

05-1455-CD

Jerome Hogan vs Wal-Mart Stores

2005-1455-CD  
Jerome Hogan et al vs. Wal-Mart Stores

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JEROME HOGAN and  
MARY ELLEN HOGAN, husband  
and wife,  
Plaintiffs

vs.

WAL-MART STORES, INC.,  
Defendant

CIVIL ACTION - LAW

No. 05-1455-CD

Type of Pleading:

**PRAECIPE FOR  
WRIT OF SUMMONS**

Filed on behalf of:  
PLAINTIFFS

Counsel of Record for  
This Party:

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

814-371-7768

Dated: September 20, 2005

FILED No CC  
01/54612 wnts to  
SEP 20 2005 Atty Taladay  
William A. Shaffer Atty pd. \$5.00  
Prothonotary/Clerk of Courts

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

JEROME HOGAN and  
MARY ELLEN HOGAN, husband  
and wife,

Plaintiffs

vs.

No.

WAL-MART STORES, INC.,  
Defendant

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons requested by Jerome Hogan and Mary Ellen Hogan, Plaintiffs, and index this writ against the Defendant, Wal-Mart Stores, Inc., in the above matter. Kindly issue the Writs for service by certified mail on the following:

Wal-Mart Stores, Inc.  
Bentonville, AR 72716-8611

Claims Management, Inc.  
P.O. Box 8083  
Bentonville, AR 72712-8083

Matthew B. Taladay  
Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

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

 COPY

**SUMMONS**

**Jerome Hogan and  
Mary Ellen Hogan, husband and wife**

**Vs.**

**NO.: 2005-01455-CD**

**Wal-Mart Stores, Inc.**

**TO: WAL-MART STORES, INC.**

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

**Date: 09/20/2005**

---

William A. Shaw  
Prothonotary

**Issuing Attorney:**

Mathew B. Taladay  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JEROME HOGAN and  
MARY ELLEN HOGAN, husband  
and wife,

Plaintiffs

vs.

WAL-MART STORES, INC.,  
Defendant

CIVIL ACTION - LAW

No. 2005-1455-CD

Type of Pleading:

**AFFIDAVIT OF  
SERVICE**

Filed on behalf of:  
PLAINTIFFS

Counsel of Record for  
This Party:

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

814-371-7768

Dated: September 27, 2005

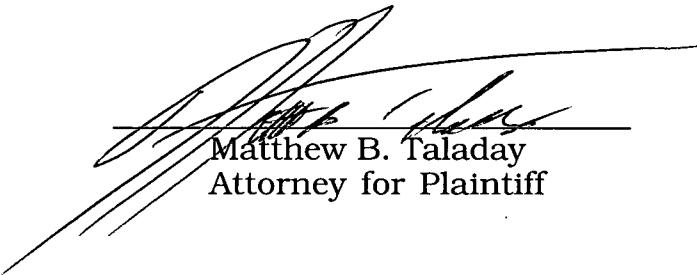
FILED NO  
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SEP 28 2005  
WMA  
William A Shaw  
Prothonotary/Clerk of Courts

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

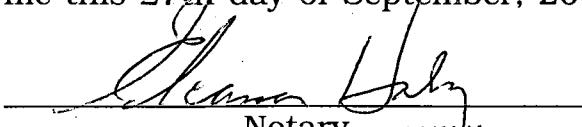
JEROME HOGAN and :  
MARY ELLEN HOGAN, husband :  
and wife, :  
Plaintiffs :  
vs. : No. 2005-1455-CD  
WAL-MART STORES, INC., :  
Defendant :  
.....

**AFFIDAVIT OF SERVICE**

I hereby certify that on September 23, 2005, I served by  
Certified Mail No. 7004 2890 0001 4136 8766, Return Receipt  
Requested, a Court certified copy of Summons upon Litigation  
Department, Wal-Mart Stores, Inc., Bentonville, AR 72712-8611.  
Return Receipt Card is attached hereto as Exhibit "A".

  
Matthew B. Taladay  
Attorney for Plaintiff

Sworn to and subscribed before  
me this 27th day of September, 2005.

  
\_\_\_\_\_  
Notary  
COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Eleanor Haky, Notary Public  
City Of DuBois, Clearfield County  
My Commission Expires Mar. 24, 2008  
Member, Pennsylvania Association Of Notaries

**SENDER: COMPLETE THIS SECTION**

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

## 1. Article Addressed to:

LITIGATION DEPARTMENT  
WAL-MART STORES INC.  
BENTONVILLE AR 72712-8611

2. Article Number  
(Transfer from service label)

7004 2890 0001 4136 8766

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

*S. Philliber*  
SHARON PHILLIBER

- Agent
- Addressee

## B. Received by Printed Name

- Restricted Delivery

SFP 23 2005

D. Is delivery address different from item 1?  YesIf YES, enter delivery address below:  No

## 3. Service Type

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

4. Restricted Delivery? (Extra Fee)  Yes**EXHIBIT "A"**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEROME HOGAN and MARY ELLEN HOGAN,  
husband and wife,

Plaintiffs

v.

WAL-MART STORES, INC.,

Defendant.

**JURY TRIAL DEMANDED**

CIVIL DIVISION

NO. 2005-01455CD

**PRAECIPE FOR APPEARANCE**

Filed on behalf of defendant:  
Central Ambulance Service, Inc.

Counsel of Record for this party:  
**John Giunta, Esquire**  
Pa. I.D. #44754

Rawle & Henderson LLP  
The Henry W. Oliver Building  
Suite 1000  
535 Smithfield Street  
Pittsburgh, PA 15222  
(412) 261-5700

FILED NOCC  
10/16/05  
OCT 03 2005  
LJN

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEROME HOGAN and MARY ELLEN HOGAN,  
husband and wife,

CIVIL DIVISION

NO. 2005-01455CD

Plaintiffs

v.

WAL-MART STORES, INC.,

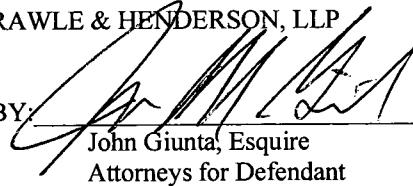
Defendant.

**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Kindly enter the appearance of John M. Giunta, Esquire and Rawle & Henderson LLP on behalf of  
the defendant, Wal-Mart Stores, Inc. in the above-captioned action.

**JURY TRIAL DEMANDED.**

RAWLE & HENDERSON, LLP  
BY:   
John Giunta, Esquire  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the within PRAECIPE FOR APPEARANCE was forwarded to counsel below named by United States Mail on the 29<sup>th</sup> day of September, 2005.

Matthew D. Taladay, Esquire  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
*Attorney for Plaintiffs*

Rawle & Henderson, LLP

By: 

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEROME HOGAN and MARY ELLEN  
HOGAN, husband and wife,

Plaintiffs

v.

WAL-MART STORES, INC.,

Defendant.

**JURY TRIAL DEMANDED**

CIVIL DIVISION

NO. 2005-01455CD

**STIPULATION OF DISCONTINUANCE  
FOR PURPOSES OF VENUE TRANSFER**

Filed on behalf of defendant:  
Wal-Mart Stores, Inc.

Counsel of Record for this party:  
**John Giunta, Esquire**  
Pa. I.D. #44754

Rawle & Henderson LLP  
The Henry W. Oliver Building  
Suite 1000  
535 Smithfield Street  
Pittsburgh, PA 15222  
(412) 261-5700

FILED NOCC  
M104160  
FEB 20 2007 (GK)

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEROME HOGAN and MARY ELLEN  
HOGAN, husband and wife,

CIVIL DIVISION

NO. 2005-01455CD

Plaintiffs

v.

WAL-MART STORES, INC.,

Defendant.

**STIPULATION OF DISCONTINUANCE  
FOR PURPOSES OF VENUE TRANSFER**

AND NOW, come the parties hereto, Jerome Hogan and Mary Ellen Hogan, plaintiffs, and Wal-Mart Stores, Inc., defendant, by and through their respective counsel, and hereby stipulate to the discontinuance of this action, upon the following statement:

1. The above-captioned case was commenced in this Court by Writ of Summons filed by the plaintiffs on September 20, 2005.

2. Based upon pre-suit contacts between representatives of the parties, it has been established that the suit arises from an incident occurring on September 28, 2003 involving an alleged fall by husband-plaintiff at a Wal-Mart store in Highland, Illinois, while husband-plaintiff was traveling from his long-time home in Tuscon, Arizona to establish a residence in Pennsylvania.

3. The parties have agreed that the above-captioned case will be discontinued pursuant to 42 Pa.C.S.A. §5322(e) – “Inconvenient Forum”, and that an action based upon this incident will be filed in a court of jurisdiction in the State of Illinois.

4. As a condition to this discontinuance, the defendant has agreed to waive service of original process in Illinois regarding the action filed there based on this incident, and

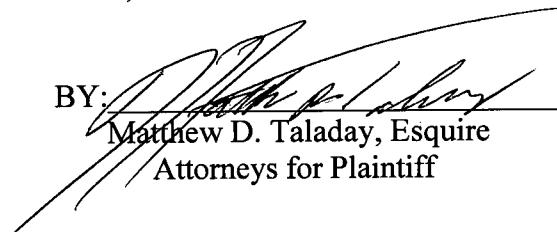
defendant has also agreed to waive the statute of limitations defense in any such action filed in Illinois, which action is to be commenced prior to the filing of this executed Stipulation.

5. Within one week of the filing of this signed Stipulation, plaintiffs' counsel will file a Praeclipe to Settle and Discontinue this case in the Court of Common Pleas of Clearfield County, Pennsylvania.

IT IS SO STIPULATED.

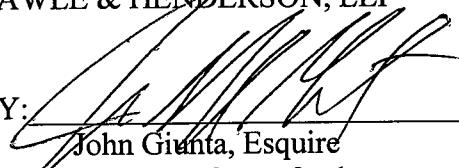
HANAK, GUIDO AND TALADAY

DATED: \_\_\_\_\_

BY:   
Matthew D. Taladay, Esquire  
Attorneys for Plaintiff

DATED: 2/16/07

RAWLE & HENDERSON, LLP

BY:   
John Giunta, Esquire  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the within document was forwarded to counsel below named by United States Mail on the 16<sup>th</sup> day of February, 2007.

Matthew D. Taladay, Esquire  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
*Attorney for Plaintiffs*

Rawle & Henderson, LLP

By: 

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JEROME HOGAN and  
MARY ELLEN HOGAN, husband  
and wife,

Plaintiffs

vs.

WAL-MART STORES, INC.,  
Defendant

CIVIL ACTION - LAW

No. 2005-01455 CD

Type of Pleading:

**PRAECLPICE FOR  
DISCONTINUANCE**

Filed on behalf of:  
PLAINTIFFS

Counsel of Record for  
This Party:

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

814-371-7768

Dated: February 19, 2007

**FILED**  
M 11:50 am No CC  
FEB 21 2007 Cert of disc  
UM issued to Atty  
William A. Shaw Taladay.  
Prothonotary/Clerk of Courts

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

JEROME HOGAN and :  
MARY ELLEN HOGAN, husband :  
and wife, :  
Plaintiffs :  
:  
vs. : No. 2005-01455 CD  
:  
WAL-MART STORES, INC., :  
Defendant :  
:

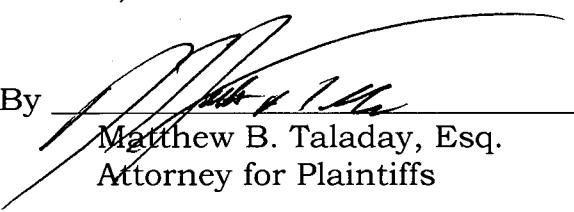
PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.

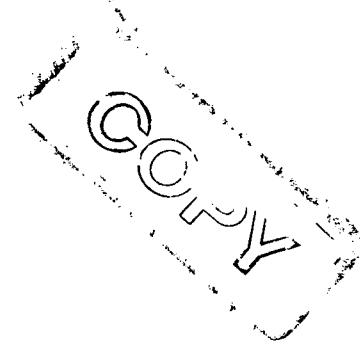
HANAK, GUIDO and TALADAY

By

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION



**Jerome Hogan**  
**Mary Ellen Hogan**

Vs.  
**Wal-Mart Stores, Inc.**

**No. 2005-01455-CD**

**CERTIFICATE OF DISCONTINUATION**

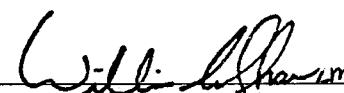
Commonwealth of PA  
County of Clearfield

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 February 21, 2007, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by Matthew B. Taladay Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of February A.D. 2007.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary