

Mark Harry vs George Holabinko  
2006-1193-CD

## CIVIL DIVISION - LAW

Plaintiff

GEORGE HOLABINKO, JR.

Defendant

\*\*\*\*\*

No. 06-1193-CD

**TYPE OF CASE:**  
Civil Action

**TYPE OF PLEADING:**  
Praecipe to Issue Writ of  
Summons and Writ of Summons

FILED ON BEHALF OF:  
Plaintiff

**COUNSEL OF RECORD  
FOR THIS PARTY:**  
David R. Thompson, Esquire  
Attorney at Law  
Supreme Court I.D. 73053  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg PA 16866  
(814) 342-4100

FILED 3cc 3 warts  
01/10/59 (OL) to Amy  
JUL 26 2006 (Lm) Amy pd. 85.00  
William A. Shaw  
Notary Public/Commissioner of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

MARK A. HARRY II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.

Defendant

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No. 06-


***PRAECIPE TO ISSUE WRIT OF SUMMONS***

TO THE PROTHONOTARY:

Kindly issue the attached Writ of Summons in the above-captioned matter.

Respectfully submitted,

DATE: 7-25-06



David R. Thompson, Esquire  
Attorney for Plaintiff

**FILED**

**JUL 26 2006**

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

MARK A. HARRY II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.

Defendant

No. 06-1193-CD

WRIT OF SUMMONS

TO: GEORGE HOLABINKO, JR.:

You are hereby notified that **MARK A. HARRY II**, has commenced an action against you.

DATE: July 26, 2006

Prothonotary

By: William L. Hays

[Deputy]

SEAL OF THE COURT

CC:Y

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101759  
NO: 06-1193-CD  
SERVICE # 1 OF 1  
PRAECIPE & WRIT OF SUMMONS

PLAINTIFF: MARK A. HARRY II  
vs.  
DEFENDANT: GEORGE HOLABINKO JR.

SHERIFF RETURN

NOW, July 26, 2006 AT 2:20 PM SERVED THE WITHIN PRAECIPE & WRIT OF SUMMONS ON GEORGE HOLABINKO JR. (Correct spelling??) DEFENDANT AT 18 GULICH AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GEORGE HOLABINKO JR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & WRIT OF SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

PURPOSE	VENDOR
SURCHARGE	THOMPSON
SHERIFF HAWKINS	THOMPSON

CHECK #	AMOUNT
11422	10.00
11422	20.39

FILED  
0/3:10 LM  
AUG 10 2006

William A. Shaw  
Prothonotary

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins*  
*by Mandy Harris*  
Chester A. Hawkins  
Sheriff

FILED

AUG 10 2006

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**PRAECIPE FOR ENTRY OF  
APPEARANCE**

Filed on Behalf of Defendant, George  
Holabinko, Jr.

Counsel of Record for this Party:

MARY LOU MAIERHOFER, ESQUIRE  
PA. I.D. #62175

MEYER, DARRAGH, BUCKLER,  
BEBENEK & ECK, P.L.L.C.  
120 Lakemont Park Boulevard  
Altoona, PA 16602

Telephone No.: (814) 941-4600

Fax No.: (814) 941-4605

JURY TRIAL DEMANDED

FILED NO  
mha:4001 cc  
MAR 16 2007 @  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**PRAECIPE FOR ENTRY OF APPEARANCE**

Please enter the appearance of MARY LOU MAIERHOFER, ESQUIRE, of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, as Counsel of Record on behalf of Defendant, George Holabinko, Jr., in the above-captioned matter.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

Mary Lou Maierhofer, Esquire  
Counsel for Defendant, George Holabinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
E-Mail: mmaierhofer@mdbbe.com  
(814) 941-4600  
I.D. #62175

DATE: March 15, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**CERTIFICATE OF SERVICE**

I, Mary Lou Maierhofer, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that the Praecipe for Entry of Appearance, on behalf of Defendant, George Holabinko, Jr., was served this **15<sup>th</sup> day of March, 2007**, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866  
(Counsel for Plaintiff)

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

Mary Lou Maierhofer, Esquire  
Counsel for Defendant, George Holabinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
E-Mail: mmaierhofer@mdbbe.com  
(814) 941-4600  
I.D. #62175

March 15, 2007

**FILED**

**MAR 16 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant.

CIVIL DIVISION

No. 06-1193-CD

**PRAECIPE FOR RULE TO FILE  
COMPLAINT**

Filed on Behalf of George Holabinko, Jr.,  
Defendant

Counsel of Record for this Party:

MARY LOU MAIERHOFER, ESQUIRE  
PA. I.D. #62175

MEYER, DARRAGH, BUCKLER,  
BEBENEK & ECK, P.L.L.C.

Firm No. 198  
120 Lakemont Park Blvd.  
Altoona, PA 16602

Telephone No.: (814) 941-4600

Fax No.: (814) 941-4605

JURY TRIAL DEMANDED

**FILED** NOCC  
MAR 16 2007  
MAR 12 4 08 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
to  
Maierhofer  
@

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant.

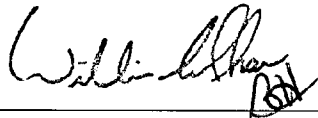
CIVIL DIVISION

No. 06-1193-CD

JURY TRIAL DEMANDED

**RULE**

AND NOW, this 16<sup>th</sup> day of March, 2007, upon consideration of the foregoing Praeipce and on Motion of Mary Lou Maierhofer, Esquire, Counsel for the Defendant, George Holabinko, Jr., a Rule is granted on the Plaintiff to file his Complaint Sec. Leg within twenty (20) days of service of said Rule, or Judgment of Non Pros may be entered.



Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant.

CIVIL DIVISION

No. 06-1193-CD

JURY TRIAL DEMANDED

**PRAECIPE FOR RULE TO FILE COMPLAINT**

TO THE PROTHONOTARY:

Please enter a Rule upon the Plaintiff, Mark A. Harry II, to file a Complaint in the above-captioned matter within twenty (20) days of the date of service of said Rule.

**MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC**

BY: 

**MARY LOU MAIERHOFER, ESQUIRE**

Counsel for Defendant, George Holabinko, Jr.

120 Lakemont Park Boulevard

Altoona, PA 16602

(814) 941-4600

I.D. #62175

FILED

MAR 16 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

FILED  
MAR 20 2007  
cc

William A. Shaw  
Prothonotary/Clerk of Courts

**CERTIFICATE OF SERVICE OF RULE TO FILE COMPLAINT**

TO THE PROTHONOTARY:

You are hereby notified that on the **19<sup>th</sup> day of March, 2007**, Defendant, George Holobinko, Jr., incorrectly identified as George Holabinko, Jr., by and through his Counsel, Mary Lou Maierhofer, Esquire, of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, served a Rule upon Plaintiff, Mark A. Harry II, by mailing the original of same first-class mail, postage prepaid, addressed to Plaintiff, with copy of same to Counsel/Parties as follows:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866  
(Counsel for Plaintiff)

**MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC**

BY: 

**MARY LOU MAIERHOFER, ESQUIRE**

Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
(814) 941-4600  
I.D. #62175

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**CERTIFICATE OF SERVICE**

TO THE PROTHONOTARY:


I, Mary Lou Maierhofer, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that First Set of Interrogatories Directed to Plaintiff, Mark A. Harry II, on behalf of Defendant, George Holobinko, Jr. incorrectly identified as George Holabinko Jr., was served this **27<sup>th</sup> day of March, 2007**, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866  
(Plaintiffs' counsel)

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
(814) 941-4600  
I.D. #62175

**FILED** *no cc*  
*m/10:34*  
**MAR 28 2007**   
William A. Shaw  
Prothonotary/Clerk of Courts

IN RE: [Illegible]

MARK A. BARRY, Plaintiff, vs. [Illegible]

[Illegible text]

[Illegible text]

**FILED**  
MAR 28 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**CERTIFICATE OF SERVICE**

TO THE PROTHONOTARY:

I, Mary Lou Maierhofer, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that Request for Production of Documents Directed to Plaintiff, Mark A. Harry II, an individual, on behalf of Defendant, George Holobinko, Jr. incorrectly identified as George Holabinko, Jr., was served this **27<sup>th</sup> day of March, 2007**, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866  
(Plaintiffs' counsel)

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
(814) 941-4600  
I.D. #62175

**FILED** *no cc*  
*m 10:34 AM*  
**MAR 28 2007**  


William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**MAR 28 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

CIVIL DIVISION - LAW

Plaintiff

**VS.**

Defendant

[illegible]

No. 06-1193-CD

TYPE OF CASE:  
Civil Matter

TYPE OF PLEADING:  
Complaint

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD FOR  
THIS PARTY:

David R. Thompson, Esq.  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

FILED <sup>200</sup>  
APR 23 2007  
Atty Thompson  
(6K)

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

MARK A. HARRY, II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

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No. 06-1193-CD

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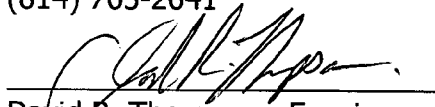
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**NOTICE**

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 Complaint and Notice are served, by entering 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 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

  
David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

MARK A. HARRY II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

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No 06-1193-CD

COMPLAINT

AND NOW, comes the Plaintiff, by and through his attorney, David R. Thompson, Esquire, who file the following Complaint against the Defendant, of which the following are averments of fact:

1. Plaintiff Mark A. Harry, II is an adult individual, who currently resides at 2982 Port Matilda Highway, Philipsburg, Pennsylvania, 16866.

2. Defendant George Holobinko, Jr., is an adult individual, who currently resides at 18 Gulich Avenue, Clearfield, Pennsylvania, 16830.

3. On or about August 1, 2004, at approximately 5.03 p.m. (Eastern Standard Time), Plaintiff Mark A. Harry, II was operating a 2004 Ford F150 Truck. By way of further pleading, Brook Civiello was in the front passenger's seat. (This vehicle will be referred to hereinafter as the "Harry" vehicle).

4. The Harry vehicle was properly being operated in the West bound lane on Nichols Street, Clearfield Borough, Clearfield County, Pennsylvania approaching the

intersection of Nichols Street and Turnpike Avenue. He had been at a dead stop for approximately thirty seconds.

5. At the same time, a Subaru Impreza 4 door car, operated by Defendant George Holobinko, Jr., was traveling West on Nichols Street approaching the same intersection where the Harry vehicle was stopped at the red traffic signal. (By way of further pleading, this vehicle will be referred to hereinafter as the "Holobinko" vehicle).

6. Without slowing, the Holobinko vehicle violently slammed into the back end of the Harry vehicle.

7. The Holobinko vehicle struck the automobile driven by Plaintiff Mark Harry, while the Harry vehicle was properly in its own lane of traffic and stopped at a red light.

8. As a result of the collision, Plaintiff was forcefully slammed backward, then forward, injuring himself.

9. As a result of the violent collision, Plaintiff Mark Harry has suffered the following injuries, some or all of which are of a permanent nature:

- a. Blunt force injury to his neck area;
- b. Blunt force injury to his central and lower back;
- c. Pain in his left hip;
- d. Limitation of motion;
- e. Loss of health, strength, vigor, vitality, and/or physical and mental well being;
- f. Severe pain and suffering, loss of life's pleasures, inconvenience, embarrassment, and humiliation.

10. As a further direct and proximate result of the aforesaid accident, Plaintiff Mark Harry has been and will be required to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses, which expenses have exceeded the sums recoverable under the limits set forth in Title 75 Pa.C.S. §1711, and may be required to expend such sums or incur such expenditures for an indefinite time into the future.

11. As a further direct and proximate result of this accident, Plaintiff Mark Harry has sustained emotional distress resulting from the violent collision and over the injuries he sustained.

12. As a further direct and proximate result of the aforesaid accident, Plaintiff Mark Harry has suffered a loss of his earnings and an impairment of his earning capacity and powers, which such loss of income and/or impairment of earning capacity has or may exceed the sums recoverable under their policy limits pursuant to Title 75 Pa.C.S. § 1711.

13. As a further direct and proximate result of this accident, Plaintiff Mark Harry has suffered severe physical pain and suffering, mental anguish, humiliation, embarrassment, loss of enjoyment of life, loss of vitality, vigor, health and/or strength and may continue to suffer the same for an indefinite time into the future.

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**COUNT I**  
**MARK A. HARRY, II, an individual**  
**vs.**  
**GEORGE HOLOBINKO, JR.**

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**NEGLIGENCE - PERSONAL INJURY**

Paragraphs 1 through 13 hereof are incorporated by reference herein as though the same were set forth at length.

14. Defendant George Holobinko, Jr., was negligent in the operation of his automobile, which negligence was the direct and proximate cause of the aforesaid collision and the injuries sustained by Mark A. Harry, II.

15. Defendant was charged with Driving under the influence of alcohol, and it is believed that he accepted entry into the Accelerated Rehabilitative Disposition program in Clearfield County.

16. The negligence of Defendant George Holobinko, Jr., are as follows:

a. in failing to keep a safe, careful and adequate lookout for other vehicles on the roadway, and particularly those vehicles traveling properly within their lane of travel, to wit: the Harry vehicle;

b. in failing to obey posted traffic signs by failing to stop at the red light of the intersection;

c. in operating his vehicle in a direction of a red light toward the Harry vehicle when he knew or should have known that to do so would result in a violent collision;

d. in failing to take appropriate, proper, timely or other evasive action to avoid the aforesaid accident, despite avenues of evasion being open to him such as turning, braking, stopping, or slowing his vehicle;

e. in failing to observe and see the Harry vehicle which was plainly in front of him in the intersecting lane of traffic;

f. failing to keep his vehicle under proper and adequate control such that the operator did not avoid striking the Harry vehicle when the Harry vehicle was lawfully within its own lane of travel;

g. in failing to warn, signal, or otherwise advise the Harry vehicle or the Plaintiff that he was going to strike the Harry vehicle, such as flashing his lights or sounding horn;

h. in violating one or more of the provisions of the Motor Vehicle Code;

i. in operating his vehicle while under the influence of alcohol;

WHEREFORE, Plaintiff demands that judgement be entered in his favor and against Defendant, each in an amount in excess of \$25,000.00, plus interest and costs of suit.

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**COUNT II**  
**MARK A. HARRY, II, an individual**  
**VS.**  
**GEORGE HOLOBINKO, JR.**

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**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

Paragraphs 1 through 16 are incorporated by reference herein as though the same were set forth at length.

17. As a direct and proximate result of the Defendant's negligence, as aforesaid, and Plaintiff's sensory observation of both the collision and the injuries which he sustained, Plaintiff has experienced severe emotional distress and extreme mental pain and suffering, and injury from loss of sleep, diminution in appetite, shock, frustration and fatigue.

WHEREFORE, Plaintiff demands that judgment be entered in favor of Plaintiff and against Defendant in an amount in excess of \$25,000.00, plus interest and costs of suit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David R. Thompson", with a stylized flourish at the end.

David R. Thompson, Esquire  
Attorney for Plaintiff

**FILED**

**APR 23 2007**

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

MARK A. HARRY II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

No. 06-1193-CD

TYPE OF PLEADING:  
Certificate of Service

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD FOR  
THIS PARTY:  
David R. Thompson, Esq.  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

FILED No cc  
m 12:45 PM  
APR 27 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

MARK A. HARRY II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

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No. 06-1193-CD

**CERTIFICATE OF SERVICE**

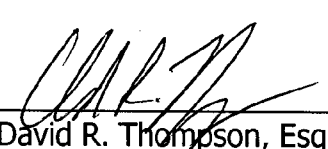
TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the **Complaint and Notice to Defend**, in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

George Holabinko, Jr.  
c/o Mary Lou Maierhofer, Esquire  
MEYER, DARRAGH, BUCKLER,  
BEBENEK & ECK, P.L.L.C.  
120 Lakemont Park Blvd.  
Altoona, PA 16602

DATE: April 24, 2007

BY: \_\_\_\_\_

  
David R. Thompson, Esquire

**FILED**

**APR 27 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

MARK A. HARRY II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

No. 06-1193-CD

TYPE OF PLEADING:

Praecipe to Append

FILED ON BEHALF OF:

Plaintiff

COUNSEL OF RECORD

FOR THIS PARTY:

David R. Thompson, Esquire

Attorney at Law

Supreme Court I.D. 73053

308 Walton Street, Suite 4

P.O. Box 587

Philipsburg PA 16866

(814) 342-4100

FILED

MAY 03 2007

0/2:00/6  
William A. Shaw  
Prothonotary/Clerk of Courts

2 sent to Att

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

MARK A. HARRY II, an individual,  
Plaintiff

vs.

GEORGE HOLABINKO, JR.,  
Defendant

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No. 06-1193-CD

***PRAECIPE TO APPEND COMPLAINT***

TO THE PROTHONOTARY:

Kindly append the attached **VERIFICATION to the COMPLAINT** filed on April 23,  
2007, in the above-named matter.

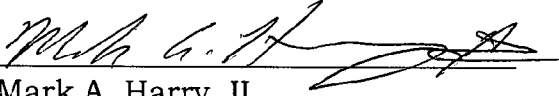
DATE: 4-30-07

  
\_\_\_\_\_  
David R. Thompson, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I certify that the facts set forth in the foregoing **COMPLAINT** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 4-30-07

  
Mark A. Harry, II

William A. Shaw  
Prothonotary/Clerk of Courts

MAY 03 2007

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant.

CIVIL DIVISION

No. 06-1193-CD

**ANSWER AND NEW MATTER**

Filed on Behalf of George Holobinko, Jr.,  
Defendant

Counsel of Record for this Party:

MARY LOU MAIERHOFER, ESQUIRE  
PA. I.D. #62175

MEYER, DARRAGH, BUCKLER,  
BEBENEK & ECK, P.L.L.C.

Firm No. 198  
120 Lakemont Park Blvd.  
Altoona, PA 16602

Telephone No.: (814) 941-4600

Fax No.: (814) 941-4605

JURY TRIAL DEMANDED

**FILED**  
m/10:44  
MAY 09 2007  
no cc  
GR

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**NOTICE TO PLEAD**

In Accordance with Rules 1026 and 1361 of the Pennsylvania Rules of Civil Procedure, you are hereby notified to plead to the within ANSWER AND NEW MATTER within twenty (20) days from service hereof or a Default Judgment may be entered against you.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:



MARY LOU MAERHOFER, ESQUIRE

Counsel for Defendant, George Holabinko, Jr.

120 Lakemont Park Boulevard

Altoona, PA 16602

(814) 941-4600

I.D. #62175

Date: May 8, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**ANSWER AND NEW MATTER**

NOW COMES the Defendant, George Holobinko, Jr., incorrectly identified as George Holabinko, Jr., by and through his counsel, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., and files the within Answer and New Matter of which the following is a statement:

1. The identity of the Plaintiff is admitted. The remaining allegations are denied, in that after reasonable investigation, this Defendant lacks information sufficient upon which to form an opinion in regard to the same. Strict proof of same is demanded at the time of trial.

2.-3. Admitted.

4. It is admitted that the Harry vehicle was operating in the westbound lane on Nichols Street, Clearfield County, Pennsylvania. The remaining allegations are denied, in that after reasonable investigation this Defendant lacks information sufficient upon which to form an opinion in regard to the same. Strict proof of same is demanded at the time of trial.

5. Admitted.

6. It is specifically denied that the collision could be classified as "violently

slammed". By way of further response, it is admitted that the front of the Holobinko vehicle came into contact with the back of the Harry vehicle.

7. It is admitted that the Holobinko vehicle came into contact with the vehicle operated by Plaintiff. The remaining allegations are denied, in that after reasonable investigation, this Defendant lacks the information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

8. Denied, in that after reasonable investigation this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. All allegations of injuries and/or damages are denied, in that after reasonable investigation this Defendant lacks the information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

9. All allegations of injuries and/or damages are denied, in that after reasonable investigation, this Defendant lacks the information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

(a) - (f) Denied for reasons set forth above, all of which are incorporated herein by reference thereto, as if the same were set forth at length.

10. All allegations of cause, cause and effect and/or proximate cause, as well as any statutory law are denied as conclusions of law. All allegations of injuries and/or damages are denied, in that after reasonable investigation, this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

11. All allegations of cause, cause and effect and/or proximate cause are denied as conclusions of law. All allegations of injuries and/or damages are denied, in that after reasonable investigation, this Defendant lacks information sufficient upon which to form an

opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

12. All allegations of cause, cause and effect and/or proximate cause, as well as any statutory law are denied as conclusions of law. All allegations of injuries and/or damages are denied, in that after reasonable investigation, this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

13. All allegations of cause, cause and effect and/or proximate cause are denied as conclusions of law. All allegations of injuries and/or damages are denied, in that after reasonable investigation, this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

WHEREFORE, Defendant, George Holobinko, Jr. prays that Plaintiff's Complaint be dismissed with prejudice.

**COUNT I MARK A. HARRY, II, an individual vs. GEORGE HOLOBINKO, JR. -  
NEGLIGENCE - PERSONAL INJURY**

Admitted or denied for reasons set forth above, all of which are incorporated herein by reference thereto as if the same were set forth at length.

14. All allegations of negligence and/or cause, cause and effect and/or proximate cause are denied as conclusions of law. All allegations of injuries and/or damages are denied, in that after reasonable investigation, this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

15. Denied as conclusions of law.

16. All allegations of negligence are denied as conclusions of law. Strict proof of same is demanded at the time of trial.

(a)-(i) Denied as conclusions of law. By way of further response, it is admitted that the vehicle operated by Defendant did come into contact with the vehicle operated by Plaintiff.

WHEREFORE, Defendant, George Holobinko, Jr. prays that Plaintiff's Complaint be dismissed with prejudice.

**COUNT I MARK A. HARRY, II, an individual vs. GEORGE HOLOBINKO, JR. -  
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

Admitted or denied for reasons set forth above, all of which are incorporated herein by reference thereto as if the same were set forth at length.

17. All allegations of cause, cause and effect and/or proximate cause are denied as conclusions of law. All allegations of injuries and/or damages are denied, in that after reasonable investigation this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

**NEW MATTER**

18. Plaintiff's cause of action is controlled pursuant to the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. § 1701 et seq., as amended.

19. Defendant hereby affirmatively plead all bars, limitations and rights pursuant to said Act.

20. Defendant affirmatively plead:

- a) To the extent Plaintiff elected a Limited Tort Remedy pursuant to Auto Insurance Coverage applicable herein, any and all claims for pain and suffering are barred.
- b) To the extent Plaintiff elected a Limited Tort Remedy, it is specifically denied that the alleged injuries as a result of the

said motor vehicle collision are Serious Injuries and any and all claims for pain and suffering are, therefore, barred.

- c) To the extent Plaintiff's medical bills as pled are covered pursuant to PIP Benefits applicable under Plaintiff's automobile insurance policy and/or any other insurance applicable hereto, Plaintiff's recovery of said medical damages are barred.
- d) To the extent any medical bills pled by the Plaintiff was recovered by any collateral source, Plaintiffs are hereby barred from recovery and under the Case Law of this Commonwealth, is further barred from admission of same at time of trial.
- e) To the extent Plaintiff recovered wage loss under Plaintiff's PIP coverage and/or any collateral source, Plaintiff is barred from recovery of such sums.
- f) To the extent Plaintiff recovered wage loss under Plaintiff's PIP coverage and/or from any other collateral source, such amounts are barred from evidence at time of trial.
- g) Any medical damages which Plaintiff is entitled to recover are limited pursuant to the said Act both in nature and amount. Defendants hereby affirmatively plead such limitations thereto.

21. Defendant avers that circumstances outside this Defendant's knowledge and/or control caused Plaintiff's injuries.

22. To the extent Plaintiffs prove a right of recovery under any theory set forth in Plaintiff's Complaint, the liability of Defendant is denied in that such resulted in superseding, intervening circumstances and/or subsequent circumstances over which Defendant had no knowledge or control.

23. Plaintiff's cause of action is barred under the Comparative Negligence Act in that Plaintiff's negligence was in excess to that, if any, of Defendant.

24. Any and all damages alleged by the Plaintiff must be reduced in proportion to the amount of negligence directly attributable to Plaintiff.

25. Plaintiff's cause of action is barred under the Doctrine of the Assumption of the Risk in that the injuries suffered by the Plaintiff was directly foreseeable as a result of such knowledge.

26. Plaintiff's Amended Complaint does not set forth a valid cause of action against this Defendant under the facts and circumstances set forth herein.

27. Plaintiff's claims are barred under the applicable statute of limitations.

28. Plaintiff has failed to mitigate his damages.

29. Plaintiff's cause of action is barred in that the Plaintiff suffered pre-existing and/or subsequent injuries for which Plaintiff now makes a claim.

WHEREFORE, Defendant, George Holobinko, Jr. prays that Plaintiff's Complaint be dismissed with prejudice.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

Matthew J. Maierhofer, Esquire  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

Date: May 8, 2007

**VERIFICATION**

I, **George Holobinko, Jr.**, do hereby verify that I have read the foregoing **Answer and New Matter**. The statements therein are true and correct to the best of my knowledge as to part, and based upon information and belief as to the rest.

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

x George Holobinko Jr.  
George Holobinko, Jr.

DATE: 5-4-07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

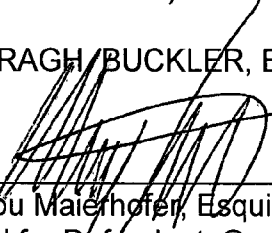
CIVIL DIVISION NO.: 06-1193-CD

**CERTIFICATE OF SERVICE**

I, Mary Lou Maierhofer, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that the Answer and New Matter, on behalf of Defendant, George Holobinko, Jr., was served this **8<sup>th</sup> day of May, 2007**, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866  
(Counsel for Plaintiff)

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:   
Mary Lou Maierhofer, Esquire  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
E-Mail: mmaierhofer@mdbbe.com  
(814) 941-4600  
I.D. #62175

May 8, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

MARK A. HARRY II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendants

No. 06-1193-CD

TYPE OF CASE:

TYPE OF PLEADING

Reply to New Matter

FILED ON BEHALF OF:

Plaintiff

COUNSEL OF RECORD FOR  
THIS PARTY:

David R. Thompson, Esquire

Attorney at Law

Supreme Court I.D. 73053

P.O. Box 587

308 Walton Street, Suite 4

Philipsburg PA 16866

(814) 342-4100

FILED *2cc*  
*m) 11:08/20/07* *Atty*  
MAY 30 2007 *Thompson*  
William A. Shaw  
Prothonotary/Clerk of Courts *CK*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

MARK A. HARRY, II, an individual,	*	
	*	No. 06-1193-CD
	*	
Plaintiff	*	
	*	
vs.	*	
	*	
GEORGE HOLABINKO, JR.,	*	
	*	
Defendant	*	

**REPLY TO NEW MATTER**

AND NOW, comes the Plaintiff, MARK A. HARRY, II, by and through his attorney DAVID R. THOMPSON, ESQUIRE, and files the following Reply to New Matter:

Paragraphs 1 through 17 of Plaintiff's Complaint are incorporated by referenced as though the same were set forth at length herein.

18. Admitted.

19. To the extent Defendant is submitting that Plaintiff's claim is barred or limited, said paragraph is a conclusion of law to which no response is necessary. The same is denied and strict proof is demanded at the time of trial.

20. Paragraph 20 a) through g) are conclusion of law to which no response is necessary. The same are denied, and strict proof thereof is demanded at the time of trial.

21. Paragraph 21 is specifically denied. All of the damages listed in Plaintiff's Complaint were caused by the negligence of the Defendant.

22. Paragraph 22 is specifically denied. Plaintiff submits that the damages sustained by him were caused by the negligence of the Defendant. Specifically, Defendant was intoxicated, driving a vehicle, and plowed into the back of Plaintiff while he was stopped at a stop light.

23. Paragraph 23 is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, the same is denied and strict proof is demanded at the time of trial.

24. Paragraph 24 is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, the same is denied and strict proof is demanded at the time of trial.

25. Paragraph 25 is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, the same is denied and strict proof is demanded at the time of trial. By way of further pleading, Plaintiff was unable to foresee that Defendant would be intoxicated behind the wheel of a car and plowing into the back of his vehicle while he was stopped at a stop light.

26. Paragraph 26 is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, the same is denied and strict proof is demanded at the time of trial.

27. Paragraph 27 is a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, the same is denied and strict proof is demanded at the time of trial.


28. Paragraph 28 is specifically denied.

29. Paragraph 29 is specifically denied.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgement in his favor and against the Defendant in accordance with the Complaint.

Respectfully submitted,

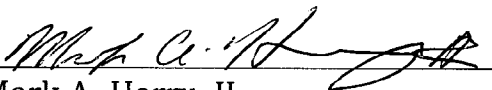
Date: 5-29-07

  
David R. Thompson, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I certify that the facts set forth in the foregoing **REPLY TO NEW MATTER** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 5/29/07

  
Mark A. Harry, II

**FILED**

**MAY 30 2007**

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION LAW

MARK A. HARRY II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

No. 06-1193-CD

TYPE OF PLEADING:  
Certificate of Service

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD FOR  
THIS PARTY:  
David R. Thompson, Esq.  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

**FILED**

JUN 18 2007

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William A. Shaw

Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION LAW

MARK A. HARRY II, an individual,

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

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No. 06-1193-CD

CERTIFICATE OF SERVICE

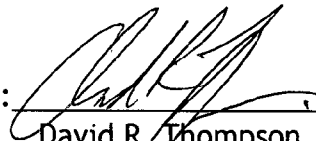
TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the **REPLY TO NEW MATTER** in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

George Holabinko, Jr.  
c/o Mary Lou Maierhofer, Esquire  
MEYER, DARRAGH, BUCKLER,  
BEBENEK & ECK, P.L.L.C.  
120 Lakemont Park Boulevard  
Altoona, PA 16602

DATE: 6-8-07

BY:



David R. Thompson, Esquire



IN THE COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION-LAW

MARK HARRY II, an individual

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

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No. 06-1193-CD

**CERTIFICATE OF SERVICE**

David R. Thompson, Esquire, hereby certifies that a true and correct copy of Plaintiff's First Set of Interrogatories and Request of Production of Documents for Answer by Defendant (Set One) was mailed by the United States Mail, postage prepaid at the post office in Philipsburg, Pennsylvania to the Defendant, George Holabinko, Jr., c/o Mary Lou Maierhofer, Esquire, Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C., 120 Lakemont Park Boulevard, Altoona, Pennsylvania 16602.

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

David R. Thompson, Esquire  
Attorney for Plaintiff  
Pa. I. D. #73053  
308 Walton Street, Suite 4  
PO Box 587  
Philipsburg, PA 16866  
(814) 342-4100

Dated: 6-26-07

**FILED**

**JUN 29 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION-LAW

MARK HARRY II, an individual

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

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No. 06-1193-CD

FILED  
7/11/28/07  
AUG 10 2007  
NO CC  
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William A. Shaw  
Prothonotary/Clerk of Courts

**CERTIFICATE OF SERVICE**

Mary Lou Maierhofer, Esquire, hereby certifies that a true and correct copy of Answers to Plaintiff's First Set of Interrogatories and Request of Production of Documents for Answer by Defendant (Set One) was mailed by the United States Mail, postage prepaid at the post office in Altoona, Pennsylvania to the Plaintiff, Mark Harry II, an individual, c/o David R. Thompson, Esquire, 308 Walton Street, Suite 4, Philipsburg, Pennsylvania 16866.

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

Mary Lou Maierhofer, Esquire  
Attorney for Defendant  
Pa. I. D. #62175  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
(814) 941-4600

Dated: August 9, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

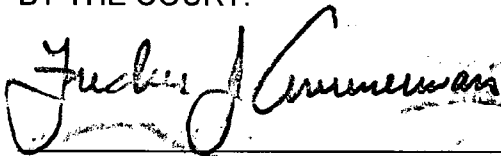
Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**ORDER OF COURT**

NOW THIS 5<sup>th</sup> day of October, 2007, upon consideration of the Motion to Compel and after hearing upon the same, this Court does hereby Order, Direct and Decree that Plaintiff, Mark A. Harry, II, an individual, fully and completely respond to the outstanding discovery served on or about March 27, 2007 within fifteen (15) days from the date of this Court's Order or face the appropriate sanctions.

BY THE COURT:



J.

**FILED**

013:0060  
OCT 05 2007

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

OCT 05 2007

William A. Shaw  
Prothonotary/Clerk of Courts.

DATE: 10/15/07

4 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

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant.

CIVIL DIVISION

No. 06-1193-CD

**MOTION TO COMPEL**

Filed on Behalf of George Holobinko, Jr.,  
Defendant

Counsel of Record for this Party:

MARY LOU MAIERHOFER, ESQUIRE  
PA. I.D. #62175

MEYER, DARRAGH, BUCKLER,  
BEBENEK & ECK, P.L.L.C.

Firm No. 198

120 Lakemont Park Blvd.

Altoona, PA 16602

Telephone No.: (814) 941-4600

Fax No.: (814) 941-4605

JURY TRIAL DEMANDED

**FILED**

m/10:53/NO  
OCT 03 2007 CC

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

VS.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**MOTION TO COMPEL**

NOW COMES Defendant, George Holobinko, Jr. incorrectly identified as George Holabinko, Jr., by and through his counsel, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, and files this Motion to Compel of which the following is a statement:

1. On or about July 26, 2006, Plaintiff filed a Writ of Summons.
2. On or about April 23, 2007, Plaintiff filed a Complaint pursuant to a Praecipe to file the same.
3. On or about March 27, 2007, Defendant served upon the Plaintiff and his counsel a Request for Production of Documents Directed to Plaintiff Mark A. Harry, II, an individual, as well as a First Set of Interrogatories Directed to Plaintiff Mark A. Harry, II, an individual by mailing the same First Class Postage Prepaid To:

Mark A. Harry, II, an individual  
c/o David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866

4. Defendant has requested numerous times through either written

correspondence or telephone messages that the Plaintiff provide the discovery, which was served upon him.

5. As of the date of the filing of this Motion, no response has been provided.

6. The Plaintiff is now in violation of the Pennsylvania Rules of Civil Procedure for failing to properly provide the discovery necessary for the dependent to evaluate this case and proceed with additional discovery.

7. The failure of the Plaintiff to promptly respond to the outstanding discovery has severely prejudiced the Defendant in having to file this Motion, as well as being unable to proceed with any further discovery activity until such information has been received.

WHEREFORE, Defendant, George Holobinko, Jr., incorrectly identified as George Holabinko, Jr., respectfully requests this Honorable Court enter an Order compelling the Plaintiff to fully and completely respond to the outstanding discovery served on or about March 27, 2007 within fifteen (15) days from the date of this Court's Order or face the appropriate sanctions.

MEYER, DARRAGH BUCKLER, BEBENEK & ECK, PLLC

BY: 

Mary Lou Maierhofer, Esquire  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

Date: October 2, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**CERTIFICATE OF SERVICE**

I, Mary Lou Maierhofer, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that the Motion to Compel, on behalf of Defendant, George Holobinko, Jr., was served this **2<sup>nd</sup> day of October, 2007**, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866  
(Counsel for Plaintiff)

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

Mary Lou Maierhofer, Esquire  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
E-Mail: mmaierhofer@mdbbe.com  
(814) 941-4600  
I.D. #62175

Date: October 2, 2007

**FILED**

**OCT 03 2007**

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

MARK A. HARRY, II

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

No. 06-1193-CD

TYPE OF CASE:  
Civil Action Law

TYPE OF PLEADING:  
Certificate of Service

FILED ON BEHALF OF:  
Plaintiff

COUNSEL OF RECORD FOR  
THIS PARTY:  
David R. Thompson, Esq.  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

FILED

OCT 18 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION LAW

MARK A. HARRY, II,

Plaintiff

vs.

GEORGE HOLABINKO, JR.

Defendant

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No. 06-1193-CD

**CERTIFICATE OF SERVICE**

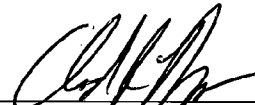
TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of Plaintiff's First Set of Interrogatories and Request of Production of Documents for Answer by Defendant in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

George Holabinko, Jr.  
c/o Mary Lou Maierhofer, Esquire  
MEYER, DARRAGH, BUCKLER  
BEBENEK & ECK, P.L.L.C.  
120 Lakemont Boulevard  
Altoona, PA 16602

DATE: 10-18-07

BY:



David R. Thompson, Esquire

**FILED**

**OCT 18 2007**

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**NOTICE OF DEPOSITION**

TO: Mark A. Harry, II  
c/o David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866

PLEASE TAKE NOTICE that the deposition of Mark A. Harry, II, will be taken for the purpose of discovery and for use at trial, pursuant to Rule 4007.1 et seq, of the PA Rules of Civil Procedure, as amended, before an Official Court Reporter on **Wednesday, December 12, 2007, at 11:30 a.m.** at Sargent's Court Reporting Service, Inc., located at 106 North Second Street, Clearfield, Pennsylvania, 16830, at which time and place you are invited to appear and take such part as shall be fitting and proper.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
(814) 941-4600  
I.D. #62175

cc: Sargent's Court Reporting Service, Inc.

**FILED**  
NOV 09 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**CERTIFICATE OF SERVICE**

TO THE PROTHONOTARY:

I, Mary Lou Maierhofer, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that a true and correct copy of the foregoing Notice of Deposition of Mark A. Harry, II on behalf of Defendant, George Holobinko, Jr., was served this **8<sup>th</sup> day of November, 2007**, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866  
(Plaintiffs' counsel)

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
(814) 941-4600  
I.D. #62175

FILED

NOV 09 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

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

Defendant, George Holobinko, Jr., intends to serve subpoenas identical to the ones that are attached to this notice upon GEICO Insurance Company; Allegheny Power; Clearfield Hospital; Keith Gangewere, D.O.; and Clearfield Chiropractic Center. 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 no objection is made, the subpoena may be served.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: \_\_\_\_\_

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

Date: November 9, 2007

FILED  
NOV 13 2007  
118-2761  
NO CC  
CR

William A. Shaw  
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

Vs.

George Holabinko Jr.  
Defendant(s)

No. 2006-01193-CD

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

TO: GEICO General Insurance Company, One GEICO Boulevard, Fredericksburg, VA 22412 -  
(Name of Person or Entity) 0001

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

Policy Number: 4015617089 - ~~Full and complete copies of the entire first party benefit file, as well~~  
~~as a copy of the property damage file, including colored copies of the photographs for the motor~~  
~~vehicle accident involving Mr. Harry at anytime during the existence of any GEICO policy from 1995~~  
to the present. Re: Mark A. Harry, II (Address) SSN: 188-62-3952, D/O/B: 4/25/81, 338 Winters  
Drive, West Decatur, PA 16878

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: Mary Lou Maierhofer, Esquire

ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602

TELEPHONE: (814) 941-4600

SUPREME COURT ID # 62175

ATTORNEY FOR: Defendant, George Holabinko, Jr.

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007  
Seal of the Court

Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

Vs.

George Holabinko Jr.  
Defendant(s)

\*

\*

\*

No. 2006-01193-CD

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

TO: Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601  
(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:

Re: Mark A. Harry, II, 338 Winters Drive, West Decatur, PA 16878, SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records related to his personnel file; W-2's from the  
time of his employment; and any copies of any Workers' Compensation claims.  
(Address)

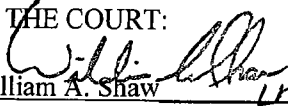
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing 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: Mary Lou Maierhofer, Esquire  
ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602  
TELEPHONE: (814) 941-4600  
SUPREME COURT ID # 62175  
ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007  
Seal of the Court

Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

Vs.

George Holabinko Jr.  
Defendant(s)

No. 2006-01193-CD

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

TO: Clearfield Hospital, 809 Turnpike Avenue, P.O. Box 992, Clearfield, PA 16830  
(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:

Re: Mark A. Harry, II, 338 Winters Drive, West Decatur, PA 16878, SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records from 1990 up to the present.

(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: Mary Lou Maierhofer, Esquire  
ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602  
TELEPHONE: (814) 941-4600  
SUPREME COURT ID # 62175  
ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

\*

Vs.

\*

No. 2006-01193-CD

George Holabinko Jr.  
Defendant(s)

\*

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

TO: Keith Gangewere, D.O., Philipsburg Area Hospital, 210 Loch Lomond Road,  
(Name of Person or Entity) Philipsburg, PA 16866

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

Re: Mark A. Harry, II, 338 Winters Drive, West Decatur, PA 16878, SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records from 1990 up to the present.

(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: Mary Lou Maierhofer, Esquire  
ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602

TELEPHONE: (814) 941-4600

SUPREME COURT ID # 62175

ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007  
Seal of the Court

Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

\*

Vs.

\*

No. 2006-01193-CD

George Holabinko Jr.  
Defendant(s)

\*

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

TO: Clearfield Chiropractic Center, 512 Turnpike Avenue, Clearfield, PA 16830  
(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:

Re: Mark A. Harry, II, 338 Winters Drive, West Decatur, PA 16878, SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records from 1990 up to the present.

(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: Mary Lou Maierhofer, Esquire

ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602

TELEPHONE: (814) 941-4600

SUPREME COURT ID # 62175

ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

FILED *no cc*  
m 10:55 AM  
NOV 30 2007 *GA*

William A. Shaw  
Prothonotary/Clerk of Courts

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

As a prerequisite to service of subpoenas for documents and things pursuant to

Rule 4009.2, Defendant, George Holobinko, Jr., certifies that:

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

**MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC**

BY: 

**MARY LOU MAIERHOFER, ESQUIRE**

Counsel for Defendant, George Holobinko, Jr.

120 Lakemont Park Boulevard

Altoona, PA 16602

Phone No.: (814) 941-4600

ID # 62175

Date: November 28, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

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

Defendant, George Holobinko, Jr., intends to serve subpoenas identical to the ones that are attached to this notice upon GEICO Insurance Company; Allegheny Power; Clearfield Hospital; Keith Gangewere, D.O.; and Clearfield Chiropractic Center. 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 no objection is made, the subpoena may be served.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: \_\_\_\_\_

  
MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

Date: November 9, 2007

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

Vs.

George Holabinko Jr.  
Defendant(s)

No. 2006-01193-CD

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

TO: GEICO General Insurance Company, One GEICO Boulevard, Fredericksburg, VA 22412 -  
(Name of Person or Entity) 0001

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

Policy Number: 4015617089 - ~~Full and complete copies of the entire first party benefit file, as well~~  
~~s a copy of the property damage file, including colored copies of the photographs for the motor~~  
vehicle accident involving Mr. Harry at anytime during the existence of any GEICO policy from 1995  
to the present. Re: Mark A. Harry, II (Address) SSN: 188-62-3952, D/O/B: 4/25/81, 338 Winters  
Drive, West Decatur, PA 16878

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: Mary Lou Maierhofer, Esquire

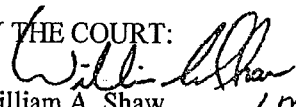
ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602

TELEPHONE: (814) 941-4600

SUPREME COURT ID # 62175

ATTORNEY FOR: Defendant, George Holabinko, Jr.

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

Vs.

George Holabinko Jr.  
Defendant(s)

\*

\*

\*

No. 2006-01193-CD

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

TO: Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601  
(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:

Re: Mark A. Harry, II, 338 Winters Drive, West Decatur, PA 16878, SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records related to his personnel file; W-2's from the  
time of his employment; and any copies of any Workers' Compensation claims.  
(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:

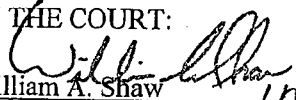
NAME: Mary Lou Maierhofer, Esquire  
ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602

TELEPHONE: (814) 941-4600

SUPREME COURT ID # 62175

ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007  
Seal of the Court

Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

Vs.

George Holabinko Jr.  
Defendant(s)

No. 2006-01193-CD

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

TO: Clearfield Hospital, 809 Turnpike Avenue, P.O. Box 992, Clearfield, PA 16830  
(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:

Re: Mark A. Harry, II, 338 Winters Drive, West Decatur, PA 16878, SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records from 1990 up to the present.

(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: Mary Lou Maierhofer, Esquire


ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602

TELEPHONE: (814) 941-4600

SUPREME COURT ID # 62175

ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007

Seal of the Court

\_\_\_\_\_  
Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

Vs.

George Holabinko Jr.  
Defendant(s)

No. 2006-01193-CD

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

TO: Keith Gangewere, D.O., Philipsburg Area Hospital, 210 Loch Lomond Road,  
(Name of Person or Entity) Philipsburg, PA 16866

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

Re: Mark A. Harry, II, 338 Winters Drive, West Decatur, PA 16878, SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records from 1990 up to the present.

(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: Mary Lou Maierhofer, Esquire  
ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602  
TELEPHONE: (814) 941-4600  
SUPREME COURT ID # 62175  
ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

Vs.

George Holabinko Jr.  
Defendant(s)

No. 2006-01193-CD

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

TO: Clearfield Chiropractic Center, 512 Turnpike Avenue, Clearfield, PA 16830  
(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:

Re: Mark A. Harry, II, 338 Winters Drive, West Decatur, PA 16878, SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records from 1990 up to the present.

(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: Mary Lou Maierhofer, Esquire


ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602

TELEPHONE: (814) 941-4600

SUPREME COURT ID # 62175

ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Wednesday, November 07, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

**FILED**

**NOV 30 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

**FILED**

DEC 24 2007

M/8:30/4  
William A. Shaw  
Prothonotary/Clerk of Courts  
No 6/1 (CK)

**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, George Holobinko, Jr., certifies that:

- (1) a Notice of Intent to serve a subpoena with a copy of the subpoena attached thereto has been mailed to counsel of record,
- (2) a copy of the Notice of Intent, including the proposed subpoena, is attached to this certificate,
- (3) counsel for the parties have consented to waive the twenty (20) day objection period, 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.

MEYER, DARRACH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

Date: December 21, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

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

Defendant, George Holobinko, Jr., intends to serve a subpoena identical to that which is attached to this notice. Counsel have consented to service of this subpoena. No objection has been made and the subpoena may be served.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

Date: December 21, 2007

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

\*

Vs.

\*

No. 2006-01193-CD

George Holabinko Jr.  
Defendant(s)

\*

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

TO: Dr. Susan Harchak, Harchak Chiropractic Clinic LLC, Rt 53 Chester Hill,  
(Name of Person or Entity) Philipsburg, PA 16866

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

Re: Mark A. Harry, II 338 Winters Drive West Decatur, PA 16878 SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records from 2000 up to the present.

(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: Mary Lou Maierhofer, Esquire  
ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602  
TELEPHONE: (814) 941-4600  
SUPREME COURT ID # 62175  
ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

  
William J. Sklar  
Prothonotary/Clerk, Civil Division

DATE: Wednesday, December 19, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

**FILED**  
DEC 24 2007  
Prothonotary/Clerk of Courts  
William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

FILED  
m/10:30 AM  
JAN 15 2008  
No CC  
CR

William A. Shaw  
Prothonotary/Clerk of Courts

**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, George Holobinko, Jr., certifies that:

- (1) a Notice of Intent to serve a subpoena with a copy of the subpoena attached thereto has been mailed to counsel of record,
- (2) a copy of the Notice of Intent, including the proposed subpoena, is attached to this certificate,
- (3) counsel for the parties have consented to waive the twenty (20) day objection period, 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.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: \_\_\_\_\_

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

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

Defendant, George Holobinko, Jr., intends to serve a subpoena identical to that which is attached to this notice. Counsel have consented to service of this subpoena. No objection has been made and the subpoena may be served.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

Date: January 14, 2008

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

\*

Vs.

\*

No. 2006-01193-CD

George Holabinko Jr.  
Defendant(s)

\*

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

Philipsburg Hospital, Attention: Mr. Wood, Interim CEO  
TO: Philipsburg Area Hospital, 210 Loch Lomond Road, Philipsburg, PA 16866  
(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:  
Re: Mark A. Harry, II, SSN: 188-62-3952, D/O/B: 4/25/81, 338 Winters Drive,  
West Decatur, PA 16878 - all records from 1999 up to the present.

(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: Mary Lou Maierhofer, Esquire  
ADDRESS: 120 Lakemont Park Boulevard  
Altoona, PA 16602  
TELEPHONE: (814) 941-4600  
SUPREME COURT ID # 62175  
ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Thursday, January 10, 2008  
Seal of the Court

\_\_\_\_\_  
Deputy

**FILED**

**JAN 15 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

FILED

JAN 30 2008

m/ 10:30/ C  
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, George Holobinko, Jr., certifies that:

- (1) a Notice of Intent to serve a subpoena with a copy of the subpoena attached thereto has been mailed to counsel of record,
- (2) a copy of the Notice of Intent, including the proposed subpoena, is attached to this certificate,
- (3) counsel for the parties have consented to waive the twenty (20) day objection period, 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.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant,

CIVIL DIVISION NO.: 06-1193-CD

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

Defendant, George Holobinko, Jr., intends to serve a subpoena identical to that which is attached to this notice. Counsel have consented to service of this subpoena. No objection has been made and the subpoena may be served.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant, George Holobinko, Jr.  
120 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone No.: (814) 941-4600  
ID # 62175

Date: January 29, 2008

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Mark A. Harry II  
Plaintiff(s)

Vs.

George Holabinko Jr.  
Defendant(s)

\*

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No. 2006-01193-CD

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

TO: Brian Burke, MD, 819 East Bishop Street, Bellefonte, PA 16823

(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:

Re: Mark A. Harry, II, 338 Winters Drive, West Decatur, PA 16878, SSN: 188-62-3952  
D/O/B: 4/25/81 - Any and all records from 1999 up to the present; X-2's from the time

(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: Mary Lou Maierhofer, Esquire

ADDRESS: 120 Lakemont Park Blvd.  
Altoona, PA 16602

TELEPHONE: (814) 941-4600


SUPREME COURT ID # 62175

ATTORNEY FOR: Defendant, George Holobinko, Jr.

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, January 24, 2008

Seal of the Court

**WILLIAM A. SHAW**

Prothonotary

My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

William A. Shaw  
Prothonotary/Clerk of Courts

JAN 30 2008

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARK A. HARRY II, an individual,

Plaintiff,

vs.

GEORGE HOLABINKO, JR.,

Defendant.

CIVIL DIVISION NO.: 06-1193-CD

**FILED**

AUG 28 2008

William A. Shaw  
Prothonotary/Clerk of Courts

No 9/c  
60

**PRAECIPE FOR WITHDRAW/ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please withdraw the appearance of Meyer, Darragh, Buckler, Bebenek & Eck, PLLC, as counsel for Defendant, George Holabinko, Jr., in the above-captioned matter.

**MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC**

BY: 

**CONSTANTINE J. PASSODELIS, ESQUIRE**

4850 US Steel Tower  
600 Grant Street  
Pittsburgh, PA 15219  
(412) 261-6600  
PA ID #65872

-----  
TO THE PROTHONOTARY:

Please enter my appearance as counsel for Defendant, George Holabinko, Jr., in the above-captioned matter.

**MARGOLIS EDELSTEIN**

BY: 

**MARY LOU MAIERHOFER, ESQUIRE**

Counsel for Defendant, George Holabinko, Jr.  
PO Box 628  
Hollidaysburg, PA 16648  
Phone No.: (814) 695-5064  
ID # 62175

2

**CERTIFICATE OF SERVICE**

I, Mary Lou Maierhofer, Esquire, of the law firm of MARGOLIS EDELSTEIN, hereby certify that the Praecipe for Entry of Appearance, on behalf of Defendant, George Holabinko, Jr., was served this 20 day of August, 2007, by mailing same first class United States mail, postage prepaid, addressed to Counsel as follows:

David R. Thompson, Esquire  
308 Walton Street, Suite 4  
P.O. Box 587  
Philipsburg, PA 16866  
(Counsel for Plaintiff)

MARGOLIS EDELSTEIN

BY: 

MARY LOU MAIERHOFER, ESQUIRE  
Counsel for Defendant  
PO Box 628  
Hollidaysburg, PA 16648  
Phone No.: (814) 695-5064  
ID # 62175

FILED  
AUG 28 2008

William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

MARK A. HARRY, II,

Plaintiff

vs.

GEORGE HOLABINKO, JR.,

Defendant

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No. 06-1193-CD


**PRAECIPE TO DISCONTINUE**

TO THE PROTHONOTARY:

Kindly discontinue the above-captioned matter.

Respectfully submitted,

DATE: 6-2-09

  
\_\_\_\_\_  
David R. Thompson, Esquire  
Attorney for Plaintiff

**FILED**

**JUN 03 2009**

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

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

James I. Cowfer III  
Melanie J. Cowfer

Vs.  
Estate of James I. Cowfer, Sr.

No. 2008-02287-CD

CERTIFICATE OF DISCONTINUATION

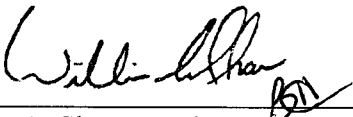
Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 3, 2009, marked:

Discontinued

Record costs in the sum of \$102.00 have been paid in full by David R. Thompson, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of June A.D. 2009.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary