

05-296-CD

Rood Trucking vs. Jing Chen et al

HEIN AND CHANG CHEN

Rood Trucking Co v. Jing Chen et al
2005-296-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROOD TRUCKING COMPANY,

Plaintiff,

v.

JING CHEN and CHANG CHEN,

Defendants.

CIVIL DIVISION

No. 05-296-CD

Issue No.

COMPLAINT

Code:

Filed on behalf of PLAINTIFF

Counsel of record for this party:

John T. Pion, Esquire
Pa. I.D. #43675

Edward M. Vavro, Jr., Esquire
Pa. I.D. #80401

DICKIE, McCAMEY & CHILCOTE, P.C.

Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

1CC

Atty

NOV 3 11 2005

1CC

Shff

MAR 04 2005

William A. Shaw
Prothonotary/Clerk of Courts
PAW pd.
85.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROOD TRUCKING COMPANY,

CIVIL DIVISION

Plaintiffs,

No.

v.

Issue No.

JING CHEN and CHANG CHEN,

COMPLAINT

Defendants.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY, OR BY AN ATTORNEY, AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY CLAIM OR RELIEF REQUESTED BY THE DEFENDANT. 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108

David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814)765-2641 ext. 5982

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROOD TRUCKING COMPANY,

CIVIL DIVISION

Plaintiffs,

No.

v.

Issue No.

JING CHEN and CHANG CHEN,

COMPLAINT

Defendants.

COMPLAINT

AND NOW, comes the Plaintiff, Rood Trucking Company by and through its attorneys Dickie, McCamey & Chilcote, P.C. and John T. Pion, Esquire and Edward M. Vavro, Jr., Esquire and hereby files the within Complaint and in support thereof, sets forth as follows:

1. The Plaintiff is a company with its principal place of business at 3505 Union Street, Mineral Ridge, OH 44440.
2. Defendant, Chang Chen, is an adult individual believed to be residing at 7905 Greenbury Drive, Greenbelt, Maryland 20770.
3. Defendant, Jing Chen, is an adult individual believed to be residing at 3038 Fish Hatry, Fitchburg, WI 53713.
4. Upon information and belief that at all times relevant hereto, Defendant, Jing Chen, was the owner of the motor vehicle that Defendant, Chang Chen, was operating at the time of the subject accident. Further, based upon information and belief, Chang Chen acting by and on behalf of Jing Chen at the time of the subject accident.
5. At all times relevant hereto the Plaintiff was operating a 1999 Volvo tractor trailer registered in Ohio bearing license plate DUH8254.

6. On or about February 6, 2004 Plaintiff was stopped on the east-bound shoulder of Interstate 80 due to an earlier accident which had occurred on I-80 further east of the instant accident site. Plaintiff was not involved in the prior accident.

7. At the above mentioned time and place, Defendant, Chang Chen, was traveling in the left east-bound lane at an excessively high rate of speed. Defendant, Chang Chen, lost control of his vehicle, impacted with a disabled tractor trailer that was stopped in the left lane of I-80. After this initial impact, Defendant, Chang Chen began to spin in a counter clock wise motion, and then passed into the right east-bound lane, and struck a Sharkey Transportation tractor trailer that was proceeding east-bound.

8. As a result of impacting with the Sharkey Transportation tractor trailer, Defendant, Chan Cheng forced the tractor trailer vehicle off the road and into Plaintiff's vehicle that was lawfully stopped in the right curb lane of I-80.

9. Due to the negligence of Defendant, Chang Chen, as specifically set forth herein, Plaintiff has suffered property damage to their tractor and trailer as set forth below.

COUNT I – NEGLIGENCE
LINCOLN GENERAL INSURANCE COMPANY as subrogee for ROOD TRUCKING v.
CHANG CHEN

10. Paragraphs 1 through 9 are incorporated herein by reference, as though fully set forth in their entirety.

11. The damages suffered by Plaintiff, Rood Trucking are the direct and proximate result of the negligent conduct of Defendant Chang Chen as set forth below:

a. Failing to operate his vehicle at a speed which would enable him to stop within an assured clear distance of the disabled vehicle that was blocking the left east-bound lane of I-80;

- b. Traveling at an unsafe speed for road conditions;
- c. Failing to observe traffic conditions;
- d. Violating the statutes of Pennsylvania governing the operation of a motor vehicle on streets and highways;
- e. Failing to operate the braking and steering mechanism of his vehicle so as to avoid cutting in front of and colliding with the Sharkey Transportation vehicle;
- f. Failing to timely observe and avoid colliding with traffic;
- g. Failing to maintain said vehicle under proper control;
- h. Failing to obey the rules of the road;
- i. Failing to use the necessary care and precautions which the particular circumstances required; and
- j. Failing to heed timely warning of the imminent traffic conditions, including stopped traffic ahead.

12. As a direct and proximate result of the negligence of Defendant Chang Chen as set forth above, Plaintiff Rood Trucking was caused to suffer property damage to its tractor trailer, in the amount of \$19,054.98.

COUNT II – NEGLIGENT ENTRUSTMENT

ROOD TRUCKING V. JING CHEN

13. Plaintiff incorporates by reference paragraphs 1 through 12 of this Complaint as if the same were set forth at length herein in its entirety.

14. The damages suffered by Plaintiff Rood Trucking are a direct and proximate result of the negligent conduct of Defendant Jing Chen as set forth below:

a. Through the doctrine of respondeat superior for the negligence of his agent, servant and/or employee Defendant Chang Chen;

b. Negligently entrusting the above-described vehicle to Defendant Chang Chen when it was known or should have been known, that he was an unsafe and/or a careless driver;

c. In failing to properly maintain the vehicle in a safe and roadworthy mechanical condition, including but not limited to the brakes and steering mechanism of Defendant's vehicle.

15. As a direct and proximate result of the negligence of Defendant Jing Chen as set forth above, Plaintiff Rood Trucking has sustained property damage as set forth in Count I of this Complaint.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

BY: 
John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire

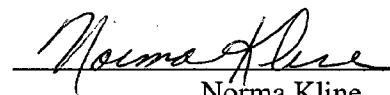
Attorneys for Plaintiff

Two PPG Place, Suite 400
Pittsburgh, PA 15222
(412)281-7272

VERIFICATION

I, Norma Kline, Subrogation Adjuster of Lincoln General Insurance, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.



Norma Kline

DATED 2-14-2005

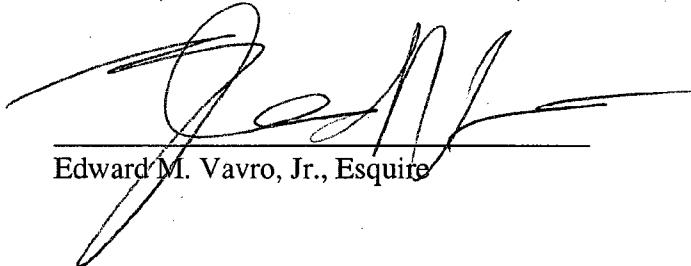
CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing document have been served this 1 day of March 2005, by certified mail, return receipt, to the following:

Chen Chang
7905 Greenbuy Drive
Greenbelt, MD 20770

Jing Chen
3038 Fish Hatchery Road
Fitchburg, WI 53713

DICKIE, McCAMEY & CHILCOTE, P.C.



Edward M. Vavro, Jr., Esquire

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

ROOD TRUCKING COMPANY, : NO. 2005-296-CD

Plaintiff,

vs.

JING CHEN and CHANG CHEN

Defendants,

ISSUE:

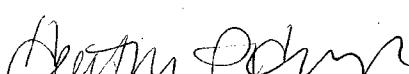
PRAECIPE FOR APPEARANCE

FILED ON BEHALF OF DEFENDANTS:
JING CHEN and CHANG CHEN

COUNSEL OF RECORD FOR DEFENDANTS:

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

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL PARTIES OF
RECORD THIS 24th DAY OF
MARCH, 2005.



Atorneys for Named Defendants

FILED *NO CC*
10:44 AM
MAR 29 2005
WAS
William A. Shaw
Prothonotary/Clerk of Courts

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

ROOD TRUCKING COMPANY, : NO. 2005-296-CD
Plaintiff, :
vs. :
JING CHEN and CHANG CHEN :
Defendants, : JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

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

Papers may be served at the address set forth below.



Attorney for Defendants

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

Date: March 24, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100281
NO: 05-296-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: ROOD TRUCKING COMPANY
vs.
DEFENDANT: JING CHEN AND CHANG CHEN

SHERIFF RETURN

NOW, March 11, 2005 SERVED THE WITHIN COMPLAINT ON JING CHEN DEFENDANT AT "ADDRESSEE ONLY" to 3038 FISH HATRY, FITCHBURG, WI, 53713 BY CERTIFIED MAIL # 7003 3110 0001 9380 0565. THE RETURN RECEIPT IS HERETO ATTACHED ENDORSED BY J. CHEN.

FILED
APR 19 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100281
NO: 05-296-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: ROOD TRUCKING COMPANY
vs.
DEFENDANT: JING CHEN AND CHANG CHEN

SHERIFF RETURN

NOW, March 08, 2005 MAILED THE WITHIN COMPLAINT TO CHANG CHEN DEFENDANT AT "ADDRESSEE ONLY" to 7905 GREENBURY DRIVE, GREENBELT, MD, 20770 BY CERTIFIED MAIL # 7003 3110 0001 9380 0558. THE MAILING IS HERETO ATTACHED MARKED "UNCLAIMED".

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	DICKIE	35144	20.00
SHERIFF HAWKINS	DICKIE	35144	43.30

Sworn to Before Me This

____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

7003 3110 0001 9380 0565

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com ®	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 8.15
ADDRESSEE ONLY	
Sent To JING CHEN	
Street, Apt. No.; or PO Box No. 3038 Fish Hatchery	
City, State, ZIP+4 Fitchburg, WI 53713	
FCC Form 3200 June 2002 www.usps.com For Questions or Inquiries	

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- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.
Internet access to delivery information is not available on mail
addressed to APOs and FPOs.**

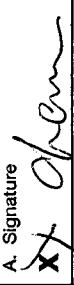
100281

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

- 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:

JING CHEN
3038 Fish Hatchery
Fitchburg, WI 53713

A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) Jing Chen	C. Date of Delivery 2-11-05
D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No	

3. Service Type
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)
<input checked="" type="checkbox"/> Yes

5. Article Number (Transfer from service label)
70033110 0001 9380 0565

PS Form 3811, February 2004 Domestic Return Receipt

102555-02-M-1540

UNITED STATES POSTAL SERVICE



- Sender: Please print your name, address, and ZIP+4 in this box •

CHESTER A. HAWKINS
Sheriff of Clearfield County
1 N. 2nd St. Suite 116
Clearfield, Pa. 16830

100-81

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7003 3110 0001 9380 0558

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For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 8.51
<i>ADDRESSEE ONLY</i>	
	
Sent To CHANG CHEN	
Street, Apt. No., or PO Box No. 7905 Greenburg Drive	
City, State, ZIP+4 Greenbelt, MD. 20770	
PS Form 9800, Dated 2002 See Reverse for Instructions	

18401
Certified Mail Provides:

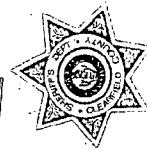
- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a *Return Receipt* (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.
Internet access to delivery information is not available on mail
addressed to APOs and FPOs.**

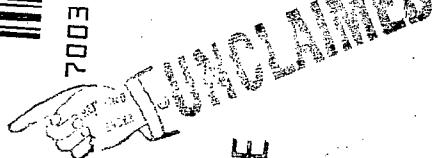
CHESTER A. HAWKINS
SHERIFF



COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

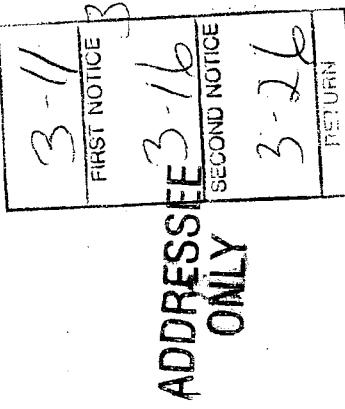


7003 3110 0001 9380 0558



ADDRESSEE
ONLY

CHANG CHEN
7905 Greenbury Drive
Greenbelt, MD 20760



16230/2438

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:

CHANG CHEN
7905 Greenburg Drive
Greenbelt, MD. 20770

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

2. Article Number
(Transfer from service label)
7003 3110 0001 9380 0558

PS Form 3811, February 2004
Domestic Return Receipt
102505-02-M-1540



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROOD TRUCKING COMPANY,

CIVIL DIVISION

Plaintiff,

No. 2005-296-CD

v.

Issue No.

JING CHEN and CHANG CHEN,

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Defendants.

Code:

Filed on behalf of PLAINTIFF

Counsel of record for this party:

John T. Pion, Esquire
Pa. I.D. #43675

Edward M. Vavro, Jr., Esquire
Pa. I.D. #80401

DICKIE, McCAMEY & CHILCOTE, P.C.
Firm #067

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED NO CC
11/5/06
DEC 22 2006 No Certificate
of Disc. requested
William A. Shaw
Prothonotary/Clerk of Courts Copy to CIA (60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ROOD TRUCKING COMPANY,

CIVIL DIVISION

Plaintiffs,

No. 2005-296-CD

v.

Issue No.

JING CHEN and CHANG CHEN,

Defendants.

PRAECIPE TO SETTLE AND DISCONTINUE

TO: Prothonotary

Please mark the above captioned action as settled and discontinued.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

BY:

John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire

Attorneys for Plaintiff

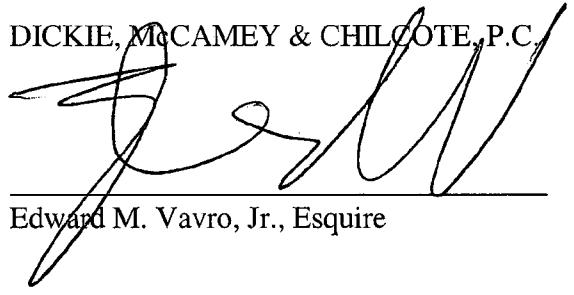
Two PPG Place, Suite 400
Pittsburgh, PA 15222
(412)281-7272

CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing document have been served this 8 day of December 2006, by first class mail to the following:

Heather A. Harrington, Esquire
MH&S
P.O. box 533
Hollidaysburg, PA 16648

DICKIE, McCAMEY & CHILCOTE, P.C.


Edward M. Vavro, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Rood Trucking Company

Vs.

No. 2005-00296-CD

Jing Chen
Chang Chen

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 22, 2006, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Edward M. Vavro, Jr., Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 22nd day of December A.D. 2006.



William A. Shaw, Prothonotary