

05-1674-CD
Linda Maines et al vs Sapp Bros.

Linda Maines et al vs Sapp Brothers
2005-1674-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES, her
husband

Plaintiff

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROS. TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.

Defendant

05- 1674-CD

TYPE OF CASE:
Civil Division

TYPE OF PLEADING:
Praecept to Issue
Writ of Summons

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD
FOR THIS PARTY:
David R. Thompson, Esquire
Attorney at Law
Supreme Court I.D. 73053
308 Walton Street, Suite 4
P.O. Box 587
Philipsburg PA 16866
(814) 342-4100

FILED

013:09/01
OCT 27 2005

William A. Shaw
Prothonotary/Clerk of Courts

4 CC & Writs (4 ea.)
to Sheriff

4 CC & Writs (4 ea.)
to Atty

Atty pd. 85.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES, her
husband

Plaintiff

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROS. TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.

Defendant

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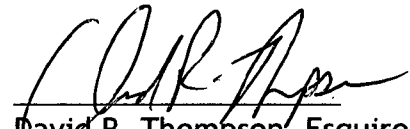
PRAECIPE TO ISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue the attached Writ of Summons in the above-captioned matter.

Respectfully submitted,

DATE: 10-26-05


David R. Thompson, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES, her
husband

Plaintiff

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROS. TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.

Defendant

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05- 1674-CD

WRIT OF SUMMONS

TO: SAPP BROTHERS TRUCKSTOPS, INC. i/a/t/d/b/a SAPP BROTHERS, INC.:

You are hereby notified that **LINDA MAINES AND JAMES MAINES**, her husband, has
commenced an action against you.

DATE: 10/27/05

Prothonotary

By: _____
[Deputy]

SEAL OF THE COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES, her *
husband *

Plaintiff *

vs. *

SAPP BROTHERS TRUCK STOPS, INC., *
i/a/t/d/b/a SAPP BROTHERS, INC.; *
SAPP BROS. TRUCK STOPS, INC., *
i/a/t/d/b/a AUNT LOU'S CAFÉ; and *
AUNT LOU'S CAFÉ, INC. *

Defendant *

05- 1674-CD

WRIT OF SUMMONS

TO: SAPP BROTHER, INC.:

You are hereby notified that **LINDA MAINES AND JAMES MAINES**, her husband, has
commenced an action against you.

DATE: 10/27/05

Prothonotary

By: _____
[Deputy]

SEAL OF THE COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES, her *
husband *

Plaintiff *

vs. *

SAPP BROTHERS TRUCK STOPS, INC., *
i/a/t/d/b/a SAPP BROTHERS, INC.; *
SAPP BROS. TRUCK STOPS, INC., *
i/a/t/d/b/a AUNT LOU'S CAFÉ; and *
AUNT LOU'S CAFÉ, INC. *

Defendant *

05- 1674-CD

WRIT OF SUMMONS

TO: SAPP BROS. TRUCK STOPS, INC., i/a/t/d/b/a AUNT LOU'S CAFE:

You are hereby notified that **LINDA MAINES AND JAMES MAINES**, her husband, has
commenced an action against you.

DATE: 10/27/05

Prothonotary

By: _____
[Deputy]

SEAL OF THE COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES, her
husband

Plaintiff

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROS. TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.

Defendant

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05- 1674-CD

WRIT OF SUMMONS

TO: AUNT LOU'S CAFÉ, INC.:

You are hereby notified that LINDA MAINES AND JAMES MAINES, her husband, has
commenced an action against you.

DATE: 10/27/05

Prothonotary

By: _____
[Deputy]

SEAL OF THE COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

LINDA MAINES AND JAMES MAINES,
her husband,

Plaintiff

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.,;
SAPP BROS. TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.

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No. 05-1674-CD

AFFIDAVIT OF SERVICE

I, **DAVID R. THOMPSON**, Esquire, hereby certify that I have caused to be served upon the Plaintiff, a certified copy of the **PRAECIPE TO ISSUE WRIT OF SUMMONS AND WRIT OF SUMMONS**, in the above captioned matter. I served the same by depositing in the U.S. Mail, postage prepaid, certified mail, return receipt requested, addressed as follows:

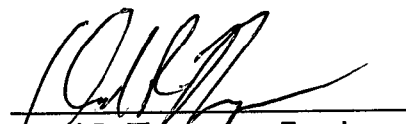
Aunt Lou's Café
9915 S 148th Street
Omaha NE 68138

Sapp Brother's Inc.
9915 S 148th Street
Omaha NE 68138

Sapp Brothers Truckstops, Inc.
iatdba Sapp Brothers Inc.
9915 S 14th Street
Omaha NE 68138

Sapp Bros Truck Stops, Inc.
iatdba Aunt Lou's Café
9915 S 148th Street
Omaha NE 68138

DATED: November 4, 2005


David R. Thompson, Esquire
Attorney for Plaintiffs

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:

Aunt Lou's Cafe
9915 S 148th Street
Omaha NE 68138

2. Article Number

(Transfer from service label)

7005 1160 0001 6135 1272

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

D. Hansen☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/4/05

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes**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:

Sapp Brothers Inc
9915 S 148th Street
Omaha NE 68138

2. Article Number

(Transfer from service label)

7005 1160 0001 6128 6185

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

D. Hansen☐ Agent☐ Addressee

B. Received by (Printed Name)

D. Hansen

C. Date of Delivery

11/4/05

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

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:

Sapp Bros Truck Stops Inc
1/2 1/2 1/2 1/2 Aunt Lou's Cafe
9915 S 148th Street
Omaha NE 68138

2. Article Number

(Transfer from service label)

11 7005 1160 0001 6135 1265

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/4/05

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**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:

Sapp Brothers Truckstops, Inc
12146 Sapp Brothers Inc.
9915 S 148th Street
Omaha NE 68138

2. Article Number

(Transfer from service label)

11 7005 1160 0001 6128 6178


PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/4/05

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100945
NO: 05-1674-CD
SERVICE # 1 OF 4
PRAECIPE, SUMMONS

PLAINTIFF: LINDA MAINES and JAMES MAINES

vs.

DEFENDANT: SAPP BROTHERS TRUCK STOPS, INC., i/a/t/d/b/a SAPP BROTHERS, INC.; SAPP BROS. TRUCK STOPS, INC.; i/a/t/d/b/a AUNT LOU'S CAFE; and AUNT LOU'S CAFE, INC.

SHERIFF RETURN

NOW, November 04, 2005 AT 12:15 PM SERVED THE WITHIN PRAECIPE, SUMMONS ON SAPP BROTHERS TRUCK STOPS, INC. i/a/t/d/b/a SAPP BROTHERS, INC. DEFENDANT AT CLEARFIELD TRUCK STOPS, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VERONICA TEATS, ADM. ASST. A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE, SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

FILED
9/8-4581
FEB 14 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100945
NO: 05-1674-CD
SERVICE # 2 OF 4
PRAECIPE, SUMMONS

PLAINTIFF: LINDA MAINES and JAMES MAINES

vs.

DEFENDANT: SAPP BROTHERS TRUCK STOPS, INC., i/a/t/d/b/a SAPP BROTHERS, INC.; SAPP BROS. TRUCK STOPS, INC.; i/a/t/d/b/a AUNT LOU'S CAFE; and AUNT LOU'S CAFE, INC.

SHERIFF RETURN

NOW, November 04, 2005 AT 12:15 PM SERVED THE WITHIN PRAECIPE, SUMMONS ON SAPP BROTHER, INC. DEFENDANT AT CLEARFIELD TRUCK STOPS, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VERONICA TEATS, ADM. ASST. A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE, SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100945
NO: 05-1674-CD
SERVICE # 3 OF 4
PRAECIPE, SUMMONS

PLAINTIFF: LINDA MAINES and JAMES MAINES

vs.

DEFENDANT: SAPP BROTHERS TRUCK STOPS, INC., i/a/t/d/b/a SAPP BROTHERS, INC.; SAPP BROS. TRUCK STOPS, INC.; i/a/t/d/b/a AUNT LOU'S CAFE; and AUNT LOU'S CAFE, INC.

SHERIFF RETURN

NOW, November 04, 2005 AT 12:15 PM SERVED THE WITHIN PRAECIPE, SUMMONS ON SAPP BROS. TRUCK STOPS, INC. i/a/t/d/b/a AUNT LOU'S CAFE DEFENDANT AT CLEARFIELD TRUCK STOPS, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VERONICA TEATS, ADM. ASST. A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE, SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100945
NO: 05-1674-CD
SERVICE # 4 OF 4
PRAECIPE, SUMMONS

PLAINTIFF: LINDA MAINES and JAMES MAINES

vs.

DEFENDANT: SAPP BROTHERS TRUCK STOPS, INC., i/a/t/d/b/a SAPP BROTHERS, INC.; SAPP BROS. TRUCK STOPS, INC.; i/a/t/d/b/a AUNT LOU'S CAFE; and AUNT LOU'S CAFE, INC.

SHERIFF RETURN

NOW, November 04, 2005 AT 12:15 PM SERVED THE WITHIN PRAECIPE, SUMMONS ON AUNT LOU'S CAFE, INC. DEFENDANT AT CLEARFIELD TRUCK STOPS, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VERONICA TEATS, ADM. ASST. A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE, SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100945
NO: 05-1674-CD
SERVICES 4
PRAECIPE, SUMMONS

PLAINTIFF: LINDA MAINES and JAMES MAINES

vs.

DEFENDANT: SAPP BROTHERS TRUCK STOPS, INC., i/a/t/d/b/a SAPP BROTHERS, INC.; SAPP BROS. TRUCK STOPS, INC.; i/a/t/d/b/a AUNT LOU'S CAFE; and AUNT LOU'S CAFE, INC.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	THOMPSON	10652	40.00
SHERIFF HAWKINS	THOMPSON	10652	38.37

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,
her husband,

Plaintiff

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/at/d/b/a SAPP BROTHERS, INC.;
SAPP BROS TRUCK STOPS, INC.,
i/at/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.

Defendants

No. 05-1674-CD

TYPE OF CASE:
Civil Action - Law

FILED 2 CC
0/11:30 am
APR 4 2008
Att'y
Thompson
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

TYPE OF PLEADING:
Complaint

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

July 29 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw cm
Deputy Prothonotary

CIVIL DIVISION - LAW

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FILED ON BEHALF OF:
Plaintiffs

4. The Defendant, Sapp Brothers Truckstops, Inc. i/at/d/b/a Sapp Brothers Inc., is

a corporation, with an address of 9915 S 148th Street, Omaha, NE, 68138

5. The Defendant, Sapp Bros Truck Stops, Inc. i/at/d/b/a Aunt Lou's Café, is a corporation, with an address of 9915 S 148th Street, Omaha, NE, 68138.

COUNT I
NEGLIGENCE

Paragraphs 1 through 5 are incorporated as though the same were set forth in full length herein.

6. At all relevant times herein, the Defendants were the owners of the real property located in Lawrence Township, Clearfield County, Pennsylvania off of Interstate 80. (A true and correct copy of the deed for said premises, recorded in Clearfield County as Instrument Number 200117706, is attached hereto as Exhibit "A").

8. At all relevant times herein, Defendants, jointly and/or severally, were operating a restaurant establishment known as Aunt Lou's Café at the said premises.

9. On November 4, 2003, Mrs. Maines was a customer in Aunt Lou's Café at Sapp Brothers Truck Stop in Clearfield PA.

10. On that date, at approximately 10:30 a.m. Plaintiff sat down at a table with her husband and family members, and ordered a cup of tea, a soda, and a slice of pie.

11. At about the said time an employee at the Café approached Mrs. Maines from behind and reached over her to serve a small tea pot of very hot water on a white plate.

12. At this time the employee spilled hot water on the left forearm of Mrs. Maines.

13. The water was hot enough to cause an immediate reaction.

14. Mrs. Maines made a complaint at the moment of the incident.

15. An employee sprayed her arm with "burn relief," but Mrs. Maines felt minimal to no relief.

16. Mrs. Maines still felt pain and discomfort after she left the premises, and then proceeded to check herself into the Clearfield Hospital.

17. As a result of the hot liquid that was spilled on Mrs. Maines' left arm she developed an immediate first degree burn.

18. The thermal burns that Mrs. Maines suffered covered approximately 1% of her body.

19. The Defendants, jointly and severally, were guilty of the following negligence, carelessness and recklessness:

- a. Defendants' or their agents handled hot water in an unsafe and negligent manner;
- b. Defendants caused a dangerous condition which resulted in hot water being spilled on Mrs. Maines' arm;
- c. Defendants had actual knowledge of the dangerous condition and failed to remedy the problem;
- d. Defendants failed to provide an appropriate or effective response to Mrs. Maines' injuries.

20. As a direct and proximate result of the negligence, carelessness, and/or recklessness of the Defendants, Plaintiff suffered serious injuries, all of which may be permanent as follows:

- a. Burns which cover approximately 1% of her body;
- b. Extreme pain and suffering; past, present and future;

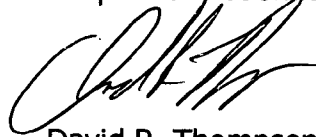
- c. Privation and inconvenience; past, present and future;
- d. Future medical expenses;
- e. Embarrassment, humiliation and incidental damages;
- f. All other damages allowable by law

21. As a direct and proximate result of the injuries referred to in Paragraph 20 hereof which is incorporated herein by reference, the Plaintiff, Linda Maines, has incurred medical expenses and will continue to incur medical expenses in an undetermined amount in the future.

22. As a direct and proximate result of the injuries referred to in Paragraph 20 hereof which is incorporated herein by reference, Plaintiff has incurred incidental damages.

WHEREFORE, Plaintiff, Linda Maines, claims damages from the Defendant in an amount within the jurisdictional limits of mandatory arbitration, plus interest and costs of suit. A Jury Trial is demanded.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. R. Thompson', written in a cursive style.

David R. Thompson, Esquire
Attorney for Plaintiff

VERIFICATION

I certify that the facts set forth in the foregoing **COMPLAINT** is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 12-27-07



Linda L. Maines

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,
her husband,

Plaintiffs

VS.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants

No. 05-1674-CD

TYPE OF CASE:
Praeipe to Reinstate

TYPE OF PLEADING:
Complaint

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:
David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED 10021 Compl.
013:50:01 Reinstated to
JUL 29 2008 Atty
William A. Shaw
Prothonotary/Clerk of Courts
Atty Pd. \$7.00

CIVIL DIVISION - LAW

DEFENDANTS

*
* TYPE OF PLEADING:
*
* COMPLAINT
*
*
*
*
*
* No. 05-1674-CD
*
*
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*
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*

PRAECIPE TO REINSTATE

Kindly reinstate the attached Complaint in the above-captioned matter.

Respectfully submitted,

DATE: 7-15-08


David R. Thompson, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,
her husband,

Plaintiff

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/at/d/b/a SAPP BROTHERS, INC.;
SAPP BROS TRUCK STOPS, INC.,
i/at/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.

Defendants

No. 05-1674-CD

TYPE OF CASE:
Civil Action - Law

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR - 4 2008

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

TYPE OF PLEADING:
Complaint

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES, her
husband,

Plaintiff

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/at/d/b/a SAPP BROTHERS, INC.;
SAPP BROS TRUCK STOPS, INC.,
i/at/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.

No. 05-1674-CD

TYPE OF PLEADING:
Complaint

FILED ON BEHALF OF:
Plaintiffs

COMPLAINT

AND NOW, come the Plaintiffs, Linda and James Maines, by and through their attorney David R. Thompson, Esquire, and file the following Complaint of which the following is averred:

1. The Plaintiffs are Linda Maines and James Maines, her husband, residing at 801 Troy Hawk Run Highway, Philipsburg, Pa, 16866.
2. The Defendant, Aunt Lou's Café, is a corporation, with an address of 9915 S 148th Street, Omaha, NE, 68138.
3. The Defendant, Sapp Brother's Inc., is a corporation, with an address of 9915 S 148th Street, Omaha, NE, 68138.
4. The Defendant, Sapp Brothers Truckstops, Inc. i/at/d/b/a Sapp Brothers Inc., is

a corporation, with an address of 9915 S 148th Street, Omaha, NE, 68138

5. The Defendant, Sapp Bros Truck Stops, Inc. i/at/d/b/a Aunt Lou's Café, is a corporation, with an address of 9915 S 148th Street, Omaha, NE, 68138.

COUNT I

NEGLIGENCE

Paragraphs 1 through 5 are incorporated as though the same were set forth in full length herein.

6. At all relevant times herein, the Defendants were the owners of the real property located in Lawrence Township, Clearfield County, Pennsylvania off of Interstate 80. (A true and correct copy of the deed for said premises, recorded in Clearfield County as Instrument Number 200117706, is attached hereto as Exhibit "A").

8. At all relevant times herein, Defendants, jointly and/or severally, were operating a restaurant establishment known as Aunt Lou's Café at the said premises.

9. On November 4, 2003, Mrs. Maines was a customer in Aunt Lou's Café at Sapp Brothers Truck Stop in Clearfield PA.

10. On that date, at approximately 10:30 a.m. Plaintiff sat down at a table with her husband and family members, and ordered a cup of tea, a soda, and a slice of pie.

11. At about the said time an employee at the Café approached Mrs. Maines from behind and reached over her to serve a small tea pot of very hot water on a white plate.

12. At this time the employee spilled hot water on the left forearm of Mrs. Maines.

13. The water was hot enough to cause an immediate reaction.

14. Mrs. Maines made a complaint at the moment of the incident.

15. An employee sprayed her arm with "burn relief," but Mrs. Maines felt minimal to no relief.

16. Mrs. Maines still felt pain and discomfort after she left the premises, and then proceeded to check herself into the Clearfield Hospital.

17. As a result of the hot liquid that was spilled on Mrs. Maines' left arm she developed an immediate first degree burn.

18. The thermal burns that Mrs. Maines suffered covered approximately 1% of her body.

19. The Defendants, jointly and severally, were guilty of the following negligence, carelessness and recklessness:

- a. Defendants' or their agents handled hot water in an unsafe and negligent manner;
- b. Defendants caused a dangerous condition which resulted in hot water being spilled on Mrs. Maines' arm;
- c. Defendants had actual knowledge of the dangerous condition and failed to remedy the problem;
- d. Defendants failed to provide an appropriate or effective response to Mrs. Maines' injuries.

20. As a direct and proximate result of the negligence, carelessness, and/or recklessness of the Defendants, Plaintiff suffered serious injuries, all of which may be permanent as follows:

- a. Burns which cover approximately 1% of her body;
- b. Extreme pain and suffering; past, present and future;

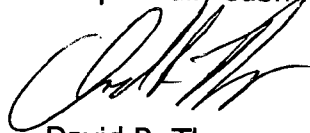
- c. Privation and inconvenience; past, present and future;
- d. Future medical expenses;
- e. Embarrassment, humiliation and incidental damages;
- f. All other damages allowable by law

21. As a direct and proximate result of the injuries referred to in Paragraph 20 hereof which is incorporated herein by reference, the Plaintiff, Linda Maines, has incurred medical expenses and will continue to incur medical expenses in an undetermined amount in the future.

22. As a direct and proximate result of the injuries referred to in Paragraph 20 hereof which is incorporated herein by reference, Plaintiff has incurred incidental damages.

WHEREFORE, Plaintiff, Linda Maines, claims damages from the Defendant in an amount within the jurisdictional limits of mandatory arbitration, plus interest and costs of suit. A Jury Trial is demanded.

Respectfully submitted,


A handwritten signature in black ink, appearing to read 'David R. Thompson', is written over the typed name.

David R. Thompson, Esquire
Attorney for Plaintiff

VERIFICATION

I certify that the facts set forth in the foregoing **COMPLAINT** is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 12-27-07


Linda L. Maines

6⁺ FILED

AUG 22 2008

W/ 9:50 /
William A. Shaw
Prothonotary/Clerk of Courts
no c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION – LAW

LINDA MAINES AND JAMES MAINES, her
husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.; SAPP
BROTHERS TRUCK STOPS, INC., i/a/t/d/b/a
AUNT LOU'S CAFÉ, INC.; and AUNT LOU'S
CAFÉ, INC.,

Defendants.

Docket No.: 05-1674-CD

PRAECIPE FOR ENTRY OF APPEARANCE

Filed on Behalf of Defendants

Counsel of Record for This Party:

KENNETH T. NEWMAN, ESQUIRE
PA I.D. #54405

PIETRAGALLO GORDON ALFANO BOSICK &
RASPANTI, LLP
Firm #834

38th Floor, One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

(412) 263-2000

JURY TRIAL DEMANDED

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

LINDA MAINES AND JAMES MAINES, her
husband,

Plaintiffs,

Docket No.: 05-1674-CD

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.; SAPP
BROTHERS TRUCK STOPS, INC., i/a/t/d/b/a
AUNT LOU'S CAFÉ, INC.; and AUNT LOU'S
CAFÉ, INC.,

Defendants.

PRAECIPE FOR ENTRY OF APPEARANCE

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Kindly enter our appearance as counsel of record for Defendants, Sapp Brothers Truck
Stops, Inc., i/a/t/d/b/a Sapp Brothers, Inc.; Sapp Brothers Truck Stops, Inc., i/a/t/d/b/a Aunt Lou's Café,
Inc.; and Aunt Lou's Café, Inc.

JURY TRIAL DEMANDED

PIETRAGALLO GORDON ALEANO BOSICK
& RASPANTI, LLP

By: _____

Kenneth T. Newman, Esquire
Counsel for Defendants

38th Floor, One Oxford Centre
Pittsburgh, PA 15219
(412) 263-2000

ENTERED AND FILED
2008 AUG 15 AM 9:03
PROTHONOTARY'S OFFICE
LANCASTER, PA

CERTIFICATE OF SERVICE

I hereby certify that a true and copy of the within Praeceptum for Entry of Appearance has been served via first class U.S. mail, postage prepaid this 13th day of August, 2008, addressed to the following counsel:

David R. Thompson, Esquire
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866

PIETRAGALLO GORDON ALFANO BOSICK
& RASPANTI, LLP

By: _____

Kenneth T. Newman, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

: CIVIL ACTION - LAW
:
: No: 2005 CD 1674
:
: ISSUE: **Praecipe For Appearance**
:
: Filed on Behalf of Defendants:
:
: Counsel of Record for Defendants:
:
: **MARGOLIS EDELSTEIN**
: Stephen L. Dugas, Esquire
: PA. I.D. No. 21351
: PO Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: FAX: (814) 695-5066

I hereby certify that a true and correct
copy of the within was mailed this
7th day of October, 2008.

Attorney for Defendants

⁵ FILED NOCC
m 110:5867
OCT 09 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION – LAW

LINDA MAINES AND JAMES MAINES, her
husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.; SAPP
BROTHERS TRUCK STOPS, INC., i/a/t/d/b/a
AUNT LOU'S CAFÉ, INC.; and AUNT LOU'S
CAFÉ, INC.,

Defendants.

Docket No.: 05-1674-CD

**PRAECIPE FOR WITHDRAWAL OF
APPEARANCE**

Filed on Behalf of Defendants

Counsel of Record for This Party:

KENNETH T. NEWMAN, ESQUIRE
PA I.D. #54405

PIETRAGALLO GORDON ALFANO BOSICK &
RASPANTI, LLP
Firm #834

38th Floor, One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

JURY TRIAL DEMANDED

(412) 263-2000

FILED *No cc*
10/30/08
OCT 16 2008

WAS
William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA MAINES AND JAMES MAINES, her
husband,

Plaintiffs,

Docket No.: 05-1674-CD

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.; SAPP
BROTHERS TRUCK STOPS, INC., i/a/t/d/b/a
AUNT LOU'S CAFÉ, INC.; and AUNT LOU'S
CAFÉ, INC.,

Defendants.

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Kindly withdraw my appearance as counsel of record for Defendants, Sapp Brothers
Truck Stops, Inc., i/a/t/d/b/a Sapp Brothers, Inc.; Sapp Brothers Truck Stops, Inc., i/a/t/d/b/a Aunt Lou's
Café, Inc.; and Aunt Lou's Café, Inc.

JURY TRIAL DEMANDED

PIETRAGALLO GORDON ALFANO BOSICK
& RASPANTI, LLP

By: 

Kenneth T. Newman, Esquire
38th Floor, One Oxford Centre
Pittsburgh, PA 15219
(412) 263-2000

CERTIFICATE OF SERVICE

I hereby certify that a true and copy of the within Praeceptum for Withdrawal of Appearance has been served via first class U.S. mail, postage prepaid this 13th day of October, 2008, addressed to the following counsel:

David R. Thompson, Esquire
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866

Stephen L. Dugas, Esquire
Margolis Edelstein
P.O. Box 628
Hollidaysburg, PA 16648-9998

PIETRAGALLO GORDON ALFANO BOSICK
& RASPANTI, LLP

By: _____

Kenneth T. Newman, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

: CIVIL ACTION - LAW
:
: No: 2005 CD 1674
:
: ISSUE: **Answer to Complaint**
:
: Filed on Behalf of Defendants:
:
: Counsel of Record for Defendants:
:
: **MARGOLIS EDELSTEIN**
: Stephen L. Dugas, Esquire
: PA. I.D. No. 21351
: PO Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: FAX: (814) 695-5066

I hereby certify that a true and correct
copy of the within was mailed to all
other counsel of record this 24th day of
November, 2008.

Attorney for Defendants

FILED *no cc*
27/10/08
NOV 25 2008 *(60)*

William A. Shaw
Prothonotary/Clerk of Courts

5

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and	:	CIVIL ACTION - LAW
JAMES MAINES, her husband,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
SAPP BROTHERS TRUCK STOPS, INC.,	:	No: 2005 CD 1674
i/a/t/d/b/a SAPP BROTHERS, INC.;	:	
SAPP BROTHERS TRUCK STOPS, INC.,	:	
i/a/t/d/b/a AUNT LOU'S CAFÉ; and	:	
AUNT LOU'S CAFÉ, INC.,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

ANSWER TO COMPLAINT

NOW COME Defendants, and by their Attorneys, Margolis Edelstein, file this Answer to Complaint, whereof the following is a statement:

1. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 1. Strict proof is demanded.
- 2.-5. Admitted.
6. Denied. To the contrary, the subject real estate was owned by Defendant Sapp Brothers Truck Stops, Inc., a Nebraska Corporation authorized to do business in the Commonwealth of Pennsylvania.
8. Denied. To the contrary, the establishment known as Aunt Lou's Café' was owned and operated by Great American, Inc., a Connecticut corporation authorized to do business in the Commonwealth of Pennsylvania.

9.-22. Denied. All averments in Paragraphs 9 through 22 of the Complaint are denied pursuant to Pa. R.C.P., Rule 1029(e), or because they constitute mere conclusions of law, or because, after reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded.

WHEREFORE, Defendants demand that the Plaintiffs' Complaint be dismissed, with prejudice, together with costs of suit awarded.

MARGOLIS EDELSTEIN

By: _____

Stephen L. Dugas, Esquire
Attorney for Defendants
Attorney I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

VERIFICATION

I certify that the facts set forth in the foregoing Answer to Complaint are true and correct to the best of my knowledge, information and belief. I make this Verification as counsel for Defendants, based on information and belief because the Defendants are outside the jurisdiction of the Court and the Verification of none of them can be obtained within the time allowed for filing.

I understand that false statements are subject to the penalties of 18 Pa. C.S., §4904, relating to unsworn falsification to authorities.

Date: November 24, 2008

MARGOLIS EDELSTEIN

By: _____

Attorney for Defendants
Stephen L. Dugas, Esquire
PA. I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

: CIVIL ACTION - LAW

: No: 2005 CD 1674

: **ISSUE: Notice of Service of Interrogatories**
: **& First Request for Production of**
: **Documents**

: Filed on Behalf of Defendants:

: Counsel of Record for Defendants:

: MARGOLIS EDELSTEIN
: Stephen L. Dugas, Esquire
: PA. I.D. # 21351
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: FAX: (814) 695-5066

I hereby certify that a true and correct
copy of the within was mailed to all
other counsel of record this 24th day of
November, 2008.

Attorney for Defendants

FILED *nc*
m 11:10 AM
NOV 25 2008 *(610)*

William A. Shaw
§ Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

: CIVIL ACTION - LAW

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No: 2005 CD 1674

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JURY TRIAL DEMANDED

NOTICE OF SERVICE OF INTERROGATORIES AND FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

TO PROTHONOTARY:

You are hereby notified that on the 24th day of November, 2008 Defendants served Interrogatories and First Request for Production of Documents on the Plaintiffs, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

David R. Thompson, Esquire
PO Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866

MARGOLIS EDELSTEIN

By: _____

Attorney for Defendants
Stephen L. Dugas, Esquire
PA. I.D.# 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064, FAX (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

: CIVIL ACTION - LAW

:
: No: 2005 CD 1674

:
: ISSUE: **Motion to Compel**

:
: Filed on Behalf of All Defendants:

:
: Counsel of Record for All Defendants:

:
: MARGOLIS EDELSTEIN
: Stephen L. Dugas, Esquire
: PA. I.D. # 21351
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: FAX: (814) 695-5066

FILED CC *AAH*
m/11:05um *Dugas*
FEB 18 2009
um

5
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and	:	CIVIL ACTION - LAW
JAMES MAINES, her husband,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
SAPP BROTHERS TRUCK STOPS, INC.,	:	No: 2005 CD 1674
i/a/t/d/b/a SAPP BROTHERS, INC.;	:	
SAPP BROTHERS TRUCK STOPS, INC.,	:	
i/a/t/d/b/a AUNT LOU'S CAFÉ; and	:	
AUNT LOU'S CAFÉ, INC.,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

MOTION TO COMPEL

NOW COME all Defendants, and by their Counsel, Margolis Edelstein, file this
Motion to Compel of which the following is a statement:

1. Plaintiffs commenced this litigation by filing a Writ of Summons on October 27, 2009.
2. A Complaint was filed on April 21, 2008.
3. On or about November 24, 2008, these Defendants filed an Answer to the Complaint.
4. Additionally, on or about November 24, 2008, these Defendants served upon Plaintiffs Interrogatories and a First Request for Production of Documents.
5. Counsel for the Defendants has requested that Plaintiffs' Counsel respond to the outstanding discovery after such discovery was not provided in a timely manner..
6. As of the date of filing of this Motion to Compel, Plaintiffs have not provided

any response to the outstanding discovery.

7. The Plaintiffs are now in violation of the Pennsylvania Rules of Civil Procedure for failing to properly provide the discovery necessary for the Defendants to evaluate this case and proceed with additional discovery.

8. The failure of the Plaintiffs to promptly respond to the outstanding discovery has severely prejudiced the Defendants in having to file this Motion, as well as being unable to proceed with any further discovery activity until such information has been received.

WHEREFORE, all Defendants, respectfully request this Honorable Court enter an Order compelling the Plaintiffs to fully and completely respond to the outstanding discovery served on or about November 24, 2008 within twenty (20) days from the date of this Court's Order or face the appropriate sanctions.

MARGOLIS EDELSTEIN

By: _____

Stephen L. Dugas, Esquire
Attorney for Defendants
Attorney I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

: CIVIL ACTION - LAW

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No: 2005 CD 1674

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Stephen L. Dugas, Esquire, of the law firm of MARGOLIS EDELSTEIN, hereby certify that the Motion to Compel, on behalf of all Defendants, was served this **16 st day of February, 2009**, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

David R. Thompson, Esquire
308 Walton Street, Suite 4
P.O. Box 587
Philipsburg, PA 16866
(Counsel for Plaintiffs)

MARGOLIS EDELSTEIN

By: _____

Stephen L. Dugas, Esquire
Attorney for Defendants
Attorney I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.,
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

CIVIL ACTION - LAW

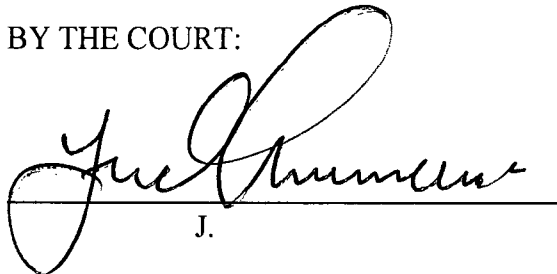
No: 2005 CD 1674

JURY TRIAL DEMANDED

ORDER OF COURT

NOW THIS 23RD day of February, 2009, upon consideration of the Motion to Compel filed by all Defendants and after hearing upon the same, this Court does hereby Order, Direct and Decree that Plaintiffs, Linda Maines and James Maines, her husband, fully and completely respond to the outstanding discovery served on or about November 24, 2008 within twenty (20) days from the date of this Court's Order or face the appropriate sanctions.

BY THE COURT:


J.

FILED *ice*
014:0061
FEB 20 2009 *Atty. Dugas*
EP

S
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

: CIVIL ACTION - LAW
:
: No: 2005 CD 1674
:
: **ISSUE: Certificate of Service for Order of**
: **Court Dated February 23, 2009**
:
:
: Filed on Behalf of Defendants:
:
: Counsel of Record for Defendants:
:
:
: **MARGOLIS EDELSTEIN**
: Mary Lou Maierhofer, Esquire
: P.A. I.D. No. 62175
: PO Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: FAX: (814) 695-5066

S
FILED No CC.
m/12:15pm
FEB 25 2009
William A. Shaw
Prothonotary/Clerk of Courts

FEB 23 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

CIVIL ACTION - LAW

No: 2005 CD 1674

JURY TRIAL DEMANDED

ORDER OF COURT

NOW THIS 23rd day of February, 2009, upon consideration of the Motion to Compel filed by all Defendants and after hearing upon the same, this Court does hereby Order, Direct and Decree that Plaintiffs, Linda Maines and James Maines, her husband, fully and completely respond to the outstanding discovery served on or about November 24, 2008 within twenty (20) days from the date of this Court's Order or face the appropriate sanctions.

BY THE COURT:

/S/ Fredric J Ammerman

J.

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 20 2009

Attest.

William A. Brown
Prothonotary/
Clerk of Courts


CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire of the law firm of Margolis Edelstein, hereby certifies that on the 24th day of February, 2009, I have served the foregoing Order of Court Dated February 23, 2009 upon all counsel/parties of record, by mailing a true and correct copy of the same by United States first class mail, postage prepaid as follows:

David R. Thompson, Esquire
308 Walton Street, Suite 4
P.O. Box 587
Philipsburg, PA 16866

MARGOLIS EDELSTEIN

By: _____


Mary Lou Maierhofer, Esquire
Counsel for Defendants
PA. I.D. # 62175
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

FILED

MAR 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

Any Dugas pd.
2000

TO THE PROTHONOTARY:

DATE PRESENTED: March 17, 2009

CASE NUMBER: 2005 CD 1674

TYPE TRIAL REQUESTED () Jury () Non-Jury (X) Arbitration 1/2 day

ESTIMATED TRIAL TIME

Date Complaint Filed: August, 2008

PLAINTIFF(S):

**Linda Maines and
James Maines**

() Check block if a Minor
is a Party to the Case

DEFENDANT(S):

Sapp Bros. Truck Stops, Inc., et al.

()

ADDITIONAL DEFENDANT(S)

N/A

()

JURY DEMAND FILED BY: N/A

DATE JURY DEMAND FILED: N/A

AMOUNT AT ISSUE: **Less than \$25,000.00.**

CONSOLIDATION () yes (X) no DATE CONSOLIDATION ORDERED: N/A

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE **ARBITRATION** LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by first class United States mail.

FOR THE PLAINTIFF

David R. Thompson, Esq.

TELEPHONE NUMBER

(814) 342-4100

FOR THE DEFENDANT

Stephen L. Dugas, Esquire

TELEPHONE NUMBER

(814) 695-5064

FOR ADDITIONAL DEFENDANT

N/A

TELEPHONE NUMBER



MARGOLIS EDELSTEIN

By: _____

Stephen L. Dugas, Esquire
Attorney for Defendant
PA I D No. 21351
P.O. Box 628
Hollidaysburg, PA 16648
(814) 695-5064
FAX (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION LAW

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs

VS.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants

No. 05-1674-CD

TYPE OF CASE:
Civil Division - Law

TYPE OF PLEADING:
Certificate of Service

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:
David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED *2cc*
0/2:40301
MAR 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

610

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants

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No. 05-1674-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the Defendant's Interrogatories and Request for Production of Documents directed to Plaintiff in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Stephen L. Dugas, Esquire
MARGOLIS EDELSTEIN
P.O. Box 628
Hollidaysburg, PA 16648

DATE:

3-11-09

BY:


David R. Thompson, Esquire
Attorney for Plaintiff

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

LINDA MAINES AND
JAMES MAINES

vs.

SAPP BROS. TRUCK STOPS, INC.,
et al

:
:
:
: No. 05-1674-CD
:
:
:

ORDER

NOW, this 15th day of June, 2009, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on **Tuesday, June 23, 2009 at 9:00 A.M.** in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

Michael P. Yeager, Esquire, Chairman

John Sughrue, Esquire

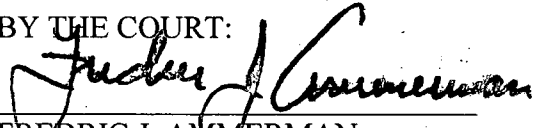
Blaise Ferrarccio, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

FILED ^{6cc}
01946301 CIA
JUN 15 2009 (610)

5 William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Linda Maines and James Maines

vs.

Sapp Brothers Truck Stops, Inc. et al

No. 2005-01674-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 23rd day of June, 2009, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Michael P. Yeager, Esq.

John Sughrue, Esq.

Blaise Ferraraccio, Esq.

Michael P. Yeager
Chairman
John Sughrue
Blaise J. Ferraraccio

Sworn to and subscribed before me this
June 23, 2009

William A. Shaw
Prothonotary

FILED

0110:40 PM
JUN 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

6/23/09 Notices to
Alys Thompson
and Dugas

AWARD OF ARBITRATORS

Now, this 23rd day of June, 2009, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

In favor of Plaintiff, Linda Maines, and against Defendant in the amount of \$1500.00. Otherwise, we find in favor of Defendant and against Plaintiff James Maines.

Michael P. Yeager Chairman
John Sughrue
Blaise J. Ferraraccio

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 23rd day of June, 2009, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

William A. Shaw
Prothonotary

By _____

COPY

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

Linda Maines and James Maines

:

Vs.

: No. 2005-01674-CD

:


Sapp Brothers Truck Stops, Inc.,
Sapp Brothers, Inc., Sapp Bros. Truck Stops,
Inc., Aunt Lou's Cafe, and Aunt Lou's Cafe, Inc.

NOTICE OF AWARD

TO: David R. Thompson, Esq.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on June 23, 2009, and have awarded:

In favor of Plaintiff, Linda Maines, and against Defendant in the amount of \$1500.00.
Otherwise, we find in favor of Defendant and against Plaintiff, James Maines.



William A. Shaw, Prothonotary

June 23, 2009

Date

This notice of award was placed on the docket and given by mail to the parties or their attorneys on June 23, 2009, at 10:33 a.m.

An Appeal from Award of Arbitration must be filed within thirty (30) days of date of award. Filing fee is fifty percent (50%) of the total award or the amount of compensation paid to the arbitrators, whichever is the least. Arbitrators' compensation to be paid upon appeal: \$600.00.

COPY

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

Linda Maines and James Maines

:

Vs.

: No. 2005-01674-CD

:

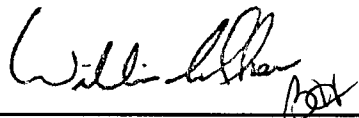
Sapp Brothers Truck Stops, Inc.,
Sapp Brothers, Inc., Sapp Bros. Truck Stops,
Inc., Aunt Lou's Cafe, and Aunt Lou's Cafe, Inc.

NOTICE OF AWARD

TO: Stephen L. Dugas, Esq.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on June 23, 2009, and have awarded:

In favor of Plaintiff, Linda Maines, and against Defendant in the amount of \$1500.00.
Otherwise, we find in favor of Defendant and against Plaintiff, James Maines.



William A. Shaw, Prothonotary

June 23, 2009

Date

This notice of award was placed on the docket and given by mail to the parties or their attorneys on June 23, 2009, at 10:33 a.m.

An Appeal from Award of Arbitration must be filed within thirty (30) days of date of award. Filing fee is fifty percent (50%) of the total award or the amount of compensation paid to the arbitrators, whichever is the least. Arbitrators' compensation to be paid upon appeal: \$600.00.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,

Plaintiff

vs.

SAPP BROS. TRUCK STOPS, INC.,
et al

Defendant

No. 05-1674-CD

TYPE OF PLEADING:
Certificate of Service

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED

0 2:09 p.m. 6K
JUN 24 2009

William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,

Plaintiff

vs.

SAPP BROS. TRUCK STOPS, INC.,
et al

Defendant

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No. 05-1674-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the **PRE-TRIAL STATEMENT** in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Mary Lou Maierhofer, Esquire
MARGOLIS EDELSTEIN
ATTORNEYS AT LAW
P.O. Box 628
Hollidaysburg, PA 16648

DATE: 6-17-09

BY:



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,

Plaintiff

VS.

SAPP BROS. TRUCK STOPS, INC.,
et al

Defendant

No. 05-1674-CD

TYPE OF PLEADING:
Certificate of Service

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED

0 2:11 PM GK

JUN 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,

Plaintiff

vs.

SAPP BROS. TRUCK STOPS, INC.,
et al

Defendant

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No. 05-1674-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the **PRE-TRIAL STATEMENT** in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

John Sughrue, Esquire
225 East Market Street
Clearfield, PA 16830

DATE: 6-17-09

BY:



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,

Plaintiff

vs.

SAPP BROS. TRUCK STOPS, INC.,
et al

Defendant

No. 05-1674-CD

TYPE OF PLEADING:
Certificate of Service

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED

0 2:12 P.M. GK
JUN 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,

Plaintiff

vs.

SAPP BROS. TRUCK STOPS, INC.,
et al

Defendant

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No. 05-1674-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the **PRE-TRIAL STATEMENT** in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Michael P. Yeager, Esquire
110 North 2nd Street
Clearfield, PA 16830

DATE: 6-17-09

BY:



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,

Plaintiff

VS.

SAPP BROS. TRUCK STOPS, INC.,
et al

Defendant

No. 05-1674-CD

TYPE OF PLEADING:
Certificate of Service

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED

0 2:14 P.M. GR
JUN 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL DIVISION - LAW

LINDA MAINES AND JAMES MAINES,

Plaintiff

vs.

SAPP BROS. TRUCK STOPS, INC.,
et al

Defendant

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No. 05-1674-CD

CERTIFICATE OF SERVICE

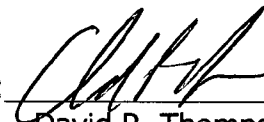
TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the **PRE-TRIAL STATEMENT** in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Blaise Ferraraccio, Esquire
301 West Pine Street
Clearfield, PA 16830

DATE: 6-17-09

BY:



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants

No. 05-1674-CD

FILED

DEC 10 2009

William A. Shaw
Prothonotary/Clerk of Courts

TYPE OF CASE:
Civil Action - Law

TYPE OF PLEADING:
Praeipie to Satisfy
Award and to Settle and
Discontinue

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR
THIS PARTY:
Joseph M. Scipione
Attorney at Law
Supreme Court I.D. 210163
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants

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No. 05-1674-CD

PRAECIPE TO SATISFY AWARD
AND TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above-captioned Arbitration Award entered in this matter as
satisfied and further the same being settled and discontinued.

Respectfully submitted,

Joseph M. Scipione, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs

vs.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants

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No. 05-1674-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

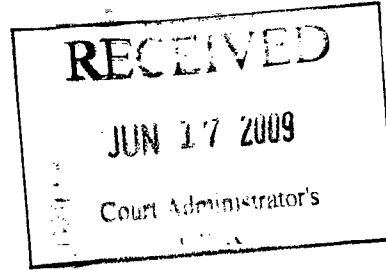
I, **JOSEPH M. SCIPIONE, ESQUIRE**, do hereby certify that I served a true and correct copy of the Praeipue to Satisfy Award and to Settle and Discontinue in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Mary Lou Maierhofer, Esquire
MARGOLIS EDELSTEIN
P.O. Box 628
Hollidaysburg, PA 16648

DATE:

BY:

Joseph M. Scipione, Esquire
Attorney for Plaintiffs



Arb
6/23
9:00
AM

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

: CIVIL ACTION - LAW
:
: No: 2005 CD 1674
:
: **ISSUE: Pre-Trial Statement Pursuant to**
: **Local Rule 1306**
:
: Filed on Behalf of All Defendants:
:
: Counsel of Record for All Defendants:
:
: MARGOLIS EDELSTEIN
: Mary Lou Maierhofer, Esquire
: PA. I.D. # 62175
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: FAX: (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and	:	CIVIL ACTION - LAW
JAMES MAINES, her husband,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
SAPP BROTHERS TRUCK STOPS, INC.,	:	No: 2005 CD 1674
i/a/t/d/b/a SAPP BROTHERS, INC.;	:	
SAPP BROTHERS TRUCK STOPS, INC.,	:	
i/a/t/d/b/a AUNT LOU'S CAFÉ; and	:	
AUNT LOU'S CAFÉ, INC.,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

PRE-TRIAL STATEMENT PURSUANT TO LOCAL RULE 1306

NOW COMES the Defendants, Rich Campbell, by and through his counsel, Mary Lou Maierhofer, Esquire, of the law firm of MARGOLIS EDELSTEIN, hereby submits its Pre-Trial Statement Pursuant to Local Rule 1306 of which the following is a statement:

1. **Brief Statement of the Defense:**

It is Defendants' contention that Plaintiff contributed, if not caused this incident.

2. **Citation to applicable case or statutes:**

N/A

3. **List of witnesses:**

A representative of the Defendant.

4. **Damages:**

None

MARGOLIS EDELSTEIN

By: 

Counsel for the Defendants

Mary Lou Maierhofer, Esquire

Attorney I.D. # 62175

PO Box 628

Hollidaysburg, PA 16648

(814) 695-5064

Fax: (814) 695-5066

Dated: June 16, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LINDA MAINES and
JAMES MAINES, her husband,

Plaintiffs,

v.

SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a SAPP BROTHERS, INC.;
SAPP BROTHERS TRUCK STOPS, INC.,
i/a/t/d/b/a AUNT LOU'S CAFÉ; and
AUNT LOU'S CAFÉ, INC.,

Defendants.

CIVIL ACTION - LAW

No: 2005 CD 1674

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire, of the law firm of MARGOLIS EDELSTEIN, hereby certify that the Pre-Trial Statement Pursuant to Local Rule 1306, on behalf of all Defendants, was served this 16th day of June, 2009, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

David R. Thompson, Esquire
308 Walton Street, Suite 4
P.O. Box 587
Philipsburg, PA 16866
(Counsel for Plaintiffs)

MARGOLIS EDELSTEIN

By: 

Mary Lou Maierhofer, Esquire
Attorney for Defendants
Attorney I.D. # 62175
PO Box 628
Hollidaysburg, PA 16648
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

LINDA MAINES AND
JAMES MAINES,

Plaintiffs

vs.

SAPP BROS. TRUCK STOPS, INC.,
et al

Defendant

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No. 05-1674-CD

PRE-TRIAL STATEMENT

I. STATEMENT OF CASE:

Plaintiff initiated this Action by filing a Praecipe to Issue Writ of Summons with the Court of Common Pleas of Clearfield County, Pennsylvania on October 27, 2005. On or about November 4, 2005, Defendants were served a true and correct copy of the Praecipe to Issue Writ of Summons by the Sheriff's Office of Clearfield County. Plaintiff filed a Complaint with the Court of Common Pleas of Clearfield County, Pennsylvania on April 4, 2008. A Praecipe to Reinstate the Complaint was filed on July 29, 2008. On November 24, 2008 Answer to Complaint was filed by the Defendant with the Court of Common Pleas of Clearfield County, Pennsylvania. On or about March 17, 2009 a Certificate of Readiness was filed by the Defendant with the Court of Common Pleas of Clearfield County, Pennsylvania. The matter has been scheduled for Arbitration on June 23, 2009, at 9:00 a.m.

II. STATEMENT OF FACTS:

At about 10:30 a.m. on November 4, 2003, Plaintiff was a customer in Aunt Lou's Café at Defendant Sapp Brothers Truck Stop in Clearfield, Pennsylvania. Plaintiff sat down at a table by herself and ordered a cup of tea, a soda, and a slice of pie. Around or about the same time an employee at the Café approached Plaintiff from behind and reached over her to pour hot water into the cup of tea. At the time the employee began to retract he hot water back and over the body of Plaintiff, she spilled hot water on Plaintiff's left forearm. The hot liquid that was spilled on Plaintiff's left arm produced an immediate first degree burn. Plaintiff made a complaint to the staff at the moment of the accident. An employee sprayed Plaintiff's arm with "burn relief". The bill was waived and Plaintiff exited the café. Plaintiff then proceeded to the Emergency Room at the Clearfield Hospital. At the Clearfield Hospital, Nurses applied sterile dressings to Plaintiff's left arm using antibiotic ointment. The doctor prescribed Ibuprofen 800mg with no refills.

III. LIST OF EXHIBITS:

- a. Medical Records from the Clearfield Hospital.
- b. Photographs of injuries.

IV. WITNESSES:

- a. Linda Maines
- b. James Maines

V. STIPULATIONS:

None at this time.

VII. EXTRAORDINARY EVIDENTIARY ISSUES:

None.

IX. ESTIMATED TIME FOR TRIAL:

One-half day.

Plaintiff reserves the right to supplement this Pre-Trial Statement as is necessary.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David R. Thompson", with a long horizontal flourish extending to the right.

David R. Thompson, Esquire
Attorney for Plaintiff