

05-1610-CD
Jean Autrey et al vs Jarrod M. Currin

Jean Autrey et al vs. Jarrod M. Currin
2005-1610-CD

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. : No. 05-1610-CD
JARROD M. CURRIN, :
Defendant :
:

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: 10-15-2005

By:

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

FILED Atty pd.
01 3:30 PM 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-C

 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. CURREN

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
le

Return Costs

PURPOSE VENDOR CHECK # AMOUNT William A. Shaw
SURCHARGE HOPKINS 15857 10.00 Prothonotary/Clerk of Courts
SHERIFF HAWKINS HOPKINS 15858 51.23

Sworn to Before me This

So Answers.

Day of 2006

Charter Hawkins
by Marley Harris
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.

No. 05-1610-CD

JARROD M. CURRIN, :
Defendant :

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 NOCC
NOV 10 2007
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60

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.

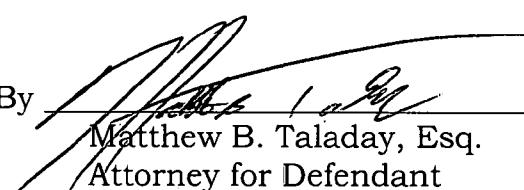
12. Based on the pleadings and docket filings, Plaintiff's lack of diligence in prosecuting the case, as well as the bar by application

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

No. 2005-1610-CD

vs.

JARROD M. CURRIN,
Defendant

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;

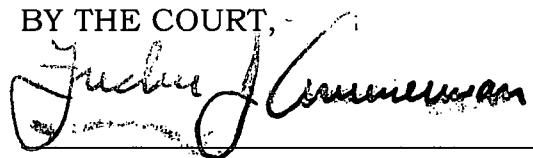
(4) Argument shall be held on January 4, 2008 ①, in
Courtroom No. 1 of the Clearfield County Courthouse; and

FILED *acc*
03-27-2011 *Atty. Taladay*
NOV 15 2007
62

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. Zimmerman". The signature is fluid and cursive, with "Judge" and "Zimmerman" being the most distinct parts.

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

No. 2005-1610-CD

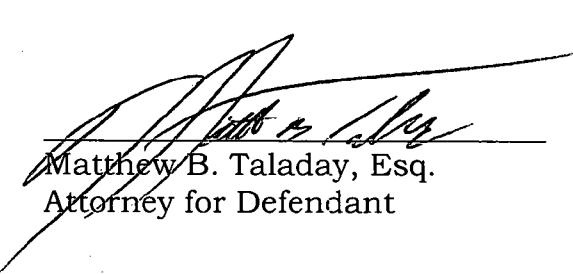
vs.

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 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

User: JKENDRICK

ROA Report

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. 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 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

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 NO CC
MTO/06/01
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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

PRAECIPE FOR BRIEFING SCHEDULE

TO THE PROTHONOTARY:

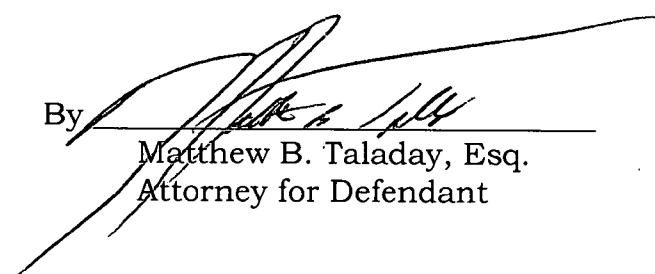
Kindly issue a briefing schedule with regard to Defendant's

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

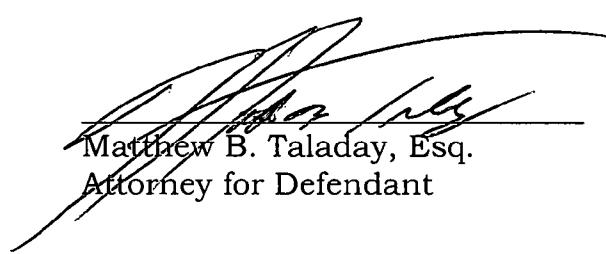
vs.

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

FILED

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

NOV 21 2007
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William A. Shaw
Prothonotary/Clerk of Courts
No C/C

JEAN AUTREY, individually and : Type of Case: Civil Action
JEAN AUTREY as natural mother : No. 2005-1610-CD
of KIMBERLY KWIATKOWSKI, :
a minor, :
Plaintiff : Type of Pleading:
vs. : Certificate of
Service
JARROD M. CURRIN, : Filed on Behalf of:
Defendant : 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

No. 2005-1610-CD

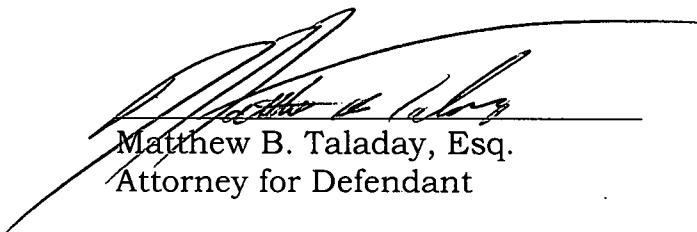
vs.

JARROD M. CURRIN,
Defendant

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*
01/31/2008 Hopkins
JAN 09 2008 Taladay
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:

FILED

JAN 24 2008

1/11/2011
William A. Shaw
Prothonotary/Clerk of Courts

No 41C

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:

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

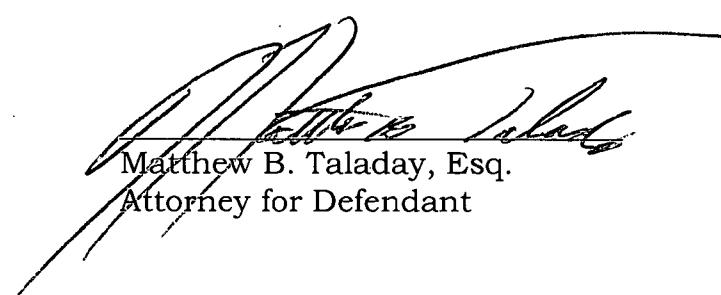
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

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

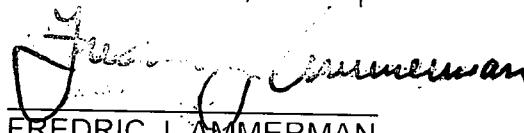
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JEAN AUTREY, individually and *
JEAN AUTREY as natural mother of *
KIMBERLY KWIATKOWSKI, a minor, *
Plaintiff *
vs. * No. 05-1610-CD
JARROD M. CURRIN, *
Defendant *

O R D E R

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
01/00/08
JAN 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

cc: Atty:
Hopkins
Taladay

(60)

FILED

JAN 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/30/08

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
(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: Praeclipe 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/Clerk of Courts
no clc

copy or Dues
to Attorney, Plaintiff

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

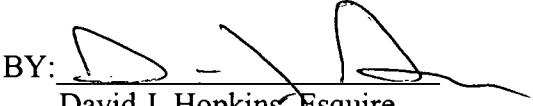
JEAN AUTREY, individually and	:
JEAN AUTREY as natural mother of	:
KIMBERLY KWIATKOWSKI, a minor	:
Plaintiffs	:
	:
vs.	No. 05-1610 C.D.
	:
JARROD M. CURRIN,	:
Defendant	:

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. : No. 05-1610 C.D.
:
JARROD M. CURRIN, :
Defendant :
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Praeclipe 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.
Jarrod M. Currin

No. 2005-01610-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on 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