

05-302-CD  
P. Bush et al vs. V. Sturniolo et al

VINCENT M. STURNIOLO AL

Phyllis Bush et al b. Vincent Sturniolo et al  
2005-302-CD

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO. 05-302-CD

vs.

NOTICE OF DEPOSITION

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Filed on behalf of Plaintiffs

Defendants.

Counsel of Record for this Party:

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

Marcus & Mack, P.C.  
57 South 6<sup>th</sup> Street  
P.O. Box 1107  
Indiana, PA 15701

FILED<sup>62</sup>  
m/11:44/201  
APR 20 2005

William A. Sherry  
Prothonotary/Clerk of Courts

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

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

NO. 05-302-CD

Plaintiffs,

v.

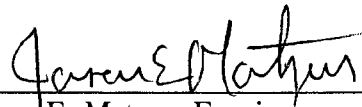
VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

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 **VINCENT M. STURNIOLO**, will be taken on oral examination at the office of Sargent's Court Reporting Service located at 105 North Second Street, Clearfield, Pennsylvania, on **June 17, 2005 at 11:00 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: 19 April 2005

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

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

v.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

NO. 05-302-CD

**NOTICE OF DEPOSITION OF  
DEFENDANT, VINCENT M.  
STURNIOLO**

**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

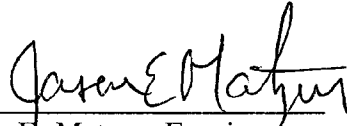
**NOTICE OF SERVICE**

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DEFENDANT VINCENT M. STURNIOLO**, to Counsel for Defendant, Christopher M. Fleming, Esquire, Jacobs & Associates, 35 N. Main Street, Second Floor, Greensburg, PA 15601-2401 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  
CLEARFIELD COUNTY, PENNSYLVANIA**

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

v.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

No. 05-302-CD

NOTICE OF DEPOSITION OF  
DEFENDANT, VINCENT M.  
STURNIOLO

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 Vincent M. Sturniolo was served by U.S. First Class Mail, postage prepaid  
this 14<sup>th</sup> day of April, 2005, upon the following:

Christopher M. Fleming, Esquire  
Jacobs & Associates  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401

Sargent's Court Reporting Service  
210 Main Street  
Johnstown, PA 15901  
(814) 536-8908  
Fax (814) 536-4968

  
\_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

vs.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

NO. 05-302-CD

**NOTICE OF DEPOSITION**

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 6<sup>th</sup> Street  
P.O. Box 1107  
Indiana, PA 15701

FILED <sup>W</sup> <sup>no cc</sup>  
m1j:4364  
APR 20 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

NO. 05-302-CD

Plaintiffs,

v.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

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 **NANETTE L. STURNIOLO**, will be taken on oral examination at the office of Sargent's Court Reporting Service located at 105 North Second Street, Clearfield, Pennsylvania, on **June 17, 2005 at 12:00 p.m.** and at any and all adjournments thereof.

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

Dated: 19 April 2005

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

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

v.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

NO. 05-302-CD

**NOTICE OF DEPOSITION OF  
DEFENDANT, NANETTE L.  
STURNIOLO**

**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

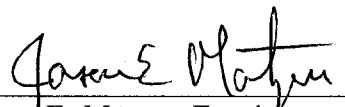
**NOTICE OF SERVICE**

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DEFENDANT NANETTE L. STURNIOLO**, to Counsel for Defendant, Christopher M. Fleming, Esquire, Jacobs & Associates, 35 N. Main Street, Second Floor, Greensburg, PA 15601-2401 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  
CLEARFIELD COUNTY, PENNSYLVANIA**

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

v.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

No. 05-302-CD

NOTICE OF DEPOSITION OF  
DEFENDANT, NANETTE L.  
STURNIOLO

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 Nanette L. Sturniolo was served by U.S. First Class Mail, postage prepaid  
this 19<sup>th</sup> day of April, 2005, upon the following:

Christopher M. Fleming, Esquire  
Jacobs & Associates  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401

Sargent's Court Reporting Service  
210 Main Street  
Johnstown, PA 15901  
(814) 536-8908  
Fax (814) 536-4968

  
\_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO. 05-302-CD

vs.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

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 6<sup>th</sup> Street  
P.O. Box 1107  
Indiana, PA 15701

FILED

MAR 07 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO.

vs.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

**NOTICE TO DEFEND**

**TO:** VINCENT M. STURNIOLO and NANETTE L. STURNIOLO, Defendants

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.

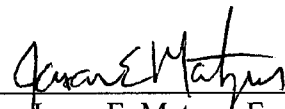
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO.

vs.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

**COMPLAINT**

AND NOW, comes the Plaintiffs, Phyllis Bush and Leo D. Bush, Sr., her husband, by and through their attorneys, Jason E. Matzus, Esquire, and Marcus & Mack, P.C., and file the following Complaint:

**COUNT I - NEGLIGENCE**

1. Plaintiffs, Phyllis Bush and Leo D. Bush, Sr., are adult married individuals who reside at 6172 Morgan Run Road, West Decatur, Clearfield County, Pennsylvania.

2. Defendants, Vincent M. Sturniolo and Nanette L. Sturniolo, are adult individuals, husband and wife, who reside together at 125 Pauline Drive, Clearfield, Clearfield County, Pennsylvania.

3. On March 18, 2004, Defendants, Vincent M. Sturniolo and Nanette L. Sturniolo, his wife, were the owners of certain real property and improvements located at 12 North 4<sup>th</sup> Street, Clearfield Borough, Clearfield County, Pennsylvania.

4. At all times relevant, said Defendants had under their exclusive care, custody, control and maintenance of the sidewalk located in front of and which abutted said property.

5. On March 18, 2004, Plaintiff, Phyllis Bush, was walking on Defendants' sidewalk in an normal and prudent manner when she tripped, stumbled and fell by reason of a dangerous, defective, buckled, cracked, improperly repaired or maintained and/or misaligned portion of sidewalk.

6. As a result of the fall, Plaintiff, Phyllis Bush, sustained the following injuries, including but not limited to:

- a. A tendon/ligament injury to her right hand requiring surgical repair;
- b. Left knee injury and abrasions leaving a scar of approximately 2 inches in length;
- c. Abrasions of right knee and right hand; and,
- d. Generalized trauma and injury to the nerves, muscles, tissues, ligaments & tendons of Plaintiff's right hand and knee and left knee.

7. The injuries suffered by Plaintiff, Phyllis Bush, were proximately and directly caused by the careless and/or negligent conduct of Defendants, Vincent M. Sturniolo and Nanette L.

Sturniolo, in general and in the following particulars:

- (a) In allowing and permitting the existence of the dangerous and/or defective sidewalk;
- (b) In allowing and permitting said sidewalk to exist in a state of disrepair;
- (c) In failing to provide a safe sidewalk for pedestrian travel in front of said property;
- (d) In failing to take proper action to inspect, maintain, repair and/or replace the dangerous, defective, buckled, cracked and misaligned sidewalk upon the Defendants' property, which they knew, or in the exercise of reasonable care, should have known, created a dangerous condition and risk to the public;
- (e) In failing to provide any notice and/or warning to the public of the dangerous and defective condition which existed on the sidewalk;

- (f) In failing to post or erect warning signs, notices, barriers and/or barricades in an effort to warn and protect the public relative to the dangerous and/or unsafe condition which existed on the sidewalk;
- (g) In failing to keep and maintain the sidewalk in a proper state of repair, and free from hazardous conditions, in direct violation of the BOCA National Property Maintenance Code and other ordinances adopted by the Borough of Clearfield.

8. As a result of the aforesaid accident, the Plaintiff, Phyllis Bush, 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, substantial scarring and disfigurement; and,
- e. She has sustained in the past, and will sustain in the future, other emotional, economic and physical harm.

WHEREFORE, Plaintiff, Phyllis Bush, demands judgment against the Defendants, Vincent M. Sturniolo and Nanette L. Sturniolo, in an amount in excess of any jurisdictional amount requiring compulsory arbitration, together with interest and costs of suit.

JURY TRIAL DEMANDED.

#### **COUNT II - LOSS OF CONSORTIUM**

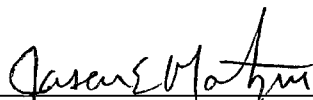
- 9. Each of the above paragraphs is incorporated herein by reference.
- 10. As a result of the injuries to his spouse, the husband-plaintiff, Leo D. Bush, Sr., has lost the society, comfort, and services of his spouse.

WHEREFORE, the husband-plaintiff, Leo D. Bush, Sr., demands judgment against Defendant in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

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

**VERIFICATION**

We, Phyllis Bush and Leo D. Bush, Sr., verify that the averments of the foregoing Complaint are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Sec. 4904, relating to unsworn falsification to authorities.

  
PHYLLIS BUSH

  
LEO D. BUSH, SR.



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

PHYLLIS BUSH and LEO D. BUSH,  
SR., her husband,

Plaintiff(s),

vs.

VINCENT M. STRUNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendant(s).

NO. 05-302-CD

Type of Pleading:

**PRAECIPE FOR APPEARANCE**

Filed on behalf of the Defendant,

Counsel of Record for this Party:

Christopher M. Fleming  
PA I.D. #29300

Jacobs & Associates  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401  
(724) 837-8484

**JURY TRIAL DEMANDED**

**FILED** <sup>6K</sup>  
m/1:30 PM <sup>no</sup> cc  
MAR 18 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

PHYLLIS BUSH and LEO D.BUSH, SR.,  
Her husband,

No. 05-302-CD

Plaintiff,

vs.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

PRAECIPE FOR APPEARANCE

**TO THE PROTHONOTARY:**

Please enter my appearance on behalf of Defendants Vincent M. Sturniolo and Nanette L. Sturniolo in reference to the above-captioned matter.

JURY TRIAL DEMANDED.

JACOBS & ASSOCIATES

BY: Christopher M. Fleming  
CHRISTOPHER M. FLEMING, ESQUIRE  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401  
(724) 837-8484

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

PHYLLIS BUSH and LEO D. BUSH,  
SR., her husband,

Plaintiff(s),

vs.

VINCENT M. STRUNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendant(s).

NO. 05-302-CD

Type of Pleading:  
**NOTICE OF SERVICE**

Filed on behalf of the Defendant,

Counsel of Record for this Party:

Christopher M. Fleming  
PA I.D. #29300

Jacobs & Associates  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401  
(724) 837-8484

JURY TRIAL DEMANDED

**FILED** *no cc*  
*m/1130/6K*  
**MAR 18 2005** *6K*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

NO. 05-302-CD

Plaintiff(s),

vs.

VINCENT M. STRUNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendant(s).

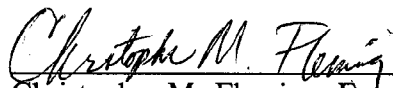
**NOTICE OF SERVICE**

TO THE PROTHONOTARY:

COMES NOW, the Defendant, Vincent and Nanette Sturniolo, by and through their counsel, Christopher M. Fleming, Esquire, and certify that Interrogatories and Request for Production of Documents were served upon all counsel in accordance with the Pennsylvania Rules of Civil Procedure, by United States mail, postage prepaid on this 15<sup>th</sup> day of March, 2005.

Dated: March 14, 2005

By:

  
Christopher M. Fleming, Esquire  
JACOBS & ASSOCIATES  
35 N. Main Street  
Greensburg, PA 15601  
(724) 837-8484

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

PHYLLIS BUSH and LEO D. BUSH,  
SR., her husband,

NO. 05-302-CD

Plaintiff(s),

Type of Pleading:

**ANSWER AND NEW MATTER**

vs.

VINCENT M. STRUNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendant(s).

Filed on behalf of the Defendant,

Counsel of Record for this Party:

Christopher M. Fleming  
PA I.D. #29300

Jacobs & Associates  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401  
(724) 837-8484

**JURY TRIAL DEMANDED**

You are hereby notified to file written  
response to the enclosed NEW MATTER  
within 20 days from service hereof or a  
judgement may be entered against you.

By: Christopher M. Fleming, Esquire

**FILED** <sup>no cc</sup>  
m/12:43 PM  
APR 01 2005 (GK)

William A. Shaw  
Prothonotary/Clerk of Courts

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

PHYLLIS BUSH and LEO D. BUSH,  
SR., her husband,

NO. 05-302-CD

Plaintiff(s),

vs.

VINCENT M. STRUNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendant(s).

**ANSWER AND NEW MATTER**

AND NOW, Comes the Defendants, Vincent M. Struniolo and Nanette L. Sturniolo, by and through their attorneys, JACOBS & ASSOCIATES, per Christopher M. Fleming, and files the following Answer and New Matter and states as follows:

1. Paragraphs 1 and 2 of Plaintiff's Complaint are admitted.
3. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations made in Paragraphs 3 and 4 of Plaintiff's Complaint, and therefore said allegations are denied and strict proof thereof is demanded at time of trial.
5. In accordance with amended Pa. R.C.P. 1029, effective September 1, 1994, the Defendants, Vincent M. Struniolo and Nanette L. Sturniolo, deny the factual averments contained in Paragraphs 5 through 10 and all of their subparagraphs of the Plaintiff's Complaint.

WHEREFORE, Defendants Vincent M. Struniolo and Nanette L. Sturniolo demand judgment in their favor and against the Plaintiff.

