

05-814-CD
Mark Legars et al vs. P. Fullerton

Mark Legars et al v. Patricia Fullerton
2005-814-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS & TRACY LEGARS,

Plaintiffs,

vs.

PATRICIA FULLERTON,

Defendant.

CIVIL DIVISION

No. 05-814-CD

COMPLAINT IN CIVIL ACTION

Filed on behalf of:
plaintiffs

Counsel of record for
this party:

Harry N. Sydor, Esquire

PA I.D. No. 10590

680 Washington Road
Suite 203
Pittsburgh, PA 15228-1915

(412) 344-7000

FILED Any p.d.
m/2:42/85.00
JUN 08 2005 ICC Shff
W. J. F. Shew
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS & TRACY LEGARS,

CIVIL DIVISION

Plaintiffs,

vs.

No.

PATRICIA FULLERTON,

Defendant.

NOTICE TO DEFEND

TO THE ABOVE DEFENDANT:

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 or defendant. 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
2nd FLOOR
230 EAST MARKET STREET
CLEARFIELD PA 16830

TELEPHONE: (814) 765 2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS & TRACY LEGARS,

CIVIL DIVISION

Plaintiffs,

vs.

No.

PATRICIA FULLERTON,

Defendant.

COMPLAINT IN CIVIL ACTION

AND NOW COME plaintiffs, above-named, by their attorney, Harry N. Sydor, and file the following Complaint in Civil Action and aver as follows:

1. Plaintiffs are individuals residing at 176 Mary Lane, Curwensville, Clearfield County, Pennsylvania 16833.
2. Defendant, PATRICIA FULLERTON, is an individual residing at 14 Hill Top Road, P.O. Box 52, West Decatur, Clearfield County, Pennsylvania 16878.
3. On or about the twentieth day of November, 2004, and at all times material hereto, the plaintiffs were the owners of a certain automobile which was carefully being operated by Mark Legars in a northbound direction on State Route 219, Bell Township, Clearfield County, when, at the same time and place, the defendant so negligently operated a motor vehicle in the southbound direction of State Route 219 so as to cause her vehicle to cross over the center line of said highway and collide with plaintiffs' vehicle, causing damage to it.

4. The damages sustained by the plaintiffs were the sole and proximate result of the negligence of the defendant generally and in the following particulars:

- a. In operating her vehicle at an unsafe rate of speed;
- b. In crossing over the center line of said highway;
- c. In failing to yield the right-of-way to the plaintiffs' vehicle;
- d. In failing to be attentive to traffic conditions surrounding;
- e. In failing to properly and safely control her vehicle so as to avoid colliding with plaintiffs' vehicle.

5. As a result of the negligence of the defendant as aforementioned, the plaintiffs vehicle was damaged, requiring repairs to same and causing plaintiffs to sustain a loss in the amount of \$4,549.21.

WHEREFORE, plaintiffs demand judgment against defendant in the amount of \$4,549.21.



HARRY N. SYDOR, ESQUIRE
Attorney for plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS & TRACY LEGARS,

Plaintiffs,

vs.

No.

PATRICIA FULLERTON,

Defendant.

VERIFICATION

The undersigned plaintiffs in the above-captioned matter do hereby verify that the facts set forth in the foregoing Complaint in Civil Action are true and correct based on their knowledge, information and belief.

This Verification is made subject to the penalties of 18 PA. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 5-24-05

✓ Mark A. Legars
MARK LEGARS

Date: 5/24/05

✓ Tracy M. Legars
TRACY LEGARS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100534
NO: 05-814-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: MARK LEGARS & TRACY LEGARS
vs.
DEFENDANT: PATRICIA FULLERTON

SHERIFF RETURN

NOW, June 14, 2005 AT 2:50 PM SERVED THE WITHIN COMPLAINT ON PATRICIA FULLERTON DEFENDANT AT SHERIFF'S OFFICE: 1 N. 2ND ST. SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PATRICIA FULLERTON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

FILED

JUN 15 2005 @
6/11:45
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	SYDOR	2308	10.00
SHERIFF HAWKINS	SYDOR	2308	27.91

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS and TRACY
LEGARS,

CIVIL DIVISION

Plaintiffs,

No. 05-814-CD

v.

PRAECIPE FOR APPEARANCE

PATRICIA FULLERTON,

(Jury Trial Demanded)

Defendant.

Filed on Behalf of Defendant:
Patricia Fullerton

Counsel of Record for this Party:

Jeffrey C. Catanzarite, Esquire
Pa. I.D. #: 72765

**Summers, McDonnell, Hudock, Guthrie
& Skeel, L.L.P.**

Firm No.: 911

Gulf Tower, Suite 2400
707 Grant Street
Pittsburgh, PA 15219

(412) 261-3232

#13863

FILED NP CC
m/j:scd
JUN 24 2005
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS and TRACY
LEGARS,

CIVIL DIVISION

Plaintiffs,

No. 05-814-CD

v.

PATRICIA FULLERTON,

Defendant.

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

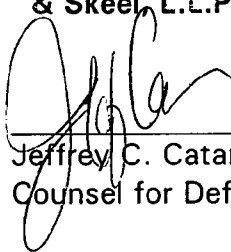
Kindly enter the appearance of the undersigned, Jeffrey C. Catanzarite, Esquire, of the law firm of Summers, McDonnell, Hudock, Guthrie & Skeel, L.L.P., on behalf of the Defendant, Patricia Fullerton, in the above case.

JURY TRIAL DEMANDED

Respectfully submitted,

**Summers, McDonnell, Hudock, Guthrie
& Skeel, L.L.P.**

By:



Jeffrey C. Catanzarite, Esquire
Counsel for Defendant

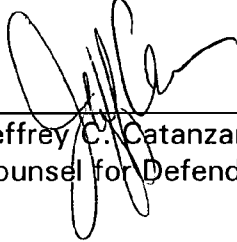
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe for Appearance** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 22nd day of June, 2005:

Harry N. Sydor, Esquire
680 Washington Road
Suite 203
Pittsburgh, PA 15228-1915

**Summers, McDonnell, Hudock, Guthrie
& Skeel, L.L.P.**

By:



Jeffrey C. Catanzarite, Esquire
Counsel for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS and TRACY
LEGARS,

Plaintiffs,

v.

PATRICIA FULLERTON,

Defendant.

CIVIL DIVISION

No. 05-814-CD

ANSWER AND NEW MATTER

(Jury Trial Demanded)

Filed on Behalf of Defendant:
Patricia Fullerton

Counsel of Record for this Party:

Jeffrey C. Catanzarite, Esquire
Pa. I.D. #: 72765

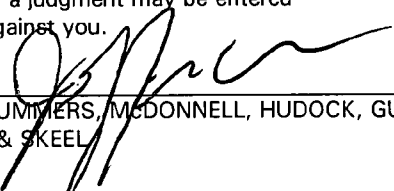
**Summers, McDonnell, Hudock, Guthrie
& Skeel, L.L.P.**
Firm No.: 911

Gulf Tower, Suite 2400
707 Grant Street
Pittsburgh, PA 15219

(412) 261-3232


TO: PLAINTIFFS

You are hereby notified to
file a written response to
the enclosed Answer and New
Matter within twenty (20)
days from service hereof
or a judgment may be entered
against you.


SUMMERS, McDONNELL, HUDOCK, GUTHRIE
& SKEEL

#13863

FILED NO CC
mld:nb
JUL 15 2005


William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS and TRACY
LEGARS,

CIVIL DIVISION

Plaintiffs,

No. 05-814-CD

v.

PATRICIA FULLERTON,

Defendant.

ANSWER AND NEW MATTER

Defendant, Patricia Fullerton, by her counsel, Summers, McDonnell, Hudock, Guthrie & Skeel, L.L.P., and Jeffrey C. Catanzarite, Esquire, files the following pleading:

I. ANSWER

1. Admitted.

2. Admitted.

3. The allegations of Paragraph 3 are conclusions of law to which no response is required. To the extent that a response is necessary, said averments are generally denied pursuant to Rule 1029(d) and (e) of the Pennsylvania Rules of Civil Procedure.

4. The allegations of Paragraph 4 and its subparts are conclusions of law to which no response is required. To the extent that a response is necessary, said averments are generally denied pursuant to Rule 1029(d) and (e) of the Pennsylvania Rules of Civil Procedure.

5. The allegations of Paragraph 5 are conclusions of law to which no response is required. To the extent that a response is necessary, said averments are generally denied pursuant to Rule 1029(d) and (e) of the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Defendant, Patricia Fullerton, demands judgment in her favor.

