



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

MARK E. TRIPONEY,  
Plaintiff

vs

RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

No. 2006-266 - CD

\* Type of Case: Civil

\* Type of Pleading: Complaint

\* Filed on Behalf of: Plaintiff

\* Counsel of Record for this Party:  
\* CHRIS A. PENTZ, Esquire

\* Supreme Court I.D. # 39232  
\* 207 East Market Street  
\* P. O. Box 552  
\* Clearfield PA 16830  
\* 814 765-4000

Date: 2-7-06

**FILED**

**FEB 17 2006**

0/3:10/06  
William A. Shaw  
Prothonotary/Clerk of Courts

4 CMT TO ATT

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

MARK E. TRIPONEY,  
Plaintiff

\*

vs

\*

No. 06 - -C.D.

\*

RANDALL LAWHEAD and  
FRANCES LAWHEAD, husband and  
wife

\*

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 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 PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

Prothonotary Office  
Clearfield County Courthouse  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

MARK E. TRIPONEY,	:		
Plaintiff	:		
	:		
vs	:	No. 06 -	-CD
	:		
RANDALL LAWHEAD and	:		
FRANCES LAWHEAD:	:		
Defendants	:		

COMPLAINT

1. The Plaintiff is Mark E. Triponey who resides at 221 West Fifth Street, Clearfield, Clearfield County, Pennsylvania, 16830.

2. The Defendants are Randall Lawhead and Frances Lawhead, husband and wife, who reside at 230 West Fifth Street, Clearfield, Clearfield County, Pennsylvania, 16830.

3. The Defendants constructed or directed construction of a water discharge system which caused water from their basement to be discharged onto West Fifth Street in the Borough of Clearfield, Clearfield County, Pennsylvania.

4. On March 10, 2004 at a time before 2:30 A.M. the Defendants' system discharged water onto West Fifth Street and the water froze.

5. The Plaintiff was returning to his residence on March 10, 2004 at approximately 2:30 A.M. and as he was exiting an automobile and stepped onto the ice caused by the Defendants' water discharge.

6. The Plaintiff fell on the ice.

7. The Plaintiff avers that the aforesaid occurrence was due

entirely to the negligence of the Defendants in that they discharged the water onto the street at a time when the water would freeze.

8. The Plaintiff avers that at the aforesaid time and place he was proceeding with care and caution in that he did not have any knowledgeable warning of the improper, dangerous and unsafe condition caused by the Defendants.

9. As a direct result of the fall and conditions referred to above, Plaintiff sustained a comminuted distal third tibia fracture and proximal fibula fracture of the right lower extremity.

10. As a direct result of the accident referred to above, the Plaintiff sustained permanent scarring to his right leg and has a permanent metal rod and fixtures in his right leg,

11. By reason of the injuries so received, the Plaintiff has undergone great mental and physical pain and suffering and will in the future undergo more physical pain and suffering.

12. By reason of the injuries aforesaid the Plaintiff has been compelled to pay for medicines, medical attendance, nursing and for other proper and necessary treatment in an effort to restore his health.

13. By reason of expected continuing injuries, the Plaintiff will be compelled to expend further sums of money for medicines, medical attendance, nursing and for other proper and necessary treatment for his injuries.

14. The Plaintiff as a direct and proximate result of

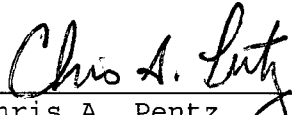
aforesaid injuries was unable to perform his regular employment duties from March 10, 2005 to and including June 13, 2005.

15. The Plaintiff claims a reasonable amount for the following:

- a. Pain and suffering
- b. Privation inconvenience
- c. Permanent physical impairment
- d. Permanent scarring
- e. Loss of income
- f. Medical expenses
- g. All other damages allowable by law

WHEREFORE, Plaintiff demands judgment in excess of \$20,000.00 together with costs and such other relief as the Court deems appropriate. Jury Trial Demanded.

Respectfully submitted this 7 day of FEB, 2006.

  
Chris A. Pentz  
Attorney for Plaintiff  
Supreme Court # 39232  
207 East Market Street  
P. O. Box 552  
Clearfield PA 16830  
814 765-4000

VERIFICATION

I, **MARK E. TRIPONEY**, verify that the statements made in this **COMPLAINT** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

02-07-06  
Date

  
Mark E. Triponey

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK E. TRIPONEY,  
Plaintiff

vs.

RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

Type of Case: Civil Action

No. 2006-256-CD

Type of Pleading:  
Praecipe for Entry of  
Appearance

Filed on Behalf of:  
Defendants

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

**FILED**  
m19:45/61  
MAR 08 2006  
William A. Shaw  
Prothonotary/Clerk of Courts



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

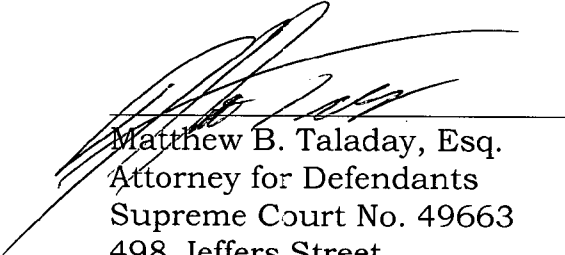
MARK E. TRIPONEY,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-266-CD
	:	
RANDALL LAWHEAD and	:	
FRANCES LAWHEAD,	:	
Defendants	:	

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendants,  
Randall Lawhead and Frances Lawhead, in the above captioned matter.

Dated: 03/07/06



Matthew B. Taladay, Esq.  
Attorney for Defendants  
Supreme Court No. 49663  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

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

MARK E. TRIPONEY,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-266-CD
	:	
RANDALL LAWHEAD and	:	
FRANCES LAWHEAD,	:	
Defendants	:	

**CERTIFICATE OF SERVICE**

I certify that on the 7th day of March, 2006, a true and correct copy of Defendants' Praeipue for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

Chris A. Pentz, Esq.  
Attorney for Plaintiff  
P.O. Box 552  
Clearfield, PA 16830

  
Matthew B. Taladay, Esq.  
Attorney for Defendants

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK E. TRIPONEY,  
Plaintiff

vs.

RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

Type of Case: Civil Action

No. 2006-266-CD

Type of Pleading:  
Answer and  
New Matter

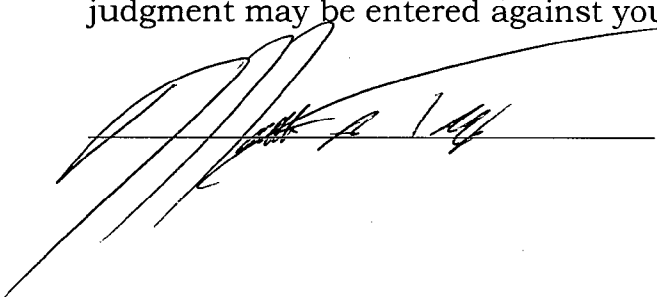
Filed on Behalf of:  
Defendants

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: March 24, 2006

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



FILED

MAR 27 2006

m/8:30/

William A. Shaw

Prothonotary/Clerk of Courts

no c/c

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

MARK E. TRIPONEY,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-266-CD
	:	
RANDALL LAWHEAD and	:	
FRANCES LAWHEAD,	:	
Defendants	:	

**ANSWER**

AND NOW, come the Defendants, Randall Lawhead and Frances Lawhead, by their attorneys, Hanak, Guido and Taladay, and hereby respond to Plaintiff's Complaint as follows:

1. Upon information and belief, admitted.
2. Admitted.
3. Denied as stated. However, Defendants admit that water from their basement and property was discharged onto West Fifth Street. By way of further answer, it is averred that water from most or all of the properties on Defendants' side of West Fifth Street discharge water onto the street.
4. After reasonable investigation, the Defendants are without information sufficient to form a belief as to the truth of the averments contained in paragraph 4 of Plaintiff's Complaint, and

therefore the same are denied and strict proof thereof is demanded at the time of trial.

5. After reasonable investigation, Defendants are without information sufficient to form a belief as to their truth and therefore the same are denied and strict proof thereof is demanded at the time of trial.

6. After reasonable investigation, the Defendants are without information sufficient to form a belief as to the truth of the averments contained in paragraph 6 of Plaintiff's Complaint, and therefore the same are denied and strict proof thereof is demanded at the time of trial.

7. Denied in accordance with Pa.R.C.P. Rule 1029(e).

8. Denied in accordance with New Matter set forth below.

9. - 14. After reasonable investigation, the Defendants are without information sufficient to form a belief as to the truth of the averments contained in paragraphs 9 - 14 of Plaintiff's Complaint, and therefore the same are denied and strict proof thereof is demanded at the time of trial.

15. Defendants deny responsibility for any claims of Plaintiff.

### **NEW MATTER**

16. Plaintiff's injuries are directly and proximately caused by his own negligence which is as follows:

- (a) In consuming alcoholic beverage to the point of intoxication when he knew that to do so would increase his risk of fall related injury;
- (b) In failing to keep a lookout for adverse walking conditions when he knew or should have known of their existence;
- (c) In failing to exercise reasonable care for his own safety by adjusting his mode and manner of ambulation based on his voluntary intoxication and when he knew or should have known of the condition of the roadway; and
- (d) In failing to take steps to avoid or safely navigate the icy conditions which Plaintiff knew or should have known existed.

17. Any icy condition which may have contributed to Plaintiff's injuries was the result of natural snow melt and water flow and not the fault of the Defendants, or in the alternative, was the result of water discharge caused by parties other than Defendants whose property is located "up hill" from the alleged area of Plaintiff's fall.

18. Plaintiff's claims are barred or limited by application of the Doctrine of Comparative Negligence.

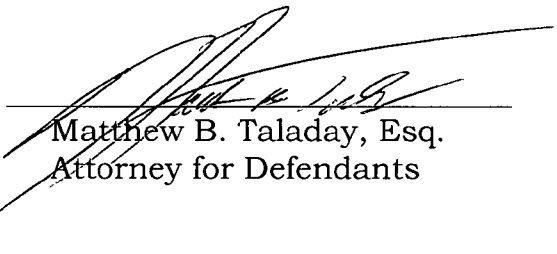
WHEREFORE, the Defendants demand judgment in their favor.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By



Matthew B. Taladay, Esq.  
Attorney for Defendants

**VERIFICATION**

I, **Randall Lawhead** and **Frances Lawhead**, do hereby verify that I have read the foregoing Answer and New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 3/20/06

Randall L. Lawhead  
Randall Lawhead

Frances L. Lawhead  
Frances Lawhead



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

MARK E. TRIPONEY,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-266-CD
	:	
RANDALL LAWHEAD and	:	
FRANCES LAWHEAD,	:	
Defendants	:	

**CERTIFICATE OF SERVICE**

I certify that on the 24<sup>th</sup> day of March, 2006, a true and correct copy of the foregoing Answer and New Matter was sent via first class mail, postage prepaid, to the following:

Chris A. Pentz, Esq.  
Attorney for Plaintiff  
P.O. Box 552  
Clearfield, PA 16830

  
Matthew B. Taladay, Esq.  
Attorney for Defendants

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK E. TRIPONEY,  
Plaintiff

vs.

RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

Type of Case: Civil Action

No. 2006-266-CD

Type of Pleading:  
Notice of  
Service

Filed on Behalf of:  
Defendants

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

**FILED** <sup>no cc</sup>  
m) 10:50 AM  
APR 07 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MARK E. TRIPONEY,  
Plaintiff

vs.

No. 2006-266-CD

RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendants, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 6<sup>th</sup> day of April, 2006, Defendants' FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

Chris A. Pentz, Esq.  
Attorney for Plaintiff  
P.O. Box 552  
Clearfield, PA 16830



Matthew B. Taladay, Esq.  
Attorney for Defendants

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

DOCKET # 101269  
NO: 06-266-CD  
SERVICE # 1 OF 2  
COMPLAINT

PLAINTIFF: MARK E. TRIPONEY

vs.

DEFENDANT: RANDALL LAWHEAD and FRANCES LAWHEAD

**SHERIFF RETURN**

---

NOW, March 06, 2006 AT 9:55 AM SERVED THE WITHIN COMPLAINT ON RANDALL LAWHEAD DEFENDANT AT 230 WEST FIFTH ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO FRANCES LAWHEAD, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

**FILED**  
0/9:09/2011  
APR 10 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 101269  
NO: 06-266-CD  
SERVICE # 2 OF 2  
COMPLAINT

PLAINTIFF: MARK E. TRIPONEY

vs.

DEFENDANT: RANDALL LAWHEAD and FRANCES LAWHEAD

**SHERIFF RETURN**

---

NOW, March 06, 2006 AT 9:55 AM SERVED THE WITHIN COMPLAINT ON FRANCES LAWHEAD DEFENDANT AT 230 WEST FIFTH ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO FRANCES LAWHEAD, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101269  
NO: 06-266-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: MARK E. TRIPONEY

VS.

DEFENDANT: RANDALL LAWHEAD and FRANCES LAWHEAD

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PENTZ	3654	20.00
SHERIFF HAWKINS	PENTZ	3654	26.39

Sworn to Before Me This

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

\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff

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

MARK E. TRIPONEY,  
Plaintiff

VS

RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

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No. 2006- 266 -CD

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Type of Case: Civil

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Type of Pleading: Reply to New  
Matter

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Filed on Behalf of: Plaintiff

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Counsel of Record for this Party:

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\*

\*

CHRIS A. PENTZ, Esquire

Supreme Court I.D. # 39232

207 East Market Street

P. O. Box 552

Clearfield PA 16830

814 765-4000

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Filed by:

\*

\*

\*

Chris A. Pentz, Esquire

207 East Market Street

P. O. Box 552

Clearfield, PA 16830

814 765-4000

FILED

9/10:41 PM  
MAY 24 2006

William A. Shaw  
Prothonotary/Clerk of Courts

Date: 5-23-06

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

MARK E. TRIPONEY  
Plaintiff

vs

RANDELL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

\*

\*

\*

2006-266-C.D.

\*

\*

\*

REPLY TO NEW MATTER

16. Paragraph 16(a) is denied. The Plaintiff never at any time consumed alcohol to a point which would increase his risk of fall related injury.

Paragraph 16(b) is denied. The Plaintiff did not know and did not have any reason to know of the existence of the dangerous condition caused by the Defendants.

Paragraph 16(c) is denied. The answers set forth in Paragraph 16(a) and (b) above are incorporated herein by reference as though set forth in full.

Paragraph 16(d) is denied. The answers set forth in Paragraph 16(a) and Paragraph 16(b) above are incorporated herein by reference as though set forth in full- No response required.

17. Paragraph 17 is denied. There was no snow present in the area in question on the date and time in question. The

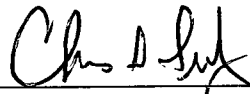


water which was discharged by the Defendants was discharged in the general area in front of Plaintiff's residence.

18. No response required.

WHEREFORE, the Plaintiff requests relief as set forth in his Complaint.

Respectfully submitted this 23 day of May, 2006.

  
\_\_\_\_\_  
Chris A. Pentz  
Attorney for Plaintiff

VERIFICATION

I, MARK E. TRIPONEY, verify that the statements made in this  
ANSWER are true and correct. I understand that false statements  
herein are made subject to the penalties of 18 Pa.C.S. §4904 relating  
to unsworn falsification to authorities.

5-22-06  
Date

Mark E. Triponey  
Mark E. Triponey

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK E. TRIPONEY,  
Plaintiff

vs.

RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

: Type of Case: Civil Action

:  
: No. 2006-266-CD

:  
: Type of Pleading:  
: Certificate of  
: Service

:  
: Filed on Behalf of:  
: Defendants

:  
: Counsel of Record for This  
: Party:

: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 498 Jeffers Street  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: June 22, 2006

FILED *no ce*  
*m/d. 5/20/*  
JUN 23 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

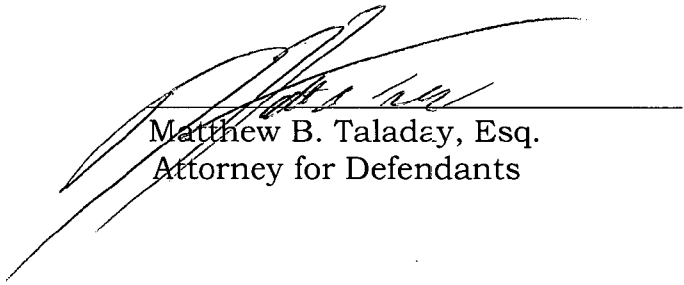
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

MARK E. TRIPONEY,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-266-CD
	:	
RANDALL LAWHEAD and	:	
FRANCES LAWHEAD,	:	
Defendants	:	

**CERTIFICATE OF SERVICE**

I certify that on the 22nd day of June, 2006, an original  
Notice of Deposition, copy of which is attached hereto, was sent via first  
class mail, postage prepaid, to the following:

Chris A. Pentz, Esq.  
Attorney for Plaintiff  
P.O. Box 552  
Clearfield, PA 16830



Matthew B. Taladay, Esq.  
Attorney for Defendants

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

MARK E. TRIPONEY,  
Plaintiff

vs.

No. 2006-266-CD

RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

**NOTICE OF DEPOSITION**

TO: MARK E. TRIPONEY, Plaintiff  
c/o Chris A. Pentz, Esq.

TAKE NOTICE that your deposition by oral examination will  
be taken on **Thursday, July 27, 2006 at 2:00 p.m.** at the law office of  
Chris A. Pentz, Esq., 207 E. Market Street, Clearfield, Pennsylvania.  
This deposition is being taken for the purpose of discovery and for use at  
trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding  
Discovery.



Matthew B. Taladay, Esq.  
Attorney for Defendants

cc: Schreiber Reporting Service

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

JUN 16 2008

0/12/40/2  
William A. Shaw  
Prothonotary/Clerk of Courts

2 cents to

Att

(6K)

MARK E. TRIPONEY,  
Plaintiff

vs.

RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

Type of Case: Civil Action

No. 2006-266-CD

Type of Pleading:  
Praecipe for  
Discontinuance

Filed on Behalf of:  
Plaintiff

Counsel of Record for This  
Party:

Chris A. Pentz, Esq.  
Supreme Court No. 39232  
Hanak, Guido and Taladay  
207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-4000

Dated: 6-16-08

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

MARK E. TRIPONEY,  
Plaintiff

vs.

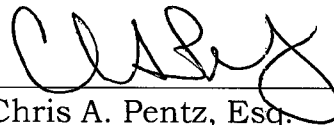
RANDALL LAWHEAD and  
FRANCES LAWHEAD,  
Defendants

No. 2006-266-CD

**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.



Chris A. Pentz, Esq.  
Attorney for Plaintiff

06-267-CD  
Brian Rumery vs Thomas McClure et al

Brian Rumery vs Thomas McClure et al  
2006-267-CD



## Civil Other-COUNT

Date		Judge
2/17/2006	New Case Filed.	No Judge
	✓ Filing: Civil Complaint Paid by: Neiswender, Frederick M. (attorney for Rumery, Brian J.) Receipt number: 1912550 Dated: 02/17/2006 Amount: \$85.00 (Check) 5 Cert. to Atty.	No Judge
3/20/2006	✓ Praecipe for Appearance, filed. Kindly enter the appearance of Paul J. Walsh III Esq., on behalf of the defendants, Thomas R. McClure and Errigo Distributing Company, filed by s/ Paul Walsh Esq. No CC.	No Judge
4/10/2006	✓ Sheriff Return, March 2, 2006 at 2:13 pm served the within Complaint on Thomas R. McClure, ind. March 2, 2006 at 2:03 pm served the within Complaint on Errigo Distributing Company. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Neiswender \$49.73	No Judge
4/12/2006	✓ Answer and New Matter filed by s/ Danielle M. Vugrinovich Esq. No CC.	No Judge
7/14/2006	✓ Motion to Compel Plaintiff's Answers and Responses to Defendants' First Set of Interrogatories and First Request for Production of Documents, filed by s/Danielle M. Vugrinovich, Esq. No CC	No Judge
7/18/2006	✓ Order, NOW, this 17th day of July, 2006, it is Ordered that Argument upon Defendants' Motion to Compel Plaintiff's Answers and Responses to their First Set of Interrogatories and First Request for Production of Documents has been scheduled to occur on August 30, 2006 at 9:30 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Vugrinovich	Fredric Joseph Ammerman
9/1/2006	✓ Defs.' Praecipe To Withdraw Motion to Compel Discovery, filed by s/ Danielle M. Vugrinovich, Esquire. No CC	Fredric Joseph Ammerman
10/23/2006	✓ Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Extreme Mountain Inc., filed by s/ Danielle M. Vugrinovich Esq. No CC.	Fredric Joseph Ammerman
12/13/2006	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.21, filed by Atty. Walsh no cert. copies.	Fredric Joseph Ammerman
12/26/2006	✓ Certificate of Compliance With Subpoena To Produce Documents & Things Pursuant to Rule 4009.23 Directed to Mountain Extreme, Inc., filed by s/ Danielle M. Vugrinovich, Esquire. No CC	Fredric Joseph Ammerman
	✓ Proof of Service of Subpoena directed to Mountian Extreme Inc., filed by s/ Danielle M. Vugrinovich Esq. No CC.	Fredric Joseph Ammerman
3/8/2007	✓ Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.22 Directed to Highmark Blue Cross/Blue Shield, filed by s/ Danielle M. Vugrinovich Esq. No CC.	Fredric Joseph Ammerman
	✓ Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.22 Directed to Clearfield Hospital, filed by s/ Danielle M. Vugrinovich Esq. No CC.	Fredric Joseph Ammerman
4/2/2007	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22 directed to Highmark Blue Cross/Blue Shield, filed by s/ Danielle M. Vugrinovich Esq. 1CC Atty.	Fredric Joseph Ammerman
	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22 directed to Clearfield Hospital, filed by s/ Danielle M. Vugrinovich Esq. 1CC Atty.	Fredric Joseph Ammerman

**Michael R. McNaul**  
**Robert G. McNaul**

TO: ELEANOR M. NIXON  
LEON C CARBERRY  
HANNAH R. SLOCUM  
COUNTY NATIONAL BANK  
DAVID MCNAUL  
JARED MCNAUL  
SELMA A. JOHNSON  
ANNA M. MARTINEZ  
SALLY M. GOSS  
MARTHA L. MCNAUL  
RICHARD GATTUSO  
VIRGINA MCNAUL  
DAVID W. MCNAUL  
PATRICIA M. BENDER  
GEORGE E. BENDER  
MICHAEL D. MCNAUL  
ALLAN A. MCNAUL  
ANN ARGO  
RALPH MONACO  
ARDATH MORGAN  
SONYA LEA MCNAUL  
SONYA LEA HART  
WILLIAM D. MCNAUL  
FRANCES A. GATTUSO  
JOHN M. DERR  
ROBERT A. DERR  
JENINE MCNAUL CAMPBELL  
RICHARD PELUSE  
KATHRYN COLLORD  
BARBARA J. MCNAUL  
MARTHA JANE SPINELLI  
MICHAEL R. MCNAUL  
ROBERT G. MCNAUL

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 5/13/2008

---

## Civil Other-COUNT

Date		Judge
4/9/2007	✓ Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Directed to State Farm Insurance, filed by s/ Paul J. Walsh Esq. NO CC.	Fredric Joseph Ammerman
	✓ Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Directed to Ralph A. Cardamone M.D., filed by s/ Paul J. Walsh Esq. No CC.	Fredric Joseph Ammerman
	✓ Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Directed to CVS Pharmacy-Clearfield, filed by s/ Paul J. Walsh Esq. NO CC.	Fredric Joseph Ammerman
	✓ Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Directed to Reliant Energy, filed by s/ Paul J. Walsh Esq. No CC.	Fredric Joseph Ammerman
	✓ Praecipe for Substitution of Appearance, filed. Please substitute the appearance of Paul J. Walsh III Esquire and Gina M. Zumpella Esquire in place of Paul J. Walsh III Esq. and Danielle M. Vugrinovich Esquire, all of whom are associated with Walsh, Collis & Blackmer PC as counsel on behalf of the Defendants, Thomas R. McClure, an individual, and Errigo Distributing Company, a corporation, in the above-captioned matter, filed by s/ Gina M. Zumpella Esq. No CC., and copy to C/A.	Fredric Joseph Ammerman
	✓ Proof of Service of Subpoena on Highmark Blue Cross/Blue Shield, filed by s/ Gina M. Zumpella Esq. No CC.	Fredric Joseph Ammerman
4/12/2007	✓ Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Directed to Clearfield EMS, filed by s/ Gina M. Zumpella, Esquire. 1CC to Atty	Fredric Joseph Ammerman
	✓ Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Directed to The Department of Public Welfare, filed by s/ Gina M. Zumpella, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
4/13/2007	✓ Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 directed Reliant Energy, filed by s/ Gina M. Zumpella Esq. 1CC Atty Zumpella.	Fredric Joseph Ammerman
	✓ Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 directed State Farm Insurance Company, filed by s/ Gina M. Zumpella Esq. 1CC Atty Zumpella.	Fredric Joseph Ammerman
	✓ Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things pursuant to Rule 4009.22 directed to CVS Pharmacy, filed by s/ Gina M. Zumpella Esq. 1CC Atty Zumpella.	Fredric Joseph Ammerman
	✓ Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 directed to Ralph A. Cardamone MD, filed by s/ Gina M. Zumpella Esq. 1CC Atty Zumpella.	Fredric Joseph Ammerman
	✓ Proof of Service of Subpoena on Clearfield Hospital, filed by s/ Gina M. Zumpella Esq. 1CC Atty Zumpella.	Fredric Joseph Ammerman
4/16/2007	✓ Proof of Service of Subpoena on Reliant Energy, filed by s/ Gina M. Zumpella Esq. No CC.	Fredric Joseph Ammerman
	✓ Proof of Service of Subpoena on CVS Pharmacy, filed by s/ Gina M. Zumpella Esq. No CC.	Fredric Joseph Ammerman
	✓ Proof of Service of Subpoena on Ralph A. Cardamone M.D., filed by s/ Gina M. Zumpella Esq. No CC.	Fredric Joseph Ammerman

## Civil Other-COUNT

Date		Judge
4/19/2007	✓ Certificate Prerequisite to Service of a Subpoena to Produce Documents And Things Pursuant to Rule 4009.22 Directed to The Department of Public Welfare, filed by s/ intelligible, counsel for Defendants. No CC	Fredric Joseph Ammerman
	✓ Certificate Prerequisite to Service of a Subpoena to Produce Documents And Things Pursuant to Rule 4009.22 Directed to Clearfield EMS, Inc., filed by s/ intelligible, counsel for Defendants. No CC	Fredric Joseph Ammerman
4/23/2007	✓ Proof of Service of Subpoena on Clearfield EMS Inc., filed by s/ Gina Zumpella Esq. 1CC Atty.	Fredric Joseph Ammerman
	✓ Proof of Service on State Farm Insurance Company, filed by s/ Gina M. Zumpella Esq. NO CC.	Fredric Joseph Ammerman
4/25/2007	✓ Certificate of Compliance With Subpoena Directed to State Farm Insurance, filed by s/ intelligible, Walsh, Collis & Blackmer, P.C. No CC	Fredric Joseph Ammerman
	✓ Certificate of Compliance With Subpoena Directed to Clearfield EMS, Inc, filed by s/ intelligible, Walsh, Collis & Blackmer, P.C. No CC	Fredric Joseph Ammerman
	✓ Certificate of Compliance With Subpoena Directed to Ralph A. Cardamone, M.D., filed by s/ intelligible, Walsh, Collis & Blackmer, P.C. No CC	Fredric Joseph Ammerman
4/26/2007	✓ Proof of Service of Subpoena on the Department of Public Welfare, filed by s/ Gina M. Zumpella Esq. No CC.	Fredric Joseph Ammerman
5/2/2007	✓ Certificate of Compliance With subpoena Dircted to Clearfield Hospital, filed by s/ Walsh, Collis & Blackmer, P.C. No CC	Fredric Joseph Ammerman
	✓ Certificate of Compliance With Subpoena Directed to The Department of Public Welfare, filed by s/ Walsh Collis & Blackmer, P.C. No CC	Fredric Joseph Ammerman
5/3/2007	✓ Notice of Service, filed. That Defendants' Supplemental Discovery Requests Directed to Plaintiff were sent to Frederick M. Neiswender Esq on the 1st day of May 2007, filed by s/ Gina M. Zumpella Esq. No CC.	Fredric Joseph Ammerman
5/4/2007	✓ Certificate of Compliance With Subpoena Directed to CVS Pharmacy, filed by s/ intelligible, Walsh, Collis & Blackmer, P.C. No CC	Fredric Joseph Ammerman
	✓ Certificate of Compliance With Subpoena Directed to Reliant Energy, filed by s/ intelligible, Walsh, Collis & Blackmer, P.C. No CC	Fredric Joseph Ammerman
3/4/2008	✓ Notice of Deposition of Thomas R. McClure, Defendant. Filed by s/ Frederick M. Neiswender, Esquire. 3CC Atty. Neiswender	Fredric Joseph Ammerman
6/20/2008	✓ Motion to Compel, filed by s/ Gina M. Zumpella, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
6/24/2008	✓ Order, this 24th day of June, 2008, it is Ordered that Defendants' Motion to Compel is granted, and Plaintiff must serve within 30 days from the date of this Order, the following documentation: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Walsh	Fredric Joseph Ammerman
7/2/2008	✓ Notice of Deposition of Defendant, of Thomas R. McClure. filed by s/ Frederick M. Neiswender, Esquire. 3CC Atty. Neiswender	Fredric Joseph Ammerman
7/7/2008	✓ Proof of Service, filed. An Order of Court in connection with Defendants' Motion to Compel in the above-captioned matter was severd via Certified Mail on Frederick M. Neiswender Esq., filed by s/ Gina M. Zumpella Esq. 1CC Atty Zumpella.	Fredric Joseph Ammerman

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

**SUMMONS**

**James H. Gilliland**

**Vs.**

**NO.: 2008-00881-CD**

**Eleanor M. Nixon  
Leon C Carberry  
Hannah R. Slocum  
County National Bank  
David McNaul  
Jared McNaul  
Selma A. Johnson  
Anna M. Martinez  
Sally M. Goss  
Martha L. McNaul  
Richard Gattuso  
Virgina McNaul  
David W. McNaul  
Patricia M. Bender  
George E. Bender  
Michael D. McNaul  
Allan A. McNaul  
Ann Argo  
Ralph Monaco  
Ardath Morgan  
Sonya Lea McNaul  
Sonya Lea Hart  
William D. McNaul  
Frances A. Gattuso  
John M. Derr  
Robert A. Derr  
Jenine McNaul Campbell  
Richard Peluse  
Kathryn Collord  
Barbara J. McNaul  
Martha Jane Spinelli**

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

BRIAN J. RUMERY,

Plaintiff,

vs.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY,  
a corporation,

Defendants.

No. 06-267 - CD

Type of case: Civil

Type of pleading: Complaint

Filed on behalf of: Plaintiff,  
Brian J. Rumery

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

NEISWENDER & KUBISTA  
501 East Market Street, Suite 3  
Clearfield, Pennsylvania 16830  
(814) 765-6500

**FILED**

FEB 17 2006

0/3:15/W

William A. Shaw  
Prothonotary/Clerk of Courts

6 cEnr TO ATT

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

BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

**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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

COURT ADMINISTRATOR  
1 North Second Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

**COMPLAINT**

AND NOW, comes the Plaintiff, BRIAN J. RUMERY, by and through his attorney, FREDERICK M. NEISWENDER, ESQUIRE, and files this Complaint against the Defendants, THOMAS R. MCCLURE and ERRIGO DISTRIBUTING COMPANY, INC., on a cause of action upon which the following is a statement:

1. The Plaintiff, Brian J. Rumery, is an adult individual residing at 1916 Barrett Road, Woodland, Clearfield County, Pennsylvania 16881.
2. The Defendant, Thomas R. McClure, is an adult individual residing at 420 Bloomington Avenue, Curwensville, Clearfield County, Pennsylvania 16833.
3. The Defendant, Errigo Distributing Company, is a Pennsylvania corporation located in Clearfield County with an address of 408 North Street, P.O. Box 146, Curwensville, Pennsylvania 16833.
4. That South Second Street is a one way public street in Clearfield Borough, Clearfield County, with two parallel lanes running in a generally northern direction which intersects with Boyer Avenue only on the right side of the street.



5. That on or about the 2<sup>nd</sup> day of August, 2004, at approximately 3:21 p.m., the Defendant, Thomas R. McClure, was operating a 1988 Ford delivery truck owned by Errigo Distributing Company, with Pennsylvania license plate YAD1285, in a northerly direction in the left lane of South Second Street toward the intersection of South Second and Cherry Streets in Clearfield Borough, Clearfield County, Pennsylvania, while he was an agent, servant and/or employee of the Defendant corporation, Errigo Distributing Company.

6. That on or about the 2<sup>nd</sup> day of August, 2004, at approximately 3:21 p.m., the Plaintiff, Brian J. Rumery, was operating a motorcycle owned by him in a northerly direction on South Second Street in the right lane toward the intersection of South Second and Cherry Streets in Clearfield Borough, Clearfield County, Pennsylvania

7. That at the intersection of South Second Street and Boyer Avenue the Defendant, Thomas R. McClure, turned toward Boyer Avenue from the left lane across the right lane without signaling and caused the Plaintiff to lock the brakes of his vehicle and slide violently into the side of the Defendant's vehicle coming to rest on the sidewalk.

8. That at the above mentioned date and time and all times pertinent hereto, the Plaintiff, Brian J. Rumery, was carefully and prudently operating his motor vehicle.

9. That at the above mentioned date and time and all times pertinent hereto, the Plaintiff had elected the "Full Tort Option" under the Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1701, et. seq.

**COUNT I**

**BRIAN J. RUMERY V. THOMAS R. MCCLURE**

10. That the Plaintiff hereby incorporates by reference the allegations in Paragraphs 1 through 9, above, as though set forth at length herein.

11. That on the above mentioned date, time and place, the Plaintiff, Brian J. Rumery, was operating his motorcycle along South Second Street in Clearfield Borough, Clearfield County, Pennsylvania, in a safe, careful and prudent manner.

12. That the injuries and damages suffered by the Plaintiff, Brian J. Rumery, as hereinafter set forth were the sole, legal, direct and proximate result of the negligence of the Defendant, Thomas R. McClure, which consisted, among other things, of the following:

- (a) In failing to properly signal his right turn across the lanes in such a manner as to give the Plaintiff, Brian J. Rumery, sufficient notice of his change in direction;
- (b) In failing to properly apply the brakes of his vehicle in such a manner as to stop prior to crossing into the lane of traffic occupied by the Plaintiff, Brian J. Rumery;
- (c) In continuing to operate his vehicle in such a direction across South Second Street into the path of the Plaintiff when the Defendant knew or in the exercise of reasonable diligence should have known that to continue in that direction would result in a violent collision;
- (d) In failing to maintain proper and reasonable control of his motor vehicle so that he might maintain the safe and prudent speed, as well as stopping distance and direction of the said vehicle with the assured clear distance ahead;
- (e) In failing to operate his vehicle with due regard for the rights, safety and position of the Plaintiff, Brian J. Rumery;

- (f) In failing to bring his vehicle to a stop prior to crossing in front of the Plaintiff when the Defendant knew or in the exercise of reasonable diligence should have known that to cross the path of the vehicle operated by the Plaintiff posed an unreasonable risk of harm to the Plaintiff;
- (g) In failing to allow traffic travelling on South Second Street its lawful right of way;
- (h) In failing to obey the ordinances and/or laws of Clearfield Borough and/or the statutes of the Commonwealth of Pennsylvania dealing with the safe and prudent operation of motor vehicles;
- (i) In failing to operate the steering wheel of his vehicle in such a manner as to avoid the collision between the Defendant's delivery truck and the motorcycle of the Plaintiff;
- (j) In directing his vehicle across the right lane of South Second Street in such a manner as to cause a violent collision between the two vehicles;
- (k) In failing to properly maintain the delivery truck and its mechanical components when the Defendant knew or should have known that to do so would pose an unreasonable risk of harm;
- (l) In failing to properly repair the delivery truck when the Defendant knew or should have known that to do so would pose an unreasonable risk of harm;
- (m) In operating the delivery truck with a brake system that was defective, when the Defendant knew or should have known that the brake system was defective;
- (n) In operating the delivery truck with a defective turn signal, when the Defendant knew or should have known that the turn signal was defective;
- (o) In failing to properly inspect the delivery truck to ascertain the said dangerous condition of the motor vehicle; and

(p) In failing to use his turn signal when crossing a lane of traffic.

13. As a sole, legal, direct and proximate result of the negligence of the Defendant, Thomas R. McClure, as stated above, the Plaintiff, Brian J. Rumery, sustained the following serious and severe injuries, some or all of which may be permanent in nature:

- (a) Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones and joints of the upper and lower legs, including, but not limited to a severe fracture of the left tibia which required emergency surgery;
- (b) Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones and joints of the ankles and feet;
- (c) Injuries and damage in and about the muscles, ligaments, tissues, nerves, bones and joint of the wrists;
- (d) A possible aggravation of a pre-existing, non-disabling and asymptomatic condition;
- (e) Shock and injuries to the nerves and nervous system;
- (f) Internal injuries;
- (g) Other serious and severe injuries.

14. As a sole, legal, direct and proximate result of the negligence of the Defendant, Thomas R. McClure, as stated above, the Plaintiff, Brian J. Rumery, suffered the following damages:

- (a) He has suffered great bodily pain and suffering, inconvenience, embarrassment and mental anguish, to his great detriment and loss;
- (b) He has sustained serious and permanent injury, for the treatment of which he has incurred medical bills and expenses in excess of twenty thousand dollars (\$20,000.00), and will probably incur additional medical bills in the future;

- (c) He has suffered a loss of earnings and/or earning capacity;
- (d) He has suffered and interruption of his daily habits and pursuits to his great and permanent detriment and loss;
- (e) His general health, strength and vitality have been impaired;
- (f) He has been unable to enjoy the ordinary pleasures of life;
- (g) He stands at risk for the onset of traumatic arthritis;
- (h) He stands at risk for further surgeries, medical services and/or treatments.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in his behalf and against the Defendant, Thomas R. McClure, generally, jointly and severally in an amount in excess of Twenty Thousand Dollars (\$20,000.00), exclusive of interest and cost of the suit.

## **COUNT II**

### **BRIAN J. RUMERY V. ERRIGO DISTRIBUTING COMPANY**

15. That the Plaintiff hereby incorporates by reference the allegations in Paragraphs 1 through 14, above, as though set forth at length herein.

16. That on the above mentioned date and time, and at all times pertinent hereto, the Defendant, Thomas R. McClure, was an agent, servant and/or employee of the Defendant corporation, Errigo Distributing Company, acting within the scope of his agency and/or employment.

17. That at the above mentioned date and time while the Defendant, Thomas R. McClure, was an agent, servant and/or employee of the Defendant, Errigo Distributing Company, acting within the scope of his agency and/or employment, the Defendant, Thomas R. McClure, was negligent as is set forth in Paragraph 12 above and incorporated by reference with the same effect as if set forth at length herein.

18. That as a sole, legal, direct and proximate result of the negligence of the Defendant, Thomas R. McClure, as set forth in Paragraph 12, the Plaintiff, Brian J. Rumery, sustained those injuries set forth in Paragraph 13 above and incorporated by reference with the same effect as if set forth at length herein.

19. That as a sole, legal, direct and proximate result of the negligence of the Defendant, Thomas R. McClure, as set forth in Paragraph 12, the Plaintiff, Brian J. Rumery, suffered those damages set forth in Paragraph 14 above and incorporated by reference with the same effect as if set forth at length herein.

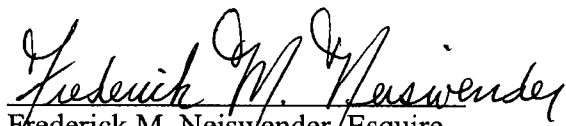
WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in his behalf and against the Defendant, Errigo Distributing Company, generally, jointly and severally in an amount in excess of Twenty Thousand Dollars (\$20,000.00), exclusive of interest and cost of the suit.

**DEMAND FOR JURY TRIAL**

Plaintiff, Brian J. Rumery, by and through his undersigned counsel, hereby demands a trial by jury.

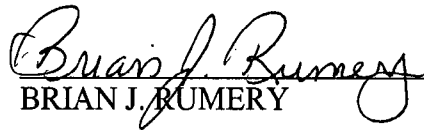
Respectfully submitted,

NEISWENDER & KUBISTA

  
Frederick M. Neiswender, Esquire  
Counsel for Plaintiff

BRIAN J. RUMERY hereby states that he is the Plaintiff in this action and that the statements of fact made in the foregoing Complaint are true and correct upon personal knowledge. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

DATE: 9-21-05

  
BRIAN J. RUMERY



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PRAECIPE FOR APPEARANCE**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for This Party:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *no cc*  
*m12:4861*  
**MAR 20 2008** *LM*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PRAECIPE FOR APPEARANCE**

TO THE PROTHONOTARY:

Kindly enter the Appearance of the undersigned, Paul J. Walsh III, Esquire, and Danielle M. Vugrinovich, Esquire, of the law firm of Walsh, Collis & Blackmer, P.C., on behalf of the Defendants, Thomas R. McClure and Errigo Distributing Company, in the above case.

*Counsel for Defendants,  
Thomas R. McClure and Errigo  
Distributing Company*

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By



Paul J. Walsh III, Esquire (PA I.D. #58843)


Danielle M. Vugrinovich, Esquire (PA I.D. #88326)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe for Appearance** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this \_\_\_\_ day of March, 2006.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101268  
NO: 06-267-CD  
SERVICE # 1 OF 2  
COMPLAINT

PLAINTIFF: BRIAN J. RUMERY

vs.

DEFENDANT: THOMAS R. MCCLURE an ind. & ERRIGO DISTRIBUTING COMPANY a Corp.

SHERIFF RETURN

---

NOW, March 02, 2006 AT 2:13 PM SERVED THE WITHIN COMPLAINT ON THOMAS R. MCCLURE, Ind. DEFENDANT AT 420 BLOOMINGTON AVE., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO THOMAS R. MCCLURE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED  
019.09.201  
APR 10 2006  
LSE

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 101268  
NO: 06-267-CD  
SERVICE # 2 OF 2  
COMPLAINT

PLAINTIFF: BRIAN J. RUMERY

vs.

DEFENDANT: THOMAS R. MCCLURE an ind. & ERRIGO DISTRIBUTING COMPANY a Corp.

**SHERIFF RETURN**

---

NOW, March 02, 2006 AT 2:03 PM SERVED THE WITHIN COMPLAINT ON ERRIGO DISTRIBUTING COMPANY A Corp. DEFENDANT AT 408 NORTH ST., PO BOX 146, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JERRY DIPKO, DISPATCHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: MORGILLO / DAVIS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101268  
NO: 06-267-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: BRIAN J. RUMERY

vs.

DEFENDANT: THOMAS R. MCCLURE an ind. & ERRIGO DISTRIBUTING COMPANY a Corp.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NEISWENDER	2121	20.00
SHERIFF HAWKINS	NEISWENDER	2121	29.73

Sworn to Before Me This

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

\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

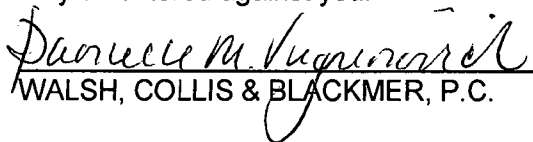
v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

TO: PLAINTIFF

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.

  
WALSH, COLLIS & BLACKMER, P.C.

CIVIL DIVISION

Docket No.: 06-267-CD

**ANSWER AND NEW MATTER**  
(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:


Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** <sup>NO CC</sup>  
3/11/06  
APR 12 2006  
  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD  
(Jury Trial Demanded)

**ANSWER AND NEW MATTER**

AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, and Danielle M. Vugrinovich, Esquire, and file the following Answer and New Matter and aver as follows:

**I. ANSWER**

1. Paragraph Number 1 of Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent that a response is required, said averment is denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied and strict proof thereof is demanded at the time of trial.

2. Paragraph Number 2 of Plaintiff's Complaint is admitted.

3. Paragraph Number 3 of Plaintiff's Complaint is admitted.



4. Paragraph Number 4 of Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent that a response is required, said averment is denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments, and therefore, said averments are denied, and strict proof thereof is demanded at the time of trial.

5. Paragraph Number 5 of the Plaintiff's Complaint states a legal conclusion to which no response is required. Said averments are admitted in part and denied in part. It is admitted that Thomas R. McClure was operating a 1988 Ford truck owned by Errigo Distributing Company with a Pennsylvania license plate number YAD1285. As to the remaining averments, the same are denied pursuant to Pa.R.C.P. 1029 (c) and Pa.R.C.P. 1029 (e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of the remaining averments, and therefore, said averments are denied, and strict proof thereof is demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

6. Paragraph Number 6 of Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent that a response is required, said averment is denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments, and therefore, said averments are denied, and strict proof thereof is demanded at the time of trial.

7. Paragraph Number 7 of Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent that a response is required, said averment is denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments, and therefore, said averments are denied, and strict proof thereof is demanded at the time of trial.

8. Paragraph Number 8 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

9. Paragraph Number 9 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

## **COUNT I**

### **Brian J. Rumery v. Thomas R. McClure**

10. Paragraph Number 10 of Plaintiff's Complaint requires no response. To the extent that a response is deemed necessary, Defendants herein refer to and incorporate their previous Answers and hereinafter set forth Answers and New Matter.

11. Paragraph Number 11 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

12. Paragraph Number 12 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

13. Paragraph Number 13 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

14. Paragraph Number 14 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

WHEREFORE, Defendants, Thomas R. McClure and Errigo Distributing Company, deny that they are liable to the Plaintiff for the sum demanded or for any sum whatsoever, and therefore, request this Honorable Court to enter judgment in their favor and against Plaintiff with costs and prejudice imposed.

## **COUNT II**

### **Brian J. Rumery v. Errigo Distributing Company**

15. Paragraph Number 15 of Plaintiff's Complaint requires no response. To the extent that a response is deemed necessary, Defendants herein refer to and incorporate their previous Answers and hereinafter set forth Answers and New Matter.

16. Paragraph Number 16 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, it is admitted that Thomas R. McClure was an agent, servant and/or employee of Errigo Distributing Company at the time of the incident at issue. The remainder of said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

17. Paragraph Number 17 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, it is admitted that Thomas R. McClure was an agent, servant and/or employee of Errigo Distributing Company at the time of the incident at issue. The remainder of said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

18. Paragraph Number 18 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

19. Paragraph Number 19 of the Plaintiff's Complaint states a legal conclusion to which no response is required. To the extent, however, that a response is deemed necessary, said averments are denied pursuant to Pa.R.C.P. 1029 (c) and 1029(e). After reasonable investigation, Defendants have insufficient knowledge or information as to the truth or falsity of said averments and therefore, said averments are denied with strict proof thereof demanded at the time of trial. By way of further answer, Defendants herein refer to and incorporate their previous responses, hereinafter responses, and New Matter.

WHEREFORE, Defendants, Thomas R. McClure and Errigo Distributing Company, deny that they are liable to the Plaintiff for the sum demanded or for any sum whatsoever, and therefore, request this Honorable Court to enter judgment in their favor and against Plaintiff with costs and prejudice imposed.

## **II. NEW MATTER**

20. Paragraphs 1 through 19 are herein referred to and incorporated as if set forth fully at length.

21. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants aver that the Plaintiff has failed to state a claim for which relief may be granted.

22. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, the Plaintiff's Complaint is barred in whole or in part by the applicable provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

23. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants plead the contributory, causal negligence of the Plaintiff and the provisions of the Pennsylvania Comparative Negligence Act as a complete or partial bar to any recovery by the Plaintiff in this action.

24. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants plead the accident involved herein was the direct, sole, and proximate result of the Plaintiff's own negligence generally and in the following particulars:

- a. In failing to maintain a proper and adequate look-out for the roadway and traffic conditions;
- b. In operating his vehicle at an excessive rate of speed;
- c. In violating the Motor Vehicle Code and local ordinances; and,
- d. In otherwise being negligent under the circumstances.

25. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants aver the sudden emergency doctrine as an affirmative defense.

26. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, any injuries and/or damages alleged by the Plaintiff were the result of superseding, intervening, and/or independent causes over which Defendants had no control and in no way participated.

27. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants aver that any medical expenses not precluded per 75 Pa.C.S.A. § 1722 must be reduced in accordance with Moorhead v. Crozer Chester Medical Center.

28. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants raise all affirmative defenses set forth in Pa.R.C.P. 1030 to the Plaintiff's claims, including the legal doctrines of payment, accord and satisfaction, release, waiver, estoppel, and the statute of limitations.

29. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants reserve the right to assert any and all other affirmative defenses which discovery may reveal appropriate and/or proper.

30. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants aver the injuries and damages alleged by the Plaintiff were the result of a pre-existing condition unrelated to this accident and/or occurrence.



31. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants aver that Plaintiff failed to mitigate his/her damages by ignoring the advice of medical providers.

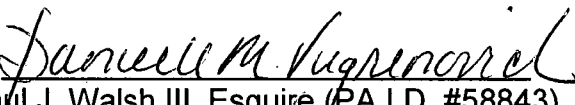
32. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants aver that they are entitled to a set-off reduction of the Plaintiff's claim for reimbursement of medical expenses in an amount reflecting payment of any and all Med Pay benefits paid by Defendants on behalf of the Plaintiff.

33. To the extent justified by the evidence developed in discovery or the testimony at the time of trial, Defendants aver any and all Releases as a complete bar to the recovery by the Plaintiff and/or any other parties to be named hereto.

WHEREFORE, Defendants, Thomas R. McClure and Errigo Distributing Company, deny that they are liable to the Plaintiff for the sum demanded or for any sum whatsoever and therefore, request this Honorable Court to enter judgment in their favor and against Plaintiff with costs and prejudice imposed.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By   
Paul J. Walsh III, Esquire (PA I.D. #58843)  
Danielle M. Vugrinovich, Esquire (PA I.D. #88326)  
Counsel for Defendants,  
Thomas R. McClure and  
Errigo Distributing Company

443

VERIFICATION

I, JOHN ERRIGO III, verify that I am a OFFICER/PRESIDENT with Errigo Distributing, and I am authorized to execute this verification on its behalf and the statements made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. To the extent that the content of this Answer and New Matter is permitted by Pennsylvania Rules of Civil Procedure and that of counsel, I have relied upon counsel in verifying the same.

I understand false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

4/7/06  
(Date)

JLC

VERIFICATION

I, Thomas R. McClure, Defendant, do hereby verify that averments of facts contained in the foregoing Answer and New Matter are true and complete to the best of my knowledge, information and belief. To the extent that the content of this Answer and New Matter is permitted by Pennsylvania Rules of Civil Procedure, I have relied upon counsel in verifying the same.

I understand false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Dated:

4/3/06Thomas R. McClure

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Answer & New Matter** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 16<sup>th</sup> day of April, 2006.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By *Danielle M. Vugrinovich*  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-257-CD

**MOTION TO COMPEL PLAINTIFF'S  
ANSWERS AND RESPONSES TO  
DEFENDANTS' FIRST SET OF  
INTERROGATORIES AND FIRST  
REQUEST FOR PRODUCTION OF  
DOCUMENTS**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for This Party:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *nr*  
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JUL 14 2006  
*WAS*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**MOTION TO COMPEL PLAINTIFF'S ANSWERS AND FIRST RESPONSES TO  
DEFENDANTS' FIRST SET OF INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS**

AND NOW, come the Defendants, Errigo Distributing Company and Thomas R. McClure, by and through their attorneys, Walsh Collis & Blackmer, P.C., Paul J. Walsh III, Esquire, and Danielle M. Vugrinovich, Esquire, and file the within Motion to Compel Plaintiff's Answers and Responses to Defendants' First Set of Interrogatories and First Request for Production of Documents, stating as follows:

1. Plaintiff alleges that on August 2, 2004, he sustained personal injuries when his motorcycle collided with a truck driven by Mr. McClure and owned by Errigo Distributing Company. *See Complaint.*

2. Plaintiff alleges that he sustained a fracture left tibia, injuries to the wrist, internal injuries, contusions and bruises, pain and suffering, medical expenses, future medical expenses, and has asserted a wage loss and lost earning capacity claim.

3. On April 7, 2006, Defendants' First Set of Interrogatories and First Request for Production of Documents directed to the Plaintiff were served.

4. On May 15, 2006, Defendants' counsel forwarded a letter to Plaintiff's counsel inquiring as to whether he anticipated serving discovery responses within the next twenty (20) days. *See, letter dated May 15, 2006, attached hereto as Exhibit A.*

5. On June 9, 2006, Defendants' counsel forwarded a letter to Plaintiff's counsel advising that if responses were not received by June 15, 2006, a Motion to Compel would be filed. *See, letter dated June 9, 2006 attached hereto as Exhibit B.*

6. Thereafter, Plaintiff's counsel requested an extension until June 30, 2006 to serve discovery responses, which was granted by Defendants' counsel.

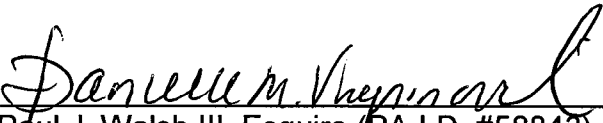
7. As of this date, Plaintiff has not produced objections, answers or responses to Defendants' discovery requests.

8. Without the requested information, Defendants will be unable to provide a sufficient defense.

WHEREFORE, the Defendants, Errigo Distributing Company and Thomas R. McClure, respectfully request this Honorable Court enter an Order compelling the Plaintiff, Brian J. Rumery, to provide complete responses to Defendants' First Set of Interrogatories and First Request for Production of Documents within twenty (20) days of the date of this Order.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By   
Paul J. Walsh III, Esquire (PA I.D. #58843)  
Danielle M. Vugrinovich, Esquire (PA I.D. #88326)  
Counsel for Defendants, Errigo Distributing Company  
and Thomas R. McClure



Walsh, Collis & Blackmer, P.C.

493  
misc / corr

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Anne M. Paul +  
Adam M. Barnes +

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
Facsimile: (412) 263-5632

Steven L. Minnich  
Suzanne H. Rhodes  
Tiffany L. Townsend  
Natalie A. Troilo \*  
Danielle M. Vugrinovich  
Meggan E. Wingerter  
Trisha A. Zaken  
Gina M. Zumpella  
Thomas E. Zumpella

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
• Admitted to Practice in New Jersey

May 15, 2006

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street, Suite 3  
Clearfield, PA 16803

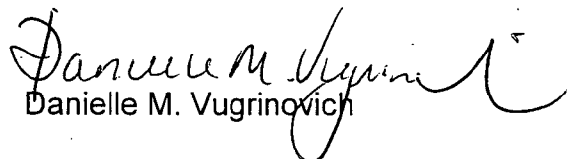
In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company  
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

Dear Mr. Neiswender:

On April 7, 2006, I served Defendants' First Set of Interrogatories and First Request for Production of Documents directed to the Plaintiff. Plaintiff's answers and responses are now due. Please advise as to whether you anticipate serving discovery responses within the next twenty (20) days.

Thank you for your cooperation. I look forward to hearing from you.

Sincerely,

  
Danielle M. Vugrinovich

DMV/mt



# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Anne M. Paul •  
Adam M. Barnes +

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
Facsimile: (412) 263-5632

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Trisha A. Zaken  
Gina M. Zumpella  
Thomas E. Zumpella

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
• Admitted to Practice in New Jersey

June 9, 2006

VIA FACSIMILE AND U.S. MAIL  
(814) 765-7205

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street, Suite 3  
Clearfield, PA 16803

In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company  
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

Dear Mr. Neiswender:

Please allow this letter to confirm our telephone conversation of June 6, 2006, during which you advised that you anticipated serving Plaintiff's discovery responses by the middle of next week (i.e. June 14 or 15). If I do not receive the discovery responses by June 15, 2006, I anticipate filing a Motion to Compel allowing you twenty (20) days to serve complete responses.

If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Danielle M. Vugrinovich

DMV/mt



**\*\* Transmit Conf. Report \*\***

P.1

Jun 9 2006 14:05

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## Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
 Pamela V. Collis  
 Mama K. Blackmer  
 Anne M. Paul •  
 Adam M. Barnes +

Steven L. Minnich  
 Suzanne H. Rhodes  
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The Gulf Tower  
 Suite 1400  
 707 Grant Street  
 Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
 Facsimile: (412) 263-5632

+ Admitted to Practice in Ohio and West Virginia  
 \* Admitted to Practice in West Virginia  
 • Admitted to Practice in New Jersey

### **FACSIMILE TRANSMISSION**

**TO:** Fredrick M. Neiswender, Esquire

**FAX No.:** (814) 765-7205

**DATE:** June 9, 2006

**FROM:** Danielle M. Vugrinovich, Esquire

**RE:** Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company

**Number of Pages (including Coversheet):** 2

If there are any problems with this transmission, please contact Walsh, Collis & Blackmer, P.C. at (412) 258-2255. Thank you.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,


Defendants.

**CERTIFICATE PURSUANT TO LOCAL RULE 208.2(d)**

Defendants' counsel sought concurrence in the Motion from opposing counsel and  
such concurrence was **granted**.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By   
Paul J. Walsh III, Esquire (PA I.D. #58843)  
Danielle M. Vugrinovich, Esquire (PA I.D. #88326)  
Counsel for Defendants, Errigo Distributing Company  
and Thomas R. McClure

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

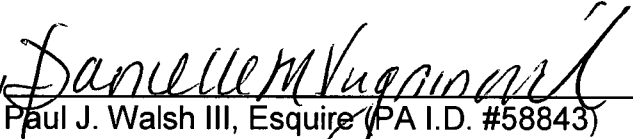
**CERTIFICATE PURSUANT TO LOCAL RULE 208.2(e)**

Defendants' counsel attempted to resolve this discovery dispute by way of letter dated May 15, 2006 in which she requested a response from Plaintiff's counsel to advise her as to whether he anticipated serving discovery responses within the twenty (20) days following the letter. No response was received. This letter has been attached to the within Motion as Exhibit A.

On June 6, 2006, Plaintiff's counsel advised that he anticipated serving discovery responses by the middle of the following week (i.e. June 14, 2006 or June 15, 2006). In a letter confirming the conversation, Defendants' counsel advised that if she did not receive discovery responses by June 15, 2006, she would file a Motion to Compel. Thereafter, Plaintiff's counsel requested an extension to respond until June 30, 2006, which was granted. Answers and Responses have not been received. Plaintiff's counsel has consented to the attached Order.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By   
Paul J. Walsh III, Esquire (PA I.D. #58843)  
Danielle M. Vugrinovich, Esquire (PA I.D. #88326)  
Counsel for Defendants Errigo Distributing Company  
and Thomas R. McClure

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Compel Plaintiff's Answers and Responses to Defendants' First Set of Interrogatories and First Request for Production of Documents has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 12<sup>n</sup> day of July, 2006.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By Danielle M. Vugrinovich  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**ORDER OF COURT**

AND NOW, on this \_\_\_\_ day of \_\_\_\_\_, 2006, it is hereby ORDERED that Defendants' Motion to Compel is granted, and Plaintiff must serve complete answers and responses to Defendants' First Set of Interrogatories and First Request for Production of Documents within twenty (20) days of the date of this Order,

BY THE COURT:

\_\_\_\_\_ J.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

ORDER OF COURT

AND NOW, on this 17<sup>th</sup> day of July, 2006, it is hereby ORDERED that Argument upon Defendants' Motion to Compel Plaintiff's Answers and Responses to their First Set of Interrogatories and First Request for Production of Documents has been scheduled to occur on August 30,, 2006 at 9:30 A.M. in Courtroom No. 1 before the Honorable F. J. Ammerman.

BY THE COURT:

F. J. Ammerman J.

FILED <sup>2cc</sup>  
0/2:0061 Amy Vugrinovich  
JUL 18 2006 @

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

JUL 18 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/18/06

X 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

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**DEFENDANTS' PRAECIPE TO  
WITHDRAW MOTION TO COMPEL  
DISCOVERY**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for This Party:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED**  
mjt: 10/24/06  
SEP 01 2006  
NO CC  
6K  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**DEFENDANTS' PRAECIPE TO WITHDRAW MOTION TO COMPEL DISCOVERY**

TO THE PROTHONOTARY:

Defendants, Thomas R. McClure, an individual, and Errigo Distributing Company, a corporation, filed a Motion to Compel Discovery directed to Plaintiff, Brian J. Rumery, in the above-captioned matter which was scheduled for presentation before the Honorable F.J. Ammerman on Wednesday, August 30, 2006 at 9:30 a.m. As counsel for Defendants has received Plaintiff's discovery responses, Defendants respectfully withdraw their Motion to Compel Discovery.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By

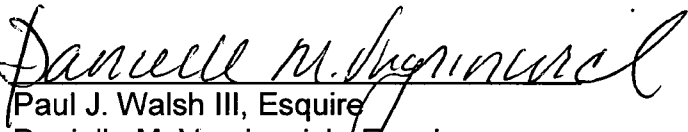
  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Defendants'**  
**Praecipe to Withdraw Motion to Compel Discovery** has been faxed and mailed to  
counsel of record via U.S. first class mail, postage pre-paid, this 29th day of August,  
2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO EXTREME  
MOUNTAIN, INC.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** *no cc*  
*m/11-3764*  
OCT 23 2006 *(initials)*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

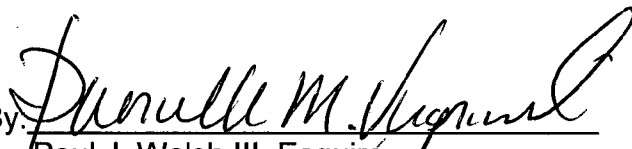
Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO MOUNTAIN EXTREME, INC.**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure  
Errigo Distributing Company  
Defendant(s)

\*

\*

\*

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

Records Custodian of  
TO: Mountain Extreme, Inc., 6381 Rockton Mountain, Rockton, PA 16856  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

SEE ATTACHED SHEET

TO: Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower (Address)  
707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Danielle M. Vugrinovich, Esquire  
ADDRESS: Walsh, Collis & Blackmer, P.C., Suite 1400 Gulf Tower,  
707 Grant Street, Pittsburgh, PA 15219  
TELEPHONE: (412) 258-2255  
SUPREME COURT ID # 88326  
ATTORNEY FOR: Defendants

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Friday, September 29, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



**Attachment to Subpoena to Produce Documents  
or Things For Discovery Pursuant to Rule 4009.22  
Directed to Mountain Extreme, Inc.**

Please produce any and all documentation with respect to Mountain Extreme, Inc.'s service and/or purchase orders involving Brian Rumery and a Harley Davidson Soft Tail Standard with a VIN No. 1HD1BHY103Y107712, including any information retained upon Mountain Extreme, Inc.'s computer network.

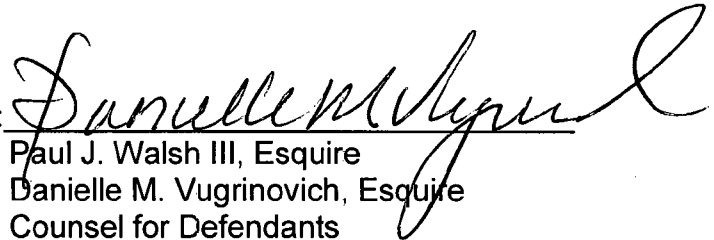
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Mountain Extreme, Inc.** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 20<sup>th</sup> day of October, 2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE PRE-REQUISITE TO  
SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND  
THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO  
MOUNTAIN EXTREME, INC.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED**

DEC 13 2006

m/12:20/06  
William A. Shaw

Prothonotary/Clerk of Courts

no 4/0

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO MOUNTAIN EXTREME, INC.**

As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to the Plaintiff's counsel.
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Service the Subpoena.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By



Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO EXTREME  
MOUNTAIN, INC.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED**  
OCT 23 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,


Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO MOUNTAIN EXTREME, INC.**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

\*

Vs.

\*

No. 2006-00267-CD

Thomas R. McClure  
Errigo Distributing Company  
Defendant(s)

\*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

Records Custodian of  
TO: Mountain Extreme, Inc., 6381 Rockton Mountain, Rockton, PA 16856  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

SEE ATTACHED SHEET

TO: Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower (Address)  
707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Danielle M. Vugrinovich, Esquire  
ADDRESS: Walsh, Collis & Blackmer, P.C., Suite 1400 Gulf Tower,  
707 Grant Street, Pittsburgh, PA 15219  
TELEPHONE: (412) 258-2255  
SUPREME COURT ID # 88326  
ATTORNEY FOR: Defendants

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Friday, September 29, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

**Attachment to Subpoena to Produce Documents  
or Things For Discovery Pursuant to Rule 4009.22  
Directed to Mountain Extreme, Inc.**

Please produce any and all documentation with respect to Mountain Extreme, Inc.'s service and/or purchase orders involving Brian Rumery and a Harley Davidson Soft Tail Standard with a VIN No. 1HD1BHY103Y107712, including any information retained upon Mountain Extreme, Inc.'s computer network.



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Mountain Extreme, Inc.** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 20<sup>th</sup> day of October, 2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By: 

Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

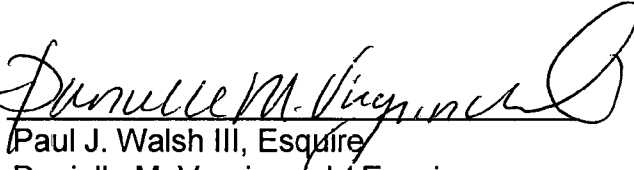
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 Directed to Mountain Extreme, Inc.** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 11<sup>th</sup> day of December, 2006.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE OF COMPLIANCE WITH  
SUBPOENA TO PRODUCE  
DOCUMENTS & THINGS PURSUANT TO  
RULE 4009.23 DIRECTED TO  
MOUNTAIN EXTREME, INC.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *WCC*  
*M12:4761*  
DEC 26 2006 *CR*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**NOTICE**

TO: Mountain Extreme, Inc.  
6381 Rockton Mountain  
Rockton, PA 16856  
Attention: Legal Department

You are required to complete the following Certificate of Compliance when  
producing documents or things to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO PRODUCE DOCUMENTS &  
THINGS PURSUANT TO RULE 4009.23 DIRECTED TO MOUNTAIN EXTREME, INC.**

I, Beth Sadley, Secretary of Mountain Extreme, Inc.,  
certify to the best of my knowledge, information and belief that all documents or things  
required to be produced to this Subpoena issued on December 11, 2006, have been  
produced.

Date: 12-18-06

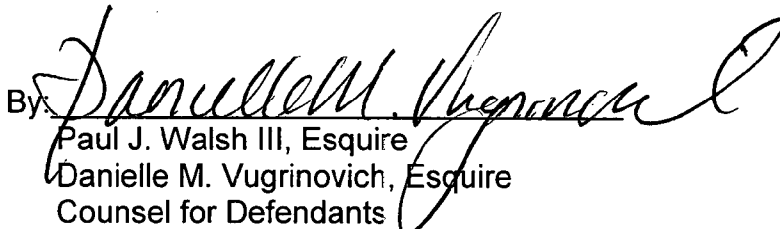
Beth A Sadley  
(Signature)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate of Compliance with Subpoena to Produce Documents & Things Pursuant to Rule 4009.23 Directed to Mountain Extreme, Inc.** has been mailed to counsel of record via first class mail, postage pre-paid, this 21<sup>st</sup> day of December, 2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE OF SUBPOENA  
DIRECTED TO MOUNTAIN EXTREME,  
INC.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED**

DEC 26 2006

12/12/06  
William A. Shaw  
Prothonotary/Clerk of Courts

no 4c

**FILED**

DEC 26 2006

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF SUBPOENA DIRECTED TO MOUNTAIN EXTREME, INC.**

AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, and Danielle M. Vugrinovich, Esquire, and file the following Answer and New Matter and aver as follows:

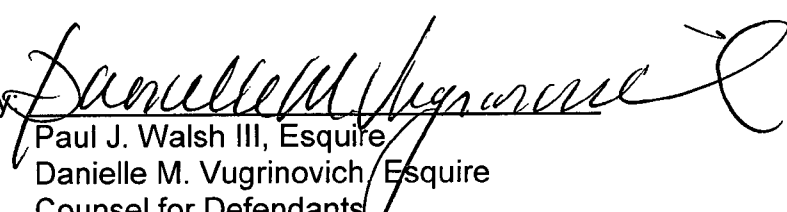
1. A Subpoena in connection with the above-captioned matter was served via certified mail return receipt requested on the Records Custodian of Mountain Extreme, Inc., 6381 Rockton Mountain, Rockton, PA 16856.

2. Attached hereto and marked as "Exhibit A" is a copy of the return of service signed by Ernie Rosseth (last name illegible on return receipt) and dated December 14, 2006.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By

  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Mountain Extreme, Inc.  
Attn: Legal Department  
6381 Rockton Mountain  
Rockton, PA 16856

## 2. Article Number

(Transfer from service label)

7005 3110 0003 4329 1661

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

☐ Agent☐ Addressee

## B. Received by (Printed Name)

Eric Rossok

## C. Date of Delivery

12/14/09

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

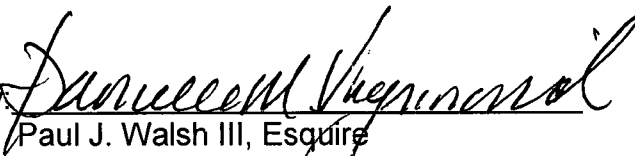


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof Of Service of Subpoena Directed To Mountain Extreme, Inc.** has been mailed to counsel of record via first class mail, postage pre-paid, this 21<sup>st</sup> day of December, 2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO HIGHMARK  
BLUE CROSS/BLUE SHIELD**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** *NO CC*  
*m/12:45*  
**MAR 08 2007** *(signature)*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

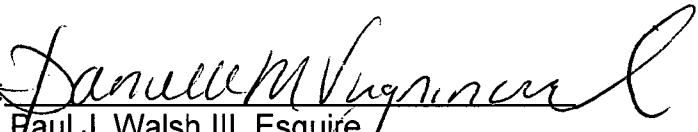
Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO HIGHMARK BLUE CROSS/BLUE SHIELD**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

**COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD**

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure  
Errigo Distributing Company  
Defendant(s)

\*

\*

\*

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

Highmark Blue Cross/Blue Shield  
TO: Fifth Avenue Place, 120 Fifth Avenue, Suite 2180, Pittsburgh, PA  
(Name of Person or Entity) 15222

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

SEE ATTACHED SHEET

Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower (Address)  
707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Danielle M. Vugrinovich, Esquire  
ADDRESS: Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower, 707 Grant St., Pittsburgh, PA 15219  
TELEPHONE: (412) 258-2255  
SUPREME COURT ID # 88326  
ATTORNEY FOR: Defendants

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, February 20, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

**Attachment to Subpoena to Produce Documents  
or Things For Discovery Pursuant to Rule 4009.22  
Directed to Highmark Blue Cross/Blue Shield**

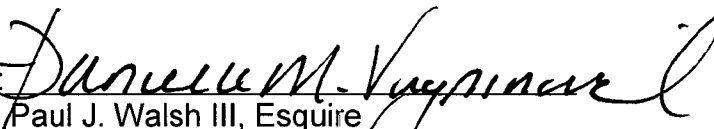
Please produce a lien printout of the amounts paid to Brian Rumery's healthcare providers dated August 2, 2004 to present and any other documentation of any outstanding health insurance liens. His Social Security Number is [REDACTED] and his date of birth is September 10, 1974.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Highmark Blue Cross/Blue Shield** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 6<sup>th</sup> day of March, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO CLEARFIELD  
HOSPITAL**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** NO CC  
m112:456  
MAR 08 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,


Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO CLEARFIELD HOSPITAL**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

\*

Vs.

\*

No. 2006-00267-CD

Thomas R. McClure  
Errigo Distributing Company  
Defendant(s)

\*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

Clearfield Hospital - Medical Records Department  
TO: 809 Turnpike Avenue, Clearfield, PA 16830  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

SEE ATTACHED SHEET

Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower (Address)  
707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Danielle M. Vugrinovich, Esquire  
ADDRESS: Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower, 707 Grant St., Pittsburgh, PA 15219  
TELEPHONE: (412) 258-2255  
SUPREME COURT ID # 88326  
ATTORNEY FOR: Defendants

BY THE COURT:

  
William A. Shinn  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, February 20, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

**Attachment to Subpoena to Produce Documents  
or Things For Discovery Pursuant to Rule 4009.22  
Directed to Clearfield Hospital**

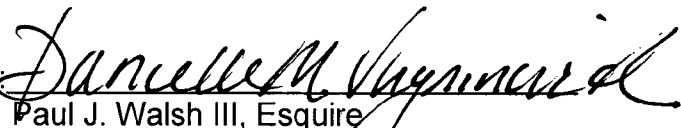
Please produce the medical records, billing statements and diagnostic films of Brian Rumery dated August 2, 1994 through the present. His Social Security Number is [REDACTED] and his date of birth is September 10, 1974.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Clearfield Hospital** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of March, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE PRE-REQUISITE TO  
SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND  
THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO  
HIGHMARK BLUE CROSS/BLUE  
SHIELD**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** 1cc AA4  
m/11:17 cm  
APR 02 2007 (S)

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO HIGHMARK BLUE CROSS/BLUE SHIELD**

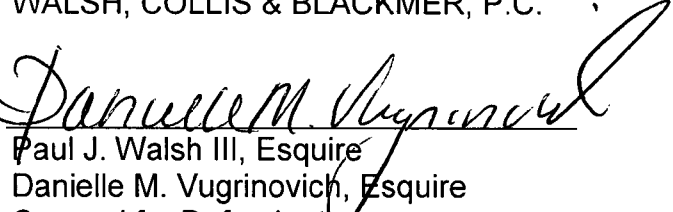
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to the Plaintiff's counsel. Twenty days has since lapsed.
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Service the Subpoena.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

493  
MSL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO HIGHMARK  
BLUE CROSS/BLUE SHIELD**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**COPY**  
**FILED**  
MAY 08 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

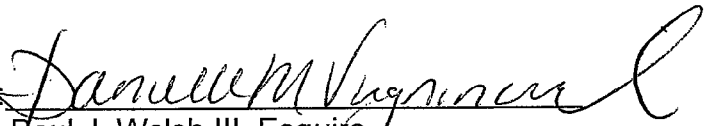
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO HIGHMARK BLUE CROSS/BLUE SHIELD**

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Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By



Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure  
Errigo Distributing Company  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

Highmark Blue Cross/Blue Shield  
TO: Fifth Avenue Place, 120 Fifth Avenue, Suite 2180, Pittsburgh, PA  
(Name of Person or Entity) 15222

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

SEE ATTACHED SHEET

Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower (Address)  
707 Grant Street, Pittsburgh, PA 15219

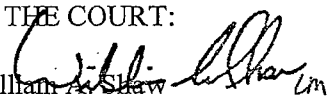
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Danielle M. Vugrinovich, Esquire  
ADDRESS: Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower, 707 Grant St., Pittsburgh, PA 15219  
TELEPHONE: (412) 258-2255  
SUPREME COURT ID # 88326  
ATTORNEY FOR: Defendants

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, February 20, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy



**Attachment to Subpoena to Produce Documents  
or Things For Discovery Pursuant to Rule 4009.22  
Directed to Highmark Blue Cross/Blue Shield**

Please produce a lien printout of the amounts paid to Brian Rumery's healthcare providers dated August 2, 2004 to present and any other documentation of any outstanding health insurance liens. His Social Security Number is [REDACTED] and his date of birth is September 10, 1974.

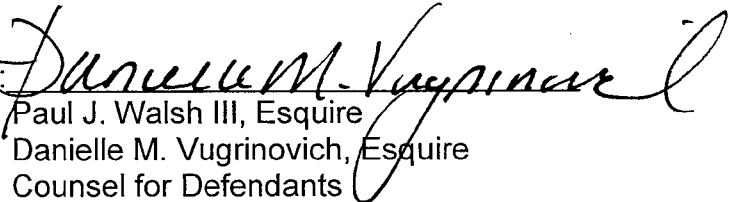
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Highmark Blue Cross/Blue Shield** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 6<sup>th</sup> day of March, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

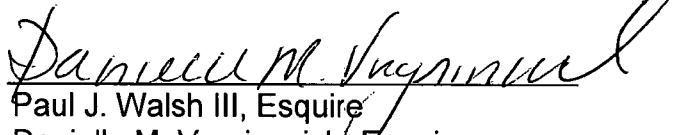
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 Directed to Highmark Blue Cross/Blue Shield** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 30<sup>th</sup> day of March, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE PRE-REQUISITE TO  
SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND  
THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO  
CLEARFIELD HOSPITAL**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** ICC Atty  
m/11.17 cm  
APR 02 2007  
cm

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO CLEARFIELD HOSPITAL**

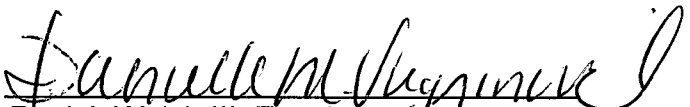
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to the Plaintiff's counsel. Twenty days has since lapsed.
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Service the Subpoena.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

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Mis

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO CLEARFIELD  
HOSPITAL**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Danielle M. Vugrinovich, Esquire  
PA I.D. # 88326

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**COPY**  
FILED  
MAR 08 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

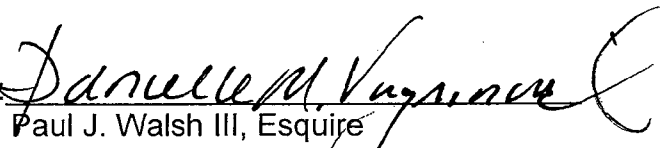
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO CLEARFIELD HOSPITAL**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure  
Errigo Distributing Company  
Defendant(s)

\*

\*

\*

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

Clearfield Hospital - Medical Records Department  
TO: 809 Turnpike Avenue, Clearfield, PA 16830  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

SEE ATTACHED SHEET

Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower (Address)  
707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Danielle M. Vugrinovich, Esquire  
ADDRESS: Walsh, Collis & Blackmer, P.C.  
Suite 1400 Gulf Tower, 707 Grant St., Pittsburgh, PA 15219  
TELEPHONE: (412) 258-2255  
SUPREME COURT ID # 88326  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, February 20, 2007  
Seal of the Court

Deputy



**Attachment to Subpoena to Produce Documents  
or Things For Discovery Pursuant to Rule 4009.22  
Directed to Clearfield Hospital**

Please produce the medical records, billing statements and diagnostic films of Brian Rumery dated August 2, 1994 through the present. His Social Security Number is [REDACTED] and his date of birth is September 10, 1974.

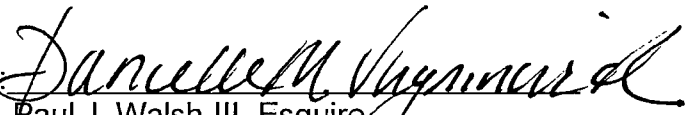
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Clearfield Hospital** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of March, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

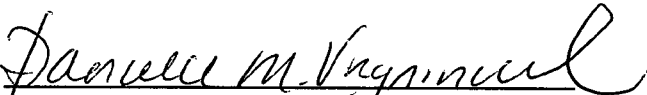
  
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 Directed to Clearfield Hospital** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 30<sup>th</sup> day of March, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:   
Paul J. Walsh III, Esquire  
Danielle M. Vugrinovich, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO STATE FARM  
INSURANCE**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** *no cc*  
*m12:32/84*  
APR 09 2007  
*(Signature)*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

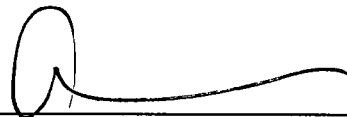
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO STATE FARM INSURANCE COMPANY**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure and  
Errigo Distributing Company  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: State Farm Insurance Company

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

complete first party benefits file for Brian J. Rumery,  
DOB: 09/10/74 SS#: 209-52-6685 Policy #: 23 0205-C09-38A

Walsh, Collis & Blackmer, P.C. (Address)  
The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire

ADDRESS: 707 Grant Street, Suite 1400  
Pittsburgh, PA 15219

TELEPHONE: 412-258-2255


SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

  
Deputy

DATE: Friday, March 30, 2007  
Seal of the Court

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to State Farm Insurance Company** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 5<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:



\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO RALPH A.  
CARDAMONE, M.D.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** *no cc*  
*m/12:32/24*  
**APR 09 2007** *(initials)*  
William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,


Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO RALPH A. CARDAMONE, M.D.**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:   
\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure and  
Errigo Distributing Company  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Ralph A. Cardamone, M.D.  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

complete medical file of Brian J. Rumery  
DOB: 09/10/74 SS: 209-52-6685

(Address)  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219  
You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

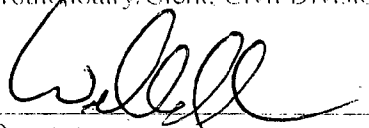
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire  
ADDRESS: 707 Grant Street, Suite 1400  
Pittsburgh, PA 15219  
TELEPHONE: 412-258-2255  
SUPREME COURT ID # 87774  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Friday, March 30, 2007  
Seal of the Court

  
Deputy

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Ralph A. Cardamone, M.D.** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 5<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.

---

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO CVS  
PHARMACY - CLEARFIELD**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED**  
m/12/31/07  
APR 09 2007  
NCC  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,


Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO CVS PHARMACY - CLEARFIELD**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:   
\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure and  
Errigo Distributing Company  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: CVS Pharmacy

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

complete prescription records for Brian J. Rumery,  
DOB: 09/10/74 SS#: 209-52-6685

Walsh, Collis & Blackmer, P.C.(Address)  
The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

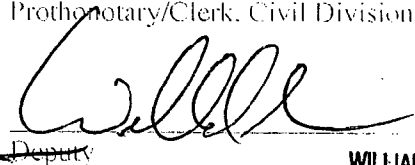
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire  
ADDRESS: 707 Grant Street, Suite 1400  
Pittsburgh, PA 15219  
TELEPHONE: 412-258-2255  
SUPREME COURT ID # 87774  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Friday, March 30, 2007  
Seal of the Court

  
Deputy

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to CVS Pharmacy – Clearfield** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 5<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO RELIANT  
ENERGY**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** *NOCC*  
*m1232/04*  
**APR 09 2007**  
William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO RELIANT ENERGY**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure and  
Errigo Distributing Company  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Reliant Energy  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

complete employment file of Brian J. Rumery,  
DOB: 09/10/74 SS#: 209-52-6685

Walsh, Collis & Blackmer, P.C. (Address)

The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire  
ADDRESS: 707 Grant Street, Suite 1400  
Pittsburgh, PA 15219  
TELEPHONE: 412-258-2255  
SUPREME COURT ID # 87774  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Friday, March 30, 2007  
Seal of the Court

Deputy

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

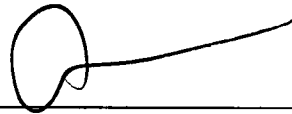
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Reliant Energy** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 5<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be "Paul J. Walsh III", written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PRAECIPE FOR SUBSTITUTION  
OF APPEARANCE**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for This Party:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** No CC  
APR 09 2007  
William A. Shaw  
Prothonotary/Clerk of Courts  
copy to CIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD  
(Jury Trial Demanded)

**PRAECIPE FOR SUBSTITUTION OF APPEARANCE**

TO: Prothonotary

Please substitute the appearance of Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire in place of Paul J. Walsh III, Esquire and Danielle M. Vugrinovich, Esquire, all of whom are associated with Walsh, Collis & Blackmer, P.C. as counsel on behalf of the Defendants, Thomas R. McClure, an individual, and Errigo Distributing Company, a corporation, in the above-captioned matter.

**JURY TRIAL DEMANDED**

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to read 'Paul J. Walsh III', with a long horizontal flourish extending to the right.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants


**CERTIFICATE OF SERVICE**

HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe for Substitution of Appearance** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 4<sup>th</sup> day of April, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

  
\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE OF SUBPOENA  
ON HIGHMARK BLUE CROSS/BLUE  
SHIELD**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *NO cc*  
*3/11/07*  
**APR 09 2007**  
*Um*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF SUBPOENA ON HIGHMARK BLUE CROSS/BLUE SHIELD**

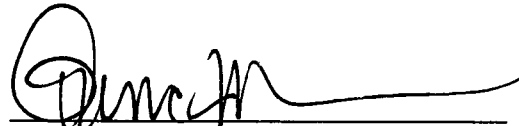
AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and files the following Proof of Service of Subpoena on Highmark Blue Cross/Blue Shield and aver as follows:

1. A subpoena in connection with the above-captioned matter was served via Certified Mail, return receipt requested on the Records Custodian of Highmark, Blue Cross/Blue Shield.
2. Attached hereto and marked as "Exhibit A" is the true and correct return of service.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Highmark Blue Cross/  
Blue Shield  
Fifth Avenue Place  
120 Fifth Avenue  
Suite 2180  
Pittsburgh, PA 15222

2. Article Number  
(Transfer from service label)

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

☐ Yes

☐ No

APR 02 2007

3. Service Type **Highmark**

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7005 3028-0003 0005 4717

Domestic Return Receipt

102595-02-M-1540

EXHIBIT

A

PSN/CAD 800-631-6989

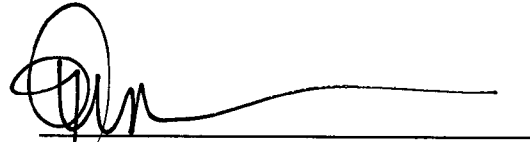
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on Highmark Blue Cross/Blue Shield** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 4<sup>th</sup> day of April, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be "Paul J. Walsh III", written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO CLEARFIELD  
EMS**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED**

APR 12 2007

m/12:30/1w

William A. Shaw

Prothonotary/Clerk of Courts

1 cent to Art) (GR)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO CLEARFIELD EMS**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure, an individual and  
Errigo Distributing Company, a corporation,  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Clearfield EMS

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

Complete medical file of Brian J. Rumery  
DOB: 09/10/74 SS#: 209-52-6685

Walsh, Collis & Blackmer, P.C. (Address)

The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire

ADDRESS: The Gulf Tower, Suite 1400

707 Grant Street, Pittsburgh, PA 15219

TELEPHONE: (412) 258-2255

SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

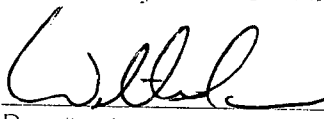
BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Monday, April 09, 2007

Seal of the Court

  
Deputy

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Clearfield EMS** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be "Paul J. Walsh III", written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**FILED**

APR 12 2007

m/12:30 (w) (6P)

William A. Shaw

Prothonotary/Clerk of Courts

1 cert to H-17

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO THE  
DEPARTMENT OF PUBLIC WELFARE**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO THE DEPARTMENT OF PUBLIC WELFARE**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure, an individual and  
Errigo Distributing Company, a corporation.  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Commonwealth of Pennsylvania, Department of Public Welfare  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

Complete lien information for Brian J. Rumery  
DOB: 09/10/74 SS#: 209-52-6685

Walsh, Collis & Blackmer, P.C. (Address)  
The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

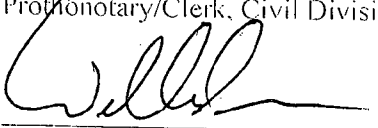
If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire  
ADDRESS: The Gulf Tower, Suite 1400  
707 Grant Street, Pittsburgh, PA 15219  
TELEPHONE: (412) 258-2255  
SUPREME COURT ID # 87774  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

  
Deputy

DATE: Monday, April 09, 2007  
Seal of the Court

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to the Department of Public Welfare** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE PRE-REQUISITE TO  
SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND  
THINGS PURSUANT TO  
RULE 4009.22 DIRECTED RELIANT  
ENERGY**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** *ICC AM*  
*m/11:20 am* *Zumpella*  
**APR 13 2007**  
*(SM)*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO RELIANT ENERGY**

As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party. Plaintiff has waived the twenty (20) day notice requirement.
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Service the Subpoena.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO RELIANT  
ENERGY**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

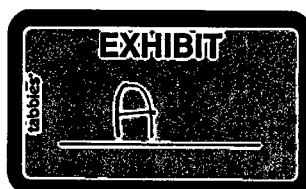
Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.


**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO RELIANT ENERGY**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure and  
Errigo Distributing Company  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Reliant Energy  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

complete employment file of Brian J. Rumery,  
DOB: 09/10/74 SS#: 209-52-6685

Walsh, Collis & Blackmer, P.C. (Address)

The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

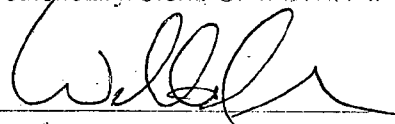
If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire  
ADDRESS: 707 Grant Street, Suite 1400  
Pittsburgh, PA 15219  
TELEPHONE: 412-258-2255  
SUPREME COURT ID # 87774  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

  
Deputy

DATE: Friday, March 30, 2007  
Seal of the Court

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

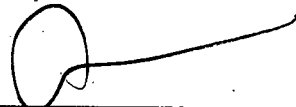
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Reliant Energy** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 5<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

  
\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 Directed to Reliant Energy** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of April, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By: 

\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE PRE-REQUISITE TO  
SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND  
THINGS PURSUANT TO  
RULE 4009.22 DIRECTED STATE FARM  
INSURANCE COMPANY**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** *cc Atty  
Zumpella*  
*m/11:20 am*  
**APR 13 2007**  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO STATE FARM INSURANCE COMPANY**

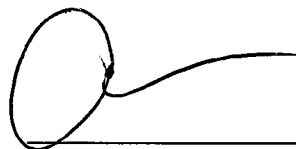
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party. Plaintiff has waived the twenty (20) day notice requirement.
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Service the Subpoena.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO STATE FARM  
INSURANCE**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

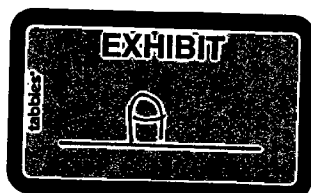
Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

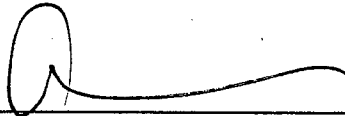
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO STATE FARM INSURANCE COMPANY**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

  
\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure and  
Errigo Distributing Company  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: State Farm Insurance Company

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

complete first party benefits file for Brian J. Rumery,  
DOB: 09/10/74 SS#: 209-52-6685 Policy #: 23 0205-C09-38A

Walsh, Collis & Blackmer, P.C. (Address)  
The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire  
ADDRESS: 707 Grant Street, Suite 1400  
Pittsburgh, PA 15219  
TELEPHONE: 412-258-2255  
SUPREME COURT ID # 87774  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Friday, March 30, 2007  
Seal of the Court

  
Deputy

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to State Farm Insurance Company** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 5<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:



---

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

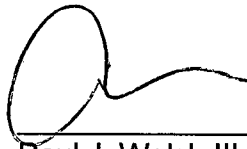
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 Directed to State Farm Insurance Company** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of April, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE PRE-REQUISITE TO  
SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND  
THINGS PURSUANT TO  
RULE 4009.22 DIRECTED CVS  
PHARMACY**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** ICC Atty  
m/11:20 am Zumpella  
APR 13 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO CVS PHARMACY**

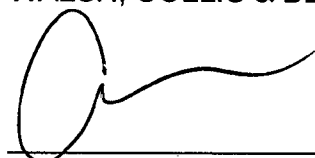
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party. Plaintiff has waived the twenty (20) day notice requirement.
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Service the Subpoena.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO CVS  
PHARMACY - CLEARFIELD**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

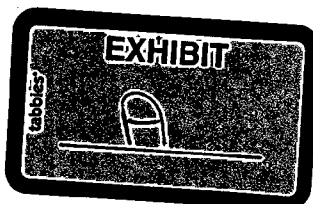
Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO CVS PHARMACY - CLEARFIELD**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



---

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure and  
Errigo Distributing Company  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: CVS Pharmacy

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

complete prescription records for Brian J. Rumery,  
DOB: 09/10/74 SS#: 209-52-6685

Walsh, Collis & Blackmer, P.C. (Address)  
The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

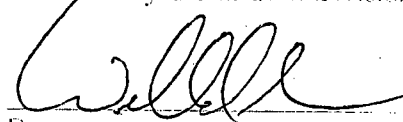
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire  
ADDRESS: 707 Grant Street, Suite 1400  
Pittsburgh, PA 15219  
TELEPHONE: 412-258-2255  
SUPREME COURT ID # 87774  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Friday, March 30, 2007  
Seal of the Court

  
Deputy

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to CVS Pharmacy – Clearfield** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 5<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

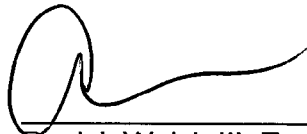
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 Directed to CVS Pharmacy** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of April, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE PRE-REQUISITE TO  
SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND  
THINGS PURSUANT TO  
RULE 4009.22 DIRECTED RALPH A.  
CARDAMONE, M.D.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** 1 CC Atty  
m/jl:20um Zumpella  
APR 13 2007  
William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO RALPH A. CARDAMONE, M.D.**

As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party. Plaintiff has waived the twenty (20) day notice requirement.
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Service the Subpoena.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO RALPH A.  
CARDAMONE, M.D.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

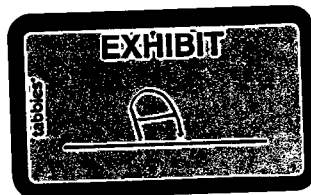
Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO RALPH A. CARDAMONE, M.D.**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



---

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure and  
Errigo Distributing Company  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Ralph A. Cardamone, M.D.  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

complete medical file of Brian J. Rumery  
DOB: 09/10/74 SS: 209-52-6685

(Address)  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219  
You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire  
ADDRESS: 707 Grant Street, Suite 1400  
Pittsburgh, PA 15219  
TELEPHONE: 412-258-2255  
SUPREME COURT ID # 87774  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Friday, March 30, 2007  
Seal of the Court

Deputy

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Ralph A. Cardamone, M.D.** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 5<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 Directed to Ralph A. Cardamone, M.D.** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of April, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE OF SUBPOENA  
ON CLEARFIELD HOSPITAL**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** ICC Atty  
mll:20 um Zumpella  
APR 13 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF SUBPOENA ON CLEARFIELD HOSPITAL**

AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and files the following Proof of Service of Subpoena on Highmark Blue Cross/Blue Shield and aver as follows:

1. A subpoena in connection with the above-captioned matter was served via Certified Mail, return receipt requested on the Records Custodian of Clearfield Hospital.
2. Attached hereto and marked as "Exhibit A" is the true and correct return of service.

Respectfully submitted,

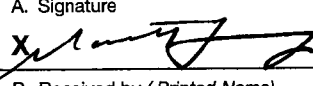
WALSH, COLLIS & BLACKMER, P.C.

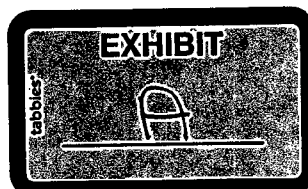
By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  </p> <p><input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Clearfield Hospital  809 Turnpike Avenue  Clearfield, PA 16830</p> <p>ATTN: Medical Records</p>		<p>B. Received by (Printed Name)  Marty Yonah</p> <p>C. Date of Delivery  4-3-07</p>	
		<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>P.O. Box 992  Clearfield, Pa. 16830</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  (Transfer from service label)</p>		<p>7005 3110 0003 4329 1593</p>	
<p>Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	
		<p>102595-02-M-1540</p>	



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on Clearfield Hospital** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 10<sup>th</sup> day of April, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By: 

\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE OF SUBPOENA  
ON RELIANT ENERGY**  
(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *no cc*  
*m/11:00/2007*  
**APR 16 2007**  
*(SM)*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF SUBPOENA ON RELIANT ENERGY**

AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and file the following Proof of Service of Subpoena on Reliant Energy and aver as follows:

1. A subpoena in connection with the above-captioned matter was served via Certified Mail, return receipt requested on the Records Custodian of Reliant Energy.
2. Attached hereto and marked as "Exhibit A" is the true and correct return of service.

Respectfully submitted,

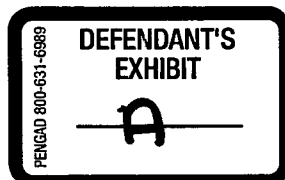
WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <div style="display: flex; justify-content: space-between; align-items: center;"> <span style="font-size: 1.5em;">x</span> <span style="font-family: cursive; font-size: 1.2em;">D Butler</span> <div style="text-align: right;"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee </div> </div> </p> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>B. Received by (Printed Name)  <div style="font-family: cursive; font-size: 1.2em;">D Butler</div> </p> </div> <div style="width: 35%;"> <p>C. Date of Delivery</p> </div> </div> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="font-family: cursive; font-size: 1.2em; padding-top: 10px;"> Reliant Energy  Shawville Power Plant  250 Power Plant Drive  P.O. Box F  Shawville, PA 16873-0403 </div>	<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Certified Mail  <input type="checkbox"/> Registered  <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail  <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> C.O.D. </div> </div>
<p>2. Article Number  <small>(Transfer from service label)</small></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<div style="font-family: monospace; font-size: 1.2em; letter-spacing: 0.5em;">7004 0750 0002 7255 9186</div>	
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>PS Form 3811, February 2004</span> <span>Domestic Return Receipt</span> <span>102595-02-M-1540</span> </div>	



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on Reliant Energy** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 13<sup>th</sup> day of April, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:



---

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE OF SUBPOENA  
ON CVS PHARMACY**  
(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *NO cc*  
*m/11:04/50*  
APR 16 2007  
*um*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF SUBPOENA ON CVS PHARMACY**

AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and file the following Proof of Service of Subpoena on CVS Pharmacy and aver as follows:

1. A subpoena in connection with the above-captioned matter was served via Certified Mail, return receipt requested on the Records Custodian of CVS Pharmacy.
2. Attached hereto and marked as "Exhibit A" is the true and correct return of service.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

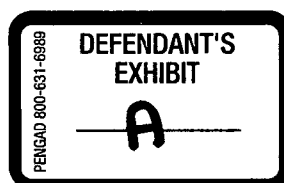
By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <div style="display: flex; align-items: center;"> <span style="font-size: 2em; margin-right: 10px;">X</span> <div style="margin-left: 10px;"> <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee </div> </div> </p> <div style="display: flex; border-top: 1px solid black; padding-top: 5px;"> <div style="flex: 1;"> <p>B. Received by (Printed Name)</p> </div> <div style="flex: 1;"> <p>C. Date of Delivery</p> </div> </div>
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em; margin-top: 10px;">QUS Pharmacy  3055 PARK Place  Clearfield, PA 16830</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number  <i>(Transfer from service label)</i></p>	<p>3. Service Type</p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input checked="" type="checkbox"/> Certified Mail </div> <div style="width: 50%;"> <input type="checkbox"/> Express Mail </div> <div style="width: 50%;"> <input type="checkbox"/> Registered </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> Return Receipt for Merchandise </div> <div style="width: 50%;"> <input type="checkbox"/> Insured Mail </div> <div style="width: 50%;"> <input type="checkbox"/> C.O.D. </div> </div>
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<div style="display: flex; justify-content: space-between;"> <span>7004 0750 0002 7255 9193</span> </div>	
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>PS Form 3811, February 2004</span> <span>Domestic Return Receipt</span> <span>102595-02-M-1540</span> </div>	



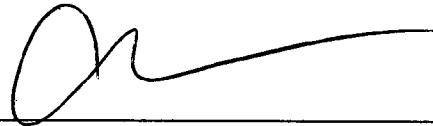
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on CVS Pharmacy** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 13<sup>th</sup> day of April, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE OF SUBPOENA  
ON RALPH A. CARDAMONE, M.D.**  
(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *no cc*  
*mll:09/01*  
APR 16 2007  
*(m)*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF SUBPOENA ON RALPH A. CARDAMONE, M.D.**

AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and file the following Proof of Service of Subpoena on Ralph A. Cardamone, M.D. and aver as follows:

1. A subpoena in connection with the above-captioned matter was served via Certified Mail, return receipt requested on the Records Custodian of Ralph A. Cardamone, M.D.
2. Attached hereto and marked as "Exhibit A" is the true and correct return of service.

Respectfully submitted,

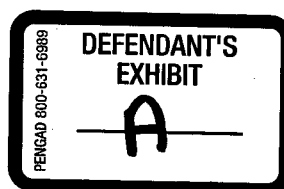
WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> <i>Crystal Cashier</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>RALPH A. CARDAMONE, M.D.</i>  <i>10 South 2<sup>nd</sup> Street</i>  <i>Clearfield, PA 16830</i></p>		<p>B. Received by (Printed Name) <i>Crystal Cashier</i> C. Date of Delivery <i>4-12-07</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number          (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
		<p>7004 0750 0002 7255 9179</p>	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on Ralph A. Cardamone, M.D.** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 13<sup>th</sup> day of April, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:



---

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE PRE-REQUISITE TO  
SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND  
THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO THE  
DEPARTMENT OF PUBLIC WELFARE**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** *no cc*  
*m/1:35/64*  
APR 19 2007 *CK*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO THE DEPARTMENT OF PUBLIC WELFARE**

As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party. Plaintiff has waived the twenty (20) day notice requirement.
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Service the Subpoena.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO THE  
DEPARTMENT OF PUBLIC WELFARE**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO THE DEPARTMENT OF PUBLIC WELFARE**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure, an individual and  
Errigo Distributing Company, a corporation,  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Commonwealth of Pennsylvania, Department of Public Welfare  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

Complete lien information for Brian J. Rumery  
DOB: 09/10/74 SS#: 209-52-6685

Walsh, Collis & Blackmer, P.C. (Address)  
The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA15219

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

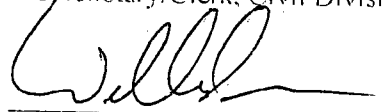
If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire  
ADDRESS: The Gulf Tower, Suite 1400  
707 Grant Street, Pittsburgh, PA 15219  
TELEPHONE: (412) 258-2255  
SUPREME COURT ID # 87774  
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Monday, April 09, 2007  
Seal of the Court

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to the Department of Public Welfare** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 Directed to the Department of Public Welfare** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 17<sup>th</sup> day of April, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By: 

\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE PRE-REQUISITE TO  
SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND  
THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO  
CLEARFIELD EMS, INC.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493

**FILED** *no cc*  
*MT 35/D*  
APR 19 2007 *GR*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO  
RULE 4009.22 DIRECTED TO CLEARFIELD EMS, INC.**

As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party. Plaintiff has waived the twenty (20) day notice requirement.
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Service the Subpoena.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.



By:

---

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF INTENT TO SERVE A  
SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR  
DISCOVERY PURSUANT TO RULE  
4009.21 DIRECTED TO CLEARFIELD  
EMS**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 258-2255

#493



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

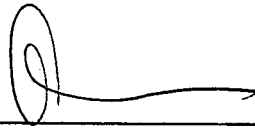
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21  
DIRECTED TO CLEARFIELD EMS**

Defendants, Thomas R. McClure, an individual and Errigo Distributing Company, a corporation, intend to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

  
\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Brian J. Rumery  
Plaintiff(s)

Vs.

Thomas R. McClure, an individual and  
Errigo Distributing Company, a corporation,  
Defendant(s)

No. 2006-00267-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Clearfield EMS

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

~~Complete medical file of Brian J. Rumery~~

~~DOB: 09/10/74~~

~~SS#: 209-52-6685~~

Walsh, Collis & Blackmer, P.C. (Address)

The Gulf Tower, Suite 1400, 707 Grant Street, Pittsburgh, PA 15219

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Gina M. Zumpella, Esquire

ADDRESS: The Gulf Tower, Suite 1400

707 Grant Street, Pittsburgh, PA 15219

TELEPHONE: (412) 258-2255

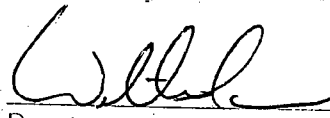
SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

DATE: Monday, April 09, 2007  
Seal of the Court

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 Directed to Clearfield EMS** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10<sup>th</sup> day of April, 2007:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:



---

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate Pre-Requisite to Service of a Subpoena to Produce Documents and Things Pursuant to Rule 4009.22 Directed to Clearfield EMS, Inc.** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 17<sup>th</sup> day of April, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be "Paul J. Walsh III", written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE OF SUBPOENA  
ON CLEARFIELD EMS, INC.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED**

APR 23 2007

m / 12:30 / u  
William A. Shaw  
Prothonotary/Clerk of Courts

1 sent to ATT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF SUBPOENA ON CLEARFIELD EMS, INC.**

AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and files the following Proof of Service of Subpoena on Clearfield EMS, Inc. and aver as follows:

1. A subpoena in connection with the above-captioned matter was served via Certified Mail, return receipt requested on the Records Custodian of EMS, Inc.
2. Attached hereto and marked as "Exhibit A" is the true and correct return of service.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Clearfield EMS, Inc.  
713 West Front Street  
Clearfield, PA 16830

## 2. Article Number

(Transfer from service label)

7005 1820 0003 0011 3001

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X Pam Charles

☐ Agent☐ Addressee

## B. Received by (Printed Name)

Pam Charles

## C. Date of Delivery

APR 15 2005

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail☒ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on Clearfield EMS, Inc.** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 20<sup>th</sup> day of April, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE OF SUBPOENA  
ON STATE FARM INSURANCE  
COMPANY**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *NOCC*  
*m12:41/61*  
APR 23 2007 *(SM)*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF SUBPOENA ON STATE FARM INSURANCE COMPANY**

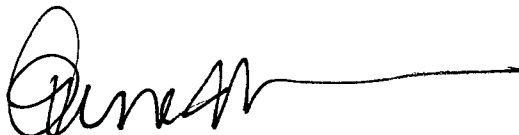
AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and file the following Proof of Service of Subpoena on State Farm Insurance Company and aver as follows:

1. A subpoena in connection with the above-captioned matter was served via Certified Mail, return receipt requested on the Records Custodian of State Farm Insurance Company.
2. Attached hereto and marked as "Exhibit A" is the true and correct return of service.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STATE FARM Insurance Co.  
One STATE FARM Drive  
Concordville, PA 19339

2. Article Number

(Transfer from service label)

7004 0750 0002 7255 9162

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

LARRY DURBA

C. Date of Delivery

4-16-07

D. Is delivery address different from item 1?

☐ Yes

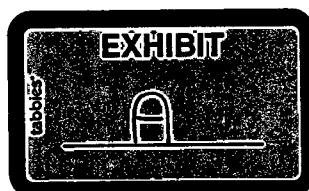
If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

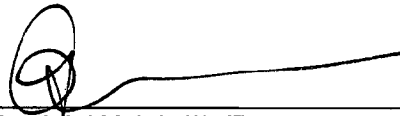
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on State Farm Insurance Company** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 19<sup>th</sup> day of April, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE OF COMPLIANCE  
WITH SUBPOENA DIRECTED TO  
STATE FARM INSURANCE**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *NO CC*  
*mll:1030*  
APR 25 2007 *(CK)*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**NOTICE**

TO: State Farm Insurance Company  
One State Farm Drive  
Concordville, PA 19339  
**Attn: Records Custodian**

You are required to complete the following Certificate of Compliance when producing documents or things to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO PRODUCE DOCUMENTS  
& THINGS PURSUANT TO RULE 4009.23 DIRECTED TO STATE FARM  
INSURANCE COMPANY**

I, Mei Schrekker, Claim Rep of State

Farm Insurance Company, certify to the best of my knowledge, information and belief that all documents or things required to be produced to this Subpoena issued on April 10, 2007 have been produced.

Date: 4-17-07

[Signature]  
(Signature)

\* Motorcycle Policy — No first party benefits!!

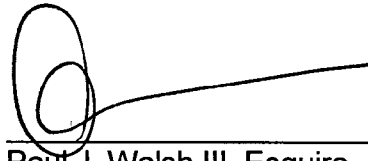
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate of Compliance With Subpoena Directed to State Farm Insurance** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, 23<sup>rd</sup> day of April, 2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE OF COMPLIANCE  
WITH SUBPOENA DIRECTED TO  
CLEARFIELD EMS, INC.**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** No  
MTH/IOBH  
APR 25 2007 (CK)  
William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**NOTICE**

TO: Clearfield EMS, Inc.  
713 West Front Street  
Clearfield, PA 16830  
**Attn: Records Custodian**

You are required to complete the following Certificate of Compliance when producing documents or things to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO PRODUCE DOCUMENTS  
& THINGS PURSUANT TO RULE 4009.23 DIRECTED TO CLEARFIELD EMS, INC.**

I, Terry WIGFIELD, Director of operation of Clearfield EMS, Inc. certify to the best of my knowledge, information and belief that all documents or things required to be produced to this Subpoena issued on April 16, 2007 have been produced.

Date: 4/19/2007

Terry Wigfield  
(Signature)

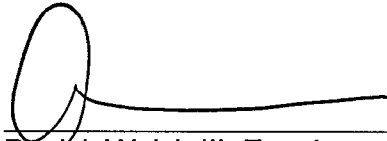
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate of Compliance with Subpoena Directed to Clearfield EMS, Inc.** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 23<sup>rd</sup> day of April, 2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defencants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE OF COMPLIANCE  
WITH SUBPOENA DIRECTED TO  
RALPH A. CARDAMONE, M.D.**  
(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *NO CC*  
*m 11:10 AM*  
APR 25 2007 *6K*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**NOTICE**


TO: Ralph A. Cardamone, M.D.  
10 South 2<sup>nd</sup> Street  
Clearfield, PA 16830  
**Attn: Records Custodian**

You are required to complete the following Certificate of Compliance when producing documents or things to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO PRODUCE DOCUMENTS  
& THINGS PURSUANT TO RULE 4009.23 DIRECTED TO RALPH A. CARDAMONE,  
M.D.**

I, \_\_\_\_\_ of Ralph A.  
Cardamone, M.D., certify to the best of my knowledge, information and belief that all documents or things required to be produced to this Subpoena issued on April 10, 2007 have been produced.

Date: 4-19-07

  
\_\_\_\_\_  
(Signature)

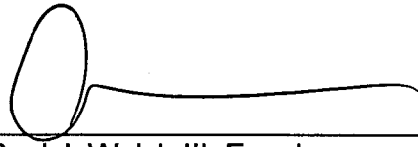
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate of Compliance With Subpoena Directed to Ralph A. Cardamone, M.D.** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 26<sup>th</sup> day of April, 2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

  
\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE OF SUBPOENA  
ON THE DEPARTMENT OF PUBLIC  
WELFARE**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** NOCC  
M110-54281  
APR 26 2007 LS

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF SUBPOENA ON THE DEPARTMENT OF PUBLIC  
WELFARE**

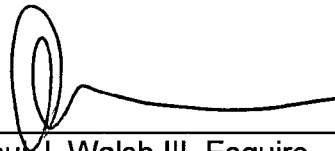
AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and file the following Proof of Service of Subpoena on the Department of Public Welfare and aver as follows:

1. A subpoena in connection with the above-captioned matter was served via Certified Mail, return receipt requested on the Records Custodian of the Department of Public Welfare.
2. Attached hereto and marked as "Exhibit A" is the true and correct return of service.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Commonwealth of PA  
 Department of Public Welfare  
 Bureau of Financial Operations  
 TPL SECTION- CASUALTY UNIT  
 P.O. Box 8486  
 HARRISBURG, PA 17105-8486

2. Article Number

(Transfer from service label)

7005 1820 0003 0005 4755

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*T. Doyle*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

T. DOYLE

APR 20 2007

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

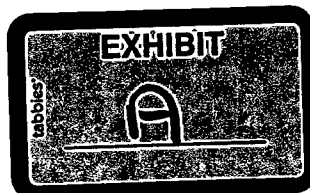
☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.C.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes






**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on the Department of Public Welfare** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 24<sup>th</sup> day of April, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

  
\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE OF COMPLIANCE WITH  
SUBPOENA DIRECTED TO  
CLEARFIELD HOSPITAL**  
(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *no cc*  
*mjl:07/01*  
MAY 02 2007 *(GK)*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**NOTICE**

TO: Clearfield Hospital  
809 Turnpike Avenue  
Clearfield, PA 16830

**Attention: Medical Records**

You are required to complete the following Certificate of Compliance when producing documents or things to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO PRODUCE DOCUMENTS  
& THINGS PURSUANT TO RULE 4009.23 DIRECTED TO CLEARFIELD HOSPITAL**

I, Bridgett Sidoreick of Clearfield Hospital, certify to the best of my knowledge, information and belief that all documents or things required to be produced to this Subpoena issued on March 30, 2007, have been produced. Records from August 2, 1994 to March 30, 2007

Date: 4-26-07

Bridgett Sidoreick RITA  
(Signature)

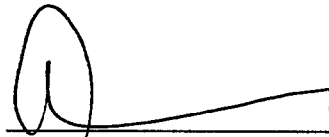
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate of Compliance with Subpoena Directed to Clearfield Hospital** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 30<sup>th</sup> day of April, 2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE OF COMPLIANCE WITH  
SUBPOENA DIRECTED TO THE  
DEPARTMENT OF PUBLIC WELFARE**  
(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** NOCC  
MAY 02 2007 GR

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**NOTICE**

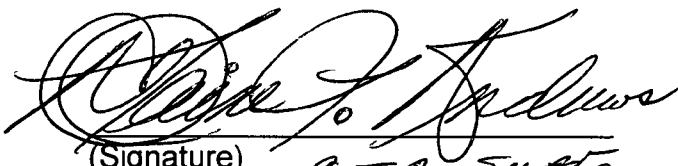
TO: Commonwealth of Pennsylvania  
Department of Public Welfare  
Bureau of Financial Operations  
TPL Section – Casualty Unit  
P.O. Box 8486  
Harrisburg, PA 17105-8486  
**Attn: Records Custodian**

You are required to complete the following Certificate of Compliance when producing documents or things to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO PRODUCE DOCUMENTS  
& THINGS PURSUANT TO RULE 4009.23 DIRECTED TO THE DEPARTMENT OF  
PUBLIC WELFARE**

I, ELAINE L. Andrews, CIA Supr. of the  
Department of Public Welfare, certify to the best of my knowledge, information and  
belief that all documents or things required to be produced to this Subpoena issued on  
April 16, 2007 have been produced.

Date: 04/26/2007

  
(Signature) CIA Supr.


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate of Compliance with Subpoena Directed to the Department of Public Welfare** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 30<sup>th</sup> day of April, 2006:

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

  
\_\_\_\_\_  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**NOTICE OF SERVICE OF  
DEFENDANTS' SUPPLEMENTAL  
DISCOVERY REQUESTS DIRECTED  
TO PLAINTIFF**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *no cc*  
*mjl 5481*  
MAY 03 2007  
*LM*

William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**NOTICE OF SERVICE OF DEFENDANTS' SUPPLEMENTAL DISCOVERY  
REQUESTS DIRECTED TO PLAINTIFF**

To: Prothonotary

The undersigned herein represents that Defendants' Supplemental Discovery Requests Directed to Plaintiff were sent to Frederick M. Neiswender, Esquire, Neiswender & Kubista, 501 East Market Street, Suite 3, Clearfield, PA 16803 on the 1<sup>st</sup> day of May, 2007.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

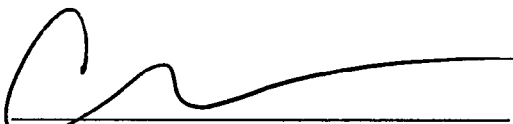
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Service of Defendants' Supplemental Discovery Requests Directed to Plaintiff** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 1<sup>st</sup> day of May, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE OF COMPLIANCE  
WITH SUBPOENA DIRECTED TO  
CVS PHARMACY**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *no cc*  
*m/11:04/321*  
**MAY 04 2007** *(GR)*  
William A. Shaw  
Prothonotary/Clerk of Courts

#493

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

NOTICETO: CVS Pharmacy  
3055 Park Place  
Clearfield, PA 16830  
Attn: Records Custodian

You are required to complete the following Certificate of Compliance when producing documents or things to the Subpoena.

CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO PRODUCE DOCUMENTS  
& THINGS PURSUANT TO RULE 4009.23 DIRECTED TO CVS PHARMACYDonna M. Dubois  
Custodian of Records

I, \_\_\_\_\_ of CVS

Pharmacy, certify to the best of my knowledge, information and belief that all documents or things required to be produced to this Subpoena issued on April 10, 2007 have been produced.

Date: April 20, 2007

Donna M. Dubois  
Custodian of Records  
(Signature)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate of Compliance with Subpoena Directed to CVS Pharmacy** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 2<sup>nd</sup> day of May, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By: 

---

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**CERTIFICATE OF COMPLIANCE  
WITH SUBPOENA DIRECTED TO  
RELIANT ENERGY**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** *nc*  
*mt/11:04/07*  
MAY 04 2007 *GR*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

NOTICE

TO: Reliant Energy  
Shawville Power Plant  
250 Power Plant Drive  
P.O. Box F  
Shawville, PA 16873-0403  
Attn: Records Custodian

You are required to complete the following Certificate of Compliance when  
producing documents or things to the Subpoena.

CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO PRODUCE DOCUMENTS  
& THINGS PURSUANT TO RULE 4009.23 DIRECTED TO RELIANT ENERGY

I, P. J. McDowell, HR Representative of Reliant  
Energy, certify to the best of my knowledge, information and belief that all documents or  
things required to be produced to this Subpoena issued on April 10, 2007 have been  
produced.

Date: 04/26/2007

P. J. McDowell  
(Signature)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certificate of Compliance with Subpoena Directed to Reliant Energy** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 2<sup>nd</sup> day of May, 2007.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be "Paul J. Walsh III", written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



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

BRIAN J. RUMERY,

Plaintiff,

vs.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY,  
a corporation,

Defendants.

No. 06 - 267 - CD

Type of case: Civil

Type of pleading: Notice of Deposition  
of Defendant

Filed on behalf of: Plaintiff,  
Brian J. Rumery

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

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

FILED (60)  
03:25 PM 3cc  
MAR 04 2008 Amy  
Neiswender  
William A. Shaw  
Prothonotary/Clerk of Courts

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

BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - 267 - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

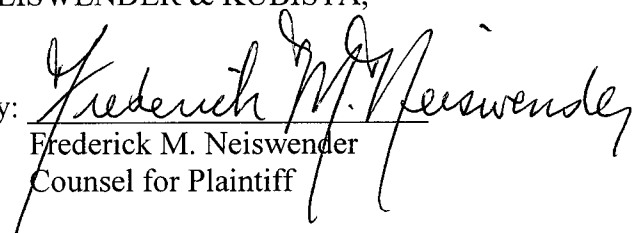
**NOTICE OF DEPOSITION**

TO: THOMAS R. MCCLURE  
C/O Gina M. Zumpella, Esquire  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

Take notice that the deposition of **THOMAS R. MCCLURE** will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on **Monday, March 17, 2008, at 1:30 p.m., at Sargent's Court Reporting, 106 North Second Street, 1<sup>st</sup> Floor, Clearfield, Pennsylvania 16830.** The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

NEISWENDER & KUBISTA,

By:

  
Frederick M. Neiswender  
Counsel for Plaintiff

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

BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - 267 - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

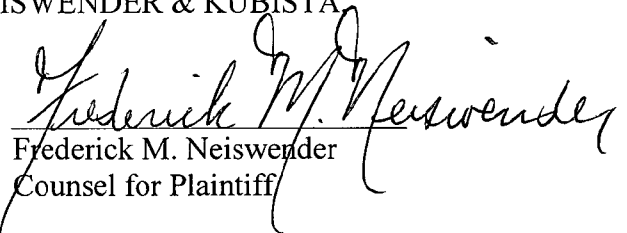
I hereby certify that on the 29<sup>th</sup> day of February, 2008, a true and correct copy of the foregoing Notice of Deposition for Thomas R. McClure, Defendant, was mailed by United States mail, first class, postage prepaid, addressed to the following:

Gina M. Zumpella, Esquire  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

Sargent's Court Reporting, Inc.  
210 Main Street  
Johnstown, PA 15901

NEISWENDER & KUBISTA

By:

  
Frederick M. Neiswender  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**MOTION TO COMPEL**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED**  
O 11:54 a.m. GK  
JUN 20 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC TO ATTY  
(GK)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**MOTION TO COMPEL**

AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, and Danielle M. Vugrinovich, Esquire, and file the following Motion to Compel and aver as follows:

1. Plaintiff alleges that on August 2, 2004, he sustained personal injuries when his motorcycle collided with a truck driven by Mr. McClure and owned by Errigo Distributing Company. *See Complaint.*

2. Plaintiff alleges that he sustained a fracture left tibia, injuries to the wrist, internal injuries, contusions and bruises, pain and suffering, medical expenses, future medical expenses, and has asserted a wage loss and lost earning capacity claim.

3. On May 1, 2007, Defendants served Plaintiff with Supplemental Discovery Requests. Additionally, on August 6, 2007, defense counsel forwarded a letter to Plaintiff's counsel regarding additional information subsequent to the deposition of the Plaintiff. *See, letter dated August 6, 2007, attached hereto as Exhibit A.*

4. On September 26, 2007, Defendants' counsel forwarded a letter to Plaintiff's counsel inquiring as to the status of the documents requested in the August 6, 2007. *See, letter dated September 26, 2007, attached hereto as Exhibit B.*

5. On November 5, 2007, Defendants' counsel forwarded a letter to Plaintiff's counsel advising that if the documents requested in the August 6, 2007 letter were not received within twenty (20) days, a Motion to Compel would be filed. *See, letter dated November 5, 2007 attached hereto as Exhibit C.*

6. Thereafter, Plaintiff's counsel requested an extension to respond to Defendants' request of August 6, 2007, which was granted by Defendants' counsel. *See, letter dated November 5, 2007 attached hereto as Exhibit C.*

7. Defendants' counsel made numerous other inquiries to the Plaintiff's counsel with regard to both the documents requested in the August 6, 2007 and responses to supplemental discovery requests. *See, letters attached hereto as Exhibit E.*

8. As of this date, Plaintiff has not produced objections, answers or responses to Defendants' discovery requests or the supplemental information requested.

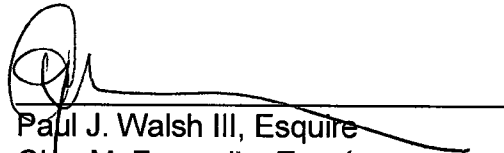
9. Without the requested information, Defendants will be unable to provide a sufficient defense.

WHEREFORE, the Defendants, Errigo Distributing Company and Thomas R. McClure, respectfully request this Honorable Court enter an Order compelling the Plaintiff, Brian J. Rumery, to provide complete responses to Defendants' Supplemental Discovery Requests as well as documentation requested in defense counsel's August 6, 2007 correspondence within twenty (20) days of the date of this Order.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD  
(Jury Trial Demanded)


**CERTIFICATE PURSUANT TO LOCAL RULE 208.2(d)**

Defendants' counsel sought concurrence on the Motion from opposing counsel in correspondences dated April 18, 2008 June 9, 2008. These letters are attached as Exhibit F. Plaintiff's counsel has not responded to the same and as such, concurrence was neither granted not denied.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:



Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD  
(Jury Trial Demanded)

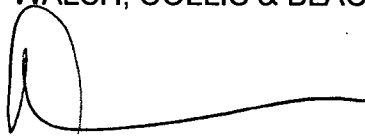
**CERTIFICATE PURSUANT TO LOCAL RULE 208.2(e)**

Defendants' counsel attempted to resolve this discovery dispute by way of letters dated September 26, 2007, November 5, 2007, January 15, 2008, February 7, 2008, February 13, 2008 and March 5, 2008 in which she requested Plaintiff's counsel to advise her as to when he anticipated serving discovery responses. No response has been received. These letters are attached as Exhibits B-E.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Adam M. Barnes +

Trisha A. Gill  
Steven L. Minnich  
Gina M. Zumpella  
Natalie A. Troilo \*  
Thomas E. Zumpella  
Adam P. Knor  
David J. Fisher

Of Counsel:  
Anne M. Paul •

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
Facsimile: (412) 263-5632

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
• Admitted to Practice in New Jersey

August 6, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street, Suite 3  
Clearfield, PA 16803

In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company  
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

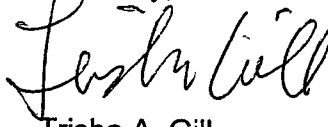
Dear Mr. Neiswender:

It was a pleasure meeting you at your client's deposition. In follow up to the same I am requesting that you provide the following:

1. All documentation regarding your client's 401(k) program/plan and any withdraws made since the date of this accident;
2. A copy of the IBEW Labor Agreement with Reliant Energy that was in effect on the date of this accident; and,
3. Supplemental medical records from Dr. Naratatez for the January and March 2004 follow up treatments.

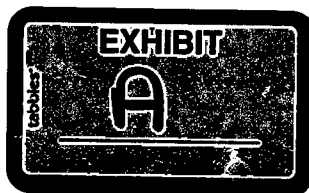
If you need a formal discovery request, please advise.

Sincerely,



Trisha A. Gill

TAG/dls



# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Adam M. Barnes +

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
Facsimile: (412) 263-5632

Trisha A. Gill  
Steven L. Minnich  
Gina M. Zumpella  
Natalie A. Troilo \*  
Thomas E. Zumpella  
Adam P. Knor  
David J. Fisher

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
▪ Admitted to Practice in New Jersey

Of Counsel:  
Anne M. Paul •

September 26, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street, Suite 3  
Clearfield, PA 16803

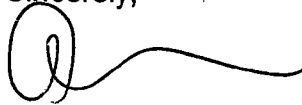
In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company  
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

Dear Mr. Neiswender:

On August 6, 2007 Trisha A. Gill from my office sent you the enclosed correspondence requesting that you provide specific documentation. Please forward me the same at your earliest convenience.

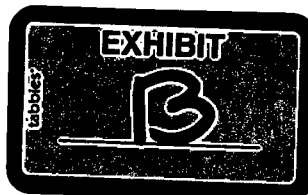
Thank you.

Sincerely,



Gina M. Zumpella

GMZ/lat  
Enclosure



# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Adam M. Barnes +

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
Facsimile: (412) 263-5632

Trisha A. Gill  
Steven L. Minnich  
Gina M. Zumpella  
Natalie A. Troilo \*  
Thomas E. Zumpella  
Adam P. Knor  
David J. Fisher  
Jennifer J. Woods  
Elizabeth M. Colombo

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
▪ Admitted to Practice in New Jersey

Of Counsel:  
Anne M. Paul ▪

November 5, 2007

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
211 N. Second Street  
Clearfield, PA 16803

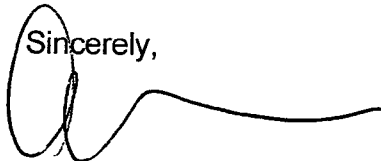
In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company  
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

Dear Mr. Neiswender:

On August 6, 2007 Trisha A. Gill from my office sent you the enclosed correspondence requesting that you provide specific documentation and I have followed-up to obtain the same several times. If I do not receive the same within twenty (20) days, I will be filing a Motion to Compel.

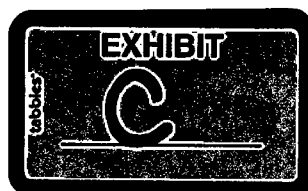
Thank you.

Sincerely,



Gina M. Zumpella

GMZ/lat  
Enclosure



# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Adam M. Barnes +  
Trisha A. Gill  
Steven L. Minnich

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
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Gina M. Zumpella  
Natalie A. Troilo \*  
Thomas E. Zumpella  
Adam P. Knor  
David J. Fisher  
Jennifer J. Woods  
Elizabeth M. Colombo

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
▪ Admitted to Practice in New Jersey

Of Counsel:  
Anne M. Paul •

January 15, 2008

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
211 N. Second Street  
Clearfield, PA 16803

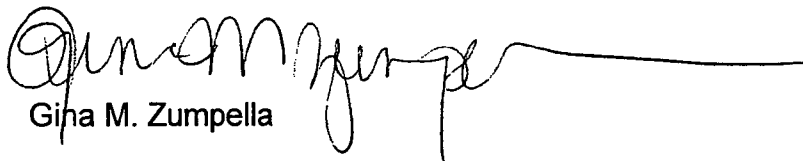
In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company  
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

Dear Mr. Neiswender:

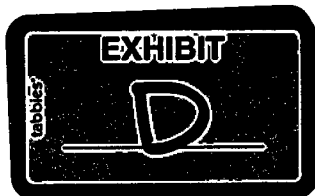
This will confirm our conversation of January 14, 2008 wherein you advised you would be forwarding me the information I requested in my August 6, 2007 correspondence shortly. Additionally, you are available for the deposition of my client any day in the month of February except for February 5, 2008. I will contact you with available dates as soon as possible.

Thank you.

Sincerely,

  
Gina M. Zumpella

GMZ/lat



# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Adam M. Barnes +  
Trisha A. Gill  
Steven L. Minnich

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
Facsimile: (412) 263-5632

Gina M. Zumpella  
Natalie A. Troilo \*  
Thomas E. Zumpella  
Adam P. Knor  
David J. Fisher  
Jennifer J. Woods  
Elizabeth M. Colombo

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
▪ Admitted to Practice in New Jersey

Of Counsel:  
Anne M. Paul •

February 7, 2008

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
211 N. Second Street  
Clearfield, PA 16803

In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company  
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

Dear Mr. Neiswender:

On January 15, 2008 I forwarded you the enclosed correspondence with regard to my previously requested documentation. Kindly advise me of the status of the same.

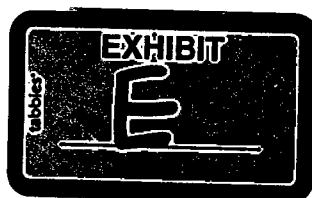
Thank you.

Sincerely,



Gina M. Zumpella

GMZ/lat  
Enclosure



# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Adam M. Barnes +  
Trisha A. Gill  
Steven L. Minnich

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
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Elizabeth M. Colombo

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▪ Admitted to Practice in New Jersey

Of Counsel:  
Anne M. Paul ▪

February 13, 2008

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
211 N. Second Street  
Clearfield, PA 16803

In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company  
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

Dear Mr. Neiswender:

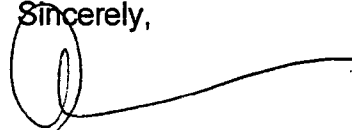
My client is available for deposition on the following dates in April of 2008:

April 15, 16, 17, 22, 23, 24, 2008

Kindly contact me to set up his deposition. Additionally, I await the outstanding records and discovery which I believe you owe me.

Thank you.

Sincerely,



Gina M. Zumpella

GMZ/lat

# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Adam M. Barnes +  
Trisha A. Gill  
Steven L. Minnich

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
Facsimile: (412) 263-5632

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Adam P. Knor  
David J. Fisher  
Elizabeth M. Colombo

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
▪ Admitted to Practice in New Jersey

Of Counsel:  
Anne M. Paul •

March 5, 2008


Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
211 N. Second Street  
Clearfield, PA 16803

In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company  
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

Dear Mr. Neiswender:

Please be advised that neither myself nor Mr. McClure are available for the deposition you have scheduled for March 17, 2008. As you know, I gave you several dates in April on which we were both available. Additionally, I have yet to receive your discovery responses which were propounded on May 1, 2007.

Thank you.

Sincerely,  
  
Gina M. Zumpella

GMZ/lat



# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Adam M. Barnes +  
Trisha A. Gill  
Steven L. Minnich

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
Facsimile: (412) 263-5632

Gina M. Zumpella \*  
Natalie A. Troilo \*  
Thomas E. Zumpella  
Adam P. Knor  
David J. Fisher  
Elizabeth M. Colombo  
John M. Polena

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
▪ Admitted to Practice in New Jersey

Of Counsel:  
Anne M. Paul ▪

April 18, 2008

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street, Suite 3  
Clearfield, PA 16803

In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company

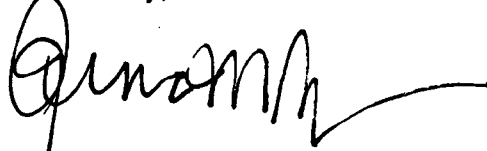
Docket No. : 06-267-CD (Clearfield County, PA)  
Our File No. : 493

Dear Mr. Neiswender:

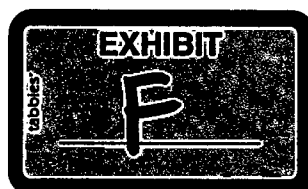
As I previously advised in my previous correspondences, if I did not received Plaintiff's responses to my supplemental discovery or documents requested in my August 6, 2007 correspondence, I would file a Motion to Compel. Pursuant to Clearfield County Local Rule 208.2(d), I was required to seek your concurrence in the Motion. Please allow this letter to confirm your consent to this Motion.

If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Gina M. Zumpella

GMZ/lat



# Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +  
Pamela V. Collis  
Marna K. Blackmer  
Adam M. Barnes +  
Trisha A. Gill  
Steven L. Minnich

The Gulf Tower  
Suite 1400  
707 Grant Street  
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255  
Facsimile: (412) 263-5632

Gina M. Zumpella \*  
Natalie A. Troilo \*  
Thomas E. Zumpella  
Adam P. Knor  
David J. Fisher  
John M. Polena

+ Admitted to Practice in Ohio and West Virginia  
\* Admitted to Practice in West Virginia  
▪ Admitted to Practice in New Jersey

Of Counsel:  
Anne M. Paul ▪

June 9, 2008

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
211 N. Second Street  
Clearfield, PA 16803

In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company

Docket No. : 06-267-CD (Clearfield County, PA)

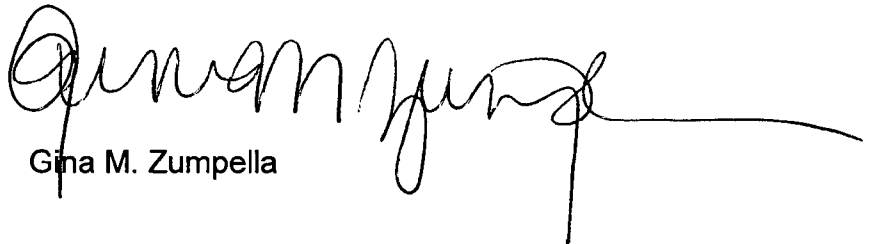
Our File No. : 493

Dear Mr. Neiswender:

On April 18, 2008 I sent you a correspondence seeking your concurrence on my Motion to Compel. Please be advised that if I do not hear from you to the contrary within five (5) days, I will assume you consent to the same.

Thank you.

Sincerely,



Gina M. Zumpella

GMZ/lat

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

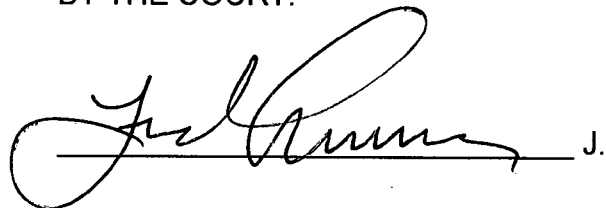
Defendants.

ORDER OF COURT

AND NOW, on this 24 day of June, <sup>2008</sup>~~2006~~, it is hereby ORDERED that Defendants' Motion to Compel is granted, and Plaintiff must serve, within <sup>Thirty (30)</sup>~~twenty (20)~~ days <sup>FJA</sup> of the date of this Order, the following documentation:

1. Complete answers and responses to Defendants' Supplemental Discovery Requests;
2. All documentation regarding your client's 401(k) program/plan and any withdraws made since the date of this accident;
3. A copy of the IBEW Labor Agreement with Reliant Energy that was in effect on the date of this accident; and,
4. Supplemental medical records from Dr. Naratatez for the January and March 2004 follow up treatments.

BY THE COURT:

 J.

**FILED** <sup>rec</sup>  
01/4/08/37 <sup>Any Walsh</sup>  
JUN 24 2008 <sup>(612)</sup>  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

ORDER OF COURT

AND NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, it is hereby  
ORDERED that Argument upon Defendants' Motion to Compel has been scheduled to  
occur on July 23, 2008 at 10:45 a.m. ~~p.m.~~ in  
Courtroom No. 1 before the Honorable Fredric J. Ammerman.

BY THE COURT:

\_\_\_\_\_  
J.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Compel** has been forwarded to counsel of record via first class mail, postage pre-paid, this 17<sup>th</sup> day of June, 2008.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
501 East Market Street  
Suite 3  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

**ORIGINAL**

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

BRIAN J. RUMERY,

Plaintiff,

vs.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY,  
a corporation,

Defendants.

No. 06 - 267 - CD

Type of case: Civil

Type of pleading: Notice of Deposition  
of Defendant

Filed on behalf of: Plaintiff,  
Brian J. Rumery

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

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

**FILED** 3 CC  
9/11/08  
JUL 02 2008  
Wm Neiswender  
William A. Shaw  
Prothonotary/Clerk of Courts  
(6K)

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

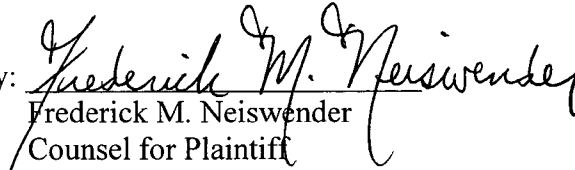
BRIAN J. RUMERY,	:
Plaintiff,	:
	:
vs.	: No. 06 - 267 - CD
	:
THOMAS R. MCCLURE, an individual and	:
ERRIGO DISTRIBUTING COMPANY,	:
a corporation,	:
Defendants.	:

**NOTICE OF DEPOSITION**

TO: THOMAS R. MCCLURE  
C/O Gina M. Zumpella, Esquire  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

Take notice that the deposition of **THOMAS R. MCCLURE** will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on **Wednesday, July 2, 2008, at 1:30 p.m., at the law office of Neiswender & Kubista, 211 North Second Street, Clearfield, Pennsylvania 16830.** The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

NEISWENDER & KUBISTA,

By:   
Frederick M. Neiswender  
Counsel for Plaintiff

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

BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - 267 - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of July, 2008, a true and correct copy of the foregoing Notice of Deposition for Thomas R. McClure, Defendant, was mailed by United States mail, first class, postage prepaid, addressed to the following:

Gina M. Zumpella, Esquire  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

NEISWENDER & KUBISTA,

By:   
Frederick M. Neiswender  
Counsel for Plaintiff



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

Plaintiff,

v.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY, a  
corporation,

Defendants.

CIVIL DIVISION

Docket No.: 06-267-CD

**PROOF OF SERVICE  
OF ORDER OF COURT**

(Jury Trial Demanded)

Filed on Behalf of the Defendants

Counsel of Record for These Parties:

Paul J. Walsh III, Esquire  
PA I.D. # 58843

Gina M. Zumpella, Esquire  
PA I.D. # 87774

WALSH, COLLIS & BLACKMER, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

(412) 258-2255

#493

**FILED** ICC Att  
m 11:02 am Zumpella  
JUL 07 2008  
(LM)

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRIAN J. RUMERY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD  
(Jury Trial Demanded)

v.

THOMAS R. MCCLURE, an individual  
and ERRIGO DISTRIBUTING  
COMPANY, a corporation,

Defendants.

**PROOF OF SERVICE OF ORDER OF COURT**

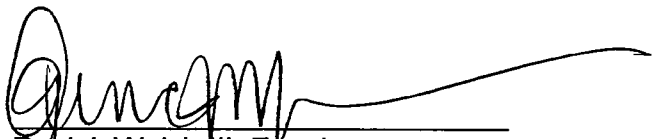
AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and file the following Proof of Service of Order of Court and aver as follows:

1. An Order of Court in connection with Defendants' Motion to Compel in the above-captioned matter was served via Certified Mail, return receipt requested on counsel for the Plaintiff, Frederick M. Neiswender, Esquire.
2. Attached hereto and marked as "Exhibit A" is the true and correct return of service.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

  
Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Frederick M. Neiswender, Esq.  
Neiswender & Kubista  
211 N. Second Street  
Clearfield, PA 16803

2. Article Number

(Transfer from service label)

7006 2150 0001 9722 9414

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

x *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

JUN 30 2006

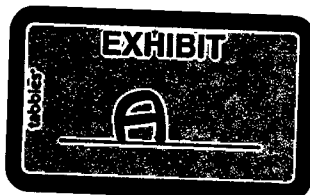
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes




**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Order of Court** has been forwarded to counsel of record via first class mail, postage pre-paid, this 3<sup>rd</sup> day of July, 2008.

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
211 N. Second Street  
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By:

A handwritten signature in black ink, appearing to be 'Paul J. Walsh III', written over a horizontal line.

Paul J. Walsh III, Esquire  
Gina M. Zumpella, Esquire  
Counsel for Defendants

ORIGINAL

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

BRIAN J. RUMERY,

Plaintiff,

vs.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY,  
a corporation,

Defendants.

No. 06 - 267 - CD

Type of case: Civil

Type of pleading: **Certificate of Readiness**

Filed on behalf of: Plaintiff,  
Brian J. Rumery

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

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

FILED

SEP 16 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - 267 - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

**CERTIFICATE OF READINESS**

TO THE PROTHONOTARY:

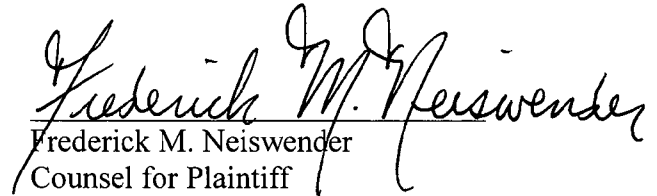
Please place the above captioned case on the Civil Trial List.

1. Date presented: September 16, 2008.
2. Date Complaint filed: February 17, 2006.
3. Type of trial requested: Jury Trial.
4. Estimated trial time: 2 days.
5. Amount at issue: In excess of \$20,000.00, plus interest and costs of the suit.
6. Counsel for the Defendants:

Gina M. Zumpella, Esq.  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Respectfully submitted,

  
Frederick M. Neiswender  
Counsel for Plaintiff

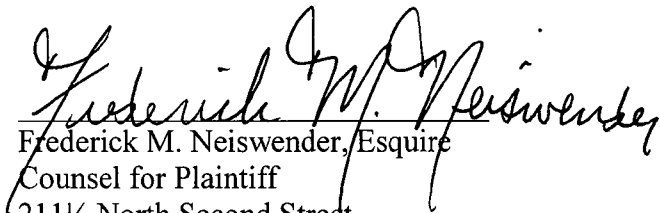
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL ACTION)

BRIAN J. RUMERY,	:
Plaintiff,	:
	:
vs.	: No. 06 - 267 - CD
	:
THOMAS R. MCCLURE, an individual and	:
ERRIGO DISTRIBUTING COMPANY,	:
a corporation,	:
Defendants.	:

**CERTIFICATE OF SERVICE**

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Certificate of Readiness was made upon Thomas R. McClure and Errigo Distributing Company by mailing, first class, postage prepaid, a true copy to the office of their attorney of record on September 16, 2008, at the following address:

Gina M. Zumpella, Esq.  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

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







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

BRIAN J. RUMERY,

Plaintiff,

vs.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY,  
a corporation,

Defendants.

No. 06 - 267 - CD

Type of case: Civil

Type of pleading: **Praecipe to  
Withdraw Certificate of Readiness**

Filed on behalf of: Plaintiff,  
Brian J. Rumery

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

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

<sup>5</sup>  
**FILED** <sup>4</sup> CC Atty  
9/3:05 am Neiswender  
OCT 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

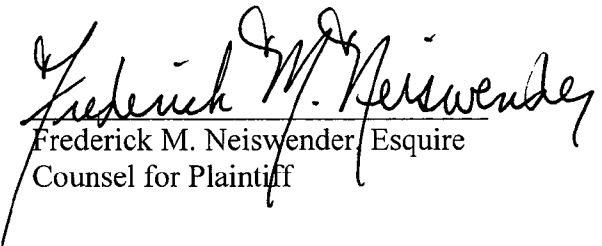
BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - 267 - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

**PRAECIPE TO WITHDRAW CERTIFICATE OF READINESS**

To the Prothonotary:

Please withdraw the Certificate of Readiness filed in the above captioned matter and  
cancel the Pre-Trial Conference scheduled for October 30, 2008 at 10:15 a.m.

Respectfully submitted,

  
Frederick M. Neiswender, Esquire  
Counsel for Plaintiff

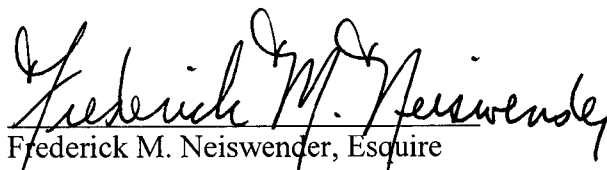
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL ACTION)

BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - 267 - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Praecipe to Withdraw Certificate of Readiness was made upon Thomas R. McClure and Errigo Distributing Company by mailing, first class, postage prepaid, a true copy to the office of their attorney of record on October 24, 2008, at the following address:

Gina M. Zumpella, Esq.  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

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

**ORIGINAL**

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

BRIAN J. RUMERY,

Plaintiff,

vs.

THOMAS R. MCCLURE, an individual and  
ERRIGO DISTRIBUTING COMPANY,  
a corporation,

Defendants.

No. 06 - 267 - CD

Type of case: Civil

Type of pleading: **Praecipe to Discontinue**

Filed on behalf of: Plaintiff,  
Brian J. Rumery

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

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

**FILED**  
DEC 03 2008

3CC & 3 Certificates  
to Atty Neiswender

William A. Shaw  
Prothonotary/Clerk of Courts

(610)

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

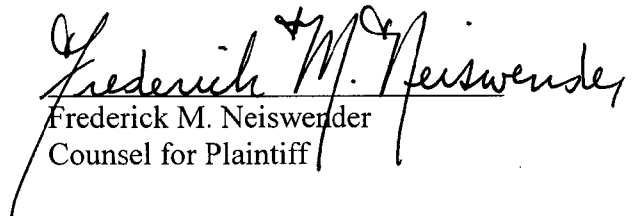
BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - 267 - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

**PRAECIPE TO DISCONTINUE**

TO THE PROTHONOTARY:

Please mark the above-captioned matter, SETTLED and DISCONTINUED.

Respectfully submitted,

  
Frederick M. Neiswender  
Counsel for Plaintiff

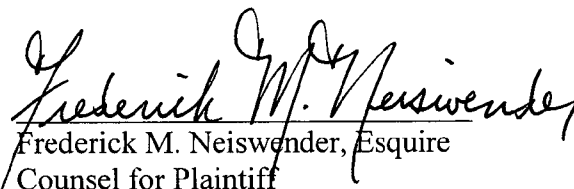
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL ACTION)

BRIAN J. RUMERY,	:	
Plaintiff,	:	
	:	
vs.	:	No. 06 - 267 - CD
	:	
THOMAS R. MCCLURE, an individual and	:	
ERRIGO DISTRIBUTING COMPANY,	:	
a corporation,	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Praecipe to Discontinue was made upon Thomas R. McClure and Errigo Distributing Company by facsimile and by mailing, first class, postage prepaid, a true copy to the office of their attorney of record on December 3, 2008, at the following address:

Gina M. Zumpella, Esq.  
Walsh, Collis & Blackmer, P.C.  
The Gulf Tower, Suite 1400  
707 Grant Street  
Pittsburgh, PA 15219

  
Frederick M. Neiswender, Esquire  
Counsel for Plaintiff

NEISWENDER & KUBISTA  
211½ North Second Street  
Clearfield, Pennsylvania 16830

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

**CIVIL DIVISION**

**Brian J. Rumery**

**Vs.**

**No. 2006-00267-CD**

**Thomas R. McClure  
Errigo Distributing Company**

**CERTIFICATE OF DISCONTINUATION**

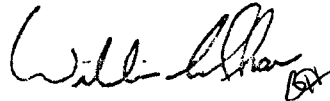
Commonwealth of PA  
County of Clearfield

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 December 3, 2008, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Frederick M. Neiswender, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of December A.D. 2008.



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William A. Shaw, Prothonotary