

05-276-CD
A. Woods et al vs. J. Stellabuto et al

JAMES G. STELLABUTO ET AL

Audrey Woods et al v. James Stellabuto et al
2005-276-CD

Civil Other

Date		Judge
3/2/2005	New Case Filed.	No Judge
	Filing: Praeipce for Writ of Summons Paid by: Marcus & Mack Receipt number: 1896730 Dated: 03/02/2005 Amount: \$85.00 (Check) 1 Cert. with copy of Summons to Atty. and 5 Summons to Sheriff	No Judge
4/7/2005	Sheriff Return, Summons was served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
4/13/2005	Praeipce For Entry of Appearance, filed by Atty. Zaken Enter appearance on behalf of James G. and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc. and/or Jim Stellabuto's Everything Under One Roof Atty. Trisha A. Zaken and Laura L. Wallace.	No Judge
	Praeipce for Rule to File Complaint, filed by Atty. Zaken Rule to File Complaint issued to Atty.	No Judge
5/2/2005	Proof of Service, Rule to file Complaint served on Jonathan Mack, Esquire. Filed by Trisha A. Zaken. No CC.	No Judge
5/20/2005	Notice of Service, copy of Complaint, upon Trisha A Zaken, Esquire, on May 19, 2005. No CC	No Judge
7/1/2005	Notice of Service of a true and correct copy of the foregoing Plaintiffs Valerie J. Powers and Randell T Powers' Answer to Defendants' Interrogatoriess on June 29, 2005, filed. (not legable) No CC.	No Judge
7/8/2005	Answer, New Matter and New Matter Pursuant to Rule 2252(d), filed by s/ Trisha A. Zaken, Esquire.	No Judge
7/12/2005	Plaintiffs' Reply to New Matter, filed by s/ Jason E. Matzus, Esquire No CC	No Judge
	Notice of Service, Plaintiffs Reply to New Matter to Trisha A. Zaken, Esquire on the 11th day of July, 2005. No CC	No Judge
7/21/2005 → not in file as of 3-23-09	Notice of Service, Plaintiffs Audrey J. Woods and C. Arthur Woods' Answers to Defendants' Interrogatories, to Trisha A. Zaken, Esquire, on July 14, 2005. Filed by s/ Jason E. Matzus, Esquire. No CC	No Judge
7/22/2005	Notice of service of the forgoing Plaintiffs' Interrogatories to Defendants James G. Stellabuto, i/t/d/b/a Jim Stellabuto's Everything Under One Foot Inc., and/or Jim Stellabuto's Everything Under One Roof, defendants to Trisha A. Zaken Esq., on July 14, 2005 filed by Jason Matzus Esq. No CC.	No Judge
	Notice of service of the forgoing Plaintiffs' Interrogatories to Defendants James G. Stellabuto and Bernice A. Stellabuto, on July 14, 2005 filed by Trisha A. Zaken Esq. No CC	No Judge
	Notice of service of the forgoing Plaintiffs' Request for Production of Documents to Defendants James G. Stellabuto and Bernice A. Stellabuto on July 14, 2005 to Trisha A. Zaken Esq., filed by Jason E. Matzus Esq. No CC.	No Judge
	Notice of service of the forgoing Plaintiffs' Request for production of Documents to Defendants James G. Stellabuto, i/t/d/b/a Jim Stellabuto's Everything Under One Foot Inc., and/or Jim Stellabuto's Everything Under One Roof was mailed to Trisha A. Zaken Esq on July 14, 2005, filed by Jason E. Matzus Esq. No CC.	No Judge
7/26/2005	Notice of Deposition of James G. Stellabuto, filed by s/ Jason E. Matzus, Esquire. No CC	No Judge
9/19/2005	Praeipce For Entry of Appearance, filed. Enter our Appearance on behalf of Beaver Grove Condominium, one of the Defendants in the above captioned matter, filed by Troy J. Harper Esq. No CC.	No Judge

Civil Other

Date		Judge
10/25/2005	Praeipce to Discontinue, filed. Kindly discontinue Defendant James Stellabuto and Bernice Stellabuto, Jim Stellabuto's Everything Under Foot Inc., and/or Jim Stellabuto's Everything Under One Roof, cross-claim pursuant to P.A.R.C.P. 2252(d) against Beaver Grove Condominium, filed by s/ Trisha A. Zaken Esq. NO CC.	No Judge
11/1/2005	Stipulations, filed. AND NOW, come the parties to the above-captioned matter through their respective counsel who hereby stipulate and agree as follows: parties consent that the Plaintiffs may discontinue the above-captioned action as to the defendant, Beaver Grove Condominium and parties consent that the Defendants, James G. Stellabuto and Bernice A. Stellabuto, husband and wife; james G. Stellabuto, i/t/d/b/a Jim Stellabuto's Everything Under Foot Inc., and/or Jim Stellabuto's Everything Under One Roof will file a Praeipce to Discontinue it crossclaim, filed by s/ Troy J. Harper Esq., Jason E. Matzus Esq., Trisha A. Zaken Esq. No CC.	No Judge
11/4/2005	Praeipce to Discontinue as to BEAVER GROVE CONDOMINIUM ONLY, filed by Atty. Matzus	No Judge
1/23/2006	Proof of Service of Subpoenas, filed by s/ Trisha A. Zaken Esq.	No Judge
2/27/2006	Certificate of Readiness for Jury Trial, filed by s/ Jason E. Matzus, Esquire. No CC	No Judge
3/6/2006	Motion To Strike Case From Trial List, filed by s/ Trisha A. Zaken, Esquire. no CC	No Judge
3/8/2006	Scheduling Order, NOW, this 7th day of March, 2006, Ordered that argument on the Defendants Motion to Strike from the Trial List will be held on March 28, 2006 at 10:00 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Zaken	Fredric Joseph Ammerman
3/13/2006	Proof of Service of Scheduling Order, Defendant Counsel served Plaintiffs Counsel with a copy of the Scheduling Order scheduling argument on Defendants Motion to Strike from Trial List for March 28, 2006 at 10:00 a.m. filed by s/ Trisha A. Zaken Esq. No CC.	Fredric Joseph Ammerman
3/28/2006	Order, NOW, this 28th day of March, 2006, Ordered that the Motion to Strike Case for Trial List is Granted. The Prothonotary is directed to strike this case from the trial list. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: J. Mack, T. Zaken, L. Wallace	Fredric Joseph Ammerman
4/19/2006	Notice of Service, filed. That a true and correct copy of the foregoing Plaintiffs Audrey J. Woods and C. Arthur Woods' Answers to Defendant's Supplemental Interrogatories and Request for Production of Documents were mailed on the 18th day of April 2006 to Trisha A. Zaken Esq., filed by s/ Jason E. Matzus Esq. No CC.	Fredric Joseph Ammerman
	Notice of Service, filed. That a true and correct copy of the foregoing Plaintiffs Valerie J. Powers and Ransell T. Powers' Answers to Defendants' Supplemental Interrogatories and Request for Production of Documents were mailed on the 18th day of April, 2006 to Trisha A. Zaken Esq., filed by s/ Jason E. Matzus Esq.	Fredric Joseph Ammerman
2/27/2007	Notice of Deposition of Blaine Bogle, filed by s/ Jonathan B. Mack Esq. No CC.	Fredric Joseph Ammerman
	Notice of Deposition of Heather Long, filed by s/ Jonathan B. Mack Esq. No CC.	Fredric Joseph Ammerman
	Notice of Deposition of Dave Klepfer, filed by s/ Jonathan B. Mack Esq. No CC.	Fredric Joseph Ammerman

Civil Other

Date		Judge
2/27/2007	Notice of Deposition of Robert Chappel, filed by s/ Jonathan B. Mack Esq. No CC.	Fredric Joseph Ammerman
	Notice of Deposition of Bernice Stellabuto, filed by s/ Jonathan B. Mack Esq. NO CC.	Fredric Joseph Ammerman
3/1/2007	Notice of Deposition of Brent Ore, filed by s/ Jonathan B. Mack, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
	Notice of Deposition of Harry Schropp, filed by s/ Jonathan B. Mack, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
	Notice of Deposition of David Stellabuto, filed by s/ Jonathan B. Mack, Esquire. 1CC to Atty	Fredric Joseph Ammerman
	Notice of Deposition of Paul Carolus, filed by s/ Jonathan B. Mack, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
	Notice of Deposition of Tim Pittsley, filed by s/ Jonathan B. Mack, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
	Notice of Deposition of Michael Fischer, filed by s/ Jonathan B. Mack, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
5/11/2007	Certificate of Readiness for Jury Trial, filed by s/ Jonathan B. Mack, Esquire. 1CC Atty. Mack	Fredric Joseph Ammerman
5/25/2007	Notice of Deposition of Janice Maloney, filed by s/ Bryan S. Neiderhiser, Esquire. No CC	Fredric Joseph Ammerman
	Notice of Deposition of Lori Beth Rancik, filed by s/ Bryan S. Neiderhiser, Esquire. No CC	Fredric Joseph Ammerman
	Notice of Deposition of Mary Anne Zakutny, filed by s/ Bryan S. Neiderhiser, Esquire. No CC	Fredric Joseph Ammerman
8/8/2007	Order, this 7th day of August, 2007, Pre-Trial Conference shall be held on the 24th day of August, 2007 in Chambers at 11:00 a.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Mack, Zaken & Wallace	Fredric Joseph Ammerman
8/27/2007	Order, this 24th day of August, 2007, it is Ordered: Jury Selection will be held on August 28, 2007, at 1:00 p.m. in Courtroom 1. Jury Trial is scheduled for Oct. 10, 11 and 12, 2007 commencing each day at 9:00 a.m. in Courtroom 1. (see original) By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: J. Mack, T. Zaken, L. Wallace	Fredric Joseph Ammerman
9/10/2007	Defendants' Motion For Judicial Notice of Climatological Data, filed by s/ Trisha A. Gill, Esquire. No CC	Fredric Joseph Ammerman
	Motion to Amend Case Caption, filed by s/ Trisha A. Gill, Esquire. No CC	Fredric Joseph Ammerman
	Defendants' Motions In Limine, filed by s/ Trisha A. Gill, Esquire. No CC	Fredric Joseph Ammerman
9/12/2007	Order, this 12th day of Sept., 2007, it is Ordered that argument on Defendants' Motions in Limine, Motion to Amend Case Caption, and Motion for Judicial Notice of Climatological Data, have been scheduled for Sept. 26, 2007 at 1:30 p.m. Courtroom 2. It is the responsibility of the Petitioner to serve certified copy of said scheduling Order on the Plaintiff's Counsel. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Attys. Gill & Wallace	Fredric Joseph Ammerman
9/18/2007	Plaintiffs' Motions in Limine, filed by s/ Bryan S. Neiderhiser, Esquire. 2CC Atty.	Fredric Joseph Ammerman

not in
9-27-07

Date: 9/27/2007

Clearfield County Court of Common Pleas

User: LMILLER

Time: 12:16 PM

ROA Report

Page 4 of 4

Case: 2005-00276-CD

Current Judge: Fredric Joseph Ammerman

Civil Other

Date		Judge
9/18/2007 <i>not in file as of 9-27-07</i>	Order, this 18th day of Sept., 2007, it is Ordered that a hearing is scheduled on the Plaintiffs' Motions in Limine on the 26th day of Sept., 2007, at 1:30 p.m. in Courtroom 2. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Neiderhiser	Fredric Joseph Ammerman
9/20/2007 <i>not in file as of 9-27-07</i>	Plaintiffs' Response to Defendants' Motions in Limine, filed by s/ Bryan S. Neiderhiser, Esquire. No CC	Fredric Joseph Ammerman
	Notice to Attend And Testify, filed by s/ Bryan S. Neiderhiser, Esquire. No CC	Fredric Joseph Ammerman
9/21/2007	Certificate of Service, filed. That a true and correct copy of the foregoing Scheduling Order was sent via fax to Trisha A. Gill Esq., filed by s/ Bryan S. Neiderhiser Esq. NO CC.	Fredric Joseph Ammerman
9/26/2007 <i>not in file as of 9-27-07</i>	Defendants' Challenge to the Array of Jurors Pursuant to Pa.R.C.P. 220, or, in the alternative, Motion to Strike Jury Panel, filed by s/Trisha A. Gill, Esq. No CC	Fredric Joseph Ammerman
	Motion to Strike Plaintiffs' Amended Pre-Trial Narrative Statement, filed by s/Trisha A. Gill, Esq. No CC	Fredric Joseph Ammerman
	Motion for Protective Order, filed by s/Trisha A. Gill, Esq. No CC	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-276-CO

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

PRAECIPE FOR WRIT OF SUMMONS

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

FILED

MAR 02 2005

ml 2:00/way
William A. Shaw
Prothonotary

1 cert to Att'y w/ copy of writ
5 writ to Supp
Summ

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No.
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COURT:

Please issue a Writ of Summons in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID #38970

March 1, 2005

FILED

MAR 02 2005

William A. Shaw
Prothonotary

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

SUMMONS

**Audrey J. Woods and
C. Arthur Woods her husband, and
Valerie J. Powers and
Randell T. Powers her husband**

Vs.

NO.: 2005-00276-CD

**James G. Stellabuto and Bernice A. Stellabuto,
husband and wife; Jim Stellabuto's Everything
Under Foot, Inc., and/or
Jim Stellabuto's Everything Under One Roof;
and Beaver Grove Condominium**

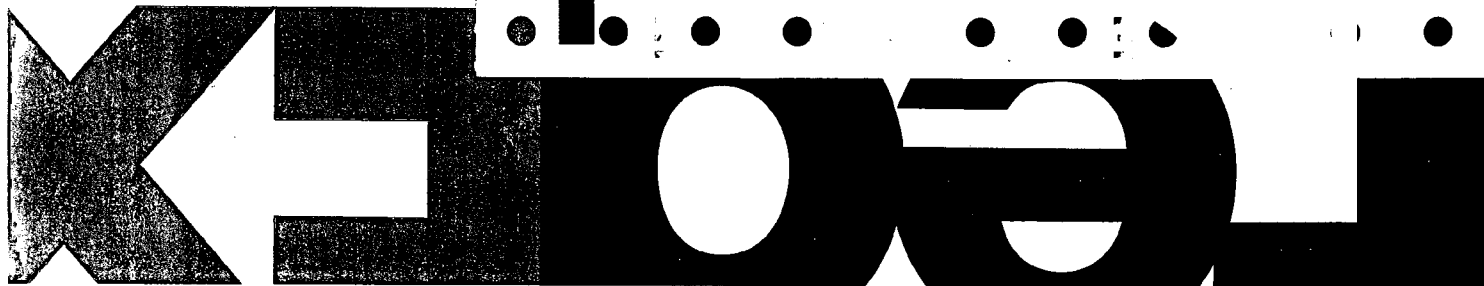
**TO: JAMES G. STELLABUTO
BERNICE A. STELLABUTO
JIM STELLABUTO'S EVERYTHING UNDER FOOT, INC.
JIM STELLABUTO'S EVERYTHING UNDER ONE ROOF
BEAVER GROVE CONDOMINIUM**

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

Date: 03/02/2005

William A. Shaw
Prothonotary

Issuing Attorney: Jonathan B. Mack, Esq.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701



Express

222

FedEx Express

8467 7928 6898

SPH23

0215

FedEx Copy

1 From
Date 03/01/05
Sender's Name Denise Fleming
Company MARCUS AND MACK
Address 57 S 6TH ST
CITY INDIANA
State PA ZIP 15701-2762

4a Express Package Service
1 ☒ FedEx Priority Overnight
2 ☐ FedEx Standard Overnight
3 ☐ FedEx 2Day
4 ☐ FedEx Express Saver
5 ☐ FedEx First Overnight
6 ☐ FedEx 3Day Freight
7 ☐ FedEx 1Day Freight
8 ☐ FedEx 2Day Freight
9 ☐ FedEx 3Day Freight

2 Your Internal Billing Reference
To request a package be held at a specific FedEx location, print FedEx address here

4b Express Freight Service
1 ☐ FedEx 1Day Freight
2 ☐ FedEx 2Day Freight
3 ☐ FedEx 3Day Freight
4 ☐ FedEx 4Day Freight
5 ☐ FedEx 5Day Freight
6 ☐ FedEx 6Day Freight
7 ☐ FedEx 7Day Freight
8 ☐ FedEx 8Day Freight
9 ☐ FedEx 9Day Freight

3 To
Recipient's Name Denise Fleming
Company Marcus & Mack, P.C.
Address 57 S. 6th Street
City Indiana
State PA ZIP 15701

5 Packaging
1 ☒ FedEx Envelope
2 ☐ FedEx Pak
3 ☐ FedEx Box
4 ☐ FedEx Tube
5 ☐ FedEx Mailer

6 Special Handling
1 ☐ Saturday Delivery
2 ☐ Signature Required
3 ☐ Signature Restricted
4 ☐ Signature Adult
5 ☐ Signature Restricted Adult
6 ☐ Signature Restricted Adult

7 Payment
1 ☒ Bill to
2 ☐ Bill to
3 ☐ Bill to
4 ☐ Bill to
5 ☐ Bill to
6 ☐ Bill to

8 Sign to Authorize Delivery Without a Signature
By signing and authorizing us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

9 Total Packages
10 Total Weight
11 Total Declared Value
12 Total Charges
13 Credit Card Auth.

14 Signature
15 Date

16 Signature
17 Date

18 Signature
19 Date

20 Signature
21 Date

22 Signature
23 Date

24 Signature
25 Date

26 Signature
27 Date

28 Signature
29 Date

30 Signature
31 Date

32 Signature
33 Date

34 Signature
35 Date

36 Signature
37 Date

38 Signature
39 Date

40 Signature
41 Date



466

0288932945

SPS-Rev. Date 11/03-Paper #15079-©1994-2003 FedEx-PRINTED IN U.S.A.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100267
NO: 05-276-CD
SERVICE # 1 OF 4
SUMMONS

PLAINTIFF: AUDREY J. WOODS and C. ARTHUR WOODS her husband AND VALERIE J. POWERS and
RANDELL T. POWERS, her husband

vs.

DEFENDANT: JAMES G. STELLABUTO and BERNICE A. STELLABUTO, husband & wife al

SHERIFF RETURN

NOW, March 04, 2005 AT 11:04 AM SERVED THE WITHIN SUMMONS ON JAMES G. STELLABUTO
DEFENDANT AT (employment) 922 BEAVER DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY
HANDING TO JAMES G. STELLABUTO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL
SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

E su
FILED
012:51/61
APR 07 2005
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100267
NO: 05-276-CD
SERVICE # 2 OF 4
SUMMONS

PLAINTIFF: AUDREY J. WOODS and C. ARTHUR WOODS her husband AND VALERIE J. POWERS and
RANDELL T. POWERS, her husband

vs.

DEFENDANT: JAMES G. STELLABUTO and BERNICE A. STELLABUTO, husband & wife al

SHERIFF RETURN

NOW, March 04, 2005 AT 11:04 AM SERVED THE WITHIN SUMMONS ON BERNICE A. STELLABUTO
DEFENDANT AT (employment) 922 BEAVER DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY
HANDING TO JAMES STELLABUTO, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS
AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100267
NO: 05-276-CD
SERVICE # 3 OF 4
SUMMONS

PLAINTIFF: AUDREY J. WOODS and C. ARTHUR WOODS her husband AND VALERIE J. POWERS and
RANDELL T. POWERS, her husband

vs.

DEFENDANT: JAMES G. STELLABUTO and BERNICE A. STELLABUTO, husband & wife al

SHERIFF RETURN

NOW, March 04, 2005 AT 11:04 AM SERVED THE WITHIN SUMMONS ON JAMES G. STELLABUTO itdba JIM STELLABUTO'S EVERYTHING UNDER FOOT INC and/or JIM STELLABUTO'S EVERYTHING UNDER ONE ROOF DEFENDANT AT (employment) 922 BEAVER DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES G. STELLABUTO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100267
NO: 05-276-CD
SERVICE # 4 OF 4
SUMMONS

PLAINTIFF: AUDREY J. WOODS and C. ARTHUR WOODS her husband AND VALERIE J. POWERS and
RANDELL T. POWERS, her husband

vs.

DEFENDANT: JAMES G. STELLABUTO and BERNICE A. STELLABUTO, husband & wife al

SHERIFF RETURN

NOW, March 04, 2005 AT 11:04 AM SERVED THE WITHIN SUMMONS ON BEAVER GROVE CONDOMINIUM
DEFENDANT AT (employment) 922 BEAVER DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY
HANDING TO JAMES STELLABUTO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL
SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100267
NO: 05-276-CD
SERVICES 4
SUMMONS

PLAINTIFF: AUDREY J. WOODS and C. ARTHUR WOODS her husband AND VALERIE J. POWERS and
RANDELL T. POWERS, her husband

vs.

DEFENDANT: JAMES G. STELLABUTO and BERNICE A. STELLABUTO, husband & wife al

SHERIFF RETURN

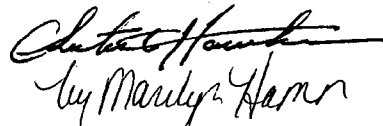
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MARCUS	33188	40.00
SHERIFF HAWKINS	MARCUS	33188	51.39

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

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

SUMMONS

**Audrey J. Woods and
C. Arthur Woods her husband, and
Valerie J. Powers and
Randell T. Powers her husband**

Vs.


NO.: 2005-00276-CD

**James G. Stellabuto and Bernice A. Stellabuto,
husband and wife; Jim Stellabuto's Everything
Under Foot, Inc., and/or
Jim Stellabuto's Everything Under One Roof;
and Beaver Grove Condominium**

TO: JAMES G. STELLABUTO
BERNICE A. STELLABUTO
JIM STELLABUTO'S EVERYTHING UNDER FOOT, INC.
JIM STELLABUTO'S EVERYTHING UNDER ONE ROOF
BEAVER GROVE CONDOMINIUM

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

Date: 03/02/2005



William A. Shaw
Prothonotary

Issuing Attorney: Jonathan B. Mack, Esq.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

PRAECIPE FOR APPEARANCE
(Jury Trial Demanded)

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. ZAKEN, ESQUIRE
P.A. I.D. No. 83751

LAURA L. WALLACE, ESQUIRE
P.A. I.D. NO. 93316

WALSH, COLLIS & BLACKMER, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

FILED

APR 13 2005

W/4:00
William A. Shaw
Prothonotary
no c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

PRAECIPE FOR APPEARANCE

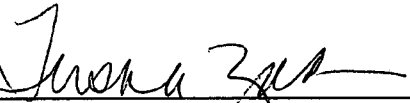
TO: THE PROTHONOTARY

Kindly enter the Appearance of the undersigned, Trisha A. Zaken, Esquire, and Laura L. Wallace, Esquire, of the law firm of Walsh, Collis & Blackmer, L.L.C., on behalf of the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, in the above case.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, L.L.C.

By 
Trisha A. Zaken, Esquire
Laura L. Wallace, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Praecipe for Appearance has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 8 day of April, 2005:

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, L.L.C.

By Trisha A. Zaken
Trisha A. Zaken, Esquire
Laura L. Wallace, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

(Jury Trial Demanded)

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. ZAKEN, ESQUIRE
P.A. I.D. No. 83751

LAURA L. WALLACE, ESQUIRE
P.A. I.D. NO. 93316

WALSH, COLLIS & BLACKMER, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED

APR 13 2005

m/4:00/w
William A. Shaw
Prothonotary

NO CERT COPY

RULE TO FILE COMPLAINT
TO ATTORNEY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

PRAECIPE FOR RULE TO FILE COMPLAINT

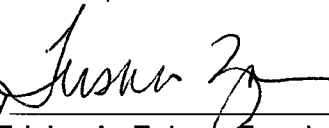
TO: THE PROTHONOTARY

Kindly rule the Plaintiffs, Audrey J. Woods, C. Arthur Woods, Valerie J. Powers and
Randall T. Powers, to file a Complaint in Civil Action within twenty (20) days.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, L.L.C.

BY 

Trisha A. Zaker, Esquire
Laura L. Wallace, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Praecipe for Rule to File Complaint has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 11 day of April, 2005:

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, L.L.C.

By Trisha A. Zaken
Trisha A. Zaken, Esquire
Laura L. Wallace, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

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

Audrey J. Woods
C. Arthur Woods
Valerie J. Powers
Randell T. Powers

Vs.

Case No. 2005-00276-CD

James G. Stellabuto
Bernice A. Stellabuto
Jim Stellabuto's Everything Under Foot, Inc.
Jim Stellabuto's Everything Under One Roof
Beaver Grove Condominium

RULE TO FILE COMPLAINT

TO: Audrey J. Woods, C. Arthur Woods, Valerie J. Powers and Randall T. Powers

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

William A. Shaw, Prothonotary

Dated: April 13, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

**PROOF OF SERVICE OF RULE TO FILE
COMPLAINT**

(Jury Trial Demanded)

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. ZAKEN, ESQUIRE
P.A. I.D. No. 83751

LAURA L. WALLACE, ESQUIRE
P.A. I.D. NO. 93316

WALSH, COLLIS & BLACKMER, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED

OK MAY 02 2005
M/19:06
William A. Shaw
Prothonotary
No C/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,
vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.


PROOF OF SERVICE OF RULE TO FILE COMPLAINT

AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their Attorneys, Walsh, Collis & Blackmer, LLC, and Paul J. Walsh III, Esquire, and file the following Proof of Service of Rule to File Complaint and aver as follows:

1. A Rule to File a Complaint in connection with the above-captioned matter was served on counsel for the Plaintiff on April 20, 2005.
2. Attached hereto and marked as Exhibit "A" is a copy of the Return of Service.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, L.L.C.

By 

Trisha A. Zaken, Esquire
Laura L. Wallace, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Jonathan mack
57 S. Sixth street
PO Box 1107
Indiana PA 15701

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

William Butler ☐ Agent
☒ Addressee

B. Received by (Printed Name)

William Butler

C. Date of Delivery

4/20/06

D. Is delivery address different from item 1? ☐ Yes
☒ No

E. If different, delivery address below:

3. Service type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

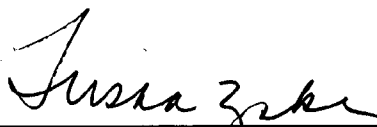
7004 0750 0002 7255 9346

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this ____ day of April 2005:

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, L.L.C.

By 

Trisha A. Zaken, Esquire
Laura L. Wallace, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

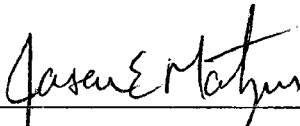
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **COMPLAINT** was mailed,
U.S. First Class mail, to the following this 19th day of May, 2005:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



FILED *nc*
m/11:30 *at* 60
MAY 20 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

**COMPLAINT IN CIVIL
ACTION**

JURY TRIAL DEMANDED

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE TO PLEAD

TO: JAMES G. STELLABUTO and BERNICE A. STELLABUTO, husband and wife;
 JAMES G. STELLABUTO, i/t/d/b/a JIM STELLABUTO'S EVERYTHING UNDER
 FOOT, INC., and/or JIM STELLABUTO'S EVERYTHING UNDER ONE ROOF; and
 BEAVER GROVE CONDOMINIUM

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 in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT REDUCED FEE OR NO FEE.

Clearfield County Court Administrator
2230 East Market Street
Clearfield, PA 16830
Telephone: (814) 765-2641

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jason E. Matzus, Esquire

57 South Sixth Street

P.O. Box 1107

Indiana, PA 15701

Telephone: 724-349-5602

Sup. Ct. ID 76229

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiffs, Audrey J. Woods; C. Arthur Woods, Valerie J. Powers
and Randell T. Powers, by and through their attorneys, Jason E. Matzus, Esquire, and Marcus &
Mack, P.C., and files the following Complaint:

1. The Plaintiffs, Audrey J. and C. Arthur Woods, are adult individuals who reside in
DuBois, Clearfield County, Pennsylvania.
2. The Plaintiffs, Valerie J. and Randell T. Powers, are adult individuals who resides in
DuBois, Clearfield County, Pennsylvania.
3. The Defendants, James G. and Bernice A. Stellabuto, are adult individuals who are
believed to reside in DuBois, Clearfield County, Pennsylvania.

4. The Defendant, James G. Stellabuto, i/t/d/b/a Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, is a Pennsylvania Corporation whose office is located at 922 Beaver Drive, DuBois, Clearfield County, Pennsylvania.

5. The Defendant, James G. Stellabuto, i/t/d/b/a Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, as well as Defendants James G. and Bernice A. Stellabuto, will be collectively referred to as Stellabuto Defendants.

6. At all times relevant, Stellabuto Defendants owned and maintained a retail strip mall located at 922 Beaver Drive, DuBois, Clearfield County, Pennsylvania, (hereafter the Strip Mall).

7. The Defendant, Beaver Grove Condominium, (hereafter Defendant Beaver Grove) is a Pennsylvania business entity who either exclusively or jointly owns, maintains and/or controls the property upon which the Strip Mall is located.

8. At all times relevant, either Stellabuto Defendants and/or Defendant Beaver Grove had under their exclusive and/or joint care, control, custody, maintenance and supervision the Strip Mall facility, as well as the parking lot and sidewalks abutting said Strip Mall.

9. At all times relevant, the Stellabuto Defendants and/or Defendant Beaver Grove were acting by and through his duly authorized agents, servants, employees and/or representatives who were there and then acting within the course of their employment and the scope of their authority.

10. At all times relevant, Defendant Stellabuto maintained a business and/or office facility at the Strip Mall known as "Jim Stellabuto's Everything Under One Roof".

11. At all times relevant, Defendant Stellabuto was present at the Strip Mall daily attending to his retail business.

12. On March 7, 2003, Plaintiff Audrey J. Woods was walking in a normal and prudent manner on the sidewalk abutting the individual businesses within the Strip Mall facility when she

unknowingly encountered a patch of ice on the sidewalk, which caused her to slip and fall, striking her head and body on the ground.

13. On March 7, 2003, Plaintiff Valerie J. Powers was walking in a normal and prudent manner with Plaintiff Audrey J. Woods on the same sidewalk described above when she too unknowingly encountered a patch of ice on the sidewalk, which caused her to slip and fall, and strike her body on the ground.

14. At all times relevant, both Plaintiff Audrey J. Woods and Plaintiff Valerie J. Powers were business invitees while walking on the sidewalk at the Strip Mall as they were in the process of preparing to enter an office within the Strip Mall facility.

15. For some time prior to March 7, 2003, Stellabuto Defendants and/or Defendant Beaver Grove erected and/or maintained a down spout from the roof to the sidewalk to channel water runoff from the roof.

16. For some time prior to March 7, 2003, the down spout in the area where the fall occurred had been leaking water onto the sidewalk.

17. For some time prior to March 7, 2003, the water that would leak from the down spout would spread across the sidewalk and freeze in the area where Plaintiff Woods and Plaintiff Powers fell.

18. For some time prior to March 7, 2003, the water that would leak from the down spout would also spread into the parking lot area and freeze.

19. The down spout leak and subsequent water and icy condition was evident and in existence on many occasions prior to March 7, 2003.

20. At all times relevant, Stellabuto Defendants and/or Defendant Beaver Grove had actual and/or constructive knowledge of the down spout leak and water and icy condition on the

sidewalk in the area where this incident occurred.

21. At all times relevant, Stellabuto Defendants and/or Defendant Beaver Grove had actual and/or constructive knowledge of the resulting freeze/thaw cycle from water runoff across the surface of the sidewalk and parking lot abutting and servicing the Strip Mall.

22. At all times relevant, Stellabuto Defendants and/or Defendant Beaver Grove had actual and/or constructive knowledge that the leaking water and subsequent freezing of it created a slippery and dangerous condition for patrons at the Strip Mall.

23. At the time of the incident on March 7, 2003, the ice patch encountered by Plaintiffs Woods and Powers began at the base of the leaking down spout and spread across the entire span of the sidewalk into the parking lot area.

24. At all times relevant on March 7, 2003, the area of the icy sidewalk and parking lot was shaded due to the roof overhang and its Western exposure.

25. For some time prior to March 7, 2003, tenants and/or patrons of the Strip Mall facility informed Stellabuto Defendants and/or Defendant Beaver Grove of the down spout leak, water runoff and icy condition of the sidewalk area and parking lot.

COUNT I - NEGLIGENCE

Plaintiff Audrey J. Woods v. All Defendants

26. Each of the above paragraphs is incorporated herein by reference.

27. The aforesaid incident was caused by the sole and/or joint negligence of the Stellabuto Defendants and/or Defendant Beaver Grove in general and in the following particulars:

- a. In failing to maintain a safe condition of the area of the sidewalk and parking lot which was intended to be used by patrons of the Strip Mall;

- b. In failing to remove the icy patch from the area of the sidewalk and parking lot that was intended to be used by patrons of the Strip Mall;
- c. In failing to inspect and/or properly inspect the property so as to discover the presence of an icy condition on the sidewalk and/or parking lot areas;
- d. In allowing an icy condition to exist and remain on the sidewalk and parking lot surface of the property when all Defendants knew, or should have known, of the danger such condition created to Plaintiffs;
- e. In permitting a leaking down spout to exist on the property when all Defendants knew, or should have known, that water runoff from the leaking down spout would subsequently spread and freeze across the sidewalk and parking lot areas;
- f. In failing to timely repair the leaking down spout;
- g. In channeling, or causing water to be channeled, across the sidewalk area when all Defendants knew, or should have known, that said water would freeze and create a slippery and dangerous condition on the sidewalk and parking lot areas;
- h. In failing to take appropriate steps to prevent an icy condition from forming on the sidewalk and parking lot areas;
- i. In failing to apply salt or other melting and/or protective products to the sidewalk and parking lot areas to prevent ice from forming;
- j. In failing to warn or adequately warn patrons of the dangerous condition caused by the ice that existed on the property when all Defendants knew, or should have known, of the danger that such condition presented to

caused by the ice that existed on the property when all Defendants knew, or should have known, of the danger that such condition presented to patrons of the Strip Mall facility and that said patrons would not discover the condition; and

- k. In failing to properly maintain the premises to keep the sidewalk and parking lot areas free of icy conditions.

28. As a direct result of the joint and several negligence of all Defendants, Plaintiff Audrey J. Woods suffered, among other things, the following injuries:

- a. Subarachnoid hemorrhage and intraventricular hemorrhage with resulting short-term memory deficits, disorientation and confusion;
- b. Traumatic brain injury/closed head injury with intracranial bleeding;
- c. Left temporal contusion and hemorrhage;
- d. Right occipital fracture;
- e. Post-traumatic headaches; and
- f. Low back sprain;

29. As a result of the aforesaid accident, the Plaintiff Audrey J. Woods suffered, among other things, the following damages:

- a. She has incurred in the past, and will incur in the future, substantial medical expense;
- b. She has suffered in the past, and will suffer in the future, substantial pain, suffering, and inconvenience and the loss of certain ordinary pleasures of life; and

- c. She has sustained in the past, and will sustain in the future, other emotional, economic and physical harm.

WHEREFORE, the Plaintiff Audrey J. Woods demands judgment against all Defendants in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

COUNT II - LOSS OF CONSORTIUM

30. Each of the above paragraphs is incorporated herein by reference.

31. As a result of the injuries to his wife, the husband-Plaintiff, C. Arthur Woods, has loss the society, comfort and services of his spouse.

WHEREFORE, the husband-Plaintiff, C. Arthur Woods, demands judgment against all Defendants in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

COUNT III - NEGLIGENCE

Plaintiff Valerie J. Powers v. All Defendants

32. Each of the above paragraphs is incorporated herein by reference.

33. The aforesaid incident was caused by the sole and/or joint negligence of the Stellabuto Defendants and/or Defendant Beaver Grove in general and in the following particulars:

- a. In failing to maintain a safe condition of the area of the sidewalk and parking lot which was intended to be used by patrons of the Strip Mall;
- b. In failing to remove the icy patch from the area of the sidewalk and parking lot that was intended to be used by patrons of the Strip Mall;

- c. In failing to inspect and/or properly inspect the property so as to discover the presence of an icy condition on the sidewalk and/or parking lot areas;
- d. In allowing an icy condition to exist and remain on the sidewalk and parking lot surface of the property when all Defendants knew, or should have known, of the danger such condition created to Plaintiffs;
- e. In permitting a leaking down spout to exist on the property when all Defendants knew, or should have known, that water runoff from the leaking down spout would subsequently spread and freeze across the sidewalk and parking lot areas;
- f. In failing to timely repair the leaking down spout;
- g. In channeling, or causing water to be channeled, across the sidewalk area when all Defendants knew, or should have known, that said water would freeze and create a slippery and dangerous condition on the sidewalk and parking lot areas;
- h. In failing to take appropriate steps to prevent an icy condition from forming on the sidewalk and parking lot areas;
- i. In failing to apply salt or other melting and/or protective products to the sidewalk and parking lot areas to prevent ice from forming;
- j. In failing to warn or adequately warn patrons of the dangerous condition caused by the ice that existed on the property when all Defendants knew, or should have known, of the danger that such condition presented to patrons of the Strip Mall facility and that said patrons would not discover the condition; and

- k. In failing to properly maintain the premises to keep the sidewalk and parking lot areas free of icy conditions.

34. As a direct result of the joint and several negligence of all Defendants, Plaintiff Valerie J. Powers suffered, among other things, the following injuries:

- a. Bilateral intercarpal ligament tears of the wrists;
- b. Avascular necrosis of the left lunate requiring surgical repair;
- c. Triscaphe fusion right wrist with bone graft from distal radius;
- d. Bilateral wrists sprains; and
- e. Generalized trauma and injury to the nerves, tissues, muscles, tendons and ligaments of the wrists.

35. As a result of the aforesaid accident, the Plaintiff Valerie J. Powers suffered, among other things, the following damages:

- a. She has incurred in the past, and will incur in the future, substantial medical expense;
- b. She has sustained in the past, and will sustain in the future, substantial economic loss;
- c. She has suffered in the past, and will suffer in the future, substantial pain, suffering, and inconvenience and the loss of certain ordinary pleasures of life;
- d. She has sustained in the past, and will sustain in the future, other emotional, economic and physical harm; and
- e. She has sustained in the past, and will sustain in the future, substantial

scarring and disfigurement.

WHEREFORE, the Plaintiff Valerie J. Powers demands judgment against all Defendants in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

COUNT IV - LOSS OF CONSORTIUM

36. Each of the above paragraphs is incorporated herein by reference.

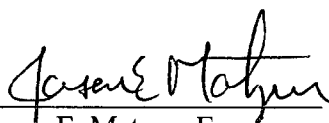
37. As a result of the injuries to his wife, the husband-Plaintiff, Randell T. Powers, has loss the society, comfort and services of his spouse.

WHEREFORE, the husband-Plaintiff, Randell T. Powers, demands judgment against all Defendants in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

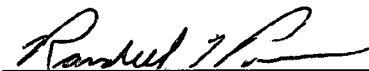
Respectively submitted,

MARCUS & MACK, P.C.

By: 
Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 76229

VERIFICATION

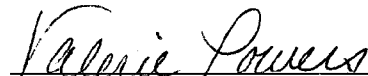
I, Randell T. Powers, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Randell T. Powers", is written over a horizontal line.

Randell T. Powers

VERIFICATION

I, Valerie Powers, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.



Valerie Powers

VERIFICATION

I, C. Arthur Woods, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.

C. Arthur Woods
C. Arthur Woods

VERIFICATION

I, Audrey Woods, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.



Audrey Woods

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

FILED *no cc*
JUL 11 2005 *LB*

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS VALERIE J. POWERS AND RANDELL T. POWERS' ANSWER TO DEFENDANTS' INTERROGATORIES** were mailed, U.S. First Class mail, to the following this 29th day of June, 2005:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

Trisha A. Zaken

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

TO: ALL PARTIES

You are hereby notified to
file a written response to
the enclosed Answer, New Matter
and New Matter 2252(d)
within twenty (20)
days from service hereof
or a judgment may be entered
against you.



WALSH COLLIS & BLACKMER, L.L.C.

#244

CIVIL DIVISION

Docket No.: 2005-00276 CD

**ANSWER, NEW MATTER AND NEW
MATTER PURSUANT TO RULE 2252(d)**

(Jury Trial Demanded)

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:


TRISHA A. ZAKEN, ESQUIRE
P.A. I.D. No. 83751

LAURA L. WALLACE, ESQUIRE
P.A. I.D. NO. 93316

WALSH, COLLIS & BLACKMER, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

FILED

JUL 08 2005 

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d)

AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their undersigned attorneys, Walsh Collis & Blackmer, LLC, and Trisha A. Zaken, Esquire, and files the following Answer, New Matter and New Matter 2252(d) and in support thereof avers as follows:

I. ANSWER

1. Paragraphs 1 through 4 of Plaintiffs' Complaint state legal conclusions to which no responses are required. To the extent that responses are deemed necessary, said averments are admitted.

2. Paragraph 5 of Plaintiffs' Complaint requires no response. To the extent that a response is deemed necessary, these Defendants herein refer to their previously

set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

3. Paragraph 6 of Plaintiffs' Complaint states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, said averment is admitted.

4. Paragraph 7 of Plaintiffs' Complaint states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied and strict proof thereof is demanded at the time of trial.

5. Paragraph 8 of Plaintiffs' Complaint is admitted in part and denied in part. It is admitted that these answering Defendants owned the strip mall facility parking lot and sidewalks. The remainder of the allegations are denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied and strict proof thereof is demanded at the time of trial. By way of further response, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

6. Paragraphs 9 and 10 of Plaintiffs' Complaint state legal conclusions to which no responses are required. To the extent that responses are deemed necessary, said

averments are denied in part. To the contrary, Jim Stellabuto's Everything Under One Roof is a division of Jim Stellabuto's Everything Under Foot, Inc.

7. Paragraphs 11 through 25 of Plaintiffs' Complaint state legal conclusions to which no responses are required. To the extent that responses are deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied and strict proof thereof is demanded at the time of trial.

COUNT I NEGLIGENCE

PLAINTIFF, AUDREY J. WOODS V. ALL DEFENDANTS

8. Paragraph 26 of Plaintiffs' Complaint is an incorporation paragraph and requires no response. To the extent that a response is deemed necessary, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

9. Paragraphs 27 through 29 of Plaintiffs' Complaint state legal conclusions to which no responses are required. To the extent that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied and strict proof thereof is demanded at the time of trial. By way of further response, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

WHEREFORE, the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, deny that they are liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, request this Honorable Court to enter judgment in their favor and against the Plaintiffs with costs and prejudice imposed.

COUNT II LOSS OF CONSORTIUM

PLAINTIFF, C. ARTHUR WOODS V. ALL DEFENDANTS

10. Paragraph 30 of Plaintiffs' Complaint is an incorporation paragraph and requires no response. To the extent that a response is deemed necessary, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

11. Paragraph 31 of Plaintiffs' Complaint states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied and strict proof thereof is demanded at the time of trial. By way of further response, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

WHEREFORE, the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, deny that they are liable to the Plaintiffs in the sum demanded or for any sum

whatsoever and therefore, request this Honorable Court to enter judgment in their favor and against the Plaintiffs with costs and prejudice imposed.

COUNT III NEGLIGENCE

PLAINTIFF, VALERIE J. POWERS V. ALL DEFENDANTS

12. Paragraph 32 of Plaintiffs' Complaint is an incorporation paragraph and requires no response. To the extent that a response is deemed necessary, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

13. Paragraphs 33 through 35 of Plaintiffs' Complaint state legal conclusions to which no responses are required. To the extent that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied and strict proof thereof is demanded at the time of trial. By way of further response, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

WHEREFORE, the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, deny that they are liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, request this Honorable Court to enter judgment in their favor and against the Plaintiffs with costs and prejudice imposed.

COUNT IV LOSS OF CONSORTIUM

PLAINTIFF, RANDELL T. POWERS V. ALL DEFENDANTS

14. Paragraph 36 of Plaintiffs' Complaint is an incorporation paragraph and requires no response. To the extent that a response is deemed necessary, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

15. Paragraph 37 of Plaintiffs' Complaint states a legal conclusion to which no response is required. To the extent that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, this Defendant has insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied and strict proof thereof is demanded at the time of trial. By way of further response, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses, New Matter and New Matter Pursuant to Rule 2252(d).

WHEREFORE, the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, deny that they are liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, request this Honorable Court to enter judgment in their favor and against the Plaintiffs with costs and prejudice imposed.

II. NEW MATTER

16. Paragraphs 1 through 15 are herein referred to and incorporated as if set forth fully at length.

17. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, these Defendants plead the contributory, causal negligence of the Plaintiffs and the provisions of the Pennsylvania Comparative Negligence Act as a complete or partial bar to any recovery by the Plaintiff in this action.

18. To the extent justified by evidence developed in discovery or the testimony at the time of trial, these Defendant plead the voluntary assumption of the risk of the Plaintiffs as a complete or partial bar to any recovery by the Plaintiffs in this action.

19. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, any injuries and/or damages alleged by the Plaintiffs were the result of superseding, intervening, and/or independent causes over which these Defendants had no control and in no way participated.

20. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, these Defendants reserve the right to assert any and all other affirmative defenses which discovery may reveal appropriate and/or proper.

21. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, these Defendants aver the injuries and damages alleged by the Plaintiffs were the result of a pre-existing condition unrelated to this accident and/or occurrence.

22. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, these Defendants aver that Plaintiffs failed to mitigate their damages by ignoring the advice of medical providers.

23. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, these Defendants aver they are entitled to a set-off reduction

of the Plaintiffs' claim for reimbursement of medical expenses in an amount reflecting payment of any and all Med Pay benefits paid by these Defendants on behalf of the Plaintiffs.

24. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, these Defendants aver that the Plaintiffs may not recover any medical expense reimbursements in excess of amounts accepted as full payment in satisfaction by medical providers pursuant to Moorhead v. Crozer Chester Medical Center.

25. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, these Defendants raise all affirmative defenses set forth in Pa.R.C.P. 1030 to the Plaintiffs' claims, including the legal doctrines of payment, accord and satisfaction, release, waiver, estoppel, and the statute of limitations.

26. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, these Defendants aver any and all Releases as a complete bar to the recovery by the Plaintiffs and/or Defendants and/or any other parties to be named hereto.

WHEREFORE, the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, deny that they are liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, request this Honorable Court to enter judgment in their favor and against the Plaintiffs with costs and prejudice imposed.

III. NEW MATTER PURSUANT TO RULE 2252(d)

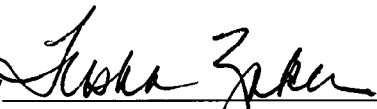
27. Paragraphs 1 through 26 are herein referred to and incorporated as if set forth fully at length.

28. These Defendants deny and continue to deny that they are liable to the Plaintiffs upon any theory. Should the Plaintiffs be entitled to recover from these Defendants, although it is denied that the Plaintiffs are so entitled, then these Defendants are entitled to indemnification and/or contribution from Co-Defendant, Beaver Grove Condominium, or other co-defendants and/or additional defendants who may hereafter be named in this action. For purposes of asserting such rights of indemnification and contribution, these Defendants herein refer to and incorporate the Plaintiffs' Complaint, although by making such reference, these Defendants make no admission as to the truth or falsity of any factual allegations contained therein.

WHEREFORE, the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, avers that Co-Defendant, Beaver Grove Condominium, is solely liable to the Plaintiffs or, in the alternative, while denying liability on the part of these Defendants, Co-Defendant, Beaver Grove Condominium, is liable over to these Defendants for indemnity and/or contribution for any monies which these Defendants may be found liable and/or responsible to the Plaintiffs or to other parties in this suit.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, L.L.C.

By 
Trisha A. Zaken, Esquire
Laura L. Wallace, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

VERIFICATION

I, **Bernice A. Stellabuto**, verify that I am the Defendant and the statements made in the foregoing **Answer, New Matter and New Matter 2252(d)** are true and correct to the best of my knowledge, information and belief. To the extent that the content of the **Answer, New Matter and New Matter 2252(d)** is permitted by Pennsylvania Rules of Civil Procedure, I have relied upon counsel in verifying the same.

(Date)

Bernice A. Stellabuto 6/24/05
Bernice A. Stellabuto

#244

VERIFICATION

I, **James G. Stellabuto**, verify that I am the Defendant and the statements made in the foregoing **Answer, New Matter and New Matter 2252(d)** are true and correct to the best of my knowledge, information and belief. To the extent that the content of the **Answer, New Matter and New Matter 2252(d)** is permitted by Pennsylvania Rules of Civil Procedure, I have relied upon counsel in verifying the same.

5-26-05
(Date)

James G. Stellabuto
James G. Stellabuto

#244

VERIFICATION

I, **James G. Stellabuto**, verify that I am the
President of **Jim Stellabuto's Everything Under Foot, Inc. and/or Jim Stellabuto's Everything Under One Foot**, and I am authorized to execute this verification on behalf the Defendants and the statements made in the foregoing **Answer, New Matter and New Matter 2252(d)** are true and correct to the best of my knowledge, information and belief. To the extent that the content of the **Answer, New Matter and New Matter 2252(d)** is permitted by Pennsylvania Rules of Civil Procedure, I have relied upon counsel in verifying the same.

5-26-05
(Date)

James G. Stellabuto
James G. Stellabuto

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Answer, New Matter and New Matter Pursuant to Rule 2252(d)** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 5 day of June 2005:

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Beaver Grove Condominium

WALSH, COLLIS & BLACKMER, L.L.C.

By Trisha A. Zaken
Trisha A. Zaken, Esquire
Laura L. Wallace, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FILED
m/17:52/81
JUL 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: PLAINTIFFS'
ANSWERS TO INTERROGATORIES**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods,
Her Husband, and Valerie J. Powers and
Randell T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING
UNDER FOOT, INC., and/or JIM
STELLABUTO'S EVERYTHING
UNDER ONE ROOF; and BEAVER
GROVE CONDOMINIUM,


COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jason E. Matzus, Esquire

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS AUDREY J.
WOODS and C. ARTHUR WOODS' ANSWERS TO DEFENDANTS' INTERROGATORIES**

were mailed, U.S. First Class mail, to the following this 14th day of July, 2005:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

Trisha A. Zaken

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

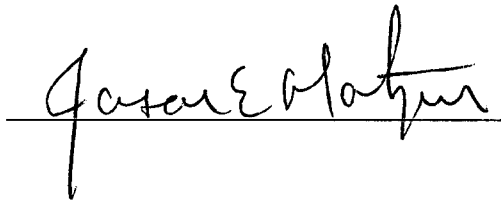
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS REPLY TO
NEW MATTER** was mailed, U.S. First Class mail, to the following this 11th day of July,
2005:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



FILED ^{no cc}
mjl:4861
JUL 12 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

**PLAINTIFFS' REPLY TO
NEW MATTER**

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602

FILED ¹⁰⁰
m 11:48 AM
JUL 12 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

REPLY TO NEW MATTER

AND NOW come the Plaintiffs, Audrey J. Woods and C. Arthur Woods, her husband,
and Valerie J. Powers and Randell T. Powers, her husband, by their attorneys, Jason E. Matzus
and Marcus & Mack, P.C. and in reply to the Defendants' New Matter states:

16. Defendants' incorporation is admitted to the extent his Answers to Paragraphs 1
through 15 are consistent with the averments set forth in Plaintiffs' Complaint; otherwise, said
incorporation is denied.

17. Denied. All the averments set forth in Paragraph 17 are denied as conclusions of
law which require no response.

18. Denied. All the averments set forth in Paragraph 18 are denied as conclusions of

law which require no response.

19. Denied. All the averments set forth in Paragraph 19 are denied as conclusions of law which require no response.

20. Denied. All the averments set forth in Paragraph 20 are denied as conclusions of law which require no response.

21. Denied. It is specifically denied that Plaintiffs' injuries and damages were the result of any pre-existing conditions. To the contrary, Plaintiffs' injuries and damages were caused exclusively by Defendants' tortious conduct.

22. Denied. It is specifically denied that Plaintiffs failed to mitigate their damages by ignoring the advice of medical providers.

23. Denied. All the averments set forth in Paragraph 23 are denied as conclusions of law which require no response.

24. Denied. All the averments set forth in Paragraph 24 are denied as conclusions of law which require no response.

25. Denied. All the averments set forth in Paragraph 25 are denied as conclusions of law which require no response.

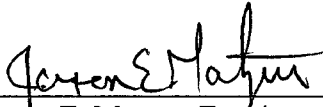
26. Denied. All the averments set forth in Paragraph 26 are denied as conclusions of law which require no response.

27-28. No response required as Paragraphs 27 and 28 are not directed to Plaintiffs.

WHEREFORE, Plaintiffs request that judgment be entered in their favor against the Defendants, James G. Stellabuto and Bernice A. Stellabuto, husband and wife, Jim Stellabuto's Everything Under One Foot, Inc. and/or Jim Stellabuto's Everything Under One Roof.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 76229

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

**NOTICE OF SERVICE OF
PLAINTIFFS'
INTERROGATORIES TO
TO DEFENDANTS JAMES G.
STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING
UNDER FOOT, INC., and/or
JIM STELLABUTO'S
EVERYTHING UNDER ONE
ROOF**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602

FILED *no cc*
m1102/11
JUL 22 2005 *sm*

Willi Shaw
Prothonotary Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

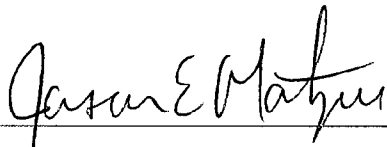
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**
INTERROGATORIES TO DEFENDANTS JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER ONE FOOT, INC. and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF, Defendants were mailed, U.S. First Class mail, to the
following this 14th day of July, 2005:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

**NOTICE OF SERVICE OF
PLAINTIFFS'
INTERROGATORIES TO
TO DEFENDANTS JAMES G.
STELLABUTO and BERNICE
A. STELLABUTO, husband and
wife**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602

FILED
m/11:02/20/1
JUL 22 2005 LM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**

INTERROGATORIES TO DEFENDANTS JAMES G. STELLABUTO and BERNICE A.

STELLABUTO, Husband and Wife were mailed, U.S. First Class mail, to the following this 14th

day of July, 2005:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

**NOTICE OF SERVICE OF
PLAINTIFFS' REQUEST FOR
PRODUCTION OF
DOCUMENTS
TO DEFENDANTS JAMES G.
STELLABUTO and BERNICE
A. STELLABUTO, husband and
wife**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602

FILED *no cc*
m110261
JUL 22 2005 *W*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

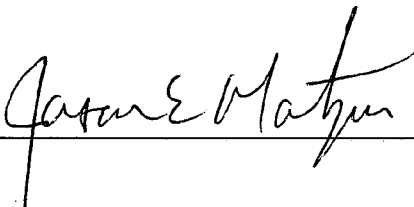
I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**

REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS JAMES G.

STELLABUTO and BERNICE A. STELLABUTO, Husband and Wife were mailed, U.S. First

Class mail, to the following this 14th day of July, 2005:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

**NOTICE OF SERVICE OF
PLAINTIFFS' REQUEST FOR
PRODOCUTION OF
DOCUMENTS
TO DEFENDANTS JAMES G.
STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING
UNDER FOOT, INC., and/or
JIM STELLABUTO'S
EVERYTHING UNDER ONE
ROOF**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602

FILED
m/11:02/04
JUL 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

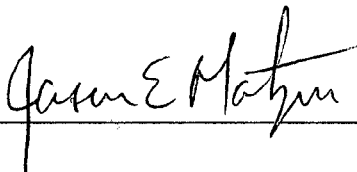
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**
REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S EVERYTHING UNDER ONE FOOT, INC.
and/or JIM STELLABUTO'S EVERYTHING UNDER ONE ROOF, Defendants was mailed,
U.S. First Class mail, to the following this 14th day of July, 2005:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF JAMES G.
STELLABUTO**

Plaintiffs,

VS.

FILED ON BEHALF OF:

Audrey J. Woods and C. Arthur Woods,
Her Husband, and Valerie J. Powers and
Randell T. Powers, her husband.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING
UNDER FOOT, INC., and/or JIM
STELLABUTO'S EVERYTHING
UNDER ONE ROOF; and BEAVER
GROVE CONDOMINIUM,

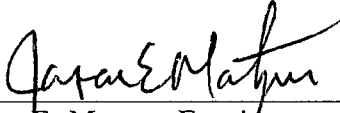
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.



Jason E. Matzus, Esquire

FILED ^{GR}
m11:1981 noc
JUL 26 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS
her husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

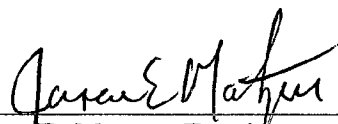
JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING
UNDER FOOT, INC., and/or JIM
STELLABUTO'S EVERYTHING
UNDER ONE ROOF; and BEAVER
GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of JAMES G. STELLABUTO will be taken on oral examination at the office of Sargent's Court Reporting Service, 105 North Second Street, Clearfield, Pennsylvania, on **September 1, 2005 at 10:30 a.m.** and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 
Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 76229

Dated: July 25, 2005

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS
her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING
UNDER FOOT, INC., and/or JIM
STELLABUTO'S EVERYTHING
UNDER ONE ROOF; and BEAVER
GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229

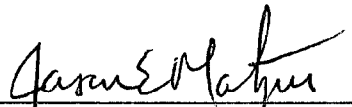
Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DEFENDANT JAMES G. STELLABUTO**, to Counsel for Defendant, Trisha A. Zaken, Esquire Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 
Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 76229

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

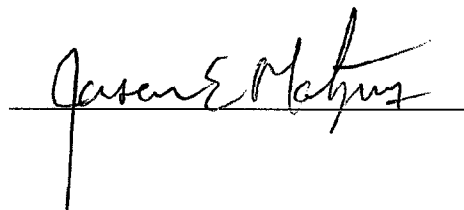
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of James G. Stellabuto was served by U.S. First Class Mail, postage prepaid this
25th day of July, 2005, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Sargent's Court Reporting Service
210 Main Street
Johnstown, PA 15901
(814) 536-8908

A handwritten signature in black ink, reading "Jason E. Matzus", is written over a horizontal line. A vertical line extends downwards from the center of the horizontal line.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, her husband; and VALERIE J. POWERS and RANDELL T. POWERS, her husband, Number 276 of 2005, C. D.

Plaintiffs,

CIVIL ACTION - LAW

Type of Case: Civil Division

vs.

Type of Pleading: Appearance

JAMES G. STELLABUTO and BERNICE A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF;
and BEAVER GROVE CONDOMINIUM,
Defendants.

Filed on Behalf of: Beaver Grove
Condominium, one of the Defendants

Counsel of Record for this Party:
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED ^{no cc}
3/12:35
SEP 19 2005

William A. Shaw
Prothonotary/Clerk of Courts

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband; and VALERIE
J. POWERS and RANDELL T. POWERS,
her husband,
Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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*

* Number 2005 - 276 C. D.

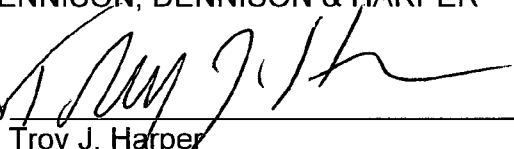
APPEARANCE

TO WILLIAM SHAW, PROTHONOTARY:

Enter our Appearance on behalf of Beaver Grove Condominium, one of the
Defendants in the above captioned matter.

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Beaver Grove Condominium,
one of the Defendants

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Appearance was served on the 16th day of September, 2005, by United States Mail, First Class, postage prepared, addressed to the following:

Jason E. Matzus, Esq.
Marcus & Mack, P.C.
57 South Sixth Street
P. O. Box 1107
Indiana, PA 15701
(Attorneys for Plaintiffs)

Trisha A. Zaken, Esq.
Walsh, Collis & Blackmer, LLC
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219
(Attorneys for James G. Stellabuto and Bernice
Stellabuto, Jim Stellabuto's Everything under Foot,
Inc., and/or Jim Stellabuto's Everything under
One Roof, Defendants)

DENNISON, DENNISON & HARPER

By



Troy J. Harper

Attorneys for Beaver Grove Condominium,
one of the Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

PRAECIPE TO DISCONTINUE

(Jury Trial Demanded)

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. ZAKEN, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED *NO CC*
m/13:57/24
OCT 24 2005 *JM*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,
vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

PRAECIPE TO DISCONTINUE

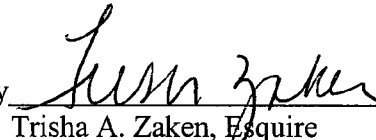
TO: THE PROTHONOTARY

Kindly discontinue Defendant James Stellabuto and Bernice Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, cross-claim pursuant to Pa.R.C.P. 2252(d) against Defendant Beaver Grove Condominium.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, L.L.C.

By



Trisha A. Zaken, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

CERTIFICATE OF SERVICE

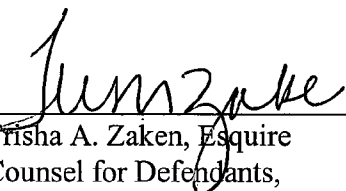
I HEREBY CERTIFY that a true and correct copy of the foregoing **PRAECIPE TO DISCONTINUE** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 18 day of October 2005:

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825

WALSH, COLLIS & BLACKMER, L.L.C.

By


Trisha A. Zaken, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

FILED
JUN 24 2005
CLERK OF COURTS

FILED
JUN 24 2005
CLERK OF COURTS

William A. Shaw
Notary Public/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband; and VALERIE
J. POWERS and RANDELL T. POWERS,
her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF;
and BEAVER GROVE CONDOMINIUM,
Defendants.

CIVIL ACTION - LAW

Number 276 of 2005, C. D.

Type of Case: Civil Division

Type of Pleading: Stipulation

Filed on Behalf of: Defendant, Beaver Grove
Condominium

Counsel of Record for this Party:
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED ^{NOV}
m/11:30 AM
NOV 01 2005 ^{CC}

William A. Shaw
Prothonotary/Clerk of Courts

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband; and VALERIE
J. POWERS and RANDELL T. POWERS,
her husband,
Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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*
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*
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*
*

* Number 2005 - 276 C. D.

STIPULATION


AND NOW, come the parties to the above-captioned matter through their respective
counsel who hereby stipulate and agree as follows:

1. The parties consent that the Plaintiffs may discontinue the above-captioned
action as to the Defendant, Beaver Grove Condominium, pursuant to Pa.R.C.P. 229(b)(1)
and the Plaintiffs shall file a Praecipe to Discontinue as to said Defendant;

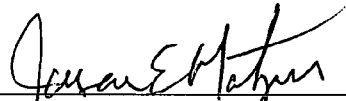
2. The parties consent that the Defendants, James G. Stellabuto and Bernice A.
Stellabuto, husband and wife; James G. Stellabuto, i/t/d/b/a Jim Stellabuto's Everything
Under Foot, Inc. and/or Jim Stellabuto's Everything Under One Roof will file a Praecipe

Discontinue its Crossclaim pursuant to Pa.R.C.P. 2252(d) filed against the Defendant,
Beaver Grove Condominium.

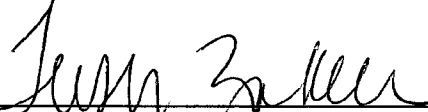
DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for the Defendant,
Beaver Grove Condominium

MARCUS & MACK, P.C.

By 
Jason E. Matzus, Esq.
Attorneys for the Plaintiffs, Audrey J. Woods,
C. Arthur Woods, Valerie J. Powers and
Randell T. Powers

WALSH, COLLIS & BLACKMER, L.L.C.

By 
Trisha A. Zaken, Esq.
Attorneys for the Defendants, James G. Stellabuto
and Bernice A. Stellabuto; James G. Stellabuto
i/t/d/b/a Jim Stellabuto's Everything Under Foot, Inc.,
and/or Jim Stellabuto's Everything Under one Roof

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Audrey J. Woods, et al

(Plaintiff)

1235 Highland St. Ext.

DuBois, PA 15801

(Street Address)

375 Woods Road

DuBois, PA 15801

(City, State ZIP)

VS.

James G. Stellabuto, et al

(Defendant)

922 Beaver Drive

(Street Address)

DuBois, PA 15801

(City, State ZIP)

CIVIL ACTION

No. 2005-00276 CD

Type of Case: Civil

Type of Pleading: Praecipe to Discontinue
as to Beaver Grove
Condominium only

Filed on Behalf of:

Plaintiffs

(Plaintiff/Defendant)

FILED

NOV 04 2005

William A. Shaw

Prothonotary/Clerk of Courts

1 sent to Hatt

Jason E. Matzus, Esquire

(Filed by)

57 S. 6th Street

(Address)

Indiana, PA 15701

(724) 349-5602

(Phone)

Jason E. Matzus

(Signature)

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

**PRAECIPE TO DISCONTINUE
AS TO DEFENDANT BEAVER
GROVE CONDOMINIUM,
ONLY**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY OF SAID COURT:

Kindly discontinue Plaintiffs' claim against Defendant Beaver Grove Condominium,
only.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jason E. Matzus, Esquire

57 South Sixth Street

P.O. Box 1107

Indiana, PA 15701

Telephone: 724-349-5602

Sup. Ct. ID 76229

Sworn and subscribed to before me
this 2nd day of November, 2005.


Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Kathryn M. Wells, Notary Public
Washington Twp., Indiana County
My Commission Expires Sept. 27, 2008

Member, Pennsylvania Association Of Notaries

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

CIVIL DIVISION

**Audrey J. Woods
C. Arthur Woods
Valerie J. Powers
Randell T. Powers**

Vs.

No. 2005-00276-CD

**James G. Stellabuto
Bernice A. Stellabuto
Jim Stellabuto's Everything Under Foot, Inc.
Jim Stellabuto's Everything Under One Roof
Beaver Grove Condominium**

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 Beaver Grove Condominium was discontinued on November 4, 2005, marked:
Discontinued as to Defendant Beaver Grove Condominium, ONLY.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of November A.D. 2005.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

PROOF OF SERVICE OF SUBPOENAS

(Jury Trial Demanded)

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. ZAKEN, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED

JAN 23 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,
vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

PROOF OF SERVICE OF SUBPOENAS

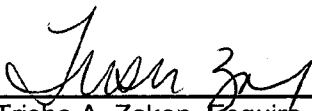
AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their Attorneys, Walsh, Collis & Blackmer, P.C., and Trisha A. Zaken, Esquire, and file the following Proof of Service of subpoena and aver as follows:

1. Subpoenas to Attend and Testify in connection with the above-captioned matter were served on Kim Dunlap and John Kness of State Farm Insurance Company on January 19, 2006.

2. Attached hereto and marked as Exhibit "A" is a copy of the Return of Service.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By 
Trisha A. Zaken, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <div style="display: flex; justify-content: space-between; align-items: center;"> <i>[Signature]</i> <div> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div> </div> </p> <p>B. Received by (Printed Name) <i>Janet McFall</i> </p> <p>C. Date of Delivery <i>1-19-06</i> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No </p>
<p>1. Article Addressed to:</p> <p><i>Kim DONLUP</i> <i>State Farm Ins. Co.</i> <i>407 South Main St</i> <i>Dubois, PA 15801-1521</i></p>	<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </div> </div> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7003 3110 0005 2642 9333</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <div style="display: flex; justify-content: space-between; align-items: center;"> <i>[Signature]</i> <div> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div> </div> </p> <p>B. Received by (Printed Name) <i>Janet McFall</i> </p> <p>C. Date of Delivery <i>1-19-06</i> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No </p>
<p>1. Article Addressed to:</p> <p><i>John Kness</i> <i>State Farm Insurance Company</i> <i>407 South Main St</i> <i>Dubois, PA 15801-1521</i></p>	<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </div> </div> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from serv. 7003 3110 0005 2642 9326</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

EXHIBIT "A"

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoenas** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 20 day of January, 2006:

Jason Matzus, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By Trisha A. Zaken
Trisha A. Zaken, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

LA

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: PLAINTIFFS'
CERTIFICATE OF READINESS**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

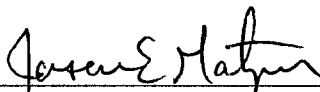
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.



Jason E. Matzus, Esquire

FILED *no cc*
m 12:36 PM
FEB 27 2006 *GR*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF READINESS

Filed on behalf of Plaintiffs, Audrey J. Woods and C. Arthur Woods, her husband and Valerie J.
Powers and Randell T. Powers, her husband

1. Type of Case: Simple (X) Complex () Companion Case ()
2. Type of Trial: Jury (X) Non-Jury () Arbitration ()
3. Estimated Trial Time: 3 day(s) _____hours _____minutes
Estimated Arbitration: _____day(s) _____hours _____minutes
4. Trial Counsel: (List name, address and telephone number for each party and name,
address and telephone number of person responsible for each unrepresented party).

Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

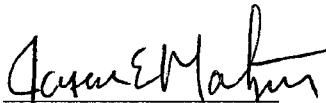
I certify on behalf of Plaintiffs that the pleadings are complete, that all preliminary motions have been resolved, that all substantial discovery has been completed and that the case is in all respects ready for trial except:

a) motions in limine X ; b) expert depositions X ;

c) defense medical examinations of Plaintiffs X .

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 76229

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

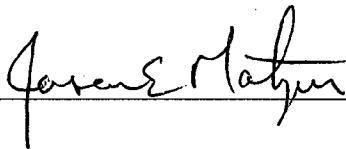
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CERTIFICATE OF
READINESS** was mailed, U.S. First Class mail, to the following this 24th day of February, 2006:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



0A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

**MOTION TO STRIKE CASE FROM
TRIAL LIST**

(Jury Trial Demanded)

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. ZAKEN, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED NO CC
MAR 06 2006 CLK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,
vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

MOTION TO STRIKE CASE FROM TRIAL LIST

AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their Attorneys, Walsh, Collis & Blackmer, P.C., and Trisha A. Zaken, Esquire, and file the following Motion to Strike Case from the Trial List for the following reasons:

1. On February 24, 2006, Plaintiff filed a Certificate of Readiness. A true and correct copy of the Certificate of Readiness is attached hereto and marked as Exhibit "A".

2. Plaintiffs have not complied with Clearfield County Local Rule 212.2(a) in that discovery is ongoing and outstanding in this matter. On February 22, 2006, Defense Counsel sent a Set of Supplemental Interrogatories and Supplemental Request for Production of Documents and also requested the complete medical files for

both Plaintiffs in this slip and fall action. At that time, Defense Counsel also reserved her right to move forward with medical examination once the Plaintiffs respond to the supplemental discovery requests and provide the complete medical records as requested. See February 22, 2006 correspondence to Plaintiffs counsel attached hereto and marked as Exhibit "B".

3. This action has not previously been listed for trial. Defense Counsel believes that this case should be stricken from the trial list to enable defense counsel adequate time to receive the supplemental discovery responses and complete medical records and therefore proceed with any medical examinations that are necessary after review of the outstanding records.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By



Trisha A. Zaken, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: PLAINTIFFS'
CERTIFICATE OF READINESS**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
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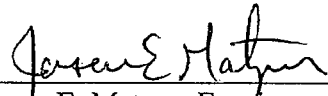
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

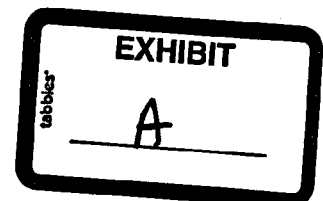
Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.



Jason E. Matzus, Esquire



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF READINESS

Filed on behalf of Plaintiffs, Audrey J. Woods and C. Arthur Woods, her husband and Valerie J.
Powers and Randell T. Powers, her husband

1. Type of Case: Simple (X) Complex () Companion Case ()
2. Type of Trial: Jury (X) Non-Jury () Arbitration ()
3. Estimated Trial Time: 3 day(s) _____ hours _____ minutes
Estimated Arbitration: _____ day(s) _____ hours _____ minutes
4. Trial Counsel: (List name, address and telephone number for each party and name,
address and telephone number of person responsible for each unrepresented party).

Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

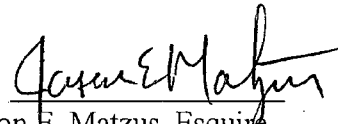
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707 Grant Street
Pittsburgh, PA 15219

I certify on behalf of Plaintiffs that the pleadings are complete, that all preliminary motions have been resolved, that all substantial discovery has been completed and that the case is in all respects ready for trial except:

- a) motions in limine X; b) expert depositions X;
c) defense medical examinations of Plaintiffs X.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 
Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 76229

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

244
P1/ma

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CERTIFICATE OF**
READINESS was mailed, U.S. First Class mail, to the following this 24th day of February, 2006:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

James E. Mahan

Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +
Pamela V. Collis
Marna K. Blackmer
Anne M. Paul ▪
Adam M. Barnes +

The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255
Facsimile: (412) 263-5632

Katherine M. Basile
Steven L. Minnich
Tiffany L. Townsend
Natalie A. Troilo *
Meggan E. Wingerter
Trisha A. Zaken
Gina M. Zumpella
Thomas E. Zumpella

+ Admitted to Practice in Ohio and West Virginia
* Admitted to Practice in West Virginia
▪ Admitted to Practice in New Jersey

February 22, 2006

Jason Matzus, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

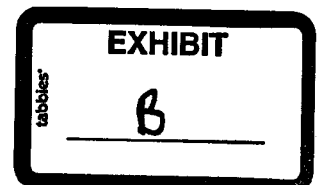
In Re: Audrey & C. Arthur Woods/Valerie Powers & Randell Powers
vs. James & Bernice Stellabuto et al.
Court No. : 2005-00276 CD
D/Loss : 3/7/03
Our File No. : 244

Dear Mr. Matzus:

It was nice seeing you at the depositions on February 15, 2006. As we discussed, enclosed are Supplemental Interrogatories and Request for Production of Documents directed to each of your clients. In addition, and to the extent not otherwise requested in the within discovery requests, I am asking for the complete medical files of the following:

Audrey Woods

- | | |
|---|---|
| 1. John Bellomo, O.D. | 10. Dr. Thomas Franz / Choice Care Physical Medicine |
| 2. Laurel Eye Clinic, LLP | 11. Geisinger Medical Center |
| 3. Dr. Ambrose | 12. Dr. Ghazanfar A. Shah / Raintree MRI Services, Inc. |
| 4. Dr. Casteel | 13. Dr. George M. Kosco / Dubois Radiologists |
| 5. Dr. Bob Cherry | 14. Dr. Gregory J. Roscoe |
| 6. Sears Optometry | 15. Dr. Thomas R. Damiano |
| 7. Am. Serv. Ltd. | 16. Dr. Scott M. Friedenburg |
| 8. Dubois Regional Medical Center | |
| 9. Dubois Regional Medical Center Home Health & Hospice | |



Jason Matzus
February 22, 2006
Page Two

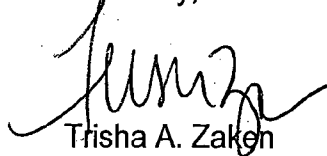
Valerie Powers

1. Dubois Regional Medical Center
2. John Bellomo, O.D.
3. Mark Piaso, M.D.
4. Andrew Gurman, M.D.
5. Keystone Rehabilitation
6. Altoona Hospital
7. Clearfield Hospital
8. Indiana Open MRI

Also, as we discussed, I am reserving my right to move forward with medical examinations of both Ms. Powers and Ms. Woods. Once I receive the aforementioned responses and medical records, I will make a decision as to whether I will be proceeding with the same and if so, which practitioner's I would have examine your clients.

If you have any questions in the meantime, please call me. Thank you.

Sincerely,



Trisha A. Zaken

TAZ/dls
Enclosure

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **MOTION TO STRIKE CASE FROM TRIAL LIST** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 3 day of March, 2006:

Jason Matzus, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By Trisha A. Zaken
Trisha A. Zaken, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

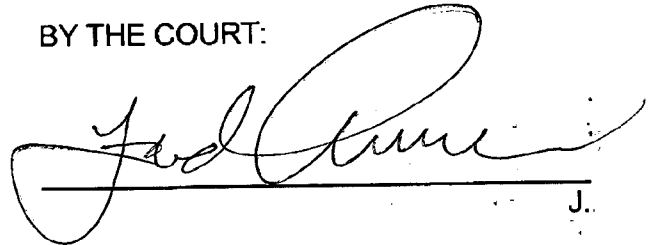
JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

SCHEDULING ORDER

AND NOW, this 7th day of March, 2006, it is hereby
ORDERED, ADJUDGED AND DECREED that argument on the Defendants Motion to
Strike from the Trial List will be held on March 28, 2006 at 10:00 a.m. in
Courtroom No. 1.

BY THE COURT:



FILED

01/10/48/01
MAR 08 2006

4cc

Any Zaxen
EX

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

SCHEDULING ORDER

(Jury Trial Demanded)

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. ZAKEN, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

CERTIFICATE OF SERVICE

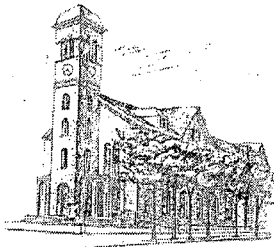
I HEREBY CERTIFY that a true and correct copy of the foregoing **Scheduling Order** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 7 day of March, 2006.

Jason Matzus, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By Trisha A. Zaken

Trisha A. Zaken, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof



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: 3/8/06

X 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, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

**PROOF OF SERVICE OF SCHEDULING
ORDER**

(Jury Trial Demanded)

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. ZAKEN, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED *no cc*
m/2:01/34
MAR 13 2006 *LM*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,
vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

PROOF OF SERVICE OF SCHEDULING ORDER

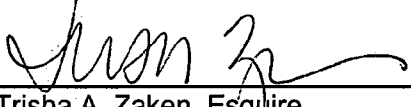
AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their Attorneys, Walsh, Collis & Blackmer, P.C., and Trisha A. Zaken, Esquire, and file the following Proof of Service of Scheduling Order and aver as follows:

1. Defendant Counsel served Plaintiffs Counsel with a copy of the Scheduling Order scheduling argument on Defendants Motion to Strike from Trial List for March 28, 2006 at 10:00 a.m.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By



Trisha A. Zaken, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Scheduling Order** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 9 day of March, 2006:

Jason Matzus, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By Trisha A. Zaken
Trisha A. Zaken, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,
vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

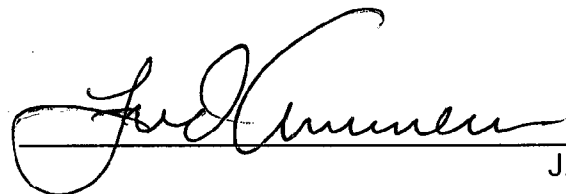
Defendants.

ORDER

AND NOW, this 28th day of March, 2006, it is hereby

ORDERED, ADJUDGED AND DECREED that the Motion to Strike Case from Trial List is
GRANTED. The Prothonotary is hereby directed to strike this case from the trial list.

BY THE COURT:


J.

FILED
9/12:45/51
MAR 28 2006

100
Hys: J. Mack
T. Zaker
L. Wallace

William A. Shaw
Prothonotary/Clerk of Courts



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: 3/28/06

_____ You are responsible for serving all appropriate parties.

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

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

Plaintiffs,

vs.

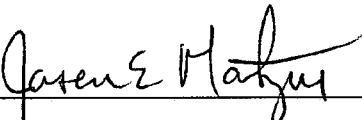
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS AUDREY J. WOODS and C. ARTHUR WOODS' ANSWERS TO DEFENDANTS' SUPPLEMENTAL INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS** were mailed, U.S. First Class mail, to the following this 18th day of April, 2006:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



FILED *no cc*
m 11:36 AM
APR 19 2006 

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

Plaintiffs,

vs.

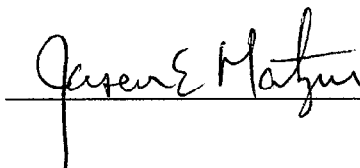
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS VALERIE J. POWERS AND RANDELL T. POWERS' ANSWERS TO DEFENDANTS' SUPPLEMENTAL INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS** were mailed, U.S. First Class mail, to the following this 18th day of April, 2006:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



FILED *no cc*
m113001
APR 19 2006 *jm*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FILED *no cc*
MID: 516/01
FEB 27 2007
William A. Shaw
Prothonotary/Clerk of Courts

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF BLAINE BOGLE**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

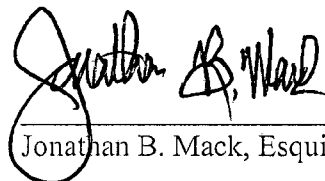
922 Beaver Drive
Dubois, PA 15801-2514

COUNSEL OF RECORD FOR THIS
PARTY:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.


NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **BLAINE**
BOGLE will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois, PA
15801-1521 on March 7, 2007, at 11:00 a.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970


Dated: February 23, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

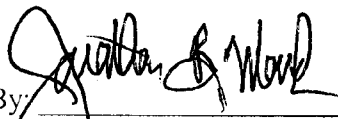
Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF
BLAINE BOGLE**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis &
Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on
behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 
Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing NOTICE OF

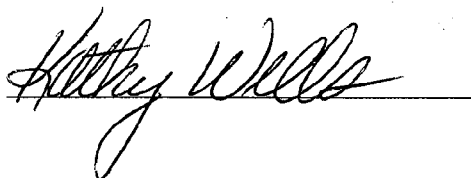
DEPOSITION of **BLAINE BOGLE** was served by U.S. First Class Mail, postage prepaid this
^{26th}
~~25th~~ day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FILED No cc
M12:56/1
FEB 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF HEATHER LONG**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

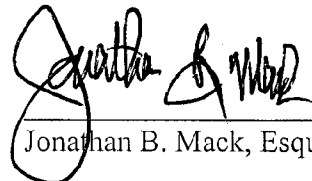
922 Beaver Drive
Dubois, PA 15801-2514

COUNSEL OF RECORD FOR THIS
PARTY:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **HEATHER
LONG** will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois, PA
15801-1521 on March 7, 2007, at 10:30 a.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.



By _____
Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: February ²⁶~~23~~, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF HEATHER LONG**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

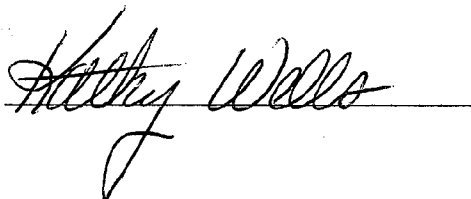
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **HEATHER LONG** was served by U.S. First Class Mail, postage prepaid this
²⁶
23th day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219


(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FILED *no cc*
m/12:50/54
FEB 27 2007 

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

William A. Shaw
Prothonotary/Clerk of Courts

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

Type of case:

**Type of Pleading: NOTICE OF
DEPOSITION OF DAVE KLEPFER**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

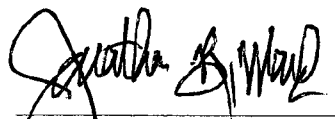
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.



Jonathan B. Mack, Esquire

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **DAVE**
KLEPFER will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois,
PA 15801-1521 on March 7, 2007, at 11:30 a.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: February ²⁶23, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

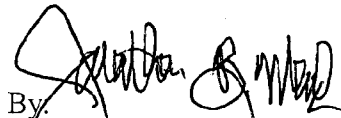
Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DAVE KLEPFER**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE


I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **DAVE KLEPFER** was served by U.S. First Class Mail, postage prepaid this
²⁶
~~23~~th day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



Kathy Wells

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF ROBERT CHAPEL**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

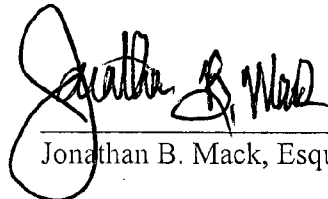
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

FILED NO CC
m112:51631
FEB 27 2007 (S)

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **ROBERT
CHAPEL** will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois,
PA 15801-1521 on March 7, 2007, at 10:00 a.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.



By _____
Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: February ²⁶~~23~~, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970


Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF ROBERT CHAPEL**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing NOTICE OF

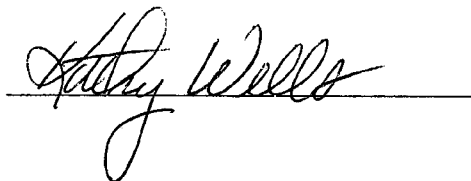
DEPOSITION of **ROBERT CHAPEL** was served by U.S. First Class Mail, postage prepaid this
²⁶
23th day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF BERNICE
STELLABUTO**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

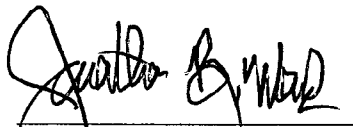
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

FILED *no cc*
MTB:56/614
FEB 27 2007 

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.


JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **BERNICE STELLABUTO** will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois, PA 15801-1521 on March 7, 2007, at 12:00 noon and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: February 23, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970


Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF BERNICE STELLABUTO**, to Counsel for Defendant, Trisha A. Zaken, Esquire Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE


I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **BERNICE STELLABUTO** was served by U.S. First Class Mail, postage
prepaid this 23th day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF BRENT ORE**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

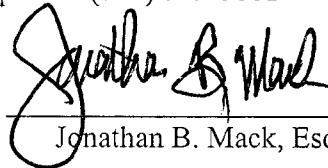
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

FILED

MAR 01 2007

m/2:20/20

William A. Shaw
Prothonotary/Clerk of Courts

~~Heck~~

1 CENT TO ATT

@K

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

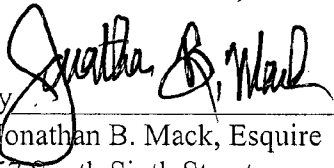
JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **BRENT ORE** will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois, PA 15801-1521 on March 7, 2007, at 2:30 p.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 
Jonathan B. Mack, Esquire

57 South Sixth Street

P.O. Box 1107

Indiana, PA 15701

Telephone: (724) 349-5602

Sup. Ct. ID 38970

Dated: February 26, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF BRENT ORE**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A.STELLABUTO, husband and wife;
JAMES G.STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

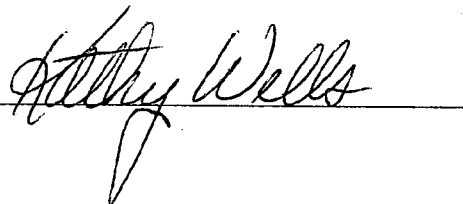
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **BRENT ORE** was served by U.S. First Class Mail, postage prepaid this 26th
day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

NOTICE AND ACKNOWLEDGMENT OF
RECEIPT OF SUBPOENA BY MAIL

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

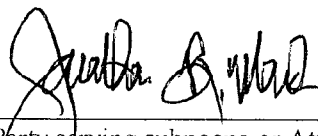
NOTICE

To Brent Ore:

The enclosed subpoena is served pursuant to Pennsylvania Rule of Civil Procedure 234.2(b)(3). Complete the acknowledgment part of this form and return the copy of the completed form to the sender in the enclosed self-addressed envelope.

Sign and date the acknowledgment. If you are served on behalf of a partnership, unincorporated association, corporation or similar entity, indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive the subpoena, indicate under your signature your authority.

Date Notice mailed: 2-26-07



Party serving subpoena or Attorney for Party

**ACKNOWLEDGMENT OF RECEIPT
OF SUBPOENA**

I acknowledge receipt of a copy of the subpoena in the above captioned matter.

Date: _____

Signature

Relationship to entity or authority to receive the
subpoena

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Audrey J. Woods and
C. Arthur Woods, her husband
Valerie J. Powers and
Randell T. Powers, her husband
Plaintiff(s)

Vs.

No. 2005-00276-CD

James G. Stellabuto and
Bernice A. Stellabuto, husband and wife,
Jim Stellabuto's Everything Under Foot, Inc.,
and/or Jim Stellabuto's Everything Under One
Roof and Beaver Grove Condominium
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

TO: Brent Ore
32 Euclid Avenue
DuBois, PA 15801

1. You are ordered by the Court to come to Clarion Hotel, 1896 Rich Highway, DuBois, PA
(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on March 7, 2007 at 2:30
o'clock, PM., to testify on behalf of Plaintiffs
in the above
case, and to remain until excused.

2. And bring with you the following: _____


If you fail to attend or to produce the documents or things required by this subpoena, you may be
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including
but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH P.A.R.C.P. No. 234.2(a)

NAME: Jonathan B. Mack, Esquire
ADDRESS: 57 S. 6th Street
Indiana, PA 15701
TELEPHONE: 724-349-5602
SUPREME COURT ID # 38970

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Wednesday, February 21, 2007
Seal of the Court

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

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in
connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with P.A.R.C.P. No.
234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF HARRY SCHROPP**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

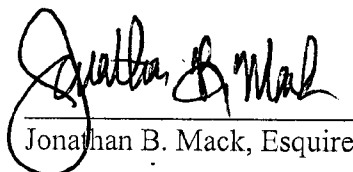
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

FILED

MAR 01 2007

m/2:20/6
William A. Shaw
Prothonotary/Clerk of Courts

1 cent TO ATT

ORIGINAL

(6P)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **HARRY
SCHROPP** will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois,
PA 15801-1521 on March 7, 2007, at 12:30 p.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: February 26, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF HARRY SCHROPP**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE


I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **HARRY SCHROPP** was served by U.S. First Class Mail, postage prepaid this
26th day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

NOTICE AND ACKNOWLEDGMENT OF
RECEIPT OF SUBPOENA BY MAIL

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

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vs.

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A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

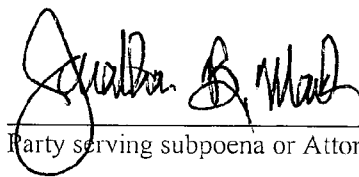
NOTICE

To Harry Schropp:

The enclosed subpoena is served pursuant to Pennsylvania Rule of Civil Procedure 234.2(b)(3). Complete the acknowledgment part of this form and return the copy of the completed form to the sender in the enclosed self-addressed envelope.

Sign and date the acknowledgment. If you are served on behalf of a partnership, unincorporated association, corporation or similar entity, indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive the subpoena, indicate under your signature your authority.

Date Notice mailed: 2-26-07



Party serving subpoena or Attorney for Party

ACKNOWLEDGMENT OF RECEIPT
OF SUBPOENA

I acknowledge receipt of a copy of the subpoena in the above captioned matter.

Date: _____

Signature

Relationship to entity or authority to receive the
subpoena

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Audrey J. Woods and
C. Arthur Woods, her husband
Valerie J. Powers and
Randell T. Powers, her husband
Plaintiff(s)

Vs.

No. 2005-00276-CD

James G. Stellabuto and
Bernice A. Stellabuto, husband and wife,
Jim Stellabuto's Everything Under Foot, Inc.,
and/or Jim Stellabuto's Everything Under One
Roof and Beaver Grove Condominium
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

TO: Harry Schropp
5423 Wayne Road
DuBois, PA 15801

1. You are ordered by the Court to come to Clarion Hotel, 1896 Rich Highway, DuBois, PA

(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on March 7, 2007 at 12:30
o'clock, P.M., to testify on behalf of Plaintiffs

in the above
case, and to remain until excused.

2. And bring with you the following: _____

If you fail to attend or to produce the documents or things required by this subpoena, you may be
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including
but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH PA.R.C.P. No. 234.2(a)

NAME: Jonathan B. Mack, Esquire
ADDRESS: 57 S. 6th Street
Indiana, PA 15701
TELEPHONE: 724-349-5602
SUPREME COURT ID # 38970

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Wednesday, February 21, 2007
Seal of the Court

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

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in
connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with PA.R.C.P. No.
234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF DAVID
STELLABUTO**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,


COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

FILED

MAR 01 2007

M/2:20/4
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

1 sent to Att

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
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STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of DAVID
STELLABUTO will be taken on oral examination at the Clarion Hotel 1896 Rich Highway,
Dubois, PA 15801-1521 on March 7, 2007, at 3:00 p.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: February 26, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION.

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DAVID STELLABUTO**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE


I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **DAVID STELLABUTO** was served by U.S. First Class Mail, postage prepaid
this 26th day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

NOTICE AND ACKNOWLEDGMENT OF
RECEIPT OF SUBPOENA BY MAIL

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

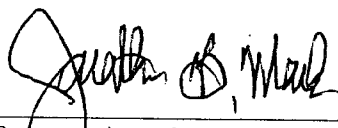
NOTICE

To David Stellabuto:

The enclosed subpoena is served pursuant to Pennsylvania Rule of Civil Procedure 234.2(b)(3). Complete the acknowledgment part of this form and return the copy of the completed form to the sender in the enclosed self-addressed envelope.

Sign and date the acknowledgment. If you are served on behalf of a partnership, unincorporated association, corporation or similar entity, indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive the subpoena, indicate under your signature your authority.

Date Notice mailed: 2-26-07



Party serving subpoena or Attorney for Party

ACKNOWLEDGMENT OF RECEIPT
OF SUBPOENA

I acknowledge receipt of a copy of the subpoena in the above captioned matter.

Date: _____

Signature

Relationship to entity or authority to receive the
subpoena

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Audrey J. Woods and
C. Arthur Woods, her husband
Valerie J. Powers and
Randell T. Powers, her husband
Plaintiff(s)

Vs.

No. 2005-00276-CD

James G. Stellabuto and
Bernice A. Stellabuto, husband and wife,
Jim Stellabuto's Everything Under Foot, Inc.,
and/or Jim Stellabuto's Everything Under One
Roof and Beaver Grove Condominium
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

TO: David Stellabuto
1648 1/2 Main Street
Brockway, PA 15824

1. You are ordered by the Court to come to Clarion Hotel, 1896 Rich Highway, DuBois, PA
(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on March 7, 2007 at 3:00
o'clock, P.M., to testify on behalf of Plaintiffs in the above
case, and to remain until excused.

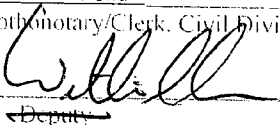
2. And bring with you the following: _____

If you fail to attend or to produce the documents or things required by this subpoena, you may be
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including
but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH PA.R.C.P. No. 234.2(a)

NAME: Jonathan B. Mack, Esquire
ADDRESS: 57 S. 6th Street
Indiana, PA 15701
TELEPHONE: 724-349-5602
SUPREME COURT ID # 38970

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Wednesday, February 21, 2007
Seal of the Court

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

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in
connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with PA.R.C.P. No.
234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

Plaintiffs,

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

922 Beaver Drive
Dubois, PA 15801-2514

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Type of case:

**Type of Pleading: NOTICE OF
DEPOSITION OF PAUL CAROLUS**

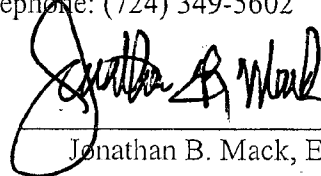
FILED ON BEHALF OF:

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

COUNSEL OF RECORD FOR THIS
PARTY:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602


Jonathan B. Mack, Esquire

FILED

MAR 01 2007

W/2:20/
William A. Shaw
Prothonotary/Clerk of Courts

1 Cent to Attc (6P)

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,
Plaintiffs,

No. 2005-00276 CD

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of PAUL
CAROLUS will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois,
PA 15801-1521 on March 7, 2007, at 2:00 p.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: February 26, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A.STELLABUTO, husband and wife;
JAMES G.STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF PAUL CAROLUS**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

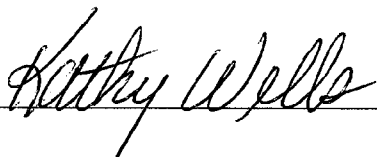
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **PAUL CAROLUS** was served by U.S. First Class Mail, postage prepaid this
26th day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

NOTICE AND ACKNOWLEDGMENT OF
RECEIPT OF SUBPOENA BY MAIL

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

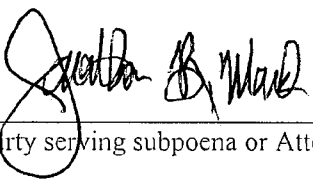
NOTICE

To Paul H. Carolus:

The enclosed subpoena is served pursuant to Pennsylvania Rule of Civil Procedure 234.2(b)(3). Complete the acknowledgment part of this form and return the copy of the completed form to the sender in the enclosed self-addressed envelope.

Sign and date the acknowledgment. If you are served on behalf of a partnership, unincorporated association, corporation or similar entity, indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive the subpoena, indicate under your signature your authority.

Date Notice mailed: 2-26-07



Party serving subpoena or Attorney for Party

**ACKNOWLEDGMENT OF RECEIPT
OF SUBPOENA**

I acknowledge receipt of a copy of the subpoena in the above captioned matter.

Date: _____

Signature

Relationship to entity or authority to receive the
subpoena

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Audrey J. Woods and
C. Arthur Woods, her husband
Valerie J. Powers and
Randell T. Powers, her husband
Plaintiff(s)

Vs.

No. 2005-00276-CD

James G. Stellabuto and
Bernice A. Stellabuto, husband and wife,
Jim Stellabuto's Everything Under Foot, Inc.,
and/or Jim Stellabuto's Everything Under One
Roof and Beaver Grove Condominium
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

TO: ~~Paul H. Carolus~~
~~235 12th Street~~
~~Du Bois, PA 15801~~

1. You are ordered by the Court to come to Clarion Hotel, 1896 Rich Highway, Dubois, PA

(Specify Courtroom or other place)

at Clearfield County, Pennsylvania, on March 7, 2007 at 2:00
o'clock, P M., to testify on behalf of Plaintiffs

in the above
case, and to remain until excused.

2. And bring with you the following:

If you fail to attend or to produce the documents or things required by this subpoena, you may be
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including
but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH P.A.R.C.P. No. 234.2(a)

NAME: Jonathan B. Mack, Esquire

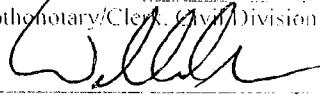
ADDRESS: 57 S. 6th Street
Indiana, PA 15701

TELEPHONE: (724) 349-5602

SUPREME COURT ID # 38970

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Wednesday, February 21, 2007

Seal of the Court

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

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in
connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with P.A.R.C.P. No.
234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

Type of Pleading: NOTICE OF
DEPOSITION OF TIM PITTSLEY

FILED ON BEHALF OF:

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

Plaintiffs,

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

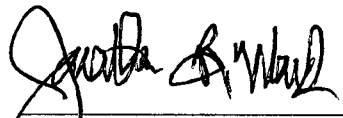
922 Beaver Drive
Dubois, PA 15801-2514

COUNSEL OF RECORD FOR THIS
PARTY:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.



Jonathan B. Mack, Esquire

FILED

MAR 01 2007

W/2:20/11
William A. Shaw
Prothonotary/Clerk of Courts
1 CEN to Atty

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **TIM**
PITTSLEY will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois,
PA 15801-1521 on March 7, 2007, at 1:00 p.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: February 26, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A.STELLABUTO, husband and wife;
JAMES G.STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF TIM PITTSLEY**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

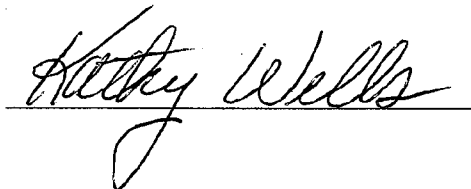
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **TIM PITTSLEY** was served by U.S. First Class Mail, postage prepaid this
26th day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A.STELLABUTO, husband and wife;
JAMES G.STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

NOTICE AND ACKNOWLEDGMENT OF
RECEIPT OF SUBPOENA BY MAIL

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

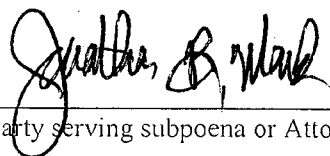
NOTICE

To Timothy Pittsley:

The enclosed subpoena is served pursuant to Pennsylvania Rule of Civil Procedure 234.2(b)(3). Complete the acknowledgment part of this form and return the copy of the completed form to the sender in the enclosed self-addressed envelope.

Sign and date the acknowledgment. If you are served on behalf of a partnership, unincorporated association, corporation or similar entity, indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive the subpoena, indicate under your signature your authority.

Date Notice mailed: 2-26-07



Party serving subpoena or Attorney for Party

**ACKNOWLEDGMENT OF RECEIPT
OF SUBPOENA**

I acknowledge receipt of a copy of the subpoena in the above captioned matter.

Date: _____

Signature

Relationship to entity or authority to receive the
subpoena

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Audrey J. Woods and
C. Arthur Woods, her husband
Valerie J. Powers and
Randell T. Powers, her husband
Plaintiff(s)

Vs.

No. 2005-00276-CD

James G. Stellabuto and
Bernice A. Stellabuto, husband and wife,
Jim Stellabuto's Everything Under Foot, Inc.,
and/or Jim Stellabuto's Everything Under One
Roof and Beaver Grove Condominium
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

TO: Tim Pittsley
611 W. Washington Avenue
DuBois, PA 15801

1. You are ordered by the Court to come to Clarion Hotel, 1896 Rich Highway, DuBois, PA
(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on March 7, 2007 at 1:00
o'clock, p. M., to testify on behalf of Plaintiffs in the above
case, and to remain until excused.

2. And bring with you the following: _____

If you fail to attend or to produce the documents or things required by this subpoena, you may be
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including
but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH P.A.R.C.P. No. 234.2(a)

NAME: Jonathan B. Mack, Esquire
ADDRESS: 57 S. 6th Street
Indiana, PA 15701
TELEPHONE: (724) 349-5602
SUPREME COURT ID # 38970

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Wednesday, February 21, 2007
Seal of the Court

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

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in
connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with P.A.R.C.P. No.
234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

Plaintiffs,

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

922 Beaver Drive
Dubois, PA 15801-2514

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Type of case:

Type of Pleading: NOTICE OF
DEPOSITION OF MICHAEL FISCHER

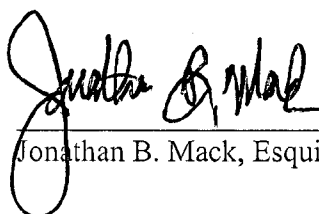
FILED ON BEHALF OF:

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

COUNSEL OF RECORD FOR THIS
PARTY:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602


Jonathan B. Mack, Esquire

FILED

MAR 01 2007

m/2:20/6
William A. Shaw
Prothonotary/Clerk of Courts
1 Clerk to Att

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

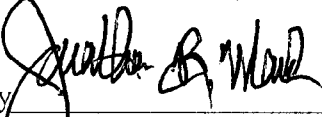
JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **MICHAEL FISCHER** will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois, PA 15801-1521 on March 7, 2007, at 1:30 p.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: February 26, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF
MICHAEL FISCHER**, to Counsel for Defendant, Trisha A. Zaken, Esquire, Walsh, Collis &
Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on
behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

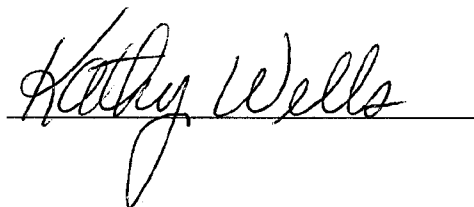
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **MICHAEL FISCHER** was served by U.S. First Class Mail, postage prepaid
this 26th day of February, 2007, upon the following:

Trisha A. Zaken, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

NOTICE AND ACKNOWLEDGMENT OF
RECEIPT OF SUBPOENA BY MAIL

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

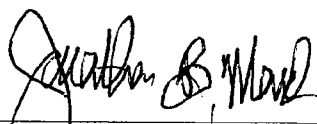
NOTICE

To Michael Fischer:

The enclosed subpoena is served pursuant to Pennsylvania Rule of Civil Procedure 234.2(b)(3). Complete the acknowledgment part of this form and return the copy of the completed form to the sender in the enclosed self-addressed envelope.

Sign and date the acknowledgment. If you are served on behalf of a partnership, unincorporated association, corporation or similar entity, indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive the subpoena, indicate under your signature your authority.

Date Notice mailed: 2-28-07



Party serving subpoena or Attorney for Party

ACKNOWLEDGMENT OF RECEIPT
OF SUBPOENA

I acknowledge receipt of a copy of the subpoena in the above captioned matter.

Date: _____

Signature

Relationship to entity or authority to receive the
subpoena

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Audrey J. Woods and
C. Arthur Woods, her husband
Valerie J. Powers and
Randell T. Powers, her husband
Plaintiff(s)

Vs.

No. 2005-00276-CD

James G. Stellabuto and
Bernice A. Stellabuto, husband and wife,
Jim Stellabuto's Everything Under Foot, Inc.,
and/or Jim Stellabuto's Everything Under One
Roof and Beaver Grove Condominium
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

TO: Michael Fischer
301 Main Street
Brookville, PA 15825

1. You are ordered by the Court to come to Clarion Hotel, 1896 Rich Highway, DuBois, PA
(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on March 7, 2007 at 1:30
o'clock, P. M., to testify on behalf of Plaintiffs
in the above
case, and to remain until excused.


2. And bring with you the following: _____

If you fail to attend or to produce the documents or things required by this subpoena, you may be
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including
but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH P.A.R.C.P. No. 234.2(a)

NAME: Jonathan B. Mack, Esquire
ADDRESS: 57 S. 6th Street
Indiana, PA 15701
TELEPHONE: 724-349-5602
SUPREME COURT ID # 38970

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Wednesday, February 21, 2007
Seal of the Court

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

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in
connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with P.A.R.C.P. No.
234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: PLAINTIFFS'
CERTIFICATE OF READINESS**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

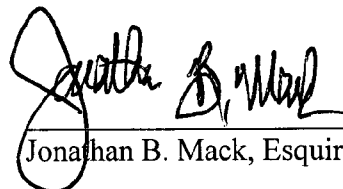
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

FILED ^{icc}
MAY 11 2007 ^{Atty}
^{Mack}

William A. Shaw
Prothonotary/Clerk of Courts (CR)

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF READINESS

Filed on behalf of Plaintiffs, Audrey J. Woods and C. Arthur Woods, her husband and Valerie J.
Powers and Randell T. Powers, her husband

1. Type of Case: Simple (X) Complex () Companion Case ()
2. Type of Trial: Jury (X) Non-Jury () Arbitration ()
3. Estimated Trial Time: 4 day(s) _____ hours _____ minutes
Estimated Arbitration: _____ day(s) _____ hours _____ minutes
4. Trial Counsel: (List name, address and telephone number for each party and name,
address and telephone number of person responsible for each unrepresented party).

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

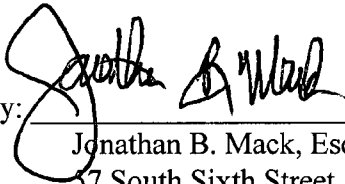
I certify on behalf of Plaintiffs that the pleadings are complete, that all preliminary motions have been resolved, that all substantial discovery has been completed and that the case is in all respects ready for trial except:

a) motions in limine X ; b) expert depositions X ;

c) defense medical examinations of Plaintiffs X .

Respectfully submitted,

MARCUS & MACK, P.C.

By: 
Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**

CERTIFICATE OF READINESS was mailed, U.S. First Class mail, to the following this 9th
day of May, 2007:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

Cindy A. Holatz

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF JANICE MALONEY**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell T.
Powers, her husband.

VS.

COUNSEL OF RECORD FOR THIS PARTY:

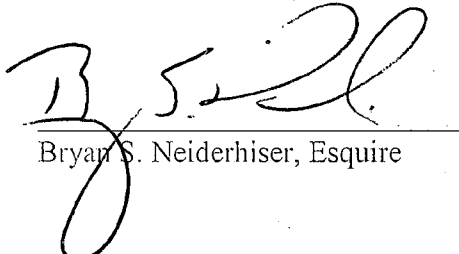
JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

922 Beaver Drive
Dubois, PA 15801-2514

Telephone: (724) 349-5602

Defendants.


Bryan S. Neiderhiser, Esquire

FILED
MAY 25 2007
10 CC
CR

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **JANICE
MALONEY** will be taken on oral examination at the Clarion Hotel 1896 Rich Highway, Dubois,
PA 15801-1521 on May 31, 2007, at 11:00 a.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 81496

Dated: May 22, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF JANICE MALONEY**, to Counsel for Defendant, Trisha A. Gill, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

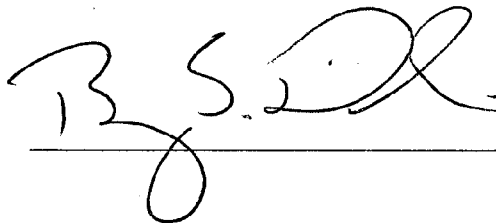
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of JANICE MALONEY was served by U.S. First Class Mail, postage prepaid
this 22nd day of May, 2007, upon the following:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793

A handwritten signature in black ink, appearing to read 'B.S. Neiderhiser', is written over a horizontal line.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF Lori Beth Rancik**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell T.
Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

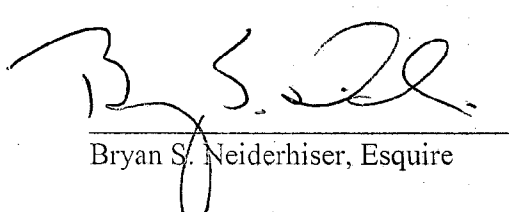
COUNSEL OF RECORD FOR THIS PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Bryan S. Neiderhiser, Esquire

FILED *no cc*
11/13/07
MAY 25 2007 *CK*

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

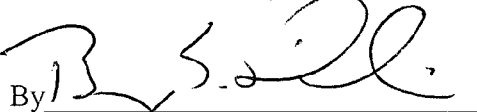
JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **Lori Beth Rancik** will be taken on oral examination at the Clarion Inn, 1896 Rich Highway, Dubois, PA 15801-1521 on May 31, 2007, at 12:00 noon and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 81496

Dated: May 22, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496

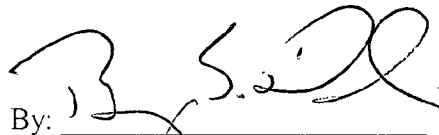
Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF Lori Beth Rancik**, to Counsel for Defendant, Trisha A. Gill, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

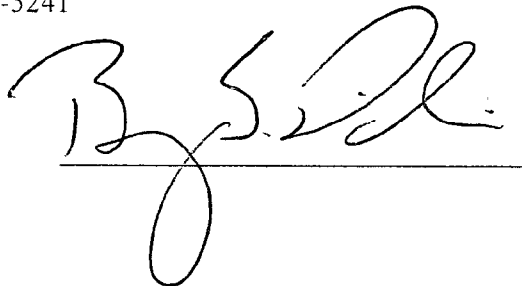
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **Lori Beth Rancik** was served by U.S. First Class Mail, postage prepaid this
22nd day of May, 2007, upon the following:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793

A handwritten signature in black ink, appearing to read 'B. S. Neiderhiser', is written over a horizontal line.

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Audrey J. Woods
C. Arthur Woods
Valerie J. Powers
Randell T. Powers
Plaintiff(s)

Vs.

No. 2005-00276-CD

James G. Stellabuto
Bernice A. Stellabuto
Jim Stellabuto's Everything Under Foot, Inc.
Jim Stellabuto's Everything Under One Roof
Beaver Grove Condominium
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

TO: Lori Beth Rancik
102 W. Hepburnia Road
Grampian, PA 16838-8641

1. You are ordered by the Court to come to The Clarion Inn, 1896 Rich Highway
DuBois, PA 15801-1521

(Specify Courtroom or other place)

at Clearfield County, Pennsylvania, on May 31, 2007 at 12:00
o'clock, p. M., to testify on behalf of Audrey J. Woods, et al

in the above

case, and to remain until excused.

2. And bring with you the following: _____

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH PA.R.C.P. No. 234.2(a)

NAME: Bryan S. Neiderhiser, Esquire
ADDRESS: 57 South 6th Street, Indiana, PA 15701
TELEPHONE: 724-349-5602
SUPREME COURT ID # 81496

BY THE COURT:

William A. Shaw *CM*
Prothonotary/Clerk, Civil Division

Deputy

DATE: Wednesday, May 16, 2007
Seal of the Court

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with PA.R.C.P. No. 234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

Type of Pleading: NOTICE OF
DEPOSITION OF Mary Anne Zakutny

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell T.
Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

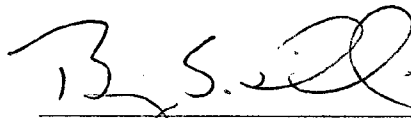
COUNSEL OF RECORD FOR THIS PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Bryan S. Neiderhiser, Esquire

ORIGINAL
FILED
MAY 25 2007
WCC
CK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition, by telephone of
Mary Anne Zakutny will be taken on oral examination at the Clarion Inn, 1896 Rich Highway,
Dubois, PA 15801-1521 on May 31, 2007, at 10:00 a.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 81496

Dated: May 22, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION**, by telephone, of **Mary Anne Zakutny**, to Counsel for Defendant, Trisha A. Gill, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

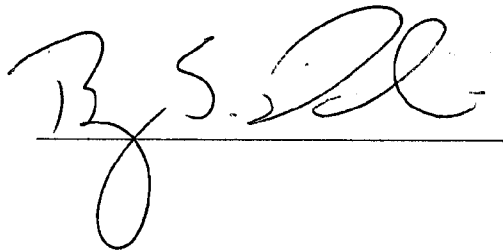
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION by telephone, of Mary Anne Zakutny was served by U.S. First Class Mail,
postage prepaid this 22nd day of May, 2007, upon the following:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Boring Court Reporting
Heather G. Boring
121 Charles Street
Centre Hall, PA 16828

(814)-364-1793

A handwritten signature in black ink, appearing to read 'Bryan S. Neiderhiser', is written over a horizontal line.

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Audrey J. Woods
C. Arthur Woods
Valerie J. Powers
Randell T. Powers
Plaintiff(s)

Vs.

No. 2005-00276-CD

James G. Stellabuto
Bernice A. Stellabuto
Jim Stellabuto's Everything Under Foot, Inc.
Jim Stellabuto's Everything Under One Roof
Beaver Grove Condominium
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

TO: Mary Anne Zakutny
643 Covered Bridge Drive
Delaware, OH 43015-3192

1. You are ordered by the Court to ~~come to~~ ~~participate in a telephone deposition~~ to be held at
~~The Clarion Inn, 1896 Rich Highway, Dubois, PA (814) 371-5100.~~
(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on May 31, 2007 at 10:00
o'clock, A.M., to testify on behalf of Audrey J. Woods, et al in the above
case, and to remain until excused.

2. And bring with you the following: _____

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH PA.R.C.P. No. 234.2(a)

NAME: Bryan S. Neiderhiser, Esquire
ADDRESS: 57 South 6th Street
Indiana, PA 15701
TELEPHONE: 724-349-5602 800-488-0338
SUPREME COURT ID # 81496

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Wednesday, May 16, 2007
Seal of the Court

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with PA.R.C.P. No. 234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

618

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

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
Plaintiffs

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF,

Defendants

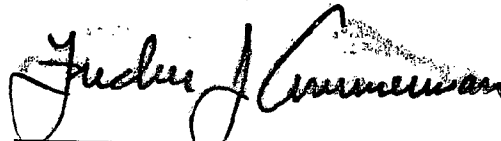
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NO. 05-276-CD

ORDER

AND NOW, this 7th day of August, 2007, it is the ORDER of the Court that a Pre-Trial Conference in the above matter shall be held on the **24th day of August, 2007, in Chambers at 11:00 o'clock a.m.**

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

019:09801
AUG 08 2007

Atty's:

Mack

Zakens & Wallace

William A. Shaw
Prothonotary/Clerk of Courts

CK

FILED

AUG 08 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/8/07

____ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) ☒ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ☒ Defendant(s) Attorney

____ Special Instructions:

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

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
Plaintiffs

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF,

Defendants

NO. 05-276-CD

FILED

AUG 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

icc Atty's.
J. Mack
T. Zaken
L. Wallace

(GW)

ORDER

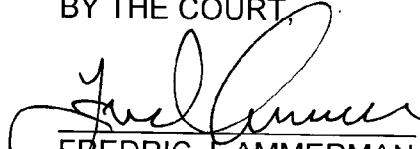
NOW, this 24th day of August, 2007, following pre-trial conference with counsel
for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on August 28, 2007 commencing at 1:00 p.m.
in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield,
Pennsylvania.
2. Jury Trial is hereby scheduled for October 10th, 11th and 12th, 2007
commencing each day at 9:00 a.m. in Courtroom No. 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania.
3. Any party making objections relative the testimony to be provided by any
witness in the form of a deposition at the time of Trial shall submit said
objections to the Court, in writing, no later than thirty (30) days prior to the
commencement of Trial. All objections shall reference specific page and
line numbers within the deposition(s) in question along with that party's
brief relative same. The opposing party shall submit its brief in opposition

to said objections no later than fifteen (15) days prior to the commencement to Trial.

4. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than thirty (30) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than fifteen (15) days prior to Trial.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

DATE 8-27-2007

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

FILED

AUG 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

**DEFENDANTS' MOTION FOR JUDICIAL
NOTICE OF CLIMATOLOGICAL DATA**

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. GILL, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED No cc
m 10:50 AM
SEP 10 2007 GR

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

DEFENDANTS' MOTION FOR JUDICIAL NOTICE OF CLIMATOLOGICAL DATA

AND NOW, come the Defendants, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., and Trisha A. Gill, Esquire, and files the following Motion for Judicial Notice of Climatological Data and aver as follows:

1. The Plaintiffs, Audrey Woods and Arthur Woods and Valerie Powers and Randell Powers (hereinafter referred to as "Plaintiff"), initiated a civil action against the Defendants, James Stellabuto and Bernice Stellabuto, husband and wife, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof (hereinafter "Defendants") at the Prothonotary's Office of the Court of Common Pleas of Clearfield County, Pennsylvania.

2. Plaintiff-Wife alleges that she suffered severe and serious injuries and damages as a result of falling in a common area of the Defendant's property on March 7,

2003.

3. Plaintiffs allege that the Defendants were negligent, *inter alia*, in allowing ice to accumulate and create a dangerous and defective condition on the premises, and by failing to remedy or warn of the dangerous condition.

4. Defendants aver that they were not negligent and Plaintiff-Wife's fall was the result of, if anything, general slippery conditions.

5. Defendants wish to submit Climatological Data into evidence, certifying the weather conditions on the date of and dates prior to Plaintiff-Wife's fall. See Exhibit A, Climatological Data.

6. Defendants request this Court take judicial notice of this Climatological Data and admit it into evidence.

7. Under the Pennsylvania Rules of Evidence, a Court may take Judicial notice pursuant to Rule 201:

Rule 201. Judicial notice of adjudicative facts

(a) Scope of Rule

This rule governs judicial notice of adjudicative facts.

(b) Kinds of facts

A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

(c) When Discretionary

A court may take judicial notice, whether requested or not.

(d) When Mandatory

A court shall take judicial notice if requested by a party and supplied with the necessary information.

(e) Opportunity to Be Heard

A party entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.

(f) Time of Taking Notice

Judicial Notice may be taken at any stage of the proceeding.

(g) Instructing Jury

The court shall instruct the jury that it may, but is not required to, accept as conclusive, any fact judicially noticed.

8. "Judicial notice allows the trial court to accept into evidence indisputable facts to avoid the formality of introducing evidence to prove an incontestable issue. . . . However, the facts must be of a matter of common knowledge and derived from reliable sources whose accuracy cannot reasonably be questioned." Kinley v. Bierly, 2005 Pa. Super. 168, 876 A.2d 419, 421 (2005).

9. Defendants' Climatological Data should be judicially noticed as admissible under the Rules of Evidence as both authentic and a matter of common knowledge. Clearly, weather data, including temperature and precipitation levels, is a matter of common knowledge that can be easily understood by the fact-finder. Moreover, this Climatological Data is authentic, in that it was prepared by a meteorological consultant.

10. It is a generally known or readily ascertainable fact that meteorologists are weather experts who may accurately prepare climatological data and weather records including temperature and precipitation levels. Defendants request judicial notice of this fact and ask this Honorable Court to admit this Climatological Data into evidence.

11. Furthermore, this Climatological Data is admissible under Pennsylvania Rule of Evidence 803(6), as a Record of Regularly Conducted Activity:

"A memorandum, report, record, or data compilation, in any form, of acts, events, or conditions, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, or by certification that complies with Rule 902(11), Rule 902(12), or a statute permitting certification, unless the sources of information or other circumstances indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit."

Pa. R. E. 803(6).

12. Meteorological Consultants of Weather History Research regularly conduct climatological observations and record data as contained in the Record of Climatological Observations. See Exhibit A. These data compilations are made and regularly kept in the normal course of business of meteorologists, and there is no indication that any of these observations lack trustworthiness. Consequently, they are admissible as a Record of Regularly Conducted Activity.

WHEREFORE, Defendants respectfully request this Honorable Court take judicial notice of the Climatological Data and admit it into evidence at trial.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By



Trisha A. Gill, Esquire

Counsel for Defendants,

James G. Stellabuto and Bernice A.

Stellabuto, Jim Stellabuto's Everything

Under Foot, Inc., and/or Jim Stellabuto's

Everything Under One Roof

U. S. DEPARTMENT OF COMMERCE

Asheville, N.C.

I CERTIFY that the attached are authentic and true copies of
meteorological records on file in the NATIONAL CLIMATIC DATA
CENTER, ASHEVILLE, NORTH CAROLINA.

August L. Shumbera

AUGUST L. SHUMBERA
RECORDS CUSTODIAN
DATA ADMINISTRATOR
(Official Title)

.....

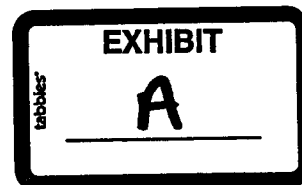
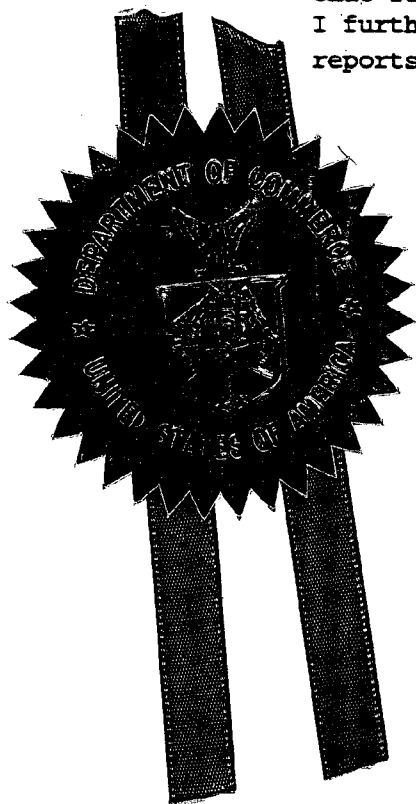
I HEREBY CERTIFY that AUGUST L. SHUMBERA RECORDS CUSTODIAN, who
signed the foregoing certificate, is now, and was at the time of
signing, DATA ADMINISTRATOR, NATIONAL CLIMATIC DATA CENTER, and
that full faith and credit should be given his certificate as such.
I further state that I am the person to whom the said custodian
reports.

IN WITNESS WHEREOF, I have hereunto
subscribed my name and caused the
seal of the Department of Commerce
to be affixed
on this date: SEP 04 2007

For the SECRETARY OF COMMERCE:

Thomas R. Karl

THOMAS R. KARL
DIRECTOR
NATIONAL CLIMATIC DATA CENTER
(Certifying Officer)



UNEDITED LOCAL CLIMATOLOGICAL DATA

NOAA, National Climatic Data Center

Month: 03/2003

Station Location: DU BOIS-JEFFERSON COUNTY AIRPORT (DUJ)

DU BOIS, PA

Lat. 41°11'N Lon. 78°54'W

Elevation(Ground): 1804 ft. above sea level

Date	Temperature (Fahrenheit)				Degree Days Base 65 Degrees		Significant Weather	Snow/Ice on Ground(In)				Precipitation (In)		Pressure(Inches of Hg)		Wind: Speed=mph Dir=items of degrees		D a t e											
	Max.	Min.	Avg.	Dep From Normal	Avg Wet Bulb	Heating		Cooling		0600 LST	Depth	1200 LST	2400 LST	Avg. Station	Avg. Sea level	Resultant Speed	Res Dir	Avg. Speed	max 5-sec		max 2-min								
						Dir		Speed	Dir										Speed	Dir	Speed								
1	33	27	30	0	29	35	0	0	0.08	28.04	30.06	4.6	13	5.4	13	13	14	1											
2	34	7	21	-9	26	28	44	0	0.09	27.76	29.73	8.1	28	11.4	32	30	31	2											
3	14	-3	0*	-25	-6	4	59	0	0.00	28.05	30.10	3.9	29	7.5	24	20	30	3											
4	44	10	27	-4	17	25	38	0	0.05	27.96	29.99	5.0	16	7.0	20	16	22	4											
5	41	28	35	4	32	34	30	0	0.24	27.78	29.74	3.9	26	8.6	29	23	28	5											
6	28	13	21	-11	19	22	44	0	0.08	27.93	29.92	7.3	2	9.0	23	18	1	6											
7	34	6	20	-12	15	19	45	0	0.01	28.11	30.15	6.8	13	7.9	21	15	17	7											
8	51	22	37	4	26	32	28	0	0.09	27.96	29.94	3.6	22	8.0	43	36	25	8											
9	41	14	28	-5	13	19	37	0	0.12	27.93	29.92	14.2	29	14.7	33	30	26	9											
10	18	7	13	-20	3	10	52	0	T	28.10	30.15	13.1	27	13.6	31	30	24	10											
11	34	6	20	-14	10	19	45	0	0.00	28.06	30.10	7.0	23	7.6	25	25	22	11											
12	48	32	40	6	27	35	25	0	T	28.02	29.99	9.4	24	9.8	23	24	18	12											
13	41	23	32	-2	31	33	33	0	0.54	28.07	30.07	5.6	2	6.9	18	1	16	1											
14	42	16	29	-6	13	24	36	0	0.00	28.24	30.27	2.1	7	5.0	14	2	12	2											
15	59	29	44	9	27	37	21	0	0.00	28.11	30.09	3.0	13	5.7	13	26	10	15											
16	67	37	52	17	38	46	13	0	0.00	28.01	29.96	4.5	13	5.8	15	13	13	16											
17	68	41	55	19	44	49	10	0	0.00	27.86	29.80	3.0	8	5.0	12	5	9	17											
18	63	38	51	15	43	46	14	0	0.00	27.90	29.85	8.3	6	8.5	20	3	16	18											
19	49	36	43	7	33	37	22	0	0.17	28.11	30.09	13.3	12	13.8	31	12	24	19											
20	41	33	37	0	35	35	28	0	0.64	27.97	29.95	11.2	12	11.4	25	13	20	20											
21	64	32	48	11	43	44	17	0	0.01	27.75	29.69	3.2	21	8.5	35	26	28	21											
22	47	31	39	2	33	37	26	0	0.05	27.91	29.85	8.8	27	10.2	28	24	21	22											
23	48	29	39	1	31	35	26	0	0.00	28.00	29.98	5.4	26	6.9	18	25	15	23											
24	62	34	48	10	33	41	17	0	0.00	28.03	30.00	1.5	23	5.2	21	24	15	24											
25	71*	48	60*	22	39	49	5	0	0.01	27.94	29.86	6.6	24	9.8	31	23	25	25											
26	54	35	45	6	35	40	20	0	0.07	27.95	29.90	5.8	30	6.9	22	33	18	26											
27	61	30	46	7	31	40	19	0	0.00	28.08	30.05	2.2	16	6.3	17	12	15	27											
28	66	45	56	17	38	47	9	0	0.00	28.05	29.99	14.4	14	14.7	32	14	23	28											
29	57	32	45	5	42	44	20	0	0.13	27.98	29.93	5.7	24	11.5	30	29	24	29											
30	32	23	28	-12	22	26	37	0	T	28.02	30.02	7.8	32	8.7	24	32	20	30											
31	31	17	24	-17	16	21	41	0	M	28.02	30.04	8.8	29	10.4	31	31	23	31											
Totals>								Totals>								2.38		27.99		29.97		1.6		23.4		8.7		<Monthly Average	

Degree Days		Monthly		Season to Date		Sea Level Pressure		Date Time	
Total Departure		Total Departure		Total Departure		Maximum		0 0000	
Heating: 896		-26		6311		Minimum 29.58		21 1436	
Cooling: 0		0		0		Min Temp <=32: 22		Precipitation >= .01 inch: 16	
						Max Temp <=32: 5		Precipitation >= .10 inch: 6	
						Thunderstorms : 1		Snowfall >= .10 inch : 0	

* EXTREME FOR THE MONTH - LAST OCCURRENCE IF MORE THAN ONE.

UNEDITED LOCAL
CLIMATOLOGICAL DATA
HOURLY OBSERVATIONS TABLE
DU BOIS-JEFFERSON COUNTY AIRPORT (DUJ)
DU BOIS, PA
(03/2003)

Elevation: 1804 ft. above sea level

Latitude: 41°11'N

Longitude: 78°54'W

Date	Time	Station Type	Maint Indic	Sky Conditions	Visibility	Weather Type	Dry Bulb Temp (F)	Dry Bulb Temp (C)	Wet Bulb Temp (F)	Wet Bulb Temp (C)	Dew Point Temp (F)	Dew Point Temp (C)	Rel Humd %	Wind Speed (KT)	Wind Dir	Wind Char. Gusts (KT)	Val. for Wind Char.	Station Pressure	Press Tend	Sea Level Pressure	Report Type	Precip. Total
01	0056	AO2	-	FEW060 OVC080	7SM	-	28	-2.2	27	-3.0	24	-4.4	85	4	120	-	0	28.18	3	208	AA	-
01	0156	AO2	-	SCOT055 OVC070	7SM	-	28	-2.2	27	-3.0	24	-4.4	85	4	130	-	0	28.18	-	208	AA	-
01	0256	AO2	-	BKN055 OVC080	5SM	BR	28	-2.2	27	-3.0	24	-4.4	85	3	090	-	0	28.16	-	201	AA	-
01	0356	AO2	-	OVC047	6SM	BR	28	-2.2	27	-2.8	25	-3.9	88	4	120	-	0	28.14	8	194	AA	T
01	0456	AO2	-	OVC045	6SM	BR	28	-2.2	27	-2.8	25	-3.9	88	4	120	-	0	28.14	-	194	AA	-
01	0524	AO2	-	SCOT008 BKN015 OVC043	6SM	BR	28	-2.2	27	-2.8	25	-3.9	88	0	000	-	0	28.14	-	194	SP	-
01	0533	AO2	-	BKN006 BKN015 OVC041	6SM	BR	28	-2.2	27	-2.8	25	-3.9	88	0	000	-	0	28.14	-	194	SP	-
01	0556	AO2	-	OVC006	5SM	BR	29	-1.7	28	-2.5	25	-3.9	85	3	130	-	0	28.15	-	196	AA	-
01	0656	AO2	-	OVC006	3SM	BR	29	-1.7	28	-2.3	26	-3.3	89	3	130	-	0	28.15	3	199	AA	-
01	0704	AO2	-	OVC006	1 3/4SM	BR	29	-1.7	28	-2.3	26	-3.3	89	0	000	-	0	28.15	-	199	SP	-
01	0756	AO2	-	BKN006 OVC015	1SM	BR	28	-2.2	28	-2.4	27	-2.8	96	5	110	-	0	28.16	-	202	AA	-
01	0856	AO2	-	OVC006	1 1/4SM	BR	29	-1.7	29	-1.9	28	-2.2	96	0	000	-	0	28.17	-	207	AA	T
01	0956	AO2	-	OVC006	1 3/4SM	BR	30	-1.1	29	-1.5	28	-2.2	92	5	110	-	0	28.16	0	203	AA	-
01	1008	AO2	-	OVC008	2 1/2SM	BR	-	-	-	-	-	-	-	8	130	-	0	28.16	-	203	AA	-
01	1037	AO2	-	FEW005 OVC010	2 1/2SM	BR	-	-	-	-	-	-	-	5	130	-	0	28.16	-	198	SP	-
01	1056	AO2	-	OVC010	3SM	BR	31	-6	30	-1.0	29	-1.7	92	5	VRB	-	0	28.15	-	198	AA	.01
01	1114	AO2	-	OVC010	2SM	-SN BR	-	-	-	-	-	-	-	5	130	-	0	28.15	-	198	SP	-
01	1137	AO2	-	OVC008	1 3/4SM	-SN BR	-	-	-	-	-	-	-	4	150	-	0	28.13	-	193	SP	-
01	1156	AO2	-	OVC008	1 1/4SM	-SN BR	32	0	31	-4	30	-1.1	92	5	130	-	0	28.13	-	193	AA	T
01	1211	AO2	-	OVC008	2SM	-SN BR	-	-	-	-	-	-	-	5	150	-	0	28.13	-	193	SP	-
01	1228	AO2	-	OVC008	3SM	BR	-	-	-	-	-	-	-	5	130	-	0	28.13	-	193	SP	-
01	1246	AO2	-	OVC008	2 1/2SM	BR	-	-	-	-	-	-	-	4	120	-	0	28.10	-	182	SP	.01
01	1256	AO2	-	OVC008	1 1/2SM	-SN BR	33	6	32	-1	30	-1.1	89	4	120	-	0	28.10	8	182	AA	.01
01	1344	AO2	-	OVC006	3/4SM	-SN BR	33	6	33	4	32	0	96	3	130	-	0	28.09	-	178	SP	.01
01	1356	AO2	-	OVC006	3/4SM	-SN BR	33	6	33	4	32	0	96	3	130	-	0	28.09	-	178	AA	.01
01	1439	AO2	-	OVC004	1/2SM	-SN FG	33	6	33	4	32	0	96	5	130	-	0	28.09	-	172	SP	.03
01	1456	AO2	-	OVC004	1/2SM	-SN FG	33	6	33	4	32	0	96	5	130	-	0	28.09	-	172	AA	.03
01	1556	AO2	-	OVC004	3/4SM	-SN BR	33	6	33	4	32	0	96	4	130	-	0	28.08	6	169	AA	.01
01	1611	AO2	-	OVC004	1SM	BR	-	-	-	-	-	-	-	5	130	-	0	28.08	-	169	SP	-
01	1628	AO2	-	OVC002	3/4SM	BR	-	-	-	-	-	-	-	5	130	-	0	28.08	-	169	SP	-
01	1638	AO2	-	OVC002	1SM	BR	-	-	-	-	-	-	-	5	130	-	0	28.08	-	169	SP	-
01	1656	AO2	-	OVC002	1 1/4SM	-SN BR	33	6	33	4	32	0	96	5	140	-	0	28.06	-	165	AA	T
01	1723	AO2	-	OVC002	3/4SM	-SN BR	33	6	33	4	32	0	96	5	140	-	0	28.06	-	165	SP	T
01	1756	AO2	-	OVC002	1/4SM	-SN FG	32	0	32	0	32	0	100	5	140	-	0	28.06	-	163	AA	-
01	1805	AO2	-	OVC002	1/2SM	-SN FG	-	-	-	-	-	-	-	6	130	-	0	28.06	-	163	SP	-
01	1828	AO2	-	WV001	1/4SM	-SN FG	-	-	-	-	-	-	-	5	130	-	0	28.06	-	163	SP	-
01	1856	AO2	-	WV001	1/4SM	FG	-	-	-	-	-	-	-	5	130	-	0	28.05	-	160	AA	.01
01	1904	AO2	-	WV001	1/2SM	FG	32	0	32	0	32	0	100	3	VRB	-	0	28.05	6	160	SP	-
01	1931	AO2	-	OVC001	1SM	BR	-	-	-	-	-	-	-	4	130	-	0	28.05	-	160	SP	-

01	1956	AO2	OVC001	1SM	BR	33	6	33	6	33	6	100	3	130	-	0	28.04	-	157	AA
01	2007	AO2	BKN001 OVC022	3/4SM	BR	-	-	-	-	-	-	0	6	130	-	0	-	-	SP	
01	2025	AO2	SCOT001 OVC020	1 1/4SM	BR	-	-	-	-	-	-	0	8	140	-	0	-	-	SP	
01	2036	AO2	BKN001 OVC020	1 1/2SM	BR	-	-	-	-	-	-	0	8	140	-	0	-	-	SP	
01	2047	AO2	OVC001	1/2SM	FG	-	-	-	-	-	-	0	8	140	-	0	28.01	-	145	AA
01	2056	AO2	WV001	1/4SM	FG	-	-	-	-	-	-	0	8	140	-	0	-	-	SP	
01	2112	AO2	WV001	3/4SM	BR	-	-	-	-	-	-	0	6	140	-	0	-	-	SP	
01	2122	AO2	OVC001	1 1/4SM	BR	-	-	-	-	-	-	0	8	130	-	0	27.99	-	139	AA
01	2144	AO2	SCOT001 OVC031	1 3/4SM	BR	-	-	-	-	-	-	0	8	140	-	0	-	-	SP	
01	2156	AO2	SCOT003 OVC031	1 3/4SM	BR	-	-	-	-	-	-	0	8	130	-	0	-	-	SP	
01	2217	AO2	FEW003 SCT021 OVC033	2SM	BR	-	-	-	-	-	-	0	9	140	-	0	27.97	-	133	AA
01	2247	AO2	FEW021 BKN029 OVC065	2SM	BR	-	-	-	-	-	-	0	9	130	-	0	27.95	-	124	AA
01	2256	AO2	BKN029 BKN055 OVC070	2SM	BR	-	-	-	-	-	-	0	9	130	-	0	27.92	-	113	AA
01	2356	AO2	OVC027	2SM	BR	-	-	-	-	-	-	0	9	130	-	0	27.90	-	103	AA
02	0056	AO2	OVC025	2SM	BR	-	-	-	-	-	-	0	7	140	-	0	-	-	SP	
02	0156	AO2	FEW002 OVC025	1 3/4SM	BR	-	-	-	-	-	-	0	7	140	-	0	-	-	SP	
02	0215	AO2	BKN002 OVC023	1 3/4SM	BR	-	-	-	-	-	-	0	7	130	-	0	27.87	-	092	AA
02	0248	AO2	OVC002	1/2SM	FG	-	-	-	-	-	-	0	6	140	-	0	-	-	SP	
02	0256	AO2	WV001	1/2SM	FG	-	-	-	-	-	-	0	8	140	-	0	27.86	-	088	AA
02	0303	AO2	WV001	1/4SM	FG	-	-	-	-	-	-	0	3	VRB	-	0	27.82	-	077	AA
02	0356	AO2	WV001	1/4SM	FG	-	-	-	-	-	-	0	4	170	-	0	-	-	SP	
02	0456	AO2	BKN001 OVC008	1/2SM	FG	-	-	-	-	-	-	0	4	170	-	0	27.81	-	071	AA
02	0512	AO2	FEW001 OVC008	1SM	UP FG	-	-	-	-	-	-	0	4	190	-	0	-	-	SP	
02	0546	AO2	BKN001 OVC008	1SM	UP BR	-	-	-	-	-	-	0	4	190	-	0	27.78	-	062	AA
02	0556	AO2	BKN001 OVC008	1SM	BR	-	-	-	-	-	-	0	4	200	-	0	-	-	SP	
02	0625	AO2	BKN003 OVC007	1 1/4SM	-RA BR	-	-	-	-	-	-	0	5	210	-	0	-	-	SP	
02	0639	AO2	BKN005 OVC009	2SM	-RA BR	-	-	-	-	-	-	0	7	210	-	0	27.77	-	058	AA
02	0656	AO2	BKN003 OVC007	1 1/4SM	-RA BR	-	-	-	-	-	-	0	8	220	-	0	-	-	SP	
02	0703	AO2	OVC005	1 1/4SM	-RA BR	-	-	-	-	-	-	0	9	220	-	0	27.76	-	056	AA
02	0716	AO2	OVC003	3/4SM	UP BR	-	-	-	-	-	-	0	11	270	-	0	-	-	SP	
02	0748	AO2	BKN003 OVC012	1 1/4SM	UP BR	-	-	-	-	-	-	0	11	270	-	0	-	-	SP	
02	0756	AO2	SCOT003 OVC010	1 1/2SM	-RA BR	-	-	-	-	-	-	0	10	270	-	0	27.75	-	052	AA
02	0813	AO2	BKN006 OVC010	2SM	-RA BR	-	-	-	-	-	-	0	12	260	-	0	-	-	SP	
02	0823	AO2	BKN003 OVC008	1 3/4SM	-RA BR	-	-	-	-	-	-	0	10	270	-	0	27.74	-	048	AA
02	0856	AO2	OVC003	2SM	UP BR	-	-	-	-	-	-	0	10	280	-	0	-	-	SP	
02	0915	AO2	OVC003	1 1/4SM	BR	-	-	-	-	-	-	0	11	270	-	0	27.74	-	046	AA
02	0923	AO2	OVC001	3/4SM	BR	-	-	-	-	-	-	0	11	270	-	0	-	-	SP	
02	0949	AO2	OVC001	1 1/2SM	BR	-	-	-	-	-	-	0	10	270	-	0	27.73	-	043	AA
02	0956	AO2	BKN001 OVC006	2 1/2SM	BR	-	-	-	-	-	-	0	12	260	-	0	27.71	-	036	AA
02	1003	AO2	BKN001 OVC008	4SM	BR	-	-	-	-	-	-	0	10	270	-	0	27.71	-	036	AA
02	1014	AO2	BKN004 OVC010	6SM	BR	-	-	-	-	-	-	0	10	280	-	0	-	-	SP	
02	1024	AO2	BKN006 OVC009	5SM	BR	-	-	-	-	-	-	0	11	270	-	0	27.74	-	048	AA
02	1056	AO2	BKN006 OVC013	6SM	BR	-	-	-	-	-	-	0	12	280	-	0	27.74	-	046	AA
02	1142	AO2	OVC004	5SM	BR	-	-	-	-	-	-	0	11	270	-	0	-	-	SP	
02	1156	AO2	SCT004 BKN008 OVC020	9SM	-SN	-	-	-	-	-	-	0	14	270	-	0	-	-	AA	
02	1211	AO2	SCOT009 OVC018	7SM	-SN	-	-	-	-	-	-	0	11	270	-	0	27.73	-	043	AA
02	1236	AO2	BKN009 OVC016	9SM	-SN	-	-	-	-	-	-	0	10	270	-	0	27.71	-	036	AA
02	1256	AO2	BKN009 OVC012	7SM	-SN	-	-	-	-	-	-	0	10	270	-	0	27.71	-	036	AA
02	1356	AO2	OVC009	6SM	BR	-	-	-	-	-	-	0	11	280	-	0	-	-	SP	
02	1456	AO2	OVC011	6SM	BR	-	-	-	-	-	-	0	11	280	-	0	27.72	-	039	AA
02	1534	AO2	OVC009	4SM	BR	-	-	-	-	-	-	0	12	280	-	0	-	-	SP	
02	1556	AO2	BKN009 OVC013	3SM	BR	-	-	-	-	-	-	0	12	280	-	0	-	-	AA	
02	1611	AO2	FEW007 OVC013	3SM	BR	-	-	-	-	-	-	0	13	280	-	0	-	-	SP	
02	1624	AO2	OVC013	2 1/2SM	BR	-	-	-	-	-	-	0	11	280	-	0	27.73	-	043	AA
02	1649	AO2	BKN011 BKN025 OVC031	3SM	-SN BR	-	-	-	-	-	-	0	13	280	-	0	-	-	SP	
02	1656	AO2	BKN011 BKN025 OVC029	2 1/2SM	-SN BR	-	-	-	-	-	-	0	15	280	-	0	27.73	-	043	AA
02	1710	AO2	SCOT011 BKN016 OVC029	3SM	-SN BR	-	-	-	-	-	-	0	15	280	-	0	-	-	SP	
02	1720	AO2	SCT011 OVC017	2 1/2SM	-SN BR	-	-	-	-	-	-	0	10	270	-	0	-	-	AA	
02	1727	AO2	BKN014 OVC020	2SM	-SN BR	-	-	-	-	-	-	0	10	280	-	0	-	-	SP	

02	1749	AO2	BKN012 BKN017 OVC023	1 1/2SM	-SN BR	30	-1.1	29	-1.7	27	-2.8	88	11	280	-	0	27.74	-	049	SP	T
02	1756	AO2	BKN014 BKN020 OVC031	1 3/4SM	-SN BR	-	-	-	-	-	-	-	11	280	-	0	-	-	-	AA	-
02	1759	AO2	SCT012 BKN020 OVC035	2SM	-SN BR	-	-	-	-	-	-	-	12	290	G	0	-	-	-	SP	-
02	1811	AO2	SCT012 BKN017 OVC035	1 1/2SM	-SN BR	-	-	-	-	-	-	-	12	280	G	17	-	-	-	SP	-
02	1819	AO2	BKN012 BKN021 OVC035	2SM	-SN BR	-	-	-	-	-	-	-	11	280	G	19	-	-	-	SP	-
02	1834	AO2	BKN012 BKN024 OVC046	4SM	-SN BR	-	-	-	-	-	-	-	13	270	-	0	-	-	-	SP	-
02	1843	AO2	SCT012 BKN021 OVC065	6SM	BR	-	-	-	-	-	-	-	12	280	-	0	-	-	-	SP	-
02	1856	AO2	FEW014 BKN044 OVC060	5SM	-SN	30	-1.1	28	-2.1	25	-3.9	82	13	270	-	0	27.75	3	053	AA	T
02	1907	AO2	FEW013 BKN021 OVC060	2 1/2SM	-SN BR	-	-	-	-	-	-	-	11	280	G	19	-	-	-	SP	-
02	1922	AO2	FEW010 BKN014 OVC036	2 1/2SM	-SN BR	-	-	-	-	-	-	-	13	280	G	19	-	-	-	SP	-
02	1925	AO2	SCT010 BKN016 OVC036	3SM	-SN BR	-	-	-	-	-	-	-	12	280	G	19	-	-	-	SP	-
02	1932	AO2	BKN010 BKN018 OVC024	4SM	-SN BR	-	-	-	-	-	-	-	11	290	-	0	-	-	-	SP	-
02	1943	AO2	FEW010 OVC016	4SM	-SN BR	-	-	-	-	-	-	-	17	310	G	21	-	-	-	SP	-
02	1956	AO2	BKN012 OVC017	2 1/2SM	-SN BR	26	-3.3	25	-4.1	22	-5.6	84	16	300	G	24	27.78	-	064	AA	T
02	2008	AO2	BKN014 BKN021 OVC034	4SM	-SN BR	-	-	-	-	-	-	-	15	300	G	21	-	-	-	SP	-
02	2056	AO2	OVC016	3SM	-SN BR	21	-6.1	20	-6.8	17	-8.3	85	13	320	G	22	27.83	-	082	AA	T
02	2113	AO2	OVC014	1 3/4SM	-SN	-	-	-	-	-	-	-	14	320	G	21	-	-	-	SP	-
02	2125	AO2	OVC016	1 1/2SM	-SN	-	-	-	-	-	-	-	12	320	G	22	-	-	-	SP	-
02	2141	AO2	OVC014	2SM	-SN BR	-	-	-	-	-	-	-	14	300	G	20	-	-	-	SP	-
02	2156	AO2	OVC018	5SM	-SN	16	-8.9	15	-9.7	11	-11.7	80	14	300	-	0	27.86	3	096	AA	T
02	2248	AO2	SCT021 BKN050	9SM	-	-	-	-	-	-	-	-	19	310	G	26	-	-	-	SP	-
02	2256	AO2	FEW023 SCT050	7SM	-	10	-12.2	7	-13.6	-3	-19.4	55	17	320	G	26	27.91	-	115	AA	T
02	2356	AO2	BKN023	10SM	-	8	-13.3	6	-14.3	-1	-18.3	66	9	300	-	0	27.92	-	124	AA	-
03	0056	AO2	CLR	10SM	-	4	-15.6	2	-16.6	-7	-21.7	60	13	300	-	0	27.95	1	136	AA	-
03	0156	AO2	CLR	10SM	-	2	-16.7	1	-17.3	-4	-20.0	76	11	310	-	0	27.98	-	149	AA	-
03	0256	AO2	CLR	10SM	-	1	-17.2	0	-17.9	-7	-21.7	68	11	320	-	0	28.00	-	156	AA	-
03	0356	AO2	CLR	10SM	-	0	-17.8	-1	-18.4	-7	-21.7	72	7	330	-	0	28.02	1	162	AA	-
03	0456	AO2	FEW017	10SM	-	-1	-18.3	-2	-18.8	-7	-21.7	75	7	320	-	0	28.05	-	173	AA	-
03	0524	AO2	BKN018	10SM	-	-	-	-	-	-	-	-	6	330	-	0	-	-	-	SP	-
03	0546	AO2	SCT018	10SM	-	-	-	-	-	-	-	-	7	320	-	0	-	-	-	SP	-
03	0656	AO2	FEW018	10SM	-	-2	-18.9	-3	-19.4	-8	-22.2	75	8	330	-	0	28.07	-	183	AA	-
03	0756	AO2	CLR	10SM	-	-3	-19.4	-4	-19.9	-9	-22.8	75	5	310	-	0	28.09	1	192	AA	-
03	0856	AO2	CLR	10SM	-	-2	-18.9	-3	-19.4	-8	-22.2	75	5	320	-	0	28.11	-	201	AA	-
03	0956	AO2	FEW016	10SM	-	0	-17.8	-1	-18.4	-8	-22.2	69	8	330	-	0	28.13	-	207	AA	-
03	1056	AO2	FEW095	10SM	-	2	-16.7	0	-17.6	-9	-22.8	60	6	VRB	-	0	28.12	0	208	AA	-
03	1156	AO2	CLR	10SM	-	4	-15.6	2	-16.7	-9	-22.8	54	6	320	-	0	28.14	-	215	AA	-
03	1256	AO2	CLR	10SM	-	11	-11.7	8	-13.5	-6	-21.1	46	10	250	G	14	28.15	-	219	AA	-
03	1356	AO2	CLR	10SM	-	12	-11.1	8	-13.2	-8	-22.2	40	9	VRB	-	0	28.10	8	201	AA	-
03	1456	AO2	CLR	10SM	-	13	-10.6	9	-12.8	-8	-22.2	38	9	260	-	0	28.10	-	202	AA	-
03	1556	AO2	CLR	10SM	-	14	-10.0	10	-12.2	-6	-21.1	40	5	260	-	0	28.11	-	205	AA	-
03	1656	AO2	CLR	10SM	-	13	-10.6	9	-12.7	-7	-21.7	40	6	210	-	0	28.10	3	206	AA	-
03	1756	AO2	CLR	10SM	-	12	-11.1	9	-12.9	-4	-20.0	48	4	230	-	0	28.11	3	205	AA	-
03	1856	AO2	CLR	10SM	-	11	-11.7	8	-13.3	-4	-20.0	51	4	200	-	0	28.11	-	210	AA	-
03	2056	AO2	CLR	10SM	-	11	-11.7	8	-13.3	-4	-20.0	53	4	140	-	0	28.09	-	196	AA	-
03	2156	AO2	CLR	10SM	-	11	-11.7	8	-13.3	-4	-20.0	51	5	140	-	0	28.08	6	192	AA	-
03	2256	AO2	CLR	10SM	-	10	-12.2	7	-13.6	-3	-19.4	55	3	150	-	0	28.07	-	189	AA	-
03	2356	AO2	BKN090 OVC100	10SM	-	11	-11.7	8	-13.1	-1	-18.3	58	3	VRB	-	0	28.06	-	184	AA	-
04	0056	AO2	OVC075	10SM	-	12	-11.1	9	-12.6	-1	-18.3	56	6	140	-	0	28.07	6	181	AA	-
04	0156	AO2	OVC050	10SM	-	11	-11.7	9	-12.8	2	-16.7	67	5	110	-	0	28.07	-	182	AA	-
04	0247	AO2	BKN029 OVC038	4SM	-SN	-	-	-	-	-	-	-	0	000	-	0	-	-	-	SP	T
04	0256	AO2	BKN031 OVC080	6SM	-SN	14	-10.0	12	-11.3	4	-15.6	64	4	120	-	0	28.06	-	178	AA	T
04	0356	AO2	OVC032	10SM	-	13	-10.6	11	-11.6	5	-15.0	70	4	080	-	0	28.06	8	177	AA	T
04	0415	AO2	OVC028	9SM	-	-	-	-	-	-	-	-	7	120	-	0	-	-	-	SP	-
04	0426	AO2	OVC034	8SM	-SN	-	-	-	-	-	-	-	7	110	-	0	-	-	-	SP	-
04	0456	AO2	BKN035 OVC047	10SM	-SN	16	-8.9	13	-10.3	6	-14.4	65	5	130	-	0	28.06	-	179	AA	T
04	0509	AO2	OVC022	2 1/2SM	-SN	-	-	-	-	-	-	-	4	120	-	0	-	-	-	SP	-
04	0518	AO2	OVC015	1 1/4SM	-SN	-	-	-	-	-	-	-	4	120	-	0	-	-	-	SP	-

04	0537	AO2	OVC017	2 1/2SM	-SN	-16	-8.9	-15	-9.5	-12	-11.1	84	3	120	-	0	28.07	182	SP	T
04	0556	AO2	OVC019	2SM	-SN BR	-	-	-	-	-	-	-	6	140	-	0	-	-	AA	-
04	0603	AO2	OVC015	1 1/2SM	-SN BR	-	-	-	-	-	-	-	5	130	-	0	-	-	SP	-
04	0614	AO2	OVC013	1 1/4SM	-SN BR	-	-	-	-	-	-	-	4	150	-	0	-	-	SP	-
04	0629	AO2	OVC015	1 1/2SM	-SN BR	-	-	-	-	-	-	-	4	140	-	0	-	-	SP	-
04	0656	AO2	OVC021	1 3/4SM	-SN BR	-	-	-	-	-	-	-	5	VRB	-	0	28.08	184	SP	-
04	0716	AO2	OVC023	2SM	-SN BR	-	-	-	-	-	-	-	4	150	-	0	-	-	AA	-
04	0735	AO2	OVC021	1 3/4SM	-SN BR	-	-	-	-	-	-	-	4	VRB	-	0	-	-	SP	-
04	0743	AO2	OVC019	2 1/2SM	-SN BR	-	-	-	-	-	-	-	3	VRB	-	0	-	-	SP	-
04	0756	AO2	BKN017 OVC025	1 1/4SM	-SN BR	-	-	-	-	-	-	-	4	VRB	-	0	-	-	AA	-
04	0848	AO2	FEW017 OVC034	1 3/4SM	-SN BR	-	-	-	-	-	-	-	4	VRB	-	0	-	-	SP	-
04	0856	AO2	FEW017 BKN028 OVC036	3SM	-SN BR	-	-	-	-	-	-	-	4	VRB	-	0	-	-	AA	-
04	0956	AO2	FEW019 OVC060	10SM	-	-	-	-	-	-	-	-	4	VRB	-	0	-	-	AA	-
04	1056	AO2	FEW070	10SM	-	-	-	-	-	-	-	-	4	VRB	-	0	-	-	SP	-
04	1156	AO2	SCV039	10SM	-	-	-	-	-	-	-	-	4	VRB	-	0	-	-	AA	-
04	1256	AO2	CLR	10SM	-	-	-	-	-	-	-	-	4	VRB	-	0	-	-	AA	-
04	1356	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	190	-	0	-	-	AA	-
04	1456	AO2	CLR	10SM	-	-	-	-	-	-	-	-	6	150	-	0	-	-	AA	-
04	1556	AO2	CLR	10SM	-	-	-	-	-	-	-	-	10	190	-	0	-	-	AA	-
04	1656	AO2	CLR	10SM	-	-	-	-	-	-	-	-	8	210	-	0	-	-	AA	-
04	1756	AO2	CLR	10SM	-	-	-	-	-	-	-	-	8	200	G	15	-	-	AA	-
04	1856	AO2	CLR	10SM	-	-	-	-	-	-	-	-	8	200	G	17	-	-	AA	-
04	1956	AO2	CLR	10SM	-	-	-	-	-	-	-	-	6	200	-	0	-	-	AA	-
04	2056	AO2	CLR	10SM	-	-	-	-	-	-	-	-	6	200	-	0	-	-	AA	-
04	2156	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	180	-	0	-	-	AA	-
04	2256	AO2	CLR	10SM	-	-	-	-	-	-	-	-	7	140	-	0	-	-	AA	-
04	2356	AO2	CLR	10SM	-	-	-	-	-	-	-	-	6	130	-	0	-	-	AA	-
05	0056	AO2	CLR	10SM	-	-	-	-	-	-	-	-	6	130	-	0	-	-	AA	-
05	0156	AO2	CLR	10SM	-	-	-	-	-	-	-	-	9	130	-	0	-	-	AA	-
05	0256	AO2	CLR	10SM	-	-	-	-	-	-	-	-	9	120	-	0	-	-	AA	-
05	0356	AO2	CLR	10SM	-	-	-	-	-	-	-	-	10	120	-	0	-	-	AA	-
05	0456	AO2	CLR	10SM	-	-	-	-	-	-	-	-	11	120	-	0	-	-	AA	-
05	0556	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	130	-	0	-	-	AA	-
05	0621	AO2	CLR	10SM	-	-	-	-	-	-	-	-	7	170	-	0	-	-	AA	-
05	0637	AO2	CLR	10SM	-	-	-	-	-	-	-	-	3	170	-	0	-	-	AA	-
05	0644	AO2	CLR	10SM	-	-	-	-	-	-	-	-	4	160	-	0	-	-	AA	-
05	0656	AO2	CLR	10SM	-	-	-	-	-	-	-	-	3	080	-	0	-	-	SP	-
05	0704	AO2	CLR	10SM	-	-	-	-	-	-	-	-	3	100	-	0	-	-	SP	-
05	0721	AO2	CLR	10SM	-	-	-	-	-	-	-	-	0	000	-	0	-	-	SP	-
05	0736	AO2	CLR	10SM	-	-	-	-	-	-	-	-	3	120	-	0	-	-	SP	-
05	0747	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	110	-	0	-	-	SP	-
05	0756	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	120	-	0	-	-	SP	-
05	0801	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	130	-	0	-	-	SP	-
05	0804	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	130	-	0	-	-	AA	-
05	0812	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	130	-	0	-	-	SP	-
05	0824	AO2	CLR	10SM	-	-	-	-	-	-	-	-	4	VRB	-	0	-	-	SP	-
05	0832	AO2	CLR	10SM	-	-	-	-	-	-	-	-	4	120	-	0	-	-	SP	-
05	0845	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	130	-	0	-	-	SP	-
05	0856	AO2	CLR	10SM	-	-	-	-	-	-	-	-	4	VRB	-	0	-	-	SP	-
05	0923	AO2	CLR	10SM	-	-	-	-	-	-	-	-	4	VRB	-	0	-	-	SP	-
05	0942	AO2	CLR	10SM	-	-	-	-	-	-	-	-	4	150	-	0	-	-	AA	-
05	0956	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	160	-	0	-	-	SP	-
05	1003	AO2	CLR	10SM	-	-	-	-	-	-	-	-	4	VRB	-	0	-	-	AA	-
05	1016	AO2	CLR	10SM	-	-	-	-	-	-	-	-	5	170	-	0	-	-	AA	-
05	1029	AO2	CLR	10SM	-	-	-	-	-	-	-	-	6	210	-	0	-	-	SP	-
05	1041	AO2	CLR	10SM	-	-	-	-	-	-	-	-	8	220	-	0	-	-	SP	-
05	1056	AO2	CLR	10SM	-	-	-	-	-	-	-	-	10	230	-	0	-	-	SP	-
05	1118	AO2	CLR	10SM	-	-	-	-	-	-	-	-	13	240	-	0	-	-	AA	-
05	1156	AO2	CLR	10SM	-	-	-	-	-	-	-	-	13	240	G	20	-	-	AA	-

1202	AO2	OVC003	2SM	BR	15	250	-	0	SP	-
1212	AO2	OVC003	1 1/2SM	BR	14	250	-	20	SP	-
1231	AO2	OVC003	1/4SM	FG	13	250	-	0	SP	-
1244	AO2	OVC001	1/4SM	FG	13	250	-	0	SP	-
1256	AO2	W001	M1/4SM	FG	100	250	-	0	AA	038
1344	AO2	OVC001	3/4SM	BR	100	260	-	0	SP	039
1356	AO2	OVC001	1 1/2SM	BR	100	260	-	0	AA	-
1407	AO2	OVC003	2SM	BR	13	260	-	0	SP	-
1421	AO2	OVC005	3SM	-RA BR	13	270	-	20	SP	-
1433	AO2	OVC005	2 1/2SM	BR	11	270	-	0	SP	-
1456	AO2	OVC005	1 3/4SM	-RA BR	13	260	-	0	AA	049
1504	AO2	BKN005 OVC010	6SM	-RA BR	11	270	-	0	SP	-
1535	AO2	BKN005 OVC021	2SM	-RA BR	12	280	-	25	SP	-
1556	AO2	FEW005 SCT011 OVC023	10SM	-	9	290	-	17	AA	069
1604	AO2	SCT007 BKN011 OVC025	10SM	-	9	290	-	0	SP	-
1621	AO2	BKN009 BKN012 OVC025	10SM	-	7	290	-	0	SP	-
1656	AO2	OVC009	10SM	-	9	290	-	0	AA	082
1756	AO2	OVC007	9SM	-	9	310	-	0	AA	094
1856	AO2	BKN009 OVC055	5SM	-SN BR	5	320	-	0	AA	099
1913	AO2	SCT007 BKN017 OVC055	4SM	-SN BR	5	320	-	0	SP	-
1924	AO2	BKN007 BKN011 OVC017	2 1/2SM	-SN BR	5	310	-	0	SP	-
1927	AO2	BKN007 BKN011 OVC017	3SM	-SN BR	6	300	-	0	SP	-
1956	AO2	OVC009	8SM	-	92	290	-	0	AA	111
2056	AO2	OVC007	8SM	-	92	290	-	0	AA	111
2156	AO2	OVC007	8SM	-	92	310	-	0	AA	112
2256	AO2	OVC007	8SM	-	92	320	-	0	AA	110
2356	AO2	OVC007	8SM	-	88	350	-	0	AA	106
0056	AO2	OVC011	9SM	-	85	360	-	0	AA	102
0141	AO2	OVC009	6SM	BR	7	010	-	0	SP	-
0156	AO2	OVC009	2 1/2SM	-SN BR	9	020	-	0	AA	098
0215	AO2	OVC009	3SM	-SN BR	8	020	-	0	SP	-
0256	AO2	OVC009	5SM	BR	7	040	-	0	AA	089
0356	AO2	BKN009 OVC050	2SM	-SN BR	6	040	-	0	AA	085
0406	AO2	SCT009 OVC050	2SM	-SN BR	8	040	-	0	SP	-
0421	AO2	BKN009 OVC050	1 3/4SM	-SN BR	8	050	-	0	SP	-
0431	AO2	SCT009 BKN012 OVC050	2SM	-SN BR	7	050	-	0	SP	-
0438	AO2	BKN009 BKN012 OVC030	2SM	-SN BR	7	040	-	0	SP	-
0456	AO2	BKN009 BKN012 OVC033	1 3/4SM	-SN BR	6	040	-	0	AA	083
0505	AO2	BKN009 BKN016 OVC043	2SM	-SN BR	96	040	-	0	SP	-
0519	AO2	SCT009 BKN016 OVC048	2SM	-SN BR	7	030	-	0	SP	-
0527	AO2	SCT007 BKN018 OVC046	1 3/4SM	-SN BR	9	030	-	0	SP	-
0534	AO2	BKN007 BKN016 OVC046	2SM	-SN BR	8	030	-	0	SP	-
0556	AO2	SCT009 BKN013 OVC046	1 1/2SM	-SN BR	9	050	-	0	AA	080
0601	AO2	SCT009 BKN015 OVC046	2SM	-SN BR	9	040	-	0	SP	-
0625	AO2	FEW008 BKN017 OVC048	1 1/4SM	-SN BR	7	050	-	0	SP	-
0647	AO2	SCT008 BKN013 OVC031	1 1/4SM	-SN BR	9	040	-	0	AA	079
0656	AO2	BKN009 OVC031	1 1/4SM	-SN BR	11	040	-	0	AA	-
0711	AO2	W007	1/2SM	SN FZFG	11	040	-	0	SP	-
0756	AO2	SCT007 BKN010 OVC036	3/4SM	BR	9	050	-	0	AA	080
0758	AO2	SCT005 SCT010 OVC036	1SM	-SN BR	9	050	-	0	SP	-
0814	AO2	FEW009 OVC036	3/4SM	-SN BR	8	060	-	0	SP	-
0823	AO2	FEW009 OVC036	1 1/4SM	-SN BR	11	050	-	0	SP	-
0835	AO2	FEW009 SCT030 OVC036	2SM	BR	10	040	-	0	SP	-
0856	AO2	FEW009 SCT021 OVC036	1 1/2SM	-SN BR	13	040	-	0	AA	073
0904	AO2	FEW009 BKN017 OVC036	1 1/4SM	-SN BR	11	040	-	0	SP	-
0916	AO2	W012	3/4SM	-SN BR	13	050	-	17	SP	-
0933	AO2	BKN008 OVC013	1 1/2SM	SN FZFG	9	020	-	0	SP	-
0941	AO2	W006	1/4SM	SN FZFG	15	020	-	19	SP	-
0956	AO2	W003	1/4SM	SN FZFG	13	040	-	0	AA	083

06	1041	AO2	SCT004 OVC013	1/2SM	SN FZFG	12	350	0	27.86	-	0	098	SP	-	T
06	1056	AO2	SCT002 BKN010 OVC015	1/4SM	SN FZFG	13	010	0			0		AA		
06	1105	AO2	BKN004 OVC010	1/4SM	SN FZFG	9	020	0			0		SP		
06	1147	AO2	BKN003 OVC009	1/2SM	-SN FZFG	15	010	18	27.90	-	0	110	SP		T
06	1156	AO2	VV006	1SM	-SN BR	12	010	0			0		AA		
06	1227	AO2	BKN011 OVC017	1/2SM	-SN BR	10	010	0	27.91	1	0	118	AA		.05
06	1256	AO2	BKN013 OVC019	1/2SM	-SN BR	10	010	0			0		SP		
06	1304	AO2	BKN015 OVC020	1/4SM	-SN BR	7	010	0	27.93	-	0	125	AA		T
06	1356	AO2	OVC017	1/4SM	-SN	8	010	0			0		SP		
06	1410	AO2	OVC015	2/12SM	-SN	8	010	0			0		SP		
06	1420	AO2	BKN017 OVC060	6SM	-SN	8	010	0	27.97	-	0	139	AA		.01
06	1456	AO2	OVC020	9SM	-SN	7	010	0	28.00	3	0	149	AA		T
06	1556	AO2	BKN024 OVC030	2/12SM	-SN	6	360	0			0		SP		
06	1620	AO2	SCT024 OVC030	3SM	-SN	7	340	0			0		SP		
06	1622	AO2	BKN024 OVC030	9SM	-SN	7	330	0	28.04	-	0	162	AA		T
06	1656	AO2	BKN022 OVC029	1/4SM	-SN	10	290	0			0		SP		
06	1721	AO2	SCT018 OVC025	3SM	-SN	5	340	0			0		SP		
06	1733	AO2	BKN023 OVC033	3SM	-SN	5	320	0			0		SP		
06	1746	AO2	SCT023 OVC034	3SM	-SN	4	310	0			0		AA		T
06	1749	AO2	BKN023 OVC034	2/12SM	-SN	4	300	0	28.08	-	0	177	AA		T
06	1756	AO2	BKN025 OVC034	3SM	-SN	4	300	0			0		AA		
06	1817	AO2	FEW022 OVC032	10SM	-SN	5	060	0			0		SP		
06	1839	AO2	FEW017 BKN026 BKN033	10SM	-SN BR	5	080	0	28.15	-	0	206	AA		T
06	1856	AO2	FEW017 SCT029 OVC034	10SM	-SN BR	5	080	0	28.17	-	0	214	AA		
06	1956	AO2	FEW023 OVC032	10SM	-SN BR	4	090	0	28.18	-	0	220	AA		
06	2020	AO2	BKN023 OVC032	10SM	-SN BR	4	090	0	28.20	-	0	225	AA		
06	2056	AO2	FEW009 SCT016 OVC021	3SM	-SN BR	6	100	0	28.20	1	0	228	AA		
06	2122	AO2	FEW009 SCT019 OVC030	10SM	-SN BR	6	100	0	28.21	-	0	231	AA		
06	2156	AO2	FEW028	10SM	-SN BR	9	110	0	28.20	-	0	225	AA		
06	2256	AO2	CLR	10SM	-SN BR	5	100	0	28.19	-	0	224	AA		
07	0056	AO2	CLR	10SM	-SN BR	6	110	0	28.20	-	0	227	AA		
07	0156	AO2	CLR	10SM	-SN BR	6	110	0	28.21	-	0	232	AA		
07	0256	AO2	CLR	10SM	-SN BR	6	110	0	28.22	-	0	235	AA		
07	0356	AO2	CLR	10SM	-SN BR	7	120	0	28.22	-	0	237	AA		
07	0456	AO2	CLR	10SM	-SN BR	8	120	0			0		SP		
07	0556	AO2	CLR	10SM	-SN BR	10	120	0	28.22	-	0	235	AA		
07	0656	AO2	CLR	10SM	-SN BR	8	130	0			0		SP		
07	0756	AO2	CLR	10SM	-SN BR	11	130	0	28.22	-	0	233	AA		
07	0824	AO2	SCT008	10SM	-SN BR	9	130	0	28.19	-	0	223	AA		
07	0833	AO2	BKN008	10SM	-SN BR	9	130	0	28.17	-	0	213	AA		
07	0856	AO2	OVC008	10SM	-SN BR	9	160	0	28.15	-	0	206	AA		
07	0914	AO2	FEW100	10SM	-SN BR	12	160	16	28.11	-	0	192	AA		
07	1056	AO2	CLR	10SM	-SN BR	10	160	16	28.10	-	0	188	AA		.01
07	1156	AO2	CLR	10SM	-SN BR	8	150	0	28.09	-	0	187	AA		
07	1256	AO2	CLR	10SM	-SN BR	7	170	0	28.09	-	0	184	AA		
07	1356	AO2	CLR	10SM	-SN BR	5	150	0	28.10	-	0	186	AA		
07	1456	AO2	CLR	10SM	-SN BR	4	150	0	28.09	-	0	189	AA		
07	1556	AO2	CLR	10SM	-SN BR	6	140	0	28.09	-	0	186	AA		
07	1656	AO2	CLR	10SM	-SN BR	5	160	0	28.09	-	0	184	AA		
07	1756	AO2	CLR	10SM	-SN BR	3	160	0	28.09	-	0	184	AA		
07	1856	AO2	CLR	10SM	-SN BR	4	160	0	28.10	-	0	184	AA		
07	1956	AO2	BKN090	10SM	-SN BR	5	250	0	28.11	-	0	189	AA		
07	2056	AO2	CLR	10SM	-SN BR	4	230	0			0		AA		
07	2156	AO2	CLR	10SM	-SN BR	5		0			0		AA		
07	2256	AO2	BKN085	10SM	-SN BR	3		0			0		AA		
07	2356	AO2	BKN085	10SM	-SN BR	4		0			0		AA		
08	0056	AO2	BKN075	10SM	-SN BR	5		0			0		AA		

08	0156	AO2	CLR	8SM	27	-2.8	26	-3.6	23	-5.0	85	5	270	-	0	28.13	-	194	AA
08	0256	AO2	CLR	6SM	27	-2.8	26	-3.4	24	-4.4	89	7	260	-	0	28.14	-	194	AA
08	0356	AO2	CLR	4SM	24	-4.4	23	-4.8	22	-5.6	91	5	230	-	0	28.14	1	197	AA
08	0456	AO2	CLR	4SM	23	-5.0	22	-5.4	21	-6.1	92	5	230	-	0	28.16	-	204	AA
08	0529	AO2	BKN018	3SM	-	-	-	-	-	-	92	5	230	-	0	-	-	-	SP
08	0548	AO2	SCOT018	3SM	-	-	-	-	-	-	91	4	210	-	0	-	-	-	SP
08	0556	AO2	FEW016	2 1/2SM	24	-4.4	23	-4.8	22	-5.6	91	4	240	-	0	28.16	-	203	AA
08	0610	AO2	FEW016	3SM	-	-	-	-	-	-	-	5	250	-	0	-	-	-	SP
08	0620	AO2	FEW016	2 1/2SM	-	-	-	-	-	-	-	4	250	-	0	-	-	-	SP
08	0633	AO2	CLR	1 3/4SM	-	-	-	-	-	-	-	5	250	-	0	-	-	-	SP
08	0656	AO2	FEW002	1/4SM	22	-5.6	22	-5.8	21	-6.1	96	3	220	-	0	28.17	1	208	AA
08	0705	AO2	CLR	1/2SM	-	-	-	-	-	-	-	4	220	-	0	-	-	-	SP
08	0735	AO2	CLR	1SM	-	-	-	-	-	-	-	3	200	-	0	-	-	-	SP
08	0756	AO2	CLR	1 3/4SM	25	-3.9	25	-4.1	24	-4.4	96	0	000	-	0	28.16	-	205	AA
08	0825	AO2	FEW013	2 1/2SM	-	-	-	-	-	-	-	4	130	-	0	-	-	-	SP
08	0841	AO2	SCOT004	2SM	-	-	-	-	-	-	-	6	150	-	0	28.16	-	203	AA
08	0856	AO2	BKN002	3SM	25	-3.3	25	-3.7	24	-4.4	92	6	150	-	0	-	-	-	SP
08	0856	AO2	CLR	5SM	30	-1.1	28	-2.1	25	-3.9	82	6	VRB	-	0	28.14	8	198	AA
08	0956	AO2	CLR	8SM	35	1.7	32	-2	26	-3.3	70	9	200	-	0	28.13	-	190	AA
08	1056	AO2	CLR	10SM	38	3.3	33	7	26	-3.3	62	5	VRB	-	0	28.10	-	178	AA
08	1156	AO2	CLR	10SM	42	5.6	36	2.0	26	-3.3	53	3	VRB	-	0	28.06	8	159	AA
08	1256	AO2	CLR	10SM	44	6.7	37	2.8	27	-2.8	51	10	210	-	0	28.02	-	144	AA
08	1356	AO2	CLR	10SM	46	7.8	38	3.6	28	-2.2	50	6	VRB	-	0	27.97	-	144	AA
08	1456	AO2	CLR	10SM	48	8.9	39	4.2	28	-2.2	46	3	VRB	-	0	27.92	8	112	AA
08	1556	AO2	BKN120	10SM	48	8.9	39	4.2	28	-2.2	46	6	VRB	-	0	27.88	-	093	AA
08	1656	AO2	FEW120	10SM	47	8.3	37	3.6	27	-2.8	46	9	150	-	0	27.83	-	075	AA
08	1756	AO2	CLR	10SM	46	7.8	37	3.0	25	-3.9	44	6	160	-	0	27.80	6	067	AA
08	1856	AO2	CLR	10SM	47	8.3	38	3.3	25	-3.9	42	10	160	G	17	27.74	-	047	AA
08	1956	AO2	BKN100 OVC120	10SM	48	8.9	39	3.8	26	-3.3	42	12	170	G	19	27.70	-	026	AA
08	2056	AO2	FEW046 BKN075 OVC095	10SM	48	8.9	39	4.2	28	-2.2	46	18	240	G	25	27.76	5	049	AA
08	2156	AO2	FEW046 BKN070 OVC090	10SM	48	8.9	39	4.2	28	-2.2	63	14	300	G	22	27.75	-	046	AA
08	2256	AO2	BKN060 BKN070 OVC090	10SM	48	8.9	42	5.8	36	2.2	97	10	250	-	0	27.75	-	047	AA
08	2356	AO2	OVC034	4SM	40	4.4	40	4.2	39	3.9	-	12	240	-	0	-	-	-	SP
08	0017	AO2	FEW009 BKN029 OVC034	3SM	-	-	-	-	-	-	-	14	230	-	0	-	-	-	SP
09	0028	AO2	FEW009 BKN030 OVC035	3SM	-	-	-	-	-	-	-	13	230	-	0	-	-	-	SP
09	0041	AO2	FEW004 BKN008 OVC032	4SM	-	-	-	-	-	-	96	15	250	-	0	27.73	8	040	AA
09	0056	AO2	BKN006 BKN010 OVC015	6SM	41	5.0	41	4.7	40	4.4	-	16	270	G	20	-	-	-	SP
09	0115	AO2	OVC004	6SM	-	-	-	-	-	-	96	16	280	-	0	-	-	-	AA
09	0156	AO2	OVC004	4SM	39	3.9	39	3.6	38	3.3	96	14	280	G	23	27.77	-	051	AA
09	0205	AO2	BKN006 OVC010	5SM	-	-	-	-	-	-	-	17	290	G	29	-	-	-	SP
09	0244	AO2	OVC004	2 1/2SM	-	-	-	-	-	-	96	15	280	G	26	27.80	-	063	AA
09	0256	AO2	OVC004	3SM	35	1.7	35	1.4	34	1.1	-	15	300	G	21	-	-	-	SP
09	0319	AO2	BKN002 OVC006	2SM	-	-	-	-	-	-	-	17	290	G	22	-	-	-	SP
09	0329	AO2	OVC004	5SM	-	-	-	-	-	-	-	17	290	G	25	-	-	-	SP
09	0344	AO2	OVC006	7SM	-	-	-	-	-	-	-	17	280	G	25	-	-	-	SP
09	0356	AO2	OVC008	9SM	31	-6	30	-1.0	29	-1.7	92	15	290	G	24	27.83	1	074	AA
09	0416	AO2	BKN010 OVC013	9SM	-	-	-	-	-	-	-	10	280	G	19	-	-	-	SP
09	0425	AO2	BKN008 OVC012	9SM	-	-	-	-	-	-	-	9	290	-	0	-	-	-	SP
09	0456	AO2	OVC006	8SM	28	-2.2	27	-2.6	26	-3.3	92	15	300	-	0	27.88	-	092	AA
09	0556	AO2	BKN006 OVC010	9SM	25	-3.9	24	-4.5	22	-5.6	88	13	290	-	0	27.92	-	110	AA
09	0656	AO2	OVC008	9SM	22	-5.6	21	-6.1	19	-7.2	89	13	290	G	19	27.96	1	125	AA
09	0729	AO2	SCOT008 BKN016 OVC025	7SM	-	-	-	-	-	-	-	16	270	G	21	-	-	-	SP
09	0749	AO2	SCOT016 OVC027	2 1/2SM	-	-	-	-	-	-	85	14	280	G	22	-	-	-	SP
09	0756	AO2	SCOT016 OVC027	1 3/4SM	19	-7.2	18	-7.9	15	-9.4	-	12	280	G	22	27.97	-	131	AA
09	0804	AO2	BKN016 OVC027	2SM	-	-	-	-	-	-	-	13	290	-	0	-	-	-	SP
09	0815	AO2	BKN016 OVC027	5SM	-	-	-	-	-	-	-	13	280	-	0	-	-	-	SP
09	0840	AO2	OVC014	2 1/2SM	-	-	-	-	-	-	-	15	280	-	0	-	-	-	SP
09	0856	AO2	OVC014	1 3/4SM	17	-8.3	16	-8.9	13	-10.6	84	12	280	-	0	28.00	-	141	AA
09	0904	AO2	BKN014 OVC020	3SM	-	-	-	-	-	-	-	16	290	G	24	-	-	-	SP

[illegible]

10	1656	AO2	CLR	17	-8.3	14	-10.2	3	-16.1	54	12	260	0	28.17	221	AA	-
10	1756	AO2	CLR	17	-8.3	13	-10.3	2	-16.7	51	11	290	0	28.18	223	AA	-
10	1856	AO2	CLR	15	-8.9	12	-10.6	3	-16.1	56	7	280	0	28.20	230	AA	-
10	1956	AO2	CLR	16	-9.4	13	-11.0	3	-16.1	59	6	270	0	28.20	231	AA	-
10	2056	AO2	CLR	12	-11.1	10	-12.2	3	-16.1	67	4	230	0	28.20	232	AA	-
10	2156	AO2	CLR	12	-11.1	10	-12.2	3	-16.1	67	5	240	0	28.20	233	AA	-
10	2256	AO2	CLR	13	-10.6	11	-11.8	4	-15.6	67	7	260	0	28.19	227	AA	-
10	2356	AO2	CLR	11	-11.7	9	-12.6	4	-15.6	73	4	240	0	28.18	223	AA	-
11	0056	AO2	CLR	10	-12.2	9	-13.0	4	-15.6	76	3	210	0	28.17	220	AA	-
11	0156	AO2	CLR	11	-11.7	9	-12.6	4	-15.6	73	5	240	0	28.17	218	AA	-
11	0256	AO2	CLR	9	-12.8	8	-13.4	4	-15.6	80	4	220	0	28.16	217	AA	-
11	0356	AO2	CLR	11	-11.7	9	-12.6	4	-15.6	73	3	200	0	28.16	214	AA	-
11	0456	AO2	CLR	10	-12.2	9	-13.0	4	-15.6	76	4	180	0	28.17	218	AA	-
11	0556	AO2	CLR	10	-12.2	9	-12.8	5	-15.0	80	0	000	0	28.16	215	AA	-
11	0656	AO2	CLR	6	-14.4	6	-14.7	4	-15.6	91	0	000	0	28.14	212	AA	-
11	0756	AO2	FEW110	12	-11.1	11	-11.9	6	-14.4	77	0	000	0	28.14	210	AA	-
11	0856	AO2	BKN095	18	-7.8	15	-9.3	8	-13.3	65	5	170	0	28.15	211	AA	-
11	0956	AO2	CLR	21	-6.1	17	-8.1	8	-13.3	57	7	200	0	28.14	208	AA	-
11	1056	AO2	SCT075	26	-3.3	21	-5.9	10	-12.2	51	14	250	0	28.13	201	AA	-
11	1156	AO2	OVC070	28	-2.2	22	-5.3	9	-12.8	45	12	240	0	28.12	196	AA	-
11	1256	AO2	OVC065	29	-1.7	24	-4.6	12	-11.1	49	12	240	0	28.10	189	AA	-
11	1356	AO2	OVC055	30	-1.1	24	-4.2	12	-11.1	47	10	250	0	28.09	183	AA	-
11	1456	AO2	SCT055	32	0	26	-3.5	12	-11.1	43	9	230	0	28.08	177	AA	-
11	1556	AO2	CLR	34	1.1	27	-2.7	13	-10.6	42	12	230	0	28.07	174	AA	-
11	1656	AO2	BKN048	33	6	27	-2.9	14	-10.0	45	9	200	0	28.07	175	AA	-
11	1756	AO2	CLR	32	0	26	-3.5	12	-11.1	43	3	200	0	28.07	177	AA	-
11	1856	AO2	CLR	32	0	26	-3.4	13	-10.6	45	4	210	0	28.07	174	AA	-
11	1956	AO2	CLR	32	0	26	-3.3	14	-10.0	47	8	210	0	28.06	170	AA	-
11	2156	AO2	CLR	31	-6	26	-3.4	16	-8.9	54	6	210	0	28.07	172	AA	-
11	2256	AO2	CLR	33	6	28	-2.4	17	-8.3	52	5	200	0	28.06	163	AA	-
11	2356	AO2	CLR	33	6	28	-2.3	18	-7.8	54	9	210	0	28.04	157	AA	-
12	0056	AO2	CLR	34	1.1	29	-1.8	19	-7.2	54	11	220	0	28.04	155	AA	-
12	0156	AO2	OVC095	33	6	28	-2.1	19	-7.2	56	8	220	0	28.03	152	AA	-
12	0256	AO2	SCT070 OVC095	33	6	29	-1.5	21	-6.1	59	10	240	0	28.03	152	AA	-
12	0356	AO2	SCT075	33	6	29	-1.8	21	-6.1	61	8	220	0	28.02	149	AA	-
12	0456	AO2	BKN090 OVC110	33	6	29	-1.8	21	-6.1	61	10	240	0	28.04	155	AA	-
12	0556	AO2	BKN095 BKN110	33	6	29	-1.8	21	-6.1	61	10	230	0	28.03	153	AA	-
12	0656	AO2	BKN095	33	6	29	-1.8	21	-6.1	61	9	230	0	28.03	153	AA	-
12	0756	AO2	FEW080	36	2.2	31	-7	22	-5.6	57	12	240	0	28.05	156	AA	-
12	0856	AO2	FEW019 BKN027 OVC045	37	2.8	32	1	24	-4.4	60	10	240	0	28.06	160	AA	-
12	0956	AO2	SCT036 BKN045 BKN065	37	2.8	33	6	27	-2.8	67	7	240	0	28.07	163	AA	-
12	1015	AO2	BKN100	39	3.9	36	2.0	31	-6	73	10	240	0	28.05	157	SP	T
12	1056	AO2	FEW075 BKN090	41	5.0	36	2.2	29	-1.7	62	9	220	0	28.04	153	AA	-
12	1156	AO2	SCT046 BKN080	44	6.7	38	3.4	30	-1.1	58	11	250	0	28.03	147	AA	-
12	1256	AO2	SCT044 OVC070	44	6.7	38	3.4	30	-1.1	58	13	250	20	28.03	147	AA	-
12	1356	AO2	FEW042 OVC060	46	7.8	39	4.0	30	-1.1	54	11	240	0	28.02	142	AA	-
12	1456	AO2	BKN040 BKN055	48	8.9	41	4.7	31	-6	52	10	250	0	28.01	139	AA	-
12	1556	AO2	OVC048	48	8.9	41	4.7	31	-6	52	8	260	0	28.02	142	AA	-
12	1656	AO2	OVC048	48	8.9	41	4.7	31	-6	52	4	270	0	28.05	152	AA	-
12	1756	AO2	OVC046	45	7.2	39	3.8	31	-6	58	4	290	0	28.08	162	AA	-
12	1856	AO2	OVC042	42	5.6	37	3.0	31	-6	65	6	240	0	28.09	169	AA	-
12	1956	AO2	OVC038	43	6.1	38	3.2	31	-6	63	4	270	0	28.10	173	AA	-
12	2056	AO2	OVC030	42	5.6	39	3.9	35	1.7	76	5	280	0	28.11	177	AA	-
12	2156	AO2	OVC028	40	4.4	38	3.2	35	1.7	83	5	230	0	28.11	175	SP	-
12	2256	AO2	OVC026	41	5.0	38	3.3	34	1.1	76	6	240	0	28.11	174	AA	-
12	2356	AO2	OVC017	37	2.8	35	1.6	32	0	82	7	280	0	28.11	175	AA	-
13	0056	AO2	OVC015									360	0				-

13	0156	AO2	OVC011	25M	BR	35	1.7	35	1.4	34	1.1	96	4	020	0	28.11	-	176	AA	-
13	0203	AO2	OVC009	25M	BR	-	-	-	-	-	-	-	4	010	0	-	-	-	SP	-
13	0225	AO2	OVC009	1 1/2SM	BR	-	-	-	-	-	-	-	4	020	0	-	-	-	SP	-
13	0248	AO2	OVC009	3/4SM	BR	-	-	-	-	-	-	-	3	060	0	-	-	-	SP	-
13	0256	AO2	OVC009	3/4SM	BR	34	1.1	34	1.1	34	1.1	100	3	050	0	28.09	-	170	AA	-
13	0356	AO2	BKN005 OVC010	1SM	BR	34	1.1	34	1.1	34	1.1	100	3	140	0	28.10	5	171	AA	-
13	0414	AO2	FEW005 OVC012	1 1/4SM	BR	-	-	-	-	-	-	-	5	120	0	-	-	-	SP	-
13	0456	AO2	FEW004 OVC010	1/2SM	FG	35	1.7	35	1.7	35	1.7	100	0	000	0	28.11	-	174	AA	-
13	0507	AO2	SCT003 OVC008	1/2SM	FG	-	-	-	-	-	-	-	3	070	0	-	-	-	SP	-
13	0517	AO2	BKN003 OVC008	1/2SM	FG	-	-	-	-	-	-	-	4	060	0	-	-	-	SP	-
13	0527	AO2	BKN001 OVC008	1/4SM	FG	34	1.1	34	1.1	34	1.1	100	3	050	0	-	-	-	SP	-
13	0556	AO2	BKN001 OVC006	1/4SM	FG	-	-	-	-	-	-	-	5	080	0	28.09	-	165	AA	-
13	0635	AO2	SCT001 OVC008	1/4SM	FG	-	-	-	-	-	-	-	4	090	0	-	-	-	SP	-
13	0656	AO2	OVC006	M1/4SM	FG	34	1.1	34	1.1	34	1.1	100	5	080	0	28.09	8	165	AA	-
13	0728	AO2	BKN001 OVC006	M1/4SM	FG	-	-	-	-	-	-	-	5	080	0	-	-	-	SP	-
13	0756	AO2	VV001	M1/4SM	FG	35	1.7	35	1.7	35	1.7	100	5	100	0	28.08	-	164	AA	-
13	0856	AO2	VV002	M1/4SM	FG	35	1.7	35	1.7	35	1.7	100	4	070	0	28.07	-	159	AA	-
13	0956	AO2	OVC001	1/4SM	RA FG	36	2.2	36	2.2	36	2.2	100	3	070	0	28.06	8	155	AA	.03
13	1018	AO2	OVC002	1/4SM	RA FG	-	-	-	-	-	-	-	3	350	0	-	-	-	SP	-
13	1056	AO2	BKN002 OVC017	1/4SM	RA BR	36	2.2	36	2.2	36	2.2	100	3	010	0	28.08	-	163	AA	.16
13	1131	AO2	OVC002	3/4SM	RA BR	-	-	-	-	-	-	-	8	350	0	-	-	-	SP	-
13	1140	AO2	OVC002	1 1/4SM	RA BR	-	-	-	-	-	-	-	10	350	0	-	-	-	SP	-
13	1156	AO2	BKN002 OVC012	25M	-RA BR	35	1.7	35	1.7	35	1.7	100	7	010	0	28.09	-	170	AA	.23
13	1223	AO2	BKN004 BKN017 OVC026	3SM	-RA BR	-	-	-	-	-	-	-	8	040	0	-	-	-	SP	-
13	1256	AO2	BKN004 OVC019	4SM	-RA BR	35	1.7	35	1.7	35	1.7	100	6	060	0	28.08	0	166	AA	.07
13	1356	AO2	OVC004	4SM	-RA BR	35	1.7	35	1.4	34	1.1	96	8	060	0	28.05	-	157	AA	.03
13	1456	AO2	OVC006	5SM	-RA BR	35	1.7	35	1.4	34	1.1	96	7	040	0	28.03	-	152	AA	.01
13	1519	AO2	OVC006	5SM	BR	-	-	-	-	-	-	-	6	020	0	-	-	-	SP	-
13	1556	AO2	SCT008 OVC014	5SM	BR	35	1.7	35	1.4	34	1.1	96	4	040	0	28.06	5	161	AA	.01
13	1604	AO2	BKN006 OVC014	4SM	BR	-	-	-	-	-	-	-	3	050	0	-	-	-	SP	-
13	1656	AO2	OVC006	5SM	BR	36	2.2	35	1.7	34	1.1	93	6	350	0	28.09	-	168	AA	-
13	1730	AO2	SCT007 OVC013	5SM	BR	-	-	-	-	-	-	-	5	330	0	-	-	-	SP	-
13	1756	AO2	FEW008 OVC015	9SM	-	35	1.7	34	1.0	32	0	89	11	340	0	28.12	-	184	AA	-
13	1837	AO2	OVC013	10SM	-	-	-	-	-	-	-	-	9	340	0	-	-	-	SP	-
13	1856	AO2	OVC011	10SM	-	32	0	31	-4	30	-1.1	92	6	350	0	28.16	3	201	AA	-
13	1947	AO2	OVC015	10SM	-	30	-1.1	29	-1.9	26	-3.3	85	12	340	0	28.21	-	216	AA	-
13	1956	AO2	OVC015	10SM	-	-	-	-	-	-	-	-	8	340	0	-	-	-	SP	-
13	2024	AO2	OVC013	10SM	-	30	-1.1	29	-1.9	26	-3.3	85	14	340	0	28.25	-	229	AA	-
13	2056	AO2	OVC013	10SM	-	28	-2.2	26	-3.4	22	-5.6	78	13	010	0	-	-	-	SP	-
13	2103	AO2	OVC015	10SM	-	-	-	-	-	-	-	-	11	020	0	-	-	-	SP	-
13	2123	AO2	SCT015	10SM	-	-	-	-	-	-	-	-	10	350	0	-	-	-	SP	-
13	2156	AO2	CLR	10SM	-	26	-3.3	24	-4.4	20	-6.7	78	9	350	0	28.26	1	234	AA	-
13	2256	AO2	CLR	10SM	-	25	-3.9	23	-4.8	20	-6.7	81	7	360	0	28.26	-	234	AA	-
13	2356	AO2	CLR	10SM	-	23	-5.0	22	-5.7	19	-7.2	85	6	010	0	28.27	-	239	AA	-
14	0056	AO2	CLR	10SM	-	22	-5.6	19	-7.2	12	-11.1	66	8	010	0	28.26	2	239	AA	-
14	0156	AO2	CLR	10SM	-	21	-6.1	19	-7.4	13	-10.6	71	5	030	0	28.27	-	242	AA	-
14	0256	AO2	CLR	10SM	-	20	-6.7	18	-7.7	14	-10.0	78	4	010	0	28.29	-	252	AA	-
14	0356	AO2	CLR	10SM	-	19	-7.2	17	-8.6	10	-12.2	68	8	010	0	28.32	3	263	AA	-
14	0456	AO2	CLR	10SM	-	18	-7.8	16	-8.9	11	-11.7	74	4	030	0	28.33	-	265	AA	-
14	0556	AO2	CLR	10SM	-	18	-7.8	16	-8.9	11	-11.7	74	4	020	0	28.37	-	279	AA	-
14	0656	AO2	CLR	10SM	-	17	-8.3	16	-9.1	12	-11.1	80	0	000	0	28.36	0	280	AA	-
14	0756	AO2	CLR	10SM	-	21	-6.1	18	-7.7	11	-11.7	65	5	080	0	28.37	-	281	AA	-
14	0856	AO2	CLR	10SM	-	23	-5.0	19	-7.2	9	-12.8	55	6	050	0	28.38	-	283	AA	-
14	0956	AO2	CLR	10SM	-	26	-3.3	21	-6.0	9	-12.8	48	4	150	0	28.37	0	281	AA	-
14	1056	AO2	CLR	10SM	-	30	-1.1	24	-4.4	11	-11.7	45	3	VRB	0	28.35	-	273	AA	-
14	1156	AO2	CLR	10SM	-	33	6	26	-3.5	9	-12.8	36	4	VRB	0	28.34	-	268	AA	-
14	1256	AO2	CLR	10SM	-	36	2.2	28	-2.2	12	-11.1	37	4	010	0	28.31	8	257	AA	-
14	1356	AO2	CLR	10SM	-	39	3.9	29	-1.8	6	-14.4	25	3	VRB	0	28.28	-	245	AA	-
14	1456	AO2	CLR	10SM	-	40	4.4	30	-1.2	9	-12.8	28	7	180	0	28.27	-	239	AA	-

