

05-405-CD

W. Maines et al vs. Douglas Daulton

2005-405-CD

Wade Maines et al v. Douglas Perkins

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

HEATHER L. MAINES, an individual, *
Plaintiff, *
vs. * No. 05 - 402 - CD

DOUGLAS S. PERKINS, *
Defendant * Consolidated with

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

Plaintiffs *
vs. * No. 05 - 403 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

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

Plaintiffs *
vs. * No. 05 - 404 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

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

Plaintiffs *
vs. * No. 05 - 405 - CD
DOUGLAS S. PERKINS, *
Defendant *

* PRAECIPE TO SETTLE AND
DISCONTINUE

* 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
O/p/4/08 of JUN 02 2008
of Disc to
Atty Naddeo
William A. Shaw
Prothonotary/Clerk of Courts

Dated: June 2, 2008

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

HEATHER L. MAINES, an individual, *
Plaintiff, *
vs. * No. 05 - 402 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

WADE A. MAINES and DARLENE A. MAINES, *
Husband and Wife, and Parents and *
Natural Guardians of JONATHAN MAINES, *
a minor, *
Plaintiffs *
vs. * No. 05 - 403 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

WADE A. MAINES and DARLENE A. MAINES, *
Husband and Wife, and Parents and *
Natural Guardians of HARLEY MAINES, *
a minor, *
Plaintiffs *
vs. * No. 05 - 404 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

WADE A. MAINES and DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs *
vs. * No. 05 - 405 - CD
DOUGLAS S. PERKINS, *
Defendant *

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned cases settled and
discontinued.


James A. Naddeo, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

OPY

CIVIL DIVISION

**Wade A. Maines and Darlene A. Maines,
Husband and Wife**

Vs.

No. 2005-00405-CD

Douglas S. Perkins

CERTIFICATE OF DISCONTINUATION

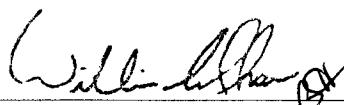
Commonwealth of PA
County of Clearfield

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 June 2, 2008, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 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 2nd day of June A.D. 2008.



William A. Shaw, Prothonotary

Date: 5/28/2008

Time: 03:32 PM

Page 1 of 3

Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2005-00405-CD

Current Judge: Fredric Joseph Ammerman

Wade A. Maines, Darlene A. Maines vs. Douglas S. Perkins

Civil Other

Date		Judge
3/22/2005	New Case Filed. Filing: Praeclipe for Writ of Summons Paid by: Naddeo, James A. (attorney for Maines, Wade A.) Receipt number: 1897861 Dated: 03/22/2005 Amount: \$85.00 (Check) No cert. copies. 1 Writ issued to Sheriff.	No Judge No Judge
4/19/2005	Sheriff Return, March 28, 2005 Served The Within Summons On Douglas S. Perkins. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm.	No Judge
4/22/2005	Praeclipe For Appearance, enter the appearance of O'Malley & Magley, L.L.P. as counsel of record for Defendant. Filed by s/ Stephen J. Magley, Esquire. No CC Praeclipe For Rule to File Complaint, filed by s/ Stephen J. Magley, Esquire. No CC, 1 Rule to Atty. Magley	No Judge No Judge
5/31/2005	Complaint, filed by s/ James A. Naddeo, Esquire. 1CC Atty Naddeo	No Judge
7/11/2005	Answer and New Matter, filed by s/ Stephen J. Magley Esquire. No CC.	No Judge
8/10/2005	Notice of Service of Interrogatories and Request for Production of Documents Directed to the Plaintiffs were served upon counsel for Plaintiff, James A. Naddeo Esquire on August 8, 2005, filed by Stephen J. Magley Esquire. No CC.	No Judge
9/6/2005	Answer To New Matter, filed by s/ James A. Naddeo, Esquire. 1CC to Atty.	No Judge
10/24/2005	Certificate of Service, filed. That a Certified copy of Plaintiffs' Answer to Interrogatories and Answers to Request for Production of Documents was served on Stephen J. Magley Esq., on October 24, 2005 filed by James A. Naddeo Esq. 1CC Atty.	No Judge
3/16/2006	Certificate of Service, filed. That a certified copy of Interrogatories Addressed to Defendant was served on Stephen J. Magley Esq. on the 16th day of March 2006, filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.	No Judge
7/17/2006	Notice of Service, filed. That Answer to Interrogatories were served upon counsel for Plaintiffs, James A. Naddeo Esq. on this 14th day of July 2006, filed by s/ Stephen J. Magley Esq. No CC.	No Judge
9/12/2007	Praeclipe For Status Conference, filed by s/ James A. Naddeo, Esquire. No CC	No Judge
9/17/2007	Scheduling Order, this 14th day of Sept., 2007, it is Ordered that a Status Conference is scheduled for the 26th day of Oct., 2007, at 11:00 a.m. in Chambers. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Naddeo	Fredric Joseph Ammerman
9/19/2007	Certificate of Service, filed. That a certified copy of Praeclipe for Status Conference and Scheduling Order was served on Stephen J. Magley Esq on the 19th day of September 2007, filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman
10/31/2007	Order, this 31st day of Oct., following status conference with counsel for the Fredric Joseph Ammerman Plaintiff, the Court hereby issues the following case management Order: (see original). By The court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Naddeo; 1CC Atty: Magley, O'Malley, and Carone Orig. to 05-402-CD	

Date: 4/1/2008
Time: 01:35 PM
Page 1 of 2

Clearfield County Court of Common Pleas
ROA Report
Case: 2005-00405-CD

User: GLKNISLEY

Current Judge: Fredric Joseph Ammerman

Wade A. Maines, Darlene A. Maines vs. Douglas S. Perkins

Civil Other

Date	Judge
3/22/2005	New Case Filed.
	Filing: Praeclipe for Writ of Summons Paid by: Naddeo, James A. (attorney for Maines, Wade A.) Receipt number: 1897861 Dated: 03/22/2005 Amount: \$85.00 (Check) No cert. copies. 1 Writ issued to Sheriff.
4/19/2005	Sheriff Return, March 28, 2005 Served The Within Summons On Douglas S. Perkins. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm.
4/22/2005	Praeclipe For Appearance, enter the appearance of O'Malley & Magley, L.L.P. as counsel of record for Defendant. Filed by s/ Stephen J. Magley, Esquire. No CC
	Praeclipe For Rule to File Complaint, filed by s/ Stephen J. Magley, Esquire. No CC, 1 Rule to Atty. Magley
5/31/2005	Complaint, filed by s/ James A. Naddeo, Esquire. 1CC Atty Naddeo
7/11/2005	Answer and New Matter, filed by s/ Stephen J. Magley Esquire. No CC.
8/10/2005	Notice of Service of Interrogatories and Request for Production of Documents Directed to the Plaintiffs were served upon counsel for Plaintiff, James A. Naddeo Esquire on August 8, 2005, filed by Stephen J. Magley Esquire. No CC.
9/6/2005	Answer To New Matter, filed by s/ James A. Naddeo, Esquire. 1CC to Atty.
10/24/2005	Certificate of Service, filed. That a Certified copy of Plaintiffs' Answer to Interrogatories and Answers to Request for Production of Documents was served on Stephen J. Magley Esq., on October 24, 2005 filed by James A. Naddeo Esq. 1CC Atty.
3/16/2006	Certificate of Service, filed. That a certified copy of Interrogatories Addressed to Defendant was served on Stephen J. Magley Esq. on the 16th day of March 2006, filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.
7/17/2006	Notice of Service, filed. That Answer to Interrogatories were served upon counsel for Plaintiffs, James A. Naddeo Esq. on this 14th day of July 2006, filed by s/ Stephen J. Magley Esq. No CC.
9/12/2007	Praeclipe For Status Conference, filed by s/ James A. Naddeo, Esquire. No CC
9/17/2007	Scheduling Order, this 14th day of Sept., 2007, it is Ordered that a Status Conference is scheduled for the 26th day of Oct., 2007, at 11:00 a.m. in Chambers. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Naddeo
9/19/2007	Certificate of Service, filed. That a certified copy of Praeclipe for Status Conference and Scheduling Order was served on Stephen J. Magley Esq on the 19th day of September 2007, filed by s/ James A. Naddeo Esq. No CC.
10/31/2007	Order, this 31st day of Oct., following status conference with counsel for the Plaintiff, the Court hereby issues the following case management Order: (see original). By The court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Naddeo; 1CC Atty: Magley, O'Malley, and Carone Orig. to 05-402-CD

Date: 5/28/2008

Time: 03:32 PM

Page 2 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2005-00405-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman

Wade A. Maines, Darlene A. Maines vs. Douglas S. Perkins

Civil Other

Date	Judge	
11/21/2007	Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on the 21st day of November 2007 to Kevin R. O'Malley Esq. and ASAP Court Reporting by first class mail filed by s/ James A. Naddeo Esq. 2CC Atty Naddeo.	Fredric Joseph Ammerman
12/3/2007	Notice of Service of Defendant's Supplemental Request for Production of Documents Directed to James A. Naddeo on this 29th day of November 2007, filed by s/ Stephen J. Magley Esq. No CC.	Fredric Joseph Ammerman
12/19/2007	Certificate of Service, filed. That a copy of Plaintiff's Answers to Defendant's Supplemental Request for Production of Documents Dictated to Plaintiffs were served on the 19th day of December 2007 by first class mail to Kevin R. O'Malley Esq., filed by s/ James A. Naddeo Esq. No CC. (original filed to 05-402-CD)	Fredric Joseph Ammerman
1/10/2008	Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on Stephen J. Magley Esq. and ASAP Court Reporting on the 10th day of January 2008 by first class mail, filed by s/ James A. Naddeo Esq. 2CC Atty Naddeo.	Fredric Joseph Ammerman
1/28/2008	Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on Stephen J. Magley Esq. and ASAP Court Reporting by first class mail on the 28th day of January 2008, filed by s/ James A. Naddeo Esq. 2CC Atty Naddeo.	Fredric Joseph Ammerman
2/1/2008	Motion For Protective Order, Filed by s/ Stephen J. Magley, Esquire. 1CC Atty. Magley	Fredric Joseph Ammerman
2/4/2008	Order NOW, this 4th day of February 2008, following, the Court being in receipt of and having reviewed the Motion for Protective Order filed by Stephen Magley, Defendant's counsel, in the above-captioned cases, it is the ORDER of this Court that argument on said Motion is scheduled for the 6th day of February 2008 at 1:30 pm in Courtroom No. 2. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty's: Naddeo, Magley; Judge's Office faxed to attys Naddeo and Magley.	Fredric Joseph Ammerman
	Answer to Motion For Protective Order, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	Fredric Joseph Ammerman
2/8/2008	Order, this 6th day of Feb., 2008, following argument on the Motion for Protective Order, (see original). Jury trial is scheduled for June 3 and 4, 2008, Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty's: Naddeo, S. Magley	Fredric Joseph Ammerman
2/19/2008	Certificate of Service, copy of Notice of Taking Deposition was served upon Fredric Joseph Ammerman Stephen J. Magley, Esquire, and ASAP Court Reporting, by First-Class Mail on Feb. 19, 2008. Filed by s/ James A. Naddeo, Esquire. 2CC to Atty.	Fredric Joseph Ammerman
4/28/2008	Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on the 28th day of April 2008 to Susan I. Harchak D.C., Stephen J. Magley Esq., and Maryann Cornelius-Court Reporter, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	Fredric Joseph Ammerman
4/29/2008	Motion for Continuance, filed by Atty. Naddeo 1 Cert. to Atty.	Fredric Joseph Ammerman
4/30/2008	Order, this 29th day of April, 2008, Motion for Continuance is Denied. The jury trial on June 3 and 4, 2008 is to proceed as scheduled. By the Court /s/ Fredric J. Ammerman; Pres. Judge. 3CC Atty. Naddeo	Fredric Joseph Ammerman
5/2/2008	Certificate of Service, filed. That certified copies of Motion for Continuance and Order of Court were served on the 1st day of May 2008 by first class mail to Stephen J. Magley Esq., filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman

Current Judge: Fredric Joseph Ammerman

Wade A. Maines, Darlene A. Maines vs. Douglas S. Perkins

Civil Other

Date	Judge	
11/21/2007	Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on the 21st day of November 2007 to Kevin R. O'Malley Esq. and ASAP Court Reporting by first class mail filed by s/ James A. Naddeo Esq. 2CC Atty Naddeo.	Fredric Joseph Ammerman
12/3/2007	Notice of Service of Defendant's Supplemental Request for Production of Documents Directed to James A. Naddeo on this 29th day of November 2007, filed by s/ Stephen J. Magley Esq. No CC.	Fredric Joseph Ammerman
12/19/2007	Certificate of Service, filed. That a copy of Plaintiff's Answers to Defendant's Supplemental Request for Production of Documents Diceted to Plaintiffs were served on the 19th day of December 2007 by first class mail to Kevin R. O'Malley Esq., filed by s/ James A. Naddeo Esq. No CC. (original filed to 05-402-CD)	Fredric Joseph Ammerman
1/10/2008	Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on Stephen J. Magley Esq. and ASAP Court Reporting on the 10th day of January 2008 by first class mail, filed by s/ James A. Naddeo Esq. 2CC Atty Naddeo.	Fredric Joseph Ammerman
1/28/2008	Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on Stephen J. Magley Esq. and ASAP Court Reporting by first class mail on the 28th day of January 2008, filed by s/ James A. Naddeo Esq. 2CC Atty Naddeo.	Fredric Joseph Ammerman
2/1/2008	Motion For Protective Order, Filed by s/ Stephen J. Magley, Esquire. 1CC Atty. Magley	Fredric Joseph Ammerman
2/4/2008	Order NOW, this 4th day of February 2008, following, the Court being in receipt of and having reviewed the Motion for Protective Order filed by Stephen Magley, Defendant's counsel in the above-captioned cases, it is the ORDER of this Court that argument on said Motion is scheduled for the 6th day of February 2008 at 1:30 pm in Courtrom No. 2. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty's: Naddeo, Magley; Judge's Office faxed to attys Naddeo and Magley.	Fredric Joseph Ammerman
	Answer to Motion For Protective Order, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	Fredric Joseph Ammerman
2/8/2008	Order, this 6th day of Feb., 2008, following argument on the Motion for Protective Order, (see original). Jury trial is scheduled for June 3 and 4, 2008, Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty's: Naddeo, S. Magley	Fredric Joseph Ammerman
2/19/2008	Certificate of Service, copy of Notice of Taking Deposition was served upon Stephen J. Magley, Esquire, and ASAP Court Reporting, by First-Class Mail on Feb. 19, 2008. Filed by s/ James A. Naddeo, Esquire. 2CC to Atty.	Fredric Joseph Ammerman

Date: 5/28/2008

Time: 03:32 PM

Page 3 of 3

Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2005-00405-CD

Current Judge: Fredric Joseph Ammerman

Wade A. Maines, Darlene A. Maines vs. Douglas S. Perkins

Civil Other

Date	Judge
5/6/2008	Certificate of Service, filed. That a true and correct copy of Amended notice of Taking Deposition was served on the 6th day of May 2008 by first class mail to Susan I. Harchak D.C., Stephen J. Magley Esq., Maryann Cornelius-court reporter, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.
5/14/2008	Petition to Certify The Herein Actions to Arbitration, filed by s/ James A. Naddeo, Esquire. No CC Fredric Joseph Ammerman
5/16/2008	Order, this 16th day of May, 2008, since a jury panel has been selected and Fredric Joseph Ammerman the trial dates have been established for signigicant period of time, it is Ordered that the Plaintiffs Petition to Certify the Herein Actions to Arbitration is DENIED. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC to Atty. Naddeo
5/19/2008	Certificate of Service, filed. That a certified copy of Order was served on Fredric Joseph Ammerman the 19th day of May 2008 by first class mail to Stephen J. Magley Esq., filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.

Date: 5/8/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 09:15 AM

ROA Report

Page 1 of 1

Case: 2005-00405-CD

Current Judge: Fredric Joseph Ammerman

Wade A. Maines, Darlene A. Maines vs. Douglas S. Perkins

Civil Other

Date	Selected Items	Judge
4/28/2008	<input checked="" type="checkbox"/> Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on the 28th day of April 2008 to Susan I. Harchak D.C., Stephen J. Magley Esq., and Maryann Cornelius-Court Reporter, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	Fredric Joseph Ammerman
4/29/2008	<input checked="" type="checkbox"/> Motion for Continuance, filed by Atty. Naddeo 1 Cert. to Atty.	Fredric Joseph Ammerman
4/30/2008	<input checked="" type="checkbox"/> Order, this 29th day of April, 2008, Motion for Continuance is Denied. The jury trial on June 3 and 4, 2008 is to proceed as scheduled. By the Court /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Naddeo	Fredric Joseph Ammerman
5/2/2008	<input checked="" type="checkbox"/> Certificate of Service, filed. That certified copies of Motion for Continuance and Order of Court were served on the 1st day of May 2008 by first class mail to Stephen J. Magley Esq., filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman
5/6/2008	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of Amended notice of Taking Deposition was served on the 6th day of May 2008 by first class mail to Susan I. Harchak D.C., Stephen J. Magley Esq., Maryann Cornelius-court reporter, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	Fredric Joseph Ammerman

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

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

vs.

DOUGLAS S. PERKINS,
Defendant.

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*
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* No. 05 - 405 - CD

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* Type of Pleading:

*
*
*
*

* PRAECIPE FOR WRIT
OF SUMMONS

*
*
*

* Filed on behalf of:
* Plaintiffs

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*

* Counsel of Record for
* this party:

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*
*
*
*

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

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*
*

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

FILED *No CC*
01/10/2005 Atty pd 85.00
MAR 22 2005
William A. Shaw
Prothonotary/Clerk of Courts
I Writ to Sheriff

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

COPIES

SUMMONS

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

Vs.

NO.: 2005-00405-CD

Douglas S. Perkins

TO: DOUGLAS S. PERKINS

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: 03/22/2005

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

DOCKET # 100329
NO: 05-405-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: WADE A. MAINES, DARLENE A. MAINES
vs.
DEFENDANT: DOUGLAS S. PERKINS

SHERIFF RETURN

NOW, March 28, 2005 SERVED THE WITHIN SUMMONS ON DOUGLAS S. PERKINS DEFENDANT AT "ADDRESSEE ONLY" c/o OCLC, 6565 FRANTZ ROAD, DUBLIN, OH, 43064 BY CERTIFIED MAIL # 7003 3110 0001 9380 0602. THE RETURN RECEIPT IS HERETO ATTACHED ENDORSED BY AARON SMITH.

FILED
03/07/05
APR 19 2005

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NADDEO	17076	10.00
SHERIFF HAWKINS	NADDEO	17076	26.29

Sworn to Before Me This

____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

Plaintiffs,

vs.

DOUGLAS S. PERKINS,

Defendant.

CIVIL DIVISION

NO. 2005-00405-CD

PRAECIPE FOR APPEARANCE

Filed on behalf of Defendant,
DOUGLAS S. PERKINS.

COUNSEL OF RECORD FOR THIS
PARTY:

Kevin R. O'Malley, Esq.
Pa I.D. #65976

Stephen J. Magley, Esq.
Pa I.D. #59990

Annabelle L. Carone, Esq.
Pa I.D. #83178

O'Malley & Magley, L.L.P.
5280 Steubenville Pike
Pittsburgh, PA 15205

(412) 788-1200

FILED ^{6K}
NO CC
M/2/2005
APR 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

CIVIL DIVISION

NO. 2005-00405-CD

Plaintiffs,

vs.

DOUGLAS S. PERKINS,

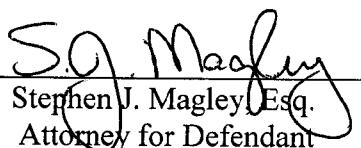
Defendant.

PRAECIPE FOR APPEARANCE

Kindly enter the appearance of O'Malley & Magley, L.L.P. as counsel of record for
Defendant, DOUGLAS S. PERKINS.

Respectfully submitted,

O'Malley & Magley, L.L.P.

By: 
Stephen J. Magley, Esq.
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within documents were served this 20th day of April, 2005, by United States first class mail, postage prepaid upon the following:

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

O'MALLEY & MAGLEY, L.L.P.

SJ Magley
Stephen J. Magley, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

Plaintiffs,

vs.
DOUGLAS S. PERKINS,

Defendant.

CIVIL DIVISION

NO. 2005-00405-CD

PRAECIPE FOR RULE TO
FILE COMPLAINT

Filed on behalf of Defendant,
DOUGLAS S. PERKINS.

COUNSEL OF RECORD FOR
THIS
PARTY:

Kevin R. O'Malley, Esq.
Pa I.D. #65976

Stephen J. Magley, Esq.
Pa I.D. #59990

Annabelle L. Carone, Esq.
Pa I.D. #83178

O'Malley & Magley, L.L.P.
5280 Steubenville Pike
Pittsburgh, PA 15205

(412) 788-1200

FILED ^{6/2/2005} NOCC
m/2/2005 Rule to
APR 22 2005
Atty Magley
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

Plaintiffs,

CIVIL DIVISION

NO. 2005-00405-CD

vs.

DOUGLAS S. PERKINS,

Defendant.

PRAECIPE FOR RULE TO FILE COMPLAINT

TO: Prothonotary

Kindly issue a Rule upon Plaintiff to file a Complaint in this action or suffer a
Judgment of Non Pros.

Respectfully submitted,

O'Malley and Magley, L.L.P.

By: S.J. Magley
Stephen J. Magley, Esq.
Attorney for Defendant.

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

Wade A. Maines
Darlene A. Maines

Vs.
Douglas S. Perkins

Case No. 2005-00405-CD

RULE TO FILE COMPLAINT

TO: Wade A. Maines and Darlene A. Maines

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: April 22, 2005

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

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

vs.

DOUGLAS S. PERKINS,
Defendant.

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* No. 05 - 405 - CD
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* Type of Pleading:

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* COMPLAINT

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* Filed on behalf of:
* Plaintiffs

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* Counsel of Record for
* this party:

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*

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*

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

*
*
*

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

FILED ^{cc}
01327871 MAY 31 2005 Amy Naddeo
MAY 31 2005 (60)

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 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

COMPLAINT

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

1. That the Plaintiff, Wade A. Maines, is an adult individual, who resides at 18 Bills Road, Clearfield, Pennsylvania 16830.
2. That the Plaintiff, Darlene A. Maines, is an adult individual, who resides at 18 Bills Road, Clearfield, Pennsylvania 16830.
3. That the Defendant is Douglas S. Perkins, an adult individual, who resides at c/o OCLO, 6565 Frantz Road, Dublin, Ohio 43064.

FIRST COUNT

Darlene A. Maines v. Douglas S. Perkins

4. That on or about August 10, 2003 and at or about 5:30 p.m., the Plaintiff, Darlene A. Maines, was the owner and

operator of a 1985 Ford Econoline Van bearing Pennsylvania Registration Plate No. DYZ1708.

5. That on or about the said day and at or about the said time, the Defendant, Douglas S. Perkins, was the operator of a 1994 Honda Civic bearing Ohio registration plates.

6. That Pennsylvania Route 879 is a two-lane macadam highway.

7. That Pennsylvania Route 870 intersects with Interstate 80 Off Ramp Exit No. 120 which is controlled by a stop sign at a point approximately one mile east of the Borough of Clearfield, Clearfield County, Pennsylvania.

8. That on or about the said day and at or about the said time, the weather was clear and the roadway was dry.

9. That on or about the said day and at or about the said time, the Plaintiff, Darlene A. Maines, was proceeding East on Pennsylvania Route 879 where she had reached a point adjacent to Interstate 80 Off Ramp Exit 120.

10. That on or about the said day and at or about the said time, the Plaintiff, Darlene A. Maines, slowed to permit a third automobile to exit Interstate 80 and enter upon Route 879.

11. That on or about the said day and at or about the said time, the Defendant, Douglas S. Perkins, was existing Interstate 80 when he suddenly and without warning struck the right mid-section of the vehicle operated by the Plaintiff,

Darlene A. Maines, with the left front of the vehicle which he was operating.

12. That as a result of the collision described herein, the Plaintiff, Darlene A. Maines, was thrown generally sideways and backwards within the vehicle which she was operating causing the numerous and serious injuries hereinafter set forth.

13. That the Defendant, Douglas S. Perkins, 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 his 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 he operated his vehicle upon State 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 he operated his vehicle upon State Route 879 in willful or wanton disregard for the safety of the person or property of the Plaintiff, Darlene A. Maines.

F. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3323, 75 Pa. C.S.A. Section 3323, and supplements thereto, in that he failed to stop at an intersection controlled by a stop sign.

G. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3321 (b) (1) 75 Pa. C.S.A. Section 3321 (b) (1), and supplements thereto, in that the Defendant failed to yield the right of way to the vehicle operated by the Plaintiff.

H. That the Defendant, Douglas S. Perkins, was negligent, careless and reckless in that he failed to use due care under all circumstances of the case.

14. 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. Hyperextension/Hyperflexion injury;
- B. Sprain/Strain Cervical Spine;
- C. Cervical Radiculitis;

- D. Sprain/Strain - Thoracic Spine;
- E. Sprain/Strain - Lumbar Spine;
- F. Sprain/Strain - Shoulder.

15. That as a result of the injuries referred to in Paragraph 14 hereof, the Plaintiff, Darlene A. Maines, has been unable to engage in her regular household duties and hobbies since the time of the accident up to and including the filing of this complaint and will be unable to do so for an indefinite period of time in the future.

16. That as a result of the injuries referred to in Paragraph 14 hereof, the Plaintiff, Darlene A. Maines, has incurred expenses for the treatment of her injuries in excess of her available first party medical benefits.

17. That the Plaintiff, Darlene A. Maines, continues to incur medical expenses for treatment of the injuries referred to in Paragraph 14 hereof up to and including the date of this Complaint and will most likely continue to incur medical expenses for an indefinite period of time in the future.

16. 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. 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, Douglas S. Perkins, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

SECOND COUNT

Wade A. Maines v. Douglas S. Perkins

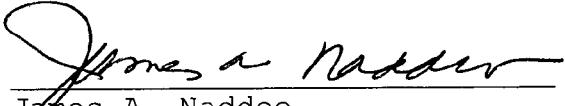
17. That the Plaintiff, Wade A. Maines, incorporates Paragraphs 1 through 16 of the First Count of this Complaint by reference and makes them a part hereof.

18. That the Plaintiff, Wade A. Maines, is the spouse of the Plaintiff, Darlene A. Maines, having been married on December 21, 1985.

19. That the Plaintiff, Wade A. Maines, has resided with his wife, Darlene A. Maines, since the date of the parties' marriage and has continued to reside with her up to and include the time of the filing of this Complaint.

20. That as a result of the injuries suffered by the Plaintiff, Darlene A. Maines, the Plaintiff, Wade A. Maines, has been denied the society of his wife and shall continue to be denied her society for an indefinite period of time in the future.

WHEREFORE, the Plaintiff, Wade A. Maines, claims damages from the Defendant, Douglas S. Perkins, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.



James A. Naddeo
Attorney for Plaintiff

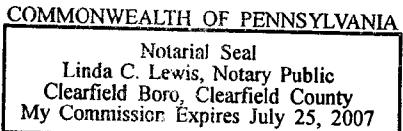
COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

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.

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. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Complaint was served on the following and in the following manner on the 31st day of May, 2005:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205



James A. Naddeo
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

Plaintiffs,

vs.

DOUGLAS S. PERKINS,

Defendant.

CIVIL DIVISION
NO. 2005-00405-CD

ANSWER AND NEW MATTER

Filed on behalf of Defendant,
DOUGLAS S. PERKINS.

COUNSEL OF RECORD FOR
THIS
PARTY:

Kevin R. O'Malley, Esq.
Pa I.D. #65976

Stephen J. Magley, Esq.
Pa I.D. #59990

Annabelle L. Carone, Esq.
Pa I.D. #83178

O'Malley & Magley, L.L.P.
5280 Steubenville Pike
Pittsburgh, PA 15205

(412) 788-1200

FILED NO
M 11:14 AM
JUL 11 2005
S
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

Plaintiffs,

CIVIL DIVISION

NO. 2005-00405-CD

vs.

DOUGLAS S. PERKINS,

Defendant.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, DOUGLAS S. PERKINS, by and through his attorneys, O'Malley and Magley, L.L.P. and files the following Answer and New Matter and in support thereof avers as follows:

1. The averments of Paragraphs one and two are denied according to Pa. R.C.P. 1029 (e).
2. The averments of Paragraph three are denied as stated. To the contrary, the proper address for Douglas S. Perkins is 489 Piedmont Road, Columbus, Ohio.
3. The averments of Paragraph four are denied according to Pa. R.C.P. 1029 (e).
4. The averments of paragraph four are admitted in part and denied in part. It is admitted that Defendant was driving a 1994 Honda vehicle with Ohio registration plates at the time mentioned, however, the vehicle was a Honda Accord not a Honda Civic as indicated in Plaintiff's Complaint.

5. After reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraphs six through eight of Plaintiff's Complaint.
6. The averments of Paragraphs nine through twelve are denied according to Pa. R.C.P. 1029 (e).
7. Defendant is advised and therefore avers that the averments of Paragraph thirteen, including subparagraphs (a) through (h), contain conclusions of law to which no response is required. If a response were required, the averments of this paragraph are denied according to Pa. R.C.P. 1029 (e).
8. Defendant is advised and therefore avers that the averments of Paragraph fourteen, including subparagraphs (a) through (f), contain conclusions of law to which no response is required. If a response were required, the averments of this paragraph are denied according to Pa. R.C.P. 1029 (e).
9. The averments of Paragraphs fifteen through seventeen and the second sixteen are denied according to Pa. R.C.P. 1029 (e).
10. No response to the allegations contained in Paragraph seventeen of Plaintiff's Complaint is required; however, if response is deemed necessary, Plaintiff specifically denies the allegations of Paragraphs one through sixteen of Defendant's Answer and New Matter to the extent that they imply liability on the part of the Defendant and incorporate by reference herein paragraphs one through nine of Defendant's Answer and New Matter as though set forth at length again.
11. The averments of paragraph eighteen through twenty are denied according to Pa. R.C.P. 1029 (e).

WHEREFORE, Defendant, DOUGLAS S. PERKINS, denies any and all liability to Plaintiff and demand judgment in his favor together with costs and fees as this Court deems just and proper.

NEW MATTER

12. If applicable based upon facts developed through discovery or at the time of trial, this Defendant hereby avers that the Causes of Action and injuries Plaintiff claims, occurred more than 2 years before this action was filed and are precluded by the provisions of 42 Pa. R.C.P. Section 5524, et seq., as amended and other applicable Statutes of Limitation.
13. This Defendant is advised and therefore avers that Plaintiff selected or is bound by limited tort option of the applicable insurance policies and is precluded from maintaining any action according to the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law set forth at 75 Pa. C.S.A. Section 1701, et seq., as amended and the applicable insurance policies.
14. This Defendant hereby sets forth the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law set forth at 75 Pa. C.S.A., Section 1701, et seq., as amended as an affirmative defense to any and all claims of the Plaintiff in this action.

WHEREFORE, Defendant, DOUGLAS S. PERKINS, requests judgment in his

favor together with costs and fees as this Court deems just and proper.

Respectfully submitted,

O'Malley & Magley, L.L.P.

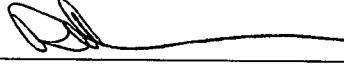
By: S. J. Magley
Stephen J. Magley, Esquire
Attorneys for Defendants

VERIFICATION

I, DOUGLAS S. PERKINS, have read the foregoing ANSWER AND NEW MATTER. The statements of fact contained therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 P.A. C.S. Section 4904 relating to unsworn falsification to authorities which provides that if I make knowingly false averments, I may be subject to criminal penalties.

Date: 2005-31-a-2


DOUGLAS S. PERKINS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within documents were served this 7th day of July, 2005, by United States first class mail, postage prepaid upon the following:

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

O'MALLEY & MAGLEY, L.L.P.

SJ. Magley

Stephen J. Magley, Esquire
Attorneys for Defendant
5280 Steubenville Pike
Pittsburgh, PA 15205
412-788-1200

FILED *m 10 22 2005* NO
AUG 10 2005
Wm A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

Plaintiffs,

vs.

DOUGLAS S. PERKINS,

Defendant.

CIVIL DIVISION

NO. 2005-00405-CD

NOTICE OF SERVICE OF
INTERROGATORIES AND
REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED
TO THE PLAINTIFFS

Filed on behalf of Defendant,
DOUGLAS S. PERKINS.

COUNSEL OF RECORD FOR
THIS
PARTY:

Kevin R. O'Malley, Esq.
Pa I.D. #65976

Stephen J. Magley, Esq.
Pa I.D. #59990

Annabelle L. Carone, Esq.
Pa I.D. #83178

O'Malley & Magley, L.L.P.
5280 Steubenville Pike
Pittsburgh, PA 15205

(412) 788-1200

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

CIVIL DIVISION

NO. 2005-00405-CD

Plaintiffs,

vs.

DOUGLAS S. PERKINS,

Defendant.

NOTICE OF SERVICE OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO THE PLAINTIFFS

TO: PROTHONOTARY

AND NOW, comes the Defendant, DOUGLAS S. PERKINS, by and through his attorneys, O'MALLEY and MAGLEY, LLP and certifies that Interrogatories and Requests for Production of Documents Directed to the Plaintiffs were served upon counsel for Plaintiff, James A. Naddeo, Esquire, P.O. Box 552, Clearfield, PA 16830, by United States mail, postage pre-paid this 8TH day of August, 2005.

O'MALLEY AND MAGLEY, L.L.P.

By: S.J. Magley
Stephen J. Magley, Esq.
Attorney for Defendant

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

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

vs.

DOUGLAS S. PERKINS,
Defendant.

No. 05 - 405 - CD

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* 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

SEP 06 2005
0111-0061 (C) (GP)
William A. Shaw
Prothonotary/Clerk of Courts
1 COURT 10 AM

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 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

ANSWER TO NEW MATTER

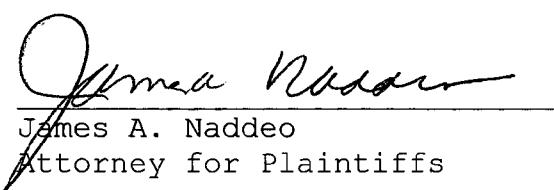
NOW COME the Plaintiffs and by their attorney, James A. Naddeo, Esquire, set forth the following:

12. Denied and on the contrary it is alleged that Plaintiffs' Complaint was timely.

13. 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.

14. Conclusion of law to which no answer is required.

WHEREFORE, Plaintiffs claim damages as set forth in their complaint.



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

COMMONWEALTH OF PENNSYLVANIA
Notary Seal
Linda C. Lewis, Notary Public
Clearfield County, 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,

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*

*

vs.

* No. 05 - 405 - CD

*

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DOUGLAS S. PERKINS,
Defendant.

*

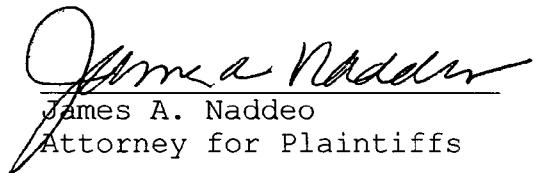
*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Plaintiffs' Answer to New Matter was served on the following and in the following manner on the 6th day of September, 2005:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205


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.

DOUGLAS S. PERKINS,
Defendant.

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* No. 05 - 405 - CD

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* Type of Pleading:

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* Certificate of Service

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* Filed on behalf of:

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* Plaintiffs

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* Counsel of Record for
this party:

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*

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

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*

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

FILED
OCT 24 2005
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Atty
S

William A. Shaw
Prothonotary/Clerk of Courts

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

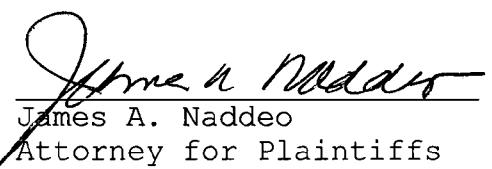
WADE A. MAINES and *
DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs, *
*
vs. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Plaintiffs' Answer to Interrogatories and Answers to Request for Production of Documents was served on the following and in the following manner on the 24th day of October, 2005:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205



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.

DOUGLAS S. PERKINS,
Defendant.

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* No. 05 - 405 - CD

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* Type of Pleading:

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* CERTIFICATE OF SERVICE

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* Filed on behalf of:
* Plaintiffs

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*
*

* 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}
03/35/06 Atty Naddeo
MAR 16 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

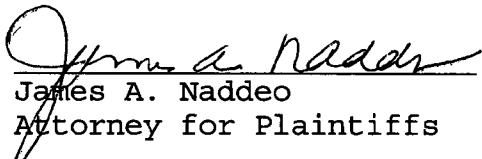
WADE A. MAINES and *
DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs, *
*
vs. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Interrogatories Addressed to Defendant was served on the following and in the following manner on the 16th day of March, 2006:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205


James A. Naddeo
Attorney for Plaintiffs

FILED NO
M 13 2006
JUL 17 2006
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

Plaintiffs,

CIVIL DIVISION
NO. 2005-00405-CD

vs.

DOUGLAS S. PERKINS,

Defendant.

NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES

TO: PROTHONOTARY

AND NOW, comes the Defendant, DOUGLAS S. PERKINS, by and through his attorneys, O'MALLEY and MAGLEY, LLP and certifies that Answer to Interrogatories were served upon counsel for Plaintiffs, James A. Naddeo, Esquire, P.O. Box 552, Clearfield, PA 16830, by United States mail, postage pre-paid this 14th day of July, 2006.

O'MALLEY AND MAGLEY, L.L.P.

By: Stephen J. Magley
Stephen J. Magley, Esquire
Attorney for Defendant

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

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

vs.

DOUGLAS S. PERKINS,
Defendant.

No. 05 - 405 - CD

Type of Pleading:

PRAECLIPSE FOR STATUS
CONFERENCE

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

I hereby certify this to be a true and attested copy of the original statement filed in this case.

SEP 12 2007

Attest,

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 - 405 - CD

*

*

DOUGLAS S. PERKINS,
Defendant.

*

PRAECIPE FOR STATUS CONFERENCE

Please schedule a status conference in the above-captioned case.

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,
Plaintiffs,

vs.

DOUGLAS S. PERKINS,
Defendant.

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* No. 05 - 405 - CD

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* Type of Pleading:

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* SCHEDULING ORDER

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*
*

* Filed on behalf of:
* Plaintiffs

*
*
*

* Counsel of Record for
* this party:

*

*
*
*

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

*
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*
*

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

FILED
01/03/01
SEP 17 2001
100
Atty Naddeo
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

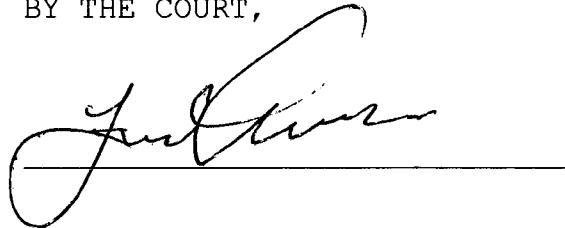
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WADE A. MAINES and *
DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs, *
*
vs. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

O R D E R

AND NOW, this 14 day of Sept, 2007, it is the
ORDER of this Court that a Status Conference is scheduled for
the 26th day of October, 2007, at 11:00 ^{A.M.} in Chambers
, Clearfield County Courthouse, Clearfield,
Pennsylvania.

BY THE COURT,



FILED

SEP 17 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/17/07

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:

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

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

vs.

DOUGLAS S. PERKINS,
Defendant.

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*

* No. 05 - 405 - CD

FILED

SEP 19 2007

01/11/07
William A. Shaw
Prothonotary/Clerk of Courts

No C/C

* 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

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

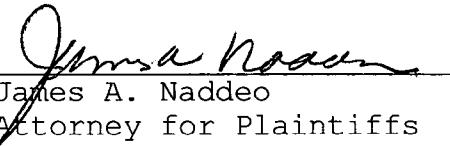
WADE A. MAINES and *
DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs, *
*
vs. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praecipe for Status Conference and Scheduling Order was served on the following and in the following manner on the 19th day of September, 2007:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205



James A. Naddeo
Attorney for Plaintiffs

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

HEATHER L. MAINES, an individual, Plaintiff	*
vs.	*
DOUGLAS S. PERKINS, Defendant	* NO. 05-402-CD
	* Consolidated with
WADE A. MAINES and DARLENE A. MAINES, Husband and Wife, and Parents and Natural Guardians of JONATHAN MAINES, a minor, Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS, Defendant	* NO. 05-403-CD
	* Consolidated with
WADE A. MAINES and DARLENE A. MAINES, Husband and Wife, and Parents and Natural Guardians of HARLEY MAINES, a minor, Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS, Defendant	* NO. 05-404-CD
	* Consolidated with
WADE A. MAINES and DARLENE A. MAINES, Husband and Wife, and Parents and Natural Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS, Defendant	* NO. 05-405-CD

ORDER

NOW, this 31st day of October, 2007, following status conference with counsel for the Plaintiff, the Court hereby issues the following case management ORDER:

1. The Defendant, Douglas S. Perkins, shall make himself available for a deposition within no more than sixty (60) days from this date. The date, time and place of the deposition shall be determined by counsel for the Plaintiff;
2. The Defense shall advise the Plaintiffs within no more than thirty (30) days from this date if the Defense wishes to conduct an independent medical examination on the Plaintiff. Failure to properly advise, in writing, within the said thirty (30)

William A. Shaw
Prothonotary/Clerk of Courts

cc Atty Madden

cc Atty Magley,
O'Malley, and
Carone

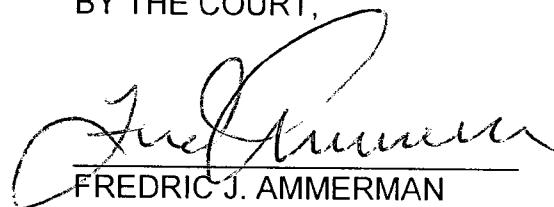
(6P)

On g. to
Oct 30 2007
05-402-CD
Oct 31 2007

days shall result in the Defendant waiving any right to an independent medical examination;

3. All other discovery shall be completed by no later than March 1, 2008;
4. This case shall be listed for Jury Trial for the Spring Term of Civil Court, 2008;
5. Jury selection shall be on April 3, 2008 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
6. The above-captioned cases filed against the Defendant are hereby consolidated.
7. The Court notes that counsel for the Defendant failed to appear for the status conference.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

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

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

vs.

DOUGLAS S. PERKINS,
Defendant.

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*
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* No. 05 - 405 - CD

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*

* Type of Pleading:

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* **CERTIFICATE OF SERVICE**

*
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*
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*

* Filed on behalf of:
* Plaintiffs
*
* Counsel of Record for
* this party:

*
*
*
*

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

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*
*
*
*

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

FILED acc ~~Att~~ Naddeo
10:50 am
NOV 21 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, *
Plaintiffs, *
*
vs. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

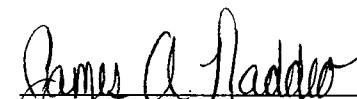
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Notice of Taking Deposition was served on the following and in the following manner on the 21st day of November, 2007:

First-Class Mail, Postage Prepaid

Kevin R. O'Malley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205

ASAP Court Reporting
167 South McKean Street
Kittanning, PA 16201



James A. Naddeo
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

Plaintiffs,

vs.

DOUGLAS S. PERKINS,

Defendant.

CIVIL DIVISION

NO. 2005-00405-CD

NOTICE OF SERVICE OF
SUPPLEMENTAL REQUEST
FOR PRODUCTION OF
DOCUMENTS DIRECTED
TO PLAINTIFFS

Filed on behalf of Defendant,
DOUGLAS S. PERKINS.

COUNSEL OF RECORD FOR
THIS
PARTY:

Kevin R. O'Malley, Esq.
Pa I.D. #65976

Stephen J. Magley, Esq.
Pa I.D. #59990

Annabelle L. Carone, Esq.
Pa I.D. #83178

O'Malley & Magley, L.L.P.
5280 Steubenville Pike
Pittsburgh, PA 15205

(412) 788-1200

FILED NOCC
m 10 5 2004
DEC 03 2004
JW

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE A. MAINES
DARLENE A. MAINES

CIVIL DIVISION

NO. 2005-00405-CD

Plaintiffs,

vs.

DOUGLAS S. PERKINS,

Defendant.

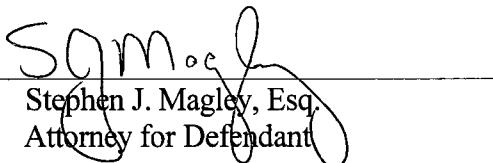
NOTICE OF SERVICE OF DEFENDANT'S SUPPLEMENTAL REQUEST
FOR PRODUCTION OF DOCUMENTS DIRECTED TO THE PLAINTIFFS

TO: PROTHONOTARY

AND NOW, comes the Defendant, DOUGLAS S. PERKINS, by and through his attorneys, O'MALLEY and MAGLEY, LLP and certifies that Supplemental Request for Production of Documents Directed to the Plaintiffs were served upon counsel for Plaintiff, James A. Naddeo, Esquire, P.O. Box 552, Clearfield, PA 16830, by United States mail, postage pre-paid this 29th day of November, 2007.

O'MALLEY AND MAGLEY, L.L.P.

By:


Stephen J. Magley, Esq.
Attorney for Defendant

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

HEATHER L. MAINES, an individual, *
Plaintiff, *
vs. * No. 05 - 402 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

WADE A. MAINES and DARLENE A. MAINES, *
Husband and Wife, and Parents and *
Natural Guardians of JONATHAN MAINES, *
a minor, *
Plaintiffs *
vs. * No. 05 - 403 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

WADE A. MAINES and DARLENE A. MAINES, *
Husband and Wife, and Parents and *
Natural Guardians of HARLEY MAINES, *
a minor, *
Plaintiffs *
vs. * No. 05 - 404 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

WADE A. MAINES and DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs *
vs. * No. 05 - 405 - CD
DOUGLAS S. PERKINS, *
Defendant *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Plaintiff's Answers to Defendant's Supplemental Request for Production of Documents Directed to Plaintiffs were served on the following and in the following manner on the 19th day of December, 2007:

PILED NOCC
03:41 PM
DEC 19 2007 Orig. to
05-402-CD
Clerk
William A. Shaw
Prothonotary/Clerk of Courts

First-Class Mail, Postage Prepaid

Kevin R. O'Malley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205

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,

Plaintiffs,

vs.

DOUGLAS S. PERKINS,
Defendant.

* No. 05 - 405 - CD

* 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 2CC AM
9/3:45 AM Naddeo
JAN 10 2008
WS

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 - 405 - CD
*
*
DOUGLAS S. PERKINS, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Notice of Taking Deposition was served on the following and in the following manner on the 10th day of January, 2008:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205

ASAP Court Reporting
167 South McKean Street
Kittanning, PA 16201

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,

Plaintiffs,

vs.

DOUGLAS S. PERKINS,
Defendant.

* No. 05 - 405 - CD

* **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 acc AMY
01/28/2008 Naddeo
JAN 28 2008
WM

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 - 405 - CD

*

DOUGLAS S. PERKINS,
Defendant.

*

*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Notice of Taking Deposition was served on the following and in the following manner on the 28th day of January, 2008:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205

ASAP Court Reporting
167 South McKean Street
Kittanning, PA 16201

James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
PAID IN U.S. POST OFFICES ONLY	
Postage	\$ 3.70
Certified Fee	\$ 2.30
Return Receipt Fee (Endorsement Required)	\$ 1.00
Restricted Delivery Fee (Endorsement Required)	\$ 3.50
Total Postage & Fees	\$ 7.92
0830 07 Postmark Here	
ADDRESSEE ONLY	
03/24/2005	
Sent To DOUGLAS S. PERKINS <i>Street, Apt. No.; or PO Box No.</i> c/o OCLC, 6565 Frantz Road	
<i>City, State, ZIP-4</i> Dublin, OH 43064	
PS Form 3800, June 2002	
See Reverse for Instructions	

Certified Mail Provides:

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- A unique identifier for your mailpiece
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Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
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- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.
Internet access to delivery information is not available on mail
addressed to APOs and FPOs.**

100329

SENDER: COMPLETE THIS SECTION

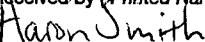
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DOUGLAS S. PERKINS
c/o OCLC
6565 Frantz Road
Dublin, OH 43064

COMPLETE THIS SECTION ON DELIVERY**A. Signature**
X

Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery**

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)**2. Article Number
(Transfer from service label)**

7003 3110 0001 9380 0602

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

CHESTER A. HAWKINS
SHERIFF OF CLEARFIELD COUNTY
1 N. 2nd St. Suite 116
CLEARFIELD, Pa. 16830

100329



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

HEATHER L. MAINES, an individual,)
Plaintiff)
vs.) No. 05-402-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife, and Parents and Natural)
Guardians of JONATHAN MAINES, a minor,)
Plaintiffs,)
vs.) No. 05-403-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife, and Parents and Natural)
Guardians of HARLEY MAINES, a minor,)
Plaintiffs,)
vs.) No. 05-404-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife,)
Plaintiffs,)
vs.) No. 05-405-CD
DOUGLAS S. PERKINS,)
Defendant.)

MOTION FOR PROTECTIVE ORDER

AND NOW, comes the Defendant, Douglas S. Perkins, by and through his
attorneys, O'Malley & Magley, L.L.P., and files the following MOTION FOR
PROTECTIVE ORDER:

FILED
m/12/5461 Atty Magley
FEB 01 2008

William A. Shaw
Prothonotary/Clerk of Courts
GK

1. This case arises out of an August 10, 2003, motor vehicle accident that occurred in Clearfield County, Pennsylvania.
2. The case is currently listed for trial.
3. Plaintiff has scheduled the deposition of Defendant, Douglas S. Perkins.
4. Defendant, Douglas S. Perkins, resides at 489 Piedmont Road, Columbus, Ohio 43214.
5. The distance between Clearfield County and Columbus, Ohio is 300 miles or 600 miles roundtrip.
6. The Defendant's deposition was originally scheduled to occur on December 27, 2007 as agreed by all counsel. Shortly after the deposition date was scheduled, defense counsel was informed that the Defendant, Douglas S. Perkins is a diabetic and cannot drive the distance between Columbus, Ohio and Clearfield, Pennsylvania.
7. Defense counsel offered the deposition of the Defendant by telephone to Plaintiffs' counsel which was refused.
8. Defense counsel arranged to produce Douglas S. Perkins by videoconference at no cost to Plaintiffs' counsel to which Plaintiffs' counsel agreed.
9. The videoconference deposition of the Defendant was scheduled to occur on February 8, 2008 with the Defendant testifying from Columbus, Ohio, defense counsel participating from Pittsburgh, Pennsylvania and Plaintiff's counsel from State College, Pennsylvania.

