

05-363-CD
Wade Maines et al vs. Moore et al

Wade Maines et al v. Stephanie Moore et
2005-363-CD

FILED Noce
01/10:51/2 writs to shff
MAR 16 2005 July pd 85.00
William A Shaw
Prothonotary/Clerk of Courts

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

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

vs.

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

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No. 05 - - CD

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 Plaintiff

Dated: 3/16/05

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

Lap over margin

FILED
MAR 16 2005
Proctor & Ketchum, LLP

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

COPY

SUMMONS

**Wade A. Maines and
Darelene Maines, husband
and wife**

Vs.

NO.: 2005-00363-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

FILED 2 Reissued
d/35481 to SHff
APR 14 2005 No CC
William A. Shaw Any pd. 7.00
Notary/Clerk of Courts

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

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

vs.

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

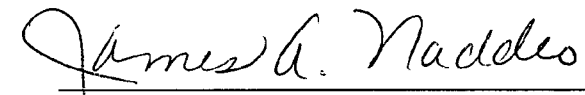
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No. 05 - 363 - CD

PRAECIPE TO REISSUE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

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


James A. Naddeo, Esquire
Attorney for Plaintiff

JAMES A. NADDEO

ATTORNEY AT LAW

207 EAST MARKET STREET

P.O. BOX 5521
CLEARFIELD, PENNSYLVANIA 16830

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 ACTION

COPY

SUMMONS

Wade A. Maines and
Darelene Maines, husband
and wife

Vs.

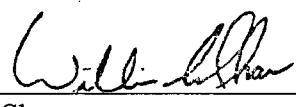
NO.: 2005-00363-CD

Stephanie L. Moore
Charles A. Pash

TO: STEPHANIE L. MOORE
CHARLES A. PASH

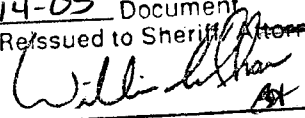
To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s) has/have commenced a Civil Action against you.

Date: 03/16/2005


William A. Shaw
Prothonotary

Issuing Attorney:

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

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100305
NO: 05-363-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: WADE A. MAINES and DARELENE MAINES
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 /

ck FILED
01257301
APR 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100305
NO: 05-363-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: WADE A. MAINES and DARELENE MAINES
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 # 100305
NO: 05-363-CD
SERVICES 2
SUMMONS

PLAINTIFF: WADE A. MAINES and DARELENE MAINES
vs.
DEFENDANT: STEPHANIE L. MOORE and CHARLES A. PASH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	17060	20.00
SHERIFF HAWKINS	NADDEO	17060	60.01

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

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.

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

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No. 05 - 363 - CD

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,
Plaintiffs,

vs.

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

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No. 05 - 363 - CD

COMPLAINT

NOW COME the Plaintiffs, Wade A. Maines and Darlene A. Maines, husband and wife, 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 Defendant, Stephanie L. Moore, is an adult individual who resides at R. R. 2, Box 138, Curwensville, Pennsylvania 16833.

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

First Count

Darlene A. Maines v. Stephanie L. Moore

4. 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.

5. 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.

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

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

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

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

10. 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.

11. 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.

12. 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.

13. That as a result of the collision described in Paragraph 15 hereof, Plaintiff, Darlene A. Maines, was thrown generally forwards and backwards within the vehicle which she operating causing the numerous and serious injuries hereinafter set forth.

14. 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 Plaintiff, Darlene A. 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 Plaintiff, Darlene A. 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 Plaintiff, Darlene A. 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.

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

A. Sprain/Strain - cervical spine;

- B. Hyperextension/Hyperflexion injury;
- C. Sprain/strain - lumbar spine;
- D. Brachial radiculitis;
- E. Bulging disc cervical spine;
- F. Bruise to nose.

16. That the Plaintiff, Darlene A. Maines, has incurred expenses for the treatment of her injuries in an amount in excess of the available first party medical coverage.

17. That the Plaintiff, Darlene A. Maines, continues to incur medical expenses for the treatment of the injuries referred to in Paragraph 15 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.

18. That the Plaintiff, Darlene A. Maines, incurred the following expenses:

- A. Damaged Hoover Wind Tunnel sweeper - \$198.33;
- B. Replace groceries - \$29.28;
- C. Replace broken eyeglasses - \$262.00;
- D. Replace broken stroller - Eddie Bauer collection - \$219.99;
- E. Replace ruined clothing - \$353.43.

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

Second Count

Darlene A. Maines v. Charles A. Pash

20. That the Plaintiff, Darlene A. Maines, incorporates Paragraphs 1 through 19 of the First Count of this Complaint by reference and makes them a part hereof.

21. 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 Plaintiff, Darlene A. 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 v. Stephanie L. Moore and Charles A. Pash

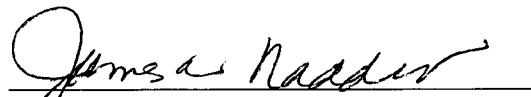
22. That the Plaintiff, Wade A. Maines, incorporates Paragraphs 1 through 21 of this Complaint by reference and makes them a part hereof.

23. That the Plaintiff, Wade A. Maines, is the husband of Darlene A. Maines having been married to her on December 21, 1985.

24. That at all times referred to herein, the Plaintiff, Wade A. Maines, was residing with his wife, Darlene A. Maines, and continues to reside with her up to the date of this Complaint.

25. That as a result of the injuries suffered by the Plaintiff, Darlene A. Maines, the Plaintiff, Wade A. Maines, has been deprived of the services and society of his wife and will continue to be so deprived for an indefinite period of time in the future.

WHEREFORE, the Plaintiff, Wade A. Maines, claims damages from the Defendants, Stephanie L. Moore and Charles A. Pash, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.


James A. Naddeo
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared DARLENE A. 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

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

India C. Luv

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,
Plaintiffs,

vs.

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

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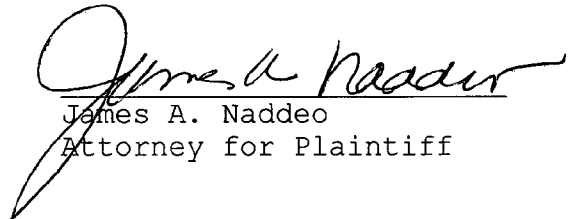
No. 05 - 363 - CD

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

GA

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.

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.

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) CIVIL DIVISION

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) NO. 2005-00363-CD

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MOTION TO CONSOLIDATE ACTIONS

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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William A. Shaw
Prothonotary/Clerk of Courts

WADE A. MAINES and DARLENE A.) CIVIL DIVISION
 MAINES, husband and wife,)
) NO. 2005-00363-CD
 Plaintiffs,) 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.)

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.
MAINES, husband and wife,

Plaintiffs,

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.

) CIVIL DIVISION

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) NO. 2005-00363-CD

) NO. 2005-00362-CD

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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:

Frederick J. Zimmerman J.

FILED
JUL 14 2005
William A. Shaw
Prothonotary/Clerk of Courts

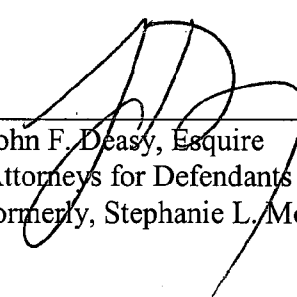
CERTIFICATE OF SERVICE

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

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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DARLENE A. MAINES,
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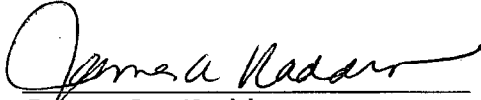
No. 05 - 363 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that
Interrogatories Directed to Defendants were served on the
following person(s) and in the following manner on the 2nd 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