

05-301-CD  
J. Gutkowski vs. Universal Trans.

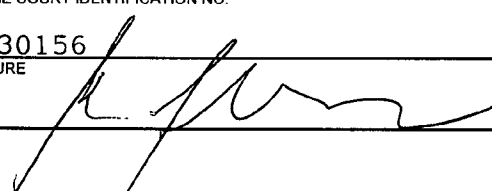
UNIVERSAL TRANSPORT, INC.

Jerzy Gutowski v. Universal Transport et al  
2005-301-CD

2005-301-CD

Clearfield  
Court of Common Please of Philadelphia County, PA  
Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME <b>Jerzy Gutkowski</b>		DEFENDANT'S NAME <b>Universal Transport, Inc.</b>									
PLAINTIFF'S ADDRESS <b>97 Lester Ave., Wallington, NJ</b>		DEFENDANT'S ADDRESS <b>213 N. Morgan St., Chicago, IL</b>									
PLAINTIFF'S NAME		DEFENDANT'S NAME <b>Eric B. Fuana</b>									
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS <b>167 Orange Ave., Irvington, NJ</b>									
PLAINTIFF'S NAME		DEFENDANT'S NAME									
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS									
TOTAL NUMBER OF PLAINTIFFS <b>1</b>		TOTAL NO. OF DEFENDANTS <b>2</b>									
COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions											
AMOUNT IN CONTROVERSY <input checked="" type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00		CAPTION <input checked="" type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:									
CASE TYPE AND CODE (SEE INSTRUCTIONS) <b>Negligence 2V</b>											
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS) <b>N/A</b>											
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <b>N/A</b>			IS CASE SUBJECT TO COORDINATION ORDER?  <table style="width: 100%;"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes	No										
<input type="checkbox"/>	<input checked="" type="checkbox"/>										
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<input type="checkbox"/>	<input type="checkbox"/>										
<div style="display: flex; justify-content: space-between;"> <div> <p><b>TO THE PROTHONOTARY:</b></p> <p>Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: --</p> <p>Papers may be served at the address set forth below.</p> </div> <div style="text-align: right;"> <p><b>2 cert to ATT</b></p> </div> </div>											
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY <b>Ian Stuart, Esq.</b>		ADDRESS (SEE INSTRUCTIONS) <b>The Stuart, Law Office, P.C. 1700 Market St., Suite 2632 Philadelphia, PA 19103</b>									
PHONE NUMBER <b>(215) 928-1129</b>	FAX NUMBER <b>(215) 928-0744</b>	E-MAIL ADDRESS <b>IanStuart@stuartlegal.com</b>									
SUPREME COURT IDENTIFICATION NO. <b>30156</b>		DATE <b>3/2/05</b>									
SIGNATURE 											

## Instructions for Completing Civil Cover Sheet

Rules of Court require that a Civil Cover Sheet be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition). The information requested is necessary to allow the Court to properly monitor, control and dispose cases filed. A copy of the Civil Cover Sheet must be attached to service copies of the document commencing an action. The attorney or non-represented party filing a case shall complete the form as follows:

### A. Parties

#### i. Plaintiffs/Defendants

Enter names (last, first, middle initial) of plaintiff, petitioner or appellant ("plaintiff") and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than three plaintiffs and/or three defendants, list the additional parties on the Supplemental Parties Form. Husband and wife are to be listed as separate parties.

#### ii. Parties' Addresses

Enter the address of the parties at the time of filing of the action. If any party is a corporation, enter the address of the registered office of the corporation.

iii. *Number of Plaintiffs/Defendants:* Indicate the total number of plaintiffs and total number of defendants in the action.

**B. Commencement Type:** Indicate type of document filed to commence the action.

**C. Amount in Controversy:** Check the appropriate box.

**D. Court Program:** Check the appropriate box.

**E. Case Types:** Insert the code number and type of action by consulting the list set forth hereunder. To perfect a jury trial, the appropriate fees must be paid as provided by rules of court.

#### Proceedings Commenced by Appeal

##### Minor Court

- 5M Money Judgment
- 5L Landlord and Tenant
- 5D Denial Open Default Judgment
- 5E Code Enforcement
- Other:

##### Local Agency

- 5B Motor Vehicle Suspension - Breathalyzer
- 5V Motor Vehicle Licenses, Inspections, Insurance
- 5C Civil Service
- 5K Philadelphia Parking Authority
- 5Q Liquor Control Board
- 5R Board of Revision of Taxes
- 5X Tax Assessment Boards
- 5Z Zoning Board
- 52 Board of View
- 51 Other:

##### Other:

#### Proceedings Commenced by Petition

- 8P Appointment of Arbitrators
- 8C Name Change - Adult
- 8L Compel Medical Examination
- 8D Eminent Domain
- 8E Election Matters
- 8F Forfeiture
- 8S Leave to Issue Subpoena
- 8M Mental Health Proceedings
- 8G Civil Tax Case - Petition
- Other:

#### Actions Commenced by Writ of Summons or Complaint

##### Contract

- 1C Contract
- 1T Construction
- 1O Other:

##### Tort

- 2B Assault and Battery
- 2L Libel and Slander
- 4F Fraud
- 1J Bad Faith
- 2E Wrongful Use of Civil Process
- Other:

##### Negligence

- 2V Motor Vehicle Accident
- 2H Other Traffic Accident
- 1F No Fault Benefits
- 4M Motor Vehicle Property Damage
- 2F Personal Injury - FELA
- 2O Other Personal Injury
- 2S Premises Liability - Slip & Fall
- 2P Product Liability
- 2T Toxic Tort
- T1 Asbestos
- TZ DES
- T2 Implant
- 3E Toxic Waste
- Other:

##### Professional Malpractice

- 2D Dental
- 4L Legal
- 2M Medical
- 4Y Other:
- 1G Subrogation
- Equity
- E1 No Real Estate
- E2 Real Estate
- 1D Declaratory Judgment
- M1 Mandamus

##### Real Property

- 3R Rent, Lease, Ejectment
- Q1 Quiet Title
- 3F Mortgage Foreclosure
- 1L Mechanics Lien
- P1 Partition
- Prevent Waste
- 1V Replevin
- 1H Civil Tax Case - Complaint
- Other:

### F. Commerce Program

Commencing January 3, 2000 the First Judicial District instituted a Commerce Program for cases involving corporations and corporate law issues, in general. If the action involves corporations as litigants or is deemed a Commerce Program case for other reasons, please check this block AND complete the information on the "Commerce Program Addendum". For further instructions, see Civil Trial Division Administrative Docket 01 of 1999.

### G. Statutory Basis for Cause of Action

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be identified.

### H. Related Pending Cases

All previously filed related cases, regardless of whether consolidated by Order of Court or Stipulation, must be identified.

### I. Plaintiff's Attorney

The name of plaintiff's attorney must be inserted herein together with other required information. In the event the filer is not represented by an attorney, the name of the filer, address, the phone number and signature is required.

**The current version of the Civil Cover Sheet may be downloaded from the FJD's website**

**<http://courts.phila.gov>**

THE STUART LAW OFFICE, P.C.  
BY: Ian Stuart, Esquire  
I.D. No. 30156  
1700 Market Street, Suite 2632  
Philadelphia, PA 19103  
(215) 928-1129

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JERZY GUTOWSKI	:	IN THE COURT OF COMMON
	:	PLEAS OF
Plaintiff(s)	:	
	:	CLEARFIELD COUNTY,
vs.	:	PENNSYLVANIA
	:	
UNIVERSAL TRANSPORT, INC.	:	CIVIL ACTION - LAW
and	:	
ERIC B. FUANA	:	
	:	
Defendant(s)	:	NO.

#### 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 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.

COURT ADMINISTRATOR  
230 East Market Street  
Clearfield, PA 16830  
(814-765-2641, Ext. 5982)

THE STUART LAW OFFICE, P.C.  
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JERZY GUTOWSKI	:	IN THE COURT OF COMMON
	:	PLEAS OF
Plaintiff(s)	:	
	:	CLEARFIELD COUNTY,
vs.	:	PENNSYLVANIA
	:	
UNIVERSAL TRANSPORT, INC.	:	CIVIL ACTION - LAW
and	:	
ERIC B. FUANA	:	
	:	
Defendant(s)	:	NO.

### COMPLAINT

Plaintiff, Jerzy Gutowski, by and through his attorney, The Stuart Law Office, P.C., by way of a complaint says:

1. Plaintiff, Jerzy Gutkowski, is an adult individual residing at 97 Lester Avenue, Wallington, New Jersey.
2. Defendant, Universal Transport, Inc., is a business with its last known address at 213 North Morgan Street, Chicago, Illinois.
3. Defendant, Eric Fuana, is an adult individual residing at 167 Orange Avenue, Irvington, New Jersey.

4. On or about May 28, 2003 plaintiff, Jerzy Gutkowski, was the operator of a motor vehicle traveling west on Route 80 in or near Cooper Township, County of Clearfield, Commonwealth of Pennsylvania.

5. At the aforesaid time and place defendant, Eric B. Fuana, was an individual operating a motor vehicle, which was also traveling west on Route 80 in or near Cooper Township, County of Clearfield, Commonwealth of Pennsylvania.

6. On information and belief the defendant, Universal Transport, Inc., was the owner of the previously-described vehicle operated by defendant, Eric B. Fuana, at the time and place mentioned above.

7. On information and belief at the aforesaid time and place the defendant, Eric B. Fuana, was operating the previously-described motor vehicle as agent, servant and/or employee of the vehicle owner.

8. Defendant, Eric B. Fuana, at the time and place aforesaid did so carelessly, negligently and/or otherwise unlawfully operate his vehicle so as to cause it to strike the rear end of the vehicle operated by the plaintiff with a violent impact. Said carelessness, negligence and unlawfulness consisted of the following:

- a) Failing to make proper observations;
- b) Operation of his vehicle at an excessive speed;
- c) Failure to obey the rules of the road;
- d) Failure to avoid an accident;
- e) Failure to keep a safe following distance.

9. As a result of the aforesaid carelessness, negligence and unlawfulness of the defendants, Eric B. Fuana and/or Universal Transport, Inc., the plaintiff sustained property damage in the amount of \$8,860.31. See attached Exhibit "A".

10. WHEREFORE, plaintiff demands judgment against the defendants, jointly, severally and/or in the alternative for \$8,860.31 plus interest and costs.

THE STUART LAW OFFICE, P.C.

BY: 

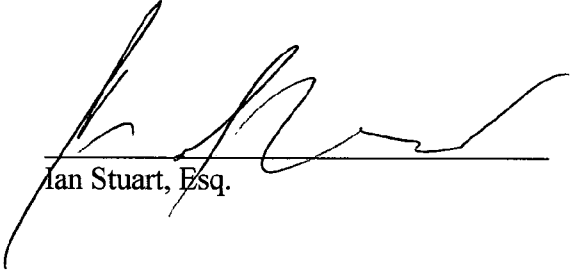
Ian Stuart, Esquire  
Attorney for Plaintiff

Date: 3/2/05

## VERIFICATION

I, IAN STUART, ESQ., verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. Subsection 4904 relating to unsworn falsification to authorities.

Date: 3/2/05

  
\_\_\_\_\_  
Ian Stuart, Esq.



## **EXHIBIT “A”**

# SWORN STATEMENT IN PROOF OF LOSS (AUTOMOBILE)

COMPANY CLAIM NO.

MON28525HB

OUR FILE No.

LMPD01344

POLICY NO. CERT. NO.

PARANUS, New Jersey

AGENCY AT

COMPANY Continental/Marmorstein/Malone

AGENT

AMOUNT OF POLICY

February 1, 2003

DATE ISSUED

February 1, 2004

EXPIRATION DATE

TO UNDERWRITERS AT TERRA NOVA INSURANCE

of London, England

Name of

Insured Jerzy Gutowski

By your Policy of Insurance above described, you insured

(HEREINAFTER CALLED INSURED) ACCORDING TO THE TERMS AND CONDITIONS CONTAINED THEREIN, INCLUDING THE WRITTEN PORTION THEREOF AND ALL ENDORSEMENTS, TRANSFERS AND ASSIGNMENTS ATTACHED THERETO, ON AUTOMOBILE DESCRIBED AS FOLLOWS:

MAKE	TYPE OF BODY	YEAR MODEL	TONNAGE	SERIAL NUMBER	MOTOR NUMBER
Volvo	VNL 770 Truck	1998		4VG7DACJ2WN746014	

COVERAGE AGAINST THE PERILS of collision

DATE OF LOSS A Loss occurred on the 28th day of May xx2003 about the hour of 9:20 o'clock P.M., which loss upon the best knowledge and belief of Insured was caused by collision

CAUSE

LOCATION

WARRANTIES

Insured's occupation or business is

Employer's name and address

Said automobile is principally garaged in the town or city of state of

PURCHASE

SAID AUTOMOBILE WAS purchased from by Insured (NEW OR USED)

on 19 Cash \$ Trade Allowance \$ and notes of \$

OWNERSHIP

a total cost of \$ and at the time of said loss the unpaid balance of purchase price was \$ When your policy was issued to the Insured, Insured was the sole and unconditional owner of the automobile described. No incumbrance of said property existed nor has since been made nor has there been any change in the title, use, location or possession of said automobile.

LOSS PAYEE: Volvo Commercial Finance

NO LOSS PAYEE

VALUE

THE ACTUAL CASH VALUE of above described automobile at the time of said loss was \$

WHOLE LOSS

THE ACTUAL LOSS AND DAMAGE to above described automobile as a result of said loss was \$ 8,860.31 (AS SHOWN BY ANNEXED SCHEDULE)

LESS AMOUNT OF DEDUCTIBLE \$ 1,000.00

AMOUNT CLAIMED

INSURED HEREBY CLAIMS OF THIS COMPANY and will accept from this Company in full release and satisfaction in compromise settlement of all claims under this policy the sum of \$ 7,860.31

WHOLE INSURANCE

THE TOTAL INSURANCE covering peril above stated, including this policy and all other policies (whether valid or not), binders or agreements to insure, was at the time of said loss \$

ASSIGNMENT OF INTEREST

Upon payment of claim for total loss by theft of automobile above described, the Insured does undertake to execute all instruments necessary to transfer, assign and set over unto the Insurer all rights, title, and interest in said automobile, and will help the said Insurer, or proper authorities, to identify said automobile, if found, and will render all assistance possible to recover the said automobile or to apprehend the thieves.

SUBROGATION

The Insured hereby covenants that no release has been or will be given to or settlement or compromise made with any third party who may be liable in damages to the Insured and the Insured in consideration of the payment made under this policy hereby subrogates the said Company to all rights and causes of action the said Insured has against any person, persons or corporation whomsoever for damage arising out of or incident to said loss or damage to said property and authorizes said Company to sue in the name of the Insured but at the cost of the Company any such third party, pledging full cooperation in such action.

STATEMENTS OF INSURED

The said loss did not originate by any act, design or procurement on the part of the Insured or this affiant; nothing has been done by or with the privity or consent of Insured or this affiant, to violate the conditions of this policy, or render it void; all articles mentioned herein or in the schedule annexed hereto belong to said automobile and were in possession of the Insured at the time of said loss; no property saved has been in any manner concealed; no attempt to deceive the said Insurer, as to the extent of said loss, has in any manner been made, and no material fact is withheld that the said Insurer should be advised of. Any other information that may be required will be furnished on demand and considered a part of this proof.

The furnishing of this blank or the preparation of proofs by a representative of the above Insurance company is not a waiver of any of its rights.

State of New Jersey

County of Bergen

Subscribed and sworn to before me this 10th

X. *Jerzy Gutowski*

day of September

192003

THE STUART LAW OFFICE, P.C.  
BY: Ian Stuart, Esquire  
I.D. No. 30156  
1700 Market Street  
Suite 2632  
Philadelphia, PA 19103  
Attorney for Plaintiff

JERZY GUTOWSKI

Plaintiff(s)

vs.

UNIVERSAL TRANSPORT, INC.

and

ERIC B. FUANA

Defendant(s)

IN THE COURT OF COMMON  
PLEAS OF

CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL ACTION - LAW

NO. 2005-301-CD

**ORDER TO SETTLE, DISCONTINUE AND END**

To the Prothonotary:

Please mark the above-captioned matter settled, discontinued and ended as to all parties.

FILED  
MAY 11 10 43 AM  
MAY 02 2005  
William A. Shaw  
Prothonotary/Clerk of Courts  
Cert. of Disc.  
to Any  
copy to CIA

THE STUART LAW OFFICE, P.C.

BY

Ian Stuart, Esquire  
Attorney for Plaintiff

I.D. No. 30156  
1700 Market Street, Suite 2632  
Philadelphia, PA 19103  
Telephone: (215) 928-1129

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Jerzy Gutowski

Vs.  
Universal Transport, Inc.  
Eric B. Fuana

No. 2005-00301-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on May 2, 2005, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Stuart Law Office, P.C.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of May A.D. 2005.

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William A. Shaw, Prothonotary