

06-365-CD

RECORDED AND INDEXED

2006-365-CD

Diane Kutske et al vs Bryce Fisher

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. *AO-305-CD*

Type of Case: Civil - Personal  
Injury  
Type of Pleading: Praeclipe 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

*SEARCHED Atty pd. \$5.00*  
*03/09/2006 2 Wnts to Atty*  
*MAR 09 2006 (in) NOCC*  
William A. Shaw  
Prothonotary/Clerk of Courts

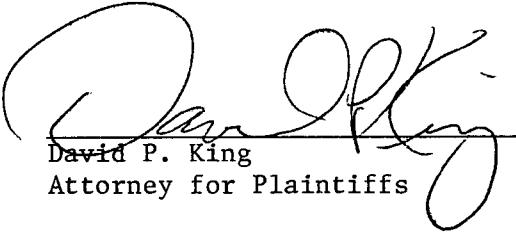
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

DIANE L. KUTSKEL and :  
JOSEPH P. KUTSKEL, :  
Plaintiffs :  
:  
vs. : NO. \_\_\_\_\_ C.D.  
:  
BRYCE FISHER, :  
Defendant :  
:

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

CC

**SUMMONS**

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

**Vs.**

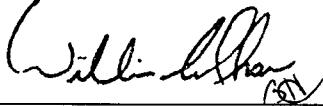
**NO.: 2006-00365-CD**

**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

NO. 2005-00365-C.D.

vs.  
BRYCE FISHER,  
Defendant

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  
11:00 AM  
APR 19 2006  
CIR

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. : NO. 200<sup>6</sup>5-00365-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,  
vs.

*2006*  
No. 2005 - 00365 - CD

BRYCE FISHER,  
Defendant.

**PRAECIPE FOR ENTRY OF  
APPEARANCE**

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 *11:13 AM* NO CC  
JUN 22 2009 (60)  
S 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 Praeclipe for Entry of Appearance has been served on all counsel of record by U.S. First Class Mail, postage prepaid, on this 18<sup>th</sup> day of June, 2009 as follows:

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

WAYMAN, IRVIN & McAULEY, LLC

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and  
JOSEPH P. KUTSKEL,

CIVIL DIVISION

Plaintiffs,  
vs.

BRYCE FISHER,

Defendant.

*2006*  
No. 2005 - 00365 - CD

**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 NOCC  
MILL 364  
JUN 22 2009  
5 Rule  
William A. Shaw  
Prothonotary/Clerk of Courts  
to Atty  
GW

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. Kutske and Joseph P. Kutske, 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 / lkal  
Warren L. Siegfried, Esquire  
Counsel for Defendant

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeclipe for Rule to File Complaint has been served on all counsel of record by U.S. First Class Mail, postage prepaid, on this 18<sup>th</sup> 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

OPY

Diane L. KutskeL  
Joseph P. KutskeL

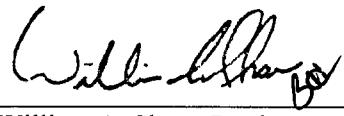
Vs.  
Bryce Fisher

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

8:30A.M. 6K  
JUL 14 2009

5  
William A. Shaw  
Prothonotary/Clerk of Courts

(64)

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

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

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)

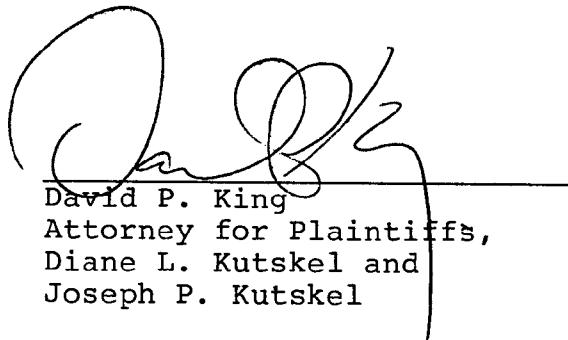
15. The averments in Paragraphs 1 through 14 above are herein incorporated by reference as if fully set forth.

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.



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

Diane L. KutskeL  
Plaintiff

Date: 7/13/09

Joseph P. KutskeL

Joseph P. KutskeL  
Plaintiff

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

DIANE L. KUTSKEL and  
JOSEPH P. KUTSKEL,  
Plaintiffs

NO. 2006-00365 C.D.

vs.  
BRYCE FISHER,  
Defendant

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

S : [initials] No CC  
M10: [initials] [initials]  
LM  
William A. Shaw  
Notary/Clerk of Courts

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

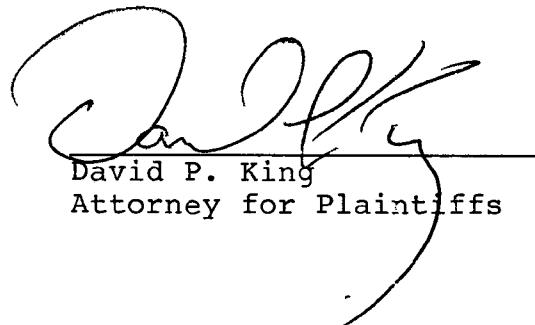
DIANE L. KUTSKEL and :  
JOSEPH P. KUTSKEL, :  
Plaintiffs :  
:  
vs. : NO. 2006-00365 C.D.  
:  
BRYCE FISHER, :  
Defendant :  
:

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.)

JUL 29 2009

## I. (a) PLAINTIFFS

Diane L. Kutske and Joseph P. Kutske

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

## DEFENDANTS

Bryce Fisher *EL* 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.

(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

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)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 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)

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 checked="" 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	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R. & Truck	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input checked="" type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 410 Voting	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<b>IMMIGRATION</b>	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	

## V. ORIGIN

(Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
--	--	--	---	--	---	--

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

28 U.S.C. Sec. 1332

## VI. CAUSE OF ACTION

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

SIGNATURE OF ATTORNEY OF RECORD

07/27/2009

/s/ Warren L. Siegfried

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFF \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

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

DIANE L. KUTSKEL and  
JOSEPH P. KUTSKEL,

CIVIL DIVISION

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 Praecept 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



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

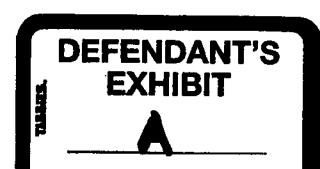
Supreme Court No. 22980

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. : NO. 2006-00365 C.D.  
: :  
BRYCE FISHER, :  
Defendant :  
:

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)

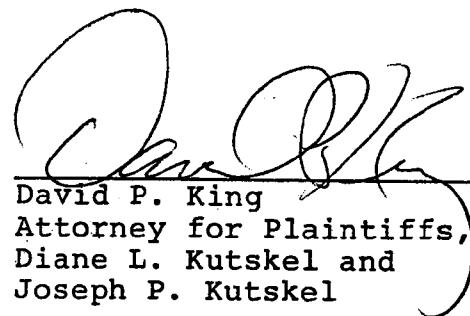
15. The averments in Paragraphs 1 through 14 above are herein incorporated by reference as if fully set forth.

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.



---

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  
Diane L. KutskeL  
Plaintiff

Date: 7/13/09

Joseph P. KutskeL  
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.

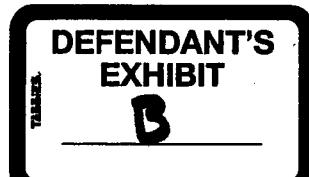
NO. 2005-00365-CD

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,  
vs.

No. 2005 - 00365 - CD

BRYCE FISHER,  
Defendant.

