

Kirsta C. Bloom vs Gio's Store
05-1772-CD

Kirsta Bloom vs Gio's Store

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Krista C Broom
(Plaintiff)

CIVIL ACTION

125 Dace Road
(Street Address)

No. 2005-1772-CP

Physicsburg Pa. 16866
(City, State ZIP)

Type of Case: _____

Type of Pleading: _____

Filed on Behalf of:

VS.

610 1/2 Store
(Defendant)

(Plaintiff/Defendant)

RR2 Box 310A SR322
(Street Address)

Woodburn Pa. 16881
(City, State ZIP)

FILED

NOV 14 2005

0111:50 (W)

William A. Shaw

Prothonotary/Clerk of Courts

No TUES TO

PEPPER

MONDAY

DAVID J. PARASITI
(Filed by)

957 Lincoln Ave Tyrone Pa. 16688
(Address)

684-2844 home 857-7714 work
(Phone)

(Signature)

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46TH

JUDICIAL DISTRICT

CLEARFIELD Co.

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-1772-CO

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

| | | | |
|----------------------|---|---------|--------------------------------|
| NAME OF APPELLANT | | | MAG. DIST. NO. OR NAME OF D.J. |
| Gio's Store | | 76-3-03 | |
| ADDRESS OF APPELLANT | CITY | STATE | ZIP CODE |
| RR2 Box 310A | Woodcamp | PA | 16881 |
| DATE OF JUDGMENT | IN THE CASE OF (Plaintiff) | | |
| 10-13-05 | Krista C Bloom | | |
| CLAIM NO. | vs. 6-10's Store (Defendant) | | |
| CV | SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT | | |
| LT | <u>SK</u> | | |

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon KRISTA C. Bloom, appellee(s), to file a complaint in this appeal

(Common Pleas No. 2005-1772-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Krista C Bloom, appellee(s).

Dave Panisiti
Signature of appellant or his attorney or agent

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: Nov. 14, 2005

Well

Signature of Prothonotary or Deputy

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS _____

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

MDJ Name: Hon.

MICHAEL A. RUDELLA

Address: **131 ROLLING STONE ROAD
PO BOX 210
KYLERTOWN, PA**

Telephone: **(814) 345-6789**

16847-0444

**GIO'S STORE
RR2 BOX 310A
SR322
WOODLAND, PA 16881**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

**BLOOM, KRISTA C
125 DALE ROAD
PHILIPSBURG, PA 16866**

NAME and ADDRESS

DEFENDANT:

**GIO'S STORE
RR2 BOX 310A
SR322
WOODLAND, PA 16881**

VS.

NAME and ADDRESS

Docket No.: **CV-0000162-05**
Date Filed: **6/30/05**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) **BLOOM, KRISTA C**

Judgment was entered against: (Name) **GIO'S STORE**

in the amount of \$ **2,277.00** on: (Date of Judgment) **10/13/05**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

| | |
|----------------------|--------------------|
| Amount of Judgment | \$ 2,160.50 |
| Judgment Costs | \$ 116.50 |
| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
| Total | \$ 2,277.00 |

This case dismissed without prejudice.

| | |
|--|----------|
| Post Judgment Credits | \$ _____ |
| Post Judgment Costs | \$ _____ |
| Certified Judgment Total \$ _____ | |

Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 \$ _____

Portion of Judgment for physical
damages arising out of residential
lease \$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

10-13-05 Date

M A Rudella

, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2006**

SEAL

COURT OF COMMON PLEAS
46TH
JUDICIAL DISTRICT

CLEARFIELD Co.

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-1772-CV

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

| | |
|---|---|
| NAME OF APPELLANT <i>Gio's Stone</i> | MAG. DIST. NO. OR NAME OF D.J. <i>46-3-03</i> |
| ADDRESS OF APPELLANT <i>RR2 Box 310A</i> | CITY <i>Woodlawn</i> |
| STATE <i>Pa</i> | ZIP CODE <i>16881</i> |
| DATE OF JUDGMENT <i>10-13-05</i> | IN THE CASE OF (Plaintiff) <i>Krista C Broom</i> |
| CLAIM NO. <i>CV</i> | (Defendant) <i>Gio's Stone</i> |
| LT | SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>[Signature]</i> |
| <p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p> | |
| <p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p> | |

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Krista C Broom, appellee(s), to file a complaint in this appeal

(Common Pleas No. 2005-1772-CV) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Krista C Broom, appellee(s).

[Signature]
Signature of appellant or his attorney or agent
Dave Parasiti

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: Nov. 14, 2007

[Signature]
Signature of Prothonotary or Deputy

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____,

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COMPLAINT COVER SHEET

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

05-1772-CD
District Justice Appeal
Case NO. CV-0000162-05

Type of pleading:
Complaint

Krista Bloom
Plaintiff

Gio's Store
Defendant

Filed on behalf of:
Plaintiff

Krista Bloom
2572 Salem road
West Decatur, Pa.16878

FILED *12/11/05* *2005* *PLF*
DEC 05 2005 *GR*

William A. Shaw
Prothonotary/Clerk of Courts

| | | | |
|--|---------------------------------------|---|-------------------------------|
| Return. | | | OMB No. 1545-0008 |
| Employer ID number 1658139 | 1 Wages, tips, other comp. 1073.31 | 2 Federal income tax withheld 56.06 | |
| | 3 Social security wages 1073.31 | 4 Social security tax withheld 66.56 | |
| | 5 Medicare wages and tips 1073.31 | 6 Medicare tax withheld 15.57 | |
| Employer's name, address, and ZIP code WOODLAND FOOD & FUEL INC ROUTE 322 & 970 WOODLAND PA 16681 | | | |
| d Employee's social security number 160-64-3344 | | | |
| e Employee's name, address, and ZIP code KRISTA BLOOM 304 CURTIN STREET OSCEOLA MILLS PA 16666 | | | |
| 7 Social security tips | | 8 Allocated tips | 9 Advance EIC payment |
| 0 Dependent care benefits | | 11 Nonqualified plans | 12a Code See inst. for box 12 |
| 3 Statutory employee | | 14 Other | 12b Code |
| Retirement plan | | SUI .75 | 12c Code |
| Third-party sick pay | | | 12d Code |
| PA | 1791 4151 | 1073.31 | 32.96 |
| 5 State Employer's state ID no. | 16 State wages, tips, etc. | 17 State income tax | |
| 8 Local wages, tips, etc. | 19 Local income tax 1073.31 | 20 Locality name CLFD | 10.75 |

Form W-2 Wage and Tax Statement
Dept. of the Treasury -- IRS
This information is being furnished to the Internal Revenue Service. 39-1908847

This information is being furnished to IRS. If you are required to file a tax return, a negligence penalty/other sanction may be imposed on you if this income is taxable & you fail to report it.

Copy C--For EMPLOYEE'S RECORDS.
See Notice to Employee).

| | | | |
|--|---------------------------------------|---|-------------------|
| 2004 | | | OMB No. 1545-0008 |
| Control number Employer ID number 25-1658139 | 1 Wages, tips, other comp. 1073.31 | 2 Federal income tax withheld 56.06 | |
| | 3 Social security wages 1073.31 | 4 Social security tax withheld 66.56 | |
| | 5 Medicare wages and tips 1073.31 | 6 Medicare tax withheld 15.57 | |
| Employer's name, address, and ZIP code WOODLAND FOOD & FUEL INC ROUTE 322 & 970 WOODLAND PA 16681 | | | |

| | | | |
|---|--------------------------------|--------------------------|-------------------------------|
| Employee's social security number 160-64-3344 | | | |
| Employee's name, address, and ZIP code KRISTA BLOOM 304 CURTIN STREET OSCEOLA MILLS PA 16666 | | | |
| Social security tips | | 8 Allocated tips | 9 Advance EIC payment |
| Dependent care benefits | | 11 Nonqualified plans | 12a Code See inst. for box 12 |
| Statutory employee | | 14 Other | 12b Code |
| Retirement plan | | SUI .75 | 12c Code |
| Third-party sick pay | | | 12d Code |
| PA | 1791 4151 | 1073.31 | 32.96 |
| State Employer's state ID no. | 16 State wages, tips, etc. | 17 State income tax | |
| Local wages, tips, etc. | 19 Local income tax 1073.31 | 20 Locality name CLFD | 10.75 |

Form W-2 Wage and Tax Statement 39-1908847 Dept. of the Treasury -- IRS

| | | | |
|--|---------------------------------------|---|-----------------------|
| City, or Local Income Tax Return. | | | OMB No. 1545-0008 |
| a Control number b Employer ID number 25-1658139 | 1 Wages, tips, other comp. 1073.31 | 2 Federal income tax withheld 56.06 | |
| | 3 Social security wages 1073.31 | 4 Social security tax withheld 66.56 | |
| | 5 Medicare wages and tips 1073.31 | 6 Medicare tax withheld 15.57 | |
| c Employer's name, address, and ZIP code WOODLAND FOOD & FUEL INC ROUTE 322 & 970 WOODLAND PA 16681 | | | |
| d Employee's social security number 160-64-3344 | | | |
| e Employee's name, address, and ZIP code KRISTA BLOOM 304 CURTIN STREET OSCEOLA MILLS PA 16666 | | | |
| 7 Social security tips | | 8 Allocated tips | 9 Advance EIC payment |
| 10 Dependent care benefits | | 11 Nonqualified plans | 12a Code |
| 13 Statutory employee | | 14 Other | 12b Code |
| Retirement plan | | SUI .75 | 12c Code |
| Third-party sick pay | | | 12d Code |
| PA | 1791 4151 | 1073.31 | 32.96 |
| 15 State Employer's state ID no. | 16 State wages, tips, etc. | 17 State income tax | |
| 18 Local wages, tips, etc. | 19 Local income tax 1073.31 | 20 Locality name CLFD | 10.75 |

Form W-2 Wage and Tax Statement
Dept. of the Treasury -- IRS
39-1908847

4 GW24UP NTF 2500958 Copyright 2004 Greatland/Netco

| | | | |
|--|---------------------------------------|---|-----------------------|
| Copy 2--To Be Filed With Employee's State, City, or Local Income Tax Return. | | | 2004 |
| a Control number b Employer ID number 25-1658139 | 1 Wages, tips, other comp. 1073.31 | 2 Federal income tax withheld 56.06 | |
| | 3 Social security wages 1073.31 | 4 Social security tax withheld 66.56 | |
| | 5 Medicare wages and tips 1073.31 | 6 Medicare tax withheld 15.57 | |
| c Employer's name, address, and ZIP code WOODLAND FOOD & FUEL INC ROUTE 322 & 970 WOODLAND PA 16681 | | | |
| d Employee's social security number 160-64-3344 | | | |
| e Employee's name, address, and ZIP code KRISTA BLOOM 304 CURTIN STREET OSCEOLA MILLS PA 16666 | | | |
| 7 Social security tips | | 8 Allocated tips | 9 Advance EIC payment |
| 10 Dependent care benefits | | 11 Nonqualified plans | 12a Code |
| 13 Statutory employee | | 14 Other | 12b Code |
| Retirement plan | | SUI .75 | 12c Code |
| Third-party sick pay | | | 12d Code |
| PA | 1791 4151 | 1073.31 | 32.96 |
| 15 State Employer's state ID no. | 16 State wages, tips, etc. | 17 State income tax | |
| 18 Local wages, tips, etc. | 19 Local income tax 1073.31 | 20 Locality name CLFD | 10.75 |

Form W-2 Wage and Tax Statement 39-1908847 Dept. of the Treasury -- IRS

4UPPERF

NTF 0488

COMPLAINT - VERIFICATION

VERIFICATION

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

Krista Bloom 12-5-05

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

KRISTA BLOOM,

Plaintiff :

No. 2005-1778-CD

Vs.

GIO'S STORE,

Defendant :

Type of Pleading:

PRELIMINARY OBJECTIONS

Filed on Behalf of:

DEFENDANT

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire

Supreme Court No. 62074

190 West Park Avenue, Suite #5

DuBois, PA 15801

(814) 375-5598

FILED
1/2/2006
FEB 10 2006
3CC
Atty DuBois

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

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

KRISTA BLOOM, : No. 2005-1773-CD
Plaintiff :
: :
Vs. : :
: :
GIO'S STORE, :
Defendant : :
: :

ORDER

AND NOW, this 10th day of February, 2006, upon
consideration of Defendants Preliminary Objections,

IT IS HEREBY ORDERED AND DECREED that a Hearing be scheduled in this
matter for the 3rd day of March, 2006, at 9:00 o'clock A.M., in
Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Judge

FILED
1400301 3cc
FEB 13 2006 Atty Dubois
(GW)

William A. Shaw
Prothonotary/Clerk of Courts

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

KRISTA BLOOM, : No. 2005-1775-CD
Plaintiff :
: Vs. :
: :
GIO'S STORE, :
Defendant :
:

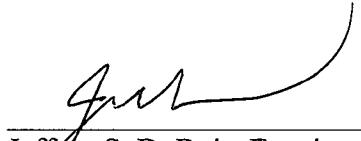
PRELIMINARY OBJECTIONS

AND NOW, comes Defendant, GIO'S STORE, by and through their attorney, Jeffrey S. DuBois, Esquire, who files the following Preliminary Objections, pursuant to Pa. R.C.P. 1028 and in support thereof avers the following:

1. Plaintiff filed a Complaint pursuant to a District Justice Appeal to the above captioned term and number, filed with this Honorable Court on December 5, 2005.
2. It is uncertain when Defendant would have mailed said Complaint to Defendant as there is no Certificate of Service attached to said Complaint.
3. Additionally, said Complaint should be stricken as the same does not contain a Notice to Defend as required by the Civil Rules under Pa. R.C.P. 1018.1.
4. Also, the Pleading fails to conform to the law or rule of Court, as well as containing insufficient specificity in said Pleading, as the Complaint fails to set forth the cause of action against Defendant, or anyone, but simply narrates a story.
5. Finally, said Complaint sets forth an insufficient specificity in Pleading as there is no prayer for relief set forth by Plaintiff.

WHEREFORE, Defendant respectfully requests this Honorable Court to strike said Complaint, or in the alternative, to have Plaintiff amend said Complaint in conformance with the rules of Civil Procedure.

Respectfully submitted,



Jeffrey S. DuBois, Esquire

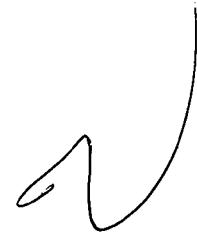
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

KRISTA BLOOM, : No. 2005-1775-CD
Plaintiff :
: Vs. :
: :
GIO'S STORE, :
Defendant :
:

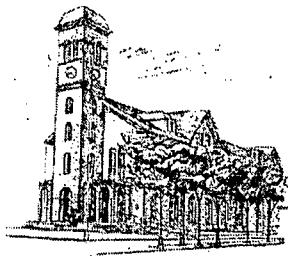
CERTIFICATE OF SERVICE

I do hereby certify that on the 10th day of Feb., 2006, I served a
true and correct copy of the within Preliminary Objections by first class mail, postage
prepaid, on the following:

Krista Bloom
2572 Salem Road
West Decatur, PA 16878



Jeffrey S. DuBois



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw

Prothonotary/Clerk of Courts

David S. Ammerman

Solicitor

Jacki Kendrick

Deputy Prothonotary

Bonnie Hudson

Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (314) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 2/13/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

KRISTA BLOOM,

Plaintiff : No. 2005-1772-CD

Vs.

GIO'S STORE,

Defendant : Filed on Behalf of:
DEFENDANT

: Counsel of Record for This Party:

: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

FILED
01/07/06
FEB 15 2006
Lm
William A. Shaw
Prothonotary/Clerk of Courts

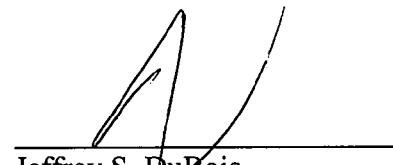
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
: Vs. :
: :
GIO'S STORE, :
Defendant :
:

CERTIFICATE OF SERVICE

I do hereby certify that on the 14th day of February, 2006, I served a true and correct copy of the within Preliminary Objections by first class mail, postage prepaid, on the following:

Krista Bloom
2572 Salem Road
West Decatur, PA 16878



Jeffrey S. DuBois

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

KRISTA BLOOM

:

-vs-

: No. 05-1772-CD

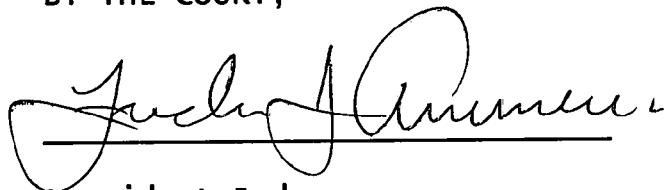
GIO'S STORE

:

O R D E R

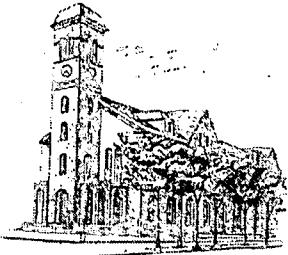
NOW, this 3rd day of March, 2006, this being the date set for hearing on the Defendant's Preliminary Objections, with the Court noting the Plaintiff has not appeared; upon the Court's review of the Complaint and the Preliminary Objections, the Court believes that the issues as set forth within the Preliminary Objections are correct. The Preliminary Objections are granted to the extent that the Plaintiff shall have no more than twenty (20) days from this date in which to file an Amended Complaint. The Amended Complaint shall state the cause of action with more specificity, contain a notice to defend as required by the Rules of Civil Procedure, and also set forth a demand clause in order that the pleading may clearly set forth what the Plaintiff is requesting and why.

BY THE COURT,



President Judge

FILED, CC Piff
01/30/08 AMW
MAR 03 2006 packet for Piff
2572 Salem Rd., West Deerlawn
William A. Shaw, 2CC Atty Dubois
Prothonotary/Clerk of Courts
GK



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 3/3/04

 You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

 Special Instructions:

FILED

3/11/53em rem: led to
MAR 09 2006 Krista Bloom
125 Dale Rd
Philipsburg PA

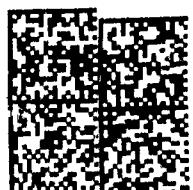
WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

William A. Shaw 16866-8810

Prothonotary (LN)
Appeal
(with ~~letter~~ from District
Justice (court plffs only))

BL000572 168782002 1B04 09 03/08/06
FORWARD TIME EXP RTN TO SEND
BLOOM, KRISTA C
125 DALE RD
PHILIPSBURG PA 16866-8810

RETURN TO SENDER



Hasler

03/06/2006
\$ 00.87
Mailed From 16830
US POSTAGE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KRISTA BLOOM

:

I hereby certify this to be a true
copy of the original
of record in this case.

-vs-

: No. 05-1772-CD

MAR 03 2006

GIO'S STORE

:

Attest

P. Ammerman/
Clerk of Courts

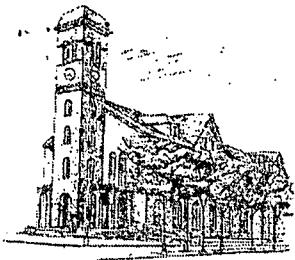
O R D E R

NOW, this 3rd day of March, 2006, this being the date set for hearing on the Defendant's Preliminary Objections, with the Court noting the Plaintiff has not appeared; upon the Court's review of the Complaint and the Preliminary Objections, the Court believes that the issues as set forth within the Preliminary Objections are correct. The Preliminary Objections are granted to the extent that the Plaintiff shall have no more than twenty (20) days from this date in which to file an Amended Complaint. The Amended Complaint shall state the cause of action with more specificity, contain a notice to defend as required by the Rules of Civil Procedure, and also set forth a demand clause in order that the pleading may clearly set forth what the Plaintiff is requesting and why.

BY THE COURT,

/s/ Fredric J. Ammerman

President Judge



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 3/3/06

 You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

 Special Instructions:

**AMENDED COMPLAINT COVER SHEET
NOTICE TO DEFEND**

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

Krista Bloom
Plaintiff

District Justice Appeal
Case NO. 05-1772-CD

GIO'S STORE
Defendant

Type of pleading:
Notice to defend/ Amended complaint

Filed on behalf of:
Plaintiff

Krista Bloom
125 Dale road
Philipsburg, Pa.

FILED 2cc
01/23/2006 P15
MAR 23 2006
5pm

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

| | |
|----------------------------|---------------------------|
| <u>Krista Bloom</u> | : |
| Plaintiff | : |
| | : District Justice Appeal |
| | : Case NO. 05-1772-CD |
| | : |
| <u>Gio's Store</u> | : |
| Defendant | : Type of pleading: |
| | : Amended Complaint |
| | : |

AMENDED COMPLAINT

1. Admitted
2. Admitted (Must be mail by regular mail to defendant)
3. Admitted, nor defendants order does not contain an notice to defend
4. Denied, Defendant lied to the Unemployment office both in written form & under oath about the amount of my wages while employed by them. In return dening me unemployment.
5. I am placing suit on Gio's Store for the amount of Unemployment Benefits that I was intitled to. But denied from when they gave this false information.
6. In the amount of \$4,321 was what I was excepted for. But the unemployment office was not aware that I made six times my weekly quota, when Gio's gave them the wrong amount of my actual wages. District Justice court cost is \$116 plus lawey fees are \$575.
7. Gio's store has consecutively lied to the unemployment office about my actual amount of wages. They believe I should not have been excepted for the benefits that I earned.

AMENDED COMPLAINT – VERIFICATION

VERIFICATION

I verify that the statements made in this complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 related to unsworn falsification to Authorities.

Krista Brown 3/22/06

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

(A)

Krista Bloom
(Plaintiff)

CIVIL ACTION

2522 Salem Road
(Street Address)

NO. 05-1772-CD

West Decatur, Pa. 16878
(City, State ZIP)

Type of Case: Civil

Type of Pleading: Certificate of Readiness

vs.

Filed on Behalf of:

Gio's Store
(Defendant)

Krista Bloom
(Plaintiff/Defendant)

R.R.2 Box 310A SR322
(Street Address)

Woodland, Pa. 16881
(City, State ZIP)

FILED

OCT 10 2006

012451~

William A. Shaw
Prothonotary/Clerk of Courts

No 4/c

Krista Bloom
(Filed by)

2572 Salem Road West Decatur, Pa. 16878
(Address)

(814)342-2657
(Phone)

Krista Bloom
(Signature)

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

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

05-1772-CD

DATE PRESENTED 10-2-06

CASE NUMBER

TYPE TRIAL REQUESTED

ESTIMATED TRIAL TIME

Date Complaint

() Jury () Non-Jury

Filed:

Arbitration

1/2 day days/hours

PLAINTIFF(S)

Krista Bloom

DEFENDANT(S)

Gio's Store () Check block if a Minor
is a Party to the Case

ADDITIONAL DEFENDANT(S)

JURY DEMAND FILED BY:

\$6,012.00

AMOUNT AT ISSUE

DATE JURY DEMAND FILED:

n/a

CONSOLIDATION

n/a

DATE CONSOLIDATION ORDERED

More than

&

n/a

() yes () no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL 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 counsel:

Krista Bloom

FOR THE PLAINTIFF

(814) 342-2657

TELEPHONE NUMBER

Gio's Store

FOR THE DEFENDANT

(814) 857-1714

TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

KRISTA BLOOM :
vs. : No. 05-1772-CD
GIO'S STORE :
:

ORDER

NOW, this 16 day of February, 2007, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Tuesday, April 10, 2007 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:

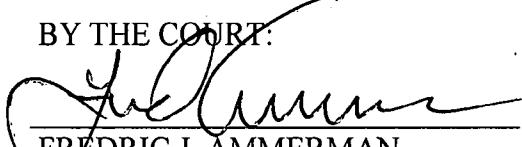
Kim C. Kesner, Esquire, Chairman

Theron G. Noble, Esquire

David R. Thompson, 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.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED
04/09/07
FEB 16 2007
6CC
CJA
6K

William A. Shaw
Prothonotary/Clerk of Courts
6K

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

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
: Type of Pleading:
Vs. :
: **PRELIMINARY OBJECTIONS**
: **TO PLAINTIFF'S AMENDED**
: **COMPLAINT**
GIO'S STORE, :
Defendant : Filed on Behalf of:
: DEFENDANT
: Counsel of Record for This Party:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

FILED
0 10:45 AM GK
MAR 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

BCC TO AMY.

(6)

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

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
Vs. :
GIO'S STORE, :
Defendant :
.

ORDER

AND NOW, this 5 day of March, 2007, upon
consideration of Defendants Preliminary Objections,

IT IS HEREBY ORDERED AND DECREED that a Hearing be scheduled in this
matter for the 15th day of March, 2007, at 1:30 o'clock P.M., in
Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Judge

FILED 3CC
03/30/07 Atty Dubois
MAR 06 2007
(GW)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 06 2007

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 3/06/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney Other

Special Instructions:

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

| | | |
|---------------|---|------------------|
| KRISTA BLOOM, | : | No. 2005-1772-CD |
| Plaintiff | : | |
| | : | |
| Vs. | : | |
| | : | |
| GIO'S STORE, | : | |
| Defendant | : | |

**PRELIMINARY OBJECTIONS TO
PLAINTIFF'S AMENDED COMPLAINT**

AND NOW, comes Defendant, GIO'S STORE, by and through their attorney, Jeffrey S. DuBois, Esquire, who files the following Preliminary Objections, pursuant to Pa. R.C.P. 1028 and in support thereof avers the following:

1. Plaintiff, who is proceeding Pro Se, filed a Complaint pursuant to a District Justice Appeal to the above captioned term and number, filed with this Honorable Court on December 5, 2005.
2. Thereafter, Defendant filed Preliminary Objections on a number of counts as said Complaint was not in conformity with the Pennsylvania Civil Rules.
3. In an Order of Court dated March 3, 2006, said Preliminary Objections of Defendant were granted by this Honorable Court.
4. Thereafter, Plaintiff did file an Amended Complaint.
5. However, as was with Plaintiff's original Complaint, said Amended Complaint fails to conform not only with the Pennsylvania Civil Rules, but also with the requirements of this Honorable Court's Order of Court dated March 3, 2006.

6. Specifically, in said Order of Court, the Court required Plaintiff file a Notice to Defend as required by the Rules of Civil Procedure.

7. Plaintiff's Amended Complaint contained no Notice to Defend as required by Rules of Civil Procedure.

8. In addition, Plaintiff's Amended Complaint also fails to follow the rules of Civil Procedure and the aforementioned Order of Court, as she does not set forth a demand clause in order that the Pleading may clearly set forth what she is requesting and why.

9. As a consequence, said Amended Complaint sets forth insufficient specificity in pleading and must be dismissed under the Rules of Civil Procedure.

10. Finally, in looking at said Amended Complaint, it almost appears that Plaintiff is not filing a Complaint *per se*, but in fact is responding to, by number and substance, Defendant's original Preliminary Objections.

11. For example, paragraph number one (1) in Plaintiff's Amended Complaint is admitted, and it can only be assumed she is responding to the averment set forth in paragraph one (1) of Defendant's Preliminary Objections.

12. Therefore, for all the reasons set forth above, Plaintiff's Amended Complaint fails to comply with the Pennsylvania Rules of Civil Procedure and also fails to comply with the mandate set forth in this Honorable Court's Order from March 3, 2006, and therefore Defendant requests this case be dismissed in its entirety.

WHEREFORE, Defendant respectfully requests this Honorable Court to strike said Complaint, and dismiss said case with Prejudice, or in the alternative, to have Plaintiff amend said Complaint again in conformance with the rules of Civil Procedure.

Respectfully submitted,



Jeffrey S. DuBois, Esquire

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

| | | |
|---------------|---|------------------|
| KRISTA BLOOM, | : | No. 2005-1772-CD |
| Plaintiff | : | |
| | : | |
| Vs. | : | |
| | : | |
| GIO'S STORE, | : | |
| Defendant | : | |

CERTIFICATE OF SERVICE

I do hereby certify that on the 5th day of March, 2007, I served a true and correct copy of the within Preliminary Objections by first class mail, postage prepaid, on the following:

Krista Bloom
2572 Salem Road
West Decatur, PA 16878



Jeffrey S. DuBois

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

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
Vs. : Type of Pleading:
: **MOTION TO REMOVE
FROM ARBITRATION**
GIO'S STORE, :
Defendant : Filed on Behalf of:
: DEFENDANT
: Counsel of Record for This Party:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

FILED
0 10:40 a.m. 6K
MAR 02 2007 3CC TO ATTY.
6K

William A. Shaw
Prothonotary/Clerk of Courts

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

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
Vs. :
GIO'S STORE, :
Defendant :

ORDER

AND NOW, this _____ day of _____, 2007, upon
consideration of Defendants Motion to Remove from Arbitration,

IT IS HEREBY ORDERED AND DECREED that said Motion is hereby granted
and this case shall be removed from the Arbitration list.

BY THE COURT:

Judge

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

| | | |
|---------------|---|------------------|
| KRISTA BLOOM, | : | No. 2005-1772-CD |
| Plaintiff | : | |
| | : | |
| Vs. | : | |
| | : | |
| GIO'S STORE, | : | |
| Defendant | : | |

MOTION TO REMOVE FROM ARBITRATION

AND NOW, comes Defendant, GIO'S STORE, by and through their attorney, Jeffrey S. DuBois, Esquire, who files the following Motion to Remove from Arbitration and in support thereof avers the following:

1. Plaintiff filed a Complaint pursuant to a District Justice Appeal to the above captioned term and number, filed with this Honorable Court on December 5, 2005.
2. Defendant's counsel previously filed Preliminary Objections on behalf of Defendant which were granted by the Court.
3. Plaintiff, who is Pro Se, filed a second Complaint to which Defendant has not yet filed a responsive pleading.
4. The case is not ripe for Trial, as the pleadings are not closed.
5. Therefore, Defendant requests it be removed from the Arbitration list.

WHEREFORE, Defendant respectfully requests this Honorable Court to remove this case from the Arbitration list as it is not yet ripe for Trial.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendant

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

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
: Vs.
: :
GIO'S STORE, : Defendant :
: :
:

CERTIFICATE OF SERVICE

I do hereby certify that on the 4th day of March, 2007, I served a
true and correct copy of the within Motion to Remove from Arbitration by first class
mail, postage prepaid, on the following:

Krista Bloom
2572 Salem Road
West Decatur, PA 16878



Jeffrey S. DuBois

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

KRISTA BLOOM,
Plaintiff

*
*
*
v.

NO. 05-1772-CD

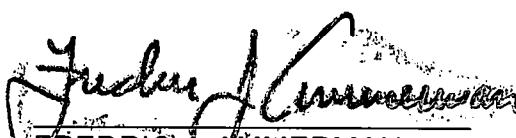
GIO'S STORE,
Defendant

*

RULE RETURNABLE

NOW, this 5th day of March, 2007, upon consideration of the Motion to Remove from Arbitration filed by Jeffrey S. DuBois, Attorney for Defendant, a Rule is hereby issued upon the Defendant to show cause why the Motion to Remove from Arbitration should be granted. Argument will be held on the 15th day of March, 2007 at 1:30 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
03/25/07 3CC
MAR 06 2007 Atty DuBois
CR
William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/10/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

KRISTA BLOOM,

Plaintiff : No. 2005-1772-CD

Vs.

GIO'S STORE,

Defendant : Filed on Behalf of:
DEFENDANT

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

FILED

MAR 09 2007
0/10-2r/6 (GP)

William A. Shaw
Prothonotary/Clerk of Courts
2 cent to A/c

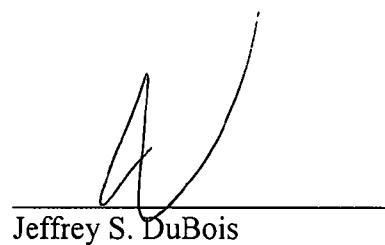
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
: Vs. :
: :
GIO'S STORE, :
Defendant :
:

CERTIFICATE OF SERVICE

I do hereby certify that on the 8th day of March, 2007, I served a true and correct copy of the within Motion to Remove from Arbitration with Order scheduling Hearing for March 15, 2007, as well as Preliminary Objections with Order scheduling Hearing for March 15, 2007, by first class mail, postage prepaid, on the following:

Krista Bloom
2572 Salem Road
West Decatur, PA 16878



Jeffrey S. DuBois

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

KRISTA BLOOM :

VS. : NO. 05-1772-CD

GIO'S STORE :

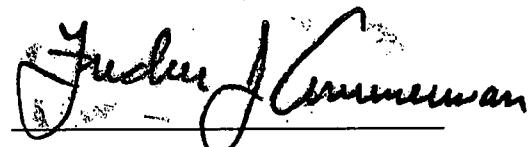
O R D E R

AND NOW, this 15th day of March, 2007, this being the date set for argument on the Motion to Remove Arbitration and Preliminary Objections filed to the Amended Complaint, it is the ORDER of this Court that Preliminary Objections and the Motion to Remove from Arbitration are hereby dismissed.

It is the further Order of this Court that an answer be filed to the complaint within no more than ten (10) days from this date, including any new matter, counterclaim or otherwise. The Court expects that the case shall proceed to arbitration as scheduled on April 10, 2007, Clearfield County Courthouse.

The Court hereby enters the appearance of Frederick Neiswender, Esquire, as counsel on behalf of the Plaintiff.

BY THE COURT,



President Judge

FILED *accAtlys!*
01/11/01 RJD Neiswender
MAR 19 2007 Dubois
U

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/19/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

KRISTA BLOOM,

Plaintiff

No. 2005-1772-CD

Vs.

GIO'S STORE,

Defendant

Type of Pleading:

**DEFENDANT'S ANSWER
AND NEW MATTER TO
PLAINTIFF'S AMENDED
COMPLAINT**

Filed on Behalf of:
DEFENDANT

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

FILED 3cc
10/23/2007 Atty. DeBois
MAR 26 2007

William A. Shaw
Prothonotary/Clerk of Courts
GW

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

| | | |
|---------------|---|------------------|
| KRISTA BLOOM, | : | No. 2005-1772-CD |
| Plaintiff | : | |
| | : | |
| Vs. | : | |
| | : | |
| GIO'S STORE, | : | |
| Defendant | : | |

NOTICE TO PLEAD

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE
ENCLOSED ANSWER AND NEW MATTER WITHIN TWENTY (20) DAYS FROM
SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.



Jeffrey S. DuBois, Esquire
Attorney for Defendants

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

| | | |
|---------------|---|------------------|
| KRISTA BLOOM, | : | No. 2005-1772-CD |
| Plaintiff | : | |
| | : | |
| Vs. | : | |
| | : | |
| GIO'S STORE, | : | |
| Defendant | : | |

**DEFENDANT'S ANSWER AND NEW MATTER
TO PLAINTIFF'S AMENDED COMPLAINT**

AND NOW, comes Defendant, GIO'S STORE, by and through their attorney, Jeffrey S. DuBois, Esquire, who files the following Answer and New Matter to Plaintiff's Amended Complaint, and in support thereof avers the following:

1. No responsive pleading is required as Defendant is unaware of what Plaintiff is admitting, and no factual averment is set forth.
2. No responsive pleading is required as Defendant is unaware of what Plaintiff is admitting, and no factual averment is set forth.
3. No responsive pleading, as again Defendant is unaware of what Plaintiff is admitting, and no factual averment is set forth.
4. Denied. It is denied that Defendant at any time lied to the Unemployment Office with respect to anything concerning Plaintiff.
5. No responsive pleading is required as Plaintiff has set forth no factual averments. To the extent an answer is required, it is denied. Defendant has never given any false information to the Unemployment Office.

6. Defendant cannot verify the truth or falsity of the averments in Plaintiffs paragraph six (6) and therefore strict proof is required at Trial. By way of further answer, Defendant did give all proper information to the Unemployment Office that was in the possession of Defendant. Further, Defendant disputes the request for lawyer fees set forth in paragraph six (6) of Plaintiff's Complaint as the same are not recoverable in a Civil Action absent specific allocation by statute.

7. Denied. It is denied that Defendant has ever lied to the Unemployment Office with respect to Plaintiff.

WHEREFORE, Defendant respectfully requests this Honorable Court to dismiss Plaintiff's Amended Complaint in its entirety and award Judgment in favor of Defendant.

NEW MATTER

8. Defendant hereby incorporates by reference paragraphs one (1) through seven (7) as if set forth herein at length.

9. Plaintiff was terminated for cause by Defendant.

10. This Honorable Court lacks jurisdiction in this case as Plaintiff's claim relates to an alleged or potential Unemployment Compensation benefits and the same are under the sole jurisdiction of the Pennsylvania Unemployment Office and not this Honorable Court.

11. As a consequence, this case should be dismissed and Plaintiff must pursue her case through the Pennsylvania Unemployment Office.

12. Defendant has provided all information necessary to the Pennsylvania Unemployment Office, and if Plaintiff has not received any benefits, it would be due to

the conduct, or lack thereof, of Plaintiff in not supplying all information to, and attendance at, the Hearings with respect to the Pennsylvania Unemployment Office.

13. The Pennsylvania Unemployment Office dismissed Plaintiff's claim because of lack of information from Plaintiff, and not Defendant.

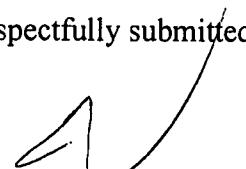
14. Defendant has paid all wages to Plaintiff which are due to her for hours worked at Defendant's store, and Defendant is not obligated to pay any more monies to Plaintiff.

15. The averments in Plaintiff's Amended Complaint fail to set forth a claim upon which relief can be granted.

16. The averments set forth in Plaintiff's Amended Complaint fail to set forth a cause of action.

WHEREFORE, Defendant respectfully requests this Honorable Court to dismiss Plaintiff's Amended Complaint in its entirety.

Respectfully submitted,

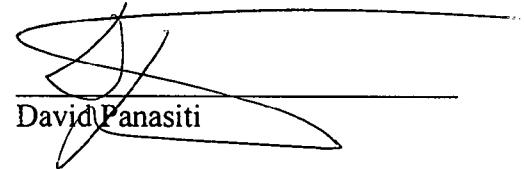


Jeffrey S. DuBois, Esquire

VERIFICATION

I, DAVID PANASITI, owner of Gio's, verify that the statements in the foregoing Pleading are true and correct to the best of my knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



David Panasiti

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

KRISTA BLOOM,

: No. 2005-1772-CD

Plaintiff

: Type of Pleading:

Vs.

: **CERTIFICATE OF SERVICE**

GIO'S STORE,

Defendant

: Filed on Behalf of:
DEFENDANT

: Counsel of Record for This Party:

: Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

FILED 3cc
01/23/07 Atty
MAR 26 2007
DeBois

William A. Shaw
Prothonotary/Clerk of Courts *GK*

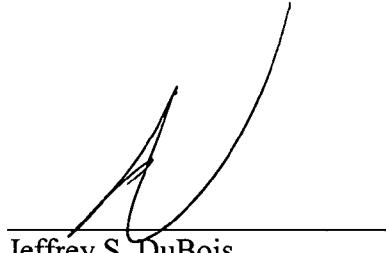
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
: :
Vs. : :
: :
GIO'S STORE, : :
Defendant : :
:

CERTIFICATE OF SERVICE

I do hereby certify that on the 20th day of March, 2007, I served a
true and correct copy of the within Answer and New Matter to Plaintiff's Amended
Complaint by first class mail, postage prepaid, on the following:

Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA 16830



Jeffrey S. DuBois

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Krista C. Bloom

vs.

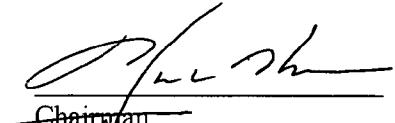
Gio's Store

No. 2005-01772-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 10th day of April, 2007, 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.

Kim C. Kesner, Esq.


Chairman

Theron G. Noble, Esq.

David R. Thompson, Esq.



Sworn to and subscribed before me this
April 10, 2007


Prothonotary

FILED

APR 10 2007

01 10:40 am

William A. Shaw

Prothonotary/Clerk of Courts

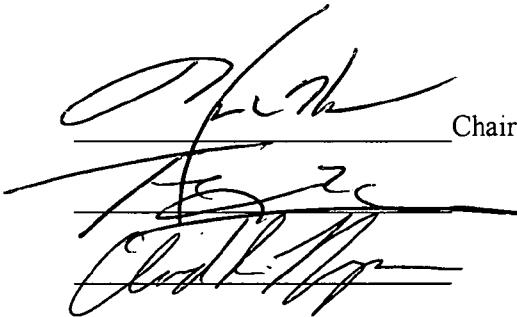
NOTICE TO


ATTY
DUBAS
&
MELSWENON

AWARD OF ARBITRATORS

Now, this 10 day of April, 2007, 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:

For Defendant.


Chairman

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 15th day of April, 2007, 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


Prothonotary

By _____

ARBITRATION BOARD

I, William A. Shaw, Prothonotary of the Courts of Clearfield County, hereby certify that:

Case # 2005-01772-CD

Kim C. Kesner, Esq.
Chairman
Theron G. Noble, Esq.
David R. Thompson, Esq.

are members of the Clearfield County Bar and have served as arbitrators on the 10th day of April, 2007, starting at 9 A.M./P.M. and ending at 10:30 A.M./P.M.

COMPENSATION OF ARBITRATORS

Each attorney shall receive an appearance fee of \$100.00 for appearing as a member of the Board of Arbitration on the day designated and shall receive additional fees as follows:

- a) an additional fee of \$50.00 in the event the attorney is required to hear cases until 10:00 A.M.
- b) an additional fee of \$50.00 if the attorney is required to be present between the hours of 10:00 A.M. and 12:00 noon
- c) an additional fee of \$100.00 if an attorney, after a normal lunch break, is required to return for arbitration after 1:00 P.M.

Said rule to be effective as of July 26, 1984

ACKNOWLEDGEMENT OF ARBITRATORS

DATE

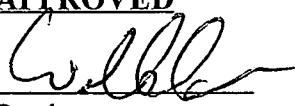
Chairman



APPROVED

Prothonotary

Clearfield County Commissioner's Office

By: 

Krista C. Bloom

Vs.

Gio's Store

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2005-01772-CD

:

COPY

NOTICE OF AWARD

TO: JEFFREY S. DUBOIS, ESQ.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on April 10, 2007, and have awarded:

FOR DEFENDANT.

William A. Shaw
Prothonotary
By _____

Date APRIL 10, 2007

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

KRISTA BLOOM,

Plaintiff,

vs.

: No. 05-1772-C.D.

GIO'S STORE,

Defendant.

: Type of case: Civil

: Type of pleading: Pre-Trial Statement

: Filed on behalf of: Plaintiff,
Krista Bloom

: Counsel for Plaintiff:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456

: NEISWENDER & KUBISTA
: 211½ North Second Street
: Clearfield, Pennsylvania 16830
: (814) 765-6500

RECEIVED

APR 03 2007

Court Administrator's
Office

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

KRISTA BLOOM, :
Plaintiff, :
: :
vs. : No. 05-1772-C.D.
: :
GIO'S STORE, :
Defendant. :
:

PRE-TRIAL STATEMENT

A. STATEMENT OF THE CASE

Plaintiff, Krista Bloom [hereinafter referred to as "Plaintiff"] is an adult individual residing at 2572 Salem Road, West Decatur, Clearfield County, Pennsylvania. Defendant, Gio's Store [hereinafter referred to as "Defendant"] is a wholly owned subsidiary of Woodland Food & Fuel, Inc. a corporation duly licensed in the Commonwealth of Pennsylvania located at Route 322 & 970, Woodland, Clearfield County, Pennsylvania.

Plaintiff was employed by the Defendant from June 19, 2004 until August 3, 2004. On or about August 4, 2004, Plaintiff was terminated from her employment with Defendant. On or about August 8, 2004, Plaintiff applied for unemployment compensation, which was granted by the Altoona UC Service Center. Defendant subsequently appealed the decision and prevailed on the appeal before a UC Referee. The UC Board of Review later affirmed the Referee's decision and Plaintiff was denied compensation. Following the expiration of Plaintiff's appeal period, it was learned by Plaintiff that Defendant had misrepresented Plaintiff's wages throughout the various stages of the unemployment compensation appeal process.

Plaintiff asserts that it was Defendant's misrepresentation of her wages that caused her disqualification from unemployment compensation. On October 13, 2005, Plaintiff filed a complaint before the District Magistrate for damages caused as a result of Defendant's misrepresentation. Defendant filed a timely appeal of the award of the District Magistrate and the matter is now before the Board of Arbitrators for its decision.

B. CITATION TO APPLICABLE CASE LAW OR STATUTES

1. Basic tenets of law governing fraud, misrepresentation and negligence;
2. Applicable sections of Title 43 of the Pennsylvania Statutes (Unemployment Compensation Law).

C. LIST OF WITNESSES

1. Krista C. Bloom;
2. Plaintiff reserves the right to call additional witnesses with notice to counsel for Defendant.

D. EXHIBITS

1. Various documents sent to Plaintiff from the Department of Labor and Industry;
2. Copy of Plaintiff's 2004 form W-2;
3. Plaintiff reserves the right to offer additional exhibits with notice to counsel for Defendant.

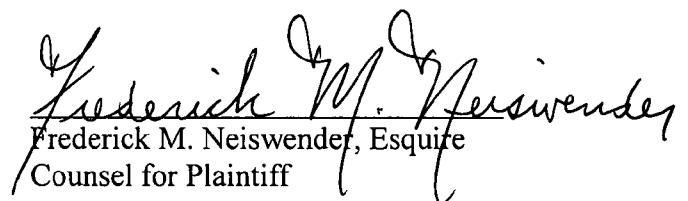
E. DAMAGES

Plaintiff seeks damages in the amount of \$4,420.00 plus interest and costs of the suit.

F. EVIDENTIARY PROBLEMS

No evidentiary problems are anticipated.

Respectfully submitted,


Frederick M. Neiswender, Esquire
Counsel for Plaintiff

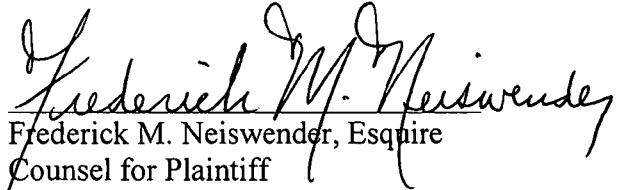
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

KRISTA BLOOM, :
Plaintiff, :
: :
vs. : No. 05-1772-C.D.
: :
GIO'S STORE, :
Defendant. :
:

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Pre-trial Statement was made upon Gio's Store, by facsimile and by mailing, first class, postage prepaid, a true copy to the office of their attorney of record, Jeffrey S. DuBois, Esquire, on April 3, 2007, at the following address:

Jeffrey S. DuBois, Esquire
190 West Park Avenue, Suite #5
DuBois, Pennsylvania 15801


Frederick M. Neiswender, Esquire
Counsel for Plaintiff
NEISWENDER & KUBISTA
211½ North Second Street
Clearfield, Pennsylvania 16830

4/10
Arbitration

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

KRISTA BLOOM, : No. 2005-1772-CD

Plaintiff :

Vs.

GIO'S STORE, : **DEFENDANTS PRE TRIAL**
Defendant : **STATEMENT**

Filed on Behalf of:
DEFENDANT

Counsel of Record for this Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

RECEIVED

APR 03 2007

Court Administrator's
Office

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

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
: Vs. :
: :
GIO'S STORE, :
Defendant :
:

DEFENDANTS PRE TRIAL STATEMENT

AND NOW, comes the Defendant, Gio's Store, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Pre-Trial Statement pursuant to Pa.R.C.P. 1920.33 (b) and in support thereof avers the following:

1. **BRIEF STATEMENT OF THE CASE.**

Defendant, Gio's Store, is a store and restaurant operating on Route 322 in Clearfield, Pennsylvania.

In 2004, Plaintiff was an employee at Defendant's store. Plaintiff worked at Defendant's store for approximately six (6) weeks. Specifically, Plaintiff worked at Defendant's store from on or about June 19, 2004, until August 3, 2004. Plaintiff was fired by Defendant because she was consistently late in coming in for work.

Thereafter, Plaintiff filed for unemployment compensation with the Unemployment Compensation Office.

Because of the vague Amended Complaint filed by Plaintiff, Defendant is not completely sure exactly for what, or why, Plaintiff is suing Defendant. Defendant assumes that Plaintiff did not receive unemployment compensation benefits which she believe that she would be entitled and is now attempting to sue Defendant for these benefits in which she has not yet received. Defendant is not aware of what benefits Plaintiff did or did not receive, nor is Defendant aware if she is entitled to any benefits based upon the short amount of time that she would have worked at Defendant's store.

Defendant paid Plaintiff all wages which were owed to Plaintiff and which Plaintiff had earned. In total, Defendant paid wages to Plaintiff in an amount of approximately One Thousand Seventy Five and 00/100 (\$1,075.00) Dollars.

2. LIST OF WITNESSES

- a. David Panasiti – Owner of Gio's Store
- b. Todd Norris – Department of Labor and Industry
Altoona, Pennsylvania
- c. Plaintiff – Krista Bloom

Defendant reserves the right to call additional witnesses with proper notice to the Court and opposing counsel.

3. STATEMENT OF LEGAL THEORY

Defendant would first contend that this Honorable Court does not have jurisdiction as it appears the cause of action which Plaintiff is seeking relates to Unemployment Benefits. This would be under the jurisdiction of the Unemployment Office of Pennsylvania, and not the Clearfield County Court, and therefore, it would

appear that Plaintiff's remedies are with the Unemployment Office tribunal, and thereafter the Commonwealth Court, and not within the County Court system. See Kenneth Counsel vs. Unemployment Compensation Board of Review, 690 A.2d 1258 (1997)

Additionally, based upon the Amended Complaint filed by Plaintiff, it fails to state a claim against Defendant, does not conform with the Pennsylvania Rules of Civil Procedure, and should be dismissed.

4. STIPULATIONS

None.

5. STATEMENT OF DAMAGES

As set forth herein, Plaintiff's claim to damages is unclear. It appears she is claiming lost unemployment monies, yet she does not show how she is entitled to any monies, nor does she show why Defendant would be responsible to her for any monies.

Defendant contends it has done nothing which would justify a claim by Plaintiff against it.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendant

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

KRISTA BLOOM, : No. 2005-1772-CD
Plaintiff :
Vs. :
GIO'S STORE, :
Defendant :
:

CERTIFICATE OF SERVICE

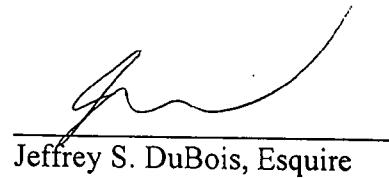
I do hereby certify that on the 3rd day of April, 2007, I served a true and correct copy of the within Defendant's Pre-Trial Statement by first class mail, postage prepaid, on the following:

Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA 16830

Kim C. Kesner, Esquire
P.O. Box 1
Clearfield, PA 16830

Theron G. Noble, Esquire
301 E. Pine Street
Clearfield, PA 16830

David R. Thompson, Esquire
P.O. Box 587
Philipsburg, PA 16866



Jeffrey S. DuBois, Esquire