14	1556	AO2	CLR	10SM	41	5.0	32	-2	14	-10.0	33	3	VRB	0	28.26	6	237	AA
14	1656	AO2	CLR	10SM	42	5.6	32	0	13	-10.6	30	5	140	0	28.25	-	234	AA
14	1756	AO2	CLR	10SM	43	5.6	32	0	13	-10.6	30	4	190	0	28.26	-	236	AA
14	1856	AO2	CLR	10SM	38	3.3	30	-1.4	13	-10.6	36	0	000	0	28.26	6	238	AA
14	1956	AO2	CLR	10SM	38	3.3	30	-1.4	13	-10.6	36	3	140	0	28.26	-	235	AA
14	2056	AO2	CLR	10SM	35	1.7	29	-1.8	17	-8.3	48	4	130	0	28.24	-	230	AA
14	2156	AO2	CLR	10SM	33	6	28	-2.1	19	-7.2	56	4	060	0	28.24	6	228	AA
14	2256	AO2	CLR	10SM	33	6	28	-2.2	21	-6.1	64	7	130	0	28.23	-	224	AA
14	2356	AO2	BKN110	10SM	33	6	29	-1.6	22	-5.6	64	6	120	0	28.20	-	214	AA
15	0056	AO2	FEW095	10SM	32	0	28	-2.0	22	-5.6	66	5	130	0	28.18	8	205	AA
15	0156	AO2	CLR	10SM	30	-1.1	27	-2.7	22	-5.6	72	7	060	0	28.19	-	207	AA
15	0256	AO2	CLR	10SM	33	6	29	-1.6	22	-5.6	64	7	130	0	28.16	-	198	AA
15	0356	AO2	CLR	10SM	32	0	28	-2.2	21	-6.1	64	5	120	0	28.16	8	197	AA
15	0456	AO2	CLR	10SM	31	-6	28	-2.4	22	-5.6	69	7	110	0	28.17	-	200	AA
15	0556	AO2	OVC110	10SM	33	6	29	-1.5	23	-5.0	67	5	130	0	28.18	-	201	AA
15	0656	AO2	OVC110	10SM	31	-6	28	-2.4	22	-5.6	69	3	100	0	28.19	-	207	AA
15	0756	AO2	CLR	10SM	34	1.1	30	-1.1	23	-5.0	64	4	110	0	28.20	-	211	AA
15	0856	AO2	CLR	10SM	41	5.0	35	1.5	25	-3.9	53	4	130	0	28.20	0	210	AA
15	0956	AO2	CLR	10SM	47	8.3	38	3.5	26	-3.3	44	4	230	0	28.20	0	206	AA
15	1056	AO2	CLR	10SM	50	10.0	40	4.6	27	-2.8	41	6	220	0	28.18	-	201	AA
15	1156	AO2	CLR	10SM	53	11.7	42	5.4	27	-2.8	37	6	VRB	0	28.18	-	197	AA
15	1256	AO2	CLR	10SM	55	12.8	43	6.2	28	-2.2	36	5	230	0	28.16	8	189	AA
15	1356	AO2	CLR	10SM	57	13.9	44	6.7	28	-2.2	33	5	VRB	0	28.13	-	181	AA
15	1456	AO2	CLR	10SM	58	14.4	45	7.3	30	-1.1	35	6	260	0	28.12	-	174	AA
15	1556	AO2	CLR	10SM	58	14.4	46	7.9	33	6	39	8	210	0	28.11	6	172	AA
15	1656	AO2	CLR	10SM	55	12.8	45	7.1	33	6	44	4	230	0	28.11	-	172	AA
15	1756	AO2	CLR	10SM	54	12.2	44	6.6	32	0	43	0	000	0	28.12	3	175	AA
15	1856	AO2	CLR	10SM	52	11.1	43	6.1	32	0	47	0	000	0	28.12	-	179	AA
15	1956	AO2	CLR	10SM	46	7.8	40	4.4	32	0	58	5	120	0	28.14	-	180	AA
15	2056	AO2	CLR	10SM	44	6.7	39	3.8	32	0	63	6	130	0	28.13	0	182	AA
15	2156	AO2	CLR	10SM	42	5.6	37	3.0	31	-6	65	6	120	0	28.13	-	178	AA
15	2256	AO2	CLR	10SM	43	6.1	38	3.3	31	-6	63	7	110	0	28.12	5	174	AA
16	0056	AO2	CLR	10SM	42	5.6	37	3.0	31	-6	65	5	130	0	28.11	-	174	AA
16	0156	AO2	CLR	10SM	42	5.6	37	2.8	30	-1.1	62	3	120	0	28.11	-	169	AA
16	0256	AO2	CLR	10SM	40	4.4	36	2.1	30	-1.1	68	3	120	0	28.10	-	166	AA
16	0356	AO2	CLR	10SM	40	4.4	36	2.1	30	-1.1	68	4	090	0	28.09	6	162	AA
16	0456	AO2	CLR	10SM	41	5.0	36	2.5	30	-1.1	65	4	110	0	28.09	-	159	AA
16	0556	AO2	CLR	10SM	38	3.3	35	1.5	30	-1.1	73	4	070	0	28.09	5	163	AA
16	0656	AO2	CLR	10SM	40	4.4	36	2.3	31	-6	70	4	100	0	28.09	-	168	AA
16	0756	AO2	CLR	10SM	45	7.2	40	4.3	33	6	63	4	130	0	28.11	-	169	AA
16	0856	AO2	CLR	10SM	48	8.9	42	5.4	34	1.1	58	5	130	0	28.11	1	169	AA
16	0956	AO2	CLR	10SM	55	12.8	46	8.0	37	2.8	51	4	VRB	0	28.10	-	164	AA
16	1056	AO2	CLR	10SM	59	15.0	49	9.5	39	3.9	48	3	VRB	0	28.10	-	164	AA
16	1156	AO2	CLR	10SM	62	16.7	52	10.9	42	5.6	48	3	VRB	0	28.09	-	157	AA
16	1256	AO2	CLR	10SM	64	17.8	53	11.9	44	6.7	48	8	250	0	28.07	8	147	AA
16	1356	AO2	CLR	10SM	65	18.3	53	11.8	43	6.1	45	3	VRB	0	28.04	-	138	AA
16	1456	AO2	FEW060	10SM	67	19.4	55	12.6	44	6.7	44	4	VRB	0	28.02	-	132	AA
16	1556	AO2	CLR	10SM	66	18.9	54	12.1	43	6.1	43	6	120	0	28.00	6	124	AA
16	1656	AO2	CLR	10SM	62	16.7	52	10.9	42	5.6	48	7	140	0	27.98	-	118	AA
16	1756	AO2	CLR	10SM	57	13.9	50	9.9	43	6.1	60	9	130	0	27.98	-	121	AA
16	1856	AO2	CLR	10SM	56	13.3	50	9.9	44	6.7	65	9	140	0	27.99	5	124	AA
16	1956	AO2	CLR	10SM	53	11.7	48	9.2	44	6.7	72	8	130	0	27.99	-	125	AA
16	2056	AO2	CLR	10SM	51	10.6	48	8.9	45	7.2	80	7	140	0	28.00	3	124	AA
16	2156	AO2	CLR	10SM	50	10.0	47	8.6	45	7.2	83	7	130	0	27.99	-	120	AA
16	2256	AO2	CLR	10SM	47	8.3	45	7.2	43	6.1	86	4	130	0	27.98	-	117	AA
16	2356	AO2	CLR	10SM	46	7.8	45	7.3	44	6.7	93	4	130	0	27.97	6	114	AA
17	0056	AO2	CLR	10SM	45	7.2	45	7.0	44	6.7	97	4	100	0	27.96	-	111	AA

17	0256	AO2	CLR	43	6.1	43	5.9	42	5.6	97	7	100	-	0	27.94	-	102	AA
17	0356	AO2	CLR	44	6.7	44	6.2	43	5.6	93	4	090	-	0	27.93	6	099	AA
17	0456	AO2	CLR	42	5.6	42	5.3	41	5.0	96	5	100	-	0	27.92	-	098	AA
17	0556	AO2	CLR	42	5.6	42	5.3	41	5.0	96	4	090	-	0	27.93	-	103	AA
17	0656	AO2	CLR	42	5.6	42	5.3	41	5.0	96	5	100	-	0	27.94	3	108	AA
17	0756	AO2	CLR	46	7.8	45	7.3	44	6.7	93	3	110	-	0	27.95	-	109	AA
17	0856	AO2	CLR	52	11.1	49	9.4	46	7.8	80	3	170	-	0	27.95	-	109	AA
17	0956	AO2	CLR	58	14.4	52	11.2	47	8.3	67	0	000	-	0	27.95	0	105	AA
17	1056	AO2	FEW095	62	16.7	54	12.4	48	8.9	60	3	000	-	0	27.93	-	100	AA
17	1156	AO2	FEW100	65	18.3	56	13.1	48	8.9	54	3	020	-	0	27.92	-	094	AA
17	1256	AO2	BKND048	64	17.8	54	12.4	46	7.8	52	0	000	-	0	27.90	8	086	AA
17	1356	AO2	SCT049	66	18.9	56	13.1	47	8.3	50	5	350	-	0	27.88	-	077	AA
17	1456	AO2	SCT060	68	20.0	56	13.3	46	7.8	45	3	040	-	0	27.87	-	076	AA
17	1556	AO2	CLR	67	19.4	55	13.0	46	7.8	47	3	060	-	0	27.86	6	073	AA
17	1656	AO2	CLR	65	18.3	55	12.8	47	8.3	52	4	040	-	0	27.87	-	076	AA
17	1756	AO2	CLR	64	17.8	53	11.9	44	6.7	48	0	000	-	0	27.88	-	081	AA
17	1856	AO2	CLR	60	15.6	52	10.9	44	6.7	56	4	050	-	0	27.88	0	082	AA
17	1956	AO2	CLR	57	13.9	50	10.2	44	6.7	62	5	100	-	0	27.89	-	085	AA
17	2056	AO2	CLR	54	12.2	48	9.1	43	6.1	67	4	070	-	0	27.90	-	087	AA
17	2156	AO2	CLR	56	13.3	49	9.6	43	6.1	62	5	060	-	0	27.90	0	083	AA
17	2256	AO2	CLR	53	11.7	48	8.9	43	6.1	69	4	050	-	0	27.89	-	080	AA
17	2356	AO2	CLR	51	10.6	47	8.4	43	6.1	74	4	050	-	0	27.88	-	078	AA
18	0056	AO2	CLR	50	10.0	47	8.1	43	6.1	77	4	040	-	0	27.88	6	078	AA
18	0156	AO2	CLR	50	10.0	47	8.1	43	6.1	77	4	060	-	0	27.89	-	080	AA
18	0256	AO2	CLR	49	9.4	46	7.8	43	6.1	80	5	040	-	0	27.89	-	078	AA
18	0356	AO2	CLR	46	7.8	44	6.7	42	5.6	86	7	030	-	0	27.89	-	081	AA
18	0456	AO2	CLR	48	8.9	46	7.8	44	6.7	86	6	060	-	0	27.89	1	081	AA
18	0556	AO2	CLR	45	7.2	44	6.7	43	6.1	93	6	040	-	0	27.90	-	082	AA
18	0656	AO2	CLR	47	8.3	46	7.8	45	7.2	93	6	060	-	0	27.91	3	087	AA
18	0736	AO2	CLR	-	-	-	-	-	-	-	-	070	-	0	-	-	094	SP
18	0744	AO2	CLR	-	-	-	-	-	-	-	-	070	-	0	-	-	-	SP
18	0756	AO2	FEW042	48	8.9	47	8.3	46	7.8	93	-	070	-	0	27.93	-	101	SP
18	0837	AO2	BKND013	50	10.0	48	9.1	47	8.3	89	9	060	-	0	27.95	-	108	AA
18	0856	AO2	OVC011	-	-	-	-	-	-	-	-	060	-	0	-	-	-	SP
18	0913	AO2	SCT011	-	-	-	-	-	-	-	-	060	-	0	-	-	-	AA
18	0956	AO2	CLR	55	12.8	51	10.4	47	8.3	74	8	070	-	0	27.95	1	107	AA
18	1056	AO2	CLR	58	14.4	52	10.9	46	7.8	65	10	060	-	0	27.95	-	105	AA
18	1156	AO2	CLR	60	15.6	53	11.4	46	7.8	60	8	060	-	0	27.94	-	103	AA
18	1256	AO2	CLR	61	16.1	53	11.7	46	7.8	58	8	080	-	0	27.93	8	100	AA
18	1356	AO2	CLR	61	16.1	53	11.4	45	7.2	56	9	070	-	0	27.92	-	097	AA
18	1456	AO2	CLR	61	16.1	53	11.4	45	7.2	56	9	070	-	0	27.93	-	098	AA
18	1556	AO2	CLR	59	15.0	51	10.4	43	6.1	56	11	040	-	0	27.93	6	100	AA
18	1656	AO2	CLR	56	13.3	49	9.6	43	6.1	62	11	060	-	0	27.94	-	106	AA
18	1756	AO2	CLR	52	11.1	47	8.4	42	5.6	69	11	050	-	0	27.97	-	117	AA
18	1856	AO2	CLR	49	9.4	45	7.0	40	4.4	71	9	050	-	0	27.99	3	126	AA
18	2056	AO2	CLR	42	5.6	40	4.3	37	2.8	82	7	060	-	0	28.01	-	133	AA
18	2156	AO2	CLR	41	5.0	39	3.8	36	2.2	82	7	070	-	0	28.03	-	141	AA
18	2256	AO2	CLR	38	3.3	37	2.6	35	1.7	89	7	070	-	0	28.06	3	150	AA
18	2356	AO2	CLR	38	3.3	37	2.6	35	1.7	89	7	080	-	0	28.08	-	155	AA
19	0056	AO2	CLR	38	3.3	37	2.6	35	1.7	89	7	090	-	0	28.09	-	159	AA
19	0156	AO2	CLR	37	2.8	36	2.1	34	1.1	89	9	090	-	0	28.09	1	162	AA
19	0256	AO2	CLR	37	2.8	36	2.1	34	1.1	89	8	080	-	0	28.10	-	165	AA
19	0356	AO2	SCT015	37	2.8	36	2.1	34	1.1	89	6	100	-	0	28.10	3	165	AA
19	0401	AO2	BKND013	-	-	-	-	-	-	-	-	080	-	0	-	-	-	SP
19	0416	AO2	OVC015	-	-	-	-	-	-	-	-	090	-	0	-	-	-	SP
19	0456	AO2	OVC017	-	-	-	-	-	-	-	-	100	-	0	-	-	-	AA
19	0546	AO2	SCT015	39	3.9	37	2.9	35	1.7	86	10	110	-	0	28.12	-	172	SP

19	0556	AO2	FEW015	SSM	BR	38	3.3	36	2.4	34	1.1	86	5	100	-	0	28.13	-	181	AA	-
19	0656	AO2	CLR	SSM	BR	37	2.8	35	1.9	33	0.6	86	7	090	-	0	28.16	-	190	AA	-
19	0756	AO2	CLR	SSM	HZ	39	3.9	36	2.3	32	0	76	13	110	G	19	28.17	-	194	AA	-
19	0856	AO2	CLR	8SM	-	40	4.4	36	2.1	30	-1.1	68	14	110	G	21	28.18	-	200	AA	-
19	0956	AO2	CLR	10SM	-	45	7.2	39	3.8	31	-6	58	13	120	G	18	28.20	-	205	AA	-
19	1056	AO2	CLR	10SM	-	46	7.8	40	4.2	31	-6	58	14	140	G	20	28.18	-	200	AA	-
19	1156	AO2	CLR	7SM	-	45	7.2	40	4.3	33	6	63	12	130	G	24	28.20	-	205	AA	-
19	1256	AO2	FEW022	6SM	HZ	45	7.2	40	4.5	34	1.1	66	12	130	-	0	28.21	-	208	AA	-
19	1356	AO2	CLR	7SM	-	47	8.3	41	5.1	34	1.1	61	12	140	-	0	28.19	-	203	AA	-
19	1456	AO2	CLR	7SM	-	48	8.9	42	5.4	34	1.1	58	18	120	G	25	28.18	-	199	AA	-
19	1556	AO2	FEW080	7SM	-	46	7.8	40	4.6	33	6	61	14	110	G	24	28.16	-	191	AA	-
19	1656	AO2	CLR	7SM	-	44	6.7	39	3.8	32	0	63	19	130	G	26	28.13	-	182	AA	-
19	1756	AO2	BKN110	6SM	HZ	41	5.0	37	2.6	31	-6	67	13	120	G	20	28.14	-	188	AA	-
19	1856	AO2	CLR	7SM	-	38	3.3	35	1.7	31	-6	76	17	130	G	24	28.17	-	199	AA	-
19	1956	AO2	CLR	7SM	-	37	2.8	35	1.4	31	-6	79	11	130	G	18	28.18	-	201	AA	-
19	2013	AO2	BKN080 OVC110	7SM	-	37	2.8	35	1.4	31	-6	79	12	120	-	0	28.18	-	201	SP	-
19	2056	AO2	BKN024 OVC085	8SM	-	37	2.8	35	1.6	32	0	82	15	130	-	0	28.19	-	201	SP	-
19	2130	AO2	BKN026 OVC080	9SM	-	37	2.8	35	1.6	32	0	82	12	130	-	0	28.19	-	201	AA	.01
19	2156	AO2	BKN024 OVC080	5SM	-RA	36	2.2	35	1.5	33	6	89	16	120	G	22	28.15	-	189	SP	.02
19	2231	AO2	SCT022 BKN060 OVC080	5SM	-RA BR	36	2.2	35	1.5	33	6	89	13	120	-	0	28.15	-	189	AA	-
19	2256	AO2	BKN065 OVC090	4SM	UP BR	36	2.2	35	1.5	33	6	89	8	170	-	0	28.15	-	197	SP	-
19	2332	AO2	BKN019 BKN055 OVC080	4SM	-RA BR	36	2.2	35	1.5	33	6	89	12	130	-	0	28.17	-	197	SP	.14
19	2347	AO2	OVC019	2SM	+RA BR	36	2.2	35	2.0	35	1.7	97	11	130	G	17	28.17	-	194	AA	.06
19	2356	AO2	OVC019	3SM	-RA BR	35	1.7	35	1.7	35	1.7	100	13	130	G	17	28.16	-	190	AA	.02
20	0027	AO2	FEW007 OVC015	5SM	-RA BR	36	2.2	35	1.7	34	1.1	93	10	140	G	18	28.15	-	190	SP	-
20	0056	AO2	FEW007 BKN010 OVC060	6SM	-RA BR	36	2.2	35	1.7	34	1.1	93	10	140	G	18	28.15	-	190	AA	.02
20	0156	AO2	BKN010 OVC013	10SM	-RA	35	1.7	35	1.4	34	1.1	96	7	140	-	0	28.16	-	193	SP	.02
20	0209	AO2	OVC008	8SM	-	35	1.7	35	1.4	34	1.1	96	8	130	-	0	28.12	-	180	AA	.02
20	0241	AO2	OVC010	10SM	-	35	1.7	35	1.4	34	1.1	96	13	120	G	17	28.12	-	180	AA	T
20	0256	AO2	OVC008	10SM	-	35	1.7	35	1.4	34	1.1	96	12	130	-	0	28.11	-	177	AA	-
20	0356	AO2	OVC008	10SM	-	34	1.1	34	9	33	6	97	13	120	-	0	28.11	-	179	SP	-
20	0456	AO2	OVC006	10SM	-	34	1.1	34	9	33	6	97	9	120	-	0	28.11	-	186	AA	-
20	0556	AO2	OVC006	10SM	-	34	1.1	34	1.1	34	1.1	100	10	120	-	0	28.11	-	181	SP	.01
20	0622	AO2	OVC004	10SM	-	34	1.1	34	1.1	34	1.1	100	9	130	-	0	28.13	-	181	AA	-
20	0656	AO2	OVC004	7SM	BR	34	1.1	34	1.1	34	1.1	100	9	130	-	0	28.13	-	181	SP	-
20	0756	AO2	OVC002	3SM	BR	34	1.1	34	1.1	34	1.1	100	14	120	G	18	28.11	-	178	AA	.01
20	0804	AO2	OVC002	2 1/2SM	BR	34	1.1	34	1.1	34	1.1	100	11	120	-	0	28.10	-	166	AA	.01
20	0826	AO2	OVC002	1 1/2SM	BR	34	1.1	34	1.1	34	1.1	100	10	130	-	0	28.07	-	164	AA	.02
20	0856	AO2	OVC002	2SM	BR	34	1.1	34	1.1	34	1.1	100	12	140	-	0	28.02	-	147	AA	.02
20	0905	AO2	OVC002	1 3/4SM	BR	34	1.1	34	1.1	34	1.1	100	12	130	G	18	27.99	-	136	AA	.05
20	0932	AO2	OVC002	2 1/2SM	-RA BR	34	1.1	34	1.1	34	1.1	100	12	140	-	0	27.96	-	126	SP	.12
20	0956	AO2	OVC002	4SM	-RA BR	34	1.1	34	1.1	34	1.1	100	10	130	-	0	28.10	-	178	AA	.01
20	1056	AO2	OVC002	5SM	BR	35	1.7	35	1.7	35	1.7	100	13	130	G	20	28.08	-	166	AA	.01
20	1156	AO2	BKN004 OVC009	4SM	-RA BR	35	1.7	35	1.7	35	1.7	100	10	120	-	0	28.07	-	164	AA	.02
20	1220	AO2	OVC009	5SM	-RA BR	37	2.8	37	2.5	36	2.2	96	10	110	-	0	28.02	-	147	SP	-
20	1256	AO2	OVC007	8SM	UP	38	3.3	38	3.3	38	3.3	100	11	110	-	0	27.99	-	136	AA	.05
20	1356	AO2	BKN005 OVC024	3SM	-RA BR	39	3.9	39	3.6	38	3.3	96	12	130	G	18	27.96	-	126	SP	-
20	1404	AO2	BKN003 BKN007 OVC032	3SM	-RA BR	39	3.9	39	3.6	38	3.3	96	12	140	-	0	27.96	-	126	SP	-
20	1440	AO2	SCT003 BKN007 OVC045	3SM	-RA BR	39	3.9	39	3.6	38	3.3	96	12	130	-	0	27.96	-	126	SP	-
20	1456	AO2	SCT005 BKN030 OVC042	3SM	RA BR	39	3.9	39	3.6	38	3.3	96	13	110	-	0	27.96	-	126	SP	-
20	1459	AO2	SCT005 BKN028 OVC033	2SM	RA BR	39	3.9	39	3.6	38	3.3	96	13	120	-	0	27.96	-	126	SP	-
20	1507	AO2	FEW005 SCT008 OVC026	1 1/2SM	+RA BR	39	3.9	39	3.6	38	3.3	96	12	120	-	0	27.96	-	126	SP	-
20	1515	AO2	FEW005 BKN024 OVC029	3SM	RA BR	39	3.9	39	3.6	38	3.3	96	12	120	-	0	27.96	-	126	SP	-
20	1525	AO2	OVC025	2SM	RA BR	39	3.9	39	3.6	38	3.3	96	12	120	-	0	27.96	-	126	SP	-
20	1533	AO2	FEW003 BKN024 OVC028	2SM	RA BR	39	3.9	39	3.6	38	3.3	96	12	120	-	0	27.96	-	126	SP	-
20	1556	AO2	SCT005 BKN017 OVC028	2SM	RA BR	39	3.9	39	3.6	38	3.3	96	12	120	-	0	27.96	-	126	SP	-
20	1607	AO2	SCT007 BKN011 OVC015	2SM	RA BR	39	3.9	39	3.6	38	3.3	96	12	120	-	0	27.96	-	126	SP	-
20	1616	AO2	FEW003 BKN009 OVC015	3SM	-RA BR	39	3.9	39	3.6	38	3.3	96	12	130	-	0	27.96	-	126	SP	-
20	1656	AO2	BKN009 OVC014	10SM	-	39	3.9	38	3.4	37	2.8	93	11	140	G	17	27.91	-	105	AA	.02

20	1756	AO2	FEW005 OVC011	10SM	-	37	2.8	37	2.5	36	2.2	96	8	110	-	0	27.88	-	095	AA	.01
20	1810	AO2	BKN006 OVC011	10SM	-	37	2.8	37	2.5	36	2.2	96	7	110	-	0	27.87	-	092	AA	-
20	1856	AO2	BKN006 OVC029	10SM	-	-	-	-	-	-	-	-	7	120	-	0	-	-	-	SP	-
20	1909	AO2	BKN010 OVC029	10SM	-	-	-	-	-	-	-	-	7	120	-	0	-	-	-	SP	-
20	1917	AO2	SCT010 OVC029	10SM	-	-	-	-	-	-	-	-	6	110	-	0	-	-	-	SP	-
20	1956	AO2	BKN025	10SM	-	36	2.2	36	2.0	35	1.7	97	7	120	-	0	27.86	-	090	AA	-
20	2016	AO2	FEW025	10SM	-	-	-	-	-	-	-	-	7	110	-	0	-	-	-	SP	-
20	2056	AO2	FEW070	10SM	-	35	1.7	35	1.4	34	1.1	96	8	100	-	0	27.84	-	082	AA	-
20	2156	AO2	CLR	10SM	-	34	1.1	34	1.1	34	1.1	100	7	110	-	0	27.83	-	079	AA	-
20	2256	AO2	CLR	10SM	-	35	1.7	35	1.4	34	1.1	96	6	100	-	0	27.81	-	071	AA	-
20	2340	AO2	CLR	1 3/4SM	-	-	-	-	-	-	-	-	5	090	-	0	-	-	-	SP	-
20	2356	AO2	CLR	2SM	BR	33	6	33	6	33	6	100	4	090	-	0	27.81	-	071	AA	-
20	0015	AO2	SCT003	4SM	BR	35	1.7	35	1.7	35	1.7	100	5	120	-	0	27.81	-	070	AA	-
21	0015	AO2	FEW001	9SM	BR	-	-	-	-	-	-	-	5	080	-	0	-	-	-	SP	-
21	0114	AO2	FEW001	2 1/2SM	BR	-	-	-	-	-	-	-	6	100	-	0	-	-	-	SP	-
21	0117	AO2	VW001	1SM	BR	-	-	-	-	-	-	-	6	100	-	0	-	-	-	SP	-
21	0120	AO2	VW002	1/2SM	FG	-	-	-	-	-	-	-	6	100	-	0	-	-	-	SP	-
21	0139	AO2	VW002	1/2SM	FG	-	-	-	-	-	-	-	7	110	-	0	-	-	-	SP	-
21	0156	AO2	VW001	1/4SM	FG	-	-	-	-	-	-	-	5	120	-	0	27.80	-	066	AA	-
21	0256	AO2	VW001	1/4SM	FG	34	1.1	34	1.1	34	1.1	100	5	050	-	0	27.77	-	057	AA	-
21	0332	AO2	VW001	1/4SM	FG	33	6	33	6	33	6	100	6	100	-	0	-	-	-	SP	-
21	0341	AO2	BKN001 OVC007	1/2SM	FG	-	-	-	-	-	-	-	5	100	-	0	27.79	-	062	AA	-
21	0356	AO2	BKN001 OVC007	1/4SM	FG	32	0	32	0	32	0	100	3	080	-	0	-	-	-	SP	-
21	0403	AO2	SCT001 BKN007 OVC070	1/4SM	FG	-	-	-	-	-	-	-	3	110	-	0	-	-	-	SP	-
21	0422	AO2	SCT001 BKN033 OVC070	1/4SM	FG	-	-	-	-	-	-	-	3	110	-	0	-	-	-	SP	-
21	0444	AO2	FEW001 BKN025 OVC033	1/4SM	FG	-	-	-	-	-	-	-	6	150	-	0	-	-	-	SP	-
21	0447	AO2	OVC025	1SM	BR	-	-	-	-	-	-	-	7	130	-	0	-	-	-	SP	-
21	0456	AO2	OVC025	3SM	BR	34	1.1	34	1.1	34	1.1	100	7	130	-	0	27.80	-	067	AA	-
21	0540	AO2	FEW029 BKN033 OVC046	8SM	BR	-	-	-	-	-	-	-	6	110	-	0	-	-	-	SP	-
21	0556	AO2	SCT033 BKN049 OVC065	6SM	BR	-	-	-	-	-	-	-	6	100	-	0	27.80	-	067	AA	-
21	0559	AO2	FEW001 BKN049 OVC065	4SM	BR	34	1.1	34	1.1	34	1.1	100	6	090	-	0	-	-	-	SP	-
21	0617	AO2	FEW001 BKN007 OVC060	1/2SM	FG	-	-	-	-	-	-	-	6	100	-	0	-	-	-	SP	-
21	0626	AO2	SCT001 BKN007 OVC100	1/4SM	FG	-	-	-	-	-	-	-	6	100	-	0	-	-	-	SP	-
21	0639	AO2	FEW001 SCT007 OVC100	1/4SM	FG	-	-	-	-	-	-	-	6	090	-	0	-	-	-	SP	-
21	0656	AO2	OVC100	1/4SM	FG	34	1.1	34	1.1	34	1.1	100	4	100	-	0	27.78	-	061	AA	-
21	0701	AO2	FEW003 OVC100	1/2SM	FG	-	-	-	-	-	-	-	3	150	-	0	-	-	-	SP	-
21	0715	AO2	FEW003 OVC095	2 1/2SM	BR	-	-	-	-	-	-	-	0	000	-	0	-	-	-	SP	-
21	0756	AO2	OVC090	5SM	BR	-	-	-	-	-	-	-	4	100	-	0	-	-	-	SP	-
21	0856	AO2	FEW090	9SM	-	39	3.9	39	3.9	39	3.9	100	5	130	-	0	27.80	-	063	AA	-
21	0956	AO2	FEW110	9SM	-	40	4.4	40	4.4	40	4.4	100	5	110	-	0	27.80	-	063	AA	-
21	1056	AO2	FEW085	10SM	-	47	8.3	46	7.8	45	7.2	93	5	120	-	0	27.79	-	058	AA	-
21	1156	AO2	FEW027 BKN070	10SM	-	52	11.1	49	9.6	47	8.3	83	5	140	-	0	27.77	-	051	AA	-
21	1256	AO2	CLR	10SM	-	55	12.8	51	10.7	48	8.9	77	8	110	-	0	27.75	-	041	AA	-
21	1356	AO2	FEW039 SCT046 SCT100	10SM	-	62	16.7	55	12.7	49	9.4	62	8	130	-	0	27.73	-	028	AA	-
21	1445	AO2	FEW034 BKN041 OVC065	10SM	-	63	17.2	54	12.3	47	8.3	56	9	210	-	0	27.70	-	019	AA	-
21	1456	AO2	FEW032 BKN049 OVC065	10SM	-	54	12.2	51	10.5	48	8.9	80	24	260	G	30	27.72	-	030	AA	.01
21	1511	AO2	FEW036 SCT060 OVC080	10SM	-	53	11.7	51	10.8	50	10.0	89	19	260	G	26	27.73	-	037	AA	-
21	1556	AO2	OVC080	10SM	-	53	11.7	51	10.8	50	10.0	89	17	260	-	0	-	-	-	SP	-
21	1644	AO2	FEW012 BKN017 OVC090	10SM	-	54	12.2	51	10.7	49	9.4	83	8	250	-	0	27.75	-	042	AA	-
21	1656	AO2	FEW013 BKN022 OVC070	10SM	-	53	11.7	51	10.5	49	9.4	86	6	250	-	0	27.77	-	048	AA	-
21	1723	AO2	FEW014 SCT021 OVC070	10SM	-	51	10.6	49	9.7	48	8.9	89	6	260	-	0	27.79	-	056	AA	-
21	1756	AO2	FEW016 BKN070 OVC085	10SM	-	51	10.6	49	9.7	48	8.9	89	7	240	-	0	27.81	-	061	AA	-
21	1856	AO2	BKN048 OVC085	10SM	-	51	10.6	49	9.7	48	8.9	89	10	250	-	0	-	-	-	SP	-
21	1956	AO2	FEW018 BKN032 OVC080	10SM	-	51	10.6	49	9.4	47	8.3	86	11	250	-	0	27.83	-	067	AA	-
21	2010	AO2	FEW017 BKN028 OVC080	10SM	-	-	-	-	-	-	-	-	11	250	-	0	-	-	-	SP	-
21	2056	AO2	BKN017 BKN024 OVC030	10SM	-	50	10.0	48	9.1	47	8.3	89	9	250	-	0	27.83	-	068	AA	-
21	2139	AO2	OVC013	10SM	-	-	-	-	-	-	-	-	11	250	-	0	-	-	-	SP	-
21	2156	AO2	OVC011	10SM	-	-	-	-	-	-	-	-	9	250	-	0	-	-	-	AA	-

21	2235	AO2	OVC009	9SM	-	50	10.0	49	9.4	48	8.9	93	12	260	G	18	27.85	071	SP	-	T
21	2256	AO2	OVC009	8SM	-	43	8.9	47	8.3	46	7.8	93	11	250	G	19	27.87	076	AA	-	T
21	2356	AO2	BKN007 BKN011 OVC014	7SM	-	48	6.1	42	5.6	41	5.0	93	12	290	G	25	27.91	090	AA	-	.01
22	0124	AO2	OVC008	6SM	BR	43	6.1	42	5.6	41	5.0	93	17	310	G	23	27.91	090	AA	-	-
22	0156	AO2	SCT006 SCT011 OVC016	8SM	-	40	4.4	39	3.7	37	2.8	89	12	300	-	0	27.91	096	SP	-	-
22	0228	AO2	SCT012 BKN018 OVC025	7SM	-	37	2.8	35	1.9	33	1.6	86	5	280	-	0	27.91	096	AA	-	-
22	0256	AO2	BKN032 BKN047 OVC055	10SM	-	35	1.7	33	1.8	31	-6	85	5	300	-	0	27.92	099	AA	-	-
22	0356	AO2	FEW055	10SM	-	34	1.1	33	1.7	32	0	92	5	280	-	0	27.92	104	AA	-	-
22	0456	AO2	FEW049	8SM	-	32	0	31	-4	30	-1.1	92	4	210	-	0	27.93	108	AA	-	-
22	0556	AO2	CLR	7SM	-	32	0	31	-4	30	-1.1	92	4	200	-	0	27.93	111	AA	-	-
22	0656	AO2	CLR	8SM	-	32	0	31	-4	30	-1.1	92	4	200	-	0	27.94	113	AA	-	-
22	0756	AO2	CLR	10SM	-	38	3.3	35	1.9	32	0	79	4	VRB	-	0	27.93	107	AA	-	-
22	0856	AO2	CLR	10SM	-	42	5.6	38	3.4	33	1.6	71	9	240	-	0	27.92	101	AA	-	-
22	0956	AO2	FEW037 OVC048	10SM	-	43	6.1	38	3.5	32	0	65	10	260	-	0	27.91	100	AA	-	-
22	1056	AO2	BKN045 OVC050	10SM	-	43	6.1	38	3.5	32	0	65	11	260	-	0	27.91	100	AA	-	-
22	1156	AO2	BKN037 OVC045	10SM	-	44	6.7	39	3.8	32	0	63	10	240	G	17	27.91	096	AA	-	-
22	1256	AO2	OVC033	10SM	-	43	6.1	39	3.7	33	1.6	68	11	240	-	0	27.90	097	AA	-	-
22	1356	AO2	OVC042	10SM	-	43	6.1	39	3.7	33	1.6	68	10	230	-	0	27.89	094	AA	-	.01
22	1456	AO2	OVC036	10SM	-	43	6.1	38	3.5	32	0	65	13	230	G	21	27.89	092	AA	-	-
22	1556	AO2	OVC034	10SM	-	43	6.1	39	3.7	33	1.6	68	11	240	-	0	27.90	098	AA	-	-
22	1640	AO2	BKN027 OVC034	10SM	-RA	40	4.4	38	3.4	36	2.2	86	12	250	-	0	27.91	107	SP	-	T
22	1656	AO2	BKN027 OVC034	9SM	-RA	39	3.9	38	3.4	37	2.8	93	8	260	-	0	27.93	113	AA	-	.03
22	1756	AO2	BKN029 OVC065	10SM	-	39	3.9	38	3.4	37	2.8	93	8	260	-	0	27.93	113	AA	-	-
22	1813	AO2	FEW031 OVC060	10SM	-	39	3.9	38	3.4	37	2.8	93	9	270	-	0	27.95	120	AA	-	-
22	1856	AO2	FEW032 OVC060	10SM	-	36	2.8	35	1.7	35	1.7	93	13	290	-	0	27.98	130	SP	-	T
22	1919	AO2	FEW009 BKN024 OVC060	9SM	-	37	2.8	35	1.9	33	1.6	86	12	290	G	18	28.00	135	AA	-	-
22	1944	AO2	FEW009 SCT015 OVC055	10SM	-	37	2.8	35	1.6	32	0	82	9	280	-	0	28.01	137	AA	-	-
22	2056	AO2	OVC050	10SM	-	36	2.2	34	1.3	32	0	86	8	270	-	0	28.01	138	AA	-	-
22	2156	AO2	OVC047	10SM	-	35	2.2	34	1.3	32	0	86	7	280	-	0	28.01	137	AA	-	-
22	2256	AO2	FEW033 OVC041	10SM	-	35	1.7	33	1.8	31	-6	85	7	280	-	0	28.01	138	AA	-	-
23	0056	AO2	BKN034	10SM	-	33	1.6	32	-1	30	-1.1	89	5	270	-	0	28.01	140	AA	-	-
23	0156	AO2	BKN034	10SM	-	33	1.6	32	-1	31	-6	92	5	260	-	0	28.01	139	AA	-	-
23	0256	AO2	OVC032	10SM	-	32	0	31	-4	30	-1.1	92	4	240	-	0	28.01	140	AA	-	-
23	0356	AO2	FEW030	9SM	-	32	0	31	-4	30	-1.1	92	4	240	-	0	28.01	140	AA	-	-
23	0439	AO2	FEW011 OVC028	7SM	-	32	0	32	-2	31	-6	96	4	250	-	0	28.01	141	SP	-	-
23	0456	AO2	FEW011 OVC026	7SM	-	31	-6	31	-8	30	-1.1	96	4	250	-	0	28.01	144	AA	-	-
23	0556	AO2	OVC024	3SM	BR	31	-6	31	-6	31	-6	100	5	230	-	0	28.06	159	AA	-	-
23	0656	AO2	OVC022	4SM	BR	32	0	32	-2	31	-6	96	5	240	-	0	28.07	164	AA	-	-
23	0756	AO2	OVC024	4SM	BR	35	1.7	34	1.2	33	1.6	93	6	250	-	0	28.07	162	AA	-	-
23	0856	AO2	OVC026	7SM	-	38	3.3	36	2.2	33	1.6	83	9	260	-	0	28.06	157	AA	-	-
23	0956	AO2	SCT018 OVC026	10SM	-	39	3.9	36	2.0	31	-6	73	9	260	-	0	28.05	156	AA	-	-
23	1056	AO2	OVC022	10SM	-	40	4.4	37	2.5	32	0	73	7	260	-	0	28.05	153	AA	-	-
23	1156	AO2	OVC022	10SM	-	44	6.7	38	3.6	31	-6	60	11	260	-	0	28.04	148	AA	-	-
23	1256	AO2	BKN026	10SM	-	44	6.7	38	3.6	31	-6	60	11	260	-	0	28.04	148	AA	-	-
23	1319	AO2	SCT028	10SM	-	44	6.7	38	3.6	31	-6	60	11	260	-	0	28.04	148	AA	-	-
23	1356	AO2	FEW031	10SM	-	46	7.8	39	4.0	30	-1.1	54	7	VRB	G	14	28.02	144	SP	-	-
23	1456	AO2	CLR	10SM	-	46	7.8	39	4.0	30	-1.1	54	7	210	-	0	28.02	141	AA	-	-
23	1556	AO2	CLR	10SM	-	47	8.3	40	4.4	31	-6	54	10	240	-	0	28.02	141	AA	-	-
23	1656	AO2	CLR	10SM	-	48	8.9	40	4.3	29	-1.7	48	7	280	-	0	28.03	145	AA	-	-
23	1756	AO2	CLR	10SM	-	46	7.8	39	4.0	30	-1.1	54	6	290	-	0	28.04	150	AA	-	-
23	1856	AO2	CLR	10SM	-	43	6.1	37	2.8	29	-1.7	58	4	320	-	0	28.05	155	AA	-	-
23	1956	AO2	CLR	10SM	-	41	5.0	36	2.2	29	-1.7	62	5	300	-	0	28.07	161	AA	-	-
23	2056	AO2	CLR	10SM	-	38	3.3	35	1.5	30	-1.1	73	4	310	-	0	28.08	166	AA	-	-
23	2156	AO2	SCT035	10SM	-	36	2.2	34	1.9	30	-1.1	79	6	290	-	0	28.09	167	AA	-	-
23	2256	AO2	OVC031	10SM	-	36	2.2	34	1.9	30	-1.1	79	6	000	-	0	28.08	165	AA	-	-
23	2306	AO2	OVC029	10SM	-	36	2.2	34	1.9	30	-1.1	79	0	000	-	0	28.08	165	SP	-	-

23	2356	AO2	OVC021	10SM	-	35	1.7	33	.8	31	-6	85	6	090	-	0	28.08	6	163	AA	-
24	0056	AO2	OVC023	10SM	-	36	2.2	34	1.3	32	0	86	0	000	-	0	28.07	-	161	AA	-
24	0156	AO2	OVC025	10SM	-	37	2.8	35	1.4	31	-6	79	6	050	-	0	28.07	-	159	AA	-
24	0256	AO2	OVC025	10SM	-	36	2.2	34	1.1	31	-6	82	0	000	-	0	28.07	-	159	AA	-
24	0356	AO2	OVC023	10SM	-	35	1.7	33	.8	31	-6	85	4	080	-	0	28.08	3	163	AA	-
24	0456	AO2	OVC023	10SM	-	36	2.2	34	1.1	31	-6	82	3	180	-	0	28.08	-	163	AA	-
24	0556	AO2	OVC021	10SM	-	37	2.8	35	1.4	31	-6	79	0	000	-	0	28.09	-	169	AA	-
24	0656	AO2	OVC021	10SM	-	37	2.8	35	1.4	31	-6	79	0	000	-	0	28.11	3	177	AA	-
24	0749	AO2	FEW021	10SM	-	-	-	-	-	-	-	-	-	-	-	0	-	-	-	SP	-
24	0756	AO2	FEW019	10SM	-	39	3.9	36	2.3	32	0	76	3	VRB	-	0	28.11	-	177	AA	-
24	0856	AO2	CLR	10SM	-	44	6.7	40	4.2	34	1.1	68	3	VRB	-	0	28.12	-	179	AA	-
24	0956	AO2	CLR	10SM	-	47	8.3	42	5.3	35	1.7	63	7	270	-	0	28.12	2	179	AA	-
24	1056	AO2	CLR	10SM	-	51	10.6	44	6.5	35	1.7	54	7	230	-	0	28.12	-	176	AA	-
24	1156	AO2	CLR	10SM	-	54	12.2	44	6.9	33	.6	45	9	260	-	0	28.10	-	169	AA	-
24	1256	AO2	CLR	10SM	-	56	13.3	45	7.4	33	.6	42	4	VRB	-	0	28.09	8	162	AA	-
24	1356	AO2	CLR	10SM	-	58	14.4	46	7.5	31	-6	36	11	270	-	0	28.07	-	154	AA	-
24	1456	AO2	CLR	10SM	-	60	15.6	47	8.5	33	.6	36	10	240	-	0	28.05	6	145	AA	-
24	1556	AO2	CLR	10SM	-	60	15.6	48	8.6	34	1.1	39	5	VRB	-	0	28.05	-	145	AA	-
24	1656	AO2	CLR	10SM	-	59	15.0	47	8.4	34	1.1	39	5	210	-	0	28.06	3	148	AA	-
24	1756	AO2	CLR	10SM	-	57	13.9	47	8.1	35	1.7	44	6	210	-	0	28.06	-	148	AA	-
24	1856	AO2	CLR	10SM	-	56	13.3	46	7.6	34	1.1	44	0	000	-	0	28.06	-	150	AA	-
24	1956	AO2	CLR	10SM	-	55	12.8	45	7.3	34	1.1	45	4	150	-	0	28.07	-	151	AA	-
24	2056	AO2	CLR	10SM	-	54	12.2	45	7.0	34	1.1	47	5	150	-	0	28.06	0	147	AA	-
24	2156	AO2	CLR	10SM	-	53	11.7	45	7.0	35	1.7	51	5	VRB	-	0	28.05	-	144	AA	-
24	2256	AO2	CLR	10SM	-	51	10.6	44	6.5	35	1.7	53	5	180	-	0	28.05	-	140	AA	-
25	0056	AO2	CLR	10SM	-	50	10.0	43	6.2	35	1.7	57	3	VRB	-	0	28.04	6	140	AA	-
25	0156	AO2	CLR	10SM	-	51	10.6	44	6.5	35	1.7	54	4	180	-	0	28.03	-	137	AA	-
25	0256	AO2	CLR	10SM	-	53	11.7	45	7.0	35	1.7	51	6	200	-	0	28.03	-	133	AA	-
25	0356	AO2	CLR	10SM	-	52	11.1	44	6.7	35	1.7	53	7	220	-	0	28.03	5	134	AA	-
25	0456	AO2	CLR	10SM	-	50	10.0	43	6.2	35	1.7	57	4	200	-	0	28.03	-	134	AA	-
25	0556	AO2	CLR	10SM	-	50	10.0	43	6.2	35	1.7	57	5	210	-	0	28.03	-	135	AA	-
25	0656	AO2	CLR	10SM	-	51	10.6	44	6.5	35	1.7	54	4	210	-	0	28.03	7	134	AA	-
25	0756	AO2	CLR	10SM	-	55	12.8	46	7.7	36	2.2	49	7	210	-	0	28.03	-	132	AA	-
25	0856	AO2	CLR	10SM	-	60	15.6	49	9.5	38	3.3	44	7	200	-	0	28.02	-	128	AA	-
25	0956	AO2	CLR	10SM	-	62	16.7	50	10.0	38	3.3	41	9	220	-	0	28.01	8	125	AA	-
25	1056	AO2	CLR	10SM	-	66	18.9	52	10.9	38	3.3	36	14	230	-	0	27.99	-	118	AA	-
25	1156	AO2	CLR	10SM	-	69	20.6	53	11.9	39	3.9	33	15	260	G	24	27.97	-	107	AA	-
25	1256	AO2	BKN075	10SM	-	70	21.1	54	12.1	39	3.9	32	15	250	G	26	27.94	8	100	AA	-
25	1356	AO2	FEW070	10SM	-	70	21.1	54	12.1	39	3.9	32	13	230	G	25	27.91	-	088	AA	-
25	1456	AO2	FEW080	10SM	-	70	21.1	54	12.1	39	3.9	32	17	230	G	22	27.90	-	081	AA	-
25	1556	AO2	BKN080 BKN095	10SM	-	68	20.0	53	11.4	38	3.3	33	14	220	G	20	27.90	6	083	AA	-
25	1656	AO2	OVC075	10SM	-	65	18.3	53	11.6	42	5.6	44	12	250	-	0	27.91	-	087	AA	-
25	1756	AO2	BKN080 BKN095	10SM	-	63	17.2	53	11.6	44	6.7	50	13	330	-	0	27.91	-	089	AA	-
25	1812	AO2	FEW080 BKN095	10SM	-	-	-	-	-	-	-	-	-	-	-	0	-	-	-	SP	-
25	1856	AO2	BKN090	10SM	-	56	13.3	51	10.4	46	7.8	70	8	340	-	0	27.92	3	098	AA	-
25	1956	AO2	CLR	10SM	-	53	11.7	49	9.4	45	7.2	74	4	360	-	0	27.93	-	099	AA	-
25	2056	AO2	CLR	10SM	-	50	10.0	47	8.6	45	7.2	83	5	060	-	0	27.92	-	096	AA	-
25	2156	AO2	CLR	10SM	-	51	10.6	48	8.9	45	7.2	80	3	070	-	0	27.91	8	091	AA	-
25	2256	AO2	CLR	10SM	-	49	9.4	47	8.3	45	7.2	86	10	290	-	0	27.93	-	099	AA	-
25	2334	AO2	FEW027 SCT095 OVC110	8SM	-RA	-	-	-	-	-	-	-	-	-	-	0	-	-	-	SP	-
25	2356	AO2	BKN022 BKN031 OVC070	7SM	-RA	48	8.9	47	8.3	46	7.8	93	6	310	-	0	27.95	-	103	AA	.01
26	0056	AO2	FEW039 SCT050 OVC065	4SM	-RA BR	47	8.3	47	8.3	47	8.3	100	3	050	-	0	27.92	0	094	AA	.02
26	0130	AO2	FEW035 OVC060	2 1/2SM	-RA BR	-	-	-	-	-	-	-	-	-	-	0	-	-	-	SP	.03
26	0156	AO2	BKN075 OVC090	3SM	BR	-	-	-	-	-	-	-	-	-	-	0	-	-	-	SP	-
26	0206	AO2	SCT065 OVC080	1 1/4SM	BR	-	-	-	-	-	-	-	-	-	-	0	-	-	-	SP	-
26	0214	AO2	BKN060 OVC080	1/2SM	FG	-	-	-	-	-	-	-	-	-	-	0	-	-	-	SP	-
26	0223	AO2	SCT026 BKN060 OVC075	1 3/4SM	BR	-	-	-	-	-	-	-	-	-	-	0	-	-	-	SP	-
26	0232	AO2	BKN026 OVC060	2SM	BR	-	-	-	-	-	-	-	-	-	-	0	-	-	-	SP	-

26	0241	AO2	BKN026 OVC060	3/4SM	BR	47	8.3	47	8.3	47	8.3	100	3	260	0	27.93	095	SP	.01
26	0256	AO2	BKN003 OVC026	1SM	-RABR	-	-	-	-	-	-	9	9	270	0	-	-	AA	-
26	0313	AO2	OVC001	1SM	-RABR	-	-	-	-	-	-	8	8	280	0	27.92	096	SP	-
26	0339	AO2	OVC001	4SM	BR	46	7.8	46	7.8	46	7.8	100	7	310	0	-	-	SP	-
26	0356	AO2	OVC001	10SM	-	-	-	-	-	-	-	9	9	310	0	-	-	SP	-
26	0430	AO2	BKN003 OVC010	10SM	-	-	-	-	-	-	-	8	8	310	0	-	-	SP	-
26	0440	AO2	BKN005 OVC010	10SM	-	-	-	-	-	-	-	6	6	300	0	27.94	103	AA	-
26	0456	AO2	OVC007	10SM	-	-	-	-	-	-	-	93	4	330	0	27.96	110	AA	-
26	0556	AO2	OVC010	10SM	-	-	-	-	-	-	-	96	5	350	0	-	-	SP	-
26	0607	AO2	BKN008 OVC012	10SM	-	-	-	-	-	-	-	96	6	330	0	27.97	116	AA	-
26	0656	AO2	OVC006	10SM	-	-	-	-	-	-	-	6	6	340	0	-	-	SP	-
26	0746	AO2	SCT006 SCT011 OVC041	10SM	-	-	-	-	-	-	-	89	6	350	0	27.97	119	AA	-
26	0756	AO2	FEW008 OVC041	10SM	-	-	-	-	-	-	-	89	4	330	0	27.99	125	AA	-
26	0856	AO2	OVC047	10SM	-	-	-	-	-	-	-	96	6	300	0	28.01	131	AA	.01
26	0956	AO2	SCT012 BKN019 OVC042	8SM	-RA	42	5.6	42	5.3	41	5.0	96	5	280	0	-	-	SP	-
26	1011	AO2	SCT008 BKN013 OVC034	10SM	-	-	-	-	-	-	-	93	5	300	0	28.01	134	AA	-
26	1018	AO2	BKN008 BKN018 OVC034	10SM	-	-	-	-	-	-	-	90	5	270	0	-	-	SP	-
26	1056	AO2	SCT008 BKN015 OVC020	10SM	-	-	-	-	-	-	-	90	6	260	0	28.00	128	SP	-
26	1111	AO2	BKN008 OVC017	10SM	-	-	-	-	-	-	-	79	7	270	0	-	-	AA	-
26	1124	AO2	SCT008 BKN011 OVC032	10SM	-	-	-	-	-	-	-	8	8	280	0	27.99	127	AA	-
26	1156	AO2	SCT010 SCT015 BKN022	10SM	-	-	-	-	-	-	-	66	9	270	0	27.98	121	AA	-
26	1212	AO2	FEW020 SCT030 BKN045	10SM	-	-	-	-	-	-	-	50	11	270	17	27.98	120	AA	-
26	1256	AO2	FEW026 BKN033 BKN043	10SM	-	-	-	-	-	-	-	47	12	290	0	27.98	120	AA	-
26	1356	AO2	CLR	10SM	-	-	-	-	-	-	-	38	10	310	0	28.00	129	AA	-
26	1456	AO2	CLR	10SM	-	-	-	-	-	-	-	42	9	300	0	28.02	140	AA	-
26	1556	AO2	CLR	10SM	-	-	-	-	-	-	-	47	5	310	0	28.06	155	AA	-
26	1656	AO2	CLR	10SM	-	-	-	-	-	-	-	53	3	350	0	28.07	157	AA	-
26	1756	AO2	CLR	10SM	-	-	-	-	-	-	-	57	0	000	0	28.06	155	AA	-
26	2056	AO2	CLR	10SM	-	-	-	-	-	-	-	61	4	110	0	28.06	156	AA	-
26	2156	AO2	CLR	10SM	-	-	-	-	-	-	-	60	4	150	0	28.07	158	AA	-
26	2256	AO2	CLR	10SM	-	-	-	-	-	-	-	59	0	000	0	28.08	162	AA	-
26	2356	AO2	CLR	10SM	-	-	-	-	-	-	-	70	4	220	0	28.09	163	AA	-
27	0156	AO2	BKN065 OVC095	10SM	-	-	-	-	-	-	-	82	5	100	0	28.09	167	AA	-
27	0256	AO2	FEW060 BKN075 BKN090	10SM	-	-	-	-	-	-	-	73	3	110	0	28.09	169	AA	-
27	0356	AO2	BKN065 BKN075	10SM	-	-	-	-	-	-	-	75	3	110	0	28.09	175	AA	-
27	0456	AO2	FEW065 BKN080	10SM	-	-	-	-	-	-	-	82	0	000	0	28.11	183	AA	-
27	0556	AO2	BKN075	10SM	-	-	-	-	-	-	-	79	3	150	0	28.15	189	AA	-
27	0656	AO2	FEW060	10SM	-	-	-	-	-	-	-	73	3	VRB	0	28.17	190	AA	-
27	0756	AO2	CLR	10SM	-	-	-	-	-	-	-	61	8	270	0	28.16	186	AA	-
27	0856	AO2	CLR	10SM	-	-	-	-	-	-	-	53	9	240	0	28.15	178	AA	-
27	0956	AO2	CLR	10SM	-	-	-	-	-	-	-	47	4	220	0	28.12	173	AA	-
27	1056	AO2	CLR	10SM	-	-	-	-	-	-	-	39	10	220	0	28.12	174	AA	-
27	1156	AO2	SCT055	10SM	-	-	-	-	-	-	-	39	3	VRB	0	28.11	171	AA	-
27	1256	AO2	FEW060	10SM	-	-	-	-	-	-	-	39	5	190	0	28.11	172	AA	-
27	1356	AO2	CLR	10SM	-	-	-	-	-	-	-	44	4	120	0	28.12	175	AA	-
27	1456	AO2	CLR	10SM	-	-	-	-	-	-	-	45	4	080	0	28.13	176	AA	-
27	1556	AO2	CLR	10SM	-	-	-	-	-	-	-	47	9	140	0	28.13	179	AA	-
27	1656	AO2	CLR	10SM	-	-	-	-	-	-	-	45	8	150	0	28.13	176	AA	-
27	1756	AO2	CLR	10SM	-	-	-	-	-	-	-	50	9	140	0	28.13	173	AA	-
27	1856	AO2	CLR	10SM	-	-	-	-	-	-	-	52	8	140	0	28.13	172	AA	-
27	1956	AO2	CLR	10SM	-	-	-	-	-	-	-	52	9	140	0	28.13	172	AA	-
27	2056	AO2	CLR	10SM	-	-	-	-	-	-	-	56	9	140	0	28.13	172	AA	-
27	2156	AO2	CLR	10SM	-	-	-	-	-	-	-	56	9	140	0	28.13	172	AA	-
27	2256	AO2	CLR	10SM	-	-	-	-	-	-	-	56	9	140	0	28.13	172	AA	-
27	2356	AO2	CLR	10SM	-	-	-	-	-	-	-	56	9	140	0	28.13	172	AA	-
28	0056	AO2	CLR	10SM	-	-	-	-	-	-	-	56	9	140	0	28.13	172	AA	-

28	0156	AO2	CLR	47	8.3	40	4.7	32	0	56	11	130	-	0	28.12	167	AA	-
28	0256	AO2	CLR	46	7.8	40	4.4	32	0	58	11	130	-	0	28.12	170	AA	-
28	0356	AO2	CLR	45	7.2	39	3.7	30	-1.1	56	10	130	-	0	28.13	174	AA	-
28	0456	AO2	BKN070	46	7.8	39	3.8	29	-1.7	51	10	140	-	0	28.14	176	AA	-
28	0556	AO2	SCT075 BKN085	46	7.8	38	3.6	28	-2.2	50	10	130	-	0	28.14	179	AA	-
28	0656	AO2	OVC090	47	8.3	38	3.5	26	-3.3	44	12	140	-	0	28.16	183	AA	-
28	0756	AO2	BKN100	50	10.0	39	4.1	24	-4.4	36	13	140	-	0	28.16	184	AA	-
28	0856	AO2	SCT100	53	11.7	41	5.1	25	-3.9	34	14	140	-	22	28.16	184	AA	-
28	0956	AO2	FEW090	58	14.4	45	7.1	29	-1.7	33	11	170	G	20	28.16	181	AA	-
28	1056	AO2	CLR	62	16.7	48	9.0	33	6	34	18	130	G	23	28.13	170	AA	-
28	1156	AO2	CLR	63	17.2	50	9.8	36	2.2	37	12	140	G	22	28.10	161	AA	-
28	1256	AO2	CLR	65	18.3	53	11.8	43	6.1	45	10	160	G	19	28.09	157	AA	-
28	1356	AO2	CLR	64	17.8	53	11.9	44	6.7	48	16	170	G	25	28.08	149	AA	-
28	1456	AO2	CLR	64	17.8	54	12.1	45	7.2	50	14	160	G	25	28.06	146	AA	-
28	1556	AO2	FEW085	63	17.2	54	12.1	46	7.8	54	19	130	G	24	28.05	142	AA	-
28	1656	AO2	CLR	61	16.1	53	11.7	46	7.8	58	15	130	G	27	28.05	142	AA	-
28	1756	AO2	CLR	59	15.0	53	11.4	47	8.3	64	12	140	G	23	28.04	138	AA	-
28	1856	AO2	CLR	56	13.3	51	10.7	47	8.3	72	15	140	G	23	28.03	135	AA	-
28	2056	AO2	CLR	54	12.2	51	10.5	48	8.9	80	15	140	G	20	28.04	138	AA	-
28	2156	AO2	CLR	53	11.7	50	10.2	48	8.9	83	12	150	G	18	28.04	138	AA	-
28	2256	AO2	CLR	53	11.7	50	10.2	48	8.9	83	13	150	G	20	28.01	124	AA	-
28	2356	AO2	CLR	53	11.7	51	10.5	49	9.4	86	13	150	G	19	27.99	118	AA	-
29	0056	AO2	FEW075	53	12.2	52	11.0	50	10.0	87	13	150	G	21	27.97	111	AA	-
29	0156	AO2	CLR	55	12.8	53	11.6	51	10.6	87	11	160	G	22	27.95	103	AA	-
29	0256	AO2	FEW080	55	12.8	53	11.6	51	10.6	87	9	150	-	0	27.93	097	AA	-
29	0356	AO2	SCT049 SCT070 BKN090	55	12.8	53	11.6	51	10.6	87	11	150	-	0	27.92	092	AA	-
29	0456	AO2	FEW015 SCT038 BKN045	55	12.8	53	11.9	52	11.1	90	12	150	G	18	27.91	090	AA	-
29	0556	AO2	CLR	55	12.8	53	11.9	52	11.1	90	11	160	-	0	27.91	087	AA	-
29	0656	AO2	FEW041 BKN080	56	13.3	54	12.4	53	11.7	90	11	150	-	0	27.90	085	AA	-
29	0718	AO2	BKN013 BKN020 BKN080	-	-	-	-	-	-	-	12	230	G	19	-	-	SP	-
29	0731	AO2	SCT013 BKN021 OVC033	-	-	-	-	-	-	-	9	230	-	0	-	-	SP	.01
29	0756	AO2	FEW013 OVC019	50	10.0	48	8.9	46	7.8	86	11	300	-	0	27.94	105	AA	.01
29	0856	AO2	OVC032	50	10.0	47	8.6	45	7.2	83	9	280	-	0	27.95	110	AA	.01
29	0956	AO2	OVC041	48	8.9	46	7.5	43	6.1	83	14	260	-	0	28.01	131	AA	.01
29	1056	AO2	FEW010 BKN015 OVC055	47	8.3	46	7.5	44	6.7	90	8	250	-	0	28.01	131	AA	.03
29	1109	AO2	BKN013 BKN019 OVC055	-	-	-	-	-	-	-	9	260	-	0	-	-	SP	-
29	1135	AO2	BKN009 OVC060	-	-	-	-	-	-	-	6	230	-	0	-	-	SP	-
29	1147	AO2	FEW007 BKN011 OVC031	-	-	-	-	-	-	-	11	230	G	15	-	-	SP	-
29	1156	AO2	SCT009 BKN014 OVC033	46	7.8	46	7.5	45	7.2	96	8	210	-	0	28.01	132	AA	.01
29	1233	AO2	SCT009 BKN022 OVC045	-	-	-	-	-	-	-	13	250	-	0	-	-	SP	-
29	1240	AO2	FEW008 BKN013 OVC036	-	-	-	-	-	-	-	11	250	-	0	-	-	SP	-
29	1244	AO2	SCT011 SCT020 OVC032	-	-	-	-	-	-	-	10	250	-	0	-	-	SP	-
29	1256	AO2	SCT011 BKN024 OVC030	45	7.2	45	7.0	44	6.7	97	11	240	-	0	28.04	140	AA	.05
29	1303	AO2	FEW007 BKN025 OVC030	45	7.2	44	6.7	43	6.1	93	8	250	-	0	28.03	139	AA	.01
29	1356	AO2	FEW011 OVC017	44	6.7	44	6.4	43	6.1	96	11	270	-	0	28.03	136	AA	-
29	1403	AO2	BKN009 OVC017	42	5.6	42	5.3	41	5.0	96	10	280	-	0	28.04	141	AA	-
29	1456	AO2	OVC006	-	-	-	-	-	-	-	10	260	-	0	-	-	SP	-
29	1519	AO2	OVC004	-	-	-	-	-	-	-	15	270	-	0	-	-	AA	-
29	1556	AO2	BKN004 OVC010	42	5.6	41	4.8	39	3.9	89	9	270	-	0	28.06	147	SP	-
29	1607	AO2	BKN006 OVC010	-	-	-	-	-	-	-	10	270	-	0	-	-	SP	-
29	1642	AO2	SCT010 OVC016	42	5.6	41	4.8	39	3.9	89	11	270	-	0	-	-	AA	-
29	1656	AO2	BKN010 OVC016	-	-	-	-	-	-	-	13	290	-	0	28.09	158	AA	-
29	1712	AO2	FEW010 OVC018	41	5.0	39	4.0	37	2.8	86	13	290	-	0	-	-	SP	-
29	1756	AO2	BKN014 OVC022	-	-	-	-	-	-	-	11	270	-	0	-	-	AA	-
29	1804	AO2	SCT014 BKN022 OVC031	-	-	-	-	-	-	-	13	290	-	0	-	-	SP	-
29	1824	AO2	FEW020 BKN033 BKN120	-	-	-	-	-	-	-	11	280	-	0	-	-	SP	-
29	1856	AO2	BKN120	38	3.3	36	2.2	33	6	83	11	280	-	0	28.09	162	AA	-
29	1938	AO2	SCT015 BKN020 BKN024	-	-	-	-	-	-	-	13	310	G	22	-	-	SP	-

29	1956	AO2	BKN008 BKN015 OVC020	9SM	-	36	2.2	35	1.7	34	1.1	93	8	300	G	21	28.12	-	176	AA	-
29	2056	AO2	SCT008 OVC013	10SM	-	34	1.1	33	1.4	31	-6	89	12	330	G	19	28.14	-	186	AA	-
29	2127	AO2	SCT013 OVC024	10SM	-	-	-	-	-	-	-	-	10	300	-	16	-	-	-	SP	-
29	2156	AO2	OVC028	10SM	-	34	1.1	32	-2	28	-2.2	79	7	300	-	0	28.16	1	192	AA	-
29	2207	AO2	OVC032	10SM	-	-	-	-	-	-	-	-	8	310	-	0	28.16	-	-	SP	-
29	2256	AO2	BKN026 OVC036	10SM	-SN	33	6	31	-7	27	-2.8	78	6	300	-	0	-	-	195	AA	-
29	2319	AO2	SCT026 SCT030 OVC040	6SM	-SN	-	-	-	-	-	-	-	10	320	-	0	-	-	-	SP	-
29	2328	AO2	BKN019 BKN028 OVC040	3SM	-SN	32	0	30	-8	28	-2.2	85	6	310	-	0	28.15	-	189	AA	-
29	2356	AO2	BKN030 BKN050 OVC065	8SM	-SN	-	-	-	-	-	-	-	4	290	-	0	-	-	-	SP	-
29	2026	AO2	OVC028	10SM	-SN	32	0	30	-1.1	27	-2.8	82	5	300	-	0	28.13	8	185	AA	-
30	0056	AO2	BKN028 OVC033	5SM	-SN	-	-	-	-	-	-	-	6	300	-	0	-	-	-	SP	-
30	0116	AO2	BKN019 OVC032	2 1/2SM	-SN BR	-	-	-	-	-	-	-	6	310	-	0	-	-	-	AA	-
30	0127	AO2	BKN012 BKN019 OVC032	1 1/2SM	-SN BR	-	-	-	-	-	-	-	6	300	-	0	-	-	-	SP	-
30	0156	AO2	BKN010 OVC034	1 3/4SM	-SN BR	30	-1.1	30	-1.3	29	-1.7	96	3	270	-	0	28.13	-	184	AA	-
30	0204	AO2	SCT010 OVC034	2 1/2SM	-SN BR	-	-	-	-	-	-	-	4	260	-	0	-	-	-	SP	-
30	0229	AO2	SCT015 BKN030 OVC034	1 1/2SM	-SN BR	-	-	-	-	-	-	-	0	000	-	0	-	-	-	SP	-
30	0242	AO2	FEW015 OVC028	3SM	-SN BR	-	-	-	-	-	-	-	3	230	-	0	-	-	-	SP	-
30	0256	AO2	OVC026	4SM	-SN BR	30	-1.1	30	-1.3	29	-1.7	96	3	230	-	0	28.12	-	184	AA	-
30	0316	AO2	FEW009 OVC022	2SM	-SN BR	-	-	-	-	-	-	-	4	280	-	0	-	-	-	SP	-
30	0323	AO2	FEW007 SCT016 OVC022	1SM	-SN BR	-	-	-	-	-	-	-	5	300	-	0	-	-	-	SP	-
30	0332	AO2	SCT005 BKN012 OVC020	3/4SM	-SN BR	-	-	-	-	-	-	-	5	VRB	-	0	-	-	-	SP	-
30	0341	AO2	BKN005 OVC016	3/4SM	-SN BR	-	-	-	-	-	-	-	5	320	-	0	-	-	-	SP	-
30	0356	AO2	VW004	1/2SM	SN FZFG	29	-1.7	29	-1.9	28	-2.2	96	4	300	-	0	28.09	8	173	AA	-
30	0413	AO2	VW005	1SM	-SN BR	29	-1.7	29	-1.9	28	-2.2	96	5	290	-	0	28.10	-	177	AA	-
30	0456	AO2	BKN006 BKN010 OVC014	1 1/4SM	-SN BR	-	-	-	-	-	-	-	4	270	-	0	-	-	-	AA	-
30	0508	AO2	BKN006 BKN012 OVC028	3SM	-SN BR	-	-	-	-	-	-	-	4	VRB	-	0	-	-	-	SP	-
30	0520	AO2	SCT006 BKN012 OVC030	8SM	-	-	-	-	-	-	-	-	4	300	-	0	-	-	-	SP	-
30	0533	AO2	SCT006 BKN028 OVC033	10SM	-	-	-	-	-	-	-	-	3	300	-	0	-	-	-	SP	-
30	0540	AO2	FEW006 OVC030	10SM	-	-	-	-	-	-	-	-	4	310	-	0	-	-	-	SP	-
30	0556	AO2	FEW018 OVC030	10SM	-	28	-2.2	28	-2.4	27	-2.8	96	5	280	-	0	28.09	-	173	AA	-
30	0609	AO2	BKN020 OVC030	10SM	-	-	-	-	-	-	-	-	4	270	-	0	-	-	-	SP	-
30	0649	AO2	FEW007 OVC014	8SM	-	-	-	-	-	-	-	-	3	290	-	0	-	-	-	SP	-
30	0656	AO2	FEW007 OVC014	8SM	-	29	-1.7	28	-2.1	27	-2.8	92	4	VRB	-	0	28.09	8	172	AA	-
30	0711	AO2	SCT014 OVC021	9SM	-	-	-	-	-	-	-	-	7	330	-	0	-	-	-	SP	-
30	0756	AO2	OVC018	8SM	-	28	-2.2	26	-3.2	23	-5.0	81	9	320	-	0	28.08	-	168	AA	-
30	0856	AO2	OVC020	10SM	-	28	-2.2	26	-3.4	22	-5.6	78	7	330	-	0	28.07	-	166	AA	-
30	0956	AO2	OVC022	10SM	-	28	-2.2	26	-3.4	22	-5.6	78	7	320	-	0	28.08	5	170	AA	-
30	1017	AO2	FEW010 BKN021 OVC029	1 1/2SM	-SN BR	-	-	-	-	-	-	-	8	340	-	0	-	-	-	SP	-
30	1026	AO2	BKN008 BKN017 OVC028	1/2SM	SN FZFG	26	-3.3	25	-3.7	24	-4.4	92	9	320	-	0	28.07	-	168	AA	-
30	1056	AO2	OVC010	1 1/4SM	-SN BR	-	-	-	-	-	-	-	7	330	-	0	-	-	-	SP	-
30	1120	AO2	FEW010 OVC014	3SM	-SN BR	-	-	-	-	-	-	-	9	320	-	0	-	-	-	AA	-
30	1140	AO2	SCT016 SCT021 BKN026	10SM	-	28	-2.2	25	-3.7	20	-6.7	72	11	330	-	0	28.05	-	160	AA	-
30	1156	AO2	BKN024 BKN030	10SM	-	27	-2.8	24	-4.3	19	-7.2	72	11	330	-	0	28.04	8	156	AA	-
30	1256	AO2	OVC022	10SM	-	27	-2.8	25	-4.1	20	-6.7	75	12	310	-	0	28.02	-	153	AA	-
30	1356	AO2	OVC024	10SM	-	28	-2.2	25	-4.1	18	-7.8	66	10	300	-	0	28.02	-	151	AA	-
30	1438	AO2	SCT024 OVC030	10SM	-	-	-	-	-	-	-	-	10	320	-	18	-	-	-	SP	-
30	1456	AO2	OVC033	10SM	-SN BR	27	-2.8	25	-3.9	21	-6.1	78	12	320	-	0	-	-	-	AA	-
30	1507	AO2	BKN027 OVC036	10SM	-	-	-	-	-	-	-	-	13	330	-	0	28.01	7	149	AA	-
30	1556	AO2	BKN029 OVC034	9SM	-	28	-2.2	25	-4.1	18	-7.8	66	10	340	-	0	28.01	-	149	AA	-
30	1616	AO2	FEW024 SCT029 OVC040	10SM	-	26	-3.3	24	-4.3	21	-6.1	81	9	340	-	21	28.03	-	156	AA	-
30	1656	AO2	SCT031 OVC039	10SM	-SN	-	-	-	-	-	-	-	10	340	-	0	-	-	-	SP	-
30	1756	AO2	FEW019 BKN030 OVC037	1 3/4SM	-SN	26	-3.3	24	-4.3	21	-6.1	81	10	340	-	0	28.03	3	157	AA	-
30	1803	AO2	FEW021 BKN034 OVC043	3SM	-SN	-	-	-	-	-	-	-	11	340	-	0	-	-	-	AA	-
30	1856	AO2	FEW025 BKN034 BKN042	10SM	-SN	26	-3.3	23	-4.8	18	-7.8	71	11	340	-	0	-	-	-	SP	-
30	1932	AO2	BKN027 OVC040	7SM	-SN	-	-	-	-	-	-	-	9	340	-	0	-	-	-	AA	-
30	1941	AO2	SCT026 BKN033 OVC042	5SM	-SN	-	-	-	-	-	-	-	9	330	-	0	-	-	-	SP	-
30	1956	AO2	FEW024 OVC042	5SM	-SN	25	-3.9	23	-5.0	19	-7.2	78	11	320	-	0	28.06	-	166	AA	-
30	2056	AO2	OVC040	10SM	-	25	-3.9	22	-5.3	17	-8.3	72	7	310	-	0	28.07	-	169	AA	-
30	2120	AO2	BKN025 OVC040	10SM	-	-	-	-	-	-	-	-	8	310	-	0	-	-	-	SP	-

[illegible]

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL ENVIRONMENTAL SATELLITE DATA
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NATIONAL CLIMATIC DATA CENTER
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Dear Customer:

The unedited *Local Climatological Data* (LCD) publication is a preliminary monthly climate summary prepared at the National Climatic Data Center (NCDC) from Automated Surface Observing System (ASOS) data electronically transmitted by the National Weather Service. The major intent of this preliminary product is to provide a timely summary in response to customer requests. The unedited LCD provides preliminary data to customers approximately one week following the end of the data month, whereas the final edited LCD publication is published approximately seven weeks later. This preliminary data is published as received and prior to quality control procedures being applied. There may be significant differences between the unedited and edited editions of the LCD. The unedited LCD may contain incomplete data or have missing data that will appear later in the final version and there may also be data value errors that are corrected in the final publication.

Commencing in July 1996, the United States joined the world scientific community in reporting weather data in the METAR format. This has resulted in several changes to the LCD and other products. The most obvious of these are the new classifications utilized for significant weather types. A sheet containing detailed explanations of the various entries on the unedited LCD is included with each order for the preliminary/unedited LCD.

The NCDC will continue to meet the challenges imposed by new technology while providing the best possible service to its customers. Should you have questions regarding the unedited LCD, please contact the Center's customer services staff at 828-271-4800 for assistance.

Sincerely,

Thomas R. Karl
Director





UNEDITED LOCAL CLIMATOLOGICAL DATA

(EFFECTIVE JULY 1, 1996/rev. NOV 5, 1998)

- * = EXTREME FOR THE MONTH (LAST OCCURANCE IF MORE THAN ONE).
- T = TRACE PRECIPITATION AMOUNT (AMOUNT TOO SMALL TO MEASURE).
- + = ALSO OCCURS ON EARLIER DATES.
- BLANK DENOTES DATA IS UNAVAILABLE OR NOT REPORTED. WHEN "M" APPEARS, IT DENOTES MISSING DATA.
- NORMALS ARE FOR THE YEARS 1961-1990. (Col 5)
- DEW POINT IS THE TEMPERATURE TO WHICH THE AIR MUST BE COOLED TO ACHIEVE 100% RELATIVE HUMIDITY. (Col 6)
- WET BULB IS THE TEMPERATURE THE AIR WOULD HAVE IF THE MOISTURE CONTENT WAS INCREASED TO 100% RELATIVE HUMIDITY. (Col 7)
- A HEATING/COOLING DEGREE DAY IS THE DIFFERENCE BETWEEN THE AVERAGE DAILY TEMPERATURE AND 65 DEGREES F. (Col 8, 9)
- THE HEATING DEGREE DAY SEASON BEGINS JULY 1.
- THE COOLING DEGREE DAY SEASON BEGINS JANUARY 1.

- TABLE OF SIGNIFICANT WEATHER (GROUPED IN CATAGORIES AND USED IN THE ORDER LISTED. (Col 10)

QUALIFIER

INTENSITY OR PROXIMITY: - LIGHT "NO SIGN" MODERATE + HEAVY
DESCRIPTOR: MI SHALLOW BC PATCHES PR PARTIAL TS THUNDERSTORM.
 BL BLOWING SH SHOWERS DR DRIFTING FZ FREEZING

WEATHER PHENOMENA

PRECIPITATION: DZ DRIZZLE RA RAIN SN SNOW SG SNOW GRAINS
 IC ICE CRYSTALS PE/PL ICE PELLETS GR HAIL GS SMALL HAIL/SNOW PELLETS
 UP UNKNOWN PRECIPITATION (AUTO OBS)

OBSCURATION: (SM INDICATES VISIBILITY IN STATUTE MILES)

BR MIST (>5/8SM) FG FOG (<5/8SM) FU SMOKE VA VOLCANIC ASH
 SA SAND HZ HAZE PY SPRAY DU WIDESPREAD DUST

OTHER: SO SQUALL SS SANDSTORM DS DUST STORM FC FUNNEL CLOUD
 +FC TORNADO/WATERSPOUT PO WELL DEVELOPED DUST/SAND WHIRLS

- SNOW/ICE ON GROUND (WHEN REPORTED) IS REPORTED FOR THE 24-HOUR PERIOD ENDING AT THE TIME INDICATED IN COLUMN HEADING. (Col 11)
- WATER EQUIVALENT OF SNOW ON THE GROUND IS REPORTED ONLY WHEN THE SNOW DEPTH (Col 11) IS MORE THAN 2 INCHES. (Col 12)
- RESULTANT WIND IS THE VECTOR SUM OF THE WIND SPEEDS AND DIRECTIONS DIVIDED BY THE NUMBER OF OBSERVATIONS. (Cols 17, 18)
- WIND DIRECTION IS RECORDED IN TENS OF DEGREES (2 DIGITS) CLOCKWISE FROM TRUE NORTH. "00" INDICATES CALM. (Cols 18, 20, 23)

NOTE: CONTENTS OF THE UNEDITED LCD MAY VARY FROM THE FINAL
 EDITED VERSION OF THE LCD PUBLICATION.

UNEDITED LOCAL CLIMATOLOGICAL DATA
 **NOTICE OF CHANGE:

Effective July 28, 2000, observations contained in the Unedited Local Climatological Data Hourly Observations table are reported in whole degrees Fahrenheit. The dry bulb, dewpoint and wet bulb temperature columns were originally reported to the nearest tenth of a degree Fahrenheit. The Automated Surface Observing System (ASOS) records temperatures and dewpoints in whole degrees Fahrenheit, then converts these values to the nearest tenth of a degree Celsius for observation transmission. Until this date, these values online have incorrectly been converted back to the nearest tenth of a degree Fahrenheit, implying a level of precision that is not present at the instrument level. We apologize for any inconvenience this may cause.

The Automated Weather Observing System (AWOS) generally records temperatures and dewpoints in whole degrees Fahrenheit, then converts these values to the nearest whole degree Celsius for observation transmission. Also, AWOS stations will often have less data (ie, fewer weather elements) than ASOS stations.

NCDC forms contain:
 whole degree Celsius temperature values for AWOS stations
 tenths degrees Celsius temperature values for ASOS stations

NUMERICAL CODES LISTING FOR DAILY TABLE

NUMERICAL COLUMN	TERMINOLOGY
1	DATE
TEMPERATURE:	(DEGREES FAHRENHEIT)
2	MAXIMUM
3	MINIMUM
4	AVERAGE
5	DEPARTURE FROM NORMAL
6	AVERAGE DEW POINT
7	AVERAGE WET BULB
DEGREE DAYS:	BASE 65 F
8	HEATING (SEASON BEGINS WITH JULY)
9	COOLING (SEASON BEGINS WITH JANUARY)
SIGNIFICANT WEATHER TYPES:	WEATHER PHENOMENA
10	+FC TORNADO/WATERSPOUT FC FUNNEL CLOUD TS THUNDERSTORM GR HAIL RA RAIN DZ DRIZZLE SN SNOW SG SNOW GRAINS GS SMALL HAIL &/OR SNOW PELLETS PL ICE PELLETS IC CRYSTALS FG+ HEAVY FOG (FG & LE.25 MILES) FG FOG BR MIST UP UNKNOWN PRECIPITATION HZ HAZE FU SMOKE VA VOLCANIC ASH DU WIDESPREAD DUST DS DUSTSTORM PO SAND/DUST WHIRLS SA SAND SS SANDSTORM PY SPRAY SQ SQUALL

NUMERICAL CODES LISTING FOR DAILY TABLE

NUMERICAL COLUMN	TERMINOLOGY
	DESCRIPTORS AND QUALIFIERS
	DR LOW DRIFTING

10	SH SHOWER FZ FREEZING MI SHALLOW PR PARTIAL BC PATCHES BL BLOWING VC VICINITY - LIGHT + HEAVY "NO SIGN" MODERATE

SNOW/ICE:	INCHES
11	SNOW/ICE (ON GROUND) (0600 LST)
12	WATER EQUIVALENT (1200 LST)

PRECIPITATION:	INCHES (24-HR PERIOD ENDING AT INDICATED LOCAL STANDARD TIME, SNOW DEPTHS OF 2 OR MORE INCHES)
13	SNOWFALL (INCHES AND TENTHS) (2400 LST)
14	WATER EQUIVALENT (INCHES & HUNDREDTHS) (2400 LST)

PRESSURE:	INCHES OF HG
15	AVERAGE STATION PRESSURE
16	AVERAGE SEA LEVEL PRESSURE

WIND:	SPEED IN MILES PER HOUR DIRECTION TO TENS OF DEGREES
17	RESULTANT WIND SPEED
18	RESULTANT DIRECTION - (WHOLE DEGREES)
19	AVERAGE SPEED

20	MAXIMUM: 5 SECOND SPEED
21	5 SECOND DIRECTION
22	2 MINUTE SPEED
23	2 MINUTE DIRECTION

24	DATE

NUMERICAL CODES LISTING FOR DAILY TABLE

NOTES:

RESULTANT WIND IS THE VECTOR SUM OF WIND SPEEDS AND DIRECTIONS
DIVIDED BY THE NUMBER OF OBSERVATIONS.

COLS 20-21 AND 22-23:

MAXIMUM AVERAGED WIND SPEEDS OF 5-SECOND AND 2-MINUTES
DURATIONS, RESPECTIVELY.

NOTES:

* EXTREME FOR THE MONTH - LAST OCCURRENCE IF MORE THAN ONE.
T TRACE AMOUNT.

+ ALSO ON EARLIER DATES.

HEAVY FOG: VISIBILITY 1/4 MILE OR LESS.

BLANK ENTRIES OR ZEROS MAY DENOTE MISSING OR UNREPORTED DATA.

NUMERICAL CODES LISTING FOR MONTHLY AVERAGES TABLE

NUMERICAL COLUMN	TERMINOLOGY
25	AVERAGE MONTHLY MAXIMUM TEMPERATURE (DEGREES F)
26	MONTHLY MAXIMUM TEMPERATURE DEPARTURE FROM NORMAL (DEGREES F)
27	AVERAGE MONTHLY MINIMUM TEMPERATURE (DEGREES F)
28	MONTHLY MINIMUM TEMPERATURE DEPARTURE FROM NORMAL (DEGREES F)
29	MONTHLY AVERAGE TEMPERATURE (DEGREES F)
30	MONTHLY AVERAGE TEMPERATURE DEPARTURE FROM NORMAL (DEGREES F)
31	MONTHLY AVERAGE DEW POINT (DEGREES F)
32	MONTHLY AVERAGE WET BULB (DEGREES F)

33	MONTHLY AVERAGE HDD
34	MONTHLY AVERAGE CDD
35	MONTHLY TOTAL HDD
36	MONTHLY HDD DEPARTURE FROM NORMAL
37	SEASON TO DATE TOTAL HDD
38	SEASON TO DATE DEPARTURE FROM NORMAL HDD
39	MONTHLY TOTAL CDD
40	MONTHLY CDD DEPARTURE FROM NORMAL
41	SEASON TO DATE TOTAL CDD
42	SEASON TO DATE DEPARTURE FROM NORMAL CDD
43	TOTAL MONTHLY SNOW/ICE WATER EQUIVALENT (INCHES)
44	TOTAL MONTHLY SNOWFALL (INCHES)
45	GREATEST MONTHLY 24HR SNOWFALL (INCHES)
46	DATE OF GREATEST MONTHLY 24HR SNOWFALL
47	GREATEST MONTHLY 24HR SNOW DEPTH (INCHES)
48	DATE OF GREATEST MONTHLY 24HR SNOW DEPTH
49	TOTAL MONTHLY PRECIPITATION (INCHES)

NUMERICAL CODES LISTING FOR MONTHLY AVERAGES TABLE

NUMERICAL COLUMN	TERMINOLOGY
50	MONTHLY PRECIPITATION DEPARTURE FROM NORMAL (INCHES)
51	GREATEST 24HR PRECIPITATION (INCHES)
52	DATE OF GREATEST 24HR PRECIPITATION
53	MONTHLY AVERAGE STATION PRESSURE (INCHES HG)
54	MONTHLY AVERAGE SEA LEVEL PRESSURE (INCHES HG)
55	MONTHLY RESULTANT WIND SPEED (MPH)
56	MONTHLY RESULTANT WIND DIRECTION (TENS OF DEGREES)
57	MONTHLY AVERAGE WIND SPEED (MPH)
58	MONTHLY MAXIMUM SEA LEVEL PRESSURE (INCHES OF HG)
59	DATE OF MONTHLY MAXIMUM SEA LEVEL PRESSURE
60	TIME OF MONTHLY MAXIMUM SEA LEVEL PRESSURE
61	MONTHLY MINIMUM SEA LEVEL PRESSURE (INCHES OF HG)
62	DATE OF MONTHLY MINIMUM SEA LEVEL PRESSURE
63	TIME OF MONTHLY MINIMUM SEA LEVEL PRESSURE
64	NUMBER OF DAYS WITH MAXIMUM TEMPERATURE \geq 90 F
65	NUMBER OF DAYS WITH MAXIMUM TEMPERATURE \leq 32 F
66	NUMBER OF DAYS WITH MINIMUM TEMPERATURE \leq 32 F
67	NUMBER OF DAYS WITH MINIMUM TEMPERATURE \leq 0 F
68	NUMBER OF DAYS WITH PRECIPITATION \geq .01 INCH
69	NUMBER OF DAYS WITH PRECIPITATION \geq .10 INCH
70	NUMBER OF DAYS WITH SNOWFALL \geq 1.0 INCH
71	NUMBER OF DAYS WITH THUNDERSTORMS

72	NUMBER OF DAYS WITH HEAVY FOG
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HOURLY PRECIPITATION TABLE

WATER EQUIVALENT IN INCHES

T = TRACE PRECIPITATION AMOUNT

** THE SUM OF THE HOURLY TOTALS IS GIVEN WHEN IT DIFFERS FROM THE DAILY TOTAL. NWS DOES NOT EDIT ASOS HOURLY VALUES BUT MAY EDIT DAILY AND MONTHLY TOTALS. HOURLY, DAILY, AND MONTHLY TOTALS ARE PRINTED AS REPORTED BY THE ASOS SITE.

HOURLY PRECIPITATION DATA ARE NOT NORMALLY AVAILABLE FOR AWOS SITES.

** NCDC DERIVES THE MONTHLY SHORT DURATION PRECIPITATION FROM 1 MINUTE ASOS DATA. THE MONTHLY SHORT DURATION PRECIPITATION DATA ARE NOT PRINTED WHEN INCONSISTENT WITH ASOS HOURLY TOTALS.

NUMERICAL CODES LISTING FOR HOURLY OBSERVATIONS

NUMERICAL COLUMN	TERMINOLOGY
1	DATE
2	TIME IN LST (LOCAL STANDARD TIME)
3	STATION TYPE: A02 = UNATTENDED A02A = ATTENDED (OBSERVER PRESENT)
4	ASOS MAINTENANCE INDICATOR (INDICATES ASOS EQUIPMENT IS EXPERIENCING MAINTENANCE AS A RESULT OF INTERNAL QUALITY ASSURANCE CHECKS. ONE OR MORE ELEMENTS MAY BE MISSING OR REPLACED BY MANUAL INTERVENTION.)
5	SKY CONDITIONS: SKY CONDITIONS BELOW 12,000 FEET AGL (ABOVE GROUND LEVEL) SKY CONDITIONS CONTRACTIONS ARE FOR EACH LAYER IN ASCENDING ORDER. NUMBERS FOLLOWING CONTRACTIONS ARE BASE HEIGHT IN HUNDREDS OF FEET ABOVE GROUND LEVEL (AGL). CLR: CLEAR BELOW 12,000 FT FEW: > 0/8 - 2/8 SKY COVER SCT SCATTERED: 3/8 - 4/8 SKY COVER BKN BROKEN: 5/8 - 7/8 SKY COVER OVC OVERCAST: 8/8 SKY COVER VVXXX INDICATES INDEFINITE CEILING WITH THE VERTICAL VISIBILITY (XXX) LISTED IN HUNDREDS OF FEET. WHEN CLOUDS ARE COMPOSED OF TOWERING CUMULUS OR CUMULONIMBUS, TCU OR CB (RESPECTIVELY) FOLLOW CLOUD HEIGHT.
6	VISIBILITY: REPORTED IN STATUTE MILES AND FRACTIONS FROM < 1/4 THROUGH 10+

NUMERICAL CODES LISTING FOR HOURLY OBSERVATIONS

NUMERICAL COLUMN	TERMINOLOGY
7	(SEE DAILY TABLE #10 FOR EXPLANATION OF WEATHER TYPES)
8	DRY BULB TEMPERATURE (DEGREES F) WHOLE DEGREES
9	DRY BULB TEMPERATURE (DEGREES C) ASOS IN TENTHS; AWOS IN WHOLE DEGREES
10	WET BULB TEMPERATURE (DEGREES F) WHOLE DEGREES
11	WET BULB TEMPERATURE (DEGREES C) ASOS IN TENTHS; AWOS IN WHOLE DEGREES
12	DEW POINT TEMPERATURE (DEGREES F) WHOLE DEGREES
13	DEW POINT TEMPERATURE (DEGREES C) ASOS IN TENTHS; AWOS IN WHOLE DEGREES

14	RELATIVE HUMIDITY (PERCENT)
15	WIND SPEED (KNOTS)
16	WIND DIRECTION (TENS OF DEGREES FROM TRUE NORTH) VRB = VARIABLE WITH SPEED EQUAL TO OR LESS THAN 6 KNOTS
17	WIND CHARACTERISTIC GUSTS (KTS)
18	VALUE FOR WIND CHARACTER (WHOLE UNITS)
19	STATION PRESSURE (INCHES IN HUNDREDTHS)
20	PRESSURE TENDENCY
21	SEA LEVEL PRESSURE TENTHS OF HECTOPASCALS (MILLIBARS). SHOWN AS LAST 3 DIGITS ONLY WITHOUT DECIMAL POINT (eg.,013 = 1001.3 MB)
22	REPORT TYPE: AA - METAR (AVIATION ROUTINE WEATHER REPORT) - HOURLY SP - METAR SPECIAL REPORT
23	PRECIPITATION TOTALS (INCHES AND HUNDREDTHS) 1) HOURLY TOTALS IF COLUMN 19 IS "AA" (HOURLY METAR REPORT). 2) CUMULATIVE AMOUNT SINCE THE LAST HOURLY METAR REPORT IF COLUMN 19 IS "SP" (METAR SPECIAL REPORT).

WIND CHILL EQUIVALENT TEMPERATURE (SIPLE & PASSEL, 1945)											
	WIND VELOCITY (MPH)										
	4	5	10	15	20	25	30	35	40	45	
45	45	43	34	29	26	23	21	20	19	18	
40	40	37	26	23	19	16	13	12	11	10	
T> 35	35	32	22	16	12	8	6	4	3	2	
E> 30	30	27	16	9	4	1	-2	-4	-5	-6	
M> 25	25	22	10	2	-3	-7	-10	-12	-13	-14	
P> 20	20	16	3	-5	-10	-15	-18	-20	-21	-22	
E> 15	15	11	-3	-11	-17	-22	-25	-27	-29	-30	
R> 10	10	6	-9	-18	-24	-29	-33	-35	-37	-38	
A> 5	5	0	-15	-25	-31	-36	-41	-43	-45	-46	
T> 0	0	-5	-22	-31	-39	-44	-49	-52	-53	-54	
U> -5	-5	-10	-27	-38	-46	-51	-56	-58	-60	-62	
R> -10	-10	-15	-34	-45	-53	-59	-64	-67	-69	-70	
E> -15	-15	-21	-40	-51	-60	-66	-71	-74	-76	-78	
-20	-20	-26	-46	-58	-67	-74	-79	-82	-84	-85	
-25	-25	-31	-52	-65	-74	-81	-86	-89	-92	-93	
-30	-30	-36	-58	-72	-81	-88	-93	-97	-100	-102	

Surface Weather Observations - METAR always have wind speeds recorded in knots. The conversion table below will provide a quick conversion for winds from calm to 99 knots. The converted values are all rounded to the nearest integer. For a more accurate conversion use the following formula:
 KNOT = 1.15155 MILES PER HOUR

Knots to Miles Per Hour Conversion Chart											
K	0	1	2	3	4	5	6	7	8	9	
T	MPH	MPH	MPH	MPH	MPH	MPH	MPH	MPH	MPH	MPH	
S											
0	0	1	2	3	5	6	7	8	9	10	
10	12	13	14	15	16	17	18	20	21	22	
20	23	24	25	26	28	29	30	31	32	33	
30	35	36	37	38	39	40	41	43	44	45	
40	46	47	48	49	51	52	53	54	55	56	
50	58	59	60	61	62	63	64	66	67	68	
60	69	70	71	72	74	75	76	77	78	79	
70	81	82	83	84	85	86	87	89	90	91	
80	92	93	94	96	97	98	99	100	101	102	
90	104	105	106	107	108	109	110	112	113	114	

TEMPERATURE - HUMIDITY INDEX (STEADMAN, 1979)											
	RELATIVE HUMIDITY (PERCENT)										
	0	10	20	30	40	50	60	70	80	90	100
T > 120	107	116	130	148							
E > 115	103	111	120	135	151						
M > 110	99	105	112	123	137	150					
P > 105	95	100	105	113	123	135	149				
E > 100	91	95	99	104	110	120	132	144			
R > 95	87	90	93	96	101	107	114	124	136		
A > 90	83	85	87	90	93	96	100	106	113	122	
T > 85	78	80	82	84	86	88	90	93	97	102	108
U > 80	73	75	77	78	79	81	82	85	86	88	91
R > 75	69	70	72	73	74	75	76	77	78	79	80
E > 70	64	65	66	67	68	69	70	70	71	71	72

MELT WATER EQUIVALENT (INCHES)	NEW SNOWFALL (INCHES)						
	Temperature (°F)						
	34 to 28	27 to 20	19 to 15	14 to 10	9 to 0	-1 to -20	-21 to -40
trace	trace	0.1	0.2	0.3	0.4	0.5	1.0
.01	0.1	0.2	0.2	0.3	0.4	0.5	1.0
.02	0.2	0.3	0.4	0.6	0.8	1.0	2.0
.03	0.3	0.5	0.6	0.9	1.2	1.5	3.0
.04	0.4	0.6	0.8	1.2	1.6	2.0	4.0
.05	0.5	0.8	1.0	1.5	2.0	2.5	5.0
.06	0.6	0.9	1.2	1.8	2.4	3.0	6.0
.07	0.7	1.1	1.4	2.1	2.8	3.5	7.0
.08	0.8	1.2	1.6	2.4	3.2	4.0	8.0
.09	0.9	1.4	1.8	2.7	3.6	4.5	9.0
.10	1.0	1.5	2.0	3.0	4.0	5.0	10.0
.11	1.1	1.7	2.2	3.3	4.4	5.5	11.0
.12	1.2	1.8	2.4	3.6	4.8	6.0	12.0
.13	1.3	2.0	2.6	3.9	5.2	6.5	13.0
.14	1.4	2.1	2.8	4.2	5.6	7.0	14.0
.15	1.5	2.3	3.0	4.5	6.0	7.5	15.0
.16	1.6	2.4	3.2	4.8	6.4	8.0	16.0
.17	1.7	2.6	3.4	5.1	6.8	8.5	17.0
.18	1.8	2.7	3.6	5.4	7.2	9.0	18.0
.19	1.9	2.9	3.8	5.7	7.6	9.5	19.0
.20	2.0	3.0	4.0	6.0	8.0	10.0	20.0
.21	2.1	3.1	4.2	6.3	8.4	10.5	21.0
.22	2.2	3.3	4.4	6.6	8.8	11.0	22.0
.23	2.3	3.4	4.6	6.9	9.2	11.5	23.0
.24	2.4	3.6	4.8	7.2	9.6	12.0	24.0
.25	2.5	3.8	5.0	7.5	10.0	12.5	25.0
.30	3.0	4.5	6.0	9.0	12.0	15.0	30.0
.35	3.5	5.3	7.0	10.5	14.0	17.5	35.0
.40	4.0	6.0	8.0	12.0	16.0	20.0	40.0
.45	4.5	6.8	9.0	13.5	18.0	22.5	45.0
.50	5.0	7.5	10.0	15.0	20.0	25.0	50.0
.60	6.0	9.0	12.0	18.0	24.0	30.0	60.0
.70	7.0	10.5	14.0	21.0	28.0	35.0	70.0
.80	8.0	12.0	16.0	24.0	32.0	40.0	80.0
.90	9.0	13.5	18.0	27.0	36.0	45.0	90.0
1.00	10.0	15.0	20.0	30.0	40.0	50.0	100.0
2.00	20.0	30.0	40.0	60.0	80.0	100.0	200.0
3.00	30.0	45.0	60.0	90.0	120.0	150.0	300.0

This table can be used only for determining amounts of newly fallen snow. It cannot be used for determining the water equivalency (933RRR) of "old" snow. Packing and melting/refreezing have substantial effects on the density of the snow pack and are not accounted for by this table.

Table 2-14. New Snowfall to Estimated Meltwater Conversion Table



Wind Chill Chart



		Temperature (°F)																									
Wind (mph)																											
		Calm	40	35	30	25	20	15	10	5	0	-5	-10	-15	-20	-25	-30	-35	-40	-45							
5	36	31	25	19	13	7	1	-5	-11	-16	-22	-28	-34	-40	-46	-52	-57	-63	-69	-75							
10	34	27	21	15	9	3	-4	-10	-16	-22	-28	-35	-41	-47	-53	-59	-66	-72	-78	-84							
15	32	25	19	13	6	0	-7	-13	-19	-26	-32	-39	-45	-51	-58	-64	-71	-77	-83	-89							
20	30	24	17	11	4	-2	-9	-15	-22	-29	-35	-42	-48	-55	-61	-68	-74	-81	-87	-93							
25	29	23	16	9	3	-4	-11	-17	-24	-31	-37	-44	-51	-58	-64	-71	-78	-84	-90	-96							
30	28	22	15	8	1	-5	-12	-19	-26	-33	-39	-46	-53	-60	-67	-73	-80	-87	-93	-99							
35	28	21	14	7	0	-7	-14	-21	-27	-34	-41	-48	-55	-62	-69	-76	-82	-89	-95	-101							
40	27	20	13	6	-1	-8	-15	-22	-29	-36	-43	-50	-57	-64	-71	-78	-84	-91	-97	-103							
45	26	19	12	5	-2	-9	-16	-23	-30	-37	-44	-51	-58	-65	-72	-79	-86	-93	-99	-105							
50	26	19	12	4	-3	-10	-17	-24	-31	-38	-45	-52	-60	-67	-74	-81	-88	-95	-101	-107							
55	25	18	11	4	-3	-11	-18	-25	-32	-39	-46	-54	-61	-68	-75	-82	-89	-97	-103	-109							
60	25	17	10	3	-4	-11	-19	-26	-33	-40	-48	-55	-62	-69	-76	-84	-91	-98	-104	-110							

Frostbite Times ☐ 30 minutes ☐ 10 minutes ☐ 5 minutes

$$\text{Wind Chill (°F)} = 35.74 + 0.6215T - 35.75(V^{0.16}) + 0.4275T(V^{0.16})$$

Where, T = Air Temperature (°F) V = Wind Speed (mph)

Effective 11/01/01

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
DEFENDANTS' MOTION FOR JUDICIAL NOTICE OF CLIMATOLOGICAL DATA has
been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this
7 day of September, 2007.

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By



Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

CH

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

MOTION TO AMEND CASE CAPTION

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. GILL, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED
m 10:50 AM
SEP 10 2007

no cc
(6k)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

MOTION TO AMEND CASE CAPTION

AND NOW, come the Defendants, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., and Trisha A. Gill, Esquire, and files the following Motion to Amend Case Caption and aver as follows:

1. This is a slip and fall action filed by both Plaintiffs, Audrey and Arthur Woods and Valerie and Randell Powers.
2. After the Pretrial Conference in this matter, the parties were able to settle the claims of Audrey and Arthur Woods. See correspondence between counsel confirming settlement attached hereto and marked as Exhibit A.
3. Throughout the course of discovery, the Plaintiffs were able to stipulate to the discontinuance of this action as to Defendant Beaver Grove Condominium only.

Please SEE attached Stipulation and Praeipce to Discontinue marked as Exhibits B and C respectively.

4. Based upon the settlement of the Woods' claim and the discontinuance of this action against Beaver Grove Condominium, Defendant requests that this caption be amended as follows:

VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
Plaintiffs,


vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
Defendants.

WHEREFORE, Defendants respectfully request this Honorable Court to amend the case caption as stated above.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By 

Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +
Pamela V. Collis
Marna K. Blackmer
Adam M. Barnes +

The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255
Facsimile: (412) 263-5632

Trisha A. Gill
Steven L. Minnich
Gina M. Zumpella
Natalie A. Troilo *
Thomas E. Zumpella
Adam P. Knor
David J. Fisher

Of Counsel:
Anne M. Paul ▪

+ Admitted to Practice in Ohio and West Virginia
* Admitted to Practice in West Virginia
▪ Admitted to Practice in New Jersey

September 4, 2007

John Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Via Facsimile 724-349-8362

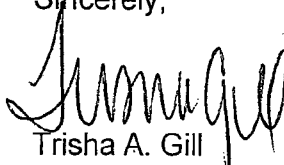
In Re: Audrey & C. Arthur Woods/Valarie Powers & Randell Powers
vs. James & Bernice Stellabuto et al.
Court No. : 2005-00276 CD
D/Loss : 3/7/03
Our File No. : 244

Dear Mr. Mack:

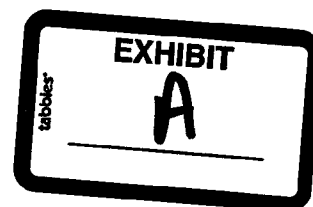
This will confirm that we have settled the Audrey & Arthur Woods' claims for a total of Ninety Thousand Dollars (\$90,000). Enclosed is a General Release that I ask you to review and if it meets your approval have your client sign the same.

Also, please advise how you would like the settlement draft issued. I typically request two drafts. The first draft I have issued is for payment of the lien and the second draft I have issued which is the remainder of the settlement amount issued to Plaintiffs and their counsel. Please advise if this is acceptable to you. Thank you.

Sincerely,


Trisha A. Gill

TAG/dls
Enclosure



GENERAL RELEASE

For the Sole Consideration of Ninety Thousand Dollars (\$90,000) the receipt and sufficiency whereof is hereby acknowledged, the undersigned, Audrey & Arthur Woods, hereby release and forever discharge James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof and Cincinnati Insurance Company, their heirs, executors, administrators, agents and assigns, and all other persons, firms or corporations liable or, who might be claimed to be liable, none of whom admit any liability to the undersigned but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action, rights, costs, loss of services, expenses, compensation or suits of any kind or nature whatsoever, which the undersigned now have or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen or unforeseen bodily and personal injuries and property damage and the consequences thereof resulting or to result from the accident, casualty or event which occurred on or about the March 7, 2003, at the Defendant's business located at 922 Beaver Avenue, Dubois, PA 15801. This includes any and all claims filed in the Court of Common Pleas of Clearfield County at Docket No. CD-2005-276.

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, their heirs, executors, agents and assigns.

The undersigned and John Mack, Esquire and Marcus & Mack warrant that there are two (2) liens being asserted relative to this matter, which are being asserted by the Boilermakers and Geisinger Gold. Furthermore, the undersigned and John Mack, Esquire and Marcus & Mack warrant that said liens will be satisfied in full. The undersigned and John Mack, Esquire and Marcus & Mack further warrant that there are no other known liens and, in any event, the undersigned and John Mack, Esquire and Marcus & Mack agree to defend, indemnify and hold harmless James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, the law firm of Walsh, Collis & Blackmer, P.C., and Cincinnati Insurance Company from any and all liens, including subrogation for Workers' Compensation benefits paid and/or payable to or on behalf of claimants and provider alike, along with all medical, State, and/or Federal benefits (including but not limited to liens asserted by or on behalf of Medicare, Medicaid and the Department of Public Welfare, regardless of whether the program is operated by a local, state or federal agency or government) paid and/or payable to and/or on behalf of the undersigned of any type that may act as a lien and/or claim against the amount paid pursuant to this settlement and General Release.

The payment made to us is upon our warranty that we have not received heretofore any consideration whatever for, nor have we released heretofore any person, firm or corporation from, any claim or liability for any injuries to person or property arising from said accident, and we agree to defend, indemnify and hold harmless James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof and Cincinnati Insurance Company of and from

any and all loss, claim, liability, cost or expense arising out of any claim against them or either of them for contribution by any alleged joint tortfeasor under the Uniform Contribution Among Tortfeasors Act of the Commonwealth of Pennsylvania.

The undersigned hereby declare that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid accident. The undersigned understand that the injuries and damages sustained and resulting therefrom may be uncertain and indefinite and that in making this release and agreement it is understood and agreed that the undersigned rely on their own belief and knowledge and that of their experts and other individuals whom they may have consulted as to the nature, extent and duration of the symptoms and injuries. The undersigned further intend to be legally bound by the promises herein contained.

The undersigned hereby accept draft or drafts as final payment of the consideration set forth above. The undersigned waive the provisions of Rule 229.1 of the Pennsylvania Rules of Civil Procedure and agree that said Rule is not applicable to the delivery of the aforesaid settlement funds.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or a statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

In Witness Whereof,

We have hereunto set our hand and seal this ____ day of _____, 2007.

In presence of:

Witness

Audrey Woods

Witness

Arthur Woods

**** Transmit Conf. Report ****

P.1

Sep 4 2007 16:57

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Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +
Pamela V. Collis
Marna K. Blackmer
Adam M. Barnes +

The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255
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Trisha A. Gill
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Adam P. Knor
David J. Fisher

Of Counsel:
Anne M. Paul •

+ Admitted to Practice in Ohio and West Virginia
* Admitted to Practice in West Virginia
• Admitted to Practice in New Jersey

FACSIMILE TRANSMISSION SHEET

TO: Brian Neiderhiser, Esquire
John Mack, Esquire

FAX: 724-349-8362

DATE: September 4, 2007

FROM: Trisha A. Gill, Esquire

RE: Our File No. 244

COMMENTS:

Number of Pages (including coversheet):

If there are any problems with this transmission, please contact: (412) 258-2255. Thank you.

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

*244
CPI/mis*

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband; and VALERIE
J. POWERS and RANDELL T. POWERS,
her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF;
and BEAVER GROVE CONDOMINIUM,
Defendants.

CIVIL ACTION - LAW

Number 276 of 2005, C. D.

Type of Case: Civil Division

Type of Pleading: Stipulation

Filed on Behalf of: Defendant, Beaver Grove
Condominium

Counsel of Record for this Party:
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

EXHIBIT

B

tabbles

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband; and VALERIE
J. POWERS and RANDELL T. POWERS,
her husband,
Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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* Number 2005 - 276 C. D.

STIPULATION

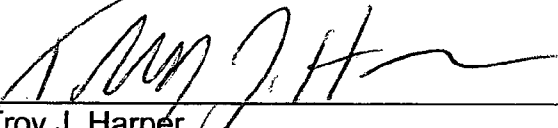
AND NOW, come the parties to the above-captioned matter through their respective
counsel who hereby stipulate and agree as follows:

1. The parties consent that the Plaintiffs may discontinue the above-captioned
action as to the Defendant, Beaver Grove Condominium, pursuant to Pa.R.C.P. 229(b)(1)
and the Plaintiffs shall file a Praecipe to Discontinue as to said Defendant;

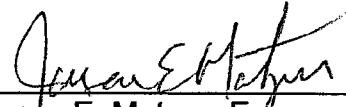
2. The parties consent that the Defendants, James G. Stellabuto and Bernice A.
Stellabuto, husband and wife; James G. Stellabuto, i/t/d/b/a Jim Stellabuto's Everything
Under Foot, Inc. and/or Jim Stellabuto's Everything Under One Roof will file a Praecipe

Discontinue its Crossclaim pursuant to Pa.R.C.P. 2252(d) filed against the Defendant,
Beaver Grove Condominium.

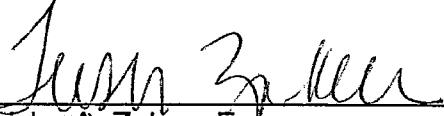
DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for the Defendant,
Beaver Grove Condominium

MARCUS & MACK, P.C.

By 
Jason E. Matzus, Esq.
Attorneys for the Plaintiffs, Audrey J. Woods,
C. Arthur Woods, Valerie J. Powers and
Randell T. Powers

WALSH, COLLIS & BLACKMER, L.L.C.

By 
Trisha A. Zaken, Esq.
Attorneys for the Defendants, James G. Stellabuto
and Bernice A. Stellabuto; James G. Stellabuto
i/t/d/b/a Jim Stellabuto's Everything Under Foot, Inc.,
and/or Jim Stellabuto's Everything Under one Roof

COURT OF COMMON PLEAS OF CLEARF. LD COUNTY
PENNSYLVANIA

112
JHY
P/M/S

Audrey J. Woods, et al
(Plaintiff)
1235 Highland St. Ext.
DuBois, PA 15801
375 Woods Road
(Street Address)
DuBois, PA 15801
(City, State ZIP)

VS.

James G. Stellabuto, et al
(Defendant)
922 Beaver Drive
(Street Address)
DuBois, PA 15801
(City, State ZIP)

CIVIL ACTION

No. 2005-00276 CD

Type of Case: Civil

Type of Pleading: Praecipe to Discontinue
as to Beaver Grove
Condominium only

Filed on Behalf of:

Plaintiffs
(Plaintiff/Defendant)

Jason E. Matzus, Esquire
(Filed by)

57 S. 6th Street
(Address)
Indiana, PA 15701
(724) 349-5602

(Phone)

Jason E. Matzus
(Signature)



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

**PRAECIPE TO DISCONTINUE
AS TO DEFENDANT BEAVER
GROVE CONDOMINIUM,
ONLY**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jason E. Matzus, Esquire
Sup. Ct. ID 76229
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS, No. 2005-00276 CD
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY OF SAID COURT:

Kindly discontinue Plaintiffs' claim against Defendant Beaver Grove Condominium,
only.

Respectfully submitted,

MARCUS & MACK, P.C.

By: Jason E. Matzus
Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 76229

Sworn and subscribed to before me
this 2nd day of November, 2005.

Kathryn M. Wells
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Kathryn M. Wells, Notary Public
Washington Twp., Indiana County
My Commission Expires Sept. 27, 2008

Member, Pennsylvania Association Of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
Plaintiffs,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,
Defendants.

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, 2007, after consideration
of the Motion to Amend Case Caption, it is hereby ORDERED, ADJUDGED AND
DECREED that the Motion is granted. The caption is amended as follows:

VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
Defendants.

BY THE COURT:

J.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **MOTION TO AMEND CASE CAPTION** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 7 day of September, 2007.

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By Trisha A. Gill
Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

DEFENDANTS' MOTIONS IN LIMINE

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. GILL, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED No. cc
7/10:50 AM
SEP 10 2007 (GK)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

DEFENDANTS' MOTIONS IN LIMINE

AND NOW, come the Defendants, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C. and Trisha A. Gill, Esquire, and files the following Motions in Limine and aver as follows:

1. This lawsuit involves a slip and fall accident that occurred on the Defendant's property on March 7, 2003. Valerie Powers and Audrey Woods visited the Insured's premises for purposes of going to a doctor's appointment at Dr. Bellomo's office. Plaintiffs claimed that they slipped and fell on a patch of ice that existed on the sidewalk in front of Dr. Bellomo's office.

2. Audrey Woods has no recall of the fall and testified that her first recollection after "stepping on the sidewalk" was waking up in the hospital. The parties have been able

to settle the claims of Audrey Woods and Arthur Woods. See attached correspondence marked as Exhibit "A".

3. Plaintiffs claim that this slip and fall occurred as a result of a leaking downspout on the Defendants' premises.

4. On the date of the accident, there were periods of freezing rain and there were salt trucks out on the road. See Deposition Testimony of Kimberly Dunlap, pp. 16; 30, attached hereto and marked as Exhibit "B".

5. While there may have been condensation and/or ice around the downspouts near the sidewalk during periods of heavy rains or freezing, there was not a recurring problem with any leaks, cracks or defects in the downspouts. See Deposition Testimony of James Stellabuto, pp. 60-73, attached hereto as Exhibit "C".

6. Independent witness John Kness was a tenant in this property. He testified that he did not notice any problems with ice accumulating on the sidewalk other than what was normal for the area. He did notice that during a time of heavy rain, there would be water near the downspout areas. He also noticed ice near the downspout a "couple of times". See Deposition Testimony of John Kness, pp. 11-14; 23-24, attached hereto as Exhibit "D".

7. Plaintiffs have presented two photographs of the sidewalk at issue. The first set of photographs was taken days after this accident on March 12, 2003 and are attached as Exhibit "E".

8. The second set of the photographs was taken **almost one after this incident** and shows that there were some changes to the bottom of the downspouts. See photographs dated February 10, 2004 attached as Exhibit "F".

9. As a result of this fall, Plaintiff Valarie Powers is claiming pain, suffering and inconvenience for bilateral wrist injuries. She claims one (1) inpatient surgery and (4) outpatient procedures to her wrists between October 2003 and October 2006. She treated with Dr. Andrew Gurman for her wrist problems.

10. While Dr. Gurman did issue a report to Plaintiff's counsel in December 2003, Plaintiff has not provided any further report since that time. The opinions set forth in Dr. Gurman's December 2003 report do not meet the standard for admissibility of expert opinion and therefore, should be precluded. See December 2, 2003 report of Andrew Gurman, attached hereto as Exhibit "G".

11. Plaintiff Valarie Powers' medical bills have all been paid by her private health insurance carriers. The amount of the liens being asserted by the private health insurance carriers is \$28,607.99.

II. ARGUMENTS

A. Plaintiff is precluded from introducing any evidence and/or testimony regarding Audrey Woods' fall down, including testimony from Audrey Woods.

12. It is expected that the Plaintiffs will attempt to introduce evidence of Audrey Woods' fall down at the time of trial. It is further expected that Plaintiff will call Audrey Woods as a witness at the time of trial. This evidence is irrelevant, prejudicial and therefore inadmissible.

13. According to the Pennsylvania Rules of Evidence, "relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Pa.R.E. 401. "All relevant evidence is admissible,

except as otherwise provided by law. Evidence that is not relevant is not admissible." Additionally, "although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury . . .". Pa.R.E. 402 and 403.

14. Any evidence or testimony pertaining to Audrey Wood's slip and fall is irrelevant as the parties have already settled that claim. To allow the Woods Plaintiffs to testify regarding their claims that have been settled with this Defendant arising out of this incident would serve to only prejudice this Defendant and tend to confuse and mislead the jurors. Second, Audrey Woods has no recall of this fall down and therefore would provide no competent witness testimony. See Deposition Transcript of Audrey Woods, pp. 27-31, attached hereto and marked as Exhibit "H".

WHEREFORE, Defendants request this Honorable Court to grant this Motion in Limine and preclude any evidence of or testimony regarding Audrey and Arthur Woods' claim including testimony from either Audrey or Arthur Woods.

B. Plaintiff is precluded from introducing evidence of subsequent remedial measures including those depicted in photographs of the premises taken in February 2004.

15. It is expected that the Plaintiffs will attempt to introduce evidence of subsequent remedial measures taken after this fall. This includes photographs of this Defendant's premises taken in February 2004 (almost one year after this accident). These photographs are inadmissible since they do not depict the condition of the sidewalk on the date of the fall and they contain evidence of subsequent remedial measures.

16. It is a well-settled rule in the Commonwealth of Pennsylvania that evidence of measures taken after an event, which if taken previously, would have made the event less likely to occur, is not admissible to prove that the party who took the measures were negligent or engaged in culpable conduct in connection with the event. Pa.R.E. 407; Baron v. Reading Iron Co., 51 A. 979 (Pa. 1902).

17. Following this slip and fall, Defendant made subsequent remedial repairs to the area of the sidewalk in question. The subsequent remedial repairs included the placement of white flange at the base of the downspout as evidence in the February 2004 photographs. Any evidence of this subsequent measure, in the photographs or otherwise, is inadmissible at trial.

18. The photographs taken in February 2004 are irrelevant to any issue to be decided. The photographs do not depict the condition of the sidewalk as it existed on the date of this fall. Moreover, the February 2004 photographs show the white flanges that were installed at the base of the downspouts after this fall down. This is a subsequent remedial measure that is not admissible in this action.

WHEREFORE, Defendants request this Honorable Court to grant this Motion in Limine and preclude any evidence of or testimony of any subsequent remedial measures including the February 2004 photographs.

C. Plaintiffs are precluded from offering any testimony regarding Plaintiff-wife's wrist injuries since Plaintiffs have failed to produce an admissible expert opinion causally linking her claimed injuries to this fall down.

19. Plaintiff is precluded from offering any evidence or testimony regarding her claimed damages as she has failed to comply with Local Rules pertaining to expert

testimony and has failed to provide an admissible medical opinion regarding her injuries.

20. As a result of this slip and fall, Plaintiff-wife claims wrist injuries resulting in five (5) surgeries between 2003 and October 2006. Plaintiff has the burden to establish her claims via competent and admissible medical expert testimony.

21. Plaintiff has not complied with Local Rules 214 in that she has failed to provide a medical expert report addressing her medical injuries when filing her Pre-Trial Statement.

22. The only medical expert report provided to this Defendant in discovery is a December 2, 2003 report authored by Dr. Andrew Gurman. See Report of Dr. Gurman attached hereto and marked as Exhibit "G".

a. The opinions in Dr. Gurman's December 2, 2003 report are inadmissible.

23. The only medical expert report provided to the Defendant is a December 2, 2003 report authored by Dr. Andrew Gurman, attached hereto as Exhibit "G ". In this report, Dr. Gurman advises that the diagnoses are " intercarpal ligament tears of both wrists, Kienbock's disease left wrist". As for the etiology, Dr. Gurman simply states as follows:

"Absent any other trauma, the intercarpal ligament tears would appear to be related to her fall".

24. At the time of Dr. Gurman's report, Plaintiff had undergone only one surgery to her left wrist. There is no other medical report to speak to the other 4 surgeries Plaintiff-wife is claiming in this suit.

25. It is the law of this Commonwealth that when a party has the burden to prove causation through expert testimony, the expert's opinion must be within "reasonable certainty". An expert fails this standard if his opinion is that the alleged cause "possibly" or "could have" led to the result. See Kovach v. Central Trucking Inc., 808 A. 2d 958 (Pa. Super 2002); see also, *Cohen v. Albert Einstein Medical Center, Northern Div.*, 592 A.2d 720(Pa. Super 1991).

26. Instantly, Dr. Gurman's December 2003 report clearly does not meet the requisite specificity for an admissible medical opinion and should not be admitted.

b. Any expert testimony is inadmissible since it was not timely identified or provided in accordance with Local Rules.

27. Per the Clearfield County Local Rule 212.4 (e)(4) and (5), Plaintiff was required to provide the medical reports of the medical experts whose opinion will be offered into evidence at trial. These reports must be submitted with a Pre-Trial Statement one week before the Pre-Trial Conference. "Such report shall include the findings and conclusions of the expert." See Clearfield County Local Rule 212.4(e).

28. Here, Plaintiff did not attach any medical expert report to her Pre-Trial Statement and to date, has not provided any report. Granted, Defendant was provided the December 2, 2003 report early in discovery of this matter. However, there has been no further report provided to address any treatment beyond December 2003. Plaintiff has failed to meet her burden to provide the necessary medical expert report to support her claims.

29. Moreover, Clearfield County Local Rule 212.4(f) further states that once the Pre-Trial Conference is held, a **party shall not have the right to call any witness or to**

call any expert witness where the report was not appended to the pre-trial statement. Here, no report was appended to Plaintiff's Pre-trial Statement. Thus, Plaintiff should be precluded from offering any medical expert testimony at trial. While Defendant did receive the December 2003 report early in discovery, as stated above it does not meet the requisite standard of admissibility and should likewise be precluded.

WHEREFORE, Defendants request this Honorable Court to grant this Motion in Limine and preclude any evidence of or testimony of Plaintiff-wife's injuries at the time of trial.

D. Plaintiff is precluded from offering any evidence of the full invoice amount of her medical bills at the time of trial when those bills have been paid in full by her private health insurance carriers?

30. To the extent Plaintiff is permitted to offer any medical evidence of her injuries at trial, she may only claim reimbursement for the amount paid by her private health insurance carrier, or the lien amount. The amount paid for her medical treatment, or the lien amount is \$28,607.99.

31. Pursuant to Moorhead v. Crozer Chester Medical Center, 564 Pa. 156 (2001), the Plaintiff may only claim the amount paid and accepted as payment in full for her medical treatment. Plaintiff is limited to pleading only the amount paid on his behalf by his health insurance because that amount was accepted by Plaintiff's medical providers as payment in full of their services. Moorhead v. Crozer Chester Medical Center, 564 Pa. 156, 765 A.2d 786 (2001).

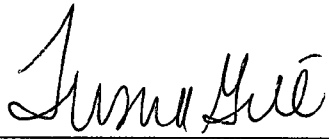
32. In this instance, the Plaintiff's health insurance carrier paid \$28,607.99 for her medical treatment and that amount was accepted by Plaintiff's medical providers as

payment in full for the treatment rendered. Thus, the only amount the Plaintiff may claim at trial is \$28,607.99.

WHEREFORE, Defendants request this Honorable Court to grant this Motion in Limine and preclude any evidence of or testimony of the invoice amount of Plaintiff-wife's medical bills at the time of trial.

Respectfully Submitted,

WALSH, COLLIS & BLACKMER, P.C.

By 

Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Walsh, Collis & Blackmer, P.C.

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Pamela V. Collis
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Anne M. Paul •

+ Admitted to Practice in Ohio and West Virginia
* Admitted to Practice in West Virginia
▪ Admitted to Practice in New Jersey

September 4, 2007

John Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Via Facsimile 724-349-8362

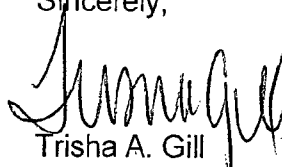
In Re: Audrey & C. Arthur Woods/Valarie Powers & Randell Powers
vs. James & Bernice Stellabuto et al.
Court No. : 2005-00276 CD
D/Loss : 3/7/03
Our File No. : 244

Dear Mr. Mack:

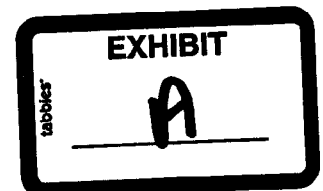
This will confirm that we have settled the Audrey & Arthur Woods' claims for a total of Ninety Thousand Dollars (\$90,000). Enclosed is a General Release that I ask you to review and if it meets your approval have your client sign the same.

Also, please advise how you would like the settlement draft issued. I typically request two drafts. The first draft I have issued is for payment of the lien and the second draft I have issued which is the remainder of the settlement amount issued to Plaintiffs and their counsel. Please advise if this is acceptable to you. Thank you.

Sincerely,


Trisha A. Gill

TAG/dls
Enclosure



GENERAL RELEASE

For the Sole Consideration of Ninety Thousand Dollars (\$90,000) the receipt and sufficiency whereof is hereby acknowledged, the undersigned, Audrey & Arthur Woods, hereby release and forever discharge James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof and Cincinnati Insurance Company, their heirs, executors, administrators, agents and assigns, and all other persons, firms or corporations liable or, who might be claimed to be liable, none of whom admit any liability to the undersigned but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action, rights, costs, loss of services, expenses, compensation or suits of any kind or nature whatsoever, which the undersigned now have or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen or unforeseen bodily and personal injuries and property damage and the consequences thereof resulting or to result from the accident, casualty or event which occurred on or about the March 7, 2003, at the Defendant's business located at 922 Beaver Avenue, Dubois, PA 15801. This includes any and all claims filed in the Court of Common Pleas of Clearfield County at Docket No. CD-2005-276.

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, their heirs, executors, agents and assigns.

The undersigned and John Mack, Esquire and Marcus & Mack warrant that there are two (2) liens being asserted relative to this matter, which are being asserted by the Boilermakers and Geisinger Gold. Furthermore, the undersigned and John Mack, Esquire and Marcus & Mack warrant that said liens will be satisfied in full. The undersigned and John Mack, Esquire and Marcus & Mack further warrant that there are no other known liens and, in any event, the undersigned and John Mack, Esquire and Marcus & Mack agree to defend, indemnify and hold harmless James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, the law firm of Walsh, Collis & Blackmer, P.C., and Cincinnati Insurance Company from any and all liens, including subrogation for Workers' Compensation benefits paid and/or payable to or on behalf of claimants and provider alike, along with all medical, State, and/or Federal benefits (including but not limited to liens asserted by or on behalf of Medicare, Medicaid and the Department of Public Welfare, regardless of whether the program is operated by a local, state or federal agency or government) paid and/or payable to and/or on behalf of the undersigned of any type that may act as a lien and/or claim against the amount paid pursuant to this settlement and General Release.

The payment made to us is upon our warranty that we have not received heretofore any consideration whatever for, nor have we released heretofore any person, firm or corporation from, any claim or liability for any injuries to person or property arising from said accident, and we agree to defend, indemnify and hold harmless James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof and Cincinnati Insurance Company of and from

any and all loss, claim, liability, cost or expense arising out of any claim against them or either of them for contribution by any alleged joint tortfeasor under the Uniform Contribution Among Tortfeasors Act of the Commonwealth of Pennsylvania.

The undersigned hereby declare that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid accident. The undersigned understand that the injuries and damages sustained and resulting therefrom may be uncertain and indefinite and that in making this release and agreement it is understood and agreed that the undersigned rely on their own belief and knowledge and that of their experts and other individuals whom they may have consulted as to the nature, extent and duration of the symptoms and injuries. The undersigned further intend to be legally bound by the promises herein contained.

The undersigned hereby accept draft or drafts as final payment of the consideration set forth above. The undersigned waive the provisions of Rule 229.1 of the Pennsylvania Rules of Civil Procedure and agree that said Rule is not applicable to the delivery of the aforesaid settlement funds.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or a statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

In Witness Whereof,

We have hereunto set our hand and seal this ____ day of _____, 2007.

In presence of:

Witness

Audrey Woods

Witness

Arthur Woods

**** Transmit Conf. Report ****

P.1

Sep 4 2007 16:57

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Walsh, Collis & Blackmer, P.C.

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FACSIMILE TRANSMISSION SHEET

TO: Brian Neiderhiser, Esquire
John Mack, Esquire

FAX: 724-349-8362

DATE: September 4, 2007

FROM: Trisha A. Gill, Esquire

RE: Our File No. 244

COMMENTS:

Number of Pages (including coversheet):

If there are any problems with this transmission, please contact: (412) 258-2255. Thank you.

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IN THE COURT OF COMMON PLEAS
OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS, and
C. ARTHUR WOODS, her
husband and VALERIE J.
POWERS and RANDELL T.
POWERS, her husband,
PLAINTIFFS

VS.

NO: 05-00276 CD

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM
STELLABUTO'S EVERYTHING
UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING
UNDER ONE ROOF, and
BEAVER GROVE CONDOMINIUM,
DEFENDANTS

ORIGINAL

DEPOSITION OF: KIMBERLY DUNLAP

TAKEN BY: DEFENDANTS

BEFORE: HEATHER GOSS BORING
NOTARY PUBLIC

DATE: FEBRUARY 15, 2006
2:00 P.M.

PLACE: HOLIDAY INN
DU BOIS, PA 15801

APPEARANCES:

MARCUS & MACK, PC
JASON E. MATZUS, ESQUIRE
57 SOUTH SIXTH STREET
INDIANA, PA 15701

APPEARING ON BEHALF OF THE PLAINTIFFS

WALSH, COLLIS & BLACKMER, PC
TRISHA A. ZAKEN, ESQUIRE
THE GULF TOWER, SUITE 1400
707 GRANT STREET
PITTSBURGH, PA 15219

APPEARING ON BEHALF OF THE DEFENDANTS

1 maybe two or three times.

2 Q Okay. In the one week prior to this
3 accident?

4 A Correct.

5 Q Okay. Do you recall what the weather
6 conditions were like a week prior to this accident?

7 A It was cold and snowy.

8 Q Did you see ice form anywhere else on the
9 sidewalk?

10 A No.

11 Q Prior to March of 2003, did you see this
12 occur, that being the water coming from the
13 downspout?

14 A No.

15 Q Okay. So your observations of the water
16 coming from the downspout and the ice forming from
17 the downspout across the sidewalk occurred roughly
18 one week prior to this fall?

19 A I would say one week, yes.

20 Q Okay. And you never spoke to
21 Mr. Stellabuto about your observations?

22 A I, personally, no.

23 Q And you did see salt put around the ice?

24 A Yes. Uh-huh. Yes.

25 Q I was provided an affidavit that you

1 Q Okay.

2 A Because the water would come over the base
3 and come out.

4 Q Okay. That's what I'm trying to get to.
5 So the crack was in the actual downspout itself, not
6 on the covering at the bottom of the downspout?

7 A No.

8 Q Okay.

9 (Discussion held off record.)

10 BY MS. ZAKEN:

11 Q Now, the day of this accident, March 7th,
12 2003, do you have a recollection of what the weather
13 conditions were like on the day of this accident?

14 A There had been a period of like freezing
15 rain. It was, it was very icy, the parking lot was
16 icy, the sidewalks were icy.

17 Q Do you recall seeing plow trucks out or
18 salt trucks out on the road as you came in to work
19 that morning?

20 A There were salt trucks out.

21 Q Okay. Do you recall if there were any
22 weather advisories issued?

23 A No, I couldn't say.

24 Q And you parked at the back of the
25 building?

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

AUDREY J. WOODS and *
C. ARTHUR WOODS, her *
husband, and VALERIE *
J. POWERS and RANDELL *
T. POWERS, her husband, *

Plaintiffs

*Case No.

vs.

*2005-00276CD

JAMES G. STELLABUTO and *
BERNICE A. STELLABUTO, *
husband and wife, *
i/t/d/b/a JIM *
STELLABUTO'S EVERYTHING *
UNDER FOOT, INC., and/or *
JIM STELLABUTO'S *
EVERYTHING UNDER ONE *
ROOF, and BEAVER GROVE *
CONDOMINIUM, *
Defendants *

COPY

DEPOSITION OF
JAMES G. STELLABUTO
September 1, 2005

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by the certifying agency.

1 towards the trees.

2 Q. I don't understand when you say
3 shovel it away 26 feet.

4 A. Well, in front of the buildings
5 there's dual parking with a center
6 road, ten --- approximately ten feet,
7 ten feet, ten feet, maybe it works out
8 to be 30-something feet. If there was
9 anything that was pushed from the
10 sidewalk, it would then have to be
11 taken from the area where the cars
12 would be, so you push it across the
13 concrete to where there is a grassy
14 area or where the plows put the snow.

15 Q. Okay.

16 A. There was nowhere to put snow in
17 front of the building because of
18 parking areas.

19 Q. So you'd shovel it to the grassy
20 area behind the parking area?

21 A. Yes.

22 Q. Okay. Now, with respect to the
23 base of the downspouts, had you ever
24 seen --- before this fall, had you ever
25 seen, sir, ice form on the base of

1 those downspouts?

2 A. Yes.

3 Q. On how many occasions?

4 A. In 14 --- in 12 years? Is that
5 what you're asking me, 12 years?

6 Q. However long you were at the
7 property, yes. I thought earlier it
8 might have been 14 years?

9 A. Well, up to two years ago.

10 Q. Okay.

11 A. It was 14 years that I was there
12 and 12 years up to approximately the
13 date of the accident. I would say a
14 couple times a winter at least.
15 Sometimes maybe three. Two to three
16 times. The actually forming at the
17 base?

18 Q. Yes.

19 A. Very minimal, which I classify
20 as minimal being a couple to three
21 times, I guess.

22 Q. Okay. And would you similarly
23 knock it off with your hand or what
24 would you do to remove ice that formed
25 at the base of a gutter?

1 A. You'd use an ice chipper and
2 then salt the area.

3 Q. And we're talking that area of
4 the downspout that goes into the
5 concrete sidewalk; correct?

6 A. Correct.

7 Q. Okay. Did you use the same ice
8 chipper that you used when you were
9 generally clearing ice from the
10 sidewalk?

11 A. Of course.

12 ATTORNEY ZAKEN:

13 Can I stop right here?

14 ATTORNEY MATZUS:

15 Sure.

16 ATTORNEY ZAKEN:

17 The coffee's getting to
18 me. I need to use the lady's
19 room.

20 SHORT BREAK TAKEN

21 BY ATTORNEY MATZUS:

22 Q. Just picking up where we left
23 off, we were talking about ice forming
24 on the base of the downspout, where it
25 goes into the sidewalk. You said it

1 forms two to three times per winter,
2 and on those occasions when you notice
3 it, you would take an ice chipper, chip
4 it off and then salt the area; correct?

5 A. Correct.

6 Q. Okay.

7 A. The ice was also formed
8 throughout the area on the sidewalk,
9 just a little more there than there was
10 in the rest of the area.

11 Q. Do you have any idea why more
12 ice would form on the downspout or the
13 base of the downspout as opposed to the
14 rest of the sidewalk area?

15 A. Water passing through.

16 Q. Did ice form either on the
17 downspout or the base of it because
18 water leaked out of the gutter or base
19 onto the surface?

20 A. I don't think it actually leaked
21 out of it. I think it just was created
22 by that particular point of where water
23 --- where the water was --- when water
24 goes down, it's got to take a 90-degree
25 turn to get out --- get away from there

1 and/or go down further and then to a 90
2 degree. I think just the general
3 thought is, as the temperature
4 conditions being below 32, and
5 sometimes being below zero, that would
6 be the time that the conditions were
7 worse. When you were down in the very,
8 very low numbers, and of course that is
9 the way the highways and the byways and
10 the sidewalks --- it's not an abnormal
11 situation to my viewing.

12 Q. Okay.

13 A. It's not abnormal, just the
14 conditions that release water.

15 Q. Did you ever check the gutters
16 or the base to see if they leaked
17 water?

18 A. I didn't notice water there when
19 it rained.

20 Q. Aside from not noticing any
21 water leaking out when it rained, did
22 you ever affirmatively go to each
23 gutter and base and check the seams,
24 check the attachment points, check any
25 caulking to see if there were any

1 leaks?

2 A. I had caulking in general done
3 by a contractor at one point, and my
4 assumption is that anywhere that he
5 would have thought that he should have
6 done it --- at that point, I'm sure it
7 wasn't raining, so --- no, no other
8 time.

9 Q. Okay. Aside from the caulking
10 you had done by the contractor, did you
11 ever personally caulk any of the seams
12 or attachment points of the gutters?

13 A. No need to.

14 Q. Do you recall when that caulking
15 work was done?

16 A. No.

17 Q. Was it before or after this fall
18 on March of 2003?

19 A. I'm sure it would have been done
20 before. Was it caulked to the gutters?
21 I wouldn't know that. I was there for
22 --- I had caulking done to the windows.

23 Q. Oh, to windows?

24 A. Yes.

25 Q. Okay. Not to the gutters?

1 A. That's correct.

2 Q. So you don't know if any
3 caulking had been done to the gutters
4 since you at least owned it?

5 A. I would assume there was never
6 any caulking done to the gutters since
7 the time I've owned it.

8 Q. And that would --- when I say
9 gutters, I'm talking about obviously
10 the downspouts into the base; correct?

11 A. Correct.

12 Q. Okay.

13 A. There was no maintenance done to
14 the gutters except for a appearance
15 factor from the time I leased the
16 building to the time I owned the
17 building to present.

18 Q. When you say except for the
19 appearance factor, is that the time
20 when you ---?

21 A. Just colored, colored.

22 Q. You had ---?

23 A. It was dull brown and it looked
24 faded.

25 Q. And as a result of that, you had

1 them replaced?

2 A. That's the only reason, yes.

3 Q. Okay. Now, at any point in time
4 during the period you owned the
5 building or even before that when you
6 were a tenant, did you ever notice that
7 as a result of condensation on the
8 downspout and/or the base of the
9 downspout where it goes into the
10 sidewalk, water would run from the
11 downspout area across the sidewalk?

12 A. Yes, I've seen that.

13 Q. How frequently would you notice
14 that condition?

15 A. Minimal, you know, two to three
16 times a year.

17 Q. Did you do anything to prevent
18 water running from the downspout or
19 base across the sidewalk?

20 A. Water running across it, no. If
21 ever there was water in the winter
22 there, there was an absolute heavy
23 amount of salt, rock salt, put in any
24 area that appeared to be dangerous,
25 like the wheelchair accessible areas,

1 ramps, entrances to doors, any obvious
2 area that seemed as if it needed it.
3 Because of the way the wind blew, it
4 blows from the Beaver Drive area
5 towards building number three, so
6 excessive wind, snow, rain, sleet,
7 comes from the direction of northwest
8 towards southeast, I believe it is.
9 The sun sets in the east --- west.

10 Q. Yes, I think it rises in the
11 east and ---.

12 A. That area --- excuse me while I
13 take that last piece. So here comes
14 the wind from that direction came
15 shooting straight ahead. If you walk
16 from my building towards the mailbox,
17 which was attached to building number
18 one, the wind blew that way, so there
19 was an excessive amount of moisture
20 coming from that way.

21 Q. With respect to water running
22 across the walkway in the winter, would
23 you salt the areas where the water ran
24 across?

25 A. Yes. And would I salt the

1 entire sidewalk? Yes. I absolutely
2 put anywhere from a quarter of an inch
3 or the height of a piece of rock salt
4 to layers of it continually on my
5 walks.

6 Q. By continually, how often would
7 you salt the walkway? Would it mean
8 ---?

9 A. Daily as needed.

10 Q. Would that be once, would it be
11 twice or could it ---?

12 A. As needed.

13 Q. Okay. No specific number of
14 times that you can recall?

15 A. No.

16 Q. What's the fewest number of
17 times you recall salting the walkway
18 and what's the most number of times you
19 recall salting the walkway on any given
20 day?

21 A. Pertaining to conditions, if
22 there was no ice or snow on the
23 sidewalk and there was no area of ice,
24 it would be minimal in the winter of, I
25 believe, one.

1 Q. Okay.

2 A. And the maximum of infinity.
3 Continually.

4 Q. Well, I mean, Mr. Stellabuto
5 ---?

6 A. Four times. Let's say four,
7 six, eight. Some days you had to salt
8 --- you know, you had to salt because
9 it's snowing and blowing out. We
10 didn't close our stores, other business
11 --- unless the power went out, my
12 businesses had to stay open. I'm
13 supplying --- I have to receive product
14 and I had many subcontractors picking
15 up merchandise, so I was there. I
16 didn't leave my building even if the
17 business closed down.

18 Q. So as few as zero and as many as
19 perhaps eight?

20 A. No, as few as zero meaning,
21 there's no conditions created.

22 Q. Correct.

23 A. One meaning if the conditions
24 did it, the salt still went out in
25 front of the walkways, the ramps and

1 any area that appeared to need that.

2 Q. Okay.

3 A. We salted as often --- weather
4 conditions are this, that having
5 somebody come to my store after hours
6 was just as important as it would be
7 during working hours. We --- none of
8 our businesses were all open at the
9 same time and closed at the same time,
10 so because situations were you might
11 throw down a scoop of salt because you
12 saw that it might need it.

13 Q. Well, let me ask you this. If
14 you were going to be open --- you were
15 going to have people come to your
16 store, and you felt salt needed to be
17 applied, would it be fair to say you
18 just applied it to where the people
19 were going to be coming to your store?

20 A. No.

21 Q. Or you walk the whole walkway
22 and apply the salt?

23 A. I was pretty particular about
24 it. I worked --- to let me iterate.

25 Q. Sure.

1 A. The last three to four years,
2 except for a very rare occasion, I've
3 been at my store nearly every day,
4 since 2001.

5 Q. Okay.

6 A. 2001 was a very bad year for
7 business because of the 9/11 and I
8 particularly was at my store for the
9 last --- since 2001 nearly every day of
10 my life and particular reports was the
11 beauty and the --- I checked doors. I
12 actually checked doors on my stores,
13 whether it was mine or not, make sure
14 they were locked, someone didn't leave
15 one open.

16 Q. And again, not I'm not trying to
17 beat a dead horse, with respect to
18 salting of the walkway, ---?

19 A. I was never negligent of keeping
20 the sidewalks as best as any person
21 could who was at that location every
22 day.

23 Q. Okay. I appreciate that answer.
24 But with respect to the salting of the
25 sidewalk, your store's still open and

1 let's assume that the State Farm is
2 closed and let's assume that Doctor
3 Bellomo's office is closed, are you
4 saying that if you felt salt needed to
5 be applied, you would apply salt all
6 along the walkway that serves ---?

7 A. On Sundays, I was there salting.
8 On Sundays when nobody was open and I
9 wasn't obligated.

10 ATTORNEY ZAKEN:

11 Just answer his question.

12 A. I'm sorry. Yes.

13 BY ATTORNEY MATZUS:

14 Q. Okay.

15 A. Yes.

16 Q. So you would, even if those
17 businesses were closed, you would still
18 salt the walkway out in front of it if
19 you felt the conditions warranted the
20 salting in the first place?

21 A. Yes.

22 Q. Okay. Fair enough. Would you
23 agree that if the drainpipe and
24 downspout and base leaked water, that
25 would be something that needed to be

1 IN THE COURT OF COMMON PLEAS
2 OF
3 CLEARFIELD COUNTY, PENNSYLVANIA

4 AUDREY J. WOODS, and
5 C. ARTHUR WOODS, her
6 husband and VALERIE J.
7 POWERS and RANDELL T.
8 POWERS, her husband,
9 PLAINTIFFS

ORIGINAL

VS.

NO: 05-00276 CD

10 JAMES G. STELLABUTO and
11 BERNICE A. STELLABUTO,
12 husband and wife, JIM
13 STELLABUTO'S EVERYTHING
14 UNDER FOOT, INC., and/or
15 JIM STELLABUTO'S EVERYTHING
16 UNDER ONE ROOF, and
17 BEAVER GROVE CONDOMINIUM,
18 DEFENDANTS

DEPOSITION OF: JOHN KNESS

TAKEN BY: DEFENDANTS

BEFORE: HEATHER GOSS BORING
NOTARY PUBLIC

DATE: FEBRUARY 15, 2006
1:00 P.M.

PLACE: HOLIDAY INN
DU BOIS, PA 15801

APPEARANCES:

20 MARCUS & MACK, PC
21 JASON E. MATZUS, ESQUIRE
22 57 SOUTH SIXTH STREET
INDIANA, PA 15701

APPEARING ON BEHALF OF THE PLAINTIFFS

23 WALSH, COLLIS & BLACKMER, PC
24 TRISHA A. ZAKEN, ESQUIRE
25 THE GULF TOWER, SUITE 1400
707 GRANT STREET
PITTSBURGH, PA 15219

APPEARING ON BEHALF OF THE DEFENDANTS

1 March 7th?

2 A Yes.

3 Q Could you give me the names of those
4 employees?

5 A Janet McFall, M-C-capital F-A-L-L.

6 Q Okay.

7 A I'm not quite sure who was there other
8 than -- I believe Wendy Richards was still employed
9 at that time. I would have to look at the records.

10 Q That's okay. I'm just...

11 A And Eric Adamson. I think they were
12 employed through that period, but I can double-check
13 that for you.

14 Q You say the times that you actually are
15 physically in your office varied. Were you there on
16 a weekly basis?

17 A Oh, daily.

18 Q Oh, a daily basis?

19 A Yeah.

20 Q Okay.

21 A Yeah, I was there daily.

22 Q You'd at least check in on a daily basis?

23 A Yes.

24 Q Okay. During the time that you were a
25 tenant in this building, did you ever notice

1 problems with snow or ice on the sidewalks?

2 A Could you define "problems"?

3 Q Sure. Well, let me ask you this. Did you
4 have any problems yourself walking across the
5 sidewalk in front of the building because of snow
6 and ice?

7 A No.

8 Q Did you ever notice any problems with ice
9 accumulating on the sidewalk in front of this
10 building?

11 A Other than what I would consider normal,
12 no.

13 Q Okay. That was my next question.

14 A Oh, sorry.

15 Q That's fine. The ice that you did see
16 accumulate on the sidewalk, would that be consistent
17 with other areas around Du Bois?

18 A I would say yes.

19 MR. MATZUS: Wait.

20 MS. ZAKEN: That was a bad question.

21 MR. MATZUS: Yeah. Objection as to the
22 form. Are you talking about, Trish -- I don't know
23 if there's been any foundation, at least not looking
24 at other commercial properties --

25 MS. ZAKEN: Okay. Fair enough.

1 MR. MATZUS: -- sidewalks, things of that
2 nature.

3 MS. ZAKEN: Sure.

4 BY MS. ZAKEN:

5 Q Mr. Kness, you said earlier that you did
6 notice ice on the sidewalk in front of this
7 building?

8 A Yes.

9 Q Okay. When you noticed this ice on the
10 sidewalk, would it be any different than what you
11 would expect that you would see at any other
12 businesses in the area?

13 A No.

14 Q Okay. Do you recall ever complaining to
15 Mr. Stellabuto about the maintenance of the
16 sidewalk?

17 MR. MATZUS: Well, Trish, when you say
18 "maintenance," is your definition of maintenance
19 including issues concerning snow accumulation, ice
20 accumulation, water freezing across the walkway from
21 drain pipes, things of that nature?

22 MS. ZAKEN: Yep. Anything.

23 MR. MATZUS: Okay.

24 A Restate that.

25 BY MS. ZAKEN:

1 Q Sure. Did you ever complain to
2 Mr. Stellabuto about any problems of maintenance of
3 the sidewalk?

4 A No.

5 Q Did you ever notice any problems with
6 water leaking from the downspouts on the building?

7 A Yes.

8 Q And what did you observe?

9 A Well, in the summertime, during heavy
10 rain, there would possibly be water outside the
11 downspout areas.

12 Q Did you ever make any complaints to
13 anybody about that?

14 A No.

15 Q Okay.

16 A I actually didn't have a downspout near my
17 office.

18 Q You did not have a downspout near your
19 office?

20 A No, I don't believe so.

21 Q I have some photographs here that were
22 taken, and I'm going to ask you to take a look at
23 them.

24 MS. ZAKEN: These are pictures that you
25 took.

1 ice was from a downspout that had
2 been leaking at the sidewalk level
3 for at least one month prior to
4 March 7th, 2003."

5 Did you see the downspout leaking for one
6 month prior to March 7th, 2003?

7 A I can't say that I saw it leaking for a
8 month. It was a downspout that would leak during
9 heavy rain, but I didn't go get the mail every day,
10 so I don't know that it leaked every day.

11 Q Okay.

12 A I will tell you that the mailbox is up
13 here on the corner of the other building, so it was
14 a traveled route every day. You can see that
15 mailbox up there.

16 Q Okay. Did you ever observe ice form
17 around this downspout?

18 A Yes.

19 Q Okay. Could you describe for me what that
20 ice looked like when you saw it?

21 A (No response.)

22 Q Was it smooth, was it rough, was it --

23 A Okay. I'd say it was smooth around the
24 edging of the downspout.

25 Q Did it span across the sidewalk?

1 A Possibly.

2 Q Moving to Paragraph Number 7 of
3 Ms. Dunlap's affidavit, which I also believe you
4 incorporate in your affidavit, the first sentence
5 says: The above water and ice condition was
6 evident and in existence on many
7 occasions prior to the accident."

8 Could you give me a number of occasions
9 that you saw the water and ice condition prior to
10 March 7th, 2003?

11 A I don't know that I can give you a set
12 number. I'm sure that it had been there a couple of
13 times, but as far as, you know, a certain number of
14 days, I cannot comment on that.

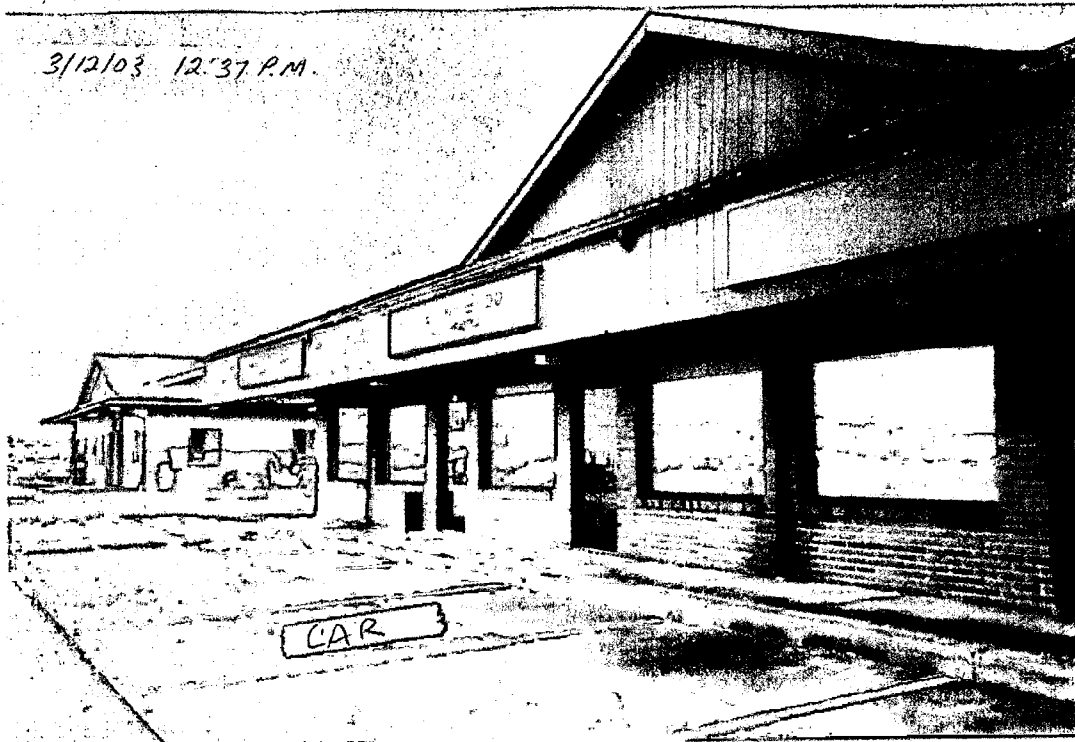
15 Q Okay. When you say it was there a couple
16 of times, are you talking about the water leaking
17 from the downspout or the ice?

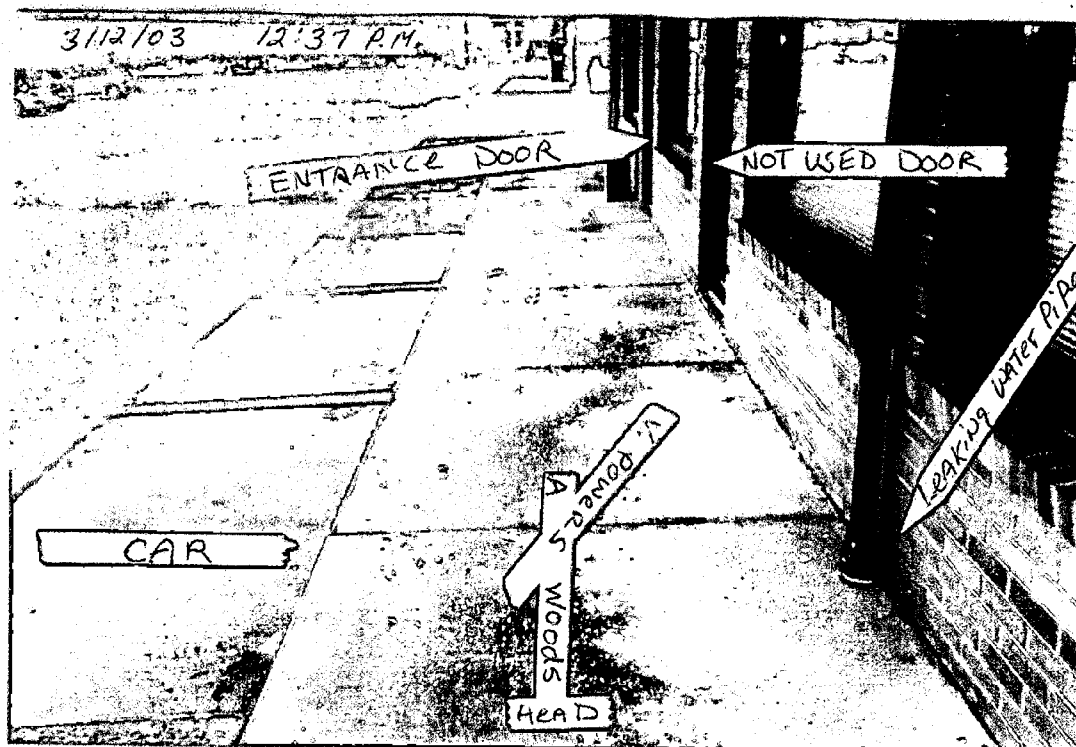
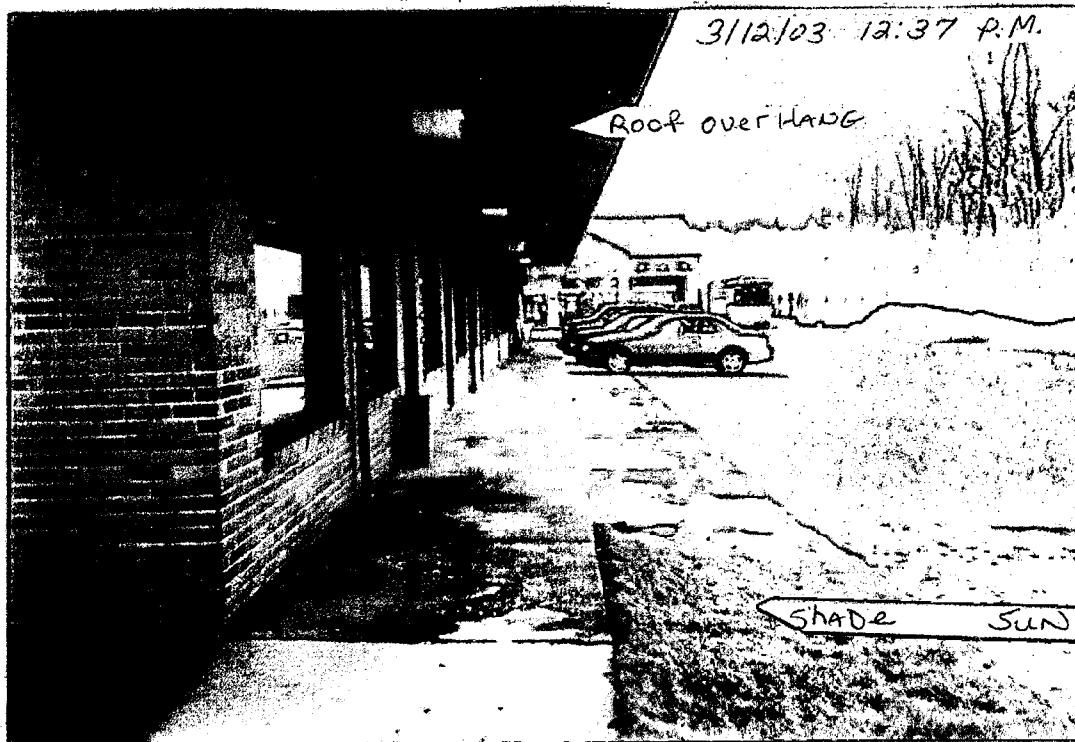
18 A Well, in the summertime it would be the
19 water.

20 Q Okay.

21 A In the winter, it would be an ice
22 formation.

23 Q Okay. And when you refer to a couple
24 times, are you referring to in total seeing water or
25 ice, or a couple times you saw water, and a couple





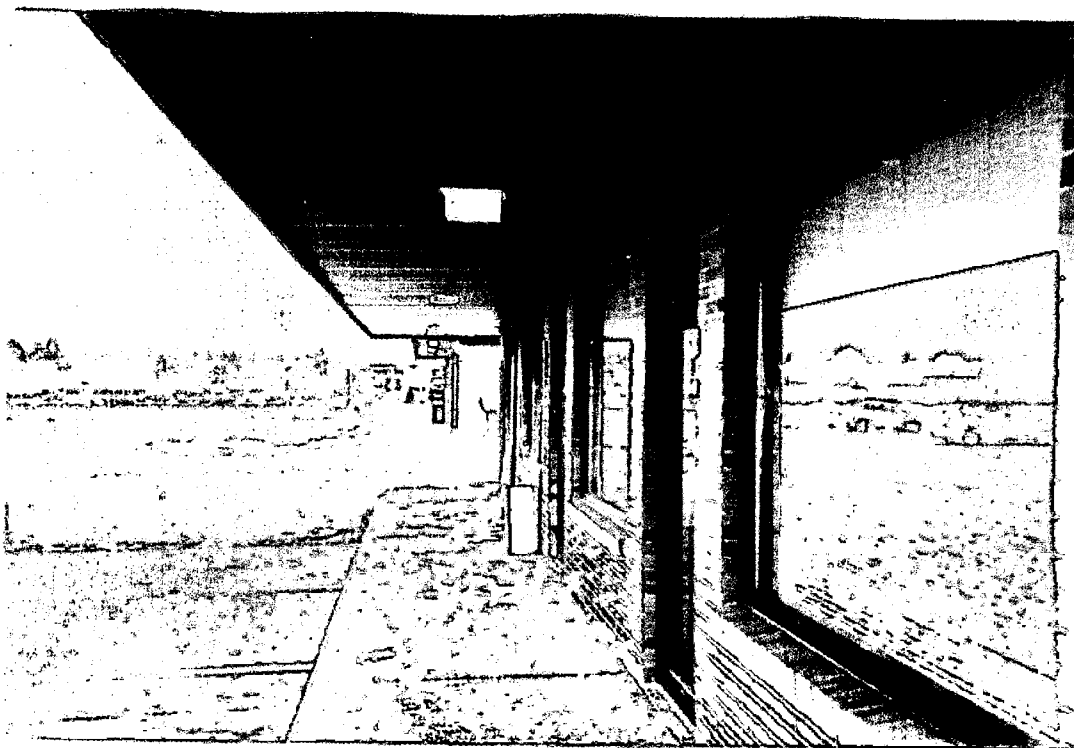
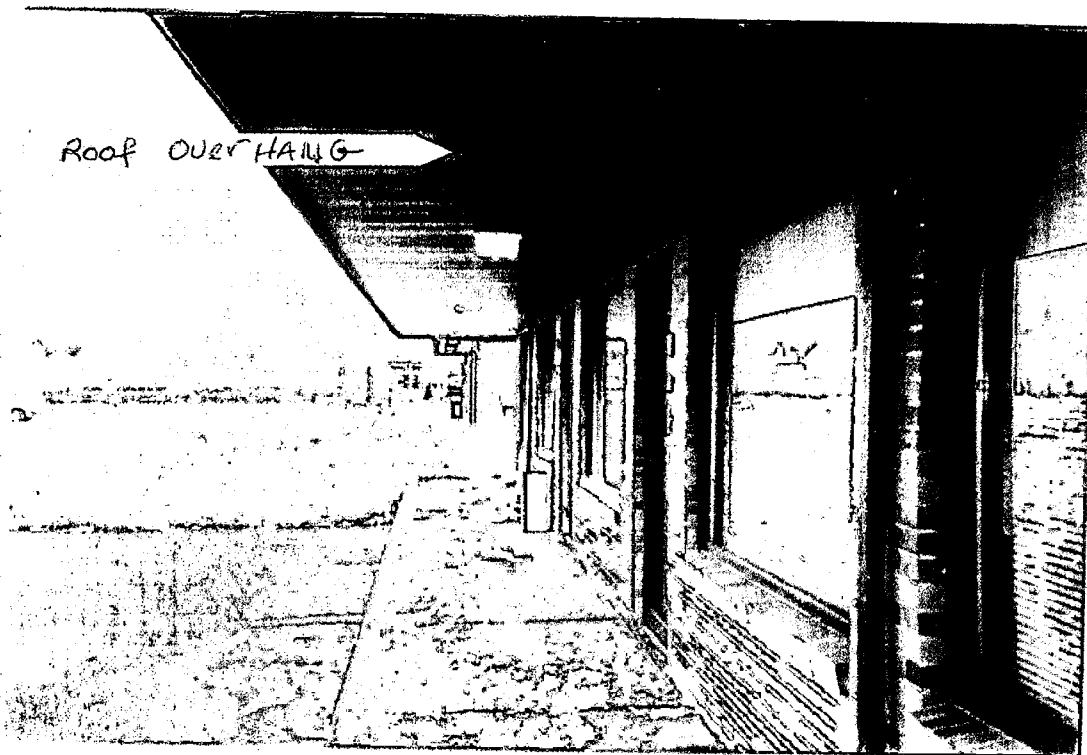
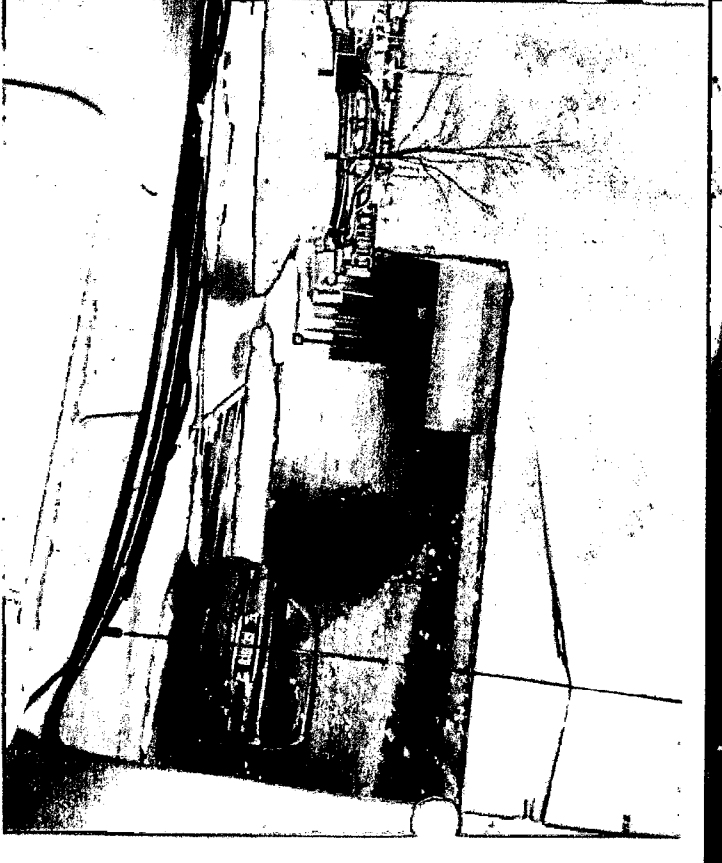
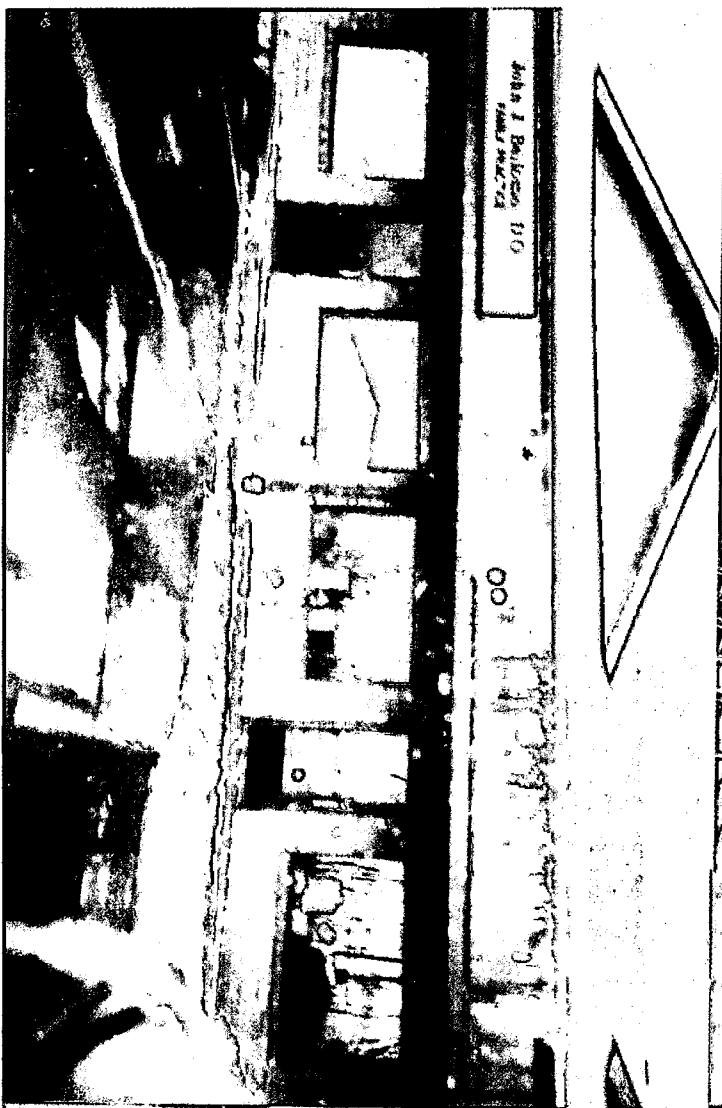
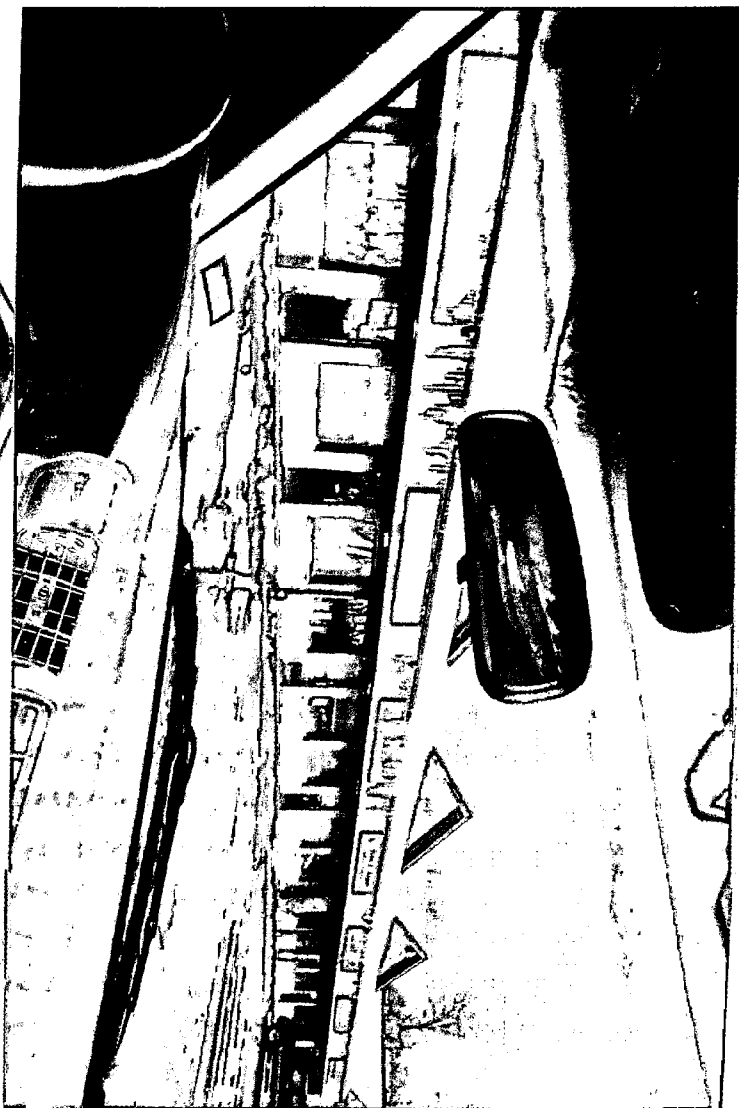
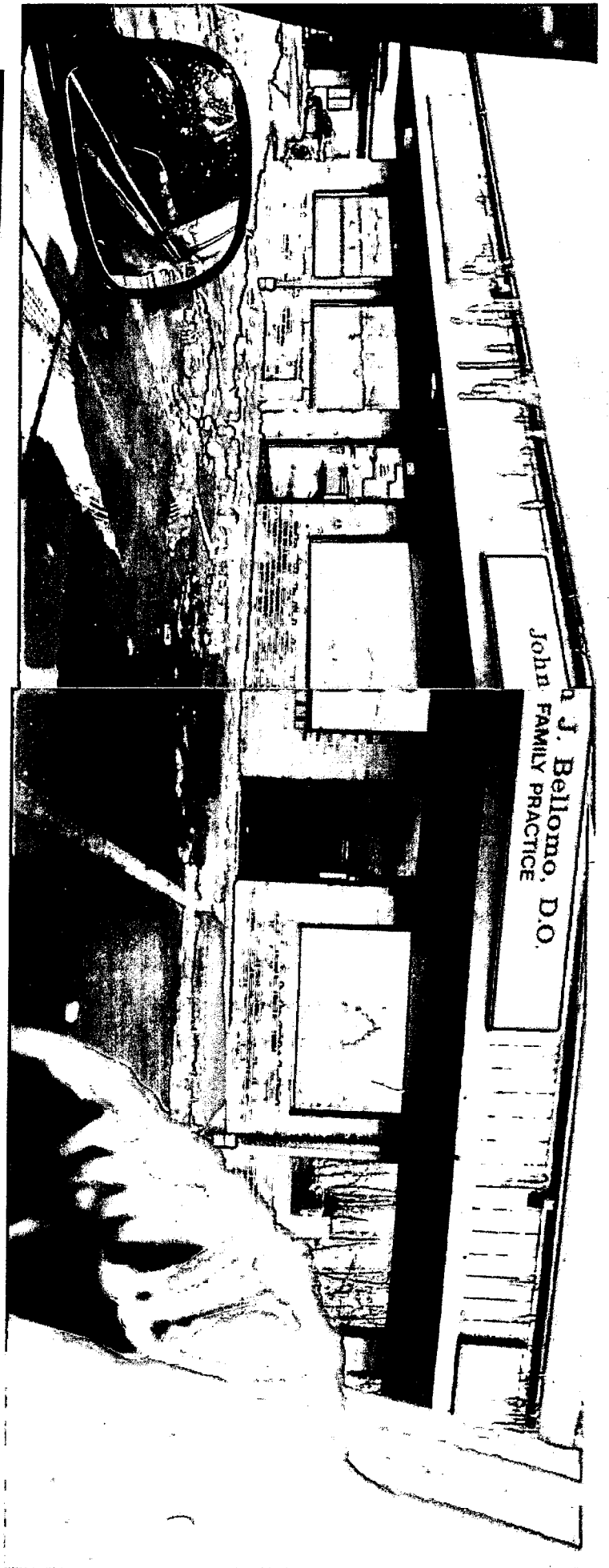






EXHIBIT
F





B BLAIR
ORTHOPEDIC
ASSOCIATES
& SPORTS MEDICINE

<http://www.blairortho.com>

- ANDREW W. GURMAN, M.D.
- JOSHUA PORT, M.D.
- ANGELA W. ROWE, D.O.
- CHARLES J. HARVEY, D.O., F.A.O.A.O.
- ROBERT J. SINGER, D.O.
- GREGORY J. FULCHIERO, M.D.
- MICHAEL W. MOLTER, D.O.

December 2, 2003

RE: Valerie J. Powers
SSN: 161-46-0803
DOB: 10/17/57
DOL: 3/7/03

Robert S. Marcus, Esquire
Marcus & Mack
57 South Sixth Street
Indiana, PA 15701

Dear Mr. Marcus:

In response to your recent request for information regarding the above captioned patient:

Ms. Powers is a 45 year old right hand dominant female homemaker who I first saw on August 18, 2003 upon referral from Dr. Mark Piasio, an orthopedic surgeon in Dubois for injuries to both wrists which occurred in March of 2003 when she fell on the ice. She landed on both palms and had complained of pain in both wrists since falling. She did not have any wrist pain prior to her fall and had no previous history of musculoskeletal injury of significance.

She underwent MRI scanning of both wrists and arthrograms of both wrists. The arthrograms showed intercarpal ligament tears in both wrists and the MRI showed avascular necrosis of the left lunate (Kienbock's disease). She underwent radial shortening osteotomy of the left wrist on October 28, 2003 and is in the process of early recovery from that surgery.

With respect to the specific questions posed in your letter:

History is that she slipped and fell in March of this year.

Diagnoses are intercarpal ligament tears both wrists, Kienbock's disease left wrist.

Etiology: Absent any other history of trauma, the intercarpal ligament tears would appear to be related to her fall. It is too early to tell whether or not these tears will require treatment. There are a number of possible surgical treatments for internal derangements of the wrist including limited intercarpal arthrodesis, soft tissue stabilization, and ligament reconstruction. All procedures have some limitations including a failure rate. All procedures do cause limitation of grip strength and motion, even under the best of circumstances. All procedures require an immobilization postoperatively. In addition, a second diagnosis is avascular necrosis, or Kienbock's disease, of the left lunate. The patient does not report having had any symptoms of this condition prior to her fall.

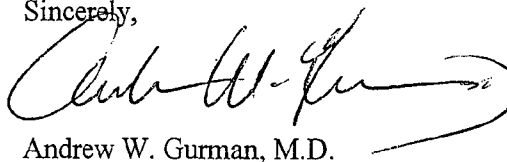
RE: Valerie Powers

Page 2

Prognosis is difficult to assess at this point. It is unpredictable whether or not the lunate will go on to collapse after this surgery and whether or not collapse will become symptomatic. It is also too early to tell whether or not the intercarpal ligament tears will result in clinically significant instability of the wrists.

I trust you find this information useful. Please do not hesitate to contact me if you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew W. Gurman", with a large, sweeping flourish at the end.

Andrew W. Gurman, M.D.

AWG/kjs

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

AUDREY J. WOODS and *
C. ARTHUR WOODS, her *
husband, and VALERIE *
J. POWERS and RANDALL *
T. POWERS, her husband, *

Plaintiffs

*Case No.

vs.

*2005-00276CD

JAMES G. STELLABUTO and *
BERNICE A. STELLABUTO, *
husband and wife, *
i/t/d/b/a JIM *

STELLABUTO'S EVERYTHING *
UNDER FOOT, INC., and/or*
JIM STELLABUTO'S *
EVERYTHING UNDER ONE *
ROOF, and BEAVER GROVE *
CONDOMINIUM, *

Defendants *

COPY

DEPOSITION OF

AUDREY WOODS

September 1, 2005

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is prohibited without authorization
by the certifying agency.

1 your fall?

2 A. We usually park right in front
3 of the door, but we didn't this day
4 because there was no places. It was
5 late enough, you know, since I had went
6 to the hairdresser, there wasn't any
7 room.

8 Q. So there were a lot of cars in
9 the parking lot?

10 A. Uh-huh (yes).

11 Q. Yes?

12 A. Yes.

13 Q. And the vehicle that you drive,
14 if you --- when you drive, is it a
15 handicap accessible vehicle?

16 A. No.

17 Q. The vehicle that was driven by
18 Valerie on the day of this incident,
19 was it your vehicle or her vehicle?

20 A. It was hers.

21 Q. And is that a handicap
22 accessible vehicle?

23 A. No.

24 Q. Okay. All right. When you
25 parked in front of the building, could

1 you tell me how you walked onto the
2 sidewalk

3 A. Okay. We stopped and I got out
4 on the street and I went and stepped up
5 on the sidewalk. And that was the last
6 I remember.

7 Q. Okay. Do you remember if you
8 took any steps after you stepped up
9 onto the sidewalk?

10 A. I evidently did a couple, but I
11 don't remember anything of it.

12 Q. When you stepped up onto the
13 sidewalk, were you holding onto
14 Valerie?

15 A. No.

16 Q. You were walking on your own?

17 A. Oh, yeah.

18 Q. Did you have anything in your
19 hand?

20 A. My purse.

21 Q. When you were approaching the
22 sidewalk and stepping up on the
23 sidewalk, you said you were coming from
24 the street. Do you mean the parking
25 lot?

- 1 A. Yes, just beside it.
- 2 Q. Did you notice any snow or ice
3 on the parking lot?
- 4 A. No.
- 5 Q. As you walked up to the sidewalk
6 and onto the sidewalk, were you able to
7 look at the sidewalk?
- 8 A. I really didn't, because you
9 don't --- you know, you just ---.
- 10 Q. You don't recall?
- 11 A. No.
- 12 Q. You don't recall seeing anything
13 out of the ordinary?
- 14 A. No.
- 15 Q. Do you recall seeing any people
16 walking by?
- 17 A. No.
- 18 Q. I see you're wearing glasses
19 today?
- 20 A. Oh, yeah.
- 21 Q. Is that for nearsightedness or
22 farsightedness?
- 23 A. Nearsighted.
- 24 Q. Nearsighted. Do you know if you
25 had them on, on the day of this fall?

1 A. Oh, yes, I had them on.

2 Q. You did. Who is your
3 optometrist?

4 A. Well, I go to Sears and then
5 it's that doctor there, but I'm not
6 sure what his name is.

7 Q. Okay. I also was provided some
8 records from your attorney from Laurel
9 Eye Clinic?

10 A. Oh, yeah.

11 Q. Is that ---?

12 A. That is my surgery.

13 Q. Glaucoma, okay. Now, according
14 to the records of Doctor Bellomo that I
15 received on March 7th, 2003, at least
16 as far as the notes say that you were
17 scheduled for an evaluation of leg
18 soreness and burning on the day of this
19 fall.

20 A. Yes.

21 Q. What was it that was ---?

22 A. It was an ulceration from the
23 ---.

24 Q. I'm sorry?

25 A. Ulceration from diabetes, but it

1 was pretty well healed. He had
2 doctored me for it.

3 Q. Okay. And where was that
4 located?

5 A. On my leg.

6 Q. Which leg?

7 A. Right.

8 Q. Now, you just told me that you
9 don't remember anything after you
10 stepped up onto the sidewalk.

11 A. No.

12 Q. What is your first memory after
13 this fall? Were you lying on the
14 sidewalk? Was it, you know, in a
15 hospital? Was it at home?

16 A. Well, when I got to the
17 hospital, I guess that was it.

18 Q. Do you remember getting to the
19 hospital?

20 A. Yeah, but I don't remember
21 where, how or --- you know.

22 Q. Do you have a specific
23 recollection of feeling any type of
24 pain?

25 A. No. I just went out.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, 2007, after consideration of Defendant's Motions in Limine, it is hereby ORDERED, ADJUDGED AND DECREED that Defendants' Motions in Limine are hereby Granted. Plaintiffs are precluded from offering evidence at the time of trial as follows:

1. Plaintiffs are precluded from offering any evidence or testimony regarding the Audrey Woods and Arthur Woods' fall down claim, including testimony from Audrey Woods or Arthur Woods;
2. Plaintiffs are precluded from offering any evidence or testimony regarding subsequent remedial measures taken by the Defendant, including the February 2004 photographs;

3. Plaintiffs are precluded from offering any evidence or testimony from Dr. Gurman at the time of trial; and,

4. Plaintiffs are precluded from offering any evidence pertaining to the billed or invoice amount of Plaintiff's medical bills at trial.

BY THE COURT:

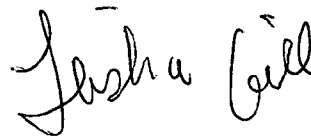
J.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
DEFENDANTS' MOTION IN LIMINE AND BRIEF IN SUPPORT has been mailed by
U.S. Mail to counsel of record via first class mail, postage pre-paid, this 7 day of
September, 2007.

Jonathan Mack, Esquire
Brian Neiderhiser, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By 

Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

CPA

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

AUDREY J. WOODS and C. ARTHUR :
WOODS, her husband, and VALERIE :
J. POWERS and RANDELL T. :
POWERS, her husband :

vs.

No. 05-276-CD

JAMES G. STELLABUTO and :
BERNICE A. STELLABUTO, husband :
and wife, JIM STELLABUTO'S :
EVERYTHING UNDER FOOT, INC., :
and/or JIM STELLABUTO'S :
EVERYTHING UNDER ONE ROOF :

ORDER

AND NOW, this 12 day of September, 2007, it is the ORDER of
the Court that argument on Defendants' Motions in Limine, Motion to Amend Case
Caption, and Motion for Judicial Notice of Climatological Data, all filed in the above-
captioned matter, have been scheduled for **Wednesday, September 26, 2007 at 1:30**
P.M., before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding in
Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

It is the responsibility of the Petitioner to serve certified copy of said
scheduling Order on the Plaintiff's Counsel.

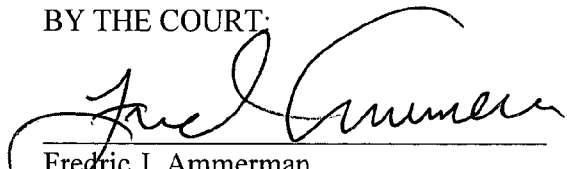
FILED

010-30801
SEP 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

3CC
Alys Gill
Wallace
OK

BY THE COURT:


Fredric J. Ammerman
President Judge

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

Plaintiffs,

JURY TRIAL DEMANDED

vs.

**PLAINTIFFS' MOTIONS
IN LIMINE**

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

PLAINTIFFS' MOTIONS IN LIMINE

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS
PARTY:

Bryan S. Neiderhiser, Esquire
Sup. Ct ID 81496
Marcus & Mack, P.C.
57 South 6th Street
P.O. Box 1107
Indiana, PA 15701

FILED
SEP 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.


JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

SCHEDULING ORDER

AND NOW, this 18th day of September, 2007, it is hereby ORDERED,
ADJUDGED and DECREED that a hearing is scheduled on the within Plaintiffs' Motions in
Limine on the 26th day of September, 2007, at 1:30 p.m. before the Honorable John K. Reilly,
Jr., Senior Judge, Specially Presiding in Courtroom No. 2, at the Clearfield County Courthouse,
230 E. Market Street, Clearfield, Pennsylvania.

BY THE COURT:

 J.

FILED

SEP 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

acc
04:00 PM
Atty Neiderhiser
ES

FILED

SEP 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/18/07

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

PLAINTIFFS' MOTIONS IN LIMINE

AND NOW, come the Plaintiffs, by and through undersigned counsel, and file the within
Plaintiffs' Motions in Limine and in support thereof aver as follows:

I. FACTUAL BACKGROUND

1. This is an action for injuries and damages resulting from a slip and fall incident which
occurred on the Defendants' property on March 7, 2003.

2. Specifically, Valerie Powers and Audrey Woods were present at the Defendants'
business premises which was configured in a strip mall design that housed several tenants.
Valerie Powers was escorting her mother, Audrey Woods, to an appointment with Dr. Bellomo,
a tenant in the complex, when they encountered a patch of ice caused by a defective condition of
the down spouts at the premises.

3. As a result of the fall, Audrey Woods sustained a traumatic brain injury and Valerie Powers suffered injuries to her wrists which necessitated five (5) surgeries thereto.

II. FIRST MOTION IN LIMINE

I. Defendants should be precluded from entering any evidence, testimony, reference or allusion to the fact that Audrey Woods had previously undergone glaucoma surgery.

1. During the discovery phase of this litigation, counsel for the Plaintiffs and counsel for the Defendants exchanged documents including Plaintiffs' medical records.

2. Included in those records was a notation indicating that Audrey Woods had recently undergone surgery to her eyes for glaucoma.

3. Audrey Woods was deposed by counsel for Defendants on September 1, 2005. During her deposition, she was questioned about the surgery and her vision. Ms. Woods testified that the result of the surgery was "great" and that she had not been taking any medications as of the date of the incident and further testified that she was not required to wear a patch or any medical device over her eyes. (See transcript of deposition of Audrey Woods recorded September 1, 2005, at Page 23 Line 9 through Line 1 of Page 24 which is attached hereto, made a part hereof and marked as Exhibit "A").

4. The defense has not presented any evidence to indicate that Ms. Woods's vision was in any way impaired on the day of the incident.

5. Further, no medical expert has opined that Ms. Woods's vision was in any way impaired on the date of the incident.

6. As such, any evidence regarding Ms. Wood's eye surgeries and/or vision is irrelevant to the instant matter.

7. Pennsylvania law is quite clear that only relevant evidence is admissible. Pa.R.E. 402.

8. Relevant evidence is defined as "...evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable whatever it would be without the evidence". Pa.R.E. 401.

9. Therefore, any reference to the above issues are are not relevant to the present matter.

10. The introduction of any such evidence, testimony, allusion or intimation would tend to mislead and/or confuse the jury.

11. The prejudicial value of any such evidence greatly outweighs any probative value of said evidence. Pa.R.E. 403.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant the within Plaintiffs' First Motion in Limine and enter an appropriate Order.

III. SECOND MOTION IN LIMINE

I. The Defendants should be precluded from arguing and/or entering evidence asserting that generally slippery conditions existed in the community at the time of this incident because there is no support for said contention and because the same is not a viable defense in an action alleging that the dangerous condition was created by a defective condition on the premises.

1. The Plaintiffs have alleged that the accumulation of ice on the sidewalk of the subject premises was caused by a defect in the down spouts of the building. Specifically, Plaintiffs will present the testimony of several independent witnesses who will state that, on previous occasions, water would leak from the down spout system and cross the sidewalk.

2. The hills and ridges doctrine "is applicable only in situations where ice is the result of a natural accumulation. It does not apply where the ice is localized and there are no generally slippery conditions in the community, or when an icy condition is caused by the Defendant's neglect, such as where a defective hydrant, water pipe, or drain cause the icy condition."

Pennsylvania Suggested Standard Jury Instructions 7.04 Subcommittee Note; Williams v. United States, 507 F.Supp. 121 (E.D.Pa. 1981) (applying Pennsylvania law in a Federal Tort Claims Act action); Mahanoy Area Sch. Dist. v. Budwash, 604 A.2d 1156 (Pa.Cmwlth. 1992); Hackett v. Mac & Sam Inc., 54 Pa.D&C 4th 569 (C.P. Delaware 2001) (**emphasis added**)

3. Because it is Plaintiffs' contention that the dangerous condition was caused by a defect of the premises, the weather conditions in the community is not a valid defense in this matter.

4. Further, in discovery, the Defendants provided climatological records for the month of March 2003, a copy of which is attached hereto, and marked as Exhibit "B". These records indicate that the greatest snow depth for the month of March in Dubois, Pennsylvania, was zero (0) inches and also indicates that there was no accumulation of snow or ice on the ground on March 1, 2, 3, 4, 5, 6 and 7, 2003.

5. These records further indicate that the high temperature on March 4, 2003, was 44 degrees; the high temperature on March 5, 2003, was 41 degrees; and the high temperature on March 7, 2003, was 34 degrees.

6. Based upon the climatological data provided by the Defendants in discovery, the assertion that generally slippery conditions existed is untenable.

7. Therefore, any reference to the above issues is not relevant to the present matter.

8. The introduction of any such evidence, testimony, allusion or intimation would tend to mislead and/or confuse the jury.

9. The prejudicial value of any such evidence greatly outweighs any probative value of said evidence. Pa.R.E. 403.

WHEREFORE, Plaintiffs respectfully request this Honorable Court grant the within Plaintiffs' Second Motion in Limine and enter an appropriate Order.

IV. THIRD MOTION IN LIMINE

I. The defense should be precluded from offering any evidence, testimony, reference or allusion to the allegation that there were no prior falls on the premises.

1. The Defendant should be precluded from alleging that he was not negligent because no one else had fallen on the premises.

2. Although the Defendant has asserted that he was not aware of any prior falls on the premises, that statement does not meet the standard for admissibility.

3. Specifically, Defendant Stellabuto has not provided any documents reflecting that he was in any way recording falls or similar accidents.

4. Defendants have not produced any incident reports for the subject incident and have not provided evidence of any system for recording similar incidents.

5. Defendants have not provided any evidence which would indicate that people were present during similar weather conditions.

6. All of the above are necessary and minimal predicates to the introduction of the absence of similar occurrences would tend to mislead and/or confuse the jury.

7. The prejudicial value of any such evidence greatly outweighs any probative value of said evidence. Pa.R.E. 403.

WHEREFORE, Plaintiffs respectfully request this Honorable Court grant the within Plaintiffs' Third Motion in Limine and enter an appropriate Order.

V. FOURTH MOTION IN LIMINE

I. Plaintiffs respectfully request an Order of Court precluding Defendants from discussing Defendants' net worth and/or from creating the impression that the tortfeasor is responsible for paying any damages the jury may return.

1. In this matter, the Defendants are covered by an appropriate policy of insurance to cover any award that may be rendered in this matter.

2. Since an appropriate policy of insurance exists to cover any verdict that the jury may return, the Defendants should not be allowed to discuss or enter evidence concerning the Defendants' assets, net worth or the absence thereof.

3. While Pennsylvania law prevents disclosure of the fact that the Defendants have liability insurance coverage, this is not a license to perpetrate a fraud on the jury and as such, Defendants should not be permitted to use the rights confirmed by Pennsylvania law to mislead the jury concerning the Defendants' responsibility for payments.

4. As a separate but closely related matter, the Defendants should not be permitted to engage in the practice of discussing their assets, or the absence thereof, for the purpose of persuading the jury that the Defendants cannot pay a substantial verdict.

5. The introduction of any such evidence, testimony, allusion, intimation or reference would tend to mislead and/or confuse the jury.

6. The introduction of any such evidence, testimony, reference or allusion to the above outlined issue is not relevant to any issue in the case at bar.

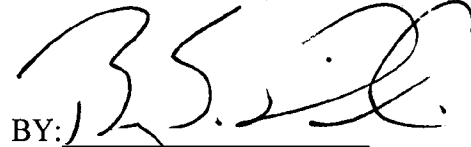
7. The prejudicial value of any such evidence greatly outweighs any alleged probative value of said evidence. Pa.R.E. 403.

8. For any or all of the above reasons, any evidence, testimony, allusion, reference or intimation to the Defendants' assets, net worth or means of paying any verdict that may be rendered in the case should be excluded at trial.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant the within Plaintiffs' Fourth Motion in Limine and enter an appropriate Order.

Respectfully submitted,

MARCUS & MACK, P.C.

BY: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

1 Q. Why didn't you drive on that
2 day?

3 A. Because she was going to go, so
4 I went with her. I always liked that.

5 Q. Did she have a doctor's
6 appointment also?

7 A. I can't remember whether she did
8 or not. I'm not sure.

9 Q. Okay. I saw in some of the
10 records that were provided to me by
11 your attorney that roughly a week
12 before this slip and fall, you had
13 cataract surgery. Do you remember
14 that?

15 A. Oh, yeah.

16 Q. Okay. Did you have a patch over
17 your eye or anything?

18 A. No. No. No. I didn't have a
19 cataract, I had a --- what's that
20 other?

21 Q. Glaucoma?

22 A. Glaucoma, yeah. And it come out
23 fine. It was great.

24 Q. Okay. Had you been taking any
25 medications on March 7th, 2003?

1 A. No.

2 Q. Had you come just straight from
3 your home to Doctor Bellomo's office?

4 A. Yes.

5 Q. No stops?

6 ATTORNEY MATZUS:

7 Didn't you go to the
8 hairdresser?

9 A. Oh. I went to the hairdresser
10 first.

11 BY ATTORNEY ZAKEN:

12 Q. Okay. Where's the hairdresser
13 located?

14 A. On the other side of DuBois if
15 you know where that is.

16 Q. The name of the hairdresser?

17 A. Joanne Kuko (phonetic).

18 Q. And do you recall what time your
19 appointment was with Joanne?


20 A. 9:00.

21 Q. Nine o'clock, okay. And what
22 did you have done?


23 A. Just combed out.

24 Q. Did you go directly from your
25 hairdresser's to Doctor Bellomo's

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MAR-03 FOR CLEARFIELD, PA (1139')

TODAY'S DATE: 24-

LAT=41.0N LON=

	TEMPERATURE						PRECIPITATION			
	ACTUAL			NORMAL						
	HI	LO	AVG	HI	LO	AVG	DEPT	AMNT	SNOW	SNCVR
1	34	26	30	38	18	28	+2	0.07	0.7	0
2	37	13	25	38	18	28	-3	0.03	0.1	0
3	18	-1	9	38	19	29	-20	trace	trace	0
4	43	4	24	39	19	29	-5	trace	0.2	0
5	43	31	37	39	19	29	+8	0.20	trace	0
6	31	12	22	39	20	29	-7	0.19	3.5	0
7	34	3	19	40	20	30	-11	0.00	0.0	0
8	54	15	35	40	20	30	+5	trace	0.0	0
9	46	15	31	40	21	30	+1	0.21	trace	0
10	21	9	15	41	21	31	-16	trace	trace	0
11	36	3	20	41	21	31	-11	trace	trace	0
12	51	24	38	41	21	31	+7	0.04	0.0	0
13	43	26	35	42	22	32	+3	0.58	0.0	0
14	43	18	31	42	22	32	-1	0.00	0.0	0
15	62	25	44	42	22	32	+12	0.00	0.0	0
16	67	28	48	43	23	33	+15	0.00	0.0	0
17	69	33	51	43	23	33	+18	0.00	0.0	0
18	61	36	49	43	23	33	+16	0.00	0.0	0
19	49	35	42	44	24	34	+8	0.04	0.0	0
20	37	32	35	44	24	34	+1	0.80	0.0	0
21	66	34	50	45	24	34	+16	0.03	0.0	0
22	51	33	42	45	25	35	+7	trace	0.0	0
23	52	32	42	45	25	35	+7	0.00	0.0	0
24	63	32	48	46	25	36	+12	0.00	0.0	0
25	73	34	54	46	26	36	+18	trace	0.0	0
26	55	33	44	47	26	36	+8	0.05	0.0	0
27	64	38	51	47	26	37	+14	0.00	0.0	0
28	65	53	59	48	27	37	+22	0.00	0.0	0
29	60	30	45	48	27	37	+8	0.13	trace	0
30	35	19	27	48	27	38	-11	0.30	3.0	0
31	34	18	26	49	28	38	-12	trace	0.3	0

TOTALS FOR FIG

HIGHEST TEMPERATURE	73	TOTAL PRECIP	2.67
LOWEST TEMPERATURE	-1	TOTAL SNOWFALL	7.8
AVERAGE TEMPERATURE	36.1	NORMAL PRECIP	3.28



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

Plaintiffs,

JURY TRIAL DEMANDED

vs.

**PLAINTIFFS' MOTIONS
IN LIMINE**

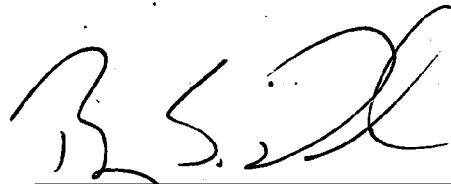
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS' MOTIONS IN
LIMINE** was sent via U.S. First Class mail to the following this 17th day of September, 2007:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



Bryan S. Neiderhiser, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
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RANDELL T. POWERS, her husband,

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IN LIMINE**

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EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

ORDER OF COURT

AND NOW, to wit, this _____ day of September, 2007, it is hereby ORDERED,
ADJUDGED and DECREED that Plaintiffs' Motions in Limine are hereby GRANTED as
follows:

1. The Defendants are hereby precluded from entering any evidence, testimony,
reference or allusion to the fact that Audrey Woods had previously undergone glaucoma surgery;
2. The Defendants are hereby precluded from arguing and/or entering evidence which
asserts that generally slippery conditions existed in the community at the time of this incident;
3. The Defendants are hereby precluded from offering any evidence, testimony,
reference or allusion to the allegation that there were no prior falls on the premises; and
4. The Defendants are hereby precluded from discussing the Defendants' net worth
and/or from creating the impression that the tortfeasor is responsible for paying any damages the
jury may return.

BY THE COURT:

_____. J.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
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ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE TO ATTEND AND TESTIFY

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS
PARTY:

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496
Marcus & Mack, P.C.
57 South 6th Street
P.O. Box 1107
Indiana, PA 15701

FILED NO *ce*
SEP 20 2007 *3461* *GK*

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

JURY TRIAL DEMANDED

Plaintiffs,

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JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE TO ATTEND AND TESTIFY

TO: James G. Stellabuto and Bernice A. Stellabuto
c/o Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400, 707 Grant Street
Pittsburgh, PA 15219

1. You are hereby directed to come to the Clearfield County Courthouse, 230 E. Market Street, Clearfield, Pennsylvania, on Wednesday, October 10, 2007, at 9:00 a.m. to testify in the above case and to remain until conclusion of trial or until excused.
2. If you fail to attend as required by this Notice to Attend and Testify, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,

MARCUS & MACK, P.C.

BY: 

Bryan S. Neiderhiser, Esquire
Attorney for Plaintiffs

Date: 9-19-2007

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

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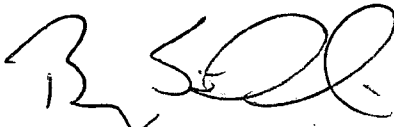
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ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE TO ATTEND AND
TESTIFY** was sent via U.S. First Class mail to the following this 19th day of September, 2007:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



Bryan S. Neiderhiser, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

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Defendants.

**PLAINTIFFS' RESPONSE TO
DEFENDANTS' MOTIONS
IN LIMINE**

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS
PARTY:

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496
Marcus & Mack, P.C.
57 South 6th Street
P.O. Box 1107
Indiana, PA 15701

FILED No CC
SEP 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
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JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTIONS IN LIMINE

AND NOW, come the Plaintiffs, by and through undersigned counsel, and file the within
response to Defendants' Motions in Limine and in support thereof aver as follows:

I. FACTUAL BACKGROUND

1. This is an action for injuries and damages resulting from a slip and fall incident which
occurred on the Defendants' property on March 7, 2003.

2. Specifically, Valerie Powers and Audrey Woods were present at the Defendants'
business premises which was configured in a strip mall design that housed several tenants.

Valerie Powers was escorting her mother, Audrey Woods, to an appointment with Dr. Bellomo,
a tenant in the complex, when they encountered a patch of ice caused by a defective condition of
the down spouts at the premises.

3. As a result of the fall, Audrey Woods sustained a traumatic brain injury and Valerie Powers suffered injuries to her wrists which necessitated five (5) surgeries thereto.

II. ARGUMENTS

A. Plaintiffs should not be precluded from introducing evidence or testimony regarding Audrey Woods's fall down, including testimony from Audrey Woods.

1. As this Court is aware, Audrey Woods was a Plaintiff in her own capacity in this matter until the recent settlement of her claims. As such, Audrey Woods was present at the time of the incident and fell on the same dangerous condition as did her daughter, Valerie Powers.

2. Evidence of the fact that Ms. Woods fell on this dangerous accumulation of ice is relevant for the following reasons:

(1) It demonstrates the reasonableness of Ms. Powers's fall by demonstrating the size of the area, as well as the overall dangerousness of the condition. In other words, there is probative value to the fact that two individuals were caused to fall by the existence of this condition.

(2) Excluding this testimony would overly sanitize the truth of what happened in this matter and would impair Valerie Powers ability to explain: a) why she was at the premises; b) the mechanism of her fall; c) the aftermath of the fall; and d) how she felt and what she was going through in the moments after the fall. Specifically, Valerie Powers has testified that, as she was escorting her mother to Dr. Bellomo's office, she heard her mother fall, at which time Valerie turned toward her mother and she fell to the ground over her mother, striking her hands and knees (Notes of Testimony of Valerie Powers, recorded September 1, 2005, pp. 23-24, which is attached hereto and marked as Exhibit "A").

(3) Precluding evidence about the fact that Ms. Woods fell would tend to, in the mind of the jurors, minimize the size of and/or existence of the dangerous condition.

B. Plaintiffs should not be precluded from introducing evidence of changes to the down spout system that are depicted in the photographs of the premises.

1. During discovery in this matter, photographs of the subject accident scene were exchanged by the parties. Some of the photographs were taken in 2003 and others were taken in 2004. (See copies of photographs attached hereto as Exhibit "B "). The photographs taken in February of 2004 show that white flanges were installed on the down spout system subsequent to the happening of this incident.

2. Mr. Stellabuto's deposition was recorded on September 1, 2005 which was subsequent to the installation of the white flanges on the down spout system.

3. During his deposition testimony, Mr. Stellabuto denied that any subsequent remedial measures had been made with regard to the down spouts. Instead, Mr. Stellabuto testified that the only change to the down spouts involved the replacement of the actual brown down spout materials for aesthetic purposes. Specifically, he stated that these were replaced because the brown paint was fading. He further indicated that this cosmetic improvement was completed prior to the subject incident. (Notes of Testimony of Mr. Stellabuto, recorded September 1, 2005, p. 24, which is attached hereto as Exhibit "C").

4. Given the fact that Mr. Stellabuto has denied the existence of a dangerous condition and has further denied that subsequent remedial repairs were undertaken, evidence of the same is admissible as impeachment evidence. Pa. R.E. 407; Pa. R.E. 607.

5. Further, Mr. Stellabuto testified that when he clears the sidewalk of ice and snow, he pushes it thirty feet across the sidewalk, across the parking lot and into grass on the

side of the building. Photographs which were taken in 2004 also disprove the veracity of that statement because they show piles of snow on the edges of the sidewalk. (Notes of Testimony of Mr. Stellabuto, recorded September 1, 2005, p. 60, which is attached hereto and marked as Exhibit "D").

6. Rule 407 of the Pennsylvania Rules of Evidence state as follows:

'Rule 407'. Subsequent Remedial Measures.

"This rule does not require the exclusion of evidence of subsequent measures when offered for impeachment, or to prove other matters, if controverted, such as ownership, control or feasibility of precautionary measures."

Pa.R.E. 407. Subsequent Remedial Measures.

7. Further, Rule 607 of the Pennsylvania Rules of Evidence provides that the "credibility of a witness may be impeached by any evidence relevant to the issue, except as otherwise provided by statute or these rules." Pa.R.E. 607. Impeachment of Witness.

8. As such, because Mr. Stellabuto has denied that he made any changes to the down spouts after the incident, and because the pictures depict the shoveling of snow in a manner which is contrary to his deposition testimony, these pictures are admissible for impeachment purposes.

C. The Plaintiffs should not be precluded from offering any testimony regarding Plaintiff's wrist injuries.

1. The Defendants' have argued that the Plaintiffs should be precluded from offering any testimony regarding Valerie Powers' wrist injuries due to the late filing of Plaintiffs' expert report from Dr. Andrew Gurman, the treating orthopedic surgeon who performed all five (5) of the surgical procedures to her wrists.

2. This report was provided to counsel for the Defendants on September 19, 2007, which is the same date that it was received by counsel for Plaintiff, Valerie Powers.

3. At all times relevant hereto, Defendants were in possession of Plaintiff's medical records relating to injuries sustained in this accident.

4. Further, the Defendants have been in possession of an initial Narrative Report authored by Dr. Gurman on December 2, 2003.

5. The Defendants have not recorded the deposition of Dr. Rocco, the physician who performed an IME on Plaintiff, Valerie Powers. In fact, it is believed that the Defendants will not be calling Dr. Rocco as a witness. To the contrary, Plaintiffs have noticed the deposition of Dr. Rocco.

6. As such, any delay in filing the report of Dr. Gurman is harmless as the Defendants have not been prejudiced by said delay.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter an appropriate Order denying Defendants' Motions in Limine.

Respectfully submitted,

MARCUS & MACK, P.C.

BY: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

1 forward and I went straight down over
2 her onto my hands and my knees and my
3 elbow. I tried to get up and my hands
4 were sliding on the ice. I then
5 switched myself over to a brick window
6 ledge. I picked myself up holding onto
7 that ledge. I ran to Doctor Bellomo's
8 front door where I called for the
9 nurses and the doctor to come out and
10 they came out. I ran back to my mom, I
11 kneeled holding onto that ledge and was
12 calling her name. That's about it.

13 Q. Okay. I'm going to take you
14 back and ask you a few questions.

15 A. Okay.

16 Q. Okay. Where was your mother
17 when you first saw her on the sidewalk?
18 Can you point to me and show me where
19 you first saw her?

20 WITNESS COMPLIES

21 BY ATTORNEY ZAKEN:

22 Q. Now, my understanding of your
23 testimony is when you --- you heard her
24 and then you turned around and just saw
25 her; is that correct?

1 A. Right. Right.

2 Q. Okay. Can you tell me where ---
3 you have marked here. Well, let me
4 step back a minute. Did you mark this
5 photograph ---

6 A. Yes.

7 Q. --- identifying certain areas?

8 A. Yes.

9 Q. Okay. And the area that's
10 marked with A-Woods, is that where you
11 saw your mother lying on the ground?

12 A. Yes.

13 Q. Okay. Where did you see her
14 first when she --- when her feet went
15 up in the air?

16 A. Right where she is.

17 Q. Right where it, okay, is
18 designated on the photograph. And you
19 were in front of her?

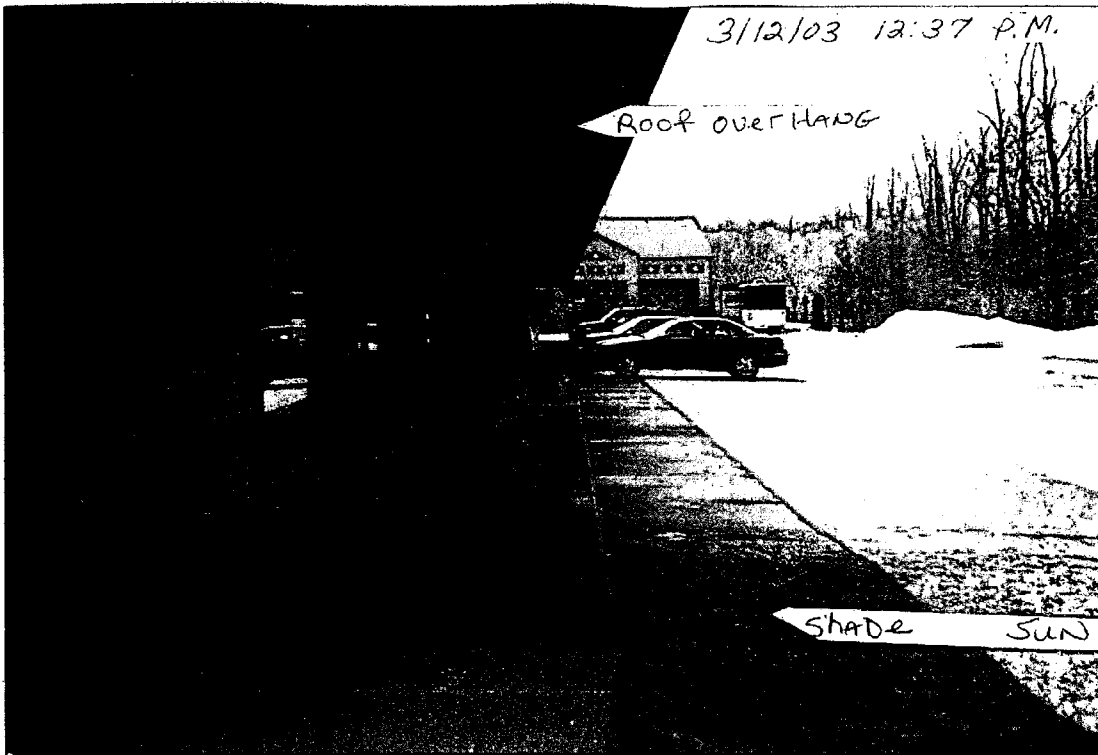
20 A. Yes.

21 Q. Where were you in front of her?
22 Can you show me on this photograph
23 where you were?

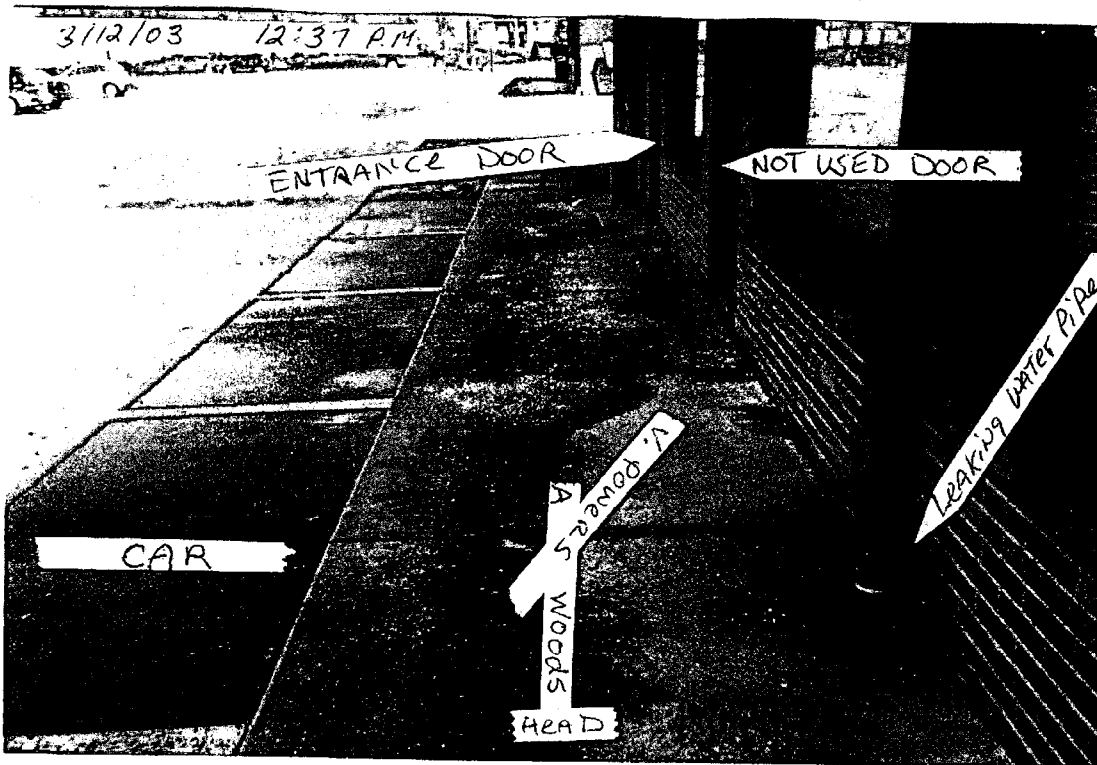
24 A. We exited the car, I would have
25 been right about here. She was right

MARCUS & MACK
Attorneys at Law

Our Client: Audrey Woods



No: _____
taken: _____
option: _____

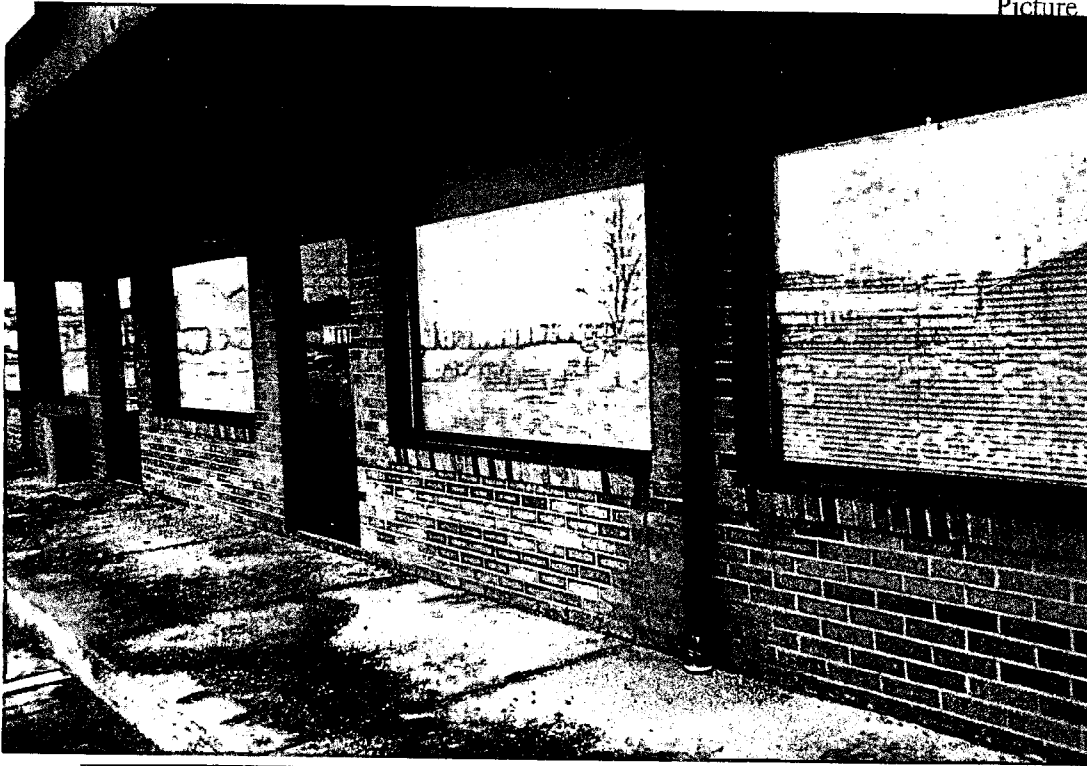


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MARCUS & MACK
Attorneys at Law

Our Client: _____



Picture No: _____

en: _____

on: _____

Picture No: _____

Date Taken: _____

Description: _____

MARCUS & MACK
Attorneys at Law

Our Client: _____



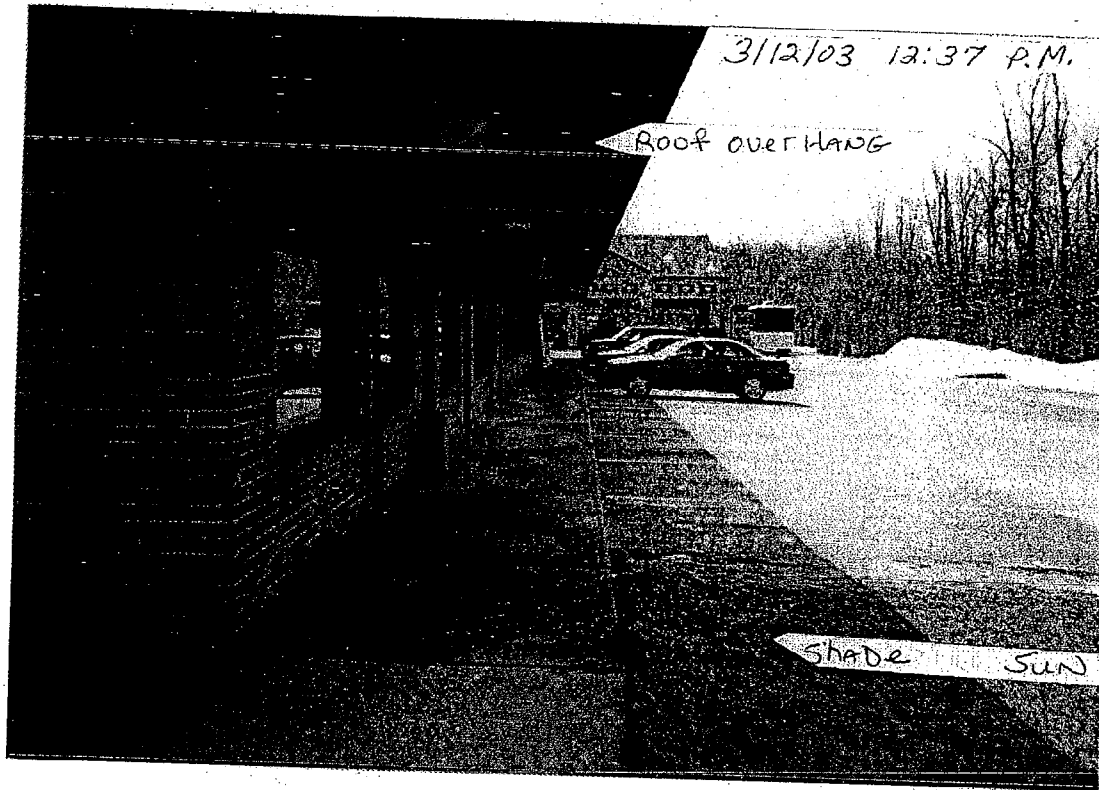
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MARCUS & MACK
Attorneys at Law

Our Client: _____



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MARCUS & MACK
Attorneys at Law

Our Client:



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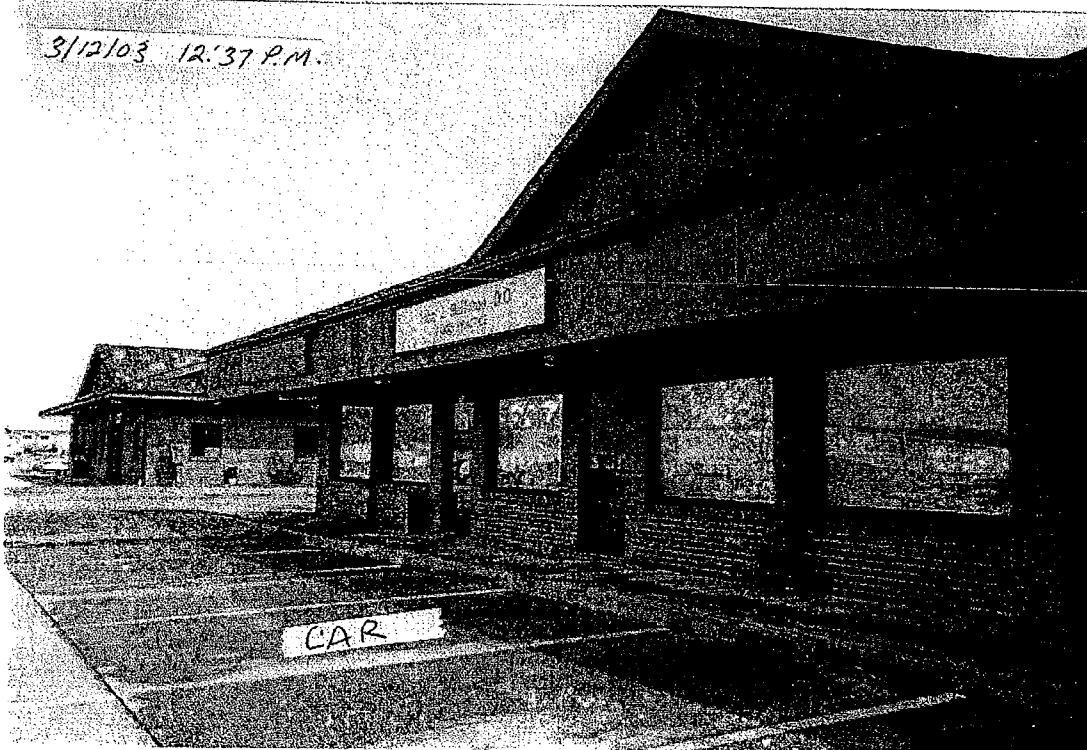


MARCUS & MACK
Attorneys at Law

Our Client: _____



No: _____
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No: _____
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MARCUS & MACK
Attorneys at Law

Our Client:

Valerie Powers

Roof OVERHANG

No: _____

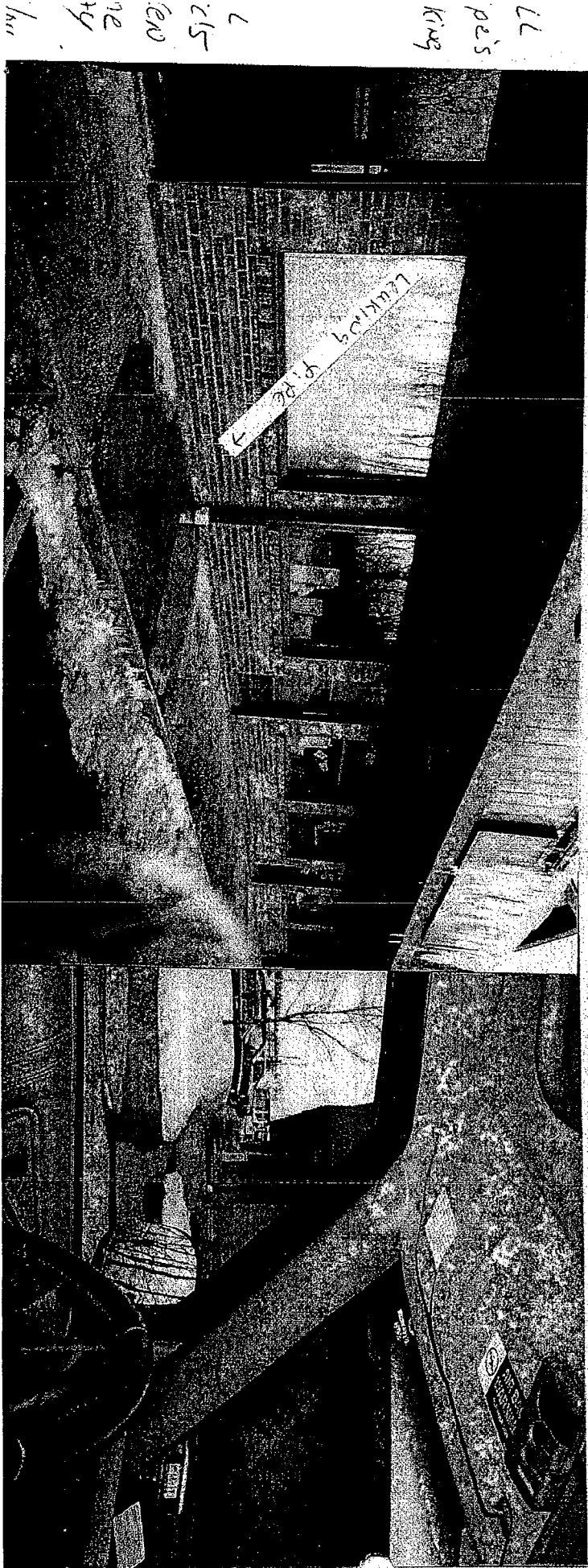
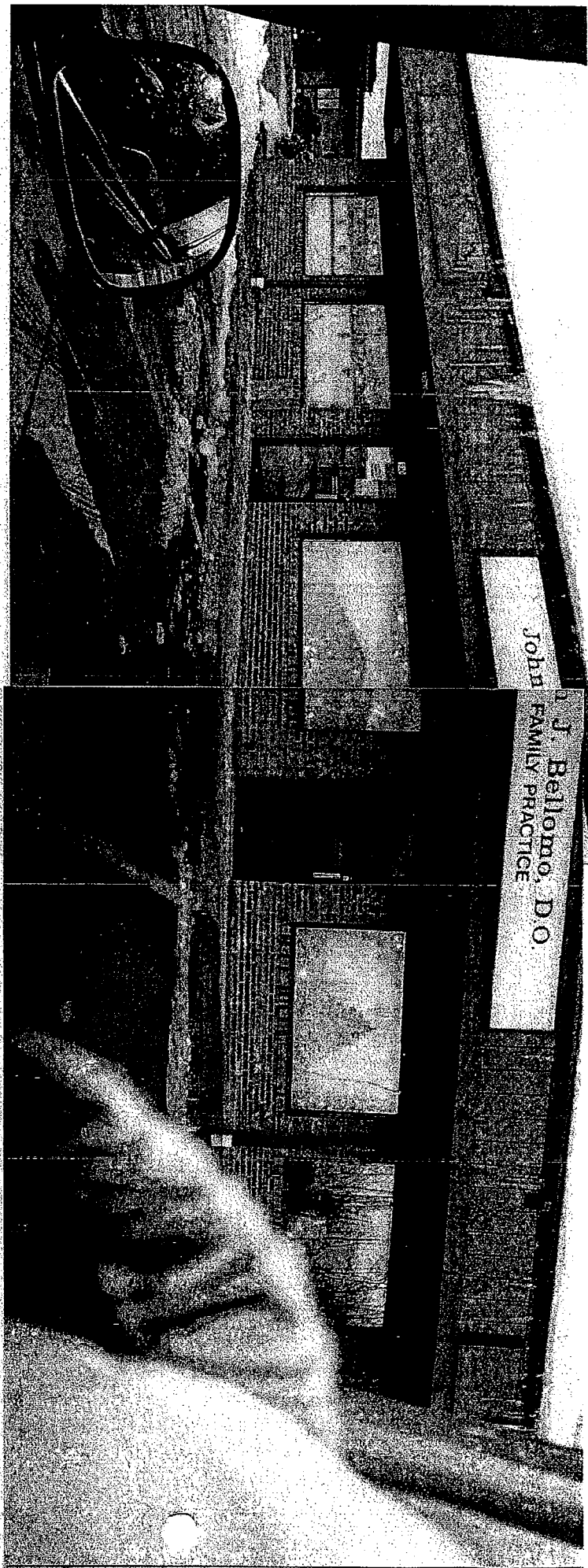
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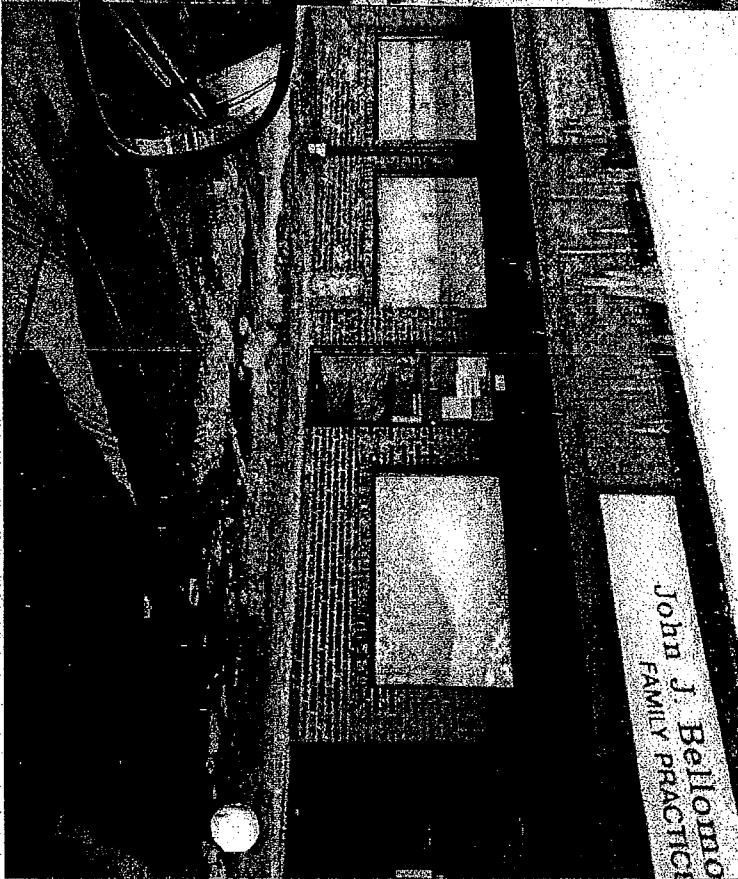
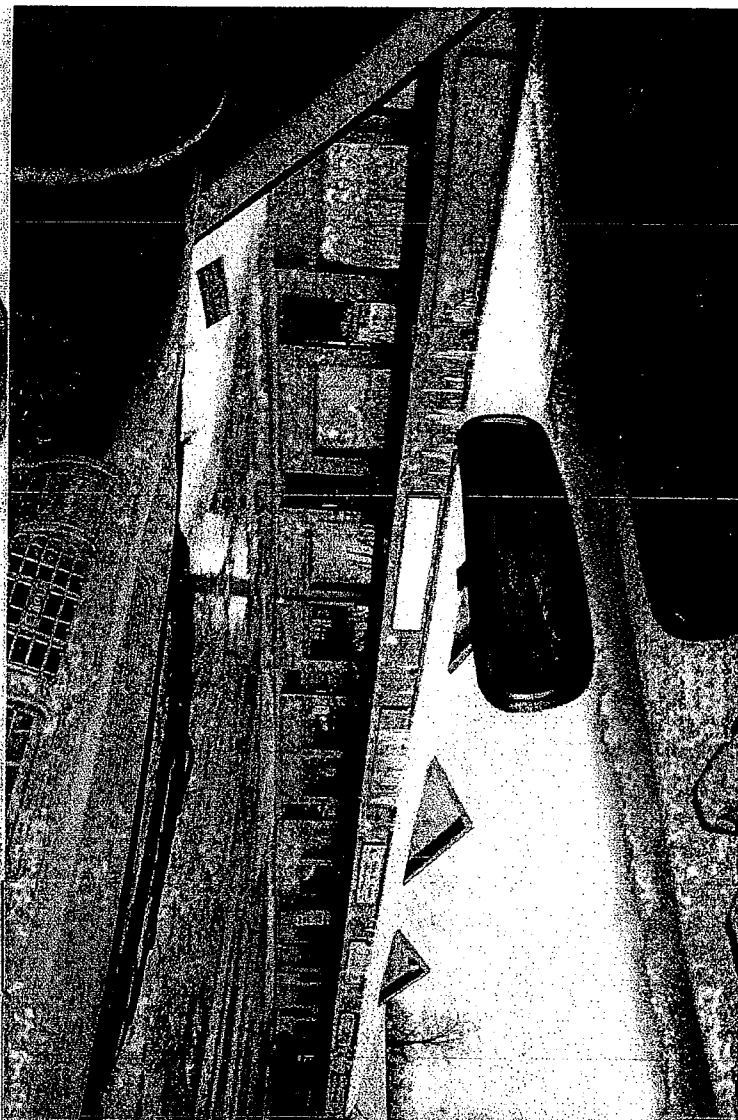
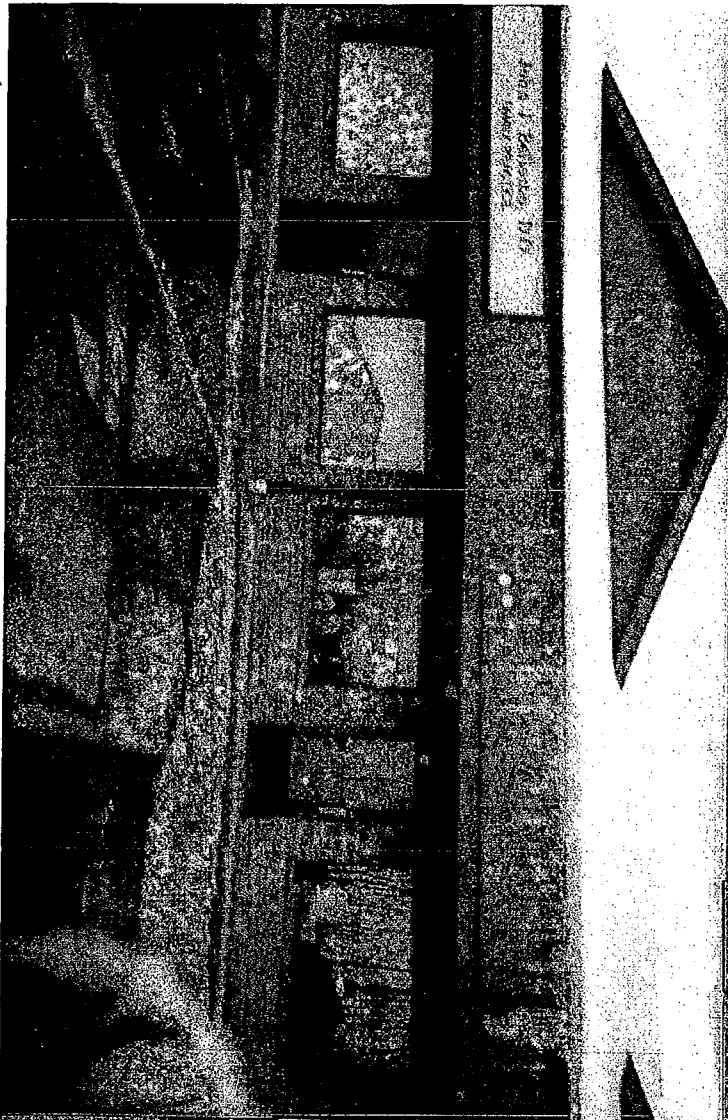
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ALL TAKEN SAME DAY

2/10/04

1 you bought the building?

2 A. They were there, yes, but
3 replaced.

4 Q. When were they replaced?

5 A. I'm not exactly sure, but
6 approximately four or five years ago.

7 Q. Who replaced them?

8 A. Bernardo Seamless Gutters.

9 Q. Bernardo?

10 A. B-E-R-N-A-R-D-O Seamless
11 Gutters, from the best of my memory.

12 Q. Would you still have an invoice
13 or any type of documentation concerning
14 the repair job that Bernardo's did?

15 A. If they so were between the two
16 of us, both being still in the
17 business, I'm sure that we could obtain
18 that.

19 Q. Do you routinely keep those
20 types of receipts or records personally
21 or would that be something perhaps if
22 you use an accountant that your
23 accountant would have?

24 A. I personally would have given
25 them to the accountant as he filed my

1 towards the trees.

2 Q. I don't understand when you say
3 shovel it away 26 feet.

4 A. Well, in front of the buildings
5 there's dual parking with a center
6 road, ten --- approximately ten feet,
7 ten feet, ten feet, maybe it works out
8 to be 30-something feet. If there was
9 anything that was pushed from the
10 sidewalk, it would then have to be
11 taken from the area where the cars
12 would be, so you push it across the
13 concrete to where there is a grassy
14 area or where the plows put the snow.

15 Q.. Okay.

16 A. There was nowhere to put snow in
17 front of the building because of
18 parking areas.

19 Q. So you'd shovel it to the grassy
20 area behind the parking area?

21 A. Yes.

22 Q. Okay. Now, with respect to the
23 base of the downspouts, had you ever
24 seen --- before this fall, had you ever
25 seen, sir, ice form on the base of

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.


JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS' RESPONSE
TO DEFENDANTS' MOTIONS IN LIMINE** was sent via U.S. First Class mail to the following
this 19th day of September, 2007:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219



Bryan S. Neiderhiser, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
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EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF SERVICE

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS
PARTY:

Bryan S. Neiderhiser, Esquire
Sup. Ct. ID 81496
Marcus & Mack, P.C.
57 South 6th Street
P.O. Box 1107
Indiana, PA 15701

FILED No. 2005-00276
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William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

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STELLABUTO, husband and wife; JAMES G.
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EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

SCHEDULING ORDER

AND NOW, this 18th day of September, 2007, it is hereby ORDERED,
ADJUDGED and DECREED that a hearing is scheduled on the within Plaintiffs' Motions in
Limine on the 26th day of September, 2007, at 1:30 p.m. before the Honorable John K. Reilly,
Jr., Senior Judge, Specially Presiding in Courtroom No. 2, at the Clearfield County Courthouse,
230 E. Market Street, Clearfield, Pennsylvania.

BY THE COURT:


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

/S/ Fredric J Ammerman

J.

SEP 18 2007

Attest.


William L. Brown
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

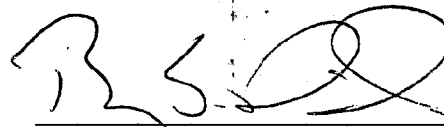
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **SCHEDULING ORDER** was
sent via fax and U.S. First Class mail to the following this 20th day of September, 2007:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219
Fax (412) 263-5632


Bryan S. Neiderhiser, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

MOTION FOR PROTECTIVE ORDER

(Jury Trial Demanded)

Filed on Behalf of the Defendants:

James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. GILL, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED *NO CC*
7/12/07
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WAG
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

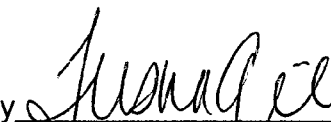
CERTIFICATION

Pursuant to Clearfield County Rules 208.2(d) and 208.2(e), concurrence in the enclosed Motion has been sought from all opposing counsel, and has been denied.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By



Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

MOTION FOR PROTECTIVE ORDER

AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their attorneys, Walsh, Collis & Blackmer, P.C. and Trisha A. Gill, Esquire, and bring the within Motion for Protective Order and in support thereof aver as follows:

1. The above-captioned matter is currently scheduled for trial on October 10, 2007.
2. Plaintiffs have noticed the deposition of Jack Rocco, M.D. for October 5, 2007. See Notice of Deposition, attached hereto as Exhibit "A".
3. Dr. Rocco was retained by these Defendants to perform an Independent Medical Examination (IME) of Plaintiff Valerie Powers.
4. Defendants have chosen not to call Dr. Rocco as a witness.

5. Under the law of this Commonwealth, a party is not permitted to call an expert witness retained by the opposing party as its own expert. See Jistarri v. Nappi, 378 Pa.Super. 583, 549 A.2d 210 (Pa.Super. 1988); Evans v. Otis Elevator Company, 403 Pa. 13, 168 A.2d 573 (1961); Pennsylvania Company for Insurances on Lives and Granting Annuities, Trustee v. Philadelphia, 262 Pa. 439, 105 A. 630 (1918).

6 Moreover, as outlined in Defendants Motion to Strike Plaintiff's Amended Pre-Trial Statement, which is incorporated herein, Plaintiff's have failed to comply with local rules in identifying experts they intend to call at trial. It was not until September 19, 2007 that Plaintiff's noticed their intention to call a medical expert (Dr. Rocco) at trial. See Exhibit "A".

WHEREFORE, Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, respectfully request this Honorable Court to enter a Protective Order denying Plaintiffs the opportunity depose and call Jack Rocco, M.D. as a witness at trial.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By 

Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

Type of Pleading: NOTICE OF
DEPOSITION OF DR. JACK F. ROCCO

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

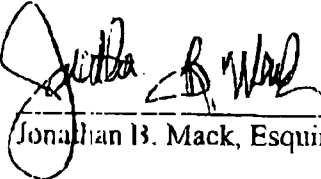
COUNSEL OF RECORD FOR THIS
PARTY:

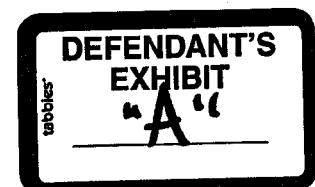
922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1167
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the video recorded deposition of
DR. JACK F. ROCCO will be taken on oral examination at the University Orthopedic &
Sports office, 1505 9th Avenue, Altoona, PA 16602 on October 5, 2007, at 1:30 p.m. and at any
and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: September 18, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

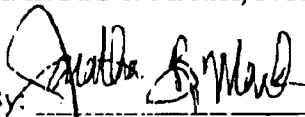
Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DR. JACK F. ROCCO**, to Counsel for Defendant, Trisha A. Gill, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

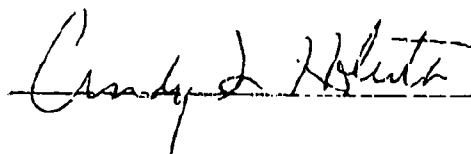
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of DR. JACK F. ROCCO was served by U.S. First Class Mail, postage prepaid
this 18TH day of September, 2007, upon the following.

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Sargents Court Reporting
513 Allegheny Street
Hollidaysburg, PA 16648

(814) 696-43913



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
Plaintiffs,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,
Defendants.

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 2007, it is hereby ORDERED, ADJUDGED and DECREED that Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof's Motion for Protective Order is GRANTED and accordingly, the deposition of Jack Rocco, M.D., scheduled for Friday, October 5, 2007 as noticed by Plaintiffs' counsel is hereby CANCELLED. Furthermore, Plaintiffs' counsel is precluded from deposing and calling Jack Rocco, M.D. as a witness at trial, and his name and brief are hereby stricken from Plaintiffs' Amended Pretrial Narrative Statement.

BY THE COURT:

_____ J.

NOTICE OF PRESENTATION

TAKE NOTE that the within **Motion for Protective Order** will be presented before the Honorable Judge Reilly of the Court of Common Pleas of Clearfield County, on Wednesday, September 26, 2007 or as soon thereafter as suits the convenience of the Court. -

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion for Protective Order** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 24th day of September, 2007.

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By Trisha A. Gill
Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

**DEFENDANTS' CHALLENGE TO THE
ARRAY OF JURORS PURSUANT TO
PA.R.C.P. 220 OR, IN THE
ALTERNATIVE, MOTION TO STRIKE
JURY PANEL**

Filed on Behalf of the Defendants:

James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. GILL, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED *NO CC*
7/13/4761
SEP 26 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

**DEFENDANTS' CHALLENGE TO THE ARRAY OF JURORS PURSUANT TO
PA.R.C.P. 220 OR, IN THE ALTERNATIVE, MOTION TO STRIKE JURY PANEL**

AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their attorneys, Walsh, Collis & Blackmer, P.C. and Trisha A. Gill, Esquire, and bring the within Challenge to the Array of Jurors Pursuant to Pa.R.C.P. 220 or, in the alternative, Motion to Strike Jury Panel and in support thereof aver as follows:

1. This is a personal injury lawsuit arising out of a slip and fall incident that occurred on March 7, 2003. At that time, Plaintiff-Wives, Valerie Powers and Audrey Woods claimed that they slipped and fell as a result of ice on a sidewalk.

2. Jury selection was held on August 28, 2007. At that time, both Plaintiffs Audrey Woods and Valerie Powers and their respective husbands presented in front of the jury panel.

3. Since the August 28, 2007 jury selection, the parties have been able to settle the claims asserted by Audrey Woods and Arthur Woods. See signed Release attached hereto and marked as Exhibit A.

4. This matter is scheduled for a jury trial on October 10, 2007. The only issues to be tried in front of a jury are the liability and damages of the slip and fall of Valerie Powers and the loss of consortium claim for Randall Powers.

5. Defendant believes that the jury has been tainted since the jury has been introduced to Audrey Woods and Arthur Woods. The jury now knows that the slip and fall initially involved two (2) Plaintiffs. Since Defendant is defending on liability and damages in the matter of Valerie Powers, the jury could easily infer that the Defendants settled one (1) claim and therefore is admitting liability on both claims.

6. To allow the current jury panel to deliberate on the liability and damages asserted by Valerie Powers would be prejudicial to this Defendant. The jurors will know that the Defendant settled one of the claims and could infer then that the Defendant is conceding to liability.

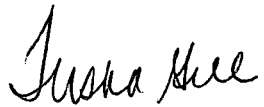
7. Pursuant to Pa.R.C.P. 220, a party can challenge the array of jurors returned for trial of issues of fact and such challenge shall be made in writing filed on or before the first day of the period at which the issues had been set down for trial. See Pa.R.C.P. 220.

8. Defendant avers that the array of jurors empaneled in this matter have been tainted. Allowing the current panel of jurors to deliberate on liability and damages of the Valerie Powers' claim would be overly prejudicial to this Defendant.

WHEREFORE, the Defendant respectfully requests this Honorable Court to grant the challenge to the array of jurors and strike the current jury panel.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By 

Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

GENERAL RELEASE

For the Sole Consideration of Ninety Thousand Dollars (\$90,000) the receipt and sufficiency whereof is hereby acknowledged, the undersigned, Audrey & Arthur Woods, hereby release and forever discharge James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof and Cincinnati Insurance Company, their heirs, executors, administrators, agents and assigns, and all other persons, firms or corporations liable or, who might be claimed to be liable, none of whom admit any liability to the undersigned but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action, rights, costs, loss of services, expenses, compensation or suits of any kind or nature whatsoever, which the undersigned now have or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen or unforeseen bodily and personal injuries and property damage and the consequences thereof resulting or to result from the accident, casualty or event which occurred on or about the March 7, 2003, at the Defendant's business located at 922 Beaver Avenue, Dubois, PA 15801. This includes any and all claims filed in the Court of Common Pleas of Clearfield County at Docket No. CD-2005-276.

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, their heirs, executors, agents and assigns.

The undersigned and John Mack, Esquire and Marcus & Mack warrant that there are two (2) liens being asserted relative to this matter, which are being asserted by the Boilermakers and Geisinger Gold. Furthermore, the undersigned and John Mack, Esquire and Marcus & Mack warrant that said liens will be satisfied in full. The undersigned and John Mack, Esquire and Marcus & Mack further warrant that there are no other known liens and, in any event, the undersigned and John Mack, Esquire and Marcus & Mack agree to defend, indemnify and hold harmless James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, the law firm of Walsh, Collis & Blackmer, P.C., and Cincinnati Insurance Company from any and all liens, including subrogation for Workers' Compensation benefits paid and/or payable to or on behalf of claimants and provider alike, along with all medical, State, and/or Federal benefits (including but not limited to liens asserted by or on behalf of Medicare, Medicaid and the Department of Public Welfare, regardless of whether the program is operated by a local, state or federal agency or government) paid and/or payable to and/or on behalf of the undersigned of any type that may act as a lien and/or claim against the amount paid pursuant to this settlement and General Release.

The payment made to us is upon our warranty that we have not received heretofore any consideration whatever for, nor have we released heretofore any person, firm or corporation from, any claim or liability for any injuries to person or property arising from said accident, and we agree to defend, indemnify and hold harmless James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof and Cincinnati Insurance Company of and from



any and all loss, claim, liability, cost or expense arising out of any claim against them or either of them for contribution by any alleged joint tortfeasor under the Uniform Contribution Among Tortfeasors Act of the Commonwealth of Pennsylvania.

The undersigned hereby declare that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid accident. The undersigned understand that the injuries and damages sustained and resulting therefrom may be uncertain and indefinite and that in making this release and agreement it is understood and agreed that the undersigned rely on their own belief and knowledge and that of their experts and other individuals whom they may have consulted as to the nature, extent and duration of the symptoms and injuries. The undersigned further intend to be legally bound by the promises herein contained.

The undersigned hereby accept draft or drafts as final payment of the consideration set forth above. The undersigned waive the provisions of Rule 229.1 of the Pennsylvania Rules of Civil Procedure and agree that said Rule is not applicable to the delivery of the aforesaid settlement funds.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or a statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

In Witness Whereof,

We have hereunto set our hand and seal this 7 day of September, 2007.

In presence of:

Valerie J. Pount
Witness

Audrey J. Woods
Audrey Woods

Valerie J. Pount
Witness

Arthur Woods
Arthur Woods

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

ORDER

AND NOW, this _____ day of _____, 2007, it is hereby
ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Strike Jury Panel is
GRANTED. The parties are hereby directed to select a new jury for the matter of Valerie
and Randall Powers v. James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's
Everything, Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof.

BY THE COURT:

J.


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Challenge to the Array of Jurors Pursuant to Pa.R.C.P. 220 or, in the alternative, Motion to Strike Jury Panel** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 24 day of September, 2007.

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By



Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

**MOTION TO STRIKE PLAINTIFFS'
AMENDED PRE-TRIAL NARRATIVE
STATEMENT**

Filed on Behalf of the Defendants:

James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. GILL, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED *no cc*
7/12/07
SEP 26 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

MOTION TO STRIKE PLAINTIFFS' AMENDED PRE-TRIAL NARRATIVE STATEMENT

AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their attorneys, Walsh, Collis & Blackmer, P.C. and Trisha A. Gill, Esquire, and bring the within Motion to Strike Plaintiffs' Amended Pre-Trial Narrative Statement and in support thereof aver as follows:

1. On August 14, 2007, Plaintiffs' filed their Pretrial Narrative statement pursuant to Clearfield County Rule 212.4(e).
2. Plaintiffs' Pre-Trial Statement does not list the names of any expert witnesses or have any expert reports appended to it. See Plaintiffs' Pre-Trial Statement, attached hereto as Exhibit "A."

3. On August 24, 2007, the Honorable Judge Fredric J. Ammerman held a pre-trial conference with counsel for the parties.

4. Clearfield County Rule of Court 212.4(f) establishes that, "Once a pre-trial conference has been held, a party shall not have the right to call any witness where the witness was not listed in the pre-trial statement, to call an expert witness where the report was not appended to the pre-trial statement, or to present any exhibit, photography, plot or plan not listed or appended in the pre-trial statement **unless application is made to the Court setting forth the reasons the witness, the report, the exhibit, photograph, plot or plan was not listed or appended to the pre-trial statement...**"

5. On September 19, 2007 without seeking leave of Court Plaintiffs filed an Amended Pretrial Narrative Statement. The Amended Pretrial Narrative Statement adds Dr. Andrew Gurman and Dr. Jack P. Rocco as "Expert Witnesses." Expert reports authored by Dr. Gurman and Dr. Rocco were also appended to the Amended Pretrial Narrative Statement.

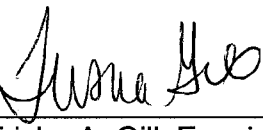
6. Plaintiffs have never made any application to the Court setting forth the reasons for why they failed to list Dr. Gurman and Dr. Rocco as expert witnesses in their original Pretrial Statement, or why they failed to append expert reports to their original Pretrial Statement.

7. Pursuant to Rule 212.4(f), Plaintiffs may not call Dr. Gurman or Dr. Rocco as witnesses at time of trial, nor may they submit their expert reports as evidence.

WHEREFORE, Plaintiffs' have failed to comply with Clearfield County Rules of Court, Defendants respectfully request that Plaintiffs' Amended Pre-Trial Narrative Statement be stricken from the record and Plaintiffs be precluded from calling Dr. Rocco and/or Dr. Gurman at trial.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By 

Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

244
"Plaintiffs"
Pre-Trial
Narrative

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

Plaintiffs,

vs.

**PLAINTIFFS' PRE-TRIAL
NARRATIVE STATEMENT**

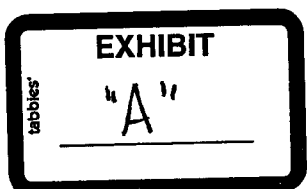
JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602



COPY

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

PLAINTIFF'S PRE-TRIAL NARRATIVE STATEMENT

AND NOW come the Plaintiffs, Audrey J. Woods and C. Arthur Woods, her husband,
and Valerie J. Powers and Randell T. Powers, her husband, by and through their attorneys,
Jonathan B. Mack, Esquire, and Marcus & Mack, P.C., and files the following Pretrial Narrative
Statement:

I. HISTORY OF THE CASE.

This case arises from a slip and fall which occurred on a sidewalk abutting individual
businesses within a strip mall owned and/or controlled by Defendants and located at 922 Beaver
Drive, DuBois, Clearfield County, Pennsylvania, on March 7, 2003. Plaintiffs Audrey J. Woods
and Valerie J. Powers (mother and daughter, respectively) were walking on the subject sidewalk
when they unknowingly encountered a patch of ice which caused both of them to slip and fall to

the ground. Mrs. Woods struck her head and body on the ground, and Mrs. Powers struck her body on the ground while attempting to break her fall with her arms.

As a result of the accident, Plaintiff Audrey Woods suffered the following injuries: subarachnoid hemorrhage and intraventricular hemorrhage with resulting short-term memory deficits, disorientation and confusion; traumatic brain injury/closed head injury with intracranial bleeding; left temporal contusion and hemorrhage; right occipital fracture; post-traumatic headaches; and low back sprain.

Mrs. Woods' closed head injury, including but not limited to, cognitive impairments and smell and taste deficits are permanent in nature. She has undergone an exhaustive course of treatments including speech therapy, rehabilitation and conditioning treatments, home nursing care, and prescriptions for memory loss, pain and eye drops.

No claim for lost wages on behalf of Plaintiff Mrs. Woods has been made as she was a homemaker as of the date of the incident.

In addition to seeking compensation for her bodily injuries, Plaintiff Audrey Woods is seeking reimbursement for a subrogation lien for medical expenses which were in the amount of \$29,628.16 as of July 30, 2007. Plaintiff's husband, C. Arthur Woods has filed a loss of consortium claim.

As a result of the accident, Plaintiff Valerie J. Powers suffered the following injuries: bilateral intercarpal ligament tears of the wrists; avascular necrosis of the left lunate requiring surgical repair; and other wrist injuries, triscaphe fusion right wrist with bone graft from distal radius; and bilateral wrists sprains.

Mrs. Power's upper extremities impairments as a result of her wrists injuries are permanent in nature. She has undergone two surgeries on her left wrist, the first occurring on

October 28, 2003, for radial shortening osteotomy with an additional left wrist surgery on October 10, 2006 for removal of hardware and arthrodesis with allograft. She has also had two surgeries on her right wrist, the first surgery occurring on April 13, 2004, followed by a second surgery on November 12, 2004 for removal of pins. In addition to the aforesaid surgeries, she has undergone an exhaustive course of treatments including occupational and physical therapy, and prescriptions for pain.

No claim for lost wages on behalf of Plaintiff Mrs. Powers has been made as she was a homemaker as of the date of the incident.

In addition to seeking compensation for her bodily injuries, Plaintiff Valerie J. Powers is seeking reimbursement for a subrogation lien for medical expenses in the amount of \$23,048.80 as of a April 13, 2007 subrogation statement. Plaintiff's counsel has requested an updated subrogation lien statement as it is possible that her October 10, 2006 surgery charges are not included in this total. Plaintiff's husband, Randell T. Powers, has filed a loss of consortium claim.

II. SETTLEMENT.

Settlement offers regarding the subject action currently remain as follows:

In the Woods' claim, Plaintiffs' current demand is \$120,000.00, and the current offer is \$60,000.00.

No demands or settlement offers have been rendered on behalf of Plaintiffs Valerie J. Powers and her husband, Randell T. Powers.

III. WITNESSES.

1. Plaintiffs Audrey J. Woods and C. Arthur Woods, her husband;
2. Plaintiffs Valerie J. Powers and Randell T. Powers, her husband;
3. Defendants James G. Stellabuto and Bernice A. Stellabuto, husband and wife;
4. David Stellabuto, Brockway, PA;
5. Paul Carolus, DuBois, PA;
6. Michael Fisher, Brookville, PA;
7. Harry Schropp;
8. Robert Chappel, DuBois, PA;
9. Blaine Bogle;
10. Brent Orr, DuBois, PA;
11. David Klepfer, DuBois, PA;
12. Heather Long, DuBois, PA;
13. Mary Ann Zakutny, Delaware, Ohio;
14. Janice Maloney, DuBois, PA;
15. Lori Beth Rancik, Grampian, PA;
16. John Kness, DuBois, PA;
17. Kimberly Dunlap, DuBois, PA;
18. Representative of Jim Stellabuto's Everything Under Foot, Inc.;
19. Representative of Amserv Ltd., DuBois, PA (EMS);
20. Representative of Life Flight Air Medical Transport, Danville, PA;
21. Representative of DuBois Regional Medical Center, DuBois, PA;

22. Thomas Franz, M.D., Choicecare Physicians, Pittsburgh, PA;
23. John J. Bellomo, D.O., DuBois, PA;
24. Dr. Gregory Roscoe, Clearfield/Jefferson Head and Neck Surgical Associates, Inc., DuBois, PA
25. Dr. George M. Kosco, DuBois, Radiologist, DuBois, PA;
26. DuBois Regional Medical Center/Home Health, DuBois, PA;
27. Dr. James Cherry, DuBois, PA;
28. Dr. Jay Ambrose/DuBois Regional Cardiology Associates, DuBois, PA;
29. Dr. Louise Nichamin, Laurel Eye Clinic, DuBois, PA;
30. Dr. Laurence J. Soges, Danville, PA
31. Representative of Sears Optical;
32. Sung Park, M.D. DuBois, PA;
33. Dr. Albert Lee, DuBois, PA;
34. Thomas R. Damiano, M.D., Danville, PA;
35. Representative of Casteel Chiropractic Center, DuBois, PA;
36. Dr. Andrew Gurman, Blair Orthopedic Associates, Altoona, PA;
37. Representative of DuBois Regional Medical Center, Physical Therapy Department, DuBois, PA;
38. Representative of Altoona Hospital, Altoona, PA;
39. Dr. Mark Piasio, DuBois, PA;
40. Representative of Keystone Rehabilitation, DuBois, PA;
41. Dr. Rene Allenbaugh, DuBois, PA;
42. Paul Roemer, M.D., DuBois, PA;
43. Representative of Clearfield Hospital, Clearfield, PA;

44. Representative of Indiana Open MRI, Indiana, PA;
45. Plaintiffs's friends and relatives;
46. Any witnesses identified in Defendants' Pre-Trial Statement; and,
47. Plaintiffs reserve the right to supplement this list prior to trial, giving prior notice to counsel of record and your Honorable Court.

IV. EXHIBITS.

1. Records, including but not limited to, medical reports, notes, treatment records, diagnostic films and test results, and other medical information depicting or explaining Plaintiffs' injuries;
2. Anatomical charts or diagrams, models, diagnostic films and/or test results depicting or explaining Plaintiffs' injuries;
3. Damages summary charts, to be shown to counsel and the Court prior to introduction at trial;
4. Photographs depicting Plaintiffs Valerie Powers and Audrey Woods' injuries and depicting the accident site and surrounding locale;
5. Lien documentation;
6. Weather records;
7. Deposition transcripts;
8. Affidavits of John Kness and Kimberly Dunlap;
9. Drawings, diagrams, maps and/or photographs of the accident site;
10. CV's of expert witnesses;
11. Any exhibits referred to in Defendants' Narrative Pre-trial Statement filed in this case; and,
12. Plaintiffs reserve the right to supplement this list prior to trial, giving notice to counsel of record and your Honorable Court.

V. ADMISSIONS/STIPULATIONS.

Authenticity of medical records.

VI. PARTIES UNNECESSARY TO CASE.

None.

VII. SPECIAL DAMAGES.

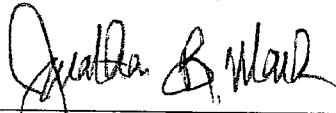
To be supplied.

VIII. ESTIMATED LENGTH OF TRIAL.

The trial in this matter is expected to last 4 days.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS' PRETRIAL
NARRATIVE STATEMENT** was mailed, U.S. First Class mail, to the following this 14th day of
August, 2007:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

Cindy J. Holter

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

ORDER

AND NOW, this _____ day of _____, 2007, it is hereby
ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Strike Plaintiffs'
Amended Pre-Trial Narrative Statement is GRANTED. The Prothonotary is ordered to
strike Plaintiffs' Amended Pre-Trial Narrative Statement from the docket. Plaintiffs' are
shall not have the right to call Dr. Gurman or Dr. Rocco as witnesses at the time of trial,
nor shall they be permitted to submit either of their expert reports as evidence.

BY THE COURT:


J.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Strike Plaintiffs' Amended Pre-Trial Narrative Statement** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 24 day of September, 2007.

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By 
Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF DR. JACK F. ROCCO**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

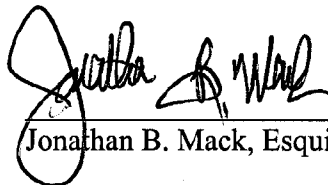
COUNSEL OF RECORD FOR THIS
PARTY:

922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

FILED NO CC
m/12:31/07
SEP 27 2007
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

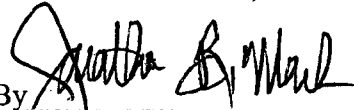
JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the video recorded deposition of
DR. JACK F. ROCCO will be taken on oral examination at the University Orthopedic &
Sports office, 1505 9th Avenue, Altoona, PA 16602 on October 5, 2007, at 1:30 p.m. and at any
and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: September 18, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DR. JACK F. ROCCO**, to Counsel for Defendant, Trisha A. Gill, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

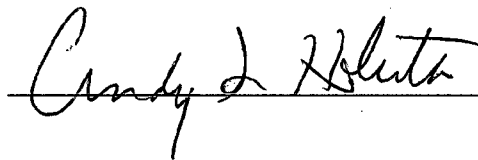
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **DR. JACK F. ROCCO** was served by U.S. First Class Mail, postage prepaid
this 18TH day of September, 2007, upon the following:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Sargents Court Reporting
513 Allegheny Street
Hollidaysburg, PA 16648

(814) 696-43913



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

AUDREY J. WOODS and C. ARTHUR :

WOODS, and VALERIE J. POWERS and:

RANDELL T. POWERS :

VS. : NO. 05-276-CD

JAMES G. STELLABUTO and :

BERNICE A. STELLABUTO, :

JIM STELLABUTO'S EVERYTHING :

FOOT, INC., and/or JIM :

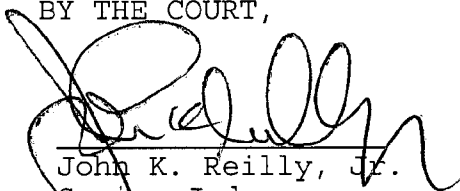
STELLABUTO'S EVERYTHING UNDER :

ONE ROOF :

O R D E R

AND NOW, this 26th day of September, 2007, upon consideration of Plaintiff's Motion in Limine, it is the ORDER of this Court that said Motion be and is hereby granted and Defense precluded from offering any evidence that there were no prior falls in the area referred to in Plaintiff's complaint.

BY THE COURT,


John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED

013:0381
SEP 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

200
Atty's:
Gill
Wallace

(GK)

FILED

SEP 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/27/07
____ You are responsible for serving all appropriate parties.
____ ☒ The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) ☒ Plaintiff(s) Attorney _____ Other
____ Defendant(s) ☒ Defendant(s) Attorney _____
____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

AUDREY J. WOODS and C. ARTHUR :

WOODS, and VALERIE J. POWERS and:

RANDELL T. POWERS :

VS. : NO. 05-276-CD

JAMES G. STELLABUTO and :

BERNICE A. STELLABUTO, :

JIM STELLABUTO'S EVERYTHING :

FOOT, INC., and/or JIM :


STELLABUTO'S EVERYTHING UNDER :

ONE ROOF :

O R D E R

AND NOW, this 26th day of September, 2007, upon consideration of Defense Motion in Limine, Plaintiff is hereby permitted to introduce medical bills that have been or may be required to be paid by Plaintiff.

BY THE COURT,


John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED 2cc
013.0301 Atty's.
SEP 27 2007 Mack

William A. Shaw
Prothonotary/Clerk of Courts Gillette Wallace

Ⓢ

FILED

SEP 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/27/07

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

AUDREY J. WOODS and C. ARTHUR :

WOODS, and VALERIE J. POWERS and:

RANDELL T. POWERS :

VS. : NO. 05-276-CD

JAMES G. STELLABUTO and :

BERNICE A. STELLABUTO, :

JIM STELLABUTO'S EVERYTHING :

FOOT, INC., and/or JIM :

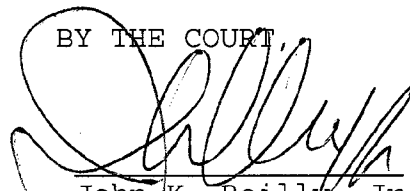
STELLABUTO'S EVERYTHING UNDER :

ONE ROOF :

O R D E R

AND NOW, this 26th day of September, 2007, upon consideration of Defense Motion in Limine, Plaintiff is hereby permitted to introduce the report of Dr. Andrew Gurman.

BY THE COURT,



John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED *acc*

013:03/04
SEP 27 2007 *Atty's!*
Mack

William A. Shaw
Prothonotary/Clerk of Courts

Gill & Wallace

GW

DATE: 9/27/07

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) Plaintiff(s) Attorney Other

 Defendant(s) Defendant(s) Attorney

 Special Instructions:

William A. Shaw
Prothonotary/Clerk of Courts

SEP 27 2007

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

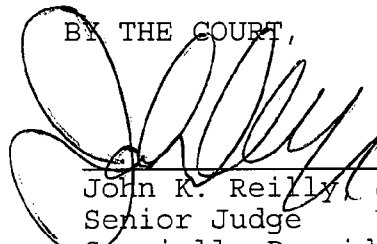
CIVIL DIVISION

AUDREY J. WOODS and C. ARTHUR :
WOODS, and VALERIE J. POWERS and:
RANDELL T. POWERS :
VS. : NO. 05-276-CD
JAMES G. STELLABUTO and :
BERNICE A. STELLABUTO, :
JIM STELLABUTO'S EVERYTHING :
FOOT, INC., and/or JIM :
STELLABUTO'S EVERYTHING UNDER :
ONE ROOF :

O R D E R

AND NOW, this 26th day of September, 2007, upon consideration of Defense Motion in Limine, the Court will permit Plaintiff to call Audrey J. Woods and offer her as a witness corroborating the testimony of the Plaintiff wife and offer her for cross-examination.

BY THE COURT,


John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED

013:0330
SEP 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

2cc
Atty's.
mack
Gill Wallace
GA

FILED

SEP 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/27/07

You are responsible for serving all appropriate parties.

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

☒ Plaintiff(s) Attorney ☐ Other
☐ Plaintiff(s) ☒ Defendant(s) Attorney
☐ Defendant(s)
☐ Special Instructions:

6A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

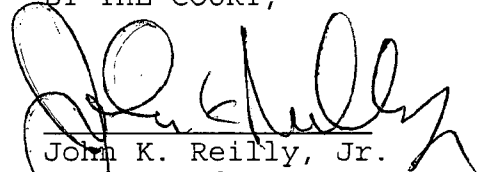
CIVIL DIVISION

AUDREY J. WOODS and C. ARTHUR :
WOODS, and VALERIE J. POWERS and:
RANDELL T. POWERS :
VS. : NO. 05-276-CD
JAMES G. STELLABUTO and :
BERNICE A. STELLABUTO, :
JIM STELLABUTO'S EVERYTHING :
FOOT, INC., and/or JIM :
STELLABUTO'S EVERYTHING UNDER :
ONE ROOF :

O R D E R

AND NOW, this 26th day of September, 2007, upon consideration of Defense Motion for Judicial Notice of Climatological Data; there being no objection thereto, it is the ORDER of this Court that said Motion be and is hereby granted and judicial notice shall be taken of the climatological data attached to said Motion.

