06-436-CD
Timothy Carrier al vs Wal-mart
Stores Inc.

Timothy Carrier et al vs Wal-Mart
2006-436-CD

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

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife, Plaintiffs, vs. WAL-MART STORES, INC., Defendant.	:	NO. 06 - 436 - C.D. Type of Case: CIVIL Type of Pleading: COMPLAINT Filed on Behalf of: PLAINTIFFS TIMOTHY D. CARRIER and PEGGY CARRIER Counsel of Record: CHRISTOPHER E. MOHNEY, ESQUIRE Supreme Court No.: 63494 90 BEAVER DRIVE SUITE 111B DUBOIS, PA 15801 (814) 375-1044

FILED
Pd $85.00 Atty
01/2:26 cm (in) 1cc Shff +
MAR 2 2 2006 1cc Atty Mohney

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

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

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,	:	
Plaintiffs,	:	
	:	NO. 06 - - C.D.
vs.	:	
WAL-MART STORES, INC.,	:	
Defendant.	:	

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIM SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

WILLIAM A. SHAW, PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641

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

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,	:	
Plaintiffs,	:	NO. 06 - - C.D.
vs.	:	
WAL-MART STORES, INC.,	:	
Defendant.	:	

COMPLAINT

AND NOW, comes your Plaintiffs, TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife, by their attorney, CHRISTOPHER E. MOHNEY, ESQUIRE, who avers the following causes of action, of which the following are statements:

1. Plaintiffs TIMOTHY D. CARRIER and PEGGY CARRIER are adult individuals with an address at 935 Fuller Road, Brookville, Jefferson County, Pennsylvania, 15825.

2. Defendant WAL-MART STORES, INC. is a registered Pennsylvania Corporation whose principle place of business is 701 S. Walton Boulevard, Benton, Arkansas, 72716, also having a place of business at Route 255, DuBois, Clearfield County, Pennsylvania, 15801.

3. On or about September 13, 2004, Defendant Wal-Mart Stores, Inc. was the owner of certain real estate commonly known as Route 255, DuBois, Clearfield County, Pennsylvania, by virtue of Deed recorded in Clearfield County Courthouse Office of Recorder of Deeds Book 1394, page 217.

4. Defendant Wal-Marts Stores, Inc. owns and operates a Wal-Mart Store at Route 255, DuBois, Clearfield County, Pennsylvania, and did so on or about September 13, 2004.

COUNT I – TIMOTHY D. CARRIER vs. WAL-MART STORES, INC.

5. Paragraphs 1 through 4 are incorporated herein by reference and as if set forth at length.

6. At all times relevant to this cause of action, Defendant Wal-Mart Stores, Inc. was in exclusive possession, control and management of its Wal-Mart Store located at Route 255, DuBois, Clearfield County, Pennsylvania, individually and through its employees who were acting within the course and scope of their employment by Defendant Wal-Mart Stores, Inc. and in furtherance of Wal-Mart Stores, Inc. business.

7. On or about September 13, 2004, Plaintiff, Timothy D. Carrier was a business visitor to Defendant Wal-Mart Store, Inc.'s store located at Route 255, DuBois, Clearfield County, Pennsylvania.

8. While a business visitor to Defendant's aforementioned store location, Plaintiff Timothy D. Carrier entered the public men's restroom located within the stores confines, and as he entered the men's restroom, there existed a wet floor which constituted a danger, and which caused Plaintiff Timothy D. Carrier to slip and fall, resulting in serious and permanent injuries as set forth below.

9. Plaintiff Timothy D. Carrier's slip and fall accident was caused by Defendant Wal-Mart Stores, Inc.'s negligence, carelessness and recklessness in that:

a. Defendant Wal-Mart Stores, Inc. caused or permitted a liquid to accumulate upon the bathroom floor to such a point where it posed an unreasonable risk of injury to Plaintiff Timothy D. Carrier and other business visitors;

b. Defendant Wal-Mart Stores, Inc., its agents or employees, failed to make a reasonable inspection of the bathroom floor, which inspection would have revealed the existence of the dangerous conditions posed by the accumulation of liquid;

c. Defendant Wal-Mart Stores, Inc., its agents and employees, failed to give warning of the dangerous condition posed by the accumulation of liquid on the men's bathroom floor, failed to erect barricades, or take any other safety precautions to prevent injury to Plaintiff Timothy D. Carrier and other business visitors; and

d. Defendant Wal-Mart Stores, Inc. failed to remove the accumulated liquid from the bathroom floor, and failed to keep the bathroom floor dry and clear of liquid.

