

05-750-CD
James Iddings vs. Dianne Iddings

James Iddings v. Dianne Iddings
2005-750-CD

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

JAMES R. IDDINGS,)	CIVIL DIVISION
)	
Plaintiff,)	GD
)	
vs.)	
)	
DIANNE J. IDDINGS,)	
)	
Defendant.)	

NOTICE TO DEFEND

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 an 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.**

OFFICE OF THE COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PA 16830
PHONE: 814-765-2641, Ext. 1303

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

JAMES R. IDDINGS,)	CIVIL DIVISION
)	
Plaintiff,)	GD
)	
vs.)	
)	
DIANNE J. IDDINGS,)	
)	
Defendant.)	

COMPLAINT

AND NOW, comes James R. Iddings, Plaintiff, by and through her counsel, Victor H. Pribanic, Esquire, and PRIBANIC & PRIBANIC, L.L.C., and files the following COMPLAINT and in support thereof avers as follows:

1. Plaintiff, James R. Iddings, is an adult individual residing at 7735 Route 153, Brockport, Elk County, Pennsylvania and who is the legal guardian of Dianne J. Iddings at the appointment of the Orphans Court of Elk County at No. 13 of 2004.
2. Defendant, Dianne J. Iddings, is an incapacitated adult individual residing at 7735 Route 153, Brockport, Elk County, Pennsylvania.
3. State Route 153 is a public thoroughfare located in Huston Township, Clearfield County, Pennsylvania, running generally in a southerly and northerly direction.
4. On or about August 29, 2004 Defendant Dianne J. Iddings operated her vehicle while under the influence of alcohol northbound on State Route 153, with the Plaintiff riding as a passenger in her vehicle when the Defendant lost control of her vehicle, crossed over into oncoming traffic, and collided head-on with a vehicle traveling southbound causing the Plaintiff to suffer severe injuries more fully described herein.

Count I: Negligence

JAMES R. IDDINGS v. DIANNE J. IDDINGS

Plaintiff, James R. Iddings, incorporates by reference thereto Paragraphs 1 through 4 of the Complaint as though fully set forth herein, and further avers that:

5. The injuries and damages hereinafter set forth were caused solely by and were the direct and proximate result of the negligent conduct done in careless disregard for the welfare of the Plaintiff and others of the Defendant in any or all of the following respects:

- (a) in operating the vehicle at a high, dangerous, and reckless speed under the circumstances;
- (b) in failing to have the vehicle under proper control;
- (c) in that the driver was inattentive and failed to maintain a reasonable lookout of the road and the surrounding traffic conditions;
- (d) in failing to exercise reasonable care and caution as was required under the circumstances;
- (e) in violating various statutes and municipal ordinances pertaining to the operation of motor vehicles on public thoroughfares in the Commonwealth, including but not limited to the statutory provisions relative to 75 Pa. C.S. §3302 Meeting Vehicle Proceeding in Opposite Direction; §3309 Driving on Roadways Laned for Traffic, 75 Pa. C.S. §3361 Driving Vehicle at Safe Speed; 75 Pa. C.S. §3714 Careless Driving; and, 75 Pa.C.S 3802 Driving Under the Influence of Alcohol.
- (f) in that the driver was not in a proper physical condition to drive the vehicle; and,
- (g) in failing to maintain a reasonable lookout for the presence of other motor vehicles on the road.

6. Solely as the result of the negligence of the Defendant as hereinabove set forth, Plaintiff sustained injuries, which are or may be of a serious and permanent nature, including injuries to the bones, muscles, tissues, and ligaments of his arms, legs, head, neck, back, and spine generally, shock and injury to his nerves and nervous system and other severe and serious injuries.

7. As a further direct and proximate result of the foregoing described collision and Defendant's negligence as set forth above, Plaintiff has suffered the following damages:

- (a) past, present, and future physical and mental pain, suffering, and inconvenience with respect to the above injuries;
- (b) past, present, and future lost earnings and lost earning capacity;
- (c) past, present, and future medical expenses;
- (d) diminished life expectancy and loss of the pleasures and enjoyment of life;
- (e) loss of the feeling of well being;
- (f) disfigurement and scarring;
- (g) worry, anxiety, apprehension, and frustration;
- (h) emotional upset; and,
- (i) severe limitation of activities.

8. Plaintiff is entitled to pursue an action for non-economic damages in the captioned action by virtue of election of the full tort option pursuant to the provision of the Pennsylvania Motor Vehicle Financial Responsibility Law, or in the alternative,

Plaintiff under the circumstances of this action falls within an exception of the rule barring recovery for non-economic damages in the event Plaintiff has elected the limited tort option pursuant to the terms of the foregoing statute.

9. The Defendant, in operating her vehicle while under the influence of alcohol, was in careless disregard of the rights and well being of the Plaintiff and others.

WHEREFORE, Plaintiff, James R. Iddings, brings this suit against Defendant to recover compensatory and punitive damages in an amount in excess of the jurisdiction of the Board of Arbitrators of this Court.

RESPECTFULLY SUBMITTED,

A large, stylized handwritten signature in black ink, likely belonging to Mark A. Smith, is written over the text "RESPECTFULLY SUBMITTED,". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark A. Smith
Attorney for Plaintiff

VERIFICATION TO COMPLAINT

Plaintiff, James R. Iddings, verifies that he is the Plaintiff in the foregoing action; that the foregoing Complaint is based upon information that he has furnished to his counsel and information which has been gathered by his counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of the Plaintiff. Plaintiff, James R. Iddings, has read the Complaint, and to the extent that the Complaint is based upon information that he has given to his counsel, it is true and correct to the best of his knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, he has relied upon counsel in making this Affidavit. Plaintiff, James R. Iddings, understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

5/16/05
Date

James R. Iddings
JAMES R. IDDINGS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100501
NO: 05-750-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: JAMES R. IDDINGS
vs.
DEFENDANT: DIANNE J. IDDINGS

SHERIFF RETURN

NOW, May 24, 2005, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON DIANNE J. IDDINGS.

NOW, May 26, 2005 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON DIANNE J. IDDINGS, DEFENDANT. THE RETURN OF ELK COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
019:4161
AUG 17 2005 *sy*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100501
NO: 05-750-CD
SERVICES 1
COMPLAINT

PLAINTIFF: JAMES R. IDDINGS
vs.
DEFENDANT: DIANNE J. IDDINGS

SHERIFF RETURN

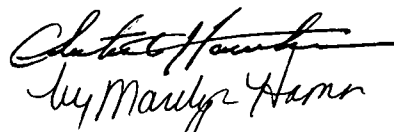
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PRIBANIC	2331	10.00
SHERIFF HAWKINS	PRIBANIC	2331	30.00
ELK CO.	PRIBANIC	2332	39.00

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

James R. Iddings

VS.

Dianne J. Iddings

IN THE COURT OF COMMON PLEAS
ELK COUNTY

No. 05-750

**STATE OF PENNSYLVANIA
COUNTY OF ELK**

Earl C. Pontious, Deputy Sheriff, being duly sworn according to law, deposes and says, that he served Dianne J. Iddings at 7735 Rt. 153, Brockport, Elk County, PA by placing a true and attested copy of the original Complaint in her lap and reading the contents to her on May 26, 2005 at 1:30 P.M. Present at the time of service was Deputy Sheriff Kevin Renaud and Kimberly R. Kuhn-Madera, Private Duty Care Giver who is employed by Voices for Independence, 29 Dixon Ave., DuBois, PA 15801. We were advised by her care giver Dianne J. Iddings suffers from severe brain trauma.

Elk County Sheriff's Costs - \$39.00 PAID

Sworn to and subscribed before me this

day of 15th, June A.D. 20 05

Mayorie J. Fitzgerald
Deputy Prothonotary

So Answers:

Thomas C. Korte Sheriff

Earl C. Pontious Deputy

My Commission Expires
January 7, 2008



CHESTER A. HAWKINS
SHERIFF

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 100501

JAMES R. IDDINGS

VS.

DIANNE J. IDDINGS

TERM & NO. 05-750-CD

COMPLAINT

SERVE BY: 06/22/05

MAKE REFUND PAYABLE TO PRIBANIC & PRIBANIC

SERVE: DIANNE J. IDDINGS

ADDRESS: 7735 ROUTE 153, BROCKPORT, PA

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 ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, May 24, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

MA

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

JAMES IDDINGS,

Plaintiff

vs

DIANNE J. IDDINGS,

Defendant.

No: 2005 – 750 C.D.

Type of Pleading: **Petition To
Withdraw as Counsel**

Filed on Behalf of:

Gregory M. Bazylak, Esquire
PA. I.D. No.: 70367

2 Sylvania Street
Brookville, PA 15825
Telephone: 814-849-1278
Fax: 814-849-1294

Victor H. Pribanic, Esquire
PA. I.D. No.: 30785

FILED 3cc
mjt:23/61
AUG 22 2006
Att'y Bazylak
(610)

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES IDDINGS,	:	
Plaintiff	:	
	:	
vs	:	No: 2005 – 750 C.D.
	:	
DIANNE J. IDDINGS,	:	
Defendant	:	

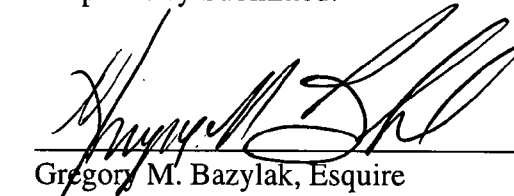
**PETITION OF DEFENDANT'S COUNSEL FOR
LEAVE TO WITHDRAW**

The petition of Gregory M. Bazylak, Esquire, respectfully represents:

1. In March of 2005 your Petitioner began representing defendant in the above captioned civil action in the Court of Common Pleas of Clearfield County.
2. Petitioner through Pribanic and Pribanic, L.L.C. filed a Civil Complaint in the Court of Common Pleas of Clearfield County on behalf of James Iddings and against Dianne J. Iddings.
3. Through telephone conversations plaintiff has indicated that he no longer wished to have Pribanic and Pribanic, L.L.C. and your Petitioner proceed with his case.
4. Continued representation of plaintiff without plaintiff's consent and/or cooperation and/or plaintiff's unwillingness to follow directions of petitioner result in good cause under Rule 1.16(c)(5) of the Pennsylvania Rules of Professional Conduct for petitioner's withdrawal of appearance in this case.
5. This case is not listed for hearing in the Court of Common Pleas of Clearfield County or any other county at this time.

WHEREFORE, Petitioner requests that this Court grant petitioner, Gregory M. Bazylak and Pribanic and Pribanic, L.L.C., leave to withdraw their appearance for plaintiff in this action.

Respectfully Submitted:



Gregory M. Bazylak, Esquire
Petitioner

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

JAMES IDDINGS,

Plaintiff

vs

DIANNE J. IDDINGS,

Defendant

No: 2005 – 750 C.D.

ORDER

AND NOW, this 23rd day of August, 2006, upon review of the within Petition of Plaintiff's Counsel For Leave to Withdraw, it is hereby ORDERED that Petitioner, Gregory M. Bazylak, Esquire, and Pribanic and Pribanic, L.L.C., be permitted to withdraw as counsel for the Plaintiff in the above-captioned matter.

BY THE COURT:

Paul E. Cherry

FILED 3cc
01/4/00/61 Atty Bazylak
AUG 23 2006 (6P)

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES IDDINGS,

Plaintiff

vs

DIANNE J. IDDINGS,

Defendant.

No: 2005 – 750 C.D.

Type of Pleading:
Certificate of Service

Filed on Behalf of:

Gregory M. Bazylak, Esquire
PA. I.D. No.: 70367

2 Sylvania Street
Brookville, PA 15825
Telephone: 814-849-1278
Fax: 814-849-1294

Victor H. Pribanic, Esquire
PA. I.D. No.: 30785

FILED

AUG 29 2006

M/ 1:50 / 4
William A. Shaw
Prothonotary/Clerk of Courts

no C/C

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

JAMES IDDINGS,

Plaintiff

vs

DIANNE J. IDDINGS,

Defendant

No: 2005 – 750 C.D.

CERTIFICATE OF SERVICE

I, Gregory M. Bazylak, Esquire, attorney for the Petitioner hereby certify that on the date below listed I served one true and correct copy of a Petition to Withdraw as Counsel with Order upon all Parties, in the manner below indicated.

Date:


8/18/06

Service by First Class U.S. Mail to:

Mr. James Iddings

7735 Route 153

Brockport, PA 15823


Gregory M. Bazylak, Esquire

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

James R. Iddings
Plaintiff

Vs.

Dianne J. Iddings
Defendant

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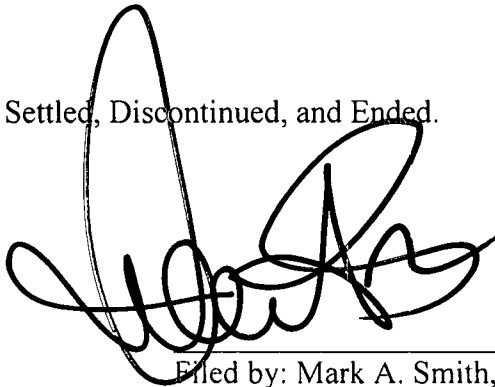
Case No. 2005-750-CD

Praeipice to Discontinue

To the Prothonotary:

Please mark the above-referenced case Settled, Discontinued, and Ended.

3/29/10
Date



Filed by: Mark A. Smith, Esq.

FILED
APR 9 9:57 AM '10
APR 07 2010
William A. Shaw
Prothonotary/Clerk of Courts