

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
01:54 PM 2 writs to
SEP 20 2005 Amy Taladay
William A. S. Any pd. 85.00
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.

WAL-MART STORES, INC.,
Defendant

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No.

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. *jk*
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
m11126/61 CC
SEP 28 2005
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

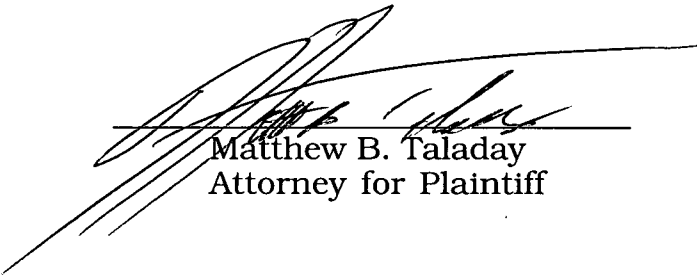
vs.

WAL-MART STORES, INC.,
Defendant

No. 2005-1455-CD

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 THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 		<p>A. Signature <u>S. P. Philliber</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by <u>Printed Name</u> <input type="checkbox"/> Restricted Delivery</p> <p><u>SHARON PHILLIBER</u></p>	
<p>1. Article Addressed to:</p> <p>LITIGATION DEPARTMENT WAL-MART STORES INC. BENTONVILLE AR 72712-8611</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>SFP 23 2005</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7004 2890 0001 4136 8766</p>	
PS Form 3811, February 2004		Domestic Return Receipt	
		HOGAN	
		102595-02-M-1540	

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 *no cc*
mlg:ile/ol
OCT 03 2005 *(initials)*

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: 

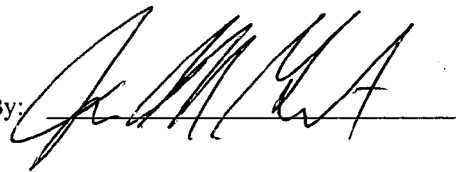
John Giunta, Esquire
Attorneys for Defendant

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 29th 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 *no cc*
m10:41/89
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 Praecipe 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

RAWLE & HENDERSON, LLP

DATED: 2/16/07

BY: _____

John Gianta, 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 16th 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:

**PRAECIPE 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/11:50am No CC.
FEB 21 2007
Cert of disc
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
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vs.

WAL-MART STORES, INC.,
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No. 2005-01455 CD

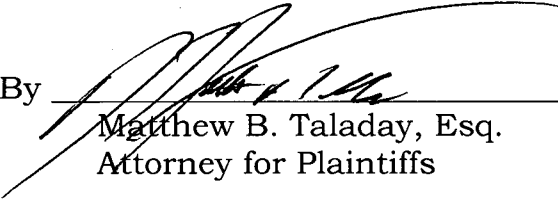
PRAECIPE FOR DISCONTINUANCE

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

COPY

**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