

05-328-CD
Jessie Jackson Jr vs. Tena Craft etal

TENA CRAFT, ETAL

Jessie Jackson v. Tina Craft et al
2005-328-CD

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

JESSIE B. JACKSON, JR.

Plaintiff

v.

TENA CRAFT an individual, and
TRL LEASING, INC. a Pennsylvania
Corporation

Defendant

:
:
: 2005-328-CO
:
: No. 328 of 2005, C.A.
:
:
:
:
:
:

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY, WILLIAM A. SHAW, SR.:

Kindly issue a Writ of Summons--Civil Action against the Defendants in the
above-referenced matter.

Respectfully submitted,

VERTERANO & MANOLIS

By


James W. Manolis, Attorney
for Plaintiff

FILED

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 852-0300
TELEFAX
(724) 854-1131

MAR 09 2005
m/2:15/ww
William A. Shaw
Prothonotary
4 CERT to ATTY
4 Summons to ATTY

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

SUMMONS

Jessie B. Jackson Jr.

Vs.

NO.: 2005-00328-CD

**Tena Craft an individual, and
TRL Leasing, Inc. a Pennsylvania Corporation**

**TO: TENA CRAFT
TRL LEASING, INC.**

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: 03/09/2005

William A. Shaw
Prothonotary

Issuing Attorney: James W. Mahols ~~Mahols~~ **MANOLIS**
2622 Wilmington Road
New Castle, PA 16105-1530

3-17-05

Rec.

VERTERANO & MANOLIS

ATTORNEYS AT LAW

2622 WILMINGTON ROAD

NEW CASTLE, PENNSYLVANIA 16105-1530

(724) 652-0300

FRANK G. VERTERANO

JAMES W. MANOLIS

THEODORE A. SAAD

TELEFAX

(724) 654-1131

March 16, 2005

William A. Shaw
Clearfield County Prothonotary/Clerk of Courts
230 East Market Street
Clearfield, Pennsylvania 16830

VIA FACSIMILE (814-765-7659)

RE: Jessie B. Jackson, Jr. v Tena Craft, an individual, and TRL Leasing, Inc., a Pennsylvania Corporation
No. 2005-328-CD

Dear Mr. Shaw:

The Summons issued in the above captioned matter indicates that the issuing attorney is James W. Mahohs. The correct spelling is MANOLIS.

If you have any questions or comments, please feel free to call me.

Very truly yours,

James W. Manolis

JWM/tjaf
Enc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

G.D. No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania Corporation,

PRAECIPE FOR APPEARANCE

Defendant.

Code:

Filed on behalf of Defendants

Counsel of record for this party:

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

DICKIE, MCCAMEY & CHILCOTE, P.C.

Firm #067

Two PPG Place, Suite 400

Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED
APR 13 2005
m/2:30/cw
William A. Shaw
Prothonotary/Clerk of Courts
no c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

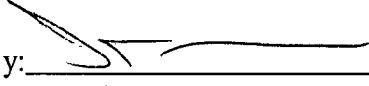
JESSIE B. JACKSON, JR.,)
)
Plaintiff,	)Civil Action
)
Vs.	)No. 2005-00328 CD
)
TENA CRAFT an individual and TRL)
LEASING, INC., a Pennsylvania Corp.,)
)
Defendant.)

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the defendants, TENA CRAFT and TRL
LEASING, INC. regarding the above referenced matter.

DICKIE, McCAMEY & CHILCOTE

By: 
John T. Pion, Esq.

Counsel for Defendants
Tena Craft and TRL Leasing, Inc.

Two PPG Place, Suite 400
Pittsburgh, PA 15222

(412) 392-5452

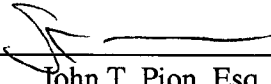
CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Praecipe for Appearance was served upon counsel of record by U.S. Mail, postage prepaid, this
11 day April, 2005.

James W. Manolis, Esq.
2622 Wilmington Road
New Castle, PA 16105-1530

COUNSEL FOR PLAINTIFF

DICKIE, McCAMEY & CHILCOTE

By: 
John T. Pion, Esq.

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

**PRAECIPE FOR RULE
TO FILE A COMPLAINT**

Defendants.

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

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

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

APR 15 2005

M/ 2:30 PM

William A. Shaw
Prothonotary

no ck

Return to Atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

PRAECIPE FOR RULE TO FILE A COMPLAINT

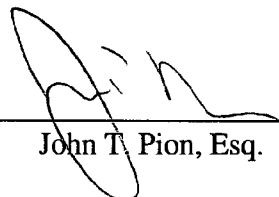
TO THE PROTHONOTARY:

Please issue the necessary Rule upon Plaintiff to file a Complaint in the above-referenced matter within twenty (20) days of service thereof, or suffer Judgment of Non-Pros.

A JURY TRIAL IS DEMANDED.

DICKIE, McCAMEY & CHILCOTE, P.C.

By



John T. Pion, Esq.

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants
Tena Craft and TRL Leasing, Inc.

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Praeipe for Rule to File Complaint was served upon counsel of record by U.S. mail, postage
prepaid, this 12th day of April, 2005, as follow:

James W. Manolis, Esq.
2622 Wilmington Road
New Castle, PA 16105-1530

COUNSEL FOR PLAINTIFF

DICKIE, McCAMEY & CHILCOTE, P.C.

By


John T. Pion, Esq.

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants
Tena Craft and TRL Leasing, Inc.

FILED

APR 15 2005

**William A. Shaw
Prothonotary**

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

Jessie B. Jackson Jr.

Vs.
Tena Craft
TRL Leasing, Inc.

Case No. 2005-00328-CD

RULE TO FILE COMPLAINT

TO: Jessie B. Jackson, Jr., c/o James W. Manolis, Esq.

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 15, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100325
NO: 05-328-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: JESSIE B. JACKSON JR.

vs.

DEFENDANT: TEAN CRAFT an ind. and TRL Leasing, Inc. a Pennsylvania Corporation

SHERIFF RETURN

NOW, March 23, 2005, SHERIFF OF LUZERNE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON TRL Leasing Inc. a Pennsylvania Corp..

NOW, April 01, 2005 AT 9:16 AM SERVED THE WITHIN SUMMONS ON TRL Leasing Inc. a Pennsylvania Corp., DEFENDANT. THE RETURN OF LUZERNE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED ^{GW}
012:57316
APR 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100325
NO: 05-328-CD
SERVICES 1
SUMMONS

PLAINTIFF: JESSIE B. JACKSON JR.

vs.

DEFENDANT: TEAN CRAFT an ind. and TRL Leasing, Inc. a Pennsylvania Corporation

SHERIFF RETURN

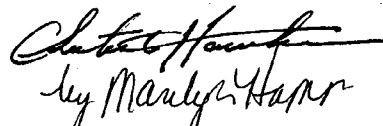
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	VERTERANO	17175	10.00
SHERIFF HAWKINS	VERTERANO	17175	27.74
LUZERNE CO.	VERTERANO	17174	30.00
REFUND	TO:VERTERANO	33740	

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

Luzerne County Sheriff's Department
Luzerne County Courthouse



200 North River Street
Wilkes-Barre, Pennsylvania 18711
(570) 825-1651

CLEARFIELD COUNTY

2005-00328-CD

JESSIE B. JACKSON JR.

VS

TENA CRAFT, AN INDIVIDUAL, ET AL

STATE OF PENNSYLVANIA
LUZERNE COUNTY, SS:


JOSEPH OLIVERI _____, DEPUTY SHERIFF, for SHERIFF of said county, being duly sworn
according to law, deposes and says, that on FRIDAY _____ the FIRST _____ day of
APRIL _____ 20 05 at 9:16 A.M. _____ M., prevailing time, he served the within
WRIT OF SUMMONS

upon TRL LEASING INC. A PENNSYLVANIA CORP.

the within named, by handing to RICK JONES
the person for the time being in charge at THE PLACE OF BUSINESS, 130 ARMSTRONG ROAD, PITTSTON

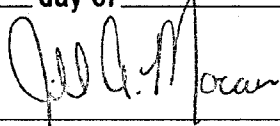
in the County of Luzerne, State of Pennsylvania, a true and attested copy and making known the contents thereof.

Sworn to and subscribed before me




Sheriff of Luzerne County

this FIRST _____ day of APRIL _____ 20 05



Deputy Sheriff

by: 

Deputy Sheriff

8565 CASHIER4

#0005328
#0003000
SUMMONS 30.00
CHECK 30.00
Qty 1

APR 01 '05 15:03

LOZIERNE COUNTY
SHERIFF
THANK YOU

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

Plaintiff,

v.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

Defendants.

CIVIL DIVISION

No. 2005-00328-CD

Issue No.

AFFIDAVIT OF SERVICE

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

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

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

ck FILED NO
m/11:17
MAY 06 2005

William A. Shaw
Prothonotary/Clerk of Courts

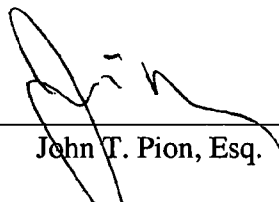
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

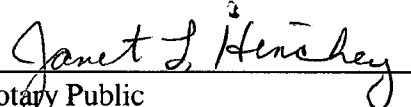
AFFIDAVIT OF SERVICE

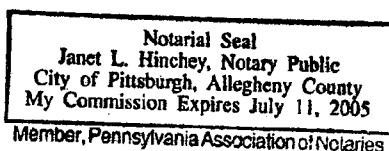
COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF ALLEGHENY :

Before me, the undersigned authority, personally appeared John T. Pion, Esquire, who deposes and says that he mailed the original Rule to File a Complaint in the above-entitled action to James W. Manolis, Esquire, Verterano & Manolis, 2622 Wilmington Road, New Castle, Pennsylvania 16105-1530, on or about the 27th day of April, 2005, by Certified Mail, Return Receipt Requested. A copy of the signed Return Receipt is attached hereto and marked Exhibit A.

By  _____
John T. Pion, Esq.
Counsel for Defendants
Tena Craft and TRL Leasing, Inc.

SWORN TO and subscribed
before me this 4th day
of May, 2005.


Notary Public



Jackson - Route

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</p> <p>X <i>[Signature]</i></p> <hr/> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>[Signature]</i> <i>4/27</i></p> <hr/> <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>James W. Manolis, Esq. Verterano + Manolis 2622 Wilmington Road New Castle, PA 16105-1530</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> <hr/> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <i>7004 1160 0005 7026 1415</i></p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT A

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.

Plaintiff

vs

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

Defendants

:
: CIVIL
:
: No. 2005-328-CD
:
:
:
:
:
:

TYPE OF PLEADING OR FILING:
Complaint

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD
FOR THIS PARTY:

James W. Manolis
Pa. Supreme Court #46810
Verterano & Manolis
2622 Wilmington Road
New Castle, Pennsylvania 16105
724-652-0300

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

FILED^{CR}
m) 11:24 AM
MAY 13 2005
CC

William A. Shaw
Prothonotary/Clerk of Courts

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

:
: **CIVIL**
:
: **No. 2005-328-CD**
:
:
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:
:
:
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NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a 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.

**David S. Meholick
Clearfield County Courthouse
One North Second Street
Clearfield, Pennsylvania 16830
Telephone: 814-765-2641 Ext. 5982**

**VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131**

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

:
: **CIVIL**
:
: **No. 2005-328-CD**
:
:
:
:
:
:

COMPLAINT

AND NOW comes the Plaintiff, Jessie B. Jackson, by and through his attorneys, Verterano & Manolis, and James W. Manolis, and claims damages of the Defendants, Tena Craft and TRL Leasing, Inc., upon a cause of action whereof the following are statements:

1. The Plaintiff, Jessie B. Jackson, is an adult individual who resides at 145 East Parade Street, Buffalo, New York, 14211.
2. The Defendant, Tena Craft, is an adult individual who resides at 3745 Via De Lane, Jacksonville, Florida, 32217 (hereinafter "Craft").
3. The Defendant, TRL Leasing, Inc., is a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania having its registered office at 130 Armstrong Road, Pittston, Luzerne County, Pennsylvania (hereinafter "TRL").

4. At all times material hereto, TRL was acting by and through its authorized agents, employees and servants, including Craft, all of whom were acting within the scope and course of their agency, contract, employment and authority for or on behalf of TRL.
5. Interstate Route 80 is a duly dedicated public thoroughfare which traverses in a generally east-west direction across the Commonwealth of Pennsylvania, including Clearfield County, Pennsylvania, where there exists two eastbound lanes for motor vehicle use.
6. On March 17, 2003, at approximately 2:00 P.M., the Plaintiff, Jessie B. Jackson, Jr., was operating a 2003 Sterling L7500 Series tractor trailer (hereinafter "Jackson tractor trailer") in a careful and cautious manner in an easterly direction along Interstate Route 80 in the right hand lane in Pine Township, Clearfield County, Pennsylvania.
7. At or about the same time and place, Craft was operating a 2001 Freightliner Columbia 120 tractor trailer, owned by TRL (hereinafter "TRL tractor trailer"), for and on behalf of TRL, in an easterly direction along Interstate Route 80 in the right hand lane directly behind the Jackson tractor trailer.
8. On said date and at said time and place, the TRL tractor trailer suddenly and without warning collided in the right hand lane of Interstate Route 80 with the rear end of the Jackson tractor trailer.

9. As a direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants as set forth herein, the Plaintiff, Jessie B. Jackson, Jr., was caused to sustain the following bodily injuries:

- A. Trauma.
- B. Injuries to his head.
- C. Injuries to his jaw.
- D. Injuries to his neck.
- E. Cervical strain/sprain.
- F. Multiple bulging and herniated cervical discs.
- G. Injuries to his right shoulder.
- H. Impingement syndrome of the right shoulder.
- I. A tear of the right superior labrum.
- J. Injuries to his back.
- K. Lumbar sprain and strain.
- L. Multiple bulging and herniated lumbar discs.
- M. Adhesions to and scarring of the soft tissue in his neck, back and right shoulder.
- N. Multiple sprains and contusions.

- O. Injuries to his muscles, tendons, ligaments and other soft tissues in that they were stretched, strained and torn.
 - P. Bruises, abrasions and contusions in and about the general parts of his body.
 - Q. Stiffness and soreness in and about the various parts of his body.
 - R. Injuries to his nerves and nervous system.
 - S. Various other ills and bodily injuries.
10. In addition thereto, and as a direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants, the Plaintiff, Jessie B. Jackson, Jr., has in the past and may for an indefinite period of time in the future, suffer the following:
- A. Chronic pain, suffering and inconvenience.
 - B. Fear, shock, worry, embarrassment, anxiety, irritation, annoyance and other forms of distress.
 - C. A loss of life's pleasures.
 - D. Impairment of his earnings.
 - E. Lessening, reduction and impairment of his earning power and capacity.
 - F. Serious impairment of the motion of the various parts of his body, and particularly his neck, back and right shoulder.

G. Serious impairment and interference with his usual activities and occupation.

H. Serious impairment of his general health, strength and vitality.

11. The Plaintiff, Jessie B. Jackson, Jr., believes and avers that some or all of the aforesaid injuries and damages are of a serious, permanent and lasting character.
12. Further, and as a direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants, as herein set forth, the Plaintiff, Jessie B. Jackson, Jr., has in the past, and may, for an indefinite period of time in the future, be required to receive and undergo medical attention and care at the direction of his treating physician, and to incur expenses and expend substantial sums of money for medical and surgical attention, hospital care, physical therapy, medical supplies and other medical and incidental expenses which are or may be recoverable under applicable law.
13. As a further direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants, as herein set forth, the Plaintiff, Jessie B. Jackson, Jr., has suffered a loss of earnings and impairment of his earning capacity and power which are recoverable under applicable law.
14. As a further direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants, the personal property of the Plaintiff, Jessie B. Jackson, Jr., was damaged to an extent which will be proven at the trial of this case.

COUNT ONE

(Jessie B. Jackson, Jr. v Tena Craft)

15. The Plaintiff, Jessie B. Jackson, Jr., incorporates herein by reference thereto all of the allegations set forth in Paragraphs 1 through 14 of this Complaint as if the same were fully set forth herein.
16. The Plaintiff, Jessie B. Jackson, Jr., believes and therefore avers that all of the aforesaid injuries and damages were caused directly and proximately by the careless, negligent and/or reckless conduct of the Defendant, Tena Craft, generally, and in the following particulars:
- A. In operating the TRL tractor trailer in violation of and without regard to the traffic laws and regulations of the local township, municipality, county, Commonwealth of Pennsylvania and United States of America.
 - B. In failing to keep a proper and safe watch and safe lookout for vehicles traveling in an easterly direction along Interstate Route 80, and in particular, the Jackson tractor trailer.
 - C. In failing to yield the right of way to vehicles traveling in an easterly direction along Interstate Route 80, and in particular, the Jackson tractor trailer.
 - D. In failing to keep a proper and safe distance between the TRL tractor trailer which she was operating and the Jackson tractor trailer.

- E. In operating the TRL tractor trailer without being able to stop within an assured clear distance ahead.
- F. In failing to give due regard to the point and position of the Jackson tractor trailer.
- G. In operating the TRL tractor trailer in a careless and negligent manner under the circumstances and while the Jackson tractor trailer was in clear view.
- H. In operating the TRL tractor trailer at a dangerous and excessive rate of speed under the circumstances.
- I. In operating the TRL tractor trailer at an unsafe speed given the traffic, road and/or weather conditions prevailing during the relevant time.
- J. In failing to properly and/or adequately apply her brakes in advance of the collision with the Jackson tractor trailer.
- K. In failing to stop, swerve, or otherwise control the TRL tractor trailer so it would not collide with the Jackson tractor trailer.
- L. In disregarding the rights and safety of persons and/or vehicles lawfully on the roadway, and particularly, the Jackson tractor trailer.
- M. In operating the TRL tractor trailer in such a manner so as to create a dangerous condition which she knew, or in the exercise of reasonable care, should have known.

- N. In failing to observe the objects, warnings, signs, directions and instructions which were placed and/or posted for eastbound motorists on Interstate Route 80 and which she passed and saw or should have seen before colliding with the Jackson tractor trailer.
- O. In failing to heed and abide by the objects, warnings, markings, signs, directions and instructions which she passed and did or should have observed before colliding with the Jackson tractor trailer.
- P. In failing to obey traffic signals, controls and/or signs on Interstate Route 80 prior to the point of the collision.
- Q. In failing to properly and/or adequately warn and/or signal the impending approach of the TRL tractor trailer and the related danger to enable the Plaintiff, Jessie B. Jackson, Jr., to take action necessary to protect himself from the impending collision.
- R. In operating the TRL tractor trailer when she knew or reasonably should have known that it was not equipped with proper and/or properly operating signals, safety devices, warning devices, tires and/or brake systems.
- S. In failing to properly and/or adequately inspect and/or maintain the TRL tractor trailer, including, but not limited to, those items specified in the preceding subparagraph.
- T. Carelessly driving the TRL tractor trailer.

- U. In driving the TRL tractor trailer while being inattentive and/or tired.
- V. In operating the TRL tractor trailer during a period of time when she was not to be driving.
- W. In driving the TRL tractor trailer while using a radio, television, telephone or other device.
- X. In driving the TRL tractor trailer while distracted by a radio, television, telephone or other device.
- Y. In operating the TRL tractor trailer while under the influence of certain drugs, medicine and/or alcohol which compromised her ability to drive safety and/or made her unfit to drive.
- Z. In operating the TRL tractor trailer in a careless and negligent manner under the circumstances and while the Jackson tractor trailer was in plain view.
- AA. In otherwise being negligent and in failing to exercise due care and caution in the circumstances then and there existing as may be disclosed by further discovery or at trial.

WHEREFORE, the Plaintiff, Jessie B. Jackson, Jr., claims damages of the Defendant, Tena Craft, in a sum of excess of Twenty Thousand Dollars (\$20,000.00), plus costs and all other remedies, relief and benefits available to Plaintiff under the laws applicable to this case.

COUNT TWO

(Jessie B. Jackson, Jr. v TRL Leasing, Inc.)

17. The Plaintiff, Jessie B. Jackson, Jr., incorporates herein by reference thereto all of the allegations set forth in Paragraphs 1 through 16 of this Complaint as if the same were fully set forth herein.
18. The Plaintiff, Jessie B. Jackson, Jr., believes and therefore avers that all of the aforesaid injuries and damages were caused directly and proximately by the careless, negligent and/or reckless conduct of the Defendant, TRL Leasing, Inc., generally, and in the following particulars:
 - A. Allowing and/or requiring Craft to operate the TRL tractor trailer when it knew or reasonably should have known that she was an inexperienced, unlicensed, unqualified, unsafe, unfit, tired and/or a careless driver.
 - B. Allowing Craft to operate the TRL tractor trailer when it knew or reasonably should have known that the tractor trailer was not adequately equipped and/or equipped with proper and/or properly operating signals, safety devices, warning devices, tires and/or brake systems.
 - C. Violating the traffic, interstate commerce and trucking laws and regulations of the local township, county, Commonwealth of Pennsylvania and/or United States of America.
 - D. Failing to properly and/or adequately inspect and/or maintain the TRL

tractor trailer, including, but not limited to, with regard to those items specified in sub-paragraph (B) above.

- E. Permitting and/or requiring Craft to operate the TRL tractor trailer when it knew or reasonably should have known it was in a state of disrepair and/or unsafe to drive under the circumstances.
- F. Improperly hiring, employing, promoting, training and/or supervising various agents, servants, contractors, subcontractors, workers and/or employees, such as Craft, who had the responsibility and/or obligation to properly inspect, maintain and/or operate the TRL tractor trailer.
- G. Improperly permitting the various agents, servants, workers, contractors, subcontractors and/or employees, such as Craft, to continue to work as agents, servants, workers, contractors, subcontractors and/or employees when TRL knew and/or should have known that said agents, servants, workers, contractors, subcontractors and/or employees were unable to and/or incapable of properly performing the requirements of their respective employment.
- H. Failing to establish proper policies, procedures and/or standards to determine whether potential or actual agents, servants, workers, contractors, subcontractors and/or employees were and/or are fit and capable of properly performing the requirements of their respective employment.

- I. Establishing improper and/or unsafe policies, procedures and standards with regard to the time within and/or manner with which deliveries are made, goods are picked up and/or goods are shipped.
- J. Establishing improper and/or unsafe policies, procedures and standards with regard to the amount of time its truckers must sleep and/or rest each day.
- K. Establishing improper and /or unsafe policies, procedures and standards with regard to the number of hours worked by agents, servants, workers, contractors, subcontractors and/or employees, such as Craft.
- L. Establishing improper and/or unsafe policies, procedures and standards with regard to the conditions and circumstances under which its agents, servants, workers, contractors, subcontractors and/or employees, such as Craft, were permitted to drive a tractor trailer.
- M. Failing to properly enforce applicable policies, procedures and standards concerning issues as described in subparagraphs I, J, K and L.
- N. In failing to properly preserve evidence, including the subject tractor trailer, as well as logs, electronic information, information on computer and/or telemetry received from and/or contained with the TRL tractor trailer.
- O. In destroying evidence, including the subject tractor trailer, as well as logs, electronic information, information on computer and/or telemetry received from and/or contained within the TRL tractor trailer.

P. Otherwise failing to exercise due care under the circumstances as may be determined through discovery or at the time of trial.

WHEREFORE, the Plaintiff, Jessie B. Jackson, Jr., claims damages of the Defendant, TRL Leasing, Inc., in a sum of excess of Twenty Thousand Dollars (\$20,000.00), plus costs and all other remedies, relief and benefits available to Plaintiff under the laws applicable to this case.

COUNT THREE

(Jessie B. Jackson, Jr. v Tena Craft and TRL Leasing, Inc.)

19. The Plaintiff, Jessie B. Jackson, Jr., incorporates herein by reference thereto all of the allegations contained in Paragraphs 1 through 18 of this Complaint as if fully set forth herein.
20. All the aforesaid injuries and damages were caused directly and proximately by the concurrent, joint and united negligence and recklessness of the Defendants.

WHEREFORE, the Plaintiff, Jessie B. Jackson, Jr., claims damages of the Defendants, Tena Craft and TRL Leasing, Inc., jointly, severally and separately in an amount in excess of Twenty Thousand Dollars (\$20,000.00) plus costs, punitive damages and all other benefits, remedies and relief available to the Plaintiff under the laws applicable to this case.

Respectfully submitted,

VERTERANO & MANOLIS

By: 

James W. Manolis

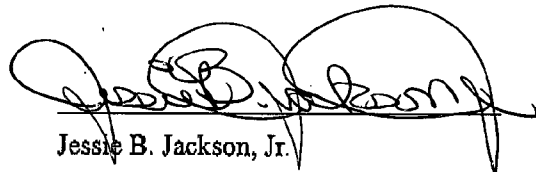
Attorney for Plaintiff

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

VERIFICATION

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

Date: 5-11-05


Jessie B. Jackson, Jr.

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

**PRELIMINARY OBJECTIONS TO
PLAINTIFF'S COMPLAINT**

Defendants.

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

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

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

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JUN 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

AND NOW, come the Defendants, Tena Craft and TRL Leasing, Inc., by and through their attorneys, Dickie, McCamey & Chilcote, P.C. and hereby file the following Preliminary Objections to Plaintiff's Complaint, averring as follows:

1. This litigation arises out of allegations of negligence in connection with the alleged injuries of Plaintiff, Jessie B. Jackson, Jr., at or near Interstate Route 80 in the state of Pennsylvania.
2. Plaintiff filed and served a Complaint in this matter on or about May 16, 2005.

**PRELIMINARY OBJECTIONS IN THE NATURE OF A
MOTION TO STRIKE PARAGRAPH 16, SUB-PARAGRAPH AA/MOTION
FOR A MORE SPECIFIC PLEADING**

3. The averments set forth in paragraphs 1 through 2 above, are incorporated by reference as though set forth fully at length herein.
4. In paragraph 16, sub-paragraph AA of Plaintiff's Complaint, Plaintiff has included general allegations of negligence against Defendants without stating the material facts

upon which these allegations are based. Specifically, Plaintiff has alleged in paragraph 16, sub-paragraph AA, of the Complaint:

AA. In otherwise being negligent in failing to exercise due care and caution in the circumstances then and there existing as may be disclosed by further discovery or at trial.

5. Pennsylvania Rule of Civil Procedure 1019(a) provides the following:

“The material facts on which a cause of action or defense shall be stated in a concise and summary form.”

6. The purpose of this rule is to assure that Defendant is apprised of that against which he is to defend. *Landau v. Western Pennsylvania National Bank*, 445 Pa. 217, 282 A.2d 335 (1971).

7. The importance of requiring a Plaintiff to comply with Rule 1019 was emphasized by the Pennsylvania Supreme Court in *Conner v. Allegheny General Hospital*, 501 Pa. 306, 461 A.2d 600 (1983). In *Conner*, the Court stated that the proper form to complain of an inadequate pleading of a material fact is by Preliminary Objections.

8. The inherent vagueness of the negligence allegations in Plaintiff's Complaint, namely those in paragraph 16 sub-paragraph AA, make it impossible for Defendants to prepare an adequate defense, and would allow Plaintiff to introduce new theories of negligence at the time of trial which are not specified in the Complaint.

9. Specifically, Plaintiff alleges negligence in failing to exercise due care under the circumstances without describing what the circumstances are and/or how Defendants failed to exercise due care. See Plaintiff's Complaint at paragraph 16, sub-paragraph AA.

10. Further, Plaintiff pleads any negligence which may be further disclosed by discovery or at the time of trial which would allow for new theories of negligence which are not complained of in this Complaint. *See* Plaintiff's Complaint at paragraph 16, sub-paragraph AA.

11. As stated above, this inherent vagueness of the negligence allegations in Plaintiff's Complaint make it impossible for Defendants to prepare an adequate defense. Therefore, paragraph 16, sub-paragraph AA of Plaintiff's Complaint should be stricken.

WHEREFORE, Defendants respectfully request that this Honorable Court strike paragraph 16, sub-paragraph AA, or, in the alternative, order the Plaintiff to file an Amended Complaint to address the insufficient specificity of said sub-paragraph.

**PRELIMINARY OBJECTIONS IN THE NATURE OF A MOTION
TO STRIKE PARAGRAPH 18, SUB-PARAGRAPHS B, C, D AND P/MOTION FOR A
MORE SPECIFIC PLEADING**

12. The averments set forth in paragraphs 1 through 11, are incorporated by reference as though set forth fully at length herein.

13. In paragraph 18, sub-paragraphs B, C, D and P of Plaintiff's Complaint, Plaintiff has included general allegations of negligence against Defendants without stating the material facts upon which these allegations are based. Specifically, Plaintiff has alleged in paragraph 18, sub-paragraph B, C, D and P of Plaintiff's Complaint:

- B. Allowing Craft to operate the TRL tractor trailer when it knew or reasonably should have known that the tractor-trailer was not adequately equipped and/or equipped with the proper and/or properly operating signals, safety devices, warning devices, tires and/or brake systems.
- C. Violating the traffic, interstate commerce and trucking laws and regulations of the local township, county, Commonwealth of Pennsylvania and/or the United States of America.

- D. Failing to properly and/or adequately inspect and/or maintain the TRL tractor trailer, including, but not limited to, with regard to those items specified in sub-paragraph (B) above.
- P. In otherwise failing to exercise due care under the circumstances as may be determined for discovery or at the time of trial.

14. The Pennsylvania Rule of Civil Procedure 1019(a) provides the following:
“The material facts on which a cause of action or defense shall be stated in a concise and summary form.”

15. The purpose of this rule is to assure that Defendant is apprised of that against which he is to defend. *Landau v. Western Pennsylvania National Bank*, 445 Pa. 217, 282 A.2d 335 (1971).

16. The importance of requiring a Plaintiff to comply with Rule 1019 was emphasized by the Pennsylvania Supreme Court in *Conner v. Allegheny General Hospital*, 501 Pa. 306, 461 A.2d 600 (1983). In *Conner*, the Court stated that the proper form to complain of an inadequate pleading of a material fact is by Preliminary Objections.

17. The inherent vagueness of the negligence allegations in Plaintiff's Complaint, namely those in paragraph 18, sub-paragraphs B, C, D and P make it impossible for Defendants to prepare an adequate defense, and would allow Plaintiff to introduce new theories of negligence at the time of trial which are not specified in the Complaint.

18. Specifically, in paragraph 18, sub-paragraph B of Plaintiff's Complaint, Plaintiff alleges that the TRL tractor trailer was not adequately equipped with numerous systems, but does not allege how any of these alleged equipment defects could have caused or contributed to the alleged accident.

19. In paragraph 18, sub-paragraph C of Plaintiff's Complaint, Plaintiff alleges violating traffic, interstate commerce, and trucking laws and regulations of the local township, county, Commonwealth of Pennsylvania and/or the United States of America, however, Plaintiff does not state which, if any, specific laws they alleged Defendants violated.

20. With regard to paragraph 18, sub-paragraph D of Plaintiff's Complaint, Defendants have already stated that sub-paragraph B is insufficient. Plaintiff then relies on sub-paragraph B in for the allegations contained in sub-paragraph D which, therefore, also makes sub-paragraph D insufficient.

21. With regard to sub-paragraph P of Plaintiff's Complaint, Plaintiff only alleges that Defendants failed to exercise due care under the circumstances, but does not specify what the circumstances are and/or how Defendants failed to exercise due care. Plaintiff further alleges negligence that may be determined at a later date or at trial which would allow Plaintiff to enter a new theory of negligence at the time of trial in this matter.

22. All these sub-paragraphs are insufficient to allow Defendants to prepare an adequate defense. Specifically, Plaintiff has alleged that Defendants violated laws, but have not stated which laws they alleged have been violated. Plaintiff has alleged equipment defects, but has not alleged any specific defects or how they may have contributed to any negligence. Further, Plaintiff has stated general averments of negligence and has left the door open to allege new theories of negligence at the time of trial in this matter.

23. For the reasons stated above, Plaintiff has violated the specificity requirements of Rule 1019 as interpreted by the Pennsylvania Supreme Court in *Conner*.

WHEREFORE, Defendants, Tena Craft and TRL Leasing, Inc., respectfully request that this Honorable Court strike paragraph 18, sub-paragraphs B, C, D and P, or, in the

alternative, order Plaintiff to file an Amended Complaint to address the insufficient specificity of said sub-paragraphs.

**PRELIMINARY OBJECTION IN THE NATURE OF A
DEMURRER/MOTION TO STRIKE COUNT III OF PLAINTIFF'S COMPLAINT**

24. The averments set forth in paragraphs 1 through 23 above are incorporated by reference as though set forth fully at length herein.

25. In Count III of Plaintiff's Complaint, Plaintiff generally alleges that Defendants were negligent and reckless.

26. Additionally, in Count III of Plaintiff's Complaint, Plaintiff has requested punitive damages.

27. In order to support a claim for punitive damages under Pennsylvania law, the wrongful conduct of a party must be outrageous. Outrageous conduct is defined as actions or omissions motivated by evil or perpetrated with reckless indifference of the rights of Plaintiff. *Smith v. Brown*, 283 Pa. Super. 116, 423 A.2d 743 (1980).

28. The Plaintiff has not in any manner whatsoever alleged any outrageous conduct upon the part of Defendants which could in any way be argued to support a claim of punitive damages under Pennsylvania law. As stated above, Pennsylvania Rule of Civil Procedure 1019 requires that Plaintiff sets forth with sufficient specificity those facts upon which this cause of action is based. Plaintiff has failed to set forth with sufficient specificity what particular acts or omissions they contend are outrageous.

29. Under Pennsylvania law, punitive damages are proper only when a person's actions are of such an outrageous nature as to demonstrate intentional, willful, wanton reckless conduct, and are awarded to punish that person for such conduct. *S.H.V. Coal, Inc v. Continental Grain Co.*, 526 Pa. 489, 587 A.2d 702 (1991).

30. It is not sufficient to merely allege that the conduct was reckless or willful and wanton. A Complaint must allege facts that specifically indicate in what manner the defendant knew or had reason to know that his conduct involved a high probability of substantial harm to others. *Van Ingen vs. Wentz*, 70 D&C 2d 555 (1975).

31. Plaintiff states no facts which would support and makes no additional or further averments in support of the punitive damages claimed in Count III of Plaintiff's Complaint.

32. As a matter of fact, Plaintiff states no facts in Count III, but rather, incorporates the paragraphs which made up their other counts which amount to no more than allegations of Negligence.

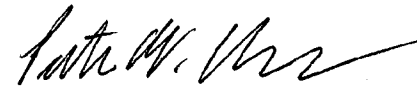
33. Under Pennsylvania law, Plaintiff has not alleged facts sufficient to state a claim for punitive damages. Therefore, Count III of Plaintiff's Complaint should be dismissed with prejudice at this time.

WHEREFORE, Defendants, respectfully request that this Honorable Court grant these preliminary objections and dismiss Count III of Plaintiff's Complaint and all of Plaintiff's claims for punitive damages.

JURY TRIAL DEMANDED

Respectfully submitted,

By:



John T. Pion, Esq.
Patrick W. Murray, Esq.
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this _____ day of _____, 2005, upon review of the Court, it is hereby **ORDERED, ADJUDGED** and **DECREED** that:

1. Paragraph 16, sub-paragraph AA of Plaintiff's Complaint is stricken.
2. Paragraph 18, sub-paragraphs B, C, D and P of Plaintiff's Complaint are stricken;
3. or in the alternative order Plaintiff to file an Amended Complaint to address the insufficient specificity of said sub-paragraphs, and
4. Count III of Plaintiff's Complaint is Dismissed with prejudice and all of Plaintiff's claims for punitive damages are Dismissed with prejudice.

By the Court

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

**BRIEF IN SUPPORT OF PRELIMINARY
OBJECTIONS TO PLAINTIFF'S
COMPLAINT**

Defendants.

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

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

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

RECEIVED

JUN 13 2005

**COURT ADMINISTRATOR'S
OFFICE**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

AND NOW, come the Defendants, Tena Craft and TRL Leasing, Inc., by and through their attorneys, Dickie, McCamey & Chilcote, P.C. and hereby file the following Brief in Support of Preliminary Objections to Plaintiff's Complaint, averring as follows:

I. STATEMENT OF THE CASE

This litigation arises out of allegations of negligence in connection with the alleged injuries of Plaintiff, Jessie B. Jackson, Jr., at or near Interstate Route 80 in the state of Pennsylvania. Plaintiff filed and served a Complaint in this matter on or about May 16, 2005.

II. ARGUMENT

A. PARAGRAPH 16, SUB-PARAGRAPH AA, OF PLAINTIFF'S COMPLAINT SHOULD BE STRICKEN.

In paragraph 16, sub-paragraph AA of Plaintiff's Complaint, Plaintiff has included general allegations of negligence against Defendants without stating the material facts

upon which these allegations are based. Specifically, Plaintiff has alleged in paragraph 16, sub-paragraph AA, of the Complaint:

AA. In otherwise being negligent in failing to exercise due care and caution in the circumstances then and there existing as may be disclosed by further discovery or at trial.

See Paragraph 16, sub-paragraph AA, of Plaintiff's Complaint.

Pennsylvania Rule of Civil Procedure 1019(a) provides the following: "The material facts on which a cause of action or defense shall be stated in a concise and summary form." The purpose of this rule is to assure that Defendant is apprised of that against which he is to defend. *Landau v. Western Pennsylvania National Bank*, 445 Pa. 217, 282 A.2d 335 (1971). The importance of requiring a Plaintiff to comply with Rule 1019 was emphasized by the Pennsylvania Supreme Court in *Conner v. Allegheny General Hospital*, 501 Pa. 306, 461 A.2d 600 (1983). In *Conner*, the Court stated that the proper form to complain of an inadequate pleading of a material fact is by Preliminary Objections.

The inherent vagueness of the negligence allegations in Plaintiff's Complaint, namely those in paragraph 16 sub-paragraph AA, make it impossible for Defendants to prepare an adequate defense, and would allow Plaintiff to introduce new theories of negligence at the time of trial which are not specified in the Complaint. Specifically, Plaintiff alleges negligence in failing to exercise due care under the circumstances without describing what the circumstances are and/or how Defendants failed to exercise due care. *See* Plaintiff's Complaint at paragraph 16, sub-paragraph AA.

Further, Plaintiff pleads any negligence which may be further disclosed by discovery or at the time of trial which would allow for new theories of negligence which are not complained of in this Complaint. *See* Plaintiff's Complaint at paragraph 16, sub-paragraph AA. As stated above, this inherent vagueness of the negligence allegations in Plaintiff's Complaint make it impossible for Defendants to prepare an adequate defense. Therefore, paragraph 16, sub-paragraph AA of Plaintiff's Complaint should be stricken.

B. PARAGRAPH 18, SUB-PARAGRAPHS B, C, D AND P, OF PLAINTIFF'S COMPLAINT SHOULD BE STRICKEN.

In paragraph 18, sub-paragraphs B, C, D and P of Plaintiff's Complaint, Plaintiff has included general allegations of negligence against Defendants without stating the material facts upon which these allegations are based. Specifically, Plaintiff has alleged in paragraph 18, sub-paragraph B, C, D and P of Plaintiff's Complaint:

- B. Allowing Craft to operate the TRL tractor trailer when it knew or reasonably should have known that the tractor-trailer was not adequately equipped and/or equipped with the proper and/or properly operating signals, safety devices, warning devices, tires and/or brake systems.
- C. Violating the traffic, interstate commerce and trucking laws and regulations of the local township, county, Commonwealth of Pennsylvania and/or the United States of America.
- D. Failing to properly and/or adequately inspect and/or maintain the TRL tractor trailer, including, but not limited to, with regard to those items specified in sub-paragraph (B) above.

- P. In otherwise failing to exercise due care under the circumstances as may be determined for discovery or at the time of trial.

See Paragraph 18, sub-paragraphs B, C, D and P of Plaintiff's Complaint.

Pennsylvania Rule of Civil Procedure 1019(a) provides the following: "The material facts on which a cause of action or defense shall be stated in a concise and summary form." The purpose of this rule is to assure that Defendant is apprised of that against which he is to defend. *Landau v. Western Pennsylvania National Bank*, 445 Pa. 217, 282 A.2d 335 (1971). The importance of requiring a Plaintiff to comply with Rule 1019 was emphasized by the Pennsylvania Supreme Court in *Conner v. Allegheny General Hospital*, 501 Pa. 306, 461 A.2d 600 (1983). In *Conner*, the Court stated that the proper form to complain of an inadequate pleading of a material fact is by Preliminary Objections.

The inherent vagueness of the negligence allegations in Plaintiff's Complaint, namely those in paragraph 18, sub-paragraphs B, C, D and P make it impossible for Defendants to prepare an adequate defense, and would allow Plaintiff to introduce new theories of negligence at the time of trial which are not specified in the Complaint. Specifically, in paragraph 18, sub-paragraph B of Plaintiff's Complaint, Plaintiff alleges that the TRL tractor trailer was not adequately equipped with numerous systems, but does not allege how any of these alleged equipment defects could have caused or contributed to the alleged accident.

In paragraph 18, sub-paragraph C of Plaintiff's Complaint, Plaintiff alleges violating traffic, interstate commerce, and trucking laws and regulations of the local township, county, Commonwealth of Pennsylvania and/or the United States of America, however, Plaintiff does not state which, if any, specific laws they alleged Defendants violated. With regard to

paragraph 18, sub-paragraph D of Plaintiff's Complaint, Defendants have already stated that sub-paragraph B is insufficient. Plaintiff then relies on sub-paragraph B in for the allegations contained in sub-paragraph D which, therefore, also makes sub-paragraph D insufficient. With regard to sub-paragraph P of Plaintiff's Complaint, Plaintiff only alleges that Defendants failed to exercise due care under the circumstances, but does not specify what the circumstances are and/or how Defendants failed to exercise due care. Plaintiff further alleges negligence that may be determined at a later date or at trial which would allow Plaintiff to enter a new theory of negligence at the time of trial in this matter.

