

05-1417-CD
Linda Henry vs Todd Marino et al

Linda Henry vs. Todd Marino et al
2005-1417-CD

Date: 4/3/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 11:03 AM

ROA Report

Page 1 of 3

Case: 2005-01417-CD

Current Judge: Fredric Joseph Ammerman

Linda J. Henry vs. Todd Marino, Matthew Greenland

Civil Other

Date		Judge
9/14/2005	New Case Filed.	No Judge
	X Filing: Praeipe for Writ of Summons Paid by: Ryan, John R. (attorney for Henry, Linda J.) Receipt number: 1908304 Dated: 09/14/2005 Amount: \$85.00 (Check) No CC., 2 writs to Shff.	No Judge
10/18/2005	X Praeipe For Entry of Appearance, filed on behalf of Def. Matthew Greenland, by s/ William W. Guthrie, Esquire. No CC	No Judge
	X Praeipe For Rule to File Complaint, filed by s/ William W. Guthrie, Esquire. No CC, 2 Rules to Atty.	No Judge
10/24/2005	X Affidavit of Service filed. That the Rule to File Complaint directly to the Plaintiff Linda J. Henry was mailed on October 19, 2005 to John R. Ryan Esq., filed by s/ William W. Guthrie Esq. No CC.	No Judge
10/31/2005	X Complaint, filed by s/ John R. Ryan Esq. 4CC Atty Ryan.	No Judge
11/2/2005	X Praeipe for Entry of Appearance, filed on behalf of Todd Marino, by s/Katherine V. Oliver, Esq. No CC	No Judge
11/4/2005	X Acceptance of Service, filed. I accept service of the Complaint in the above referenced case on behalf of the Defendant, MATTHEW GREENLAND, filed by s/ William W. Guthrie Esq. No CC.	No Judge
11/17/2005	X Answer, New Matter and New Matter Pursuant to Pa.R.C.P. 2252(d) to Plaintiff's Complaint, filed by s/ William W. Guthrie Esq. No CC.	No Judge
	X Notice of Service of Interrogatories and Request for Production of Documents Directed to Plaintiff, filed by s/ William W. Guthrie Esq. No CC.	No Judge
11/22/2005	X Reply to New Matter, filed by s/ John R. Ryan Esq.	No Judge
11/23/2005	X Certificate of Service, filed. Served a certified copy of Reply to New Matter filed on behalf of Plaintiff, LINDA J. HENRY, in the above captioned matter on Katherine V. Oliver Esq and William W. Guthrie Esq, on the 23rd day of November 2005 filed by s/ John R. Ryan Esq. No CC.	No Judge
11/28/2005	X Application For Stay Pursuant to the Servicemembers' Civil Relief Act, filed by s/ Katherine V. Oliver Esq. No CC.	No Judge
1/6/2006	X Rule to Show Cause, AND NOW, this 4th day of January 2006, a Rule is hereby issued upon Plaintiff to show cause why defedant Todd Marino's Application for Stay Pursuant to the Servicemembers' Civil Relief Act shold not be granted. Rule returnable the 27th day of January 2006, in Courtroom No. 1 at 9:00 a.m. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 2CC Atty Oliver.	Fredric Joseph Ammerman
1/10/2006	X Certificate of Service, filed. That a true and correct copy of the January 4, 2006, Rule to Show Cause, in the above-captioned matter on the 9th day of January, 2006 to William.W. Guthrie Esq., and John R. Ryan Esq., filed by s/ Katherine V. Oliver Esq. No CC.	No Judge
1/16/2006	X Letters Re: Consent to stay due to Servicemembers' Civil Relief Act. Letter to Judge Ammerman from Katherine Oliver Letter to K. Oliver from John Ryan Letter to K. Oliver from W. Guthrie Second letter to K. Oliver from John Ryan Filed per Judge Ammerman's direction.	No Judge
	X Order, AND NOW, this 16th day of January, 2006, Defendant Marino's Petition for Stay Granted: (See original for details). BY THE COURT: /s/Fredric J. Ammerman, P.J. One CC Attorney Oliver	No Judge

Robert A. Frailey vs .Mary Katherine Frailey

Divorce with Custody

Date	Judge
09/18/2006	No Judge
New Case Filed.	
X Filing: Divorce Complaint Additional Counts Paid by: Naddeo, James A. (attorney for Frailey, Robert A.) Receipt number: 1915609 Dated: 09/18/2006 Amount: \$10.00 (Check)	No Judge
X Filing: Complaint in Divorce Paid by: Naddeo, James A. (attorney for Frailey, Robert A.) Receipt number: 1915609 Dated: 09/18/2006 Amount: \$105.00 (Check) 2CC Atty Naddeo and copy to C/A.	No Judge
09/19/2006	Paul E. Cherry
X Order, You, Mary Katherine Frailey, Respondent, have been sued in Court to obtain custody of the minor children. You are ordered to appear in person on the 19th day of Oct., 2006, at 10:30 a.m. for a custody conference. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Naddeo	
09/25/2006	Paul E. Cherry
X Affidavit of Service filed. That a certified copy of the Complaint filed in the above-captioned action was served upon the Defendant, Mary Katherine Frailey on September 22, 2006, filed by s/ James A. Naddeo Esq. NO CC.	
09/29/2006	Paul E. Cherry
X Answer To Complaint In Divorce, filed by s/ Paul Colavecchi, Esquire. 3CC to Atty.	
10/09/2006	Paul E. Cherry
X Praecipe to Enter Appearance, filed. Please enter my appearance on behalf of Mary Katherine Frailey, defendant in the above-captioned action, filed by s/ Paul Colavecchi Esq. NO CC and copy to C/A.	
10/17/2006	Paul E. Cherry
X Petition For Special Relief, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	
10/18/2006	Paul E. Cherry
X Rule, NOW, this 17th day of Oct., 2006, upon consideraiaon of the attached Petition, a Rule is issued upon Respondent. Rule Returnable the 2nd of Nov., 2006, at 11:30 a.m., for hearing. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Naddeo	
X Certificate of Service, filed. That a certified copy of the Petition for Special Relief and Proposed Order filed in the above-captioned action was served on the 18th day of October 2006 on Paul Colavecchi Esq. NO CC.	Paul E. Cherry
10/19/2006	Paul E. Cherry
X Order, NOW, this 19th day of October, 2006, this being the date set for custody conference, the parties agree to the entry of the following Interim Order: (see original for custody details). By the Court, /s/ Paul E. Cherry, Judge. 1CC Attys: Naddeo, P. Colavecchi, 1CC C/A	
10/23/2006	Paul E. Cherry
X Answer to Petition for Special Relief and New Matter, filed by s/ Paul Colavecchi Esq. 3 CC Atty P. Colavecchi.	

Date: 4/3/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 11:03 AM

ROA Report

Page 2 of 3

Case: 2005-01417-CD

Current Judge: Fredric Joseph Ammerman

Linda J. Henry vs. Todd Marino, Matthew Greenland

Civil Other

Date		Judge
1/27/2006	<input checked="" type="checkbox"/> Sheriff Return, September 30, 2005 at 11:30 am served the within Summons on Todd Marino. September 30, 2005 at 9:38 an served the within Summons on Matthew Greenland. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Belin \$62.80	No Judge
2/15/2006	<input checked="" type="checkbox"/> Sheriff Return, November 15, 2005 at 12:01 pm served the within Complaint on Todd Marino. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Belin \$40.01	No Judge
1/4/2007	<input checked="" type="checkbox"/> Order AND NOW, this 3rd day of January 2007, the Court being advised that Todd Marino has returned from active military service, the military Stay entered on January 16, 2006 is hereby lifted. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Oliver.	Fredric Joseph Ammerman
1/9/2007	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of Judge Ammerman's Order dated January 3, 2007 lifting the military stay entered on January 16, 2006, in the above-captioned matter was mailed on this 8th day of January 2007 to William W. Guthrie Esq., and John R. Ryan Esq., filed by s/ Katherine V. Oliver Esq. NO CC.	No Judge
1/19/2007	<input checked="" type="checkbox"/> Certificate of Service, copy of Co-Defendant Todd Marino's Request for Production of Documents and Tangible Things Directed to Co-Defendant Matthew Greenland (set One) was mailed by U.S. 1st Class Mail on the 18th day of Jan., 2007, to William W. Guthrie, Esquire, and John R. Ryan Esquire. Filed by s/ Katherine V. Oliver, Esquire No CC	No Judge
2/1/2007	<input checked="" type="checkbox"/> Answer With New Matter And New Matter Cross Claim Pursuant to Pa.R.C.P. 2252(d), filed by s/ Katherine V. Oliver, Esquire. No CC	No Judge
	<input checked="" type="checkbox"/> Reply To New Matter of Co-Defendant Matthew Greenland, filed by s/ Katherine V. Oliver, Esquire. No CC	No Judge
2/5/2007	<input checked="" type="checkbox"/> Notice of Deposition of Plaintiff Linda J. Henry, filed by s/ William W. Guthrie Esq. No CC.	No Judge
2/6/2007	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver Esq. NO CC.	No Judge
	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of Defendant Todd Marino's Notice of Intent to Serve Subpoena for Production of Documents and Things in the above-referenced matter was mailed on this 5th day of February 2007 to John R. Ryan Esq., and William W. Guthrie Esq., filed by s/ Katherine V. Oliver Esq. NO CC.	No Judge
2/9/2007	<input checked="" type="checkbox"/> Plaintiff's Reply to New Matter of Defendant Todd Marino, filed by s/ John R. Ryan, Esquire. 4CC to Atty.	No Judge
	<input checked="" type="checkbox"/> Certificate of Service, Plaintiff's Reply to New Matter of Defendant Todd Marino served upon William W. guthrie, Esquire, and Katherine V. Oliver, Esquire, by first-class mail on the 9th day of Feb. 2007. Filed by s/ John R. Ryan, Esquire. No CC	No Judge
2/15/2007	<input checked="" type="checkbox"/> Reply Of Defendant Matthew Greenland to New Matter And 2252(d) New Matter of Co-Defendant Todd Marino, filed by s/ William W. Guthrie, Esquire. No CC	No Judge
3/7/2007	<input checked="" type="checkbox"/> Certificate of Service, filed. Served a certified copy of Plaintiff's Response to Request for Production of Documents filed in the above captioned matter on the 7th day of March 2007 to William W. Guthrie Esq. and Katherine V. Oliver Esq., filed by s/ John R. Ryan Esq. No CC.	No Judge

Robert A. Frailey vs .Mary Katherine Frailey

Divorce with Custody

Date	Judge
10/25/2006	Paul E. Cherry
11/22/2006	Paul E. Cherry
01/03/2007	Paul E. Cherry
01/05/2007	Paul E. Cherry
01/12/2007	Paul E. Cherry
01/22/2007	Paul E. Cherry
01/23/2007	Paul E. Cherry
01/31/2007	Paul E. Cherry

Order for Mediation Conference and Payment of Costs, NOW, this 24th day of Oct., 2006, it is Ordered that a Custody Mediation Conference be held. Further Ordered that the parties forthwith complete a Child Custody Mediation Questionnaire and forward the same to Dr. Ryen within ten days of receipt of this Order. Also Ordered that the cost of said Mediation Conference be borne equally by Plaintiff and Defendant. Each party or counsel for that party shall deposit \$175.00 (money orders only) made payable to the Clearfield County Treasurer and mailed to D. Peters, Judge's Chambers, 230 E. Market St., Clearfield, PA 16830 within 25 days of the date of this Order or submit a Custody Consent Order to the Court within 25 days of the date of this Order foregoing the Mediation Conference. This Court shall issue a further Order scheduling the Mediation Conference when the required deposit has been received from both parties. If a Custody Consent Order is received by the Court after the 25th day following this Order and no later than 7 days before scheduled Mediation Conference, then each party or counsel for the parties shall include \$20.00 (money order only) in order to defray administrative/processing expense. In this event, the original money order in the amount of \$175.00 previously deposited shall be returned. Failure of a party to deposit the required fee of \$175.00 shall result in the offending party being subject to contempt proceedings before the Court. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC & Questionnaire to: James A. Naddeo, Esquire, and Paul Colavecchi, Esquire

Order NOW, this 21st day of November 2006, it is ORDERED that the Custody Mediation Conference be held before Allen H. Ryen Ph.D., Licensed Child Psychologist, on January 3, 2007 at 1:00 o'clock p.m. at the Clearfield County Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC to Attys: Naddeo and P. Colavecchi.

Final Order, AND NOW, this 3rd day of January 2007, following mediation conference and upon agreement of the parties, it is hereby ORDERED as follows: (see original for details). BY THE COURT: /s/ Paul E. Cherry, Judge. 4 CC Dr. Ryen will distribute.

Order AND NOW, this 3rd day of January 2007, it is the ORDER of the Court that Hearing on the Merits in the above-captioned matter has been scheduled for Wednesday, April 25, 2007 at 9:00 a.m. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA. One (1) day has been allotted for this matter. BY THE COURT: /s/ Paul E. Cherry, Judge. 1CC Attys: Naddeo and P. Colavecchi.

Order, NOW, this 11th day of Jan., 2007, Petition for Special Relief is Granted. (see original). By The Court: /s/ Paul E. Cherry, Judge. 1 CC Attys: Naddeo, P. Colavecchi

Motion For Reconsideration, filed by s/ Paul Colavecchi, Esquire. 3CC Atty. P. Colavecchi

Rule, NOW, this 22nd day of Jan., 2007, upon consideration of the foregoing Motion, a Rule is issued directed to the Plaintiff to appear and show cause why the Motion for Reconsideration should not be granted. rule made returnable the 14th day of Feb., 2007, at 11:00 a.m. Courtroom 2. 1/2 hour has been set aside for this hearing. by the Court, /s/ Paul E. Cherry, Judge. 3CC Atty. P. Colavecchi

Certificate of Service, filed. That on January 24, 2007, a Motion for Reconsideration and Rule in the above matter was served on James A. Naddeo Esq., filed by s/ Paul Colavecchi Esq. NO CC.

Date: 4/3/2008
Time: 11:03 AM
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Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2005-01417-CD

Current Judge: Fredric Joseph Ammerman

Linda J. Henry vs. Todd Marino, Matthew Greenland

Civil Other

Date		Judge
11/5/2007	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by first class mail this 2nd day of November 2007 to William W. Guthrie Esq. and John R. Ryan Esq., filed by s/ Katherine V. Oliver Esq. NO CC.	No Judge
11/13/2007	<input checked="" type="checkbox"/> Objections to Subpoena Pursuant to Rule 4009.21, filed by s/ William W. guthrie, Esquire. No CC	No Judge
11/30/2007	<input checked="" type="checkbox"/> Certificate Prerequisite, filed by s/ Katherine V. Oliver, Esquire. No CC	No Judge
2/1/2008 ? not in file of 4-9-08	<input checked="" type="checkbox"/> Application For Stay Pursuant to The Servicemembers' Civil Relief Act, filed by s/ Katherine V. Oliver, Esquirel. No CC	No Judge
2/12/2008	<input checked="" type="checkbox"/> Order, this 12th day of Feb., 2008, it is Ordered that Argument on the Defendant's Application for Stay Pursuant to the Servicemembers' Civil Relief Act is scheduled for April 8, 2008 at 2:15 p.m. in Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. K. Oliver	Fredric Joseph Ammerman
2/15/2008	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of the Court's Order dated February 12, 2008 in the above-captioned matter was mail by 1st class mail on this 14th day of February 2008 to William W. Guthrie Esq and John R. Ryan Esq., filed by s/ Katherine V. Oliver Esq. No CC.	Fredric Joseph Ammerman

Robert A. Frailey vs .Mary Katherine Frailey

Divorce with Custody

Date		Judge
02/21/2007	XX Consent Order, NOW, this 14th day of Feb., 2007, upon consideration of the Motion for Reconsideration, the parties having acknowledged their consent to the entry of this Consent Order, it is Ordered: (see original). By The Court, /s/ Paul E. Cherry, Judge. 4CC Atty. Colavecchi	Paul E. Cherry
04/26/2007	XX Order, Now, this 25th day of April, 2007, following custody trial and taking of testimony, it is Ordered that counsel provide the Court with brief and proposed Order within no more than 21 days following receipt of transcript. In the interim, the parties shall follow the Court's Order of Jan. 3, 2007, with the exception that: (see original). By The Court, /s/ Paul E. Cherry, Judge. 1CC Attys: P. Colavecchi, Naddeo	Paul E. Cherry
05/18/2007	XX Motion for Appointment of Master, filed by Atty. Naddeo 1 Cert. to Atty.	Paul E. Cherry
	XX Plaintiff's Income & Expense Statement, filed by s/ James A. Naddeo, Esquire. 1CC to Atty.	Paul E. Cherry
	XX Inventory of Robert A. Frailey, Plaintiff, filed by s/ James A. Naddeo, Esquire. 1CC to Atty	Paul E. Cherry
	XX Plaintiff's Pre-Trial Statement, filed by s/ James A. Naddeo, Esquire. 1CC to Atty.	Paul E. Cherry
05/23/2007	XX Order, this 22nd day of May, 2007, 1. Cynthia B. Stewart, Esquire, is appointed as Master to preside at the hearing on all outstanding economic issues. 2. Pre-Trial Conference among counsel and the Court shall be held in the Clfd. Co. Courthouse Annex, Judge Cherry's Chambers, on the 22nd day of June 2007, at 1:30 p.m. 3. Plaintiff and Defendant shall file his or her Inventory and Appraisal, Budget Information and Pre-Trial Statement within no more than 20 days from this date. By The Court, /s/ Paul E. Cherry, Judge. 2CC Attys: Naddeo, P. Colavecchi; 1CC C. Stewart s/out memo	Paul E. Cherry
05/31/2007	XX Objections to Motion for Appointment of Master, filed by s/ Paul Colavecchi Esq. 3 CC P. Colavecchi.	Paul E. Cherry
06/01/2007	XX Rule, NOW, this 1st day of June, 2007, upon consideration of the foregoing Objections to Motion for Appointment of Master, a Rule is issued on the Plaintiff. Rule Returnable the 15th day of June, 2007, at 9:00 a.m. Courtroom 2. 1/2 hour has been set aside for this hearing. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. P. Colavecchi	Paul E. Cherry
06/11/2007	XX Certificate of Service, filed. That on June 4, 2007 Objections to Motion for Appointment of Master and Rule in the above matter was served on James A. Naddeo Esq., filed by s/ Paul Colavecchi Esq. No CC.	Paul E. Cherry
06/12/2007	XX Pre-Trial Statement, filed by s/ Paul Colavecchi, Esquire. 3CC Atty. P. Colavecchi	Paul E. Cherry
	XX Defendant's Income And Expense Statement, filed by s/ Paul Colavecchi, Esquire. 3CC Atty. P. Colavecchi	Paul E. Cherry
	XX Inventory And Appraisement of May Katherine Frailey, Defendant. Filed by s/ Paul Colavecchi, Esquire. 3CC Atty. P. Colavecchi	Paul E. Cherry
	XX Petition For Special Relief, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	Paul E. Cherry
	XX Response to Defendant's Objections to Motion for Appointment of Master, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	Paul E. Cherry
06/13/2007	XX Answer to Petition For Special Relief And New Matter, filed by s/ Paul Colavecchi, Esquire. 3CC Atty.	Paul E. Cherry

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

LINDA J. HENRY,
Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

No. 05 - 1417 C.D.

**PRAECIPE FOR WRIT OF
SUMMONS**

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED Any pd.
01/18/01 85.00
SEP 14 2005 16 EC

William A. Shaw 2 Writs to
Prothonotary/Clerk of Courts Shiff

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

LINDA J. HENRY,

Plaintiff

vs.

No. 05 - - C.D.

TODD MARINO and

MATTHEW GREENLAND,

Defendants

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please issue Writ of Summons the above matter against Defendants, TODD MARINO
and MATTHEW GREENLAND.



John R. Ryan
Attorney for Plaintiff

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

FILED

SEP 14 2005

Prothonotary & Clerk of Courts

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

 COPY

LINDA J. HENRY,
Plaintiff

vs.

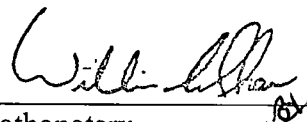
No. 05 - 1417- C.D.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

WRIT OF SUMMONS

You are hereby notified that LINDA J. HENRY has commenced an action against you.

Date: September 14, 2005


Prothonotary

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

 COPY

LINDA J. HENRY,

Plaintiff

vs.

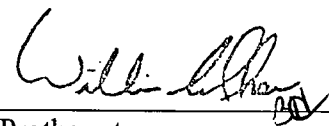
No. 05 - 1417 - C.D.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

WRIT OF SUMMONS

You are hereby notified that LINDA J. HENRY has commenced an action against you.

Date: September 14, 2005


Prothonotary

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

Filed on behalf of:
Matthew Greenland,
Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FILED ^{no} _{cc}
OCT 18 2005 ^{ml 11:27/24} _@

William A. Shaw
Prothonotary/Clerk of Courts

PRAECIPE FOR APPEARANCE

TO: WILLIAM A. SHAW, CLERK OF COURTS & PROTHONOTARY

KINDLY enter my Appearance on behalf of MATTHEW GREENLAND, in the
above captioned matter.

WILLIAM W. GUTHRIE & ASSOCIATES

BY: 

William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Defendant

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

**PRAECIPE FOR RULE TO
FILE COMPLAINT**

Filed on behalf of:
Matthew Greenland,
Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FILED *no cc*
m/11:27 AM
OCT 18 2005 *Rule 5 to*
Attg
William A. Shaw
Prothonotary/Clerk of Courts *GP*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

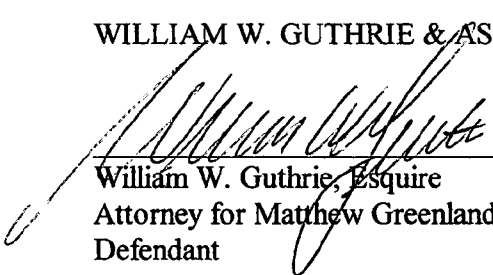
PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Kindly issue a Rule directing the Plaintiff to file a Complaint in the above captioned case.

Respectfully submitted,

WILLIAM W. GUTHRIE & ASSOCIATES



William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Defendant

FILED

OCT 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

 COPY

Linda J. Henry

Vs.
Todd Marino
Matthew Greenland

Case No. 2005-01417-CD

RULE TO FILE COMPLAINT

TO: Linda J. Henry

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: October 18, 2005

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

**AFFIDAVIT OF SERVICE
OF RULE TO FILE COMPLAINT
DIRECTED TO PLAINTIFF
LINDA J. HENRY**

Filed on behalf of:
Matthew Greenland,
Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FILED ^{no cc}
m/10:33
OCT 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA J. HENRY,

CIVIL DIVISION

Plaintiff,

NO. 05-1417-C.D.

v.

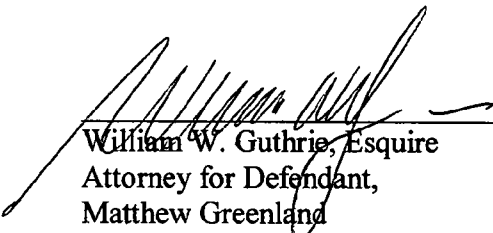
TODD MARINO and
MATTHEW GREENLAND,

Defendants.

**AFFIDAVIT OF SERVICE FOR RULE TO FILE COMPLAINT
DIRECTED TO PLAINTIFF LINDA J. HENRY**

I, WILLIAM W. GUTHRIE, ESQUIRE, being duly sworn according to law,
deposes and states that the RULE TO FILE COMPLAINT directed to the Plaintiff Linda J. Henry
was mailed by U. S. First Class Mail, Postage Pre-paid on October 19, 2005 to John R. Ryan,
Esquire, Belin & Kubista, 15 N. Front Street, Clearfield, PA 16830, Attorney for Plaintiff.

WILLIAM W. GUTHRIE & ASSOCIATES

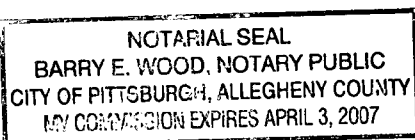


William W. Guthrie, Esquire
Attorney for Defendant,
Matthew Greenland

*Sworn to and Subscribed
before me this 19th day
of October, 2005.*



Notary Public



FILED

OCT 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,
Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

No. 05 -1417-CD

JURY TRIAL DEMANDED

COMPLAINT

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

012:49/01
OCT 31 2005

4 cc
Any Ryan

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff

vs.

TODD MARINO and

MATTHEW GREENLAND,

Defendants

No. 05 -1417-CD

JURY TRIAL DEMANDED

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
Clearfield County Courthouse
Market & Second Street
Clearfield, PA 16830
(814) 765-2641, ext. 1300

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

LINDA J. HENRY,	:	
Plaintiff	:	
	:	
vs.	:	No. 05-1417-CD
	:	
TODD MARINO and	:	JURY TRIAL DEMANDED
MATTHEW GREENLAND,	:	
Defendants	:	

COMPLAINT

NOW COMES, Linda J. Henry, Plaintiff above named, and by her Attorneys, Belin & Kubista, and files her Complaint against the Defendants as follows:

1. Plaintiff is Linda J. Henry, an adult individual residing at 261 Friendly Acre Road, Curwensville, Clearfield County, Pennsylvania, 16833.
2. Defendants are:
 - a. Todd J. Marino, an adult individual residing at 329 Fredrica Street, Curwensville, Clearfield County, Pennsylvania, 16833.
 - b. Matthew Greenland, an adult individual residing at RD 1, Rockton, Clearfield County, Pennsylvania, 15856.
3. On October 22, 2003, Plaintiff was operating a motor vehicle in a westerly direction on State Route 879 in Pike Township, Clearfield County, Pennsylvania, approximately three miles west of the Borough of Curwensville.
4. Plaintiff was operating her vehicle directly behind a vehicle operated by Defendant Greenland.

5. At that place and time, Defendant Marino was operating a vehicle on said State Route 879 in an easterly direction.
6. Defendant Greenland made a left turn across the eastbound lane of Route 879 into a construction area, and in so doing crossed the path of the vehicle operated by Defendant Marino.
7. Defendant Marino applied his brakes, lost control of his vehicle, crossed the center line of Route 879 and proceeded into the westbound lane of the roadway where his vehicle collided with the Plaintiff's vehicle.
8. After colliding with Plaintiff's vehicle, the vehicle operated by Defendant Marino spun counterclockwise and the frame of the vehicle came to rest on the centerline of Route 879.
9. The force of the collision caused Plaintiff's vehicle to travel an additional 100 feet in a westerly direction and said vehicle ultimately came to rest on the northern berm of Route 879 facing West.
10. The force of the collision further caused the cab of the vehicle operated by Defendant Marino to separate from the vehicle's frame and said cab came to rest on the south berm of Route 879.

COUNT I—LINDA J. HENRY v. TODD J. MARINO

11. Paragraphs 1 through and including Paragraph 10 of Plaintiff's Complaint are incorporated herein by reference as if set forth at length.
12. At the time and place set forth herein, Defendant Marino operated his vehicle in a careless, negligent and reckless manner, in that:

- a. He then and there operated his vehicle at an excessive rate of speed under the circumstances, as evidenced by 225 feet of skid marks on the roadway which resulted from his attempt to apply the brakes and by the fact that his vehicle broke apart on impact;
 - b. He failed to maintain control of his vehicle;
 - c. He failed to operate his vehicle in the proper lane of travel;
 - d. He failed to keep a proper lookout and anticipate that an oncoming vehicle may turn left across the roadway, particularly where there was a construction area nearby.
13. As the direct and proximate result of the carelessness, negligence and recklessness of the Defendant Marino, Plaintiff suffered injury to her person, in that she aggravated a pre-existing back condition, which has caused her great pain and discomfort, which has diminished her enjoyment of life, and which will continue to cause her pain and discomfort into the foreseeable future. Plaintiff has been forced to seek medical attention for her injuries and will require medical attention in the future.

WHEREFORE, Plaintiff seeks judgment against the Defendant Todd J. Marino in an amount in excess of the jurisdiction of the board of arbitration, together with interest and costs of suit.

COUNT II – LINDA J. HENRY v. MATTHEW GREENLAND

14. Paragraphs 1 through and including Paragraph 13 of Plaintiff's Complaint are incorporated herein by reference as if set forth at length.

15. At the time and place set forth herein, Defendant Greenland operated his vehicle in a careless, negligent and reckless manner, in that:

- a. He made a left turn into oncoming traffic without ascertaining that no vehicles were proceeding toward him;
- b. He failed to keep a proper lookout for oncoming traffic before turning;
- c. His actions caused Defendant Marino to suddenly apply his brakes and lose control of his vehicle, which then collided with the vehicle operated by Plaintiff.

16. As the direct and proximate result of the carelessness, negligence and recklessness of Defendant Greenland as set forth herein, Plaintiff suffered injury to her person, in that she aggravated a pre-existing back condition, which has caused her great pain and discomfort, which has diminished her enjoyment of life, and which will continue to cause her pain and discomfort into the foreseeable future. Plaintiff has been forced to seek medical attention for her injuries and will require medical attention in the future.

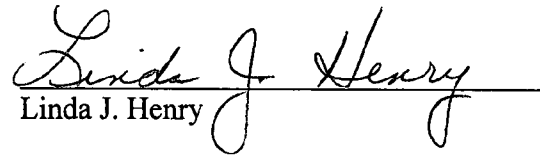
WHEREFORE, Plaintiff seeks judgment against the Defendant Matthew Greenland in an amount in excess of the jurisdiction of the board of arbitration, together with interest and costs of suit.

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiff

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


Linda J. Henry

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

: No. 05-1417-C.D.
:
: TYPE OF PLEADING:
: **PRAECIPE FOR ENTRY OF**
: **APPEARANCE**
:
: TYPE OF CASE: CIVIL
:
: FILED ON BEHALF OF:
: **DEFENDANT TODD MARINO**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED
NOV 02 2005
11:30 AM
NO CC
William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, Todd Marino, in the above-captioned matter.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: November 1, 2005

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Todd Marino

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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: No. 05-1417-C.D.
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CERTIFICATE OF SERVICE

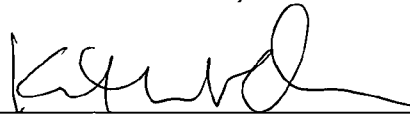
I hereby certify that a true and correct copy of our Praecept for Entry of Appearance on behalf the Defendant Todd Marino, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 1st day of November, 2005, to the attorney of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Todd Marino

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

LINDA J. HENRY,

Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,

Defendants

No. 05 - 1417 - CD

ACCEPTANCE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *NO CC*
01/10:51/01
NOV 04 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff

vs.

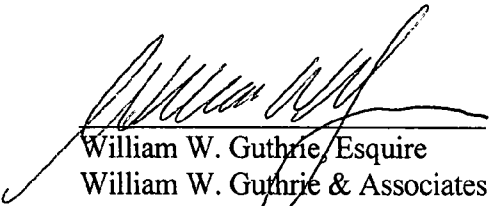
No. 05 - 1417 - CD

TODD MARINO and
MATTHEW GREENLAND,

Defendants

ACCEPTANCE OF SERVICE

I accept service of the Complaint in the above referenced case on behalf of the
Defendant, MATTHEW GREENLAND.


William W. Guthrie, Esquire
William W. Guthrie & Associates
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219

Date:

11/2/05

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

**ANSWER, NEW MATTER AND
NEW MATTER PURSUANT TO
Pa. R.C.P. 2252(d) TO
PLAINTIFF'S COMPLAINT**

Filed on behalf of:
Matthew Greenland,
Defendant

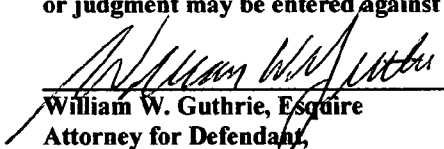
Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

To: The Parties

**You are hereby notified to file a
written response to the enclosed
New Matter and New Matter Pursuant
to Pa. R.C.P. 2252(d) within twenty
(20) days from the date of service hereof
or judgment may be entered against you.**



William W. Guthrie, Esquire
Attorney for Defendant,
Matthew Greenland

FILED NO cc
m10:22/21
NOV 17 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

**ANSWER, NEW MATTER AND NEW MATTER
PURSUANT TO Pa. R.C.P. 2252(d) TO PLAINTIFF'S COMPLAINT**

AND NOW comes MATTHEW GREENLAND, one of the Defendants above named, by his attorney, WILLIAM W. GUTHRIE, ESQUIRE and files the within ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d) to the PLAINTIFF'S COMPLAINT.

1. The Defendant, after reasonable investigation, is unable to form a belief as to the truth of the averments set forth in paragraph no. 1 of the Plaintiff's Complaint and the same are therefore denied.

2. The averments set forth in paragraph no. 2(a) of the Plaintiff's Complaint are not directed to this Defendant and no answer is therefore required. The averments set forth in paragraph no. 2(b) of the Plaintiff's Complaint are denied as stated. On the contrary, the Defendant Matthew Greenland resides at 890 Trails End Road, Rockton, Pennsylvania 15856.

3. The averments set forth in paragraph no. 3 of the Plaintiff's Complaint are admitted.

4. The averments set forth in paragraph no. 4 of the Plaintiff's Complaint are denied. On the contrary, the Defendant avers the Plaintiff was operating her vehicle in the opposite direction in which the Defendant Greenland was traveling.

5. The averments set forth in paragraph no. 5 of the Plaintiff's Complaint are admitted.

6. The averments set forth in paragraph no. 6 of the Plaintiff's Complaint are denied. On the contrary, the Defendant Greenland was operating his vehicle in a lawful, careful and prudent manner in an easterly direction and was pulling off the roadway to his right when the collision occurred. The Defendant Greenland denies making a left turn and further denies crossing into the path of the Co-defendant Marino who was at all times material hereto operating his vehicle in the same direction and to the rear of the vehicle then being operated by the Co-defendant Greenland.

7. The averments set forth in paragraph no. 7 of the Plaintiff's Complaint are admitted generally with the proviso that the Defendant Greenland denies that the actions of the Co-defendant Marino were in any way caused by the manner in which the Defendant Greenland operated his vehicle.

8. The averments set forth in paragraph no. 8 of the Plaintiff's Complaint are admitted.

9. The averments set forth in paragraph no. 9 of the Plaintiff's Complaint are admitted.

10. The averments set forth in paragraph no. 10 of the Plaintiff's Complaint are admitted.

COUNT I - LINDA J. HENRY v. TODD J. MARINO

11. The averments set forth in paragraph nos. 11 through 13 of the Plaintiff's Complaint are not directed to the Defendant Greenland and no answer is therefore required.

WHEREFORE, the Defendant Greenland denies that he is indebted to the Plaintiff in the sum demanded or in any sum whatever and demands that this suit against him be dismissed with costs in his behalf sustained.

COUNT II - LINDA J. HENRY v. MATTHEW GREENLAND

12. The averments set forth in paragraph no. 14 of the Plaintiff's Complaint, incorporating therein the averments set forth in paragraph nos. 1 through 13 of the Plaintiff's Complaint are answered by the Defendant Greenland incorporating herein his answers to paragraph nos. 1 through 13 as fully as though the same were set forth at length.

13. The averments set forth in paragraph no. 15 of the Plaintiff's Complaint are denied. The Defendant Greenland denies that he operated his vehicle in a careless, negligent and/or reckless manner. By way of further answer to paragraph no. 15 of the Plaintiff's Complaint, the Defendant Greenland denies that:

- a. He made a left turn into oncoming traffic without ascertaining that no vehicles were proceeding towards him;
- b. He failed to keep a proper lookout for oncoming traffic before turning; and

- c. His actions caused the Co-defendant Marino to suddenly apply his brakes and loss control of his vehicle, which then collided with the vehicle operated by the Plaintiff.

14. The averments set forth in paragraph no. 16 of the Plaintiff's Complaint, alleging carelessness, negligence and recklessness on the part of the Defendant Greenland are denied. As for the remaining averments set forth in paragraph no. 16 regarding injuries and damages, the Defendant Greenland, after reasonable investigation, is unable to form a belief as to the truth of those averments and the same are therefore denied.

WHEREFORE, the Defendant Greenland denies that he is indebted to the Plaintiff in the sum demanded or in any sum whatever and demands that this suit against him be dismissed with costs in his behalf sustained.

NEW MATTER

By way of further Answer to the Plaintiff's Complaint, the Defendant Greenland asserts the following New Matter.

15. The averments set forth in paragraph nos. 1 through 14 of the Defendant's Answer are incorporated herein as fully as though the same were set forth at length.

16. At all times material hereto, the Defendant Greenland was operating his vehicle in a lawful, careful and prudent manner on route 879 in an easterly direction and was in the process of making a right turn from the roadway when the accident occurred between the vehicles being operated by the Plaintiff and Co-defendant Marino.

17. At all times material hereto, the Co-defendant Marino was operating his vehicle in an easterly direction to the rear of the Defendant Greenland's vehicle.

18. The Defendant Greenland never made a left turn in front of oncoming traffic.

19. The Defendant Greenland believes and therefore avers that the Plaintiff's claim for damages is proscribed and/or limited by the Pennsylvania Motor Vehicle Financial Responsibility Law.

WHEREFORE, the Defendant Greenland denies that he is indebted to the Plaintiff in the sum demanded or in any sum whatever and demands that this suit against him be dismissed with costs in his behalf sustained.

NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d)

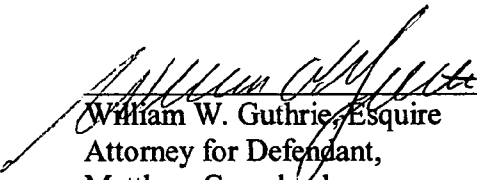
20. The Defendant Greenland asserts this New Matter pursuant to Pa. R.C.P. 2252(d) and joins the Co-defendant Todd Marino as an Additional Defendant to the Plaintiff's Complaint on the following basis:

- a. The Co-defendant Todd Marino operated his vehicle in a careless, negligent and reckless manner;
- b. The Co-defendant Todd Marino failed to maintain control of his vehicle;
- c. The Co-defendant Todd Marino operated his vehicle at an excessive speed;
- d. The Co-defendant Todd Marino failed to operate his vehicle in the proper lane of travel; and
- e. The Co-defendant Todd Marino failed to keep a proper lookout for traffic and oncoming vehicles.

WHEREFORE, the Defendant Greenland denies that he is indebted to the Plaintiff in the sum demanded or in any sum whatever and demands that this suit against him be

dismissed with costs in his behalf sustained; alternatively, the Defendant Greenland avers the Co-defendant Todd Marino is solely liable to the Plaintiff or jointly liable with or liable over to the Defendant Greenland for any sums which may be adjudged due and owing.

WILLIAM W. GUTHRIE & ASSOCIATES



William W. Guthrie, Esquire
Attorney for Defendant,
Matthew Greenland

VERIFICATION

I hereby verify that the averments set forth in the within ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d) TO THE PLAINTIFF'S COMPLAINT are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

DATE: 11/14/05


MATTHEW GREENLAND

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED


**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF**

Filed on behalf of:
Matthew Greenland,
Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FILED *no cc*
mjp: 22/9/05
NOV 17 2005 

William A. Shaw
Prothonotary/Clerk of Courts

**NOTICE OF SERVICE OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF**

I hereby certify that on this 15th day of NOVEMBER, 2005, Interrogatories and a Request for Production of Documents were directed to the Plaintiff and were mailed by U.S. First Class Mail, postage prepaid, to John R. Ryan, Esquire, Attorney for Plaintiff, Belin & Kubista, 15 N. Front Street, Clearfield, PA 16830.

WILLIAM W. GUTHRIE & ASSOCIATES

BY 

William W. Guthrie, Esquire
Attorney for Defendant,
Matthew Greenland

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

LINDA J. HENRY,
Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

:
:
:
:
:
:
:

No. 05 - 1417 - CD

JURY TRIAL DEMANDED

REPLY TO NEW MATTER

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

92:51cm
NOV 22 2005

4CC Atty Ryan

William A. Shaw
Prothonotary

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

LINDA J. HENRY,
Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

No. 05 – 1417 – CD

JURY TRIAL DEMANDED

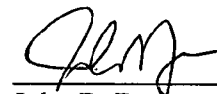
REPLY TO NEW MATTER

NOW COMES, Linda J. Henry, Plaintiff above named, and by her Attorneys, Belin & Kubista, makes her Reply to the New Matter of Defendant Greenland as follows:

15. No response required.
16. Denied for the reasons set forth in Plaintiff's Complaint.
17. Denied for the reasons set forth in Plaintiff's Complaint.
18. Denied for the reasons set forth in Plaintiff's Complaint.
19. Paragraph 19 sets forth a conclusion of law to which no response is required.

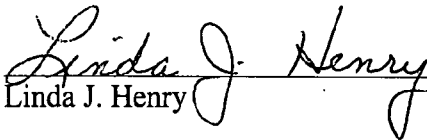
WHEREFORE, Plaintiff requests that judgment be entered in her favor and against the Defendant Greenland as set forth in her Complaint.

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiff

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


Linda J. Henry

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

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

LINDA J. HENRY,
Plaintiff

VS.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

NO. 05 - 1417 - C.D.

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
9/3/22 LM
NOV 23 2006

William A. Shaw
Prothonotary

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

LINDA J. HENRY,	:	
Plaintiff	:	
	:	
VS.	:	NO. 05 – 1417 – C.D.
	:	
TODD MARINO and	:	JURY TRIAL DEMANDED
MATTHEW GREENLAND,	:	
Defendants	:	


CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Reply to New Matter filed on behalf of Plaintiff, LINDA J. HENRY, in the above captioned matter on the following parties by postage prepaid first-class United States mail, on the 23rd day of November, 2005:

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
Attorney for Defendant Marino

William W. Guthrie, Esquire
William W. Guthrie & Associates
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219
Attorney for Defendant Greenland

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiff

CLEARFIELD, PENNSYLVANIA 16830

P O BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

FILED

NOV 23 2005

William A. Shaw
Prothonotary

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

: No. 05-1417-C.D.
:
: TYPE OF PLEADING:
: **APPLICATION FOR STAY PURSUANT**
: **TO THE SERVICEMEMBERS' CIVIL**
: **RELIEF ACT**
:
: TYPE OF CASE: CIVIL
:
: FILED ON BEHALF OF:
: **DEFENDANT TODD MARINO**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED *no*
m11-0861
NOV 28 2005 *(F)*

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

:
: No. 05-1417-C.D.
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:

ORDER

AND NOW, this _____ day of _____, 2005, upon consideration of Defendant Todd Marino's Application for Stay Pursuant to the Servicemembers' Civil Relief Act, it is hereby ordered, directed, and decreed that Defendant Marino's Petition is GRANTED. All proceedings as to liability in this lawsuit, including any pleadings, and any discovery directed to liability issues, are hereby STAYED for the duration of Todd Marino's active military service, currently expected to terminate on April 4, 2007. Discovery as to Plaintiff's damages claims may proceed during the pendency of this stay.

In the event that Defendant Marino's active military service is terminated before April 4, 2007, counsel for Defendant Marino shall so advise opposing counsel, and any party may then move to lift the military stay granted by this Order.

BY THE COURT:

J.

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

:
: No. 05-1417-C.D.
:
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:
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APPLICATION FOR STAY PURSUANT TO THE
SERVICEMEMBERS' CIVIL RELIEF ACT

AND NOW, comes Defendant, Todd Marino, by and through his undersigned attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., and files the within application for partial stay of proceedings pursuant to the Servicemembers' Civil Relief Act, 50 U.S.C.A. App. § 501, et seq.

In support of this application, Defendant avers as follows:

1. This action was commenced via Writ of Summons on or about September 14, 2005. Plaintiff filed a Complaint on October 31, 2005.
2. The action sounds in motor vehicle negligence arising from an accident that occurred on October 22, 2003. In her Complaint, Plaintiff Linda Henry alleges that Defendants Todd Marino and Matthew Greenland were negligent in causing an impact between Plaintiff's vehicle and Defendant Marino's vehicle on SR 879 in Clearfield County, Pennsylvania after Defendant Greenland made a left hand turn into the path of Defendant Marino. (See Plaintiff's Compl., Exhibit "A").

3. Defendant Greenland denies making a left hand turn into Defendant Marino's path, and has filed a cross claim against Defendant Marino pursuant to Pa. R.C.P. 2252. (See Exhibit "B").

4. An Entry of Appearance was filed on behalf of applicant Todd Marino by his undersigned counsel on November 1, 2005.

5. Defendant Marino is currently on active duty in the United States Army, and is outside of the Commonwealth of Pennsylvania engaged in training for deployment to Iraq. It is expected that Defendant Marino will be deployed to Iraq sometime within the month of November 2005.

6. Pursuant to the Servicemembers' Civil Relief Act, 50 U.S.C.A. App. §501, et seq., Defendant Marino hereby moves for a stay of any further liability proceedings in this lawsuit, including but not limited to, a stay of any obligation to file responsive pleadings in this action, and a stay as to any discovery regarding liability and/or the facts of the accident.

7. The particulars of Defendant Marino's duties are set forth in Defendant Marino's Military Orders dated August 13, 2005, and the letter of his commanding officer, Daniel McTigue, CPT, AG, attached hereto as Exhibits "C" and "D" respectively.

8. Pursuant to Defendant Marino's current Military Orders, he will remain on active duty for 545 days following his reporting to active duty on October 7, 2005.

9. Accordingly, Defendant Marino anticipates being on active duty until approximately April 4, 2007, unless his period of duty is subsequently shortened or extended.

10. This lawsuit involves significant issues of disputed liability and disputed facts, and Defendant Marino's participation in the investigation and discovery process is essential if he is to have a fair opportunity to defend the negligence allegations against him.

11. Defendant Marino's active duty status prevents him from consulting with counsel, and from otherwise participating in the investigation, discovery, and preparation of a liability defense in this matter.

12. Accordingly, Defendant Marino, by and through his counsel, respectfully requests that all liability aspects of this lawsuit, including any discovery as to liability, be stayed until termination of his active duty status, currently anticipated to be April 4, 2007.

13. Counsel for Defendant Marino reasonably believes that discovery limited to Plaintiff's damages claims can proceed pending Defendant Marino's active duty.

14. Counsel for Plaintiff and counsel for Co-Defendant Matthew Greenland do not oppose the relief sought in the within Application. (See correspondence from Attorneys Ryan¹ and Guthrie, Exhibits "E" and "E-1").

¹ Attorney Ryan's attached correspondence was in relation to a stay of the entire action. Attorney Ryan subsequently indicated, via telephone, his consent to stay only the liability aspects of the lawsuit, while discovery on Plaintiff's damages proceeds.

WHEREFORE, Defendant Todd Marino respectfully requests that this Honorable Court enter an Order staying any further liability proceedings in this lawsuit, including any further pleadings and any discovery directed to liability, until the termination of Defendant Marino's active military duty status, which is currently anticipated to be April 4, 2007.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Home, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: November 23, 2005

Attorneys for Defendant
Todd Marino

EXHIBIT “A”

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

LINDA J. HENRY,

Plaintiff

vs.

TODD MARINO and

MATTHEW GREENLAND,

Defendants

No. 05 -1417-CD

JURY TRIAL DEMANDED

COMPLAINT

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

OCT 31 2005

Attest.

[Signature]
Prothonotary/
Clerk of Courts

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

LINDA J. HENRY,

Plaintiff

vs.

TODD MARINO and

MATTHEW GREENLAND,

Defendants

No. 05 -1417-CD

JURY TRIAL DEMANDED

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
Clearfield County Courthouse
Market & Second Street
Clearfield, PA 16830
(814) 765-2641, ext. 1300

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

LINDA J. HENRY,

Plaintiff

vs.

TODD MARINO and

MATTHEW GREENLAND,

Defendants

No. 05-1417-CD

JURY TRIAL DEMANDED

COMPLAINT

NOW COMES, Linda J. Henry, Plaintiff above named, and by her Attorneys, Belin & Kubista, and files her Complaint against the Defendants as follows:

1. Plaintiff is Linda J. Henry, an adult individual residing at 261 Friendly Acre Road, Curwensville, Clearfield County, Pennsylvania, 16833.
2. Defendants are:
 - a. Todd J. Marino, an adult individual residing at 329 Fredrica Street, Curwensville, Clearfield County, Pennsylvania, 16833.
 - b. Matthew Greenland, an adult individual residing at RD 1, Rockton, Clearfield County, Pennsylvania, 15856.
3. On October 22, 2003, Plaintiff was operating a motor vehicle in a westerly direction on State Route 879 in Pike Township, Clearfield County, Pennsylvania, approximately three miles west of the Borough of Curwensville.
4. Plaintiff was operating her vehicle directly behind a vehicle operated by Defendant Greenland.

5. At that place and time, Defendant Marino was operating a vehicle on said State Route 879 in an easterly direction.
6. Defendant Greenland made a left turn across the eastbound lane of Route 879 into a construction area, and in so doing crossed the path of the vehicle operated by Defendant Marino.
7. Defendant Marino applied his brakes, lost control of his vehicle, crossed the center line of Route 879 and proceeded into the westbound lane of the roadway where his vehicle collided with the Plaintiff's vehicle.
8. After colliding with Plaintiff's vehicle, the vehicle operated by Defendant Marino spun counterclockwise and the frame of the vehicle came to rest on the centerline of Route 879.
9. The force of the collision caused Plaintiff's vehicle to travel an additional 100 feet in a westerly direction and said vehicle ultimately came to rest on the northern berm of Route 879 facing West.
10. The force of the collision further caused the cab of the vehicle operated by Defendant Marino to separate from the vehicle's frame and said cab came to rest on the south berm of Route 879.

COUNT I—LINDA J. HENRY v. TODD J. MARINO

11. Paragraphs 1 through and including Paragraph 10 of Plaintiff's Complaint are incorporated herein by reference as if set forth at length.
12. At the time and place set forth herein, Defendant Marino operated his vehicle in a careless, negligent and reckless manner, in that:

- a. He then and there operated his vehicle at an excessive rate of speed under the circumstances, as evidenced by 225 feet of skid marks on the roadway which resulted from his attempt to apply the brakes and by the fact that his vehicle broke apart on impact;
 - b. He failed to maintain control of his vehicle;
 - c. He failed to operate his vehicle in the proper lane of travel;
 - d. He failed to keep a proper lookout and anticipate that an oncoming vehicle may turn left across the roadway, particularly where there was a construction area nearby.
13. As the direct and proximate result of the carelessness, negligence and recklessness of the Defendant Marino, Plaintiff suffered injury to her person, in that she aggravated a pre-existing back condition, which has caused her great pain and discomfort, which has diminished her enjoyment of life, and which will continue to cause her pain and discomfort into the foreseeable future. Plaintiff has been forced to seek medical attention for her injuries and will require medical attention in the future.

WHEREFORE, Plaintiff seeks judgment against the Defendant Todd J. Marino in an amount in excess of the jurisdiction of the board of arbitration, together with interest and costs of suit.

COUNT II – LINDA J. HENRY v. MATTHEW GREENLAND

14. Paragraphs 1 through and including Paragraph 13 of Plaintiff's Complaint are incorporated herein by reference as if set forth at length.

15. At the time and place set forth herein, Defendant Greenland operated his vehicle in a careless, negligent and reckless manner, in that:

- a. He made a left turn into oncoming traffic without ascertaining that no vehicles were proceeding toward him;
- b. He failed to keep a proper lookout for oncoming traffic before turning;
- c. His actions caused Defendant Marino to suddenly apply his brakes and lose control of his vehicle, which then collided with the vehicle operated by Plaintiff.

16. As the direct and proximate result of the carelessness, negligence and recklessness of Defendant Greenland as set forth herein, Plaintiff suffered injury to her person, in that she aggravated a pre-existing back condition, which has caused her great pain and discomfort, which has diminished her enjoyment of life, and which will continue to cause her pain and discomfort into the foreseeable future. Plaintiff has been forced to seek medical attention for her injuries and will require medical attention in the future.

WHEREFORE, Plaintiff seeks judgment against the Defendant Matthew Greenland in an amount in excess of the jurisdiction of the board of arbitration, together with interest and costs of suit.

BELIN & KUBISTA



John R. Ryan
Attorney for Plaintiff

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

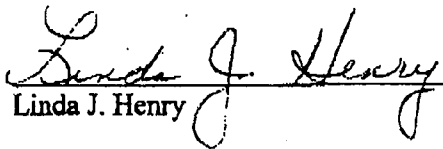

Linda J. Henry

EXHIBIT “B”

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

**ANSWER, NEW MATTER AND
NEW MATTER PURSUANT TO
Pa. R.C.P. 2252(d) TO
PLAINTIFF'S COMPLAINT**

Filed on behalf of:
Matthew Greenland,
Defendant

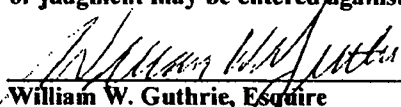
Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

To: The Parties

You are hereby notified to file a
written response to the enclosed
New Matter and New Matter Pursuant
to Pa. R.C.P. 2252(d) within twenty
(20) days from the date of service hereof
or judgment may be entered against you.


William W. Guthrie, Esquire
Attorney for Defendant,
Matthew Greenland

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

LINDA J. HENRY,

Plaintiff,

v.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

**ANSWER, NEW MATTER AND NEW MATTER
PURSUANT TO Pa. R.C.P. 2252(d) TO PLAINTIFF'S COMPLAINT**

AND NOW comes MATTHEW GREENLAND, one of the Defendants above named, by his attorney, WILLIAM W. GUTHRIE, ESQUIRE and files the within ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d) to the PLAINTIFF'S COMPLAINT.

1. The Defendant, after reasonable investigation, is unable to form a belief as to the truth of the averments set forth in paragraph no. 1 of the Plaintiff's Complaint and the same are therefore denied.

2. The averments set forth in paragraph no. 2(a) of the Plaintiff's Complaint are not directed to this Defendant and no answer is therefore required. The averments set forth in paragraph no. 2(b) of the Plaintiff's Complaint are denied as stated. On the contrary, the Defendant Matthew Greenland resides at 890 Trails End Road, Rockton, Pennsylvania 15856.

3. The averments set forth in paragraph no. 3 of the Plaintiff's Complaint are admitted.

4. The averments set forth in paragraph no. 4 of the Plaintiff's Complaint are denied. On the contrary, the Defendant avers the Plaintiff was operating her vehicle in the opposite direction in which the Defendant Greenland was traveling.

5. The averments set forth in paragraph no. 5 of the Plaintiff's Complaint are admitted.

6. The averments set forth in paragraph no. 6 of the Plaintiff's Complaint are denied. On the contrary, the Defendant Greenland was operating his vehicle in a lawful, careful and prudent manner in an easterly direction and was pulling off the roadway to his right when the collision occurred. The Defendant Greenland denies making a left turn and further denies crossing into the path of the Co-defendant Marino who was at all times material hereto operating his vehicle in the same direction and to the rear of the vehicle then being operated by the Co-defendant Greenland.

7. The averments set forth in paragraph no. 7 of the Plaintiff's Complaint are admitted generally with the proviso that the Defendant Greenland denies that the actions of the Co-defendant Marino were in any way caused by the manner in which the Defendant Greenland operated his vehicle.

8. The averments set forth in paragraph no. 8 of the Plaintiff's Complaint are admitted.

9. The averments set forth in paragraph no. 9 of the Plaintiff's Complaint are admitted.

10. The averments set forth in paragraph no. 10 of the Plaintiff's Complaint are admitted.

COUNT I - LINDA J. HENRY v. TODD J. MARINO

11. The averments set forth in paragraph nos. 11 through 13 of the Plaintiff's Complaint are not directed to the Defendant Greenland and no answer is therefore required.

WHEREFORE, the Defendant Greenland denies that he is indebted to the Plaintiff in the sum demanded or in any sum whatever and demands that this suit against him be dismissed with costs in his behalf sustained.

COUNT II - LINDA J. HENRY v. MATTHEW GREENLAND

12. The averments set forth in paragraph no. 14 of the Plaintiff's Complaint, incorporating therein the averments set forth in paragraph nos. 1 through 13 of the Plaintiff's Complaint are answered by the Defendant Greenland incorporating herein his answers to paragraph nos. 1 through 13 as fully as though the same were set forth at length.

13. The averments set forth in paragraph no. 15 of the Plaintiff's Complaint are denied. The Defendant Greenland denies that he operated his vehicle in a careless, negligent and/or reckless manner. By way of further answer to paragraph no. 15 of the Plaintiff's Complaint, the Defendant Greenland denies that:

- a. He made a left turn into oncoming traffic without ascertaining that no vehicles were proceeding towards him;
- b. He failed to keep a proper lookout for oncoming traffic before turning; and

- c. His actions caused the Co-defendant Marino to suddenly apply his brakes and loss control of his vehicle, which then collided with the vehicle operated by the Plaintiff.

14. The averments set forth in paragraph no. 16 of the Plaintiff's Complaint, alleging carelessness, negligence and recklessness on the part of the Defendant Greenland are denied. As for the remaining averments set forth in paragraph no. 16 regarding injuries and damages, the Defendant Greenland, after reasonable investigation, is unable to form a belief as to the truth of those averments and the same are therefore denied.

WHEREFORE, the Defendant Greenland denies that he is indebted to the Plaintiff in the sum demanded or in any sum whatever and demands that this suit against him be dismissed with costs in his behalf sustained.

NEW MATTER

By way of further Answer to the Plaintiff's Complaint, the Defendant Greenland asserts the following New Matter.

15. The averments set forth in paragraph nos. 1 through 14 of the Defendant's Answer are incorporated herein as fully as though the same were set forth at length.

16. At all times material hereto, the Defendant Greenland was operating his vehicle in a lawful, careful and prudent manner on route 879 in an easterly direction and was in the process of making a right turn from the roadway when the accident occurred between the vehicles being operated by the Plaintiff and Co-defendant Marino.

17. At all times material hereto, the Co-defendant Marino was operating his vehicle in an easterly direction to the rear of the Defendant Greenland's vehicle.

18. The Defendant Greenland never made a left turn in front of oncoming traffic.

19. The Defendant Greenland believes and therefore avers that the Plaintiff's claim for damages is proscribed and/or limited by the Pennsylvania Motor Vehicle Financial Responsibility Law.

WHEREFORE, the Defendant Greenland denies that he is indebted to the Plaintiff in the sum demanded or in any sum whatever and demands that this suit against him be dismissed with costs in his behalf sustained.

NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d)

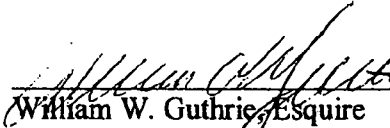
20. The Defendant Greenland asserts this New Matter pursuant to Pa. R.C.P. 2252(d) and joins the Co-defendant Todd Marino as an Additional Defendant to the Plaintiff's Complaint on the following basis:

- a. The Co-defendant Todd Marino operated his vehicle in a careless, negligent and reckless manner;
- b. The Co-defendant Todd Marino failed to maintain control of his vehicle;
- c. The Co-defendant Todd Marino operated his vehicle at an excessive speed;
- d. The Co-defendant Todd Marino failed to operate his vehicle in the proper lane of travel; and
- e. The Co-defendant Todd Marino failed to keep a proper lookout for traffic and oncoming vehicles.

WHEREFORE, the Defendant Greenland denies that he is indebted to the Plaintiff in the sum demanded or in any sum whatever and demands that this suit against him be

dismissed with costs in his behalf sustained; alternatively, the Defendant Greenland avers the Co-defendant Todd Marino is solely liable to the Plaintiff or jointly liable with or liable over to the Defendant Greenland for any sums which may be adjudged due and owing.

WILLIAM W. GUTHRIE & ASSOCIATES



William W. Guthrie, Esquire
Attorney for Defendant,
Matthew Greenland

VERIFICATION

I hereby verify that the averments set forth in the within ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO Pa. R.C.P. 2252(d) TO THE PLAINTIFF'S COMPLAINT are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

DATE: _____

11/14/05


MATTHEW GREENLAND

EXHIBIT “C”



DEPARTMENT OF THE ARMY
864th AG Company (Replacement)
21 Porter Way
Oakdale, PA 15071

In the Court of Common Pleas of Clearfield County, Pennsylvania Civil Action Law

Market and 2nd Street
Clearfield, Pa 16830
ATTN: CLERK OF COURTS

SUBJECT: 05-1417-CD

Linda J. Henry v. Todd Marino and Matthew Greenland

Dear MS./MR. CLERK OF COURTS:

I am the Commanding Officer of Todd Marino, the Defendant in the above entitled action. He is currently serving in the active military service in the 864th AG CO.

Legal counsel informs me that the Service members Civil Relief Act allows a stay of proceedings for service members on active duty when their ability to defend themselves is materially affected by their military service. In this instance Mr. Marino's critical role in the national security mission of this command precludes his participation in court proceedings until after 04 April 07. He will be unable to adequately defend his interests at the scheduled hearing.

I will personally ensure that Mr. Marino is placed on leave immediately following the completion of the duties described above, so that he may appear at the next scheduled court date after 04 April 07. Please note that I am not an attorney and am not making this request based on any attorney-client relationship between myself and Mr. Marino. I am not representing Mr. Marino with regard to the proceedings pending in your court. This letter is a special request in my capacity as a commander, charged with a mission supporting the national security of this nation, that you delay the proceedings to allow this Soldier to perform his critical part in that mission.

Thank you for your assistance. Please inform me or Mr. Marino at the above address, of your action regarding this request.

Sincerely,



Daniel McTigue
CPT, AG
Commanding

EXHIBIT “D”

DEPARTMENT OF THE ARMY
99TH REGIONAL READINESS COMMAND
99 SOLDIERS LANE
CORAOPOLIS, PENNSYLVANIA 15108-2550

ORDERS 05-225-00019

13 August 2005

MARINO TODD JAMES
329 FREDRICKA AVE
CURWENSVILLE, PA 16833-1361

167-66-9591 PFC
0864 AG CO REPL (WTKSAA)
OAKDALE, PA 15071-5030

You are ordered to Active Duty as a member of your Reserve Component unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: 0864 AG CO REPL (WTKSAA), 21 PORTER WAY, OAKDALE, PA 15071-5030
Report On: 04 October 2005

Report to: Fort McCoy, Building 2541, W. E Street, Fort McCoy, WI 54656 Report On:
07 October 2005

Period of active duty: 545 Days

Purpose: Mobilization for IRAQI FREEDOM (IRAQ) (2003 - TBD)

Mobilization category code: "ry"

Additional instructions: (01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14,
15, 16, 17, 20) See page 2

FOR ARMY USE

AUTHORITY: HQDAMSG232236ZJUN05/DAMO-ODOM/ORDTYP/MOBORD/HQDAONE/OEF/OIF NO.878-05

Accounting classification:

2152010.0000 01-1100 P1XLA00 11**/12** VIRQ F9203 5570 S12120
2152010.0000 01-1100 P2X2A00 11**/12** VIRQ F9203 5570 S12120
2152020.0000 01-0000 P135198 21**/22**/25** VIRQ F9203 5570 S12120

Sex: M

MDC: PME6

PMOS/AOC/ASI/LIC: 42A0

HOR: CURWENSVILLE, PA

PEBD: 09 November 2004

DOR: 18 May 2005

Security clearance: NONE

Comp: USAR

Format: 165

FOR THE COMMANDER:

* OFFICIAL *
* 99TH RRC *

JOHN J. FERENCE
COL, GS, USAR
DEPUTY CHIEF OF STAFF, G1

DISTRIBUTION: M1 PLUS

INDIVIDUAL CONCERNED (4)

FAMILY ASSISTANCE OFFICER (1)

MPRJ

FILE (ORIGINAL + 1)

EXHIBIT “E”

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P.O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

November 7, 2005

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

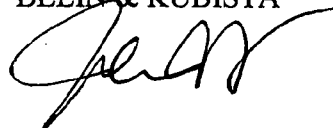
RE: **Linda J. Henry vs. Todd Marino and Matthew Greenland**
No. 05-1417-C.D.

Dear Ms. Oliver:

Thank you for your letter of November 3, 2005. Under the circumstances, I will not oppose your application for stay under the Servicemembers' Civil Relief Act. Further, I have no problem with granting an indefinite extension of time for the filing of responsive pleadings on behalf of Mr. Marino.

Very truly yours,

BELIN & KUBISTA



John R. Ryan

JRR/kdm

cc: Linda J. Henry (w/enc.)

EXHIBIT “E-1”

LAW OFFICES
WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
437 Grant Street
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FAX 412/562-5920

In Reply Please Refer To:

#5063

November 22, 2005

VIA FACSIMILE AND U. S. MAIL

Katherine V. Oliver, Esquire
McQuaide & Blasko
811 University Drive
State College, PA 16801-6699

RE: LINDA J. HENRY v. TODD MARINO and MATTHEW GREENLAND

Dear Ms. Oliver:

Thank you for your letter of November 22nd with enclosed Application For Stay.

Since you agreed to revise the proposed order to permit discovery as to the Plaintiff's damages, I have no objection.

Please forward a copy of the order when signed.

Thank you for your kind cooperation.

Yours very truly,


WILLIAM W. GUTHRIE

WWG:cg

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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: No. 05-1417-C.D.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Application for Stay Pursuant to the Servicemembers' Civil Relief Act, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 23rd day of November, 2005, to the attorney of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____



Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Todd Marino

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

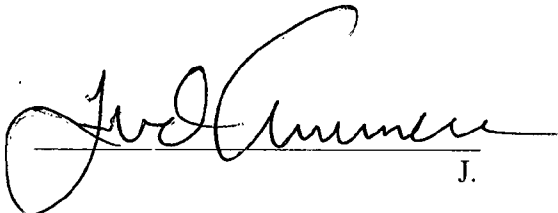
No. 05-1417-C.D.

RULE TO SHOW CAUSE

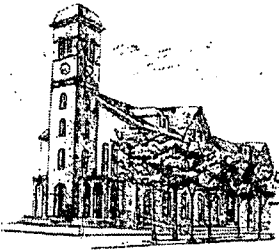
AND NOW, this 4th day of January, _____, a Rule is hereby issued
upon Plaintiff to show cause why Defendant Todd Marino's Application for Stay Pursuant to the
Servicemembers' Civil Relief Act should not be granted.

Rule returnable the 27th day of January, 2006, in Courtroom
1 at 9:00 a.m. o'clock, at the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT


J.

FILED 2 CC
01/09/06
JAN 06 2006
Atty Oliver
William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

Sincerely,

William A. Shaw
Prothonotary

DATE: 11/6/06

X You are responsible for serving all appropriate parties.

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

 Plaintiff(s)/Attorney(s)

 Defendant(s)/Attorney(s)

 Other

 Special Instructions:

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

: No. 05-1417-C.D.
:
: TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**
:
:
: TYPE OF CASE: CIVIL
:
: FILED ON BEHALF OF:
: **DEFENDANT TODD MARINO**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926

FILED *no cc*
mll:32/24
JAN 10 2006
William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

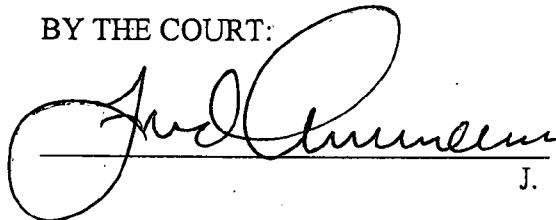
No. 05-1417-C.D.

ORDER

AND NOW, this 16 day of January, ²⁰⁰⁶~~2005~~, upon consideration of Defendant Todd Marino's Application for Stay Pursuant to the Servicemembers' Civil Relief Act, it is hereby ordered, directed, and decreed that Defendant Marino's Petition is GRANTED. All proceedings as to liability in this lawsuit, including any pleadings, and any discovery directed to liability issues, are hereby STAYED for the duration of Todd Marino's active military service, currently expected to terminate on April 4, 2007. Discovery as to Plaintiff's damages claims may proceed during the pendency of this stay.

In the event that Defendant Marino's active military service is terminated before April 4, 2007, counsel for Defendant Marino shall so advise opposing counsel, and any party may then move to lift the military stay granted by this Order.

BY THE COURT:


J.

FILED

01/31/06
JAN 16 2006

William A. Shaw
Prothonotary/Clerk of Courts



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

January 12, 2006

The Honorable Judge Fredric J. Ammerman
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

FILED Filed per
9:34:30 Judge
JAN 16 2006 Ammerman's
direction

Re: Linda J. Henry v. Todd Marino and Matthew Greenland
No. 05-1417-C.D.

Application for Stay Pursuant to Servicemembers' Civil Relief Act

William A. Shaw
Prothonotary/Clerk of Courts

Dear Judge Ammerman:

The above-referenced matter has been set for hearing on Defendant Todd Marino's Application for Stay Pursuant to the Servicemembers' Civil Relief Act for January 27, 2006 at 9:00 a.m. Please note that Defendant Marino's Application for Stay is unopposed, and that the adverse parties consent to an Order granting the stay. Enclosed for your information and ease of reference are letters from Attorneys John Ryan and William Guthrie to that effect, which are also attached as Exhibits "E" and "E1" to Defendant Marino's Application for Stay. Additionally, enclosed is a letter from Attorney Ryan dated January 10, 2006 reaffirming his position on the matter.

The purpose of this letter is to inquire whether the Court would be willing to grant the Application for Stay without the necessity of a hearing in light of the consent of all parties. To that end, I have also enclosed a copy of the proposed Order that was filed with the Application for Stay on November 23, 2005. If you approve, the enclosed Order could be entered of record, and the hearing currently scheduled for January 27th cancelled. Of course, in the event you believe a hearing is necessary despite the consent of all parties, I will certainly appear on January 27, 2006 as scheduled to address any questions and concerns.

Thank you for your consideration of this matter.

Very truly yours,

McQUAIDE BLASKO

By:

Katherine V. Oliver

KVO:nlc

Enclosures

cc: William W. Guthrie, Esquire
John R. Ryan, Esquire
Judy Spencer (Claim #38-K297-117)

McQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruest Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr.
Chena L. Glenn-Hart Livinia N. Jones Cristin R. Long Matthew T. Rogers Frederick R. Battaglia Anthony A. Simon

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Britt D. Russell

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

January 10, 2006

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

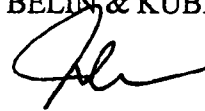
RE: **Linda J. Henry vs. Todd Marino and Matthew Greenland**
No. 05-1417-C.D.

Dear Katie:

I am in receipt of the Rule to Show Cause in the above matter. As I previously indicated, I have no objection to the Court's granting your Application for Stay. You may show this letter to Judge Ammerman to confirm my consent to the entry of an appropriate order. I do not intend to appear for the hearing on January 27, 2006.

Very truly yours,

BELIN & KUBISTA



John R. Ryan

JRR/kdm

cc: William W. Guthrie, Esquire
Linda J. Henry (w/enc.)

FILED Filed per
0/3:43/21 Judge Ammerman's
JAN 16 2006 direction.
William A. Shaw
Prothonotary/Clerk of Courts

LAW OFFICES
WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
437 Grant Street
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FAX 412/562-5920

In Reply Please Refer To:

#5063

November 22, 2005

VIA FACSIMILE AND U. S. MAIL

Katherine V. Oliver, Esquire
McQuaide & Blasko
811 University Drive
State College, PA 16801-6699

RE: LINDA J. HENRY v. TODD MARINO and MATTHEW GREENLAND

Dear Ms. Oliver:

Thank you for your letter of November 22nd with enclosed Application For Stay.

Since you agreed to revise the proposed order to permit discovery as to the Plaintiff's damages, I have no objection.

Please forward a copy of the order when signed.

Thank you for your kind cooperation.

Yours very truly,


WILLIAM W. GUTHRIE

WWG:cg

FILED Filed per
03:43 PM Judge
JAN 16 2006 Ammerman's
direction.
William A. Shaw
Notary/Clerk of Courts

FILED

JAN 16 2006

William A. Shaw
Prothonotary/Clerk of Courts

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

November 7, 2005

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

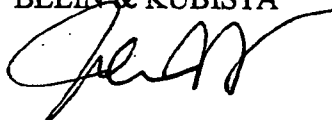
RE: **Linda J. Henry vs. Todd Marino and Matthew Greenland**
No. 05-1417-C.D.

Dear Ms. Oliver:

Thank you for your letter of November 3, 2005. Under the circumstances, I will not oppose your application for stay under the Servicemembers' Civil Relief Act. Further, I have no problem with granting an indefinite extension of time for the filing of responsive pleadings on behalf of Mr. Marino.

Very truly yours,

BELIN & KUBISTA



John R. Ryan

JRR/kdm

cc: Linda J. Henry (w/enc.)

FILED Filed per
013:43/04 Judge
JAN 16 2006 Ammerman's
direction.
William A. Shaw
Prothonotary/Clerk of Courts

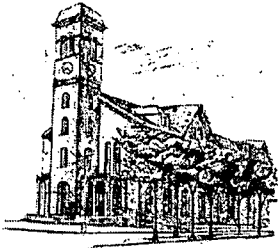
FILED

JAN 16 2006

William A. Shaw
Prothonotary/Clerk of Courts

*** NOTE**

1. Attached letters
to be filed.
2. Hearing for 1/27/06
is canceled
3. Atty, Oliver needs
to notify other
parties. FJA



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

Sincerely,

William A. Shaw
Prothonotary

DATE: 11/16/06

X You are responsible for serving all appropriate parties.

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

 Plaintiff(s)/Attorney(s)

 Defendant(s)/Attorney(s)

 Other

 Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100812
NO: 05-1417-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: LINDA J. HENRY
VS.
DEFENDANT: TODD MARINO and MATTHEW GREENLAND

SHERIFF RETURN

NOW, September 30, 2005 AT 11:30 AM SERVED THE WITHIN SUMMONS ON TODD MARINO DEFENDANT AT 329 FREDRICK ST., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SUSAN MARINO, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: MORGILLO / DAVIS

FILED
02:45 PM
JAN 27 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100812
NO: 05-1417-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: LINDA J. HENRY
vs.
DEFENDANT: TODD MARINO and MATTHEW GREENLAND

SHERIFF RETURN

NOW, September 30, 2005 AT 9:38 AM SERVED THE WITHIN SUMMONS ON MATTHEW GREENLAND DEFENDANT AT 890 TRAILS END ROAD, ROCKTON, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JANICE GREENLAND, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100812
NO: 05-1417-CD
SERVICES 2
SUMMONS

PLAINTIFF: LINDA J. HENRY
vs.
DEFENDANT: TODD MARINO and MATTHEW GREENLAND

SHERIFF RETURN


RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BELIN	19668	20.00
SHERIFF HAWKINS	BELIN	19668	42.80

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,


by Marilyn Hamer

Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100960
NO: 05-1417-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LINDA J. HENRY
vs.
DEFENDANT: TODD MARINO and MATTHEW GREENLAND

SHERIFF RETURN

NOW, November 15, 2005 AT 12:01 PM SERVED THE WITHIN COMPLAINT ON TODD MARINO DEFENDANT AT 329 FREDRICK ST., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SUSAN MARINO, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
013:09201
FEB 15 2006

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BELIN	19850	10.00
SHERIFF HAWKINS	BELIN	19850	30.01

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,

Chester A. Hawkins
by Marilyn Harris

Chester A. Hawkins
Sheriff

LA

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•

Fredric J. Ammerman, Presiding Judge

DATE: 11/4/07

☒ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) ____ Plaintiff(s) Attorney ~~Other~~

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

FILED

JAN 04 2007

William A. Straw
Probationary/Clerk of Courts



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926 FAX (814) 234-5620
www.mqblaw.com

January 2, 2007

The Honorable Fredric J. Ammerman, Presiding Judge
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Linda J. Henry v. Todd Marino and Matthew Greenland
No. 05-1417-C.D.

Dear Judge Ammerman:

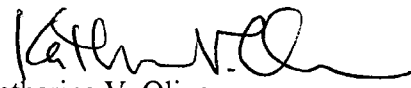
This firm represents Co-Defendant Todd Marino in the above-referenced matter. Shortly before the lawsuit was initiated, Co-Defendant Marino received military orders from the United States Army deploying him to Iraq for active duty. Your Honor entered an order on January 16, 2006 staying all liability aspects of the case for the duration of Co-Defendant Marino's active military service.

The purpose of this letter is to advise the Court that Co-Defendant Marino has returned home from his active military service. I have contacted Attorney John Ryan on behalf of Plaintiff Linda Henry and Attorney William Guthrie on behalf of Co-Defendant Matthew Greenland to advise them of this development. All parties are in agreement that the Stay entered on January 16, 2006 should be lifted at this time. A proposed Order to that effect is enclosed for your consideration. On behalf of all parties, please accept this letter as a request that an Order in the form of the enclosed be entered of record.

Thank you for your time and consideration of this matter. Should you need anything further to process this request, please do not hesitate to contact me.

Very truly yours,

MCQUAIDE BLASKO

By: 
Katherine V. Oliver

KVO/bap

Enclosures

cc: William W. Guthrie, Esquire
John R. Ryan, Esquire
Karen Beisner (Claim #38-K297-117)

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Harvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruest Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr.
Chena L. Glenn-Hart Livinia N. Jones Cristin R. Long Matthew T. Rogers Frederick R. Battaglia Anthony A. Simon Dominick J. Muracco

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

TYPE OF PLEADING:
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT TODD MARINO

COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED
m/j: 1/19/09
JAN 09 2009
NO
cc
SM

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Judge Ammerman's Order dated January 3, 2007 lifting the military Stay entered on January 16, 2006, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 8th day of January, 2007, to the attorney of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant
Todd Marino

FILED

JAN 09 2011

William A. Straw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

TYPE OF PLEADING:
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
CO-DEFENDANT TODD MARINO

COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED

JAN 19 2007

my 12:15/w *GR*
William A. Shaw
Prothonotary/Clerk of Courts

no 4c

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Co-Defendant Todd Marino's Request for Production of Documents and Tangible Things Directed to Co-Defendant Matthew Greenland (Set One), in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 18th day of January, 2007, to the attorney of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Co-Defendant
Todd Marino

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

: No. 05-1417-C.D.
:
: TYPE OF PLEADING:
: **ANSWER WITH NEW MATTER AND**
: **NEW MATTER CROSS CLAIM**
: **PURSUANT TO Pa.R.C.P. 2252(d)**
:
: TYPE OF CASE: CIVIL
:
: FILED ON BEHALF OF:
: **CO-DEFENDANT TODD MARINO**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926

FILED ^{NO} ^{CC}
M/11/05/SPY
FEB 01 2007 @GR

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

:
: No. 05-1417-C.D.
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NOTICE TO PLEAD

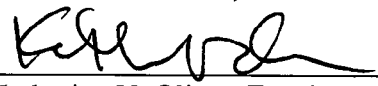
TO: Linda J. Henry
c/o John R. Ryan, Esquire
Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

Matthew Greenland
c/o William Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

YOU ARE HEREBY notified to file a written response to the enclosed Answer with New Matter and New Matter Cross Claim Pursuant to Pa.R.C.P. 2252(d) within twenty (20) days from the date of service hereof or a judgment may be entered against you.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Co-Defendant
Todd Marino

Dated: January 31, 2007

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

:
: No. 05-1417-C.D.
:
:
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:

**CO-DEFENDANT TODD MARINO'S ANSWER WITH NEW MATTER AND
NEW MATTER CROSS CLAIM PURSUANT TO Pa.R.C.P. 2252(d)
TO PLAINTIFF'S COMPLAINT**

AND NOW, comes Co-Defendant, Todd Marino, by and through his attorneys,
McQuaide, Blasko, Fleming & Faulkner, Inc., and files the following Answer with New Matter
and New Matter Cross Claim Pursuant to Pa.R.C.P. 2252(d) to Plaintiff's Complaint.

1. Denied. After reasonable investigation, Co-Defendant Marino lacks sufficient
knowledge or information to form a belief as to the truth of the averments of paragraph 1. The
same are therefore denied and strict proof thereof demanded.

2. (a) Admitted, with the exception that the correct street designation is Fredricka
Avenue.

(b) Denied. After reasonable investigation, Co-Defendant Marino lacks sufficient
knowledge or information to form a belief as to the truth of the averments of paragraph 2(a). The
same are therefore denied and strict proof thereof demanded.

3. Admitted.

4. Admitted on information and belief.

5. Admitted.

6. It is admitted on information and belief that Co-Defendant Greenland made a left turn across the eastbound lane of Route 879. After reasonable investigation, Co-Defendant Marino lacks sufficient knowledge or information to form a belief as to the truth of the allegation that a construction area existed in the vicinity of Co-Defendant Greenland's turn. This allegation is therefore denied and strict proof thereof demanded. It is admitted that Co-Defendant Greenland crossed the path of the vehicle operated by Co-Defendant Marino.

7. Admitted. By way of further response, when confronted with the sudden emergency of Co-Defendant Greenland's vehicle suddenly and without warning appearing in his path, Co-Defendant Marino applied his brakes in an attempt to avoid collision with the Greenland vehicle. Upon applying the brakes, Co-Defendant Marino lost control of his vehicle, and the vehicle crossed the center line of Route 879 and collided with Plaintiff's vehicle.

8. Admitted in part and denied in part. It is admitted that following the accident, the frame of Co-Defendant Marino's truck came to rest on the center-line of SR 879. The balance of the allegations of paragraph 8 are denied because after reasonable investigation, Co-Defendant Marino is without sufficient knowledge or information to form a belief as to the truth of the allegations.

9. Denied. After reasonable investigation, Co-Defendant Marino is without sufficient knowledge or information to form a belief as to the truth of the averments of paragraph 9. The same are therefore denied and strict proof thereof demanded.

10. Admitted in part and denied in part. It is admitted only that after the collision, the cab of the vehicle operated by Co-Defendant Marino separated from the frame. The balance of the allegations are denied in that Co-Defendant Marino lacks sufficient knowledge or information to form a belief as to the truth of same.

COUNT I - LINDA J. HENRY v. TODD J. MARINO

11. The averments at paragraphs 1 through 10 of this Answer with New Matter are incorporated herein by reference as though set forth in full.

12. (a-d) Denied. All allegations of carelessness, negligence, and recklessness are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e), and strict proof thereof demanded. It is further denied that any physical evidence at the scene demonstrates that Co-Defendant Marino operated his vehicle at an excessive rate of speed or was otherwise negligent and, strict proof thereof is demanded. Plaintiff's allegations regarding the length of the skid marks are denied on the basis that, after reasonable investigation, Co-Defendant lacks sufficient knowledge or information to form a belief as to the truth of the same. After reasonable investigation, Co-Defendant Marino lacks sufficient knowledge or information to form a belief as to the truth of the allegation that a construction area existed in the immediate vicinity of the accident. This allegation is therefore denied and strict proof thereof demanded. By way of further response, Co-Defendant Marino responds that he at all times operated his vehicle in a lawful and careful manner, and that the accident was a result of Co-Defendant Greenland's negligence in suddenly and without warning making a sudden left hand turn directly into the path of Co-Defendant Marino.

13. Denied. All allegations of carelessness, negligence, and recklessness are denied. By way of further response, please see response to paragraph No. 12, above. After reasonable investigation, Co-Defendant Marino is without sufficient knowledge or information to form a belief as to the truth of Plaintiff's allegations of injuries and damages. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Co-Defendant Todd J. Marino respectfully requests that Plaintiff's Complaint against him be dismissed, with prejudice and costs of suit.

COUNT II - LINDA J. HENRY v. MATTHEW GREENLAND

14. The averments at paragraphs 1 through 13 of this Answer with New Matter are incorporated herein by reference as though set forth in full.

15. The averments of paragraph 15 are directed to another Defendant, and no response is therefore required from Co-Defendant Marino. By way of further response, please see paragraphs 1 through 13, above.

16. The averments of paragraph 16 are directed to another Defendant, and no response is therefore required from Co-Defendant Marino. By way of further response, please see paragraphs 1 through 13, above.

WHEREFORE, Co-Defendant Todd J. Marino respectfully requests that Plaintiff's Complaint against him be dismissed, with prejudice and costs of suit.

NEW MATTER

17. Paragraphs 1 through 16 are incorporated herein by reference as though set forth in full.

18. Co-Defendant Marino hereby raises and asserts all those defenses and/or limitations on damages available by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

19. To the extent Plaintiff's medical expenses and wage losses, if any, have been paid or are payable under a policy of insurance, the same may not be plead, proven or recovered in the instant action.

20. To the extent Plaintiff was insured under a policy of insurance carrying the limited tort option, Plaintiff's claims are barred or reduced accordingly.

21. Plaintiff's injuries and damages, if any, are unrelated to the motor vehicle accident at issue.

22. Co-Defendant Marino hereby raises the sudden emergency doctrine.

WHEREFORE, Co-Defendant Todd J. Marino respectfully requests that Plaintiff's Complaint against him be dismissed, with prejudice and costs of suit.

NEW MATTER PURSUANT TO Pa.R.C.P. 2252

23. Paragraphs 1 through 22 are incorporated herein by reference as though set forth in full.

24. The accident at issue and any resulting damages or injuries were caused solely by the negligent, reckless, and careless conduct of Co-Defendant Greenland, including, but not limited to the following:

- a. Co-Defendant Greenland operated his vehicle without due regard for the rights, safety and position of other vehicles ;
- b. Co-Defendant Greenland failed to have his vehicle under proper control;
- c. Co-Defendant Greenland failed to yield the right of way to oncoming traffic, including Co-Defendant Marino's vehicle;
- d. Co-Defendant Greenland operated his vehicle in a reckless manner;
- e. Co-Defendant Greenland was inattentive and failed to maintain a sharp lookout of the road and the condition of traffic around him;

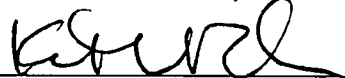
- f. Co-Defendant Greenland violated the statutes of the Commonwealth of Pennsylvania relating to the operation of motor vehicles on public thoroughfares, including, but not limited to, §3301 of the Pennsylvania Motor Vehicle Code;
- g. Co-Defendant Greenland failed to safely negotiate a left-hand turn; and
- h. Co-Defendant Greenland was otherwise negligent and careless under the circumstances then and there existing,

25. For the reasons set forth in Plaintiff's Complaint, incorporated herein by reference without admission or adoption, and for the reasons set forth in paragraphs 1 through 24 above, it is averred that Co-Defendant Greenland is alone liable, or liable over, to Plaintiff on the causes of action asserted.

26. In the event it is judicially determined that Co-Defendant Marino is jointly liable, or jointly and severely liable with Co-Defendant Greenland, the existence of any liability on the part of Co-Defendant Marino being expressly denied, then Co-Defendant Marino hereby asserts a right to contribution from Co-Defendant Greenland on the causes of action asserted by Plaintiff.

WHEREFORE, Co-Defendant Todd J. Marino respectfully requests that judgment be entered in his favor and against Co-Defendant Greenland.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: January 31, 2007

Attorneys for Co-Defendant
Todd Marino

VERIFICATION

The undersigned verifies that he is authorized to make this Verification on his own behalf, and that the statements made in the foregoing Answer with New Matter and New Matter Cross Claim Pursuant to Pa.R.C.P. 2252(d) to Plaintiff's Complaint are true and correct to the best of his knowledge, information and belief. The undersigned understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.



TODD J. MARINO

Dated: 31 Jan 07

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Co-Defendant Todd Marino's Answer with New Matter and New Matter Pursuant to Pa.R.C.P. 2252(d) to Plaintiff's Complaint, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 31st day of January, 2007, to the attorney of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Co-Defendant
Todd Marino

FILED

FEB 01 2007

**William A. Shaw
Prothonotary/Clerk of Courts**

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

TYPE OF PLEADING:
**REPLY TO NEW MATTER OF
OF CO-DEFENDANT MATTHEW
GREENLAND**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
CO-DEFENDANT TODD MARINO

COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED *no cc*
MT 05/01
FEB 01 2007 *GR*

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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: No. 05-1417-C.D.
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CO-DEFENDANT TODD MARINO'S REPLY TO NEW MATTER OF
CO-DEFENDANT MATTHEW GREENLAND

AND NOW, comes Co-Defendant, Todd Marino, by and through his attorneys,
McQuaide, Blasko, Fleming & Faulkner, Inc., and files the following Reply to New Matter of
Co-Defendant Matthew Greenland.

15. Co-Defendant Marino hereby incorporates by reference the averments set forth in his Answer to Plaintiff's Complaint at paragraphs 1 through 14 the same as though set forth in full. By way of further response, it is denied that Co-Defendant Greenland was traveling in the opposite direction as Plaintiff. To the contrary, on information and belief, Co-Defendant Marino avers that Co-Defendant Greenland was operating his vehicle in front of the vehicle operated by Plaintiff just prior to making the sudden left hand turn into the path of Co-Defendant Marino's vehicle. Prior to these events, Co-Defendant Marino had been traveling in the opposite direction as Co-Defendant Greenland and Plaintiff.

16. Denied. It is denied that Co-Defendant Greenland was operating his vehicle in a lawful, careful, and prudent manner in an easterly direction on Route 879, and denied that Co-Defendant Greenland was in the process of making a right hand turn when the accident occurred.

To the contrary, on information and belief, it is averred that Co-Defendant Greenland was traveling in front of Plaintiff, and in the opposite direction as Co-Defendant Marino. The accident occurred when Co-Defendant Greenland suddenly and without warning made a left hand turn into the path of Co-Defendant Marino such that Co-Defendant Marino had to brake suddenly, causing his vehicle to slide into the opposing lane of traffic and collide with Plaintiff's vehicle.

17. Denied. Co-Defendant Marino was not operating his vehicle to the rear of Co-Defendant Greenland's vehicle prior to the accident.

18. Denied. To the contrary, on information and belief, Co-Defendant Greenland made a left hand turn, causing his vehicle to be directly in the path of Co-Defendant Marino's oncoming vehicle.

19. Admitted.

WHEREFORE, Co-Defendant Marino respectfully requests that Plaintiff's Complaint against him be dismissed, with prejudice and costs of suit.

NEW MATTER PURSUANT TO Pa.R.C.P. 2252(d)

20. (a-e) Denied. All allegations of carelessness, negligence, and/or recklessness are denied pursuant to Pa.R.C.P. 1029(e). It is specifically denied that Co-Defendant Todd Marino was careless, negligent, and/or reckless. It is further denied that Co-Defendant Marino operated his vehicle at an excessive speed and/or failed to keep a proper lookout for traffic and oncoming vehicles. To the contrary, Co-Defendant Marino was at all times operating his vehicle in a lawful, careful, and prudent manner. The accident giving rise to this matter occurred as a result of Co-Defendant Greenland's vehicle suddenly and without warning appearing in the path of Co-Defendant Marino's vehicle, causing Co-Defendant Marino to brake immediately and lose

control of his vehicle. By way of further response, please see paragraphs 15 through 19, above, and Co-Defendant Marino's New Matter Pursuant to Pa.R.C.P. 2252(d), incorporated herein by reference as though set forth in full.

WHEREFORE, Co-Defendant Marino respectfully requests that judgment be entered in his favor and against Co-Defendant Greenland.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: January 31, 2007

Attorneys for Co-Defendant
Todd Marino

VERIFICATION

The undersigned verifies that he is authorized to make this Verification on his own behalf, and that the statements made in the foregoing Reply to New Matter of Co-Defendant Matthew Greenland are true and correct to the best of his knowledge, information and belief. The undersigned understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.


TODD J. MARINO

Dated: 31 Jan 07

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Co-Defendant Todd Marino's Reply to New Matter of Co-Defendant Matthew Greenland, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 31st day of January, 2007, to the attorney of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Co-Defendant
Todd Marino

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

**NOTICE OF DEPOSITION
OF PLAINTIFF LINDA J.
HENRY**

Filed on behalf of:
Matthew Greenland,
Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FILED *NPCC*
M 10:53 AM
FEB 05 2007 *(L)*

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF DEPOSITION

TO: Katherine V. Oliver, Esquire
McQuaide & Blasko
811 University Drive
State College, PA 16801-6699

John R. Ryan, Esquire
Belin & Kubista
15 N. Front Street
Clearfield, PA 16830

TAKE NOTICE that the deposition of LINDA J. HENRY will be taken for discovery, pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths on **WEDNESDAY, MARCH 21, 2007, at 11:00 a. m.**, at the offices of John R. Ryan, Esquire, Belin & Kubista, 15 N. Front Street, Clearfield, PA 16830 at which time and place you are invited to appear and take such part as shall be fitting and proper.

WILLIAM W. GUTHRIE & ASSOCIATES

BY 

William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Deposition has been sent by facsimile and U. S. Mail, postage pre-paid to the above attorneys this 2nd day of February, 2007 by U.S. First Class Mail, postage prepaid.

WILLIAM W. GUTHRIE & ASSOCIATES

BY 

William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Defendant

FILED

FEB 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

Todd Marino

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

TYPE OF PLEADING:
CERTIFICATE OF PREREQUISITE
TO SERVICE OF SUBPOENAS

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
CO-DEFENDANT TODD MARINO

COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED

11/11/25/05
FEB 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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No. 05-1417-C.D.
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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 or delivered to the 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) Plaintiff's attorney has waived the 20-day objection period; 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.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926
Attorneys for Defendant

Dated: 2-5-07

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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: No. 05-1417-C.D.
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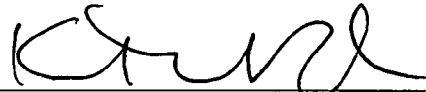
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Bon Secours Hospital, Clearfield Hospital, Dr. Elkins, Allegheny Brain and Spine Surgeons, Dr. Cornel, Dr. Valigorsky, Dubois Regional Medical Center, and Dr. Bailey, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 5th day of February, 2007, to the attorney of record:

John R. Ryan, Esquire
Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Todd Marino



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 5, 2007

Via Certified Mail

Allegheny Brain and Spine Surgeons
Records Custodian
501 Howard Avenue
Altoona, PA 16601

Re: **Linda J. Henry v. Todd Marino and Matthew Greenland**
No. 05-1417-C.D.

Dear Sir/Madam:

Enclosed is a subpoena directing you to bring to our office a true and correct copy of any and all records pertaining to the above-referenced matter. It will be sufficient for you to provide the material requested by mail or hand-delivery.

Please complete the attached Records Affidavit and Certificate of Service of Compliance with Subpoena to Produce Documents or Things, and return with the subpoenaed documents.


If you require advance payment for a copy of the records, please advise this office in writing via fax or mail, and we will promptly forward the same.

Thank you for your attention to this matter.

Very truly yours,

MCQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/pal

cc: Karen Beisner (Claim #38-K297-117)
John R. Ryan, Esquire

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slinak Mark Righter Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruest Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr.
Chena L. Glenn-Hart Livinia N. Jones Cristin R. Long Matthew T. Rogers Frederick R. Battaglia Anthony A. Simon Dominick J. Muraco

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yenger Sean M. Eureka Michael P. Routh

John G. Lowe (1893-1966) Roy Wilkinson, Jr. (1915-1993) Delbert J. McQuaide (1936-1997)

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

TO: *Allegheny Brain and Spine Surgeons*
Records Custodian
501 Howard Avenue
Altoona, PA 16601

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*


You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: FEB. 2, 2009

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

Linda J. Henry v. Todd Marino

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Linda J. Henry, (DOB: 1/27/1951, S.S.#: 171-44-5877), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Linda J. Henry's health status (regardless of source), etc.. **We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.**

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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: No. 05-1417-C.D.
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NOTICE

TO: *Allegheny Brain and Spine Surgeons*
Records Custodian
501 Howard Avenue
Altoona, PA 16601

YOU ARE REQUIRED to complete the following Certificate of Compliance when
producing documents or things pursuant to the Subpoena.

CERTIFICATE OF COMPLIANCE WITH SUBPOENA
TO PRODUCE DOCUMENTS OR THINGS

I, _____ (person served with subpoena) certify to the best of
my knowledge, information and belief that all documents or things required to be produced
pursuant to the subpoena issued on _____ (date of subpoena) have been produced.

Date: _____

(Person served with subpoena)

RECORDS AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF _____ :

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQUAIDE BLASKO LAW OFFICES, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

1. The records pertain to Linda J. Henry, (DOB: 1/27/1951, S.S.#: 171-44-5877)
2. The records represent all documents for to the present date of this Affidavit [unless otherwise specifically requested by McQUAIDE BLASKO].
3. The records submitted under this Affidavit consist of _____ pages.
[If no records exist, please so indicate "No Records," sign and return this Affidavit.]
4. The copies of records for which this certification/affidavit is made are true and complete reproductions of the original records which are housed by _____. The original records were made in the regular course of business at or near the time of the matter recorded. This certification/affidavit is given pursuant to 42 Pa. C.S. § 61(e) (relating to medical records) by the custodian of the records in lieu of his personal appearance.

I declare that the foregoing facts as are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

[Signature of Records Custodian]

[Print or Type Name of Records Custodian]

Sworn to and subscribed
before me this _____ day
of _____, 2007.

Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT
WITH THE REQUESTED RECORDS**



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 5, 2007

Via Certified Mail

Bon Secours Hospital
Records Custodian
2500 7th Avenue
Altoona, PA 16602

**Re: Linda J. Henry v. Todd Marino and Matthew Greenland
No. 05-1417-C.D.**

Dear Sir/Madam:

Enclosed is a subpoena directing you to bring to our office a true and correct copy of any and all records pertaining to the above-referenced matter. It will be sufficient for you to provide the material requested by mail or hand-delivery.

Please complete the attached Records Affidavit and Certificate of Service of Compliance with Subpoena to Produce Documents or Things, and return with the subpoenaed documents.

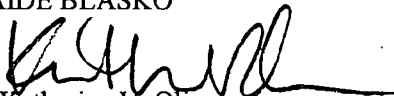
If you require advance payment for a copy of the records, please advise this office in writing via fax or mail, and we will promptly forward the same.

Thank you for your attention to this matter.

Very truly yours,

MCQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/pal

cc: Karen Beisner (Claim #38-K297-117)
John R. Ryan, Esquire

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Rust Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr.
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John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

TO: *Bon Secours Hospital*
Records Custodian
2500 7th Avenue
Altoona, PA 16602

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

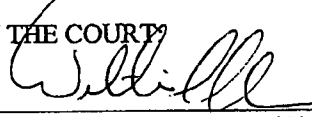
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: FEB 2, 2007

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

Linda J. Henry v. Todd Marino

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Linda J. Henry, (DOB: 1/27/1951, S.S.#: 171-44-5877), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Linda J. Henry's health status (regardless of source), etc.. **We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.**

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

:
: No. 05-1417-C.D.
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NOTICE

TO: *Bon Secours Hospital*
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CERTIFICATE OF COMPLIANCE WITH SUBPOENA
TO PRODUCE DOCUMENTS OR THINGS

I, _____ (person served with subpoena) certify to the best of
my knowledge, information and belief that all documents or things required to be produced
pursuant to the subpoena issued on _____ (date of subpoena) have been produced.

Date: _____

(Person served with subpoena)

RECORDS AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
:SS
COUNTY OF _____ :

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQUAIDE BLASKO LAW OFFICES, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

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3. The records submitted under this Affidavit consist of _____ pages.
[If no records exist, please so indicate "No Records," sign and return this Affidavit.]
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I declare that the foregoing facts as are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

[Signature of Records Custodian]

[Print or Type Name of Records Custodian]

Sworn to and subscribed
before me this _____ day
of _____, 2007.

Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT WITH THE
REQUESTED RECORDS**



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 5, 2007

Via Certified Mail

Dubois Regional Medical Center
100 Hospital Avenue
Dubois, PA 15801

Re: **Linda J. Henry v. Todd Marino and Matthew Greenland**
No. 05-1417-C.D.

Dear Sir/Madam:

Enclosed is a subpoena directing you to bring to our office a true and correct copy of any and all records pertaining to the above-referenced matter. It will be sufficient for you to provide the material requested by mail or hand-delivery.

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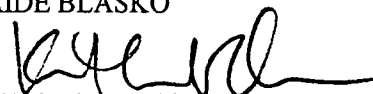
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By:


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KVO/pal

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CIVIL ACTION - LAW

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Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

TO: *Dubois Regional Medical Center*
100 Hospital Avenue
Dubois, PA 15801

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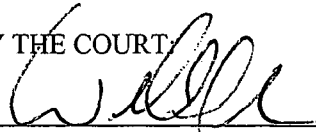
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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: FEB. 2, 2007

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

Linda J. Henry v. Todd Marino

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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: No. 05-1417-C.D.
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NOTICE

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100 Hospital Avenue
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YOU ARE REQUIRED to complete the following Certificate of Compliance when
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I, _____ (person served with subpoena) certify to the best of
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Date: _____

(Person served with subpoena)

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 : SS
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I declare that the foregoing facts as are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

[Signature of Records Custodian]

[Print or Type Name of Records Custodian]

Sworn to and subscribed
before me this _____ day
of _____, 2007.

Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT
WITH THE REQUESTED RECORDS**



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 5, 2007

Via Certified Mail

George M. Bailey, M.D.
101 Regent Court
State College, PA 16801

**Re: Linda J. Henry v. Todd Marino and Matthew Greenland
No. 05-1417-C.D.**

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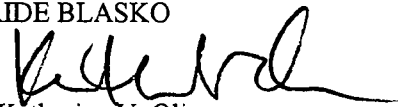
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By:


Katherine V. Oliver

KVO/pal

cc: Karen Beisner (Claim #38-K297-117)
John R. Ryan, Esquire

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
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TO: *George M. Bailey, M.D.*
101 Regent Court
State College, PA 16801

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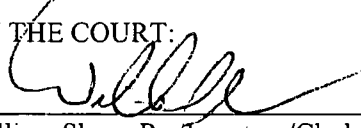
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NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: FEB. 2, 2007

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
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Linda J. Henry v. Todd Marino

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LINDA J. HENRY,

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(Person served with subpoena)

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[Signature of Records Custodian]

[Print or Type Name of Records Custodian]

Sworn to and subscribed
before me this _____ day
of _____, 2007.

Notary Public
[SEAL]



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 5, 2007

Via Certified Mail

Clearfield Hospital
809 Turnpike Avenue
P.O. Box 992
Clearfield, PA 16830

Re: **Linda J. Henry v. Todd Marino and Matthew Greenland**
No. 05-1417-C.D.

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By:


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KVO/pal

cc: Karen Beisner (Claim #38-K297-117)
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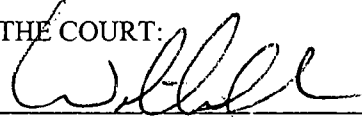
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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Katherine V. Oliver, Esquire
ADDRESS: 811 University Drive, State College, PA 16801
TELEPHONE: (814) 238-4926
SUPREME CT ID#: 77069
ATTORNEY FOR: Defendant

BY THE COURT:


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: FEB. 2, 2007

WILLIAM A. SHAW
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COUNTY OF _____ :

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQUAIDE BLASKO LAW OFFICES, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

1. The records pertain to Linda J. Henry, (DOB: 1/27/1951, S.S.#: 171-44-5877)
2. The records represent all documents for to the present date of this Affidavit [unless otherwise specifically requested by McQUAIDE BLASKO].
3. The records submitted under this Affidavit consist of _____ pages.
[If no records exist, please so indicate "No Records," sign and return this Affidavit.]
4. The copies of records for which this certification/affidavit is made are true and complete reproductions of the original records which are housed by _____. The original records were made in the regular course of business at or near the time of the matter recorded. This certification/affidavit is given pursuant to 42 Pa. C.S. § 61(e) (relating to medical records) by the custodian of the records in lieu of his personal appearance.

I declare that the foregoing facts as are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

[Signature of Records Custodian]

[Print or Type Name of Records Custodian]

Sworn to and subscribed
before me this _____ day
of _____, 2007.

Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT
WITH THE REQUESTED RECORDS**



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 5, 2007

Via Certified Mail

Dr. Cornel
Integrative Health Care Associates
1526 Martin Street
State College, PA 16803

Re: **Linda J. Henry v. Todd Marino and Matthew Greenland**
No. 05-1417-C.D.

Dear Sir/Madam:

Enclosed is a subpoena directing you to bring to our office a true and correct copy of any and all records pertaining to the above-referenced matter. It will be sufficient for you to provide the material requested by mail or hand-delivery.

Please complete the attached Records Affidavit and Certificate of Service of Compliance with Subpoena to Produce Documents or Things, and return with the subpoenaed documents.

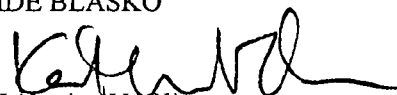
If you require advance payment for a copy of the records, please advise this office in writing via fax or mail, and we will promptly forward the same.

Thank you for your attention to this matter.

Very truly yours,

MCQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/pal

cc: Karen Beisner (Claim #38-K297-117)
John R. Ryan, Esquire

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righier Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruosi Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr.
Chena L. Glenn-Hart Livinia N. Jones Cristin R. Long Matthew T. Rogers Frederick R. Battaglia Anthony A. Simon Dominick J. Muracco

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

John G. Lowe (1893-1960) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

TO: Dr. Cornel
Integrative Health Care Associates
1526 Martin Street
State College, PA 16803

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

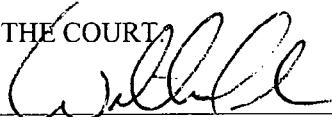
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

NAME: Katherine V. Oliver, Esquire
ADDRESS: 811 University Drive, State College, PA 16801
TELEPHONE: (814) 238-4926
SUPREME CT ID#: 77069
ATTORNEY FOR: Defendant

BY THE COURT


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: FEB. 2, 2007

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

Linda J. Henry v. Todd Marino

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Linda J. Henry, (DOB: 1/27/1951, S.S.#: 171-44-5877), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Linda J. Henry's health status (regardless of source), etc.. **We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.**

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

:
: No. 05-1417-C.D.
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NOTICE

TO: *Dr. Cornel*
Integrative Health Care Associates
1526 Martin Street
State College, PA 16803

YOU ARE REQUIRED to complete the following Certificate of Compliance when
producing documents or things pursuant to the Subpoena.

CERTIFICATE OF COMPLIANCE WITH SUBPOENA
TO PRODUCE DOCUMENTS OR THINGS

I, _____ (person served with subpoena) certify to the best of
my knowledge, information and belief that all documents or things required to be produced
pursuant to the subpoena issued on _____ (date of subpoena) have been produced.

Date: _____

(Person served with subpoena)

RECORDS AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF _____ :

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQUAIDE BLASKO LAW OFFICES, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

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I declare that the foregoing facts as are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

[Signature of Records Custodian]

[Print or Type Name of Records Custodian]

Sworn to and subscribed
before me this _____ day
of _____, 2007.

Notary Public
[SEAL]



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 5, 2007

Via Certified Mail

Joseph Valigorsky, M.D.
Dubois Regional Medical Center
P.O. Box 447
Dubois, PA 15801-0447

**Re: Linda J. Henry v. Todd Marino and Matthew Greenland
No. 05-1417-C.D.**

Dear Sir/Madam:

Enclosed is a subpoena directing you to bring to our office a true and correct copy of any and all records pertaining to the above-referenced matter. It will be sufficient for you to provide the material requested by mail or hand-delivery.

Please complete the attached Records Affidavit and Certificate of Service of Compliance with Subpoena to Produce Documents or Things, and return with the subpoenaed documents.

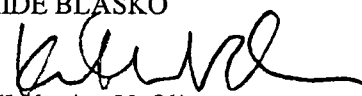
If you require advance payment for a copy of the records, please advise this office in writing via fax or mail, and we will promptly forward the same.

Thank you for your attention to this matter.

Very truly yours,

MCQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/pal

cc: Karen Beisner (Claim #38-K297-117)
John R. Ryan, Esquire

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
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Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

TO: *Joseph Valigorsky, M.D.*
DuBois Regional Medical Center
P.O. Box 447
DuBois, PA 15801-0447

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

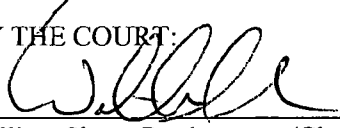
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: FEB. 2, 2007

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

Linda J. Henry v. Todd Marino

DOCUMENTS TO BE PRODUCED

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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: No. 05-1417-C.D.
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NOTICE

TO: *Joseph Valigorsky, M.D.*
DuBois Regional Medical Center
P.O. Box 447
DuBois, PA 15801-0447

YOU ARE REQUIRED to complete the following Certificate of Compliance when
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CERTIFICATE OF COMPLIANCE WITH SUBPOENA
TO PRODUCE DOCUMENTS OR THINGS

I, _____ (person served with subpoena) certify to the best of
my knowledge, information and belief that all documents or things required to be produced
pursuant to the subpoena issued on _____ (date of subpoena) have been produced.

Date: _____

(Person served with subpoena)

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF _____ :

1. The records pertain to Linda J. Henry, (DOB: 1/27/1951, S.S.#: 171-44-5877)
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Notary Public
[SEAL]



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 5, 2007

Via Certified Mail

Dr. Carol Elkins
Primary Care Associates Curwensville
465 State Street
Curwensville, PA 16833

Re: **Linda J. Henry v. Todd Marino and Matthew Greenland**
No. 05-1417-C.D.

Dear Sir/Madam:

Enclosed is a subpoena directing you to bring to our office a true and correct copy of any and all records pertaining to the above-referenced matter. It will be sufficient for you to provide the material requested by mail or hand-delivery.

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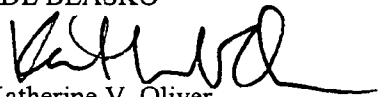
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Thank you for your attention to this matter.

Very truly yours,

MCQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/pal

cc: Karen Beisner (Claim #38-K297-117)
John R. Ryan, Esquire

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruest Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr.
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John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

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

LINDA J. HENRY,

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v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

TO: *Dr. Carol Elkins*
Primary Care Associates Curwensville
465 State Street
Curwensville, PA 16833

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

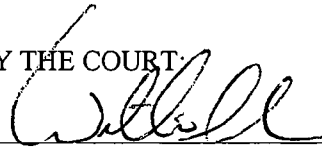
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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: FEB. 2, 2007

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

Linda J. Henry v. Todd Marino

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CIVIL ACTION - LAW

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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: No. 05-1417-C.D.
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NOTICE

TO: *Dr. Carol Elkins*
Primary Care Associates Curwensville
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Curwensville, PA 16833

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TO PRODUCE DOCUMENTS OR THINGS

I, _____ (person served with subpoena) certify to the best of
my knowledge, information and belief that all documents or things required to be produced
pursuant to the subpoena issued on _____ (date of subpoena) have been produced.

Date: _____

(Person served with subpoena)

RECORDS AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF _____ :

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQUAIDE BLASKO LAW OFFICES, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

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I declare that the foregoing facts as are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

[Signature of Records Custodian]

[Print or Type Name of Records Custodian]

Sworn to and subscribed
before me this _____ day
of _____, 2007.

Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT
WITH THE REQUESTED RECORDS**

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

LINDA J. HENRY,


Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

: No. 05-1417-C.D.
:
: TYPE OF PLEADING:
: CERTIFICATE OF SERVICE
:
:
: TYPE OF CASE: CIVIL
:
: FILED ON BEHALF OF:
: **CO-DEFENDANT TODD MARINO**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926

FILED *NO CC*
M/11/25/07
FEB 06 2007 

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

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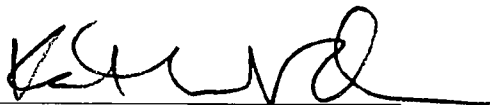
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: No. 05-1417-C.D.
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**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those attached to this notice to Bon Secours Hospital, Clearfield Hospital, Dr. Elkins, Allegheny Brain and Spine Surgeons, Dr. Cornel, Dr. Valigorsky, Dubois Regional Medical Center, and Dr. Bailey. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____



Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Dated: _____

2-5-07

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

:
: No. 05-1417-C.D.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Todd Marino's Notice of Intent to Serve a Subpoena for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 5th day of February, 2007 to the attorneys/parties of record:

John R. Ryan, Esquire
Belin & Kubista
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Todd Marino

FILED

FEB 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,
Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,
Defendant

No. 05 – 1417 – C.D.

**PLAINTIFF'S REPLY TO NEW
MATTER OF DEFENDANT TODD
MARINO**

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
FEB 09 2007
William A. Shaw
Prothonotary/Clerk of Courts
William A. Shaw
Prothonotary/Clerk of Courts
4 sent to ATT

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

LINDA J. HENRY,	:	
Plaintiff	:	
	:	
vs.	:	No. 05 – 1417 – C.D.
	:	
TODD MARINO and	:	
MATTHEW GREENLAND,	:	
Defendant	:	

PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT TODD MARINO

NOW COMES, Linda J. Henry, Plaintiff above named, and by her Attorneys, Belin, Kubista & Ryan, files her Reply to the New Matter of Defendant Todd Marino and avers as follows:

17. Paragraphs 1 through and including Paragraph 16 of Plaintiff's Complaint are incorporated herein by reference as if set forth at length.

18. No response required.

19. The averments of Paragraph 19 represent a conclusion of law and therefore no response is required.

20. The averments of Paragraph 20 represent a conclusion of law and therefore no response is required.

21. Denied. On the contrary, the injuries and damages claimed by the Plaintiff are the direct and proximate result of the motor vehicle accident as described in the Plaintiff's Complaint.

22. The averments of Paragraph 22 represent a conclusion of law and therefore no response is required.

WHEREFORE, Plaintiff requests that judgment be entered in her favor and against the Defendant as claimed in her Complaint.

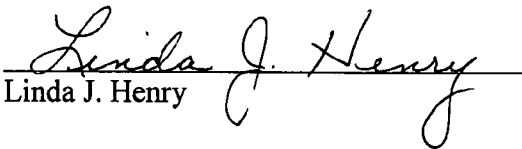
BELIN, KUBISTA & RYAN

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

John R. Ryan

Attorney for Plaintiff

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


Linda J. Henry

BELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

William A. Shaw
Prothonotary/Clerk of Courts

FEB 09 2007

FILED

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

LINDA J. HENRY,
Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

No. 05 – 1417 – C.D.

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff, Linda J. Henry

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

FEB 09 2007

0/3100/4 (GK)
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

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

LINDA J. HENRY,

Plaintiff

vs.

No. 05 – 1417 – C.D.

TODD MARINO and

MATTHEW GREENLAND,

Defendants

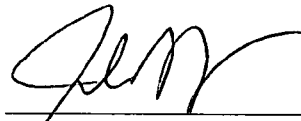
CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Plaintiff's Reply to New Matter of Defendant Todd Marino filed in the above captioned matter on the following parties by postage prepaid first-class United States mail, on the 9th day of February, 2007:

William W. Guthrie, Esquire
William W. Guthrie & Associates
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219
Attorney for Defendant Matthew Greenland

Katherine V. Oliver, Esquire
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Attorney for Defendant Todd Marino

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiff

BELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

William A. Shaw
Prothonotary/Clerk of Courts

FEB 09 2007

FILED

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

**REPLY OF DEFENDANT MATTHEW
GREENLAND TO NEW MATTER
AND 2252(d) NEW MATTER OF
CO-DEFENDANT TODD MARINO**

Filed on behalf of:
Matthew Greenland,
Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FILED

M 10/564, m 6K
FEB 15 2007 *NO CC*

William A. Shaw
Prothonotary/Clerk of Courts

(62)

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

LINDA J. HENRY,

CIVIL DIVISION

Plaintiff,

NO. 05-1417-C.D.

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

**REPLY OF DEFNDANT MATTHEW GREENLAND TO NEW MATTER AND 2252d)
NEW MATTER OF CO-DEFENDANT TODD MARINO**

AND NOW comes MATTHEW GREENLAND, Defendant above named, by his attorney WILLIAM W. GUTHRIE, ESQUIRE and files the following Reply to the New Matter and 2252(d) New Matter of the Co-defendant Todd Marino.

1. The averments set forth in paragraph no. 17 of the Co-defendant's New Matter, incorporating therein paragraph nos. 1 through 16 of the Co-defendant's Answer are denied to the extent that any of those averments are contrary to the Answer, New Matter and 2252(d) New Matter filed on behalf of the Defendant Matthew Greenland to the Plaintiff's Complaint.

2. The averments set forth in paragraph no. 22 of the Co-defendant's New Matter, as they pertain to the Defendant Matthew Greenland, are denied. The Defendant

Matthew Greenland denies that he was the cause of any sudden emergency as claimed by the Co-defendant.

3. The averments set forth in paragraph no. 23 of the Co-defendant's New Matter Pursuant to Pa. R.C.P. 2252(d), incorporating therein the averments set forth in paragraph nos. 1 through 22 of the Co-defendant's Answer and New Matter are denied to the extent that any of those averments are contrary to the Answer, New Matter and 2252(d) New Matter filed on behalf of the Defendant Matthew Greenland to the Plaintiff's Complaint.

4. The averments set forth in paragraph no. 24 of the Co-defendant's New Matter Pursuant to Pa. R.C.P. 2252(d) are denied. It is denied the accident or any injuries sustained by the Plaintiff were caused by negligence, reckless or careless conduct by the Co-defendant Matthew Greenland. It is further denied the Co-defendant Greenland:

- a. Operated his vehicle without due regard for the rights, safety and position of other vehicles;
- b. Failed to have his vehicle under proper control;
- c. Failed to yield the right of way to oncoming traffic, including the vehicle of Co-defendant Marino;
- d. Operated his vehicle in a reckless manner;
- e. Was inattentive and failed to maintain a sharp lookout of the road and the condition of traffic around him;

- f. Violated the statutes of the Commonwealth of Pennsylvania relating to the operation of motor vehicles on public thoroughfares, including, but not limited to Section 3301 of the Pennsylvania Motor Vehicle Code;
- g. Failed to safely negotiate a left turn and, on the contrary, the Defendant denies making a left turn; and
- h. Was otherwise negligent and careless under the circumstances then and there existing.

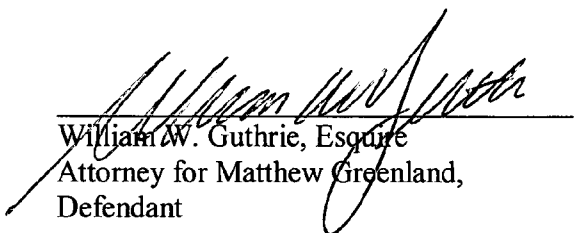
5. The averments set forth in paragraph no. 25 of the Co-defendant's New Matter Pursuant to Pa. R.C.P. 2252(d) are denied. The Defendant Greenland denies that he is solely liable to the Plaintiff or liable over to the Co-defendant Todd Marino for any sums which may be adjudged due and owing to the Plaintiff.

6. The averments set forth in paragraph no. 26 of the Co-defendant's New Matter Pursuant to Pa. R.C.P. 2252(d) are denied. The Defendant Matthew Greenland denies that he is solely liable, jointly liable with or liable over to the Co-defendant Todd Marino for any sums which may be adjudged due and owing.

WHEREFORE, the Defendant Matthew Greenland denies that he is indebted to the Plaintiff or to the Co-defendant Todd Marino in the sum demanded or in any sum whatever

and demands the Plaintiff's Complaint against him and the Co-defendant's Crossclaim be dismissed with costs in his behalf sustained.

WILLIAM W. GUTHRIE & ASSOCIATES



William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Defendant

VERIFICATION

I hereby verify that the averments set forth in the attached REPLY TO THE NEW MATTER AND 2252(d) NEW MATTER of the CO-DEFENDANT TODD MARINO are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

DATE: 2-12-07


MATTHEW GREENLAND
Defendant

FILED

FEB 15 2011

 William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,
Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

No. 05 – 1417 – C.D.

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff, Linda J. Henry

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

03:13 p.m. 6/4/07
MAR 07 2007

NO CC

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff

vs.

No. 05 – 1417 – C.D.

TODD MARINO and

MATTHEW GREENLAND,

Defendants

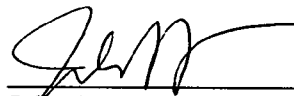
CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Plaintiff's Response to Request for Production of Documents filed in the above captioned matter on the following parties by postage prepaid first-class United States mail, on the 7th day of March, 2007:

William W. Guthrie, Esquire
William W. Guthrie & Associates
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219
Attorney for Defendant Matthew Greenland

Katherine V. Oliver, Esquire
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Attorney for Defendant Todd Marino

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiff

BELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

FILED

MAR 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

TYPE OF PLEADING:
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT TODD MARINO

COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED *NO CC*
m/12:37/21
NOV 05 2007 

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

CERTIFICATE OF SERVICE

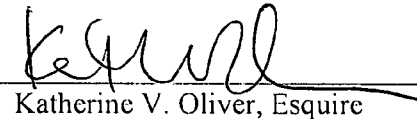
I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 2nd day of November, 2007, to the attorneys/parties of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Todd Marino

FILED
NOV 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

m/11:00/11:00

GP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

**OBJECTIONS TO SUBPOENA
PURSUANT TO RULE 4009.21**

Filed on behalf of:
Matthew Greenland,
Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

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

LINDA J. HENRY,

Plaintiff,

CIVIL DIVISION

NO. 05-1417-C.D.

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

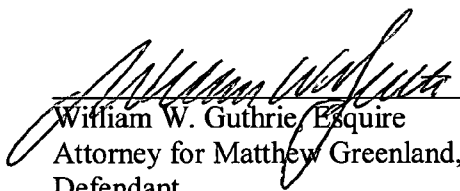
OBJECTIONS TO SUBPOENA PURSUANT TO RULE 4009.21

AND NOW comes MATTHEW GREENLAND, Co-defendant above named, by his attorney, WILLIAM W. GUTHRIE, ESQUIRE, and objects to the proposed subpoena that is attached to these Objections for the following reasons:

1. The proposed subpoena is directed to Greenland Construction, Inc., who is not a party to the within action.

2. All discoverable correspondence, maps, drawings, reports, memorandum, photographs, statements, notes, summaries, claims logs, insurance claims, etc., pertaining and/or related to or and/or related to any matter to the subject motor vehicle accident that occurred on October 22, 2003 at or near State Route 879 in Pike Township, Clearfield County, Pennsylvania have heretofore been produced via Matthew Greenland's Response to the Co-defendant's Request For Production of Documents and during the deposition of Matthew Greenland.

Date: WWE, 2007


William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Defendant

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

TO: Greenland Construction, Inc.
123 Roaring Run Lane
Clearfield PA 16830-8518

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

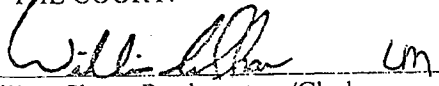
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant Todd Marino*

BY THE COURT:


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: *October 31, 2007*

Linda J. Henry v. Todd Marino and Matthew Greenland

DOCUMENTS TO BE PRODUCED

Any and all documents, (including, but not limited to, correspondence, maps, drawings, reports, memoranda, photographs, statements, notes, summaries, claims logs, insurance claims, etc.), pertaining and/or relating in any manner to a motor vehicle accident that occurred on October 22, 2003 at or near SR 879 in Pike Township, Clearfield County, Pennsylvania.

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

LINDA J. HENRY,

CIVIL DIVISION

Plaintiff,

NO. 05-1417-C.D.

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

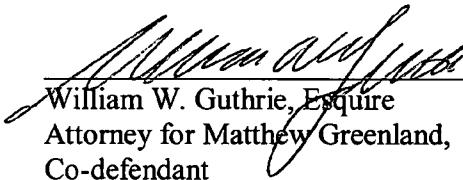
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached Objections of the Co-defendant Matthew Greenland to the Proposed Subpoena of Katherine V. Oliver, Esquire were mailed U. S. First Class mail, postage pre-paid, this 9th day of November, 2007 to the attorneys set forth below:

Katherine V. Oliver, Esquire
Attorney for Defendant Todd Marino
811 University Drive
State College, PA 16801

John R. Ryan, Esquire
Attorney for Plaintiff
15 North Front Street
P. O. Box 1
Clearfield, PA 16830

WILLIAM W. GUTHRIE & ASSOCIATES



William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Co-defendant

Prothonotary/Clerk of Courts
William A. Shaw

NOV 13 2007

FILED

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

TYPE OF PLEADING:
CERTIFICATE PREREQUISITE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT TODD MARINO

COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED NO CC
m/12:35/64
NOV 30 2007 GHO

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

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

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto were mailed or delivered to the party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, are attached to this certificate,
- 3) no objection to the subpoenas have been received; and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

Todd Marino

Dated: November 29, 2007

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

Defendant intends to serve subpoenas identical to those attached to this notice to Greenland Construction, Inc., Cincinnati Insurance and Village Chiropractors. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

Todd Marino

Dated: November 2, 2007

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

TO: Cincinnati Insurance Companies
P.O. Box 266
Bellefonte PA 16823

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

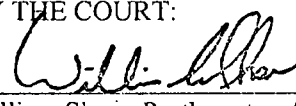
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant Todd Marino*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: October 31, 2007

RECORDS TO BE PRODUCED

A true and correct copy of any and all documents pertaining to a workers' compensation claim of Linda J. Henry (Policy No. WC-190 52 45; Date of Loss: 10/22/2003), and/or pertaining to the accident of October 22, 2003 giving rise to such claim.

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

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

TO: Village Chiropractors
800 State Street
Curwensville PA 16833

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

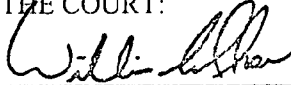
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant Todd Marino*

BY THE COURT:


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: *October 31, 2007*

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records for as long as you retain same and regardless of treating physician on Linda J. Henry, (Date of Birth: 1/27/1951; Social Security No. 171-44-5877), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Linda J. Henry's health status (regardless of source), etc. **We reserve the right to obtain copies of radiology films using this subpoena once we have had an opportunity to review any records or radiology reports that are received in response to this request.**

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 29th day of November, 2007, to the attorney of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069

James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Todd Marino

FILED
NOV 30 2007
William A. Shaw
Spendary/Clerk of Courts

CA

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

LINDA J. HENRY

vs.

TODD MARINO and
MATTHEW GREENLAND

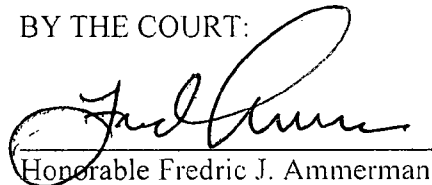
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: No. 05-1417-CD
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ORDER

AND NOW, this 12 day of February, 2008, it is the ORDER of the Court that Argument on the Defendant's Application for Stay Pursuant to the Servicemembers' Civil Relief Act in the above-captioned matter shall be and is hereby scheduled for **Tuesday, April 8, 2008 at 2:15 P.M.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

It is the responsibility of the Defendant's Counsel to serve certified copy of said scheduling Order on the Plaintiff's Counsel.

BY THE COURT:



Honorable Fredric J. Ammerman
President Judge

FILED 4cc
02/06/08 Atty
FEB 12 2008 K. Oliver

William A. Shaw
Prothonotary/Clerk of Courts @

FILED

FEB 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

TYPE OF PLEADING:
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT TODD MARINO

COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED NOCC
3/11/1934
FEB 15 2006
(SM)

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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: No. 05-1417-C.D.
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CERTIFICATE OF SERVICE

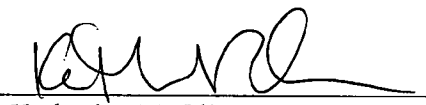
I hereby certify that a true and correct copy of the Court's Order dated February 12, 2008, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 14th day of February, 2008, to the attorney(s) of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____



Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

Todd Marino

FILED

FEB 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

TYPE OF PLEADING:
**APPLICATION FOR STAY PURSUANT
TO THE SERVICEMEMBERS' CIVIL
RELIEF ACT**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT TODD MARINO

COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED NO CC
m/12:49 PM
FEB 01 2008 (60)

William A. Shaw
Prothonotary/Clerk of Courts
CENT. TO ATTORNEY
OLIVER, Plaintiff

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

FILED

APR 08 2008

0/2:45/16
William A. Shaw
Prothonotary/Clerk of Courts

CERT TO ATTY'S
OLIVER
RYAN
+
GUTHRIE
G.P.

ORDER

AND NOW, this 8th day of April, 2008, upon consideration of

Defendant Todd Marino's Application for Stay Pursuant to the Servicemembers' Civil Relief

Act, it is hereby ordered, directed, and decreed that Defendant Marino's Application is

GRANTED. All further proceedings in this lawsuit, except as further noted below, are hereby

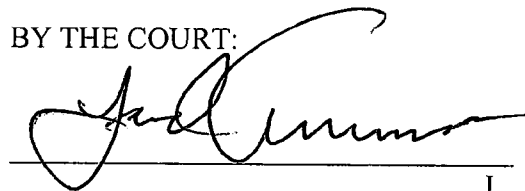
STAYED for the duration of Todd Marino's active military status, currently expected to

terminate on January 1, 2009.

In the event that Defendant Marino's active military status is terminated before January 1, 2009, counsel for Defendant Marino shall so advise opposing counsel, and any party may then move to lift the military stay granted by this Order.

During the pendency of the stay, the parties may proceed with discovery in the nature of document requests and subpoenas, including the filing of any necessary motions pertaining to such discovery.

BY THE COURT:



J.

4-8-08

DATE: _____

____ You are responsible for serving all appropriate parties.

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

☒ Plaintiff(s) _____

☒ Defendant(s) _____

____ Special Instructions: _____

Handwritten initials: *Wm Shaw*

Handwritten signature: *Wm Shaw*

FILED

APR 08 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

**APPLICATION FOR STAY PURSUANT TO THE
SERVICEMEMBERS' CIVIL RELIEF ACT**

AND NOW, comes Defendant, Todd Marino, by and through his undersigned attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., and files the within application for partial stay of proceedings pursuant to the Servicemembers' Civil Relief Act, 50 U.S.C.A. App. § 501, et seq.

In support of this application, Defendant Marino avers as follows:

Background

1. This action was commenced via Writ of Summons on or about September 14, 2005. Plaintiff filed a Complaint on October 31, 2005.
2. The action sounds in motor vehicle negligence arising from an accident that occurred on October 22, 2003. In her Complaint, Plaintiff Linda Henry alleges that Defendants Todd Marino and Matthew Greenland were negligent in causing an impact between Plaintiff's vehicle and Defendant Marino's vehicle on SR 879 in Clearfield County, Pennsylvania after Defendant Greenland made a left hand turn into the path of Defendant Marino.
3. Defendant Marino denies any negligence, in that the impact between his vehicle and Plaintiff's was the result of Defendant Greenland turning left directly into the path of

Defendant Marino's on-coming vehicle, causing Defendant Marino's vehicle to cross into the path of Plaintiff.

4. Defendant Greenland denies making a left hand turn into Defendant Marino's path.

5. Cross-claims have been filed by both Defendants for indemnification/contribution under Pa.R.C.P. §2252.

Prior Military Stay

6. This action was previously stayed for a period of approximately one year under the Servicemembers' Civil Relief Act, 50 U.S.C.A. App. § 501, et seq., when Defendant Todd Marino received Military Orders commanding him to report for active duty in Iraq.

7. The prior stay was pursuant to this Court's Order of January 16, 2006, granting Todd Marino's Application for Stay under the Act.

8. Immediately on Defendant Marino's return from active duty in Iraq, all counsel and the Court were so advised, and the Court entered an Order on the joint request of all parties lifting the stay on January 3, 2007.

Discovery

9. By way of discovery, the parties have exchanged written discovery, and depositions of all parties have been taken.

10. An independent medical examination was performed on August 20, 2007, and a report was issued on September 24, 2007.

11. During the parties' depositions, it became apparent that additional documents exist, beyond those produced in discovery, pertaining to investigations of the accident that were

made by or on behalf of Defendant Greenland and/or Greenland Construction, the company Defendant Greenland was working for when the accident occurred.

12. Co-Defendant Marino issued a notice of intent to serve a subpoena on Greenland Construction for documents pertinent to the investigations of the accident on or about November 2, 2007.

13. Co-Defendant Greenland served objections to the aforementioned subpoena on November 9, 2007. Counsel thereafter tried to amicably resolve the objections, but have been unable to do so.

14. With the exception of the discovery noted in ¶¶ 11-13, above, Defendant Marino believes that the majority, if not all, discovery is essentially complete in this case.

Application for Partial Stay

15. The averments at paragraphs 1 through 14 are incorporated herein by reference as though set forth in full.

16. Defendant Marino received Military Orders dated November 6, 2007 commanding that he report for active duty on January 2, 2008.

17. The particulars of Defendant Marino's duties are set forth in the Military Orders dated November 6, 2007, attached hereto as Exhibit "A", and the letter of his Commanding Officer, Daniel E. Graham, 1LT, AG, attached hereto as Exhibit "B."

18. Pursuant to Defendant Marino's current Military Orders, he will remain on active duty for approximately 365 days, or until January 1, 2009, unless his period of duty is subsequently shortened or extended.

19. As noted in paragraphs 2 through 5, above, this lawsuit involves significant issues of disputed liability and disputed facts. Accordingly, Defendant Marino's presence at the trial of this matter will be critical to his ability to defend against the claims made against him.

20. Defendant Marino's active duty status prevents him from appearing at trial, or from otherwise participating in his defense.

21. Accordingly, Defendant Marino, by and through his counsel, respectfully requests that, with limited exceptions set forth below, this action be stayed until termination of his active duty status, currently anticipated to be January 1, 2009.


22. Counsel for Defendant Marino anticipates that a motion to dismiss objections with respect to the Greenland Construction subpoena and to compel production of the documents/materials noted in ¶¶11-13, above, will be necessary. Counsel submits this discovery can proceed without prejudice to any party during the period of Defendant Marino's active duty. Likewise, counsel for Defendant Marino reasonably believes that discovery in the nature of document requests related to both liability and damages claims can proceed pending Defendant Marino's active duty, and that allowing the parties to pursue discovery of this nature while the action is otherwise stayed would greatly enhance the likelihood that all discovery will be complete upon Defendant Marino's return from active military status, such that the case could be ready for trial.

23. Counsel for Plaintiff and counsel for Co-Defendant Matthew Greenland do not oppose the relief sought in the within application. (See Exhibits "C" and "D").

WHEREFORE, Defendant Todd Marino respectfully requests that this Honorable Court enter an Order staying this action, with the exception of the discovery matters noted in ¶ 22 of the

- within Application, until the termination of Defendant Marino's active military duty status, which is currently anticipated to be January 1, 2009.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: January 31, 2008

Attorneys for Defendant
Todd Marino

EXHIBIT “A”

DEPARTMENT OF THE ARMY
38TH REGIONAL SUPPORT GROUP/316TH MISSION SUPPORT ELEMENT
99 SOLDIERS LANE
CORAOPOLIS, PENNSYLVANIA 15108-2550

ORDERS 07-310-00014

06 November 2007

MARINO TODD JAMES
329 FREDRICKA AVE
CURWENSVILLE, PA 16833-1361

167-65-9591 SGT
0403 AG DET REPL (400) (WTKTAA)
PUNXSUTAWNEY, PA 15767-1295

You are ordered to Active Duty as a member of your Reserve Component unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: 0403 AG DET REPL (400) (WTKTAA), 215 CENTER STREET, PUNXSUTAWNEY, PA 15767-1295 Report On: 02 January 2008

Report to: Fort Benning, ATTN: ATSH-OTP-M, Fort Benning, GA 31905 Report On: 05 January 2008

Period of active duty: 365 Days

Purpose: Mobilization for ENDURING FREEDOM (OTHER THAN HOMELAND) (2001-PRESENT)

Mobilization category code: "V"

Additional instructions: (01, 03, 04, 06, 07, 09, 10, 11, 12, 13, 14, 15, 16, 17, 20) See page 2

FOR ARMY USE

AUTHORITY: 1A-07-282-013 dtd 9 October 2007

Accounting classification:

2182010.0000 01-1100 P2W2C00 11**/12** VFRE F3203 5570 912120
2192010.0000 01-1100 P2W2C00 11**/12** VFRE F3203 5570 912120
2182020.0000 B1-B1TC P135197 21T1/21T2 VFRE F4209 AZTD2E 12161
2192020.0000 B1-B1TC P135197 21T1/21T2 VFRE F4209 AZTD2E 12161
ISSUED CONTROL #: 7310-036-BEN-25
Customer Identification Code (CIC): 2820B1AZTD12161
Customer Identification Code (CIC): 2920B1AZTD12161

Sex: M

MDC: PMES

PMOS/AOC/ASI/LIC: 42A2

HOR: CURWENSVILLE, PA

PEBD: 09 November 2004

DOR: 01 July 2006

Security clearance: SECRET

Comp: USAR

Format: 165

FOR THE COMMANDER:

* OFFICIAL *
* 38 RSG/316 MSE *

PATRICK S. WARD
LTC, AG, USAR
PERSONNEL OFFICER

DISTRIBUTION: M1 PLUS
INDIVIDUAL CONCERNED (4)
FAMILY ASSISTANCE OFFICER (1)

EXHIBIT “B”



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
403RD REPLACEMENT COMPANY (CRC)
215 CENTER STREET
PUNXSUTAWNEY, PENNSYLVANIA 15767-1295

20 December 2007

In the Court of Common Pleas of Clearfield County, Pennsylvania Civil Action Law

Market and 2nd Street
Clearfield, PA 16830
ATTN: Clerk of Courts

SUBJECT: 05-1417-CD

Linda J. Henry vs. Todd Marino and Matthew Greenland

Dear Mr. CLERK OF COURTS

I am the Commanding Officer of Todd Marino, the Defendant in the above entitled action. He is will be serving in the active military service in support of contingency operations in the 403rd AG Co, beginning on the 2nd of January 2008.

Legal counsel informs me that the Service Members Civil Relief Act allows a stay of proceedings for service members on active duty when their ability to defend themselves is materially affected by their military service. In this instance Mr. Marino's critical role in the mission of this command precludes his participation in court proceedings until after 1 January 2009. He will be unable to adequately defend his interests at the present time.

I will personally ensure that Mr. Marino is placed on leave immediately following the completion of the duties described above, so that he may appear at the next scheduled court date after 1 January 2009. Please note that I am not an attorney and am not making this request based on any attorney-client relationship between myself and Mr. Marino. I am not representing Mr. Marino with regard to the proceedings in your court. This letter is a special request in my capacity as a commander, charged with a mission supporting the national security of this nation, that you delay the proceedings to allow this Soldier to perform his critical part in that mission.

Thank you for your assistance. Please inform me or Mr. Marino at the above address, of your action regarding this request.

Sincerely,

DANIEL E. GRAHAM
1LT, AG
Commanding

EXHIBIT “C”

BELIN, KUBISTA & RYANLLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN
KIM C. KESNER

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

January 24, 2008

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

RE: **Linda J. Henry vs. Todd Marino and Matthew Greenland**
No. 05-1417-C.D.

Dear Katie:

On behalf of the Plaintiff, this will confirm that I do not oppose the release sought in the draft Application for Stay.

I further authorize you to indicate such in your Petition when filing it with the Court.

Very truly yours,

BELIN, KUBISTA & RYAN LLP



John R. Ryan

JRR/kdm

cc: William W. Guthrie, Esquire
Linda J. Henry (w/enc.)

EXHIBIT “D”

LAW OFFICES
WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
437 Grant Street
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FAX 412/562-5920

In Reply Please Refer To:

#5063

January 26, 2008

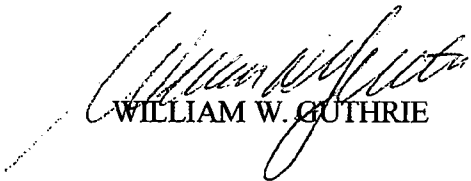
Katherine V. Oliver, Esquire
McQuaide, Blasko, Fleming & Faulkner
811 University Drive
State College, PA 16801-6699

RE: LINDA J. HENRY v. TODD MARINO and MATTHEW GREENLAND

Dear Ms. Oliver:

I have no objection to your Application for Stay.

Yours very truly,



WILLIAM W. GUTHRIE

WWG:cg

cc: John R. Ryan, Esquire

Attorneys for Defendant
Todd Marino



McQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926 FAX (814) 234-5620
www.mqblaw.com

February 13, 2009

The Honorable Fredric J. Ammerman
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Linda J. Henry v. Todd Marino and Matthew Greenland
No. 05-1417-C.D.

Dear Judge Ammerman:

This office represents Defendant Todd Marino in the above-referenced case. On April 8, 2008, Your Honor granted Defendant Marino's Application for Stay Pursuant to the Servicemembers' Civil Relief Act, which stayed further proceedings during the term of Defendant Marino's active military status.

This letter is to advise the Court that Mr. Marino's active-duty status ended effective February 4, 2009. Counsel for Plaintiff and Co-Defendant Greenland have been advised of this development as well.

Very truly yours,

McQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/nlc

cc: William W. Guthrie, Esquire
John R. Ryan, Esquire
Karen Beisner (Claim #38-K297-117)

FILED
013.31/54
FEB 17 2009

S
William A. Shaw (610)
Prothonotary/Clerk of Courts

McQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weisel Steven S. Hurvitz James M. Horn Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart
Livinia N. Jones Cristin R. Long Anthony A. Simon Dominick J. Muracco Amanda L. Seelye Thomas S. Schrack Aaron T. Brooks Philip K. Miles, III Ashley D. Cooper

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Erin K. Dragann

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Rutch

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

FILED

FEB 17 2009

William A. Shaw
Prothonotary/Clerk of Courts

Filed per President Judge Fredric J. Amrasman

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

FILED

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

: No. 05-1417-C.D.

: TYPE OF PLEADING:

: **CERTIFICATE OF SERVICE**

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

: **DEFENDANT TODD MARINO**

: COUNSEL OF RECORD FOR
: FOR THIS PARTY:

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: McQUAIDE, BLASKO,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

APR 09 2009

William A. Shaw
Prothonotary/Clerk of Courts

No C/C (6/0)

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

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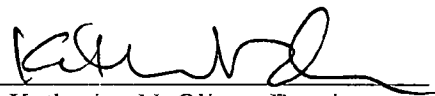
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Expert Interrogatories and Request for Production of Documents Directed to Co-Defendant in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 8th day of April, 2009, to the attorney of record:

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____



Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant
Todd Marino

FILED

APR 09 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

~~I hereby certify this to be a true
and attested copy of the original
statement filed in this case.~~

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

APR 09 2009

TYPE OF PLEADING:

CERTIFICATE OF SERVICE

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT TODD MARINO

COUNSEL OF RECORD FOR
FOR THIS PARTY:

KATHERINE V. OLIVER, ESQ.

I.D. NO. 77069

JAMES M. HORNE, ESQ.

I.D. NO. 26908

McQUAIDE, BLASKO,

FLEMING & FAULKNER, INC.

811 University Drive

State College, PA 16801

PH# (814) 238-4926

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
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Defendants.

No. 05-1417-C.D.

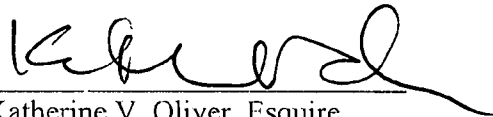
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Expert Interrogatories and Request for Production of Documents Directed to Plaintiff in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 8th day of April, 2009, to the attorney of record:

William W. Guthrie, Esquire
403 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6003

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant
Todd Marino

William A. Shaw
Prothonotary/Clerk of Courts

APR 09 2004

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.
JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE OF
ANSWERS OF DEFENDANT
MATTHEW GREENLAND TO
EXPERT INTERROGATORIES AND
REQUEST FOR PRODUCTION
PROPOUNDED BY CO-DEFENDANT
TODD MARINO**

Filed on behalf of:
Matthew Greenland,
Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

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APR 20 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

CIVIL DIVISION

Plaintiff,

NO. 05-1417-C.D.

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

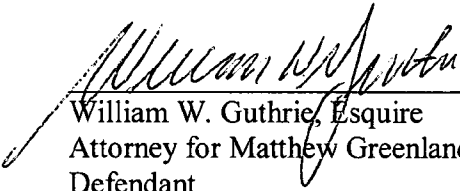
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Answers of Defendant Matthew Greenland to Expert Interrogatories and Request For Production Propounded by Co-defendant Todd Marino were mailed U. S. First Class mail, postage pre-paid, this 16th day of April, 2009 to the attorneys set forth below:

Katherine V. Oliver, Esquire
Attorney for Defendant Todd Marino
811 University Drive
State College, PA 16801

John R. Ryan, Esquire
Attorney for Plaintiff
15 North Front Street
P. O. Box 1
Clearfield, PA 16830

WILLIAM W. GUTHRIE & ASSOCIATES



William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Defendant

FILED

APR 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

PRAECIPE FOR TRIAL

Filed on behalf of:
Matthew Greenland,
Co-Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

FILED

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JUL 10 2009

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GK

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

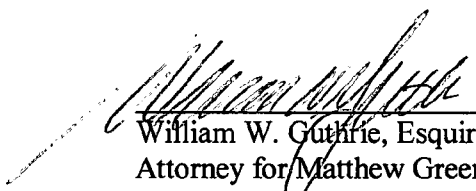
PRAECIPE FOR TRIAL

AND NOW comes WILLIAM W. GUTHRIE, ESQUIRE, attorney for Matthew Greenland, Co-defendant above named, and submits the within Praecipe For Trial in accordance with Clearfield County Rule of Civil Procedure 212.2.

1. The Plaintiff in the within case is seeking money damages for injuries alleged to have been sustained as the result of an automobile accident occurring on October 22, 2003 on State Route 879 in Pike Township, Clearfield County, Pennsylvania.
2. There are no outstanding Motions, Discovery has been completed and the case is ready for trial.
3. A jury trial has been demanded.

4. Notice of filing of the Praeipie For Trial has been mailed to John R. Ryan, Esquire, Attorney for Plaintiff and to Katherine V. Oliver, Esquire, Attorney for Co-defendant Todd Marino.

WILLIAM W. GUTHRIE & ASSOCIATES



William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Co-defendant

FILED

JUL 10 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

CIVIL DIVISION

NO. 05-1417-C.D.

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

Filed on behalf of:
Matthew Greenland,
Co-Defendant

Counsel of Record for this Party:

William W. Guthrie, Esquire
Pa. I. D. 00190

WILLIAM W. GUTHRIE & ASSOCIATES
403 Frick Building
Pittsburgh, Pennsylvania 15219
(412) 562-0556

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JUL 10 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

CIVIL DIVISION

Plaintiff,

NO. 05-1417-C.D.

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

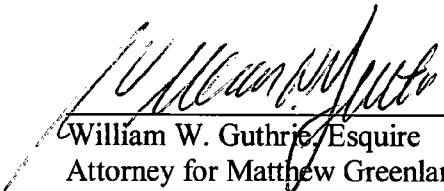
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of a Praeceptum For Trial was mailed by
U. S. First Class mail, postage pre-paid, this 8th day of July, 2009 to the attorneys set forth
below:

Katherine V. Oliver, Esquire
Attorney for Defendant Todd Marino
811 University Drive
State College, PA 16801

John R. Ryan, Esquire
Attorney for Plaintiff
15 North Front Street
P. O. Box 1
Clearfield, PA 16830

WILLIAM W. GUTHRIE & ASSOCIATES



William W. Guthrie, Esquire
Attorney for Matthew Greenland,
Co-Defendant

FILED

JUL 10 2009

William A. Shaw
Prothonotary/Clerk of Courts

JA

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

LINDA J. HENRY

vs.

TODD MARINO and
MATTHEW GREENLAND

:
:
: No. 05-1417-CD
:
:

ORDER

AND NOW, this 14th day of July, 2009, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for **Thursday, September 10, 2009 at 3:00 P.M.** in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:



Fredric J. Ammerman
President Judge

FILED

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JUL 1 2009

William A. Shaw
Prothonotary/Clerk of Courts

100 Atty: Ryan

Guthrie

Oliver

(64)

FILED

JUL 1 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/14/09

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

LINDA J. HENRY,
Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

No. 05 - 1417 - C.D.

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *no cc*
01314784
JUL 29 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY,

Plaintiff

vs.

No. 05 - 1417 - C.D.

TODD MARINO and

MATTHEW GREENLAND,


Defendants

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of Linda J. Henry's Answers to Defendant Todd Marino's Expert Interrogatories and Request for Production in the above-captioned matter by regular mail on the 29th day of July, 2009, to the following:

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Plaintiff

FILED

JUL 29 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA J. HENRY

Plaintiff

vs.

TODD MARINO and MATTHEW GREENLAND*
Defendants

NO. 05-1417-CD

FILED
SEP 15 2009

William A. Shaw
Honorary/Clerk of Courts

1 CC Atty: Ryan
Oliver
Guthrie

ORDER

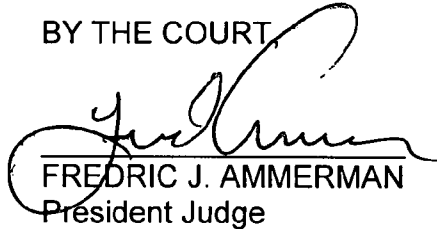
NOW, this 10th day of September, 2009, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on January 5, 2010 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for February 1, 2, and 3, 2010 commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
4. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered within no more than sixty (60) days from this date. Failure to comply will result in the witness not being available for use at trial.
5. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the

deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.

6. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

SEP 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/15/09

 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

 Defendant(s)

X Defendant(s) Attorney

 Special Instructions:

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

LINDA J. HENRY,
Plaintiff

vs.

TODD MARINO and
MATTHEW GREENLAND,
Defendants

No. 05-1417-CD

PRAECIPE TO DISCONTINUE

Filed on behalf of:
Plaintiff

Counsel for Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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01/3/18 3 Disc.
SEP 30 2009 to AHH

William A. Shaw
Prothonotary/Clerk of Courts

Copy of Disc.
to CIA

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

LINDA J. HENRY,

Plaintiff,

v.

TODD MARINO and
MATTHEW GREENLAND,

Defendants.

No. 05-1417-C.D.

PRAECIPE TO DISCONTINUE

TO: THE PROTHONOTARY

Please mark all claims in the above entitled matter as SETTLED, ENDED, and
DISCONTINUED, with prejudice.

By: 

John R. Ryan, Esquire
Belin & Kubista
Attorney for Plaintiff
Linda J. Henry

Dated: 9/28/09

By: 

Katherine V. Oliver, Esquire
McQuaide, Blasko, Fleming &
Faulkner, Inc.
Attorney for Defendant
Todd Marino

Dated: 9-17-09

By: 

William W. Guthrie, Esquire
Attorney for Defendant
Matthew Greenland

Dated: 9-18-09

FILED

SEP 30 2009

**William A. Shaw
Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Linda J. Henry

Vs.

No. 2005-01417-CD

Todd Marino

Matthew Greenland

CERTIFICATE OF DISCONTINUATION

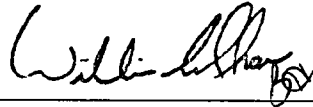
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on September 30, 2009, marked:

Settled, Ended, and Discontinued, with Prejudice

Record costs in the sum of \$85.00 have been paid in full by John R. Ryan, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of September A.D. 2009.



William A. Shaw, Prothonotary