

05.034.03

Gary Weber et al v. Rickey Schreiber et al
2005-934-CD

Civil Other

Date		Judge
6/29/2005	New Case Filed.	No Judge
	X Filing: Praecipe for Writ of Summons Paid by: Weber, Gary L. (plaintiff) Receipt number: 1903753 Dated: 06/29/2005 Amount: \$85.00 (Check) 1CC & 2 Writs shff and 1 CC atty.	No Judge
7/29/2005	X Praecipe For Rule to File Complaint, filed by s/ Joseph E. Buckley, Jr., Esquire. 1CC & 2 Rules to Atty. Buckley	No Judge
8/26/2005	X Complaint/Certificate of Service, filed by s/ Chris A. Pentz, Esquire. No CC	No Judge
9/14/2005	X Preliminary Objections, filed by s/ William C. Kerr III, Esquire. 1CC Atty	No Judge
	X Praecipe For Argument on preliminary Objections, filed by s/ William C. Kerr III, Esquire. 1CC Atty	No Judge
9/20/2005	X Order AND NOW, this 19th day of September, 2005, the Court having received Defendant's Preliminary Objections in the above case, and for good cause having been shown, it is SO ORDERED that Hearing on said Motion shall be conducted on the 17th day of October, 2005 at 10:00 a.m. at the Clearfield County Courthouse, Clearfield, PA, in Courtroom No. 1. BY THE COURT: /s/ Frederic J. Ammerman, P. Judge. 1CC atty Kerr.	Fredric Joseph Ammerman
9/29/2005	X Motion For Continuance, filed by s/ Joseph E. Buckley, Jr., Esquire. 1CC Atty Buckley	No Judge
10/3/2005	X Order, NOW, this 3rd day of October 2005, upon consideration of the Motion for Continuance, Ordered that Motion for Continuance is granted and the hearing on Def.'s Preliminary Objections is continued to Nov. 15, 2005 at 9:30 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Buckley	Fredric Joseph Ammerman
10/11/2005	X Sheriff Return, July 20, 2005 at 3:10 pm- served the within Summon on Ricky Schreiber. July 20, 2005 at 3:10 pm-Served the within Summons on Peggy Schreiber. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by atty for plff \$54.90	No Judge
10/26/2005	X Answer to Preliminary Objections filed by s/ Chris A. Pentz Esq. 1CC Atty Pentz.	Fredric Joseph Ammerman
11/4/2005	X Motion for Continuance, filed by Atty. Pentz 1 cert. to Atty.	Fredric Joseph Ammerman
11/10/2005	X Order, NOW, this 7th day of Nov., 2005, hearing rescheduled for the 22nd day of Dec., 2005 at 9:00 a.m. Courtroom 1, Judge Ammerman. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Pentz	Fredric Joseph Ammerman
12/2/2005	X Motion For Continuance, filed by s/ Joseph E. Buckley, Jr., Esquire 1CC Atty. Buckley	Fredric Joseph Ammerman
12/7/2005	X Order, NOW, this 5th day of Dec., 2005, Motion for Continuance is granted and the hearing on Defendant's Preliminary Objections is continued from Dec. 22, 2005 to the 4th day of Jan. 2006 at 9:30 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Buckley	Fredric Joseph Ammerman
1/4/2006	X Order, 4th day of Jan., 2006, Preliminary Objections are granted to the extent that the Plaintiffs shall file an Amended Complaint within no more than 110 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Pentz, Buckley, Kerr	Fredric Joseph Ammerman
4/24/2006	X Certificate of Service, filed. That on the 24th day of April 2006, the undersigned served two copies of the First Amended Answer on Joseph E. Buckley Esq., filed by s/ Chris A. Pentz Esq. No CC.	Fredric Joseph Ammerman

Date: 01/04/2006

Clearfield County Court of Common Pleas

User: LBENDER

Time: 03:53 PM

ROA Report

Page 1 of 1

Case: 2005-00934-CD

Current Judge: Fredric Joseph Ammerman

Gary L. Weber, Wendy D. Weber vs. Ricky Schreiber, Peggy Schreiber

Civil Other

Date		Judge
06/29/2005	New Case Filed.	No Judge
	Filing: Praecipe for Writ of Summons Paid by: Weber, Gary L. (plaintiff)	No Judge
	Receipt number: 1903753 Dated: 06/29/2005 Amount: \$85.00 (Check)	
	1CC & 2 Writs shff and 1 CC atty.	
07/29/2005	Praecipe For Rule to File Complaint, filed by s/ Joseph E. Buckley, Jr., Esquire. 1CC & 2 Rules to Atty. Buckley	No Judge
08/26/2005	Complaint/Certificate of Service, filed by s/ Chris A. Pentz, Esquire. No CC	No Judge
09/14/2005	Preliminary Objections, filed by s/ William C. Kerr III, Esquire. 1CC Atty	No Judge
	Praecipe For Argument on preliminary Objections, filed by s/ William C. Kerr III, Esquire. 1CC Atty	No Judge
09/20/2005	Order AND NOW, this 19th day of September, 2005, the Court having received Defendant's Preliminary Objections in the above case, and for good cause having been shown, it is SO ORDERED that Hearing on said Motion shall be conducted on the 17th day of October, 2005 at 10:00 a.m. at the Clearfield County Courthouse, Clearfield, PA, in Courtroom No. 1. BY THE COURT: /s/ Frederic J. Ammerman, P. Judge. 1CC atty Kerr.	Fredric Joseph Ammerman
09/29/2005	Motion For Continuance, filed by s/ Joseph E. Buckley, Jr., Esquire. 1CC Atty Buckley	No Judge
10/03/2005	Order, NOW, this 3rd day of October 2005, upon consideration of the Motion for Continuance, Ordered that Motion for Continuance is granted and the hearing on Def.'s Preliminary Objections is continued to Nov. 15, 2005 at 9:30 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Buckley	Fredric Joseph Ammerman
10/11/2005	Sheriff Return, July 20, 2005 at 3:10 pm- served the within Summon on Ricky Schreiber.	No Judge
	July 20, 2005 at 3:10 pm-Served the within Summons on Peggy Schreiber. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by atty for plff \$54.90	
10/26/2005	Answer to Preliminary Objections filed by s/ Chris A. Pentz Esq. 1CC Atty Pentz.	Fredric Joseph Ammerman
11/04/2005	Motion for Continuance, filed by Atty. Pentz 1 cert. to Atty.	Fredric Joseph Ammerman
11/10/2005	Order, NOW, this 7th day of Nov., 2005, hearing rescheduled for the 22nd day of Dec., 2005 at 9:00 a.m. Courtroom 1, Judge Ammerman. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Pentz	Fredric Joseph Ammerman
12/02/2005	Motion For Continuance, filed by s/ Joseph E. Buckley, Jr., Esquire 1CC Atty. Buckley	Fredric Joseph Ammerman
12/07/2005	Order, NOW, this 5th day of Dec., 2005, Motion for Continuance is granted and the hearing on Defendant's Preliminary Objections is continued from Dec. 22, 2005 to the 4th day of Jan. 2006 at 9:30 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Buckley	Fredric Joseph Ammerman

Civil Other

Date		Judge
4/24/2006	X First Amended Complaint, filed by s/ Chris A. Pentz, Esquire. 2CC Atty. Pentz	Fredric Joseph Ammerman
5/17/2006	X Preliminary Objections, filed by s/ Joseph E. Buckley, Jr. 1CC Atty	Fredric Joseph Ammerman
5/22/2006	X Order, NOW, this 22nd day of May, 2006, the Court having received Defendant's Preliminary Objections in the above case, and for good cause having been shown, Ordered that Hearing on said Motion shall be conducted on the 8th day of June, 2006 at 10:00 a.m. at the Clfd. Co courthouse, Court Room 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Buckley	Fredric Joseph Ammerman
5/30/2006	X Second Amended Complaint, filed by s/ Chris A. Pentz Esq. 3CC Atty Pentz.	Fredric Joseph Ammerman
6/1/2006	X Certificate of Service, filed. That on the 1st day of June 2006, the undersigned served two copies of the Second Amended Answer on Joseph E. Buckley Esq., filed by s/ Chris A. Pentz Esq. No CC.	Fredric Joseph Ammerman
6/8/2006	X Praeipce to Withdraw Preliminary Objections, filed by s/ Joseph E. Buckley, Jr., Esquire. 3CC Atty. Buckley	Fredric Joseph Ammerman
6/15/2006	X Preliminary Objections, filed by s/ Joseph E. Buckley, Jr., 1CC Atty. Buckley	Fredric Joseph Ammerman
6/23/2006	X Order, NOW, this 23rd day of June, 2006, the Court having received Defendant's Preliminary Objections, and for good cause having been shown, it is Ordered that Hearing on said Motion shall be conducted on the 21st day of July, 2006 at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Buckley	Fredric Joseph Ammerman
7/21/2006	X Order, NOW, this 21st day of July, 2006, following argument on the Defendants' Preliminary Objections, Ordered that counsel for the Plaintiffs provide the Court with letter brief by no later than Aug. 1, 2006. Counsel for the Defs. shall provide the Court with a reply brief by no later than August 7, 2006. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC to Attys. Pentz, Buckley	Fredric Joseph Ammerman
8/18/2006	X Opinion And Order: NOW, this 18th day of August, 2006, Ordered that Defendants' Preliminary Objections filed on June 15, 2006 are hereby Denied. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC to Attys: Pentz, Buckley	Fredric Joseph Ammerman
9/20/2006	X Certificate of Service, filed. That a certified copy of a Praeipce to Enter Judgment by Default was served upon Joseph E. Buckley Esq., Mr. Ricky Schreiber and Mrs. Peggy Schreiber, on September 19, 2006 filed by s/ Chris A. Pentz Esq. No CC.	Fredric Joseph Ammerman
9/22/2006	X Important Notice, 10 day notice, filed by Chris A. Pentz Esq. (dated 9/19/06) 2CC Atty Pentz.	Fredric Joseph Ammerman
9/26/2006	X Answer to Second Amended Complaint and New Matter, filed by s/ Joseph E. Buckley Jr Esq. 1CC Atty Buckley.	Fredric Joseph Ammerman
10/19/2006	X Reply to New Matter, filed by s/ Chris A. Pentz Esq. 2CC Atty Pentz.	Fredric Joseph Ammerman
6/7/2007	X Certificate of Readiness for Trial, filed by s/ Chris A. Pentz Esq. 1CC Atty Pentz.	Fredric Joseph Ammerman
	JURY TRIAL	

Civil Other

Date	Selected Items	Judge
01/04/2006	Order, 4th day of Jan., 2006, Preliminary Objections are granted to the extent that the Plaintiffs shall file an Amended Complaint within no more than 110 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Pentz, Buckley, Kerr	Fredric Joseph Ammerman
04/24/2006	Certificate of Service, filed. That on the 24th day of April 2006, the undersigned served two copies of the First Amended Answer on Joseph E. Buckley Esq., filed by s/ Chris A. Pentz Esq. No CC.	Fredric Joseph Ammerman
05/17/2006	First Amended Complaint, filed by s/ Chris A. Pentz Esquire. 2CC Atty. Pentz	Fredric Joseph Ammerman
05/22/2006	Preliminary Objections, filed by s/ Joseph E. Buckley, Jr. 1CC Atty	Fredric Joseph Ammerman
05/22/2006	Order, NOW, this 22nd day of May, 2006, the Court having received Defendant's Preliminary Objections in the above case, and for good cause having been shown, Ordered that Hearing on said Motion shall be conducted on the 8th day of June, 2006 at 10:00 a.m. at the Clfd. Co courthouse, Court Room 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Buckley	Fredric Joseph Ammerman
05/30/2006	Second Amended Complaint, filed by s/ Chris A. Pentz Esq. 3CC Atty Pentz.	Fredric Joseph Ammerman

Date: 6/23/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:19 AM

ROA Report

Page 3 of 3

Case: 2005-00934-CD

Current Judge: Fredric Joseph Ammerman

Gary L. Weber, Wendy D. Weber vs. Ricky Schreiber, Peggy Schreiber

Civil Other

Date		Judge
7/27/2007	<input checked="" type="checkbox"/> Order, this 25th day of July, 2007, this case is removed from the trial list. Defendant is directed to determine as soon as possible if it will be required to obtain new counsel, or in the alternative, when Attorney Joseph Buckley, Jr., may be available. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Pentz, Buckley, Kerr	Fredric Joseph Ammerman
11/29/2007	<input checked="" type="checkbox"/> Order AND NOW, this 29th day of November 2007, it is the ORDER of the Court that a Pre-Trial Conference in the above matter shall be held on the 28th day of January 2008, in Chambers at 10:00 o'clock am. Additionally, Jury Selection in this matter will be held on April 3, 2008. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Attys: Pentz, Buckley and Kerr	Fredric Joseph Ammerman
1/31/2008	<input checked="" type="checkbox"/> Order, this 30th day of Jan., 2008, following Pre-Trial Conference: (see original). Jury selection will be on April 3, 2008 at 9:00 a.m. in Courtroom 1. Two day jury trial is scheduled for June 19 and 20, 2008 in Courtroom 1. The Proth. is directed to serve this Order on the Defendants at the address of 75 Dutch Road, DuBois, PA 15801 By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Pentz, Kerr; 1CC Def. - 75 Dutch Road, DuBois, PA 15801	Fredric Joseph Ammerman
4/4/2008	<input checked="" type="checkbox"/> Order, this 3rd day of april, 2008, it is Ordered that the Prothonotary of Clfd. Co. shall enter the appearance of William Kerr, Esquire, as counsel for Defendants, Ricky Schreiber and Peggy Schreiber. By The Court, /s/ Fredric J. Ammerman, Pres. Judge	Fredric Joseph Ammerman

6-23-08 ✓ Verdict Slip
6-25-08 ✓ Order, dated 6-20-2008

Clearfield County Court of Common Pleas

User: LMILLER

Civil Disposition Report

CT COMMON PLEAS,

All Case Types

From 6/9/2008 to 6/13/2008

All Judgment Types

Case	Parties	Filing date	Judgment	Disposition	Disposition Date
2008-01055-CD	Commonwealth of Pennsylvania Plaintiff Malone, Gilbert G. Defendant Schaefer, Wayne E. Defendant	06/09/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$4,118.66	Open	6/9/2008
2008-01056-CD	Commonwealth of Pennsylvania Plaintiff Swenson, Charles J. Defendant Swenson, Sarah E. Defendant	06/09/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$2,608.73	Open	6/9/2008
2008-01058-CD	Commonwealth of Pennsylvania Plaintiff Frisbee, Sigmund J. Defendant	06/09/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$1,299.31	Open	6/9/2008
2008-01065-CD	Commonwealth of Pennsylvania Plaintiff Tyler, Jeffrey C. Defendant	06/11/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$1,904.51	Open	6/11/2008
2008-01066-CD	Commonwealth of Pennsylvania Plaintiff Frisbee, Sigmund J. Defendant	06/11/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$3,033.64	Open	6/11/2008
2008-01067-CD	Commonwealth of Pennsylvania Plaintiff Stratton, Ottis C. Defendant	06/11/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: 3097.13	Open	6/11/2008
2008-01068-CD	Burguess, Truman J. III Defendant Commonwealth of Pennsylvania Plaintiff	06/11/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: 1677.46	Open	6/11/2008
2008-01069-CD	Heating World, Inc. Plaintiff Libreatori, Dave Defendant	06/11/2008	Transfer Judgment In favor of: Plaintiff Judgment amount or comment: \$3,154.34	Open	6/11/2008
2008-01070-CD	Commonwealth of Pennsylvania Plaintiff Ogden, Bonnie J. Defendant Ogden, Robert J. Defendant	06/11/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: 1461.37	Open	6/11/2008

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

VS

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

No. 05-934 - CD

* Type of Pleading: Praecipe for
* Writ of Summons

* Filed on Behalf of: Plaintiff

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 207 East Market Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED records

0/11:06/01 to Shff
JUN 29 2005 ice Amy

William A. Shaw
Prothonotary/Clerk of Court
Piff pd. 85.00

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

GARY L. WEBER and
WENDY D. WEBER,

Plaintiffs

vs.

No. 05 - - C.D.

RICKY L. SCHREIBER and
PEGGY SCHRIEBER,

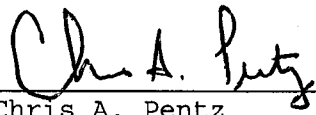
Defendants

PRAECIPE FOR WRIT OF SUMMONS


Please issue a Writ of Summons against the following
individuals:

Ricky L. Schreiber
1157 Rock Run Road
Rockton PA 15856

Peggy Schreiber
1157 Rock Run Road
Rockton PA 15856


Chris A. Pentz
Attorney for Plaintiffs

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

 COPY

SUMMONS

Gary L. Weber
Wendy D. Weber

Vs.

NO.: 2005-00934-CD

Ricky Schreiber
Peggy Schreiber

TO: RICKY SCHREIBER
PEGGY SCHREIBER

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 06/29/2005

William A. Shaw
Prothonotary

Issuing Attorney:

Chris A. Pentz
P.O. Box 552
Clearfield, PA 16830

William A. Shew
Prothonotary/Clerk of Courts

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

 COPY

Gary L. Weber
Wendy D. Weber

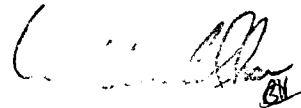
Vs.
Ricky Schreiber
Peggy Schreiber

Case No. 2005-00934-CD

RULE TO FILE COMPLAINT

TO: Gary L. Weber and Wendy D. Weber

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 29, 2005

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

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No. 2004-934-C.D.

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 on or before September 15, 2005 by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the Petitioner or Movant. You may lose 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 Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield PA 16830
814 765-2641, Ext. 5982

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

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No. 2005-934-C.D.

COMPLAINT

1. The Plaintiffs are Gary L. Weber and Wendy D. Weber, husband and wife, who reside at 1129 Rock Run Road, Rockton, Clearfield County, Pennsylvania 15856.

2. The Defendants are Ricky Schreiber and Peggy Schreiber, husband and wife, who reside at 1157 Rock Run Road, Rockton, Clearfield County, Pennsylvania 15856.

3. The relevant times for this Complaint are from July, 2003 through and including through the filing of this Complaint.

4. The Plaintiffs and Defendants reside on adjoining properties.

5. The Plaintiffs do not have an adequate remedy at law to prevent further emotional distress and invasion of privacy.

COUNT I

Intentional Infliction of Emotional Distress.

Invasion of Privacy

Gary L. Weber and Wendy D. Weber vs
Ricky Schreiber and Peggy Schreiber

6. Paragraphs 1 through 5 above are incorporated herein by

reference as though set forth in full.

7. During the relevant time period, both Defendants have made noise without any purpose other than to inflict emotional distress upon and to invade the privacy of the Plaintiffs, including but not limited to, the following:

- a. playing an amplified crow calls for extended periods of time at various hours;
- b. operating a leaf blower for extended periods of time at various hours;
- c. running a generator for extended periods of time at various hours;
- d. operating a weed eater for extended periods of time at various hours;
- e. operating a snow blower for extended periods of time at various hours;
- f. driving a lawn tractor for extended periods of time at various hours;
- g. driving a Four Wheeler for extended periods of time at various hours;
- h. playing an amplified owl call for extended periods of time at various hours;
- i. playing an amplified moose call for extended periods of time at various hours;
- j. playing an amplified elk call for extended periods of time at various hours;

8. The Defendant, Ricky Schreiber, was sentenced on July 13,

2004 for the offense of disorderly conduct which the Plaintiffs were the victims. A copy of the sentence is attached hereto and marked Exhibit "A" and incorporated herein by reference as though set forth in full.

9. The Defendant, Ricky Schreiber, subsequently on March 24, 2005, was found to be in violation of his ordered probation. A copy of that Order is attached hereto and marked Exhibit "B" and incorporated herein by reference as though set forth in full.

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to enter judgment in their favor and against the Defendants, Ricky Schreiber and Peggy Schreiber, for the following:

- A. Money damages in excess of \$20,000.00;
- B. Interest and costs of the suit;
- C. Counsel fees;
- D. Punitive damages;
- E. Issue an Order enjoining the Defendants from further Intentional Infliction of Emotional Duress or Invasion of Privacy upon the Plaintiffs;
- F. Such other relief as the Court deems appropriate;
- G. Jury trial demanded.

COUNT II

Intentional Infliction of Emotional Distress

Gary L. Weber and Wendy D. Weber vs Ricky Schreiber

10. Paragraphs 1 through 9 above are incorporated herein by reference as though set forth in full.

11. The Defendant, Ricky Schreiber, has inflicted intentional emotional distress upon the Plaintiffs by means of including but not limited to:

- a. Throwing firecrackers in the general direction of the Plaintiff, Wendy D. Weber;
- b. Continuously driving in front of and along the property line by means of a motorcycle, truck, Four Wheeler, lawn tractor and tractor;
- c. Sit in front of Plaintiffs' driveway on his motorcycle with a rifle strapped to his back for an extended period of time;

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to enter judgment in their favor and against the Defendant, Ricky Schreiber, for the following:

- A. Money damages in excess of \$20,000.00;
- B. Interest and costs of the suit;
- C. Counsel fees;
- D. Punitive damages;
- E. Issue an Order enjoining the Defendants from further Intentional Infliction of Emotional Duress upon the Plaintiffs;
- F. Such other relief as the Court deems appropriate;
- G. Jury trial demanded.

COUNT III

Intentional Infliction of Emotional Distress

Gary L. Weber and Wendy D. Weber vs Ricky Schreiber

12. Paragraphs 1 through 11 above are incorporated herein by reference as though set forth in full.

13. The Defendant, Ricky Schreiber, has intentionally inflicted emotional distress upon the Plaintiffs, Gary L. Weber and Wendy D. Weber, by means of, including but not limited to, the following:

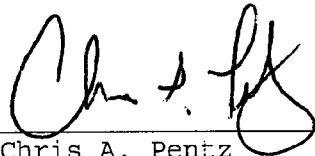
- A. On multiple occasions displaying his middle finger to the Plaintiffs;
- B. On multiple occasions grabbing his crotch in front of the Plaintiffs and yelling " ...bite this..".
- C. On multiple occasions from 5:00 A.M. to 6:00 A.M. playing the truck stereo in a loud manner while parked on his property;
- D. On multiple occasions yelling in an unintelligible manner at Plaintiff Wendy D. Weber when she exited her automobile or was at the clothes line.

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to enter judgment in their favor and against the Defendant, Ricky Schreiber, for the following:

- A. Money damages in excess of \$20,000.00;
- B. Interest and costs of the suit;
- C. Counsel fees;
- D. Punitive damages;

- E. Issue an Order enjoining the Defendant from
further Intentional Infliction of Emotional Duress
upon the Plaintiffs;
- F. Such other relief as the Court deems appropriate;
- G. Jury trial demanded.

Respectfully submitted this 26 day of Aug, 2005.

A handwritten signature in black ink, appearing to read "Chris A. Pentz", written over a horizontal line.

Chris A. Pentz
Attorney for Plaintiff
211 1/2 East Locust Street
P. O. Box 552
Clearfield PA 16830
814 765-4000
I.D. # 39232

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA :

VS. : NO. 03-901-CRA

RICKY L. SCHREIBER :

S E N T E N C E

NOW, this 13th day of July, 2004, Defendant having entered a Plea of Guilty to a charge of Disorderly Conduct, a Misdemeanor of the Third Degree; he being fully and competently represented by counsel and the Court being satisfied that he has knowingly and intelligently entered said Plea, it is the SENTENCE of this Court that he pay for the benefit of Clearfield County the sum of Eight Hundred (\$800.00) Dollars, together with costs of prosecution; that he be placed on Probation for a period of one (1) year under the supervision and control of Clearfield County Department of Probation Services, Adult Division, among the terms and conditions of which shall be that, effective immediately, he shall absolutely refrain from the possession or use of alcoholic beverages; that he attend and successfully complete such counseling and/or treatment as shall be required by his supervising Probation Officer, together with any follow-up recommendations, and that he be responsible for all costs associated therewith; that he not possess any guns of any type. Any permit that he currently holds to possess a firearm shall be revoked by the Sheriff of Clearfield County.

EXHIBIT "A"

He shall have no contact with Gary and Wendy Weber, Blair Michael, Sr., and Gail Michael, Blair Michael, Jr., Karen Michael, Jacqueline Michael, Alexander Michael and David Yohe or any member of his immediate family.

BY THE COURT:

/s/ Fredric J. Ammerman

President Judge

OA

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

Commonwealth of Pennsylvania

vs.

Ricky L. Schreiber

*

*

*

NO. 03-901-CRA

ORDER

NOW, this 24th day of March, 2005, following evidentiary hearings held on January 11, 2005 and March 15, 2005 regarding allegations of violation of probation, as well as the Court and counsel viewing the video tapes submitted by both parties, the Court being satisfied that the same as occurred and upon consideration thereof, it is the Order of this Court that probation be and is hereby revoked.

On the offense of Disorderly Conduct (M3) the Defendant is hereby re-sentenced to one year probation, to continue under the supervision and control of the Clearfield County Adult Probation Office. Among the terms and conditions of which shall include, but not necessarily be limited to, the following:

1. All terms and conditions of the Defendant's original Sentencing Order of July 13, 2004;
2. All terms and conditions of the Defendant's Probation Order of July 13th 2004 and Special Conditions of Probation dated November 1, 2004;
3. The Defendant shall not operate any motorized (whether powered by fuel, gas or electricity) tools or equipment, including but not limited to lawn mowers, leaf blowers, weed eaters, gas blowers, snow blowers, drills, chain saws, saws, snow plows, tractors, chippers, air compressors or unlicensed vehicles of any type between the hours of 8:30 p.m. and 9:00 a.m.;

EXHIBIT "B"

4. In the event of any emergency situation, not caused by the Defendant or done pursuant to his direction, as a result of which the Defendant believes he is required to operate motorized equipment after 8:30 p.m. but before 9:00 a.m. for legitimate purposes (such as a generator which produces electricity or a motorized snow plow or snow blower) the Defendant shall contact his supervising probation officer, or if after regular Courthouse hours he shall call Clearfield County Control at 814-765-1533, and advise the appropriate representative of the alleged emergency, what piece of equipment he will be operating, the reason why and for how long. If the Defendant has spoken to County Control, then a representative of County Control will thereafter contact the on-call probation officer and advise him/her of the situation. The on-call probation officer shall contact the Gary Weber family and advise them accordingly. The Court notes that it will not consider a snowfall to be an emergency situation unless at the time any plow or snow blower is used at least 7 inches of snow has fallen;

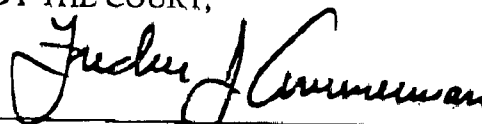
5. Use by the Defendant of any motorized equipment, as described in paragraphs 3 and 4 above and otherwise, between the hours of 9:00 a.m. and 8:30 p.m. (or at any other time) shall be done in the normal and legitimate usage of such equipment for normal and legitimate lawn care and home maintenance, and shall not under any circumstances be done in such a fashion to purposefully or knowingly annoy or harass the Defendant's neighbors. Any motorized equipment shall be immediately turned off when not being utilized;

6. The Defendant at no time shall make or cause to be made unreasonable noise that will annoy or offend his neighbors ;

7. The evidence submitted to the Court shows that the Defendant is aware of the location of the boundary lines of his property and the properties of the Weber and Yohe

families. The Defendant shall not cross the property lines for any purpose whatsoever including yard care of any type.

BY THE COURT,

A handwritten signature in cursive script, reading "Fredric J. Ammerman", written over a horizontal line.

FREDRIC J. AMMERMAN
President Judge

00:00 - 03:40	August 3, 2004	weed wacking up front; hitting fence; in back over property line reaching out over property line on both Weber and Yohe lines.
03:52 - 04:07	August 4, 2004	View of cut grass along fence.
04:07 - 05:40	September 8, 2004	Generator on - clock shows 9:14 P.M.
05:43 - 07:30	September 12, 2004	Leaf Blower - night
07:30 - 07:37	September 14, 2004	Driving Past - Tractor.
07:37 - 08:00	September 15, 2004	Dark
08:02 - 14:05	September 17, 2004	Generator running - Webers still have electric shows clock at various points: 9:25, 10:19, 10:22
14:05 - 18:20	September 18, 2004	Generator has run all night; shows clock 5:35 A.M. and 9:00 A.M.
18:21 - 18:50	September 22, 2004	leaf blower
18:50 - 22:19	September 26, 2004	Leaf blower - as soon as they got home - 5:50 to 6:30; weed wacking 10 till 7:00, leaf blower 7:00 to 7:15, air compressor.
22:26 - 26:02	September 30, 2004	Leaf blower
26:02 - 27:55	October 3, 2004	Chain saw - not cutting anything, Leaf blower
27:55 - 29:08	October 5, 2004	Leaf Blower and then Generator
29:08	October 6, 2004	Leaf Blower
	November 1, 2004	Electric Circular saw.

VERIFICATION

I, GARY L. WEBER, verify that the statements made in this COMPLAINT are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

8/26/05
Date

Gary L. Weber
Gary L. Weber

VERIFICATION

I, WENDY D. WEBER, verify that the statements made in this COMPLAINT are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

8-26-05
Date

Wendy D. Weber
Wendy D. Weber

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

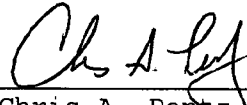
RICKY SCHREIBER and
PEGGU SCHREIBER,
Defendants

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* No. 2004-934-C.D.
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*

CERTIFICATE OF SERVICE

This is to certify that on the 26 day of Aug
2005, the undersigned served a true and correct copy of a
Complaint upon counsel for the Defendants. Such documents were
served by first class mail, postage prepaid, from the Clearfield
Post Office upon:

Joseph E. Buckley, Jr., Esquire
100 Main Street
Brookville PA 15825



Chris A. Pentz, Esquire
Attorney for Plaintiff
I. D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765- 4000

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

**GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs**

vs.

**RICKY SCHREIBER and,
PEGGY SCHREIBER ,
Defendants.**

: Type of Case: Civil
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: No. 2005-934-C.D.
:
:
: Type of Pleading:
: Preliminary Objections
:
:
: Filed on Behalf of Defendants
:
:
:
: Counsel of Record for This Party
: The Law Offices of Joseph E. Buckley, Jr.
: 100 Main Street
: Brookville, PA 15825-1213
: (814) 849-2828
: JOSEPH E. BUCKLEY, JR.
: I.D. No: 49827
: William C. Kerr III
: I.D. No: 90668

FILED
m/2:11/51
SEP 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs

vs.

RICKY SCHREIBER and,
PEGGY SCHREIBER ,
Defendants.

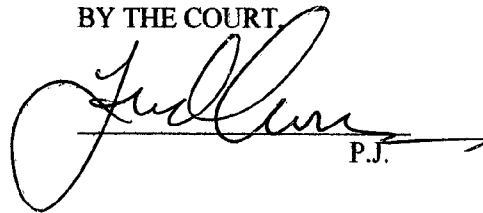
: Type of Case: Civil
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No. 2005-934-C.D.
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Type of Pleading:
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Preliminary Objections
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ORDER

AND NOW, this 19 day of Sept, 2005, the Court having received Defendant's Preliminary Objections in the above case, and for good cause having been shown, it is

SO ORDERED that Hearing on said Motion shall be conducted on the 17th day of October, 2005 at 10:00 a.m. at the Clearfield County Courthouse, Clearfield, Pennsylvania, in Court Room 1.

BY THE COURT


P.J.

FILED

0/9:43LM

SEP 20 2005

ICC #14 Ken
Buckley
(W)

William A. Shaw
Prothonotary

FILED

SEP 20 2005

William A. Shaw
Prothonotary

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

**GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs**

vs.

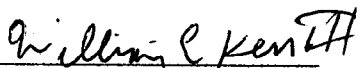
**RICKY SCHREIBER and,
PEGGY SCHREIBER ,
Defendants.**

: Type of Case: Civil
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:
: No. 2005-934-C.D.
:
: Type of Pleading:
: Preliminary Objections
:
:
:

NOTICE TO PLEAD

TO: Gary L. Weber and Wendy B. Weber, PLAINTIFFS

YOU ARE HEREBY NOTIFIED TO PLEAD TO THE ENCLOSED
PRELIMINARY OBJECTIONS OF THE DEFENDANTS WITHIN TWENTY
(20) DAYS FROM SERVICE THEREOF OR A DEFAULT JUDGMENT MAY
BE ENTERED AGAINST YOU.


William C. Kerr III, Esquire

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

**GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs**

vs.

**RICKY SCHREIBER and,
PEGGY SCHREIBER ,
Defendants.**

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Type of Case: Civil

No. 2005-934-C.D.

**Type of Pleading:
Preliminary Objections**

PRELIMINARY OBJECTIONS

I.

**PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER FOR
FAILING TO STATE A CAUSE OF ACTION UPON WHICH A CLAIM FOR
RELIEF CAN BE GRANTED.**

1. This objection is set forth pursuant to the provisions of Pa. R.C.P., Rule 1028(a)(4).
2. Plaintiffs' Complaint purports to set forth cause of action for invasion of privacy and intentional infliction of emotional distress.
3. Plaintiffs' Complaint does not set forth any damages actually suffered by Plaintiffs.
4. Plaintiffs' Complaint does not set forth specific facts.
5. Plaintiffs' Complaint is clearly insufficient to establish a right to relief. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

WHEREFORE, Defendants respectfully request this Court to grant their preliminary objections by way of demurrer pursuant to P.a. R.C.P.1028 (a)(4) and dismiss the Plaintiffs' Complaint.

II.

PRELIMINARY OBJECTION FOR FAILURE TO CONFORM TO A RULE OF COURT.

6. This objection is set forth pursuant to the provisions of Pa. R.C.P., Rule 1028(a)(2).
7. Plaintiffs' Complaint purports to state claims for the time period of July 2003 through the filing of the Complaint.
8. Pa. R.C.P., Rule 1019 (F) states "Averments of time, place and items of special damage shall be specifically stated."
9. Plaintiffs' Complaint contains only generally averments as to the time periods of the alleged activity.

WHEREFORE, the Defendants prays that this Honorable Court will sustain their preliminary objection and compel the Plaintiffs to amend their Complaint to conform to law or rule of court.

III.

PRELIMINARY OBJECTION FOR INSUFFICIENT SPECIFICITY OF PLAINTIFFS' COMPLAINT.

10. Paragraph 7 of Plaintiffs' Complaint avers that "During the relevant time period, both Defendants have made noise without any purpose other than to inflict

emotional distress upon and to invade the privacy of the Plaintiffs including but not limited to, the following”, Plaintiffs’ then set forth activities which they aver occurred at “various hours”.

11. Paragraph 11 of Plaintiffs’ Complaint avers “The Defendant, Ricky Schreiber, has inflicted intentional emotional distress upon the Plaintiffs by means of including but not limited to:”, Plaintiffs’ Complaint then sets forth activities without any indication as to time of occurrence.

12. Paragraph 13 of Plaintiffs’ Complaint states “The Defendant, Ricky Schreiber, has intentionally inflicted emotional distress upon the Plaintiffs, Gary L. Weber and Wendy D. Weber, by means of, including but not limited to, the following:”, Plaintiffs’ Complaint then sets forth activities which they aver occurred on multiple occasions.

13. Plaintiffs’ Complaint does not contain averments as to specific times at which the alleged activities occurred.

14. Plaintiffs’ Complaint does not contain averments of specific damages suffered by the Plaintiffs.

15. Plaintiffs’ Complaint fails to meet the requirements of Pa. R.C.P. 1019 in that it contains general allegations and does not afford the Defendants adequate notice to defend.

WHEREFORE, the Defendants prays that this Honorable Court will sustain their preliminary objection and required Plaintiffs to amend their Complaint to plead the specific material facts on which the allegations in their Complaint are based.

IV.

**PRELIMINARY OBJECTION RAISING FAILURE TO STATE A CLAIM
AGAINST DEFENDANT PEGGY SCHEIBER.**

16. Plaintiffs do not offer any facts in their Complaint or make any specific allegations identifying that Defendant Peggy Schreiber committed any specific acts which would serve as a basis for a cause of action.

17. Plaintiffs' Complaint is clearly insufficient to establish a right to relies against Defendant Peggy Schreiber. Plaintiffs' Complaint, on its face fails to assert a cause of action as a matter of law against Defendant Peggy Schreiber.

WHEREFORE, Defendant, Peggy Schreiber, respectfully requests this Honorable Court to grant its preliminary objection by way of demurrer pursuant to Pa.R.C.P.

1028(a)(4) and dismiss Plaintiffs' Complaint as against Defendant, Peggy Schreiber.

Respectfully Submitted,

Date: 9-12-05

William C. Kerr III
William C. Kerr III

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

**GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs**

vs.

**RICKY SCHREIBER and,
PEGGY SCHREIBER ,
Defendants.**


: Type of Case: Civil
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: No. 2005-934-C.D.
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: Type of Pleading:
: Preliminary Objections
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Certificate of Service

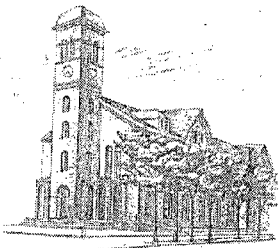
I hereby certify that a true and correct copy of the Defendants Preliminary Objections to Plaintiffs' Complaint submitted to the Prothonotary in the above-entitled action was served on the following via First-Class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

Chris A. Pentz
207 East Market Street
P.O. Box 522
Clearfield Pa 16830

Date: 9-12-05



William C. Kerr III, Esquire



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

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

X You are responsible for serving all appropriate parties.

_____ The Prothonotary's office has provided service to the following parties:

_____ Plaintiff(s)/Attorney(s)

_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL ACTION – LAW

Gary L. Weber
Wendy D. Weber,
Plaintiff,

vs.

Ricky Schreiber
Peggy Schrieber,
Defendants.

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: No: 2005-00934-CD
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: Type of Pleading:
: Praecipe for Argument on
: Preliminary Objections
:
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: Filed on behalf of:
: Defendants
:
: Counsel of Record:
: Joseph E. Buckley, Jr., Esquire
: Supreme Court I.D.# 49827
:
: Law Offices of Joseph E. Buckley, Jr.
: 100 Main Street
: Brookville, PA 15825
: 814-849-2828

FILED
m/2:10/01 Amy
SEP 14 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL ACTION - LAW

Gary L. Weber
Wendy D. Weber,
Plaintiff,

vs.

Ricky Schreiber
Peggy Schrieber,
Defendants.

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: No: 2005-00934-CD
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: Type of Pleading:
: Praecipe for Argument on
: Preliminary Objections
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: Filed on behalf of:
: Defendants
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PRAECIPE FOR ARGUMENT ON PRELIMINARY OBJECTIONS

To the Prothonotary:

Please direct the Court Administrator to schedule argument on the Preliminary Objections in the above captioned case.

Date: 9-12-05

William C. Kerr III
William C. Kerr III, Esquire

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

**Gary L. Weber
Wendy D. Weber,
Plaintiff,**

vs.

**Ricky Schreiber
Peggy Schrieber,
Defendants.**

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No: 2005-00934-CD

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct filed copy of the foregoing Praecipe for Argument on Preliminary Objections in the above-entitled action was served on the following via First-class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

Chris A. Pentz
P.O. Box 552
Clearfield, PA 16830

Date: 9-12-05

William C. Kerr III
William C. Kerr III, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL ACTION – LAW

Gary L. Weber
Wendy D. Weber,
Plaintiff,

vs.

Ricky Schreiber
Peggy Schrieber,
Defendants.

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: No: 2005-934-CD
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: Type of Pleading:
: Motion for Continuance
:
:
: Filed on behalf of:
: Defendants
:
: Counsel of Record:
: Joseph E. Buckley, Jr., Esquire
: Supreme Court I.D.# 49827
:
: Law Offices of Joseph E. Buckley, Jr.
: 100 Main Street
: Brookville, PA 15825
: 814-849-2828

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@
A. Buckley

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL ACTION – LAW

Gary L. Weber
Wendy D. Weber,
Plaintiff,

vs.

Ricky Schreiber
Peggy Schrieber,
Defendants.

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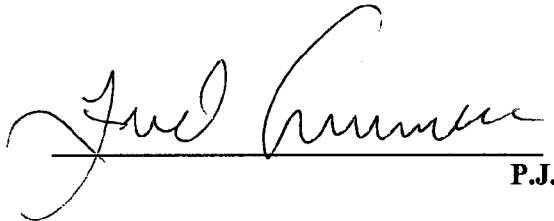
No: 2005-934-CD

ORDER

AND NOW, on this 3rd day of October 2005, upon consideration of the Motion for Continuance filed by Joseph E. Buckley, Jr., Counsel for the Defendant, and for good cause having been shown, it is the

ORDER of this Court that the Motion for Continuance is granted and the hearing scheduled on Defendant's Preliminary Objections is continued from October 17, 2005 to the 15th day of November, 2005 at 9:30 o'clock, 9 .m. in Courtroom 1 of the Clearfield County Courthouse, East Market Street, Clearfield, Pennsylvania.

By the Court:


P.J.

FILED 100
04:00 PM
OCT 03 2005 Amy Buckley
Clerk of Courts

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

**Gary L. Weber
Wendy D. Weber,
Plaintiff,**

vs.

**Ricky Schreiber
Peggy Schrieber,
Defendants.**

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No: 2005-934-CD

MOTION FOR CONTINUANCE

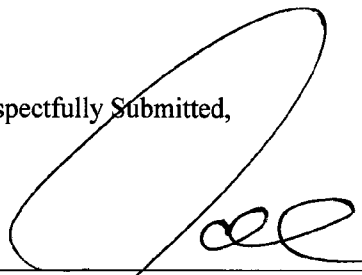
AND NOW, come the Defendants, Ricky and Peggy Schreiber, by and through their Attorney Joseph E. Buckley, Jr., by way of Motion for Continuance, and says:

1. Preliminary Objections to the Plaintiffs' Complaint were filed on September 14, 2005.
2. A hearing on said objections has been scheduled for October 17, 2005.
3. I am currently scheduled for two (2) procedures and a doctor's appointment at the Cleveland Clinic in Ohio on October 17, 2005.
4. Attorney Pentz has been contacted and consents to this Motion for Continuance. A signed letter is attached hereto, incorporated herein by reference and labeled Exhibit "A".

WHEREFORE, your Defendants respectfully request a continuance of this matter to a mutually convenient time in the near future.

Respectfully Submitted,

Date: 9/27/05



Joseph E. Buckley, Jr., Esquire
Supreme Court I.D.# 49827

CHRIS A. PENTZ
207 EAST MARKET STREET
CLEARFIELD PENNSYLVANIA 16830
814 765-4000 FAX 814 765-8142

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Atty Joseph E. Buckley, Jr.	Chris A. Pentz
COMPANY:	DATE:
	Sept 27, 2005
FAX NUMBER:	TOTAL NUMBER OF PAGES
849 2829	INCLUDING COVER: 1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
849 2828	
Re:	YOUR REFERENCE NUMBER:
Weber vs. Schreiber 2005-934-CD	
URGENT[] FOR REVIEW[] PLEASE COMMENT[] PLEASE REPLY[]	

NOTES/COMMENTS

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE WHO HAS BEEN SPECIFICALLY AUTHORIZED TO RECEIVE IT. IF THE READER IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN ALL PAGES TO THE ADDRESS SHOWN ABOVE. THANK YOU.

I do not oppose your request for continuance of the hearing on the preliminary objections scheduled for October 17, 2005.


Chris A. Pentz

"A"

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

**Gary L. Weber
Wendy D. Weber,
Plaintiff,**

vs.

**Ricky Schreiber
Peggy Schrieber,
Defendants.**

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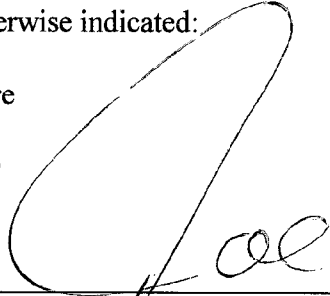
No: 2005-934-CD

CERTIFICATE OF SERVICE

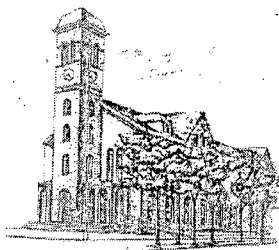
I do hereby certify that a true and correct filed copy of the foregoing Motion for
Continuance in the above-entitled action was served on the following via First-class, United States
Mail, postage prepaid, on the date set forth below unless otherwise indicated:

Chris A. Pentz, Esquire
P.O. Box 552
Clearfield, PA 16830

Date: 9/27/05



Joseph E. Buckley, Jr., Esquire



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

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

 X You are responsible for serving all appropriate parties.

 The Prothonotary's office has provided service to the following parties:

 Plaintiff(s)/Attorney(s)

 Defendant(s)/Attorney(s)

 Other

 Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100601
NO: 05-934-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: GARY L. WEBER and WENDY D. WEBER
vs.
DEFENDANT: RICKY SCHREIBER and PEGGY SCHREIBER

SHERIFF RETURN

NOW, July 20, 2005 AT 3:10 PM SERVED THE WITHIN SUMMONS ON RICKY SCHREIBER DEFENDANT AT 1157 ROCK RUN ROAD, ROCKTON, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PEGGY SCHREIBER, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED *NEC*
9/2:15/01
OCT 11 2005 *(S)*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100601
NO: 05-934-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: GARY L. WEBER and WENDY D. WEBER
vs.
DEFENDANT: RICKY SCHREIBER and PEGGY SCHREIBER

SHERIFF RETURN

NOW, July 20, 2005 AT 3:10 PM SERVED THE WITHIN SUMMONS ON PEGGY SCHREIBER DEFENDANT AT 1157 ROCK RUN ROAD, ROCKTON, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PEGGY SCHREIBER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100601
NO: 05-934-CD
SERVICES 2
SUMMONS

PLAINTIFF: GARY L. WEBER and WENDY D. WEBER
vs.
DEFENDANT: RICKY SCHREIBER and PEGGY SCHREIBER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WEBER	2117	20.00
SHERIFF HAWKINS	WEBER	2117	34.90

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,




Chester A. Hawkins
Sheriff

Date: 10-26-05

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

GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs

VS

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

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No. 2005-934-CD

ANSWER TO PRELIMINARY OBJECTIONS

I.

PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER FOR FAILING TO
STATE A CAUSE OF ACTION UPON WHICH A CLAIM FOR RELIEF CAN BE
GRANTED.

1. No response required.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted in part and denied in part. It
is admitted that the Plaintiffs have not suffered any monetary
damage, but denied to the extent that no damages have been
suffered by the Plaintiffs and Plaintiffs' Complaint is
incorporated herein by reference as though set forth in full.
4. Paragraph 4 is denied. By way of answer Plaintiffs'
Complaint is incorporated herein by reference as though set forth
in full.
5. Paragraph 5 is a conclusion of law to which no response
is required.

WHEREFORE, Plaintiffs respectfully request Your Honorable
Court to deny Defendants' Preliminary Objections by way of
demurrer pursuant to Pa. R.C.P. 1028(a)(4).

II.

PRELIMINARY OBJECTION FOR FAILURE TO CONFORM TO A RULE OF COURT.

6. No response is required.
7. Paragraph 7 is admitted.
8. Paragraph 8 is admitted.
9. Paragraph 9 is denied. Plaintiffs' Complaint provides a specific time period in which the events alleged occurred.

WHEREFORE, the Plaintiffs respectfully request Your Honorable Court to deny the Preliminary Objection for failure to conform to rule of Court.

III.

PRELIMINARY OBJECTION FOR INSUFFICIENT SPECIFICITY OF PLAINTIFFS' COMPLAINT.

10. Paragraph 10 is admitted.
11. Paragraph 11 is denied. Paragraph 3 of the Complaint provides the relevant time period.
12. Paragraph 12 is admitted.
13. Paragraph 13 is denied. The answer set forth in Paragraph 11 above is incorporated herein by reference as though set forth in full.
14. Paragraph 14 is a conclusion of law to which no response is required.
15. Paragraph 15 is a conclusion of law to which no response is required.

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to deny Defendants' Preliminary Objections based on

insufficient specificity of the Complaint.

IV.

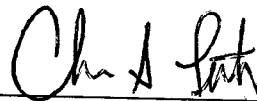
PRELIMINARY OBJECTION RAISING FAILURE TO STATE A CLAIM AGAINST
DEFENDANT PEGGY SCHREIBER.

