

05-431-CD
Berkley Mid-Atlantic vs. I. Powell

2005-431-CD
Berkley Mid-Atlantic Group v. Justin Powell

BERKLEY MID-ATLANTIC GROUP, : IN THE COURT OF COMMON PLEAS
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. :
CASE NO. : 05-431-CD
JUSTIN POWELL, :
Defendant. :
:

Type of Pleading:

Complaint

Filed on behalf of:

Plaintiff, Berkley Mid-Atlantic Group

Attorney for Plaintiff:

Stephen H. Hutzelman, Esquire
Shapira, Hutzelman, Berlin, & May
305 West Sixth Street
Erie, PA 16507
(814)452-6800
(814)456-2227

Attorney for Defendant:

Unknown.

FILED *ICC Atty*
3/19/4600 MAR 29 2005 *ICC Staff*
William A. Shaw *Atty*
Prothonotary/Clerk of Courts *85.00*

BERKLEY MID-ATLANTIC GROUP, : IN THE COURT OF COMMON PLEAS
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : CASE NO.
: :
JUSTIN POWELL, :
Defendant. : :

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

IF YOU CAN NOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814)765-2641 EXT. 5982

By: S. H. Hutzelman

Stephen H. Hutzelman, Esquire
Shapira, Hutzelman, Berlin, & May
305 West Sixth Street
Erie, PA 16507
(814) 452-6800

BERKLEY MID-ATLANTIC GROUP,	:	IN THE COURT OF COMMON PLEAS
Plaintiff,	:	OF CLEARFIELD COUNTY, PENNSYLVANIA
vs.	:	CASE NO.
JUSTIN POWELL,	:	
Defendant.	:	

COMPLAINT

And now, comes the Plaintiff, Berkley Mid-Atlantic Group, by and through its counsel, Shapira, Hutzelman, Berlin, & May, and files this Complaint against the Defendant, Justin Powell, a statement of which is as follows:

1. The Plaintiff, Berkley Mid-Atlantic Group, is an insurance company, duly authorized to insure customers in the Commonwealth of Pennsylvania, with an address of P.O. Box 27707, Richmond, Virginia 23261.
2. The Defendant, Justin Powell, is an adult individual residing at or having a place of business at 197 Electric Avenue, Houtzdale, Pennsylvania 16651.
3. The Defendant, Justin Powell, is the owner of Electric Avenue Banquet and Functional Hall, Inc.
4. A lawsuit was filed against Electric Avenue Banquet and Functional Hall, Inc. by Paula Shomo in the Court of Common Pleas of Clearfield County at Case No. 2001-00422 C.D.
5. The Plaintiff, Berkley Mid-Atlantic Group, was Electric Avenue Banquet and Functional Hall, Inc.'s insurance carrier, at the time the cause of action arose in the lawsuit described above.
6. The Plaintiff and the Defendant reached an oral agreement, whereby the Plaintiff would pay the sum of \$7,500.00 to settle the claim against Electric Avenue Banquet and Functional Hall, Inc. and the Defendant would pay the sum of \$3,000.00 to the Plaintiff towards that settlement.
7. The Defendant has failed to pay the \$3,000.00.
8. Attached hereto as Exhibit "A" are copies of letters sent to the Defendant demanding payment of the \$3,000.00.

WHEREFORE, Plaintiff demands Judgment against the Defendant in the amount of \$3,000.00, interest according to law, and the costs of the action.

RESPECTFULLY SUBMITTED,

Shapira, Hutzelman, Berlin, & May



By: Stephen H. Hutzelman, Esquire
305 West Sixth Street
Erie, PA 16507
(814)452-6800
Facsimile: (814)456-2227
E-Mail: atyshh@305law.net

Dated: March 18, 2005

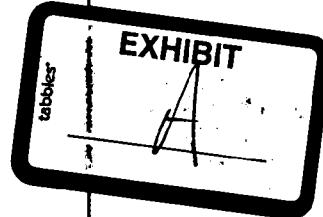


1222860 3-28

Send to
Anita Thompson

May 27, 2004

Justin Powell
Electric Avenue Banquet
197 Electric Avenue
Houtzdale, PA 16651



Our Insured:	Electric Avenue Banquet & Functional Hall, Inc
Our Claim #:	30-39591
Insurance Paid:	\$7,500.00

Dear Mr. Powell:

Prior to the settlement of the law suit of Paula Shomo vs. Catherine Greenawalt and Electric Avenue Banquet and Functional Hall, Inc, you agreed with our adjuster, Vicki Nightingale to contribute \$3,000.00 toward the settlement. Enclosed is a copy of the check we have issued to Paula Shomo and her attorney in settlement of the suit.

Previously, our adjuster sent you two letters requesting payment of your \$3,000.00 toward the settlement. Please forward your check in the amount of \$3,000.00 payable to Berkley Mid Atlantic Group A/S/F Electric Avenue Banquet and mail to P.O. Box 27707, Richmond, VA 23261. Please include our claim number on your check.

This matter will soon be concluded and we need your check so we can close our file. If you are unable to pay the full amount now, we will accept \$1,500.00 in June and the remaining \$1,500.00 in July.

If you need any additional information, please call me at 800-283-1153 ext 5094.

Sincerely,

James C. Gravitt
Subrogation Specialist

Acadia Insurance Company Berkley Insurance of the Carolinas Continental Western Insurance Company
Firemen's Insurance Company of Washington, DC Great Divide Insurance Company Union Insurance Company
4820 Lake Brook Drive Suite 300, Glen Allen, Virginia 23060-9233 PO Box 61038, Richmond, Virginia 23261
(800) 283-1153 (804) 285-2700 Fax: (804) 285-5717



11-12-04

Mr. Justin Powell
Electric Avenue Banquet
RR # 1 Box 668E
Houtzdale PA 16651

Re: Claim #: 30-39591
Claimant: Paula Shomo
D/L: 3-28-99

Dear Mr. Powell,

Please find enclosed my 5-27-04 letter requesting payment of the \$3,000.00 you had agreed to contribute to settlement of the Lawsuit. I am enclosing copy of Certificate of Discontinuance showing Electric Avenue Banquet and Function Hall, Inc. has settled suit with Paula Shomo.

Please send \$3000 check made payable to Presque Isle Insurance to:

PO Box 27707
Richmond VA 23261-7707

Put claim # 30-39591 in memo section of check to make sure it is credited to your policy.

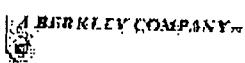
We have made this request several times but have not received any response from you.
If you have any questions please call me at 800-283-1153 Ext. 5094 or Fax 877-684-5484

Sincerely,

James C. Gravitt
Subrogation Specialist

CC - C.A. Jones Insurance Agency - (1958)

Acadia Insurance Company Berkley Insurance of the Carolinas Continental Western Insurance Company
Firemen's Insurance Company of Washington, DC Great Divide Insurance Company Union Insurance Company
1820 Lake Brook Drive Suite 300, Glen Allen, Virginia 23060-9233 PO Box 27707, Richmond, Virginia 23261-7707
(800) 283-1153 (804) 285-2700 Fax: (877) 684-5484



BERKLEY MID-ATLANTIC GROUP, : IN THE COURT OF COMMON PLEAS

Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA

vs. : CASE NO.

JUSTIN POWELL,
Defendant.

COMMONWEALTH OF PENNSYLVANIA : SS.

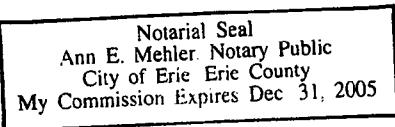
COUNTY OF ERIE :

Before me, a Notary Public, in and for the said County and State, personally appeared **STEPHEN H. HUTZELMAN**, who, being duly sworn according to law, deposes and says that he is the attorney for the party required to make this affidavit in the within case, that he is duly authorized to make this affidavit, and that the facts contained in the within document are true and correct to the best of his knowledge, information and belief. This affidavit is being supplied for the purpose of convenience and an affidavit of the party will be supplied upon demand.

SEHJ

Sworn and subscribed before me this
23rd day of March, 2005.

Ann E. Mehler



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100359
NO: 05-431-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: BERKLEY MID-ATLANTIC GROUP
vs.
DEFENDANT: JUSTIN POWELL

SHERIFF RETURN

NOW, April 05, 2005 AT 2:24 PM SERVED THE WITHIN COMPLAINT ON JUSTIN POWELL DEFENDANT AT 197 ELECTRIC AVE., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JSUTIN POWELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS /

CR FILED
01/10/30/05
APR 25 2005

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	HUTZELMAN	4358	10.00
SHERIFF HAWKINS	HUTZELMAN	4358	32.58

Sworn to Before Me This

____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

BERKLEY MID-ATLANTIC GROUP, : IN THE COURT OF COMMON PLEAS
Plaintiff : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. :
: CASE NO. 05-431-CD
JUSTIN POWELL, :
Defendant :
:

Type of Document:

Stipulation

Filed on Behalf of:

Berkley Mid-Atlantic Group,
Plaintiff

Attorney for Plaintiff:

Stephen H. Hutzelman, Esquire
Shapira, Hutzelman, Berlin, & May
305 West Sixth Street
Erie, PA 16507
(814) 452-6800

Attorney for Defendant:

Unknown

Filed by:

Stephen H. Hutz

FILED

MAY 31 2005

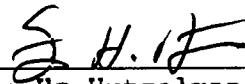
11:40 AM
William A. Shaw (6)
Prothonotary
1 cent to APP

BERKLEY MID-ATLANTIC, : IN THE COURT OF COMMON PLEAS
Plaintiff :
vs. : CLEARFIELD COUNTY, PENNSYLVANIA
JUSTIN POWELL, : CASE NO. 05 - 431 - CD
Defendant :
:

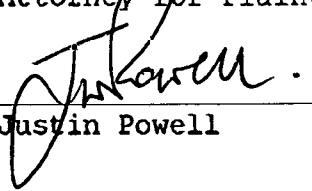
STIPULATION

THE PARTIES hereto, Stipulate that judgment be entered in favor of the Plaintiff and against the Defendant, in the amount of \$3,000.00 to be paid at a rate of \$125.00 per month until the balance in full, including court costs and interest according to law. Payment is due in the office of counsel for the Plaintiff, Stephen H. Hutzelman, 305 West Sixth Street, Erie, PA 16507, on or before the first of the month. The first installment on this agreement is due on or before May 1, 2005.

So long as said payments are made as agreed, no further action will be taken to enforce this claim, including execution this account. In addition, no execution may be filed unless Plaintiff serves upon Defendants a Notice of Intent to File Execution and Proof of Service thereof is filed of record at least ten (10) days prior to the filing of any Writ of Execution..



Stephen H. Hutzelman, Esquire
Attorney for Plaintiff



Justin Powell

PRESIDENT.

Dated: 5/25/05

BERKLEY MID-ATLANTIC GROUP, : IN THE COURT OF COMMON PLEAS
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : CASE NO. 05-431-CD
JUSTIN POWELL, :
Defendant. :

NOTICE OF SERVICE OF INTERROGATORIES TO DEFENDANT

TO THE PROTHONOTARY:

Notice is hereby given that the Plaintiff, by and through its counsel, Stephen H. Hutzelman, Esquire, 305 West Sixth Street, Erie, Pennsylvania, 16507, served Interrogatories in Aid of Execution to Defendant by sending the original and two (2) copies thereof on the Defendant, postage prepaid mail on the 11th day of Oct., 2006, at the following address:

Justin Powell
197 Electric Avenue
Houtzdale, PA 16651

Respectfully submitted,

SHAPIRA, HUTZELMAN, BERLIN, ELY, SMITH & WALSH

BY: S.A. IF

Stephen H. Hutzelman, Esquire
305 West Sixth Street
Erie, PA 16507
(814) 452-6800
PA ID# 06541

Dated: October 10, 2006

FILED NO
OCT 16 2006
Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

F. CORTEZ BELL, III, ESQUIRE
DISTRICT COURT ADMINISTRATOR

SHARON S. WHIPPLE
DEPUTY COURT ADMINISTRATOR

PHONE: 814-765-2641 x 5010
FAX: 814-765-7649
EMAIL: fbell@clearfieldco.org



HON. FREDRIC J. AMMERMAN
PRESIDENT JUDGE

OFFICE OF THE COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830-2448

HON. PAUL E. CHERRY
JUDGE

March 15, 2013

RE: 2005 - 431 - CD

Berkley Mid-Atlantic Group
vs.
Justin Powell

To All Parties and Counsel:

Please be advised that the Court intends to terminate the above-captioned case without notice, because the Court records show that no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement to Proceed must be filed on or before May 14, 2013.

If you fail to file the required Statement of Intention to Proceed within the required time period, the case will be terminated.

Sincerely,


F. Cortez Bell, III, Esquire
Court Administrator

FILED

S MAR 15 2013
CK
William A. Shaw
Prothonotary/Clerk of Courts

Justin Powell
197 Electric Ave.
Houtzdale, PA 16651

FILED
MAR 15 2013
William A. Shaw
Prothonotary/Clerk of Courts

Stephen H. Hutzelman, Esq.
Shapior, Hutzelman, Berlin & May
305 West Sixth St.
Erie, PA 16507

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

BERKLEY MID-ATLANTIC GROUP * NO. 05-431-CD
Plaintiff *
vs. *
JUSTIN POWELL *
Defendant *
P

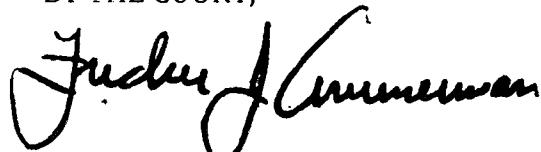
FILED

4 MAR 26 2013
2013:266
William A. Shaw
Prothonotary/Clerk of Courts

O R D E R

NOW, this 26th day of March, 2013, upon the Court's review of the record, the Court notes that on May 31, 2005 a Stipulation for Judgment was filed by Stephen H. Hutzelman, Esquire, therefore; the Court considers this case to be concluded. The Prothonotary shall code the case in Full Court as Z-SETTLA.

BY THE COURT,



FREDERIC J. AMMERMAN
President Judge