

05-1078-CD

Thomas Josephson et vs G. Kendrick et al

Thomas Josephson et vs Ginger Kendrick
2005-1078-CD

Date: 10/28/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 01:55 PM

ROA Report

Page 1 of 1

Case: 2005-01078-CD

Current Judge: No Judge

Thomas E. Josephson, Lisa A. Josephson vs. Ginger J. Kendrick, Jacqueline Wick, Thomas D. Wick

Civil Other

Date	Judge
07/23/2005	No Judge
07/23/2005	No Judge
08/03/2005	No Judge
08/12/2005	No Judge
09/01/2005	No Judge
09/23/2005	No Judge
09/28/2005	No Judge
10/03/2005	No Judge
10/17/2005	No Judge
10/24/2005	No Judge

07/23/2005 New Case Filed.

07/23/2005 Filing: Praeipce for Writ Of Summons. Paid by: Bell, F. Cortez III (attorney for Josephson, Thomas E.) Receipt number: 1905415 Dated: 07/26/2005 Amount: \$85.00 (Check) 2CC & Writs to Atty Bell

08/03/2005 Praeipce For Entry of Appearance, filed on behalf of Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick. Filed by s/ Stuart L. Hall, Esquire. 1CC to Atty

08/12/2005 Praeipce For Rule to File Complaint, filed by s/ Stuart L. Hall, Esquire. 1CC w/2 Rules to Atty

08/12/2005 Certificate of Service, filed. Served a copy of the Rule to File Complaint upon F. Cortez Bell Esquire on August 11, 2005, filed by s/ Stuart L. Hall Esquire. 1CCAtty.

09/01/2005 Complaint, filed by s/ F. Cortez Bell, III, Esquire. 3CC Atty. Bell

09/23/2005 Defendants' Preliminary Objections, filed by s/ Stuart L. Hall, Esquire. No CC

09/28/2005 Praeipce, please schedule argument on Preliminary Objections. Filed by s/ Stuart L. Hall, Esquire. No CC

09/28/2005 Rule to Show Cause, AND NOW, this 26th day of September 2005, upon consideration of Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick's Preliminary Objections to Plaintiffs' Complaint, a Rule IS HEREBY ENTERED upon Plaintiffs to show cause why the Preliminary Objections should not be sustained. RULE RETURNABLE, the 1st day of November 2005, Courtroom No. 2 at 9:00 a.m. BY THE COURT: /s/ Paul E. Cherry, Judge. 3CC atty Hall.

Rule to Show Cause, AND NOW, this 26th day of September, 2005, upon consideration of Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick's Preliminary Objections to Plaintiffs' Complaint, a Rule IS HEREBY ENTERED upon Plaintiffs to show cause why the Preliminary Objections should not be sustained. RULE RETURNABLE, the 1st day of November 2005, in Courtroom No. 2 at 9:00 a.m. BY THE COURT: /s/ Paul E. Cherry, Judge. 3CC atty Hall.

10/03/2005 Certificate of Service, filed. Served a copy of the foregoing Rule to Show Cause upon F. Cortez Bell Esquire on September 30, 2005, filed by s/ Stuart L. Hall Esq. No CC.

10/17/2005 Praeipce for Substitution of Counsel, filed. Kindly withdraw my appearance on behalf of Defendant, Ginger J. Kendrick in the above captioned matter, filed by s/ Stuart L. Hall Esq., and Kindly enter my appearance on behalf of the Defendant Ginger J. Kendrick in the above captioned matter filed by s/ Matthew B. Taladay Esq. No CC., copy to C/A.

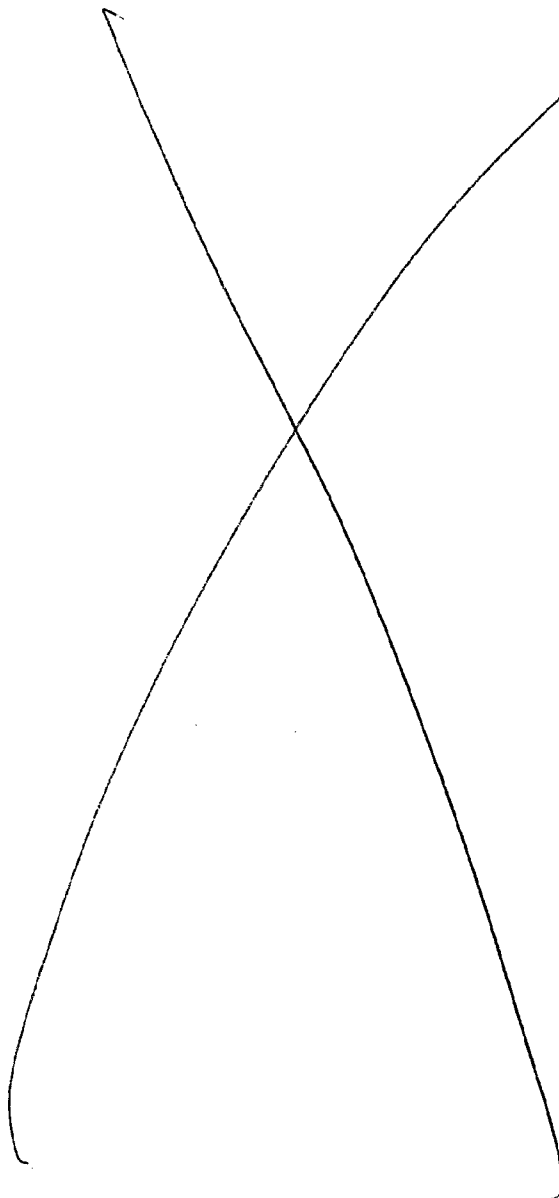
10/24/2005 Praeipce for Substitution of Counsel, filed. Kindly enter my appearance on behalf of Defendants Jacqueline Wick and Thomas D. Wick above-captioned matter, filed by s/ Joseph P. Green Esq. Praeipce for withdraw of Appearance, filed. Please withdraw my appearance on behalf of Defendants Jacqueline Wick and Thomas D. Wick in the above captioned matter filed by s/ Stuart L. Hall Esq. NO CC., copy to C/A

11-2-05
11-2-05
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*** TRANSMISSION REPORT ***

Sep.26 '05 8:48

DATE	START	TIME	PARTNER	MODE	PAGE	RESULT
Sep.26	8:47	1'31	3420870	G3	02	OK



FILED 2009-3 writs
01/31/09 to Atty Bell
JUL 26 2005
Atty pd. 85.00
William A. Shaw
Notary Public/Clerk of Courts

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

THOMAS E. JOSEPHSON and LISA A.	:	
JOSEPHSON, husband and wife,	:	
Plaintiffs	:	
	:	
vs.	:	No.
	:	
	:	
GINGER J. KENDRICK ,	:	
JACQUELINE WICK	:	
THOMAS D. WICK	:	
Defendants	:	

PRAECIPE FOR WRIT OF SUMMONS

TO: WILLIAM A. SHAW, PROTHONOTARY

Please issue a writ of summons on behalf of the Plaintiffs and against the following

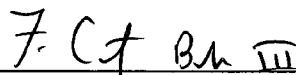
Defendants.:

Ginger J. Kendrick
49 Indiana Street
Grassflat, PA. 16839

Jacqueline Wick
109 North 4th Street
Snow Shoe, PA. 16874


Thomas D. Wick
109 North 4th Street
Snow Shoe, PA. 16874

Respectfully Submitted,



F. Cortez Bell, III, Esquire
Attorney for Plaintiffs

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

 COPY

SUMMONS

Thomas E. Josephson
Lisa A. Josephson

Vs.

NO.: 2005-01078-CD

Ginger J. Kendrick
Jacqueline Wick
Thomas D. Wick

TO: GINGER J. KENDRICK
JACQUELINE WICK
THOMAS D. WICK

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: 07/26/2005

William A. Shaw
Prothonotary

Issuing Attorney:

F. Cortez Bell III
P. O. Box 670
Clearfield, PA 16830

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

No.: 2005-01078-CD

 ORIGINAL

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above-referenced matter on behalf of the
Defendants, Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick. Thank you for
your cooperation.

Respectfully submitted,

SNOWISS, STEINBERG, FAULKNER & HALL, LLP

FILED

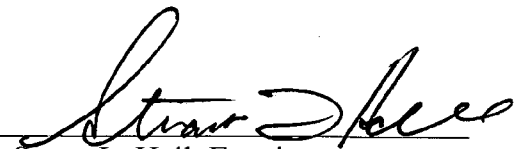
AUG 08 2005

m/12:45/16

William A. Shaw
Prothonotary

i CEN to ATT

By



Stuart L. Hall, Esquire
Attorney for Defendants
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

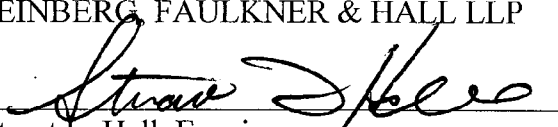
No.: 2005-01078-CD

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of August, 2005, I served a copy of the foregoing Praecipe for Entry of Appearance upon F. Cortez Bell, Esquire, P. O. Box 670, Clearfield, Pennsylvania 16830, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By


Stuart L. Hall, Esquire
Attorney for Defendants
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

FILED

AUG 08 2005

William A. Shaw
Prothonotary

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

No.: 2005-01078-CD



PRAECIPE FOR RULE TO FILE A COMPLAINT

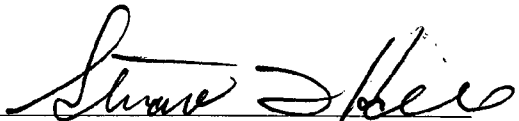
TO THE PROTHONOTARY:

Please enter a Rule to File Complaint upon the Plaintiffs to file a Complaint in the above-captioned action within twenty (20) days after service of the Rule, or a judgment of non pros will be entered.

SNOWISS, STEINBERG, FAULKNER & HALL, LLP

Date: August 5, 2005

By



Stuart L. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

FILED

AUG 08 2005

m/12:10/2005

William A. Shaw
Prothonotary

1 CENT w/ 2 RULES
TO ATT

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

THOMAS E. JOSEPHSON and LISA A.)
JOSEPHSON, husband and wife,)
Plaintiffs)

No.: 2005-01078-CD

v.)

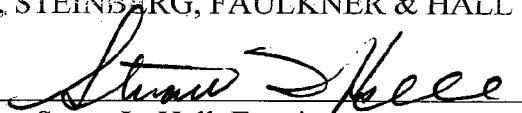
GINGER J. KENDRICK, JACQUELINE)
WICK and THOMAS D. WICK,)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of August, 2005, I served a copy of the foregoing Praecipe for Rule to File Complaint upon F. Cortez Bell, Esquire, P. O. Box 670, Clearfield, Pennsylvania 16830, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By



Stuart L. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

FILED

AUG 08 2005

William A. Shaw
Prothonotary

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

THOMAS E. JOSEPHSON and LISA A.)
JOSEPHSON, husband and wife,)
Plaintiffs)

No.: 2005-01078-CD

v.)

GINGER J. KENDRICK, JACQUELINE)
WICK and THOMAS D. WICK,)
Defendants)

RULE TO FILE COMPLAINT

**TO: THOMAS E. JOSEPHSON and
LISA A. JOSEPHSON, PLAINTIFFS
c/o F. Cortez Bell, Esquire
P. O. Box 670
Clearfield, PA 16830**

You are hereby ruled to file a Complaint in the above-captioned action within
twenty (20) days of service hereof or suffer a judgment of non pros.

Date: Aug. 8, 2005

Prothonotary

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

No.: 2005-01078-CD

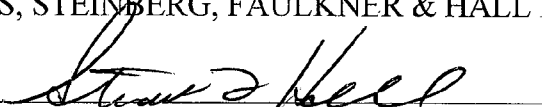
 ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August, 2005, I served a copy of the Rule to
File Complaint upon F. Cortez Bell, Esquire, P. O. Box 670, Clearfield, Pennsylvania
16830, by United States first class mail, postage prepaid.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By


Stuart L. Hall, Esquire
Attorney for Defendants
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

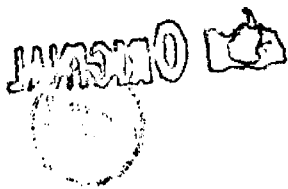
FILED

AUG 12 2005

William A. Shaw

Prothonotary/Clerk of Courts

1 CENT. TO App



FILED

AUG 12 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

vs.

GINGER J. KENDRICK ,
JACQUELINE WICK,
THOMAS D. WICK,
Defendants

: No. 05-1078-CD
:
:
: Type of Case: Civil
:
: Type of Pleading:
: Complaint
: Jury Trial Demanded
:
:
: Filed on Behalf of:
: Thomas E. Josephson and Lisa A.
: Josephson, Plaintiffs
:
: Counsel of Record for this Party:
: F. Cortez Bell, III, Esquire
: I.D. #30183
:
:
: F. Cortez Bell, III, Esquire
: 318 East Locust Street
: P.O. Box 1088
: Clearfield, PA 16830
: Telephone: (814)765-5537
:
:

FILED 3cc
08:32 AM Any Bell
SEP 01 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS E. JOSEPHSON and LISA A.	:	
JOSEPHSON, husband and wife,	:	
Plaintiffs	:	
	:	
vs.	:	No. 05-1078-CD
	:	Jury Trial Demanded
	:	
GINGER J. KENDRICK ,	:	
JACQUELINE WICK,	:	
THOMAS D. WICK,	:	
Defendants	:	

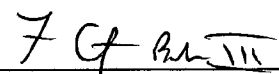
NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU WOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office
Clearfield County Courthouse
Clearfield, PA 16830
(814)765-2641, ext. 5982

Respectfully submitted,



F. Cortez Bell, III, Esquire
Counsel for Plaintiffs

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

THOMAS E. JOSEPHSON and LISA A.	:	
JOSEPHSON, husband and wife,	:	
Plaintiffs	:	
	:	
vs.	:	No. 05-1078-CD
	:	Jury Trial Demanded
	:	
GINGER J. KENDRICK ,	:	
JACQUELINE WICK,	:	
THOMAS D. WICK,	:	
Defendants	:	

COMPLAINT

AND NOW, comes the Plaintiffs, Thomas E. and Lisa A. Josephson, husband and wife, by and through their attorney, F. Cortez Bell, III, Esquire, who for their Complaint, sets forth and avers as follows:

1. That Plaintiffs, Thomas E. Josephson and Lisa A. Josephson, husband and wife, are adult individuals residing at 342 Thunder Alley, P.O. Box 27, Route 53, Drifting, Pennsylvania, 16834.

2. That Defendant, Ginger J. Kendrick, is a widow, residing at 49 Indiana Street, Box 215, Grassflat, Pennsylvania, 16839. She is the owner and possessor of a certain parcel of property located in Cooper Township, Clearfield County, Pennsylvania and adjoining the property of the Plaintiffs.

3. That Defendant, Jacqueline Wick, is an adult individual who is the daughter of the Defendant Kendrick above who resides at 109 North 4th Street, Snow Shoe, PA. 16874.

4. That Defendant, Thomas D. Wick, is an adult individual, who is the husband of Defendant Wick above and the son-in-law of Defendant Kendrick above, who resides at 109 North

4th Street, Snow Shoe, Pa. 16874.

5. That at all times relevant to the instant Complaint the matters complained of by the Plaintiffs occurred in Clearfield County, Pennsylvania.

6. That it is averred that the Defendant's Wick at all times relevant hereto acted in concert with and on behalf of the Defendant Kendrick.

7. That the Plaintiffs herein are the owners of a tract of land located in Cooper Township, Clearfield County, Pennsylvania which was obtained by deed dated July 19, 1993 consisting of 15.875 acres set forth in three (3) separate parcels. Said tract of land is identified as Tax Map #S07-000-00029 and is found recorded at Deed Book 1550 at Page 534.

8. That the Defendant, Kendrick, herein is the owner of a tract of land located in Cooper Township, Clearfield County, Pennsylvania which was obtained by deed dated May 21, 1974 consisting of 29.405 acres. Said tract of land is identified as Tax Map #S08-000-00062 and is found recorded at Deed Book 683 at Page 080.

9. That the Plaintiffs herein are also the owners of a tract of land located in Cooper Township, Clearfield County, Pennsylvania which was obtained by deed dated February 7, 1998 consisting of 10 acres. Said tract of land is identified as Tax Map #S07-000-00021 and is found recorded at Deed Book 1906 at Page 437.

10. That the Plaintiffs herein currently reside within a structure that was built upon that tract of land set forth in Paragraph 7 above.

11. That the residence of the Plaintiffs was built on that tract of land set forth in Paragraph 7 commencing in 1993.

12. That access to the tract of land set forth in Paragraph 7, upon which the Plaintiffs reside, is by way of a roadway known as Thunder Alley which passes through that property owned

by the Defendant as set forth in Paragraph 8 above.

13. That throughout the time period of their residence, the Plaintiffs have solely obtained access to their property by way of said Thunder Alley.

14. That there is no other reasonable means of access to the property of the Plaintiffs other than through the use of Thunder Alley as set forth in Paragraph 13 above.

15. That throughout the time period of their residence on that tract described in Paragraph 7 herein and their use of Thunder Alley, the Plaintiffs with the knowledge of the Defendant, Kendrick and the Defendants Wick have made continuous use of said roadway and have maintained and made various improvements in said roadway at times with the consent and/or knowledge of the Defendants.

16. That the first knowledge or notice that the Plaintiffs had as to a problem with the use of Thunder Alley as a source of access to their property was the receipt of a letter from a former counsel for the Defendant Kendrick dated June 10, 2003. Attached hereto and incorporated herein by reference as Exhibit A is a copy of said letter.

17. That the Plaintiffs herein by letter dated June 30, 2003 specifically responded to the letter as referred to in Paragraph 16 above and specifically advised that the roadway could not and must not be blocked in any fashion. Attached hereto and incorporated herein by reference as Exhibit B is a copy of said letter.

18. That the Plaintiffs herein are the parents of a daughter who, because of health conditions, requires continuous visitation by up to four (4) medical personnel and/or therapists on a daily basis all of whom would need the immediate access provided by the roadway, Thunder Alley, in order to properly care and treat said child.

19. That on or about July 30, 2003, the Defendants Wick at the request of Defendant

Kendrick installed a gate across said Thunder Alley in such a position that once the same was closed ingress and egress to and from the property of the Plaintiff would be completely barred.

20. That on or about July 30, 2003, the Defendants Wick at the request of and/or with the knowledge of Defendant Kendrick closed and locked the gate across Thunder Alley such that ingress and egress to and from the property of the Plaintiffs was stopped and barred.

21. That as a result of the medical condition of the Plaintiff's daughter and her need to have timely and consistent therapy without disruption by outside events, the actions of the Defendants by blocking the road caused the Plaintiffs to suffer emotional distress as a result of their concern for the welfare of their daughter and their concern as to whether she could continue to receive proper and timely treatment..

22. That the Defendants had specifically been made aware of the medical condition of the Plaintiff's daughter and her need for daily treatment/care as the same was provided within the letter dated June 30, 2003 to former counsel for Defendant Kendrick Said letter is attached hereto and incorporated herein by reference as Exhibit B.

23. That as a result of the conduct of the Defendants, the therapists treating the daughter of the Plaintiffs were restricted along with the Plaintiff, Lisa A. Josephson, the Josephson's two children and Mrs Josephsons mother within the property while at the same time her husband the Plaintiff, Thomas E. Josephson and any other therapists were restricted from gaining access to the property.

24. That the Defendants by their actions, knowingly, willfully and wantonly intended to confine and restrict the Plaintiffs ingress and egress to their property and by their actions the Plaintiffs directly were restricted in regard to the egress of those within the gated area and the ingress of those outside of the gated area.

25. That the intent of the Defendants action clearly was to limit and cease the Plaintiffs access to and from their property.

26. That as a direct and proximate result of the acts and actions of the Defendants the Plaintiffs each were placed in fear for the safety, physical health and mental well-being of themselves, their spouse and their children.

27. That as a direct and proximate result of the acts and actions of the Defendants the Plaintiffs each were placed in fear for the safety, physical health and mental well-being of themselves, their spouse and their children in the future should the gate be locked or the Defendants do some other act..

28. That as a direct and proximate result of the acts and actions of the Defendants, the Plaintiff, Lisa A. Josephson sought medical treatment and was diagnosed with ulcers requiring medication and continued medical treatment.

29. That a Complaint for Declaratory Judgement was filed by the Plaintiffs as against the Defendant Kendrick on September 16, 2003 before the Court of Common Pleas of Clearfield County to Term and Number 03-1366-CD.

30. That a Non-Jury Trial of the matter referred to in Paragraph 24 above took place on December 7, 2004.

COUNT I - INFLICTION OF EMOTIONAL DISTRESS

31. That Paragraph 1 through Paragraph 30 of the instant Complaint are hereby incorporated herein by reference as if the same were set forth in full at length.

32. That the conduct of the Defendants, as set forth in the foregoing paragraphs of this Complaint, was so outrageous in character and so extreme in degree as to fall outside the bounds of decency and is to be regarded as intolerable in the community.

33. That at all times relevant hereto, the Defendants knew with substantial certainty that severe emotional distress would be produced by their conduct.

34. By engaging in the acts set forth in the foregoing paragraphs of this Complaint, the Defendants engaged in extreme and outrageous conduct and intentionally inflicted severe emotional distress upon the Plaintiffs.

35. By engaging in the acts set forth in the foregoing paragraphs of this Complaint, the Defendants engaged in extreme and outrageous conduct and negligently inflicted severe emotional distress upon the Plaintiffs.

36. By engaging in the acts set forth in the foregoing paragraphs of this Complaint, the Defendants engaged in extreme and outrageous conduct and recklessly inflicted severe emotional distress upon the Plaintiffs.

37. As a direct and proximate result of the acts and actions of the Defendants as set forth in the foregoing paragraphs of this Complaint, Plaintiff, Lisa A. Josephson has in the past been required, and may in the future require medicine, medical care and other treatment in order to relieve the symptoms she has sustained as a result of the defendants actions and acts and may in the future be obliged to expend various sums of money for such medical care and treatment.

38. As a further direct and proximate result of the acts of the defendants as set forth in the foregoing paragraphs of this Complaint, Plaintiffs have been caused to suffer severe emotional distress, mental anguish, loss of enjoyment of life, humiliation, embarrassment and financial loss.

