

Mark Triponey vs Randall Lawhead et al
2006-266-CD

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

MARK E. TRIPONEY,
Plaintiff

vs

No. 2006-266 - CD

RANDALL LAWHEAD and
FRANCES LAWHEAD,
Defendants

* 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 *2*
FEB 17 2006
013:10 AM
William A. Shaw
Prothonotary/Clerk of Courts

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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

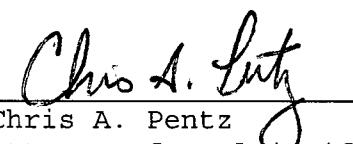
aforesaid injuries was unable to perform his regular employment duties from March 10, 2005 to and including June 13, 2005.

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
m 19:45 3/8/06
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WM

William A. Shaw
Prothonotary/Clerk of Courts

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

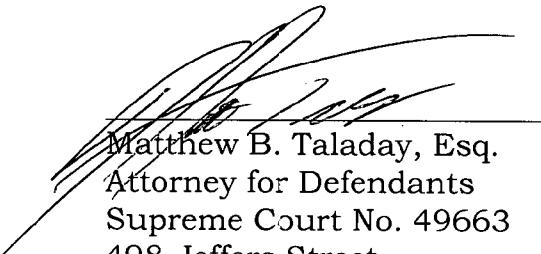
MARK E. TRIPONEY, :
Plaintiff :
: :
vs. : No. 2006-266-CD
: :
RANDALL LAWHEAD and :
FRANCES LAWHEAD, :
Defendants :
:

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

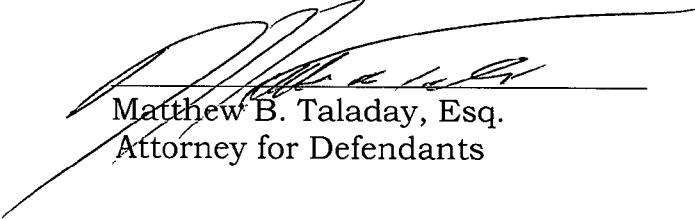
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

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' Praeclipe 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

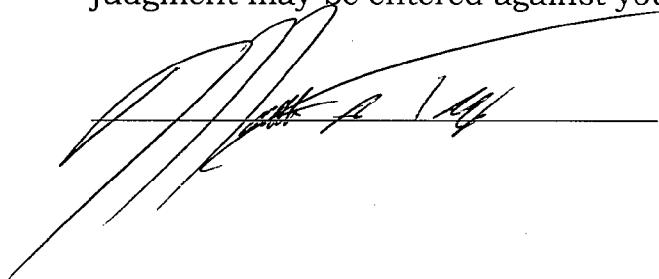

Matthew B. Taladay, Esq.
Attorney for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK E. TRIPONEY, : Type of Case: Civil Action
Plaintiff :
vs. : No. 2006-266-CD
RANDALL LAWHEAD and : Type of Pleading:
FRANCES LAWHEAD, : Answer and
Defendants : 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/8:30/06
William A. Shaw 6K
Prothonotary/Clerk of Courts
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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.

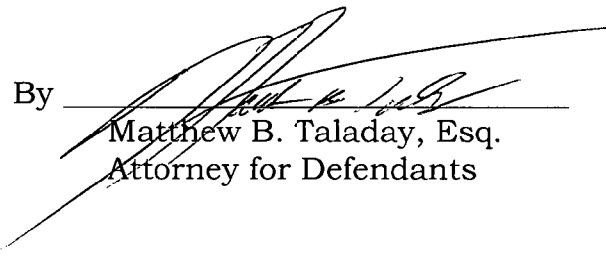
18. Plaintiff's claims are barred or limited by application of the Doctrine of Comparative Negligence.

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 Lawhead
Randall Lawhead

Frances L. Lawhead
Frances Lawhead

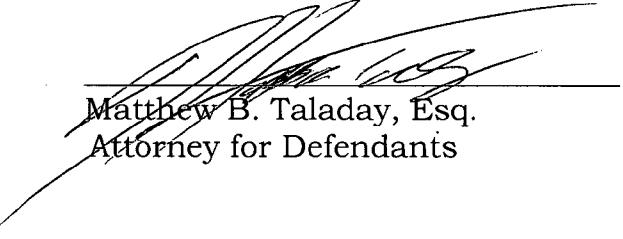
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

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

CERTIFICATE OF SERVICE

I certify that on the 24th 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, : Type of Case: Civil Action
Plaintiff :
: No. 2006-266-CD
: vs.
: Type of Pleading:
RANDALL LAWHEAD and : Notice of
FRANCES LAWHEAD, : Service
Defendants :
: 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

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William A. Shaw
Prothonotary/Clerk of Courts

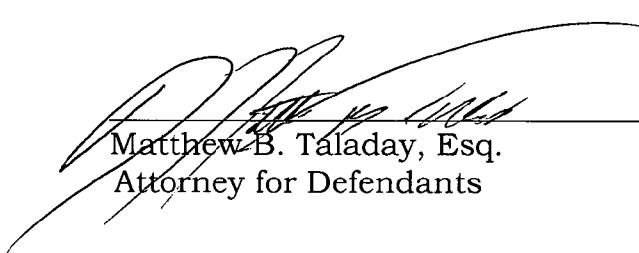
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

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 6th
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
04/09/06
APR 10 2006
WM
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

* No. 2006- 266 -CD

* Type of Case: Civil

* Type of Pleading: Reply to New
* Matter

* 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

* Filed by:

* Chris A. Pentz, Esquire
* 207 East Market Street
* P. O. Box 552
* Clearfield, PA 16830
* 814 765-4000

FILED 2CC
01/04/06
MAY 24 2006
ATTY Pentz

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 * 2006-266-C.D.

*

RANDELL LAWHEAD and
FRANCES LAWHEAD,
Defendants

*

*

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.

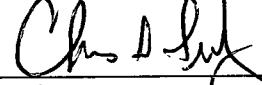
17. Paragraph 17 is denied. There was no snow present in the area in question on the date and time in question. The

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
MJD:SLB
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William A. Shaw
Prothonotary/Clerk of Courts

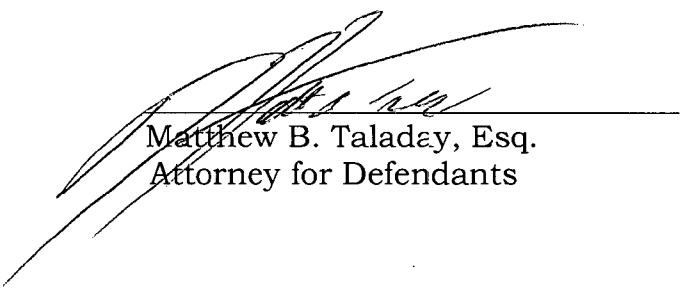
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

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

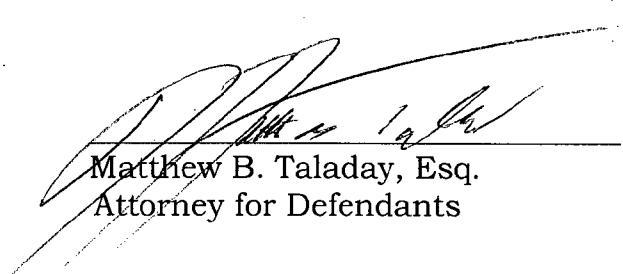
MARK E. TRIPONEY, :
Plaintiff :
vs. :
No. 2006-266-CD
RANDALL LAWHEAD and :
FRANCES LAWHEAD, :
Defendants :

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

FILED

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JUN 16 2008
012401w

William A. Shaw
Prothonotary/Clerk of Courts

2 LENT TO

APR

(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

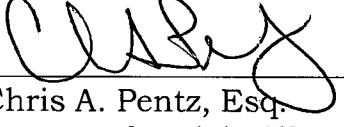
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

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

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	✓ Praeclipe 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.' Praeclipe 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 ✓ 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. ✓ 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. ✓ 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

Current Judge: Fredric Joseph Ammerman

Brian J. Rumeryvs.Thomas R. McClure, Errigo Distributing Company

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, Fredric Joseph Ammerman 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 Fredric Joseph Ammerman 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
Virginia 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.

No. 06-267 - CD

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

Defendants.

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

013:1514

William A. Shaw

Prothonotary/Clerk of Courts

6 cents to Att'l

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 2nd 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 2nd 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.

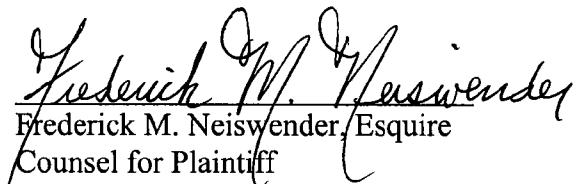
WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in his behalf and against the Defendant, Errigo Distributing Company, generally, jointly and severally in an amount in excess of Twenty Thousand Dollars (\$20,000.00), exclusive of interest and cost of the suit.

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
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}
3/12/08
MAR 20 2008
WM

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
04.09.06
APR 10 2006
WAS

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

So Answers,

____ Day of _____ 2006


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.

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

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.

Danielle M. Vugrinovich
WALSH, COLLIS & BLACKMER, P.C.

#493

FILED NO CC
APR 12 2006
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.

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 Danielle M. Vugrinovich
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

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)



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: 4/3/04

Thomas 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 10th 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.: 06-267-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
M 11/06
JUL 14 2006
B
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.

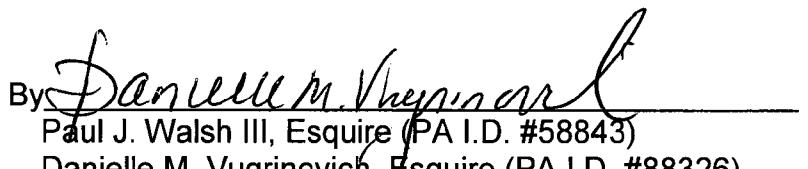
7. As of this date, Plaintiff has not produced objections, answers or responses to Defendants' discovery requests.

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

493
mISC / corr

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

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:

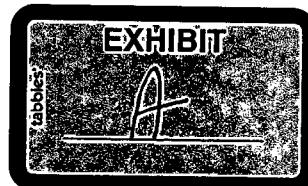
On April 7, 2006, I served Defendants' First Set of Interrogatories and First Request for Production of Documents directed to the Plaintiff. Plaintiff's answers and responses are now due. Please advise as to whether you anticipate serving discovery responses within the next twenty (20) days.

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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+ 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

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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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 +

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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)

263-5632. Thank you.

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

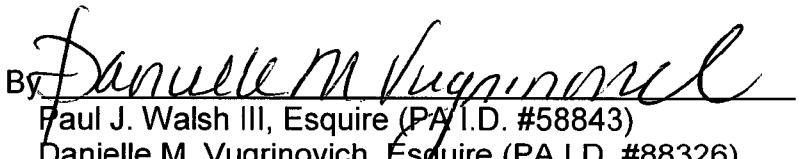
Docket No.: 06-267-CD
(Jury Trial Demanded)

CERTIFICATE PURSUANT TO LOCAL RULE 208.2(d)

Defendants' counsel sought concurrence 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,

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)

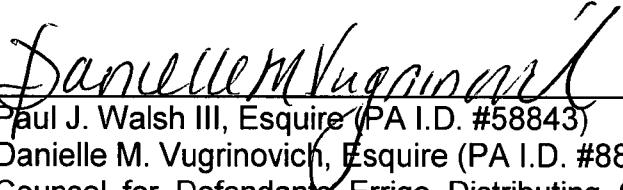
Defendants' counsel attempted to resolve this discovery dispute by way of letter dated May 15, 2006 in which she requested a response from Plaintiff's counsel to advise her as to whether he anticipated serving discovery responses within the twenty (20) days following the letter. No response was received. 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 12th 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,

Plaintiff,

v.

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

Defendants.

CIVIL DIVISION

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

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,

Plaintiff,

v.

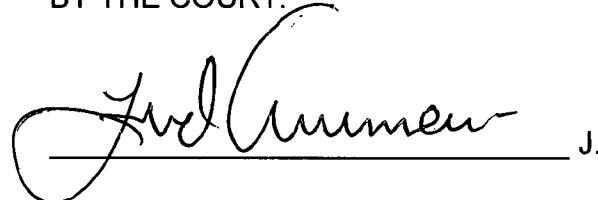
THOMAS R. MCCLURE, an individual
and ERRIGO DISTRIBUTING
COMPANY, a corporation,

Defendants.

ORDER OF COURT

AND NOW, on this 17th 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:



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07/18/2006 Amy Vugrinovich
JUL 18 2006
GR

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 18 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/18/06

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
M.T. 10/20/06 NO CC
SEP 01 2006 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,

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 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
MFT 3741
OCT 23 2006
COURT CLERK

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.

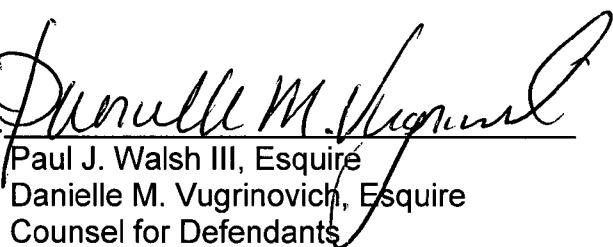
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21
DIRECTED TO MOUNTAIN EXTREME, INC.**

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

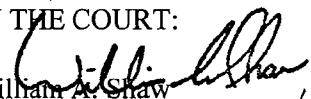
ADDRESS: Walsh, Collis & Blackmer, P.C., Suite 1400 Gulf Tower,
707 Grant Street, Pittsburgh, PA 15219

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 20th 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: 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.: 06-267-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

mlm:zal

William A. Shaw

Prothonotary/Clerk of Courts

W.C.

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.**

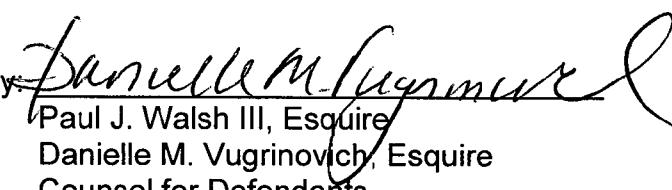
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

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,

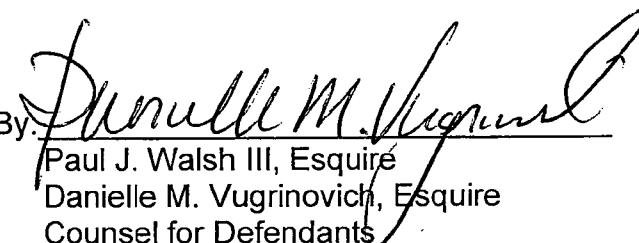
Defendants.

**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

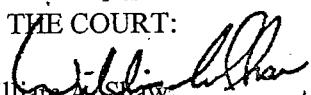
ADDRESS: Walsh, Collis & Blackmer, P.C., Suite 1400 Gulf Tower,
707 Grant Street, Pittsburgh, PA 15219

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 20th 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: 

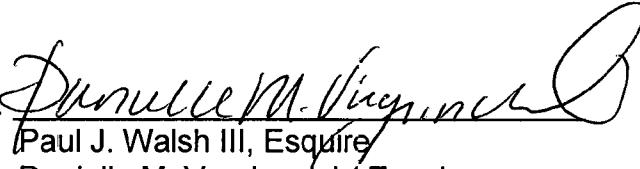
Paul J. Walsh III, Esquire
Danielle M. Vugrinovich, Esquire
Counsel for Defendants

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 11th 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 NOV 12 2006
M 12:47:61
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.

NOTICETO: 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.

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

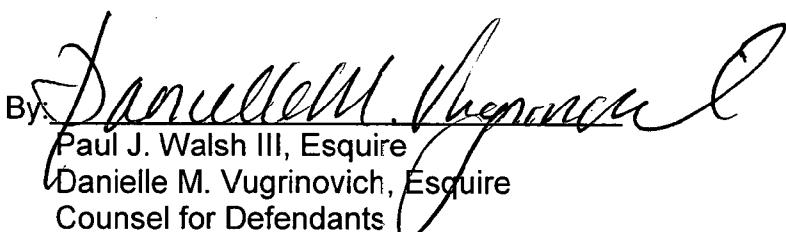
Beth Sadley
(Signature)

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 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

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William A. Shaw
Prothonotary/Clerk of Courts
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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

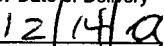
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery**

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**2. Article Number**

(Transfer from service label)



PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



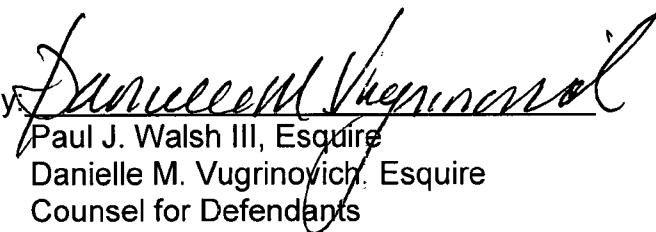
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof Of Service of Subpoena Directed To Mountain Extreme, Inc.** has been mailed to counsel of record via first class mail, postage pre-paid, this 21st 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
M 10:45 AM
MAR 08 2007
WM

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.

*

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

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.

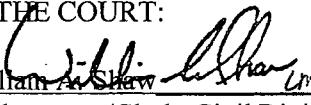
Suite 1400 Gulf Tower, 707 Grant St., Pittsburgh, PA 15219

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.

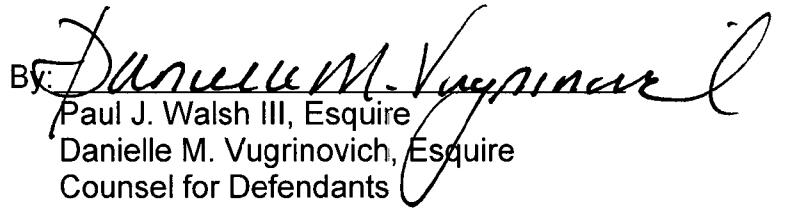
CERTIFICATE OF SERVICE

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 6th 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,

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

FILED
M 112:45 PM
MAR 08 2004
NO CC
JM

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,

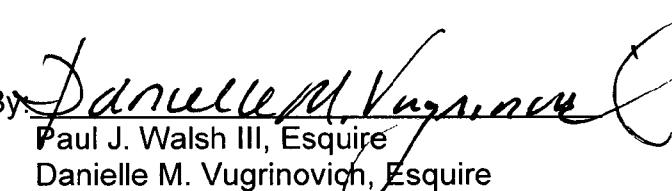
Defendants.

**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.

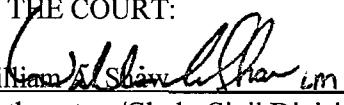
Suite 1400 Gulf Tower, 707 Grant St., Pittsburgh, PA 15219

TELEPHONE: (412) 258-2255

SUPREME COURT ID # 88326

ATTORNEY FOR: Defendants

BY THE COURT:


William A. Shaw, Jr.

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**

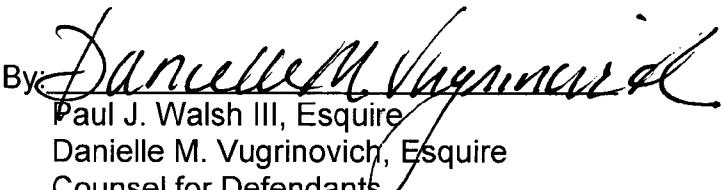
Please produce the medical records, billing statements and diagnostic films of Brian Rumery dated August 2, 1994 through the present. His Social Security Number is [REDACTED] and his date of birth is September 10, 1974.

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^K 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 *icc atty*
APR 02 2007 *sf*

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**

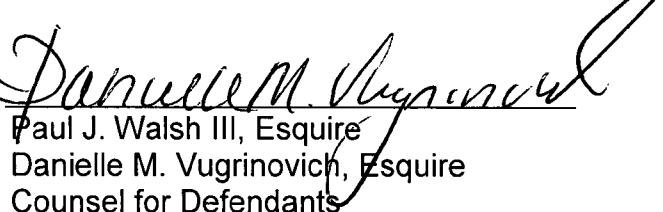
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

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,

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**

(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

SEARCHED
INDEXED
SERIALIZED
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**

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

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.

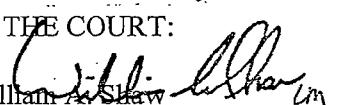
Suite 1400 Gulf Tower, 707 Grant St., Pittsburgh, PA 15219

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**

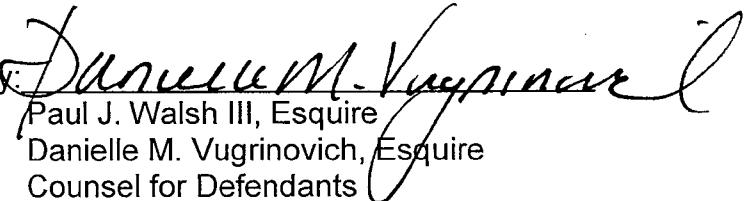
Please produce a lien printout of the amounts paid to Brian Rumery's healthcare providers dated August 2, 2004 to present and any other documentation of any outstanding health insurance liens. His Social Security Number is [REDACTED] and his date of birth is September 10, 1974.

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 6th day of March, 2007:

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

WALSH, COLLIS & BLACKMER, P.C.

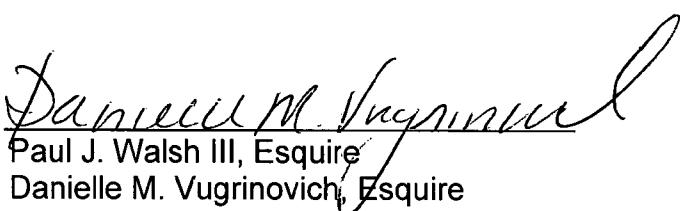
By: 
Paul J. Walsh III, Esquire
Danielle M. Vugrinovich, Esquire
Counsel for Defendants

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 30th 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 *cc Aky*
APR 02 2007
WM
APR 02 2007
Clerk of Courts

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

493
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

Copy
10/08/2007
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.

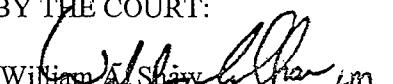
Suite 1400 Gulf Tower, 707 Grant St., Pittsburgh, PA 15219

TELEPHONE: (412) 258-2255

SUPREME COURT ID # 88326

ATTORNEY FOR: Defendants

BY THE COURT:


William A. Shaw, Clerk

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 ^K 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 30th 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: 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,

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**

(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 *3/12/2007* NO CC
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 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.

*

No. 2006-00267-CD

Thomas R. McClure and

Errigo Distributing Company

Defendant(s)

*

*

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

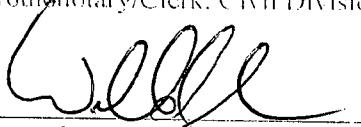
SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division


Deputy

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2010

Clearfield Co., Clearfield, PA

DATE: Friday, March 30, 2007

Seal of the Court

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 5th 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,

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.**

(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
APR 09 2007
5
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.

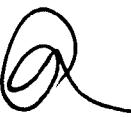
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21
DIRECTED TO RALPH A. CARDAMONE, M.D.**

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.

No. 2006-00267-CD

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

*

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

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

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

DATE: Friday, March 30, 2007

Seal of the Court

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 5th 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,

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**

(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
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US

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.

*

No. 2006-00267-CD

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

*

*

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

Deputy


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

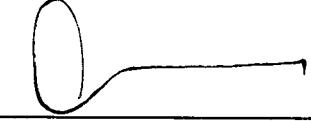
DATE: Friday, March 30, 2007
Seal of the Court

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 5th 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,

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**

(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
m/12/2007
APR 09 2007
WM
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:



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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Brian J. Rumery

*

Plaintiff(s)

*

Vs.

No. 2006-00267-CD

Thomas R. McClure and

*

Errigo Distributing Company

Defendant(s)

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

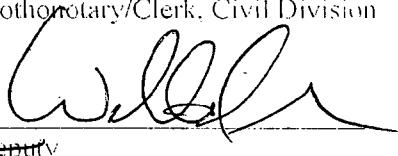
SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division


Deputy

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

DATE: Friday, March 30, 2007

Seal of the Court

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 5th 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

**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
copy to CJA
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 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:


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 4th 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
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
(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

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:
**Received
Incoming Mail** Yes
 No**APR 02 2007****3. Service Type**

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

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number***(Transfer from service label)***7005 1028-0003 0005 4717**

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT**A**

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 4th 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,

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**

(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/12-301w

William A. Shaw

Prothonotary/Clerk of Courts

1 cent to ATT[®]

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.

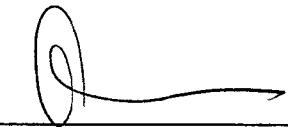
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21
DIRECTED TO CLEARFIELD EMS**

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.

*

No. 2006-00267-CD

Thomas R. McClure, an individual and

*

Errigo Distributing Company, a corporation,
Defendant(s)

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

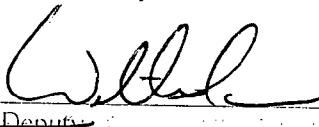
ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, April 09, 2007

Seal of the Court


Deputy

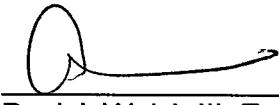
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

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 10th 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

FILED

APR 12 2007

m 12:30 (u 6P
William A. Shaw
Prothonotary/Clerk of Courts

**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
Giha M. Zumpella, Esquire
Counsel for Defendants

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEAREFIELD

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.

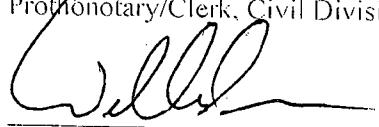
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

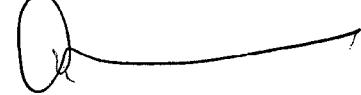
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

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 10th 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 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 *CC AM*
m/11/20 cm
APR 13 2007
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.

**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

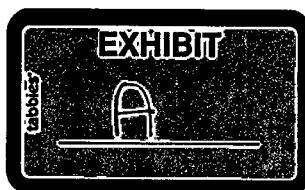
Counsel of Record for These Parties:

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.

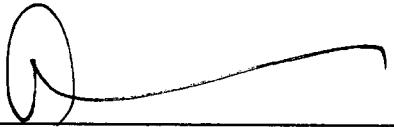
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21
DIRECTED TO RELIANT ENERGY**

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.

*

No. 2006-00267-CD

Thomas R. McClure and

*

Errigo Distributing Company

Defendant(s)

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

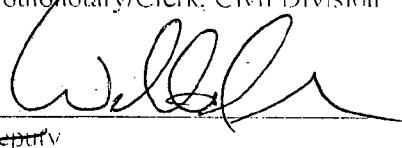
SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division


Deputy

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 5th 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: 

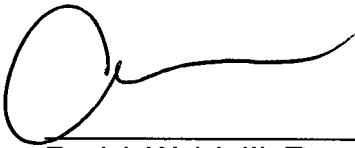
Paul J. Walsh III, Esquire
Gina M. Zumpella, Esquire
Counsel for Defendants

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 10th 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*
m/11/2007 *Zumpella*
APR 13 2007
WS

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**

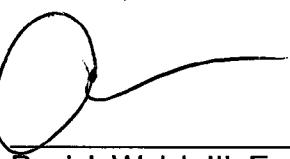
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

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

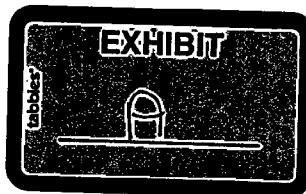
Counsel of Record for These Parties:

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.

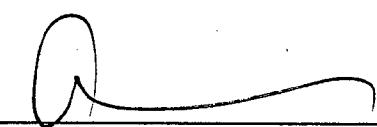
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21
DIRECTED TO STATE FARM INSURANCE COMPANY**

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.

*

No. 2006-00267-CD

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

*

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:

NAMIE: Gina M. Zumpella, Esquire

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

TELEPHONE: 412-258-2255

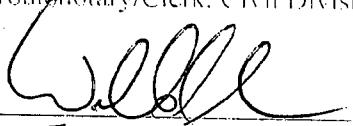
SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

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 5th 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

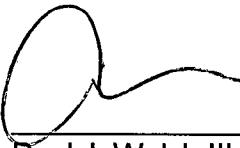
CERTIFICATE OF SERVICE

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 10th 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 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 *cc Atty*
m/11/2007 *Zumpella*
APR 13 2007
WS

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**

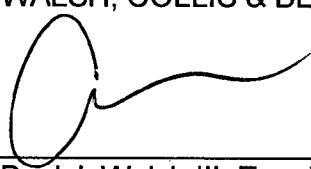
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

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

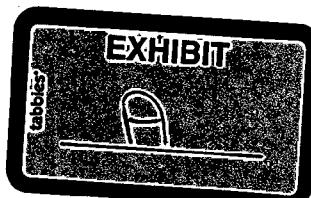
Counsel of Record for These Parties:

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.

*

No. 2006-00267-CD

Thomas R. McClure and

Errigo Distributing Company

Defendant(s)

*

*

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

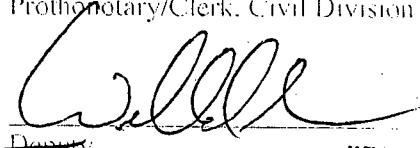
SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division


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 5th 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: 

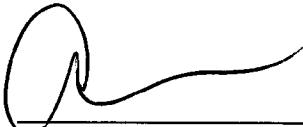
Paul J. Walsh III, Esquire
Gina M. Zumpella, Esquire
Counsel for Defendants

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 CVS Pharmacy** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10th 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 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/11/2007 Zumpella
APR 13 2007
W.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.

**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.**

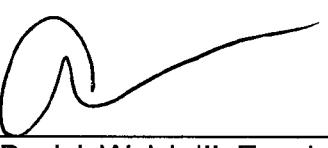
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

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

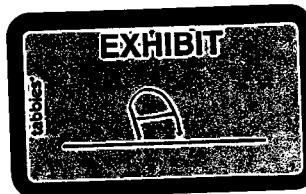
Counsel of Record for These Parties:

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.

No. 2006-00267-CD

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

*

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 5th 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

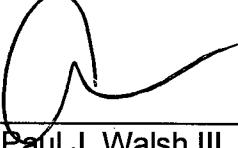
CERTIFICATE OF SERVICE

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 Ralph A. Cardamone, M.D.** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 10th 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 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
m/11/20 cm 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 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 Hospital
809 Turnpike Avenue
Clearfield, PA 16830

ATTN: Medical Records

2. Article Number

(Transfer from service label)

~~7005 3110 0003 4329 1593~~

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)

Marty Yorke

C. Date of Delivery

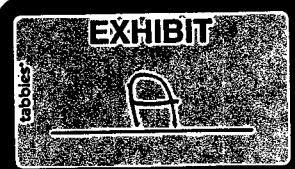
4-3-07

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

P.O. Box 992

Clearfield, Pa. 16830

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 Hospital** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 10th 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
APR 16 2007
WM

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 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:

Reliant Energy
Shawville Power Plant
250 Power Plant Drive
P.O. Box F
Shawville, PA 16873-0403

2. Article Number*(Transfer from service label)*

7004 0750 0002 7255 9186

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

D Butler

Agent

Addressee

B. Received by (Printed Name)

D Butler

C. Date of Delivery**D. Is delivery address different from item 1? Yes**

If YES, enter delivery address below: No

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.

4. Restricted Delivery? (Extra Fee) Yes

DEFENDANT'S
EXHIBIT

PENGD 800-631-6969

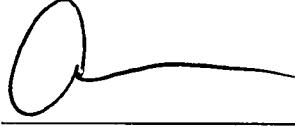
A

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 13th 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
APR 16 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 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 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:

QUS Pharmacy
3055 PARK Place
Clearfield, PA 16830

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X Mae Whipple Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery****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**2. Article Number**

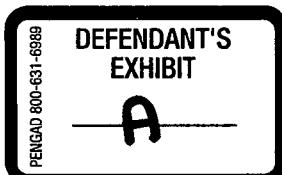
(Transfer from service label)

7004 0750 0002 7255 9193

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

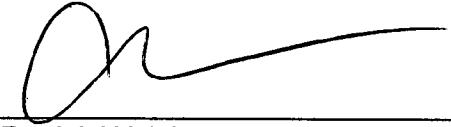


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on CVS Pharmacy** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 13th 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 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
M 11 09 2011
APR 16 2011
Wm
no cc

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.

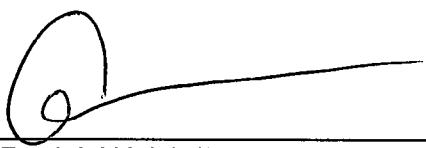
AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and file the following Proof of Service of Subpoena on Ralph A. Cardamone, M.D. and aver 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 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:

RALPH A. CARDAMONE, M.D.
10 South 2nd Street
Clearfield, PA 16830

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Crystal Casher

Agent
 Addressee

B. Received by (Printed Name)

Crystal Casher

C. Date of Delivery

4-12-07

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

2. Article Number

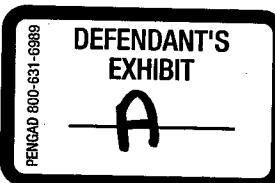
(Transfer from service label)

7004 0750 0002 7255 9179

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

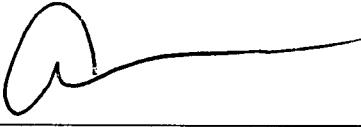


CERTIFICATE OF SERVICE

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 13th 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
MAY 13 2007
APR 19 2007
NO CC
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**

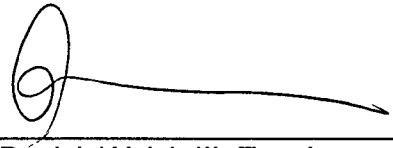
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

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.

*

No. 2006-00267-CD

Thomas R. McClure, an individual and

Errigo Distributing Company, a corporation,
Defendant(s)

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

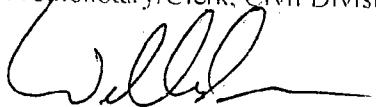
SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

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 10th 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 the Department of Public Welfare** has been mailed to counsel of record via U.S. first class mail, postage pre-paid, this 17th 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
APR 19 2007
M 11:35 AM
NO CC
Clerk of Courts
APR 19 2007
Clerk of Courts

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.**

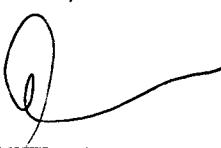
As a pre-requisite to service of a Subpoena for Documents and Things pursuant to Rule 4009.22, Defendants, Thomas R. McClure and Errigo Distributing Company, certify that:

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,

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**

(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.

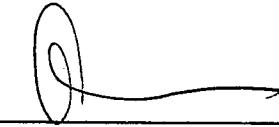
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21
DIRECTED TO CLEARFIELD EMS**

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.

*

No. 2006-00267-CD

Thomas R. McClure, an individual and

*

Errigo Distributing Company, a corporation,

Defendant(s)

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

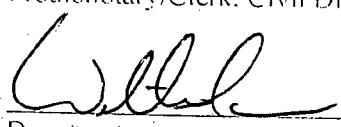
SUPREME COURT ID # 87774

ATTORNEY FOR: Defendants

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division


Deputy

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 10th 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:



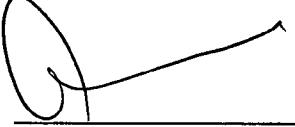
Paul J. Walsh III, Esquire
Gina M. Zumpella, Esquire
Counsel for Defendants

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 17th 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 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

112:30 AM
William A. Shaw
Prothonotary/Clerk of Courts

1 CEN 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

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X Pam Charles

Agent
 Addressee

B. Received by (Printed Name)

Pam Charles AIR 15 ZONE

C. Date of Delivery

10/15/2001

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**2. Article Number**

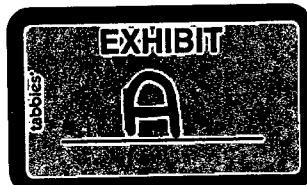
(Transfer from service label)

7005 1820 0003 0011 3001

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

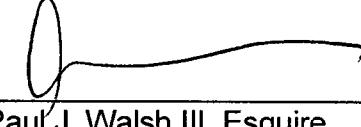


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Subpoena on Clearfield EMS, Inc.** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 20th 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 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 *No cc*
APR 23 2007
WM

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

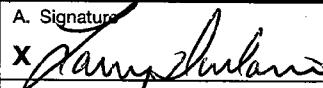
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

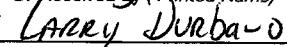
STATE FARM Insurance Co.
One STATE FARM Drive
Concordville, PA 19339

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent Addressee

B. Received by (Printed Name)



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

<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.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

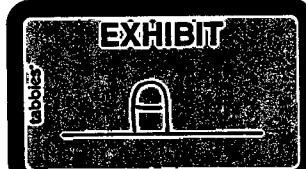
7004 0750 0002 7255 9162

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT



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 19th 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
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 *mlm:10501* NO CC
APR 25 2007 (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.

NOTICETO: 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, Meg Schreiber, 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)

* 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, 23rd 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

**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
APR 25 2007
60

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)

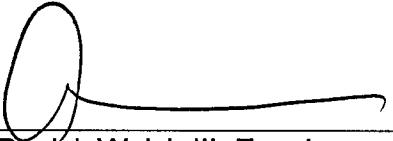
CERTIFICATE OF SERVICE

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 23rd 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

**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
APR 25 2007
NOCC
M. Shaw
©

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 2nd 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

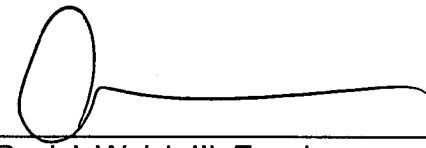

(Signature)

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 26th 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
M 10:54 AM
APR 26 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 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**

Agent
 Addressee

B. Received by (Printed Name)

T. DOYLE

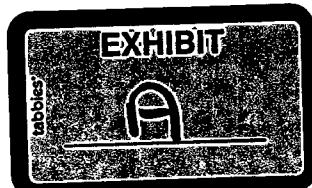
Date of Delivery

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 24th 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 8*
MAY 16 2007 *2007*
MAY 16 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 Sidoreck 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 Sidoreck R.N.A
(Signature)

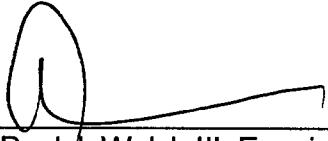
CERTIFICATE OF SERVICE

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 30th 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

**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
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,

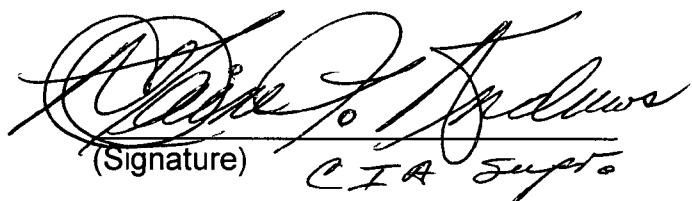
Defendants.

NOTICETO: 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) Elaine L. Andrews
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 30th 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 *NOCC*
MAY 03 2007
W.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 1st day of May, 2007.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

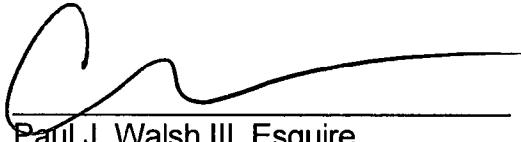
Paul J. Walsh III, Esquire
Gina M. Zumpella, Esquire
Counsel for Defendants

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 1st 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
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
MAY 04 2001
NO CC
GK

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 PHARMACY**Donna 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
D. M. Dubois
(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 2nd 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,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-267-CD

v.

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

**CERTIFICATE OF COMPLIANCE
WITH SUBPOENA DIRECTED TO
RELIANT ENERGY**

Defendants.

(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 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)

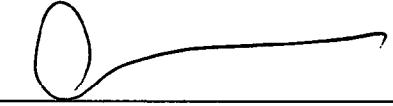
CERTIFICATE OF SERVICE

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 2nd 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
(CIVIL ACTION)

BRIAN J. RUMERY, :
Plaintiff, :
vs. : No. 06 - 267 - CD
THOMAS R. MCCLURE, an individual and :
ERRIGO DISTRIBUTING COMPANY, :
a corporation, :
Defendants. :
: 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

6K
03/05/08 3cc
MAR 04 2008 444
Neiswender
FILED
William A. Shaw
Prothonotary/Clerk of Courts

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

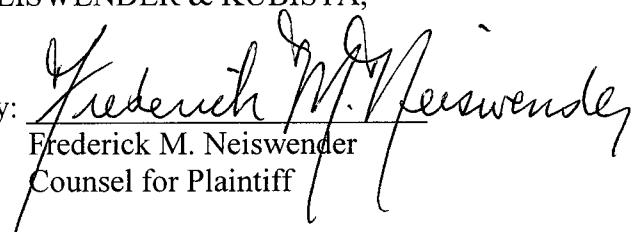
BRIAN J. RUMERY, :
Plaintiff, :
vs. : No. 06 - 267 - CD
THOMAS R. MCCLURE, an individual and :
ERRIGO DISTRIBUTING COMPANY, :
a corporation, :
Defendants. :
:

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, 1st 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 29th 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
Frederick M. Neiswender
Counsel for Plaintiff

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 **MOTION TO COMPEL**
ERRIGO DISTRIBUTING COMPANY, a
corporation,

Defendants.

(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 1CC TO ATTY

William A. Shaw
Prothonotary/Clerk of Courts

(610)

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,

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 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 nor 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,

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)

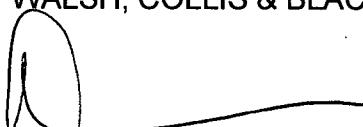
Defendants' counsel attempted to resolve this discovery dispute by way of letters dated September 26, 2007, November 5, 2007, January 15, 2008, February 7, 2008, February 13, 2008 and March 5, 2008 in which she requested Plaintiff's counsel to advise her as to when he anticipated serving discovery responses. No response has been received. These letters are attached as Exhibits B-E.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By:

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. Narataez for the January and March 2004 follow up treatments.

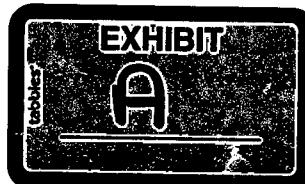
If you need a formal discovery request, please advise.

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

Trisha A. Gill
Steven L. Minnich
Gina M. Zumpella
Natalie A. Troilo *
Thomas E. Zumpella
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David J. Fisher

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

Of Counsel:
Anne M. Paul •

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

September 26, 2007

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

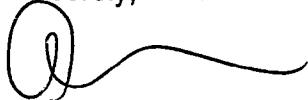
In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company
Docket No. : 06-267-CD (Clearfield County, PA)
Our File No. : 493

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.

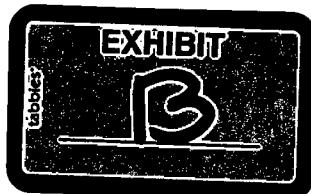
Thank you.

Sincerely,



Gina M. Zumpella

GMZ/lat
Enclosure



Walsh, Collis & Blackmer, P.C.

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

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

Trisha A. Gill
Steven L. Minnich
Gina M. Zumpella
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Facsimile: (412) 263-5632

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* Admitted to Practice in West Virginia
Admitted to Practice in New Jersey

Of Counsel:
Anne M. Paul •

November 5, 2007

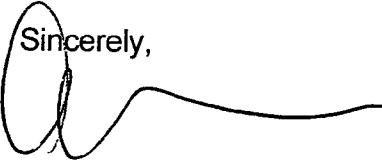
Frederick M. Neiswender, Esquire
Neiswender & Kubista
211 N. Second Street
Clearfield, PA 16803

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

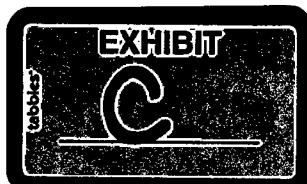
Dear Mr. Neiswender:

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

Gina M. Zumpella
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Of Counsel:
Anne M. Paul •

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Pittsburgh, Pennsylvania 15219

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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:

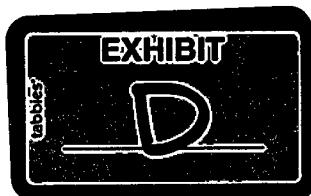
This will confirm our conversation of January 14, 2008 wherein you advised you would be forwarding me the information I requested in my August 6, 2007 correspondence shortly. Additionally, you are available for the deposition of my client any day in the month of February except for February 5, 2008. 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

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David J. Fisher
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Of Counsel:
Anne M. Paul •

February 7, 2008

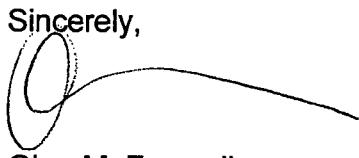
Frederick M. Neiswender, Esquire
Neiswender & Kubista
211 N. Second Street
Clearfield, PA 16803

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

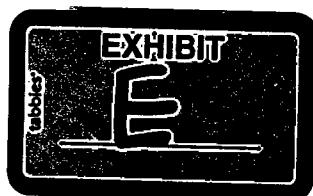
Dear Mr. Neiswender:

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
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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

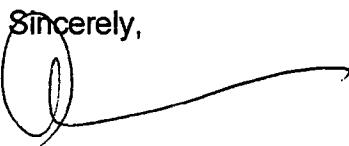
Dear Mr. Neiswender:

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

Gina M. Zumpella
Natalie A. Troilo *
Thomas E. Zumpella
Adam P. Knor
David J. Fisher
Elizabeth M. Colombo

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Of Counsel:
Anne M. Paul ▪

March 5, 2008

Frederick M. Neiswender, Esquire
Neiswender & Kubista
211 N. Second Street
Clearfield, PA 16803

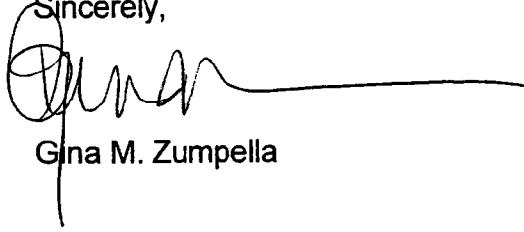
In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company
Docket No. : 06-267-CD (Clearfield County, PA)
Our File No. : 493

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 receive 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.

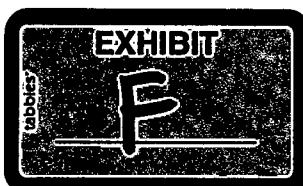
If you have any questions, please do not hesitate to contact me.

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
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Natalie A. Troilo *
Thomas E. Zumpella
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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

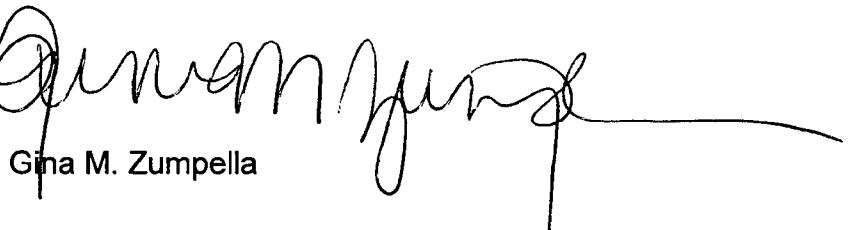
In Re: Brian J. Rumery v. Thomas R. McClure and Errigo Distributing Company
Docket No. : 06-267-CD (Clearfield County, PA)
Our File No. : 493

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,

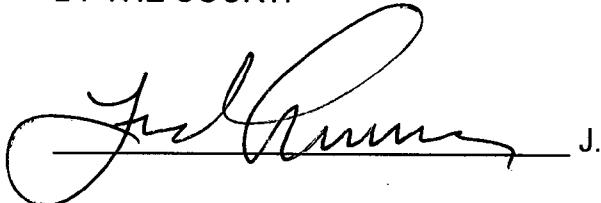
Defendants.

ORDER OF COURT

AND NOW, on this 24 day of June, ²⁰⁰⁸ ~~2006~~, it is hereby ORDERED that
Defendants' Motion to Compel is granted, and Plaintiff must serve, within ~~twenty (20)~~ ^{Thirty (30)} *fJA*
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:



FILED
06/24/2008
JUN 24 2008
Atty Walsh
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.

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 17th 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:


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. : No. 06 - 267 - CD
THOMAS R. MCCLURE, an individual and :
ERRIGO DISTRIBUTING COMPANY, :
a corporation, :
Defendants. :
: 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 3cc
JUL 02 2008 Atty Neiswender
William A. Shaw
Prothonotary/Clerk of Courts
(6K)

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

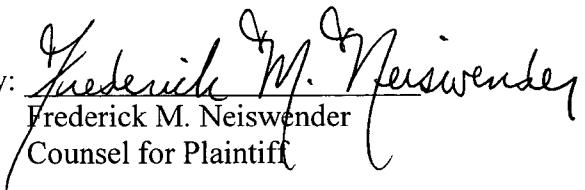
BRIAN J. RUMERY, :
Plaintiff, :
vs. : No. 06 - 267 - CD
THOMAS R. MCCLURE, an individual and :
ERRIGO DISTRIBUTING COMPANY, :
a corporation, :
Defendants. :
:

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)

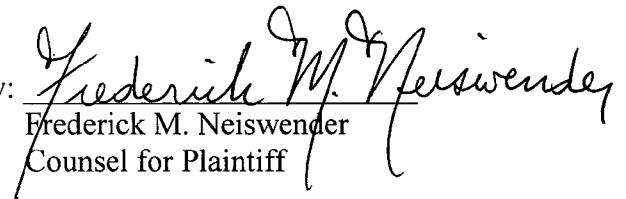
BRIAN J. RUMERY, :
Plaintiff, :
: vs. : No. 06 - 267 - CD
: :
THOMAS R. MCCLURE, an individual and :
ERRIGO DISTRIBUTING COMPANY, :
a corporation, :
Defendants. :
:

CERTIFICATE OF SERVICE

I hereby certify that on the 1st 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 1CC 1A7
m 11.02m Zumpella
JUL 07 2008
WM
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

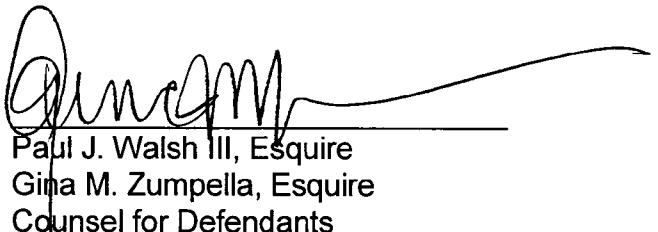
AND NOW, come the Defendants, Thomas R. McClure and Errigo Distributing Company, by and through their undersigned attorneys, Walsh, Collis & Blackmer, P.C., Paul J. Walsh III, Esquire and Gina M. Zumpella, Esquire, and file the following Proof of Service of Order of Court and aver as follows:

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

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

Frederick M. Neiswender Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery**

JUN 30 2003

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**2. Article Number**

(Transfer from service label)

7006 2150 0001 9722 9414

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT

a

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 3rd day of July, 2008.

Frederick M. Neiswender, Esquire
Neiswender & Kubista
211 N. Second Street
Clearfield, PA 16803

WALSH, COLLIS & BLACKMER, P.C.

By: 

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

U.P
ORIGINAL

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. :
: 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
01245001 3cc
SEP 16 2008 Atty
Neiswender

Brian
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:

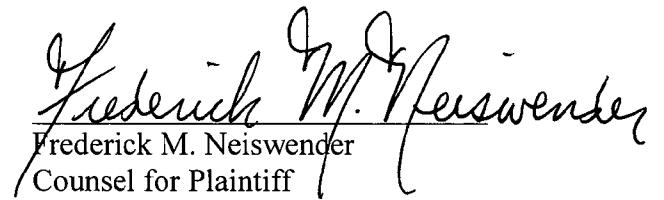
Please place the above captioned case on the Civil Trial List.

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

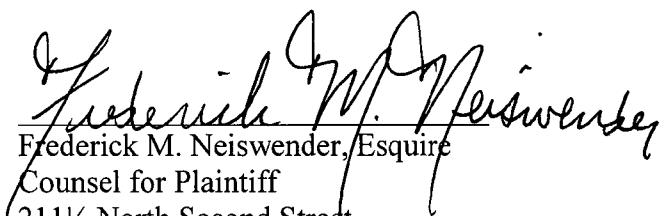
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL ACTION)

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
21 1/2 North Second Street
Clearfield, Pennsylvania 16830

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

BRIAN J. RUMERY

Plaintiff

vs.

NO. 06-267-C.D.

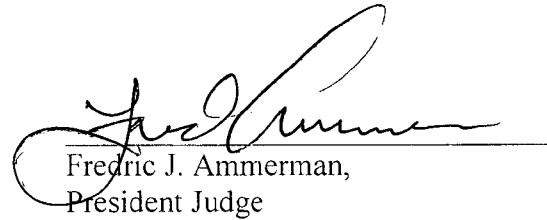
THOMAS R. MCCLURE, an individual
and ERRIGO DISTRIBUTING
COMPANY, a corporation

Defendant.

SCHEDULING ORDER

AND NOW, this 25TH day of September 2008, it is hereby ORDERED that a Pre-Trial Conference shall be and is hereby scheduled for the 30th day of October 2008 at 10:15 o'clock A.M. in Judges Chambers of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


Fredric J. Ammerman,
President Judge

FILED *acc4475*
10/20/2008 Neiswender
S OCT 20 2008 Walsh/Zumpela
60
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.

: Type of case: Civil

: Type of pleading: **Praeclipe 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
21 1/2 North Second Street
Clearfield, Pennsylvania 16830
(814) 765-6500

s
FILED *4cc atty*
03:05pm *Neiswender*
OCT 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

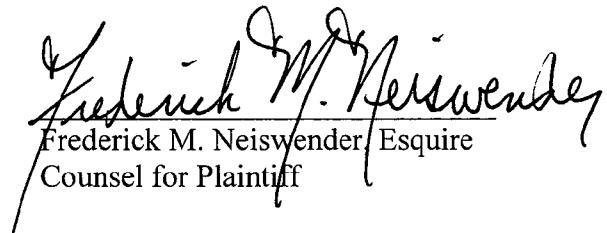
BRIAN J. RUMERY, :
Plaintiff, :
:
vs. : No. 06 - 267 - CD
:
THOMAS R. MCCLURE, an individual and :
ERRIGO DISTRIBUTING COMPANY, :
a corporation, :
Defendants. :
:

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

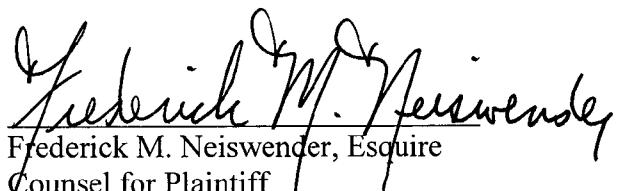
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL ACTION)

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 Praeclipe 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: **Praeclipe 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 3CCs 3 Certificates
01/31/2008 to Atty Neiswender
DEC 03 2008

William A. Shaw
Prothonotary/Clerk of Courts

(60)

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

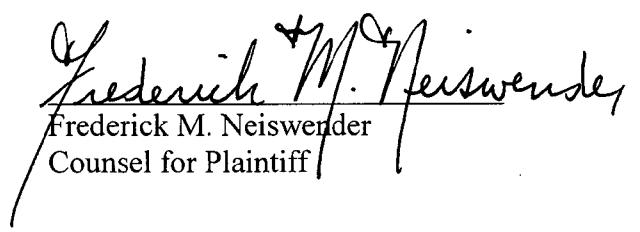
BRIAN J. RUMERY, :
Plaintiff, :
vs. : No. 06 - 267 - CD
THOMAS R. MCCLURE, an individual and :
ERRIGO DISTRIBUTING COMPANY, :
a corporation, :
Defendants. :

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned matter, SETTLED and DISCONTINUED.

Respectfully submitted,


Frederick M. Neiswender
Counsel for Plaintiff

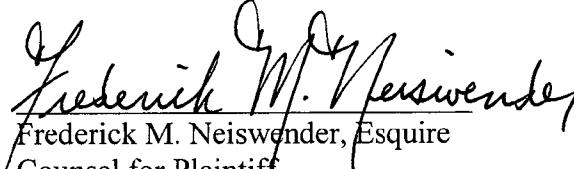
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL ACTION)

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 Praeclipe 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

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.

William A. Shaw

William A. Shaw, Prothonotary