

05-1579-CD  
L. Wilson al vs Wayne Thomas al

Leslie Wilson et al vs William Bearfield et al  
2005-1579-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Leslie Wilson and Shirley Wilson,  
his wife, (Plaintiff)

CIVIL ACTION

274 Rockdale Road  
(Street Address)

Falls Creek, PA 15840  
(City, State ZIP)

No. 2005-1579-CD

Type of Case: Civil

Type of Pleading: Praeclipe for Writ of Summons

Filed on Behalf of:

VS.

Wayne Thomas, William Bearfield,  
Wendy Bearfield, Pennway Express,  
(Defendant)

Inc., and Penn Traffic Company,  
a/k/a The Penn Traffic Company,

(Street Address)

Leslie Wilson and Shirley Wilson, his wife,  
(Plaintiff/Defendant)

**FILED**

(City, State ZIP)

Wayne Thomas, 4067 Chestnut Grove Highway,  
Grampian, PA 16838

William Bearfield, 28 Bearfield Road,  
Luthersburg, PA 15848

Wendy Bearfield, 34 Morgan Avenue,  
Ridgway, PA 15853

Pennway Express, Inc., Route 255 &  
Shaffer Road, Dubois, PA 15801

Penn Traffic Company, ZCT Corporation (724) 349-5602  
Systems, 1515 Market Street,  
Suite 1210, Philadelphia, PA 19102 (Phone)  
a/k/a The Penn Traffic Company

Jonathan B. Mack, Esquire  
(Filed by)

Marcus & Mack, P.C.  
57 South Sixth Street, P. O. Box 1107  
(Address) Indiana, PA 15701

OCT 11 2005  
m/1145/a  
William A. Shaw

Prothonotary

*1 cent to Atty  
5 wnts to Shen*

Signature)

MARCH 22, 2005 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Deputy Prothonotary

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579-cp

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**PRAECIPE FOR WRIT OF SUMMONS**

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire  
Counsel for Plaintiffs  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

**FILED**

OCT 11 2005

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No.

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

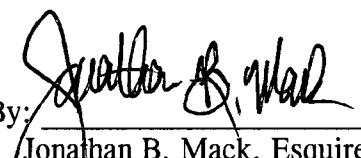
**PRAECIPE FOR WRIT OF SUMMONS**

TO THE PROTHONOTARY OF SAID COURT:

Please issue a Writ of Summons in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID #38970

October 6, 2005

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

**SUMMONS**

**Leslie Wilson  
Shirley Wilson, his wife**

**Vs.**

**NO.: 2005-01579-CD**

**Wayne Thomas  
William Bearfield  
Wendy Bearfield  
Pennway Express, Inc., and  
Penn Traffic Company, a/k/a The Penn Traffic Company**

**TO: WAYNE THOMAS  
WILLIAM BEARFIELD  
WENDY BEARFIELD  
PENNWAY EXPRESS, INC.  
PENN TRAFFIC COMPANY, A/K/A THE PENN TRAFFIC COMPANY**

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: 10/11/2005

---

William A. Shaw  
Prothonotary

Issuing Attorney:

Jonathan B. Mack  
57 South 6th Street  
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**PRAECLPICE TO REISSUE  
WRIT OF SUMMONS**

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire  
Counsel for Plaintiffs  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

FILED <sup>62</sup>  
m 11:30 AM  
DEC 30 2005  
2 Reissued  
writs to Shff  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty pd. 7-00

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

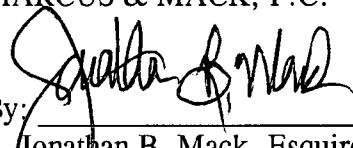
**PRAECIPE TO REISSUE WRIT OF SUMMONS**

TO THE PROTHONOTARY OF SAID COURT:

Please reissue a Writ of Summons in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

December 29, 2005

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

 COPY

SUMMONS

**Leslie Wilson  
Shirley Wilson, his wife**

Vs.

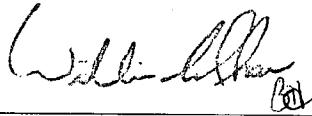
NO.: 2005-01579-CD

**Wayne Thomas  
William Bearfield  
Wendy Bearfield  
Pennway Express, Inc., and  
Penn Traffic Company, a/k/a The Penn Traffic Company**

TO: WAYNE THOMAS  
WILLIAM BEARFIELD  
WENDY BEARFIELD  
PENNWAY EXPRESS, INC.  
PENN TRAFFIC COMPANY, A/K/A THE PENN TRAFFIC COMPANY

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

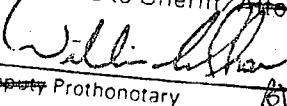
Date: 10/11/2005

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

12-30-05 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Issuing Attorney:

Jonathan B. Mack  
57 South 6th Street  
Indiana, PA 15701

  
\_\_\_\_\_  
Deputy Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 5 Services

Sheriff Docket #

**100894**

LESLIE WILSON and SHIRLEY WILSON

Case # 05-1579-CD

vs.

WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY  
EXPRESS, INC. and

TYPE OF SERVICE SUMMONS

**SHERIFF RETURNS**

NOW February 08, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN SUMMONS "NOT FOUND" AS TO WAYNE THOMAS, DEFENDANT. ATTEMPTED, NOT HOME.

SERVED BY: /

**FILED**

**FEB 09 2006**

8:45 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 100894  
NO: 05-1579-CD  
SERVICE # 2 OF 5  
SUMMONS

PLAINTIFF: LESLIE WILSON and SHIRLEY WILSON

VS.

DEFENDANT: WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC. and  
PENN TRAFFIC COMPANY a/k/a THE PENN TRAFFIC COMPANY

**SHERIFF RETURN**

---

NOW, October 19, 2005 AT 2:37 PM SERVED THE WITHIN SUMMONS ON WILLIAM BEARFIELD DEFENDANT  
AT 28 BEARFIELD ROAD, LUTHERSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BETTY  
LOU BEARFIELD, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN  
THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100894  
NO: 05-1579-CD  
SERVICE # 3 OF 5  
SUMMONS

PLAINTIFF: LESLIE WILSON and SHIRLEY WILSON  
vs.

DEFENDANT: WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC. and  
PENN TRAFFIC COMPANY a/k/a THE PENN TRAFFIC COMPANY

**SHERIFF RETURN**

---

NOW, October 19, 2019, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON WENDY BEARFIELD.

NOW, October 21, 2005 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON WENDY BEARFIELD, DEFENDANT. THE RETURN OF ELK COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

Leslie Wilson and Shirley Wilson, his wife

IN THE COURT OF COMMON PLEAS

vs.

OF ELK COUNTY

Wendy Bearfield, et al.

No. 05-01579

**STATE OF PENNSYLVANIA  
COUNTY OF ELK**

Kevin Renaud, Deputy Sheriff, being duly sworn according to law, deposes and says, that on October 20, 2005 at 1:30 P.M. he attempted to serve Wendy Bearfield at 34 Morgan Ave., Ridgway, Elk County, PA but was unable to make contact with anyone at the residence.

Theresa Nicklas, Deputy Sheriff, being duly sworn according to law, deposes and says, that on October 21, 2005 she received a telephone call from Mr. Smith who resides at 34 Morgan Ave., Ridgway who stated he has resided at this address for eight years and has never heard of a Wendy Bearfield.

Theresa Nicklas, Deputy Sheriff, being duly sworn according to law, deposes and says, that on October 21, 2005 she received a telephone call from Sue Mercer who resides at 34 1/2 Morgan Ave., Ridgway who stated she has never heard of Wendy Bearfield but recently has received mail for her which she returned to sender.

Theresa Nicklas, Deputy Sheriff, being duly sworn according to law, deposes and says, that on October 21, 2005 a postal check revealed they do not have an address for Wendy Bearfield nor do they know her. Driver's license check revealed no license under the name Wendy Bearfield.

Elk County Sheriff's Costs - \$18.94 PAID

Sworn to and subscribed before me this 3<sup>rd</sup>  
day of October A.D. 2005

Thomas C. Kotz  
Prothonotary

So Answers:

Thomas C. Kotz  
Sheriff

Keila A. Kotz  
Deputy

Debra J. Kotz  
Deputy

My Commission Expires  
January 7, 2008



CHESTER A. HAWKINS  
SHERIFF

**Sheriff's Office  
Clearfield County**

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

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5915

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

**DEPUTATION**

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

PAGE 100894

TERM & NO. 05-1579-CD

LESLIE WILSON and SHIRLEY WILSON

SUMMONS

VS.

WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC. and  
PENN TRAFFIC COMPANY a/k/a THE PENN TRAFFIC COMPANY

**SERVE BY: 11/09/05**

**MAKE REFUND PAYABLE TO MARCUS & MACK, ESQ.**

**SERVE:** WENDY BEARFIELD

**ADDRESS:** 34 MORGAN AVE., RIDGWAY, PA 15853

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, October 19, 2005.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

DOCKET # 100894  
NO: 05-1579-CD  
SERVICE # 4 OF 5  
SUMMONS

PLAINTIFF: LESLIE WILSON and SHIRLEY WILSON

VS.

DEFENDANT: WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC. and  
PENN TRAFFIC COMPANY a/k/a THE PENN TRAFFIC COMPANY

**SHERIFF RETURN**

---

NOW, October 26, 2005 AT 11:17 AM SERVED THE WITHIN SUMMONS ON PENNWAY EXPRESS, INC.  
DEFENDANT AT RT. 255 & SHAFFER RD., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO  
JUSTIN MCMINN, MAIL ROOM MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND  
MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100894  
NO: 05-1579-CD  
SERVICE # 5 OF 5  
SUMMONS

PLAINTIFF: LESLIE WILSON and SHIRLEY WILSON

vs.

DEFENDANT: WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC. and  
PENN TRAFFIC COMPANY a/k/a THE PENN TRAFFIC COMPANY

**SHERIFF RETURN**

---

NOW, October 19, 2005, SHERIFF OF PHILADELPHIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON PENN TRAFFIC COMPANY a/k/a THE  
PENN TRAFFIC COMPANY c/o CT CORPORATION SYSTEMS.

NOW, November 04, 2005 AT 2:05 PM SERVED THE WITHIN SUMMONS ON PENN TRAFFIC COMPANY a/k/a THE  
PENN TRAFFIC COMPANY c/o CT CORPORATION SYSTEMS, DEFENDANT. THE RETURN OF PHILADELPHIA  
COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

CASH RECEIPT APPEARANCE DOCKET		OFFICE OF THE SHERIFF CITY AND COUNTY OF PHILADELPHIA			BOOK 418608
					SERIAL NO.
No. F 70206	COURT CP	TERM 05-1579-CD	PROTH. NO.		
L. Wilson		VS Penn Traffic Co			
IN PAYMENT OF THE FOLLOWING ITEMS					
FEES	CODE	AMOUNT	DEPOSITS AND COSTS	CODE	AMOUNT
Sheriff's Fee	311	100 -	Advertising	331	
Registered Mail	311		Deputized Service	332	
			State Fee	335	
Mileage	312	10 -	Affidavit	339	
			Other Costs	340	
TOTAL				301	110 -
ATTORNEY Mark	APPEARANCE CLERK KZ				

CUSTOMER'S COPY

(K#35173

Sheriff's # 41868

## AFFIDAVIT OF SERVICE

## Plaintiff

Leslie Wilson, et al

vs.

## Defendant

Penn Traffic Co  
aka The Penn traffic Co  
90 CT Corp - 1515 MarketCourt Name Common PleasCounty Name Clearfield  
State PACase # 05-1579-CD

## COMMONWEALTH OF PENNSYLVANIA: SS: COUNTY OF PHILADELPHIA

That on 11-4-05 at 2:05 am/pm service of (document)  
Summons was made upon (defendant)  
Penn traffic Co by serving to and leaving with (name of  
defendant or person served, and relationship/title) Nancy Armstrong  
Agent at (address) 1515 Market St 12th Fl  
in the City and County of Philadelphia, Commonwealth of Pennsylvania.

## NOT FOUND:

That on \_\_\_\_\_ at \_\_\_\_\_ am/pm service was not made because:  
\_\_\_\_\_ moved \_\_\_\_\_ no answer \_\_\_\_\_ expired \_\_\_\_\_ unknown \_\_\_\_\_ vacant  
\_\_\_\_\_ other: \_\_\_\_\_

David Tierney

Process Server

David TierneySworn to and Subscribed to before me this  
8th day of December 2005Notary PublicJohn Greene

Sheriff John D. Green

COMMONWEALTH OF PENNSYLVANIA

## NOTARIAL SEAL

SUSAN L. ROSENFELD, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires March 11, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100894  
NO: 05-1579-CD  
SERVICES 5  
SUMMONS

PLAINTIFF: LESLIE WILSON and SHIRLEY WILSON

vs.

DEFENDANT: WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC. and  
PENN TRAFFIC COMPANY a/k/a THE PENN TRAFFIC COMPANY

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MARCUS	35174	50.00
SHERIFF HAWKINS	MARCUS	35172	147.48

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2006



Chester A. Hawkins  
Sheriff

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

**SUMMONS**

**Leslie Wilson  
Shirley Wilson, his wife**

**Vs.**

**NO.: 2005-01579-CD**

**Wayne Thomas  
William Bearfield  
Wendy Bearfield  
Pennway Express, Inc., and  
Penn Traffic Company, a/k/a The Penn Traffic Company**

**TO: WAYNE THOMAS  
WILLIAM BEARFIELD  
WENDY BEARFIELD  
PENNWAY EXPRESS, INC.  
PENN TRAFFIC COMPANY, A/K/A THE PENN TRAFFIC COMPANY**

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: 10/11/2005

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

Issuing Attorney:

Jonathan B. Mack  
57 South 6th Street  
Indiana, PA 15701

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

**SUMMONS**

**Leslie Wilson  
Shirley Wilson, his wife**

**Vs.**

**NO.: 2005-01579-CD**

**Wayne Thomas  
William Bearfield  
Wendy Bearfield  
Pennway Express, Inc., and  
Penn Traffic Company, a/k/a The Penn Traffic Company**

**TO: WAYNE THOMAS  
WILLIAM BEARFIELD  
WENDY BEARFIELD  
PENNWAY EXPRESS, INC.  
PENN TRAFFIC COMPANY, A/K/A THE PENN TRAFFIC COMPANY**

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: 10/11/2005

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

Issuing Attorney:

Jonathan B. Mack  
57 South 6th Street  
Indiana, PA 15701

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

COPY

SUMMONS

**Leslie Wilson  
Shirley Wilson, his wife**

Vs.

**NO.: 2005-01579-CD**

**Wayne Thomas  
William Bearfield  
Wendy Bearfield  
Pennway Express, Inc., and  
Penn Traffic Company, a/k/a The Penn Traffic Company**

TO: WAYNE THOMAS  
WILLIAM BEARFIELD  
WENDY BEARFIELD  
PENNWAY EXPRESS, INC.  
PENN TRAFFIC COMPANY, A/K/A THE PENN TRAFFIC COMPANY

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: 10/11/2005

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

Issuing Attorney:

Jonathan B. Mack  
57 South 6th Street  
Indiana, PA 15701

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 2 Services

**Sheriff Docket # 101117**

LESLIE WILSON AND SHIRLEY WILSON, his wife

**Case # 05-1579-CD**

vs.

WAYNE THOMAS; WILLIAM BEARFIELD; WENDY BEARFIELD; PENNWAY  
EXPRESS INC. & PENN TRAFFIC COMPANY aka THE PENN TRAFFIC

TYPE OF SERVICE SUMMONS

**SHERIFF RETURNS**

NOW March 15, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN SUMMONS "NOT FOUND" AS TO WAYNE THOMAS, DEFENDANT. ATTEMPTED, NOT HOME.

SERVED BY: /

**FILED**  
03/16/06  
MAR 15 2006

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101117  
NO: 05-1579-CD  
SERVICE # 2 OF 2  
SUMMONS

PLAINTIFF: LESLIE WILSON AND SHIRLEY WILSON, his wife

vs.

DEFENDANT: WAYNE THOMAS; WILLIAM BEARFIELD; WENDY BEARFIELD; PENNWAY EXPRESS INC. & PENN TRAFFIC COMPANY aka THE PENN TRAFFIC COMPANY

**SHERIFF RETURN**

---

NOW, January 04, 2006, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON WENDY BEARFIELD.

NOW, January 10, 2006 AT 9:45 AM SERVED THE WITHIN SUMMONS ON WENDY BEARFIELD, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101117  
NO: 05-1579-CD  
SERVICES 2  
SUMMONS

PLAINTIFF: LESLIE WILSON AND SHIRLEY WILSON, his wife

vs.

DEFENDANT: WAYNE THOMAS; WILLIAM BEARFIELD; WENDY BEARFIELD; PENNWAY EXPRESS INC. & PENN TRAFFIC COMPANY aka THE PENN TRAFFIC COMPANY

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MARCUS	35839	20.00
SHERIFF HAWKINS	MARCUS	35839	55.41

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2006



Chester A. Hawkins  
Sheriff

No. 2005-1579 C.D.

Personally appeared before me, Dale Overman, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on January 10, 2006 at 9:45 o'clock A.M. served the Writ of Summons upon WENDY BEARFIELD, Defendant, at the address of 323 North Barnett Street, Borough of Brookville, County of Jefferson, State of Pennsylvania, by handing to Justin Miller, son of the defendant and adult person in charge at time of service, a true copy of the Writ and by making known to him the contents thereof.

Advance Costs Received:	\$125.00	
My Costs:	20.43	Paid
Prothy:	2.00	
Total Costs:	22.43	
REFUNDED:	\$102.57	

Sworn and subscribed  
to before me this 11<sup>th</sup>  
day of January 2006  
By Wendy Bearfield, Deputy  
Prothonotary

So Answers,

Dale Overman Deputy  
Thomas A. Demko  
Sheriff  
JEFFERSON COUNTY, PENNSYLVANIA

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

SUMMONS

**Leslie Wilson**  
**Shirley Wilson, his wife**

Vs.

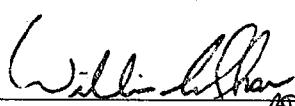
**NO.: 2005-01579-CD**

**Wayne Thomas**  
**William Bearfield**  
**Wendy Bearfield**  
**Pennway Express, Inc., and**  
**Penn Traffic Company, a/k/a The Penn Traffic Company**

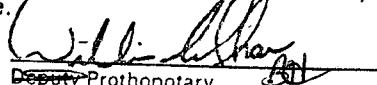
TO: **WAYNE THOMAS**  
**WILLIAM BEARFIELD**  
**WENDY BEARFIELD**  
**PENNWAY EXPRESS, INC.**  
**PENN TRAFFIC COMPANY, A/K/A THE PENN TRAFFIC COMPANY**

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: 10/11/2005

  
**William A. Shaw**  
Prothonotary

12-30-05 Document  
~~Reinstated/Reissued to Sheriff~~ ~~Attorney~~  
for service.

  
Deputy Prothonotary

Issuing Attorney:

Jonathan B. Mack  
57 South 6th Street  
Indiana, PA 15701

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**PRAECIPE TO REISSUE  
WRIT OF SUMMONS**

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire  
Counsel for Plaintiffs  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

**FILED**

*Ex*  
MAR 22 2006

*3200/4*

William A. Shaw  
Prothonotary/Clerk of Courts

*Cent to Atty  
Refusing Summons to  
SHFF*

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

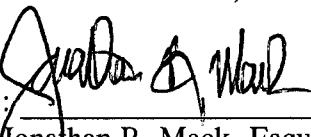
**PRAECIPE TO REISSUE WRIT OF SUMMONS**

TO THE PROTHONOTARY OF SAID COURT:

Please reissue a Writ of Summons in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

March 20, 2006

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

SUMMONS

Leslie Wilson  
Shirley Wilson, his wife

Vs.

NO.: 2005-01579-CD

Wayne Thomas  
William Bearfield  
Wendy Bearfield  
Pennway Express, Inc., and  
Penn Traffic Company, a/k/a The Penn Traffic Company

TO: WAYNE THOMAS  
WILLIAM BEARFIELD  
WENDY BEARFIELD  
PENNWAY EXPRESS, INC.  
PENN TRAFFIC COMPANY, A/K/A THE PENN TRAFFIC COMPANY

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: 10/11/2005

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

Issuing Attorney:

Jonathan B. Mack  
57 South 6th Street  
Indiana, PA 15701

MARCH 22, 2006 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

\_\_\_\_\_  
Deputy Prothonotary

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

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

: No. 2005-1579 CD

: **ENTRY OF APPEARANCE**

: Counsel of Record for Filing Party:  
: DENNIS M. McGLYNN, ESQUIRE  
: 969 Eisenhower Blvd., Suite I  
: Johnstown, PA 15904  
: (814) 262-0812

FILED  
APR 18 2006  
NO CC  
LS

William A. Shaw  
Prothonotary/Clerk of Courts

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

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

No. 2005-1579 CD

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

**ENTRY OF APPEARANCE**

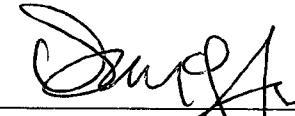
Enter my appearance for Defendants, Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company, in the above captioned case. Papers may be served at the address stated below.

**DEMAND FOR JURY TRIAL**

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

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

Dated: April 17, 2006



---

DENNIS M. McGLYNN, ESQUIRE  
ATTORNEY FOR DEFENDANTS  
969 Eisenhower Blvd., Suite I  
Johnstown, PA 15904  
I.D. No. 19855

cc: Jonathan B. Mack, Esquire

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 1 Services

Sheriff Docket # **101372**

LESLIE WILSON & SHIRLEY WILSON

Case # 05-1579-CD

vs.

WAYNE THOMAS al

TYPE OF SERVICE SUMMONS

**SHERIFF RETURNS**

NOW May 04, 2006 RETURNED THE WITHIN SUMMONS "NOT SERVED, TIME EXPIRED AS TO WAYNE THOMAS, DEFENDANT. SUMMONS "MISPLACED" BY DEPUTY

SERVED BY: /

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MARCUS	36474	10.00
SHERIFF HAWKINS	MARCUS	36474	0.00

**FILED**  
05-2006  
MAY 04 2006  
cm

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before me This

\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

*Chester A. Hawkins  
by Marley Hanner*  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**PRAECIPE TO REISSUE  
WRIT OF SUMMONS**

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire  
Counsel for Plaintiffs  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

**FILED** Atty pd. 7.00  
MAY 13 15 2006  
MAY 10 2006 1 Summons  
Reissued  
William A. Shaw  
Prothonotary/Clerk of Courts to Shaf  
(60)

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**PRAECIPE TO REISSUE WRIT OF SUMMONS**

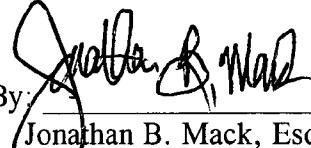
TO THE PROTHONOTARY OF SAID COURT:

Please reissue a Writ of Summons in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By:

  
Jonathan B. Mack, Esquire  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

May 8, 2006

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



SUMMONS

Leslie Wilson  
Shirley Wilson, his wife

Vs.

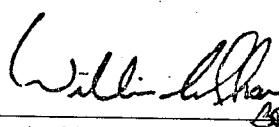
NO.: 2005-01579-CD

Wayne Thomas  
William Bearfield  
Wendy Bearfield  
Pennway Express, Inc., and  
Penn Traffic Company, a/k/a The Penn Traffic Company

TO: WAYNE THOMAS  
WILLIAM BEARFIELD  
WENDY BEARFIELD  
PENNWAY EXPRESS, INC.  
PENN TRAFFIC COMPANY, A/K/A THE PENN TRAFFIC COMPANY

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: 10/11/2005

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

Issuing Attorney:

Jonathan B. Mack  
57 South 6th Street  
Indiana, PA 15701

MARCH 22, 2006 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

  
\_\_\_\_\_  
Deputy Prothonotary

5-10-06 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

  
\_\_\_\_\_  
Deputy Prothonotary

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

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

: No. 2005-1579 CD

: **PRAECIPE FOR RULE**

: Counsel of Record for Filing Party:  
: DENNIS M. McGLYNN, ESQUIRE  
: 969 Eisenhower Blvd., Suite I  
: Johnstown, PA 15904  
: (814) 262-0812

FILED <sup>No CC</sup>  
MAY 18 2006 Rule to  
Attn: McGlynn  
William A. Shaw  
Prothonotary/Clerk of Courts  
610

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

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

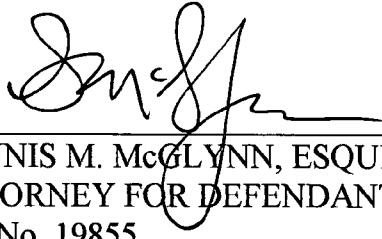
vs. : No. 2005-1579 CD

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

**PRAECIPE FOR RULE**

TO THE PROTHONOTARY:

Will you please issue a Rule to be served on Plaintiffs' counsel to file his  
Complaint within twenty (20) days from the date of service or suffer a non pros.

  
DENNIS M. McGLYNN, ESQUIRE  
ATTORNEY FOR DEFENDANTS  
I.D. No. 19855

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

CC-1

Leslie Wilson and  
Shirley Wilson, his wife

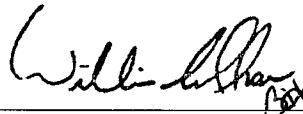
Vs.  
Wayne Thomas, William Bearfield,  
Wendy Bearfield, Pennway Express, Inc.,  
and Penn Traffic Company, a/k/a The Penn Traffic Company

Case No. 2005-01579-CD

RULE TO FILE COMPLAINT

TO: Leslie Wilson and Shirley Wilson, his wife

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: May 18, 2006

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

AUG. 5, 2009  
CORRECTED STAMPS  
FILED DATE FROM  
2007 TO 2006  
**FILED** *was*  
2006  
JUN 14 2007 *BY* *was*  
M/12:20/07  
William A. Shaw *(60)*  
Prothonotary/Clerk of Courts  
1 CENT TO ATT

**COMPLAINT IN CIVIL ACTION**

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire  
Counsel for Plaintiffs  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA  
LESLIE WILSON and No. 2005-1579 CD  
SHIRLEY WILSON, his wife,  
Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,  
Defendants.

**NOTICE TO DEFEND**

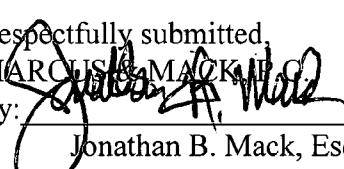
TO: WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY  
EXPRESS, INC., and PENN TRAFFIC COMPANY, a/k/a THE PENN TRAFFIC COMPANY,  
Defendants.

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 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT REDUCED FEE OR NO FEE.

David S. Meholic, Court Administrator, Clearfield County Courthouse  
230 E. Market Street, Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

Respectfully submitted,  
MARCUS B. MACK, Esq.  
By:   
Jonathan B. Mack, Esquire  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,  
vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**COMPLAINT**

AND NOW, comes the Plaintiffs, Leslie Wilson and Shirley Wilson, his wife, by and through their attorneys, Jonathan B. Mack, Esquire, and Marcus & Mack, P.C., and files the following Complaint:

1. The Plaintiffs are adult individuals who reside in Falls Creek, Jefferson County, Pennsylvania.
2. The Defendant, Wayne Thomas, is an adult individual who is believed to reside at 4067 Chestnut Grove Highway, Grampian, Clearfield County, Pennsylvania.
3. The Defendant, William Bearfield, is an adult individual who is believed to reside at 28 Bearfield Road, Luthersburg, Clearfield County, Pennsylvania.
4. The Defendant, Wendy Bearfield, is an adult individual who is believed to reside at 323 North Barnett Street, Brookville, Jefferson County, Pennsylvania.
5. The Defendant, Pennway Express, Inc., is a corporation registered to do business in the Commonwealth of Pennsylvania, with a registered agent office address c/o Edward R. Reilly & Co., Inc., 18 John Street, New York, New York, 10038, and which, at all times relevant hereto,

conducted business in Clearfield County, Pennsylvania .

6. The Defendant, Penn Traffic Company, a/k/a The Penn Traffic Company, is a corporation registered to do business in the State of Delaware, with a registered agent office address c/o CT Corporation System, 111 Eighth Avenue, New York, New York, 10011, and which, at all times relevant hereto, also conducted business in Clearfield County, Pennsylvania.

7. On or about October 14, 2003, Plaintiff Leslie Wilson was operating his vehicle southbound on PA Route 219 in Sandy Township, Clearfield County, Pennsylvania. At the same time and place the Defendant Wayne Thomas was operating a tractor and trailer northbound on PA Route 219 when suddenly and without warning the Defendant initiated a left-hand turn onto PA Route 830, directly into the path of Plaintiff's vehicle, resulting in a collision with Plaintiff's vehicle.

8. Defendants, William Bearfield, Wendy Bearfield, Pennway Express, Inc., Penn Traffic Company, a/k/a The Penn Traffic Company, were the registered owners, lessors and/or lessees of the tractor and trailer driven by Defendant Wayne Thomas at the time of the subject accident..

9. Plaintiffs are covered by the Full Tort option under the Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1705.

**COUNT I - NEGLIGENCE**  
**PLAINTIFF LESLIE WILSON VS. DEFENDANT WAYNE THOMAS**

10. Each of the above paragraphs is incorporated herein by reference.

11. The aforesaid accident was caused by the negligence of the Defendant Wayne Thomas in general and in the following particulars:

- a. In operating the tractor and trailer at a high, dangerous and reckless speed under the circumstances;
- b. In operating the tractor and trailer in a dangerous and reckless manner under the circumstances;

- c. In failing to have the tractor and trailer under proper control;
- d. In continuing to operate the tractor and trailer in a direction toward the Plaintiff's vehicle when the Defendant saw or in the exercise of reasonable care should have seen that further operation in that direction would result in a collision;
- e. In failing to pay proper attention and failing to maintain an appropriate lookout of the road and surrounding traffic conditions;
- f. In failing to sound a horn or give other warning of the approach of the tractor and trailer;
- g. In failing to operate the brakes in such a manner so that the tractor and trailer could be stopped in time to avoid the collision;
- h. In violating the various statutes and municipal ordinances pertaining to the operation of motor vehicles on public thoroughfares under the circumstances;
- i. In making an improper turn when it was unsafe to do so;
- j. In failing to stop at a red light and otherwise failing to obey the instructions of any applicable official traffic-control device placed or held in accordance with the provisions of the Pennsylvania Motor Vehicle Code (75 Pa. C.S.A. Section 3111(a));
- k. In failing to stop before striking the Plaintiff's vehicle;
- l. In failing to maintain a reasonable lookout for the presence of other motor vehicles on the road;
- m. In failing to avoid hitting the Plaintiff's vehicle when the Defendant saw or should have seen that the Plaintiff's vehicle was on the road in full view of the Defendant;
- n. In failing to drive around the Plaintiff's vehicle instead of colliding with it;
- o. In failing to take proper note of, and precautions for, the configuration of the roadway; and
- p. In failing to take measures to avoid the crash or lessen its severity.

WHEREFORE, Plaintiff, Leslie Wilson, demands judgment against Defendant Wayne Thomas, in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

**COUNT II - NEGLIGENCE**

**PLAINTIFF LESLIE WILSON VS. DEFENDANTS WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC., AND PENN TRAFFIC COMPANY, a/k/a THE PENN TRAFFIC COMPANY**

12. Each of the above paragraphs is incorporated herein by reference.

13. At the time and place of the collision described in this Complaint, Defendant Wayne Thomas was operating the tractor and trailer as an agent, servant, representative or employee of Defendants William Bearfield, Wendy Bearfield, Pennway Express, Inc., and Penn Traffic Company, a/k/a The Penn Traffic Company, and, at all times relevant hereto, was acting within the scope and course of such employment.

WHEREFORE, Plaintiff, Leslie Wilson, demands judgment against Defendants William Bearfield, Wendy Bearfield, Pennway Express, Inc., and Penn Traffic Company, a/k/a The Penn Traffic Company, in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

**COUNT III - PROPERTY DAMAGES**

**PLAINTIFF LESLIE WILSON VS. DEFENDANTS WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC., AND PENN TRAFFIC COMPANY, a/k/a THE PENN TRAFFIC COMPANY**

14. Each of the above paragraphs is incorporated herein by reference.

15. As a result of the collision described herein, Plaintiff sustained property damages to his vehicle in the amount of \$6,427.47.