**NEW MATTER**

11. In accordance with amended Pa. R.C.P. 1030, the Defendant raises the affirmative defenses of contributory/comparative negligence and assumption of the risk.


12. Plaintiff's cause of action is barred by the applicable statute of limitations and/or Plaintiff's failure to prosecute the present action.

WHEREFORE, it is requested that this Honorable Court enter judgment for the Defendants and against the Plaintiffs.

Respectfully submitted,

JACOBS & ASSOCIATES

By:

  
Christopher M. Fleming  
Attorney for Defendants

## VERIFICATION

COMMONWEALTH OF PENNSYLVANIA                 )  
  )         SS:  
COUNTY OF WESTMORELAND                 )

I verify that the statements made in this ANSWER AND NEW MATTER are true and correct; that the attached ANSWER AND NEW MATTER is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the ANSWER AND NEW MATTER is that of counsel and not of Defendant. I have read the ANSWER AND NEW MATTER and to the extent that the ANSWER AND NEW MATTER is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the ANSWER AND NEW MATTER is that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsifications to authorities.

Date: 3/30/05

Vincent M. Sturniolo  
Vincent M. Sturniolo



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

DOCKET # 100280  
NO: 05-302-CD  
SERVICE # 1 OF 2  
COMPLAINT

PLAINTIFF: PHYLLIS BUSH & LEO D. BUSH SR.  
vs.

DEFENDANT: WINCENT M. STURNIOLO and NANETTE L. STURNIOLO

**SHERIFF RETURN**

NOW, March 09, 2005 AT 9:00 AM SERVED THE WITHIN COMPLAINT ON VINCENT M. STURNIOLO DEFENDANT AT 125 PAULINE DRIVE, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VINCENT M. STURNIOLO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

*ESW*  
**FILED**  
0/9:30/sw  
APR 11 2005

**William A. Shaw**  
Prothonotary

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

DOCKET # 100280  
NO: 05-302-CD  
SERVICE # 2 OF 2  
COMPLAINT

PLAINTIFF: PHYLLIS BUSH & LEO D. BUSH SR.

vs.

DEFENDANT: WINCENT M. STURNIOLO and NANETTE L. STURNIOLO

**SHERIFF RETURN**

---

NOW, March 09, 2005 AT 8:07 AM SERVED THE WITHIN COMPLAINT ON NANETTE L. STURNIOLO DEFENDANT AT (meeting place) CLEARFIELD CO. COURTHOUSE, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO NANETTE L. STURNIOLO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100280  
NO: 05-302-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: PHYLLIS BUSH & LEO D. BUSH SR.

vs.

DEFENDANT: WINCENT M. STURNIOLO and NANETTE L. STURNIOLO

SHERIFF RETURN

RETURN COSTS

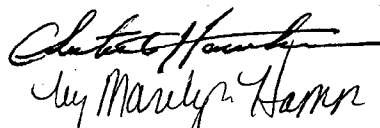
Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MARCUS	33275	20.00
SHERIFF HAWKINS	MARCUS	33275	26.00

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2005

\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO. 05-302-CD

vs.

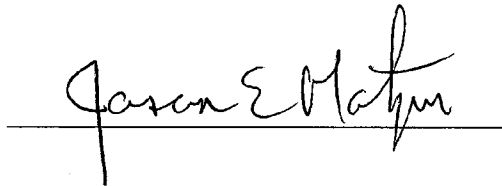
VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

**NOTICE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **INTERROGATORIES TO DEFENDANTS** were mailed, U.S. First Class mail, to the following this 12<sup>th</sup> day of April, 2005:

Christopher M. Fleming, Esquire  
Jacobs & Associates  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401



**FILED** <sup>OK</sup>  
m11:4487  
APR 14 2005  
cc  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO. 05-302-CD

vs.

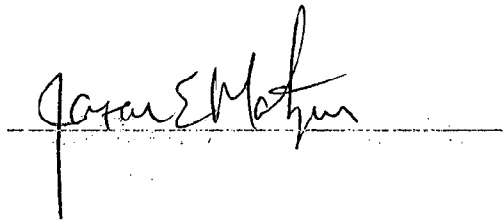
VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

**NOTICE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **REQUEST FOR  
PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANTS** was mailed, U.S. First  
Class mail, to the following this 10<sup>th</sup> day of April, 2005:

Christopher M. Fleming, Esquire  
Jacobs & Associates  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401



**FILED** <sup>CK</sup>  
m/j:4401 <sup>NO</sup>  
APR 14 2005 <sup>CC</sup>

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO. 05-302-CD

vs.

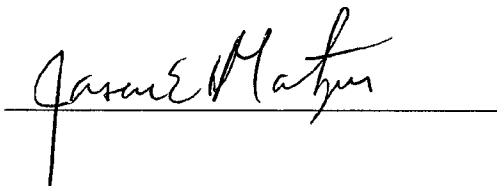
VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

**NOTICE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **REPLY TO NEW MATTER**  
was mailed, U.S. First Class mail, to the following this 12th day of April, 2005:

Christopher M. Fleming, Esquire  
Jacobs & Associates  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401



**FILED**

APR 13 2005 (6)  
m/2:35/c  
William A. Shaw

Prothonotary/Clerk of Courts

1 CENT TO ATTORNEY

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO. 05-302-CD

vs.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

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 6<sup>th</sup> Street  
P.O. Box 1107  
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO. 05-302-CD

vs.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

**PLAINTIFFS' REPLY TO DEFENDANTS'**  
**NEW MATTER**

AND NOW come the Plaintiffs, Phyllis Bush and Leo D. Bush, Sr., her husband by their attorneys, MARCUS & MACK and Jason E. Matzus, Esquire and in reply to the Defendants'

New Matter states:

11. Denied. All the averments set forth in Paragraph 11 are denied as conclusions of law which require no response.

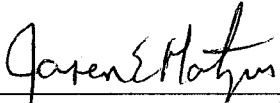
12. Denied. All the averments set forth in Paragraph 12 are denied as conclusions of law which require no response.

WHEREFORE, Plaintiffs request that judgment be entered in their favor against the Defendants.



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

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

Plaintiffs,

NO. 05-302-CD

vs.

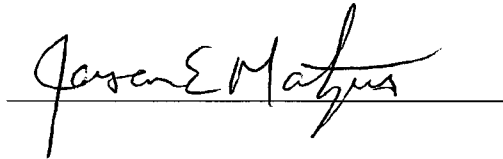
VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.


**NOTICE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS' RESPONSES TO DEFENDANTS' INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS** were mailed, U.S. First Class mail, to the following this 13<sup>th</sup> day of May, 2005:

Christopher M. Fleming, Esquire  
Jacobs & Associates  
35 N. Main Street, Second Floor  
Greensburg, PA 15601-2401



**FILED**

MAY 16 2005 

m/12:45/2

William A. Shaw  
Prothonotary

1 CENT TO R+TL

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,  
6172 Morgan Run Road  
West Decatur, PA 16878

CIVIL ACTION

No. 2005-00276<sup>302</sup> CD

Type of case:

Plaintiffs,

**Type of Pleading: DISCONTINUANCE**

VS.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

125 Pauline Drive  
Clearfield, PA

FILED ON BEHALF OF:

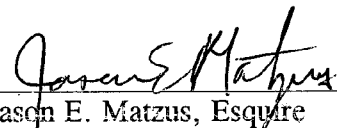
Phyllis Bush and Leo D. Bush, Sr.,  
her husband.

COUNSEL OF RECORD FOR THIS  
PARTY:

Defendants.

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

  
\_\_\_\_\_  
Jason E. Matzus, Esquire

FILED<sup>No cc</sup>  
m 14:00 BY Cert. of Disc.  
NOV 14 2005 to Atty  
William A. Shaw Copy to CIA  
Prothonotary/Clerk of Courts  
(CR)

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

PHYLLIS BUSH and LEO D. BUSH, SR.,  
her husband,

NO. 05-302-CD

Plaintiffs,

VS.

VINCENT M. STURNIOLO and  
NANETTE L. STURNIOLO, his wife,

Defendants.

**PRAECIPE TO DISCONTINUE**

TO THE PROTHONOTARY OF SAID COURT:

Please mark the above-captioned action settled and forever discontinued of record.

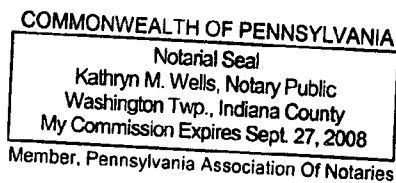
Respectfully submitted,

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 12<sup>th</sup> day of NOVEMBER, 2005.

Kathryn M. Wells  
Notary Public






**FILED**

**NOV 14 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

**Phyllis Bush**  
**Leo D. Bush Sr.**

**Vs.**

**No. 2005-00302-CD**

**Vincent M. Sturniolo**  
**Nanette L. Sturniolo**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on November 14, 2005, marked:

Settled and Forever Discontinued

Record costs in the sum of \$85.00 have been paid in full by Jason E. Matzus, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 14th day of November A.D. 2005.

---

William A. Shaw, Prothonotary