

05-1180-CD

John R. Gallaher vs Camille George

John R. Gallaher vs Camille George et al
2005-1180-CD

Date: 1/9/2006

Time: 01:33 PM

Page 1 of 2

Clearfield County Court of Common Pleas

ROA Report

User: BILLSHAW

Case: 2005-01180-CD

Current Judge: No Judge

Civil Other

Date		Judge
8/10/2005	New Case Filed.	No Judge
	Filing: Civil Complaint Paid by: Bryant & Cantorna, P.C. Receipt number: 1906382 Dated: 08/10/2005 Amount: \$85.00 (Check) 1CC Shff.	No Judge
8/15/2005	Praecipe For Entry of Appearance, filed by Atty. R. Bruce Manchester on behalf of Defendant. 2 Cert. to Atty.	No Judge
	Certificate of Service, filed by Atty. Manchester 2 Cert. to Atty.	No Judge
	Served copy of Entry of Appearance upon Atty. Bryant by 1st class mail on August 15, 2005	
8/31/2005	Preliminary Objections of Camille George to the Plaintiff's Complaint Pursuant to the Pennsylvania Rules of Civil Procedure 1028 (2), (3), and (4) and 1019, filed by Atty. Manchester. 1 cert. to Atty. w/o order and 1 Cert. to Atty.	No Judge
9/6/2005	Order, this 6th day of September, 2005, upon consideration of recusal of both Judges sitting in the 46th Judicial District, it is the Order of this Court that the Court Administrator of Clfd. Co. refer the above-captioned civil matter to Administrative Regional Unit II for assignment of a specially presiding judicial authority. By The Court: /s/Fredric J. Ammerman, Pres. Judge. 5 Cert. to C/A	Fredric Joseph Ammerman
9/23/2005	Plaintiff's Answer to Defendant's Preliminary Objections filed by s/ Bernard F. Cantorna Esq. No CC.	No Judge
10/13/2005	Order, NOW, this 10th day of October, 2005, having reviewed Def.'s Preliminary Objection and the Brief's of the parties, Ordered as follows: Def's Preliminary Objections are Dismissed, Def. shall file a responsive pleading within 20 days of this date, copies of all pleadings and motions shall be sent to the undersigned, a Pre-trial Conference shall be held before the undersigned on Tuesday, Nov. 15, 2005 at 1:30 p.m., in chambers, Clinton County Courthouse, Lock Haven, Pa. By The Court, /s/ J. Michael Williamson, Judge, Specially Presiding. No CC, copies previously distributed	J. Michael Williamson
10/31/2005	Answer with New Matter, Counterclaim and Third Party Complaint of Camille George, filed by s/ R. Bruce Manchester Esq. 6 CC Atty Manchester	No Judge
11/7/2005	Praecipe For Appearance as Co-Defense Counsel, enter appearance of O'Malley & Magley, L.L.P. as co-defense counsel of record for Defendant, Camille George. Filed by s/ Annabelle L. Carone, Esquire. No CC, copy to C/A	No Judge
11/22/2005	Praecipe For Entry of Appearance, filed by Atty. Bryant 1 Cert. to Atty. . Enter our appearance on behalf of the following Defendants: Houtzdale Municipal Water Auth., Kevin Phillips, Robert Gallagher and Jane and John Does 1-100.	No Judge
	Preliminary Objections filed on Behalf of Joh r. Gallagher, Plaintiff, and the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1-100. filed by Atty. Bryant 1 Cert. to Atty.	No Judge
	Motion for Sanctions Pursuant to Rule 1023.2, filed by Atty. Bryant 1 Cert. to Atty.	No Judge
12/7/2005	Entry of Appearance, for Defendant Lawrence Kokoskie, filed by s/ Dennis J. Stofko, Esquire. No CC, Copy to C/A	No Judge
12/8/2005	Praecipe, Please schedule argument on the Third Party Defendant Lawrence Kokoskie's Preliminary Objections. Filed by s/ Dennis J. Stofko, Esquire. No CC	No Judge

✓

Date: 1/9/2006

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 01:33 PM

ROA Report

Page 2 of 2

Case: 2005-01180-CD

Current Judge: No Judge

Civil Other

Date		Judge
12/8/2005	Preliminary Objections, filed by s/ Dennis J. Stofko, Esquire. No CC	No Judge
12/13/2005	Amended Preliminary Objections, filed by s/ Dennis J. Stofko, Esquire. No CC	No Judge
12/20/2005	Sheriff Return, August 15, 2005 at 9:10 am served the within Complaint on Camille George So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Bryant \$30.37	No Judge
1/3/2006	Order, NOW, this 28th day of Dec., 2005, Ordered: Defendant George is granted until 5:00 p.m. on Jan. 31, 2006 to complete all discovery necessary to substantiate his Counterclaim (see original). By The Court, /s/ J. Michael Williamson, Judge Specially Presiding. Copies previously distributed.	J. Michael Williamson
1/4/2006	Sheriff Return, November 4, 2005, Sheriff of Centre County was deputized. November 9, 2005, at 12:50 pm served the within Answer/New Matter, Counterclaim & 3rd party Complaint on Jim Bryant. November 8, 2005 at 10:11 am served the within Answer/New Matter, Counterclaim & 3rd party Complaint on Kevin Phillips, Lawrence Kokoskie, Houtzdale Water Authority, Robert Gallagher. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by George \$121.46 Centre Co. costs pd by George \$22.00	No Judge

Civil Other

Date	Selected Items	Judge
1/12/2006	Motion For Continuance, filed by s/ R. Bruce Manchester, Esquire. 1CC Atty. Manchester	No Judge
1/13/2006	Opposition to Motion for Continuance, filed by s/James N. Bryant Esq. 1CC Atty and copy to C/A.	No Judge
1/17/2006	Certificate of Service, filed. True and correct copy of the foregoing Notice of Deposition was deposited on the 13th day of January 2006 to James Bryant Esq., Dennis J. Stoko Esq., and Bernard Cantorna Esq., filed by s/ R. Bruce Manchester, Esq.	No Judge
	Notice of Taking Deposition on Oral Examination Pursuant to PA.R.C.P. No. 4007.1, filed by s/ R. Bruce Manchester Esq. No CC. (Deposition of Lawrence Kokoskie)	No Judge
	Notice of Taking Deposition on Oral Examination Pursuant to PA.R.C.P. No. 4007.1, filed by s/ R. Bruce Manchester Esq. No CC. (Deposition of Kevin Phillips)	No Judge
	Notice of Taking Deposition on Oral Examination Pursuant to PA. R.C.P. No. 4007.1, filed by s/ R. Bruce Manchester Esq. No CC. (Deposition of John Gallagher)	No Judge
1/19/2006	Order, On November 12, 2005, we received a document entitled "Opposition to Motion for Continuance" filed by counsel for Defendants other than Kokoskie. This document was confusing because we were unaware a Motion for Continuance had been filed. After contacting the Clearfield County Court Administrator, we received, by fax transmission, a copy of the Motion for Continuance filed by Attorney Manchester on behalf of the Defendant George on January 12, 2006. Notwithstanding service on opposing counsel, Attorney Manchester seems to have failed to send a copy to the Court despite his clear understanding that a visiting Judge had been assigned. NOW, this 16th day of January, 2006, the Motion of Defendant George for an extension of our discovery completion date is DENIED, BY THE COURT: J. Michael Williamson, Specially Presiding.	J. Michael Williamson
1/31/2006	Camille "Bud" George's Response to the Preliminary Objections filed on behalf of John R. Gallagher, Plaintiff, and the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1-100, filed by s/ Bruce Manchester Esq. No CC.	No Judge
	Camille "Bud" George's Response to the Amended Preliminary Objection of Third-Party Defendant, Lawrence Kokoskie, filed by s/ Bruce Manchester Esq. No CC.	No Judge
	Camille "Bud" George's Response to Motion for Sanctions Pursuant to Rule 1023.2, filed by s/ Bruce Manchester Esq. No CC.	No Judge

Civil Other

Date	Selected Items	Judge
1/31/2006	Certificate of Service, filed. That a true and correct copy of the foregoing Camille "Bud" George's Response to the Preliminary Objections filed on behalf of John R. Gallagher, Plaintiff, and the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1-100; Camille "Bud" George's Response to Motion for Sanctions Pursuant to Rule 1023.2; Camille "Bud" George's Response to the Amended Preliminary Objections of Third-Party Defendant, Lawrence Kokiskie and Memorandum of Law in Support of Geroge's Response to the Preliminary Objection filed on behalf of John Gallagher, Plaintiff, and the Houtzdale Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1-100 and in Opposition to the Motion for Sanction was served on the 30th day of January 2006, to James Bryant Esq., Bernard Cantorna Esq., and Dennis J. Stofko Esq., filed by s/ Bruce Manchester Esq. No CC.	No Judge
2/16/2006	Order, NOW, this 13th day of Feb., 2006, argument on all pending Preliminary Objections and Motions shall be held on Wednesday, March 15, 2006 at 11:00 a.m. in Courtroom No. 1 of the Clinton County Courthouse, Lock Haven, Pennsylvania. By The Court, /s/ J. Michael Williamson, Judge	No Judge
2/23/2006	Letter From Judy J. Coder, Assistant Court Administrator, 25th Judicial District of PA: To Whom It May Concern, Please be advised that the above-captioned matter scheduled for march 15, 2006 has been rescheduled for Thrusday, April 13, 2006 at 1:30 p.m. in Court Room No. 1 of the Clinton County Court House, Lock Haven Pa. before the Honorable J. Michael Williamson. 1CC to: Honorable J. Michael Williamson, Specially Presiding James N. Bryant, Esquire R. Bruce Manchester, Esquire Dennis J. Stofko, Esquire Clinton County Court Administrator	No Judge
4/17/2006	Motion To Withdraw Appearance as Co-Counsel For Defendant, filed by s/ Stephen J. Magley, Esquire. No CC	J. Michael Williamson
4/18/2006	Order, NOW, this 18th day of April, 2006, Ordered that Attorney Stephen J. Magley and the law firm of O'Malley & Magley, L.L.P. are permitted to withdraw as co-counsel for Defendant, Camille George. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty.	Fredric Joseph Ammerman
4/19/2006	Order, NOW, this 17th day of April, 2006, based upon the agreement of counsel for all parties entered into in open Court after full discussion of the merits of all outstanding motions, It is Ordered: 1. Counts 2 and 3 of Plaintiff's Complaint are dismissed. 2. Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher, Lawrence Kokoskie, and Jane and John Does 1-100 are Dismissed as Defendants 3. Courts 2, 3, 4 and 5 of original Defendant's Counterclaim are Dismissed. 4. Defendant's Third Party Complaint against Kokoskie, Phillips, Houtzdale and John and Jane Does 1-100 is Dismissed. 5. All unresolved Preliminary Objections are Dismissed as moot. 6. The Clfd. Co. Court Administrator shall schedule this matter for a jury trial during the next Civil Court term. By The Court, /s/ J. Michael Williamson, Judge. No CC, all copies previously distributed.	J. Michael Williamson

Date: 8/8/2006

Clearfield County Court of Common Pleas

User: LMILLER

Time: 11:13 AM

ROA Report

Page 3 of 3

Case: 2005-01180-CD

Current Judge: J. Michael Williamson

Civil Other

Date	Selected Items	Judge
4/24/2006	Praeipie to Withdraw Appearance as Co-Defense Counsel, filed by Atty. Carone no cert. copies copy to C/A Please withdraw aooearabce if O'Malley & Magley, LLP as co-defendse counsel of record for Defendant, Camille George, per Court Order dated April 18, 2006.	J. Michael Williamson
6/29/2006	Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by R. Bruce Manchester Esq. No CC.	J. Michael Williamson
7/31/2006	Order, NOW, this 27th day of July, 2006, Ordered that pre-trial conference be held at the Clfd. Co. Courthouse, Hearing Room 3, at 1:00 p.m. on August 11, 2006, at which time counsel shall be present. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Bryant, Manchester, 1CC Judge Williamson w/out memo	Fredric Joseph Ammerman

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

:
:
:
: No. 2005-1180-CD
:
: JURY TRIAL
:

NOTICE

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

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

COURT ADMINISTRATOR
Mr. David S. Meholick
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641, Ext. 5982

FILED *Atty pd.
85.00*

11:50 A.M. GK

AUG 10 2005

1 CC ATTY

1 CC SHFF

William A. Shaw
Prothonotary

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

:
:
:
: No.
:
: JURY TRIAL
:

COMPLAINT

AND NOW, comes the Plaintiff, JOHN R. GALLAGHER, by and through his attorney, James N. Bryant, Esq., of Bryant & Cantorna, P.C., and files the following Complaint and states:

1. The Plaintiff is John R. Gallagher, an individual, who resides at 276 Birch Street, Houtzdale, Clearfield County, Pennsylvania.
2. The Defendant is Camille George, an individual who resides at 512 Harry Street, Houtzdale, Clearfield County, Pennsylvania.
3. At all times during the events which gave rise to this cause of action, Plaintiff, John R. Gallagher, was manager of the Houtzdale Municipal Authority, which was responsible for providing water to the residents of Houtzdale.
4. At all time during the events which gave rise to this cause of action, the Defendant Camille George, was a duly elected State Representative and an owner of properties serviced by the Houtzdale Municipal Authority.
5. In the Spring of 2005, the members of the Houtzdale Municipal Authority determined that it was in the best interest of the Authority to have property owners, rather than tenants, be responsible for water provided to the site.
6. At the time that a Resolution was presented to the Board, the Plaintiff was then Chairman of the Board and supported its passage.

7. Shortly after passing this resolution, the Authority sent letters to all landlords in their service area advising them in the change in procedure.

8. At all times, the Defendant, Camille George, owned rental properties in the service area and had excellent government and non-profit tenants in these properties, none of whom it is believed were at any risk of being delinquent in their rent to Mr. George.

9. Notwithstanding this fact, Camille George was outraged that, in addition to collecting rents, he would have to write a check or checks to the Houtzdale Municipal Authority.

10. On or about 4:10 p.m. Wednesday, July 13, 2005, the Plaintiff received a call from the Defendant. The Defendant indicated that he was extremely upset with this change in policy and the "landlord letters". He further indicated that he was not going to pay this at all.

11. The Defendant further indicated that, in an effort to strike back at the Houtzdale Municipal Authority and the Plaintiff, as manager of the Houtzdale Municipal Authority, he (the Defendant) would not renew a lease he had with Clearfield Hospital's Home Health Division and force them to fire the Plaintiff's mother.

12. The Plaintiff politely, civilly indicated that this was between Camille George and the Authority and that his mother had absolutely nothing to do with it, so that she should be left out of this dispute.

13. The Defendant said he would not leave her out of it and he was going to make sure that Plaintiff's mother got fired.

14. At this time, the Plaintiff indicated that he would be down to talk to Mr. George about this.

15. Shortly thereafter, the Plaintiff met with the Defendant and Alex Solan.

16. The Plaintiff told the Defendant "don't threaten my mother's job"

17. At this time, Mr. George rushed around the desk, grabbed the Plaintiff violently by

the throat with his left hand and pushed with the Plaintiff's chest with his right forearm and forced the Plaintiff up against the wall while he clutched and clawed at his throat.

18. This episode was terminated when Mr. Solan grabbed the Defendant and pulled him off the Plaintiff.

19. At no time had the Plaintiff made any threats, menacing gestures or done anything to the Defendant other than he suggest that it would be inappropriate to get his mother fired.

20. The Defendant then, amid streams of obscenities, accused the Plaintiff of circulating a nomination petition for a Dick Hansel, the Defendant's political opponent, and further accused him, interspersed with a number of obscenities, of directing people not to buy Ford motorcars from his brother's garage.

21. The Plaintiff responded that he did not take a petition around for Mr. Hansel and he had never told anyone not to buy a vehicle at the George garage.

22. Unsatisfied with this response, the Defendant, amid a stream of obscenities, accused the Plaintiff of lying and rushed at him with a fist cocked back and had to be restrained again by Mr. Solan.

23. The Defendant then indicated that he would have everybody at the Municipal Authority replaced and this would include board members and workers.

24. The Plaintiff responded that his was not about the Houtzdale Municipal Authority, this was about the Defendant threatening to have his mother fired.

25. At this point in time, the Defendant became even more irrational and again grabbed the Plaintiff by the throat, choking him and pushing him up against the wall. Again Mr. Solan grabbed the Defendant.

26. At this point, the Defendant told the Plaintiff to sit down or he would knock him

down and advised the Plaintiff that he (expletives deleted) would not give the Houtzdale Municipal Authority any more money, that he would not sign off on any grants and that he would have to go to a different individual to obtain state grants.

27. Plaintiff indicated that Mr. George was incorrect about the petition for Mr. Hansel and Mr. George should never threaten his mother's job, and then he left.

28. Thereupon Mr. George called a member of the Houtzdale Municipal Authority to attempted to have the Plaintiff fired.

29. Plaintiff was then treated for his injuries at the Clearfield Hospital.

30. It is believed that at the request of Mr. George, one of the members moved to have the Plaintiff fired at his position as manager of the Houtzdale Municipal Authority. This motion failed for lack of a second.

31. At no point did the Plaintiff ever threaten or provoke the Defendant and this action was in no manner whatsoever due to any act or failure on the part of the Plaintiff.

COUNT ONE

32. Allegations 1 through 31 are incorporated by reference.

33. The above action constitutes assault and battery upon the Plaintiff.

34. The Plaintiff sustained minimal bruises and contusions about his neck.

WHEREFORE, Plaintiff claims compensatory and punitive damages from the Defendant in an amount in excess of \$25,000.00.

COUNT TWO

35. Paragraphs 1 through 34 are incorporated herein by reference.

36. The Defendant, a State Representative, maliciously and wilfully attempted to interfere with the Authority's employment contract with the Plaintiff.

37. As a direct and approximate result of this unlawful interference, Plaintiff has and will suffer substantial financial injury and harm.

38. Such conduct constitutes intentional, improper and non-privilege interference with Plaintiff's employment.

WHEREFORE, Plaintiff claims compensatory and punitive damages from the Defendant in an amount in excess of \$25,000.00.

COUNT THREE
42 U.S.C. § 1983

39. Plaintiff hereby incorporated paragraphs 1 through 38.

40. On prior occasions, the defendant asked the plaintiff who he had voted for. The plaintiff told Mr. George he had not voted.

41. The plaintiff did sign a nomination petition for Dick Hansel and was given a petition to circulate on behalf of Dick Hansel.

42. The plaintiff's father circulated the petition on behalf of Dick Hansel.

43. As the chairman of the Authority in the spring of 2005, plaintiff publicly supported the bill changing the billing of landlords instead of tenants.

44. As the manager of the Authority, plaintiff advised the defendant of the change in Authority policy.

45. After the assault by Mr. George on the plaintiff, the plaintiff made a formal complaint with the police against the defendant.

46. The plaintiff has a constitutionally protected First Amendment right of Free Speech, the right to petition his government and a due process right to pursue his livelihood.

47. In retaliation for John Gallagher taking a position on a matter of public concern

opposite to his, not voting for the defendant, signing a petition for the defendant's political rival, and receiving petitions to distribute on behalf of the defendant's political rival, Mr. George was responsible for water and sewer and filing a police report against the defendant's plaintiff by:

- a. threatening to not renew a lease with the Clearfield Hospital's Home Health Division and forcing them to fire the plaintiff's mother;
- b. threatening plaintiff that he would see that the plaintiff's mother got fired;
- c. threatening plaintiff that he would fire the plaintiff and everyone who worked at the Municipal Authority;
- d. advising plaintiff that the Authority would not receive any more state money or grants;
- e. demanding that members of the Authority fire the plaintiff from his job as the manager of the Authority;
- f. conspiring with a number of the Authority Board to have Mr. Gallagher suspended from his job at the Authority; and
- g. assaulting the plaintiff.

48. The foregoing are in violation of the Federal Civil Rights Act.

WHEREFORE, plaintiff moves the court for judgment against the defendant, together with damages, costs of suit, attorney fees, punitive damages and any other relief the court deems just and appropriate.

BRYANT & CANTORNA, P.C.

By, 

James N. Bryant, Esquire
107 East Main Street, P.O. Box 551
Millheim, PA 16854
(814) 349-5666 TEL
(814) 349-2212 TFAX
PA ID No. 14084
Jnbryant1@verizon.r.net

DATE: August 10, 2005

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



RECEIVED
JAN 11 2011
FBI - NEW YORK

FILED

AUG 10 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JOHN R. GALLAGHER,

Plaintiff

vs

CAMILLE (BUD) GEORGE,

Defendant

:
:
:
:
:
:
:

NO. 205-1180-CD

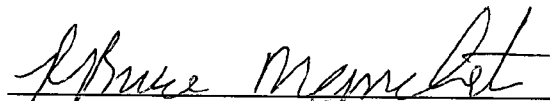
PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please enter my appearance on behalf of the Defendant in the above captioned case.

Dated:

8-12-05



R. Bruce Manchester, Esquire
MANCHESTER & ASSOCIATES
ID No. 28535
124 West Bishop Street
Bellefonte, Pennsylvania 16823
(814) 355-5421

FILED

AUG 15 2005

William A. Shaw
Prothonotary/Clerk of Courts

0/9:05/14

2 SENT TO AFT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JOHN R. GALLAGHER,

Plaintiff

vs

CAMILLE (BUD) GEORGE,

Defendant

:
:
:
:
:
:
:


NO. 2005-1180-CD

CERTIFICATE OF SERVICE

I, R. Bruce Manchester, Esquire, hereby certify that service on the following individuals, and in the stated manner, was made of copy and/or copies of the Entry of Appearance in the above captioned matter. Said service was made on August 15, 2005.

SERVICE BY FIRST CLASS MAIL

James Bryant, Esq.
P.O. Box 551
107 E. Main Street
Millheim, PA 16854


R. Bruce Manchester, Esquire

FILED

AUG 15 2005

William A. Shaw
Prothonotary/Clerk of Courts

019105/6

2005-1180-CD

A

IN THE COURT OF COMMON PLEAS - CLEARFIELD COUNTY
CIVIL DIVISION

JOHN R. GALLAGHER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2005-1180-CD
	:	
	:	
CAMILLE "BUD" GEORGE,	:	
	:	
Defendant.	:	
	:	

ORDER SUSTAINING PRELIMINARY OBJECTIONS

AND NOW, this _____ day of _____, 2005, upon consideration of the Preliminary Objections and supporting Memorandum of Law of defendant, Camille George ("George"), and any and all responses thereto, it is hereby **ORDERED** and **DECREED** that the Preliminary Objections are **GRANTED**, and the Court having found:

(1) that Count II of the Plaintiff's Complaint alleging a "conspiracy to interfere with Plaintiff's contract" must be dismissed with prejudice for legal insufficiency, in that even if this court accepts as true all of the Plaintiff's allegations, it is not possible as a matter of law to interfere with an "at will" employment relationship; and

(2) that Count III of the Plaintiff's Complaint, which alleges violation of 42 U.S.C. § 1983, must be dismissed with prejudice, since the Plaintiff has not alleged a violation of his rights guaranteed under the United States Constitution by any "person" acting under "color of law", as required under § 1983, and that Plaintiff has not sufficiently alleged an injury to his constitutional rights;

And this Court having further found that the Complaint in its entirety fails to comply with the Pennsylvania Rules of Civil Procedure, specifically, Pa.R.C.P. 1019 in that the Complaint fails to adequately set forth factually-supported allegations, it is therefore:

ORDERED that Count I of the Complaint is dismissed for failure to comply with the Rule of this Court, and Counts II and III of the Complaint are **DISMISSED with PREJUDICE** for legal insufficiency, and for failure to comply with the Rule of this Court.

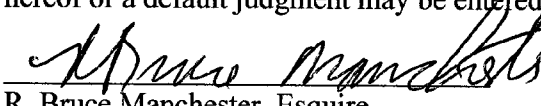
BY THE COURT:

J.

CA

**NOTICE TO PLEAD TO THE PRELIMINARY
OBJECTIONS OF CAMILLE GEORGE**

John R. Gallagher You are hereby notified to plead to the enclosed Preliminary Objections within 20 days from service hereof or a default judgment may be entered against you.


R. Bruce Manchester, Esquire

**IN THE COURT OF COMMON PLEAS – CLEARFIELD COUNTY
CIVIL DIVISION**

JOHN R. GALLAGHER,

Plaintiff,

v.

CAMILLE “BUD” GEORGE,

Defendant.

:

:

:

:

:

:

:

Case No. 2005-1180-CD

FILED

AUG 31 2005

William A. Shaw

Prothonotary/Clerk of Courts

**PRELIMINARY OBJECTIONS OF CAMILLE GEORGE TO THE
PLAINTIFF’S COMPLAINT PURSUANT TO PENNSYLVANIA RULES
OF CIVIL PROCEDURE 1028 (2), (3), AND (4) AND 1019**

*1 cent to Arry
w/o order show
1 cent to Arry*

Camille “Bud” George (“George”), by and through his undersigned attorney, Bruce Manchester, Esquire, hereby files these Preliminary Objections to the Plaintiff’s complaint (“Complaint”) pursuant to Pennsylvania Rules of Civil Procedure 1028(2), (3) and (4) and 1019. George submits that the instant Complaint is a contrived and legally-deficient pleading, which improperly attempts to elevate a garden-variety tort claim¹ into a “federal case” by alleging specious and unsupported claims of contractual interference, violation of civil rights and conspiracy. It is clear that the Complaint, when viewed under a light most

¹ George vigorously disputes that an assault on Plaintiff occurred at all. To the contrary, George was attacked by Plaintiff requiring George to take reasonable, restrained and appropriate measures to defend himself from the Plaintiff.

favorable to Plaintiff, must be dismissed as legally deficient and for the failure to comply with the rules of pleading of this Court. In support of his Preliminary Objections, George states as follows:

1. John R. Gallagher ("Plaintiff" or "Gallagher") filed his Complaint on August 10, 2005. A true and correct copy of the Complaint is attached hereto as Exhibit "A" and is incorporated herein by reference.

2. The Complaint alleges three (3) Counts:

- a. Count I – Assault and Battery;
- b. Count II - Conspiracy to Interfere with Contractual Relationships;
and
- c. Count III – Violation of Civil Rights (42 U.S.C § 1983).

3. In the Complaint, Plaintiff alleges that George was at all times acting in his own self interest, and in furtherance of his personal economic interest as a landlord subject to the rules of the Houtzdale Municipal Water Authority ("HMUA"), where Plaintiff serves as President. (See Complaint at ¶¶ 4, 8, 9, and 10).

4. Plaintiff alleges that George telephoned him complaining about a change in the billing procedures of the HMUA whereby landlords, rather than tenants, would receive bills for municipal water usage. See Complaint at ¶¶ 5, 10.

5. Shortly following this telephone conversation, Plaintiff appeared uninvited at George's office suite, forced his way into the innermost portion of George's private office, and physically confronted George.

6. Plaintiff is believed to be in his late 20's or early 30's in age and is much more physically imposing than the 77-year old George.

7. George was forced to physically defend himself against the attack of the Plaintiff.

8. After the attack, Plaintiff filed criminal charges against George, which the State Police and District Attorney declined to pursue, because of the clear defenses of justification, necessity, and self defense.

THE CONSPIRACY TO INTERFERE WITH CONTRACT CLAIM (COUNT II)

9. In Count II, Plaintiff vaguely alleges upon “belief” that George called “a member of the Houtzdale Municipal Authority to attempted [sic] to have the Plaintiff fired” and that “[i]t is believed that at the request of Mr. George, one of the members moved to have the Plaintiff fired at his position as manager of the Houtzdale Municipal Authority.” (See Complaint at ¶¶ 28 and 30).

10. These aforementioned allegations of a mysterious conspiracy relate to Count II of the Complaint seeking damages for the alleged interference by George of an undisclosed, and therefore believed to be nonexistent, employment contract between the Plaintiff and the HMUA.

11. Plaintiff fails, however, to provide any specifics of when the alleged conspiracy was hatched, how it was carried out, or most importantly, the identity of the other member of the Houtzdale Municipal Authority who unsuccessfully moved for the termination of the Plaintiff as manager of the Houtzdale Municipal Authority.

12. Rather, Plaintiff alleges the conspiracy without the “specifics” of the “who, when and where” necessary for an intelligent response. Such pleading violates the Rules, which require “fact pleading”, not pleadings based upon conjecture, conclusions or wishful thinking. *See*, Pa.R.C.P. 1019(a).

13. The Complaint is nothing more than a loosely strung together, almost undecipherable litany of legal conclusions and conjecture, based upon allegations that are legally deficient and unsupportable, not just factually, but as matter of law.²

14. Further, Plaintiff claims interference with his “contract” with the HMUA. However, in violation of the Pennsylvania Rules of Civil Procedure 1019(h), he fails to allege the terms of the contract, whether it is written or oral, and its length.

15. Despite alleging that George interfered with the Plaintiff’s employment contract with the HUMA, the Plaintiff fails to identify any specific contract. Based on the Plaintiff’s pleading, it must be concluded that there is no “written or oral contract”, and that Gallagher is, in fact, an “at will” employee of the HMUA.

16. Plaintiff fails to attach the alleged “contract”, in specific violation of the rules of this Court which require a party asserting an agreement to attach a copy of the agreement, or state why, if the agreement is not attached, the reasons for its absence. *See* Pa.R.C.P. 1019(i)

17. George further avers that under applicable law in this Commonwealth, it is impossible to interfere with an “at-will” employment contract. As a matter of law, absent an actual contract, employees in Pennsylvania is considered to be at-will. *See e.g. Stumpp v. Stroudsburg Municipal Authority*, 540 Pa. 391, 396, 658 A.2d 333, 335 (1995). An at-will employee may be terminated at anytime and for any legally non-prohibited reason. *Id.*

² The bombastic statements of counsel for Plaintiff related to these proceedings do not convert this matter from its true mundane roots. The Complaint is, at its essence, a simple claim of assault for which there exists an available plain defense of self defense. Throughout the publicity leading up to this suit, Plaintiff’s counsel has gone to extraordinary lengths to personalize the dispute by outlandish and defamatory statements about George. Defendant has forwarded a request for withdrawal of Counts II and III to Plaintiff’s counsel.

18. As such, a claim of tortious interference with an at-will employment relationship is not a recognized cause of action. In *Hennessey v. Santiago*, 708 A.2d 1269, 1280 (Pa. Super. 1998), our Superior Court clearly held that an at-will employee may not sue a third-party for tortious interference with a presently-existing at-will employment contract.

19. Moreover, “conspiracy” to interfere is not a claim recognizable under Pennsylvania law, and there are no found cases supporting the claim.

20. Even if this Court were to conclude that there was a claim for interference, there are insufficient facts alleged to support civil conspiracy.

21. In *Thompson Coal Co. v. Pike Coal Co.*, 488 Pa. 198, 211, 412 A.2d 466, 472 (1979), our Supreme Court held that in order to prosecute successfully a claim of civil conspiracy, “[a plaintiff must show] that two or more persons combined or agreed with intent to do an unlawful act or to do an otherwise lawful act by unlawful means.”

22. A complaint alleging civil conspiracy must allege facts showing the existence of all the elements, and if the plaintiff is unable to allege facts that are direct evidence of the combination and its intent, he must allege facts that, if proved, will support an inference of the combination and its intent. *Baker v. Rangos*, 229 Pa. Super. 333, 324 A.2d 498 (1974). Bare allegations of conspiracy, without more, are insufficient to survive a demurrer. *Petula v. Melody*, 138 Pa. Commw. 411, 588 A.2d 103 (Pa. Cmwlt. 1991).

23. Here, the allegations of conspiracy are based on belief, which in and of itself, is an insufficient pleading of the conspiracy.

24. Further, a civil conspiracy is not actionable until “some overt act is done in pursuance of the common purpose or design and **“actual legal damage results.”** *Baker v.*

Rangos, 229 Pa. Super. at 351, 324 A.2d at 506 [emphasis added]. Here, the Plaintiff has not alleged any injury to his profession or job, which he still maintains to this day. Rather he alleges a conspiracy with no injury.

25. Plaintiff alleges that as a result of the alleged interference “plaintiff has and will suffer substantial financial injury and harm” but specifies no actual damages. (See Complaint at ¶ 37). As such, his pleading fails to comply with the Pennsylvania Rules of Civil Procedure.

26. Accordingly, because Plaintiff fails to identify a specific employment contract, fails to identify any specifics of the purported conspiracy and fails to assert any tangible damages resulting from the alleged conspiracy and contractual interference, Count II of the Plaintiff’s pleading is legally insufficient, and should be dismissed.

THE CIVIL RIGHTS CLAIM

27. In Count III, the Plaintiff accuses George of violating his civil rights under the Federal Civil Rights Act., including his “First Amendment right of Free Speech, the right to petition his government and a due process right to pursue his livelihood.” (See Complaint at ¶ 46).

28. The Plaintiff accuses that George:

- a. Threatened not to renew a lease with Clearfield Hospital;
- b. Threatened to fire his mother;
- c. Threatened to fire Plaintiff and those who worked at HUMA;
- d. Advised that he would not assist HMUA in receiving state money;
- e. Demanded that members of the HUMA fire the Plaintiff;
- f. Conspired with members of HMUA to suspend Plaintiff; and

g. Assaulted Plaintiff.

(See Complaint at ¶ 47).

29. However, of these accusations only ¶47(c), (e), (f) and (g) implicate the Plaintiff at all – and there is nothing to show how any of the alleged threats were acts taken under color of law, by a state actor, implicating any of the Plaintiff's Constitutionally-protected rights.

30. Absent from the Complaint is any allegation regarding the mechanism of law that George would purportedly use – to fire him, fire the HMUA board or take any action against the HMUA board or him, or how any of the complained of acts, which George disputes occurred, violated Plaintiff's Constitutional rights.

31. The allegations in the Complaint fail to specifically allege the elements of a claim under 42 U.S.C. § 1983, in clear violation of Pa.R.C.P. 1019 (a).

32. It is unclear the capacity in which Plaintiff is alleging George acted. To the extent the Complaint alleges action by George, as a legislator, he argues a civil rights violation occurred.

33. In *Will v. Michigan Department of State Police*, 491 U.S. 58, 109 S.Ct. 2304, 105 L.Ed.2d 45 (1989), the United States Supreme Court held that a state and its officials acting in their official capacity are not "persons" within the meaning of 42 U.S.C. § 1983. In *Will*, the United States Supreme Court held that § 1983 was inapplicable to certain defendants because they were not "persons" within the meaning of the statute. Because the Court found that common usage of the word "person" did not include the state, the Court construed § 1983 as excluding the state from the definition of "person." Where there was a lack of evidence of a clear congressional intent to make states liable for

unconstitutional state action, the Court found that sovereign immunity was applicable. Because the state official was being sued in his official capacity, the Court held that petitioner's suit against the state official was a suit against the office and, therefore, the official was not included within the § 1983 definition of "person".

34. Therefore, Plaintiff's Complaint must fail as a matter of law as there was no action taken by a "person" under color of state law.

35. Throughout his Complaint, the Plaintiff schizophrenically avers that the actions taken by George were as a citizen and property owner. He fails to state in any way what formal state action George took against him, or any real violation of his civil rights, other than in the most conclusory way.

36. To validly assert a cause of action under this legal theory, a person "must show that he sustained, or is immediately in danger of sustaining, a direct injury as the result of . . . [government] action[.]" *Ex parte Levitt*, 302 U.S. 633, 634, 58 S.Ct. 1, 1, 82 L.Ed. 493 (1937)). In the present case, the Petitioners' allegation of a chilling effect is purely speculative. Plaintiff has not and cannot allege that the Commonwealth, by George's alleged actions have injured him or that he is in immediate danger of being subjected to such action.

37. Accordingly, the Plaintiff's Count III for violation of 42 U.S.C. §1983 must fail as a matter of law.

WHEREFORE, Defendant prays this Court enter an Order, in the form attached dismissing Count I for failure to comply with the Rules of Court and Counts II and III of

the Plaintiff's Complaint with prejudice for the reasons stated above, and providing such other and further relief as the court deems just and equitable.

Dated: 8/30/05

By: R. Bruce Manchester

R. Bruce Manchester, Esquire
MANCHESTER & ASSOCIATES
ID No. 28535
124 West Bishop Street
Bellefonte, Pennsylvania 16823
Telephone: (814) 355-5421

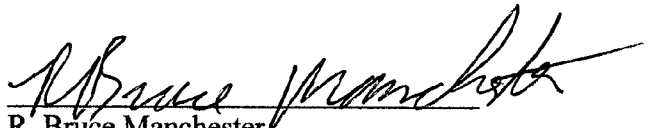
Counsel for Defendant

**IN THE COURT OF COMMON PLEAS - CLEARFIELD COUNTY
CIVIL DIVISION**

JOHN R. GALLAGHER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2005-1180-CD
	:	
	:	
CAMILLE "BUD" GEORGE,	:	
	:	
Defendant.	:	
	:	

CERTIFICATE OF SERVICE

I, R. Bruce Manchester, do hereby certify that on August 31
2005, I caused a true and correct copy of the foregoing PRELIMINARY OBJECTIONS
OF CAMILLE GEORGE TO THE PLAINTIFF'S COMPLAINT PURSUANT TO
PENNSYLVANIA RULES OF CIVIL PROCEDURE 1028 (2), (3), AND (4) AND 1019
AND MEMORANDUM OF LAW to be served via U.S. First Class Mail, postage prepaid,
and by facsimile or hand delivery where indicated, upon the parties listed on service list
below.


R. Bruce Manchester

James N. Bryant, Esquire
BRYANT & CANTORNA, P.C.
107 East Main Street, P.O. Box 551
Millheim, PA 16854

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

No.

JURY TRIAL

COMPLAINT

AND NOW, comes the Plaintiff, JOHN R. GALLAGHER, by and through his attorney, James N. Bryant, Esq., of Bryant & Cantorna, P.C., and files the following Complaint and states:

1. The Plaintiff is John R. Gallagher, an individual, who resides at 276 Birch Street, Houtzdale, Clearfield County, Pennsylvania.
2. The Defendant is Camille George, an individual who resides at 512 Harry Street, Houtzdale, Clearfield County, Pennsylvania.
3. At all times during the events which gave rise to this cause of action, Plaintiff, John R. Gallagher, was manager of the Houtzdale Municipal Authority, which was responsible for providing water to the residents of Houtzdale.
4. At all time during the events which gave rise to this cause of action, the Defendant Camille George, was a duly elected State Representative and an owner of properties serviced by the Houtzdale Municipal Authority.
5. In the Spring of 2005, the members of the Houtzdale Municipal Authority determined that it was in the best interest of the Authority to have property owners, rather than tenants, be responsible for water provided to the site.
6. At the time that a Resolution was presented to the Board, the Plaintiff was then Chairman of the Board and supported its passage.

7. Shortly after passing this resolution, the Authority sent letters to all landlords in their service area advising them in the change in procedure.

8. At all times, the Defendant, Camille George, owned rental properties in the service area and had excellent government and non-profit tenants in these properties, none of whom it is believed were at any risk of being delinquent in their rent to Mr. George.

9. Notwithstanding this fact, Camille George was outraged that, in addition to collecting rents, he would have to write a check or checks to the Houtzdale Municipal Authority.

10. On or about 4:10 p.m. Wednesday, July 13, 2005, the Plaintiff received a call from the Defendant. The Defendant indicated that he was extremely upset with this change in policy and the "landlord letters". He further indicated that he was not going to pay this at all.

11. The Defendant further indicated that, in an effort to strike back at the Houtzdale Municipal Authority and the Plaintiff, as manager of the Houtzdale Municipal Authority, he (the Defendant) would not renew a lease he had with Clearfield Hospital's Home Health Division and force them to fire the Plaintiff's mother.

12. The Plaintiff politely, civilly indicated that this was between Camille George and the Authority and that his mother had absolutely nothing to do with it, so that she should be left out of this dispute.

13. The Defendant said he would not leave her out of it and he was going to make sure that Plaintiff's mother got fired.

14. At this time, the Plaintiff indicated that he would be down to talk to Mr. George about this.

15. Shortly thereafter, the Plaintiff met with the Defendant and Alex Solan.

16. The Plaintiff told the Defendant "don't threaten my mother's job"

17. At this time, Mr. George rushed around the desk, grabbed the Plaintiff violently by

the throat with his left hand and pushed with the Plaintiff's chest with his right forearm and forced the Plaintiff up against the wall while he clutched and clawed at his throat.

18. This episode was terminated when Mr. Solan grabbed the Defendant and pulled him off the Plaintiff.

19. At no time had the Plaintiff made any threats, menacing gestures or done anything to the Defendant other than he suggest that it would be inappropriate to get his mother fired.

20. The Defendant then, amid streams of obscenities, accused the Plaintiff of circulating a nomination petition for a Dick Hansel, the Defendant's political opponent, and further accused him, interspersed with a number of obscenities, of directing people not to buy Ford motorcars from his brother's garage.

21. The Plaintiff responded that he did not take a petition around for Mr. Hansel and he had never told anyone not to buy a vehicle at the George garage.

22. Unsatisfied with this response, the Defendant, amid a stream of obscenities, accused the Plaintiff of lying and rushed at him with a fist cocked back and had to be restrained again by Mr. Solan.

23. The Defendant then indicated that he would have everybody at the Municipal Authority replaced and this would include board members and workers.

24. The Plaintiff responded that his was not about the Houtzdale Municipal Authority, this was about the Defendant threatening to have his mother fired.

25. At this point in time, the Defendant became even more irrational and again grabbed the Plaintiff by the throat, choking him and pushing him up against the wall. Again Mr. Solan grabbed the Defendant.

26. At this point, the Defendant told the Plaintiff to sit down or he would knock him

down and advised the Plaintiff that he (expletives deleted) would not give the Houtzdale Municipal Authority any more money, that he would not sign off on any grants and that he would have to go to a different individual to obtain state grants.

27. Plaintiff indicated that Mr. George was incorrect about the petition for Mr. Hansel and Mr. George should never threaten his mother's job, and then he left.

28. Thereupon Mr. George called a member of the Houtzdale Municipal Authority to attempted to have the Plaintiff fired.

29. Plaintiff was then treated for his injuries at the Clearfield Hospital.

30. It is believed that at the request of Mr. George, one of the members moved to have the Plaintiff fired at his position as manager of the Houtzdale Municipal Authority. This motion failed for lack of a second.

31. At no point did the Plaintiff ever threaten or provoke the Defendant and this action was in no manner whatsoever due to any act or failure on the part of the Plaintiff.

COUNT ONE

32. Allegations 1 through 31 are incorporated by reference.

33. The above action constitutes assault and battery upon the Plaintiff.

34. The Plaintiff sustained minimal bruises and contusions about his neck.

WHEREFORE, Plaintiff claims compensatory and punitive damages from the Defendant in an amount in excess of \$25,000.00.

COUNT TWO

35. Paragraphs 1 through 34 are incorporated herein by reference.

36. The Defendant, a State Representative, maliciously and wilfully attempted to interfere with the Authority's employment contract with the Plaintiff.

37. As a direct and approximate result of this unlawful interference, Plaintiff has and will suffer substantial financial injury and harm.

38. Such conduct constitutes intentional, improper and non-privilege interference with Plaintiff's employment.

WHEREFORE, Plaintiff claims compensatory and punitive damages from the Defendant in an amount in excess of \$25,000.00.

COUNT THREE
42 U.S.C. § 1983

39. Plaintiff hereby incorporated paragraphs 1 through 38.

40. On prior occasions, the defendant asked the plaintiff who he had voted for. The plaintiff told Mr. George he had not voted.

41. The plaintiff did sign a nomination petition for Dick Hansel and was given a petition to circulate on behalf of Dick Hansel.

42. The plaintiff's father circulated the petition on behalf of Dick Hansel.

43. As the chairman of the Authority in the spring of 2005, plaintiff publicly supported the bill changing the billing of landlords instead of tenants.

44. As the manager of the Authority, plaintiff advised the defendant of the change in Authority policy.

45. After the assault by Mr. George on the plaintiff, the plaintiff made a formal complaint with the police against the defendant.

46. The plaintiff has a constitutionally protected First Amendment right of Free Speech, the right to petition his government and a due process right to pursue his livelihood.

47. In retaliation for John Gallagher taking a position on a matter of public concern

opposite to his, not voting for the defendant, signing a petition for the defendant's political rival, and receiving petitions to distribute on behalf of the defendant's political rival, Mr. George was responsible for water and sewer and filing a police report against the defendant's plaintiff by:

- a. threatening to not renew a lease with the Clearfield Hospital's Home Health Division and forcing them to fire the plaintiff's mother;
- b. threatening plaintiff that he would see that the plaintiff's mother got fired;
- c. threatening plaintiff that he would fire the plaintiff and everyone who worked at the Municipal Authority;
- d. advising plaintiff that the Authority would not receive any more state money or grants;
- e. demanding that members of the Authority fire the plaintiff from his job as the manager of the Authority;
- f. conspiring with a number of the Authority Board to have Mr. Gallagher suspended from his job at the Authority; and
- g. assaulting the plaintiff.

48. The foregoing are in violation of the Federal Civil Rights Act.

WHEREFORE, plaintiff moves the court for judgment against the defendant, together with damages, costs of suit, attorney fees, punitive damages and any other relief the court deems just and appropriate.

BRYANT & CANTORNA, P.C.

By, 

James N. Bryant, Esquire
107 East Main Street, P.O. Box 551
Millheim, PA 16854
(814) 349-5666 TEL
(814) 349-2212 TFAX
PA ID No. 14084
Jnbryant1@verizon.net

DATE: August 10, 2005

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



CA

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

JOHN R. GALLAGHER

vs.

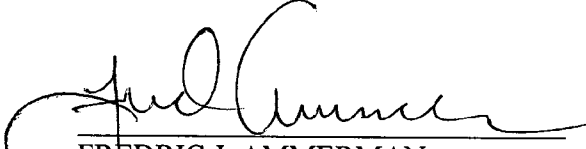
CAMILLE "BUD" GEORGE

:
:
: No. 05-1180-CD
:
:

ORDER

NOW, this 6th day of September, 2005, upon consideration of
recusal of both Judges sitting in the 46th Judicial District, it is the ORDER of this
Court that the Court Administrator of Clearfield County refer the above-captioned
civil matter to Administrative Regional Unit II for assignment of a specially presiding
judicial authority.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

SEP 06 2005
01:21:00/11
William A. Shaw
Prothonotary/Clerk of Courts
5 CEM. TO C/A

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

:
:
:
No. 2005-1180-CD
:
JURY TRIAL
:

**PLAINTIFF'S ANSWER TO DEFENDANT'S
PRELIMINARY OBJECTIONS**

NOW COMES the plaintiff, by and through his attorneys Bryant & Cantorna, P.C. and files the following response to the defendant's preliminary objections and states:

1. Admitted.

2. Admitted.

3. Denied. By way of further answer, the complaint alleges that at all times during the events that gave rise to this action, the defendant was a duly elected state representative and an owner of property serviced by the Houtzdale Municipal Authority, acting under color and authority of law. (See Complaint ¶ 4, 20, 21, 23, 28, 30, 36 and 47)

4. Admitted.

5. Denied. Strict proof at trial is demanded. By way of further answer, this paragraph avers facts not contained in plaintiff's complaint.

6. Denied. Strict proof at trial is demanded. By way of further answer, this paragraph avers facts not contained in plaintiff's complaint.

7. Denied. Strict proof at trial is demanded. By way of further answer, this paragraph avers facts not contained in plaintiff's complaint.

8. Denied. Strict proof at trial is demanded. By way of further answer, this paragraph avers facts not contained in plaintiff's complaint.

FILED ^{NO} CC
m/11:39
SEP 23 2005

William A. Shaw
Prothonotary/Clerk of Courts

THE CONSPIRACY TO INTERFERE WITH CONTRACT CLAIM (COUNT II)

9. Denied. By way of further answer, paragraph 28 and 30 allege that Mr. George tried to have the plaintiff fired from the Houtzdale Municipal Authority and at his request, a motion was made to have him fired.

10. Denied. By way of further answer, the complaint alleges that the defendant tried to have the plaintiff fired from his job at the Houtzdale Municipal Authority. The complaint further alleges that Mr. George had a motion brought before the Authority to have the plaintiff fired, which failed for lack of a second.

11. Denied. By way of further answer, the defendant tried to have the plaintiff fired in retaliation for: Mr. Gallagher taking a position on a matter of public concern opposite that of the defendant; not voting for Mr. George; signing a petition for the defendant's political rival; and filing a police report against Mr. George.

12. Denied as a conclusion of law.

13. Denied as a conclusion of law.

14. Denied as a conclusion of law. By way of further answer, the complaint filed against the defendant alleges that he attempted to have the plaintiff fired from his job as Manager of the Houtzdale Municipal Authority on two occasions. (See ¶ 28-30; 40-47) The defendant called the Houtzdale Municipal Authority and tried to have the plaintiff fired and then had a motion made at the next meeting of the Authority to have plaintiff fired (See ¶ 28-30)

15. Denied. Strict proof at trial demanded. By way of further answer, the paragraph avers facts not contained in the plaintiff's complaint.

16. Denied as a conclusion of law.

17-26. Denied as a conclusion of law. By way of further answer, an at-will employee may bring an action for tortious interference with contracts. See Brooks v. System Manufacturing Corporation, 2004 US Dist. Lexis 18396.

THE CIVIL RIGHTS CLAIM

27. Admitted.

28. Admitted.

29. Denied as a conclusion of law. By way of further answer, the plaintiff's complaint alleges State Representative Camille George retaliated against the plaintiff in violation of his protected First Amendment rights of free speech, the right to petition the government, and his due process right to pursue his livelihood. (See ¶ 47) The complaint alleges that in retaliation for the plaintiff taking a position on a matter of public concern opposite to Mr. George's, for not voting for Mr. George, for signing a petition for Mr. George's political rival, and for filing a police report against Mr. George, the defendant indicated he would: fire the plaintiff's mother from her county position, have the plaintiff fired from his municipal position, that the Houtzdale Municipal Authority would not receive any state money or grants, and that he conspired with members of the Authority to have Mr. Gallagher suspended from his job. (See ¶ 36-48)

30. Denied. By way of further answer, the complaint alleges that the defendant, under color of state law, would deny any further grants or funding to the Authority in order to have the plaintiff fired or suspended.

31. Denied as a conclusion of law.

32. Denied as a conclusion of law.

33. Denied as a conclusion of law.

34. Denied as a conclusion of law.

35. Denied. By way of further answer, in retaliation for the plaintiff exercising his constitutional rights, the defendant indicated that all state funding and grants to the Houtzdale Municipal Authority would cease, unless plaintiff was fired from his position.

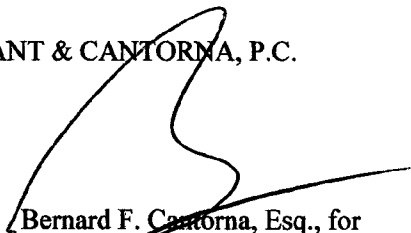
36. Denied as a conclusion of law. By way of further answer, as a direct result of the actions of the defendant, a vote was called to have the plaintiff fired from his position.

37. Denied as a conclusion of law.

WHEREFORE, plaintiff moves the court for an order overruling the defendant's preliminary objections.

BRYANT & CANTORNA, P.C.

By,



Bernard F. Cantorna, Esq., for
James N. Bryant, Esq.

107 East Main Street

P.O. Box 551

Millheim, PA 16854

(814) 349-5666 TEL

(814) 349-2212 TFAX

PA ID No. 14084

Jnbryant1@verizon.net

DATE: September 22, 2005

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

:
:
:
No. 2005-1180-CD
:
JURY TRIAL
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Plaintiff's Answer to Defendant's Preliminary Objections, was served by depositing the same with the United States Postal Service, postage prepaid and addressed to the following:

R. Bruce Manchester, Esq.
Manchester & Associates
124 West Bishop Street
Bellefonte, PA 16823

BRYANT & CANTORNA, P.C.

By, 

Bernard F. Cantorna, Esq., for
James N. Bryant, Esq.
107 East Main Street
P.O. Box 551
Millheim, PA 16854
(814) 349-5666 TEL
(814) 349-2212 TFAX
PA ID No. 14084
Jnbryant1@verizon.net

DATE: September 22, 2005

VERIFICATION

I, Bernard F. Cantorna, Esquire, attorney for the Plaintiff, verifies that the facts contained in the foregoing Response to Defendant's Preliminary Objections are true and correct to the best of his knowledge. The undersigned understands that false statements herein are made subject to the penalties 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.



Bernard F. Cantorna

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

)
)
)
)
)
)
)

NO. 2005 - 1180 - CD

JURY TRIAL

FILED NO CC
011:3761
OCT 13 2005
Copies
William A. Shaw
Prothonotary/Clerk of Courts
pre-distributed
CK

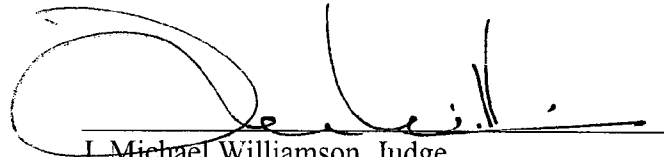
ORDER

NOW, this 10th day of October, 2005, having reviewed Defendant's Preliminary
Objections and the Briefs of the parties, IT IS HEREBY ORDERED as follows:

1. Defendant's Preliminary Objections are DISMISSED.
2. Defendant shall file a responsive pleading within twenty (20) days of this date.
3. Copies of all pleadings and motions shall be sent to the undersigned.
4. A pre-trial conference shall be held before the undersigned on Tuesday,

November 15, 2005, at 1:30 p.m., in chambers, **Clinton County Courthouse, Lock Haven,
Pennsylvania.**

BY THE COURT:



J. Michael Williamson, Judge
Specially Presiding
25th Judicial District of Pennsylvania

xc: James N. Bryant, Esquire
R. Bruce Manchester, Esquire
Clearfield County Court Administrator
Clinton County Court Administrator



JUDGES CHAMBERS
TWENTY-FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
LOCK HAVEN, PENNSYLVANIA 17745

J. MICHAEL WILLIAMSON
JUDGE

570-893-4014
FAX 570-893-4126

October 10, 2005

William Shaw, Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Gallagher v. George
No. 2005-1180-CD

Dear Mr. Shaw:

Please file the enclosed Order in the above referenced matter. All copies have
been distributed.

Thank you.

Very truly yours,

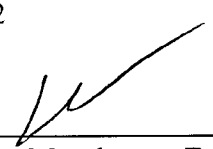
A handwritten signature in cursive script that reads "Carol E. Miller".

Carol E. Miller
Secretary to Judge Williamson

Enclosure

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.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641 ext. 5982



R. Bruce Manchester, Esquire
Manchester and Associates
124 W. Bishop Street
Bellefonte, PA 16823
(814) 355-5421
ID# 28535

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL COURT DIVISION

JOHN R. GALLAGHER,	:
Plaintiff	:
	:
vs.	: Case No. 2005-1180-CD
	:
CAMILLE "BUD" GEORGE,	:
Defendant	:
	:
vs.	:
	:
HOUTZDALE MUNICIPAL WATER	:
AUTHORITY, KEVIN PHILLIPS,	:
ROBERT GALLAGHER,	:
LAWRENCE KOKOSKIE, and	:
JANE AND JOHN DOES 1 - 100,	:
	:
Third Party Defendants	:

NOTICE TO PLEAD

TO: Jim Bryant, Esquire
107 East Main Street
Millheim, PA 16854

Houtzdale Water Authority
Houtzdale, PA

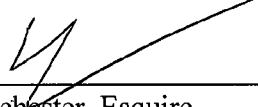
Kevin Phillips
R. R. 2 Box 16A
Ginter, PA 16651

Robert Gallagher
P.O. Box 85
Brisbin, PA 16620

Lawrence Kokoskie
60 Houtz Street
Houtzdale, PA 16651

You are hereby notified to file a written response to the enclosed Answer with New Matter within Twenty (20) days from service hereof or judgment may be entered against you.

Respectfully submitted,



R. Bruce Manchester, Esquire
Attorney ID Number: 28535
Attorney for the Defendant
124 West Bishop Street
Bellefonte, PA 16823
814-355-5421

**IN THE COURT OF COMMON PLEAS - CLEARFIELD COUNTY
CIVIL DIVISION**

JOHN R. GALLAGHER,

Plaintiff,

v.

CAMILLE "BUD" GEORGE,

Defendant.

v.

**HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 – 100**

Third Party Defendants.

Case No. 2005-1180-CD

**ANSWER WITH NEW MATTER, COUNTERCLAIM AND THIRD PARTY
COMPLAINT OF CAMILLE GEORGE**

Camille George, ("George") files his Answer, New Matter, Counterclaims
and Third Party Complaint and in support thereof states as follows:

1. Admitted.
2. Admitted
3. Admitted.
4. Denied. George does not own property, individually, which is serviced by the
Houtzdale Municipal Water Authority, other than his personal residence.
5. Denied. George is unaware of the determinations of the MUA. Strict proof is
demanded.
6. Admitted.

7. Denied. George is unaware of the extent of notice given.
8. Denied. George individually does not own property in which there are tenants.
9. Denied. George's objection was in the nature of the shifting of responsibility for water usage to the landlord,
10. Denied. George never indicated that Jacob George Ford Sales, Inc. would refuse to pay its bill.
11. Denied. There were never any threats, express or implied, directed toward Plaintiff's mother. George had no authority to hire or fire anyone at visiting nurses.
12. Denied. Plaintiff was not polite. Plaintiff was yelling and screaming. Plaintiff threatened to go to and in fact went to George's office where his actions were threatening, and aggressive. George had never threatened Gallagher's mother or anyone else.
13. Denied. To the contrary, this did not happen. No such conversation occurred. Prior to and after this event, Gallagher referred to George and his family as "crooks", and other statements that would lead the hearer to conclude that George, was dishonest, immoral and corrupt.
14. Denied. Gallagher never said he would be "down to talk about it". As an additional answer, George incorporates his answer stated at #12 above as though it had been set forth at length.
15. Denied. Plaintiff did not "meet" with anyone. Plaintiff enlisted the help of a Houtzdale MUA employee to drive him to George's office. Kevin Phillips ("Phillips")

drove Gallagher to George's office, in a Houtzdale MUA vehicle where he appeared unannounced.

16. Denied. Upon information and belief Gallagher told Phillips that he was going to assault George, which he in fact did. Gallagher rushed into the private part of George's office unannounced, burst into George's office, after rushing past his secretary and moved directly toward George in a threatening manner.

17. Denied. Gallagher continued to approach, screaming and yelling irrationally, and continually moving toward George in a threatening manner. Gallagher's face was red, and he was noticeably and visibly angry, irate, and out of control.

18. Denied. Gallagher raised his hand as if to slap or punch George, and George in self-defense immediately reacted by subduing the Plaintiff and pushing him down into the seat. Upon information and belief, Gallagher did not leave George's offices premises immediately, but instead Gallagher began communicating with Robert Gallagher ("Robert"), his father, and Lawrence Kokoskie ("Kokoskie"), known political foes of George. Immediately after the incident, Robert came to Houtzdale and began to loiter on the property occupied by Mid State Bank, where he stood outside of his car glaring at the George family members running the Ford dealership, and attempting to escalate a further confrontation with George family members. The George family was instructed to have no communication with Robert. Robert remained on the property for an extended period of time before leaving. Kokoskie also drove slowly through the Jacob George Ford Sales Property stopping on the lot, only to mouth something to a George family member to the effect of "We're gonna get you". Upon information and belief, Gallagher, Robert and Kokoskie had contemporaneous communications, and reached agreements which hatched

a civil conspiracy aimed at defaming, blackening and maligning George's unblemished record as a public servant by painting George as the aggressor in the confrontation. Upon information and belief, no ambulance was called, but Gallagher was taken to the hospital by Kokoskie.

19. Denied. The confrontation ended by Gallagher regaining his composure and ending his attack. Gallagher was never touched by George again after the initial use of self defense by George. By his own admissions, Gallagher was uninjured in the confrontation.

20. Denied. Gallagher was threatening both on the phone and in person. His conduct in George's office was threatening. The notion that Gallagher in a fit of rage was "suggesting" anything is absurd. Gallagher was out of control of his emotions and intending an assault when he arrived at George's office.

21. Denied. Plaintiff stated after the confrontation that he was a "friend" of George's to which George responded that Robert circulated a petition in favor of his opponent. George also told Gallagher that he knew that Gallagher was referring to the George's as thief's, criminals, crooks and dishonest and so his comments about being a friend rang hollow against his actions including his attack.

22. Denied. Plaintiff stated that his father circulated the petition.

23. Denied. This never occurred.

24. Denied. This never occurred.

25. Denied. Plaintiff never said this.

26. Denied. There was never a second confrontation.

27. Denied. George indicated that he could not understand Gallagher's vitriolic outburst and attack, and indicated that he had in fact obtained several million dollars in funding for the Houtzdale MUA and was friend to the Houtzdale MUA.

28. Denied.

29. Denied. In fact, Donald Ross claimed his motion was because of "conduct unbecoming" of a Houtzdale MUA employee. George never asked Ross to do this.

30. Denied. There was no "treatment" given to Plaintiff, who had no physical injuries.

31. Denied. George never made a request that Gallagher be fired, and strict proof of this allegation is demanded.

32. Denied. This allegation is a legal conclusion to which no response is required. To the extent factual, the allegations are denied. Gallagher was angry threatening and abusive.

COUNT ONE

33. George incorporates by reference the allegations in the foregoing Answer paragraphs as if set forth fully herein and at length.

34. Denied. It is specifically denied that a battery occurred. Any touching by George was in self defense and in appreciation of an immediate attack by Gallagher.

35. Denied. It is specifically denied that Gallagher suffered any injury.

WHEREFORE, George prays this court enter an order entering judgment in his favor.

COUNT TWO

36. George incorporates by reference the allegations in the foregoing Answer paragraphs as if set forth fully herein and at length.

37. Denied. The allegations in this paragraph are conclusions of law to which no response is required. To the extent the allegations are factual, George is without knowledge or information sufficient to respond to the allegations and therefore strict proof is demanded.

38. Denied. There was no interference, and Plaintiff suffered no injury by virtue of any of events, the existence of which is specifically denied.

39. Denied. The allegations in this paragraph are conclusions of law to which no response is required. To the extent the allegations are factual, George is without knowledge or information sufficient to respond to the allegations. Strict proof thereof is demanded at trial.

WHEREFORE, George prays this court enter an order, in the form attached, entering judgment in his favor.

COUNT THREE

40. George incorporates by reference the allegations in the foregoing Answer paragraphs as if set forth fully herein and at length.

41. Denied. This event never occurred.

42. Admitted.

43. Admitted.

44. Denied. George has no knowledge of what Plaintiff did or did not support in his position with the Houtzdale Municipal Water Authority.

45. Denied.

46. Denied. It is denied there was an assault or battery upon the Plaintiff.

47. Admitted. The allegations herein are legal conclusions to which no response is required.

48. (a) – (g) Denied. It is denied that George threatened or did any of the acts alleged herein.

49. Denied. The allegations in this paragraph are conclusions of law to which no response is required. To the extent the allegations are factual, George is without knowledge or information sufficient to respond to the allegations.

WHEREFORE, George prays this court enter an order, in the form attached, entering judgment in his favor.

NEW MATTER

50. Plaintiff's Complaint and each count thereof fails to state claims upon which relief can be granted.

51. Plaintiff was the aggressor in the attack on George, and therefore there could be no battery when Plaintiff as George was acting in self-defense. George used reasonable force in subduing Gallagher, his attacker.

52. George's actions were justified.

53. George's actions in subduing Gallagher during the attack, were taken in self defense.

54. Plaintiff suffered no injury to his first amendment rights under the constitution.

55. Gallagher suffered no injury to his employment or profession and therefore his claims of interference with his contract fail to state a claim.

56. Plaintiff suffered no constitutional injury cognizable under the law.

57. George was acting in his private capacity and not as a state actor or under the color of state law.

58. George could not interfere with Plaintiff's contract, in that as a municipal employee, Plaintiff has no expectation of continued employment.

59. In the alternative, Plaintiff claims are barred by legislative immunity.

60. Plaintiff suffered no constitutional injury.

61. George has no liability under the Civil Rights Act as he was not acting under the color of state law.

62. George incorporates by reference the allegations in the foregoing Answer and New Matter as if set forth fully herein and at length.

COUNT I
ASSAULT

63. George incorporates by reference the allegations in the foregoing Answer and New Matter as if set forth fully herein and at length.

64. Plaintiff left his office with the intention of personally appearing at George's offices in an effort to intimidate and put fear into George, allegedly because Plaintiff perceived his mother's job was threatened.

65. Gallagher is 6 feet tall and 30 years old.

66. George is 78 years old and 5' 4".

67. Gallagher appeared at George's office for the purpose of putting George in fear of a physical confrontation and intending a battery.

68. Gallagher was red faced and angry when he appeared at George's office.

69. Gallagher proceeded unannounced into George's private office from where there is no place to escape.

70. Gallagher rushed towards George with his arms raised, yelling and screaming at George. Gallagher raised his hand in an effort to slap or punch George.

71. By virtue of Gallagher's actions, George was placed in reasonable fear of a battery, which battery was imminent.

72. As a result of Gallagher's actions, George was put in fear for his safety, and in fear of an unwanted touching by Gallagher.

73. Gallagher's actions on July 13, 2005 constitute an attempted battery upon George.

74. Gallagher's actions on July 13, 2005 constitute an assault.

75. Gallagher's actions were willful, wanton and outrageous, and justify the imposition of punitive damages.

WHEREFORE, George prays this court enter judgment in his favor and against Plaintiff, plus interest cost and punitive damages, and for such other and further relief that the court deems just and equitable.

COUNT TWO
DEFAMATION

76. George incorporates by reference the allegations in the foregoing Answer and New Matter as if set forth fully herein and at length.

77. Both before and after the incident in question, Gallagher both personally and through his counsel James Bryant, Esquire made slanderous and defamatory statements about George publicly and in the newspapers.

78. At all material times relevant hereto, Bryant was acting as Gallagher's agent, attorney-at-law and upon belief, authorized all of Bryant's actions.

79. Gallagher himself has repeated on a number of occasions that George was corrupt, dishonest, and a "crook" like his brother Edmond and the other George family members.

80. Bryant made statements to the newspaper and television prior to the filing of the suit herein, to the effect that George was mentally and physically past his prime and that he was a "monster" and that George was morally corrupt.

81. Plaintiff and Bryant with the knowledge and authority of Plaintiff also implied that George attempted to "fix" the criminal case between he and Gallagher, implying that George had influenced the Clearfield County District Attorney not to issue charges, when in actuality, George did nothing of the kind.

82. Plaintiff and Bryant with the knowledge and authority of Plaintiff, also alleged that George tried to get him fired, when his own board members with whom Gallagher already had a dispute, made the motion to fire him without any intervention by George.

83. Neither Gallagher nor Bryant made any serious inquiry into the facts supporting the claims before making the statements, or filing this lawsuit.

84. The statements were false and knowingly false, and made both by Gallagher, and by Bryant, at Gallagher's behest and with his approval or assent.

85. The false statements were not privileged.

86. The false statements were made with actual malice or with reckless indifference to the truth or falsity of the allegations.

87. The false statements were defamatory *per se*.

88. The false statements were made to individuals, including Houtzdale Municipal Authority members and were published and repeated thousands of times by the Centre Daily Times newspaper, and local television news organizations.

89. The conduct was outrageous, intentional, willful and wanton and made with no legitimate purpose.

WHEREFORE, George prays this court enter judgment in his favor and against Plaintiff, plus interest, costs and punitive damages, and for such other and further relief that the court deems just and equitable.

COUNT III
ABUSE OF PROCESS

90. Gallagher filed the instant lawsuit not for the vindication of his rights, which rights were not violated, but solely to harass and vex, and to cause George injury to his reputation.

91. Gallagher has no legitimate injuries and his intention is not to vindicate his rights but to join in a civil conspiracy aimed at destroying George's political career and good name and reputation.

92. Gallagher alleged injury to his job by alleged interference by George. Gallagher however suffered no ramifications in his career, even assuming his false statements were accepted as true.

87. Gallagher claimed battery when he knows that he pushed his way into George's office for the purpose of committing an assault and battery on George. Gallagher intended a physical confrontation from the onset - otherwise he would have stayed in his office.

93. Gallagher claimed a civil rights violation when he suffered no constitutional injury. Gallagher, both before and after the events herein, to express his views on this public issue and did so numerous times, in the newspaper and otherwise.

94. Gallagher concocted stories about threats made by George solely to support his illegal and violent acts, as if such threats, even if true, would justify an assault and/or attempted battery.

95. Gallagher and his attorney have used this suit for an improper purpose. Gallagher's real purpose is to grandstand and improperly influence the public, and without a legitimate intention of vindicating his rights. Gallagher's true intention is grounded in a political and civil conspiracy, is based upon personal hatred, and a shared intention to destroy the reputation of a valued public servant.

96. The conduct was outrageous, intentional, willful and wanton and made with no legitimate purpose.

WHEREFORE, George prays this court enter judgment in his favor and against Plaintiff, plus interest, costs and punitive damages, and for such other and further relief that the court deems just and equitable.

COUNT IV
CIVIL CONSPIRACY

97. George incorporates by reference the allegations in the foregoing paragraphs as if set forth fully herein and at length.

98. Gallagher formed a secret agreement with the Third Party Defendants Robert, Kokoskie, Philips and Jane and John Does 1-100 to use the events of July 13, 2005 in order to engage in a defamatory smear campaign aimed at destroying George's unblemished reputation as a legislator.

99. George believes and therefore avers that Gallagher had the intention of committing an assault upon George from the time he left the Houtzdale MUA offices.

100. The secret agreement was hatched upon the day of the event and was reached in phone and other conversations between Gallagher and the Third Party Defendants Robert, Kokoskie, Phillips and Jane and John Does 1-100.

101. Kokoskie is known as disliking the George family and a political enemy of George, and has publicly defamed and maligned George and the George family. His appearance on the date of the incident was not a coincidence, but rather part of the conspiracy to defame George, hatched by he and others named and unnamed.

102. Robert is a violent and aggressive individual known to have a propensity for physical confrontations. In fact, years before Robert violently kicked George's brother Edmond George in the chest. Robert is Gallagher's father and part of a group routinely trying to unseat George.

103. Robert has also publicly stated that he thought George was "crooked" and dishonest.

104. George avers that Robert passed on his hatred for the George family and George to his son, who as part of a conspiracy with Kokoskie, Phillips and other Jane and John Doe Defendants who intend to cause George public embarrassment and defame his character.

105. As part of the ongoing conspiracy, Gallagher with the help of Kokoskie, Robert, Phillips and other Jane and John Doe Defendants feigned physical injury, and went to the Clearfield hospital in order to attempt to demonstrate an injury, when none existed.

106. As part of the conspiracy, Philips provided Gallagher transportation to the George's offices and waited for Gallagher until after the alleged assault was over. Philips was, upon information and belief aware of Gallagher's intentions at the time Gallagher left the Houtzdale MUA offices.

107. As part of the conspiracy, Robert and others helped his son engage Bryant. Upon information and belief, Gallagher had never met Bryant before this suit.

108. As part of the conspiracy, Gallagher as part of the conspiracy authorized Bryant to make outrageous and defamatory statements about George, all intended to injure his reputation, cause George embarrassment and unseat him in the upcoming elections.

109. Upon information and belief other Jane or John Doe defendants were at all relevant times, part of the conspiracy.

110. The conduct of Gallagher and the others was and is willful, malicious outrageous, and justifies the imposition of punitive damages.

WHEREFORE, George prays this court enter judgment in his favor and against Plaintiff, plus interest, costs and punitive damages, and for such other and further relief that the court deems just and equitable.

THIRD PARTY COMPLAINT

111. Defendant Kokoskie is an individual and resident of Pennsylvania, with a residence in Clearfield County

112. Defendant Philips is an individual and resident of Pennsylvania, with a residence in Clearfield County

113. Defendant Houtzdale MUA is a body politic organized and operating within the borders of Houtzdale Pennsylvania.

114. Jane and John Does 1 -100 are individuals and residents of the Commonwealth of Pennsylvania.

115. All of the event leading up to this suit occurred within Clearfield County and therefore venue in this court is appropriate.

COUNT IV
RESPONDEAT SUPERIOR
(George v. Houtzdale MUA)

116. George incorporates by reference the allegations in the foregoing paragraphs as if set forth fully herein and at length.

117. At all time relevant hereto, Gallagher was purportedly acting in his capacity as president of the Houtzdale MUA.

118. At all times relevant hereto, the Houtzdale MUA was aware of Gallagher's aggressive personality, short temper, and confrontational nature.

119. The Houtzdale MUA had prior to the incident had complaints about Gallagher's aggressive personality and short temper, and even had investigations into Gallagher's treatment of residents of Houtzdale, including Gallagher's unprofessional handling of Houtzdale MUA constituency.

120. Upon information and belief, the Houtzdale MUA knew of Gallagher's vitriolic personalities but failed to prevent the assault on George, and the character assassination that followed.

121. The Houtzdale MUA was aware of the abusive and aggressive personality traits of Gallagher, and was aware of his hatred toward the George family and George.

122. The Houtzdale MUA permitted the acts of Gallagher taken in the course of his employment for the Houtzdale MUA.

123. The Houtzdale MUA is responsible for the acts of Gallagher as alleged herein under the doctrine of *respondeat superior*.

124. The acts of the Houtzdale MUA were intentional willful and wanton, and justify the imposition of punitive damages.

WHEREFORE, George prays this court enter judgment in his favor and against the Houtzdale MUA, plus interest, costs and punitive damages, and for such other and further relief that the court deems just and equitable.

COUNT V
CONSPIRACY

(George v. Phillips, Kokoskie, Robert and Jane and John Does 1-100)

125. George incorporates by reference the allegations in the foregoing paragraphs as if set forth fully herein and at length, including the Conspiracy Counterclaim (Count III) set forth herein.

126. The Defendants and each of them entered into a secret agreement to turn Gallagher's assault in to "federal case" by falsely alleging acts by George in violation of Gallagher's individual rights.

127. Philips provided Gallagher with the ride to George's offices, and concocted a story about the events, even though he was not present at the time. Gallagher and Phillips conspired to fabricate a story of what occurred in George's offices.

128. The Defendant, Phillips, Kokoskie, Robert and Jane and John Does 1-100, then set about concocting a story that George was the aggressor in the attack, when in fact that story was false.

129. Robert and Kokoskie seized upon the opportunity to besmirch, defame and malign George, and the rights of Gallagher became secondary to the adjudication of his alleged rights.

130. Upon information and belief, Robert and Kokoskie, or those under their control, including Jane and John Does 1 -100 found James Bryant to act as Gallagher's lawyer in the case.

131. George avers that Robert and Kokoskie are the masterminds behind the conspiracy, and that Gallagher continues to do the bidding of the co-conspirators by the continuation of this suit.

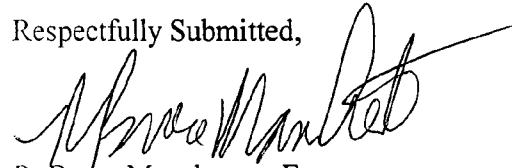
132. Gallagher, Phillips, Robert, Kokoskie and Jane Does 1-100 have used this suit for an improper purpose, which is to unseat George in the upcoming election.

133. Gallagher, Phillips, Robert, Kokoskie and Jane and John does 1-100 have damaged George's reputation.

134. The acts of the Defendants herein and each of them, were intentional willful and wanton, and justify the imposition of punitive damages.

WHEREFORE, George prays this court enter judgment in his favor and against Plaintiff and the Third Party Defendants, plus interest, costs and punitive damages, and for such other and further relief that the court deems just and equitable.

Respectfully Submitted,



R. Bruce Manchester, Esq.
124 West Bishop Street
Bellefonte, PA 16823
(814) 355-5421
ID# 28535

VERIFICATION

I, R. Bruce Manchester, Esquire, attorney for the Defendant, verify that the statements made in this Answer with New Matter, Counter Claim and Third Party Complaint are true and correct to the best of my knowledge, information, and belief. I make this verification as I have sufficient knowledge and belief for the foregoing information. I understand 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: _____

10-31-88

R. Bruce Manchester
R. Bruce Manchester, Esquire

FILED

OCT 31 2005

William A. Shaw
Prothonotary/Clerk of Courts

copy to C/A
For Judge
Williamson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. GALLAGHER,

Plaintiff,

vs.

CAMILLE GEORGE,

Defendant.

CIVIL DIVISION

NO. 2005-1180-CD

PRAECIPE FOR APPEARANCE
AS CO-DEFENSE COUNSEL

Filed on behalf of Defendant,
CAMILLE GEORGE.

COUNSEL OF RECORD FOR THIS
PARTY:

Kevin R. O'Malley, Esq.
Pa I.D. #65976

Stephen J. Magley, Esq.
Pa I.D. #59990

Annabelle L. Carone, Esq.
Pa I.D. #83178

O'Malley & Magley, L.L.P.
5280 Steubenville Pike
Pittsburgh, PA 15205

(412) 788-1200

FILED *no cc*
m11:13/51
NOV 07 2005 *Copy to CIA*
William A. Shaw
Prothonotary/Clerk of Courts
GR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. GALLAGHER,

CIVIL DIVISION

Plaintiff,

NO. 2005-1180-CD

vs.

CAMILLE GEORGE,

Defendant.

PRAECIPE FOR APPEARANCE AS CO-DEFENSE COUNSEL

Kindly enter the appearance of O'Malley & Magley, L.L.P. as co-defense counsel of record for Defendant, Camille George.

Respectfully submitted,

O'Malley & Magley, L.L.P.

By: Annabelle L. Carone
Annabelle L. Carone, Esq.
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within documents were served this 3RD day of November, 2005, by United States first class mail, postage prepaid upon the following:

James N. Bryant, Esquire
Bryant & Cantorna, P.C.
107 East Main Street
P.O. Box 551
Millheim, PA 16854

O'MALLEY & MAGLEY, L.L.P.

A handwritten signature in cursive script, appearing to read "A. L. Carone", is written over a horizontal line.

Annabelle L. Carone, Esq.
Attorney for Defendant

NOV 22 2005
 William A. Shaw
 Prothonotary/Clerk of Courts
 1 Court to Ave

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

JOHN R. GALLAGHER,
Plaintiff

vs.

CAMILLE "BUD" GEORGE,
Defendant

vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 - 100
Third Party Defendants

No. 2005-1180-CD

JURY TRIAL DEMANDED

FILED

NOV 22 2005

M/2005/W

William

Prothonotary/Clerk of Courts

1 Clerk to App

**PRELIMINARY OBJECTIONS FILED ON BEHALF OF JOHN R. GALLAGHER, PLAINTIFF,
and the HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT
GALLAGHER AND JANE AND JOHN DOES 1 - 100**

NOW COMES John R. Gallagher, the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1 - 100, by and through their attorney Bernard F. Cantorna and Bryant & Cantorna, P.C. and files the following Preliminary Objections and states:

1. On or about October 31, 2005, defendant Camille Bud George filed a counter-claim and third-party complaint against John R. Gallagher, the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1 - 100.

2. The counter-claim and third-party complaint fails to plead with specificity a count of defamation, abuse of process or conspiracy to commit either of these torts.

3. The counter-claim and third-party complaint are legally insufficient and fail to state a claim as pled. Pa. R.C.P. § 1028(3) and (4).

CAMILLE "BUD" GEORGE V. JOHN R. GALLAGHER

4. The count of defamation filed by defendant George against the plaintiff fails to plead with specificity the alleged defamatory statements made by the plaintiff against the defendant.

5. Any allegation that the plaintiff's complaint filed against George is defamatory must be stricken because these "statements" are privileged, as they were made in the course of judicial proceedings. Pelagatti v. Cohen, 360 Pa. Super. 422 (Pa. Super. 1986).

6. The complaint fails to allege a claim for defamation as statements that a politician is "corrupt" or "dishonest" constitutes an opinion and is constitutionally protected. First Amendment to the United States Constitution; and PA Constitution Article 1 Section 7.

CAMILLE BUD GEORGE V. HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT GALLAGHER AND JANE AND JOHN DOES 1 - 100

7. Defendant George's claim for abuse of process alleges that the plaintiff's complaint was brought solely to harass, vex and cause George injury to his reputation.

8. An abuse of process claim is brought under the state law and is differentiated between a claim for malicious use of civil process. McGee v. Fegee, 517 Pa. 247, 535 A.2d 1020 (Pa. 1987).

9. Malicious use of civil process deals with the wrongful initiation of a suit, while abuse of process is concerned with a perversion of process after it has been initiated. The defendant's claim for abuse of process alleges the wrongful initiation of a process and does not allege facts concerned with a "perversion of the process after it has been issued".

10. 42 Pa. C.S.A. § 8351 provides that, before a suit can be brought for malicious use of process, proceedings must have terminated in favor of the person against whom they were brought.

11. Defendant George's complaint fails to state a claim for abuse of process and any claim for an alleged malicious use of civil process cannot be brought until the initial proceedings have been terminated.

CAMILLE GEORGE V. JOHN R. GALLAGHER, HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT GALLAGHER, JOHN AND JANE DOES 1 - 100 CONSPIRACY

12. The complaint filed by the defendant alleges a conspiracy to either commit the count of defamation or abuse of process.

13. In order to state a valid conspiracy to commit an act, there must be a valid cause of action for defamation and/or abuse of process by plaintiff Gallagher against the defendant.

14. Defendant George's complaint for abuse of process and/or defamation is insufficient and accordingly, any conspiracy to commit those same acts is not supported. Pelagatti v. Cohen, 307 Pa. Super. 422, 536 A.2d 1337 (1987).

**CAMILLE GEORGE V. HOUTZDALE MUNICIPAL WATER AUTHORITY
RESPONDEAT SUPERIOR, ASSAULT**

15. The complaint filed by the defendant against the Houtzdale Municipal Water Authority fails to allege sufficient facts to support that the plaintiff was allegedly operating within the scope of his employment or in his capacity as president of the Houtzdale Municipal Water Authority.

16. Sovereign immunity specifically precludes any claim against a local authority for acts which constitute a crime, actual fraud, actual malice or willful misconduct. 42 Pa. C.S.A. § 8542(a).

17. 42 Pa. C.S.A. § 8553 provides that damages may only be sought for past and future loss of earnings and earning capacity; pain and suffering in incidents of death or permanent loss of bodily function; medical and dental expenses; and property loss.

18. A claim for defamation by a public official against a local agency is precluded by sovereign immunity. A claim for assault or abuse of process is clearly precluded by sovereign immunity as it is not one of the enumerated negligent acts and constitutes torts that are a crime and require the proving of actual malice or willful misconduct.

WHEREFORE, John R. Gallagher, the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1 - 100 move the court for an order sustaining it's preliminary objections and dismissing the counts of assault, defamation, abuse of process and civil conspiracy against them.

BRYANT & CANTORNA, P.C.

By,

Bernard F. Cantorna, Esq.
1901 East College Avenue
State College, PA 16801
(814) 238-4370 TEL
(814) 238-8016 FAX
PA ID No. 81794
Cantorna@excite.com

DATE: 11-21-05

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

JOHN R. GALLAGHER,
Plaintiff

vs.

CAMILLE "BUD" GEORGE,
Defendant

vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 - 100
Third Party Defendants

No. 2005-1180-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Preliminary Objections Filed on Behalf of John R. Gallagher, Plaintiff, and the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1 - 100, was served by depositing the same with the United States Postal Service, postage prepaid and addressed to the following:

R. Bruce Manchester, Esq.
Manchester & Associates
124 West Bishop Street
Bellefonte, PA 16823

BRYANT & CANTORNA, P.C.

By,

Bernard F. Cantorna, Esq.
James N. Bryant, Esq.
1901 East College Avenue
State College, PA 16801
(814) 238-4370 TEL
(814) 238-8016 FAX
PA ID No. 81794
Cantorna@excite.com

DATE: November 21, 2005

JOHN R. GALLAGHER,
Plaintiff

vs.

VS.

No. 2005-1180-CD

JURY TRIAL DEMANDED

AND NOW, this ____ day of _____, 2005, in consideration of the foregoing Preliminary Objections Filed on Behalf of John R. Gallagher, Plaintiff, and the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1 - 100, a rule is granted upon the Defendant, Camille “Bud” George, to show cause why such relief should not be granted.

Rule returnable on the ____ day of _____, 2005, for hearing at
____ o'clock ____ M. in Courtroom No. ____ of the Clearfield County Courthouse.

BY THE COURT:

J.

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

JOHN R. GALLAGHER,
Plaintiff

vs.

CAMILLE "BUD" GEORGE,
Defendant

vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 - 100
Third Party Defendants

No. 2005-1180-CD

JURY TRIAL DEMANDED

FILED

NOV 22 2005
m/z:aw
William A. Shaw
Prothonotary/Clerk of Courts
1 Clerk to Artu

MOTION FOR SANCTIONS PURSUANT TO RULE 1023.2

NOW COMES the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1 - 100, and moves the court for sanctions pursuant to Pa. Rule 1023.2. This motion is based on the following grounds:

1. On or about October 31, 2005, the defendant Camille Bud George filed a counter-claim and third-party complaint against the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1 - 100.
2. The allegations filed by defendant George are frivolous and unsupported by the facts alleged and well established law existing at the time of filing.
3. Any reasonable attorney would have known that the claims against the Houtzdale Municipal Water Authority are factual and statutorily precluded and that the claim was frivolous.
4. Any reasonable attorney would have known that the claims against Kevin Phillips, Robert Gallagher and John and Jane Does 1 - 100 fail to allege with specificity any fact that might support a claim of a conspiracy by these parties against Camille George.

5. The counter-claim and third-party complaint of Camille George are patently frivolous and sanctions of reasonable attorney's fees to defend these claims is warranted.

6. Counsel has notified defendant George, through his attorney Bruce Manchester, by telephone and fax, that the claims are frivolous and that if not withdrawn, sanctions would be sought. Defendant George, through his counsel, has refused to withdraw these claims. (Attached as Exhibit "A" is a true and correct copy of the November 18, 2005 letter to Attorney Manchester.)

WHEREFORE, the third-party defendants move the court for an order granting sanctions against the defendant and reasonable attorney's fees for the frivolous claims he brought against them.

Respectfully Submitted,

BRYANT & CANTORNA, P.C.

By,

Bernard F. Cantorna, Esq.
James N. Bryant, Esq.
1901 East College Avenue
State College, PA 16801
(814) 238-4370 TEL
(814) 238-8016 FAX
PA ID No. 81794
Cantorna@excite.com

DATE: November 21, 2005

Law Offices
BRYANT & CANTORNA, P.C.

PLEASE REPLY TO

STATE COLLEGE OFFICE

James N. Bryant
Bernard F. Cantorna
www.bryant-cantorna.com

1901 East College Avenue
State College, PA 16801
814-238-4370
FAX 814-238-8016

November 18, 2005

VIA FACSIMILE TRANSMISSION
(814) 355-1499

IN MILLHEIM
107 East Main Street
P. O. Box 551
Millheim, PA 16854
814-349-5666
814-364-9869
FAX 814-349-2212

R. Bruce Manchester, Esq.
Manchester & Associates
124 West Bishop Street
Bellefonte, PA 16823

Re: John R. Gallagher v. Camille George v. Houtzdale Municipal Water Authority et al.
No. 2005-1180-CD

Dear Bruce:

Please be advised that we have carefully researched your counter-claims and find them to be frivolous, ill-advised, illegal and unsupported by any legal authority including, but not limited to, the United States Constitution and the Pennsylvania Sovereign Immunity Act. You have five (5) days to withdraw the complaint against the Houtzdale Municipal Water Authority, Robert Gallagher, Kevin Phillips and Jane and John Does 1 - 100 or we will be adding to our preliminary objections a petition for counsel fees under Pa. R.C.P. § 1023.1.

This letter shall constitute authority under Pa. R.C.P. § 1023.2 for these sanctions. Please be advised Mr. Cantorna and I are charging \$145.00/hour and we will be looking to you for payment.

BRYANT & CANTORNA, P.C.

By,

James N. Bryant

BRYANT & CANTORNA, P.C.

By,

Bernard F. Cantorna

JNB:nc

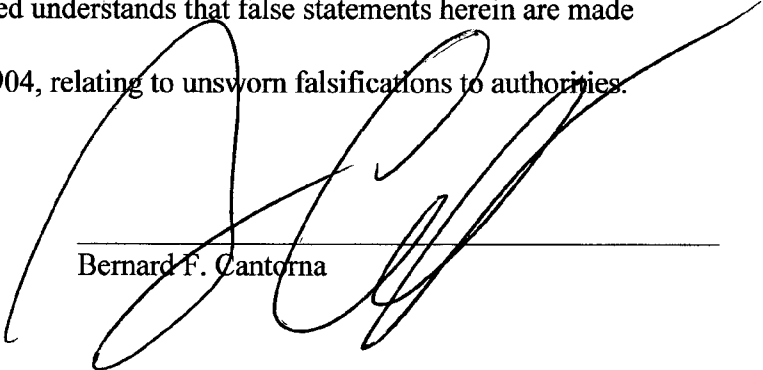
cc: John R. Gallagher
Houtzdale Municipal Water Authority
Kevin Phillips
Robert Gallagher

EXHIBIT

"A"

VERIFICATION

I, Bernard F. Cantorna, Esquire, attorney for the Plaintiff and Third-Party Defendants, verifies that the facts contained in the foregoing Motion for Sanctions are true and correct to the best of my knowledge. The undersigned understands that false statements herein are made subject to the penalties 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.



Bernard F. Cantorna

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

JOHN R. GALLAGHER,
Plaintiff

vs.

CAMILLE "BUD" GEORGE,
Defendant

vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 - 100
Third Party Defendants

No. 2005-1180-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion for Sanctions, was served by
depositing the same with the United States Postal Service, postage prepaid and addressed to the
following:

R. Bruce Manchester, Esq.
Manchester & Associates
124 West Bishop Street
Bellefonte, PA 16823

BRYANT & CANTORNA, P.C.

By,

Bernard F. Cantorna, Esq.
James N. Bryant, Esq.
1901 East College Avenue
State College, PA 16801
(814) 238-4370 TEL
(814) 238-8016 FAX
PA ID No. 81794
Cantorna@excite.com

DATE: November 21, 2005

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

JOHN R. GALLAGHER,
Plaintiff

vs.

CAMILLE GEORGE,
Defendant

vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 - 100
Third Party Defendants

No. 2005-1180-CD

JURY TRIAL

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Kindly enter our appearance on behalf of the following Defendants: Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1- 100, to the above captioned matter. All papers may be served upon the Defendants at our law offices located at 1901 East College Avenue, State College, PA 16801

BRYANT & CANTORNA, P.C.

By:

Bernard F. Cantorna
James N. Bryant
Attorney ID No. 81794
1901 E. College Ave
State College, PA 16801
(814)238-4370
Attorney for Defendants

Date: November 21, 2005

FILED
COPY
NOV 22 2005
W. A. Shaw
William A. Shaw
Prothonotary/Clerk of Courts
1 case to App

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

JOHN R. GALLAGHER,
Plaintiff

vs.

CAMILLE GEORGE,
Defendant

vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 - 100
Third Party Defendants

No. 2005-1180-CD

JURY TRIAL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeceptum for Entry of Appearance, was served by depositing the same with the United States Postal Service, postage prepaid and addressed to the following:

R. Bruce Manchester, Esq.
Manchester & Associates
124 West Bishop Street
Bellefonte, PA 16823

BRYANT & CANTORNA, P.C.

By:

Bernard F. Cantorna
James N. Bryant
Attorney ID No. 81794
1901 E. College Ave
State College, PA 16801
(814)238-4370
Attorney for Defendants

Date: November 21, 2005

JOHN R. GALLAGHER,
Plaintiff

No. 2005-1180-CD

JURY TRIAL DEMANDED

**HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 - 100
Third Party Defendants**

AND NOW, this ____ day of _____, 2005, in consideration of the foregoing Motion for Sanctions, a rule is granted upon the Defendant, Camille “Bud” George, to show cause why such relief should not be granted.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN R. GALLAGHER,

Plaintiff

vs.

No. 2005-1180 CD

CAMILLE "BUD" GEORGE,

Defendant

vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE and JANE AND JOHN
DOES 1-100,

Third Party Defendants

ENTRY OF APPEARANCE

Please enter my appearance for Defendant, Lawrence Kokoskie in the
above matter. Papers may be served at the address listed below.

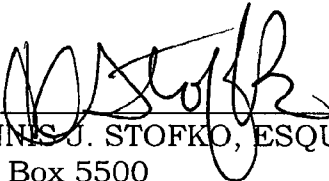
DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as
amended, a Jury Trial is demanded on all issues raised by the pleadings in this
action.

FILED ^{no cc}
mla:adk
DEC 07 2005 ^{copy to CIA}

William A. Shaw ^{GR}
Prothonotary/Clerk of Courts

I certify this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties.



DENNIS J. STOFKO, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN R. GALLAGHER,

Plaintiff

vs.

No. 2005-1180 CD

CAMILLE "BUD" GEORGE,

Defendant

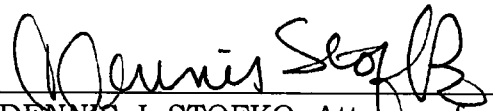
vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE and JANE AND JOHN
DOES 1-100,

Third Party Defendants

PRAECIPE

Please schedule argument on the Third Party Defendant Lawrence
Kokoskie's Preliminary Objections.


DENNIS J. STOFKO, Attorney for
Third Party Defendant, Lawrence
Kokoskie

FILED ^{no cc}
m/11/42/01
DEC 08 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN R. GALLAGHER,

Plaintiff

vs.

No. 2005-1180 CD

CAMILLE "BUD" GEORGE,

PRELIMINARY OBJECTIONS

Defendant

Counsel of record for this party:

Dennis J. Stofko, Esquire

vs.

P.O. Box 5500

Johnstown, Pa. 15904

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE and JANE AND JOHN
DOES 1-100,

814 262-0064

ID 27638

Third Party Defendants

FILED ^{NO} CC
m/11:42/61
DEC 08 2005

William A. Shaw
Prothonotary/Clerk of Courts

PRELIMINARY OBJECTIONS

NOW COMES the Third Party Defendant, Lawrence Kokoskie by and through counsel, Dennis J. Stofko and files the following Preliminary Objections to the Third Party Complaint filed by the Defendant, Camille "Bud" George.

COUNT I – DEMUR

1. The instant case arises from an alleged assault and battery committed by the defendant.

2. Plaintiff, John R. Gallagher alleges that on or about July 13, 2005, while at the office of Defendant George, that the Defendant did intentionally and without justification commit a battery.

3. Defendant George has filed a third party complaint against the defendants, Larry Kokoskie, the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1-100, alleging that the third party defendants "entered into a secret agreement to turn Gallagher's assault into a federal case". (Paragraph 126 of the Third Party Complaint)

4. Furthermore, Defendant George alleges that Defendant Kokoskie and Robert Gallagher "seized the opportunity to besmirch, defame and malign George and the rights of Gallagher became secondary to the adjudication of his alleged rights". (Paragraph 129 of the Third Party Complaint)

5. Defendant also alleges that Defendant Kokoskie has “used this suit for an improper purpose, which is to unseat George in the upcoming election”.

(Paragraph 132 of the Third Party Complaint)

A. PRELIMINARY OBJECTIONS TO LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER) AND INSUFFICIENT SPECIFICITY AS TO COUNT V, CIVIL CONSPIRACY

6. Preliminary Objections in the nature of a demurrer are appropriate when the complaint, on its face, fails to assert a cause of action as a matter of law. Mellon Bank, N.A. vs. Fabinyi, 650 A2d, 895, 437 Pa.Super. 559 (1994) and Pa.R.C.P. 1028(4).

7. To state a cause of action sounding in civil conspiracy, a complaint must allege the existence of all the necessary elements to such a cause of action. Burnside vs. Abbott Laboratories, 351 Pa.Super. 264, 505 A2d 973 (1985)

8. A cause of action for civil conspiracy requires that two or more persons combined or agreed with an intent to do unlawful acts or to do otherwise lawful acts by unlawful means along with resultant actual legal damage. Reading Radio, Inc. vs. Fink, 833 A2d 199, 2003 Pa.Super 353 (2003)

9. Proof of actual malice is an essential part of the conspiracy cause of action. Reading Radio Inc., vs. Fink, 833 A2d 199, 2003 Pa.Super 353 (2003)

10. The third party complaint fails to provide well-pleaded facts indicating the nature or timing of the alleged agreement among the Defendants.

11. The third party complaint has failed to provide well-pleaded facts indicating the specific participation of Defendant, Lawrence Kokoskie, in an agreement to commit unlawful acts.

12. The third party complaint fails to provide well-pleaded facts indicating an agreement with malice entered into among and between Defendants.

13. For these reasons, the third party complaint has failed to set forth specific facts stating a cause of action in civil conspiracy and as such Count V is legally insufficient.

14. Also, the third party complaint has insufficient specificity with respect to Defendant Kokoskie and the civil conspiracy count.

WHEREFORE, Third Party Defendant Lawrence Kokoskie respectfully requests this Court to strike Count V of the third party complaint.

COUNT II – MOTION TO STRIKE

15. The Defendant George has pled a claim for punitive damages as a result of the aforesaid purported conduct of Defendant Kokoskie.

16. Pennsylvania punitive damages are only permitted if the conduct at issue is outrageous because of a defendant's evil motive or reckless indifference to the rights of others. Rizzo vs. Michner, 584 A2d 973, 401 Pa. Super. 47 (1990)

17. The conduct alleged must be especially egregious and the mere allegation that the conduct of a defendant is wanton or gross is insufficient to state a claim for punitive damages as punitive damages are not justified where the defendant's mental state arises to no more than gross negligent. Martin vs. Johns Manville Corp., 494 A2d 1088, 508 Pa. 154 (1985)

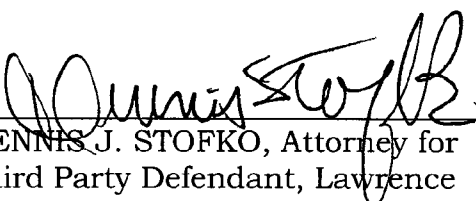
18. At no point in the third party complaint is it alleged that Defendant Kokoskie acted willfully, maliciously with the specific evil motive or reckless indifference to the rights of others.

19. No specific allegation of outrageous conduct is directed to Defendant Kokoskie.

20. Also no specific allegation is raised about Defendant Kokoskie's mental state.

21. As such, the third party complaint fails to set forth legal sufficient allegations to establish a claim for punitive damages against Defendant Kokoskie.

WHEREFORE, Third Party Defendant Lawrence Kokoskie respectfully requests your Honorable Court to strike the claim for punitive damages as to Third Party Defendant Lawrence Kokoskie.


DENNIS J. STOFKO, Attorney for
Third Party Defendant, Lawrence
Kokoskie

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN R. GALLAGHER,

Plaintiff

vs.

No. 2005-1180 CD

CAMILLE "BUD" GEORGE,

Defendant

vs.

AMENDED PRELIMINARY OBJECTIONS

Counsel of record for this party:

Dennis J. Stofko, Esquire

P.O. Box 5500

Johnstown, Pa. 15904

814 262-0064

ID 27638

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE and JANE AND JOHN
DOES 1-100,

Third Party Defendants

FILED

DEC 13 2005

0/9:15/WS ©

William A. Shaw

Prothonotary/Clerk of Courts

NO CEN TO ATT

AMENDED PRELIMINARY OBJECTIONS

NOW COMES the Third Party Defendant, Lawrence Kokoskie by and through counsel, Dennis J. Stofko and files the following Amended Preliminary Objections to the Third Party Complaint filed by the Defendant, Camille "Bud" George.

COUNT I – DEMUR

1. The instant case arises from an alleged assault and battery committed by the defendant.

2. Plaintiff, John R. Gallagher alleges that on or about July 13, 2005, while at the office of Defendant George, that the Defendant did intentionally and without justification commit a battery.

3. Defendant George has filed a third party complaint against the defendants, Larry Kokoskie, the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1-100, alleging that the third party defendants "entered into a secret agreement to turn Gallagher's assault into a federal case". (Paragraph 126 of the Third Party Complaint)

4. Furthermore, Defendant George alleges that Defendant Kokoskie and Robert Gallagher "seized the opportunity to besmirch, defame and malign

George and the rights of Gallagher became secondary to the adjudication of his alleged rights". (Paragraph 129 of the Third Party Complaint)

5. Defendant also alleges that Defendant Kokoskie has "used this suit for an improper purpose, which is to unseat George in the upcoming election". (Paragraph 132 of the Third Party Complaint)

A. PRELIMINARY OBJECTIONS TO LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER) AND INSUFFICIENT SPECIFICITY AS TO COUNT V, CIVIL CONSPIRACY

6. Preliminary Objections in the nature of a demurrer are appropriate when the complaint, on its face, fails to assert a cause of action as a matter of law. Mellon Bank, N.A. vs. Fabinyi, 650 A2d, 895, 437 Pa.Super. 559 (1994) and Pa.R.C.P. 1028(4).

7. To state a cause of action sounding in civil conspiracy, a complaint must allege the existence of all the necessary elements to such a cause of action. Burnside vs. Abbott Laboratories, 351 Pa.Super. 264, 505 A2d 973 (1985)

8. A cause of action for civil conspiracy requires that two or more persons combined or agreed with an intent to do unlawful acts or to do

otherwise lawful acts by unlawful means along with resultant actual legal damage. Reading Radio, Inc. vs. Fink, 833 A2d 199, 2003 Pa.Super 353 (2003)

9. Proof of actual malice is an essential part of the conspiracy cause of action. Reading Radio Inc., vs. Fink, 833 A2d 199, 2003 Pa.Super 353 (2003)

10. The third party complaint fails to provide well-pleaded facts indicating the nature or timing of the alleged agreement among the Defendants.

11. The third party complaint has failed to provide well-pleaded facts indicating the specific participation of Defendant, Lawrence Kokoskie, in an agreement to commit unlawful acts.

12. The third party complaint fails to provide well-pleaded facts indicating an agreement with malice entered into among and between Defendants.

13. For these reasons, the third party complaint has failed to set forth specific facts stating a cause of action in civil conspiracy and as such Count V is legally insufficient.

14. Also, the third party complaint has insufficient specificity with respect to Defendant Kokoskie and the civil conspiracy count.

WHEREFORE, Third Party Defendant Lawrence Kokoskie respectfully requests this Honorable Court to strike Count V of the Third Party Complaint.

COUNT II – MOTION TO STRIKE

15. The Defendant George has pled a claim for punitive damages as a result of the aforesaid purported conduct of Defendant Kokoskie.

16. Pennsylvania punitive damages are only permitted if the conduct at issue is outrageous because of a defendant's evil motive or reckless indifference to the rights of others. Rizzo vs. Michner, 584 A2d 973, 401 Pa. Super. 47 (1990)

17. The conduct alleged must be especially egregious and the mere allegation that the conduct of a defendant is wanton or gross is insufficient to state a claim for punitive damages as punitive damages are not justified where the defendant's mental state arises to no more than gross negligent. Martin vs. Johns Manville Corp., 494 A2d 1088, 508 Pa. 154 (1985)

18. At no point in the third party complaint is it alleged that Defendant Kokoskie acted willfully, maliciously with the specific evil motive or reckless indifference to the rights of others.

19. No specific allegation of outrageous conduct is directed to Defendant Kokoskie.

20. Also no specific allegation is raised about Defendant Kokoskie's mental state.

21. As such, the third party complaint fails to set forth legal sufficient allegations to establish a claim for punitive damages against Defendant Kokoskie.

WHEREFORE, Third Party Defendant Lawrence Kokoskie respectfully requests your Honorable Court to strike the claim for punitive damages as to Third Party Defendant Lawrence Kokoskie.

III – DEMUR

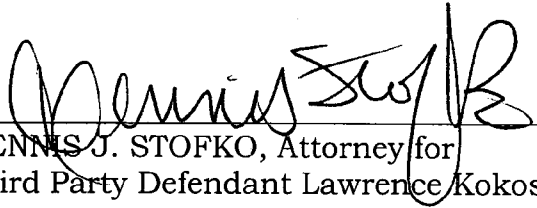
22. Defendant has also alleged a cause of action for defamation.(Paragraph 129 of the Third Party Complaint)

23. The Defendant has failed in his complaint to allege any specific remarks, either in print or orally, to sustain a claim for defamation.

24. A defamatory action must allege: (1) an unprivileged communication of false and defamatory matter, (2) publication of the defamatory communication, (3) the communication refers to the complainant, (4) the third party's understanding of the communications defamatory character and (5) injury. Baird vs. Dun&Bradstreet, 446 Pa. 266 (1971)

25. The defendant has failed to allege any facts to support a claim for defamation.

WHEREFORE, Third Party Defendant Lawrence Kokoskie requests your
Honorable Court to strike Count V of the Third Party Complaint.


DENNIS J. STOFKO, Attorney for
Third Party Defendant Lawrence Kokoskie

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100726
NO: 05-1180-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: JOHN R. GALLAGHER
vs.
DEFENDANT: CAMILLE GEORGE

SHERIFF RETURN

NOW, August 15, 2005 AT 9:10 AM SERVED THE WITHIN COMPLAINT ON CAMILLE GEORGE DEFENDANT AT 512 HARRY ST., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CURTIS EVERHART, DEFENSE INVESTIGATOR/MANCHESTER LAW OFFICE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

FILED
09:52 AM
DEC 20 2005

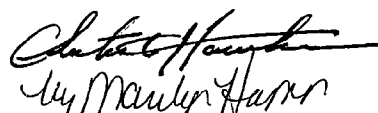
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BRYANT	3738	10.00
SHERIFF HAWKINS	BRYANT	3738	20.37

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

J. MICHAEL WILLIAMSON
JUDGE
—
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745



JUDGES CHAMBERS
TWENTY-FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
LOCK HAVEN, PENNSYLVANIA 17743

J. MICHAEL WILLIAMSON
JUDGE

570-833-4014
FAX 570-833-4126

December 28, 2005

William Shaw, Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Gallagher v. George, et al.
No. 05-1180-CD

Dear Mr. Shaw:

Please file the enclosed Order in the above referenced matter. All copies have
been distributed.

Thank you.

Very truly yours,

A handwritten signature in cursive script, reading "Carol E. Miller".

Carol E. Miller
Secretary to Judge Williamson

Enclosure

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100949
NO: 05-1180-CD
SERVICE # 1 OF 5
ANSWER/NEW MATTER,COUNTERCLAIM&3rd

PARTY COMPLAINT

PLAINTIFF: JOHN R. GALLAGHER

vs.

DEFENDANT: CAMILLE "BUD" GEORGE

-vs- HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT GALLAGHER, LAWRENCE KOKOSKIE and JANET AND JOHN DOES 1-100

SHERIFF RETURN

NOW, November 04, 2005, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT ON JIM BRYANT, ESQ..

NOW, November 09, 2005 AT 12:50 PM SERVED THE WITHIN ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT ON JIM BRYANT, ESQ., DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED

012:55/54
JAN 04 2006

LM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100949
NO: 05-1180-CD
SERVICE # 2 OF 5
ANSWER/NEW MATTER,COUNTERCLAIM&3rd

PARTY COMPLAINT

PLAINTIFF: JOHN R. GALLAGHER

vs.

DEFENDANT: CAMILLE "BUD" GEORGE

-vs- HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT GALLAGHER, LAWRENCE

K

SHERIFF RETURN

NOW, November 08, 2005 AT 10:11 AM SERVED THE WITHIN ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT ON KEVIN PHILLIPS DEFENDANT AT WORK: HOUTZDALE WATER AUTHORITY, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KEVIN PHILIPS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100949
NO: 05-1180-CD
SERVICE # 3 OF 5
ANSWER/NEW MATTER,COUNTERCLAIM&3rd

PARTY COMPLAINT

PLAINTIFF: JOHN R. GALLAGHER

vs.

DEFENDANT: CAMILLE "BUD" GEORGE

-vs- HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT GALLAGHER, LAWRENCE

K

SHERIFF RETURN

NOW, November 08, 2005 AT 9:35 AM SERVED THE WITHIN ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT ON LAWRENCE KOKOSKIE DEFENDANT AT 60 HOUTZ ST., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LAWRENCE KOKOSKIE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100949
NO: 05-1180-CD
SERVICE # 4 OF 5
ANSWER/NEW MATTER,COUNTERCLAIM&3rd

PARTY COMPLAINT

PLAINTIFF: JOHN R. GALLAGHER

vs.

DEFENDANT: CAMILLE "BUD" GEORGE

-vs- HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT GALLAGHER, LAWRENCE
K

SHERIFF RETURN

NOW, November 08, 2005 AT 10:01 AM SERVED THE WITHIN ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT ON HOUTZDALE WATER AUTHORITY DEFENDANT AT , HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN GALLAGHER, MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100949
NO: 05-1180-CD
SERVICE # 5 OF 5
ANSWER/NEW MATTER,COUNTERCLAIM&3rd

PARTY COMPLAINT

PLAINTIFF: JOHN R. GALLAGHER

vs.

DEFENDANT: CAMILLE "BUD" GEORGE

-vs- HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT GALLAGHER, LAWRENCE

K

SHERIFF RETURN

NOW, November 08, 2005 AT 9:49 AM SERVED THE WITHIN ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT ON ROBERT GALLAGHER DEFENDANT AT PO BOX 85, BRISBIN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEBBIE GALLAGHER, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100949
NO: 05-1180-CD
SERVICES 5
ANSWER/NEW MATTER,COUNTERCLAIM&3rd

PARTY COMPLAINT

PLAINTIFF: JOHN R. GALLAGHER

vs.

DEFENDANT: CAMILLE "BUD" GEORGE

-vs- HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT GALLAGHER, LAWRENCE KOKOSKIE and JANET AND JOHN DOES 1-100

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GEORGE	2348	50.00
SHERIFF HAWKINS	GEORGE	2348	50.00
CENTRE CO.	GEORGE	2349	22.00
SHERIFF HAWKINS	"	2478	21.46

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		INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. please type or print legibly. Do Not detach any copies.
PROCESS RECEIPT, AND AFFIDAVIT OF RETURN		
1. Plaintiff(s) <u>John R. Gallagher</u>		2. Case Number <u>05-1180-CD</u>
3. Defendant(s) <u>Camille "Bud" George</u>		4. Type of Writ or Complaint: <u>Notice to Plead / Complaint / Answer</u>
SERVE → AT	5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. <u>James Bryant, Esq.</u>	
	6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) <u>107 East Main Street, Millheim, PA 16854</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, _____ 20____, I SHERIFF OF CENTRE COUNTY, PA., do hereby deputize the Sheriff of _____ County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. _____ Sheriff of Centre County		
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>James Bryant, Esq.</u> , on the <u>9th</u> day of <u>November</u> , 20 <u>05</u> , at <u>12:50</u> o'clock, <u>P</u> m., at <u>Court Adm. Office, 2nd Floor, Centre County</u> , County of Centre Commonwealth of Pennsylvania, in the manner described below: <u>Courthouse, Bellefonte</u>									
<input checked="" type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is _____ <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	Docket	Service	Sur Charge	Affidavit	Mileage	Postage	Misc.	Total Costs	Costs Due or Refund
\$75.00	9.00	9.00	0	2.50	0	1.50	1.00	82.00	\$53.00
17. AFFIRMED and subscribed to before me this <u>15</u>				So Answer.					
20. day of <u>Nov.</u> , 20 <u>05</u>				18. Signature of Dep. Sheriff <u>Donna R. Karpinski</u>				19. Date <u>11/9/2005</u>	
23. COMMONWEALTH OF PENNSYLVANIA Notary Seal Corinne H. Peters, Notary Public Bellefonte Boro, Centre County My Commission Expires <u>Sept 5, 2006</u>				21. Signature of Sheriff				22. Date	
				SHERIFF OF CENTRE COUNTY					
				Amount Pd.				Page	
24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ATTORNEY AND TITLE									25. Date Received



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100949

JOHN R. GALLAGHER

TERM & NO. 05-1180-cd

COMPLAINT
VS.

ANSWER/NEW MATTER,COUNTERCLAIM&3rd PARTY

CAMILLE "BUD" GEORGE

-vs- HOUTZDALE MUNICIPAL WATER AUTHORITY, KEVIN PHILLIPS, ROBERT GALLAGHER, LAWRENCE KOKOSKIE and
JANET AND JOHN DOES 1-100

SERVE BY: 11/30/05

MAKE REFUND PAYABLE TO REP. CAMILLE GEORGE & EDNA GEORGE

SERVE: JIM BRYANT, ESQ.

ADDRESS: 107 EAST MAIN ST., MILLHEIM, PA 16854

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, November 04, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

93223-9A
PA 75.0

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

JOHN R. GALLAGHER.,
Plaintiff

VS.

CAMILLE GEORGE,
Defendant

v.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE, and JANE and JOHN DOES
1-100

:
:
:
: No. 2005-1180-CD
:
: JURY TRIAL
:
: DEMANDED
:
:
:
:
:
:
:

MOTION FOR CONTINUANCE

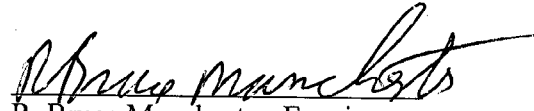
Camille George, by and through his attorney, R. Bruce Manchester, Esquire, file this
Motion for Continuance and in support thereof aver the following:

1. Defendant, Camille George, was ordered to have all discovery completed by
January 31, 2006 at 5:00 p.m.
2. Attorney R. Bruce Manchester contacted opposing counsel with dates on which to
depose Plaintiff and Third Party Defendants .
3. Counsel for Plaintiff and Third Party Defendants have informed Attorney
Manchester that they are not available for the dates as scheduled in January.

FILED ice
m11:42/64 SHY
JAN 12 2006 Manchester
William A. Shaw
Prothonotary/Clerk of Courts (CK)

WHEREFORE, undersigned counsel respectfully requests that this Honorable Court
grant a continuance for the completion of discovery in the above captioned matter until February
28, 2006 at 5:00 p.m.

Respectfully submitted,
MANCHESTER & ASSOCIATES

A handwritten signature in cursive script, appearing to read "R. Bruce Manchester", written over a horizontal line.

R. Bruce Manchester, Esquire
124 West Bishop Street
Bellefonte, PA 16823
(814) 355-5421
ID No. 28535

Date: 1/11/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

JOHN R. GALLAGHER.,
Plaintiff

VS.

CAMILLE GEORGE,
Defendant

v.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE, and JANE and JOHN DOES
1-100

:
:
:
: No. 2005-1180-CD
:
: JURY TRIAL
:
: DEMANDED
:
:
:
:
:
:

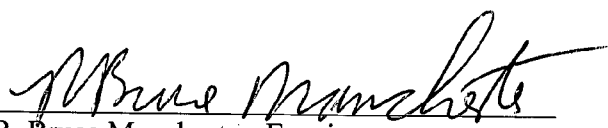
CERTIFICATE OF SERVICE

I, R. Bruce Manchester, Esquire, hereby certify that on January 11, 2006, I served the
attached **Motion for Continuance** on the following person(s) via Facsimile:

James N. Bryant, Esq.
P.O. Box 551
107 East Main Street
Millheim, PA 16854

Bernard Cantorna, Esq.
1901 E. College Avenue
State College, PA 16801

Dennis Stafko, Esq.
969 Eisenhower Blvd., Suite E
P.O. Box 550
Johnstown, PA 15904-5500


R. Bruce Manchester, Esquire
Manchester & Associates
124 W. Bishop St.
Bellefonte, PA 16823
814-355-5421

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

JOHN R. GALLAGHER,
Plaintiff

vs.

CAMILLE "BUD" GEORGE,
Defendant

vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 - 100
Third Party Defendants

No. 2005-1180-CD

JURY TRIAL DEMANDED

OPPOSITION TO MOTION FOR CONTINUANCE

NOW COMES John R. Gallagher, the Houtzdale Municipal Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1 - 100, by and through their attorney James N. Bryant and files the following Objection to Motion for Continuance and avers as follows:

1. Admitted.
2. Admitted.
3. Denied as stated. On the contrary, counsel for the plaintiff has already agreed to scheduling depositions on January 17th and January 20th and has indicated that he will make himself available on any other dates.

FILED

JAN 13 2006

W/ 2:50/4

William A. Shaw

Prothonotary/Clerk of Courts

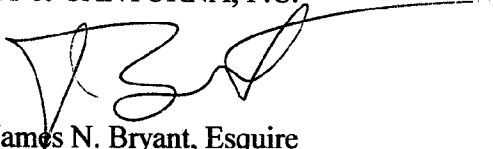
1 COPY TO ATT

COPY TO C/A

WHEREFORE, undersigned counsel respectfully requests that this honorable court deny the motion.

BRYANT & CANTORNA, P.C.

By,



James N. Bryant, Esquire
107 East Main Street
P.O. Box 551
Millheim, PA 16854
(814) 349-5666 TEL
(814) 349-2212 FAX
PA ID No. 14084
Jnbryant1@verizon.net

DATE: January 12, 2006

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

JOHN R. GALLAGHER,
Plaintiff

vs.

CAMILLE "BUD" GEORGE,
Defendant

vs.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 - 100
Third Party Defendants

No. 2005-1180-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Opposition to Motion for Continuance, was served by depositing the same with the United States Postal Service, postage prepaid and addressed to the following:

R. Bruce Manchester, Esq.
Manchester & Associates
124 West Bishop Street
Bellefonte, PA 16823

BRYANT & CANTORNA, P.C.

By, 

James N. Bryant, Esquire
107 East Main Street
P.O. Box 551
Millheim, PA 16854
(814) 349-5666 TEL
(814) 349-2212 FAX
PA ID No. 14084
Jnbryant1@verizon.net

DATE: January 12, 2006

CIVIL ACTION - LAW

:
 :
 :
 :
 : No. 2005-1180-CD
 :
 : JURY TRIAL
 :
 : DEMANDED

FILED NO CC
m/11:2201
JAN 17 2011
WINTER
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

JOHN R. GALLAGHER.,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

v.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE, and JANE and JOHN DOES
1-100

:
:
:
: No. 2005-1180-CD

: JURY TRIAL

: DEMANDED

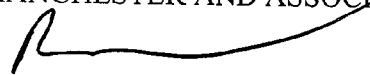
**NOTICE OF TAKING DEPOSITION ON ORAL
EXAMINATION PURSUANT TO PA. R.C.P. NO. 4007.1**

NOTICE IS HEREBY GIVEN, pursuant to the Pennsylvania Rules of Civil Procedure No. 4007.1, that the deposition of **Lawrence Kokoskie** will be taken on oral examination at 124 West Bishop Street, Bellefonte, Pennsylvania at on **Wednesday, January 18, 2006 at 8:00 a.m.** and at any and all adjournments thereof.

The subject matter of the deposition will relate to the above-captioned matter and will include all relevant information known to the above-named individual relating to said action. All of the topics are relevant to the subject matter and none of them are privileged.

The discovery will substantially aid in the preparation of this matter for trial and the deposition will not violate any of the restrictions of the Rules of Civil Procedure.

MANCHESTER AND ASSOCIATES


R. Bruce Manchester, Esq.
124 West Bishop Street
Bellefonte, PA 16823

FILED
JAN 17 2006
LM

William A. Shaw
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW

V.

: No. 2005-1180-CD

: JURY TRIAL

:DEMANDED

v.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE, and JANE and JOHN DOES
1-100

FILED *NO 00*
MT 2264
JAN 17 2006
(50)
William A. Shaw
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

JOHN R. GALLAGHER.,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

v.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE, and JANE and JOHN DOES
1-100

:
:
:
: No. 2005-1180-CD
:
: JURY TRIAL
:
: DEMANDED
:
:
:
:
:
:

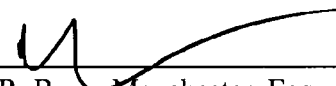
**NOTICE OF TAKING DEPOSITION ON ORAL
EXAMINATION PURSUANT TO PA. R.C.P. NO. 4007.1**


NOTICE IS HEREBY GIVEN, pursuant to the Pennsylvania Rules of Civil Procedure No. 4007.1, that the deposition of **John Gallagher** will be taken on oral examination at 124 West Bishop Street, Bellefonte, Pennsylvania at on **Friday, January 20, 2006 at 1:30 p.m.** and at any and all adjournments thereof.

The subject matter of the deposition will relate to the above-captioned matter and will include all relevant information known to the above-named individual relating to said action. All of the topics are relevant to the subject matter and none of them are privileged.

The discovery will substantially aid in the preparation of this matter for trial and the deposition will not violate any of the restrictions of the Rules of Civil Procedure.

MANCHESTER AND ASSOCIATES


R. Bruce Manchester, Esq.
124 West Bishop Street
Bellefonte, PA 16823

FILED *no cc*
M/1/20/06
JAN 17 2006 

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

v.

HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE, and JANE and JOHN DOES
1-100,
Additional Defendants

)
)
) NO. 2005 - 1180 - CD

)
) JURY TRIAL
) DEMANDED

FILED

JAN 19 2006

m/1:20(w)
William A. Shaw
Prothonotary/Clerk of Courts

ORDER

On November 12, 2005, we received a document entitled "Opposition to Motion for Continuance" filed by counsel for Defendants other than Kokoskie. This document was confusing because we were unaware a Motion for Continuance had been filed. After contacting the Clearfield County Court Administrator, we received, by fax transmission, a copy of the Motion for Continuance filed by Attorney Manchester on behalf of Defendant George on January 12, 2006. Notwithstanding service on opposing counsel, Attorney Manchester seems to have failed to send a copy to the Court despite his clear understanding that a visiting Judge had been assigned.

J. MICHAEL WILLIAMSON
JUDGE

COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

NOW, this 16th day of January, 2006, the Motion of Defendant George for an extension of our discovery completion date is DENIED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J. Michael Williamson", is written over a horizontal line.

J. Michael Williamson, Judge
Specially Presiding
25th Judicial District of Pennsylvania

xc: James N. Bryant, Esquire
R. Bruce Manchester, Esquire
Dennis J. Stofko, Esquire
Court Administrator

J. MICHAEL WILLIAMSON
JUDGE
—
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745



JUDGES CHAMBERS
TWENTY-FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
LOCK HAVEN, PENNSYLVANIA 17745

J. MICHAEL WILLIAMSON
Judge

Clinton County Courthouse
230 E. Water Street
Lock Haven, PA 17745
570-893-4014
FAX 570-893-4126

January 16, 2006

William Shaw, Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Gallagher v. George, et al.
No. 2005-1180-CD

Dear Mr. Shaw:

Please file the enclosed Order in the above referenced matter. All copies have been distributed.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Carol E. Miller".

Carol E. Miller
Secretary to Judge Williamson

Enclosure

FILED *no cc*
mjm 0384
JAN 31 2006 *jm*
William A. Shaw
Prothonotary/Clerk of Courts

JURY TRIAL DEMANDED

count of defamation, abuse of process, and civil conspiracy as set forth in the memorandum of law annexed hereto.

3. Denied. The Counterclaims and Third-Party Complaint are legally sufficient and state a claim upon which relief may be granted as set forth in the memorandum of law annexed hereto.

4. Denied. The Counterclaim for defamation states with specificity the slanderous and defamatory statements made by Gallagher and by Gallagher's counsel prior to and during this litigation.

5. Denied. The slanderous and defamatory statements made by Gallagher and through Gallagher's counsel are not entitled to an absolute or qualified privilege. Pelagatti v. Cohen, 370 Pa. Super 422, 438, 536 A.2d 1337, 1345 (Pa. Super. 1986); Tucker v. Philadelphia Daily News, 577 Pa. 598, 624, 848 A.2d 113, 129 (Pa. 2004).

6. Denied. The slanderous and defamatory statements made by Gallagher and through Gallagher's counsel are not entitled to protection under the First Amendment to the Constitution because they were not made in the context of political interchange. New York Times Co. v. Sullivan, 376 U.S. 254, 270 (1964); Clark v. Allen, 415 Pa. 484, 488, 204 A.2d 42, 44 (Pa. 1964).

7. Denied as stated. George's claim for abuse of process is based on Gallagher's continued prosecution of his unfounded claims against George for interference with contracts and civil rights under 28 U.S.C. 1983.

8. Admitted.

9. Admitted in part and denied in part. It is admitted that a malicious use of civil process deals with the wrongful initiation of a suit, while abuse of process is concerned with a perversion of process after it has been initiated. It is specifically denied that George's claims for abuse of process does not allege facts concerned with a perversion of the process after it has been

issued. George's Counterclaim specifically sets forth facts to support an abuse of process claim in that Gallagher continues to prosecute his unfounded claims¹ against George not to vindicate his rights but to join in a conspiracy aimed at destroying George's political career, and continues to prosecute claims for which he has suffered no damages, and his motivation is not for legitimate purposes.

10. Denied as stated. 42 Pa. C.S.A. § 8351 provides that "A person who takes part in the procurement, initiation or continuation of civil proceedings against another is subject to liability to the other for wrongful use of civil proceedings: (1) he acts in a grossly negligent manner or without probable cause and primarily for a purpose other than that of securing the proper discovery, joinder of parties or adjudication of the claim in which the proceedings are based; and (2) the proceedings have terminated in favor of the person against they are brought." The Civil Rights and interference with contracts were instituted without cause.

11. Denied. George's complaint states a claim for abuse of process as set forth in the memorandum of law annexed hereto.

12. Denied as stated. George's Counterclaim alleges a conspiracy to slander and defame George, to assault George, the pursuit of unfounded claims against George, all of which is an attempt by Gallagher and George's political foes to ruin George's unblemished political career.

13. Denied. There are sufficient facts and law to support a claim for assault, defamation, and abuse of process.

14. Denied. George's Counterclaim sufficiently pleads a cause of action for abuse of process and defamation and thus the conspiracy claim is supported.

¹ Gallagher's claims are clearly unfounded as his assertions are all based upon his own beliefs – not facts. The lack of facts to support the claims has not quelled his reiteration of claims of corruption and dishonesty.

15. Denied. George's Third-Party Complaint alleges sufficient facts to support that Gallagher, while conducting business for the Houtzdale MWA, left work in a Houtzdale MWA vehicle and committed an assault on George.

16. Denied. It is specifically denied that 42 Pa. C.S.A. § 8542(a) provides immunity to Houtzdale MWA.

17. Denied as stated. The statute speaks for itself.

18. Denied. It is specifically denied that a claim for defamation by a public official against a local agency is precluded by sovereign immunity. It is specifically denied that a claim for assault or abuse of process is clearly precluded by sovereign immunity. Local officials are not afforded sovereign immunity if they engage in crime, actual fraud, actual malice or willful misconduct. Mascaro v. Youth Study Center, 514 Pa. 351, 523 A.2d 1118 (Pa. 1987).

WHEREFORE, George respectfully requests that the Court enter an Order overruling the Preliminary Objections filed on behalf of John R. Gallagher, the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher, and Jane and John Does 1 – 100 in their entirety, and any other and further relief necessary and just.

Dated: Jan 30, 2006

By: Bruce Manchester
Bruce Manchester, Esquire

IN THE COURT OF COMMON PLEAS - CLEARFIELD COUNTY
CIVIL DIVISION

FILED NO ec
m/11:03:01
JAN 31 2006
William A. Shaw
Prothonotary/Clerk of Courts

JOHN R. GALLAGHER,

Plaintiff,

v.

CAMILLE "BUD" GEORGE,

Defendant.

v.

**HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 – 100,**

Third Party Defendants.

Case No. 2005-1180-CD

JRY TRIAL DEMANDED

**CAMILLE "BUD" GEORGE'S RESPONSE TO THE AMENDED PRELIMINARY
OBJECTIONS OF THIRD-PARTY DEFENDANT, LAWRENCE KOKOSKIE**

Camille "Bud" George ("George"), by and through his undersigned counsel, hereby Responds to the Preliminary Objections of Third-Party Defendant, Lawrence Kokoskie ("Kokoski"), and in support thereof, incorporates by reference the Memorandum of Law in Support of George's Response to the Amended Preliminary Objections filed on behalf of John R. Gallagher, Plaintiff, and the Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher and Jane and John Does 1-100 and in Opposition to the Motion for Sanctions filed contemporaneously herewith as if set forth in full, and avers as follows:

1. Denied as stated. The instant case arises from Gallagher's baseless allegation against George for assault and battery, attempted interference with employment contract, and violation of § 1983.

2. Denied as stated. John R. Gallagher's ("Gallagher") complaint is a written document and speaks for itself.

3. Denied as stated. In response to Gallagher's complaint, George filed a Third-Party Complaint against Kokoskie, the Houtzdale Municipal Water Authority ("Houtzdale"), Kevin Phillips ("Phillips"), Robert Gallagher ("Robert"), and Jane and John Does 1-100 ("Does"), alleging that the third-party defendants entered into a secret agreement to assault George, commence and pursue baseless litigation against George, defame and malign George, all in an attempt to ruin George's unblemished political career. See Third-Party Complaint at ¶¶ 125-134.

4. Denied as stated. Among other things, George alleges that "Robert and Kokoskie seized upon the opportunity to besmirch, defame and malign George, and the rights of Gallagher became secondary to the adjudication of his alleged rights." See Third-Party Complaint at ¶ 129.

5. Denied as stated. As part of the conspiracy, George alleges that "Gallagher, Phillips, Robert, Kokoskie and Jane Does 1-100 have used this suit for an improper purpose, which is to unseat George in the upcoming election." See Third-Party Complaint at ¶ 132.

6. Denied as stated. When reviewing preliminary objections in the form of a demurrer, the Court must accept as true all relevant facts sufficiently pled in the complaint and all inferences fairly and reasonably drawn therefrom. Gekas v. Shapp, 469 Pa. 1, 364 A.2d 691 (Pa. 1976); Buchanan v. Brentwood Federal Savings and Loan Ass'n, 457 Pa. 135, 320 A.2d 117 (Pa. 1974); Vitteck v. Washington Broadcasting Co., 256 Pa. Super. 427, 389 A.2d 1197 (Pa. Super. 1978). Preliminary objections seeking to dismiss a cause of action should only be sustained where "it is clear and free from doubt from all the facts pled that the pleader will be unable to prove facts legally sufficient to establish [its] right to relief." Bourke v. Kazaras, 2000

Pa. Super. 29, 746 A.2d 642, 643 (Pa. Super. 2000)(citation omitted). “Put simply, the questions presented by demurrer is whether, on the facts averred, the law says with certainty that no recovery is possible.” Bailey v. Storlazzi, 1999 Pa. Super 97, 729 A.2d 1206, 1211 (Pa. Super. 1999). “Where a doubt exists as to whether a demurrer should be sustained, this doubt should be resolved in favor of overruling it.” Tucker v. Philadelphia Daily News, 577 Pa. 598, 624, 848 A.2d 113, 129 (Pa. 2004) (citation omitted).

7. Denied as stated. A claim for civil conspiracy must allege facts showing the existence of all the elements, and if the plaintiff is unable to allege facts that are direct evidence that two or more persons acted with a common purpose to do an unlawful thing and their intent, then the plaintiff must allege facts that, if proved, will support such an inference. Brown v. Bliane, 833 A.2d 1166, 1174 (Pa. Commw. 2003).

8. Denied as stated. In Pennsylvania, a civil action for conspiracy must contain allegations that: (1) two or more persons acted with a common purpose to do an unlawful act or lawful act by unlawful means or for an unlawful purpose; (2) an overt act was done in pursuance of the common purpose; and (3) actual legal damages resulted. Goldstein v. Phillip Morris, Inc., 854 A.2d 585, 590 (Pa. Super. 2004) (citation omitted).

9. Denied as stated. Proof of malice is an essential part of cause of action for civil conspiracy. Id.; Grose v. Proctor & Gamble Paper Products, 866 A.2d 437, 440 (Pa. Super. 2005) (citation omitted). An example is an intent to injure without justification. Grose, 866 A.2d at 441.

10. Denied. George’s Third-Party Complaint sufficiently pleads facts that Kokoskie was one of the first individuals contacted by Gallagher subsequent to the confrontation on July 13, 2005, that Kokoskie assisted Gallagher in obtaining counsel to initiate litigation prior to

going to the hospital or consulting with the police, that Kokoskie corroborates Gallagher's fabricated stories, and Kokoskie participated in defaming George.

11. Denied. The Third-Party Complaint sets forth facts supporting that Kokoskie helped Gallagher feign physical injury as a result of the confrontation, Kokoskie assisted Gallagher in obtaining counsel to offensively carry out the conspiracy, and in consort with the others, Kokoskie made and continues to make defamatory statements about George and his family.

12. Denied. The Third-Party Complaint sufficiently establishes that Kokoskie and the others entered into an agreement and that their subsequent actions are willful and malicious.

13. Denied. George has set forth sufficient facts to state of cause of action for conspiracy.

14. Denied. The Third-Party Complaint is sufficiently specific to put Kokoski on notice of the civil conspiracy claim.

15. Admitted.

16. Denied as stated. Punitive damages "are permitted only for conduct that is outrageous due to the defendant's evil motive or reckless indifference to the rights of others. The trial judge must determine in the first instance whether the plaintiff has presented sufficient evidence to support a punitive damage claim, which requires evidence on which the jury might reasonably conclude that outrageous conduct has been established by a preponderance of the evidence." Rizzo v. Michner, 401 Pa. Super. 47, 584 A.2d 973, 979 (Pa. Super. 1990) (citations omitted).

17. Denied. In Pennsylvania, "punitive damages are awarded only for outrageous conduct, that is, for acts done with a bad motive or with a reckless indifference to the interests of

others. . . . damages are not justified where the defendant's mental state rises to no more than gross negligence." Martin v. Johns Manville Corp., 508 Pa. 154., 494 A.2d 1088, (Pa. 1985) (citations omitted).

18. Denied. The facts clearly support that Kokoskie acted willfully, maliciously, with a bad motive and with reckless indifference to the interest of George.

19. Denied. The facts set forth in the Third-Party Complaint clearly establish Kokoskie's outrageous conduct.

20. Denied. The facts set forth in the Third-Party Complaint clearly establish Kokoskie's intent to commit such willful and malicious acts.

21. Denied. The Third-Party Complaint establishes a claim for punitive damages for Kokoskie's conduct.

22. Denied as stated. The Third-Party Complaint alleges that Kokoskie acted in consort with Gallagher, Phillips, and Robert in a conspiracy to defame George. There are sufficient facts alleged to support a claim for defamation. See Third-Party Complaint at ¶¶ 129-134.

23. Denied. The Third-Party Complaint sets forth specific defamatory remarks made to the media and newspapers.

24. Admitted. By way of further response, communications which ascribe to another's "conduct, character, or condition that adversely affects fitness for the proper conduct of business, trade or profession is defamatory per se." Pelagatti v. Cohen, 370 Pa. Super. 422, 438-439, 536 A.2d 1337, 1345 (Pa. Super. 1986).

25. Denied. George has properly alleged sufficient facts to support a claim for defamation.

WHEREFORE, Camille "Bud" George respectfully requests that the Court enter an Order: (1) denying Lawrence Kokoskie's Preliminary Objections in its entirety; and (2) denying Kokoskie's Motion to Strike; or in the alternative (3) allowing George to amend his Third-Party Complaint; and (4) providing any other relief the Court deems necessary and just.

Dated: January 30, 2006

By: 
Bruce Manchester, Esquire

**IN THE COURT OF COMMON PLEAS - CLEARFIELD COUNTY
CIVIL DIVISION**

JOHN R. GALLAGHER,

Plaintiff,

v.

CAMILLE "BUD" GEORGE,

Defendant.

v.

**HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER,
LAWRENCE KOKOSKIE, and
JANE AND JOHN DOES 1 – 100,**

Third Party Defendants.

Case No. 2005-1180-CD

JURY TRIAL DEMANDED

FILED
m/11:03/1 cc
JAN 31 2006

William A. Shaw
Prothonotary/Clerk of Courts

**CAMILLE "BUD" GEORGE'S RESPONSE TO
MOTION FOR SANCTIONS PURSUANT TO RULE 1023.2**

Camille "Bud" George ("George"), by and through his undersigned counsel, hereby Responds to the Motion for Sanctions Pursuant to Rule 1023.2 filed on behalf of the Houtzdale Municipal Water Authority ("Houtzdale MWA"), Kevin Phillips ("Phillips"), Robert Gallagher ("Robert"), and Jane and John Does 1 – 100 ("Does"), and in support thereof, avers as follows:

1. Admitted.
2. Denied. George's Third-Party Complaint is not frivolous and unsupported by the facts alleged as set forth in the memorandum of law annexed hereto.
3. Denied. The claims against Houtzdale MWA are factually supported and not statutorily precluded as set forth in the memorandum of law annexed hereto.

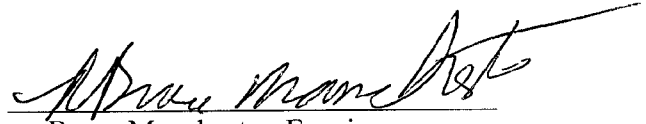
4. Denied. The Third-Party Complaint is sufficient to support a claim of conspiracy against Phillips, Robert, and Does as set forth in the memorandum of law annexed hereto.

5. Denied. The Counterclaims and Third-Party Complaint are not patently frivolous, and sanctions are unwarranted as set forth in the memorandum of law annexed hereto.

6. Denied as stated. Counsel for George was notified by Movants' counsel that they believe George's Third-Party Complaint to be frivolous and provided George five (5) days to withdraw the Third-Party Complaint; counsel for George justifiably declined to withdraw the Third-Party Complaint.

WHEREFORE, George respectfully requests that the Court enter an Order denying the Motion for Sanctions in its entirety, and any other relief deemed necessary and just.

Dated: Jan. 30, 2006

By: 
Bruce Manchester, Esquire

Dennis J. Stofko, Esq.
969 Eisenhower Blvd., Suite E
P.O. Box 550
Johnstown, PA 15904-5500

Respectfully submitted,

 1-30-dp

R. Bruce Manchester, Esq.



JUDGES CHAMBERS
TWENTY-FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
LOCK HAVEN, PENNSYLVANIA 17745

J. MICHAEL WILLIAMSON
Judge

Clinton County Courthouse
230 E. Water Street
Lock Haven, PA 17745
570-393-4014
FAX 570-893-4126

February 13, 2006

William Shaw, Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: **Gallagher v. George, et al.**
No. 2005-1180-CD

Dear Mr. Shaw:

Please file the enclosed Order in the above referenced matter. All copies
have been distributed.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Carol E. Miller".

Carol E. Miller
Secretary to Judge Williamson

Enclosure



OFFICE OF COURT ADMINISTRATOR
TWENTY-FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

Miles D. Kessinger, III
Court Administrator

Judy J. Coder
Assistant Court Administrator

CLINTON COUNTY COURT HOUSE
230 East Water Street
LOCK HAVEN, PENNSYLVANIA 17745

570) 893-4016

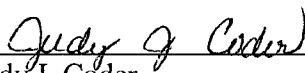
February 21, 2006

TO WHOM IT MAY CONCERN:

In Re: John R. Gallagher
Vs.
Camille George, et al.

#2005-1180-CD (Clearfield
County)
Argument

Please be advised that the above-captioned matter scheduled for March 15, 2006 has been **rescheduled** for **Thursday, April 13, 2006 at 1:30 PM** in Court Room No. 1 of the **Clinton County Court House**, Lock Haven, Pennsylvania, before the Honorable J. Michael Williamson.



Judy J. Coder
Assistant Court Administrator

xc: ~~/~~ Honorable J. Michael Williamson, Specially Presiding
~~/~~ James N. Bryant, Esq.
~~/~~ R. Bruce Manchester, Esq.
~~/~~ Dennis J. Stofko, Esq.
~~/~~ Clinton County Court Administrator

FILED 1cc to
01/14/06 parties listed
FEB 23 2006 under "xc"-
per CIA
William A. Shaw
Prothonotary/Clerk of Courts (6)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. GALLAGHER,

CIVIL DIVISION

Plaintiff,

NO. 2005-1180-CD

vs.

CAMILLE GEORGE,

MOTION TO WITHDRAW
APPEARANCE AS CO-COUNSEL
FOR DEFENDANT

Defendant.

Filed on behalf of Defendant,
CAMILLE GEORGE.

COUNSEL OF RECORD FOR THIS
PARTY:

Kevin R. O'Malley, Esq.
Pa I.D. #65976

Stephen J. Magley, Esq.
Pa I.D. #59990

Annabelle L. Carone, Esq.
Pa I.D. #83178

O'Malley & Magiey, L.L.P.
5280 Steubenville Pike
Pittsburgh, PA 15205

(412) 788-1200

FILED *no cc*
m12:49301
APR 17 2006 *(62)*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. GALLAGHER,

CIVIL DIVISION

Plaintiff,

NO. 2005-1180-CD

vs.

CAMILLE GEORGE,

Defendant.

MOTION TO WITHDRAW APPEARANCE AS CO-COUNSEL FOR DEFENDANT

1. This personal injury action allegedly arises from a July 13, 2005 incident Plaintiff, John R. Gallagher, attributes to Defendant, Camille George.

2. Defendant, Camille George is represented by Attorney R. Bruce Manchester.

3. O'Malley & Magley, L.L.P. and Attorney Stephen J. Magley were retained by Allstate Insurance Company, Camille George's insurer at the time of the incident, to represent Mr. George.

4. Allstate Insurance Company has withdrawn its coverage and defense for Mr. George according to the terms of its insurance policy with him.

5. Camille George and his attorney, R. Bruce Manchester are aware that Allstate Insurance Company as withdrawn its coverage and defense pertaining to this lawsuit and have

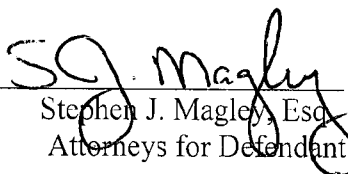
consented to this withdrawal. *A true and correct copy of the consent on February 7, 2006 is attached hereto and marked as Exhibit "A" to this Motion.*

6. Attorney R. Bruce Manchester remains counsel of record in this case for Camille George and the withdrawal of O'Malley & Magley, L.L.P. and Attorney Stephen J. Magley as co-defense counsel for Mr. George will not affect this case nor prejudice Mr. George's defense of it.

WHEREFORE, Attorney Stephen J. Magley and the law firm of O'Malley & Magley, L.L.P. respectfully requests this Honorable Court enter an Order allowing Attorney Stephen J. Magley and the law firm of O'Malley & Magley, L.L.P. to withdraw as co-counsel for Defendant, Camille George.

Respectfully submitted,

O'Malley & Magley, L.L.P.

By: 
Stephen J. Magley, Esq.
Attorneys for Defendant

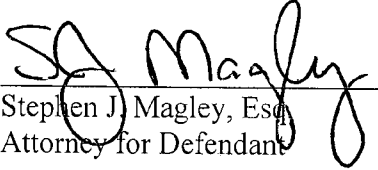
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within documents were served this 13TH day of April, 2006, by United States first class mail, postage prepaid upon the following:

James N. Bryant, Esquire
Bryant & Cantorna, P.C.
107 East Main Street
P.O. Box 551
Millheim, PA 16854

R. Bruce Manchester, Esquire
124 West Bishop Street
Bellefonte, PA 16823

O'MALLEY & MAGLEY, L.L.P.



Stephen J. Magley, Esq.
Attorney for Defendant

Law Offices
Dennis M. Mc Glynn

ATTORNEY AT LAW
969 EISENHOWER BLVD., SUITE 1
Johnstown, Pennsylvania 15904
814/262-0812
FAX 814/262-9328

RECEIVED
FEB 9 2006
R. BRUCE MANCHESTER
& ASSOCIATES

717 MAIN STREET
PORTAGE, PA 15946
814/736-4201
FAX 814/736-4852

February 7, 2006

R. Bruce Manchester, Esquire
Manchester and Associates
124 W. Bishop Street
Bellefonte, PA 16823

Re: John R. Gallagher
vs. Camille George
No. 2005-1180 CD

Dear Mr. Manchester:

Confirming my earlier correspondence to your office and conversations with your staff, please accept this letter as our mutual agreement that Allstate Insurance Company has no duty to indemnify and/or defend your client Mr. Camille George pursuant to Policy No. 098925389 and identified as AP324-1 Allstate Deluxe Homeowners Policy. The action is filed to John R. Gallagher vs. Camille George to No. 2005-1180 CD in Clearfield County, Pennsylvania.

At the time of the alleged incident, the policy contained in Section II thereof the following language:

On Page 27, Section II---Family Liability and Guest Medical Protection---Coverage X, Family Liability Protection, under Losses We Do Not Cover Under Coverage X:

1. We do not cover any bodily injury or property damage intended by, or which may reasonably be expected to result from the intentional or criminal acts or omissions of, any insured person. This exclusion applies even if:
 - a) such insured person lacks the mental capacity to govern his or her conduct;

EXHIBIT "A"

R. Bruce Manchester, Esquire

February 7, 2006

Page 2

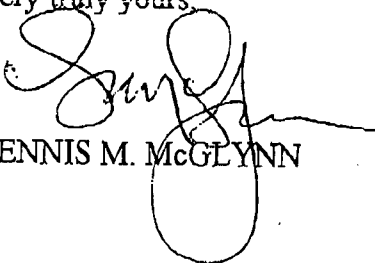
- b) such **bodily injury** or **property damage** is of a different kind or degree than that intended or reasonably expected; or
- c) such **bodily injury** or **property damage** is sustained by a different person than intended or reasonably expected.

This exclusion applies regardless of whether or not such **insured person** is actually charged with, or convicted of a crime.

Further, you and Mr. George agree that the firm of O'Malley & Magley may withdraw their Entry of Appearance pursuant to a reservation of rights on behalf of Mr. George.

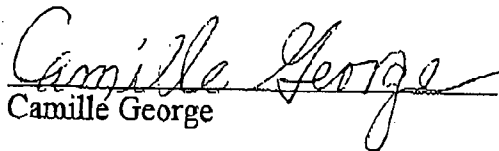
This is a mutually consented to agreement and I would request that both you and Mr. George sign a copy of this letter, keep one for your files and return an original to my office. Thank you for your cooperation.

Very truly yours,

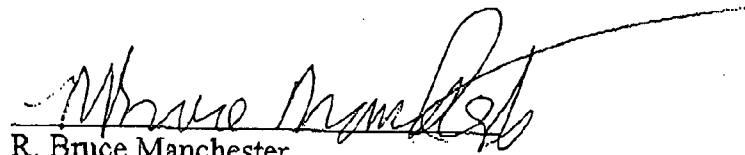


DENNIS M. McGLYNN

DMM/jkk



Camille George



R. Bruce Manchester,
Attorney for Camille George

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. GALLAGHER,

CIVIL DIVISION

Plaintiff,

NO. 2005-1180-CD

vs.

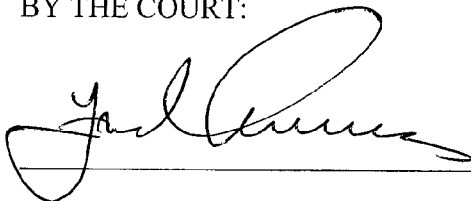
CAMILLE GEORGE,

Defendant.

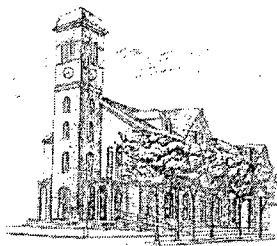
ORDER OF COURT

AND NOW, to-wit, this 18th day of April, 2006, it is hereby
ORDERED, ADJUDGED and DECREED that Attorney Stephen J. Magley and the law firm of
O'Malley & Magley, L.L.P. are permitted to withdraw as co-counsel for Defendant, Camille
George.

BY THE COURT:

 .J.

FILED
013:3061
APR 18 2006
2cc
Atty
CJ
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: 4/18/06

X You are responsible for serving all appropriate parties.

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

 Plaintiff(s)/Attorney(s)

 Defendant(s)/Attorney(s)

 Other

X Special Instructions:

Please file a Praecipe to Withdraw your appearance.

Thank you.

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

JOHN R. GALLAGHER,)
Plaintiff)
v.) NO. 2005 - 1180 - CD
CAMILLE "BUD" GEORGE,) JURY TRIAL
Defendant) DEMANDED
v.)
HOUTZDALE MUNICIPAL WATER)
AUTHORITY, KEVIN PHILLIPS,)
ROBERT GALLAGHER, LAWRENCE)
KOKOSKIE, and JANE AND JOHN)
DOES 1- 100,)
Additional Defendants)

FILED No CC
10/11/27/31 all
APR 19 2006 copies
previously
distributed
William A. Shaw
Prothonotary/Clerk of Courts (cl)

ORDER

NOW, this 17th day of April, 2006, based upon the agreement of counsel for all parties entered into in open Court after full discussion of the merits of all outstanding motions, IT IS HEREBY ORDERED as follows:

1. Counts 2 and 3 of Plaintiff's Complaint are DISMISSED.
2. Houtzdale Municipal Water Authority, Kevin Phillips, Robert Gallagher, Lawrence Kokoskie, and Jane and John Does 1-100 are DISMISSED as Defendants.
3. Counts 2, 3, 4 and 5 of original Defendant's Counterclaim are DISMISSED.
4. Defendant's Third Party Complaint against Kokoskie, Phillips, Houtzdale and John and Jane Does 1-100 is DISMISSED.
5. All unresolved Preliminary Objections are DISMISSED as moot.

6. The Clearfield County Court Administrator shall schedule this matter for a jury trial during the next Civil Court term.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'J. Michael Williamson', written over a horizontal line.

J. Michael Williamson, Judge
Specially Presiding
25th Judicial District of Pennsylvania

xc: James N. Bryant, Esquire
R. Bruce Manchester, Esquire
Dennis J. Stofko, Esquire
Court Administrator

J. MICHAEL WILLIAMSON
JUDGE
—
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. GALLAGHER,

Plaintiff,

vs.

CAMILLE GEORGE,

Defendant.

CIVIL DIVISION

NO. 2005-1180-CD

PRAECIPE TO WITHDRAW
APPEARANCE AS CO-DEFENSE
COUNSEL

Filed on behalf of Defendant,
CAMILLE GEORGE.

COUNSEL OF RECORD FOR THIS
PARTY:

Kevin R. O'Malley, Esq.
Pa I.D. #65976

Stephen J. Magley, Esq.
Pa I.D. #59990

Annabelle L. Carone, Esq.
Pa I.D. #83178

O'Malley & Magley, L.L.P.
5280 Steubenville Pike
Pittsburgh, PA 15205

(412) 788-1200

FILED

APR 24 2006

m/3:40/c

William A. Shaw

Prothonotary/Clerk of Courts

NO C/C

COPY TO C/A

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within documents were served this 21ST day of ~~November~~ ^{April} 2006, by United States first class mail, postage prepaid upon the following:

James N. Bryant, Esquire
Bryant & Cantorna, P.C.
107 East Main Street
P.O. Box 551
Millheim, PA 16854

R. Bruce Manchester, Esquire
124 West Bishop Street
Bellefonte, PA 16823

O'MALLEY & MAGLEY, L.L.P.



Annabelle L. Carone, Esq.
Attorney for Defendant

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

No. 2005-1180-CD

JURY TRIAL

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Defendant certifies that:


(1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed to delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,

(2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,

(3) no objection to the subpoena has been received, and

(4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Date: 6/28/06


R. Bruce Manchester, Esquire
Attorney for Defendant
124 West Bishop Street
Bellefonte, PA 16823
(814) 355-5421
ID No. 28535

FILED ^{NO CC}
m 11:31/30
JUN 29 2006 

William A. Shaw
Prothonotary/Clerk of Courts

Manchester & Associates

124 West Bishop Street • Bellefonte, PA 16823 • 814-355-5421 • Fax: 814-355-1499

June 7, 2006

James N. Bryant, Esquire
107 East Main Street
Millheim, PA 16854

Re: Gallagher v. George

Dear Mr. Bryant:

I have enclosed a Notice of Intent to Serve Subpoena with respect to the above referenced matter. If you are willing to waive the twenty days for objections, please advise.

Thank you for your anticipated cooperation.

Very truly yours,


Susannah J. Werkheiser
Paralegal

/sjw
Enclosure

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

No. 2005-1180-CD

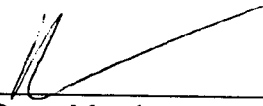
JURY TRIAL

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

To: John R. Gallagher
c/o James N. Bryant, Esquire
107 East Main Street
Millheim, PA 16854

Defendant intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,



R. Bruce Manchester, Esquire
Attorney for Defendant
124 West Bishop Street
Bellefonte, PA 16823
(814) 355-5421
ID No. 28535

Date: 6/7/06

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

John R. Gallagher
Plaintiff(s)

Vs.

Camille George
Defendant(s)

vs

Houtzdale Municipal Water Authority
Kevin Phillips, Robert Gallagher
Lawrence Kokoskie
Jane And John Does 1-100
Additional Defendant(s)

No. 2005-01180-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: Commissioner Jeffrey B. Miller, Custodian of Records
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

Investigative report and all other documentation under Incident #C03-083-145,
from PSP Woodland in Clearfield County, PA.

Deliver to 124 West Bishop Street, Bellefonte, PA 16823
(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.


THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: R. Bruce Manchester, Esquire
ADDRESS: 124 West Bishop Street
Bellefonte, PA 16823
TELEPHONE: (814) 355-5421
SUPREME COURT ID # 28535
ATTORNEY FOR: Defendant Camille George

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 25, 2006
Seal of the Court


~~Deputy~~

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

LA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

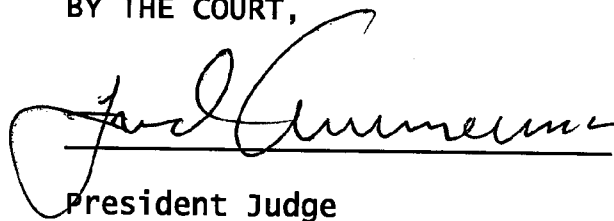
CIVIL DIVISION

JOHN R. GALLAHER :
-VS- : No. 05-1180-CD
CAMILLE "BUD" GEORGE :

O R D E R

NOW, this 27th day of July, 2006, this being the date set for Civil Call for the Fall Term of Court; the Court notes that The Honorable Judge J. Michael Williamson is specially presiding in the above-captioned matter, it is the ORDER of this Court that pre-trial conference be held at the Clearfield County Courthouse, Hearing Room 3, at 1:00 p.m. on August 11, 2006, at which time counsel shall be present.

BY THE COURT,


President Judge

FILED
JUL 31 2006

William A. Shaw
Prothonotary/Clerk of Courts

1cc
0/10:00L Any: Bryant
Manchester

1cc Judge
Williamson
(without memo)

CR

DATE: 7/31/06

Prothonotary/Clerk of Courts

William A. Shaw

JUL 31 2006

FILED

☒ You are responsible for serving all appropriate parties.
☒ The Prothonotary's office has provided service to the following parties:
Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other
Defendant(s) ☒ Defendant(s) Attorney
Special Instructions: ☐

(A)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JOHN R. GALLAGHER

:

-VS-

: No. 05-1180-CD

CAMILLE "BUD" GEORGE

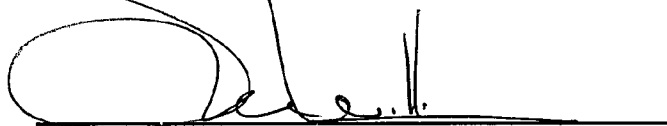
:

O R D E R

AND NOW, this 11th day of August, 2006, it is
hereby ORDERED as follows:

1. Jury selection shall be held on October 26,
2006, at 9:00 a.m.;
2. Trial shall be held on November 8, 2006, at
9:00 a.m.

BY THE COURT



THE HONORABLE J. MICHAEL WILLIAMSON
Specially Presiding
25th Judicial District

FILED^{2cc}

013:56/61
AUG 11 2006

William A. Shaw
Prothonotary/Clerk of Courts

Aug: Bryant
Marchese

DATE: 8/1/06

___ You are responsible for serving all appropriate parties.

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

___ Plaintiff(s) ☒ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ☒ Defendant(s) Attorney

___ Special Instructions:

FILED

AUG 11 2006

William A. Shaw
Prothonotary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS - CLEARFIELD COUNTY
CIVIL DIVISION

JOHN R. GALLAGHER,

Plaintiff,

v.

CAMILLE "BUD" GEORGE,

Defendant.

:
:
:
:
:
:
:
:
:
:

Case No. 2005-1180-CD

**MOTION OF CAMILLE GEORGE FOR SUMMARY JUDGMENT IN FAVOR
OF DEFENDANT CAMILLE GEORGE AND AGAINST
PLAINTFF JOHN GALLAGHER**

Camille George, the Defendant herein, hereby files this Motion for Summary Judgment on the claim of battery remaining in Plaintiff John Gallagher's Complaint, and on Defendant's Count I raised by New Matter in the nature of a Counterclaim. In support of the relief requested, the Defendant relies upon the accompanying Memorandum of Law and Affidavit of Camille George, as if set forth fully herein and at length, and incorporated herein by reference, as well as legal argument made on the day of hearing.

Respectfully Submitted,

Dated: September 20 2006

By:



Bruce R. Manchester, Esquire
Edmond M. George, Esquire
Attorneys for the Defendant

FILED

SEP 21 2006

07922/ur

William A. Shaw
Prothonotary/Clerk of Courts

1 Cent to Atty

IN THE COURT OF COMMON PLEAS - CLEARFIELD COUNTY
CIVIL DIVISION

JOHN R. GALLAGHER,

Plaintiff,

v.

CAMILLE "BUD" GEORGE,

Defendant.

:
:
:
:
:
:
:
:
:
:

Case No. 2005-1180-CD

**ORDER GRANTING SUMMARY JUDGMENT IN FAVOR OF DEFENDANT
CAMILLE GEORGE AND AGAINST PLAINTIFF JOHN GALLAGHER**

AND NOW, upon consideration of the Motion of Camille George ("Defendant") for Summary Judgment against John R. Gallagher ("Plaintiff"), and the responses filed thereto, and after notice and hearing, and for other cause shown, and this Court having determined that there are no genuine issues of material fact, and that Summary Judgment is appropriate under the circumstances, it is hereby

ORDER that the Defendant's Motion is GRANTED, and Summary Judgment is entered in favor of the Defendant on the remaining counts of Plaintiff's Complaint, it is further

ORDERED that Defendant's Motion for Summary Judgment on Defendant's counterclaim for Assault is hereby GRANTED, and judgment on the liability of the Plaintiff for the assault alleged by the Defendant as a Counterclaim in Count I of the Defendant's New Matter is hereby entered, it is further

ORDERED that a trial determining the damages owed by Plaintiff to Defendant on the Counterclaim shall be set by further Order of this Court.

BY THE COURT:

J.

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE "BUD" GEORGE,
Defendant

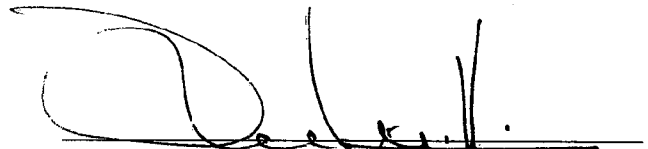
)
)
)
)
)
)
)

NO. 2005 - 1180 - CD

ORDER

NOW, this 26th day of September, 2006, there being issues of disputed fact which must be resolved by a jury, the Motion of Camille "Bud" George for summary judgment is DENIED.

BY THE COURT:



J. Michael Williamson, Judge
Specially Presiding
25th Judicial District of Pennsylvania

xc: James N. Bryant, Esquire
R. Bruce Manchester, Esquire
Edmond M. George, Esquire
Court Administrator

J. MICHAEL WILLIAMSON
JUDGE
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

FILED NO CC
9/11/06
SEP 28 2006
Copies previously distributed
William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE "BUD" GEORGE,
Defendant

)
)
)
) NO. 2005 - 1180 - CD
)
)
)

ORDER

NOW, this 17th day of October, 2006, the undersigned having been advised by the Court Administrator that jurors for an unusually high number of criminal cases must be selected on October 26, 2006, for cases which must be tried promptly, IT IS HEREBY ORDERED as follows:

1. Jury selection scheduled for October 26, 2006, is canceled; the trial scheduled for November 8, 2006, is canceled.
2. Jury selection shall be held beginning at 9:00 a.m. on February 1, 2007, and trial scheduled at the convenience of the Court Administrator.

BY THE COURT:



J. Michael Williamson, Judge
Specially Presiding
25th Judicial District of Pennsylvania

J. MICHAEL WILLIAMSON
JUDGE
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

xc: James N. Bryant, Esquire
R. Bruce Manchester, Esquire
Edmond M. George, Esquire
Court Administrator

FILED No CC
OCT 20 2006
Copies previously distributed
William A. Shaw
Prothonotary/Clerk of Courts



JUDGES CHAMBERS
TWENTY-FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
LOCK HAVEN, PENNSYLVANIA 17745

J. MICHAEL WILLIAMSON
JUDGE

570-893-4014
FAX 570-893-4126

October 17, 2006

William Shaw, Prothonctary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: **Gallagher v. George**
No. 2005-1180-CD

Dear Mr. Shaw:

Please file the enclosed Order in the above referenced matter. All copies have
been distributed.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Carol E. Miller".

Carol E. Miller
Secretary to Judge Williamson

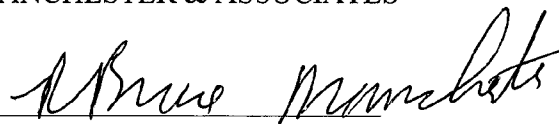
Enclosure

ENR

1. Defendant, Camille George, is scheduled for jury selection on February 1, 2007 at 9:00 a.m.
2. On October 5, 2006, the office of Attorney R. Bruce Manchester received an order from McKean County Court, scheduling jury selection and trial in a criminal matter from January 29, 2007 through February 1, 2007. (see attached) .
3. Attorney Manchester has contacted the office of James Bryant, Esquire to seek concurrence with this Motion for Continuance. As of the date of filing this motion, there has been no response from Attorney Bryant's office.

WHEREFORE, undersigned counsel respectfully requests this Honorable Court grant a continuance in this matter without the necessity of a hearing.

Respectfully submitted,
MANCHESTER & ASSOCIATES

A handwritten signature in cursive script, appearing to read "R. Bruce Manchester", written over a horizontal line.

R. Bruce Manchester, Esquire
124 West Bishop Street
Bellefonte, PA 16823
(814) 355-5421
ID No. 28535

Date: 11-25-06

COMMONWEALTH OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS

OF McKEAN COUNTY, PENNSYLVANIA

vs.

CRIMINAL DIVISION

DAVID JAMES JOHNSTON, JR.,

NO. 468 CR 2004

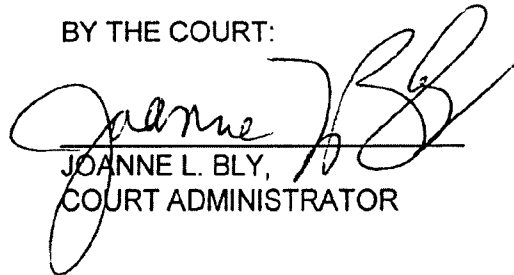
Defendant

RECEIVED
OCT 5 - 2006
R. BRUCE MANCHESTER
& ASSOCIATES

ORDER

AND NOW, this 3rd day of October, 2006, jury selection and trial in this matter is hereby scheduled for January 29, 30, 31, February 1, 2007, at 8:30 a.m., in Courtroom 1, McKean County Courthouse, Smethport, Pennsylvania.

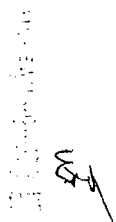
BY THE COURT:


JOANNE L. BLY,
COURT ADMINISTRATOR

POSTED

C. DA
R Manchester
Scribb

2006 OCT -3 AM 9:00



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

JOHN R. GALLAGHER.,
Plaintiff

VS.

CAMILLE GEORGE,
Defendant

v.


HOUTZDALE MUNICIPAL WATER
AUTHORITY, KEVIN PHILLIPS,
ROBERT GALLAGHER, LAWRENCE
KOKOSKIE, and JANE and JOHN DOES
1-100

:
:
:
: No. 2005-1180-CD
:
: JURY TRIAL
:
: DEMANDED
:
:
:
:
:
:

CERTIFICATE OF SERVICE

I, R. Bruce Manchester, Esquire, hereby certify that on November 30, 2006, I served
the attached **Motion for Continuance** on the following person(s) via first class mail:

James N. Bryant, Esq.
P.O. Box 551
107 East Main Street
Millheim, PA 16854



R. Bruce Manchester, Esquire
Manchester & Associates
124 W. Bishop St.
Bellefonte, PA 16823
814-355-5421

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

JOHN R. GALLAGHER,
Plaintiff

v.

CAMILLE GEORGE,
Defendant

)
)
) NO. 2005-1180-CE
)
) JURY TRIAL
) DEMANDED
)

FILED
m 11:23/06
DEC 08 2006

William A. Shaw
Prothonotary/Clerk of Courts
Copies previously
distributed

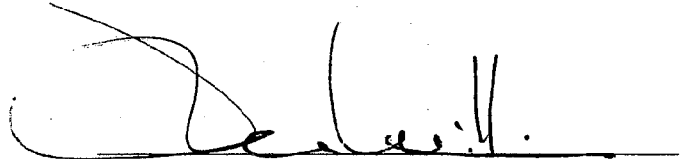
(6R)

ORDER

Defendant seeks a continuance of jury selection currently scheduled for February 1, 2007, contending he will be in trial in McKean County on that date. As we understand defense counsel's calendar, February 1st is the last day of a three- or four-day trial. We have no intention of continuing jury selection based on the mere possibility that defense counsel will be involved in a trial in another county two months from now.

NOW, this 6th day of December, 2006, IT IS HEREBY ORDERED that Defendant's request for a continuance is DENIED without prejudice to his right to renew his request no sooner than January 30, 2007, at 3:00 p.m.

BY THE COURT:



J. Michael Williamson, Judge
Specially Presiding
25th Judicial District of Pennsylvania

J. MICHAEL WILLIAMSON
JUDGE
—
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURT HOUSE
LOCK HAVEN, PA 17745

xc: James N. Bryant, Esquire
R. Bruce Manchester, Esquire
Court Administrator



JUDGES CHAMBERS
TWENTY-FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
LOCK HAVEN, PENNSYLVANIA 17745

J. MICHAEL WILLIAMSON
JUDGE

570-893-4014
FAX 570-893-4126

December 6, 2006

William Shaw, Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: **Gallagher v. George**
No. 2005-1180-CD

Dear Mr. Shaw:

Please file the enclosed Order in the above referenced matter. All copies have been distributed.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Carol E. Miller".

Carol E. Miller
Secretary to Judge Williamson

Enclosure

1A

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

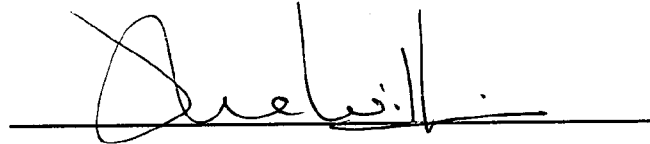
CIVIL DIVISION

JOHN R. GALLAGHER :
-VS- : No. 05-1180-CD
CAMILLE "BUD" GEORGE :

O R D E R

AND NOW, this 1st day of February, 2007, based upon the motion of both counsel, this matter is hereby settled, terminated and discontinued, with prejudice as to all issues.

BY THE COURT,



THE HONORABLE J. MICHAEL WILLIAMSON
Specially Presiding
25th Judicial District

FILED

019:28/51
FEB 02 2007

2cc Atty's
Bryant
Manchester

William A. Shaw
Prothonotary/Clerk of Courts (60)

DATE: 2/2/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) X Plaintiff(s)/Attorney — Other

Defendant(s) X Defendant(s)/Attorney

Special Instructions: _____

FILED

FEB 02 2007

William A. Shaw
Prothonotary/Clerk of Courts