

05-336-CD  
Erie Insur. et al vs. S. Owens et al

VS

SHAWN OWENS T/A

Erie Insurance Exch. et al v. Shawn Owe  
2005-336-CD

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

ERIE INSURANCE EXCHANGE/  
ERIE INSURANCE GROUP, and  
RHONDA PESOCK,

Plaintiffs

vs.

SHAWN OWENS t/a SHAWN'S AUTO  
REPAIR AND TOWING SERVICE,  
Defendant

) : No. 05-336-CD  
): Type of Pleading Filed:  
): Complaint  
):  
): Filed on Behalf of: Plaintiffs  
):  
): Attorney of Record for this Party:  
):  
): Joseph P. Green, Esquire  
: LEE, GREEN & REITER, INC.  
): 115 East High Street  
: P.O. Box 179  
): Bellefonte, PA 16823  
: Telephone: 814-355-4769  
): Fax: 814-355-5024  
: E-mail: jgreen@lmgrlaw.com  
):  
: PA ID #19268

6K  
FILED NO CC  
m/12/5/05  
APR 22 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIE INSURANCE EXCHANGE/	)	
ERIE INSURANCE GROUP, and	: No. 05-336-CD	
RHONDA PESOCK,	)	
Plaintiffs	:	
	)	
vs.	:	
	)	
SHAWN OWENS t/a SHAWN'S AUTO	:	
REPAIR AND TOWING SERVICE,	)	
Defendant	:	

**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, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814/765-2641, Ext. 5982

LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esquire, PA ID 19238  
Attorney for Plaintiffs  
115 East High Street, P.O. Box 179  
Bellefonte, PA 16823  
814-355-4769

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

ERIE INSURANCE EXCHANGE/	)
ERIE INSURANCE GROUP, and	: No. 05-336-CD
RHONDA PESOCK,	)
Plaintiffs	:
	)
vs.	:
	)
SHAWN OWENS t/a SHAWN'S AUTO	:
REPAIR AND TOWING SERVICE,	)
Defendant	:

**COMPLAINT**

The Plaintiffs in the above matter hereby represent the following:

1. The Plaintiffs herein are as follows:

- Erie Insurance Exchange/Erie Insurance Group  
PO Box 2013  
Mechanicsburg, PA 17055-0710
- Rhonda Pesock  
88 Southwood Road  
Coudersport, PA 16915

2. The Defendant is Shawn Owens t/a Shawn's Auto Repair and Towing Service who resides in Clearfield County, Pennsylvania. The business is believed to be located along Route 879 in the area of Shawville, Pennsylvania.

3. Plaintiff Pesock was the owner of a 2001 Mitsubishi Montero Sport motor vehicle which was damaged in a motor vehicle accident involving a collision with a deer which resulted in collision damage to the subject unit.

4. Plaintiff Erie Insurance Exchange/Erie Insurance Group (hereinafter referred to as Erie) had issued a policy of automobile insurance to Plaintiff Pesock which provided collision coverage relative to property damage to the described motor vehicle.

5. During the latter part of calendar year 2002, Plaintiffs contracted with Defendant to perform repairs relative to the physical damage described above. Believing that the repair work had been properly and completely performed, Plaintiff Erie paid the Defendant the sum of approximately \$5,344.00.

6. Following the return of the vehicle to the owner, Plaintiff Rhonda Pesock, it became apparent that the repairs performed by the Defendant had not been properly and fully performed. The radiator cooling system did not operate in the correct manner and the cooling system was essentially not repaired in accordance with the contract supposedly performed by the Defendant.

7. As a result of the Defendant's breach of contract relating to repair and remediation of the subject vehicle, it was necessary for the Plaintiffs to have additional corrective work performed by another service provider.

8. The cost of correcting the deficient performance by the Defendant with respect to his contract of repair amounted to \$2,045.95.

9. Despite due demand, the Defendant has not reimbursed the Plaintiffs in the above amount.

10. As a result of the Defendant's breach of contract, Plaintiffs have incurred damages in the amount of \$2,045.95 and Defendant is obligated to Plaintiffs in said amount.

WHEREFORE, it is respectfully requested that judgment be entered in favor of Plaintiffs and against the Defendant in the amount of \$2,045.95.

LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esquire  
PA ID#19238

Attorney for Plaintiffs  
115 East High Street  
P.O. Box 179  
Bellefonte, PA 16823  
814-355-4769

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

ERIE INSURANCE EXCHANGE/ )  
ERIE INSURANCE GROUP, and : No.  
RHONDA PESOCK, )  
Plaintiffs :  
 )  
vs. :  
 )  
SHAWN OWENS t/a SHAWN'S AUTO :  
REPAIR AND TOWING SERVICE, )  
Defendant :  
 )

**VERIFICATION**

Steve Granoff states that he/she is a duly authorized representative  
of Erie Insurance Exchange/Erie Insurance Group; that he/she is acquainted with the facts set  
forth in the foregoing Complaint; that the same are true and correct to the best of his/her  
knowledge, information and belief; and that this statement is made subject to the penalties of 18  
Pa. C.S. § 4904 relating to unsworn falsification to authorities.

x-Steve Granoff

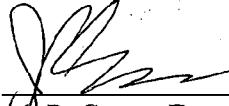
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION – LAW

ERIE INSURANCE EXCHANGE/	)	
ERIE INSURANCE GROUP, and	: No. 05-336-CD	
RHONDA PESOCK,	)	
Plaintiffs	:	
vs.	)	
SHAWN OWENS t/a SHAWN'S AUTO	:	
REPAIR AND TOWING SERVICE,	)	
Defendant	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Complaint was deposited in  
the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 20 day of  
April, 2005 addressed to the following:

Mr. Shawn Owens  
Shawn's Auto & 24 Hour Towing  
PO Box 91  
Shawville, PA 16873-0091

  
Joseph P. Green, Esquire

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

ERIE INSURANCE EXCHANGE/ )  
ERIE INSURANCE GROUP, and ) No. 05-336-CJ  
RHONDA PESOCK, )  
Plaintiffs :  
vs. :  
SHAWN OWENS t/a SHAWN'S AUTO :  
REPAIR AND TOWING SERVICE, )  
Defendant :  
)

**PRAECIPE FOR ISSUANCE OF WRIT OF SUMMONS**

To the Prothonotary:

Please issue a Writ of Summons indicating that the Plaintiffs have commenced a civil action against the Defendant.

LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esquire  
PA ID#19238  
Attorney for Plaintiffs  
115 East High Street  
P.O. Box 179  
Bellefonte, PA 16823  
814-355-4769

**FILED** *100*  
*m/11:50 AM* *Wmt to Sheriff*  
*MAR 10 2005* *Atty pd. \$5.00*  
*WAS*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

COPY

SUMMONS

**Erie Insurance Exchange/  
Erie Insurance Group and  
Rhonda Pesock**

Vs.

**NO.: 2005-00336-CD**

**Shawn Owens t/a Shawn's Auto  
Repair and Towing Service**

TO: **SHAWN OWENS t/a  
SHAWN'S AUTO REPAIR AND TOWING SERVICE**

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: 03/10/2005

\_\_\_\_\_  
**William A. Shaw  
Prothonotary**

Issuing Attorney:

**Joseph P. Green  
P.O. Box 179  
Bellefonte, PA 16823  
(814) 355-4769**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100291  
NO: 05-336-CD  
SERVICE # 1 OF 1  
SUMMONS

PLAINTIFF: ERIE INSURANCE EXCHANGE/ERIE INSURANCE GROUP and RHONDA PESOCK  
vs.

DEFENDANT: SHAWN OWENS t/a SHAWN'S AUTO REAIR and TOWING SERVICE

**SHERIFF RETURN**

NOW, March 15, 2005 AT 1:33 PM SERVED THE WITHIN SUMMONS ON SHAWN OWENS t/a SHAWN'S AUTO REPAIR and TOWING SERVICE DEFENDANT AT RT. 879, SHAWVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHAWN OWENS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	LEE	7462	10.00
SHERIFF HAWKINS	LEE	7462	28.09

*ESW*  
**FILED**

019:30 1sw

APR 11 2005

**William A. Shaw  
Prothonotary**

Sworn to Before Me This

So Answers,

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

*Chester A. Hawkins  
by Marilyn Yanner*  
Chester A. Hawkins  
Sheriff

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

ERIE INSURANCE EXCHANGE/ )  
ERIE INSURANCE GROUP, and : No. 05-336-CD  
RHONDA PESOCK, )  
Plaintiffs :  
vs. :  
SHAWN OWENS t/a SHAWN'S AUTO :  
REPAIR AND TOWING SERVICE, )  
Defendant :  
vs. :  
SHAWN OWENS t/a SHAWN'S AUTO :  
REPAIR AND TOWING SERVICE, )  
Defendant :  
vs. :  
SHAWN OWENS t/a SHAWN'S AUTO :  
REPAIR AND TOWING SERVICE, )  
Defendant :  
vs. :  
SHAWN OWENS t/a SHAWN'S AUTO :  
REPAIR AND TOWING SERVICE, )  
Defendant :

