

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother of
KIMBERLY KWIATKOWSKI, a minor
Plaintiff

vs.

JARROD M. CURRIN,
Defendant

No. 05-1610-CD

PRAECIPE FOR WRIT OF SUMMONS


TO: Prothonotary

Please prepare and issue a Writ of Summons against JARROD M. CURRIN the above
named Defendant.

HOPKINS HELTZEL LLP

Date: 10-18-2005

By:


David J. Hopkins, Esquire
Attorney I.D. No. 42519
900 Beaver Drive
DuBois, PA 15801
(814) 375-0300

FILED Any pd.
9/3:30 AM 8500
OCT 18 2005 ICC Atty
William A. Shaw ICC & Writ
Prothonotary/Clerk of Courts to Shff


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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother of
KIMBERLY KWIATKOWSKI, a minor
Plaintiff

vs.

JARROD M. CURRIN,
Defendant

No. 05-1610-CD

 COPY

WRIT OF SUMMONS

TO: JARROD M. CURRIN
R.D. #3, Box 115A
DuBois, PA 15801

You are hereby notified that JEAN AUTREY, individually and JEAN AUTREY as natural mother of KIMBERLY KWIATKOWSKI, a minor has commenced an action against you.

Date: 10/18/05

Prothonotary

Seal of Court:

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **100924**

JEAN AUTREY ind & JEAN AUTRY as natural mother of KIMBERLY
KWIATKOWSKI a minor

Case # 05-1610-CD

vs.

JARROD M. CURRNI

TYPE OF SERVICE SUMMONS

SHERIFF RETURNS

NOW February 09, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN SUMMONS "NOT
FOUND" AS TO JARROD M. CURRIN, DEFENDANT. ATTEMPTED, NOT HOME.

SERVED BY: /

FILED
01/10/06
FEB 10 2006

Return Costs


PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	HOPKINS	15857	10.00
SHERIFF HAWKINS	HOPKINS	15858	51.23

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before me This

_____ Day of _____ 2006

So Answers,


Chester A. Hawkins
Sheriff

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother of
KIMBERLY KWIATKOWSKI, a minor
Plaintiff

vs.

JARROD M. CURRIN,
Defendant

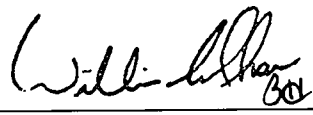
No. 05-1610-CD

WRIT OF SUMMONS

TO: JARROD M. CURRIN
R.D. #3, Box 115A
DuBois, PA 15801

You are hereby notified that JEAN AUTREY, individually and JEAN AUTREY as natural mother of KIMBERLY KWIATKOWSKI, a minor has commenced an action against you.

Date: 10/18/05


Prothonotary

Seal of Court:

FILED

FEB 10 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN AUTREY, individually and
JEAN AUTREY as natural mother
of KIMBERLY KWIATKOWSKI,
a minor,

Plaintiff

vs.

JARROD M. CURRIN,

Defendant

Type of Case: Civil Action

No. 2005-1610-CD

Type of Pleading:

Motion for
Judgment Non Pros

Filed on Behalf of:

Defendant

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: November 8, 2007

FILED

NOV 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

JEAN AUTREY, individually and	:	
JEAN AUTREY as natural mother	:	
of KIMEBERLY KWIATKOWSKI,	:	
a minor,	:	
Plaintiff	:	
	:	No. 2005-1610-CD
-vs-	:	
	:	
JARROD M. CURRIN,	:	
Defendant	:	

MOTION FOR JUDGMENT OF NON PROS

AND NOW, comes the Defendant, Jarrod M. Currin, by his attorneys, Hanak, Guido and Taladay, and hereby files the within Motion for Judgment of Non Pros pursuant to Pa. R.C.P. Rule 1037(c):

1. The above referenced civil action was instituted by Writ of Summons filed October 18, 2005.
2. After filing, the Writ was apparently forwarded by the Office of Prothonotary to the Clearfield County Sheriff, as the docket in this matter indicates a Sheriff's Return filed February 9, 2006 indicates the Summons was returned "non found". A copy of the docket report printout dated March 6, 2007 is attached as Exhibit "A".

3. Your undersigned counsel for Petitioner has recently reviewed the docket in the above referenced matter and has found no further activity.

4. It is verily believed and therefore averred that the above referenced civil action arises out of an automobile accident which occurred on November 6, 2003.

5. It is believed and therefore averred that Plaintiff has taken no further action to effectuate service of the Writ of Summons.

6. The Writ of Summons has not been reissued.

7. The Plaintiff has shown a lack of due diligence in serving or reissuing the Writ of Summons and filing a complaint.

8. There is no compelling reason for the delay in prosecution of this case.

9. The delay exceeds two years from the filing of a Writ of Summons. Prejudice to the Defendant is, therefore, presumed.

10. The statute of limitations has expired as it has been more than two years since the date of the accident. Further, it has been more than two years since the Writ of Summons was issued.

11. Plaintiff is barred by the applicable Statute of Limitations from reissuing the Writ of Summons or filing a complaint in this matter.

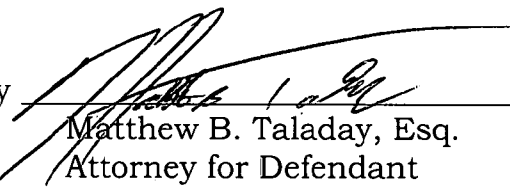
12. Based on the pleadings and docket filings, Plaintiff's lack of diligence in prosecuting the case, as well as the bar by application

of the statute of limitations in this matter, Defendant is entitled to judgment by default as a matter of law.

WHEREFORE, it is respectfully requested that the Motion for Judgment of Non Pros be granted.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By 
Matthew B. Taladay, Esq.
Attorney for Defendant

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother
of KIMBERLY KWIATKOWSKI, :
a minor, :

Plaintiff :

vs. :

JARROD M. CURRIN, :

Defendant :

No. 2005-1610-CD

ORDER OF COURT

AND NOW, this 15th day of November, 2007, upon
consideration of the foregoing motion,

IT IS HEREBY ORDERED:

(1) a rule is issued upon the respondent to show cause why
the moving party is not entitled to the relief requested;

(2) the respondent shall file an answer to the motion within
_____ days of this date;

(3) the motion shall be decided under Pa.R.C.P. 206.7;

(4) Argument shall be held on January 4, 2008 @ 9:30 A.M., in
Courtroom No. 1 of the Clearfield County Courthouse; and

FILED
013:2730
NOV 15 2007

2cc
Atty Taladay
GP

William A. Shaw
Prothonotary/Clerk of Courts

(5) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT,

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

J.

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother
of KIMBERLY KWIATKOWSKI, :
a minor, :

Plaintiff :

vs. :

JARROD M. CURRIN, :
Defendant :

No. 2005-1610-CD

CERTIFICATE OF SERVICE

I certify that on the 8th day of November, 2007, a true and
correct copy of Defendant's Motion for Judgment of Non Pros was sent
via first class mail, postage prepaid, to the following:

David J. Hopkins, Esq.
Attorney for Plaintiff
Hopkins Heltzel, LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801


Matthew B. Taladay, Esq.
Attorney for Defendant

Date: 3/6/2007

Time: 09:33 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: JKENDRICK

Case: 2005-01610-CD

Current Judge: No Judge

Jean Autrey, Kimberly Kwiatkowski vs. Jarrod M. Currin

Civil Other

Date		Judge
10/18/2005	New Case Filed.	No Judge
	Filing: Praecipe for Writ of Summons Paid by: Hopkins, David J. (attorney for Autrey, Jean) Receipt number: 1910321 Dated: 10/18/2005 Amount: \$85.00 (Check) 1CC Atty and 1CC 7 Writ to Shff	No Judge
2/10/2006	Sheriff Return, February 9, 2006, After diligent search I returned the within Summons "NOT FOUND" So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Hopkins \$61.23	No Judge

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN AUTREY, individually and
JEAN AUTREY as natural mother
of KIMBERLY KWIATKOWSKI,
a minor,

Plaintiff

vs.

JARROD M. CURRIN,
Defendant

Type of Case: Civil Action

No. 2005-1610-CD

Type of Pleading:

Praecipe for
Briefing Schedule

Filed on Behalf of:

Defendant

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: November 8, 2007

FILED
NOV 09 2007
102 CC
@K

William A. Shaw
Prothonotary/Clerk of Courts

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother
of KIMEBERLY KWIATKOWSKI,
a minor,

Plaintiff

-vs-

JARROD M. CURRIN,

Defendant

No. 2005-1610-CD

PRAECIPE FOR BRIEFING SCHEDULE

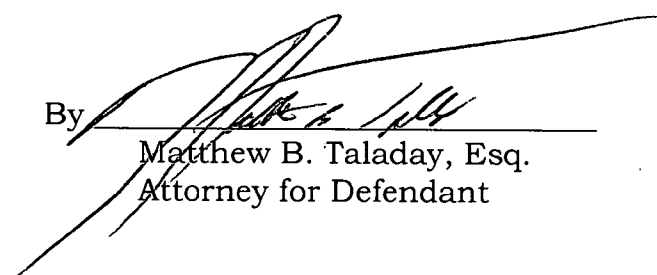
TO THE PROTHONOTARY:

Kindly issue a briefing schedule with regard to Defendant's
Motion for Non Pros submitted in the above referenced matter.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Defendant

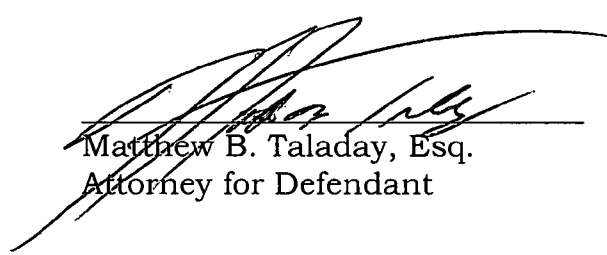
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

JEAN AUTREY, individually and	:	
JEAN AUTREY as natural mother	:	
of KIMBERLY KWIATKOWSKI, :		
a minor,	:	
Plaintiff	:	
	:	No. 2005-1610-CD
vs.	:	
	:	
JARROD M. CURRIN,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I certify that on the 8th day of November, 2007, a true and correct copy of Defendant's Praecipe for Briefing Schedule was sent via first class mail, postage prepaid, to the following:

David J. Hopkins, Esq.
Attorney for Plaintiff
Hopkins Heltzel, LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

NOV 21 2007

M/10.15.07
William A. Shaw
Prothonotary/Clerk of Courts

JEAN AUTREY, individually and
JEAN AUTREY as natural mother
of KIMBERLY KWIATKOWSKI,
a minor,

Plaintiff

vs.

JARROD M. CURRIN,

Defendant

Type of Case: Civil Action

No. 2005-1610-CD

Type of Pleading:

Certificate of
Service

Filed on Behalf of:

Defendant

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: November 20, 2007

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother
of KIMBERLY KWIATKOWSKI, :
a minor, :

Plaintiff :

vs. :

JARROD M. CURRIN, :

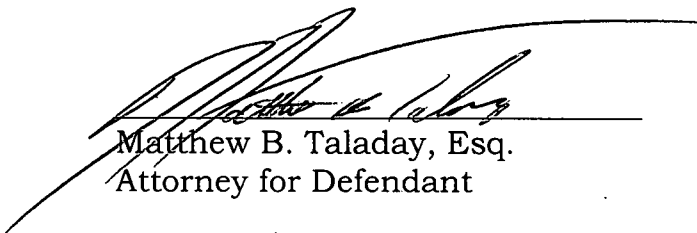
Defendant :

No. 2005-1610-CD

CERTIFICATE OF SERVICE

I certify that on the 20th day of November, 2007, a Court
certified copy of Order of Court dated November 15, 2007 was sent via
first class mail, postage prepaid, to the following:

David J. Hopkins, Esq.
Attorney for Plaintiff
Hopkins Heltzel, LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801



Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JEAN AUTREY, individually :
and JEAN AUTREY as natural :
mother of KIMBERLY :
KWIATKOWSKI, a minor :

-vs-

No. 05-1610-CD

JARROD M. CURRIN

O R D E R

AND NOW, this 4th day of January, 2008, following argument on Defendant's Motion for Judgment Non Pros, it is the ORDER of this Court that counsel for the parties submit appropriate brief to the Court within no more than twenty (20) days from this date.

BY THE COURT,



President Judge

FILED 2cc/Atty's:
01/31/08 Hopkins
JAN 09 2008 Talaray

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 09 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/9/08

☐ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

JAN 24 2008

m/11:20/

William A. Shaw
Prothonotary/Clerk of Courts

No 6/C

JEAN AUTREY, individually and
JEAN AUTREY as natural mother
of KIMBERLY KWIATKOWSKI,
a minor,

Plaintiff

vs.

JARROD M. CURRIN,

Defendant

Type of Case: Civil Action

No. 2005-1610-CD

Type of Pleading:

Certificate of
Service

Filed on Behalf of:

Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Blvd.
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

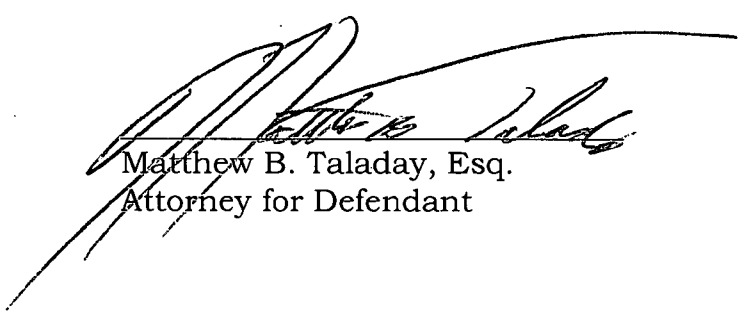
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

JEAN AUTREY, individually and	:	
JEAN AUTREY as natural mother	:	
of KIMBERLY KWIATKOWSKI, :		
a minor,	:	
Plaintiff	:	
	:	No. 2005-1610-CD
vs.	:	
	:	
JARROD M. CURRIN,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I certify that on the 23rd day of January, 2008, a true and correct copy of Defendant's Brief in Support of Motion for Judgment of Non Pros was sent via first class mail, postage prepaid, to the following:

David J. Hopkins, Esq.
Attorney for Plaintiff
Hopkins Heltzel, LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801


Matthew B. Taladay, Esq.
Attorney for Defendant

24

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother of
KIMBERLY KWIATKOWSKI, a minor,
Plaintiff

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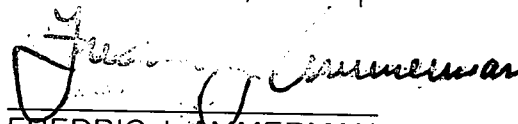
No. 05-1610-CD

vs.
JARROD M. CURRIN,
Defendant

ORDER

NOW, this 30th day of January, 2008, it is the ORDER of this Court that the Motion for Judgment of Non Pros filed on behalf of the Defendant be and is hereby GRANTED. The cause of action of Plaintiff Jean Autrey as an individual is hereby DISMISSED, with prejudice.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED
01/4/08
JAN 30 2008

1cc:ATY:
Hopkins
Taladay

William A. Shaw
Prothonotary/Clerk of Courts

60

FILED

JAN 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/30/08

____ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) X Plaintiff(s) Attorney ____ Other

____ Defendant(s) X Defendant(s) Attorney

____ Special Instructions:

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother of
KIMBERLY KWIATKOWSKI, a minor
Plaintiffs

vs.

JARROD M. CURRIN,
Defendant

No. 05-1610 C.D.

Type of Pleading: Praecepto to Discontinue

Filed on behalf of: Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

JUN 17 2011

William A. Shaw
Notary Public/Clerk of Courts

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother of
KIMBERLY KWIATKOWSKI, a minor
Plaintiffs

vs.

JARROD M. CURRIN,

Defendant

No. 05-1610 C.D.


PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above captioned civil action settled and discontinued.

HOPKINS HELTZEL LLP

BY:


David J. Hopkins, Esquire

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

JEAN AUTREY, individually and
JEAN AUTREY as natural mother of
KIMBERLY KWIATKOWSKI, a minor
Plaintiffs

vs.


JARROD M. CURRIN,
Defendant

No. 05-1610 C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Praecipe to Discontinue, filed on behalf of the Plaintiffs, was forwarded on the 13th day of June, 2011, by United States Mail, first class, postage prepaid, to all counsel of record, addressed as follows:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Blvd.
P.O. Box 487
DuBois, PA 15801


David J. Hopkins, Esquire
Attorney for Plaintiff
Supreme Court No. 42519

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

CIVIL DIVISION

**Jean Autrey, individually and
Jean Autrey as natural mother of
Kimberly Kwiatkowski, a minor**

Vs.

No. 2005-01610-CD

Jarrold M. Currin

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 June 17, 2011, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by David Hopkins, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of June A.D. 2011.

William A. Shaw, Prothonotary