

05-362-CD
Wade Maines et al vs. Moore et al

Wade Maines et al v. Stephanie Moore et
2005-362-CD

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

WADE A. MAINES and DARLENE
A. MAINES, Husband and Wife,
and Parents and Natural
Guardians of JOHNATHAN
MAINES, a minor,
Plaintiffs,

vs.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

* No. 05 - 362 - CD

* Type of Pleading:

* PRAECIPE FOR WRIT
OF SUMMONS

* Filed on behalf of:

* Plaintiffs

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

(E2)
FILED NO CC
10:47 AM 2 units to shff
MAR 16 2005 Atty pd 85100

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *
*
vs. * No. 05 - - CD
*
STEPHANIE L. MOORE and *
CHARLES A. PASH, *
Defendants. *

PRAECIPE TO ISSUE WRIT OF SUMMONS

To the Prothonotary:

Please issue a Writ of Summons against Stephanie L. Moore, RR2 Box 138, Curwensville, Pennsylvania 16833 and Charles A. Pash, P.O. Box 198, Grassflat, Pennsylvania 16839.

James A. Naddeo
James A. Naddeo, Esquire
Attorney for Plaintiffs

Dated: 3/16/05

CLIFFFIELD, PENNSYLVANIA 16830
P.O. BOX 552
207 EAST MARKET STREET
ATTORNEY AT LAW
JAMES A. NADDEO

— Lap over margin —

MAR 16 2005

W. H. G.
Prothonotary Clerk of Courts

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

COPY

SUMMONS

**Wade A. Maines and
Darlene A. Maines, husband and
wife, and parents and natural
guardians of Johnathan Maines, a minor**

Vs.

NO.: 2005-00362-CD

**Stephanie L. Moore
Charles A. Pash**

**TO: STEPHANIE L. MOORE
CHARLES A. PASH**

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: 03/16/2005

William A. Shaw
Prothonotary

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830

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

WADE A. MAINES and DARLENE
A. MAINES, Husband and Wife,
and Parents and Natural
Guardians of JOHNATHAN
MAINES, a minor,
Plaintiffs,

vs.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

* No. 05 - 362 - CD

* Type of Pleading:

* **PRAECIPE TO REISSUE
WRIT OF SUMMONS**

* Filed on behalf of:

* Plaintiffs

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

(64)
FILED ^{2 Reissued}
APR 14 2005 16 CC
P.O. Box 552 to Shaw
APR 14 2005 16 CC

William A. Shaw Atty pd.
Prothonotary/Clerk of Courts
7.00

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

WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *

vs. * No. 05 - 362 - CD

*
STEPHANIE L. MOORE and *
CHARLES A. PASH, *
Defendants. *

PRAECIPE TO REISSUE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please reissue the Writ of Summons filed in the above-
captioned case.

James A. Naddeo

James A. Naddeo, Esquire
Attorney for Plaintiff

CLERFIELD, PENNSYLVANIA 16830
P.O. BOX 552
207 EAST MARKET STREET
ATTORNEY AT LAW
JAMES A. NADDEO

Lap over margin _____

FILED

APR 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE A. MAINES and DARLENE
A. MAINES, Husband and Wife,
and Parents and Natural
Guardians of JOHNATHAN
MAINES, a minor,
Plaintiffs,

vs.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

* No. 05 - 362 - CD

* Type of Pleading:

* **PRAECIPE FOR WRIT
OF SUMMONS**

* Filed on behalf of:

* Plaintiffs

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

②
FILED NO CC
10:47 AM 2005 2 units to shff
MAR 16 2005 Atty pd 85100

William A. Shaw
Prothonotary/Clerk of Courts

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

Copy

SUMMONS

**Wade A. Maines and
Darlene A. Maines, husband and
wife, and parents and natural
guardians of Johnathan Maines, a minor**

Vs.

NO.: 2005-00362-CD

**Stephanie L. Moore
Charles A. Pash**

TO: STEPHANIE L. MOORE
CHARLES A. PASH

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: 03/16/2005

William A. Shaw

William A. Shaw
Prothonotary

4-14-05 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830

James A. Naddeo

James A. Naddeo
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100306
NO: 05-362-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: WADE A. MAINES and DARLENE A. MAINES, parents & natural guardians of JOHNATHAN MAINES, A Minor

vs.

DEFENDANT: STEPHANIE L. MOORE and CHARLES A. PASH

SHERIFF RETURN

NOW, April 15, 2005 AT 6:40 AM SERVED THE WITHIN SUMMONS ON STEPHANIE L. MOORE DEFENDANT AT 706 COOPER AVE., GRASSFLAT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO STEPHANIE MOORE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED
04/22/2005
APR 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100306
NO: 05-362-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: WADE A. MAINES and DARLENE A. MAINES, parents & natural guardians of JOHNATHAN MAINES, A Minor

vs.

DEFENDANT: STEPHANIE L. MOORE and CHARLES A. PASH

SHERIFF RETURN

NOW, April 15, 2005 AT 6:40 AM SERVED THE WITHIN SUMMONS ON CHARLES A. PASH DEFENDANT AT 706 COOPER AVE., GRASSFLAT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO STEPHANIE MOORE, ADULT AT RESIDENCE/GIRLFRIEND A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100306
NO: 05-362-CD
SERVICES 2
SUMMONS

PLAINTIFF: WADE A. MAINES and DARLENE A. MAINES, parents & natural guardians of JOHNATHAN MAINES,
A Minor

vs.

DEFENDANT: STEPHANIE L. MOORE and CHARLES A. PASH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	17062	20.00
SHERIFF HAWKINS	NADDEO	17062	60.01

Sworn to Before Me This

So Answers,

____ Day of _____ 2005


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A.) CIVIL DIVISION
MAINES, husband and wife, and parents)
and natural guardians of JONATHAN) NO. 2005-00362-CD
MAINES, a minor)
)
Plaintiffs,)
)
vs.) PRAECIPE FOR ENTRY OF
STEPHANIE L. MOORE, CHARLES A.) APPEARANCE
PASH)
)
Defendants.)
) Filed on Behalf of Stephanie L. Moore and
) Charles A. Pash
)
)
) Counsel of Record for This Party:
)
) JOHN F. DEASY, ESQUIRE
) PA I.D. 63269
)
) Marshall, Dennehey, Warner,
) Coleman & Goggin
)
) 2900 US Steel Tower
) 600 Grant Street
) Pittsburgh, PA 15219
) 412-803-1140

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④
FILED ^{NO} cc
MAY 12 2005
3:30 PM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A.) CIVIL DIVISION
MAINES, husband and wife, and parents)
and natural guardians of JONATHAN) NO. 2005-00362-CD
MAINES, a minor)
Plaintiffs,)
vs.)
STEPHANIE L. MOORE, CHARLES A.)
PASH)

Defendants.

PRAECIPE FOR ENTRY OF APPEARANCE

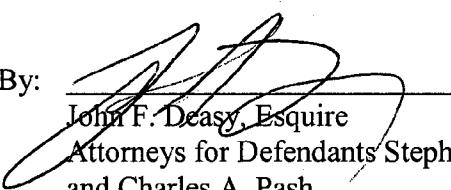
TO: Prothonotary of Clearfield County, Pennsylvania

KINDLY enter the appearance of Marshall, Dennehey, Warner, Coleman & Goggin and John F. Deasy, Esquire on behalf of Defendants, Stephanie L. Moore and Charles A. Pash, in regards to the above-captioned matter.

Respectfully submitted,

Marshall, Dennehey, Warner, Coleman & Goggin

By:


John F. Deasy, Esquire

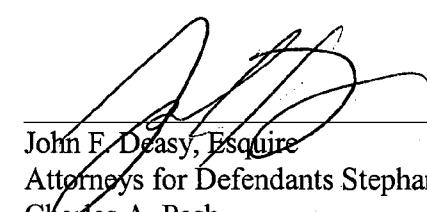
Attorneys for Defendants Stephanie L. Moore
and Charles A. Pash

CERTIFICATE OF SERVICE

I hereby certify that I have served upon all persons listed below a true and correct copy of the **PRAECIPE FOR ENTRY OF APPEARANCE** in the above-captioned matter by United States first-class mail, postage prepaid, this 10 day of May, 2005.

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
(Attorney for Plaintiffs)

**MARSHALL, DENNEHEY, WARNER
COLEMAN AND GOGGIN**

BY: 

John F. Deasy, Esquire
Attorneys for Defendants Stephanie L. Moore and
Charles A. Pash

\12_A\LIBJGC\LLPG\365575\JGC\21237\00225

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A. MAINES, husband and wife, and parents and natural guardians of JONATHAN MAINES, a minor.) CIVIL DIVISION
Plaintiffs,)) NO. 2005-00362-CD
vs.)) RULE TO FILE COMPLAINT
STEPHANIE L. MOORE, CHARLES A. PASH))
Defendants.) Filed on Behalf of Stephanie L. Moore and
) Charles A. Pash
)) Counsel of Record for This Party:
) JOHN F. DEASY, ESQUIRE
) PA I.D. 63269
) Marshall, Dennehey, Warner,
) Coleman & Goggin
) 2900 US Steel Tower
) 600 Grant Street
) Pittsburgh, PA 15219
) 412-803-1140
)

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(64)
FILED NO cc
MAY 12 2005 2 P.M.
MAY 12 2005 2 P.M.
to Atty
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A. MAINES, husband and wife, and parents and natural guardians of JONATHAN MAINES, a minor) CIVIL DIVISION
Plaintiffs,) NO. 2005-00362-CD
vs.)
STEPHANIE L. MOORE, CHARLES A. PASH)

Defendants.

RULE TO FILE COMPLAINT

TO: Prothonotary of Clearfield County, Pennsylvania

KINDLY issue Rule upon Plaintiffs, WADE A. MAINES and DARLENE A. MAINES, husband and wife, and parents and natural guardian of JONATHAN A. MAINES, a minor, to file a Complaint within twenty (20) days or suffer Judgment of Non Pros.

Respectfully submitted,

Marshall, Dennehey, Warner, Coleman & Goggin

By:

John F. Deasy, Esquire

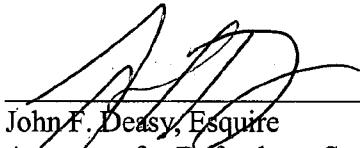
Attorneys for Defendants Stephanie L. Moore and Charles A. Pash

CERTIFICATE OF SERVICE

I hereby certify that I have served upon all persons listed below a true and correct copy of the **RULE TO FILE COMPLAINT** in the above-captioned matter by United States first-class mail, postage prepaid, this 10 day of May, 2005.

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
(*Attorney for Plaintiffs*)

**MARSHALL, DENNEHEY, WARNER
COLEMAN AND GOGGIN**

BY: 

John F. Deasy, Esquire
Attorneys for Defendants Stephanie L. Moore and
Charles A. Pash

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

Wade A. Maines and Darlene A. Maines,
husband and wife, and parents and natural
guardian of Jonathan Maines, a minor

COPY

Vs.
Stephanie L. Moore
Charles A. Pash

Case No. 2005-00362-CD

RULE TO FILE COMPLAINT

TO: Wade A. Maines and Darlene A. Maines, husband and wife, and parents and natural
guardian of Jonathan A. Maines, a minor

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: May 12, 2005

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

WADE A. MAINES and DARLENE
A. MAINES, Husband and Wife,
and Parents and Natural
Guardians of JOHNATHAN
MAINES, a minor,
Plaintiffs,

vs.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

* No. 05 - 362 - CD

* Type of Pleading:

* COMPLAINT

* Filed on behalf of:

* Plaintiffs

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED 1cc
06/10/2005 Atty Naddeo
JUN 15 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *
*
vs. * No. 05 - 362 - CD
*
STEPHANIE L. MOORE and *
CHARLES A. PASH, *
Defendants. *

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.

Court Administrator
Clearfield County Courthouse
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *
*
vs. * No. 05 - 362 - CD
*
STEPHANIE L. MOORE and *
CHARLES A. PASH, *
Defendants. *

COMPLAINT

NOW COME the Plaintiffs, Wade A. Maines and Darlene A. Maines, husband and wife, and parents and natural guardians of Johnathan Maines, a minor, and by their attorney, James A. Naddeo, set forth the following:

1. That the Plaintiffs, Wade A. Maines and Darlene A. Maines, are husband and wife, who reside at 18 Bills Road, Clearfield, Pennsylvania 16830.
2. That the Plaintiff, Johnathan Maines, is a minor, age 7, who resides at 18 Bills Road, Clearfield, Pennsylvania 16830.
3. That the Plaintiffs, Wade A. Maines and Darlene A. Maines, are the parents and natural guardians of the minor Plaintiff, Johnathan Maines.

4. That the Defendant, Stephanie L. Moore, is an adult individual who resides at R. R. 2, Box 138, Curwensville, Pennsylvania 16833.

5. That the Defendant, Charles A. Pash, is an adult individual who resides at P Box 198, Grassflat, Pennsylvania 16839.

First Count

Johnathan Maines, a minor, by his parents and natural
Guardians, Wade A. Maines and Darlene A. Maines
v. Stephanie L. Moore

6. That on or about May 15, 2003 at approximately 12:56 p.m., E.D.S.T., the Plaintiff, Darlene A. Maines, was the operator of a 1985 Ford Econoline Van bearing Pennsylvania Registration Plate No. DYZ1708 which vehicle was owned by said Plaintiff.

7. That on or about the said day and at or about the said time, the minor Plaintiff, Johnathan Maines, was a passenger in the second rear seat of the vehicle operated by the Plaintiff, Darlene A. Maines.

8. That on or about the said day and at or about the said time, the Defendant, Stephanie L. Moore, was the operator of a red, two-door vehicle bearing Pennsylvania Registration DYLO601 which vehicle was owned by the Defendant, Charles A. Pash.

9. That on or about the aforesaid date and at or about the aforesaid time, the weather was clear and the roadway was dry.

10. That Pennsylvania Route 879 is a two-lane, macadam highway which proceeds in a generally east-west direction through Lawrence Township, Clearfield County, Pennsylvania.

11. That Pennsylvania Route 879 intersects with River Road at a point approximately one-half mile west of Interstate 80 Exit 120.

12. That the intersection of Pennsylvania Route 879 with River Road is controlled by a mechanical stoplight.

13. That on or about the said day and at or about the said time, the Plaintiff, Darlene A. Maines, was proceeding East on Route 879 where she brought her vehicle to a stop behind a line of cars stopped at the intersection of Route 879 with River Road.

14. That on or about the said and at or about the said time, the Defendant, Stephanie L. Moore, was proceeding East on Pennsylvania Route 879 immediately to the rear of the vehicle operated by the Plaintiff, Darlene A. Maines.

15. That on or about the said day and at or about the said time, the Defendant, Stephanie L. Moore, failed to bring her vehicle to a stop which caused her vehicle to collide with

the rear of the vehicle operated by the Plaintiff, Darlene A. Maines.

16. That as a result of the collision described in Paragraph 15 hereof, the minor Plaintiff, Johnathan Maines, was thrown generally forwards and backwards within the vehicle in which he was passenger causing the numerous and serious injuries hereinafter set forth.

17. That the Defendant, Stephanie L. Moore, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Minor Plaintiff, Johnathan Maines, as follows:

A. That the Defendant failed to have her vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that she operated her vehicle upon Pennsylvania Route 879 with careless disregard for the safety of the Minor Plaintiff, Johnathan Maines.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736,

75 Pa. C.S.A. Section 3736, and supplements thereto, in that she operated her vehicle upon PA Route 879 in willful or wanton disregard for the safety of the person of the Minor Plaintiff, Johnathan Maines.

F. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3111, 75 Pa. C.S.A. Section 3111, and supplements thereto, in that she failed to obey the official traffic-control devise placed on PA Route 879 by failing to stop her vehicle for a red traffic signal.

G. That the Defendant, Stephanie L. Moore, was negligent, careless and reckless in that she failed to use due care under all circumstances of the case.

18. That as a result of the collision described in Paragraph 10 hereof, the Minor Plaintiff, Johnathan Maines, suffered the following injuries which may and probably will be permanent:

- A. Sprain/Strain - cervical spine;
- B. Hyperextension/Hyperflexion injury.

19. That the Minor Plaintiff, Johnathan Maines, has incurred expenses for the treatment of his injuries in the amount of \$4,065.00 in excess of the available first party medical coverage.

20. That the Minor Plaintiff, Johnathan Maines, continues to incur medical expenses for the treatment of the injuries referred to in Paragraph 18 hereof up to and including the date of this Complaint and will most likely continue to incur expenses for an indefinite period of time in the future.

21. That the Minor Plaintiff, Johnathan Maines, claims a reasonable amount for the following:

- A. Pain and suffering: past, present and future;
- B. Privation and inconvenience: past, present and future;
- C. Future medical expenses;
- D. Future lost wages;
- E. Impairment of earning power;
- F. All other damages allowable by law.

WHEREFORE, the Minor Plaintiff, Johnathan Maines, claims damages from the Defendant, Stephanie L. Moore, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

Second Count

Johnathan Maines, a minor, by his parents and natural
Guardians, Wade A. Maines and Darlene A. Maines
v. Charles A. Pash

22. That the Minor Plaintiff, Johnathan Maines, incorporates Paragraphs 1 through 21 of the First Count of this Complaint by reference and makes them a part hereof.

23. That at all times referred to herein, the Defendant, Stephanie L. Moore, was acting under the supervision and direction and within the scope of the business of the Defendant, Charles A. Pash.

WHEREFORE, the Minor Plaintiff, Johnathan Maines, claims damages from the Defendant, Charles A. Pash, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

Third Count

Wade A. Maines and Darlene A. Maines v.
Stephanie L. Moore and Charles A. Pash

24. That the Plaintiffs, Wade A. Maines and Darlene A. Maines, incorporate Paragraphs 1 through 23 of this Complaint by reference and make them a part hereof.

25. That as a direct result of the automobile accident referred to in Paragraph 15 of the First Count of this Complaint, the Plaintiffs, Wade A. Maines and Darlene A. Maines, have incurred the following expenses on behalf of their son Johnathan Maines:

A. Medical expenses in the amount of
\$4,065.00;

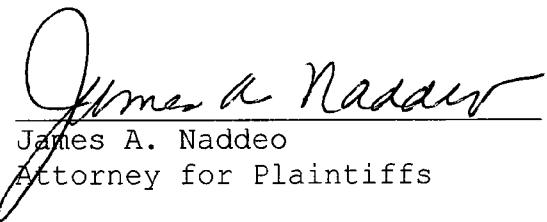
B. Cost of transporting said child to and form the doctor;

C. Cost to replace car seat in the amount of \$89.64;

D. Cost to replace soiled clothing in the amount of \$380.34

E. Cost to replace cracked bicycle seat in the amount of \$22.96.

WHEREFORE, Plaintiffs claim damages for expenditures incurred on behalf of the Minor Plaintiff.



James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

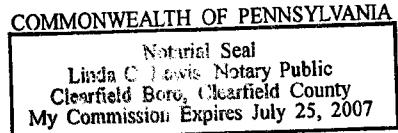
COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared DARLENE A. MAINES, parent and natural guardian of JOHNATHAN MAINES being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Darlene A. Maines
Darlene A. Maines, parent and
Natural guardian of Johnathan
Maines

SWORN and SUBSCRIBED before me this 23rd day of May, 2005.

Linda C. Lewis



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

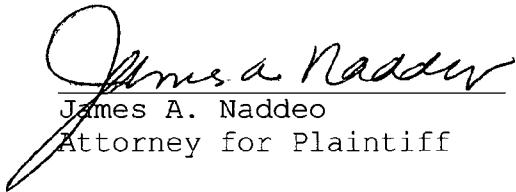
WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *
*
vs. * No. 05 - 362 - CD
*
STEPHANIE L. MOORE and *
CHARLES A. PASH, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Complaint filed in the above-captioned case was served on the following person(s) and in the following manner on the 15th day of June, 2005:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner
2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219



James A. Naddeo
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A.) CIVIL DIVISION
MAINES, husband and wife,)
Plaintiffs,) NO. 2005-00363-CD
vs.)) NO. 2005-00362-CD
)
STEPHANIE L. MOORE, CHARLES A.) MOTION TO CONSOLIDATE ACTIONS
PASH)
Defendants.)
*****) Filed on Behalf of Stephanie L. Pash, formerly
WADE A. MAINES and DARLENE A.) Stephanie L. Moore and Charles A. Pash
MAINES, husband and wife, and parents)
and natural guardians of JONATHAN) Counsel of Record for This Party:
MAINES, a minor)
Plaintiffs,) JOHN F. DEASY, ESQUIRE
vs.) PA I.D. 63269
STEPHANIE L. MOORE, CHARLES A.) Marshall, Dennehey, Warner,
PASH) Coleman & Goggin
Defendants.) 2900 US Steel Tower
) 600 Grant Street
) Pittsburgh, PA 15219
) 412-803-1140
)

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copy
FILED *cc*
7/19/2005 *Atty*
JUL 11 2005 *Deasy*

William A. Shaw
Prothonotary/Clerk of Courts

Original to 05-363-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A.) CIVIL DIVISION
MAINES, husband and wife,)
Plaintiffs,) NO. 2005-00363-CD
) NO. 2005-00362-CD
)
vs.)
)
STEPHANIE L. MOORE, CHARLES A.)
PASH)
)
Defendants.)

WADE A. MAINES and DARLENE A.)
MAINES, husband and wife, and parents)
and natural guardians of JONATHAN)
MAINES, a minor)
)
Plaintiffs,)
)
vs.)
)
STEPHANIE L. MOORE, CHARLES A.)
PASH)
)
Defendants.

MOTION TO CONSOLIDATE ACTIONS

AND NOW, comes Defendants, Stephanie L. Pash, formerly Stephanie L. Moore, and Charles A. Pash, by and through their attorneys, Marshall, Dennehey, Warner, Coleman & Goggin, and John F. Deasy, Esquire, and files the within Motion to Consolidate Actions and in support thereof avers as follows:

1. The actions filed by Plaintiffs at Docket Number 2005-00362-CD and Number 2005-00363-CD in the Court of Common Pleas of Clearfield County, Pennsylvania are personal injury actions arising out of a motor vehicle accident alleged to have occurred on or about May 15, 2003, in Clearfield County, Pennsylvania.

2. The Complaints allege that Jonathan Maines, a minor, was riding in a vehicle operated by his mother, Darlene Maines, which became involved in a collision with the vehicle operated by Stephanie L. Pash, formerly Stephanie L. Moore.

3. Pa.R.C.P. Rule 213(a) sets forth in part that in actions pending in a county which involve a common question of law or fact or which arise from the same transaction or occurrence, the court on its own motion or on the motion of any party may order a joint hearing or trial of any matter in issuing the actions, may order the actions consolidated, and may make any orders that avoid unnecessary cost or delay.

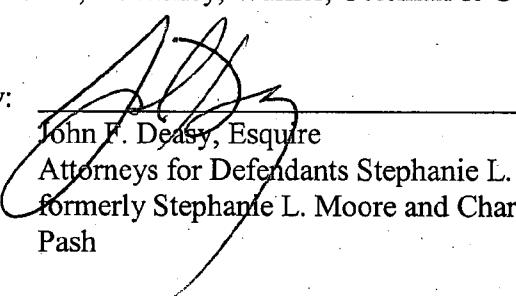
4. Since the lawsuits filed at docket number 2005-00362-CD and 2005-00363-CD arise out of the same motor vehicle accident, they will involve common questions of law and fact.

5. In the interest of judicial economy, efficiency and convenience, the actions should be consolidated.

WHEREFORE, Defendants respectfully request this Honorable Court grant the within Motion to Consolidate actions.

Respectfully submitted,

Marshall, Dennehey, Warner, Coleman & Goggin

By: 

John F. Deasy, Esquire
Attorneys for Defendants Stephanie L. Pash,
formerly Stephanie L. Moore and Charles A.
Pash

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A.) CIVIL DIVISION
MAINES, husband and wife,)
Plaintiffs,) NO. 2005-00363-CD
vs.) NO. 2005-00362-CD
STEPHANIE L. MOORE, CHARLES A.)
PASH)
Defendants.)

WADE A. MAINES and DARLENE A.)
MAINES, husband and wife, and parents)
and natural guardians of JONATHAN)
MAINES, a minor)
Plaintiffs,)
vs.)
STEPHANIE L. MOORE, CHARLES A.)
PASH)
Defendants.)

FILED *by*
120931 *cc*
JUL 14 2005 *Amy Deasy*

William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, to wit, this 13th day of JULY, 2005, it is hereby
ORDERED, ADJUDGED and DECREED, Defendants' Motion to Consolidate Actions is
granted. Accordingly, the separate actions filed at Docket Number 2005-00362-CD and Number
2005-00363-CD are consolidated for purposes of discovery and trial. Any additional pleadings
in this case shall be filed at Docket Number 2005-00362-CD.

By the Court:

Judie J. Kumerow J.

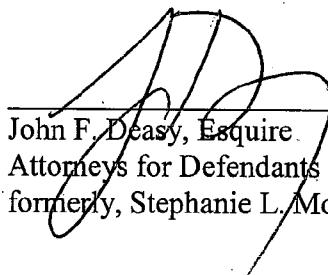
CERTIFICATE OF SERVICE

I hereby certify that I have served upon all persons listed below a true and correct copy of the **MOTION TO CONSOLIDATE ACTIONS** in the above-captioned matter by United States first-class mail, postage prepaid, this 7 day of July, 2005.

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
(*Attorney for Plaintiffs*)

**MARSHALL, DENNEHEY, WARNER
COLEMAN AND GOGGIN**

BY:


John F. Deasy, Esquire
Attorneys for Defendants Stephanie L. Pash,
formerly, Stephanie L. Moore and Charles A. Pash

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A. MAINES, husband and wife, and parents and natural guardians of JONATHAN MAINES, a minor) CIVIL DIVISION
vs.) NO. 2005-00362-CD
Plaintiffs,)
vs.) ANSWER AND NEW MATTER
STEPHANIE L. MOORE, CHARLES A. PASH)
Defendants.) Filed on Behalf of Stephanie L. Pash, formerly
) Stephanie L. Moore and Charles A. Pash
TO: PLAINTIFFS)
YOU ARE HEREBY NOTIFIED TO PLEAD) Counsel of Record for This Party:
TO THE ENCLOSED NEW MATTER) JOHN F. DEASY, ESQUIRE
WITHIN TWENTY (20) DAYS FROM THE) PA I.D. 63269
SERVICE HEREOF OR A DEFAULT)
JUDGMENT MAY BE ENTERED AGAINST) Marshall, Dennehey, Warner,
YOU.) Coleman & Goggin
John F. Deasy, Esquire)
Attorney for Defendants) 2900 US Steel Tower
) 600 Grant Street
) Pittsburgh, PA 15219
) 412-803-1140
)

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FILED ^{6P}
NO
cc
AUG 08 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A.) CIVIL DIVISION
MAINES, husband and wife, and parents)
and natural guardians of JONATHAN) NO. 2005-00362-CD
MAINES, a minor)
)
Plaintiffs,)
)
vs.)
)
STEPHANIE L. MOORE, CHARLES A.)
PASH)

Defendants.

ANSWER AND NEW MATTER

AND NOW, comes Defendants, Stephanie L. Pash, formerly Stephanie L. Moore, and Charles A. Pash, Defendants, by and through their attorneys, Marshall, Dennehey, Warner, Coleman & Goggin, P.C., and John F. Deasy, Esquire, and in response to the Plaintiffs' Complaint files the within Answer and New Matter and in support thereof avers as follows:

1. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.
2. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.
3. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.
4. Paragraph 4 of Plaintiffs' Complaint is denied. Defendant, Stephanie L. Moore, is now known as Stephanie L. Pash. She resides at P.O. Box 198, Grassflat, Pennsylvania 16839.
5. Paragraph 5 of Plaintiffs' Complaint is admitted.

FIRST COUNT

**JONATHAN MAINES, A MINOR, BY HIS PARENTS AND NATURAL GUARDIANS,
WADE A. MAINES AND DARLENE A. MAINES V. STEPHANIE L. MOORE**

6. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

7. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

8. Paragraph 8 of Plaintiffs' Complaint is admitted. By way of further Answer, Stephanie L. Moore is now known as Stephanie L. Pash.

9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Denied.

16. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

17. Paragraph 17, including sub-paragraphs a through g of the Plaintiffs' Complaint is denied.

18. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

19. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

20. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

21. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

WHEREFORE, Defendants demand judgment in their favor and against the Plaintiffs.

COUNT II

**JONATHAN MAINES, A MINOR, BY HIS PARENTS AND NATURAL GUARDIANS,
WADE A. MAINES AND DARLENE A. MAINES, VS. CHARLES A. PASH**

22. Paragraphs 1 through 21 are referred to and incorporated as if more fully set forth at length herein.

23. Paragraph 23 of Plaintiffs' Complaint is denied.

WHEREFORE, Defendants demand judgment in their favor and against the Plaintiffs.

COUNT III

**WADE A. MAINES AND DARLENE A. MAINES
VS. STEPHANIE L. MOORE AND CHARLES A. PASH**

24. Paragraphs 1 through 23 are referred to and incorporated as if more fully set forth at length herein.

25. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

WHEREFORE, Defendants demand judgment in their favor and against the Plaintiffs.

NEW MATTER

26. Paragraphs 1 through 26 are referred to and incorporated as if more fully set forth at length herein.

27. Plaintiffs' Complaint fails to state a proper cause of action against these Defendants.

28. In the event that it is determined that Plaintiffs' have failed to timely file their lawsuit, then these Defendants plead the applicable statute of limitations as a complete bar to this lawsuit.

29. In the event that it is determined that the Plaintiffs are bound by the limited tort selection and they cannot make a claim for pain and suffering in this lawsuit.

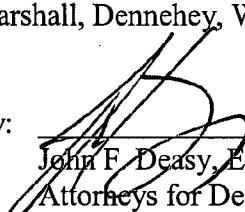
30. Defendants plead all applicable provisions of the Pennsylvania Motor Vehicle Financial Responsibility law as a complete or partial bar to the Plaintiffs' claims.

WHEREFORE, Defendants demand judgment in their favor and against all other parties.

Respectfully submitted,

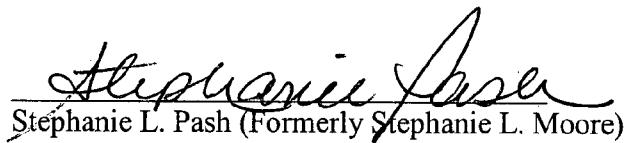
Marshall, Dennehey, Warner, Coleman & Goggin

By:


John F. Deasy, Esquire
Attorneys for Defendants Stephanie L. Moore
and Charles A. Pash

VERIFICATION

I, STEPHANIE L. PASH (FORMERLY STEPHANIE L. MOORE), verify that the averments of fact made in the foregoing ANSWER AND NEW MATTER are true and correct to the best of my knowledge, understanding and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.



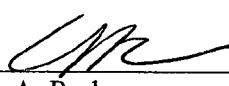
Stephanie L. Pash (Formerly Stephanie L. Moore)

DATE: 7/15/05

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VERIFICATION

I, CHARLES A. PASH, verify that the averments of fact made in the foregoing ANSWER AND NEW MATTER are true and correct to the best of my knowledge, understanding and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.



Charles A. Pash

DATE: 7/15/05

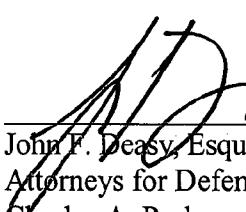
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CERTIFICATE OF SERVICE

I hereby certify that I have served upon all persons listed below a true and correct copy of the **ANSWER AND NEW MATTER** in the above-captioned matter by United States first-class mail, postage prepaid, this 9 day of August, 2005.

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
(*Attorney for Plaintiffs*)

**MARSHALL, DENNEHEY, WARNER
COLEMAN AND GOGGIN**

BY: 

John F. Deasy, Esquire
Attorneys for Defendants Stephanie L. Moore and
Charles A. Pash

\12_A\LIABJWD\LLPG\371864\HXS\21237\00225

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

WADE A. MAINES and DARLENE
A. MAINES, Husband and Wife,
and Parents and Natural
Guardians of JOHNATHAN
MAINES, a minor,

Plaintiffs,

vs.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

No. 05 - 362 - CD

* Type of Pleading:

* ANSWER TO NEW MATTER

* Filed on behalf of:

* Plaintiffs

* Counsel of Record for
this party:

* James A. Naddeo, Esq.

* Pa I.D. 06820

* 207 East Market Street

* P.O. Box 552

* Clearfield, PA 16830

* (814) 765-1601

FILED *cc*
013:34 AM *Atty Naddeo*
AUG 17 2005 *jm*

William A. Shaw
Prothonotary/Clerk of Courts

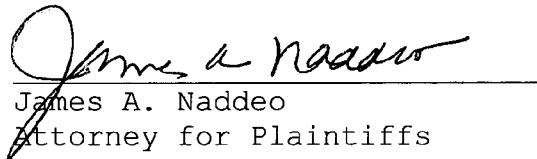
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WADE A. MAINES and DARLENE	*
A. MAINES, Husband and Wife,	*
and Parents and Natural	*
Guardians of JOHNATHAN	*
MAINES, a minor,	*
Plaintiffs,	*
	*
vs.	*
	No. 05 - 362 - CD
	*
STEPHANIE L. MOORE and	*
CHARLES A. PASH,	*
Defendants.	*

ANSWER TO NEW MATTER

NOW COME the Plaintiffs and by their attorney, James A. Naddeo, Esquire, set forth the following:

26. No answer required.
27. States a conclusion of law to which no answer is required.
28. Denied and on the contrary it is alleged that Plaintiffs' Complaint was timely.
29. States a conclusion of law to which no answer is required. To the extent that an answer may be required, it is alleged that Plaintiffs had full tort at the time of the accident.
- 30 Conclusion of law to which no answer is required.



James A. Naddeo
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared DARLENE A. MAINES, parent and natural guardian of Johnathan Maines, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of her knowledge, information and belief.

Darlene A. Maines
Darlene A. Maines

SWORN and SUBSCRIBED before me this 16th day of August, 2005.

Linda C. Lewis

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

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

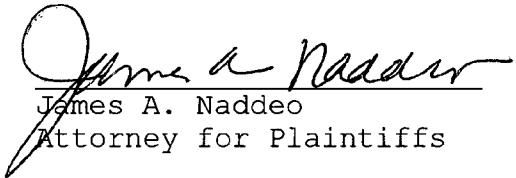
WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *
*
vs. * No. 05 - 362 - CD
*
STEPHANIE L. MOORE and *
CHARLES A. PASH, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Answer to New Matter filed in the above-captioned case was served on the following person(s) and in the following manner on the 17th day of August, 2005:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner
2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219


James A. Naddeo
Attorney for Plaintiffs

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

WADE A. MAINES and
DARLENE A. MAINES,
Husband and Wife,
Plaintiffs,

vs.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

* No. 05 - 362 - CD
* Consolidated with
* No. 05-363-CD

* Type of Pleading:

* ANSWER TO NEW
* MATTER

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED 1cc
013:3481 Atty Naddeo
AUG 17 2005
(m)

William A. Shaw
Prothonotary/Clerk of Courts

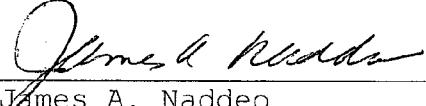
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WADE A. MAINES and	*
DARLENE A. MAINES,	*
Husband and Wife,	*
Plaintiffs,	*
	*
vs.	*
	No. 05 - 362 - CD
STEPHANIE L. MOORE and	*
CHARLES A. PASH,	Consolidated with
Defendants.	No. 05-363-CD
	*

ANSWER TO NEW MATTER

NOW COME the Plaintiffs and by their attorney, James A. Naddeo, Esquire, set forth the following:

26. No answer required.
27. States a conclusion of law to which no answer is required.
28. Denied and on the contrary it is alleged that Plaintiffs' Complaint was timely.
29. States a conclusion of law to which no answer is required. To the extent that an answer may be required, it is alleged that Plaintiffs had full tort at the time of the accident.
30. Conclusion of law to which no answer is required.
31. Conclusion of law to which no answer is required.



James A. Naddeo
Attorney for Plaintiffs

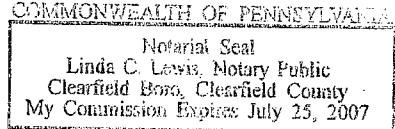
COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared DARLENE A. MAINES, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of her knowledge, information and belief.

Darlene A. Maines
Darlene A. Maines

SWORN and SUBSCRIBED before me this 16th day of August, 2005.

Linda C. Lewis



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

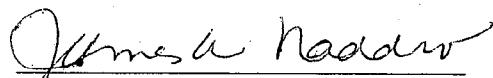
WADE A. MAINES and	*
DARLENE A. MAINES,	*
Husband and Wife,	*
Plaintiffs,	*
vs.	*
STEPHANIE L. MOORE and	No. 05 - 362 - CD
CHARLES A. PASH,	Consolidated with
Defendants.	No. 05-363-CD
	*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Answer to New Matter filed in the above-captioned case was served on the following person(s) and in the following manner on the _____ day of August, 2005:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner
2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219



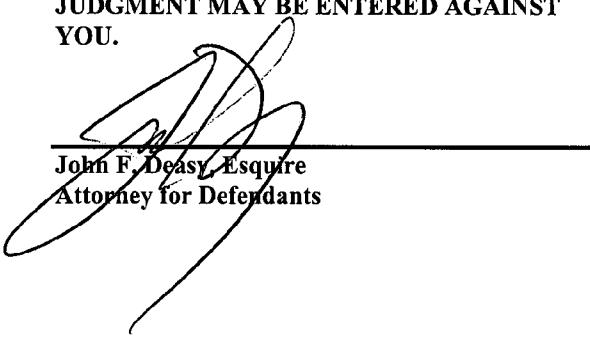
James A. Naddeo
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES and DARLENE A. MAINES, husband and wife, Plaintiffs, vs. STEPHANIE L. MOORE, CHARLES A. PASH Defendants.

TO: PLAINTIFFS

YOU ARE HEREBY NOTIFIED TO PLEAD TO THE ENCLOSED NEW MATTER WITHIN TWENTY (20) DAYS FROM THE SERVICE HEREOF OR A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU.


John F. Deasy, Esquire
Attorney for Defendants

) CIVIL DIVISION
))
)) NO. 2005-00363-CD
))
)) CONSOLIDATED at No. 2005-00362-CD
))
))
))
)) ANSWER AND NEW MATTER
))
))
)) Filed on Behalf of Stephanie L. Pash (formerly
)) Stephanie L. Moore) and Charles A. Pash
))
)) Counsel of Record for This Party:
))
)) JOHN F. DEASY, ESQUIRE
)) PA I.D. 63269
))
)) Marshall, Dennehey, Warner,
)) Coleman & Goggin
))
)) 2900 US Steel Tower
)) 600 Grant Street
)) Pittsburgh, PA 15219
)) 412-803-1140

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FILED
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AUG 22 2005
cc

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE A. MAINES and DARLENE A.) CIVIL DIVISION
MAINES, husband and wife,)
Plaintiffs,) NO. 2005-00363-CD
vs.) CONSOLIDATED at No. 2005-00362-CD
STEPHANIE L. MOORE, CHARLES A.)
PASH)
Defendants.)

DEFENDANTS ANSWER AND NEW MATTER

AND NOW, come the Defendants, Stephanie L. Pash (Formerly Stephanie L. Moore), and Charles A. Pash, by and through their attorneys, MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN, P.C., JOHN F. DEASY, ESQUIRE, and in response to the Plaintiffs' Complaint files the within Answer and New Matter, and in support thereof avers as follows:

1. After reasonable investigation Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.
2. Paragraph 2 of Plaintiffs' Complaint is denied. Stephanie Moore is now known as Stephanie Pash and she resides at Grassflat, Pennsylvania.
3. Paragraph 3 of Plaintiff's Complaint is admitted.

**FIRST COUNT – DARLENE A MAINES V. STEPHANIE L. PASH (FORMERLY
STEPHANIE L. MOORE)**

4. After reasonable investigation Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.
5. Paragraph 5 of Plaintiffs' Complaint is admitted.
6. Paragraph 6 of Plaintiffs' Complaint is admitted.

7. Paragraph 7 of Plaintiffs' Complaint is admitted.
8. Paragraph 8 of Plaintiffs' Complaint is admitted.
9. Paragraph 9 of Plaintiffs' Complaint is admitted.
10. Admitted.
11. Paragraph 11 of Plaintiffs' Complaint is admitted.
12. Paragraph 12 of Plaintiffs' Complaint is denied.
13. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or the falsity of the averments contained therein.
14. Paragraph 14 including subparagraphs (a) through (g) of the Plaintiffs' Complaint is denied.
15. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.
16. After reasonable investigations, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.
17. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.
18. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.
19. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

WHEREFORE, answering Defendants demand judgment in their favor and against Plaintiff.

SECOND COUNT – DARLENE A MAINES V. CHARLES A. PASH

20. Paragraphs 1 through 19 of Plaintiffs' Complaint are referred to and incorporated as if set forth fully at length herein.

21. Paragraph 21 of Plaintiffs' Complaint is denied.

WHEREFORE, Defendants demand Judgment in their favor and against Plaintiff.

THIRD COUNT – WADE A MAINES V. STEPHANIE L. PASH (FORMERLY STEPHANIE L. MOORE) AND CHARLES A. PASH

22. Paragraphs 1 through 21 of Plaintiff's Complaint are referred to and incorporated as if set forth fully at length herein.

23. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

24. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

25. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained therein.

WHEREFORE, Defendants demand judgment in their favor and against the Plaintiff.

NEW MATTER

26. Paragraphs 1 through 25 of Plaintiff's Complaint are referred to and incorporated as if set forth fully at length herein.

27. Plaintiffs' Complaint fails to state a proper cause of action against these Defendants.

28. In the event it is determined that Plaintiffs have failed to timely file their lawsuit, then these Defendants plead the applicable statute of limitations.

29. In the event it is determined that the Plaintiff wife is bound by the limited tort selections then she cannot make a claim for pain and suffering in this lawsuit.

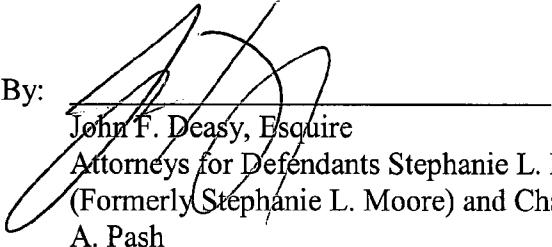
30. Defendants plead all applicable provisions of the Pennsylvania Motor Vehicle Financial Responsibility Laws and complete or partial bar to the Plaintiffs' claim.

31. Wade A. Maines' claim is a claim for loss of consortium and is entirely derivative of the Plaintiff wife's claim and, therefore, is barred and / or limited to the same extent Plaintiff wife's claim is barred or limited.

WHEREFORE, Defendants demand judgment in their favor and against all other parties.

Respectfully submitted,

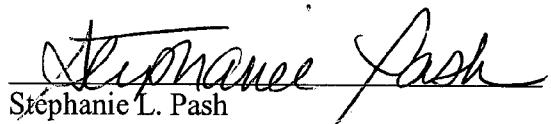
Marshall, Dennehey, Warner, Coleman & Goggin

By: 

John F. Deasy, Esquire
Attorneys for Defendants Stephanie L. Pash
(Formerly Stephanie L. Moore) and Charles
A. Pash

VERIFICATION

I, STEPHANIE L. PASH, formerly STEPHANIE L. MOORE, verify that the averments of fact made in the foregoing ANSWER AND NEW MATTER are true and correct to the best of my knowledge, understanding and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.


Stephanie L. Pash

DATE: 7/29/05

V12_A\LIAB\JWD\LLPG\371864\HXS\21237\00225

VERIFICATION

I, CHARLES A. PASH, verify that the averments of fact made in the foregoing ANSWER AND NEW MATTER are true and correct to the best of my knowledge, understanding and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.



Charles A. Pash

DATE: 7/29/07

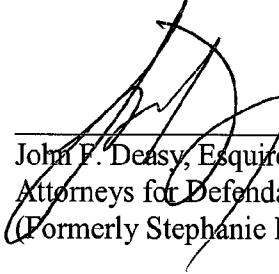
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CERTIFICATE OF SERVICE

I hereby certify that I have served upon all persons listed below a true and correct copy of the **ANSWER AND NEW MATTER** in the above-captioned matter by United States first-class mail, postage prepaid, this 19 day of August, 2005.

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
(*Attorney for Plaintiffs*)

**MARSHALL, DENNEHEY, WARNER
COLEMAN AND GOGGIN**

BY: 

John F. Deasy, Esquire
Attorneys for Defendants Stephanie L. Pash
(Formerly Stephanie L. Moore) and Charles A. Pash

\12_A\LIAB\JWD\LLPG\370875\CDZ\21237\00225

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

WADE A. MAINES and *
DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs, *
*
vs. * No. 05 - 362 - CD
* Consolidated with
STEPHANIE L. MOORE and * No. 05-363-CD
CHARLES A. PASH, *
Defendants. *
*
*
* Type of Pleading:
*
* CERTIFICATE OF SERVICE
*
*
* Filed on behalf of:
* Plaintiffs
*
* Counsel of Record for
* this party:
*
*
* James A. Naddeo, Esq.
* Pa I.D. 06820
*
* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

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William A. Shaw
Prothonotary/Clerk of Courts
No Court Copy

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

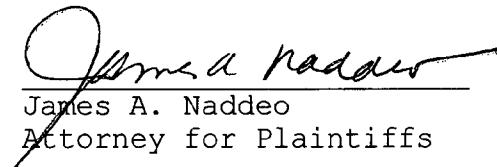
WADE A. MAINES and *
DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs, *
*
vs. * No. 05 - 362 - CD
* Consolidated with
STEPHANIE L. MOORE and * No. 05-363-CD
CHARLES A. PASH, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Answers to Interrogatories directed to Wade A. Maines and Darlene A. Maines in the above-captioned case was served on the following person(s) and in the following manner on the 6th day of September, 2005:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner
2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219



James A. Naddeo
Attorney for Plaintiffs

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

WADE A. MAINES and
DARLENE A. MAINES,
Husband and Wife,
Plaintiffs,

vs.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

*
*
*
*
*

* No. 05 - 362 - CD
* Consolidated with

* No. 05-363-CD

*
*
*

* Type of Pleading:

* CERTIFICATE OF SERVICE

*
*
*

* Filed on behalf of:
* Plaintiffs

*
*
*

* Counsel of Record for
* this party:

*

*

* James A. Naddeo, Esq.
* Pa I.D. 06820

*

* 207 East Market Street

* P.O. Box 552

* Clearfield, PA 16830

* (814) 765-1601

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cc

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE A. MAINES and	*
DARLENE A. MAINES,	*
Husband and Wife,	*
Plaintiffs,	*
	*
vs.	*
	No. 05 - 362 - CD
	*
STEPHANIE L. MOORE and	Consolidated with
CHARLES A. PASH,	*
Defendants.	*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Answers to Request for Production of Documents directed to Wade A. Maines and Darlene A. Maines in the above-captioned case was served on the following person(s) and in the following manner on the 23rd day of September, 2005:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner
2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219



James A. Naddeo
Attorney for Plaintiffs

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

WADE A. MAINES and
DARLENE A. MAINES,
Husband and Wife,
Plaintiffs,

vs.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

* * * *

* No. 05 - 362 - CD
* Consolidated with
* No. 05-363-CD

* No. 05-363-CD

六

* Type of Pleading:

* CERTIFICATE OF SERVICE

六

1

* Filed on behalf of:
* Plaintiffs

4

* Counsel of Record for
* this party:

★

* James A. Naddeo, Esq.
* Pa. T.D. 06820

1

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED 1cc
01/10/39 61
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William A. Shaw
Prothonotary/Clerk of Courts

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

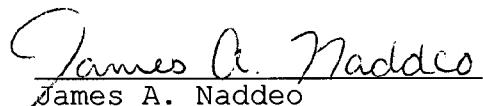
WADE A. MAINES and	*
DARLENE A. MAINES,	*
Husband and Wife,	*
Plaintiffs,	*
	*
vs.	*
	No. 05 - 362 - CD
	*
STEPHANIE L. MOORE and	Consolidated with
CHARLES A. PASH,	*
Defendants.	*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Answers to Request for Production of Documents directed to Wade A. Maines and Darlene A. Maines and Answers to Request for Production of Documents in the above-captioned case was served on the following person(s) and in the following manner on the 24th day of October, 2005:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner
2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219



James A. Naddeo
Attorney for Plaintiffs

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

WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *
*
vs. * No. 05 - 362 - CD
*
STEPHANIE L. MOORE and *
CHARLES A. PASH, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Answers to Request for Production of Documents and Answers to Interrogatories filed in the above-captioned case was served on the following person(s) and in the following manner on the 24th day of October, 2005:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner
2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219

James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

WADE A. MAINES and DARLENE
A. MAINES, Husband and Wife,
and Parents and Natural
Guardians of JOHNATHAN
MAINES, a minor,
Plaintiffs,

vs.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

* No. 05 - 362 - CD

* Type of Pleading:

* CERTIFICATE OF SERVICE

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED

03/3864
JUN 13 2006

CC Atty Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

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

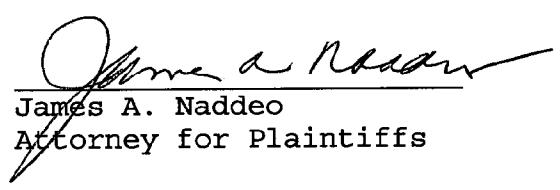
WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *
*
vs. * No. 05 - 362 - CD
*
STEPHANIE L. MOORE and *
CHARLES A. PASH, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a Notice of Taking Deposition for Stephanie Moore Pash filed in the above-captioned case was served on the following person and in the following manner on the 13th day of June, 2006:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner
2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219



James A. Naddeo
Attorney for Plaintiffs

CA

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

WADE A. MAINES and DARLENE
A. MAINES, Husband and Wife,
and Parents and Natural
Guardians of JOHNATHAN
MAINES, a minor,
Plaintiffs,

*
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*
*

v.

* No. 05-362-CD
* Consolidated with
* No. 05-363-CD
*
*
*

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

*
*
*
*

Type of Pleading:

*
*
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*

**PRAECIPE TO LIST
FOR TRIAL**

*
*
*

Filed on behalf of:
* Plaintiffs

*
*

Counsel of Record for
* this party:

*
*
*

James A. Naddeo, Esq.
* Pa I.D. 06820

*
*
*

207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED
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William A. Shaw
Prothonotary

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

WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *
*
v. * No. 05-363-CD
* Consolidated with
STEPHANIE L. MOORE and * No. 05-363-CD
CHARLES A. PASH, *
Defendants. *

PRAECIPE TO LIST FOR TRIAL

TO THE PROTHONOTARY:

Please place the above-captioned matter on the next list for trial. In support thereof I certify the following:

1. There are no Motions outstanding.
2. Discovery has been completed and the case is ready for trial.
3. The case is to be heard by jury.
4. Notice of the Praecipe has been given to opposing counsel.
5. The time for trial is estimated at two/three (2/3) days.

James A. Naddeo

James A. Naddeo, Esquire
Attorney for Plaintiff

Date: August 8, 2006

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

WADE A. MAINES and	*
DARLENE A. MAINES,	*
Husband and Wife,	*
Plaintiffs,	*
	*
v.	*
	No. 05-362-CD
STEPHANIE L. MOORE and	*
CHARLES A. PASH,	*
Defendants.	*
	No. 05-363-CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praecipe To List For Trial in the above-captioned case was served on the following person(s) and in the following manner on the 8th day of August, 2006:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner
2900 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219

James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

WADE A. MAINES and DARLENE A. MAINES,
Husband and Wife, and Parents and Natural
Guardians of JONATHAN MAINES, a minor,
Plaintiffs

VS

STEPHANIE L. MOORE and CHARLES A. PASH,
Defendants

363
NO. 05-~~263~~-CD
Consolidated with
NO. 05-363-CD

ORDER

AND NOW, this 2nd day of January, 2007, it is the ORDER of this Court that the Pre-Trial Conference in the above matter shall be held on the **24th day of January, 2007 at 9:00 a.m. in Chambers.**

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

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01/31/59 B&W
JAN 03 1959
William A. Shaw
Prothonotary/Clerk of Courts
1CC Atty's:
Naddeo
Deasy

DATE: 1/3/07

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
 Special Instructions:

FILED

JAN 03 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE A. MAINES and DARLENE
A. MAINES, Husband and Wife,
and Parents and Natural
Guardians of JOHNATHAN
MAINES, a minor,
Plaintiffs,

v.

STEPHANIE L. MOORE and
CHARLES A. PASH,
Defendants.

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* No. 05-362-CD
* Consolidated with
* No. 05-363-CD
*
*
*

* Type of Pleading:

* PETITION and ORDER
* TO APPROVE SETTLEMENT
*

* Filed on behalf of:
* Minor Plaintiff
*

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820
*

* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

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FEB 26 2007 Atty Naddeo
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William A. Shaw
Prothonotary/Clerk of Courts

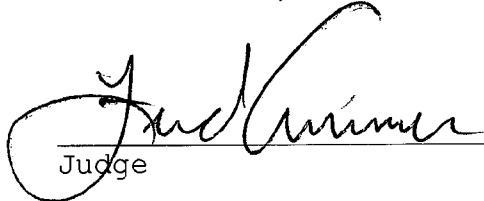
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *
*
v. * No. 05-362-CD
* Consolidated with
STEPHANIE L. MOORE and * No. 05-363-CD
CHARLES A. PASH, *
Defendants. *

ORDER

AND NOW this 27 day of Feb., 2007, upon
consideration of the Petition to Approve Settlement filed by James
A. Naddeo, Attorney for Johnathan Maines, a minor, it is the Order
of this Court that this case will be heard before the Court on the
30th day of March, 2007, at 9:30A.M., at the Clearfield
County Courthouse, Clearfield, Pennsylvania, Courtroom No. 1.

BY THE COURT,



Judge

FILED
03/16/07
FEB 27 2007
Atty Naddeo
cc
GR

William A. Shaw
Prothonotary/Clerk of Courts

DATE 2/27/07

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:

FILED

FEB 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE A. MAINES and DARLENE	*
A. MAINES, Husband and Wife,	*
and Parents and Natural	*
Guardians of JOHNATHAN	*
MAINES, a minor,	*
Plaintiffs,	*
	*
v.	*
	No. 05-362-CD
	*
STEPHANIE L. MOORE and	Consolidated with
CHARLES A. PASH,	*
Defendants.	*

PETITION TO APPROVE SETTLEMENT

NOW COMES Darlene A. Maines, parent and natural guardian of Johnathan Maines, a minor, and by her attorney, James A. Naddeo, and sets forth the following:

1. That your Petitioner is Darlene A. Maines, an adult individual who resides at 18 Bills Road, Clearfield, Pennsylvania 16830.
2. That your Petitioner is the parent and natural guardian of the minor Plaintiff, Johnathan Maines, age 9, born February 5, 1998.
3. That the Defendant, Stephanie L. Moore, was the operator of a motor vehicle which was owned by the Defendant, Charles A. Pash.
4. That on May 15, 2003 the minor Plaintiff, Johnathan Maines, was the passenger in the second rear seat of

an 1985 Ford Econoline Van operated by your Petitioner, Darlene A. Maines.

5. That the vehicle operated by Darlene A. Maines was struck by the vehicle operated by Stephanie L. Moore causing injuries to the minor Plaintiff, Johnathan Maines.

6. That Petitioner employed James A. Naddeo, Esquire, to pursue a claim for damages on her behalf and on behalf of her son.

7. That Petitioner caused suit to be filed on behalf of her son against Stephanie L. Moore and Charles A. Pash to the above-captioned term and number.

8. That counsel for Petitioner was able to negotiate a settlement of the Minor Plaintiff's claim for the sum of Twelve Thousand (\$12,000.00) Dollars.

9. That in return for payment of the settlement amount, your Petitioner will be required to execute a Release of the Defendants in the form attached hereto as Exhibit "A".

10. That counsel for Petitioner has agreed to accept the sum of Two Thousand Five Hundred (\$2,500.00) as attorney fees.

11. That there are unpaid medical bills due to Susan I. Harchak, DC in the amount of \$1,017.00.

12. That your Petitioner proposes that the settlement fund be allocated as follows:

James A. Naddeo, Esquire
Attorney's fees \$ 2,500.00

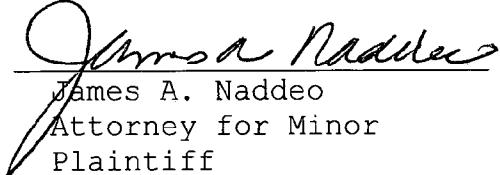
Susan I. Harchak, DC
Medical bills 1,017.00

Johnathan Maines
Minor Plaintiff 8,483.00

WHEREFORE, Petitioner respectfully requests that your Honorable Court after hearing to approve settlement on behalf of the Minor Plaintiff and to authorize his parent and natural guardian to execute the Release in the form attached hereto as Exhibit "A".

Respectfully submitted,

NADDEO & LEWIS, LLC

By 
James A. Naddeo
Attorney for Minor
Plaintiff

RELEASE, INDEMNIFICATION AND MUTUAL CONFIDENTIALITY
AND SETTLEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

THIS RELEASE AND SETTLEMENT AGREEMENT (hereinafter referred to as "Release") is made and entered into by and between Darlene A. Maines, parent and natural guardian of Johnathan Maines, a minor, (hereinafter referred to as "Plaintiff") and Stephanie L. Moore and Charles A. Pash (hereinafter referred to as "Defendants").

WHEREAS, the Plaintiff has presented a claim against Defendants arising out of an incident which occurred on May 15, 2003, as more fully described in the Complaint filed by Plaintiffs in the Court of Common Pleas of Clearfield County, Pennsylvania, at No.: 2005-00363 and consolidated at No.: 2005-00362-CD ("the Lawsuit"), and

WHEREAS, the Plaintiffs and Defendants desire to settle the matters raised in the Lawsuit, together with any and all other matters pertaining to the parties named herein and the above noted incident, that might have been raised, that could be raised, that could have been raised, or that might be raised in the future, and

WHEREAS, all parties to the Lawsuit wish to make a full, complete, and final settlement of all those matters.

NOW THEREFORE, with the foregoing background being incorporated herein by reference, and made part hereof, Plaintiffs, for and in consideration of the total sum and sole consideration of Twelve Thousand (\$12,000.00) Dollars to Plaintiff, payable by the Defendants, Plaintiffs' receipt of which is hereby acknowledged, does hereby remise, release, and forever discharge, and by these presents, does for herself, her successors, administrators, assigns, heirs and executors, remise, release, and forever discharge Defendant and its respective past, present, and future officers, directors, stockholders, insurers, attorneys, agents, servants, representatives, employees, subsidiaries, affiliates, partners, predecessors, and successors in interest and assigns, insurers and any and all other persons, firms, or corporations with whom any of the former have been, are now, or may hereafter be affiliated, together with any and all other persons, firms or corporations, of and from any and all past, present, or future claims, demands, obligations, actions, causes of action, liens, rights, damages, costs, expenses, and compensation of any nature whatsoever, whether based on a tort, contract or other theory of recovery, and whether for compensatory or punitive damages, which the Plaintiffs now have, or which may hereafter accrue or otherwise be acquired, on account of, or in any way growing out of, or which are the subject of the Lawsuit (and all related pleadings) including, without limitation, any and all known or unknown claims for bodily and personal injuries to Plaintiffs, and the consequences thereof, which have resulted or may result from the alleged negligent or intentional acts or omissions of the Defendants. This Release, on the part of the Plaintiff, shall be a fully binding and complete settlement between the Plaintiff, the Defendants and all parties represented by or claiming through the Plaintiff, including any claims for loss of consortium, save only the executory provisions of this Release and Settlement Agreement.

EXHIBIT "A"

Each party hereto shall bear all attorneys fees and costs arising from their actions or the actions of their own counsel in connection with the Complaint, this Release and Settlement Agreement and the matters and documents referred to herein and all related matters.

The Plaintiff hereby acknowledges and agrees that the Release set forth hereinabove is a General Release, and she further expressly waives and assumes the risk of any and all claims for damages which exist as of this date, but which the Plaintiff does not know of or suspect to exist, whether through ignorance, oversight, error, negligence, or otherwise, and which, if known, would materially affect her decision to enter into this Release and Settlement Agreement. The Plaintiff further agrees that she accepted payment of the sums specified herein as a complete compromise of matters involving disputed issues of law and fact, and they fully assume the risk that the facts or the law may be otherwise than they believe.

Counsel for Plaintiff will file with the Court and deliver to Counsel for Defendants an executed Praeclipe to Discontinue and End the Lawsuit described hereinabove.

The Plaintiff represents and warrants that no other person or entity has or has had any interest in the claims, demands, obligations, or causes of action referred to in this Release and Settlement Agreement; that she have the sole and exclusive right to receive the sums specified in it; and, that she has not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations, or causes of action referred to in this Release and Settlement Agreement.

The Plaintiff agrees and acknowledges that she accepts payment of the sums specified in this Release and Settlement Agreement as a full and complete compromise of matters involving disputed issues; that neither payment of the sums by the Defendants nor the negotiations for this settlement (including all statements, admissions or communications) by the Defendants, or their attorneys or representatives shall be considered admissions by any of the said parties; and that no past or present wrongdoing on the part of the Defendants shall be implied by such payment or negotiations.

Plaintiff agrees to indemnify and hold harmless the Defendants from, and to satisfy in full, any and all claims or liens presently existing or that might exist in the future against the Plaintiff on the settlement fund herein by any person, entity, or corporation.

This Release and Settlement Agreement contains the entire agreement between the Plaintiff and the Defendants with regard to the matters set forth in it and shall be binding upon and inure to the benefit of the executors, administrators, personal representatives, heirs, successors, and assigns of each. There are no other understandings or agreements, verbal or otherwise, in relation thereto, between the Plaintiff and Defendants.

In entering into this Release and Settlement Agreement, the Plaintiff represents that she has relied upon the legal advice of their attorney, James Naddeo, Esquire, who is the attorney of her own choice, and that the terms of this Release and Settlement Agreement have been completely read and explained to her by her attorney, and that those terms are fully understood and voluntarily accepted by her.

The parties hereto enter into this Release and Settlement Agreement in the Commonwealth of Pennsylvania, and said document shall be construed and interpreted in accordance with its laws.

Plaintiffs, intending to be legally bound by the terms of this Release and Settlement Agreement hereunto, set their hands and seals this _____ day of _____, 2007.

**CAUTION: READ BEFORE SIGNING.
THIS IS A RELEASE.**

WITNESS

PLAINTIFF, Darlene A. Maines,
Parent and Natural Guardian of
Johnathan Maines

Sworn to and Subscribed

Before me this _____ Day

Of _____ 2007.

NOTARY PUBLIC

\12_A\LIABUFDEASY\RELS\446430\czdavis\21237\00225

COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared DARLENE A. MAINES, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

Darlene a maines
Darlene A. Maines

SWORN and SUBSCRIBED before me this 16th day of February, 2007.

Linda C. Lewis

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

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

WADE A. MAINES and DARLENE *
A. MAINES, Husband and Wife, *
and Parents and Natural *
Guardians of JOHNATHAN *
MAINES, a minor, *
Plaintiffs, *

v. * No. 05-362-CD
* Consolidated with
STEPHANIE L. MOORE and * No. 05-363-CD
CHARLES A. PASH, *
Defendants. *

FILED 3cc
04/01/07 Atty
MAR 30 2007 Naddeo
William A. Shaw (will serve)
Prothonotary/Clerk of Courts
6W

ORDER

AND NOW this 30th day of March, 2007, after hearing on the Petition of Darlene A. Maines, parent and natural guardian of Johnathan Maines, a minor, seeking court approval of settlement, it is the ORDER of this Court that the settlement reached between Darlene A. Maines as parent and natural guardian of Johnathan Maines and the insurance carrier for Stephanie L. Moore in the amount of Twelve Thousand (\$12,000.00) Dollars is hereby approved.

It is the further ORDER of this Court that distribution of the settlement fund be made as follows:

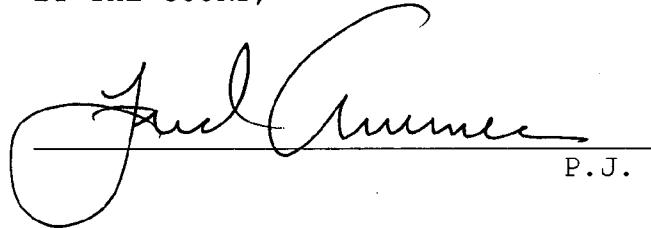
James A. Naddeo, Esquire	
Attorney's fees	\$ 2,500.00
Susan I. Harchak, DC	
Medical bills	1,017.00
Johnathan Maines	
Minor Plaintiff	8,483.00

In lieu of the entry of security, the guardian is authorized and directed to invest all funds belonging to the minor, Johnathan Maines, in restricted savings certificates and savings accounts. Each savings certificate purchased shall be marked: "Not to be redeemed except for renewal in its entirety, nor to be withdrawn, assigned, negotiated, or otherwise alienated before February 5, 2016, except on Order of Court". Each savings account deposit book shall be marked: "Not to be withdrawn before February 5, 2016 except on Order of Court except for payment of state and federal income taxes on the interest earned by the minor's estate or on Order of Court.

The bank or savings institution may pay over the investments as provided in this Order when the minor attains his majority, on February 5, 2016, without further order of the Court.

Finally, it is the ORDER of this Court that the Release entered into the record as Exhibit "A" is accepted and approved and that Darlene A. Maines in her capacity as parent and natural guardian of Johnathan Maines is hereby authorized to execute said release on his behalf.

BY THE COURT,



A handwritten signature in black ink, appearing to read "Darlene Maines", is written over a horizontal line. Below the line, the initials "P.J." are handwritten.

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

WADE A. MAINES and *
DARLENE A. MAINES, *
Husband and Wife, *
and Parents and Natural *
Guardians of Johnathan *
Maines, a minor, *
Plaintiffs, *
*
vs. * No. 05 - 362 - CD
*
STEPHANIE L. MOORE and *
CHARLES A. PASH, *
Defendants. *

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned case settled and discontinued.

Naddeo & Lewis, LLC

By: James A. Naddeo
James A. Naddeo, Esquire
Attorney for Plaintiffs

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

WADE A. MAINES and	*
DARLENE A. MAINES,	*
Husband and Wife,	*
and Parents and Natural	*
Guardians of Johnathan	*
Maines, a minor,	*
Plaintiffs,	*
	*
vs.	*
	No. 05 - 362 - CD
	*
STEPHANIE L. MOORE and	*
CHARLES A. PASH,	*
Defendants.	*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praeclipe to Settle and Discontinue was served on the following and in the following manner on the 25th day of April, 2007:

First-Class Mail, Postage Prepaid

John F. Deasy, Esquire
Marshall, Dennehey, Warner, Coleman & Goggin
600 Grant Street
Suite 2900
Pittsburgh, PA 15219

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs,

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

**Wade A. Maines
Darlene A. Maines
Johnathan Maines**

Vs.
**Stephanie L. Moore
Charles A. Pash**

No. 2005-00362-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 25, 2007, marked:

Settled and Discontinued

Record costs in the sum of \$92.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of April A.D. 2007.



William A. Shaw, Prothonotary