

2006-1078-CD  
Alfred Jasmin et al vs Sheetz Inc

Alfred F. Jasmin, et alvs. Sheetz, Inc.

## Civil Other-COUNT

Date		Judge
7/7/2006	New Case Filed.	No Judge
	X Filing: Complaint in Civil Action Paid by: Belliveau, James D. (attorney for Jasmin, Alfred F.) Receipt number: 1914602 Dated: 07/07/2006 Amount: \$85.00 (Check) 1CC Atty and 1CC Shff.	No Judge
7/21/2006	X Sheriff Return, July 14, 2006 at 11:15 pm-served the within Complaint on Sheetz Inc. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Belliveau \$47.97	No Judge
7/27/2006	X Praeclipe for Entry of Appearance, filed. Kindly enter the Appearance of Dickie, McCamey & Chilcote PC, Christopher T. Lee and Shannon E. Smith Esq., as counsel for Sheetz Inc. defendant in the above-captioned case, filed by s/ Christopher T. Lee Esq. No CC.	No Judge
9/7/2006	X Answer and New Matter to Plaintiffs' Complaint, filed by s/ Christopher T. Lee Esq. No CC.	No Judge
9/22/2006	X Reply To New Matter, filed by s/ James D. Belliveau, Esquire. 1CC to Atty.	No Judge
10/13/2006	X Notice of Service Discovery, filed by s/ Christopher T. Lee Esq. No CC.	No Judge
11/15/2006	X Motion to Compel, filed by Atty. Belliveau no cert. copies.	No Judge
11/17/2006	X Order, NOW, this 16th day of Nov., 2006, the Motion to Compel is granted. Defendant Sheetz, Inc. shall file full and complete Answers and Responses to the discovery propounded on July 27, 2006 within 30 days from the date of this Order or face sanctions. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Belliveau	Fredric Joseph Ammerman
6/4/2007	X Motion to Compel, filed by s/ James D. Belliveau, Esquire. No CC	No Judge
6/7/2007	X Order of Court, NOW, this 7th day of June, 2007, the Motion to Compel is granted. Defendant Sheetz, Inc. shall file full and complete Answers and Responses to the discovery propounded on Feb. 19, 2007, within 20 days from the date of this Order or face sanctions. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Belliveau	Fredric Joseph Ammerman
6/29/2007	X Notice of Service of Defendant's Responses to Second Set of Interrogatories and Requests for Production of Documents and Things has been served upon James D. Belliveau Esq. on this 27th day of June 2007, filed by s/ Andrew T. Tillapaugh Esq. No CC.	No Judge
8/13/2007	X Third Motion to Compel, filed by s/ James D. Belliveau, Esquire. No CC	No Judge
8/21/2007	X Order, this 20th day of August, 2007, Plaintiffs' Third Motion to Compel is granted. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Belliveau	Fredric Joseph Ammerman
11/16/2007	X Motion to Compel Discovery Responses From Plaintiffs, filed by s/ Christopher T. Lee, Esquire. No CC	No Judge
11/19/2007	X Order, this 19th day of Nov., 2007, Plaintiffs are required to provide: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Lee	Fredric Joseph Ammerman
5/26/2009	X Notice of Intent to Proceed, filed by s/ James D. Belliveau, Esquire. No CC	Fredric Joseph Ammerman
7/9/2009	X Notice of Service of Discovery Requests, filed. That Defendant by and through their attorneys hereby notifies the Court that its Second Set of Interrogatories and Request for Production of Documents have been served upon plaintiffs by mailing a copy to their counsel, filed by s/ Christopher T. Lee Esq. NO CC.	Fredric Joseph Ammerman

## Civil Disposition Report

## CT COMMON PLEAS,

## All Case Types

From 1/18/2010 to 1/22/2010

## All Judgment Types

Case	Parties	Filing date	Judgment	Disposition	Disposition Date
2009-00586-CD	BAC Home Loans Servicing, Plaintiff Sommers, Debka A. Defendant Sommers, Robert H. Jr. Defendant	1/21/2010	Default Judgment In favor of: Plaintiff Judgment amount or comment: Amended by Court Order of Jan. 21, 2010: Total - \$196,910.50, plus interest from Jan. 8, 2010 through the date of sale at 6% per annum.	Court Ordered	1/21/2010
2009-01034-CD	Stamm, Christopher A. Plaintiff Stamm, Paula J. Defendant Wells Fargo Bank, NA Plaintiff	1/21/2010	Default Judgment In favor of: Plaintiff Judgment amount or comment: Judgment amended per Court Order of 1-21-10: TOTAL - \$79,389.19, plus interest from Feb. 5, 2010 through the date of sale at 6% per annum.	Court Ordered	1/21/2010
2009-01040-CD	JP Morgan Chase Bank, Nat Plaintiff Phillips, Michelle E. Defendant Phillips, Robert F. Defendant	1/19/2010	Default Judgment In favor of: Plaintiff Judgment amount or comment: \$70,519.11	Writ of Execution	1/19/2010
2009-01042-CD	Kepple, Kenneth Plaintiff Malewicz, John S. Defendant State Farm Mutual Automobile Plaintiff	1/19/2010	Default Judgment In favor of: Plaintiff Judgment amount or comment: \$5,175.78	Open	1/19/2010
2009-01149-CD	Cramer, Bruce W. Plaintiff Wells Fargo Bank N.A. Plaintiff Wells Fargo Home Mortgage Plaintiff	1/21/2010	Default Judgment In favor of: Plaintiff Judgment amount or comment: Judgment amended by Court Order 1-21-10: TOTAL: \$50,243.55, plus interest from Jan. 8, 2010 through the date of sale at 6% per annum.	Court Ordered	1/21/2010
2009-01339-CD	Huey, Diana J. Plaintiff Huey, Donald Harry Defendant Northwest Savings Bank Plaintiff United States of America Defendant	1/22/2010	Default Judgment In favor of: Plaintiff Judgment amount or comment: \$275,274.79	Writ of Execution	1/22/2010
2009-01388-CD	Mullins, Crystal D. Plaintiff Nationstar Mortgage LLC Plaintiff	1/21/2010	Default Judgment In favor of: Plaintiff Judgment amount or comment: Judgment Amended by Court Order 1-21-10: TOTAL - \$76,725.30, plus interest from Feb. 5, 2010 through the date of sale at 6% per annum.	Court Ordered	1/21/2010

Date: 2/3/2010

Time: 09:47 AM

Page 2 of 2

**Clearfield County Court of Common Pleas**

User: LMILLER

ROA Report

Case: 2006-01078-CD

Current Judge: Fredric Joseph Ammerman

Alfred F. Jasmin, et alvs. Sheetz, Inc.

**Civil Other-COUNT**

Date	Judge
8/11/2009	<input checked="" type="checkbox"/> Certificate of Readiness for Jury Trial, filed by s/ James D. Belliveau, Esquire. No CC Fredric Joseph Ammerman
9/2/2009	<input checked="" type="checkbox"/> Order, this 2nd day of Sept., 2009, it is Ordered that pre-trial conference is scheduled for Oct. 23, 2009 at 2:30 p.m. in Judges Chambers. Jury Selection is scheduled for Jan. 5, 2010 at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belliveau, Lee Fredric Joseph Ammerman
10/27/2009	<input checked="" type="checkbox"/> Order, this 23rd day of Oct., 2009, following pre-trial conference with counsel for the parties, it is Ordered: Jury Selection will be held on Jan. 5, 2010 at 9:00 a.m. in courtroom 1. Jury Trial is scheduled for March 24, 25 and 26, 2010 at 9:00 a.m. each day in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belliveau, Lee Fredric Joseph Ammerman
1/7/2010	<input checked="" type="checkbox"/> Order, this 5th of Jan., 2010, plaintiffs and their counsel having failed to appear, jury selection is canceled. A Rule Returnable is set for the 11th day of Feb., 2010, at 2:30 p.m. Courtroom 2. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Belliveau, Lee; 1CC Pliffs- 63 Sundance Dr., Effort, PA 18330 Fredric Joseph Ammerman

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

ALFRED F. JASMIN and  
RITA JASMIN,  
Plaintiffs

Vs

No. 06-1078-CD

SHEETZ, INC.,  
Defendant

COMPLAINT IN A CIVIL ACTION

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR  
THIS PARTY:

JAMES D. BELLIVEAU  
PA I.D. # 22977  
2100 LAW AND FINANCE BLDG  
429 FOURTH AVENUE  
PITTSBURGH, PA 15219  
412-281-8781

FILED Atty pd 85.00  
10:59 AM JUL 07 2006 ICC Atty  
ICC Shft  
William A. Shaw  
Prothonotary/Clerk of Courts

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the 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 other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

David S. Mehlik, Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield PA 16830  
814-765-2641 ext 5982

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

Alfred F. Jasmin and Rita Jasmin ( )  
Plaintiff(s), ( )  
vs. ( )  
Sheetz, Inc., Pennsylvania Corporation, ( )  
Defendant, ( )

**COMPLAINT IN A CIVIL ACTION**

AND NOW COME Alfred F. Jasmin and Rita Jasmin, by their Attorney James D. Belliveau to file this complaint and to set forth in support thereof the following:

1. Plaintiffs Alfred F. Jasmin and Rita Jasmin, husband and wife, are adult individuals residing at 63 Sundance Drive, Effort Monroe County, Pennsylvania County 18330.
2. Defendant Sheetz, Inc., is a Pennsylvania Corporation with a place of business located at 1867 Rich Highway, Falls Creek, Clearfield County, Pennsylvania 15840.
3. Defendant Sheetz, Inc. operates a convenience store and gas station at this address.
4. On November 26, 2004, Plaintiff Alfred F. Jasmin entered onto the premises of the Sheetz Convenience store and gas station at the above location with the purpose of purchasing gasoline. He pulled his vehicle up adjacent to one of the islands where the gas pumps are located, opened the door to his truck and began to descend. When his feet came into contact with the surface of the parking lot, he was caused to slip, trip, stumble and/or fall as a result of an artificial accumulation of pooled gasoline on the

surface of the parking lot. As a result of this slip, trip, stumble, and/or fall, Plaintiff Alfred F. Jasmin has suffered serious and permanent injuries.

5. The above described accident occurred as a direct and proximate result of the negligence of the Defendant Sheetz, Inc. by or through the acts or omissions of its agents, officers or employees while within the course and scope of their employment in the following particulars:
  - a. In failing to inspect the premises to discover the existence of the accumulated pool of gasoline.
  - b. In failing to take steps to clean up the accumulated pool of gasoline.
  - c. In failing to put some type of anti-slip material in the accumulated pool of gasoline.
  - d. In failing to warn customers such as Alfred F. Jasmin of the existence of the accumulated pool of gasoline;
  - e. In causing or allowing the accumulated pool of gasoline to remain on the surface of the parking lot when Defendant's agents, officers and employees knew or should have known in the exercise of reasonable care that it presented a hazard to patrons such as Alfred F. Jasmin; and
  - f. In breaching the high duty of care owed to Plaintiff Alfred F. Jasmin as a business invitee.
6. In addition to the vicarious liability of the Defendants Sheetz Inc. for the acts and omissions of its agents, officers, and employees, Defendants Sheetz Inc. is independently liable for its negligence in the following particulars:

- a. In failing to hire, train and supervise employees who were taught how to deal with accumulated pools of gasoline;
- b. In failing to have in place policies and procedures regarding regular inspections of its premises so as to discover hazards present on the premises by items such as an accumulated pool;
- c. In failing to have in place appropriate gasoline pumps so that there would be no spill of gasoline which would allow pools of gasoline to accumulate;
- d. In having a surface of the pavement which would become too slippery when gasoline pooled on it;
- e. In failing to take the steps to warn patrons such as Alfred F. Jasmin of the possibility that accumulated pools of gasoline may exist;
- f. In failing to have a sufficient number of employees on duty so that regular and thorough inspections of the premises could be made to discover hazards such as accumulated pools of gasoline and so that such hazards could be eliminated, cordoned off and/or warned about.

7. As a direct and proximate result of the negligence of the Defendant Sheetz Inc., Plaintiff Alfred F. Jasmin suffered the following injuries:

- i. Mixed motor sensory polyneuropathy with predominantly demyelinative change;
- ii. Chronic denervation in the L4-5, S1 distribution consistent with chronic lumbar polyradiculopathy;
- iii. Dorsal lumbar injury;
- iv. Lumbar radiculopathy on the left;

- v. Aggravation of a pre-existing condition of his lumbar spine;
- vi. Severe shock, strain, or sprain to the nerves, muscles, tissues, and ligaments of his muscular skeletal system.

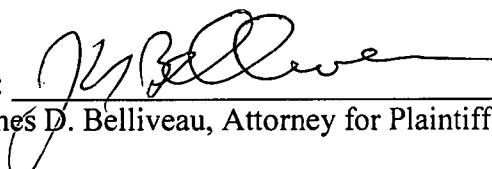
8. As a direct and proximate result of the negligence of the Defendant Sheetz Inc., set forth as above, Plaintiff Alfred F. Jasmin has been damaged as follows;

- a. He has endured and continues to endure pain, suffering inconvenience and loss of enjoyment of life;
- b. His general health, strength and vitality have been impaired;
- c. He has been surgically scarred;
- d. He has incurred medical expense in excess of the available first party medical benefits;
- e. He may incur additional medical expenses in the future;
- f. He has lost wages
- g. He has been embarrassed and humiliated.

9. As a direct and approximate result of negligence of the Defendants Sheetz Inc., as set forth above, Plaintiff Rita Jasmin has been damaged by the loss of the consortium of her husband Plaintiff Alfred F. Jasmin.

WHEREFORE, Plaintiffs Alfred F. Jasmin and Rita Jasmin demand judgment against Defendant Sheetz Inc. for an amount in excess of the statutory arbitration limits.

A JURY TRIAL IS DEMANDED.

By:   
James D. Belliveau, Attorney for Plaintiffs

VERIFICATION

I verify that the averments of fact made in the foregoing are true and correct and based upon my personal knowledge, information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: July 3 2006

Alfred F Jasmin  
Alfred F. Jasmin

Date: July 3 2006

Rita Jasmin  
Rita Jasmin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101693  
NO. 06-1078-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: ALFRED F. JASMIN and RITA JASMIN  
VS.  
DEFENDANT: SHEETZ, INC.

**SHERIFF RETURN**

---

NOW, July 14, 2006 AT 11:15 PM SERVED THE WITHIN COMPLAINT ON SHEETZ, INC. DEFENDANT AT 1867 RICH HIGHWAY, FALLS CREEK, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY MCANINCH, MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BELLIVEAU	1151	10.00
SHERIFF HAWKINS	BELLIVEAU	1151	37.97

**FILED**  
92:30 AM  
JUL 21 2006  
CS

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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

*Chester A. Hawkins*  
*by Marylyn Hause*  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, CIVIL DIVISION

Plaintiffs, No. 06-1078-CD

v. Issue No.

SHEETZ, INC., PRAECIPE FOR ENTRY OF  
Defendant. APPEARANCE

Code:

Filed on behalf of Defendant, SHEETZ, INC.

Counsel of record for this party:

Christopher T. Lee, Esquire  
PA I.D. # 62422  
Shannon E. Smith, Esquire  
PA I.D. #92877

DICKIE, McCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

FILED NOCC  
M 11/12/2006  
JUL 27 2006  
10:00 AM

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, ) CIVIL DIVISION  
Plaintiffs, ) ) No. 06-1078-CD  
v. ) )  
SHEETZ, INC., ) )  
Defendant. ) )

**PRAECIPE FOR ENTRY OF APPEARANCE**

Kindly enter the Appearance of Dickie, McCamey & Chilcote, P.C., Christopher T. Lee, Esquire and Shannon E. Smith, Esquire, as counsel for Sheetz, Inc., Defendant, in the above-captioned case.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: Christopher T. Lee  
Christopher T. Lee, Esquire  
Shannon E. Smith, Esquire

Attorneys for Defendant, SHEETZ, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing **PRAECIPE FOR  
ENTRY OF APPEARANCE** have been served this 25<sup>th</sup> day of July, 2006, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James D. Belliveau, Esquire  
2100 Law and Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219  
*Attorneys for Plaintiffs*

DICKIE, McCAMEY & CHILCOTE, P.C.

By *CTL*  
Christopher T. Lee, Esquire  
Shannon E. Smith, Esquire

Attorneys for Defendant, SHEETZ, INC.

FILED  
m 11 06 2006 NOCC  
SEP 07 2006  
S

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN,

CIVIL DIVISION

Plaintiffs,

No. 06-1078-CD

v.

SHEETZ, INC.,

Defendant.

**NOTICE TO PLEAD**

TO: Plaintiffs

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from the date of service hereof or a judgment may be entered against you.

By Christopher T. Lee  
Christopher T. Lee, Esquire

**ANSWER AND NEW MATTER TO  
PLAINTIFFS' COMPLAINT**

Filed on behalf of Defendant, SHEETZ, INC.

Counsel of record for this party:

Christopher T. Lee, Esquire  
PA I.D. # 62422

Shannon E. Smith, Esquire  
PA I.D. #92877

DICKIE, McCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

## IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, ) CIVIL DIVISION  
)  
Plaintiffs, ) No. 06-1078-CD  
)  
v. )  
)  
SHEETZ, INC., )  
)  
Defendant. )  
)  
)  
)

**ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT**

AND NOW, comes the Defendant, Sheetz, Inc., by and through their counsel, Dickie, McCamey & Chilcote, P.C., and sets forth the following Answer and New Matter and in support avers as follows:

1. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of Plaintiffs' identity and/or residence in Paragraph 1 of Plaintiffs' Complaint. Consequently, said allegations are denied and strict proof thereof is demanded at the time of trial.

2. The allegations contained in Paragraph 2 of Plaintiffs' Complaint are denied. Rather, it is admitted that Sheetz, Inc. has a place of business at Falls Creek R.D. #1, Box 9, Clearfield County, Pennsylvania 15840.

3. The allegations contained in Paragraph 3 of Plaintiffs' Complaint are denied. Rather, it is admitted that Sheetz, Inc. operates a business at Falls Creek, R.D. #1, Box 9, Clearfield County, Pennsylvania 15840.

4. The allegations contained in Paragraph 4 of Plaintiffs' Complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, said allegations are denied and strict proof thereof is demanded at the time of trial.

5. The allegations contained in Paragraph 5, including subparagraphs (a) through (f) of Plaintiffs' Complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, said allegations are denied and strict proof thereof is demanded at the time of trial.

6. The allegations contained in Paragraph 6, including subparagraphs (a) through (f), of Plaintiffs' Complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, said allegations are denied and strict proof thereof is demanded at the time of trial.

7. The allegations contained in Paragraph 7, including subparagraphs (i) through (vi), of Plaintiffs' Complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, said allegations are denied and strict proof thereof is demanded at the time of trial.

8. The allegations contained in Paragraph 8, including subparagraphs (a) through (g), of Plaintiffs' Complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, said allegations are denied and strict proof thereof is demanded at the time of trial.

9. The allegations contained in Paragraph 9 of Plaintiffs' Complaint are conclusions of law to which no response is required. To the extent a response is deemed necessary, said allegations are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant Sheetz, respectfully requests that this Court enter judgment in its favor and against Plaintiffs, Alfred F. Jasmin and Rita Jasmin, including interest, costs and other damages this Court deems appropriate.

**NEW MATTER**

10. Paragraphs 1 through 9 of Sheetz, Inc.'s Answer are incorporated herein by reference.
11. To the extent the discovery discloses that Plaintiffs were contributorily and/or comparatively negligent at the time and place of the alleged injury, Defendant, Sheetz, Inc., pleads such contributory and/or comparative negligence as a complete bar to or in diminution of Plaintiffs' claims.
12. To the extent that discovery discloses that Plaintiffs' alleged injuries and/or damages are the result of the intervening or superseding actions of third parties or individuals over whom Defendant, Sheetz, Inc., had no control, Defendant pleads same as a complete bar to Plaintiffs' claims.
13. To the extent applicable, Defendant, Sheetz, Inc., pleads Plaintiffs' failure to mitigate their damages as a partial bar to the entirety of Plaintiffs' claims.
14. To the extent discovery discloses that Plaintiffs' alleged damages were the result of Plaintiffs' pre-existing conditions, Defendant, Sheetz, Inc., pleads such condition as a bar to Plaintiffs' claims.
15. Defendant, Sheetz, Inc., pleads all applicable statute of limitations as a bar to Plaintiffs' claims.
16. Plaintiff's Complaint fails to state a claim for which relief can be granted.

17. To the extent discovery discloses that existence of gasoline at the site of the alleged incident, which is denied, Sheetz, Inc. pleads such as an open and obvious condition.

WHEREFORE, Defendant Sheetz, respectfully requests that this Court enter judgment in its favor and against Plaintiffs, Alfred F. Jasmin and Rita Jasmin, including interest, costs and other damages this Court deems appropriate.

**JURY TRIAL DEMANDED**

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By:   
Christopher T. Lee, Esquire  
Shannon E. Smith, Esquire

Attorneys for Defendant, SHEETZ, INC.

**VERIFICATION**

I, Stephanie Wilkins, being duly sworn, depose and say that I am Claims Coordinator for Sheetz, Inc., and that I have read the foregoing Answer and New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

Stephanie Wilkins

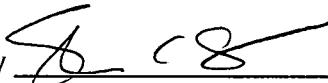
DATED September 1, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing **ANSWER AND NEW MATTER TO PLAINTIFF'S COMPLAINT** have been served this 5<sup>th</sup> day of September, 2006, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James D. Belliveau, Esquire  
2100 Law and Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219  
*Attorneys for Plaintiffs*

DICKIE, McCAMEY & CHILCOTE, P.C.

By   
Christopher T. Lee, Esquire  
Shannon E. Smith, Esquire

Attorneys for Defendant, SHEETZ, INC.

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

ALFRED F. JASMIN and  
RITA JASMIN,  
Plaintiffs

Vs

No. 06 1078-CD

SHEETZ, INC.,  
Defendant

REPLY TO NEW MATTER

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR  
THIS PARTY:

JAMES D. BELLIVEAU  
PA I.D. # 22977  
2100 LAW AND FINANCE BLDG  
429 FOURTH AVENUE  
PITTSBURGH, PA 15219  
412-281-8781

**FILED**

SEP 22 2006

11/12/06  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CER TO ATTY

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

ALFRED F. JASMIN and  
RITA JASMIN,  
Plaintiffs

Vs

No. 06 1078-CD

SHEETZ, INC.,  
Defendant

REPLY TO NEW MATTER OF DEFENDANT SHEETZ, INC

AND NOW come Plaintiffs Alfred F. Jasmin and Rita Jasmin by their attorney James D. Belliveau to file this Reply to the New Matter of Defendant Sheetz, Inc and to set forth in Support thereof the following:

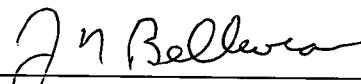
10. To the extent a reply is deemed necessary, Plaintiffs incorporate the averments in their as if fully set forth herein.
11. It is denied that Plaintiff Alfred F. Jasmin was negligent in any fashion.
12. Denied as a conclusion of law to which no reply is necessary.
13. It is denied that Plaintiffs failed to mitigate their damages.
14. While Plaintiff Alfred F. Jasmin did have pre-existing conditions, all the damages sought in this action arise from injuries he suffered on November 26, 2004.

15. Inasmuch as Plaintiff Alfred F. Jasmin injuries occurred on November 26, 2004 and this action was filed on July 7, 2006, the statute of limitations is not a bar.

16. Denied as a conclusion of law to which no reply is required.

17. Denied as a conclusion of law to which no reply is required.

WHEREFORE, for the reasons fully set forth in their Complaint, Plaintiffs Alfred F. Jasmin and Rita Jasmin demand judgment against the Defendant.

  
\_\_\_\_\_  
James D. Belliveau, Attorney for Plaintiffs

VERIFICATION

I verify that the averments of fact made in the foregoing are true and correct and based upon my personal knowledge, information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: 9-14-06

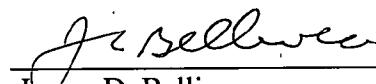
Alfred F. Jasmin  
Alfred F. Jasmin

Date: 9-14-06

Rita Jasmin  
Rita Jasmin

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, upon Christopher T. Lee, counsel of record for the Defendant on the 10 day of Sept, 2006.

  
\_\_\_\_\_  
James D. Belliveau

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, CIVIL DIVISION

Plaintiffs, No. 06-1078-CD

v. Issue No.

SHEETZ, INC., NOTICE OF SERVICE OF DISCOVERY

Defendant. Code:

Filed on behalf of Defendant  
SHEETZ, INC.

Counsel of record for this party:  
Christopher T. Lee, Esquire  
PA I.D. # 62422

DICKIE, McCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

FILED  
OCT 13 2006  
NO CC  
10:47 AM  
SFC

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA  
JASMIN,

CIVIL DIVISION

No. 06-1078-CD

Plaintiffs,

v.

SHEETZ, INC.,

Defendant.

**NOTICE OF SERVICE OF DISCOVERY**

TO THE PROTHONOTARY:

PLEASE TAKE NOTE that Defendant, Sheetz, Inc., by and through its undersigned attorneys, Dickie, McCamey & Chilcote, P.C., hereby notifies the Court that Interrogatories and Request for Production of Documents have been served upon Plaintiffs by mailing a copy to their counsel, James D. Belliveau, Esquire.

Dated: October 11, 2006

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By:

  
Christopher T. Lee, Esquire

Attorneys for Defendant, SHEETZ, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing **NOTICE OF SERVICE OF DISCOVERY** have been served this 11<sup>th</sup> day of October, 2006, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James D. Belliveau, Esquire  
2100 Law and Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219  
*Attorneys for Plaintiffs*

DICKIE, McCAMEY & CHILCOTE, P.C.

By   
Christopher T. Lee, Esquire

Attorneys for Defendant, SHEETZ, INC.

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

ALFRED F. JASMIN and  
RITA JASMIN,  
Plaintiffs

Vs

No. 06 1078-CD

SHEETZ, INC.,  
Defendant

MOTION TO COMPEL

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR  
THIS PARTY:

JAMES D. BELLIVEAU  
PA I.D. # 22977  
2100 LAW AND FINANCE BLDG  
429 FOURTH AVENUE  
PITTSBURGH, PA 15219  
412-281-8781

FILED

NOV 15 2006

11:15 AM

William A. Shaw  
Prothonotary/Clerk of Courts

no 46

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

**MOTION TO COMPEL**

AND NOW COMES James D. Belliveau, attorney for Plaintiffs Alfred F. Jasmin and Rita Jasmin to move this Honorable Court as follows:

1. On July 27, 2006, Plaintiffs' Counsel propounded Interrogatories and Requests for Production upon Defendant's Counsel.
2. As of this date, the propounded discovery has not been answered and no objections have been filed contrary to Pa. R. C. P. 4006.
3. Plaintiffs are being severely prejudiced in the prosecution of their case by the failure of Defendant to answer the propounded discovery.

WHEREFORE, James D. Belliveau, attorney for Plaintiffs, respectfully moves this Honorable Court to enter an Order directing the Defendant to answer the propounded Discovery within ten days from the date of the Order or face sanctions.

James D. Belliveau  
James D. Belliveau, Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, upon Christopher T. Lee, counsel of record for the Defendant on the 13 day of November, 2006.

11/15/06

J. Belliveau  
James D. Belliveau

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

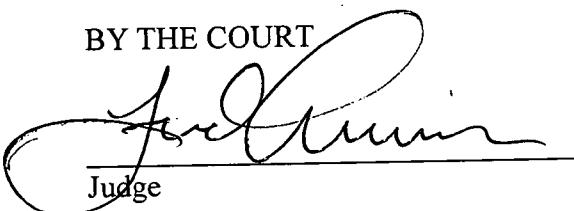
Alfred F. Jasmin and Rita Jasmin ( )  
Plaintiff(s), ( )  
vs. ( ) No. 06-1078-CD  
Sheetz, Inc., Pennsylvania Corporation, ( )  
Defendant, ( )

ORDER OF COURT

AND NOW, this 16 day of November, 2006, the foregoing  
Motion to Compel is granted.

Defendant Sheetz, Inc shall file full and complete Answers and Responses to the  
discovery propounded on July 27, 2006 within ~~ten (10)~~ <sup>thirty (30) PDA</sup> days from the date of this Order  
or face sanctions.

BY THE COURT

  
Judge

FILED  
1350/500 100  
NOV 17 2006 A.H.  
Belliveau

William A. Shaw  
Prothonotary/Clerk of Courts (6X)

**FILED**

NOV 17 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/17/06

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

Special Instructions:

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

ALFRED F. JASMIN and  
RITA JASMIN,  
Plaintiffs

Vs

No. 06 1078-CD

SHEETZ, INC.,  
Defendant

MOTION TO COMPEL

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR  
THIS PARTY:

JAMES D. BELLIVEAU  
PA I.D. # 22977  
2100 LAW AND FINANCE BLDG  
429 FOURTH AVENUE  
PITTSBURGH, PA 15219  
412-281-8781

FILED NOCC  
JUN 04 2007  
6K

William A. Shaw  
Prothonotary/Clerk of Courts

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

Alfred F. Jasmin and Rita Jasmin ( ( Plaintiff(s), ( ( vs. ( No. 06-1078-CD ( ( Sheetz, Inc., Pennsylvania Corporation, ( ( Defendant, ( (

**MOTION TO COMPEL**

AND NOW COMES James D. Belliveau, attorney for Plaintiffs Alfred F. Jasmin and Rita Jasmin to move this Honorable Court as follows:

1. On February 19, 2007, Plaintiffs' Counsel propounded a second set of Interrogatories and Requests for Production upon Defendant's Counsel.
2. As of this date, the propounded discovery has not been answered and no objections have been filed contrary to Pa. R. C. P. 4006.
3. Plaintiffs are being severely prejudiced in the prosecution of their case by the failure of Defendant to answer the propounded discovery.

WHEREFORE, James D. Belliveau, attorney for Plaintiffs, respectfully moves this Honorable Court to enter an Order directing the Defendant to answer the propounded Discovery within ten days from the date of the Order or face sanctions.

  
\_\_\_\_\_  
James D. Belliveau, Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, upon Christopher T. Lee, counsel of record for the Defendant on the 31st day of May, 2007.

5/31/07

James D. Belliveau

James D. Belliveau

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

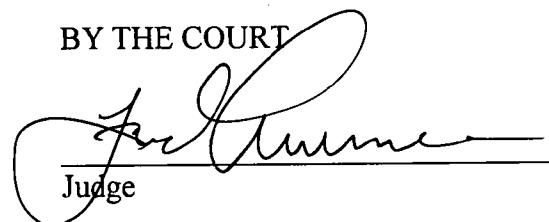
Alfred F. Jasmin and Rita Jasmin ( ( Plaintiff(s), ( ( vs. ( ( No. 06-1078-CD ( ( Sheetz, Inc., Pennsylvania Corporation, ( ( Defendant, ( (

ORDER OF COURT

AND NOW, this 7 day of June, 2007, the foregoing Motion to Compel is granted.

Defendant Sheetz, Inc shall file full and complete Answers and Responses to the ~~twenty (20) days~~ discovery propounded on February 19, 2007, within ~~ten (10)~~ days from the date of this Order or face sanctions.

BY THE COURT

  
\_\_\_\_\_  
Judge

FILED  
06:54 AM JUN 07 2007 3cc  
Atty Belliveare  
William A. Shaw  
Prothonotary/Clerk of Courts  
(GK)

**FILED**

**JUN 07 2007**

**William A. Shaw,  
Prothonotary/Clerk of Courts**

DATE: 6/7/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, CIVIL DIVISION

Plaintiffs, No. 06-1078-CD

v. Issue No.

SHEETZ, INC.,  
Defendant.

**NOTICE OF SERVICE OF DEFENDANT'S  
RESPONSE TO SECOND SET OF  
INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS  
AND THINGS**

Code:

Filed on behalf of Defendant,  
Sheetz, Inc.

Counsel of record for this party:

Christopher T. Lee, Esquire  
PA. I.D. # 62422

Andrew T. Tillapaugh, Esquire  
PA I.D. # 90049

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

FILED NO CC  
MAY 4 2007  
JUN 29 2007  
WM

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN,	)	CIVIL DIVISION - ASBESTOS
	)	
Plaintiffs,	)	No. 06-1078-CD
	)	
v.	)	
	)	
SHEETZ, INC.,	)	
	)	
Defendant.	)	
	)	
	)	

**NOTICE OF SERVICE OF DEFENDANT'S  
RESPONSES TO SECOND SET OF INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

I, Andrew T. Tillapaugh, Esquire, hereby certify that the Defendant's Response to Second Set of Interrogatories and Requests for Production of Documents and Things has been served upon James D. Belliveau, Esquire, 2100 Law and Finance Building, 429 Fourth Avenue, Pittsburgh, Pennsylvania 15219, this 27th day of June, 2007, via facsimile and by U.S. Mail, first-class, postage prepaid.

Respectfully submitted,

DICKIE, MCCAMEY & CHILCOTE, P.C.

By Andrew T. Tillapaugh  
Andrew T. Tillapaugh, Esquire

Attorneys for Defendant,  
Sheetz, Inc.

**CERTIFICATE OF SERVICE**

I, Andrew T. Tillapaugh, hereby certify that true and correct copies of the foregoing **Notice of Service of Defendant's Response to Second Set of Interrogatories and Requests for Production of Documents and Things** have been served this 27th day of June, 2007, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James D. Belliveau, Esquire  
2100 Law and Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219  
*Attorneys for Plaintiffs*

DICKIE, McCAMEY & CHILCOTE, P.C.

By And T. 2f  
Andrew T. Tillapaugh, Esquire

Attorneys for Defendant, SHEETZ, INC.

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

ALFRED F. JASMIN and  
RITA JASMIN,  
Plaintiffs

Vs

No. 06 1078-CD

SHEETZ, INC.,  
Defendant

THIRD MOTION TO COMPEL  
FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR  
THIS PARTY:

JAMES D. BELLIVEAU  
PA I.D. # 22977  
2100 LAW AND FINANCE BLDG  
429 FOURTH AVENUE  
PITTSBURGH, PA 15219  
412-281-8781

FILED  
M 11:25 AM  
AUG 13 2007  
NO CC  
CJC

William A. Shaw  
Prothonotary/Clerk of Courts

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

Alfred F. Jasmin and Rita Jasmin ( )  
vs. ( )  
Sheetz, Inc., Pennsylvania Corporation, ( )  
Defendant, ( )  
Plaintiff(s), ( )  
vs. ( )  
No. 06-1078-CD

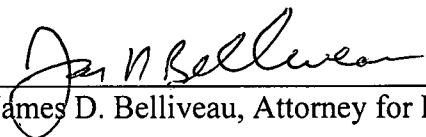
**PLAINTIFFS' THIRD MOTION TO COMPEL**

AND NOW COMES James D. Belliveau, attorney for Plaintiffs Alfred F. Jasmin and Rita Jasmin to move this Honorable Court as follows:

1. This case arises from a slip and fall on Defendant's premises.
2. A former employee of Defendant named James Sun was a post fall witness of the conditions and took photographs.
3. The deposition of James Sun was scheduled for January 23, 2007 with the agreement of defense counsel. However, it did not take place as Mr. Sun reportedly had moved out of the area.
4. Defense counsel represented that Mr. Sun's whereabouts were known and that he would provide that information to Plaintiffs' counsel. Later, it was represented that Mr. Sun was back in the area.
5. On February 19, 2007, Plaintiffs' counsel sent a letter to defense counsel suggesting dates Mr. Sun's deposition.
6. Defense counsel never responded to the February 19, 2007, letter.
7. On May 31, 2007, Plaintiffs' counsel sent defense counsel the second motion to compel in this matter and renewed the request for details on Mr. Sun's whereabouts so that a deposition could be scheduled.
8. As of this date, defense counsel has not responded to the May 31, 2007 request regarding Mr. Sun.

9. A site inspection took place on July 20, 2007 at which time Plaintiffs' counsel made an oral request to schedule Mr. Sun's deposition.
10. As no reply was received regarding the oral request, Plaintiffs' counsel sent Defendant's counsel a letter on July 31, 2007 asking for deposition dates for Mr. Sun.
11. As of August 8, no reply has been received to the letter of July 31, 2007.
12. Plaintiffs are being severely prejudiced in the prosecution of their case by the failure of defense counsel to cooperate in setting up the deposition of James Sun, a significant material witness.

WHEREFORE, James D. Belliveau, attorney for Plaintiffs, respectfully moves this Honorable Court to enter an Order directing the disclosure of the whereabouts of James Sun within twenty days.



\_\_\_\_\_  
James D. Belliveau, Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, upon Christopher T. Lee, counsel of record for the Defendant on the 8th day of August, 2007.

8/8/07

J. Belliveau  
James D. Belliveau

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

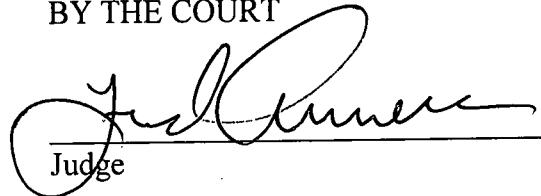
Alfred F. Jasmin and Rita Jasmin ( )  
vs. Plaintiff(s), ( )  
Sheetz, Inc., Pennsylvania Corporation, ( )  
Defendant, ( )  
No. 06-1078-CD

**ORDER OF COURT**

AND NOW, this 20 day of August, 2007, Plaintiffs' Third  
Motion to Compel is granted.

Defendant Sheetz, Inc shall provide Plaintiffs' counsel with all  
the information it has concerning the whereabouts of James Sun within twenty(20) days  
from the date of this Order or face sanctions.

BY THE COURT

  
\_\_\_\_\_  
Judge

FILED *ICC*  
OCT 10 2007  
AUG 21 2007 Atty Belliveau  
6K  
William A. Shaw  
Prothonotary/Clerk of Courts

## IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, CIVIL DIVISION - ASBESTOS

Plaintiffs, No. 06-1078-CD

v.

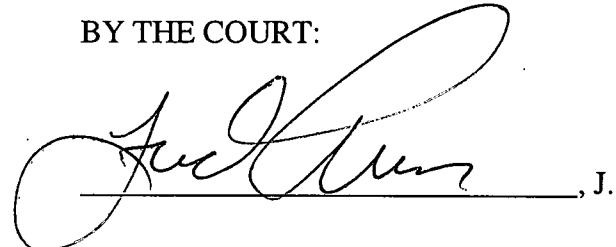
SHEETZ, INC.,

Defendant.

ORDER OF COURT

AND NOW, TO WIT, this 19 day of November, 2007, it is hereby **ORDERED** that Plaintiffs are required to provide more fully and completely answer Defendant Sheetz, Inc.'s, Interrogatories by providing Defendant, within twenty (20) days of the date of this Order, a complete copy of the medical records from Riverside Rehabilitation Center, St. Luke's Hospital relating to plaintiff-husband's October 1998 cervical fusion surgery, Dr. Gerald Zupruk, St. Barnabus Hospital, Pocono Medical Center, Dr. Martin Sorger, Mountainside Hospital, Lehigh Valley Neurosurgery, and any and all information regarding plaintiff-husband's 1980 lumbar surgery, or in the alternative, provide defendant with executed authorizations for release of records with the understanding that copies of any documents obtained by defendant through the use of the authorization will be provided to plaintiffs' counsel.

BY THE COURT:



FILED <sup>acc</sup>  
02/16/07 Atty Lee  
NOV 19 2007  
GR

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

NOV 19 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/19/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

## IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, CIVIL DIVISION

Plaintiffs, No. 06-1078-CD

v. Issue No.

SHEETZ, INC., MOTION TO COMPEL DISCOVERY  
Defendant. RESPONSES FROM PLAINTIFFS

Code:

Filed on behalf of Defendant,  
Sheetz, Inc.

Counsel of record for this party:

Christopher T. Lee, Esquire  
PA. I.D. # 62422Andrew T. Tillapaugh, Esquire  
PA I.D. # 90049DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED****FILED** NOV 16 2007 6:00 PM  
m 12:47:01  
NOV 16 2007 6:00 PM  
6:00 PMWilliam A. Shaw,  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, CIVIL DIVISION - ASBESTOS

Plaintiffs, No. 06-1078-CD

v.

SHEETZ, INC.,

Defendant.

**MOTION TO COMPEL DISCOVERY RESPONSES FROM PLAINTIFFS**

AND NOW, comes Defendant, Sheetz, Inc. ("Sheetz"), by its attorneys, Dickie, McCamey & Chilcote, P.C., and submits the within Motion to Compel:

1. On or about March 11, 2006, the Defendant Sheetz served Plaintiffs with its First Set of Interrogatories and Request for Production of Documents. (A true and correct copy of the Notice of Service is attached hereto as Exhibit "A.")
2. On or about November 6, 2006, the Plaintiffs' served their Answers To Interrogatories and Responses to Requests for Production of Documents on Sheetz. (A true and correct copy of the Answers and Responses are attached hereto as Exhibit "B.")
3. Sheetz' Request for Production of Document number 3 asked plaintiffs to produced,

[A]ny and all letters, medical records or reports which you, or anyone acting on your behalf, have obtained from the hospitals, doctors or radiologists identified in your answers to defendant's interrogatories. In the alternative, if you are not in possession of the requested documents, please execute the enclosed authorization for release of records with the understanding that copies of any documents obtained through the use of the authorization will be provided to your attorney upon request.

4. In their answers to interrogatories, Plaintiffs identified the following medical providers: Dr. James Kerrigan, Dr. Casey Lee, St. Barnabus Hospital, Pocono Medical Center, Dr. Martin Sorger, Mountainside Hospital, Dr. Gerald Zupruk, Lehigh Valley Neurosurgery, St. Lukes Hospital, Riverside Rehabilitation Center, Dr. William Martucci, Bruce Snyder, M.S., and Dr. Yasin Khan. *See Exhibit "B", Plaintiffs' Answers to Interrogatories number ten (10), eleven (11) and twelve (12).*

5. Plaintiffs have provided Sheetz with records from Dr. Khan, Bruce Snyder, M.S., Dr. Kerrigan (from January 1, 2003 through present for low back injury only), St. Lukes Hospital (1/26/06 and 2/27/06 admissions), Dr. Martucci (March 7, 2000 through September 15, 2006), Dr. Lee (April 8, 2003 through January 10, 2005), and St. Barnabus Hospital (operative report from April 8, 2003).

6. Plaintiffs' Response to Request for Production of Documents indicate that they were also producing records from Riverside Rehabilitation Center. *See Exhibit "B", Plaintiffs' Response to Request number three (3).* The only documents produced from Riverside Rehabilitation Center were the letters from plaintiffs' counsel's office requesting records, as well as the initial evaluation report and the discharge summary, which were included in Dr. Kerrigan's records.

7. Plaintiffs have not provided Sheetz with any records from St. Luke's Hospital and Dr. Zupruk relating to plaintiff's October 1998 cervical fusion surgery, or a complete set of records from St. Barnabus Hospital relating to an April 2003 surgery.

8. Plaintiffs referenced a 1980 lumbar surgery and indicated that they were seeking information regarding this surgery. *See Exhibit "B", Plaintiffs' Answer to Interrogatory number eleven (11).* To date, no information has been provided to Defendant regarding this surgery.

9. Mixed throughout the records from Dr. Kerrigan are a few incomplete records from Pocono Medical Center dated March 2003, Dr. Sorger and/or Mountainside Hospital regarding an October 1994 laminectomy, and Dr. Gerald Zupruk and/or Leighigh Valley Neurosurgery from October 1998.

10. In a March 10, 2007 e-mail between defense counsel and plaintiffs' counsel defense counsel requested copies of all of plaintiff-husband's medical records. (A true and correct copy of the March 10, 2007 e-mail is attached hereto as Exhibit "C.")

11. To date, Plaintiffs have not yet fully responded to the discovery requests by providing records for all the providers cited in their responses, by signing an authorization to allow Sheetz to procure the records, nor by supplementing their responses by producing additional documents as indicated.

WHEREFORE, the Defendant Sheetz, Inc., request this Court to enter the attached Order requiring Plaintiff to fully answer and supplement their answers to the Interrogatories and Requests for Production of Documents within 30 days.

Respectfully submitted,

DICKIE, MCCAMEY & CHILCOTE, P.C.

By   
Christopher T. Lee, Esquire

Attorneys for Defendant,  
Sheetz, Inc.

**CERTIFICATION**

I, Christopher T. Lee, certify that I have conferred or attempted to confer with all plaintiff's counsel in order to resolve the matter without Court action.

DICKIE, MCCAMEY & CHILCOTE, P.C.

By   
Christopher T. Lee, Esquire

Attorneys for Defendant,  
Sheetz, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing **Motion to Compel Discovery Responses from Plaintiffs** has been served this 14<sup>th</sup> day of November, 2007, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

James D. Belliveau, Esquire  
2100 Law and Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219  
*Attorneys for Plaintiffs*

DICKIE, McCAMEY & CHILCOTE, P.C.

By   
Christopher T. Lee, Esquire

*Attorneys for Defendant, SHEETZ, INC.*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, CIVIL DIVISION - ASBESTOS

Plaintiffs, No. 06-1078-CD

v.

SHEETZ, INC.,

Defendant.

**ORDER OF COURT**

AND NOW, TO WIT, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, it is  
hereby ORDERED that an argument shall be held on  
\_\_\_\_\_, in Courtroom No. \_\_\_\_\_ of the Clearfield  
County Courthouse.

BY THE COURT:

\_\_\_\_\_, J.

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

ALFRED F. JASMIN and  
RITA JASMIN,  
Plaintiffs

Vs

No. 06 1078-CD

SHEETZ, INC.,  
Defendant

NOTICE OF INTENT TO PROCEED  
FILED ON BEHALF OF PLAINTIFFS  
COUNSEL OF RECORD FOR  
THIS PARTY:

JAMES D. BELLIVEAU  
PA I.D. # 22977  
2100 LAW AND FINANCE BLDG  
429 FOURTH AVENUE  
PITTSBURGH, PA 15219  
412-281-8781

FILED NO cc  
MAY 26 2009  
S William A. Shaw  
Prothonotary/Clerk of Courts  
GW

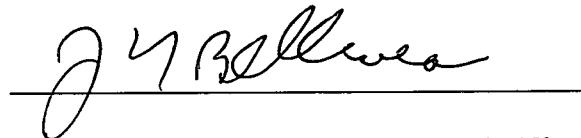
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA  
CIVIL DIVISION

Alfred F. Jasmin and Rita Jasmin ( ( Plaintiff(s), ( ( vs. ( No. 06-1078-cd ( ( Sheetz, Inc., Pennsylvania Corporation, ( ( Defendant, ( (

**NOTICE OF INTENT TO PROCEED**

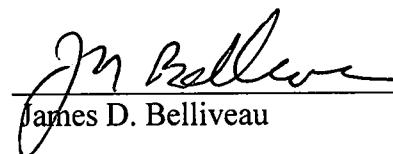
AND NOW COME Alfred F. Jasmin and Rita Jasmin, by their Attorney James D. Belliveau to set forth the following:

1. Plaintiffs Alfred F. Jasmin and Rita Jasmin intend to pursue this case and will file a Praecept to list the case for trial within twenty days.

  
\_\_\_\_\_  
James D. Belliveau, Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, upon Christopher T. Lee, counsel of record for the Defendant on the 21<sup>st</sup> day of May, 2009.

  
James D. Belliveau

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, CIVIL DIVISION

Plaintiffs, No. 06-1078-CD

v. Issue No.

SHEETZ, INC., **NOTICE OF SERVICE OF DISCOVERY  
REQUESTS**

Defendant.

Code:

Filed on behalf of Defendant,  
Sheetz, Inc.

Counsel of record for this party:

Christopher T. Lee, Esquire  
PA. I.D. # 62422

Andrew T. Tillapaugh, Esquire  
PA I.D. # 90049

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

S FILED NO cc  
M 10:57 AM  
JUL 09 2009  
LM  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALFRED F. JASMIN and RITA JASMIN, CIVIL DIVISION - ASBESTOS

Plaintiffs, No. 06-1078-CD

v.

SHEETZ, INC.,

Defendant.

**NOTICE OF SERVICE OF DISCOVERY REQUESTS**

TO: PROTHONOTARY

PLEASE TAKE NOTE that Defendant, Sheetz, Inc., by and through their undersigned attorneys, Dickie, McCamey & Chilcote, P.C., hereby notifies the Court that its Second Set of Interrogatories and Request for Production of Documents have been served upon Plaintiffs by mailing a copy to their counsel.

Respectfully submitted,

DICKIE, MCCAMEY & CHILCOTE, P.C.

By

  
Christopher T. Lee, Esquire

Attorneys for Defendant,  
Sheetz, Inc.

**CERTIFICATE OF SERVICE**

I, Christopher T. Lee, Esquire, hereby certify that true and correct copies of the foregoing  
NOTICE OF SERVICE OF DISCOVERY REQUESTS have been served this 7<sup>th</sup> day of July,  
2008 by U.S. first-class mail, postage prepaid, to all counsel of record:

James D. Belliveau, Esquire  
2100 Law and Finance Building  
429 Fourth Avenue  
Pittsburgh, Pennsylvania 15219  
*Attorneys for Plaintiffs*

DICKIE, McCAMEY & CHILCOTE, P.C.

By   
Christopher T. Lee, Esquire

*Attorneys for Defendant, Sheetz, Inc.*

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

ALFRED F. JASMIN and  
RITA JASMIN,  
Plaintiffs

Vs

No. 06 1078-CD

SHEETZ, INC.,  
Defendant

PRAECIPE FOR TRIAL

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR  
THIS PARTY:

JAMES D. BELLIVEAU  
PA I.D. # 22977  
2100 LAW AND FINANCE BLDG  
429 FOURTH AVENUE  
PITTSBURGH, PA 15219  
412-281-8781

FILED NO  
M 1058341 Cc  
AUG 11 2009  
S (616)  
William A. Shaw  
Prothonotary/Clerk of Courts

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

Alfred F. Jasmin and Rita Jasmin ( )  
vs. Plaintiff(s), ( )  
Sheetz, Inc., Pennsylvania Corporation, ( )  
Defendant, ( )  
No. 06-1078-cd

**PRAECIPE FOR TRIAL**

1. All discovery has been completed in this case.
2. No Motions are outstanding.
3. This case is ready for trial.
4. A jury trial has been demanded.
5. Notice of this Praecipe has been given to the attorney for the Defendant.

WHERFORE, James D. Belliveau, attorney for Plaintiffs, requests that this matter be placed on the next trial list.

  
\_\_\_\_\_  
James D. Belliveau

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, upon Christopher T. Lee, counsel of record for the Defendant on the 10th day of August, 2009.

---



James D. Belliveau

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

ALFRED F. JASMIN and :  
RITA JASMIN :  
vs. : No. 06-1078-CD  
SHEETZ, INC. :  
:

**ORDER**

AND NOW, this 2<sup>nd</sup> day of September, 2009, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for **Friday, October 23, 2009 at 2:30 P.M.** in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for January 5, 2010 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**

01/02/2010  
SEP 02 2009

1CC  
Attns:  
Belliveau  
Lee

William A. Shaw  
Prothonotary/Clerk of Courts

(61)

**FILED**

**SEP 02 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 9/2/09

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

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

ALFRED F. JASMIN and RITA JASMIN  
Plaintiff  
vs.  
SHEETZ, INC.,  
Defendant

\* NO. 06-1078-CD

FILED  
01-09-2010  
OCT 27 2009  
Belliveau  
Lee

ORDER

William A. Shaw  
Prothonotary/Clerk of Courts  
GJW

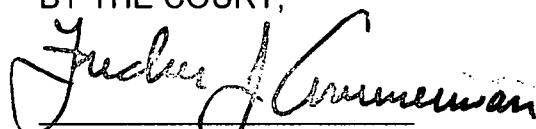
NOW, this 23<sup>rd</sup> day of October, 2009, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on January 5, 2010 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for March 24, 25 and 26, 2010, commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
4. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered within no more than sixty (60) days from this date. Failure to comply will result in the witness not being available for use at trial.
5. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the

deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.

6. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

**FILED**

**OCT 27 2009**

**William A. Shaw**  
Prothonotary/Clerk of Courts

DATE: 10/27/09

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:

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

ALFRED F. JASMIN and  
RITA JASMIN  
-VS-  
SHEETZ, INC. No. 06-1078-CD

O R D E R

AND NOW, this 5th day of January, 2010, this being the date set for civil jury selection; the Plaintiffs, Alfred F. and Rita Jasmin, having failed to appear and their counsel, James D. Belliveau, Esquire, also having failed to appear; the Court Administrator's staff and Defense counsel having been unable to contact Attorney Belliveau by telephone, it is the ORDER of this Court that the jury selection be and is hereby canceled.

It is the further ORDER of this Court that a Rule Returnable be and is hereby set for the 11th day of February, 2010, at 2:30 p.m., Courtroom No. 2, Clearfield County Courthouse, in order to allow the Plaintiffs an opportunity to show cause why the Court should not dismiss the case, with prejudice.

ICC  
Attns: Belliveau  
Lee

William A. Shaw  
Prothonotary/Clerk of Courts

BY THE COURT  
  
President Judge

ICC Piffs-  
63 Sundance Dr.  
Effort, PA 18330

**FILED**

JAN 07 2010

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 1/7/10

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

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

FILED  
01/30/2010  
FEB 12 2010

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Atlys:  
Belliveau  
C. Lee

(610)

ALFRED F. JASMIN and  
RITA JASMIN

-vs-

No. 06-1078-CD

SHEETZ, INC.

O R D E R

AND NOW, this 11th day of February, 2010, this being the date set for hearing relative the Court's Order of January 5, 2010, giving counsel for the Plaintiffs an opportunity to show cause why the Court should not dismiss the case; James D. Belliveau, Esquire, having testified under oath that he did not appear at jury selection due to a medical problem, it is the ORDER of this Court that Attorney Belliveau, at his agreement, pay legal fees to the office of Christopher T. Lee, Esquire, in the amount of Eight Hundred (\$800.00) Dollars. Said amount shall be paid in full within no more than five (5) days from this date.

Jury selection is hereby rescheduled for Thursday, July 22, 2010, at 9:00 a.m., Courtroom No. 1, Clearfield County Courthouse, with trial to be held on Monday through Wednesday, August 16 through 18, 2010, at 9:00 a.m.,

Courtroom No. 1, Clearfield County Courthouse.

BY THE COURT,



President Judge

**FILED**

**FEB 12 2010**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 2/12/10

\_\_\_\_ 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 Administrators

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

ALFRED F. JASMIN and  
RITA JASMIN,  
Plaintiffs

Vs

No. 06 1078-CD

SHEETZ, INC.,  
Defendant

PRAECIPE TO SETTLE AND  
DISCONTINUE

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR  
THIS PARTY:

JAMES D. BELLIVEAU  
PA I.D. # 22977  
2100 LAW AND FINANCE BLDG  
429 FOURTH AVENUE  
PITTSBURGH, PA 15219  
412-281-8781

FILED  
MHA 50/2010 NO CC  
JUN 04 2010 (60)

William A. Shaw  
Prothonotary/Clerk of Courts

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

Alfred F. Jasmin and Rita Jasmin ( )  
vs. Plaintiff(s), ( ) ( )  
Sheetz, Inc., Pennsylvania Corporation, ( ) ( )  
Defendant, ( ) ( )

No. 06-1078-CD

**PRAECIPE TO SETTLE AND DISCONTINUE**

To: The Prothonotary of Clearfield County:

Kindly settle and discontinue this matter and mark the docket satisfied.

  
\_\_\_\_\_  
James D. Belliveau, Attorney for Plaintiffs