

05-405-CD  
W. Maines et al vs Douglas Perkins

Wade Maines et al v. Douglas Perkins  
2005-405-CD

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

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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

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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

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No. 05 - 404 - CD

Consolidated with

-----  
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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**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**

01/10/4020  
JUN 02 2008

William A. Shaw  
Prothonotary/Clerk of Courts

ICC 92 Cert.  
of Disc. to  
Att. Naddeo

(610)

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

CIVIL DIVISION

COPY

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

Vs.

No. 2005-00405-CD

Douglas S. Perkins

CERTIFICATE OF DISCONTINUATION

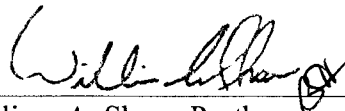
Commonwealth of PA  
County of Clearfield

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

## Civil Other

Date		Judge
3/22/2005	New Case Filed.	No Judge
	Filing: Praecipe 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
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	Praecipe 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	No Judge
	Praecipe For Rule to File Complaint, filed by s/ Stephen J. Magley, Esquire. No CC, 1 Rule to Atty. Magley	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	Praecipe 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 Praecipe 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 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 Attys: Magley, O'Malley, and Carone Orig. to 05-402-CD	Fredric Joseph Ammerman

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.	No Judge
	Filing: Praeipe 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
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	Praeipe 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	No Judge
	Praeipe For Rule to File Complaint, filed by s/ Stephen J. Magley, Esquire. No CC, 1 Rule to Atty. Magley	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
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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
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## 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 Directed 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 Attys: 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 Attys: 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
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

## 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 Directed 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 Attys: 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 Attys: 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

Clearfield County Court of Common Pleas

User: LMILLER

Time: 03:32 PM

ROA Report

Page 3 of 3

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.	Fredric Joseph Ammerman
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 the trial dates have been established for significant 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	Fredric Joseph Ammerman
5/19/2008	Certificate of Service, filed. That a certified copy of Order was served on 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.	Fredric Joseph Ammerman

## 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 <input checked="" type="checkbox"/> 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

William A. Shaw  
Prothonotary/Clerk of Courts

NO CC  
L Atty pd 85.00  
I Writ to  
Shff  
Courts

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

COPY

**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.

CP FILED  
013:07:01  
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** <sup>CK</sup>  
m/2:40/81  
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.

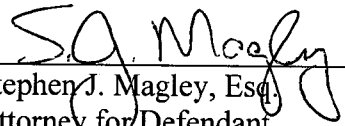
By: Stephen J. Magley  
Stephen J. Magley, Esq.  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within documents were served this 20<sup>TH</sup> 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.

  
\_\_\_\_\_  
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**

APR 22 2005

William A. Shaw  
Prothonotary/Clerk of Courts

*OK*  
*m/c: 40601 Rule to*  
*File Magley*

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 RULE TO FILE COMPLAINT

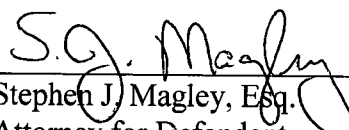
TO: Prothonotary

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:

  
Stephen J. Magley, Esq.  
Attorney for Defendant.

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

COPY

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

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

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.

DOUGLAS S. PERKINS,  
                    Defendant.

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No. 05 - 405 - CD

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

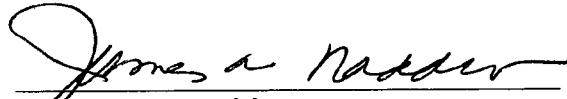
17. That the Plaintiff, Wade A. Maines, incorporates Paragraphs 1 through 16 of the First Count of this Complaint by reference and makes them a part hereof.

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 )

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 Amaris

Darlene A. Maines

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

Linda C. Luvu

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

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

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

vs.

DOUGLAS S. PERKINS,  
Defendant.

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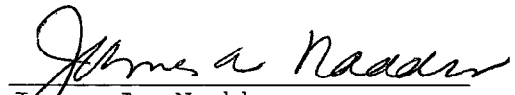
No. 05 - 405 - CD

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  
m) 1:14/01 cc  
JUL 11 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.

**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 PA. 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 June 2

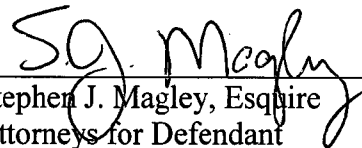
  
\_\_\_\_\_  
DOUGLAS S. PERKINS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within documents were served this 7<sup>th</sup> 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.

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

FILED *NO cc*  
*m/18:22/30*  
AUG 10 2005 *5*

William 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 8<sup>TH</sup> day of August, 2005.

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

By: \_\_\_\_\_

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

1 CENT TO ATR



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

ANSWER TO NEW MATTER

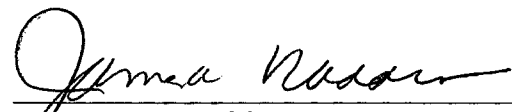
NOW COME the Plaintiffs and by their attorney, James A. Naddeo, Esquire, set forth the following:

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

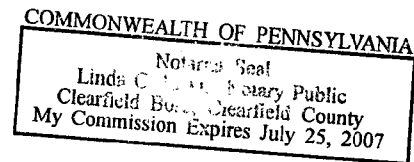
COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD )

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 16<sup>th</sup> day of August, 2005.

Linda Lura



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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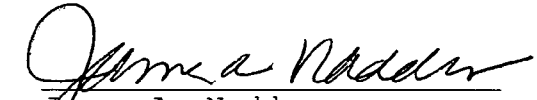
No. 05 - 405 - CD

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

**FILED**  
OCT 24 2005  
William A. Shaw  
Notary Public/Commissioner 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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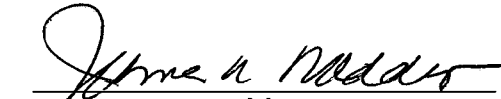
No. 05 - 405 - CD

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

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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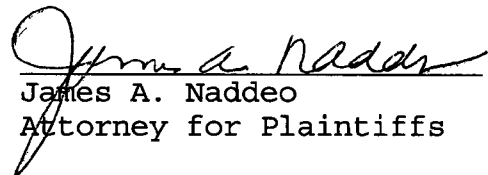
No. 05 - 405 - CD

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 cc*  
*mh:376*  
JUL 17 2006  
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 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 14<sup>th</sup> day of July, 2006.

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

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



**FILED**  
SEP 12 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.

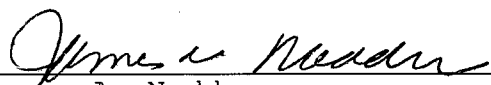
DOUGLAS S. PERKINS,  
Defendant.

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No. 05 - 405 - CD

PRAECIPE FOR STATUS CONFERENCE

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

  
James A. Naddeo  
Attorney for Plaintiffs

✓

2

VS.

DOUGLAS S. PERKINS,  
Defendant.

[illegible]

No. 05 - 405 - CD

Type of Pleading:

### SCHEDULING 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 100  
01/10/03/24  
SEP 17 2007  
Att. 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.

DOUGLAS S. PERKINS,  
Defendant.

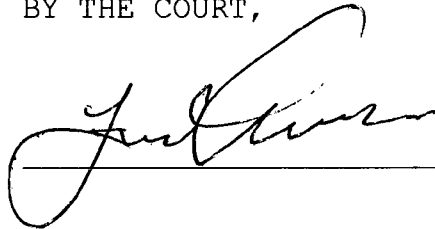
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No. 05 - 405 - CD

**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 26<sup>th</sup> day of October, 2007, at 11:00<sup>A.M.</sup> 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

X You are responsible for serving all appropriate parties.

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

\_\_\_\_ Plaintiff(s) \_\_\_\_ Plaintiff(s) Attorney \_\_\_\_ Other

\_\_\_\_ Defendant(s) \_\_\_\_ Defendant(s) Attorney

\_\_\_\_ Special Instructions:

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.

DOUGLAS S. PERKINS,  
Defendant.

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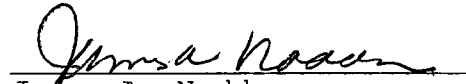
No. 05 - 405 - CD

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 31<sup>st</sup> 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)

**FILED** Orig. to  
05-402-CD  
OCT 31 2007

William A. Shaw  
Prothonotary/Clerk of Courts

cc Atty Naddo

cc Atty's Magley,  
O'Malley, and  
Carone

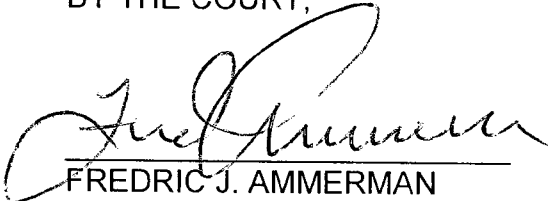
(6K)



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

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

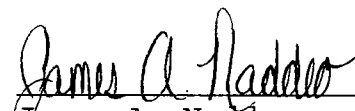
CERTIFICATE OF SERVICE

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 21<sup>st</sup> 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 <sup>NO ec</sup>  
m/10:50/51  
DEC 03 2005  
Cm

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 29<sup>th</sup> 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 \*

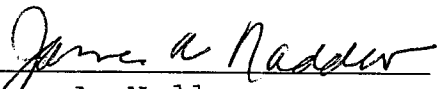
CERTIFICATE OF SERVICE

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:

**FILED** NO CC  
DEC 19 2007  
3:41 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
Orig. to 05-402-CD

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First-Class Mail, Postage Prepaid

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

  
James A. Naddeo  
Attorney for Plaintiffs

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

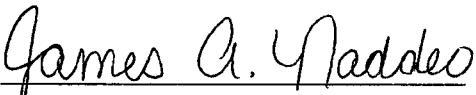
CERTIFICATE OF SERVICE

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 10<sup>th</sup> 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  
Attorney for Plaintiffs

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

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 28<sup>th</sup> 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  
Attorney for Plaintiffs

7003 3110 0001 9380 0602

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Sent To	
DOUGLAS S. PERKINS	
Street, Apt. No., or PO Box No.	c/o OCLC, 6565 Frantz Road
City, State, ZIP+4	Dublin, OH 43064

**Certified Mail Provides:**

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- Certified Mail is *not* available for any class of international mail.
- 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☐ AddresseeB. Received by (*Printed Name*)

Aaron Smith

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf 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*)☒ Yes

2. Article Number

(*Transfer from service label*)

7003 3110 0001 9380 0602

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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  
m12:54/1  
FEB 01 2008

William A. Shaw  
Prothonotary/Clerk of Courts

GP



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.

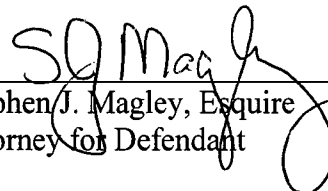
14. The refusal of Plaintiffs' counsel to record this deposition by telephone or videoconference and demand that the Defendant appear for a deposition is unreasonable, unduly burdensome and extremely expensive.

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.	)	

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**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

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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

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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

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

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**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.



(3)

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

HEATHER L. MAINES, an individual,  
Plaintiff

vs.

DOUGLAS S. PERKINS,  
Defendant

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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

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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,

vs.

DOUGLAS S. PERKINS,  
Defendant

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NO. 05-404-CD

*Consolidated with*

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

vs.

DOUGLAS S. PERKINS,  
Defendant

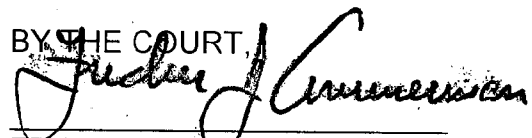
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NO. 05-405-CD

**ORDER**

NOW, this 4<sup>th</sup> 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 **6<sup>th</sup> 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**

019:1201  
FEB 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

cc Attys:  
Naddeo  
Magley  
Judge's office  
faxed to Attys  
Naddeo & Magley

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

HEATHER L. MAINES, an individual,  
Plaintiff,

vs.

DOUGLAS S. PERKINS,  
Defendant

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No. 05 - 402 - CD

Consolidated with

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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

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No. 05 - 403 - CD

Consolidated with

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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

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No. 05 - 404 - CD

Consolidated with

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

vs.

DOUGLAS S. PERKINS,  
Defendant

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No. 05 - 405 - CD

**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 <sup>icc</sup>  
01/10/29/08 Atty Naddeo  
FEB 04 2008

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.	*	No. 05 - 402 - CD
DOUGLAS S. PERKINS,	*	
Defendant	*	Consolidated with

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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

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.

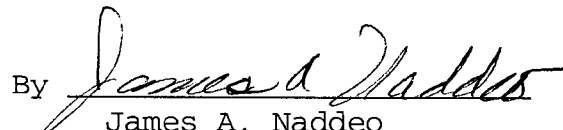
13. It is admitted that Defense counsel contends that Defendant's Doctor prohibits him from driving between Columbus, OH and Clearfield, PA. The reminder of said allegation is denied in that after reasonable investigation the Plaintiffs are without

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

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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

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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

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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

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NO. 05-405-CD

**ORDER**

NOW, this 31<sup>st</sup> 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

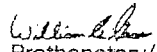
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FREDRIC J. AMMERMAN  
President Judge

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

OCT 31 2007

Attest.

  
Prothonotary/  
Clerk of Courts



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

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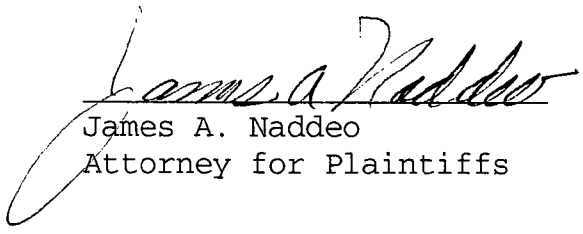
WADE A. MAINES and DARLENE A. MAINES,	*	
Husband and Wife,	*	
Plaintiffs	*	
vs.	*	No. 05 - 405 - CD
DOUGLAS S. PERKINS,	*	
Defendant	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of 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 :  
: 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

**FILED** 200 Attys:  
Noddeo  
0/2:15 cm S. Magley  
FEB 08 2008 @

William A. Shaw  
Prothonotary/Clerk of Courts

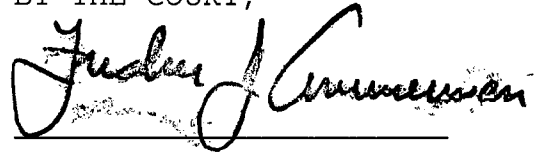
parties are present; the Court also notes that the Defendant, Douglas S. Perkins, has claimed a medical condition has precluded him from driving from Columbus, Ohio, to Clearfield, Pennsylvania, but that no medical documentation has been provided; it is the ORDER of this Court that the Protective Order 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. Cunningham", written over a horizontal line.

President Judge

DATE: 2-8-2008

\_\_\_\_ You are responsible for serving all appropriate parties.

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

\_\_\_\_ Plaintiff(s) X Plaintiff(s) Attorney \_\_\_\_ Other

\_\_\_\_ Defendant(s) X Defendant(s) Attorney

\_\_\_\_ Special Instructions:

**FILED**

**FEB 08 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

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

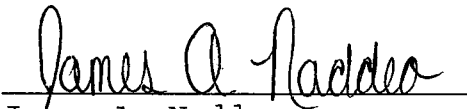
CERTIFICATE OF SERVICE

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 19<sup>th</sup> 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  
Attorney for Plaintiffs



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

CERTIFICATE OF SERVICE

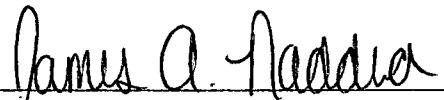
I, James A. Naddeo, Esquire, do hereby certify that a  
copy of Notice of Taking Deposition was served on the following  
and in the following manner on the 28<sup>th</sup> day of April, 2008:

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  
Attorney for Plaintiffs

LA

[illegible]

No. 05 - 405 - CD Prothonotary/Clerk of Courts

FILED R  
APR 29 2008  
0/10:45  
William A. Shaw  
Notary Public/Clerk of Courts  
I SENT TO  
ATTN

**MOTION FOR CONTINUANCE**

Counsel of Record for  
this party:

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.

DOUGLAS S. PERKINS,  
Defendant.

No. 05-405-CD

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 3<sup>rd</sup> and 4<sup>th</sup> 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 3<sup>rd</sup> and 4<sup>th</sup>, 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.

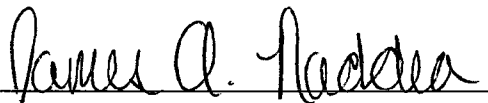
4. That the deposition of Susan I. Harchak, D.C. is scheduled for Tuesday, June 24, 2008. A true and correct copy of Notice of Deposition is attached hereto as Exhibit "A."

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 3<sup>rd</sup> and 4<sup>th</sup>, 2008 be continued by the Court to the next scheduled Term of Civil Court.

Respectfully submitted,

  
James A. Naddeo, Esquire  
Attorney for Plaintiff



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

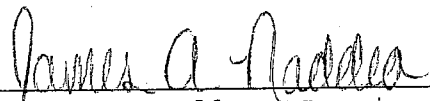
DOUGLAS S. PERKINS \*  
Defendant. \*

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

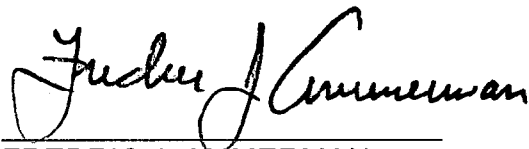
NO. 05-405-CD

ORDER

NOW, this 29<sup>th</sup> 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

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019:14301 Atty Naddeo  
APR 30 2008

William A. Shaw  
Prothonotary/Clerk of Courts

(62)



FILED

APR 30 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 4/30/08

X 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:

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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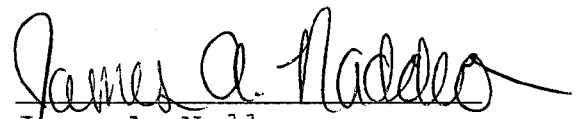
No. 05 - 405 - CD

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 1<sup>st</sup> 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

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

CERTIFICATE OF SERVICE

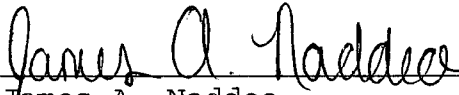
I, James A. Naddeo, Esquire, do hereby certify that a True and Correct copy of Amended Notice of Taking Deposition was served on the following and in the following manner on the 6<sup>th</sup> day of May, 2008:

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

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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

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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

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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 CC  
013149 B01  
MAY 14 2008

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.

DOUGLAS S. PERKINS,  
Defendant

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No. 05 - 405 - CD  
and the cases as  
Consolidated therewith:  
05-404-CD;  
05-403-CD; and  
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.	*	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

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 A. Naddo, Esquire  
Attorney for Plaintiffs

FILED

MAY 16 2008

0/3:30/0

Prothonotary/Clerk of Courts

3 CENT NADDEO

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,

vs.

DOUGLAS S. PERKINS,  
Defendant

NO. 05-404-CD

Consolidated with

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

vs.

DOUGLAS S. PERKINS,  
Defendant

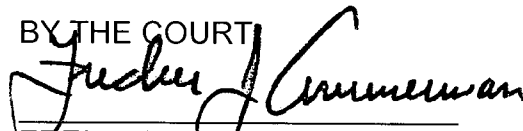
NO. 05-405-CD

ORDER

NOW, this 16<sup>th</sup> 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

A handwritten signature in black ink, appearing to read "Fredric J. Ammerman", written over a horizontal line.

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:

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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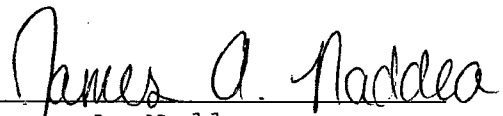
No. 05 - 405 - CD

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 19<sup>th</sup> 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