WHEREFORE, Plaintiff, Leslie Wilson, demands judgment for the aforesaid amount of property damages against Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc., and Penn Traffic Company, a/k/a The Penn Traffic Company.

JURY TRIAL DEMANDED.

**COUNT IV- DAMAGES**

**PLAINTIFF LESLIE WILSON VS. DEFENDANTS WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC., AND PENN TRAFFIC COMPANY, a/k/a THE PENN TRAFFIC COMPANY**

16. Each of the above paragraphs is incorporated herein by reference.
17. As a result of the aforesaid accident, Plaintiff Leslie Wilson has suffered, among other things, the following injuries:
  - a. Soft tissue damage and pain in right hip;
  - b. Pain in lumbar spine, neck, shoulders and bilaterally in hands;
  - c. Lumbar subluxation and radicular neuralgia/neuritis;
  - d. Thoracic, sacral and pelvic subluxation;
  - e. Post-traumatic headaches;
  - f. Hyperation of the chest;
  - g. Cervical sprain/strain, with cervical subluxation at C-4; and
  - h. Concussion.
18. As a result of the aforesaid injuries, the Plaintiff has suffered the following damages:
  - a. He has incurred in the past, and will incur in the future, substantial medical expenses;
  - b. He has suffered in the past, and will suffer in the future, substantial pain, suffering and inconvenience and the loss of certain of the ordinary pleasures of life; and
  - c. He has sustained in the past, and will sustain in the future, other emotional, economic and physical harm.

WHEREFORE, Plaintiff, Leslie Wilson, demands judgment against Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc., and Penn Traffic Company, a/k/a The Penn Traffic Company in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

**COUNT V- LOSS OF CONSORTIUM**

**PLAINTIFF SHIRLEY WILSON VS. DEFENDANTS WAYNE THOMAS, WILLIAM BEARFIELD, WENDY BEARFIELD, PENNWAY EXPRESS, INC., AND PENN TRAFFIC COMPANY, a/k/a THE PENN TRAFFIC COMPANY**

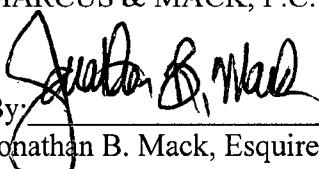
19. Each of the above paragraphs is incorporated herein by reference.
20. As a result of the injuries to her husband, the Wife-Plaintiff, Shirley Wilson, has lost the society, comfort and services of her spouse.

WHEREFORE, Wife-Plaintiff, Shirley Wilson, demands judgment against Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc., and Penn Traffic Company, a/k/a The Penn Traffic Company in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

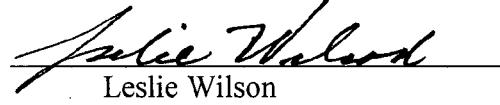
Respectfully submitted,

MARCUS & MACK, P.C.

By:   
Jonathan B. Mack, Esquire  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

**VERIFICATION**

I, Leslie Wilson, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.



Leslie Wilson  
Leslie Wilson

**VERIFICATION**

I, Shirley Wilson, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.



---

Shirley Wilson

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**  
**COMPLAINT** was mailed, U.S. First Class mail, to the following this 13<sup>th</sup> day of  
June, 2006:

Dennis M. McGlynn, Esquire  
969 Eisenhower Blvd., Suite 1  
Johnstown, PA 15904

Cindy J. Blata

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

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

: No. 2005-1579 CD

: **CERTIFICATE OF SERVICE**

: Counsel of Record for Filing Party:  
: DENNIS M. McGLYNN, ESQUIRE  
: 969 Eisenhower Blvd., Suite I  
: Johnstown, PA 15904  
: (814) 262-0812

**FILED**

MAY 26 2006

M/1:00/WM  
William A. Shaw  
Prothonotary/Clerk of Courts  
no C/C

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

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs. : No. 2005-1579 CD

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that the original Rule To File Complaint, a copy of which is attached hereto, was on the 22nd day of May, 2006, forwarded to Jonathan B. Mack, Esquire, attorney for Plaintiffs, by Certified Mail No. 7004 1160 0003 5225 5694, as is evidenced by the attached Certified Mail Receipt. Said mailing was received on May 24, 2006, as is evidenced by the attached Return Receipt.



---

DENNIS M. McGLYNN, ESQUIRE  
ATTORNEY FOR DEFENDANTS  
I.D. No. 19855

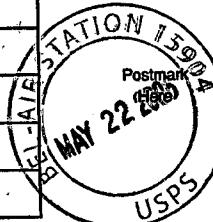
Dated: May 25, 2006

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Postage	\$ .39
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.64



**Sent To**  
**Jonathan B. Mack, Esquire**  
Street, Apt. No.: P.O. Box 1107  
or PO Box No.  
City, State, ZIP44 Indiana, PA 15701

PS Form 3800, June 2002

See Reverse for Instructions

**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:

Jonathan B. Mack, Esquire  
P.O. Box 1107  
Indiana, PA 15701

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*J. B. Mack*

Agent  
 Addressee

B. Received by (Printed Name)

*LS Butter*

C. Date of Delivery  
*5/24/06*

D. Is delivery address different from item 1?  Yes

If 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

2. Article Number

(Transfer from service label)

7004 1160 0003 5225 5694

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-0835

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

Leslie Wilson and  
Shirley Wilson, his wife

Vs.  
Wayne Thomas, William Bearfield,  
Wendy Bearfield, Pennway Express, Inc.,  
and Penn Traffic Company, a/k/a The Penn Traffic Company

Case No. 2005-01579-CD

RULE TO FILE COMPLAINT

TO: Leslie Wilson and Shirley Wilson, his wife

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: May 18, 2006

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 1 Services

Sheriff Docket # **101520**

LESLIE WILSON and SHIRLEY WILSON his wife

Case # **05-1579-CD**

vs.

WAYNE THOMAS al

TYPE OF SERVICE SUMMONS

**SHERIFF RETURNS**

NOW June 14, 2006 RETURNED THE WITHIN SUMMONS "NOT SERVED, TIME EXPIRED" AS TO WAYNE THOMAS, DEFENDANT. ATTORNEY MAKING ALTERNATE SERVICE

SERVED BY: /

**FILED**  
013:16a61  
JUN 14 2006  
VS

William A. Shaw  
Prothonotary/Clerk of Courts

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MARCUS	36873	10.00
SHERIFF HAWKINS	MARCUS	36873	5.00

Sworn to Before me This

\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

*Chester A. Hawkins*  
Chester A. Hawkins  
Sheriff

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

SUMMONS

Leslie Wilson  
Shirley Wilson, his wife

Vs.

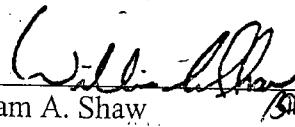
NO.: 2005-01579-CD

Wayne Thomas  
William Bearfield  
Wendy Bearfield  
Pennway Express, Inc., and  
Penn Traffic Company, a/k/a The Penn Traffic Company

TO: WAYNE THOMAS  
WILLIAM BEARFIELD  
WENDY BEARFIELD  
PENNWAY EXPRESS, INC.  
PENN TRAFFIC COMPANY, A/K/A THE PENN TRAFFIC COMPANY

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: 10/11/2005

  
William A. Shaw  
Prothonotary

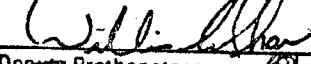
Issuing Attorney:

Jonathan B. Mack  
57 South 6th Street  
Indiana, PA 15701

MARCH 22, 2006 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

  
Deputy Prothonotary

510-06 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

  
Deputy Prothonotary

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**ACCEPTANCE OF SERVICE**

FILED ON BEHALF OF:  
Plaintiffs

COUNSEL OF RECORD FOR THIS  
PARTY:

Jonathan B. Mack, Esquire  
Sup. Ct. ID 38970

MARCUS & MACK, P.C.  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701

Telephone: (724) 349-5602

FILED NO CC  
M 1:30 PM  
JUN 20 2006  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

**ORIGINAL**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

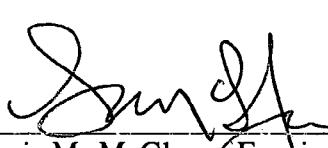
Defendants.

ACCEPTANCE OF SERVICE

I accept service of the Complaint on behalf of Defendant, Wayne Thomas, and certify  
that I am authorized to do so.

6-15-06

Date

  
Dennis M. McGlynn, Esquire  
969 Eisenhower Blvd., Suite 1  
Johnstown, PA 15904

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

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

: No. 2005-1579 CD

: **Defendants' Answer and New Matter**

: Counsel of Record for Filing Party:  
: DENNIS M. McGLYNN, ESQUIRE  
: 969 Eisenhower Blvd., Suite I  
: Johnstown, PA 15904  
: (814) 262-0812

**FILED**

JUN 28 2006  
M/ 2-00/ was  
William A. Shaw  
Prothonotary/Clerk of Courts

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

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

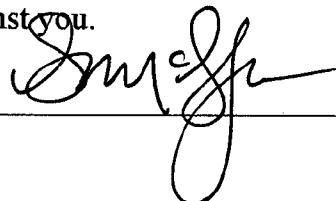
WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

: No. 2005-1579 CD

: **ANSWER AND NEW MATTER**

TO THE WITHIN NAMED PARTIES:

You are hereby notified to  
plead to the enclosed New Matter within  
twenty (20) days from the date of service  
hereof or default judgment will be entered  
against you.



: Counsel of record for filing party:

: DENNIS M. McGLYNN, ESQUIRE  
: 969 Eisenhower Boulevard  
: Suite I  
: Johnstown, PA 15904  
: (814) 262-0812  
: I.D. No. 19855

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

LESLIE WILSON and :  
SHIRLEY WILSON, his wife, :  
PLAINTIFFS :  
:  
vs. : No. 2005-1579 CD  
:  
WAYNE THOMAS, WILLIAM :  
BEARFIELD, WENDY BEARFIELD, :  
PENNWAY EXPRESS, INC., and PENN :  
TRAFFIC COMPANY, a/k/a THE PENN :  
TRAFFIC COMPANY, :  
DEFENDANTS :  
:

**DEFENDANTS' ANSWER AND NEW MATTER**

AND NOW come the Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company by and through their attorney, Dennis M. McGlynn, Esquire, and files the following Answer and New Matter to Plaintiffs' Complaint:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. Admitted in part and denied in part. It is admitted that the vehicles were traveling in the directions indicated at the date and location indicated. However it is denied that the Defendant Wayne Thomas turned into the path of the Plaintiff. To the contrary, the Defendant had a green arrow light and the Plaintiff proceeded through a red light causing the collision.

8. Admitted.

9. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

#### **COUNT I**

10. Admitted and denied. See prior answers.

11. Denied. It is specifically denied that the Defendant Wayne Thomas was negligent in any fashion. Further, as to a. through p., these specific averments are denied generally pursuant to PA R.C.P. 1029(e) as amended.

WHEREFORE, Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company pray for judgment on their behalf.

#### **COUNT II**

12. Admitted and denied. See prior answers.

13. Admitted.

WHEREFORE, Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company pray for judgment on their behalf.

**COUNT III**

14. Admitted and denied. See prior answers.

15. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

WHEREFORE, Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company pray for judgment on their behalf.

**COUNT IV**

16. Admitted and denied. See prior answers.

17. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

18. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

WHEREFORE, Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company pray for judgment on their behalf.

**COUNT V**

19. Admitted and denied. See prior answers.

20. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

WHEREFORE, Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company pray for judgment on their behalf.

**NEW MATTER**

By way of further answer, Defendants aver as follows:

21. The accident described in Plaintiffs' Complaint occurred on October 14, 2003, which date was subsequent to the effective date of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 PA. C.S., Chapter 17.

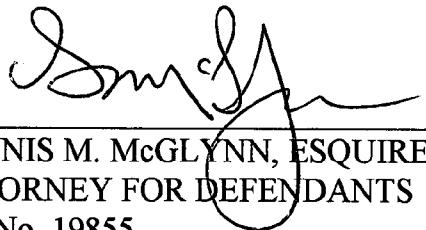
22. The Defendants plead the said PA Motor Vehicle Financial Responsibility Act as a defense to the extent that said Act limits and controls Plaintiff's right to recover damages in this action.

23. The Defendants, Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company, are informed, believe, and therefore aver that the Plaintiff is contributorily and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978 Pl. 202 No. 53 Section 10(89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after September 7, 1976 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendants.

24. In the alternative, pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act. 42 Pa. CSA §7102A any damage which the Plaintiff may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff.

WHEREFORE, Defendants Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company pray for judgment on their behalf.

Respectfully submitted,

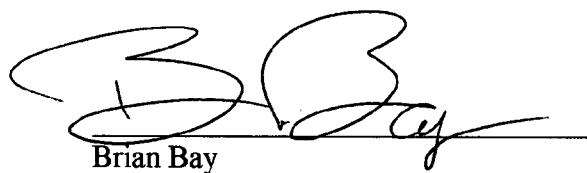


DENNIS M. McGLYNN, ESQUIRE  
ATTORNEY FOR DEFENDANTS  
I.D. No. 19855

**VERIFICATION**

I, Brian Bay state that I am the Manager, Risk and Insurance of Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc., and Penn Traffic Company, a/k/a The Penn Traffic Company, the Defendants herein, that I am authorized to make this affidavit on their behalf and that the facts set forth in the foregoing Answer and New Matter are true upon my personal knowledge, information and belief.

I understand that my statements are made subject to 18 Pa. Con. Stat. 34904 providing for criminal penalties for unsworn falsification to authorities.



A handwritten signature in black ink, appearing to read "B. Bay". Below the signature, the name "Brian Bay" is printed in a smaller, sans-serif font.

Date 6/23/2006

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

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

: No. 2005-1579 CD

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing Answer and New Matter on behalf of Defendants, Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company, was forwarded on the 27th day of June, 2006, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Jonathan B. Mack, Esquire  
Marcus & Mack  
P.O. Box 1107  
Indiana, PA 15701



DENNIS M. McGLYNN, ESQUIRE  
ATTORNEY FOR DEFENDANTS  
I.D. No. 19855

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY,  
: PENNSYLVANIA  
:  
: No. 2005-1579 CD  
:  
: **Notice of Service of Interrogatories/**  
: **Request for Production of Documents**  
:  
: Counsel of Record for Filing Party:  
: DENNIS M. McGLYNN, ESQUIRE  
: 969 Eisenhower Blvd., Suite I  
: Johnstown, PA 15904  
: (814) 262-0812

**FILED**

JUN 30 2006  
m/12:30pm  
William A. Shaw  
Prothonotary/Clerk of Courts  
n o 666 6K

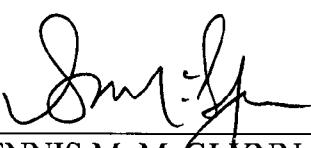
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

LESLIE WILSON and :  
SHIRLEY WILSON, his wife, :  
PLAINTIFFS :  
:  
vs. : No. 2005-1579 CD  
:  
WAYNE THOMAS, WILLIAM :  
BEARFIELD, WENDY BEARFIELD, :  
PENNWAY EXPRESS, INC., and PENN :  
TRAFFIC COMPANY, a/k/a THE PENN :  
TRAFFIC COMPANY, :  
DEFENDANTS :  
:

**NOTICE OF SERVICE OF INTERROGATORIES/**  
**REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: Prothonotary, Clearfield County

Defendants, Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company, by their attorney, Dennis M. McGlynn, Esquire, hereby notifies the Court that Interrogatories/Request for Production of Documents have been served upon the Plaintiff, Leslie Wilson, by mailing an original and one copy of same to his counsel, Jonathan B. Mack, Esquire, at 57 South Sixth Street, P.O. Box 1107, Indiana, Pennsylvania 15701 on this 29<sup>th</sup> day of June, 2006.

  
\_\_\_\_\_  
DENNIS M. McGLYNN, ESQUIRE  
ATTORNEY FOR DEFENDANTS  
I.D. No. 19855

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

FILED  
M 1:28 PM  
JUL 17 2006  
LS

William A. Shaw  
Prothonotary/Clerk of Courts

**NOTICE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**  
**ANSWERS TO DEFENDANTS INTERROGATORIES/REQUEST FOR PRODUCTION**  
**OF DOCUMENTS** were mailed, U.S. First Class mail, to the following this 14th day of July,  
2006:

Dennis M. McGlynn, Esquire  
969 Eisenhower Blvd., Suite 1  
Johnstown, PA 15904

Cindy J. Blanta

**ORIGINAL**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

FILED  
M 11:30 AM  
JUL 17 2006  
S

William A. Shaw  
Prothonotary/Clerk of Courts

**NOTICE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**  
**FIRST SET OF INTERROGATORIES DIRECTED TO DEFENDANTS and FIRST**  
**REQUEST FOR PRODUCTION OF DOCUMENTS** were mailed, U.S. First Class mail, to  
the following this 14<sup>th</sup> day of July, 2006:

Dennis M. McGlynn, Esquire  
969 Eisenhower Blvd., Suite 1  
Johnstown, PA 15904

Candy J. Holuta

**ORIGINAL**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

FILED  
M 17 2006  
JUL 17 2006  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

**PLAINTIFFS' REPLY TO  
DEFENDANTS' NEW MATTER**

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire  
Counsel for Plaintiffs  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

**ORIGINAL**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**PLAINTIFFS' REPLY TO DEFENDANTS' NEW MATTER**

AND NOW comes the Plaintiffs, Leslie Wilson and Shirley Wilson, his wife, by and through their attorneys, Jonathan B. Mack, Esquire, and Marcus & Mack, P.C., and files the following Reply to Defendants' New Matter:

21. Admitted.

22. Denied. All of the averments set forth in Paragraph 22 are denied as conclusions of law which require no response.

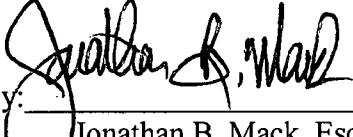
23. Denied. All of the averments set forth in Paragraph 23 are denied as conclusions of law which require no response. By way of further answer, Plaintiff's injuries and damages were caused exclusively by Defendants' tortious conduct.

24. Denied. All of the averments set forth in Paragraph 24 are denied as conclusions of law which require no response. By way of further answer, Plaintiff's injuries and damages were caused exclusively by Defendants' tortious conduct.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court dismiss  
Defendants' New Matter and judgment be entered in their favor.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Jonathan B. Mack, Esquire  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 38970

**VERIFICATION**

I, Leslie Wilson, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.



Leslie Wilson  
Leslie Wilson

**VERIFICATION**

I, Shirley Wilson, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.



---

Shirley Wilson

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**  
**REPLY TO DEFENDANTS' NEW MATTER** was mailed, U.S. First Class mail, to the  
following this 14<sup>th</sup> day of July, 2006:

Dennis M. McGlynn, Esquire  
969 Eisenhower Blvd., Suite 1  
Johnstown, PA 15904

Cindy J. Holstein

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,

Defendants.

No. 2005-1579 CD

**NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS**

**Filed on behalf of Plaintiffs**

Counsel of Record for this Party:

Bryan S. Neiderhiser, Esquire  
MARCUS & MACK, P.C.  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701

Telephone: 724-349-5602

Sup. Ct. ID 81496

**FILED**

JAN 24 2007  
M 11:20 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

I went to Atty  
(GK)

**ORIGINAL**

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
Plaintiffs,

No. 2005-1579 CD

**NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS**

vs.

**Filed on behalf of Plaintiffs**

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,

Defendants.

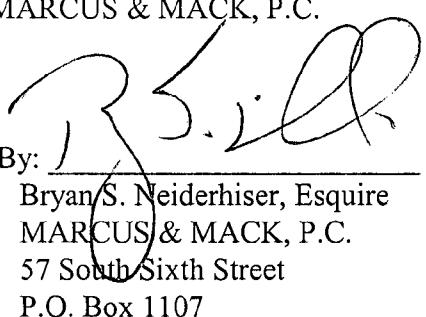
**NOTICE OF SERVICE**

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS** to Counsel for Defendant, Dennis M. McGlynn, Esquire  
969 Eisenhower Blvd., Suite 1, Johnstown, PA 15904, on behalf of the Plaintiffs in the above-  
captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By:

  
Bryan S. Neiderhiser, Esquire  
MARCUS & MACK, P.C.  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602

Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,  
vs.

**NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS**

Filed on behalf of Plaintiffs

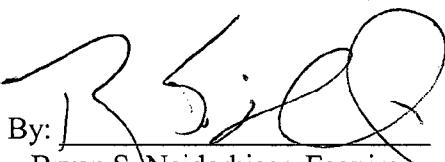
WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,

Defendants.

**NOTICE OF DEPOSITION  
PURSUANT TO PA. R.C.P. 4007.1**

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **WAYNE THOMAS** will be taken on oral examination at the law offices of Marcus & Mack, located at 57 South 6<sup>th</sup> Street, Indiana, at 9:00 a.m. on February 1, 2007 and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire  
MARCUS & MACK, P.C.  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602

Sup. Ct. ID 81496

Dated: 23 January 2007

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

**NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS**

**Filed on behalf of Plaintiffs**

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,

Defendants.

**CERTIFICATE OF SERVICE**

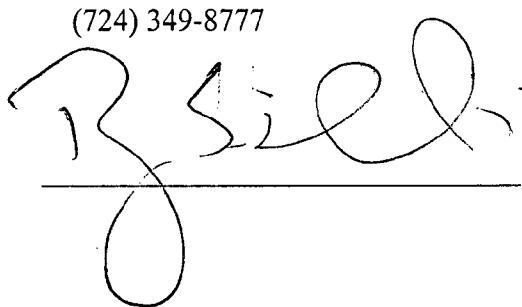
I do hereby certify that a true and correct copy of the foregoing NOTICE OF  
DEPOSITION of Wayne Thomas was served by U.S. First Class Mail, postage prepaid this  
23<sup>rd</sup> day of January 2007, upon the following:

Dennis M. McGlynn, Esquire  
969 Eisenhower Blvd., Suite 1  
Johnstown, PA 15904

(814) 262-0812

Valeri Lazor's Temp Service  
1495 Indian Springs Road  
Indiana, PA 15701

(724) 349-8777



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

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,

Defendants.

No. 2005-1579 CD

**NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS**

**Filed on behalf of Plaintiffs**

Counsel of Record for this Party:

Bryan S. Neiderhiser, Esquire  
MARCUS & MACK, P.C.  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701

Telephone: 724-349-5602

Sup. Ct. ID 81496

FILED *No cc*  
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WM  
William A. Shaw  
Prothonotary/Clerk of Courts

**ORIGINAL**

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

Plaintiffs,

vs.

No. 2005-1579 CD

**NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS**

**Filed on behalf of Plaintiffs**

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,

Defendants.

**NOTICE OF SERVICE**

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS** to Counsel for Defendant, Dennis M. McGlynn, Esquire  
969 Eisenhower Blvd., Suite 1, Johnstown, PA 15904, on behalf of the Plaintiffs in the above-  
captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire  
MARCUS & MACK, P.C.  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602

Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,  
vs.

**NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS**

**Filed on behalf of Plaintiffs**

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,

Defendants.

**NOTICE OF DEPOSITION  
PURSUANT TO PA. R.C.P. 4007.1**

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **WAYNE THOMAS** will be taken on oral examination at the law offices of Marcus & Mack, located at 57 South 6<sup>th</sup> Street, Indiana, at 10:00 a.m. on Wednesday, March 12, 2008 and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By: Bryan S. Neiderhiser  
Bryan S. Neiderhiser, Esquire  
MARCUS & MACK, P.C.  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602

Sup. Ct. ID 81496

Dated: December 12, 2007

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,  
vs.

**NOTICE OF DEPOSITION OF  
DEFENDANT, WAYNE THOMAS**

Filed on behalf of Plaintiffs

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,

Defendants.

**CERTIFICATE OF SERVICE**

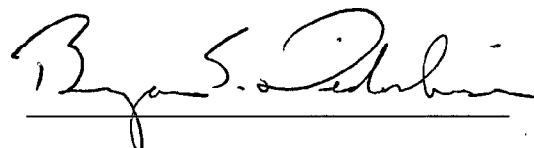
I do hereby certify that a true and correct copy of the foregoing NOTICE OF  
DEPOSITION of Wayne Thomas was served by U.S. First Class Mail, postage prepaid this 12<sup>th</sup>  
day of December 2007, upon the following:

Dennis M. McGlynn, Esquire  
969 Eisenhower Blvd., Suite 1  
Johnstown, PA 15904

(814) 262-0812

Valeri Lazor's Temp Service  
1495 Indian Springs Road  
Indiana, PA 15701

(724) 349-8777

  
\_\_\_\_\_  
Bryan S. Dohrin

**FILED**

**DEC 13 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

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

: No. 2005-1579 CD

: SUGGESTION OF BANKRUPTCY

: Counsel of Record for Filing Party:  
: DENNIS M. McGLYNN, ESQUIRE  
: 969 Eisenhower Blvd., Suite I  
: Johnstown, PA 15904  
: (814) 262-0812

: -and-

: HAYNES AND BOONE, LLP  
: Lenard M. Parkins (NY 4579124)  
: Michael E. Foreman (NY 2043248)  
: Abigail Ottmers (TX 24037225)  
: 1221 Avenue of the Americas, 26th Floor  
: New York, NY 10020  
: Telephone: 212.659.7300  
: Facsimile: 212.918.8989

FILED  
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William A. Shaw  
Prothonotary/Clerk of Courts  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

: No. 2005-1579 CD

WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

**SUGGESTION OF BANKRUPTCY**

TO THE HONORABLE JUDGE OF SAID COURT:

1. PLEASE TAKE NOTICE that, on November 18, 2009 (the "Petition Date"), The Penn Traffic Company, Sunrise Properties, Inc., Pennway Express, Inc., Penny Curtiss Baking Company, Inc., Big M Supermarkets, Inc., Commander Foods Inc., P and C Food Markets Inc. of Vermont, P.T. Development, LLC, and P.T. Fayetteville/Utica, LLC (collectively, "Penn Traffic" or the "Debtors") filed voluntary petitions for relief under chapter 11 of the title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court"), initiating chapter 11 cases no. 09-14078 (PJW), 09-14079 (PJW), 09-14080 (PJW), 09-14082 (PJW), 09-14083 (PJW), 09-14084 (PJW), 09-14085 (PJW), 09-14086 (PJW), and 09-14087 (PJW) (the "Cases"). The Cases are being jointly

administered under case number 09-14078 (PJW), styled *In re The Penn Traffic Company, et al.*, the Honorable Peter J. Walsh presiding.

**2. PLEASE TAKE FURTHER NOTICE** that, as of the Petition Date, and as a result of the pendency of the Cases and the application of Bankruptcy Code section 362(a), the commencement or continuation of any judicial action or proceeding that was or could have been commenced before the commencement of the Cases or to recover a claim against the Debtors that arose before the commencement of the Cases is automatically stayed. Furthermore, as a result of Bankruptcy Code section 362(a), any act that would affect the property of the bankruptcy estate is automatically stayed. The injunction granted by Bankruptcy Code section 362(a) will remain in effect until the Cases are dismissed or closed, or until such earlier times as set forth in Bankruptcy Code section 362(c), (d), (e) and (f).

3. All questions concerning the Cases should be referred to Penn Traffic through its bankruptcy counsel:

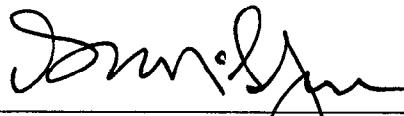
Abigail Ottmers  
HAYNES AND BOONE, LLP  
112 E. Pecan Street, Suite 1200  
San Antonio, Texas 78232  
Telephone: 210.978.7402  
Facsimile: 210.554.0537  
Email: [abigail.ottmers@haynesboone.com](mailto:abigail.ottmers@haynesboone.com)

Penn Traffic requests that the Court (i) acknowledge the legal consequences under Bankruptcy Code section 362 of Penn Traffic's voluntary bankruptcy filing by enforcing

the automatic stay, and (ii) grant Penn Traffic such other legal and equitable relief to which Penn Traffic is entitled.

Dated: Johnstown, PA  
January 11, 2010

Respectfully submitted,



DENNIS M. McGLYNN, ESQUIRE  
I.D. No. 19855  
969 Eisenhower Blvd., Suite I  
Johnstown, Pennsylvania 15904  
Ph (814) 262-0812  
Fax (814) 262-9328

-and-

HAYNES AND BOONE, LLP  
Lenard M. Parkins (NY 4579124)  
Michael E. Foreman (NY 2043248)  
Abigail Ottmers (TX 24037225)  
1221 Avenue of the Americas, 26th Floor  
New York, NY 10020  
Telephone: 212.659.7300  
Facsimile: 212.918.8989  
[lenard.parkins@haynesboone.com](mailto:lenard.parkins@haynesboone.com)  
[michael.foreman@haynesboone.com](mailto:michael.foreman@haynesboone.com)  
[abigail.ottmers@haynesboone.com](mailto:abigail.ottmers@haynesboone.com)

*Counsel for the Debtors and Debtors in Possession*

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

LESLIE WILSON and  
SHIRLEY WILSON, his wife,  
PLAINTIFFS

vs.

No. 2005-1579 CD

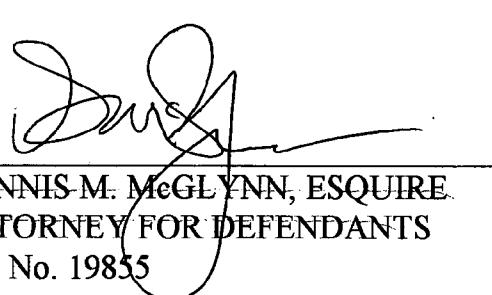
WAYNE THOMAS, WILLIAM  
BEARFIELD, WENDY BEARFIELD,  
PENNWAY EXPRESS, INC., and PENN  
TRAFFIC COMPANY, a/k/a THE PENN  
TRAFFIC COMPANY,  
DEFENDANTS

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing Suggestion of Bankruptcy on behalf of Defendants, Wayne Thomas, William Bearfield, Wendy Bearfield, Pennway Express, Inc. and Penn Traffic Company, a/k/a The Penn Traffic Company, was forwarded on the 11th day of January, 2010, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Jonathan B. Mack, Esquire  
Marcus & Mack  
P.O. Box 1107  
Indiana, PA 15701

Leslie & Shirley Wilson  
274 Rockdale Road  
Falls Creek, PA 15840

  
DENNIS M. McGLYNN, ESQUIRE  
ATTORNEY FOR DEFENDANTS  
I.D. No. 19855

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

**JURY TRIAL DEMANDED**

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

**STIPULATION OF COUNSEL**

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire  
Counsel for Plaintiffs  
57 South Sixth Street  
P.O. Box 1107  
Indiana, PA 15701  
Telephone: 724-349-5602  
Sup. Ct. ID 81496

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William A. Shaw  
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

LESLIE WILSON and  
SHIRLEY WILSON, his wife,

No. 2005-1579 CD

Plaintiffs,

vs.

WAYNE THOMAS, WILLIAM BEARFIELD,  
WENDY BEARFIELD, PENNWAY EXPRESS,  
INC., and PENN TRAFFIC COMPANY, a/k/a  
THE PENN TRAFFIC COMPANY,

Defendants.

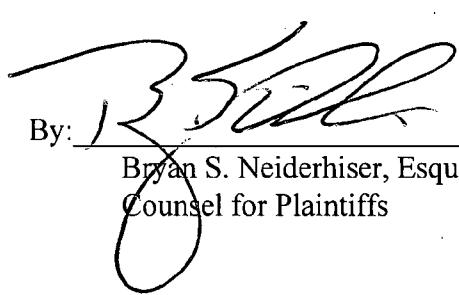
STIPULATION OF COUNSEL

AND NOW, this 25<sup>th</sup> day of August, 2011, it is hereby stipulated and  
agreed by and between counsel for the respective parties that the above-captioned action shall be  
marked as forever discontinued of record.

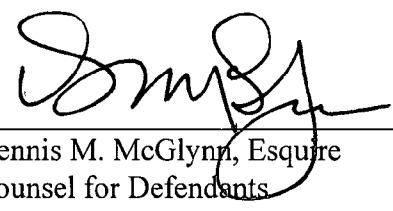
Respectively submitted,

MARCUS & MACK, P.C.

By:

  
Bryan S. Neiderhiser, Esquire  
Counsel for Plaintiffs

By:

  
Dennis M. McGlynn, Esquire  
Counsel for Defendants

**FILED**

AUG 26 2011

William A. Shaw  
Prothonotary/Clerk of Courts