

**06-391-CD**  
**Daniel McDonald et al vs Brent Bigney**

**Daniel McDonald et al vs Brent Bigney**  
**2006-391-CD**

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

DANIEL MCDONALD, an adult  
individual, and MICHELLE L. MCDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY, an adult individual,

Defendant.

No.: 06- 391 -CD

Type of Pleading:

**CIVIL COMPLAINT**

Filed By:

Plaintiffs

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

3 sent to Att

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

|                                       |   |                  |
|---------------------------------------|---|------------------|
| DANIEL MCDONALD, an adult             | ) |                  |
| individual, and MICHELLE L. MCDONALD, | ) |                  |
| his wife,                             | ) |                  |
| Plaintiffs,                           | ) | No.: 06-_____-CD |
| v.                                    | ) |                  |
|                                       | ) |                  |
| BRENT J. BIGNEY, an adult individual, | ) |                  |
|                                       | ) |                  |
| Defendant.                            | ) |                  |

**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)

|                                       |   |                  |
|---------------------------------------|---|------------------|
| DANIEL MCDONALD, an adult             | ) |                  |
| individual, and MICHELLE L. MCDONALD, | ) |                  |
| his wife,                             | ) |                  |
| Plaintiffs,                           | ) | No.: 06-_____-CD |
| v.                                    | ) |                  |
|                                       | ) |                  |
| BRENT J. BIGNEY, an adult individual, | ) |                  |
|                                       | ) |                  |
| Defendant.                            | ) |                  |

**CIVIL COMPLAINT**

**NOW COMES the Plaintiffs, Daniel McDonald and Michelle L. McDonald, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their CIVIL COMPLAINT:**

**The Parties**

1. That first Plaintiff is Daniel McDonald, who does, and at all relevant and material times, did reside at 708 Chestnut Avenue, City of DuBois, Clearfield County, Pennsylvania 15801.
2. That second Plaintiff is Michelle L. McDonald, who does, and at all relevant and material times, did reside at 708 Chestnut Avenue, City of DuBois, Clearfield County, Pennsylvania 15801.
3. That defendant is Brent J. Bigney, hereinafter "Bigney", who upon information and belief, does currently reside at and at all relevant and material times did reside at 612 Juniata Street, DuBois, Clearfield County, Pennsylvania.

#### Background

4. That on April 2, 2005, at approximately 1:00 P.M., defendant Bigney was driving a 1993 Mazda, while Mr. McDonald was a passenger, the only passenger, seated in the front passenger seat.
5. That defendant Bigney was driving on State Route 28, heading in a westerly direction, in the proper lane of travel, in the area of Warsaw Township, Jefferson County, Pennsylvania.
6. That as defendant Bigney approached a left hand curve, and striking the rear end of another vehicle, his vehicle left the paved portion of the road and entered onto the property belonging to Raymond Doolittle, striking numerous items including trees, a mail box and a split rail fence, and rolling and or flipping over while doing as such.
7. That as the Bigney vehicle crashed through the Doolittle property, it hit the split rail fence in such a manner that one or more of the wooden rails entered through the front windshield, in the passenger side, and exited through the rear window, also on the passenger side.
8. That while the aforementioned wooden rails passed through the Bigney vehicle, one or more struck Mr. McDonald in the head causing him injuries, rendering him unconscious and including contusions, broken bones and a significant laceration extending from the front of his face to the back of his head, and dislodged a significant part of his right ear.
9. That in addition to the aforementioned injuries, Mr. McDonald also suffered, besides "bumps and contusions", "whip lash" type injuries, injuries to his arms and shoulders, jaw, and injuries to his chest.

10. As a result of the aforementioned injuries, Mr. McDonald was taken by ambulance to Brookville Area Hospital, then transferred to UPMC in Pittsburgh, where he remained for a long period of time, including being in critical condition and in the intensive care unit (ICU) for treatment of said injuries, also including surgical reattachment of his ear.

11. Besides the previously mentioned medical providers, Mr. McDonald has also been treating and is treating with numerous physicians and therapists.

12. That as a result of his injuries sustained in said accident, Mr. McDonald has incurred, and is expected to incur medical expenses, in an amount to be determined at time of trial.

13. That as a result of his injuries and treatment thereof, Mr. McDonald has lost time from gainful employment, in an amount to be determined at time of trial.

14. That as a result of his injuries, Mr. McDonald has suffered pain and suffering for which he should be compensated for in an amount to be determined at time of trial.

15. That as a result of his injuries, Mr. McDonald has lost an ability to participate in different activities which he could do prior to the accident, i.e. a "loss of enjoyment of life", for which he should be compensated for in an amount to be determined at time of trial.

16. That as a result of the laceration from his face extending to the back of his head, Mr. McDonald has suffered, and will permanently have a scar, which is damaging to him in that it has caused will continue to cause him humiliation and subjects him to ridicule, for which he should be compensated for in an amount to be determined at time of trial.

17. That upon information and belief, defendant Bigney was consuming alcohol prior to the accident to a level which rendered him incapable of safely operating his motor vehicle.

18. That upon information and belief, defendant Bigney had a blood alcohol level (BAC) of .15, nearly twice the legal limit in Pennsylvania as per a test duly performed by the Pennsylvania State Police following said accident.

19. That upon information and belief, defendant Bigney has entered a plea agreement whereby he has pled guilty to the felony charge of Aggravated Assault, DUI related.

**Count I: Daniel McDonald v. Bigney;  
Negligence**

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

21. That defendant Bigney negligently operated the vehicle he was driving, just prior to the accident, as follows:

(i) he failed to keep a proper look out and pay attention to his surroundings;

(ii) he failed to observe a vehicle which also occupied the same lane of travel as his vehicle and struck said vehicle in its rear-end;

(iii) he was traveling at a speed which under the circumstances was a speed in which he could not keep his vehicle under control;

(iv) he failed to keep his vehicle under control; and

(v) he operated his vehicle at a time when he was under the influence of alcohol to a degree which rendered him incapable of safe driving.

22. That as a direct and proximate result of defendant Bigney's negligence, Mr. McDonald suffered the aforementioned injuries and damages.

**WHEREFORE, Plaintiff requests judgment in his 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: Michelle L. McDonald v. Bigney;  
Loss of Consortium**

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

24. That at the time of the accident, and at all relevant and material times thereafter, Plaintiffs were husband and wife, living as such, at the aforementioned address.

25. That given his injuries and treatment thereof, Daniel McDonald was not able to provide for his wife in a manner or as she come to expect during their years of marriage.

26. That as a result of the aforementioned "loss of consortium", Plaintiff Michelle L. McDonald should be compensated for in an amount 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: Daniel and Michelle L. McDonald v. Bigney;  
Recklessness**

27. That the averments of paragraphs 1 - 26, inclusive, are hereby incorporated as if again fully set forth at length.



28. That defendant Bigney, on the day of the aforementioned accident, for the reasons previously herein set forth, acted in an outrageous manner and his act of driving while impaired to the point that he could not safely operate his vehicle, coupled with driving too fast for conditions and failure to pay attention to his surroundings constitutes wanton and reckless conduct.

29. That besides the various compensatory damages previously requested, defendant Bigney should be liable to each Plaintiff for punitive damages in an amount to be determined at time of trial.

30. That besides punitive damages, Plaintiffs should receive their reasonable attorney's fees from the defendant.

**WHEREFORE, Plaintiffs requests judgment in their favor and against this defendant in an amount in excess of \$25,000, together with interest, punitive damages, reasonable attorney's fees and costs of prosecution, in an amount to be determined at time of trial.**

Miscellaneous Averments

31. That jurisdiction is proper.

32. That venue is proper.

**WHEREFORE, Plaintiffs request judgment in their favor and against defendant, in an amount in excess of \$25,000, together with interest, punitive damages, reasonable attorney's fees and costs of prosecution, in an amount to be determined at time of trial.**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. G. Noble', is written over a horizontal line.

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)

DANIEL MCDONALD, an adult  
individual, and MICHELLE L. MCDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY, an adult individual,

Defendant.

No.: 06-\_\_\_\_\_-CD

VERIFICATION

We, Daniel McDonald and Michelle L. McDonald, Plaintiffs, do hereby swear and affirm that we have read the foregoing CIVIL COMPLAINT and that the averments therein contained are true and correct to the best of our knowledge, information and belief. Furthermore, we are 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 9<sup>th</sup> day of MARCH, 2006.

By,

Daniel McDonald  
Daniel McDonald, Plaintiff

Michelle L. McDonald  
Michelle L. McDonald, Plaintiff

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

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY,

Defendant.

No. 2006-391-C.D.

TYPE OF PLEADING:  
**PRAECIPE FOR ENTRY OF  
APPEARANCE**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. No. 77069  
McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED** *no cc*  
*mjl:226*  
**MAR 30 2006**  
*LM*

William A. Shaw  
Prothonotary/Clerk of Courts

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

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY,

Defendant.

No. 2006-391-C.D.

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, BRENT J. BIGNEY, in the  
above-captioned matter.

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

Dated: March 29, 2006

By: 

James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant

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

|                           |   |                   |
|---------------------------|---|-------------------|
| DANIEL McDONALD,          | : |                   |
| and MICHELLE L. McDONALD, | : | No. 2006-391-C.D. |
| his wife,                 | : |                   |
|                           | : |                   |
| Plaintiffs,               | : |                   |
|                           | : |                   |
| v.                        | : |                   |
|                           | : |                   |
| BRENT J. BIGNEY,          | : |                   |
|                           | : |                   |
| Defendant.                | : |                   |

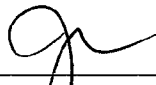
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of our Praecept for Entry of Appearance on behalf of Defendant in the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 29<sup>th</sup> day of March, 2006, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant

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

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY,

Defendant.

No. 2006-391-C.D.

TYPE OF PLEADING:  
**Answer with New Matter**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:  
**Defendant**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. No. 77069  
McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED** *no cc*  
*mjt:06/04*  
**APR 19 2006** *(S)*

William A. Shaw  
Prothonotary/Clerk of Courts

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

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY,

Defendant.

No. 2006-391-C.D.

**NOTICE TO PLEAD**

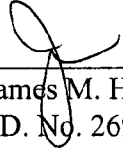
TO: Daniel McDonald and Michelle L. McDonald, his wife  
% Theron G. Noble, Esquire

YOU ARE HEREBY notified to plead to the within New Matter within twenty (20) days  
from the date of service hereof or a default judgment may be entered against you.

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

Dated: April 18, 2006

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant



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

|                           |   |                   |
|---------------------------|---|-------------------|
| DANIEL McDONALD,          | : |                   |
| and MICHELLE L. McDONALD, | : | No. 2006-391-C.D. |
| his wife,                 | : |                   |
|                           | : |                   |
| Plaintiffs,               | : |                   |
|                           | : |                   |
| v.                        | : |                   |
|                           | : |                   |
| BRENT J. BIGNEY,          | : |                   |
|                           | : |                   |
| Defendant.                | : |                   |

**DEFENDANT'S ANSWER WITH NEW MATTER TO PLAINTIFFS' COMPLAINT**

AND NOW, comes Defendant, Brent J. Bigney, by and through his undersigned counsel, McQuaide, Blasko, Fleming & Faulkner, Inc., to file the instant Answer with New Matter to Plaintiffs' Complaint, and in support thereof, avers as follows:

**THE PARTIES**

1. Admitted.
2. Admitted.
3. Admitted.

**BACKGROUND**

4. Admitted.
5. Admitted.
6. Denied as stated. To the contrary, it is averred that as Defendant Bigney was attempting to safely negotiate a left hand curve in the roadway, contact occurred with another vehicle that had entered onto the roadway ahead of the Bigney vehicle. Subsequent to that contact, the Bigney vehicle left the traveled portion of the roadway and did come into contact

with certain other objects, including a tree, a split rail fence, and a mailbox.

7. Upon information and belief, it is admitted that in the course of the accident a portion of a wooden fence rail came in contact with the passenger side windshield of the 1993 Mazda operated by Mr. Bigney.

8. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8. The same are therefore denied and strict proof thereof demanded.

9. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9. The same are therefore denied and strict proof thereof demanded.

10. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10. The same are therefore denied and strict proof thereof demanded.

11. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11. The same are therefore denied and strict proof thereof demanded.

12. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12. The same are therefore denied and strict proof thereof demanded.

13. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13. The same are therefore denied and strict proof thereof demanded.

14. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14. The same are therefore denied and strict proof thereof demanded.

15. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15. The same are therefore denied and strict proof thereof demanded.

16. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16. The same are therefore denied and strict proof thereof demanded.

17. It is admitted that prior to the accident Defendant Bigney had consumed alcohol. It is further averred that said consumption was known to the Plaintiff Daniel McDonald, who was similarly consuming alcohol prior to the accident in question. The balance of the allegations of paragraph 17 as stated are denied.

18. It is admitted only that according to charges filed by the investigating police officer, a breathalyzer performed showed an alcohol concentration of Mr. Bigney's breath of .145%. It is further averred by Defendant Bigney that upon information and belief, blood alcohol studies done of the Plaintiff McDonald showed an alcohol concentration of .138%.

19. Neither admitted nor denied. Rather, the criminal docket records from Jefferson County will fully and completely reflect the status and disposition of any and all criminal charges filed against Mr. Bigney.

### **COUNT I**

#### **Daniel McDonald v. Bigney – Negligence**

20. Defendant Bigney incorporates herein by reference, the same as though set forth at length, his responses to paragraphs 1 through 19, inclusive.

21. i – v. The allegations of paragraphs 21(i) through (v) are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

22. The allegation of negligence is denied for the reasons set forth in response to paragraph 21. The allegations as to injuries and damages are denied for the reasons set forth in responses to the paragraphs above.

WHEREFORE, Defendant Brent J. Bigney requests that the Complaint filed against him by Plaintiffs Daniel McDonald and Michelle L. McDonald be dismissed, with prejudice and costs of suit.

## **COUNT II**

### **Michelle L. McDonald v. Bigney – Loss of Consortium**

23. Defendant Bigney incorporates herein by reference, the same as though set forth at length, his responses to paragraphs 1 through 22, inclusive.

24. Upon information and belief, the allegations of paragraph 24 are admitted.

25. After reasonable investigation, Defendant Bigney is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 25. The same are therefore denied and strict proof thereof demanded.

26. Defendant Bigney is advised and therefore believes that paragraph 26 pleads a conclusion of law to which no response is required. To the extent any response is required, the allegations of paragraph 26 are denied.

WHEREFORE, Defendant Brent J. Bigney requests that the Complaint filed against him

by Plaintiffs Daniel McDonald and Michelle L. McDonald be dismissed, with prejudice and costs of suit.

### **COUNT III**

#### **Daniel and Michelle L. McDonald v. Bigney – Recklessness**

27. Defendant Bigney incorporates herein by reference, the same as though set forth at length, his responses to paragraphs 1 through 26, inclusive.

28. Denied. It is specifically denied that Defendant Bigney's actions at or about the date, time and place in question were outrageous or otherwise rose to a level constituting wanton and reckless conduct. Further, it is averred that all times Plaintiff McDonald was aware of Defendant Bigney's actions and conduct, that Plaintiff McDonald voluntarily and knowingly participated with Defendant Bigney in his actions and conduct, and that Plaintiff McDonald knowingly and voluntarily rode with Defendant Bigney as a guest passenger at the date, time and place in question.

29. Defendant Bigney is advised, and therefore believes, that paragraph 29 pleads a conclusion of law to which no response is required. To the extent any response is required, the allegations of paragraph 29 are denied. In support of said denial, Defendant Bigney incorporates herein by reference, the same as though set forth at length, his responses to paragraphs 1 through 28 above.

30. Defendant Bigney is advised, and therefore believes, that paragraph 30 pleads a conclusion of law to which no response is required. To the extent any response is required, the allegations of paragraph 30 are denied. In support of said denial, Defendant Bigney incorporates herein by reference, the same as though set forth at length, his responses to paragraphs 1 through

29 above.

WHEREFORE, Defendant Brent J. Bigney requests that the Complaint filed against him by Plaintiffs Daniel McDonald and Michelle L. McDonald be dismissed, with prejudice and costs of suit.

**Miscellaneous Averments**

31. Admitted.

32. Admitted.

WHEREFORE, Defendant Brent J. Bigney requests that the Complaint filed against him by Plaintiffs Daniel McDonald and Michelle L. McDonald be dismissed, with prejudice and costs of suit.

**NEW MATTER**

33. Defendant hereby asserts and raises all those defenses and/or limitations on damages available to him by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

34. To the extent Plaintiff's medical expenses, if any, have been paid or are payable under a policy of insurance, the same may not be pled, proven or recovered in the instant action.

35. To the extent Plaintiff's wage loss, if any, has been paid or is payable under a policy of insurance, the same may not be pled, proven or recovered in the instant action.

WHEREFORE, Defendant Brent J. Bigney requests that the Complaint filed against him by Plaintiffs Daniel McDonald and Michelle L. McDonald be dismissed, with prejudice and costs of suit.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

Dated: April 18, 2006

By: 

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

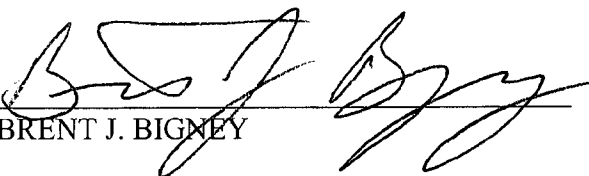
State College, PA 16801

(814) 238-4926

Attorneys for Defendant

### VERIFICATION

The undersigned verifies that he is authorized to make this Verification on his own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiffs' Complaint are true and correct to the best of his knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.

  
BRENT J. BIGNEY

Dated: April 15, 2006



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

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY,

Defendant.

No. 2006-391-C.D.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Answer with New Matter to Plaintiffs' Complaint in the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 18<sup>th</sup> day of April, 2006, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

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Attorneys for Defendant

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

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,  
Plaintiffs,

v.

BRENT J. BIGNEY,  
Defendant.

No. 2006-391-C.D.

TYPE OF PLEADING:  
**CERTIFICATE OF SERVICE**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

APR 18 2006

m/1:15/um  
William A. Shaw

Prothonotary/Clerk of Courts

uo cl ©

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

|                           |   |                   |
|---------------------------|---|-------------------|
| DANIEL McDONALD,          | : |                   |
| and MICHELLE L. McDONALD, | : | No. 2006-391-C.D. |
| his wife,                 | : |                   |
|                           | : |                   |
| Plaintiffs,               | : |                   |
|                           | : |                   |
| v.                        | : |                   |
|                           | : |                   |
| BRENT J. BIGNEY,          | : |                   |
|                           | : |                   |
| Defendant.                | : |                   |

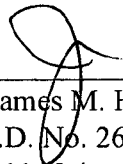
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Interrogatories Propounded by Defendant for Answer By Plaintiffs (Set One), Request for Production of Documents (Set One) and Request for Production of Documents and Tangible Things (Set Two) in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 17<sup>th</sup> day of April, 2006, to the attorney of record:

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

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_

  
James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant

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

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY,

Defendant.

No. 2006-391-C.D.

TYPE OF PLEADING:  
**CERTIFICATE OF SERVICE**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

APR 18 2006  
m11:15lw  
William A. Shaw (62)  
Prothonotary/Clerk of Courts  
no c/c

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

|                           |   |                   |
|---------------------------|---|-------------------|
| DANIEL McDONALD,          | : |                   |
| and MICHELLE L. McDONALD, | : | No. 2006-391-C.D. |
| his wife,                 | : |                   |
|                           | : |                   |
| Plaintiffs,               | : |                   |
|                           | : |                   |
| v.                        | : |                   |
|                           | : |                   |
| BRENT J. BIGNEY,          | : |                   |
|                           | : |                   |
| Defendant.                | : |                   |

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 17 day of April, 2006, to the attorneys/parties of record:

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

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_

James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101348  
NO: 06-391-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: DANIEL MCDONALD an adult individual and MICHELLE L. MCDONALD his wife  
vs.  
DEFENDANT: BRENT J. BIGNEY, An adult individual

SHERIFF RETURN

NOW, March 21, 2006 AT 11:10 AM SERVED THE WITHIN COMPLAINT ON BRENT J. BIGNEY DEFENDANT AT 612 JUNIATA ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BRENT J. BIGNEY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

FILED  
011423  
APR 24 2006

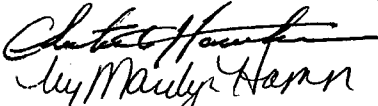
William A. Shaw  
Prothonotary/Clerk of Courts

| PURPOSE         | VENDOR | CHECK # | AMOUNT |
|-----------------|--------|---------|--------|
| SURCHARGE       | NOBLE  | 2254    | 10.00  |
| SHERIFF HAWKINS | NOBLE  | 2254    | 35.30  |

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

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

DANIEL MCDONALD, an adult  
individual, and MICHELLE L. MCDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY, an adult individual,

Defendant.

:

:

:

:

:

No.: 06- 391 -CD

:

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:

:

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:

:

Type of Pleading:

**REPLY TO NEW MATTER**

Filed By:

Plaintiffs

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 25 2006 (LN)

m/12:05/

William A. Shaw  
Prothonotary/Clerk of Courts

no c/c.

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

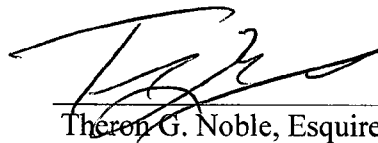
|                                       |   |                         |
|---------------------------------------|---|-------------------------|
| DANIEL MCDONALD, an adult             | ) |                         |
| individual, and MICHELLE L. MCDONALD, | ) |                         |
| his wife,                             | ) |                         |
| Plaintiffs,                           | ) | No.: 06- <u>391</u> -CD |
| v.                                    | ) |                         |
|                                       | ) |                         |
| BRENT J. BIGNEY, an adult individual, | ) |                         |
|                                       | ) |                         |
| Defendant.                            | ) |                         |

**PLAINTIFFS' REPLY TO NEW MATTER**

AND NOW comes the Plaintiffs, Daniel McDonald and Michelle L. McDonald, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows as their REPLY TO NEW MATTER:

33 - 35. The same are legal conclusions for which no responses are required.

Respectfully Submitted,



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



DANIEL MCDONALD, an adult )  
individual, and MICHELLE L. MCDONALD, )  
his wife, )

No.: 06- 391 -CD

Defendant.

*[Handwritten signature]*

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

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

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY,

Defendant.

No. 2006-391-C.D.

