

05-1687-CD
Elizabeth Pile vs Frederick McGee

Elizabeth Pile vs. Frederick McGee
2005-1687-CD

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

ELIZABETH PILE,
Plaintiff
-vs-
FREDERICK MCGEE,
Defendant

*
*
*
* No. 05-1687-C
* JURY TRIAL DEMANDED
*
*

Type of Action:
Personal Injury

Type of Pleading:
Complaint

Filed on Behalf of:
Plaintiff

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED 1cc
9/23/05 AMY
OCT 3 2005 Milgrub
W.A. Shaw AMY D.D.
Prothonotary/Clerk of Courts 85.00

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

ELIZABETH PILE, *
Plaintiff *
*
*
-vs- * No.
* JURY TRIAL DEMANDED
FREDERICK MCGEE, *
Defendant *

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

ELIZABETH PILE, *
Plaintiff *
*
* VS * No.
* JURY TRIAL DEMANDED
FREDERICK MCGEE, *
Defendant *

COMPLAINT

AND NOW, comes the Plaintiff, Elizabeth Pile, by and through her attorney, Richard H. Milgrub, Esquire, who files the following Complaint:

1. Plaintiff, Elizabeth Pile, is a citizen of the Commonwealth of Pennsylvania, an adult individual, who resides at 135 Robin Road, Rockton, Clearfield County, Pennsylvania.
2. Defendant, Frederick McGee, is a citizen of the Commonwealth of Pennsylvania, an adult individual, who resides at 265 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. The facts and occurrences hereinafter related took place on or about January 29, 2005 at approximately 4:15 p.m. on Route 255 East, DuBois, Clearfield County, Pennsylvania.
4. At that time and place, Plaintiff was operating her motor vehicle in an easterly direction on Route 255, DuBois, Clearfield County, Pennsylvania.
5. At that time and place, Plaintiff was traveling within the right lane of travel for eastbound traffic on Route 255, DuBois, Clearfield County, Pennsylvania.

6. At that time and place, the Defendant was operating his vehicle in an easterly direction on Route 255 and was traveling in the lane of travel for eastbound traffic on Route 255.

7. At that time and place, the front portion of Defendant's vehicle violently collided with the rear portion of Plaintiff's vehicle.

8. The foregoing accident and all of the injuries and damages set forth hereinafter sustained by Plaintiff are the direct and proximate result of the negligent, careless, wanton and reckless manner in which Defendant operated his motor vehicle as follows:

a. operating the vehicle at an excessive rate of speed under the circumstances;

b. failing to have his vehicle under proper and adequate control;

c. failing to apply the brakes in time to avoid the collision;

d. negligently applying the brakes;

e. failing to observe Plaintiff's vehicle on the highway;

f. failing to operate the vehicle in accordance with existing traffic controls and traffic conditions;

g. permitting or allowing the vehicle to strike and collide with the rear of the vehicle operated by the Plaintiff;

- h. failing to drive at a speed and in a manner that would allow the Defendant to stop within the assured clear distance ahead;
- i. failing to properly observe traffic signals controlling Defendant's direction of travel;
- j. failing to keep a reasonable lookout for other vehicles lawfully on the road;
- k. failing to yield the right of way to traffic already upon the highway;
- l. operating the vehicle in a manner not consistent with the road and weather conditions prevailing at the time;
- m. operating the vehicle so as to create a dangerous situation for other vehicles on the roadway; and
- n. otherwise operating said vehicle in a careless, reckless, and negligent manner and in a manner violating the Motor Vehicle Code of the Commonwealth of Pennsylvania.

9. Plaintiff sustained painful and severe injuries, which include, but are not limited to: muscle spasm, annular bulging discs at C4-5 and C5-6 levels, mild foraminal encroachment and minimal indentation of nerve roots bilateral at C4-5 and C5-6 levels by bulging discs as described, cervical strain, myofascial strain syndrome, cervical radiculitis, cervical herniated disc C4-5 and C5-6, intervertebral ligament

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tear, some or all of which injuries are or may be serious or permanent in nature.

10. By reason of the aforesaid injuries sustained by Plaintiff, she was forced to incur liability for medical treatment, medications, hospitalizations, and similar miscellaneous expenses in an effort to restore herself to health and claim is made therefore.

11. Because of the nature of her injuries, Plaintiff has been advised and therefore avers that she maybe forced to incur similar expenses in the future, and claim is made therefore.

12. Plaintiff accident-related medical expenses exceeded Five thousand dollars and claim is made for all expenses incurred above Five thousand dollars (\$5,000.00).

13. As a result of the aforementioned injuries, Plaintiff has undergone and in the future will undergo great physical and mental suffering, great inconvenience in carrying out her daily activities, loss of life's pleasures and enjoyment, and claim is made therefore.

14. As a result of the aforesaid injuries, Plaintiff has been and in the future will be subject to great humiliation and embarrassment and claim is made therefore.

15. As a result of the aforesaid injuries, Plaintiff has sustained work loss, loss of opportunity and a permanent diminution in her earning power and capacity and claim is made therefore.

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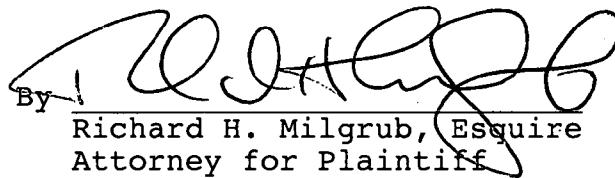
109 NORTH BRADY STREET
DUBOIS, PA 15801

16. As a result of the aforesaid injuries, Plaintiff has sustained uncompensated work loss and claim is made therefore.

17. Plaintiff continues to be plagued by persistent pain and limitation and therefore, avers that her injuries may be of a permanent nature, causing residual problems the remainder of her lifetime and claim is made therefore.

18. As a result of the aforesaid accident, Plaintiff, has sustained scars which will result in a permanent disfigurement and claim is made therefore.

WHEREFORE, Plaintiff demands judgment against the Defendant in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiff

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I, Elizabeth Pile, verify that the statements made in the Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 10/28/05

Elizabeth Pile

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

ELIZABETH PILE,
Plaintiff
-vs-
FREDERICK MCGEE,
Defendant

*
*
*
* No. 05-1687-CJ
* JURY TRIAL DEMANDED
*
*

Type of Action:
Personal Injury

Type of Pleading:
Praecipe to Settle
and Discontinue

Filed on Behalf of:
Plaintiff

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

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109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED 100-
01/31/05 2 Cert. of Disc.
DEC 02 2005 to A4
William A. Shaw
Prothonotary/Clerk of Courts
Copy to CJA

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

ELIZABETH PILE,
Plaintiff
-vs-
FREDERICK MCGEE,
Defendant

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*
* No. 05-1687-CD
* JURY TRIAL DEMANDED
*
*

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned case settled and discontinued.

Date: 12/1/05

By


Richard H. Milgrub, Esquire
Attorney for Plaintiff

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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

 COPY

CIVIL DIVISION

Elizabeth Pile

Vs. **No. 2005-01687-CD**
Frederick McGee

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 December 2, 2005, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Richard H. Milgrub, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of December A.D. 2005.

William A. Shaw, Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket #

100951

ELIZABETH PILE

Case # 05-1687-CD

vs.

FREDERICK MCGEE

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW February 13, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO FREDERICK MCGEE, DEFENDANT. ATTEMPTED, NOT HOME.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MILGRUB	0384	10.00
SHERIFF HAWKINS	MILGRUB	0384	51.23

Sworn to Before me This

So Answers,

____ Day of _____ 2006

Chester A. Hawkins
by *Marilyn Harris*
Chester A. Hawkins
Sheriff

FILED
018-4561
FEB 14 2006
WS

William A. Shaw
Prothonotary/Clerk of Courts

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

ELIZABETH PILE,
Plaintiff

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-vs-

* No. 05-1687-CD

FREDERICK MCGEE,
Defendant

* JURY TRIAL DEMANDED

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Type of Action:
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Type of Pleading:
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Filed on Behalf of:
Plaintiff

Counsel of Record for this
Party:

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

OCT 31 2005

Attest.

William H. Milgrub
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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By 
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Attorney for Plaintiff

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I, Elizabeth Pile, verify that the statements made in the Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 10/28/05

Elizabeth Pile

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