

0  
2005-868-CD  
Marker et al vs. S. Richards et al

Jessica Marker et al v. Samuel Richards et al  
2005-868-CD

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSICA MARKER &  
RICHARD MARKER, III, husband  
and wife,  
Plaintiffs

-vs-

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendant

AND

RICHARDS CONSTRUCTION  
COMPANY, INC.,  
Defendant

Type of Case: Civil Action  
No. 2005-868-CD

Type of Pleading:  
Praecipe for  
Entry of Appearance

Filed on Behalf of:  
Defendants

Counsel of Record for This  
Party:  
Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: July 27, 2005

FILED <sup>②</sup>  
M 111:14 6/1  
JUL 28 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

JESSICA MARKER and  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

No. 2005-868-CD

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendant

AND

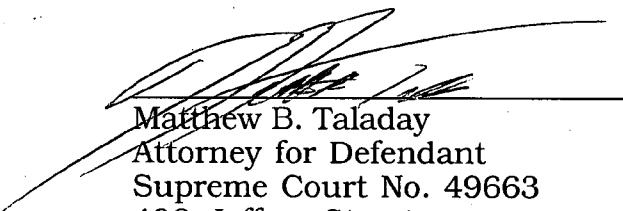
RICHARDS CONSTRUCTION  
COMPANY, INC.,  
Defendant

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Kindly enter my appearance for the Defendants, Samuel  
Richards, Individually and d/b/a Richards Construction Company, Inc.  
and Richards Construction Company, Inc., in the above captioned  
matter.

Dated: 07/27/05

  
Matthew B. Taladay  
Attorney for Defendant  
Supreme Court No. 49663  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

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

JESSICA MARKER and  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

No. 2005-868-CD

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendant

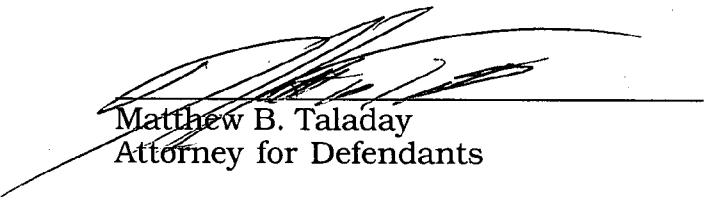
AND

RICHARDS CONSTRUCTION  
COMPANY, INC.,  
Defendant

**CERTIFICATE OF SERVICE**

I certify that on the 27th day of July, 2005, a true and correct copy of the foregoing Praeclipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

David B. Kline, Esq.  
Attorney for Plaintiffs  
Villari, Brandes & Kline, P.C.  
Suite 400  
8 Tower Bridge  
151 Washington Street  
Conshohocken, PA 19428

  
Matthew B. Taladay  
Attorney for Defendants

**FILED**

**JUL 28 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

VILLARI, BRANDES & KLINE P.C.  
By: David B. Kline, Esquire  
Attorney ID No. 58733  
8 Tower Bridge, Suite 400  
161 Washington Street  
Conshohocken, PA 19428  
610-729-2900

Attorney for Plaintiff

JESSICA MARKER & : COURT OF COMMON PLEAS  
RICHARD MARKER, III, h/w : CLEARFIELD COUNTY, PA  
105 Cedar Drive : CIVIL DIVISION  
Karthaus, PA 16845

vs.

05-868-CD

SAMUEL RICHARDS, Individually & d/b/a  
RICHARDS CONSTRUCTION COMPANY, INC.  
Star Route 879  
RR 2, Box 185  
Clearfield, PA 16830

AND

RICHARDS CONSTRUCTION COMPANY, INC.  
Star Route 879  
RR 2, Box 185  
Clearfield, PA 16830

FILED

JUN 20 2005

RECEIVED  
William A. Shaw  
Prothonotary

1 cent to Atty  
2 cent to Staff  
w/ 2 summons

To the Prothonotary:

Kindly issue a Writ of Summons - Civil Action to Defendant, Samuel Richards Individually & d/b/a Richards Construction and Richards Construction Company, Inc., in the above referenced matter.

VILLARI, BRANDES & KLINE, PC

06/15/05  
DATED

By:

DAVID B. KLINE, ESQUIRE  
Attorney for Plaintiff

FILED

JUN 20 2005

William A. Shaw  
Prothonotary

Commonwealth of Pennsylvania  
COUNTY OF CLEARFIELD

Summons  
*Citation*

JESSICA MARKER & : COURT OF COMMON PLEAS  
RICHARD MARKER, III, h/w : CLEARFIELD COUNTY, PA  
105 Cedar Drive : CIVIL DIVISION  
Karthaus, PA 16845 :  
:  
:

vs.  
:  
:

SAMUEL RICHARDS, Individually & d/b/a :  
RICHARDS CONSTRUCTION COMPANY, INC. :  
Star Route 879 :  
RR 2, Box 185 :  
Clearfield, PA 16830 :  
:  
:

AND  
:  
:

RICHARDS CONSTRUCTION COMPANY, INC. :  
Star Route 879 :  
RR 2, Box 185 :  
Clearfield, PA 16830 :  
:  
:

**To:**<sup>(1)</sup> Defendants, Samuel Richards, Individually & d/b/a Richards Construction Company, Ind., and Richards Construction Company, Inc.

**You are notified that Plaintiffs** <sup>(2)</sup> Jessica Marker & Richard Marker, III, h/w

**Have commenced an action against you** Civil Action

WILLIAM A. SHAW  
*Prothonotary*

(SEAL)

By \_\_\_\_\_

Date JUNE 29, 2065

<sup>(1)</sup> Name(s) of Defendant(s): Samuel Richards, Individually & d/b/a Richards Construction Company, Inc., and Richards Construction Company, Inc.

<sup>(2)</sup> Name(s) of Plaintiff(s): Jessica Marker & Richard Marker, III, h/w

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

No. \_\_\_\_\_

Jessica Marker & Richard Marker, III, h/w  
105 Cedar Drive  
Karthaus, PA 16845

vs.

Samuel Richards, Individually & d/b/a  
Richards Construction Company, Inc.

Star Route 879  
RR2, Box 185  
Clearfield, PA 16830

AND

Richards Construction Company, Inc.  
Star Route 879  
RR2, Box 185  
Clearfield, PA 16830

SUMMONS

Villari, Brandes & Kline, PC  
By: David B. Kline, Esquire  
Supreme Court I.D. 58733  
8 Tower Bridge, Suite 400  
161 Washington Street  
Conshohocken, PA 19428  
(610)729-2900  
(610)729-2910 - fax  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSICA MARKER &  
RICHARD MARKER, III, husband  
and wife,  
Plaintiffs

-vs-

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendant

AND

RICHARDS CONSTRUCTION  
COMPANY, INC.,  
Defendant

Type of Case: Civil Action

No. 2005-868-CD

Type of Pleading:

Praeclipe for  
Rule to File Complaint

Filed on Behalf of:

Defendants

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

Dated: July 27, 2005

60  
FILED No CC  
m/11/14 6A JUL 28 2005 2 rules to Atty Taladay  
William A. Shaw  
Prothonotary/Clerk of Courts

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

JESSICA MARKER and	:
RICHARD MARKER, III, husband	:
and wife,	:
Plaintiffs	:
 -vs-	
No. 2005-868-CD	
SAMUEL RICHARDS, Individually	:
and d/b/a RICHARDS	:
CONSTRUCTION COMPANY, INC.,	:
Defendant	:
 AND	
RICHARDS CONSTRUCTION	:
COMPANY, INC.,	:
Defendant	:

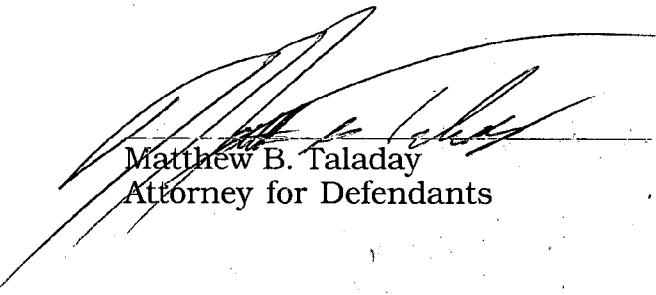
**PRAECIPE FOR RULE TO FILE COMPLAINT**

TO THE PROTHONOTARY:

Please enter a rule upon Plaintiffs to file a Complaint  
within twenty (20) days of service thereof or suffer the entry of a  
judgment of non pros.

07/27/05

Date

  
Matthew B. Taladay  
Attorney for Defendants

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

JESSICA MARKER and  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

No. 2005-868-CD

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,

Defendant

AND

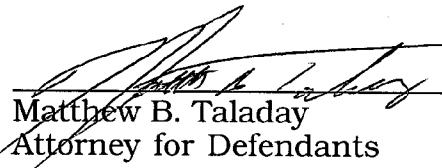
RICHARDS CONSTRUCTION  
COMPANY, INC.,

Defendant

**CERTIFICATE OF SERVICE**

I certify that on the 27th day of July, 2005, a true and correct copy of the foregoing Praeclipe for Rule to File Complaint was sent via first class mail, postage prepaid, to the following:

David B. Kline, Esq.  
Attorney for Plaintiffs  
Villari, Brandes & Kline, P.C.  
Suite 400  
8 Tower Bridge  
161 Washington Street  
Conshohocken, PA 19428

  
Matthew B. Taladay  
Attorney for Defendants

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

 COPY

Jessica Marker  
Richard Marker III

Vs. Case No. 2005-00868-CD  
Samuel Richards  
Richards Construction Company, Inc.

RULE TO FILE COMPLAINT

TO: Jessica Marker and Richard Marker, III, husband and wife

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: July 28, 2005

VILLARI, BRANDES & KLINE, PC  
BY: DAVID B. KLINE, ESQUIRE  
SUPREME COURT ID #58733  
8 TOWER BRIDGE, SUITE 400  
161 WASHINGTON STREET  
CONSHOHOCKEN, PA 19428  
(610)729-2900

6/2  
FILED 3cc  
m/10/4261 Atty Kline  
SEP 01 2005

William A. Shaw  
Prothonotary/Clerk of Courts

ATTORNEY FOR PLAINTIFFS

JESSICA MARKER and	:	COURT OF COMMON PLEAS
RICHARD MARKER, III, H/W	:	CLEARFIELD COUNTY, PA
	:	CIVIL DIVISION
vs.	:	
	:	
SAMUEL RICHARDS, Individually &	:	
d/b/a RICHARDS CONSTRUCTION	:	
COMPANY, INC.	:	
	:	
AND	:	NO: 2005-00868-CD
	:	
RICHARDS CONSTRUCTION	:	
COMPANY, INC.	:	
	:	

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 filling 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT 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.**

LAWYER REFERRAL & INFORMATION SERVICE  
PENNSYLVANIA LAWYER REFERRAL SERVICE  
(800)692-7375

**VILLARI, BRANDES & KLINE, PC**

BY: DAVID B. KLINE, ESQUIRE

SUPREME COURT ID #58733

8 TOWER BRIDGE, SUITE 400

161 WASHINGTON STREET

CONSHOHOCKEN, PA 19428

(610)729-2900

ATTORNEY FOR PLAINTIFFS

---

JESSICA MARKER and : COURT OF COMMON PLEAS  
RICHARD MARKER, III, H/W : CLEARFIELD COUNTY, PA  
: CIVIL DIVISION

vs. :

SAMUEL RICHARDS, Individually & :  
d/b/a RICHARDS CONSTRUCTION :  
COMPANY, INC. :

AND : NO: 2005-00868-CD

RICHARDS CONSTRUCTION :  
COMPANY, INC. :

**COMPLAINT**

1. Plaintiffs, Jessica Marker and Richard Marker, III, are husband and wife adult individuals who presently reside at 105 Cedar Drive, Karthaus, PA 16845.
2. Defendant, Samuel Richards, Individually and d/b/a Richards Construction Company, Inc., is an adult individual who currently resides at Star Route 879, RR 2, Box 185, Clearfield, PA 16830.
3. Defendant, Richards Construction Company, Inc., is, upon information and belief, a Pennsylvania Corporation licensed to do business in the Commonwealth with its principal place of business located at Star Route 879, RR2, Box 185, Clearfield, PA 16830.

4. On June 28, 2003, at approximately 8:30 p.m., plaintiff, Jessica Marker, was operating her motor vehicle in a westbound direction on State Route 879 in Goshen Township, Clearfield County, Commonwealth of Pennsylvania. At or about the same time, defendant, Samuel Richards, was operating his motor vehicle in an eastbound direction on State Route 879, when he failed to stay in his lane on a left curve in the road while traveling at a high rate of speed, crossing the double yellow line and striking the plaintiff's vehicle.

5. As a direct and proximate result thereof, plaintiff, Jessica Marker, sustained multiple physical and emotional injuries, and other losses including damage to her property, to be described in detail below.

6. Defendant's conduct in causing this collision was in reckless disregard of the rights and safety of others on the public roadways, specifically, plaintiff, Jessica Marker.

7. At all times relevant hereto, plaintiff was bound by her full tort election and is therefore eligible to recover her non-economic damages.

**COUNT I - NEGLIGENCE**  
**JESSICA MARKER VS. SAMUEL RICHARDS, INDIVIDUALLY**  
**& D/B/A RICHARDS CONSTRUCTION COMPANY, INC.,**  
**AND RICHARDS CONSTRUCTION COMPANY, INC.**

8. Paragraphs 1 through 7 of this Complaint, inclusive, are incorporated herein by reference as though fully set forth at length.

9. The negligence of Defendant herein consisted of the following acts and/or omissions:

- (a) Operating a motor vehicle too fast;
- (b) Operating a motor vehicle too fast to be able to negotiate the left hand curve;
- (c) Operating a motor vehicle in violation of Pennsylvania law, specifically

75 Pa.C.S. § 3301 (a) and § 3309 (1);

- (d) Failing to stop and render aid after causing a motor vehicle accident in which he knew or should have known that plaintiff, Jessica Marker, was injured;
- (e) Crossing into plaintiff's lane of travel;
- (f) Driving a motor vehicle in the wrong direction of travel;
- (g) Proceeding in plaintiff's lane of traffic when doing so presented a risk of harm to plaintiff, Jessica Marker;
- (h) Failing to keep a proper lookout for oncoming, westbound traffic on SR879, such as plaintiff, Jessica Marker's, motor vehicle;
- (i) Crossing into and driving on the opposing roadway when he knew or, in the exercise of reasonable care, should have known that it was unsafe to do so;
- (j) Failing to yield to plaintiff, Jessica Marker's motor vehicle after he saw it or, in the exercise of reasonable care, should have seen it had he been keeping a proper lookout; and
- (k) Not exercising due and proper care while driving a motor vehicle, but instead, negligently driving his motor vehicle into the wrong lane of travel.

10. As a direct and proximate result of the negligence of defendant, plaintiff Jessica Marker, sustained bodily and emotional injuries, known to include: lateral plica syndrome, right leg requiring surgical intervention; lateral gutter synovitis, right knee requiring surgical intervention; medial and lateral chondromalacia; patellofemoral and anterolateral crepitus, right knee; myofacial pain syndrome; slight bulging annulus at the L5-S1 level causing a minimal anterior impression upon the thecal sac with mild facet arthropathy; posterolateral right sided disc protrusion at S1-2; and associated emotional distress, anxiety and depression.

11. As a further direct and proximate result of this collision, plaintiff has been, and may continue to be, subjected to further medical procedures, therapies and treatment, and any accompanying risks, hazards, pain, suffering, discomfort, and economic losses associated therewith, all to her continuing detriment and loss, as well as past out-of-pocket medical expenses for which she is already liable.

12. As a further direct and proximate result of this collision and the injuries she suffered therefrom, plaintiff, Jessica Marker, has been prevented or inhibited from attending to and/or fully enjoying her usual daily routines, activities and pastimes and may be prevented or inhibited from fully doing so in the future, all to her continuing detriment and loss.

13. As a further direct and proximate result of the aforesaid collision, plaintiff, Jessica Marker, has suffered a loss because of expenses which have been, or may be, incurred in obtaining ordinary and necessary services in lieu of those which she would have performed, not for income, but for the benefit of herself, if she had not been so grievously injured, such as lawn and garden care, home cleaning, grocery shopping and the like.

14. As a further direct and proximate result of the foregoing, plaintiff, Jessica Marker, has suffered a loss of past earnings and an impairment of her earning power and capacity, as well as a diminution of her economic earning potential, all to her continuing detriment and loss.

**WHEREFORE**, plaintiff, Jessica Marker, demands judgment in her favor and against defendant, Samuel Richards, Individually & d/b/a Richards Construction Company, Inc., and Richards Construction Company, Inc., jointly and/or severally, in an amount in excess of twenty five thousand dollars (\$25,000.00), together with such other relief as this Honorable Court may deem fair and just.

## **COUNT II - NEGLIGENT HIRING, TRAINING AND SUPERVISION**

### **JESSICA MARKER VS. RICHARDS CONSTRUCTION COMPANY, INC.**

15. Paragraphs 1 through 14 of this Complaint, inclusive, are incorporated herein by reference as though fully set forth at length.

16. Defendant, Richards Construction Company, Inc., by and through its agents, servants, work persons, employees, representatives and/or assigns, directly and proximately caused the aforementioned collision and bodily injuries to plaintiff, Jessica Marker, by way of the following negligent acts and/or omissions:

(a) Ordering and/or inducing its agent, servant, work person, representative, employee and/or assign, Samuel Richards, to operate the Richards Construction Company, Inc., aforementioned truck when the company knew, or in the exercise of reasonable care, should have known that Samuel Richards was historically negligent in his operation of the truck, if not incapable of doing so in a safe and proper fashion;

(b) Negligently hiring and continuing to employ another for the purpose of conducting such activity;

(c) Permitting their agent, servant, work person, representative, employee and/or assign, Samuel Richards, to act with their instrumentalities, namely the aforementioned truck, knowing, or in the exercise of reasonable care having reason to know, that Samuel Richards would operate said truck in a negligent fashion;

(d) Failing to adequately test, determine and evaluate the ability, qualifications, training experience and drug free status and skill of Samuel Richards to safely and properly operate the aforementioned truck to be driven in compliance with the laws of the Commonwealth of Pennsylvania.