10. Resultant of Defendant Wal-Mart Stores, Inc.'s negligence, carelessness and recklessness, Plaintiff Timothy D. Carrier suffered injuries to his right hip, lower back, lower right extremities and right arm and/or aggregation of pre-existing conditions, all of which injuries have caused Plaintiff Timothy D. Carrier great pain and suffering, and may continue for an indefinite time in the future and may be permanent.

11. As a result of Defendant Wal-Mart Stores, Inc.'s negligence, carelessness and recklessness, Plaintiff Timothy D. Carrier has, and will, in the future be obliged to expend monies for medicine and medical care in order to treat and help cure his injuries.

12. Solely as a result of Defendant Wal-Mart Stores, Inc.'s negligence, carelessness and recklessness, Plaintiff Timothy D. Carrier has, and will, in the future be unable to attend to his usual and daily duties, and his enjoyment of life has been compromised.

WHEREFORE, Plaintiff Timothy D. Carrier claims damages from Defendant Wal-Mart Stores, Inc. in an amount in excess of $20,000.00 together with costs.

COUNT II – PEGGY CARRIER vs. WAL-MART STORES, INC.

13. Paragraphs 1 through 12 are incorporated herein by reference and as if set forth at length.

14. As a result of Defendant Wal-Mart Stores, Inc.'s negligence, Plaintiff Peggy Carrier has been deprived of the society, companionship, contributions and consortium of her husband, Plaintiff Timothy D. Carrier, to her great detriment and loss.

15. As a result of Defendant Wal-Mart Stores, Inc.'s negligence, Plaintiff Peggy Carrier has suffered a disruption in her daily habits and pursuits and a loss of enjoyment of life.

WHEREFORE, Plaintiff Peggy Carrier demands judgment against Defendant Wal-Mart Stores, Inc. in an amount in excess of $20,000.00 exclusive of interests and costs.

Respectfully submitted,

By: _____
Christopher E. Mohney, Esquire
Attorney for Plaintiffs

VERIFICATION

We, TIMOTHY D. CARRIER and PEGGY CARRIER, have read the foregoing Complaint. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if we make knowingly false averments we may be subject to criminal penalties.

Date: 3/17/06

Timothy D. Carrier
TIMOTHY D. CARRIER

Date: 3/17/06

Peggy Carrier
PEGGY CARRIER

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

v.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

CHRISTOPHER E. MOHNEY
ATTORNEY AT LAW
90 BEAVER DRIVE
SUITE 111B
DuBOIS, PA 15801
TELEPHONE (814) 375-1044
FACSIMILE: (814) 375-1088

March 21, 2006

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

RE: Timothy D. Carrier and Peggy Carrier vs. Wal-Mart Stores, Inc.

Dear Mr. Shaw:

Please file the enclosed original Complaint on behalf of Plaintiffs Timothy D. Carrier and Peggy Carrier in the above-captioned matter. Once the original is filed, please certify the two copies, sending one to the Sheriff for service on Defendant, and placing the other in my mailbox in your office.

Enclosed with this letter are the necessary checks for your filing fee and for the Sheriff's advance costs.

Thank you.

Sincerely,

Christopher E. Mohney
Attorney at Law

CEM:sms

Enclosures

cc: Mr. and Mrs. Timothy D. Carrier

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,

Plaintiff

v.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

NO. 06-436 C.D.

ANSWER AND NEW MATTER

Filed on behalf of Defendant

Counsel of Record for this party:

Robert W. Galbraith, Esquire
Pa. I.D. 86473

Rawle & Henderson LLP
The Henry W. Oliver Building
Suite 1000
535 Smithfield Street
Pittsburgh, PA 15222
(412) 261-5700

JURY TRIAL DEMANDED

TO: PLAINTIFF
You are hereby notified to file a written response to the enclosed Answer and New Matter to Plaintiff's Complaint within twenty (20) days from service hereof or a judgment may be entered against you.

Robert W. Galbraith, Esquire
Attorneys for Defendant,
Wal-Mart Stores, Inc.

100605
1287607 v.1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,

Plaintiff

v.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

NO. 06-436 C.D.

ANSWER AND NEW MATTER

AND NOW comes defendant, Wal-Mart Stores East L.P. incorrectly identified as Wal Mart Stores, Inc., by its attorneys Robert W. Galbraith and Rawle & Henderson, LLP and files the following Answer and New Matter and New Matter Pursuant to Pa. Rule 2252(d) to plaintiff's Complaint:

1. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

2. Denied as stated. Defendant Wal-Mart Stores East, LP is a foreign corporation having a place of business at Route 255, DuBois, Clearfield County, Pennsylvania 15801.

3. Denied as stated. On September 13, 2004, Wal-Mart Stores East, LP had a place of business located at Route 255, DuBois, Clearfield County, Pennsylvania. The remaining averments state legal conclusions to which no response is required.

4. Denied as stated. On September 13, 2004, Wal-Mart Stores East, LP had a place of business located at Route 255, DuBois, Clearfield County, Pennsylvania.

COUNT I

Timothy D. Carrier v. Wal-Mart Stores, Inc.

5. The averments contained in paragraphs 1 through 4 above, inclusive, are incorporated herein by reference as though the same were set forth fully at length.

6. To the extent that paragraph 6 incorporates portions of plaintiffs' Complaint, defendant incorporates as a response thereto its Answer and New Matter as if set forth at length herein. Further, the averments contained within paragraph 6 state legal conclusions to which no response is required. To the extent that a response may be deemed judicially necessary, the averments are denied pursuant to Pa. R.C.P. Rule 1029(e).

7. The averments contained within paragraph 7 state legal conclusions to which no response is required. To the extent that a response may be deemed judicially necessary, the averments are denied pursuant to Pa. R.C.P. Rule 1029(e).

8. The averments contained within paragraph 8 state legal conclusions to which no response is required. To the extent that a response may be deemed judicially necessary, the averments are denied pursuant to Pa. R.C.P. Rule 1029(e).

9. The averments contained within paragraph 9 state legal conclusions to which no response is required. To the extent that a response may be deemed judicially necessary, the averments are denied pursuant to Pa. R.C.P. Rule 1029(e).

10. The averments contained within paragraph 10 state legal conclusions to which no response is required. To the extent that a response may be deemed judicially necessary, the averments are denied pursuant to Pa. R.C.P. Rule 1029(e).

11. The averments contained within paragraph 11 state legal conclusions to which no response is required. To the extent that a response may be deemed judicially necessary, the averments are denied pursuant to Pa. R.C.P. Rule 1029(e).

12. The averments contained within paragraph 12 state legal conclusions to which no response is required. To the extent that a response may be deemed judicially necessary, the averments are denied pursuant to Pa. R.C.P. Rule 1029(e).

WHEREFORE, defendant demands judgment against plaintiffs together with costs.

COUNT II

Peggy Carrier v. Wal-Mart Stores, Inc.

13. The averments contained in paragraphs 1 through 12 above, inclusive, are incorporated herein by reference as though the same were set forth fully at length.

14. The averments contained within paragraph 14 state legal conclusions to which no response is required. To the extent that a response may be deemed judicially necessary, the averments are denied pursuant to Pa. R.C.P. Rule 1029(e).

15. The averments contained within paragraph 15 state legal conclusions to which no response is required. To the extent that a response may be deemed judicially necessary, the averments are denied pursuant to Pa. R.C.P. Rule 1029(e).

WHEREFORE, defendant demands judgment against plaintiffs together with costs.

NEW MATTER

16. The averments contained in paragraphs 1 through 12 above, inclusive, are incorporated herein by reference as though the same were set forth fully at length.

17. This defendant believes, and therefore avers, that at the time of the events complained of by plaintiffs: this defendant had no notice or knowledge, either actual or constructive, of the alleged dangerous condition set forth in plaintiffs' Complaint.

18. If during the course of discovery or trial it is demonstrated that plaintiff failed to exercise reasonable care for his own personal well being due to the failure to properly follow treatments recommended by healthcare professionals or should it be demonstrated that plaintiff has unreasonably refused treatment which would more than likely or not result in an improvement of his condition, then plaintiff is barred from recovery to the extent that he failed to follow said treatment, and therefore, failed to mitigate his damages.

19. In the event that plaintiff proves the averments in the Complaint, the same being specifically denied, then this defendant avers that the injuries complained of by plaintiff are pre-existing conditions and are not causally related to the incident raised in plaintiff's Complaint; thus, no recovery may be had against defendant for such pre-existing conditions.

20. Plaintiffs' alleged injuries and/or damages, if any, were caused solely by the acts of parties other than this defendant and over which this answering defendant had no control and for which this answering defendant is not liable.

WHEREFORE, defendant demands judgment against plaintiffs together with costs.

JURY TRIAL DEMANDED.

Rawle & Henderson, LLP

By: _____
Robert W. Galbraith, Esquire
Attorney for Defendant

VERIFICATION

I, Robert W. Galbraith, Esquire, hereby declare that I am the attorney of record for defendant in the foregoing matter; that as such I am authorized to make this verification on their behalf; that the facts set forth in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information, and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

Robert W. Galbraith, Esquire

Date: 4/13/06

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within document was forwarded to counsel below named by United States Mail on the 13th day of April 2006.

Christopher E. Mohney, Esquire
90 Beaver Drive
Suite 111B
Dubois, PA 15801

Rawle & Henderson, LLP

By: _____
Attorney for Defendant

1287607 v.1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,

Plaintiff

v.

WAL-MART STORES, INC.,

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO. 06-436 C.D.

STIPULATION TO CORRECT NAME OF DEFENDANT

Filed on behalf of Defendant

Counsel of Record for this party:
Robert W. Galbraith, Esquire
Pa. I.D. 86473

Rawle & Henderson LLP
The Henry W. Oliver Building
Suite 1000
535 Smithfield Street
Pittsburgh, PA 15222
(412) 261-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,

Plaintiff

v.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

NO. 06-436 C.D.

STIPULATION TO CORRECT NAME OF DEFENDANT

All Parties stipulate and agree that the correct party Defendant in this matter is Wal-Mart Stores East, L.P. All other named Defendants will be deleted from the caption and the new caption of this matter will read:

Timothy D. Carrier and Peggy Carrier,
Husband and wife, Plaintiffs,
vs.
Wal-Mart Stores East, L.P., Defendant.

BY:_____
Christopher E. Mohney, Esquire
90 Beaver Drive
Suite 111B
Dubois, PA 15801
(Attorney for Plaintiffs)

BY:_____
Robert W. Galbraith, Esquire
Rawle & Henderson, L.L.P.
The Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15222
(Attorney for Wal-Mart Stores East, L.P.)

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within document was forwarded to counsel below named by United States Mail on the 20th day of April, 2006.

Christopher E. Mohney, Esquire
90 Beaver Drive
Suite 111B
Dubois, PA 15801

Rawle & Henderson, LLP

By: _____
Attorney for Defendant

1287151 v.1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101368
NO: 06-436-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: TIMOTHY D. CARRIER and PEGGY CARRIER
vs.
DEFENDANT: WAL-MART STORES, INC.

SHERIFF RETURN

NOW, March 29, 2006 AT 10:33 AM SERVED THE WITHIN COMPLAINT ON WAL-MART STORES, INC. DEFENDANT AT 20 INDUSTRIAL DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SARAH HUMMEL, ASSISTANT MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

FILED
012:51 BN
APR 27 2006
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MOHNEY	3336	10.00
SHERIFF HAWKINS	MOHNEY	3336	35.30

Sworn to Before Me This

_____ Day of _____ 2006

_____

So Answers,

Chester A. Hawkins
Sheriff

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

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,	:	NO. 06 – 436 - C.D.
Plaintiffs,	:	Type of Case: CIVIL
vs.	:	Type of Pleading: REPY TO NEW MATTER
WAL-MART STORES EAST, L.P.,	:	Filed on Behalf of: PLAINTIFFS TIMOTHY D. CARRIER and PEGGY CARRIER
Defendant.	:	Counsel of Record: CHRISTOPHER E. MOHNEY, ESQUIRE
	:	Supreme Court No.: 63494
	:	25 EAST PARK AVENUE SUITE 6 DUBOIS, PA 15801 (814) 375-1044

FILED 2cc Atty Mohney
@ 9:58 AM
MAY 22 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,	:	
Plaintiffs,	:	NO. 06 - 436 - C.D.
vs.	:	
WAL-MART STORES EAST, L.P.,	:	
Defendant.	:	

REPLY TO NEW MATTER

AND NOW, comes your Plaintiffs, TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife, by their attorney, CHRISTOPHER E. MOHNEY, ESQUIRE, and files this Reply to New Matter averring as follows:

16. No reply is necessary.

17. Denied. To the contrary, Plaintiffs believe and therefore aver that at the time of Plaintiff Timothy D. Carrier's slip and fall and resultant injuries in Defendant's men's room, Defendant had, or should have had, notice or knowledge, either actual or constructive, of the dangerous conditions as alleged in Plaintiff's Complaint.

18. Paragraph 18 of Defendant's New Matter states conclusions of law to which no reply is necessary, the same being deemed denied and strict proof thereof being demanded at trial.

19. Paragraph 18 of this Reply to New Matter is incorporated herein by reference and as if set forth at length.

20. Paragraph 18 of this Reply to New Matter is incorporated herein by reference and as set forth at length. To the extent a reply is deemed necessary, paragraphs 1 through 12 of Plaintiff Timothy D. Carrier's Complaint are incorporated herein by reference and as if set forth at length.

WHEREFORE, Plaintiffs Timothy D. Carrier and Peggy Carrier demand judgment against Defendant Wal-Mart Stores East, LP in an amount in excess of $20,000.00 together with costs.

Respectfully submitted,

By: _____

Christopher E. Mohney, Esquire
Attorney for Plaintiffs

VERIFICATION

We, TIMOTHY D. CARRIER and PEGGY CARRIER, have read the foregoing Reply to New Matter. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if we make knowingly false averments we may be subject to criminal penalties.

Date: 5-17-06

TIMOTHY D. CARRIER

Date: 5-17-06

PEGGY CARRIER

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

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,	:	
Plaintiffs,	:	NO. 06 - 436 - C.D.
vs.	:	
WAL-MART STORES EAST, L.P.,	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Christopher E. Mohney, Esquire, do hereby certify that on this 18th day of ~~April,~~ May 2006, I caused to be served by First Class United States Mail, postage prepaid, Reply to New Matter on the following:

Robert W. Galbraith, Esquire
Rawle & Henderson, LLP
The Henry W. Oliver Building
Suite 1000, 535 Smithfield Street
Pittsburgh, PA 15222

By: _____
Christopher E. Mohney, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,

Plaintiff

v.

WAL-MART STORES, INC.,

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO. 06-436 C.D.

NOTICE OF SERVICE OF ANSWERS TO DISCOVERY

Filed on behalf of Defendant

Counsel of Record for this party:

Robert W. Galbraith, Esquire
Pa. I.D. 86473

Rawle & Henderson LLP
The Henry W. Oliver Building
Suite 1000
535 Smithfield Street
Pittsburgh, PA 15222
(412) 261-5700

100605
1308262 v.1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,

Plaintiff

v.

WAL-MART STORES, INC.,

Defendant.

CIVIL DIVISION

NO. 06-436 C.D.

NOTICE OF SERVICE

TO: PROTHONOTARY

Kindly take notice that the Defendant, Wal-Mart Stores, Inc. served the plaintiffs with Answers to Interrogatories and Response to Request for Production of Documents by mailing same to their counsel of record, Christopher E. Mohney, Esquire, 25 East Park Avenue, Suite 6, DuBois, PA 15801 on this 24th day of May 2006.

Rawle & Henderson, LLP

By: _____
Robert W. Galbraith, Esquire
Attorney for Defendant

1308262 v.1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,

Plaintiff

v.

WAL-MART STORES EAST, L.P.,

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO. 06-436 C.D.

PRAECIPE FOR SUBSTITUTION OF APPEARANCE

Filed on behalf of Defendant

Counsel of Record for this party:

Rebecca Sember, Esquire
Pa. I.D. 74584

Rawle & Henderson LLP
The Henry W. Oliver Building
Suite 1000
535 Smithfield Street
Pittsburgh, PA 15222
(412) 261-5700

100608
1399268 v.1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,	CIVIL DIVISION
Plaintiff	NO. 06-436 C.D.
v.	
WAL-MART STORES EAST, L.P.,	
Defendant.	

PRAECIPE FOR SUBSTITUTION OF APPEARANCE

TO: PROTHONOTARY

Kindly substitute the appearance of Rebecca Sember, Esquire for Robert W. Galbraith, Esquire on behalf of the Defendant, Wal-Mart Stores East, L.P. in the above-captioned lawsuit.

RAWLE & HENDERSON, L.P.

BY: _____
Rebecca Sember, Esquire
Attorney for Defendant,
Wal-Mart Stores East, L.P.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this within PRAECIPE FOR SUBSTITUTION OF APPEARANCE has been served upon counsel this 13th day of December 2006, by first class United States mail.

Christopher E. Mohney, Esquire
25 East Park Avenue, Suite 6
DuBois, PA 15801

RAWLE & HENDERSON, LLP

BY: _____
Rebecca Sember, Esquire

1399268 v.1

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,

Plaintiff

v.

WAL-MART STORES EAST, L.P.,

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

NO. 06-436 C.D.

CERTIFICATE OF READINESS

Filed on behalf of Defendant

Counsel of Record for this party:

Rebecca Sember, Esquire
Pa. I.D. 74584

Rawle & Henderson LLP
The Henry W. Oliver Building
Suite 1000
535 Smithfield Street
Pittsburgh, PA 15222
(412) 261-5700

FILED No cc
m 11:17 Atty Sember
JAN 10 2007 pd. 20.00
William A. Shaw
Prothonotary/Clerk of Courts

100608
1399268 v.1

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED 1-3-2007

CASE NUMBER	TYPE TRIAL REQUESTED	ESTIMATED TRIAL TIME
06-436	( ) Jury ( ) Non-Jury	
Date Complaint Filed: 3-22-2006	(X) Arbitration	1 Days

PLAINTIFF(S)

Timothy D. Carrier and Peggy Carrier ( )

DEFENDANT(S)

Wal-Mart Stores East, L.P. ( )

ADDITIONAL DEFENDANT(S)

None ( )

Check Block if a Minor is a Party to the Case

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
more than $ within arb. limits	( ) yes (X) no	N/A

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Christopher E. Mohney	814-375-1044
FOR THE PLAINTIFF	TELEPHONE NUMBER
Rebecca Sember	412-261-5706
FOR THE DEFENDANT	TELEPHONE NUMBER
None	
FOR ADDITIONAL DEFENDANT	TELEPHONE NUMBER

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

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,	:	No. 06 - 436 - C.D.
Plaintiffs	:	Type of Case: CIVIL
vs.	:	Type of Pleading: PRAECIPE TO DISCONTINUE AN ACTION
WAL-MART STORES EAST, L.P.,	:	Filed on Behalf of: PLAINTIFFS
Defendant	:	Counsel of Record for this Party: CHRISTOPHER E. MOHNEY, ESQUIRE
	:	SUPREME COURT NO. 63494
	:	25 EAST PARK AVENUE SUITE 6 DUBOIS, PA 15801 (814) 375-1044

FILED
M/11:00 cm
MAR 05 2007
William A. Shaw
Prothonotary/Clerk of Courts

1Ccd 1Cert of disc issued to Atty Sember
1 Cert of Disc issued to Atty Mohney
copy C/A

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

TIMOTHY D. CARRIER and PEGGY CARRIER, husband and wife,	:	No. 06 - 436 - C.D.
Plaintiffs	:	Type of Case: CIVIL
vs.	:	Type of Pleading: PRAECIPE TO DISCONTINUE AN ACTION
WAL-MART STORES EAST, L.P.,	:	Filed on Behalf of: PLAINTIFFS
Defendant	:	

PRAECIPE TO DISCONTINUE AN ACTION

TO WILLIAM A. SHAW, PROTHONOTARY:

You are hereby directed to mark the above-captioned action "settled, discontinued and ended with prejudice."

Christopher E. Mohney, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this within PRAECIPE TO DISCONTINUE AN ACTION has been served upon counsel this 28TH day of February, 2007, by first class United States mail.

Christopher E. Mohney, Esquire
25 East Park Avenue, Suite 6
DuBois, PA 15801

RAWLE & HENDERSON, LLP

BY:_____
Rebecca Sember, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Timothy D. Carrier
Peggy Carrier

Vs. **No. 2006-00436-CD**
Wal-Mart Stores East, L.P.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 5, 2007, marked:

Settled, discontinued and ended with prejudice

$85.00 paid by Christopher Mohney Esq.
$20.00 paid by Rebecca A. Sember Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of March A.D. 2007.

William A. Shaw, Prothonotary