

05-494-CD

Jenna Caldwell v. Eric Bracken et al  
2005-494-CD

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

No. 05 - 494 - CD

Type of Pleading:

**PRAECIPE FOR WRIT  
OF SUMMONS**

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

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

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

**FILED**

0/10:58  
APR 07 2005

William A. Shaw  
Prothonotary/Clerk of Courts

NoCC  
2 writs  
to Shff  
Any pd.  
85.00

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

Copy

**SUMMONS**

**Jenna M. Caldwell**

**Vs.**

**NO.: 2005-00494-CD**

**Eric Bracken  
Eric Shawn Bracken**

**TO: ERIC BRACKEN  
ERIC SHAWN BRACKEN**

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: 04/07/2005

---

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 # 100383  
NO: 05-494-CD  
SERVICE # 1 OF 1  
SUMMONS

PLAINTIFF: JENNA M. CALDWELL

vs.

DEFENDANT: ERIC BRACKEN AND ERIC SHAWN BRACKEN

SHERIFF RETURN

NOW, April 07, 2005, SHERIFF OF MONTGOMERY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON ERIC SHAWN BRACKEN.

NOW, April 18, 2005 AT 11:25 AM SERVED THE WITHIN SUMMONS ON ERIC SHAWN BRACKEN, DEFENDANT. THE RETURN OF MONTGOMERY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED

APR 27 2005

0/3205/2  
William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100383  
NO: 05-494-CD  
SERVICES 1  
SUMMONS

PLAINTIFF: JENNA M. CALDWELL

VS.

DEFENDANT: ERIC BRACKEN AND ERIC SHAWN BRACKEN

SHERIFF RETURN

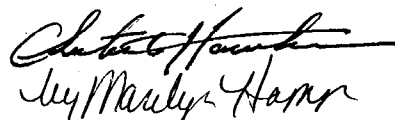
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	17134	10.00
SHERIFF HAWKINS	NADDEO	17134	28.00
MONTGOMERY CO.	NADDEO	17135	33.00

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2005

So Answers,



Chester A. Hawkins  
Sheriff

## SHERIFF'S RETURN

**PROTHONOTARY B- 1558**

**DEFENDANT: Eric Shawn Bracken**

**DOCUMENT SERVED: Civil**

**INDIVIDUAL SERVED: Eric Bracken**

**RELATIONSHIP TO DEFENDANT: Defendant**

**DATE AND PREVAILING TIME: April 18, 2005 @ 11:25**

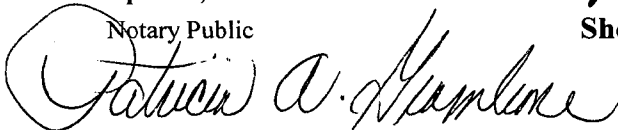
**LOCATION: 895 South Street, Pottstown, PA**

*The above document was served on the defendant as per information listed above in the County of Montgomery, Commonwealth of Pennsylvania.*

*Affirmed and subscribed before me on this day so answers.*

April 21, 2005

Notary Public



*John P. Durante*

Sheriff of Montgomery County

Deputy Sheriff  
Klass

NOTARIAL SEAL  
PATRICIA A GIAMBRONE  
Notary Public  
NORRISTOWN BOROUGH, MONTGOMERY COUNTY  
My Commission Expires Dec 13, 2008



CHESTER A. HAWKINS  
SHERIFF

4-14  
(2)

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5915

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

## DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100383

JENNA M. CALDWELL

TERM & NO. 05-494-CD

SUMMONS

vs.

ERIC BRACKEN AND ERIC SHAWN BRACKEN

SERVE BY: 05/07/05

MAKE REFUND PAYABLE TO JAMES A. NADDEO, ESQ.

SERVE: ERIC SHAWN BRACKEN

ADDRESS: 895 SOUTH STREET, POTTSTOWN, PA 19464

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF MONTGOMERY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, April 07, 2005.

PERSON SERVED Eric Bracken

RELATION / POSITION P/S

PLACE OF SERVICE As Given

TIME OF SERVICE 1125

DATE OF SERVICE 4/18/05

NUMBER OF ATTEMPTS 2

DEPUTY JK Kloss

DEPUTY \_\_\_\_\_

LAST DAY OF SERVICE 5-2-05

RESPECTFULLY,

*Chester A. Hawkins*

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

RECEIVED  
MONTGOMERY COUNTY  
SHERIFF'S DEPT.  
05 APR 13 AM 8:44

KK 4/14 855

B 1558

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

COPY

SUMMONS

Jenna M. Caldwell

Vs.