(e) Failing to regularly and/or systematically monitor, periodically assess and meaningfully evaluate the ability, competence, fitness and skill of operators like defendant, Samuel Richards, to safely and properly drive, operate and maintain, as reasonably necessary, the aforementioned truck.

17. As a direct and proximate result of the negligence of defendant, Richards Construction Company, Inc., plaintiff, Jessica Marker, sustained bodily injuries and legally recoverable damages as described above.

**WHEREFORE**, plaintiff, Jessica Marker, demands judgment in her favor and against defendant, Samuel Richards, Individually & d/b/a Richards Construction Company, Inc., and Richards Construction Company, Inc., jointly and/or severally, in an amount in excess of twenty five thousand dollars (\$25,000.00), together with such other relief as this Honorable Court may deem fair and just.

**COUNT III - LOSS OF CONSORTIUM**  
**RICHARD MARKER, III, VS. SAMUEL RICHARDS, INDIVIDUALLY**  
**& D/B/A RICHARDS CONSTRUCTION COMPANY, INC.**  
**AND RICHARDS CONSTRUCTION COMPANY, INC.**

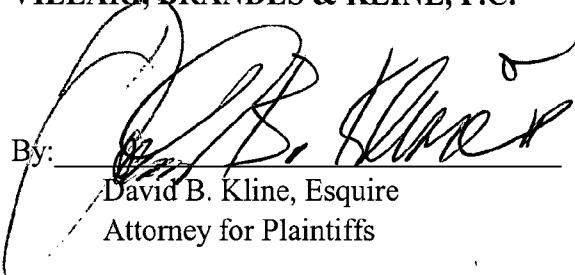
18. Paragraphs 1 through 17 of this Complaint are incorporated herein by reference as though fully set forth at length.

19. At all times relevant hereto, plaintiff, Richard Marker, III, was, and remains, the lawful husband of plaintiff, Jessica Marker.

20. As a further direct and proximate result of the negligence of the defendant, plaintiff, Richard Marker, III, has been deprived of the society, companionship, assistance, services, support and consortium of his wife and may be deprived of same for an indefinite time, all to his continuing detriment and loss.

**WHEREFORE**, plaintiff, Richard Marker, III, demands judgment in his favor and against defendant, Samuel Richards, Individually & d/b/a Richards Construction Company, Inc., and Richards Construction Company, Inc., jointly and/or severally, in an amount in excess of twenty five thousand dollars (\$25,000.00), together with such other relief as this Honorable Court may deem fair and just.

Respectfully Submitted,  
**VILLARI, BRANDES & KLINE, P.C.**

By: 

David B. Kline, Esquire  
Attorney for Plaintiffs

**VERIFICATION**

I, Jessica Marker, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

8/29/05  
DATED

JESSICA MARKER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100571  
NO: 05-868-CD  
SERVICE # 1 OF 2  
SUMMONS

PLAINTIFF: JESSICA MARKER & RICHARD MARKER III

vs.

DEFENDANT: SAMUEL RICHARDS ind & d/b/a RICHARDS CONSTRUCTION COMPANY INC.  
and RICHARDS CONSTRUCTION COMPANY, INC.

**SHERIFF RETURN**

---

NOW, July 18, 2005 AT 1:00 PM SERVED THE WITHIN SUMMONS ON SAMUEL RICHARDS ind & d/b/a RICHARDS CONSTRUCTION COMPANY, INC. DEFENDANT AT SHERIFF's OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SAMUEL RICHARDS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

FILED  
9/2/2005  
OCT 11 2005  
WM

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100571  
NO: 05-868-CD  
SERVICE # 2 OF 2  
SUMMONS

PLAINTIFF: JESSICA MARKER & RICHARD MARKER III

vs.

DEFENDANT: SAMUEL RICHARDS ind & d/b/a RICHARDS CONSTRUCTION COMPANY INC.  
and RICHARDS CONSTRUCTION COMPANY, INC.

**SHERIFF RETURN**

---

NOW, July 18, 2005 AT 1:00 PM SERVED THE WITHIN SUMMONS ON RICHARDS CONSTRUCTION COMPANY, INC. DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SAMUEL RICHARDS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100571  
NO: 05-868-CD  
SERVICES 2  
SUMMONS

PLAINTIFF: JESSICA MARKER & RICHARD MARKER III

vs.

DEFENDANT: SAMUEL RICHARDS ind & d/b/a RICHARDS CONSTRUCTION COMPANY INC.  
and RICHARDS CONSTRUCTION COMPANY, INC.

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	VILLARI	9423	20.00
SHERIFF HAWKINS	VILLARI	9423	28.37

Sworn to Before Me This

So Answers,

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

  
Chester A. Hawkins  
Sheriff

VILLARI, BRANDES & KLINE, PC  
BY: DAVID B. KLINE, ESQUIRE  
SUPREME COURT ID #58733  
8 TOWER BRIDGE, SUITE 400  
161 WASHINGTON STREET  
CONSHOHOCKEN, PA 19428  
(610)729-2900

ATTORNEY FOR PLAINTIFFS

JESSICA MARKER and	:	COURT OF COMMON PLEAS
RICHARD MARKER, III, H/W	:	CLEARFIELD COUNTY, PA
	:	CIVIL DIVISION
vs.	:	
	:	
SAMUEL RICHARDS, Individually &	:	
d/b/a RICHARDS CONSTRUCTION	:	
COMPANY, INC.	:	
	:	
AND	:	NO: 2005-00868-CD
	:	
RICHARDS CONSTRUCTION	:	
COMPANY, INC.	:	
	:	

FILED NO CC  
m/135/2005  
OCT 24 2005  
5

William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, David B. Kline, Esquire, attorney for the within named Plaintiffs, hereby certify and state that a true and correct copy of the within **Plaintiffs' Interrogatories and Plaintiffs' Request for Production of Documents Addressed to Defendants** were served upon counsel of record, below stated, by U.S.

First Class Mail, postage prepaid, on this 21 day of October, 2005.

Matthew B. Taladay, Esquire  
**Hanak, Guido & Taladay**  
498 Jeffers Street  
Post Office Box 487  
DuBois, PA 15801

VILLARI, BRANDES & KLINE, PC

By: David B. Kline  
DAVID B. KLINE, ESQUIRE  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSICA MARKER &  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendant

AND

RICHARDS CONSTRUCTION  
COMPANY, INC.,

Defendant

Type of Case: Civil Action

No. 2005-868-CD

Type of Pleading:

Answer and  
New Matter

Filed on Behalf of:

Defendants

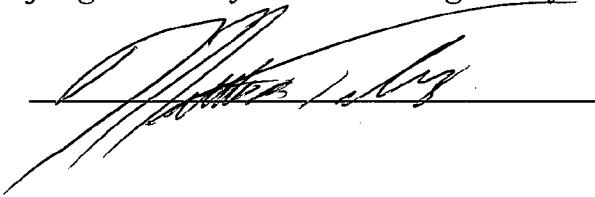
Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

Dated: November 22, 2005

You are hereby notified to plead  
to the within pleading within twenty  
(20) days of service thereof or default  
judgment may be entered against you.



FILED

NOV 23 2005  
1:00 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
# 96  
60

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

JESSICA MARKER and  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

No. 2005-868-CD

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendant

AND

RICHARDS CONSTRUCTION  
COMPANY, INC.,  
Defendant

**ANSWER**

AND NOW, come the Defendants Samuel Richards,  
individually and doing business as Richards Construction Company,  
Inc. and Richards Construction Company, Inc. and hereby respond to  
Plaintiff's Complaint as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Denied as stated. It is admitted that on June 28,  
2003 at approximately 8:30 p.m. a collision occurred on State Route  
879 in Goshen Township, Clearfield County, between a vehicle  
operated by Jessica Marker and an automobile operated by Samuel

Richards. It is admitted that this collision is the responsibility of Samuel Richards.

5. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 5, therefore the same are denied and strict proof thereof is demanded at the time of trial.

6. Denied.

7. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 7, therefore the same are denied and strict proof thereof is demanded at the time of trial.

#### **COUNT I - NEGLIGENCE**

**Jessica Marker vs. Samuel Richards,  
Individually & d/b/a Richards Construction Company, Inc.,  
and Richards Construction Company, Inc.**

8. Defendants incorporate paragraphs 1 through 7 as set forth above.

9. (a) - (k) Denied in accordance with Pa.R.C.P. Rule 1029(e). However, Defendant Samuel Richards admits responsibility for the subject accident.

10. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 10, therefore the same are denied and strict proof thereof is demanded at the time of trial.

11. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the

averments of paragraph No. 11, therefore the same are denied and strict proof thereof is demanded at the time of trial.

12. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 12, therefore the same are denied and strict proof thereof is demanded at the time of trial.

13. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 13, therefore the same are denied and strict proof thereof is demanded at the time of trial.

14. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 14, therefore the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants request judgment in their favor.

**COUNT II - NEGLIGENT HIRING, TRAINING AND SUPERVISION**

**Jessica Marker vs.  
Richards Construction Company, Inc.**

15. Defendants incorporate paragraphs 1 through 14 as set forth above.

16. Denied in accordance with Pa.R.C.P. Rule 1029(e).

17. Defendant Richards Construction Company, Inc. denies all allegations of negligence. With regard to the remaining averments of paragraph 17, the responding Defendants are, after reasonable investigation, without knowledge sufficient to form a belief as to the truth of the averments of paragraph No. 17, therefore the

same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant Richards Construction Company, Inc. demands judgment in its favor.

**COUNT III - LOSS OF CONSORTIUM**

**Richard Marker, III vs. Samuel Richards,  
Individually & d/b/a Richards Construction Company, Inc.  
and Richards Construction Company**

18. Paragraphs 1 through 17 of this response are incorporated by reference.

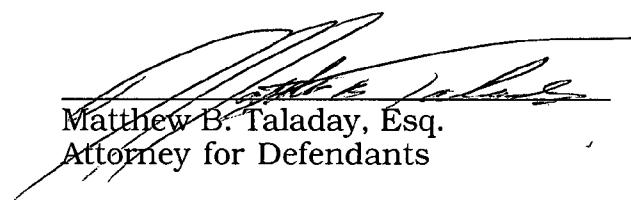
19. Admitted.

20. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 20, therefore the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants request judgment in their favor.

**NEW MATTER**

21. Plaintiffs' claim are barred or limited by application of the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

  
Matthew B. Taladay, Esq.  
Attorney for Defendants

**VERIFICATION**

I, **Samuel Richards**, Individually and on behalf of Richards Construction Company, Inc., do hereby verify that I have read the foregoing Answer & New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 11-15-05

Samuel Richards  
Samuel Richards

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

JESSICA MARKER and  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

No. 2005-868-CD

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendants

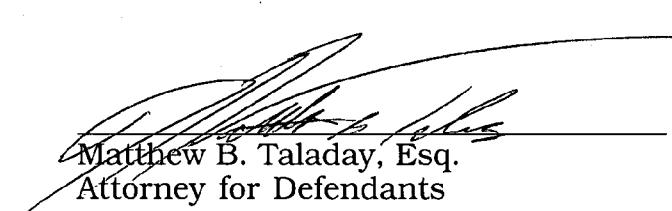
AND

RICHARDS CONSTRUCTION  
COMPANY, INC.,  
Defendant

**CERTIFICATE OF SERVICE**

I certify that on the 22nd day of November, 2005, a true  
and correct copy of the foregoing Answer and New Matter was sent via  
first class mail, postage prepaid, to the following:

David B. Kline, Esq.  
Attorney for Plaintiffs  
Villari, Brandes & Kline, P.C.  
Suite 400  
8 Tower Bridge  
161 Washington Street  
Conshohocken, PA 19428

  
Matthew B. Taladay, Esq.  
Attorney for Defendants

VILLARI, BRANDES & KLINE, PC  
BY: DAVID B. KLINE, ESQUIRE  
SUPREME COURT ID #58733  
8 TOWER BRIDGE, SUITE 400  
161 WASHINGTON STREET  
CONSHOHOCKEN, PA 19428  
(610)729-2900

