

FILED

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, : TYPE OF PLEADING:
Defendant. : Certificate of Service
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: Defendant Patricia Jean Beatty
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

APR 16 2007

ma/12:30 (wm)

William A. Shaw

Prothonotary/Clerk of Courts

No Court copies

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

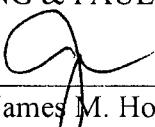
MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things Pursuant to Rule 4009.21 in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 13th day of April, 2007, to the attorneys/parties of record:

J. Kipp Lukehart, Esquire
219 East Union Street
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

MARLIN BOWSER, :
Plaintiff, : No. 2005-00048-C.D.
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
: TYPE OF PLEADING:
: **Certificate Prerequisite to Service of
Subpoenas**
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **Defendant Patricia Jean Beatty**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED NO CC
M 10:17 AM
APR 19 2007
JS

William A. Shaw
Prothonotary/Clerk of Courts

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

MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

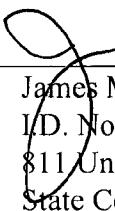
CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) Plaintiff's counsel has waived the 20-day objection period,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: April 18, 2007

By: 

James M. Horne, Esquire
ID. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorney for Defendant

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

MARLIN BOWSER,

: No. 2005-00048-C.D.

Plaintiff,

v.

PATRICIA JEAN BEATTY,

Defendant.

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

Defendant intends to serve subpoenas identical to those 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 subpoenas. If no objection is made, the subpoenas may be served.

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: April 13, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

MARLIN BOWSER, :
Plaintiff : No. 2005-00048-C.D.
v. :
: :
PATRICIA JEAN BEATTY, :
Defendant. :
:

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

TO: *Michael J. Pyne, D.C.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all chiropractic/medical records in your possession pertaining to Marlin Dean Bowser, SS#172-32-1503, Date of Birth: 4/19/1940*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

MARLIN BOWSER, :
Plaintiff : No. 2005-00048-C.D.
v. :
: :
PATRICIA JEAN BEATTY, :
Defendant. :
:

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

TO: *William B. Hoover, Chiropractor*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all chiropractic/medical records in your possession pertaining to Marlin Dean Bowser, SS#172-32-1503, Date of Birth: 4/19/1940*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 18th day of April, 2007, to the attorneys/parties of record:

J. Kipp Lukehart, Esquire
219 East Union Street
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: TYPE OF PLEADING:
PATRICIA JEAN BEATTY, : Certificate of Readiness
:
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: Defendant Patricia Jean Beatty
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:
:

FILED NOCC
MAY 31 2007
GK

William A. Shaw
Prothonotary/Clerk of Courts

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

MARLIN BOWSER, :
: No. 2005-00048-C.D.
Plaintiff, :
: v.
: :
PATRICIA JEAN BEATTY, :
: :
Defendant. :
:

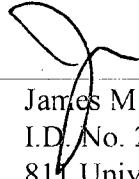
CERTIFICATE OF READINESS

The undersigned hereby certifies:

1. This matter has been at issue more than twenty (20) days.
2. All pre-trial discovery is completed.
3. There are no pending pre-trial motions.
4. This case is not subject to compulsory arbitration nor has it been appealed therefrom.
5. This matter is to be heard by a jury.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: May 30, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

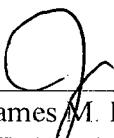
MARLIN BOWSER, : No. 2005-00048-C.D.
Plaintiff, :
v. :
PATRICIA JEAN BEATTY, :
Defendant. :
.....

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate of Readiness in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 30th day of May, 2007, to the attorney of record:

J. Kipp Lukehart, Esquire
Lukehart & Lundy
219 East Union Street
P.O. Box 74
Punxsutawney, PA 15767
(814) 938-8110

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

MARLIN BOWSER :

-vs- : No. 05-48-CD

PATRICIA JEAN BEATTY :

O R D E R

AND NOW, this 26th day of July, 2007, this being the date set for Civil Call; upon the request of counsel, it is the ORDER of this Court that the matter shall be and is hereby continued until the Winter 2008 Term of Civil Court.

BY THE COURT,

Paul E Cherry
Judge

FILED
07/27/2007 ICC Atty's:
JUL 27 2007 Balukhart
Horne
Oliver
GK
William A. Shaw
Prothonotary/Clerk of Courts

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

MARLIN BOWSER

:

vs.

: No. 05-48-CD

PATRICIA JEAN BEATTY

:

FILED

OCT 12 2007

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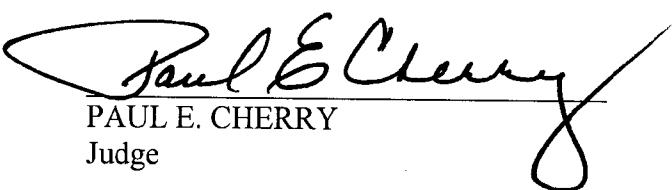
William A. Shaw
Prothonotary/Clerk of Courts

Clerk to Lukeham
& Horn

ORDER

AND NOW, this 12th day of October, 2007, it is the Order of the Court that a pre-trial conference in the above-captioned matter has been scheduled for Thursday, November 15, 2007 at 3:30 P.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA. Additionally, Jury Selection in this matter will be held on January 3, 2008.

BY THE COURT:


PAUL E. CHERRY
Judge

FILED
OCT 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10-12-07.

You are responsible for serving all appropriate parties.
 The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) 1 Plaintiff(s) Attorney Other
 Defendant(s) 6 Defendant(s) Attorney
 Special Instructions:

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER,

: Case No. : 05-48-CD
: Type of Case: Civil

Plaintiff,

Vs.

PATRICIA JEAN BEATTY,

: Filed on Behalf of: Plaintiff

Defendant

: Counsel of Record for the Plaintiff:
: J. Kipp Lukehart
: PA I.D. 08565
: Lukehart & Lundy
: 219 East Union Street
: P.O. Box 74
: Punxsutawney, PA 15767
: (814) 938-8110

3CC & 3 cert of
FILED disc issued to
11/11/2007 Atty Lukehart
NOV 28 2007 copy to CJA and
LM Judge Cherry.
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARLIN BOWSER,

Plaintiff,

Case No. : 05-48-CD

Vs.

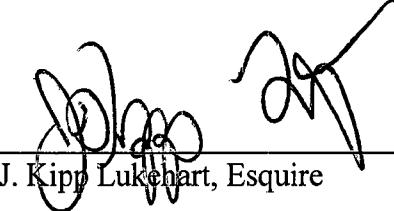
PATRICIA JEAN BEATTY,

Defendant

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY: Please mark the above captioned matter settled and discontinued.

Date: 11/21/07


J. Kipp Lukehart, Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Marlin Bowser

Vs.
Patricia Jean Beatty

No. 2005-00048-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on November 28, 2007, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by J. Kipp Lukehart Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of November A.D. 2007.

William A. Shaw

LM

William A. Shaw, Prothonotary