**PRAECIPE FOR ENTRY OF  
APPEARANCE**

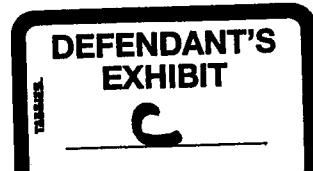
Filed on behalf of: Defendant

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



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/Scal  
Warren L. Siegfried, Esquire  
Counsel for Defendant

## CERTIFICATE OF SERVICE

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

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

WAYMAN, IRVIN & McAULEY, LLC

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

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

Diane L. KutskeI  
Joseph P. KutskeI

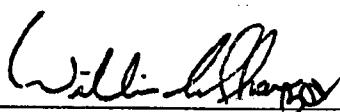
Vs.  
Bryce Fisher

Case No. 2006-00365-CD

RULE TO FILE COMPLAINT

TO: Diane L. KutskeI and Joseph P. KutskeI

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 27<sup>th</sup> 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 / bcl  
Warren L. Siegfried, Esquire

06-365-CJ

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

DIANE L. KUTSKEL, and )  
JOSEPH P. KUTSKEL, )  
v. )  
Plaintiffs, ) CIVIL ACTION NO. 3:09-207  
BRYCE FISHER, ) JUDGE KIM R. GIBSON  
Defendant, )  
S

FILED  
M 11 00 301 NO CC  
OCT 26 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
(6)

**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 22<sup>nd</sup> day of October, 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

UNITED STATES DISTRICT JUDGE

CERTIFIED FROM THE RECORD	
Date	<u>10-22-09</u>
ROBERT V. BARTH, JR. CLERK	
By	<u>Diane L. Donegan</u>
Deputy Clerk	

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

*5-11-11*  
*m/11/09/11* NO  
*11/11/09/11* CC  
*PLD*  
William P. Show  
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P. CIVIL DIVISION  
KUTSKEL

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.

\*

No. 2006-00365-CD

Bryce Fisher

\*

Defendant(s)

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

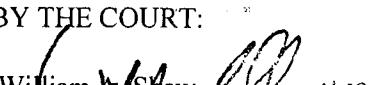
Three Gateway Center, 401 Liberty Avenue, Pittsburgh, PA 15222-1004

TELEPHONE: 412-566-2970

SUPREME COURT ID # 43679

ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw, Clerk  
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: WLC - 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

*5-11-09  
BJS  
M/J/09/2011 NO CC  
William A. Sirny  
Prothonotary Clerk of Courts*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P. CIVIL DIVISION  
KUTSKEL

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: W.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.

\*

No. 2006-00365-CD

Bryce Fisher  
Defendant(s)

\*

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 (m)

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

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*  
*1/11/06* *NO CC*  
*1/11/06*  
*W.A. Siegfried*  
*Clearfield County Courts*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DIANE L. KUTSKEL and JOSEPH P. CIVIL DIVISION  
KUTSKEL

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  
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.

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

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, Clerk  
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,  
vs.  
BRYCE FISHER,  
Defendant.

No. : 2006-00365-CD

1970 (w)  
William A. Shaw  
Prothonotary/Clerk of Court

**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. CIVIL DIVISION  
KUTSKEL

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 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:

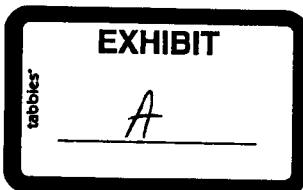
Defendant Bryce Fisher

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. CIVIL DIVISION  
KUTSKEL

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

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Diane L. KutskeI

Joseph P. KutskeI

Plaintiff(s)

Vs.

\*

No. 2006-00365-CD

Bryce Fisher

Defendant(s)

\*

\*

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. KutskeI

(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

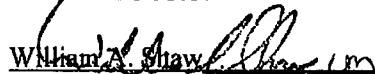
Three Gateway Center, 401 Liberty Avenue, Pittsburgh, PA 15222-1004

TELEPHONE: 412-566-2970

SUPREME COURT ID # 43679

ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw, Esquire  
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 23<sup>rd</sup> day of March, 2011:

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

WAYMAN, IRVIN & McAULEY, LLC

BY: Warren 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.

7 ml 9-36/0  
Yell 1/10/08  
Other Party/Court of

**CERTIFICATE PREREQUISITE TO NO 4/0  
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. CIVIL DIVISION  
KUTSKEL

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: W. 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:

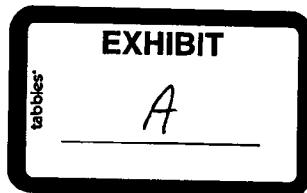
Defendant Bryce Fisher

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. CIVIL DIVISION  
KUTSKEL

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.

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

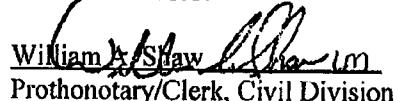
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing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

*4*  
*mlq:30/1*  
**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. CIVIL DIVISION  
KUTSKEL

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  
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:

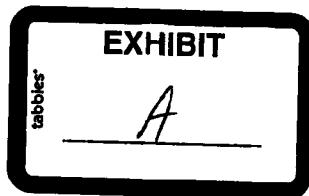
Defendant Bryce Fisher

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. CIVIL DIVISION  
KUTSKEL

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.

\*

No. 2006-00365-CD

Bryce Fisher

\*

Defendant(s)

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

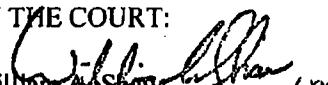
Three Gateway Center, 401 Liberty Avenue, Pittsburgh, PA 15222-1004

TELEPHONE: (412) 566-2970

SUPREME COURT ID # 43679

ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw, Esq.  
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  
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. 2005-00365 - CD

5/11/12  
FILED NOCC  
S. M. 11:41 AM  
05/11/2012 6K

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, 1<sup>ST</sup> 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:

JURY  NON-JURY  
 ARBITRATION (case cannot exceed \$20,000) 3 DAY(S) (or)        HOURS

PLAINTIFF(S):

Diane L. Kutske and Joseph P. Kutske

DEFENDANT(S):

Bryce Fisher Check (✓) if Defendant is a Minor  
( )

ADDITIONAL DEFENDANT(S):

\_\_\_\_\_  
\_\_\_\_\_  
( )  
( )

JURY DEMAND FILED BY: DATE JURY DEMAND FILED:

Defendant 06/18/2009

The parties stipulate

AMOUNT AT ISSUE: \$ 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 #

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 14 LM  
10/03/2012  
68

William A. Shaw  
Prothonotary Clerk of Court

**ANSWER AND NEW MATTER**

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](mailto:wsiegfried@waymanlaw.com)

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

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: W.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 5<sup>th</sup> 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: WL - Juz  
Warren L. Siegfried, Esquire

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 :  
P.O.

**FILED**

**O R D E R**

OCT 12 2012  
S 0 10:00 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
CFM to Clerk +  
S E C T I O N  
w/plt memo

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

5 OCT 23 2012  
m/12:30/12  
William A. Shaw  
Prothonotary/Clerk of Courts  
No. 42

**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](mailto: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 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 18<sup>th</sup> 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 Siegfried  
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 - 00365 - CD

vs.

BRYCE FISHER,

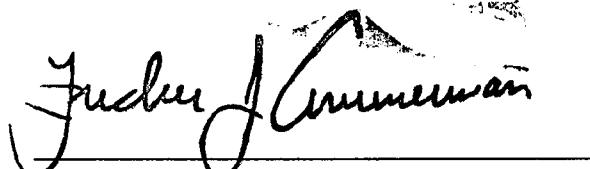
Defendant.

ORDER

AND NOW, this 24<sup>th</sup> 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

FILED 2cc  
OCT 21 2012 Atty Siegfried  
6V  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

OCT 2 4 2012

William A Shaw  
Prothonotary/Clerk of Courts

DATE: 10/24/12

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 \_\_\_\_\_ Other \_\_\_\_\_

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

**PRAECIPE**

RE  
NOV 01 2012  
M 11:50 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
No 44

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](mailto: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,  
vs.  
BRYCE FISHER,

No. 2006 - 00365 - CD  
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 30<sup>th</sup> 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: W. L. Siegfried  
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

\* NO. 2006-365-CD  
\*  
\*  
\*  
\*

**FILED**

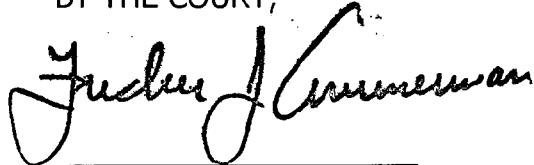
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10:35 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
Clerk to Kline & Siegfried

**ORDER**

NOW, this 7<sup>th</sup> 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

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,  
: :  
: :  
: :

**ORDER**

NOW, this 8<sup>th</sup> day of February, 2013, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Thursday, March 14, 2013, at 1:00 P.M. in Hearing Room No. 3, 2<sup>nd</sup> Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

Michael P. Yeager, Esquire, Chairman  
Laurance B. Seaman, Esquire  
Ann B. Wood, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form in enclosed as well as a copy of said Local Rule of Court.

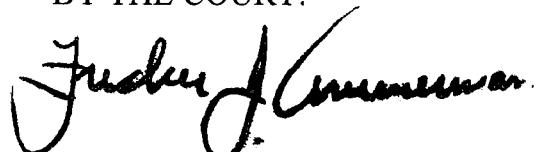
**FILED**

013-44016 CC  
FEB 08 2013 CIA

William A. Shaw  
Prothonotary/Clerk of Courts

6/6

BY THE COURT:



FREDRIC J. AMMERMAN  
PRESIDENT JUDGE

FILED

2 MAR 11 2013

0112-5012  
William A. Shaw  
Prothonotary/Clerk of Courts

1 CCM TO

ATTN

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

DIANE L. KUTSKEL and  
JOSEPH P. KUTSKEL,  
Plaintiffs

NO. 2006-0365 C.D.

Type of Case: Civil

vs.

Type of Pleading: Praeclipe

BRYCE FISHER,  
Defendant

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

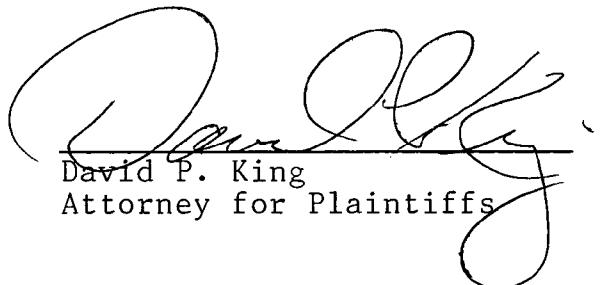
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

DIANE L. KUTSKEL and :  
JOSEPH P. KUTSKEL, :  
Plaintiffs :  
vs. : NO. 2006-0365 C.D.  
BRYCE FISHER, :  
Defendant :  
:

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

\* NO. 2006-365-CD

\*

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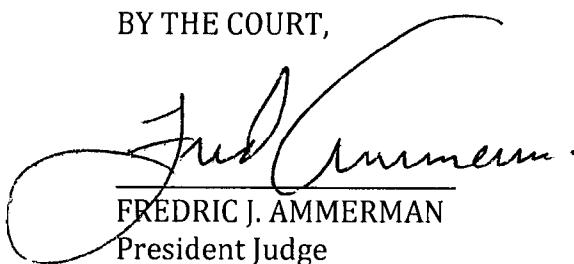
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2013

**ORDER**

William A. Shaw  
Prothonotary/Clerk of Courts KK

NOW, this 15<sup>th</sup> 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 Praeclipe 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