

2005-196-CD
Great West Cas'tly, et al v. Chang Chen et al

05-196-CD
Great West et al vs. Chang Fens

FENS CHEN, et al.

THIS IS AN ARBITRATION MATTER.
ASSESSMENT OF DAMAGES HEARING REQUIRED.

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 S. 21st Street
Philadelphia, PA 19103
(215) 988-9600

Attorney for Plaintiff

Great West Casualty,
Individually and as Subrogee on
behalf of Sharkey
Transportation
1901 Liberty Drive
Bloomington IN 47402
and
Sharkey Transportation
3803 Dye P.O. Box 3156
Quincy, IL 62305-3156

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2005-196-CD

Chang Fens Chen
3038 Fish Hatchery Road
Fitchburg WI 53713
and
Jing Quintz Chen
3038 Fish Hatchery Road
Fitchburg WI 53713

FILED

FEB 11 2005

W/11:50 AM

William A. Shaw
Prothonotary/Clerk of Courts
3 cent to Atty

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 JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED 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 GET LEGAL HELP.

PENNSYLVANIA BAR ASSOCIATION LAWYER REFERRAL SERVICE
100 SOUTH STREET
HARRISBURG, PA 17108
(800) 692-7375

COMPLAINT IN CIVIL ACTION

1. Sharkey Transportation (the "Plaintiff"), is an adult individual residing at the address above captioned.

2. Plaintiff, Great West Casualty, is a corporation duly authorized to conduct business within the Commonwealth of Pennsylvania, and is subrogated to the rights of the Plaintiff arising out of the within claim.

3. Chang Fens Chen, (the "Defendant"), is an individual residing at the above-captioned address.

4. On or about February 6, 2004, the Plaintiff did own and possess a certain motor vehicle, involved in the accident hereinafter referred to.

5. On or about February 6, 2004, the Defendant did operate and control a certain motor vehicle, involved in the accident hereinafter referred to.

6. On or about February 6, 2004, the vehicle of the defendant was being operated in such a negligent and careless manner that it came into violent contact with the plaintiff's vehicle causing property damage to the Plaintiff's motor vehicle.

7. At the time and place aforesaid, the negligence and carelessness of the Defendant consisted of the following:

a. Operating said vehicle at a high and excessive rate of speed under the circumstances;

b. Failing to give proper and sufficient warning of the approach of said vehicle;

c. Failing to have said vehicle under proper and adequate control at the time;

d. Operating said motor vehicle without due regard for the rights, safety and position of the Plaintiff herein at the point aforesaid;

e. Failing to sound a horn or other signaling device as to give warning to the plaintiff;

f. Violating the rules and regulations of the road, ordinances of the County of CLEARFIELD, and the statutes of the Commonwealth of Pennsylvania; and

g. Operating said vehicle without observing and heeding the road and traffic conditions then and there existing.

8. As a result of Defendant's negligent and careless operating of the motor vehicle, the plaintiff's motor vehicle sustained damages in the amount of \$\$5,128.33.

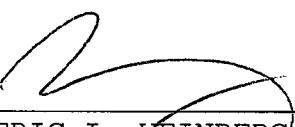
9. At all times material hereto the plaintiff was insured by plaintiff, Great West Casualty.

10. As a further result of the defendants' negligence, Great West Casualty has made compensation for said property loss to the plaintiff.

11. Plaintiff Great West Casualty individually and as subrogee on behalf of the plaintiff, Sharkey Transportation has paid money to the plaintiff for property damage in the amount of \$5,128.33 for which plaintiff demands remuneration from the defendant.

WHEREFORE, Plaintiff, Great West Casualty, claims damages from the Defendant, in the amount of \$5,128.33, and/or any other damages this Honorable Court deems just and proper, including attorney's fees and court costs from the Defendant, for arbitration purposes only.

GORDON & WEINBERG, P.C.

BY: 

~~FREDERIC I. WEINBERG, ESQUIRE~~
~~PAUL M. SCHOFIELD, JR., ESQUIRE~~
Attorney for Plaintiffs

P01d
2015165

VERIFICATION

FREDERIC I. WEINBERG, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

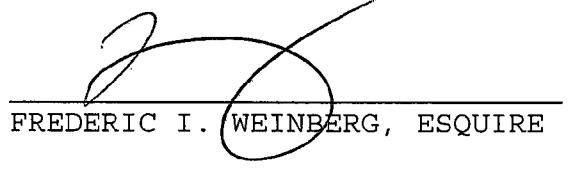

FREDERIC I. WEINBERG, ESQUIRE

EXHIBIT "A"

PENNSYLVANIA STATE POLICE
NOTICE OF CRASH INVESTIGATION130
870783 2/1
ERO 19

AS REPORTED ON A COMMONWEALTH OF PENNSYLVANIA POLICE CRASH REPORTING FORM, FORM AA-45, THE CRASH IN WHICH YOU WERE INVOLVED HAS BEEN REPORTED TO THE PENNSYLVANIA STATE POLICE AND WILL BE INVESTIGATED IN ACCORDANCE WITH SECTION 3748(C) OF THE PENNSYLVANIA VEHICLE CODE.

CERTIFIED COPIES OF THE COMMONWEALTH OF PENNSYLVANIA POLICE CRASH REPORTING FORM (EXCLUDING APPENDED DOCUMENTS AND PHOTOGRAPHS) FOR CRASHES REPORTED TO THE PENNSYLVANIA STATE POLICE ARE AVAILABLE TO AUTHORIZED PERSONS UPON COMPLETION OF THE REVERSE SIDE OF THIS FORM AND ACCCOMPANIED BY A CHECK OR MONEY ORDER IN THE AMOUNT OF \$8.00. THE CHECK OR MONEY ORDER SHALL BE MADE PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. GOVERNMENT AGENCIES ARE EXEMPT FROM PAYMENT OF THIS FEE.

A POLICE CRASH REPORTING FORM MAY BE VIEWED OR PHOTOGRAPHED (WITH PERSONAL EQUIPMENT) BY ANY PERSON INVOLVED (NOT WITNESSES), THEIR ATTORNEY, INSURER, AND CERTAIN GOVERNMENT OFFICIALS ONLY AT THE PENNSYLVANIA STATE POLICE STATION LISTED BELOW.

DATE AND TIME OF CRASH 02/01/04 1020	INCIDENT NUMBER C03-0772518
LOCATION OF CRASH SR 80 12m 124	COUNTY CLEARFIELD
INVESTIGATING OFFICER'S SIGNATURE T. M. D. B.	BADGE NUMBER 7810
PENNSYLVANIA STATE POLICE STATION PSD CLEARFIELD	STATION TELEPHONE NUMBER 814-857-3800

IT IS RECOMMENDED THAT YOU OBTAIN, AT A MINIMUM, THE FOLLOWING INFORMATION FROM THE OTHER INVOLVED PERSON(S) BEFORE LEAVING THE SCENE OF THE CRASH. THIS INFORMATION CAN BE OBTAINED FROM THE DRIVER'S LICENSE, VEHICLE REGISTRATION CARD, AND ANY PROOF OF FINANCIAL RESPONSIBILITY.

UNIT#1

DRIVER(S)/PEDESTRIAN(S)/PROPERTY OWNER(S) INFORMATION			VEHICLE OWNER(S) INFORMATION		
NAME CHANG FENG CHEN	NAME CHEN, JING QUING				
ADDRESS SPINE	ADDRESS 3038 FISH HATCHERY RD				
CITY STATE ZIP CODE	CITY STATE ZIP CODE				
TELEPHONE NUMBER - -	TELEPHONE NUMBER 240-988-5104				

DRIVER'S/OPERATOR'S LICENSE NUMBER C500115248480	YEAR, MAKE, AND MODEL OF VEHICLE 1999 CHEV ASTRO
STATE OF ISSUANCE MD	REGISTRATION/LICENSE PLATE NUMBER WI 935638
DRIVER'S/OPERATOR'S LICENSE EXPIRATION DATE SUSPENDED	VEHICLE REGISTRATION EXPIRATION DATE

NAME OF VEHICLE INSURANCE COMPANY AMERICAN Family	POLICY NUMBER 11100-12100-01-002	POLICY EXPIRATION DATE
--	-------------------------------------	------------------------

REMARKS/NOTES UNIT#2 - ROBERT J. SCHLEICH 133 EAST LOVELL AVE. NEW CASTLE PA 16101 PA 20 222 188	(724) 971-5287 PA TT-AE 17834 KENNORTH INS CO - WESTPORT INS. CORP. # WCP103000258500
UNIT#4 - DAVE DALMER JR 1824 HAYDEN AVE. ADT# 1 E. CLEVELAND OH 44112	(OH RMU04359) OH - DH 3254 TT 1999 VOLVO LINCOLN GENERAL # LTC100329

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

N/A

ER09

870783

Crash Number

16

AA-500 1

Case Closed Yes No Reportable Crash Yes No

Page 1

302-22-04

P0539588

Police Agency Data		Incident Number	Police Agency	Patrol Zone				
		CD3-0772518	42003	72				
Agency Name		Product	Investigation Date (MM-DD-YYYY)					
PA STATE POLICE		CLEARFIELD 1330	02-06-2004					
Dispatch Time (min)		Arrival Time (min)	Badge Number					
1021		1039	7840					
Investigator		TDR. JEFFREY A. BARROWS						
Reviewer		Badge Number	Approval Date (MM-DD-YYYY)					
SF 81 K		6836	02-13-2004					
Crash Data		County	County Name	Municipality	Municipality Name	Day of Week		
		17	CLEARFIELD	204	BRADFORD Twp	<input type="checkbox"/> Sun <input type="checkbox"/> Thu <input type="checkbox"/> Mon <input type="checkbox"/> Fri <input type="checkbox"/> Tue <input type="checkbox"/> Sat <input type="checkbox"/> Wed <input type="checkbox"/> Unk		
Crash Date (MM-DD-YYYY)		Crash Time (min)		No of Units	People	Injured	Killed*	*If > 00 complete Form F
02-06-2004		1020		4	3	1	0	
Workzone (If Yes, Complete Form M, Section 29)		School Bus Related		School Zone Related		Notify PENNDOT Maintenance		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Loc Type		Intersection Type	<input type="checkbox"/> 4 Way Intersection <input type="checkbox"/> Midblock	<input type="checkbox"/> Y Intersection <input type="checkbox"/> "T" Intersection	<input type="checkbox"/> Multi-Leg Intersection <input type="checkbox"/> Traffic Circle/Round About	<input type="checkbox"/> Off Ramp <input type="checkbox"/> On Ramp	<input type="checkbox"/> Railroad Crossing <input type="checkbox"/> Crossover <input type="checkbox"/> Other	Special Location <input type="checkbox"/> <input type="checkbox"/> • Spa Overlay
Principal Road		Route Number	Segment (Optional)	Travel Lanes	Speed Limit	Orientation	House Number (if applicable)	
		80		2	45	<input type="checkbox"/> North <input type="checkbox"/> South <input checked="" type="checkbox"/> East <input type="checkbox"/> West <input type="checkbox"/> Unknown	<input type="checkbox"/>	
		Street Name	Street Ending			Orientation	For Mid-block crashes only. Use postal House Number and make sure Principal Roadway Street Name is filled in if using this option	
		Route Signage	<input type="checkbox"/> Interstate (Not Turnpike)	<input type="checkbox"/> Turnpike (East/West)	<input type="checkbox"/> Turnpike Spur	<input type="checkbox"/> State Highway	<input type="checkbox"/> County Road	<input type="checkbox"/> Local Road or Street <input type="checkbox"/> Private <input type="checkbox"/> Other/Unknown
Intersecting Road		Route Number	Segment (Optional)	Travel Lanes	Speed Limit	Orientation	House Number (if applicable)	
						<input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West <input type="checkbox"/> Unknown	<input type="checkbox"/>	
		Street Name	Street Ending			Orientation	For Mid-block crashes only. Use postal House Number and make sure Principal Roadway Street Name is filled in if using this option	
		Route Signage	<input type="checkbox"/> Interstate (Not Turnpike)	<input type="checkbox"/> Turnpike (East/West)	<input type="checkbox"/> Turnpike Spur	<input type="checkbox"/> State Highway	<input type="checkbox"/> County Road	<input type="checkbox"/> Local Road or Street <input type="checkbox"/> Private <input type="checkbox"/> Other/Unknown
Distance From Landmark		Landmark 1	Intersecting Rt Num Or Mile Post	Or Segment Marker			Feet	
							<input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West <input type="checkbox"/> Unknown	
			Or Intersecting Street Name	St Ending			Or Miles	
		Landmark 2	Intersecting Rt Num Or Mile Post	Or Segment Marker			Feet	
							<input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West <input type="checkbox"/> Unknown	
			Or Intersecting Street Name	St Ending			Or Miles	
							Distance From Crash Scene to Landmark 1 (For Crash between Landmark 1 and Landmark 2)	
Traffic		Latitude:	41 00:45.80	Longitude:	78 17:14.00			
		Traffic Control Device	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Flashing Traffic Signal	<input type="checkbox"/> Traffic Signal <input type="checkbox"/> Stop Sign	<input type="checkbox"/> Yield Sign <input type="checkbox"/> Active RR Crossing Controls <input type="checkbox"/> Passive RR Crossing Controls	<input type="checkbox"/> Police Officer or Flagman <input type="checkbox"/> Other Type TCD <input type="checkbox"/> Unknown	TCD Functioning	
			<input type="checkbox"/> Partially	<input type="checkbox"/> Fully	<input type="checkbox"/> Unknown	<input type="checkbox"/> No Controls <input type="checkbox"/> Device Not Functioning	<input type="checkbox"/> Device Functioning Improperly <input type="checkbox"/> Device Functioning Properly	
		Lane Closed (If "Not Applicable", skip rest of the Lane Closure section)	<input type="checkbox"/> Not Applicable	<input type="checkbox"/> Fully	<input type="checkbox"/> Unknown	Lane Closure Direction	<input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> West <input type="checkbox"/> East and West <input type="checkbox"/> North and South <input type="checkbox"/> All (N.S.E.W.)	
		Traffic Detoured	<input type="checkbox"/> Yes <input type="checkbox"/> Unknown	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Est. Time Closed	< 30 Min. <input type="checkbox"/> 30-60 Min. <input type="checkbox"/> 1-3 hrs <input type="checkbox"/> 3-6 hrs <input type="checkbox"/> 6-9 hrs <input type="checkbox"/> > 9 hours <input type="checkbox"/> <input type="checkbox"/> Unknown	

POLICE CRASH REPORTING FORM

Page:

Crash Number

500 2

Police Use Only

COB-0772518

2

P0539588

<input checked="" type="checkbox"/> Motor Vehicle in Transport	<input type="checkbox"/> Hit & Run Vehicle	<input type="checkbox"/> Illegally Parked	<input type="checkbox"/> Legally Parked	<input type="checkbox"/> Non - Motorized	<input type="checkbox"/> Commercial Vehicle
<input type="checkbox"/> Pedestrian	<input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc	<input type="checkbox"/> Disabled From Previous Crash	<input type="checkbox"/> Train	<input type="checkbox"/> Phantom Vehicle	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)					(If Yes, Complete Form C)

Vict No	First Name	MI	Date of Birth (MM-DD-YYYY)
1	CHANG	F	06 23 1941
Delete?	Last Name	Telephone Number	
<input type="checkbox"/>	CHEN	(437)211-4018	
Address / City / State		Zip	20770

Driver License Number	State	Class
C500116248480	MD	C

alcohol/Drugs Suspected	Driver or Pedestrian Physical Condition
<input checked="" type="checkbox"/> No	<input type="checkbox"/> Illegal Drugs <input type="checkbox"/> Medication
<input type="checkbox"/> Alcohol	<input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Unknown
	<input checked="" type="checkbox"/> Apparently Normal <input type="checkbox"/> Illegal Drug Use <input type="checkbox"/> Fatigue <input type="checkbox"/> Medication
	<input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Sick <input type="checkbox"/> Asleep <input type="checkbox"/> Unknown

alcohol Test Type	Primary Vehicle Code Violation	Charged?
<input checked="" type="checkbox"/> Test Not Given	<input type="checkbox"/> Breath <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Blood	<input type="checkbox"/> Urine <input type="checkbox"/> Unknown if Test Given	

alcohol Test Results	Driver Presence	1=Driver Operated Vehicle	3=Driver Fled Scene
<input type="checkbox"/> Test Refused <input type="checkbox"/> Unknown Results	<input type="checkbox"/> Test Given, Contaminated Results	2=No Driver	4=Hit and Run
0. <input type="checkbox"/> <input type="checkbox"/>			9=Unknown

Owner/Driver	00=Not Applicable	02=Private Vehicle Not Owned/Leased by Driver	04=State Police Vehicle	07=Municipal Police Veh	09=Federal Gov Veh
02	01=Private Vehicle Owned/Leased by Driver	03=Rented Vehicle	05=PEINNDOT Vehicle	08=Other Municipal	98=Other
			06=Other State Gov Veh	Government Vehicle	99=Unknown

me as owner	Owner First Name	Owner Last Name or Business Name (If Pedestrian, skip this Section)	Vehicle Make	*Make Code
<input type="checkbox"/>	JIING	CHEN	CHEVROLET	20
dress / City / State / Zip	(see overlay)			

3038 FISH HATCHERY RD, FITCHBURG, WI 53713	Model Year			
16NDN19W5XBI90211	1994			
Vehicle Plate	Reg. State	Est. Speed	Vehicle Towed	
9356BR	WI	45	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Insurance	Insurance Company	Policy No	Towed By
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	AMERICA FAMILY	11116-1200-01-62	BIGLER BOYZ

Vehicle	Type	1=Towing Pass. Veh	4=Mobile/Modular Home	7=Semi-Trailer	Tag No	Tag Year	Tag St
it	No. of Trailing Units	<input type="checkbox"/> 2=Towing Truck	<input type="checkbox"/> 5=Camper	<input type="checkbox"/> 8=Other			
	<input type="checkbox"/> 3=Towing Utility Trailer	<input type="checkbox"/> 6=Full Trailer	<input type="checkbox"/> 9=Unknown				

Direction of travel	*Vehicle Position	03	*Movement	01	*See Overlay	Special Usage
<input type="checkbox"/> E						<input type="checkbox"/> 00

Vehicle Color	Vehicle Type	05=Large Truck	20=Unicycle, Bicycle, Tricycle	12=Commercial Passenger Carrier
09	01=Automobile	06= SUV	21=Other Pedalcycle	13=Taxi
06=Yellow	02=Motorcycle	07=Van	22=Horse & Buggy	21=Tractor Trailer
07=Silver	03=Bus	10=Snowmobile	23=Horse & Rider	22=Twin Trailer
08=Gold	04=Small Truck	11=Farm Equip	24=Train	23=Triple Trailer
09=Brown	10=Construction Equip	12=ATV	25=Trolley	31=Modified Veh
10=Orange	13=Other Type Spec Veh	18=Other Type Spec Veh	98=Other	99=Unknown
11=Purple	19=Unk. Type Spec Veh	19=Unknown	99=Unknown	
12=Other				
99=Unknown				

Initial Impact Point	Damage Indicator	Gradient	Road Alignment
<input type="checkbox"/> 00=Non-Collision	0=None	3=Downhill	1=Straight
01-12=Clock Points	1=Functional	4=Bottom of Hill	2=Curved
13=Top	2=Minor	5=Top of Hill	9=Unknown
99=Unknown	3=Disabling	6=Unknown	
	9=Unknown		

COMMONWEALTH OF PA SYLVANIA
POLICE CRASH REPORTING FORM

Page:

Crash Number

AA 500 2

Police Use Only C03-DT72518

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P053958

Unit Info		<input type="checkbox"/> Motor Vehicle In Transport <input type="checkbox"/> Hit & Run Vehicle <input type="checkbox"/> Illegally Parked <input type="checkbox"/> Legally Parked <input type="checkbox"/> Non-Motorized <input type="checkbox"/> Pedestrian <input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc <input checked="" type="checkbox"/> Disabled From Previous Crash <input type="checkbox"/> Train <input type="checkbox"/> Phantom Vehicle						<input type="checkbox"/> Commercial Vehicle <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
		(If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)						(If Yes, Complete Form C)					
Unit No		First Name			MI	Date of Birth (MM-DD-YYYY)							
2													
Delete?		Last Name							Telephone Number				
Address / City / State								Zip					
Driver License Number					State	Class							
Alcohol/Drugs Suspected		<input type="checkbox"/> No <input type="checkbox"/> Alcohol <input type="checkbox"/> Illegal Drugs <input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Medication <input type="checkbox"/> Unknown			Driver or Pedestrian Physical Condition			<input type="checkbox"/> Apparently Normal <input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Illegal Drug Use <input type="checkbox"/> Sick <input type="checkbox"/> Fatigue <input type="checkbox"/> Asleep <input type="checkbox"/> Medication <input type="checkbox"/> Unknown					
Alcohol Test Type		<input type="checkbox"/> Test Not Given <input type="checkbox"/> Blood <input type="checkbox"/> Breath <input type="checkbox"/> Urine			Unknown If Test Given			Primary Vehicle Code Violation					
Alcohol Test Results		<input type="checkbox"/> Test Refused <input type="checkbox"/> Test Given, Contaminated Results			Unknown Results			Charged? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Owner/Driver		<input type="checkbox"/> 00=Not Applicable <input type="checkbox"/> 01=Private Vehicle Owned/Leased by Driver			<input type="checkbox"/> 02=Private Vehicle Not Owned/Leased by Driver <input type="checkbox"/> 03=Rented Vehicle			<input type="checkbox"/> 04=State Police Vehicle <input type="checkbox"/> 05=PennDOT Vehicle <input type="checkbox"/> 06=Other State Gov Veh		<input type="checkbox"/> 07=Municipal Police Veh <input type="checkbox"/> 08=Other Municipal Government Vehicle		<input type="checkbox"/> 09=Federal Gov Veh <input type="checkbox"/> 98=Other <input type="checkbox"/> 99=Unknown	
Same as Driver		Owner First Name			Owner Last Name or Business Name (if Pedestrian, skip this Section)			Vehicle Make		*Make Code			
		EDWIN			HARDY TRUCKING INC			KENNEDY		85			
Address / City / State / Zip								Vehicle Model		(see overlay)			
RD2 BOX 2028, WANDUM, PA 11015								T100					
VIN		1XKA1DR9X2PS547801			Model Year			Towed By					
					1993								
License Plate		AE17834			PA	00	Reg. State Est. Speed	Vehicle Towed					
Insurance		Insurance Company			Policy No			Towed By					
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		WESTPORT INS. CORP			10CPI03000258500								
Trailing Unit		No. of Trailing Units:	Type Unit	1=Towing Pass. Veh 2=Towing Truck 3=Towing Utility Trailer	4=Mobile/Modular Home 5=Camper 6=Full Trailer	7=Semi-Trailer 8=Other 9=Unknown	Tag No	Tag Year	Tag St				
							XS53H57	2004	PA				
Direction of Travel		E	*Vehicle Position	03	*Movement	98	*See Overlay	Special Usage					
Vehicle Color		01	Vehicle Type	05	05=Large Truck 06=SUV 07=Van 08=Bus 09=Small Truck (If "02", Complete Form M, Section 26) 10=ATV 11=Other 12=Unknown	20=Unicycle, Bicycle, Tricycle 21=Other Pedalcycle 22=Horse & Buggy 23=Horse & Rider 24=Train 25=Trolley 98=Other	21	12=Commercial Passenger Carrier 13=Taxi 21=Tractor Trailer 22=Twin Trailer 23=Triple Trailer 31=Modified Veh 99=Unknown					
Initial Impact Point		15	00=Non-Collision 01-12=Clock Points 13=Top	14=Undercarriage 15=Towed Unit 99=Unknown	Damage Indicator	1=None 2=Functional 3=Minor 4=Disabling 9=Unknown	Gradient	3=Downhill 4=Bottom of Hill 5=Top of Hill 9=Unknown	Road Alignment				

POLICE-COPY

UNWEALTH OF P. PENNSYLVANIA
CRASH REPORTING FORM

New

Crash Number

Use Only

003-0772518

Page:

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Change/
Continuation

P0539588

Unit Info

Type Unit Motor Vehicle in Transport Hit & Run Vehicle Illegally Parked Legally Parked Non-Motorized
 Pedestrian Pedestrian on Skates, in Wheelchair, etc Disabled From Previous Crash Train Phantom Vehicle
 (If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)

Commercial Vehicle
 Yes No
 (If Yes, Complete Form C)

Unit No

First Name

MI

Date of Birth (MM-DD-YYYY)

3

RICHARD

E

03

13

1954

Delete?

Last Name

Telephone Number

BRAUDY

(217)894-0580

Zip

U2324

Address / City / State

315 E. LAFAYETTE, CLANTON, IL

Driver License Number

BUB3074560075

State

Class

IL

A

Alcohol/Drugs Suspected

No Illegal Drugs Medication
 Alcohol Alcohol and Drugs Unknown

Driver or Pedestrian Physical Condition

Apparently Normal Illegal Drug Use Fatigue Medication
 Had Been Drinking Sick Asleep Unknown

Alcohol Test Type

Test Not Given Breath Other
 Blood Urine Unknown if Test Given

Primary Vehicle Code Violation

6309 3341

Charged?

Yes No

Alcohol Test Results

0. Test Refused
 Test Given, Contaminated Results

Driver Presence

1=Driver Operated Vehicle
 2=No Driver 3=Driver Fleed Scene
 4=Hit and Run
 9=Unknown

Owner/Driver 00=Not Applicable

01=Private Vehicle Owned/
Leased by Driver

02=Private Vehicle Not
Owned/Leased by Driver

03=Rented Vehicle

04=State Police Vehicle

05=PennDOT Vehicle
06=Other State Gov Veh

07=Municipal Police Veh

08=Other Municipal
Government Vehicle

09=Federal Gov Veh

98=Other
99=Unknown

Same as
Driver

Owner First Name

SHARKEY

Owner Last Name or Business Name (If Pedestrian, skip this Section)

TRANSPORTATION INC

Address / City / State / Zip

3803 DUE ROAD, P.O. BOX 3150, QUINCY, IL 62305

Vehicle Make

MACK

*Make Code

84

VIN

1M1AED00V4VW003805

Model Year

2000

Vehicle Model

MACK VISION

(see overlay)

License Plate

P357113

Reg. State

IL

Est. Speed

40

Vehicle Towed

Yes No

Towed By

Insurance

Yes

No Unknown

Insurance Company

GREAT WEST CASUALTY

Policy No

CLP93840D

Trailing Unit

No. of Trailing Units: 1

Type Unit

7

1=Towing Pass. Veh

2=Towing Truck
3=Towing Utility Trailer

4=Mobile/Modular Home

5=Camper
6=Full Trailer

7=Semi-Trailer

8=Other
9=Unknown

Tag No

T245029

Tag Year

2004

Tag St

IL

Direction of Travel

E

*Vehicle Position

01

*Movement

01

*See Overlay

Special Usage

21

12=Commercial
Passenger
Car
13=Taxi
14=Tractor
Trailer
15=Twin trailer
16=Triple trailer
17=Modified Veh
18=Unknown

Vehicle Color

04

06=Yellow

07=Silver

08=Gold

09=Brown

10=Orange

11=Purple

12=Other

13=White

14=Green

15=Black

99=Unknown

Vehicle Type

05

01=Automobile

02=Motorcycle

03=Bus

04=Small Truck

(If "02", Complete Form M, Section 26)

(If "20" or "21", Complete Form M, Section 27)

05=Large Truck

06=SUV

07=Van

10=Snowmobile

11=Farm Equip

12=Construction Equip

13=ATV

18=Other Type Spec Veh

19=Unk. Type Spec Veh

20=Unicycle, Bicycle, Tricycle

21=Other Pedalcycle

22=Horse & Buggy

23=Horse & Rider

24=Train

25=Trolley

98=Other

99=Unknown

*Initial Impact Point

1

00=Non-Collision

01-12=Clock Points

13=Top

Damage Indicator

2

0=None

1=Minor

2=Functional

3=Disabling

9=Unknown

Gradient

1

1=Level

2=Uphill

3=Downhill

4=Bottom of Hill

5=Top of Hill

9=Unknown

Road Alignment

1

1=Slight

2=Curved

9=Unknown

AA 500 2

Police Use Only.

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Change/
Continuation

P 0 5 3 9 5 8 8

10		Type Unit		<input type="checkbox"/> Motor Vehicle/In Transport	<input type="checkbox"/> Hit & Run Vehicle	<input type="checkbox"/> Legally Parked	<input type="checkbox"/> Legally Parked	<input type="checkbox"/> Non-Motorized	Commercial	
		<input type="checkbox"/> Pedestrian	<input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc	<input type="checkbox"/> Disabled From Previous Crash	<input type="checkbox"/> Train	<input type="checkbox"/> Phantom Vehicle	<input type="checkbox"/> Yes	<i>(If Yes, Complete</i>		
<i>(If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)</i>										
Unit Info		Unit No	First Name			MI	Date of Birth (MM-DD-YYYY)			
		4								
Delete?		Last Name			Telephone Number					
Address / City / State							Zip			
Driver License Number							State	Class		
Alcohol/Drugs Suspected		<input type="checkbox"/> No	<input type="checkbox"/> Illegal Drugs	<input type="checkbox"/> Medication	Driver or Pedestrian Physical Condition					
		<input type="checkbox"/> Alcohol	<input type="checkbox"/> Alcohol and Drugs	<input type="checkbox"/> Unknown	<input type="checkbox"/> Apparently Normal	<input type="checkbox"/> Illegal Drug Use	<input type="checkbox"/> Fatigue	<input type="checkbox"/> Medic		
Alcohol Test Type		<input type="checkbox"/> Test Not Given	<input type="checkbox"/> Breath	<input type="checkbox"/> Other	<input type="checkbox"/> Had Been Drinking	<input type="checkbox"/> Sick	<input type="checkbox"/> Asleep	<input type="checkbox"/> Unknown		
		<input type="checkbox"/> Blood	<input type="checkbox"/> Urine	<input type="checkbox"/> Unknown if Test Given	Primary Vehicle Code Violation					
Alcohol Test Results		<input type="checkbox"/> Test Refused	<input type="checkbox"/> Unknown Results	Driver Presence						
		<input type="checkbox"/> Test Given, Contaminated Results	1=Driver Operated Vehicle 3=Driver Fleed Scene							
		0			<input type="checkbox"/> 2	Vehicle	4=Hit and Run			
							2=No Driver	9=Unknown		
Owner/Driver		00=Not Applicable	02=Private Vehicle, Not Owned/Leased by Driver	04=State Police Vehicle	07=Municipal Police Veh	09=Federal				
		01=Private Vehicle Owned/Leased by Driver	03=Rented Vehicle	05=PennDOT Vehicle	08=Other Municipal	98=Other				
				06=Other State Gov Veh	Government Vehicle	99=Unknown				
Same as Driver		Owner First Name		Owner Last Name or Business Name (If Pedestrian, skip this Section)						
		ROOD		TRUCKING CO INS						
Address / City / State / Zip							Vehicle Make			
3505 LINION ST, MINERAL RIDGE OH 44440							VOLVO			
VIN		4V67DE6AUXN784370					Model Year			
							1999			
License Plate		PLI H 8254	Reg. State	OH	Est. Speed	00	Vehicle Towed	Vehicle Model		
							WLT	Towed By		
Insurance		Insurance Company			Policy No					
<input type="checkbox"/> Yes		<input type="checkbox"/> No			<input type="checkbox"/> Unknown					
		LINCOLN GENERAL INS CO			LTC 100328101					
12		Trailing Unit	No. of Trailing Units:	Type Unit	1=Towing Pass. Veh	4=Mobile/Modular Home	7=Semi-Trailer	Tag No	Tag Year	
			1	7	2=Towing Truck	5=Camper	8=Other	HR99LPO	2004	
				3=Towing Utility Trailer	6=Full Trailer	9=Unknown				
Vehicle Information		Direction of Travel	E	*Vehicle Position	92	*Movement	92	*See Overlay	Special Usage	
		Vehicle Color	02	Vehicle Type	01=Automobile	05=Large Truck	20=Unicycle, Bicycle, Tricycle	21=Other Pedalcycle	2=	
			06=Yellow	02=Motorcycle	06=SLV	07=Van	22=Horse & Buggy	13=Taxi		
			07=Silver	03=Bus	10=Snowmobile	11=Farm Equip	23=Horse & Rider	01=Fire Veh		
			08=Gold	04=Small Truck	12=Construction Equip	13=ATV	24=Train	02=Ambulance		
			09=Brown	(If "02", Complete Form M, Section 26)	18=Other Type Spec Veh	19=Unk. Type Spec Veh	25=Trolley	03=Police		
			10=Orange				98=Other	08=Other Emergency Vehicle		
			11=Purple				99=Unknown	31=Modifie		
			12=Other					11=Pupil Transport		
			04=Green					12=Commu		
			05=Black					Passen-		
			99=Unknown					Carrier		
Initial Impact Point		09	00=Non-Collision	14=Undercarriage	2=	0=Non	2=Functional	12=		
			01-12=Clock Points	15=Towed Unit	1=Minor	1=Minor	1=			
			13=Top	99=Unknown	3=Disabling	3=				
					9=Unknown	1=Level	1=Commu			
						2=Uphill	2=Passen-			
							3=Carrier			
							4=Bottom of Hill			
							5=Top of Hill			
							9=Unknown			

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Crash Number

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P0539588

People Information

A Person Type:
 1=Driver
 2=Passenger
 7=Pedestrian
 8=Other
 9=Unknown

D Seat Position:
 00=Not A Passenger/Occupant
 01=Driver - All Vehicles
 02=Front Seat Middle Position
 03=Front Seat Right Side
 04=Second Row - Left Side Or
 Motorcycle Passenger
 05=Second Row - Middle Position
 06=Second Row - Right Side
 07=Third Row Or Greater -
 Left Side
 08=Third Row Or Greater -
 Middle Position
 09=Third Row Or Greater -
 Right Side

B Sex:
 F=Female
 M=Male
 U=Unknown

C Injury Severity:
 0=Not Injured
 1=Killed
 2=Major Injury
 3=Moderate Injury
 4=Minor Injury
 8=Injury, Unknown Severity
 9=Unknown if Injury

10=Sleeper Section Of Truck/cab
 11=In Other Enclosed Passenger Or Cargo Area
 12=In Open Area (Back Of Pickup, Etc.)
 13=Trailing Unit
 14=Riding On Vehicle Exterior
 15=Bus Passenger
 98=Other
 99=Unknown

E Safety Equipment One:
 00=None Used / Not Applicable
 01=Shoulder Belt Used
 02=Lap Belt Used
 03=Lap And Shoulder Belt Used
 04=Child Safety Seat Used
 05=Motorcycle Helmet Used
 06=Bicycle Helmet Used
 10=Safety Belt Used Improperly
 11=Child Safety Seat Used Improperly
 12=Helmet Used Improperly
 90=Restraint Used, Type Unknown
 99=Unknown

F Safety Equipment Two:
 00=None Used / Not Applicable
 01=Front Air Bag Deployed (For This Seat)
 02=Side Air Bag Deployed (For This Seat)
 03=Other Type Air Bag Deployed
 04=Multiple Air Bags Deployed
 05=Motorcycle Eye Protection
 06=Bicyclist Wearing Elbow/Knee/Pads
 10=Air Bag Not Deployed, Switch On
 11=Air Bag Not Deployed, Switch Off
 12=Air Bag Not Deployed, Unknown Switch Setting
 13=Air Bag Removed (Prior To Crash)
 19=Unknown If Air Bag Deployed
 99=Unknown

G Ejection:
 0=Not Applicable
 1=Not Ejected
 2=Totally Ejected
 3=Partially Ejected
 9=Unknown

H Ejection Path:
 0=Not Ejected / Not Applicable
 1=Through Side Door Opening
 2=Through Side Window
 3=Through Windshield
 4=Through Back Door
 5=Through Back Door Tailgate Opening
 6=Through Roof Opening (Sunroof/Convertible Top Down)
 7=Through Roof Opening (Convertible Top Up)
 9=Unknown

I Extrication:
 0=Not Applicable
 1=Not Extricated
 2=Extricated By Mechanical Means
 3=Freeed By Non - Mechanical Means
 8=Other
 9=Unknown

EMS Agency: (NONE) CLEARFIELD EMS

Medical Facility: NONE

Unit No	Person No	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G - H	I		
1	01	04-23-1941	1	M	0	0	1	03	1	2	0	0

Name / Address / Phone

EMS Transport

 Yes

Same as
Operator

Unit No	Person No	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G - H	I	
1	02	04-23-1949	2	F	4	0	0	0	0	0	0

Name / Address / Phone

EMS Transport

 Yes

Same as
Operator

YUE YING LIN, 7905 GREENBELL DR, GREENBELL, MD 20770 (43) 241-4018

Unit No	Person No	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G - H	I	
3	01	03-13-1960	1	M	0	0	1	03	0	0	0

Name / Address / Phone

EMS Transport

 Yes

Same as
Operator

Unit No	Person No	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G - H	I	

Name / Address / Phone

EMS Transport

 Yes

Same as
Operator

Unit No	Person No	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G - H	I

Name / Address / Phone

EMS Transport

 Yes

Same as
Operator

Unit No	Person No	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G - H	I

Name / Address / Phone

EMS Transport

 Yes

Same as
Operator

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General Crash Information (If more than 2, this only complete one)	<u>Crash Description</u>	<input checked="" type="checkbox"/> 0=Non-Collision <input type="checkbox"/> 1=Rear End <input type="checkbox"/> 2=Front End <input type="checkbox"/> 3=Rear to Rear (Backing)	<input type="checkbox"/> 2=Head On <input type="checkbox"/> 3=Rear to Rear (Backing) <input type="checkbox"/> 4=Side Impact <input type="checkbox"/> 5=Sideswipe (Same Direction) <input type="checkbox"/> 6=Angle <input type="checkbox"/> 7=Angle <input type="checkbox"/> 8=Sideswipe (Opposite Direction) <input type="checkbox"/> 9=Hit Fixed Object <input type="checkbox"/> 10=Hit Pedestrian <input type="checkbox"/> 11=Hit Vehicle <input type="checkbox"/> 12=Hit Other/Unknown							
	<u>Relation to Roadway</u>	<input checked="" type="checkbox"/> 1=On Travel Lanes <input type="checkbox"/> 2=Shoulder <input type="checkbox"/> 3=Median <input type="checkbox"/> 4=Roadside	<input type="checkbox"/> 5=Outside Trafficway <input type="checkbox"/> 6=In Parking Lane <input type="checkbox"/> 7=Gore (Ramp Intersection) <input type="checkbox"/> 8=Unknown							
	<u>Illumination</u>	<input checked="" type="checkbox"/> 1=Daylight <input type="checkbox"/> 2=Dark - No Street Lights <input type="checkbox"/> 3=Dark - Street Lights <input type="checkbox"/> 4=Dusk	<input type="checkbox"/> 5=Dawn <input type="checkbox"/> 6=Dark - Unknown Roadway Lighting <input type="checkbox"/> 7=Other							
	<u>Weather Conditions</u>	<input checked="" type="checkbox"/> 1=No Adverse Conditions <input type="checkbox"/> 2=Rain <input type="checkbox"/> 3=Snow <input type="checkbox"/> 4=Wind	<input type="checkbox"/> 5=Fog <input type="checkbox"/> 6=Rain & Fog <input type="checkbox"/> 7=Sleet & Fog <input type="checkbox"/> 8=Other							
	<u>Road Surface Conditions</u>	<input checked="" type="checkbox"/> 5=Dry <input type="checkbox"/> 1=Wet <input type="checkbox"/> 2=Sand, Mud, Dirt <input type="checkbox"/> 3=Snow Covered <input type="checkbox"/> 4=Oil	<input type="checkbox"/> 4=Slush <input type="checkbox"/> 5=Ice <input type="checkbox"/> 6=Ice Patches <input type="checkbox"/> 7=Water - Standing or Moving <input type="checkbox"/> 8=Other							
		<u>Harm Event L/R</u> <u>Most?</u> <u>Utility Pole Number</u>								
16	Unit No	<input checked="" type="checkbox"/> 1 02 <input type="checkbox"/> 0	<u>Harmful Events (Harm Event)</u>	30=Hit Fence Or Wall 31=Hit Building 32=Hit Culvert 33=Hit Bridge Pier Or Abutment 34=Hit Parapet End 35=Hit Bridge Rail 36=Hit Boulder Or Obstacle On Roadway 37=Hit Impact Attenuator 38=Hit Fire Hydrant 39=Hit Roadway Equipment 40=Hit Mail Box 41=Hit Traffic Island 42=Hit Snow Bank 43=Hit Temporary Construction Barrier 48=Hit Other Fixed Object 49=Hit Unknown Fixed Object 50=Overturn/Roll Over 51=Struck By Thrown Or Falling Object 52=Pot Holes Or Other Pavement Irregularities 53=Jackknife 54=Fire In Vehicle 58=Other Non-Collision 99=Unknown Harmful Event						
16	Unit No	<input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	<input type="checkbox"/> 2 <input type="checkbox"/> 0							
17	Unit No	<input type="checkbox"/> 2 <input type="checkbox"/> 0	<input type="checkbox"/> 3 <input type="checkbox"/> 0							
17	Unit No	<input type="checkbox"/> 3 <input type="checkbox"/> 0	<input type="checkbox"/> 4 <input type="checkbox"/> 0							
17	First Harmful Event in the Crash	Unit No <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 02	Harm Event <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 02	Unit No <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 02	Harm Event <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 02	<u>Driver Action (D)</u>	17=Careless Or Illegal Backing On Roadway 18=Driving On The Wrong Side Of Road 19=Making Improper Entrance To Highway 20=Making Improper Exit From Highway 21=Careless Parking/Unparking 22=Over/Under Compensation At Curve 23=Speeding 24=Driving Too Fast For Conditions 25=Failure To Maintain Proper Speed 26=Driver Fleeing Police (Pol Chase) 27=Driver Inexperienced 28=Failure To Use Specialized Equip 92=Affected By Physical Condition 98=Other Improper Driving Actions 99=Unknown			
18	Environmental / Roadway Potential Factors (E/R)	1 <input type="checkbox"/> 1 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	2 <input type="checkbox"/> 0	3 <input type="checkbox"/> 0	11=Slippery Road Conditions (Ice/Snow) 12=Substance On Roadway 13=Potholes 14=Broken Or Cracked Pavement 15=TCD Obstructed 16=Soft Shoulder Or Shoulder Drop Off 17=Other Roadway Factor 28=Other Environmental Factor 99=Unknown	<input type="checkbox"/> Unit No <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 24 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	1 <input type="checkbox"/> 24 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	2 <input type="checkbox"/> 0	3 <input type="checkbox"/> 0	4 <input type="checkbox"/> 0
18	Possible Vehicle Failures (V)	0=None 1=Tires 2=Brake System 3=Steering System 4=Suspension 5=Power Train	6=Exhaust 7=Headlights 8=Signal Lights 9=Other Lights 10=Horn 11=Mirrors	12=Wipers 13=Driver Seating/Control 14=Body, Doors, Hood, Etc 15=Trailer Hitch 16=Wheels 17=Airbags 18=Trailer Overloaded 19=Unsecure/Shifted Trailer Load 20=Improper Towing 21=Obstructed Windshield 99=Unknown	<input type="checkbox"/> Unit No <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 00 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	1 <input type="checkbox"/> 00 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	2 <input type="checkbox"/> 0	3 <input type="checkbox"/> 0	4 <input type="checkbox"/> 0	
19	Indicated Prime Factor	Unit No <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 00 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	Unit No <input type="checkbox"/> 1 <input type="checkbox"/> 24 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	Factor Code <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 24 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	<u>Pedestrian Action (P)</u>	03=Working 04=Pushing Vehicle 05=Approaching Or Leaving Vehicle 06=Working On Vehicle 07=Standing 98=Other 99=Unknown				
19	E/R V D P	<input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 0	<input type="checkbox"/> 1 <input type="checkbox"/> 00 <input type="checkbox"/> 0 <input type="checkbox"/> 0	<input type="checkbox"/> 2 <input type="checkbox"/> 00 <input type="checkbox"/> 0 <input type="checkbox"/> 0	Unit No <input type="checkbox"/> 1 <input type="checkbox"/> 00 <input type="checkbox"/> 0 <input type="checkbox"/> 0	Unit No <input type="checkbox"/> 2 <input type="checkbox"/> 00 <input type="checkbox"/> 0 <input type="checkbox"/> 0				
	If E/R is the Prime Factor Turn Issue Unit No 1									

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<u>Crash Description</u>	<input type="checkbox"/> 0=Non-Collision 1=Rear End	<input type="checkbox"/> 2=Head On 3=Rear to Rear (Backing)	<input type="checkbox"/> 4=Angle 5=SideSwipe (Same Direction)	<input type="checkbox"/> 6=Sideswipe (Opposite Direction) 7=Hit Fixed Object	<input type="checkbox"/> 8=Hit Pedestrian 9=Other/Unknown
<u>Location to Roadway</u>	<input type="checkbox"/> 1=On Travel Lanes 2=Shoulder	<input type="checkbox"/> 3=Median 4=Roadside	<input type="checkbox"/> 5=Outside Trafficway 6=In Parking Lane	<input type="checkbox"/> 7=Gore (Ramp Intersection) 9=Unknown	
<u>Environment</u>	<input type="checkbox"/> 1=Daylight 2=Dark - No Street Lights	<input type="checkbox"/> 3=Dark - Street Lights 4=Dusk	<input type="checkbox"/> 5=Dawn 6=Dark - Unknown Roadway Lighting	<input type="checkbox"/> 8=Other	
<u>Weather Conditions</u>	<input type="checkbox"/> 1=No Adverse Conditions 2=Rain	<input type="checkbox"/> 3=Street (Hall) 4=Snow	<input type="checkbox"/> 5=Fog 6=Rain & Fog	<input type="checkbox"/> 7=Sleet & Fog 8=Other	<input type="checkbox"/> 9=Unknown
<u>road Surface Conditions</u>	<input type="checkbox"/> 0=Dry 1=Wet	<input type="checkbox"/> 2=Sand, Mud, Dirt, Oil 3=Snow Covered	<input type="checkbox"/> 4=Slush 5=Ice	<input type="checkbox"/> 6=Ice Patches 7=Water - Standing or Moving	<input type="checkbox"/> 8=Other

	Harm Event L/R	Most?	Utility Pole Number
It No	1 01	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	2 04	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
use Put nts in ential order	3	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	4	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Harmful Events (Harm Event)

- 01=Hit Unit 1
- 02=Hit Unit 2
- 03=Hit Unit 3
- 04=Hit Unit 4
- 05=Hit Unit 5
- 06=Hit Other Traffic Unit
- 07=Hit Deer
- 08=Hit Other Animal
- 09=Collision With Other Non-Fixed Object
- 11=Struck By Unit 1
- 12=Struck By Unit 2
- 13=Struck By Unit 3
- 14=Struck By Unit 4
- 15=Struck By Unit 5
- 16=Struck By Other Traffic Unit
- 21=Hit Tree Or Shrubbery
- 22=Hit Embankment
- 23=Hit Utility Pole
- 24=Hit Traffic Sign
- 25=Hit Guard Rail
- 26=Hit Guard Rail End
- 27=Hit Curb
- 28=Hit Concrete Or Longitudinal Barrier
- 29=Hit Ditch

	Unit No	Harm Event	Most Harmful Event in the Crash	Unit No	Harm Event
Unit No	1	1 3	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	2		<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
use Put nts in ential order	3		<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	4		<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

Driver Action (D)

- 00=No Contributing Action
- 01=Driver Was Distracted
- 02=Driving Using Hand Held Phone
- 03=Driving Using Hands Free Phone
- 04=Making Illegal U-Turn
- 05=Improper/Careless Turning
- 06=Turning From Wrong Lane
- 07=Proceeding W/O Clearance After Stop
- 08=Running Stop Sign
- 09=Running Red Light
- 10=Failure To Respond To Other Traffic Control Device
- 11=Tailgating
- 12=Sudden Slowing/Stopping
- 13=Illegally Stopped On Road
- 14=Careless Passing Or Lane Change
- 15=Passing In No Passing Zone
- 16=Driving The Wrong Way On 1-Way Street

Unit No 3 1 2 4 2 3 4

Unit No 4 1 0 0 2 3 4

Pedestrian Action (P)

- 00=None
- 01=Entering Or Crossing At Specified Location
- 02=Walking, Running, Jogging, Or Playing
- 03=Working
- 04=Pushing Vehicle
- 05=Approaching Or Leaving Vehicle
- 06=Working On Vehicle
- 07=Standing
- 98=Other
- 99=Unknown

Unit No 3 0 0

Unit No 4 0 0

<u>Vehicle Failures (V)</u>	11=Slippery Road Conditions (ice/snow) 12=Substance On Roadway 13=Potholes 14=Broken Or Cracked Pavement 15=TCD Obstructed 16=Soft Shoulder Or Shoulder Drop Off 17=Other Roadway Factor 18=Other Environmental Factor 99=Unknown	12=Wipers 13=Driver Seating/Control 14=Body, Doors, Hood, Etc 15=Trailer Hitch 16=Wheels 17=Airbags 18=Trailer Overloaded 19=Unsecure/Shifted Trailer Load 20=Improper Towing 21=Obstructed Windshield 99=Unknown
-----------------------------	---	---

1 3 0 0 1 0 0 2 0 0 2 0 0

Rated Prime Factor
If repeat this information on
multiple pages.

R V D P

Unit No Factor Code

If E/R is the Prime Factor
Type, leave Unit No blank.

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Page:

New

Change/
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Crash Number

9

D0539582

Unit No

2

Number of Axles

99

(Code Number of Axles
or "99" for unknown)

Carrier Phone

(724) 535-7374

Carrier Name

EDNIN HARDY TRUCKING INC

Address

ED2 BOX 202A

GVWR

80000

City

WAMPUM

State

PA

Zip

16157

USDOTS

132340

ICC #

MC289980

PUC #

A112070

Cargo Body Type

- Not Applicable
- Flat Bed
- Auto Transport
- Van/Enclosed Box
- Dump
- Garbage/Refuse
- Cargo Tank
- Concrete Mixer
- Bus
- Other/Unknown

Vehicle Configuration

- Not Applicable
- Passenger Car - Only Record if HazMat Placard Displayed
- Light Truck (Van, Mini-Van, Panel, Pickup or SUV with HazMat Placard)
- Single Unit Truck (2 Axles, 6 Tires)
- Single Unit Truck (3 or More Axles)
- Single Unit Truck (Unknown Number of Axles)
- Truck/Trailer(s)
- Truck Tractor (Bobtail)
- Tractor/Semi-Trailer(s)
- Medium/Heavy Truck - Cannot Classify
- Small Bus (Seats 9-15 People, Including Driver)
- Bus (Seats More Than 15 People, Including the Driver)
- Other
- Unknown

Hazardous Material

Yes

No

Enter 1-digit hazardous material class

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Release Indicator 1 = No Release 2 = Release Occurred 9 = Unknown

Unit No

3

Number of Axles

99

(Code Number of Axles
or "99" for unknown)

Carrier Phone

(217) 228-4555

Carrier Name

CHARKEY TRANSPORTATION INC

GVWR

80000

Address

3803 DVE ROAD

City

GUINCY

State

IL

Zip

62305

USDOTS

55815

ICC #

MC135598

PUC #

Cargo Body Type

- Not Applicable
- Van/Enclosed Box
- Cargo Tank
- Flat Bed
- Dump
- Concrete Mixer
- Auto Transport
- Bus
- Other/Unknown

Vehicle Configuration

- Not Applicable
- Passenger Car - Only Record if HazMat Placard Displayed
- Light Truck (Van, Mini-Van, Panel, Pickup or SUV with HazMat Placard)
- Single Unit Truck (2 Axles, 6 Tires)
- Single Unit Truck (3 or More Axles)
- Single Unit Truck (Unknown Number of Axles)
- Truck/Trailer(s)
- Truck Tractor (Bobtail)
- Tractor/Semi-Trailer(s)
- Medium/Heavy Truck - Cannot Classify
- Small Bus (Seats 9-15 People, Including Driver)
- Bus (Seats More Than 15 People, Including the Driver)
- Other
- Unknown

Hazardous Material

Yes

No

Enter 1-digit hazardous material class

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Release Indicator 1 = No Release 2 = Release Occurred 9 = Unknown

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New

Crash Number

10

Change/
Continuation

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No

Number of Axles

99

(Code Number of Axles
or "99" for unknown)

Carrier Phone

(330) 452-3440

Carrier Name

WOOD TRUCKING CO INC

Address

506 UNION ST

GVWR

80000

City

INTERNAL RIDGE

Oversize Load

Yes No
 Unknown

T#

ICC #

State

Zip

PUC #

Body Type

Not Applicable

Flat Bed

Auto Transport

Van/Enclosed Box

Dump

Garbage/Refuse

Concrete Mixer

Bus

Cargo Tank

Other/Unknown

Other/Unknown

Vehicle Configuration

Not Applicable

Passenger Car - Only Record If

HazMat Placard Displayed

Light Truck (Van, Mini-Van, Panel,

Pickup or SUV with HazMat Placard)

Single Unit Truck (2 Axles, 6

Tires)

Single Unit Truck (3 or More Axles)

Single Unit Truck (Unknown

Number of Axles)

Truck/Trailer(s)

Truck Tractor (Bobtail)

Tractor/Semi-Trailer(s)

Medium/Heavy Truck - Cannot
Classify

Small Bus (Seats 9-15 People,
Including Driver)

Bus (Seats More Than 15
People, Including the Driver)

Other

Unknown

Release Indicator

1 = No Release 2 = Release Occurred 9 = Unknown

10

Number of Axles

99

(Code Number of Axles
or "99" for unknown)

Carrier Phone

() -

Carrier Name

55

GVWR

80000

Address

55

Oversize Load

Yes No
 Unknown

City

INTERNAL RIDGE

State

Zip

T#

ICC #

PUC #

11

Body Type

Not Applicable

Flat Bed

Auto Transport

Van/Enclosed Box

Dump

Garbage/Refuse

Cargo Tank

Concrete Mixer

Bus

Other/Unknown

Vehicle Configuration

Not Applicable

Passenger Car - Only Record If

HazMat Placard Displayed

Light Truck (Van, Mini-Van, Panel,

Pickup or SUV with HazMat Placard)

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Tires)

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Number of Axles)

Truck/Trailer(s)

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Tractor/Semi-Trailer(s)

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Including Driver)

Bus (Seats More Than 15
People, Including the Driver)

Other

Unknown

Release Indicator

1 = No Release 2 = Release Occurred 9 = Unknown

005

Police Use Only

03-0772518

Page

P0539588

< EXIT 12B, APPROX 3.5 MILES

INITIAL POINT OF IMPACT



SOUTHERN

FINAL REST POSITION UNIT 1

1

1

2

3

3

3

4

INITIAL POINT OF IMPACT UNIT 3

INITIAL POINT OF IMPACT UNIT 3

4

3

3

4

FINAL REST POSITION

WINGS NOT TO SCALE

Witness Name	Address	Phone
FFRED J. BRENNAN	1310 SHERMAN RD, STEVENSVILLE, OH 44136	(419) 238-3029
FFRED L. FENTON	147 DOE HILL RD, WOODLAND, PA 16088	(812) 857-3800

Witness and additional witnesses:

Accident Investigation Notification Issued? Property Damage

UNIT #1, NO CELL PHONE PRESENT OR IN USE

UNIT #2, NO CELL PHONE PRESENT OR IN USE

UNIT #3, NO CELL PHONE PRESENT OR IN USE

UNIT #4, NO CELL PHONE PRESENT OR IN USE

THIS COLLISION OCCURRED AS UNIT #1 WAS TRAVELING WEST ON SR 0080 IN THE LEFT LANE AT A SPEED GREATER THAN REASONABLE OR PRUDENT FOR HAZARDOUS ROADWAY CONDITIONS. AT THIS TIME, UNIT #2 WAS DISABLED FROM A PREVIOUS COLLISION ON 0210/01 ALONG THE NORTH BERM SR 0080. THE TRAILER OF UNIT #2 WAS ^{OVER TURNED} DISABLED PARTIALLY ON THE ROADWAY OF LEFT LANE AS UNIT #1 WAS TRAVELING EAST IN THE LEFT LANE. AS UNIT #1 APPROACHED THE DISABLED TRAILER, OPERATOR #1 ATTEMPTED TO AVOID STRIKING THE TRAILER BY ATTEMPTING TO TRAVEL INTO THE RIGHT LANE SR 0080. UNIT #1 THEN STRUCK THE REAR TIRES OF THE RETURNED TRAILER AND CONTINUED TO TRAVEL IN A COUNTER CLOCKWISE DIRECTION AS IT WAS STRUCK FROM BEHIND BY UNIT #3 THAT WAS TRAVELING IN THE RIGHT LANE OF SR 0080.

(more)

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM NEW

Crash Number

500 N

Police Use Only

CD3-0772518

Page

12

 Change/
Continuation

P0539588

Narrative and additional witnesses:

UNIT #1 CAME TO ITS FINAL RESTING POSITION FACING WEST ALONG SIDE OF DISABLED TRAILER ALONG LEFT LANE OF SR0080. AFTER IMPACT WITH UNIT #1, UNIT #3 CONTINUED TO TRAVEL APPROXIMATELY 50 FEET ALONG SR0080 AND OVER AND ACROSS SOUTH BERM AND INTO SNOW EMBANKMENT APPROXIMATELY 50 FEET SOUTH OF SR0080. AT THIS TIME, UNIT #3 STRUCK THE LEFT SIDE OF UNIT #4 AS IT WAS DISABLED AT THE LOCATION. AFTER IMPACT WITH UNIT #4, UNIT #3 CONTINUED TO TRAVEL APPROXIMATELY 20 FEET IN AN EAST DIRECTION AND CAME TO ITS FINAL RESTING POSITION.

PHYSICAL EVIDENCE: DAMAGE OBSERVED TO FRONT LEFT HOOD AND BUMPER OF UNIT #1 FROM IMPACT WITH TRAILER OF UNIT #2. DAMAGE OBSERVED TO ENTIRE REAR OF UNIT #1 FROM IMPACT WITH UNIT #3. DEBRIS ALONG ROADWAY FROM UNIT #1 FRONT FRONT END AND LEFT FRONT FENDER. DAMAGE OBSERVED IN UNIT #3 FROM IMPACT WITH UNIT #1. DAMAGE OBSERVED TO RIGHT SIDE MIRROR AND RIGHT SIDE OF CAB OF UNIT #3 FROM IMPACT WITH UNIT #4. DAMAGE OBSERVED TO LEFT SIDE AND TOP OF CAB OF UNIT #4 FROM IMPACT WITH UNIT #3.

ON 02/10/04 AT APPROXIMATELY 1045 HOURS, I ATTEMPTED TO INTERVIEW OPERATOR #1 AT THE SCENE. OPERATOR #1 COULD NOT SPEAK OR COMPREHEND THE ENGLISH LANGUAGE AND INTERVIEW COULD NOT BE CONDUCTED AT THIS TIME.

ON 02/10/04 AT APPROXIMATELY 1119 HOURS, I INTERVIEWED OPERATOR #3 AT THE SCENE. OPERATOR #3 RELATED THAT HE OBSERVED UNIT #1 TRAVELING ALONG SIDE HIM AND STRUCK THE DISABLED TRAILER IN LEFT LANE. HE THEN RELATED THAT UNIT #1 CUT IN FRONT OF HIM AND HE STRUCK THE REAR OF UNIT #1. HE THEN RELATED THAT HE TRAVELED OFF ROADWAY AND INTO SNOW STRUCK UNIT #4. HE RELATED THAT IT ALL HAPPENED SO FAST AND HE COULD NOT GET STOPPED.

(MORE)

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Page

New

Crash Number

AA 500 N

Police Use Only

CD3-0772518

13

 Change/
Continuation

D0539588

Narrative and additional witnesses:

ON 02/01/04 AT APPROXIMATELY 1102 HOURS, I INTERVIEWED WITNESS, JEFFREY JOHN SHERWOOD UNIT #38 AT THE SCENE OF THE COLLISION. SHERWOOD RELATED THAT HE WAS PARKED ALONG SIDE A FEW FEET AHEAD OF COLLISION SCENE AND OBSERVED THE VAN COME UP ALONG SIDE OF UNIT #3 AND THEN STRIKE THE DISABLED TRAILER ON ROADWAY. HE THEN SAW THE VAN (UNIT #1) GET STRUCK BY UNIT #3 AND THEN SPIN AROUND. HE THEN OBSERVED UNIT #3 GO OFF ROADWAY AND INTO SNOW. HE ADVISED THAT HE WAS OPERATING ANOTHER VEHICLE (TRACTOR TRAILER) FROM SAME COMPANY AS UNIT #4. HE ADVISED THAT THE OPERATOR OF UNIT #4 WAS IN HIS VEHICLE AT TIME OF COLLISION. HE OBSERVED THE COLLISION THROUGH HIS SIDE MIRRORS.

ON 02/01/04 AT APPROXIMATELY 1150 HOURS, I INTERVIEWED TDR. JEFFREY L FENTON, PSP CLEARFIELD WHO WAS AT SCENE AT TIME OF COLLISION. HE RELATED THAT HE WAS THERE INVESTIGATING A PREVIOUS COLLISION WITH UNIT #2. HE RELATED THAT HE WAS PARKED ALONG SOUTH BERM AND COULD NOT SEE IMPACT OF UNIT #1 WITH DISABLED UNIT #2. BECAUSE OF UNIT #3 WAS THERE. HE THEN OBSERVED UNIT #3 TOWEL OFF ROADWAY NEAR UNIT #1.

DENN DOT ASSISTANCE REQUESTED AT SCENE
PUBLIC INFORMATION RELEASE FORM COMPLETED AND SUBMITTED.

TRAFFIC CITATIONS FILED ON 02/01/04 AT DM KUDELA'S
OPERATOR #1 - # M0070880-5 - DRIVING VEHICLE AT SAFE SPEED
M0075091-2 - CARELESS DRIVING
M0075092-3 - DRIVING ON ROADWAYS LINED FOR TRAFFIC.

OPERATOR #3 - # M0075093-4 - DRIVING VEHICLE AT SAFE SPEED.



R. Arland Sandvik
AIC
Altoona PA 16601

February 10, 2004

11

GREAT WEST CASUALTY COMPANY

Attn: Christopher Moorman
P O Box 4555
1901 Liberty Dr
Bloomington, In 47403-4555

RE: Claim No: 870783
Insured: Sharkey Transportation
Claimant: Jing Quintz Chen
Accident: February 6, 2004
Our File: 250-43567

Dear Ms. Moorman:

This will serve as first and final report regarding the captioned claim.

Date Time and Place: On February 6, 2004 at 10:20am on Interstate 80 eastbound mile marker 126, Clearfield County, Woodland, PA.

Description of Locus: I80 is a four lane divided highway with two lanes eastbound separated from the two westbound lanes by a grass wooded median. Traveling eastbound I80 has a slight downgrade with a slight curve from north to south. Visibility is good. Traffic is heavy. The posted speed limit is 65 mile per hour.

Description of Accident: The insured was eastbound in the south eastbound lane slowing down to 35 mile per hour for an overturned trailer in the north eastbound lane. As the insured was slowing down, Claimant Chen attempted to pass the insured in the north eastbound lane. However, Claimant Chen was unable to avoid colliding with the rear of the overturned trailer. On impact claimant Chen spun around into the south eastbound lane into the path of the insured tractor. The insured collided with the rear end of the Chen vehicle and then the insured drove off the south side of the road and struck the tractor of a second tractor-trailer sitting in a ditch along the south side of the highway.

Insured Driver: Richard E. Brady is a 48-year-old male born March 13, 1956, social security number 342-44-6707 residing at 2650 50th Street, 1777, Clayton IL 62324. Mr. Brady owns an Illinois drivers license #B630-7455-6075 which expires 3-15-2005.

Mr. Brady has described the accident as we reported above.

Page -2-

Claim No: 870783

February 10, 2004

Insured Equipment: Tractor: A 2000 Mack Conventional serial number 1M1AE06Y6W003805, model CX613.

Trailer: A 2000 Wabash, unit number 2443, serial number 1JJV5323YL553284.

Claimant: Chang Feng Chen, 3038 Fish Hatchery Road, Fitchburg, WI 53713 telephone 240-988-5194. Mr. Chen had already left our area prior to our assignment. Mr. Chen was alleged to have been driving under a suspended Maryland drivers license C500115248480.

Claimant Vehicle: A 1999 Chevrolet Astro van bearing serial number 1GNDM19W5XB190211. The license plate was removed prior to our inspection. According to the investigating office, this vehicle had a Wisconsin Plate No: 935GBR

Claimant Passengers: Presently the names and addresses passengers of this vehicle are unknown.

Claimant Operator: Robert J. Schleich, 133 East Loverl Avenue, New Castle PA 16101 telephone 724-971-5287 was the driver of the overturned tractor-trailer that was stopped in the north eastbound lane. Mr. Schleich had left the area prior to our arrival at the scene.

According to the investigating office Mr. Schleich was not in his unit at the time of collision by Mr. Chen.

Other Insurance: American Family Insurance policy 1166-1266-01-62.

Claimant Vehicle: A Kenworth tractor bearing Pennsylvania plate TT-AE 17834 registered to Mr. Schleich. The tractor had been removed from the scene prior to our arrival. However, we have learned that Eagle Tire and Recovery of Milesburg took Pa the tractor

Claimant: Dave Palmer, Jr, 1834 Hayden Avenue, Apt #1, E. Cleveland, Ohio 44112. Mr. Palmer was not in his vehicle at the time of collision by the insured tractor.

On February 6, 2004 we personally met with Mr. Palmer at the Showshoe Truck Stop and requested a written statement. Mr. Palmer would not give us any information other than his employer RTC, INC, 3505 Union Street, Mineral Ridge, Ohio 44440. Mr. Palmer further stated that his partner had been the driver of the unit when it drove into the ditch.

Claimant Passenger: Jeff Sherwood, address unknown. Mr. Sherwood was not in the unit when struck by the insured.

Page -3-
February 10, 2004
Claim No: 870783

Claimant Vehicle: A 1999 Volvo tractor bearing Ohio registration PUH 8254 register to Rood Trucking Company, 3505 Union St., Mineral Point, Ohio 44440. Telephone number 800-327-2719

The trailer was a Stoughton Van bearing serial number 1DW1A4825YS352631 and Oregon plate HR 99760.

Police Report: Trooper Barrows, Badge No: 7840, from the Clearfield Post of the Pennsylvania State Police investigated this accident. The incident number of their report is C03-0772518.

On February 6, 2004, we personally met with Trooper Barrows and gained the information reported to your office regarding all drivers, passengers, vehicles, and possible citations.

Further, Trooper Barrows provided the insured's copy of the Notice of Crash Investigation. We have forwarded the original of that notice to the insured.

Future Activity: Obtain police report.

Remarks: Upon receipt of the police report, we will advise and request further instructions.

Very truly yours,



R. Arland Sandvik, AIC

Enclosure: Notice of Accident
Photographs.

Cc: Safety Department
Sharkey Transportation Inc
3803 Dye Rd
Quincy, IL 62305

BY: GORDON & WEINBERG, P.C.
FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

Great West Casualty
1901 Liberty Drive
Bloomington, IN 47402
Ind. a/s/o Sharkey Transportation
and
Sharkey Transportation
3803 Dye P.O. Box 3156
Quincy, IL 62305-3156

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2005-196-cd

Chang Fens Chen
3038 Fish Hatchery Road
Fitchburg, WI 53713
and
Jing Quintz Chen
3038 Fish Hatchery Road
Fitchburg, WI 53713

AFFIDAVIT OF SERVICE

The undersigned does hereby depose and say that he served a copy of the Complaint in Civil Action in the above-captioned matter upon defendant, **Chang Fens Chen and Jing Quintz Chen**, by certified mail, return receipt requested and regular mail, on March 7, 2005 as evidenced by the copy of the return receipt card and transmittal letter attached hereto as Exhibit "A".

GORDON & WEINBERG, P.C.

BY: Dorothy M. Donnelly
DOROTHY M. DONNELLY, PARALEGAL TO

PAUL M. SCHOFIELD, JR., ESQUIRE

Dated: March 7, 2005

Sworn to and Subscribed
Before me this 7th Day of
March, 2005

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
JOHN V. McBRIDE, III, Notary Public
City of Philadelphia, Phila. County
My Commission Expires August 4, 2008

(R)
FILED
M 10:32 AM
MAR 10 2005
NOCC

William A. Shaw
Prothonotary/Clerk of Courts

MARC R. GORDON
FREDERIC I. WEINBERG*
DEAN I. ORLOFF*
PAUL M. SCHOFIELD, Jr.*

*Also member NJ Bar



SAMUEL F. PEPPER
(1905-1992)

PAUL BREEN
(1931-1995)

21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103

PHONE: (215) 988-9600
FACSIMILE: (215) 988-9601

March 7, 2005

Jing Quintz Chen
3038 Fish Hatchery Road
Fitchburg, WI 53713

RE: Great West Casualty, et al v. Chang Fens Chen, et al
Court of Common Pleas of Clearfield County
Docket No.: 2005-196-CD

Dear Sir/Madam:

Enclosed please find an original copy of the Complaint in Civil Action filed in Clearfield County Pennsylvania.

Very truly yours,
GORDON & WEINBERG, P.C.

Dorothy M. Donnelly
Dorothy M. Donnelly
Secretary to Paul M. Schofield Jr., Esquire

:dmd
enclosure

via regular and certified mail

CERTIFIED MAIL NO.: 7003 3110 0005 5932 0775

505 CHURCH STREET
NORRISTOWN, PA 19401

1200 LAUREL OAK ROAD
SUITE 104
VOORHEES, NJ 08043

MARC R. GORDON
FREDERIC I. WEINBERG*
DEAN I. ORLOFF*
PAUL M. SCHOFIELD, Jr.*

*Also member NJ Bar



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PAUL BREEN
(1931-1995)

21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103

PHONE: (215) 988-9600
FACSIMILE: (215) 988-9601

March 7, 2005

Chang Fens Chen
3038 Fish Hatchery Road
Fitchburg, WI 53713

RE: Great West Casualty, et al v. Chang Fens Chen, et al
Court of Common Pleas of Clearfield County
Docket No.: 2005-196-CD

Dear Sir/Madam:

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Very truly yours,
GORDON & WEINBERG, P.C.

Dorothy M. Donnelly
Dorothy M. Donnelly
Secretary to Paul M. Schofield Jr., Esquire

:dmd
enclosure

via regular and certified mail

CERTIFIED MAIL NO.: 7003 3110 0005 5932 0768

505 CHURCH STREET
NORRISTOWN, PA 19401

1200 LAUREL OAK ROAD
SUITE 104
VOORHEES, NJ 08043

SENDER: <ul style="list-style-type: none"> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): <ul style="list-style-type: none"> 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to:	4a. Article Number	
<p>Jing Quintz Chen 3038 Fish Hatchery Road Fitchburg, WI 53713</p>		7003 3110 0005 5932 0775
4b. Service Type <ul style="list-style-type: none"> <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD 		7. Date of Delivery
5. Received By: (Print Name)	8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent)		
X		

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

SENDER: <ul style="list-style-type: none"> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): <ul style="list-style-type: none"> 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to:	4a. Article Number	
<p>Chang Fens Chen 3038 Fish Hatchery Road Fitchburg WI 53713</p>		7003 3110 0005 5932 0768
4b. Service Type <ul style="list-style-type: none"> <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD 		7. Date of Delivery
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6. Signature: (Addressee or Agent)		
X		

PS Form 3811, December 1994

Domestic Return Receipt

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GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

Great West Casualty Company
1901 Liberty Drive
Bloomington, IL 47402
Individually and as subrogee on behalf of Sharkey
Transportation
and
Sharkey Transportation
3803 Dye P.O. Box 3156
Quincy, IL 62305

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2005-196-CD

Chang Fens Chen
and
Jing Quintz Chen

AFFIDAVIT OF SERVICE

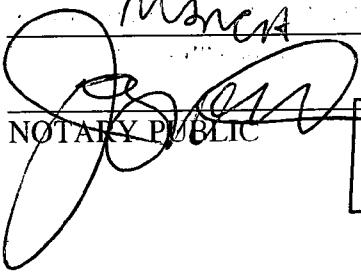
The undersigned does hereby depose and say that she served a copy of the Complaint in Civil Action in the above-captioned matter upon defendant, **Chang Fens Chen and Jing Quintz Chen**, by certified mail, return receipt requested, on March 11, 2005 as evidenced by the copy of the return receipt cards attached hereto as Exhibit "A".

GORDON & WEINBERG, P.C.

BY: Dorothy M. Donnelly
DOROTHY M. DONNELLY, PARALEGAL TO
PAUL M. SCHOFIELD, JR., ESQUIRE

Dated: March 15, 2005

Sworn to and Subscribed
Before me this 15 Day of
March, 2005


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL	
JOHN V. McBRIDE, III, Notary Public	
City of Philadelphia, Phila. County	
My Commission Expires August 4, 2008	

FILED
m10:54 AM
MAR 21 2005
60

William A. Shaw
Prothonotary/Clerk of Courts

EXHIBIT "A"

Thank you for using Return Receipt Service.

SENDER: <ul style="list-style-type: none"> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): <ul style="list-style-type: none"> 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery <p>Consult postmaster for fee.</p>
3. Article Addressed to: <p>Jing Quintz Chen 3038 Fish Hatchery Road Fitchburg, WI 53713</p>		4a. Article Number <p>7003 3110 0005 5932 0775</p>
		4b. Service Type <ul style="list-style-type: none"> <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
		7. Date of Delivery <p>3-11-05</p>
5. Received By: (Print Name) 		8. Addressee's Address (Only if requested and fee is paid)
6. Signature: (Addressee or Agent) <p>X Chen</p>		

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

SENDER: <ul style="list-style-type: none"> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): <ul style="list-style-type: none"> 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery <p>Consult postmaster for fee.</p>
3. Article Addressed to: <p>Chang Fens Chen 3038 Fish Hatchery Road Fitchburg WI 53713</p>		4a. Article Number <p>7003 3110 0005 5932 0768</p>
		4b. Service Type <ul style="list-style-type: none"> <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
		7. Date of Delivery <p>3-11-05</p>
5. Received By: (Print Name) 		8. Addressee's Address (Only if requested and fee is paid)
6. Signature: (Addressee or Agent) <p>X Chen</p>		

PS Form 3811, December 1994

Domestic Return Receipt

FILED

MAR 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs, :
vs. : ISSUE:
CHANG FENS CHEN AND :
JING QINTZ CHEN : PRAECIPE FOR APPEARANCE

FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN and
JING QINTZ CHEN

COUNSEL OF RECORD FOR DEFENDANT:
McINTYRE, DUGAS, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 4th DAY OF
APRIL, 2005.

William A. Shaw
Attorneys for Named Defendant

FILED
APR 05 2005
NO CC
GW

William A. Shaw
Prothonotary/Clerk of Courts

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

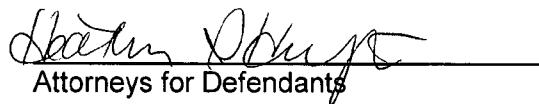
GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION :
Plaintiffs, :
vs. :
CHANG FENS CHEN AND :
JING QUINTZ CHEN : JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Enter my Appearance on behalf of Defendants Chang Fens Chen and Jing Quintz Chen.

Papers may be served at the address set forth below.



Attorneys for Defendants

McINTYRE, DUGAS, HARTYE & SCHMITT
Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

Date: April 4, 2005

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

NO. 2005-196-CD

ISSUE:

PRAECLPICE FOR ARGUMENT LIST

Plaintiffs,

VS.

CHANG FENS CHEN AND
JING QINTZ CHEN

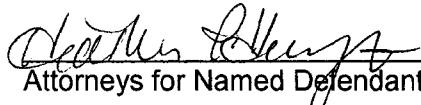
Defendants

FILED ON BEHALF OF DEFENDANTS:
CHANG FENS CHEN and
JING QINTZ CHEN

COUNSEL OF RECORD FOR DEFENDANTS:

McINTYRE, DUGAS, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 5th DAY OF
April, 2005.



Atorneys for Named Defendant

FILED NO
M/11/2005
APR 06 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN AND
JING QINTZ CHEN

Defendants

JURY TRIAL DEMANDED

PRAECIPE FOR ARGUMENT LIST

TO: PROTHONOTARY

Kindly list the above-captioned matter on the next available argument list. The matter to be argued is Preliminary Objections filed on behalf of Defendant, Jing Quintz Chen.

McINTYRE, DUGAS, HARTYE & SCHMITT

By Heather A. Harrington
Attorneys for Defendant,
JING QINTZ CHEN

Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

VS.

CHANG FENS CHEN AND
JING QUINTZ CHEN

Defendants

NO. 2005-196-CD

ISSUE:

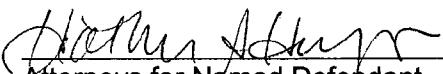
**PRELIMINARY OBJECTIONS ON BEHALF
DEFENDANT, JING QUINTZ CHEN**

FILED ON BEHALF OF DEFENDANT:
JING QUINTZ CHEN

COUNSEL OF RECORD FOR DEFENDANT:

McINTYRE, DUGAS, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
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RECORD THIS 5th DAY OF
APRIL, 2005.



Attnorneys for Named Defendant

FILED *cc*
3/11/05
APR 06 2005
WAS
William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

VS.

CHANG FENS CHEN AND
JING QINTZ CHEN

Defendants : JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, this _____ day of _____, 2005, after consideration of
Defendant, Jing Chen's Preliminary Objections, it is hereby ordered, directed and decreed that
Defendant, Jing Chen's Demurrer to the Complaint is granted. Defendant, Jing Chen, is hereby
dismissed as a party defendant to this action. The Prothonotary and all parties are further
directed to remove his name from the caption of this matter.

BY THE COURT:

J.

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION :

Plaintiffs, :
vs. :
CHANG FENS CHEN AND :
JING QUINTZ CHEN :
Defendants : JURY TRIAL DEMANDED

**PRELIMINARY OBJECTIONS ON BEHALF OF
DEFENDANT, JING QUINTZ CHEN**

AND NOW, comes Defendant, JING QUINTZ CHEN, by and through his counsel,
McINTYRE, DUGAS, HARTYE & SCHMITT, and files the within Preliminary Objections to the
plaintiffs' Complaint, as follows:

DEMURRER

1. Plaintiffs have filed a Complaint naming both Chang Chen and Jing Chen as defendants.
2. However, in the actual allegations of the Complaint (paragraphs 1 through 11), the only individual mentioned is Chang Chen, described as "the defendant" in paragraph 3.
3. Nowhere in the plaintiffs' Complaint is there any mention or reference to Jing Chen or any alleged actions or omissions on his part which would allegedly give rise to a cause of action against him.
4. Pennsylvania Rule of Civil Procedure 1019(a) provides, "the material facts on which a cause of action or defense is based shall be stated in a concise and summary form."

5. There are no facts upon which a cause of action against Defendant, Jing Chen, could be based which are stated in the Complaint.

6. Therefore, the plaintiffs' Complaint fails to state a cause of action upon which relief can be granted against Defendant, Jing Chen.

7. As such, Defendant, Jing Chen, should be dismissed as party defendant to the action, as there are no allegations of negligence against him in the Complaint.

MOTION FOR MORE SPECIFIC PLEADING

8. Defendant, Jing Chen, hereby incorporates by reference paragraphs 1 through 7 of the within Preliminary Objections, as if more fully set forth at length.

9. In the alternative to dismissal of Defendant, Jing Chen, as a party defendant, he requests that this Honorable Court direct the plaintiffs to more specifically plead any and all facts upon which a cause of action may be stated against him.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By Heather A. Harrington

Attorneys for Defendant
JING QUINTZ CHEN

Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

TO: PLAINTIFFS

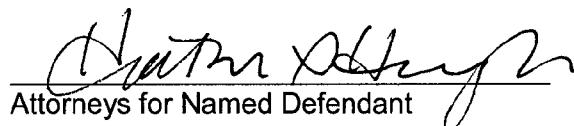
YOU ARE HEREBY NOTIFIED TO FILE
A WRITTEN RESPONSE TO THE
ENCLOSED PRELIMINARY OBJECTIONS
WITHIN TWENTY (20) DAYS FROM
SERVICE HEREOF OR A JUDGMENT
MAY BE ENTERED AGAINST YOU.

James Dugay
Attorneys for Named Defendant

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION :
Plaintiffs, : ISSUE:
VS. : ANSWER AND NEW MATTER ON
CHANG FENS CHEN
CHANG FENS CHEN AND
JING QUINTZ CHEN :
Defendants :
FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN
COUNSEL OF RECORD FOR DEFENDANT:
McINTYRE, DUGAS, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 25th DAY OF
April, 2005.


Attorneys for Named Defendant

FILED
M 10 59 61
APR 26 2005
cc

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN AND
JING QINTZ CHEN

Defendants

JURY TRIAL DEMANDED

**ANSWER AND NEW MATTER
ON BEHALF OF DEFENDANT, CHANG FENS CHEN**

AND NOW, comes Defendant, CHANG FENS CHEN, by and through his counsel, McINTYRE, DUGAS, HARTYE & SCHMITT, and files the within Answer and New Matter to the plaintiffs' Complaint, as follows:

ANSWER

1. After reasonable investigation, the defendant is without information sufficient to form a belief as to the truth of the allegations of paragraph 1. The same are therefore denied. By way of further response, the entity described in paragraph 1 does not appear to be an "individual", but rather a business entity, of some sort.

2. Admitted in part and denied in part. It is admitted that Great West Casualty is a corporation duly authorized to conduct business within the Commonwealth of Pennsylvania. However, to the extent that Great West is subrogated to the rights of Sharkey Transportation, those allegations are legal conclusions to which the defendant, after reasonable investigation, does not have sufficient information to respond and the same are therefore denied.

3. Admitted in part and denied in part. It is admitted that Chang Chen is an individual. It is denied that he resides at the above-captioned address. To the contrary, he resides at 3009 Stamford Place, Fitchburg, Wisconsin 53711.

4. The defendant, after reasonable investigation, does not have sufficient information to determine whether the plaintiff did in fact own the vehicle referenced in the Complaint. These allegations are therefore denied.

5. It is admitted that Defendant, Chang Chen, operated a motor vehicle on February 6, 2004.

6. Denied.

7. Denied.

8. Denied. Paragraph 8 contains conclusions of law to which no responsive pleading is required. Further, in regard to the allegations of alleged damage, this defendant, after reasonable investigation, is without sufficient information to determine the truth of those allegations and the same are therefore denied.

9-11. Defendant, Chang Chen, after reasonable investigation, does not have sufficient information to determine the truth of these allegations and the same are therefore denied.

WHEREFORE, Defendant, Chang Chen, respectfully requests that this Honorable Court enter judgment in his favor and against the plaintiff, with prejudice.

NEW MATTER

12. Defendant, Chang Chen, hereby incorporates by reference his responses to paragraphs 1 through 11 of the plaintiffs' Complaint, as if set forth at length.

13. The sole and proximate cause of the alleged damage to the plaintiffs' vehicle was the presence of a third vehicle, owned and operated by Hardy Trucking, on the highway in the lane of travel of Defendant, Chang Chen, presenting a Sudden, Emergency to which Defendant, Chang Chen, reasonably responded.

14. Some or all of the plaintiffs' alleged damages were the result of the Plaintiff, Sharkey Transportation's driver's actions.

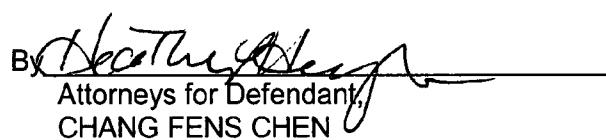
15. Therefore, the plaintiffs' own comparative negligence, through the acts of its agent, servant and employee, bar, or reduce any recovery allowable under the Pennsylvania Comparative Negligence Act, which is hereby pled as an affirmative defense. The direct and proximate result of this accident was not the actions of Defendant, Chang Chen, but the actions of a third party, including the operators of other vehicles involved in the aforesaid accident, and plaintiff's agent, servant and employee in operating plaintiff's vehicle.

16. The direct and proximate result of the damages sustained to plaintiff's vehicle was a result of the negligence or inattentive operation of that vehicle and other vehicles involved in said collision.

WHEREFORE, Defendant, Chang Chen, respectfully requests that this Honorable Court enter judgment in his favor and against the plaintiff, with prejudice.

Respectfully submitted,

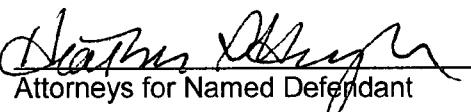
McINTYRE, DUGAS, HARTYE & SCHMITT

By 
Attorneys for Defendant,
CHANG FENS CHEN

Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

TO: PLAINTIFFS

YOU ARE HEREBY NOTIFIED TO FILE
A WRITTEN RESPONSE TO THE
ENCLOSED NEW MATTER WITHIN
TWENTY (20) DAYS FROM SERVICE
HEREOF OR A JUDGMENT MAY BE
ENTERED AGAINST YOU.


Attorneys for Named Defendant

VERIFICATION

I, **CHANG FENS CHEN**, do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.


Chang Fens Chen

Date: 12/04/05

A

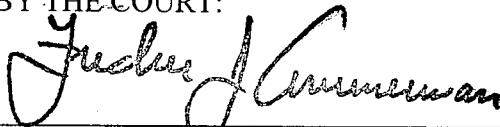
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

GREAT WAST CASUALTY, :
INDIVIDUALLY AND AS :
SUBROGEE ON BEHALF OF :
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION :
vs. : No. 05-196-CD
CHANG FENS CHEN AND :
JING QINTZ CHEN :
:

ORDER

AND NOW, this 5th day of May, 2005, upon consideration of Defendants' Preliminary Objections filed in the above matter, it is the Order of the Court that argument has been scheduled for the 2nd day of Tue, 2005, at 11:00 A.M, in Courtroom No. (), Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED ^{cc}
08:30 AM MAY 09 2005 Amy Harrington
MAY 09 2005 10 Service memo
William A. Shaw
Prothonotary/Clerk of Courts



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

MEMO: To all parties filing Petitions/Motions in Clearfield County:

Please make note of the following:

Rule 206(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both the Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see P.A. R.C.P. 440) and upon the Court Administrator.

Rule 206(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

***** Please note: This also includes service of scheduling orders obtained as the result of the filing of any pleading.**

ORIGINAL

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION : ISSUE: STIPULATION FOR DISMISSAL
Plaintiffs, : OF LESS THAN ALL PARTIES
vs. :
CHANG FENS CHEN AND :
JING QINTZ CHEN :
Defendants :
FILED ON BEHALF OF DEFENDANTS:
CHANG FENS CHEN and :
JING QINTZ CHEN :
COUNSEL OF RECORD FOR DEFENDANTS:
McINTYRE, DUGAS, HARTYE & SCHMITT :
HEATHER A. HARRINGTON, ESQUIRE :
PA I.D.#: 62977 :
P.O. Box 533 :
Hollidaysburg, PA 16648-0533 :
(814) 696-3581 :
FAX (814) 696-9399 :

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 10TH DAY OF
MAY, 2005.



Attorneys for Named Defendant

FILED ⁶⁸
MAY 12 2005 NO CC
m11:06:04

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:

AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION :

Plaintiffs, :

vs. :

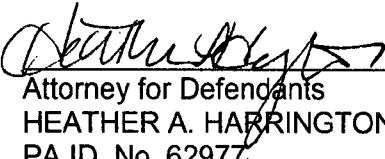
CHANG FENS CHEN AND
JING QUINTZ CHEN :

Defendants : JURY TRIAL DEMANDED

STIPULATION FOR DISMISSAL OF LESS THAN ALL PARTIES

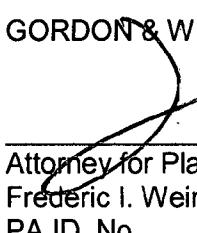
It is hereby stipulated and agreed by the parties, by and through their undersigned counsel, that Jing Quintz Chen is hereby dismissed as a party defendant from the above-captioned matter. The parties further agree to remove Jing Quintz Chen as a named defendant from the caption and any further filings. The parties also agree that this dismissal pertains solely to Jing Quintz Chen.

MCINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendants
HEATHER A. HARRINGTON, ESQUIRE
PA ID. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - FAX

GORDON & WEINBERG, P.C.



Attorney for Plaintiffs
Frederic I. Weinberg, Esquire
PA ID. No. 41360
21 South 21st Street
Philadelphia, PA 19103

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

NO. 2005-196-CD

ISSUE: **Praecipe to Withdraw
Preliminary Objections**

Plaintiffs,

vs.

CHANG FENS CHEN AND
JING QINTZ CHEN
Defendants

FILED ON BEHALF OF DEFENDANTS:
CHANG FENS CHEN and
JING QINTZ CHEN

COUNSEL OF RECORD FOR DEFENDANTS:

McINTYRE, DUGAS, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

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MAY, 2005.



Atorneys for Named Defendant

FILED *no cc*
MAY 16 2005

W.A.S.
William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION :

Plaintiffs, :

vs. :

CHANG FENS CHEN AND
JING QUINTZ CHEN
Defendants : JURY TRIAL DEMANDED

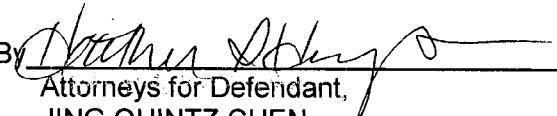
PRAECIPE TO WITHDRAW PRELIMINARY OBJECTIONS

TO PROTHONOTARY:

Pursuant to the previously filed Stipulation of Counsel, the issues pertaining to the defendant, Jing Quintz Chen's Preliminary Objections has been resolved. Please withdraw the Preliminary Objections, which are currently scheduled for Argument on June 2, 2005 at 11:00 a.m. in Courtroom No. 1.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By 
Attorneys for Defendant,
JING QUINTZ CHEN

Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,
vs.

CHANG FENS CHEN

Defendant

NO. 2005-196-CD

ISSUE:
Notice of Service of Interrogatories and
Request for Production of Documents
Directed to Plaintiffs Dated
November 18, 2005

FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN

COUNSEL OF RECORD FOR DEFENDANT:

McINTYRE, DUGAS, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 18th DAY OF
NOVEMBER, 2005.



Attorneys for Named Defendant

FILED NO cc
01/10/4205
NOV 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION :

Plaintiffs, :
vs. :
: :
CHANG FENS CHEN :
: :
Defendant : JURY TRIAL DEMANDED

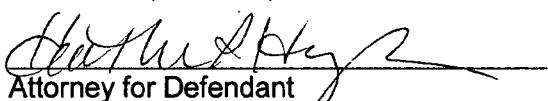
**NOTICE OF SERVICE OF FIRST SET OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS DATED NOVEMBER 18, 2005**

TO: PROTHONOTARY

You are hereby notified that on the 18th day of November, 2005, Defendants, CHANG FENS CHEN, served First Set of Interrogatories and Request for Production of Documents Directed to Plaintiffs Dated November 18, 2005, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Frederic I. Weinberg, Esquire
Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 S. 21st Street
Philadelphia, PA 19103

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendant
Chang Fens Chen

HEATHER A. HARRINGTON, ESQUIRE
PA I.D. No. 62977
P. O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

ORIGINAL

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION : ISSUE: Certificate Prerequisite to
Plaintiffs, : Service of a Subpoena Pursuant to
Rule 4009.22

VS.

CHANG FENS CHEN

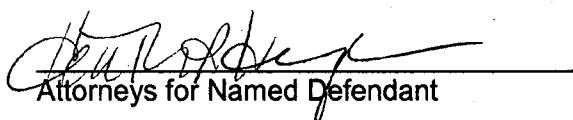
Defendant

FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN

COUNSEL OF RECORD FOR DEFENDANT:

McINTYRE, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 12th DAY OF
APRIL, 2006.



Attorneys for Named Defendant

FILED *m10:29:01* *no cc*
APR 18 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

VS.

CHANG FENS CHEN

Defendant : JURY TRIAL DEMANDED

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

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

1. a Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) 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, is attached to this Certificate,
3. no objection to the Subpoena has been received, and
4. the Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.
5. Please note that any and all information obtained via the Subpoena requests shall be used and maintained pursuant to the requirements of the Health Insurance Portability and Accountability Act, otherwise known as HIPAA.

Date: April 12, 2006



Attorney for Defendant,

HEATHER A. HARRINGTON, ESQUIRE
PA I.D.# 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
814/696-3581

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION :

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant

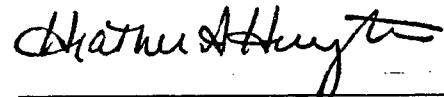
JURY TRIAL DEMANDED

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

Defendant, CHANG FENS CHEN, intends to serve a subpoena identical to the one that is 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.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT



Attorney for Defendant
Chang Fens Chen

HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
814/696-3581

Date: February 28, 2006

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Great West Casualty
Sharkey Transportation
Plaintiff(s)

Vs.

*

No. 2005-00196-CD

Chang Fens Chen
Defendant(s)

*

*

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

TO: Commissioner Jeffrey B. Miller, Custodian of Records, Pennsylvania
State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110-9758
(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:
all police crash reporting forms pertaining to automobile accidents which occurred on February 6, 2004 on Route 80 in Bradford Township, Clearfield County.

McIntyre, Hartye & Schmitt, P.O. Box 533, Hollidaysburg, PA 16648 (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: Heather A. Harrington, Esquire

ADDRESS: P.O. Box 533
Hollidaysburg, PA 16648

TELEPHONE: 814/696-3581

SUPREME COURT ID # 62977

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

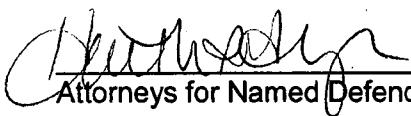
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

DATE: Thursday, February 23, 2006
Seal of the Court

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION : ISSUE: MOTION TO COMPEL DISCOVERY
Plaintiffs, : RESPONSES
vs. :
CHANG FENS CHEN :
Defendant :
FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN :
COUNSEL OF RECORD FOR DEFENDANT:
McINTYRE, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 15TH DAY OF
APRIL, 2006. 17



Attnorneys for Named Defendant

FILED
APR 18 2006
William A. Shaw
Prothonotary/Clerk of Courts
Harrington
cc: Atty

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION :
Plaintiffs, :
vs. :
CHANG FENS CHEN :
Defendant : JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2006, upon consideration of the foregoing Motion to Compel, it is hereby **ORDERED** that:

1. A Rule is issued upon the respondent to show cause why the moving party is not entitled to relief requested;
2. The respondent shall file an Answer to the Motion within _____ days of this date;
3. The Motion shall be decided under Pa. R.C.P. 206.7;
4. Depositions and all other discovery shall be completed within _____ days of this date;
5. An evidentiary hearing on disputed issues and material facts shall be held on _____, 200_____, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. _____;
6. Argument shall be held on _____, 200_____, in Courtroom No. _____, of the Clearfield County Courthouse; and

7. The Notice of entry of this Order shall be provided to all parties by the moving party.

BY THE COURT:

J.

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION :
Plaintiffs, :
vs. :
CHANG FENS CHEN :
Defendant : JURY TRIAL DEMANDED

ORDER

AND NOW, this 18th day of April, 2006, after consideration of defendant Chang Fens Chen's Motion to Compel, it is hereby ORDERED, DIRECTED AND DECREED that said Motion is granted. Plaintiffs are hereby directed to provide full and complete responses to the defendant's Interrogatories and Request for Production of Thirty (30) Documents within twenty (20) days of the date of this Order or suffer sanctions as the court may deem appropriate.

BY THE COURT:

Jud Curran
J.

FILED
03:47 AM
APR 18 2006
Amy Harrington

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION :

Plaintiffs, :
vs. :
CHANG FENS CHEN :
Defendant : JURY TRIAL DEMANDED

MOTION TO COMPEL DISCOVERY RESPONSES

AND NOW, comes defendant **Chang Fens Chen**, by and through his counsel, McIntyre, Hartye & Schmitt, and files the within Motion to Compel Discovery Responses.

1. Plaintiffs have filed the within action alleging that the defendant was negligent in causing damage to a vehicle owned and operated by Sharkey Transportation and insured by the plaintiff Great West Casualty on February 6, 2005 on Route 80 in Bradford Township, Clearfield County.

2. On or about November 18, 2005, the defendant served on plaintiffs Interrogatories and Request for Production of Documents. To date, the plaintiffs have failed to respond to the written discovery requested by the defendant. They have further failed to object in any way to the written discovery requests of the defendant.

3. The information requested by the defendant in the Interrogatories and Request for Production of Documents is necessary for the defendant to properly assess the claim against him and defend against the allegations set forth in the plaintiffs' Complaint.

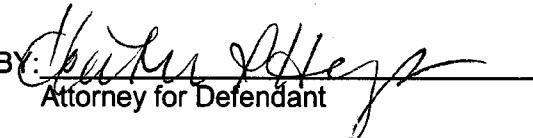
4. Under the Pennsylvania Rules of Procedure, the plaintiffs were required to respond to the discovery requests within thirty days, obtain an extension to respond or object to the same. As plaintiffs have done none of these things, they have waived their right to object.

5. Plaintiffs failure and/or refusal to respond to the written discovery requests of the defendant has prejudiced the defendant in his defense of this litigation.

WHEREFORE, defendant Chang Fens Chen respectively requests that this Honorable Court grant his Motion to Compel Discovery Responses and direct that the plaintiffs shall file full and complete discovery responses, without objection, to all Interrogatories and Request for Production of Documents within twenty (20) days from the date of court's Order or suffer sanctions as the court may deem appropriate.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

BY: 
Attorney for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant

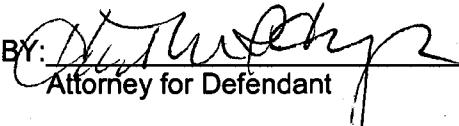
: JURY TRIAL DEMANDED

CERTIFICATION

I, Heather A. Harrington, Esquire, counsel for named defendant hereby certify that I have attempted to confer with counsel for the plaintiffs in order to resolve this Motion, without success.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

BY: 
Attorney for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant : JURY TRIAL DEMANDED

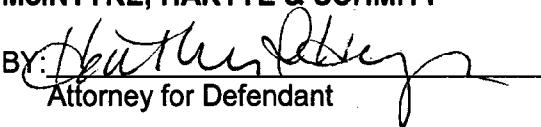
CERTIFICATE OF SERVICE

I, Heather A. Harrington, Esquire, hereby certify that I have served a true and correct copy of the foregoing Motion to Compel Discovery Responses on behalf of Defendant, Chang Fens Chen, on the following persons by placing the same in the U.S. Mail, postage prepaid, on the 13th day of April, 2006:

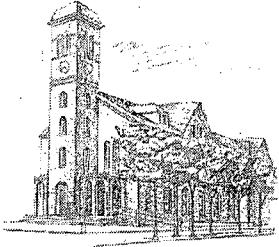
Frederic I. Weinberg, Esquire
Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 S. 21st Street
Philadelphia, PA 19103

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

BY: 
Attorney for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 4/18/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

GREAT WEST CASUALTY, INDIVIDUALLY:

AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD

SHARKEY TRANSPORTATION AND

SHARKEY TRANSPORTATION

: ISSUE: **CERTIFICATE OF SERVICE**

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant

FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN

COUNSEL OF RECORD FOR DEFENDANT:

McINTYRE, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 25TH DAY OF
APRIL, 2006.

Heather A. Shaw
Attorneys for Named Defendant

FILED NO CC
MID:SM/4
APR 26 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant

: JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Heather A. Harrington, Esquire, hereby certify that I have served a true and correct copy of the foregoing Court Order of April 18, 2006, granting the Motion to Compel which was filed on behalf of Defendant, Chang Fens Chen, on the following person by placing the same in the U.S. Mail, postage prepaid, on the 25th day of April, 2006:

Frederic I. Weinberg, Esquire
Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 S. 21st Street
Philadelphia, PA 19103

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

BY: 
Attorney for Defendant

**Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399**

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant : JURY TRIAL DEMANDED

ORDER

AND NOW, this 18th day of April, 2006, after consideration of defendant Chang Fens Chen's Motion to Compel, it is hereby **ORDERED, DIRECTED AND DECREED** that said Motion is granted. Plaintiffs are hereby directed to provide full and complete responses to the defendant's Interrogatories and Request for Production of thirty (30) Documents within twenty (20) days of the date of this Order or suffer sanctions as the court may deem appropriate.

BY THE COURT:

/s/ Fredric J. Ammerman

J.

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

APR 18 2006

Attest.

W. L. Ammerman
Prothonotary/
Clerk of Courts

2015/6/1

1A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

GREAT WEST CASUALTY, INDIVIDUALLY
AND AS SUBMIGEE ON BEHALF OF
SHARKEY TRANSPORTATION AND
(Plaintiff)
SHARKEY TRANSPORTATION

CIVIL ACTION

No. 2005-196-CD

(Street Address)

Type of Case: MOTOR VEHICLE ACCIDENT

(City, State ZIP)

Type of Pleading: CIVIL ACTION

VS.

Filed on Behalf of:

PLAINTIFF

CHANG CHEN
(Defendant)

(Plaintiff/Defendant)

(Street Address)

(City, State ZIP)


(Filed by)
PAUL M. SCHOFIELD, JR., ESQUIRE

GORDON & WEINBERG, P.C.
(Address) 21 S. 21ST STREET
PHILADELPHIA, PA 19103

(Phone)

(Signature)

FILED
MAR 05 2007 Atty Schofield
1CC
William A. Shaw
Prothonotary/Clerk of Courts
Atty Schofield
pd. 20.00
(66)

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

Civil Trial Listing/Certificate of Readiness

Plaintiff(s): GREAT WEST CASUALTY, INDIVIDUALLY Case Number: 2005-196-D
AND AS SUBROGEE ON BEHALF OF
STARKEY TRANSPORTATION AND STARKEY
TRANSPORTATION

Defendant(s): CHANG CHEN

To the Prothonotary:

Arbitration Limit: _____

Type Trial Requested: Jury Non-Jury Arbitration
 Estimated Trial Time: 3 HRS

Jury Demand Filed By: _____

Date Jury Demand Filed: _____

Please place the above-captioned case on the trial list. I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.



 (Signature)

1/31/07

 (Date)

For the Plaintiff: PAUL M. SCHOFIELD, JR., ESQ. 215-988-9600 Telephone Number

For the Defendant: HEATHER A. HARRINGTON 814-696-3581 Telephone Number

For Additional Defendant: _____ Telephone Number

Certification of Current Address for all parties or counsel of record:

Name: <u>PAUL M. SCHOFIELD, JR.</u>	Address: <u>21 S. 21 ST. ST.</u>	PA 19103
Name: <u>HEATHER A. HARRINGTON</u>	Address: <u>PO BOX 16648</u>	HOLIDAYSBURG PA
Name: _____	Address: _____	_____
Name: _____	Address: _____	_____
Name: _____	Address: _____	_____
Name: _____	Address: _____	_____

16648

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION : ISSUE:
Plaintiffs, : **MOTION TO STRIKE CERTIFICATE
OF READINESS**

vs.

CHANG FENS CHEN

Defendant

FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN

COUNSEL OF RECORD FOR DEFENDANT:

McINTYRE, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 14th DAY OF
MARCH, 2007.

Heather A. Hartye

Atorneys for Named Defendant

FILED NO CC
110:32 AM
MAR 15 2007
©

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs, :
vs. :
CHANG FENS CHEN :
Defendant : JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2007, after consideration of
defendant Chang Fens Chen's Motion to Strike Certificate of Readiness, it is hereby
ORDERED, DIRECTED AND DECREED that said Motion is granted.

Plaintiffs' case is dismissed in its entirety and the case is directed to be forwarded to
inter-company arbitration per the agreement of the parties.

OR

Plaintiffs' Certificate of Readiness is struck and the defendant's Motion for Sanctions
shall be scheduled to be heard by the Court.

BY THE COURT:

J.

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION :
Plaintiffs, :
vs. :
CHANG FENS CHEN :
Defendant : JURY TRIAL DEMANDED

FILED 2cc
02/27/07 Atty
MAR 16 2007 Harnington
William A. Shaw
Prothonotary/Clerk of Courts
1CC to CJA
to Fax 311607

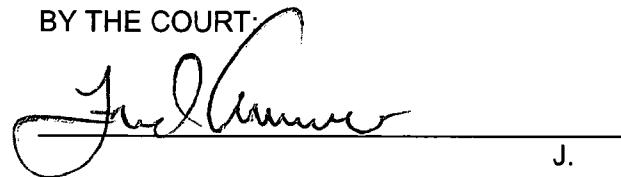
ORDER

AND NOW, this 16 day of March, 2007, upon consideration of the foregoing Motion to Strike Certificate of Readiness, it is hereby **ORDERED** that:

1. A Rule is issued upon the respondent to show cause why the moving party is not entitled to relief requested;
2. The respondent shall file an Answer to the Motion within _____ days of this date;
3. The Motion shall be decided under Pa. R.C.P. 206.7;
4. Depositions and all other discovery shall be completed within _____ days of this date;
5. An evidentiary hearing on disputed issues and material facts shall be held on April 2, 2007, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. 1;
6. Argument shall be held on April 2, 2007, in Courtroom No. 1, of the Clearfield County Courthouse; and 9:00 A.M.

7. The Notice of entry of this Order shall be provided to all parties by the moving party.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Judge Chamber", is written over a horizontal line. The line starts under the "J" in "Judge" and ends under the "J" in "Chamber".

J.

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION :
:

Plaintiffs, :
: vs.
: CHANG FENS CHEN :
: Defendant : JURY TRIAL DEMANDED

MOTION TO STRIKE CERTIFICATE OF READINESS

AND NOW, comes Defendant, CHANG CHEN, by and through his counsel, McINTYRE, HARTYE & SCHMITT, and files the within Motion to Strike Certificate of Readiness, as follows:

1. Plaintiffs instituted this subrogation action on February 11, 2005, by filing a Complaint.
2. Subsequently the defendant filed an Answer denying any and all liability.
3. Plaintiffs allege that the defendant caused damage to a vehicle owned and operated by Sharkey Transportation, and insured by Plaintiff Great West Casualty, on February 6, 2005, on Route 80 in Bradford Township, Clearfield County.
4. On November 18, 2005, the defendant served plaintiffs Interrogatories and Request for Production of Documents.
5. To date, the plaintiffs have failed to respond to the written discovery requested by the defendant.

6. On or about April 17, 2006, the defendant filed a Motion to Compel which the Court granted on April 18, 2006, specifically directing that the plaintiffs had 30 days to fully respond to the defendant's Interrogatories and Request for Production of Documents or suffer sanctions as may be appropriate. (A copy of the Court's Order is attached hereto as Exhibit "A" and incorporated by reference).

7. Although the plaintiffs have never responded to the discovery requests, plaintiffs did agree, in mid-June 2006 to submit the within dispute to inter-company arbitration, an arbitration process which is used for disputes between insurance companies which pertain solely to property damage claims. (A copy of undersigned counsel's June 15, 2006 confirmation letter to counsel for plaintiffs regarding the inter-company arbitration issue is attached hereto, marked as Exhibit "B" and incorporated by reference).

8. To date there has been no activity in the case until plaintiffs filed the Certificate of Readiness.

9. In fact, counsel for defendant has written to counsel for plaintiffs several times requesting a status of the inter-company arbitration process and dismissal of the within litigation. (Please see the attached correspondence dated December 6, 2006, January 8, 2007 and February 7, 2007 between counsel, attached hereto and marked as Exhibit "C" and incorporated by reference).

10. Certifying a case for Readiness requires that counsel verify to the Court that all discovery has been completed. Clearly, discovery has not been completed in this case because a Motion to Compel has been granted against the plaintiffs and the plaintiffs have never responded.

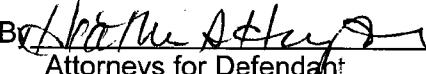
11. Concurrent with the filing of this Motion to Strike the Certificate of Readiness, counsel is also filing a Motion for Sanctions based on the plaintiffs' failure to respond to the defendant's discovery requests.

12. Not only is the case not ready for trial in this Honorable Court, the parties have agreed that it should be resolved via submission to inter-company arbitration.

WHEREFORE, the Defendant, Chang Chen, respectfully requests that this Honorable Court dismiss the plaintiffs' case in its entirety and direct that it be forwarded to inter-company arbitration per the agreement of the parties or strike the Certificate of Readiness and hear the defendant's Motion for Sanctions.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

By 
Attorneys for Defendant

Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant

: JURY TRIAL DEMANDED

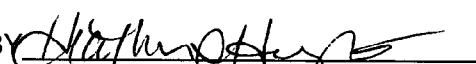
CERTIFICATION

I, Heather A. Harrington, Esquire, counsel for named defendant hereby certify that I have attempted to confer with counsel for the plaintiffs in order to resolve this Motion, without success.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

BY


Attorney for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant : JURY TRIAL DEMANDED

ORDER

AND NOW, this 18th day of April, 2006, after consideration of defendant Chang Fens Chen's Motion to Compel, it is hereby ORDERED, DIRECTED AND DECREED that said Motion is granted. Plaintiffs are hereby directed to provide full and complete responses to the defendant's Interrogatories and Request for Production of thirty (30) Documents within ~~twenty (20)~~ days of the date of this Order or suffer sanctions as the court may deem appropriate.

BY THE COURT:

/s/ Fredric J. Ammerman

J.

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

APR 18 2006

Attest.

William J. Ammerman
Prothonotary/
Clerk of Courts

EXHIBIT

A

tabbed

MH&S
McIntyre, Hartye & Schmitt
LAW OFFICES

June 15, 2006

Our Reference: 8180 NH

Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 S. 21st Street
Philadelphia, PA 19103

Re: Great West Casualty, Individually and as Subrogee
on behalf of Sharkey Transportation and Sharkey
Transportation v. Chang Chen
No. 2005-196-CD

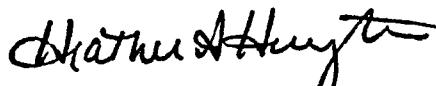
Dear Mr. Schofield:

Thank you for your e-mail correspondence confirming that your client has agreed to resolve this matter by submission to Intra-Company Arbitration. I have requested that my adjuster, Mary McDaniel, prepare the necessary arbitration paperwork and forward it directly to your attention.

I will keep my file open to ensure that the litigation is discontinued once the matter has been resolved by arbitration.

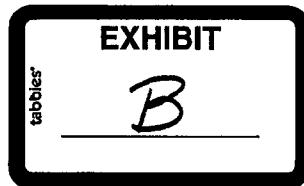
Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Heather A. Harrington

HAH:lag



MH&S

McIntyre, Hartye & Schmitt
LAW OFFICES

December 6, 2006

Our Reference: 8180 NH

Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 S. 21st Street
Philadelphia, PA 19103

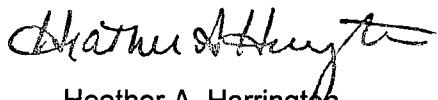
Re: Great West Casualty, Individually and as Subrogee
on behalf of Sharkey Transportation and Sharkey
Transportation v. Chang Chen
No. 2005-196-CD

Dear Mr. Schofield:

It is my understanding that this matter was submitted to IntraCompany Arbitration in June of this year. Would you please provide me with the status of that process?

Also, as IntraCompany Arbitration is binding, it would seem to me that we can dismiss the civil docket in this matter. Would you be so kind as to file the necessary paperwork to do so?

Sincerely,



Heather A. Harrington

HAH:lg

EXHIBIT

Tables

C

MH&S
McIntyre, Hartye & Schmitt
LAW OFFICES

January 18, 2007

Our Reference: 8180 NH

Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 S. 21st Street
Philadelphia, PA 19103

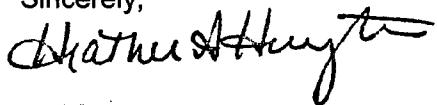
Re: Great West Casualty, Individually and as Subrogee
on behalf of Sharkey Transportation and Sharkey
Transportation v. Chang Chen
No. 2005-196-CD

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Also, as IntraCompany Arbitration is binding, it would seem to me that we can dismiss the civil docket in this matter. Would you be so kind as to file the necessary paperwork to do so?

Sincerely,



Heather A. Harrington

HAH:lg

MH&S

McIntyre, Hartye & Schmitt
LAW OFFICES

February 7, 2007

Our Reference: 8180 NH

Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 S. 21st Street
Philadelphia, PA 19103

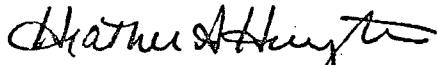
Re: Great West Casualty, Individually and as Subrogee
on behalf of Sharkey Transportation and Sharkey
Transportation v. Chang Chen
No. 2005-196-CD

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Also, as IntraCompany Arbitration is binding, it would seem to me that we can dismiss the civil docket in this matter. Would you be so kind as to file the necessary paperwork to do so?

Sincerely,



Heather A. Harrington

HAH:Ig

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

GREAT WEST CASUALTY, INDIVIDUALLY: :
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION :
: Plaintiffs, :
: :
: vs. :
: :
: CHANG FENS CHEN :
: :
: Defendant : JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Heather A. Harrington, Esquire, hereby certify that I have served a true and correct copy of the foregoing Motion to Strike Certificate of Readiness on behalf of Defendant, Chang Fens Chen, on the following persons by placing the same in the U.S. Mail, postage prepaid, on the 14th day of March, 2007:

Frederic I. Weinberg, Esquire
Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 S. 21st Street
Philadelphia, PA 19103

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

BY 
Attorney for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

(A)

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION : ISSUE:
Plaintiffs, : **MOTION FOR SANCTIONS**
vs. :
CHANG FENS CHEN :
Defendant :
FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN :
COUNSEL OF RECORD FOR DEFENDANT:
McINTYRE, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 14TH DAY OF MARCH, 2007.

Heather A. Shaw
Atorneys for Named Defendant

FILED NO CC
m10:32AM
MAR 15 2007 (60)

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant : JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2007, after consideration of defendant Chang Fens Chen's Motion for Sanctions, it is hereby **ORDERED, DIRECTED AND DECREED** that said Motion is granted. Plaintiffs are hereby precluded from presenting at trial any testimony or evidence on any issue inquired into by the defendant's Interrogatories and Request for Production of Documents.

BY THE COURT:

J.

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION :
Plaintiffs, :
vs. :
CHANG FENS CHEN :
Defendant : JURY TRIAL DEMANDED

FILED 2cc
of 3.27/2007 Atty
MAR 16 2007
William A. Shaw
Prothonotary/Clerk of Courts

1CC to CIA
to Fax 311607

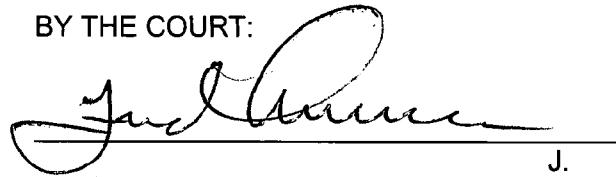
ORDER

AND NOW, this 16 day of March, 2007, upon consideration of the foregoing Motion for Sanctions, it is hereby ORDERED that:

1. A Rule is issued upon the respondent to show cause why the moving party is not entitled to relief requested;
2. The respondent shall file an Answer to the Motion within _____ days of this date;
3. The Motion shall be decided under Pa. R.C.P. 206.7;
4. Depositions and all other discovery shall be completed within _____ days of this date;
5. An evidentiary hearing on disputed issues and material facts shall be held on _____, 200_____, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. _____;
6. Argument shall be held on April 2, 2007, in Courtroom No. 1, of the Clearfield County Courthouse; and 9:00 A.M.

7. The Notice of entry of this Order shall be provided to all parties by the moving party.

BY THE COURT:



Judge James

J.

FILED

MAR 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/16/07

You are responsible for serving all non-party parties.

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

Plaintiff(s) Plaintiff(s) - Plaintiff

Defendant(s) Defendant(s) - Attorney

Special Instructions: _____

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

GREAT WEST CASUALTY, INDIVIDUALLY:

AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD

SHARKEY TRANSPORTATION AND :

SHARKEY TRANSPORTATION :

Plaintiffs, :

vs. :

CHANG FENS CHEN :

Defendant : JURY TRIAL DEMANDED

MOTION FOR SANCTIONS

AND NOW, comes Defendant, CHANG FENS CHEN, by and through his counsel, McINTYRE, HARTYE & SCHMITT, and files the within Motion for Sanctions.

1. Plaintiffs have filed the within action alleging that the defendant was negligent in causing damage to a vehicle owned and operated by Sharkey Transportation and insured by the plaintiff Great West Casualty on February 6, 2005 on Route 80 in Bradford Township, Clearfield County.

2. On or about November 18, 2005, the defendant served on plaintiffs Interrogatories and Request for Production of Documents. To date, the plaintiffs have failed to respond to the written discovery requested by the defendant. They have further failed to object in any way to the written discovery requests of the defendant.

3. The information requested by the defendant in the Interrogatories and Request for Production of Documents is necessary for the defendant to properly assess the claim against him and defend against the allegations set forth in the plaintiffs' Complaint.

4. Due to plaintiffs' failure and/or refusal to respond to the written discovery requests of the defendant, a Motion to Compel such discovery responses was filed.

5. The plaintiffs did not file a response to the Motion to Compel.

6. On April 18, 2006 the Honorable Frederick J. Ammerman entered an Order directing that plaintiffs provide full and complete responses to the defendant's Interrogatories and Request for Production of Documents within thirty (30) days or suffer sanctions as the court may deemed appropriate. (A copy of the April 18, 2006 Order is attached hereto, marked as Exhibit "A", and incorporated by reference.)

7. To date, the plaintiffs have failed to provide any discovery responses whatsoever.

8. The defendant is unable to defend this claim in that the plaintiffs have not provided any information pertaining to their allegations of negligence against the defendant or the alleged damages.

9. Not only is the defendant prejudiced by the plaintiffs' failure and/or refusal to respond to discovery requests, but plaintiffs are now in direct violation of a Court Order.

10. Pennsylvania Rules of Civil Procedure 4019 states, in relevant part:

(a)(1) the court may, on Motion, make an appropriate Order if
(i) a party fails to serve answers, sufficient answers, or objections to written interrogatories under Rule 4005;

(vii) a party, in response to a request for production or inspection made under Rule 4009, fails to respond that inspection will be permitted as requested, or fails to permit inspection as requested;

(viii) a party or person otherwise fails to make discovery or to obey an Order of Court respecting discovery;

(c) the court, when acting under subdivision (a) of this Rule may make:

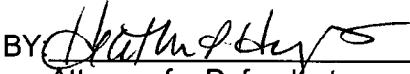
(2) an Order refusing to allow the disobedience party to support or oppose designated claims or defenses, or prohibiting such party from introducing in evidence designating documents, things, or testimony, or from introducing evidence of physical or mental condition.

Based on the plaintiffs' complete lack of response to the discovery requests and the Court's Order, the defendant believes it is appropriate for the plaintiffs to be sanctioned by preclusion of presentation of testimony or evidence at time of trial pertaining to any issue inquired into by the defendant's discovery responses, which the plaintiffs have failed and/or refused to respond to answer.

WHEREFORE, Defendant, Chang Fens Chen, respectfully requests that this Honorable Court grant his Motion for Sanctions and preclude the plaintiffs from presenting any testimony or evidence at trial on any issue inquired into by the defendant's written discovery requests.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

BY: 
Attorney for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs, :
vs. :
CHANG FENS CHEN :
Defendant : JURY TRIAL DEMANDED

CERTIFICATION

I, Heather A. Harrington, Esquire, counsel for named defendant hereby certify that I have attempted to confer with counsel for the plaintiffs in order to resolve this Motion, without success.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

BY 
Attorney for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD

SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant

: JURY TRIAL DEMANDED

ORDER

AND NOW, this 18th day of April, 2006, after consideration of defendant Chang Fens Chen's Motion to Compel, it is hereby ORDERED, DIRECTED AND DECREED that said Motion is granted. Plaintiffs are hereby directed to provide full and complete responses to the defendant's Interrogatories and Request for Production of thirty (30) documents within twenty (20) days of the date of this Order or suffer sanctions as the court may deem appropriate.

FJA/BS
BY THE COURT:

/s/ Fredric J. Ammerman

J.

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

APR 18 2006

Attest.

William L. Ammerman
Prothonotary/
Clerk of Courts

EXHIBIT

A

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION :
Plaintiffs, :
vs. :
CHANG FENS CHEN :
Defendant : JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Heather A. Harrington, Esquire, hereby certify that I have served a true and correct copy of the foregoing Motion for Sanctions on behalf of Defendant, Chang Fens Chen, on the following persons by placing the same in the U.S. Mail, postage prepaid, on the 14th day of March, 2007:

Frederic I. Weinberg, Esquire
Paul M. Schofield, Jr., Esquire
Gordon & Weinberg, P.C.
21 S. 21st Street
Philadelphia, PA 19103

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

BY Heather A. Harrington
Attorney for Defendant

Heather A. Harrington, Esquire
PA I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

GORDON & WEINBERG, P.C.
BY: FREDERIC I. WEINBERG, ESQUIRE
Identification No.: 41360
PAUL M. SCHOFIELD, JR., ESQUIRE
Identification No.: 81894
21 SOUTH 21ST STREET
PHILADELPHIA, PA 19103
215/988-9600

Sharkey Transportation 3803
Dye P.O. Box 3156 Quincy, IL
62305-3156

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

DOCKET NO. : 2005-196-CD

Chang Fens Chen

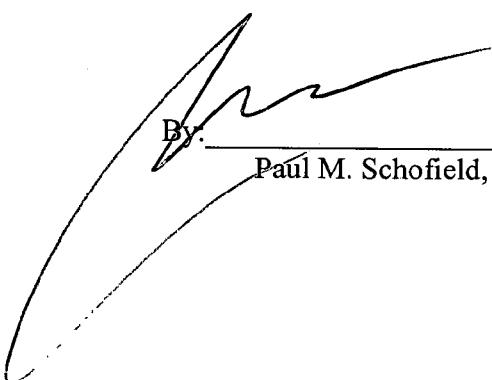
PRAECIPE TO STRIKE APPOINTMENT OF ARBITRATORS

TO THE PROTHONOTARY:

Plaintiff and Defendant have agreed to strike the appointment of the arbitrators in the above referenced matter. Kindly dissolve the panel as the parties have agreed to send the matter to inter company arbitration.

Dated: 3-23-07

By:


Paul M. Schofield, Jr., Esquire

FILED *no cc*
M 10:42 AM
MAR 26 2007
(62)

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION : ISSUE: **Praecipe to Withdraw**
Plaintiffs, : **Motion to Strike Certificate of Readiness**
: **and Motion for Sanctions**

vs.

CHANG FENS CHEN

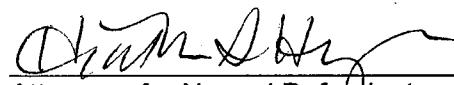
Defendant

FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN

COUNSEL OF RECORD FOR DEFENDANTS:

McINTYRE, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 27th DAY OF
MARCH, 2007.



Attorneys for Named Defendant

FILED
M 10 32 2007 NO CC
MAR 28 2007
GK

William A. Shaw
Prothonotary/Clerk of Courts

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND
SHARKEY TRANSPORTATION

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant

JURY TRIAL DEMANDED

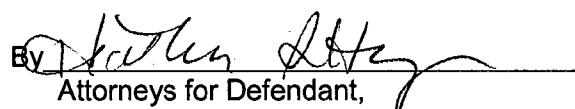
**PRAECIPE TO WITHDRAW MOTION TO STRIKE CERTIFICATE OF READINESS
AND MOTION FOR SANCTIONS**

TO PROTHONOTARY:

Kindly withdraw the **Motion to Strike Certificate of Readiness and Motion for Sanctions** filed on behalf of **Defendant, Chang Fens Chen**, in the above captioned matter. This matter is currently scheduled for Argument on April 2, 2007 in Courtroom No. 1 at 9:00 a.m.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

By 
Attorneys for Defendant,

Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

MAR 28 2007

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

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

GREAT WEST CASUALTY, INDIVIDUALLY:

AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD

SHARKEY TRANSPORTATION AND

SHARKEY TRANSPORTATION

: ISSUE: **Praecipe to Settle and Discontinue**

Plaintiffs,

vs.

CHANG FENS CHEN

Defendant

FILED *CC & Cert
m 10:50 am of disc issued
SEP 07 2007 to AAG
WM Copy to C/A.*

William A. Shaw
Prothonotary/Clerk of Courts

FILED ON BEHALF OF DEFENDANT:
CHANG FENS CHEN

COUNSEL OF RECORD FOR DEFENDANT:

McINTYRE, HARTYE & SCHMITT
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581
FAX (814) 696-9399

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 6th DAY OF
SEPTEMBER, 2007.

Heather A. Harrington
Attorneys for Named Defendant

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

GREAT WEST CASUALTY, INDIVIDUALLY:
AND AS SUBROGEE ON BEHALF OF : NO. 2005-196-CD
SHARKEY TRANSPORTATION AND :
SHARKEY TRANSPORTATION :
Plaintiffs, :
vs. :
CHANG FENS CHEN :
Defendant : JURY TRIAL DEMANDED

PRAECIPE TO SETTLE AND DISCONTINUE

TO: PROTHONOTARY

Kindly mark the above captioned matter as settled, discontinued and ended,
without prejudice.

GORDON & WEINBERG, P.C.


Counsel for Plaintiff

~~Joel M. Ains~~ Paul M. Schofield, Jr., Esquire *27*
PA I.D. No. 41200

21 S. 21st Street
Philadelphia, PA 19103
215/988-9600

Date: August 31, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

**Great West Casualty
Sharkey Transportation**

Vs.
Chang Fens Chen

No. 2005-00196-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 September 7, 2007, marked:

Settled, discontinued and ended without prejudice

Record costs in the sum of \$105.00 have been paid in full by Frederic I. Weinberg Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of September A.D. 2007.

William A. Shaw

William A. Shaw, Prothonotary