10. On January 28, 2008 Defense counsel was advised that the videoconference center at State College was not available for February 8, 2008 so defense counsel suggested alternative dates.

11. Plaintiffs' counsel now refuses to reschedule the Defendant's deposition, has unilaterally cancelled the use of videoconferencing and demands that the deposition go forward on February 8, 2008.

12. Pa. R.C.P. 4012 empowers this Court to make any Order which justice requires to protect a party or person from unreasonable annoyance, embarrassment, oppression, burden or expense and set conditions upon which a deposition or discovery may be undertaken.

13. The Defendant informed counsel that his doctor prohibits him from driving the distance between Columbus, Ohio and Clearfield, Pennsylvania and he has no family member or friend who can take two (2) days off to drive the Defendant 600 miles for a deposition.

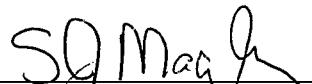
14. The refusal of Plaintiffs' counsel to record this deposition by telephone or videoconference and demand that the Defendant appear for a deposition is unreasonable, unduly burdensome and extremely expensive.

WHEREFORE, this Defendant, DOUGLAS S. PERKINS respectfully requests this Honorable Court enter an Order compelling Plaintiffs to record the testimony of the Defendant by telephone, videoconference or pay the costs and arrange for transportation of the Defendant to Clearfield, Pennsylvania including but not limited to, including but

not limited to travel time, roundtrip mileage, overnight lodging and other reasonable expenses like meals.

Respectfully submitted,

O'MALLEY & MAGLEY, L.L.P.



Stephen J. Magley, Esquire

Attorney for Defendant

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

HEATHER L. MAINES, an individual,)
Plaintiff)
vs.) No. 05-402-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife, and Parents and Natural)
Guardians of JONATHAN MAINES, a minor,)
Plaintiffs,)
vs.) No. 05-403-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife, and Parents and Natural)
Guardians of HARLEY MAINES, a minor,)
Plaintiffs,)
vs.) No. 05-404-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife,)
Plaintiffs,)
vs.) No. 05-405-CD
DOUGLAS S. PERKINS,)
Defendant.)

ORDER OF COURT

AND NOW, to wit, this _____ day of _____,
2007, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff is compelled to
record the deposition upon oral examination of Defendant, Douglas S. Perkins:

a) by telephone;

- b) by videoconference as arranged by Defense counsel; or,
- c) advance all expenses and make all arrangements for the Defendant's attendance at a deposition in Clearfield, Pennsylvania including but not limited to travel time, roundtrip mileage, tolls, overnight lodging and other reasonable expenses like meals.

BY THE COURT:

_____.J.

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

HEATHER L. MAINES, an individual,)
Plaintiff)
vs.) No. 05-402-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife, and Parents and Natural)
Guardians of JONATHAN MAINES, a minor,)
Plaintiffs,)
vs.) No. 05-403-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife, and Parents and Natural)
Guardians of HARLEY MAINES, a minor,)
Plaintiffs,)
vs.) No. 05-404-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife,)
Plaintiffs,)
vs.) No. 05-405-CD
DOUGLAS S. PERKINS,)
Defendant.)

ORDER OF COURT

AND NOW, to wit, this _____ day of _____,
2007, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff is compelled to
record the deposition upon oral examination of Defendant, Douglas S. Perkins:

a) by telephone;

- b) by videoconference as arranged by Defense counsel; or,
- c) advance all expenses and make all arrangements for the Defendant's attendance at a deposition in Clearfield, Pennsylvania including but not limited to travel time, roundtrip mileage, tolls, overnight lodging and other reasonable expenses like meals.

BY THE COURT:

J.

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

HEATHER L. MAINES, an individual,)
Plaintiff)
vs.) No. 05-402-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife, and Parents and Natural)
Guardians of JONATHAN MAINES, a minor,)
Plaintiffs,)
vs.) No. 05-403-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife, and Parents and Natural)
Guardians of HARLEY MAINES, a minor,)
Plaintiffs,)
vs.) No. 05-404-CD
DOUGLAS S. PERKINS,)
Defendant.) Consolidated with

WADE A. MAINES and DARLENE A. MAINES,)
Husband and Wife,)
Plaintiffs,)
vs.) No. 05-405-CD
DOUGLAS S. PERKINS,)
Defendant.)

SCHEDULING ORDER

AND NOW, this _____ day of _____, 2008, it is ordered that a rule is
issued upon _____ for a hearing on _____ day of _____,
2008, in Courtroom #_____.

BY THE COURT:

_____, J.

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

HEATHER L. MAINES, an individual,
Plaintiff *
vs. *
DOUGLAS S. PERKINS, * NO. 05-402-CD
Defendant *
* Consolidated with

WADE A. MAINES and DARLENE A. MAINES,
Husband and Wife, and Parents and Natural Guardians
of, JONATHAN MAINES, a minor,
Plaintiffs *
vs. *
DOUGLAS S. PERKINS, * NO. 05-403-CD
Defendant *
* Consolidated with

WADE A. MAINES and DARLENE A. MAINES,
Husband and Wife, and Parents and Natural Guardians
of HARLEY MAINES, a minor,
vs. *
DOUGLAS S. PERKINS, * NO. 05-404-CD
Defendant *
* Consolidated with

WADE A. MAINES and DARLENE A. MAINES,
Husband and Wife,
Plaintiffs *
vs. *
DOUGLAS S. PERKINS, * NO. 05-405-CD
Defendant *
*

ORDER

NOW, this 4th day of February, 2008, following, the Court being in receipt of and
having reviewed the Motion for Protective Order filed by Stephen Magley, Defendant's
counsel, in the above- captioned cases, it is the ORDER of this Court that argument on
said Motion is scheduled for the 6th day of February, 2008 at 1:30 p.m. in Courtroom
No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED

01/09/2008
FEB 04 2008
JM

1cc Atlys:
Neddeo
Magley

William A. Shaw
Prothonotary/Clerk of Courts

Judge's office
faxed to Atlys
Neddeo & Magley

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

HEATHER L. MAINES, an individual, *
Plaintiff, *

vs. *

No. 05 - 402 - CD

DOUGLAS S. PERKINS, *
Defendant * Consolidated with

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

Plaintiffs *

vs. *

No. 05 - 403 - CD

DOUGLAS S. PERKINS, *
Defendant * Consolidated with

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

Plaintiffs *

vs. *

No. 05 - 404 - CD

DOUGLAS S. PERKINS, *
Defendant * Consolidated with

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

Plaintiffs *

vs. *

No. 05 - 405 - CD

DOUGLAS S. PERKINS, *
Defendant *

**ANSWER TO MOTION FOR
PROTECTIVE ORDER**

* 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*
01/10/2008 Atty Naddeo
FEB 04 2008

6K

William A. Shaw
Prothonotary/Clerk of Courts

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

HEATHER L. MAINES, an individual, Plaintiff,	*	
vs.	*	
DOUGLAS S. PERKINS, Defendant	*	No. 05 - 402 - CD
	*	<i>Consolidated with</i>
<hr/>		
WADE A. MAINES and DARLENE A. MAINES, Husband and Wife, and Parents and Natural Guardians of JONATHAN MAINES, a minor,	*	
Plaintiffs	*	
vs.	*	No. 05 - 403 - CD
DOUGLAS S. PERKINS, Defendant	*	<i>Consolidated with</i>
<hr/>		
WADE A. MAINES and DARLENE A. MAINES, Husband and Wife, and Parents and Natural Guardians of HARLEY MAINES, a minor,	*	
Plaintiffs	*	
vs.	*	No. 05 - 404 - CD
DOUGLAS S. PERKINS, Defendant	*	<i>Consolidated with</i>
<hr/>		
WADE A. MAINES and DARLENE A. MAINES, Husband and Wife,	*	
Plaintiffs	*	
vs.	*	No. 05 - 405 - CD
DOUGLAS S. PERKINS, Defendant	*	

ANSWER TO MOTION FOR PROTECTIVE ORDER

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

1. Admitted.
2. Admitted.

3. Admitted, but in further answer thereto it is alleged that the deposition of Douglas S. Perkins has been scheduled on three different occasions.

4. Denied in that after reasonable investigation Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of said averment.

5. Denied in that after reasonable investigation Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of said averment.

6. Admitted in so far as it states that Defendant's deposition was scheduled on December 27, 2007 as required by Order of this Court dated October 31, 2007. A copy of said Order is attached hereto. The remainder of said allegation is denied in that after reasonable investigation Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of said averment.

7. Admitted.

8. Denied as stated and to the contrary it is alleged that Plaintiffs' counsel did agree to take Defendant's deposition by videoconference but that Defense counsel failed to confirm that such arrangements had been made.

9. Admitted in so far as it states that Defendant's deposition was scheduled for February 8, 2008. At no time was Plaintiffs' counsel informed that this deposition was to be taken

by videoconference with Defense counsel participating in Pittsburgh and Plaintiffs' counsel participating in State College, and to the contrary Plaintiffs' counsel never agreed to travel to State College for the purpose of taking said deposition.

10. Denied in that after reasonable investigation Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of said averment.

11. Admitted and in further answer thereto it is alleged that the Order issued by the Court incident to the status conference which Defense counsel failed to attend, specifically directs Defendant to make himself available for deposition within sixty (60) days from the date of said Order to which Order Defense counsel made no objection. Finally, Plaintiffs are no longer willing to accommodate Defense counsel's request in that Defense counsel has failed in all respects to honor his commitment to schedule this deposition.

12. States a conclusion of law to which no answer is required. To the extent that an answer may be required, it is specifically denied that a 300-mile automobile trip is either unreasonably oppressive or expensive.

13. It is admitted that Defense counsel contends that Defendant's Doctor prohibits him from driving between Columbus, OH and Clearfield, PA. The remainder of said allegation is denied in that after reasonable investigation the Plaintiffs are without

knowledge or information sufficient to form a belief as to the truth of said allegation.

14. States a conclusion to which no answer is required. To the extent that an answer may be required, said allegation is denied and to the contrary it is alleged that the parties routinely travel at their own expense the distances required by Defendant to fulfill his obligation to appear.

WHEREFORE, plaintiffs respectfully request the Court to conduct a hearing upon Defendant's Petition after which said request should be denied consistent with the Court's Order of October 31, 2007.

NADDEO & LEWIS, LLC

By 
James A. Naddeo
Attorney for Plaintiffs

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

HEATHER L. MAINES, an individual, Plaintiff	*
vs.	*
DOUGLAS S. PERKINS, Defendant	NO. 05-402-CD
	*
	*
	*
	Consolidated with
WADE A. MAINES and DARLENE A. MAINES, Husband and Wife, and Parents and Natural Guardians of JONATHAN MAINES, a minor, Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS, Defendant	NO. 05-403-CD
	*
	*
	*
	Consolidated with
WADE A. MAINES and DARLENE A. MAINES, Husband and Wife, and Parents and Natural Guardians of HARLEY MAINES, a minor, Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS, Defendant	NO. 05-404-CD
	*
	*
	Consolidated with
WADE A. MAINES and DARLENE A. MAINES, Husband and Wife, and Parents and Natural Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS, Defendant	NO. 05-405-CD
	*
	*
	*

ORDER

NOW, this 31st day of October, 2007, following status conference with counsel for the Plaintiff, the Court hereby issues the following case management ORDER:

1. The Defendant, Douglas S. Perkins, shall make himself available for a deposition within no more than sixty (60) days from this date. The date, time and place of the deposition shall be determined by counsel for the Plaintiff;
2. The Defense shall advise the Plaintiffs within no more than thirty (30) days from this date if the Defense wishes to conduct an independent medical examination on the Plaintiff. Failure to properly advise, in writing, within the said thirty (30)

days shall result in the Defendant waiving any right to an independent medical examination;

3. All other discovery shall be completed by no later than March 1, 2008;
4. This case shall be listed for Jury Trial for the Spring Term of Civil Court, 2008;
5. Jury selection shall be on April 3, 2008 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
6. The above-captioned cases filed against the Defendant are hereby consolidated.
7. The Court notes that counsel for the Defendant failed to appear for the status conference.

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

I hereby certify this to be a true and attested copy of the original statement filed in this case.

OCT 31 2007

Attest,

William L. Linn
Prothonotary/
Clerk of Courts

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

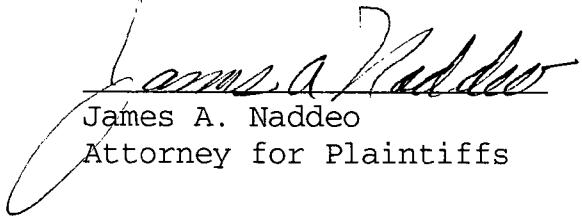
HEATHER L. MAINES, an individual,	*
Plaintiff,	*
vs.	*
DOUGLAS S. PERKINS,	*
Defendant	*
	<i>Consolidated with</i>
<hr/>	
WADE A. MAINES and DARLENE A. MAINES,	*
Husband and Wife, and Parents and	*
Natural Guardians of JONATHAN MAINES,	*
a minor,	*
Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS,	*
Defendant	*
	<i>Consolidated with</i>
<hr/>	
WADE A. MAINES and DARLENE A. MAINES,	*
Husband and Wife, and Parents and	*
Natural Guardians of HARLEY MAINES,	*
a minor,	*
Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS,	*
Defendant	*
	<i>Consolidated with</i>
<hr/>	
WADE A. MAINES and DARLENE A. MAINES,	*
Husband and Wife,	*
Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS,	*
Defendant	*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Plaintiff's Answer to Defendant's Motion for Protective Order was served on the following and in the following manner on the 4th day of February, 2008:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205


James A. Naddeo
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HEATHER L. MAINES, an indiv. :

VS. : NO. 05-402-CD

DOUGLAS S. PERKINS :

consolidated with

WADE A. MAINES and DARLENE A. :

MAINES, husband and Wife, :

Parents and Natural Guardians of:

JONATHAN MAINES, a minor :

FILED ^{ACC Atlys:}
^{O/2:15 cm S. Magley}
FEB 08 2008
Nodded
④

William A. Shaw
Prothonotary/Clerk of Courts

VS. : NO. 05-403-CD

DOUGLAS S. PERKINS :

consolidated with

WADE A. MAINES and DARLENE A. :

MAINES, husband and Wife, :

Parents and Natural Guardians of:

HARLEY MAINES, a minor :

VS. : NO. 05-404-CD

DOUGLAS S. PERKINS :

consolidated with

WADE A. MAINES and DARLENE A. :

MAINES, husband and Wife :

VS. : NO. 05-405-CD

DOUGLAS S. PERKINS :

O R D E R

AND NOW, this 6th day of February, 2008, following argument on the Motion for Protective Order filed on behalf of the Defendant; with the Court noting that counsel for both

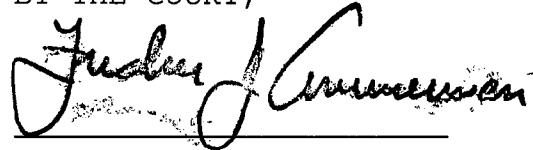
parties are present; the Court also notes that the Defendant, Douglas S. Perkins, has claimed a medical condition has precluded him from driving from Columbus, Ohio, to Clearfield, Pennsylvania, but that no medical documentation has been provided; it is the ORDER of this Court that the Protective Order be and is hereby granted but only to the extent that the said Defendant shall make himself available for deposition, either by videoconferencing or by appearing in person, with the deposition to occur no later than March 14, 2008, but shall not be held between February 14 and February 26, 2008. Any failure on the part of the Defendant to comply with provisions of this Order shall result in the Court imposing appropriate sanctions upon request of the Plaintiff.

The Defendant shall, through counsel, supply information from his physician which confirms his claim that he is medically unable to drive the distance of approximately 300 miles one-way from Columbus, Ohio, to Clearfield County, and then return. Copies of the medical information shall be supplied to Plaintiff's counsel by no later than February 26, 2008. In the event the Defendant should fail to supply the medical information as ordered, he shall be required to appear for a deposition in person.

Jury trial is hereby scheduled for June 3 and 4,

2008, Courtroom No. 1, Clearfield County Courthouse, Clearfield,
Pennsylvania.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judge J. Kenneth Cawley". The signature is written in a cursive style with a horizontal line underneath it.

President Judge

DATE: 2-8-2008

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 08 2008

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.

DOUGLAS S. PERKINS,
Defendant.

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* No. 05 - 405 - CD

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* Type of Pleading:

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* **CERTIFICATE OF SERVICE**

*
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*
*

* 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
03:21 P.M. GK
FEB 19 2008
ACC TO AITY

William A. Shaw
Prothonotary/Clerk of Courts

60

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 - 405 - CD

DOUGLAS S. PERKINS,
Defendant.

*
*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Notice of Taking Deposition was served on the following and in the following manner on the 19th day of February, 2008:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205

ASAP Court Reporting
167 South McKean Street
Kittanning, PA 16201

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,
Plaintiffs,

vs.

DOUGLAS S. PERKINS,
Defendant.

*

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*

* No. 05 - 405 - CD

*

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*

* 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 3cc Atty
0/3:30pm Naddeo
APR 28 2008
LM

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 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Notice of Taking Deposition was served on the following and in the following manner on the 28th day of April, 2008:

First-Class Mail, Postage Prepaid

Susan I. Harchak, D.C.
Harchak Chiropractic Clinic, LLC
1114 Walton Road
Philipsburg, PA 16866

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205

Maryann Cornelius, Court Reporter
339 Southmont Boulevard
Johnstown, PA 15905

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,
Plaintiffs,

vs.

DOUGLAS S. PERKINS,
Defendant.

No. 05 - 405 - CD William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 29 2008

10-471c
William A. Shaw

William A. Shaw
Chairman/Clerk of C.

177

Type of Pleading:

MOTION FOR CONTINUANCE

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

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

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

* No. 05-405-CD

Vs.

DOUGLAS S. PERKINS,
Defendant.

*

MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF THE COURT:

NOW COME the Plaintiffs, by her undersigned counsel, James A. Naddeo, Esquire, and hereby moves this Honorable Court for a continuance of the Jury Trial and sets forth as follows:

1. That an Order was entered on February 6, 2008 directing a Jury Trial be held in the Clearfield County Courthouse, Courtroom No. 1, Clearfield Pennsylvania on the 3rd and 4th day of June, 2008, at 9:00 o'clock a.m.
2. That Susan I. Harchak, D.C., is not available to testify on June 3rd and 4th, 2008, as she is scheduled to be on vacation on these dates.
3. That due to the busy schedule of Susan I. Harchak, D.C., she has requested that her testimony be taken at her office by deposition, which will be used at the Trial.

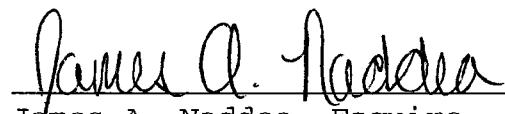
4. That the deposition of Susan I. Harchak, D.C. is scheduled for Tuesday, June 24, 2008. A true and correct copy of Notice of Deposition is attached hereto as Exhibit "A."

5. The Plaintiff will be required to obtain the transcript of said deposition prior to the Trial of this matter.

6. This matter has not been previously continued.

WHEREFORE, counsel for Plaintiff respectfully requests that the Jury Trial presently scheduled for June 3rd and 4th, 2008 be continued by the Court to the next scheduled Term of Civil Court.

Respectfully submitted,



James A. Naddeo, Esquire
Attorney for Plaintiff

mailed
4-28-08

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

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

vs.

DOUGLAS S. PERKINS,
Defendant.

No. 05 - 405 - CD

Type of Pleading:

NOTICE OF TAKING
DEPOSITION

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

Exhibit "A"

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

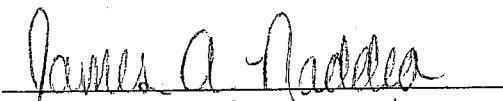
WADE A. MAINES, and *
DARLENE A. MAINES, *
Husband and wife *
Plaintiffs, *
*
vs. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS *
Defendant. *
*

NOTICE OF TAKING DEPOSITION

TO: Susan I. Harchak, D.C.
Harchak Chiropractic Clinic, LLC
1114 Walton Street
Philipsburg, PA 16866

PLEASE TAKE NOTICE that on Tuesday, June 24, 2008,
beginning at 11:00 a.m., before a notary public (or other person
authorized to administer oaths), the Plaintiff in this action will
take your deposition at the your office located at 1114 Walton
Street, Philipsburg, Pennsylvania 16866.

NADDEO & LEWIS, LLC



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,*
Plaintiffs,*
vs*
DOUGLAS S. PERKINS,*
Defendant,*
*
* NO. 05-405-CD

O R D E R

NOW, this 29th day of April, 2008, the Court being in receipt of and having reviewed the Motion for Continuance filed by James A. Naddeo, counsel for the Plaintiffs, it is the ORDER of this Court that said Motion be and is hereby DENIED.

The jury trial on June 3 and 4, 2008 is to proceed as scheduled.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 300
04/14/08 Atty Naddeo
APR 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

(6P)

FILED

APR 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/30/08

You are responsible for serving all appropriate parties.
The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

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

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

vs.

DOUGLAS S. PERKINS,
Defendant.

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* No. 05 - 405 - CD

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* Type of Pleading:

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* **CERTIFICATE OF SERVICE**

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* Filed on behalf of:
* Plaintiffs

*
*
*
*

* Counsel of Record for
* this party:

*
*
*
*

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

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*
*

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

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*

FILED NO
MAY 02 2006
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William A. Shaw
Prothonotary/Clerk of Courts

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

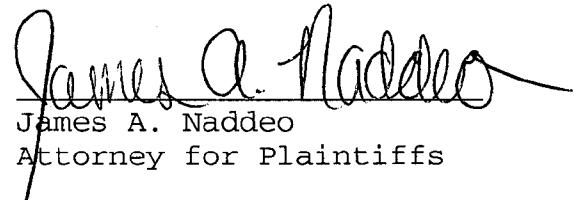
WADE A. MAINES and *
DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs, *
*
vs. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that certified copies of Motion for Continuance and Order of Court were served on the following and in the following manner on the 1st day of May, 2008:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205


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.

DOUGLAS S. PERKINS,
Defendant.

No. 05 - 405 - 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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01/10/37 801 Amy Nadel
MAY 06 1908

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 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

CERTIFICATE OF SERVICE

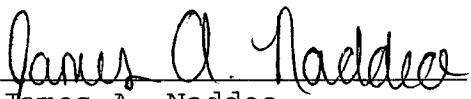
I, James A. Naddeo, Esquire, do hereby certify that a True and Correct copy of Amended Notice of Taking Deposition was served on the following and in the following manner on the 6th day of May, 2008:

First-Class Mail, Postage Prepaid

Susan I. Harchak, D.C.
Harchak Chiropractic Clinic, LLC
1114 Walton Street
Philipsburg, PA 16866

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205

Maryann Cornelius, Court Reporter
339 Southmont Boulevard
Johnstown, PA 15905


James A. Naddeo
Attorney for Plaintiffs

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

HEATHER L. MAINES, an individual, *
Plaintiff, *
vs. * No. 05 - 402 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

WADE A. MAINES and DARLENE A. MAINES, *
Husband and Wife, and Parents and *
Natural Guardians of JONATHAN MAINES, *
a minor, *
Plaintiffs *
vs. * No. 05 - 403 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

WADE A. MAINES and DARLENE A. MAINES, *
Husband and Wife, and Parents and *
Natural Guardians of HARLEY MAINES, *
a minor, *
Plaintiffs *
vs. * No. 05 - 404 - CD
DOUGLAS S. PERKINS, *
Defendant * Consolidated with

WADE A. MAINES and DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs *
vs. * No. 05 - 405 - CD
DOUGLAS S. PERKINS, *
Defendant *

**PETITION TO CERTIFY
THE HEREIN ACTIONS TO
ARBITRATION**

* 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 NO
0349-001
MAY 14 2008
(CK)

William A. Shaw
Prothonotary/Clerk of Courts

Dated: May 14, 2008

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 - 405 - CD
* and the cases as
* Consolidated therewith:
* 05-404-CD;
DOUGLAS S. PERKINS, * 05-403-CD; and
Defendant * 05-402-CD

RULE

AND NOW, this _____ day of _____, 2008, it is hereby ORDERED that a Rule be granted upon the Defendant, Douglas S. Perkins, to show cause why the relief requested by the Plaintiffs should not be granted.

Rule Returnable and argument thereon to be held the _____ of _____, 2008, at _____ .m., in Courtroom _____ of the Clearfield County Courthouse, Clearfield, Pennsylvania.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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
CLEARFIELD, PA 16830
(814) 765-2641, Ext. 5982

BY THE COURT,

Judge

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

HEATHER L. MAINES, an individual,	*
Plaintiff,	*
vs.	*
DOUGLAS S. PERKINS,	No. 05 - 402 - CD
Defendant	*
	<i>Consolidated with</i>
<hr/>	
WADE A. MAINES and DARLENE A.	*
MAINES, Husband and Wife, and	*
Parents and Natural Guardians of	*
JONATHAN MAINES, a minor,	*
Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS,	No. 05 - 403 - CD
Defendant	*
	<i>Consolidated with</i>
<hr/>	
WADE A. MAINES and DARLENE A.	*
MAINES, Husband and Wife, and	*
Parents and Natural Guardians of	*
HARLEY MAINES, a minor,	*
Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS,	No. 05 - 404 - CD
Defendant	*
	<i>Consolidated with</i>
<hr/>	
WADE A. MAINES and DARLENE A.	*
MAINES, Husband and Wife,	*
Plaintiffs	*
vs.	*
DOUGLAS S. PERKINS,	No. 05 - 405 - CD
Defendant	*

PETITION TO CERTIFY THE HEREIN ACTIONS TO ARBITRATION

TO THE HONORABLE JUDGE OF THE COURT:

NOW COME the Plaintiffs, by their undersigned counsel,
James A. Naddeo, Esquire, and hereby move this Honorable Court to
certify this case to arbitration and set forth as follows:

1. That Plaintiffs filed suit to the above captioned cases for injuries sustained as a result of a motor vehicle accident which involved Defendant.

2. That Plaintiffs' claims indicate they are within the arbitration limits provided for at local rule 1301. Pa. Clearfield Cty. Civ. LR 1301 (2007).

3. That Plaintiffs respectfully request all of the herein identified litigation be certified to arbitration.

WHEREFORE, counsel for Plaintiffs respectfully requests that Your Honorable Court enter an order directing this litigation be certified to arbitration.

Respectfully submitted,

NADDEC & LEWIS, LLC

By James Nadeo
James A. Nadeo, Esquire
Attorney for Plaintiffs

FILED

MAY 16 2008

013:3014

William A. Shaw
Prothonotary/Clerk of Courts

3 CENTS TO

ATTY NADDEO

STREETER MAGLAR

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

HEATHER L. MAINES, an individual,
Plaintiff
vs.
DOUGLAS S. PERKINS,
Defendant

WADE A. MAINES and DARLENE A. MAINES,
Husband and Wife, and Parents and Natural Guardians
of, JONATHAN MAINES, a minor,
Plaintiffs
vs.
DOUGLAS S. PERKINS,
Defendant

WADE A. MAINES and DARLENE A. MAINES,
Husband and Wife, and Parents and Natural Guardians
of HARLEY MAINES, a minor,
vs.
DOUGLAS S. PERKINS,
Defendant

WADE A. MAINES and DARLENE A. MAINES,
Husband and Wife,
Plaintiffs
vs.
DOUGLAS S. PERKINS,
Defendant

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* NO. 05-402-CD

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* Consolidated with

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* NO. 05-404-CD

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* Consolidated with

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* NO. 05-405-CD

ORDER

NOW, this 16th day of May, 2008, the Court being in receipt of and having
reviewed the Petition to Certify the Herein Actions to Arbitration filed by Plaintiffs'
counsel James A. Naddeo, Esquire, in the above-captioned cases, the Court notes that
1) a status conference was held on October 31, 2007 which set jury selection for April 3,
2008, 2) jury selection was held on April 3, 2008 and 3) following argument on the
Defendant's Motion for Protective Order on February 6, 2008 the dates for jury trial were
set for June 3 and 4, 2008.

Therefore, since a jury panel has been selected and the trial dates have been established for significant period of time, it is the ORDER of this Court that the Plaintiffs' Petition to Certify the Herein Actions to Arbitration be and is hereby DENIED.

BY THE COURT



Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

FILED
MAY 16 2008
William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5-16-08

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

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

vs.

DOUGLAS S. PERKINS,
Defendant.

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* No. 05 - 405 - CD

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* Type of Pleading:

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CERTIFICATE OF SERVICE

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* Filed on behalf of:

*
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Plaintiffs

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*

* Counsel of Record for
* this party:

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*

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

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

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0105534 MAY 19 2008 Atty Naddeo
CJ

William A. Shaw
Prothonotary/Clerk of Courts

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

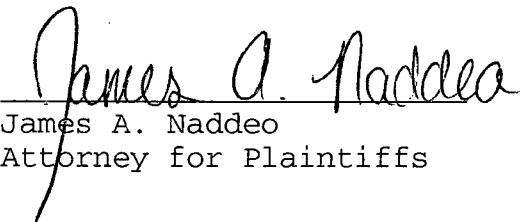
WADE A. MAINES and *
DARLENE A. MAINES, *
Husband and Wife, *
Plaintiffs, *
*
vs. * No. 05 - 405 - CD
*
DOUGLAS S. PERKINS, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Order was served on the following and in the following manner on the 19th day of May, 2008:

First-Class Mail, Postage Prepaid

Stephen J. Magley, Esquire
O'Malley and Magley, LLP
5280 Steubenville Pike
Pittsburgh, PA 15205



James A. Naddeo
Attorney for Plaintiffs