

06-390-CD
Barbara Coder vs Della Harris et al

Barbara Coder vs Della Harris et al
2006-390-CD

Date: 6/13/2007

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:10 AM

ROA Report

Page 1 of 2

Case: 2006-00390-CD

Current Judge: Fredric Joseph Ammerman

Barbara L. Coder vs. Della S. Harris, Fullington Bus Co.

Civil Other

Date		Judge
3/15/2006	New Case Filed.	No Judge
	X Filing: Civil Complaint Paid by: Noble, Theron G. (attorney for Coder, Barbara L.) Receipt number: 1912870 Dated: 03/15/2006 Amount: \$85.00 (Check) 4CC Atty Noble.	No Judge
4/5/2006	X Praeclipe For Entry of Appearance, filed by Atty. Tredwell 1 Cert. to Atty. Enter our appearance on behalf of Defendants, Dell S. Harris and Fullington Bus Co.	No Judge
4/24/2006	X Sheriff Return, March 17, 2006, Sheriff of Blair County was deputized. March 30, 2006 at 10:45 am served the within Complaint on Della S. Harris. March 20, 2006 at 3:18 pm served the within Complaint on Fullington Bus Co. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Noble \$58.00 Blair Co. costs pd by Noble \$38.00	No Judge
5/1/2006	X Entry of Appearance, filed. Kindly enter my appearance on behalf of Defendant, Della S. Harris and Fullington Bus Co., in the above-captioned matter, filed by s/ Sheryl L. Brown Esq. NO CC.	No Judge
5/15/2006	X Answer of Defendants, Della S. Harris & The Fullington Auto Bus Co. to Plaintiff's Complaint with New Matter, filed by s/ Scott J. Tredwell Esq. No CC.	No Judge
5/18/2006	X Reply to New Matter, filed by s/ Theron G. Noble Esq. No CC.	No Judge
11/1/2006	X Notice of Service, filed. This 31st day of October 2007, a true and correct copy of Plaintiff's Notice of Deposition, to Sheryl L. Brown Esq., filed by s/ Theron G. Noble Esq.	No Judge
11/6/2006	X Notice of Service, filed. Serve this 2nd day of November 2006, a true and correct copy of Defendant's Notice of Deposition to Theron G. Noble Esq., filed by s/ Sheryl L. Brown Esq. 1CC atty.	No Judge
1/16/2007	X Notice of Service, filed. That a true and correct copy of Plaintiff's Notice of Deposition was mailed to Sheryl L. Brown Esq., filed by s/ Theron G. Noble Esq. No CC.	No Judge
3/14/2007	X Notice of Service, filed. That I did propound on Defendant's Counsel, Plaintiff's Request for Production of Documents on James P. Tolerico Esq., filed by Theron G. Noble Esq. NO CC.	No Judge
4/13/2007	X Motion to Set Discovery Deadlines, filed by Theron G. Noble, Esquire. no CC	No Judge
4/17/2007	X Rule to Show Cause, NOW, this 17th day of April, 2007, upon consideration of the Plaintiff's Motion to Set Discovery Deadlines, a Rule is issued upon the Defendant. Rule Returnable for filing written response is set for the 17th day of May, 2007, and argument on the Motion set for the 17th day of May, 2007, at 10:00 A.M. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Noble	No Judge
4/18/2007	X Motion to Compel, filed by Atty. Noble no cert. copies.	No Judge
4/20/2007	X Notice of Service, filed. This 19th day of April 2007, a true and correct copy of the Rule Returnable issued upon Plaintiff's Motion to Set Discovery Deadlines to James P. Tolerico Esq., filed by s/ Theron G. Noble Esq. NO CC.	No Judge

Divorce

Date	Judge
12/10/2002	✓ ORDER, NOW, this 6th day of December, 2002, re: Praeclipe for Appointment of Master. Pre-Trial Conference scheduled for 14th day of Feb. 2003, at 9:30 a.m., etc. by the Court, s/FJA,J. 1 cc Atty Carfley, Kubista
12/17/2002	✓ ORDER: AND NOW, this 12 day of Dec., 2002, the Pre-Trial Conference has been rescheduled to 8:45 A. M. Feb, 14, 2003. s/FJA2 CC and Memo to Atty. Carfley
02/13/2003	✓ Income and Expense Statement of Defendant, Joyce I. Morroni. Verification s/Joyce I. Morroni 2 cc Atty Kubista
	✓ Inventory and Appraisement of Defendant, Joyce I. Morroni 2 cc Atty Kubista
	✓ Pre-Hearing Memorandum. filed by s/Kimberly M. Kubista, Esq. 2 cc Atty Kubista
04/07/2003	✓ Petition To Withdraw As Counsel On Behalf Of Defendant JOYCE I. MORRONI. filed by s/Kimberly M. Kubista, Esq. Certificate of Service no cc
04/14/2003	✓ RULE, NOW, this 11th day of April, 2003, issued upon Defendant. Rule returnable thereon the 1st day of May, 2003, for filing written response. by the Court, s/FJA,J. 3 cc Atty Kubista
	✓ Miscellaneous Payment: Retake Prior Name Paid by: Morroni, Joyce I. Receipt number: 1858695 Dated: 04/14/2003 Amount: \$10.00 (Check)
	✓ Notice Of Intent To Resume Prior Name. Joyce I. Morroni to be known as; JOYCE I. MILLER 7 Cert. to Defendant
04/15/2003	✓ Certificate of Service, Petition to Withdraw as Counsel upon: JOYCE I. MORRONI and JOHN CARFLEY, ESQ. s/Kimberly M. Kubista, Esq. no cc
04/22/2003	✓ Certificate of Service, Plaintiff's Answer and New Matter to Counsel, Kimberly Kubista's Petition to Withdraw upon: KIMBERLY M. KUBISTA, ESQ. filed by s/John R. Carfley, Esq. no cc
	✓ Plaintiff's Answer To Petition To Withdraw As Counsel. Filed by s/John R. Carfley, Esq. Verification s/Daniel Ernest Morroni 1 cc Atty Carfley
04/25/2003	✓ Answer To New Matter. filed by s/Kimberly M. Kubista, Esq. Certificate of Service no cc
05/02/2003	✓ STIPULATION, NOW THIS 2nd day of May, 2003, re: Agreed that KIMBERLY M. KUBISTA, ESQ., is permitted to withdraw as conseil for JOYCE I. MORRONI. s/Kimberly M. Kubista s/Joyce I. Morroni 2 cc Atty Kubista
05/05/2003	✓ Praeclipe To Withdraw Appearance On Behalf of the Defendant, JOYCE I. MORRONI. s/Kimberly M. Kubista, Esq. 3 cc Atty Kubista

Date: 6/13/2007

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:10 AM

ROA Report

Page 2 of 2

Case: 2006-00390-CD

Current Judge: Fredric Joseph Ammerman

Barbara L. Coder vs. Della S. Harris, Fullington Bus Co.

Civil Other

Date	Judge	
4/20/2007	<input checked="" type="checkbox"/> Order, NOW, this 20th day of April, 2007, upon consideration of the Plaintiff's Motion to Compel, Defendants are Ordered to produce to Plaintiff within 30 days hereof all documents requested in her March 13, 2007 Request For Production of Documents. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Noble	Fredric Joseph Ammerman
5/1/2007	<input checked="" type="checkbox"/> Notice of Service, filed. This 30th day of April 2007, a true and correct copy Fredric Joseph Ammerman of the ORDER issued upon Plaintiff's Motion to Compel to James P. Tolerico Esq., filed by s/ Theron G. Noble Esq. NO CC.	
5/3/2007	<input checked="" type="checkbox"/> Defendant's Motion For Continuance, filed by s/ James P. Tolerico, Esquire. 1CC Atty.	Fredric Joseph Ammerman
5/8/2007	<input checked="" type="checkbox"/> Order, this 7th day of May, 2007, upon consideration of Defendant's Motion For Continuance it is Ordered the new date for the Rule to show cause hearing for Plaintiff's Motion to Set Discovery Deadlines is 18th day of June, 2007 @ 9:00 a.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Tolerico	Fredric Joseph Ammerman
5/22/2007	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.21, filed by Lisa Kaub no cert. copies.	Fredric Joseph Ammerman
6/7/2007	<input checked="" type="checkbox"/> Defendant's Response to Plaintiff's Motion to Set Discovery Deadlines, filed by a/ James P. Tolerico Esq. 1CC Atty Tolerico	Fredric Joseph Ammerman
6/12/2007	<input checked="" type="checkbox"/> Notice of Service, filed. This 11th day of June 2007, a true and correct copy Fredric Joseph Ammerman of Plaintiff's Notice of Deposition (directed to Charles Shank) to James P. Tolerico Esq., filed by s/ Theron G. Noble Esq.	

Date: 09/22/2006

Time: 10:29 AM

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Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2001-01487-CD

Current Judge: Fredric Joseph Ammerman

Daniel E. Morroni vs. Joyce I. Morroni

Divorce

Date	Judge
05/13/2003	<p>✓ ORDER, AND NOW, this 12th day of May, 2003, re; Order of May 17, 2002, denying Plaintiff's request to alter the beneficiaries on his Solomon Smith Barney account be and is hereby RESCINDED. Assets not specifically referenced in the Property Settlement Agreement of the parties have by virtue of the Court's Order dated May 5, 2003, be declared, by implication, to be the sole and exclusive property of the Plaintiff with no ownership interest therein being invested in the Defendant. As a result of this Current Order the Plaintiff may now execute any and all change of beneficiary forms and/or other evidence or designation of ownership of this and other assets in his capacity as the sole and exclusive owner thereof. by the Court, s/FJA,J. 1 cc Atty Carley</p> <p>Fredric Joseph Ammerman</p>
05/16/2003	<p>✓ Petition to Modify Divorce Decree filed by s/Joyce I. Miller no cc</p> <p>✓ Letter from W. A. Shaw, Sr., Prothonotary/Clerk of Courts to Ms. Miller, re; Petition to Modify Divorce Decree refused by Judge Ammerman, due to errors. filed.</p> <p>Fredric Joseph Ammerman</p> <p>Fredric Joseph Ammerman</p>

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06-390-CD
v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

Type of Pleading:

CIVIL COMPLAINT

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED 4cc
03/11/2007 Atty Noble
MAR 15 2006 Atty pd 85.00
William A. Shaw
Prothonotary/Clerk of Courts

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06-_____ -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM 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 CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). 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 AN ATTORNEY, OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David Meholick, Court Administrator
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06-_____ -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

CIVIL COMPLAINT

NOW COMES the Plaintiff, Barbara L. Coder, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of her CIVIL COMPLAINT:

The Parties

1. That Plaintiff is Barbara L. Coder, who currently resides at 817 W. Weber Avenue, City of DuBois, Clearfield County, Pennsylvania 15801, and who at all relevant and material times did reside in Clearfield County, Pennsylvania.
2. That first defendant is Della S. Harris, hereinafter "Harris", who upon information and belief, does currently reside at and at all relevant and material times did reside at RD #3, Box 53, Tyrone, Centre County, Pennsylvania 16686.
3. That second defendant is Fullington Bus Co., hereinafter "Fullingtons", upon information and belief a duly formed and existing Pennsylvania corporation, who often uses the fictitious or alternative name of Fullington Auto Bus, with a principal place of business located at 316 E. Cherry Street, Clearfield, Clearfield County, Pennsylvania 16830.

Background

4. That defendant Fullingtons operates as its primary business a line of motorized buses for commercial travelers consisting of (i) those duly licensed routes mostly on a day to day basis as licensed by the Pennsylvania Public Utilities Commission (PUC); and (ii) those available for rent for private functions.
5. That upon information and belief, defendant Harris is employed by defendant Fullington as a bus driver.
6. That on June 23, 2004, shortly before 7:30 A.M., defendant Harris was so employed by Defendant Fullington and was operating an MCI passenger bus on State Route 322, in Lawrence Township, Clearfield County, Pennsylvania, heading in a westerly direction.
7. That at the same date and time, Ms. Coder was also driving a motor vehicle on the same road and in the same direction as defendant Harris.
8. That as Ms. Coder approached the defendants' bus, she pulled into the left hand lane, also known as the passing lane, to overtake the bus which was going well under the speed limit as the area in question consists of a substantial uphill grade.
9. That as Ms. Coder attempted to overtake the bus, the bus, which had its "four way" or "hazard lights" activated, began to pull from the right hand lane and into the left hand lane in an apparent attempt to overtake a garbage truck which was in front of the bus and traveling slower than the bus.
10. That as a direct and proximate result of the bus entering into Ms. Coder's lane of travel, which she clearly occupied, the bus did strike and otherwise force Ms. Coder to go off the paved road, lose control of her vehicle resulting in her vehicle "flipping" and "rolling over" numerous times.

11. That as a direct and proximate result of the aforementioned described accident, Ms. Coder did suffer significant bodily injuries consisting of numerous , cuts, contusions, "whip lash" type injuries to her neck and back and most significantly a tear of her medial meniscus as well as a complex tear of her discoid lateral meniscus of her left knee.
12. That as a direct and proximate result of those injuries, Ms. Coder did receive medical treatment from Clearfield E.M.S., Inc., Clearfield Hospital, DRMC, Scott Casteel, DO; and Mark A. Piasio, MD, consisting of ambulance, emergency room, physical therapy, chiropractic and surgical services, for which she should be compensated for in an amount to be determined at time of trial.
13. That as a direct and proximate result of the aforementioned injuries and treatment thereof, Ms. Coder did miss time from work, as a medical secretary for DRMC, causing her economic lose in an amount to be determined at time of trial.
14. That as a direct and proximate result of the aforementioned injuries, Ms. Coder did suffer, and continues to suffer, pain and suffering for which she should be compensated in an amount to be determined at time of trial.
15. That as a direct and proximate result of the aforementioned injuries, Ms. Coder has lost the ability to perform certain daily activities which she could otherwise participate in prior to the accident and has lost an ability to enjoy life for which she should be compensated for in an amount to be determined at time of trial.
16. That the injury to her left knee, despite the surgical intervention, is a permanent injury, which might require future medical services, including surgery, from which she will never fully nor adequately recover such that her pain and suffering, as well as her inability to enjoy life as previous to the accident, are on going and permanent damages,

again for which she should be compensated for in an amount to be determined at time of trial.

17. That as a result of the surgical intervention, as well as possible surgery in the future on her left knee, Ms. Coder has received scars; and might receive scars, which are unpleasant and for which she should be compensated for in an amount to be determined at time of trial.

18. That in the event it is determined that Ms. Coder's injury to her left knee is significant enough that she would become disabled and unable to perform her employment duties, she should also be compensated for her future lost wages in an amount to be determined at time of trial.

**Count I: v. Defendant Harris;
Negligence**

19. That the averments of paragraphs 1 - 18, inclusive are hereby incorporated as if again fully set forth at length.

20. That defendant Harris negligently operated the bus she was driving, just prior to the accident, as follows:

- (i) she failed to keep a proper look out and pay attention to her surroundings;
- (ii) she improperly changed, or attempted to change lanes of travel, when another vehicle, namely that being operated by Ms. Coder, already possessed the lane of travel in which defendant Harris attempted to force her bus; and
- (iii) failed to turn on its "turn signal", which most likely could not be turned on as the bus's "four way" or "hazard lights" were activated, such that she failed to give warning as

to the turn into the left hand lane of travel.

21. That as a direct and proximate result of defendant Harris's negligence, Ms. Coder suffered the aforementioned injuries and damages.

WHEREFORE, Plaintiff requests judgment in her favor and against this defendant in an amount in excess of \$25,000, together with interest and costs of prosecution, in an amount to be determined at time of trial.

**Count II: v. Fullington Bus Co.;
Respondent Superior**

22. That the averments of paragraphs 1 - 21, inclusive, are hereby incorporated as if again fully set forth at length.

23. That at the time of this accident, defendant Harris was employed by defendant Fullington and was in the course of her employment fully acting within the scope of said employment.

24. That as the employee, agent, and/or servant of defendant Fullington, defendant Fullington is liable for the aforementioned injuries and damages suffered by Ms. Coder, in amounts to be determined at time of trial.

WHEREFORE, Plaintiff requests judgment in her favor and against this defendant in an amount in excess of \$25,000, together with interest and costs of prosecution, in an amount to be determined at time of trial.

**Count III: v. Defendant Fullington;
Negligence**

25. That the averments of paragraphs 1- 24, inclusive are hereby incorporated as if again fully set forth at length.

26. That besides being liable to Ms. Coder as per Count II, defendant Fullington was also negligent as follows:

(i) upon information and belief, it failed to properly train and supervise defendant Harris such that defendant Harris acted in the manner she did causing the aforementioned injuries and damages to Ms. Coder; and

(ii) upon information and belief, it failed to take corrective actions against defendant Harris, including keeping her employed, when it knew or should have known that defendant Harris demonstrated a propensity for driving a bus in an unsafe and imprudent manner.

27. That defendant Fullington's negligence was a direct and proximate result of the aforementioned injuries and damages suffered by Ms. Coder.

WHEREFORE, Plaintiff requests judgment in her favor and against this defendant in an amount in excess of \$25,000, together with interest and costs of prosecution, in an amount to be determined at time of trial.

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06-_____ -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

VERIFICATION

I, Barbara L. Coder, Plaintiff, do hereby swear and affirm that I have read the foregoing CIVIL COMPLAINT and that the averments therein contained are true and correct to the best of my knowledge, information and belief. Furthermore, I am over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 6 day of March, 2006.

By,

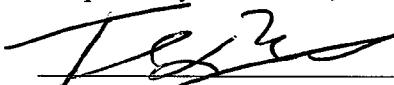
Barbara L. Coder
Barbara L. Coder, Plaintiff

Miscellaneous Averments

28. That defendants' liability is joint and several.
29. That jurisdiction is proper.
30. That venue is proper.

WHEREFORE, Plaintiff requests judgment in her favor and against defendants, jointly and severally, in an amount in excess of \$25,000, together with interest and costs of prosecution, in an amount to be determined at time of trial.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

McCORMICK & PRIORE, P.C.

By: Scott J. Tredwell, Esquire
Attorney ID # 57364
Four Penn Center, Suite 800
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
(T) 215-972-0161
(F) 215-972-5580
email: stredwell@mccormickpriore.com

Attorney for Defendants,
Della S. Harris and Fullington Bus Co.

BARBARA L. CODER

v.

DELLA S. HARRIS, and
FULLINGTON BUS CO.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 06-390-CD

ENTRY OF APPEARANCE

Kindly enter our appearance on behalf of defendants, Della S. Harris and Fullington Bus Co.,
in the above-captioned matter.

McCORMICK & PRIORE, P.C.

BY:

Scott J. Tredwell

Scott J. Tredwell, Esquire
Attorney for Defendants,
Della S. Harris and
Fullington Bus Co.

Dated: 3/29/06

FILED

APR 05 2006

M/12/06

William A. Shaw
Prothonotary/Clerk of Courts

1 copy to ATTY

COPY to CJA

McCORMICK & PRIORE
ATTORNEYS AT LAW

FILED

APR 05 2006

William A. Shaw
Prothonotary/Clerk of Courts

4/10/06
4/10/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101347
NO: 06-390-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: BARBARA L. CODER

VS.

DEFENDANT: DELLA S. HARRIS, an adult ind & FULLINGTON BUS CO. A Pa. Corp.

SHERIFF RETURN

NOW, March 17, 2006, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON DELLA S. HARRIS, an adult individual.

NOW, March 30, 2006 AT 10:45 AM SERVED THE WITHIN COMPLAINT ON DELLA S. HARRIS, an adult individual, DEFENDANT. THE RETURN OF BLAIR COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
91142001
APR 24 2006
WEN

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101347
NO: 06-390-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: BARBARA L. CODER

VS.

DEFENDANT: DELLA S. HARRIS, an adult ind & FULLINGTON BUS CO. A Pa. Corp.

SHERIFF RETURN

NOW, March 20, 2006 AT 3:18 PM SERVED THE WITHIN COMPLAINT ON FULLINGTON BUS CO. A Pennsylvania Corp. DEFENDANT AT 316 E. CHERRY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PATRICIA ANDERSON, ADMINISTRATIVE ASST. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101347
NO: 06-390-CD
SERVICES 2
COMPLAINT

PLAINTIFF: BARBARA L. CODER

vs.

DEFENDANT: DELLA S. HARRIS, an adult ind & FULLINGTON BUS CO. A Pa. Corp.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NOBLE	2255	20.00
SHERIFF HAWKINS	NOBLE	2255	38.00
BLAIR CO.	NOBLE	2257	38.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2006


Chester A. Hawkins
Sheriff

DATE RECEIVED

101347

DATE PROCESSED

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648

SHERIFF SERVICE PROCESS RECEIPT, and AFFIDAVIT OF RETURN		INSTRUCTIONS: Print legibly, insuring readability of all copies. Do not detach any copies. BCSD ENV. #		
1. PLAINTIFF(S) <i>Barbara L Coder</i>	2. COURT NUMBER <i>06-390 / 61926T-06</i>			
3. DEFENDANT(S) <i>Della S Harris</i>	4. TYPE OF WRIT OR COMPLAINT <i>Complaint</i>			
5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD. SERVE  <i>Della S Harris / Fullington Bus Co</i> AT <i>RD 3 Box 53 Tyrone PA 16686</i>				
6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)				
7. INDICATE UNUSUAL SERVICE: <input checked="" type="checkbox"/> PERSONAL <input type="checkbox"/> PERSON IN CHARGE <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> CERT. MAIL <input type="checkbox"/> REGISTERED MAIL <input type="checkbox"/> POSTED <input type="checkbox"/> OTHER				
NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.				
SHERIFF OF BLAIR COUNTY				
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:				
NOTE ONLY APPLICABLE ON WRIT OF EXECUTION. N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.				
9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of: <i>Clearyfield Co Sheriff</i>	10. TELEPHONE NUMBER <i>814-765-2641</i>	11. DATE		
12. I acknowledge receipt of the writ or complaint as indicated above. { SIGNATURE of Authorized BCSD Deputy or Clerk and Title <i>b Schreiber</i>				
13. Date Received <i>3-20-06</i> 14. Expiration/Hearing date <i>4-14-06</i>				
15. I hereby CERTIFY and RETURN that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have served person in charge, <input type="checkbox"/> have legal evidence of service as shown in "Remarks" (on reverse) <input type="checkbox"/> have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handing or Posting a TRUE and ATTESTED COPY thereof.				
16. <input type="checkbox"/> I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)				
17. Name and title of individual served <i>ALBERT HARRIS</i>	18. A person of suitable age and discretion then residing in the defendant's usual place of abode <input type="checkbox"/>	Read Order <input type="checkbox"/>		
19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) <i>SAME</i>		20. Date of Service <i>3-30-06</i> 21. Time <i>1045</i>		
22. ATTEMPTS <i>1</i>	Date <i>3/20/06</i> Miles <i>4c</i> Dep. Int. <i>STEPHEN</i>	Date <i>3/30/06</i> Miles <i>5c</i> Dep. Int. <i>NOT</i>	Date <i>3/30/06</i> Miles <i>38.00</i> Dep. Int. <i>38.00</i>	Date <i>3/30/06</i> Miles <i>112.00</i> Dep. Int.
23. Attire Costs <i>150.00</i>	Date <i>3/20/06</i> Miles <i>4c</i> Dep. Int. <i>STEPHEN</i>	Date <i>3/30/06</i> Miles <i>5c</i> Dep. Int. <i>NOT</i>	27. Total Costs <i>38.00</i> 28. COSTS OR REFUND <i>112.00</i>	
30. REMARKS		SO ANSWER.		
AFFIRMED and subscribed to before me this <i>31st</i> <i>March, 2006</i> <i>Carol Greco</i> NOTARY PUBLIC Carol Greco, Notary Public Hollidaysburg, Boro, Blair County		By (Sheriff/Dep. Sheriff) (Please Print or Type) <i>Robert Harris</i> Signature of Sheriff <i>Robert Harris</i> SHERIFF OF BLAIR COUNTY		
MY COMMISSION EXPIRES APR 3, 2007 My Commission Expires APR 3, 2007 SIGNATURE OF AUTHORIZED SHERIFF/DEPUTY/CLERK Member, Pennsylvania Association of Notaries		39. Date Received		

SHERIFF'S RETURN OF SERVICE

(1) The within _____ upon _____ the within named defendant by mailing to _____ by _____ mail, return receipt requested, postage prepaid _____ on the _____ a true and attested copy thereof at _____

The return receipt signed by _____ defendant on the _____ is hereto attached and made part of this return.

(2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and attested copy thereof at _____

in the following manner:

(a) To the defendant by () registered () certified mail, return receipt requested, postage prepaid, addressee only on the _____, said receipt being returned NOT signed by defendant, but with a notation by the Postal Authorities that defendant refused to accept the same. The returned receipt and envelope is attached hereto and made part of this return.

And thereafter:

(b) To the defendant by ordinary mail addressed to defendant at same address, with the return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not received said envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a proof of mailing.

(3) By publication in a daily publication of general circulation in the County of Blair Commonwealth of Pennsylvania, _____ time (s) with publication appearing _____

The affidavit from said publication is hereto attached.

(4) By mailing to _____ by _____ mail, return receipt requested, postage prepaid, on the _____ a true and attested copy thereof at _____

The _____ returned by the Postal Authorities marked _____ is hereto attached.

(5) Other _____

Prothonotary
William A. Shaw
Clerk of Courts
APR 24 2006
FED

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL ACTION - (LAW) (EQUITY)

No.: 06-390-CD

Type of Case: Civil - Law

Type of Pleading: Entry of Appearance

Filed on Behalf of:

Defendant

(Plaintiff/Defendant)

Counsel of Record for this Party:

Scott J. Tredwell, Esq. & Sheryl L. Brown, Esq.
(Name of Attorney)

Supreme Court No.: 57364 / 59313

McCormick & Priore, P.C.

(Firm name, if any)

1600 JFK Boulevard, Ste 800, Phila, PA 19106
(Address)

(215) 972-0161

(Phone)

Dated: April 27, 2006

FILED NOCC
MAY 01 2006
MAY 01 2006

William A. Shaw
Prothonotary/Clerk of Courts

McCORMICK & PRIORE
ATTORNEYS AT LAW

McCORMICK & PRIORE, P.C.

By: Scott J. Tredwell, Esquire

Sheryl L. Brown, Esquire

Attorney ID # 57364 / 59313

Four Penn Center, Suite 800

1600 John F. Kennedy Boulevard

Philadelphia, PA 19103

(T) 215-972-0161

(F) 215-972-5580

email: stredwell@mccormickpriore.com

sbrown@mccormickpriore.com

Attorneys for Defendants,
Della S. Harris and Fullington Bus Co.

BARBARA L. CODER

: COURT OF COMMON PLEAS
CLEARFIELD COUNTY

v.

: NO: 06-390-CD

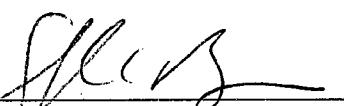
DELLA S. HARRIS, and

FULLINGTON BUS CO.

ENTRY OF APPEARANCE

Kindly enter my appearance on behalf of defendants, Della S. Harris and Fullington Bus Co.,
in the above-captioned matter.

McCORMICK & PRIORE, P.C.

BY: 

Sheryl L. Brown, Esquire
Attorneys for Defendants,
Della S. Harris and
Fullington Bus Co.

Dated: 4/27/06

McCORMICK & PRIORE
ATTORNEYS AT LAW

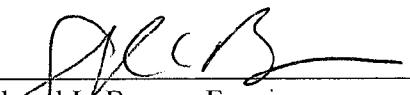
CERTIFICATE OF SERVICE

I, Sheryl L. Brown, Esquire hereby certify that I am the attorney for defendant, Della S. Harris and Fullington Bus Co., in the within action; that I am duly authorized to make this certification; and that on this date, I did cause a true and correct copy of the **Entry of Appearance**, to be forwarded by first-class United States Mail to counsel, addressed as follows:

Attorney for Plaintiff

Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

McCORMICK & PRIORE, P.C.

BY: 

Sheryl L. Brown, Esquire
Attorney for Defendants,
Della S. Harris and
Fullington Bus Co.

Dated: 4/27/06

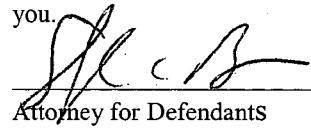
McCORMICK & PRIORE
ATTORNEYS AT LAW

FILED

MAY 01 2006

William A. Shaw
Prothonotary/Clerk of Courts

To the herein parties you are hereby notified to plead to the enclosed **Answer with New Matter to Plaintiff's Complaint** within twenty (20) days of service hereof or a default judgment may be entered against you.



Attorney for Defendants

McCORMICK & PRIORE, P.C.

By: Scott J. Tredwell, Esquire
Sheryl L. Brown, Esquire
Attorney ID # 57364 / 59313
103 Carnegie Center, Suite 203
Princeton, NJ 08540
(T) 609-716-9550
(F) 609-716-8140
email: stredwell@mccormickpriore.com
sbrown@mccormickpriore.com

Attorneys for Defendants,
Della S. Harris and Fullington Bus Co.

FILED NO
m/11/4364
MAY 15 2006
cc
William A. Shaw
Prostary/Clerk of Courts

BARBARA L. CODER	:	COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY
V.	:	
	:	NO: 06-390-CD
DELLA S. HARRIS, and	:	
FULLINGTON BUS CO.	:	

ANSWER OF DEFENDANTS, DELLA S. HARRIS & THE FULLINGTON AUTO BUS CO., TO PLAINTIFF'S COMPLAINT WITH NEW MATTER

The defendants, Della S. Harris and Fullington Bus Co., by and through their counsel, McCormick & Priore, P.C. hereby respond to the plaintiff's Complaint and aver as follows:

1. Denied. After reasonable investigation, Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments, and, therefore, they are denied. Strict proof thereof is demanded at the time of the trial, if material.
2. Admitted.
3. Admitted. Denied as stated. Fullington Bus Co. has been improperly named.

Rather, the correct designation is The Fullington Auto Bus Co. with a principal place of business at 316 East Cherry Street, Clearfield, Clearfield County, Pennsylvania 16830.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Denied. After reasonable investigation, Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments, and, therefore, they are denied. Strict proof thereof is demanded at the time of the trial, if material.

9. Denied. After reasonable investigation, Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments, and, therefore, they are denied. Strict proof thereof is demanded at the time of the trial, if material.

10. Admitted in part. Denied in part. It is admitted that plaintiff lost control of her vehicle, resulting in her "flipping" and "rolling over" numerous times. The remainder of the allegations are denied as they constitute conclusions of law to which no responsive pleading is required. To the extent that the allegations are not deemed to be conclusions of law, they are denied, as after reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments. Strict proof thereof is demanded at the time of trial, if material.

11. Admitted in part. Denied in part. It is admitted that plaintiff suffered bodily injuries, on June 23, 2004. The remainder of the allegations are denied as they constitute conclusions of law to which no responsive pleading is required. To the extent that the allegations are not deemed to be conclusions of law, they are denied, as after reasonable investigation,

Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments. Strict proof thereof is demanded at the time of trial, if material.

12. Admitted in part. Denied in part. It is admitted that plaintiff received medical treatment as a result of her injuries. The remainder of the allegations are denied as they constitute conclusions of law to which no responsive pleading is required. To the extent the allegations set forth in paragraph 12 are not deemed to constitute conclusions of law. They are denied as after reasonable investigation, Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments. Strict proof thereof is demanded at the time of trial, if material.

13. Denied. The allegations set forth in paragraph 13 are conclusions of law to which no responsive pleading is required. To the extent that the allegations set forth in paragraph 13 are not deemed to constitute conclusions of law, they are denied, as, after reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments. Strict proof thereof is demanded at the time of trial, if material.

14. Denied. The allegations set forth in paragraph 14 are conclusions of law to which no responsive pleading is required. To the extent that the allegations set forth in paragraph 14 are not deemed to constitute conclusions of law, they are denied, as, after reasonable investigation, Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments. Strict proof thereof is demanded at the time of trial, if material.

15. Denied. The allegations set forth in paragraph 15 are conclusions of law to which no responsive pleading is required. To the extent that the allegations set forth in paragraph 15

are not deemed to constitute conclusions of law, they are denied, as, after reasonable investigation, Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments. Strict proof thereof is demanded at the time of trial, if material.

16. Denied. The allegations set forth in paragraph 16 are conclusions of law to which no responsive pleading is required. To the extent that the allegations set forth in paragraph 16 are not deemed to constitute conclusions of law, they are denied, as, after reasonable investigation, Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments. Strict proof thereof is demanded at the time of trial, if material.

17. Denied. After reasonable investigation answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 17 and, therefore, they are deemed denied. Strict proof thereof is demanded at the time of trial, if necessary.

18. Denied. The allegations set forth in paragraph 18 constitute conclusions of law to which no responsive pleading is required.

COUNT ONE
BARBARA L. CODER v. DEFENDANT HARRIS
NEGLIGENCE

19. Answering Defendants hereby incorporate by reference paragraphs 1 through 18 as though fully set forth herein at length.

20. Denied. The allegations set forth in paragraph 20 subparagraphs (i) through (iii) constitute conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that answering defendants:

- (i) Failed to keep a proper lookout and pay attention to her surroundings;
- (ii) Improperly changed, or attempted to change lanes of travel, when another vehicle, namely that being operated by Ms. Coder, already possessed the lane of travel in which defendant Harris attempted to force her bus; and
- (iii) Failed to turn on its turn signal.

To the contrary, at all times material hereto, Answering defendants acted reasonably and in accordance with the law and exercised due care at all material times hereto.

21. Denied. The allegations set forth in paragraph 21 constitute conclusions of law to which no responsive pleading is required, and are therefore deemed denied.

WHEREFORE, Answering Defendants, Della S. Harris and the Fullington Auto Bus Co., deny that plaintiff is entitled to judgment in any manner or amount.

COUNT TWO
BARBARA L. CODER v
FULLINGTON BUS CO. RESPONDEAT SUPERIOR

22. Answering Defendant hereby incorporates by reference paragraphs 1 through 21 as though fully set forth herein at length.

23. Admitted.

24. Denied. The allegations set forth in paragraph 24 constitute conclusions of law to which no responsive pleading is required.

WHEREFORE, Answering Defendants, Della S. Harris and the Fullington Auto Bus Co., deny that plaintiff is entitled to judgment in any manner or amount.

COUNT THREE
BARBARA CODER v. DEFENDANT FULLLINGTON AUTO BUS CO.
NEGLIGENCE

25. Answering Defendant hereby incorporates by reference paragraphs 1 through 24

as though set forth fully herein at length.

26. Denied. The allegations set forth in paragraph 26 inclusive of subparagraphs (i) and (ii) constitute conclusions of law to which no responsive pleading is required and, therefore, they are deemed denied. By way of further response, Answering Defendant specifically denies that it:

- (i) failed to properly train and supervise defendant Harris; and
- (ii) it failed to take corrective actions against defendant Harris who purportedly demonstrated a propensity for driving a bus in an unsafe and in imprudent manner.

To the contrary, at all times material hereto, Answering Defendants acted reasonably, in accordance with the law and exercised due care at all times material hereto.

27. Denied. The allegations set forth in paragraph 27 constitute conclusions of law to which no responsive pleading is required, and are therefore deemed denied.

WHEREFORE, Answering Defendants, Della S. Harris and the Fullington Auto Bus Co., deny that plaintiff is entitled to judgment in any manner or amount.

MISCELLANEOUS AVERMENTS

28 through 30. Denied. The allegations set forth in paragraphs 28 through 30 constitute conclusions of law to which no responsive pleading is required.

WHEREFORE, answering defendants, Della S. Harris and the Fullington Auto Bus Co., deny that plaintiff is entitled to judgment in any manner or amount.

NEW MATTER

1. Plaintiff's claim may be barred by the applicable statute of limitations.
2. Plaintiff's Complaint may have failed to state a claim upon which relief may be granted.

3. Plaintiff's claims may be barred and/or limited by her failure to mitigate damages.
4. Answering Defendants owed no duty to the plaintiff as asserted in the Complaint.
5. Answering Defendants breached no duty they may have owed to the plaintiff.
6. No act or omission of Answering Defendants caused or was a substantial factor in causing any injuries or damages of which plaintiff complains, the existence of which is denied.
7. Plaintiff suffered no compensable injuries, damages and/or losses.
8. If plaintiff suffered any alleged injuries, damages or losses, such injuries, damages and/or losses were caused by persons and/or entities over whom answering defendants had no control nor duty of control or for whom Answering Defendants are not responsible.
9. Some or all of the plaintiff's alleged injuries, damages or losses may be barred by the comparative and/or contributory negligence of the plaintiff.
10. The collateral source rule does not apply such that if plaintiff should be awarded money damages by a jury, such possibility being specifically denied, then the amount of said damages must be reduced by the total amount of any and all payments plaintiff has received from any and all collateral sources for any injuries or damages that plaintiff allegedly suffered in this matter.
11. Answering Defendants incorporate by reference, and assert as a defense, all applicable provisions of the Pennsylvania Comparative Negligence Act.
12. Pennsylvania Rule of Civil Procedure 238, as amended or adopted by Pennsylvania Supreme Court, on its face and as applied is violative of the Pennsylvania Constitution, the United States Constitution and the Civil Rights Act as it imposes a chilling effect upon answering defendants' exercise of their constitutional rights and imposes a penalty on

answering defendants for delays not attributable to them.

13. Answering Defendants incorporate by reference, and assert all defenses available under the Pennsylvania Motor Vehicle Financial Responsibility Law.

14. It is believed and therefore averred that certain of the damages sought herein have been in whole or in part already recovered by the plaintiff. Therefore, they are barred or otherwise limited by the doctrine of dual recovery from recovering hereto.

WHEREFORE, Defendants, Della L. Harris and Fullington Auto Bus Co. hereby demand that Plaintiff's Complaint against them be dismissed with prejudice, or in the alternative, that judgment be entered in their favor on the Complaint, together with reasonable attorneys' fees and costs, and any other relief deemed appropriate by the Court.

McCORMICK & PRIORE, P.C.

BY: 

SCOTT J. TREDWELL, ESQUIRE
SHERYL L. BROWN, ESQUIRE
Attorney for Defendants,
Della S. Harris and
The Fullington Auto Bus Co.

Date: May 10, 2006

McCORMICK & PRIORE
ATTORNEYS AT LAW

VERIFICATION

I,, Sheryl L. Brown, Esquire, do hereby state that I am the attorney for defendants, Della S. Harris and Fullington Bus Co. herein, and verify that the facts set forth in the foregoing Answer of Defendants, Della S. Harris and Fullington Bus Co. to Plaintiff's Complaint with New Matter are true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Sheryl L. Brown

Dated: 5/18/06

CERTIFICATE OF SERVICE

I, Sheryl L. Brown, Esquire hereby certify that I am the attorney for defendant, Della S. Harris and Fullington Bus Co., in the within action; that I am duly authorized to make this certification; and that on this date, I did cause a true and correct copy of the Answer of Defendants, Della S. Harris and The Fullington Auto Bus Co. to Plaintiff's Complaint with New Matter, to be forwarded by first-class United States Mail to counsel, addressed as follows:

Attorney for Plaintiff

THERON G. NOBLE, ESQUIRE
FERRARACCIO & NOBLE
301 EAST PINE STREET
CLEARFIELD, PA 16830

McCORMICK & PRIORE, P.C.

BY: 

Sheryl L. Brown, Esquire
Attorney for Defendants,
Della S. Harris and
The Fullington Auto Bus Co.

Date: May 10, 2006

**McCORMICK & PRIORE
ATTORNEYS AT LAW**

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06- 390 -CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

Type of Pleading:

REPLY TO NEW MATTER

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO
MAY 18 2006
2006

William A. Shaw
Prothonotary/Clerk of Courts

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

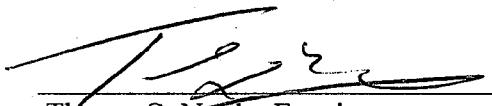
BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

PLAINTIFF'S REPLY TO NEW MATTER

AND NOW comes the Plaintiff, Barbara L. Coder, and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows as her REPLY TO NEW MATTER:

1- 14. The same are legal conclusions for which no responses are required.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

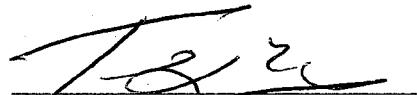
BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, do hereby certify that I did mail this 16th day of May, 2006, a true and correct copy of Plaintiff's REPLY TO NEW MATTER, to the below listed person, being counsel of record for the Defendants, by depositing the same in the United States Mail, postage pre-paid, first class, addressed as follows:

Sheryl L. Brown, Esquire
McCormick & Priore
4 Penn Center, Suite 800
1600 JFK Blvd.
Philadelphia, PA 19103

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06- 390 -CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

NOV 01 2006
11:05 AM
William A. Shaw
Prothonotary/Clerk of Courts

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, do hereby certify that I did mail this 31st day of October, 2007, a true and correct copy of Plaintiff's NOTICE OF DEPOSITION, to the below listed person, being counsel of record for the Defendants, by depositing the same in the United States Mail, postage pre-paid, first class, addressed as follows:

Sheryl L. Brown, Esquire
McCormick & Priore
4 Penn Center, Suite 800
1600 JFK Blvd.
Philadelphia, PA 19103

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

BARBARA L. CODER, an adult individual

Plaintiff,

No.: 06-390-CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants.

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Defendant

Counsel of Record:

Sheryl L. Brown, Esquire
McCormick & Priore, P.C.
4 Penn Center, Suite 800
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103
(215) 972-0161
PA I.D.#: 59313

FILED

NOV 06 2006
2:00 PM
William A. Shaw
Prothonotary/Clerk of Courts

1400 TO ATT

McCORMICK & PRIORE
ATTORNEYS AT LAW

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

BARBARA L. CODER, an adult individual

Plaintiff,

No.: 06-390-CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants.

CERTIFICATION OF SERVICE

I, Sheryl L. Brown, Esquire, counsel for Defendant, do hereby certify that I did serve this 2nd day of November, 2006, a true and correct copy of Defendant's NOTICE OF DEPOSITION, to the below listed person, being counsel of record for the Plaintiff, via facsimile, addressed as follows:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 E. Pine Street
Clearfield, PA 16830

Respectfully submitted,



Sheryl L. Brown, Esquire
Attorney for Defendant
McCormick & Priore, P.C.
4 Penn Center, Suite 800
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103
(215) 972-0161
PA I.D. #: 59313

FILED

NOV 06 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06- 390 -CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO
M 1/12/506X CC
JAN 16 2007
WAS

William A. Shaw
Prothonotary/Clerk of Courts

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

NOTICE OF SERVICE

To: William A. Shaw, Prothonotary

Re: January 12, 2007

I, Theron G. Noble, Esquire, counsel for Plaintiff, do hereby certify that I did mail this a true and correct copy of Plaintiff's NOTICE OF DEPOSITION, of same date, to the below listed person, being counsel of record for the Defendants, by depositing the same in the United States Mail, postage pre-paid, first class, addressed as follows:

Sheryl L. Brown, Esquire
McCormick & Priore
4 Penn Center, Suite 800
1600 JFK Blvd.
Philadelphia, PA 19103

Respectfully Submitted,



THERON G. NOBLE, ESQUIRE
ATTORNEY FOR PLAINTIFFS
FERRARACCIO & NOBLE
301 E. PINE STREET
CLEARFIELD, PA 16830
(814) 375-2221
PA I.D. NO.: 55942

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06- 390 -CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

:
Type of Pleading:

NOTICE OF SERVICE

:
Filed By:

:
Plaintiff

:
Counsel of Record:

:
THERON G. NOBLE, ESQUIRE
FERRARACCIO & NOBLE
301 EAST PINE STREET
CLEARFIELD, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

MAR 14 2007

1/11/006
William A. Shaw
Prothonotary/Clerk of Courts
w/o 4/1/07

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

CERTIFICATE OF SERVICE

To: William A. Shaw, Prothonotary

Date: March 13, 2007

I, Theron G. Noble, Esquire, counsel for Plaintiff, do hereby certify that I did propound on Defendants' Counsel, below indicated, the date above indicated, Plaintiff's REQUEST FOR PRODUCTION OF DOCUMENTS, by depositing the same in the United States Mail, postage pre-paid, first class, addressed as follows:

James P. Tolerico, Esquire
McCormick & Priore
4 Penn Center, Suite 800
1600 JFK Blvd.
Philadelphia, PA 19103

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

CA

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06- 390 -CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

Type of Pleading:

**MOTION TO SET
DISCOVERY DEADLINES**

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED
APR 13 2007
6K
m 11:24:54 PM
no cc

William A. Shaw
Prothonotary/Clerk of Courts

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

RULE TO SHOW CAUSE

Now, this 17 day of April, 2007, upon consideration of the attached Plaintiff's MOTION TO SET DISCOVERY DEADLINES, a RULE is hereby issued upon the Defendant to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the 17th day of May, 2007 and argument on the MOTION set for the 17th day of May, 2007, at 10 : 00, A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

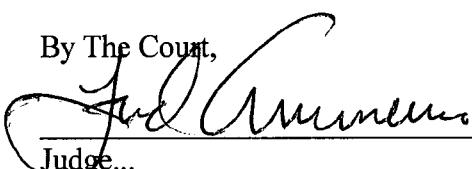
NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,



Judge...

FILED
01244731
APR 17 2007

William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty Noble

DATE: 4/17/07

You are responsible for serving all appropriate parties.
 The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney Other
 Special Instructions:

FILED
APR 17 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

PLAINTIFF'S MOTION TO SET DISCOVERY DEADLINES

AND NOW, comes the Plaintiff, Barbara S. Coder, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of her MOTION TO SET DISCOVERY DEADLINES:

Background

1. This matter concerns a bus/automobile collision which occurred on June 23, 2004.
2. That suit was commenced on March 13, 2006.

Issue

3. Plaintiff, given the Defendants' failure to attempt to resolve this matter, desires to place this matter on the next trial list, which closes July 6, 2007.
4. In order to do so, Plaintiff must be able to certify that discovery is closed.
5. Pleadings are closed such that discovery is the only issue blocking Plaintiff from listing this for trial.
6. That the insurance carrier has been aware of this claim, even before filing of suit, while Plaintiff received medical treatment.

7. That Plaintiffs attempts to take depositions were always problematic in that then defense counsel delayed to respond back to Plaintiff's requests, to the point Plaintiff's counsel proceeded to schedule depositions without clearance from then defense counsel.
8. When then defense counsel resigned from her firm, this further delayed this matter.
9. That new counsel has indicated he might wish to pursue other matters in discovery that previous counsel did not pursue.
10. Although new defense counsel certainly may develop his own thoughts and strategies, Plaintiff's rights to a timely trial and resolution of this matter indicate that this process can not proceed on indefinitely.
11. That an additional 2 and one half months certainly allows the defense to perform any other legitimate discovery it desires, especially considering this case has been active for over a year while the claim is approaching three years of age.

WHEREFORE, Plaintiff requests that an **ORDER** be entered closing discovery on July 1, 2007, such that this matter can be certified for trial by July 6, 2007, for the next civil trial session.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

ORDER

AND NOW this _____ day of _____, 2007, upon
consideration of Plaintiff's MOTION TO SET DISCOVERY DEADLINES, after
argument of the same, it is hereby ORDERED as follows: Discovery requests can be
made up to and including June 30, 2007; and notwithstanding any outstanding requests
this matter can be certified for trial by either party by July 6, 2007.

By the Court,

Fredric J. Ammerman, PJ

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, do hereby certify that I did mail this 12th day of April, 2007, a true and correct copy of Plaintiff's MOTION TO SET DISCOVERY DEADLINES, to the below listed person, being counsel of record for the Defendants, by depositing the same in the United States Mail, postage pre-paid, first class, addressed as follows:

James P. Tolerico, Esquire
McCormick & Priore
4 Penn Center, Suite 800
1600 JFK Blvd.
Philadelphia, PA 19103

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

1A

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06- 390 -CD
v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

Type of Pleading:

MOTION TO COMPEL

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

APR 18 2007

12:30

William A. Shaw
Prothonotary/Clerk of Courts

No. C/C

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

RULE TO SHOW CAUSE

Now, this _____ day of _____, 2007, upon consideration of the attached MOTION TO COMPEL, a RULE is hereby issued upon the Defendants to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the _____ day of _____, 2007, and hearing will be held on the _____ day of _____, 2007, commencing at _____:_____, M., Courtroom No.1, Clearfield County Courthouse.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,

Judge...

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

BARBARA L. CODER, an adult)
individual)
v. Plaintiff,) No.: 06- 390 -CD
)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

MOTION TO COMPEL

**AND NOW, comes the Plaintiff, Barbara L. Coder, by and through her counsel
of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows
in support of her MOTION TO COMPEL:**

Background

1. This matter concerns an automobile/bus accident which occurred in 2004.
2. That suit, following a period of investigation/negotiations, was commenced in March, 2006.

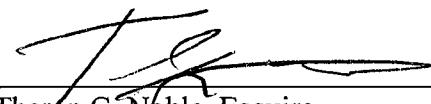
Motion to Compel

3. That on March 13, 2006, Plaintiff propounded on Defendants a set of Request for Production of Documents.
4. That the materials requested were documents which were either learned about at depositions or required to be produced at depositions. In either circumstance the documents were not previously produced.
5. That this pattern fits into the Defendants' overall dilatory manner in which this case

has been defended, such as not responding to letters to establish deposition dates or canceling depositions which have been scheduled.

WHEREFORE, Plaintiff requests that this Honorable Court issue an ORDER to require production of the documents requested by Plaintiff pursuant to her March 13, 2007 request.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

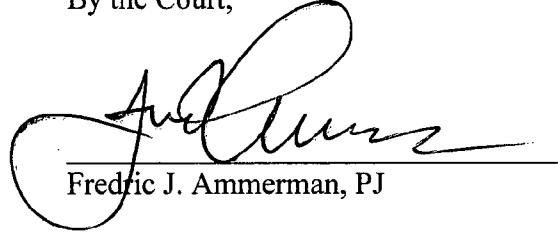
ORDER

AND NOW this 20 day of April, 2007, upon

consideration of Plaintiff's MOTION TO COMPEL, Defendants are hereby ORDERED
to produce to Plaintiff within ~~twenty~~ ^{thirty (30) days} ~~20~~ days hereof all documents requested in her

March 13, 2007 REQUEST FOR PRODUCTION OF DOCUMENTS

By the Court,



Fredric J. Ammerman, PJ

FILED
04/20/2007 1:00 PM
APR 20 2007 Atty Noble
William A. Shaw
Prothonotary/Clerk of Courts
60

FILED

APR 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/22/2007

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

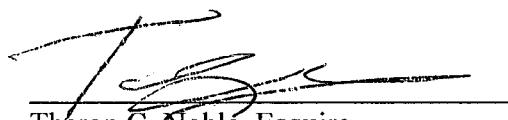
BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, do hereby certify that I did mail this 16th day of April, 2007, a true and correct copy of Plaintiff's MOTION TO COMPEL, to the below listed person, being counsel of record for the Defendants, by depositing the same in the United States Mail, postage pre-paid, first class, addressed as follows:

James P. Tolerico, Esquire
McCormick & Priore
4 Penn Center, Suite 800
1600 JFK Blvd.
Philadelphia, PA 19103

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06- 390 -CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

:
Type of Pleading:

NOTICE OF SERVICE

:
Filed By:

:
Plaintiff

:
Counsel of Record:

:
THERON G. NOBLE, ESQUIRE
FERRARACCIO & NOBLE
301 EAST PINE STREET
CLEARFIELD, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED *No cc*
3/12/07 4:26 PM
APR 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, do hereby certify that I did mail this 19th day of April, 2007, a true and correct copy of the RULE RETURNABLE issued upon Plaintiff's MOTION TO SET DISCOVERY DEADLINES, to the below listed person, being counsel of record for the Defendants, by depositing the same in the United States Mail, postage pre-paid, first class, addressed as follows:

James P. Tolerico, Esquire
McCormick & Priore
4 Penn Center, Suite 800
1600 JFK Blvd.
Philadelphia, PA 19103

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06- 390 -CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

:
Type of Pleading:

NOTICE OF SERVICE

:
Filed By:

:
Plaintiff

:
Counsel of Record:

:
THERON G. NOBLE, ESQUIRE
FERRARACCIO & NOBLE
301 EAST PINE STREET
CLEARFIELD, PA 16830
(814) 375-2221
PA I.D.#: 55942

FILED NO cc
MAY 10 2007
MAY 01 2007
(cm)

William A. Shaw
Prothonotary/Clerk of Courts

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

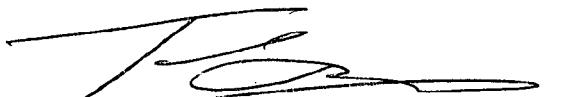
BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, do hereby certify that I did mail this 30th day of April, 2007, a true and correct copy of the ORDER issued upon Plaintiff's MOTION TO COMPEL, to the below listed person, being counsel of record for the Defendants, by depositing the same in the United States Mail, postage pre-paid, first class, addressed as follows:

James P. Tolerico, Esquire
McCormick & Priore
4 Penn Center, Suite 800
1600 JFK Blvd.
Philadelphia, PA 19103

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

McCORMICK & PRIORE, P.C.

By: Scott J. Tredwell, Esquire

James P. Tolerico, Esquire

Attorney ID # 57364/93854

Four Penn Center, Suite 800

1600 John F. Kennedy Boulevard

Philadelphia, PA 19103

(T) 215-972-0161

(F) 215-972-5580

email: stredwell@mccormickpriore.com

jtolerico@mccormickpriore.com

Attorney for Defendants,
Della S. Harris and Fullington Bus Co.

FILED
MAY 03 2007

William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty

BARBARA L. CODER : COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
v. :
: NO: 06-390-CD
DELLA S. HARRIS, and :
FULLINGTON BUS CO. :
: :
: :

DEFENDANT'S MOTION FOR CONTINUANCE

AND NOW, the defendants, Della S. Harris and Fullington Bus Co., by and through their counsel, McCormick & Priore, P.C. who avers as follows in support of their MOTION FOR CONTINUANCE.

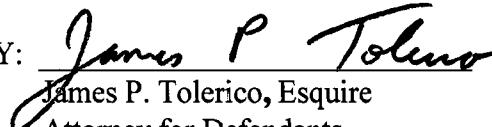
1. This matter concerns a bus/automobile collision which occurred on June 23, 2004.
2. This suit was commenced on March 13, 2006.
3. There is a Rule to Show Cause hearing for Plaintiff's motion to Set Discovery Deadlines scheduled for May 17, 2007 at 10:00 a.m.
4. Defense counsel intends on opposing the motion for reasons which will be supplied in a later written response.
5. Due to a conflict in Defense counsel's schedule, he is unable to attend the May 17, 2007 hearing.

6. Plaintiff counsel is unopposed to this request of a continuance of the May 17, 2007 hearing.

WHEREFORE, Defendants requests that an ORDER be entered to continue the May 17, 2007 rule to show cause hearing to set discovery deadlines be moved to a later date.

Respectfully Submitted,

McCORMICK & PRIORE, P.C.

BY: 
James P. Tolerico, Esquire
Attorney for Defendants,
Della S. Harris and
The Fullington Auto Bus Co.

**McCORMICK & PRIORE
ATTORNEYS AT LAW**

BARBARA L. CODER	:	COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY
v.	:	
	:	NO: 06-390-CD
DELLA S. HARRIS, and	:	
FULLINGTON BUS CO.	:	
	:	
	:	

ORDER

AND NOW this 7 day of May, 2007 upon
consideration of Defendant's MOTION FOR CONTINUANCE it is hereby ORDERED the new
date for the Rule to show cause hearing for Plaintiff's Motion to Set Discovery Deadlines is
18th day of June, 2007. @ 9:00 A.M.

By the Court,



FILED
0191700
MAY 08 2007

William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty Tolerico

McCORMICK & PRIORE
ATTORNEYS AT LAW

FILED

MAY 08 2007

William A. Shaw
Prothonotary/Clerk of Courts

5/8/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

mc 89 3946

McCORMICK & PRIORE, P.C.

By: Scott J. Tredwell, Esquire
James P. Tolerico, Esquire
Attorney ID # 57364/93854
Four Penn Center, Suite 800
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
(T) 215-972-0161
(F) 215-972-5580
email: stredwell@mccormickpriore.com
jtolerico@mccormickpriore.com

Attorney for Defendants,
Della S. Harris and Fullington Bus Co.

BARBARA L. CODER : COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
v. : NO: 06-390-CD
DELLA S. HARRIS, and :
FULLINGTON BUS CO. :
:

CERTIFICATE OF SERVICE

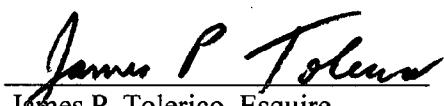
I, James P. Tolerico, Esquire hereby certify that I am the attorney for defendant, Della S. Harris and Fullington Bus Co., in the within action; that I am duly authorized to make this certification; and that on this date, I did cause a true and correct copy of Motion for Continuance of Defendants, Della S. Harris and The Fullington Auto Bus Co. to be forwarded by first-class United States Mail to counsel, addressed as follows:

Attorney for Plaintiff

Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

McCORMICK & PRIORE, P.C.

BY:


James P. Tolerico, Esquire
Attorney for Defendants,
Della S. Harris and
The Fullington Auto Bus Co.

McCORMICK & PRIORE
ATTORNEYS AT LAW

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF: COURT OF COMMON PLEAS - CLEARFIELD COUNTY
BARBARA L. CODER TERM: / /
vs.
DELLA HARRIS & FULLINGTON BUS CO CASE No: 06-390-CD

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22.

RecordTrak on behalf of JAMES P. TOLERICO
Defendant certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) No objection to the subpoena has been received or it has been waived, and
- (3) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Date : 05/15/2007

Lisa Kaub
Lisa Kaub

RecordTrak on behalf of
/S/ JAMES P. TOLERICO
Attorney for Defendant

EW
FILED *NOCC*
MAY 18 2007
MAY 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

RT#: 166010
CASE NAME: **BARBARA L. CODER**

BARBARA L. CODER : COURT: **Court Of Common Pleas - Clearfield County**
vs. TERM: / /
DELLA HARRIS & FULLINGTON BUS CO DOCKET: **06-390-CD**

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS

TO: **ATHERON G. NOBLE**
FERRARACCIO & NOBLE
301 EAST PINE STREET
CLEARFIELD, PA 16830

(814) 765-9377
April 25, 2007

Please take notice that on behalf of *JAMES P. TOLERICO, attorney for Defendant*, RecordTrak intends to serve a subpoena identical to the one(s) attached to this notice. You have until May 15, 2007 to file of record and serve upon the undersigned an objection to the subpoena(s). If no objection is made, the subpoena(s) will be served.

IF PLAINTIFF'S COUNSEL AGREES TO WAIVE THE 20 DAY NOTICE PERIOD, PLEASE INDICATE BELOW AND FAX SAME TO THE UNDERSIGNED AT YOUR EARLIEST OPPORTUNITY.

IF YOU WISH TO PURCHASE COPIES OF THE RECORDS, PLEASE CONTACT RECORDTRAK FOR PRICING AND FAX THIS CORRESPONDENCE BY May 15, 2007 TO (610) 992-1416 OR REPLY THROUGH OUR WEB SITE AT RecordTrak.com. All records will be provided (including no record statements) as produced by each record location.

Lisa Kaub 610-354-8321
RECORDTRAK
651 Allendale Road
P. O. Box 61591
King of Prussia, PA 19406

LIST OF RECORD CUSTODIANS AND SUBPOENAS

TAG	RECORD CUSTODIAN	MATERIALS BEING OBTAINED
1	DR. JOHN BELLOMO	<p>1. ALL MEDICAL RECORDS IN YOUR POSSESSION. INCLUDE OFFICE AND HAND WRITTEN NOTES, TEST RESULTS, CORRESPONDENCE, QUESTIONNAIRES/HISTORY & RECORDS RECEIVED BY OTHER PHYSICIANS.</p> <p>PLEASE ALSO INCLUDE THE PATIENTS INFORMATION SHEET.</p> <p>PLEASE BE SURE TO INCLUDE ALL ARCHIVED RECORDS AND ALL RECORDS LOCATED IN STORAGE.</p> <p>2. ALL X-RAYS, MRI SCANS, CT SCANS AND CORRESPONDING REPORTS.</p>

BARBARA L. CODER : COURT: Court Of Common Pleas -
 Clearfield County
 vs. TERM: / /
 DELLA HARRIS & FULLINGTON BUS CO : DOCKET: 06-390-CD

2	DR. ADOLFO RAPPORT	<p>1. ALL MEDICAL RECORDS IN YOUR POSSESSION. INCLUDE OFFICE AND HAND WRITTEN NOTES, TEST RESULTS, CORRESPONDENCE, QUESTIONNAIRES/HISTORY & RECORDS RECEIVED BY OTHER PHYSICIANS. PLEASE ALSO INCLUDE THE PATIENTS INFORMATION SHEET. PLEASE BE SURE TO INCLUDE ALL ARCHIVED RECORDS AND ALL RECORDS LOCATED IN STORAGE.</p> <p>2. ALL X-RAYS, MRI SCANS, CT SCANS AND CORRESPONDING REPORTS.</p>
3	DRMC ORTHOPEDICS (DR. MARK PIASIO)	<p>1. ALL MEDICAL RECORDS IN YOUR POSSESSION. INCLUDE OFFICE AND HAND WRITTEN NOTES, TEST RESULTS, CORRESPONDENCE, QUESTIONNAIRES/HISTORY & RECORDS RECEIVED BY OTHER PHYSICIANS. PLEASE ALSO INCLUDE THE PATIENTS INFORMATION SHEET. PLEASE BE SURE TO INCLUDE ALL ARCHIVED RECORDS AND ALL RECORDS LOCATED IN STORAGE. ***PLEASE INCLUDE RECORDS FROM DR. MARK PIASIO.***</p> <p>2. ALL X-RAYS, MRI SCANS, CT SCANS AND CORRESPONDING REPORTS.</p>
4	DUBOIS REGIONAL MEDICAL CENTER (MED)	<p>1. ALL MEDICAL RECORDS IN YOUR POSSESSION. PLEASE BE SURE TO INCLUDE ALL ARCHIVED RECORDS AND ALL RECORDS LOCATED IN STORAGE.</p>
5	DUBOIS REGIONAL MEDICAL CENTER (RAD)	<p>1. ALL X-RAYS, MRI SCANS, CT SCANS AND CORRESPONDING REPORTS.</p>
6	CASTEEL CHIROPRACTIC CLINIC	<p>1. ALL MEDICAL RECORDS IN YOUR POSSESSION. INCLUDE OFFICE AND HAND WRITTEN NOTES, TEST RESULTS, CORRESPONDENCE, QUESTIONNAIRES/HISTORY & RECORDS RECEIVED BY OTHER PHYSICIANS. PLEASE ALSO INCLUDE THE PATIENTS INFORMATION SHEET. PLEASE BE SURE TO INCLUDE ALL ARCHIVED RECORDS AND ALL RECORDS LOCATED IN STORAGE.</p> <p>2. ALL X-RAYS, MRI SCANS, CT SCANS AND CORRESPONDING REPORTS.</p>
7	PRIMARY CARE ASSOC * PA(DR. R. ALLENBAUGH)	<p>1. ALL MEDICAL RECORDS IN YOUR POSSESSION. INCLUDE OFFICE AND HAND WRITTEN NOTES, TEST RESULTS, CORRESPONDENCE, QUESTIONNAIRES/HISTORY & RECORDS RECEIVED BY OTHER PHYSICIANS. PLEASE ALSO INCLUDE THE PATIENTS INFORMATION SHEET. PLEASE BE SURE TO INCLUDE ALL ARCHIVED RECORDS AND ALL RECORDS LOCATED IN STORAGE. ***PLEASE INCLUDE RECORDS FROM DR. RENEE ALLENBAUGH.***</p> <p>2. ALL X-RAYS, MRI SCANS, CT SCANS AND CORRESPONDING REPORTS.</p>

BARBARA L. CODER : COURT: Court Of Common Pleas -
 vs. TERM: / /
DELLA HARRIS & FULLINGTON BUS CO : DOCKET: 06-390-CD

8	AMY VEZZA, CRNP	1. ANY AND ALL MEDICAL RECORDS IN YOUR POSSESSION. 2. ALL X-RAYS, MRI SCANS, CT SCANS AND CORRESPONDING REPORTS.
9	CLEARFIELD HOSPITAL (MED)	1. ALL MEDICAL RECORDS IN YOUR POSSESSION. PLEASE BE SURE TO INCLUDE <u>ALL ARCHIVED RECORDS AND ALL RECORDS LOCATED IN STORAGE.</u>
10	CLEARFIELD HOSPITAL (RAD)	1. ALL X-RAYS, MRI SCANS, CT SCANS AND CORRESPONDING REPORTS.

Yes, I would like a copy of all of the records listed above.

Yes, I would like specific records I have indicated above.

SIGNATURE: _____ Date: _____

FIRM: _____

Note: An order for records from plaintiff's counsel will signify that plaintiff's counsel has agreed to waive the notice period effective as of the date of the record order.

YES, I AGREE TO WAIVE THE 20 DAY NOTICE PERIOD.

Signature of Plaintiff's Counsel: _____ Date: _____

FIRM: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Barabara L. Coder

v

File No 06-390-CD

Della S. Harris &
Fullington Bus Co

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY
PURSUANT TO RULE 4009 22

TO DR JOHN BELLOMO

(Name of Person or Entity)

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

see request for records

at RecordTrak, 651 Allendale Rd, PO Box 61591, King of Prussia, PA 19406

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 may have the right to seek in advance the reasonable cost of preparing 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 RecordTrak for James P. Tolerico, Esquire

Address 651 Allendale Rd, PO Box 61591
King of Prussia, PA 19406

Telephone 800-220-1291

Supreme Court ID#

Attorney for Defendant

BY THE COURT



cm
Prothonotary/Clerk, Civil Division

DATE April 19, 2007

Seal of the Court

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Barabara L. Coder

v

Della S Harris &
Fullington Bus Co

File No 06-390-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY
PURSUANT TO RULE 4009 22

TO DR ADOLFO RAPPOR

(Name of Person or Entity)

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

see request for records

at RecordTrak, 651 Allendale Rd, PO Box 61591, King of Prussia, PA 19406

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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON

Name RecordTrak for James P Tolencio, Esquire

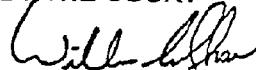
Address 651 Allendale Rd, PO Box 61591
King of Prussia, PA 19406

Telephone 800-220-1291

Supreme Court ID# _____

Attorney for Defendant

BY THE COURT



Prothonotary/Clerk, Civil Division

DATE April 19, 2007

Seal of the Court

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

Barabara L Coder

v

File No 06-390-CD

Della S Harris &
Fullington Bus Co.

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

TO DRMC ORTHOPEDICS

(Name of Person or Entity)

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

see request for records

at RecordTrak, 651 Allendale Rd. PO Box 61591, King of Prussia, PA 19406

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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 RecordTrak for James P. Toleric, Esquire

Name Recordar for James P. Tolentino, Esq.
Address 651 Allendale Rd, PO Box 61591
King of Prussia, PA 19402

King of Prussia, PA 19406

Telephone 800-220-1291

Supreme Court ID#
All

Attorney for Defendant

BY THE COURT

BY THE COURT
Will. Chan

12

Prothonotary/Clerk, Civil Division

DATE Apr. 19, 2007
Seal of the Board

Seal of the Court

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Barabara L Coder

v

File No 06-390-CD

Della S Harris &
Fullington Bus Co.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY
PURSUANT TO RULE 4009 22

TO DUBOIS REGIONAL MEDICAL CENTER (MED)

(Name of Person or Entity)

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

see request for records

at RecordTrak, 651 Allendale Rd, PO Box 61591, King of Prussia, PA 19406

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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON

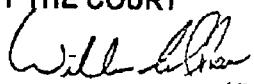
Name RecordTrak for James P. Tolenco, Esquire
Address 651 Allendale Rd, PO Box 61591
King of Prussia, PA 19406

Telephone 800-220-1291

Supreme Court ID#

Attorney for Defendant

BY THE COURT



Prothonotary/Clerk, Civil Division

DATE April 19, 2007

Seal of the Court

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Barabara L Coder

v

Della S Harris &
Fullington Bus Co

File No 06-390-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY
PURSUANT TO RULE 4009 22

TO DUBOIS REGIONAL MEDICAL CENTER (RAD)

(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

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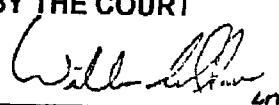
Address 651 Allendale Rd, PO Box 61591
King of Prussia, PA 19406

Telephone 800-220-1291

Supreme Court ID# _____

Attorney for Defendant

BY THE COURT



Prothonotary/Clerk, Civil Division

DATE April 19, 2007

Seal of the Court

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Barabara L. Coder

v

Della S. Harris &
Fullington Bus Co.

File No 06-390-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY
PURSUANT TO RULE 4009 22

TO AMY VEZZA, CRNP

(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

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at RecordTrak, 651 Allendale Rd, PO Box 61591, King of Prussia, PA 19406

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Name RecordTrak for James P. Tolerico, Esquire
Address 651 Allendale Rd, PO Box 61591
King of Prussia, PA 19406
Telephone 800-220-1291
Supreme Court ID# _____
Attorney for Defendant

BY THE COURT


cm
Prothonotary/Clerk, Civil Division

DATE April 19, 2007

Seal of the Court

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

Barabara L Coder

v

File No 06-390-CD

Della S. Harris &
Fullington Bus Co

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

TO CASTEEL CHIROPRACTIC CLINIC

(Name of Person or Entity)

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

see request for records

at RecordTrak, 651 Allendale Rd, PO Box 61591, King of Prussia, PA 19406

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

Name RecordTrak for James P. Tolentino, Esquire

Address 651 Allendale Rd, PO Box 61591
King of Prussia, PA 19406

Ring of Fire
Telephone 800-220-1201

Telephone 800-220-
Supreme Court ID#

BY THE COURT

Prothonotary/Clerk, Civil Division

DATE April 19, 2007
Seal of the Court

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Barabara L Coder

v

Della S. Harris &
Fullington Bus Co.

File No 06-390-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY
PURSUANT TO RULE 4009 22

TO
PRIMARY CARE ASSOCIATES*PA

(Name of Person or Entity)

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

see request for records

at RecordTrak, 651 Allendale Rd, PO Box 61591, King of Prussia, PA 19406

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Name RecordTrak for James P. Tolerico, Esquire
Address 651 Allendale Rd, PO Box 61591

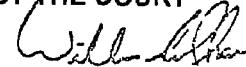
King of Prussia, PA 19406

Telephone 800-220-1291

Supreme Court ID#

Attorney for Defendant

BY THE COURT


Lm
Prothonotary/Clerk, Civil Division

DATE April 19, 2007
Seal of the Court

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Barabara L Coder

v

File No 06-390-CD

Della S. Harris &
Fullington Bus Co

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY
PURSUANT TO RULE 4009 22

TO
CLEARFIELD HOSPITAL (MED)

(Name of Person or Entity)

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

see request for records

at RecordTrak, 651 Allendale Rd, PO Box 61591, King of Prussia, PA 19406

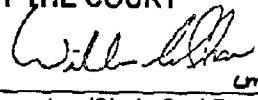
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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON

Name RecordTrak for James P. Tolentino, Esquire
Address 651 Allendale Rd, PO Box 61591
King of Prussia, PA 19406
Telephone 800-220-1291
Supreme Court ID#
Attorney for Defendant

BY THE COURT


cm
Prothonotary/Clerk, Civil Division

DATE April 19, 2007
Seal of the Court

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Barabara L. Coder

v

Della S. Harris &
Fullington Bus Co

File No 06-390-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY
PURSUANT TO RULE 4009 22

TO CLEARFIELD HOSPITAL (RAD)

(Name of Person or Entity)

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

see request for records

at RecordTrak, 651 Allendale Rd, PO Box 61591, King of Prussia, PA 19406

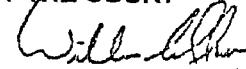
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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON

Name RecordTrak for James P. Tolerico, Esquire
Address 651 Allendale Rd, PO Box 61591
King of Prussia, PA 19406
Telephone 800-220-1291
Supreme Court ID# _____
Attorney for Defendant

BY THE COURT


lm
Prothonotary/Clerk, Civil DivisionDATE Apr. 19 2007
Seal of the Court

McCORMICK & PRIORE, P.C.

By: Scott J. Tredwell, Esquire

James P. Tolerico, Esquire

Attorney ID # 57364/93854

Four Penn Center, Suite 800

1600 John F. Kennedy Boulevard

Philadelphia, PA 19103

(T) 215-972-0161

(F) 215-972-5580

email: stredwell@mccormickpriore.com

jtolerico@mccormickpriore.com

Attorney for Defendants,
Della S. Harris and Fullington Bus Co.

FILED ICC AM
m10:33cm Tol erico
JUN 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

BARBARA L. CODER : COURT OF COMMON PLEAS
: CLEARFIELD COUNTY

v. :

NO: 06-390-CD

DELLA S. HARRIS, and
FULLINGTON BUS CO. :

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO SET DISCOVERY DEADLINES

AND NOW, the defendants, Della S. Harris and Fullington Bus Co., by and through their counsel, McCormick & Priore, P.C. who avers as follows in support of their RESPONSE TO MOTION TO SET DISCOVERY DEADLINES.

1. Admitted.

2. Admitted.

3. Defendants deny the characterization of the allegation. There have been attempts to try to resolve this matter. However, liability issues remain as at least one independent witness places liability solely with the plaintiff for her failure to properly operate her automobile because she was driving while talking on a cell phone. In the meantime, damages discovery issues remain outstanding, including a medical examination of the plaintiff, to which the defendant is entitled

to under Pennsylvania rules of civil procedure.

4. Admitted.

5. It is admitted that the pleadings are closed. It is denied that discovery is complete. A independent medical examination of the plaintiff is scheduled for June 21st, 2007 in State College by Dr. Bradley Alan Barter, D.O. of University Orthopedics Center. The scheduling of this IME has been delayed due to Plaintiffs's counsel objection to time and places. After the examination, time will be needed in order for Dr. Barter to prepare a report, time to schedule a trial expert video, and time to try to settle the case amicably. Therefore, by July 1, 2007 discovery would not be complete. Possible further delays of the independent medical exam due to plaintiff's counsel, plaintiff, or the Doctor will of course require additional time for discovery.

6. Denied. The defense of this matter remains incomplete due to objections by plaintiff's counsel objections to time and place of the Independent medical examination.

7. Defendants deny the characterization of the allegation. Depositions went forward without motion practice.

8. Admitted in part.

9. Admitted, other matter includes a Independent Medical Exam of the plaintiff.

10. Partially admitted, partially denied. It is admitted that the process should not go in indefinitely, the defense is requesting an additional 90 days in orcer to complete discovery.

11. Denied. Please see response to number 5.

**WHEREFORE, Defendants requests that an ORDER be entered closing discovery
on September 1, 2007, such that this matter can be certified for trial by September 6, 2007
for the next civil trial session.**

Respectfully Submitted,

McCORMICK & PRIORE, P.C.

BY: James P. Tolerico
Scott Tredwell, Esquire
James P. Tolerico, Esquire
Attorney for Defendants,
Della S. Harris and
The Fullington Auto Bus Co.

BARBARA L. CODER	:	COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY
V.	:	
	:	NO: 06-390-CD
DELLA S. HARRIS, and	:	
FULLINGTON BUS CO.	:	
	:	
	:	

ORDER

AND NOW this _____ day of _____, 2007 upon
consideration of Defendant's RESPONSE TO PLAINTIFF'S MOTION TO SET DISCOVERY
DEADLINES and argument of the same, it is hereby ORDERED as follows: Discovery requests
can be made up to and including September 1, 2007 and notwithstanding any outstanding
requests this matter can be certified for trial by either party by September 6, 2007.

By the Court,

McCORMICK & PRIORE, P.C.

By: Scott J. Tredwell, Esquire
James P. Tolerico, Esquire
Attorney ID # 57364/93854
Four Penn Center, Suite 800
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
(T) 215-972-0161
(F) 215-972-5580
email: stredwell@mccormickpriore.com
jtolerico@mccormickpriore.com

Attorney for Defendants,
Della S. Harris and Fullington Bus Co.

BARBARA L. CODER	:	COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY
v.	:	
	:	NO: 06-390-CD
DELLA S. HARRIS, and	:	
FULLINGTON BUS CO.	:	

CERTIFICATE OF SERVICE

I, James P. Tolerico, Esquire hereby certify that I am the attorney for defendant, Della S. Harris and Fullington Bus Co., in the within action; that I am duly authorized to make this certification; and that on this date, I did cause a true and correct copy of Response to Plaintiff's motion to set discovery deadlines of Defendants, Della S. Harris and The Fullington Auto Bus Co. to be forwarded by first-class United States Mail to counsel, addressed as follows:

Attorney for Plaintiff

Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

McCORMICK & PRIORE, P.C.

BY: James P. Tolerico
James P. Tolerico, Esquire
Attorney for Defendants,
Della S. Harris and
The Fullington Auto Bus Co.

DATED: 6-4-07

FILED

JUN 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

BARBARA L. CODER, an adult
individual

Plaintiff, : No.: 06- 390 -CD

v.

DELLA S. HARRIS, an adult individual, and
FULLINGTON BUS CO., a Pennsylvania
corporation,

Defendants. :

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiff

Counsel of Record:

: Theron G. Noble, Esquire
Ferraraccio & Noble
: 301 East Pine Street
: Clearfield, PA 16830
: (814)-375-2221
: PA I.D.#: 55942

FILED
JUN 12 2007
M/10:36/2007
William A. Shaw
Prothonotary/Clerk of Courts

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

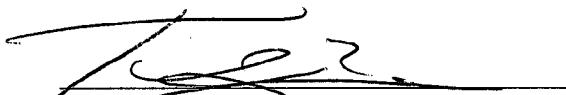
BARBARA L. CODER, an adult)
individual)
Plaintiff,) No.: 06- 390 -CD
v.)
DELLA S. HARRIS, an adult individual, and)
FULLINGTON BUS CO., a Pennsylvania)
corporation,)
Defendants.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, do hereby certify that I did mail this 11th day of June, 2007, a true and correct copy of Plaintiff's NOTICE OF DEPOSITION (directed to Charles Shank), to the below listed person, being counsel of record for the Defendants, by depositing the same in the United States Mail, postage pre-paid, first class, addressed as follows:

James P. Tolerico, Esquire
McCormick & Priore
4 Penn Center, Suite 800
1600 JFK Blvd.
Philadelphia, PA 19103

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

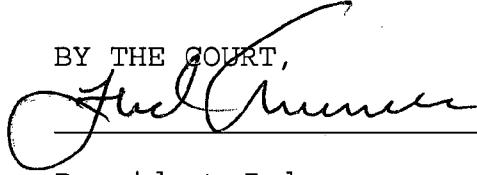
BARBARA L. CODER :
VS. : NO. 06-390-CD
DELLA S. HARRIS :
FULLINGTON BUS COMPANY :

O R D E R

AND NOW, this 18th day of June, 2007, being the date set for argument relative the Plaintiff's Motion to Set Discovery Deadlines; with counsel being in agreement that the Court should issue a case management order, accordingly it is the ORDER of this Court as follows:

1. An independent medical examination of the Plaintiff by Defense physician is scheduled for June 21, 2007;
2. The parties shall complete discovery by August 31, 2007, which will include any Defense expert report to be provided to the Plaintiff;
3. The Court Administrator shall list the case for the Winter Term of Civil Court for jury trial. Pretrial Conference shall be scheduled at a date to be determined in January 2008.

BY THE COURT,



President Judge

FILED

0140004
JUN 28 2007

cc: Atty. Noble
cc: Atty. Braun, Tredwell
60

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUN 28 2007

DATE: 10/28/07

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) Plaintiff(s) Attorney Other

 Defendant(s) Defendant(s) Attorney

 Special Instructions:

William A. Shaw
Prothonotary/Clerk of Courts

McCORMICK & PRIORE, P.C.

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Attorney for Defendants,
Della S. Harris and Fullington Bus Co.

BARBARA L. CODER

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

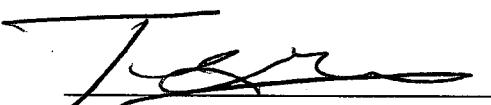
v.

NO: 06-390-CD

DELLA S. HARRIS, and
FULLINGTON BUS CO.

PRACEIPE TO SETTLE, DISCONTINUE & END

Please mark the above-captioned action SETTLED, DISCONTINUED and ENDED.


THERON G. NOBLE
Attorney for Plaintiff

Dated: 7/10/07

FILED NO
m/12/44874
AUG 06 2007 2 Cert. of Disc.
William A. Shaw to Atty Tolentino
Prothonotary/Clerk of Courts
(by request)
CK

McCORMICK & PRIORE
ATTORNEYS AT LAW

FILED

AUG 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CO^{py}

CIVIL DIVISION

Barbara L. Coder

 Vs.
Della S. Harris
Fullington Bus Co.

No. 2006-00390-CD

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 August 6, 2007, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Theron G. Noble, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 6th day of August A.D. 2007.



William A. Shaw, Prothonotary