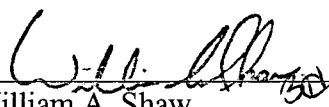
NO.: 2005-00494-CD

Eric Bracken  
Eric Shawn Bracken

TO: ERIC BRACKEN  
ERIC SHAWN BRACKEN

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: 04/07/2005

  
\_\_\_\_\_  
William A. Shaw  
Prothonotary

Issuing Attorney:

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



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN, A/K/A  
ERIC SHAWN BRACKEN,  
Defendant.

CIVIL ACTION - LAW

Number 2005 - 494 C.D.

Type of Case: Civil Division

Type of Pleading: Appearance

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED<sup>®</sup>  
MAY 10 3 38 PM  
MAY 18 2005  
NO CC

William A. Shaw  
Prothonotary/Clerk of Courts

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN, A/K/A  
ERIC SHAWN BRACKEN,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\* Civil Action - Law

\*

\*

\*

\*

\* Number 2005 - 494 C.D.

### APPEARANCE

#### TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please enter our Appearance on behalf of the Defendant, ERIC BRACKEN, A/K/A

ERIC SHAWN BRACKEN, in regard to the above entitled matter.

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper

Attorneys for the Defendant

Dated: \_\_\_\_\_

5/17/05

### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Appearance was served on the  
17<sup>th</sup> day of May, 2005, by United States Mail, First Class,  
Postage Prepaid, addressed to the following:

James A. Naddeo, Esq.  
207 East Market Street  
P.O. Box 552  
Clearfield, Pennsylvania 16830

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper

Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN, A/K/A  
ERIC SHAWN BRACKEN,  
Defendant.

CIVIL ACTION - LAW

Number 2005 - 494 C.D.

Type of Case: Civil Division

Type of Pleading: Praecept for Rule to  
File Complaint

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED

MAY 26 2005

m/10:55/a

William A. Shaw  
Prothonotary

1 CERT w/ SIGNED

RULE TO ATTORNEY

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN A/K/A,  
ERIC SHAWN BRACKEN,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 2005 - 494 C.D.

**PRAECIPE FOR RULE TO FILE COMPLAINT**

**TO: THE PROTHONOTARY OF CLEARFIELD COUNTY:**

Enter a Rule upon the Plaintiff to file a Complaint within twenty (20) days after service of the Rule, or judgment of non pros will be entered.

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper

Attorneys for the Defendant

**RULE:**

**TO THE PLAINTIFF, JENNA M. CALDWELL:**

You are Ruled to file a Complaint within twenty (20) days after the service hereof or a judgment of non pros will be entered against you.

  
Prothonotary

Dated: MAY 26, 2005

### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Praecipe for Rule to File Complaint was served on the 25<sup>th</sup> day of May, 2005 by United States Mail, First Class, postage prepaid, addressed to the following:

James A. Naddeo, Esq.  
207 East Market Street  
P.O. Box 552  
Clearfield, Pennsylvania 16830

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper

Attorneys for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JENNA M CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN, A/K/A  
ERIC SHAWN BRACKEN,  
Defendant.

CIVIL ACTION - LAW

Number 2005 - 494 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant

Counsel of Record for this Party:  
Troy J. Harper

Supreme Court ID Number: 74753

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, PA 15825  
(814)849-8316

FILED *no cc*  
*m/l: 33007*  
JUN 13 2005 *62*

William A. Shaw  
Prothonotary/Clerk of Courts

JENNA M. CALDWELL,  
Plaintiff,

vs.

ERIC BRACKEN, A/K/A  
ERIC SHAWN BRACKEN,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law  
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\* Number 2005 - 494 C.D.

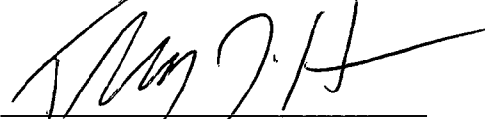
### CERTIFICATE OF SERVICE

I certify that a certified copy of the Rule to File Complaint issued by the Prothonotary on May 26, 2005 was served on the 9<sup>th</sup> day of June, 2005, by United States Mail, First Class, Postage Prepaid, addressed to the following:

James A. Naddeo, Esq.  
207 East Market Street  
P.O. Box 552  
Clearfield, Pennsylvania 16830

DENNISON, DENNISON & HARPER

By

  
\_\_\_\_\_  
Troy J. Harper  
Attorneys for the Defendant



FILED  
0/3:24/01  
JUL 11 2005  
100  
Ally Maddox  
@  
William A. Shaw  
Prothonotary/Clerk of Courts

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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No. 05 - 494 - 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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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No. 05 - 494 - CD

COMPLAINT

NOW COMES the Plaintiff, Jenna M. Caldwell, and by her attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is Jenna M. Caldwell, an adult individual who resides at 151 Treasure Lake, DuBois, PA 15801.

2. That the Defendant, Eric Bracken, is an adult individual, who resides at 895 South Street, Pottstown, Pennsylvania.

3. That the Defendant, Eric Shawn Bracken, is an adult individual, who resides at 895 South Street, Pottstown, Pennsylvania.

COUNT I

JENNA M. CALDWELL v. ERIC SHAWN BRACKEN

4. That on or about Friday, April 18, 1997 at approximately 5:27 p.m., the Plaintiff, Jenna M. Caldwell, was riding her bicycle in the West berm of Bay Road, Treasure Lake, DuBois, Sandy Township, Clearfield County, Pennsylvania.

5. That on the said date and at or about the said time, the Defendant, Eric Shawn Bracken, was the operator of a 1987 Toyota Truck bearing Pennsylvania Registration No. 25131045 which vehicle was owned by the Defendant, Eric Bracken.

6. That on or about the said day and at or about the said time, the Defendant, Eric Shawn Bracken, was traveling West on Bay Road, Sandy Township, Clearfield County, Pennsylvania.

7. That on or about the said day and at or about the said time, the Defendant, Eric Shawn Bracken, skidded off of the highway unto the berm striking the bicycle which the Plaintiff, Jenna M. Caldwell, was riding.

8. That as a result of the collision described in Paragraph 7 hereof which is incorporated herein by reference, the Plaintiff, Jenna M. Caldwell, was thrown from the bicycle which she was riding causing her to strike the ground and causing the numerous and serious injuries hereinafter set forth.

9. That the Defendant, Eric Shawn Bracken, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Plaintiff, Jenna M. Caldwell, as follows:

A. That the Defendant, Eric Shawn Bracken, failed to have his vehicle under proper control;

B. That the Defendant, Eric Shawn Bracken, failed to maintain a proper lookout;

C. That the Defendant, Eric Shawn Bracken, 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 Bay Road with careless disregard for the safety of the Plaintiff, Jenna M. Caldwell.

D. That the Defendant, Eric Shawn Bracken, 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 Bay Road in willful or wanton disregard for the safety of the person or property of the Plaintiff, Jenna M. Caldwell.

E. That the Defendant, Eric Shawn Bracken, violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3505, 75 PA. C.S.A. Section 3505, and supplements thereto, in that he drove his vehicle into the shoulder of Bay Road where the Plaintiff, Jenna M. Caldwell, was lawfully occupying said shoulder.

F. That the Defendant, Eric Shawn Bracken, was negligent, careless and reckless in that he failed to use due care under all circumstances of the case.

10. That as a result of the collision described in Paragraph 7 hereof, the Plaintiff, Jenna M. Caldwell, suffered the following injuries which may and probably will be permanent:

- A. Contusion/abrasion left hand;
- B. Bilateral knee contusions;
- C. Separation of bone with ACL right knee  
at the growth plate.
- D. Fracture of right ankle.

11. That as a result of the injuries referred to in Paragraph 10 hereof, the Plaintiff, Jenna M. Caldwell, has been unable to engage in her regular hobbies and physical activities 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.

12. That as a result of the injuries referred to in Paragraph 10 hereof, the Plaintiff, Jenna M. Caldwell, may incur medical expenses for the treatment of her injuries in excess of her available first party medical benefits.

13. That the Plaintiff, Jenna M. Caldwell, 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. Impairment of earning power;
- E. All other damages allowable by law.

WHEREFORE, the Plaintiff, Jenna M. Caldwell, claims damages from the Defendant, Eric Shawn Bracken, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

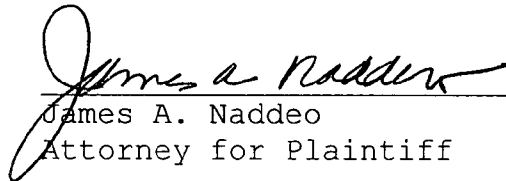
COUNT II

Jenna M. Caldwell v. Eric Bracken

14. That the Plaintiff, Jenna M. Caldwell, incorporates Paragraphs 1 through 13 of the First Count of this Complaint by reference and makes them a part hereof.

15. That at all times referred to herein, the Defendant, Eric Shawn Bracken, was acting under the supervision and direction of the Defendant, Eric Bracken.

WHEREFORE, the Plaintiff, Jenna M. Caldwell, claims damages from the Defendant, Eric Bracken, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

  
\_\_\_\_\_  
James A. Naddeo  
Attorney for Plaintiff

COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared JENNA M. CALDWELL, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Jenna M. Caldwell  
Jenna M. Caldwell

SWORN and SUBSCRIBED before me this 5th day of July, 2005.

COMMONWEALTH OF PENNSYLVANIA

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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\*

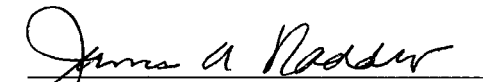
No. 05 - 494 - CD

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 11th day of July, 2005:

First-Class Mail, Postage Prepaid

Troy J. Harper  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
James A. Naddeo  
Attorney for Plaintiff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,

Defendants.

CIVIL ACTION - LAW

Number 2005 - 494 C.D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED

AUG 01 2005

W/12:20/0  
William A. Shaw  
Prothonotary/Clerk of Courts  
W C/C

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,

Defendants.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\* Civil Action - Law

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\* Number 2005 - 494 C.D.

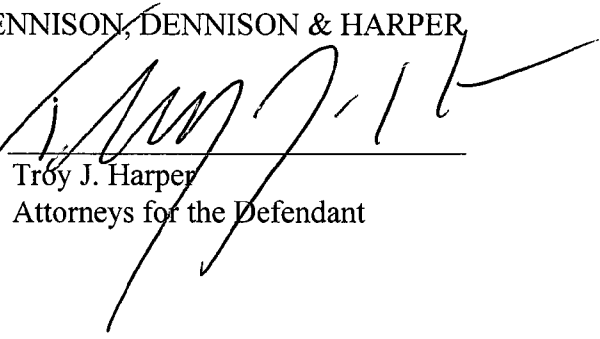
**NOTICE TO PLEAD**

**TO: THE PLAINTIFF:**

You are hereby notified to plead to the within New Matter within twenty (20) days from service hereof or a default judgment may be entered against you.

DENNISON, DENNISON & HARPER,

By

  
Troy J. Harper

Attorneys for the Defendant

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,

Defendants.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\* Civil Action - Law

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\*

\* Number 2005 - 494 C.D.

### **ANSWER AND NEW MATTER**

AND NOW, comes the Defendant, ERIC BRACKEN and ERIC SHAWN BRACKEN, being one and the same, by and through his attorneys, Dennison, Dennison & Harper, who file the following Answer and New Matter in response to the Plaintiff's Complaint:

1. After reasonable investigation, the Defendant, Eric Bracken and Eric Shawn Bracken, being one and the same, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 1 of the Plaintiff's Complaint, and said averments are therefore denied.

2. Admitted. By way of additional response, the Defendant, Eric Bracken, is the same person identified also as Defendant, Eric Shawn Bracken..

3. Admitted. By way of additional response, the Defendant, Eric Shawn Bracken, is the same person identified also as Defendant, Eric Bracken.

**COUNT I**

**JENNA M. CALDWELL v. ERIC SHAWN BRACKEN**

4. After reasonable investigation, the Defendant, Eric Bracken and Eric Shawn Bracken, being one in the same, is without sufficient knowledge and information to form a belief as to the truth of the averments in Paragraph 4 of the Plaintiff's Complaint, and said averments are therefore denied.

5. It is denied that the 1987 Toyota Truck bears Pennsylvania Registration No. 25131045. On the contrary, the Pennsylvania Registration No. was 43299013602. The averments of Paragraph 5 of the Plaintiff's Complaint are admitted only insofar as the Defendant, Eric Bracken and Eric Shawn Bracken, being one in the same, was operating the vehicle. The remaining averments of Paragraph 5 are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

6. The averments of Paragraph 6 of the Plaintiff's Complaint are admitted only insofar as the Defendant, Eric Bracken and Eric Shawn Bracken, being one in the same, was operating the vehicle. The remaining averments of Paragraph 6 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

7. The averments of Paragraph 7 of the Plaintiff's Complaint are admitted only insofar as the Defendant, Eric Bracken and Eric Shawn Bracken, being one in the same, was operating the vehicle. The remaining averments of Paragraph 7 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

8. The averments of Paragraph 8 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

9. The averments of Paragraph 9 of the Plaintiff's Complaint and subparagraphs A through F thereof are admitted only insofar as the Defendant, Eric Bracken and Eric Shawn Bracken, being one in the same, was operating the vehicle. The remaining averments of Paragraph 9 of the Plaintiff's Complaint and subparagraphs A through F thereof are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

10. The averments of Paragraph 10 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

11. After reasonable investigation, the Defendant, Eric Bracken and Eric Shawn Bracken, being one in the same, is without sufficient knowledge and information to form a belief as the truth of the averments in Paragraph 11 of the Plaintiff's Complaint, and said averments are therefore denied.

12. After reasonable investigation, the Defendant, Eric Bracken and Eric Shawn Bracken, being one in the same, is without sufficient knowledge and information to form a belief as the truth of the averments in Paragraph 12 of the Plaintiff's Complaint, and said averments are therefore denied.

13. The averments of Paragraph 13 constitute conclusions of law and are deemed denied. To the extent any further any further response would be deemed required, the averments of Paragraph 13 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e).

**WHEREFORE**, the Defendant, Eric Shawn Bracken, demands judgment in his favor and against the Plaintiff. **JURY TRIAL DEMANDED.**

**COUNT II**

**JENNA M. CALDWELL v. ERIC BRACKEN**

14. Paragraph 14 of the Plaintiff's Complaint fails to contain any specific averments of fact is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 13 of this Answer are incorporated herein by reference thereto.

15. Denied. On the contrary, the Defendant, Eric Bracken and Eric Shawn Bracken, are one in the same.

**WHEREFORE**, the Defendant, Eric Bracken, demands judgment in his favor and against the Plaintiff. **JURY TRIAL DEMANDED.**

**NEW MATTER**

16. The terms and conditions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq., are hereby incorporated herein by reference thereto as fully as the same bar and/or diminish any claim or cause of action of the Plaintiff.

17. At the time of the accident complained of in the Plaintiff's Complaint, and at all times material hereto, the Plaintiff was subject to the limited tort option under the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq.

18. The Plaintiff, Jenna M. Caldwell, did not sustain serious injuries, as defined by the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq., as a result of the accident described in the Plaintiff's Complaint and, therefore, all claims for noneconomic damages are barred.

19. The Plaintiffs have failed to state a cause of action upon which relief may be granted.

**WHEREFORE**, the Defendants, Eric Bracken and Eric Shawn Bracken, demand judgment in their favor and against the Plaintiff. **JURY TRIAL DEMANDED.**

DENNISON, DENNISON & HARPER

By

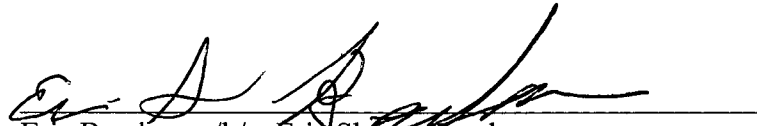
  
Troy J. Harper

Attorneys for Defendant



## VERIFICATION

I verify that the averments made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.



Eric Bracken, a/k/a, Eric Shawn Bracken

### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Answer and New Matter was served on the 28<sup>th</sup> day of July, 2005, by United States Mail, First Class, Postage Prepaid, addressed to the following:

James A. Naddeo, Esq.  
207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper

Attorneys for the Defendant

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

No. 05 - 494 - CD

Type of Pleading:

ANSWER TO NEW MATTER

Filed on behalf of:  
Plaintiff

Counsel of Record for  
this party:

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

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

FILED *ice*  
*01:03:00*  
AUG 22 2005 *Atty Naddeo*  
*LM*

William A. Shaw  
Prothonotary/Clerk of Courts

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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No. 05 - 494 - CD

ANSWER TO NEW MATTER

NOW COMES the Plaintiff, Jenna Caldwell, and by her attorney, James A. Naddeo, Esquire, sets forth the following Answer to New Matter:

1. Paragraph 16 states a conclusion of law to which no answer is required.

2. Paragraph 17 is admitted.

3. Paragraph 18 states a conclusion of law to which no answer is required. To the extent that an answer may be required, it is alleged that the Minor Plaintiff suffered serious impairment of bodily function.

4. Paragraph 19 states a conclusion of law to which no answer is required.

WHEREFORE, Plaintiff requests damages as set forth in her Complaint.

  
James A. Naddeo

COMMONWEALTH OF PENNSYLVANIA )

SS.

COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared

JENNA M. CALDWELL, who being duly sworn according to law, depose

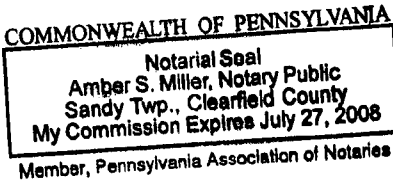
and state that the facts set forth in the foregoing Answer to New

Matter are true and correct to the best of her knowledge,

information and belief.

Jenna M. Caldwell  
Jenna M. Caldwell

SWORN and SUBSCRIBED before me this 11<sup>th</sup> day of August, 2005.



Max Miller

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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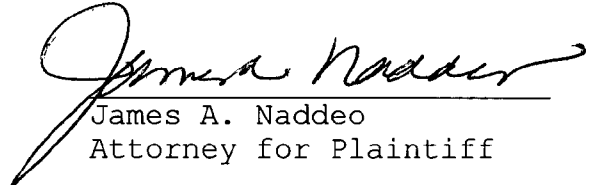
No. 05 - 494 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a  
certified copy of Answer to New Matter was served on the following  
and in the following manner on the 22nd day of August, 2005:

First-Class Mail, Postage Prepaid

Troy J. Harper  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
James A. Naddeo  
Attorney for Plaintiff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN, a/k/a  
ERIC SHAWN BRACKEN,

Defendant.

CIVIL ACTION - LAW

Number 2005 - 494 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper  
Supreme Court Number: 74753

John C. Dennison, II  
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED

SEP 26 2005  
mf 3:25/c (OK)  
William A. Shaw  
Prothonotary/Clerk of Courts  
wa C/C

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN, a/k/a  
ERIC SHAWN BRACKEN,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

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\* Number 2005 - 494 C.D.

### CERTIFICATE OF SERVICE

I certify that an original and two certified copies of the First Set of Interrogatories  
Directed to the Plaintiff and an original and two certified copies of the First Set of Request for  
Production of Documents Directed to the Plaintiff was served on the 23<sup>rd</sup> day of  
September, 2005, by United States Mail, First Class, postage prepaid, addressed to the  
following:

James A. Naddeo, Esquire  
207 East Market Street  
PO Box 552  
Clearfield, PA 16830

DENNISON, DENNISON & HARPER

By

  
Troy J. Harper

Attorneys for the Defendant



William A. Shaw  
Prothonotary/Clerk of Courts

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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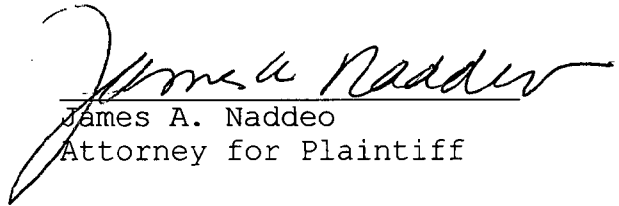
No. 05 - 494 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a  
Notice of Taking Deposition of Eric Bracken and Eric Shawn Bracken  
was served on the following and in the following manner on the  
17th day of October, 2005:

First-Class Mail, Postage Prepaid

Troy J. Harper  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
James A. Naddeo  
Attorney for Plaintiff

FILED 1cc  
 010:45 Bol Amy Naddo  
 OCT 31 2005  
 William A. Shaw  
 Prothonotary/Clerk of Courts

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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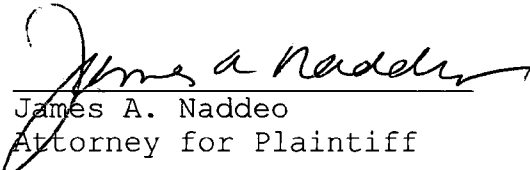
No. 05 - 494 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that  
Plaintiff's Answers to Interrogatories was served on the following  
and in the following manner on the 31st day of October, 2005:

First-Class Mail, Postage Prepaid

Troy J. Harper  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
James A. Naddeo  
Attorney for Plaintiff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JENNA M. CALDWELL,

Plaintiff,

vs.

ERIC BRACKEN, a/k/a  
ERIC SHAWN BRACKEN,

Defendant.

CIVIL ACTION - LAW

Number 2005 - 494 C. D.

Type of Case: Civil Division

Type of Pleading: Notice of  
Deposition of Plaintiff

Filed on behalf of: Defendant

Counsel of Record for this Party:  
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED

DEC 21 2005

m/11:50/07 CR

William A. Shaw

Prothonotary/Clerk of Courts

n. c/c

JENNA M. CALDWELL,  
Plaintiff,

vs.

ERIC BRACKEN, a/k/a  
ERIC SHAWN BRACKEN,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\* Civil Action Law

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\* Number 2005 - 494 C.D.

### NOTICE OF DEPOSITION

TO: Jenna M. Caldwell  
c/o James A. Naddeo, Esquire  
207 East Market Street  
PO Box 552  
Clearfield, PA 16830

Take notice that the deposition of **JENNA M. CALDWELL** will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on Tuesday, December 27, 2005, at 1:00 p.m., at the law offices of James A. Naddeo, 207 East Market Street, Clearfield, Pennsylvania 16830. The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

DENNISON, DENNISON & HARPER

By: 

Troy J. Harper  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of December, 2005, a true and correct copy of the foregoing Notice of Deposition for Jenna M. Caldwell was mailed by United States mail, first class, postage prepaid, addressed to the following:

James A. Naddeo, Esquire  
207 East Market Street  
PO Box 552  
Clearfield, PA 16830

Sargent's Court Reporting Service, Inc.  
210 Main Street  
Johnstown, PA 15901

DENNISON, DENNISON & HARPER

By: 

Troy J. Harper  
Attorneys for Defendant

FILED  
APR 06 2006  
Shaw  
of Courts



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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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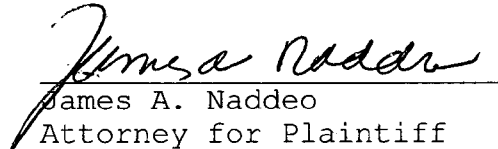
No. 05 - 494 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that Plaintiff's Answers to First Set of Request for Production of Documents was served on the following and in the following manner on the 6th day of March, 2006:

First-Class Mail, Postage Prepaid

Troy J. Harper  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
James A. Naddeo  
Attorney for Plaintiff

FILED 10001  
01/11/30 Certificate  
JUN 15 2007 to Atty  
William A. Shaw  
Prothonotary/Clerk of Courts (6)

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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No. 05 - 494 - CD

**PRAECIPE TO SETTLE AND DISCONTINUE**

TO THE PROTHONOTARY:

Please mark the above-captioned case settled and  
discontinued.

NADDEO & LEWIS, LLC

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

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

JENNA M. CALDWELL,  
Plaintiff

vs.

ERIC BRACKEN and ERIC  
SHAWN BRACKEN,  
Defendants

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No. 05 - 494 - CD

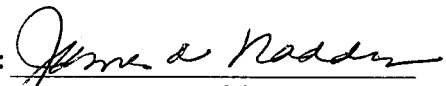
**CERTIFICATE OF SERVICE**

I, James A. Naddeo, Esquire, do hereby certify that a  
certified copy of Praecipe to Settle and Discontinue was served on  
the following and in the following manner on the 15<sup>th</sup> day of June,  
2007:

First-Class Mail, Postage Prepaid

Troy J. Harper, Esquire  
DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, PA 15825-1291

NADDEO & LEWIS, LLC

By:   
James A. Naddeo  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Jenna M. Caldwell

Vs.

No. 2005-00494-CD

Eric Bracken and  
Eric Shawn Bracken

CERTIFICATE OF DISCONTINUATION

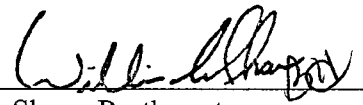
Commonwealth of PA  
County of Clearfield

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 15, 2007, 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 15th day of June A.D. 2007.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary