

06-879-CD

Charles Croyle et al vs James Wood et al

Charles Croyle et al vs James Wood et al
2006-879-CD

Date: 2/2/2009
Time: 08:29 AM
Page 1 of 2

Clearfield County Court of Common Pleas
ROA Report
Case: 2006-00879-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman
Charles R. Croyle Jr., et alvs.James D. Wood, et al

Civil Other-COUNT

Date	Judge
5/31/2006	New Case Filed.
	No Judge
	X Filing: Civil Complaint Paid by: Cherry, Toni M. (attorney for Croyle, Charlie R. Jr.) Receipt number: 1914078 Dated: 05/31/2006 Amount: \$85.00 (Check) 3CC Atty Cherry.
6/16/2006	X Sheriff Return, June 6, 2006 at 2:31 pm served the within Complaint on James D. Wood.
	No Judge
	June 6, 2006 at 2:31 pm served the within Complaint on Dorothy S. Wood. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Gleason \$58.63
6/29/2006	X Entry of Appearance, filed. Kindly enter my appearance on behalf of the Defendants in the above-captioned matter, filed by s/ Bret J. Southard Esq. No CC.
	No Judge
	X Certificate of Service, filed. That on this 27th day of June 2006, filed and original and one copy of this Certificate of Service for the Interrogatories Directed to Plaintiffs, on Toni M. Cherry Esq., filed by s/ Bret J. Southard Esq. No cc.
	No Judge
	X Certificate of Service, filed. That on this 27th day of June 2006, filed an original and one copy of this Certificate of service for the Request for Production of Documents Directed to Plaintiffs on Toni M. Cherry Esq., filed by s/ Bret J. Southard Esq. NO CC.
	No Judge
7/13/2006	X Answer, filed by s/ Brent J. Southard Esq. No CC.
	No Judge
10/16/2006	X Motion to Compel, filed by s/ Bret J. Southard Esq. 1CC Atty.
	No Judge
10/18/2006	X Order, NOW, this 18th day of Oct., 2006, defendants' motion to compel is granted. Plaintiffs are to serve complete responses to defendants' interrogatories and requests for production of documents within 30 days of the date of this order. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC To Atty.
	Fredric Joseph Ammerman
11/20/2006	X Certificate of Service, filed. This 17th day of November 2006, an original of Plaintiffs' Responses to Request for Production of Documents were sent to Bret J. Southard Esq, filed by s/ Toni M. Cherry Esq. No CC.
	No Judge
	X Certificate of Service, filed. This 17th day of November 2006, an original of Plaintiffs' Answers to Interrogatories-First Set were sent to Bret J. Southard Esq, filed by s/ Toni M. Cherry Esq. NO CC.
	No Judge
12/21/2006	X Notice of Deposition, (In Re: Charles Croyle and Susan L. Croyle), filed by s/ Bret J. Southard Esq. No CC.
	No Judge
1/31/2007	X Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Bret J. Southard Esq. (In Re: Custodian of Records: Dr. Mark Nartatez) No CC.
	No Judge
2/23/2007	X Certificate of Service, filed. That on the 21st day of February 2007, Plaintiffs Request for Production of Documents was served upon Bret J. Southard Esq., counsel for Defendants, filed by s/ Toni M. Cherry Esq. No CC.
	No Judge
3/5/2007	X Certificate of Service, filed by Atty Southard
	No Judge
	X Served Atty. Cherry with Response to Plaintiffs' Request for Production of Documents and Cert. of Service of save to Prothonotary.
7/9/2007	X Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Bret J. Southard, Esquire. No CC
	No Judge
12/13/2007	X Notice of Deposition of Charles Croyle Sr., filed by s/ Bret J. Southard Esq. No CC.
	No Judge

Date: 1/23/2009

Time: 03:33 PM

Page 2 of 6

Clearfield County Court of Common Pleas

User: LMILLER

Civil Disposition Report

CT COMMON PLEAS,

All Case Types

From 1/19/2009 to 1/23/2009

All Judgment Types

Case	Parties	Filing date	Judgment	Disposition	Disposition Date
2004-00737-CD	Commonwealth of Penna. Plaintiff Ellinger, Russell Defendant	1/22/2009	PA State Tax Lien In favor of: Plaintiff Judgment amount or comment: 1365.64	Open	1/22/2009
2005-00802-CD	Hudson & Keyce, LLC Plaintiff McLaughlin, Deborah Defendant McLaughlin, Theodore Defendant	1/22/2009	DJ Transcript Judgme In favor of: Plaintiff Judgment amount or comment:	Satisfied	1/22/2009
2005-01724-CD	Ford Credit Plaintiff Mazda American Credit Plaintiff McDowell, Kimberly A. Defendant	1/22/2009	Default Judgment In favor of: Plaintiff Judgment amount or comment:	Satisfied	1/22/2009
2007-00176-CD	CNB Bank Subject E. M. Fenush Jr. Trucking Defendant Fenush, Eugene M. Jr. Defendant First Commonwealth Bank Subject J. J. Powell, Inc. Plaintiff	1/20/2009	Writ of Execution In favor of: Plaintiff Judgment amount or comment: Per praecipe to DISCONTINUE the Execution against the defendant and garnishees.	Discontinued/Dis	1/20/2009
2007-00360-CD	Action Management, Inc. Plaintiff Bell, Thomas Defendant M & T Bank Subject	1/23/2009	DJ Transcript Judgme In favor of: Plaintiff Judgment amount or comment:	Satisfied	1/23/2009
2007-00360-CD	Action Management, Inc. Plaintiff M & T Bank Subject	1/23/2009	Judgment Garnishee In favor of: Plaintiff Judgment amount or comment: per praecipe filed on 1/23/2009	Discontinued/Dis	1/23/2009
2007-01977-CD	HSBC Bank USA, N.A. Plaintiff Miller, Nelda E. Defendant	1/23/2009	Default Judgment In favor of: Plaintiff Judgment amount or comment:	Vacated	1/23/2009

Date: 2/2/2009
Time: 08:29 AM
Page 2 of 2

Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2006-00879-CD

Current Judge: Fredric Joseph Ammerman

Charles R. Croyle Jr., et al vs. James D. Wood, et al

Civil Other-COUNT

Date	Judge
1/24/2008	✓ Notice of Deposition, filed by Atty. Southard 1 Cert. copy to Atty. No Judge
11/21/2008	✓ Praeclipe to List for Trial, filed by Atty. Southard 1 Cert. to Atty. No Judge
12/10/2008	✓ Order, this 9th day of Dec., 2008, pre-trial conference is scheduled for Feb. 5, 2009 at 1:30 p.m. in Judges Chambers. Jury Selection is scheduled for April 2, 2009 at 9:00 a.m. in Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: T. Cherry, Southard Fredric Joseph Ammerman
12/22/2008	✓ Motion For Summary Judgment, filed by s/ Bret J. Southard, Esquire. 1CC Fredric Joseph Ammerman Atty. Southard
1/7/2009	✓ Order, this 6th day of Jan., 2009, it is Ordered that argument on the Motion for summary Judgment is scheduled for the 28th day of jan., 2009 at 11:00 a.m. in Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to T. Cherry, Southard Fredric Joseph Ammerman
1/20/2009	✓ Answer to Motion for Summary Judgment, filed by s/ Toni M. Cherry, Esquire. 2CC Atty. T. Cherry Fredric Joseph Ammerman
	✓ Reply to New Matter, filed by s/ Toni M. Cherry, Esquire. 2CC atty. T. Cherry Fredric Joseph Ammerman
1/28/2009	✓ Order, this 28th day of Jan., 2009, it is Ordered that argument on the Defendant's motion for Summary Judgment is rescheduled from Jan. 28, 2009 to Feb. 5, 2009 at 1:30 p.m. in Courtroom 1. This will be in addition to the previously scheduled pre-trial conference on Feb. 5, 2009. By The Court /s/ Fredric J. Ammerman, Pres. Judge. CC to Attys; Cherry & Southard Fredric Joseph Ammerman

Date: 1/23/2009

Time: 03:33 PM

Page 3 of 6

Clearfield County Court of Common Pleas

User: LMILLER

Civil Disposition Report

CT COMMON PLEAS,

All Case Types

From 1/19/2009 to 1/23/2009

All Judgment Types

Case	Parties	Filing date	Judgment	Disposition	Disposition Date
2008-00179-CD	First Commonwealth Bank Plaintiff Volpe, John F. Jr. Defendant Volpe, Susan Defendant	1/19/2009	Default Judgment In favor of: Plaintiff Judgment amount or comment: \$72,923.00	Writ of Execution	1/19/2009
2008-00678-CD	Luzier, David Defendant Luzier, Gregory A. Defendant Sovereign Bank Plaintiff Triad Financial Services Plaintiff Waypoint Bank Plaintiff	1/23/2009	Default Judgment In favor of: Plaintiff Judgment amount or comment: For Possession of 2001 Redman Empore Terrace, Serial Number 122-37999AB	Open	1/23/2009
2008-00678-CD	Luzier, Gregory A. Defendant Sovereign Bank Plaintiff Triad Financial Services Plaintiff Waypoint Bank Plaintiff	1/23/2009	Default Judgment In favor of: Plaintiff Judgment amount or comment: As to Gregory A. Luzier ONLY in the amount of \$68,322.69	Open	1/23/2009
2008-01039-CD	JP Morgan Chase Bank, N.A Plaintiff McCormack, John Defendant Solomon-McCormack, Michele Defendant	1/23/2009	Default Judgment In favor of: Plaintiff Judgment amount or comment: \$34,691.87	Writ of Execution	1/23/2009
2008-01100-CD	Amtrust Bank Plaintiff Frear, Brenda G. Defendant	1/22/2009	Default Judgment In favor of: Plaintiff Judgment amount or comment: 58,105.40	Writ of Execution	1/22/2009
2008-01101-CD	Clearfield Bank & Trust Com Subject Plaintiff Henschel, Ervin Defendant Henschel, Tabitha Defendant Industrial Acceptance Corp. Plaintiff	1/22/2009	DJ Transcript Judgment In favor of: Plaintiff Judgment amount or comment: \$1,919.23	Writ of Execution	1/22/2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and : No. 2006 - 879 C.D.
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : Type of Case: CIVIL
vs. :
Type of Pleading: COMPLAINT
JAMES D. WOOD and DOROTHY S. : Filed on Behalf of: CHARLES R. CROYLE,
WOOD, husband and wife, : JR., and SUSAN L. CROYLE, Plaintiffs
Defendants : Counsel of Record for these Parties:
TONI M. CHERRY, ESQ. :
Supreme Court No.; 30205
GLEASON, CHERRY AND :
CHERRY, L.L.P. :
Attorneys at Law :
P. O. Box 505 :
One North Franklin Street :
DuBois, PA 15801 :
(814) 371-5800

FILED 3cc
013:30 AM
MAY 31 2006 Atty Cherry
Atty pd. 85.00
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and :
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : No. 2006 - _____ C.D.
vs. :
JAMES D. WOOD and DOROTHY S. :
WOOD, husband and wife, :
Defendants :

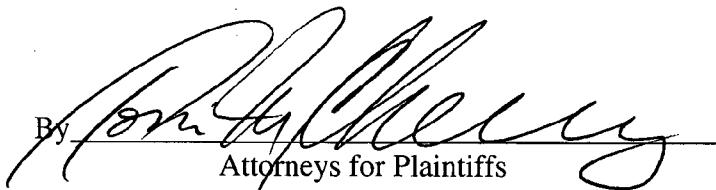
NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Notice and Complaint are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any claims 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, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641 Ext. 88-89

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
John G. Cherry
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and :
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : No. 2006 - _____ C.D.
:
vs. :
:
JAMES D. WOOD and DOROTHY S. :
WOOD, husband and wife, :
Defendants :
:

C O M P L A I N T

AND NOW, come the Plaintiffs, CHARLES R. CROYLE, JR., and SUSAN L. CROYLE, husband and wife, by their Attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and bring this Complaint on causes of action whereof the following are statements:

**COUNT I - CHARLES R. CROYLE, JR., Husband Plaintiff,
vs. Defendants, JAMES D. WOOD and DOROTHY S. WOOD**

1. Plaintiffs, CHARLES R. CROYLE, JR., and SUSAN L. CROYLE, are adult individuals, husband and wife, and reside with each other at 3246 Six Mile Road, Philipsburg, Clearfield County, Pennsylvania 16866.
2. The Defendants, JAMES D. WOOD and DOROTHY S. WOOD, are adult individuals, husband and wife, and reside with each other at 855 Clover Street, Philipsburg, Clearfield County, Pennsylvania 16866.

3. That at all times material hereto, Defendants, JAMES D. WOOD and DOROTHY S. WOOD, were the owners of premises located at 855 Clover Street, Philipsburg, Clearfield County, Pennsylvania 16866.

4. That on June 20, 2004, at or about 2:00 p.m., Husband Plaintiff was an invitee of the Defendants, JAMES D. WOOD and DOROTHY S. WOOD, at their aforementioned premises, for the purposes of visiting with the Defendants and working on a tire to pump enough air in the tire to allow it to be installed on a lawnmower owned by Husband Plaintiff.

5. That at all times material hereto, JAMES D. WOOD did operate a garage upon the premises owned by the Defendants for the express benefit of the Defendants and acted at all times in said garage business as the agent of Defendant, DOROTHY S. WOOD.

6. That Defendant, JAMES D. WOOD, attempted to pump air into the tire owned by Husband Plaintiff through the use of his air compressor but was unsuccessful and advised Husband Plaintiff that he had another method by which he could pump air into the tire.

7. That Defendant, JAMES D. WOOD, did expressly invite and direct Husband Plaintiff to hold the tire while Defendant, JAMES D. WOOD, did show him "a little trick" that he could do "to pump these tires up".

8. That without further explanation to Husband Plaintiff of what he intended to do to pump the tire up, Defendant, JAMES D. WOOD, did spray the outside of the rim of the tire with an unknown substance and did light a match and throw it on the tire causing an explosion, the force of which caused the tire to bounce up against Husband Plaintiff's right hand so hard that it snapped his thumb back toward his arm, as a result of which Husband Plaintiff sustained the injuries set forth below.

9. The accident was caused by the negligence, carelessness and recklessness of Defendant, JAMES D. WOOD, acting in furtherance of and for the benefit of Defendants' business.

10. That at the time aforesaid, the negligence, carelessness and recklessness of the Defendant, JAMES D. WOOD, consisted of the following:

- (a) performing an act that Defendant knew or should have known could result in injury to others while Husband Plaintiff was nearby;
- (b) failing to give Husband Plaintiff warning of what Defendant, JAMES D. WOOD, intended to do to the tire;
- (c) failing to advise Husband Plaintiff that Defendant's actions would cause the tire to explode;
- (d) failing to anticipate that his actions would propel Husband Plaintiff onto the ground and cause him further serious injury;
- (e) directing Husband Plaintiff to hold the tire when he knew or should have known that Husband Plaintiff did not know what was going to occur and was not prepared for the occurrence;
- (f) permitting Husband Plaintiff to hold the tire when Defendant knew or should have known that it was improperly secured;
- (g) failing to insure the safety of Husband Plaintiff while he was an invited guest on the premises of the Defendants;

(h) failing to use reasonable care in directing the participation of Husband Plaintiff in his assistance to Defendant, JAMES D. WOOD, in such a manner that was without due regard to the rights, safety and position of the Husband Plaintiff as an invitee upon the premises of the Defendants, JAMES D. WOOD and DOROTHY S. WOOD; and

(i) failing to protect Husband Plaintiff from injury while he was a guest on the premises of the Defendants, JAMES D. WOOD and DOROTHY S. WOOD.

11. Solely as a result of the accident, Husband Plaintiff was caused to suffer various physical injuries in and about his person, some of which may be permanent; more particularly, the singeing of the hair on his face and right arm and the tearing away of the tendon of his right thumb requiring surgical reattachment that caused Plaintiff to suffer a four-inch long scar and the permanent limitation in the use of his right thumb and hand.

12. Further, Husband Plaintiff incurred a severe shock to his nervous system and was made to undergo great physical pain and mental anguish, all of which may continue for an indefinite time in the future.

13. That as a result of the negligent, careless and reckless actions of the Defendant, JAMES D. WOOD, Husband Plaintiff has been compelled to expend various sums of money for medicines and medical attention in attempting to alleviate and cure his aforesaid injuries, and may in the future be obliged to expend large and various sums of money for medicine and medical attention.

14. Solely because of the negligent, careless and reckless actions of the Defendant, JAMES D. WOOD, as hereinbefore alleged, Husband Plaintiff has been prevented from

attending to his usual duties and occupation and believes that he may in the future be prevented from attending to his usual duties and occupation to his great financial loss and damage.

WHEREFORE, Plaintiff, CHARLES R. CROYLE, JR., claims damages from Defendants in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), together with interest and costs of suit.

**COUNT II - Plaintiff, SUSAN L. CROYLE, vs. Defendants,
JAMES D. WOOD and DOROTHY S WOOD**

15. Plaintiff, SUSAN L. CROYLE, incorporates herein by reference the averments contained in Paragraphs 1 through 14 inclusive of this Complaint with the same force and effect as if the same had been set forth at length herein.

16. As a result of the injuries to her husband, Wife Plaintiff has been and/or may be compelled to expend monies for medical aid, medicines and the like in an effort to cure him.

17. As a result of the injuries to her husband, Wife Plaintiff has been compelled to expend monies for hiring help to perform the duties of the household previously performed by her husband.

18. As a result of the injuries to her husband, Wife Plaintiff has been and/or will be deprived of her husband's aid, comfort, society, companionship and affection.

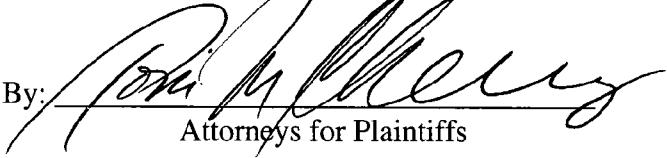
19. As a direct and proximate result of the injuries to her husband, Wife Plaintiff has suffered and/or continues to suffer from her husband's loss of earnings and/or earning capacity and/or may in the future suffer from his loss of earnings and/or earning capacity.

WHEREFORE, Plaintiff, SUSAN L. CROYLE, claims of Defendants, JAMES D. WOOD and DOROTHY S. WOOD, damages in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), together with interest and costs of suit.

Respectfully submitted,

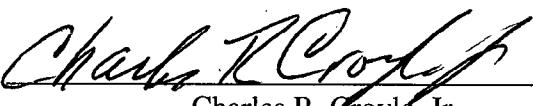
GLEASON, CHERRY AND CHERRY, L.L.P.

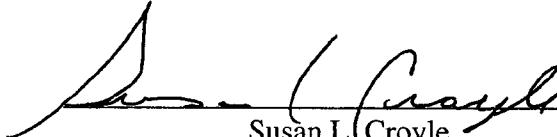
By:


John P. Cherry
Attorneys for Plaintiffs

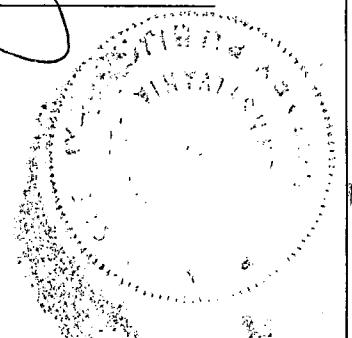
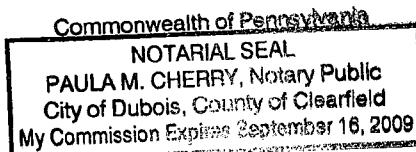
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the County and State aforesaid, CHARLES R. CROYLE, JR., and SUSAN L. CROYLE, who, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.


Charles R. Croyle, Jr.


Susan L. Croyle

Sworn to and subscribed before me this 26th day of May, 2006.



Vicunsl

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MAY 31 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101599
NO: 06-879-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: CHARLES R. CROYLE JR. and SUSAN L. CROYLE
vs.
DEFENDANT: JAMES D. WOOD and DOROTHY S. WOOD

SHERIFF RETURN

NOW, June 06, 2006 AT 2:31 PM SERVED THE WITHIN COMPLAINT ON JAMES D. WOOD DEFENDANT AT 855 CLOVER ST., PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES D. WOOD, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

FILED
0/10/42 LM
JUN 16 2006 

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101599
NO: 06-879-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: CHARLES R. CROYLE JR. and SUSAN L. CROYLE
vs.
DEFENDANT: JAMES D. WOOD and DOROTHY S. WOOD

SHERIFF RETURN

NOW, June 06, 2006 AT 2:31 PM SERVED THE WITHIN COMPLAINT ON DOROTHY S. WOOD DEFENDANT AT 855 CLOVER ST., PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES WOOD, HUSBAND 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 # 101599
NO: 06-879-CD
SERVICES 2
COMPLAINT

PLAINTIFF: CHARLES R. CROYLE JR. and SUSAN L. CROYLE

vs.

DEFENDANT: JAMES D. WOOD and DOROTHY S. WOOD

SHERIFF RETURN

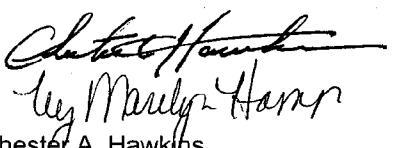
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GLEASON	11084	20.00
SHERIFF HAWKINS	GLEASON	11084	38.63

Sworn to Before Me This

So Answers,

____ Day of _____ 2006


Chester A. Hawkins
Sheriff

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v.
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendants in the above-captioned matter.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD P.C.

By: 13

Bret J. Southard, I.D. #59032
Attorney for Defendants
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
(570) 323-8585 Facsimile

FILED
M/10/35/01
JUN 29 2006
NO CC
2006-879-C.D.

William A. Shaw
Prothonotary/Clerk of Courts

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v. :
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 27 day of June, 2006, he filed an original and one copy of this Entry of Appearance with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served a copy of the Entry of Appearance upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801



Bret J. Southard

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v.
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 21 day of June, 2006, he filed an original and one copy of this Certificate of Service for the Interrogatories Directed to Plaintiffs with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served the original of the Interrogatories Directed to Plaintiffs upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801



Bret J. Southard

FILED NO
M 10:35 AM
JUN 29 2006
2006-879-C.D.

William A. Shaw
Prothonotary/Clerk of Courts

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v. :
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 27 day of June, 2006, he filed an original and one copy of this Certificate of Service for the Requests for Production of Documents Directed to Plaintiffs with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served the original of the Requests for Production of Documents Directed to Plaintiffs upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801



Bret J. Southard

FILED ^{NOCC}
M 10:35 AM
JUN 29 2006
2006-879-C.D.

William A. Shaw
Prothonotary/Clerk of Courts

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v.
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

NOTICE

TO: Plaintiffs
c/o Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801

YOU are hereby notified and required to plead to the within Answer and New Matter
within twenty (20) days from the date of service hereof.

NOTE: YOU are hereby warned that if you fail to plead as notified and required, the
action will proceed without you and you will be liable to have a default judgment entered against
you in your absence.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD P.C.

By: 

Bret J. Southard, I.D. #59032
Attorneys for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
(570) 323-8585 Facsimile

FILED NOCC
JUL 13 2006
WM

William A. Shaw
Prothonotary/Clerk of Courts

**CHARLES R. CROYLE, JR. and
SUSAN L. CROYLE, husband and wife** :**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**
Plaintiffs :
:
v. :
**JAMES D. WOOD and DOROTHY S.
WOOD, husband and wife** :
Defendants :
:
:
:
:
:
:
DOCKET #: 2006-879-C.D.
:
CIVIL CASE LAW
:
JURY TRIAL DEMANDED

ANSWER

1. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth or falsely of the allegations set forth in this paragraph.
2. Admitted.
3. Admitted.
4. Admitted that the plaintiff came to the Wood premises and asked Mr. Wood for assistance in pumping up a tire that the plaintiff brought with him. The remainder of the allegations set forth in this paragraph are denied pursuant to Pa.R.C.P. 1029(e).
5. Denied. To the contrary, there was no such business.
6. Denied pursuant to Pa.R.C.P. 1029(e).
7. Denied pursuant to Pa.R.C.P. 1029(e).
8. Denied pursuant to Pa.R.C.P. 1029(e).
9. Denied pursuant to Pa.R.C.P. 1029(e).
10. Denied pursuant to Pa.R.C.P. 1029(e).
 - a-i. Denied pursuant to Pa.R.C.P. 1029(e).
11. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth or falsely of the allegations set forth in this paragraph.
12. After reasonable investigation, answering defendants are without sufficient knowledge or

information to form a belief as to the truth or falsely of the allegations set forth in this paragraph.

13. Denied pursuant to Pa.R.C.P. 1029(e).

14. Denied pursuant to Pa.R.C.P. 1029(e).

WHEREFORE, defendants demand judgment in their favor.

15. Paragraphs 1-14 are incorporated by reference as though fully set forth at length herein.

16. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth or falsely of the allegations set forth in this paragraph.

17. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth or falsely of the allegations set forth in this paragraph.

18. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth or falsely of the allegations set forth in this paragraph.

19. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth or falsely of the allegations set forth in this paragraph.

WHEREFORE, defendants demand judgment in their favor.

NEW MATTER

20. Plaintiffs' complaint fails to state a cause of action as a manner of law.

21. At all times relevant, the husband plaintiff was fully aware of the plan to inflate the tire leading to plaintiff's alleged injury.

22. At all times relevant hereto, the husband plaintiff was a willing participant in the plan for the inflation of the tire.

23. At all times relevant, the husband plaintiff was fully aware of the manner by which he and the husband defendant were going to attempt to inflate the tire.

24. At all times relevant, the husband plaintiff was fully aware of the plan to use a flammable material during their work on the tire.

25. At all times relevant hereto, the husband plaintiff was fully aware that the husband defendant intended to ignite the aforesaid flammable material.

26. At all times relevant, the husband plaintiff was fully aware of the risk of utilizing a flammable material with ignition of that material.

27. At all times relevant hereto, the husband plaintiff voluntarily and knowingly assumed the risk of utilizing a flammable material and igniting that material and attempting to inflate the tire.

28. At no time did the husband plaintiff pay or offer to pay for any alleged services rendered by the husband defendant.

29. At no time did the husband plaintiff confer or offer to confer any benefit on the husband defendant for any alleged services with respect to the tire.

30. The attempted inflation of the tire was being done for the sole benefit of the husband plaintiff and not for any benefit of either defendants.

31. At best plaintiff was a bare licensee to whom no duty of care was owed other than to disclose to him hidden dangers or defects.

WHEREFORE, defendants demand judgment in their favor.

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD P.C.**

By: 13

Bret J. Southard, I.D. #59032
Attorney for Defendants
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
(570) 323-8585 Facsimile

VERIFICATION

We hereby affirm that the following facts are correct:

We, **James D. & Dorothy S. Wood**, are authorized to enter into this Verification in the foregoing action. The foregoing **Answer** is based upon information which has been furnished to counsel and information which has been gathered by counsel in the preparation of the defense of this lawsuit. The language of the foregoing document is that of counsel and not of me. We have read the foregoing document and to the extent that the same is based upon information which we have given to counsel, it is true and correct to the best of our knowledge, information and belief. To the extent that the content of the foregoing document is that of counsel, we have relied upon counsel in making this Verification. We hereby acknowledge that the facts set forth in the foregoing document are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

6/29/06
Date

James D. Wood
Review of croy James D. Wood
Dorothy S. Wood
Dorothy S. Wood

**CHARLES R. CROYLE, JR. and
SUSAN L. CROYLE, husband and wife** Plaintiffs
v.
**JAMES D. WOOD and DOROTHY S.
WOOD, husband and wife** Defendants

:IN THE COURT OF COMMON PLEAS OF
:CLEARFIELD COUNTY, PENNSYLVANIA
:
:
:DOCKET #: 2006-879-C.D.
:
:CIVIL CASE LAW
:
:JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 19 day of July, 2006, he filed an original and one copy of this Answer with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served a copy of the Answer upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801

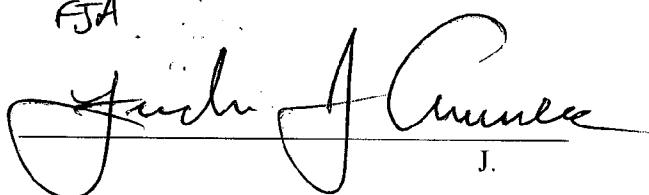
BS

Bret J. Southard

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v.
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

ORDER

AND NOW this 18 day of October, 2006, defendants' motion to
compel is granted. Plaintiffs are to serve complete responses to defendants' interrogatories and
requests for production of documents within ~~ten (10)~~ ^{thirty (30)} days of the date of this order.

FJA

J.

FILED

OCT 18 2006
0/2:40 PM 6P
William A. Shaw
Prothonotary/Clerk of Courts
I went to ATT

DATE: 10-19-06
 You are responsible for serving all appropriate parties.
 The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney Other
 Special Instructions:

FILED
OCT 18 2006
William A. Shaw
Prothonotary/Clerk of Courts

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v. :DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

MOTION TO COMPEL

AND NOW comes the defendants and files the within motion to compel of which the following is a statement.

1. This case arises out of personal injuries sustained by the plaintiff.
2. On June 27, 2006, interrogatories and requests for production of documents were served on plaintiff. Despite repeated requests for answers, no responses have been forthcoming.

WHEREFORE, it is respectfully requested that the court enter an order directing plaintiffs to serve full and correct answers to defendants' interrogatories and requests for production within ten (10) days.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD P.C.

By: *BS*

Bret J. Southard, I.D. #59032
Attorneys for Defendants
10 West Third Street
Williamsport PA 17701
(570) 323-8404

FILED
OCT 16 2006
William A. Shaw
Prothonotary/Clerk of Courts

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
: :
:v. :DOCKET #: 2006-879-C.D.
: :
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 12 day of October, 2006, he filed an original and one copy of this Motion to Compel with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served a copy of the Motion to Compel upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801



Bret J. Southard

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

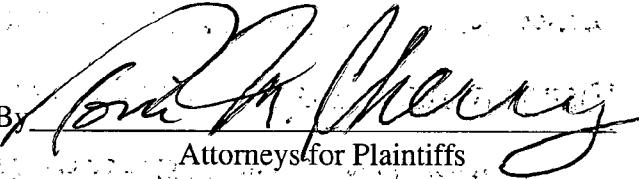
CHARLES R. CROYLE, JR., and	:
SUSAN L. CROYLE, husband and wife,	:
Plaintiffs	: No. 2006 - 879 C.D.
vs.	:
JAMES D. WOOD and DOROTHY S.	:
WOOD, husband and wife,	:
Defendants	:

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2006, an original of Plaintiffs' Responses to Request for Production of Documents were sent to BRET J. SOUTHARD, ESQ., counsel for Defendants, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing in the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

BRET J. SOUTHARD, ESQ.
Mitchell Gallagher
Attorneys at Law
10 West Third Street
Williamsport, PA 17701-6513

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
Attorneys for Plaintiffs

Dated: November 17, 2006

FILED

NOV 20 2006
m/8:30/06
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

FILED
NOV 20 2006
William A. Shaw
Clerk of Courts
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

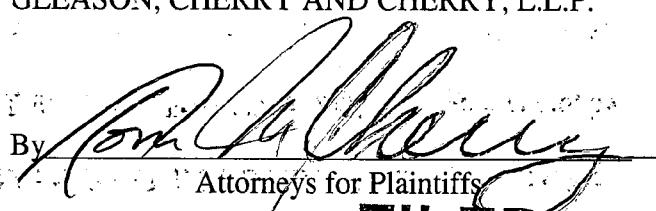
CHARLES R. CROYLE, JR., and	:
SUSAN L. CROYLE, husband and wife,	:
Plaintiffs	: No. 2006 - 879 C.D.
vs.	:
JAMES D. WOOD and DOROTHY S.	:
WOOD, husband and wife,	:
Defendants	:

CERTIFICATE OF SERVICE

I hereby certify that on this 17TH day of November, 2006, an original of Plaintiffs' Answers to Interrogatories - First Set, were sent to BRET J. SOUTHARD, ESQ., counsel for Defendants, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing in the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

BRET J. SOUTHARD, ESQ.
Mitchell Gallagher
Attorneys at Law
10 West Third Street
Williamsport, PA 17701-6513

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
Ron A. Cherry
Attorneys for Plaintiffs

Dated: November 17, 2006

FILED

NOV 20 2006
m 18:30/ma
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

FILED
NOV 20 2006
William A. Stein
Probate Clerk of Courts

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v.
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

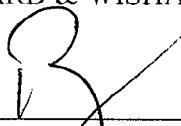
TO: **Charles R. Croyle, Jr.**
c/o Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801

PLEASE TAKE NOTICE that Monday, January 22, 2007 at 11:00 a.m., Bret J. Southard, Esquire will take the deposition of Charles Croyle at the offices of Gleason, Cherry & Cherry, LLP located at One North Franklin Street, DuBois, PA 15801.

The deposition will be conducted in the presence of a certified court reporter pursuant to Pennsylvania Rules of Civil Procedure and shall continue until completed.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD P.C.

By: _____


Bret J. Southard, I.D. #59032
Attorneys for Defendants James & Dorothy Wood
10 West Third Street
Williamsport, PA 17701
(570) 323-8404

cc: Schreiber Court Reporting
P.O. Box 997
St. Mary's, PA 15857

FILED NO CC
MILLION
DEC 21 2006 (m)

William A. Shaw
Prothonotary/Clerk of Courts

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v.
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Susan L. Croyle
c/o Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801

PLEASE TAKE NOTICE that Monday, January 22, 2007 at 11:00 a.m., Bret J. Southard, Esquire will take the deposition of Susan Croyle at the offices of Gleason, Cherry & Cherry, LLP located at One North Franklin Street, DuBois, PA 15801.

The deposition will be conducted in the presence of a certified court reporter pursuant to Pennsylvania Rules of Civil Procedure and shall continue until completed.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD P.C.

By: 

Bret J. Southard, I.D. #59032
Attorneys for Defendants James & Dorothy Wood
10 West Third Street
Williamsport, PA 17701
(570) 323-8404

cc: Schreiber Court Reporting
P.O. Box 997
St. Mary's, PA 15857

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v.
:
:DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 19 day of December 2006 he filed an original and one copy of these Notices of Deposition of Charles R. Croyle, Jr. and Susan L. Croyle with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served a copy of the Notices of Depositions upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801



Bret J. Southard

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

FILED

JAN 31 2007 S
m 1:10 AM
William A. Shaw
Prothonotary/Clerk of Courts
No. 4009.22
COURT OF COMMON PLEAS

IN THE MATTER OF:

COURT OF COMMON PLEAS

CROYLE

TERM,
CLEARFIELD

-VS-

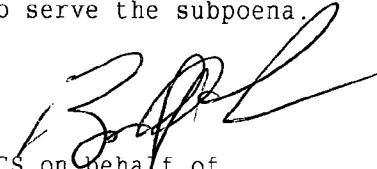
CASE NO: 2006-879-C.D.

WOOD

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

MCS on behalf of BRET J. SOUTHARD, ESQUIRE
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) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.


MCS on behalf of

DATE: 01/01/2007

BRET J. SOUTHARD, ESQUIRE
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

CROYLE

TERM,

-VS-

CASE NO: 2006-879-C.D.

WOOD

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

DR. MARK NARTATEZ

MEDICAL

TO: TONI M. CHERRY, ESQUIRE, PLAINTIFF COUNSEL
MCS on behalf of BRET J. SOUTHARD, ESQUIRE intends to serve a subpoena
identical to the one that is 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 subpoena. If the twenty day notice period is
waived or if no objection is made, then the subpoena may be served. Complete
copies of any reproduced records may be ordered at your expense by completing
the attached counsel card and returning same to MCS or by contacting our local
MCS office.

DATE: 12/12/2006

MCS on behalf of

BRET J. SOUTHARD, ESQUIRE
Attorney for DEFENDANT

CC: BRET J. SOUTHARD, ESQUIRE - 18268

Any questions regarding this matter, contact

THE MCS GROUP, INC.
300 LAWYERS BUILDING

PITTSBURGH, PA 15219
(412) 642-4420

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Charles R. Croyle Jr.

Susan L. Croyle

Plaintiff(s)

Vs.

*

No. 2006-00879-CD

James D. Wood

Dorothy S. Wood

Defendant(s)

*

*

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

TO: Custodian of Records: Dr. Mark Nartatez
(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 ATTACHED RIDER

428 Forbes Avenue, Pittsburgh, PA 15219
(Address)

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

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

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

NAME: Bret J. Southard, Esq.

ADDRESS: 10 West Third Street

TELEPHONE: Williamsport, PA 17701

412-642-4420

SUPREME COURT ID #

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, December 05, 2006

Seal of the Court

Deputy

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DR. MARK NARTATEZ
210 MEDICAL CENTER DR

PHILIPSBURG, PA 16866

RE: 21853
CHARLES R. CROYLE JR.

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation, care or treatment.

*TO INCLUDE PATIENT ID SHEET*CERTIFICATION OF RECORDS MUST BE SIGNED & RETURNED*

Dates Requested: up to and including the present.

Subject : CHARLES R. CROYLE JR.
3246 SIX MILE RD, PHILIPSBURG, PA 16866
Social Security #: XXX-XX-4663

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DR. MARK NARTATEZ
210 MEDICAL CENTER DR

PHILIPSBURG, PA 16866

RE: 21853
CHARLES R. CROYLE JR.

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation, care or treatment.

*TO INCLUDE PATIENT ID SHEET*CERTIFICATION OF RECORDS MUST BE SIGNED & RETURNED*

Dates Requested: up to and including the present.

Subject : CHARLES R. CROYLE JR.

3246 SIX MILE RD, PHILIPSBURG, PA 16866

Social Security #: XXX-XX-4663

FILED

FEB 23 2007
m/10/40/07
William A. Shaw
Prothonotary/Clerk of Courts
no/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and :
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : No. 2006 - 879 C.D.
vs. :
: :
JAMES D. WOOD and DOROTHY S. :
WOOD, husband and wife, :
Defendants :
:

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 2007, Plaintiffs' Request for Production of Documents was served upon BRET J. SOUTHARD, ESQ., counsel for Defendants, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

Bret J. Southard, Esq.
Mitchell Mitchell Gallagher Weber
Southard Wishard PC
Attorneys at Law
10 West Third Street
Williamsport, PA 17701-6513

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
John P. Cherry
Attorneys for Plaintiffs

Dated: February 21, 2007

**CHARLES R. CROYLE, JR. and
SUSAN L. CROYLE, husband and wife
Plaintiffs**

v.

**JAMES D. WOOD and DOROTHY S.
WOOD, husband and wife
Defendants**

**:IN THE COURT OF COMMON PLEAS OF
:CLEARFIELD COUNTY, PENNSYLVANIA
:
:
:DOCKET #: 2006-879-C.D.
:
:
:CIVIL CASE LAW
:
:
:JURY TRIAL DEMANDED**

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 1 day of March 2007, he filed an original and one copy of this Certificate of Service for the Response to Plaintiffs' Requests for Production of Documents with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served the original of the Response to Plaintiffs' Requests for Production of Documents upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801


Bret J. Southard

FILED

MAR 05 2007

3/8/07

William A. Shaw

Prothonotary/Clerk of Courts

1 cent to ATT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

CHARLES R. CROYLE, JR. AND)
SUSAN L. CROYLE, H/W)
)
VS.)
PLAINTIFF/S) COURT OF COMMON PLEAS
)
JAMES D. WOOD AND DOROTHY S. WOOD, H/W) NO. 2006-00879-CD
)
DEFENDANT/S)

FILED

JUL 09 2007 *GW*

m/8:30 AM
William A. Shaw
Prothonotary/Clerk of Courts

no C/C

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

AS A PREREQUISITE TO SERVICE OF A SUBPOENA FOR DOCUMENTS AND THINGS PURSUANT TO RULE 4009.22, 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) A COPY OF THE NOTICE OF INTENT, INCLUDING THE PROPOSED SUBPOENA, IS ATTACHED TO THIS CERTIFICATE
- (3) NO OBJECTION TO THE SUBPOENA HAS BEEN RECEIVED, AND
- (4) THE SUBPOENA THAT WILL BE SERVED IS IDENTICAL TO THE SUBPOENA WHICH IS ATTACHED TO THE NOTICE OF INTENT TO SERVE THE SUBPOENA.

DATE: 6/06/07

BRET J. SOUTHARD, ESQ.
BRET J. SOUTHARD, ESQ.
ATTORNEY FOR DEFENDANT

18268
0441998

05097039
12/25/07

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

CHARLES R. CROYLE, JR. AND)	
SUSAN L. CROYLE, H/W)	
)	
VS.)	PLAINTIFF/S
))
JAMES D. WOOD AND DOROTHY S. WOOD, H/W)	NO. 2006-00879-CD
))
DEFENDANT/S)	

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

TO: TONI M. CHERRY, ESQ.
GLEASON, CHERRY & CHERRY
P.O. BOX 505
ONE N. FRANKLIN ST.
DUBOIS PA 15801
ATTORNEY(S) FOR PLAINTIFF

DEFENDANT INTENDS TO SERVE A SUBPOENA IDENTICAL TO THE ONE THAT IS ATTACHED TO THIS NOTICE TO THE DEPONENT/S LISTED BELOW, REQUESTING RECORDS BE PRODUCED AT RECORD COPY SERVICES, 1880 JOHN F. KENNEDY BLVD., PHILADELPHIA, PA 19103. YOU HAVE TWENTY (20) DAYS FROM THE DATE LISTED BELOW IN WHICH TO FILE OF RECORD AND SERVE UPON THE UNDERSIGNED AND RECORD COPY SERVICES (215-241-5858), AN OBJECTION TO THE SUBPOENA. IF NO OBJECTION IS MADE THE SUBPOENA/S MAY BE SERVED.

DR. P. JOSEPH VALIGORSKY, II, M.D.

DATE: 5/11/07

BRET J. SOUTHARD, ESQ.
MITCHELL, MITCHELL, GALLAGHER, WEBER,
SOUTHARD & WISHARD, P.C.
TEN W. THIRD ST.
WILLIAMSPORT PA 17701
ATTORNEY(S) FOR DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Charles R. Croyle Jr.

*

Susan L. Croyle

Plaintiff(s)

Vs.

*

No. 2006-00879-CD

James D. Wood

*

Dorothy S. Wood

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO

RULE 4009.22

CUSTODIAN OF THE RECORDS OF

DR. P. JOSEPH VALIGORSKY, II, M.D.

TO: 145 HOSPITAL AVE. S-212, DUBOIS, PA 15801

(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 ATTACHED ADDENDUM

RECORD COPY SERVICES, 1880 JOHN F. KENNEDY BLVD. S-300, PHILADELPHIA, PA 19103
(Address)

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

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

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

NAME: BRET J. SOUTHDARD, ESQ.

ADDRESS: _____

TELEPHONE: 215-241-5858

SUPREME COURT ID #

ATTORNEY FOR: DEFENDANT

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Monday, May 14, 2007

Seal of the Court

ISSUED ON: 6/06/07

Deputy

NO. 2006-00879-CD

ADDENDUM TO SUBPOENA

05097039
6/25/07

CHARLES R. CROYLE, JR. AND SUSAN L. CROYLE, H/W
VS. JAMES D. WOOD AND DOROTHY S. WOOD, H/W

ALL RECORDS OF EXAMINATION AND TREATMENT RENDERED AT ANY TIME FOR ANY REASON, INCLUDING BUT NOT LIMITED TO HISTORY RECORDS, MEDICAL REPORTS, INSURANCE REPORTS, X-RAY REPORTS, NOTATION CARDS, MEMORANDA, ALL BILLS, PAID OR UNPAID AND ANY OTHER RECORDS WHATSOEVER IN YOUR POSSESSION OR CONTROL PERTAINING TO CHARLES R. CROYLE JR. (3286 SIX MILE ROAD, PHILIPSBURG, PA, DOB 08/10/54, SSN 172-46-4663)

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v.
:
:DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: **Charles R. Croyle, Sr.**
c/o Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801

PLEASE TAKE NOTICE that Tuesday, January 8, 2008 at 10:30 a.m., Bret J. Southard, Esquire will take the deposition of Charles Croyle, Sr. at the offices of Gleason, Cherry & Cherry, LLP located at One North Franklin Street, DuBois, PA 15801.

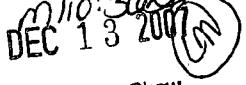
The deposition will be conducted in the presence of a certified court reporter pursuant to Pennsylvania Rules of Civil Procedure and shall continue until completed.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD P.C.

By: 

Bret J. Southard, I.D. #59032
Attorneys for Defendants James & Dorothy Wood
10 West Third Street
Williamsport, PA 17701
(570) 323-8404

cc: Ervin Blank Associates
499 Weisner Lane
Milton, PA 17847

FILED NO cc
2/10/2008
DEC 13 2007


William A. Shaw
Prothonotary/Clerk of Courts

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v. :
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 11 day of December 2007, he filed an original and one copy of this Notice of Deposition for Charles Croyle, Sr. with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served a copy of the Notice of Deposition for Charles Croyle, Sr. upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801


Bret J. Southard

CHARLES R. CROYLE, JR. and
SUSAN L. CROYLE, husband and wife
Plaintiffs

v.

JAMES D. WOOD and DOROTHY S.
WOOD, husband and wife
Defendants

:IN THE COURT OF COMMON PLEAS OF
:CLEARFIELD COUNTY, PENNSYLVANIA
:
:
:DOCKET #: 2006-879-C.D.
:
:CIVIL CASE LAW
:
:JURY TRIAL DEMANDED

FILED *1-24-08*

JAN 24 2008

11:15 AM

William A. Shaw
Prothonotary/Clerk of Courts

1-24-08

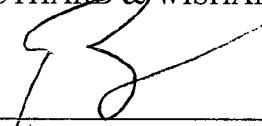
NOTICE OF DEPOSITION

TO: Charles R. Croyle, Jr.
c/o Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801

PLEASE TAKE NOTICE that Thursday, February 21, 2007 at 11:00 a.m., Bret J. Southard, Esquire will take the deposition of Charles Croyle at the offices of Gleason, Cherry & Cherry, LLP located at One North Franklin Street, DuBois, PA 15801.

The deposition will be conducted in the presence of a certified court reporter pursuant to Pennsylvania Rules of Civil Procedure and shall continue until completed.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD P.C.

By: 

Bret J. Southard, I.D. #59032
Attorneys for Defendants James & Dorothy Wood
10 West Third Street
Williamsport, PA 17701
(570) 323-8404

cc: Ervin Blank Associates

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v.
:
DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

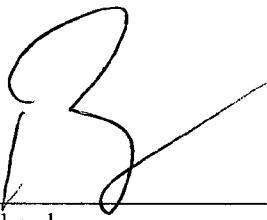
CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 27 day of January 2008, he filed an original and one copy of this Notice of Deposition for Charles Croyle, Sr. with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served a copy of the Notice of Deposition for Charles Croyle, Sr. upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801



Bret J. Southard

CHARLES R. CROYLE, JR. and
SUSAN L. CROYLE, husband and wife
Plaintiffs

v.

JAMES D. WOOD and DOROTHY S.
WOOD, husband and wife
Defendants

:IN THE COURT OF COMMON PLEAS OF
:CLEARFIELD COUNTY, PENNSYLVANIA
:
:
:DOCKET #: 2006-879-C.D.
:
:CIVIL CASE LAW
:
:JURY TRIAL DEMANDED

FILED

NOV 21 2008

10:20 AM
William A. Shaw
Prothonotary/Clerk of Courts

I CERTIFY TO ATTY

PRAECIPE TO LIST FOR TRIAL

PROTHONOTARY:

Kindly list the above referenced matter for trial in accordance with the attached
certificate.

MITCHELL MITCHELL GALLAGHER
WEBER & SOUTHARD P.C.

By: 

Bret J. Southard, I.D. #59032
Attorneys for Defendants James & Dorothy Wood
10 West Third Street
Williamsport, PA 17701
(570) 323-8404

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v. :DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 19 day of November 2008, he filed an original and one copy of this Praeclipe to List Case for Trial with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served a copy of the Praeclipe to List Case for Trial upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801



Bret J. Southard

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

CHARLES R. CROYLE, JR. and :
SUSAN L. CROYLE, husband and wife :
vs. : No. 06-879-CD
JAMES D. WOOD and DOROTHY S. WOOD, :
husband and wife :
:

O R D E R

AND NOW, this 9th day of December, 2008, it is the Order of
the Court that a pre-trial conference in the above-captioned matter shall be and is
hereby scheduled for Thursday, February 5, 2009 at 1:30 P.M. in Judges
Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby
scheduled for April 2, 2009 at 9:00 a.m. in Courtroom No. 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED
01/10/2009
DEC 10 2008

cc Atts:
A. Cherry
Southard

5 William A. Shaw
Prothonotary/Clerk of Courts

(610)

FILED

DEC 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/10/08

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:

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v. :DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

1945 AM
DEC 22 2008
William A. Shaw
Prothonotary/Clerk of Courts
Southard
OK

MOTION FOR SUMMARY JUDGMENT

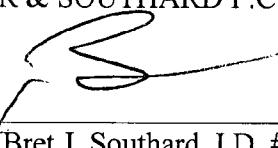
AND NOW comes the defendants and files the within motion for summary judgment of which the following is a statement.

1. This case arises out of injuries sustained by the husband plaintiff as a result of an effort to put a tire on a rim. Plaintiff admits that in the course of putting this tire on the rim, the husband defendant invited the husband plaintiff to hold onto the tire. Complaint at 7.
2. Plaintiff admits that the outside of the rim was then sprayed whereupon the husband defendant lit a match and threw it on the tire causing an explosion. Complaint at 8.
3. Plaintiff claims the force of the explosion caused the tire to bounce up against his right hand, as he was holding the tire, injuring his thumb. Id.
4. Plaintiff admits that "we set the tire down on the floor. And he said here, grab ahold of it. And I grabbed ahold of it. And I didn't know what he was going to do. And he squirted, I didn't know what it was, whether it was lighter fluid or starting ether. Whatever it was, sprayed it around the rim, pulled out a match and lit it. And it exploded." DT Croyle, 01/22/2007 at 30.
5. After repeated questioning on the issue, plaintiff finally admitted that he knew that the material being sprayed on the tire was flammable. Id at 39.
6. Nonetheless, despite admitting that the defendant took flame to an explosive liquid, he denies knowing that there would be an explosion.

7. Plaintiff's claims are barred by virtue of his own assumption of the risk.
8. Alternatively, plaintiff has proved no facts that would implicate any liability of the wife defendant.
9. In fact, plaintiff admits that the only reason Mrs. Wood was sued was because "she is married to him". Id at 29. That is insufficient to implicate any liability of a spouse of an allegedly negligent defendant.
10. No genuine issues of material fact remain.

WHEREFORE, Defendants are entitled to summary judgment.

MITCHELL MITCHELL GALLAGHER
WEBER & SOUTHARD P.C.

By: 

Bret J. Southard, I.D. #59032
Attorneys for Defendants
10 West Third Street
Williamsport PA 17701
(570) 323-8404

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v. :DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

BRET J. SOUTHARD hereby certifies that on this 18 day of December 2008, he filed an original and one copy of this Motion for Summary Judgment with William A. Shaw, Prothonotary, Clearfield County Courthouse, P.O. Box 549, Clearfield, PA 16830 via U.S. Mail, postage prepaid, First Class rates.

He further certifies that on this same date he served a copy of the Motion for Summary Judgment upon the following in the manner indicated:

VIA U.S. MAIL - POSTAGE PRE-PAID

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
DuBois, PA 15801



Bret J. Southard

CHARLES R. CROYLE, JR. and :IN THE COURT OF COMMON PLEAS OF
SUSAN L. CROYLE, husband and wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs :
:
v. :
:
:DOCKET #: 2006-879-C.D.
:
JAMES D. WOOD and DOROTHY S. :CIVIL CASE LAW
WOOD, husband and wife :
Defendants :JURY TRIAL DEMANDED

ORDER

AND NOW this _____ day of _____, 2008, defendants' motion for
summary judgment is GRANTED. Plaintiffs' complaint is DISMISSED.

J.

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

CHARLES R. CROYLE, JR. and SUSAN L. CROYLE,*
husband and wife,

Plaintiffs

*

vs.

JAMES D. WOOD and DOROTHY S. WOOD,
husband and wife,

Defendants

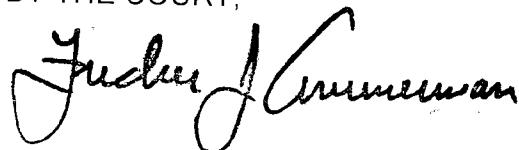
*

NO. 06-879-CD

O R D E R

NOW, this 6th day of January, 2009, upon consideration of Defendants' Motion for Summary Judgment filed by Bret J. Southard, Esquire, it is the ORDER of this Court that argument on the Motion for Summary Judgment is scheduled for the 28th day of January, 2009 at 11:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, PA 16830.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

01/03/2009
JAN 07 2009

T. Cherry
Southard

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 07 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/7/09

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and : No. 2006 - 879 C.D.
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : Type of Case: CIVIL
vs. :
: Type of Pleading: ANSWER TO MOTION
: FOR SUMMARY JUDGMENT
: Filed on Behalf of: CHARLES R. CROYLE,
JAMES D. WOOD and DOROTHY S. : JR., and SUSAN L. CROYLE, Plaintiffs
WOOD, husband and wife, :
Defendants : Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.; 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

FILED *acc*
10/3/08 Atty T. Cherry
S JAN 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and	:
SUSAN L. CROYLE, husband and wife,	:
Plaintiffs	No. 2006 - 879 C.D.
vs.	:
JAMES D. WOOD and DOROTHY S.	:
WOOD, husband and wife,	:
Defendants	:

ANSWER TO MOTION FOR SUMMARY JUDGMENT

AND NOW, come the Plaintiffs, CHARLES R. CROYLE, JR., and SUSAN L. CROYLE, husband and wife, by and through their attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and answers the Motion for Summary Judgment as follows:

1. DENIED as stated. This case is a claim for damages for injuries sustained by the Husband Plaintiff when the tire he was holding at the direction of Husband Defendant, JAMES D. WOOD, exploded and the force of the explosion caused the tire to bounce up against Husband Plaintiff's right hand so hard that it snapped his thumb back toward his arm and tore away the tendon of his right thumb requiring surgical reattachment that caused Husband Plaintiff to suffer a four-inch long scar and the permanent limitation of the use of his right thumb and hand. Plaintiff alleged in his Complaint that Husband Defendant directed him to hold onto the tire but did not advise him what Defendant Husband intended to do. In further

answer thereto, Plaintiffs incorporate herein by reference the averments contained in Paragraph 10 of their Complaint as if the same were set forth at length herein.

2. DENIED as stated. Plaintiff never admitted anything. On the contrary, Plaintiff Husband has always asserted that Defendant Husband sprayed the outside of the rim of the tire with a substance and lit a match and threw it on the tire before Plaintiff Husband knew what Defendant Husband was doing. (See Affidavit of Plaintiff Husband attached hereto as Exhibit "A".)

3. DENIED as stated. The force of the explosion caused the tire to bounce up against his right hand, as he was holding the tire, causing his thumb to snap back and tearing the tendon in his right hand requiring surgery to reattach the same and resulting in permanent scarring and disability.

4. DENIED as stated. Plaintiff Husband never made any admission but testified that it was the action of Defendant Husband that caused the accident and it was his failure to warn Plaintiff Husband that led Plaintiff Husband to participate and follow Defendant Husband's directions.

5. DENIED as stated. Nothing in the testimony produced at deposition supports Defendants' assertion that Plaintiff Husband knew beforehand what Plaintiff Husband intended to do or that he had any idea that what Plaintiff Husband was going to do would cause an explosion that would injure Plaintiff Husband. On the contrary, no testimony secured through the taking of the deposition of the Plaintiff Husband or Plaintiff Husband's father who was a witness to the accident could lead the Court to conclude that Defendant Husband warned Plaintiff Husband that what he intended to do would cause an explosion.

6. DENIED. Nothing in the deposition testimony of Plaintiff Husband or Plaintiff Husband's witness could lead the Court to conclude that Plaintiff Husband knew what Defendant Husband was going to do before he did it because there is no evidence that Defendant Husband warned Plaintiff Husband beforehand.

7. DENIED. There is no evidence of record indicating that Plaintiff Husband assumed any risk as there is no testimony that Defendant Husband warned Plaintiff beforehand. In further support of this assertion, Plaintiff Husband submits his Affidavit attached as Exhibit "A" and the Affidavit of Charles R. Croyle, Sr., attached hereto as Exhibit "B".

8. DENIED. Defendant Wife was at all times present and she failed to warn Plaintiff Husband that what Defendant Husband was about to do would be dangerous to Plaintiff Husband while he was a guest on the property owned by both Defendants. By way of further answer, it is averred that Defendants were negligent in the following respects:

(a) in Defendant Husband performing an act that he knew or should have known would result in injuries to others while Plaintiff Husband was nearby and Defendant Wife was negligent in allowing her husband to perform such an act when she knew or should have known that the same could result in injuries to guests on her property;

(b) both Defendants were negligent in failing to give Plaintiff Husband warning of what Defendant, JAMES D. WOOD, intended to do to the tire;

(c) both Defendants were negligent in failing to advise Plaintiff Husband that Defendant Husband's actions would cause the tire to explode;

(d) Defendant Husband and Wife failed to anticipate that the actions of JAMES D. WOOD would propel Plaintiff Husband onto the ground and cause him further serious injury;

(e) JAMES D. WOOD was negligent, careless and reckless in directing Plaintiff Husband to hold the tire when he knew or should have known that Plaintiff Husband did not know what was going to occur and was not prepared for the occurrence;

(f) both Defendants were negligent in permitting Plaintiff Husband to hold the tire when they knew or should have known that it was improperly secured as both Defendants were present; and

(g) both Defendants were negligent in failing to insure the safety of Plaintiff Husband while he was an invited guest on the premises owned by both of them.

9. DENIED. The question of whether or not Defendant, DOROTHY S. WOOD, is liable cannot be determined by Plaintiff Husband's statement but by the law after full trial in this case. The Complaint filed by Plaintiffs alleges liability on the part of DOROTHY S. WOOD because of her presence at the site, her ownership of the property and her failure to adequately warn Plaintiff Husband that what her husband intended to do would be harmful to Plaintiff Husband. The facts properly pleaded in the Complaint are reasserted herein through the attachment of a certified copy of Complaint as Exhibit "C" which is attached hereto and made a part hereof as if set forth at length herein.

10. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Plaintiffs have failed to allege in their Complaint sufficient facts to establish liability on the part of the Defendants and it is DENIED that any

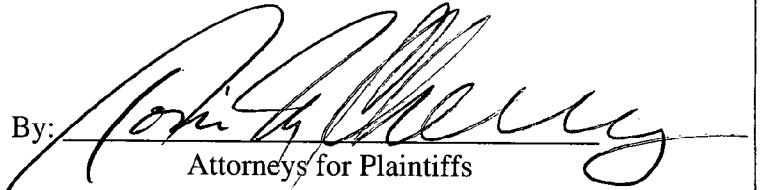
subsequent statement on the part of Plaintiff Husband negated the assertions set forth in the pleadings so as to deprive Plaintiff Husband of his right to a jury trial. There continue to remain material questions of fact which give Plaintiff Husband the right to a jury trial and Defendants cannot secure a summary judgment by merely submitting that there are no questions of material fact.

WHEREFORE, Plaintiffs respectfully request that Defendants' Motion for Summary Judgment be dismissed.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By:


John P. Cherry
Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the County and State aforesaid, CHARLES R. CROYLE, JR., who, being duly sworn according to law, deposes and says the following:

My name is Charles R. Croyle, Jr. I live at 3246 Six Mile Road, Philipsburg, Pennsylvania. I was born on August 10, 1954, and I am currently 50 years of age. I am a union carpenter and on June 20, 2004, I was working for Wyatt Incorporated, a company out of Pittsburgh. I was employed in working on the college buildings that Penn State is constructing in State College.

I was injured on June 20, 2004, at the home of Dorothy S. Wood and James D. Wood on Clover Street in Philipsburg, Clearfield County.

I had just gotten new tires for my riding lawnmower and I was trying to change them. My dad, Charles Croyle, Sr., came from next door to help me out to get them to seal back on the rim. My father and I started out that afternoon at my residence at 3246 Six Mile Road, Philipsburg. We had been using my compressor and it was too small to get the rim to seal. My father suggested that we take the tires over to James Wood and we then drove to his house which is about a half mile from my house in Philipsburg. My father was with us as well as another fellow but I did not know who he was at the time. The tires are approximately 12 to 14 inches in diameter. We put them on the floor in his garage. Mr. Wood told me that he needed me to hold the tire standing up so I put the thumb of my right hand on the top of the tire and the

four fingers of my right hand pointing downward along the tire rim. He told me to hold on to it. He said, "Let me show you a trick." He then took a can down from the shelf and sprayed the outside of the rim and then before I realized what was happening, he lit a match and threw it on it and there was an explosion and the force of it caused the tire to bounce up against my hand. The tire bounced and hit my hand so hard it just snapped my thumb right back toward my arm. I let go of the tire. Mr. Wood just kept saying, "Let me see it, let me see it." He moved my thumb and told me that I was okay because it wasn't broken and I could still bend it. I told him how much pain I was in. We put the tires in my truck when he was finished but when I got in my vehicle, I couldn't turn the key with my thumb. It just fell to the side and I couldn't control it. I didn't even have enough pressure to turn the key so I knew something was wrong so I went out to the Emergency Room at Philipsburg Hospital and they took x-rays and thank goodness there was no broken bones but he said that they were going to do some other checking and Dr. Nartatez, a specialist over there, checked it and he said your tendon is completely torn away from the thumb and that they were going to have to go in surgically and re-attach it. So that's been an on-going thing. It was nine or ten days later when they finally could schedule the surgery and they had to cut approximately a four-inch long gash up my thumb here and then he drilled holes through the bone in my thumb and they pulled a wire through those holes and they pulled the tendon up and they tied it off and then had a button outside the thumb and he had told me before the surgery that it was going to re-attach but it was going to take a long time because it's something that just doesn't heal up and he said the biggest problem that I was going to have was the fact that I had to wear a cast and I had a twinge of arthritis starting in my hands. Well he told me it was going to be approximately 10

to 15 years worth of growth of arthritis in my wrist and in my knuckles because the cast that I had to have on there.

I have no pain at all in my left hand or wrist but my right hand hurts terribly. I can only bend my right hand at the wrist about 45 degrees back and 60 degrees forward. I am currently wearing a brace until the doctor tells me it's okay to take it off. I've been wearing a brace since August 27th. Before the brace, I went through a stage of four casts. They cut the casts off every couple of weeks. The first time they took it off, they just wanted to look and make sure that things were all healing in there. The second time I had it taken off and a new one put on, they removed a wire and that hurt like hell when they pulled that wire out of there.

My orthopedic surgeon is Dr. Nartatez with Geisinger Health Clinic in Philipsburg. I also have seen Dr. Pilgrim, Dr. Patel and Dr. Stewart. Because of all of the stress in not being able to work and the pain, I developed stomach ulcers and Dr. Patel put me on Tagamet. Dr. Nartatez had me on all different kinds of pain pills to deal with the pain. I try to take as little pain medication as possible but I am in constant pain. I was operated on at Philipsburg Hospital on June 30th as an out-patient. I went in at 11:00 in the morning and I left at 5:00 in the afternoon. They've taken at least 30 x-rays of me and I get x-rays every time I go in to see Dr. Nartatez.

Since the accident, I sleep maybe two or three hours at a clip during the night. Before the accident, I could sleep seven to eight hours through the night. My thumb is constantly throbbing from the tip of my thumb all the way up to my wrist and on the right side of my thumb, it's numb from the tip to my wrist. I had surgery and the scar runs from my thumb to my wrist on the inside of my thumb. That is where the tendon pulled away.

The brace that I have is designed to hold the thumb so that I don't hurt it. I can't sleep with the brace and as a result if I bump my thumb, it wakes me up. I am careful not to bump my thumb as much as I can because when that happens, it's like someone is sticking a nail right in your knuckle and just pushing it in there and that's the kind of sharp pain that you feel and then it radiates up through my arm. It doesn't take much to set that off so you learn real quickly to protect it. I have to drive with my thumb over the top of the steering wheel because I can't take a chance of it getting snapped backwards if I'm in an accident. I can't tend my garden or cut my grass. I have to rely on my 71 year old father to do that. I don't know if I can hunt this Fall and I am afraid to take a chance shooting a gun because of the shock that your hand gets when the gun comes back where you hold your trigger.

It was very difficult even to go to the bathroom and take care of my other personal needs. I am getting better at that but I still am severely limited.

I can't golf or play cards. I am a very avid fly fisherman and I can't fly fish. Without the use of your thumb, you can't golf or cast very well. In addition, I'm not able to tie flies. I had a fly-tying business and I would make at least \$100.00 a month selling the flies that I tie. I have lost \$100.00 a month since the end of June. I can't write very well and until recently, I had to eat with my left hand. I can't really pick up anything with my right hand because I can't use my thumb.

I earn \$32.00 an hour as a union carpenter. \$10.00 of that money is for benefits so I receive \$22.00 an hour and because I can't work, I'm not receiving any of that. In addition, my wife has had to go to work for the first time in our marriage just to make ends meet and that has

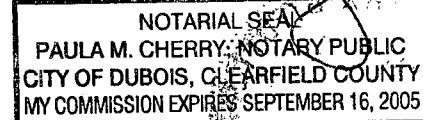
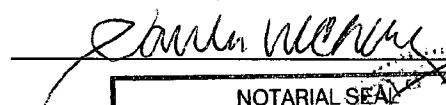
put a real strain in our marriage.

AND further deponent saith not.



Charles R. Croyle, Jr.

Sworn to and subscribed before me this 17th day of September, 2004.



COMMONWEALTH OF PENNSYLVANIA

: SS.

COUNTY OF CLEARFIELD

Personally appeared before me, a Notary Public, in and for the County and State aforesaid, CHARLES R. CROYLE, SR., personally known to me, and who, being duly sworn to according to law, deposes and says the following:

My name is Charles R. Croyle, Sr. I reside at 3286 Six Mile Road, Philipsburg, Clearfield County, Pennsylvania. I was born on February 27, 1933, and I am currently 71 years of age. I am the father of Charles R. Croyle, Jr.

On the afternoon of June 20, 2004, I was talking to my boy, Charlie, and he said that he had some tires for his lawnmower and wondered if I would help him put them on. I said okay so I went up to his house and we got the tires put on the wheels. His other ones were completely worn out. They're just small tires about 12 inches high for the lawnmower. We couldn't get the air in them. So we went down to the gas station and tried to pump air in but the air compressor didn't have enough volume to pump them up. So I said maybe Jim Wood who works on lawnmowers and things, he's got a big air compressor, maybe he can pump them up.

We went over there and he was in there on a Sunday and we asked him did he think he could pump these tires up, we couldn't get them pumped up. So he said okay. He tried and he couldn't get them pumped up so he said I got a little trick I can do to pump these tires up. He says to my boy, Charlie, he says you hold this tire and he says, "I'll hold my knee against the tire and then I'll pump them up when I spray this stuff on them." What it was I think it was

starting fluid. And he told me to step out of the shop a minute because "this might give a little bang". I said okay so I stepped out and it didn't give just a little bang, it was like a small explosion. Charlie my boy was saying oh did that hurt my thumb. He was there shaking his hand and really in pain but it expanded the tire so it could go on the rim and then pumped the tire up, put the air in it but Charlie's hand was really hurting and we left there and I put the tires on his lawnmower because his hand was really bothering him.

I asked him if he could move it and he said he could move it down toward his palm but he couldn't move it back. I said you better go get that checked and he went to the Emergency Room.

Mr. Wood didn't tell us what he was going to do. He just said this is a trick I know and he said, "it's going to make a little noise so you step outside the shop" so I actually wasn't right there. I was 20 feet away or so.

I was watching but my boy's back was to me. And I didn't see exactly it popping out but I know it really exploded when Mr. Wood lit it. I saw that my son's eyebrows and mustache were singed and the hair was singed off both his arms.

There was another person there at the time but I don't know who he was. He was an older fellow. He was there helping Jim. I can't remember what they were working on. They had a mower all tore apart, they were working on the engine on it I think but I'm not sure.

Since the accident, I have had to do all my son's lawn work and gardening and I take care of all of the heavy lifting around the house for him since he's not able to do it.

Since my son isn't working, I have had to lend him a lot of money to be able to meet his

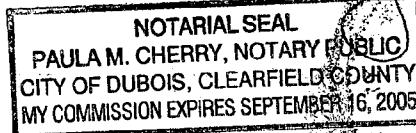
needs. I can provide a complete listing of all of the money I've lent him if necessary.

And further deponent saith not.

Charles R. Croyle, Sr.

Charles R. Croyle, Sr.

Sworn to and subscribed before this 17th day of September, 2004.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and : No. 2006 - 879 C.D.
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : Type of Case: CIVIL
vs. :
: Type of Pleading: COMPLAINT
JAMES D. WOOD and DOROTHY S. : Filed on Behalf of: CHARLES R. CROYLE,
WOOD, husband and wife, : JR., and SUSAN L. CROYLE, Plaintiffs
Defendants :
: Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.; 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAY 31 2006

EXHIBIT "C" Attest.

William L. Brown
Prothonotary
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and :
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : No. 2006 - _____ C.D.
vs. :
JAMES D. WOOD and DOROTHY S. :
WOOD, husband and wife, :
Defendants :

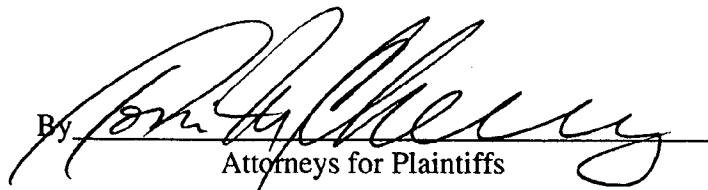
NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Notice and Complaint are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any claims 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, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641 Ext. 88-89

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
Attofneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and :
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : No. 2006 - _____ C.D.
vs. :
JAMES D. WOOD and DOROTHY S. :
WOOD, husband and wife, :
Defendants :

C O M P L A I N T

AND NOW, come the Plaintiffs, CHARLES R. CROYLE, JR., and SUSAN L. CROYLE, husband and wife, by their Attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and bring this Complaint on causes of action whereof the following are statements:

**COUNT I - CHARLES R. CROYLE, JR., Husband Plaintiff,
vs. Defendants, JAMES D. WOOD and DOROTHY S. WOOD**

1. Plaintiffs, CHARLES R. CROYLE, JR., and SUSAN L. CROYLE, are adult individuals, husband and wife, and reside with each other at 3246 Six Mile Road, Philipsburg, Clearfield County, Pennsylvania 16866.
2. The Defendants, JAMES D. WOOD and DOROTHY S. WOOD, are adult individuals, husband and wife, and reside with each other at 855 Clover Street, Philipsburg, Clearfield County, Pennsylvania 16866.

3. That at all times material hereto, Defendants, JAMES D. WOOD and DOROTHY S. WOOD, were the owners of premises located at 855 Clover Street, Philipsburg, Clearfield County, Pennsylvania 16866.

4. That on June 20, 2004, at or about 2:00 p.m., Husband Plaintiff was an invitee of the Defendants, JAMES D. WOOD and DOROTHY S. WOOD, at their aforementioned premises, for the purposes of visiting with the Defendants and working on a tire to pump enough air in the tire to allow it to be installed on a lawnmower owned by Husband Plaintiff.

5. That at all times material hereto, JAMES D. WOOD did operate a garage upon the premises owned by the Defendants for the express benefit of the Defendants and acted at all times in said garage business as the agent of Defendant, DOROTHY S. WOOD.

6. That Defendant, JAMES D. WOOD, attempted to pump air into the tire owned by Husband Plaintiff through the use of his air compressor but was unsuccessful and advised Husband Plaintiff that he had another method by which he could pump air into the tire.

7. That Defendant, JAMES D. WOOD, did expressly invite and direct Husband Plaintiff to hold the tire while Defendant, JAMES D. WOOD, did show him "a little trick" that he could do "to pump these tires up".

8. That without further explanation to Husband Plaintiff of what he intended to do to pump the tire up, Defendant, JAMES D. WOOD, did spray the outside of the rim of the tire with an unknown substance and did light a match and throw it on the tire causing an explosion, the force of which caused the tire to bounce up against Husband Plaintiff's right hand so hard that it snapped his thumb back toward his arm, as a result of which Husband Plaintiff sustained the injuries set forth below.

9. The accident was caused by the negligence, carelessness and recklessness of Defendant, JAMES D. WOOD, acting in furtherance of and for the benefit of Defendants' business.

10. That at the time aforesaid, the negligence, carelessness and recklessness of the Defendant, JAMES D. WOOD, consisted of the following:

- (a) performing an act that Defendant knew or should have known could result in injury to others while Husband Plaintiff was nearby;
- (b) failing to give Husband Plaintiff warning of what Defendant, JAMES D. WOOD, intended to do to the tire;
- (c) failing to advise Husband Plaintiff that Defendant's actions would cause the tire to explode;
- (d) failing to anticipate that his actions would propel Husband Plaintiff onto the ground and cause him further serious injury;
- (e) directing Husband Plaintiff to hold the tire when he knew or should have known that Husband Plaintiff did not know what was going to occur and was not prepared for the occurrence;
- (f) permitting Husband Plaintiff to hold the tire when Defendant knew or should have known that it was improperly secured;
- (g) failing to insure the safety of Husband Plaintiff while he was an invited guest on the premises of the Defendants;

(h) failing to use reasonable care in directing the participation of Husband Plaintiff in his assistance to Defendant, JAMES D. WOOD, in such a manner that was without due regard to the rights, safety and position of the Husband Plaintiff as an invitee upon the premises of the Defendants, JAMES D. WOOD and DOROTHY S. WOOD; and

(i) failing to protect Husband Plaintiff from injury while he was a guest on the premises of the Defendants, JAMES D. WOOD and DOROTHY S. WOOD.

11. Solely as a result of the accident, Husband Plaintiff was caused to suffer various physical injuries in and about his person, some of which may be permanent; more particularly, the singeing of the hair on his face and right arm and the tearing away of the tendon of his right thumb requiring surgical reattachment that caused Plaintiff to suffer a four-inch long scar and the permanent limitation in the use of his right thumb and hand.

12. Further, Husband Plaintiff incurred a severe shock to his nervous system and was made to undergo great physical pain and mental anguish, all of which may continue for an indefinite time in the future.

13. That as a result of the negligent, careless and reckless actions of the Defendant, JAMES D. WOOD, Husband Plaintiff has been compelled to expend various sums of money for medicines and medical attention in attempting to alleviate and cure his aforesaid injuries, and may in the future be obliged to expend large and various sums of money for medicine and medical attention.

14. Solely because of the negligent, careless and reckless actions of the Defendant, JAMES D. WOOD, as hereinbefore alleged, Husband Plaintiff has been prevented from

attending to his usual duties and occupation and believes that he may in the future be prevented from attending to his usual duties and occupation to his great financial loss and damage.

WHEREFORE, Plaintiff, CHARLES R. CROYLE, JR., claims damages from Defendants in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), together with interest and costs of suit.

**COUNT II - Plaintiff, SUSAN L. CROYLE, vs. Defendants,
JAMES D. WOOD and DOROTHY S WOOD**

15. Plaintiff, SUSAN L. CROYLE, incorporates herein by reference the averments contained in Paragraphs 1 through 14 inclusive of this Complaint with the same force and effect as if the same had been set forth at length herein.

16. As a result of the injuries to her husband, Wife Plaintiff has been and/or may be compelled to expend monies for medical aid, medicines and the like in an effort to cure him.

17. As a result of the injuries to her husband, Wife Plaintiff has been compelled to expend monies for hiring help to perform the duties of the household previously performed by her husband.

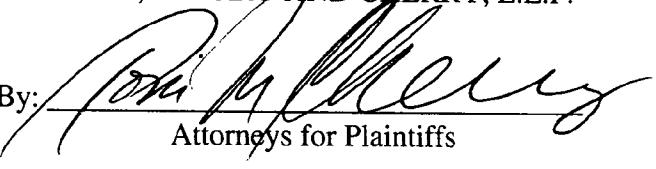
18. As a result of the injuries to her husband, Wife Plaintiff has been and/or will be deprived of her husband's aid, comfort, society, companionship and affection.

19. As a direct and proximate result of the injuries to her husband, Wife Plaintiff has suffered and/or continues to suffer from her husband's loss of earnings and/or earning capacity and/or may in the future suffer from his loss of earnings and/or earning capacity.

WHEREFORE, Plaintiff, SUSAN L. CROYLE, claims of Defendants, JAMES D. WOOD and DOROTHY S. WOOD, damages in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), together with interest and costs of suit.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

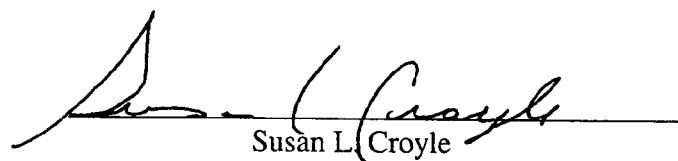
By: 

John H. Cherry
Attorneys for Plaintiffs

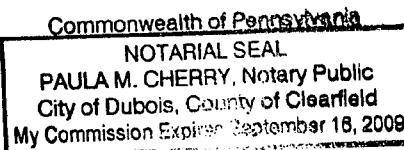
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Personally appeared before me, a Notary Public in and for the County and State aforesaid, CHARLES R. CROYLE, JR., and SUSAN L. CROYLE, who, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.


Charles R. Croyle, Jr.


Susan L. Croyle

Sworn to and subscribed before me this 26th day of May, 2006.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and :
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : No. 2006 - 879 C.D.
:
vs. :
:
JAMES D. WOOD and DOROTHY S. :
WOOD, husband and wife, :
Defendants :
:

CERTIFICATE OF SERVICE

I hereby certify that on this 16TH day of January, 2009, a true and correct copy of Plaintiffs' Answer to Motion for Summary Judgment was served upon BRET J. SOUTHARD, ESQ., counsel for Defendants, by mailing the same to him by United States First Class Mail, Postage Prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

BRET J. SOUTHARD, ESQ.
Mitchell Mitchell Gallagher Weber &
Southard, P.C.
Attorneys at Law
10 West Third Street
Williamsport, PA 17701

GLEASON, CHERRY AND CHERRY, L.L.P.

By

John P. Kelly
Attorneys for Plaintiffs

Dated: January 16, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and : No. 2006 - 879 C.D.
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : Type of Case: CIVIL
vs. :
: Type of Pleading: REPLY TO NEW MATTER
: Filed on Behalf of: CHARLES R. CROYLE,
JAMES D. WOOD and DOROTHY S. : JR., and SUSAN L. CROYLE, Plaintiffs
WOOD, husband and wife, :
Defendants : Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.; 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

FILED
JAN 10 2009 2:34 PM
JAN 20 2009 2:34 PM
Atty T. Cherry
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and	:
SUSAN L. CROYLE, husband and wife,	:
Plaintiffs	: No. 2006 - 879 C.D.
vs.	:
JAMES D. WOOD and DOROTHY S.	:
WOOD, husband and wife,	:
Defendants	:

REPLY TO NEW MATTER

AND NOW, come the Plaintiffs, CHARLES R. CROYLE, JR., and SUSAN L. CROYLE, husband and wife, by their Attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and reply to Defendants' New Matter as follows:

20. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, Plaintiffs deny that their Complaint fails to state a cause of action against Defendants. In further answer thereto, Plaintiffs incorporate herein by reference the averments contained in Paragraphs 1 through 19 inclusive of their Complaint herein as fully as if the same had been set forth at length herein.

21. DENIED. On the contrary, Husband Plaintiff did not know what Defendant, JAMES D. WOOD, intended to do to inflate the tire because he was only advised that Defendant was going to show him "a little trick" that he could do "to pump these tires up".

22. DENIED. On the contrary, Husband Plaintiff did not know what Husband Defendant was about to do to inflate the tire. All he knew was that Husband Defendant had a method of inflating the tire that he was going to use in the instant case.

23. DENIED. On the contrary, Husband Plaintiff was not fully aware of the manner by which Husband Defendant was going to attempt to inflate the tire. Husband Defendant described what he was going to do only as "a little trick".

24. DENIED. On the contrary, Husband Plaintiff was not fully aware of Husband Defendant's plan to use a flammable material because Husband Defendant only advised Husband Plaintiff that he was going to show him "a little trick" that would pump the tire up.

25. DENIED. On the contrary, Husband Plaintiff was not fully aware that the Husband Defendant intended to ignite a flammable material until he saw Defendant, JAMES D. WOOD, light a match and throw it on the tire.

26. DENIED. On the contrary, Husband Plaintiff was not fully aware of any risk of utilizing a flammable material with ignition of that material because Husband Plaintiff was not aware beforehand that Defendant, JAMES D. WOOD, intended to ignite a flammable material.

27. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Husband Plaintiff voluntarily and knowingly assumed the risk of utilizing a flammable material and igniting that material and attempting to inflate the tire. On the contrary, Husband Plaintiff did not know beforehand that Husband Defendant intended to ignite a flammable material and thus could not have voluntarily and knowingly assumed the risk of Husband Defendant's actions.

28. DENIED. On the contrary, Husband Plaintiff asked Husband Defendant what he owed the Husband Defendant. Prior to the services being rendered, Husband Plaintiff went to the premises of Defendants fully intending to pay for services rendered by Husband Defendant because Husband Plaintiff knew that Husband Defendant was in the business of performing services for fee because Husband Defendant had provided services to Husband Plaintiff's father for which Husband Defendant had been paid.

29. DENIED. On the contrary, Husband Plaintiff asked Husband Defendant what he owed the Husband Defendant. Prior to the services being rendered, Husband Plaintiff went to the premises of Defendants fully intending to pay for services rendered by Husband Defendant because Husband Plaintiff knew that Husband Defendant was in the business of performing services for fee because Husband Defendant had provided services to Husband Plaintiff's father for which Husband Defendant had been paid.

30. DENIED. At all times Husband Plaintiff intended to pay for the services rendered by Husband Defendant as Husband Plaintiff knew that Husband Defendant performed such services for payment.

31. DENIED as a conclusion of law for which no response is required. Insofar as a response is required, it is DENIED that Husband Plaintiff was a bare licensee to whom no duty of care was owed. On the contrary, Husband Plaintiff was a business invitee on the premises of the Husband Defendant and, as such, he was owed all of the care and duty owed to a business invitee.

WHEREFORE, Plaintiffs respectfully request that Defendants' New Matter be dismissed and that judgment be entered in favor of each of them in an amount in excess of

TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), together with interest and costs of suit.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By:


John P. Cherry
Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA

: SS.

COUNTY OF CLEARFIELD

Personally appeared before me, a Notary Public in and for the County and State aforesaid, CHARLES R. CROYLE, JR., and SUSAN L. CROYLE, who, being duly sworn according to law, depose and say that the facts set forth in the foregoing Reply to New Matter are true and correct to the best of their knowledge, information and belief.

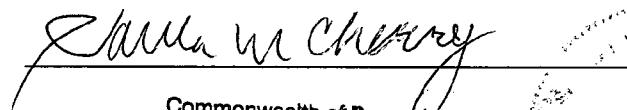


Charles R. Croyle, Jr.

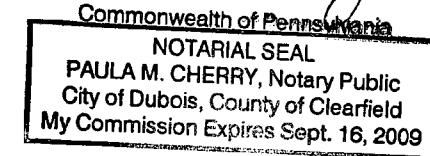


Susan L. Croyle

Sworn to and subscribed before me this 22nd day of January, 2007.



Paula M. Cherry



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

CHARLES R. CROYLE, JR. and SUSAN L. CROYLE, *
husband and wife.

NO. 06-879-CD

Plaintiffs

*

vs.

JAMES D. WOOD and DOROTHY S. WOOD,
husband and wife,

Defendants

*

FILED

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William A. Shaw
Prothonotary/Clerk of Courts

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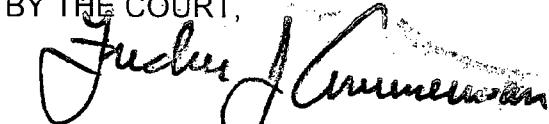
B. SOUTHPARD

ORDER

NOW, this 28th day of January, 2009, upon telephone request of Defendants' counsel, Bret J. Southard, Esquire, it is the ORDER of this Court that argument on the Defendant's Motion for Summary Judgment be and is hereby **rescheduled** from January 28, 2009 to **February 5, 2009 at 1:30 p.m.** in Courtroom No. 1 of the Clearfield County Courthouse.

This will be in addition to the previously scheduled pre-trial conference on February 5, 2009.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and
SUSAN L. CROYLE, husband and wife,
Plaintiffs

vs.

JAMES D. WOOD and DOROTHY S.
WOOD, husband and wife,
Defendants

: No. 2006 - 879 C.D.
: Type of Case: CIVIL
: Type of Pleading: PRAECIPE
: Filed on Behalf of: CHARLES R. CROYLE,
: JR., and SUSAN L. CROYLE, Plaintiffs
: Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.; 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

FILED

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William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CHARLES R. CROYLE, JR., and :
SUSAN L. CROYLE, husband and wife, :
Plaintiffs : No. 2006 - 879 C.D.
:
vs. :
:
JAMES D. WOOD and DOROTHY S. :
WOOD, husband and wife, :
Defendants :
:

P R A E C I P E

TO WILLIAM A. SHAW, PROTHONOTARY

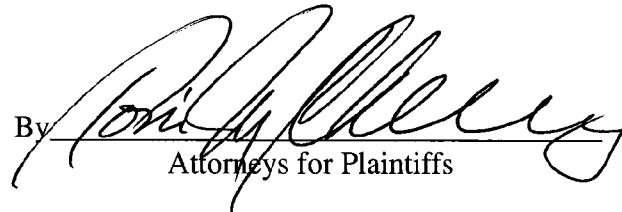
Sir:

Please mark the above-captioned case settled, discontinued and ended with prejudice.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Ron A. Cherry
Attorneys for Plaintiffs

Date: February 19, 2009