

05-916-CD
William Odell vs Samuel Lombardo

William O'Dell v. Samuel Lombardo
2005-916-CD

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

COPY
FILED
07-26-05
JUN 27 2005
William A. Shaw
Prothonotary/Clerk of Courts
NO CC

SAMUEL LOMBARDO)
INDIVIDUALLY,)
CLEARFIELD COUNTY, ET AL)
DEFENDANT)
VS.) CIVIL ACTION
)
) CASE NO. 05-916-CD
)
)
WILLIAM ODELL)
PLAINTIFF)

APPLICATION TO PROCEED IN FORMA PAUPERIS

I, William Odell, declare that I am the petitioner in the above entitled proceeding; that, in support of my request to proceed without being required to pre-pay fees, costs or give security therefore, I state because of my poverty, I am unable to pay the costs of said proceeding or give security therefore, and that I believe that I am entitled to relief. The nature of my action, defense or other proceeding or the issues I tend to present on appeal are briefly stated as follows:

IN FURTHER SUPPORT OF THIS APPLICATION, I FURTHER AVER AS FOLLOWS:

1. I am incarcerated in the State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866-1021.
2. I do not have any income, of any type, other than prison wages.
3. I do not own any stocks or bonds, nor do I receive any payments for any interests, annuities rental properties or other sources.
4. I do not have any checking or saving accounts.

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

CA
FILED NO
cc

019-26601
JUN 27 2005

REC'D

William A. Shaw
Prothonotary/Clerk of Courts

SAMUEL LOMBARDO)
INDIVIDUALLY,)
CLEARFIELD COUNTY, ET AL)
DEFENDANT)
VS.) CIVIL ACTION
)
) CASE NO. 05-916-CD
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WILLIAM ODELL)
PLAINTIFF)

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3. I do not own any stocks or bonds, nor do I receive any payments for any interests, annuities rental properties or other sources.
4. I do not have any checking or saving accounts.

5. I have approximately \$ 0.00 in my prison account.

I declare, under the penalties provided for perjury, that the facts contained herein are true and correct to the best of my knowledge, information and beliefs.

Respectfully Submitted,

W. K. Deel

Executed on 6-22-05
(Date)

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

SAMUEL LOMBARDO)
INDIVIDUALLY,)
CLEARFIELD COUNTY, ET AL)
DEFENDANT)
VS.) CIVIL ACTION
)
)
)
)
)
WILLIAM ODELL)
PLAINTIFF)

ORDER

AND NOW, this 22 day of JUNE, 2005, Upon consideration of the
petitioner's Motion captioned; **PETITION TO PROCEED IN FORMA PAUPERIS**; It is
Hereby **Ordered and Decreed** that Petitioner shall be granted Leave to Proceed as a Poor
Person.

IT IS SO ORDERED

By the Court,

JUDGE

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

SAMUEL LOMBARDO)
INDIVIDUALLY,)
CLEARFIELD COUNTY, ET AL)
DEFENDANT)
VS.) CIVIL ACTION
)
) CASE NO. _____
)
)
WILLIAM ODELL)
PLAINTIFF,)

VERIFICATION

I, William Odell, Swear/Affirm under the penalties provided for under 18 Pa. C.S.A. 4904 that the facts contained herein are true and correct to the best of my knowledge, information and belief.

Respectfully Submitted,

William Odell
FB-1401
1 Kelley Drive
Coal Township, PA 17866

Date: 6-22-05

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

WILLIAM O'DELL,)
Plaintiff,)
)
)
)
VS.)
)
)
)
SAMUEL LOMBARDO)
Individually)
CLEARFIELD COUNTY, ET AL)
)
)
)
Defendant.)

Case No. _____

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, 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.

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

WILLIAM O'DELL,)
Plaintiff,)
)
)
)
VS.)
)
)
)
)
)
SAMUEL LOMBARDO)
Individually,)
CLEARFIELD COUNTY, ET AL)
)
)
Defendant.)

Case No. _____

COMPLAINT

Plaintiff, William O'Dell ("O'Dell"), for his complaint against Defendant Samuel Lombardo ("Lombardo"), alleges as follows:

1. Plaintiff ("O'Dell") is an individual residing at the State Correctional Institute as Coal Township, PA, One Kelley Drive, Coal Township, PA 17866
2. Defendant ("Lombardo") is an individual residing at the Clearfield County Prison, Clearfield, PA, 115 Twenty First Street Clearfield, PA 16830
3. Jurisdiction of this court is based on subject matter, and the amount in controversy is less than 50,000, exclusive of interest and costs.
4. On or about June 2003, plaintiff was an inmate at the Clearfield County Prison, 115 Twenty First Street, Clearfield, PA 16830.
5. At approximately this time, defendant "Lombardo" refused plaintiff medication in an arbitrary and capricious manner.
6. Defendant "Lombardo" knew of plaintiffs medical needs, and that the refusal of medication would put the plaintiff in a life threatening situation.
7. As a direct and proximate result of the refusal by defendant as described above, plaintiff "O'Dell" has suffered substantial mental pain and suffering and severe emotional distress and injury.

8. Plaintiff "O'Dell" has suffered physical harm resulting from his emotional distress, to wit: Seizures, loss of sleep, and minor bouts of insanity.

WHEREFORE, plaintiff William O'Dell demands Judgment against defendant Samuel Lombardo in excess of 30,000, exclusive of interest and costs.

William O'Dell
FB-1401
1 Kelley Drive
Coal Township, PA 17866

JURY TRIAL DEMANDED

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

WILLIAM O'DELL,)
Plaintiff,)
VS.)
SAMUEL LOMBARDO)
Individually,)
CLEARFIELD COUNTY, ET AL)
Defendant.)
Case No. _____

VERIFICATION

I, William O'Dell, of lawful age, being first duly sworn upon my oath, state:

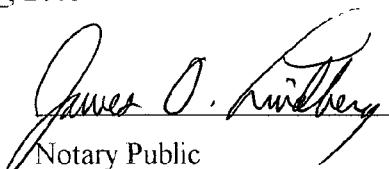
1. That I am the plaintiff in this lawsuit;
2. That I have read the Complaint and am familiar with its contents;
3. That the statements and facts contained in the complaint are true and correct to the best of my knowledge and belief.



William O'Dell, Pro Se

Subscribed and Sworn to before me this 22 day of JUNE, 2005

My Commission Expires:



James O. Lindberg
Notary Public

NOTARIAL SEAL
JAMES O. LINDBERG, Notary Public
Coal Township, Northumberland County
My Commission Expires July 29, 2007

PROOF OF SERVICE

I hereby certify that I am this day serving the foregoing document(s) (CIVIL ACTION) upon the persons and in the manner indicated below.

Name: William A Shaw Type of Service: U.S POSTAL SERVICE
Address: PROTHONOTARY/CLERK OF COURT
PO BOX 549
CLEARFIELD, PA 16830 1ST CLASS POSTAGE
PRE-PAID

Phone: _____
(Counsel for:)

Name: SAMUEL LOMBARDO Type of Service: U.S POSTAL SERVICE
Address: CLEARFIELD COUNTY PRISON
115 TWENTY FIRST STREET
CLEARFIELD, PA 16830 1ST CLASS POSTAGE
PRE-PAID

Phone: _____
(Counsel for:)

Date: 6-22-05

Signed: W. O'Dell
Name: William O'Dell FB-1401
Address: 1 Kelley Drive
COAL TOWNSHIP, PA 17866-1021
Phone: _____

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

WILLIAM O'DELL,)
Plaintiff)
vs) NO. 05-916-CD
SAMUEL LOMBARDO, individually)
CLEARFIELD COUNTY JAIL, et al,)
Defendants)

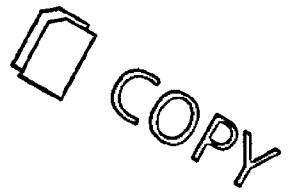
ORDER

NOW, this 29th day of June, 2005, the Court has determined, after a review of the Plaintiff's Application to Proceed In Forma Pauperis, that the action is frivolous and on that basis the said Application is DENIED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 3cc
012:55pm PIA
JUN 29 2005 (W) IFP Denied
William A. Shaw
Prothonotary/Clerk of Courts
letter

 COPY

June 29, 2005

William O'Dell
FB 1401
SCI-Coal Township
1 Kelley Drive
Coal Township, PA 17866

RE: Petition to Proceed In Forma Pauperis and Complaint

Dear Mr. O'Dell:

Please be advised that your Petition to Proceed In Forma Pauperis in the above case has been denied by the Court.

You may proceed with this action by filing the enclosed Complaint along with the \$85.00 filing fee with this office.

A certified copy of the Court's Order is enclosed. According to the Rules of Civil Procedure, the Prothonotary's Office may strike your filing if payment is not received in full within ten (10) working days from the date of this letter.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Enclosures

CLEARFIELD COUNTY
OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW
PROTHONOTARY/
CLERK OF COURTS

DAVID S. AMMERMAN
SOLICITOR

JACKI KENDRICK
DEPUTY PROTHONOTARY

BONNIE HUDSON
ADMINISTRATIVE ASSISTANT

P.O. Box 549, Clearfield, PA 16830
Phone: (814) 765-2641 Ext. 1330 Fax: (814) 765-7659

July 18, 2005

 COPY

Re: William Wilbur O'Dell vs. Samuel Lombardo
Case No. 05-916-CD

Dear Mr. William O'Dell:

Please be advised that the action you filed in the above matter has been stricken effective July 18, 2005 for failure to pay the filing fee. You may not proceed with this action without good cause from the court.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Cc: Samuel Lombardo
Fredric J. Ammerman, President Judge