II. NEW MATTER

6. Paragraphs 1 through 5 are herein incorporated by reference.

7. Defendant claims the benefit of the applicable provisions of the Pennsylvania Comparative Negligence Act as set forth in 42 Pa. C.S.A. § 7102, *et seq.*, and pleads the same as an affirmative defense against any and all claims of the Plaintiff.

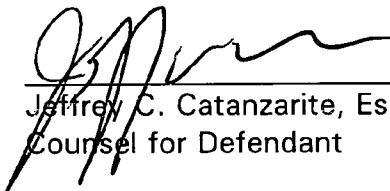
WHEREFORE, Defendant, Patricia Fullerton, demands judgment in her favor.

JURY TRIAL DEMANDED

Respectfully submitted,

**Summers, McDonnell, Hudock, Guthrie
& Skeel, L.L.P.**

By:



Jeffrey C. Catanzarite, Esquire
Counsel for Defendant

VERIFICATION

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

Date:

July 11 2005

Patricia Fullerton
Patricia Fullerton, Defendant

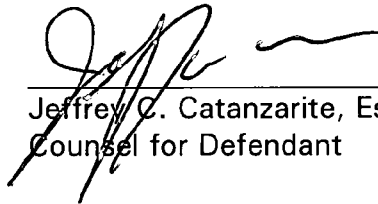
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Answer and New Matter** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 13th day of July, 2005:

Harry N. Sydor, Esquire
680 Washington Road
Suite 203
Pittsburgh, PA 15228-1915

**Summers, McDonnell, Hudock, Guthrie
& Skeel, L.L.P.**

By:

A handwritten signature in black ink, appearing to read 'Jeffrey C. Catanzarite', is written over a horizontal line.

Jeffrey C. Catanzarite, Esquire
Counsel for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS & TRACY LEGARS,

Plaintiffs,

vs.

PATRICIA FULLERTON,

Defendant.

CIVIL DIVISION

No. 05-814-CD

PRAECIPE TO SETTLE
AND DISCONTINUE

Filed on behalf of:
plaintiffs

Counsel of record for
this party:

Harry N. Sydor, Esquire

PA I.D. No. 10590

680 Washington Road
Suite 203
Pittsburgh, PA 15228-1915

(412) 344-7000

FILED No
m) 11:42 AM cc
SEP 09 2005 Cert. of Disc.
to EAHy
William A. Shaw
Prothonotary, Clerk of Courts Copy to CIA
(6)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS & TRACY LEGARS,

CIVIL DIVISION

Plaintiffs,

vs.

No. 05-814-CD

PATRICIA FULLERTON,

Defendant.

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

KINDLY mark the above-captioned matter Settled, Discontinued, and Ended with Prejudice and costs paid.



HARRY N. SYDOR, ESQUIRE
Attorney for plaintiff

I hereby certify that the foregoing is a true and correct statement of the above-captioned case.

This Statement is made subject to the penalties of 18 PA. C.S. §4904 relating to unsworn

FILED
SEP 09 2005
CLERK OF COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK LEGARS & TRACY LEGARS,

CIVIL DIVISION

Plaintiffs,

vs.

No. 05-814-CD

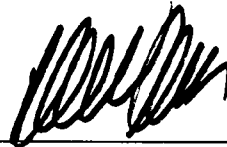
PATRICIA FULLERTON,

Defendant.

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

KINDLY mark the above-captioned matter Settled, Discontinued, and Ended with Prejudice and costs paid.



HARRY N. SYDOR, ESQUIRE
Attorney for plaintiff

I hereby certify that the foregoing is a true and correct statement of the above-captioned case.


This Statement is made subject to the penalties of 18 PA. C.S. §4904 relating to unsworn falsifications to authorities.



HARRY N. SYDOR, ESQUIRE
Attorney for plaintiff

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

CIVIL DIVISION

 **COPY**

**Mark Legars
Tracy Legars**

**Vs.
Patricia Fullerton**

No. 2005-00814-CD

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 September 9, 2005, marked:

Settled, Discontinued and Ended with Prejudice

Record costs in the sum of \$85.00 have been paid in full by Harry N. Sedor, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of September A.D. 2005.

William A. Shaw, Prothonotary