**PRAECIPE FOR DEFAULT JUDGMENT**

To the Prothonotary:

Please enter judgment by default in favor of Plaintiffs Erie Insurance Exchange/Erie Insurance Group, and Rhonda Pesock and against Defendant Shawn Owens t/a Shawn's Auto Repair and Towing Service in the amount of \$2,045.95 plus record costs. The defendant failed to respond to the Complaint and the required "10 day notice", was sent to the defendant on May 17, 2005. A copy of said notification is attached hereto.

LEE, GREEN & REITER, INC.

By:

  
Joseph P. Green, Esquire  
PA ID#19238  
Attorney for Plaintiffs  
115 East High Street  
P.O. Box 179  
Bellefonte, PA 16823  
814-355-4769

FILED *Atty pd.*  
M 12:44:84 20.00  
JUN 02 2005 NO CC  
Notice to Def.  
William A. Shaw Statement to  
Prothonotary/Clerk of Courts Atty Green  
④

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

ERIE INSURANCE EXCHANGE/	)
ERIE INSURANCE GROUP, and	: No. 05-336-CD
RHONDA PESOCK,	)
Plaintiffs	:
	)
vs.	:
	)
SHAWN OWENS t/a SHAWN'S AUTO	:
REPAIR AND TOWING SERVICE,	)
Defendant	:

To: Shawn Owens t/a Shawn's Auto Repair & Towing Service  
PO Box 91  
Shawville, PA 16873-0091

Date of Notice: May 17, 2005

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

David S. Meholic, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814/765-2641, Ext. 5982

LEE, GREEN & REITER, INC.

By:

  
Joseph P. Green, Esq., ID #19238  
Attorney for Plaintiff  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

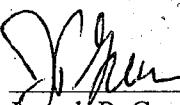
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW

ERIE INSURANCE EXCHANGE/	)	
ERIE INSURANCE GROUP, and	: No. 05-336-CD	
RHONDA PESOCK,	)	
Plaintiffs	: )	
vs.	: )	
SHAWN OWENS t/a SHAWN'S AUTO	: )	
REPAIR AND TOWING SERVICE,	: )	
Defendant	: )	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Important Notice was  
deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 17TH  
day of May, 2005 addressed to the following:

Mr. Shawn Owens  
Shawn's Auto & 24 Hour Towing  
PO Box 91  
Shawville, PA 16873-0091

  
Joseph P. Green, Esquire

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

ERIE INSURANCE EXCHANGE/	)	
ERIE INSURANCE GROUP, and	)	: No. 05-336-CD.
RHONDA PESOCK,	)	
Plaintiffs	)	
vs.	)	
SHAWN OWENS t/a SHAWN'S AUTO	)	
REPAIR AND TOWING SERVICE,	)	
Defendant	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Praeclipe for Default  
Judgment was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania,  
on the 31 day of May, 2005 addressed to the following:

Mr. Shawn Owens  
Shawn's Auto & 24 Hour Towing  
PO Box 91  
Shawville, PA 16873-0091



Joseph P. Green, Esquire

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Erie Insurance Exchange/ Erie Insurance Group,  
and Rhonda Pesock

Vs.

No. 2005-00336-CD

Shawn Owens t/a Shawn's Auto Repair and Towing Service

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered  
against you in the amount of \$2,045.95 on June 2, 2005.

William A. Shaw  
Prothonotary

---

William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

*COPY*

Erie Insurance Exchange  
Erie Insurance Group  
Rhonda Pesock  
Plaintiff(s)

No.: 2005-00336-CD

Real Debt: \$2,045.95

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Shawn Owens t/a Entry: \$20.00  
Shawn's Auto Repair and Towing Service  
Defendant(s)

Instrument: Default Judgment

Date of Entry: June 2, 2005

Expires: June 2, 2010

Certified from the record this 2nd day of June, 2005.

---

William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

---

Plaintiff/Attorney