16. Paragraph 16 is denied. Paragraph 7 of the Complaint is incorporated herein by reference as though set forth in full.

17. Plaintiffs are unable to determine the meaning of the first sentence of Paragraph 17. As to the second sentence, it is denied and the answer set forth in Paragraph 16 above is incorporated herein by reference as though set forth in full.

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to deny the Preliminary Objection Raising Failure To State A Claim Against Defendant Peggy Schreiber.

Respectfully submitted this 26 day of OCT, 2005



Chris A. Pentz, Esquire
I.D. # 39232
207 East Market Street
Clearfield PA 16830
814 765-4000

FILED

OCT 26 2005

William A. Shaw
Prothonotary

CA

No. 2005-934 -C.D. .

Type of Case: Civil

Filed on Behalf of: Plaintiffs

* 814 765-4000

FILED

NOV 04 2005

0/3:30/c
William A. Shaw

Prothonotary/Clerk of Courts

1 Cent to ATT

CIVIL CONTINUANCE REQUEST

CAPTION GARY L. WEBER and

WENDY B. WEBER,

Plaintiffs

VS

RICKY SCREIBER and

PEGGY SCHREIBER,

Defendants

CASE NO. 2005-934-CD

This case is presently
Scheduled

Date: November 15, 2005

Time: 9:30 A.M.

Courtroom No. 1

TYPE OF HEARING:

☐ Motions Court ☒ Hearing

☐ Arbitration ☐ Trial

☐ Conciliation Conference

☐ Other (please specify)

Reason for request (Attach extra sheet, if necessary)

Counsel for Plaintiffs is previously scheduled for trial in
Jefferson County Court on November 15, 2005.

If less than 10 days, reason for untimely filing

Number of prior continuances 1 By the Plaintiff 0 By the
Defendant 1

Requesting party (Attorney or Pro Se party)

(Print) Chris A. Pentz, Esquire for Gary L. and Wendy B. Weber

(sign) [Signature] Name of Client

Opposing Party (attorney or Pro Se party)

(Print) John E. Buckley, Jr. agrees to the request See attached
consent.

(sign) _____ (reason-attach a separate sheet)

ORDER

AND NOW this 7 day of NOV., 2005, the above civil
continuance request is hereby granted/denied.

Rescheduled for the 22nd day of December, 2005 at 9:00

O'clock A. M., Courtroom 1, Judge Ammerman.

(See attached concurrence)

Cc: Original- Prothonotary
All parties listed
Court Administrator file

BY THE COURT:

[Signature]

FILED ^{ice}
01/30/2005
NOV 10 2005
Atty Pentz

William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 10 2005

William A. Shaw
Prothonotary/Clerk of Courts

Law Offices of Joseph E. Buckley, Jr.
Attorneys and Counselors at Law
100 Main Street, Brookville, Pennsylvania 15825-1213
(814) 849-2828 FAX: (814) 849-2829



JOSEPH E. BUCKLEY, JR.
TINA M. HESSE
WILLIAM C. KERR, III

DATE: October 21, 2005
TO: Chris Pentz, Esq.
At Fax No. 765-8142
FROM: William C. Kerr, III, Esq.

Total Number of Pages (including cover page): 1

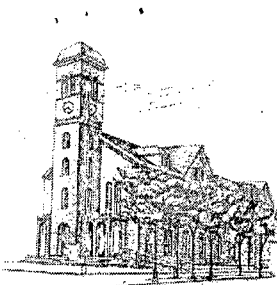
MESSAGE:

I do not oppose your request for continuance of the hearing
on the preliminary objections scheduled for November 15, 2005
at 9:30 a.m.

William C. Kerr III

William C. Kerr, III, Esq.

This facsimile is intended only for the individual named above and may contain information that is confidential, privileged or otherwise protected from disclosure. Distribution, copying or other use of this facsimile or of the information herein by anyone other than the individual named above is prohibited. If you have received this facsimile in effort please notify the sender immediately by telephone and return the facsimile by mail.



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

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

X You are responsible for serving all appropriate parties.

_____ The Prothonotary's office has provided service to the following parties:

_____ Plaintiff(s)/Attorney(s)

_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

**Gary L. Weber and Wendy Weber,
Plaintiffs,**

VS.

**Ricky Schreiber and Peggy Schreiber,
Defendants.**

No: 2005-934-CD

Type of Pleading:
Motion for Continuance

Filed on behalf of:
Defendants

Counsel of Record:
Joseph E. Buckley, Jr., Esquire
Supreme Court I.D.# 49827

Law Offices of Joseph E. Buckley, Jr.
100 Main Street
Brookville, PA 15825
814-849-2828

FILED 1cc
m11:54
DEC 02 2005
Amy Buckley
(GR)

William A. Shaw
Prothonotary/Clerk of Courts

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

**Gary L. Weber and Wendy Weber,
Plaintiffs,**

vs.

**Ricky Schreiber and Peggy Schreiber,
Defendants.**

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No: 2005-934-CD

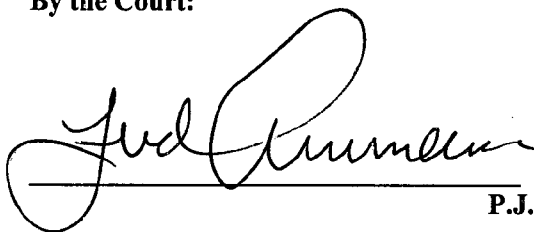
**Type of Pleading:
Motion for Continuance**

ORDER

AND NOW, on this 5 day of Dec 2005, upon consideration of the Motion for Continuance filed by Joseph E. Buckley, Jr., Counsel for the Defendant, and for good cause having been shown, it is the

ORDER of this Court that the Motion for Continuance is granted and the hearing scheduled on Defendant's Preliminary Objections is continued from December 22, 2005 to the 4th day of January, 2006 at 9:30 o'clock, 9 .m. in Courtroom 1 of the Clearfield County Courthouse, East Market Street, Clearfield, Pennsylvania.

By the Court:


P.J.

FILED ^{ice}
Pl 4:06/07 Amy Buckley
DEC 07 2005 [@]
William A. Shaw
Prothonotary/Clerk of Courts

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

**Gary L. Weber and Wendy Weber,
Plaintiffs,**

vs.

**Ricky Schreiber and Peggy Schreiber,
Defendants.**

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No: 2005-934-CD

**Type of Pleading:
Motion for Continuance**

MOTION FOR CONTINUANCE

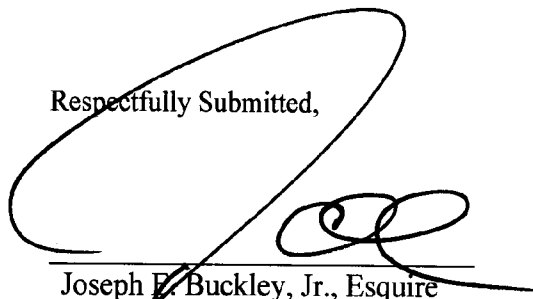
AND NOW, come the Defendants, Ricky and Peggy Schreiber, by and through their Attorney Joseph E. Buckley, Jr., by way of Motion for Continuance, and says:

1. Preliminary Objections to the Plaintiffs' Complaint were filed on September 14, 2005.
2. A hearing on said objections has been rescheduled for December 22, 2005 at 9:00 a.m.
3. I have previous travel arrangements to be on a cruise from December 21, 2005 through December 26, 2005.
4. Attorney Pentz has been contacted and consents to this Motion for Continuance. A signed letter is attached hereto, incorporated herein by reference and labeled Exhibit "A".

WHEREFORE, your Defendants respectfully request a continuance of this matter to a mutually convenient time in the near future.

Date: 11/28/05

Respectfully Submitted,



Joseph E. Buckley, Jr., Esquire
Supreme Court I.D.# 49827

CHRIS A. PENTZ
207 EAST MARKET STREET
CLEARFIELD PENNSYLVANIA 16830
814 765-4000 FAX 814 765-8142

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Joseph Buckley, Esquire	Chris A. Pentz
COMPANY:	DATE:
	November 28, 2005
FAX NUMBER:	TOTAL NUMBER OF PAGES
849-2829	INCLUDING COVER: 1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
Re:	YOUR REFERENCE NUMBER:
Weber vs Schreiber	
URGENT[] FOR REVIEW[] PLEASE COMMENT[] PLEASE REPLY[]	

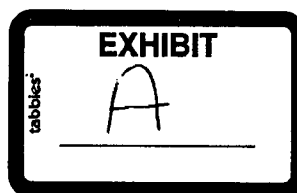
NOTES/COMMENTS

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE WHO HAS BEEN SPECIFICALLY AUTHORIZED TO RECEIVE IT. IF THE READER IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN ALL PAGES TO THE ADDRESS SHOWN ABOVE. THANK YOU.

Dear Attorney Buckley:

I consent to your request for Continuance in the above captioned matter. Please advise as to the rescheduled argument.

Chris A. Pentz



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

**Gary L. Weber and Wendy Weber,
Plaintiffs,**

vs.

**Ricky Schreiber and Peggy Schreiber,
Defendants.**

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No: 2005-934-CD

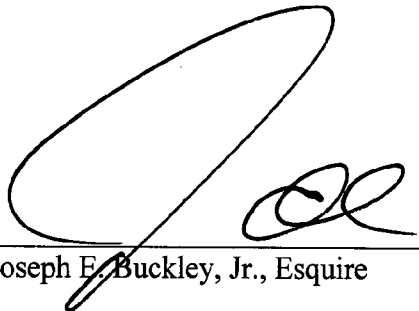
**Type of Pleading:
Motion for Continuance**

CERTIFICATE OF SERVICE

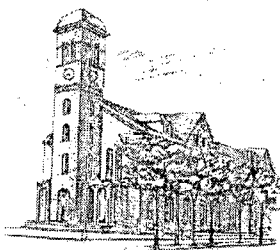
I do hereby certify that a true and correct filed copy of the foregoing Motion for Continuance in the above-entitled action was served on the following via First-class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

*Chris A. Pentz, Esquire
P.O. Box 552
Clearfield, PA 16830*

Date: 11/28/05



Joseph E. Buckley, Jr., Esquire



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

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s)/Attorney(s)

☐ Defendant(s)/Attorney(s)

☐ Other

☐ Special Instructions:

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

GARY L. WEBER and WENDY B. :
WEBER :

-VS-

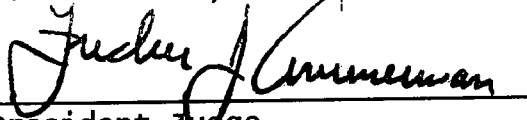
No. 05-934-CD

RICKY and PEGGY SCHREIBER :

O R D E R

NOW, this 4th day of January, 2006, following argument on the Defendants' Preliminary Objections, it is the ORDER of this Court that the said Preliminary Objections are hereby granted to the extent that the Plaintiffs shall file an Amended Complaint within no more than one hundred ten (110) days from this date. The Court has set forth the extended time period in order to permit Plaintiffs to engage in Discovery in aid of preparation of the filing of an Amended Complaint, as was requested during argument by counsel for the Plaintiffs and as was agreed to by counsel for the Defendants. Following the filing of an Amended Complaint, the Defendants shall file an Answer or other document thereto in such time period as is required by the Rules of Civil Procedure.

BY THE COURT,

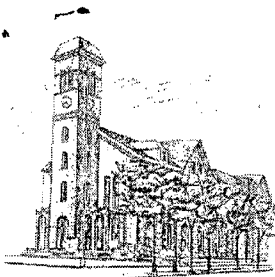

President Judge

FILED
01/04/2006
JAN 04 2006

1 cc
Atty's: Pentz
Buckley
Kerr

William A. Shaw
Prothonotary/Clerk of Courts

(GR)



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

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 11/4/06

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

 Other

 Special Instructions:

William A. Shaw
Prothonotary/Clerk of Courts

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

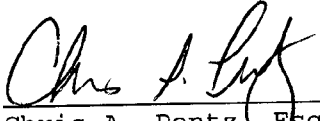
RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

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* No. 05-934-C.D.
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CERTIFICATE OF SERVICE

This is to certify that on the 24 day of April
2006, the undersigned served two copies of the First Amended
Answer by first class mail, postage prepaid to:

Joseph E. Buckley
Attorney at Law
100 Main Street
Brookville, PA 15825-1213


Chris A. Pentz, Esquire
Attorney for Plaintiffs
I. D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

No. 200⁵~~4~~- 934 -CD

Type of Case: Civil

Type of Pleading: First Amended
Complaint

Filed on Behalf of: Plaintiffs

Counsel of Record for this Party:
CHRIS A. PENTZ, Esquire

Supreme Court I.D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

Date: 4-24-06

FILED 2 cc
0/9:00/61 Amy Pentz
APR 24 2006 (CK)

William A. Shaw
Prothonotary/Clerk of Courts

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

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No. 2004-934-C.D.

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 on or before September 15, 2005 by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the Petitioner or Movant. You may lose 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 Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield PA 16830
814 765-2641, Ext. 5982

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

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No. 2005-934-C.D.

FIRST AMENDED COMPLAINT

1. The Plaintiffs are Gary L. Weber and Wendy D. Weber, husband and wife, who reside at 1129 Rock Run Road, Rockton, Clearfield County, Pennsylvania 15856.

2. The Defendants are Ricky Schreiber and Peggy Schreiber, husband and wife, who reside at 1157 Rock Run Road, Rockton, Clearfield County, Pennsylvania 15856.

3. The relevant times for this Complaint are from July, 2003 through and including the filing of this Complaint with the Plaintiffs having kept a log of events setting forth specific dates and times a copy of the log is attached hereto and marked Exhibit "C" and incorporated herein by reference as though set forth in full.

4. The Plaintiffs and Defendants reside on adjoining properties.

5. The Plaintiffs do not have an adequate remedy at law to prevent further emotional distress and invasion of privacy.

COUNT I

Civil Conspiracy
Invasion of Privacy
Gary L. Weber and Wendy D. Weber vs.
Ricky Schreiber and Peggy Schreiber

6. Paragraphs 1 through 5 above are incorporated herein by reference as though set forth in full.

7. During the relevant time period, both Defendants have made noise without any purpose other than to inflict emotional distress upon and to invade the privacy of the Plaintiffs, including but not limited to, the following:

- a. playing an amplified crow calls for extended periods of time at various hours;
- b. operating a leaf blower for extended periods of time at various hours;
- c. running a generator for extended periods of time at various hours;
- d. operating a weed eater for extended periods of time at various hours;
- e. operating a snow blower for extended periods of time at various hours;
- f. driving a lawn tractor for extended periods of time at various hours;
- g. driving a Four Wheeler for extended periods of time at various hours;
- h. playing an amplified owl call for extended periods of time at various hours;
- i. playing an amplified moose call for extended periods of

time at various hours;

- j. playing an amplified elk call for extended periods of
time at various hours;

with Defendant, Peggy Schreiber, known to have been involved at least on the following dates: 7/9/03, 7/17/03, 7/29/03, 9/30/03, 8/7/03, and 2/28/05.

8. The Defendant, Ricky Schreiber, was sentenced on July 13, 2004 for the offense of disorderly conduct which the Plaintiffs were the victims. A copy of the sentence is attached hereto and marked Exhibit "A" and incorporated herein by reference as though set forth in full.

9. The Defendant, Ricky Schreiber, subsequently on March 24, 2005, was found to be in violation of his ordered probation. A copy of that Order is attached hereto and marked Exhibit "B" and incorporated herein by reference as though set forth in full.

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to enter judgment in their favor and against the Defendants, Ricky Schreiber and Peggy Schreiber, for the following:

- A. Money damages in excess of \$20,000.00;
- B. Interest and costs of the suit;
- C. Counsel fees;
- D. Punitive damages;
- E. Issue an Order enjoining the Defendants from
further Intentional Infliction of Emotional Duress

- or Invasion of Privacy upon the Plaintiffs;
- F. Such other relief as the Court deems appropriate;
- G. Jury trial demanded.

COUNT II

Invasion of Privacy Gary L. Weber and Wendy D. Weber vs. Ricky Schreiber

10. Paragraphs 1 through 9 above are incorporated herein by reference as though set forth in full.

11. The Defendant, Ricky Schreiber, has inflicted intentional emotional distress upon the Plaintiffs by means of including but not limited to:

- a. Throwing firecrackers in the general direction of the Plaintiff, Wendy D. Weber;
- b. Continuously driving in front of and along the property line by means of a motorcycle, truck, Four Wheeler, lawn tractor and tractor;
- c. Sit in front of Plaintiffs' driveway on his motorcycle with a rifle strapped to his back for an extended period of time;

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to enter judgment in their favor and against the Defendant, Ricky Schreiber, for the following:

- A. Money damages in excess of \$20,000.00;
- B. Interest and costs of the suit;
- C. Counsel fees;
- D. Punitive damages;

- E. Issue an Order enjoining the Defendants from
further Intentional Infliction of Emotional Duress
upon the Plaintiffs;
- F. Such other relief as the Court deems appropriate;
- G. Jury trial demanded.

COUNT III

Invasion of Privacy

Gary L. Weber and Wendy D. Weber vs. Ricky Schreiber

12. Paragraphs 1 through 11 above are incorporated herein by reference as though set forth in full.

13. The Defendant, Ricky Schreiber, has intentionally inflicted emotional distress upon the Plaintiffs, Gary L. Weber and Wendy D. Weber, by means of, including but not limited to, the following:

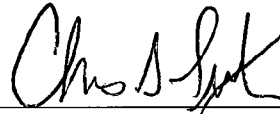
- A. On multiple occasions displaying his middle finger to the Plaintiffs;
- B. On multiple occasions grabbing his crotch in front of the Plaintiffs and yelling "...bite this..".
- C. On multiple occasions from 5:00 A.M. to 6:00 A.M. playing the truck stereo in a loud manner while parked on his property;
- D. On multiple occasions yelling in an unintelligible manner at Plaintiff Wendy D. Weber when she exited her automobile or was at the clothes line.

WHEREFORE, Plaintiffs respectfully request Your Honorable

Court to enter judgment in their favor and against the Defendant,
Ricky Schreiber, for the following:

- A. Money damages in excess of \$20,000.00;
- B. Interest and costs of the suit;
- C. Counsel fees;
- D. Punitive damages;
- E. Issue an Order enjoining the Defendant from
further Intentional Infliction of Emotional Duress
upon the Plaintiffs;
- F. Such other relief as the Court deems appropriate;
- G. Jury trial demanded.

Respectfully submitted this 24 day of April, 2006.



Chris A. Pentz
Attorney for Plaintiff
211 1/2 East Locust Street
P. O. Box 552
Clearfield PA 16830
814 765-4000
I.D. # 39232

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA :

VS. : NO. 03-901-CRA

RICKY L. SCHREIBER :

S E N T E N C E

NOW, this 13th day of July, 2004, Defendant having entered a Plea of Guilty to a charge of Disorderly Conduct, a Misdemeanor of the Third Degree; he being fully and competently represented by counsel and the Court being satisfied that he has knowingly and intelligently entered said Plea, it is the SENTENCE of this Court that he pay for the benefit of Clearfield County the sum of Eight Hundred (\$800.00) Dollars, together with costs of prosecution; that he be placed on Probation for a period of one (1) year under the supervision and control of Clearfield County Department of Probation Services, Adult Division, among the terms and conditions of which shall be that, effective immediately, he shall absolutely refrain from the possession or use of alcoholic beverages; that he attend and successfully complete such counseling and/or treatment as shall be required by his supervising Probation Officer, together with any follow-up recommendations, and that he be responsible for all costs associated therewith; that he not possess any guns of any type. Any permit that he currently holds to possess a firearm shall be revoked by the Sheriff of Clearfield County.

EXHIBIT "A"

He shall have no contact with Gary and Wendy Weber, Blair Michael, Sr., and Gail Michael, Blair Michael, Jr., Karen Michael, Jacqueline Michael, Alexander Michael and David Yohe or any member of his immediate family.

BY THE COURT:

/s/ Fredric J. Ammerman

President Judge

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

Commonwealth of Pennsylvania

vs.

Ricky L. Schreiber

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NO. 03-901-CRA

ORDER

NOW, this 24th day of March, 2005, following evidentiary hearings held on January 11, 2005 and March 15, 2005 regarding allegations of violation of probation, as well as the Court and counsel viewing the video tapes submitted by both parties, the Court being satisfied that the same as occurred and upon consideration thereof, it is the Order of this Court that probation be and is hereby revoked.

On the offense of Disorderly Conduct (M3) the Defendant is hereby re-sentenced to one year probation, to continue under the supervision and control of the Clearfield County Adult Probation Office. Among the terms and conditions of which shall include, but not necessarily be limited to, the following:

1. All terms and conditions of the Defendant's original Sentencing Order of July 13, 2004;
2. All terms and conditions of the Defendant's Probation Order of July 13th 2004 and Special Conditions of Probation dated November 1, 2004;
3. The Defendant shall not operate any motorized (whether powered by fuel, gas or electricity) tools or equipment, including but not limited to lawn mowers, leaf blowers, weed eaters, gas blowers, snow blowers, drills, chain saws, saws, snow plows, tractors, chippers, air compressors or unlicensed vehicles of any type between the hours of 8:30 p.m. and 9:00 a.m.;

EXHIBIT "B"

4. In the event of any emergency situation, not caused by the Defendant or done pursuant to his direction, as a result of which the Defendant believes he is required to operate motorized equipment after 8:30 p.m. but before 9:00 a.m. for legitimate purposes (such as a generator which produces electricity or a motorized snow plow or snow blower) the Defendant shall contact his supervising probation officer, or if after regular Courthouse hours he shall call Clearfield County Control at 814-765-1533, and advise the appropriate representative of the alleged emergency, what piece of equipment he will be operating, the reason why and for how long. If the Defendant has spoken to County Control, then a representative of County Control will thereafter contact the on-call probation officer and advise him/her of the situation. The on-call probation officer shall contact the Gary Weber family and advise them accordingly. The Court notes that it will not consider a snowfall to be an emergency situation unless at the time any plow or snow blower is used at least 7 inches of snow has fallen;

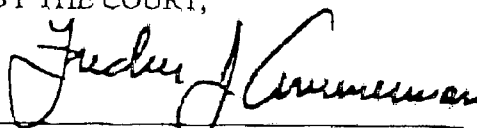
5. Use by the Defendant of any motorized equipment, as described in paragraphs 3 and 4 above and otherwise, between the hours of 9:00 a.m. and 8:30 p.m. (or at any other time) shall be done in the normal and legitimate usage of such equipment for normal and legitimate lawn care and home maintenance, and shall not under any circumstances be done in such a fashion to purposefully or knowingly annoy or harass the Defendant's neighbors. Any motorized equipment shall be immediately turned off when not being utilized;

6. The Defendant at no time shall make or cause to be made unreasonable noise that will annoy or offend his neighbors ;

7. The evidence submitted to the Court shows that the Defendant is aware of the location of the boundary lines of his property and the properties of the Weber and Yohe

families. The Defendant shall not cross the property lines for any purpose whatsoever including yard care of any type.

BY THE COURT,

A handwritten signature in cursive script, appearing to read "Fredric J. Ammerman", written over a horizontal line.

FREDRIC J. AMMERMAN
President Judge

00:00 - 03:40	August 3, 2004	weed wacking up front; hitting fence; in back over property line reaching out over property line on both Weber and Yohe lines.
03:52 - 04:07	August 4, 2004	View of cut grass along fence.
04:07 - 05:40	September 8, 2004	Generator on - clock shows 9:14 P.M.
05:43 - 07:30	September 12, 2004	Leaf Blower - night
07:30 - 07:37	September 14, 2004	Driving Past - Tractor.
07:37 - 08:00	September 15, 2004	Dark
08:02 - 14:05	September 17, 2004	Generator running - Webers still have electric shows clock at various points: 9:25, 10:19, 10:22
14:05 - 18:20	September 18, 2004	Generator has run all night; shows clock 5:35 A.M. and 9:00 A.M.
18:21 - 18:50	September 22, 2004	leaf blower
18:50 - 22:19	September 26, 2004	Leaf blower - as soon as they got home - 5:50 to 6:30; weed wacking 10 till 7:00, leaf blower 7:00 to 7:15, air compressor.
22:26 - 26:02	September 30, 2004	Leaf blower
26:02 - 27:55	October 3, 2004	Chain saw - not cutting anything, Leaf blower
27:55 - 29:08	October 5, 2004	Leaf Blower and then Generator
29:08	October 6, 2004	Leaf Blower
	November 1, 2004	Electric Circular saw.

July 1,2003-

4:30 p.m. obscene gestures at boys (Ricky)

July 3, 2003-

9:25 p.m. riding down and up road on motorcycle

looking at house (Ricky)

riding back and forth along fence on ATV (Ricky)

9:30 p.m. fireworks

10:00 p.m. fireworks

July 4,2003-

11:45 p.m. fireworks

July 7.2003-

4:20 p.m. down road on motorcycle looking at house ®

4:25 p.m. up road on motorcycle looking at house ®

4:40 p.m. down road with rifle on motorcycle checks house

4:45 p.m. back up road with rifle checks house ®

5:30 p.m. down road on motorcycle looking at house®

We leave

6:30 p.m. down road in truck looking at house ®

We leave 6:40

We return 8:50

9:10 p.m. down road on motorcycle looking at house®

10:00 p.m. up road on motorcycle looking at house ®

10:01 p.m. down road on motorcycle looking at house ®

10:02 p.m. up road on motorcycle looking at house ®

10:02:05 down road on motorcycle looking at house

turn around up®

turn around down watching house both ways ®

10:05 p.m. turn around back up looking at house ®

July 8,2003-

6:05 a.m. weed eating (not just his property) ®

11:40 a.m. down by on motorcycle sees Wendy hanging out
clothes.

Back up by quickly ®

11:41 a.m. revving engine and driving back and forth along
fence with backfiring on ATV ®

11:44 a.m. crow call on LOUDLY
11:51 a.m. crow call off
11:51 a.m. puts off panic button on truck ®
11:52 a.m. alarm turned off
12:07 p.m. firecrackers
12:10 p.m. chainsaw ®
12:14 p.m. saw off
12:20 p.m. Down by slowly on motorcycle
no helmet and looking at the house ®
12:22 p.m. up by slowly looking at house ®
12:23 p.m. down by slowly looking at house (almost stopped
at driveway)®
12:24 p.m. up by slowly looking at house ®
12:46 p.m. mows on Dave Yohe's property ®
12:47 p.m. We leave
1:50 p.m. We return
3:10 p.m. up by
turn around back down by ®
4:20 p.m. We leave
7:40 p.m. We return
7:43 p.m. up by slowly on motorcycle ®
8:07 p.m. Wendy home from work –he's sitting on the front
porch when she comes home he waits for the
truck door to close the puts off a string of fire
crackers. ®
8:20 p.m. chainsaw revving (not cutting) ®
9:17 p.m. firecrackers
9:43 p.m. owl call turns on
9:51 p.m. owl call turns off
10:25 p.m. 2 hoots from owl call
It is lightening and thundering this night

July 9, 2003-

Rainy morning

3:00 p.m. down by slowly in truck looking at house
it is raining

turns around and drives back up by slowly ®
8:06p.m. Gary and boys drive home and get flipped off ®
8:38 p.m. down by on motorcycle looking at house
turns around back up by –recorded ®
8:45p.m back up by (must have made the loop) ®
9:15 p.m. down by looking at house
turns around back up by -recorded ®
10:35 p.m. yelling F*** words ®
July 10,2003-
We are not home until 2:45 it is a rainy off &on day
4:00 p.m. down by
turn around back up by ®
9:40 p.m. firecrackers
July 11,2003-
5:26 p.m. down by on motorcycle (no helmet) looking at
house turn around back up by –recorded ®
Rainy & cold
July 12, 2003-
We leave early in the morning
8:11 p.m. We return home and close the doors, he begins
running back and forth on ATV all out with
backfiring ®
8:17 p.m. Stops
8:22p.m.down by slowly on motorcycle looking at house ®
8:24 p.m. back up by
8:25 p.m. back down
8:26 p.m. back up
8:35 p.m. firecrackers
8:58 p.m. yelling
9:03 p.m. walks down by looking at house
9:05 p.m. back up by looking at house (all above Ricky)
July 13,2003-
9:38 a.m. Rick waits for Wendy and the boys at the end of his
driveway. They are going to church. His 5yr.old
is with him and he flips off all 3 of them.

9:40 a.m. firecrackers
9:44 a.m. crow call on
9:48 a.m. crow call off
9:50 a.m. crow call on
10:00a.m. crow call off
10:50 a.m. down by on motorcycle slowly ®
10:52 a.m. back up by (recorded?) ®
11:10 a.m. Wendy and boys return the chain saw runs ®
11:16 a.m. –11:45a.m. various hammering, drilling, grinding
 clanging, banging, and yelling ®
11:46 a.m. down by on motorcycle looking at house ®
12:02 p.m. up by on motorcycle looks at house ®
12:10 p.m. large amount of firecrackers
12:45 p.m. chainsaw revving®
12:48 p.m. we leave
4:20 p.m. we return
4:26 p.m. down by on motorcycle checks on house ®
4:32 p.m. back up ®
4:37 p.m. firecrackers
5:00 p.m. down by ®
5:00 p.m. we leave
7:00p.m. we return
8:30 p.m. up by looking at house in truck ®
9:10 p.m. down by on motorcycle looking at house
 turn around back up by
 turn around back down by
 turn around back up by ®

July 14, 2003-

5:34 a.m. crow call on
5:36 a.m. crow call off
5:38 a.m. crow call on
5:45 am. Crow call off
8:30 p.m. we return
8:45 p.m. down by on motorcycle looks at house
 turn around back up by ®

9:22 p.m. owl call on (video owl call at son's window)

9:39 p.m. owl call off

July 15, 2003-

6:00 p.m. We return from being gone all day

6:12 p.m. down by on motorcycle checks house ®

6:20 p.m. up by ®

7:45 p.m. extremely loud fake burping ®

8:00 p.m. Peg, Bridget, and Amy walk by

July 16, 2003-

There is nothing to report on this date

July 17, 2003-

12:00 p.m. We return as soon as car doors close crow call
comes on

12:15 p.m. crow call off

4:40 p.m. firecrackers

7:42 p.m. down by on motorcycle looks at house ®

7:43 p.m. back up by

7:53 p.m. back up by again

July 18, 2003-

There is nothing to report on this date.

July 19, 2003-

7:00 a.m. weed eating Dave Yohe's property checks our back
door while doing this (video) ®

5:50 p.m. down by on motorcycle with rifle on back ®

5:55 p.m. Wendy and her mother pass him standing on edge
of road by motorcycle hunting on Wendy's family
farm, which he does not have permission to do

July 20, 2003-

6:14 a.m. crow call on

6:18 a.m. crow call off

7:24 a.m. crow call on

7:30 a.m. crow call off

7:55 a.m. firecrackers

8:00 a.m. leaf blower runs (no leaves) ®

8:10 a.m. leaf blowing ends

8:25 a.m. down by on motorcycle ®
8:38 a.m. up by VERY slowly looking at house ®
8:40 a.m. crow call on
8:52 a.m. crow call off
9:36 a.m. firecracker
9:39 a.m. crow call on
9:40 a.m. down by on motorcycle
crow call still on
Wendy and boys are leaving for church ®
9:41 a.m. back up by slowly looking at house ®
9:45 a.m. crow call off
11:10 a.m. chain saw on ®
11:11 a.m. chain saw off ®
12:15 p.m. RJ goes out to mow crow call turns on
12:27 p.m. crow call off
12:29 p.m. down by on motorcycle checks house ®
12:31 p.m. up by ®
1:30 p.m. We leave
3:40 p.m. we return
4:00 p.m. crow call on
4:25 p.m. down by on motorcycle with Amy
crow call still in LOUD ®
4:28 p.m. up by with Amy (video) ®
4:40 p.m. up by alone (video) ®
4:42 p.m. crow call off
4:58 p.m. up by on motorcycle (video) ®
5:20 p.m. up by on motorcycle ®
5:25 p.m. down by on motorcycle with Amy ®
9:00 p.m. up by ®
9:01 p.m. chain saw running (video) ®
9:10 p.m. firecrackers
9:30 p.m. down by on motorcycle looking at house ®
9:31 p.m. up by on motorcycle ®
9:44 p.m. yelling obscenities ®

July 21,2003-

6:00 p.m. LOUD music –truck radio with doors open-Mega
Rock

6:25 p.m. music off

6:35 p.m. crow call on

6:40 p.m. crow call off

7:35 p.m. loud music on – truck radio (video)

8:15 p.m. firecrackers –radio still on loud (video)

8:27 p.m. loud music off

9:27 p.m. down by on motorcycle looks at house

turn around up by

turn around down by SLOW looking at house

turn around up by ®

9:28 p.m. riding ATV back and forth (video) ®

9:40 p.m. leaf blower on and radio on ®

9:45 p.m. coasts motorcycle down road

turn around back up

shines lights down in our bedroom side windows

runs back and forth along fence ®

9:50 p.m. coasts motorcycle down by

turn around up by

shines lights in windows

runs back and forth along fence

shining light on our windows

runs back and forth along fence again ®

9:57 p.m. radio off

9:59 p.m. blowing horn

10:00 p.m. firecrackers

July 22,2003-

5:58 a.m. crow call on

5:59 a.m. crow call off

3:00 p.m. We arrived home crow call on

3:15 p.m. crow call off

9:09 p.m. coasts motorcycle down past house ®

9:10 p.m. up by on motorcycle ®

9:28 p.m. owl call on

9:46 p.m. owl call off

July 23,2003-

4:00 p.m. up by on motorcycle looking at house ®

5:45 p.m. down by on motorcycle ®
raining

July 24,2003-

4:10 p.m. down by on motorcycle
turn around up by ®

8:27 p.m. walk down by ®

8:37 p.m. walking back up by ®

8:45 p.m. firecrackers

9:02 p.m. 2 owl hoots

July 25,2003-

2:55 p.m. crow call on possibly by Bridget

3:07 p.m. Bridget yells rude comments

3:15 p.m. crow call off Nathan and Wendy are both outside
during this time

8:50 p.m. up by on motorcycle ®

9:05 p.m. loud radio

9:08 p.m. leaf blower and radio ®

9:13 p.m. coasts down by on motorcycle ®

9:15 p.m. up by on motorcycle rides on Dave Yohe's
property to look in our back door ®

9:20 p.m. back and forth on ATV (video) ®

9:22 p.m. ATV off

9:25 p.m. yelling loudly ®

9:27 p.m. yells loudly again ®

9:28 p.m. stands at end of fence on Dave Yohe's property
yelling at our house (can't understand what is
being said) ®

9:36 p.m. down by house turns around in front of house and
goes back up ®

9:37 p.m. ATV back and forth along fence and on Dave's
property to look in back door ®

radio off
9:38 p.m. runs leaf blower Wendy in kitchen and can be seen
from back door ®
9:41 p.m. leaf blower off
9:44 p.m. fire crackers
radio off
9:51 p.m. yells loudly ®
10:15 p.m. radio on
10:18 p.m. radio off
10:25 p.m. loud fake burping ®
10:30 p.m. pounding around fence

July 26.2003-

5:55 a.m. weed eater ®
6:00 a.m. ATV back and forth revving engine ®
6:02 a.m. weed eater ®
6:05 a.m. loud yelling and fake sneezing (F*** A** holes)®
6:45 a.m. weed eater off
6:46 a.m. revving ATV ®
6:48 a.m. ATV off
6:50 a.m. leaf blower ®
6:52 a.m. weed eater along fence again ®
7:10 a.m. weed eater off leaf blower on along fence ®
7:15 a.m. standing on the road with leaf blower looking
at our house ®
7:17 a.m. leaf blower off ®
7:30 a.m. crow call on
7:34 a.m. crow call off
7:36 a.m. crow call on again
7:37 a.m. weed eater and crow call ®
7:44 a.m. crow call off weed eater still on
7:58 a.m. crow call on again
8:06 a.m. crow call off
8:40 a.m. parks motorcycle at opposite side of our property
just below our driveway ®
9:00 a.m. we leave he is still sitting there watching our house

and us (video) ®

9:35 p.m. stops in front of house

does a 360-degree turn then proceeds down road®

9:43 p.m. back up by ®

back along fence onto Dave's property ®

down road ®

up road ®

9:49 p.m. down by very slow

stops in front of driveway with radio blasting in
truck ®

9:51p.m. back up by with radio blasting ®

9:58 p.m. firecrackers

10:11 p.m. pounding

10:30 p.m. stops pounding

10:40 p.m. crow call loud and short

July 27,2003-

6.00 a.m. revving chainsaw above the bedroom windows ®

6:15 a.m. chainsaw off

6:54 a.m. chainsaw revving again ®

6:55 a.m. chainsaw off

8:05 p.m. we return and crow call turns on

8:10 p.m. crow call off

Severe thunder and lightening storm

July 28,2003-

5:50 p.m. We pass Hazel Hollopeter's house Rick is mowing
grass but stops the mower to sit and wait for us to
go by when he sees us leaving. He flips us off as
we go by. (we are going to the Clfd. Parade)

July 29, 2003-

1:30 p.m. We return home close doors crow call comes on

1:34 p.m. crow call off

4:30 p.m. crow call on

4:34 p.m. crow call off

5:50 p.m. Gary home

6:00 p.m. down by on motorcycle with rifle ®

6:07 p.m. up by with rifle ®
6:12 p.m. down by on motorcycle with rifle ®
6:40 p.m. up by slowly looking at house with gun ®
6:45 p.m. down by on motorcycle no gun ®
6:46 p.m. back up by ®
6:50 p.m. crow call on
7:02 p.m. crow call off
7:04 p.m. crow call on
7:09 p.m. crow call off
7:50 p.m. yelling obscenities ®
8:46 p.m. firecrackers
8:54 p.m. coasts down by on motorcycle ®
9:20 p.m. back up by motorcycle running ®
9:24 p.m. yelling ®

July 30,2003-

11:30 a.m. Wendy out cleaning pool and Nathan mowing
crow call on
11:46 a.m. crow call off
4:00 p.m. crow call on
4:14 p.m. crow call off and weed eater on
4:32 p.m. weed eating on Dave's property looks in our back
door sees person standing there and flips them off
(video) ®
4:52 p.m. weed eater off
4:56 p.m. down by on motorcycle ®
5:00 p.m. back up by
5:02 p.m. crow call on and weed eating ®
5:13 p.m. all off

July 31- Aug. 4,2003-

We are out of town until Aug. 4,2003 until 8:15 p.m.
8:20 p.m. clanging bell after the doors of van
close
8:29 p.m. clanging bell again
8:34 p.m. down by on motorcycle ®
8:36 p.m. back up by looking at house ®

8:37 p.m. down by (video) ®
8:46 p.m. up by looking at house (video) ®
8:48 p.m. back down by ®
8:49 p.m. up by again ®
8:53 p.m. clanging of bell
9:27 p.m. owl calls on
9:40 p.m. owl calls off
9:52 p.m. owl calls on again
9:58 p.m. owl calls off

Aug 5, 2003-

6:37 p.m. down by on motorcycle looking at house ®
7:14 p.m. up by on motorcycle looks at house ®
7:15 p.m. back down on motorcycle looking at house ®
7:37 p.m. up by on motorcycle looking at house ®
7:39 p.m. clanging on bell
7:40 p.m. quits
7:41 p.m. revving chain saw ®
7:42 p.m. chain saw off

Aug 6, 2003-

6:40 p.m. up by with gun on back on motorcycle ®
9:10 p.m. clanging bell
9:11 p.m. stops
9:12 p.m. down road on motorcycle looking at house ®
9:14 p.m. up by on motorcycle ®
9:16 p.m. clanging bell (video)
9:19 p.m. owl calls on
9:35 p.m. Owl calls off
10:10 p.m. yelling ®

Aug 7 2003-

7:57 a.m. clanging bell
7:59 a.m. clanging bell again
7:34 p.m. crow call on
7:49 p.m. crow call off
7:50 p.m. crow call on again
7:54 p.m. crow call off

8:19 p.m. down by on motorcycle (no helmet) ®

8:21 p.m. up by on motorcycle looks at house ®

8:25 p.m. back down by ®

8:35 p.m. back up by ®

8:37 p.m. down by on 4-WHEELER

turn around back up by (video) ®

8:45 p.m. yelling ®

8:57 p.m. owl calls on

9:05 p.m. owl call off

9:27 p.m. owl calls on again

9:30 p.m. owl calls off

9:40 p.m. yelling ®

Aug.8, 2003-

8:29 p.m. Wendy returns home from work as soon as door closes he yells (can't understand what is being said) ®

9:18 p.m. owl calls on

10:15 p.m. scanner is turned up loud and left on all night (video)

Aug. 9,2003-

7:54 a.m. crow call on

8:16 a.m. crow call off

8:55 a.m. crow call on

9:05 a.m. crow call off

9:08 a.m. backs down the road in the truck with the radio blasting, stops, looks in windows goes quickly back up the road ®

Scanner is still on at this time

3:10 p.m. Gary and boys arrive home and crow call begins fireworks and yelling ®

3:15 p.m. continues to yell ®

3:20 p.m. crow call of new call noise (video) elk? Begins

3:40 p.m. new call off

3:41 p.m. new call #2 on (video) goose?

3:54 p.m. new call #2 off

7:52 p.m. scanner is turned on very loud

10:03p.m. scanner off

Aug.10, 2003-

8:29 a.m. scanner on Loud

9:20 a.m. crow call is on. We leave

7:52 p.m. We return

crow call is on

8:06 p.m. weed eating Gary is out back checking on pool

8:15 p.m. clanging bell

Gary is still out back

8:20 p.m.-8:21 p.m. crow call on

back and forth on 4-wheeler ®

8:25 p.m. back and forth again on 4-wheeler again ®

8:30 p.m. done for now

8:39 p.m. 4-wheeler again ®

8:45 p.m. coasts down on motorcycle ®

8:47 p.m. back down ®

8:51 p.m. Dave puts No Trespassing Signs

on his property

9:06 p.m. back up VERY SLOW

Starts yelling F***** A*** Chicken S***

Dave Yohe and many other profane statements

Towards both Dave and us ®

9:15 p.m. 4-wheeler ®

9:18 p.m. owl call on

There is yelling and screaming in Dave Yohe's driveway
between Rick and Dave

Wendy calls the police; she is told there has already been
two police on the way.

Wendy calls the police again when Bill Schrieber (Ricks
father) drives down and starts yelling at Dave also.

We hear Rick and his father arguing with the police when
they arrive.

Both Wendy's sister-in-law and her father call to make sure

that we were okay because they heard Rick screaming from their homes, which are approx. ½ -1 mile, down the road

Aug. 11 .2003-

8:45 p.m. leaf blowing

9:00 p.m. slams metal belco doors

Aug. 12,2003-

6:02 a.m. slams metal belco doors 3 times

Aug. 13,2003 –

4:30 p.m. Wendy just got in the house from taking clothes off the line and there are 4 LONG horn blows

8:45 p.m. RJ shuts truck door and he fake burps

Aug, 14, 2003-

8:00 p.m. follows us from the top of the hill just out of Luthersburg all the way home we went the whole way to Sunset Lake Rd. and in past Knisley's farm to get home. ®

9:30 p.m. Circular saw runs for a short time

10:20 p.m. horn blows once at his house

2 times in front of our house

2 times at Dave's driveway (probably his dad)

Aug. 17, 2003 –

10:30 p.m. yelling –“people F*** low lifes” ®

Aug. 20, 2003

8:20 p.m. down by on motorcycle passes Wendy who now comes home the back way ®

8:30 p.m. back up by VERY slowly ®

Aug. 21, 2003-

8:30 – 9:50 p.m. mows ®

Aug. 23, 2003-

6:05-6:24p.m. playing music at a reasonable volume

8:15 p.m. Aimee and Ricky walk down by (we arrived back home at 8:10)

8:29 p.m. back up by

10:04 p.m. down by very slow ®

10:15 p.m. up by ®

Aug. 26 ,2003-

6:00 pm. Leaf blower ®

6:07 p.m. stops runs chain saw for a short time ®

7:07 p.m. radio on

7:08 p.m. down by on motorcycle ®

8:18 p.m. up by

Aug. 27, 2003-

RJ tells us a light is in the window that shines in his bedroom all night

We think his oldest daughter moved out so that is why the light is in the window.

Aug.27, 2003-

6:10 p.m. down by in car ®

6:15 p.m. up by in car ®

6:18 p.m. down by in car

6:20 p.m. up by in car looking at house ®

December 24,2003-

9:15-9:20 p.m. clanging bell (not suppose to be at the house)

February 6,2004-

6:00 p.m. approx. Gary plowing Ricky yelling

February 8,2004-

12:50 p.m. Ricky is walking towards Hazel's with snow blower with Peggy & Aimee Ricky grabs his crotch & yells "Bite this A**hole" to Gary as he drives by

March 11.2004-

4:52 a.m. dragging metal cans across concrete pad

March 15,2004-

4:30 a.m. pounding in house for approx. 1/2 hr.

March 16,2004-

5:02 a.m. kicking metal cans across concrete pad

March 26,2004-

Moved back into house

March 29,2004-

5:34 owl call

April 16,2004-

5:55 a.m. radio in truck blaring till he leaves ®

5:00 p.m. we return both truck doors open and radio
blaring

April 18,2004-

8:00 p.m. Ricky yells rude remarks at my son

June 30, 2004-

6:40 a.m. Ricky runs out driveway towards road as Gary
and RJ go up starts laughing with his hands in
his pockets.

6:45 a.m. Ricky runs out door and watches Wendy go up by

6:30 p.m. (approx.) Walks up by house carrying camcorder
under his arm facing Nate ®

6:33 p.m. Goes down road on motorcycle with Aimee in
front ®

6:38 p.m. goes up by ®

got on bicycle went down turned around at about
Dave's driveway back up

8:00 p.m. sitting on front porch swing as soon as Wendy gets
door open he starts riding back and forth on motor
cycle above fence ®

9:00 p.m. down by in truck®

July 1,2004-

11:01 a.m. down by in truck with trailer full of dirt
turn around someplace back up by ®

4:35 p.m. My mom stops comes down by on motor-
cycle ®

4:52 p.m. up by on motorcycle ®

5:27 p.m. up by ®

8:45 p.m. up by radio on ®

9:00 p.m. riding along fence ®

9:15 – 11:30 p.m. washes truck, sings, slams doors, etc.
runs impact wrench ®

July 2,2004-

5:00 p.m. we arrive home they see us go by

5:05 p.m. Ricky and Aimee go down by on motorcycle

5:25 p.m. up by

July 5,2004-

9:40 a.m. up by on motorcycle checks to see if Wendy
is leaving waits in driveway to "grin" at Wendy
as she goes by ®

10:55 a.m. drives by Wendy's work®

3:10 p.m. up by on motorcycle turns head to see Wendy out®

6:00 p.m. goes up by slowly on motorcycle ®

8:20 p.m. watches us grinning as we come home ®

8:25 p.m. Gary & Wendy go out to unload wood he goes
back and forth on motorcycle ®

9:00 p.m. Launched loud fireworks

July 6,2004-

10:17 a.m. Wendy out at clothes line loud music from
bedroom window

6:00 p.m. up by in truck ®

7:40 p.m. down by on motorcycle ®

7:50 p.m. up by ®

8:00 p.m. back and forth along fence ®

9:15 p.m. down by ®

9:30 p.m. up by ®

July 7,2004-

7:10 p.m. Ricky and Aimee down by on motorcycle
very slowly Aimee on back

7:30p.m. back up

July 9,2004-

7:45 a.m. weed eats Dave's property

8:15 a.m. backs down road in truck to see if Wendy is
out Wendy is hanging clothes looks over at
her watches then goes slowly back up to
driveway

September 1,2004-

Cut our grass over the weekend

5:50 a.m. pounding (rocks together ?)

September 3, 2004-

8:00 p.m. Gary comes home Ricky stands on the deck of his garage watches Gary over fence and runs chain saw while watching

8:08 p.m. Gary goes out to clothes line Wendy comes down the road he follows as she goes up the driveway on motorcycle ®

September 8,2004-

9:00 p.m. running generator Electric works!! Called police
They call him and got a story
Turns off generator approx. ½ hr after the police call us back

September 10,2004-

5:30 a.m. owl call

September 12, 2004-

9:00p.m. leaf blower approx. ½ hr.

September 17,2004-

7:00 p.m. – 9:30 a.m. ran generator turned off right after Gary & RJ drove past their house
never had a load on it

September 22,2004-

Afternoon- Ricky has a screaming fit when Dave Yohe was shooting his gun. Profanity –says he could make noise too ran his leaf blower while standing on his garage deck

September 26,2004-

6:50 p.m. we arrive home

6:52 p.m. leaf blower then weed eater then air compressor
lasting approx. ½ hr

September 27,2004-

6:00 a.m. revving motorcycle

September 30,2004-

8:2a.m. daughters bus goes by loud music after garage door is opened scanner blares over the music

runs approx. 1+ hrs (Peggy home)

5:35 p.m. leaf blower ®

October 5,2004-

6:33 p.m. leaf blowing ®

6:50 p.m. leaf blower off

7:00 p.m. generator on No problem with elec.

7:30 p.m. generator of

October 6,2004-

4:25 p.m. leaf blower ®

8:07 p.m. Wendy comes home shuts truck door
loud bang

October 9,2004-

8:20 a.m. revs chain saw for approx. 3 min.®

1:15 p.m. clanging bell

October 10,2004-

10:45 a.m. goes by our church looks for our truck
looks at RJ then turned around and left ®

4:15 p.m. yells about our building he's going to
call the tax office ®

6:30 p.m. we have people here he leaf blows ®

October 11,2004-

6:00 a.m. radio in truck blaring

5:20 p.m. starts leaf blower (Gary & RJ are outside)

Aimee yells it is annoying

Pulls truck out of garage & turns radio on
LOUD ®

October 13,2004-

8:05 p.m. Wendy comes home closes truck door
sounds like cap gun goes off

October 14,2004-

6:00 a.m. loud music

October 19,2004-

6:30 p.m. truck radio

7:15 p.m. leaf blower ®

October 20,2004-

5:53 a.m. truck radio
4:35 p.m. leaf blower ®
October 25,2004-
4:40 p.m.- 5:40 p.m. generator
October 26,2004-
4:30 p.m.- 6:00 p.m. leaf blowing ®
October 27,2004-
5:00 sound like shots
6:00 yelling ®
8:00p.m. -10:03 generator
October 28,2004-
5:50 p.m. generator
7:00 p.m. generator off
7:30 p.m. generator back on
8:55 p.m. chain saw at basement door ®
10:16 p.m. generator off
banging of things being thrown
truck radio
10:30 p.m. slamming of metal doors
yells about a new sump pump he'd have
to run Ha Ha
goes by house up & down ®
October 29,2004-
6:50 a.m. truck radio

October 30,2004-
6:00 a.m. truck radio
10:15 p.m. turkey call, he had just drove up by and went
in his driveway
Must have signed paper from court now uses circular saw for noise

November 1,2004-
6:45 circular saw
November 6.2004-
9:45 a.m. circular saw

5:27 p.m. Wendy closes door bangs on wood
November 7,2004-
9:25 a.m. Gary goes out the road on backhoe he follows
him down after a few min. turns around at Y
as Gary goes up the hill
November 18,2004-
9:30 p.m. beating on metal garbage cans
November 19,2004-
6:00 a.m. truck radio
8:14 p.m. lawn mower ®
November 20, 2004-
12:45 p.m. flips off Wendy ®
November 21,2004-
1:00 p.m. screaming singing to his radio which is
turned up loud ®
9:00 p.m. banging metal doors and metal garbage cans
December 25,2004-
4:30 p.m. goes down by extremely slow checks us out
(we just go home) ®
4:35 p.m. goes back up checks us out again ®
December 31,2004-
5:50 p.m. we return home he yells ®
January 1,2005-
1:00 p.m. approx. Sees Gary outside turns radioup loud
as he drives by from driveway to fence then
turns and comes back down ®
January 2,2005-
7:40 p.m. Gary and Nate return home he yells as soon as
the doors on van close ®
February 20,2005-
8:00 p.m. snow blower short time ®
8:05 p.m. snow blower again runs for approx. 45 min. ®
February 21,2005-
5:10 a.m. truck radio blaring
February 23,2005-

8:00 p.m. snow blowed at Hazel's then came back to his house and snow blowed until 9:15 p.m. ®

February 28,2005-

11:30 p.m. Ricky is snow blowing Wendy calls police they call Mike Moscal (his probation officer) he returns my call at 12:10 a.m. says they won't send police out about 12:30 a.m. he quits

July 6,2005-

9:00 p.m.- 9:30 p.m. approx. putting off snap poppers

July 7,2005-

9:00p.m.-9:45p.m. approx. putting off snap poppers and loud belching sounds ®

August 22,2005 – 6:05 am starts and revs motorcycle on cement pad in front of basement door. Rides along fence up to garage lets run for approx 5 min. then left ®

August 23, 2005 – 6:05 am starts and revs motorcycle on cement pad in front of basement door. Rides along fence up to garage lets run for appox 5 min then leaves®

8:20- 8:30 runs motorcycle along fence ®

August 25, 2005-

7:12pm – 7:30 pm rides back and forth above fence on motorcycle ®

Tells daughter “ After we get the 4 wheeler licensed we can ride it in the yard as much as we want.” (on video)

October 26,2005-

4:30-5:20 p.m. leaf blower®

6:15 p.m. My boys follow him from feeding the dog, they pull into our driveway Ricky and his family sit out in front of our house watching them. They leave quickly when Gary goes out with video camera.

6:25 – 7:00 p.m. leaf blowing again even though it is dark outside! No outside lights are on at

his house!

October 30, 2005-

3:30 p.m. (approx.) Gary goes outside he mows the lawn for about 40 min. Leaf blows for about 20 min. then weed eats for about 20 min.

October 31, 2005-

5:45 p.m. follow Gary up road then mows again for about 20 min.

November 12, 2005

Put up a BRIGHT outside light, on the south side of his house so that it shines into our bedroom and bathroom windows. Leaves it on all night both Saturday and Sunday night.

November 16 & 17, 2005

A bright light is shown in the bedroom windows at 6:00 a.m..

November 20, 2005

Light is on when we come home and goes out after 8:00 p.m.

November 21, 2005

Light is on when we got home (kids say it has been on) till 9:10 p.m.

November 23, 2005-

6:00 a.m. car radio blares for about 3+ min.

November 23, 2005-

5:20 p.m. Bright light is on.

December 16, 2005-

5:20 a.m. Ricky is snow blowing. Police are called. Officer Bontempo is the officer who gets the call. He is told that Ricky is violating his probation. Officer Bontempo returns the call saying that Mike Moscall has been notified and that there is "something to do with inches" and that Mike

Will take care of it in the morning.

Nothing Happens!!!!

December 19, 2005-

9:15 p.m. Corp. Paul O. calls to let us know if Chip Bell needs to talk to him he is available and to Be sure and document all the calls to and from The police.

December 26, 2005-

4:45 a.m. slamming of basement door multiple times. Ricky vocal however unable to understand what He is saying.

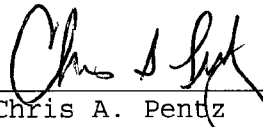
VERIFICATION

I, Chris A. Pentz, have read the foregoing First Amended Complaint of the Plaintiffs, Gary L. Weber and Wendy D. Weber. The statements therein are correct to the best of my personal knowledge or information and belief.

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

I am authorized to make this verification on behalf of Plaintiffs because of my position as counsel of record.

Dated: 4-24-06


Chris A. Pentz
207 East Market Street
Clearfield PA 16830
814 765-4000
I. D. # 39232

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs.

RICKY SCHREIBER and,
PEGGY SCHREIBER,
Defendants.

: Type of Case: Civil
:
:
:
: No. 2005-934-C.D.
:
: Type of Pleading:
: Preliminary Objections
:
:
: Filed on Behalf of Defendants
:
:
:
: Counsel of Record for This Party
: The Law Offices of Joseph E. Buckley, Jr.
: 100 Main Street
: Brookville, PA 15825-1213
: (814) 849-2828
: JOSEPH E. BUCKLEY, JR.
: I.D. No: 49827
:
:

FILED ^{icc}
m110:42/21 Amy
MAY 17 2006 @
William A. Shaw
Prothonotary/Clerk of Courts

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

**GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs**

vs.

**RICKY SCHREIBER and,
PEGGY SCHREIBER ,
Defendants.**

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Type of Case: Civil

No. 2005-934-C.D.

**Type of Pleading:
Preliminary Objections**

I.

**PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER FOR
FAILING TO STATE A CAUSE OF ACTION IN CIVIL CONSPIRACY UPON
WHICH A CLAIM FOR RELIEF CAN BE GRANTED.**

1. This objection is set forth pursuant to the provisions of Pa. R.C.P. No. 1028(a)(4).
2. Plaintiffs' First Amended Complaint purports to set forth a claim for relief in civil conspiracy.
3. A claim for relief in civil conspiracy requires three elements:
 - a. A combination of two or more persons acting with a common purpose to do an unlawful act or to a lawful act by unlawful means or for an unlawful purpose.
 - b. an overt act done in pursuance of a common purpose, and
 - c. actual legal damages.
4. Plaintiffs' First Amended Complaint does not set forth specific allegations of overt acts performed by Defendants Ricky Schreiber and Peggy Schreiber in pursuance of a common purpose.

5. Plaintiffs' First Amended Complaint does not set forth actual legal damages caused as a result of activities performed by the Defendants, either singly or through concerted efforts.
6. Plaintiffs' First Amended Complaint is clearly insufficient to establish a right to relief. Plaintiffs' First Amended Complaint fails to state a claim upon which relief can be granted.

WHEREFORE, Defendants respectfully request this Court to grant their preliminary objections by way of demurrer pursuant to Pa. R.C.P. No.1028 (a)(4) and dismiss the Plaintiffs' First Amended Complaint.

II.

PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER FOR FAILING TO STATE A CAUSE OF ACTION IN INVASION OF PRIVACY UPON WHICH A CLAIM FOR RELIEF CAN BE GRANTED.

7. This objection is set forth pursuant to the provisions of Pa. R.C.P. No. 1028(a)(4).
8. Plaintiffs' First Amended Complaint purports to set forth claims for relief for invasion of privacy.
9. An action for invasion of privacy must aver that there was an intentional intrusion on the seclusion of their private concerns which was substantial and would be highly offensive to a reasonable person.
10. Plaintiffs' First Amended complaint does not aver that there was any intrusion on the seclusion of their private concerns.
11. Plaintiffs' First Amended complaint does not aver that alleged acts of the Defendants would have caused a reasonable person the harm typically addressed by the invasion of privacy claim for relief.

WHEREFORE, Defendants respectfully request this Court to grant their preliminary objections by way of demurrer pursuant to Pa. R.C.P. No. 1028 (a)(4) and dismiss the Plaintiffs' First Amended Complaint.

III.

PRELIMINARY OBJECTION FOR FAILURE TO CONFORM TO A RULE OF COURT

12. This objection is set forth pursuant to the provisions of Pa. R.C.P. No. 1028(a)(2).
13. Pursuant to Pa. R.C.P. No. 1018, "Every pleading shall contain a caption setting forth the name of the court, the number of the action and the name of the proceeding."
14. The purported First Amended Complaint filed on behalf of the Plaintiffs was numbered "2004-934-CD."
15. The case number of this Civil case is 2005-934-CD.
16. Pursuant to Pa. R.C.P. No.1018.1, "Every complaint filed by a plaintiff...shall begin with a notice to defend in substantially the form set forth in subdivision (b)," of that Rule.
17. Instead of 20 days to take action after the complaint was served pursuant to Pa. R.C.P. No. 1018.1(b), the Defendants were notified in April of 2006 to "take action on or before September 15, 2005."

WHEREFORE, the Defendants pray that this Honorable Court will sustain their preliminary objection and compel the Plaintiffs to amend their Complaint to conform to law or rule of court.

IV.

**PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER FOR
FAILURE TO STATE A CLAIM AGAINST DEFENDANT PEGGY
SCHREIBER.**

18. This Objection is made pursuant to Pa. R.C.P. No.1028(4).
19. Paragraphs 1 through 11 of these Preliminary Objections shall be apply to the
Plaintiffs' claims for relief as against Defendant Peggy Schreiber.
20. Plaintiffs do not offer any facts in their First Amended Complaint or make any
specific allegations identifying any overt acts performed by Defendant Peggy
Schreiber which would serve as a basis for a claim for relief in civil conspiracy or
invasion of privacy.
21. Plaintiffs' First Amended Complaint is clearly insufficient to establish a right to
relief against Defendant Peggy Schreiber. Plaintiffs' First Amended Complaint,
on its face fails to assert a claim for relief as a matter of law against Defendant
Peggy Schreiber.

WHEREFORE, Defendant, Peggy Schreiber, respectfully requests this Honorable
Court to grant its preliminary objection by way of demurrer pursuant to Pa. R.C.P.
No. 1028(a)(4) and dismiss Plaintiffs' First Amended Complaint as against
Defendant, Peggy Schreiber.

Respectfully Submitted,

Date:

5-16-06



Joseph E. Buckley, Jr., Esquire

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

**GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs**

vs.

**RICKY SCHREIBER and,
PEGGY SCHREIBER ,
Defendants.**

: Type of Case: Civil
:
:
: No. 2005-934-C.D.
:
: Type of Pleading:
: Preliminary Objections
:
:
:

Certificate of Service

I hereby certify that a true and correct copy of the Defendants Preliminary Objections to Plaintiffs' Complaint submitted to the Prothonotary in the above-entitled action was served on the following via First-Class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

Chris A. Pentz
207 East Market Street
P.O. Box 522
Clearfield Pa 16830

Date: 5-16-06

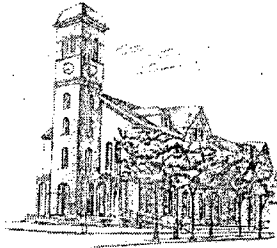


Joseph E. Buckley, Jr., Esquire

FILED

MAY 17 2006

William A. Shaw
Prothonotary/Clerk of Courts



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

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 5/22/06

X You are responsible for serving all appropriate parties.

_____ The Prothonotary's office has provided service to the following parties:

_____ Plaintiff(s)/Attorney(s)

_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

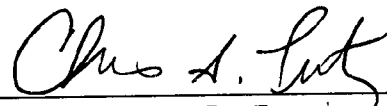
No. 2005- 934 -CD

* Type of Case: Invasion of
* Privacy

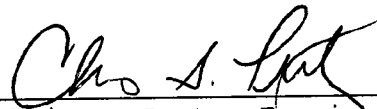
* Type of Pleading: Second Amended
* Complaint

* Filed on Behalf of: Plaintiffs

* Counsel of Record for this Party:

* 
* CHRIS A. PENTZ, Esquire
* Supreme Court I.D. # 39232
* 207 East Market Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

* Filed by:

* 
* Chris A. Pentz, Esquire
* 207 East Market Street
* P. O. Box 552
* Clearfield, PA 16830
* 814 765-4000

Date: 5-30-06

FILED 300
013:43801 Amy Pentz
MAY 30 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

No. 2005- 934 -CD

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

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 days after this Complaint is 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 the relief 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 Court Administrator
Clearfield County Courthouse
Second Street
Clearfield PA 16830
814 765-2641

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

No. 2005-934-C.D.

SECOND AMENDED COMPLAINT

1. The Plaintiffs are Gary L. Weber and Wendy D. Weber, husband and wife, who reside at 1129 Rock Run Road, Rockton, Clearfield County, Pennsylvania 15856.

2. The Defendants are Ricky Schreiber and Peggy Schreiber, husband and wife, who reside at 1157 Rock Run Road, Rockton, Clearfield County, Pennsylvania 15856.

3. The relevant times for this Complaint are from July, 2003 through and including the filing of this Complaint with the Plaintiffs having kept a log of events setting forth specific dates and times a copy of the log is attached hereto and marked Exhibit "C" and incorporated herein by reference as though set forth in full.

4. The Plaintiffs and Defendants reside on adjoining properties.

5. The Plaintiffs do not have an adequate remedy at law to prevent further emotional distress and invasion of privacy.

6. The intrusions by Defendants upon Plaintiffs' private concerns as set forth below were substantial and highly offensive and it is believed and therefore averred to have been intentional.

COUNT I

Invasion of Privacy
Gary L. Weber and Wendy D. Weber vs.
Ricky Schreiber and Peggy Schreiber

7. Paragraphs 1 through 6 above are incorporated herein by reference as though set forth in full.

8. During the relevant time period, both Defendants have made noise without any purpose other than to inflict emotional distress upon and to invade the privacy of the Plaintiffs, including but not limited to, the following:

- a. playing an amplified crow calls for extended periods of time at various hours;
- b. operating a leaf blower for extended periods of time at various hours;
- c. running a generator for extended periods of time at various hours;
- d. operating a weed eater for extended periods of time at various hours;
- e. operating a snow blower for extended periods of time at various hours;
- f. driving a lawn tractor for extended periods of time at

- various hours;
- g. driving a Four Wheeler for extended periods of time at various hours;
 - h. playing an amplified owl call for extended periods of time at various hours;
 - i. playing an amplified moose call for extended periods of time at various hours;
 - j. playing an amplified elk call for extended periods of time at various hours;
 - k. throwing firecrackers in the general direction of the Plaintiff, Wendy D. Weber;
 - l. continuously driving in front of and along the property line by means of a motorcycle, truck, Four Wheeler, lawn tractor and tractor;
 - m. sitting in front of Plaintiffs' driveway on his motorcycle with a rifle strapped to his back for an extended period of time;
 - n. multiple occasions displaying his middle finger to the Plaintiffs;
 - o. multiple occasions grabbing his crotch in front of the Plaintiffs and yelling "...bite this...".
 - p. multiple occasions from 5:00 A.M. to 6:00 A.M. playing the truck stereo in a loud manner while parked on his property;
 - q. multiple occasions yelling in an unintelligible

manner at Plaintiff Wendy D. Weber when she exited her automobile or was at the clothes line; with Defendant, Peggy Schreiber, known to have been involved at least on the following dates: 7/17/03, 7/29/03, and 8/7/03 as set forth in Exhibit "C".

9. The Defendant, Ricky Schreiber, was sentenced on July 13, 2004 for the offense of disorderly conduct which the Plaintiffs were the victims. A copy of the sentence is attached hereto and marked Exhibit "A" and incorporated herein by reference as though set forth in full.

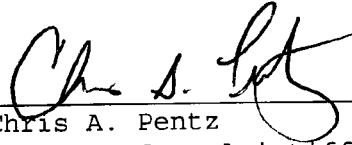
10. The Defendant, Ricky Schreiber, subsequently on March 24, 2005, was found to be in violation of his ordered probation. A copy of that Order is attached hereto and marked Exhibit "B" and incorporated herein by reference as though set forth in full.

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to enter judgment in their favor and against the Defendants, Ricky Schreiber and Peggy Schreiber, for the following:

- A. Money damages in excess of \$20,000.00;
- B. Interest and costs of the suit;
- C. Counsel Fees;
- D. Punitive damages;
- E. Issue an Order enjoining the Defendants from invading upon the privacy of Plaintiffs;
- F. Such other relief as the Court deems appropriate;

G. Jury trial demanded.

Respectfully submitted this 30 day of May, 2006.

A handwritten signature in black ink, appearing to read "Chris A. Pentz", written over a horizontal line.

Chris A. Pentz
Attorney for Plaintiff
211 ½ East Locust Street
P. O. Box 552
Clearfield PA 16830
814 765-4000
I.D. # 39232

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA :

VS. : NO. 03-901-CRA

RICKY L. SCHREIBER :

S E N T E N C E

NOW, this 13th day of July, 2004, Defendant having entered a Plea of Guilty to a charge of Disorderly Conduct, a Misdemeanor of the Third Degree; he being fully and competently represented by counsel and the Court being satisfied that he has knowingly and intelligently entered said Plea, it is the SENTENCE of this Court that he pay for the benefit of Clearfield County the sum of Eight Hundred (\$800.00) Dollars, together with costs of prosecution; that he be placed on Probation for a period of one (1) year under the supervision and control of Clearfield County Department of Probation Services, Adult Division, among the terms and conditions of which shall be that, effective immediately, he shall absolutely refrain from the possession or use of alcoholic beverages; that he attend and successfully complete such counseling and/or treatment as shall be required by his supervising Probation Officer, together with any follow-up recommendations, and that he be responsible for all costs associated therewith; that he not possess any guns of any type. Any permit that he currently holds to possess a firearm shall be revoked by the Sheriff of Clearfield County.

EXHIBIT "A"

He shall have no contact with Gary and Wendy Weber, Blair Michael, Sr., and Gail Michael, Blair Michael, Jr., Karen Michael, Jacqueline Michael, Alexander Michael and David Yohe or any member of his immediate family.

BY THE COURT:

/s/ Fredric J. Ammerman

President Judge

DA

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

Commonwealth of Pennsylvania

vs.

Ricky L. Schreiber

*

*

*

NO. 03-901-CRA

ORDER

NOW, this 24th day of March, 2005, following evidentiary hearings held on January 11, 2005 and March 15, 2005 regarding allegations of violation of probation, as well as the Court and counsel viewing the video tapes submitted by both parties, the Court being satisfied that the same as occurred and upon consideration thereof, it is the Order of this Court that probation be and is hereby revoked.

On the offense of Disorderly Conduct (M3) the Defendant is hereby re-sentenced to one year probation, to continue under the supervision and control of the Clearfield County Adult Probation Office. Among the terms and conditions of which shall include, but not necessarily be limited to, the following:

1. All terms and conditions of the Defendant's original Sentencing Order of July 13, 2004;
2. All terms and conditions of the Defendant's Probation Order of July 13th 2004 and Special Conditions of Probation dated November 1, 2004;
3. The Defendant shall not operate any motorized (whether powered by fuel, gas or electricity) tools or equipment, including but not limited to lawn mowers, leaf blowers, weed eaters, gas blowers, snow blowers, drills, chain saws, saws, snow plows, tractors, chippers, air compressors or unlicensed vehicles of any type between the hours of 8:30 p.m. and 9:00 a.m.;

EXHIBIT "B"

4. In the event of any emergency situation, not caused by the Defendant or done pursuant to his direction, as a result of which the Defendant believes he is required to operate motorized equipment after 8:30 p.m. but before 9:00 a.m. for legitimate purposes (such as a generator which produces electricity or a motorized snow plow or snow blower) the Defendant shall contact his supervising probation officer, or if after regular Courthouse hours he shall call Clearfield County Control at 814-765-1533, and advise the appropriate representative of the alleged emergency, what piece of equipment he will be operating, the reason why and for how long. If the Defendant has spoken to County Control, then a representative of County Control will thereafter contact the on-call probation officer and advise him/her of the situation. The on-call probation officer shall contact the Gary Weber family and advise them accordingly. The Court notes that it will not consider a snowfall to be an emergency situation unless at the time any plow or snow blower is used at least 7 inches of snow has fallen;

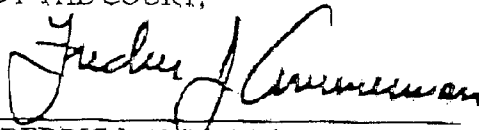
5. Use by the Defendant of any motorized equipment, as described in paragraphs 3 and 4 above and otherwise, between the hours of 9:00 a.m. and 8:30 p.m. (or at any other time) shall be done in the normal and legitimate usage of such equipment for normal and legitimate lawn care and home maintenance, and shall not under any circumstances be done in such a fashion to purposefully or knowingly annoy or harass the Defendant's neighbors. Any motorized equipment shall be immediately turned off when not being utilized;

6. The Defendant at no time shall make or cause to be made unreasonable noise that will annoy or offend his neighbors ;

7. The evidence submitted to the Court shows that the Defendant is aware of the location of the boundary lines of his property and the properties of the Weber and Yohe

families. The Defendant shall not cross the property lines for any purpose whatsoever including yard care of any type.

BY THE COURT,

A handwritten signature in cursive script, reading "Fredric J. Ammerman", written over a horizontal line.

FREDRIC J. AMMERMAN
President Judge

00:00 - 03:40	August 3, 2004	weed wacking up front; hitting fence; in back over property line reaching out over property line on both Weber and Yohe lines.
03:52 - 04:07	August 4, 2004	View of cut grass along fence.
04:07 - 05:40	September 8, 2004	Generator on - clock shows 9:14 P.M.
05:43 - 07:30	September 12, 2004	Leaf Blower - night
07:30 - 07:37	September 14, 2004	Driving Past - Tractor.
07:37 - 08:00	September 15, 2004	Dark
08:02 - 14:05	September 17, 2004	Generator running - Webers still have electric shows clock at various points: 9:25, 10:19, 10:22
14:05 - 18:20	September 18, 2004	Generator has run all night; shows clock 5:35 A.M. and 9:00 A.M.
18:21 - 18:50	September 22, 2004	leaf blower
18:50 - 22:19	September 26, 2004	Leaf blower - as soon as they got home - 5:50 to 6:30; weed wacking 10 till 7:00, leaf blower 7:00 to 7:15, air compressor.
22:26 - 26:02	September 30, 2004	Leaf blower
26:02 - 27:55	October 3, 2004	Chain saw - not cutting anything, Leaf blower
27:55 - 29:08	October 5, 2004	Leaf Blower and then Generator
29:08	October 6, 2004	Leaf Blower
	November 1, 2004	Electric Circular saw.

July 1,2003-

4:30 p.m. obscene gestures at boys (Ricky)

July 3, 2003-

9:25 p.m. riding down and up road on motorcycle

looking at house (Ricky)

riding back and forth along fence on ATV (Ricky)

9:30 p.m. fireworks

10:00 p.m. fireworks

July 4,2003-

11:45 p.m. fireworks

July 7.2003-

4:20 p.m. down road on motorcycle looking at house ®

4:25 p.m. up road on motorcycle looking at house ®

4:40 p.m. down road with rifle on motorcycle checks house

4:45 p.m. back up road with rifle checks house ®

5:30 p.m. down road on motorcycle looking at house®

We leave

6:30 p.m. down road in truck looking at house ®

We leave 6:40

We return 8:50

9:10 p.m. down road on motorcycle looking at house®

10:00 p.m. up road on motorcycle looking at house ®

10:01 p.m. down road on motorcycle looking at house ®

10:02 p.m. up road on motorcycle looking at house ®

10:02:05 down road on motorcycle looking at house

turn around up®

turn around down watching house both ways ®

10:05 p.m. turn around back up looking at house ®

July 8,2003-

6:05 a.m. weed eating (not just his property) ®

11:40 a.m. down by on motorcycle sees Wendy hanging out
clothes.

Back up by quickly ®

11:41 a.m. revving engine and driving back and forth along
fence with backfiring on ATV ®

11:44 a.m. crow call on LOUDLY
11:51 a.m. crow call off
11:51 a.m. puts off panic button on truck ®
11:52 a.m. alarm turned off
12:07 p.m. firecrackers
12:10 p.m. chainsaw ®
12:14 p.m. saw off
12:20 p.m. Down by slowly on motorcycle
no helmet and looking at the house ®
12:22 p.m. up by slowly looking at house ®
12:23 p.m. down by slowly looking at house (almost stopped
at driveway)®
12:24 p.m. up by slowly looking at house ®
12:46 p.m. mows on Dave Yohe's property ®
12:47 p.m. We leave
1:50 p.m. We return
3:10 p.m. up by
turn around back down by ®
4:20 p.m. We leave
7:40 p.m. We return
7:43 p.m. up by slowly on motorcycle ®
8:07 p.m. Wendy home from work –he's sitting on the front
porch when she comes home he waits for the
truck door to close the puts off a string of fire
crackers. ®
8:20 p.m. chainsaw revving (not cutting) ®
9:17 p.m. firecrackers
9:43 p.m. owl call turns on
9:51 p.m. owl call turns off
10:25 p.m. 2 hoots from owl call
It is lightening and thundering this night

July 9, 2003-

Rainy morning

3:00 p.m. down by slowly in truck looking at house
it is raining

turns around and drives back up by slowly ®
8:06p.m. Gary and boys drive home and get flipped off ®
8:38 p.m. down by on motorcycle looking at house
turns around back up by -recorded ®
8:45p.m back up by (must have made the loop) ®
9:15 p.m. down by looking at house
turns around back up by -recorded ®
10:35 p.m. yelling F*** words ®

July 10,2003-

We are not home until 2:45 it is a rainy off & on day
4:00 p.m. down by
turn around back up by ®
9:40 p.m. firecrackers

July 11,2003-

5:26 p.m. down by on motorcycle (no helmet) looking at
house turn around back up by -recorded ®

Rainy & cold

July 12, 2003-

We leave early in the morning
8:11 p.m. We return home and close the doors, he begins
running back and forth on ATV all out with
backfiring ®
8:17 p.m. Stops
8:22p.m. down by slowly on motorcycle looking at house ®
8:24 p.m. back up by
8:25 p.m. back down
8:26 p.m. back up
8:35 p.m. firecrackers
8:58 p.m. yelling
9:03 p.m. walks down by looking at house
9:05 p.m. back up by looking at house (all above Ricky)

July 13,2003-

9:38 a.m. Rick waits for Wendy and the boys at the end of his
driveway. They are going to church. His 5yr.old
is with him and he flips off all 3 of them.

9:40 a.m. firecrackers
9:44 a.m. crow call on
9:48 a.m. crow call off
9:50 a.m. crow call on
10:00a.m. crow call off
10:50 a.m. down by on motorcycle slowly ®
10:52 a.m. back up by (recorded?) ®
11:10 a.m. Wendy and boys return the chain saw runs ®
11:16 a.m. –11:45a.m. various hammering, drilling, grinding
 clanging, banging, and yelling ®
11:46 a.m. down by on motorcycle looking at house ®
12:02 p.m. up by on motorcycle looks at house ®
12:10 p.m. large amount of firecrackers
12:45 p.m. chainsaw revving®
12:48 p.m. we leave
4:20 p.m. we return
4:26 p.m. down by on motorcycle checks on house ®
4:32 p.m. back up ®
4:37 p.m. firecrackers
5:00 p.m. down by ®
5:00 p.m. we leave
7:00p.m. we return
8:30 p.m. up by looking at house in truck ®
9:10 p.m. down by on motorcycle looking at house
 turn around back up by
 turn around back down by
 turn around back up by ®

July 14, 2003-

5:34 a.m. crow call on
5:36 a.m. crow call off
5:38 a.m. crow call on
5:45 am. Crow call off
8:30 p.m. we return
8:45 p.m. down by on motorcycle looks at house
 turn around back up by ®

9:22 p.m. owl call on (video owl call at son's window)

9:39 p.m. owl call off

July 15, 2003-

6:00 p.m. We return from being gone all day

6:12 p.m. down by on motorcycle checks house ®

6:20 p.m. up by ®

7:45 p.m. extremely loud fake burping ®

8:00 p.m. Peg, Bridget, and Amy walk by

July 16, 2003-

There is nothing to report on this date

July 17, 2003-

12:00 p.m. We return as soon as car doors close crow call
comes on

12:15 p.m. crow call off

4:40 p.m. firecrackers

7:42 p.m. down by on motorcycle looks at house ®

7:43 p.m. back up by

7:53 p.m. back up by again

July 18, 2003-

There is nothing to report on this date.

July 19, 2003-

7:00 a.m. weed eating Dave Yohe's property checks our back
door while doing this (video) ®

5:50 p.m. down by on motorcycle with rifle on back ®

5:55 p.m. Wendy and her mother pass him standing on edge
of road by motorcycle hunting on Wendy's family
farm, which he does not have permission to do

July 20, 2003-

6:14 a.m. crow call on

6:18 a.m. crow call off

7:24 a.m. crow call on

7:30 a.m. crow call off

7:55 a.m. firecrackers

8:00 a.m. leaf blower runs (no leaves) ®

8:10 a.m. leaf blowing ends

8:25 a.m. down by on motorcycle ®
8:38 a.m. up by VERY slowly looking at house ®
8:40 a.m. crow call on
8:52 a.m. crow call off
9:36 a.m. firecracker
9:39 a.m. crow call on
9:40 a.m. down by on motorcycle
crow call still on
Wendy and boys are leaving for church ®
9:41 a.m. back up by slowly looking at house ®
9:45 a.m. crow call off
11:10 a.m. chain saw on ®
11:11 a.m. chain saw off ®
12:15 p.m. RJ goes out to mow crow call turns on
12:27 p.m. crow call off
12:29 p.m. down by on motorcycle checks house ®
12:31 p.m. up by ®
1:30 p.m. We leave
3:40 p.m. we return
4:00 p.m. crow call on
4:25 p.m. down by on motorcycle with Amy
crow call still in LOUD ®
4:28 p.m. up by with Amy (video) ®
4:40 p.m. up by alone (video) ®
4:42 p.m. crow call off
4:58 p.m. up by on motorcycle (video) ®
5:20 p.m. up by on motorcycle ®
5:25 p.m. down by on motorcycle with Amy ®
9:00 p.m. up by ®
9:01 p.m. chain saw running (video) ®
9:10 p.m. firecrackers
9:30 p.m. down by on motorcycle looking at house ®
9:31 p.m. up by on motorcycle ®
9:44 p.m. yelling obscenities ®

July 21,2003-

6:00 p.m. LOUD music –truck radio with doors open-Mega
Rock

6:25 p.m. music off

6:35 p.m. crow call on

6:40 p.m. crow call off

7:35 p.m. loud music on – truck radio (video)

8:15 p.m. firecrackers –radio still on loud (video)

8:27 p.m. loud music off

9:27 p.m. down by on motorcycle looks at house

turn around up by

turn around down by SLOW looking at house

turn around up by ®

9:28 p.m. riding ATV back and forth (video) ®

9:40 p.m. leaf blower on and radio on ®

9:45 p.m. coasts motorcycle down road

turn around back up

shines lights down in our bedroom side windows

runs back and forth along fence ®

9:50 p.m. coasts motorcycle down by

turn around up by

shines lights in windows

runs back and forth along fence

shining light on our windows

runs back and forth along fence again ®

9:57 p.m. radio off

9:59 p.m. blowing horn

10:00 p.m. firecrackers

July 22,2003-

5:58 a.m. crow call on

5:59 a.m. crow call off

3:00 p.m. We arrived home crow call on

3:15 p.m. crow call off

9:09 p.m. coasts motorcycle down past house ®

9:10 p.m. up by on motorcycle ®

9:28 p.m. owl call on

9:46 p.m. owl call off

July 23,2003-

4:00 p.m. up by on motorcycle looking at house ®

5:45 p.m. down by on motorcycle ®
raining

July 24,2003-

4:10 p.m. down by on motorcycle
turn around up by ®

8:27 p.m. walk down by ®

8:37 p.m. walking back up by ®

8:45 p.m. firecrackers

9:02 p.m. 2 owl hoots

July 25,2003-

2:55 p.m. crow call on possibly by Bridget

3:07 p.m. Bridget yells rude comments

3:15 p.m. crow call off Nathan and Wendy are both outside
during this time

8:50 p.m. up by on motorcycle ®

9:05 p.m. loud radio

9:08 p.m. leaf blower and radio ®

9:13 p.m. coasts down by on motorcycle ®

9:15 p.m. up by on motorcycle rides on Dave Yohe's
property to look in our back door ®

9:20 p.m. back and forth on ATV (video) ®

9:22 p.m. ATV off

9:25 p.m. yelling loudly ®

9:27 p.m. yells loudly again ®

9:28 p.m. stands at end of fence on Dave Yohe's property
yelling at our house (can't understand what is
being said) ®

9:36 p.m. down by house turns around in front of house and
goes back up ®

9:37 p.m. ATV back and forth along fence and on Dave's
property to look in back door ®

radio off
9:38 p.m. runs leaf blower Wendy in kitchen and can be seen
from back door ®
9:41 p.m. leaf blower off
9:44 p.m. fire crackers
radio off
9:51 p.m. yells loudly ®
10:15 p.m. radio on
10:18 p.m. radio off
10:25 p.m. loud fake burping ®
10:30 p.m. pounding around fence

July 26.2003-

5:55 a.m. weed eater ®
6:00 a.m. ATV back and forth revving engine ®
6:02 a.m. weed eater ®
6:05 a.m. loud yelling and fake sneezing (F*** A** holes)®
6:45 a.m. weed eater off
6:46 a.m. revving ATV ®
6:48 a.m. ATV off
6:50 a.m. leaf blower ®
6:52 a.m. weed eater along fence again ®
7:10 a.m. weed eater off leaf blower on along fence ®
7:15 a.m. standing on the road with leaf blower looking
at our house ®
7:17 a.m. leaf blower off ®
7:30 a.m. crow call on
7:34 a.m. crow call off
7:36 a.m. crow call on again
7:37 a.m. weed eater and crow call ®
7:44 a.m. crow call off weed eater still on
7:58 a.m. crow call on again
8:06 a.m. crow call off
8:40 a.m. parks motorcycle at opposite side of our property
just below our driveway ®
9:00 a.m. we leave he is still sitting there watching our house

and us (video) ®

9:35 p.m. stops in front of house

does a 360-degree turn then proceeds down road®

9:43 p.m. back up by ®

back along fence onto Dave's property ®

down road ®

up road ®

9:49 p.m. down by very slow

stops in front of driveway with radio blasting in

truck ®

9:51p.m. back up by with radio blasting ®

9:58 p.m. firecrackers

10:11 p.m. pounding

10:30 p.m. stops pounding

10:40 p.m. crow call loud and short

July 27,2003-

6.00 a.m. revving chainsaw above the bedroom windows ®

6:15 a.m. chainsaw off

6:54 a.m. chainsaw revving again ®

6:55 a.m. chainsaw off

8:05 p.m. we return and crow call turns on

8:10 p.m. crow call off

Severe thunder and lightening storm

July 28,2003-

5:50 p.m. We pass Hazel Hollopeter's house Rick is mowing grass but stops the mower to sit and wait for us to go by when he sees us leaving. He flips us off as we go by. (we are going to the Clfd. Parade)

July 29, 2003-

1:30 p.m. We return home close doors crow call comes on

1:34 p.m. crow call off

4:30 p.m. crow call on

4:34 p.m. crow call off

5:50 p.m. Gary home

6:00 p.m. down by on motorcycle with rifle ®

6:07 p.m. up by with rifle ®
6:12 p.m. down by on motorcycle with rifle ®
6:40 p.m. up by slowly looking at house with gun ®
6:45 p.m. down by on motorcycle no gun ®
6:46 p.m. back up by ®
6:50 p.m. crow call on
7:02 p.m. crow call off
7:04 p.m. crow call on
7:09 p.m. crow call off
7:50 p.m. yelling obscenities ®
8:46 p.m. firecrackers
8:54 p.m. coasts down by on motorcycle ®
9:20 p.m. back up by motorcycle running ®
9:24 p.m. yelling ®

July 30, 2003-

11:30 a.m. Wendy out cleaning pool and Nathan mowing
crow call on
11:46 a.m. crow call off
4:00 p.m. crow call on
4:14 p.m. crow call off and weed eater on
4:32 p.m. weed eating on Dave's property looks in our back
door sees person standing there and flips them off
(video) ®
4:52 p.m. weed eater off
4:56 p.m. down by on motorcycle ®
5:00 p.m. back up by
5:02 p.m. crow call on and weed eating ®
5:13 p.m. all off

July 31- Aug. 4, 2003-

We are out of town until Aug. 4, 2003 until 8:15 p.m.
8:20 p.m. clanging bell after the doors of van
close
8:29 p.m. clanging bell again
8:34 p.m. down by on motorcycle ®
8:36 p.m. back up by looking at house ®

8:37 p.m. down by (video) ®
8:46 p.m. up by looking at house (video) ®
8:48 p.m. back down by ®
8:49 p.m. up by again ®
8:53 p.m. clanging of bell
9:27 p.m. owl calls on
9:40 p.m. owl calls off
9:52 p.m. owl calls on again
9:58 p.m. owl calls off

Aug 5, 2003-

6:37 p.m. down by on motorcycle looking at house ®
7:14 p.m. up by on motorcycle looks at house ®
7:15 p.m. back down on motorcycle looking at house ®
7:37 p.m. up by on motorcycle looking at house ®
7:39 p.m. clanging on bell
7:40 p.m. quits
7:41 p.m. revving chain saw ®
7:42 p.m. chain saw off

Aug 6, 2003-

6:40 p.m. up by with gun on back on motorcycle ®
9:10 p.m. clanging bell
9:11 p.m. stops
9:12 p.m. down road on motorcycle looking at house ®
9:14 p.m. up by on motorcycle ®
9:16 p.m. clanging bell (video)
9:19 p.m. owl calls on
9:35 p.m. Owl calls off
10:10 p.m. yelling ®

Aug 7 2003-

7:57 a.m. clanging bell
7:59 a.m. clanging bell again
7:34 p.m. crow call on
7:49 p.m. crow call off
7:50 p.m. crow call on again
7:54 p.m. crow call off

8:19 p.m. down by on motorcycle (no helmet) ®

8:21 p.m. up by on motorcycle looks at house ®

8:25 p.m. back down by ®

8:35 p.m. back up by ®

8:37 p.m. down by on 4-WHEELER

turn around back up by (video) ®

8:45 p.m. yelling ®

8:57 p.m. owl calls on

9:05 p.m. owl call off

9:27 p.m. owl calls on again

9:30 p.m. owl calls off

9:40 p.m. yelling ®

Aug. 8, 2003-

8:29 p.m. Wendy returns home from work as soon as door closes he yells (can't understand what is being said) ®

9:18 p.m. owl calls on

10:15 p.m. scanner is turned up loud and left on all night (video)

Aug. 9, 2003-

7:54 a.m. crow call on

8:16 a.m. crow call off

8:55 a.m. crow call on

9:05 a.m. crow call off

9:08 a.m. backs down the road in the truck with the radio blasting, stops, looks in windows goes quickly back up the road ®

Scanner is still on at this time

3:10 p.m. Gary and boys arrive home and crow call begins fireworks and yelling ®

3:15 p.m. continues to yell ®

3:20 p.m. crow call of new call noise (video) elk? Begins

3:40 p.m. new call off

3:41 p.m. new call #2 on (video) goose?

3:54 p.m. new call #2 off

7:52 p.m. scanner is turned on very loud
10:03p.m. scanner off
Aug.10, 2003-
8:29 a.m. scanner on Loud
9:20 a.m. crow call is on. We leave
7:52 p.m. We return
crow call is on
8:06 p.m. weed eating Gary is out back checking on pool
8:15 p.m. clanging bell
Gary is still out back
8:20 p.m.-8:21 p.m. crow call on
back and forth on 4-wheeler ®
8:25 p.m. back and forth again on 4-wheeler again ®
8:30 p.m. done for now
8:39 p.m. 4-wheeler again ®
8:45 p.m. coasts down on motorcycle ®
8:47 p.m. back down ®
8:51 p.m. Dave puts No Trespassing Signs
on his property
9:06 p.m. back up VERY SLOW
Starts yelling F***** A*** Chicken S***
Dave Yohe and many other profane statements
Towards both Dave and us ®
9:15 p.m. 4-wheeler ®
9:18 p.m. owl call on

There is yelling and screaming in Dave Yohe's driveway
between Rick and Dave
Wendy calls the police; she is told there has already been
two police on the way.
Wendy calls the police again when Bill Schrieber (Ricks
father) drives down and starts yelling at Dave also.
We hear Rick and his father arguing with the police when
they arrive.
Both Wendy's sister-in-law and her father call to make sure

that we were okay because they heard Rick screaming from their homes, which are approx. ½ -1 mile, down the road

Aug. 11 .2003-

8:45 p.m. leaf blowing

9:00 p.m. slams metal belco doors

Aug. 12,2003-

6:02 a.m. slams metal belco doors 3 times

Aug. 13,2003 –

4:30 p.m. Wendy just got in the house from taking clothes off the line and there are 4 LONG horn blows

8:45 p.m. RJ shuts truck door and he fake burps

Aug, 14, 2003-

8:00 p.m. follows us from the top of the hill just out of Luthersburg all the way home we went the whole way to Sunset Lake Rd. and in past Knisley's farm to get home. ®

9:30 p.m. Circular saw runs for a short time

10:20 p.m. horn blows once at his house

2 times in front of our house

2 times at Dave's driveway (probably his dad)

Aug. 17, 2003 –

10:30 p.m. yelling –“people F*** low lifes” ®

Aug. 20, 2003

8:20 p.m. down by on motorcycle passes Wendy who now comes home the back way ®

8:30 p.m. back up by VERY slowly ®

Aug. 21, 2003-

8:30 – 9:50 p.m. mows ®

Aug. 23, 2003-

6:05-6:24p.m. playing music at a reasonable volume

8:15 p.m. Aimee and Ricky walk down by (we arrived back home at 8:10)

8:29 p.m. back up by

10:04 p.m. down by very slow ®

10:15 p.m. up by ®

Aug. 26, 2003-

6:00 pm. Leaf blower ®

6:07 p.m. stops runs chain saw for a short time ®

7:07 p.m. radio on

7:08 p.m. down by on motorcycle ®

8:18 p.m. up by

Aug. 27, 2003-

RJ tells us a light is in the window that shines in his bedroom all night

We think his oldest daughter moved out so that is why the light is in the window.

Aug. 27, 2003-

6:10 p.m. down by in car ®

6:15 p.m. up by in car ®

6:18 p.m. down by in car

6:20 p.m. up by in car looking at house ®

December 24, 2003-

9:15-9:20 p.m. clanging bell (not suppose to be at the house)

February 6, 2004-

6:00 p.m. approx. Gary plowing Ricky yelling

February 8, 2004-

12:50 p.m. Ricky is walking towards Hazel's with snow blower with Peggy & Aimee Ricky grabs his crotch & yells "Bite this A**hole" to Gary as he drives by

March 11, 2004-

4:52 a.m. dragging metal cans across concrete pad

March 15, 2004-

4:30 a.m. pounding in house for approx. 1/2 hr.

March 16, 2004-

5:02 a.m. kicking metal cans across concrete pad

March 26, 2004-

Moved back into house

March 29, 2004-

5:34 owl call

April 16, 2004-

5:55 a.m. radio in truck blaring till he leaves ®

5:00 p.m. we return both truck doors open and radio
blaring

April 18, 2004-

8:00 p.m. Ricky yells rude remarks at my son

June 30, 2004-

6:40 a.m. Ricky runs out driveway towards road as Gary
and RJ go up starts laughing with his hands in
his pockets.

6:45 a.m. Ricky runs out door and watches Wendy go up by

6:30 p.m. (approx.) Walks up by house carrying camcorder
under his arm facing Nate ®

6:33 p.m. Goes down road on motorcycle with Aimee in
front ®

6:38 p.m. goes up by ®

got on bicycle went down turned around at about
Dave's driveway back up

8:00 p.m. sitting on front porch swing as soon as Wendy gets
door open he starts riding back and forth on motor
cycle above fence ®

9:00 p.m. down by in truck®

July 1, 2004-

11:01 a.m. down by in truck with trailer full of dirt
turn around someplace back up by ®

4:35 p.m. My mom stops comes down by on motor-
cycle ®

4:52 p.m. up by on motorcycle ®

5:27 p.m. up by ®

8:45 p.m. up by radio on ®

9:00 p.m. riding along fence ®

9:15 – 11:30 p.m. washes truck, sings, slams doors, etc.
runs impact wrench ®

July 2, 2004-

5:00 p.m. we arrive home they see us go by

5:05 p.m. Ricky and Aimee go down by on motorcycle

5:25 p.m. up by

July 5,2004-

9:40 a.m. up by on motorcycle checks to see if Wendy
is leaving waits in driveway to "grin" at Wendy
as she goes by ®

10:55 a.m. drives by Wendy's work®

3:10 p.m. up by on motorcycle turns head to see Wendy out®

6:00 p.m. goes up by slowly on motorcycle ®

8:20 p.m. watches us grinning as we come home ®

8:25 p.m. Gary & Wendy go out to unload wood he goes
back and forth on motorcycle ®

9:00 p.m. Launched loud fireworks

July 6,2004-

10:17 a.m. Wendy out at clothes line loud music from
bedroom window

6:00 p.m. up by in truck ®

7:40 p.m. down by on motorcycle ®

7:50 p.m. up by ®

8:00 p.m. back and forth along fence ®

9:15 p.m. down by ®

9:30 p.m. up by ®

July 7,2004-

7:10 p.m. Ricky and Aimee down by on motorcycle
very slowly Aimee on back

7:30p.m. back up

July 9,2004-

7:45 a.m. weed eats Dave's property

8:15 a.m. backs down road in truck to see if Wendy is
out Wendy is hanging clothes looks over at
her watches then goes slowly back up to
driveway

September 1,2004-

Cut our grass over the weekend

5:50 a.m. pounding (rocks together ?)

September 3, 2004-

8:00 p.m. Gary comes home Ricky stands on the deck of his garage watches Gary over fence and runs chain saw while watching

8:08 p.m. Gary goes out to clothes line Wendy comes down the road he follows as she goes up the driveway on motorcycle ®

September 8, 2004-

9:00 p.m. running generator Electric works!! Called police They call him and got a story Turns off generator approx. ½ hr after the police call us back

September 10, 2004-

5:30 a.m. owl call

September 12, 2004-

9:00p.m. leaf blower approx. ½ hr.

September 17, 2004-

7:00 p.m. – 9:30 a.m. ran generator turned off right after Gary & RJ drove past their house never had a load on it

September 22, 2004-

Afternoon- Ricky has a screaming fit when Dave Yohe was shooting his gun. Profanity –says he could make noise too ran his leaf blower while standing on his garage deck

September 26, 2004-

6:50 p.m. we arrive home

6:52 p.m. leaf blower then weed eater then air compressor lasting approx. ½ hr

September 27, 2004-

6:00 a.m. revving motorcycle

September 30, 2004-

8:2a.m. daughters bus goes by loud music after garage door is opened scanner blares over the music

runs approx. 1+ hrs (Peggy home)

5:35 p.m. leaf blower ®

October 5,2004-

6:33 p.m. leaf blowing ®

6:50 p.m. leaf blower off

7:00 p.m. generator on No problem with elec.

7:30 p.m. generator of

October 6,2004-

4:25 p.m. leaf blower ®

8:07 p.m. Wendy comes home shuts truck door
loud bang

October 9,2004-

8:20 a.m. revs chain saw for approx. 3 min.®

1:15 p.m. clanging bell

October 10,2004-

10:45 a.m. goes by our church looks for our truck
looks at RJ then turned around and left ®

4:15 p.m. yells about our building he's going to
call the tax office ®

6:30 p.m. we have people here he leaf blows ®

October 11,2004-

6:00 a.m. radio in truck blaring

5:20 p.m. starts leaf blower (Gary & RJ are outside)

Aimee yells it is annoying

Pulls truck out of garage & turns radio on
LOUD ®

October 13,2004-

8:05 p.m. Wendy comes home closes truck door
sounds like cap gun goes off

October 14,2004-

6:00 a.m. loud music

October 19,2004-

6:30 p.m. truck radio

7:15 p.m. leaf blower ®

October 20,2004-

5:53 a.m. truck radio
4:35 p.m. leaf blower ®
October 25,2004-
4:40 p.m.- 5:40 p.m. generator
October 26,2004-
4:30 p.m.- 6:00 p.m. leaf blowing ®
October 27,2004-
5:00 sound like shots
6:00 yelling ®
8:00p.m. -10:03 generator
October 28,2004-
5:50 p.m. generator
7:00 p.m. generator off
7:30 p.m. generator back on
8:55 p.m. chain saw at basement door ®
10:16 p.m. generator off
banging of things being thrown
truck radio
10:30 p.m. slamming of metal doors
yells about a new sump pump he'd have
to run Ha Ha
goes by house up & down ®
October 29,2004-
6:50 a.m. truck radio

October 30,2004-
6:00 a.m. truck radio
10:15 p.m. turkey call, he had just drove up by and went
in his driveway
Must have signed paper from court now uses circular saw for noise

November 1,2004-
6:45 circular saw
November 6.2004-
9:45 a.m. circular saw

5:27 p.m. Wendy closes door bangs on wood
November 7,2004-
9:25 a.m. Gary goes out the road on backhoe he follows
him down after a few min. turns around at Y
as Gary goes up the hill
November 18,2004-
9:30 p.m. beating on metal garbage cans
November 19,2004-
6:00 a.m. truck radio
8:14 p.m. lawn mower ®
November 20, 2004-
12:45 p.m. flips off Wendy ®
November 21,2004-
1:00 p.m. screaming singing to his radio which is
turned up loud ®
9:00 p.m. banging metal doors and metal garbage cans
December 25,2004-
4:30 p.m. goes down by extremely slow checks us out
(we just go home) ®
4:35 p.m. goes back up checks us out again ®
December 31,2004-
5:50 p.m. we return home he yells ®
January 1,2005-
1:00 p.m. approx. Sees Gary outside turns radioup loud
as he drives by from driveway to fence then
turns and comes back down ®
January 2,2005-
7:40 p.m. Gary and Nate return home he yells as soon as
the doors on van close ®
February 20,2005-
8:00 p.m. snow blower short time ®
8:05 p.m. snow blower again runs for approx. 45 min. ®
February 21,2005-
5:10 a.m. truck radio blaring
February 23,2005-

8:00 p.m. snow blowed at Hazel's then came back to his house and snow blowed until 9:15 p.m. ®

February 28,2005-

11:30 p.m. Ricky is snow blowing Wendy calls police they call Mike Moscal (his probation officer) he returns my call at 12:10 a.m. says they won't send police out about 12:30 a.m. he quits

July 6,2005-

9:00 p.m.- 9:30 p.m. approx. putting off snap poppers

July 7,2005-

9:00p.m.-9:45p.m. approx. putting off snap poppers and loud belching sounds ®

August 22,2005 – 6:05 am starts and revs motorcycle on cement pad in front of basement door. Rides along fence up to garage lets run for approx 5 min. then left ®

August 23, 2005 – 6:05 am starts and revs motorcycle on cement pad in front of basement door. Rides along fence up togarage lets run for appox 5 min then leaves®

8:20- 8:30 runs motorcycle along fence ®

August 25, 2005-

7:12pm – 7:30 pm rides back and forth above fence on motorcycle ®

Tells daughter “ After we get the 4 wheeler licensed we can ride it in the yard as much as we want.” (on video)

October 26,2005-

4:30-5:20 p.m. leaf blower®

6:15 p.m. My boys follow him from feeding the dog, they pull into our driveway Ricky and his family sit out in front of our house watching them. They leave quickly when Gary goes out with video camera.

6:25 – 7:00 p.m. leaf blowing again even though it is dark outside! No outside lights are on at

his house!

October 30, 2005-

3:30 p.m. (approx.) Gary goes outside he mows the lawn for about 40 min. Leaf blows for about 20 min. then weed eats for about 20 min.

October 31, 2005-

5:45 p.m. follow Gary up road then mows again for about 20 min.

November 12, 2005

Put up a BRIGHT outside light, on the south side of his house so that it shines into our bedroom and bathroom windows. Leaves it on all night both Saturday and Sunday night.

November 16 & 17, 2005

A bright light is shown in the bedroom windows at 6:00 a.m..

November 20, 2005

Light is on when we come home and goes out after 8:00 p.m.

November 21, 2005

Light is on when we got home (kids say it has been on) till 9:10 p.m.

November 23, 2005-

6:00 a.m. car radio blares for about 3+ min.

November 23, 2005-

5:20 p.m. Bright light is on.

December 16, 2005-

5:20 a.m. Ricky is snow blowing. Police are called. Officer Bontempo is the officer who gets the call. He is told that Ricky is violating his probation. Officer Bontempo returns the call saying that Mike Moscall has been notified and that there is "something to do with inches" and that Mike

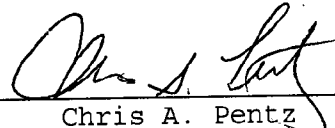
VERIFICATION

I, Chris A. Pentz, have read the foregoing Second Amended Complaint of the Plaintiffs, Gary L. Weber and Wendy D. Weber. The statements therein are correct to the best of my personal knowledge or information and belief.

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

I am authorized to make this verification on behalf of Plaintiffs because of my position as counsel of record.

Date: 5-30-06



Chris A. Pentz
207 East Market Street
Clearfield PA 16830
814 765-4000
I. D. # 39232

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

FILED ^{NOC}
JUN 01 2006

William A. Shaw
Prothonotary/Clerk of Courts

Date: 6-1-06


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* No. 2005- 934 -CD
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* Type of Case: Invasion of
* Privacy
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* Type of Pleading: Certificate
* of Service
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*
* Filed on Behalf of: Plaintiffs
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*
* Counsel of Record for this Party:
*
* Chris A. Pentz
* CHRIS A. PENTZ, Esquire
* Supreme Court I.D. # 39232
* 207 East Market Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000
*
*
*
* Filed by:
*
* Chris A. Pentz
* Chris A. Pentz, Esquire
* 207 East Market Street
* P. O. Box 552
* Clearfield, PA 16830
* 814 765-4000

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No. 05-934-C.D.
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CERTIFICATE OF SERVICE

This is to certify that on the 1 day of June
2006, the undersigned served two copies of the Second Amended
Answer by first class mail, postage prepaid to:

Joseph E. Buckley
Attorney at Law
100 Main Street
Brookville, PA 15825-1213


Chris A. Pentz, Esquire
Attorney for Plaintiffs
I. D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

CA

William A. Shaw
Prothonotary/Clerk of Courts

3cc
Atty Buckley
(67)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL ACTION – LAW

Gary L. Weber
Wendy D. Weber,
Plaintiff,

vs.

Ricky Schreiber
Peggy Schrieber,
Defendants.

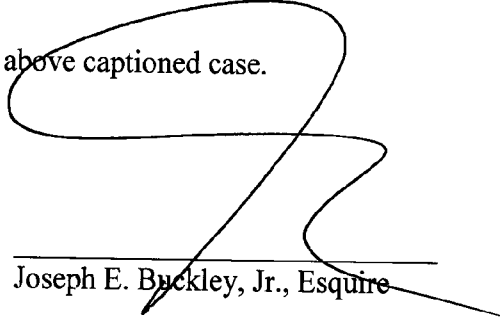
:
:
: No: 2005-00934-CD
:
: Type of Pleading:
: Praecept to Withdraw
: Preliminary Objections
:
:
: Filed on behalf of:
: Defendants
:

PRAECEPT TO WITHDRAW PRELIMINARY OBJECTIONS

To the Prothonotary:

Kindly withdraw the Preliminary Objections in the above captioned case.

Date: 6/8/06


Joseph E. Buckley, Jr., Esquire

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

**Gary L. Weber
Wendy D. Weber,
Plaintiff,**

vs.

**Ricky Schreiber
Peggy Schrieber,
Defendants.**

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No: 2005-00934-CD

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct filed copy of the foregoing Praecipe to Withdraw Preliminary Objections in the above-entitled action was served on the following via First-class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

Chris A. Pentz
P.O. Box 552
Clearfield, PA 16830

Date: _____

6/8/06

Joseph E. Buckley, Jr., Esquire

1A

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

GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs

vs.

RICKY SCHREIBER and,
PEGGY SCHREIBER,
Defendants.

Type of Case: Civil

No. 2005-934-C.D.

Type of Pleading:
Preliminary Objections

Filed on Behalf of Defendants

Counsel of Record for This Party
The Law Offices of Joseph E. Buckley, Jr.
100 Main Street
Brookville, PA 15825-1213
(814) 849-2828
JOSEPH E. BUCKLEY, JR.
I.D. No: 49827

FILED

JUN 15 2006

William A. Shaw
William A. Shaw

Prothonotary/Clerk of Courts

A

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

GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs

vs.

RICKY SCHREIBER and,
PEGGY SCHREIBER,
Defendants.

Type of Case: Civil

No. 2005-934-C.D.

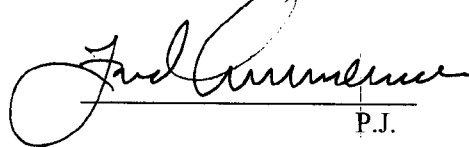
Type of Pleading:
Preliminary Objections

ORDER

AND NOW, this 23 day of June, 2006, the Court having received Defendant's Preliminary Objections in the above case, and for good cause having been shown, it is

SO ORDERED that Hearing on said Motion shall be conducted on the 21st day of July, 2006 at 9 : 00 A.m. at the Clearfield County Courthouse, Clearfield, Pennsylvania, in Court Room 1.

BY THE COURT,


P.J.

FILED
013:1461
JUN 23 2006

icc
Amy Buckley
cc

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

JUN 23 2006

FILED

DATE: 6/22/06

X You are responsible for serving all appropriate parties.

_____ The Prothonotary's office has provided service to the following parties:

_____ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other

_____ Defendant(s) _____ Defendant(s) Attorney

_____ Special Instructions:

DATE: 6/23/06

☒ You are responsible for serving all appropriate parties.

____ The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other

____ Defendant(s) _____ Defendant(s) Attorney

____ Special Instructions:

William A. Shaw
Prothonotary/Clerk of Courts

JUN 23 2006

FILED

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

**GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs**

vs.

**RICKY SCHREIBER and,
PEGGY SCHREIBER ,
Defendants.**

: Type of Case: Civil
:
:
: No. 2005-934-C.D.
:
: Type of Pleading:
: Preliminary Objections
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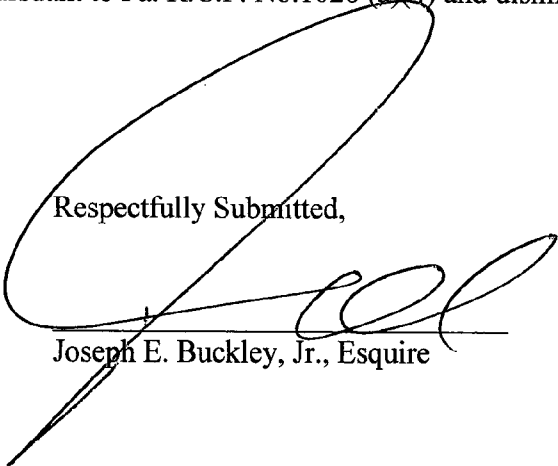
**First Preliminary Objection in the Form of a Demurrer for Failure to State a Claim for
which Relief may be Granted**

1. This Objection is made pursuant to Pa.R.C.P. No.1028(a)(4).
2. Plaintiffs single count complaint and demand for relief fails to aver facts which, if proven, would sustain a valid claim for relief in Invasion of Privacy.
3. The Plaintiffs' Second Amended Complaint fails to allege any invasion into Plaintiffs' private effects or personal affairs. *Marks v. Bell Telephone Co.*, 331 A 2d 424 at 431, 460 Pa. 73 at 87 (1975).
4. The Plaintiffs' Second Amended Complaint fails to aver that the Defendants have appropriated Plaintiffs' names or likenesses. *Vogel v. W.T. Grant Co.*, 327 A 2d 133 at 136, 458 Pa. 124 at 130 (1974).
5. The Plaintiffs' Second Amended Complaint fails to aver that the Defendants have given publicity to the private life of the Plaintiffs or publicized the Plaintiffs before the public in a false light. *Vogel v. W.T. Grant Co.*, 327 A 2d 133 at 136, 458 Pa. 124 at 130 (1974).

WHEREFORE, Defendants respectfully request this Court to grant their preliminary objections by way of demurrer pursuant to Pa. R.C.P. No.1028 (a)(4) and dismiss the Plaintiffs' Second Amended Complaint.

Respectfully Submitted,

Date: 6-12-06



Joseph E. Buckley, Jr., Esquire

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

**GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs**

vs.

**RICKY SCHREIBER and,
PEGGY SCHREIBER ,
Defendants.**

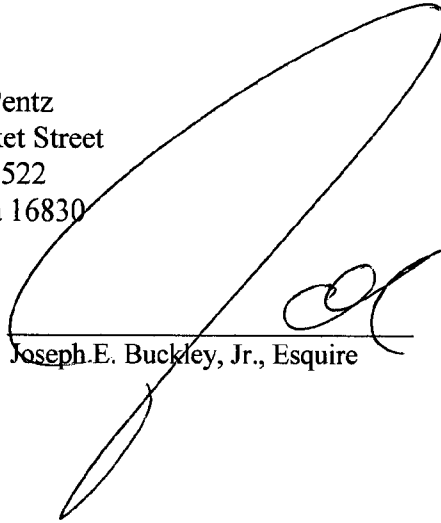
: Type of Case: Civil
:
:
: No. 2005-934-C.D.
:
: Type of Pleading:
: Preliminary Objections
:
:
:

Certificate of Service

I hereby certify that a true and correct copy of the Defendants Preliminary Objections to Plaintiffs' Complaint submitted to the Prothonotary in the above-entitled action was served on the following via First-Class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

Chris A. Pentz
207 East Market Street
P.O. Box 522
Clearfield Pa 16830

Date: 6-13-06



Joseph E. Buckley, Jr., Esquire

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

GARY L. WEBER and WENDY B. :
WEBER :

-VS-

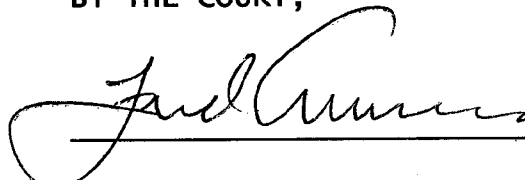
No. 05-934-CD

RICKY and PEGGY SCHREIBER :

O R D E R

NOW, this 21st day of July, 2006, following argument on the Defendants' Preliminary Objections, it is the ORDER of this Court that counsel for the Plaintiffs provide the Court with letter brief by no later than August 1, 2006. Counsel for the Defendants shall provide the Court with a reply brief by no later than August 7, 2006.

BY THE COURT,



President Judge

FILED

JUL 21 2006

014:00/W

William A. Shaw
Prothonotary/Clerk of Courts

2 CERT TO ATTY

PENTZ
+
BUCKLE

DATE: 7-21-06

____ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) ☒ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ☒ Defendant(s) Attorney

____ Special Instructions:

FILED
JUL 21 2006
William A. Shaw
Prothonotary/Clerk of Courts

UA

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

GARY L. WEBER, and
WENDY B. WEBER,
Plaintiffs,

v.

RICKY SCHREIBER, and
PEGGY SCHREIBER
Defendants.

No. 05-934-CD

FILED

AUG 18 2006

0/3:00
William A. Shaw
Prothonotary/Clerk of Courts

2 cent to Appell

Pence to Quinn

OPINION

This matter comes before the Court pursuant to Preliminary Objections filed in regard to Plaintiffs' Second Amended Complaint. The Defendants argue that Plaintiffs' cause of action alleging intrusion upon seclusion is invalid as a matter of law. Oral argument relative Defendants' Preliminary Objections was held July 21, 2006.

In reviewing Preliminary Objections, the Court must accept as true all well-pleaded material facts as set forth in the Amended Complaint, along with any reasonably deducible inferences from those facts. Schuylkill Navy v. Langbord, 728 A.2d 964 (Pa.Super. 1999). Preliminary Objections will be sustained only if they are clear and free of doubt. Milliner v. Enck, 709 A.2d 417 (Pa.Super. 1998). Any doubts must be resolved in favor of the Plaintiff. Powell v. Drumheller, 653 A.2d 619, 621 (Pa. 1995).

Defendants assert the claim for intrusion upon seclusion is legally insufficient as pleaded by Plaintiffs. Specifically, Defendant states the Second Amended Complaint fails to allege 1) any invasion into Plaintiffs' private effects or personal affairs; 2) that Defendants have appropriated Plaintiffs' names or likeness; and 3) that the Defendants have given publicity to the private life of the Plaintiffs or publicized the Plaintiffs before the public in a false light.¹ If Defendant is correct, the claim for intrusion upon seclusion must fail.

¹ See Defendants' Preliminary Objections, Paragraphs 3-5, filed June 15, 2006.

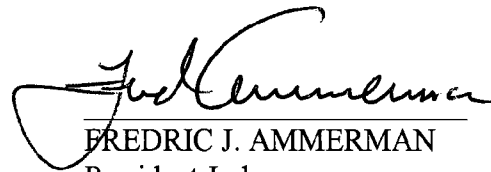
The tort of intrusion upon seclusion is a member of a complex of four torts referred to generally as invasion of privacy. DeAngelo v. Fortney, 515 A.2d 594, 595 (Pa.Super. 1986). The Restatement (Second) of Torts, Section 652B defines intrusion upon seclusion as: “[o]ne who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.” Harris by Harris v. Easton Pub. Co., 483 A.2d 1377, 1383 (Pa.Super. 1984). “The defendant is subject to liability under this section only where he has intruded into a private place or has otherwise invaded a private seclusion that the plaintiff has thrown about his person or affairs.” Id.

Additionally, “[r]epeated harassment that amounts to hounding and becomes a substantial burden to a plaintiff may be an intrusion upon seclusion, if the intrusion would be highly offensive to a reasonable person.” Speight v. Personnel Pool of America, Inc., 1993 WL 276859 (E.D. Pa. 1993) (examining DeAngelo v. Fortney, 515 A.2d 594, 595 (Pa.Super. 1986)).²

Plaintiffs’ Second Amended Complaint contains various allegations that Defendants engaged in behavior that may be substantial and highly offensive to a reasonable person. This Court believes granting dismissal is premature. Plaintiffs have pleaded with sufficient detail to proceed. Accordingly, Defendants’ Preliminary Objections must be denied.

BY THE COURT,

Date: August 18, 2006


FREDRIC J. AMMERMAN
President Judge

² See also Wolfson v. Lewis, 924 F.Supp. 1413, 1420 (E.D. Pa. 1996) (acknowledging Pennsylvania courts’ refusal to recognize a separate tort for harassment because an action for invasion of privacy will ordinarily be an adequate remedy for highly offensive conduct which unreasonably interferes with another’s right to be left alone).

DATE: 8-18-06

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

CA

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

GARY L. WEBER, and
WENDY B. WEBER,
Plaintiffs,

v.


RICKY SCHREIBER, and
PEGGY SCHREIBER
Defendants.

:
: No. 05-934-CD
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:

ORDER

NOW, this 18th day of August 2006, it is the ORDER of this Court that Defendants' Preliminary Objections filed on June 15, 2006, be and are hereby DENIED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

AUG 18 2006

0/3:30/W
William A. Shaw

Prothonotary/Clerk of Courts

2 COPY TO ATTY'S

PENNY
&
BUCKLE

OK

DATE: 8-18-06

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

No. 2005- 934 -CD

Type of Case: Invasion of
Privacy

Type of Pleading: Certificate
of Service

Filed on Behalf of: Plaintiffs

Counsel of Record for this Party:

Chris A. Pentz
CHRIS A. PENTZ, Esquire
Supreme Court I.D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

FILED

03:40pm
SEP 20 2006

Not
(S)

Filed by:

William A. Shaw
Prothonotary/Clerk of Courts

Date: 9-19-06

Chris A. Pentz
Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield, PA 16830
814 765-4000

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

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No. 05-934-C.D.

CERTIFICATE OF SERVICE

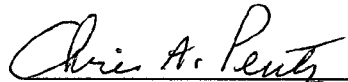
This is to certify that a certified copy of a Praecipe
to Enter Judgment by Default was served upon the following by
regular mail, postage prepaid, from the U.S. Post Office at
Clearfield PA 16830:

Joseph E. Buckley
Attorney for Defendants
100 Main Street
Brookville, PA 15825

Mr. Ricky Schreiber
2257 Rock Run Road
Rockton PA 15856

Mrs. Peggy Schreiber
2257 Rock Run Road
Rockton PA 15856

Service was made the 19th day of September, 2006



Chris A. Pentz, Esquire
Attorney for Plaintiffs
I. D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

No. 2005- 934 -CD

Type of Case: Invasion of
Privacy

Type of Pleading: Praecipe to
Enter Judgment By Default

Filed on Behalf of: Plaintiffs

Counsel of Record for this Party:

CHRIS A. PENTZ, Esquire
Supreme Court I.D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

Filed by:

Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield, PA 16830
814 765-4000

FILED

01/10:36/01
SEP 22 2006

William A. Shaw
Prothonotary/Clerk of Courts

Date: 9/19/06

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

GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs

vs

No. 05- 934 -C.D.

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

PRAECIPE TO ENTER JUDGMENT BY DEFAULT

To: RICKY SCHREIBER and
PEGGY SCHREIBER
c/o JOSEPH E. BUCKLEY, JR.:

Date of Notice:

9/13/06

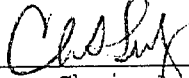
IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, AJUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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 ELLIGIBLE PERSONS AT A REDUCED OR NO FEE.

Office of Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield PA 16830
814 765-2641 Ext. 50-51

A handwritten signature in cursive script, appearing to read "Chris A. Pentz", written over a horizontal line.

Chris A. Pentz
207 East Market Street
Clearfield PA 16830

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

**Gary L. Weber
Wendy D. Weber,
Plaintiff,**

vs.

**Ricky Schreiber
Peggy Schrieber,
Defendants.**

:
:
: **No: 2005-934-CD**
:
: **Type of Pleading:**
: **Answer to Second Amended**
: **Complaint and New Matter**
:
: **Filed on behalf of:**
: **Defendants**
:
: **Counsel of Record:**
: **Joseph E. Buckley, Jr., Esquire**
: **Supreme Court I.D.# 49827**
:
: **Law Offices of Joseph E. Buckley, Jr.**
: **100 Main Street**
: **Brookville, PA 15825**
: **814-849-2828**

FILED ^{icc}
m111361
SEP 26 2006
Ang Buckley
William A. Shaw
Prothonotary/Clerk of Courts

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

**Gary L. Weber
Wendy D. Weber,
Plaintiff,**

vs.

**Ricky Schreiber
Peggy Schrieber,
Defendants.**

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No: 2005-934-CD

ANSWER TO SECOND AMENDED COMPLAINT AND NEW MATTER

AND NOW, come the Defendants, Ricky and Peggy Schreiber, by and through their Attorney Joseph E. Buckley, Jr., by way of Answer to Second Amended Complaint and New Matter, allege:

1. Admitted.
2. Admitted.
3. Denied and on the contrary there are no relevant times of this complaint because the Defendants are not liable for any alleged wrongdoing. It is denied that the Plaintiffs kept a log of events at or about the time these events were incurred.
4. Admitted.
5. Denied and on the contrary if the Plaintiffs did not have an adequate remedy at law then damages would not be available to them. Their claim for relief sounds in money damages.
6. Denied and on the contrary Defendants did not intrude upon the private concerns and nor was there actions substantial or highly offensive.

WHEREFORE, your Defendants demand that the Complaint be dismissed.

7. Defendants repeat counts 1 – 6 as if fully set forth herein.
8. It is denied that both Defendants have made noise without purpose other than to inflict emotional distress upon and to invade the privacy of Plaintiffs. It is specifically denied as follows:
 - a. It is denied that the Defendants played amplified crow calls for extended periods of times and at various hours;
 - b. It is admitted that the Defendant Ricky Schreiber operated a leaf blower but not for extended periods of time and he did operate it at various hours for purposes of blowing leaves on his own land;
 - c. It is admitted that on certain occasions when power outages or necessity was needed, that the Defendant Ricky Schreiber operated a generator but this was not done for extended periods of time. It is specifically denied that Peggy Schreiber ran a generator;
 - d. While it is admitted that a weed eater was operated by the Defendant Ricky Schreiber and not Peggy Schreiber, it is denied that the weed eater was operated for inappropriate periods of time or extended periods of time;
 - e. It is admitted that a snow blower was for certain periods of time operated to clear snow and not for the reason of harassing or in any way intimidating the Plaintiffs;
 - f. It is admitted that a lawn tractor was operated on the property of the Defendants for purposes of taking care of the lawn. It was not operated for extended periods of time for anything other than the private personal use of the Defendants and not to intimidate or harass the Plaintiffs;
 - g. While it was admitted that the Defendant Ricky Schreiber drove a four-wheeler, it is denied that it was used to harass in any way the Plaintiffs;
 - h. Denied;
 - i. Denied;

- j. Denied;
 - k. It is denied that the Defendants in any way threw fire crackers at Wendy D. Weber;
 - l. It is admitted that at certain times the Defendants did drive on their own property along the property lines but this was done for their own purposes and not to harass in any way the Plaintiffs;
 - m. Denied;
 - n. Denied;
 - o. Denied;
 - p. Denied;
 - q. Denied. Furthermore, it is denied that Peggy Schreiber was involved in any of these activities on the dates set forth in exhibit "c".
9. Admitted.
10. Admitted.

WHEREFORE, it is demanded that the Court enter judgment and in favor of the Defendants and against the Plaintiffs.

NEW MATTER

COUNT I

Defendants by way of New Matter state:

1. Plaintiffs consented to the activities of Defendants in as much as they themselves were guilty of doing the very things that they say the Defendants were doing.

COUNT II

2. Defendants were under siege by the actions of the Plaintiffs and were under duress and justified in taking some of the actions that they took in order to protect their property and their personal dignity.

3. In as much as the Plaintiffs seek equitable remedies, they come to the Court with unclean hands.

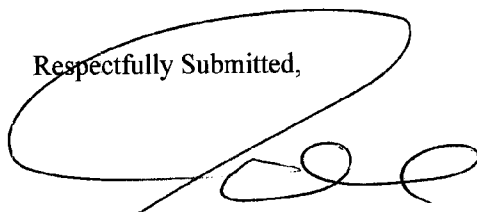
They cannot seek from this Court an equitable remedy when they themselves have caused it to be.

4. Defendants come in to Court and are alleging activities that occurred years prior. They are guilty of laches.

WHEREFORE, your Defendants demand that the Plaintiffs Complaint be dismissed.

Date: 9.21.06

Respectfully Submitted,



Joseph E. Buckley, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL ACTION – LAW

Gary L. Weber
Wendy D. Weber,
Plaintiff,

vs.

Ricky Schreiber
Peggy Schreiber,
Defendants.

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No: 2005-934-CD


VERIFICATION

We, Ricky and Peggy Schreiber, Defendants, in the above-captioned action, do verify that the statements made in the within Answer to Second Amended Complaint and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 9/23/06


Ricky Schreiber

Date: 9/23/06


Peggy Schreiber

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

**Gary L. Weber
Wendy D. Weber,
Plaintiff,**

vs.

**Ricky Schreiber
Peggy Schrieber,
Defendants.**

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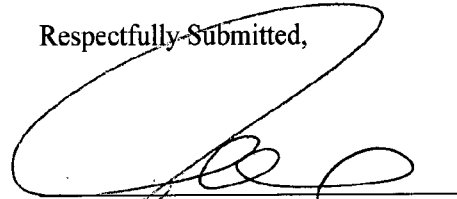
No: 2005-934-CD

DEMAND FOR JURY TRIAL

Demand is hereby made for a Jury Trial as to all issues so triable.

Date: 9.21.06

Respectfully Submitted,



Joseph E. Buckley, Jr., Esquire

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

**Gary L. Weber
Wendy D. Weber,
Plaintiff,**

vs.

**Ricky Schreiber
Peggy Schrieber,
Defendants.**

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No: 2005-934-CD

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct filed copy of the foregoing Answer to Second Amended Complaint and New Matter in the above-entitled action: was served on the following via First-class, United States Mail, postage prepaid, on the date set forth below unless otherwise indicated:

Chris A. Pentz, Esquire
P.O. Box 552
Clearfield, PA 16830

Ricky and Peggy Schreiber
1157 Rock Run Road
Rockton, PA 15856

Date: 9.25.06



Joseph E. Buckley, Jr., Esquire

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

No. 2005- 934 -CD

Type of Case: Invasion of
Privacy

Type of Pleading: Reply to
New Matter

Filed on Behalf of: Plaintiffs

Counsel of Record for this Party:

CHRIS A. PENTZ, Esquire
Supreme Court I.D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

FILED 2005
0/10:35 LM
OCT 19 2005
Pentz

Filed by:

William A. Shaw
Prothonotary/Clerk of Courts

Date: 10-19-06

Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield, PA 16830
814 765-4000

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

GARY L. WEBER and
WENDY B. WEBER,
Plaintiffs

VS

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

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No. 2005-934-CD

REPLY TO NEW MATTER

COUNT I.

1. Paragraph 1 of New Matter is denied. Plaintiffs never consented to Defendants' activities and deny engaging in the same activities as the Defendants.

COUNT II

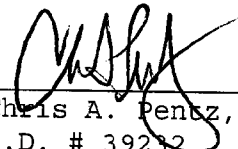
2. Paragraph 2 of the New Matter is a conclusion of law to which no response is required.

3. Paragraph 3 of the New Matter is a conclusion of law to which no response is required.

4. Paragraph 4 of the New Matter is a conclusion of law to which no response is required.

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to deny Defendants' request for dismissal.

Respectfully submitted this 19th day of October, 2006


Chris A. Penz, Esquire
I.D. # 39232
207 East Market Street
Clearfield PA 16830
814 765-4000

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants


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No. 2005- 934 -CD

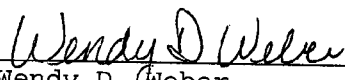
VERIFICATION

We, GARY L. WEBER and WENDY D. WEBER, Plaintiffs in the above captioned matter do verify that the statements made in this **REPLY** to **NEW MATTER** are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

10/16/06
Date


Gary L. Weber

10-16-06
Date


Wendy D. Weber

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

No. 2005- 934 -CD

FILED *ICC AH*
9/3:30 am Pentz
JUN 07 2007 *(J)*

William A. Shaw

* **Type of Case:** Invasion of Privacy
* Notary/Clerk of Courts

* **Type of Pleading:** Praecipe to
* List for Trial

* **Filed on Behalf of:** Plaintiffs

* **Counsel of Record for this Party:**

* *Chris A. Pentz*
* CHRIS A. PENTZ, Esquire
* Supreme Court I.D. # 39232
* 207 East Market Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

* **Filed by:**

* *Chris A. Pentz*
* Chris A. Pentz, Esquire
* 207 East Market Street
* P. O. Box 552
* Clearfield, PA 16830
* 814 765-4000

Date: 6-07-07

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs

NO. 2005-934-CD

RICKY SCHREIBER and
PEGGY SCHREIBER,
Defendants

PRAECIPE TO LIST FOR TRIAL

To: The Prothonotary

Please list the above-captioned matter for trial on:

1. (a) ☒ No Motions are outstanding and Discovery
has been completed and the case is ready for trial; or

(b) ☐ No Motions are outstanding and that an
Order of the Court has been entered limiting Discovery to a
period ending more than thirty (30) days prior to the
filing of the Praecipe; and

2. This case is to be heard:

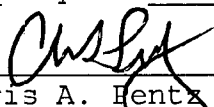
☒ Jury

☐ Non jury

☐ Arbitration

3. Notice of the Praecipe has been given to the
attorney or attorneys representing the other parties or in
the event that the other parties are not represented by
counsel, then directly to such parties.

Respectfully submitted this 5 day of June, 2007



Chris A. Bentz
Attorney for the Plaintiff

CA

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

GARY L. WEBER and WENDY D. WEBER,
Plaintiffs

vs.

NO. 05-934-CD

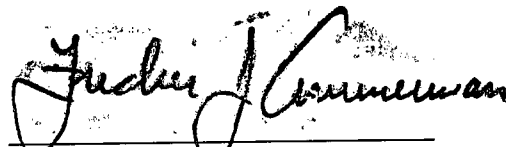
RICKY SCHREIBER and PEGGY SCHREIBER*
Defendants

ORDER

NOW, this 25th day of July, 2007, in consideration of the Defense counsel's illness and resulting unavailability, it is the ORDER of this Court that the above-captioned case be removed from the trial list.

As the case needs to be resolved, the Defendant is directed to determine as soon as possible if it will be required to obtain new counsel, or in the alternative, when Attorney Joseph E. Buckley, Jr., may be available.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

010:05:30
JUL 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

cc: Augs:
Pentz
Buckley
Kerr
(61)

FILED

JUL 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/27/07

____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) X Plaintiff(s) Attorney ____ Other ____

____ Defendant(s) X Defendant(s) Attorney ____

____ Special Instructions:

1/A

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

GARY L. WEBER and WENDY D. WEBER,
Plaintiffs

vs.

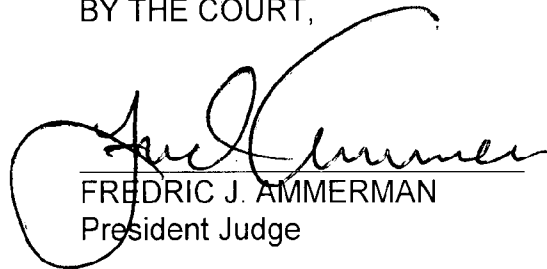
RICKY SCHREIBER and PEGGY SCHREIBER,*
Defendants

NO. 05-934-CD

ORDER

AND NOW, this 29th day of November, 2007, it is the ORDER of the Court
that a Pre-Trial Conference in the above matter shall be held on the 28th day of
January, 2008, in Chambers at 10:00 o'clock a.m. Additionally, Jury Selection in this
matter will be held on April 3, 2008.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

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of 2:11 PM
NOV 29 2007
William A. Shaw
Prothonotary/Clerk of Courts
Pentz
Buckley
Kerr

FILED

NOV 29 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/29/07

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

(5)

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

GARY L. WEBER and WENDY D. WEBER,
Plaintiffs

vs.

RICKY SCHREIBER and PEGGY SCHREIBER
Defendants

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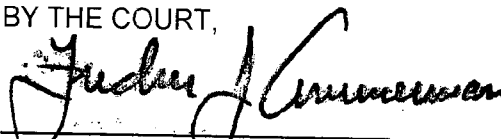
NO. 05-934-CD

ORDER

NOW, this 30th day of January, 2008, following Pre-Trial Conference in the above-captioned case the Court notes the following:

1. Chris A. Pentz, counsel for the Plaintiffs was present for the pre-trial conference;
2. The Defendants were not present for the pre-trial conference;
3. Defense counsel, Joseph Buckley, is deceased and to date no other attorney has entered his/her appearance on the behalf of the Defendants;
4. In this Court's Order of July 25, 2007 the Defendants were directed to determine if they needed to obtain new counsel due to Mr. Buckley's illness;
5. Jury selection in the above-captioned case will be on April 3, 2008 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse;
6. Two (2) day jury trial is scheduled for June 19 and 20, 2008 in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania; and
7. The Prothonotary is directed to serve this Order on the Defendants at the address of 75 Dutch Road, DuBois, PA 15801.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
01/31/08
JAN 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty's: Pentz
Kerr
ICC Def. -
75 Dutch Road
DuBois, PA 15801

(6K)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

GARY L. WEBER and
WENDY D. WEBER

-VS-

RICKY SCHREIBER and
PEGGY SCHREIBER

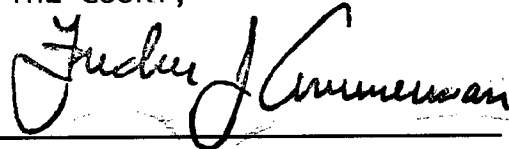
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No. 05-934-CD

O R D E R

AND NOW, this 3rd day of April, 2008, it is the
ORDER of this Court that the Prothonotary of Clearfield
County shall enter the appearance of William Kerr, Esquire,
as counsel for Defendants, Ricky Schreiber and Peggy
Schreiber.

BY THE COURT,



President Judge

FILED

APR 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

2cc
018:56/AT Atty: Pentz
Kerr



FILED

APR 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/4/08

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

GARY L. WEBER and WENDY D. WEBER,
husband and wife,

Plaintiffs

vs.

RICKY SCHREIBER and PEGGY SCHREIBER,
husband and wife,

Defendants

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*
*
*
*

NO. 05-934-CD

FILED

JUN 23 2008
0/8:35/wr
William A. Shaw
Prothonotary/Clerk of Courts

VERDICT

AND NOW TO WIT: on this 20th day of June, 2008, we the jurors empanelled in the
above entitled case, find as follows:

QUESTION 1:

Do you find the Defendants Ricky Schreiber and Peggy Schreiber,
or any one of them, invaded the privacy of the Plaintiffs Gary Weber
and Wendy Weber?

YES _____ NO ✓

If you answer Question 1 "NO", the Plaintiffs cannot recover and you should
return to the Courtroom to announce your verdict. If you answered "YES" continue
to Questions 2 through 4.

QUESTION 2:

State the amount of compensatory damages, if any, sustained by the Plaintiffs
as a result of the Invasion of Privacy by the Defendant(s).

\$ _____

QUESTION 3:

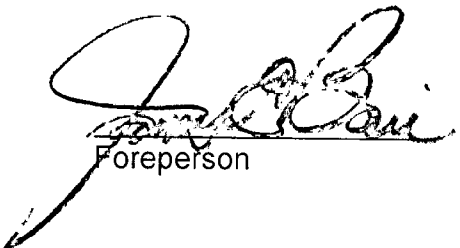
State the amount of punitive damages, if any, to be awarded to the Plaintiffs
as a result of the conduct of Defendant Ricky Schreiber.

\$ _____

QUESTION 4:

State the amount of punitive damages, if any, to be awarded to the Plaintiffs
as a result of the conduct of Defendant Peggy Schreiber.

\$ _____


Foreperson

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

CASE NO. 05-934-CD

Date of Jury Selection: April 3, 2008

Presiding Judge: Fredric J. Ammerman, P. Judge

Gary L. and Wendy D. Weber

Court Reporter: Beth Krupa

VS

Date of Trial: June 19-20, 2008

Ricky and Peggy Schreiber

Date Trial Ended: June 20, 2008

MEMBERS OF THE JURY

1. Nancy Thompson
2. Beverly Hudsick
3. John Firment
4. Thomas Welder
5. James H. Harper
6. Barbara Hubler
ALT #1 Joan Olson

7. Jackie Yebernetsky
8. Nancy Guiher
9. Lisa Hallman
10. Deborah Nelson
11. James Bair
12. Trisha Rothrock
ALT #2 Shelva Strible

PLAINTIFF'S WITNESSES:

1. Wendy Weber
2. Blair Michael
3. David Yohe
4. Gary Weber Jr.
5. Gary Weber Sr.
6. Ricky Schreiber - on cross

DEFENDANT'S WITNESSES:

1. Ricky Schreiber
2. Peggy Schreiber
3. _____
4. _____
5. _____
6. _____

PLAINTIFF'S ATTY: Chris A. Pentz Esq

DEFENDANT'S ATTY: William C. Kerr III Esq

ADDRESS TO JURY: 1:30 pm

ADDRESS TO JURY: 1:08 pm

JUDGE'S ADDRESS TO JURY: _____

JURY OUT: 2:10 pm JURY IN: _____

VERDICT: _____

FOREPERSON: # 11

✓

}

}


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}

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NO. 05-934-CD

BY THE COURT,

BY THE COURT,


President Judge

01:41 p.m. GK
JUN 25 2008

610

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6-25-08

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

FILED

JUN 25 2008

**William A. Shaw
Prothonotary/Clerk of Courts**

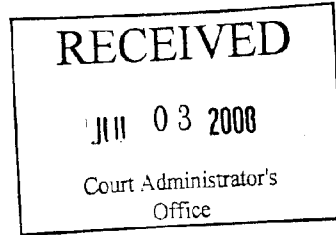
The Defendants respectfully submit that the Plaintiffs through the prosecution of their

Law Office of William C. Kerr III

Attorney & Counselor at Law
154 West Long ave
Dubois, Pennsylvania 15801
(814) 371-8503 Fax (858) 220-7629

Honorable Fredrick J. Ammerman
Clearfield County Courthouse
Clearfield, PA 16830

RE: Weber v. Schreiber



Dear Judge Ammerman,

Please accept this letter as the Defendant's Brief in the above-referenced case.

On June 19th and 20th of 2008 a trial was held in the above captioned matter. At the conclusion of the trial the Plaintiffs requested this Honorable Court to rule upon their request for a permanent injunction against the Defendants. This Honorable Court ordered counsel for both parties to submit a letter brief on the issue of whether the Court retains the legal ability to grant the Plaintiffs' request for injunctive relief. Rule 1038.3 allows by petition of any party or the Court upon its own motion to submit to the jury all issues of fact arising from the claim for equitable relief. The advisory verdict is not binding upon the court. In order for a court to have the ability to grant a permanent injunction there must be no adequate redress at law for the harms alleged and a clear right to relief as a matter of law. *Buffalo Township v. Jones* 571 Pa. 637, 813 A.2d 659 (2002) A Court "is precluded from granting injunctive relief where an adequate remedy exists at law." *Merchant v. State Board of Medicine* 162 Pa.Cmwlth. 332, 638 A.2d 484 (1994) In the present case the Plaintiffs had a full and fair opportunity to seek redress in their suit for both compensatory and punitive damages. The fact that Plaintiffs did not succeed in their claim does not make their suit an inadequate redress at law for the harms they alleged.

CHRIS A. PENTZ
Attorney at Law
207 East Market Street
P. O. Box 552
CLEARFIELD PENNSYLVANIA 16830

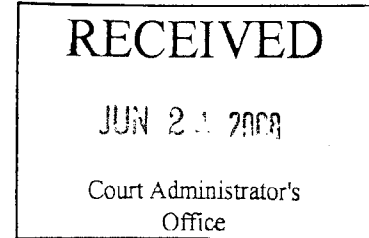
Telephone
814 765-4000

FAX
814 765-8142

June 24, 2008

Honorable Fredric J. Ammerman
Clearfield County Courthouse
Clearfield, PA 16830

RE: Weber v. Schreiber / 1717



Dear Judge Ammerman,

The Court directed at the conclusion of the trial to provide authority as to whether the Court was bound by the Jury's verdict in determining if equitable relief was appropriate.

This issue is governed by Rule 1038.3. In order to be bound, the Court on its own motion or a petition by any party would have been necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris A. Pentz", written over a horizontal line.

Chris A. Pentz

CAP/cp
CC. Attorney William C. Kerr III
154 Long West Ave
DuBois, PA 15801

Mr. and Mrs. Gary Weber

FILE COPY

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

GARY L. WEBER AND	}	
WENDY D. WEBER	}	
VS	}	NO. 05-934-CD
RICKY SCHREIBER AND	}	
PEGGY SCHREIBER	}	

O R D E R

NOW, this 20th day of June, 2008, the Court noting that the jury returned a verdict of no invasion of privacy; it is the ORDER of this Court that counsel for both parties submit appropriate letter brief to the Court within no more than Fifteen (15) Days from this date as to whether the Court, in this circumstance, has the legal ability to grant the Plaintiffs' request for injunction against the Defendants for invading upon the privacy of the Plaintiffs.

BY THE COURT,

President Judge

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

GARY L. WEBER and
WENDY D. WEBER,
Plaintiffs

vs.

RICKY SCHREIBER and
PEGGY SCHREIBER
Defendants

NO. 05-934-CD

FILED

JUL 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

3cc Atty's: Pentz
Kerr
1cc D. Mikosell
1cc Law Library
(without name)
(60)

OPINION

On June 20, 2008 in the above-captioned case the Jury entered a verdict in favor of the Ricky Schreiber and Peggy Schreiber ("Defendants") finding that they did not invade the privacy of the Plaintiffs. Notwithstanding the verdict Gary Weber and Wendy Weber ("Plaintiffs") sought further relief from the Court in the form of an oral motion for permanent injunction pursuant to the provisions of Pa.R.C.P. § 1038.3.

In order to establish a claim for a permanent injunction, the party must establish his or her clear right to relief. *Buffalo Township v. Jones*, 813 A.2d.259 (2002). "[A] court 'may issue a final injunction if such relief is necessary to prevent a legal wrong for which there is no adequate redress at law' " *Id.* An injunction is an extraordinary remedy that should be granted with great caution. *Schaeffer v. Frey*, 589 A.2d. 752(Pa. Super. 1991).


Plaintiffs' claims for relief received a full jury trial. The jury dismissed the Plaintiffs' tortious claims against the Defendants' after fair deliberation of the weight of evidence presented. The jury found the Plaintiffs had no right to relief. Hence, the remedy available at law was sufficient for rendering complete justice to the Plaintiff. The Defendants have no liability beyond the jury verdict because the Plaintiffs received the full discourse of the legal justice system.

In addition, Plaintiffs Complaint requests an injunction only to prevent the Defendants from further "Intention Infliction of Emotional Distress". Plaintiffs do not set forth a claim for an injunction to prevent invasion of their privacy. At the time of the jury trial the Plaintiffs agreed that they had an insufficient basis to proceed with the claim for "Intentional Infliction of Emotional Distress" and withdrew it. Therefore, the Court cannot grant equitable relief on that basis.

ORDER

Now, this 17th day of July 2008, it is the order of this Court that the Plaintiffs' request for permanent injunctive relief for invasion of privacy against the Defendants be and is hereby DENIED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

JUL 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/17/08

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions: