

05-1698-CD
Robert Curry vs Robert Brett Jr.

Robert D. Curry vs Robert Brett
05-1698-CD

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

ROBERT D. CURRY,

Plaintiff

vs.

ROBERT JOSEPH BRETT, JR.,

Defendant

No. 05-1698-CD

PRAECIPE FOR WRIT OF SUMMONS

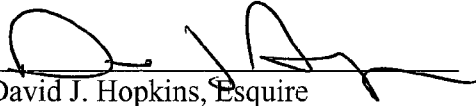
TO: Prothonotary

Please prepare and issue a Writ of Summons against ROBERT JOSEPH BRETT, JR. the
above named Defendant.

HOPKINS HELTZEL LLP

Date: 10-18-05

By:


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

FILED
01/11/30/05
NOV 01 2005
2cc + 2 writs
to Atty
Any pd. 85.00
William A. Shaw
Prothonotary/Clerk of Courts

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

ROBERT D. CURRY,


Plaintiff

vs.

ROBERT JOSEPH BRETT, JR.,

Defendant

No. 05-1698-15

 COPY

WRIT OF SUMMONS

TO: ROBERT JOSEPH BRETT, JR.
134 Hawthorne Street
Johnstown, PA 15904

You are hereby notified that ROBERT D. CURRY has commenced an action against
you.

Date: 11/1/05

Prothonotary

Seal of Court:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROBERT D. CURRY,

Plaintiff,

v.

ROBERT JOSEPH BRETT, JR.,

Defendant.

CIVIL DIVISION

No.: 05-1698-CD

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

Filed on behalf of Defendant:
Robert Joseph Brett, Jr.

Counsel of Record for this Party:
Stuart H. Sostmann, Esquire
Pa. I.D. No. 84065

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
Suite 2900, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

\\12_A\LIAB\SYS\SLPG\392430\DLD\11001\00288

FILED ^{NO}cc
m/9:02AM Rule to Amy
DEC 08 2005 CR

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROBERT D. CURRY,

CIVIL DIVISION

Plaintiff,

No.: 05-1698-CD

v.

ROBERT JOSEPH BRETT, JR.,

Defendant.

PRAECIPE FOR RULE TO FILE COMPLAINT

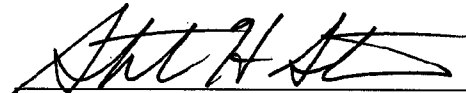
TO THE PROTHONOTARY:

Kindly issue a Rule upon the Plaintiff to file a Complaint in the above-captioned action.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:



Stuart H. Sostmann, Esquire
Attorneys for Defendant

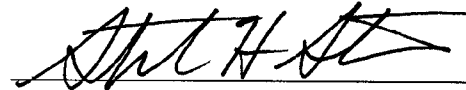
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
PRAECIPE FOR RULE TO FILE COMPLAINT has been served upon the parties of record
via United States First Class mail, postage prepaid, this 5th day of
December, 2005:


David Hopkins, Esquire
Hopkins & Heltzel
900 Beaver Drive
DuBois, PA 15801-2539

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:


Stuart H. Sostmann, Esquire
Attorneys for Defendant

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

 COPY

Robert D. Curry

Vs.
Robert Joseph Brett Jr.

Case No. 2005-01698-CD

RULE TO FILE COMPLAINT

TO: Robert D. Curry

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: December 8, 2005

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

ROBERT D. CURRY,

CIVIL DIVISION

Plaintiff,

No.: 05-1698-CD

v.

ROBERT JOSEPH BRETT, JR.,

PRAECIPE FOR APPEARANCE

Defendant.

Filed on behalf of Defendant:
Robert Joseph Brett, Jr.

Counsel of Record for this Party:
Stuart H. Sostmann, Esquire
Pa. I.D. No. 84065

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
Suite 2900, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

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FILED ^{no cc}
m 19:02 @
DEC 08 2005

William A. Shaw
Prothonotary/Clerk of Courts

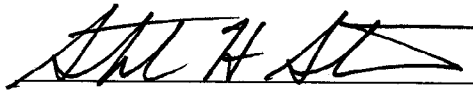
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
PRAECIPE FOR APPEARANCE has been served upon the parties of record via United States
First Class mail, postage prepaid, this 5th day of December, 200 :

David Hopkins, Esquire
Hopkins & Heltzel
900 Beaver Drive
DuBois, PA 15801-2539

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:


Stuart H. Sostmann, Esquire
Attorneys for Defendant

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

ROBERT D. CURRY,

Plaintiff

vs.

ROBERT J. BRETT, JR.,

Defendant

No. 05-1698-CD

Type of Pleading: Complaint

Filed on behalf of Robert D. Curry,
Plaintiff

Counsel of Record for this party:

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

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

December 16, 2005

FILED *no cc*
m/2:00/
DEC 20 2005 *CV*
William A. Shaw
Prothonotary/Clerk of Courts

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

ROBERT D. CURRY,	:	
Plaintiff	:	
	:	
vs.	:	No. 05-1698-CD
	:	
ROBERT J. BRETT, JR.,	:	
Defendant	:	

NOTICE

TO DEFENDANT:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641

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

ROBERT D. CURRY,	:	
Plaintiff	:	
	:	
vs.	:	No. 05-1698-CD
	:	
ROBERT J. BRETT, JR.,	:	
Defendant	:	

COMPLAINT

AND NOW, comes the Plaintiff, Robert D. Curry, by and through his attorneys, Hopkins Heltzel LLP and David J. Hopkins, Esquire, appearing and says as follows:

1. Plaintiff, Robert D. Curry, is an adult individual, who is a resident of the Commonwealth of Pennsylvania, presently residing at 115 East Park Avenue, DuBois, Pennsylvania 15801.

2. Defendant, Robert J. Brett, Jr., is an adult individual, who is a resident of the Commonwealth of Pennsylvania, believed to be residing at 134 Hawthorne Street, Johnstown, Pennsylvania 15904.

3. On May 18, 2004, Plaintiff was operating a 1996 Harley Davidson motorcycle traveling north on South Jared Street in the City of DuBois.

4. Defendant was operating a motor vehicle traveling west on West Weber Avenue in the City of DuBois. West Weber Avenue at the intersection of Jared Street is controlled by an approved stop sign.

5. The Defendant pulled into the intersection into the path of the Plaintiff. Plaintiff attempted to avoid a collision, but was unable to do so. As a result, a violent collision occurred, throwing the Plaintiff into the air and through the windshield of Defendants automobile.

6. Defendant acted in a negligent, careless, and reckless fashion causing the accident. The negligence, carelessness and recklessness of Defendant, Robert J. Brett, Jr., consisted of the following:

- a. Operating a motor vehicle without due regard to the rights, safety, well being and position of Plaintiff under the then current circumstances.
- b. Failing to identify the Plaintiff's motorcycle to his left prior to pulling into the intersection.
- c. Failed to yield to Plaintiff.
- d. Failing to abide by the stop sign controlling West Weber Avenue.

7. As a direct, proximate, natural, foreseeable and probable consequence of Defendant's negligence, carelessness and reckless conduct, Plaintiff was placed in a position of immediate peril and ran into Defendant's automobile, causing Plaintiff to suffer a stress fracture extending to the articular surface in the medial tibia plateau of his left knee, a torn medial collateral ligament, a torn anterior cruciate ligament, and a torn medial meniscus.

8. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has suffered, and will suffer in the future, great pain, agony and inconvenience.

9. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff suffered loss of income and in the future will suffer a reduction in his future earning power.

10. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has incurred, and will in the future incur, expenses for medical treatment and physical therapy in an amount not yet ascertained.

11. As a direct and proximate result of Defendant's negligence, carelessness and

reckless conduct, Plaintiff has suffered loss in the quality of his life.

12. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has suffered serious injuries within the meaning of Commonwealth of Pennsylvania statutes.

13. Defendant is liable for Plaintiff's injuries described herein inasmuch as Plaintiff's injuries are the direct, proximate, natural, foreseeable and probable consequences of Defendant's negligence, carelessness and reckless conduct.

WHEREFORE, Plaintiff, Robert D. Curry, respectfully demands judgment against Defendant, Robert J. Brett, Jr., for compensatory damages in an amount exceeding \$20,000.00, costs of suit, interest and such further relief as the Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff, Robert D. Curry, by his undersigned counsel, hereby demands a trial by jury of twelve people.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Plaintiff

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.



ROBERT D. CURRY

Dated: December 16th, 2005

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

ROBERT D. CURRY,	:	
	:	
Plaintiff	:	
	:	
vs.	:	No. 05-1698-CD
	:	
ROBERT J. BRETT, JR.,	:	
	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Plaintiff's Complaint, filed on behalf of Robert D. Curry, was forwarded by first class mail, postage prepaid, on the 19th day of December, 2005, to all counsel of record, addressed as follows:

Stuart H. Sostmann, Esquire
600 Grant Street, US Steel Tower, Suite 2900
Pittsburgh, PA 15219


David J. Hopkins, Esquire
Attorney for Plaintiff

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

ROBERT D. CURRY,

Plaintiff,

v.

ROBERT JOSEPH BRETT, JR.,

Defendant.

CIVIL DIVISION

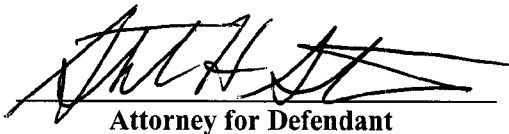
No.: 05-1698-CD

ANSWER AND NEW MATTER

Filed on behalf of Defendant:
Robert Joseph Brett, Jr.

TO THE PLAINTIFF:

You are hereby notified to file a written response to the within New Matter within twenty (20) days of service hereof or a default judgment may be entered against you.



Attorney for Defendant

Counsel of Record for this Party:
Stuart H. Sostmann, Esquire
Pa. I.D. No. 84065

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
Suite 2900, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

JURY TRIAL DEMANDED

\\12_ALIAB\SHSOSTMANN\LLPG\395745\DLDEFFNER\11001\00288

FILED NO
m 11:15 AM CC
JAN 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

ROBERT D. CURRY,

CIVIL DIVISION

Plaintiff,

No.: 05-1698-CD

v.

ROBERT JOSEPH BRETT, JR.,

Defendant.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, Robert J. Brett, Jr., by and through his undersigned counsel, Marshall, Dennehey, Warner, Coleman & Goggin and Stuart H. Sostmann, Esquire, and files the following Answer and New Matter, and in support thereof, avers as follows:

1. After reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.

2. Admitted.

3. After reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.

4. Admitted.

5. It is admitted that prior to the motor vehicle accident, this Defendant pulled into the intersection of West Weber Avenue and Jared Street. As to the averments that this Defendant pulled into the path of the Plaintiff, after reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are

therefore denied. Strict proof thereof is demanded at the time of trial. Further, as to Plaintiff's attempts to avoid a collision, after reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are therefore denied.

Strict proof thereof is demanded at the time of trial. It is admitted that the collision of the vehicles threw the Plaintiff into the air where he landed on top of the windshield of this Defendant's automobile.

6. These averments, including subparagraphs (a) through (d), constitute conclusions of law to which no response is deemed necessary. To the extent a response is deemed necessary, the same is denied, and strict proof is demanded at the time of trial.

7. As to the averments regarding this Defendant's alleged negligence, carelessness and reckless conduct, as well as proximate causation, these averments constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, said averments are denied and strict proof thereof is demanded at the time of trial. As to the remaining averments, after reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.

8. As to the averments of this Defendant's alleged negligence, carelessness and reckless conduct, these averments constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, said averments are denied and strict proof thereof is demanded at the time of trial. As to the remaining averments regarding Plaintiff's injuries and damages, after reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.

9. As to the averments of this Defendant's alleged negligence, carelessness and reckless conduct, these averments constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, said averments are denied and strict proof thereof is demanded at the time of trial. As to the remaining averments regarding Plaintiff's injuries and damages, after reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.

10. As to the averments of this Defendant's alleged negligence, carelessness and reckless conduct, these averments constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, said averments are denied and strict proof thereof is demanded at the time of trial. As to the remaining averments regarding Plaintiff's injuries and damages, after reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.

11. As to the averments of this Defendant's alleged negligence, carelessness and reckless conduct, these averments constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, said averments are denied and strict proof thereof is demanded at the time of trial. As to the remaining averments regarding Plaintiff's injuries and damages, after reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.

12. As to the averments of this Defendant's alleged negligence, carelessness and reckless conduct, these averments constitute conclusions of law to which no responsive pleading

is required. To the extent that a responsive pleading is required, said averments are denied and strict proof thereof is demanded at the time of trial. As to the remaining averments regarding Plaintiff's injuries and damages, after reasonable investigation, the Defendant is without knowledge sufficient to form a belief as to the truth of the averments, and the same are therefore denied. Strict proof thereof is demanded at the time of trial.

13. These averments constitute conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, said averments are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant Robert J. Brett, Jr., respectfully requests that this Honorable Court dismiss Plaintiff's Complaint with prejudice and award costs of suit.

NEW MATTER

For a further and more specific response, this Defendant asserts the following New Matter:

14. Plaintiff's rights in this action are governed, diminished and/or barred by the contributory and/or comparative negligence of the Plaintiff, and this Defendant claims all of the benefits of the Pennsylvania Comparative Negligence Act as set forth at 42 C.S.A. §7102 et seq. and states the same as an affirmative defense in this action.

15. This Defendant avers that some or all of Plaintiff's claims are barred or limited pursuant to the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. §1701 et seq.

16. In the event it is established that the Plaintiff has sustained injuries and damages as alleged in his Complaint, which are denied for the reasons set forth in the preceding paragraphs of this Answer, then in that event, said injuries and damages are due to the actions of

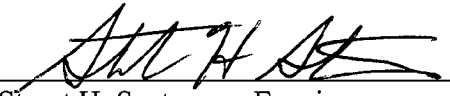
persons and/or individuals other than this Defendant, which acts were independent, intervening and superseding, and for which this Defendant is not liable or responsible.

WHEREFORE, Defendant Robert J. Brett, Jr., respectfully requests that this Honorable Court dismiss Plaintiff's Complaint with prejudice and award costs of suit.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:

A handwritten signature in black ink, appearing to read "Stuart H. Sostmann", written over a horizontal line.

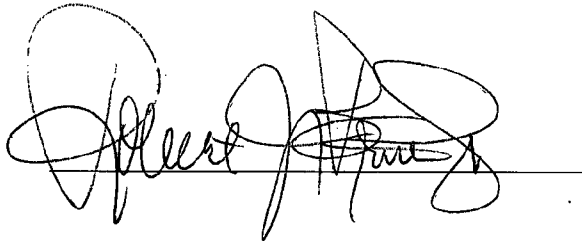
Stuart H. Sostmann, Esquire
Attorneys for Defendant

VERIFICATION

I, ROBERT J. BRETT, JR., do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER** and that the statements contained herein are true and correct to the best of my knowledge.

This verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: 1-3-06

A handwritten signature in black ink, appearing to read "Robert J. Brett, Jr.", written over a horizontal line.

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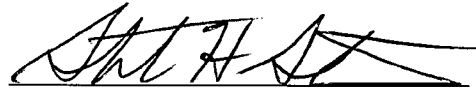
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **ANSWER AND NEW MATTER** has been served upon the parties of record via United States First Class mail, postage prepaid, this 9th day of January, 2006:

David Hopkins, Esquire
Hopkins & Heltzel
900 Beaver Drive
DuBois, PA 15801-2539

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:



Stuart H. Sostmann, Esquire
Attorneys for Defendant

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

ROBERT D. CURRY,

Plaintiff

vs.

ROBERT J. BRETT, JR.,

Defendant

No. 05-1698-CD

Type of Pleading: Answer to New Matter

Filed on behalf of: Robert D. Curry, Plaintiff

Counsel of Record for this party:

THE HOPKINS LAW FIRM

DAVID J. HOPKINS, Esquire

Attorney at Law

Supreme Court No. 42519

LEA ANN HELTZEL, Esquire

Attorney at Law

Supreme Court No. 83998

900 Beaver Drive

DuBois, Pennsylvania 15801

(814) 375-0300

FILED ^{no cc}
02/10/30
JAN 24 2006
LM

William A. Shaw
Prothonotary/Clerk of Courts

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

ROBERT D. CURRY,

Plaintiff

vs.

ROBERT J. BRETT, JR.,

Defendant

:
:
:
:
:
:
:

No. 05-1698-CD

ANSWER TO NEW MATTER

AND NOW, comes Plaintiff, Robert D. Curry, by and through his attorneys, Hopkins Heltzel LLP, and answers the New Matter of Defendant, Robert J. Brett, Jr. as follows:

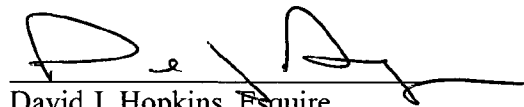
14. Plaintiff admits the Pennsylvania Comparative Negligence Act (42 C.S.A. §7102 et seq.) is applicable to the case at bar. However, Plaintiff denies said statute diminishes or bars Plaintiff's recovery.

15. Denied. Plaintiff's claims are not barred or limited by the Pennsylvania Motor Vehicle Financial Responsibility Law.

16. Denied. No other individuals or entities were the cause of Plaintiff's injuries.

WHEREFORE, Plaintiff, Robert D. Curry, prays Defendant's New Matter be dismissed with prejudice.

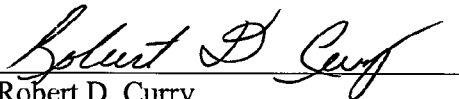
Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiff

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.


Robert D. Curry

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

ROBERT D. CURRY,

Plaintiff

vs.

ROBERT J. BRETT, JR.,

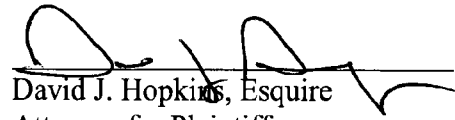
Defendant

No. 05-1698-CD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Plaintiff's Answer to New Matter, filed on behalf of Plaintiff, Robert D. Curry, was forwarded by first class mail, postage prepaid, on the nd 23 day of January, 2006 to all counsel of record, addressed as follows:

Stuart H. Sostmann, Esquire
Marshall, Dennehey, Warner, Coleman & Goggin
Suite 2900, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219


David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100963
NO: 05-1698-CD
SERVICE # 1 OF 1
WRIT OF SUMMONS

PLAINTIFF: ROBERT D. CURLEY
vs.
DEFENDANT: ROBERT JOSEPH BRETT JR.

SHERIFF RETURN

NOW, November 08, 2005, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN WRIT OF SUMMONS ON ROBERT JOSEPH BRETT JR..

NOW, November 15, 2005 AT 5:20 AM SERVED THE WITHIN WRIT OF SUMMONS ON ROBERT JOSEPH BRETT JR., DEFENDANT. THE RETURN OF CAMBRIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
01/31/06
FEB 15 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100963
NO: 05-1698-CD
SERVICES 1
WRIT OF SUMMONS

PLAINTIFF: ROBERT D. CURLEY
vs.
DEFENDANT: ROBERT JOSEPH BRETT JR.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HOPKINS	15908	10.00
SHERIFF HAWKINS	HOPKINS	15907	30.00
CAMBRIA CO.	HOPKINS	15909	93.75

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,


by 
Chester A. Hawkins
Sheriff

DEFENDANT
BRETT JR., ROBERT

AT 8:20 HRS. SERVED THE WRIT OF SUMMONS UPON ROBERT JOSEPH BRETT JR. BY HANDING A TRUE AND ATTESTED COPY THEREOF TO HIM PERSONALLY AT 134 HAWTHORNE ST. JOHNSTOWN, PA. 15904 AND MAKING CONTENTS THEREOF KNOWN TO HIM. MY COSTS PAID BY ATTORNEY FOR PLAINTIFF.

SHERIFF COSTS	90.75
PRO	3.00
TOTAL COSTS	93.75

SO ANSWERS.

BOB KOLAR, SHERIFF

SWORN AND SUBSCRIBED TO BEFORE ME THIS 22ND DAY OF NOV. 05.

PROTHONOTARY

DATE: 11/10/05
CASE # 05-10001
STATE OF NEW YORK, ROBERT
00-10001
JAMES J. ROBERT

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FILED
FEB 15 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROBERT D. CURRY,

CIVIL DIVISION

Plaintiff,

No.: 05-1698-CD

v.

ROBERT JOSEPH BRETT, JR.,

Defendant.

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF**

Filed on behalf of Defendant:
Robert Joseph Brett, Jr.

Counsel of Record for this Party:
Stuart H. Sostmann, Esquire
Pa. I.D. No. 84065

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
Suite 2900, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

412-803-1140

FILED

APR 17 2006
ml 12:10/wh
William A. Shaw
Prothonotary/Clerk of Courts
1 SENT TO ATT

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

ROBERT D. CURRY,

CIVIL DIVISION

Plaintiff,

No.: 05-1698-CD

v.

ROBERT JOSEPH BRETT, JR.,

Defendant.

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF**

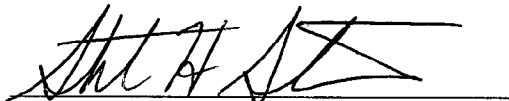
TO THE COURT:

The undersigned hereby certifies that a true and correct copy of Interrogatories and Request for Production of Documents Directed to Plaintiff have been served upon all parties of record in the above-captioned matter this 12th day of April 2006 by U.S. First Class mail as indicated on the attached Certificate of Service.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER
COLEMAN & GOGGIN, P.C.

BY:



Stuart H. Sostmann, Esquire
Attorneys for Defendant

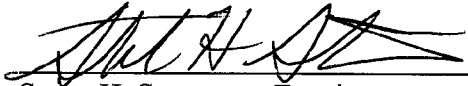
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF** were served upon the party listed below by U.S. Mail, postage pre-paid this 12th day of April, 2006, as follows:

David J. Hopkins, Esquire
Hopkins & Heltzel, LLP
900 Beaver Drive
DuBois, PA 15801-2539

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By:


Stuart H. Sostmann, Esquire
Attorneys for Defendant

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

ROBERT D. CURRY,

Plaintiff

vs.

ROBERT J. BRETT, JR.,

Defendant

No. 05-1698-CD

Type of Pleading: Praecipe to Discontinue

Filed on behalf of Robert D. Curry,
Plaintiff

Counsel of Record for this party:

HOPKINS HELTZEL LLP

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

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED *acc + 2 Cert*
9/10:20 am *of disc issued*
SEP 21 2006 *to Atty Hopkins*
Ⓢ Copto C/A

William A. Shaw
Prothonotary/Clerk of Courts

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

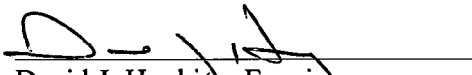
ROBERT D. CURRY,	:	
Plaintiff	:	
	:	
vs.	:	No. 05-1698-CD
	:	
ROBERT J. BRETT, JR.,	:	
Defendant	:	

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above captioned matter settled and discontinued.

HOPKINS HELTZEL LLP


David J. Hopkins, Esquire

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

ROBERT D. CURRY,

Plaintiff

vs.

ROBERT J. BRETT, JR.,

Defendant


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:
:
:
:

No. 05-1698-CD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Praecipe to Discontinue, filed on behalf of Robert D. Curry, was forwarded by first class mail, postage prepaid, on the 21st day of September, 2006 to all counsel of record, addressed as follows:

Stuart H. Sostmann, Esquire
600 Grant Street
US Steel Tower, Suite 2900
Pittsburgh, PA 15219


David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Robert D. Curry

Vs.

No. 2005-01698-CD

Robert Joseph Brett Jr.

CERTIFICATE OF DISCONTINUATION

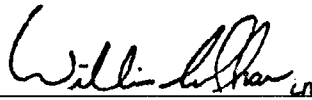
Commonwealth of PA
County of Clearfield

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 September 21, 2006, marked:

Settled and discontinued

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of September A.D. 2006.



William A. Shaw, Prothonotary