WHEREFORE, it is respectfully requested that your Honorable Court grant a Judgment in favor of the Plaintiffs against the Defendants in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars plus lawful interest thereon, costs of suit and counsel fees, costs and expenses.

COUNT II - FALSE IMPRISONMENT

39. That Paragraph 1 through Paragraph 38 of the instant Complaint are hereby incorporated herein by reference as if the same were set forth in full at length.

40. That on or about July 30, 2003, the Defendants Wick at the request of Defendant Kendrick installed a gate across said Thunder Alley in such a position that once the same was closed ingress and egress to and from the property of the Plaintiff would be completely barred.

41. That on or about July 30, 2003, the Defendants Wick at the request of and/or with the knowledge of Defendant Kendrick closed and locked the gate across Thunder Alley such that ingress and egress to and from the property of the Plaintiffs was stopped and barred.

42. That as a result of the conduct of the Defendants, the therapists treating the daughter of the Plaintiffs were restricted along with the Plaintiff, Lisa A. Josephson, the Josephson's two children and Mrs Josephsons mother within the property while at the same time her husband the Plaintiff, Thomas E. Josephson and any other therapists were restricted from gaining access to the property.

43. That the Defendants by their actions, knowingly, willfully and wantonly intended to confine and restrict the Plaintiffs ingress and egress to their property and by their actions the Plaintiffs directly were restricted in regard to the egress of those within the gated area and the ingress of those outside of the gated area.

44. That the intent of the Defendants action clearly was to limit and cease the Plaintiffs access to and from their property.

45. That the Defendants by their actions, knowingly, willfully and wantonly intended to so confine and limit the actions of the Plaintiffs and did so confine or restrict them without prior provocation and due in no matter whatsoever to any act or failure to act on the part of the Plaintiffs.

46. That the Defendants had specifically been made aware of the medical condition of the Plaintiff's daughter and her need for daily treatment/care as the same was provided within the letter dated June 30, 2003 to former counsel for Defendant Kendrick Said letter is attached hereto and incorporated herein by reference as Exhibit B.

47. That as a result of the medical condition of the Plaintiff's daughter and her need to have timely and consistent therapy without disruption by outside events, the actions of the Defendants by blocking the road caused the Plaintiffs to suffer emotional distress as a result of their concern for the welfare of their daughter.

48. As a direct and proximate result of the acts of Defendants that are set forth above, Plaintiffs have been caused to suffer emotional distress, humiliation and embarrassment.

WHEREFORE, it is respectfully requested that your Honorable Court grant a Judgment in favor of the Plaintiffs against the Defendants in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars plus lawful interest thereon, costs of suit and counsel fees, costs and expenses.

COUNT III - INTERFERENCE WITH EMPLOYMENT

49. That Paragraph 1 through Paragraph 48 of the instant Complaint are hereby incorporated herein by reference as if the same were set forth in full at length.

50. That the Plaintiff, Thomas E. Josephson, currently is employed by the Pennsylvania State Police holding the rank of Corporal.

51. That the Defendant Kendrick has retained the services of Attorney Stuart L. Hall, Esquire to represent her as to those proceedings found at Clearfield County Term and Number 03-1366-CD.

52. That Attorney Hall acting on behalf of the Defendant Kendrick wrote a letter

dated August 12, 2003 to the Morris/Cooper Police Department seeking to have the Plaintiffs arrested for a purported violation of defiant trespass under the Pennsylvania Crimes Code.

53. That Attorney Hall acting on behalf of the Defendant Kendrick wrote a letter dated September 5, 2003 to the Morris/Cooper Township Police Department seeking to have the Plaintiffs arrested for a purported violation of defiant trespass under the Pennsylvania Crimes Code.

54. That Attorney Hall acting on behalf of the Defendant Kendrick wrote a letter dated September 8, 2003 to the supervising Sergeant of the Plaintiff Thomas E. Josephson seeking to have the Plaintiffs arrested for a purported violation of defiant trespass under the Pennsylvania Crimes Code. A copy of said letter is attached hereto and incorporated herein by reference as Exhibit C.

55. That Attorney Hall acting on behalf of the Defendant Kendrick wrote a letter dated September 8, 2003 to the Morris/Cooper Township Police Department seeking to have the Plaintiffs arrested for a purported violation of defiant trespass under the Pennsylvania Crimes Code. A copy of said letter is attached hereto and incorporated herein by reference as Exhibit D.

56. That Attorney Hall acting on behalf of the Defendant Kendrick wrote a letter dated September 18, 2003 to the supervising Sergeant of the Plaintiff Thomas E. Josephson seeking to have the Plaintiffs arrested for a purported violation of defiant trespass under the Pennsylvania Crimes Code. A copy of said letter is attached hereto and incorporated herein by reference as Exhibit E.

57. That at no time within said letters were the various police forces contacted advised that the Plaintiffs by their letter to former counsel of the Defendant Kendrick dated June 30, 2003, which has been attached as Exhibit B, contesting her claim to the ownership and control of the roadway and that the same was clearly the subject of a civil dispute.

58. That the letters referred to in paragraphs 52 and 56 all assert that the Plaintiff Thomas E. Josephson, a member of the Pennsylvania State Police has committed criminal offenses.

59. That the letters referred to in paragraphs 54 and 56 above were placed by the Pennsylvania State Police in the personnel file of the Plaintiff Thomas E. Josephson at his place of employment with the Pennsylvania State Police.

60. That as a result of the placement of the letters in the Plaintiff Thomas E. Josephson's personnel file at his employment, the same will or may be reviewed during the course of any determination by his employer as to advancement in rank and as to the appropriateness of any specialized training and/or assignments.

61. As a direct and proximate result of actions taken as a direct result of the Defendant Kendrick's request or on her behalf, the Plaintiff Thomas E. Josephson has suffered and will continue to suffer in the future damages to his reputation, credibility, character and earning capacity.

WHEREFORE, it is respectfully requested that your Honorable Court grant a Judgment in favor of the Plaintiffs against the Defendants in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars plus lawful interest thereon, costs of suit and counsel fees, costs and expenses.

COUNT IV - COUNSEL FEES, COST AND EXPENSES

62. That Paragraph 1 through Paragraph 61 of the instant Complaint are hereby incorporated herein by reference as if the same were set forth in full at length.

63. That as to those matters found at Clearfield County Term and Number 03-1366-CD the Plaintiffs have retained the services of instant counsel, F. Cortez Bell, III, Esquire to represent them and to file a Complaint for Declaratory Judgement.

64. That the filing of said suit was caused directly by the actions of the Defendants in blocking the roadway known as Thunder Alley and in continuing to threaten to continue the blocking thereof.

65. That to date, the Plaintiff's bill for legal fees, costs and expenses of suit in that matter is in the amount of Four Thousand Six Hundred Forty Three (\$4,643.00) Dollars.

66. That the Plaintiffs have retained the legal service of instant counsel, F. Cortez Bell, III, Esquire to represent them as to the instant proceeding.

67. That to date the legal fees, costs and expenses as to the instant proceeding remain in an unliquidated amount.

68. That the provisions of 42 Pa. C.S.A. Section 2503 provides that a party may obtain the payment of counsel fees, costs and expenses because of the conduct of another party when said conduct was arbitrary, vexatious or in bad faith.

69. That during the course of the Non-Jury Trial proceeding on December 7, 2004, the Defendant Kendrick specifically testified that the blocking of the roadway in question and the threats to continue to do so in the future were brought about as a result of her observing one day the name that had been placed upon the roadway and her desire that the name be changed.

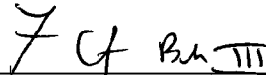
70. That Defendant Kendrick specifically testified in response to questioning by the Court that if she had not observed as she was driving that the roadway had been named such as it was that the blocking of the roadway would not have occurred and that the parties would not have been before the Court as to any such conduct or dispute as to the use of the roadway.

71. That the Plaintiffs herein would specifically incorporate herein the testimony at the Court proceeding on December 7, 2004 of the Defendant Kendrick as if the same were set forth herein at length.

72. That the actions of the Defendants were such that their conduct was arbitrary, vexatious or in bad faith.

WHEREFORE, it is respectfully requested that your Honorable Court grant a Judgment in favor of the Plaintiffs against the Defendants in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars plus lawful interest thereon, costs of suit and counsel fees, costs and expenses.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "F. Cortez Bell, III", is written over a horizontal line.

F. Cortez Bell, III, Esquire
Attorney for Plaintiffs

LAW OFFICES OF
MILLER, KISTLER, CAMPBELL, MILLER, WILLIAMS & BENSON, INC.
A PROFESSIONAL CORPORATION

JOHN R. MILLER, JR.
RICHARD L. CAMPBELL
JOHN R. MILLER, III
TERRY J. WILLIAMS
TRACEY G. BENSON
SCOTT C. ETTER, Ph.D.
ELIZABETH A. DUPUIS
DAVID B. CONSIGLIO
STACY R. PARKS
JENNIFER P. BIERLY
JULIA R. CRONIN

PLEASE REPLY TO:
BELLEFONTE OFFICE

June 10, 2003

124 NORTH ALLEGHENY STREET
BELLEFONTE, PA. 16823-1695
(814) 355-5474
GENERAL FAX (814) 355-5340
REAL ESTATE FAX (814) 357-0264
AND
720 SOUTH ATHONTON STREET
STATE COLLEGE, PA. 16801-4628
(814) 234-1500
FAX (814) 234-1549

COUNSEL TO THE FIRM
ROBERT K. KISTLER

Mr. & Mrs. Thomas E. Josephson
P.O. Box 27
Route 53
Drifting, PA 16834

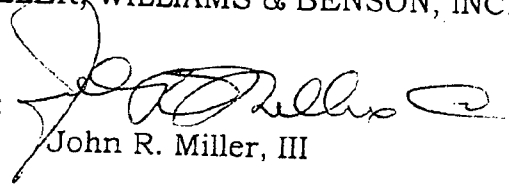
Dear Mr. & Mrs. Josephson:

Please be advised that I represent Ginger J. Kendrick who owns a parcel of land adjacent to your property in Cooper Township, Clearfield County, Pennsylvania. Ms. Kendrick has consulted me regarding your use of a road which is located upon my client's property and extends from Route 53 to your property.

My client indicates that she has never given you a right-of-way over her property but you have been using the road only with her knowledge and permission. Circumstances have arisen which now cause my client to revoke any permission she may have previously given you by her consent, or lack of objection, for you to use this road. Effective 30 days from the date you receive this letter, you will not be permitted to go upon Ms. Kendrick's property for the use of the road or any other purpose. This will give you sufficient time to establish alternate access to your residence from Basin Run Road or Sylvan Grove Road which your property adjoins.

Thank you for your attention to this matter.

Very truly yours,
MILLER, KISTLER, CAMPBELL,
MILLER, WILLIAMS & BENSON, INC.

By: 
John R. Miller, III

JRM/III:csr
cc: Ginger Kendrick

Exhibit A

Law Offices
BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA. 16830
e-mail: bswlaw@pennswoods.net
Writer's Direct e-mail: chipbell@pennswoods.net

RICHARD A. BELL
ANN B. WOOD
F. CORTEZ BELL, III

(814) 765-5537
FAX (814) 765-9730

PAUL SILBERBLATT 1954-1985
F. CORTEZ BELL, JR. 1954-2002

OF COUNSEL
DANIEL C. BELL

June 30, 2003

Re: Ginger J. Kendrick Road
Dispute

Mr. John R. Miller, III, Esquire
Miller, Kistler, Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695

Dear Mr. Miller:

I am writing this letter on behalf of longstanding clients of our firm, Mr. and Mrs. Thomas E. Josephson in regard to a letter that they received from you dated June 10, 2003. Your letter makes reference to your representation of Ginger J. Kendrick who owns a parcel of land situate in Cooper Township, Clearfield County, Pennsylvania. Although your letter does not make reference to the circumstances which have led Ms. Kendrick having taking action in regard to the road, it seems to be apparent from my understanding of the circumstances that Ms. Kendrick is upset in regard to the enhanced 911 naming of the roadway in question and that she is totally dissatisfied with the designation given to the road by the Clearfield County GIS Department. Since receipt of your letter it is my understanding that Ms. Kendrick has contacted the Cooper Township Supervisors, the Clearfield County GIS Department as well as has had her son-in-law unload a wooden gate for placement apparently across the road on Wednesday morning, June 25, 2003.

None of my clients' properties adjoin Sylvan Grove Road and although a portion of a separate tract owned by my clients does adjoin Basin Run Road, any access to the property in question where they have their residence would require them to traverse a strip mine highwall on the separate tract which was purchased by them nearly five (5) years after purchasing the parcel on which they live, all of which would be impossible. The roadway indicated in your letter subject to closure is the only access available to my clients to reach their residence. Lacking a written acknowledgment from your client that the road in question is a prescriptive and necessary easement, my clients have

Exhibit B

June 27, 2003

Re: Kendrick Road Dispute

Page 2

indicated a desire to litigate this matter in the Clearfield County Court system and are prepared to prove, among other things, the following: a prescriptive easement with use of the roadway well in excess of the required 21 years; Ginger Kendrick signed a 4" main water line right-of-way to their property in August, 1994, with the main water line running down the road in question; the roadway in question was improved by dozing on at least two (2) occasions at my clients' expense, one of which included applying asphalt chipping to a majority of the roadway and maintenance of the roadway for the past ten (10) years.

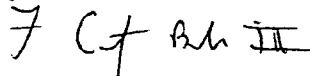
In light of your client's apparent intent to close the road and overt act of having a gate delivered, my clients have contacted the proper legal authorities and wish to advise your client that any attempt to block the road by her or an agent acting on her part, or to restrict anyone's access to their residence will result in them filing a criminal complaint which will include Recklessly Endangering Another Person, in that they will be endangered by the lack of access via emergency vehicle, or any other vehicle, in the case of fire, injury or sickness. I would additionally contemplate filing an Injunction to assure that the roadway remains open during the course of the litigation unless some assurances are received otherwise that such injunctive relief would not be necessary. I have to assume that Ms. Kendrick is aware that the Josephson's young daughter requires continuous medical attention due to a medical condition which requires continuous use of the current roadway on a daily basis by at least four (4) separate medical/therapeutic personnel. Obviously, I do not want to see any harm come to their daughter as a result of a dispute apparently over the naming of a roadway.

At your earliest convenience, could you please discuss this matter with your client and advise if she would desire to litigate the matter in Clearfield County Court. Again, lacking a written acknowledgment of a prescriptive and necessary easement, my clients will proceed with litigation. If I have not heard anything by Thursday, July 3, 2003, in light of the upcoming holiday, I will just assume that the road is still intended to be blocked and will proceed with filing in the Clearfield County Court system an action seeking to have the Court resolve the dispute in regard to the roadway. I will be more than happy to discuss these matters with you at your earliest convenience should you have any specific questions or concerns.

Very truly yours,

BELL, SILBERBLATT & WOOD

By:



F. Cortez Bell, III, Esquire

FCBIII/day

CC: Mr. and Mrs. Thomas E. Josephson

VIA FAX AND FIRST CLASS MAIL

SNOWISS, STEINBERG, FAULKNER & HALL, LLP

ATTORNEYS AT LAW

ALVIN L. SNOWISS
DONALD L. FAULKNER
LEWIS G. STEINBERG
STUART L. HALL

**THE HISTORIC CARSKADDON HOUSE
P. O. BOX 5
333 N. VESPER STREET
LOCK HAVEN, PENNSYLVANIA 17745**

570-748-2961
800-624-9060
FAX 570-748-8182
law@ssfh.com

OF COUNSEL
MICHAEL K. HANNA, SR.

September 5, 2003

Sgt. Maynard Grey
Pennsylvania State Police
Woodland Barracks
147 Doe Hill Road
Woodland, PA 16881

Re: Violation of 18 Pa. C.S.A. Section 3503

Dear Sgt. Gray:

I represent Ginger J. Kendrick who owns property in Cooper Township, Clearfield County, Pennsylvania. A road currently named Thunder Alley exists on Mrs. Kendrick's property. According to Mrs. Kendrick, Mr. and Mrs. Thomas E. Josephson continue to drive on this road, despite Mrs. Kendrick's repeated requests that the Josephsons refrain from trespassing on her property.

I am enclosing a copy of the June 10, 2003 letter from Attorney Miller to the Josephsons notifying them that they are not permitted to go upon Mrs. Kendrick's property.

I have written to the Morris/Cooper Regional Police Department, requesting that the defiant trespass statute be enforced and that the Josephsons be cited if caught trespassing onto Mrs. Kendrick's property. When a gate on this road was closed and locked, the Morris/Cooper Regional Police Department attempted to arrest Mrs. Kendrick's daughter and son-in-law.

I am enclosing copies of my August 12th and September 5th letters to the Morris/Cooper Regional Police Department.

Mrs. Kendrick has requested that I contact your Department to request your assistance with what she feels is a continuing defiant trespass onto her property and violation of Section 3503 of the Crimes Code.

Exhibit C

Sgt. Maynard Grey
Pennsylvania State Police
Woodland Barracks
September 5, 2003
Page 2

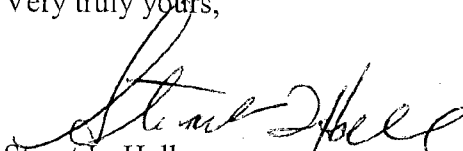
Mrs. Kendrick intends to take steps to prohibit persons from trespassing on her property including closing and locking the existing gate. She is concerned that, in the event the lock and/or gate is removed or damaged, no law enforcement agency will prosecute the perpetrators.

The Josephsons have no legal right to use the road on Mrs. Kendrick's property. The Josephsons do not own the road, do not have a right-of-way nor have they acquired an easement. Nor have the Josephsons initiated any action in the Clearfield County Courts to establish a right to use this road.

I would greatly appreciate it if you would contact me at your convenience to inform me that you have received this letter and to inform me whether the Pennsylvania State Police are willing to investigate whether the crime of defiant trespassing is occurring on Mrs. Kendrick's property.

Thank you for your attention to this matter. I look forward to hearing from you.

Very truly yours,



Stuart L. Hall

SLH:fmn
Enclosures
cc: Ginger J. Kendrick

SNOWISS, STEINBERG, FAULKNER & HALL, LLP
ATTORNEYS AT LAW

ALVIN L. SNOWISS
DONAL D.L. FAULKNER
LEWIS G. STEINBERG
STUART L. HALL

THE HISTORIC CARSKADDON HOUSE
P. O. BOX 5
333 N. VESPER STREET
LOCK HAVEN, PENNSYLVANIA 17745

570-748-2961
800-624-9060
FAX 570-748-8182
law@ssfh.com
OF COUNSEL
MICHAEL K. HANNA, SR.

September 8, 2003

Morris/Cooper Regional Police Department
P. O. Box 186
Allport, PA 16821

Re: Ginger J. Kendrick
Jacqueline and Thomas Wick
Mr. and Mrs. Thomas E. Josephson

Dear Sir or Miss:

I have not heard from any representative of your department since the date of my August 12, 2003 letter in which I requested that I be contacted concerning the continuing trespass of Mr. and Mrs. Thomas E. Josephson upon the lands of Ginger J. Kendrick. I have been informed that the gate on the road in question will be closed and locked in an attempt to prohibit the Josephsons from committing the crime of trespass against Mrs. Kendrick.

As you are aware, the Josephsons have no legal right to this road as they were not granted a right-of-way by Mrs. Kendrick and have not acquired an easement. Moreover, the Josephsons have not attempted to initiate a civil action in the Clearfield County Courts to establish a legal right to use this road.

I am again requesting that charges be brought against the Josephsons for violating Section 3503 of Title 18, the statute for defiant trespass if they use the road currently named Thunder Alley, which is on Mrs. Kendrick's property.

I am providing a copy of this letter to the Pennsylvania State Police and will request that the PSP protect Mrs. Kendrick's property rights and take action to address this continuing crime.

If you would like to discuss this matter. Please do not hesitate to contact me.

Very truly yours,

Stuart L. Hall

SLH:fmn

cc: Sgt. Maynard Grey
Pennsylvania State Police
Woodland Barracks
147 Doe Hill Road
Woodland, PA 16881
Ginger J. Kendrick

Exh-41 D

SNOWISS, STEINBERG, FAULKNER & HALL, LLP

ATTORNEYS AT LAW

ALVIN L. SNOWISS
DONALD L. FAULKNER
LEWIS G. STEINBERG
STUART L. HALL

THE HISTORIC CARSKADDON HOUSE
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333 N. VESPER STREET
LOCK HAVEN, PENNSYLVANIA 17745

570-748-2961
800-624-9060
FAX 570-748-8182
law@ssfh.com

OF COUNSEL
MICHAEL K. HANNA, SR.

September 18, 2003


Sgt. Maynard Grey
Pennsylvania State Police
Woodland Barracks
147 Doe Hill Road
Woodland, PA 16881

Re: Violation of 18 Pa. C.S.A. Section 3503

Dear Sgt. Gray:

Thank you for your letter of September 15, 2003. Enclosed please find a copy of Attorney Miller's June 10, 2003 letter to Mr. and Mrs. Josephson. I apologize for not enclosing this letter with my September 5, 2003 correspondence to you.

Very truly yours,


Stuart L. Hall

SLH:fmn
Enclosure

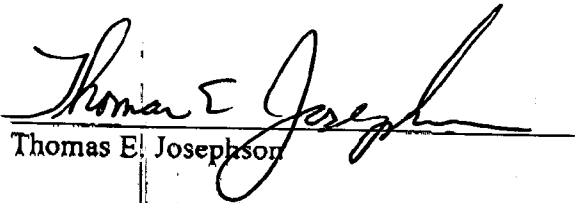
Exhibit E

VERIFICATION

I, Thomas E. Josephson. Plaintiff verifies that the statements made in this Complaint are true and correct to the best of my knowledge, information and belief. Plaintiff further understands that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

Date:

08/29/05

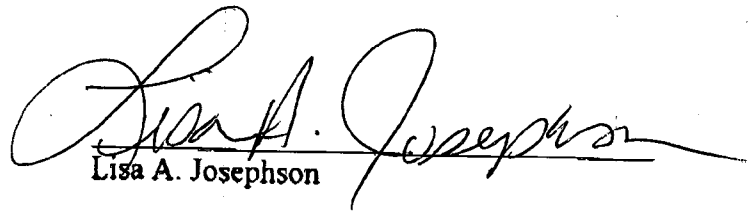

Thomas E. Josephson

VERIFICATION

I, Lisa A. Josephson. Plaintiff verifies that the statements made in this Complaint are true and correct to the best of my knowledge, information and belief. Plaintiff further understands that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

Date: _____

08/29/05


Lisa A. Josephson

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

THOMAS E. JOSEPHSON and LISA A. :
JOSEPHSON, husband and wife, :
Plaintiffs :

vs. :

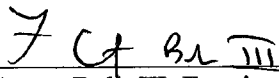
No. 05-1078-CD
Jury Trial Demanded

GINGER J. KENDRICK , :
JACQUELINE WICK, :
THOMAS D. WICK, :
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing Complaint upon
the following person by mailing such copy first class mail, postage prepaid to:

Mr. Stuart L. Hall, Esquire
Snowiss, Steinberg, Faulkner & Hall, LLP
The Historic Carskaddon House
P.O. Box 5
333 North Vesper Street
Lock Haven, PA 17745


F. Cortez Bell, III, Esquire
Attorney for Plaintiffs

Date: September 1, 2005

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

No.: 2005-01078-CD

ORDER

AND NOW, this _____ day of _____, 2005, upon
consideration of Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick's
Preliminary Objections, and any response thereto, it is hereby ORDERED and
DECREED that the Preliminary Objections are SUSTAINED.

Plaintiffs' claims are hereby DISMISSED.

BY THE COURT,

J.

cc: F. Cortez Bell, III, Esquire
Stuart L. Hall, Esquire

FILED NO
m 11:35 AM CC
SEP 23 2005 (6K)

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

No.: 2005-01078-CD

JURY TRIAL DEMANDED

 ORIGINAL

DEFENDANTS' PRELIMINARY OBJECTIONS
TO PLAINTIFFS' COMPLAINT

Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick, through their counsel, Stuart L. Hail, Esquire, hereby file their Preliminary Objections to Plaintiffs' Complaint. In support of their Preliminary Objections, Defendants aver as follows:

I. Demurrer/Motion to Strike
(Count IV - Counsel Fees, Costs and Expenses)

1. In their Complaint, Plaintiffs attempt to set forth four (4) causes of action: I. Inflection of Emotional Distress; II. False Imprisonment; III. Interference with Employment; and IV. Counsel Fees, Costs and Expenses.

2. Plaintiffs and Defendant Ginger J. Kendrick were parties to a declaratory judgment action filed by Plaintiffs to Clearfield County Docket No. 03-1366-CD.

3. The declaratory judgment action concerned whether Plaintiffs had an easement over a dirt lane on the property owned by Defendant Ginger J. Kendrick.

4. A non-jury trial in the declaratory judgment was held December 7, 2004. No decision has been issued in that matter.

5. In Count IV of the Complaint in this matter, Plaintiffs seek counsel fees, costs and expenses concerning the declaratory judgment action.

6. In paragraph 72 of the Complaint, Plaintiffs claim, "[t]hat the actions of the Defendants were such that their conduct was arbitrary, vexatious or in bad faith."

7. In the Complaint, Plaintiffs refer to 42 Pa. C.S.A. §2503 as authority for the proposition, "that a party may obtain the payment of counsel fees, costs and expenses because of the conduct of another party when said conduct was arbitrary, vexatious or in bad faith." (Paragraph 68).

8. The allegations in Count IV of the Complaint fail to contain facts sufficient to state a claim for counsel fees, costs and expenses.

9. Plaintiffs were not awarded counsel fees in the declaratory judgment action and there is no basis to seek counsel fees, costs and expenses in this action, pursuant to 42 Pa. C.S.A. §2305 or any other statute. Moreover, two of the three Defendants were not even parties to the declaratory judgment action.

THEREFORE, Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick respectfully request that Count IV (counsel fees, costs and expenses) of Plaintiffs' Complaint be stricken and judgment entered in Defendants' favor.

II. Demurrer/Motion to Strike
Plaintiffs' Claim for Interference with Employment

10. Paragraphs One (1) through Nine (9) of these Preliminary Objections are incorporated herein by reference as if fully set forth.

11. In Count III of the Complaint, Plaintiffs attempt to set forth a claim that Defendant Kendrick interfered with Plaintiff Thomas E. Josephson's employment with the Pennsylvania State Police.

12. In Count III, Plaintiffs' allege that counsel for Defendant Kendrick wrote to the Pennsylvania State Police concerning Plaintiffs' use of the lane on Defendant Kendrick's property and to express Defendant Kendrick's concerns.

13. Nowhere in the Complaint is it alleged that the letter was written for the purpose of causing Sergeant Maynard Grey to fire or demote Plaintiff Thomas Josephson.

14. In fact, nowhere in the Complaint does it allege that Defendant Kendrick even knew that Plaintiff Thomas Josephson worked at the Woodland Barracks of the Pennsylvania State Police or that Defendant Kendrick knew Sergeant Maynard Grey was the Supervisor of Defendant Thomas Josephson.

15. To pursue a claim for interference with contractual relations, Plaintiffs must show that (1) the actor acted for the purpose of causing the specific type of harm to the plaintiff, (2) the act must be unprivileged, and (3) the harm must actually result. Birl v. Philadelphia Electric Company, 167 A.2d 471 (Pa. 1960).

16. The Complaint does not allege that harm actually resulted to Thomas Josephson. Therefore, Plaintiffs' claim must fail.

17. In addition to requiring actual damages and an attempt to cause the type of damages which resulted, to pursue a claim for interference with employment, one must show there was an absence of privilege or justification. Plaintiffs have failed to do so.

18. Defendant Kendrick was justified in contacting the police to request assistance with the ongoing problem. There could not be a more appropriate way to address the issue. The letters were written for the purpose of attempting to resolve a conflict without resorting to self help measures.

19. There is no averment that Defendants Jacqueline Wick and Thomas D. Wick had anything to do with the letters at issue or even knew of the letters.

20. Nowhere in the Count is there any allegation that Lisa Josephson was employed, let alone that there was interference with her employment.

21. Despite the fact that the allegations in Count III concern Plaintiff Thomas E. Josephson and Defendant Ginger J. Kendrick only, the *ad damnum* clause requests judgment in favor of "Plaintiffs" and against "the Defendants."

THEREFORE, Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick respectfully request that Plaintiffs' claim for interference with employment be stricken and judgment entered in favor of Defendants.

III. Demurrer/Motion to Strike
False Imprisonment Claim

22. Paragraphs (1) through Twenty-one (21) of these Preliminary Objections are incorporated herein by reference as if fully set forth.

23. In Count II of the Complaint, Plaintiffs purportedly set forth a claim for false imprisonment.

24. The claim for false imprisonment is based on a gate, on the property of Defendant Kendrick, allegedly being closed and locked, blocking the lane and Defendant Kendrick's property.

25. According to the Complaint, Plaintiffs are the owners of a tract of land containing 15.875 acres and comprised of three (3) separate parcels. This tract of land is identified as Tax Map No. S07-000-00029 and is found recorded at Deed Book 1550 at Page 534. (Paragraph 7 of the Complaint).

26. Plaintiffs are also the owners of a tract of land consisting of 10 acres which is identified as Tax Map No. S07-000-00021 and is found recorded at Deed Book 1906 at Page 437. (Paragraph 9 of the Complaint).

27. According to the Complaint, Plaintiffs reside in a structure that was built upon the 15.875 acre tract of ground. (Paragraph 10 of the Complaint).

28. Blocking a road leading to 25 acres of property is not sufficient to set forth a claim for false imprisonment.

29. Count 2 of the Complaint does not indicate that Defendants confined Plaintiffs within boundaries fixed by the Defendants.

30. The false imprisonment count also fails to state that Plaintiffs were conscious of the alleged confinement.

31. The false imprisonment count also fails to state the duration of the time the gate was locked.

32. An actor is liable for false imprisonment if:

(a) he acts intending to confine the other or a third person within boundaries fixed by the actor, and

(b) his act directly or indirectly results in such a confinement of the other, and

(c) the other is conscious of the confinement or harmed by it.

Gagliardi v. Lynn, 446 Pa. 144, 148, 285 A.2d 109 n.2 (1971).

33. "The confinement within the boundaries fixed by the Defendant must be completed; if there is a known, safe means of escape, involving only a slight inconvenience, there is no false imprisonment. Chicarelli v. Plymouth Garden Apartments, 551 F. Supp. 532, 541 (E.D. Pa. 1982).

34. Plaintiffs were not confined within fixed boundaries and could easily have exited the property by walking or driving.

35. Anyone on Plaintiffs' property could have driven off the property through the fields in the same way as Plaintiffs' trailer was brought onto and removed from their property.

36. Pursuant to Rule 1019(g), a party may incorporate by reference any matter of record in any state court of record whose records are within the county in which the action is pending, or any matter which is recorded or transcribed verbatim in the office of the prothonotary, clerk of any court of record, recorder of deeds or register of wills of such county.

37. At the December 7, 2004 non-jury trial in the case of Josephson v. Kendrick, Clearfield County Docket No. 03-1366-CD, Plaintiff Thomas Josephson testified under oath that he brought the trailer, in which Plaintiffs resided, onto their property by taking it through a field on the Sperfslage Logging property and then through a field on their

property and through another road on their property. (Transcript of trial testimony, Pages 128-129, attached as Exhibit "A").

38. Thomas Josephson testified at the December 7, 2004 trial that, "I had Moshannon Valley Excavating when we moved in there, they had dozed that out to make it to get up to the field." Id. at 129.

39. Mr. Josephson testified that he brought the trailer through a field which is now owned by the Shives, onto the Sperfslage Logging and onto his property. Id.

40. The trailer was removed the same way. Id.

41. Plaintiffs were not confined on their property. In addition to exiting the property by driving or walking through the fields, anyone could exit the property by traveling on the roads leading to Basin Run Road or Sylvan Grove Road.

42. Mr. Josephson also testified that Basin Run Road and Sylvan Grove Road are township roads. Id.

43. Thomas Josephson testified that his property has 423 feet of road frontage on Basin Run Road. (Id. at 127).

44. Mr. Josephson also testified that he drives his four wheeler on the River Hill property which connects his property to Sylvan Grove Road. (Id. 133-134).

45. At the December 7, 2004 trial, Thomas Josephson described the view that the parties, counsel and the Court participated in on Plaintiffs' property. (Id. 99-105).

During the view, the Court and all parties could see the roads leading from Basin Run Road and Sylvan Grove Road to Plaintiffs' property. The parties and the Court could also observe the fields adjoining Plaintiffs' property which would permit access to and from Plaintiffs' property.

46. Since Plaintiffs were not and could not be confined with fixed boundaries without a means of escape, as a result of the locking of the gate, their false imprisonment claim should be stricken from the Complaint.

THEREFORE, Defendants Ginger J. Kendrick, Jacqueline and Thomas D. Wick respectfully request that Plaintiffs' claim for false imprisonment be stricken and judgment entered in their favor.

IV. Demurrer/Motion to Strike
Plaintiffs' Claim for Infliction of Emotional Distress

47. Paragraphs One (1) through Forty-six (46) of these Preliminary Objections are incorporated herein by reference as if fully set forth.

48. In paragraphs 31 - 38 of the Complaint, Plaintiffs purport to set forth a claim for, "infliction of emotional distress."

49. In order to pursue a claim for emotional distress, plaintiffs must show that they sustained a physical injury or physical impact in order to recover. Simmons v. Pacor, Inc., 674 A.2d 232 (Pa. 1996); Houston v. Texaco, Inc., 538 A.2d 502 (Pa. Super. 1988).

50. The Complaint fails to allege a sufficient physical injury to Plaintiff Thomas Josephson resulting from the mental disturbance brought on by observation of the event. Sonlin v. Abbington Memorial Hospital , 784 A.2d 213 (Pa. Super 2000).

51. If the actor's conduct is negligent as creating an unreasonable risk of causing either bodily or emotional disturbance to another, and it results in such emotional disturbance alone, without bodily harm or other compensable damage, the actor is not liable for such emotional disturbance. Restatement (Second) of Torts §436A.

52. Plaintiff Thomas Josephson has not pleaded any bodily harm as a result of the incident. Without alleging that he sustained bodily harm as a result of the negligent infliction of emotional distress, his pleading is insufficient and his claim must be dismissed.

53. A cause of action for negligent infliction of emotional distress depends upon three factors:

(1) whether plaintiff was located near the scene of the accident;

(2) whether the shock directed from a direct emotional impact upon plaintiff from the sensory and contemporaneous observance of the accident; and

(3) whether plaintiff and the victim were closely related.

Love v. Cramer, 414 Pa. Super. 231, 233, 606 A.2d 1175, 1177 (1992).

54. The basis of recovery for a claim of negligent infliction of emotional distress is a traumatic impact of viewing the negligent injury of a close relative. Id. In formulating the rule, the Supreme Court “contemplated a discrete and identifiable traumatic event to trigger recovery.” Id. In the absence of such an event, no recovery is permitted. Id.

55. Neither Plaintiff Thomas Josephson nor Plaintiff Lisa Josephson observed any traumatic infliction of injury at the hands of any of the Defendants, because no such injury occurred.

56. Defendants cannot be claimed to have proximately caused the injuries which allegedly resulted from the locking of the gate. The Law of Pennsylvania will not support a finding of proximate cause if the negligence, if any, was so remote that as a matter of law, defendant cannot be legally responsible for a plaintiff's emotional distress. Brown v. Philadelphia College of Osteopathic Medicine, 2000 Pa. Super. 262, 760 A.2d 863 (2000).

57. While the Complaint does not state that Lisa Josephson sustained ulcers as a result of the locking of the gate, the Complaint suggests that occurred. (Complaint, paragraph 28).

58. Presuming that the referenced ulcers were caused by something other than an infection, they cannot be said to have been proximately caused by the gate being closed for several hours. (P. 107).

59. Under Pennsylvania law, to establish a claim for negligent infliction of emotional distress, a Plaintiff must establish that he suffered an intended physical injury. Rolla v. West Moreland Health System, 651 A.2d 160, 163 (Pa. Super. 1994). Where Plaintiff has not suffered any physical injury as a result of the negligent infliction of emotional distress, the Defendant cannot be held liable. Id.

60. Furthermore, emotional distress or disturbance alone, without bodily harm, is insufficient to establish a claim for negligent infliction of emotional distress. Tackett v. Encke, 353 Pa. Super. 349, 509 A.2d 1310 (1986); see also Cathcart v. Keene Industrial Insulation, 324 Pa. Super. 123, 471 A.2d 493 (1984), appealed denied 527 Pa. 596, 589 A.2d 687 (1990).

THEREFORE, Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick respectfully request that Plaintiffs' claims for infliction of emotional distress be stricken and judgment be entered in favor of Defendants.

V. Motion to Strike and/or for a More Specific Pleading

61. Paragraphs One (1) through Sixty (60) of these Preliminary Objections are incorporated herein by reference as if fully set forth.

62. Pennsylvania Rule of Civil Procedure No. 1019 requires that the material facts on which a cause of action or defense is based shall be stated in a concise and summary form.

63. In order to successfully survive a challenge pursuant to 1019(a), “the allegations of a Complaint must contain averments of the facts that the plaintiff will eventually have to prove in order to recover, and they must be sufficiently specific so as to enable defendant to prepare his defense.” Baker v. Rangos, 229 Pa. Super. 333, 350, 324 A.2d 498, 506 (1974), citing Commonwealth Environmental Pollution Strike Force v. Jeanette, 9 Pa. Commw. 306, 308, 305 A.2d 774, 776 (1973).

64. Pursuant to Rule 1028(a)(2), Preliminary Objections may be filed to any pleading for failure of a pleading to conform to law or rule of court or inclusion of scandalous or impertinent matter.

65. Preliminary Objections may be filed for legal insufficiency of a pleading (demurrer) (Rule 1028(a)(4)) and for insufficient specificity in a pleading (Rule 1028(a)(3)).

66. The Complaint fails to specifically state that Plaintiff Lisa Josephson sustained a physical injury as a direct result of an action or inaction of one or more of the Defendants. Paragraph 28 of the Complaint indicates she sought medical treatment and was diagnosed with ulcers requiring medication and continued medical treatment, but

neither that paragraph nor others indicate that she sustained an ulcer directly as a result of some action and/or inaction. Moreover, the Complaint fails to contain the requisite specificity to indicate which particular actions and/or inactions caused a physical injury to Plaintiff Lisa Josephson.

67. In paragraph 38 of the Complaint, it is alleged that, "Plaintiffs have been caused to suffer ...financial loss."

68. The Count for infliction of emotional distress does not indicate the type or amount of financial loss Plaintiffs allegedly sustained. Rule 1019(f) requires that averments of special damages be specifically stated.

69. In paragraph 71 of the Complaint it is stated, "[t]hat the Plaintiffs herein would specifically incorporate herein the testimony at the court proceeding on December 7, 2004 of the Defendant Kendrick as if the same were set forth herein at length."

70. The "averments" in paragraph 71 lack the specificity required under the Pennsylvania Rules of Civil Procedure. The averments also violate the numbering requirement of Rule 1022. Moreover, it is impossible for Defendant to provide a meaningful response to the incorporation of a person's entire trial testimony, especially when the transcript of such testimony is not attached to the Complaint.

71. In paragraph 72 of the Complaint it is alleged, "[t]hat the actions of the Defendants were such that their conduct was arbitrary, vexatious or in bad faith."

72. Paragraph 72 fails to specify how the conduct of the individual defendants was arbitrary, vexatious or in bad faith. Nowhere in the Complaint do Plaintiffs specify how the actions of any of the Defendants was arbitrary, vexatious or in bad faith. The Wick Defendants were not even parties to the declaratory judgment action upon which Plaintiffs purportedly are trying to base their claim.

73. The allegations contained in the above-referenced paragraph amount to the kind of impermissibly vague and boilerplate language addressed by the Pennsylvania Supreme Court in Connor v. Allegheny General Hospital, 501 Pa. 306, 461 A.2d 600 (1983). In recent years it has been crucial for Defendants to implore courts to require that allegations be specific as evidenced in Connor.

74. In paragraph 20, it is alleged that the Defendants Wick, "at the request of and/or with the knowledge of Defendant Kendrick closed and locked the gate across Thunder Alley."

75. Knowledge of Defendant Kendrick of any actions or inactions of the Wick Defendants is not sufficient for liability to result to Defendant Kendrick and therefore the averment should be stricken.

76. Nowhere in the claim for interference with employment, is there any reference to any actions or inactions of the Wick Defendants. Therefore, the claim for interference

with employment against Defendants Jacqueline and Thomas Wick lacks the specificity required under the Pennsylvania Rules of Civil Procedure.

77. In paragraph 61 of the claim for interference with employment, it is alleged that Plaintiff Thomas Josephson, “has suffered and will continue to suffer in the future, damage to his reputation, credibility, character and earning capacity.” These items are not recoverable under a claim for interference with employment and should be stricken pursuant to Rule 1028(a)(2).

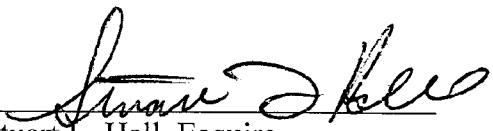
78. The claim for interference with employment fails to specify how Plaintiff Thomas Josephson suffered damages to his earning capacity and therefore, Plaintiff should be required to file an Amended Complaint which contains the requisite specificity.

79. In paragraph 46 of the Complaint it indicates, “[t]hat the Defendants had specifically been made aware of the medical condition of the Plaintiff’s daughter and her need for daily treatment/care as the same was provided within the letter dated June 30, 2003 to former counsel for Defendant Kendrick. Said letter is attached hereto and incorporated herein by reference as Exhibit ‘B.’”

80. Nowhere in the Complaint does it indicate how the Wick Defendants were made aware of the contents of a letter presumably sent to the former attorney for Defendant Kendrick on the day the gate was allegedly locked.

THEREFORE, Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick respectfully request that this Honorable Court sustain their Preliminary Objections and order Plaintiffs to file an Amended Complaint which complies with the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,
SNOWISS, STEINBERG, FAULKNER & HALL, LLP

By 
Stuart L. Hall, Esquire
Attorney for Defendants
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

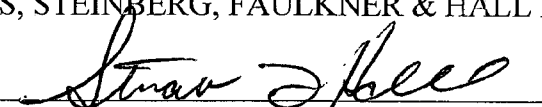
No.: 2005-01078-CD

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2005, I served a copy of the foregoing Preliminary Objections to Plaintiffs' Complaint upon F. Cortez Bell, Esquire, P. O. Box 670, Clearfield, Pennsylvania 16830, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By


Stuart L. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

1 discussions with Mrs. Kendrick?
 2 A. On the date of the gate incident? Yeah.
 3 Q. When the police were called, the gate was shut?
 4 A. Briefly, I believe.
 5 Q. And did you tell her that you were going to sue her
 6 for everything that you could?
 7 A. I told her I was going to sue her. Not for
 8 everything I could.
 9 Q. What was the context of, I'm going to sue you, how
 10 did that come up?
 11 A. My family was on the other side of the gate.
 12 That's the context of it.
 13 Q. Isn't it true that, before you removed your trailer
 14 from your property, you called Mrs. Kendrick and you asked her
 15 permission if you could use this lane, this Thunder Alley, to
 16 remove your trailer?
 17 A. No.
 18 Q. You never called and asked for permission?
 19 A. Why would I? The trailer wouldn't fit up through
 20 there.
 21 Q. Well, how did you get the trailer in?
 22 A. Through the fields.
 23 Q. And which field are you referring to?
 24 A. There's a big field up there. I got permission
 25 from Sperflage Logging. I came out through the field, through

1 my backfield, and that little parcel that the road we drove up
 2 actually wasn't even there, I had Moshannon Valley Excavating,
 3 when we moved in there, they had dozed that out to make it to
 4 get up into the field.
 5 Q. And when you say Sperflage Logging, did you bring
 6 the trailer up through the field down to the area where the 66
 7 is on Plaintiffs' Exhibit 1?
 8 A. Right. That's, I believe Shives own that right
 9 now. There's a post office there, and that's -- we just took
 10 it in a field right there. The person I had hired to do it,
 11 they drove it through the center of the field and then onto,
 12 drove all through Sperflage Logging, onto my property and down
 13 that little thing I have dozed there.
 14 Q. And what road did you use to remove the trailer?
 15 A. Same way. That's the only way we could go in and
 16 out.
 17 Q. Basin Run Road, that's a township road?
 18 A. Correct.
 19 Q. And so is Sylvan Grove Road?
 20 A. Correct.
 21 Q. Mr. Josephson, isn't it true, that at the time you
 22 purchased this property, Parcel No. 29, that you knew thank you
 23 didn't have access over the Kendrick property?
 24 A. No.
 25 Q. You knew you didn't have a right-of-way from

FILED

SEP 23 2005

William A. Shaw
Prothonotary/Clerk of Courts

June 27, 2003

Re: Kendrick Road Dispute

Page 2

indicated a desire to litigate this matter in the Clearfield County Court system and are prepared to prove, among other things, the following: a prescriptive easement with use of the roadway well in excess of the required 21 years; Ginger Kendrick signed a 4" main water line right-of-way to their property in August, 1994, with the main water line running down the road in question; the roadway in question was improved by dozing on at least two (2) occasions at my clients' expense, one of which included applying asphalt chipping to a majority of the roadway and maintenance of the roadway for the past ten (10) years.

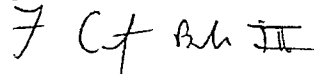
In light of your client's apparent intent to close the road and overt act of having a gate delivered, my clients have contacted the proper legal authorities and wish to advise your client that any attempt to block the road by her or an agent acting on her part, or to restrict anyone's access to their residence will result in them filing a criminal complaint which will include Recklessly Endangering Another Person, in that they will be endangered by the lack of access via emergency vehicle, or any other vehicle, in the case of fire, injury or sickness. I would additionally contemplate filing an Injunction to assure that the roadway remains open during the course of the litigation unless some assurances are received otherwise that such injunctive relief would not be necessary. I have to assume that Ms. Kendrick is aware that the Josephson's young daughter requires continuous medical attention due to a medical condition which requires continuous use of the current roadway on a daily basis by at least four (4) separate medical/therapeutic personnel. Obviously, I do not want to see any harm come to their daughter as a result of a dispute apparently over the naming of a roadway.

At your earliest convenience, could you please discuss this matter with your client and advise if she would desire to litigate the matter in Clearfield County Court. Again, lacking a written acknowledgment of a prescriptive and necessary easement, my clients will proceed with litigation. If I have not heard anything by Thursday, July 3, 2003, in light of the upcoming holiday, I will just assume that the road is still intended to be blocked and will proceed with filing in the Clearfield County Court system an action seeking to have the Court resolve the dispute in regard to the roadway. I will be more than happy to discuss these matters with you at your earliest convenience should you have any specific questions or concerns.

Very truly yours,

BELL, SILBERBLATT & WOOD

By:



F. Cortez Bell, III, Esquire

FCBIII/day

CC: Mr. and Mrs. Thomas E. Josephson

VIA FAX AND FIRST CLASS MAIL

Law Offices
BELL, SILBERBLATT & WOOD
318 East Locust Street
P.O. Box 670
Clearfield, PA. 16830
e-mail: bswlaw@pennswoods.net
Writer's Direct e-mail: chipbell@pennswoods.net

RICHARD A. BELL
ANN B. WOOD
F. CORTEZ BELL, III

(814) 765-5537
FAX (814) 765-9730

PAUL SILBERBLATT 1954-1985
F. CORTEZ BELL, JR. 1954-2002

OF COUNSEL
DANIEL C. BELL

June 30, 2003

Re: Ginger J. Kendrick Road
Dispute

Mr. John R. Miller, III, Esquire
Miller, Kistler, Campbell, Miller, Williams & Benson, Inc.
124 North Allegheny Street
Bellefonte, PA 16823-1695

Dear Mr. Miller:

I am writing this letter on behalf of longstanding clients of our firm, Mr. and Mrs. Thomas E. Josephson in regard to a letter that they received from you dated June 10, 2003. Your letter makes reference to your representation of Ginger J. Kendrick who owns a parcel of land situate in Cooper Township, Clearfield County, Pennsylvania. Although your letter does not make reference to the circumstances which have led Ms. Kendrick having taking action in regard to the road, it seems to be apparent from my understanding of the circumstances that Ms. Kendrick is upset in regard to the enhanced 911 naming of the roadway in question and that she is totally dissatisfied with the designation given to the road by the Clearfield County GIS Department. Since receipt of your letter it is my understanding that Ms. Kendrick has contacted the Cooper Township Supervisors, the Clearfield County GIS Department as well as has had her son-in-law unload a wooden gate for placement apparently across the road on Wednesday morning, June 25, 2003.

None of my clients' properties adjoin Sylvan Grove Road and although a portion of a separate tract owned by my clients does adjoin Basin Run Road, any access to the property in question where they have their residence would require them to traverse a strip mine highwall on the separate tract which was purchased by them nearly five (5) years after purchasing the parcel on which they live, all of which would be impossible. The roadway indicated in your letter subject to closure is the only access available to my clients to reach their residence. Lacking a written acknowledgment from your client that the road in question is a prescriptive and necessary easement, my clients have

Exhibit B

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

No.: 2005-01078-CD

JURY TRIAL DEMANDED

 **ORIGINAL**

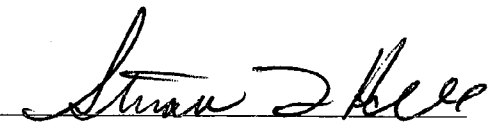
P R A E C I P E

TO THE PROTHONOTARY:

Please schedule argument in the above-captioned matter on Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick's Preliminary Objections filed on or about September 22, 2005. Thank you for your cooperation with this matter.

Respectfully submitted,
SNOWISS, STEINBERG, FAULKNER & HALL, LLP

By



Stuart L. Hall, Esquire
Attorney for Defendants
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

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SEP 23 2005 *(GK)*

William A. Shaw
Prothonotary, Clerk of Courts

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

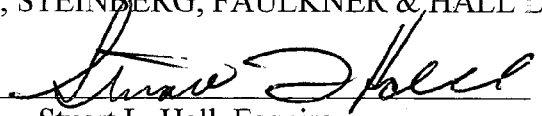
No.: 2005-01078-CD

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2005, I served a copy of the foregoing Praecipe F. Cortez Bell, Esquire, P. O. Box 670, Clearfield, Pennsylvania 16830, by United States first class mail, postage prepaid, the original being filed with the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By


Stuart L. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

CA

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

No.: 2005-01078-CD

RULE TO SHOW CAUSE

AND NOW, this 26th day of September, 2005, upon
consideration of Defendants Ginger J. Kendrick, Jacqueline Wick and Thomas D. Wick's
Preliminary Objections to Plaintiffs' Complaint, a Rule IS HEREBY ENTERED upon
Plaintiffs to show cause why the Preliminary Objections should not be sustained.

RULE RETURNABLE, the 1st day of November,
2005, in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield,
Pennsylvania at 9:00 o'clock, A.M.

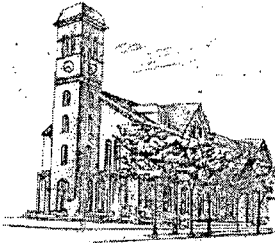
BY THE COURT:

Paul E. Cherry
J.

cc: F. Cortez Bell, III, Esquire
Stuart L. Hall, Esquire

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Any Hall

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

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, PA
CIVIL DIVISION

THOMAS E. JOSEPHSON and LISA A.)
JOSEPHSON, husband and wife,)
Plaintiffs)

No.: 2005-01078-CD

5.)
GINGER J. KENDRICK, JACQUELINE)
WICK and THOMAS D. WICK,)
Defendants)

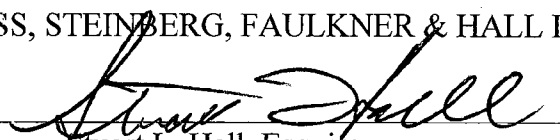
 ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2005, I served a copy of the foregoing Rule to Show Cause upon F. Cortez Bell, Esquire, P. O. Box 670, Clearfield, Pennsylvania 16830, by Certified Mail, Return Receipt Requested, and United States first class mail, postage prepaid.

SNOWISS, STEINBERG, FAULKNER & HALL LLP

By



Stuart L. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

FILED NO CC

OCT 03 2005

William A. Snow
Prothonotary/Clerk of Courts

10/12/05

FILED

OCT 03 2005

Prothonotary Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS E. JOSEPHSON and
LISA A. JOSEPHSON, husband
and wife,

Plaintiffs

vs.

GINGER J. KENDRICK,
JACQUELINE WICK,
THOMAS D. WICK,

Defendants

Type of Case: Civil Action

No. 2005-1078-CD

Type of Pleading:

Praecipe for
Substitution of Counsel

Filed on Behalf of:

Defendants

Counsel of Record for This
Party:

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

(814) 371-7768

October 14, 2005

FILED No CC
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Copy to
CIA
William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS E. JOSEPHSON and
LISA A. JOSEPHSON, husband
and wife,

Plaintiffs

vs.

No. 2005-1078-CD

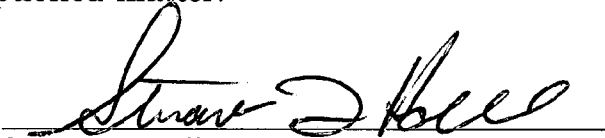
GINGER J. KENDRICK,
JACQUELINE WICK,
THOMAS D. WICK,

Defendants

PRAECIPE FOR SUBSTITUTION OF COUNSEL

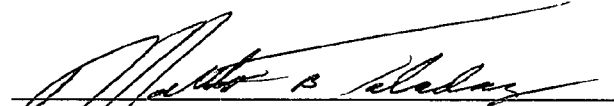
TO THE PROTHONOTARY:

Kindly withdraw my appearance on behalf of the Defendant
Ginger J. Kendrick in the above captioned matter.



Stuart L. Hall, Esq.
Snowiss, Steinberg, Faulkner & Hall

Kindly enter my appearance on behalf of the Defendant
Ginger J. Kendrick in the above captioned matter.



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

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

THOMAS E. JOSEPHSON and
LISA A. JOSEPHSON, husband
and wife,

Plaintiffs

vs.

No. 2005-1078-CD

GINGER J. KENDRICK,
JACQUELINE WICK,
THOMAS D. WICK,

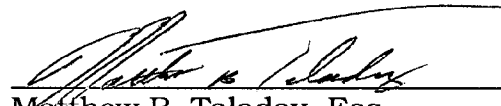
Defendants

CERTIFICATE OF SERVICE

I certify that on the 14th day of October, 2005, a true and
correct copy of Defendant Kendrick's Praecipe for Substitution of
Counsel was sent via first class mail, postage prepaid, to the following:

F. Cortez Bell, III, Esq.
Attorney for Plaintiffs
318 E. Locust Street
P.O. Box 1088
Clearfield, PA 16830

Joseph P. Green, Esq.
Attorney for Wick Defendants
Lee, Martin, Green & Reiter, Inc.
115 E. High Street
P.O. Box 179
Bellefonte, PA 16823-0179


Matthew B. Taladay, Esq.
Attorney for Defendant Kendrick

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

THOMAS E. JOSEPHSON and
LISA A. JOSEPHSON, husband and wife,
Plaintiffs

vs.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

) No. 2005-01078-CD
:
) Type of Pleading Filed:
:
) Entry of Appearance
:
) Filed on Behalf of: Defendants
) Jacqueline Wick & Thomas D. Wick
:
) Counsel of Record for this Party:
:
) Joseph P. Green, Esquire
:
) LEE, GREEN & REITER, INC.
) 115 East High Street
:
) PO Box 179
) Bellefonte, PA 16823
:
) Phone: 814-355-4769
) Fax: 814-355-5024

FILED ^{no}cc
m 11:48 AM
OCT 24 2005
J. Shaw
William A. Shaw
Prothonotary/Clerk of Courts
copy to CIA

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

THOMAS E. JOSEPHSON and)	
LISA A. JOSEPHSON, husband and wife,	:	No. 2005-01078-CD
Plaintiffs)	
	:	
vs.)	
	:	
GINGER J. KENDRICK, JACQUELINE)	
WICK and THOMAS D. WICK,	:	
Defendants)	

PRAECIPE FOR SUBSTITUTION OF COUNSEL

To the Prothonotary:

Kindly enter my appearance on behalf of Defendants Jacqueline Wick and Thomas D. Wick above-captioned matter. The withdrawal of appearance executed by Stuart L. Hall, Esquire, present counsel for said defendants, is attached hereto.

LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esquire, ID #19238
Attorney for Defendants Wick
115 East High Street
PO Box 179
Bellefonte, PA 16823
814-355-4769

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

THOMAS E. JOSEPHSON and LISA A.
JOSEPHSON, husband and wife,
Plaintiffs

v.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

No.: 2005-01078-CD

PRAECIPE FOR WITHDRAW OF APPEARANCE

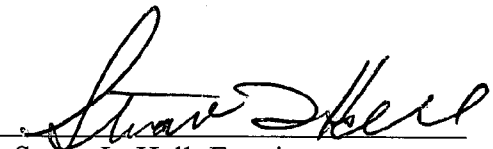
TO THE PROTHONOTARY:

Please withdraw my appearance on behalf of Defendants Jacqueline Wick and
Thomas D. Wick in the above captioned matter.

Respectfully submitted,
SNOWISS, STEINBERG, FAULKNER & HALL, LLP

Dated: October 18, 2005

By



Stuart L. Hall, Esquire
333 North Vesper Street
Lock Haven, PA 17745
(570) 748-2961

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


THOMAS E. JOSEPHSON and)	
LISA A. JOSEPHSON, husband and wife,	:	No. 2005-01078-CD
Plaintiffs)	
	:	
vs.)	
	:	
GINGER J. KENDRICK, JACQUELINE)	
WICK and THOMAS D. WICK,	:	
Defendants)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe for Substitution of Counsel was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 31st day of October 2005 addressed to the following:

F. Cortez Bell, III, Esq.
318 East Locust Street
Clearfield, PA 16830

Matthew B. Taladay, Esq.
Hanak Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801



Joseph P. Green, Esquire

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

THOMAS E. JOSEPHSON and
LISA JOSEPHSON, husband and
wife

-VS-

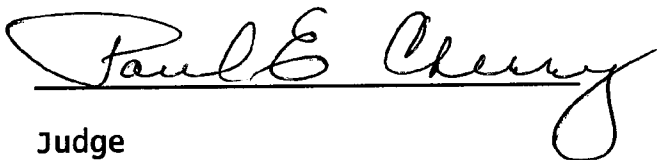
No. 05-1078-CD

GINGER J. KENDRICK,
JACQUELINE WICK and THOMAS
D. WICK

O R D E R

NOW, this 1st day of November, 2005, following argument on Preliminary Objections, it is the ORDER of this Court that counsel for Plaintiff shall file brief with the Court within no more than thirty (30) days from this date. Counsel for Defendants shall file responsive brief, if any, within no more than ten (10) days upon receipt of Plaintiffs' brief.

BY THE COURT,


Judge

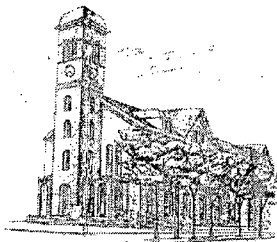
FILED

2 cc

01/11/01/31
NOV 02 2005

William A. Shaw
Prothonotary Clerk of Courts

Atty's:
F.C. Bell
Taladay
J. Green
CK



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:

CA

THOMAS E. JOSEPHSON and
LISA JOSEPHSON, husband and
wife

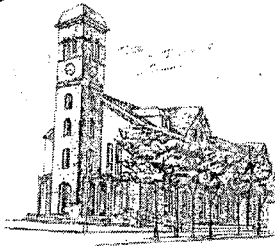
No. 05-1078-CD

ORDER

BY THE COURT,

Judge

FILED 2cc:Phys:
O'D:5484 F.C.Bell
NOV 02 2005 Taladay
J.Green
William A. Shaw
Prothonotary/Clerk of Courts (60)



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

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Sincerely,

William A. Shaw
Prothonotary

_____ 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:

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

THOMAS E. JOSEPHSON and
LISA A. JOSEPHSON,
husband and wife,
Plaintiffs

NO. 05-1078-CD

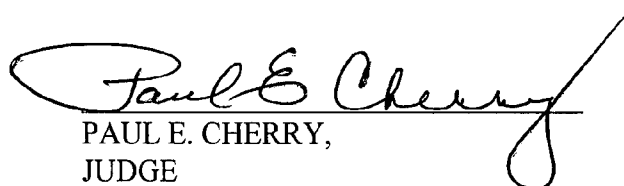
V.

GINGER J. KENDRICK, JACQUELINE
WICK and THOMAS D. WICK,
Defendants

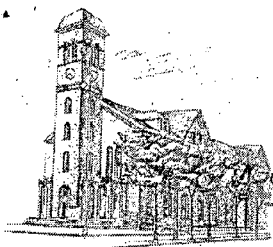
ORDER

AND NOW, this 18th day of January, 2006, following argument on Preliminary Objections and the timely receipt of briefs and upon consideration of same, it is the ORDER of this Court that said Preliminary Objections as to all Defendants shall be and are hereby SUSTAINED. It is the further ORDER of this Court that the Complaint as to all Defendants shall be and is hereby DISMISSED with prejudice.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED 1cc Atty's:
01/31/06 Bell
JAN 19 2006 Taladay
(LMD) J. Green
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: 11/19/06

 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:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100688
NO: 05-1078-CD
SERVICE # 1 OF 3
SUMMONS

PLAINTIFF: THOMAS E. JOSEPHSON AND LISA A. JOSEPHSON

vs.

DEFENDANT: GINGER J. KENDRICK; JACQULEINE WICK; THOMAS D. WICK

SHERIFF RETURN

NOW, August 04, 2005 AT 9:41 AM SERVED THE WITHIN SUMMONS ON GINGER J. KENDRICK DEFENDANT AT 49 INDIANA ST., GRASSFLAT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GINGER J. KENDRICK, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED

01/10/06
FEB 10 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100688
NO: 05-1078-CD
SERVICE # 2 OF 3
SUMMONS

PLAINTIFF: THOMAS E. JOSEPHSON AND LISA A. JOSEPHSON

vs.

DEFENDANT: GINGER J. KENDRICK; JACQUELINE WICK; THOMAS D. WICK

SHERIFF RETURN

NOW, August 02, 2005, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON JACQUELINE WICK.

NOW, August 04, 2005 AT 3:10 PM SERVED THE WITHIN SUMMONS ON JACQUELINE WICK, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100688
NO: 05-1078-CD
SERVICE # 3 OF 3
SUMMONS

PLAINTIFF: THOMAS E. JOSEPHSON AND LISA A. JOSEPHSON

vs.

DEFENDANT: GINGER J. KENDRICK; JACQULEINE WICK; THOMAS D. WICK

SHERIFF RETURN

NOW, August 02, 2005, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON THOMAS D. WICK.

NOW, August 04, 2005 AT 3:10 PM SERVED THE WITHIN SUMMONS ON THOMAS D. WICK, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100688
NO: 05-1078-CD
SERVICES 3
SUMMONS

PLAINTIFF: THOMAS E. JOSEPHSON AND LISA A. JOSEPHSON

vs.

DEFENDANT: GINGER J. KENDRICK; JACQULEINE WICK; THOMAS D. WICK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BELL	3556	30.00
SHERIFF HAWKINS	BELL	3556	59.82
CENTRE CO.	BELL	3566	42.80

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

SHERIFF'S OFFICE

CENTRE COUNTY

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN				INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. please type or print legibly. Do Not detach any copies.					
1. Plaintiff(s) <u>Thomas Josephson et al</u>				2. Case Number <u>05-1078-CD</u>					
3. Defendant(s) <u>Jacqueline & Thomas Wick</u>				4. Type of Writ or Complaint: <u>Summons</u>					
5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. <u>Jacqueline & Thomas Wick</u>									
6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) <u>109 N. 4th St. Snow Shop</u>									
7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other									
Now, <u>20</u> <u>05</u> , I SHERIFF OF CENTRE COUNTY, PA., do hereby deputize the Sheriff of <u>Centre</u> County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. <u>Sheriff of Centre County</u>									
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE									
NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.									
9. Print/Type Name and Address of Attorney/Originator				10. Telephone Number		11. Date			
				12. Signature					
SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE									
13. I acknowledge receipt of the writ or complaint as indicated above.		SIGNATURE of Authorized CCSD Deputy of Clerk and Title		14. Date Filed		15. Expiration/Hearing Date			
TO BE COMPLETED BY SHERIFF									
16. Served and made known to <u>Jacqueline Wick (2 copies)</u> , on the <u>4th</u> day of <u>August</u> , 20 <u>05</u> , at <u>3:10</u> o'clock, <u>P</u> m., at <u>109 N. 4th St. Snow Shop</u> , County of Centre Commonwealth of Pennsylvania, in the manner described below: <input checked="" type="checkbox"/> Defendant(s) personally served. <input checked="" type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is <u>Wife of Thomas</u> <input type="checkbox"/> Adult in charge of Defendant's residence. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) resides(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____									
On the _____ day of _____, 20 _____, at _____ o'clock, _____ M. Defendant not found because: <input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____									
Remarks:									
Advance Costs <u>75.00</u>	Docket <u>9.00</u>	Service <u>15.00</u>	Sur Charge <u>-</u>	Affidavit <u>3.50</u>	Mileage <u>13.80</u>	Postage <u>.50</u>	Misc. <u>1.00</u>	Total Costs <u>42.80</u>	Costs Due of <u>Refund</u> <u>32.20</u>
17. AFFIRMED and subscribed to before me this <u>8</u> day of <u>Aug</u> , 20 <u>05</u> <u>Corinne Peters</u> Notary Public Corinne Peters, Notary Public Bellefonte Boro, Centre County My Commission Expires Sept 5, 2005				So Answer. 18. Signature of Dep. Sheriff <u>Hel Schuch</u> 21. Signature of Sheriff <u>[Signature]</u>				19. Date <u>8-5-05</u> 22. Date	
24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF <u>Matthew Zima</u> and <u>Associates</u>				SHERIFF OF CENTRE COUNTY Amount Pd. _____ Page _____				25. Date Received	