TYPE OF PLEADING:

**Certificate Prerequisite to Service of  
Subpoenas**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

**DEFENDANT**

COUNSEL OF RECORD FOR

FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

McQUAIDE, BLASKO,

FLEMING & FAULKNER, INC.

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

**FILED** *NEC*  
*010:40301*  
**MAY 09 2008** *(S)*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

|                           |   |                   |
|---------------------------|---|-------------------|
| DANIEL McDONALD,          | : |                   |
| and MICHELLE L. McDONALD, | : | No. 2006-391-C.D. |
| his wife,                 | : |                   |
|                           | : |                   |
| Plaintiffs,               | : |                   |
|                           | : |                   |
| v.                        | : |                   |
|                           | : |                   |
| BRENT J. BIGNEY,          | : |                   |
|                           | : |                   |
| Defendant.                | : |                   |

**CERTIFICATE**  
**PREREQUISITE TO SERVICE OF SUBPOENAS**  
**PURSUANT TO RULE 4009.22**

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) no objection to the subpoenas has been received,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

Date: May 8, 2006

By: James M. Horne/kw  
James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Attorney for Defendant

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

|                           |   |                   |
|---------------------------|---|-------------------|
| DANIEL McDONALD,          | : |                   |
| and MICHELLE L. McDONALD, | : | No. 2006-391-C.D. |
| his wife,                 | : |                   |
|                           | : |                   |
| Plaintiffs,               | : |                   |
|                           | : |                   |
| v.                        | : |                   |
|                           | : |                   |
| BRENT J. BIGNEY,          | : |                   |
|                           | : |                   |
| Defendant.                | : |                   |

**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoenas. If no objection is made, the subpoenas may be served.

MCQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

Date: April 17, 2006

By: \_\_\_\_\_

James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Attorneys for Defendant

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,  
Plaintiffs,  
v.  
BRENT J. BIGNEY,  
Defendant.

No. 2006-391-C.D.

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

TO: *Brookville Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Daniel A. McDonald, SS#176-12-3537, Date of Birth: 10/9/1972*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *26908*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD



DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY,

Defendant.

No. 2006-391-C.D.

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

TO: *DuBois Regional Medical Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Daniel A. McDonald, SS#176-12-3537, Date of Birth: 10/9/1972*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *James M. Horne, Esquire*

ADDRESS: *811 University Drive, State College, PA 16801*

TELEPHONE: *(814) 238-4926*

SUPREME CT ID#: *26908*

ATTORNEY FOR: *Defendant*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD



DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,  
Plaintiffs,  
v.  
BRENT J. BIGNEY,  
Defendant.

:  
:  
:  
:  
:  
:  
:  
:  
:

No. 2006-391-C.D.

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

TO: *UPMC Presbyterian-Shadyside*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Daniel A. McDonald, SS#176-12-3537, Date of Birth: 10/9/1972*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *26908*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD



DANIEL McDONALD, :  
and MICHELLE L. McDONALD, : No. 2006-391-C.D.  
his wife, :  
Plaintiffs, :  
v. :  
BRENT J. BIGNEY, :  
Defendant. :

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

TO: *University of Pittsburgh Physicians/University Ear, Nose & Throat Specialists*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Daniel A. McDonald, SS#176-12-3537, Date of Birth: 10/9/1972*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *26908*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD



DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,  
Plaintiffs,  
v.  
BRENT J. BIGNEY,  
Defendant.

No. 2006-391-C.D.

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

TO: *Keystone Rehabilitation Systems*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Daniel A. McDonald, SS#176-12-3537, Date of Birth: 10/9/1972*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *26908*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,  
Plaintiffs,  
v.  
BRENT J. BIGNEY,  
Defendant.

No. 2006-391-C.D.

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

TO: *Glenn O. Hawbaker, Inc.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all personnel/employment, human resources records, including but not limited to, employment applications, personnel records, retirement benefits, attendance records, pay rate information, W-2's, workers' compensation records, change in duties/responsibilities, and any other information in your possession pertaining to Daniel A. McDonald, SS#176-12-3537, Date of Birth: 10/9/1972.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *26908*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD



DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,  
Plaintiffs,  
v.  
BRENT J. BIGNEY,  
Defendant.

No. 2006-391-C.D.

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

TO: *Erie Insurance Group*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all first party benefits file/records in your possession pertaining to Policy No. Q082606641N and/or Daniel A. McDonald, SS#176-12-3537, Date of Birth: 10/9/1972*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *James M. Horne, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *26908*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

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

|                           |   |                   |
|---------------------------|---|-------------------|
| DANIEL McDONALD,          | : |                   |
| and MICHELLE L. McDONALD, | : | No. 2006-391-C.D. |
| his wife,                 | : |                   |
|                           | : |                   |
| Plaintiffs,               | : |                   |
|                           | : |                   |
| v.                        | : |                   |
|                           | : |                   |
| BRENT J. BIGNEY,          | : |                   |
|                           | : |                   |
| Defendant.                | : |                   |

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 8<sup>th</sup> day of May, 2006, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: James M. Horne/lw  
James M. Horne, Esquire  
I.D. No. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant

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

DANIEL McDONALD,  
and MICHELLE L. McDONALD,  
his wife,

Plaintiffs,

v.

BRENT J. BIGNEY,

Defendant.

No. 2006-391-C.D.

TYPE OF PLEADING:  
**PRAECIPE TO DISCONTINUE**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:  
**PLAINTIFF by DEFENDANT**

COUNSEL OF RECORD FOR  
DEFENDANT:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. No. 77069  
McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX#(814) 238-9624

**FILED**

M/2:05pm (LN)  
AUG 16 2008

ICert of  
disc issued to  
Atty Horne &  
ICert issued  
Atty Noble

William A. Shaw  
Prothonotary

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

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

|                           |   |                   |
|---------------------------|---|-------------------|
| DANIEL McDONALD,          | : |                   |
| and MICHELLE L. McDONALD, | : | No. 2006-391-C.D. |
| his wife,                 | : |                   |
|                           | : |                   |
| Plaintiffs,               | : |                   |
|                           | : |                   |
| v.                        | : |                   |
|                           | : |                   |
| BRENT J. BIGNEY,          | : |                   |
|                           | : |                   |
| Defendant.                | : |                   |

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiff's Praecept to Discontinue the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 15<sup>th</sup> day of August, 2006, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: \_\_\_\_\_  
James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
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811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant



## MCQUAIDE BLASKO

ATTORNEYS AT LAW

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(814) 238-4926

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August 15, 2006

William Shaw, Prothonotary  
Clearfield County Courthouse  
P.O. Box 549  
230 East Market Street  
Clearfield, PA 16830

**Re: McDonald v. Bigney, No. 06-391-C.D.**

Dear Mr. Shaw:

Enclosed please find the original and one copy of Plaintiffs' Praeceptum to Discontinue, together with our Certificate of Service for filing in the above-captioned matter. Kindly date/time stamp the enclosed copy and return the same to me via the enclosed self-addressed postage paid envelope.

Thank you for your attention to this matter.

Very truly yours,

MCQUAIDE BLASKO

By:

  
James M. Horne

JMH/sap  
Enclosures  
cc/Enc.:

Theron G. Noble, Esquire  
David Smilek (#38-K647-906)

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright  
Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruest Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr.  
Chena L. Glenn-Hart Livinia N. Jones Cristin R. Long Matthew T. Rogers Frederick R. Battaglia Anthony A. Simon

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Daniel McDonald  
Michelle L. McDonald

Vs.  
Brent J. Bigney

No. 2006-00391-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on August 16, 2006, marked:

Settled, ended and forever discontinued, with prejudice.

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 16th day of August A.D. 2006.



William A. Shaw, Prothonotary