

06-61-CD  
Victor Lippert et al vs Community

Victor Lippert et al vs Community Action et  
2006-61-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT, and  
AUDREY LIPPERT, his wife,

Plaintiffs,

vs.

COMMUNITY ACTION IN  
CLEARFIELD COUNTY INC., and  
CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,

Defendants.

CIVIL DIVISION

No. 06-61-CD

COMPLAINT  
IN CIVIL ACTION

Filed on behalf of:

Victor Lippert and Audrey  
Lippert, his wife, Plaintiffs

Counsel of record for these parties:

Michael W. Zimecki, Esquire  
Pa. I.D. # 74606

BERGER AND GREEN  
Firm #777  
5850 Ellsworth Avenue  
Suite 200  
Pittsburgh, PA 15232  
(412) 661-1400

JURY TRIAL DEMANDED

FILED  
m/10:20/81  
JAN 13 2006  
Any pd. 85.00  
LW REC Shff

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT, and	:	CIVIL DIVISION
AUDREY LIPPERT, his wife,	:	
	:	No.
Plaintiffs,	:	
	:	
vs.	:	
	:	
COMMUNITY ACTION IN	:	
CLEARFIELD COUNTY INC., and	:	
CENTRAL PENNSYLVANIA	:	
DEVELOPMENT CORPORATION, INC.,	:	
doing business as CENTRAL	:	
PENNSYLVANIA DEVELOPMENT	:	
CORPORATION,	:	
	:	
Defendants.	:	

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed against 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 TO HIRE 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.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641 Ext. 50-51

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT, and	:	CIVIL DIVISION
AUDREY LIPPERT, his wife,	:	
	:	No.
Plaintiffs,	:	
	:	
vs.	:	
	:	
COMMUNITY ACTION IN	:	
CLEARFIELD COUNTY INC., and	:	
CENTRAL PENNSYLVANIA	:	
DEVELOPMENT CORPORATION, INC.,	:	
doing business as CENTRAL	:	
PENNSYLVANIA DEVELOPMENT	:	
CORPORATION,	:	
	:	
Defendants.	:	

COMPLAINT IN CIVIL ACTION

AND NOW come the Plaintiffs, Victor Lippert, and Audrey Lippert, his wife, by and through their attorneys, Berger and Green, P.C., and Michael W. Zimecki, Esquire, and file the within Complaint in Civil Action and in support thereof aver as follows:

1. The Plaintiffs, Victor Lippert, and Audrey Lippert, his wife, are adult individuals residing at 212 Clearfield Street, Apt.. B, Clearfield, Clearfield County, Pennsylvania 16830.

2. Defendant, Community Action In Clearfield County Inc., is a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania

with a principal place of business at 207 East Cherry Street, Clearfield, Clearfield County, Pennsylvania 16830.

3. Defendant, Central Pennsylvania Development Corporation, Inc., doing business as Central Pennsylvania Development Corporation (hereinafter, "Central Pennsylvania Development Corporation") is a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business at 207 East Cherry Street, Clearfield, Clearfield County, Pennsylvania 16830.

4. At all times material hereto, the Defendants, Community Action in Clearfield County Inc., and Central Pennsylvania Development Corporation owned and/or leased and/or possessed, controlled and/or maintained the premises wherein the hereinafter described event occurred, namely a tract of land and building known as the former Woodward school and located at R.D. #1, Houtzdale, Woodward Township, Clearfield County, Pennsylvania 15801.

5. At all times material hereto, the Defendants, Community Action In Clearfield County Inc., and Central Pennsylvania Development Corporation, acting individually and/or by and through their agents (ostensible, apparent or actual), servants, workmen and/or employees, were responsible for the care, custody, control, operation, maintenance and supervision of said land and building, including removal of ice and snow from the parking lot of the afore-described premises..

6. At all times material hereto, the Defendants, Community Action In Clearfield County Inc., and Central Pennsylvania Development Corporation, acted by and through its

agents (ostensible, apparent or actual), servants, workmen and/or employees, who were then and there acting within the scope of their agency, employment and/or authority.

7. At all times material hereto, the Plaintiff, Victor Lippert, was a business invitee of the Defendants, Community Action In Clearfield County Inc., and Central Pennsylvania Development Corporation.

8. On or about February 24, 2004, there existed on the entranceway of the afore-described premises, a dangerous, unsafe, slippery and hazardous condition created by a build-up of snow and ice.

9. At approximately 8:20 a.m. on February 24, 2004, the Plaintiff, Victor Lippert, did slip, slide and fall to the ground when he attempted to traverse the entranceway of the afore-described premises, which was dangerous, slippery, unsafe and hazardous due to the existence of snow and ice, thus sustaining severe and serious injuries.

COUNT I  
VICTOR LIPPERT VS. COMMUNITY ACTION IN CLEARFIELD COUNTY INC., AND  
CENTRAL PENNSYLVANIA DEVELOPMENT CORPORATION  
*(Negligence)*

10. Paragraphs 1 through 9 are incorporated by reference herein as if fully set forth herein.

11. As a direct and proximate result of the negligence, carelessness and/or recklessness of the Defendants, Community Action In Clearfield County Inc., and Central Pennsylvania Development Corporation, as is more fully set forth below, the Plaintiff, Victor Lippert, was caused to suffer and sustain severe and serious injuries, including the following:

- a) Injury to his neck, right shoulder right elbow and right arm;
- b) Contusions and bruises to the right elbow and right shoulder;
- c) Severe and chronic right elbow and right shoulder pain;
- d) Chronic impingement syndrome of the right shoulder, rotator cuff tendonitis, and a right shoulder superior glenoid labral tear, or “flap” tear, requiring arthroscopic subacromial decompression surgery and debridement, as well as post-operative therapy and rehabilitation;
- e) Weakness and swelling of the right shoulder;
- f) Limitation of range of motion of the right shoulder;
- g) Recurrent tendonitis of the right shoulder;
- h) Risk of re-injury to the shoulder;
- i) Risk of post-traumatic arthritis, adhesive capsulitis, or “frozen” shoulder, and other traumatic changes, which may require further surgical intervention, including possible degenerative rotator cuff repair or possible shoulder replacement; and
- j) Shock to the nerves and nervous system.

12. As a further direct and proximate result of the negligence, carelessness and/or recklessness of the Defendants, Community Action In Clearfield County Inc., and Central Pennsylvania Development Corporation, as is more fully set forth below, the Plaintiff, Victor Lippert, has sustained the following damages:

- a. Pain, suffering, and inconvenience;

- b. Fright, shock, worry, humiliation, anxiety, irritation, annoyance and other forms of serious emotional distress;
- c. Loss of earnings and loss of earning capacity;
- d. Impairment of his general health, strength and vitality;
- e. Inability to continue in his usual activities; and
- f. Loss of life's pleasures.

13. The Plaintiff, Victor Lippert, believes and therefore avers that some of the aforesaid damages and injuries may be of a permanent and lasting nature.

14. As a further direct and proximate result of the negligence of the Defendants, Community Action In Clearfield County Inc., and Central Pennsylvania Development Corporation, as is more fully set forth below, the Plaintiff, Victor Lippert, has been in the past and may be for an indefinite period of time in the future unable to engage in his usual activities.

15. As a further direct and proximate result of the negligence of the Defendants, Community Action In Clearfield County Inc., and Central Pennsylvania Development Corporation, as is more fully set forth below, the Plaintiff, Victor Lippert, has been in the past and may for an indefinite time in the future be required to spend substantial sums of money for medicines, medical, nursing, hospital, surgical attention and other incidental expenses in an attempt to effectuate a cure for himself as a result of the injuries sustained in this incident.



16. The injuries and damages suffered by the Plaintiff, Victor Lippert, were the direct and proximate result of the negligence, carelessness and/or recklessness of the Defendants, Community Action in Clearfield County Inc., and Central Pennsylvania Development Corporation, acting individually and/or by and through their agents (ostensible, apparent and/or actual), servants, workmen and/or employees, generally, and in the following particulars:

- a) In causing and/or permitting a dangerous, hazardous and unsafe condition to exist on the surface of the entranceway to the aforesaid building;
- b) In failing to shovel, apply salt, or otherwise remove snow and ice from the entranceway when the Defendants knew or should have known of the existence of dangerous snow and ice upon the entranceway and that it created a serious risk of injury to individuals walking thereon;
- c) In failing to warn or otherwise notify the plaintiff of the dangerous condition of the entranceway;
- d) In failing to inspect the entranceway when the Defendants knew or should have known that it would be likely to have accumulations of dangerous, slippery and hazardous snow and ice;
- e) In allowing said snow and ice to accumulate and to remain upon the entranceway without cleaning said entranceway;
- f) In failing to maintain said entranceway in a proper and safe condition;
- g) In failing to regularly inspect said entranceway so as to insure that it was in a proper and safe condition; and
- h) In allowing the entranceway to remain in an unsafe condition in violation of the statutes of the Commonwealth of Pennsylvania and local Ordinances.

17. Plaintiffs aver that the above-named Defendants had actual notice or should have known of the existence of said dangerous condition consisting of snow and ice upon the entranceway of the above-mentioned premises.

WHEREFORE, the Plaintiffs, Victor Lippert and Audrey Lippert, his wife, request this Honorable Court to enter judgment in their favor and against the Defendants, Community Action in Clearfield County Inc., and Central Pennsylvania Development Corporation, jointly and severally, in an amount in excess of the arbitration limits of this Court

COUNT II  
AUDREY LIPPERT VS. COMMUNITY ACTION IN CLEARFIELD COUNTY INC.,  
AND CENTRAL PENNSYLVANIA DEVELOPMENT CORPORATION  
*(Loss of Consortium)*

18. Paragraphs 1 through 17 are incorporated by reference as if fully set forth herein.

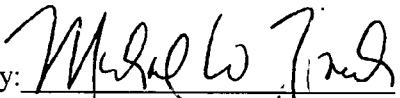
19. As a further direct and proximate result of the negligent, careless and reckless conduct of the Defendants, Community Action in Clearfield County, Inc., and Central Pennsylvania Development Corporation, as is more fully set forth above, the Plaintiff, Audrey Lippert, has in the past lost the society, companionship, affection, love, services and consortium of her husband, the Plaintiff, Victor Lippert, all of which may continue for an indefinite period of time in the future.

18. In addition, as a direct and proximate result of the negligent conduct of the Defendants, Community Action in Clearfield County Inc., and Central Pennsylvania Development Corporation, as is more fully set forth above, the Plaintiff, Audrey Lippert, has in the past and may be required in the future to expend substantial sums of money for hospital bills, medical expenses and other incidental expenses in an attempt to effectuate a cure for her husband, the Plaintiff, Victor Lippert, as a result of the aforesaid incident..

WHEREFORE, the Plaintiffs, Victor Lippert and Audrey Lippert, his wife, request this Honorable Court to enter judgment in their favor and against the Defendants, Community Action in Clearfield County Inc., and Central Pennsylvania Development Corporation, jointly and severally, in an amount in excess of the arbitration limits of this Court

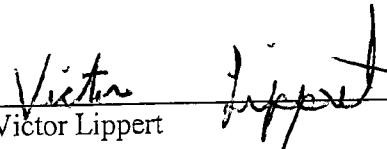
**JURY TRIAL DEMANDED**

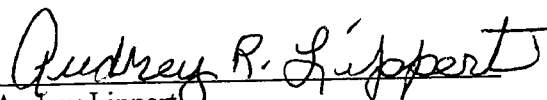
BERGER AND GREEN

By:   
Michael W. Zimecki, Esquire  
Attorney for the Plaintiffs  
PA I.D. #74606  
5850 Ellsworth Avenue  
Suite 200  
Pittsburgh, PA 15232  
(412) 661-1400

VERIFICATION

We, Victor Lippert and Audrey Lippert, Plaintiffs herein, hereby verify that the averments of fact contained in the foregoing Complaint are true and correct and based upon our personal knowledge, information or belief. We understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes, Section 4904, relating to unsworn falsification to authorities.

  
Victor Lippert

  
Audrey Lippert

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

VICTOR LIPPERT and  
AUDREY LIPPERT, his wife,  
Plaintiffs

v.

No. 06-61 CD

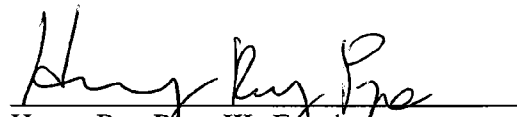
COMMUNITY ACTION IN  
CLEARFIELD COUNTY, INC., and  
CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,  
Defendants

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above captioned case as attorney for the Defendants

Community Action in Clearfield County, Inc., and Central Pennsylvania Development  
Corporation.



Henry Ray Pope III, Esquire  
Attorney for Defendants  
PA I.D. 01530  
Pope and Drayer  
10 Grant Street  
Clarion, PA 16214  
814-226-5700 - phone  
814-226-9669 - fax

Date: February 16, 2006

William A. Shaw  
Prothonotary/Clerk of Courts

FEB 21 2006

FILED

no c/c  
m/8:30/cw  
COPY to C/A

FILED

FEB 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

no c/c

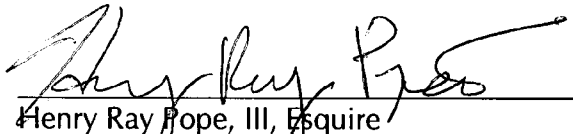
COPY TO C/A

CERTIFICATE OF SERVICE

I, Henry Ray Pope, III, did on the date of this Certificate, serve a true and correct copy of the foregoing "Praecipe for Appearance" on the following by First Class U.S. Mail, postage prepaid:

Michael W. Zimecki, Esquire  
Berger and Green  
5850 Ellsworth Avenue  
Suite 200  
Pittsburgh, PA 15232  
(Attorney for Plaintiffs)

IN WITNESS WHEREOF, I have signed this Certificate this 16th day of February,  
2006.

  
Henry Ray Pope, III, Esquire  
Attorney for Defendants

**FILED**  
FEB 21 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**  
FEB 20 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT and  
AUDREY LIPPERT, his wife

Plaintiffs,

vs.

COMMUNITY ACTION IN  
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CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,

Defendants.

CIVIL DIVISION

No.: 06-61-CD

NOTICE OF SERVICE OF  
INTERROGATORIES AND  
REQUEST FOR PRODUCTION  
OF DOCUMENTS TO  
DEFENDANTS

Filed on Behalf of:

Victor Lippert and  
Audrey Lippert  
Plaintiffs

Counsel of Record for  
this Party:

Michael W. Zimecki, Esquire  
PA ID# 74606  
BERGER AND GREEN, P.C.  
Firm #777  
5850 Ellsworth Avenue  
Suite 200  
Pittsburgh, PA 15232  
(412) 661-1400

FILED

FEB 21 2006

William A. Shaw  
Prothonotary/Clerk of Courts

Prothonotary/Clerk of Courts

William A. Shaw  
FEB 20 2006

FILED

2/20/06

2/20/06



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT and  
AUDREY LIPPERT, his wife

Plaintiffs,

vs.

COMMUNITY ACTION IN  
CLEARFIELD COUNTY, INC., and  
CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,

Defendants.

CIVIL DIVISION

No.: 06-61-CD

NOTICE OF SERVICE OF INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS

I hereby certify that true and correct copies of Interrogatories and Request for Production of Documents to Defendants were served by first class, U.S. Mail, postage pre-paid, this 16th day of February, 2006, on the party listed below:

Terry Pope, Esquire  
Pope & Dreyer  
20 Grant Street  
Clarion, PA 16214

Respectfully submitted,

BERGER AND GREEN, P.C.

By: 

Michael W. Zimecki, Esquire  
Attorney for the Plaintiffs,  
Victor Lippert and Audrey Lippert

**FILED**  
FEB 21 2006

William A. Shaw  
Prothonotary/Clerk of Courts

~~**FILED**  
FEB 20 2006~~

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

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

VICTOR LIPPERT and  
AUDREY LIPPERT, his wife,  
Plaintiffs

No. 06-61-CD

v.

Civil Action - Law

COMMUNITY ACTION IN  
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CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,  
Defendants

**Type of Pleading:**  
Answer and New Matter

**Filed On Behalf Of:**  
Defendants

**Counsel of Record for this Party:**

Henry Ray Pope III, Esq.  
Supreme Court No. 01530  
POPE AND DRAYER  
Ten Grant Street  
Clarion, PA 16214  
814-226-5700

FILED *no cc*  
*m/10:32/BJ*  
MAR 16 2006 *CM*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT and  
AUDREY LIPPERT, his wife,  
Plaintiffs

v.

COMMUNITY ACTION IN  
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DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,  
Defendant

Civil Division

No. 06-61-CD

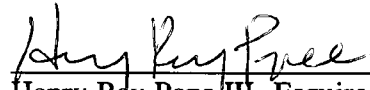
**NOTICE TO PLEAD**

TO THE ABOVE NAMED PLAINTIFFS:

You are hereby notified to plead to the enclosed New Matter within twenty (20) days  
from service hereof or a default judgment may be entered against you.

POPE AND DRAYER

Date: 3/14, 2006

  
Henry Ray Pope III, Esquire  
Attorney for Defendants  
PA ID #01530  
Pope and Drayer  
10 Grant Street  
Clarion, PA 16214  
814-226-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT and	:	
AUDREY LIPPERT, his wife,	:	
Plaintiffs	:	
	:	
v.	:	Civil Division
	:	
COMMUNITY ACTION IN	:	
CLEARFIELD COUNTY, INC., and	:	
CENTRAL PENNSYLVANIA	:	
DEVELOPMENT CORPORATION, INC.,	:	
doing business as CENTRAL	:	
PENNSYLVANIA DEVELOPMENT	:	
CORPORATION,	:	
Defendant	:	No. 06-61-CD

ANSWER AND NEW MATTER

AND NOW come Community Action in Clearfield County, Inc., and Central Pennsylvania Development Corporation, by their attorney, Henry Ray Pope, III, and file this Answer and New Matter to Plaintiffs' Complaint, and in connection therewith submit the following:

1. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 1 of Plaintiffs' Complaint and proof thereof is demanded at time of trial.
2. Admitted.
3. Denied in that the Defendant knows of no corporation by the name of Central Pennsylvania Development Corporation, Inc.
4. Denied as stated and at all times relevant to this matter the real estate upon which

the Plaintiff allegedly fell was owned by and under the control of Central Pennsylvania Development Corporation. None of the other named Defendants had any interest in the real estate nor was it under their possession or control.

5. Denied as stated and in further answer the Defendants incorporate their answer set forth in Paragraph 4 above as their answer to Paragraph 5 of Plaintiffs' Complaint.

6. The averments set forth in Paragraph 6 constitute a legal conclusion to which no answer is required.

7. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 7 of Plaintiffs' Complaint and proof thereof is demanded at time of trial.

8. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 8 of Plaintiffs' Complaint and proof thereof is demanded at time of trial.

9. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 9 of Plaintiffs' Complaint and proof thereof is demanded at time of trial.

#### ANSWER TO COUNT I

10. The Defendants incorporate their answer set forth in Paragraphs 1 through 9, above, into Paragraph 10 of their Answer.

11. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 11 of Plaintiffs' Complaint and proof thereof is demanded at time of trial. In further answer thereto it is submitted that

Community Action in Clearfield County, Inc., was not involved in this matter.

12. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 12 of Plaintiffs' Complaint and proof thereof is demanded at time of trial. In further answer thereto it is submitted that Community Action in Clearfield County, Inc., was not involved in this matter.

13. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 13 of Plaintiffs' Complaint and proof thereof is demanded at time of trial.

14. After reasonable investigation Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 14 of Plaintiffs' Complaint and proof thereof is demanded at time of trial. In further answer thereto it is submitted that Community Action in Clearfield County, Inc., was not involved in this matter.

15. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 15 of Plaintiffs' Complaint and proof thereof is demanded at time of trial. In further answer thereto it is submitted that Community Action in Clearfield County, Inc., was not involved in this matter.

16. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 16 of Plaintiffs' Complaint and proof thereof is demanded at time of trial. In further answer thereto it is submitted that Community Action in Clearfield County, Inc., was not involved in this matter.

17. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 17 of Plaintiffs' Complaint

and proof thereof is demanded at time of trial.

WHEREFORE, the Defendants request your Honorable Court to enter judgment in favor of the Defendants and against the Plaintiffs together with costs of suit.

### ANSWER TO COUNT II

18. Defendants incorporate their answers set forth in Paragraphs 1 through 17 into this Paragraph 18 of Defendants' Answer.

19. After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 19 of Plaintiffs' Complaint and proof thereof is demanded at time of trial. In further answer thereto it is submitted that Community Action in Clearfield County, Inc., was not involved in this matter.

20. (Misnumbered as 18) After reasonable investigation, Defendants are without sufficient information to form an opinion as to the truth of the averment set forth in Paragraph 20 (Misnumbered as 18) of Plaintiffs' Complaint and proof thereof is demanded at time of trial. In further answer thereto it is submitted that Community Action in Clearfield County, Inc., was not involved in this matter.

WHEREFORE, the Defendants request your Honorable Court to enter judgment in favor of the Defendants and against the Plaintiffs together with costs of suit.

### NEW MATTER

21. Plaintiff Victor Lippert assumed the risk of injury when he chose to walk on a path which was snow and ice covered where there was no sidewalk.

22. Plaintiff Victor Lippert assumed the risk of injury when he chose to walk over an



obviously dangerous ice accumulation which had come from the roof drain.

23. Plaintiff Victor Lippert had a choice of two ways in which to proceed to his assumed destination, one of which was safe and the other was obviously dangerous, and Plaintiff unreasonably chose the obviously dangerous way.

24. Plaintiff Victor Lippert's conduct was a factual cause in bringing about the Plaintiff's injury.

25. Even if the ice and snow had accumulated on the sidewalk it did not unreasonably obstruct Plaintiff Victor Lippert's travel as there were other accesses to the building which Plaintiff could have used which were not ice and snow covered and Victor Lippert could have gone around the ice and snow and proceeded safely.

26. Plaintiff Victor Lippert chose to walk to his place of employment over an earth and gravel area which was not improved with a sidewalk as opposed to parking in a paved parking area and using a sidewalk to reach to his destination.

27. Plaintiff Victor Lippert did not inform the Defendants of the conditions which he claims were responsible for his fall.

28. Plaintiffs' cause of action is barred by the applicable statute of limitations.

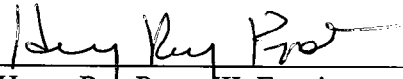
29. Plaintiffs have failed to state a cause of action against the Defendants upon which relief can be granted.

30. Community Action in Clearfield County, Inc., and Central Pennsylvania Development Corporation, Inc., at all times relevant to this matter did not own or lease any part of the real property or the improvements located on the real estate referred to in Plaintiffs' Complaint, nor did they have any responsibility for the control or maintenance of that property.

WHEREFORE, Defendants request your Honorable Court to enter judgment in favor of the Defendants and against the Plaintiffs together with costs of suit.

Respectfully submitted,

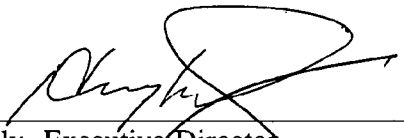
Date: 3-10-08

  
Henry Ray Pope, III, Esquire  
Attorney for Defendants  
PA ID #01530  
POPE AND DRAYER  
10 Grant Street  
Clarion, PA 16214  
814-226-5700

a:\tap\civil14\clearf.ans

#### VERIFICATION

The undersigned says that the averments contained in the foregoing Answer and New Matter to which this Verification is attached are true and correct to the best of his knowledge, information and belief. The undersigned further states that he understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



---

Hugh Daly, Executive Director  
Central Pennsylvania Community Action


Date: 3-9-06, 2006

CERTIFICATE OF SERVICE

I, Henry Ray Pope, III, did on the date of this Certificate, serve a true and correct copy of the foregoing "Answer and New Matter" on the following by First Class U.S. Mail, postage prepaid:

Michael W. Zimecki, Esquire  
Berger and Green  
5850 Ellsworth Avenue  
Suite 200  
Pittsburgh, PA 15232  
(Attorney for Plaintiffs)

IN WITNESS WHEREOF, I have signed this Certificate this 14th day of March, 2006.

  
Henry Ray Pope, III, Esquire  
Attorney for Defendants

FILED

MAR 16 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 101162  
NO: 06-61-CD  
SERVICE # 1 OF 2  
COMPLAINT

PLAINTIFF: VICTOR LIPPERT & AUDREY LIPPERT

vs.

DEFENDANT: COMMUNITY ACTION IN CLEARFIELD COUNTY INC. and CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION INC. d/b/a CENTRAL PENNSYLVANIA DEVELOPMENT CORPORATION

**SHERIFF RETURN**

---

NOW, January 24, 2006 AT 10:20 AM SERVED THE WITHIN COMPLAINT ON COMMUNITY ACTION IN  
CLEARFIELD COUNTY INC. DEFENDANT AT 207 EAST CHERRY ST., CLEARFIELD, CLEARFIELD COUNTY,  
PENNSYLVANIA, BY HANDING TO ELLIE FENTON, DIRECTOR OF FAMILY SERVICES A TRUE AND ATTESTED  
COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

**FILED**  
01:05:30  
MAR 22 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 101162  
NO: 06-61-CD  
SERVICE # 2 OF 2  
COMPLAINT

PLAINTIFF: VICTOR LIPPERT & AUDREY LIPPERT

vs.

DEFENDANT: COMMUNITY ACTION IN CLEARFIELD COUNTY INC. and CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION INC. d/b/a CENTRAL PENNSYLVANIA DEVELOPMENT CORPORATION

**SHERIFF RETURN**

---

NOW, January 24, 2006 AT 10:20 AM SERVED THE WITHIN COMPLAINT ON CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION DEFENDANT AT 207 EAST CHERRY ST., CLEARFIELD, CLEARFIELD  
COUNTY, PENNSYLVANIA, BY HANDING TO ELLIE FENTON, DIRECTOR OF FAMILY SERVICES A TRUE AND  
ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101162  
NO: 06-61-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: VICTOR LIPPERT & AUDREY LIPPERT

vs.

DEFENDANT: COMMUNITY ACTION IN CLEARFIELD COUNTY INC. and CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION INC. d/b/a CENTRAL PENNSYLVANIA DEVELOPMENT CORPORATION

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BERGER	10022	20.00
SHERIFF HAWKINS	BERGER	10022	26.00

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,



Chester A. Hawkins  
Sheriff

FILED

MAR 22 2006

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT, and  
AUDREY LIPPERT, his wife,  
  
Plaintiffs,

vs.

COMMUNITY ACTION IN  
CLEARFIELD COUNTY INC., and  
CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,

Defendants.

CIVIL DIVISION

No.: 06-61-CD

**REPLY TO  
NEW MATTER**

Filed on behalf of:

Victor Lippert and Audrey  
Lippert, his wife, Plaintiffs

Counsel of record for these parties:

Michael W. Zimecki, Esquire  
Pa. I.D. # 74606

BERGER AND GREEN  
Firm #777  
5850 Ellsworth Avenue  
Suite 200  
Pittsburgh, PA 15232  
(412) 661-1400

**JURY TRIAL DEMANDED**

MAILED  
M/10:1730L NOCC  
MAR 27 2006  
CLERK OF COURT  
JUDICIAL CENTER OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

VICTOR LIPPERT, and	:	CIVIL DIVISION
AUDREY LIPPERT, his wife,	:	
	:	No. : 06-61-CD
Plaintiffs,	:	
	:	
vs.	:	
	:	
COMMUNITY ACTION IN	:	
CLEARFIELD COUNTY INC., and	:	
CENTRAL PENNSYLVANIA	:	
DEVELOPMENT CORPORATION, INC.,	:	
doing business as CENTRAL	:	
PENNSYLVANIA DEVELOPMENT	:	
CORPORATION,	:	
	:	
Defendants.	:	

**REPLY TO NEW MATTER**

AND NOW, come the Plaintiffs, Victor Lippert and Audrey Lippert, his wife, by and through their attorneys, Berger and Green, P.C., and Michael W. Zimecki, Esquire and sets forth the within Reply to New Matter of Defendants, Community Action in Clearfield County, Inc., and Central Pennsylvania Development Corporation, as follows:

1. Plaintiffs incorporate by reference herein the averments of their Complaint as if the same were set forth at length.
2. The averments of Paragraph 21 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required and are therefore denied. Moreover, the defense of assumption of the risk does not require response in accordance with Pa. R.C.P. 1030(b) and Pa. R.C.P. 1029(d). By way of further response, it is

specifically denied that Plaintiff Victor Lippert assumed the risk of injury as alleged in Paragraph 21, and strict proof of Defendants' allegations are thus demanded at time of trial.

3. The allegations of Paragraph 22 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required and are therefore denied. Moreover, the defense of assumption of the risk does not require response in accordance with Pa. R.C.P. 1030(b) and Pa.R.C.P. 1029(d). By way of further response, it is specifically denied that Plaintiff Victor Lippert assumed the risk of injury as alleged in Paragraph 22, and strict proof of Defendants' allegations are thus demanded at time of trial.

4. The allegations of Paragraph 23 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required. Moreover, the defense of contributory or comparative negligence, which is implicit in Defendants' allegation that Plaintiff Victor Lippert had a "choice of ways," does not require response in accordance with Pa.R.C.P. 1030(b) and Pa.R.C.P. 1029(d). To the extent, if any, that it is subsequently deemed that a response is necessary, the allegations of Paragraph 23 of Defendants' New Matter are denied. It is specifically denied that Plaintiff Victor Lippert acted unreasonably or was comparatively or contributorily negligence in proceeding to his destination, that he had a genuine "choice of ways," or that his actions contributed in any way to Plaintiffs' injuries and damages. To the contrary, Plaintiffs' injuries and damages were solely due to the negligence, carelessness and recklessness of the Defendants.

---

5. The allegations of Paragraph 24 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required. To the extent, if any, it is subsequently deemed that a response is necessary, the allegations of Paragraph 24 of Defendants' New Matter are denied. It is specifically denied that Plaintiff Victor Lippert's conduct was a factual cause in bringing about the Plaintiff's injury. To the contrary, Plaintiffs' injuries and damages were caused by the negligence, carelessness and recklessness of the Defendants.

6. The allegations of Paragraph 25 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required. Moreover, the defense of contributory or comparative negligence, which is implicit in Paragraph 25 and these Defendants' invocation of the "choice of ways doctrine", does not require a response in accordance with Pa.R.C.P. 1030(b) and Pa.R.C.P. 1029(d). To the extent, if any, it is subsequently deemed that a response is necessary, the allegations of Paragraph 25 of Defendants' New Matter are denied. It is specifically denied that Plaintiff Victor Lippert's travel was not unreasonably obstructed by the accumulation of ice and snow, that he had a safe and genuine choice of other paths or access routes, or that he was comparatively or contributorily negligent in proceeding to his destination as he did. To the contrary, Plaintiffs' injuries and damages were solely due to the negligence, carelessness and recklessness of the Defendants.

7. The allegations of Paragraph 26 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required. To the extent, if any, it is subsequently deemed that a response is necessary, the allegations of Paragraph 26 of Defendants' New Matter are denied. It is specifically denied that Plaintiff Victor Lippert

chose to walk to his place of employment over an earth and gravel area which was not improved with a sidewalk as opposed to parking in a paved parking area and using a sidewalk to reach his destination. By way of further response, Plaintiffs incorporate their responses to Paragraphs 23 and 25 of these Defendants' New Matter as if the same were fully set forth herein. Plaintiffs also allege and aver that Plaintiff Victor Lippert's place of employment was located in the front and basement of the building located on the subject premises, that he was designated to park in an unpaved area in front of the building and was prohibited from parking in the paved parking area, which was located to the rear of the building. Moreover, Plaintiff Victor Lippert did not have access to his place of employment from the paved parking lot in the rear or through a rear entrance to the building. Strict proof of Defendants' allegations are thus demanded at time of trial.

8. The allegations of Paragraph 27 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required. To the extent, if any, it is subsequently deemed that a response is necessary, the allegations of Paragraph 27 of Defendants' New Matter are denied. It is specifically denied that Plaintiff Victor Lippert failed to inform the Defendants of the conditions responsible for his fall. To the contrary, Plaintiff orally reported his injury and the dangerous conditions that caused it to the office of Defendants' agents, employees or assigns, which was located on the premises where Plaintiff Victor Lippert's injury occurred. Moreover, Plaintiff Victor Lippert made written claim through counsel of his injury and the conditions that caused it to Nicole Killinger of Millers Mutual Group, the Defendants' carrier. By way of further response, Plaintiff alleges and avers that Defendants had both actual and constructive notice of the dangerous condition of the premises prior to Plaintiff Victor Lippert's injury.

9. The allegations of Paragraph 28 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required and are therefore denied. To the extent, if any, it is subsequently deemed that a response is necessary, Defendants have stated no facts in support of the alleged defense that Plaintiff's cause of action is barred by the applicable statute of limitations and said defense is therefore waived. By way of further responses, it is specifically denied that Plaintiffs' cause is barred by the statute of limitations. To the contrary, Plaintiffs' Complaint was filed on January 13, 2006 and served on Defendants on January 24, 2006, within the two-year statute of limitations for personal injury actions.

10. The allegations of Paragraph 29 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required and are therefore denied. To the extent, if any, it is subsequently deemed that a response is necessary, Plaintiffs allege and aver that they have stated a claim upon which relief can be granted against the Defendants. By way of further response, Plaintiffs incorporate by references the averments of their Complaint as if the same were fully set forth herein.

11. The allegations of Paragraph 30 of Defendants' New Matter constitute conclusions of law to which no responsive pleading is required. To the extent, if any, it is subsequently deemed that a response is necessary, the allegations of Paragraph 30 are denied. It is specifically denied that Community Action in Clearfield County Inc., or Central Pennsylvania Development Corporation, Inc., doing business as Central Pennsylvania Development Corporation, neither owned nor leased the subject premises or lacked responsibility for control and maintenance of those premises. Upon information and belief, Plaintiffs maintain that Community Action in Clearfield County



Inc. was the landlord of Plaintiff Victor Lippert's employer, which paid rent to Community Action in Clearfield County Inc., and that Community Action in Clearfield County Inc. was responsible or shared responsibility with Central Pennsylvania Development Corporation for control and maintenance of the subject premises. By way of further response, Plaintiffs' allege and aver that the subject premises were owned by Central Pennsylvania Development Corporation, a nonprofit organization organized and existing under the laws of Pennsylvania and located at 207 East Cherry Street, Clearfield, Pennsylvania 16830, and that Central Pennsylvania Development Corporation is registered with the Commonwealth of Pennsylvania Department of State under the name of Central Pennsylvania Development Corporation, Inc., a nonprofit organization with a registered office address of 207 E. Cherry Street, Clearfield, Pennsylvania 16830. Plaintiffs further allege and aver that Central Pennsylvania Development Corporation and Central Pennsylvania Development Corporation, Inc., are the same entity or party. Strict proof of Defendants' allegations are thus demanded at time of trial.

WHEREFORE, the Plaintiffs, Victor Lippert and Audrey Lippert, his wife, request that this Honorable Court enter judgment in their favor and against the Defendants in an amount in excess of the arbitration limits of this Court.

**JURY TRIAL DEMANDED**

Respectfully submitted,

BERGER AND GREEN, P.C.

By: 

Michael W. Zimecki, Esquire  
Pa. I.D. #74606  
5850 Ellsworth Avenue

Suite 200  
Pittsburgh, PA 15232  
(412) 661-1400  
Attorney for the Plaintiffs

VERIFICATION

I, Victor Lippert and Audrey Lippert, Plaintiffs herein, do hereby verify that the averments of fact contained in the foregoing Reply to New Matter are true and correct and based upon our personal knowledge, information or belief. We understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes, Section 4904, relating to unsworn falsification to authorities.

Victor Lippert  
Victor Lippert


Audrey R. Lippert  
Audrey Lippert

DATE: 3-22-06

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a true and correct copy of the foregoing **REPLY TO NEW MATTER** was served this 24<sup>th</sup> day of March, 2006 by regular U.S. mail, postage prepaid, upon the following counsel of record:

Terry Pope, Esquire,  
Pope & Dreyer  
20 Grant Street  
Clarion, PA 16214

  
\_\_\_\_\_  
Michael W. Zimecki, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT and  
AUDREY LIPPERT, his wife,  
Plaintiffs

v.

Civil Division

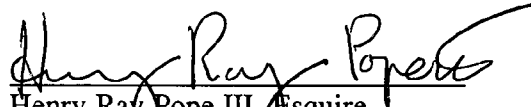
COMMUNITY ACTION IN  
CLEARFIELD COUNTY, INC., and  
CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,  
Defendant

No. 06-61-CD

**NOTICE OF SERVING**  
**DEFENDANTS' ANSWERS TO INTERROGATORIES**  
**AND RESPONSES TO PLAINTIFFS' FIRST**  
**REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: William A. Shaw, Prothonotary

NOTICE is hereby given that the Defendants, by their attorney, Henry Ray Pope, III, served an original and one copy of Defendants Answers to Interrogatories and Responses to Request for Production of Documents on the attorney for the Plaintiff, Michael W. Zimecki, Esquire, Berger and Green, Suite 200, 5850 Ellsworth Avenue, Pittsburgh, PA 15232, by First Class U.S. Mail, postage prepaid, on May 9, 2006.

  
Henry Ray Pope III, Esquire  
Attorney for Defendants  
10 Grant Street  
Clarion, PA 16214  
814-226-5700

Date: May 9, 2006

**FILED**  
m 110:5601 cc  
MAY 11 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

FILED

MAY 11 2006

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VICTOR LIPPERT, and  
AUDREY LIPPERT, his wife,  
  
Plaintiffs,

vs.

COMMUNITY ACTION IN  
CLEARFIELD COUNTY INC., and  
CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,

Defendants.

CIVIL DIVISION

No.: 06-61-CD

**PRACECIPE TO  
DISCONTINUE**

Filed on behalf of:

Victor Lippert and Audrey  
Lippert, his wife, Plaintiffs

Counsel of record for these parties:

Michael W. Zimecki, Esquire  
Pa. I.D. # 74606

BERGER AND GREEN  
Firm #777  
5850 Ellsworth Avenue  
Suite 200  
Pittsburgh, PA 15232  
(412) 661-1400

**JURY TRIAL DEMANDED**

**FILED** Cert. of  
disc. issued  
4/12/00 un  
to Mr. Zimecki  
NOV 30 2006

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

VICTOR LIPPERT, and  
AUDREY LIPPERT, his wife,

Plaintiffs,

vs.

COMMUNITY ACTION IN  
CLEARFIELD COUNTY INC., and  
CENTRAL PENNSYLVANIA  
DEVELOPMENT CORPORATION, INC.,  
doing business as CENTRAL  
PENNSYLVANIA DEVELOPMENT  
CORPORATION,

Defendants.

CIVIL DIVISION

No. : 06-61-CD

PRAECIPE TO DISCONTINUE

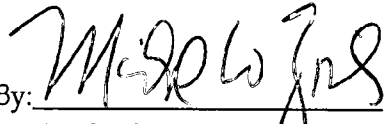
TO THE PROTHONOTARY:

Please mark the above captioned case discontinued as to all defendants pursuant to

Pa.R.C.P. 229.

Respectfully submitted,

BERGER AND GREEN, P.C.

By:   
Michael W. Zimeck, Esquire  
Attorney for the Plaintiffs,  
Victor and Audrey Lippert



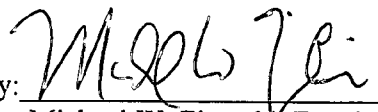
**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a true and correct copy of the foregoing **PRAECIPE TO DISCONTINUE** was served this 27th day of November, 2006 by regular U.S. mail, postage prepaid, upon the following counsel of record:

Terry Pope, Esquire,  
Pope & Dreyer  
20 Grant Street  
Clarion, PA 16214

Respectfully submitted,

BERGER AND GREEN, P.C.

By:   
Michael W. Zimecki, Esquire  
Attorney for the Plaintiffs

**FILED**

**NOV 30 2006**

William A. Shaw  
Prothonotary/Clerk of Courts



## BERGER AND GREEN

Attorneys at Law

Cynthia C. Berger  
Laurence B. Green  
William J. Remaley  
William J. Begley  
Mark F. Bennett  
Michael W. Zimecki  
Lindsay F. Brown

November 27, 2006

Prothonotary of Clearfield County  
P. O. Box 549  
Clearfield, PA 16830

**In Re: Victor Lippert and Audrey Lippert vs. Community Action and Central  
Pennsylvania Development Corporation  
Case No.: 06-61-CD**

Dear Prothonotary:

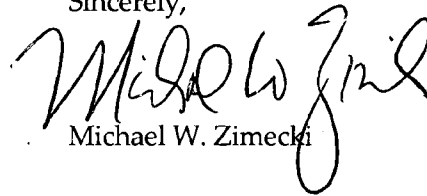
Dear Prothonotary:

Enclosed for filing with your office please find a Praeipie to Discontinue the above-captioned case.

We are also enclosing an extra face sheet of the Praeipie, which we ask that you date stamp and return to us in the enclosed self-addressed, stamped envelope.

Thank you for your assistance and cooperation concerning this matter. If you should have any questions, please do not hesitate to contact this office.

Sincerely,



Michael W. Zimecki

MWZ/cl  
Enclosure  
cc: Terry Pope, Esquire

Suite 200  
5850 Ellsworth Avenue  
Pittsburgh, PA 15232

412 661-1400 FAX 412 661-9423

www.bergerandgreen.com A Professional Corporation

Erie, PA 814 459-0522

Johnstown, PA 814 535-2224

Sharon, PA 724 981-7232

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

**CIVIL DIVISION**

COPY

**Victor Lippert  
Audrey Lippert**

**Vs.**

**No. 2006-00061-CD**

**Community Action in Clearfield County, Inc.  
Central Pennsylvania Development Corporation, Inc.**

**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 November 30, 2006, marked:

Discontinued

Record costs in the sum of \$85.00 have been paid in full by Michael W. Zimecki Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of November A.D. 2006.



\_\_\_\_\_  
William A. Shaw, Prothonotary