

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 Praecipe 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

Daniel E. Morroni vs. Joyce I. Morroni

## Divorce

Date		Judge
12/10/2002	✓ ORDER, NOW, this 6th day of December, 2002, re: Praeipce 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	Fredric Joseph Ammerman
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	Fredric Joseph Ammerman
02/13/2003	✓ Income and Expense Statement of Defendant, Joyce I. Morroni. Verification s/Joyce I. Morroni 2 cc Atty Kubista	Fredric Joseph Ammerman
	✓ Inventory and Appraisement of Defendant, Joyce I. Morroni 2 cc Atty Kubista	Fredric Joseph Ammerman
	✓ Pre-Hearing Memorandum. filed by s/Kimberly M. Kubista, Esq. 2 cc Atty Kubista	Fredric Joseph Ammerman
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	Fredric Joseph Ammerman
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	Fredric Joseph Ammerman
	✓ Miscellaneous Payment: Retake Prior Name Paid by: Morroni, Joyce I. Receipt number: 1858695 Dated: 04/14/2003 Amount: \$10.00 (Check)	Fredric Joseph Ammerman
	✓ Notice Of Intent To Resume Prior Name. Joyce I. Morroni to be known as; JOYCE I. MILLER 7 Cert. to Defendant	Fredric Joseph Ammerman
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	Fredric Joseph Ammerman
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	Fredric Joseph Ammerman
	✓ 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	Fredric Joseph Ammerman
04/25/2003	✓ Answer To New Matter. filed by s/Kimberly M. Kubista, Esq. Certificate of Service no cc	Fredric Joseph Ammerman
05/02/2003	✓ STIPULATION, NOW THIS 2nd day of May, 2003, re: Agreed that KIMBERLY M. KUBISTA, ESQ., is permitted to withdraw as consel for JOYCE I. MORRONI. s/Kimberly M. Kubista s/Joyce I. Morroni 2 cc Atty Kubista	Fredric Joseph Ammerman
05/05/2003	✓ Praeipce To Withdraw Appearance On Behalf of the Defendant, JOYCE I. MORRONI. s/Kimberly M. Kubista, Esq. 3 cc Atty Kubista	Fredric Joseph Ammerman

(Prior)

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	X 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	X Notice of Service, filed. This 30th day of April 2007, a true and correct copy of the ORDER issued upon Plaintiff's Motion to Compel to James P. Tolerico Esq., filed by s/ Theron G. Noble Esq. NO CC.	Fredric Joseph Ammerman
5/3/2007	X Defendant's Motion For Continuance, filed by s/ James P. Tolerico, Esquire. 1CC Atty.	Fredric Joseph Ammerman
5/8/2007	X 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	X 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	X 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	X Notice of Service, filed. This 11th day of June 2007, a true and correct copy of Plaintiff's Notice of Deposition (directed to Charles Shank) to James P. Tolerico Esq., filed by s/ Theron G. Noble Esq.	Fredric Joseph Ammerman

Date: 09/22/2006

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 10:29 AM

ROA Report

Page 3 of 3

Case: 2001-01487-CD

Current Judge: Fredric Joseph Ammerman

Daniel E. Morroni vs. Joyce I. Morroni

Divorce

Date		Judge
05/13/2003	✓ 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	Fredric Joseph Ammerman
05/16/2003	✓ Petition to Modify Divorce Decree. filed by s/Joyce I. Miller no cc	Fredric Joseph Ammerman
	Letter from W. A. Shaw, Sr., Prothonotary/Clerk of Courts to Ms. Miller, re;	Fredric Joseph Ammerman
	✓ Petition to Modify Divorce Decree refused by Judge Ammerman, due to errors. filed.	

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

BARBARA L. CODER, an adult  
individual

Plaintiff,

v.

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

Defendants.

:

:

:

:

:

No.: 06- 390 -CD

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**

MAR 15 2006

William A. Shaw

Prothonotary/Clerk of Courts

4cc  
Amy Noble  
Amy pd 85.00

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	)	
	)	No.: 06-_____ -CD
Plaintiff,	)	
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	)	
	)	No.: 06-_____ -CD
Plaintiff,	)	
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

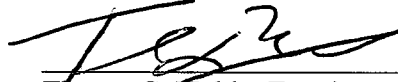
28. That defendants' liability is joint and several.

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,



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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](mailto: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: 3/28/06

**FILED**

APR 05 2006

M/12:22/06

William A. Shaw

Prothonotary/Clerk of Courts

1 copy to Atty

copy to C/A

**McCORMICK & PRIORE**  
ATTORNEYS AT LAW



**FILED**

**APR 05 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

APR 14 2006

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**

9/11:45 AM  
APR 24 2006  
(JN)

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

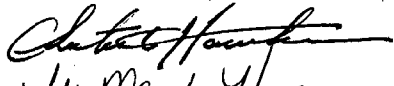

RETURN COSTS

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

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

So Answers,

  
  
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. BCSO 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>	
SERVE ➡ AT	5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD. <i>Della S Harris / Fullington Bus Co</i>		
	6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) <i>RD 3 Box 53 Tyone PA 16686</i>		
7. INDICATE UNUSUAL SERVICE: <input checked="" type="checkbox"/> PERSONAL <input checked="" 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>Clearfield Co Sheriff</i>		10. TELEPHONE NUMBER <i>814-765-2641</i>	11. DATE
<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT			
SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE			
12. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized BCSO Deputy or Clerk and Title <i>J Schuler</i>		13. Date Received <i>3-20-06</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)		14. Expiration/Hearing date <i>4-14-06</i>	
<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 hand ing/ 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>1945</i>
22. ATTEMPTS	Date	Miles	Dep. Int.
<i>1</i>	<i>3/20/06</i>	<i>4c</i>	<i>STEN/HH</i>
		<i>SH</i>	<i>Not</i>
23. Advance Costs	24. Fee	25. <i>SH</i>	26. <i>Not</i>
<i>150.00</i>	<i>Rec 119021</i>	<i>38.00</i>	<i>5.00</i>
27. Total Costs		28. COSTS OR REFUND	
<i>38.00</i>		<i>112.00</i>	
30. REMARKS			

SO ANSWER.

AFFIRMED and subscribed to before me this

*31st*

day of *March*, 2006  
*Carol Grieco*

By (Sheriff/Dep. Sheriff) (Please Print or Type)

*John T. Harris*  
Signature of Sheriff

Date

*3-30-06*

Date

*[Signature]*  
SHERIFF OF BLAIR COUNTY

MY COMMISSION EXPIRES  
Carol Grieco, Notary Public  
Hollidaysburg Boro, Blair County

I ACKNOWLEDGE RECEIPT OF SHERIFF'S RETURN SIGNATURE  
OF AUTHORIZED ISSUING AUTHORITY AND RETURN SIGNATURE  
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 \_\_\_\_\_

FILED  
APR 24 2106  
William A. Shaw  
Prothonary/Clerk of Courts

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)

Barbara L. Coder  
Plaintiff

vs.

Della S. Harris, and  
Fullington Bus Co.  
Defendant

Dated: April 27, 2006

FILED *NOCC*  
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](mailto:stredwell@mccormickpriore.com)

[sbrown@mccormickpriore.com](mailto:sbrown@mccormickpriore.com)

Attorneys 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 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



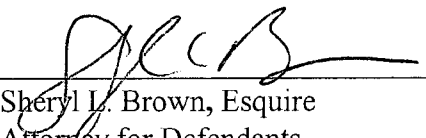
**CERTIFICATE OF SERVICE**

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

**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](mailto:stredwell@mccormickpriore.com)

[sbrown@mccormickpriore.com](mailto:sbrown@mccormickpriore.com)

Attorneys for Defendants,

Della S. Harris and Fullington Bus Co.

**FILED** NO  
m/11/43/51 cc  
MAY 15 2006

William A. Shaw  
Notary/Clerk of Courts

BARBARA L. CODER

v.

DELLA S. HARRIS, and  
FULLINGTON BUS CO.

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO: 06-390-CD

**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 FULLINGTON 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

**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

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

BARBARA L. CODER, an adult  
individual

Plaintiff,

v.

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

Defendants.

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:

No.: 06- 390 -CD

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 CC  
MAY 18 2006

William A. Shaw  
Prothonotary/Clerk of Courts

BARBARA L. CODER, an adult individual

V.

**Defendants.**

No.: 06-390-CD

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

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,

v.

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

Defendants.

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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  
m/11:05/12  
William A. Shaw  
Prothonotary/Clerk of Courts



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

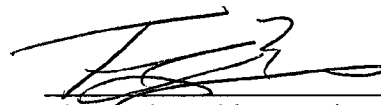
BARBARA L. CODER, an adult	)	
individual	)	
Plaintiff,	)	No.: 06- <u>390</u> -CD
v.	)	
	)	
DELLA S. HARRIS, an adult individual, and	)	
FULLINGTON BUS CO., a Pennsylvania	)	
corporation,	)	
Defendants.	)	

**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,

v.

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

Defendants.

No.: 06-390-CD

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

W.A. Shaw  
Prothonotary/Clerk of Courts

14th 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,

v.

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

Defendants.

No.: 06-390-CD

**CERTIFICATION OF SERVICE**

I, Sheryl L. Brown, Esquire, counsel for Defendant, do hereby certify that I did serve this 2<sup>nd</sup> 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,

v.

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

Defendants.

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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/12:50 PM* *cc*  
JAN 16 2007 *(S)*

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- <u>390</u> -CD
v.	)	
	)	
DELLA S. HARRIS, an adult individual, and	)	
FULLINGTON BUS CO., a Pennsylvania	)	
corporation,	)	
Defendants.	)	

**NOTICE OF SERVICE**

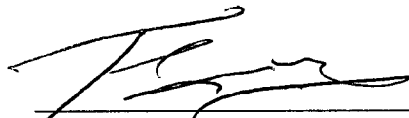
To: William A. Shaw, Prothonotary

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,

v.

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

Defendants.

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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

William A. Shaw  
Prothonotary/Clerk of Courts  
w/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.	)	

**CERTIFICATE OF SERVICE**

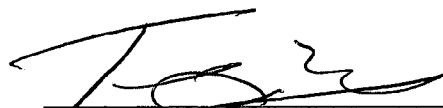
To: William A. Shaw, Prothonotary

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,

v.

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

Defendants.

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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

no rec  
CR

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- <u>390</u> -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 17<sup>th</sup> day of May, 2007 and argument on the MOTION set for the 17<sup>th</sup> day of May, 2007, at 10 : 00, A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

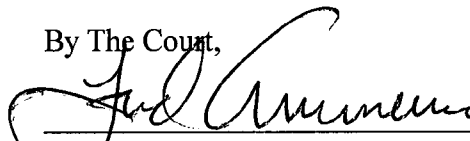
**NOTICE**

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**  
*012:44/BN*  
**APR 17 2007**

William A. Shaw  
Prothonotary/Clerk of Courts  
*ICC Amy Noble*

DATE: 4/17/07

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

**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.

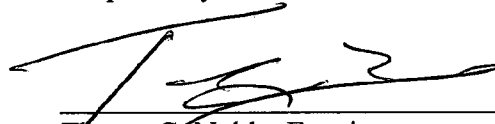
Issue

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- <u>390</u> -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

103

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

BARBARA L. CODER, an adult  
individual

Plaintiff,

v.

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

Defendants.

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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

m/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- <u>390</u> -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	)	
	)	
Plaintiff,	)	No.: 06- <u>390</u> -CD
v.	)	
	)	
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,

A handwritten signature in black ink, appearing to read 'Theron G. Noble', is written over a horizontal line.

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,

v.

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

Defendants.

No.: 06- 390 -CD

**ORDER**

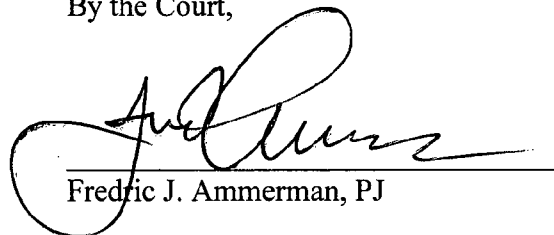
AND NOW this 20 day of April, 2007, upon

consideration of Plaintiff's MOTION TO COMPEL, Defendants are hereby ORDERED

to produce to Plaintiff within <sup>thirty (30) BSA</sup> ~~twenty (20)~~ days hereof all documents requested in her

March 13, 2007 REQUEST FOR PRODUCTION OF DOCUMENTS

By the Court,

  
Fredric J. Ammerman, PJ

**FILED**

0/2:38/67  
APR 20 2007

cc  
Amy Noble

William A. Shaw  
Prothonotary/Clerk of Courts

(60)

FILED

APR 20 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 4/20/07

☒ 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:

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

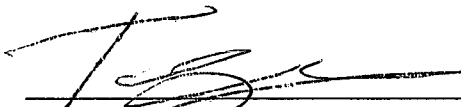
BARBARA L. CODER, an adult	)	
individual	)	
	)	
Plaintiff,	)	No.: 06- <u>390</u> -CD
v.	)	
	)	
DELLA S. HARRIS, an adult individual, and	)	
FULLINGTON BUS CO., a Pennsylvania	)	
corporation,	)	
Defendants.	)	

**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,

v.

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

Defendants.

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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

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- <u>390</u> -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 Plaintiff's  
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,

v.

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

Defendants.

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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** <sup>NO</sup>  
MAY 01 2007 <sup>CC</sup>  
(5M)

William A. Shaw  
Prothonotary/Clerk of Courts

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

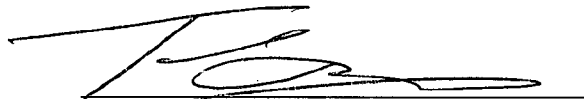
BARBARA L. CODER, an adult	)	
individual	)	
Plaintiff,	)	No.: 06- <u>390</u> -CD
v.	)	
	)	
DELLA S. HARRIS, an adult individual, and	)	
FULLINGTON BUS CO., a Pennsylvania	)	
corporation,	)	
Defendants.	)	

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](mailto:stredwell@mccormickpriore.com)

[jtolerico@mccormickpriore.com](mailto:jtolerico@mccormickpriore.com)

Attorney for Defendants,

Della S. Harris and Fullington Bus Co.

**FILED**  
MAY 11 2007  
MAY 03 2007

William A. Shaw  
Prothonotary/Clerk of Courts

icc shy

BARBARA L. CODER

v.

DELLA S. HARRIS, and  
FULLINGTON BUS CO.

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO: 06-390-CD

**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.

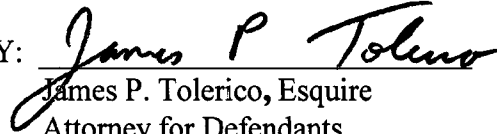
6. Plaintiff counsel is unopposed to this request of a continuance of the May 17, 2007 hearing.

**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.

BARBARA L. CODER

v.

DELLA S. HARRIS, and  
FULLINGTON BUS CO.

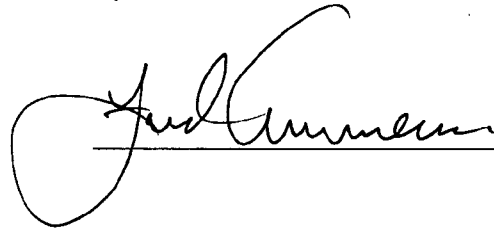
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO: 06-390-CD

**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  
18<sup>th</sup> day of June, 2007 @ 9:00 A.M.

By the Court,



**FILED**  
01917301  
MAY 08 2007

William A. Shaw  
Prothonotary/Clerk of Courts

rec Atty Toleric

FILED

MAY 08 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 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:

ME 9 sub

**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](mailto:stredwell@mccormickpriore.com)

[jtolerico@mccormickpriore.com](mailto:jtolerico@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

**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**

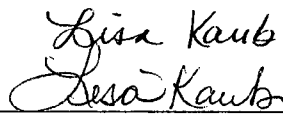
IN THE MATTER OF:	COURT OF COMMON PLEAS - CLEARFIELD COUNTY
BARBARA L. CODER	TERM: / /
vs.	
DELLA HARRIS & FULLINGTON BUS CO	CASE No: 06-390-CD


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

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

  
**FILED** *NO CC*  
*MT 8:30 AM*  
**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 : DOCKET: 06-390-CD  
CO

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS

TO: THERON 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	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 PATIENT'S INFORMATION SHEET. PLEASE BE SURE TO INCLUDE ALL ARCHIVED RECORDS AND ALL RECORDS LOCATED IN STORAGE. 2. ALL X-RAYS, MRI SCANS, CT SCANS AND CORRESPONDING REPORTS.

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 &amp; 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 &amp; 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 &amp; 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 &amp; 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 -  
Clearfield County

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 ALL ARCHIVED RECORDS AND ALL RECORDS LOCATED IN STORAGE.
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, EsquireAddress 651 Allendale Rd, PO Box 61591  
King of Prussia, PA 19406Telephone 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

DR ADOLFO RAPPORT

\_\_\_\_\_  
(Name of Person or Entity)

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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

*Will [Signature]*

\_\_\_\_\_  
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**  
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TO DRMC ORTHOPEDICS

\_\_\_\_\_  
(Name of Person or Entity)

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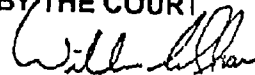
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King of Prussia, PA 19406

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

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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)

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see request for records

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

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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

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 (RAD)

(Name of Person or Entity)

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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

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Della S Harris &  
Fullington Bus Co.

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

TO AMY VEZZA, CRNP

(Name of Person or Entity)

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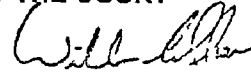
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Telephone 800-220-1291  
Supreme Court ID# \_\_\_\_\_  
Attorney for Defendant

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 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

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

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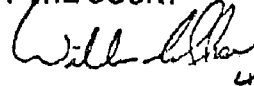
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Telephone 800-220-1291

Supreme Court ID# \_\_\_\_\_

Attorney for Defendant

BY THE COURT



Prothonotary/Clerk, Civil Division

DATE April 19, 2007  
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COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Barabara L. Coder  
v

File No 06-390-CD

Della S. Harris &  
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**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

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

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

TO CLEARFIELD HOSPITAL (MED)

(Name of Person or Entity)

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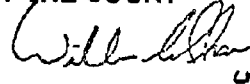
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Supreme Court ID# \_\_\_\_\_

Attorney for Defendant

BY THE COURT



Prothonotary/Clerk, Civil Division

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COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

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**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY**  
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TO CLEARFIELD HOSPITAL (RAD)

(Name of Person or Entity)

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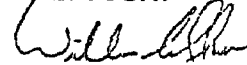
King of Prussia, PA 19406

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

**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](mailto:stredwell@mccormickpriore.com)

[jtolerico@mccormickpriore.com](mailto:jtolerico@mccormickpriore.com)

Attorney for Defendants,

Della S. Harris and Fullington Bus Co.

**FILED** ICC AH  
m/10:33am Tolerico  
JUN 07 2007

William A. Shaw  
Prothonotary/Clerk of Courts

BARBARA L. CODER

v.

DELLA S. HARRIS, and  
FULLINGTON BUS CO.

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO: 06-390-CD

**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 21<sup>st</sup>, 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 order 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

v.

DELLA S. HARRIS, and  
FULLINGTON BUS CO.

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO: 06-390-CD

**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](mailto:stredwell@mccormickpriore.com)

[jtolerico@mccormickpriore.com](mailto:jtolerico@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

**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

**McCORMICK & PRIORE**

ATTORNEYS AT LAW

**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,

v.

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

Defendants.

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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

*W. A. Shaw*  
William A. Shaw

Prothonotary/Clerk of Courts

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

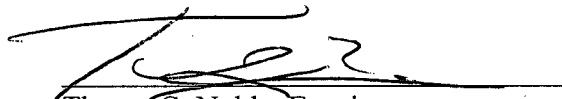
BARBARA L. CODER, an adult	)	
individual	)	
Plaintiff,	)	No.: 06- <u>390</u> -CD
v.	)	
	)	
DELLA S. HARRIS, an adult individual, and	)	
FULLINGTON BUS CO., a Pennsylvania	)	
corporation,	)	
Defendants.	)	

**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

CA

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

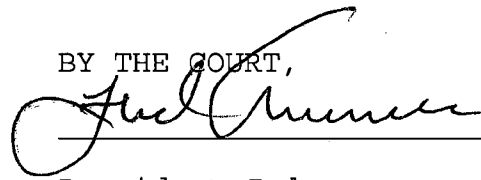
BARBARA L. CODER :  
VS. : NO. 06-390-CD  
DELLA S. HARRIS :  
FULLINGTON BUS COMPANY :

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** 2 cc Amy Noble  
014:0001  
JUN 28 2007 2 cc Amy Brown, Tredwell

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 6/28/07

☐ 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:

**FILED**

**JUN 28 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

**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

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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

**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**

AUG 06 2007

William A. Shaw  
Prothonotary/Clerk of Courts

NO cc  
2 Cert. of Disc.  
to Aug Tolerico  
(by request)

(CR)



**FILED**

**AUG 06 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

[Faint, mostly illegible text from a legal document, possibly a complaint or petition, with some words like "whereas" and "that" visible.]

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Barbara L. Coder

Vs.

No. 2006-00390-CD

Della S. Harris  
Fullington Bus Co.

CERTIFICATE OF DISCONTINUATION

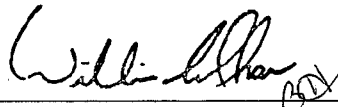
Commonwealth of PA  
County of Clearfield

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