

Barbara Iddings al vs Ord. of Eagles al
05-1866-CD

05-1866-CD
Barbara Iddings al vs Fraternal

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

Plaintiffs,

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

CIVIL DIVISION

No.: *05-1866-CD*

Issue:

Code:

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiffs.

Counsel of Record for this Party:

Stephen P. Drexler, Esquire
PA I.D. # 76108

Ainsman, Levine & Drexler, LLC
Firm #975

330 Grant Building, Suite 2201
Pittsburgh, PA 15219

(412) 338-9030

JURY TRIAL DEMANDED

FILED *Att'y pd. 85.00*

NOV 14 2005 *ICC Sheriff*

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.:

v.

Issue:

Code:

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

NOTICE TO DEFEND

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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURTHOUSE
Attn: DAVID S. MEHOLIK, Court Administrator
1 North Second Street
Clearfield, PA 16830
Telephone: (814) 765-2641 ext.5982

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.:

v.

Issue:

Code:

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

COMPLAINT IN CIVIL ACTION

AND NOW, come the Plaintiffs, Barbara J. Iddings and Leonard Iddings, her husband, by and through their attorneys, Ainsman, Levine & Drexler, LLC, and Stephen P. Drexler, Esquire, and file the following Complaint in Civil Action and support thereof, aver the following:

1. Plaintiffs, Barbara J. Iddings and Leonard Iddings, currently reside in Jefferson County at RD 3, Box 88, Brockway, Pennsylvania 15824.
2. Defendant, Fraternal Order of Eagles Aerie No. 965, of Falls Creek, PA, (hereinafter referred to as "FOE") is a Pennsylvania non-profit corporation which operates a social fraternity lodge located in Clearfield County at 965 Jefferson Avenue, Sandy Township, Pennsylvania 15801.
3. At all times pertinent hereto the Defendant, FOE, and/or its agents, servants, and/or employees owned, possessed, controlled and/or maintained the subject parking lot and property located in Clearfield County at 965 Jefferson Avenue, Sandy Township, Pennsylvania 15801.
4. At all times pertinent hereto, Plaintiff, Barbara J. Iddings, acted with all due care and regard for her own safety and well-being.

5. The events hereinafter described occurred on December 21, 2003 at approximately 9:10 p.m. in the front parking lot of the property described in paragraph three (3) herein.

6. At that time and place, there existed a dangerous, unsafe, and hazardous condition consisting of slick ice formations on the surface of the parking lot due to improper drainage.

7. As a result of this dangerous, unsafe, and hazardous condition, Plaintiff, Barbara J. Iddings, while exiting the Defendant, FOE's, lodge and walking through the parking lot, was caused to slip and fall.

8. Solely as a result of the negligence of the Defendant, Plaintiff, Barbara J. Iddings, sustained the following injuries all of which are or may be permanent in nature:

- a. Pain to head;
- b. Displaced medial malleolar fracture with posterior subluxation of the right ankle requiring surgery;
- c. Pain and swelling to right ankle;
- d. Post-traumatic arthritis to the right ankle; and
- e. Possible other serious and/or permanent injuries.

9. As a result of these injuries, Plaintiff, Barbara J. Iddings, has sustained the following damages:

- a. She has endured and may continue to endure pain, suffering, inconvenience, embarrassment, mental anguish, and emotional and psychological trauma;
- b. She has been and may continue to be required to expend large sums of money for medical treatment and care, medical supplies, rehabilitation, medicines, and other attendant services;
- c. Her general health, strength, and vitality have been impaired; and
- d. She has been and may in the future be unable to enjoy various pleasures of life that he previously enjoyed.

COUNT I
Barbara J. Iddings v. The Fraternal Order of Eagles
NEGLIGENCE

10. Paragraphs one (1) through and including nine (9) are hereby incorporated by reference as if fully set forth herein.

11. The losses, injuries, and damages sustained by Plaintiff, Barbara J. Iddings, as set forth above, were caused by the negligence of Defendant, FOE, and/or its agents, servants, and employees, in some or all of the following particulars:

- a. In permitting the parking lot to be, and to remain in, a dangerous and unsafe condition, when it knew or should have known, that ice was forming in the lot;
- b. In failing to reasonably inspect the parking lot in front of its building;
- c. In failing to remove ice from the parking lot when the defendant knew, or should have known, of the existence of the ice and that this created a serious risk of injury to pedestrians walking thereon;
- d. In failing to cordon off or otherwise block access to the part of the parking lot where the ice had formed;
- e. In failing to warn or otherwise notify the Plaintiff of the dangerous and/or defective condition in the parking lot of its property;
- f. In failing to take adequate measures to ensure the safety of those utilizing the parking lot;
- g. In failing to install an adequate and proper drainage system to remove runoff building water from the property;
- h. In failing to provide, construct, and/or design adequate lighting such that a pedestrian walking therein could visibly identify the subject ice formations and afford a pedestrian reasonable means in which to ascertain the risks associated with walking in the parking lot; and
- i. For permitting water to run off of the lodge building into the subject parking lot and allowing ice to form thereon.

WHEREFORE, Plaintiff, Barbara J. Iddings, demands judgment against the Defendant, FOE, for an amount in excess of the Arbitration limits of this County, plus costs and interest.

COUNT II
Leonard Iddings v. The Fraternal Order of Eagles
LOSS OF CONSORTIUM

12. Paragraphs one (1) through and including eleven (11) are hereby incorporated by reference as if fully set forth herein.

13. The Plaintiff, Leonard Iddings, is and, at all times relevant hereto, was married to the Plaintiff, Barbara J. Iddings, and resided with her at the address specified in Paragraph one (1) herein.

14. Solely as a result of the negligence of the Defendant, the Plaintiff, Leonard Iddings, has suffered the following damages:

- a. He has been and may continue to be required to expend large sums of money for his wife's medical treatment and care, medical supplies, rehabilitation, medicines, and other attendant services; and
- b. He has been and may in the future be deprived of the services, assistance, and companionship of his wife.

WHEREFORE, Plaintiff, Leonard Iddings, demands judgment against the Defendant, FOE, for an amount in excess of the Arbitration limits of this County, plus costs and interest.

Respectfully submitted,

Ainsman, Levine & Drexler, LLC

By:



Stephen P. Drexler, Esquire
Counsel for Plaintiffs

JURY TRIAL DEMANDED

VERIFICATION

I verify that the statements made in the COMPLAINT IN CIVIL ACTION are true and correct; that the attached COMPLAINT IN CIVIL ACTION is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the COMPLAINT IN CIVIL ACTION is that of counsel and not the plaintiff. I have read the COMPLAINT IN CIVIL ACTION and to the extent that the COMPLAINT IN CIVIL ACTION is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the COMPLAINT IN CIVIL ACTION is that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S. §4904 relating to the unsworn falsification to authorities.

DATED: 11-21-05

DATED: 11-21-05

Barbara Jiddings
BARBARA JIDDINGS
Leonard Jiddings
LEONARD JIDDINGS

BARBARA J. IDDINGS AND LEONARD	:	IN THE COURT OF COMMON PLEAS
IDDINGS, her husband,	:	CLEARFIELD COUNTY,
PENNSYLVANIA		
Plaintiffs	:	
	:	
v.	:	DOCKET NO: 05-1866-CD
	:	
FRATERNAL ORDER OF EAGLES	:	
AERIE NO. 965, OF FALLS CREEK	:	CIVIL ACTION - LAW
PENNSYLVANIA, a Pennsylvania Non-	:	
Profit Corporation,	:	
Defendant	:	JURY TRIAL DEMANDED

NOTICE TO PLEAD

To: Plaintiffs, Barbara J. Iddings and Leonard Iddings
 c/o Stephen P. Drexler, Esquire
Ainsman, Levine & Drexler, LLC
 330 Grant Building, Suite 2201
 Pittsburgh, Pennsylvania 15219

FILED
 M 1:38/61 NO CC
 FEB 03 2006 GTO

William A. Shaw
 Prothonotary/Clerk of Courts

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.

Peters & Wasilefski

By 

Thomas A. Lang, Esquire
 Attorney ID #52670
 2931 North Front Street
 Harrisburg, PA 17110
 717-238-7555

Dated: *February 1, 2006*

Attorney for Defendant,
 Fraternal Order of Eagles Aerie No. 965
 of Falls Creek, Pennsylvania, a
 Pennsylvania Non Profit Organization

BARBARA J. IDDINGS AND LEONARD IDDINGS, her husband,	:	IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	DOCKET NO: 05-1866-CD
	:	
FRATERNAL ORDER OF EAGLES AERIE NO. 965, OF FALLS CREEK PENNSYLVANIA, a Pennsylvania Non-Profit Corporation,	:	CIVIL ACTION - LAW
Defendant	:	JURY TRIAL DEMANDED

**ANSWER WITH NEW MATTER OF DEFENDANT
TO PLAINTIFFS' COMPLAINT**

AND NOW, comes Defendant, Fraternal Order of Eagles Aerie No. 965, of Falls Creek, Pennsylvania, a Pennsylvania Non-Profit Corporation ("Defendant"), by and through its attorneys, Peters & Wasilefski, and hereby files the following Answer with New Matter to the Complaint of Plaintiffs, Barbara J. Iddings and Leonard Iddings ("Plaintiffs"), and avers New Matter thereto as follows:

1. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations, and the same are therefore deemed denied and strict proof thereof is demanded.
2. Admitted.
3. Admitted.
4. Denied. Defendant is advised by counsel and therefore avers that said allegations state conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response may be required, Defendant incorporates its New Matter paragraphs herein by reference thereto as though set forth herein at length.
5. Denied. Said allegations are specifically denied in accordance with Pa. R.C.P. 1029(e).

6. Denied. Defendant is advised by counsel and therefore avers that said allegations state conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is required, said allegations are specifically denied in accordance with Pa. R.C.P. 1029(e).

7. Denied. Defendant is advised by counsel and therefore avers that said allegations state conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is required, said allegations are specifically denied in accordance with Pa. R.C.P. 1029(e).

8. Denied. Defendant is advised by counsel and therefore avers that said allegations state conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is required, said allegations are specifically denied in accordance with Pa. R.C.P. 1029(e).

9. Denied. Defendant is advised by counsel and therefore avers that said allegations state conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is required, said allegations are specifically denied in accordance with Pa. R.C.P. 1029(e).

COUNT I

Barbara J. Iddings v. The Fraternal Order Of Eagles

NEGLIGENCE

10. Defendant incorporates its answers to paragraphs 1 through 9 above by reference thereto as though set forth herein at length.

11. Denied. Defendant is advised by counsel and therefore avers that said allegations state conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure.

To the extent that a response is required, said allegations are specifically denied in accordance with Pa. R.C.P. 1029(e).

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiffs.

COUNT I

Leonard Iddings v. The Fraternal Order Of Eagles

LOSS OF CONSORTIUM

12. Defendant incorporates paragraphs 1 through 11 above by reference thereto as though set forth herein at length.

13. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations, and the same are therefore deemed denied and strict proof thereof is demand.

14. Denied. Defendant is advised by counsel and therefore avers that said allegations state conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is required, said allegations are specifically denied in accordance with Pa. R.C.P. 1029(e).

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiffs.

NEW MATTER

15. Defendant incorporates paragraphs 1 through 14 above by reference thereto as though set forth herein at length.

16. Plaintiffs' injuries and damages, if any, which are specifically denied, may have pre-existed the happening of the incident in question, either in whole or in part, and are not causally related to the incident giving rise to the present litigation.

17. Plaintiffs' claims are reduced or barred by the Comparative Negligence Act.

18. Plaintiff, Barbara J. Iddings' contributory negligence consisted of, but is not limited to:

- (a) Failing to keep a proper lookout to where she was walking;
- (b) Failing to pay attention to an open and obvious condition directly in front of her;
- (c) Failing to care for her own safety under the facts and circumstances then and there existing;
- (d) Failing to take an available alternative route;
- (e) Failing to take appropriate precautions while traveling upon the premises in question;
- (f) Failing to appropriately observe the conditions then and there existing;
- (g) Failing to walk properly and avoid the open and obvious condition directly in front of her; and
- (h) Failing to look where she was walking.

19. Any injuries or damages allegedly suffered by Plaintiffs, which are specifically denied, were solely the direct and proximate result of the negligence of Plaintiff, Barbara J. Iddings.

20. Plaintiff's claims are barred by the doctrine of assumption of risk since Plaintiff, Barbara J. Iddings knowingly and voluntarily encountered an open and obvious condition then and there existing.

21. Defendant was not negligent or careless in any manner whatsoever with regard to the facts and circumstances set forth in Plaintiffs' Complaint.

22. Defendant owed no duty of care to Plaintiff, Barbara J. Iddings under the facts and circumstances as set forth in Plaintiffs' Complaint, and as they existed at the time of the incident in question.

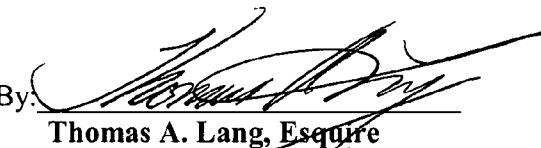
23. Defendant had no duty to ensure or guarantee the safety of Plaintiff, Barbara J. Iddings.

24. Plaintiffs have failed to state a viable cause of action against Defendant upon which relief may be granted.

25. Discovery may reveal that Plaintiffs' claims may be barred in whole or in part by one or more affirmative defense set forth in Pa. R.C.P. 1030, which are incorporated herein by reference thereto.

WHEREFORE, Defendant demands that judgment be entered in its favor and against Plaintiffs.

Peters & Wasilefski

By: 

Thomas A. Lang, Esquire
Attorney ID #52670
2931 North Front Street
Harrisburg, PA 17110
717-238-7555
tal@pwlegal.com

Dated: *February 1, 2006*

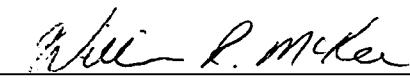
Attorney for Defendant,
Fraternal Order of Eagles Aerie No. 965
of Falls Creek, Pennsylvania, a Pennsylvania Non
Profit Organization

JAN 27 2006

VERIFICATION

I hereby affirm that the following facts are correct:

I am a representative of the Defendant and am authorized to make this Verification; the attached Answer with New Matter is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the Answer with New Matter is that of counsel and not of me. I have read the Answer with New Matter and to the extent that the same is based upon information, which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the Answer with New Matter is that of counsel, I have relied upon counsel in making this Verification. I hereby acknowledge that the facts set forth in the Answer with New Matter are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.



Bill McKee, Fraternal Order of Eagles

Date: 1/25/06

BARBARA J. IDDINGS AND LEONARD	:	IN THE COURT OF COMMON PLEAS
IDDINGS, her husband,	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
	:	
v.	:	DOCKET NO: 05-1866-CD
	:	
FRATERNAL ORDER OF EAGLES	:	
AERIE NO. 965, OF FALLS CREEK	:	CIVIL ACTION - LAW
PENNSYLVANIA, a Pennsylvania Non-	:	
Profit Corporation,	:	
Defendant	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Answer and New Matter**, has been served on all parties of interest by placing the same in the United States mail, first-class postage pre-paid, at Harrisburg, Pennsylvania on this *1st* day of *February, 2006*, and addressed as follows:

Stephen P. Drexler, Esquire
Ainsman, Levine & Drexler, LLC
330 Grant Building, Suite 2201
Pittsburgh, Pennsylvania 15219

Peters & Wasilefski

Mary Coon

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

Plaintiffs,

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

CIVIL DIVISION

No.: 05-1866-CD

Issue:

Code:

REPLY TO NEW MATTER

Filed on Behalf of Plaintiffs.

Counsel of Record for this Party:

Stephen P. Drexler, Esquire
PA I.D. # 76108

Ainsman, Levine & Drexler, LLC
Firm #975

330 Grant Building, Suite 2201
Pittsburgh, PA 15219

(412) 338-9030

JURY TRIAL DEMANDED

FILED NO CC
M11:01:07
FEB 13 2006
WM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.: 05-1866-CD

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

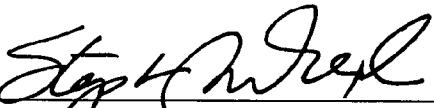
REPLY TO NEW MATTER

AND NOW, come the Plaintiffs, Barbara J. Iddings and Leonard Iddings, her husband, by and through their attorneys, Ainsman, Levine & Drexler, LLC and Stephen P. Drexler, Esquire, and file the following Reply to New Matter.

1. The averments contained in Paragraphs 16 and 17 of Defendant's New Matter state conclusions of law to which no response is required. Should a response be deemed necessary, these averments are denied and strict proof is demanded.
2. The averments contained in Paragraph 18 of Defendant's New Matter are denied.
3. The averments contained in Paragraphs 19 and 20 of Defendant's New Matter state conclusions of law to which no response is required. Should a response be deemed necessary, these averments are denied and strict proof is demanded.
4. The averments contained in Paragraph 21 of Defendant's New Matter are denied.
5. The averments contained in Paragraphs 22 through 25 of Defendant's New Matter state conclusions of law to which no response is required. Should a response be deemed necessary, these averments are denied and strict proof is demanded.

WHEREFORE, Plaintiffs request this Honorable Court to enter judgment in their favor and against the Defendant, together with costs and interest.

Ainsman, Levine & Drexler, LLC

By: 
Stephen P. Drexler, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Reply to New Matter was served via U.S. Mail, first class, postage prepaid on February 9, 2006 to all counsel of record as follows:

Thomas A. Lang, Esquire
Peters & Wasilefski
2931 North Front Street
Harrisburgh, PA 17110



Stephen P. Drexler, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101042
NO. 05-1866-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: BARBARA J. IDDINGS AND LEONARD IDDINGS
vs.
DEFENDANT: FRATERNAL ORDER OF EAGLES AERIE NO. 965 OF FALLS CREEK, PA.

SHERIFF RETURN

NOW, December 16, 2005 AT 10:30 AM SERVED THE WITHIN COMPLAINT ON FRATERNAL ORDER OF EAGLES AERIE NO. 965 OF FALLS CREEK, PA. DEFENDANT AT 965 JEFFERSON AVE., SANDY TWP., FALLS CREEK, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LISA MOHNEY, BAR MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

FILED
01/22/2006
MAR 02 2006


William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	AINSMAN	11879	10.00
SHERIFF HAWKINS	AINSMAN	11879	60.68

Sworn to Before Me This

____ Day of _____ 2006

So Answers,


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

Plaintiffs,

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

CIVIL DIVISION

No.: 05-1866-CD

Issue:

Code:

NOTICE OF SERVICE OF
PLAINTIFFS' RESPONSE TO
DEFENDANT'S INTERROGATORIES

Filed on Behalf of Plaintiffs.

Counsel of Record for this Party:

Stephen P. Drexler, Esquire
PA I.D. # 76108

Ainsman, Levine & Drexler, LLC
Firm #975

330 Grant Building, Suite 2201
Pittsburgh, PA 15219

(412) 338-9030

JURY TRIAL DEMANDED

FILED
APR 17 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.: 05-1866-CD

v.

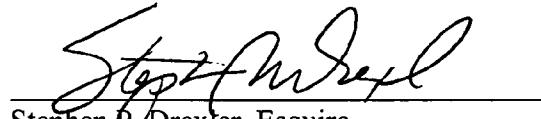
FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

NOTICE OF SERVICE

I HEREBY CERTIFY that PLAINTIFFS' RESPONSE TO DEFENDANT'S
INTERROGATORIES was served via U.S. Mail, first class, postage prepaid on April 11, 2006 to
all counsel of record as follows:

Thomas A. Lang, Esquire
2931 North Front Street
Harrisburg, PA 17110



Stephen P. Drexler, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

Plaintiffs,

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

CIVIL DIVISION

No.: 05-1866-CD

Issue:

Code:

NOTICE OF SERVICE OF
PLAINTIFFS' RESPONSE TO
REQUEST FOR PRODUCTION
OF DOCUMENTS

Filed on Behalf of Plaintiffs.

Counsel of Record for this Party:

Stephen P. Drexler, Esquire
PA I.D. # 76108

Ainsman, Levine & Drexler, LLC
Firm #975

330 Grant Building, Suite 2201
Pittsburgh, PA 15219

(412) 338-9030

JURY TRIAL DEMANDED

FILED *no cc*
APR 17 2008
m11-0764

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.: 05-1866-CD

v.

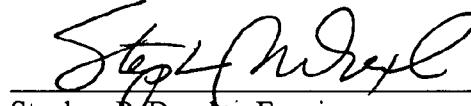
FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

NOTICE OF SERVICE

I HEREBY CERTIFY that PLAINTIFFS' RESPONSE TO DEFENDANT'S REQUEST
FOR PRODUCTION OF DOCUMENTS was served via U.S. Mail, first class, postage prepaid on
April 11, 2006 to all counsel of record as follows:

Thomas A. Lang, Esquire
2931 North Front Street
Harrisburg, PA 17110



Stephen R. Drexler, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

Plaintiffs,

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

CIVIL DIVISION

No.: 05-1866-CD

Issue:

Code:

**NOTICE OF SERVICE OF
PLAINTIFFS' INTERROGATORIES
AND
REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
DEFENDANT**

Filed on Behalf of Plaintiffs.

Counsel of Record for this Party:

Stephen P. Drexler, Esquire
PA I.D. # 76108

Ainsman, Levine & Drexler, LLC
Firm #975

330 Grant Building, Suite 2201
Pittsburgh, PA 15219

(412) 338-9030

JURY TRIAL DEMANDED

FILED *No CC*
11/09/08
DEC 04 2008 *CS*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.: 05-1866-CD

v.

Issue:

Code:

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

NOTICE OF SERVICE OF
PLAINTIFF'S INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS DIRECTED
TO DEFENDANTS

I, STEPHEN P. DREXLER, the undersigned, do hereby certify that a true and correct copy of the foregoing Plaintiffs' Interrogatories and Request for Production of Documents Directed to Defendant has been served on all interested parties, by U.S. First Class Mail, on this 29th day of November, 2006.

AINSMAN, LEVINE & DREXLER, LLC

By: Stephen P. Drexler

Stephen P. Drexler, Esquire
Attorney for Plaintiffs

MAILED TO:

Thomas A. Lang, Esquire
Peters & Wasilefski
2931 North Front Street
Harrisburg, PA 17110

1A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

Plaintiffs,

CIVIL DIVISION

No.: 05-1866-CD

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

**PLAINTIFFS' MOTION TO COMPEL
RESPONSES TO REQUEST FOR
PRODUCTION OF DOCUMENTS AND
ANSWERS TO INTERROGATORIES**

Filed on behalf of the Plaintiffs.

Counsel of Record for this Party:

STEPHEN P. DREXLER, ESQUIRE
PA I.D. #76108

AINSMAN, LEVINE & DREXLER, LLC
Firm #975

330 Grant Street
Suite 2201
Pittsburgh, PA 15219
(412) 338-9030

JURY TRIAL DEMANDED

FILED
M 12:58 PM
MAR 19 2007
NO CC

Shaw
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.: 05-1866-CD

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

**PLAINTIFFS' MOTION TO COMPEL RESPONSES TO REQUEST FOR
PRODUCTION OF DOCUMENTS AND ANSWERS TO INTERROGATORIES**

AND NOW come the Plaintiffs, Barbara Iddings and Leonard Iddings, her husband, by and through their attorneys, AINSMAN, LEVINE and DREXLER, LLC, and STEPHEN P. DREXLER, ESQUIRE, who file this Motion to Compel Responses to Plaintiffs's Request for Documents and Answers to Interrogatories directed to Defendant, and in support thereof aver the following:

1. Plaintiffs, Barbara Iddings and Leonard Iddings, her husband, instituted this action to recover damages for personal injuries sustained by Plaintiff Barbara Iddings in an incident on December 20, 2003.
2. This lawsuit was commenced by filing a Complaint in Civil Action on or about November 30, 2005.

JURY TRIAL DEMANDED

3. On or about December 4, 2006, the Plaintiffs, by and through their attorneys, served upon Defendant's counsel Plaintiffs' Request for Production of Documents and Interrogatories directed to Defendant. (See attached Plaintiffs' Exhibit "A").

4. To date, the Defendants, Fraternal Order of Eagles Aerie No. 965, of Falls Creek, PA., have not filed any response to Plaintiff's Discovery Requests, to the prejudice of the Plaintiff.

WHEREFORE, Plaintiffs, Barbara Iddings and Leonard Iddings, her husband, respectfully request that this Court issue an order compelling Defendant to provide all documents and materials requested by Plaintiffs in his Request for Production of Documents and Interrogatories directed towards Defendant within twenty (20) days or suffer Sanctions imposed by this Court.

Respectfully submitted,

AINSMAN, LEVINE & DREXLER, LLC



Stephen P. Drexler, Esquire
Attorney for Plaintiffs

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA IDDINGS and
LEONARD IDDINGS, her husband,
Plaintiffs,

CIVIL DIVISION

No.: 05-1866-CD

v.

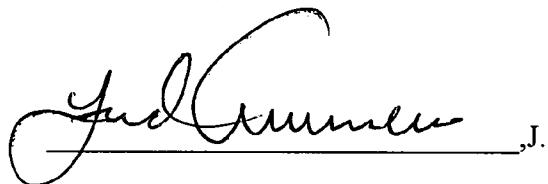
FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

ORDER OF COURT

AND NOW, this 19 day of March, 2007, it is hereby Ordered,
Adjudged and Decreed, that Defendant provide all documents and materials requested by the
Plaintiffs in their Request for Production of Documents and Interrogatories within twenty (20)
days or suffer sanctions imposed by this court.

BY THE COURT:



Judge James J.

JURY TRIAL DEMANDED

FILED 01/16/07 2CC
Atty Drexler
MAR 20 2007
GP

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/20/07

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

BARBARA IDDINGS and
LEONARD IDDINGS, her husband,
Plaintiffs,

CIVIL DIVISION
No.: 05-1866-CD

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

SCEDULING ORDER

AND NOW, this _____ day of March, 2007, the Plaintiffs' Motion to Compel
Responses to Request for Production of Documents and Answers to Interrogatories is hereby
scheduled this _____ day of March, 2007, in Clearfield County Courtroom _____.

BY THE COURT:

_____, J.

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.: 05-1866-CD

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

PRAECIPE FOR TRIAL

Filed on behalf of the Plaintiffs.

Counsel of Record for this Party:

STEPHEN P. DREXLER, ESQUIRE
PA I.D. #76108

AINSMAN, LEVINE & DREXLER, LLC
Firm #975

330 Grant Street
Suite 2201
Pittsburgh, PA 15219
(412) 338-9030

JURY TRIAL DEMANDED

FILED
m 11:38 a.m. GK
AUG 06 2008 NO CC
(610)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.: 05-1866-CD

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

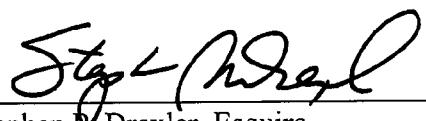
PRAECIPE FOR TRIAL

TO: PROTHONOTARY

Kindly list the above captioned case for trial. Counsel for Plaintiffs hereby certify that:

1. No motions are outstanding and that discovery has been completed and the case is ready for trial;
2. The case is to be heard by a jury;
3. Notice of the praecipe has been given to counsel for Defendant Fraternal Order of Eagles Aerie No. 965 of Falls Creek, PA.

Respectfully submitted,



Stephen P. Drexler, Esquire
Attorney for Plaintiffs

110

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

BARBARA J. IDDINGS, and :
LEONARD IDDINGS, her husband :
:
vs. : No. 05-1866-CD
:
FRATERNAL ORDER OF EAGLES:
AERIE NO. 965, OF FALLSCREEK:
PA, a Pennsylvania Non-Profit
Corporation :
:

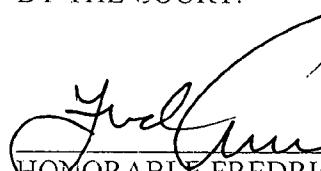
O R D E R

NOW, this 27 day of August, 2008, it is the ORDER of this Court
that the Pre-Trial Conference in the above captioned matter shall be and is hereby
scheduled for Tuesday, October 21, 2008 at 9:30 A.M., in Judge's Chambers, at the
Clearfield County Courthouse, Clearfield, Pennsylvania.

It is the further ORDER of this Court that Jury Selection shall be and is
hereby scheduled for Tuesday, January 6, 2009 beginning at 9:00 A.M., in
Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

FILED 2CC Atlys:
09/3/08 Drexler
AUG 28 2008 Lang
William A. Shaw
Prothonotary/Clerk of Courts
60


HONORABLE FREDRIC J. AMMERMAN
President Judge

FILED

AUG 22 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/28/09

X You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:
— Plaintiff(s) X Plaintiff(s) Attorney _____ Other _____
— Defendant(s) X Defendant(s) Attorney _____ Other _____
— Special Instructions:

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

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,
Plaintiffs

vs.

FRATERNAL ORDER OF EAGLES AERIE
NO. 965 OF FALLS CREEK, PA, a
Pennsylvania Non-Profit Corporation,
Defendant

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NO. 05-1866-CD

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OCT 22 2008

5 William A. Shaw
Prothonotary/Clerk of Courts

(CIO)

ORDER

NOW, this 21st day of October, 2008, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury selection will be held on January 6, 2009 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for January 19, 20, and 21, 2009 commencing at 9:00 a.m. at the Multi Service Center, Clearfield, Pennsylvania with Senior Judge Charles Brown, Specially Presiding.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
4. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered within no more than sixty (60) days from this date. Failure to comply will result in the witness not being available for use at trial.

5. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.
6. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.
7. The parties hereby agree to the authenticity of any and all medical records and bills which were previously provided through the discovery process. No party shall be required to produce a Medical Records witness for purposes of authentication.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

OCT 22 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/22/08

You are responsible for serving all appropriate parties.
 The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

Plaintiffs,

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

CIVIL DIVISION

No.: 05-1866-CD

**PRAECIPE FOR SUBSTITUTION OF
COUNSEL**

Filed on Behalf of Plaintiffs.

Counsel of Record for this Party:

Stephen P. Drexler, Esquire
PA I.D. # 76108

Ainsman, Levine & Drexler, LLC
Firm #975

330 Grant Building, Suite 2201
Pittsburgh, PA 15219

(412) 338-9030

FILED
M 11.04.08
NO CC
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S (610)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and
LEONARD IDDINGS, her husband,

CIVIL DIVISION

Plaintiffs,

No.: 05-1866-CD

v.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA,
a Pennsylvania Non-Profit Corporation,

Defendant.

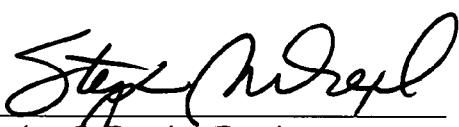
PRAECIPE FOR SUBSTITUTION OF COUNSEL

TO THE PROTHONOTARY:

Please substitute the appearance of Stephen P. Drexler, Esquire with the appearance of Robin S. Wertkin, Esquire on behalf of the Plaintiff in the above-captioned matter for the purposes of jury selection only.

Respectfully submitted,

AINSMAN, LEVINE & DREXLER, LLC

By: 

Stephen P. Drexler, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing PRAECIPE FOR SUBSTITUTION OF COUNSEL was mailed this _____ day of November, 2008 via first class, postage prepaid to all parties of record as follows:

Stephen Moore, Esquire
2931 North Front Street
Harrisburg, PA 17110

Ainsman, Levine & Drexler, LLC



Stephen P. Drexler, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and LEONARD
IDDINGS, her husband,,

Plaintiffs,

CIVIL DIVISION

No. 05-1866-CD

Issue:

Code:

vs.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA.,
a Pennsylvania Non-Profit Corporation,

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Defendants

Filed on behalf of Plaintiff

Counsel of Record for this Party:

Stephen P. Drexler, Esq.
PA I.D. # 76108
Ainsman, Levine, & Drexler LLC
Firm # 975
330 Grant Street, Suite 1500
Pittsburgh, PA 15219

Phone: 412-338-9030

Email: sdrexler@aldlawfirm.com

FILED NO CC 1 Ceitog
m 11:30 AM JSC issued to
FEB 16 2010 AM Drexler
S William A. Shaw & Copy to c/A
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BARBARA J. IDDINGS, and LEONARD
IDDINGS, her husband,,

CIVIL DIVISION

No. 05-1866-CD

Plaintiffs,

Issue:

vs.

FRATERNAL ORDER OF EAGLES
AERIE NO. 965, OF FALLS CREEK, PA.,
a Pennsylvania Non-Profit Corporation,

Defendants.

PRAECIPE TO SETTLE AND DISCONTINUE

TO: PROTHONOTARY

Kindly mark the docket in the above matter settled and discontinued.

Respectfully submitted,

AINSMAN, LEVINE & DREXLER, LLC


Stephen P. Drexler, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Praecipe to Settle and discontinue has been forwarded this 28th day of January, 2010, via U.S. Regular Mail to the following defendant's counsel of record as follows:

**Mr. Stephen F. Moore
2931 North Front Street
Harrisburg, PA 17110**

AINSMAN, LEVINE & DREXLER, LLC



Stephen P. Drexler, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION



Barbara J. Iddings
Leonard Iddings

Vs. No. 2005-01866-CD
Fraternal Order of Eagles Aerie No. 965 of Falls C

CERTIFICATE OF DISCONTINUATION

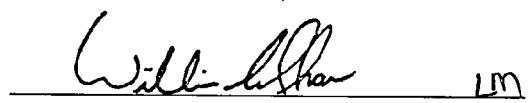
Commonwealth of PA
County of Clearfield

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 February 16, 2010, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by Stephen F. Drexler Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 16th day of February A.D. 2010.



William A. Shaw, Prothonotary