ATTORNEY FOR PLAINTIFFS

JESSICA MARKER and : COURT OF COMMON PLEAS  
RICHARD MARKER, III, H/W : CLEARFIELD COUNTY, PA  
: CIVIL DIVISION  
vs. :  
: SAMUEL RICHARDS, Individually & :  
d/b/a RICHARDS CONSTRUCTION :  
COMPANY, INC. :  
: AND : NO: 2005-00868-CD  
: RICHARDS CONSTRUCTION :  
COMPANY, INC. :  
:

FILED

DEC 14 2005

11/15/05

William A. Shaw  
Prothonotary  
(ccns to Atty)

**PLAINTIFFS' REPLY TO THE NEW MATTER OF DEFENDANTS, SAMUEL RICHARDS,  
INDIVIDUALLY & D/B/A RICHARDS CONSTRUCTION COMPANY AND RICHARDS  
CONSTRUCTION COMPANY, INC. TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

AND NOW, come Plaintiffs, Jessica Marker and Richard Marker, III by and through their attorney, David B. Kline, Esquire, to file this Reply to New Matter of Defendants, Samuel Richards, Individually and d/b/a Richards Construction Company and Richards Construction Company, Inc. and in support thereof avers as follows:

21. Denied as a conclusion of law to which no response is required.

**WHEREFORE**, Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against the Answering Defendants.

VILLARI, BRANDES & KLINE, P.C.

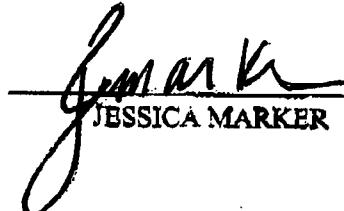
BY:

David B. Kline /PC/  
David B. Kline, Esquire  
Attorney for Plaintiffs

**VERIFICATION**

I, Jessica Marker, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Plaintiff's Answer to Defendants' New Matter are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

12/16/05  
DATED

  
JESSICA MARKER

William A. Shaw  
Prothonotary

DEC 14 2005

FILED

VILLARI, BRANDES & KLINE, PC  
BY: DAVID B. KLINE, ESQUIRE  
SUPREME COURT ID #58733  
8 TOWER BRIDGE, SUITE 400  
161 WASHINGTON STREET  
CONSHOHOCKEN, PA 19428  
(610)729-2900

ATTORNEY FOR PLAINTIFFS

JESSICA MARKER and	:	COURT OF COMMON PLEAS
RICHARD MARKER, III, H/W	:	CLEARFIELD COUNTY, PA
	:	CIVIL DIVISION
vs.	:	
SAMUEL RICHARDS, Individually &	:	
d/b/a RICHARDS CONSTRUCTION	:	
COMPANY, INC.	:	
AND	:	NO: 2005-00868-CD
RICHARDS CONSTRUCTION	:	
COMPANY, INC.	:	

FILED

DEC 14 2005

11:15 AM

William A. Shaw  
Prothonotary

CERTIFICATE OF SERVICE

I, David B. Kline, Esquire, attorney for the within named Plaintiffs, hereby certify and state that a true and correct copy of the within **Plaintiffs' Answer to Defendants' New Matter** were served upon counsel of record, below stated, by U.S. First Class Mail, postage prepaid, on this \_\_\_\_ day of December, 2005.

Matthew B. Taladay, Esquire  
**Hanak, Guido & Taladay**  
498 Jeffers Street  
Post Office Box 487  
DuBois, PA 15801

VILLARI, BRANDES & KLINE, PC

By:

DAVID B. KLINE, ESQUIRE

Attorney for Plaintiffs

*D. B. Kline /P/C/*

FILED

William A. Protzman  
DEC 14 2005

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSICA MARKER &  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY,  
Defendant

Type of Case: Civil Action

No. 2005-868-CD

Type of Pleading:

Notice of  
Service

Filed on Behalf of:

Defendants

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

Dated: January 3, 2006

FILED NO C  
JAN 10 2006  
2006-868-CD  
JAN 04 2006  
WAS

William A. Shaw  
Prothonotary/Clerk of Courts

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

JESSICA MARKER and  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

No. 2005-868-CD

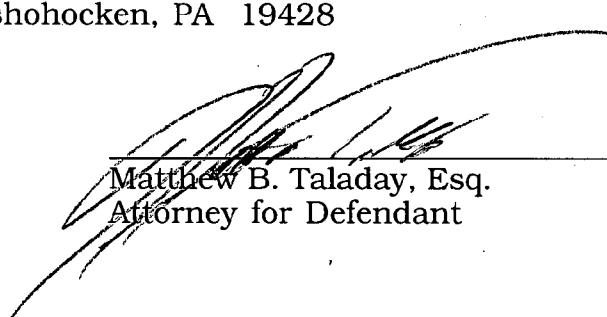
SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY,  
Defendant

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being  
counsel of record for Defendant, do hereby certify that I propounded  
on Plaintiffs, via United States mail, first class, postage pre-paid, this  
3rd day of January, 2006, Defendant's RESPONSES TO PLAINTIFF'S  
DISCOVERY MATERIALS to the below indicated person, at said  
address, being counsel of record for the Plaintiffs:

David B. Kline, Esq.  
Attorney for Plaintiffs  
Villari, Brandes & Kline, P.C.  
Suite 400  
8 Tower Bridge  
161 Washington Street  
Conshohocken, PA 19428

Matthew B. Taladay, Esq.  
Attorney for Defendant



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSICA MARKER &  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY,  
Defendant

Type of Case: Civil Action

No. 2005-868-CD

Type of Pleading:

Notice of  
Service

Filed on Behalf of:

Defendants

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

Dated: January 3, 2006

FILED *WCC*  
M 10:54 AM  
JAN 04 2006  
*LM*

William A. Shaw  
Prothonotary/Clerk of Courts

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

JESSICA MARKER and  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

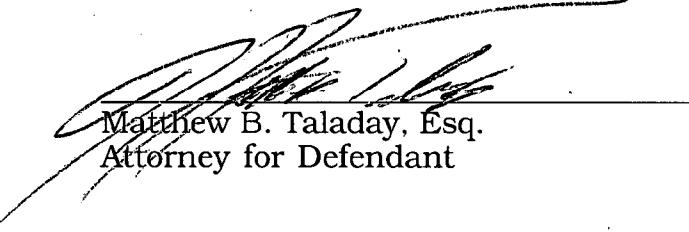
No. 2005-868-CD

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY,  
Defendant

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being  
counsel of record for Defendant, do hereby certify that I propounded  
on Plaintiffs, via United States mail, first class, postage pre-paid, this  
3rd day of January, 2006, Defendant's FIRST SET OF DISCOVERY  
MATERIALS to the below indicated person, at said address, being  
counsel of record for the Plaintiffs:

David B. Kline, Esq.  
Attorney for Plaintiffs  
Villari, Brandes & Kline, P.C.  
Suite 400  
8 Tower Bridge  
161 Washington Street  
Conshohocken, PA 19428

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSICA MARKER &  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendant

AND

RICHARDS CONSTRUCTION  
COMPANY, INC.,

Defendant

Type of Case: Civil Action

No. 2005-868-CD

Type of Pleading:

Amended Answer and  
New Matter

Filed on Behalf of:

Defendants

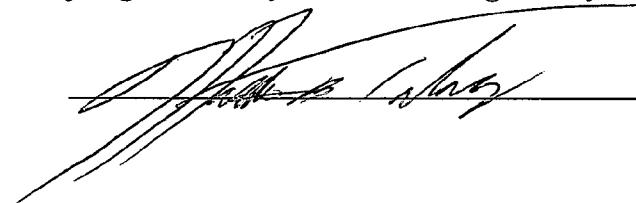
Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(814) 371-7768

Dated: January 11, 2006

You are hereby notified to plead  
to the within pleading within twenty  
(20) days of service thereof or default  
judgment may be entered against you.



FILED  
M 10:33 AM  
JAN 12 2006  
55

William A. Shaw  
Prothonotary/Clerk of Courts

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

JESSICA MARKER and  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

No. 2005-868-CD

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendant

AND

RICHARDS CONSTRUCTION  
COMPANY, INC.,  
Defendant

**AMENDED ANSWER**

AND NOW, come the Defendant Samuel Richards, d/b/a  
Richards Construction Company, and hereby respond to Plaintiff's  
Complaint as follows:

1. Admitted.

2. Admitted in part and denied in part. It is admitted  
that Samuel Richards is an individual whose address at the time of the  
accident was Star Route 879, R.R. #2, Box 185, Clearfield,  
Pennsylvania 16830, and whose current address is 21497 Shawville-  
Frenchville Highway, Clearfield, PA 16830. It is denied that Samuel  
Richards at any time traded or did business as Richards Construction  
Company, Inc. By way of further answer, it is averred that at all times  
relevant hereto Defendant Samuel Richards traded and conducted

business as Richards Construction Company, a sole proprietorship with office and principal place of business at the above referenced address.

3. Denied. Responding Defendant denies the existence of a Pennsylvania corporation known as Richards Construction Company which has a principal place of business located at Star Route 879, R.R. #2, Box 185, Clearfield, Pennsylvania 16830. By way of further answer, Defendant Samuel Richards avers that at all times relevant hereto he traded and conducted business as Richards Construction Company, a sole proprietorship.

4. Denied as stated. It is admitted that on June 28, 2003 at approximately 8:30 p.m. a collision occurred on State Route 879 in Goshen Township, Clearfield County, between a vehicle operated by Jessica Marker and an automobile operated by Samuel Richards. It is admitted that this collision is the responsibility of Samuel Richards.

5. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 5, therefore the same are denied and strict proof thereof is demanded at the time of trial.

6. Denied.

7. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 7, therefore the same are denied and strict proof thereof is demanded at the time of trial.

## **COUNT I - NEGLIGENCE**

**Jessica Marker vs. Samuel Richards,  
Individually & d/b/a Richards Construction Company, Inc.,  
and Richards Construction Company, Inc.**

8. Defendants incorporate paragraphs 1 through 7 as set forth above.

9. (a) - (k) Denied in accordance with Pa.R.C.P. Rule 1029(e). However, Defendant Samuel Richards admits responsibility for the subject accident.

10. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 10, therefore the same are denied and strict proof thereof is demanded at the time of trial.

11. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 11, therefore the same are denied and strict proof thereof is demanded at the time of trial.

12. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 12, therefore the same are denied and strict proof thereof is demanded at the time of trial.

13. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 13, therefore the same are denied and strict proof thereof is demanded at the time of trial.

14. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the

averments of paragraph No. 14, therefore the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants request judgment in their favor.

**COUNT II - NEGLIGENT HIRING, TRAINING AND SUPERVISION**

**Jessica Marker vs.  
Richards Construction Company, Inc.**

15. Defendants incorporate paragraphs 1 through 14 as set forth above.

16. Denied in accordance with Pa.R.C.P. Rule 1029(e).

17. Defendant Richards Construction Company, Inc. denies all allegations of negligence. With regard to the remaining averments of paragraph 17, the responding Defendants are, after reasonable investigation, without knowledge sufficient to form a belief as to the truth of the averments of paragraph No. 17, therefore the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant Richards Construction Company, Inc. demands judgment in its favor.

**COUNT III - LOSS OF CONSORTIUM**

**Richard Marker, III vs. Samuel Richards,  
Individually & d/b/a Richards Construction Company, Inc.  
and Richards Construction Company**

18. Paragraphs 1 through 17 of this response are incorporated by reference.

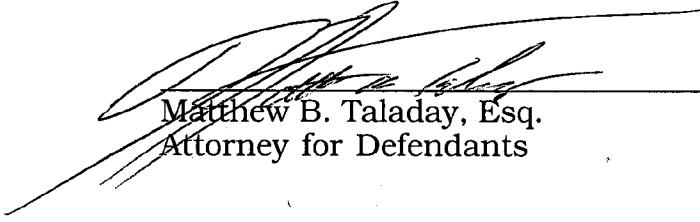
19. Admitted.

20. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the averments of paragraph No. 20, therefore the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants request judgment in their favor.

**NEW MATTER**

21. Plaintiffs' claim are barred or limited by application of the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.



Matthew B. Taladay, Esq.  
Attorney for Defendants

**VERIFICATION**

I, **Samuel Richards**, do hereby verify that I have read the foregoing Amended Answer & New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 1-2-06

Samuel Richards  
Samuel Richards

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

JESSICA MARKER and  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

No. 2005-868-CD

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY, INC.,  
Defendants

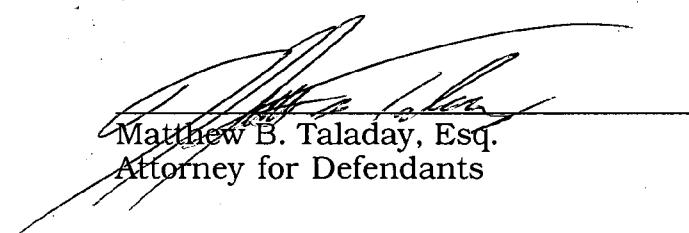
AND

RICHARDS CONSTRUCTION  
COMPANY, INC.,  
Defendant

**CERTIFICATE OF SERVICE**

I certify that on the 11<sup>th</sup> day of January, 2006, a true  
and correct copy of the foregoing Amended Answer and New Matter  
was sent via first class mail, postage prepaid, to the following:

David B. Kline, Esq.  
Attorney for Plaintiffs  
Villari, Brandes & Kline, P.C.  
Suite 400  
8 Tower Bridge  
161 Washington Street  
Conshohocken, PA 19428

  
Matthew B. Taladay, Esq.  
Attorney for Defendants

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSICA MARKER &	:	Type of Case: Civil Action
RICHARD MARKER, III, husband	:	
and wife,	:	No. 2005-868-CD
Plaintiffs	:	
 -vs-		
SAMUEL RICHARDS, Individually	:	
and d/b/a RICHARDS	:	
CONSTRUCTION COMPANY, INC.,	:	
Defendant	:	
AND	:	
RICHARDS CONSTRUCTION	:	
COMPANY, INC.,	:	
Defendant	:	
 Counsel of Record for This		
Party:		
Matthew B. Taladay, Esq.		
Supreme Court No. 49663		
Hanak, Guido and Taladay		
498 Jeffers Street		
P.O. Box 487		
DuBois, PA 15801		
 (814) 371-7768		

Dated: January 23, 2006

FILED NO CC  
JAN 24 2006  
WM

William A. Shaw  
Prothonotary/Clerk of Courts

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

JESSICA MARKER and	:	
RICHARD MARKER, III, husband	:	
and wife,	:	
Plaintiffs	:	
-vs-		No. 2005-868-CD
SAMUEL RICHARDS, Individually	:	
and d/b/a RICHARDS	:	
CONSTRUCTION COMPANY, INC.,	:	
Defendant	:	
AND	:	
RICHARDS CONSTRUCTION	:	
COMPANY, INC.,	:	
Defendant	:	

**STIPULATION TO AMEND CASE CAPTION**

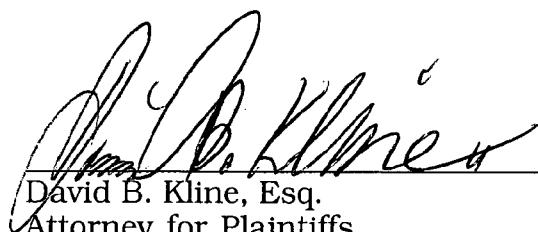
TO THE PROTHONOTARY:

The parties by their undersigned counsel hereby stipulate and agree that the case caption in the above referenced matter shall be amended to read as follows:

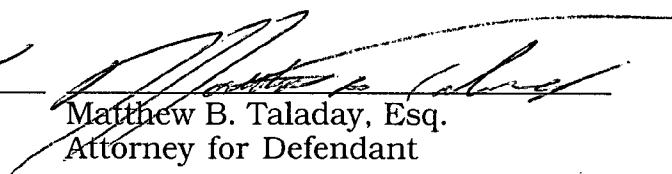
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JESSICA MARKER and	:	
RICHARD MARKER, III, husband	:	
and wife,	:	
Plaintiffs	:	
-vs-		No. 2005-868-CD
SAMUEL RICHARDS, Individually	:	
and d/b/a RICHARDS	:	
CONSTRUCTION COMPANY,	:	
Defendant	:	

Respectfully submitted,



David B. Kline, Esq.  
Attorney for Plaintiffs



Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JESSICA MARKER &  
RICHARD MARKER, III, husband  
and wife,

Plaintiffs

-vs-

SAMUEL RICHARDS, Individually  
and d/b/a RICHARDS  
CONSTRUCTION COMPANY  
Defendant

Type of Case: Civil Action

No. 2005-868-CD

Type of Pleading:

Preacipe for  
Discontinuance

Filed on Behalf of:

Plaintiffs

Counsel of Record for This  
Party:

David B. Kline, Esq.  
Supreme Court No. 58733  
Villari, Brandes & Kline, PC  
8 Tower Bridge, Suite 400  
161 Washington Street  
Conshohocken, PA 19428

(610) 729-2900

Date: July 25, 2006

FILED

JUL 26 2006

WILLIAM A. SHAW

Prothonotary/Clerk of Courts

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ATTY

COPY TO C/A

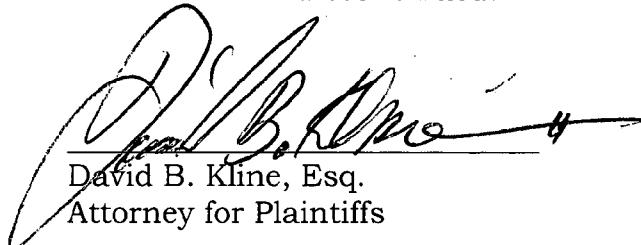
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JESSICA MARKER & :  
RICHARD MARKER, III, husband :  
and wife, :  
Plaintiffs :  
: :  
-vs- :  
: :  
SAMUEL RICHARDS, Individually : No. 2005-868-CD  
and d/b/a RICHARDS :  
CONSTRUCTION COMPANY :  
Defendant :  
:

**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.



David B. Kline, Esq.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Jessica Marker &  
Richard Marker III, husband & wife**

Vs.

No. 2005-00868-CD

**Samuel Richards, Individually and  
d/b/a/ Richards Construction Company**

**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 July 26, 2006, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Villari, Brandes & Kline, PC.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of July A.D. 2006.

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William A. Shaw, Prothonotary