

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

PROGRESSIVE NORTHERN INSURANCE COMPANY,
Subrogee of Jason Ingram

Plaintiff,

v.

C.R. ENGLAND, INC.

Defendant.

CASE NO: 05-1111-CD

TYPE OF PLEADING:
COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

MICHAEL J. DOUGHERTY, ESQUIRE
Pa. I.D. #76046
WELTMAN, WEINBERG & REIS CO., L.P.A.
325 Chestnut Street
Suite 1120
Philadelphia, PA 19106
(215) 599-1500
WWR #04239897

FILED No CC
m/2:07/01
AUG 01 2005 m Aug pd.
85.00

Prothonotary Clerk of Courts

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

PROGRESSIVE NORTHERN INSURANCE COMPANY,
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Plaintiff,

v.

C.R. ENGLAND, INC.

Defendant.

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NOTICE TO DEFEND

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim 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 an attorney in 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 money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

AVISO

LE HAN DEMANDADO A USTED EN LA CORTE. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha dela demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. usted puede perder dinero o sus propiedades u otros drechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SINO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME FOR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ADAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext. 1300-1301

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

AND NOW COMES, Plaintiff by and through its counsel, WELTMAN, WEINBERG & REIS, CO., L.P.A., and hereby files this Complaint against Defendant. In support thereof, Plaintiff avers as follows:

1. Plaintiff, Progressive Northern Insurance Company ("Progressive"), is a corporation with a registered office located at P.O. Box 89480, Cleveland, Ohio.
2. Defendant, C.R. England, Inc. is a business organization licensed and authorized to conduct business in the State of Utah and having as one of its places of business 4701 West 2100 South, Salt Lake City, Utah 84120.
3. Progressive issued a policy of insurance whereby Progressive agreed to insure a 1995 Freightliner ("Insured Vehicle"), owned by Plaintiff's insured.
4. At all times mentioned herein, Progressive's insured was the owner of said Insured Vehicle.
5. On or about September 22, 2004, an agent, servant, workman and/or employee of Defendant, acting within the course and scope of his agency, did negligently and carelessly damage the Plaintiff Insured's vehicle by causing an accident on Route 219, Sandy Township, Clearfield County, Pennsylvania.
6. As a direct and proximate result of Defendant's negligence, the Progressive Insured's vehicle sustained property damage in the amount of \$9,091.65.

7. Pursuant to the terms and conditions of the insurance policy, Progressive paid for the property damage sustained to their Insured's vehicle in the amount of \$8,091.65. A true and correct copy Progressive's damage documentation is attached hereto as Exhibit "1".

8. In addition, the Progressive Insured sustained damages in the amount of \$1,000.00 representing his deductible.

9. Pursuant to the insurance policy issued by Progressive and as a result of said aforesaid payment, Progressive became subrogated to the claim of its Insured against Defendant.

10. Pursuant to Progressive's right of subrogation, Progressive is presently due and owed from Defendant the sum of \$9,091.65.

WHEREFORE, Plaintiff demands Judgment against Defendant in the amount of \$9,091.65 plus interest and costs.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED SHALL BE USED FOR THAT PURPOSE.

Respectfully Submitted:

WELTMAN, WEINBERG & REIS, CO., L.P.A.

Michael J. Dougherty, Esquire
PA I.D. # 76046
325 Chestnut Street
Suite 1120
Philadelphia, PA 19106
(215) 599-1500
WWR#04239897

EXHIBIT 1

TRANSPORT CLAIMS SERVICES

1915 SPRINGHILL RD
PORTAGE, PA 15946

814-736-3883
Fax: 814-736-8734

Any person who knowingly and with intent to injure or defraud any insurer files an application or claim containing any false, incomplete or misleading information shall, upon conviction, be subject to imprisonment for up to seven years and payment of a fine of up to \$15,000.

Ins Co: PROGRESSIVE INSURANCE CO.
Owner: JASON INGRAM
Insured: Same

Examiner: Ms. Jennifer Bums
Inspection Date: 9/24/2004
Claim #: 043820937
Date of Loss: 9/22/2004
Our File #: 155104

Yea 1995	Make FREIGHTLINER	Model FLD120	Seri 1FUYDSE86SH882012
License	Meter		

Page 1

Ref	Qant	Qup	Detail of Repairs or Replacements	Labor Hrs	Parts	Net Sublet
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	front bumper	1.0	\$800.00	\$0.00
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	left front bumper brackets	1.5	\$0.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	hood shell w/ grille & lamps (used)	2.0	\$2,500.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A/C condenser (used)	1.2	\$0.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	charge & vac A/C	1.5	\$40.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	radiator assy (used)	3.5	\$0.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	air to air charger (used)	1.2	\$0.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	fan hub	1.0	\$1,311.65	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	compresser	1.0	\$850.00	\$0.00
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	left cowl top & side	10.0	\$0.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	radiator support rods (used)	1.0	\$0.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	left front tire 24.5	1.0	\$350.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	R & I fender mirrors	2.0	\$0.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	R & I fender stone guards	1.0	\$0.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	refinish as needed	14.0	\$0.00	\$0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	pin stripe & graphics	0.0	\$0.00	\$375.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	paint & materials	0.0	\$0.00	\$450.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	misc shop supplys	0.0	\$0.00	\$200.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	coolant	0.5	\$45.00	\$0.00
				43.4	\$5,896.65	\$1,025.00

In consideration the undersigned repairer agrees to repair and guarantee all repairs and guarantee all repairs to the above, and that all repairs and/or parts replacements listed hereon be made in strict accordance with manufacturer's specifications and recommendations.

Repairer _____ Tax ID#:

Labor 43.4 hrs @ \$50.00 \$2,170.00
Parts \$5,896.65 less 0% \$0.00 \$5,896.65
Net Sublet And/Or Paint. \$1,025.00
Tax @ 0.0% on \$0.00 = \$0.00
Total Settlement \$9,091.65

Towing/paid out: \$0.00

Betterment: \$0.00

Salvage: \$0.00

Deductible: \$0.00

Bob Parks
Bob Parks - APPRAISER

10/7/2004 138905
Date LICENSE #

Net Settlement **\$9,091.65**

CMSD2340 /CMSM2340 P A C M A N MAR 24 05 - 14:26
OPID: TXP0043 CLAIM PAYMENT INQUIRY TERMID: VT620147
INSD: INGRAM, JASON POL: 01946088-1
DOL : SEP 22 04 PA-STCOLL-BRN- CLM: 043820937 ACTIVE REP: K MIDDLETON

PAY TO THE ORDER OF: TOTAL DRAFT AMOUNT: 8,091.65

LINE 1: JASON INGRAM AND*****
LINE 2: MJ TRANSPORT (ONLY)*****
LINE 3:

ADDRESS: 15276 BENNETT VALLEY HWY

CITY: PENFIELD ST/PR* PA ZIP/CPC: 15849 CNTRY* USA

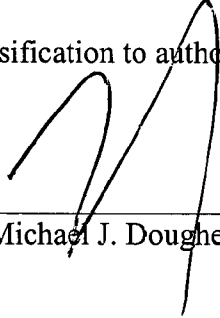
IN PAYMENT OF: REPAIRS TO 1995 FREIGHTLINER LESS \$1000 DEDUCTIBLE

1099 ? N FEDERAL TAX ID: LAST UPDT REP: KLM0010
CDS CODE * 12 PCL EFT TRACE #: ISSUING REP: K MIDDLETON
BANK CODE* AS2 ISSUE DATE : OCT 26 04 APPROVED BY:
STATE * PA AREA * 253 REVIEW DATE: 00 00
STOP RSN * DRAFT # : 436664896 REVIEWED BY:

COMMAND:

VERIFICATION

I, Michael J. Dougherty, Esquire, attorney for the Plaintiff(s) do hereby swear and affirm that the averments in the attached Complaint are true and correct to the best of my knowledge, information and/or belief. These averments are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



Michael J. Dougherty

Date

7/23/05

WELTMAN, WEINBERG & REIS CO., L.P.A.

BY: Michael J. Dougherty, Esquire

I.D. No. 76046

325 Chestnut Street, Suite 1120

Philadelphia, PA 19106

Phone: 215.599.1500

Fax: 215.599.1505

File # 04239897

Attorney for Plaintiff(s)

PROGRESSIVE NORTHERN INSURANCE
COMPANY, Subrogee of Jason Ingram

Clearfield County
Court of Common Pleas

vs.

C.R. ENGLAND, INC.

No.: **05-1111CD**

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

On August 8, 2005 Plaintiff served its Complaint in Civil Action upon Defendant, C.R. England, Inc., 4701 West 2100 South, Salt Lake City, UT 84120 by certified mail, return receipt requested and first class, United States mail, postage-prepaid. Attached is the signed certified mail receipt number 7004 2510 0003 3681 3375 dated August 8, 2005.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By


Michael J. Dougherty, Esquire
Attorney for Plaintiff

FILED *NO CC*
m 110:3781
AUG 19 2005 *LM*
William A. Shaw
Prothonotary/Clerk of Courts

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CR England, Inc.
4701 West 2100 South
Salt Lake City, UT
84120

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ X

☐ Agent
☐ Addressee

B. Received By (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

AUG 8 2005

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☒ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7004 2510 0003 3681 3375

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PROGRESSIVE NORTHERN
INSURANCE COMPANY, Subrogee of
Jason Ingram,

Plaintiff,

vs.

C.R. ENGLAND, INC.,

Defendant.

CIVIL DIVISION

No. 05-1111-CD

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Filed on Behalf of Defendant, C.R.
England, Inc.

Counsel of Record for this Party:

MARY LOU MAIERHOFER, ESQUIRE
PA. I.D. #62175

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.
120 Lakemont Park Boulevard
Altoona, PA 16602

Telephone No.: (814) 941-4600
Fax No.: (814) 941-4605

FILED ^{NO CC}
mlm:538
SEP 01 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PROGRESSIVE NORTHERN
INSURANCE COMPANY, Subrogee of
Jason Ingram,

Plaintiff,

vs.

C.R. ENGLAND, INC.,

Defendant.

CIVIL DIVISION

No. 05-1111-CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter the appearance of MARY LOU MAIERHOFER, ESQUIRE, of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, as Counsel of Record on behalf of Defendant, C.R. England, Inc., in the above-captioned matter.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE
Counsel for Defendant, C.R. England, Inc.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

DATE: August 31, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PROGRESSIVE NORTHERN
INSURANCE COMPANY, Subrogee of
Jason Ingram,

Plaintiff,

vs.

C.R. ENGLAND, INC.,

Defendant.

CIVIL DIVISION

No. 05-1111-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, Mary Lou Maierhofer, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that Praecipe for Entry of Appearance on behalf of Defendant, C.R. England, Inc., was served this **31st day of August, 2005**, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

Michael J. Dougherty, Esquire
Weltman, Weinberg & Reis Co., LPA
325 Chestnut Street, Suite 1120
Philadelphia, PA 19106
(Plaintiff's counsel)

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE
Counsel for Defendant, C.R. England, Inc.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

WELTMAN, WEINBERG & REIS CO., L.P.A.

BY: Michael J. Dougherty, Esquire

I.D. No. 76046

325 Chestnut Street, Suite 1120

Philadelphia, PA 19106

Phone: 215.599.1500

Fax: 215.599.1505

File # 04239897

Attorney for Plaintiff(s)

PROGRESSIVE NORTHERN INSURANCE
COMPANY, Subrogee of Jason Ingram

Clearfield County
Court of Common Pleas

vs.

C.R. ENGLAND

NO. 05-1111-CD

ORDER TO SETTLE, DISCONTINUE AND END

TO THE PROTHONOTARY:

Kindly mark the above matter settled, discontinued and ended without prejudice.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By


Michael J. Dougherty, Esquire
Attorney for Plaintiff

FILED

10/8/03 394m

JAN 04 2006

(LM)

1 Cert of disc to
Atty
& copy to CIA

William A. Shaw
Prothonotary

WELTMAN, WEINBERG & REIS Co., L.P.A.

ATTORNEYS AT LAW
325 Chestnut Street, Suite 1120
Philadelphia, PA 19106
215.599.1500
215.599.1505 (fax)
www.weltman.com



BURLINGTON, NJ
609.914.0437
CHICAGO, IL
847.940.9812
CINCINNATI, OH
513.723.2200
CLEVELAND, OH
216.685.1000
COLUMBUS, OH
614.228.7272
DETROIT, MI
248.362.6100
PITTSBURGH, PA
412.434.7955

December 29, 2005

Office of the Prothonotary
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Re: Progressive Ins. Co. v. C.R. England
Civil Action No. 05-1111-CD
Our File No. 04239897

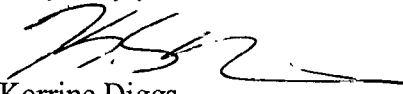
Dear Sir or Madam:

Attached please find the original Plaintiff's Order to Settle, Discontinue, and End, which we would like to file on behalf of our client.

Also attached is a copy of Plaintiff's Order to Settle, Discontinue, and End, to be returned to our office as a time-stamped copy in the self addressed, postage paid envelope provided.

If you have any questions, please do not hesitate to contact me at the above number listed. Thank you in advance for your cooperation.

Very truly yours,


Korrine Diggs
Legal Assistant

Enclosures

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

CIVIL DIVISION

COPY

**Progressive Northern Insurance Company
Jason Ingram**

Vs.

No. 2005-01111-CD

C. R. England, Inc.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on January 4, 2006, marked:

Settled, discontinued and ended without prejudice

Record costs in the sum of \$85.00 have been paid in full by Weltman, Weinberg & Reis Esqs.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 4th day of January A.D. 2006.

William A. Shaw, Prothonotary