All these sub-paragraphs are insufficient to allow Defendants to prepare an adequate defense. Specifically, Plaintiff has alleged that Defendants violated laws, but have not stated which laws they alleged have been violated. Plaintiff has alleged equipment defects, but has not alleged any specific defects or how they may have contributed to any negligence. Further, Plaintiff has stated general averments of negligence and has left the door open to allege new theories of negligence at the time of trial in this matter.

For the reasons stated above, Plaintiff has violated the specificity requirements of Rule 1019 as interpreted by the Pennsylvania Supreme Court in *Conner*. Therefore, Paragraph 18, sub-paragraphs B, C, D and P of Plaintiff's Complaint should be stricken.

C. COUNT III OF PLAINTIFF'S COMPLAINT SHOULD BE DISMISSED AND ALL CLAIMS FOR PUNITIVE DAMAGES SHOULD BE DISMISSED AND/OR STRICKEN.

In Count III of Plaintiff's Complaint, Plaintiff generally alleges that Defendants were negligent and reckless. Additionally, in Count III of Plaintiff's Complaint, Plaintiff has

requested punitive damages. However, Plaintiffs have not plead any facts sufficient to establish that the Defendants' conduct was intentional, willful, wanton reckless conduct. Nor have the Plaintiffs plead any facts sufficient to establish that the Defendants' conduct was outrageous, inspired by an evil motive, or likely to cause reckless indifference to the rights of others. Rather, Plaintiffs have alleged only bold and conclusory statements of law in an attempt to support such a claim for punitive damages.

In Pennsylvania, punitive damages are proper only when a person's actions are of such an outrageous nature as to demonstrate intentional, willful, wanton reckless conduct, and are awarded to punish that person for such conduct. *S.H.V. Coal, Inc v. Continental Grain Co.*, 526 Pa. 489, 587 A.2d 702 (1991). An essential fact necessary to support a claim for punitive damages is that the defendant's conduct must have been outrageous:

[[o]utrageous conduct is an "act done with a bade motive or with a reckless indifference to the interests of others." "Reckless indifference to the interests of others," or, as it is sometimes referred to, "wanton misconduct," means that "the actor has intentionally done an act of an unreasonable character, in disregard of a risk known to him or so obvious that he must be taken to have been aware of it, and so great as to make it highly probable that harm would follow."

Smith v. Brown, 283 Pa. Super. 116, 423 A.2d 743 (1980).

Although the plaintiff need not claim exemplary damages by name, the facts alleged and the proof offered must be such to warrant their imposition. *Mazzarella v. Lehigh Foundations, Inc.*, 49 D. & C.2d 198 (1969). Punitive damages are not a proper element of damage where the misconduct complained of constitutes ordinary negligence, such as inadvertence, mistake and

errors of judgment. *McDaniel v. Merck, Sharn & Dohne*, 367 Pa. Super. 600, 533 A.2d 436 (1987).

An excellent overview of Pennsylvania law on the imposition of punitive damages is set forth in *Martin v. Johns-Mansville Corp.*, 508 Pa. 154, 494 A.2d 1088 (1985). It is stated that the Commonwealth of Pennsylvania recognized the principles set forth in § 908(2) of the Restatement of Torts (Second), which provides as follows:

[p]unitive damages may be awarded for conduct that is outrageous, because of the Defendant's evil motive, or his reckless indifference to the rights of others. In assessing punitive damages, the trier of fact can properly consider the character of the Defendant's act, the nature and extent of harm to the Plaintiff that the Defendant caused or intended to cause and the wealth of the Defendant.

Restatement of Torts (Second), § 908(2).

It is clear that Plaintiff's Complaint fails to plead sufficient facts to warrant the imposition of punitive damages. The Plaintiff has not in any manner whatsoever alleged any outrageous conduct upon the part of Defendants which could in any way be argued to support a claim of punitive damages under Pennsylvania law. As stated above, Pennsylvania Rule of Civil Procedure 1019 requires that Plaintiff sets forth with sufficient specificity those facts upon which this cause of action is based. Plaintiff has failed to set forth with sufficient specificity what particular acts or omissions they contend are outrageous.

As further indicated above, punitive damages are proper only when a person's actions are of such an outrageous nature as to demonstrate intentional, willful, wanton reckless conduct, and are awarded to punish that person for such conduct. *S.H.V. Coal, Inc.*, 526 Pa. 489, 587 A.2d 702. It is not sufficient to merely allege that the conduct was reckless or willful and

wanton. A Complaint must allege facts that specifically indicate in what manner the defendant knew or had reason to know that his conduct involved a high probability of substantial harm to others. *Van Ingen vs. Wentz*, 70 D&C 2d 555 (1975). Plaintiff states no facts which would support and makes no additional or further averments in support of the punitive damages claimed in Count III of Plaintiff's Complaint. As a matter of fact, Plaintiff states no facts in Count III, but rather, incorporates the paragraphs which made up their other counts which amount to no more than allegations of Negligence.

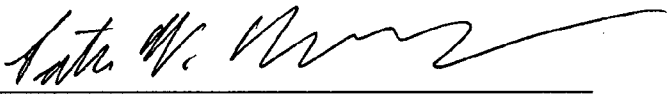
Therefore, Count III of Plaintiff's Complaint and all claims for Punitive Damages Defendants should be dismissed at this time.

III. CONCLUSION

Based on the foregoing arguments and authorities, Defendants', Tena Craft and TRL Leasing, Inc., Preliminary Objections to Plaintiffs' Amended Complaint should be granted.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: 

John T. Pion, Esq.

Patrick W. Murray, Esq.

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Attorneys for Defendants,
Tena Craft and TRL Leasing, Inc.

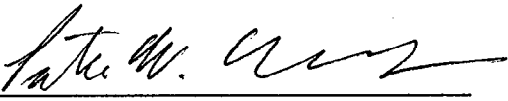
CERTIFICATE OF SERVICE

I, Patrick W. Murray, Esquire, hereby certify that true and correct copies of the foregoing **PRELIMINARY OBJECTIONS AND BRIEF IN SUPPORT** have been served this 9th day of June, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James W. Manolis, Esq.
Verterano & Manolis
2622 Wilmington Road
New Castle, PA 16105
(724) 652-0300

(Attorneys for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Patrick W. Murray, Esquire

Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

SCHEDULING ORDER

Defendants.

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

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

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

JUL 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

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W/memo
Re: service

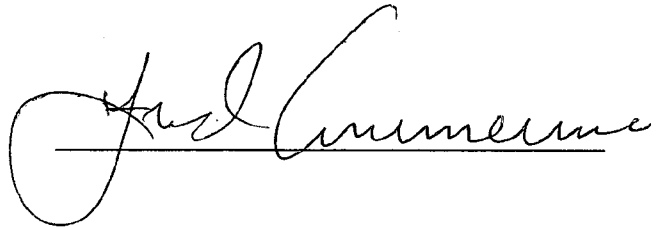
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

SCHEDULING ORDER

AND NOW, upon consideration of the Preliminary Objections and Brief in Support filed on behalf of the Defendants in this matter, a hearing for Oral Argument has been scheduled for the 12 day of August, 2005, at 2:00 P.m. in Court Room 1, ClearField County Court House.

7-13-05




CERTIFICATE OF SERVICE

I, Patrick W. Murray, Esquire, hereby certify that true and correct copies of the foregoing **SCHEDULING ORDER** have been served this 5th day of June, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James W. Manolis, Esq.
Verterano & Manolis
2622 Wilmington Road
New Castle, PA 16105
(724) 652-0300

(Attorneys for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Patrick W. Murray, Esquire

Attorneys for Defendants



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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

DAVID S. MEHOLICK
COURT ADMINISTRATOR

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

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

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

Please make note of the following:

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

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

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

G.D. No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania Corporation,

STIPULATION OF COUNSEL

Defendant.

Code:

Filed on behalf of Defendants

Counsel of record for this party:

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

Patrick W. Murray, Esquire
PA I.D. #90996

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED
AUG 12 2005
na/11:30/12
William A. Shaw
Prothonotary/Clerk of Courts
No 4/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

Plaintiff,

v.

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
corporation,

Defendants.

) CIVIL DIVISION
)
) No. 2005-00328-CD
)
)
)
)
)
)
)
)

STIPULATION OF COUNSEL

The parties hereby agree and stipulate that subparagraph (AA) of paragraph 16 of Plaintiff's Complaint is stricken. The parties also stipulate that subparagraphs (C) and (P) of paragraph 18 of Plaintiff's Complaint are stricken.

The parties further stipulate that Count III of Plaintiff's Complaint and all claims for punitive damages in Plaintiff's Complaint are stricken.


JURY TRIAL DEMANDED

STIPULATED BY:

BY: _____


James W. Manolis, Esquire
Counsel for Plaintiffs

BY: _____


John T. Pion, Esquire
Patrick W. Murray, Esquire
Counsel for Defendants


CERTIFICATE OF SERVICE

I, Patrick W. Murray, Esquire, hereby certify that true and correct copies of the foregoing **STIPULATION OF COUNSEL** have been served this 21st day of August, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James W. Manolis, Esq.
Verterano & Manolis
2622 Wilmington Road
New Castle, PA 16105
(724) 652-0300

(Attorneys for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Patrick W. Murray, Esquire

Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

ANSWER AND NEW MATTER

Defendants.

Code:

NOTICE TO PLEAD

Filed on behalf of Defendants

TO: PLAINTIFF

Counsel of record for these parties:

**You are hereby notified to file a written
response to the enclosed ANSWER AND
NEW MATTER within twenty (20) days
from the date of service hereof or a
judgment may be entered against you.**

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

Patrick W. Murray
PA I.D. # 90996


Patrick W. Murray, Esq.

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*
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SEP 23 2005 *UN*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

ANSWER AND NEW MATTER

AND NOW, come the Defendants, Tina Craft, an individual, and TRL, Inc., by and through their attorneys, Dickie, McCamey & Chilcote, P.C., and hereby files the within Answer and New Matter to Plaintiff's Complaint and in support thereof set forth the following:

1. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained in Paragraph 1 of Plaintiff's Complaint, and therefore, Paragraph 1 is denied and strict proof thereof is demanded at the time of trial.

2. It is admitted that Defendant, Tina Craft, improperly listed as Tena Craft, is an adult individual who had an address of 3745 Via De Lane, Jacksonville, Florida 32217.

3. It is admitted that TRL Leasing, Inc., is a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania.

4. It is admitted only that Defendant Craft was acting within the scope and course of employment for Defendant TRL at the time later described on March 17, 2003. All other averments contained in Paragraph 4 and specifically any averments which would impute any liability upon these Defendants are denied and strict proof thereof is demanded at the time of trial.

5. Admitted.

6. The averments contained in Paragraph 6 contain conclusions of law to which no response is required. To the extent a response is deemed required, the averments contained in Paragraph 6 of Plaintiff's Complaint are denied as stated and strict proof thereof is demanded at the time of trial.

7. It is admitted only that Defendant Craft was operating a 2001 Freightliner, owned by Defendant TRL within the course and scope of employment, in an easterly direction along Interstate Route 80. All other averments contained in Paragraph 7 of Plaintiff's Complaint are denied as stated and strict proof thereof is demanded at the time of trial.

8. The averments contained in Paragraph 8 of Plaintiff's Complaint are denied as stated and strict proof thereof is demanded at the time of trial.

9. The averments in Paragraph 9, including subparagraphs (A) through (S) contain conclusions of law to which no response is required. To the extent a response is deemed required, the averments contained in Paragraph 9, including subparagraphs (A) through (S), of Plaintiff's Complaint are denied and strict proof thereof is demanded at the time of trial.

10. The averments in Paragraph 10, including subparagraphs (A) through (H) contain conclusions of law to which no response is required. To the extent a response is deemed required, the averments contained in Paragraph 10, including subparagraphs (A) through (H), of Plaintiff's Complaint are denied and strict proof thereof is demanded at the time of trial.

11. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained in Paragraph 11 of Plaintiff's Complaint, and therefore, Paragraph 11 is denied and strict proof thereof is demanded at the time of trial.

12. The averments contained in Paragraph 12 of Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent a response is deemed required, Paragraph 12 of Plaintiff's Complaint is denied and strict proof thereof is demanded at the time of trial.

13. The averments contained in Paragraph 13 of Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent a response is deemed required, Paragraph 13 of Plaintiff's Complaint is denied and strict proof thereof is demanded at the time of trial.

14. The averments contained in Paragraph 14 of Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent a response is deemed required, Paragraph 14 of Plaintiff's Complaint is denied and strict proof thereof is demanded at the time of trial.

Count I
(Jesse B. Jackson, Jr. v. Tina Craft)

15. Defendants, Craft and TRL, hereby incorporate by reference as though set forth fully at length herein Paragraphs 1 through 14 of the within Answer to Plaintiff's Complaint.

16. The averments in Paragraph 16, including subparagraphs (A) through (AA) contain conclusions of law to which no response is required. To the extent a response is deemed required, the averments contained in Paragraph 16, including subparagraphs (A) through (AA), of Plaintiff's Complaint are denied and strict proof thereof is demanded at the time of trial. Additionally, subparagraph (AA) of Paragraph 16 of Plaintiff's Complaint has been stricken by stipulation of counsel and no response is required to subparagraph (AA).

WHEREFORE, Defendants, Tina Craft and TRL, Inc., respectfully request judgment in their favor and against Plaintiff together with the costs of suit as deemed appropriate by this Honorable Court.

Count II
(Jesse B. Jackson, Jr. v. TRL, Inc.)

17. Defendants, Craft and TRL, hereby incorporate by reference as though set forth fully at length herein Paragraphs 1 through 16 of the within Answer to Plaintiff's Complaint.

18. The averments in Paragraph 18, including subparagraphs (A) through (P) contain conclusions of law to which no response is required. To the extent a response is deemed required, the averments contained in Paragraph 18, including subparagraphs (A) through (P), of Plaintiff's Complaint are denied and strict proof thereof is demanded at the time of trial. Additionally, subparagraphs (C) and (P) of Paragraph 18 of Plaintiff's Complaint have been stricken by stipulation of counsel.

WHEREFORE, Defendants, Tina Craft and TRL, Inc., respectfully request judgment in their favor and against Plaintiff together with the costs of suit as deemed appropriate by this Honorable Court.

Count III
(Jesse B. Jackson, Jr. v. Tina Craft and TRL, Inc.)

19-20. Count III of Plaintiff's Complaint has been stricken by stipulation of counsel. Therefore, no response is required to Count III of Plaintiff's Complaint. To the extent a response is deemed required, all allegations of liability against these Defendants are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants, Tina Craft and TRL, Inc., respectfully request judgment in their favor and against Plaintiff together with the costs of suit as deemed appropriate by this Honorable Court.

JURY TRIAL DEMANDED

NEW MATTER

21. By way of further response to Plaintiff's Complaint, Defendants set forth the following New Matter on advice of counsel so as not to waive any defenses later available to Defendants, notwithstanding Defendants present lack of knowledge of the circumstances complained of in Plaintiff's Complaint.

22. Plaintiff's Complaint fails to set forth a claim upon which relief can be granted.

23. Plaintiff's Complaint is barred or reduced by Plaintiff's contributory negligence and/or comparative fault.

24. Plaintiff's Complaint is barred by Plaintiff's assumption of the risk.

25. The accident, injury and/or damage of which Plaintiff complains was caused or contributed to by the action, omission and/or other culpable conduct of a party, person and/or entity over which Defendants had no right of duty to control and for which Defendants cannot be held liable.

26. The accident, injury and/or damage of which Plaintiff's Complaint was based upon was caused or contributed to by the intervening, superseding action, omission and/or culpable conduct of a party, person and/or entity over which the Defendants had no right of or duty to control and for which Defendants cannot be held liable.

27. To the extent justified by the facts developed in discovery and/or at the time of trial, raised as a complete and total bar to any and all alleged liability against the Defendants in Plaintiff's Complaint is the Statute of Limitations.

28. The claim and damages upon which Plaintiff's Complaint is based is limited or barred in whole or in part by any release, setoff or reimbursement procured by the Plaintiff as a result of insurance.

29. Plaintiff's complaints for damages are barred or limited under Pennsylvania's Motor Vehicle Financial Responsibility Law.

30. Defendants raise as a defense the sudden emergency doctrine.

31. The accident complained of in Plaintiff's Complaint was caused by the negligence of the Plaintiff.

32. To the extent it is established by competent evidence that the Plaintiff has failed to mitigate damages, that affirmative defense is hereby asserted by a complete and/or partial bar to any recovery.

33. To the extent that it is established by competent evidence that the Plaintiff did not have a full tort election for insurance, Plaintiff's actions for non-economic damages are barred and Plaintiff cannot recover against these Defendants.

34. Defendants raise as a defense to Plaintiff's Complaint any other defense that discovery may prove applicable.


WHEREFORE, Defendants, Tina Craft and TRL, Inc., respectfully request that this Honorable Court enter judgment in their favor and against the Plaintiff, together with all

costs and disbursements, including attorneys' fees and/or such further relief as this Court deems just and proper.

JURY TRIAL DEMANDED

Respectfully submitted,

DICKIE, MCCAMEY & CHILCOTE, P.C.

BY 

John T. Pion, Esquire

Patrick W. Murray, Esquire

Counsel for Defendants

VERIFICATION

I, Rick Jones, of TRL ~~12345~~, Inc., have read the foregoing **Answer and New Matter**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification 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.



Rick Jones

DATED 9-14-2005
(*Jessie B. Jackson, Jr. v. Tena Craft, et al.*
No. 2005-328-CD)

Sept 14 2005
Joanne Simens

Notarial Seal
Joanne Simens, Notary Public
Pittston Twp., Luzerne County
My Commission Expires Sept. 26, 2006
Member, Pennsylvania Association of Notaries


CERTIFICATE OF SERVICE

I, Patrick W. Murray, Esquire, hereby certify that true and correct copies of the foregoing **ANSWER AND NEW MATTER** have been served this 21ST day of September, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James W. Manolis, Esq.
Verterano & Manolis
2622 Wilmington Road
New Castle, PA 16105
(724) 652-0300

(Attorneys for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Patrick W. Murray, Esquire

Attorneys for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.

Plaintiff

vs

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

Defendants

:
: CIVIL
:
: No. 2005-328-CD
:
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NOTICE OF SERVICE

The Plaintiff, by and through his attorneys, Verterano & Manolis, hereby gives notice that Plaintiff's First Request for Production of Documents Directed to Defendants, Tena Craft and TRL Leasing, Inc.; Plaintiff's First Set of Interrogatories Directed to Defendant, TRL Leasing, Inc.; Plaintiff's First Set of Interrogatories Directed to Defendant, Tena Craft; and Plaintiff's First Set of Joint Interrogatories to Defendants, Tena Craft and TRL Leasing, Inc. were served upon Defendants, Tena Craft and TRL Leasing, Inc. by mailing same by first-class mail on the 22nd day of September, 2005, to John T. Pion, Esquire, Attorney for Defendants, Tena Craft and TRL Leasing, Inc., prepaid and addressed as follows:

John T. Pion, Esquire
Dickie, McCamey & Chilcote
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222

FILED

SEP 26 2005
11/31/05
William A. Shaw
Prothonotary/Clerk of Courts
2 cent to ATT

VERTERANO & MANOLIS

By

James W. Manolis
Attorney for Plaintiff
Jessie B. Jackson, Jr.

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 852-0300
TELEFAX
(724) 654-1131

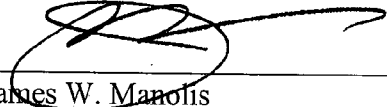
CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of September, 2005, a true and correct copy of the foregoing Notice of Service of Plaintiff's First Set of Joint Interrogatories to Defendants, Tena Craft and TRL Leasing, Inc., was served upon John T. Pion, Esquire, Attorney for Defendants, Tena Craft and TRL Leasing, Inc., by first class mail, postage prepaid and addressed as follows:

John T. Pion, Esquire
Dickie, McCamey & Chilcote
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222

VERTERANO & MANOLIS

By


James W. Manolis
Attorney for Plaintiff
Jessie B. Jackson, Jr.

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530

(724) 652-0300
TELEFAX
(724) 654-1131

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

Defendants.

**NOTICE OF SERVICE OF FIRST SET OF
INTERROGATORIES AND FIRST
REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
PLAINTIFF**

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

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

Patrick W. Murray
PA I.D. # 90996

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*
m/11:48/20
SEP 28 2006 *LP*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

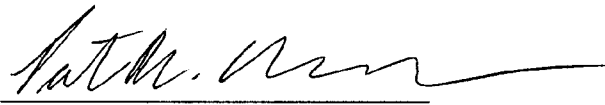
JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

**NOTICE OF SERVICE OF DEFENDANTS' FIRST SET OF INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF**

Please take notice that the original Defendants' First Set of Interrogatories and First Requests for Production of Documents to Plaintiff were served upon Plaintiff by U.S. first-class mail, postage prepaid, this 23RD day of September, 2005, at the following address:

James W. Manolis, Esq.
Verterano & Manolis
2622 Wilmington Road
New Castle, PA 16105

DICKIE, McCAMEY & CHILCOTE, P.C.

By: 

John T. Pion, Esquire
Patrick W. Murray, Esquire

Attorneys for Defendant

Two PPG Place, Suite 400
Pittsburgh, PA 15222
(412) 392-5452


CERTIFICATE OF SERVICE

I, Patrick W. Murray, Esquire, hereby certify that true and correct copies of the foregoing **NOTICE OF SERVICE OF FIRST SET OF INTERROGATORIES DIRECTED TO THE PLAINTIFF and FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO THE PLAINTIFF** have been served this 23RD day of September, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James W. Manolis, Esq.
Verterano & Manolis
2622 Wilmington Road
New Castle, PA 16105
(724) 652-0300

(Attorneys for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Patrick W. Murray, Esquire

Attorneys for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.

Plaintiff

vs

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

Defendants

:
:
: CIVIL
:
: No. 2005-328-CD
:
:
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:

TYPE OF PLEADING OR FILING:
Plaintiff's Reply to Defendants' New
Matter

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD
FOR THIS PARTY:

James W. Manolis
Pa. Supreme Court #46810
Verterano & Manolis
2622 Wilmington Road
New Castle, Pennsylvania 16105
724-652-0300

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

FILED NO
m11:4681
SEP 28 2005 CC

William A. Shaw
Prothonotary/Clerk of Courts

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

:
: **CIVIL**
:
: **No. 2005-328-CD**
:
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:


PLAINTIFF'S REPLY TO DEFENDANTS' NEW MATTER

AND NOW comes the Plaintiff, Jessie B. Jackson, Jr., by and through his attorneys, Verterano & Manolis and James W. Manolis, and in response to the New Matter of the Defendants, sets forth the following reply and in support thereof avers as follows:

21-34. The statements contained in Paragraphs 21 through 34 are conclusions of law to which no response is required under applicable laws or rules of court and therefore the same are denied.

Respectfully submitted,

VERTERANO & MANOLIS

By: 
James W. Manolis
Attorneys for Plaintiff

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2822 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

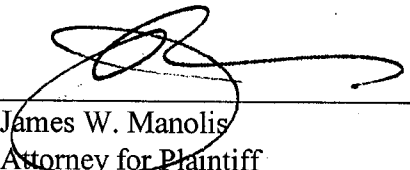
CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 2005, a true and correct copy of the foregoing Plaintiff's Reply to Defendants' New Matter was served upon John T. Pion, Esquire, Attorney for Defendants, Tina Craft and TRL Leasing, Inc., by first class mail, postage prepaid and addressed as follows:

John T. Pion, Esquire
Dickie, McCamey & Chilcote
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222

VERTERANO & MANOLIS

By



James W. Manolis
Attorney for Plaintiff
Jessie B. Jackson, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

Plaintiff,

v.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania Corporation,

Defendants.

CIVIL DIVISION

G.D. No. 2005-00328-CD

Issue No.

**VERIFICATION TO ANSWER AND NEW
MATTER**

Code:

Filed on behalf of Defendants

Counsel of record for this party:

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

Patrick W. Murray, Esquire
PA I.D. #90996

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED No
m 11:52 AM CC
OCT 03 2005
William A. Shaw
Prothonotary/Clerk of Courts

VERIFICATION

I, Patrick W. Murray, Esq., of Dickie, McCamey & Chilcote, P.C., have read the foregoing **Answer and New Matter**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification 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.

A handwritten signature in cursive script, appearing to read 'Patrick W. Murray', written over a horizontal line.

Patrick W. Murray, Esq.

DATED 9/27/2005
(*Jessie B. Jackson, Jr. v. Tena Craft, et al.*
No. 2005-328-CD)

CERTIFICATE OF SERVICE

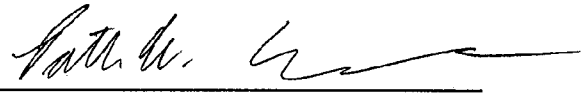
I, Patrick W. Murray, Esquire, hereby certify that true and correct copies of the foregoing **VERIFICATION TO ANSWER AND NEW MATTER** have been served this 27th day of September, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James W. Manolis, Esq.
Verterano & Manolis
2622 Wilmington Road
New Castle, PA 16105
(724) 652-0300

(Attorneys for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By



Patrick W. Murray, Esquire

Attorneys for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.

Plaintiff

vs

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

Defendants

:
:
: CIVIL
:
: No. 2005-328-CD
:
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TYPE OF PLEADING OR FILING:
Stipulation

FILED ON BEHALF OF:
Plaintiff and Defendant

COUNSEL OF RECORD
FOR THIS PARTY:
For Plaintiff
James W. Manolis
Pa. Supreme Court #46810
Verterano & Manolis
2622 Wilmington Road
New Castle, Pennsylvania 16105
724-652-0300

For Defendants
John T. Pion
Dickie, McCamey & Chilcote
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

FILED 3cc
m11:57/64 Any
OCT 20 2005 Manolis

William A. Shaw
Prothonotary/Clerk of Courts

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

:
: **CIVIL**
:
: **No. 2005-328-CD**
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STIPULATION

The parties hereto, the Plaintiff, Jessie B. Jackson, Jr., by and through his attorneys, Verterano & Manolis, by James W. Manolis, and the Defendants, Tena Craft and TRL Leasing, Inc., by and through their attorneys, Dickie, McCamey & Chilcote, by John T. Pion, hereby stipulate and agree that the Defendant, "Tena" Craft is in fact "Tina" Craft. The parties further stipulate and agree that all references to "Tena" Craft contained in the pleadings and other documents filed in these proceedings shall be construed to mean "Tina" Craft, and all other documents relevant to this case shall be equally construed. The parties further agree that the caption shall hereinafter be corrected to accurately reflect the name of Tina Craft.

Respectfully submitted,

VERTERANO & MANOLIS

By: 

James W. Manolis
Attorneys for Plaintiff

OCT. 7. 2005 3:49PM

VERTERANO & MANOLIS

NO. 9735 P. 4/4

DICKIE, MC CAMEY & CHILCOTE

By: 

John T. Pion

Attorneys for Defendants

Tina Craft and TRL Leasing, Inc.

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2822 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1101

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

Defendants.

**NOTICE OF SERVICE OF SECOND
REQUEST FOR PRODUCTION OF
DOCUMENTS**

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

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

Christopher J. McCabe, Esquire
Pa. I.D. No. 89378

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED No
MAR 06 2008 CC
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

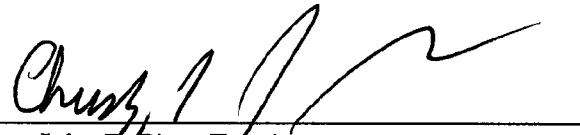
**NOTICE OF SERVICE OF SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS**

PLEASE TAKE NOTICE that on the 4th day of March, 2008 Defendants' Second Request for Production of Documents was served upon counsel for Plaintiff, via first class mail, postage prepaid, as addressed below:

James W. Manolis, Esq.
2622 Wilmington Road
New Castle, PA 16105-1530

DICKIE, MCCAMEY & CHILCOTE, P.C.

BY



John T. Pion, Esquire
Christopher J. McCabe, Esquire

Counsel for Defendants

CERTIFICATE OF SERVICE

I, Christopher J. McCabe, hereby certify that a true and correct copy of the foregoing Notice of Service of Second Request for Production of Documents was served upon counsel of record by U.S. Mail, postage prepaid, this 4th day March, 2008.

James W. Manolis, Esq.
2622 Wilmington Road
New Castle, PA 16105-1530

COUNSEL FOR PLAINTIFF

DICKIE, McCAMEY & CHILCOTE

By 

Christopher J. McCabe, Esq.

Counsel for Defendants

FILED

MAR 06 2008

William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.

Plaintiff

VS

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

Defendants

:
: CIVIL
:
: No. 2005-328-CD
:
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TYPE OF PLEADING OR FILING:
Motion to Compel Discovery

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD
FOR THIS PARTY:

James W. Manolis
Pa. I.D. No. 46810
VERTERANO & MANOLIS
2622 Wilmington Road
New Castle, Pennsylvania 16105
724-652-0300

FILED 3CC Atty
m/12.15cm Manolis
MAR 10 2008
LW

William A. Shaw
Prothonotary/Clerk of Courts

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

:
: **CIVIL**
:
: **No. 2005-328-CD**
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MOTION TO COMPEL DISCOVERY

AND NOW comes the Plaintiff, Jessie B. Jackson, by and through his attorneys, Verterano & Manolis by James W. Manolis, and moves this Honorable Court as follows:

1. This Motion is brought pursuant to Pa. R. C. P., Rule 4019, 42 Pa. C.S.A.
2. On September 22, 2005, the Plaintiff served Defendant with Plaintiff's First Request for Production of Documents Directed to Defendants, Tena Craft and TRL Leasing, Inc.; Plaintiff's First Set of Interrogatories Directed to Defendant, TRL Leasing, Inc.; Plaintiff's First Set of Interrogatories Directed to Defendant, Tena Craft; and Plaintiff's First Set of Joint Interrogatories to Defendants, Tena Craft and TRL Leasing, Inc.
3. Responses to Plaintiff's discovery requests were due on or before October 22, 2005.
4. On February 20, 2008, Plaintiff's counsel wrote to counsel for Defendants, Tena Craft and TRI Leasing, Inc. demanding responses to Plaintiff's discovery requests

on or before February 28, 2008. A true and correct copy of Plaintiff's letter to Defendants' counsel is attached hereto, marked as Exhibit "A" and made a part hereof.

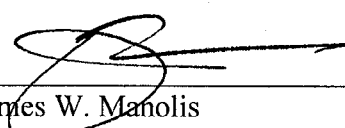
5. Without sufficient excuse or justification, the Defendants, Tena Craft and TRI Leasing, Inc. have failed to respond to Plaintiff's Interrogatories and Request for Production of Documents.

WHEREFORE, Your Honorable Court is requested to enter an Order requiring the Defendants, Tena Craft and TRI Leasing, Inc., to provide Plaintiff with full and complete responses to Plaintiff's Interrogatories and Request for Production of Documents within twenty (20) days of the date hereof or grant such other relief as this Honorable Court deems appropriate.

Respectfully submitted

VERTERANO & MANOLIS

By: _____


James W. Manolis
Pa. I.D. No. 46810
VERTERANO & MANOLIS
2622 Wilmington Road
New Castle, Pennsylvania 16105
724-652-0300

February 20, 2008

John T. Pion, Esquire
Dickie, McCamey & Chilcote
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222

RE: Jessie B. Jackson, Jr. v Tena Craft, an individual, and TRL Leasing, Inc., a Pennsylvania Corporation
Clearfield County Case No. 2005-00328-CD

Dear Mr. Pion:

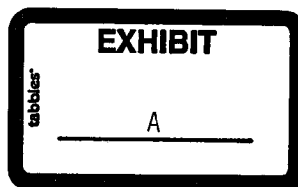
Plaintiff served discovery on Defendants on September 22, 2005. A copy of my cover letter to you is enclosed for your convenience and review. No responses to the discovery requests have been received. Would you please provide full and complete responses to Plaintiff's discovery in advance of Mr. Jackson's deposition which is scheduled for February 28, 2008. If you are not able to produce the responses by then, we may suggest that the deposition be rescheduled.

If you have any questions or comments or wish to discuss this matter further, please feel free to call me.

Very truly yours,

James W. Manolis

JWM:jaf
Enc.



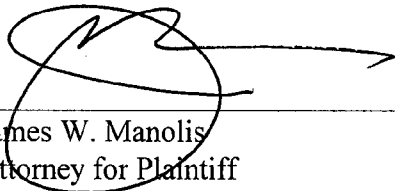
CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of MARCH, 2008, a true and correct copy of the foregoing Motion to Compel Discovery was served upon John T. Pion, Esquire, Attorney for Defendants, Tina Craft and TRL Leasing, Inc., by first class mail, postage prepaid and addressed as follows:

John T. Pion, Esquire
Dickie, McCamey & Chilcote
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222

VERTERANO & MANOLIS

By



James W. Manolis
Attorney for Plaintiff
Jessie B. Jackson, Jr.

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

:
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: **CIVIL**
:
: **No. 2005-328-CD**
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ORDER OF COURT

AND NOW this _____ day of _____, 2008, upon consideration of the foregoing motion, it is hereby ordered that:

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

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

BY THE COURT

J.
Judge

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.

Plaintiff

vs

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

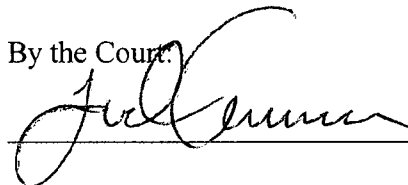
Defendants

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: CIVIL
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: No. 2005-328-CD
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ORDER OF COURT

AND NOW this 11th day of March, 2008, upon consideration of the Plaintiff's Motion to Compel Discovery, it is Ordered that said Motion be granted. Defendants, Tena Craft and TRI Leasing, Inc. shall provide full and complete responses to Plaintiff's First Request for Production of Documents Directed to Defendants, Tena Craft and TRL Leasing, Inc.; Plaintiff's First Set of Interrogatories Directed to Defendant, TRL Leasing, Inc.; Plaintiff's First Set of Interrogatories Directed to Defendant, Tena Craft; and Plaintiff's First Set of Joint Interrogatories to Defendants, Tena Craft and TRL Leasing, Inc. on or before April 1st, 2008 or suffer sanctions.

By the Court:

 J.
Judge

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

FILED

014:0081
MAR 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

3cc
Atty Manolis

FILED

MAR 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/11/08

☒ 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

JESSIE B. JACKSON, JR.,

CIVIL DIVISION

Plaintiff,

No. 2005-00328-CD

v.

Issue No.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

**NOTICE OF SERVICE OF DISCOVERY
RESPONSES**

Defendants.

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

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

Christopher J. McCabe, Esquire
Pa. I.D. No. 89378

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*
m/12:51/84
APR 03 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

NOTICE OF SERVICE OF DISCOVERY RESPONSES

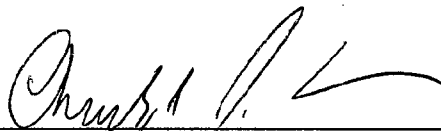
PLEASE TAKE NOTICE that on the 1st day of April, 2008 the following was served upon counsel for Plaintiff, via first class mail, postage prepaid, and e-mail as addressed below

(1) Answers to Plaintiff's First Set of Joint Interrogatories; (2) Answers to Plaintiff's First Set of Interrogatories Directed to Tena Craft; (3) Answers to Plaintiff's First Set of Interrogatories Directed to TRL; and (4) Responses to Plaintiff's First Request for Production of Documents Directed to Defendants, Tena Craft and TRL, Inc.:

James W. Manolis, Esq.
2622 Wilmington Road
New Castle, PA 16105-1530
jwmanolis@verteranomanolis.com

DICKIE, MCCAMEY & CHILCOTE, P.C.

BY



Christopher J. McCabe, Esquire

Counsel for Defendants

DICKIE, McCAMEY & CHILCOTE, P.C.
John T. Pion, Esquire (Pa. I.D. No. 43675)
Christopher J. McCabe, Esquire (Pa. I.D. No. 89378)
Two PPG Place, Suite 400
Pittsburgh, PA 15222
(412) 281-7272 (telephone)
(412) 392-5367 (facsimile)

FILED *NO CC*
m 112:4930
APR 28 2008 *(610)*
William A. Shaw
Prothonotary/Clerk of Courts

ATTORNEYS FOR DEFENDANTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

SUGGESTION OF BANKRUPTCY
AND AUTOMATIC STAY

AND NOW, comes Defendant, Transcontinental Refrigerated Lines (hereinafter "TRL"), by and through its counsel, Dickie, McCamey & Chilcote, P.C., John T. Pion, Esquire and Christopher J. McCabe, Esquire and files the following Suggestion of Bankruptcy and Automatic Stay and in support thereof, avers as follows:

1. On February 29, 2008, Transcontinental Refrigerated Lines, a Defendant in the action referenced above, filed an Involuntary Petition for Relief under Chapter 7 of the United States Code in the United States Bankruptcy Court for the Middle District of Pennsylvania at docket number 5:08-bk-50578-JJT. This matter was subsequently converted to a Chapter 11 on March 31, 2008. A copy of the Notice of Bankruptcy Case Filing of the filing of the Bankruptcy Petition is attached hereto as Exhibit "1."

2. Pursuant to 11 U.S.C. § 362 of the United States Bankruptcy Code, the continuation of collection efforts against a debtor, including the continuation of a civil action against the debtor, are stayed pending relief from the automatic stay being obtained in the Bankruptcy Court, or dismissal of the bankruptcy case.

3. Pursuant to 11 U.S.C. § 362 of the United States Bankruptcy Code, the filing of a Petition in Bankruptcy acts to stay all portions of the present litigation being brought against Transcontinental Refrigerated Lines since the claim giving rise to the litigation and the litigation itself arose before the commencement of the bankruptcy case.

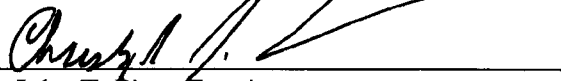
4. In accordance with the United States Bankruptcy laws, counsel for Transcontinental Refrigerated Lines requests that this Honorable Court stay all proceedings until such a time as the case is permitted to resume.

WHEREFORE, Defendant, Transcontinental Refrigerated Lines, Inc., respectfully requests this Honorable Court to enter the attached Order.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By:



John T. Pion, Esquire

Christopher J. McCabe, Esquire

Counsel for Defendants

United States Bankruptcy Court
Middle District of Pennsylvania**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 7 of the United States Bankruptcy Code, entered on 02/29/2008 at 3:54 PM and filed on 02/29/2008.

Transcontinental Refrigerated Lines, Inc.

130 Armstrong Road
Pittston, PA 18640
Tax id: 23-2218332



The case was filed by the debtor's attorney:

Mark J. Conway

Law Offices of Mark J Conway PC
502 South Blakely Street
Dunmore, PA 18512
570 343-5350

The case was assigned case number 5:08-bk-50578-JJT to Judge John J Thomas.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our Internet home page <http://www.pamb.uscourts.gov/> or at the Clerk's Office, U.S. Bankruptcy Court, 274 Max Rosenn U.S. Courthouse, 197 South Main Street, Wilkes-Barre, PA 18701.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Ellen Linskey
Clerk, U.S. Bankruptcy Court

PACER Service Center			
Transaction Receipt			
04/21/2008 10:43:01			
PACER Login:	dm1773	Client Code:	rostholder
Description:	Notice of Filing	Search Criteria:	5:08-bk-50578-JJT
Billable Pages:	1	Cost:	0.08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 2005-00328-CD
)	
v.)	
)	
TENA CRAFT, an individual, and)	
TRL LEASING, INC., a Pennsylvania)	
corporation,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this ____ day of _____, 2008, upon consideration of the within Suggestion of Bankruptcy and Automatic Stay filed on behalf of Defendant, Transcontinental Refrigerated Lines, Inc., it is hereby ORDERED, ADJUDGED and DECREED that all proceedings in this case are hereby stayed based on Defendant, Transcontinental Refrigerated Lines, Inc., having filed for bankruptcy on February 29, 2008, in the United States District Court for the Middle District of Pennsylvania.

BY THE COURT:

J.

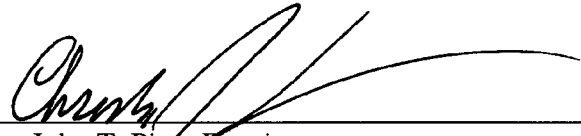
CERTIFICATE OF SERVICE

I, Christopher J. McCabe, Esquire, hereby certify that a true and correct copy of the foregoing Suggestion of Bankruptcy and Automatic Stay was served upon counsel of record by U.S. mail, postage prepaid, this 23rd day of April, 2008, as follow:

James W. Manolis, Esq.
2622 Wilmington Road
New Castle, PA 16105-1530

DICKIE, MCCAMEY & CHILCOTE, P.C.

BY

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

John T. Pich, Esquire
Christopher J. McCabe, Esquire

Counsel for Defendants

William A. Shaw
Prothonotary/Clerk of Courts

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

:
: **CIVIL**
:
: **No. 2005-328-CD**
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STIPULATION

The parties hereto, the Plaintiff, Jessie B. Jackson, Jr., by and through his attorneys, Verterano & Manolis, by James W. Manolis, and the Defendants, Tena Craft, and the Defendant, Transcontinental Refrigerated Lines, Inc. a/k/a TRL, Inc., incorrectly referred to in the caption as "TRL Leasing, Inc.", by and through their attorneys, Dickie, McCarney & Chilcote, by Christopher J. McCabe, hereby stipulate and agree that the Defendant, "TRL Leasing, Inc." is in fact "Transcontinental Refrigerated Lines, Inc. a/k/a TRL, Inc." and that the caption shall be amended to reflect the correct name of the Defendant. The parties further stipulate and agree that all references to "TRL Leasing, Inc." contained in the pleadings and other documents generated in these proceedings shall be construed to mean "Transcontinental Refrigerated Lines, Inc. a/k/a TRL, Inc.", and all other documents relative to this case shall be equally construed. The parties further agree that the caption shall hereafter be corrected to accurately reflect the name of the Defendant, Transcontinental Refrigerated Lines, Inc. a/k/a TRL, Inc.

Respectfully submitted,

VERTERANO & MANOLIS

By: 

James W. Manolis
Attorneys for Plaintiff

DICKIE, MC CAMEY & CHILCOTE

By: 

Christopher McCabe
Attorneys for Defendants
Tina Craft and TRL Leasing, Inc.

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

Copy to
CIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

Plaintiff,

v.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

Defendants.

CIVIL DIVISION

Case No.: 2005-328-CD

PRAECIPE TO WITHDRAW APPEARANCE AND
PRAECIPE TO ENTER APPEARANCE

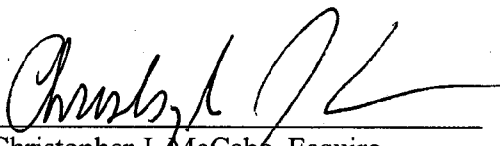
TO: PROTHONOTARY

Kindly withdraw the appearance of Christopher J. McCabe, Esquire and Dickie, McCamey & Chilcote, P.C., and enter the appearance of Mark T. Caloyer, Esquire and Pietragallo Gordon Alfano Bosick & Raspanti, LLP for the Defendants, Tena Craft and TRL Leasing, Inc. in the above-captioned matter.

JURY TRIAL IS DEMANDED.

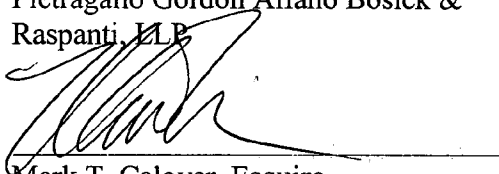
Dickie, McCamey & Chilcote, P.C.

By:


Christopher J. McCabe, Esquire
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Pietragallo Gordon Alfano Bosick &
Raspanti, LLP

By:


Mark T. Caloyer, Esquire
PA ID #56358
One Oxford Centre
The Thirty-Eighth Floor
Pittsburgh, PA 15219
(412) 263-2000

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Praeipue to Withdraw Appearance and Praeipue to Enter Appearance** has been served upon the following via First Class U.S. Mail, postage pre-paid, this 29th day of March 2010.

James W. Manolis, Esquire
Verterano & Manolis
2622 Wilmington Road
New Castle, PA 16105
Counsel for Plaintiff

Dickie, McCamey & Chilcote, P.C.

By: 

Christopher J. McCabe, Esquire
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

FILED

MAR 31 2010

William A. Shaw
Prothonotary/Clerk of Courts

RECEIVED
MAR 31 2010
CLERK OF COURTS
JANESVILLE, WI

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

Plaintiff,

v.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania
corporation,

Defendants.

CIVIL DIVISION

Case No.: 2005-328-CD

PRAECIPE FOR TRIAL

Filed on Behalf of: Defendants, Tena Craft
and TRL Leasing, Inc.

Counsel of Record for this Party:

Pietragallo Gordon Alfano Bosick &
Raspanti, LLP

Mark T. Caloyer, Esquire
PA ID #: 56358
One Oxford Centre
The Thirty-Eighth Floor
Pittsburgh, PA 15219
(412) 263-2000

DOCS-#1951471-v1

FILED

MAR 23 2011

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Atty Caloyer

William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.,

Plaintiff,

V.

TENA CRAFT, an individual, and TRL
LEASING, INC., a Pennsylvania corporation,

Defendants.

CIVIL DIVISION

Case No.: 2005-328-CD

PRAECIPE FOR TRIAL

TO: PROTHONOTARY

Please list this case for trial upon the earliest Trial List. I certify that no motions are outstanding and that discovery has been completed and the case is ready for trial. This case is to be heard by a Jury. I have provided Notice of this Praeceptum to James W. Manolis, Esquire.

Dated: March 21, 2011

Respectfully submitted,

PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP

By:

Mark T. Caloyer, Esquire
PA ID #56358
One Oxford Centre
The Thirty-Eighth Floor
Pittsburgh, PA 15219
(412) 263-2000

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following via First Class U.S. Mail, postage pre-paid, this 21ST day of March, 2011.

James W. Manolis, Esquire
Verterano & Manolis
2622 Wilmington Road
New Castle, PA 16105

Counsel for Plaintiff



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.

Plaintiff

VS

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

Defendants

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: CIVIL
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: No. 2005-328-CD
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TYPE OF PLEADING OR FILING:
Complaint

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD
FOR THIS PARTY:

James W. Manolis
Pa. Supreme Court #46810
Verterano & Manolis
2622 Wilmington Road
New Castle, Pennsylvania 16105
724-652-0300

COPY

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

FILED ⁶²NO
MAY 11 2005
MAY 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

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: **CIVIL**
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: **No. 2005-328-CD**
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NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a 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.

**David S. Meholic
Clearfield County Courthouse
One North Second Street
Clearfield, Pennsylvania 16830
Telephone: 814-765-2641 Ext. 5982**

**VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 852-0300
TELEFAX
(724) 854-1131**

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

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: **CIVIL**
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: **No. 2005-328-CD**
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COMPLAINT

AND NOW comes the Plaintiff, Jessie B. Jackson, by and through his attorneys, Verterano & Manolis, and James W. Manolis, and claims damages of the Defendants, Tena Craft and TRL Leasing, Inc., upon a cause of action whereof the following are statements:

1. The Plaintiff, Jessie B. Jackson, is an adult individual who resides at 145 East Parade Street, Buffalo, New York, 14211.
2. The Defendant, Tena Craft, is an adult individual who resides at 3745 Via De Lane, Jacksonville, Florida, 32217 (hereinafter "Craft").
3. The Defendant, TRL Leasing, Inc., is a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania having its registered office at 130 Armstrong Road, Pittston, Luzerne County, Pennsylvania (hereinafter "TRL").

4. At all times material hereto, TRL was acting by and through its authorized agents, employees and servants, including Craft, all of whom were acting within the scope and course of their agency, contract, employment and authority for or on behalf of TRL.
5. Interstate Route 80 is a duly dedicated public thoroughfare which traverses in a generally east-west direction across the Commonwealth of Pennsylvania, including Clearfield County, Pennsylvania, where there exists two eastbound lanes for motor vehicle use.
6. On March 17, 2003, at approximately 2:00 P.M., the Plaintiff, Jessie B. Jackson, Jr., was operating a 2003 Sterling L7500 Series tractor trailer (hereinafter "Jackson tractor trailer") in a careful and cautious manner in an easterly direction along Interstate Route 80 in the right hand lane in Pine Township, Clearfield County, Pennsylvania.
7. At or about the same time and place, Craft was operating a 2001 Freightliner Columbia 120 tractor trailer, owned by TRL (hereinafter "TRL tractor trailer"), for and on behalf of TRL, in an easterly direction along Interstate Route 80 in the right hand lane directly behind the Jackson tractor trailer.
8. On said date and at said time and place, the TRL tractor trailer suddenly and without warning collided in the right hand lane of Interstate Route 80 with the rear end of the Jackson tractor trailer.

9. As a direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants as set forth herein, the Plaintiff, Jessie B. Jackson, Jr., was caused to sustain the following bodily injuries:

- A. Trauma.
- B. Injuries to his head.
- C. Injuries to his jaw.
- D. Injuries to his neck.
- E. Cervical strain/sprain.
- F. Multiple bulging and herniated cervical discs.
- G. Injuries to his right shoulder.
- H. Impingement syndrome of the right shoulder.
- I. A tear of the right superior labrum.
- J. Injuries to his back.
- K. Lumbar sprain and strain.
- L. Multiple bulging and herniated lumbar discs.
- M. Adhesions to and scarring of the soft tissue in his neck, back and right shoulder.
- N. Multiple sprains and contusions.

- Q. Injuries to his muscles, tendons, ligaments and other soft tissues in that they were stretched, strained and torn.
 - P. Bruises, abrasions and contusions in and about the general parts of his body.
 - Q. Stiffness and soreness in and about the various parts of his body.
 - R. Injuries to his nerves and nervous system.
 - S. Various other ills and bodily injuries.
10. In addition thereto, and as a direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants, the Plaintiff, Jessie B. Jackson, Jr., has in the past and may for an indefinite period of time in the future, suffer the following:
- A. Chronic pain, suffering and inconvenience.
 - B. Fear, shock, worry, embarrassment, anxiety, irritation, annoyance and other forms of distress.
 - C. A loss of life's pleasures.
 - D. Impairment of his earnings.
 - E. Lessening, reduction and impairment of his earning power and capacity.
 - F. Serious impairment of the motion of the various parts of his body, and particularly his neck, back and right shoulder.

G. Serious impairment and interference with his usual activities and occupation.

H. Serious impairment of his general health, strength and vitality.

11. The Plaintiff, Jessie B. Jackson, Jr., believes and avers that some or all of the aforesaid injuries and damages are of a serious, permanent and lasting character.
12. Further, and as a direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants, as herein set forth, the Plaintiff, Jessie B. Jackson, Jr., has in the past, and may, for an indefinite period of time in the future, be required to receive and undergo medical attention and care at the direction of his treating physician, and to incur expenses and expend substantial sums of money for medical and surgical attention, hospital care, physical therapy, medical supplies and other medical and incidental expenses which are or may be recoverable under applicable law.
13. As a further direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants, as herein set forth, the Plaintiff, Jessie B. Jackson, Jr., has suffered a loss of earnings and impairment of his earning capacity and power which are recoverable under applicable law.
14. As a further direct and proximate result of the careless, negligent and/or reckless conduct of the Defendants, the personal property of the Plaintiff, Jessie B. Jackson, Jr., was damaged to an extent which will be proven at the trial of this case.

COUNT ONE

(Jessie B. Jackson, Jr. v Tena Craft)

15. The Plaintiff, Jessie B. Jackson, Jr., incorporates herein by reference thereto all of the allegations set forth in Paragraphs 1 through 14 of this Complaint as if the same were fully set forth herein.
16. The Plaintiff, Jessie B. Jackson, Jr., believes and therefore avers that all of the aforesaid injuries and damages were caused directly and proximately by the careless, negligent and/or reckless conduct of the Defendant, Tena Craft, generally, and in the following particulars:
- A. In operating the TRL tractor trailer in violation of and without regard to the traffic laws and regulations of the local township, municipality, county, Commonwealth of Pennsylvania and United States of America.
 - B. In failing to keep a proper and safe watch and safe lookout for vehicles traveling in an easterly direction along Interstate Route 80, and in particular, the Jackson tractor trailer.
 - C. In failing to yield the right of way to vehicles traveling in an easterly direction along Interstate Route 80, and in particular, the Jackson tractor trailer.
 - D. In failing to keep a proper and safe distance between the TRL tractor trailer which she was operating and the Jackson tractor trailer.

- E. In operating the TRL tractor trailer without being able to stop within an assured clear distance ahead.
- F. In failing to give due regard to the point and position of the Jackson tractor trailer.
- G. In operating the TRL tractor trailer in a careless and negligent manner under the circumstances and while the Jackson tractor trailer was in clear view.
- H. In operating the TRL tractor trailer at a dangerous and excessive rate of speed under the circumstances.
- I. In operating the TRL tractor trailer at an unsafe speed given the traffic, road and/or weather conditions prevailing during the relevant time.
- J. In failing to properly and/or adequately apply her brakes in advance of the collision with the Jackson tractor trailer.
- K. In failing to stop, swerve, or otherwise control the TRL tractor trailer so it would not collide with the Jackson tractor trailer.
- L. In disregarding the rights and safety of persons and/or vehicles lawfully on the roadway, and particularly, the Jackson tractor trailer.
- M. In operating the TRL tractor trailer in such a manner so as to create a dangerous condition which she knew, or in the exercise of reasonable care, should have known.

- N. In failing to observe the objects, warnings, signs, directions and instructions which were placed and/or posted for eastbound motorists on Interstate Route 80 and which she passed and saw or should have seen before colliding with the Jackson tractor trailer.
- O. In failing to heed and abide by the objects, warnings, markings, signs, directions and instructions which she passed and did or should have observed before colliding with the Jackson tractor trailer.
- P. In failing to obey traffic signals, controls and/or signs on Interstate Route 80 prior to the point of the collision.
- Q. In failing to properly and/or adequately warn and/or signal the impending approach of the TRL tractor trailer and the related danger to enable the Plaintiff, Jessie B. Jackson, Jr., to take action necessary to protect himself from the impending collision.
- R. In operating the TRL tractor trailer when she knew or reasonably should have known that it was not equipped with proper and/or properly operating signals, safety devices, warning devices, tires and/or brake systems.
- S. In failing to properly and/or adequately inspect and/or maintain the TRL tractor trailer, including, but not limited to, those items specified in the preceding subparagraph.
- T. Carelessly driving the TRL tractor trailer.

- U. In driving the TRL tractor trailer while being inattentive and/or tired.
- V. In operating the TRL tractor trailer during a period of time when she was not to be driving.
- W. In driving the TRL tractor trailer while using a radio, television, telephone or other device.
- X. In driving the TRL tractor trailer while distracted by a radio, television, telephone or other device.
- Y. In operating the TRL tractor trailer while under the influence of certain drugs, medicine and/or alcohol which compromised her ability to drive safety and/or made her unfit to drive.
- Z. In operating the TRL tractor trailer in a careless and negligent manner under the circumstances and while the Jackson tractor trailer was in plain view.
- AA. In otherwise being negligent and in failing to exercise due care and caution in the circumstances then and there existing as may be disclosed by further discovery or at trial.

WHEREFORE, the Plaintiff, Jessie B. Jackson, Jr., claims damages of the Defendant, Tena Craft, in a sum of excess of Twenty Thousand Dollars (\$20,000.00), plus costs and all other remedies, relief and benefits available to Plaintiff under the laws applicable to this case.

COUNT TWO

(Jessie B. Jackson, Jr. v TRL Leasing, Inc.)

17. The Plaintiff, Jessie B. Jackson, Jr., incorporates herein by reference thereto all of the allegations set forth in Paragraphs 1 through 16 of this Complaint as if the same were fully set forth herein.
18. The Plaintiff, Jessie B. Jackson, Jr., believes and therefore avers that all of the aforesaid injuries and damages were caused directly and proximately by the careless, negligent and/or reckless conduct of the Defendant, TRL Leasing, Inc., generally, and in the following particulars:
 - A. Allowing and/or requiring Craft to operate the TRL tractor trailer when it knew or reasonably should have known that she was an inexperienced, unlicensed, unqualified, unsafe, unfit, tired and/or a careless driver.
 - B. Allowing Craft to operate the TRL tractor trailer when it knew or reasonably should have known that the tractor trailer was not adequately equipped and/or equipped with proper and/or properly operating signals, safety devices, warning devices, tires and/or brake systems.
 - C. Violating the traffic, interstate commerce and trucking laws and regulations of the local township, county, Commonwealth of Pennsylvania and/or United States of America.
 - D. Failing to properly and/or adequately inspect and/or maintain the TRL

tractor trailer, including, but not limited to, with regard to those items specified in sub-paragraph (B) above.

- E. Permitting and/or requiring Craft to operate the TRL tractor trailer when it knew or reasonably should have known it was in a state of disrepair and/or unsafe to drive under the circumstances.
- F. Improperly hiring, employing, promoting, training and/or supervising various agents, servants, contractors, subcontractors, workers and/or employees, such as Craft, who had the responsibility and/or obligation to properly inspect, maintain and/or operate the TRL tractor trailer.
- G. Improperly permitting the various agents, servants, workers, contractors, subcontractors and/or employees, such as Craft, to continue to work as agents, servants, workers, contractors, subcontractors and/or employees when TRL knew and/or should have known that said agents, servants, workers, contractors, subcontractors and/or employees were unable to and/or incapable of properly performing the requirements of their respective employment.
- H. Failing to establish proper policies, procedures and/or standards to determine whether potential or actual agents, servants, workers, contractors, subcontractors and/or employees were and/or are fit and capable of properly performing the requirements of their respective employment.

- I. Establishing improper and/or unsafe policies, procedures and standards with regard to the time within and/or manner with which deliveries are made, goods are picked up and/or goods are shipped.
- J. Establishing improper and/or unsafe policies, procedures and standards with regard to the amount of time its truckers must sleep and/or rest each day.
- K. Establishing improper and /or unsafe policies, procedures and standards with regard to the number of hours worked by agents, servants, workers, contractors, subcontractors and/or employees, such as Craft.
- L. Establishing improper and/or unsafe policies, procedures and standards with regard to the conditions and circumstances under which its agents, servants, workers, contractors, subcontractors and/or employees, such as Craft, were permitted to drive a tractor trailer.
- M. Failing to properly enforce applicable policies, procedures and standards concerning issues as described in subparagraphs I, J, K and L.
- N. In failing to properly preserve evidence, including the subject tractor trailer, as well as logs, electronic information, information on computer and/or telemetry received from and/or contained with the TRL tractor trailer.
- O. In destroying evidence, including the subject tractor trailer, as well as logs, electronic information, information on computer and/or telemetry received from and/or contained within the TRL tractor trailer.

P. Otherwise failing to exercise due care under the circumstances as may be determined through discovery or at the time of trial.

WHEREFORE, the Plaintiff, Jessie B. Jackson, Jr., claims damages of the Defendant, TRL Leasing, Inc., in a sum of excess of Twenty Thousand Dollars (\$20,000.00), plus costs and all other remedies, relief and benefits available to Plaintiff under the laws applicable to this case.

COUNT THREE

(Jessie B. Jackson, Jr. v Tena Craft and TRL Leasing, Inc.)

19. The Plaintiff, Jessie B. Jackson, Jr., incorporates herein by reference thereto all of the allegations contained in Paragraphs 1 through 18 of this Complaint as if fully set forth herein.
20. All the aforesaid injuries and damages were caused directly and proximately by the concurrent, joint and united negligence and recklessness of the Defendants.

WHEREFORE, the Plaintiff, Jessie B. Jackson, Jr., claims damages of the Defendants, Tena Craft and TRL Leasing, Inc., jointly, severally and separately in an amount in excess of Twenty Thousand Dollars (\$20,000.00) plus costs, punitive damages and all other benefits, remedies and relief available to the Plaintiff under the laws applicable to this case.

Respectfully submitted,

VERTERANO & MANOLIS

By: 

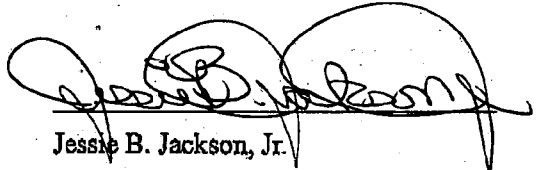
James W. Manolis

Attorney for Plaintiff

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2822 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

VERIFICATION

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

Date: 5-11-05
Jessie B. Jackson, Jr.

CA

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

JESSIE B. JACKSON, JR.
Plaintiff

vs.

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

Defendants

NO. 2005-0328-CD

FILED

MAR 25 2011

William A. Shaw
Prothonotary/Clerk of Courts

Court to Caption

MANUEL

w/ Pre-Trial
memo

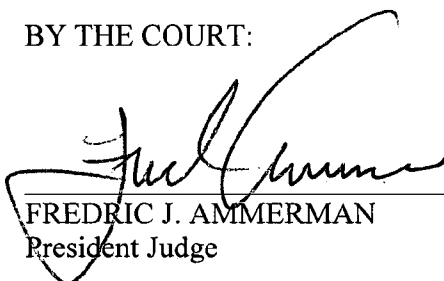
ORDER

AND NOW, this 24th day of March, 2011, it is the Order of the

Court that a pre-trial conference in the above-captioned matter shall be and is
hereby scheduled for **Wednesday, May 4, 2011, at 1:30 P.M.** in Judges
Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Civil Jury Selection in this matter shall be and is hereby
scheduled for July 27, 2011 at 9:00 a.m. in Courtroom No. 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

CA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.

Plaintiff

vs

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

Defendants

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: CIVIL
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: No. 2005-328-CD
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TYPE OF PLEADING OR FILING:
Motion to Strike Praecept for Trial

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD
FOR THIS PARTY:

James W. Manolis
Pa. I.D. No. 46810
VERTERANO & MANOLIS
2622 Wilmington Road
New Castle, Pennsylvania 16105
724-652-0300

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
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TELEFAX
(724) 654-1131

FILED 300
MAR 28 2011
William A. Shaw
Prothonotary/Clerk of Courts
Amy Manolis
60

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

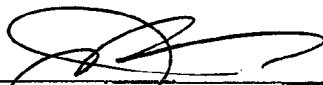
**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

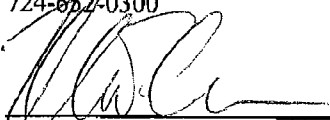
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CERTIFICATION PURSUANT TO 46 J.D.R.C.P. 208.2(d)

I hereby certify that concurrence in the Motion to Strike Praecept for Trial has been sought from opposing counsel and that such concurrence has been granted. The written concurrence of opposing counsel is evidenced by the signature of Defendant's counsel set forth below.



James W. Manolis
Pa. I.D. No. 46810
VERTERANO & MANOLIS
2622 Wilmington Road
New Castle, Pennsylvania 16105
724-652-0300



Mark T. Caloyer
Pa. I.D. 56358
Pietragallo Gordon Alfano
Bosick & Raspanti, LLP
38th Floor
One Oxford Centre
Pittsburgh, Pennsylvania 15219

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

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MOTION TO STRIKE PRAECIPE FOR TRIAL

AND NOW comes the Plaintiff, Jessie B. Jackson, by and through his attorneys, Verterano & Manolis by James W. Manolis, and moves this Honorable Court as follows:

1. This Motion is brought pursuant to 46 J.D.R.C.P. 212.2(b).
2. On March 23, 2011, the Defendants, Tena Craft and TRL Leasing, Inc. filed a Praecipe for Trial.
3. The Defendants have not complied with J.D.R.C.P. 212.2(a)(2).
4. The Defendants have yet to produce responses to certain discovery requests, although Defendants have represented that they will do so; however, a motion to compel discovery or further discovery may be necessary depending on the response.
5. After Defendants' full and complete responses to Plaintiff's discovery requests are provided, Plaintiff may wish to serve Defendants with requests for admissions and schedule depositions, if necessary.
6. This action has not been listed for trial previously.


WHEREFORE, Your Honorable Court is requested to strike the Praeipce for Trial.

The undersigned hereby represents that I have read the Motion and that, to the best of my knowledge, information and belief, there are good grounds to support this Motion and it is not interposed merely for delay.

Respectfully submitted

VERTERANO & MANOLIS

By: _____


James W. Manolis
Pa. I.D. No. 46810
VERTERANO & MANOLIS
2622 Wilmington Road
New Castle, Pennsylvania 16105
724-652-0300

VERTERANO & MANOLIS
ATTORNEYS AT LAW
2622 WILMINGTON ROAD
NEW CASTLE, PA 16105-1530
(724) 652-0300
TELEFAX
(724) 654-1131

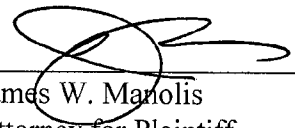
CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 2011, a true and correct copy of the foregoing Motion to Strike Praeipce for Trial was served upon counsel for Defendants, Tina Craft and TRL Leasing, Inc., by first class mail, postage prepaid and addressed as follows:

Mark T. Caloyer, Esquire
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
38th Floor
One Oxford Centre
Pittsburgh, Pennsylvania 15219

VERTERANO & MANOLIS

By



James W. Manolis
Attorney for Plaintiff
Jessie B. Jackson, Jr.

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation**

Defendants

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: **CIVIL**
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: **No. 2005-328-CD**
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ORDER OF COURT

AND NOW this _____ day of _____, 2011, upon presentation of the foregoing Motion to Strike Praecept for Trial, the Praecept for Trial filed with this Court by the Defendants on March 23, 2011 is hereby stricken.

BY THE COURT

Judge

CA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSIE B. JACKSON, JR.

Plaintiff

VS

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania
Corporation

Defendants

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FILED 3cc
APR 01 2011
William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

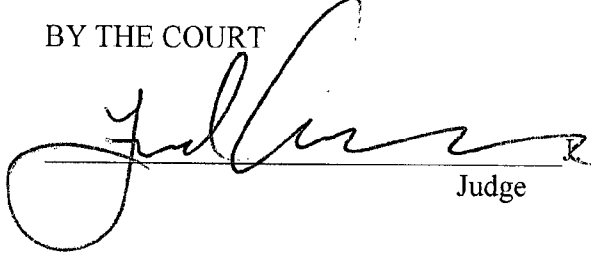
AND NOW this 1st day of April, 2011, upon consideration of the foregoing

Motion to Strike Praecipe for Trial, it is hereby ordered that:

- (1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;
- (2) the respondent shall file an answer to the motion within _____ days of this date;
- (3) the motion shall be decided under Pa.R.C.P. 206.7;
- (4) depositions and all other discovery shall be completed within _____ days of this date;
- (5) an evidentiary hearing on disputed issues of material fact shall be held on _____ in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. _____;
- (6) argument shall be held on May 4th 2011 at 1:30 p.m. for 1 of the Clearfield County Courthouse; and

- (7) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT



Judge

CA

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

JESSIE B. JACKSON, JR.
Plaintiff

vs

TENA CRAFT, an individual, and
TRL LEASING, INC., a Pennsylvania Corporation,

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*
*
*
*

NO. 05-328-CD

ORDER

NOW, this 7th day of April, 2011 upon further review of the Plaintiff's Motion to Strike Praecept for Trial and the attached Certification Pursuant to 46 J.D.R.C.P. 208.2(d) ; it is the ORDER of this Court that the above captioned case be removed from the Trial List and the pre-trial conference and argument scheduled on May 4, 2011 be and are hereby canceled.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

014:0032
APR 08 2011

William A. Shaw
Prothonotary/Clerk of Courts

Re: Mays: Manolis
Caloyer

FILED

APR 08 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/8/11

☐ 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

☐ Other

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

JESSIE B. JACKSON, JR.

Plaintiff

vs

**TINA CRAFT, an individual, and
TRANSCONTINENTAL
REFRIGERATED LINES, INC. A/K/A
TRL, INC., a Pennsylvania
Corporation**

Defendants

:
:
: **CIVIL**
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: **No. 2005-328-CD**
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PRAECIPE TO SETTLE AND DISCONTINUE

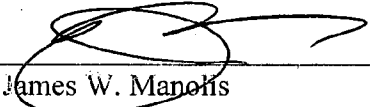
To the Prothonotary, William A. Shaw:

Kindly mark the proceedings filed at the above term and number settled and discontinued.

Respectfully Submitted,

VERTERANO & MANOLIS

By: _____


James W. Manolis
Pa. I.D. No. 46810
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724-652-0300

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(724) 654-1131

FILED NO
JUL 08 2011 CC
OK
William A. Shaw
Prothonotary/Clerk of Courts