BY THE COURT,



John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED

013:03/04
SEP 27 2007

2cc
Atty's:
Mack

William A. Shaw
Prothonotary/Clerk of Courts

Gill & Wallace

@

FILED

SEP 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/27/07

___ You are responsible for serving all appropriate parties.

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

___ Plaintiff(s) ☒ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ☒ Defendant(s) Attorney

___ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

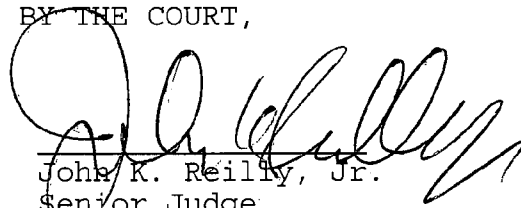
CIVIL DIVISION

AUDREY J. WOODS and C. ARTHUR :
WOODS, and VALERIE J. POWERS and:
RANDELL T. POWERS :
VS. : NO. 05-276-CD
JAMES G. STELLABUTO and :
BERNICE A. STELLABUTO, :
JIM STELLABUTO'S EVERYTHING :
FOOT, INC., and/or JIM :
STELLABUTO'S EVERYTHING UNDER :
ONE ROOF :

O R D E R

AND NOW, this 26th day of September, 2007, upon consideration of Motion in Limine, it is the ORDER of this Court that said Motion be and is hereby granted and testimony regarding net worth, or creating the impression that the Defendant is personally responsible for any damages, is hereby precluded.

BY THE COURT,


John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED

0/3:03
SEP 27 2007

2cc

Any:

Mack

Gill & Wallace

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

FILED

SEP 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/27/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

Defendant(s) ☒ Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

PROOF OF SERVICE OF SUBPOENAS

Filed on Behalf of the Defendants:
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. GILL, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED
m/12 3461
OCT 01 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and
C. ARTHUR WOODS, her husband,
and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

Plaintiffs,
vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,
and BEAVER GROVE CONDOMINIUM,

Defendants.

PROOF OF SERVICE OF SUBPOENAS

AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their Attorneys, Walsh, Collis & Blackmer, P.C., and Trisha A. Gill, Esquire, and file the following Proof of Service of subpoena and aver as follows:

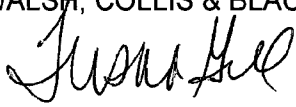
1. Subpoenas to Attend and Testify in connection with the above-captioned matter were served via certified mail on Kim Dunlap, John Kness, Paul Carolus and David Klepfer on September 20, 2006.

2. Attached hereto and marked as Exhibit "A" is a copy of the Return of Service.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By



Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee X <i>Paul Carolus</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Paul Carolus</i> <i>9.22.07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em;"><i>Paul Carolus</i> <i>235 12th St.</i> <i>Dubois, PA</i> <i>15801</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p style="font-size: 1.2em;"><i>7007 1490 0002 9705 1929</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee X <i>Stacey FSL</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Stacey FSL</i> <i>9/20/07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em;"><i>David Klepfer</i> <i>1773 Treasure Lake</i> <i>Dubois, PA</i> <i>15801</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p style="font-size: 1.2em;"><i>7007 1490 0002 9705 1905</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

EXHIBIT "A"

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

John Kness
407 S. Main St.
Dubois, PA
15801

2. Article Number

(Transfer from service label)

7007 1490 0002 9705 1912

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

Becky Hoover

C. Date of Delivery

9/20/07

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

Kim Dunlap
407 S. Main St.
Dubois, PA
15801

2. Article Number

(Transfer from service label)

7007 1490 0002 9705 1936

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

Becky Hoover

C. Date of Delivery

9/20/07

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

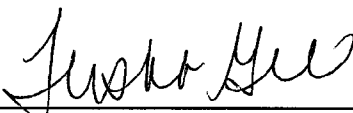
☐ Yes**EXHIBIT "A"**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoenas** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 21 day of September, 2007:

John Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By 
Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband,
RD 2 Box 451
Dubois, PA 15801

CIVIL ACTION

No. 2005-00276 CD

Type of case:

and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,
1235 Highland St. Ext.
Dubois, PA 15801

**Type of Pleading: NOTICE OF
DEPOSITION OF DR. ANDREW
GURMAN**

FILED ON BEHALF OF:

Plaintiffs,

Audrey J. Woods and C. Arthur Woods, Her
Husband, and Valerie J. Powers and Randell
T. Powers, her husband.

VS.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

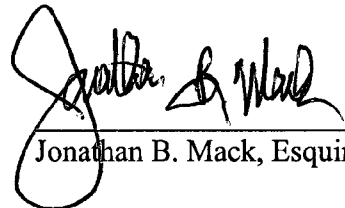
COUNSEL OF RECORD FOR THIS
PARTY:


922 Beaver Drive
Dubois, PA 15801-2514

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

Telephone: (724) 349-5602

Defendants.


Jonathan B. Mack, Esquire

FILED *NO CC*
M110-5824
OCT 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

CIVIL ACTION

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the video recorded deposition of
DR. ANDREW GURMAN will be taken on oral examination at the Blair Orthopedic
Associates office at 3000 Fairway Drive, Altoona, PA 16602 on Wednesday, October 3, 2007,
at 6:00 p.m. and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 38970

Dated: September 28, 2007

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DR. ANDREW GURMAN**, to Counsel for Defendant, Trisha A. Gill, Esquire, Walsh, Collis & Blackmer, L.L.C., The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

Sup. Ct. ID 38970
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR
WOODS, her husband, and VALERIE J.
POWERS and RANDELL T. POWERS her
husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE
A. STELLABUTO, husband and wife;
JAMES G. STELLABUTO, i/t/d/b/a JIM
STELLABUTO'S EVERYTHING UNDER
FOOT, INC., and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF; and
BEAVER GROVE CONDOMINIUM,

Defendants.

CIVIL ACTION

No. 2005-00276 CD

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970

Marcus & Mack, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

CERTIFICATE OF SERVICE

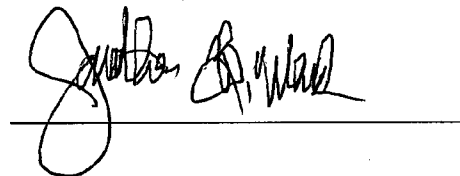
I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION of **DR. ANDREW GURMAN** was served by U.S. First Class Mail, postage
prepaid this 28TH day of September, 2007, upon the following:

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, L.L.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 263-5241

Sargents Court Reporting
513 Allegheny Street
Hollidaysburg, PA 16648

(814) 696-4391



A handwritten signature in black ink, appearing to read 'Jonathan B. Mack', is written over a horizontal line.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,

Defendants.

CIVIL DIVISION

Docket No.: 2005-00276 CD

**SUPPLEMENTAL MOTION FOR
PROTECTIVE ORDER**

(Jury Trial Demanded)

Filed on Behalf of the Defendants:

James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

Counsel of Record for This Party:

TRISHA A. GILL, ESQUIRE
P.A. I.D. No. 83751

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

#244

FILED *no cc*
mt 12:43 PM
OCT 01 2007 *@*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,

Defendants.

SUPPLEMENTAL MOTION FOR PROTECTIVE ORDER

AND NOW, come the Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof, by and through their attorneys, Walsh, Collis & Blackmer, P.C. and Trisha A. Gill, Esquire, and bring the within Supplemental Motion for Protective Order and in support thereof aver as follows:

1. The above-captioned matter is currently scheduled for trial on October 10, 2007.
2. Plaintiffs have noticed the deposition of Jack Rocco, M.D. for October 5, 2007.
3. Dr. Rocco was retained by these Defendants to perform an Independent Medical Examination (IME) of Plaintiff Valerie Powers.
4. Defendants have chosen not to call Dr. Rocco as a witness.

5. Under the law of this Commonwealth, a party is not permitted to call an expert witness retained by the opposing party as its own expert. See Jistarri v. Nappi, 378 Pa.Super. 583, 549 A.2d 210 (Pa.Super. 1988); Evans v. Otis Elevator Company, 403 Pa. 13, 168 A.2d 573 (1961); Pennsylvania Company for Insurances on Lives and Granting Annuities, Trustee v. Philadelphia, 262 Pa. 439, 105 A. 630 (1918).

6. Plaintiffs' counsel cites to the case of Spino v. John S. Tilley Ladder Company, 671 A.2d 726 (1996) for the proposition that it may move forward with the deposition of Dr. Rocco. However, Spino v. Tilley specifically states that a party cannot compel the deposition testimony of an expert retained by an opposing party if that expert chooses not to testify. A copy of the Spino opinion is attached with relevant portions highlighted.

7. In the instant matter, Dr. Rocco, who is retained by the Defendants, has provided a letter advising that he does not want to give a deposition at the request of Plaintiffs' counsel. Attached hereto and marked as Exhibit "A" is Dr. Rocco's verification dated September 28, 2007.

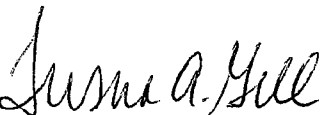
8. Accordingly, in light of the law of this Commonwealth including Spino, supra, Dr. Rocco cannot be compelled to give deposition testimony at the request of the Plaintiff.

WHEREFORE, Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under

One Roof, respectfully request this Honorable Court to enter a Protective Order denying Plaintiffs the opportunity depose and call Jack Rocco, M.D. as a witness at trial.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By  _____
Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

671 A.2d 726
 448 Pa.Super. 327, 671 A.2d 726, Prod.Liab.Rep. (CCH) P 14,542
(Cite as: 448 Pa.Super. 327, 671 A.2d 726)

Page 1

Spino v. John S. Tilley Ladder Co.
 Pa.Super.,1996.

Superior Court of Pennsylvania.
 Francis SPINO and Louise Spino, Appellants,
 v.
 JOHN S. TILLEY LADDER COMPANY, and
 M.A. Buten & Son, Inc., Appellees.
 Argued May 16, 1995.
 Filed Feb. 9, 1996.

User of ladder who was injured in fall brought products liability action against manufacturer, and after trial in which manufacturer was allowed to submit evidence of lack of prior similar incidents to rebut user's causation argument, the Court of Common Pleas, Philadelphia County, Civil Division, No. 913 Oct. Term, 1988, Herron, J., entered judgment on jury verdict for manufacturer and denied user's motion for new trial. User appealed, and the Superior Court, No. 3175 Philadelphia 1994, McEwen, J., held that: (1) where threshold requirement of abundant situations of substantially identical circumstances is substantiated, admission of evidence of absence of similar accidents to rebut evidence of causation is matter committed to sound discretion of trial court; (2) trial court did not abuse its discretion in admitting evidence of lack of similar accidents involving ladder; (3) testimony of manufacturer's expert had adequate factual basis; (4) cross-examination of user's expert witness as to income earned as expert was not reversible error; and (5) trial court properly refused to allow user to subpoena physician retained by manufacturer but not called as witness.

Affirmed.

West Headnotes

[1] Products Liability 313A 8

313A Products Liability
 313AI Scope in General
 313AI(A) Products in General

313Ak8 k. Nature of Product and Existence of Defect or Danger. Most Cited Cases

Products Liability 313A 15

313A Products Liability
 313AI Scope in General
 313AI(A) Products in General
 313Ak15 k. Proximate Cause and Foreseeable Injury; Intended or Foreseeable Use. Most Cited Cases
 Plaintiff in order to establish cause of action in products liability must prove that product was defective and that defect in product was substantial factor in causing injury, and additionally must prove that defect in product existed at time product left defendant's control.

[2] Products Liability 313A 11

313A Products Liability
 313AI Scope in General
 313AI(A) Products in General
 313Ak11 k. Design. Most Cited Cases
 Issue for resolution by jury in strict products liability case where plaintiff alleges that product is unreasonably dangerous as result of design defect is whether product should have been designed more safely by manufacturer.

[3] Products Liability 313A 81.1

313A Products Liability
 313AII Actions
 313Ak81 Admissibility of Evidence
 313Ak81.1 k. In General. Most Cited Cases
 Since evidence of negligence is irrelevant in strict products liability case, evidence of defendant's due care must also be excluded as irrelevant and prejudicial since it could serve as inappropriate basis upon which jury might mistakenly return verdict for defendant manufacturer.

[4] Appeal and Error 30 970(2)

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 (Cite as: 448 Pa.Super. 327, 671 A.2d 726)

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30 Appeal and Error**30XVI Review****30XVI(H) Discretion of Lower Court****30k970 Reception of Evidence**

30k970(2) k. Rulings on Admissibility
 of Evidence in General. Most Cited Cases

Trial 388 43**388 Trial****388IV Reception of Evidence**

388IV(A) Introduction, Offer, and Admission
 of Evidence in General

388k43 k. Admission of Evidence in
 General. Most Cited Cases

Questions regarding admissibility or exclusion of
 evidence are within sound discretion of trial court
 and will not be disturbed absent "abuse of
 discretion," which requires prejudice, ill-will, or
 misapplication of law.

[5] Appeal and Error 30 840(4)**30 Appeal and Error****30XVI Review**

30XVI(A) Scope, Standards, and Extent, in
 General

30k838 Questions Considered

30k840 Review of Specific Questions
 and Particular Decisions

30k840(4) k. Review of Questions
 of Pleading and Practice. Most Cited Cases

In assessing propriety of trial court's actions with
 regard to admission of evidence, fundamental
 consideration in determining admissibility of
 evidence is its relevance.

[6] Evidence 157 99**157 Evidence****157IV Admissibility in General****157IV(A) Facts in Issue and Relevant to Issues**

157k99 k. Relevancy in General. Most
 Cited Cases

Evidence is "relevant" if it tends to make fact at
 issue more or less probable.

[7] Products Liability 313A 81.1**313A Products Liability****313AII Actions****313Ak81 Admissibility of Evidence**

313Ak81.1 k. In General. Most Cited Cases
 Evidence of due care by manufacturer is irrelevant
 to issue of liability of manufacturer in products
 liability case and is inadmissible, since
 manufacturer may be strictly liable even if it has
 used utmost care in designing and manufacturing
 product.

[8] Evidence 157 147**157 Evidence****157IV Admissibility in General****157IV(D) Materiality**

157k147 k. Negative Evidence. Most
 Cited Cases

Where threshold requirement of abundant situations
 of substantially identical circumstances is
 substantiated, admission of evidence of absence of
 similar accidents to rebut evidence of causation in
 products liability action is matter committed to
 sound discretion of trial court in conjunction with
 such instructions as trial court deems appropriate.

[9] Evidence 157 141**157 Evidence****157IV Admissibility in General****157IV(C) Similar Facts and Transactions**

157k141 k. Other Injuries or Accidents
 from Same or Similar Causes. Most Cited Cases

Products Liability 313A 82.1**313A Products Liability****313AII Actions****313Ak82 Weight and Sufficiency of Evidence**

313Ak82.1 k. In General. Most Cited Cases
 Product's defective condition may be proven
 through circumstantial evidence such as occurrence
 of similar accidents, and evidence of similar

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accidents occurring at substantially same place and under same or similar circumstances is generally admissible to prove manufacturer's constructive notice of dangerous or defective condition; however, admission of such evidence is tempered by judicial concern that evidence may raise collateral issues which confuse both real issue and jury, and such matters are vested within sound discretion of trial court.

[10] Appeal and Error 30 1047(1)

30 Appeal and Error

30XVI Review

30XVI(J) Harmless Error

30XVI(J)8 Reception of Evidence

30k1047 Rulings as to Evidence in General

30k1047(1) k. In General. Most Cited Cases

To constitute "reversible error," ruling on evidence must be shown to be erroneous and harmful to complaining party.

[11] Evidence 157 141

157 Evidence

157IV Admissibility in General

157IV(C) Similar Facts and Transactions

157k141 k. Other Injuries or Accidents from Same or Similar Causes. Most Cited Cases

While evidence of other occurrences involving allegedly defective product may be admissible in plaintiff's case in chief in products liability action to show existence of defective condition, causation, or notice of defect, such evidence is admissible only if plaintiff first establishes substantial similarity of conditions between prior incident and incident giving rise to plaintiff's cause of action.

[12] Evidence 157 147

157 Evidence

157IV Admissibility in General

157IV(D) Materiality

157k147 k. Negative Evidence. Most Cited Cases

Trial court in products liability action brought

against ladder manufacturer did not abuse its discretion in admitting evidence that manufacturer had made approximately 100,000 ladders over 30-year period and was unaware of mishap similar to that which was alleged to have caused user's injuries, which were alleged to have been caused by split in leg which occurred while user was on ladder; manufacturer's reliable product problem history system created sufficient factual basis for admission, which was offered to rebut causation argument of user.

[13] Appeal and Error 30 971(2)

30 Appeal and Error

30XVI Review

30XVI(H) Discretion of Lower Court

30k971 Examination of Witnesses

30k971(2) k. Competency of Witness. Most Cited Cases

Evidence 157 546

157 Evidence

157XII Opinion Evidence

157XII(C) Competency of Experts

157k546 k. Determination of Question of Competency. Most Cited Cases

Rulings on admissibility of expert testimony are committed to sound discretion of trial court, whose decision thereon will not be disturbed in absence of clear abuse of that discretion or error of law resulting in prejudice to complaining party.

[14] Evidence 157 555.5

157 Evidence

157XII Opinion Evidence

157XII(D) Examination of Experts

157k555 Basis of Opinion

157k555.5 k. Cause and Effect. Most Cited Cases

Testimony of expert for manufacturer had adequate factual basis and was properly admitted in products liability action against manufacturer of ladder where expert offered numerous factual observations to support opinion that ladder had been subjected to twisting force applied to rear legs at some time

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prior to user's fall and that split in leg of ladder in no way caused or contributed to fall; although expert conceded that he did not know precisely how split had been caused, he offered opinion, based on facts of record and to reasonable degree of certainty, on causation.

[15] Appeal and Error 30 971(3)

30 Appeal and Error

30XVI Review

30XVI(H) Discretion of Lower Court

30k971 Examination of Witnesses

30k971(3) k. Cross-Examination. Most Cited Cases

Witnesses 410 267

410 Witnesses

410III Examination

410III(B) Cross-Examination

410k267 k. Control and Discretion of Court. Most Cited Cases

Scope and limits of cross-examination are within trial court's discretion, and court's ruling thereon will not be reversed in absence of clear abuse of discretion or error of law.

[16] Evidence 157 560

157 Evidence

157XII Opinion Evidence

157XII(D) Examination of Experts

157k560 k. Contradiction and Impeachment. Most Cited Cases

Party is entitled to cross-examine expert witness to explore credibility of witness and to inquire into any potential bias, interest, or relationship which could affect testimony of witness.

[17] Appeal and Error 30 1048(6)

30 Appeal and Error

30XVI Review

30XVI(J) Harmless Error

30XVI(J)9 Witnesses

30k1048 Rulings on Questions to Witnesses

30k1048(6) k. Cross-Examination and Re-Examination. Most Cited Cases

Cross-examination of expert witness for plaintiff in products liability action as to income earned as expert witness in assignments unrelated to instant case, although beyond scope of proper cross-examination, did not constitute reversible error requiring new trial where cross-examination was properly curtailed upon objection of counsel, inquiry was of fleeting nature and was marginally relevant to issue of bias, and no request for cautionary instruction or mistrial was made.

[18] Witnesses 410 4

410 Witnesses

410I In General

410k3 Persons Who May Be Required to Appear and Testify

410k4 k. In General. Most Cited Cases

Trial court did not abuse its discretion in refusing to allow plaintiffs in products liability action to subpoena physician who had been retained as expert witness by manufacturer after manufacturer indicated that physician would not be called as witness; court did not prohibit physician from testifying for plaintiffs if he so desired, but simply precluded plaintiffs from compelling physician to provide expert opinion.

[19] Trial 388 211

388 Trial

388VII Instructions to Jury

388VII(B) Necessity and Subject-Matter

388k211 k. Failure of Party to Testify or to Call Witness or Produce Evidence. Most Cited Cases

Trial court properly refused to give missing witness charge to jury in products liability action based on decision of manufacturer not to call physician it had retained as expert witness to testify at trial.

[20] Appeal and Error 30 497(1)

30 Appeal and Error

30X Record

30X(A) Matters to Be Shown

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30k497 Grounds of Review

30k497(1) k. In General. Most Cited

Cases

Responsibility for providing complete record for purpose of review on appeal is borne by appellant. Rules App.Proc., Rule 1911(a), 42 Pa.C.S.A.

[21] Appeal and Error 30 499(3)

30 Appeal and Error

30X Record

30X(A) Matters to Be Shown

30k498 Presentation and Reservation of Grounds of Review

30k499 Questions and Objections in General

30k499(3) k. Objections to

Evidence and Depositions. Most Cited Cases

Contention by plaintiffs in products liability action that trial court erred in sustaining objection to question asked during direct examination of plaintiff's expert witness was not preserved for review on appeal where basis of objection was not made matter of record, record did not reflect that plaintiffs sought to make offer of proof, neither original record nor reproduced record contained postverdict motions which were filed, and trial judge did not address issue in opinion written in response to posttrial motions. Rules App.Proc., Rule 1911(a), 42 Pa.C.S.A.

[22] Trial 388 133.3

388 Trial

388V Arguments and Conduct of Counsel

388k133 Action of Court

388k133.3 k. Sustaining Objection. Most Cited Cases

No basis existed upon which relief of new trial could be granted to plaintiffs in products liability action, even though manufacturer's counsel had referred to "malpractice crisis" during closing argument, where objection to remark by plaintiffs was immediately sustained and plaintiffs did not request curative instruction or mistrial.

[23] Trial 388 133.1

388 Trial

388V Arguments and Conduct of Counsel

388k133 Action of Court

388k133.1 k. In General; Duty of Court.

Most Cited Cases

Reference by counsel for manufacturer to "malpractice crisis" during closing argument in products liability action was not such as would have warranted award of mistrial even if mistrial had been timely requested.

****729 *332** Francis X. Nolan, Philadelphia, for appellants.

Barbara S. Magen, Philadelphia, for appellees.

Before McEWEN, JOHNSON, and BROSKY, JJ.

McEWEN, Judge:

Appellants, Francis and Louise Spino, have taken this appeal from the verdict entered in favor of appellees, the John S. Tilley Ladder Company (hereinafter "Tilley") and M.A. Buten & Sons, Inc. (hereinafter "Buten"), following a jury trial in this action seeking compensation for injuries sustained by Louise Spino when she fell from a household ladder manufactured by Tilley and sold to her husband by Buten. Appellants *333 have framed their arguments in support of their request for a new trial, as follows:

In this 402A case involving defective design of a product, did the trial court err by creating an immunity for the defendant by permitting the defendant to introduce negligence principles that since defendant did not have prior knowledge of the product's dangerous propensities, the product could not be defective?

Did the trial court err in refusing to permit plaintiff's expert to opine that safety devices (anti-split devices) used by defendant Tilley on its other ladders to prevent splits would have prevented the split in this case, and where the defendant's experts did opine that the anti-split device was unnecessary?

Did the trial court err by permitting defendant Tilley to introduce expert testimony that was entirely speculative, without factual basis, admittedly not causally related to the split, was irrelevant, and insufficient for defendant to meet its

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burden of proof on foreseeability where one expert admitted that their proof was contradictory and the other admitted that he really did not know what happened to the ladder, and where conclusions were permitted without factual or scientific basis that some unidentified "external force" was responsible for creating the split, and where these errors were compounded by not correcting the verdict slip to identify for the jury exactly what "defect" was at issue, i.e. the allegedly pre-existing split or a number of maintenance items having nothing to do with the split, and where Tilley completely ignored its burden of proof on foreseeability as to any alleged misuse or abuse?

Did the trial court err when it refused to permit plaintiff to call defense expert, Dr. Toland, who examined plaintiff and did not testify, where plaintiff was not permitted to testify that he examined her for the defendant, and where the trial court then refused to give an adverse inference charge?

Did the trial court err by permitting Tilley to cross-examine plaintiff's expert on how much he earned on matters not connected with the present case?

***334** Did Tilley create prejudicial error in this 402A case by referring to a "medical malpractice crisis in litigation" for the purpose of appealing to the prejudices and passions of the jury?

The learned Judge John W. Herron has provided, in his able opinion issued in connection with the denial of post-verdict motions, the following summary of the evidence produced at trial:

Louise Spino and her husband, Francis, together purchased a Type 3 ordinary household wood ladder in 1983 at a local retail paint store. The ladder was manufactured by defendant John S. Tilley Ladder Company and, according to expert testimony, was designed to accommodate ordinary household usage (as opposed to heavier and more rigorous commercial and construction usages for which defendant Ladder Company's Types 1 and 2 ladders were designed). Plaintiffs never challenged the fact that the ladder in issue was intended for usage restricted to a 200 pound weight bearing load or that Mr. ****730** Spino weighed 220 pounds at the time of purchase.

On the day following purchase, Mr. Spino used the ladder for a household painting project that included the Spinos' bedroom, dining room and living room. Mr. Spino testified that he only used the ladder for painting projects. Mrs. Spino used it two or three times per year to wash windows or hang curtains. When not in use, the ladder was stored at the foot of the stairs in plaintiffs' basement.

At the time of trial, this ladder showed evidence of labels but no one was able to decipher at that time what was written on the labels because one was covered with paint and another was partially worn away. The Spinos acknowledged, however, that at some point they had looked at the labels but never read them. Mr. Robert Howland, President of defendant Company, testified (via videotaped deposition) that there were labels on the Company's Type 3 household ladder as manufactured and sold which warned against standing on or above the second step down from the top and against use in a damaged condition.

***335** In November 1986, the ladder was brought up from the basement by Mr. Spino. While he was away from the home at work, Mrs. Spino set the ladder up in her kitchen, placed a bucket of water on the ladder shelf, and climbed the ladder. Her intention was to clean the kitchen ceiling and, according to her trial testimony, as she reached her arm up toward the ceiling, she heard a cracking sound, the ladder shook, and the next thing she recalls was that she was on the floor. Mrs. Spino was taken by rescue squad to a local hospital where emergency room records note that she "lost her balance and fell four feet...." Later in the week, while still hospitalized, she told her husband that she did not know how the accident happened.

Mr. Spino testified that when he returned home from visiting his wife at the hospital on the evening of the accident, the ladder already had been removed from the kitchen and placed at the foot of the stairs in the basement by the Spinos' son who lived nearby. Subsequently, in anticipation of the return of his wife from the hospital some weeks later, Mr. Spino decided to repaint the bedroom. Mr. Spino testified that, upon setting the ladder in

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place, he noticed a split in the rear left leg and thereafter made no attempt to use it. Mrs. Spino testified that she was unaware of any further use of the ladder following her accident.

Conflicting expert testimony was presented at trial by the parties. It was plaintiffs' contention that the split in the ladder leg occurred at the time of the accident and, further, that the ladder's design was defective in its failure to include an anti-split plate device of the same type found on defendant's commercial and construction ladders (Types 1 and 2). In the opinion of plaintiffs' expert, the lack of the anti-split device in the design of defendant's Type 3 household ladder rendered the ladder not safe for its intended use.

In contrast, defendant's expert witness, Professor George H. Kyanka, testified at length to his opinion that there was no design defect in the product and, further, that, based on his examination of the ladder in issue, the ladder showed *336 evidence of wear on the second step down from the top and, also, that the crack in the ladder leg had occurred at some time prior to the accident. Indeed, it was the defendant's contention that the accident occurred as a result of use of the ladder in an existing weakened and wobbly condition which was dangerous and contrary to the manufacturer's warning labels.

The jury, in response to special interrogatories, found that the ladder was not defective and this appeal followed.

I. Introduction of Evidence of the Absence of Prior Accidents.

[1][2] A plaintiff must prove two elements in order to establish a cause of action in products liability: One, that the product was defective and two, that "the defect in the product was a substantial factor in causing the injury. *Berkebile v. Brantly Helicopter Corp.*, 462 Pa. 83, 337 A.2d 893 (1975)." *DiFrancesco v. Excav Inc.*, 434 Pa.Super. 173, 177-78, 642 A.2d 529, 531 (1994), *allo. granted*, 540 Pa. 599, 655 A.2d 988 (1995). *Accord*: **731 *Dietrich v. J.I. Case Co.*, 390 Pa.Super. 475, 481-82, 568 A.2d 1272, 1275 (1990), *allo. denied*, 528 Pa. 610, 596 A.2d 157 (1991).

Additionally, the plaintiff must prove that the defect in the product existed at the time the product left the defendant's control. *Roselli v. General Elec. Co.*, 410 Pa.Super. 223, 228-30, 599 A.2d 685, 688 (1991). The issue for resolution by the jury in a strict products liability case where the plaintiff alleges that the product is unreasonably dangerous as a result of a *design defect* is whether the product should have been *designed more safely* by the manufacturer. *Dambacher by Dambacher v. Mallis*, 336 Pa.Super. 22, 56-58, 485 A.2d 408, 426 (1984).

Appellants contended that the Type 3 household ladder manufactured by appellee, which had a duty rating of 200 pounds, was defective as a result of the absence of an anti-split device similar to the ones which appellee places on its Type 1 and Type 2 industrial and commercial grade ladders, and that the absence of the device caused Mrs. Spino's fall.

*337 Appellee Tilley maintained that the ladder had been properly designed for its intended household use for loads of less than 200 pounds, and that the absence of the anti-split device was not a defect and had not contributed in any way to Mrs. Spino's accident. Appellee sought to prove at trial that the 18-inch split in the upper portion of the rear leg had existed before the use of the ladder by Mrs. Spino and had been caused not by any weight applied to the steps of the ladder, but by an unusual event which resulted in the application of a twisting force to the rear legs of the ladder. To support these contentions, appellee presented the expert testimony of Dr. Kyanka, who testified, *inter alia*:

[T]here is a split in the left rear rail near the top, running down below the level of the second step down. There is a portion of what is the third step down from the top that's been broken off. And the right spreader, the metal arm that separates the front and back, has a dent in the center. It's been pushed down below its original line of action.

* * * * *

The hardware on the ladder, under the steps there is a wire, a rod that runs under the step. That rod runs at a slight angle to the step. The function of that is to hold the two side rails together, essentially tie

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the ladder into one piece. It acts sort of like shoelaces on a shoe. You tighten them up and they hold the sides together. Those wires on this ladder are essentially all loose. Most of the nuts you can turn with your fingers, so the ladder is sways. It's very flexible. I think that's-I think those were the main items in terms of the general condition of the ladder. So it was quite loose and exhibited the characteristics I just mentioned.

These rods, which are called truss rods that go under the steps, many of them are so loose I can spin the washers around. They're quite-quite loose. That one doesn't spin. This one does. The nuts on the other side aren't tight. They also can be turned by use of your fingers. What this *338 does is loosen the ladder up sideways. And, in fact, if you look at the steps, you can see little gaps at the edges of the steps, the left and the right. If these nuts were tight, the side rails would be pulled together and these steps would be fitting tighter into the slots. That makes the ladder more rigid sideways, resistant to lateral motion.

Of course, the main problem with the hardware on the rail is this left rear rail has been separated from the top cap hardware that holds it on. The rivet that was used to hold the left rear rail in place is still there. And I measured its length and compared it with the right rear rivet and they're the same. I measured the width of the left rear rail and the right rear rail, and they're the same. The heads on the rivet look the same, so I'm assuming they were put in the same way. The rivet itself is not significantly bent or deformed. It doesn't show any structural damage. It's the correct diameter. And basically what that relates to is the fact this rivet acts as a hinge, basically. It allows you to swing **732 the front of the ladder out and set it up in its proper position.

Well, the end of the bucket shelf has been broken off. It moves back and forth laterally very easily, indicating again the ladder has swayed quite a bit when it's been used.

Another aspect of the contact or wear is at the top

of the right left-the top of the left rear rail also is rounded on one end where it originally was square, and that would be again due to any movement that would force it into the front rail. There is a region on the front rail that matches up with that area and there is no sharp dent that would indicate that the two pieces were pushed together so the sharp end of the rear rail would cause a dent in the wood or, excuse me, on the wood of the front rail, so it appears to be a gradual erosion or rounding of the end of the left rear rail.

So all those-the spreader, the rods, the broken paint tray, the split in the rail, the wear pattern around the left rear rail, the loosened hardware and the ease with which the *339 ladder moved sideways indicates it was probably flexible at the point where the accident occurred.

Q. Are you able to determine whether or not the split existed, the split in that left rear leg existed at or before the time the accident occurred?

A. Yes.

Q. What is your opinion in that respect?

A. Well, I think it existed before the accident occurred due to several-several different factors.

Q. Could you list each of those several different factors, please?

A. Yes. One of them is the presence of paint in the split. Of course, that can be seen by moving the wood around, looking in from either side, you can see paint droplets inside the split. And if the ladder had a pre-existent split, there would be opportunity for paint to move in there; otherwise, it shouldn't have gotten there.

The color of the wood inside the split, for example, as you open this up-I don't want to open it up too far-and look inside you'll see the color of the wood inside isn't much different than the color of the wood outside. Since wood discolours, it oxidizes like a lot of other things when it's exposed to the air, if this thing had broken relatively recently compared to the age of the ladder and had been held shut, the wood inside would look like fresh wood or a kind of pink color. Instead it shows some changes in color. This rounding pattern around the rivet that I just discussed in my opinion could only be produced by

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using the ladder, opening and closing and climbing it after the split had occurred, allowing this movement to take place.

Q. Dr. Smith said that the ladder moved as a result of the crack or the split of the ladder while Mrs. Spino was standing on it. If the ladder cracked when Mrs. Spino was standing on it and moved, would there be any physical evidence of that movement on the ladder today?

*340 A. Well, if the ladder failed by a split followed by some movement, first of all, the movement would have to be limited by something on the ladder. It could only move to a certain point and then it would stop because it didn't fall over.

... There is no dent in the rear of the rail and there is no dent in the top cap where it would strike it, none whatsoever. The wear and the abrasions are here on the front, which doesn't even hit the top cap. *So there is no evidence that any major motion, a split followed by the ladder moving, ever took place. Nothing in marks. And in fact the marks showing motion are on the wrong side of the rail according to that theory.* They're on this, your left side and they should be back here on the rear. This is perfectly square. (emphasis added)

One of the main characteristics of wood that you look for to get wood with a good straight line so it should break in a nice straight line, so this breaks in a nice **733 straight line. Also that type of break, this type of a split is usually due to what is called a torqual or twisting load. If I took this and twisted it hard enough this way, I could get it to split. That's a torque or twisting load or, in the case of this, could be due to an inward load from the back side against the rivet. Either one of those types of loads is not what you get in climbing a ladder. Basically climbing a ladder you get vertical loads and a little left to right motion but very little twisting, very little torque of these rails, and they carry very small

force, as we mentioned or as I mentioned, so the possibility of getting that type of a split from climbing is not-is not large at all. So it demonstrates the wood was good, which I already said anyway, and also that one mode of why it could have split is in fact the twisting, which you can do with a wooden pencil. Take a pencil, can twist it, it splits right up. You twist a tongue depressor, it does the same thing. That's due to the torque or twist on the wood.

*341 Q. Are you able to determine what did cause the split?

A. Yes. In my opinion, *the split was caused by either a twist or a front to back force, meaning into or on the rear rail that would cause it to-*(emphasis added)

Q. You're indicating with your hand a force perpendicular to the length of the rear leg, is this a correct description?

A. It could be from the back of the ladder, for example, as I said, in which case it's certainly nowhere that you should be getting any kind of load on the ladder. There is-as an illustration, if the ladder fell over forward, the front end of the paint tray is broken off. If the ladder fell forward and landed on the paint tray, just landed on the paint tray, that would produce-it would do the same thing as a backward to frontward type load. I'm not going to do this but I think if you visualize what I'm saying, just dropped this on the paint tray, it would have a tendency to pop the both left and right rear rails off. So that's one possibility of the paint tray were open and the ladder tipped.

Q. Would an anti-split device have prevented the split which we now see in that ladder?

A. Anti-split device is above where the split would have tried to occur if it fell on the paint tray, for example, so in my opinion I don't feel the anti-split device would have necessarily prevented this since *I don't think the force that created it is anything you normally get in a ladder or anything that an anti-split device is expected to resist.* (emphasis added)

Q. Is an anti-split device intended to resist torqual splits?

A. No. *In fact, as I indicated, if you twist a pencil you can get the split to start in the middle and it*

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will run to the ends. It doesn't split necessarily at the ends, which is where the anti-split device is. (emphasis added)

Q. Does an anti-split device prevent splitting from impact loads?

A. No. Let me rephrase that. No. It will help, certainly, if the impact load is in the vicinity of the device, but *342 generally speaking is not designed for that. It's designed to resist other types of forces.

Tilley introduced evidence, via the testimony of Robert G. Howland, President of the Tilley Ladder Company, that the company had manufactured over 100,000 Type 3 household ladders in the 30-year period from 1950 when he had commenced employment with the Company and neither he nor any other employee had ever been informed of a failure similar to the one alleged by appellants.

Appellants contend that the introduction of such evidence over objection requires the award of a new trial as it impermissibly interjected negligence principles into a 402A strict products liability action. Appellee maintained that the evidence was *relevant to prove that the ladder had not failed as alleged by appellants* and not to prove that Tilley had been free of negligence in continuing to manufacture and market the Type 3 household ladder without providing an anti-split device.

Before beginning an analysis of the evidentiary rulings involved, it is important that **734 we remain mindful of the broad and sound social policy which underlies a seller's liability as established by the Restatement (Second) of Torts, § 402A. Section 402A provides:

(1) One who sells any product in a defective condition unreasonably dangerous to the user or consumer or to his property is subject to liability for physical harm thereby caused to the ultimate user or consumer, or to his property, if (a) the seller is engaged in the business of selling such a product, and (b) it is expected to and does reach the user or consumer without substantial change in the condition in which it is sold.

(2) The rule stated in Subsection (1) applies although (a) the seller has exercised all possible care in the preparation and sale of his product, and

(b) the user or consumer has not bought the product from or entered into any contractual relation with the seller.

*343 The social policy sought to be effected by the implication of the seller's liability is very basic, very simple and very sound. As between an innocent user of a product and a manufacturer or seller who is engaged in the business of manufacturing or selling a product, risk of loss for injuries resulting from the use of a defective product shall be borne by the manufacturer and/or seller. *Salvador v. Atlantic Boiler Co.*, 457 Pa. 24, 31-32, 319 A.2d 903, 907 (1974). See: *Webb v. Zern*, 422 Pa. 424, 220 A.2d 853 (1966) (§ 402A adopted as the law of Pennsylvania).

With this guiding principle in mind, one can readily analyze the application of liability under § 402A. In a product liability case, principles of negligence have no place. *Dambacher By Dambacher v. Mallis*, 336 Pa.Super. 22, 27, 485 A.2d 408, 428 (1984). Liability does not focus upon a manufacturer's reasonableness in the design or manufacture of the product. Nor does it concern the manufacturer's use of "state of the art" concepts. Rather, liability rests where there is a defect in the product which caused injury to the user. Whether or not the defect was known or could have been anticipated at the time of the design or manufacture is of no concern. *Id.*

Majdic v. Cincinnati Machine Co., 370 Pa.Super. 611, 616-17, 537 A.2d 334, 337 (1987) (en banc), *allo. denied*, 520 Pa. 594, 552 A.2d 249 (1988).

[3][4][5][6] Appellants correctly argue that since evidence of negligence is irrelevant in a strict products liability case, evidence of a defendant's due care must also be excluded as irrelevant and prejudicial since it could serve as an inappropriate basis upon which a jury might mistakenly return a verdict for a defendant manufacturer. Appellants contend that the admission of the evidence concerning the absence of any knowledge on the part of Tilley of any similar accidents involving their Type 3 household ladders was evidence of due care and requires the award of a new trial.

Our standard of review for rulings on the admission

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of evidence is well settled. "It has long been clear that questions regarding the admissibility or exclusion of evidence*344 are within the sound discretion of the trial court and will not be disturbed absent an abuse of discretion. An abuse of discretion requires prejudice, bias, ill-will, or misapplication of law." *Rogers v. Johnson & Johnson*, 401 Pa.Super. 430, 436, 585 A.2d 1004, 1007 (1990) (citation omitted). "In assessing the propriety of the trial court's actions, a fundamental consideration in determining the admissibility of evidence is its relevance. Evidence is relevant if it tends to make a fact at issue more or less probable." *Majdic v. Cincinnati Machine Company*, 370 Pa.Super. 611, 618, 537 A.2d 334, 338 (1987) (citation omitted).

Harkins v. Calumet Realty Co., 418 Pa.Super. 405, 412-13, 614 A.2d 699, 703 (1992). See: *Martin v. Soblotney*, 502 Pa. 418, 421-22, 466 A.2d 1022, 1024 (1983); *Burch v. Sears, Roebuck & Co.*, 320 Pa.Super. 444, 454-56, 467 A.2d 615, 621 (1983).

[7] It is well settled that in Pennsylvania, evidence of due care by a defendant is irrelevant to the issue of the liability of a manufacturer in a products liability case and thus inadmissible since a manufacturer may be strictly liable even if it has used the utmost **735 care in designing and manufacturing a product. Appellee concedes that evidence of the reasonableness or due care of the defendant in *designing* the ladder is irrelevant and inadmissible, see, e.g., *Lewis v. Coffing Hoist Div., Duff-Norton Co., Inc.*, 515 Pa. 334, 342-44, 528 A.2d 590, 594 (1987); *Majdic v. Cincinnati Machine Co.*, *supra* at 618-21, 537 A.2d at 338-39, but argues that, since the evidence was offered solely for purposes of rebutting the appellants' evidence on causation, the trial court properly ruled the evidence admissible.

[8] Appellant, in response, contends that evidence which tends to show reasonableness and due care on the part of the manufacturer must be excluded due to its potentially prejudicial effect even if offered to disprove *causation*. While we find the issue one not easily resolved, we believe that the

better course, and the one which our Supreme Court will *345 adopt, is that such evidence is admissible, on the issue of *causation*, in conjunction with appropriate cautionary instructions from the court.

[9][10] Numerous Pennsylvania appellate court cases have analyzed the admissibility-in the plaintiff's case in chief in a products liability action-of evidence of other similar accidents involving the product and found such evidence relevant and admissible:

A product's "defective condition" may be proven through circumstantial evidence such as the occurrence of similar accidents. *Cornell Drilling Co. v. Ford Motor Co.*, 241 Pa.Super. 129, 139, 359 A.2d 822, 827 (1976). Evidence of similar accidents occurring at substantially the same place and under the same or similar circumstances is generally admissible to prove a manufacturer's constructive notice of a dangerous or defective condition. However, the admission of such evidence is tempered by judicial concern that the evidence may raise collateral issues which confuse both the real issue and the jury. These matters are vested within the sound discretion of the trial court. *Whitman v. Riddell*, 324 Pa.Super. 177, 180-82, 471 A.2d 521, 523 (1984). To constitute reversible error, a ruling on evidence must be shown to be erroneous and harmful to the complaining party. *Id.*, [324 Pa.Super. at 177-79] 471 A.2d at 521, quoting *Anderson v. Hughes*, 417 Pa. 87, 90-92, 208 A.2d 789, 791 (1965).

Majdic v. Cincinnati Machine Co., *supra* at 623-24, 537 A.2d at 340-41. Accord: *Harkins v. Calumet Realty Co.*, *supra* at 414-15, 614 A.2d at 704 (evidence of prior occurrences of cottonoid becoming detached from string during surgery precluded due to the absence of evidence that the prior incidents involved the same or similar circumstances). Cf. *DiFrancesco v. Excam Inc.*, *supra* at 185-87, 642 A.2d at 535 ("evidence concerning other incidents involving the instrumentality that causes a plaintiffs' harm may be relevant to a number of issues. It may tend to show that the instrumentality was unsafe.... This evidence is admissible, however, only when the

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evidence concerns incidents sufficiently similar to the incident involving the plaintiff which occurred under similar *346 circumstances.”); *Rogers v. Johnson & Johnson Products Inc.*, 401 Pa.Super. 430, 436-37, 585 A.2d 1004, 1007 (1990) (“trial court reasonably could conclude that the similarities outweighed the differences for the purpose of establishing whether Johnson & Johnson had notice of malfunctions.”)

[11] Thus, while evidence of other occurrences involving an allegedly defective product may be admissible in the plaintiff's case in chief to show (1) the existence of a defective condition, (2) causation, or (3) notice of the defect, such evidence is admissible only if the plaintiff first establishes a substantial similarity of conditions between the prior incident and the incident giving rise to the plaintiff's cause of action.

Although we have been unable to find a Pennsylvania appellate court decision directly addressing the admissibility of such evidence on the issue of causation in the *defendant's case*, this Court in *Orlando v. Herco, Inc.*, 351 Pa.Super. 144, 505 A.2d 308 (1986), addressed a related evidentiary issue in an action based upon an alleged breach of the implied warranty of merchantability. The plaintiff in *Orlando* contended that he had become ill as a result of consuming shrimp creole at the Hotel Hershey. The trial court, over objection, permitted the Hotel to introduce evidence

**736 that on the same evening on which Orlando became ill, twenty other guests had ordered shrimp creole and had not complained of illness. It is correct, as appellant argues, that the issue for determination by the jury was whether the portion served to Orlando was unmerchantable and not whether the shrimp creole sold to other guests was defective. Nevertheless, the fact that all other shrimp creole sold that evening, prepared at the same time and using common ingredients, was found to be fit for human consumption was a relevant fact for the jury to consider. Although not conclusive with respect to the wholesomeness of the shrimp creole sold to Orlando, it could be considered and weighed by the jury.

Id. at 148, 505 A.2d at 310. The *Orlando* Court noted that while it is not necessary to establish negligence in order to recover on a breach of warranty claim, “it does not follow that *347 evidence showing the absence of a defect is inadmissible *merely because it also tends to show that due care was exercised* in the product's preparation or manufacture.” *Orlando, supra* at 147, 505 A.2d at 309 (emphasis added).

Our esteemed colleague Judge Donald E. Wieand, in addressing the issue of whether evidence showing contributory negligence on the part of a plaintiff in a products liability action was properly excluded by the trial court due to its potential for prejudice and confusion of the jury, held that where evidence was admissible for the purpose of showing *causation* in a products liability action, it could not otherwise be excluded *merely because* it also tended to show “‘contributory negligence’ on the part of the operator.” *Bascelli v. Randy, Inc.*, 339 Pa.Super. 254, 259, 488 A.2d 1110, 1113 (1985). See also: *Foley v. Clark Equipment Co.*, 361 Pa.Super. 599, 626-630, 523 A.2d 379, 393-394 (1987), *allo. denied*, 516 Pa. 614, 531 A.2d 780 (1987).

Appellants in the instant case urge the adoption of a *per se* rule of exclusion of *all evidence* relating to the absence of any evidence of a prior product failure in a design defect case. While we agree that such evidence does raise concerns over creation of collateral issues and jury distraction, we are not persuaded that the dangers of distraction outweigh the probative value of such evidence so as to require adoption of such a rule.

Courts of other jurisdictions have concluded, as we do, that such evidence may be admitted if relevant to a contested issue of causation, under appropriate instructions from the court and subject to the exercise of the trial court's discretion as to the probative value of the evidence, where the requirement of substantially identical circumstances is satisfied. See, e.g.: *Espeaignette v. Gene Tierney Co., Inc.*, 43 F.3d 1, 9-10 (1st Cir.1994) (“The fact that the Company had received no

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reports of similar accidents tends to disprove causation. That there were no similar reports of injuries due to inadvertent contact with the infed rollers tends to support the Company's contention that it was not possible for Espeaignnette to have stumbled accidentally into the open area of the edger as he *348 alleged.") (applying Maine law); *Harrison v. Sears, Roebuck & Co.*, 981 F.2d 25, 30 (1st Cir.1992) ("Although appellants claim that the negative evidence is irrelevant and inadmissible to prove causation, they offer no authority to support that proposition and such evidence has been admitted in past cases.") (applying Massachusetts law); *Bilski v. Scientific Atlanta*, 964 F.2d 697, 700 (7th Cir.1992) ("Under Illinois law, '[e]vidence tending to show an absence of prior accidents is generally admissible only if the offering party lays a proper foundation by establishing that the absence occurred while others were using a product similar to that which caused plaintiff's injury.' "). Cf. *Klonowski v. International Armament Corp.*, 17 F.3d 992, 996 (7th Cir.1994) ("Such evidence is only admissible when the party seeking to introduce the evidence establishes that the lack of accidents was in regard to products that are 'substantially identical to the one at issue and used in settings and circumstances sufficiently similar to those surrounding the machine at the time of the accident to allow the jury to connect past experience with the accident sued upon.' ") (applying Wisconsin law); *Rocky Mountain Helicopters, Inc. v. Bell Helicopters, Div. of Textron, Inc.*, 805 F.2d 907, 919 (10th Cir.1986) ("Bell also appeals rulings by the district court excluding deposition**737 testimony to the effect that Bell had never experienced prior trunnion failure.... The evidence offered does not seem to be specifically concerned with the particular model of trunnion that was in use at the time of the accident, nor does the deposition contain any evidence regarding Bell's experience with that model of trunnion on aircraft used in logging operations."); *Balsley v. Raymond Corp.*, 232 Ill.App.3d 1028, 1029, 175 Ill.Dec. 493, 494, 600 N.E.2d 424, 425 (1992) ("[E]vidence of an absence of prior accidents or incidents is admissible when the party offering the evidence

establishes a foundation that the absence of other accidents occurred when the same product was used and that the product was used under conditions substantially similar to those in which the plaintiff used the product.").

[12] In summary then, appellants asserted that the split occurred while Mrs. Spino was on the ladder, that the anti-*349 split device would have prevented the split, and that the ladder was thereby of defective design. Appellee sought, through the testimony that appellee had manufactured approximately 100,000 such ladders over 30 years and was unaware of a similar mishap, to refute the threshold assertion of appellants that the split had occurred while Mrs. Spino was on the ladder. The trial court ruled the testimony admissible only after conducting an *in camera* review of a chronological log, maintained by appellee, of reported claims covering the appellee's ladder products, including its wooden Type 3 ladders, and satisfying itself that the log was a contemporaneous and comprehensive record of all reports of claims or problems which the Company had received from any source.

Since there is no law of physics to preclude the *possibility* of the assertion of appellant, an early issue for the jury to resolve was the *probability* of the version of appellant. Clearly, implications of probability arise-thereby rendering the information relevant-if the jury anoints as fact the assertion of the president of appellee that 100,000 such ladders were manufactured over 30 years without similar mishap. Thus, we are of the mind that the trial court, having determined that appellee maintained a reliable product problem history system, had a sufficient factual basis to properly determine that such testimony was admissible.

Once the trial court determines such assertions are relevant and admissible, the evidence must, of course, still survive the test of its weight for there are ample aspects of such evidence upon which an able cross-examiner may feast. It merits emphasis, however it may be otherwise undisputably clear, that the issue here addressed defies pronouncement of a *per se* principle since it remains for the trial

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judge in each case, as the offer of proof is considered, to weigh all of the attendant factors in an assessment of the relevancy and probative value of the proffered evidence. As we have stated, the trial judge here properly exercised the discretion vested in our trial courts for disposition of evidentiary issues.

We, therefore, decide that, since the issue is not subject to *per se* rule, where the threshold requirement of abundant *350 situations of substantially identical circumstances is substantiated, admission of evidence of the absence of similar accidents to *rebut evidence of causation* is a matter committed to the sound discretion of the trial court in conjunction with such instructions as the trial court deems appropriate.

II. Challenge to Expert Testimony Based on Lack of Factual Basis.

[13][14] Appellants next argue that they are entitled to a new trial, based upon the admission, over objection, of the expert testimony of Dr. Kyanka where that testimony was "entirely speculative [and] without factual basis." Rulings on the admissibility of expert testimony are committed to the sound discretion of the trial court whose decision thereon will not be disturbed in the absence of a clear abuse of that discretion or an error of law resulting in prejudice to the complaining party. *Dolan v. Carrier Corp.*, 424 Pa.Super. 615, 618-19, 623 A.2d 850, 852 (1993); *Gemini Equip. Co. v. Pennsy Supply, Inc.*, 407 Pa.Super. 404, 412-15, 595 A.2d 1211, 1215-16 (1991); *Smick v. City of Philadelphia*, 161 Pa.Cmwlt. 622, 626-28, 638 A.2d 287, 289 (1994), *allo. denied*, 539 Pa. 660, 651 A.2d 546 (1994). The trial court **738 properly rejected the motion of appellants to strike the expert testimony of Dr. Kyanka as speculative. As recounted above, Dr. Kyanka offered numerous factual observations to support his expert opinion that the ladder had been subjected to a twisting force applied to the rear legs at some time prior to Mrs. Spino's fall and that the split in no way caused or contributed to her fall. Although Dr. Kyanka conceded that he did not

know precisely how the split in the rear leg of the ladder had been caused, he offered an opinion, based upon facts of record, and with a reasonable degree of certainty, that the ladder could not have fractured while Mrs. Spino was standing on it as alleged by appellants. Appellants, *not* appellee, bore the burden of proving causation in the instant case. Appellants were required to prove, to a reasonable degree of certainty, that the ladder caused Mrs. Spino's fall. Appellee, however, did not have any similar evidentiary burden.

*351 [R]ecover in a civil action depends at least initially on the sufficiency of the proof offered by the party who seeks to recover. The defendant ordinarily need not prove, with certainty or otherwise, that he or she is innocent of the alleged wrongdoing. Absent an affirmative defense or a counterclaim, the defendant's case is usually nothing more than an attempt to rebut or discredit the plaintiff's case. Evidence that rebuts or discredits is not necessarily proof. It simply vitiates the effect of opposing evidence. Expert opinion evidence ... certainly affords an effective means of rebutting contrary expert opinion evidence, even if the expert rebuttal would not qualify as proof.

Neal by Neal v. Lu, 365 Pa.Super. 464, 476, 530 A.2d 103, 109-10 (1987). *Accord: Dolan v. Carrier Corp.*, *supra* at 618-19, 623 A.2d at 852; *Havasy v. Resnick*, 415 Pa.Super. 480, 496-98, 609 A.2d 1326, 1334 (1992); *Smick v. City of Philadelphia*, *supra* at 626-28, 638 A.2d at 289. As the expert opinion testimony of Dr. Kyanka was based upon facts in evidence, the trial court properly rejected the motion to exclude Dr. Kyanka's testimony.

III. Cross-Examination of Expert Witness on Issue of Bias.

[15][16] Nor is there merit to the claim that the trial court committed reversible error, requiring the award of a new trial, when it permitted Tilley to cross-examine Dr. Smith, the expert retained by appellants, as to income earned as an expert witness in assignments unrelated to the instant case. This Court has repeatedly observed that " 'the scope and limits of cross-examination are within the trial

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court's discretion and the court's ruling thereon will not be reversed in the absence of a clear abuse of discretion or an error of law.' " *Rafter v. Raymark Indus. Inc.*, 429 Pa.Super. 360, 366, 632 A.2d 897, 900 (1993), quoting *Kemp v. Qualls*, 326 Pa.Super. 319, 324, 473 A.2d 1369, 1371 (1984). Accord: *Pascone v. Thomas Jefferson Univ.*, 357 Pa.Super. 524, 533-34, 516 A.2d 384, 389 (1986). A party is entitled to cross-examine an expert witness to explore the credibility of the witness and to inquire into any potential bias, interest or relationship which could *352 effect the testimony of the witness. See, e.g.: *Downey v. Weston*, 451 Pa. 259, 263-65, 301 A.2d 635, 639 (1973); *Zamsky v. Public Parking Authority of Pittsburgh*, 378 Pa. 38, 39-40, 105 A.2d 335, 336 (1954); *Smith v. Celotex Corporation*, 387 Pa.Super. 340, 348-52, 564 A.2d 209, 213-14 (1989); *Douglass v. Licciardi Construction Co., Inc.*, 386 Pa.Super. 292, 299-300, 562 A.2d 913, 917 (1989); *Mohn v. Hahnemann Medical College and Hospital of Philadelphia*, 357 Pa.Super. 173, 177-79, 515 A.2d 920, 923 (1986).

This Court, in *Smith v. Celotex, supra*, while finding that the broad cross-examination of an expert witness concerning "his prior testimony on behalf of other asbestos companies and the fees he earned therefrom," was "perhaps slightly beyond the proper scope," held that the appellant was not entitled to a new trial as the cross-examination had not gone beyond the limitation set forth by the Court in *Mohn v. Hahnemann Medical College and Hospital of Philadelphia, supra*, and *Smith v. Celotex, supra* at 348-53, 564 A.2d at 213-15. This Court in *Mohn, supra*, awarded a new trial as a result of the cross-examination of the **739 defendant's expert where the trial court permitted inquiry into the amount of *all* fees received by the expert for services provided not only to patients, but to private and governmental agencies, and to law firms for the years 1979 through 1983. The Court, in *Mohn*, found that "the emptying of one's pockets and turning them inside out so that one's financial worth can be open to scrutiny," was irrelevant to the issue of the credibility and potential bias of the witness, and so prejudicial as to require the award of a new trial. *Mohn v.*

Hahnemann Medical College and Hospital of Philadelphia, supra at 179-81, 515 A.2d at 924.

[17] The cross-examination at issue in the instant case, while also beyond the proper scope of cross-examination on the issue of bias, was properly curtailed by the trial court upon the objection of counsel for appellants, who did not request cautionary instructions or make a motion for a mistrial. Dr. Smith, who had testified that he was the principal of a forensic consulting company, was asked the following questions on cross-examination:

*353 Q. The business of forensic consulting, forensic consulting means consulting for lawyers and their clients, does it not, parties and their lawyers?

Q. Is that a pretty lucrative business?

Q. Let me put it this way. Back in 1982 you were earning \$100,000 or more per year, weren't you, from this business?

In light of the fleeting nature of the inquiry, the fact that it was marginally relevant to the issue of bias, that the objection of appellants was sustained, and in the absence of a request for a cautionary instruction or a mistrial, the trial court properly denied the request for a new trial based upon this portion of the cross-examination of Dr. Smith.

IV. Right of Appellants to Subpoena Expert Retained by Appellee.

[18][19] Appellants also argue that the trial court committed reversible error when it refused to allow appellants to subpoena Dr. Toland, a physician who had been retained as an expert by Tilley to examine Mrs. Spino, after appellee indicated that Dr. Toland would not be called as a witness at trial. The trial court did not prohibit appellants from *retaining* Dr. Toland but rather refused to allow the appellants to *compel* Dr. Toland to testify under subpoena, holding that "the plaintiff does not have the right to *compel* a defense expert to give an expert opinion."

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We agree. This Court, in *Jistarri v. Nappi*, 378 Pa.Super. 583, 549 A.2d 210 (1988), affirmed the decision of the trial court which had refused to allow the plaintiff to employ the videotaped deposition of a defendant physician so as to provide an expert opinion at trial "concerning the allegedly negligent conduct of other defendant [s]." *Jistarri v. Nappi*, *supra* at 599, 549 A.2d at 218. This Court found that "appellant was not free to require Dr. Codario to give expert testimony, against his will, against the other defendants. '[T]he private litigant has no more right to compel a citizen to give up the product of his brain, than he *354 has to compel the giving up of material things.' " *Jistarri v. Nappi*, *supra*, quoting *Pennsylvania Co. for Insurances, etc., Trustee v. Philadelphia*, 262 Pa. 439, 442, 105 A. 630 (1918). *Accord: Evans v. Otis Elev. Co.*, 403 Pa. 13, 27-29, 168 A.2d 573, 580 (1961). *Cf. Smith v. Barker*, 368 Pa.Super. 472, 475-79, 534 A.2d 533, 535-536 (1987), *allo. denied*, 520 Pa. 577, 549 A.2d 137 (1988); *Pascone v. Thomas Jefferson University*, 357 Pa.Super. 524, 516 A.2d 384 (1986). The trial court in the instant case did not prohibit Dr. Toland from testifying, if he so desired, for appellants. Rather, the court simply precluded appellants from compelling Dr. Toland to provide an expert opinion. This was not error and provides no basis for the award of a new trial. Nor, under these circumstances, was it error to refuse to include a missing witness instruction in its charge to the jury based upon the absence of Dr. Toland. *See: Downey v. Weston*, 451 Pa. 259, 265-67, 301 A.2d 635, 640 (1973); *O'Rourke v. Rao*, 411 Pa.Super. 609, 613-15, 602 A.2d 362, 364 (1992).

V. Evidentiary Rulings.

The two remaining arguments presented by appellants in support of their request for **740 a new trial, while meritless, have not been properly preserved for appellate review.

[20][21] Appellants contend that the trial court committed reversible error when, during the direct examination of Dr. Smith, it sustained an objection to the inquiry: "if anti-split device were placed on this type by the Tilley Ladder Company would that

split you're looking at now, would that have occurred?" The objection was sustained but the basis for the objection was not made a matter of record nor does the record reflect that appellants sought to provide an offer of proof. While the docket reflects that post verdict motions were filed, neither the original record nor the reproduced record submitted to this Court include such motions. Nor did the trial judge address the issue in his opinion written in response to the post-verdict motions filed by appellants. The responsibility for providing a complete record for purpose of review on appeal is borne by the appellant. *See: *355 Smith v. Smith*, 431 Pa.Super. 588, 590-91, 637 A.2d 622, 623 (1993), *allo. denied*, 539 Pa. 680, 652 A.2d 1325 (1994); *School Dist. of Aliquippa v. Maryland Casualty Co.*, 402 Pa.Super. 569, 574-75, 587 A.2d 765, 768 (1991); Pa.R.App.P. 1911(a). Appellee contends that the argument now made by appellants was never presented to the trial court, resulting in waiver. *See: Adamsky v. Picknick*, 412 Pa.Super. 544, 548-49, 603 A.2d 1069, 1071 (1992); *Connelly v. Roper Corp.*, 404 Pa.Super. 67, 69-73, 590 A.2d 11, 13-14 (1991); *TCI Constr. Corp. v. Gangitano*, 403 Pa.Super. 621, 625-27, 589 A.2d 1135, 1138 (1991); *School Dist. of Aliquippa v. Maryland Casualty*, *supra* at 574-75, 587 A.2d at 768. In any event, since our review of the available record establishes that the testimony of the expert was not unduly restricted, we summarily reject this claim of error.

[22][23] Appellants' final contention is that a new trial is required as a result of a reference, in closing arguments, to the "malpractice crisis." ^{FNI} The objection to the remark made by counsel for appellee in closing arguments was immediately sustained by the trial court and counsel for appellants did not request curative instructions or a mistrial. Thus, there is no basis upon which relief can now be granted to appellants by this Court. *See, e.g., Commonwealth v. Jones*, 501 Pa. 162, 165-67, 460 A.2d 739, 741 (1983); *Commonwealth v. McGeth*, 424 Pa.Super. 321, 325-28, 622 A.2d 940, 942-43 (1993). Moreover, the remark was not such as would have warranted the award of a mistrial even if one had been timely requested. *Dolan v.*

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Carrier Corp., *supra* at 620-22, 623 A.2d at 853;
Taylor v. Celotex Corp., 393 Pa.Super. 566,
587-88, 574 A.2d 1084, 1095 (1990).

FN1. Counsel was apparently beginning a new line of argument with the statement: "We talk about the malpractice crisis and doctors having to practice defensive medicine." When the objection was sustained, no further remarks in this vein were made by counsel.

Having rejected each of the arguments in support of the request for a new trial, we affirm the judgment entered upon the verdict of the jury.

Judgment affirmed.

Pa.Super.,1996.
Spino v. John S. Tilley Ladder Co.
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END OF DOCUMENT



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Paul D. Lamb, DC

September 28, 2007

Trisha A. Gill, Esquire
Walsh, Collis & Blackmer, P.C.
The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, PA 15219

RE: VALERIE POWERS

Dear Ms. Gill,

As you know, I have been requested to give a deposition in the above referenced matter by Attorney John Mack. As I saw this patient at your request, I do not wish to give a deposition at the request of the Plaintiffs' counsel.

Sincerely,

Jack F. Rocco, M.D.

101 Regent Court State College, PA 16801 (814) 231-2101
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

Plaintiffs,

CIVIL DIVISION

Docket No.: 2005-00276 CD
(Jury Trial Demanded)

vs.

JAMES G. STELLABUTO and
BERNICE A. STELLABUTO,
husband and wife, JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC.,
and/or JIM STELLABUTO'S
EVERYTHING UNDER ONE ROOF,

Defendants.

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 2007, it is hereby ORDERED, ADJUDGED and DECREED that Defendants, James G. Stellabuto and Bernice A. Stellabuto, Jim Stellabuto's Everything Under Foot, Inc., and/or Jim Stellabuto's Everything Under One Roof's Motion for Protective Order is GRANTED and accordingly, the deposition of Jack Rocco, M.D., scheduled for Friday, October 5, 2007 as noticed by Plaintiffs' counsel is hereby CANCELLED. Furthermore, Plaintiffs' counsel is precluded from deposing and calling Jack Rocco, M.D. as a witness at trial, and his name and brief are hereby stricken from Plaintiffs' Amended Pretrial Narrative Statement.

BY THE COURT:

_____. J.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Supplemental Motion for Protective Order** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 28 day of September, 2007.

Jonathan Mack, Esquire
Marcus & Mack
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701

WALSH, COLLIS & BLACKMER, P.C.

By



Trisha A. Gill, Esquire
Counsel for Defendants,
James G. Stellabuto and Bernice A.
Stellabuto, Jim Stellabuto's Everything
Under Foot, Inc., and/or Jim Stellabuto's
Everything Under One Roof

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

FILED

OCT 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

1 cert to App
copy to CL

Plaintiffs,

vs.

**PLAINTIFFS' PRAECIPE
TO DISCONTINUE**

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:

Jonathan B. Mack, Esquire
Sup. Ct. ID 38970
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
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ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

AUDREY J. WOODS and C. ARTHUR WOODS,
her husband, and VALERIE J. POWERS and
RANDELL T. POWERS, her husband,

No. 2005-00276 CD

Plaintiffs,

vs.

JAMES G. STELLABUTO and BERNICE A.
STELLABUTO, husband and wife; JAMES G.
STELLABUTO, i/t/d/b/a JIM STELLABUTO'S
EVERYTHING UNDER FOOT, INC., and/or
JIM STELLABUTO'S EVERYTHING UNDER
ONE ROOF; and BEAVER GROVE CONDOMINIUM,

Defendants.

PLAINTIFFS' PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

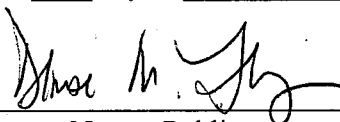
Please mark the above-captioned action settled and forever discontinued of record.

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire
57 South 6th Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Supreme Ct. ID 38970

Sworn and subscribed to before me
this 10th day of October, 2007.



Notary Public
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Denise M. Fleming, Notary Public
Indiana Boro, Indiana County
My Commission Expires Nov. 30, 2010

Member, Pennsylvania Association of Notaries