

**Stephen Jarrett vs Commissioners et al
2006-77-CD**

Stephen B. Jarrett, Esquire
Atty. ID No. 63007
32 N.W. 4th Ave.
Clearfield, PA.
814-496-8243

CA
FILED 01/16/06 85.00
JAN 16 2006 500
Piff
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL COURT -IN EQUITY

STEPHEN B. JARRETT, ESQUIRE : No: DL-77-CD
Petitioner

vs.

THE COMMISSIONERS of :
CLEARFIELD COUNTY

and

THE PUBLIC DEFENDER'S
OFFICE OF CLEARFIELD COUNTY :
Respondents

MOTION for INJUNCTIVE RELIEF

Now Comes, Stephen B. Jarrett, Esquire, Petitioner Pro-se, and requests this Honorable Court grant, in equity; his motion for injunctive relief. This motion is comprised of two distinct but related parts, to wit: (I) Motion to Enjoin the Commissioners of Clearfield County, the Public Defender's Office of Clearfield County, or any other entity of Clearfield County from the wrongful termination of petitioner's employment; and (II) Motion to Enjoin the Public Defender's Office of Clearfield County from filling any job vacancy caused by this wrongful termination. In support thereof Petitioner states as follows:

1. Petitioner is Stephen B. Jarrett, Esquire, who was hired by Clearfield county as an assistant Public Defender on November 23, 2005.
2. Respondents are (I) the Commissioners of Clearfield County who ordered the termination of Petitioner's employment on Jan. 06, 2006; and (as to part II) the

aforesaid Commissioners and the Public Defenders Office of Clearfield County.

3. Petitioner was hired as an assistant public defender for Clearfield County by respondents on or about November 10, 2005. Employment commenced on November 23, 2005.
4. Petitioner at all times relevant hereto faithfully and diligently discharged all duties as an assistant public defender from the time of his hire until his termination on January 06, 2006. Petitioner believes and therefore avers that his work and work product was excellent during this period.
5. On January 06, 2006, Petitioner was informed that he was being "investigated" in connection with an allegation of criminal activity and was terminated from his employment due to the allegations and investigation.
6. Petitioner was discharged without any criminal charges having been filed, without being able to respond to any allegations, and in complete derogation and disregard as to his due process rights to contest any such allegations or defend himself.
7. Petitioner believes and therefore avers that he was wrongfully terminated as a result of rumor, innuendo, slander, and malice based on the county "connections" of his would-be accuser.

I. MOTION TO ENJOIN COUNTY AUTHORITIES FROM TERMINATION

8. Petitioner incorporates all averments as set forth in Paragraph 1-7 above as if the same were set forth in full.
9. The doctrine of Employment at Will, defined as the employers privilege to dismiss an employee with or without cause is no longer an absolute doctrine in the Commonwealth of Pennsylvania.
10. The doctrine of Employment at Will is a general rule, with exceptions made by the Supreme Court of Pennsylvania for the interest of justice, public weal and policy.
11. Any person in the Commonwealth of Pennsylvania may be subject to accusations whether founded or not merely on the word of another. No matter how false, outlandish, scurrilous or malicious these accusations may be they will be investigated. Mere investigation of the word of another is not adequate nor just cause to terminate Petitioner's employment and deprive him of his livelihood and the means to support his children.

12. Petitioner who relocated at his own expense, turning down two other job offers, and who is now without means to support himself, seeks remedy in equity; specific performance.
13. Any relief other than the restoration of Petitioner to his former employment is illusory; in that Respondents are or should be aware that Petitioner can be "starved out" by protracted civil litigation.

WHEREFORE Petitioner respectfully requests this Honorable Court to grant this injunction and ORDER that Respondents restore him to employment forthwith.

II. MOTION TO ENJOIN THE PUBLIC DEFENDERS OFFICE FROM FILLING ANY VACANCY CAUSED BY PETITIONER'S TERMINATION

14. Petitioner incorporates all averments as set forth in Paragraph 1-13 above as if the same were set forth in full.
15. For the purpose of Part II of this petition, Petitioner seek equitable relief, being immediate restoration to employment as an assistant public defender.
16. During his termination interview, Petitioner was made aware of the following:
 - A. That his best chance of rehire was to "cooperate with the investigation".
 - B. That the Public Defender's Office was short staffed, and would be seeking Petitioner's replacement on an expedited basis.
 - C. That the Public defender's Office would be present with conflict of interest problems if Petitioner were to represent clients as an agent of the Public defender's Office.
17. Petitioner has fully and voluntarily cooperated with the investigation including presenting himself for a three hour police interview, making a statement to police, consenting to search of his vehicle, consenting to a search of his home at 11:00 p.m., as well as providing phone records and access to same.
18. Were actual charges warranted, The District attorney could delay actually charging Petitioner with any offense for a substantial period of time. This would not only negate the reason for Petitioner's full and complete cooperation, but would be an unjust and inequitable delay tactic which would have the DeFacto Result of quashing any chance for rehire that Petitioner may have.
19. Regarding any assertion of conflict of interest, real or apparent, Petitioner believes and therefore avers that no such conflict exists in the current situation.

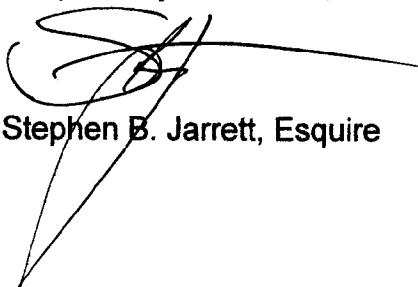
Petitioner bases this assertion on a thorough review of A.B.A. standards, The Rules of Disciplinary Procedure and case law.

20. It would be impossible to restore Petitioner to his position as an assistant public defender if that position were filled by another due to amorphous ethical considerations without basis in fact or law. Fairness and equity require that the position is held open until the matter is resolved.

WHEREFORE, Petitioner respectfully requests this Honorable Court ORDER an injunction against having his employment filled by another during the tendency of this matter, or in the alternative for a set period of time as this Honorable Court feels is fair and just.

21. Petitioner who feels that he has been accused tried and convicted in the court of innuendo, has filed this motion under seal to prevent undue publicity, which would cause undue expense for himself and Respondent by necessitating the impaneling of an out of county jury, should this become necessary. In the event that the seal is ORDERED broken or opened, Petitioner respectfully requests that a gag order be immediately entered regarding this motion.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "S. B. Jarrett, Esquire".

Stephen B. Jarrett, Esquire

VERIFICATION

I, Stephen B. Jarrett, Petitioner Pro Se, hereby verify that all statements made in this Petition are true and correct to the best of my knowledge and belief in accord with 18 Pa. C.S. 4904 dealing with unsworn falsifications to authorities.

Stephen B. Jarrett

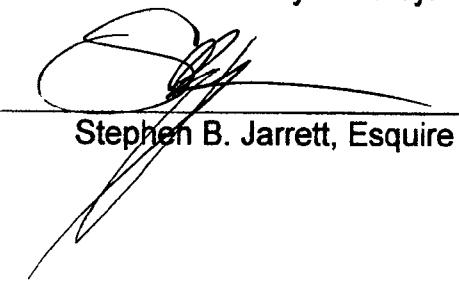
CERTITIFICATE OF SERVICE

I, Stephen B. Jarrett, Pro Se Petitioner hereby certify that a true and correct copy of this Petition was served by personal service on Jan. 16, 2006 on the following:

The Clearfield County Commissioners Office
Clearfield County Courthouse
Clearfield, PA.

The Public Defenders Office of Clearfield County
Clearfield County Courthouse
Clearfield, PA.

Certified on 16 January 2006 by:



Stephen B. Jarrett, Esquire

Stephen B. Jarrett, Esquire
Atty. ID No. 63007
32 N.W. 4th Ave.
Clearfield, PA.
814-496-8243

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL COURT -IN EQUITY

STEPHEN B. JARRETT, ESQUIRE : No: 06-77-CD
Petitioner

vs.

THE COMMISSIONERS of :
CLEARFIELD COUNTY

And
THE PUBLIC DEFENDER'S
OFFICE OF CLEARFIELD COUNTY :
Respondents

ORDER

Now this _____, day of _____, 2006, after hearing the following is entered as
an ORDER of Court:

An injunction is entered against Respondent Commissioners preventing the
termination of petitioner from his position as Assistant Public Defender.

An injunction is entered against Respondent Commissioners and Respondent
Public Defenders from replacing Petitioner for the following period of time

By The Court

J.

CA
FILED 5cc
019-3381 PAF
JAN 18 2006
OK

William A. Shaw
Prothonotary/Clerk of Courts

Stephen B. Jarrett, Esquire
Atty. ID No. 63007
32 N.W. 4th Ave.
Clearfield, PA.
814-496-8243

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL COURT -IN EQUITY

STEPHEN B. JARRETT, ESQUIRE : No: 06-77-CD
Petitioner

vs.

THE COMMISSIONERS of :
CLEARFIELD COUNTY

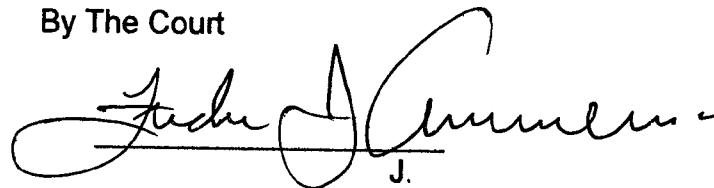
And
THE PUBLIC DEFENDER'S
OFFICE OF CLEARFIELD COUNTY :
Respondents

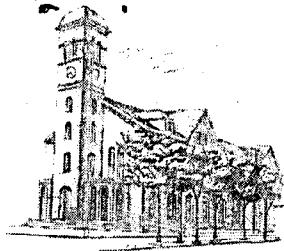
RULE

NOW this 16th day of JAN., 2006; a Rule is ORDERED
Returnable on respondents to show cause, if any cause they have, why
Petitioner should not be granted the requested Injunctive Relief.

Rule returnable the 24th day of February, 2006 in Courtroom 1
Clearfield County courthouse at 10 : 30 (a.m.)p.m.

By The Court


John J. Cummiskey
J.



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

Sincerely,

William A. Shaw
Prothonotary

DATE: 11/8/04

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

STEPHEN B. JARRETT, ESQUIRE
Petitioner

vs.

THE COMMISSIONERS OF
CLEARFIELD COUNTY and THE
PUBLIC DEFENDER'S OFFICE OF
CLEARFIELD COUNTY,
Respondents

No: 06-77-CD

Type of Case: Equity

Type of Pleading: Preliminary Objections
to Petitioner's Motion For Injunctive Relief
and Rule Returnable

Filed on Behalf of: Respondents

Counsel of Record for this Party:

Kim C. Kesner, Esquire
Supreme Ct. I.D. #28307

23 North Second Street
Clearfield, PA 16830
814-765-1706

Opposing Counsel of Record:

Stephen B. Jarrett, Esquire
32 N.W. 4th Avenue
Clearfield, PA 16830
814-496-8243

FILED
O 10:30 a.m. 6K
JAN 26 2006 5 cc to Amy
William A. Shaw
Prothonotary/Clerk of Courts

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

STEPHEN B. JARRETT, ESQUIRE	:	No: 06-77-CD
Petitioner	:	
	:	
vs.	:	
	:	
THE COMMISSIONERS OF	:	
CLEARFIELD COUNTY and THE	:	
PUBLIC DEFENDER'S OFFICE OF	:	
CLEARFIELD COUNTY,	:	
Respondents	:	

AND NOW, comes the Commissioners of Clearfield County and the Public Defender's Office of Clearfield County by Kim C. Kesner, Esquire, Clearfield County Solicitor who file the following responsive pleadings to Stephen B. Jarrett's Motion for Injunctive Relief.

I. PRELIMINARY OBJECTIONS TO MOTION UNDER PA. R.CIV.P. RULE 1028

A. Failure of Pleading to Conform to Law or Rule of Court

1. Stephen B. Jarrett (Jarrett) has commenced this action by his Motion for Injunctive Relief.

2. An injunction is equitable relief available only in a civil action which must be commenced by the filing of a complaint. See Explanatory Comment (2003) to abolition of former practice in an action in equity; Pa.R.Civ.P. Rule 1007.

3. Jarrett's pleading lacks a Notice to Defend as required by Pa.R.Civ.P. Rule 1018.1.

4. Jarrett's pleading lacks a cover sheet required by Local Rule 205.2(b).

WHEREFORE, the Commissioners of Clearfield County and the Public Defender's Office of Clearfield County respectfully request this Honorable Court to dismiss Jarrett's Motion for Injunctive Relief.

B. Legal Insufficiency of Pleading (Demurrer)

1. Jarrett has failed to plead a claim or cause of action upon which the relief of an injunction can be granted.

2. Jarrett's Motion acknowledges that he was not the member of a collective bargaining unit or subject to a written employment agreement but was an employee at-will of the Clearfield County Public Defender's Office.

3. As a matter of law, as an at-will employee, Jarrett had no cognizable or enforceable claim to employment.

4. Jarrett's Motion contains no allegations supporting a cognizable claim for injunctive relief.

WHEREFORE, the Commissioners of Clearfield County and the Public Defender's Office of Clearfield County respectfully request this Honorable Court to dismiss Jarrett's Motion for Injunctive Relief.

II. PRELIMINARY OBJECTIONS TO RULE RETURNABLE

1. This Court issued a Rule Returnable dated January 16, 2006 upon Jarrett's Motion requiring the Commissioners of Clearfield County and the Public Defender's Office of Clearfield County to appear on February 24, 2006 to show cause "if any they have, why Petitioner should not be granted the requested injunctive relief."

2. The form of the Rule issued fails to conform with Pa.R.Civ.P. Rule 206.6 and Clearfield County Local Rule of Civil Procedure 206.4(c).

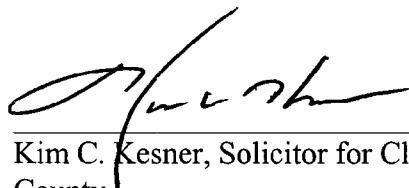
3. Under Pa.R.Civ.P. Rule 206.1 and Local Rule 206.1(a), a matter may proceed upon the filing of a Petition and an issuance of a rule to show cause only where no other form of process is provided. Pursuit of equitable relief in the form of an injunction must be filed in a

civil action governed by the Rules of Civil Procedure. Therefore, the issuance of a Rule Returnable in a civil action for equitable relief was in error.

4. To the extent that Jarrett's Motion could be construed as a complaint for equitable relief in the form of a permanent injunction under Pa.R.Civ.P. Rule 1531, no hearing on the merits may be held until the pleadings are closed. See Pa.R.Civ.P. Rule 1038.

WHEREFORE, the Commissioners of Clearfield County and the Public Defender's Office of Clearfield County respectfully request this Honorable Court to dismiss its Rule issued on January 16, 2006.

Respectfully submitted:



Kim C. Kesner, Solicitor for Clearfield
County
Supreme Ct. I.D. #28307

23 North Second Street
Clearfield, PA 16830
814-765-1706

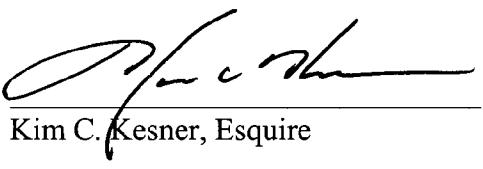
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on the 26th day of January, 2006, I caused to be served a true and correct copy of the Respondents' Preliminary Objections to Petitioners Motion for Injunctive Relief on the following and in the manner indicated below:

By United States Mail, Regular Mail, Addressed as Follows:

Stephen B. Jarrett, Esquire
32 N.W. 4th Avenue
Clearfield, PA 16830

Date: January 26, 2006


Kim C. Kesner, Esquire

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

STEPHEN B. JARRETT, ESQ. : No.06-77-CD
Petitioner

vs. Type of Case: Equity

Type of Pleading : Pleading to
Amend/Conform Original Action
In Equity

THE COMMISSIONERS OF
CLEARFIELD COUNTY and
THE PUBLIC DEFENDER'S
OFFICE OF CLEARFIELD
COUNTY,

Respondent's :

Filed on Behalf of Petitioner

Counsels of Record:

Stephen B. Jarrett, Esq.
Supreme Court ID #63007
Pro Se Petitioner
32 N.W. 4th Ave.
Clearfield, PA 16830
814-496-8243

Kim C. Kesser, Esquire
Supreme Court ID # 28307
For Respondent(s)
23 N. 2nd Street
Clearfield, PA 16830
814-765-1706

FILED 3CC
013-27301
JAN 31 2006
Wm A. Shaw
Prothonotary/Clerk of Courts

UN

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

STEPHEN B. JARRETT, ESQ. : No. 06-77-CD
Petitioner

VS.

THE COMMISSIONERS OF
CLEARFIELD COUNTY and
THE PUBLIC DEFENDER'S
OFFICE OF CLEARFIELD COUNTY
Respondents

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
2ND & MARKET STREETS
CLEARFIELD PA 16830
814 765-2641 Ext 50-51

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

STEPHEN B. JARRETT, ESQ. : No. 06-77-CD
Petitioner

vs.

THE COMMISSIONERS OF
CLEARFIELD COUNTY and
THE PUBLIC DEFENDER'S
OFFICE OF CLEARFIELD COUNTY
Respondents

AND NOW, comes Stephen B. Jarrett, Esquire, Pro Se Petitioner in Equity and files this response to the pleading of Respondents.

**I. AMENDMENT OF ORIGINAL MOTION IN EQUITY TO CONFORM TO ALL
PROCEDURAL RULES and RESPONSE TO PRELIMINARY OBJECTIONS**

A. AMENDMENT TO CONFORM TO LAW OR RULE OF COURT

1. All allegations in Petitioner's Original Motion are hereby incorporated as if same were set forth in full.
2. Petitioner amends the original motion by attaching to this document and serving a corrected Rule Returnable.
3. The form of Petitioner's original Rule Returnable seemed to somehow confuse Respondent who none the less had a sufficient grasp of the matter and relief requested to formulate a detailed a cogent response.
4. Respondent also objected to an improper Notice to Defend in the original petition. Said objection, while procedurally correct; details a most complete grasp of the issues raised, and which Respondent must defend. In the interest of alleviating any confusion Petitioner has attached hereto a Revised Notice to Defend.

5. Respondent has also objected to the lack of a correct cover sheet. In order to avoid obdurate, dilatory, or vexatious confusion by respondent, Petitioner has attached hereto a revised cover sheet.

6. In a "Dear David" letter sent to the court Administrator by Respondent, counsel has claimed that it is " procedurally unfair and unwarranted to require respondent(s) to prepare for a hearing on the merits of Mr. Jarrett's claims on the present state of the record. Petitioner responds to this specious and merit less claim as follows:

(a) the issues raised in the Motion for Injunctive Relief are clear and unambiguous.

(b) In an effort to alleviate any confusion on said issues being experienced by Mr. Kesner, this detailed document is being prepared and served.

© As an experienced, seasoned attorney Mr. Kesner, who has filed preliminary objections which are cogent, and procedural objections which are legion; demonstrates a complete grasp of the issues, and procedure relating to this action.

(d) If any aspect of this litigation is "procedurally fair and unwarranted" it would be a disingenuous attempt to claim, prejudice, surprise, or unfairness in order to avoid litigating the merits of this equitable action.

II. PETITIONER'S RESPONSE TO RULE 1028 PRELIMINARY OBJECTIONS

1. Agreed.

2. Agreed. By way of further answer, Petitioner avails himself of the right to amend complaints liberally in the interest of resolving the underlying matters as articulated by the Pennsylvania and United states Supreme Courts.

3. Agreed as to the form of the objection. In response a Rule 1081.1 Notice to defend has been attached to this document.

4. Agreed as to the form of the objection. The requested and required cover sheet has been filed and attached to this document.

III. Response to Demurrer

1. Denied . The rules, facts, and cause of equity have been sufficiently pled to overcome demurrer.

2. Denied. Specific proof of the averred "acknowledgement" is demanded at hearing.
3. Denied. By way of further answer, before filing this action in equity, Petitioner ***who always prefers negotiation to litigation*** had a discussion with Public Defender D.C. Bell, Esquire on the issue of limitations on the doctrine of employment at will as per the Pennsylvania Supreme Court. Subsequently, petitioner supplied Mr. Bell with a copy of that case, and requested a meeting between Mr. Bell, himself and the Solicitor. No response was afforded petitioner in complete derogation and disregard of Local Rule 208.2. Petitioner respectfully requests the court to note that by providing a copy of a Shepardized Supreme Court case regarding employment at will being a limited doctrine, petitioner has complied with Local Rule 208.2(c).

4. Denied for the reasons stated above. By way of further answer, not only does Respondent's Paragraph 4 set forth an incorrect statement of law, it includes a conclusion of fact and law which infringes on the strict purview of the hearing court.

III. PETITIONER'S RESPONSE TO RESPONDENTS PRELIMINARY OBJECTIONS REGARDING THE RULE RETURNABLE

1. Admitted.
2. Any prejudice or confusion is cured by the Pa.R.Civ.P. Rule 206.6, as well as the Clearfield County Rules of Civil Procedure 206.4(c) amendments hereto.
3. Admitted in part, Denied in part. The correct Rule Returnable re: injunction has been filed and appended hereto. Denied in that the Rules of Civil Procedure are guidelines for orderly litigation and are not to be used in an obdurate vexatious and dilatory attempt to avoid litigating substantive issues; unless claimed procedural defects result in actual prejudice.
4. Denied. Petitioner is not moving for a permanent injunction. Petitioner has not implied any desire to obtain a permanent injunction which would be injurious to the criminal court system of Clearfield county as a whole. Petitioner does request a temporary injunction until the dispute can be resolved. By way of further answer, Petitioner's injunction seeks only to preserve the status quo until the controversy is resolved.
5. Petitioner seeks a temporary injunction based on actions which constitute a manifest injustice, to wit:
 - (A) Termination from a job which petitioner was performing in an exemplary manner for reasons having nothing to do with job performance.

(B) Termination based on unsubstantiated allegations and innuendo.

(C) Termination due to a vindictive former paramour who claims to "have countyconnections", including but not limited to "friends who are commissioners", "friends who are state police" and a brother who is "connected with the redevelopment authority".

(D) Petitioner has been fired without process, for non-job related reasons, in complete derogation of his Due Process Rights or any opportunity to prove the allegations false in any forum whatsoever. The concept of Courts of Star Chamber have been terminated in years past. Petitioner contends that this is exactly the type of manifest injustice which is properly dealt with in an equitable action.

IV. RESPONSE TO RESPONDENT'S DEMAND THAT PETITIONER FILE A COMPLAINT

1. Section I. A. (3) of Respondent's Preliminary Objections states that Petitioner must file a complaint.
2. Petitioner only seeks relief in Equity.
3. Petitioner, does not seek money for wrongful termination, punitive damages, costs, treble damages or any other monetary compensation which may be available to him.
4. Petitioner only seeks to do the job for which he was hired, even though the position is not high paying; the job for which he uprooted his life, relocated at his own expense and made a three year commitment. Petitioner has a firm and unyielding commitment to public service.
5. Petitioner believes and therefore avers, that the "complaint" sought by respondent is unnecessary, and wasteful of court time and taxpayer dollars.

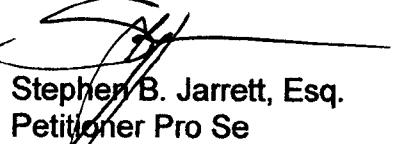
WHEREFORE Petitioner respectfully requests that he not be required to file a complaint.

V. CONCLUSION AND RELIEF REQUESTED

Petitioner has attempted, to the utmost of his ability to correct all

pleadings and clarify all issues in his Motion and his Amended Motion. Petitioner respectfully requests that the currently scheduled hearing take place, and the merits of the underlying issue be argued at said hearing.

Respectfully Submitted,



Stephen B. Jarrett, Esq.
Petitioner Pro Se

Dated 31 January 2006

CERTITIFICATE OF SERVICE

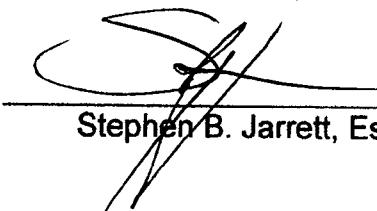
I, Stephen B. Jarrett, Pro Se Petitioner hereby certify that a true and correct copy of this Petition was served by personal service on Jan. 31, 2006 on the following:

The Clearfield County Commissioners Office
Clearfield County Courthouse
Clearfield, PA.

Kim C. Kesner, Solicitor
Clearfield County Courthouse
Clearfield, PA

The Public Defenders Office of Clearfield County
Clearfield County Courthouse
Clearfield, PA.

Certified on 31 January 2006 by:



Stephen B. Jarrett, Esquire

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

STEPHEN B. JARRETT, ESQUIRE Petitioner	:	
-VS-	:	No. 06-77-CD
THE COMMISSIONERS OF CLEARFIELD COUNTY and THE PUBLIC DEFENDER'S OFFICE OF CLEARFIELD COUNTY	:	
Respondents	:	

ORDER

NOW, this 3rd day of February, 2006, the Court being in receipt of the Preliminary Objections filed on behalf of the Respondents to Petitioner's Motion for Injunctive Relief; the Court having reviewed the averments contained within said Preliminary Objections and believing that the averments contained within Counts I(A) and I(B) are correct, it is the ORDER of this Court that the said Preliminary Objections be and are hereby granted. The Petitioner's Motion for Injunctive Relief is hereby dismissed. The Preliminary Objections to the Rule Returnable are moot.

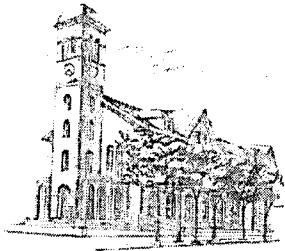
BY THE COURT,

James J. Zimmerman

President Judge

FILED 12:47
01/12/06 2006 ICC Piff
FEB 06 2006 ICC Atty Resw
E-k

William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

Sincerely,

William A. Shaw
Prothonotary

DATE: 2/1/04

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions: