

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

NO. *06-365-CD*

Type of Case: Civil - Personal
Injury

Type of Pleading: Praecipe for
Writ of Summons

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED *Att'y pd. 85.00*
09:53/51
MAR 09 2006 *2 wnts to Att'y*
un *No cc*
William A. Shaw
Prothonotary/Clerk of Courts

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

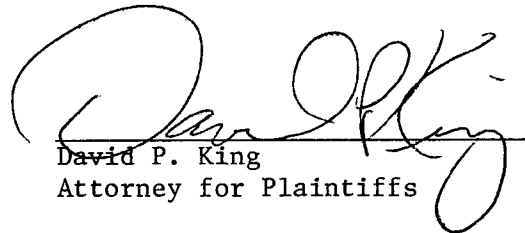
BRYCE FISHER,
Defendant

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: NO. _____ C.D.
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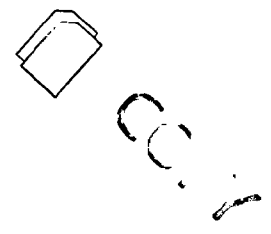
PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please issue a Writ of Summons against the Defendant above named,
whose address is 742 W. Northgate, Toledo, OH 43612.


David P. King
Attorney for Plaintiffs

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



SUMMONS

**Diane L. Kutskel
Joseph P. Kutskel**

Vs.

NO.: 2006-00365-CD

Bryce Fisher

TO: BRYCE FISHER

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: 03/09/2006

William A. Shaw
Prothonotary

Issuing Attorney:

David P. King
P.O. Box 1016
DuBois, PA 15801
(814) 371-3760

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

NO. 200⁶~~5~~-00365-C.D.

Type of Case: Civil

Type of Pleading: Acceptance of
Service

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED ^{NO 22}
APR 19 2006 ^{11:00 AM}

William A. Shaw
Prothonotary/Clerk of Courts

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

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NO. 200⁶~~5~~-00365-CD

ACCEPTANCE OF SERVICE

The undersigned, BRYCE FISHER, does hereby acknowledge and accept
service of the Writ of Summons in this matter this 26 day of March,
2006.

Bryce Fisher
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. ²⁰⁰⁶~~2005~~ - 00365 - CD

vs.

BRYCE FISHER,

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Defendant.

Filed on behalf of: Defendant

Counsel of Record for this Party:
Warren L. Siegfried, Esquire
Pa. ID No. 43679

JURY TRIAL DEMANDED

Wayman Irvin & McAuley, LLC
1624 Frick Building
437 Grant Street
Pittsburgh, PA 15219

(412) 566-2970
(412) 391-1464 - Facsimile

FILED

mjl:13/30
JUN 22 2009

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. 2005 - 00365 - CD

vs.

BRYCE FISHER,

Defendant.

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our Appearance of record on behalf of Defendant, Bryce Fisher,
with regard to the above-captioned case.

JURY TRIAL DEMANDED

Respectfully submitted,

WAYMAN, IRVIN & McAULEY, LLC

By: Warren L. Siegfried/kal
Warren L. Siegfried, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeceptum for Entry of Appearance has been served on all counsel of record by U.S. First Class Mail, postage prepaid, on this 18th day of June, 2009 as follows:

David King, Esquire
P. O. Box 1016
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

By: Warren L. Siegfried / kal
Warren L. Siegfried, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. ²⁰⁰⁶~~2005~~ - 00365 - CD

vs.

BRYCE FISHER,

Defendant.

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

Filed on behalf of: Defendant

Counsel of Record for this Party:
Warren L. Siegfried, Esquire
Pa. ID No. 43679

JURY TRIAL DEMANDED

Wayman Irvin & McAuley, LLC
1624 Frick Building
437 Grant Street
Pittsburgh, PA 15219

(412) 566-2970
(412) 391-1464 - Facsimile

FILED No. CC
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JUN 22 2009 1 Rule
5 William A. Shaw to Atty
Prothonotary/Clerk of Courts
CN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. 2005 - 00365 - CD

vs.

BRYCE FISHER,

Defendant.

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Kindly issue a Rule upon the Plaintiffs, Diane L. Kutskel and Joseph P. Kutskel, in the above-captioned matter to file a Complaint within twenty (20) days from the date of service hereof or suffer a Judgment of Non Pros.

JURY TRIAL DEMANDED

Respectfully submitted,

WAYMAN, IRVIN & McAULEY, LLC

By: Warren L. Siegfried /kol
Warren L. Siegfried, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praecipe for Rule to File Complaint has been served on all counsel of record by U.S. First Class Mail, postage prepaid, on this 18th day of June, 2009 as follows:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

By: Warren L. Siegfried / kal
Warren L. Siegfried, Esquire

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

COPY

Diane L. Kutskel
Joseph P. Kutskel

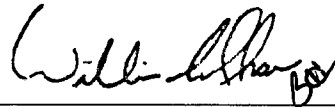
Vs.
Bryce Fisher

Case No. 2006-00365-CD

RULE TO FILE COMPLAINT

TO: Diane L. Kutskel and Joseph P. Kutskel

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.



William A. Shaw, Prothonotary

Dated: June 22, 2009

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

NO. 2006-00365-C.D.

Type of Case: Civil

Type of Pleading: Complaint

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

0 8:30 a.m. GK 2 CC Atty
JUL 14 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

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NO. 2006-00365 C.D.

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 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
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

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

DIANE L. KUTSKEL and	:	
JOSEPH P. KUTSKEL,	:	
Plaintiffs	:	
	:	
vs.	:	NO. 2006-00365 C.D.
	:	
BRYCE FISHER,	:	
Defendant	:	

COMPLAINT

AND NOW, come the Plaintiffs, DIANE L. KUTSKEL and JOSEPH P. KUTSKEL, through their Attorney, David P. King, and for their cause of action respectfully represent as follows:

1. The Plaintiff, DIANE L. KUTSKEL, resides at P. O. Box 533, Hyde, PA 16843.

2. The Defendant is BRYCE FISHER, and he resides at 742 W. Northgate, Toledo, OH 43612.

3. On or about April 17, 2004, at approximately 1:00 to 2:00 P.M., Plaintiff, DIANE L. KUTSKEL, was operating her motor vehicle in a safe and prudent manner on the public ways and highways of the Commonwealth of Pennsylvania, in Sandy Township, Clearfield County, PA.

4. More specifically, the Plaintiff was operating her motor vehicle driving on Route 255, in a southerly direction a short distance from the City limits of DuBois, PA.

5. At said time and place, the Plaintiff, DIANE L. KUTSKEL, in order to make a left-hand turn onto what is known as Platt Road,

was stopped, with her turn signal on, and waiting for on coming traffic.

6. At said time and place, the Defendant, BRYCE FISHER, was operating his automobile in the same direction and on the same roadway approaching the Plaintiff's vehicle.

7. However, the Defendant was not attentive or otherwise not paying attention to traffic and the flow of traffic, and also traveling at an excessive or unsafe speed and did then and there crash into the rear end of the vehicle which the Plaintiff, DIANE L. KUTSKEL, was operating.

8. Such impact was of such great and forceful manner as to cause the Plaintiff's vehicle to sharply move forward.

9. This impact and collision was solely as a result of the Defendant's negligence which can be summarized as follows:

(a) Traveling at a high rate of speed approaching Plaintiff's vehicle which was stopped for on coming traffic which the Defendant was aware of, or should have been aware of.

(b) Traveling at an excessive rate of speed on the roadway as described, considering the traffic pattern, Plaintiff's vehicle, and the general overall situation.

(c) Failing to use caution and vigilance when approaching the Plaintiff's vehicle, stopped for the purpose of making a left-hand turn, and failing to see, notice, and otherwise ignore the Plaintiff's

vehicle at that time and place.

(d) Failing to follow the rules of the road, and more specifically, to be prudent and careful, considering all factors and circumstances.

(e) Failing to have his vehicle under control and/or driving at a safe speed.

(f) Failing to have his vehicle under control, and failing to observe the Plaintiff who had been stopped waiting for other cars.

(g) Failing to be able to stop his vehicle from forceably colliding with the Plaintiff's vehicle.

(h) Failing to exercise due care under the circumstances as outlined herein.

(i) Failure to exercise in general, in this context, reasonable care under all of the circumstances.

10. Because of the negligent operation of his motor vehicle, the Defendant was the proximate cause, and has caused injuries to the Plaintiff, DIANE L. KUTSKEL, and her vehicle as set forth herein.

COUNT I
(Personal Injury)

11. The averments in Plaintiffs' Paragraphs 1 through 10 above are herein incorporated by reference.

12. As a result of the collision as described above, the Plaintiff, DIANE L. KUTSKEL, was physically injured and did undergo great pain and suffering at the time of the accident, and

thereafter, in a significant manner, for a significant period of time, and she continues to this day to experience and suffer from the effects of such collision.

13. Because of the Plaintiff's injuries it is anticipated that she will not fully recover from her injuries which continue or will continue to nag her indefinitely.

14. Further, the Plaintiff has suffered trauma, emotional distress, pain, suffering, discomfort and inconvenience, then, thereafter and continuing and expected to continue into the future and indefinitely.

WHEREFORE, the Plaintiff, DIANE L. KUTSKEL, prays your Honorable Court to award her damages in excess of \$25,000.00.

COUNT II
(Loss of Consortium)

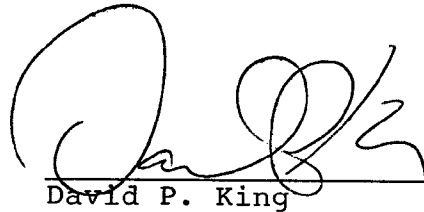
15. The averments in Paragraphs 1 through 14 above are herein incorporated by reference as if fully set forth.

16. The Plaintiff, JOSEPH P. KUTSKEL, was at all relevant times, and is the spouse of DIANE L. KUTSKEL.

17. Because of the negligence of the Defendant above described, which caused the injuries to the Plaintiff, DIANE L. KUTSKEL, as also described, JOSEPH P. KUTSKEL, has also been deprived of the assistance, society and companionship and consortium of his wife to his detriment and loss.

WHEREFORE, Plaintiff, JOSEPH P. KUTSKEL, demands judgment against the Defendant in an amount in excess of \$25,000.00, plus


costs of suit, and he will so ever pray.

A handwritten signature in black ink, appearing to read 'David P. King', written over a horizontal line.

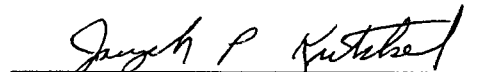
David P. King
Attorney for Plaintiffs,
Diane L. Kutskel and
Joseph P. Kutskel

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

Date: 7/13/09


Diane L. Kutskel
Plaintiff

Date: 7/13/09


Joseph P. Kutskel
Plaintiff

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

NO. 2006-00365 C.D.

Type of Case: Personal Injury

Type of Pleading: Certificate of
Service

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

5 : 10 No
m110:54/41 CC
2006
(11)
William A. Shaw
Prothonotary/Clerk of Courts

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

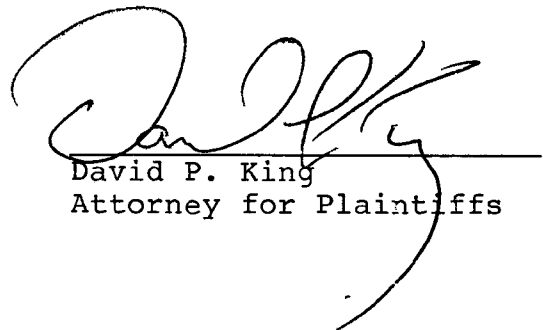
DIANE L. KUTSKEL and	:	
JOSEPH P. KUTSKEL,	:	
Plaintiffs	:	
	:	
vs.	:	NO. 2006-00365 C.D.
	:	
BRYCE FISHER,	:	
Defendant	:	

CERTIFICATE OF SERVICE

The undersigned, David P. King, Esquire, does hereby swear and affirm that on the 14th day of July, 2009, a certified copy of the Complaint filed in this matter was served upon Counsel of Record for the Defendant by sending to him the same by first class mail, postage prepaid, at the following address:

Warren L. Siegfried, Esquire
Wayman, Irvin & McAuley, LLC
Suite 1624 Frick Building
437 Grant Street
Pittsburgh, PA 15219-6101

So certified this 14th day of July, 2009.


David P. King
Attorney for Plaintiffs

CIVIL COVER SHEET

FILED

06-365-CD

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Diane L. Kutskel and Joseph P. Kutskel

(b) County of Residence of First Listed Plaintiff Clearfield County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
David P. King, Esq., 23 Beaver Drive, P. O. Box 1016, DuBois, PA 15801
814-371-3760

DEFENDANTS

Bryce Fisher

William A. Shaw
Prothonotary/Clerk of Courts

County of Residence of First Listed Defendant Lucas County, OH
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
Warren L. Siegfried, Esq., Wayman, Irvin & McAuley,
1624 Frick Bldg, 437 Grant St., Pgh, PA 15219, 412-566-2970

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Sec. 1332

Brief description of cause:

Auto accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/27/2009

SIGNATURE OF ATTORNEY OF RECORD

/s/ Warren L. Siegfried

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. 2005 – 00365 - CD

vs.

BRYCE FISHER,

Defendant.

NOTICE OF REMOVAL OF ACTION

AND NOW comes the Defendant, Bryce Fisher, by and through his counsel, Wayman, Irvin & McAuley, LLC, gives Notice of Removal to this Court of a state civil action pending in the Court of Common Pleas of Clearfield County, Pennsylvania and in support thereof, avers as follows:

1. A civil action has been brought against Defendant by these Plaintiffs and is pending in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 2005-00365-CD.
2. The state court wherein this action was originally filed is located in Clearfield, Pennsylvania, which is embraced within this judicial district.
3. The Plaintiffs are, at the time of the filing of this action in state court and at present, citizens of the state of the Commonwealth of Pennsylvania.
4. The Defendant is a citizen of the state of Ohio.

5. This action is for a matter in controversy in excess of the sum or value of \$75,000.00, exclusive of interest and costs.

6. Had this action been brought here initially, this Court would have §1332.

7. The Complaint in this action was served on Defendant on July 15, 2009 and any instant petition is filed within thirty (30) days thereof as required under 28 U.S.C. §1446(b).

8. A copy of the Complaint is attached as Exhibit A; a copy of the Acceptance of Service of the Writ of Summons is attached as Exhibit B; a copy of the Praecipe for Appearance is attached as Exhibit C; and a copy of the Rule to File Complaint is attached as Exhibit D. No other process, pleading, or Order have been served upon Defendant.

9. The statutory requirement, having been met, this action is properly removed to this Court.

JURY TRIAL DEMANDED

Respectfully submitted,

WAYMAN, IRVIN & McAULEY, LLC

A handwritten signature in dark ink, appearing to read "Warren L. Siegfried", written over a horizontal line.

By: _____
Warren L. Siegfried, Esquire
Counsel for Defendant

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

NO. 2006-00365-C.D.

Type of Case: Civil

Type of Pleading: Complaint

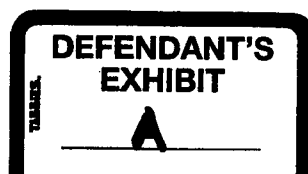
Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUL 14 2009



Attest.

William L. Brown
Prothonotary/
Clerk of Courts

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

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:
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:
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NO. 2006-00365 C.D.

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 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
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

:
:
:
:
: NO. 2006-00365 C.D.
:
:
:

COMPLAINT

AND NOW, come the Plaintiffs, DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL, through their Attorney, David P. King, and
for their cause of action respectfully represent as follows:

1. The Plaintiff, DIANE L. KUTSKEL, resides at P. O.
Box 533, Hyde, PA 16843.
2. The Defendant is BRYCE FISHER, and he resides at
742 W. Northgate, Toledo, OH 43612.
3. On or about April 17, 2004, at approximately 1:00 to
2:00 P.M., Plaintiff, DIANE L. KUTSKEL, was operating her motor
vehicle in a safe and prudent manner on the public ways and
highways of the Commonwealth of Pennsylvania, in Sandy Township,
Clearfield County, PA.
4. More specifically, the Plaintiff was operating her
motor vehicle driving on Route 255, in a southerly direction a
short distance from the City limits of DuBois, PA.
5. At said time and place, the Plaintiff, DIANE L. KUTSKEL,
in order to make a left-hand turn onto what is known as Platt Road,

was stopped, with her turn signal on, and waiting for on coming traffic.

6. At said time and place, the Defendant, BRYCE FISHER, was operating his automobile in the same direction and on the same roadway approaching the Plaintiff's vehicle.

7. However, the Defendant was not attentive or otherwise not paying attention to traffic and the flow of traffic, and also traveling at an excessive or unsafe speed and did then and there crash into the rear end of the vehicle which the Plaintiff, DIANE L. KUTSKEL, was operating.

8. Such impact was of such great and forceful manner as to cause the Plaintiff's vehicle to sharply move forward.

9. This impact and collision was solely as a result of the Defendant's negligence which can be summarized as follows:

(a) Traveling at a high rate of speed approaching Plaintiff's vehicle which was stopped for on coming traffic which the Defendant was aware of, or should have been aware of.

(b) Traveling at an excessive rate of speed on the roadway as described, considering the traffic pattern, Plaintiff's vehicle, and the general overall situation.

(c) Failing to use caution and vigilance when approaching the Plaintiff's vehicle, stopped for the purpose of making a left-hand turn, and failing to see, notice, and otherwise ignore the Plaintiff's

vehicle at that time and place.

(d) Failing to follow the rules of the road, and more specifically, to be prudent and careful, considering all factors and circumstances.

(e) Failing to have his vehicle under control and/or driving at a safe speed.

(f) Failing to have his vehicle under control, and failing to observe the Plaintiff who had been stopped waiting for other cars.

(g) Failing to be able to stop his vehicle from forceably colliding with the Plaintiff's vehicle.

(h) Failing to exercise due care under the circumstances as outlined herein.

(i) Failure to exercise in general, in this context, reasonable care under all of the circumstances.

10. Because of the negligent operation of his motor vehicle, the Defendant was the proximate cause, and has caused injuries to the Plaintiff, DIANE L. KUTSKEL, and her vehicle as set forth herein.

COUNT I
(Personal Injury)

11. The averments in Plaintiffs' Paragraphs 1 through 10 above are herein incorporated by reference.

12. As a result of the collision as described above, the Plaintiff, DIANE L. KUTSKEL, was physically injured and did undergo great pain and suffering at the time of the accident, and

thereafter, in a significant manner, for a significant period of time, and she continues to this day to experience and suffer from the effects of such collision.

13. Because of the Plaintiff's injuries it is anticipated that she will not fully recover from her injuries which continue or will continue to nag her indefinitely.

14. Further, the Plaintiff has suffered trauma, emotional distress, pain, suffering, discomfort and inconvenience, then, thereafter and continuing and expected to continue into the future and indefinitely.

WHEREFORE, the Plaintiff, DIANE L. KUTSKEL, prays your Honorable Court to award her damages in excess of \$25,000.00.

COUNT II
(Loss of Consortium)


15. The averments in Paragraphs 1 through 14 above are herein incorporated by reference as if fully set forth.

16. The Plaintiff, JOSEPH P. KUTSKEL, was at all relevant times, and is the spouse of DIANE L. KUTSKEL.

17. Because of the negligence of the Defendant above described, which caused the injuries to the Plaintiff, DIANE L. KUTSKEL, as also described, JOSEPH P. KUTSKEL, has also been deprived of the assistance, society and companionship and consortium of his wife to his detriment and loss.

WHEREFORE, Plaintiff, JOSEPH P. KUTSKEL, demands judgment against the Defendant in an amount in excess of \$25,000.00, plus

costs of suit, and he will so ever pray.

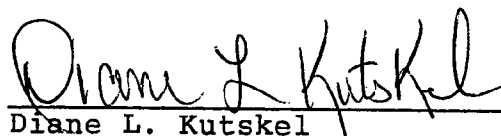


David P. King
Attorney for Plaintiffs,
Diane L. Kutskel and
Joseph P. Kutskel

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

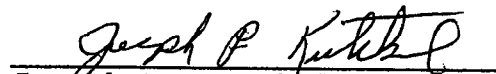
Date:

7/13/09


Diane L. Kutskel
Plaintiff

Date:

7/13/09


Joseph P. Kutskel
Plaintiff

324119

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

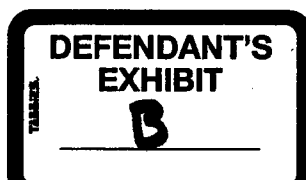
NO. 2005-00365-CD

BRYCE FISHER,
Defendant

ACCEPTANCE OF SERVICE

The undersigned, BRYCE FISHER, does hereby acknowledge and accept
service of the Writ of Summons in this matter this 26 day of March,
2006.

Bryce Fisher
Bryce Fisher



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. 2005 - 00365 - CD

vs.

BRYCE FISHER,

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Defendant.

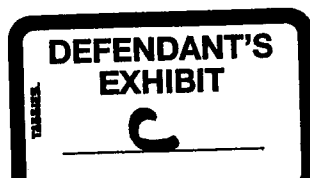
Filed on behalf of: Defendant

Counsel of Record for this Party:
Warren L. Siegfried, Esquire
Pa. ID No. 43679

Wayman Irvin & McAuley, LLC
1624 Frick Building
437 Grant Street
Pittsburgh, PA 15219

JURY TRIAL DEMANDED

(412) 566-2970
(412) 391-1464 - Facsimile



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. 2005 - 00365 - CD

vs.

BRYCE FISHER,

Defendant.

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our Appearance of record on behalf of Defendant, Bryce Fisher,
with regard to the above-captioned case.

JURY TRIAL DEMANDED

Respectfully submitted,

WAYMAN, IRVIN & McAULEY, LLC

By: Warren L. Siegfried / kal
Warren L. Siegfried, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeceptum for Entry of Appearance has been served on all counsel of record by U.S. First Class Mail, postage prepaid, on this 18th day of June, 2009 as follows:

David King, Esquire
P. O. Box 1016
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

By: Warren L. Siegfried / kal
Warren L. Siegfried, Esquire

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

Diane L. Kutskel
Joseph P. Kutskel

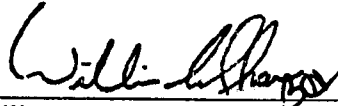
Vs.
Bryce Fisher

Case No. 2006-00365-CD

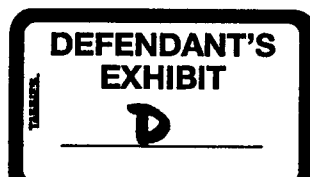
RULE TO FILE COMPLAINT

TO: Diane L. Kutskel and Joseph P. Kutskel

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.


William A. Shaw, Prothonotary

Dated: June 22, 2009



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Notice of Removal of Action has been served on all counsel of record by U.S. First Class Mail, postage prepaid, on this 27th day of July, 2009 as follows:

William A. Shaw, Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

By: Warren L. Siegfried /kal
Warren L. Siegfried, Esquire

06-365-CD

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DIANE L. KUTSKEL, and
JOSEPH P. KUTSKEL,

Plaintiffs,

v.

BRYCE FISHER,

Defendant,

CIVIL ACTION NO. 3:09-207

JUDGE KIM R. GIBSON

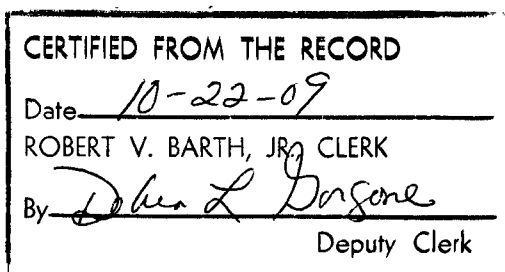
FILED
mjh:00301 cc
OCT 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF REMAND

This matter comes before the Court on a *sua sponte* review of the Court's jurisdictional authority. On July 27, 2009, this case was removed to this Court from the Court of Common Pleas of Clearfield County, case number 2006-00365 C.D. At the time of removal, the Court had a basis for jurisdiction pursuant to 28 U.S.C. § 1332.

On September 1, 2009, Defendants and Plaintiff filed a joint stipulation stipulating that the potential damages do not exceed \$75,000, and requesting that the case be remanded back to the Court of Common Pleas of Clearfield County (Document No. 3). The Court has no discretion in this matter, as Congress has explicitly defined the parameters of the federal courts' removal jurisdiction. 28 U.S.C. § 1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.").

Therefore, this 22nd day of October, ~~2008~~ ²⁰⁰⁹, **IT IS HEREBY ORDERED** that pursuant to 28 U.S.C. § 1447(c), this case is remanded to the Court of Common Pleas of Clearfield County.



BY THE COURT:

Kim R. Gibson

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS
PURSUANT TO PA. R.C.P. 4009.21**

Filed on behalf of:

Defendant Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. I.D. #43679

WAYMAN, IRVIN & MCAULEY, LLC
Firm #583
Suite 1624 Frick Building
Pittsburgh PA 15219

Telephone No.: (412) 566-2970
Facsimile No.: (412) 391-1464

5-11-06
m/11/09/31
11-25-11
NO CC
William A. Siegfried
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21**

Please be advised that Defendant, Bryce Fisher, by and through his attorneys, Wayman, Irvin & McAuley, LLC, intends to serve a subpoena identical to the one that is attached to this Notice upon Daniel S. Gordon, D.O.

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,

WAYMAN, IRVIN & McAULEY, LLC

Date: March 2, 2011

BY: Warren L. Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Diane L. Kutskel
Joseph P. Kutskel
Plaintiff(s)

Vs.

Bryce Fisher
Defendant(s)

*

*

*

No. 2006-00365-CD

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

TO: Dr. Daniel S. Gordon, D.O.

(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:

All medical records and billing statements of Diane L. Kutskel
(date of birth: 6/3/1959; SSN No. 181-50-5439) from 4/1/1999 through the present.

(Address)
Law Offices of Wayman, Irvin & McAuley, LLC, Suite 1700, Three Gateway Center,
401 Liberty Avenue, Pittsburgh, PA 15222-1004

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: Warren L. Siegfried, Esquire

ADDRESS: Wayman, Irvin & McAuley, LLC, Suite 1700

Three Gateway Center, 401 Liberty Avenue, Pittsburgh, PA 15222-1004

TELEPHONE: 412-566-2970

SUPREME COURT ID # 43679

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, February 28, 2011
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, this 2nd day of March, 2011:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

BY: Warren L. Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS
PURSUANT TO PA. R.C.P. 4009.21**

Filed on behalf of:

Defendant Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. I.D. #43679

WAYMAN, IRVIN & MCAULEY, LLC
Firm #583
Suite 1624 Frick Building
Pittsburgh PA 15219

Telephone No.: (412) 566-2970
Facsimile No.: (412) 391-1464

5-11-06
m/j 02/27/06
cc
William A. Stry
Prothonotary Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21**

Please be advised that Defendant, Bryce Fisher, by and through his attorneys, Wayman, Irvin & McAuley, LLC, intends to serve a subpoena identical to the one that is attached to this Notice upon Dr. Patrick Finn.

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,

WAYMAN, IRVIN & McAULEY, LLC

Date: March 2, 2011

BY: Warren L. Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Diane L. Kutskel
Joseph P. Kutskel
Plaintiff(s)

Vs.

Bryce Fisher
Defendant(s)

*

*

*

No. 2006-00365-CD

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

TO: Dr. Patrick Finn

(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:

All medical records and billing statements of Diane L. Kutskel

(date of birth: 6/3/1959; SSN No. 181-50-5439) from 4/1/1999 through the present.

(Address)

Law Offices of Wayman, Irvin & McAuley, LLC, Suite 1700, Three Gateway Center
401 Liberty Avenue, Pittsburgh, PA 15222-1004

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: Warren L. Siegfried, Esquire

ADDRESS: Wayman, Irvin & McAuley, LLC, Suite 1700

Three Gateway Center, 401 Liberty Avenue, Pittsburgh, PA 15222-1004

TELEPHONE: (412) 566-2970

SUPREME COURT ID # 43679

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Monday, February 28, 2011

Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, this 2nd day of March, 2011:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

BY: Warren L. Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS
PURSUANT TO PA. R.C.P. 4009.21**

Filed on behalf of:

Defendant Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. I.D. #43679

WAYMAN, IRVIN & MCAULEY, LLC
Firm #583
Suite 1624 Frick Building
Pittsburgh PA 15219

Telephone No.: (412) 566-2970
Facsimile No.: (412) 391-1464

5
m/11/19/2011 No cc
11/11/2011
William A. Siegfried
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21**

Please be advised that Defendant, Bryce Fisher, by and through his attorneys, Wayman, Irvin & McAuley, LLC, intends to serve a subpoena identical to the one that is attached to this Notice upon Dubois Regional Medical Center.

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,

WAYMAN, IRVIN & McAULEY, LLC

Date: March 2, 2011

BY: 

Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Diane L. Kutskel
Joseph P. Kutskel
Plaintiff(s)

Vs.

Bryce Fisher
Defendant(s)

*

*

*

No. 2006-00365-CD

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

TO: Dubois Regional Medical Center

(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:

All medical records and billing statements of Diane L. Kutskel

(date of birth: 6/3/1959; SSN No. 181-50-5439) from 4/1/1999 through the present.

(Address)

Law Offices of Wayman, Irvin & McAuley, LLC, Suite 1700, Three Gateway Center
401 Liberty Avenue, Pittsburgh, PA 15222-1004

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: Warren L. Siegfried, Esquire

ADDRESS: Wayman, Irvin & McAuley, LLC, Suite 1700

Three Gateway Center, 401 Liberty Avenue, Pittsburgh, PA 15222-1004

TELEPHONE: 412-566-2970

SUPREME COURT ID # 43679

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Monday, February 28, 2011
Seal of the Court

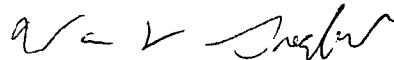
Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, this 2nd day of March, 2011:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

BY: 
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

Plaintiffs,

vs.

BRYCE FISHER,

Defendant.

CIVIL DIVISION

No. : 2006-00365-CD

M/9:30/W
William A. Shaw
Prothonotary/Clerk of Cr.
12/1/06

**CERTIFICATE PREREQUISITE TO
SERVICE OF SUBPOENA
PURSUANT TO PA. R.C.P. 4009.22**

Filed on behalf of:

Defendant Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. I.D. #43679

WAYMAN, IRVIN & MCAULEY, LLC
Firm #583
Suite 1700, Three Gateway Center
401 Liberty Avenue
Pittsburgh, PA 15222-1004

Telephone No.: (412) 566-2970
Facsimile No.: (412) 391-1464

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**CERTIFICATE PREREQUISITE TO SERVICE OF
SUBPOENA PURSUANT TO PA. R.C.P. 4009.22**

As a prerequisite to service of a subpoena for documents and things pursuant to Pa.
R.C.P. 4009.22, Defendants certify that:

- (1) A Notice of Intent to Serve Subpoena upon Dubois Regional Medical Center, with a copy of the Subpoena attached thereto was mailed to counsel for plaintiffs at least twenty days prior to the date on which the Subpoena is sought to be served;
- (2) A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate as Exhibit "A";
- (3) No objection to the Subpoena has been received, and
- (4) The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully Submitted,

WAYMAN, IRVIN & McAULEY, LLC

Date: March 23, 2011

BY: Warren L. Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS
PURSUANT TO PA. R.C.P. 4009.21**

Filed on behalf of:

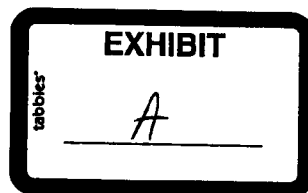
Defendant Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. I.D. #43679

WAYMAN, IRVIN & MCAULEY, LLC
Firm #583
Suite 1624 Frick Building
Pittsburgh PA 15219

Telephone No.: (412) 566-2970
Facsimile No.: (412) 391-1464



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21**

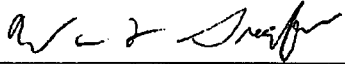
Please be advised that Defendant, Bryce Fisher, by and through his attorneys, Wayman, Irvin & McAuley, LLC, intends to serve a subpoena identical to the one that is attached to this Notice upon Dubois Regional Medical Center.

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,

WAYMAN, IRVIN & McAULEY, LLC

Date: March 2, 2011

BY: 
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Diane L. Kutskel
Joseph P. Kutskel
Plaintiff(s)

Vs.

Bryce Fisher
Defendant(s)

No. 2006-00365-CD

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

TO: DuBois Regional Medical Center

(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:

All medical records and billing statements of Diane L. Kutskel

(date of birth: 6/3/1959; SSN No. 181-50-5439) from 4/1/1999 through the present.

(Address)
Law Offices of Wayman, Irvin & McAuley, LLC, Suite 1700, Three Gateway Center
401 Liberty Avenue, Pittsburgh, PA 15222-1004

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: Warren L. Siegfried, Esquire

ADDRESS: Wayman, Irvin & McAuley, LLC, Suite 1700

Three Gateway Center, 401 Liberty Avenue, Pittsburgh, PA 15222-1004

TELEPHONE: 412-566-2970

SUPREME COURT ID # 43679

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, February 28, 2011
Seal of the Court

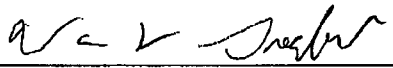
Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF
INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND THINGS
PURSUANT TO PA. R.C.P. 4009.21** has been served on the following counsel of
record by first class U.S. mail, postage pre-paid, this 2nd day of March, 2011:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

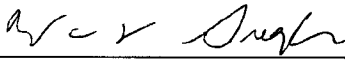
BY: 
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENAS PURSUANT TO PA. R.C.P. 4009.22** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, this 23rd day of March, 2011:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

BY: 
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**CERTIFICATE PREREQUISITE TO
SERVICE OF SUBPOENA
PURSUANT TO PA. R.C.P. 4009.22**

Filed on behalf of:

Defendant Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. I.D. #43679

WAYMAN, IRVIN & MCAULEY, LLC
Firm #583
Suite 1700, Three Gateway Center
401 Liberty Avenue
Pittsburgh, PA 15222-1004

Telephone No.: (412) 566-2970
Facsimile No.: (412) 391-1464

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**CERTIFICATE PREREQUISITE TO SERVICE OF
SUBPOENA PURSUANT TO PA. R.C.P. 4009.22**

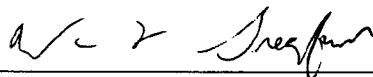
As a prerequisite to service of a subpoena for documents and things pursuant to Pa.
R.C.P. 4009.22, Defendants certify that:

- (1) A Notice of Intent to Serve Subpoena upon Daniel S. Gordon, D.O., with a copy of the Subpoena attached thereto was mailed to counsel for plaintiffs at least twenty days prior to the date on which the Subpoena is sought to be served;
- (2) A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate as Exhibit "A";
- (3) No objection to the Subpoena has been received, and
- (4) The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully Submitted,

WAYMAN, IRVIN & McAULEY, LLC

Date: March 23, 2011

BY: 
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS
PURSUANT TO PA. R.C.P. 4009.21**

Filed on behalf of:

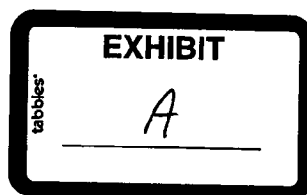
Defendant Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. I.D. #43679

WAYMAN, IRVIN & MCAULEY, LLC
Firm #583
Suite 1624 Frick Building
Pittsburgh PA 15219

Telephone No.: (412) 566-2970
Facsimile No.: (412) 391-1464



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21**

Please be advised that Defendant, Bryce Fisher, by and through his attorneys, Wayman, Irvin & McAuley, LLC, intends to serve a subpoena identical to the one that is attached to this Notice upon Daniel S. Gordon, D.O.

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,

WAYMAN, IRVIN & McAULEY, LLC

Date: March 2, 2011

BY: Warren L. Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Diane L. Kutskel
Joseph P. Kutskel
Plaintiff(s)

Vs.

Bryce Fisher
Defendant(s)

No. 2006-00365-CD

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

TO: Dr. Daniel S. Gordon, D.O.

(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:

All medical records and billing statements of Diane L. Kutskel

(date of birth: 6/3/1959; SSN No. 181-50-5439) from 4/1/1999 through the present.

(Address)

Law Offices of Wayman, Irvin & McAuley, LLC, Suite 1700, Three Gateway Center,
401 Liberty Avenue, Pittsburgh, PA 15222-1004

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: Warren L. Siegfried, Esquire

ADDRESS: Wayman, Irvin & McAuley, LLC, Suite 1700

Three Gateway Center, 401 Liberty Avenue, Pittsburgh, PA 15222-1004

TELEPHONE: 412-566-2970

SUPREME COURT ID # 43679

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, February 28, 2011
Seal of the Court

Deputy-

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, this 2nd day of March, 2011:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

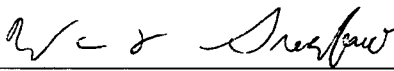
BY: W L Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENAS PURSUANT TO PA. R.C.P. 4009.22** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, this 23rd day of March, 2011:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

BY: 
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

Plaintiffs,

vs.

BRYCE FISHER,

Defendant.

CIVIL DIVISION

No. : 2006-00365-CD

**CERTIFICATE PREREQUISITE TO
SERVICE OF SUBPOENA
PURSUANT TO PA. R.C.P. 4009.22**

Filed on behalf of:

Defendant Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. I.D. #43679

WAYMAN, IRVIN & MCAULEY, LLC
Firm #583
Suite 1700, Three Gateway Center
401 Liberty Avenue
Pittsburgh, PA 15222-1004

Telephone No.: (412) 566-2970
Facsimile No.: (412) 391-1464

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**CERTIFICATE PREREQUISITE TO SERVICE OF
SUBPOENA PURSUANT TO PA. R.C.P. 4009.22**

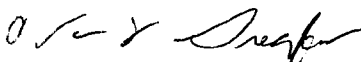
As a prerequisite to service of a subpoena for documents and things pursuant to Pa.
R.C.P. 4009.22, Defendants certify that:

- (1) A Notice of Intent to Serve Subpoena upon Dr. Patrick Finn, with a copy of the Subpoena attached thereto was mailed to counsel for plaintiffs at least twenty days prior to the date on which the Subpoena is sought to be served;
- (2) A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate as Exhibit "A";
- (3) No objection to the Subpoena has been received, and
- (4) The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully Submitted,

WAYMAN, IRVIN & McAULEY, LLC

Date: March 23, 2011

BY: 
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS
PURSUANT TO PA. R.C.P. 4009.21**

Filed on behalf of:

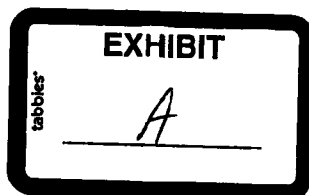
Defendant Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. I.D. #43679

WAYMAN, IRVIN & MCAULEY, LLC
Firm #583
Suite 1624 Frick Building
Pittsburgh PA 15219

Telephone No.: (412) 566-2970
Facsimile No.: (412) 391-1464



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P.
KUTSKEL

CIVIL DIVISION

Plaintiffs,

No. : 2006-00365-CD

vs.

BRYCE FISHER,

Defendant.

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21**

Please be advised that Defendant, Bryce Fisher, by and through his attorneys, Wayman, Irvin & McAuley, LLC, intends to serve a subpoena identical to the one that is attached to this Notice upon Dr. Patrick Finn.

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,

WAYMAN, IRVIN & McAULEY, LLC

Date: March 2, 2011

BY: Warren L. Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Diane L. Kutskel
Joseph P. Kutskel
Plaintiff(s)

Vs.

Bryce Fisher
Defendant(s)

No. 2006-00365-CD

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

TO: Dr. Patrick Finn

(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:

All medical records and billing statements of Diane L. Kutskel

(date of birth: 6/3/1959; SSN No. 181-50-5439) from 4/1/1999 through the present.

(Address)

Law Offices of Wayman, Irvin & McAuley, LLC, Suite 1700, Three Gateway Center
401 Liberty Avenue, Pittsburgh, PA 15222-1004

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: Warren L. Siegfried, Esquire

ADDRESS: Wayman, Irvin & McAuley, LLC, Suite 1700

Three Gateway Center, 401 Liberty Avenue, Pittsburgh, PA 15222-1004

TELEPHONE: (412) 566-2970

SUPREME COURT ID # 43679

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Monday, February 28, 2011

Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS AND THINGS PURSUANT TO PA. R.C.P. 4009.21** has been served on the following counsel of record by first class U.S. mail, postage pre-paid, this 2nd day of March, 2011:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

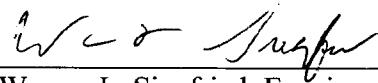
BY: Warren L. Siegfried
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS PURSUANT TO PA. R.C.P.**
4009.22 has been served on the following counsel of record by first class U.S. mail,
postage pre-paid, this 23rd day of March, 2011:

David P. King, Esquire
P. O. Box 1016
23 Beaver Drive
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

BY: 
Warren L. Siegfried, Esquire
Attorney for Defendant,
Bryce Fisher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

Plaintiffs,

vs.

BRYCE FISHER,

Defendant.

CIVIL DIVISION

2006
No. 2005- 00365 - CD

FILED NoCC.
\$ m 11:41 am
OCT 03 2012 GK

William A. Shaw
Prothonotary/Clerk of Courts

**CIVIL TRIAL LISTING - CERTIFICATE
OF READINESS**

Filed on behalf of: Defendant

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. ID No. 43679

Wayman Irvin & McAuley, LLC
Firm ID No. 583

JURY TRIAL DEMANDED

Three Gateway Center, Suite 1700
401 Liberty Avenue
Pittsburgh, PA 15222-1004

(412) 566-2970
(412) 391-1464 - Facsimile

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CIVIL TRIAL LISTING – CERTIFICATE OF READINESS

FORM MUST BE FILED WITH: CLEARFIELD COUNTY PROTHONOTARY
230 EAST MARKET STREET, 1ST FLOOR
CLEARFIELD, PA 16830

DATE PRESENTED: _____ CASE NUMBER: 2006-00365-CD

DATE ORIGINAL COMPLAINT WAS FILED: 07/13/2009

TYPE OF TRIAL REQUESTED: ESTIMATED LENGTH OF TRIAL:
(X) JURY () NON-JURY
() ARBITRATION (case cannot exceed \$20,000) 3 DAY(S) (or) _____ HOURS

PLAINTIFF(S):

Diane L. Kutskel and Joseph P. Kutskel

DEFENDANT(S):

Bryce Fisher

Check (✓) if Defendant is a Minor

()

ADDITIONAL DEFENDANT(S):

_____ ()

_____ ()

JURY DEMAND FILED BY:

Defendant

DATE JURY DEMAND FILED:

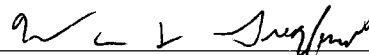
06/18/2009

AMOUNT AT ISSUE: \$ The parties stipulate that damages do not exceed \$75,000 CONSOLIDATION? () YES (X) NO

IF YES, DATE CONSOLIDATION ORDERED: _____

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE ARBITRATION / TRIAL LIST.

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 or arbitration, 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:


SIGNATURE

David P. King, Esq. 23 Beaver Dr., PO Box 1016, DuBois, PA 15801 814-371-3760
FOR THE PLAINTIFF(S) ADDRESS TELEPHONE #

Warren L. Siegfried, Esq. 401 Liberty Ave., Ste. 1700
Pittsburgh, PA 15222 412-566-2970
FOR THE DEFENDANT(S) ADDRESS TELEPHONE #

FOR ADDITIONAL DEFENDANT(S) ADDRESS TELEPHONE #

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

Plaintiffs,

vs.

BRYCE FISHER,

Defendant.

CIVIL DIVISION

No. 2006 - 00365 - CD

FILED No CC
m 11:41 am
OCT 03 2012
William A. Shaw
Prothonotary Clerk of Court


ANSWER AND NEW MATTER

Filed on behalf of: Defendant, Bryce Fisher

**You are hereby notified to plead to the
within pleading within twenty (20) days
hereof or a default judgment may be
entered against you.**

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. ID No. 43679


Warren L. Siegfried, Esquire
Counsel for Defendant, Bryce Fisher

WAYMAN, IRVIN & McAULEY, LLC
Firm I.D. No. 583

Three Gateway Center, Suite 1700
401 Liberty Avenue
Pittsburgh, PA 15222

(412) 566-2970
(412) 391-1464 - Facsimile
Email: wsiegfried@waymanlaw.com

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. 2006 - 00365 - CD

vs.

BRYCE FISHER,

Defendant.

ANSWER AND NEW MATTER

AND NOW comes the Defendant, Bryce Fisher, by and through his counsel, Wayman, Irvin & McAuley, LLC, and files the with Answer and New Matter and, in support thereof, avers as follows:

1. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of Plaintiffs' Complaint. Therefore, they are deemed denied with strict proof thereof demanded at time of trial.

2. Admitted.

3. The allegations contained in Paragraph 3 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that the within incident occurred on April 17, 2004. By way of further answer, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of

the remaining allegations contained in Paragraph 3 of Plaintiffs' Complaint. Therefore, they are deemed denied with strict proof thereof demanded at time of trial.

4. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 4 of Plaintiffs' Complaint. Therefore, they are deemed denied with strict proof thereof demanded at time of trial.

5. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 of Plaintiffs' Complaint. Therefore, they are deemed denied with strict proof thereof demanded at time of trial.

6. The allegations contained in Paragraph 6 of Plaintiffs' Complaint are admitted.

7. The allegations contained in Paragraph 7 of Plaintiffs' Complaint are admitted in part and denied in part. It is admitted that an impact occurred between the two (2) vehicles. The remaining allegations are specifically denied. It is specifically denied that Defendant was not attentive or otherwise not paying attention to traffic and the flow of traffic and was traveling at an excessive or unsafe speed. To the contrary, Defendant was acting reasonably and prudently at all times relevant.

8. The allegations contained in Paragraph 8 of Plaintiffs' Complaint are denied. It is denied that the impact was of a great and forceful manner and caused the Plaintiffs' vehicle to sharply move forward. Strict proof thereof is demanded at time of trial.

9. The allegations contained in Paragraph 9 of Plaintiffs' Complaint and its sub-paragraphs are conclusions of law to which no response is required. To the extent that a response is deemed necessary, the same are denied. It is specifically denied that Defendant was negligent generally or in any manner set forth in sub-paragraphs (a) through (i) of Paragraph 9 of Plaintiffs' Complaint. To the contrary, Defendant acted reasonably and prudently at all times relevant.

10. The allegations contained in Paragraph 10 of Plaintiffs' Complaint are conclusions of law to which no response is required. To an extent that a response is deemed necessary, the same are denied. It is specifically denied that Defendant was negligent in any manner whatsoever.

COUNT I

(Personal Injury)

11. In response to Paragraph 11 of Plaintiffs' Complaint, Defendant incorporates by reference paragraphs 1 through 10 of its Answer and New Matter as if set forth fully at length herein.

12. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 12 of Plaintiffs' Complaint. Therefore, they are deemed denied with strict proof thereof demanded at time of trial.

13. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations

contained in Paragraph 13 of Plaintiffs' Complaint. Therefore, they are deemed denied with strict proof thereof demanded at time of trial.

14. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 14 of Plaintiffs' Complaint. Therefore, they are deemed denied with strict proof thereof demanded at time of trial.

COUNT II

(Loss of Consortium)

15. In response to Paragraph 15 of Plaintiffs' Complaint, Defendant incorporates by reference paragraphs 1 through 14 of its Answer and New Matter as if set forth fully at length herein.

16. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 16 of Plaintiffs' Complaint. Therefore, they are deemed denied with strict proof thereof demanded at time of trial.

17. The allegations contained in Paragraph 17 of Plaintiffs' Complaint are conclusions of law to which no response is required. To an extent that a response is deemed necessary, the same are denied. It is specifically denied that Defendant was negligent in any manner whatsoever.

WHEREFORE, Defendant denies he is liable to Plaintiffs for any sum whatsoever and demands judgment be entered in his favor along with costs of this suit.

NEW MATTER

By way of further and more specific defense, Defendant avers as follows:

18. The Plaintiffs' claims are barred and/or limited by her own comparative/contributory negligence.

19. The Plaintiffs' claims are barred and/or limited by the applicable provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

20. To the extent that Plaintiffs have selected the limited tort option, it is hereby affirmatively averred that Plaintiffs are not entitled to non-economic damages as a result of that selection.

21. Defendant encountered a sudden emergency, not of his own making, and to which he acted reasonably and, therefore, cannot be liable.

WHEREFORE, Defendant denies he is liable to the Plaintiffs for any sum whatsoever and demands judgment be entered in his favor along with costs of this suit.

JURY TRIAL DEMANDED

Respectfully submitted,

WAYMAN, IRVIN & McAULEY, LLC

By: Warren L. Siegfried
Warren L. Siegfried, Esquire
Counsel for Defendant

VERIFICATION

I, Bryce Fisher, have read the foregoing Answer and New Matter and verify that the statements contained therein are true to the best of my knowledge, information, and belief.

This statement is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: _____

8/16/09Bryce Fisher

Bryce Fisher

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Answer and New Matter has been served on all counsel of record by U.S. First Class Mail, postage prepaid, on this 5th day of October, 2012 as follows:

David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

By: Warren L. Siegfried
Warren L. Siegfried, Esquire

CA

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL

Plaintiffs

vs.

NO. 2006-0365-CD

BRYCE FISHER

Defendant

FILED

OCT 12 2012

William A. Shaw
Prothonotary/Clerk of Courts

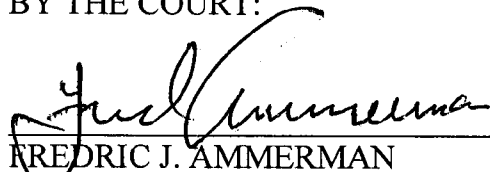
ORDER

AND NOW, this 10 day of October, 2012, it is the Order of

the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for Friday, November 9, 2012, at 1:30 PM in Judge Ammerman's chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Civil Jury Selection in this matter shall be and is hereby scheduled for Tuesday, March 5, 2013, at 9:00 AM in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. **All Plaintiffs, Defendants, and their attorneys must be present for Jury Selection.**

BY THE COURT:


FREDRIC J. AMMERMAN
PRESIDENT JUDGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

Plaintiffs,

vs.

BRYCE FISHER,

Defendant.

CIVIL DIVISION

No. 2006 - 00365 - CD

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William A. Shaw
Notary Public/Clerk of Courts
No 96

**MOTION FOR CONTINUANCE OF
PRE-TRIAL CONFERENCE**

Filed on behalf of: Defendant, Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. ID No. 43679

WAYMAN, IRVIN & McAULEY, LLC
Firm I.D. No. 583

Three Gateway Center, Suite 1700
401 Liberty Avenue
Pittsburgh, PA 15222

(412) 566-2970
(412) 391-1464 - Facsimile
Email: wsiegfried@waymanlaw.com

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. 2006 – 00365 - CD

vs.

BRYCE FISHER,

Defendant.

MOTION FOR CONTINUANCE OF PRE-TRIAL CONFERENCE

AND NOW comes the Defendant, Bryce Fisher, by and through his counsel, Wayman, Irvin & McAuley, LLC, and files the within Motion for Continuance of Pre-Trial Conference and, in support thereof, avers as follows:

1. Defendant filed a Certificate of Readiness for Trial on or about October 5, 2012.
2. On October 10, 2012, this Honorable Court scheduled a pre-trial conference for Friday, November 9, 2012, at 1:30 p.m.
3. Trial counsel for Defendant, Warren L. Siegfried, is unable to appear before the Court on this date and time.
4. Accordingly, Defendant respectfully requests a continuance of the pre-trial conference pursuant to Clearfield County Local Rule 212.4(c).

Respectfully submitted,

WAYMAN, IRVIN & McAULEY, LLC


By: Warren L. Siegfried
Warren L. Siegfried, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion for Continuance of Pre-Trial Conference has been served on all counsel of record by U.S. First Class Mail, postage prepaid, on this 18th day of October, 2012 as follows:

David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

By: 
Warren L. Siegfried, Esquire

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. 2006 - 00365 - CD

vs.

BRYCE FISHER,

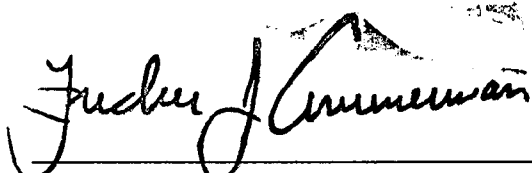
Defendant.

ORDER

AND NOW, this 24th day of October, 2012, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for Friday, December 7, 2012, at 3:00 PM in Judge Ammerman's chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Civil Jury Selection in this matter shall be and is hereby scheduled for Tuesday, March 5, 2013, at 9:00 AM in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. **All Plaintiffs, Defendants, and their attorneys must be present for Jury Selection.**

BY THE COURT:


FREDRIC J. AMMERMAN
PRESIDENT JUDGE

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William A. Shaw
Prothonotary/Clerk of Courts
Atty Siegfried
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FILED

OCT 24 2012

William A Shaw
Prothonotary/Clerk of Courts

DATE: 10/24/12

X You are responsible for serving all appropriate parties.

___ The Prothonotary's office has provided service in 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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

Plaintiffs,

vs.

BRYCE FISHER,

Defendant.

CIVIL DIVISION

No. 2006 - 00365 - CD

FILED ^{RE}
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William A. Shaw
Prothonotary/Clerk of Courts
No 9/4

PRAECIPE

Filed on behalf of: Defendant, Bryce Fisher

Counsel of Record for this Party:

Warren L. Siegfried, Esquire
Pa. ID No. 43679

WAYMAN, IRVIN & McAULEY, LLC
Firm I.D. No. 583

Three Gateway Center, Suite 1700
401 Liberty Avenue
Pittsburgh, PA 15222

(412) 566-2970
(412) 391-1464 - Facsimile
Email: wsiegfried@waymanlaw.com

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,

No. 2006 - 00365 - CD

vs.

BRYCE FISHER,

Defendant.

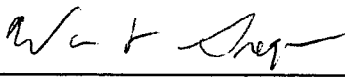
PRAECIPE

TO: Prothonotary

Please file of record the attached Certificate of Service related to service of Judge Ammerman's Order dated October 24, 2012, scheduling the pre-trial conference in the above-captioned matter.

Respectfully submitted,

WAYMAN, IRVIN & McAULEY, LLC

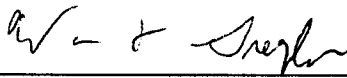
By: 
Warren L. Siegfried, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Judge Ammerman's Order dated October 24, 2012, scheduling the pre-trial conference in the above-captioned matter has been served on all counsel of record by U.S. First Class Mail, postage prepaid, on this 30th day of October, 2012, as follows:

David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801

WAYMAN, IRVIN & McAULEY, LLC

By: 
Warren L. Siegfried, Esquire

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

DIANE L. KUTSKEL and JOSPEH P. KUTSKEL,

Plaintiffs

VS.

BRYCE FISHER,

Defendant

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NO. 2006-365-CD

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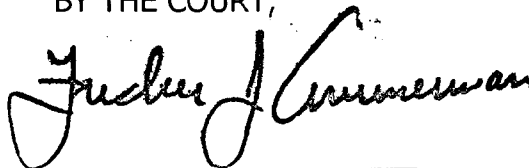
William A. Shaw
Prothonotary/Clerk of Courts

Case to King & Siegfried

ORDER

NOW, this 7th day of December, 2012, following pre-trial conference among counsel and the Court; it is the ORDER of this Court that the Deputy Court Administrator schedule this case for Arbitration and remove it from the Civil Jury List.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

5 **FILED**

2 **MAR 11 2013**

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William A. Shaw
Prothonotary/Clerk of Courts

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

NO. 2006-0365 C.D.

Type of Case: Civil

Type of Pleading: Praecipe

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

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

DIANE L. KUTSKEL and
JOSEPH P. KUTSKEL,
Plaintiffs

vs.

BRYCE FISHER,
Defendant

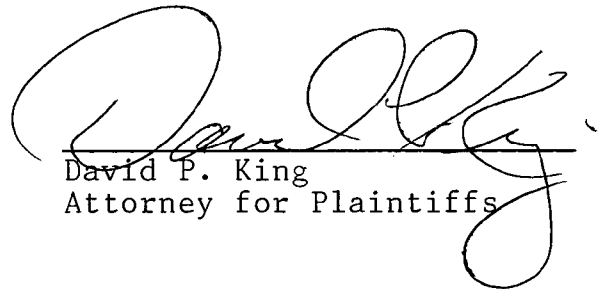
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NO. 2006-0365 C.D.

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above captioned case "settled and
discontinued".



David P. King
Attorney for Plaintiffs

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

CIVIL DIVISION

**Diane L. Kutskel
Joseph P. Kutskel**

Vs.

No. 2006-00365-CD

Bryce Fisher

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 March 11, 2013, marked:

Settled an Discontinued

Record costs in the sum of \$85.00 have been paid in full by Atty. King.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 11th day of March A.D. 2013.

William A. Shaw, Prothonotary

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

DIANE L. KUTSEL and JOSEPH P. KUTSEL
Plaintiffs

vs.

BRYCE FISHER
Defendant

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*
*

NO. 2006-365-CD

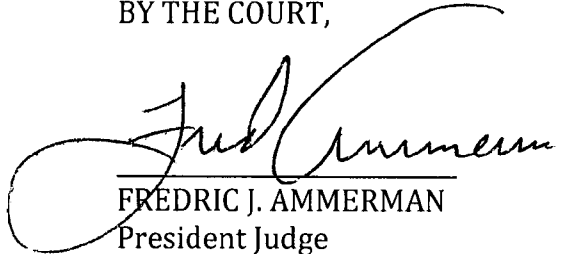
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ORDER

William A. Shaw
Prothonotary/Clerk of Courts KK

NOW, this 15th day of March, 2013, upon the Court's review of the record, with the Court noting that on March 11, 2013 Attorney David King filed a Praecipe to Settle and Discontinue; therefore, the Court considers this case to be settled, dismissed and discontinued. The Prothonotary shall code the case in Full Court as Z-SETTLA.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge